

820 Church Street - Zoning By-law Amendment Application – Decision Report - Approval

Date: February 6, 2023

To: Toronto and East York Community Council or City Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 20 232820 STE 11 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 38-storey (124.6 metres, including mechanical penthouse) commercial building containing a hotel.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013 for the lands at 820 Church Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

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.

THE SITE

Description: The site is triangular and has an approximate area of 475 square metres, with a frontage of 40 metres on Church Street, and a frontage of 32 metres on the public laneway south of the site.

Existing Use: A one-storey commercial building containing a restaurant with surface parking spaces in front.

THE APPLICATION

Description: A 38-storey (124.6 metres, including mechanical penthouse) commercial building containing a hotel.

Density: 21.23 times the area of the lot.

Parking and Loading: A total of 2 bicycle parking spaces. Vehicle pick-up and drop-off will be located on a one-way driveway, accessed from Church Street, that connects with the public laneway to the south of the site. No vehicular parking or loading is proposed for the development. Solid waste collection will be accommodated with curbside pick-up on Church Street.

Additional Information

See Attachments 1, 2, 6, and 7 of this report for the Application Data Sheet, project in context, a site plan of the proposal, and three-dimensional representation, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=PJRSkk4rBG8nQTImaALjiQ%3D%3D>

Reason for the Application: The Zoning By-law Amendment proposes to vary performance standards including: building height; building setbacks; floor space index; and parking and loading space requirements.

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

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

Official Plan: Mixed Use Area. See Attachment 4 of this report for the Official Plan Land Use Map.

Downtown Plan: Mixed Use Area 2. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and tall buildings.

Site and Area Specific Policy 211 (SASP 211):

SASP 211 recognizes that the Bloor-Yorkville/North Midtown area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building

forms. The area includes Neighbourhoods, Apartment Neighbourhoods, Areas of Special Identity, Mixed Use Areas, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The subject site is located outside all three of the built form areas, being located in between a Height Ridge to the south and a Low-Rise Area to the north and east.

Zoning: The subject site is zoned CR 4.0 (c1.75; r4.0) under Zoning By-law 569-2013. The CR zoning category permits a mix of commercial and residential uses to a maximum of 4.0 times the area of the lot, with up to 1.75 times the area of the lot for commercial uses, and a maximum height of 30 metres. See Attachment 4 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Bloor-Yorkville/North Midtown Urban Design Guidelines;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

Toronto Green Standard

The TGS is a set of performance measures for green development. 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 Toronto Green Standard.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on September 14, 2021. Approximately 19 people participated, as well as the Ward Councillor at that time. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Overdevelopment of the site;
- Shadow and wind impacts; and
- Concerns that there is insufficient parking proposed.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Land Use

The proposed hotel use is acceptable and conforms to the applicable policies of the Official Plan and Downtown Plan. The Downtown Plan states that development in Mixed Use Areas 2 will be encouraged to provide for a diverse range of uses, including retail, service, office, institutional and residential uses.

Public Realm

City staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan. The proposed building will provide a 6.0-metre sidewalk on Church Street, by setting back the lower portion of the building 3.5 metres along Church Street. The tower portion of the building will cantilever 3.0 metres over this space at a height of 16.3 metres. The height of the cantilever provides sufficient clearance to allow for the growth of mature street trees. A total of five new street trees are proposed to be accommodated in the public realm along Church Street. A planter with soft landscaping is proposed at the northwest corner of the site to further add green landscaping to the Church Street public realm.

Built Form

City Planning staff finds that the proposal conforms with the applicable Official Plan and SASP 211 policies with respect to built form and massing. Furthermore, the proposal meets the intent of the Bloor-Yorkville/North-Midtown Urban Design Guidelines and Tall Building Design Guidelines.

The proposed height of 38-storeys (124.6 metres, including mechanical penthouse) is appropriate for the site and fits with the planned context. The proposed tower provides a transition in height from the Height Peak to the south, and the approved 27-storey (95 metres, including mechanical penthouse) building to the northeast, and the low-rise neighbourhood further to the northeast.

The Tall Building Guidelines call for a 25-metre tower separation distance to all nearby towers. The proposed tower will have a separation distance of 18.8 and 11.25 metres from the existing 17-storey building to the southeast, with a public laneway located

between the two buildings. No balconies are proposed and the existing 17-storey building is built nearly to its property line and generally has a blank wall facing the subject site with a single recessed balcony on each floor with a window facing northeast away from the subject site. The proposed hotel rooms will be oriented to the northeast, to further address privacy and overlook concerns.

