

Clause embodied in Report No. 3 of the Downtown Community Council, as adopted by the Council of the City of Toronto at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001.

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**Final Report - Official Plan Amendment,  
Rezoning and Site Plan Approval -  
852, 860 & 876 Yonge Street and 11 & 21 Scollard Street  
(Toronto Centre-Rosedale, Ward 27)**

*(City Council at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, amended this Clause in accordance with the supplementary report dated April 23, 2001, from the Commissioner of Urban Development Services, subject to:*

(1) *amending Recommendation No. (1)(b) embodied therein to provide that Recommendation No. (1)(C)(iv) of the Downtown Community Council shall now read as follows:*

*“(iv) Wittington will design the proposed park in consultation with the Working Committee to the satisfaction of the appropriate City officials;”;* and

(2) *striking out Recommendation No. (3) embodied therein and inserting in lieu thereof the following new Recommendation No. (3):*

*“(3) Council add the following new part (vii) to Recommendation No. (1)(C) of the Downtown Community Council:*

*‘(vii) authorize the appropriate City officials to prepare and enter into an agreement with the owner requiring the owner to provide a one-time contribution in the amount of \$25,000.00, to be used by the City for maintenance of the public park to be established at this location;’.*”,

*and adopting the recommendations of the Downtown Community Council, as amended.)*

**The Downtown Community Council recommends that:**

(1) **the following motion from Councillor Rae be adopted:**

**“Whereas Wittington Properties Limited met with a neighbourhood Working committee which included representatives from the ABC Residents Association, the South Rosedale Ratepayers Association, the Asquith Collier Association and the Bloor-Yorkville Business Improvement Area with respect to the proposed development at 852-860 and 876 Yonge Street, and 11 and 21 Scollard Street; and**

**Whereas the Working Committee and Wittington were able to reach a settlement with respect to the proposed development based on modifications suggested by the Working Committee; and**

**Whereas the recommendations of the Working Committee resulted in a re-design of the proposal and the submission of revised plans to the City, which included among other changes, reducing the height of the Scollard Street building from 11 storeys to 6 storeys, and for providing for increased height on the Yorkville Avenue building as well as increased setbacks of the Yorkville building from both Yonge Street and Yorkville Avenue; and**

**Whereas Wittington is proposing to provide public benefits as part of the proposed development, including a public park and monies for the development of the park; and**

**Whereas a Site Plan and Design Working Committee has been established to finalize site plan issues, including traffic circulation, parking, animation of the public park and public art prior to the upcoming Ontario Municipal Board hearing;**

**Therefore be it resolved that:**

- (A) City Council support the March 6, 2001 revision to Official Plan and Zoning By-law Amendment Application No 199037 and Site Plan application No. 300034, respecting a 34 storey mixed use development;**
- (B) the City Solicitor be authorized to attend the Ontario Municipal Board hearing, and to call any City staff as required and as appropriate respecting the appeals by the applicant of Applications No. 199037 and No. 300034, in support of the proposed 34 storey mixed-use development, and to settle with the applicant the final form of the proposed Official Plan and Zoning By-law Amendment in order to permit the March 6, 2001 revision referred to above.**
- (C) City Council authorize entering into and execution of an agreement pursuant to s. 37 of the Planning Act to secure the provision of public benefits and related matters as follows:**
  - (i) the conveyance of strata lands for parks purposes as shown on the revised plans submitted on March 6, 2001, which is 1,261.87 square metres, which will have a strata depth of 914mm:**
  - (ii) the provision of a financial contribution totalling \$750,000.00, which is the amount of monies which shall be used by Wittington for the purpose of designing and developing the public park;**



- (b) in consultation with the Energy Efficiency Office and Toronto Hydro Energy Services Inc., on any improvement of energy efficiency measures of the project;
  - (c) on a request to the applicant to add a public art component to the benefits to be provided for this project;
  - (d) in consultation with appropriate officials, on ways to ensure the proposed park is maintained at no cost to the City;
  - (e) on a wind study, including wind tunnel testing, to be conducted by the applicant for the 12 extra floors of the project;
- (2) the Commissioner of Economic Development, Culture and Tourism to report directly to Council on a 1.5 metre minimum soil depth requirement for 50% of the proposed park; and
- (3) the Commissioner of Urban Development Services, in consultation with appropriate officials, to report to the Planning and Transportation Committee on the effect of the right of applicants to appeal to the Ontario Municipal Board 90 days after submission of the application, its impact on processing complex applications, proper planning principles, community involvement and associated issues, with a view to requesting amendments to the Planning Act.

**The Downtown Community Council submits the following report (April 2, 2001) from the Director, Community Planning, South District:**

Purpose:

To recommend refusal of the applicant's current proposal for a 34 storey mixed-use development and approval of an alternative 25 storey development, as a basis for a settlement at the Ontario Municipal Board. The two proposals are fundamentally the same with the exception of the heights of the proposed Yonge Street and 21 Scollard Street buildings and the applicant's proposed financial considerations and request for ultimate authority to design the public park. All other elements of the applicant's proposal respecting land conveyances, easements and agreements, and park construction remain the same and can be recommended. Appendix A compares the applicant's 34 storey and the recommended 25 storey developments. The further purpose of this report is to seek authority to settle this matter at the Ontario Municipal Board and to recommend a further report with terms of reference for a focused review of the North Midtown Part II Plan.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council refuse the March 6, 2001 revision to Official Plan and Zoning By-law Amendment Application No. 199037 and Site Plan Application No. 300035, respecting a 34 storey mixed-use development.
- (2) City Council approve a modified scheme for Official Plan and Zoning By-law Amendment Application No. 199037 and Site Plan Application No. 300035, substantially as set out in Appendix A, as a basis for a settlement at the Ontario Municipal Board.
- (3) The City Solicitor and Commissioner of Urban Development Services be authorized to attend the Ontario Municipal Board hearing respecting appeals by the applicant on Applications No. 199037 and No. 300035, in opposition of the proposed 34 storey mixed-use development and in support of a modified, 25 storey mixed-use development.
- (4) City Council authorize entering into and execution of an agreement pursuant to s. 37 of the Planning Act to secure the provision of public benefits and related matters identified in this report in the event that a settlement is achieved in accordance with Recommendation (3) or, should there be no settlement, the Ontario Municipal Board enacts amendments to the Official Plan and Zoning By-law for the former City of Toronto providing for such an agreement.
- (5) City Council authorize the appropriate Civic Officials to take the necessary action to prepare and enter into an agreement to permit the owner of 21 Scollard Street to utilize a portion of the abutting City-owned lands for the purpose of calculating the limiting distance, as required by the Ontario Building Code, in exchange for compensation, at market value, as set out in this report
- (6) City Council approve in principle an exemption from the provisions of the Parks Levy By-law in respect of the lands known municipally as 852- 860 and 876 Yonge Street, and 21 and 11 Scollard Street, subject to the strata conveyance of parkland, substantially in accordance with this report and request the appropriate Civic Officials to report further on the exemption by-law.
- (7) City Council direct that the monies paid by the owner to the City in consideration of the Limiting Distance Agreement required by Recommendation (5) be used to improve the public park required by Recommendation (6).
- (8) City Council endorse the park design process recommended by the Commissioner of Economic Development, Culture & Tourism, substantially as set out in Section 4.5 of this report.
- (9) City Council approve in principle an Encroachment Agreement to permit a pedestrian connection over a public lane, substantially in accordance with this report and request the appropriate Civic Officials to report further, as may be required.

