

**89, 97 and 99 Church Street
Zoning Amendment Application - Preliminary Report**

Date:	August 9, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	16-142844 STE 28 OZ

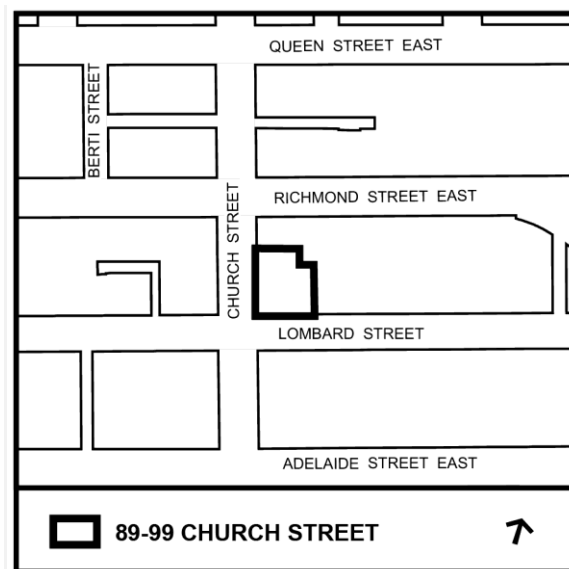
SUMMARY

This application proposes to construct a 49-storey mixed-use building (162.45 metres to the top of the mechanical penthouse) containing a total of 468 residential units, 238 square metres of retail space at grade, 6-levels of underground parking with a total of 97 spaces at 89, 97 and 99 Church Street.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The next step is to conduct a community consultation meeting to allow the public to review the application and provide feedback. This meeting is expected to take place on September 20th, 2016.

A final report is targeted for the 2nd quarter of 2017. The target date for the final report 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 89, 97 and 99 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 have been no recent development applications filed on the subject properties.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on February 1, 2016 to provide preliminary comments and to discuss complete application submission requirements. The initial proposal presented to City staff was a 49-storey tower with 468 residential units and a Floor Space Index (FSI) of 28.22. Staff advised that a 49-storey tower represented overdevelopment of the site and identified that numerous issues resulted from the small size of the site including: overall tower height; lack of separation distance and setbacks from adjacent properties; impact on adjacent heritage properties due to separation and setback distance requirements; views of heritage properties; shadowing on open spaces; and inadequate sidewalk width as per the Official Plan, the Downtown Tall Buildings Vision and Supplementary Design Guidelines and related City policies and guidelines.

ISSUE BACKGROUND

Proposal

The application proposes a 49-storey (162.45 metres including mechanical penthouse, 152 metres excluding mechanical penthouse) mixed use building with a 5 to 7-storey base building or podium. The applicant proposes a total gross floor area of 28,821 square metres, including 28,583 square metres of residential gross floor area and 238 square metres of retail gross floor area resulting in a Floor Space Index (FSI) of 26.22 on a lot that is 0.11 hectares (0.27 acres). (see Attachment 9 for Application Data Sheet)

The application is proposing a total of 468 residential units: 310 one bedroom (66%); 112 two-bedroom (24%); and 46 three-bedroom (10%). The applicant is currently proposing

an entirely purpose-built rental apartment building. The main residential lobby entrance to the proposed building is located along the Lombard Street frontage.

The proposed development's servicing, loading and parking garage functions are accessed from the southeast corner of the site and are contained and enclosed inside the building. A total of 97 residential vehicular parking spaces are proposed within the 6-level underground garage. No residential or commercial visitor spaces are proposed.

The proposed podium is built out to all property lines with no setbacks. Along Church Street, the podium has a height of 19.1 metres or approximately 5-storeys and generally aligns with the height of the existing adjacent heritage buildings at 101-105 Church Street. The podium height rises to 7-storeys (25.4 metres) on Church Street towards Lombard Street and along the Lombard Street frontage generally aligning with the adjacent 10-storey building at 70 Lombard Street. The proposed sidewalks widths along Church Street are approximately 3.6 metres and 4.27 along Lombard Street.

The tower portion of the building is generally square with a 'notch' cut out at the northeast corner and has a floor plate of approximately 589 square metres from levels 8 to 49. The tower is set back approximately 4.5 metres from the Church Street and Lombard property lines. The tower has a 2.0 metre setback from the northern property line and a 5.5 metre set back from the 'notch' at the northeast corner property lines. The tower has zero setback from the east property line.

The proposal contains 1,365 square metres of indoor amenity space provided in spaces on floors 2, 3, 4, 5, 6, 7 and on the roof of the 49th floor. The proposal also contains 511 square metres of outdoor amenity space on floors 6 and on the tower rooftop.

A total of 471 bicycle parking spaces are provided within the proposed development and are located at-grade, the mezzanine level and 2nd floor.

See Attachments 1-6 for Site Plan and Elevation Plans.

Site and Surrounding Area

The site is located on the northeast corner of Church Street and Lombard Street. The site is generally rectangular in shape except for a recessed 'notched' area approximately 10 metres by 9 metres at the northeast corner of the development site. The site is approximately 1,099 square metres in size with a frontage of 31.78 metres along Lombard Street and a 36.62 metres frontage along Church Street.

The site currently contains 2-storey non-residential buildings at 97 and 99 Church Street and a surface parking lot which occupies the majority of the site (89 Church Street).

North: Abutting the development site to the north, up to the corner of Church Street and Richmond Street East, are a series of heritage buildings at 101, 103, and 105 Church Street. Each of these buildings is designated under Part IV of the Ontario Heritage Act

and subject to a Heritage Easement Agreement requiring Council approval for any change to this property. The site formerly housed the 'Golden Thai' restaurant.

South: Across the street to the south is a 6-storey residential condominium (55 Lombard Street). Further south is St James Cathedral.

