

241 Church Street - Zoning Amendment Application and Class 4 Noise Classification (NPC-300) - Final Report

Date: June 14, 2022
To: Toronto and East York Community Council or City Council
From: Director, Community Planning, Toronto and East York District
Ward: 13 - Toronto Centre

Planning Application Number: 20 230569 STE 13 OZ

SUMMARY

This application proposes to amend the Zoning By-laws to permit a 53-storey mixed use development including ground floor commercial uses and 592 dwelling units with a total gross floor area of 35,668 square metres at 241 Church Street. The proposed building would have a height of 163.2 metres, 170.65 metres including the mechanical penthouse.

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

The proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensification in the Downtown, which is a designated growth area. The proposal conforms to the Downtown Plan and generally conforms with the Tall Building guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate tower and podium heights and setbacks. The provision of a range of dwelling unit types will help address housing issues. This report reviews and recommends that Council approve the Zoning By-law amendment application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 241 Church Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report (June 14, 2022) from the Director, Community Planning, Toronto and East York District.
2. City Council classify the lands at 241 Church Street as a Class 4 Area designation pursuant to the Ministry of Environment (now Ministry of Environment, Conservation and

Parks) Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning Publication NPC-300, August 2013 and direct the Chief Planner and Executive Director, City Planning or their designate to forward a copy of the City Council Decision Document to the Ministry of Environment Conservation and Parks (MECP).

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. City Council authorize the City Solicitor to submit the necessary bill to implement the foregoing recommendations provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement are executed and registered

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

a) a cash contribution of six million five hundred thousand dollars (\$ 6.5 million) dollars to be allocated toward:

i. \$3,250,000.00 to local area streetscape and park improvements; and

ii. \$3,250,000.00 to capital improvements for new or existing affordable housing, cultural, community and/or recreation space;

b) the cash contribution referred to in Recommendation 5 a) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and

c) in the event the cash contribution referred to in Recommendations 8(a) above has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

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

a) the owner shall enter into a Limiting Distance Agreement along with the owners of 245 Church Street and the City, to be registered on title to the 245 Church Street property, that would prevent the erection of a building above existing height permissions within 7 metres of the shared lot line, to the

satisfaction of the Chief Planner, and Executive Director, City Planning and the City Solicitor;

b) that the owner pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;

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

d) 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 consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application meeting was held March 17, 2020 at which time staff raised issues of tower setbacks and heights, pedestrian realm, amenity space, site access, and heritage adjacency issues including the St. James view corridor. The current application was deemed complete December 18, 2020. A Preliminary Report on the application was adopted by Toronto and East York Community Council on February 24, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2021/te/bgrrd/backgroundfile-163303.pdf>

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

PROPOSAL

The application, when originally submitted, proposed a 53-storey (163.55 metres including the mechanical penthouse) development which would contain a total of 297.5 square metres of commercial gross floor area and 34,005 square metres of residential gross floor area. The development would include 521 residential units. The original proposal included substantial tower cantilevering over the podium and insufficient tower setbacks.

The applicant's revised proposal is for a 53-storey (163.2 metres excluding mechanical penthouse or 170.65 metres including mechanical penthouse) mixed-use development including commercial uses at grade and 592 dwelling units above. The development would be in a tower form with a 6-storey podium. The proposed gross floor area would be 35,668 square metres which equates to an approximate Floor Space Index of 26.4 under Zoning By-law 569-2013.

Ground floor space would include commercial space fronting Church Street and wrapping around to include portions of the Dundas Street East frontage. The residential lobby and bicycle entrance, with a dedicated bicycle elevator, would front Dundas Street East. Vehicular access would be from Dalhousie Street with parking located below grade through an internal vehicle elevator. Amenity space would be located on floors 3, 6 and 7.

Other details of the proposal are shown in Table 1 below and in Attachment 2 and 6-11:

Table 1 – Summary of Application

Category	Proposed
Tower Setbacks:	
West to midpoint of right-of-way	14 m
East to midpoint of right-of-way	10 m
North to property line	5 m
South to midpoint of right-of-way	14 m
Public realm (building face to curb):	
Church Street	6.0 m
Dundas Street East	6.0 m
Dalhousie Street	Varying from 2.1 to 4.5 m
Tower floorplate GCA	688 m ²
Vehicular parking:	63
Bicycle parking:	
Visitor	12
Resident	600
Loading spaces:	
Type G	1
Type C	1
Amenity space:	
Indoor	1,184 m ²
Outdoor	710.4 m ²

Unit Mix:	
Studio	138 (23.3%)
One bedroom	242 (40.9%)
Two bedroom	152 (25.7%)
Three bedroom	60 (10.1%)
Total	592

Site and Surrounding Area

The site is a rectangular lot with approximately 40.5 metres of frontage on Church Street, 33.5 metres on Dundas Street East and 40 metres on Dalhousie Street. The lot area is 1,345.9 metres square. On-site there is an existing gas station including a retail convenience store. Refer to Attachment 1.

The surrounding uses are as follows:

North: A mid-rise Ryerson University Engineering and Computing Centre building with an urban farm on top of the building.

South: Dundas Street East and on the south side of Dundas Street East an under-construction 52-storey residential tower with commercial uses at grade.

West: Church Street and on the west side of Church Street a 16-storey mixed use development with associated podium.

East: Dalhousie Street and on the east side of Dalhousie Street 2 and 3-storey mixed use buildings with commercial uses on the ground floor.

Reasons for Application

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

APPLICATION BACKGROUND

Application Submission Requirements

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

- Architectural Plans
- Civil and Utilities Plans
- Energy Efficiency Report
- Environmental Impact Statement
- Geotechnical Study
- Heritage Impact Statement
- Hydrogeological Report
- Landscape and Lighting Plan

- Noise impact Study
- Pedestrian Level Wind Study
- Planning Rationale
- Public Consultation Strategy
- Servicing Report
- Site Grading and Drainage Plan
- Stormwater Management Report
- Sun/Shadow Study
- Toronto Green Standards
- Transportation impact Study
- Tree Preservation Report
- Vibration Study
- View Corridor Analysis

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

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

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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).

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 MTSA's plan for the prescribed densities.

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/>.

This application has been reviewed against the policies of the City of Toronto Official Plan including Official Plan Amendments 352 Tall Building Setback Area Specific Policy (implementing By-laws 1106-2016 and 11072016) and Official Plan Amendment 406 (Downtown Plan) as follows:

Chapter 2 – Shaping the City

Policy 2.2.1 Downtown: The Heart of Toronto

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

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

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

Chapter 3 – Building a Successful City

Policy 3.1.1 The Public Realm

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

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

Policy 3.1.2 Built Form

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

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

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

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

Policy 3.1.3 Built Form – Building Types

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

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

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

Policy 3.1.5 Heritage Conservation

Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, St. James Cathedral being one of those properties.

Policy 3.2.1 Housing

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

Policy 3.2.3 Parks and Open Spaces

Policy 3.2.3 refers to the system of parks and opens spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

Chapter 4 – Land Use Designations

Policy 4.5 Mixed Use Areas

The subject lands are designated Mixed Use Areas on Map 18 of the Official Plan. Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings.

Policy 4.5.2 c) states development within Mixed Use Areas will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Policy 4.5.2 i) refers to development that will provide an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact.

Policy 4.5.2 k) also refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Policy 4.8 Institutional Areas

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight path is the Sick Children's Hospital helicopter flight path.

