

**365 to 375 Church Street - Zoning Amendment  
Application – Request for Directions Report**

<b>Date:</b>	May 14, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	10 316211 STE 27 OZ

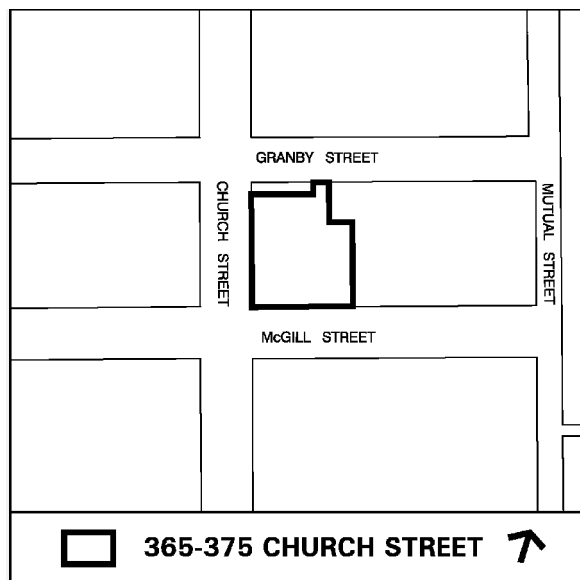
**SUMMARY**

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A hearing date has been scheduled for July 11 and 12, 2012.

The applicant proposes a 30-storey mixed use building comprised of a 3-storey podium and 27-storey tower. The building height would be 95.75 metres (101.15 metres to the mechanical penthouse). The proposed building has 322 residential units with 218 square metres (2,347 square feet) of ground floor retail space. It includes five levels of below grade parking and 161 automobile parking spaces. The applicant is also proposing 225 bicycle parking spaces. The applicant has advised it is their intent to develop this project as a condominium.

The proposal represents over-development of the site. The proposed building does not provide adequate transition to the low-rise neighbourhood to the east. It also creates significant issues regarding shadow impact, overlook and privacy for the low-rise dwellings in the area.

The approval of the proposed project would



set a negative precedent for future development that undermines the policies of the Provincial Policy Statement and the Official Plan and does not implement Council approved guidelines such as the Design Criteria for the Review of Tall Building Proposals.

This report reviews and recommends refusal of the Zoning By-law Amendment application.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 365-375 Church Street (File # 10 316211 STE 27 OZ), including the revised proposal, and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are needed in support of the position recommended in this report.
2. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
3. City Council authorize the City Solicitor in consultation with the Chief Planner, and other City staff to take any necessary steps to implement the foregoing.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal (Application)**

The applicant proposes a 30-storey residential building comprised of a 3-storey podium and a 27-storey tower. The building would include 322 residential units consisting of 28 studio units (9%), 184 one-bedroom units (57%) and 107 two-bedroom units (33%). The remaining 3 units (1%) are 2-storey, two-bedroom grade related townhouse units along McGill Street. The proposal also includes 218 square metres (2,346.5 square feet) of ground floor retail space. The ground floor height would be 3.85 metres. The applicant has advised it is their intent to develop this project as a condominium.

The height of the proposed building is 95.75 metres (101.15 metres to the mechanical penthouse). It is set back 0.935 metres from the Church Street lot line and approximately 1.5 metres from the McGill Street lot line. The proposed resulting sidewalk widths are approximately 3.5 metres on Church Street and 4 - 7.5 metres on McGill Street. The tower steps back from the podium at 3-storeys (12.4 metres). The stepback on Church

Street ranges from approximately 2 - 4.5 metres. On McGill Street, the setback of the tower from the podium ranges from 0.4 -1.5 metres. There is almost no setback from the podium at the north end of the building. The eastern portion of the tower overhangs the northern end of the podium and is set back approximately 2 - 4.5 metres at the southeast corner of the podium. The proposed building is approximately 41.5 metres long in its north south orientation and ranges from 22.5 - 30 metres in depth east to west. The proposed typical tower floor plate is 809.5 square metres.

The proposal contains outdoor amenity space and balconies beginning at the third level of the podium. There are 123 square metres of outdoor amenity area along Church Street on the west side of the third level of the podium wrapping around the south side of the building and continuing on to a portion of the east side of the building. There is also a 1.5 metre deep balcony facing east 4 metres from the eastern property line. From the 4<sup>th</sup> to the 30<sup>th</sup> storey there are 1.5 metre deep balconies on the west and east elevations of the building encroaching into the tower setback from the podium where a setback exists. There is a south facing terrace on the 27<sup>th</sup> floor with balconies above.

The proposal includes 161 car parking spacing in five levels of underground parking. No surface parking is proposed. The applicant is also proposing 225 bicycle parking spaces with 180 for residents and 45 for visitors. Seven of the visitor bicycle parking spaces are located outside and are not weather protected. Vehicular access is to be provided from two driveways, one at McGill Street and one at Granby Street. Both driveways would provide access to and from the site. Trucks are proposed to use McGill Street to access the property and Granby Street to exit the property for all loading activities.

The proposal includes 601 square metres (6,469 square feet) of indoor amenity space on the third floor of the building, with an adjoining 122.6 square metres (1,313 square feet) of outdoor amenity space on the roof of the west side of the podium along Church Street.

The pedestrian access to the residential units is proposed to be located on McGill Street near the corner at Church Street. There is also an access to the residential units from the east side of the development. The three townhouses would have individual pedestrian entrances on McGill Street and the single 2-storey retail unit that spans most of the Church Street frontage would have a mid-block pedestrian entrance on Church Street.

## **Revised Application**

On Friday afternoon on May 11, 2012 the applicant's lawyer informed City staff he would be presenting an alternate development to the Ontario Municipal Board. In the event that the application is revised for the Ontario Municipal Board hearing currently scheduled for July 11 and 12, 2012 a brief description and analysis is provided following the Comments section of this report. The description and analysis is based on the information available to staff at the time of writing this report.

## Site

The subject site is flat and rectangular with a jog on the northeast portion of the site. It is located on the northeast corner of Church Street and McGill Street. The site is 1,643.8 square metres (17,643.7 square feet) with 43.31 metres of frontage on Church Street and 39.15 metres of frontage along McGill Street. There is also a driveway access to Granby Street with a frontage of 6 metres.

The majority of the site is currently being used as a commercial surface parking lot. A 3-storey building (375 Church St) with two retail units at grade and four residential rental units above, located on the northern portion of the site, will be demolished to accommodate the proposed development. The adjacent building on the corner of Church Street and Granby Street (89 Granby Street) will remain.

## Surrounding Area

North: a 3-storey building with retail uses on the ground floor and two residential units above. There is a 12-storey residential apartment building on the opposite side of Granby Street.

South: immediately to the south is a 2-storey building that is home to Family Service Toronto, a social service organization that offers counselling, community development, advocacy and public education programs. This property is currently subject to a Zoning By-law Amendment application to permit a 33-storey mixed-use building (file No. 12 162027 STE 27 OZ). Further south on Church Street there are mixed use buildings as well as the Ryerson University campus.

East: a residential neighbourhood designated *Neighbourhoods* in the Official Plan containing semi-detached houses and townhouses.

West: a commercial surface parking lot and a building designated under the Ontario Heritage Act currently being used as a bar. Further to the west is a residential neighbourhood designated *Neighbourhoods* in the Official Plan comprised of semi-detached houses and townhouses.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City of Toronto's Official Plan contains a number of policies that affect the proposed development. Pursuant to Section 24 of the Planning Act, no by-law shall be passed that does not conform with the Official Plan. Relevant Official Plan Policies include:

### **Chapter 2 – Shaping the City**

#### **Section 2.3.1 Healthy Neighbourhoods**

This section of the Official Plan contains policies that specifically address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation. Policies in this section require development in *Mixed-Use Areas* that are adjacent or close to *Neighbourhoods* to be: compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

### **Chapter 3 – Built Form**

#### **Section 3.1.3 Built Form – Tall Buildings**

The Official Plan recognizes that Tall Buildings come with larger civic responsibilities and obligations than other buildings and includes policy requirements to assess where they can be appropriately located. Included in this section are policies that require development proposals to fit with the existing and/or planned context and limit local impacts on neighbouring streets, parks, open spaces and properties by: creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing adequate light and privacy; adequately limiting any resulting shadowing of neighbouring streets, properties and open spaces; locating and organizing vehicle parking, access, service areas and utilities to minimize their impact of the surrounding property and improve the attractiveness of adjacent streets; provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians by providing improvements to adjacent boulevards and sidewalks including street trees, lighting, and other street furniture and co-ordinated landscape improvements.

