

June 22, 2022

City Clerk
City of Toronto
100 Queen Street West
Toronto, Ontario
M5H 3N2

Sent by email only: Ellen Devlin Administrator, Toronto and East York Community Council, teycc@toronto.ca; and Alex Teixeira, Manager, Alex.Teixeira@toronto.ca

Attention: Ms. Ellen Devlin, Administrator, Toronto and East York Community Council and Mr. Alex Teixeira, Manager, Planning

Dear Mesdames/Sirs:

Re: 506-516 Church Street Graywood Developments Official Plan and Zoning By-law Amendment Application Proposed Mixed Use Development – Proposed Setback Height

Macaulay Shiomi Howson Ltd. are the planning consultants for the owner of 504 Church Street. This submission is being made on behalf of the owner of 504 Church Street (the "Owner") with respect to the above-noted proposed development which immediately abuts their lands.

It is our understanding that the Graywood Developments ("Graywood") applications to amend the Official Plan and Zoning By-law, are intended to permit the construction of a 14-storey mixed-use building. These applications are the subject of a statutory public meeting to be held on June 30, 2022 the notice for which was given some time ago; and are also the subject of the just released City of Toronto Final Report Item TE34-47 which in fact recommends approval of the Official Plan and Zoning By-law amendments and which is to be considered by Toronto and East York Community Council at the same meeting as the statutory public meeting, and to be considered by City Council on July 19, 2022,

It is also the Owner's understanding, as well as our own understanding, as identified on Diagram 3 to the proposed site specific Zoning By-law for 506-516 Church Street which would be deemed to conform to the proposed Official Plan Amendment, that no building will be permitted between a height of 0.0 meters to 3.3 meters and within a width of 1 meter of the property boundary abutting 504 Church Street. The Owner has also been advised to have reference to the January 6, 2022 architectural drawings as available on the City of Toronto's Planning website.

By way of background, the Owner and Owner representatives participated in the non-statutory public consultation process held as part of the review of the application including an on-line event on July 16, 2020, and have communicated numerous times with Graywood regarding the Owner's concern over the proposed development, and also have communicated on an on-going basis with the City of Toronto's Planning Division with respect to concerns with the

development. We assume the City has records of the previous submissions, but can provide same if required. Furthermore, it should be noted that we are advised that on September 29, 2020 the Owner registered its objection to Graywood's first application for absolute title with respect to the proposed development.

As expressed previously, the Owner continues to have concerns that the proposed development does not respect or reinforce the general physical character of the area. However, their primary issues are with regard to the impacts on the Owner's property. The express purpose of this letter, therefore, is to communicate the Owner's on-going issues specifically related to:

- (i) the proposed no building permitted setback height of 0.0 to 3.3 metres in the proposed zoning by-law and to ask for consideration to further amend Graywood's proposal to a no building permitted up to a minimum height of 6.6 meters; and,
- (ii) the proposed horizontal building permitted setback of 20 centimeters and to request an increase to 30 centimeters.

The rationale for these concerns and requests is outlined below.

1. Utility Access required to be maintained for 504 Church Street.

As expressed previously to Graywood and the City in prior communications on behalf of the Owner, currently the existing balcony drainage slope, eaves troughs, electric cables and air conditioner lines for 504 Church Street are located along the north property boundary. Any development should ensure that these facilities remain accessible for maintenance, repair, replacement and that their operation is not impacted by the construction and ultimate development.

Historically the Owner has had access to 504 Church Street's north wall via 506 Church Street. This historical access and requirement to maintain this access led the Owner to object to the absolute title application on the advice of the Owner's legal counsel.

Graywood and the City appear to have partially understood the Owner's historical access, and its ongoing requirement to have access to the north wall for maintenance and drainage purposes. The Owner understands that the proposed Zoning By-law amendments have been modified to identify a 1 meter setback along the full length of the 504 Church Street's north property boundary. This is similar to the existing setback of the existing dwelling on 506 Church Street.

With respect to a setback height in the Zoning by-law, Graywood and the City propose a height of 3.3 meters¹. At this height the building can cantilever south for 80 centimeters, resulting in an ultimate 20 centimeter setback as the building extends upwards. The Owner is not in agreement to this proposed height as it does not allow the Owner's historical access to its utilities and eaves troughs that Graywood and the City, the Owner's understands, is trying to accommodate.

