

**70 and 72 Carlton Street - Zoning Amendment  
Application - Preliminary Report**

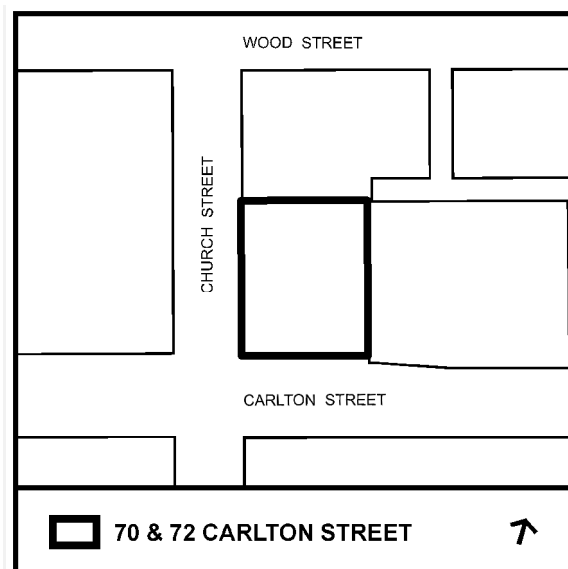
<b>Date:</b>	April 19, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	Zoning Amendment Application 13 135076 STE 27 OZ Site Plan Application 13 135070 STE 27 SA Rental Housing Demolition Application 13 135082 STE 27 RH

**SUMMARY**

A Zoning Amendment application has been submitted for 70 and 72 Carlton Street to permit a 45-storey mixed used building consisting of a 7-storey base building and a 38-storey residential tower. The development site is located at the northeast corner of Church Street and Carlton Street, directly across from the Maple Leaf Gardens building. As the proposal involves a related group of buildings with 6 or more rental units, the applicant has also submitted a rental housing demolition application under Section 111 of the City of Toronto Act (File 13 135082 STE 27 RH).

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

It is recommended that a community consultation meeting be scheduled by staff, in consultation with the Ward Councillor. A Final Report and public meeting under the *Planning Act* to consider the application is targeted for late 2013, provided that the issues raised in this report and through the review of the application are satisfactorily resolved, and that any requested information and revised application is



submitted by the applicant in a timely manner.

## **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 70 and 72 Carlton 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**

Meetings were held with the applicant to discuss preliminary development options for the site. Discussions related to, among other items, the height and massing of a base building and how it would relate to the Maple Leaf Gardens building on the west side of Church Street; setbacks to the residential building to the east and any future buildings that may be constructed on the surface parking lot to the north; rental replacement; overall height for any proposed buildings on the site in context of the 20 to 35-storey height range in the Downtown Tall Building Guidelines and Performance Standards for this portion of Carlton Street and potential shadow impacts on the Church Street Junior Public School property to the north.

On November 22, 2012 a formal pre-application consultation meeting was held with applicant to discuss the complete application submission requirements. Planning staff advised the applicant once again at this meeting that the overall height and shadow impacts on the school site remained a major concern for this project. No shadow plans were presented by the applicant at the meeting.

## **ISSUE BACKGROUND**

### **Proposal**

This application has been submitted to permit a development of a 45-storey building (including a 7-storey base). The overall development would have a total gross floor area of 36,011 square metres (35,149 square metres of residential GFA and 845 square metres of ground floor retail and 17 square metres of commercial lobby area for a total Floor Space Index of 20.34. The development would include 600 residential units (587 market units and 13 rental replacement units).

The unit mix includes;

Studio:	215 (36%)
1 Bedroom:	254 (42%)
2 Bedroom:	71 (12 %)
3 + Bedroom:	60 (10%)
Total Units:	600

A total of 202 parking spaces would be provided in a 5-level underground parking garage with access from a driveway to Church Street. There would be 152 residential parking spaces and 50 commercial parking spaces. A total of 543 bicycle parking spaces are proposed, including 422 spaces for residents, 113 spaces for visitors and 8 for non-residential uses.

A total of 755 square metres of indoor amenity space would be provided on two levels (588 sq.m. on the 8<sup>th</sup> floor and 167 sq.m. on the 9<sup>th</sup> floor), while 839 sq.m. of outdoor space would be provided on the roof of the 7<sup>th</sup> floor.

### **Base Building Portion**

The proposed 7-storey base building (25.55 metres) would be built to the street line, as well as to the north and east property lines. The building at grade is to be inset 2 metres on Church Street and 0.6 metres on Carlton Street providing sidewalk widths of 4.5 metres on Carlton Street and 4.8 metres on Church Street. In the Downtown Tall Buildings Vision and Performance Standards Design Guidelines streets with rights-of-way of 20 to 30 metres are to provide a minimum sidewalk width of 4.8 metres. The updated Tall Building Design Guidelines (March 2013) specifies that sidewalks be at least 6 metres wide.

Along the east property line, with exception of a portion fronting Carlton Street, floors 2-7 would be setback 7.5 metres from the east property line, creating an outdoor terrace level for the units on the 2<sup>nd</sup> floor. The base building would include ground floor retail and 125 residential units.

