

412 Church Street Zoning Amendment Application - Preliminary Report

Date:	April 25, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	14 133930 STE 27 OZ

SUMMARY

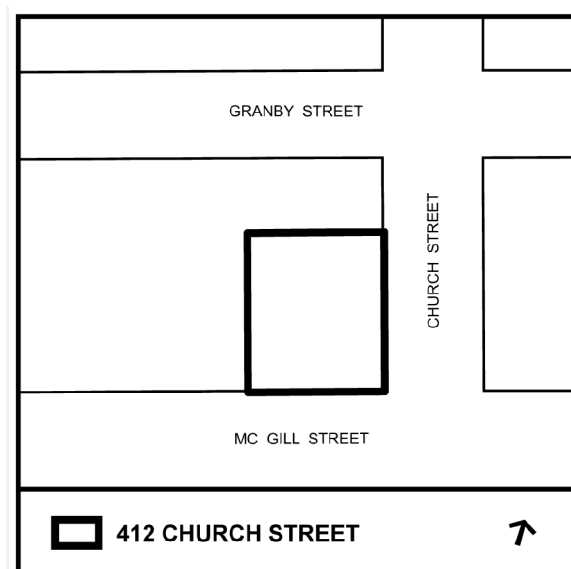
The applicant proposes a 32-storey, privately run, student residence building with retail at grade, at 412 Church Street. The proposal is comprised of a 5 storey base building and a 27 storey tower with 532 beds for students. This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process. Staff do not support the proposal in its current form.

Next steps include a community consultation meeting which has yet to be scheduled. A final report is targeted for the second quarter of 2015. The target date assumes that the applicant will provide all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 412 Church Street together with the Ward Councillor.



2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous planning decisions associated with the property at 412 Church Street.

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant on August 28, 2012, January 9, 2014, February 13, 2014, and February 28, 2014 to discuss the built form issues with the development and complete application submission requirements. Staff stated at all meetings that they would not support a tall building on the site of 412 Church Street for the reasons outlined later in this report.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 32-storey privately run student residence building with retail at grade. The building is composed of a 5-storey base building with a 27-storey tower on a site with a total area of 907 square metres. The proposed number of units is 119 for a total of 532 student residence beds. The proposed tower is set back 2.5 metres from Church Street, 0.7 metres from McGill Street 10 metres from the designated Neighbourhood Area in the Official Plan and 0 metres from the designated heritage building to the north. One Type G loading space is proposed with 8 vehicular parking spaces and 236 bicycle parking spaces. Details of the built form are further outlined in the table below.

Category	First Submission March 28, 2014
Site Area	907 m ²
Proposed Tower Setbacks	
Church Street	2.5 m
McGill Street	0.7 m
North Property Line	10 m
West Property Line	0 m
Proposed Base Setback on Ground Floor	
Church Street	2.5 m to 0.5 m
McGill Street	2.65 m
Tower Floorplate	430 m ²

Category	First Submission March 28, 2014
Gross Floor Area	
Total Residential	13,456 m ²
Non-Residential	235 m ²
Total	13,691 m ²
Floor Space Index	15.09
Number of Suites	
3 Bed Suites	3 (3%)
4 Bed Suites	57 (47%)
5 Bed Suites	59 (50%)
Total	119
Total Beds for Student Residence	532
Ground Floor Height	4.2 m
Sidewalk width Church Street (3.0 m existing)	5.5 m to 3.54 m
Sidewalk width McGill Street (1.8 m existing)	6.13 m to 6.3 m
Proposed Vehicular Parking (residential:visitor:non-residential)	8 (7:0:1)
Proposed Bicycle Parking (residential:visitor: retail)	236 (176:60:0)
Loading Spaces	
Description	1 Type G
Amenity Space	
Interior Residential	674 m ²
Exterior Residential	239 m ²
Total Amenity Space Provided	913 m ²
Building Height	98.2 m

Site and Surrounding Area

The site is located at 412 Church Street, an approximately rectangular parcel with approximately 32.4 metres frontage on Church Street and 28 metres on McGill Street. The total site area is 907 square metres. The site is currently occupied by a surface parking lot.