### **Chapter 4 – Land Use Designations**

#### **Section 4.5 Mixed Use Areas**

The subject site is designated *Mixed Use Areas* on Map 18 – Land Use Plan. The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use*

*Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to ensure they: provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*; locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes; locate and mass new buildings to 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; provide an attractive and safe pedestrian environment; have access to schools, parks, community centres, libraries and childcare; take advantage of nearby transit services; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents.

### **Site and Area Specific Policy 151**

This site is also subject to Official Plan Area Specific Policy 151. This policy applies to the area south of Carlton Street and north of Gerrard Street East between Yonge and Jarvis Streets. It requires new buildings in *Mixed Use Areas* to be designed to minimize the extent to which they overlook, overshadow, or block views from existing or committed house-form buildings, and to ensure that the location of new vehicular access routes does not interfere with the use of private open space of adjacent homes.

### **Zoning**

The majority of the site is zoned CR T3.0 C2.0 R3.0 under by-law 438-86, as amended. This is a mixed-use zoning designation that permits a variety of residential, commercial, recreational, community service, institutional and cultural uses. The maximum permitted density is 3.0 times the lot area and the maximum height permitted is 18 metres.

The portion of this site which functions as a driveway access to Granby Street is zoned R3 Z1.0. This zoning designation permits a variety of residential uses from detached houses to apartment buildings. The maximum permitted height on this portion of the property is 12 metres.

The Zoning By-law also requires an angular plane of 44 degrees be maintained above 16 metres along Church Street and that all buildings and structures be set back a minimum of two metres from Church Street.

### **Tall Building Guidelines**

Toronto City Council approved the use of the document, “Design Criteria for Review of Tall Building Proposals” (Tall Building Guidelines) in June, 2006 and in April, 2010 extended authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. In this case, the right-of way for Church Street between McGill Street and Granby Street is 20 metres and as such, the proposed building at 95.75 metres in height is considered a tall building. The Design

Criteria provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floorplates, separation distances, pedestrian realm considerations and sustainable design. This document will be used to assess the proposed and revised application. ([www.toronto.ca/planning/urbdesign/index.htm](http://www.toronto.ca/planning/urbdesign/index.htm))

### **Site Plan Control**

The proposed development is subject to site plan control. An application for site plan control has not been submitted, but will be required if the Zoning By-law Amendment application is approved in some form by the Ontario Municipal Board.

### **Tree Preservation**

The applicant has submitted an arborist report and a tree inventory plan which have been reviewed by Urban Forestry staff. There are 15 trees on or surrounding the site that would be affected by this proposal. Twelve of the trees are subject to the City Public Street Tree By-law. Three of the five trees along Granby Street and six of the seven trees along McGill Street are proposed to be removed to accommodate the proposed development. Two of the three trees located on private property are proposed to be removed and are exempt from the private tree by-law. There is one tree on the adjacent property, 99 Granby Street that would be required to be removed due to its proximity to the excavation for the underground parking structure.

### **Reasons for Application**

The Zoning By-law Amendment application is required to permit the proposed 30-storey, 322-unit mixed use building and the revised 29-storey, 358-unit mixed use building and establish the appropriate development standards. Increases in height and density and the elimination of the provision requiring an angular plane along the Church Street frontage are among the more significant changes to the Zoning By-law being requested by the applicant.

### **Community Consultation**

A community consultation meeting for the original application was held on March 31, 2011. Approximately 80 members of the public that attended the meeting along with the Ward Councillor, City Planning staff and the applicant's development team. Issues raised at the meeting and submitted on the comments sheets distributed at the meeting include:

1. concern about the height, building mass and the shadow this building would cast on the low-rise buildings in the area;
2. concern about the precedent this would set for other developments in the neighbourhood;
3. concern about privacy and overlook from the new development to surrounding properties;

4. concern about the increase in traffic as a result of this development;
5. concern about the noise and vehicle exhaust from the loading area at the rear of the building;
6. concern with that the building material at the podium level will not fit in with the existing house-form buildings in the neighbourhood; and
7. concerned not enough family units were proposed.

At the conclusion of the meeting the Ward Councillor recommended a working group process to explore possible changes to the application.

#### Working Group Process

The purpose of a working group is to assemble area stakeholders to facilitate a more focused community discussion on the proposal. A working group was formed made up of representatives from the McGill Granby Village Neighbourhood Association, high rise condominium developments in the area (77 Carleton Street and 285 Mutual Street), low-rise house form buildings in the surrounding neighbourhood and a representative from Toronto Family Services (355 Church Street). Despite the fact that the majority of the responses from the community were critical of the proposal, special attention was given to including members of the community who were in favour of the development in order to foster dialogue about the proposal.

These representatives worked with City Planning staff and the applicant's team and met on four occasions (June 8, 2011, June 28, 2011 and July 11, 2011 and July 25, 2011).

During the June 8<sup>th</sup> meeting the applicant's architect gave a brief presentation of the proposed development. The primary focus of this meeting was to discuss unit composition and issues that would affect the pedestrian realm. Group members expressed the following concerns:

- the proposed townhouse element of the podium on McGill Street should more closely resemble the look and feel of the existing buildings in the neighbourhood;
- there should be more family sized (three-bedrooms or more) units in the townhouses and the tower;
- the new street trees should be sycamore trees; and
- need noise mitigation strategy for garbage/loading area.

During the June 28<sup>th</sup>, 2011 working group meeting, the primary focus was parking, traffic, loading and built form. There was some discussion on built form but most of the discussion on built form and massing was deferred to the following week. The applicant presented the working group with revisions to the drawings based on the previous weeks discussion which showed the following:



- three car share spaces were added;
- signs for the commercial units were upgraded;
- added 38 3-bedroom units; and
- townhouses treatment modified to better fit within the existing neighbourhood through a less modern design and the addition of red brick to sections of the podium.

Group members expressed the following concerns:

- townhouses still have too much glass, should contain more brick;
- still too many one bedroom units;
- safety issues surrounding driveway;
- building still too tall, should be mid-rise up to 12 storeys;
- a tower on this site would cause a significant negative impact to the privacy in the rear yard of the low-rise buildings; and
- some members were okay with the height of the building if the setbacks from Church Street and McGill Street could be increased to five metres and the tower floor plate could be reduced.

Prior to the conclusion of the meeting Councillor Wong-Tam requested the applicant provide three new renderings of the proposal at 15, 20 and 25-storeys for discussion at the next meeting.

During the July 11th, 2011 working group meeting the primary focus was built form, height and massing. The applicant did not provide the group with renderings of the building at 15, 20 or 25-storeys. The applicant made the following changes to the proposal based on the previous working group meeting:

- removal of the balconies on the first six floors on the east side of the building to reduce privacy and overlook concerns;
- outdoor amenity space on the west side of the podium;
- staggered balconies instead of the previous continuous balconies;
- reduction on size of the east facing balconies;
- increase tower setback to 3-4 metres on the south side of the building; and
- 2/3rds of the glass on the east side of the building would be treated glass to reduce overlook.

Group members expressed the following concerns:

- building is too tall; some residents would be more comfortable with a mid-rise building some with a 20 storey building;
- two group members had no concern with the height;
- the floorplate of the building should be reduced; and
- group members were happy with the appearance (design) of the building even though there were still concerns over the height.

Prior to the conclusion of this working group meeting Councillor Wong-Tam told the working group that a fourth session was being added and that the applicant was required to bring in the requested 15, 20 and 25-storey renderings of the proposed building for discussion.

During the July 25<sup>th</sup>, 2011 working group meeting the primary focus remained on height and massing. At the beginning of the meeting the proponents lawyer noted only a rendering of a 25-storey building was being provided as the applicant was not prepared to build anything lower than this. He also noted they were trying to add amenity space to the rooftop but were working through some technical issues.

The working group was split on the issue of height with half of the members preferring a shorter building while the others were not as concerned with the height provided the tower was setback further from McGill Street, was slimmer and maintained an active and attractive street environment.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

### **Planning Act, Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Part V, Policy 1.0 Building Strong Communities provides that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.

The Provincial Policy Statement also states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The City of Toronto has done so and the current proposal does not conform to those policies in the Official Plan.

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It also requires municipalities to set clear targets for population and employment growth. The entire City of Toronto has been designated a growth area in the Growth Plan and has set population and employment growth targets as required by the Plan. The City has set a Growth Plan population target of 3.08 million by 2031, which, at the time of adoption, would have

required an increase of 17,000 people per year to accomplish. Currently the City is averaging 27,500 people per year and is well on its way to meeting its growth targets.

## **Land Use**

The proposed mix of residential and commercial uses is permitted by the Zoning By-law for the majority of the site. The commercial component is not permitted under the current R3 zoning designation on the northeast portion of the property.