Chapter 5 – Implementation

Policy 5.1.1 Height and/or Density Incentives

This policy refers to Section 37 of the Planning Act which gives municipalities the authority to pass zoning by-laws involving increases in the height and/or density of development in return for the provision by the owner of community benefits. Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or financial contributions toward specific capital facilities and include amongst other matters, the provision of affordable housing.

Policy 5.6 Interpretation

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and

decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Official Plan Amendment 352 – Downtown Tall Building Setback Area Specific Policy

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area Specific Policy. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between the 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 applicant is not an appellant to OPA 352, as such, for this site, OPA 352 is in full force and effect.

The Official Plan Amendment can be found here:

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

Official Plan Amendment 406 -The Downtown Plan

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and approved by the Ministry on June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete June 25, 2020 and as such the plan is in full force and effect for this application.

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

The Downtown Plan can be found here:

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

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

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

The draft Amendment can be found here

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

The outcome of staff analysis and review of relevant Official Plan policies and designations and Secondary plans noted above are summarized in the Comments section of the Report.

Zoning

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

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

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

<https://www.toronto.ca/city-government/planning-development/zoning-by-lawpreliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Airport Zoning Regulation - Helicopter Flight Path

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

The by-law can be found here:

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

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements.

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

- City-Wide Tall Building Design Guidelines,
- Downtown Tall Buildings: Vision and Supplementary Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities Guidelines

- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings
- Retail Design Manual
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines

The City's Design Guidelines can be found at

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

City-Wide Tall Building Design Guidelines

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

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

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 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>

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. An application has been submitted and is under review.

Community Consultation

A community consultation meeting was held as a virtual event on April 15, 2021 which was attended by approximately 27 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 town hall format question and answer period. Specific comments related to the zoning amendment component of the development were:

- Concerns over lack of landscaping and potential for drop-off space along Dalhousie Street;
- Suggestion to shift residential entrance to Church or Dundas;
- Shadows on Merchandise Lofts residential building and Ryerson's urban farm;
- Comment that the existing gas station is a needed service;
- Concern as to what type of retail space will be provided;
- Concern the units are too small and not family oriented;
- Enquiry as to whether new parkland is being provided in the area;
- Enquiry as to whether development will provide community benefits;

- Enquiry as to where and how the loading and garbage pickup will work and will there be electric charging stations;
- Concern with overall traffic impacts and parking for deliveries and ride-share;
- Concerns related to sewage capacity; and
- Potential soil contamination from the existing gas station.

Concerns related to massing and use have been addressed through design changes including increased public realm, relocating the residential entrance and a proposed dwelling unit mix that conforms to the Downtown Plan. Shadow impacts remain, however, these impacts have been limited by the relatively small tower floor plate. Additionally, new parkland is being developed in the area including a new park along Dalhousie Street and a public square at 202 Jarvis Street. Concerns related to transportation and servicing have been addressed to the satisfaction of Transportation Services and Engineering and Construction Services. Issues of potential soil contamination would be addressed as part of the site plan and building permit process.

COMMENTS

Planning Act

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

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Provincial plans are intended to be read in their entirety and relevant

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

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential uses;
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating a significant supply and range of housing options through intensification and redevelopment;
- Policy 1.1.3.4 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; and
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in f) establishing development standards for residential intensification.

The PPS references development standards, appropriate range and mix of housing. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The proposed development represents an appropriate level of intensification for the site in a settlement area, within the Downtown where the City has directed growth. Further, the site can accommodate the level of intensification proposed in accordance with section 2 r) of the Planning Act, in particular providing a well-designed built form.

As further discussed below, the consistency with the PPS relates to the provision of healthy communities through the mix of commercial and residential uses including the provision of a range of housing unit sizes. Additionally, the proposed massing incorporates appropriate development standards as described and assessed later in this report. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, are consistent with the Provincial Policy Statement (2020).

Growth Plan

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households;
- Policy 2.2.1.4 a) refers to the achievement of complete communities that feature a diverse mix of land uses including residential and employment uses and in c) a range and mix of housing options to accommodate the needs of all household sizes;
- Policy 2.2.1.4 e) provides for a more compact built form, and a vibrant public realm;

- Policy 2.2.2.3 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas and 2.2.2.3 f) refers to implementation through official plan policies and designations and other supporting documents;
- Policy 2.2.4.2 refers to maximizing the number of potential transit users that are within walking distance of major transit station areas; and
- Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes.

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

As with the PPS, the development site is located in an Urban Growth Centre which is directed for intensification. While growth is not uniform across the Downtown Urban Growth Centre, the policies of the Official Plan contemplate appropriately massed and scaled built form and that development protects for public health and safety (through the avoidance of the helicopter flight path) while providing for intensification.

As further discussed below, the application proposes a mix of uses that has been designed to maximize density while providing for an appropriate type and scale of development. The proposal is in a compact form and represents an appropriate type and scale of development. In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in their current form, conforms to the Growth Plan (2020).

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

Land Use

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

In OPA 406 (the Downtown Plan) the site is designated Mixed Use Areas 2 – Intermediate. Policy 6.25 and 6.26 states that building typologies will respond to their site context and that scale and massing will be compatible with the existing and planned context of the neighbourhood including prevailing heights, massing, scale, density and building type. For those sites within proximity of transit stations (subject site is approximately 300 metres of the Dundas Street subway station), similar development permissions to Mixed Use Areas 1 designation may be permitted based on compatibility.

The proposed land use is mixed use featuring residential and commercial uses at grade which conforms with the in-force Mixed Use Area policy for permitted land uses. The scale and massing are compatible with the context and given the proximity to the transit station, are appropriate. Although the proposed land use would be permitted, the built form must respond to the planned and built form context and minimize impacts. The built form is reviewed and assessed in the following sections.

Built Form

The proposed built form has been reviewed against the Official Plan, including OPA 406 and OPA 352 as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed tower has been assessed in terms of the context and height, tower floorplate and placement, shadows, view corridor and helicopter flight path conformity. The podium is separately assessed.

Tower - Context and Height

The planned and built form context is one of the key considerations when assessing appropriate built form. The general intent in an area of high-rise development is to ensure that sufficient separation distances are achieved to ensure light, view and privacy impacts are appropriately addressed for both residents and for pedestrians.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.5 require that new development be located and organized to fit within the existing and planned context. Policy 3.1.2.3 refers to development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls. Tall Building Policy 3.1.3.11 d) states that the tower portion of a tall building should be designed by providing appropriate separation distances from side and rear lot lines as well as other towers.

OPA 352, Policy B i) requires tall buildings to provide setbacks from the lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit in with the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants, pedestrian level and occupant views between towers.

OPA 406 Policy 3.3 states new buildings will fit within their existing and planned context and provide compatibility between differing scales of development. Policy 9.25.3 refers to built form adjacencies from tall to tall buildings through the application of separation distances and tower orientation.

Tall Building Design Guideline 1.1 refers to context and defines a 250 metre and 500 metre radius for that context. Guideline 1.3 refers to tall buildings fitting within the existing or planned context. Guideline 3.2.3 further identifies minimum tower separation distances of 25 metres between towers which can be achieved by 12.5 metre setbacks to the side and rear property lines and the mid-point of an abutting lane.

The existing and planned context features a mix of built forms including multiple towers and a range of tower heights. Across the street from the site on the south side of Dundas at 215 Church Street there is a 52-storey tower under construction. A separate 52-storey tower was also approved on the southwest side of the site at 244-260 Church Street. The proposed development at 53 storeys fits within this context. It is noted that the metric height for this proposed tower is actually similar to the metric heights of the adjacent 52-storey towers.