### **Tower Portion**

The proposed 38-storey tower above the 7-storey base would be irregular in shape with curvilinear corners and building faces generally oriented in a north-south direction. The tower floor plate is proposed to range from 519 to 829 square metres. The 8<sup>th</sup> and 9<sup>th</sup> floor of the tower are to be inset 1.5 metres to provide outdoor amenity space on the roof of the base building and provide a separation between the base building and tower element.

The main portion of the tower (Floors 10 to 35) is proposed to have setbacks ranging from 1.2 metres to 4.85 metres from south property line (Carlton Street), 1.2 metres to 4.2 metres from the west property line (Church Street), 7 to 11 metres from the north property line and 7.5 to 11.85 metres to the east property line. Above the 35<sup>th</sup> floor, the tower would be stepped back at the northwest corner from the 36<sup>th</sup> to the 40<sup>th</sup> floor, while

an additional setback is provided above the 40<sup>th</sup> floor. Balconies are proposed to project approximately 1.2 metres from the main wall of the tower.

The property at 72 Carlton Street currently supports 13 residential rental units of which 5 are below grade. All of these units have mid-range rents. There are currently 13 units listed, 12 are bachelors and one is a one-bedroom. The proposal seeks to demolish all of the units and replace 13 units on the second floor in the base of the proposed building. The applicant is proposing to replace them as 1 bachelor, 8 one-bedroom units, 2 two-bedroom units and 2 three-bedroom units of similar size to the existing units.

### **Site and Surrounding Area**

The subject property is located at the northeast corner of Church Street and Carlton Street and is occupied by two 2-storey buildings. The site has a total site area of 1,770 square metres, with a frontage of 37.9 metres on Carlton Street and 46.7 metres on Church Street.

The building at 70 Carlton Street is an office/commercial building. The building at 72 Carlton Street is a commercial/residential building and is occupied by a restaurant and bar on the ground floor. There are also a total of 13 residential rental units located on the second floor and basement level of the building.

Surface parking is located at the rear of the building accessed by a driveway from Church Street.

**West:** Maple Leaf Gardens heritage building that has been converted to a supermarket on the main floors with athletic facilities on the upper floors. Further west on the north side of Carlton Street is a 23-storey hotel, a 15-storey residential building, and 10-storey and 18-storey office buildings.

At the southwest corner of Carlton Street and Church Street is a 3-storey listed heritage building occupied by a bank. West of the bank is a 20-storey residential building with a 2-storey base element with grade-related retail and restaurant uses, and a mixed-use development with 43 and 33-storey towers.

**South:** At the southeast corner of Carlton Street and Church Street is a 4-storey office building, a 12-storey Toronto Community Housing residential building and a 16-storey residential building.

**North:** A surface parking lot is located immediately north of the site, with an 8-storey Toronto Community Housing residential building east of the parking lot. There is a public lane within the block that extends to Mutual Street.

On the north side of Wood Street is a 3.5-storey building at the north east corner of Church Street and Wood Street with a pub and a restaurant. Church Street Junior Public School, including a playground and field, which is three storeys in height, is located on the north side of Wood Street just east of Church Street.

East: Immediately east of the site is a 12-storey residential building which has 154-units for seniors and persons with physical disabilities. The Carlton Street portion of the building is 7 storeys in height. Further east on the north side of Carlton Street are mid-and-high rise buildings including a 22-storey hotel, 10-storey residential building and a 15-storey residential building. The property at 308 Jarvis Street has permission for an 18-storey building and an application has been submitted to permit a 43-storey mixed-use building (File 12 110573 STE 27 OZ). Allan Gardens Park is located on the east side of Jarvis Street, south of Carlton Street.

### **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 Official Plan places the site within the Downtown and Central Waterfront on Map 2 "Urban Structure". The site is designated "*Mixed Use Areas*" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that directs the form and quality of development in this land use designation. The criteria state that: new buildings provide a transition between areas of different intensity and scale, including appropriate setbacks and/or a stepping down of heights towards lower scale *Neighbourhoods*; shadow impacts be minimized; and an attractive, safe and comfortable pedestrian environment be provided, among other criteria. Generally, it is the intent that development will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- provide for new jobs and homes for Toronto's growing population on underutilized lands;

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards 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 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, comfortable and safe pedestrian environment;
- have access to schools, parks, community centres, libraries, and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- 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 in every significant multi-unit residential development.

Section 3.1.2 of the Official Plan includes Built Form policies for new developments related to the following:

- location and organization to fit with its existing and/or planned context;
- location and organization of vehicle parking and access, service areas and utilities to minimize their impact on the property and surrounding areas;
- massing and exterior façade to be designed to fit harmoniously into its existing and/or planned context and limit its impact on neighbouring streets, parks, open spaces and properties;
- massing to define the edges of streets, parks and open spaces with taller buildings to ensure adequate access to sky view for the proposed and future uses of these areas;
- provision of amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians; and

- provision of indoor and outdoor amenity space for residents in new multi-unit residential developments.

