

## **241 Church Street – Zoning By-law Amendment Application – Removal of Holding Symbol ("H") – Decision Report – Approval**

Date: March 31, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

**Planning Application Number: 22 241 308 STE 13 OZ**

### **SUMMARY**

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This application proposes to remove the holding symbol ("H") for the lands identified in site-specific Zoning By-law No. 1017-2022 for 241 Church Street which permits a 53-storey mixed use building, including ground floor commercial uses and residential dwelling units, with a total gross floor area of 36,550 metres squares.

Site-specific Zoning By-law 1017-2022 includes a holding symbol which requires conditions are fulfilled prior to the development proceeding. City staff have reviewed the materials submitted in support of the application and are satisfied that the conditions have been fulfilled. The removal of the holding symbol is appropriate at this time.

This report reviews and recommends approval of the application to amend Zoning By-law 1017-2022 to remove the holding symbol.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 1017-2022, for the land at 241 Church Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report (March 22, 2023) from the Director, Community Planning, Toronto and East York District.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

## FINANCIAL IMPACT

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

## DECISION HISTORY

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On July 19, 2022, City Council considered and approved Toronto and East York Community Council Item TE34.26. The decision can be found at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.26>

## PROPOSAL

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The applicant has submitted a Zoning By-law Amendment application to amend Zoning by-law 1017-2022 to remove the holding symbol ('H') for the lands at 241 Church Street. The property is located at the north-east intersection of Dundas Street East and Church Street.

The approved site-specific By-law permits a 53-storey mixed-use building with commercial uses at grade and residential units above with a total gross floor area of 36,550 square metres.

### Reasons for Application

A holding symbol was placed on the lands to limit the use until such time as the conditions for the removal of the 'H' have been fulfilled to the satisfaction of City Council. Section 7 of Zoning By-law 1017-2022 includes the following conditions:

(A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those uses and buildings existing on the site as of the date of the passing of this By-law on the lands shown on Diagram 1 attached to this By-law until the "(H)" symbol has been removed.

(B) A By-law to remove the symbol from the lands subject to this by-law may be enacted by Council when the following conditions have been fulfilled to the satisfaction of Council:

(i) 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;

(ii) the owner shall enter into an agreement or make alternate arrangements satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services to 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; and

(iii) 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.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Application Form
- Registered Limiting Distance Agreement
- Construction Management Plan
- Copy of a Letter of Credit
- Project Data Sheet
- Survey Plans

### **Agency Circulation Outcomes**

The application, together with the materials 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 the draft Zoning By-Law Amendment to remove the holding symbol.

### **Community Consultation**

A Community Consultation Meeting is not required for a Zoning By-Law Amendment application to remove a holding symbol. Notice was given to the owner under the Planning Act for the Statutory Public meeting. Individuals who requested further notice as part of the original rezoning application were also provided notice of the meeting.

## **Site Plan Control**

The applicant submitted a Site Plan Control Application (21 206388 STE 13 SA) on August 31, 2021. The application is currently under review.

## **COMMENTS**

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The applicant worked with City staff to ensure that all conditions in site-specific by-law 1017-2022 required to lift the holding symbol have been fulfilled.

As per condition 7(B) (i), City staff have confirmed that the applicant entered into a Limiting Distance Agreement with the owners of 245 Church Street and the City, dated October 21, 2022.

As per condition 7(B) (ii), City staff have confirmed that the applicant made alternative arrangements with Engineering and Construction Services to secure a Municipal Infrastructure Agreement (MIA) as part of the related Section 37 agreement. The applicant also submitted Letter of Credit with respect to the municipal infrastructure improvement.

As per condition 7(B) (iii), City staff have confirmed that the applicant has submitted a Construction Management Report, dated August 15, 2022. Prior to final Site Plan Approval, City staff, in consultation with the Ward Councillor, will work with the applicant to ensure the Construction Management Plan addresses the construction impacts resulting from this development.

## **Conclusion**

As the conditions to remove the holding symbol from Zoning By-law 1017-2022 have been fulfilled, it is appropriate to remove the holding symbol. A draft of the amending zoning by-law to remove the holding symbol is attached to this report.

