

**411 Church Street – Zoning Amendment Application –  
Request for Direction Report**

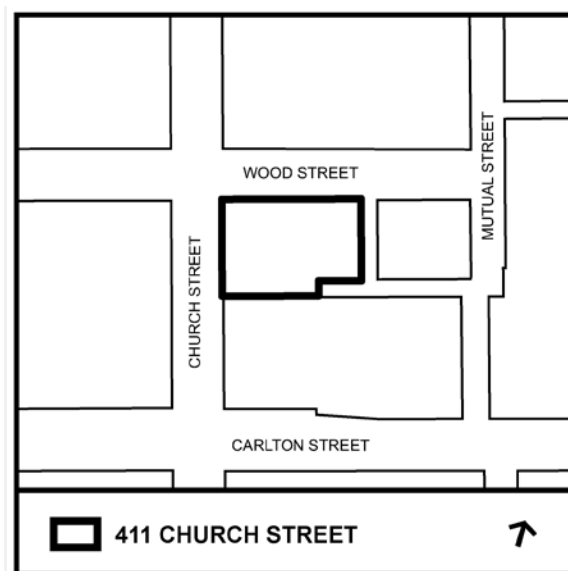
<b>Date:</b>	July 10, 2016
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2016\Cluster B\PLN\CC16087 (15-205116 STE 27 OZ)

**SUMMARY**

A revised Zoning By-law Amendment application has been submitted to permit the development of a 38-storey residential tower (122 metres to the top of mechanical roof), including a 6-storey base building, with a total of 541 dwelling units and a total gross floor area of 36,540 square metres. The ground floor would have 515 square metres of commercial space fronting Church Street and 4 grade-related residential units fronting Wood Street.

The proposed building would have two loading spaces at grade and a total of 104 vehicle parking spaces in an underground parking garage with two levels, with all vehicular access being from the adjacent public laneway that connects to Wood Street. A total of 556 bicycle parking spaces are proposed.

The original Zoning By-law Amendment application was submitted to permit a 45-storey residential tower (149.8 metres to top of the mechanical roof), including a 7-storey base building, with a total gross floor area of 38,030 square metres (35,260 sq.m. of residential floor area and 2,770 sq.m. of non-residential floor area). A total of 583 residential units were proposed, with a total of 160 vehicle parking spaces in a three level underground parking garage.



The original 45-storey application was referred to the Ontario Municipal Board by the applicant due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. The revised 38-storey application was recently submitted in April 2016 and will be the proposal before the Ontario Municipal Board. The Ontario Municipal Board Hearing is scheduled for August 22 and 23, 2016.

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

The proposed 38-storey tower does not fit within its existing and planned context and will have a negative impact on the immediate area, including the Church Street Junior Public School, as a result of the proposed massing, height and shadow, and does not provide a transition to the low-scale Church Street Village Area. There is also insufficient parking to support the proposed development. Servicing requirements to support the site are still required to be addressed to the satisfaction of City staff.

Issues related to transition and shadow can be addressed to the satisfaction of City staff, if the proposal is revised to a maximum 25-storeys, which is within a 15 to 25 storey range in accordance with the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and OPA 183 (Site and Area Specific Policy 382), with a 750 square metre floor plate in a more compact tower shape generally located to the southeast corner of the site.

## RECOMMENDATIONS

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

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, and consultants, as deemed necessary, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 411 Church Street and attend the Ontario Municipal Board hearing in opposition to such appeal.
2. City Council request the Ontario Municipal Board to secure, subject to the terms satisfactory to the City Solicitor, the following services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the current proposal be approved by the Ontario Municipal Board:
  - a) Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the owner shall make a cash contribution to the City in the amount of \$2,750,000 which will be used by the City for one or more of the following:
    - (i) \$325,000 for new community space in Ward 27; and
    - (ii) \$2,425,000 for local parks and streetscape improvements in Ward 27.
  - b) Within ten (10) days of the zoning by-law amendment becoming final and binding, the owner shall provide a cash contribution of \$500,000 toward the City's Capital

Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental units in Ward 27, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor.

3. City Council authorize the City Solicitor and City Planning in consultation with the local Councillor to secure services, facilities or matters pursuant to Section 37 of the *Planning Act* as may be required by the Chief Planner should a different form of the proposal be approved by the Ontario Municipal Board.
4. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
5. City Council authorize the City Solicitor to request the Ontario Municipal Board, in the event the zoning by-law is approved, to withhold its final order until the following matters are addressed:
  - a) The owner shall revise the Functional Servicing Report and the Stormwater Management Report to address the matters discussed in the letter dated June 13, 2016 from Engineering and Construction Services, to the satisfaction of the Executive Director, Engineering and Construction Services.
  - b) The owner shall address Toronto Water's comments regarding groundwater issues discussed in the letter dated June 13, 2016 to the applicant, to the satisfaction of Toronto Water and the Executive Director, Engineering and Construction Services.
  - c) The owner shall enter into an agreement with the City, where the owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **BACKGROUND**

The surface parking lot at 411 Church Street was placed on the market as a development site in the late spring of 2015. Planning staff made it clear to all parties that enquired about the site that building height and shadow impacts on the Church Street Public School were primary concerns for this site.

On May 22, 2015, representatives from Centrecourt Developments met with Planning staff, prior to purchasing the subject site. The discussion at the time included a lower height scenario and a taller tower scenario with shadow studies, as presented by Centrecourt, noting the impact on the Church Street Junior Public School. Planning staff advised that they would only be supportive of a building design that fell within the newly established shadow of the approved 37-storey

proposal at 70-72 Carlton Street and provided a transition to the Church Street Village Area to the north.

A second meeting was held with Centrecourt and their planning consultant on July 9, 2015 with both Planning and Urban Design staff in attendance. At that meeting staff were shown a proposal for a 45-storey tower including a 7-storey base building. Staff noted that the building height on the site and resulting shadow impacts on the adjacent Church Street Junior Public School were significant concerns and were not acceptable. Again, staff advised that they would only be supportive of a building design that fell within the newly established shadow of the 70-72 Carlton Street proposal and provided a transition to the Church Street Village area to the north.

Staff advised that any building on the subject site should respect the 15 to 25 storey height range for this site in accordance with the Official Plan Amendment 183 (Site and Area Specific Policy 382) and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (2013).

On August 12, 2015, the City Planning Division received a Zoning By-law Amendment application from Centrecourt for a 45-storey building, including a 7-storey base building.

Planning staff issued a letter on September 2, 2016, reiterating staff's concerns and comments referenced above and that the application as submitted did not address the concerns previously raised by staff at the meetings. Staff advised that the proposed 45-storey tower including a 7-storey building is too tall for the site, does not provide a transition to the low-scale Church Street Village area to the north and has significant shadow impacts on Church Street Junior Public School property, on both the playground areas and building.

In the September 2, 2015 letter to Centrecourt, Planning staff enquired if the application would be revised to an appropriate scale to address the concerns previously raised by staff, before a report was sent to Community Council.

On September 16, 2015, Planning staff received a response letter from Goodmans on behalf of Centrecourt, acknowledging Planning staff's position of only being supportive of a building design that falls within the newly established shadow of the 70-72 Carlton Street proposal and provided a transition to the Church Street Village area to the north. The letter stated that, "it is unfortunate that City staff have taken a firm position regarding our client's rezoning based only on pre-consultation meetings, and not a comprehensive review of our client's supporting materials, and prior to a public consultation process." It was also confirmed in the letter that the client would not be making any revisions at this time.

It should be noted that Mr. Bronskill's client's, the owners of 411 Church Street, were a party at the OMB hearing for the rezoning application on the adjacent site at 70-72 Carlton Street, where the most significant issue was building height on the site and resulting shadow impacts on the adjacent Church Street Junior Public School. Representatives from the Wellesley Neighbourhood Association and the School parents were at the hearing primarily to express concerns with building height and shadow on the school playground and building.

On December 8, 2015, Planning staff held a community meeting in consultation with the local Councillor, to present the application to the community. There was an unforeseen delay in delivery of the meeting notices for the December 8, 2015 meeting and therefore a second community meeting was scheduled on February 9, 2016, with the local Councillor, to ensure that all interested area residents were given the opportunity to hear about the proposal and ask questions and provide comments. The applicant and members of the consulting team were in attendance at both meetings.

On February 11, 2016, two days after the second community meeting, the applicant referred the application to the Ontario Municipal Board.

## **Proposal**

A revised Zoning By-law Amendment application has been submitted to permit the development of a 38-storey residential tower (122 metre to the top of mechanical roof), including a 6-storey base building, with a total of 541 dwelling units and a total gross floor area of 36,540 square metres. The ground floor would have 515 square metres of commercial space fronting Church Street and 4-grade related residential units fronting Wood Street.

The proposed building would have two loading spaces at grade and a total of 104 vehicle parking spaces (0.19 spaces per unit) in an underground parking garage with two levels, with all vehicular access being from the adjacent public laneway that connects to Wood Street. A total of 556 bicycle parking spaces are proposed. The parking rate for the approved development at 70-72 Carlton Street is 0.35 parking spaces per unit and 0.06 visitor parking spaces per unit.

The original Zoning By-law Amendment application was submitted to permit a 45-storey residential tower (149.8 metres to top of the mechanical roof), including a 7-storey base building, with a total gross floor area of 38,030 square metres (35,260 sq.m. of residential floor area and 2,770 sq.m. of non-residential floor area). A total of 583 residential units were proposed, with a total of 160 vehicle parking spaces in a three level underground parking garage.

The revised proposal was part of the "With Prejudice" Offer to Settle from the applicant as presented by Adam Brown, Sherman Brown Barristers and Solicitors in their letter dated April 27, 2016, which summarized the following built form changes to the proposal:

- "The overall height has been reduced from 142.8 m to 116 m, an overall height reduction of 26.8 m, with a final floorplate of 890 square metres maintaining 12.5 m setbacks to the south and 12.5 metre setbacks to the east (without taking the 6.1 metre wide lane into account) as well as the podium setbacks already proposed by our client;

- The reduction of the overall height significantly reduces the extent of shadows cast by the original proposal, as depicted on the shadow studies enclosed herewith;
- In response to concerns raised during the community consultation meetings about the introduction of “big box” retail users, our client has eliminated the second floor commercial/retail space, and furthermore, redesigned the retail space along Church Street to accommodate a smaller retail format;
- In response to the desire expressed by community residents and the Church-Wellesley Neighborhood Association to improve upon the public realm experience, there are a number of revisions included within the enclosed plans and renderings: (i) the retail at the north-west corner has been carved back to create an 8 m + setback from the property lines at this corner, creating an inviting public plaza environment with European-style pavers and planters at-grade (consistent with the City and ratepayer’s direction to create a walkable pedestrian environment along Wood Street; (ii) the retail uses along the eastern portion of the Wood Street podium have been eliminated, replaced with residential townhomes which can be either purely residential and/or live-work; (iii) the lobby entrance is relocated and centralized along Wood Street; (iv) The materials previously proposed for the podium, have been rethought, replacing the metal panels with natural wood and stone to replicate the character of the Church Village; and (v) A reduction to the overall parking, which will reduce the traffic impacts, which parking reduction is appropriate given the elimination of both commercial space and a reduction to the overall density of the proposal.
- The overall height of the podium has been reduced to line up with the podium height of Tribute’s podium."

