

506-516 Church Street – Official Plan and Zoning By-law Amendment – Decision Report – Refusal

Date: December 18, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 24 226502 STE 13 OZ

SUMMARY

This report recommends refusal of the application to amend the Official Plan and Zoning By-law to permit a 48-storey (151.8-metre, excluding a 7.5-metre mechanical penthouse) mixed-use building. The proposal contains 390 square metres of ground floor non-residential space, 611 square metres of community space, and 574 residential units.

The proposed built form and massing does not conform with the Church Street Village Character Area policies of Site and Area Specific Policy 382 in the Official Plan.

The site contains a property designated under Part IV of the Ontario Heritage Act located at 508 and 510 Church Street and proposes the partial retention of the 2.5-storey semi-detached heritage building.

RECOMMENDATIONS

The Director, Community Planning Toronto and East York District recommends that:

1. City Council refuse the application for the Official Plan and Zoning By-law Amendment (Application No. 24 226502 STE 13 OZ) for the lands municipally known as 506-516 Church Street for the reasons identified in this Report.
2. City Council authorize the City Solicitor, together with appropriate City Staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event that the decision is appealed to the Ontario Land Tribunal.
3. City Council authorize the City Solicitor and other appropriate City Staff to take any necessary steps to implement City Council's decision, including requesting any conditions of approval that would be in the City's interest, in the event an appeal of Council's decision is allowed by the Ontario Land Tribunal, in whole or in part.

FINANCIAL IMPACT

The Development Review 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

On May 10, 2022, the Toronto Preservation Board adopted the recommendations of Staff to designate the property at 508 and 510 Church Street under Part IV, Section 29 of the Ontario Heritage Act. These recommendations were approved by City Council on July 19, 2022, and by City Council on June 15, 2022, and by City Council on June 15, 2022. The decision document can be found [here](#).

On July 19, 2022, City Council approved an application to amend the Official Plan and Zoning By-law Amendment for the properties at 506-516 Church Street and enter into an Agreement pursuant to Section 37 of the Planning Act. This application proposed a 14-storey mixed use building containing 165 dwelling units. The decision document can be found [here](#).

Alongside the Council approval of the Official Plan and Zoning By-law Amendment applications, City Council adopted recommendations of staff to consent to the application to alter the designated property at 508 and 510 Church Street under Part IV, Section 33 of the Ontario Heritage Act to facilitate the redevelopment. The decision document can be found [here](#).

THE SITE

Description

The site is located on the west side of Church Street, south of Maitland Street. The site is rectangular in shape and has an approximate area of 1,706 square metres, with a frontage of 22.8 metres on Church Street, abutting Donna Shaw Lane to the rear (west). See Attachment 2 for the Location Map.

Existing Uses

The site is currently occupied by a 2-storey non-residential building containing a sales centre (506 Church Street), a 2.5-storey semi-detached house-form non-residential building containing a nightclub (Crews and Tangos) with a 1-storey coach house to the rear (508-510 Church Street); and a surface parking lot (512-516 Church Street).

Heritage

The properties at 508 and 510 Church Street is designated under Part IV of the Heritage Act, pursuant to By-law 942-2022, as being a property of cultural heritage value or interest.

THE APPLICATION

Description

A 48-storey mixed-use building with a height of 151.8-metres to the top of the roof and 159.3-metres to the top of the mechanical penthouse.

Density

21.46 times the area of the site.

Residential Component

574 dwelling units, comprised of 79 studio (14%), 214 one-bedroom (37%), 225 two-bedroom (39%), and 56 three-bedroom units (10%).

Non-Residential Component

390 square metres of non-residential space at grade and 611 square metres of community space at grade and level 2.

Amenity Space

A total of 1,440 square metres of amenity space, comprised of 1,148 square metre of indoor amenity space (1.7 square metres per unit), and 461 square metres of outdoor amenity space (0.8 square metres per dwelling unit).

Access, Parking and Loading

The proposal includes a total of 4 vehicular visitor parking spaces and 4 pick-up and drop-off spaces to be accessed from Donna Shaw Lane to the rear (west) of the site. A total of 634 bike parking spaces would be provided in the underground level, comprised of 518 long-term bike parking spaces and 116 short-term bike parking proposed, as well as one Type "C" and one Type "G" loading space at grade.

Additional Information

See the Attachments 1, 2, 6,7, and 8 of this Report for the Application Data Sheet, Location Map, a site plan, elevations, and 3D massing views of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

www.toronto.ca/506ChurchSt

Reasons for Application

The proposal requires an Official Plan Amendment to permit a tall building on site. The site is located within the Church Street Village Character Area of the North Downtown Yonge Site and Area Specific Policy 382 ("SASP 382"). The intent of SASP 382 is to maintain a low to mid-rise pedestrian oriented main street character in the Church Street Village.

The proposal requires an amendment to City-wide Zoning By-law 569-2013, as amended, to permit an increased height, and to revise other development provisions as such as building setbacks, gross floor area, amenity space, and floor space index to accommodate the proposal.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024).

Official Plan

The site is located within the Downtown and Central Waterfront area. The land use designation for the site is Mixed Use Areas which permit a wide range of residential, commercial, and institutional uses. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Secondary Plan

The Downtown Secondary Plan identifies the site as Mixed Use Areas 3 - Main Street and fronting on a Priority Retail Street. Development in Mixed Use Area 3 will generally be in the form of mid-rise buildings with some low-rise and tall buildings permitted based on compatibility.

North Downtown Yonge Site and Area Specific Policy 382 ("SASP 382")

The site is within the Church Street Village Character Area in SASP 382. SASP 382 sets out policies for specific "Character Areas" within the North Downtown Yonge Area, as well as area-wide policies addressing heritage, parks and open space, public realm, and urban design. The Church Street Village Character Area states that the area is regarded as a stable area that should experience limited growth, both along Church Street and in the residential areas abutting and surrounding it. Development and redevelopment should reinforce the core village area as a low to mid-rise pedestrian oriented main street subject to angular plane provisions for portions of this Character Area, with street related retail uses and narrow retail frontages.

The site is subject to Site and Area Specific Policy 5.7.6 of SASP 382, permitting development to project into the Church Street angular plane, substantially in accordance with the building envelope outlined in Site Specific Zoning By-law 1054-2022. See Attachment 5 of this report for the Character Area Map.

Zoning

The subject site is zoned CR 3.0 (c1.7; r3.0) SS1 (x754) under Zoning By-law 569-2013. The site-specific zoning permits a mid-rise building 51 metres in height with the performance standards approved by City Council in 2022 through By-law 1054-2022. By-law 1054-2022 contains Section 37 provisions for community benefits including a Section 37 Agreement registered on title.