## **CONTACT**

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Email: Thomas.Spolsky@toronto.ca

## **SIGNATURE**

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Alex Teixeira MCIP, RPP, Acting Director

## **ATTACHMENTS**

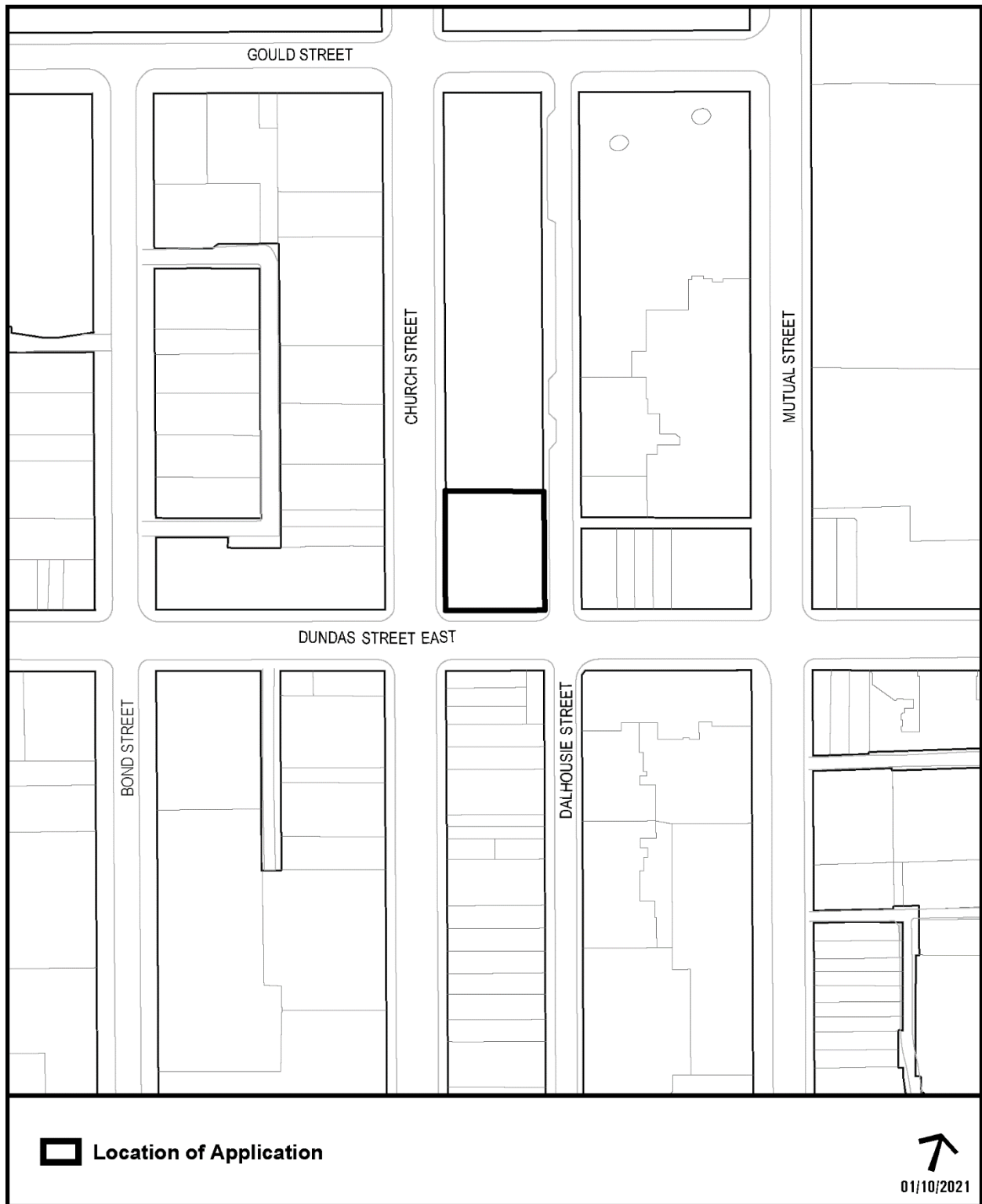
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### **City of Toronto Data/Drawings**

Attachment 1: Location Map

Attachment 2: Draft Zoning By-law Amendment

## Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 2023

**CITY OF TORONTO**

**DRAFT BY-LAW No. -2023 [Clerk to assign by-law number]**

**To amend Zoning By-law 1017-2022, being a by-law to amend Zoning By-law 569-2013, to remove the holding symbol “H” with respect to the land known in the year 2023 as 241 Church Street.**

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended to impose the holding symbol (“H”) and to remove the holding symbol (“H”) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas there are official plan policies in effect addressing the use of the holding symbol (“H”); and

Whereas it is appropriate that the holding symbol (“H”) be removed from the lands subject to this By-law; and

