

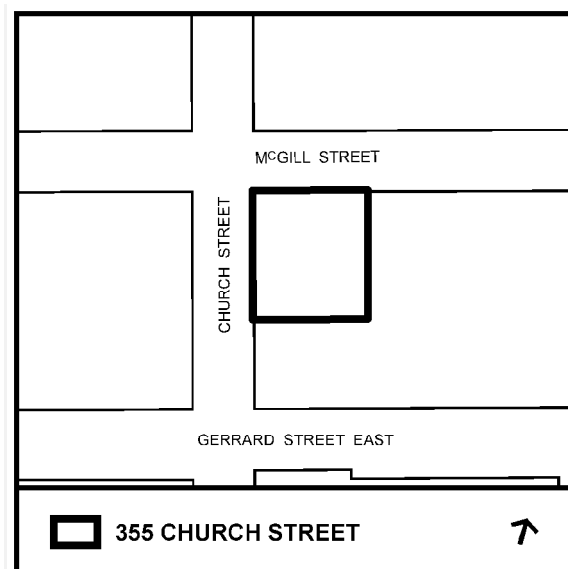
**355 Church Street – Zoning Amendment – Request for Directions Report**

<b>Date:</b>	March 20, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	12 162027 STE 27 OZ

**SUMMARY**

The applicant has appealed a Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A hearing has been scheduled for May 12<sup>th</sup>, 2014. The purpose of this report is to seek City Council's direction with respect to the position of the City at the Municipal Board hearing.

This application proposes, on a settlement basis, a zoning by-law amendment to permit a 33-storey mixed-use building (107.5 metres high including mechanical penthouse) including a 4-storey base building containing ground floor retail uses and three storeys of office space. The proposal includes 334 residential units and 174 parking spaces in four levels of underground parking. The proposed zoning by-law amendment includes the provision of facilities, services and matters pursuant to Section 37 of the Planning Act as detailed in the report and recommendations, and to be further secured in a Section 37 Agreement to be satisfactorily entered into and registered prior to the issuance of the Board Order.



The purpose of this report is to seek Council's direction for the appeal of these applications to the OMB, including instructions regarding the applicant's offer of settlement. It is staff's opinion that the proposed settlement as discussed further in this report is appropriate. Staff is recommending that the revised settlement application be supported, subject to the conditions in the Recommendations Section of this report.

The McGill Granby Village Residents Association (MGVRA) has confirmed they support the proposed settlement.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, the Chief Planner and other appropriate staff to attend the Ontario Municipal Boarding hearing as necessary in support of the settlement recommendations for the property at 355 Church Street and as further detailed in the report (March 20, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council support the revised zoning by-law amendment application of Deltera Inc. on the basis and for the reasons set out in the report (March 20, 2014) from the Director, Community Planning, Toronto and East York District, subject to the following conditions being addressed:
  - a. The final form of the implementing Zoning By-law Amendment described in this report be to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, and shall include permission for a mixed use building having a maximum height of 107.5 metres including mechanical penthouse, comprising not more than 33-storeys and 334 residential dwelling units, and providing 174 parking spaces and a minimum of 257 bicycle parking spaces, with the tower shifted to the south side of the property to provide a minimum tower setback of 6.46-6.84 metres from the base building at McGill Street and a tower setback from the base building on the south side of the building of not less than 5.5 metres, and a tower setback from the base building along Church Street of not less than 3 metres, with not less than 10 percent of the units comprising three bedroom units and not less than a further 10 percent of the units comprising two bedroom units. The by-law shall require the owner to provide at its expense the following as Section 37 facilities, services and matters:
    - i. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,457,830 to be used towards the following to the satisfaction of the Chief Planner and Executive Director, City Planning:

- a. \$153,283 for Toronto Community Housing capital improvements, in consultation with the Ward Councillor;
  - b. \$175,000 for Family Services Toronto, being a non-profit charitable organization, for capital improvements for their ground floor social enterprise to be located on the subject site;
  - c. \$529,547 to be allocated to the procurement, design and construction of new affordable housing in the area;
  - d. \$600,000 to be allocated for local street and/or park improvements in the immediate area in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor; and
  - e. together with provision for other capital uses of the funds in Recommendations i) and ii) as may be acceptable to the Chief Planner and Executive Director and comply with the Official Plan, in the event such funds have not been distributed or expended within a time period satisfactory to the Chief Planner and Executive Director, City Planning.
- ii. Prior to the issuance of the Ontario Municipal Board Order, the owner shall pay \$75,000 to Loft Community Services, a non-profit charitable organization, for capital improvements to McEwan House, to the Satisfaction of the Chief Planner and Executive Director, City Planning.
  - iii. The payment amounts identified in i. and ii. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
  - iv. The owner shall provide and maintain a 5 metre wide sidewalk area with publicly accessible pedestrian clearway across private property on the portion of the Church Street frontage abutting the subject property that does not contain adequate sidewalk widths to accommodate pedestrian activity and street trees, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, (Site Plan Approval) to be secured

in a Site Plan Agreement with the City; to the satisfaction of the Chief Planner and Executive Director, City planning, such right of access to be secured by way of agreement to the satisfaction of the City Solicitor prior to the issuance of the first building permit, including that the owner shall provide and register to the satisfaction of the City Solicitor a non-exclusive easement in perpetuity, in favour of the City of Toronto for use by the City and the general public.

