

412-418 Church Street and 79-81 Granby Street – Official Plan and Zoning By-law Amendment Application – Preliminary Report

Date: December 7, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

Planning Application Number: 21 125701 STE 13 OZ

Listed Heritage Building(s) on Site: Yes

Designated Heritage Buildings(s) on Site: Yes

Current Use(s) on Site: A three-storey commercial building at 414-418 Church Street
A surface parking lot at 412 Church Street. A pair of semi-detached dwellings at 79-81
Granby Street.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 412-418 Church Street and 79-81 Granby Street. The application proposes to amend the Official Plan and Zoning By-law to permit a 39-storey mixed-use building containing 319 rental units, ground floor retail and amenity space, and three levels of below-grade parking. The designated heritage property at 414-418 Church Street contains a three-storey commercial building which is proposed to be partially retained. The listed heritage properties at 79-81 Granby Street are proposed to be demolished.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 412-418 Church Street and 79-81 Granby Street together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On March 28, 2014, Planning Application 14 133930 STE 27 OZ was filed for 412-414 Church Street to amend the zoning by-law and permit a 32-storey mixed-use building with at-grade retail. Staff's concerns with the proposal included: consistency with the Provincial Policy Statement, Provincial Plan conformity, heritage impacts, and built form.

On September 26, 2014, the application was appealed to the Ontario Municipal Board (now known as the Ontario Land Tribunal), case file No. PL141140, due to City Council's failure to make a decision within the timeframes prescribed by the *Planning Act*. City Council authorized City Staff to attend the Ontario Municipal Board hearing to oppose the applicant's appeal.

On December 23, 2015, the Ontario Municipal Board dismissed the appeal. The proposal failed to achieve the heritage policies within the PPS and OP, and the heritage considerations of the Tall Building Design Guidelines.

THE APPLICATION

Complete Application Submission Date

October 21, 2021

Application Description

The application proposes to demolish the listed heritage properties at 79-81 Granby Street; to retain parts of the three-storey building on the designated heritage property at 414-418 Church Street; and to construct around it a 39-storey (123.6 metres, plus 6.0 metre mechanical penthouse) mixed-use building with a three-storey base containing 319 purpose-built rental units, 307 square metres of retail at street level, 1262 square metres of indoor amenity space and 373 square metres of outdoor amenity space, with 412 square metres of daycare or community space contemplated at the northwest corner of the development for the first three storeys. Three levels of underground parking are proposed, containing 50 vehicular parking spaces. The total proposed gross

floor area is 25,844 square metres, which represents a density of 17.7 times the area of the lot.

Detailed project information is found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=S%2Bw4dM1%2FSATjiantTnimbw%3D%3D>

See Attachments 2 to 5 of this report for a three dimensional representation of the project in context.

Reason for the Application

The Official Plan Amendment proposes to redesignate a northwest portion of the site from *Neighbourhoods* to *Mixed Use Areas*, to designate a northwest portion of the site to *Mixed Use Areas 3 - Main Street* in the Downtown Plan, and to add a Site and Area Specific Policy for the subject lands.

The Zoning By-law Amendment proposes to amend Zoning By-law 569-2013 and Former City of Toronto Zoning By-law 438-86 by rezoning the northwest portion of the site from Residential to Commercial Residential, and by varying performance standards including: building height, building setbacks, gross floor area, floor space index, and parking. Additional amendments to the Zoning By-law may be identified as part of the application review.

Site Plan Control

The development is subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a

Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Conserving cultural heritage resources in order to foster a sense of place and benefit communities;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Major Transit Station Areas

The Growth Plan (2020) as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

Toronto Official Plan Policies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is located on lands shown as the Downtown and Central Waterfront area on Map 2 of the Official Plan. The lands municipally known as 412-418 Church Street are designated Mixed Use Areas and the lands municipally known as 79-81 Granby Street are designated Neighbourhoods, on Map 18 of the Official Plan. See Attachment 6: Official Plan Map.

Downtown Plan (OPA 406)

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. The Downtown Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The site is primarily designated Mixed Use Areas 3 on Mixed Use Areas Maps 41-3 and 41-3-C in the Downtown Plan. Mixed Use Areas 3 are envisioned to have a main street character and include a diversity of uses such as retail, services, restaurants and small shops at grade with residential and commercial uses above. Mixed Use Areas 3 contemplate modest intensification in the form of mid-rise buildings with some low-rise and tall buildings permitted based on compatibility.

The in-force Downtown Plan may be found here: <https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

Site and Area Specific Policy 151

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

Official Plan Amendment 352

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area, and area specific Zoning By-laws 1106-2016 and 1107-2016, which provide detailed performance standards for setbacks and separation distances for buildings taller than 24 metres. The purpose of OPA 352 and the related Zoning By-laws is to establish the policy context and performance standards for tall building setbacks and separation distances between tower portions of tall buildings in the Downtown area. OPA 352 is under appeal at the Ontario Land Tribunal (OLT), and includes the applicant's lands known municipally as 412-418 Church Street. The lands municipally known as 79-81 Granby Street are not part of this appeal.

