



## STAFF REPORT ACTION REQUIRED

### 365 - 375 Church Street - Zoning Amendment Application - Preliminary Report

|                          |  |
|--------------------------|--|
| <b>Date:</b>             | January 18, 2011   |
| <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  |

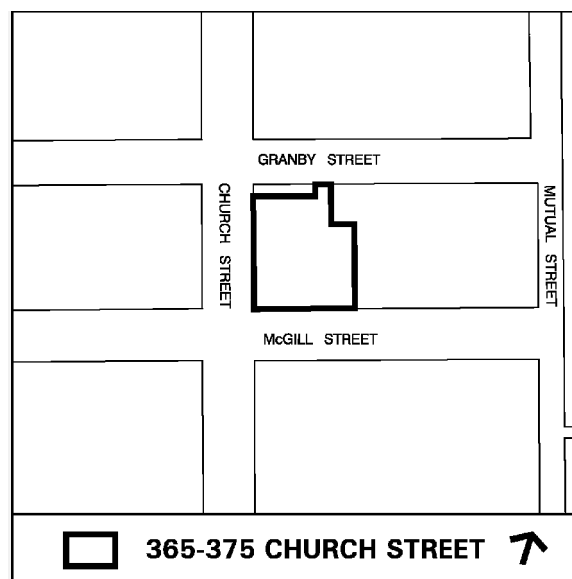
#### SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

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 5 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.

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 in the first quarter of 2011.



## **RECOMMENDATIONS**

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

1. Staff be directed to schedule a community consultation meeting for the lands at 365 - 375 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 under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

City staff met with the applicant and their consultant team on two occasions prior to the submission of this application. At the first meeting on August 20, 2010, the applicant presented early conceptual plans for the site, which consisted of a 30-storey tower on a four-storey podium along the entire length of the Church Street and McGill Street site. At that time, staff expressed concern about the height of the podium and tower, density, zero setback from the adjacent properties on McGill Street, tower setback from Church and McGill Streets, location of windows and proposed balconies and proposed massing on McGill Street.

On September 13, 2010, staff were shown a revised scheme consisting of a 30-storey tower on a three-storey podium. Concerns raised by staff include height, density, tower setback and balcony projections from Church and McGill Streets and the impact this tower may have on the adjacent properties on McGill and Granby Streets including massing of the building and shadowing.

## **ISSUE BACKGROUND**

### **Proposal**

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 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 tower steps back from the podium at 3-storeys (12.4 metres). The stepback on Church Street ranges from approximately 2 metres to 4.5 metres. On McGill Street, the setback of the tower from the podium ranges from 0.4 metres to 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 metres to 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 metres to 30 metres in depth east to west. The proposed typical tower floor plate is 809.5 square metres (8,708 square feet).

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.

## **Site and Surrounding Area**

The subject site is flat and rectangular with irregularities in its shape 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. 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. The 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 to conform, or not conflict, 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 and 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.

Section 3.1 - The Built Environment - in the Official Plan recognizes that new development should exhibit high quality architecture, landscape architecture and urban design. Development proposals are evaluated in accordance with the policies of this section to ensure that new development will fit with its existing and/or planned context, frame and support adjacent streets; locate and organize 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.

This application will be reviewed against 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.

The application will also be reviewed for compliance with other relevant policies in the Official Plan including Downtown: The Heart of Toronto (Section 2.2.1), Healthy Neighbourhoods (Section 2.3.1) and Height and/or Density Incentives (Section 5.1.1) ([www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)).

## **Zoning**

Zoning By-law 438-86

The majority of the site is zoned CR T3.0 C2.0 R3.0 under by-law 438-86. 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.

#### Zoning by-law 1156-2010

The majority of the site is zoned CR 3.0 (c2.0; r3.0) SS1 (x2134) under Zoning By-law 1156-2010 (currently under appeal). The northern portion of the site (375 Church Street) is zoned CR 3.0 (c2.0; r3.0) SS1 (x2548) and the portion of the site that functions as a driveway access to Granby Street is zoned R (d1.0) (x82).