- v. The owner shall submit a Functional Servicing Report to the satisfaction of the Executive Director, Engineering and Construction Services prior to the issuance of any Site Plan Approval for the site.
  - vi. Prior to the issuance of any Site Plan Approval, the owner shall enter into a secured agreement with the City to pay for and construct any improvements to the existing municipal infrastructure as set out in a Functional Servicing Report, acceptable to the Executive Director, Engineering and Construction Services, should such Executive Director determine that upgrades to such infrastructure are required to support development, all to the satisfaction of the City Solicitor and such Executive Director.
- b. The owner shall enter into one or more agreements with the City satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters in Recommendation 2.a. to be registered on title to the site, to the satisfaction of the City Solicitor, all prior to the issuance of the Ontario Municipal Board Order.
3. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning together with appropriate staff to continue discussions with the applicant respecting a final version of the proposed zoning by-law amendment.
  4. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.
  5. City Council direct that the owner be advised that, in addition to any private tree permit required, permission is required from the owner of the tree identified as N2 on Tree Inventory Plan, Drawing No. LT1, prepared by NAK Design Group, dated January 31, 2014, in order to remove such tree if the building envelope contemplated by the proposed zoning by-law amendment is to be fully built out on the south side of the property.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Ontario Municipal Board Appeal**

The zoning by-law amendment application for a 34-storey, 118 metre high residential condominium building with office and retail uses located in the base building at 355 Church Street was submitted to the City on April 26, 2012. On April 15, 2013, the City Clerk's Office received notification that the applicant filed an appeal to the OMB citing Council's failure to make a decision on the application within the time prescribed by the Planning Act. At the August 1st, 2013 OMB pre-hearing conference, the MGVRA was granted participant status at the hearing. The OMB set a hearing date of March 10th through March 21st, 2014. In advance of a hearing, the applicant requested City staff and the MGVRA participate with them in an OMB led mediation process.

### **Ontario Municipal Board Mediation**

The City, the applicant and the MGVRA attended a number of OMB led mediation sessions commencing in November 2013. Through the mediation process the applicant agreed to make revisions to the proposal as described below. City Planning staff and the MGVRA are satisfied with the changes to the proposal on a settlement basis. City Planning staff are recommending Council direct staff to settle the appeal at the OMB on the basis described in the recommendations and within this report.

### **Original Proposal**

The original application proposed a 34-storey building comprised of a 4-storey base building and a 30-storey tower. The proposed development was 111 metres in height (118 metres including the mechanical penthouse). The tower stepped back from the base building at the fifth floor 3.71 – 4.09 metres along McGill Street, 2.95 – 2.97 metres along Church Street, 6.63 – 6.65 metres to the south and approximately 1 metre metres to the east. The 34<sup>th</sup> storey amenity level stepped further back from lower floors an additional 5 metres from the south, 2.25 metres from the north, 3.25 metres from the east and 3.25 metres from the west. There were 3 grade-related townhouse units along McGill Street. The tower dimensions were approximately 26 metres in its east-west alignment and 32.75 metres in its north-south alignment. The typical tower floor plate was 727 square metres.

The original proposed building contained 335 residential condominium units including 39 bachelor units (12%), 234 one-bedroom units (70%), 58 two-bedroom units (17%) and four three-bedroom units (1%). The proposal also included approximately 371 square metres of commercial/retail uses at ground level and 3,161 square metres of office space on the ground floor through the fourth floor for Family Service Toronto, who intend to remain on the site. The proposed development had a floor space index of 14.6.

The applicant proposed 185 car parking spaces in 4 levels of underground parking. All 185 parking spaces were proposed for the use of residents. There were no spaces designated for visitors or the commercial/retail and office uses.

The applicant was also proposing 301 bicycle parking spaces including 295 for residents and 6 for visitors. There were no bicycle parking spaces for the commercial/retail or office uses. Of the 301 spaces provided, 161 were located on the mezzanine level, 14 on the ground floor (including 6 for visitors), 18 in on P1, 36 on P2, 36 on P3 and 36 on P4. There were no bicycle parking spaces proposed outside the building.

The original application also proposed approximately 873 square metres of indoor amenity space and 368 square metres of outdoor amenity space. The interior amenity space included approximately 530 square metres located on the 4<sup>th</sup> floor and 343 square metres located on the 34<sup>th</sup> storey. All 368 square metres of the outdoor amenity area were located adjacent to the indoor amenity space on the 34<sup>th</sup> floor.

The proposed residential pedestrian access was located on McGill Street just east of Church Street. Entrances to the three townhouse units were to be located on McGill Street. Entrances to the two retail units were proposed along Church Street. There were 2 proposed pedestrian entrances to the office lobby. One was located on Church Street and the other from the rear driveway on the east side of the building. The ground floor was set back to various degrees along Church Street to allow the sidewalk to be widened to approximately 4.25 metres at the north side near McGill Street and 5 metres at the south end of the site. No pedestrian weather protection was proposed along Church Street.

The applicant proposed 3 new street trees and landscaping on McGill Street in front of the townhouse units. No street trees or landscaping was proposed along Church Street.

### **Revised Proposal**

The applicant submitted revised drawings on February 4<sup>th</sup>, 2014. The revisions to the proposal are described below.

The revised proposal is 33 storeys in height. The amenity level on the 34<sup>th</sup> floor in the original proposal was removed and the amenity area was redistributed to lower floors. In addition, the floor to ceiling heights have been reduced for an overall reduction in building height. The height to the top of the mechanical penthouse was reduced from 118 metres to 107.5 metres. The tower height was reduced from 107.5 metres to 100.5 metres.

The tower placement on the site has also changed. The tower has been shifted towards the south side of the property which results in an increase in the tower setback from the base building at McGill street from 3.71 – 4.09 metres to 6.46 – 6.84 metres and a decrease in the tower setback from the south side of the base building from 6.65-6.63 metres to 5.5 metres. The tower setback from the base building along Church Street

increased slightly to 3 metres and decreased on the east side from approximately 1 metre to no setback.

The revised proposal contains one less unit than the original proposal and now includes 54 studio units (16%), 213 one-bedroom units (64%), 34 two-bedroom units (10%) and 33 three-bedroom units (10%). There is 325 square metres of retail proposed on the ground floor and 3,211 square metres of office uses distributed throughout the first 4 floors.

The applicant has reduced the amount of parking spaces from 185 to 174, consisting of 154 resident spaces and 20 spaces for shared use between residential visitors, office and retail component of this project. The revised plans show a reduced amount of bicycle parking spaces from 301 to 257. However, the applicant has since confirmed they intend to increase bicycle parking to 356 spaces subject to the ability to utilize stacking and/or vertical bicycle rack systems.