North: To the north of the site is a designated heritage building at 416 Church Street. Continuing further north of the site there are 3 storey townhouses and Maple Leaf Gardens.

East: To the east of the subject site is Church Street. Further east there is a surface parking lot which was recently approved for a 29-storey mixed-use building at the Ontario Municipal Board. Further east the McGill-Granby Neighbourhood continues with predominantly low rise residential built form.

West: Immediately to the west of the site there are semi-detached dwellings which are listed on the City's inventory of heritage buildings. Further to the west there is the McGill-Granby Neighbourhood comprised of low rise residential built form.

South: Directly to the south of the site is McGill Street, continuing south there is a single-storey restaurant with surface parking in front. Further to the south there is an 8 to 12 storey privately run student residence building. Further south there is a 3-storey commercial building listed on the City of Toronto's inventory of heritage buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 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.

Chapter 2 – Shaping the City

Section 2.2.1 Downtown: The Heart of Toronto

The proposed development is located in the *Downtown* area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the *Downtown*. The downtown is where most of the growth in the City of Toronto is expected to occur.

The *Downtown* will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm, promote an environment of creativity and innovation, support and enhance the specialty retail and entertainment districts, support business infrastructure and create business partnerships.

Although much of the growth is expected to occur in the *Downtown*, not all of the *Downtown* is considered a growth area. The City of Toronto Official Plan states that: "while we anticipate and want *Downtown* to accommodate growth, this growth will not be spread uniformly across the whole of *Downtown*. In fact, there are many residential communities *Downtown* that will not experience much physical change at all, nor should they."

Transportation within the *Downtown* is expected to be accommodated by transit. Priority will be given to transit improvements in the *Downtown* and transit vehicles will be given priority on streets within the *Downtown* particularly those with streetcars. A program of improvements will be implemented to enhance the pedestrian environment and efforts made to improve the safety of walking and cycling *Downtown*.

Section 2.3.1 Healthy Neighbourhoods

The proposed development is in proximity to a designated *Neighbourhood* in the Official Plan. Section 2.3.1 of the Official Plan states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic make up, offers a choice of communities to match every stage of life", neighbourhoods are where people connect and by focusing development into the centres and avenues we preserve the character of those neighbourhoods. Whether low-rise or apartment buildings, the policies in the plan are intended to apply equally to both. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas. Policy 2.3.1.2 states that Developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towers and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts."

Policy 2.3.1.3 goes on to state that intensification of land adjacent to *neighbourhoods* will be carefully controlled. The intent is that *neighbourhoods* will be: "protected from negative impact".

Chapter 3 – Built Form

Section 3.1.3 Built Form – Tall Buildings

The applicant is proposing to construct a Tall Building. Policy 3.1.3 states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for Tall Buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.1.5 Heritage Resources

The site of the proposed development is adjacent to a building designated heritage under Part IV of the *Heritage Act* (416 to 418 Church Street). Policy 3.1.5 of the Official Plan requires that significant heritage resources listed on the City of Toronto's Inventory of Heritage Properties be conserved. The Plan also offers incentives for the preservation of heritage resources, allowing additional density to be granted in exchange for the preservation of a heritage resource providing it does not exceed the gross floor area of the heritage resource.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site of the proposed development is in an area designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Furthermore, development in *Mixed Use Areas* should be located and massed 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.

Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare.

Development in *Mixed Use Areas* should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Site and Area Specific Policy 151

This site is within the area defined by Site Specific Policy 151 in the City of Toronto Official Plan. Site Specific Policy 151 requires that the McGill Granby Area be conserved and its stability promoted by encouraging the preservation of house-form buildings and their continued use for housing. Development of new housing in *Mixed Use Areas* is encouraged, however, new buildings within the *Mixed Use Areas* will be designed to minimise the extent to which they overlook, overshadow, or block views from existing or committed house-form buildings. Furthermore, new vehicular access routes will be designed so as not to interfere with the use of private open space in adjacent houses.