The zoning permissions under Zoning By-law 1156-2010 are essentially the same as those under By-law 438-86 including the requirement for the building to be within a 44 degree angular plane above 16 metres along the Church Street frontages and the 2.5 metres setback of buildings and structures from Church Street.

### **Tall Building Guidelines**

Toronto City Council approved the use of the document, “Design Criteria for Review of Tall Building Proposals” 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 building ([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 yet been submitted, but will be required.

### **Tree Preservation**

There are 11 trees that would be affected by this proposal, two of which are subject to City Public Street Tree By-law. Of the five trees on Granby Street, the three furthest to the east are proposed to be removed. All four trees along McGill Street are proposed to be removed. Two of these are subject to the City’s Public Street Tree By-law. The application also includes the removal of the only tree located in the current parking lot. The applicant has submitted an arborist report and a tree inventory plan which will be reviewed by Urban Forestry staff.

## **Reasons for the Application**

A rezoning application is required to permit the proposed 30-storey, 322-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.

Additional areas of non-compliance may be identified through the circulation and review process.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application: planning rationale report, traffic impact study, community services and facility study, functional servicing report, pedestrian level wind preliminary assessment, shadow study, archaeological report, Toronto green standard checklist and an arborist report.

A Notification of Incomplete Application issued on January 14, 2011 identifies the outstanding material required for a complete application submission as follows: Heritage Impact Statement.

### **Issues to be Resolved**

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 with Official Plan Policies, particularly with respect to Area Specific Policy 151, the sections on mixed use areas, built form and tall buildings and the potential need for an Official Plan amendment;
3. conformity with the Design Criteria for Review of Tall Building Proposals, namely the sections on transition in scale, massing, adjacency issues to heritage buildings, pedestrian realm and sustainable design;
4. other built form and massing issues including, but not limited to: sky view, light penetration, shadowing on adjacent parks and open spaces, privacy and wind mitigation;
5. adequacy of the proposed amenity space;
6. the impact this development may have on the adjacent heritage buildings on Church Street, McGill Street and Granby Street;

7. assessment of streetscaping/landscaping treatments along Church Street, McGill Street and Granby Street;
8. mix of unit sizes and lack of family-sized units;
9. location and quantity of resident and visitor automobile parking;
10. location and quantity of resident and visitor bicycle parking;
11. location and access to the proposed loading area;
12. preservation and replacement of trees on and adjacent to the site;
13. traffic and neighbourhood parking impacts;
14. conformity with the Toronto Green Standards and Green Roof by-law; and
15. identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

Planning staff have significant concerns that this application in its current form conflicts with Official Plan Area Specific Policy 151 given the proposed height and lack of sensitivity to the adjacent house-form buildings within the specific policy area.

### **Toronto Green Standard**

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

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.

The Toronto Green Standard guidelines and checklist can be found on the City's website at: <http://www.toronto.ca/planning/environment/greendevlopment.htm>.



Staff will encourage the applicant to review the Bird-Friendly Development Guidelines, adopted by City Council in January, 2006. They provide guidance on how to mitigate bird-related issues through window design and treatment, as well as interior and exterior lighting. The guidelines can be found on the City's website at:  
<http://www.toronto.ca/lightsout/guidelines.htm>

## **CONTACT**

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E-mail: [ateixei@toronto.ca](mailto:ateixei@toronto.ca)

## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevation  
Attachment 2b: South Elevation  
Attachment 2c: East Elevation  
Attachment 2d: West Elevation  
Attachment 3a: Zoning By-law 438-86  
Attachment 3b: Zoning By-law 1156-2010  
Attachment 4: Application Data Sheet