The proposed Zoning By-law Amendment would repeal and replace the site-specific zoning. See Attachment 6 of this Report for the existing Zoning By-law Map.

Design Guidelines

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

- Tall Building Design Guidelines
- Downtown Tall Buildings Vision and Supplementary Design Guidelines
- North Downtown Yonge Urban Design Guidelines
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities
- Retail Design Manual

Toronto Green Standard

The Toronto Green Standard ("TGS") is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

PUBLIC ENGAGEMENT

Community Consultation

An in-person Community Consultation Meeting was hosted by City staff on November 21, 2024. Approximately 53 people participated, as well as the Ward Councillor and the applicant. City staff and the applicant's consultants gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Issues raised at the meeting and through written comments and phone calls include:

- the building is too tall and does not fit into the Church Wellesley Village;
- support for intensification on this site;
- need for large dwelling unit sizes to accommodate families;
- need for rental dwelling units and affordable dwelling units;
- concerns about the loss of the of existing small businesses and cultural space on the site;
- concerns related to the feasibility and design of the new building to accommodate the return of the existing businesses on site;
- concerns of shadows on the public realm and Paul Kane House Parkette;
- need for more levels of non-residential space to support 2SLGBTQ+ small businesses;
- support for small, fine-grain retail spaces, especially with local businesses serving the 2SLGBTQ+ community;
- concerns with additional vehicular traffic on Donna Shaw Lane;
- concerns the westerly building setbacks to Donna Shaw Lane is not adequate to service the proposed building;
- desire for different programming for the proposed community space to serve the community;
- concerns that the nightclubs and non-residential uses may conflict with residential uses above if no noise mitigation measures are proposed;
- concerns about the availability of visitor parking for personal support workers assisting the elderly;
- desire for an improved public realm to support tree planting and street animation;
- desire for more restaurants with patios and outdoor space;
- concerns that the building does not address the shortage of non-residential space for 2SLGBTQ+ community members;
- questions about the location of new public art; and
- request for the design and materiality of the building to create a landmark in the Church Wellesley Village.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

Open House

An Open House event was hosted by the applicant project team on October 15, 2024, at 506 Church Street. Representatives from the applicant's project team were present to speak to members of the public including a representative of the Ward Councillor and Community Planning staff. Approximately 20 members from the public attended.

COMMENTS

Provincial Planning Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for

consistency with the Provincial Planning Statement 2024 ("PPS 2024"). Staff find the proposal is consistent with the PPS 2024.

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies, Secondary Plan policies, Site and Area Specific Policies, and design guidelines described in the Policy and Regulation Considerations Section of this Report.

Land Use

The application proposes non-residential uses within the base building and residential uses in the tower above. The proposed mix of uses is acceptable.

Church Street is also identified as a Priority Retail Street in the Downtown Plan which generally encourages retail, services, restaurants, and small shops a grade with residential and commercial space above. SASP 382 requires narrow store frontage widths at grade to reinforce the fine-grained retail character of Church Street. It is unclear from the submitted plans if multiple commercial units are proposed as only one door is shown to the retail space.

Built Form

The site is designated as Mixed Use Areas 3 - Main Street in the Downtown Secondary Plan. Development in Mixed Use Areas 3 will have a main street character and be in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility.

The Church Street Village Character Area within SASP 382 is regarded as a stable area that should experience limited growth. The proposed tall building does not reinforce the core village area as a low to mid-rise pedestrian oriented main street and is not appropriate for the site. In addition, the proposal does not conform to the angular plane requirement in SASP 382 which limits the height and massing of new buildings along Church Street.

The building massing, floor plate, tower setbacks, and height do not meet the intent of the Official Plan, Downtown Secondary Plan, or SASP 382. The proposal does not meet the intent of the Tall Building Design Guidelines and North Downtown Yonge Design Guidelines.

Heritage Conservation

The proposal contains Crews and Tangos, a live performance venue at 508 and 510 Church Street, which comprises of two adjoining structures, originally constructed as part of a row of six residences in 1856-1858, along with a surviving nineteenth-century coach house to the rear. Since 1994, they have been the home of Crews, later Crews and Tangos, a storied venue for drag performances and queer gatherings. The property is a cultural landmark within the Church and Wellesley Village and for Toronto's broader 2SLGBTQ+ community.

The heritage building is proposed to be partially retained in-situ and to form part of the base building for the tower. A 6.5-metre tower stepback is proposed from Church Street (east lot line) with balconies encroaching 1.8 metres above into the 6.5-metre setback. Although staff acknowledge that the reduction in the tower stepback, combined with the increase in the tower height, negatively impacts the heritage building's scale, form and massing, these impacts will be mitigated through the overall conservation strategy.

Cultural Spaces

The culture sector includes creative artistic activity and the goods and services produced by it, along with the preservation of heritage. The Downtown Plan encourages development to retain and expand spaces for culture sector employment and businesses. The Downtown Plan also encourages adaptive re-use of properties on the Heritage Register as cultural spaces. Crews and Tangos is a live performance venue currently located in the existing heritage buildings. Planning staff encourage retention of the cultural space.

Public Realm

The application proposes the retention of the existing heritage building in-situ which maintains the existing curb-to-building face dimensions and is acceptable to Staff. The new portions of the base building are located north and south of the heritage building with varying setbacks. The north curb to building setback should be consistent with the south curb-to-building face setback of 8.6 metres to provide a consistent setback from Church Street for tree planting and streetscape improvements.

The incorporation of ground floor retail and non-residential uses is acceptable and will continue to provide animation along the street frontages.

Shadow Impact

A shadow study was submitted for staff review showing shadows on the public realm and Paul Kane House Parkette during the spring and fall equinoxes.

Wind Impact

A Pedestrian Level Wind Study was submitted for staff review. The study indicates that the surrounding public realm will experience generally comfortable wind conditions that are acceptable for the intended use (standing in the winter, sitting in the spring, summer and fall).

Outdoor amenity spaces are proposed on the 2nd level along the west, 3rd level along the north, east, and south. The study notes that the outdoor amenity on the 2nd level and on the 3rd level along the south of the building were not tested using conventional test probes due the areas being too narrow and qualitative analysis of wind conditions are provided. The study notes that outdoor amenity areas are expected be in windy conditions and mitigation measures are recommended to improve the wind comfort levels. The study indicates that further testing may be required to determine the effectiveness of any additional wind mitigative features.

Amenity Space

Zoning By-law 569-2013 requires a minimum of 4 square metres of amenity space per dwelling unit, of which at least 2 square metres will be indoor. The proposal is deficient by 1.5 square metres of amenity space per dwelling unit.