The amount of indoor amenity space decreased from 873 square metres to 708 square metres and is located on the 4<sup>th</sup> and 5<sup>th</sup> floors. The amount of outdoor amenity space increased from 367 square metres to 577 square metres. All the outdoor amenity area is now located on the roof of the base building on the 5<sup>th</sup> floor.

The pedestrian and vehicle entrances to the building remain approximately in the same locations as the original proposal. The ground floor has been set back 5 metre from the property line along Church Street to allow for a pedestrian clearway and the planting of street trees.

The table below is a comparison of the original and revised proposals highlighting important changes to the proposal.

	Original Proposal	Revised
Height	34 storeys - 118 metres to the top of the mechanical penthouse	33-storeys – 107.5 metres to the top of the mechanical penthouse
Indoor Amenity Area	873 square metres	708 square metres
Outdoor Amenity Area	368 square metres	577 square metres
Parking	185	174
Tower Step back from McGill Street	3.71 – 4.09 metres	6.46 – 6.84 metres
Sidewalk Width on Church Street	3.5-5 metres with no street trees	5 metres with street trees
Three Bedroom Units	4	33

Attachments 1 and 2 show the proposed site plan and building elevations. For a summary of the application details please refer to the Application Data Sheet in Attachment 4.

## Site and Surrounding Area

The site is currently owned by Family Service Toronto, a non-profit that provides a wide variety of services to families and individuals including counselling, community development, advocacy and public education programs. Family Service Toronto's offices are currently located on site. The proposed development will provide new and expanded office space for family Service Toronto in the base of the building with residential uses above.

The site is located on the southeast corner of Church Street and McGill Street. It is rectangular with approximately 44 metres of frontage along Church Street and 39 metres of frontage along McGill Street. The site is currently occupied by a 2-storey, L-shaped office building and a surface parking lot. Vehicular access is via a driveway located on McGill Street.

The following uses surround the site:

North: Immediately to the north is McGill Street. Further north is a site (365-375 Church Street) currently containing a commercial surface parking lot and 3-storey building. Following a hearing at which the City and the MGVRA opposed the proposal, the OMB approved a 29-storey, 100 metre high residential condominium with retail uses on the ground floor for that site on September 12, 2013 (File No. 10 316211 STE 27 OZ).

West: Immediately to the west is Church Street. Further west is a single storey restaurant and surface parking lot, located on the southwest corner of McGill Street and Church Street. Just south of the restaurant is the 8-storey portion of a 12-storey building called Campus Common, which is a 187-unit student apartment building at 50 Gerrard Street East.

East: The adjacent property to the east at 99-101 McGill Street contains a 3-storey condominium townhouse development which is designated *Mixed Use Areas* in the Official Plan. It is serviced by a private driveway along the west side of the property. Further east is a 9-storey building at 103 McGill Street which is a 'wing' of the 22-storey Neil Wycik College Hotel.

South: The adjacent properties to the south contain a 3 to 3 ½-storey house-form buildings which include a range of commercial, residential and community support uses. This row of buildings from 70 to 80 Gerrard Street East contains buildings Listed on the city's inventory of heritage properties or Designated under Part IV of the Ontario Heritage Act.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; protecting



significant built heritage resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan places the site within the Downtown and Central Waterfront urban structure area on Map 2 Urban Structure. The site is designated "Mixed Use Area" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that directs the form and quality of development in this land use designation. The criteria states that new buildings must provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhood. Shadow impacts must be minimized and an attractive, safe and comfortable pedestrian environment be provided.

The site is also within the boundaries of Area Specific Policy 151. This policy encourages the development of new housing and the preservation of house-form buildings and their continued use for housing. It also requires new buildings within *Mixed-Use Areas* to be designed to minimize the extent to which they overlook, overshadow, or block the views from existing or committed house-form buildings and ensure that the location of new vehicular access routes does not interfere with the use of private open space of adjacent houses.

Other important policies relevant to this application include: Sections 2.3.1 – Healthy Neighbourhoods, 3.1.1 - The Public Realm, 3.1.2 Built Form, 3.1.3 - Built Form – Tall Buildings, 3.1.5 Heritage Resources and Area Specific Policy 151.

These and other relevant sections of the Official Plan have been used to assess the settlement offer made by the applicant.

The Toronto Official Plan is available on the City's website at: [www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

This site is zoned mixed-use (CR T3.0 C2.0 R3.0) in the City of Toronto's Zoning By-law No. 438-86, as amended. This allows for a number of commercial and residential uses including retail uses and apartment buildings and permits a density of three times the lot area. A maximum height of 18 metres is permitted.

The Zoning By-law also requires an angular plane of 44 degrees be maintained above 16 metres along Church Street and that all buildings and structures be set back a minimum of 2.5 metres from Church Street.

### **Site Plan Control**

The proposed development is subject to site plan control. An application for site plan approval has not been submitted but will be required.

### **Reasons for Application**

The Zoning By-law Amendment application is required to permit the proposed 33-storey, 334-unit mixed use building and establish the appropriate development standards. Increases in height from 18 metres to 107.5 metres and density from 3 times the lot area to 14.3 times the lot area and the elimination of the provision requiring an angular plane along the Church Street frontage are among the more significant changes to the Zoning By-law being requested by the applicant.

### **Community Consultation**

A community consultation meeting was held by City Planning on September 13, 2012. Approximately 40 members of the public attended the meeting along with the Ward Councillor, City Planning staff and the applicant's development team. Members of the community have also submitted their comments and concerns on the application by phone and email.