GRANBY STREET

CHURCH STREET

McGILL STREET

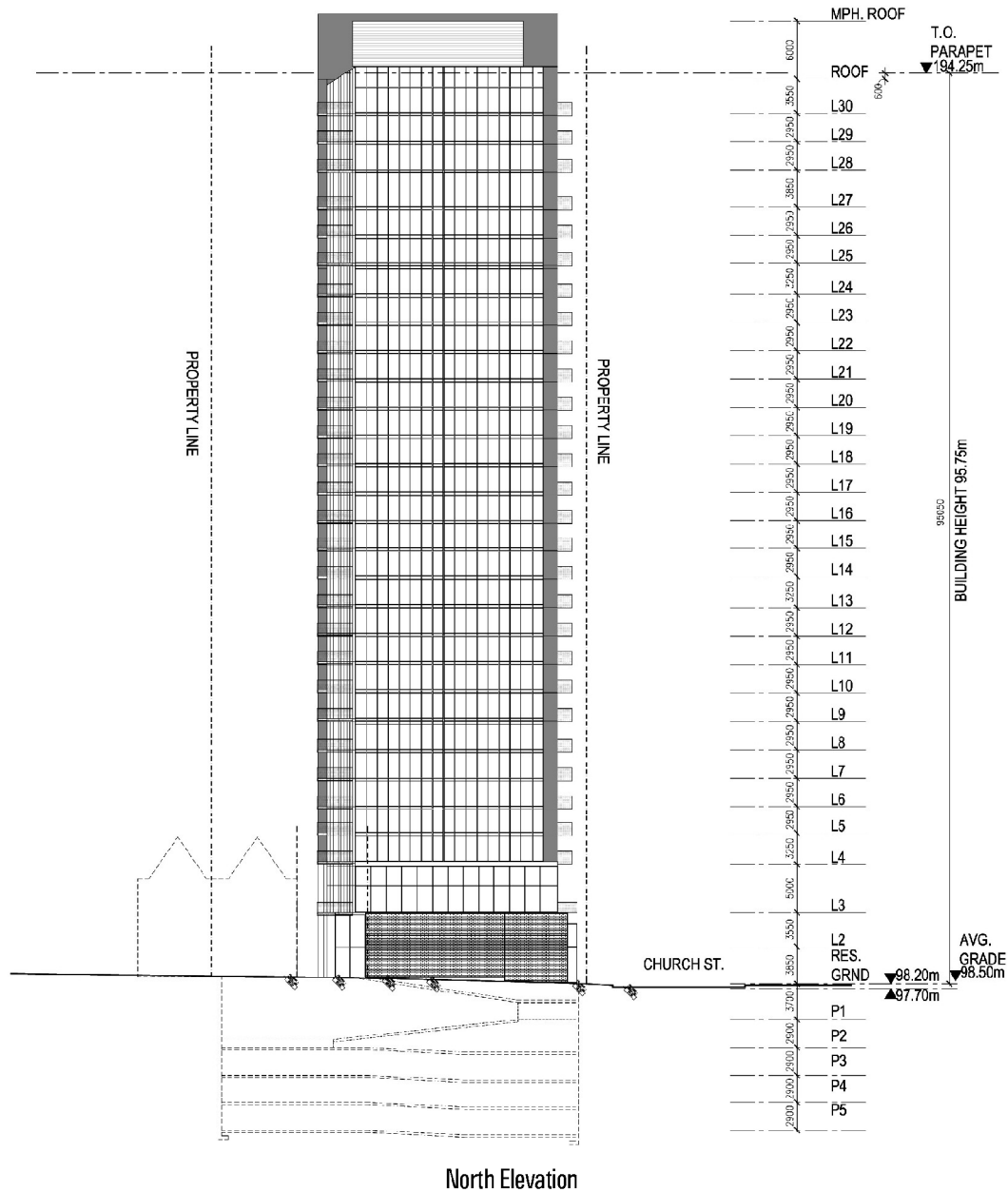
30819

**365-375 Church Street**

Not to Scale  
01/13/11

File #10 316211

## Attachment 2a: North Elevation



### North Elevation

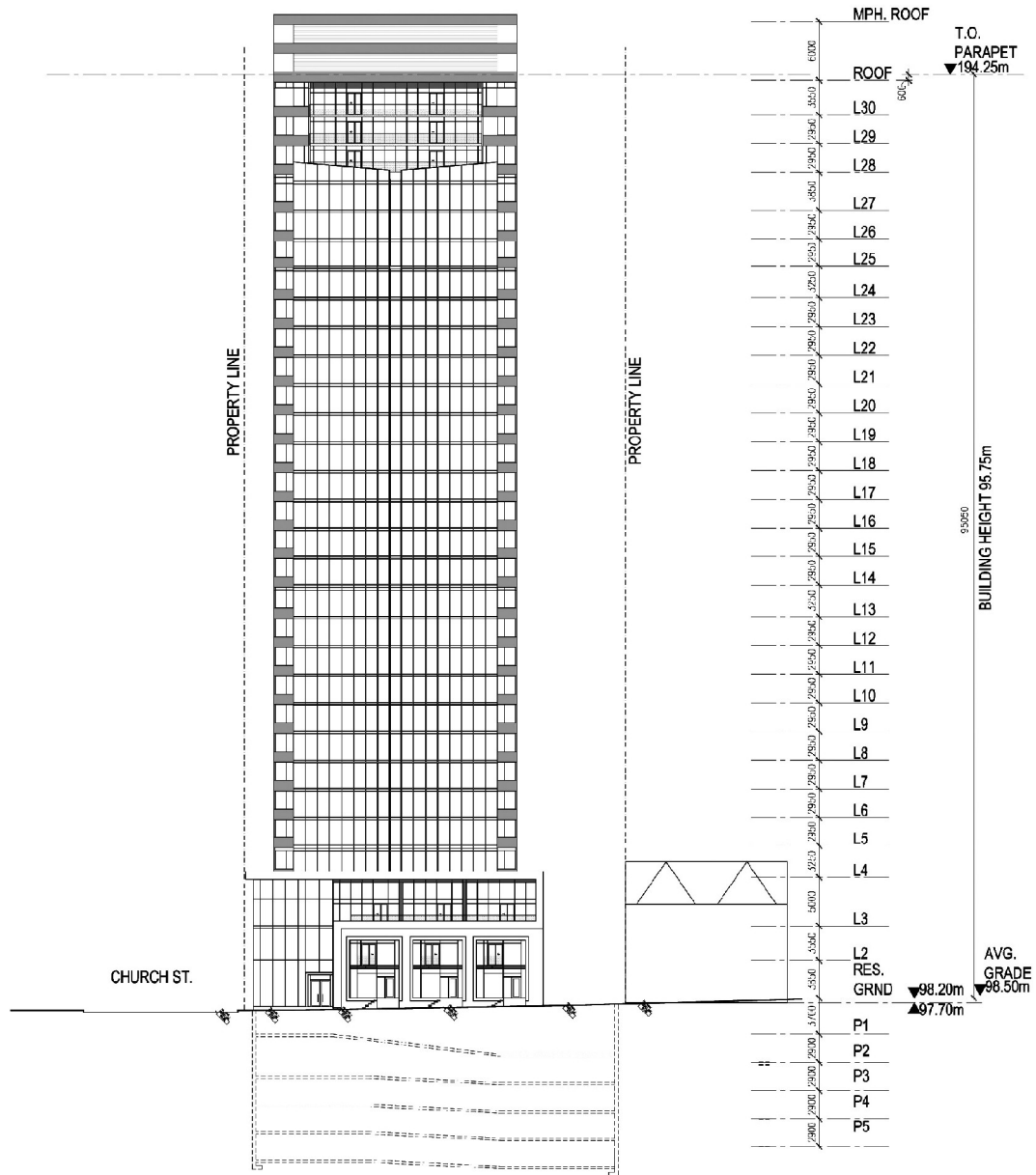