- (10) The Commissioner of Urban Development Services be requested to report back to Community Council on terms of reference for a focused review of the North Midtown Part II Plan.

Background:

1.0 Site

The site consists of four lots municipally known as 852-860 and 876 Yonge Street, and 11 and 21 Scollard Street. Currently, 852-860 Yonge Street contains a two storey retail building previously used as a supermarket. The parcel at 876 Yonge Street contains a 2 1/2 storey building with ground floor retail and the parcels at 11 and 21 Scollard are vacant. The intervening parcels at 874 and 878 Yonge Street are occupied by 3 and 4 storey commercial buildings and are not included in the subject site. The other uses and structures surrounding the site include (Attachment 6):

- North: on the north side of Scollard Street, Frank Stollery Parkette; a lane, closed to vehicular traffic; several vacant lots used for parking; a row of late nineteenth century townhouses with a mix of residential, retail and office uses (20-32 Scollard Street) and a 15 storey residential building with at-grade office uses (40 Scollard Street). At 10 Scollard Street, immediately north of the site, the lands have been re-zoned to permit a 12 storey residential building;
- South: immediately south of the site and across Yorkville Avenue, a 9 storey commercial building with ground floor retail (11 Yorkville Avenue). All other buildings along this block are 2 to 4 storeys in height and contain a mix of commercial uses, many of which are listed as being of architectural and/or historical importance;
- South-east: the 6 storey Toronto Reference Library (789 Yonge Street);
- East: north of Collier Street, four 2 to 3 storey buildings with a mix of residential, retail, restaurant and office uses; at 817 Yonge Street, a proposed 12 storey residential building with a 4 storey presence on Yonge Street;
- West: a 2 storey commercial building (36 Yorkville Avenue) that extends from Yorkville Avenue to Scollard Street, containing auto repair and office uses; and
- South-west: on the north side of Yorkville Avenue, two City-owned, historic buildings (22 and 34 Yorkville Avenue), the Toronto Yorkville Public Library and the Toronto Firehall.

2.0 Applicable Planning Controls

2.1 Official Plan - General Context

Approved planning policies are contained in three documents including the Official Plan of the former Municipality of Metropolitan Toronto (Metroplan) - 1994, the former City of Toronto

Official Plan - 1994, and the North Midtown Area Plan - 1987. Collectively, the documents reflect policies that were developed from 7 to 14 years ago. They were all adopted prior to the formation of the amalgamated City of Toronto.

In 1998 Council requested the preparation of a new Official Plan to replace the seven Official Plans of the former municipalities. The City is currently in the midst of a comprehensive review of all official plans, and after an extensive period of consultation staff prepared "Toronto Plan - Directions Report - Toronto at the Crossroads", setting out the directions for the new Official Plan.

## 2.2 Official Plan of the former Municipality of Metropolitan Toronto (Metroplan)

The site is located at the northern limit of the principal Metropolitan Centre known as the Central Area. It is a key objective of the plan to maintain the Central Area through reurbanization that uses land, infrastructure and other services efficiently. It is the policy of the plan that the Area Municipal official plan shall provide policies requiring that major development within the Central Area shall:

- (a) be consistent in terms of scale and density with the transportation and other services provided by the Metropolitan Corporation to the area proposed for development and make efficient use of land;
- (b) accommodate where feasible a mix of compatible uses in a development pattern that supports the use of transit and fosters pedestrian activity and which contributes to a balance of employment and residential uses with the Central Area as a whole;
- (c) be physically compatible with the surrounding area; and
- (d) comply with other applicable policies of the Plan.

## 2.3 Official Plan of the former City of Toronto

The designation in the Official Plan for the former City of Toronto of the 852-860 and 876 Yonge Street, and 11 Scollard Street parcels is "Low Density Mixed Commercial Residential". The 21 Scollard Street parcel is designated "Medium Density Mixed Commercial Residential". Both designations permit a range of commercial and residential uses provided the density of development in the Low Density district does not exceed 3.2 times the area of the lot and 4.0 times the area of the lot in the Medium Density district.

Yonge Street, at this location, is identified on Map 5 of the Official Plan as a "Street Subject to a 5-Hour Sunlight Standard". Davenport Road and Church Street are also streets subject to sunlight standards. Section 3.27 of the Official Plan states: "For those streets subject to sunlight standards shown on Map 5, Council shall use its powers to regulate height, siting and massing of new development".

Map 6 of the Official Plan indicates the applicant's site is within a "Parks Acquisition Priority Area". Within this area, Council seeks to create new public parks.

Yonge Street and Yorkville Avenue, at this location, are designated "Priority Retail Streets" on Map 7 of the Official Plan. At-grade retail and service uses are encouraged.