Issues raised at the meeting and/or submitted to City Planning staff included:

- increased traffic congestion;
- the sidewalks on Church Street are too narrow to accommodate the increase in pedestrian traffic associated with this development and other developments in the area;
- the proposed building is too tall and will result in excessive shadowing of the surrounding low-rise neighbourhood;
- privacy and overlook concerns;
- lack of family sized units;
- townhouse units on McGill Street do not fit the character of the neighbourhood;
- tower does not transition to neighbourhood; and
- lacks sufficient tower setback from McGill Street.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

This application supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas in order to make use of existing infrastructure. The site is within an Urban Growth Centre and conforms to the policies set out in the Growth Plan for the Greater Golden Horseshoe.

### Land Use

The site is currently occupied by a 2-storey office building which accommodates 71 employees. The proposal includes the addition of residential uses to the site and an increase in the amount of office space in order to accommodate 105 employees. The proposal also includes retail uses on the ground floor. The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan and Zoning By-law.

### Built Form

#### Massing and Height

The proposed tower dimensions are approximately 31 metres in its north-south alignment and 26.5 metres in its east-west alignment including inset balconies that vary in depth around the edges of the tower. This results in a gross construction area of 740 metres.

The proposal appealed to the OMB had an overall building height of 118 metres. The applicant has agreed to reduce the building height to 107.5 metres through the mediation process, on a settlement basis. The tower was shifted further south on the site and away from McGill Street. The previous design included a 3.7 metre tower stepback from the base building along McGill Street. The applicant has agreed to increase this stepback to 6.46 – 6.84 metres from the base building adjacent to McGill Street, through the mediation process.

The decrease in height and shifting of the tower to the south reduces the shadow impact within the *Neighbourhood* on the rear yards and windows of the houses on Granby Street during the spring and on the front yards of the houses on McGill Street, also located within the *Neighbourhood*, during the summer months. The increased tower stepback on McGill Street also helps reinforce the lower-scale built form character on McGill Street

While the building height of the proposed tower is above the maximum height of 25 storeys or 77 metres in the Downtown Tall Buildings: Vision and Supplementary Design

Guidelines, it is not directly abutting a *Neighbourhood* and has less impact than the Ontario Municipal Board approved 103 metre high (29-storey) development at 365-375 Church Street (file No. 10 316211 STE 27 OZ and 13 249997 STE 27 SA) which the City and Planning staff did not support.

### **Tower Separation and Setbacks**

The Tall Buildings Design Guidelines specify the tower portion of a tall building should be setback a minimum of 12.5 metres from a side lot line or centre line of an abutting lane and requires a minimum separation distance between towers of 25 metres. The proposed tower more than meets this requirement in relation to the OMB approved 29-storey tower on the opposite side of McGill Street at 365-375 Church Street.

Through the mediation process City staff and planners for the applicant and the MGVRA, as well as the Architect for the applicant reviewed the potential for a tower to locate on the adjacent properties to the south of the site, located at 70 to 82 Gerrard Street East. The tower stepback from the base building was reduced from 6.7 metres to 5.5 metres from the south property line in order to increase the tower stepback from McGill Street on the north side of the site. As part of the mediation process, the planners and architects reviewed the properties taking into account: the combined lot size in the event the lands were assembled; existing buildings on the properties; existing surrounding buildings; vehicular access; loading; parking; and implications due to the heritage designations and listing (70 Gerrard Street East is Listed on the City's inventory of heritage properties and 74, 76, and 78-80 Gerrard Street East are Designated under Part IV of the Ontario Heritage Act).

All three Planners together with the City's Urban Designer, and the applicant's Architect concluded that even if assembled, these properties to the south are not anticipated to comprise a tall building site in the future. Accordingly, although the City's Tall Building Guidelines would generally call for a larger setback on the south side of the development site to provide an appropriate building separation between adjacent towers, Planning staff are prepared to recommend the tower stepback from the base building be reduced from approximately 6.5 metres to 5.5 metres from the south property line in this particular circumstance, in order to increase the tower stepback from McGill Street on the north side of the site from 3.71- 4.09 metres to 6.46-6.84 metres with the resulting beneficial impacts on the Neighbourhood.

The proposed tower on the site is located approximately 25 metres from the nearest *Neighbourhoods* designated property to the east (103 McGill Street). Although designated *Neighbourhoods* in the Official Plan, this site contains a 9-storey building.

### **Public Realm and Streetscape**

The Official Plan's development criteria in *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The proposed development includes retail uses on the ground floor fronting on to Church Street. Active retail uses help enhance pedestrian safety on the adjacent streets by providing more pedestrian traffic and street animation.

The revised proposal includes a 5 metre sidewalk area measured from the curb to the building face. The applicant is also proposing to locate 4 street trees along Church Street. Staff generally call for a 6 metre sidewalk to accommodate pedestrians and streetscape elements. However, the proposed 5 metre sidewalk along Church Street is acceptable in this circumstance as the application predates adoption of the consolidated Tall Building Design Guidelines in May, 2013. The base building is setback approximately 7.5 metres from the curb on McGill Street with 4 street trees and additional landscaping proposed.

Loading and service areas are located at the rear of the building with loading and garbage removal taking place within the building. Access to the underground parking garage is also located at the rear of the building.

### **Residential Amenity Space**

The general zoning by-law requires 2 square meters per dwelling unit of both common indoor amenity area and common outdoor amenity area. This results in a requirement of 668 square metres of common indoor and outdoor amenity areas.

The revised application is proposing 708 square metres of indoor amenity space which is 2.1 square metres per unit. The applicant is proposing 577 square metres on outdoor amenity space which is 1.7 square metres per unit which is less than the by-law requirement. This is acceptable given the size of the indoor amenity area, site conditions and taking into account the sensitivity of adjacent land uses. The applicant has also agreed to provide screening on the east side of the 5<sup>th</sup> floor outdoor amenity area to address privacy issues for the residents of 101 McGill Street.

### **Site Servicing**

A functional servicing report has not yet reviewed for the revised proposal. Engineering and Construction Services require that a functional servicing report be submitted to the satisfaction of the Executive Director of Engineering and Construction Services prior to building permits being issued for this development.

### **City-Wide 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 and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

In 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. In addition to the discussion above, the proposed development meets the intent of many of the guidelines including those related to façade articulation and transparency, public – private transition and tower floorplate size.