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

	Tower Setbacks
North	5 m to property line
South	14 m to midpoint of Dundas Street East
East	10 m to midpoint of Dalhousie Street
West	14 m to mid-point of Church Street

On the north side of the site, 245 Church Street, the applicants have secured an Agreement with Ryerson University to register a Limiting Distance Agreement on title with the City as a party to the Agreement. This Limiting Distance Agreement would provide an additional 7 to 7.5 metre south setback on the adjacent 245 Church Street property thereby ensuring the provision of a minimum 12 to 12.5 metre setback (5 metre to the property line plus 7 to 7.5 metres on the 245 Church Street property).

The tower setbacks to the west and south conform to the recommended 12.5 metre setback. To the east, the setback to the midpoint of the laneway has been reduced to 10 metre from the recommended 12.5 metre and reviewed against the criteria in OPA 352 to permit such reductions.

The proposed 53-storey tower fits within the planned and existing built form context and achieves appropriate tower separation distances is an appropriate built form and conforms to the Official Plan and relevant guidelines.

Tower Floor Plate and Tower Placement

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

Official Plan Built Form Policy 3.1.2.6 states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned context. Policy 3.1.3.11 refers to stepping back the tower from the base building, limiting and shaping the size of tower floorplates. Mixed Use Areas Policy 4.5.2 c) references appropriate setbacks and/or stepping down of heights between areas of different development intensity and scale.

OPA 352 Policy B) i) states that development will provide setbacks from the lot line 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.

Downtown Plan Policy 9.13 to 9.15 refers to tall building floorplates designed to adequately limit shadow impacts on the public realm and neighbouring properties and maintain adequate skyview from the public realm. Stepbacks and/or limiting building floorplates allow daylight and sunlight to penetrate the street and lower building levels. Generally, floorplates would be a maximum of 750 square metres although increases may be appropriate where impacts are addressed. Additionally, policies 9.22 to 9.27 refer to transition in scale through the use of setbacks, step-backs and tower orientation among other means.

Tall Building Guideline 3.2.1 limits tower floor plates to 750 square metres including all built areas within the building but excluding balconies. Guideline 3.2.2 refers to minimum tower stepbacks of 3 metres which is illustrated in Guideline 3.2.3.

The proposed development is massed in a podium tower form consisting of a tower with podium that varies in height from 5-storeys fronting Dundas Street, stepping back to 6-storeys for the remainder of the podium and dropping down to 2-stories in the rear. The tower component of the development has a floor plate of 688 square metres with projecting balconies on the north and south facades. The lower floors of the tower stepback 3 metres or greater from the podium edge. The resultant tower floor plate and tower stepbacks conform to the guidelines.

Tower - Height and Shadowing

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

Downtown Plan Policy 9.17 and 9.18 states that development will adequately limit shadows on sidewalks, parks, open spaces and institutional open spaces as necessary to preserve their utility. Additionally, development will adequately limit net-new shadows as measured from March 21st to September 21st from 10:18-4:18 pm on specified Parks, none of which would be impacted by this proposed development.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on non signature parks from 12:00 noon to 2:00 pm on September 21st. Non-signature parks within the area include Ryerson Community Park (also known as Devonian Square).

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

- Ryerson Quad (designated Institutional); marginally at 10:18 March/September 21;
- Approved but not built Public Square at 202 Jarvis Street (designated Mixed Use Areas); 4:18 June 21;
- Ryerson Urban Farm at 245 Church Street (designated Institutional); 11:18-1:18 March/September 21; 11:18-2:18 June 21; and
- Private outdoor amenity space at 108 Mutual Street (designated Mixed Use Areas); 1:18-5:18 March/September 21; 2:18-3:18 June 21.

Within the protected times identified for non-signature parks by the guidelines, there is no shadowing. The guidelines do not identify any shadow protected times for the Ryerson Urban Farm or the private outdoor amenity space at 108 Mutual Street. Given the shadowing impacts conform to the shadow protection times from the guidelines and the Downtown Plan (OPA 406), the proposed shadowing is acceptable in this instance and context.

Tower - Massing and View Corridor

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

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

Tower - Height and Helicopter Flight Paths

Official Plan Policy 4.8.4, Airport Zoning Regulation (By-law 1432-2017) and Downtown Policy 9.29 requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path.

The proposal is within the helicopter flight path (Obstacle Limitation Surface) for the Sick Children's Hospital (Sick Kids). The application has been circulated to the hospital and Toronto Buildings for an assessment as to whether the proposal and its implementing by-laws conform to the flight path. Sick Children's Hospital, through their aeronautical consultant, has confirmed the proposal would not intrude into the flight path. In order to provide a further level of security, an additional provision has been included in the draft by-laws which requires adherence to the flight path By-law.

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

Podium Form (Base Building)

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

Downtown Policy 9.8.1 states that base buildings will be designed to relate to the scale and proportion of adjacent streets; Policy 9.8.2 states that base buildings will fit compatibly within the existing and planned context of neighbouring streetwall heights and Policy 9.9 states that development will provide a transition from the base building to relate to adjacent properties with a lower scaled planned context.

Tall Building Design Guideline 3.1.1 refers to the base building height being consistent with the existing street wall context and refers to base building heights being a maximum of 80% of the width of the adjacent right-of-way. Guideline 3.2.2 states that base buildings should be the primary defining element for the site and adjacent public realm with towers setback 3 metres from the base building along all street frontages. Guideline 4.3 refers to the pedestrian level wind effects and the need to stepback towers to reduce undesirable downward wind flows.

The proposed development is in a podium/tower form with a distinct base building that varies in height from 5-storeys fronting Dundas Street stepping back to 6-storeys for the remainder of the podium and dropping down to 2-storeys on the north side of the building.

An appropriate base building height is informed by both the width of the adjacent right-of-way and the context of the area. Adjacent podium or building heights include a range of heights varying from 6-storeys (west, 268 Church Street), 4-storeys (south, 215 Church Street), 3-storeys (east, 122 Dundas Street), and 6-storeys (north, 214 Church Street). Within this context, the proposed base building height is appropriate.

Heritage

Official Plan Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property.

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

Tall Building Design Guideline 1.6 requires 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 of on-site and adjacent heritage properties.

The applicant submitted a Heritage Impact Statement which indicates there are heritage buildings across the street from the subject site. Heritage staff reviewed the Heritage Impact Statement in conjunction with the proposed built form and concur with the conclusion of the report that the development will conserve the cultural heritage values and attributes of the adjacent heritage properties at 108 Mutual Street and 260 Church Street.

Public Realm

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

Downtown Plan Policy 9.1.2 refers to development being encouraged to contribute to liveability by improving the public realm. Additionally, Policy 9.5 requires buildings to be set back 6 metres from the curb to building face in order to increase the size of the sidewalk zone. Policy 9.6 allows for the reduction of this setback where a strong, legible, historic character of street-oriented buildings exists or a property on the Heritage Register exists on-site.

Tall Building Design Guideline 4.2 also recommends a minimum 6 metre wide sidewalk zone.

The applicant is proposing a 6.0 metre pedestrian realm setback (building face to curb) on Church Street, 6.0 metres on Dundas Street East and a range from 2.1 to 4.5 metres along Dalhousie Street. The reduced setback along Dalhousie Street reflects both the existing character of the street and recent approvals along Dalhousie Street, including south of Dundas; as such the reduced setback along Dalhousie Street is acceptable as it conforms to the existing and planned context along this street. The remaining setbacks conform to the recommended 6 metre provision from the guidelines.