East: Abutting the development site to the east is the Muriel Collins Housing Co-operative (MCC) which consists of one northern 8-storey building that fronts onto Richmond Street East (73-79 Richmond Street East) and a southern 10-storey building that fronts onto Lombard Street (70-73 Lombard Street), both generally built to the eastern and western property lines. Between the buildings in the middle of the block is a drop-off/pick up driveway and a courtyard. Abutting the recessed notch portion of the site is a 2-storey building 76 Lombard Street

West: To the immediate west of the development site, across Church Street, is an existing commercial parking lot and 3 & 4-storey buildings. Further west is an OMB-approved 45-storey mixed-use development at 20-26 Lombard Street. On the southwest corner of Lombard Street and Church Street is the 4-storey podium of an existing 45-storey mixed-use building with the tower portion located on Adelaide Street East.

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. In this regard, the Official Plan is the key vehicle used by municipalities to implement the policies within the PPS. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within the Downtown and Central Waterfront area on Map 2- Urban Structure in the Official Plan. This site is designated as Mixed Use Areas

on Map 18 – Land Use Plan in the Official Plan. The property is surrounded by properties also designated Mixed Use Areas. (see Attachment 7)

Mixed Use Areas are made up of a broad array of residential uses, offices, retail and services as well as institutional, entertainment, recreational and cultural activities in addition to parks and open spaces. Mixed Use Areas are intended to be areas for new retail, office, and service employment and new housing.

The Plan includes criteria that direct the form and quality of development for the Mixed Use Areas designation. The criteria state that new buildings: provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts; and provide an attractive, safe and comfortable pedestrian environment.

This application will be reviewed against the policies in the Official Plan including those in the “Downtown”, “Public Realm”, and “Built Form” sections of the Plan. Compliance with other relevant policies of the Official Plan will also be addressed. The City of Toronto’s Official Plan is available on the City’s website at:
http://www.toronto.ca/planning/official_plan/introduction.htm

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the proposed development site.

Under the City of Toronto By-law 438-86, the property is zoned CR T4.0 C2.0 R4.0 with a maximum permitted height of 30 metre and a maximum total density of 4.0 times the lot area. This zoning permits a wide range of commercial and residential uses.

Under City of Toronto By-law 569-2013, the property is zoned CR 4.0 (c2.0; r4.0) SS1 (x2254) and is subject to a height limit of 18 metres and a maximum total density of 3.0 times the lot area. This zoning permits a wide range of commercial uses and residential building types. The CR exception 2254 consists of both permissive and restrictive exceptions including promoting retail along Church Street and restricting commercial parking garages. (see Attachment 8)

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Approval has been submitted.

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>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

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.

On Map 1 – High Streets Map - Church Street between Adelaide Street East and Queen Street East is shown as a High Street and Lombard Street is indicated as a Secondary High Street.

On Map 2 – Downtown Vision Height Map - a height range of 62-107 metres (20-35 storeys) is applied to the site. Map 3 – High Streets Typologies Map –applies a Tower-Base Form to the site. Church Street is identified as a Priority Retail Street on Map 4.

The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

Heritage Preservation Services

The proposed development site is directly adjacent to three heritage buildings which are designated under Part IV of the Ontario Heritage Act and subject to a Heritage Easement. The Official Plan policy 3.1.5.5 requires that any proposed development adjacent to designated heritage properties ensures that the integrity of the heritage property's cultural heritage value and attributes is retained and is to the satisfaction of City staff. The application will be evaluated by Heritage Preservation Services staff.

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. Reports to Toronto and East York Community Council are targeted by the end 2016 on the results of the second phase and the next steps of implementation.

As a component of TOcore's second phase, a Final Report for the City-initiated Official Plan and Zoning By-law amendments to update setback requirements for tall buildings in the *Downtown* is currently before Toronto and East York Community Council. The Official Plan and Zoning By-law amendments seeks to reinforce minimum tall building setback and separation distance requirements to ensure that future growth positively contributes to the liveability, sustainability and health of *Downtown*.

The TOcore website is www.toronto.ca/tocore.

Reasons for the Application

A rezoning application is required to permit the height and density proposed by the applicant. Additional areas of non-compliance with the Zoning By-law will be assessed as the review of the application advances.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural plans and drawings including Site Plan, Landscape Plans, Floor Plans, Elevations and Sections
- Shadow Impact Study
- Planning Rationale Report (including Community Services and Facilities Study)
- Urban Design Brief
- Transportation Impact Study
- Stage 1 Archaeological Resource Assessment
- Functional Servicing Report
- Stormwater Management Report
- Green Development Standards Checklist
- Heritage Impact Statement
- Pedestrian Level Wind Study
- Environmental Noise Assessment
- Geotechnical Report
- Arborist Report

A Notification of Complete Application was issued on May 11, 2016.

Issues to be Resolved

The proposed development as submitted is not supportable in its current form. While other tall buildings have been built in the vicinity of the site, the subject site is very small and may not be appropriate as a tall building site.

While the Downtown Tall Buildings: Vision and Supplementary Design Guidelines – Map 2 applies a height range of 20-35 storeys, staff must first evaluate the application to determine whether "mitigating factors", as described in the Guidelines, take precedence over allowing the suggested tower height range. The ability to locate a tall building on a particular site may not be achievable if the building is deemed to negatively impact any of the following: heritage properties located on or adjacent to the site, sunlight on parks and open spaces; and views of prominent and heritage properties, structures and landscapes.

The application will need to be revised to show that key performance measures of the Tall Building Guidelines and Downtown Tall Buildings: Vision and Supplementary Design Guidelines can be met, taking into account the local context. Some sites are simply too small to meet the separation and set back distance requirements of the city-wide and Supplementary Downtown Tall Buildings Design Guidelines. These small sites cannot accommodate a tall building without compromising and diminishing the intent of the Guidelines as well as the development rights of adjacent sites and are less appropriate for tall building proposals.