## **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

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 Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal. The Downtown Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The proposed development meets the intent of many of the design guidelines in the Downtown Tall Buildings Vision Supplementary Design Guidelines, including the guidelines related to sunlight and sky view and active street related uses and ground floor animation.

## **Traffic Impact and Parking**

A traffic impact study and revised parking study have been reviewed and accepted by Transportation Services for the proposal. The revised parking study recommends parking ratios resulting in a parking supply requirement of 174 spaces, consisting of 154 resident spaces and 20 spaces for shared use between residential visitors, office and retail component of this proposed development.

## **Unit Mix**

The original proposed building contained 335 residential condominium units including 39 bachelor units (12%), 234 one-bedroom units (70%), 58 two-bedroom units (17%) and four three-bedroom units (1%). The revised proposal would comprise 334 residential dwelling units consisting of 54 studio units (16%), 213 one-bedroom units (64%), 34 two-bedroom units (10%) and 33 three-bedroom units (10%). While Planning staff would typically prefer to see a higher percentage of two-bedroom units, Planning staff are satisfied with the proposed unit mix of the overall settlement, particularly as the revisions include 33 three-bedroom units.

## **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 the 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 priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 335 residential units and 3,532m<sup>2</sup> of non residential uses on a site with a net area of 1,737m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.446 hectares or 257% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 154m<sup>2</sup>.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 154m<sup>2</sup> would not be of a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **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.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure Cycling Infrastructure Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,457,830 to be used towards the following to the satisfaction of the Chief Planner and Executive Director, City Planning:
  - a) \$153,283 for Toronto Community Housing capital improvements, in consultation with the Ward Councillor;
  - b) \$175,000 for Family Services Toronto, being a non-profit charitable organization, for capital improvements for their ground floor social enterprise to be located on the subject site;
  - c) \$529,547 to be allocated to the procurement, design and construction of new affordable housing in the area;
  - d) \$600,000 to be allocated for local street and/or park improvements in the immediate area in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor;
  - e) together with provision for other capital uses of the funds in Recommendations i) and ii) as may be acceptable to the Chief Planner and Executive Director and comply with the Official Plan, in the event such funds have not been distributed or expended within a time period satisfactory to the Chief Planner and Executive Director, City Planning;
2. Prior to the issuance of the Ontario Municipal Board Order, the owner shall pay \$75,000 to Loft Community Services, a non-profit charitable organization, for capital improvements to McEwan House, to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. The payment amounts identified in i) and ii) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
4. The owner shall provide and maintain a 5 metre wide sidewalk area with publicly accessible pedestrian clearway across private property on the portion of the Church Street frontage abutting the subject property that does not contain adequate sidewalk widths to accommodate pedestrian activity and street trees, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended (Site Plan Approval), to be secured in a Site Plan Agreement with the City to the satisfaction of the Chief Planner and Executive Director, City Planning, such right of access to be secured by way of agreement to the



satisfaction of the City Solicitor prior to the issuance of the first building permit, including that the owner shall provide and register to the satisfaction of the City Solicitor a non-exclusive easement in perpetuity, in favour of the City of Toronto for use by the City and the general public.

5. The owner shall submit a Functional Servicing Report to the satisfaction of the Executive Director, Engineering and Construction Services prior to the issuance of any Site Plan Approval for the site.
6. Prior to the issuance of any Site Plan Approval, the owner shall enter into a secured agreement with the City to pay for and construct any improvements to the existing municipal infrastructure as set out in a Functional Servicing Report, acceptable to the Executive Director, Engineering and Construction Services, should such Executive Director determine that upgrades to such infrastructure are required to support development, all to the satisfaction of the City Solicitor and such Executive Director.
7. The owner shall enter into one or more agreements with the City satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters in Recommendation 2 a) to be registered on title to the site, to the satisfaction of the City Solicitor, all prior to the issuance of the Ontario Municipal Board Order.

Section 37 allocations are proposed to be made to two non-profit, charitable organizations, Family Service Toronto and LOFT Community Services. Family Service Toronto is the owner of the subject site which contains their current 2-storey office building. Family Service Toronto's offices will remain on site within the proposed development.

## **Conclusion**

The proposed development as revised, together with an implementing Zoning By-law amendment to be finalized by City staff to reflect the proposal, are acceptable, on a settlement basis, subject to the conditions in the Recommendations section of this report. The building has been revised to improve the public realm and its relationship with adjacent buildings and to reduce negative shadow and privacy impacts on the surrounding low-rise *Neighbourhood*.