The applicant's proposal is also subject to Section 10.11 of the Official Plan that states it is Council's policy to enhance opportunities for establishing public art by achieving a public art contribution in all developments exceeding 20,000m<sup>2</sup> of gross floor area, the cost of which is equal to one percent of the project's gross construction costs. The gross floor area of this proposal exceeds 20,000m<sup>2</sup>, and is therefore subject to this provision.

#### 2.4 North Midtown Part II Plan

The applicant's site is further subject to the policies of Part II, Section 19.30 (North Midtown) of the Official Plan. The site is within an area identified as the "Yonge-Yorkville Area of Special Identity". Amongst other matters, the specific policies of the North Midtown Plan state that "new buildings along Yorkville should be compatible with, and enhance the Yorkville Public Library and Yorkville Fire Hall, which are landmarks in the area... New buildings proposed in the vicinity of Stollery Park should not unduly overshadow it".

#### 2.5 Toronto Plan Directions Report: Toronto at the Crossroads

The Directions Report indicates that the new Official Plan will present one integrated planning vision for the City viewed through three lenses; major reinvestment areas, gradual change areas and established areas. The report encourages population and job growth within areas served by existing infrastructure.

The subject site is located at the northern limit of the Downtown, the largest of the City's proposed reinvestment areas and is in close proximity to two subway lines. Building quality neighbourhoods will be a key to keeping the Downtown dynamic and growing. Therefore, along with residential intensification, the proposed campaign for Downtown calls for improvements to the quality of streets and public spaces. The policies of Toronto's new official plan will guide change over the next 20-25 year period.

#### 2.6 Zoning By-law

The Zoning By-law for the former City of Toronto zones the parcels at 852-860 and 876 Yonge Street, and 11 Scollard Street, CR T3.0 C2.5 R3.0. The 21 Scollard Street parcel is zoned CR T3.0 C1.75 R3.0. Both zones permit a mix of commercial and residential uses to a total density of 3.0 times the area of the lot. The density limits for commercial uses are 2.5 times the lot area at 852-860 and 876 Yonge Street, and 11 Scollard Street, and 1.75 times at 21 Scollard Street. Both zones limit residential uses to 3.0 times the area of the lot. (Attachment 6)



The maximum permitted height on all parcels is 18.0 metres. The Yonge Street frontage of this site is subject to Section 12(2) 260 of the Zoning By-law which requires that any building above 16 metres in height must be set back within a 44 degree angular plane from the Yonge Street lot line.

Both the Yonge Street and Yorkville Avenue frontages of this site are subject to Section 12(2) 259 of the Zoning By-law. This section requires that street related retail and service uses be provided and that at least 60% of the aggregate length of the portion of the frontage of the lot abutting a priority retail street be used for these purposes.

## 2.7 Design Guidelines

The site is subject to the general and area specific Design Guidelines for North Midtown which have been adopted by City Council.

## 3.0 Proposal

### 3.1 Application History

On November 29, 1999 Application 199037 was submitted to amend the Official Plan and Zoning By-law to permit a 27 storey building, an 11 storey building and stacked townhouses. In my Preliminary Report, dated January 27, 2000 I concluded that the application, as submitted, could not be recommended.

The applicant agreed to submit revised plans to respond to my preliminary concerns, particularly with respect to tower height and diameter and the need to establish a public open space by eliminating the proposed townhouses.

Community public meetings were held on April 3, 2000 and May 8, 2000. The subject of these meetings were the applicant's revised plans in which the maximum building height had been reduced from 27 to 22 storeys and the townhouses had been eliminated in favour of a public open space.

These meetings were attended by a total of approximately 110 members of the public. While there were conflicting comments on many of the issues raised, there was a majority opinion that the proposed density was excessive as were the proposed building heights of 12 storeys on Scollard Street and 22 storeys on Yonge Street. The revised plans presented at the public meetings and a related Site Plan Application were formally submitted to the City on May 11, 2000.

On July 5, 2000 a meeting of representatives of the area residents groups and the Bloor - Yorkville Business Improvement Area (BIA) was held by staff. The purpose of the meeting was to provide a progress report respecting residents' previous requests for changes. Staff advised that, subject to a number of modest design modifications, particularly with respect to the 21 Scollard Street building, and resolution of the Section 37 contribution, they were prepared to recommend approval of the subject development.

On September 8, 2000 the application was appealed to the Ontario Municipal Board (OMB) by the applicant. The appeal was made on the basis that the City had not made a decision within the statutory 90-day period set out in the Planning Act. The applicant outlined their intention to dedicate a strata conveyance to the City for a public park and to contribute one million dollars for parkland improvements and public art. Negotiations between staff and the applicant respecting the public benefits, required conveyances and easements continued between October and December.

The Pre-hearing Conference before the OMB was held on January 2, 2001. That same day revised plans were submitted, increasing the height of the Yonge Street building from 22 to 24 storeys.

Area residents' representatives appeared at the OMB Pre-hearing as participants opposed to the development and in particular the 12 storey building height proposed for Scollard Street. The new Ward Councillor, residents' representatives and the applicant engaged in discussions to find a settlement. On March 6, 2001 revised plans reflecting the settlement were submitted to the City. (Attachments 1-3).

At the request of the applicant, the Ontario Municipal Board has scheduled a second Prehearing Conference for April 20, 2001 "to discuss procedural matters relating to (the applicant's) revised proposal". The hearing itself is set for 14 days commencing May 22, 2001.

#### Comments:

#### 4.0 The Applicant's Current Proposal

The applicant's latest (March 6, 2001) submission is analysed below in terms of its proposed built form, land conveyances, easements and agreements, financial contributions, and its proposed park design and construction.

Each of these matters is discussed in the following paragraphs.