## **Built Form**

### **Massing**

The proposed building exhibits substantial massing in relation to a relatively small site and the low-rise *Neighbourhood* to the east. A significant amount of the massing is distributed in a north to south alignment. The proposed tower dimensions are approximately 41 metres in its north-south orientation and 21 metres in its east-west orientation. This massing is also distributed, at points, straight up from ground level to the 30<sup>th</sup> storey on the east elevation of the tower with setbacks of only 5-13 metres to the east property line. There is a stepback from the podium on the east elevation for the south half of the tower length. There is no stepback from the podium on the east elevation on its northern half. This portion of the building overhangs the podium.

This massing results in a very imposing tower in relation to the low-rise buildings to the east designated *Neighbourhoods* in the Official Plan. Policies and development criteria in Section 2.3.1 – Healthy Neighbourhoods, Section 3.1.3 – Tall Buildings and Section 4.5 – Mixed Use Areas of the Official Plan require new buildings to be located and massed to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or a stepping down of heights, particularly toward lower scale *Neighbourhoods*. The setback of the proposed tower from the property to the east does not conform to or maintain the intent of the Official Plan as the setback is relatively small for such a tall building and there is no stepping down of heights toward the lower-scale *Neighbourhood* to the east.

The Council endorsed Design Criteria for the Review of Tall Building Proposals contains recommendations to reduce the massing of tall buildings through various design elements for the base, middle and top of the building. The Tall Building Guidelines recommends an appropriate tower stepback from the base building to reduce the negative impact of the taller element of the building on the street proportion and context. It requires that the taller the building is in relationship to the base, the greater the stepback should be, but that the minimum stepback from the base is 5 metres. The proposed building currently steps back 2 - 4.5 metres along Church Street and 0.4 - 1.5 metres along McGill Street. This does not meet the stepback requirements in the tall building guidelines.

With regard to the middle portion of the building, the Tall Building Guidelines recommend building floor plates be 743 square metres of gross construction area or less, unless articulated to minimize shadow and loss of sky view. The proposed tower has a typical floor plate of 810 square metres of gross floor area which is a less onerous

measurement than gross construction area. While the design is somewhat articulated it does not minimize shadow or loss of sky view.

The Tall Building Guidelines recommends articulating the upper most floors of tall buildings to achieve a distinctive skyline profile. The proposal does not include articulation of the uppermost floors.

### **Height**

The proposed building is 30 storeys in height (101.15 metres to the mechanical penthouse). There are currently no buildings in the immediate area that are this tall. The closest comparable building along Church Street in the area between Dundas Street East and Wellesley Street East is the 12-storey Toronto Community Housing Building on the opposite side of Granby Street north of the site. There is a 25-storey building at 86 Gerrard Street East and a 22-storey building at 96 Gerrard Street East which are located on the north side of Gerrard Street East between Church Street and Mutual Street. These buildings were approved prior to the current Official Plan. Furthermore, approving additional developments with similar height and separation distances to the McGill-Granby neighbourhood would result in further loss of skyview and additional shadowing on the neighbourhood.

There are cases where the City of Toronto has approved non-contextual heights based on larger city building objectives or where it can be demonstrated that the additional proposed height would have a negligible impact, among other reasons. That is not the case for the proposed tower. The impacts that arise from the proposed height will be discussed further below.

### **Transition**

The City of Toronto Official Plan contains policies in Section 4.5 on *Mixed Use Areas* that require development to: "locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*".

The proposed building does not have a sufficient transition to the surrounding McGill-Granby neighbourhood. The 1.5 - 4.75 metre stepback on the south half of the east elevation of the tower and the podium overhang on the north half of the east elevation of the tower are not sufficient to implement the intent of the Official Plan, especially when combined with the overall height of the proposed tower. Additionally, the tower setback from the low-rise neighbourhood to the east of between 5 metres and 13 metres is not sufficient to implement the intent of this policy. Staff have typically recommended approval of towers downtown with a minimum 20 metre setback of the tower from a *Neighbourhood*.

Transition to lower scale *Neighbourhoods* is important in mitigating issues that may arise from locating tall buildings adjacent to low-rise Neighbourhoods. Area Specific Policy 151 in the City of Toronto Official Plan requires that any new development in *Mixed Use*

*Areas* within its boundaries mitigate impacts on views and shadowing on the existing house-form buildings in the area. The 5 -13 metre tower setback from the east property line, combined with the proposed height and massing of the tower, impact the views from the existing house-form buildings and their respective private amenity space as well as the public realm. In combination with the proposed buildings height, it also creates substantial overlook issues from the tower into the yards of the low-rise houses. The balconies on the proposed building exacerbate the poor transition from the proposed tall building to the *Neighbourhood* by encroaching into the east elevation tower setback from the neighbourhood an additional 1.5 metres. The tower will also have a shadow impact on the surrounding low-rise *Neighbourhood* as discussed below.

### **Sun, Shadow**

The proposed building will cause significant shadowing on the surrounding McGill-Granby Neighbourhood. The Official Plan requires new development to fit into its existing and/or planned context including by adequately limiting any resulting shadowing of neighbouring streets, properties and open spaces particularly during the vernal and autumnal equinoxes. Area Specific Policy 151 also specifies that development in *Mixed-Use Areas* should mitigate shadowing on the existing house form buildings in the area. No particular times are specified.

The applicant has submitted a shadow study for the proposed development which shows the shadowing effect of the proposed development on the surrounding area on March 21<sup>st</sup>. From 9:15 a.m. to 6:15 p.m. the study shows the proposed building will have a significant shadow impact on the low-rise neighbourhood on the west side of Church Street from sunrise to 9:15 a.m. on the low-rise neighbourhood on the east side of Church Street from 2:15 p.m. until after 6:15 p.m. In this respect, the proposal does not conform to, or maintain the intent of the Official Plan.

### **Pedestrian Amenity**

The applicant has submitted a pedestrian level wind study for the proposed development. Wind conditions on and around the site are predicted to remain comfortable and suitable for walking, standing or better, year round.

To implement Built Form Policies in Section 3.1.2 of the Official Plan, the Tall Building Guidelines require new development to provide new high quality streetscapes including weather protection. Staff recommends a minimum sidewalk width of 5 metres and weather protection with a minimum depth of 3 metres be achieved along Church Street. The proposal does not include a widening of the sidewalk on Church Street or the planting of street trees on Church Street. The proposal also does not include pedestrian weather protection on Church Street.

### **Traffic Impact, Access, Parking**

#### **Traffic Impact**

A Traffic Impact Study prepared by LEA Consulting Limited dated December, 2010 has been submitted and reviewed by Technical Services Division staff. Staff are satisfied

with the results of the Study. Any additional trip generation can be accommodated by the area road network.

### **Parking and Loading**

The applicant is proposing a total of 161 parking spaces in a 5 level of underground garage. City staff have determined the appropriate parking rates for the development. Based on the proposed unit number and mix 167 parking spaces should be provided. Should this development be approved in some form by the Ontario Municipal Board the applicant should meet the following parking requirements. Car share spaces could be secured in order to reduce parking requirements.

Resident parking:

Bachelor units: 0.22 Spaces Per Unit

1-bedroom units: 0.36 Spaces Per Unit

2-bedroom units: 0.56 Spaces Per Unit

3+- bedroom units: 0.76 Spaces Per Unit

Visitors: 0.035 Spaces Per Unit

The applicant is proposing 225 bicycle parking spaces with 180 for residents and 45 for visitors which is consistent with the By-law 438-86 and the Toronto Green Development Standard. Should this development be approved by the Ontario Municipal Board the applicant should continue to meet the existing bicycle parking requirements.

The entrance to the parking and loading area is proposed to be located in the east side of the site with the inbound access from McGill Street to the south and exiting onto Granby Street to the north. Technical Services are satisfied with this design.

### **Servicing**

The functional servicing report submitted with the application was reviewed by Technical Services. There is adequate water supply as well as capacity in the combined sewer on McGill Street for the proposed sanitary discharge from the site. There did not appear to be adequate capacity for storm discharge from the site. The applicant's consultant is required to address this through a revised functional servicing report.

If the application is approved by the Ontario Municipal board, the applicant will be required to provide a detailed stormwater management report and a site servicing and grading drawing prior to site plan approval.

### **Amenity Space**

There are 322 units proposed. By-law 438-86 requires 2 square meters of indoor amenity space for each unit and 2 square metres of outdoor amenity space for each unit. This results in a requirement of 644 square metres of indoor amenity space and 644 square metres of outdoor amenity space. The applicant is proposing 601 square metres of indoor amenity space and only 123 square metres of outdoor amenity space. The proposed development does not meet these current standards. The shortfall in outdoor

amenity space, particularly in an area that is parkland and community service deficient, is not acceptable.