On May 28, 2021, the OLT partially approved modifications to OPA 352 and area-specific Zoning By-laws 1106-2016 and 1107-2016, with any outstanding appeals to be resolved.

The Official Plan Amendment and associated Zoning By-law Amendments may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendments 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 11, 2020, the Ministry of Municipal Affairs and Housing approved OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendments may be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Heritage

The site includes properties that are both designated under Part IV of the Ontario Heritage Act and listed on the City's Heritage Register. The three-storey commercial building on lands municipally known as 414-418 Church Street (Stephen Murphy

Houses and Store) is designated under Part IV by By-law No. 1051-2010. The pair of three-storey semi-detached dwellings on lands known municipally as 79-81 Granby Street is listed on the City of Toronto's Heritage Register, adopted by City Council on June 8, 2021.

The application proposes to retain and restore the north and east facades and a portion of the roof of the designated Stephen Murphy Houses and Store while replacing the majority of the building with a new 39-storey tower. The demolition of both heritage buildings on the listed property at 79-81 Granby Street is also proposed.

The subject site is directly adjacent to the heritage property at 86 McGill Street, which is part of a collection of contiguous heritage properties from 72-86 McGill Street – all listed on the Heritage Register - and 77 Granby Street, also listed on the Heritage Register.

Zoning By-laws

The site is split zoned under the City of Toronto Zoning By-law 569-2013. The majority of the site is zoned CR 3.0 (c2.0; 3.0)SS1 (x2134) with a maximum height of 18.0 metres and a maximum permitted density of three times its area of the lot. A broad range of uses are permitted in the CR zone, including residential, office and retail. A northwest portion of the site fronting Granby Street is zoned R(d1.0)(x82) with a maximum height of 12.0 metres and a maximum density of 1.0 times its area of the lot. A variety of residential uses are permitted in the R zone. Site specific provisions under the Former City of Toronto Zoning By-law 438-86 also apply, including front and side yard setbacks from Church Street and angular plane setbacks.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- City-wide Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet-friendly Design Guidelines;
- Retail Design Manual;
- Best Practices for Bird-friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

Applications for zoning by-law amendments, draft plans of subdivision and site plan control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMENTS

ISSUES TO BE RESOLVED

City Planning staff have identified a number of preliminary issues with the proposed development and will work with the applicant to address these concerns and achieve a proposal which is compatible with its surrounding context.

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate the application's consistency with the PPS and conformity with the Growth plan (2020) as amended.

Official Plan Conformity

Staff will continue to evaluate the application to determine its conformity to the Official Plan, the Downtown Plan, and SASP 151.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on applicable Provincial policies; the City's official Plan policies; the Downtown Plan; and the City's Design Guidelines.

The following preliminary issues have been identified:

- Compatibility of the proposal with surrounding Neighbourhoods, including transition, scale, light and privacy impacts;
- The appropriateness of the proposed height and massing, including setbacks from Church Street, relative to the planned context, including the *Mixed Use Areas 3* designation;
- Compliance with the tall building performance standards and guidelines, such as tower setbacks, separation distances, and transitions in scale;
- The impacts of new shadowing on the public realm and private open spaces;
- The appropriate degree of conservation of built heritage attributes at the site;
- The relationship of the proposed built form relative to retained built heritage resources at the site and adjacent to the site; and
- The appropriateness of the site organization, including location of driveways and servicing.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The arborist report submitted by the applicant indicates that there are 16 trees located on and within 6 metres of the property, of which 11 are proposed to be removed and 5 to be protected. Urban Forestry staff will review the arborist report, associated plans, and the appropriateness of the proposed tree removal.

Archaeological Assessment

An Archaeological Assessment was submitted with the application and is under review by staff.

Heritage Conservation

The site contains properties both designated under Part IV of the Ontario Heritage Act and listed in the City of Toronto's Heritage Register.

A Heritage Impact Assessment was submitted with the application. Staff will review the Heritage Impact Assessment and the proposal to determine whether the proposed development complies with relevant in-force policies.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant has submitted a CS&F review in support of the application and has indicated an area that may be used for on-site daycare as part of the proposal. Staff continue to evaluate the impact of the proposed development and local development activity on community services and facilities, and the suitability of the proposed day care space in meeting the identified CS&F needs in the area.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height and density will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the Planning Act should the proposal be approved in some form. In the event the applicant provides in-kind benefits pursuant to Section 37 of the Planning Act, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Infrastructure/Service Capacity

In support of the proposed development, the applicant has submitted the following studies and reports for review by Engineering and Construction Services, and Transportation Services staff: Geotechnical Study, Hydrogeological Report, Servicing Report, Stormwater Management Report, and Transportation Impact Study.