#### 4.1 Proposed Built Form

Wittington Properties proposes one 34 storey mixed-use building fronting Yonge Street and two 6 storey residential buildings fronting Scollard Street. A strata conveyance of land for a public park is also proposed. The development, at a density of 6.2 times the area of the lot, has the following built form (Attachments 1-3):

- Yonge Street Building:
- 34 storey (107m) point tower with a 4 storey podium and 2 additional floors above, stepped back 3 metres from the face of the podium;
  - a building base, set back 1.0m from the Yonge Street property line and 5.0 metres from the Yorkville Avenue property line;

- a tower floor plate of 585m<sup>2</sup> that narrows to 557m<sup>2</sup> above the 29<sup>th</sup> floor; and
  - a 1.4 metre setback of the point tower above the 4 storey base on the Yorkville frontage.
- 21 Scollard Street Building: - 6 storeys, with 2 storey grade-related units fronting Scollard Street; and
- no setback of upper floors from Scollard Street.
- 11 Scollard Street Building: - 6 storeys, with 2 storey grade-related units fronting Scollard Street; and
- a 4 storey pedestrian walkway above the public lane to connect the building to the 21 Scollard Street building.

#### 4.1.1 Analysis of the Proposed Built Form

Several built form refinements incorporated into the current plans are a meaningful improvement over the applicant's earlier submissions and address concerns expressed by staff and area residents. For example, the planned ground-related units within the Scollard Street buildings improve the Scollard streetscape, and a greater setback from Yorkville Avenue would facilitate tree planting adjacent to the public boulevard. However, the height and massing of the latest proposal cannot be supported for the following reasons:

##### Height:

- (a) The 34 storey height (107m) of the proposed Yonge Street building is inappropriate at this location. Current planning controls permit buildings with substantial heights along Bloor Street and height permissions decrease towards the historic Village of Yorkville and the residential neighbourhoods to the north. As shown on Attachment 4, the 34 storey commercial towers at the north west and north east corners of Bloor and Yonge Streets (147m and 134m respectively) which act as a gateway to the downtown, quickly give way to significantly lower residential towers. The 13 tallest residential buildings in the vicinity of the subject site vary in height, from 10 to 20 storeys (30 to 67 metres). There is no planning rationale to justify a 34 storey (107 metre) tower between Yorkville Avenue and Scollard Street, at Yonge Street.
- (b) The proposed 34 storey height may set a precedent for the area. As shown on Attachment 5, there are several large, undeveloped sites in the Bloor/Bay/Yonge/Yorkville area. Approval of a 34 storey building at this location, without the benefit of an area study to test and establish appropriate height limits, may set a negative precedent for future development in the vicinity.

- (c) The height of the building proposed at 21 Scollard Street should respect its immediate context. Buildings north of the 21 Scollard Street building include two existing 15 and 16 storey residential buildings (42 and 43 metres) and an approved 12 storey building (40 metres) (Attachment 4).

An 8 storey building at 21 Scollard Street, as recommended, would not have a negative impact, in terms of its height and mass, on the Firehall and Yorkville Library. A study of computer generated perspectives demonstrates that only portions of the upper 2 storeys of an 8 storey building would be visible to a pedestrian on the south side of Yorkville Avenue, above the historic buildings. The character and prominence of the historic buildings would not be compromised. The visual impact of an 8 storey building on Scollard Street would be acceptable, provided the building was properly articulated and the mass was stepped back.

The current proposal for the Yonge Street podium reduces it to 6 storeys where it had been previously shown to comfortably accommodate a greater height and mass. Specifically, the applicant's previous proposal included an 8 storey base to the Yonge Street tower. The massing conformed to the required 44 degree angular plane as set out in the City's Zoning By-law which permits sunlight to penetrate to the street level in the afternoon. An appropriate compromise would be a podium height of 7 storeys.

Given the proximity of this site to the Yonge and Bloor subways, intensification of the site is a desirable objective. A greater height of the 21 Scollard Street building and the Yonge Street podium presents an opportunity to achieve an appropriate density without establishing a negative height precedent.

#### Massing:

- (d) The shadow impacts are significantly increased by the proposed 34 storey tower when compared with an alternate 25 storey tower. A 25 storey tower shadow analysis indicates that shadows in March and September would be limited to Scollard Street and Frank Stollery Parkette, as opposed to stretching across the south and north sides of both Scollard Street and Davenport Road. A 25 storey tower also limits the late afternoon shadows so that Church Street and Harold Town Park are not negatively impacted upon. The shadows generated by the proposed 34 storey tower will impact public open spaces on all but the most favourable times of the year. From the information provided it would appear that shadowing of Harold Town Park will occur at all times of the year except May, June and July.
- (e) The applicant provided a wind study for the earlier proposed 22 storey tower. A revised wind study has not been submitted for the 34 storey tower. However, RWDI Consulting Engineers have submitted a letter of opinion, dated March 21, 2001 respecting the revised 34 storey proposal.

The previous wind study identified some areas of concern within the proposed park. The study concluded that two locations within the park, currently comfortable for sitting (pre-development) would become only comfortable for standing (post-development).

RWDI previously concluded that with tree planting these areas would ultimately become comfortable for sitting. In its March 21, 2001 letter of opinion, RWDI notes that "the changes in the project design..... (ie. the proposal to add 12 additional floors) are not expected to substantially change the pedestrian wind condition previously observed and documented". However, RWDI qualifies this conclusion by stating that only wind tunnel testing of this new design can provide conclusive information on pedestrian wind conditions.

The proposal to add 12 additional floors would alter the results of the previous wind study to an unknown extent and may have a negative impact on the comfort levels for future users of the park.

- (f) The proposed 34 storey Yonge Street building includes a 1.4 metre stepback of the tower from its 4 storey podium along the Yorkville Avenue frontage. The applicant's earlier submission provided for a 4.2 metre stepback. In the absence of a revised wind study, including wind tunnel testing, an additional 1 metre projection of the podium to redirect downward draughts from the tower would be appropriate.

#### Technical Concerns:

The March 6, 20001 plans are currently being reviewed by affected civic department and agencies, and comments have yet to be received. However, a number of previously identified issues have apparently not been addressed in the most recent proposal. These are as follows:

- the minimum required soil depth of 1.5 metres in the public park has not been provided, as needed to support the mature growth of all vegetation. The strata depth of the park is proposed to be 914mm;
- with respect to the 21 Scollard building, the physical separation within the underground garage between tenant and residential visitor parking has not been provided due to the small size of the underground garage;
- due to the small size of the 11 and 21 Scollard building site, a separate storage pad to the front of the loading space has not been provided as previously required.