Wind Impacts

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. Policy 9.1.2 of the Downtown Plan refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions.

The applicant has provided a Pedestrian Level Wind Study which concludes that wind safety criterion is expected to be met at all areas on-site and surrounding the development. Additionally, wind conditions at the main entrance and all other retail and secondary entrances and exits are suitable for the intended use throughout the year. Wind mitigation measures are recommended for the 8th floor terrace, this would be secured through the Site Plan application process.

Housing - Unit Mix and Unit Sizes

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe and the City's Official Plan clearly acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

Downtown Plan Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms;
- a minimum 10% of the units as 3 bedrooms; and
- an additional 15% of the units will be 2 and/or 3 bedroom units or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

The Growing-Up Guidelines provide similar direction on the recommended mixture of residential unit types and unit sizes for multi-unit developments. The City's Growing Up Guidelines includes performance standards which represent tangible measures to accommodate the growing demand for family-oriented housing in vertical communities. The Guidelines recommend that a building provide a minimum of 25% large units: 10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units.

The applicant is proposing 138 (23.3%) studio units, 242 (40.9%) one-bedroom, 152 (25.7%) two-bedroom and 60 (10.1%) three bedroom units. Of these units, 184 (representing 31.1% of the total units) of the studio and one bedroom units would be convertible to two or 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

Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor amenity spaces be provided as part of multi-unit residential developments and consider the needs of residents of all ages and abilities over time and throughout the year. Official Plan Policy 4.5.2 k) states that in Mixed-Use Areas development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. Downtown Policy 9.33 to 9.36 refers to the encouragement of amenity space to be designed in an appropriate form. Downtown Policy 9.37 also encourages the provision of pet amenity areas. These requirements are implemented through

Zoning By-law 569-2013 which requires a minimum of 4.0 square metres of amenity space for each unit (of which at least 2 square metres shall be indoor).

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 1,184 square metres (2.0 square metres per dwelling unit) of indoor and 710.4 square metres (1.2 square metres per dwelling unit) of outdoor amenity space for a total of 1,894.4 square metres (3.2 square metres per dwelling unit). The amenity space has been designed so that indoor space is adjacent to the outdoor space. A pet wash (spa), pet relief area and dog run area has been provided on the P1 and Floor 3. The proposed indoor amenity space provision is appropriate. Although the outdoor amenity space is less than the standard 2 square metres, it is similar to what has been approved in other developments in the area and is acceptable in this instance.

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 three-level underground parking garage with loading at-grade within the building podium.

The proposal includes 63 parking spaces, 612 bicycle parking spaces, 1 Type G and 1 Type C loading space. Transportation Services staff have reviewed the proposal and commented that a minimum of 0.1 resident parking spaces per dwelling unit would be required. Additionally, one Type G and 1 Type C loading space would be required. These requirements are reflected in the draft by-law attached to this report.

Site Servicing

The applicant submitted a Functional Servicing Report, Hydrogeological Report, Stormwater Management Report and Geotechnical Study. Engineering and Construction Services has reviewed the reports and advises that, as a condition of approval, that the owner pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 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.

Parks, Forestry and Recreation staff have also commented on the need to provide on-site dog relief stations to help alleviate the pressure on neighbourhood parks.

Urban Forestry

A Tree Preservation Report was submitted by the applicant. The report indicates there are no trees regulated by the City's Street Tree Protection By-law or Private Tree Protection By-law located on or within 6.0 metres of the subject site.

The application proposes six new street trees along the Church and Dundas Street frontage. Urban Forestry has commented that as part of the Site Plan application, the applicant must provide a revised landscape plan that addresses site plan issues associated with the proposed street trees.

Noise Impacts

The Ministry of Environment, Conservation and Parks (MECP) has published guidelines that address noise issues as they relate to land use planning and permitted requirements (as part of an Environmental Compliance Approval) for industrial and commercial establishments, or transportation facilities located in proximity to sensitive land uses, including residential uses. In 2013, the Ministry of Environment and Climate Change (now MECP) released "Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning (Publication NPC-300)", which replaced previous guidelines.

NPC-300 classifies noise sensitive receptors by area. The four classes of receptors are as follows: Class 1 - Urban Areas; Class 2 - Suburban/Semi-Rural Areas; Class 3 - Rural Areas; and Class 4- Infill Areas. Depending on the receptor area classification, different guideline sound limits apply. The Class 4 Area classification was introduced by the Ministry in 2013. It is intended to allow for residential infill and redevelopment in proximity to existing stationary sources of noise, such as industry, while still protecting residences from undue noise. A Class 4 Area classification allows for higher daytime and nighttime sound level limits than would otherwise be permitted in relation to a noise sensitive land use such as residential dwellings and associated outdoor living areas.

The proposed development is located adjacent to an existing Ryerson University science and laboratory facility at 245 Church Street, and therefore noise impacts are of concern in terms of impacts to the proposed residential uses. The applicants and Ryerson University have provided a Noise study which indicates that a Class 4 Area

designation would be required. This noise study and addendum was submitted jointly by SLR Consulting Ltd. working on behalf of Graywood (the applicants) and GHD Consulting Ltd, working on behalf of TMU (formally Ryerson University). The study recommends and provides background information in support that the Class 4 Area designation be approved by City Council. The final design of noise mitigation measures and applicable warning clauses would be secured through the Site Plan application review process.

Community Services Assessment

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Official Plan Policy 3.2.2.7 refers to the inclusions of community services facilities being encouraged in all significant private sector developments. Downtown Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Downtown Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services and Facilities Study as part of their Planning Rationale. The study confirmed the conclusions from the Downtown CS&F Strategy, completed by the City, which indicates that certain community services may have accommodation issues due to the overall population growth within the Downtown. Specifically, child care facilities and Catholic schools may face increasing pressure resulting from the proposed development. Although there are no CS&F proposed on the site, a portion of the section 37 benefits may be used for CS&F in the vicinity of the site.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

A cash contribution of six million five hundred thousand dollars (\$ 6.5 million) dollars to be allocated toward:

- \$3,250,000.00 to local area streetscape and park improvements; and
- \$3,250,000.00 to capital improvements for new or existing affordable housing, cultural, community and/or recreation space;

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

a) the owner shall enter into a Limiting Distance Agreement along with the owners of 245 Church Street and the City, to be registered on title to the 245 Church Street property, that would prevent the erection of a building above existing height permissions within 7 metres of the shared lot line, to the satisfaction of the Chief Planner, and Executive Director, City Planning and the City Solicitor;

b) that the owner pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support this development;

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

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

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensification in the Downtown, which is a designated growth area, in the form of a tall building which generally conforms with the guidelines. Staff worked with the applicant and the community to address and resolve various massing issues including appropriate tower setbacks and podium heights. The provision of a

range of dwelling unit types will help address housing issues. Staff recommend that Council approve the Zoning By-law Amendment application and Class 4 designation.