The following is a comparison table between the original 45-storey proposal and the revised 38-storey proposal.

	<b>August 2015 submission</b>	<b>April 2016 submission</b>
Site Area	2,156 sq.m.	2,156 sq.m.
Lot Frontage <ul style="list-style-type: none"> <li>• Church Street</li> <li>• Wood Street</li> </ul>	39.6 metres 57.1 metres	39.6 metres 57.1 metres
Building Height in metres <ul style="list-style-type: none"> <li>• Main Roof</li> <li>• Mech Penthouse</li> </ul>	142.8 metres 149.8 metres	116 metres 122 metres
Building Height in storeys	45 storeys, including a 7-storey base buildings	38-storeys, including a 6-storey base building
Tower Floor Plate Size	750 sq.m.	890 sq.m.
Proposed GFA <ul style="list-style-type: none"> <li>• Non-residential</li> <li>• Residential</li> <li>• <b>TOTAL GFA</b></li> </ul>	2,770 sq.m. 35,250 sq.m. <b>38,030 sq.m.</b>	515 sq.m. 36,025 sq.m. <b>36,540 sq.m.</b>
Lot Density (GFA/site area)	17.64 FSI	16.95 FSI
Residential Amenity <ul style="list-style-type: none"> <li>• Indoor</li> <li>• Outdoor</li> <li>• <b>TOTAL</b></li> </ul>	1,166 sq.m., 1,166 sq.m. <b>2,332 sq.m.</b>	1,082 sq.m. 1,082 sq.m. <b>2,164 sq.m.</b>
Unit Breakdown and mix <ul style="list-style-type: none"> <li>• Studio</li> <li>• 1 Bedroom</li> <li>• 1 Bedroom + den</li> <li>• 2 Bedroom Jr</li> <li>• 2 Bedroom</li> <li>• 3 Bedroom</li> <li>• Townhouses</li> <li><b>TOTAL # OF UNITS</b></li> </ul>	42 132 233 55 37 84 0 <b>583</b>	10 110 211 0 134 72 4 <b>541</b>
Car Parking Spaces <ul style="list-style-type: none"> <li>• Residential</li> <li>• Retail/Commercial</li> <li>• <b>TOTAL</b></li> </ul>	114 46 <b>160</b> 0.20 spaces per unit	104 0 <b>104</b> 0.19 units per unit
Bike Parking <ul style="list-style-type: none"> <li>• Residential</li> <li>• Visitor</li> <li>• Retail long term</li> <li>• Retail short term</li> <li>• <b>TOTAL</b></li> </ul>	525 59 6 9 <b>599</b>	487 54 6 9 <b>556</b>

## Site and Surrounding Area

The subject property is located at the southeast corner of Church Street and Wood Street and is currently a surface parking lot. The site has a total site area of 2,156 square metres, with a frontage of 39.6 metres on Church Street and 57.1 metres on Carlton Street. A public laneway, which connects north to Wood Street and eastward to Mutual Street, is located along the east edge and portions of the south edge of the site.

**West:** Maple Leaf Gardens, a heritage building that has been converted to a supermarket on the main floors with athletic facilities on the upper floors. At the northwest corner of Wood Street and Church Street is an older slab tower development with 3 buildings generally 14 storeys in height.

**South:** Immediately south of the site is 70-72 Carlton Street, which was approved at the Ontario Municipal Board for a 37-storey mixed used building, including a 7-storey base building. Southeast of the site is Tobias House, a 12-storey residential building for seniors and persons with disabilities.

**East:** The public lane and an 8-storey Toronto Community Housing residential building.

**North:** On the north side of Wood Street is a 3.5-storey building at the north east corner of Church Street and Wood Street is the Hair of the Dog pub and restaurant. Church Street Junior Public School, including a playground and field, is located on the north side of Wood Street just east of Church Street. North on Church Street is the low-scale Church Street Village area.

## 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 Official Plan places the site within the Downtown and Central Waterfront on Map 2 "Urban Structure". The commentary section for Section 2.2.1, Downtown: the Heart of the City,



identifies that the Downtown offers opportunities for substantial employment and residential growth, but the growth will not be spread uniformly across the whole of the Downtown. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be developed and applied to ensure that new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, and heights and relationship to landmark buildings, (refer to Policy 2.2.1.6).

In Chapter Three – Building a Successful City, Policy 3.1.1 – Public Realm promotes quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm.

In the commentary section of Section 3.1.2, Built Form, it is identified that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a. using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b. consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c. integrating services and utility functions within buildings where possible;
- d. providing underground parking where appropriate;
- e. limiting surface parking between the front face of a building and the public street and sidewalk; and
- f. integrating above-ground parking structures, where permitted or appropriate, with building design, and have usable building space at grade facing adjacent streets, parks and open spaces.

Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a. massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b. incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c. creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d. providing for adequate light and privacy;
- e. adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f. minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 states that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future uses of these areas.

Policy 3.1.2.5 states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing;

- a. improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b. co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c. weather protection such as canopies, and awnings;
- d. landscaped open space within the development site;
- e. landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked autos;
- f. safe pedestrian routes and tree plantings within the surface parking lots; and
- g. public art, where the developer agrees to provide this, to make the building and its open spaces more attractive and interesting.

The Policies of Section 3.1.3 also makes it clear that Tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, additional built form principles will be applied to the location and design of tall buildings.

Policy 3.1.3.1 requires that Tall buildings should be designed to consist of three parts, carefully integrated into a single whole:

- a. base building – provide definition and support at an appropriate scale for adjacent streets, parks and open spaces, integrate with adjacent buildings, minimize the impact of parking and servicing uses;
- b. middle (shaft) – design the floor plate size and shape with appropriate dimensions for the site, locate and orient it on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of this Section; and
- c. top – design the top of tall buildings to contribute to the skyline character and integrate roof top mechanical systems into the design.

Policy 3.1.3.2 requires Tall building proposals address key urban design considerations, including:

- a. meeting the built form principles of the Plan;
- b. demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- c. demonstrating how the proposed building and site design relate to the existing and/or planned context;
- d. taking into account the relationship of the site to topography and other tall buildings;
- e. providing high quality, comfortable and usable publicly accessible open space areas; and
- f. meeting other goals and objectives of the Plan.

The subject site is designated *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan and is subject to Policy 4.5. This land use designation permits a range of residential, commercial and institutional uses. The Official Plan includes criteria that directs the form and quality of development in this land use designation. It is the intent that development will:

- a. 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;

- b. provide for new jobs and homes for the Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues*, and other lands designated *Mixed use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c. locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d. locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e. locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain the sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f. provide an attractive, comfortable and safe pedestrian environment;
- g. have access to schools, parks, community centres, libraries, and childcare;
- h. take advantage of nearby transit services;
- i. provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j. locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k. provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

### **North Downtown Yonge Street Planning Framework**

At its meeting of June 22, 2011, Toronto and East York Community Council, directed staff to undertake the North Downtown Yonge Street Planning Framework study in response to the Downtown Tall Buildings Study and concerns regarding the extent and type of applications being received in the area. The boundary for the study area generally included Bay Street on the west, Bloor Street to the north, Church Street to the east and College/Carlton Streets to the south. The study was to consider mixed use sites in the area with potential for intensification and revitalization and recommend a framework for future redevelopment that City Council could use as a guide for consideration of individual redevelopment proposals within the area.

The study had an extensive public engagement process which provided 13 opportunities for the public to have input into the study. The opportunities included: 3 community consultation meetings; 2 design charrettes; a community walk; 5 working group meetings and 2 public meetings before community council.

Through the more detailed review that resulted from the study, staff determined that to adequately address the amount and type of development that was currently in process in the area and anticipated in the future, a policy framework should be developed to link the City of Toronto Official Plan policies to the proposed North Downtown Yonge Urban Design Guidelines for the area. This policy framework resulted in an area specific Official Plan Amendment. The subject site is located within this area.

On November 15, 2013, City Council enacted By-law 1507-2013 for Official Plan Amendment No. 183 (OPA No. 183), being the North Downtown Yonge Site and Area Specific Policy 382. Approximately 20 appeals were received on the new OPA, including an appeal for 411 Church Street.

On December 30, 2015, the Ontario Municipal Board issued an order to approve and bring portions of Official Plan Amendment No. 183 into full force and effect, subject to site specific appeals. The approved portions include sections of the Goals and Objectives, Land Use Policies, Development Policies, Character Area Policies, and Area Wide Policies related to Park and Open Space, The Public Realm, Urban Design, Incentives and Interpretation. The Ontario Municipal Board continues to deal with the appeals through ongoing mediation.

The subject site is located in the College/Carlton Street Character Area (Section 5.8). Most of the policies in this section remain under appeal.

College/Carlton Street and the area around it is designated as a *Mixed Use Areas* in the Official Plan. The College/Carlton Street Character Area is a mature area with a diverse mix of office, residential, retail and institutional uses. This area is a key transportation link that is serviced by the College subway station and inter-connecting east/west and north/south streetcar and bus connections. The area includes a number of designated heritage buildings, including "College Park", "Maple Leaf Gardens" and "Oddfellows' Hall". Some of the more relevant policies for this site are included below.

Higher intensity development/redevelopment is anticipated for portions of the College/Carlton Street Character Area. The intersection of Yonge Street and College Street is identified as a "Height Peak Area" in the North Downtown Yonge Urban Design Guidelines. The maximum height within areas identified as "Height Peak Area" in the College/Carlton Street Character Area, as shown on Map 2, Open Space Network and Height Areas, found at the end of these policies, will be in the range of 55 storeys or 190 metres in height, subject to the potential impacts of height have been satisfactorily addressed, as part of the development/redevelopment application review process.

Development/redevelopment must provide an appropriate transition in scale and height between more intensive forms of development and redevelopment in the College/Carlton Street Character Area down to the lower-scaled development in the Wellesley Wood Character Area and Church Street Village Character Area.

Development/redevelopment must provide building setbacks to secure a sidewalk zone (measured curb to building face) at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with

significant pedestrian use. The sidewalk zone may consist entirely of public property or a combination of public and private property.

Where commercial uses are planned at grade, development/redevelopment must provide building setbacks to secure a sidewalk zone on private property to support adequate space for cafe patios, outdoor displays and other marketing activities.

The maximum height for the area located along the south side of Wood Street for properties fronting onto Church Street within the Church Street Village Character Area will be in the range of 47 metres to 77 metres (15 storeys to 25 storeys). It should be noted that Church Street Village Character Area wording will need to be corrected and replaced with College/Carlton Street Character Area at the OMB' when the appeal is dealt with.