The following issues will need further review and will need to be addressed by the applicant:

1. Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
2. Conformity to Official Plan policies, particularly with respect to the sections on built form, heritage, public realm and the downtown;
3. Conformity to the city-wide Tall Buildings Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines, including the sections on height, public realm, and adjacency to heritage buildings;
4. Height, density and massing of the proposal;
5. Other built form and massing issues including, but not limited to:
 - Setback of tower from the eastern property line. Currently the tower has zero setback from the eastern property line and the adjacent building.
 - Adequate sidewalk width. The proposal does not achieve a 6.0 metre sidewalk width along either frontage.
 - Shadowing on parks and open spaces. The proposal briefly shadows the open space in front of the Metropolitan United Church on Queen St East.; and

- Wind mitigation.
6. Adjacency to heritage buildings – retention of heritage property's cultural heritage value and attributes;
 7. Potential obstruction of views of the spire of St James Cathedral;
 8. Adequate visitor parking; and
 9. Consideration of the development rights of adjacent properties.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

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

CONTACT

Sipo Maphangoh, Senior Planner
Tel. No. 416-338-2478
Fax No. 416-392-1330
E-mail: smaphan@toronto.ca

SIGNATURE

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

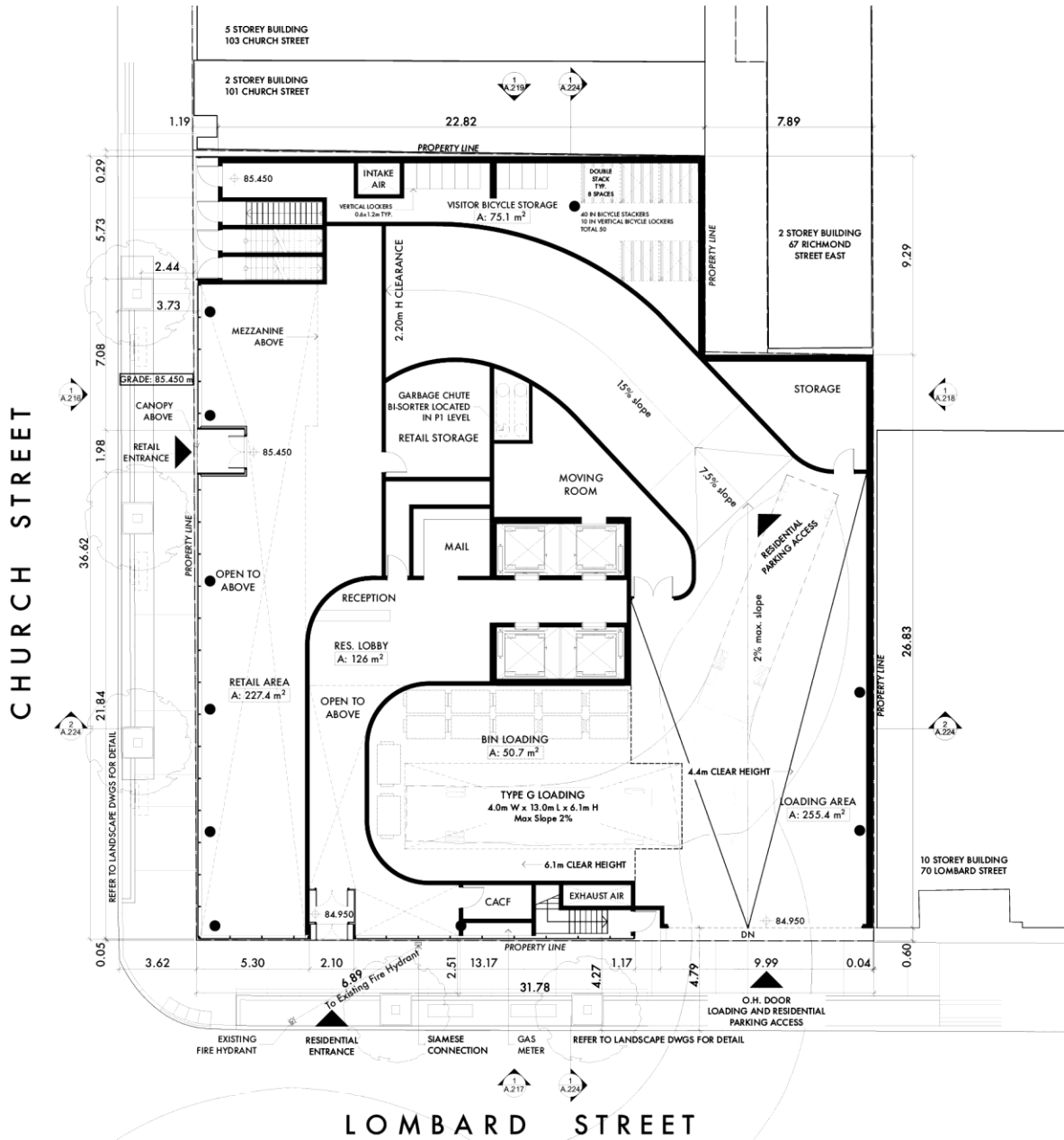
(P:\2016\Cluster B\pln\TEYCC\19906660014.doc) - smc

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation Plan
Attachment 3: South Elevation Plan
Attachment 4: East Elevation Plan
Attachment 5: West Elevation Plan
Attachment 6: West Podium Elevation
Attachment 7: Official Plan – land use designation