Servicing

Development Engineering staff have reviewed the Functional Servicing and Stormwater Management Report, Hydrogeological Report, and associated plans submitted for this proposal and have identified several outstanding items requiring revisions. The proposed non-residential component of the development as proposed is not eligible for City of Toronto waste collection.

In the event that the matter is appealed to the Ontario Land Tribunal ("OLT"), staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services contained in their December 6, 2024, memorandum to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Traffic, Access, Vehicular and Bicycle Parking, and Loading

A Transportation Impact Study was submitted to review the vehicular access, parking, and loading arrangements for this development. The application proposes 4 visitor parking spaces including 1 accessible parking space and 4 pick-up and drop-off spaces. One Type 'C' and one Type 'G' loading spaces are proposed. Vehicular access to the at-grade parking and loading spaces would be from Donna Shaw Lane abutting the west of the site from Maitland Street. A total of 517 long-term and 115 short-term bicycle parking spaces are proposed to be located below grade.

Transportation Review staff have reviewed the study and are requesting a minimum of two accessible parking spaces be provided.

Parkland

In the event that the matter is appealed to the OLT and approved in some form, in accordance with Section 42 of the Planning Act the owner will be required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Tree Preservation

An Arborist Report and Tree Preservation Plan were submitted in support of the application. The site is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). Three private trees are proposed to be removed to accommodate the proposed building and no new

trees are proposed to be planted. Urban Forestry staff have reviewed the report and plans and finds this unacceptable. Staff have requested that the base building north of the retained heritage building align with the building setbacks proposed south of it to accommodate street tree planting.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS in force at the time of a complete application for Site Plan Control. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

The proposal includes an in-kind benefit of a community space pursuant to Section 37(6) of the Planning Act. Should the proposed space be provided as a community benefit contribution under Section 37 of the Planning Act, the space would be conveyed to the City. The City would own and manage the space and administer it for eligible not-for-profit organization(s) at its discretion under the City's Community Space Tenancy Policy. Any in-kind contribution may not include property-specific exclusions or restrictions on uses or users of the community space. Acceptance of the in-kind proposal would be the subject of a future report to City Council.

Further Issues

The draft Zoning By-law Amendment filed with the application proposes to repeal and replace the previous site-specific zoning approval (By-law 1054-2022). Staff will continue to review the method of zoning amendment that will be used to implement any approval on the site.

Should the decision to refuse the application be appealed to the Ontario Land Tribunal, and Staff continue to receive additional or supplementary information regarding this application or be required to review a revised proposal, Staff may refine or identify further issues and/or supplement the reasons provided in this Report.

CONTACT

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E-mail: Tiffany.Ly@toronto.ca

SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Information/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Downtown Secondary Plan Land Use Map
- Attachment 5: OPA 183 Map
- Attachment 6: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: Elevations
- Attachment 9: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 506-516 Church Street **Date Received:** October 15, 2024

Application Number: 24 226502 STE 13 OZ

Application Type: OPA & Rezoning

Project Description: A 151.8-metre (48-storeys, excluding 7.5 metre mechanical penthouse) mixed-use building.

Applicant	Agent	Architect	Owner
Graywood CM GP Inc.	Graywood CM GP Inc. - Jordan Kemp	Diamond Schmitt Architects	Graywood CM GP Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Downtown Secondary Plan & SASP 382
Zoning:	CR 3.0 (c1.7; r3.0) SS1 (x754)	Heritage Designation:	Y
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	1,707	Frontage (m):	43	Depth (m):	40
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	463		1,241	1,241
Residential GFA (sq m):			35,615	35,615
Non-Residential GFA (sq m):	898		1,001	1,001
Total GFA (sq m):	898		36,616	36,616
Height - Storeys:	3		48	48
Height - Metres:			152	152

Lot Coverage Ratio (%):	0.59	Floor Space Index:	21.4
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	35,615	
Retail GFA:	390	
Office GFA:		

Industrial GFA:
Institutional/Other GFA: 611

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			574	574
Other:				
Total Units:			574	574

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		79	214	225	56
Total Units:		79	214	225	56