Zoning

The Site is currently designated mixed-use residential (CR T3.0 C2.0 R3.0) in the former City of Toronto Zoning By-law 438-86, as amended. The zoning established a maximum height limit of 18 metres and a maximum Floor Space Index of 3. The Site is also subject to an angular place of 44 degrees above 16 metres along the Church Street frontage.

Furthermore, the Site is designated as CR 3.0 (c2.0; r3.0) SS1 (x2134) in zoning by-law 569-2013, which has been adopted by Toronto City Council but is currently under appeal at the Ontario Municipal Board. The maximum height permitted is 12 metres, with a maximum Floor Space Index of 3.0. Exception 2134 requires a minimum front yard setback of 2.5 metres.

Site Plan Control

The application is subject to site plan control. A Site Plan Control Application has not been submitted by the applicant.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>.

The application is located at 412 Church Street. This area of Church Street is designated as a high street with recommended height limits of 62 metres (20 storeys) to 107 metres (35 storeys). Church Street is designated a priority retail street on Map 4 of the supplementary design guidelines. A tower-base typology is recommended for tall buildings in this area of Church Street.

Reasons for the Application

The application does not conform to the height limit (18 metres), minimum front yard setback requirements (2.5 metres), permitted use, parking standards and other built form aspects of the Zoning By-law.

COMMENTS

Application Submission

A Notification of Incomplete Application was issued on April 25, 2014 which identified the outstanding material required for a complete application submission as follows:

1. The applicant must submit a tree declaration or arborist report

Issues to be Resolved

There are significant issues with the proposed development and City Planning Staff do not support the proposed built form. Some of the issues with the proposed development are outlined below.

The Provincial Policy Statement 2014 ("PPS, 2014") requires developments to conserve important heritage resources including those adjacent to proposed development. Staff are concerned with the current relationship between the proposed tower and the heritage building and whether it is consistent with the policies in the PPS, 2014. Furthermore, the PPS, 2014 requires that, when Planning Authorities identify appropriate locations to promote opportunities for intensification, they take into account the existing building stock or area. The PPS, 2014 further states that the Official Plan is the most appropriate vehicle for implementing the PPS. It is Staff's position that the City of Toronto Official Plan takes existing built form into account when planning appropriate intensification. General policies identified in the Official Plan require transition to lower scale built form as does Site and Area Specific Policy 151. As outlined below, the proposed built form does not meet the policies of the Official Plan and therefore is not consistent with the policies of the PPS, 2014.

The proposed development does not conform with policy 2.2.3 7. f) in the Growth Plan for the Greater Golden Horseshoe which requires that new development have an appropriate transition of built form to adjacent areas.

The proposed development does not comply with a number of policies in the City of Toronto Official Plan, which include, but are not limited to: transition to lower scale built form, specifically *Neighbourhoods* designated areas; relating to current and planned context and Site and Area Specific Policy 151.

The proposed development does not comply with City of Toronto Zoning By-law 569-2013. The proposed private student residence is not a defined use within the zoning by-law. The zoning by-law requires student residences to be owned and operated by Universities.

The proposed development does not comply with the Council adopted Tall Building Guidelines in a number of areas that include, but are not limited to: Separation Distance from *Neighbourhoods*, tower setbacks, and minimum site area.

Staff are concerned with the layout of the proposed amenity space, particular the space proposed to be below grade. This is not a desirable condition and may present further safety concerns from an urban Design perspective.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Conclusion

The proposed development has a number of significant issues that concern Staff. The application does not comply Provincial or Municipal Policy Documents and there are concerns about the administration of the proposed use. The current proposal is not in the public interest, does not constitute good planning and is not supportable by Staff.