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Other Matters

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

NEXT STEPS

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. City Planning staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York Community Council meeting, which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: 3D Model of Proposal in Context - Looking Northeast

Attachment 3: 3D Model of Proposal in Context - Looking Northwest

Attachment 4: 3D Model of Proposal in Context - Looking Southeast

Attachment 5: 3D Model of Proposal in Context - Looking Southwest

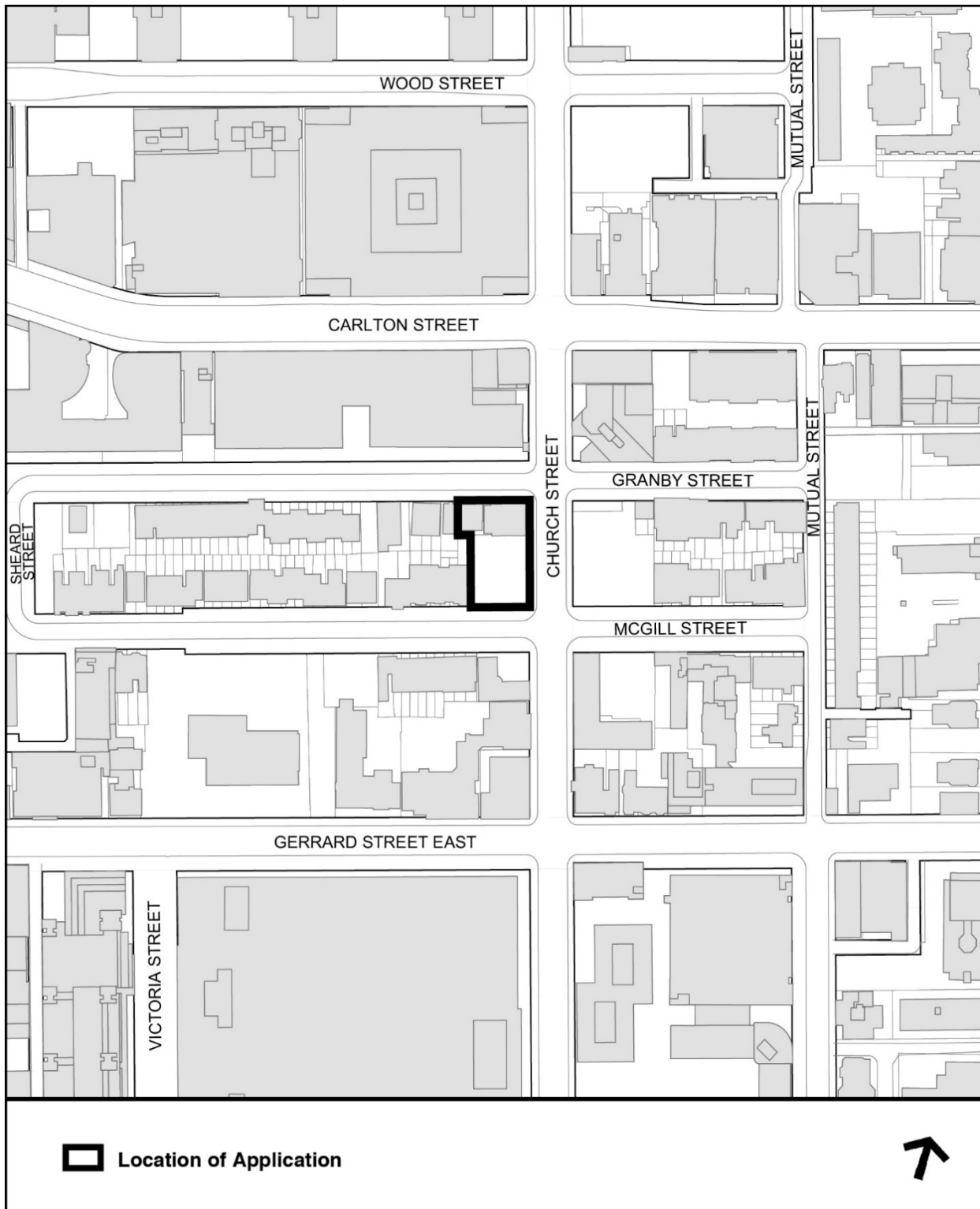
Attachment 6: Official Plan Map

Attachment 7: Zoning By-law

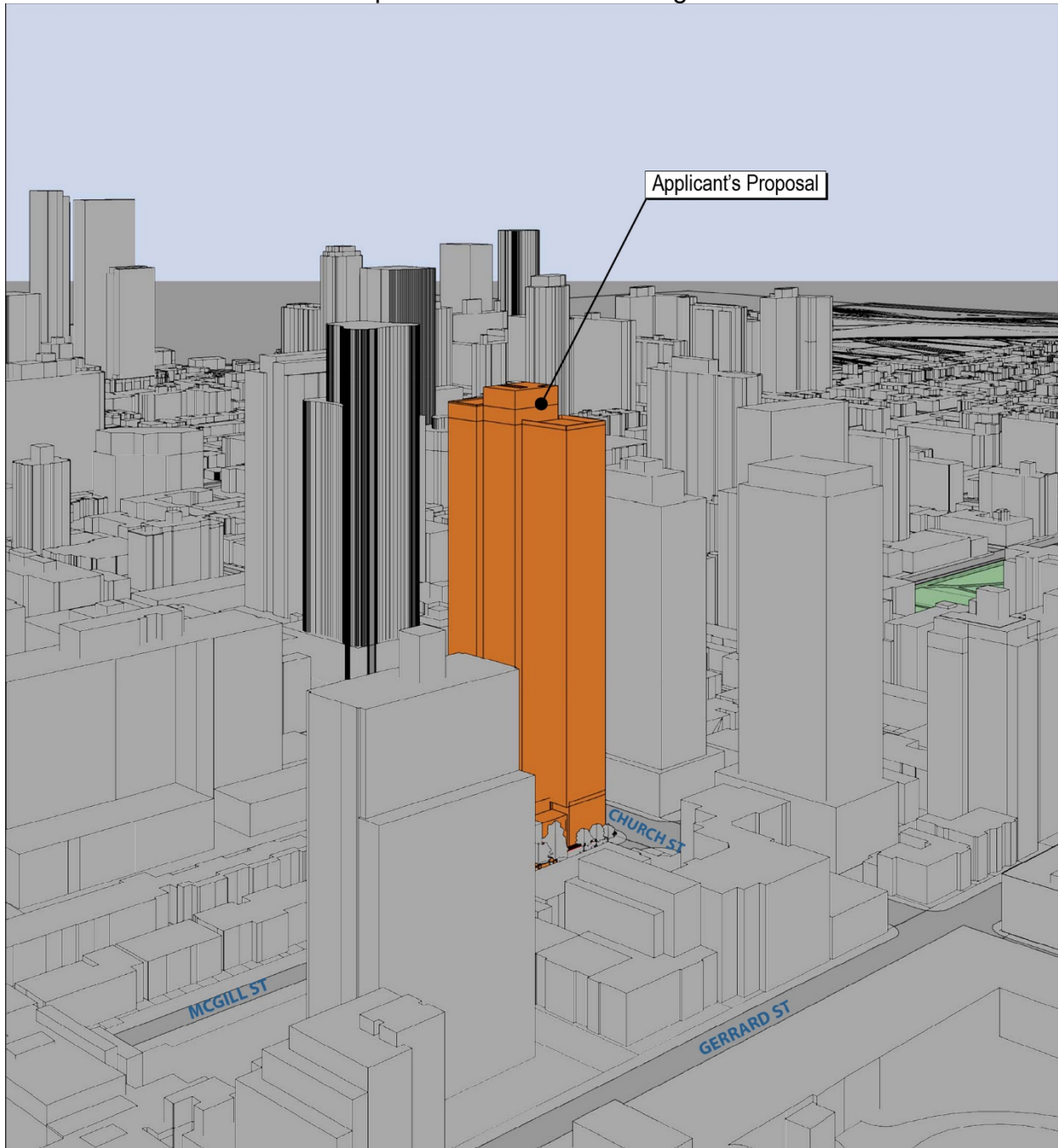
Attachment 8: Site Plan

Attachment 9: Application Data Sheet