Whereas Council has provided notice of the intent to pass the By-law;

The Council of the City of Toronto enacts:

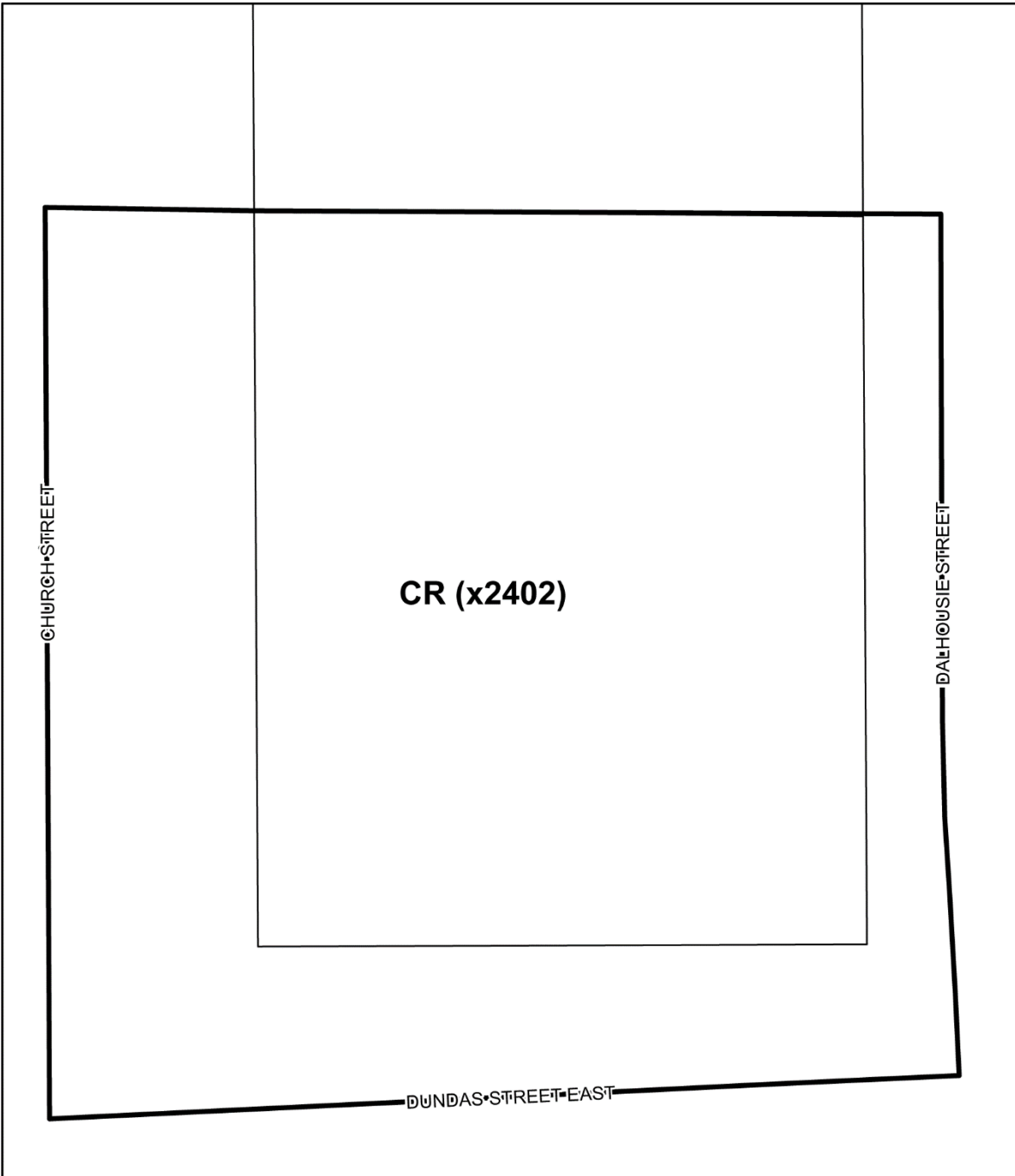
1. Diagram 2 of By-law 1017-2022, is amended by removing the holding symbol (“h”) from the lands shown on the attached Diagram '2'

Enacted and passed on this ~ day of ~, 2023

Jennifer McKelvie,  
Deputy Mayor

John D. Elvidge,  
City Clerk


(Seal of the City)



 **TORONTO**  
Diagram 2

**241 Church Street**

File # 22 241308 STE 13 02

  
City of Toronto By-law 569-2013  
Not to Scale  
02/9/2023