Pursuant to proposed OPA 183 (SASP 382) policy, development/redevelopment applications for these maximum heights may only be considered for approval if the following potential impacts of height have been satisfactorily addressed, as part of the development/redevelopment application review process:

- a) the potential impacts on heritage properties located on or adjacent to the development site;
- b) the potential impacts on sunlight in parks and open spaces adjacent to the development site;
- c) the potential impacts on views of prominent and heritage properties, structures and landscapes on or adjacent to the development site; and
- d) the potential impacts on the given site(s) accommodating satisfactory separation and setback distance requirements.

Development/redevelopment is to have store frontage widths at grade along Yonge Street and Church Street consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Yonge Street or Church Street in the North Downtown Yonge Area.

### **North Downtown Yonge Urban Design Guidelines**

The North Downtown Yonge Urban Design Guidelines were developed as part of the North Downtown Yonge Planning Framework as outlined earlier in this report. As previously, outlined, there was a very extensive public consultation process undertaken as an integral part of the development of the framework and the guidelines.

At their meeting of October 8-9, 2013, City Council recommended approval of the final version of the North Downtown Yonge Urban Design Guidelines, for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. The subject site is included in the "College/Carlton Street Character Area". The following is the link to the decision and reports;

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.14>.

In the College / Carlton Character Area, new development applications are to respond appropriately to the citywide *Tall Building Design Guidelines* and the *Downtown Tall Buildings Vision and Supplementary Design Guidelines* as well as the followings design directions:

- Heritage properties will be conserved and maintained.
- New developments will maintain the existing continuous streetwall and respect the heritage context of the area.
- To create animated street frontages, permeable materials should be used in the façade of base buildings and retail use at-grade to provide safety, visibility and interaction.
- A wind study will be submitted with any development application for any proposed tall building along College/Carlton Street to ensure pedestrians' comfort.
- Due to the height of buildings and canyon built form of the Character Area, continuous weather protection shall be provided for the street frontage with a minimum depth of 3m in order to mitigate the adverse wind impact within the Character Area and provide for pedestrian connection.
- Towers will have a proper setback from the base building to allow for direct sunlight and to maintain a human scale perception zone.
- Tall buildings will meet the 12.5m minimum separation distance requirement from the adjacent properties, or the minimum 25m separation distance from any adjacent tall building above the canyon height.
- Tall buildings should meet the minimum separation distance to any low-rise or mid-rise buildings.
- Highly articulated buildings (as opposed to slab type buildings) are encouraged.
- Shadows cast from tall buildings onto shadow sensitive areas are discouraged and will be closely reviewed.

### **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 that they fit within their context. The city-wide Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

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 specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context.

The subject property is located on a portion of Church Street that is identified as a "High Street" on Map 1. The site falls within a height range of 47 metres to 77 metres (15 to 25 storeys) on Map 2- Downtown Vision Height Map, and is identified to have a "Tower-Base Form" on Map 3 – High Streets Typologies Map. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

### **TOcore: Planning Toronto's Downtown**

On December 29, 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 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. A report back to Toronto and East York Community Council is targeted by the end of 2016 on the results of the second phase and the next steps of implementation. The TOcore website is [www.toronto.ca/tocore](http://www.toronto.ca/tocore)

### **Zoning**

The site is zoned R (d.2.0) (x388) in the City-wide Zoning By-law 569-2013, as amended. The maximum permitted height at the lot line abutting Church Street is 16 metres. A building abutting Church Street shall not penetrate the angular plane of 44 degrees measured horizontally over the lot at a height of 16 metres. The permitted maximum floor space index is 2.0 times the area of the lot, which is 4,312 square metres. The maximum building height is 30 metres.

The site is zoned R3 Z.20 in the former City of Toronto Zoning By-law 438-86, as amended. The by-law limits the building height at the street line to 16 metres. The by-law requires the building to be within the 44 degree angular plane projected over the lot from an elevation of 16



metres over the street line. The by-law limits a building height to 30.0 metres and limits the residential gross floor area, non-residential gross floor area or combination thereof to 2 times the area of the lot, which is 4,312 square metres for this site.

### **Site Plan Control**

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

### **Reasons for Application**

The proposal requires an amendment to the Zoning By-law for: an increase in overall height and base building height; elimination of the 44 degree angular plane; reduction in setback and step-back distances; and other development standards that will require site specific zoning provisions. A summary of the zoning review is provided below.

For By-law 569-2013

- The maximum permitted height at the lot line abutting Church Street is 16 metres. The proposed height of the building abutting Church Street is 22.6 metres. A building abutting Church Street shall not penetrate the angular plane of 44 degrees measured horizontally over the lot at a height of 16 metres. The proposed building will penetrate the angular plane. No person shall on a lot abutting Church Street erect a building with a height exceeding 30 metres. The proposed building will be 122.0 metres in height. [900.2.10(388)(B)]
- The proposed building type, mixed use building, is not a permitted building type in the R zone. [10.10.20.40.(1) Permitted Residential Building Types - R Zone]
- The proposed uses, retail and offices, are not permitted in the Residential Zone. [10.10.20.10.(1) Use - R Zone]
- The permitted maximum height of a building or structure is 30 metres. The proposed height of the (building/structure) is 122.0 metres. [10.10.40.10.(1)(A) Maximum Height]
- The permitted maximum building depth for an apartment building is 14.0 metres. The proposed building depth is 51.12 metres. [10.10.40.30.(1)(B) Maximum Building Depth]
- The permitted maximum floor space index is 2.0 times the area of the lot: 4312.0 square metres. The proposed floor space index is 16.9 times the area of the lot: 36,540.0 square metres. [10.10.40.40.(1)(A) Floor Space Index]
- The required minimum front yard setback is 6.0 metres. The proposed front yard setback is 0.0 metres. [10.10.40.70.(1) Minimum Front Yard Setback]

- The required minimum rear yard setback is 7.5 metres. The proposed rear yard setback is 0.0 metres. [10.10.40.70.(2) Minimum Rear Yard Setback]
- The required minimum side yard setback for an apartment building with a height more than 12.0 metres and for a non-residential building is 7.5 metres. The proposed side yard setback is 0.0 metres on the south side and 0.0 metres on the north. [10.10.40.70.(3)(C)(ii) & (iii) Minimum Side Yard Setback]
- The required minimum number of parking spaces for the proposed mixed use building is 351 resident parking spaces and 32 visitor parking spaces. The proposal will have 101 resident parking spaces and no visitor parking spaces. [200.5.10.1.(1) Parking Space Rates]
- The minimum required parking space must have minimum required dimensions of (i) 2.6 metres in width (ii) 5.6 metres in length and 2.0 metres in vertical clearance and the minimum width must be increase by 0.3 metres for each side of the parking space that is obstructed [200.5.1.10.(2)(A) & (D) Parking Space Dimensions - Minimum]

For By-law 438-86

- The by-law limits the building height at the street line to 16 metres. The proposed building has a height at the street line of 22.6 metres. [12(2) 260(I) - Height At Lotline]
- The by-law requires the building to be within the 44 degree angular plane projected over the lot from an elevation of 16 metres over the street line. The proposed building penetrates the angular plane. [12(2) 260(II) - Angular Plane]
- The by-law limits a building height to 30.0 metres. The proposed building has a height of 122.0 metres. [12(2) 260(III) - Height Limits]
- The proposed use, mixed use, is not permitted in a district zoned R3 Z2.0. [6(1)(A) - Permitted Uses]
- The by-law limits the residential gross floor area, non-residential gross floor area or combination thereof in an area zoned R3 Z2.0 to 2 times the area of the lot: 4312.0 square metres. The proposed gross floor area of the building is 36,540.0 square metres, which exceeds the maximum permitted by approximately 32,228.0 square metres. [6(3) Part I 1 - Gross Floor Area]
- The by-law requires a minimum front lot line setback of 6.0 metres. The proposed front lot line setback is 0.0 metres. [6(3) Part II 2(I) - Front Lotline Setback]
- The by-law requires a building to have a minimum flanking street setback of 6.0 metres. The proposed flanking street setback is 0.0 metres. [6(3) Part II 3.A(I) - Flanking Street, Minimum Setback]

- The by-law requires a building to have a minimum side yard setback of 7.5 metres. The proposed side yard setback is 0.0 metres. [6(3) Part II 3 G - Side Lotline Setback, 7.5 m Min]
- The by-law requires a building to have a minimum rear yard setback of 7.5 metres. The proposed rear yard setback is 0.0 metres. [6(3) Part II 4 - Rear Lotline Setback, 7.5 m Min]
- The by-law limits a building in a 2.0 zone to a maximum depth of 14.0 metres. The proposed depth is 57.11 metres. [6(3) Part II 5(I) - Bldg Depth, 14 m Max (All Bldgs Except Detached And Semi-Detached Houses)]
- The by-law requires a minimum of 351 resident parking spaces and 32 visitor parking spaces. The number of proposed parking spaces is 101 resident parking spaces and no visitor parking spaces. [4(5)(B) - Parking, Minimum]
- A significant number of the proposed parking spaces will be obstructed spaces. It does not appear that the sizes of those spaces have been adjusted as required in the by-law [4(17) Minimum Parking Space Dimensions]

## **Community Consultation**

There were two community consultation meetings held for this application, on December 8, 2015 and February 9, 2016. Both meetings were well attended and there were a number of questions and comments, generally related to the following issues:

- Preference that the site be developed rather than remain as a parking lot which adds to the crime in the area
- Access to the site – Church Street vs the public lane which connects to Wood Street – a mix of opinions
- Traffic impacts in the area - for operation of the school and the existing residents on the adjacent streets, including Wood Street, Mutual Street and Alexander Street
- Public parking should be provided in the underground parking garage
- Building Height – comments in support and against the proposed height
- Base building is too high, should be no more than 4 storeys
- No transition in height to the Church Street Village area, should not exceed 25 storeys
- Shadow Impacts on the Church Street Junior Public School – comments ranged from no concerns and that kids should not be in the sun to significant concerns with the

proposed shadow on the school yard and building and the kids being buried in shadow throughout the school day

- Availability of affordable dwelling units in the building
- Style of building and how it reflects the culture of the village
- Size of the retail units and type of tenants
- Proposed community benefits, including for the Church Street Junior Public School
- Building will impact the views for adjacent buildings including Tobias House, located southeast of the site
- Provision of a Privately Owned Publically Accessible Space on the Site
- Provision of Amenity Space
- Wood Street should have towns and not retail
- Dog facilities on site
- Construction Management and how it is dealt with should the development proceed

There were several people in attendance that did not live in the area who spoke in support of the proposal.