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context - Looking Northeast

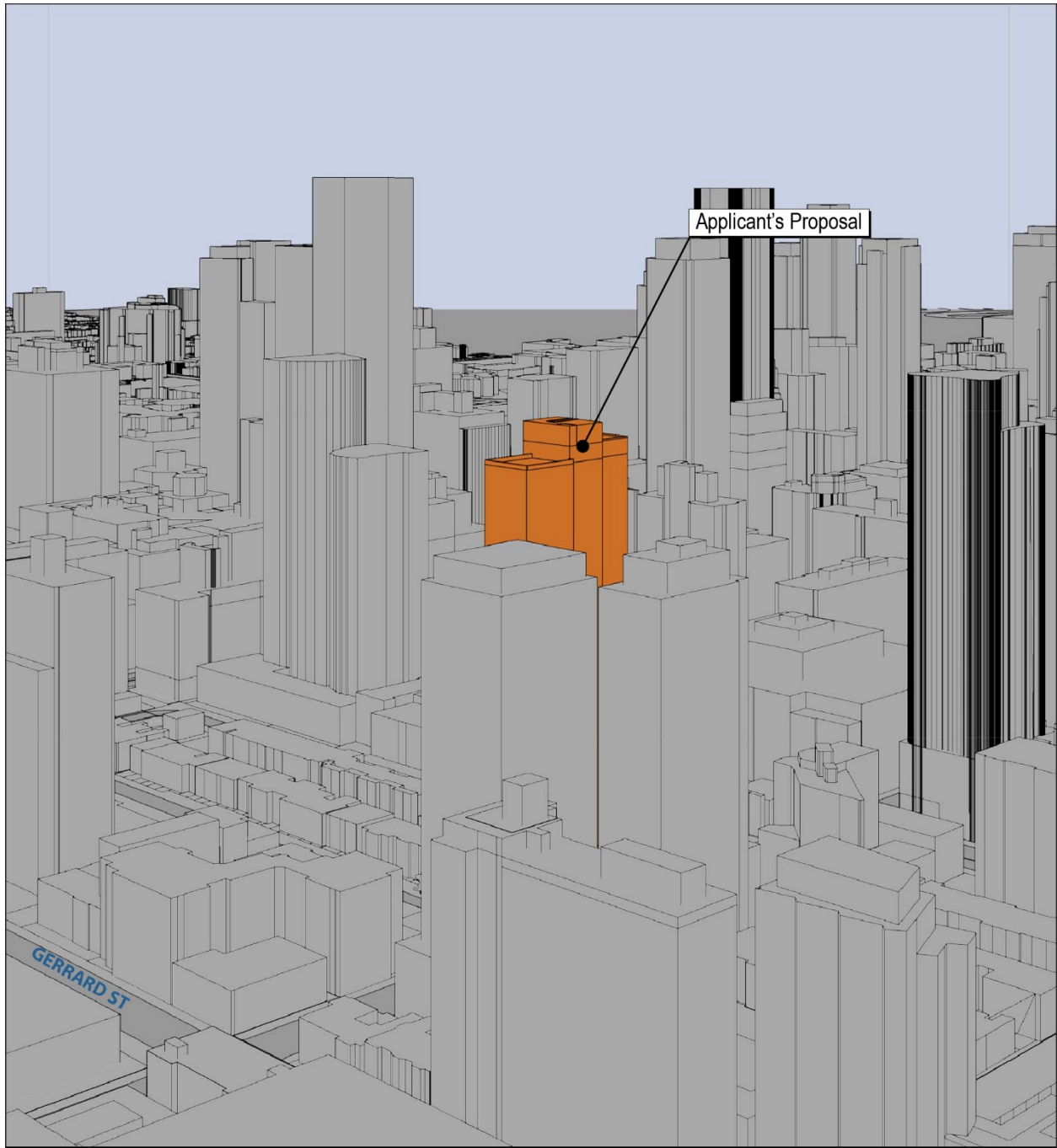


View of Applicant's Proposal Looking Northeast



12/07/2021

Attachment 3: 3D Model of Proposal in Context - Looking Northwest

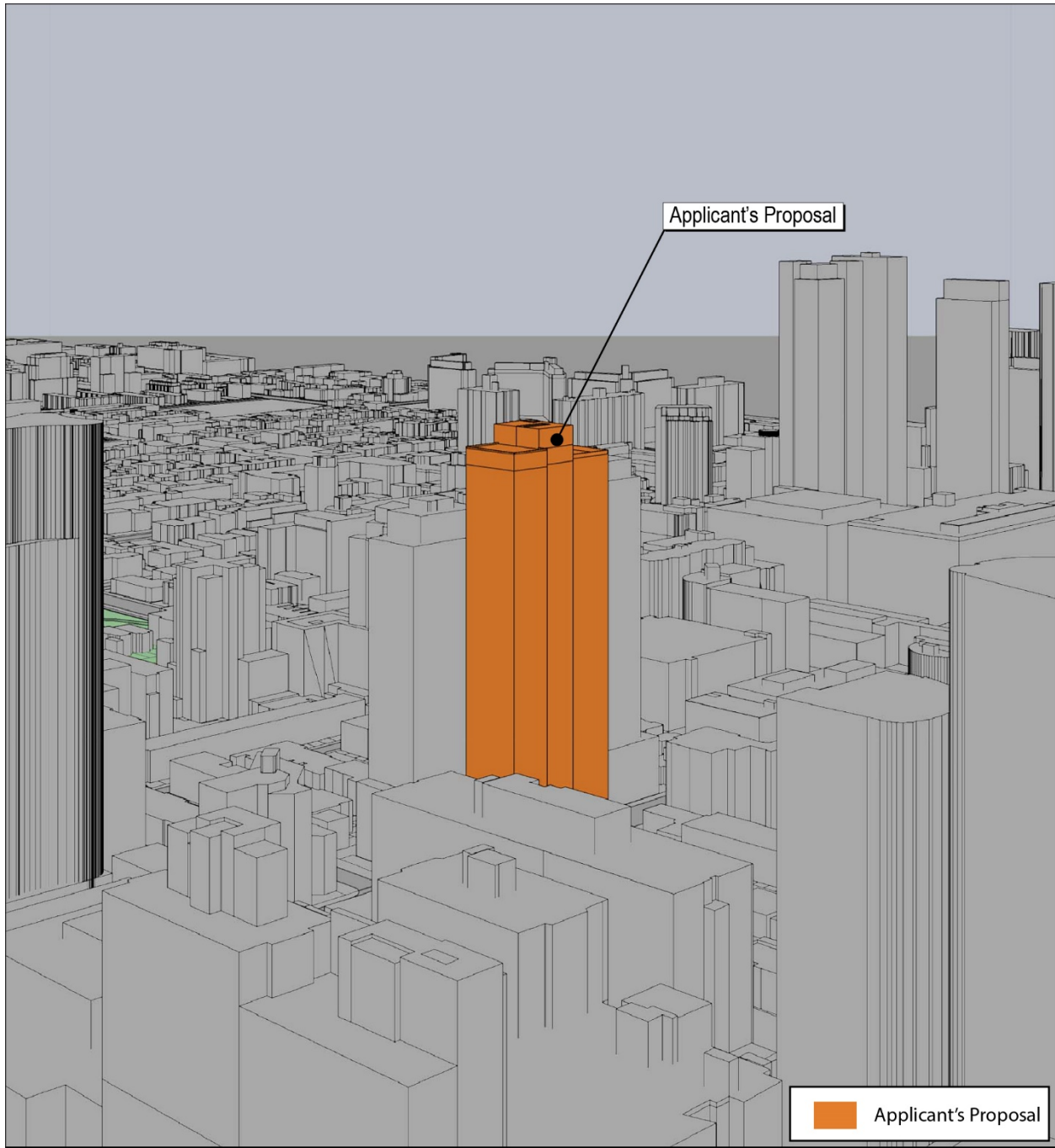


View of Applicant's Proposal Looking Northwest



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Attachment 4: 3D Model of Proposal in Context - Looking Southeast