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ATTACHMENTS

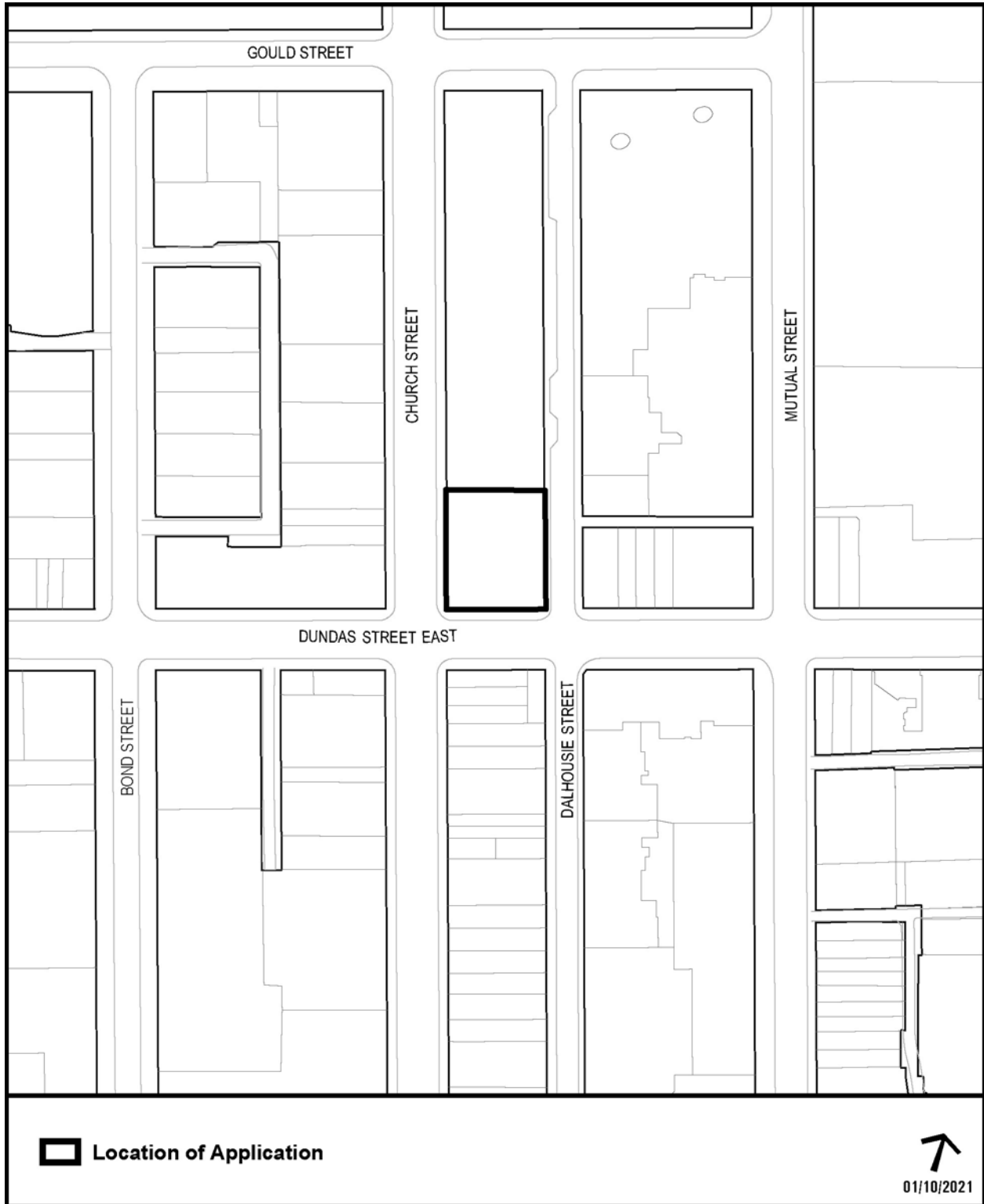
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft 569-2013 Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: 3D Model of Proposal in Context
- 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: 241 Church St Date Received: December 18, 2020

Application Number: 20 230569 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for a 53-storey mixed use development including 260 square metres of non-residential gross floor area and 35802 square metres of residential gross floor area. a total of 600 units are proposed.

Applicant	Agent	Architect	Owner
Bousfields Inc		Turner Fleischer	Graywood CD GP Inc

EXISTING PLANNING CONTROLS

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

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

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

PROJECT INFORMATION

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

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	133		681	681
Residential GFA (sq m):			35,404	35,404
Non-Residential GFA (sq m):	133		264	264
Total GFA (sq m):	133		35,668	35,668
Height - Storeys:	1		53	53
Height - Metres:	6		165	165

Lot Coverage Ratio (%): 50.61 Floor Space Index: 26.5

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

Residential GFA: 35,404

Retail GFA: 264
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			592	592
Other:				
Total Units:			592	592

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		138	242	152	60
Total Units:		138	242	152	60

Parking and Loading

Parking Spaces: 63 Bicycle Parking Spaces: 612 Loading Docks: 2

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

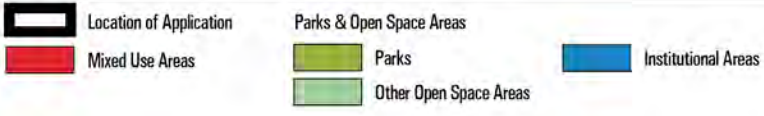
Attachment 3: Official Plan Land Use Map