Attachment 8: Zoning
Attachment 9: Application Data Sheet


Attachment 1: Site Plan



Site Plan

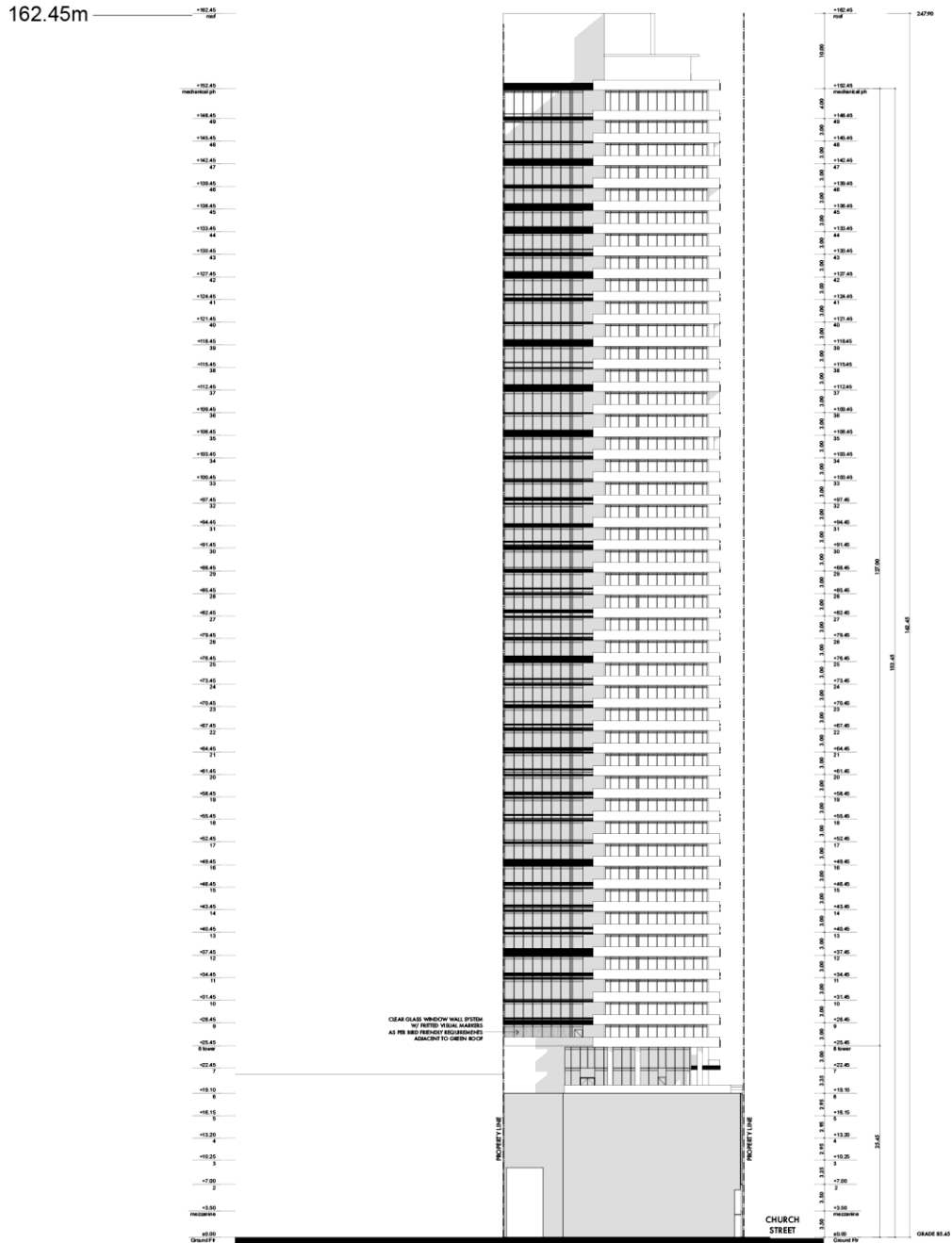
89-99 Church Street

Applicant's Submitted Drawing

Not to Scale 
06/28/2016

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA

Attachment 2: North Elevation Plan



North Elevation

89-99 Church Street

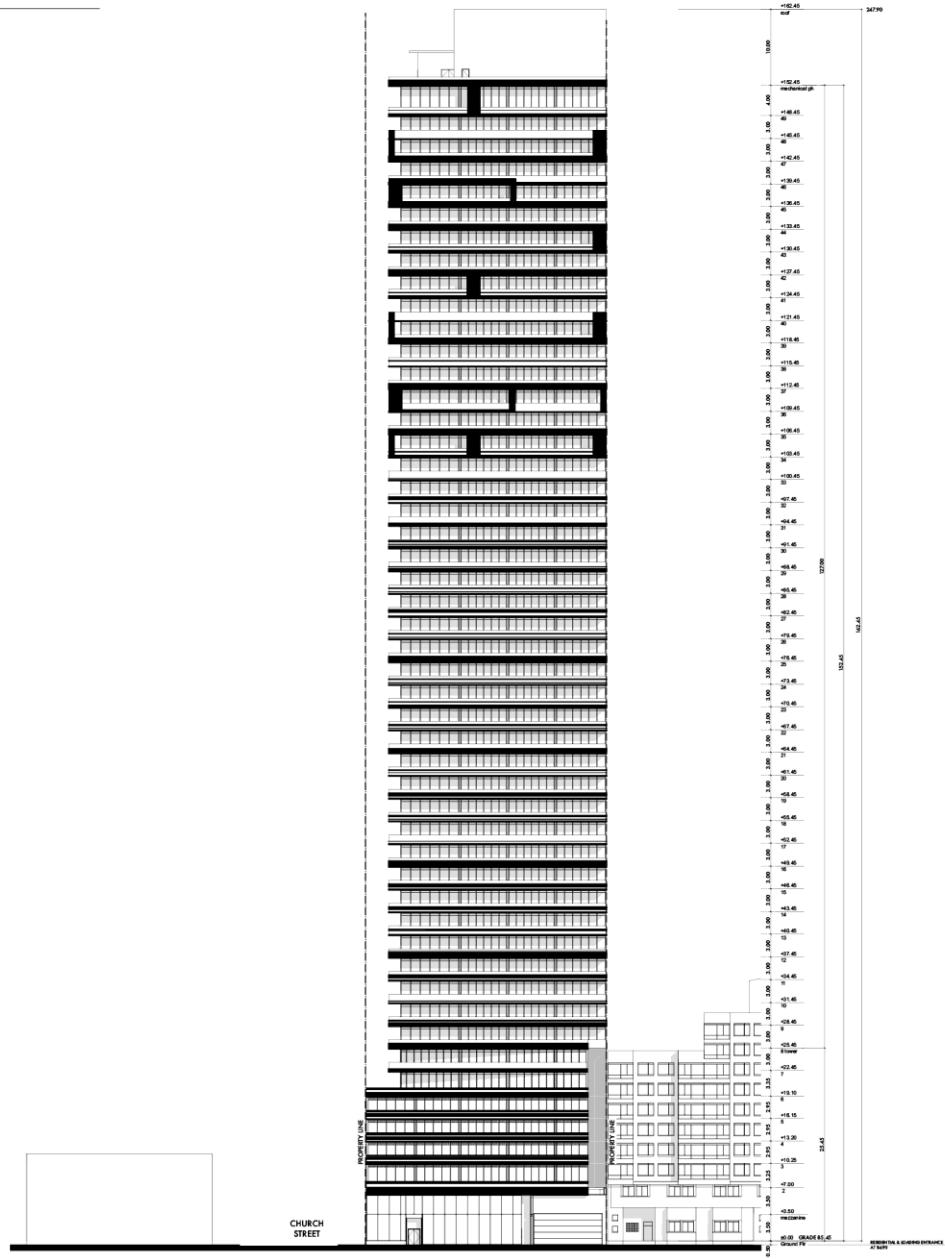
Applicant's Submitted Drawing

Not to Scale
06/28/2016

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA

Attachment 3: South Elevation Plan

162.45m



South Elevation

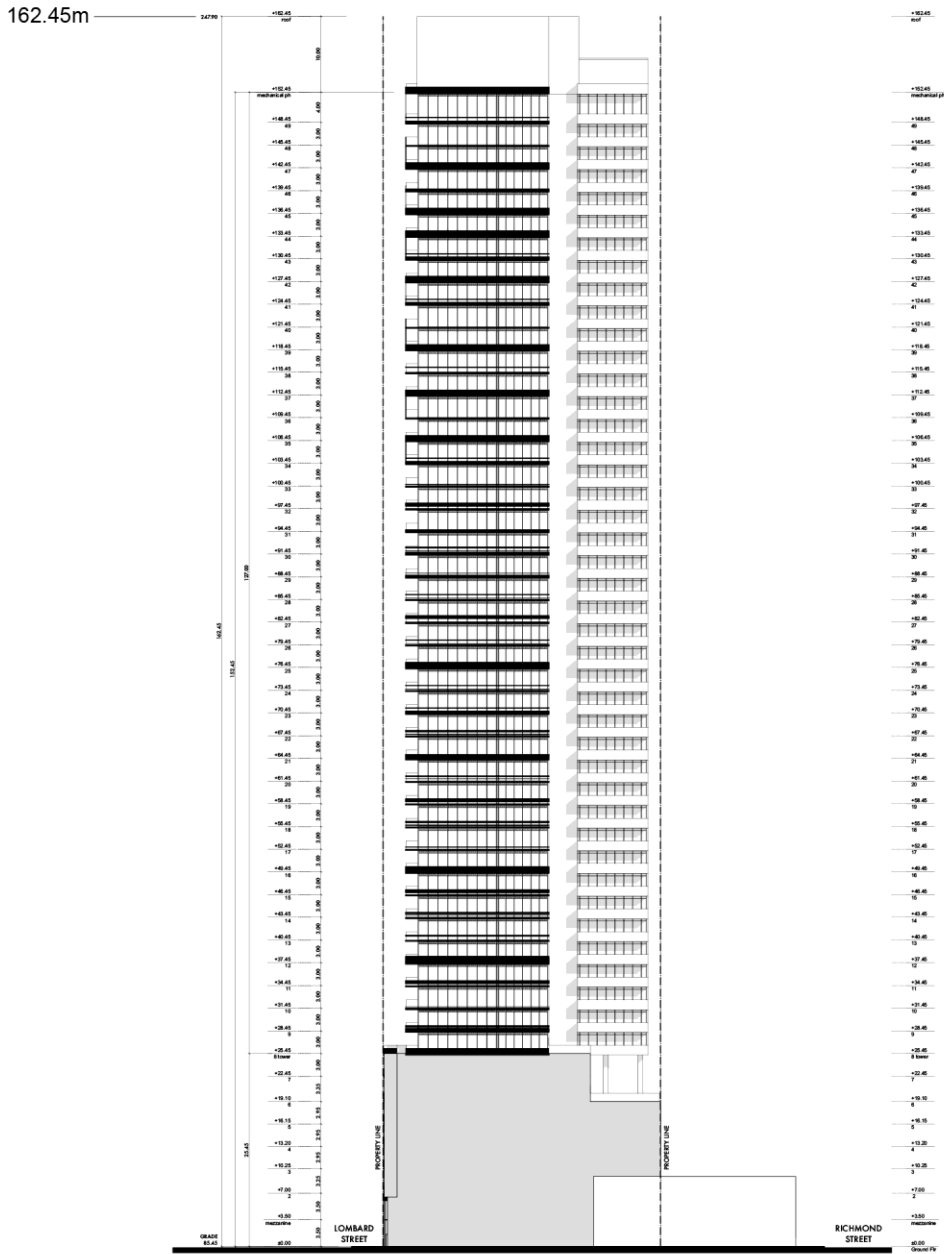
89-99 Church Street

Applicant's Submitted Drawing

Not to Scale
06/28/2016

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA

Attachment 4: East Elevation Plan



East Elevation

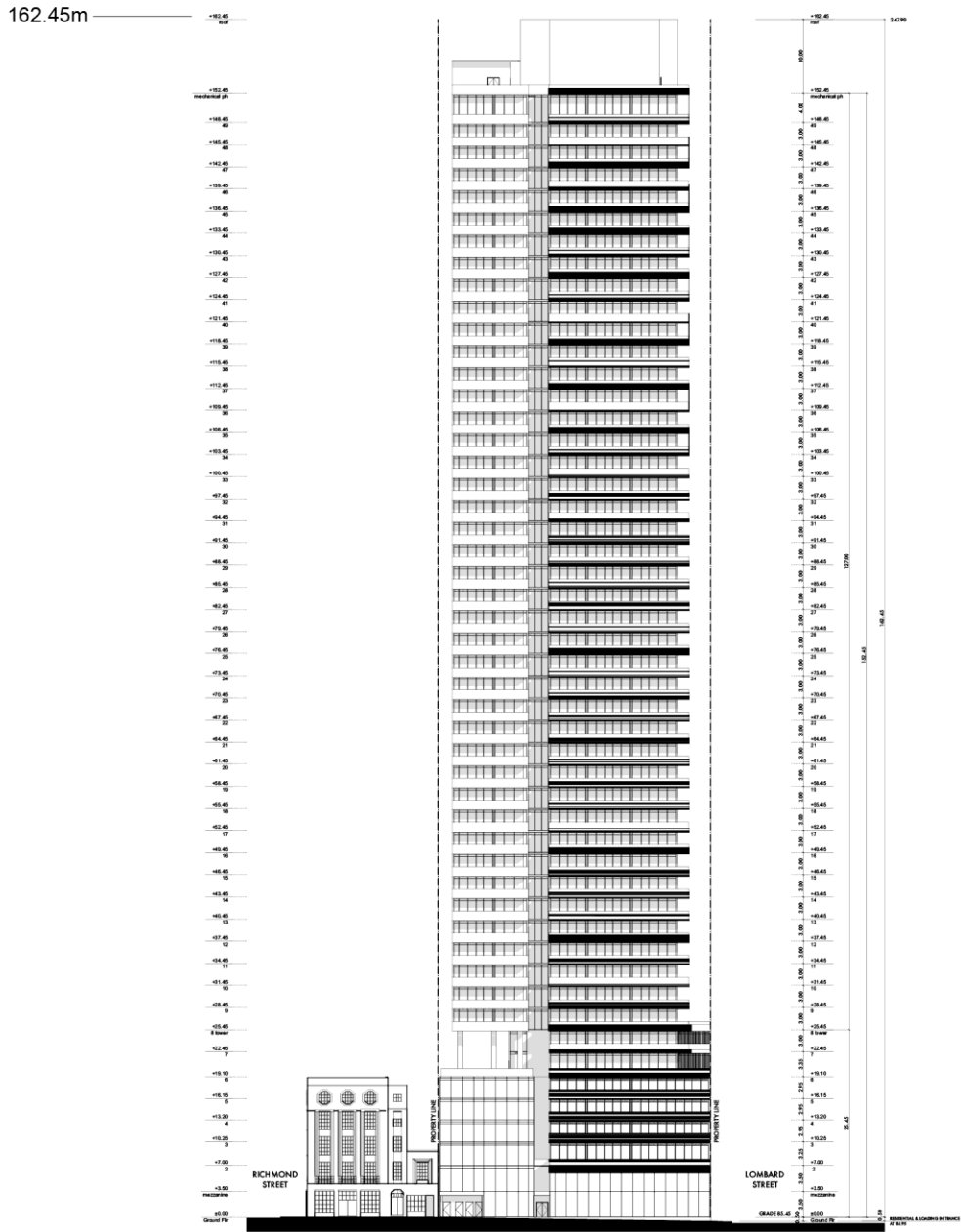
89-99 Church Street

Applicant's Submitted Drawing

Not to Scale
06/28/2016

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA

Attachment 5: West Elevation Plan



West Elevation

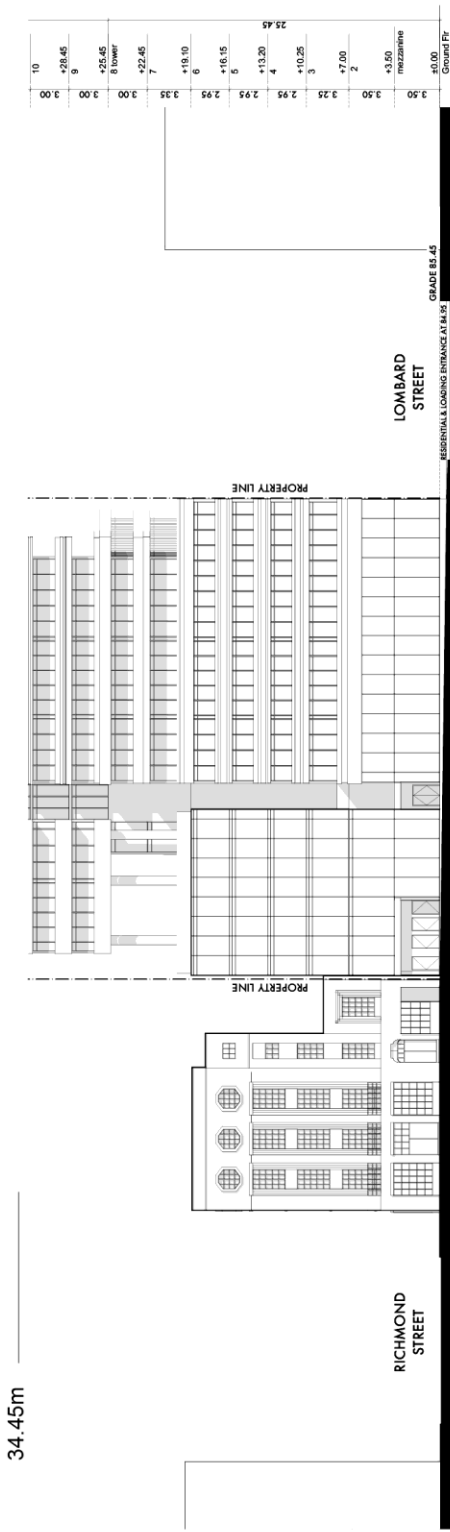
89-99 Church Street

Applicant's Submitted Drawing

Not to Scale
06/28/2016

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA

Attachment 6: West Podium Elevation Plan



89-99 Church Street

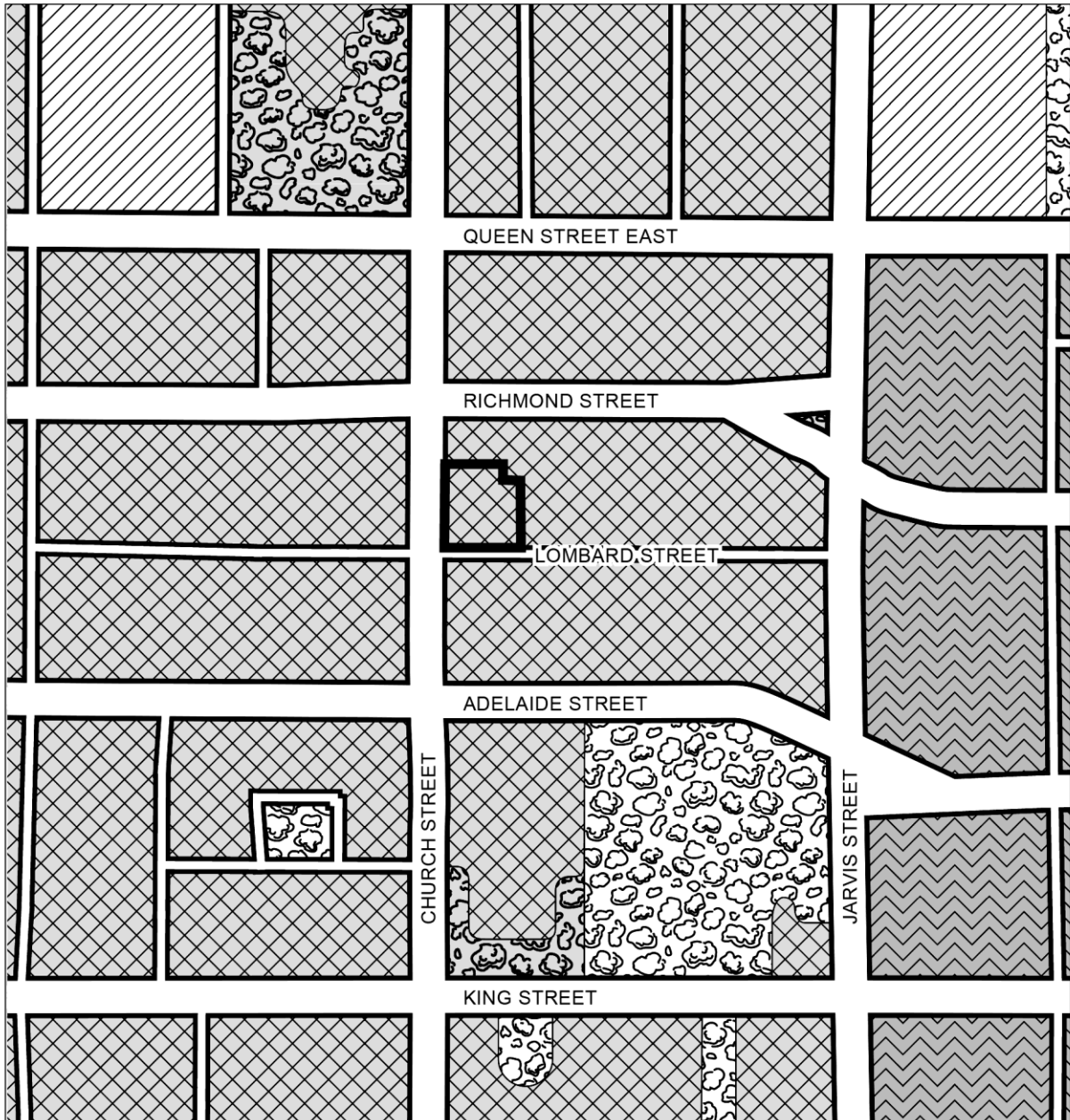
West Podium Elevation

Applicant's Submitted Drawing

Not to Scale
06/28/2016

File # 16 142844 STE 28 0Z & 16 142849 STE 28 SA