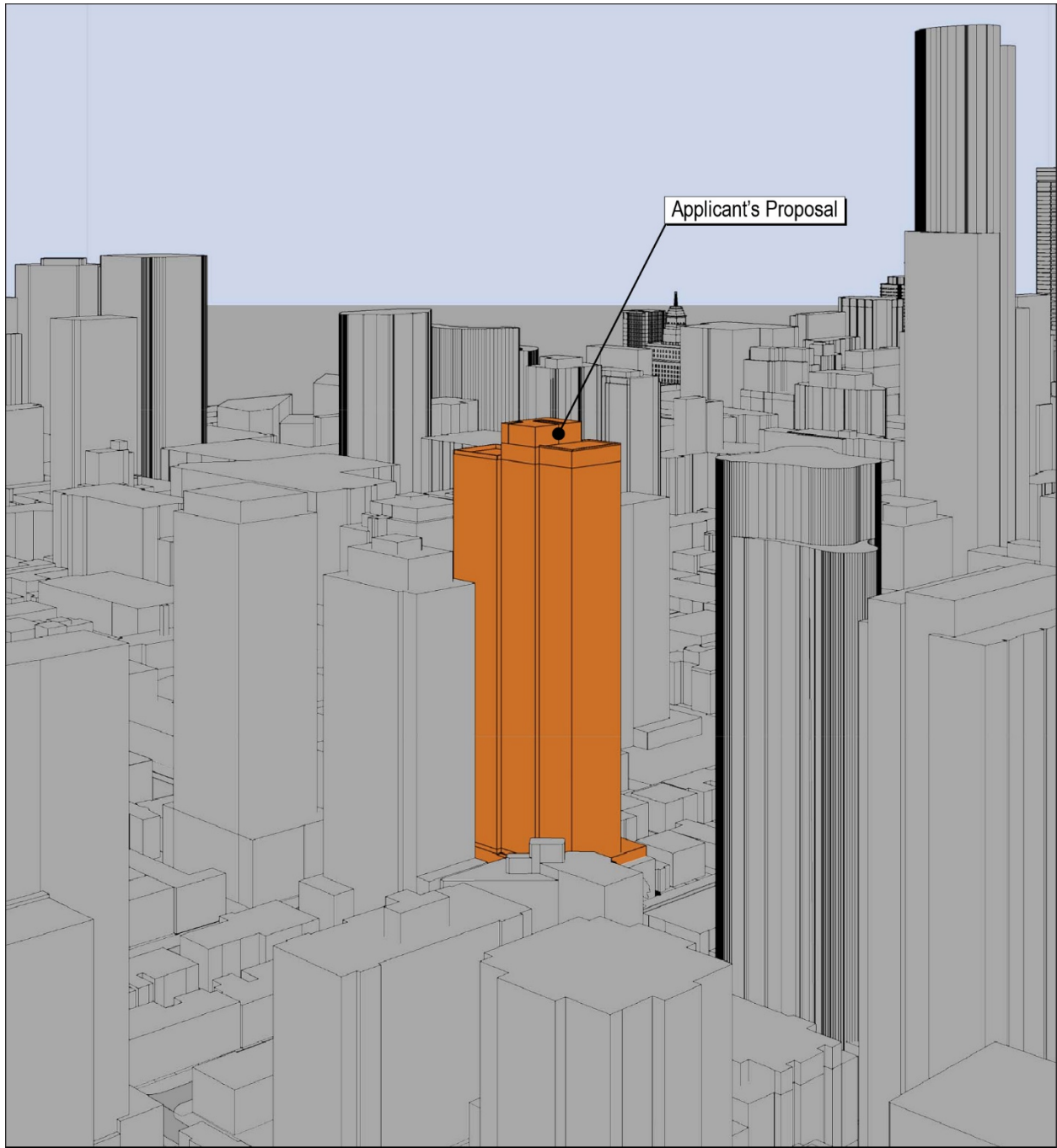


View of Applicant's Proposal Looking Southeast



12/072021

Attachment 5: 3D Model of Proposal in Context - Looking Southwest



View of Applicant's Proposal Looking Southwest



12/07/2021