Applicant's Submitted Drawing

Not to Scale  
01/13/11

### 365-375 Church Street

File #10\_316211

## Attachment 2b: South Elevation



South Elevation- McGill Street

### South Elevation

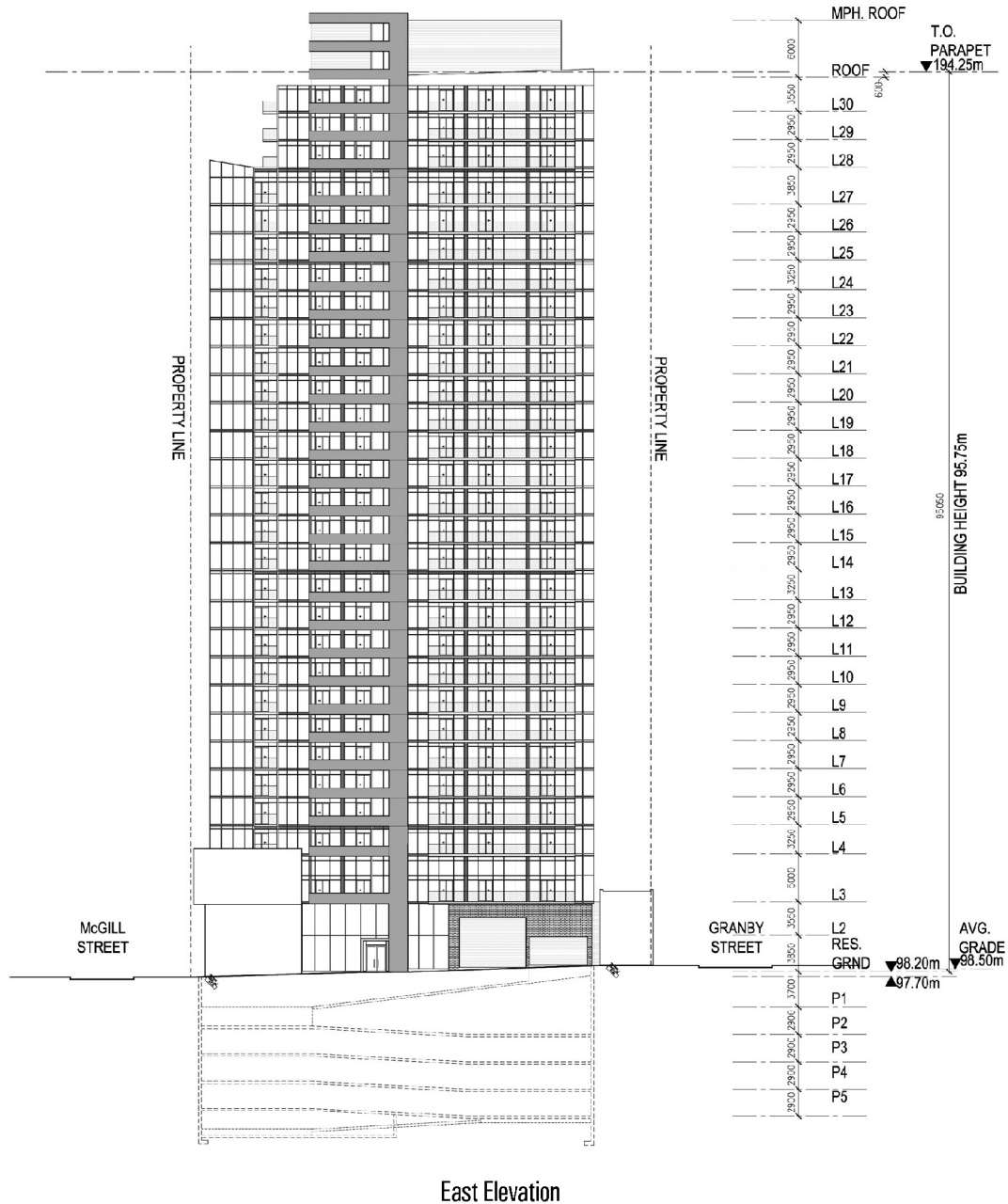