Section 3.1.3 of The Official Plan also includes additional Built Form Policies for Tall Buildings. Section 3.2.2 of the Official Plan addresses the provision of community services and facilities in areas experiencing major or incremental growth. Strategies for providing new infrastructure or improving existing facilities will be developed for areas that are inadequately served or experiencing major growth.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 3.2.1.5 states that for significant new development on sites containing six or more rental units, where existing rental units will be maintained, the existing units which have affordable and mid range rents will be secured as rental housing and any needed improvements and renovations to the existing rental housing may also be secured without the pass-through of such costs to tenants.

Applicants proposing to demolish six or more residential rental units, except where all of the rents are above the mid-range rent category, are required to replace the rental units with at least same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship.

These and other relevant policies of the Official Plan including built form, housing, among others, will be utilized to review this application.

### **Downtown Tall Buildings Vision and Performance Standards Design Guidelines**

In July of 2012, Toronto City Council adopted the Downtown Tall Buildings Vision and Performance Standards Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development proposals falling within the Guideline boundaries. The Guidelines identify where tall buildings belong Downtown and establish a framework to regulate their height, form and relationship to their surroundings. They focus on enhancing the pedestrian environment; minimizing shadowing of sidewalks, parks and public squares; protecting landmark views and heritage resources and improving the quality of life (access to natural light, sky views and privacy) for people living and working Downtown. The Guidelines include a vision statement for downtown tall buildings; maps which identify "High Street" and "Secondary High Street" locations, recommended heights and building typologies for these streets; and twenty-three Performance Standards relating to the base conditions or tower portions of tall buildings or to their contextual fit within the Guideline area. Guideline details are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm>.

The subject site is a corner property located on Carlton Street, at Church Street, which is identified as a High Street on Map 1. This portion of Carlton Street falls within a height range of 62 metres to 107 metres (20 storeys to 35 storeys) on Map 2, is identified as Tower Podium form on Map 3 and is identified as a Priority Retail Street on Map 4.

The abutting Church Street portion is identified as a High Street on Map 1. This portion of Church Street falls within a height range of 47 metres to 77 metres (15 storeys to 25 storeys) on Map 2, is identified as Canyon Form Map 3 and is identified as a Priority Retail Street on Map 4.

## **Zoning**

The subject site is currently zoned CR T4.0 C1.0 R4.0 in the former City of Toronto Zoning By-law No. 438-86, which permits a mix of commercial and residential uses. The maximum building height is 30 metres with the base height at the lot line being 16 metres and a 44 degree angular plane applied. Maximum permitted density is 4 times the lot area. Certain permissions and exceptions from Section 12(1) and 12(2) also apply.

## **Site Plan Control**

The proposed development is subject to Site Plan Control approval. A Site Plan application has been submitted (File 13 135070 STE 27 SA).

## **Rental Housing Demolition and Conversion By-Law**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the 13 rental units. The rents for all of the rental units are within the mid-range category (between one and one and a half times average market rent) at the time of application. As such, replacement has been proposed under policy 3.2.1.6. The applicant has also proposed to secure the



rents for 10 years and the tenure for 20 years as per the policy. The rent for the replacement units will be required to be similar to the rent for the existing units. The current replacement plan is not yet satisfactory to the City, but staff and the applicant will work towards an acceptable replacement plan, and an acceptable tenant relocation and assistance plan.

### **Tree Preservation**

Urban Forestry staff are reviewing the development plans to determine the impact on any existing mature trees. The owner will be required to obtain the necessary permits prior to removing any trees.

### **Reasons for the Application**

The Zoning By-law Amendment has been submitted to establish uses and the development standards for the proposed development related to, among other matters, maximum density and height, commercial and residential floor area, number and mix of residential units, parking and loading requirements, building envelopes and required landscape and amenity space.

All areas of non-compliance with Zoning By-law No. 438-86 will be identified through the circulation and review process.

A Section 111 permit is required to demolish the existing rental units.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Arborist Report
- Shadow Studies
- Planning and Urban Design Rationale Report
- Toronto Green Standards Checklist
- Pedestrian Level Wind Study
- Stage 1 Archaeology Background Study
- Contaminated/Environmental Site Assessment Reports
- Traffic Impact Study
- Functional Servicing and Stormwater Management Report
- Housing Issues Report
- Soil Investigation.

A Notification of Complete Application was issued on April 19, 2013.