Attachment 6: Official Plan Map



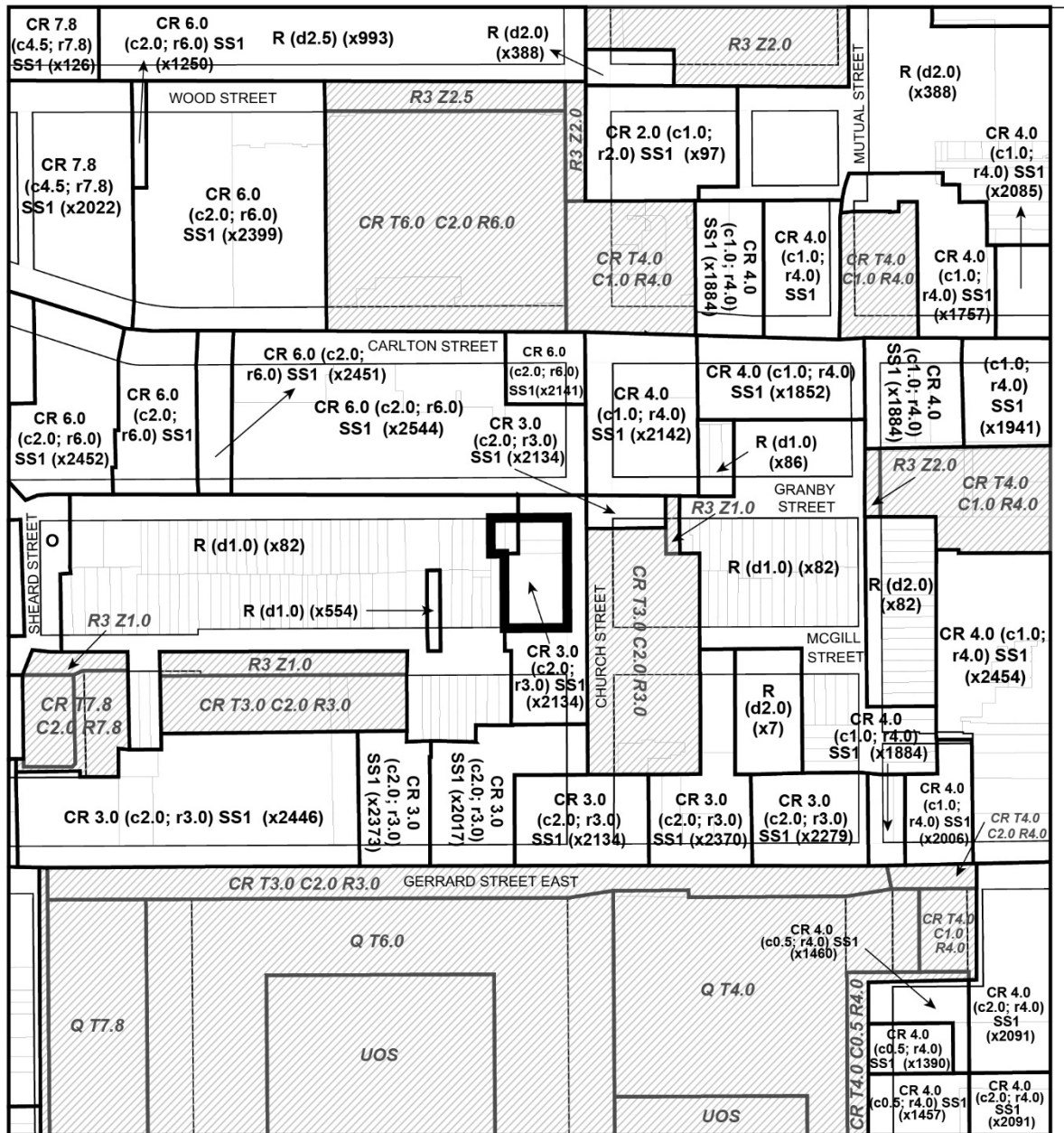
Official Plan Land Use Map #18

412 Church Street
File # 21 125701 STE 13 0Z



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Not to Scale
Extracted: 03/15/2021