### **Agency Circulation**

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

### **COMMENTS**

The proposal was reviewed in context of the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe Official Plan Policies related to the Downtown – Policy Section 2.2.1, Public Realm – Policy Section 3.1.1, Built Form – Policy Sections 3.1.2 and 3.1.3 and the *Mixed Use Areas* designation – Policy Section 4.5 policies. As well, consideration was given to the updated City-Wide Tall Building Design Guidelines, (May 2013) that integrates and builds upon the previous studies and guidelines to establish a new, unified set of performance measures for the evaluation of all tall building development applications across the entire city. These guidelines assist in the implementation of certain objectives of the Official Plan. These Tall Building Design Guidelines are organized by Site Context, Site Organization, Tall Building Design and Pedestrian Realm. The Downtown Tall Buildings: Vision and Supplementary Design Guidelines (May 2013) includes additional guidelines for the downtown area.

Consideration was also given to the policies and design guidelines for Official Plan Amendment No. 183 (OPA No. 183), being the North Downtown Yonge Site and Area Specific Policy 382.

## **Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe**

The proposal development has adequate regard to matters of Provincial interest as required by Section 2 of the *Planning Act*.

The proposal is generally consistent with the Provincial Policy Statement, as the application proposes intensification within a built up area near higher-order transportation and a range of uses are proposed, including Residential and Commercial uses.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, as the site is within an identified Urban Growth Centre, an area intended to accommodate future intensification that is transit and pedestrian-friendly.

Although the proposal may be consistent with the Provincial Policy Statement and conform and not conflict with the Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement identifies the Official Plan as the most important vehicle for implementation of the Provincial Policy Statement. Official Plans are to identify provincial interests and set out appropriate land use designations and policies. The proposed development does not conform to certain Official Policies as identified in this report.

## **Land Use**

From a land use perspective, the site is designated *Mixed Uses Areas* in the Official Plan and would permit a mixed use development as proposed.

## **Density, Height, and Massing**

The site is an underutilized site located in the *Downtown* area and is suitable for redevelopment however, the first consideration for any development on the site must be an acknowledgement of the existing context and any sensitive uses/areas and lower scale areas in the immediate area. This site is located at the southeast corner of Church Street and Wood Street and is directly across the street from the Church Street Junior Public School and its playground area. As well, the site is adjacent to the low-scale Church Street Village area to the north.

The proposed 38-storey tower does not fit within its existing and planned context and will have a negative impact on the immediate area, including the Church Street Junior Public School, as a result of the proposed massing, height and shadow, and does not provide a transition to the low-scale Church Street Village Area. It also fails to take into account what was achieved through the review and approach of the 70-72 Carlton Street application of limiting the shadow impacts on the Church Street Junior Public school playground and removing shadow from the school building (and its classroom windows).

There are policies in the Official Plan that provide direction for new development. For any development on this site, specific attention should be given to the policies related to existing and

planned context, built form and transition, and shadow impacts on open spaces. The City-wide *Tall Building Design Guidelines* and the *Downtown Tall Buildings Vision and Performance Standard Design Guidelines* assist with the implementation of the Official Plan policies to help ensure that tall buildings, where appropriate, fit within their context and minimize their local impacts. The proposal as submitted does not satisfactorily address policies in the Official Plan and the Tall Building Guidelines related to context and transition and sunlight protection. The proposed building shadows both the Church Street Junior Public School and the playground area and significantly expands the shadow established by the 70-72 Carlton Street proposal. The revised proposal which reduces the height from 45-storeys to 38-storeys only removes shadow beyond the school building and does not eliminate any shadow from the school building itself (including classroom windows) or the school playground area, which are the areas of concern.

Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan; adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. The proposed building does not meet this policy due to the height of the tower and its placement. The tower should provide an appropriate transition from the 70-72 Carlton Street building to the low-scale area and properties to the north, including the school property. The proposed building should be located to the southeast corner of the site so its shadow sweep would be largely fall within the shadow of the 70-72 Carlton Street building primarily between 12:18 pm and 3:18 pm. The tower massing is inappropriate in terms of height and placement and the floor plate is greater than the desired 750 square metres for tall buildings. Its impact is not acceptable from the perspective of the Official Plan.

Policy 3.1.2.4 states that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future uses of these areas. The proposed tower is not a point tower form. The broad side of the tower directly faces the school yard and limits the amount of skyview.

The Policies of Section 3.1.3 also make it clear that Tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, additional built form principles will be applied to the location and design of tall buildings. Policy 3.1.3.1 requires that Tall buildings should be designed to consist of three parts, carefully integrated into a single whole, base building, middle (shaft) and top. The middle (shaft) floor plate size is too large at 890 square metres for this site and its shape is detrimental to the school yard in terms of loss of sunlight. The size of the floor plate and placement of the tower limits the opportunity for the proposed building to fall within the shadow from the 70-72 Carlton Street and minimize the shadow impacts on the school property.

Policy 3.1.3.2 requires Tall building proposals address key urban design considerations, including; meeting the built form principles of the Plan; demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; and meeting other goals and objectives of the Plan. The proposal does not meet the built form policies of the plan and does not contribute to the overall structure of the City. The proposal does not provide for appropriate transition to the schoolyard and low-scale Church Street Village area to the north and changes the character of that part of Church Street that it faces, particularly in terms of scale.

The subject site is designated *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan and is subject to Policy 4.5. This land use designation permits a range of residential, commercial and institutional uses. The Official Plan includes criteria that directs the form and quality of development in this land use designation. It is the intent that development will locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, and locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain the sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The proposed building does not maintain sunlight on the school yard open space as directed by this policy.

Guideline 1.3 of the City-wide *Tall Building Design Guidelines*, addressed Fit and Transition in scale to ensure that tall buildings fit within the existing and planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks, and open space. Appropriate fit and transition is achieved when tall buildings respect and integrate with the height, scale and character of neighbouring buildings, provide horizontal separation and transition down to lower-scale buildings and open space, and maintain access to sunlight and skyview for surrounding streets, parks, public or private open space, and neighbouring properties. The proposal does not meet this guideline due to its unacceptable impacts on both the school building (including classroom windows) and the playground.

Guideline 1.4 in City-wide *Tall Building Design Guidelines* gives consideration to sunlight and skyview and that tall buildings be located and designed to protect access to sunlight and sky view within the surrounding context of streets, parks, public and private open space, and other shadow sensitive areas. As explained in the rationale section of Guideline 1.4:

"Access to direct sunlight improves the usability and enjoyment of outdoor spaces and allows trees and vegetation to thrive. Tall buildings can adversely affect the environmental quality of surrounding areas through the loss of sky view and by the overshadowing of adjacent streets, parks, and public or private open spaces.

Sky view is the measurable amount of sky seen from a street, park, or other open space above and in between building masses. Loss of sky view reduces access to light, which affects the comfort, quality, and use of the public realm.

Toronto's climate is one of extremes, characterized by hot, humid summers, and cold, grey, damp winters. In summer, shade from trees and light breezes make the public realm more comfortable. In the shoulder seasons, spring and fall, access to direct sunlight and shelter from the wind become very important to improve the comfort, usability, and enjoyment of outdoor spaces. Required Sun/Shadow studies focus on the equinoxes – March 21 and September 21 – to emphasize the importance of access to sunlight during these seasons. The review of other times of day and other seasons may be required depending on the type and shadow sensitivity of adjacent uses.

For tall buildings, protecting sky view and access to sunlight is generally achieved through good street proportion, overall massing, generous tower setbacks and separation distances."

Children are to remain on the school property during school hours and are restricted to the playground area available to them. Unlike other open spaces users, school children are required to be outside during the early spring and late fall seasons and sunlight must be protected during these seasons for the schoolyard. A schoolyard significantly in shadow during these seasons would create an uncomfortable outdoor environment for children.

Guideline 3.2.1 and Guideline 3.2.2 of the City-wide *Tall Building Design Guidelines* state that tower placement and floor plate should be coordinated with other towers in the same block in order to reduce shadowing on parks, open space, and neighbouring properties.

In the *Downtown Tall Buildings Vision and Performance Standard Design Guidelines*, Supplementary Design Guideline 2 – Sunlight and Sky View cautions that as the Downtown continues to steadily intensify, the need to protect parks and open spaces from shadowing by tall buildings becomes increasingly important.

In the *Downtown Tall Buildings Vision and Performance Standard Design Guidelines*, Church Street is identified to accommodate heights of 15 to 25-storeys. The proposed height of 38-storeys is 13 storeys above what should be considered appropriate based on the heights identified in Map 2 of the *Downtown Tall Buildings Vision and Performance Standard Design Guidelines*. The applicant's rationale for the proposed height is the site's proximity to the 37-storey development at 70-72 Carlton Street. Although 70-72 Carlton Street was approved, this development was identified in the *Downtown Tall Buildings Vision and Performance Standard Design Guidelines* as being able to accommodate more height. The property at 70-72 Carlton Street is at the intersection two major streets and unlike the subject site it does not directly abut a low-scale context of the school, Hair of the Dog Pub and the Church Street Village area.

OPA 183 (SASP 382) also includes provisions related to height, transition and impacts on sunlight on open spaces.

The objectives of OPA 183 (SASP 382) include: identifying areas with growth potential and areas of limited growth, providing areas in transition in scale to lower scaled Character Areas, heritage properties, and parks and open space and protect access to sunlight and skyview within the surrounding context of streets, parks, public and private open space.



In the College/Carlton Character Area policies, it states that development/ redevelopment must provide an appropriate transition in scale and height between more intensive forms of development and redevelopment in the College/Carlton Street Character Area down to the lower-scaled development in the Church Street Village Character Area.

The maximum height for the area located on the south side of Wood Street for properties fronting onto Church Street will be in the range of 47 metres to 77 metres (15 storeys to 25 storeys), which is the subject site. Development applications for these maximum heights may only be considered for approval if certain potential impacts are satisfactorily addressed. This includes the potential impacts on heritage properties located on or adjacent to the development site; the potential impacts on sunlight in parks and open spaces adjacent to the development site; the potential impacts on views of prominent and heritage properties, structures and landscapes on or adjacent to the development site; and, the potential impacts on the given site(s) accommodating satisfactory separation and setback distance requirements. The proposal at 116 metres does not meet the maximum height set out and in addition does not meet the performance tests of sunlight impacts.

It should also be noted that there is a policy in the Church Street Village Character Area section of OPA 183(SASP 382) to limit shadow on the Church Street Junior Public school. Specifically, development/ redevelopment must make best efforts as part of the development/redevelopment review process to not cast new net shadow on the Church Street Junior Public school site throughout the day for all seasons of the year. In fact, the proposal shadows both the school building and the playground.

The urban design policies in OPA 183 (SASP 382) include direction that development/ redevelopment is to have a high standard of design, be appropriately scaled, relate positively to the existing and planned context and contribute to enhancing the surrounding public realm; and provide for a transition from higher building forms to adjacent lower scale areas to fit to its surroundings with setbacks, stepbacks, height restrictions, angular planes, appropriate floorplate areas and façade articulation being used to achieve transition in scale.