To the south of the site is a public laneway and a TTC property that is used for infrastructure related to the Bloor-Yonge subway station. To the west is a property that will be used for purposes related to the planned work to increase the capacity and improve the function of the Bloor-Yonge subway station. As such, the proposed tower setbacks are acceptable.

The proposed tower floor plate of 337 square metres is acceptable. The Tall Building Guidelines state that the tower floor plate should be limited to 750 square metres or less per floor. The Downtown Plan states that the tower floor plate will generally have a maximum of 750 square metres, and notes that increases may be appropriate where the impacts on wind and shadow are addressed.

The base of the proposed building has been massed to respond to the existing and planned context surrounding the site and is appropriate for the site. On the east side of the base building is 6-storeys in height. Along Church Street, the ground floor to the fourth floor of the development are setback to allow for a wide public realm that will accommodate pedestrians and street trees.

Shadow Impact

The shadow impact resulting from the proposal is acceptable. The proposal adequately limits shadow impacts on Neighbourhoods and parks, particularly during the spring and fall equinoxes.

The applicant-submitted shadow studies show the extent of the shadow from the proposed building on the spring and fall equinox (March 21 and September 21) and the summer solstice (June 21). The proposed building will not cast shadows on sun protected parks and open spaces as required by the Downtown Plan. The shadow of the proposed building aligns with other recent approved buildings so as to not cast additional shadow onto the Rosedale Ravine, including Lawren Harris Park and Hazeldean Park.

Wind

A Pedestrian Level Wind Study was submitted in support of the application. The study indicates that all areas at grade will be suitable for their intended uses throughout the year and no pedestrian areas surrounding the subject site at grade level will experience conditions that could be considered dangerous.

City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have accepted its conclusions for the Zoning By-law Amendment application.

Traffic Impact, Access, Parking

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Transportation Services staff have reviewed the Transportation Impact Study and accepted its conclusions.

Due to site constraints, no on-site parking or loading is proposed. The site is located near the Bloor-Yonge subway station and is in proximity to BikeShare Toronto stations. Deliveries will be made using the pick-up and drop-off space located on the one-way driveway, accessed from Church Street, during off-peak times. Solid waste collection will be accommodated with curb-side pick-up on Church Street.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. 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 Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law, and future site plan agreement, will secure performance measures for various development features, including, but not limited to, the following:

- No vehicular parking to reduce single occupancy vehicle trips;
- The planting of 5 new street trees along Church Street; and
- New soft landscaping in planters adjacent to the public realm.

The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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E-mail: David.Driedger@toronto.ca

SIGNATURE



Alex Teixeira, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: 3D Model of Proposal in Context

Attachment 1: Application Data Sheet

Municipal Address: 820 Church Street Date Received: December 21, 2020
 Application Number: 20 232820 STE 11 OZ
 Application Type: Rezoning
 Project Description: a 38-storey hotel building.

Applicant	Agent	Owner
The Goldberg Group, 2098 Avenue Road, Toronto, ON M5M 4A8	The Goldberg Group, 2098 Avenue Road, Toronto, ON M5M 4A8	820 Church Inc, 162 Cumberland Street, Suite 300, Toronto, ON M5R 3N5

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 211
 Zoning: CR 4.0 (c1.75;
r4.0) SS1 Heritage Designation:
(x2386)
 Height Limit (m): 30 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 476 Frontage (m): 40 Depth (m): 32

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	116		256	256
Residential GFA (sq m):				
Non-Residential GFA (sq m):	116		10,097	10,097
Total GFA (sq m):	116		10,097	10,097
Height - Storeys:	1		32	32
Height - Metres:			99	99

Lot Coverage Ratio 53.82 Floor Space Index: 21.23
 (%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA:
 Retail GFA:
 Office GFA:

Industrial GFA:

Institutional/Other GFA: 10,097

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:

Other:

Total Units:

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
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Retained:

Proposed:

Total Units:

Parking and Loading

Parking Spaces:	Bicycle Parking Spaces: 2	Loading Docks:
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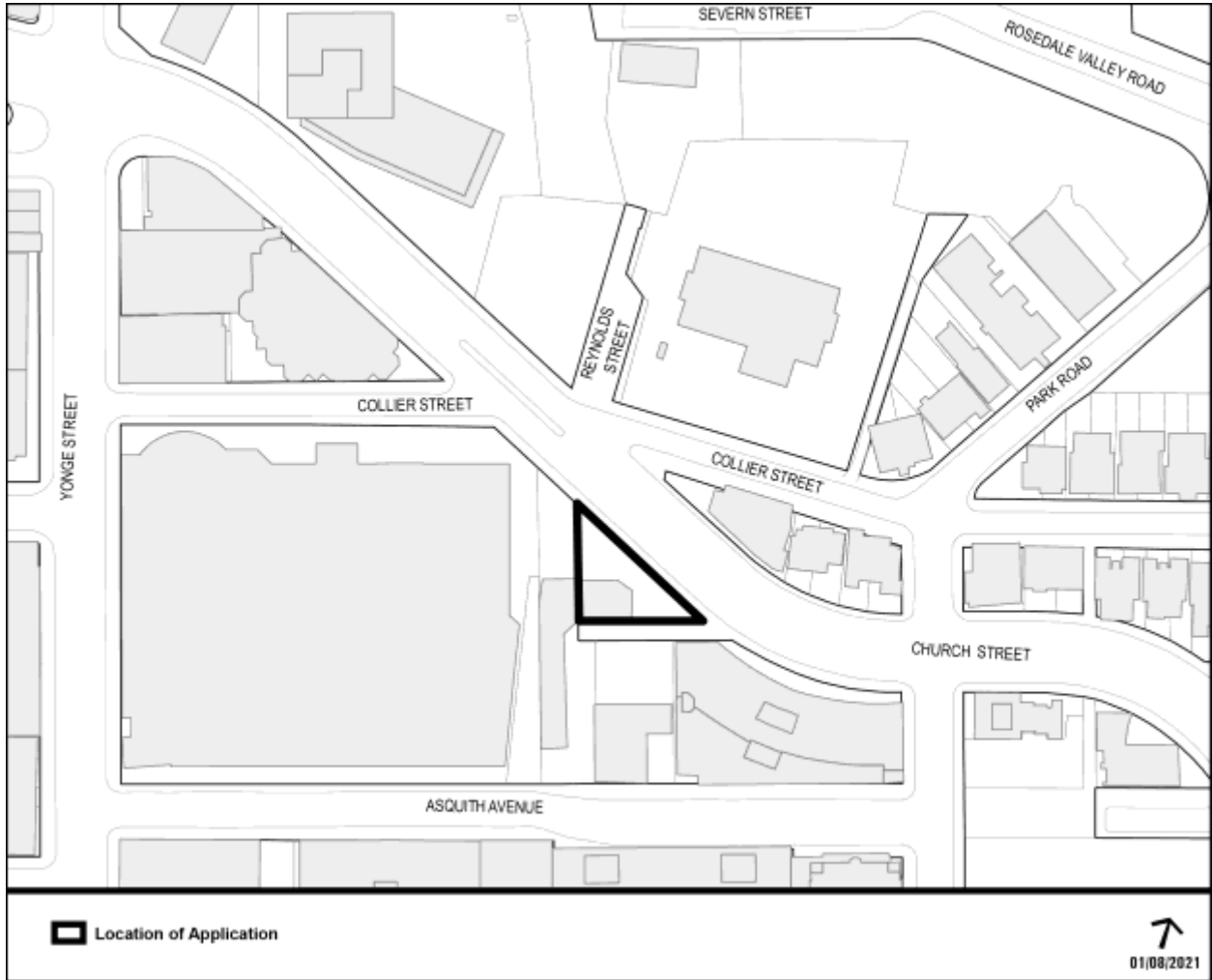
CONTACT:

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David.Driedger@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



820 Church Street



Official Plan Land Use Map #17

File # 20 232820 STE 110Z



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Not to Scale
01/15/2021

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2023

CITY OF TORONTO

BY-LAW XXX-2023

To amend By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 820 Church Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined in heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined in heavy black lines from a zone label of CR 4.0 (c1.75; r4.0) SS1 (x2386) to CR 4.0 (c1.75, r4.0) SS1 (x828) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 828 so that it reads:

(828) Exception CR 828

The lands, or portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

(A) Site Specific Provisions: Despite Regulation 40.10.40.40(1)(B), the permitted maximum **gross floor area** for non-residential uses is 11,000.00 square metres;