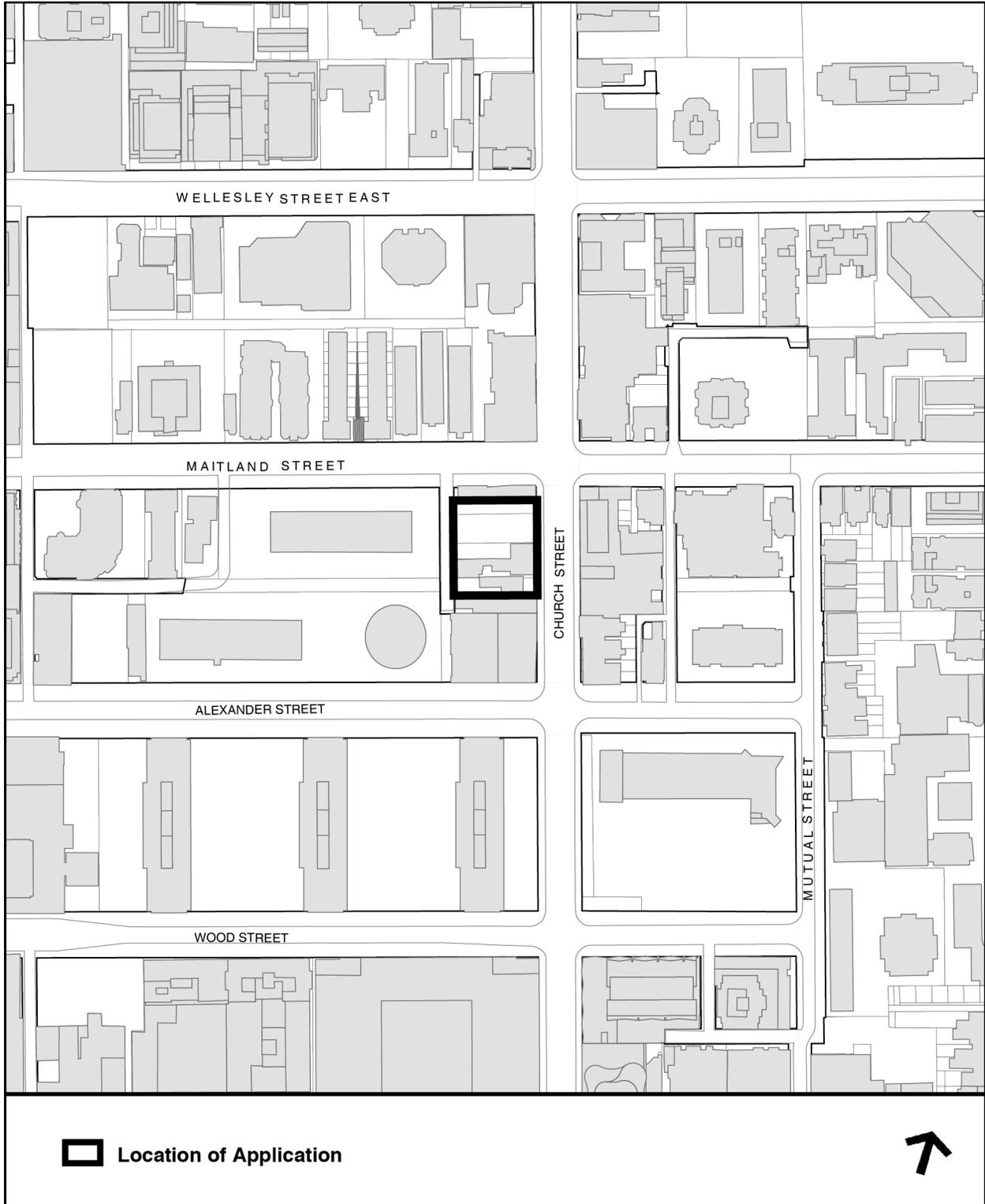
Parking and Loading

Parking Spaces: 8 **Bicycle Parking Spaces:** 634 **Loading Docks:** 2

CONTACT:

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 416-338-4788
 Tiffany.Ly@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