Applicant's Submitted Drawing

Not to Scale  
01/13/11

365-375 Church Street

File #10\_316211

## Attachment 2c: East Elevation



### East Elevation

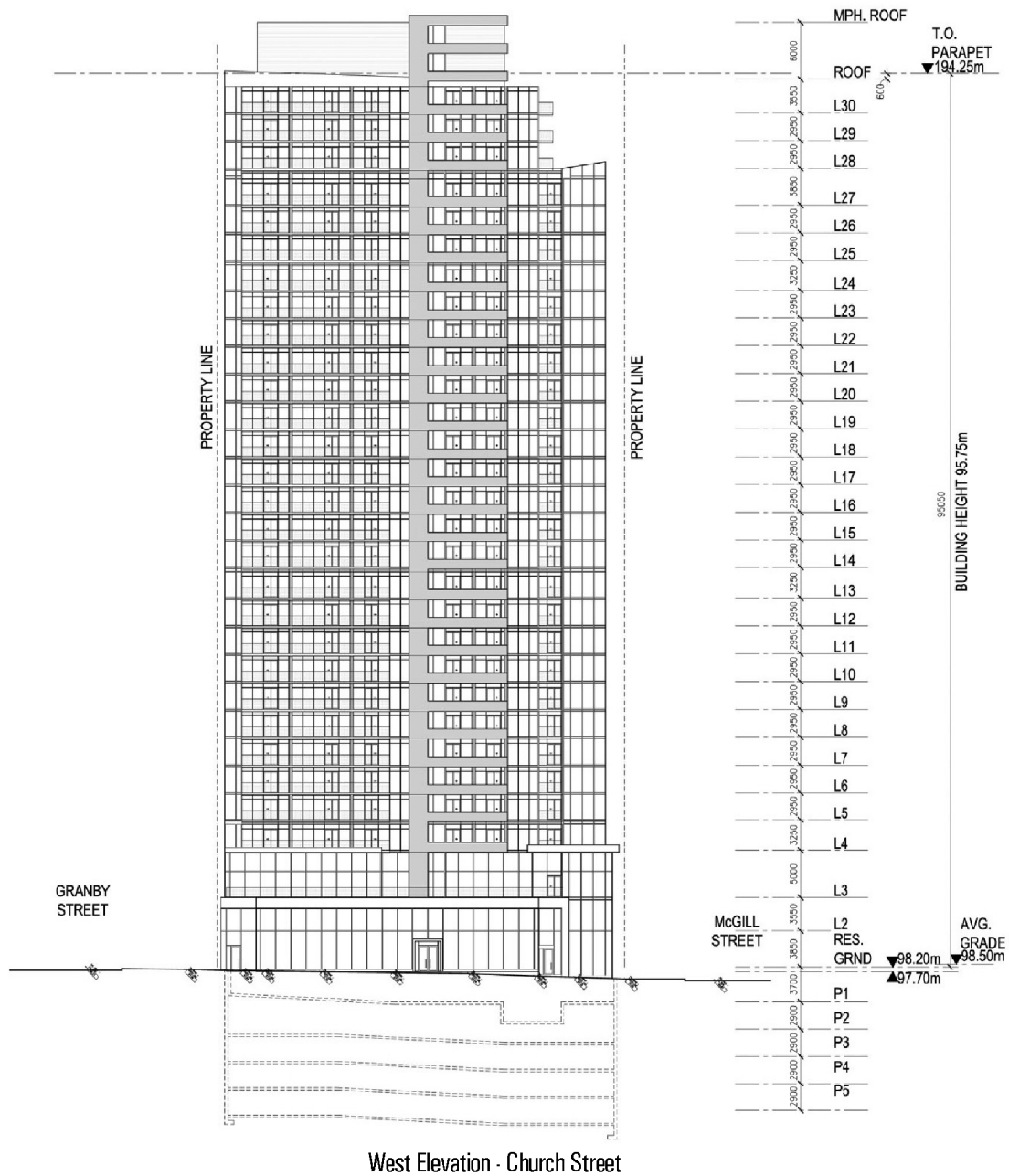
Applicant's Submitted Drawing