(B) Despite Regulation 40.5.40.10(1) and (2) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 116.13 metres and the elevation of the highest point of the **building** or **structure**;

(C) Despite Regulation 40.10.40.10.(1) the permitted maximum height of a **building** or **structure** on the lands is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [clerks to supply by-law#]

(D) Despite clause 40.5.40.10(3), (4), and (8), the following **building** elements and **structures** are permitted to project above the permitted maximum height as shown on Diagram 3 of By-law XXX:

(i) lightning rods, window washing equipment, stair enclosures, elevator overruns, parapets, architectural features by not more than 5.0 metres; and

(ii) trellises, pergolas, railings, cornices, lightning fixtures, ornamental elements, planters, guard rails, fences, screens, furniture, and elements or **structures** providing safety or wind protection to rooftop space, may project above the height limits to a maximum of 5.0 metres on any portion of the mechanical penthouse roof;

(iii) mechanical penthouse containing equipment and structures used for the functional operation of the building may project above the height limits to a maximum of 6.0 metres;

(E) Regulation 40.5.40.10(5) shall not apply;

(F) Despite regulations 40.5.40.70(1), 40.10.40.70(1) and 600.10.10(1), the minimum required **building setbacks** are identified in metres on Diagrams 3 of By-law XXX-2020;

(G) Despite regulations 40.5.40.60(1) and 40.10.40.60(1) to (8) and (E) above, the following **building** elements and **structures** may encroach into the required minimum **building setbacks** as follows:

(i) canopies, site servicing features, lighting fixtures, awnings, ornamental elements, architectural features, windowsills, planters, guardrails, railings, wheel chair ramps, vents, screens, and landscape features may encroach up to a maximum of 2 metres;

(ii) structural columns may encroach into the minimum required setbacks;

(H) Despite Regulation 40.10.40.50(2), a minimum of 0 square metres of **amenity space** will be provided;

(I) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, the required minimum number of **parking spaces** for a **hotel** is 0;

(J) Despite Regulation 220.5.10.1(6), the required number of **loading spaces** for a **hotel** is 0;

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any future severance, partition or division of the lot as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.

Enacted and passed on _____, 2023.