## Issues to be Resolved

A number of significant issues have been identified that will need to be addressed. There are concerns with the following:

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 the sections on built form and housing;
3. Conformity with the Downtown Tall Buildings Vision and Performance Standards Design Guidelines. Built form concerns including: height and density of the proposal, separation distance from surrounding buildings, shadow impacts on surrounding properties, open space and massing issues including, but not limited to: setbacks, step-backs, views, sky view, light penetration, privacy, wind mitigation and pedestrian realm weather protection;
4. Shadow impacts on the Church Street Junior Public School property to the north;
5. Mix of unit sizes, including the provision of family sized units;
6. Provision of replacement commercial floor area within the development;
7. Assessment of traffic generation, access and transportation impacts;
8. Commitment to providing resident and visitor bicycle parking and a bike share program;
9. Appropriate servicing to accommodate the proposed development;
10. Adequacy of community services and parkland in the area;
11. Provision of required indoor and outdoor amenity space and adherence to the City's Toronto Green Standard and Green Roof By-law;
12. With respect to the rental units, appropriateness of rental replacement proposal; clarification regarding utility costs; internal layouts of existing units; tenant meeting and profiles; and satisfactory tenant relocation and assistance, and tenant communication plan; and
13. Identification and securing of public benefits pursuant to Section 37 of the *Planning Act* should a redevelopment be recommended for approval.

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

## **CONTACT**

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E-mail: mchlon@toronto.ca

## **SIGNATURE**

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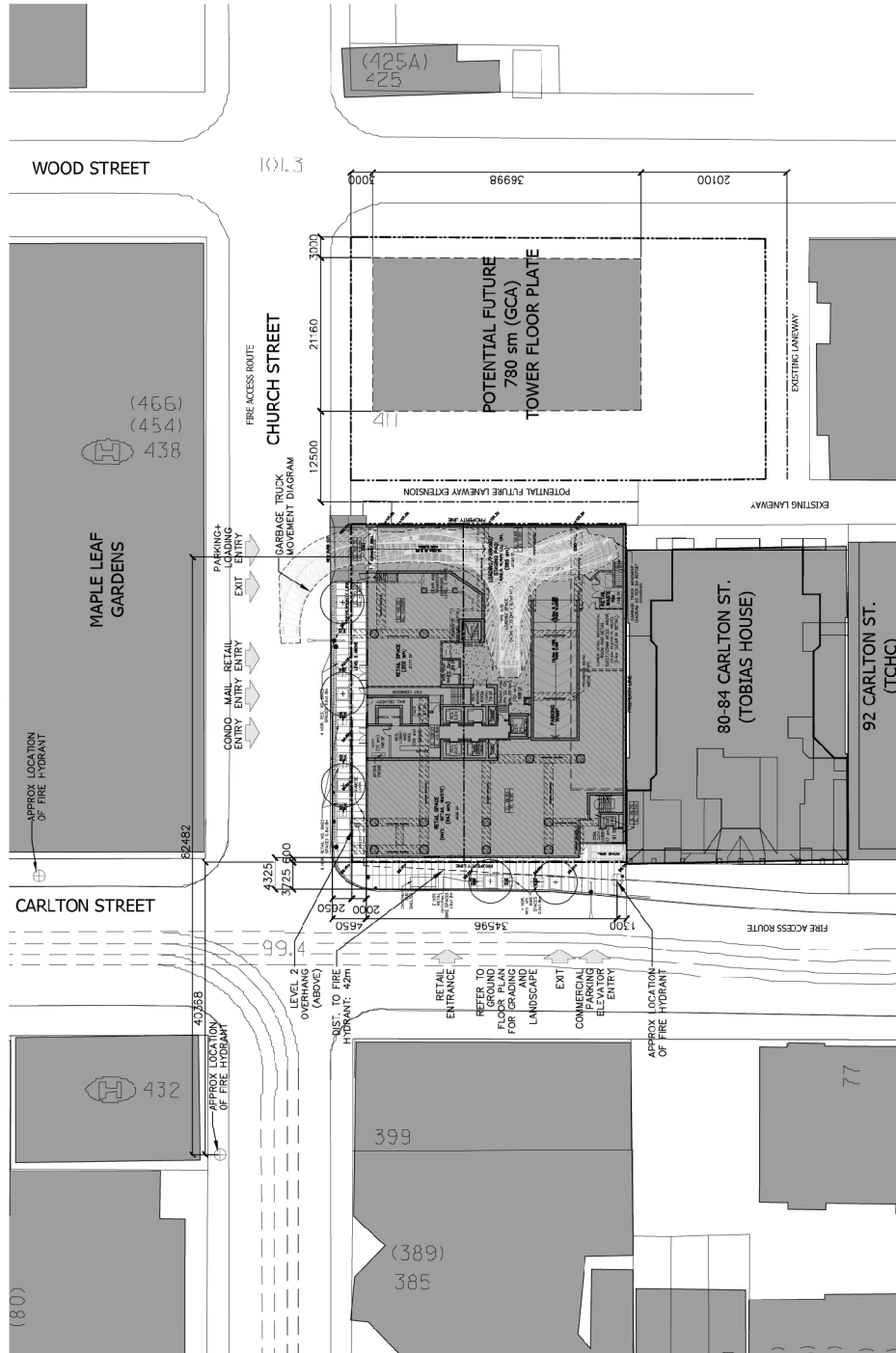
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: South Elevation (Carlton Street frontage)  
Attachment 3: West Elevation (Church Street frontage)  
Attachment 4: North Elevation  
Attachment 5: East Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