Attachment 7: Official Plan



TORONTO
 Extract from Official Plan

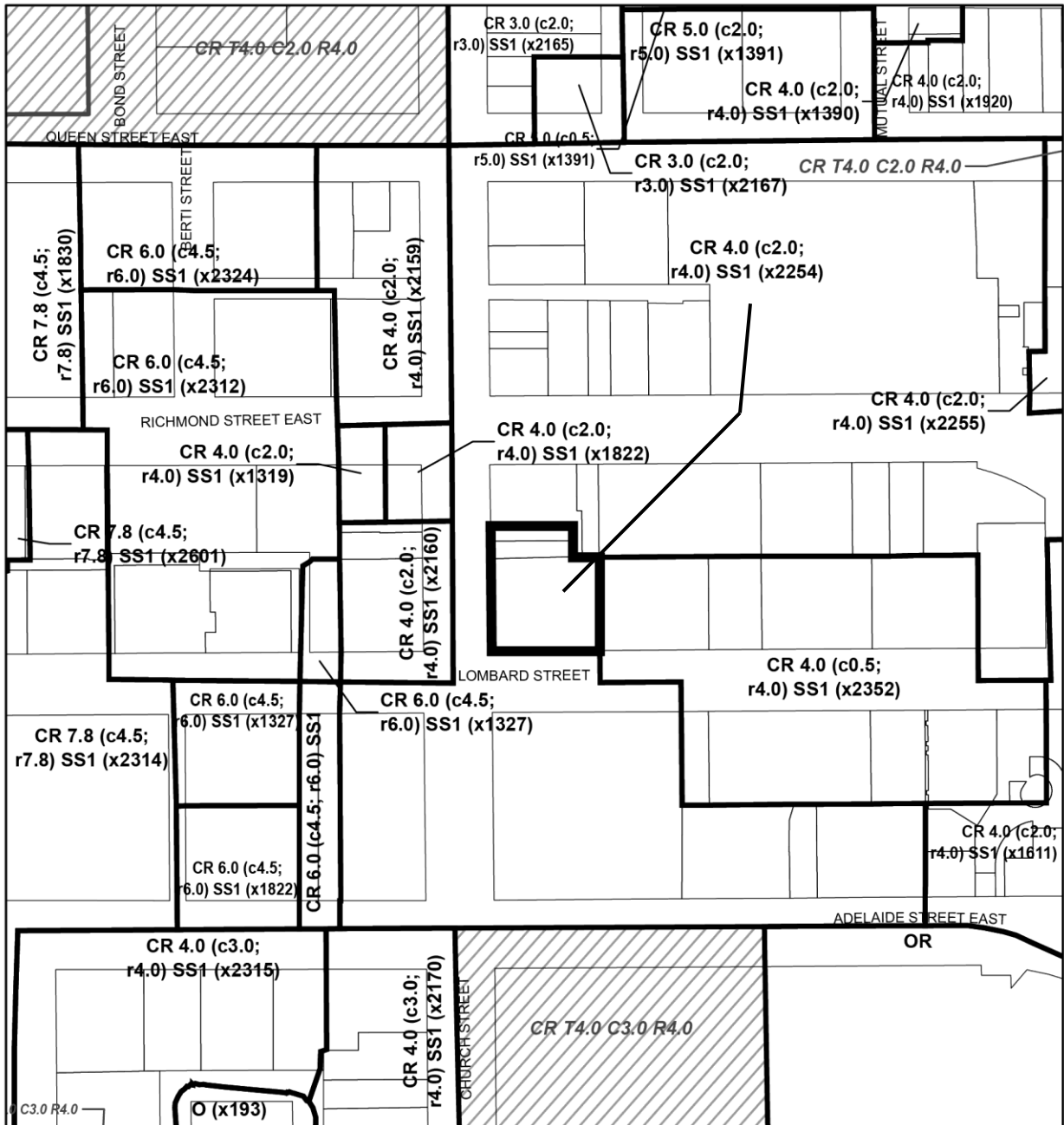
89-99 Church Street

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA



Not to Scale
 06/29/2016

Attachment 8: Zoning



Zoning By-Law No. 569-2013

89-99 Church Street

File # 16 142844 STE 28 OZ & 16 142849 STE 28 SA

Location of Application

CR Commercial Residential

O Open Space

OR Open Space Recreation

See Former City of Toronto By-Law No. 438-86

CR Mixed-Use District

Q Mixed-Use District



Not to Scale
Extracted: 06/29/2016

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	16 142844 STE 28 OZ
Details	Rezoning, Standard	Application Date:	April 19, 2016
Municipal Address:	89 -99 CHURCH ST		