In Section 5.0, I propose an alternative built form that would address the height and massing concerns noted above.

#### 4.2 Applicant's Proposed Land Conveyances

Wittington Properties proposes two land conveyances to the City, a strata conveyance of lands to provide for a public park, and a strata conveyance of lands to facilitate a vehicular connection between existing public lanes. (Attachment 1)

(i) Strata Conveyance of Parkland

Wittington proposes to convey, at no cost to the City, strata lands, totalling 1,262m<sup>2</sup> in lieu of the 5% (approx. 267m<sup>2</sup>) statutory parkland dedication authorized by the Planning Act. The parkland would have no density attributed to it as the density has effectively been 'transferred' to the applicant's development parcel. The park would be encumbered by the proposed below-grade garage, a stairway and a vent.

The strata land conveyance for a park is recommended. The provision of land for a park in this location is desirable, given that the site is within an area identified as a "Parks Acquisition Priority Area" by the Official Plan. The public park will benefit the immediate community and an improved park benefits the proposed buildings. The strata conveyance is acceptable to the Commissioner of Economic Development, Culture & Tourism, subject to conditions to be secured in agreements with the owner. For example, the areas of the vent and stairway are not to be included in the conveyance.

(ii) Strata Conveyance for Laneway Connection

To provide for a continuous public lane between Scollard Street and Yorkville Avenue, the applicant proposes to convey, at no cost to the City, strata lands that would facilitate a connection between the existing Yorkville Avenue and Scollard Street public lanes. The lands to be conveyed would have no density attributed to them as the density has been utilized by the applicant's proposed development.

The proposed conveyance for the laneway connection is acceptable to the Commissioner of Works and Emergency Services, subject to conditions to be secured in agreements with the owner.

#### 4.3 Applicant's Proposed Easements and Agreements

Wittington Properties proposes a number of easement and agreements respecting:

- a limiting distance agreement between the applicant's building and City-owned properties;
- an encroachment agreement to permit the applicant's proposed walkway over a public lane; and
- an easement over the applicant's land to provide for a publicly accessible walkway.

(i) Limiting Distance Agreement

The applicant is seeking Council's authorization to utilize a portion of the City's lands at the rear of the Yorkville Library and Toronto Firehall (Nos. 22 & 34 Yorkville Avenue) for the purposes of calculating the limiting distance requirements of the Ontario Building Code. By using a portion of the City's land to meet Building Code requirements the applicant would be able to

locate the 21 Scollard Street building closer to its rear property line than would otherwise be permitted. (Attachment 1)

A Limiting Distance Agreement would preclude the City (or any future owner) from constructing over a 247.5m<sup>2</sup> portion of the library and firehall properties abutting the 21 Scollard Street parcel. The limiting distance would extend across the entire rear portion of the City-owned properties, to a depth of 6.03 metres from the rear property lines. This depth, together with a building setback of 1.77 metres, would be used by the applicant in its setback calculations to comply with fire regulations of the Ontario Building Code. It appears the applicant has calculated the minimum limiting distance on the basis that the 21 Scollard Street building is to be internally sprinklered, otherwise a greater limiting distance would be required.

Alternatively, the applicant could use fire shutters or a water deluge system on the exterior of the building in which case no limiting distance agreement would be required. Only a limiting distance agreement, however, permits the applicant to assure prospective purchasers that a minimum separation distance will always be provided.

I have evaluated the applicant's request for a limiting distance agreement in terms of its impact upon future redevelopment of the library and firehall properties, assuming the retention of the historic buildings. Based on current, as-of-right permissions under the City's Zoning By-law, neither property could achieve its full development potential. The total impact on the City-owned lands due to granting the limiting distance would be between approximately 600m<sup>2</sup> and 1000m<sup>2</sup>, depending on whether non-residential or residential development was assumed.

The Facilities and Real Estate Division of Corporate Services has determined the value to the City of the lands impacted by the proposed limiting distance to be \$360,000. Compensation in this amount is included in the applicant's proposed financial contribution discussed further in Section 4.4 below.

Given the constraints of a narrow site for the proposed building on 21 Scollard Street, the applicant's request for a limiting distance agreement can be supported, in exchange for financial compensation at market value, subject to an appropriate legal agreement to protect the City's interests and to require confirmation that the 21 Scollard Street building will contain an internal sprinkler system.

(ii) Pedestrian Walkway Encroachment Agreement

To connect the proposed 11 and 21 Scollard Street buildings, Wittington Properties proposes a 4 storey, pedestrian walkway over the existing public lane (Attachment 3). The structure over the public lane must be satisfactory to the Commissioner of Works and Emergency Services. Further, the applicant will be required to enter into an Encroachment Agreement with the City at which time an annual fee, based on a market value assessment, would be calculated. If calculated today the fee would be approximately \$2,400 per year.

The proposed above-grade walkway is acceptable, subject to the applicant entering into an Encroachment Agreement, prior to the issuance of any building permit.

### (iii) Pedestrian Walkway Easement

Wittington Properties proposes, at no cost to the City, an easement over 34 square metres of its lands that would provide for a public walkway, connecting Scollard Street with the Yorkville Avenue lane (Attachment 1). The applicant's proposed walkway should be supported, subject to technical and design considerations, including but not limited to, the width and clearance height of the walkway.

#### 4.4 Proposed Financial Considerations

The applicant's proposal includes a financial contribution of \$750,000 to satisfy the City's requirements respecting the provision of public benefits in exchange for increased height and density, pursuant to Section 37 of the Planning Act (\$390,000) and compensation to the City for the limiting distance agreement (\$360,000). The contributions would be secured in a Section 37 Agreement with the City.

The proposed financial considerations are based on the proposed 34 storey development at a density of 6.2 times coverage. However, as I am recommending a 25 storey development at a somewhat lower density of 5.7 times coverage, a reduced financial contribution, in exchange for increased height and density, would be appropriate.

I have been advised by staff of Economic Development, Culture and Tourism (Parks and Recreation) that \$750,000 is the minimum amount needed for park improvement, excluding public art and base park improvements (utilities, soil, sod, etc.). If the development's density is reduced, it will be necessary in the future to use contributions from other area developments in exchange for increased height and density to cover the modest shortfall.