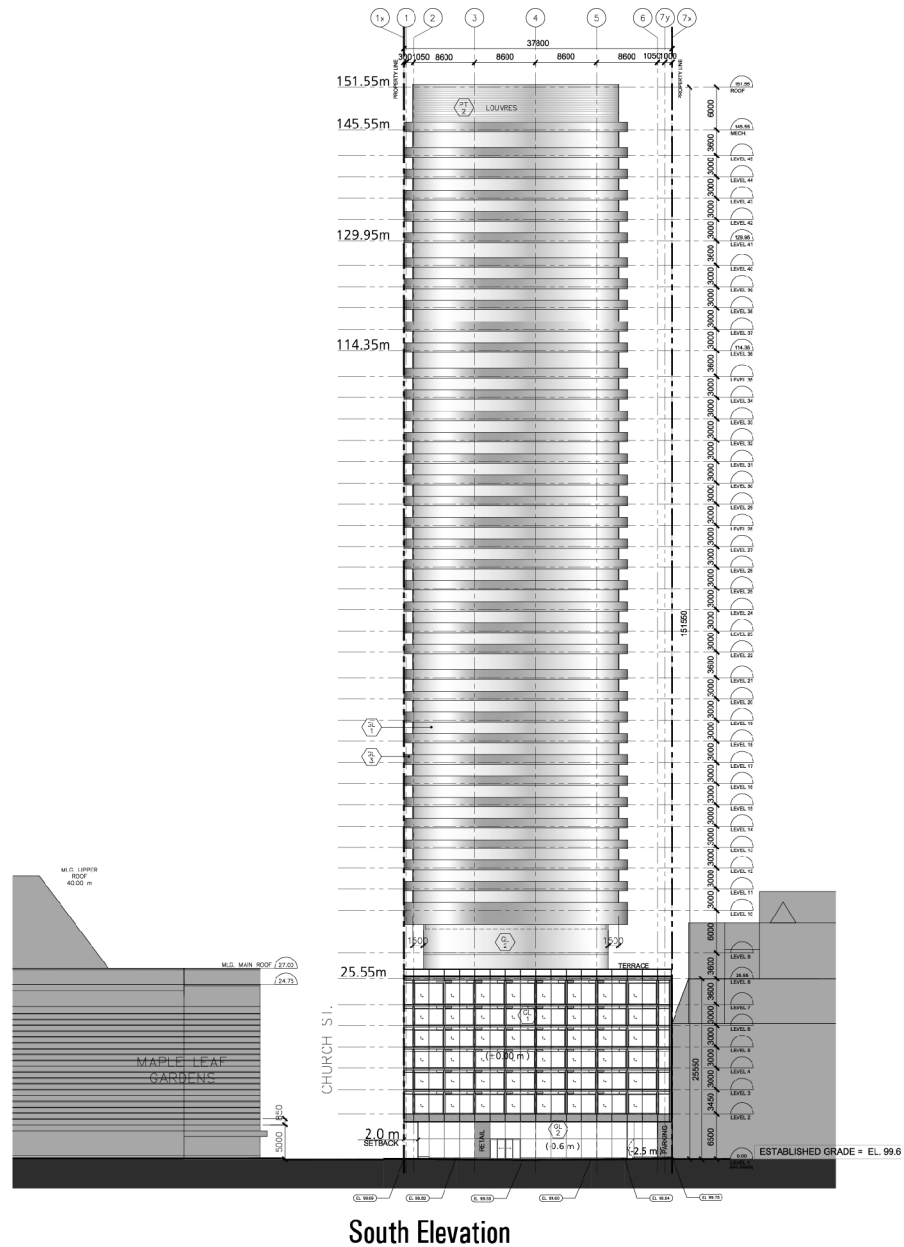
70 & 72 Carlton Street

Site Plan  
 Applicant's Submitted Drawing

File # 13 135076 0Z

Not to Scale  
 04/10/2013

## Attachment 2: South Elevation (Carlton Street frontage)



### Elevations

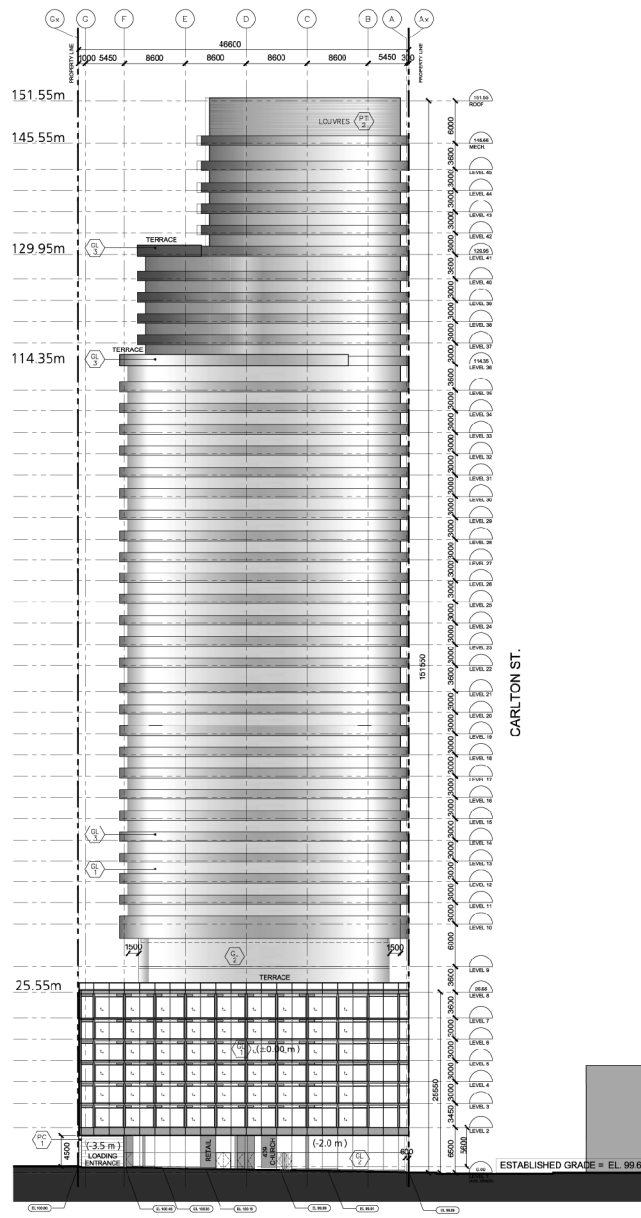
Applicant's Submitted Drawing

Not to Scale  
04/10/2013

### 70 & 72 Carlton Street

File # 13 135076 0Z

### Attachment 3: West Elevation (Church Street frontage)



West Elevation

## Elevations

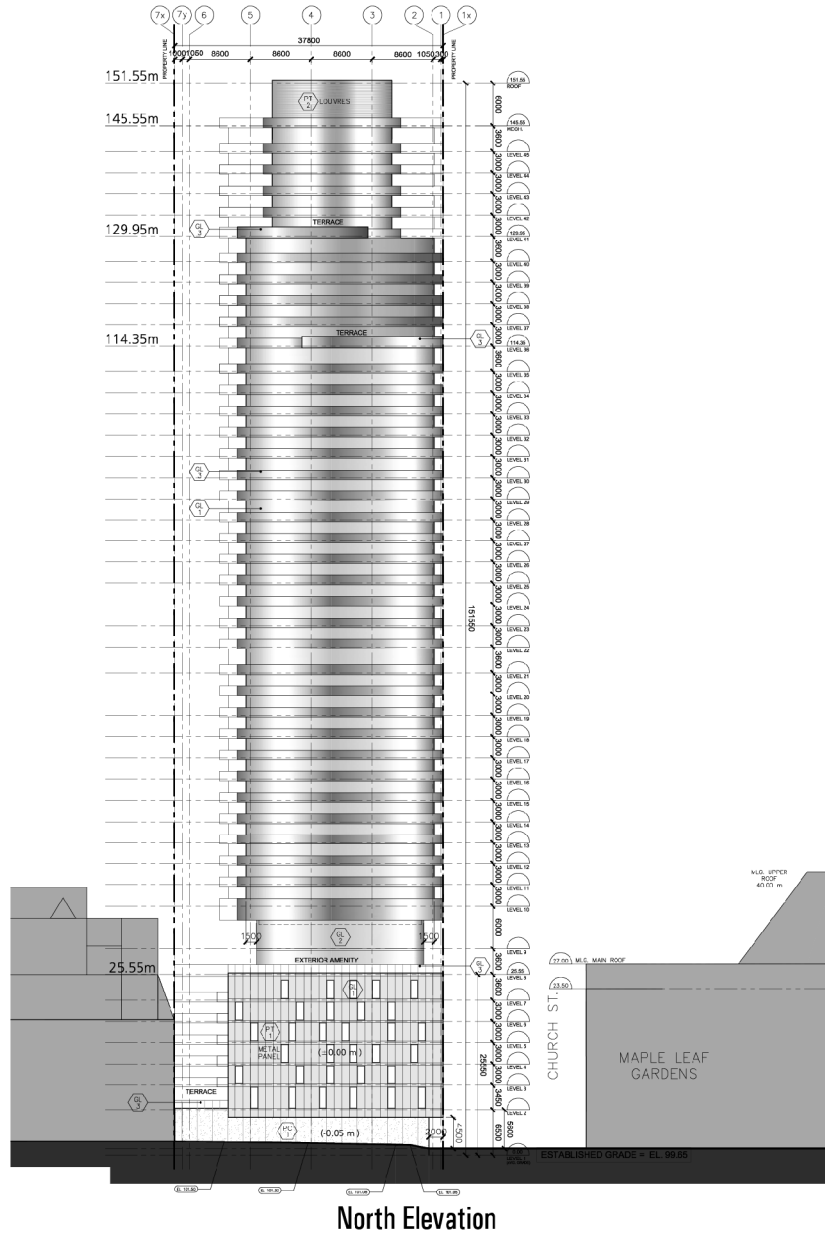
Applicant's Submitted Drawing

Not to Scale  
04/10/2013

## 70 & 72 Carlton Street

File # 13 135076 0Z

# Attachment 4: North Elevation



## Elevations

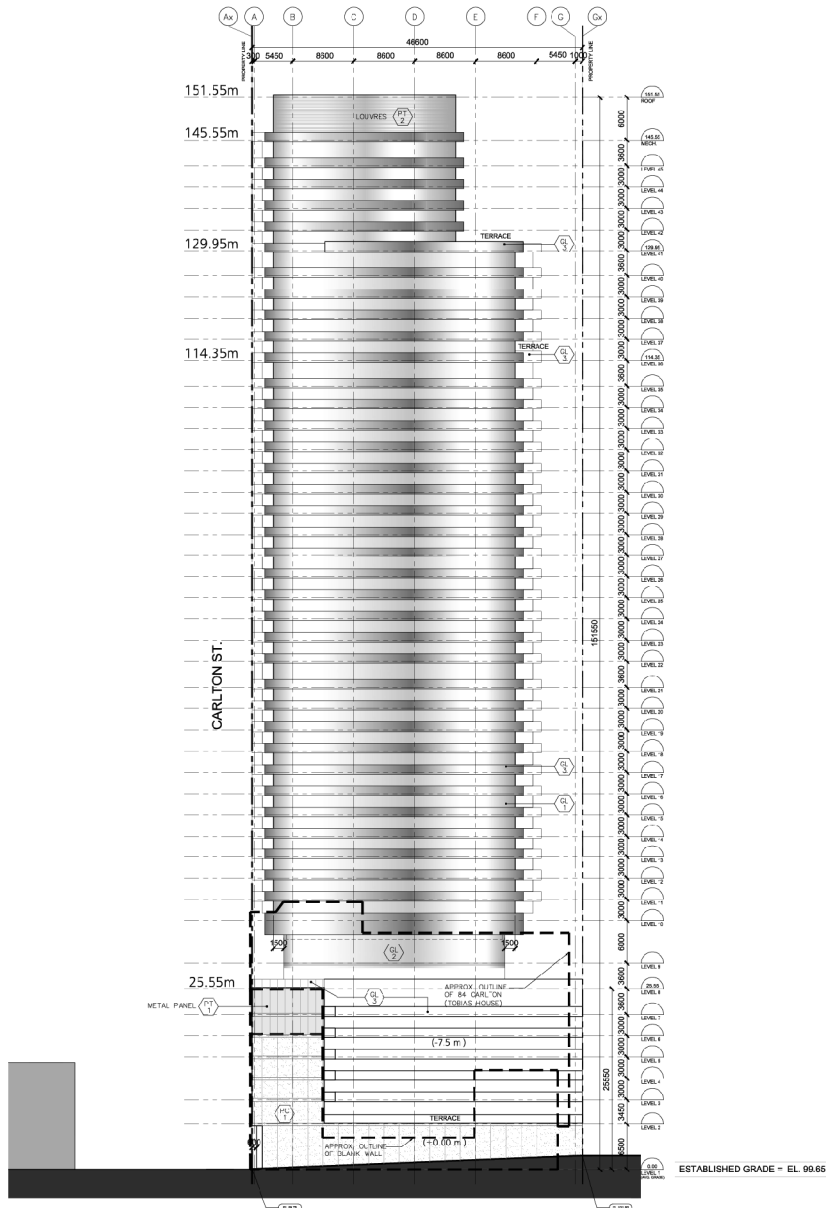
Applicant's Submitted Drawing

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04/10/2013