¹ The Owner was informed by the City of Toronto Planning Department that the 3.3 meter height setback is based on, "For the purposes of the site-specific by-law, the height is measured from the Canadian Geodetic Datum elevation of 104.58 metres – this is approximately the elevation at the front of the existing Crews and Tangos building."

Please refer to a series of photos in Appendix A which show the disconnect between the proposed no building permitted height of 3.3 meters and the actual location of 504 Church Street utilities and eaves troughs.

It should also be noted that the elevation difference from Church Street to Dona Shaw laneway along the 504 Church Street's north wall boundary is approximately 1.5 meters based on drawing A101 (Appendix B). As highlighted in the photos in Appendix A, 3.3 meters no building permitted at the Church Street sidewalk level is in effect a 1.8 meters no building permitted above the proposed ground level along 75 percent of the length of the 504 Church Street building.

2. Relationship between proposed development and 504 Church Street should carefully consider that compatibility is maintained.

As expressed previously to all parties on behalf of the Owner, the existing building at 504 Church Street includes (i) a commercial rental space on the ground level, (ii) residential units on the second floor, (iii) a second floor balcony / fire route that runs along 504 Church Street's north property boundary, and (iv) three large north facing windows situated in the ground floor commercial space that runs along 504 Church Street's north property boundary. As such, any new building abutting the lot line should be designed to respect and reinforce the general character of the area as set out in the Official Plan and to mitigate specific impacts in relation to matters such as shadowing, enclosure and visual overlook. As the Owner has attempted to express many times, this can be achieved by establishing an appropriate width and height setback from the property line, similar to the historic separation distance to 506 Church Street, but a separation distance that also recognizes the significantly different height and bulk of the proposed building.

Discussions between Graywood and the Owner's representative were had through 2021 and into January 2022, with a key discussion point being a width and height setback. In January 2022 it was proposed that Graywood would request the City to put into its proposed amendment to the Official Plan and Zoning By-law, a 1 meter horizontal setback and a [3]² meter height setback. The Owner and its representative have consistently asked for a higher height setback to manage its concerns of access to utilities, nearness of the proposed building's wall to its balcony, and recognizing the shadowing its 3 ground level windows of its commercial rental space.

Please refer to a series of photos in Appendix A which show the disconnect between the proposed no building height of 3.3 meters and the actual location of 504 Church Street utilities, eaves troughs and windows.

3.0 Comment on Architectural versus Construction drawings

It has been expressed to the Owner that it should rely on the architecture drawings as means to visualize the position of the proposed building vis-à-vis 504 Church Street. The fact is that once the developer is closer to construction, drawings can change, and final building permit construction drawings do not have to reflect the architectural drawings submitted, but do have to recognize zoning.

² The exact number cannot be recalled by the Owner's representative as it was an online conversation, and it was not noted down but was disputed and communicated as too low.

A higher no building permitted height setback in the proposed amendment to the Zoning By-law, together with any changes to the Official Plan amendment if necessary, would give comfort to the Owner, that future design changes will likely not have significant effects on the Owner going forward.

Similarly, the architectural drawings submitted show a 30 centimeter horizontal setback of its building to the property line while the proposed amendment to the Official Plan and Zoning By-law build setback is 20 centimeter. 30 centimeters is typical, and this should be amended.

Appendix B attempts to explain that Graywood should be agreeable to a higher no building height setback based on architectural drawings they have submitted to the City Planning Division. It appears that level 2 begins at 4.8 meters above the site-specific by-law, the height as measured from 104.58 meters (the Church Street sidewalk).

At a 4.8 meters height, the proposed building's cantilever begins approximately 80 centimeters above the 504 Church Street balcony floor and will butt up against the existing balcony railing (a typical railing height is 42 inches / 1.06 meters). The Owner would like to highlight the existence of a 3 story structure on 506 Church Street which is approximately 1 meter away from the north property boundary / balcony edge and which does not interfere with 504 Church Street's utilities, eaves troughs or use and feel of its balcony.