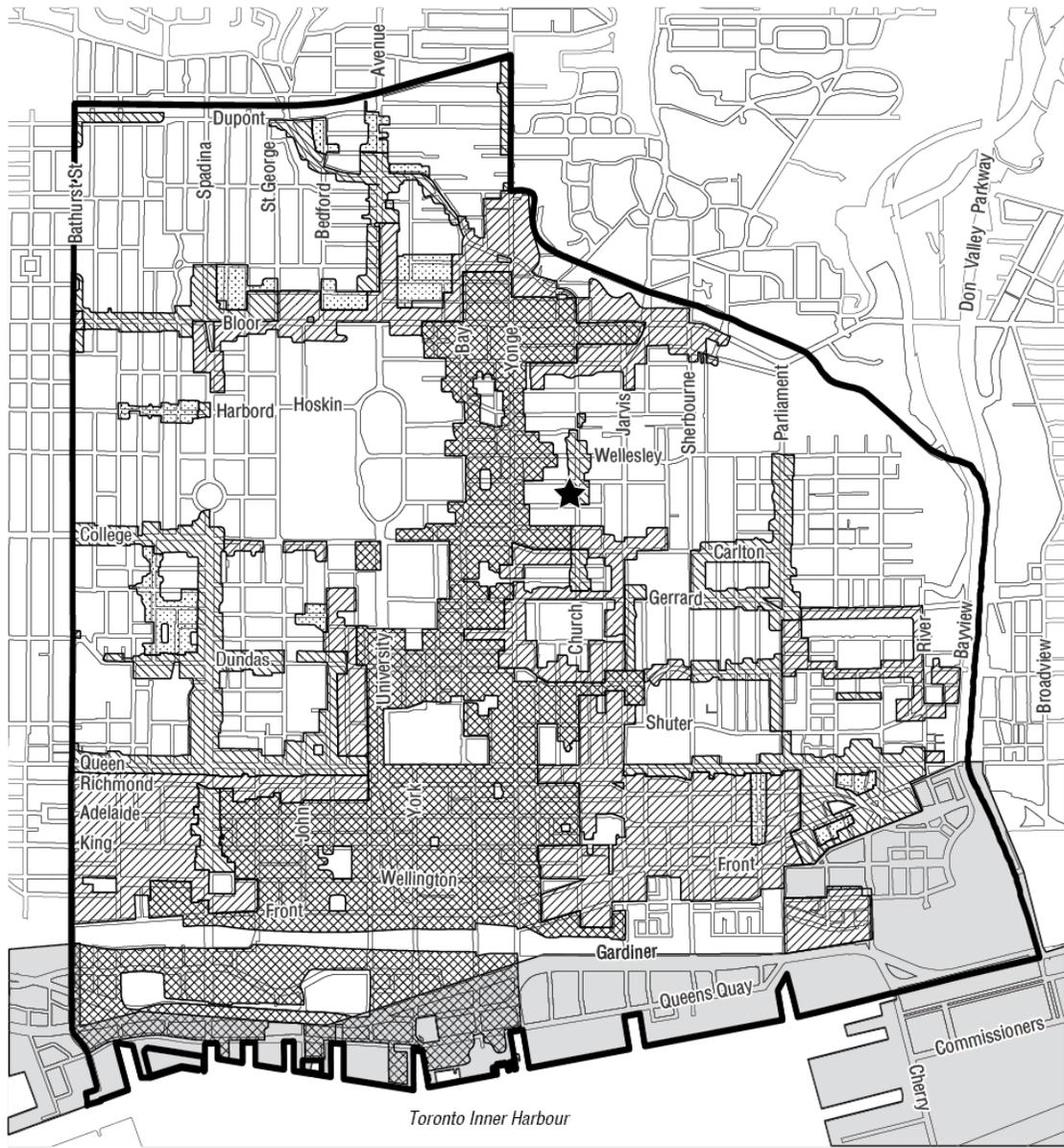
506 - 516 Church Street

File # 24 226502 STE 13 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks


Not to Scale
Extracted: 11/08/2024

Attachment 4: Downtown Secondary Plan Land Use Map



TORONTO
 Downtown Plan
 MAP 41-3 Mixed Use Areas

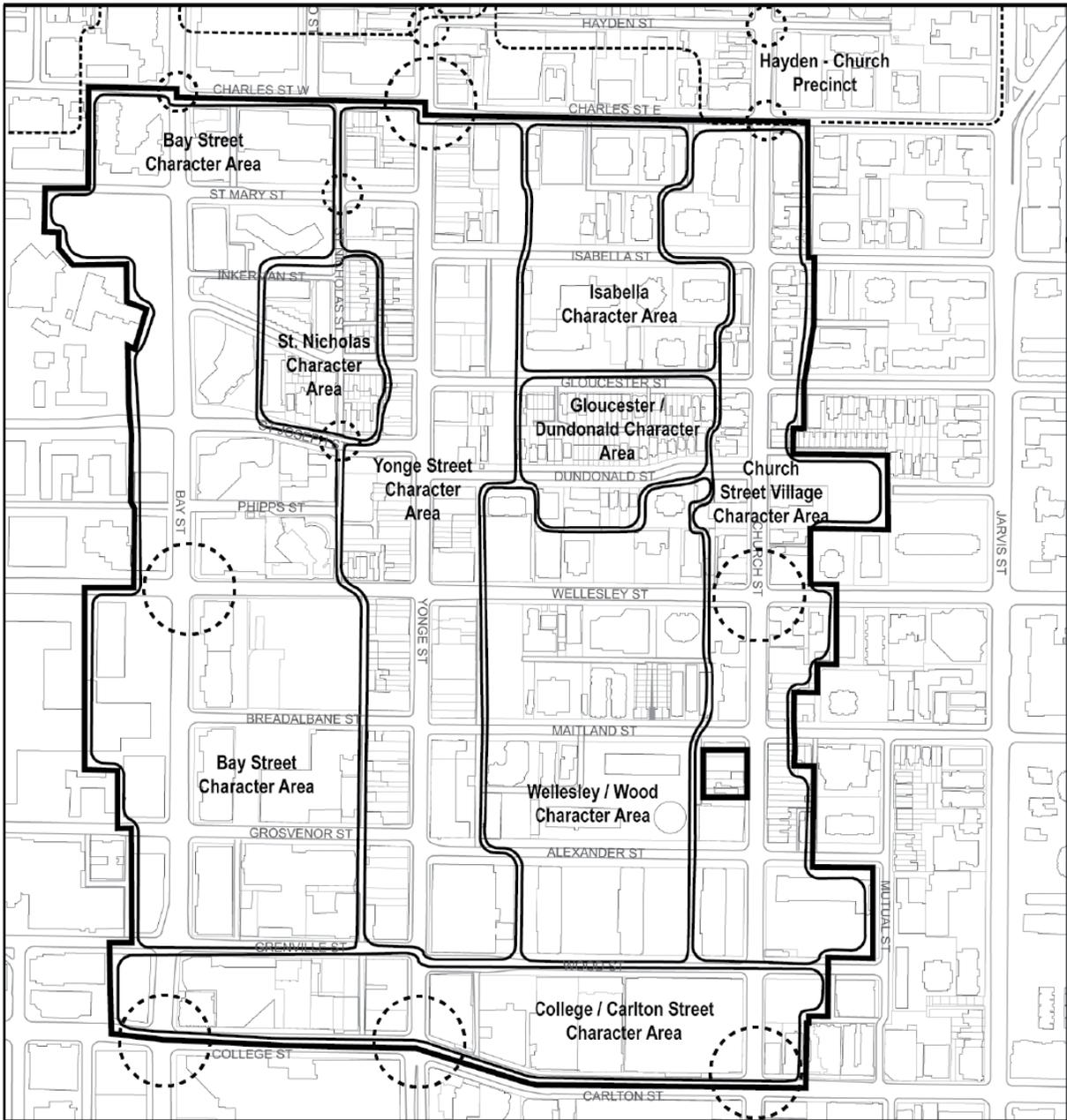
506-516 Church St.

File # 24 226502 STE 13 0Z

- ★ Location of Application
- Downtown Plan Boundary
- ▨ Mixed Use Areas 1 - Growth
- ▧ Mixed Use Areas 2 - Intermediate