## **CONTACT**

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

## **SIGNATURE**

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

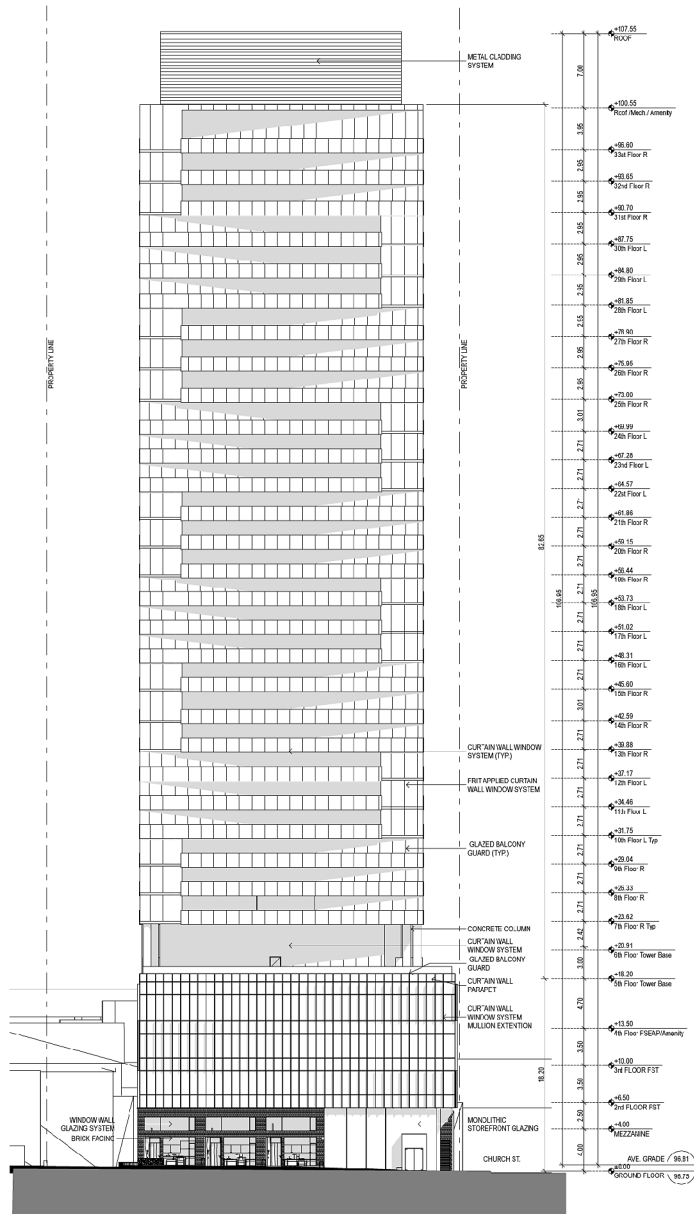
(P:\2014\Cluster B\pln\TEYCC\6530561016.doc) - vc

## **ATTACHMENTS**

Attachment 1: Site Plan (Revised)  
Attachment 2a: North Elevation (Revised)  
Attachment 2b: South Elevation (Revised)  
Attachment 2c: East Elevation (Revised)  
Attachment 2d: West Elevation (Revised)  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet



## Attachment 2a: North Elevation (Revised)



North Elevation

### Elevations

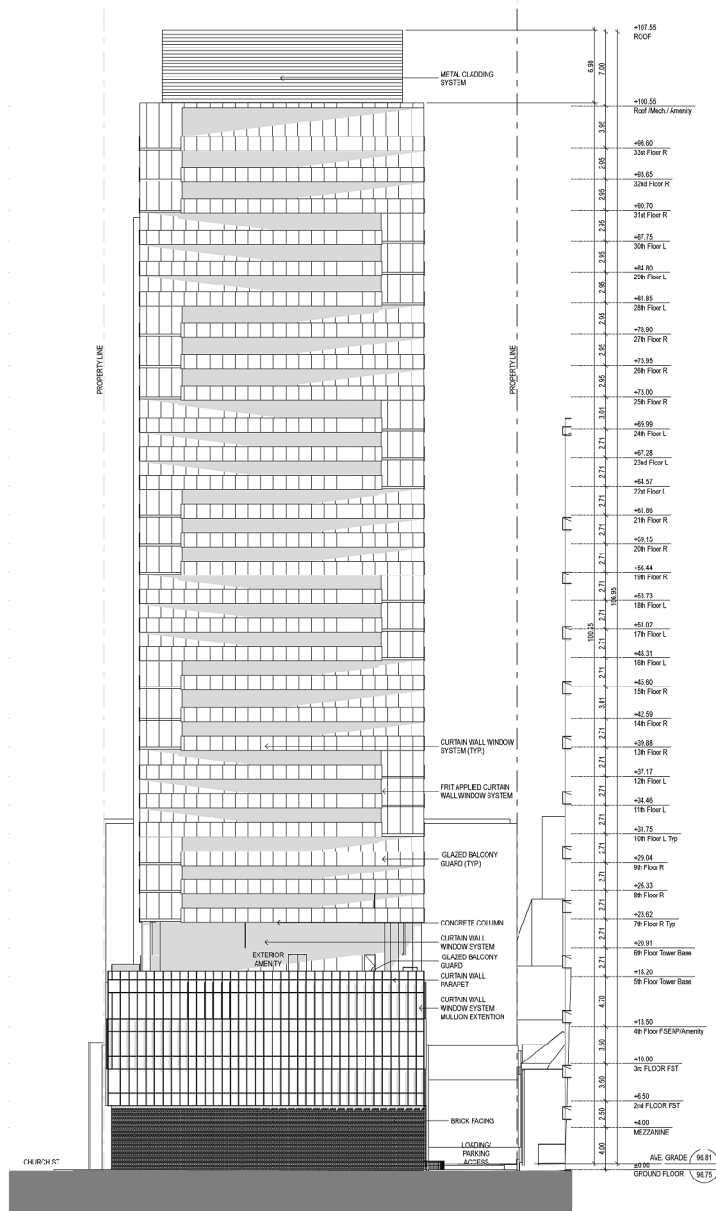
Applicant's Submitted Drawing

Not to Scale  
02/19/2014

355 Church Street

File # 12 162027 STE 27 0Z

## Attachment 2b: South Elevation (Revised)



South Elevation

### Elevations

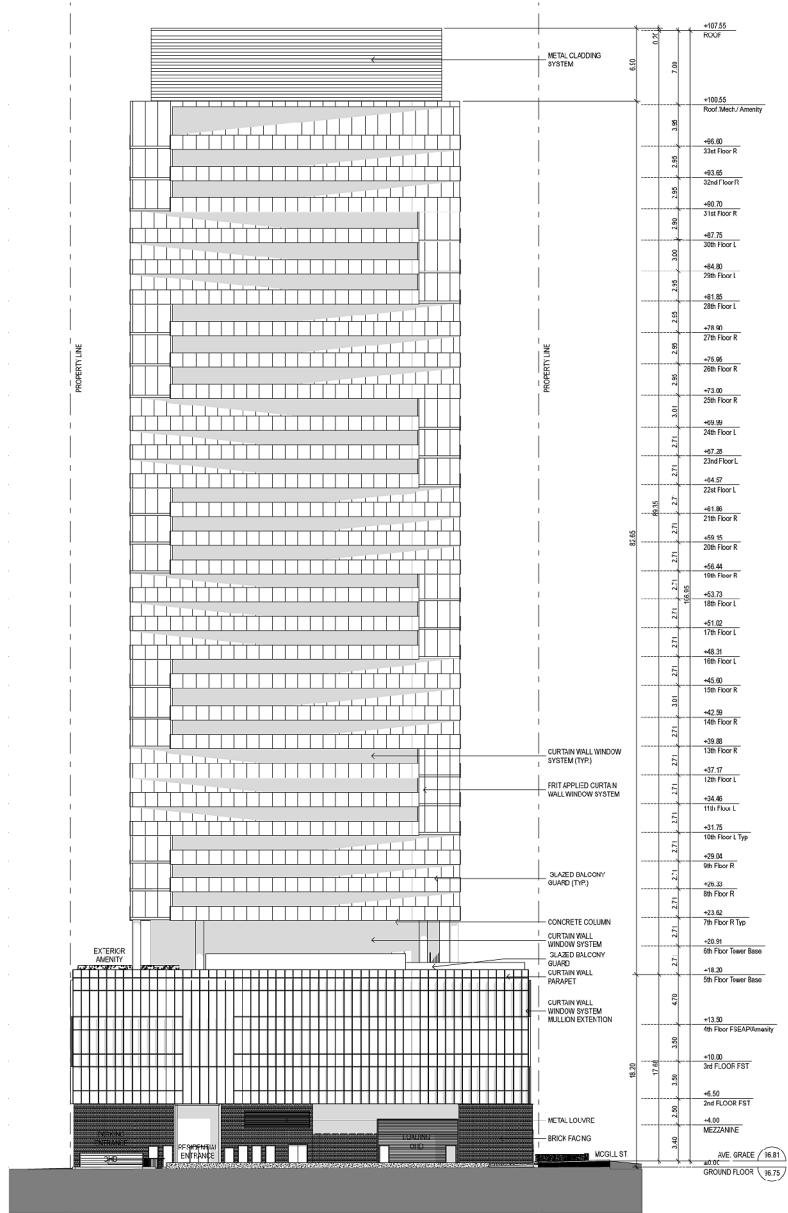
Applicant's Submitted Drawing

Not to Scale  
02/19/2014

355 Church Street

File # 12 162027 STE 27 0Z

## Attachment 2c: East Elevation (Revised)



East Elevation

### Elevations

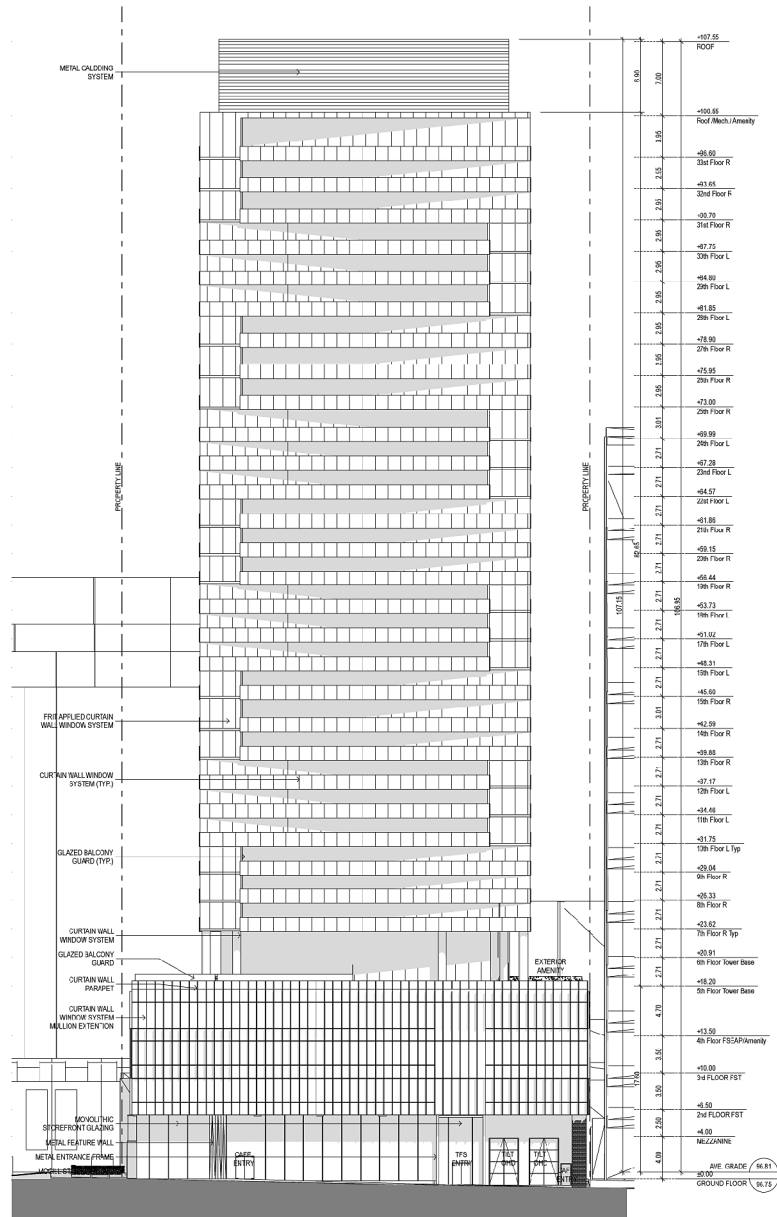
Applicant's Submitted Drawing

Not to Scale  
02/19/2014

### 355 Church Street

File # 12 162027 STE 27 OZ

## Attachment 2d: West Elevations (Revised)



West Elevation

### Elevations

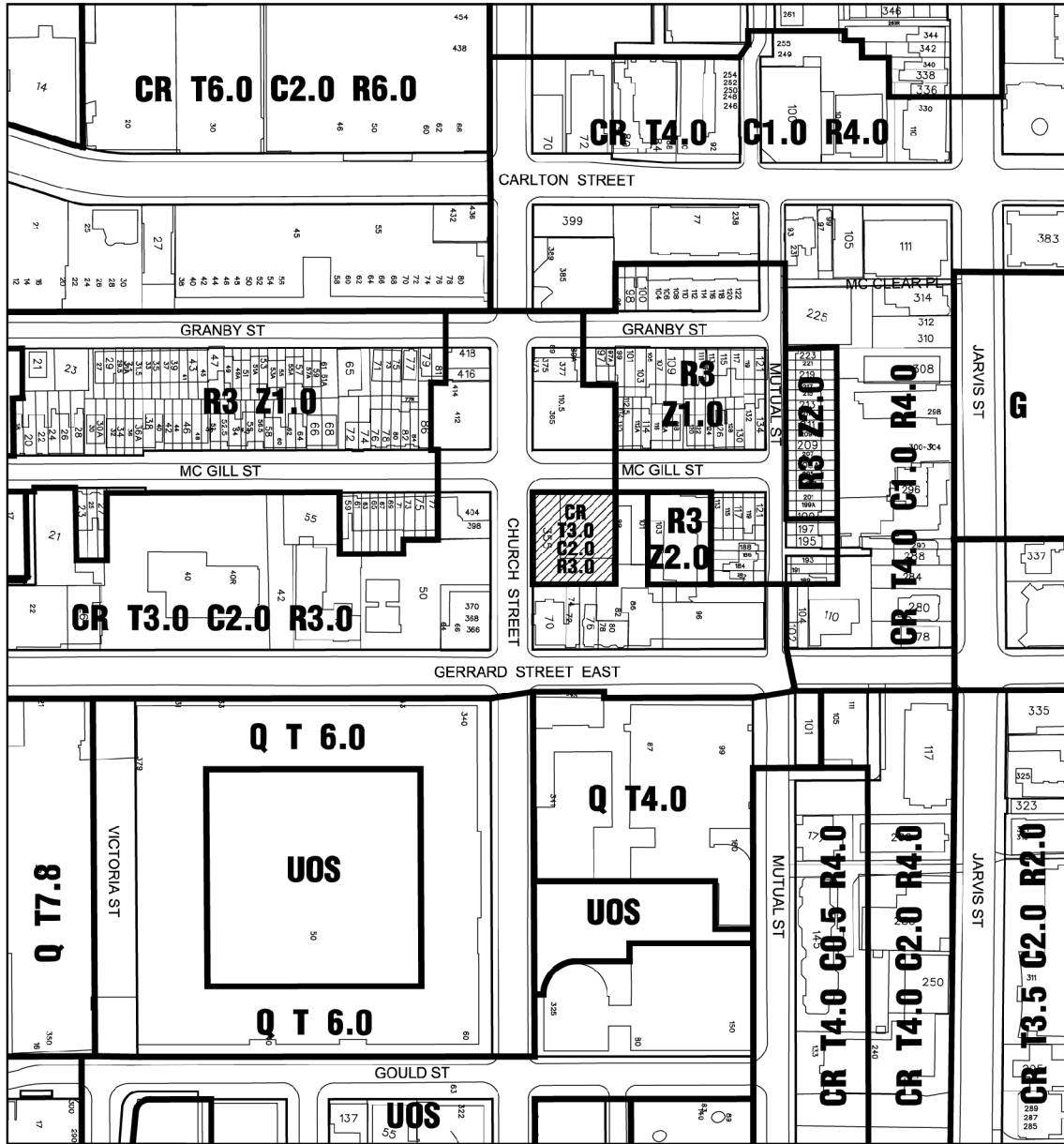
Applicant's Submitted Drawing

Not to Scale  
02/19/2014

### 355 Church Street

File # 12 162027 STE 27 0Z

### Attachment 3: Zoning



355 Church Street  
File # 12 162027 0Z

- CR Mixed-Use District
- Q Mixed-Use District
- R3 Residential District
- G Parks District
- UOS Parks District

↑  
Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 05/09/2012



## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	12 162027 STE 27 OZ
Details	Rezoning, Standard	Application Date:	April 26, 2012
Municipal Address:	355 CHURCH STREET		
Location Description:	PL 203 LTS 1&2 SUBJ TO ROW **GRID S2712		