### **Unit Mix**

The proposed building would include 322 residential units consisting of 28 studio units (9%), 184 one-bedroom units (57%) and 107 two-bedroom units (33%). The remaining 3 units (1%) are 2-storey, two-bedroom grade related townhouse units along McGill Street. In order to provide for a mix of housing and units types to accommodate a range of individual and family needs so downtown residents can remain downtown if their housing requirements change, Planning staff are seeking a minimum of 10% of units in new development be three-bedrooms or larger. This proposal includes no three-bedroom units.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.00 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 Alternative Parkland Dedication By-law 1420-2007.

The application proposes 322 residential units on a site with a net area of 1,643.8 m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication requirement is 0.4293 hectare. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 164.3 m<sup>2</sup>.

The non residential component of the development would be subject to a 2% parkland dedication requirement under By-law 1020-2010.

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 164.3 m<sup>2</sup> would not be of a useable size and the entire site is to be encumbered by an underground garage.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Should the application be approved, the applicant will be required to submit a site plan that brings their proposal into compliance with these standards.

### **Section 37**

Section 37 benefits have not been determined in the absence of an agreement on appropriate height and massing and other issues raised in this report.

### **Alternate Proposal**

On the afternoon of May 11, 2012 the applicant's lawyer informed City staff he would be presenting an alternate development to the Ontario Municipal Board. In the event that the application is revised for the Ontario Municipal Board Hearing currently scheduled for July 11 and 12, 2012 a description and brief analysis is provided below based on the information made available to us.

### **Revised Application Description**

The applicant has proposed a 29-storey residential building comprised of a 3-storey podium and a 26-storey tower. The building would include 358 residential units consisting of 79 studio units (22%), 211 one-bedroom units (59%) and 40 two-bedroom units (11%) and 28 3-bedroom units (8%). The proposal also includes 177 square metres of ground floor retail space. The ground floor height would be 6.3 metres.

The height of the proposed building is 95.1 metres (100 metres to the mechanical penthouse). The ground floor is set back 4.5 metres from the Church Street lot line and approximately 0.5 metres from the McGill Street lot line. The tower steps back from the podium at 3-storeys. The tower setback on Church Street is 3 metres. On McGill Street, the setback of the tower from the podium is 2 metres. There is a tower setback from the podium at the north end of the building. There is no tower setback from the eastern portion of the tower at the northern end of the podium. The proposed building is 36.1 metres long in its north-south orientation and ranges from 22.2 metres to from east to west. The proposed typical tower floor plate 732 square metres measured in gross floor area.

The proposal contains 716 square metres of indoor amenity area located on the second and fourth levels. There is 63 square metres of outdoor amenity area along Church Street on the west side of the third level of the podium wrapping around the south side of the building and continuing on to a portion of the east side of the building. At levels 5 and 6 and levels 8 through 29 there is a 1.5 metre deep continuous balcony on the west elevation along Church Street and on the north elevation wrapping around to the east elevation that projects into the tower setbacks. The 7<sup>th</sup> level also contains balconies on the west, south and east elevations as well as private amenity terraces on the north elevation.

The proposal includes 161 car parking spacing in five levels of underground parking. No surface parking is proposed. The applicant is also proposing 250 bicycle parking spaces with 228 for residents and 22 for visitors. Vehicular access is to be provided from two



driveways, one at McGill Street and one at Granby Street. Both driveways would provide access to and from the site. Trucks are proposed to use McGill Street to access the property and Granby Street to exit the property for all loading activities.

The pedestrian access to the residential units is proposed to be located on McGill Street near the corner at Church Street. There is also an access to the residential units from the east side of the development. The three townhouses would have individual pedestrian entrances on McGill Street and the single 2-storey retail unit that spans most of the Church Street frontage would have a mid-block pedestrian entrance on Church Street.

### **Revised Application Analysis**

Based on the material provided for the revised proposal, the applicant has made some improvements to the project in response to Planning staff concerns. However, the revisions still do not conform to the Official Plan policies outlined above.

The applicant has increased the tower setback from the *Neighbourhoods* designation to the east to between 7.5-15 metres and increased the tower stepback from McGill Street to 2 metres. The tower massing in its north-south alignment as been decreased by 5 metres at the north end of the tower. The ground floor has been pulled back from the Church Street property line to allow for a 4.5 metre sidewalk and 28 3-bedroom units (8%) have been included in the design.

The proposal now includes an additional 36 units including a significant increase in studio and one-bedroom units. Despite the addition of 28 three-bedroom units, the applicant has decreased the number of two-bedroom units from 110 to 40.

No meaningful revisions were made to the building height as it has been decreased by only 0.65 metres and while the balconies have been altered to fit with the new proposal, they continue to project into the inadequate tower stepbacks on all building elevations.

While some of the revisions to the proposal were improvements to the previous version, they do not address the issues identified above including massing, transition to the low-rise neighbourhood to the east, overlook and privacy concerns, shadowing on house-form buildings in the neighbourhood designation and adequate tower stepbacks from Church Street, McGill Street and the *Neighbourhood* to the east. The revised proposal does not conform to or maintain the intent of the Official Plan and the Tall Building Guidelines.

### **Conclusion**

Numerous attempts were made by the staff and the applicant to find a way to address the issues outlined in this report. However, these issues were unable to be resolved and the Zoning By-law Amendment was appealed to the Ontario Municipal Board by the applicant for City Council's refusal or neglect to make a decision within 120 days from the submission of an Application for a Zoning By-law Amendment.

Both the application and the revised application fail to meet the policies in Official Plan including Section 2.3.1 – Healthy Neighbourhoods, Section 3.1.3 – Tall Buildings and

the development criteria for proposals in *Mixed Use Areas* adjacent to *Neighbourhoods*. In addition, both the application and revised application do not meet the added policy tests of Site and Area Specific Policy 151 or the Council endorsed Design Criteria for Review of Tall Building Proposals. The lack of transitions, as well as inappropriate setbacks and the inappropriate tower height, all contribute to both proposals failing to meet these policies. As such, Planning staff are recommending refusal of the Zoning By-law Amendment application and the recent revisions to the application.

## **CONTACT**

Alex Teixeira, Planner  
Tel. No. 416-392-0481  
Fax No. 416-392-1330  
E-mail: [ateixei@toronto.ca](mailto:ateixei@toronto.ca)

## **SIGNATURE**

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Raymond David , Director , MCIP, RPP  
Community Planning, Toronto and East York District

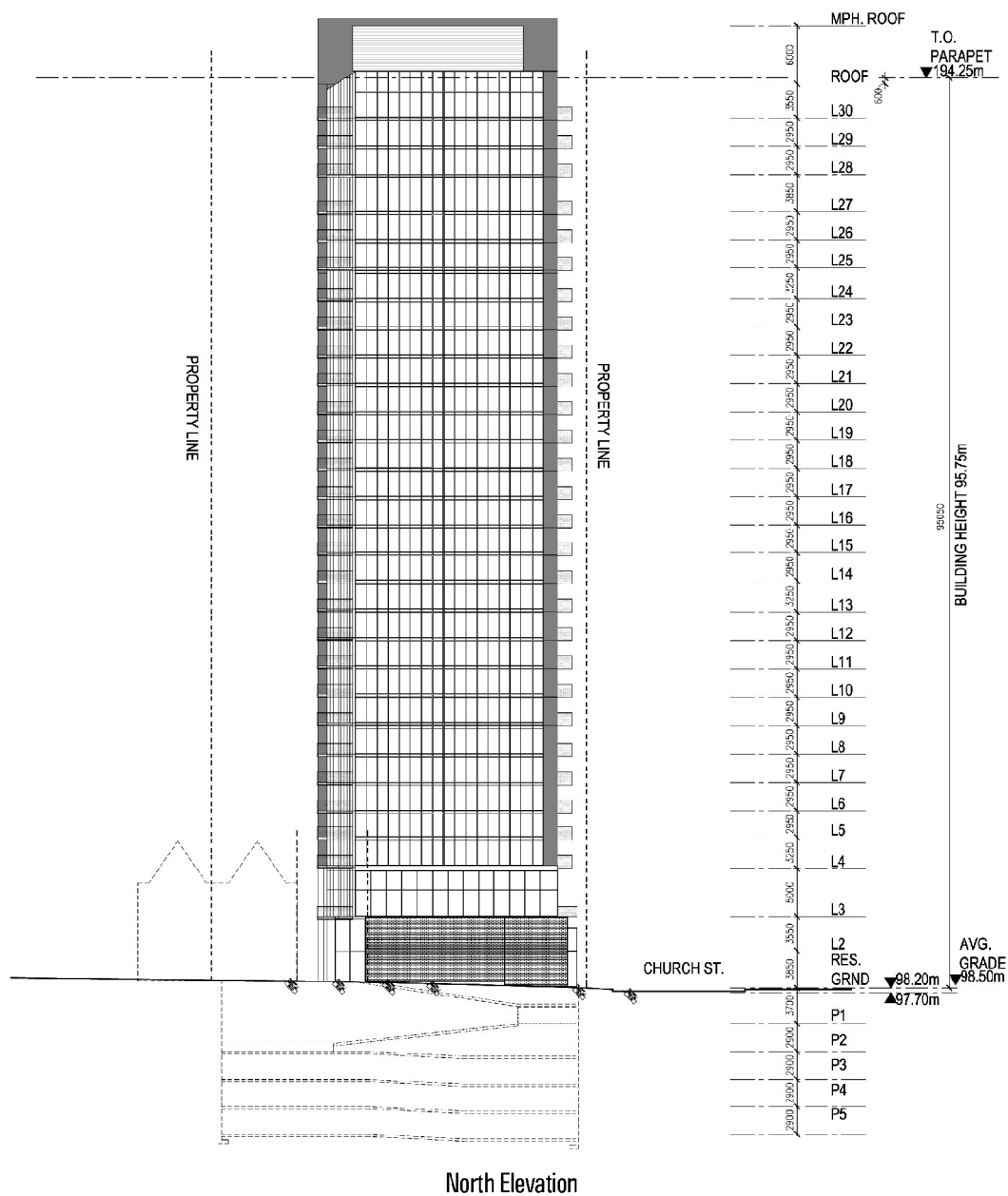
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## **ATTACHMENTS**