#### 4.5 Proposed Park Design & Construction

The applicant proposes that the design and construction of the park be undertaken by Wittington Properties in consultation with a Working Committee of residents for approval by City Council.

As the park will be City-owned and maintained, the Commissioner of Economic Development, Culture & Tourism has recommended a process whereby:

- the applicant and staff draft design guidelines for the park;
- the applicant and staff select a mutually agreeable design firm;
- staff co-ordinate the design process and involve the applicant and area representatives;  
and
- final design would be approved by City Council.



While there is no support for the applicant's proposal to retain ultimate authority for the design of the park, there is no objection to the applicant's proposal to construct the park in accordance with terms and conditions to be specified by the Commissioner of Economic Development, Culture & Tourism.

## 5.0 Alternative Proposal

Intensification is a desirable objective for this site given, among other considerations, its close proximity to two subway lines. I believe there is an opportunity to realize this objective without setting a negative precedent respecting building height or generating negative wind impacts.

Consequently, I do not support the current 34 storey proposal by the applicant, submitted on March 6, 2001. I believe that a modified version of this proposal with a maximum height of 25 storeys would be appropriate.

The recommended development, at a density of 5.7 times the area of the lot, would include the following built form characteristics:

- Yonge Street Building: - 25 storey (79m) point tower including a 4 storey podium and 3 floors above, stepped back from the face of the podium;
- a building base, set back 1.0m from the Yonge Street property line and 4.0 metres from the Yorkville Avenue property line; and
- a tower floor plate of 585m<sup>2</sup> that narrows to 557m<sup>2</sup> at and above the 21<sup>st</sup> floor;
- 21 Scollard Street Building: - 8 storeys, with 2 storey grade-related units fronting Scollard Street; and
- stepback of 3.0 metres above floor 6 from Scollard Street;
- 11 Scollard Street Building: - 6 storeys, with 2 storey grade-related units fronting Scollard Street; and
- a 4 storey pedestrian walkway above the public lane to connect the building to the 21 Scollard Street building.

All other elements of the applicant's March 6, 2001 proposal would remain the same, being the proposed land conveyances, easements, agreements and park construction. However, with respect to the park design, it is, based on comments from the Commissioner of Economic Development, Culture & Tourism, recommended that the City select the designer from a short list established in consultation with the owner. City staff would co-ordinate the design process in consultation with the applicant and the public for approval by City Council. With respect to the financial considerations a reduced contribution would be appropriate.

## 6.0 Focused Review of North Midtown Part II Plan

The density and height of both the applicant's proposed development and my alternative development scenario are substantially in excess of current zoning and official plan permissions. The site specific analysis undertaken confirms that the intensity of both proposals is appropriate, at 6.2 and 5.7 times coverage respectively, assessed primarily in terms of traffic impacts. However, the applicant's proposed building height of 34 storeys is inappropriate in terms of its impact on wind and shadow and its unknown impact on future development in the vicinity. With a maximum building height of 25 storeys and an increased southward projection of the 4 storey Yonge Street podium, the recommended alternative has no undue negative wind impacts on the adjacent public streets or parks. Likewise, a 25 storey building has a lesser negative shadow impact than occurs at 34 storeys. In these respects, the alternative proposal is in closer compliance with the policies of the North Midtown Part II Plan and the objectives of Toronto Plan Directions Report: Toronto at the Crossroads.

Given that there are a number of large redevelopment sites in the vicinity (Attachment 5), the cumulative effects of development at greater than permitted heights and densities need to be assessed. Therefore, I am recommending that I be requested to report back to Community Council with terms of reference for a focussed review of the North Midtown Part II Plan.

### Conclusion:

This report describes two proposals for the development of a site known municipally as 852 - 860 & 876 Yonge Street and 11 & 21 Scollard Street. One proposal has been put forward by the applicant, in consultation with the Ward Councillor and members of the local residents groups. The second is a modified version of the applicant's proposal with a reduced maximum building height.

The two proposals are fundamentally the same with the exception of the heights of the proposed Yonge Street tower and podium, and 21 Scollard Street building and the applicant's proposed financial considerations and request for ultimate authority to design the public park. All other elements of the applicant's proposal respecting land conveyances, easements, agreements, and construction of the park by the applicant remain the same and are acceptable. The applicant's 34 storey submission and the alternative 25 storey development are compared in Appendix A.

I recommend that Council refuse the applicant's proposal for a 34 storey mixed use development and approve an alternative 25 storey version. I further recommend that the City Solicitor be given the authority to settle this matter at the Ontario Municipal Board and that I be requested to report on terms of reference for a focussed review of the North Midtown Part II Plan.

### Contact

Beate Bowron, Director, Community Planning, South District  
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Street Map

Appendix A: Comparison of Applicant's Submission

Appendix A: Comparison of Applicant's Submission

**Attachment 1: Site Plan**

Attachment 2: Yonge Street Elevation

Attachment 3: Scollard Street Elevation



Attachment 4: Building Heights Over 27 Metres

Attachment 5: Potential Large Redevelopment Sites

Attachment 6: Zoning

**The Downtown Community Council also submits the following report (March 19, 2001) from the Director, Community Planning, South District:**

Purpose:

To provide a status report respecting the above-noted applications which have been appealed by the owner to the Ontario Municipal Board.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that this report be received for information.

Comments:

On November 29, 1999 and May 11, 2000, Applications 199037 and 300035 were submitted to amend the Official Plan and Zoning By-law and for Site Plan Approval, to permit a mixed-use development.

On September 8, 2000 these applications were appealed to the Ontario Municipal Board (OMB) by the owner. The appeal was made on the basis that the City had not made a decision within the statutory 90-day period set out in the Planning Act. The Prehearing Conference before the OMB was held on January 2, 2001 and the Hearing is scheduled for May 22.

On March 6, 2001 substantially revised plans were submitted by the applicant which are currently undergoing a preliminary assessment.

Conclusions:

I will report my findings respecting the March 6 submission to Downtown Community Council at its meeting on April 3, 2001 and recommend a position to be taken at the May hearing of the Ontario Municipal Board.