Not to Scale  
01/13/11

365-375 Church Street

File #10\_316211

## Attachment 2d: West Elevation



### West Elevation

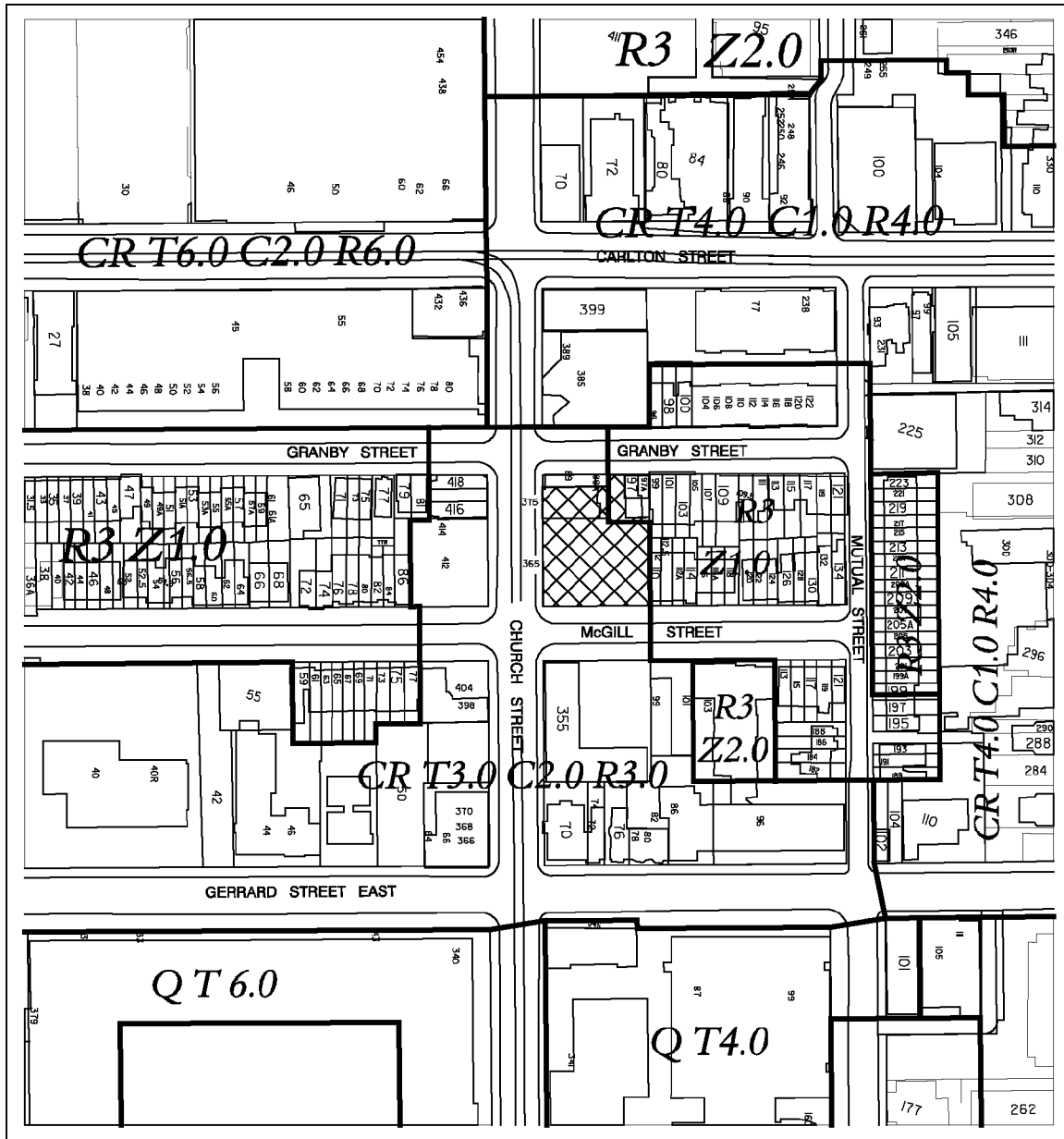
Applicant's Submitted Drawing

Not to Scale  
01/13/11

365-375 Church Street

File #10\_316211

# Attachment 3a: Zoning By-law 438-86



365-375 Church Street

File # 10\_316211

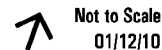
R3 Residential District  
CR Mixed-Use District  
Q Mixed-Use District