## 70 & 72 Carlton Street

File # 13 135076 0Z

Attachment 5: East Elevation



East Elevation

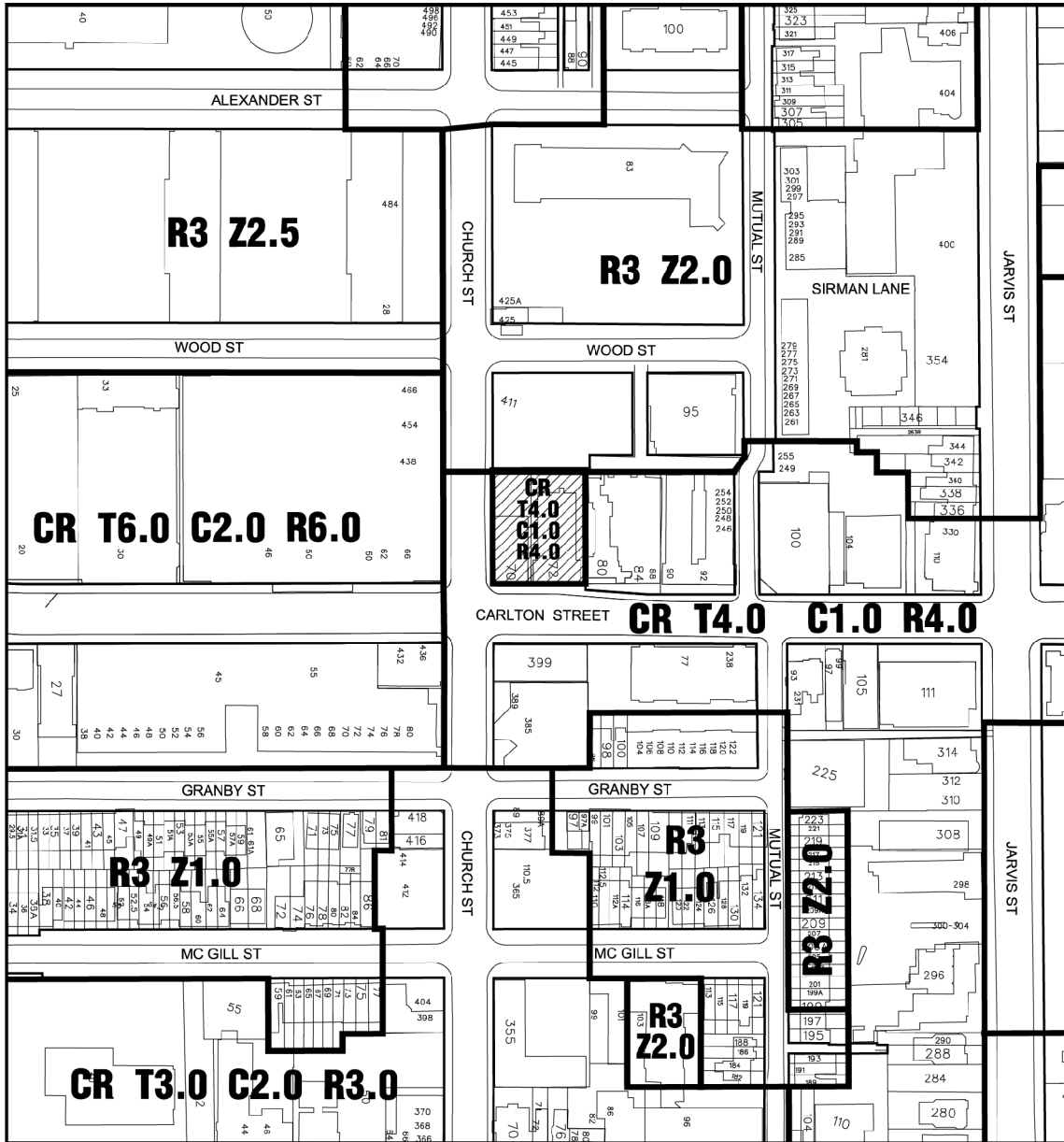
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<b>Elevations</b>	<b>70 &amp; 72 Carlton Street</b>
Applicant's Submitted Drawing	
Not to Scale 04/10/2013	File # 13 135076 0Z

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# Attachment 6: Zoning



70 & 72 Carlton Street

File # 13 135076 OZ

CR Mixed-Use District  
R3 Residential District



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 04/11/2013

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	13 135076 STE 27 OZ
Details	Rezoning, Standard	Application Date:	March 18, 2013
Municipal Address:	70 and 72 CARLTON STREET		
Location Description:	PLAN 203 PT LOT 16 **GRID S2710		