Location Description:	CON 9A LOTS 11 & 12 LOT A **GRID S2807		
Project Description:	Site-specific Rezoning Application to allow a 49-storey mixed-use building (plus mechanical penthouse) including approximately 28,583 m ² (307,664 ft ²) of total gross floor area (with ground floor commercial) with 468 residential units. Six (6) levels of underground parking (total of 97 parking spaces) are proposed.		

Applicant:	Agent:	Architect:	Owner:
Hunter & Associates Ltd		architectsAlliance	Lo Presti Holdings Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	no
Zoning:	CR 4.0(c2.0; r4.0) SS1 (x2254)	Historical Status:	no
Height Limit (m):	30 m	Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area (sq. m):	1099	Height:	Storeys:	49
Frontage (m):	68.7		Metres:	152
Depth (m):	31.8			
Total Ground Floor Area (sq. m):	1069			Total
Total Residential GFA (sq. m):	28583		Parking Spaces:	97
Total Non-Residential GFA (sq. m):	238		Loading Docks	1
Total GFA (sq. m):	28821			
Lot Coverage Ratio (%):	97			
Floor Space Index:	26.22			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Rental			
Rooms:	0	Residential GFA (sq. m):	28583	0
Bachelor:	0	Retail GFA (sq. m):	238	0
1 Bedroom:	310	Office GFA (sq. m):	0	0
2 Bedroom:	112	Industrial GFA (sq. m):	0	0
3 + Bedroom:	46	Institutional/Other GFA (sq. m):	0	0
Total Units:	468			

CONTACT: PLANNER NAME: Sipo Maphangoh, Senior Planner
TELEPHONE: 416-338-2478