- ▩ Mixed Use Areas 3 - Main Street
- ▤ Mixed Use Areas 4 - Local
- Central Waterfront Secondary Plan



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 Extracted: 11/12/2024



Official Plan Amendment # 183

MAP 1: Character Areas

506-516 Church St.

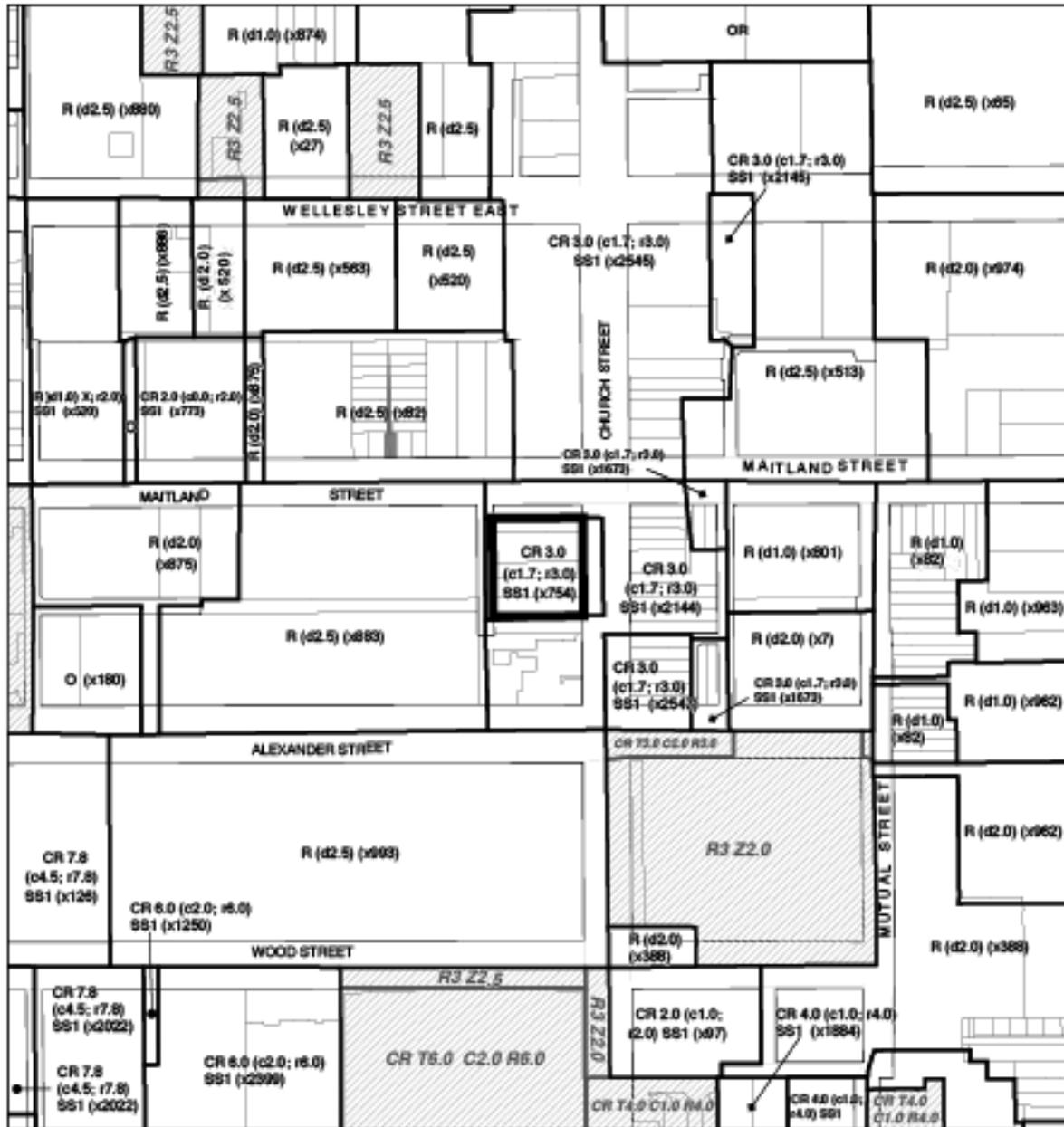
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-  Location of Application
-  Character Areas
-  North Downtown Yonge Planning Framework Study
-  Area-Wide Gateway
-  Sub-Area Gateway