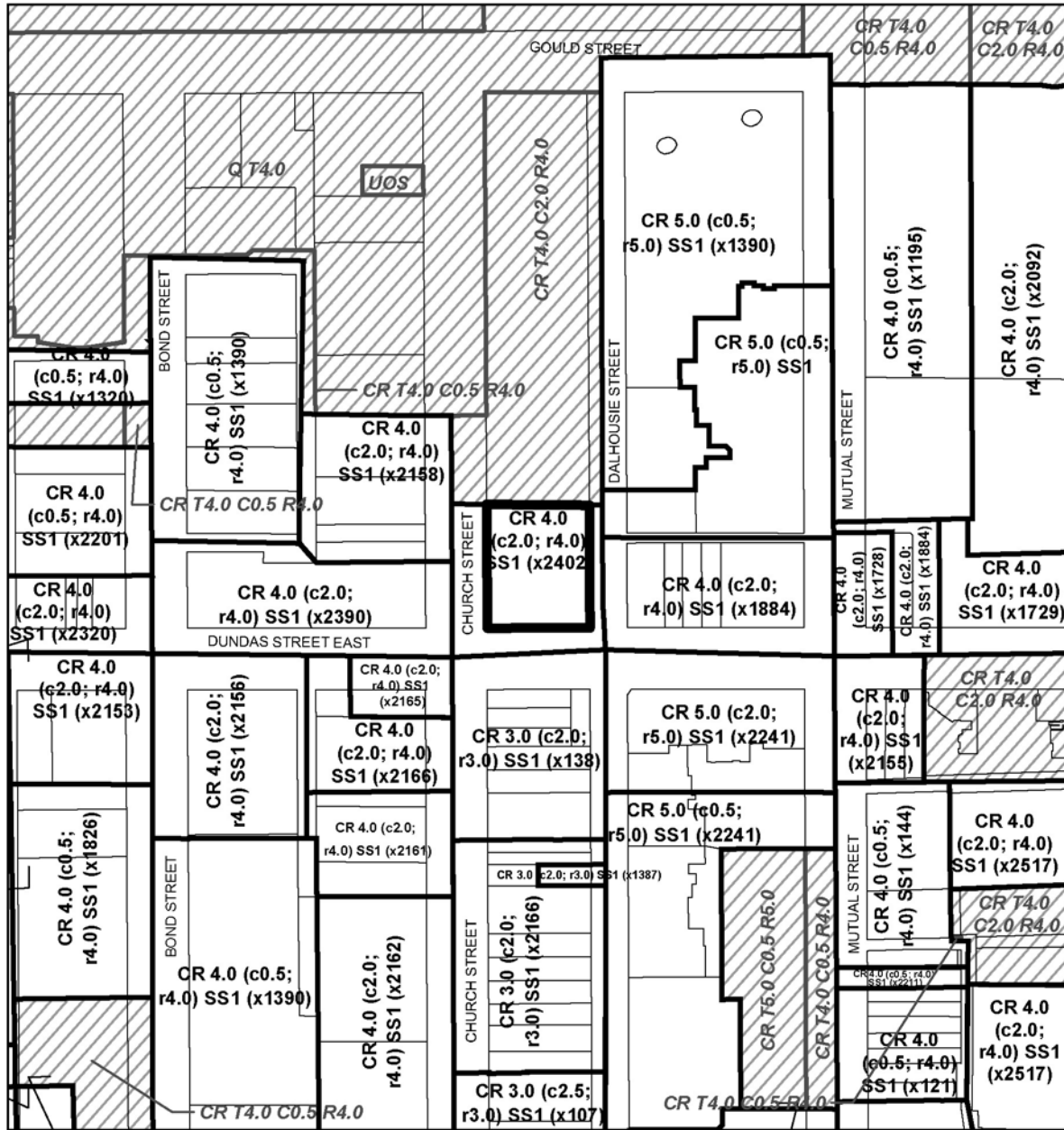
241 Church Street

Official Plan Land Use Map #18

File # 20 230569 STE 13 OZ



Attachment 4: Existing Zoning By-law Map





Zoning By-law 569-2013

241 Church Street

File # 20 230569 STE 13 OZ

 Location of Application
 CR Commercial Residential

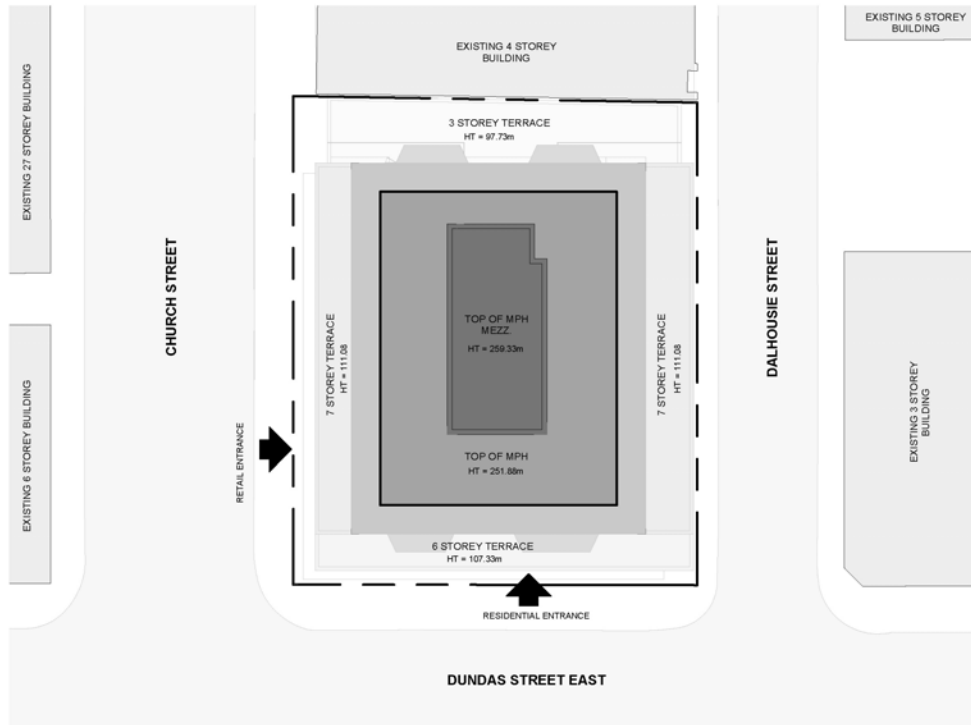
 See Former City of Toronto By-law No. 438-86
 CR Mixed-Use District
 Q Mixed-Use District
 UOS Parks District