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

The map shows the following zoning designations and lot numbers for the surrounding properties:

- CR 6.0 (c2.0; r6.0) SS1 (x2399)**
- CR 6.0 (c2.0; r6.0) SS1 (x2141)**
- CR 6.0 (c2.0; r6.0) SS1 (x2544)**
- CR 4.0 (c1.0; r4.0) SS1 (x1941)**
- CR 4.0 (c1.0; r4.0) SS1 (x1884)**
- CR 4.0 (c1.0; r4.0) SS1 (x1757)**
- CR 4.0 (c1.0; r4.0) SS1 (x1884)**
- CR 4.0 (c1.0; r4.0) SS1 (x1941)**
- CR 4.0 (c1.0; r4.0) SS1 (x1852)**
- CR 4.0 (c1.0; r4.0) SS1 (x1631)**
- CR 4.0 (c1.0; r4.0) SS1 (x2454)**
- CR 4.0 (c1.0; r4.0) SS1 (x2009)**
- CR 4.0 (c0.5; r4.0) SS1 (x1460)**
- CR 4.0 (c0.5; r4.0) SS1 (x1390)**
- CR 4.0 (c1.0; r4.0) SS1 (x2091)**
- CR 4.0 (c1.0; r4.0) SS1 (x2006)**
- CR 4.0 (c1.0; r4.0) SS1 (x2279)**
- CR 3.0 (c2.0; r3.0) SS1 (x2370)**
- CR 3.0 (c2.0; r3.0) SS1 (x2548)**
- CR 3.0 (c2.0; r3.0) SS1 (x2134)**
- CR 3.0 (c2.0; r3.0) SS1 (x2373)**
- CR 3.0 (c2.0; r3.0) SS1 (x2017)**
- CR 3.0 (c2.0; r3.0) SS1 (x)**
- CR 3.0 (c2.0; r3.0) SS1 (x2446)**
- R (d1.0) (x82)**
- R (d1.0) (x554)**
- R (d1.0) (x82)**
- R (d2.0) (x82)**
- R (d2.0)**





## 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 ST   |                     |                     |
| 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:                    | R3 Z2.0         | Historical Status:       |                          |
| Height Limit (m):          | 18              | Site Plan Control Area:  | Y                        |

### PROJECT INFORMATION

|                                    |         |         |                 |              |
|------------------------------------|---------|---------|-----------------|--------------|
| Site Area (sq. m):                 | 1643.8  | Height: | Storeys:        | 30           |
| Frontage (m):                      | 43.31   |         | Metres:         | 95.75        |
| Depth (m):                         | 39.15   |         |                 |              |
| 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

### FLOOR AREA BREAKDOWN (upon project completion)

|              |       |                                  |                    |                    |
|--------------|-------|----------------------------------|--------------------|--------------------|
| Tenure Type: | Condo |                                  | <b>Above Grade</b> | <b>Below Grade</b> |
| Rooms:       | 0     | Residential GFA (sq. m):         | 22996.4            | 0                  |
| Bachelor:    | 28    | Retail GFA (sq. m):              | 217.8              | 0                  |
| 1 Bedroom:   | 184   | Office GFA (sq. m):              | 0                  | 0                  |
| 2 Bedroom:   | 110   | Industrial GFA (sq. m):          | 0                  | 0                  |
| 3 + Bedroom: | 0     | Institutional/Other GFA (sq. m): | 0                  | 0                  |
| Total Units: | 322   |                                  |                    |                    |

|                 |                      |                               |
|-----------------|----------------------|-------------------------------|
| <b>CONTACT:</b> | <b>PLANNER NAME:</b> | <b>Alex Teixeira, Planner</b> |
|                 | <b>TELEPHONE:</b>    | <b>416-392-0481</b>           |