Frances Nunziata,
Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk

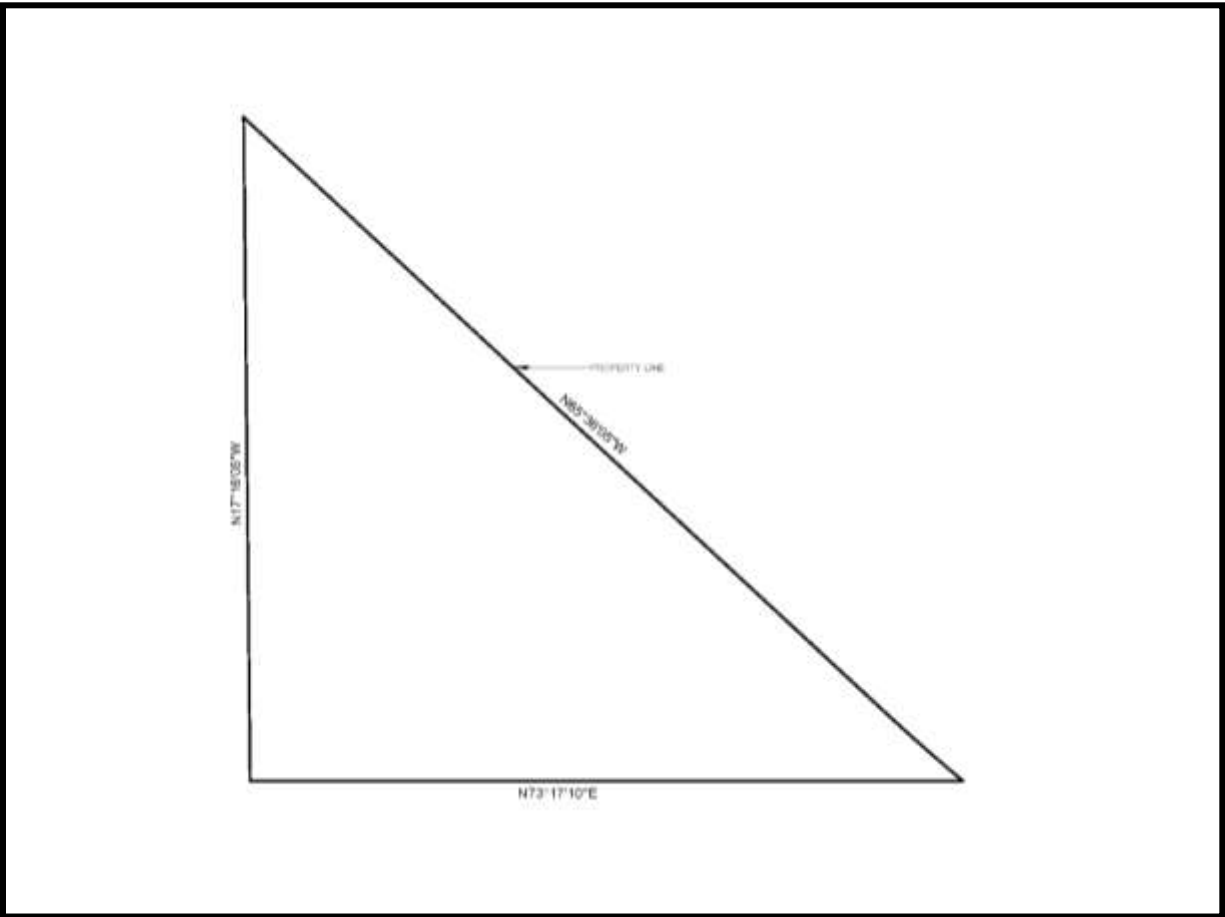


Diagram 1

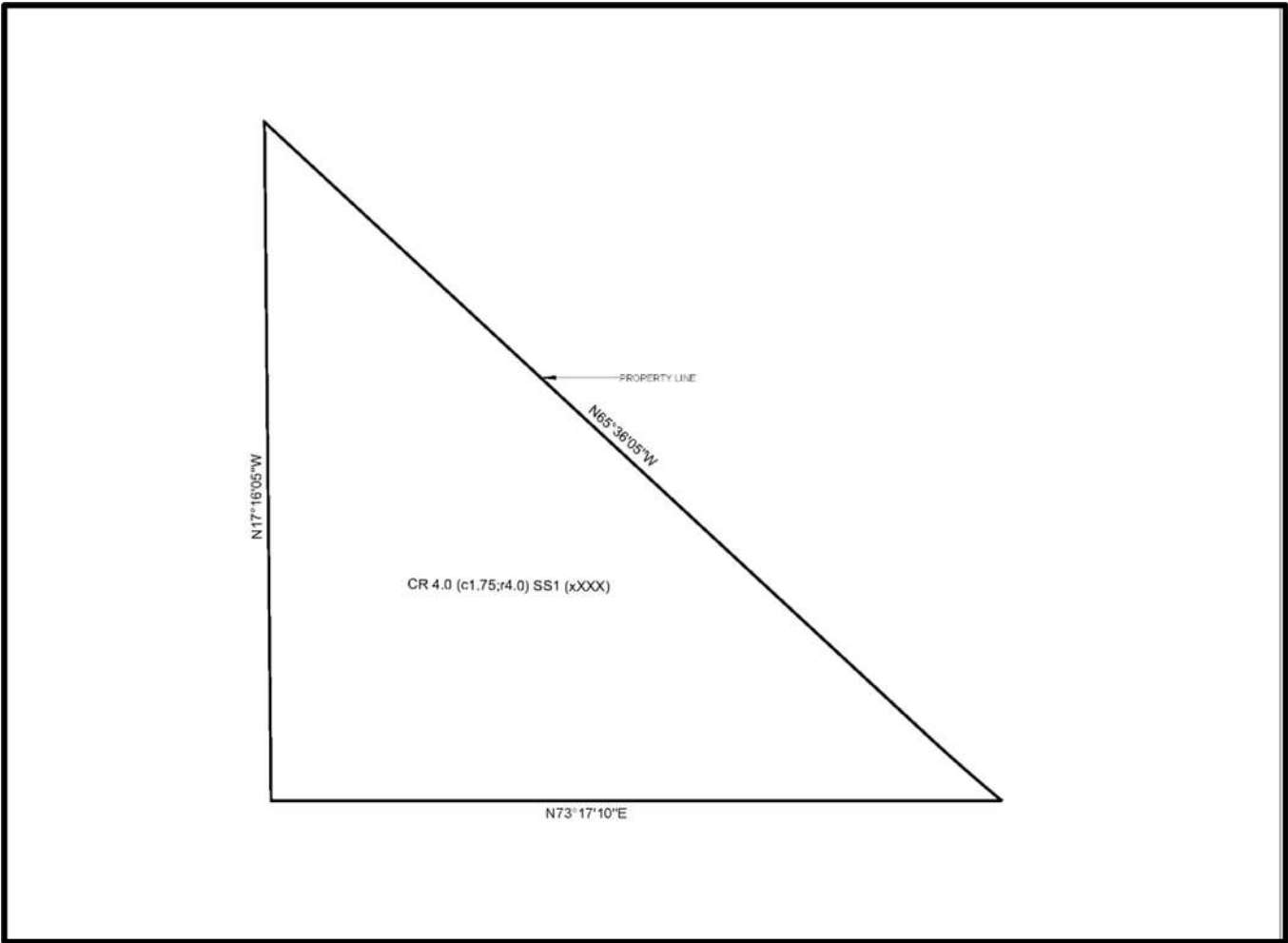


Diagram 2