CONTACT

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SIGNATURE

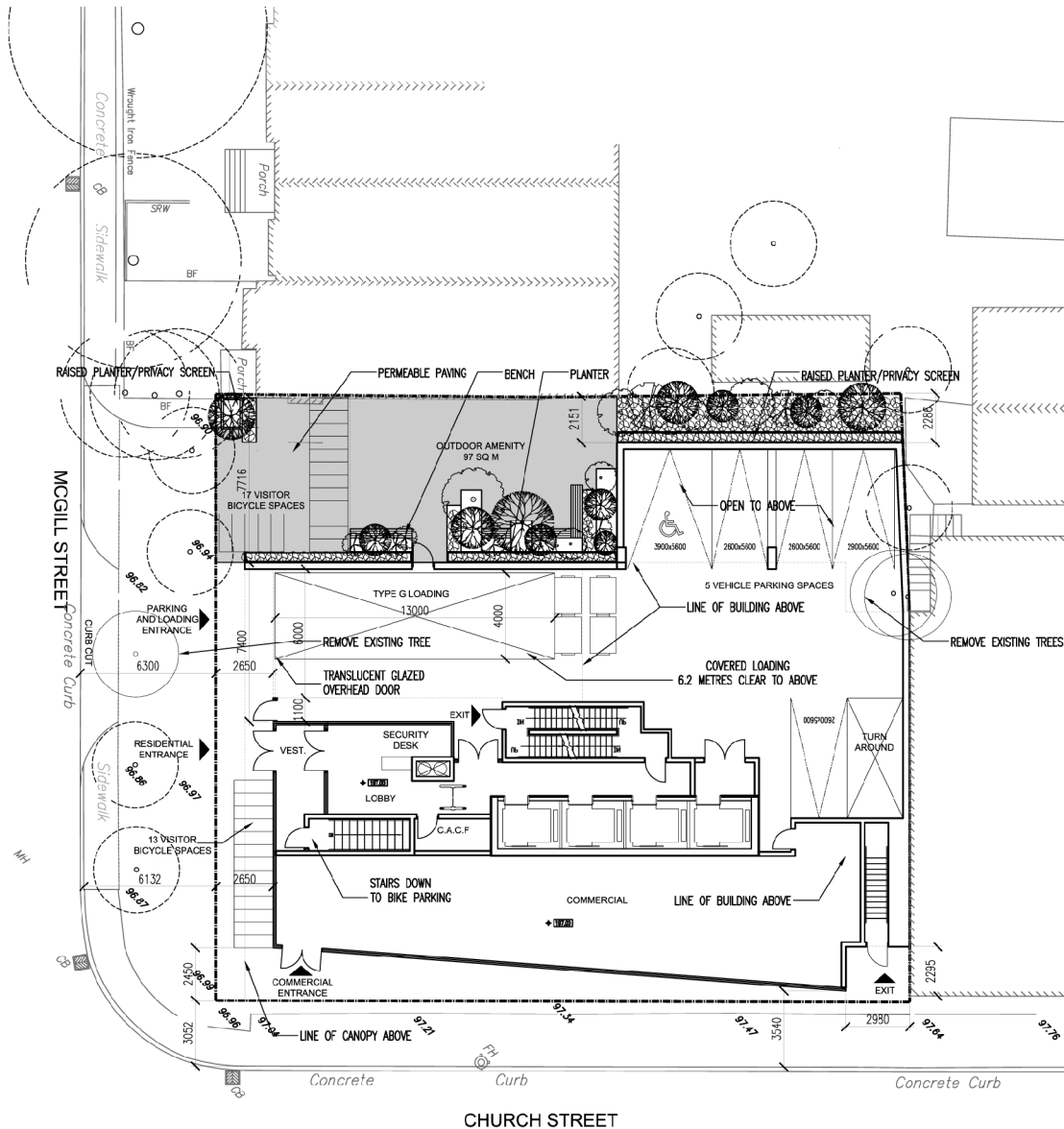
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