Contact:

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The Downtown Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk:

- (March 30, 2001) from Bruce Young, President, Sixty Six Collier Street
- (April 2, 2001) from S.E. Sobkowski
- (April 2, 2001) from Diane Dyer
- (March 31, 2001) from Dr. David Latham
- (April 2, 2001) from Janet E. Minor

The following persons appeared before the Downtown Community Council in connection with the foregoing matter:

- Mr. Steve Diamond, Partner, McCarthy Tetrault;
- Mr. Alan Dudeck, Chair, Wittington Development Working Committee;
- Mr. Bruce Young, York Condominium Corporation No. 168;
- Dr. Sheila Latham, Toronto;
- Ms. Valerie Schatzker, President, South Rosedale Ratepayers' Association;
- Ms. Jane Beecroft, President, Community History Project; and
- Mr. David Latham, ABC Planning Committee.

*(City Council on April 23, 24, 25, 26, 27, and April 30, May 1 and 2, 2001, had before it, during consideration of the foregoing Clause, the following report (April 23, 2001) from the Commissioner of Urban Development Services:*

*Purpose:*

*The purpose of this report is to provide City Council with further information requested by the Downtown Community Council respecting a proposed settlement for an upcoming Ontario Municipal Board hearing on the redevelopment of lands at 852, 860 & 876 Yonge Street and 11 and 21 Scollard Street by Wittington Properties Limited. A further purpose of this report is to suggest amendments to the Downtown Community Council's recommendations because of new information provided by the applicant and the Commissioner of Economic Development, Culture and Tourism.*

*Financial Implications and Impact Statement:*

*There are no financial implications resulting from the adoption of this report.*

Recommendations:

- (1) *should City Council wish to adopt the recommendations of the Downtown Community Council and adopt the modifications suggested by the applicant's solicitor and the Commissioner of Economic Development, Culture and Tourism, it is recommended that:*
- (a) *Recommendation 1.C. (i) be amended by deleting "914mm" and replacing it with "1.5 metres over the entire park area" so that the amended recommendation reads as follows:*
- "(i) the conveyance of strata lands for park purposes as shown on the revised plans submitted on March 6, 2001, which is 1,261.87 square metres, will have a strata depth of 1.5 metres over the entire park area.";*
- (b) *Recommendation 1.C (iv) be amended by deleting the phrase "The Parks Department and the Ward Councillor" and replacing it with "to the satisfaction of the appropriate City Officials and Council" so that the amended recommendation reads as follows:*
- "(iv) Wittington will design the proposed park in consultation with the Working Committee to the satisfaction of the appropriate City Officials and Council."; and*
- (c) *Recommendation 1.C be amended by adding the following provision:*
- "(v) The public art will be co-ordinated and integrated with the park improvements. Wittington will implement the public art in accordance with the usual City protocol, including approval by the City's Public Art Commission.";*
- (2) *should Council wish to include a provision to restrict the size of some of the units, the following new clause should be added to Recommendation 1.C:*
- "(vi) the provision of a minimum of 25% of the total number of units to meet the following unit size restrictions:*
- studio and 1 bedroom units – a maximum floor area of 62 m<sup>2</sup>;*
  - 2 bedroom units – a maximum floor area of 82 m<sup>2</sup>; and*
  - 3 bedroom units – a maximum floor area of 98 m<sup>2</sup>"; and*
- (3) *should Council wish to include a provision to ensure that the proposed park is maintained at no cost to the City, Council should adopt one of the following options and add this provision to Recommendation 1.C. as Clause (vii):*

- (a) *“authorize the appropriate Civic Officials to prepare and enter into an agreement with the owner requiring the owner to maintain the park to be established at this location to the satisfaction of the Commissioner of Economic Development, Culture and Tourism; or*
- (b) *authorize the appropriate Civic Officials to prepare and enter into an agreement with the owner requiring the owner to clear snow and ice, pick-up and dispose of litter and garbage in the park to be established at this location to the satisfaction of the Commissioner of Economic Development, Culture and Tourism; or*
- (c) *authorize the appropriate Civic Officials to prepare and enter into an agreement with the owner requiring the owner to provide funds in the amount of \$25,000 annually for the maintenance of the park to be established at this location and that the funds be allocated to the appropriate Parks and Recreation cost centre.”*

Background:

*At its meeting of April 3, 2001, the Downtown Community Council considered a staff report respecting the upcoming Ontario Municipal Board hearing for the proposed redevelopment of lands at 852, 860 & 876 Yonge Street and 11 and 21 Scollard Street by Wittington Properties Limited. This report recommended an alternative proposal to the applicant’s March 6, 2001 plans for the redevelopment of the lands.*

*The Downtown Community Council recommended that City Council support the applicant’s proposed March 6, 2001 redevelopment plans for a 34-storey mixed use development. The Downtown Community Council also requested the Commissioner of Urban Development Services to provide further information directly to Council respecting:*

- (a) *affordability of components of the 34 storey proposal;*
- (b) *possible improvements of energy efficiency measures of the project, in consultation with the Energy Efficiency Office and Toronto Hydro Energy Services Inc.;*
- (c) *a request to the applicant to add a public art component to the benefits to be provided for this project;*
- (d) *ways to ensure the proposed park is maintained at no cost to the City, in consultation with appropriate officials; and*
- (e) *a wind study, including wind tunnel testing, to be conducted by the applicant for the 34 storey proposal (the available wind study was based on a 22 storey proposal).*

*The Downtown Community Council also requested that the Commissioner of Economic Development, Culture and Tourism report on the acceptability of a 1.5 metre minimum soil depth for 50% of the proposed park. The comments of the Commissioner are included in item (f) below.*

*Further, Downtown Community Council requested that I report to the Planning and Transportation Committee on the effect of the right of applicants to appeal to the Ontario Municipal Board 90 days after submission of an application.*

Comments:

*By letters dated April 17 and 20, 2001 (attached in Appendix A), the applicant provided the following information with respect to the Downtown Community Council's request.*