 Not to Scale
 Extracted: 01/11/2021

Attachment 5: Draft 569-2013 Zoning By-law Amendment

To be provided prior to TEYCC meeting

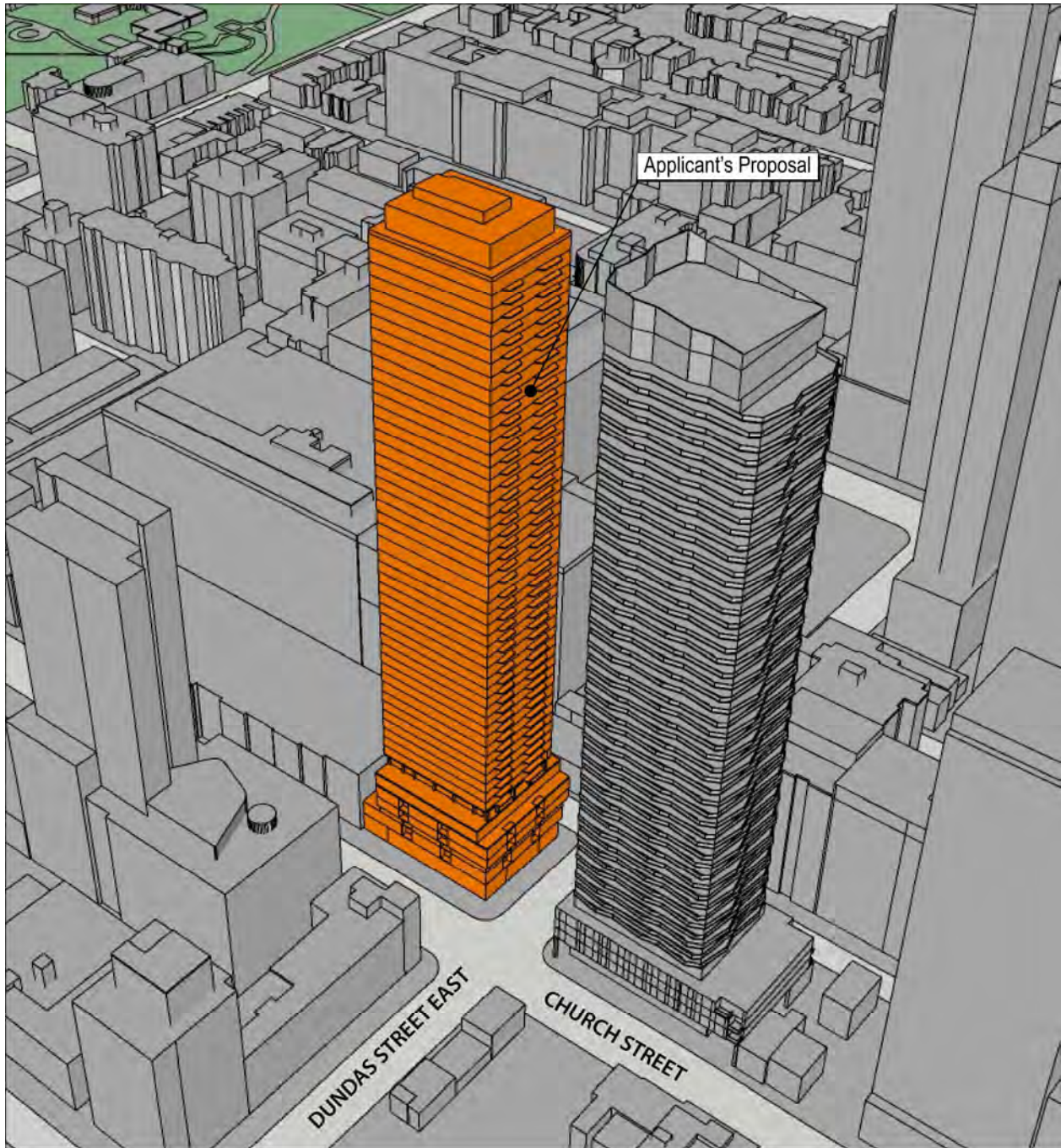
Attachment 6: Site Plan



Site Plan



Attachment 7: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



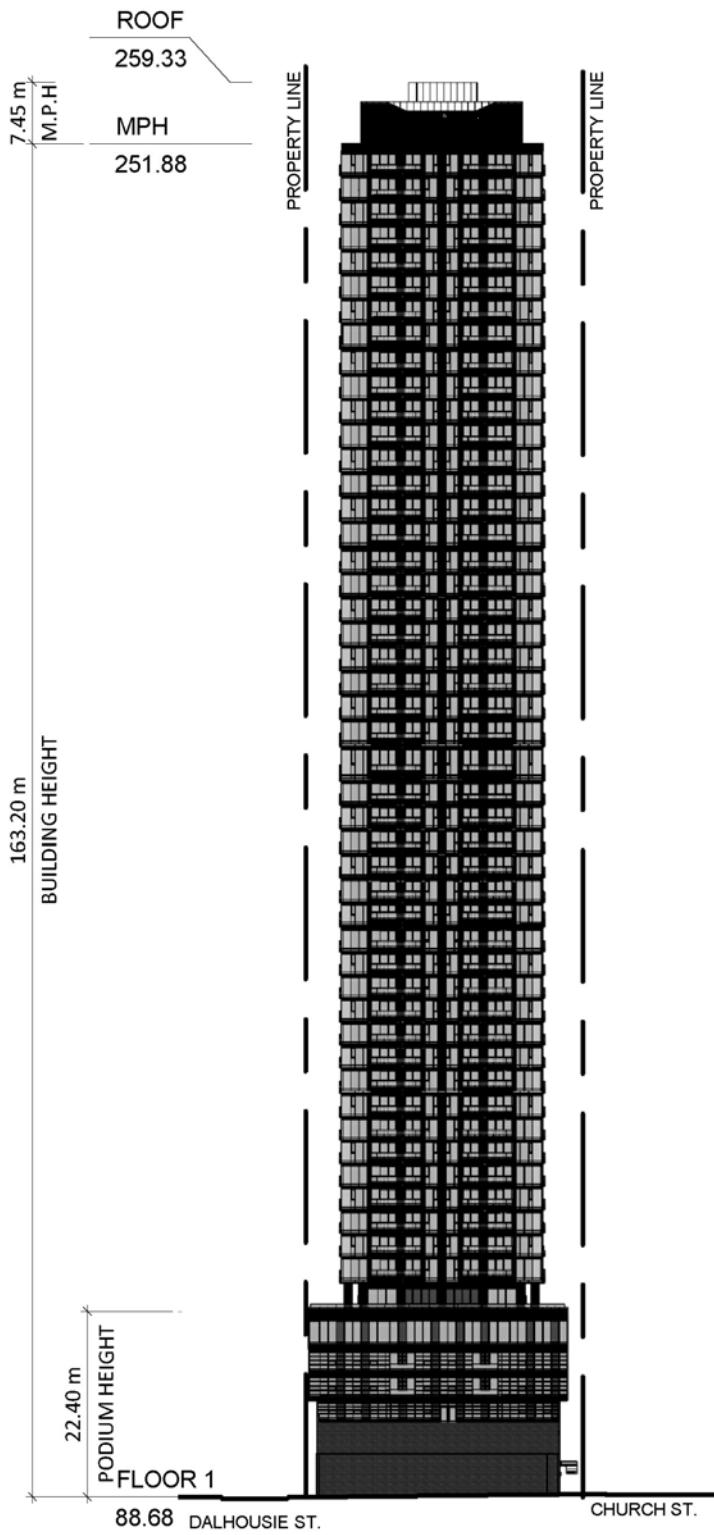
03/11/2022