Attachment 1: Site Plan (Original)  
Attachment 2a: North Elevation (Original)  
Attachment 2b: South Elevation (Original)  
Attachment 2c: East Elevation (Original)  
Attachment 2d: West Elevation (Original)  
Attachment 3: Site Plan (Revised)  
Attachment 4a: North Elevation (Revised)  
Attachment 4b: South Elevation (Revised)  
Attachment 4c: East Elevation (Revised)  
Attachment 4d: West Elevation (Revised)  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet for Original Proposal  
Attachment 7: Application Data Sheet for Revised Proposal



## Attachment 2a: North Elevation (Original)



### North Elevation

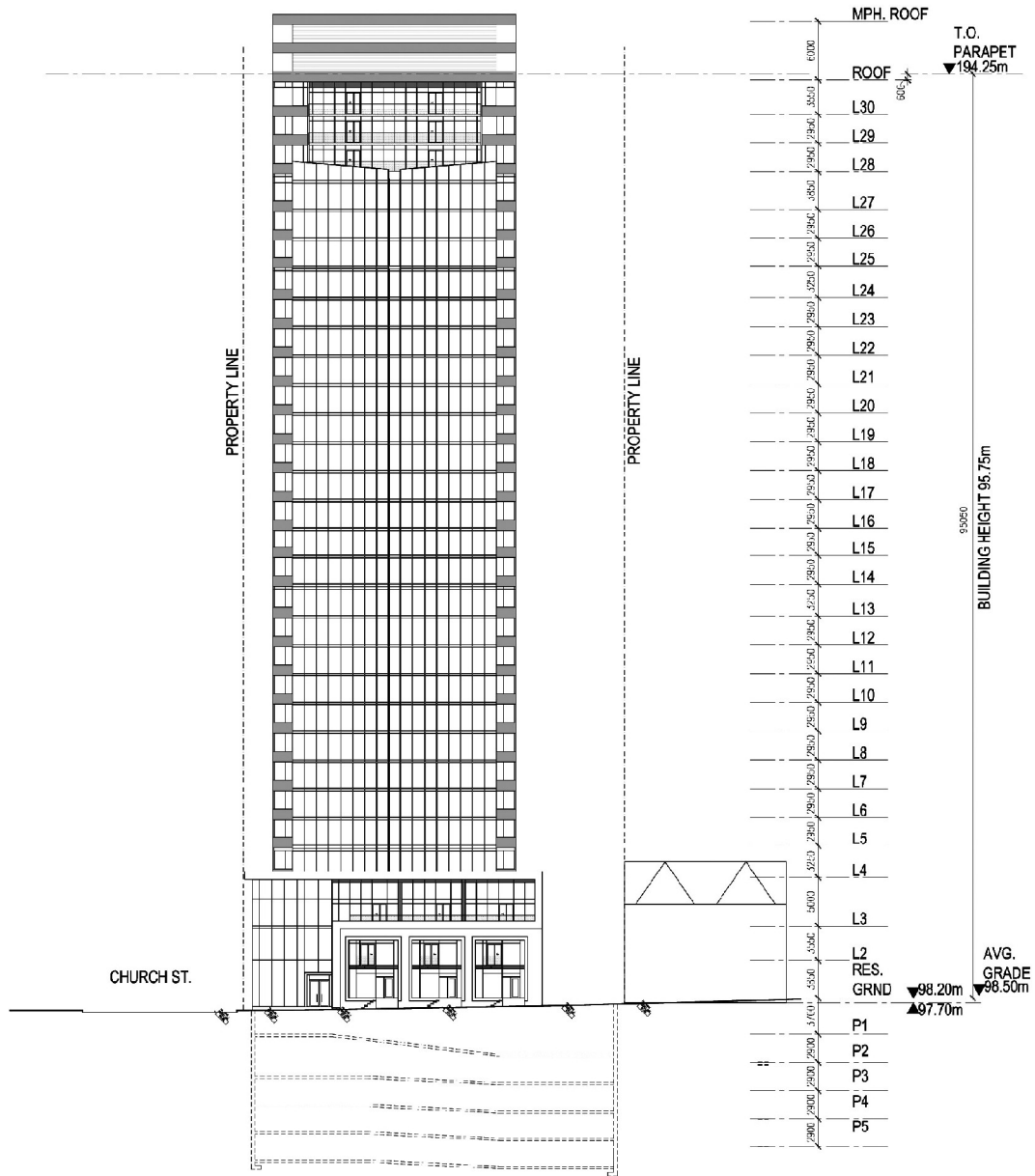
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Not to Scale  
01/13/11

### 365-375 Church Street

File #10\_316211

## Attachment 2b: South Elevation (Original)



### South Elevation

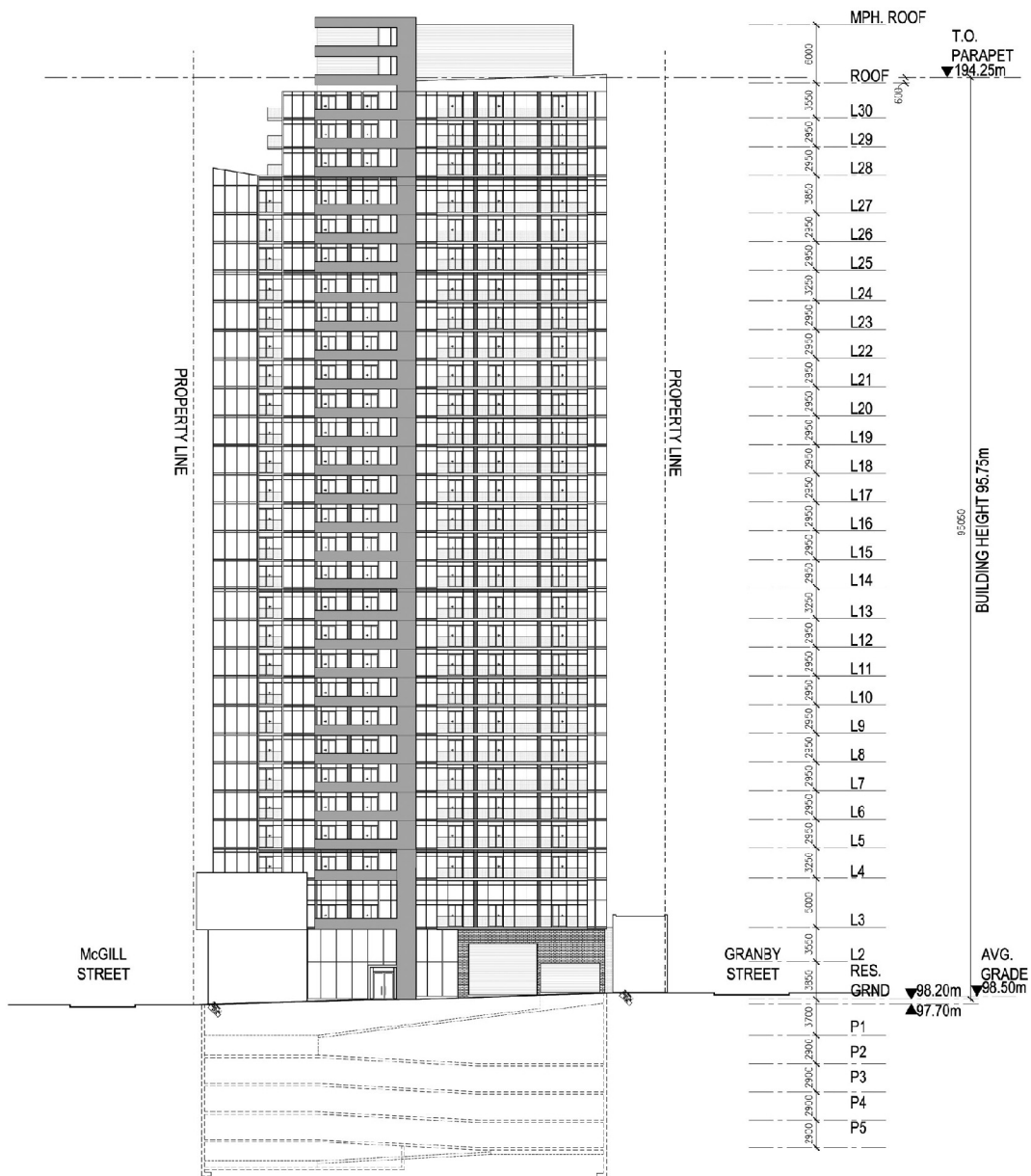
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01/13/11