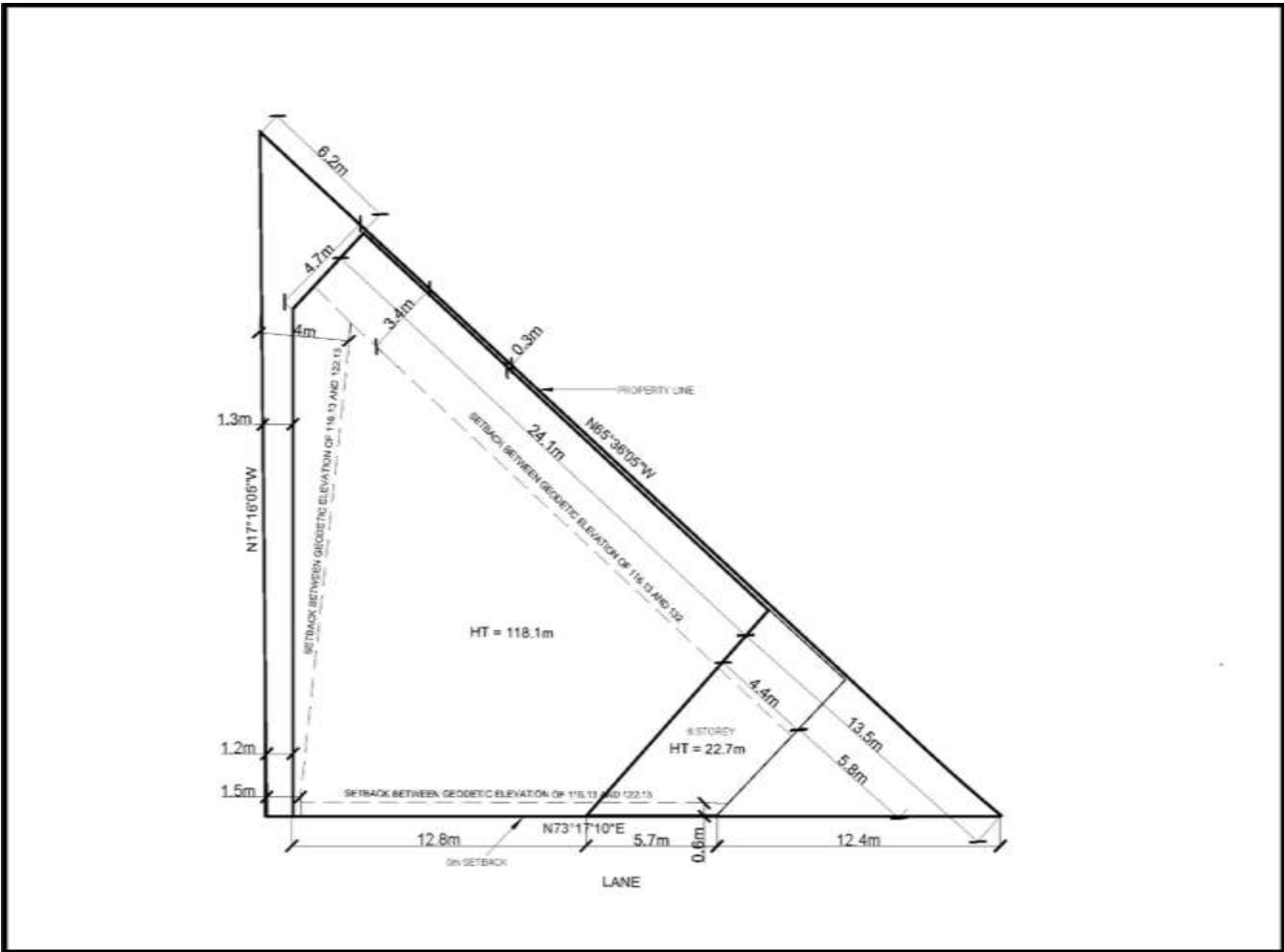
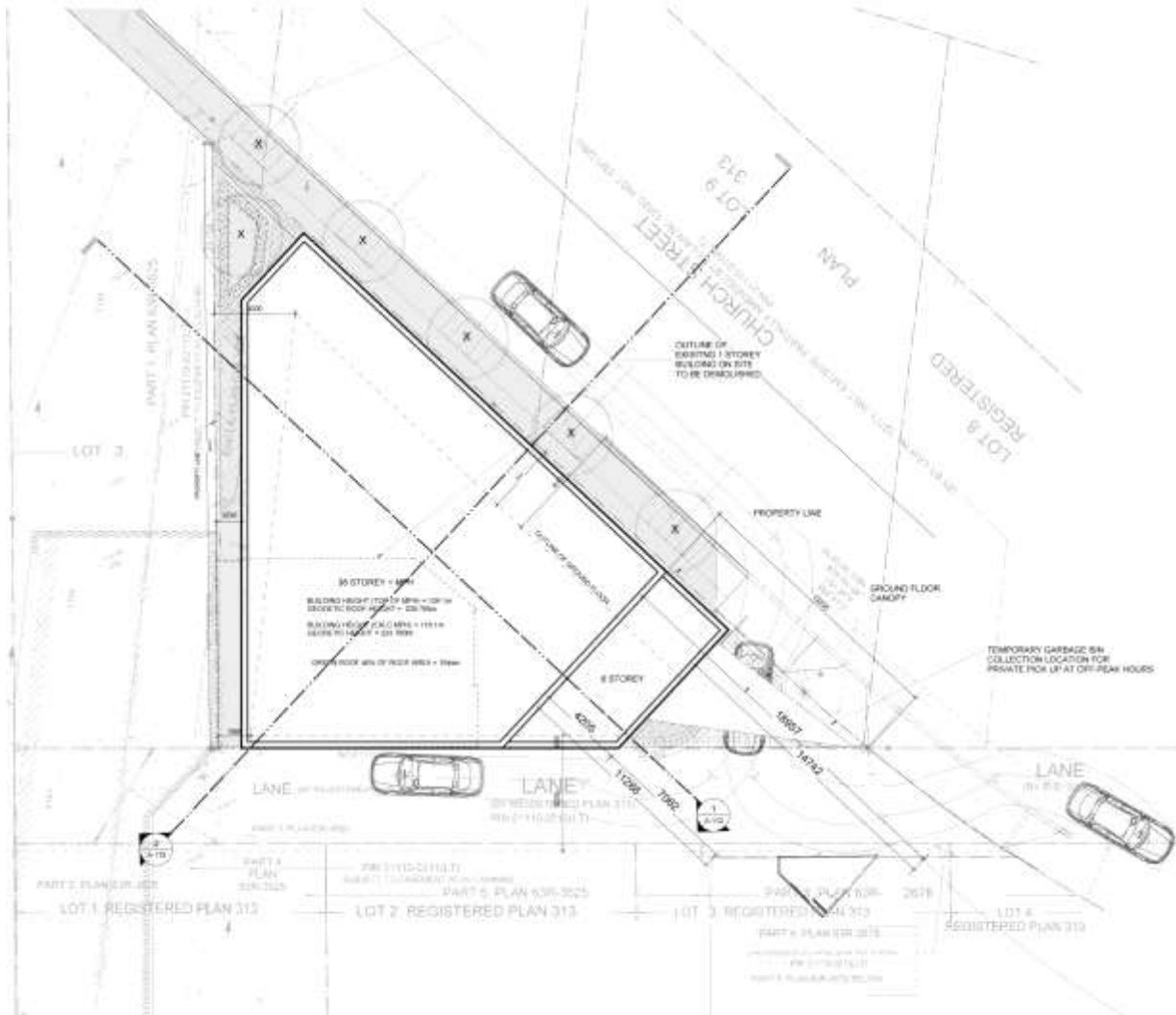