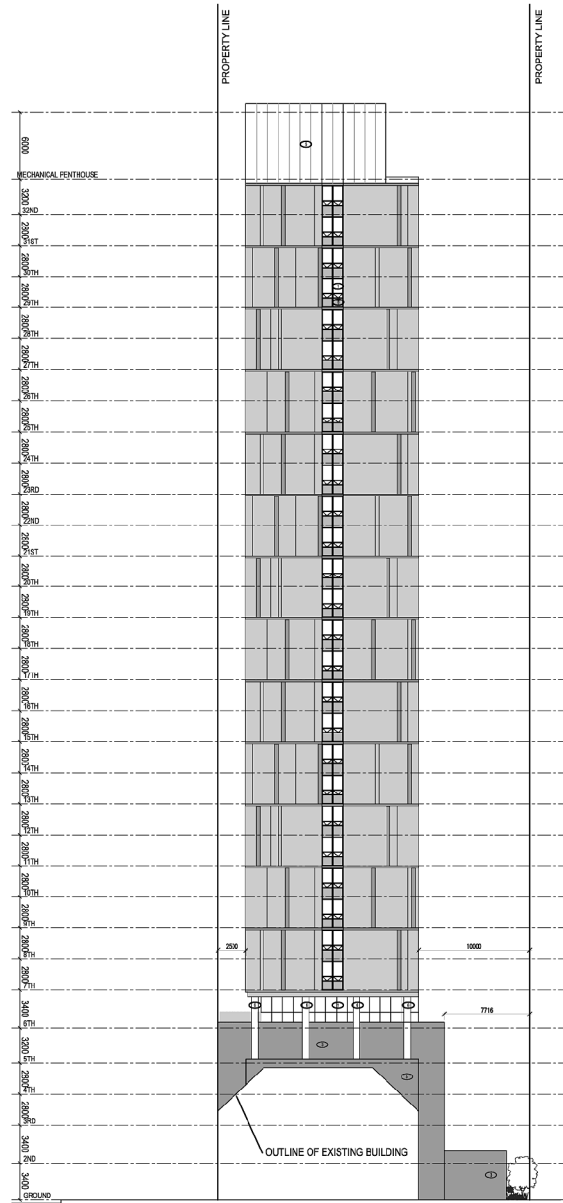
Not to Scale
04/16/2014



412 Church Street

File # 14 133930 STE 27 02

Attachment 2: North Elevation



North Elevation

Elevations

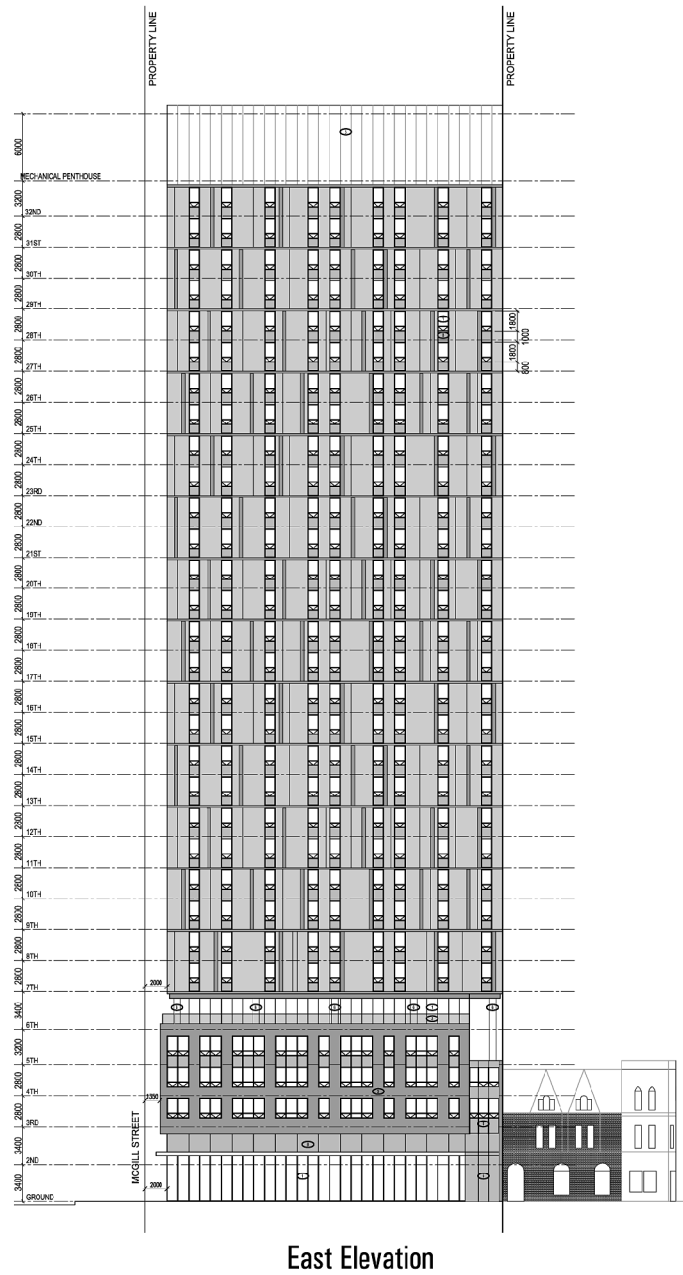
Applicant's Submitted Drawing

Not to Scale
04/16/2014

412 Church Street

File # 14 133930 STE 27 02

Attachment 3: East Elevation



Elevations

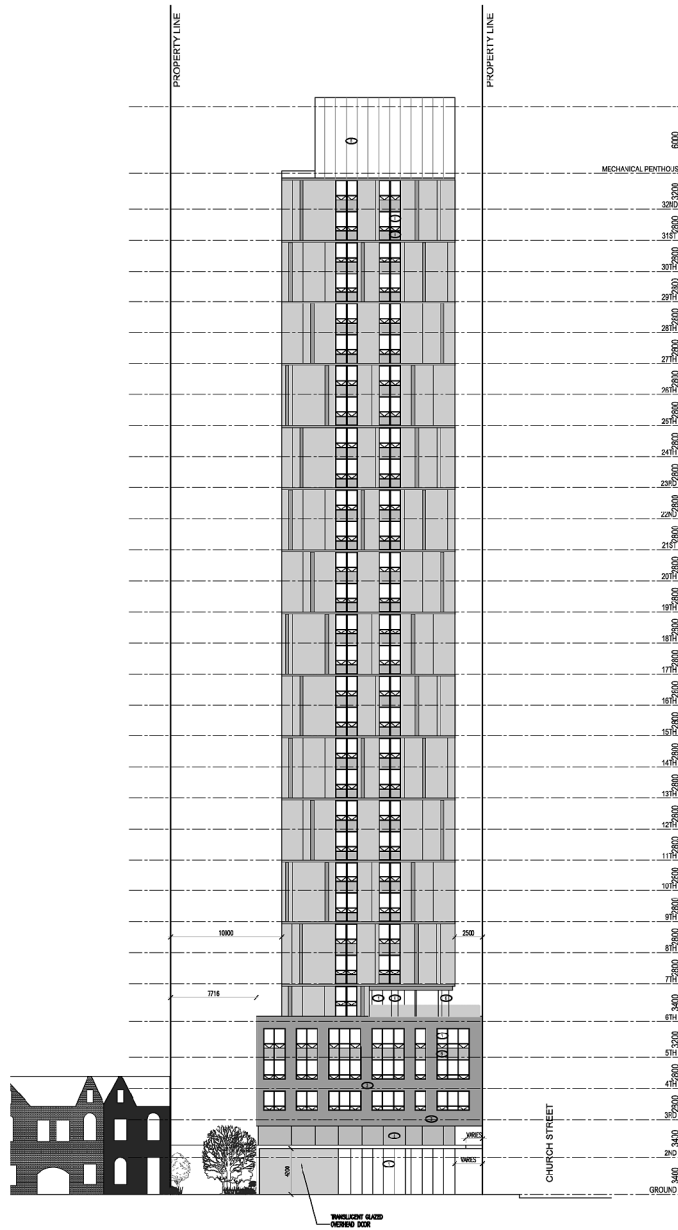
Applicant's Submitted Drawing

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04/16/2014

412 Church Street

File # 14 133930 STE 27 0Z

Attachment 4: South Elevation



South Elevation

Elevations

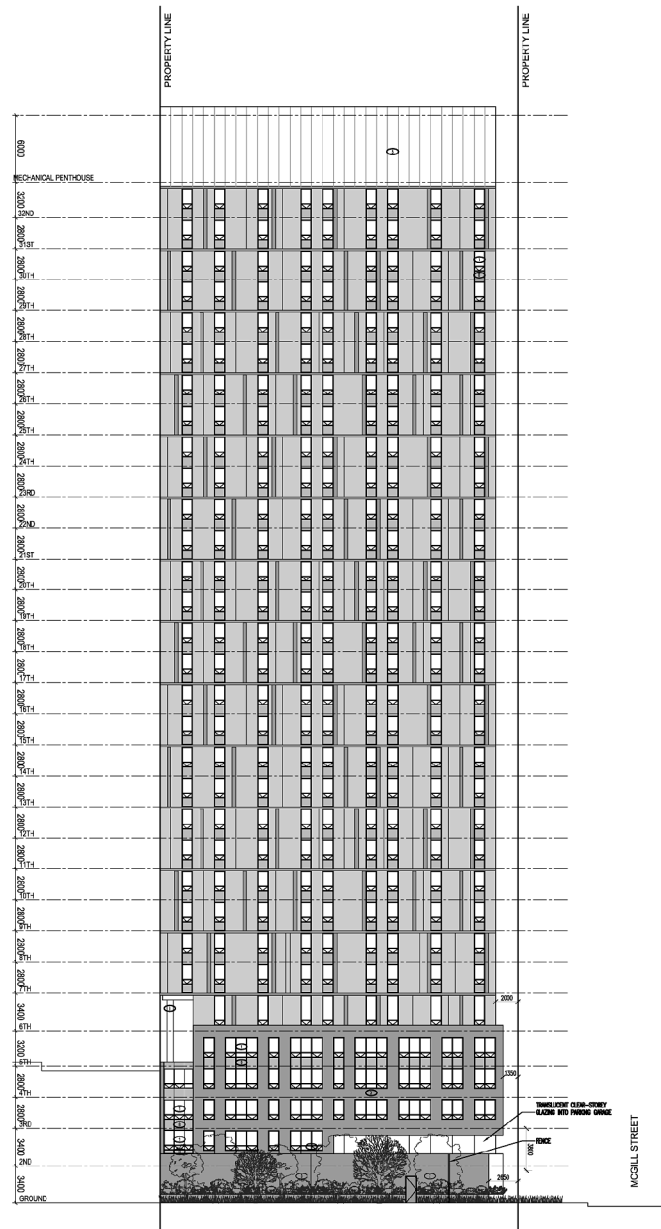
Applicant's Submitted Drawing

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04/16/2014