The proposed massing does not provide sufficient transition to the low-scale character to the north and casts significant new shadows on the Church Street Junior Public School property, both the school building and playground. Staff would be supportive of a building height and tower massing and placement that would largely fall within the established shadow of 70-72 Carlton Street during school hours.

## **Sun/Shadow**

In the September and March months, the shadow of the proposed building either goes beyond or is beside the shadow from the approved 70-72 Carlton Street application during school hours, particularly between 11:18 am and 3:18 pm as reflected on the submitted shadow plans. As previously referenced in this report, these seasons are important to consider because it is cold in shadow during these seasons. School children do not have a choice when and where to go out and are restricted to the school playground area. They cannot adjust the time of the day of their use to avoid shadow (recess, lunch and after school times are set). In some cases, children may

be told where in the playground that they are allowed (older children are often separated from younger children).

## **Toronto District School Board**

The Toronto District School Board submitted a letter on July 8, 2016 to City Planning staff advising that, in addition to school accommodation matters, the Board still has concerns with the proposal in terms of the shadow impacts on the Church Street Junior Public School building and playground. The Board is currently exploring its options in advance of the Ontario Municipal Board Hearing that has been scheduled for August 22 and 23, 2016.

## **Alternative Development Plan**

Staff are of the opinion that there is an alternative development plan more appropriate for the site, specifically a maximum 25-storey building with a 750 square metre floor plate in a more compact tower shape generally located to the southeast corner of the site. This scenario would provide a transition to the low-scale Church Street Village area, at a maximum height envisioned by the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and OPA 183 (SASP 382), and reduce the shadow impacts on the Church Street Junior Public School, both on the playground and school building. This is a better height and tower placement that would allow the alternative development plan at 411 Church Street to fall largely within the shadow from the new building to be constructed at 70-72 Carlton Street, primarily between 12:18 pm and 3:18 pm, and provide more sunlight on the school property from what is currently proposed by the applicant.

## **Driveway Access and Site Circulation**

Access to the loading spaces and underground parking garage would be provided by a 6 metre wide shared driveway from the north-south public lane located approximately 40 metres south of Wood Street, which is acceptable to City Transportation staff. If the application is approved, additional comments related to site access arrangement, site circulation and layout, the design of the proposed site entrance driveways will be provided by staff through the site plan review process.

## **Traffic Impact Assessment**

In support of the subject proposal, the owner's transportation consultant, LEA Consulting Ltd. prepared a Transportation Impact Study, dated August 2015 and submitted with the previous submission. In this study, the consultant estimated that the proposed redevelopment will generate approximately 108 and 124 two-way vehicular trips during the AM and PM peak hours respectively. Although consultant did not submit an updated study, it should be noted that based on the modified scale of the development, which reflects a decrease in the number of residential units from 583 to 541 units and removal of previously proposed commercial parking spaces, the number of generated trips will decrease to approximately 97 and 108 two-way trips during the AM and PM Peak hours respectively. Accordingly, after adjustment for the 17 and 27 two-way trips generated by the existing parking lot during the AM and PM Peak hours, there will be a net increase of approximately 80 and 81 two-way vehicular trips during the AM and PM Peak Hours, respectively as a result of the redevelopment of the site. Given this level of estimated trip

generation, the consultant concludes that the proposed development will have minimal traffic impacts at the intersections within the study area.

Based on the modified development scale and a review of the documentation provided by the consultant, and taking into account the nature of the application for this project, Transportation Services staff concur with the above-noted conclusion.

## Parking

The owner proposes to provide an overall parking supply of 104 parking spaces consisting of 101 spaces for the condominium residents and 3 car-share spaces. No parking spaces have been proposed for non-residential uses and visitors. These parking spaces will be located within a two-level underground parking garage. However, breakdown for parking supply requirements for various uses is not provided in the site statistics, which must be provided in revised drawings.

The parking requirements for the site are governed by Zoning Bylaw 569-2013. Given the parking ratios provided in the zoning bylaw, and the proposed revised unit mix, the requisite residential parking supply for the subject site will be a total of 407 spaces comprised of 347 resident spaces, 55 visitors and five retail spaces.

The parking supply has been further decreased in the revised proposal, which is approximately 72 percent less than our recommended minimum requirement. The transportation report that was previously submitted by LEA Consulting provides documentation which attempts to justify the parking deficiency. According to the consultant parking supply rates previously proposed and approved for similar developments (noted below in the table) in the study area are lower than the zoning bylaw rates.

Development	Residential Units	Parking Spaces	Minimum Parking Rate
75-83 Mutual Street	375	65	0.17
64-70 Shuter Street	233	83	0.1
186 Jarvis Street	191	31	0.16
155 Dundas Street	407	72	0.18

However, the owner was advised that the approved parking rates for 64-70 Shuter Street and 155 Dundas Street were not recommended by Traffic Planning and were approved by City Council. Accordingly, Transportation Services staff recommend that the parking supply for the residents and residential visitors be provided according to the requirements of the zoning bylaw, or alternatively, as noted in their previous memorandum, submit a parking study which indicates that it will adequately meet the projected residential parking demand, such as studies of actual parking demand of proxy sites.

The City has an in-force payment-in-lieu policy in respect of non-residential uses (Harmonization of Fee Schedules for Payment-in-Lieu of Parking [All Wards], Clause 11, Planning and Transportation Committee Report 5, adopted by City Council on July 20, 21 and 22, 2004). Under this policy, owners may apply to make a cash payment in lieu of non-residential parking deficiencies, based on development category of \$2,500/space, \$5,000/space or \$5,000 plus an adjustment of five times/square metre land value. Under this policy, cash

payments are placed into the Municipal Parking Fund and used for the development of future municipal parking facilities. As a result, Transportation Services staff recommend that either the owner provide the required non-residential parking supply, or alternatively, make a cash payment-in-lieu for non-provision of non-residential parking.

### **Loading**

One Type G loading space and one Type B loading space are proposed to serve this project, which is consistent with the requirement of the Zoning By-law. The dimensions of the loading space including the vertical clearance also satisfy the zoning bylaw requirements.

The ground level plan shows the vehicle manoeuvring diagrams for the City of Toronto garbage collection vehicle, which demonstrate the inbound and outbound manoeuvres to/from the loading spaces. The diagrams show the swept paths of the trucks while turning in or out of a loading space will encroach on to the adjacent loading space, which may potentially result in either of the loading spaces being inaccessible when the adjacent loading space is occupied. The owner must revise the layout of the loading spaces and demonstrate that the swept paths of the trucks, while turning in or out of a loading space, will not encroach on to the adjacent loading space.

### **Servicing**

Development Engineering staff have provided comments to the consulting engineer regarding the Functional Servicing Report that will need to be addressed as part of the review of the subject proposal. A recommendation has been included in this report, recommending that City Council request the Ontario Municipal Board impose the following condition for the zoning by-law approval, if the Ontario Municipal Board approves the current proposal.

- a) The owner shall revise the Functional Servicing Report and the Stormwater Management Report to address the matters discussed in the letter dated June 13, 2016 from Engineering and Construction Services, to the satisfaction of the Executive Director, Engineering and Construction Services.
- b) The owner shall address Toronto Water's comments regarding groundwater issues discussed in the letter dated June 13, 2016 to the applicant, to the satisfaction of Toronto Water and the Executive Director, Engineering and Construction Services.
- c) The owner enter into an agreement with the City, where the owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant will be required to satisfy the parkland requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid is determined at the time of issuance of a building permit.

## **Archaeology**

Heritage Preservation Services staff received a Stage 1 and Stage 2 Archaeological Assessment for the site, completed by The Archaeologists Inc. The consultant advised that there are no further archaeological concerns and Heritage Preservation Services staff has concurred with this recommendation, subject to the following advisory comments:

1. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.
2. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393.
3. If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.

## **Toronto Green Standard**

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

## **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are established in consultation with the Ward Councillor if the project is considered to be good planning and recommended for approval.

Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues

associated with the development. (e.g., local shortage of parkland, provision of new parks facilities).

In the area of the subject site, such benefits could include contributions (as deemed appropriate by City Council) for local streetscape improvements in the vicinity of the subject site, local park space improvements and capital improvements for affordable housing in Ward 27. However, since this application is not considered good planning and has been recommended for refusal, no discussions about the quantum of the community benefits have taken place with the applicant.

If the current proposal for a 38-storey building is approved by the Ontario Municipal Board, staff are of the opinion the community benefits package that was established for the adjacent 37-storey development at 70 and 72 Carlton Street be secured to the satisfaction of the City, which is as follows:

1. Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the owner shall make a cash contribution to the City in the amount of \$2,750,000 which will be used by the City for one or more of the following:
  - (a) \$325,000 for new community space in Ward 27; and
  - (b) \$2,425,000 for local parks and streetscape improvements in Ward 27.
2. Within ten (10) days of the zoning by-law amendment becoming final and binding, the owner shall provide a cash contribution of \$500,000 toward the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental units in Ward 27, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor.

It is also recommend that City Council authorize the City Solicitor and City Planning in consultation with the local Ward Councillor to secure services, facilities or matters pursuant to Section 37 of the *Planning Act* as may be required by the Chief Planner should a different form of the proposal be approved by the Ontario Municipal Board.

All such contributions to be subject to the terms satisfactory to the City.

## **Conclusion**

The issues with this application are related to height and massing which results in a building that fails to provide a transition to the low-scale Church Street Village area and goes well beyond any acceptable shadow impacts on the Church Street Junior Public school and playground during school hours. School facilities are very important in the downtown Toronto area in order to accommodate the very significant population growth that is occurring downtown. As a result, it is very important to ensure that school age children who live downtown do not have to be schooled in rooms without appropriate sunlight as a result of shadow from adjacent developments. As well, children should not be forced to have before and after school, lunch and recess periods in shadowed playgrounds with limited access to sunlight. These playgrounds also

provide a very important resource on weekends and the summer holiday period as open space areas are in short supply in the downtown area and are frequently used by the community.

There are Official Plan policies for new development and urban design guidelines developed as evaluation tools for tall buildings to assist in implementing these policies. This includes transition and sun light protection for certain areas, including open spaces such as school playgrounds. For the reasons stated in this report, the proposal does not represent good planning.

Issues related to transition and shadow can be addressed to the satisfaction of City staff, if the proposal is revised to a maximum 25-storeys, which is within the 15 to 25 storey range in accordance with the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and OPA 183 (SASP 382), with a 750 square metre floor plate in a more compact tower shape generally located to the southeast corner of the site.

Such revised proposal would also then have regard for what was achieved by the adjacent 70-72 Carlton Street project of limiting the shadow impacts on the Church Street Junior Public school playground and removing shadow from the school building.