4.0 Conclusion

Please recognize the Owner has not objected to the proposed building's construction. The Owner believes that ultimately the future condominium owners, the condominium's occupants, who will be neighbours to the Owner and its tenants of 504 Church Street, will be indifferent to the proposed building's north wall configuration. The developer itself will no longer be involved once its warranty period lapses. It is, as the Owner notes, the Owner and its residential and commercial tenants that will have to live with the final design and the post construction effects. Based on the concerns of the Owner as described in this letter, the Owner requests that the City amend Graywood's proposed Zoning By-law, and any required changes to the Official Plan Amendment, further to consider (i) a no building permitted width and height of 1 meter and a minimum 6.6 meters respectively, and (ii) increase the proposed horizontal building permitted setback of 20 centimeters to 30 centimeters.

Please provide this letter to Toronto and East York Community Council at the Statutory Public Meeting on June 30, 2022, as well as part of any consideration of Final Report TE34.47. Please also consider this letter as a written request to the City Clerk for notice of the City's decision on the proposed Official Plan Amendment and/or passing or refusal of the proposed Zoning By-law Amendment.

Yours Truly,

MACAULAY SHIOMI HOWSON LTD.



Per: Elizabeth Howson MCIP, RPP

c.c. Shwaan Hutton, Director, Development, Graywood
Anton Pfisztner, Owner's agent
Hinke Pfisztner, Owner
Matthew Zentner, City of Toronto
David Sit, City of Toronto, Manager, Community Planning
R. Potts City of Toronto, Councilor - Ward 13

Appendix A – Photos demonstrating 3.3 meter no building permitted height setback is not a sufficient height

Photo 1 – 504 Church Street Front of Building



Chalk line approximates the 3.3 meter no building permitted height setback.

The Owner was informed by the City of Toronto Planning Department that the 3.3 meter height setback is based on, "For the purposes of the site-specific by-law, the height is measured from

the Canadian Geodetic Datum elevation of 104.58 metres – this is approximately the elevation at the front of the existing Crews and Tangos building.”

Photo 2 – 504 Church Street 3.3 meter no building permitted height setback versus existing utilities, eaves troughs and 4 apartment access balcony



Chalk line approximates the 3.3 meter no building permitted height setback

Note that the 3,3 meter chalk line is approximately 70 centimeters below the existing utilities and eaves troughs. Also the proposed building wall after the cantilever can be 20 centimeters

from 504 Church Street's wall and its balcony. **It will be impossible to access the existing utilities and eaves troughs.**

Photo 3 -504 Church Street 3.3 meter no building permitted height setback versus utilities, 4 apartment access balcony and ground floor commercial rental space window #1.



Note that the 3,3 meter chalk line is approximately 70 centimeters below the existing utilities and eaves troughs. Also the proposed building wall after the cantilever can be 20 centimeters from 504 Church Street's wall. **It will be impossible to access the existing utilities, and eaves troughs. Furthermore, the existing 3 windows will not be fully accessible, and sunlight will be significantly reduced.**

Photo 4 -504 Church Street 3.3 meter no building permitted height setback versus utilities, 4 apartment access balcony and ground floor commercial rental space window #2.



Note that the 3,3 meter chalk line is approximately 70 centimeters below the existing utilities and eaves troughs. Also the proposed building wall after the cantilever can be 20 centimeters from 504 Church Street's wall. **It will be impossible to access the existing utilities and eaves troughs. Furthermore, the existing 3 windows will not be fully accessible, and sunlight will be significantly reduced.**