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Attachment 6: Existing Zoning By-law Map



Zoning By-law 569-2013

506 - 516 Church Street

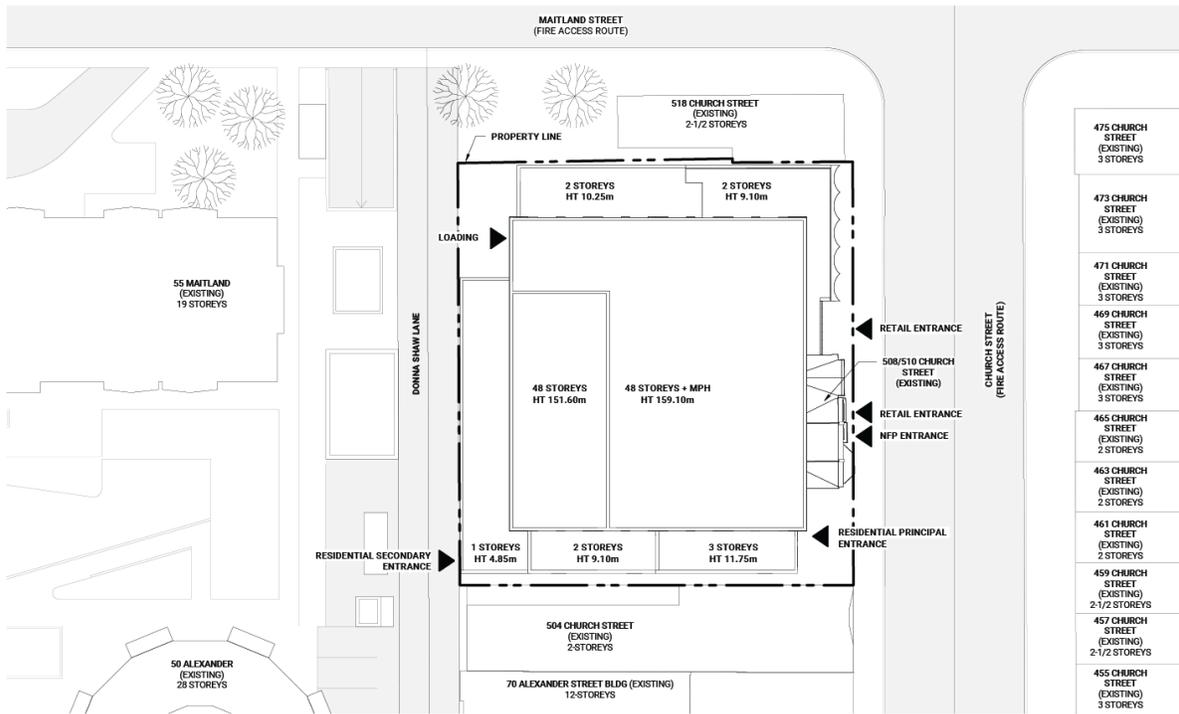
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-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 419-88
- R3** Residential District
- CR** Mixed-Use District


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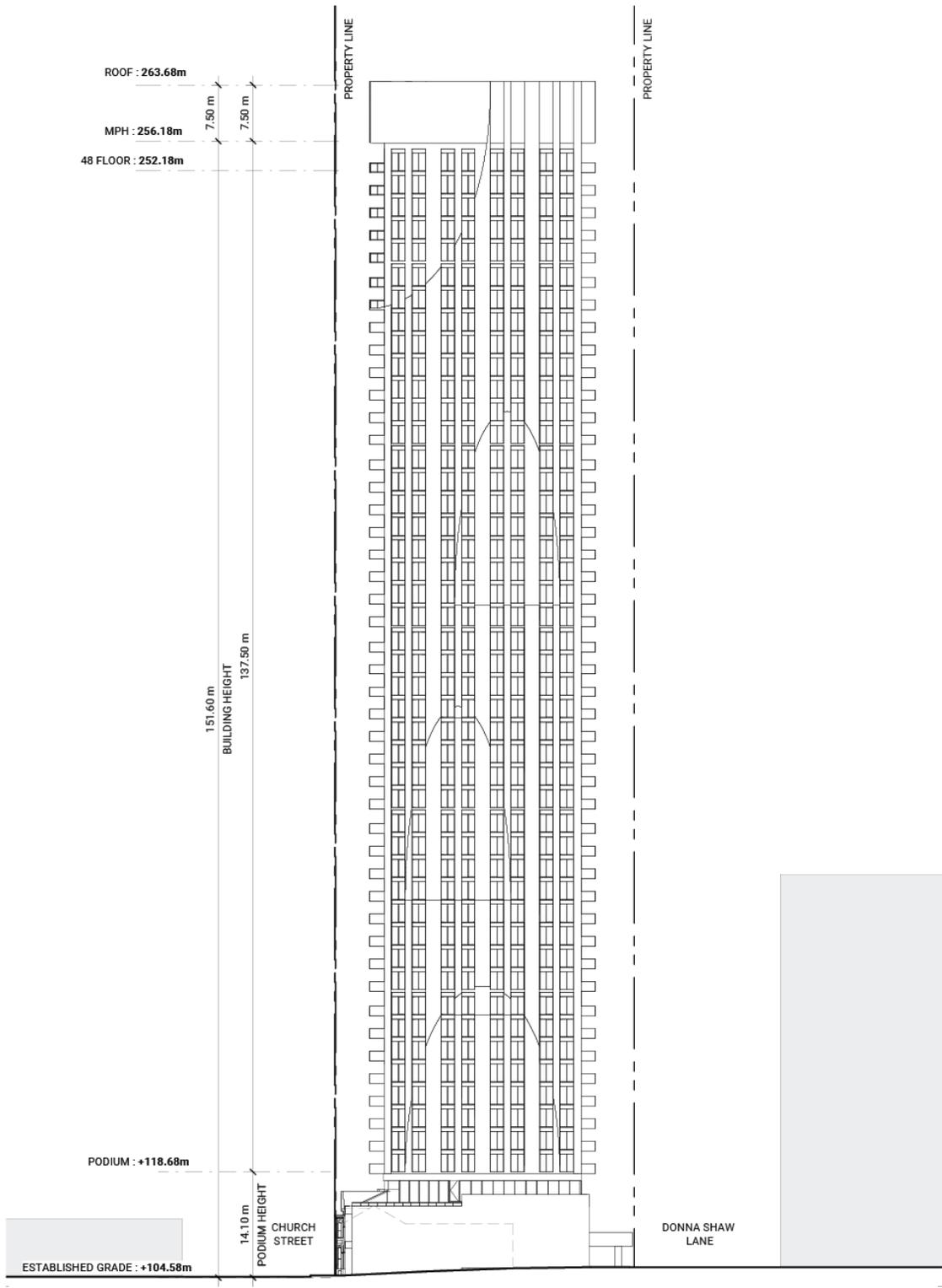
Attachment 7: Site Plan