## **CONTACT**

Mark Chlon, MCIP, RPP  
Senior Planner, Community Planning  
Toronto and East York District  
Tel. No. 416-397-1761  
E-mail: mchlon@toronto.ca

## **SIGNATURE**

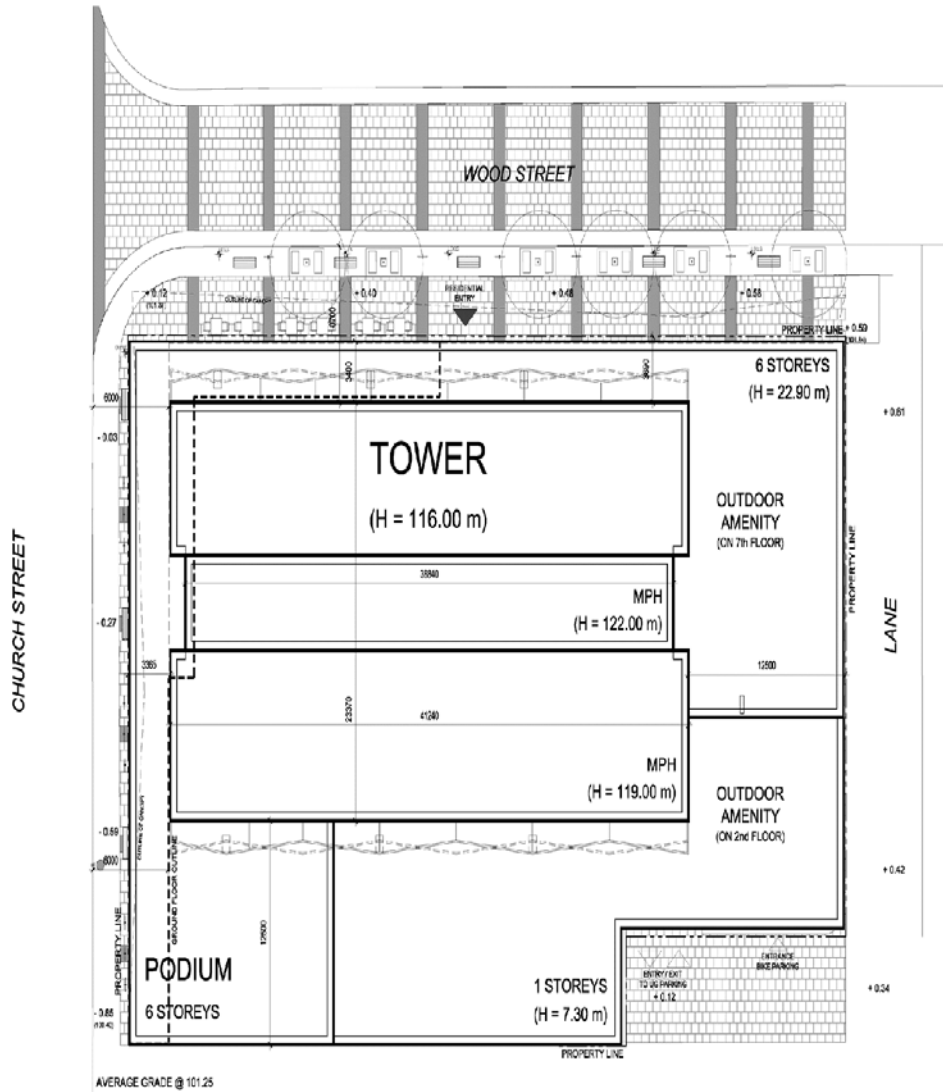
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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Existing Zoning  
Attachment 7: Existing Official Plan  
Attachment 8: OPA 183 (SASP 382) – Character Area Map  
Attachment 9: Application Data Sheet

# Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

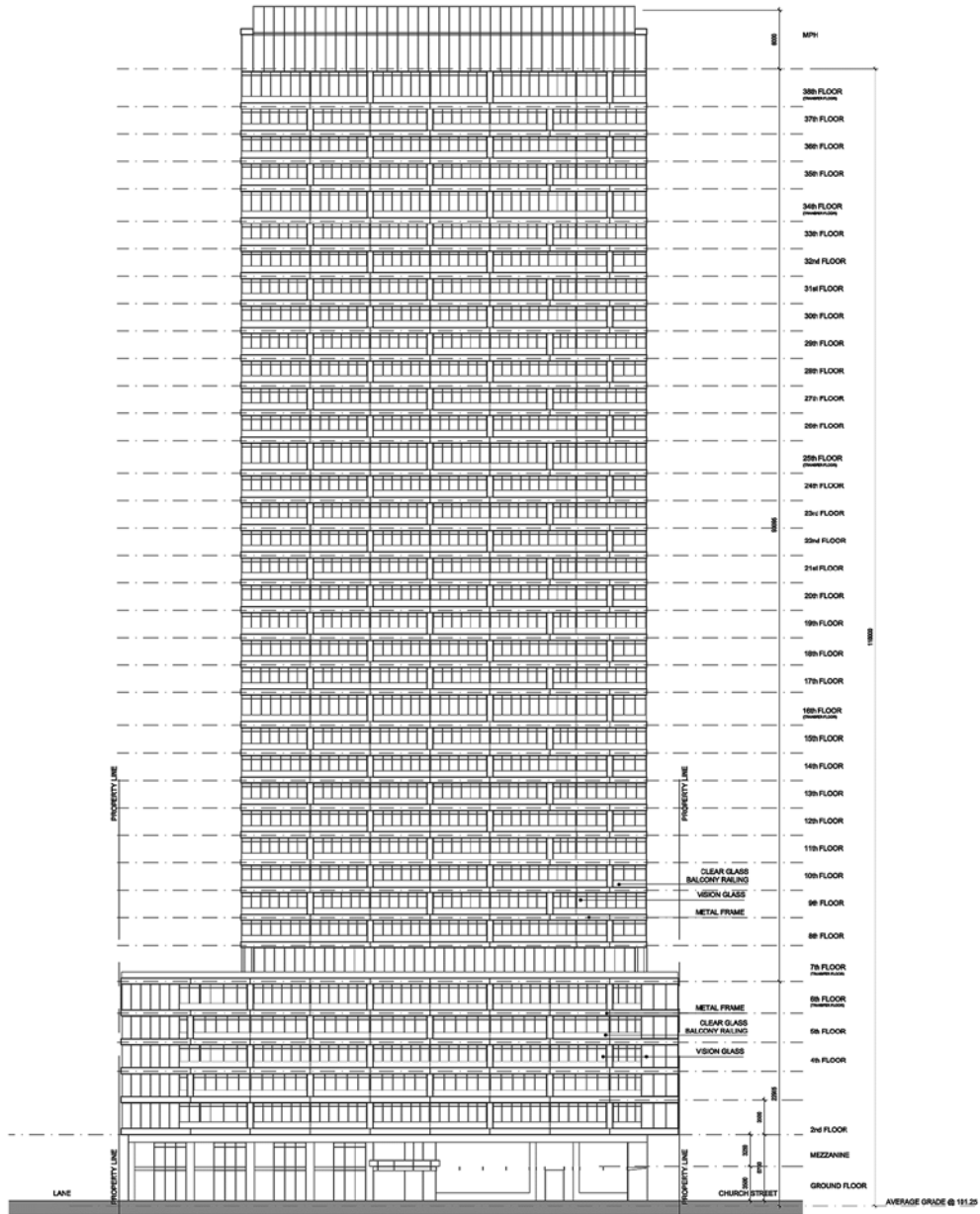
Not to Scale  
05/16/2016

411 Church Street

File # 15 205116 STE 27 OZ



## Attachment 2: North Elevation



### North Elevation

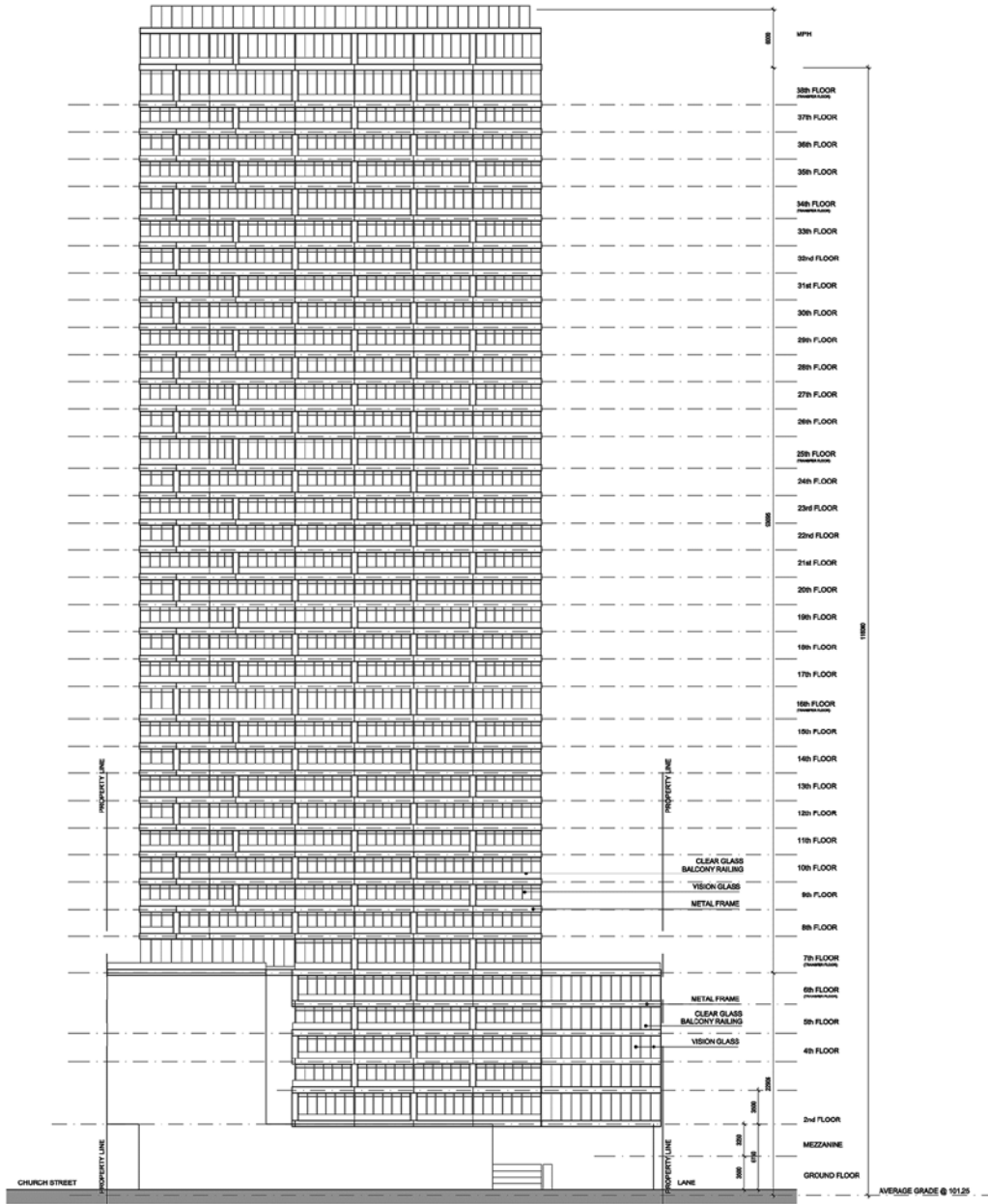
Applicant's Submitted Drawing

Not to Scale 05/16/2016

### 411 Church Street

File # 15 205116 STE 27 OZ


# Attachment 3: South Elevation



## South Elevation

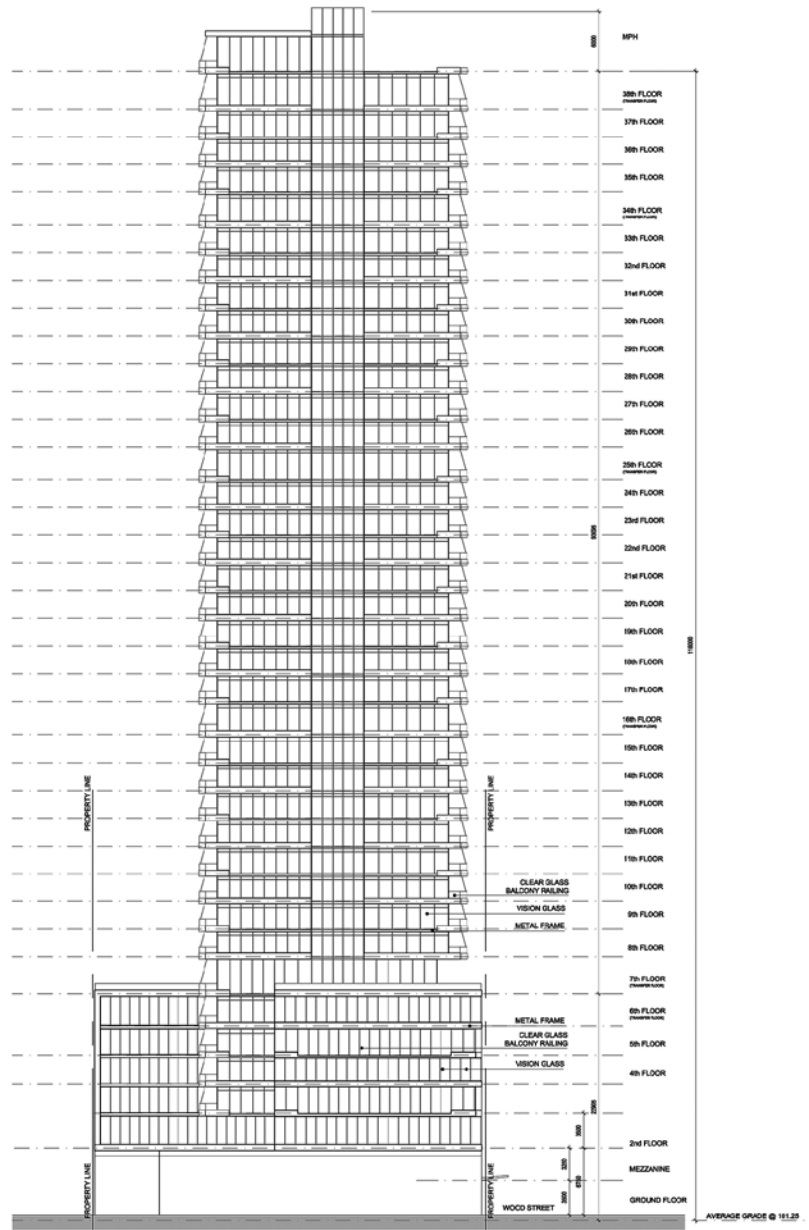
## 411 Church Street

Applicant's Submitted Drawing

Not to Scale   
05/16/2016


File # 15 205116 STE 27 0Z

# Attachment 4: East Elevation



## East Elevation

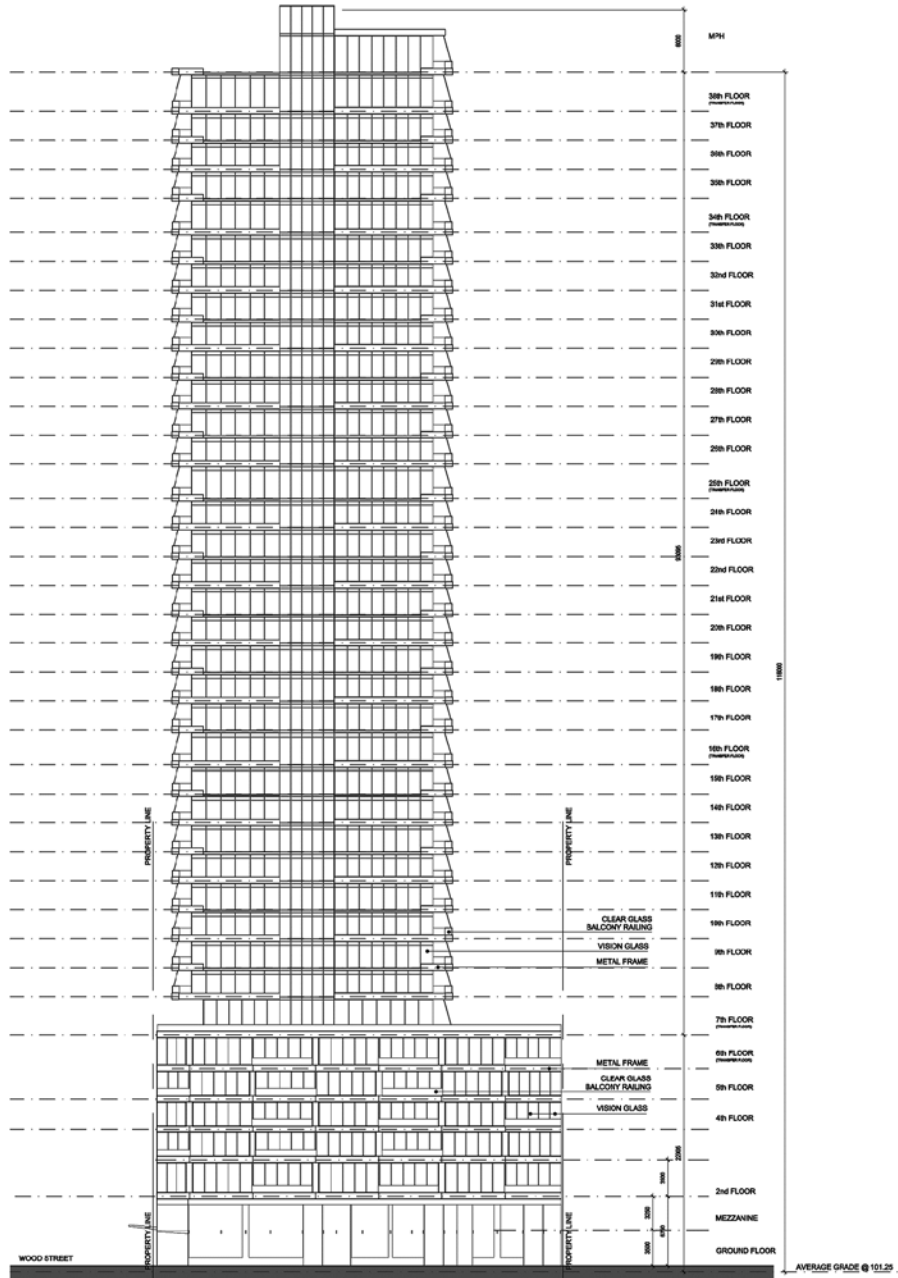
Applicant's Submitted Drawing

Not to Scale   
05/16/2016

411 Church Street

File # 15 205116 STE 27 OZ

# Attachment 5: West Elevation



## West Elevation

Applicant's Submitted Drawing

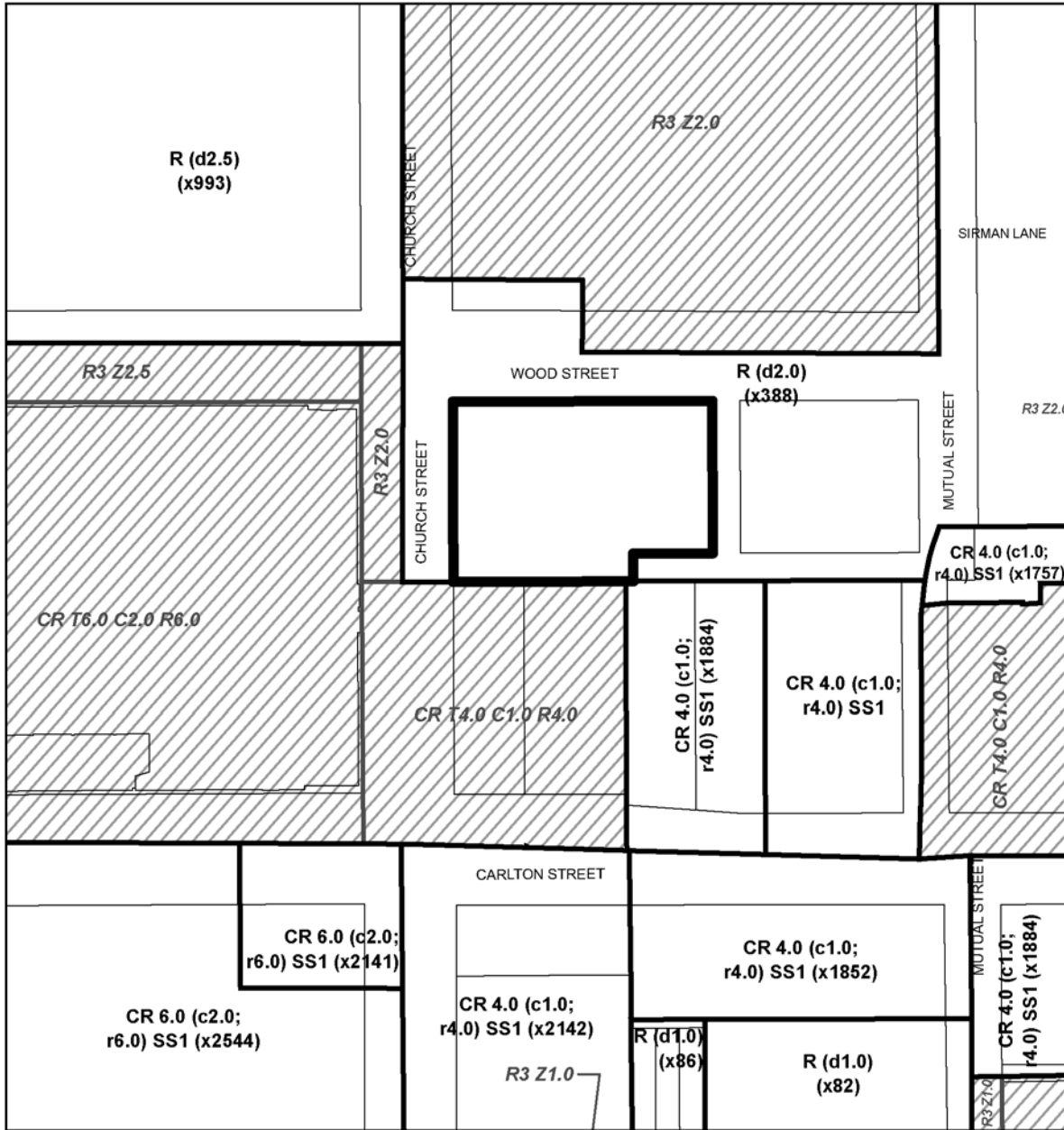
Not to Scale  
05/16/2016



## 411 Church Street

File # 15 205116 STE 27 0Z

## Attachment 6: Existing Zoning



**Zoning By-Law No. 569-2013**

**411 Church Street**

File # 15 205116 STE 27 OZ

Location of Application

R Residential

CR Commercial Residential



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

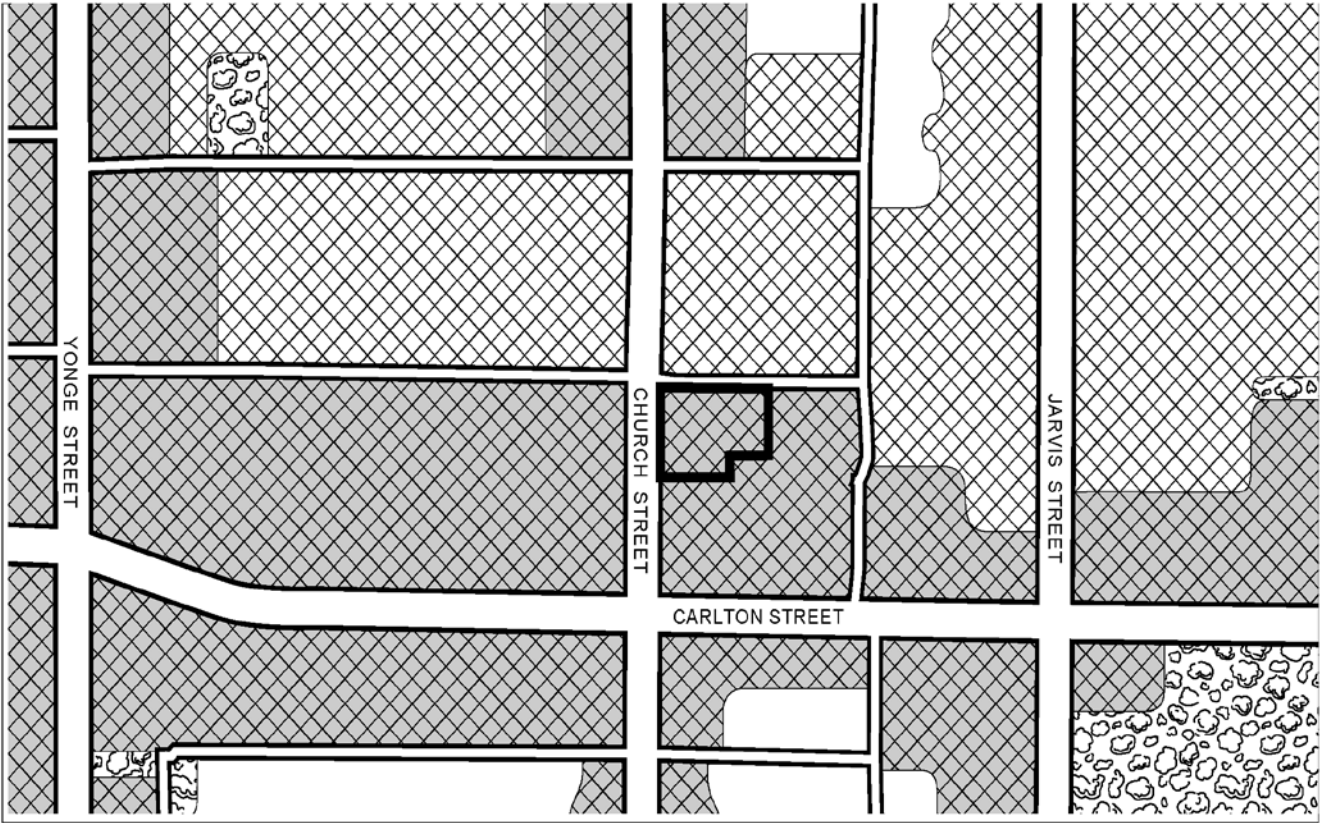
R3 Residential District

CR Mixed-Use District



Not to Scale  
Extracted: 05/16/2016

## Attachment 7: Existing Official Plan



Extract from Official Plan

411 Church Street

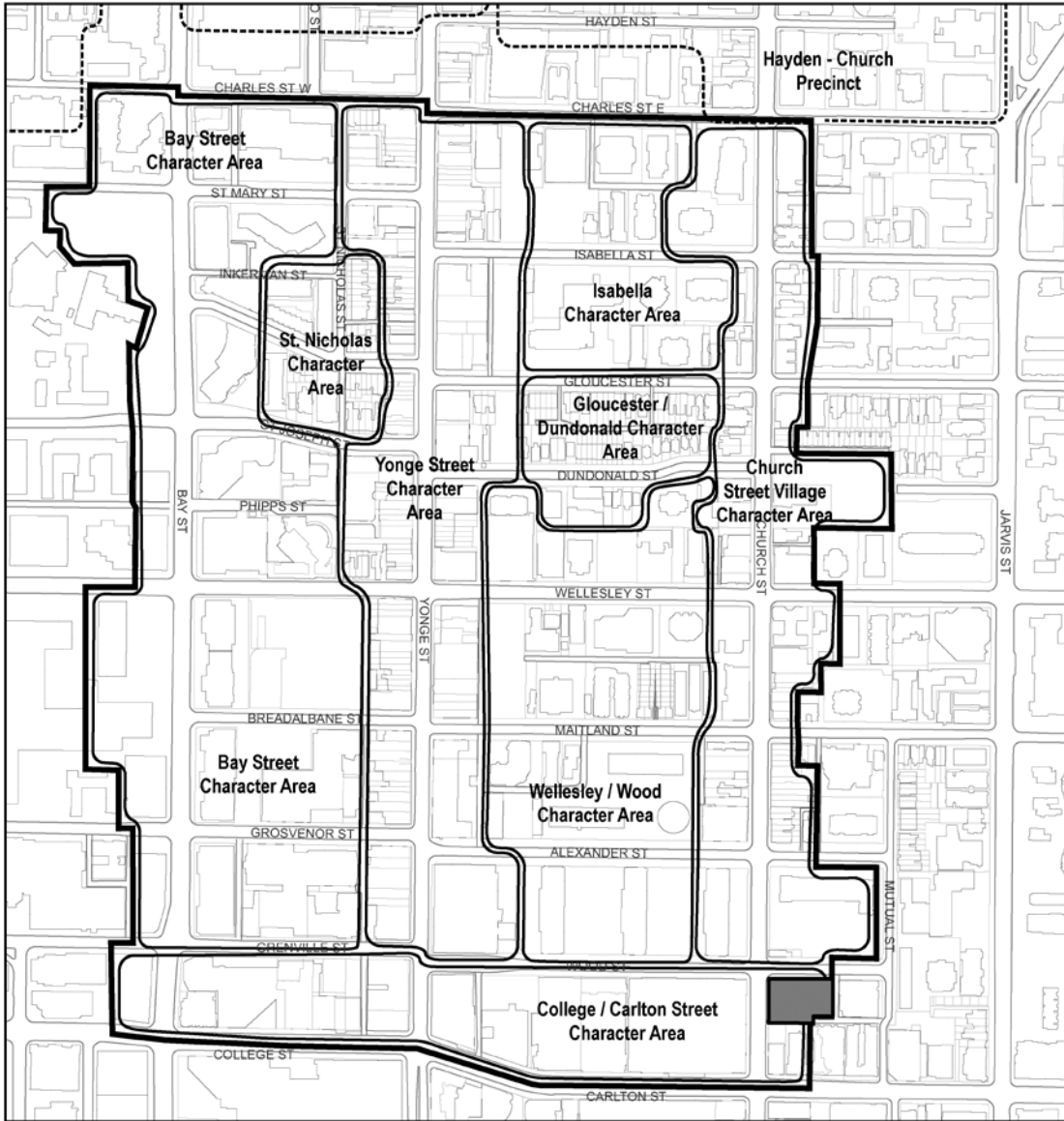
File # 15 205116 STE 27 OZ

Site Location	Natural Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Parks	Regeneration Areas	
Apartment Neighbourhoods	Other Open Space Areas	Employment Areas	
Mixed Use Areas			



Not to Scale  
05/16/2016