Diagram 3

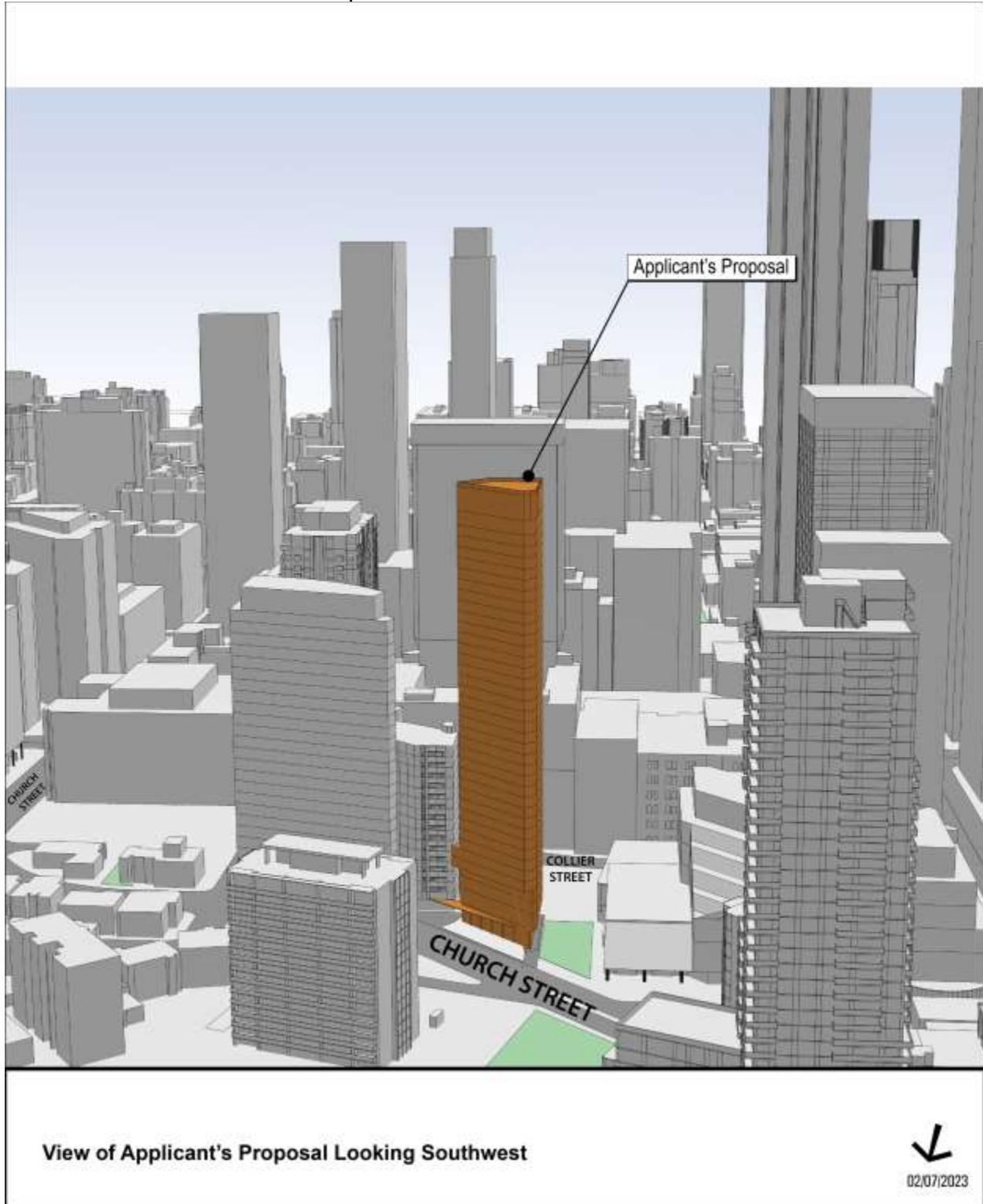
Attachment 6: Site Plan



Site Plan



Attachment 7: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Southwest

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02/07/2023