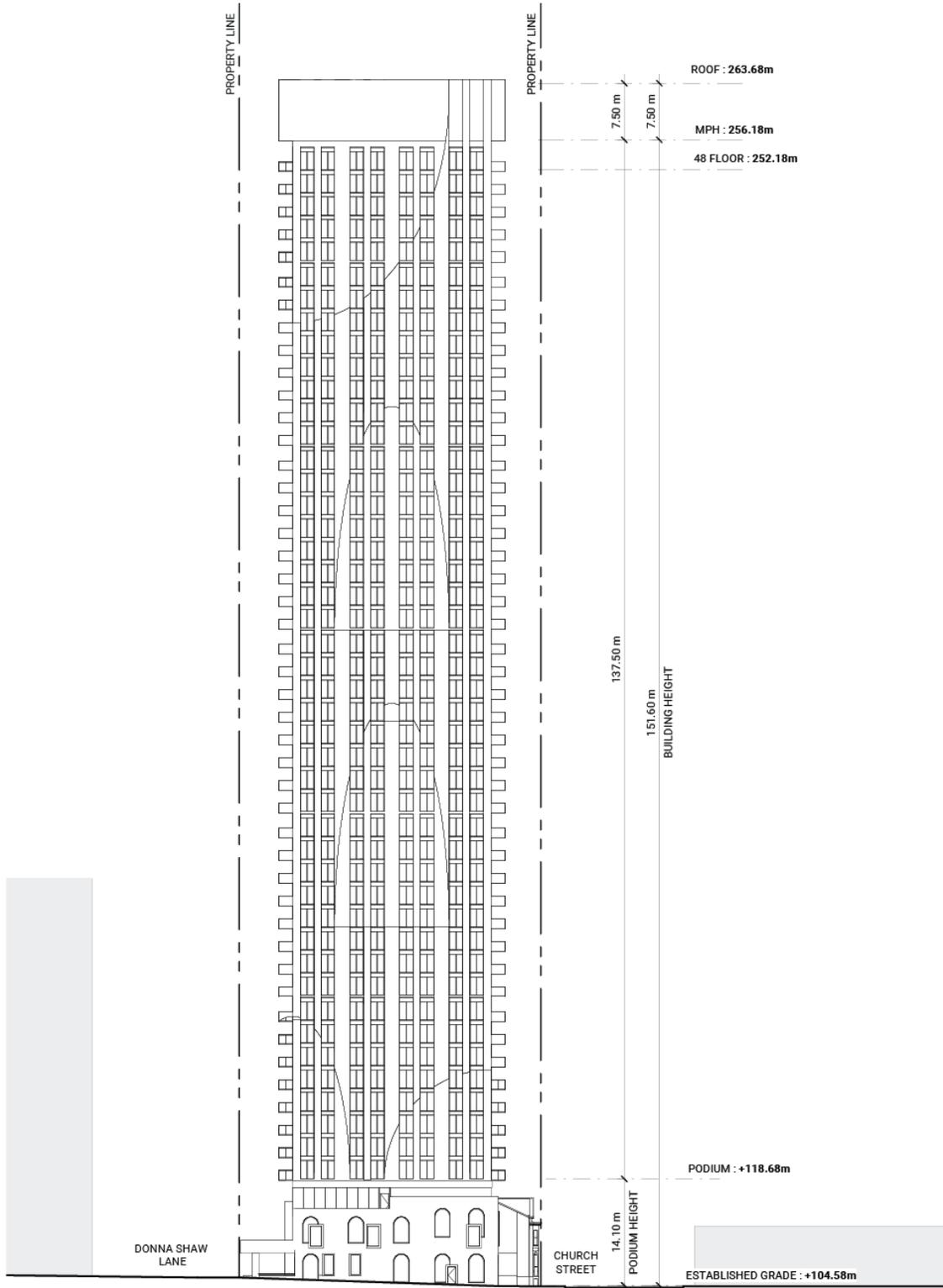
Site Plan



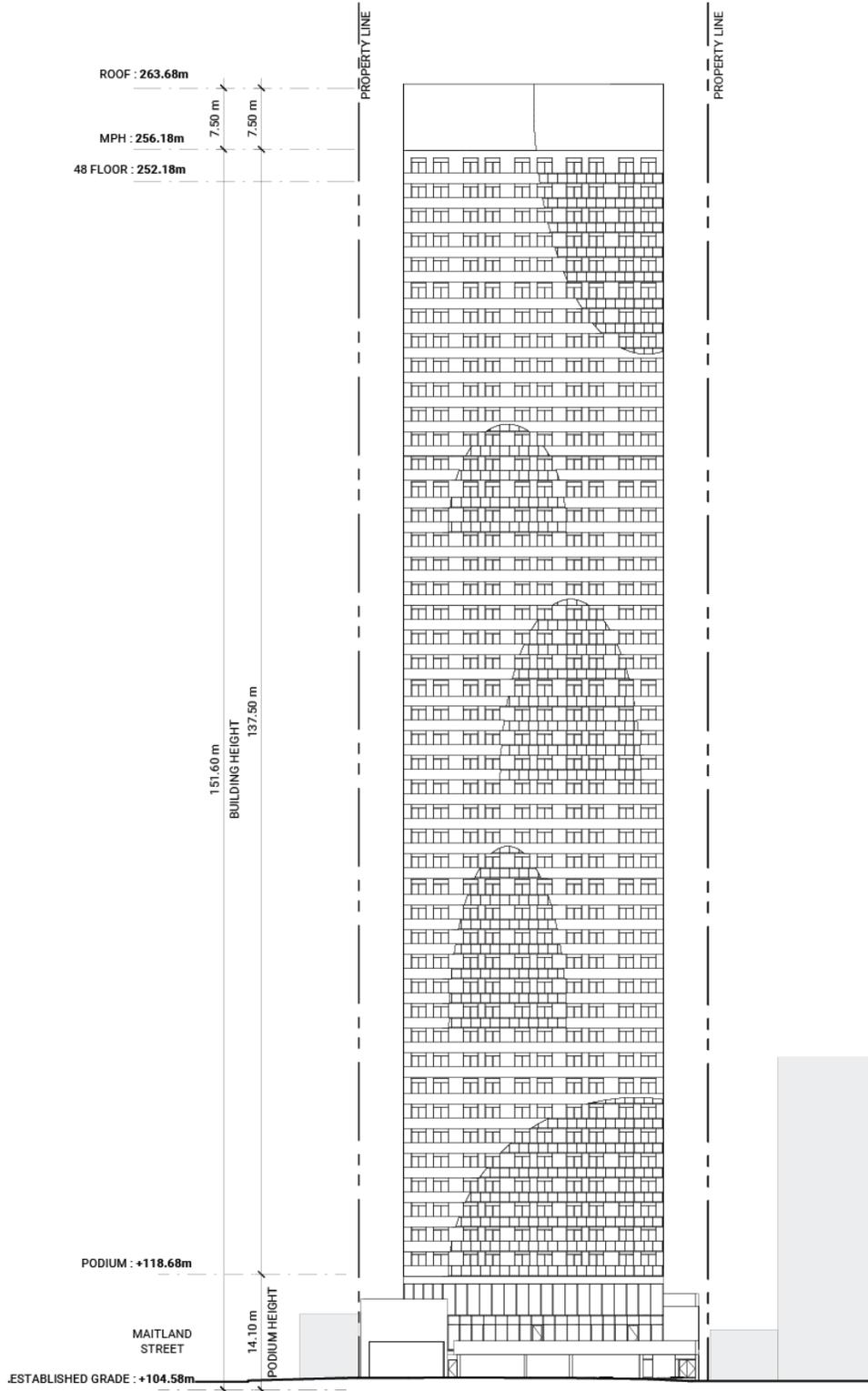
Attachment 8: Elevations



North Elevation



South Elevation

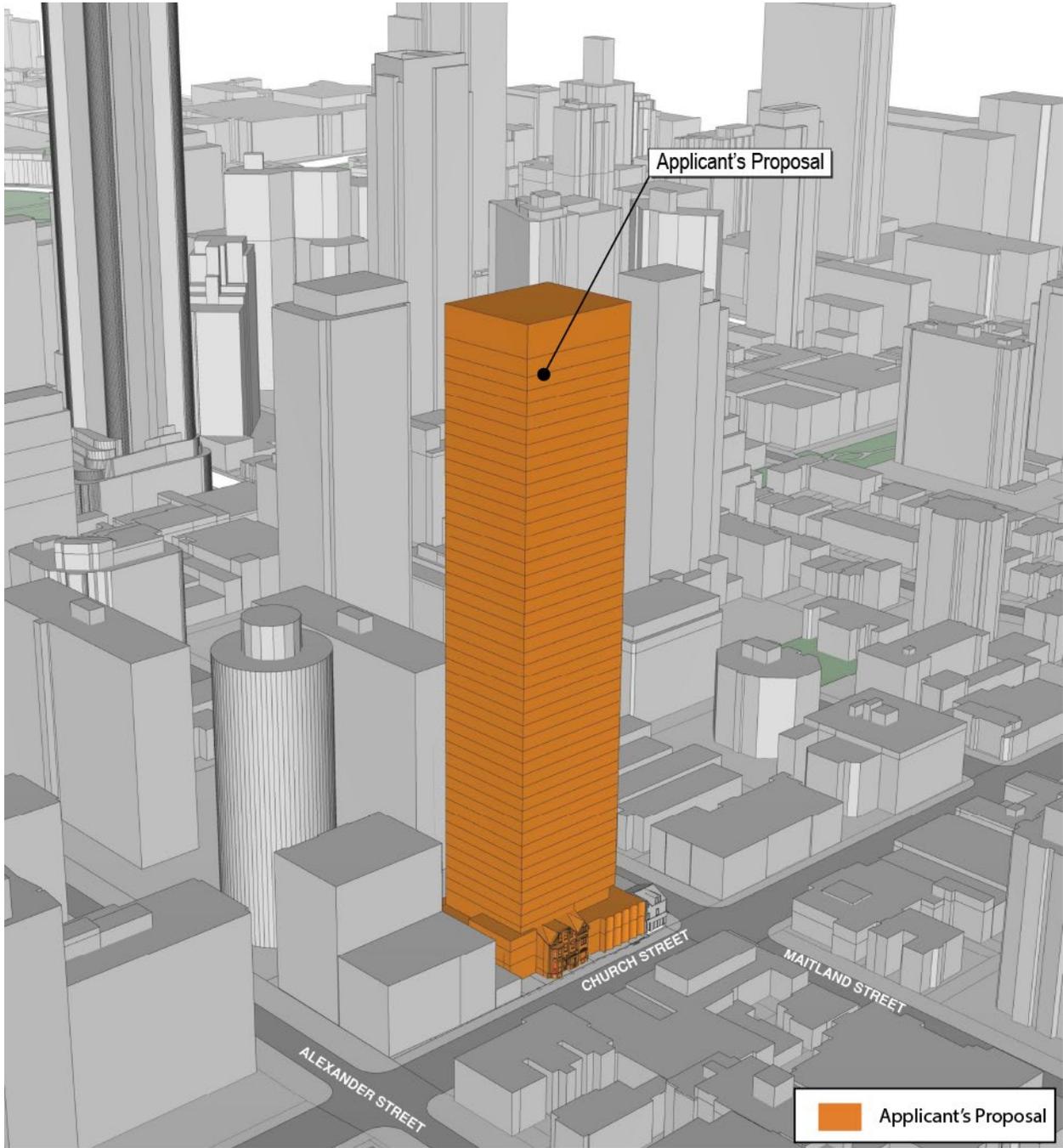


West Elevation



East Elevation

Attachment 9: 3D Massing Model



View of Applicant's Proposal Looking Northwest



11/12/2024



View of Applicant's Proposal Looking Southeast



11/12/2024