### 365-375 Church Street

File #10\_316211

### Attachment 2c: East Elevation (Original)



East Elevation

### East Elevation

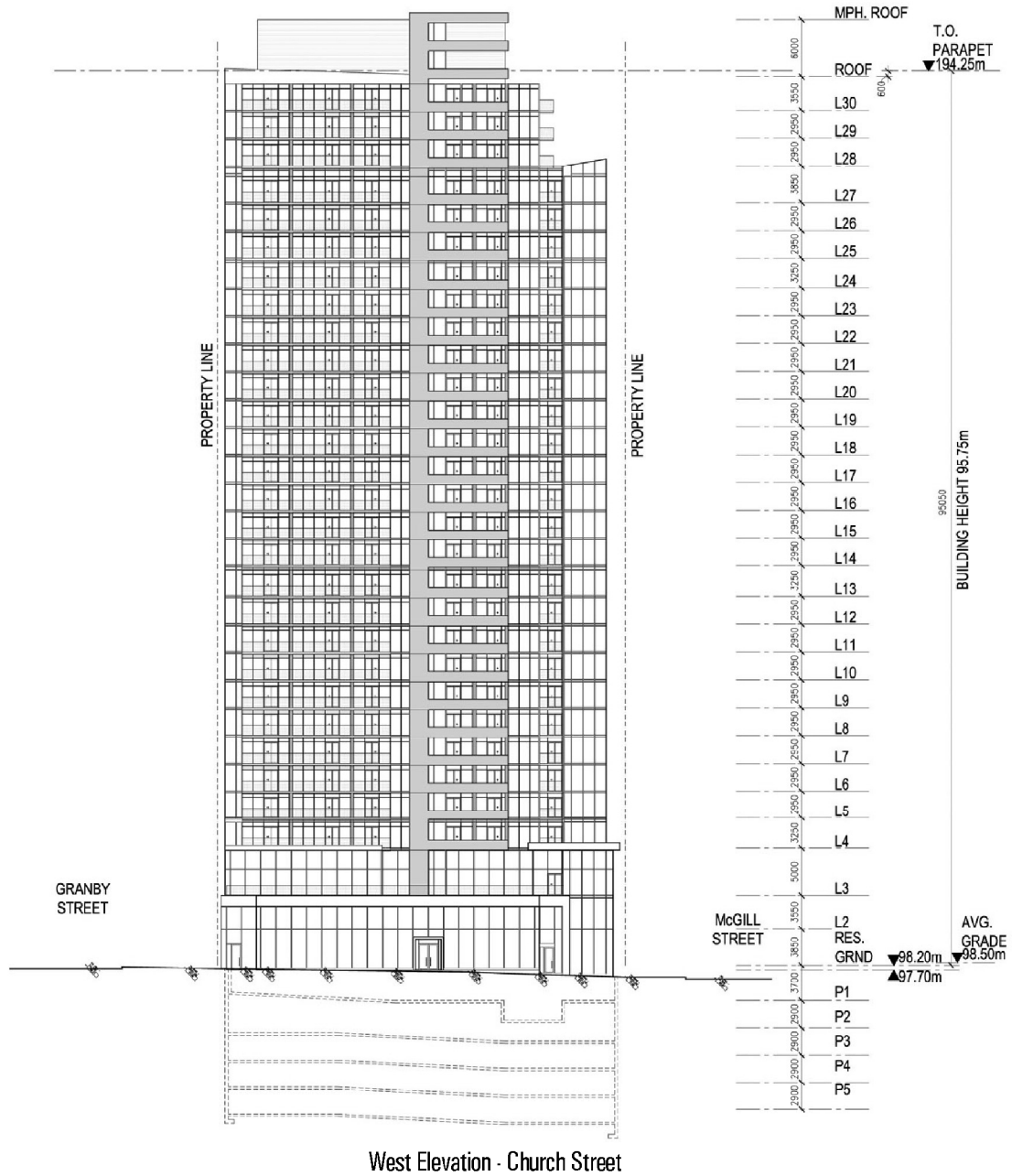
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01/13/11

### 365-375 Church Street

File #10\_316211

**Attachment 2d: West Elevation (Original)**



**West Elevation**

**365-375 Church Street**

Applicant's Submitted Drawing

Not to Scale  
01/13/11

File #10\_316211

**Attachment 3: Site Plan (Revised)**



**Area Plan**

**365-375 Church Street**

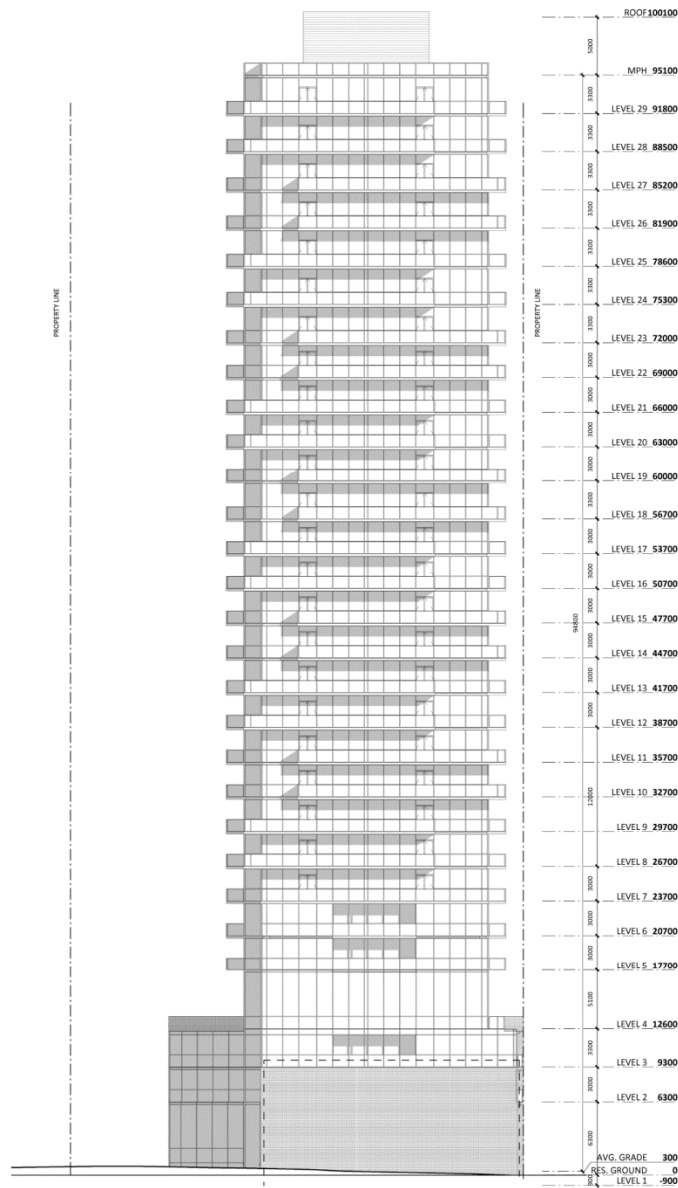
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File #10 316211 0Z