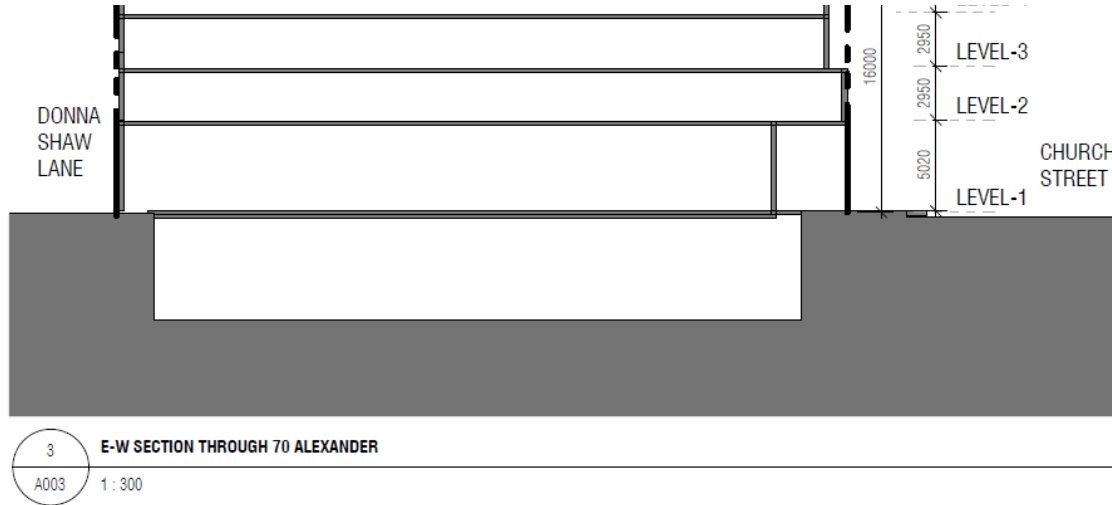
Photo 5 -504 Church Street 3.3 meter no building permitted height setback versus utilities, 4 apartment access balcony and ground floor commercial rental space window #3.



Note that the 3,3 meter chalk line is approximately 70 centimeters below the existing utilities and eaves troughs. Also the proposed building wall after the cantilever can be 20 centimeters from 504 Church Street's wall. **It will be impossible to access the existing utilities and eaves troughs. Furthermore, the existing 3 windows will not be fully accessible, and sunlight will be significantly reduced**