412 Church Street

File # 14 133930 STE 27 0Z

Attachment 5: West Elevation



West Elevation

Elevations

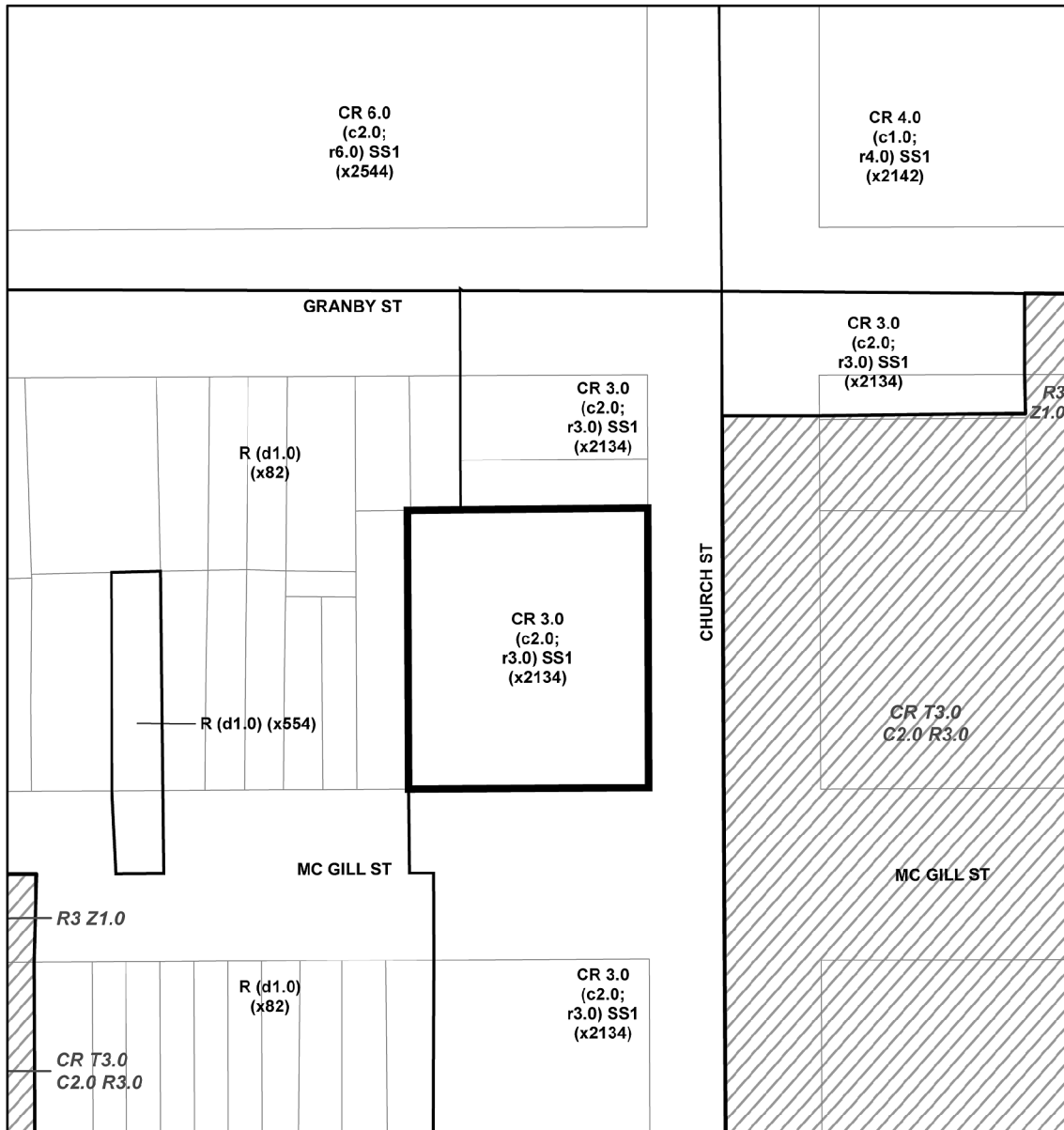
Applicant's Submitted Drawing

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412 Church Street

File # 14 133930 STE 27 0Z

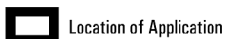
Attachment 6: Zoning



Zoning By-law 569-2013

412 Church Street

File # 14 133930 STE 27 02



R Residential
CR Commercial Residential



CR Mixed-Use District
R3 Residential District



Not to Scale
Extracted: 04/16/2014

Attachment 7: Application Datasheet

Application Type	Rezoning	Application Number:	14 133930 STE 27 OZ
Details	Rezoning, Standard	Application Date:	March 26, 2014