## Attachment 4a: North Elevation (Revised)



North Elevation

### Elevation

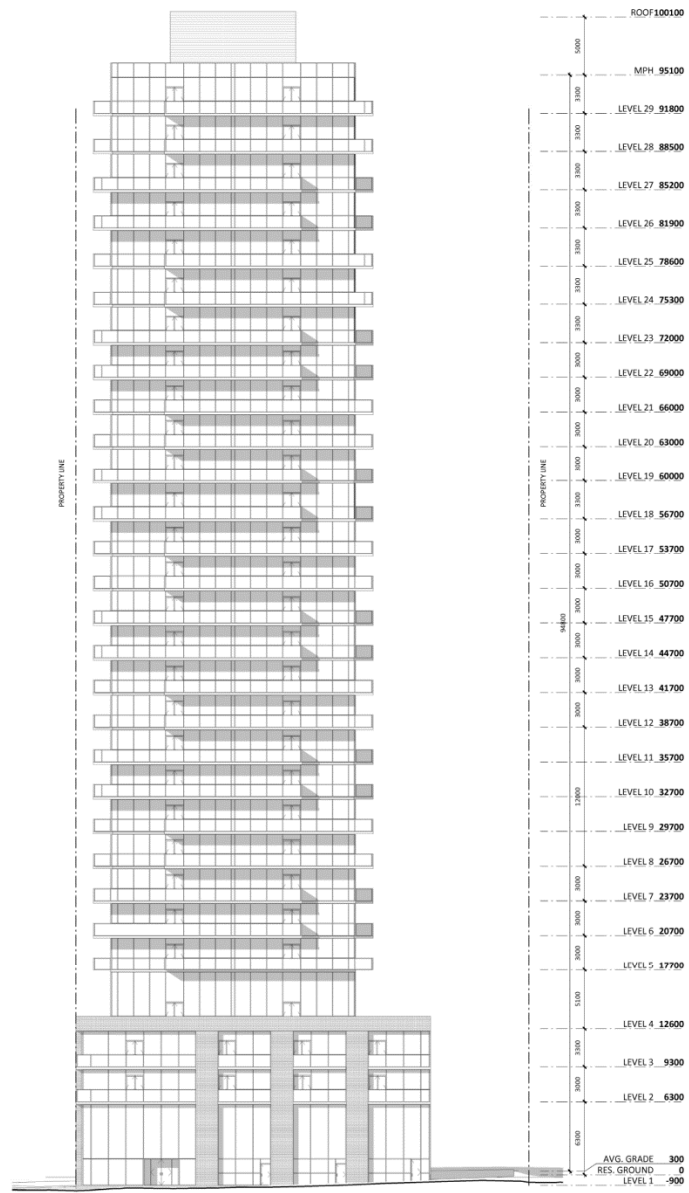
Applicant's Submitted Drawing

Not to Scale  
05/14/2012

365-375 Church Street

File #10 316211 0Z

## Attachment 4b: South Elevation (Revised)



South Elevation

### Elevation

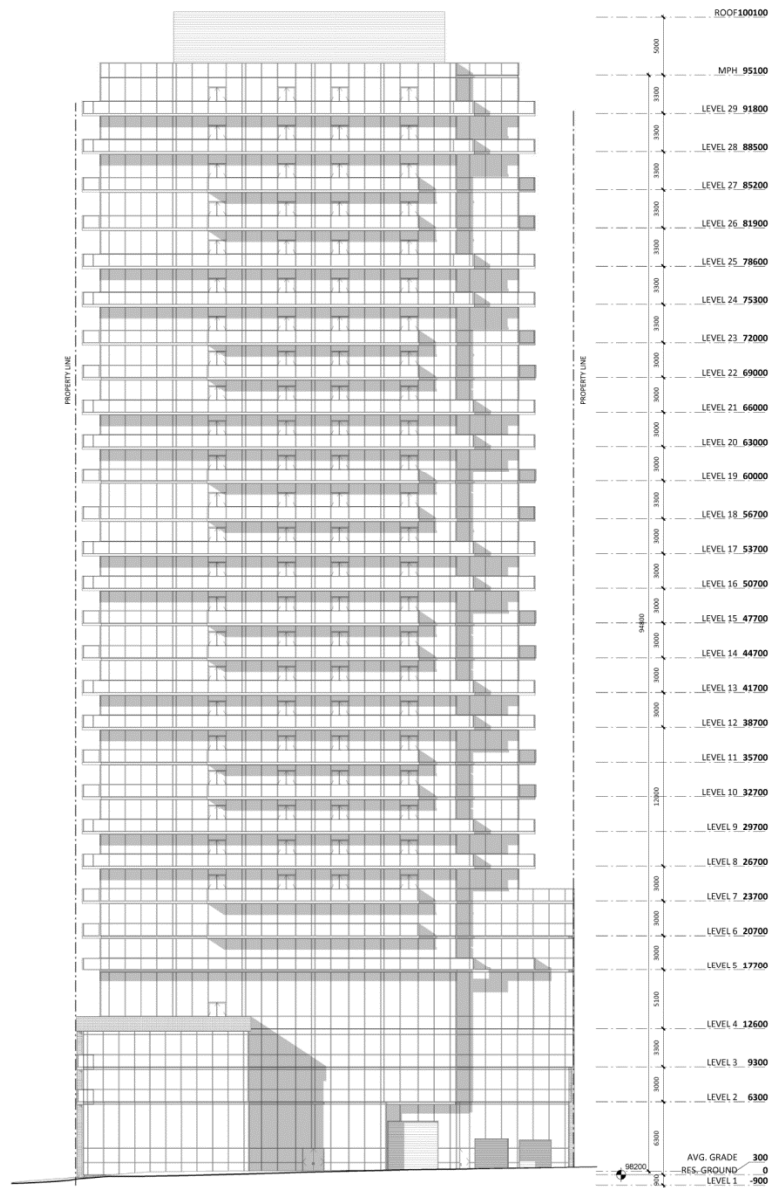
Applicant's Submitted Drawing

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365-375 Church Street

File #10 316211 0Z

## Attachment 4c: East Elevation (Revised)



East Elevation

### Elevation

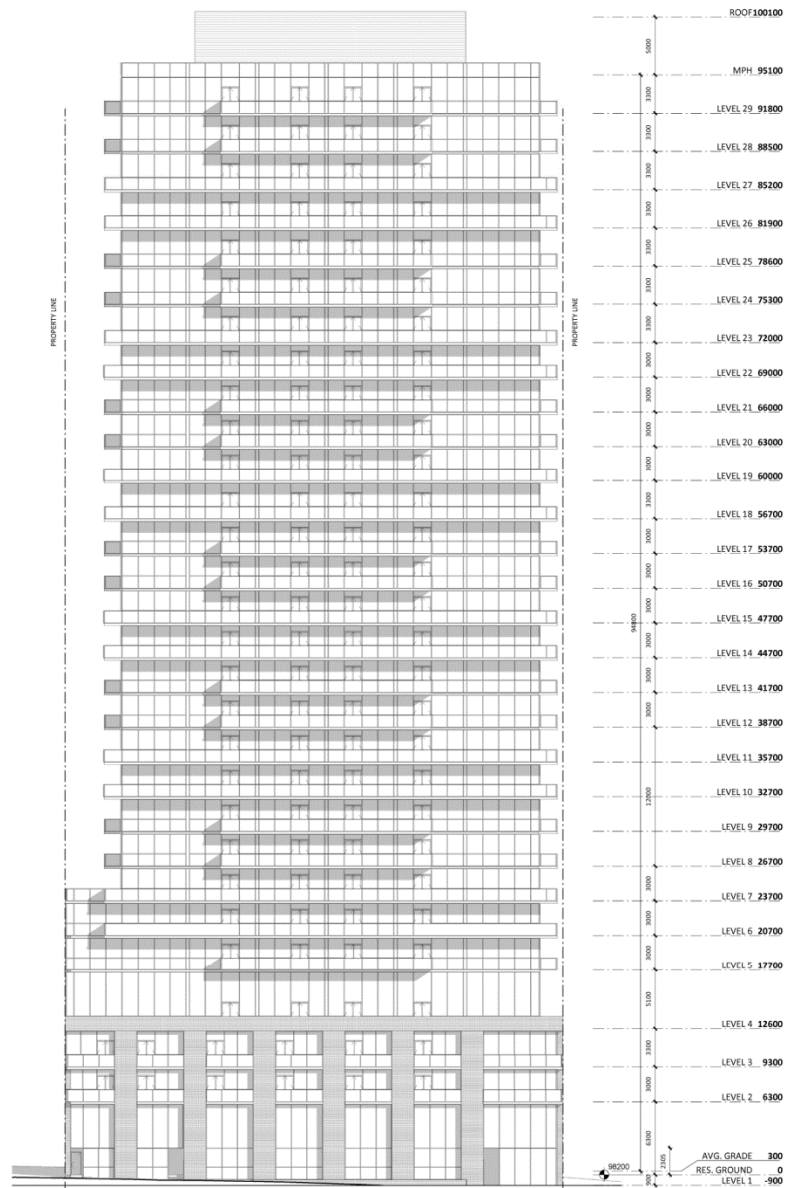
Applicant's Submitted Drawing

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05/14/2012

365-375 Church Street

File #10 316211 0Z

## Attachment 4d: West Elevation (Revised)



West Elevation

### Elevation

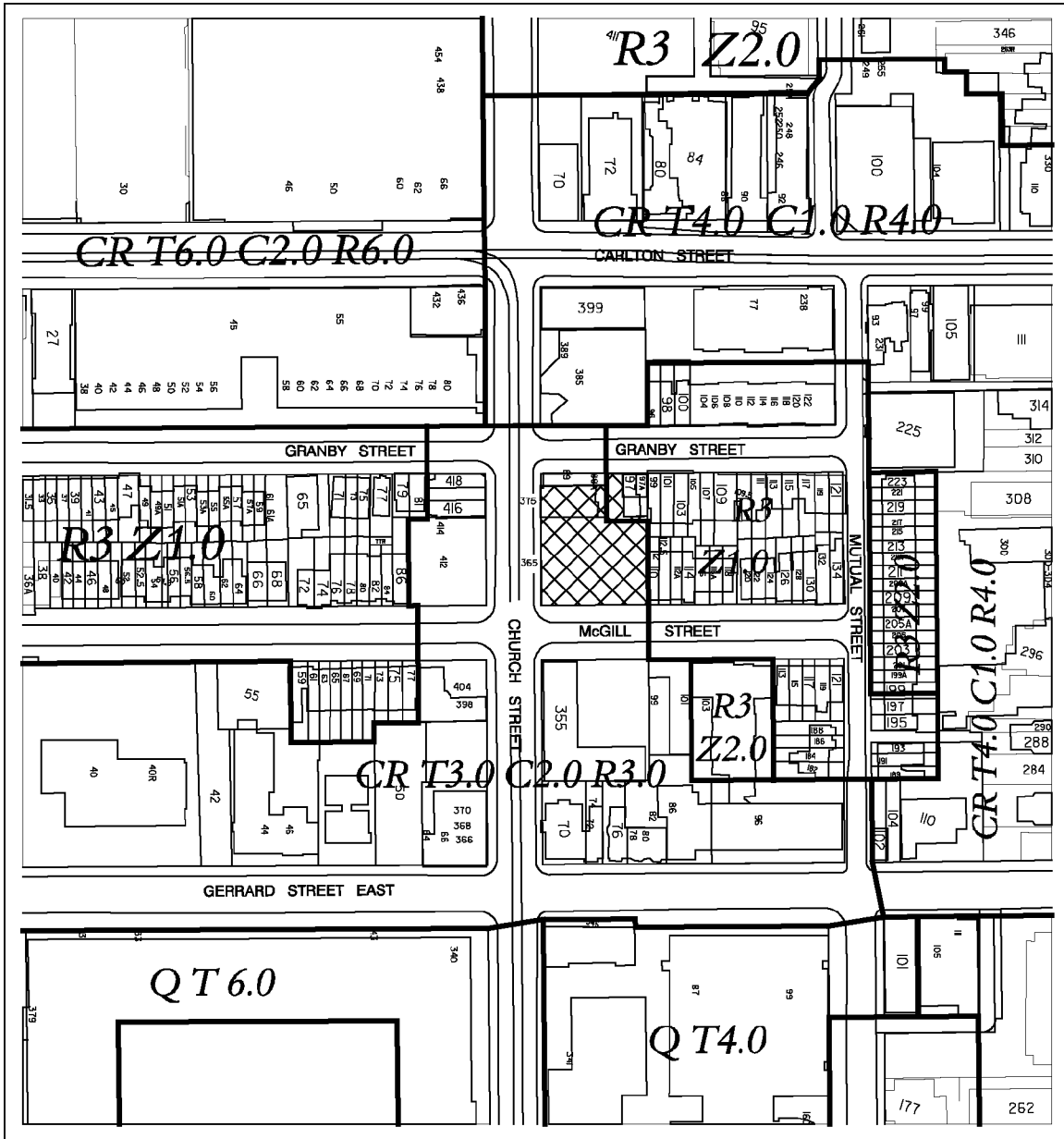
Applicant's Submitted Drawing

Not to Scale  
05/14/2012

365-375 Church Street

File #10 316211 0Z

### Attachment 3: Zoning



365-375 Church Street

File # 10\_316211

- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 01/11/11

## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	10 316211 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 17, 2010
Municipal Address:	365 - 375 Church Street		
Location Description:	PLAN 203 LOT 3 LOT 4 PT LOT 5 RP63R463 PARTS 2 & 3 **GRID S2712		
Project Description:	Rezoning application for a 30-storey mixed use building comprised of a 3-storey podium and 27-storey tower. The proposed building has 322 residential units with 218 square metres (2,347 square feet) of ground floor retail space. It includes 5 levels of below grade parking and 161 automobile parking spaces. The applicant is also proposing 225 bicycle parking spaces.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Menkes Church Street Holdings Inc., 4711 Yonge St., Suite 1400, Toronto ON M2N 7E4	Bousfields Inc., 3 Church St., Toronto ON M5E 1M2	Wallman Architects, 30 Duncan St., Suite 202, Toronto ON M5V 2C3	Dellpark Developments Ltd., 1170 Bay St., Suite 115, Toronto ON M5S 2B4

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Area Specific Policy 151
Zoning:	CR T 3.0 C 2.0 R 3.0 and R3 Z2.0	Historical Status:	N
Height Limit (m):	18 and 12	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1643.8	Height:	Storeys:	30
Frontage (m):	39.15		Metres:	95.75
Depth (m):	43.31			
Total Ground Floor Area (sq. m):	1007.6			<b>Total</b>
Total Residential GFA (sq. m):	22996.4		Parking Spaces:	161