Attachment 7: Zoning By-law




Zoning By-law 569-2013

412 Church Street

File # 21 125701 STE 13 0Z

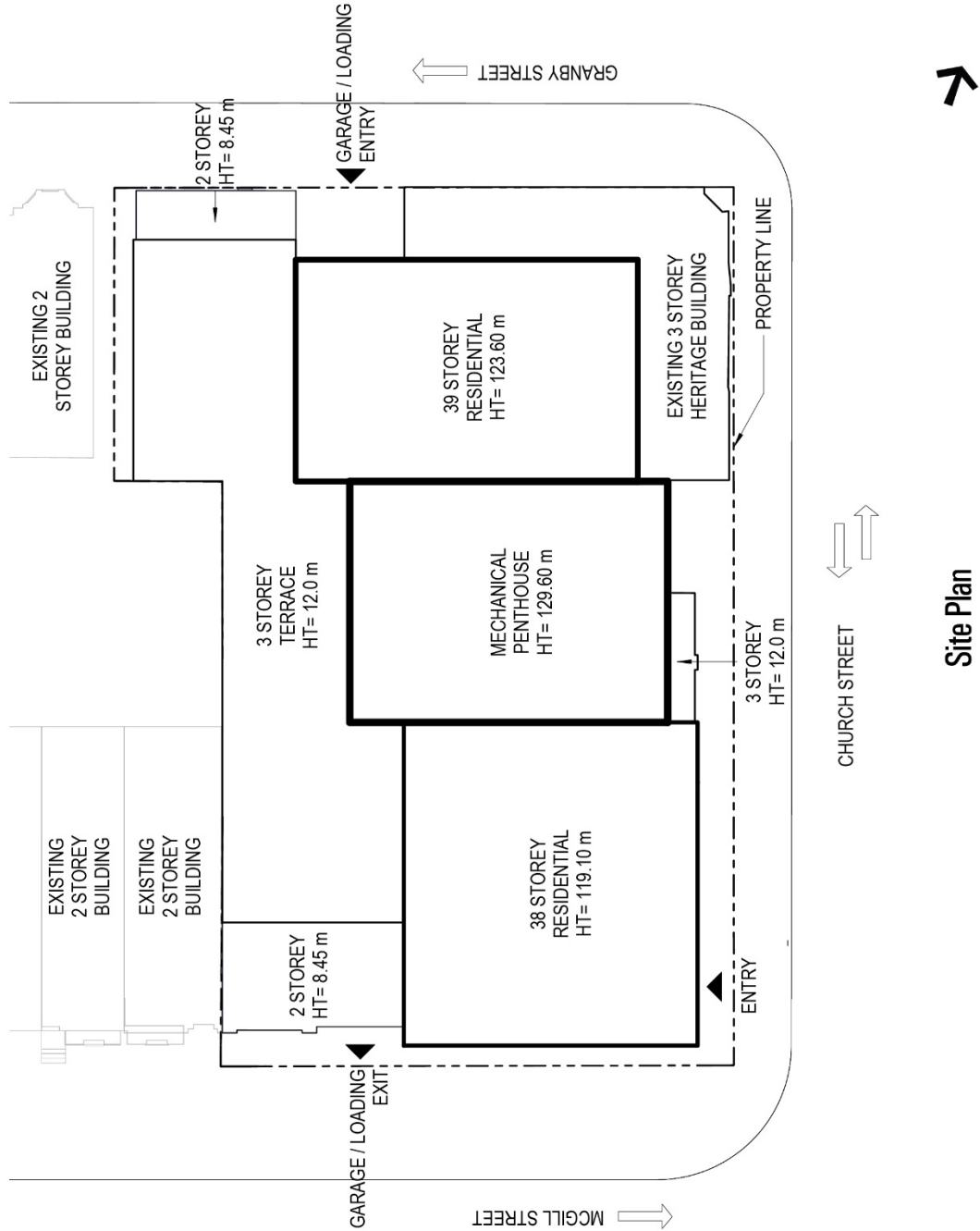
-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- Q** Mixed-Use District
- UOS** Parks District
- CR** Mixed-Use District



Not to Scale
Extracted: 03/15/2021

Attachment 8: Site Plan



Site Plan

Attachment 9: Application Data Sheet

Municipal Address: 412 CHURCH ST Date Received: March 11, 2021

Application Number: 21 125701 STE 13 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposal for a 39-storey mixed-use building having a non-residential gross floor area of 719 square metres, and a residential gross floor area of 25,125 square metres. The proposal includes the creation of 319 purpose-built rental units.

Applicant	Agent	Architect	Owner
ADRIAN ROCCA		bKL Architecture LLC	2698551 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 151
Zoning:	CR 3.0 (C2.0; r3.0) SS1 (x2134)	Heritage Designation:	
Height Limit (m):	18, 12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,461 Frontage (m): 48 Depth (m): 34

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			669	669
Residential GFA (sq m):			25,125	25,125
Non-Residential GFA (sq m):			719	719
Total GFA (sq m):			25,844	25,844
Height - Storeys:			39	39
Height - Metres:			130	130

Lot Coverage Ratio (%): 45.79 Floor Space Index: 17.69

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	25,125	

Retail GFA: 307
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA: 412

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			319	319
Freehold:				
Condominium:				
Other:				
Total Units:			319	319

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			143	141	35
Total Units:			143	141	35

Parking and Loading

Parking Spaces: 50 Bicycle Parking Spaces: 319 Loading Docks: 1

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