Project Description:	A Zoning Amendment application to permit a 45-storey mixed used building consisting of a 7-storey base building and a 38-storey residential tower. As the proposal involves a related group of buildings with 6 or more rental units, the applicant has also submitted a rental housing demolition application under Section 111 of the City of Toronto Act (File 13 135082 STE 27 RH).		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Tribute (Church Street) Limited 1815 Ironside Manor, Unit 1 Pickering, ON L1W 3W9	McCarthy Tetrault PO Box 48, Suite 5300 Toronto-Dominion Bank Tower Toronto, ON M5K 1E6	Core Architects Inc. 317 Adelaide St. West Suite 600 Toronto, ON M5V 1P9	Tribute (Church Street) Limited 1815 Ironside Manor, Unit 1 Pickering, ON L1W 3W9

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T4.0 C1.0 R4.0	Historical Status:	N
Height Limit (m):	30.5 metres	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1770.3	Height:	Storeys: 45
Frontage (m):	37.89	Metres:	151.55
Depth (m):	42.11		
Total Ground Floor Area (sq. m):	1091		<b>Total</b>
Total Residential GFA (sq. m):	35149	Parking Spaces:	202
Total Non-Residential GFA (sq. m):	862	Loading Docks	1
Total GFA (sq. m):	36011		
Lot Coverage Ratio (%):	62		
Floor Space Index:	20.3		

### DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	
Studio:	215 (36%)
1 Bedroom:	254 (42%)
2 Bedroom:	71 (12%)
3 + Bedroom:	60 (10%)
Total Units:	600

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	35149	0
Non-Residential GFA (sq. m):	862	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT: PLANNER NAME: Mark Chlon, Senior Planner**  
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