**Attachment 8: OPA 183 (SASP 382) – Character Area Map**



**TORONTO** City Planning  
**Official Plan Amendment #183**  
**Map 1: Character Areas**

**North Downtown Yonge**  
**Planning Framework Study**  
 File # 15 205116 STE 27 02



↑  
 Not to Scale  
 08/26/2015

## Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	15 205116 STE 27 OZ
Details	Rezoning, Standard	Application Date:	August 12, 2015 Revised Submission April 27, 2016
Municipal Address:	411 CHURCH STREET		
Location Description:	Southeast corner of Church Street and Wood Street		
Project Description:	Zoning By-law Amendment to permit a of a 38-storey residential tower (122 metres to the top of mechanical roof), including a 6-storey base building, with a total of 541dwelling units and a total gross floor area of 36,540 sq.m. The ground floor would have 515 square metres of commercial space fronting Church Street and 4 grade related residential units fronting Wood Street.		

<b>Applicant/Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
David Bronskill LLP Goodmans	Page + Steele IBI Group Architects	Church/Wood Residences Inc.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OPA 183 (SASP 382)
Zoning:	By-law 569-2013 R (d2.0) (x388) By-law 438-86 R3 Z.20	Historical Status:	
Height Limit (m):	30	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	2156	Height:	Storeys:	38
Frontage (m):	57.1		Metres:	122 top of mechanical
Depth (m):	39.6			
			<b>Total</b>	
Total Residential GFA (sq. m):	36025		Parking Spaces:	104
Total Non-Residential GFA (sq. m):	515		Loading Docks	2
Total GFA (sq. m):	36540			
Floor Space Index:	16.95			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Rooms:	Residential GFA (sq. m):	36025	0
Bachelor:	Retail GFA (sq. m):	515	0
1 Bedroom:			
2 Bedroom:			
3 + Bedroom:			
Total Units:			

**CONTACT:** **Mark Chlon, Senior Planner 416-397-1761 mchlon@toronto.ca**