Project Description:	Rezoning application to permit a 33 storey mixed-use building including a four storey base building containing ground floor retail uses and 3 storeys of office space. The proposal includes 335 residential units and 174 parking spaces in 4 levels of underground parking. There are also 257 bicycle parking spaces proposed.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
DELTERA INC, 4800 DUFFERIN ST., TORONTO ON M3H 5S9		ARCHITECTS ALLIANCE 205-317 ADELAINE ST W., TORONTO ON M5V 1P9	FAMILY SERVICE TORONTO, 355 CHURCH ST., TORONTO ON M5B 1Z8

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: Y	Area Specific Policy 151
Zoning:	CR T3.0 C2.0 R3.0	Historical Status: N	
Height Limit (m):	18	Site Plan Control Area: Y	

#### PROJECT INFORMATION

Site Area (sq. m):	1730	Height:	Storeys:	34
Frontage (m):	39.31		Metres:	118.2
Depth (m):	44.19			
Total Ground Floor Area (sq. m):	1,179			<b>Total</b>
Total Residential GFA (sq. m):	21,405		Parking Spaces:	174
Total Non-Residential GFA (sq. m):	3,536		Loading Docks	2
Total GFA (sq. m):	25,465			
Lot Coverage Ratio (%):	55			
Floor Space Index:	14.3			

#### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Studio:	54 (16%)
1 Bedroom:	213 (64%)
2 Bedroom:	34 (10%)
3 + Bedroom:	33 (10%)
Total Units:	334

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		21,405	0
Retail GFA (sq. m):		325	0
Office GFA (sq. m):		3,211	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

**CONTACT: PLANNER NAME: Alex Teixeira, Planner**  
**TELEPHONE/EMAIL: 416-392-0481/ateixei@toronto.ca**