Total Non-Residential GFA (sq. m):	217.8		Loading Docks	1
Total GFA (sq. m):	23214.2			
Lot Coverage Ratio (%):	61.3			
Floor Space Index:	14.12			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	28 (9%)
1 Bedroom:	184 (57%)
2 Bedroom:	110 (34%)
3 + Bedroom:	0
Total Units:	322

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	22996.4	0	0
Retail GFA (sq. m):	217.8	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

**CONTACT: PLANNER NAME: Alex Teixeira, Planner**  
**TELEPHONE: 416-392-0481, ateixei@toronto.ca**

## Attachment 5: Revised Proposal (May 11, 2012 ) Application Data Sheet

Application Type	Rezoning	Application Number:	10 316211 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 17, 2010
Municipal Address:	365 - 375 Church Street		
Location Description:	PLAN 203 LOT 3 LOT 4 PT LOT 5 RP63R463 PARTS 2 & 3 **GRID S2712		
Project Description:	Rezoning application for a 29-storey mixed use building comprised of a 3-storey podium and 26-storey tower. The proposed building has 358 residential units with 177 square metres of ground floor retail space. It includes 5 levels of below grade parking and 161 automobile parking spaces. The applicant is also proposing 250 bicycle parking spaces.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Menkes Church Street Holdings Inc., 4711 Yonge St., Suite 1400, Toronto ON M2N 7E4	Bousfields Inc., 3 Church St., Toronto ON M5E 1M2	Wallman Architects, 30 Duncan St., Suite 202, Toronto ON M5V 2C3	Dellpark Developments Ltd., 1170 Bay St., Suite 115, Toronto ON M5S 2B4

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Area Specific Policy 151
Zoning:	CR T 3.0 C 2.0 R 3.0 and R3 Z2.0	Historical Status:	N
Height Limit (m):	18 and 12	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1643.8	Height:	Storeys:	29
Frontage (m):	39.15		Metres:	95.1
Depth (m):	43.31			
Total Ground Floor Area (sq. m):	924.4			<b>Total</b>
Total Residential GFA (sq. m):	21,533.6		Parking Spaces:	161
Total Non-Residential GFA (sq. m):	177.2		Loading Docks	1
Total GFA (sq. m):	21,710.8			
Lot Coverage Ratio (%):	56.2			
Floor Space Index:	13.3			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	
Bachelor:	79 (22%)
1 Bedroom:	211 (59%)
2 Bedroom:	40 (11%)
3 + Bedroom:	28 (8%)
Total Units:	358

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	21,533.6	0
Retail GFA (sq. m):	177.2	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Alex Teixeira, Planner</b>
	<b>TELEPHONE:</b>	<b>416-392-0481, ateixei@toronto.ca</b>