View of Applicant's Proposal Looking Southwest

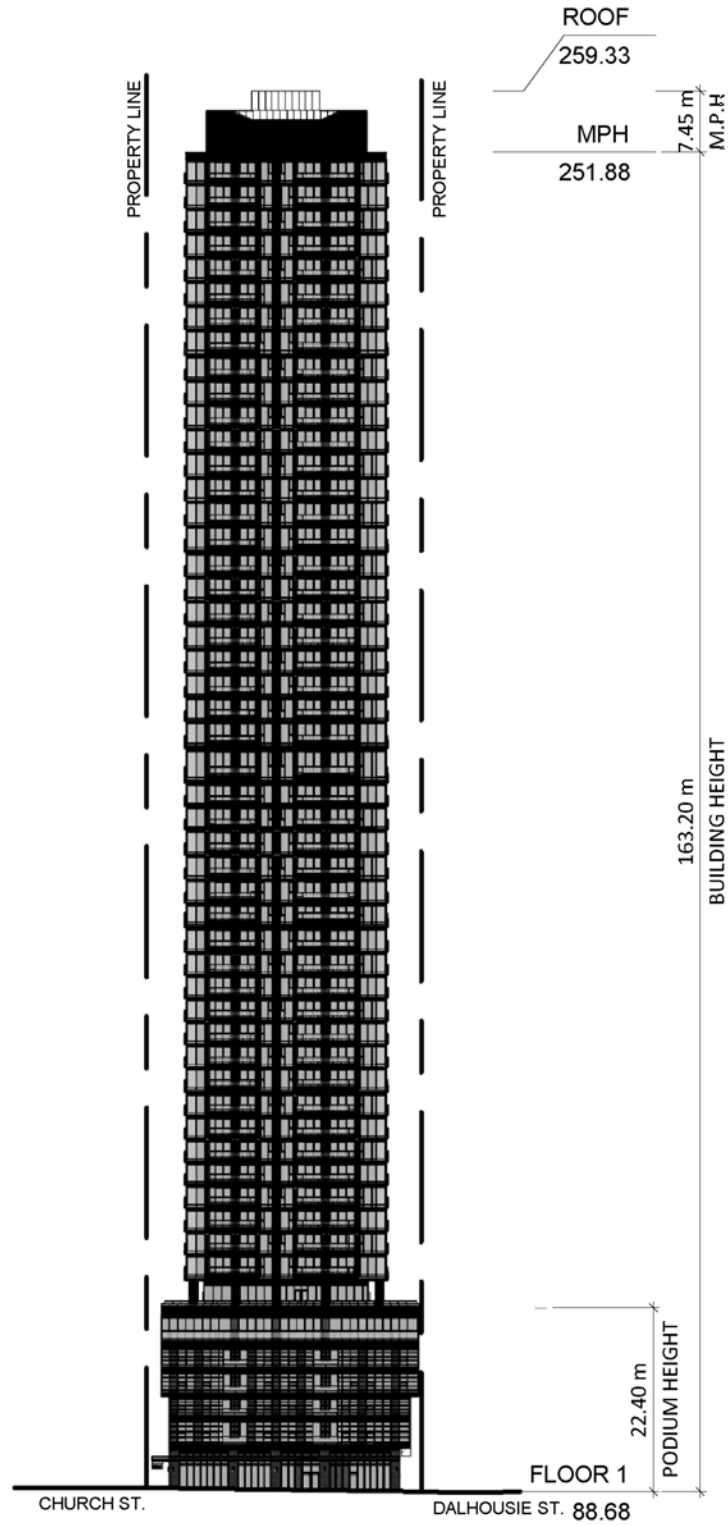
03/11/2022

Attachment 8: North Elevation



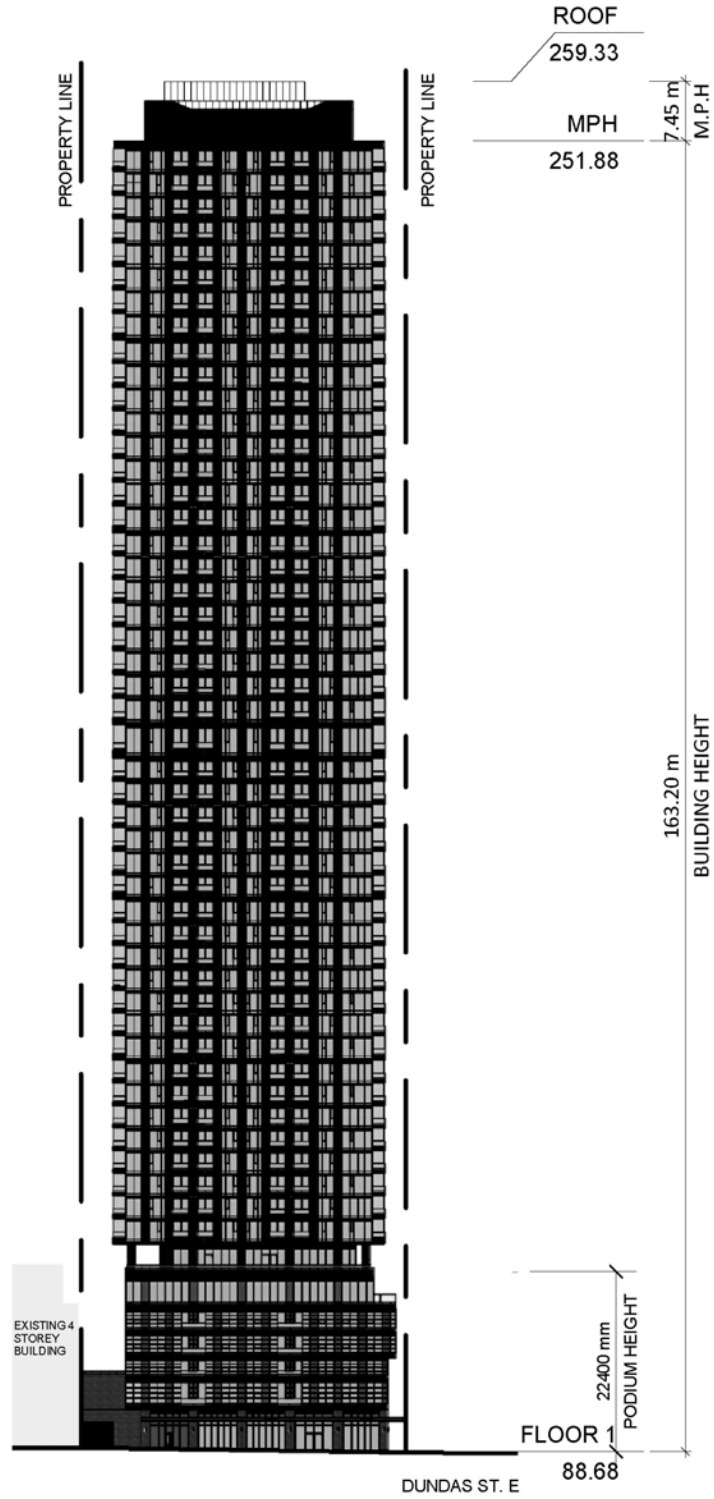
North Elevation

Attachment 9: South Elevation



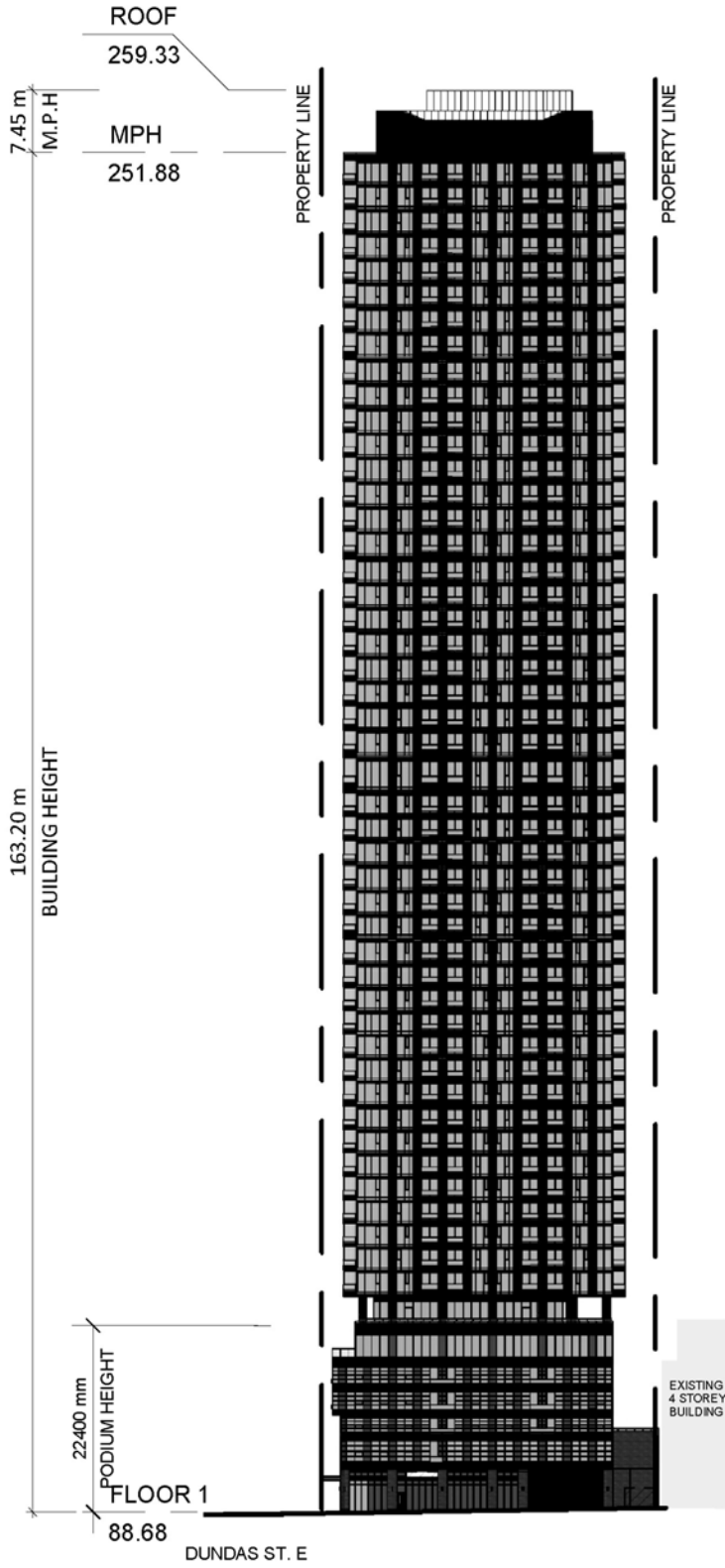
South Elevation

Attachment 10: West Elevation



West Elevation

Attachment 11: East Elevation



East Elevation