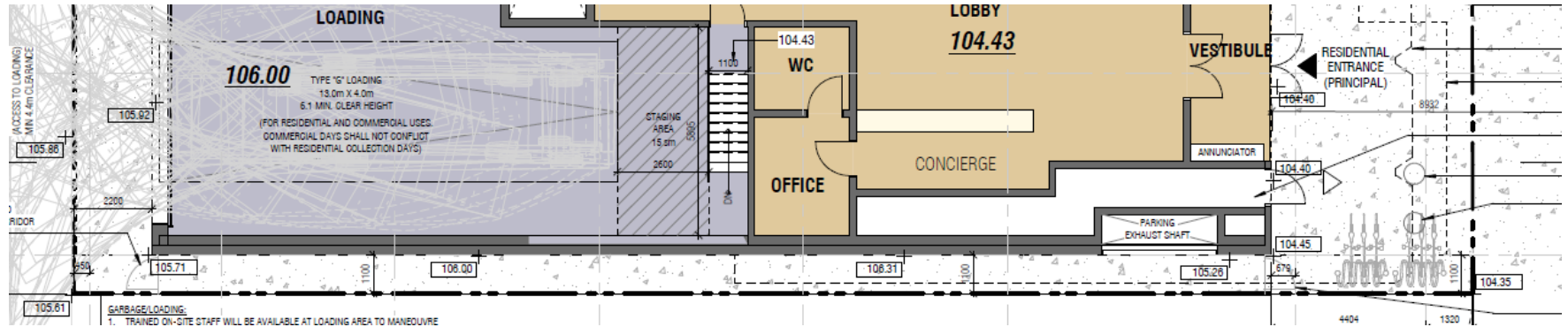
Appendix B – Architectural Drawings

Architectural Drawing 3-A003



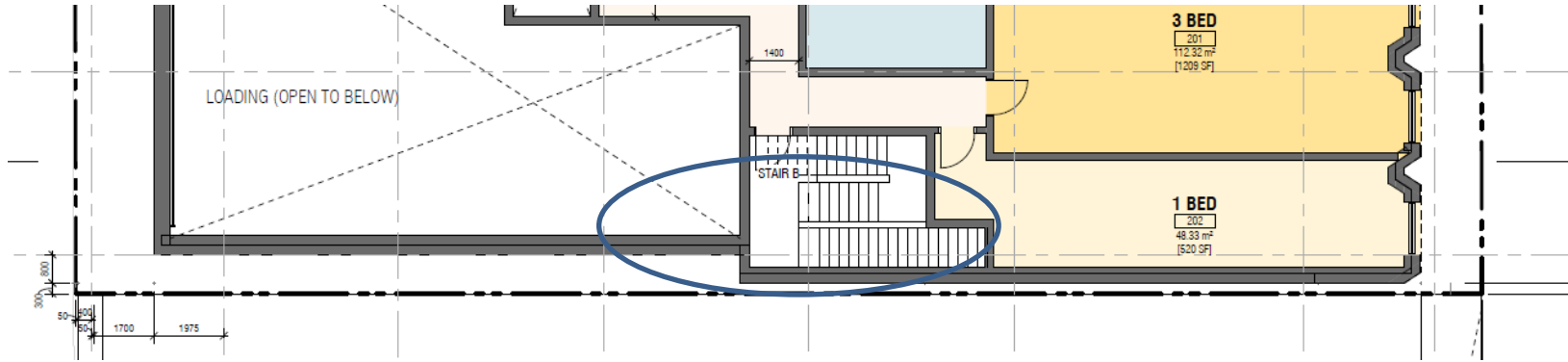
Comment – stated height between level 1 (ground) and level 2 is 5.02 meters. This contradicts other drawing A302 (excerpt of drawing below) showing a height of 4.87 meters.

Architectural Drawing A101 – Level 1 Plan (Ground Floor / Lobby)



Comment - floor height of Loading Area at 106.0 meters, 1.65 meters above the Church Street sidewalk elevation.

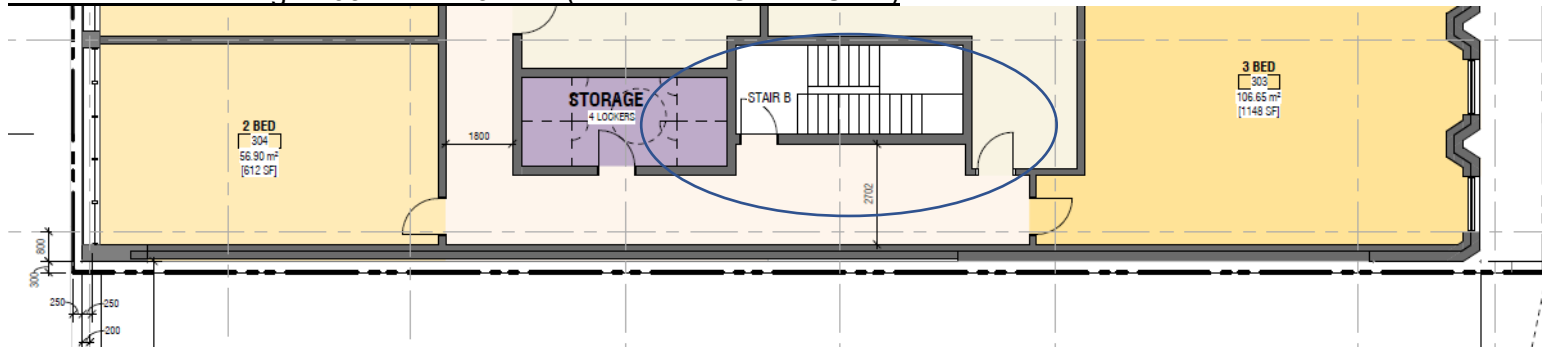
Architectural Drawing A102 – Level 2 Plan (1st Floor of Condo Units)



Comment - Level 2 Floor Elevation is 109.3 meter. This 4.82 meters above Level 1 / ground level.

Note no cantilever in loading bay area at Level 2 elevation. Also note the position of the stair well versus drawing A102 below. It shifts approximately 1.3 north on Level 3 (??)

Architectural Drawing A103 – Level 3 Plan (2nd Floor of Condo Units)



Comment - Level 3 Floor Elevation is 113.05 meter. This is 8.57 meters above Level 1 / ground level.

Note, loading bay area cantilever begins. Also note the position of the stair well versus drawing A102 above has shifted.

Architectural Drawing A302 – Building Section