Municipal Address:	412 CHURCH STREET		
Location Description:	PLAN 203 PT LOT 13 & 14 **GRID S2712		
Project Description:	Proposed 3- storey mixed use, privately run, student residence building containing 119 residential dwelling units (532 beds) with commercial at grade. The proposed residential gross is 13,456 square metres and the commercial gross floor area proposed is 235 square meters.		

Applicant:	Agent:	Architect:	Owner:
Planning Alliance 110 Adelaide St. E. Toronto, ON M5C 1K9	Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON M5E 1M2	Regional Architects 110 Adelaide St. E. Toronto, ON M5C 1K9	1012689 Ontario Ltd. 45 Lower Jarvis Street Toronto, ON M5E 1R8

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: Y
Zoning:	CR T3.0 C2.0 R3.0	Historical Status: N
Height Limit (m):	18	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	907	Height:	Storeys:	32
Frontage (m):	32.25		Metres:	98.2
Depth (m):	28.22			
Total Ground Floor Area (sq. m):	233			Total
Total Residential GFA (sq. m):	13,456		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	235		Loading Docks	1
Total GFA (sq. m):	13,691			
Lot Coverage Ratio (%):	25.7			
Floor Space Index:	15			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	119
Total Units:	119 (532 Beds)

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	13,456	0
Retail GFA (sq. m):	156	0
Office GFA (sq. m):	79	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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