*(a) Affordability Components of the Project:*

*In their April 17, 2001 letter, Wittington Properties Limited has indicated that a minimum of 25% of the total number of units will meet the following size restrictions:*

- studio and 1 bedroom units – a maximum floor area of 62m<sup>2</sup>*
- 2 bedroom units – a maximum floor area of 82m<sup>2</sup>*
- 3 bedroom units – a maximum floor area of 98m<sup>2</sup>*

*In its past approval of other residential development proposals such as the Greenwood Racetrack and Yonge/ Shaftesbury developments, Council has adopted the above noted unit sizes as applicable to meeting "low-end-of-market" housing criteria.*

*(b) Energy Efficiency Measures of the Project:*

*Wittington Properties has indicated that it is committed to ensuring that the development is energy efficient and is prepared to execute an agreement which requires that, prior to the issuance of a building permit, the owner will consult with the Building Division of Urban Development Services and the Energy Efficiency Office of Works and Emergency Services respecting energy efficiency and conservation plans for the project. This provision will be secured through a site plan agreement between the City and the applicant.*

*(c) Public Art:*

*As previously reported, Wittington Properties has agreed to provide a financial contribution totaling \$750,000. In their letter of April 20, 2001, the applicant has advised that a portion of the \$750,000.00 will be allocated to public art. Wittington Properties further advises that the public art will be co-ordinated and integrated with the park improvements. The public art program will be implemented in accordance with the usual City protocol, including approval by the City's Public Art Commission.*

*With respect to the design of the park, Wittington Properties has advised, in their letter of April 17, 2001, that they are "committed to designing the new public park in consultation with the community to the satisfaction of the appropriate City officials and Council". This will enable City officials to have regard for the wind conditions and ensure appropriate landscaping is incorporated into the park to address wind conditions as noted in item (e) of this report.*



(d) *Public Park Maintenance at no cost to the City:*

*In their letter of April 17, 2001, Wittington Properties advises that “since Council can anticipate that the residents of the new development will contribute taxes to the City in the range of \$1,100,000 to \$1,500,000 annually, any park maintenance costs will be significantly offset by the annual taxes. Wittington is committed to designing the new public park in consultation with the community, to the satisfaction of the appropriate City officials and Council, and will be sensitive to the issue of ongoing maintenance”.*

*Economic Development, Culture and Tourism (Parks and Recreation) has advised that the maintenance costs for the new park would be approximately \$25,000 per annum. While the actual maintenance costs are primarily driven by its design features, Parks and Recreation has estimated the future maintenance costs associated with the new park based upon a comparably sized park in the downtown core. This estimate is based on a primarily passive park, with seating, flower beds, pathways and a water feature and reflects an amount per annum required to maintain the planting beds, pick-up litter, dispose of refuse, cut the grass, open, operate and winterize the fountain and remove snow and ice.*

*Parks and Recreation further advises that there are parks within the City which are maintained by the owner or other organizations to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and at no cost to the City. This arrangement may be appropriate for the proposed new park. An agreement would be necessary to identify the timing and reporting responsibilities for the various facets of maintenance. Should Council endorse this approach, it is recommended that a Maintenance Agreement be entered into between the City and the owner setting out the respective obligations of the owner and the City.*

*A second option would include the assignment of certain aspects of park maintenance to the owner. Requiring the owner to be responsible for maintenance functions in the park that are normally undertaken on their property may reduce the burden. Maintenance functions such as snow and ice removal, litter pick-up or garbage collection and disposal are typically done as part of routine building and site maintenance. The allocation of any or all of these functions to the owner on a permanent basis could be secured through a Maintenance Agreement between the City and the owner.*

*A third option would be to require the owner to finance the City’s maintenance of the park. This would require payment annually of \$25,000 to the City with the funds directed to Parks and Recreation for the maintenance of the park. Should consideration be given to the requirement of a lump sum payment by the owner to cover the maintenance costs over a period of time, it will be necessary to request the Chief Financial Officer to determine the amount of a lump sum payment capable of generating an annual return of \$25,000.*

*Any consideration of the above-noted options should consider the possibility of the owner transferring these obligations to any future condominium owners. In order to avoid this, any agreements should be entered into with the owner and not secured as a condition of the development agreement.*

*Economic Development, Culture and Tourism further advises that, should the City assume part or all of the maintenance obligations for the proposed park, the maintenance costs could represent a budget pressure in the Parks and Recreation Division operating budget in the year the park comes on-line and the necessary increase in the operating budget for the park maintenance may be required.*

(e) *Wind Study*

*Wittington Properties has submitted a revised Pedestrian Wind Study, dated April 20, 2001 which includes wind tunnel testing of the proposed 34 storey development. The study by RWDI Consulting Engineers and a letter by the consultants dated April 16, 2001 (attached in Appendix A), advise that the “public park will experience summer wind conditions suitable for standing and winter winds suitable for walking and the addition of typical park landscaping would be expected to improve sitting conditions”.*

*Wittington Properties, in their April 17, 2001 correspondence, has indicated that the park design will be undertaken in consultation with City officials, thereby providing the City with the opportunity to ensure that appropriate landscaping has been incorporated into the design of the park to ensure suitable wind conditions.*

*The consultants further advise that where the 4 storey podium has been eliminated on the 34 storey tower (March 6, 2001 plans), “acceptable wind conditions (result) immediately adjacent to the south facade of the building. This produces a continuous path from the southwest corner of the tower to Yonge Street that will experience suitable wind conditions”. Further south of the façade of the building, between the building and Yorkville Avenue, the consultants advise that “moderate wind increases were observed... Wind conditions are expected to be suitable for standing during the summer...while the same locations will be suitable for walking during the winter”.*

(f) *Soil Depth*

*The Commissioner of Economic Development, Culture and Tourism has advised that a 1.5 metre soil depth over the below grade structures is necessary to support a healthy and renewable soil structure and to provide for successful tree planting that would allow trees to mature to a large size. In their letter of April 17, 2001, Wittington Properties agrees “to provide a soil depth of 1.5 metres over at least 50% of the park area (or such amount as determined by the Parks Department)”. The Commissioner of Economic Development, Culture and Tourism has requested a 1.5 metre soil depth over the entire park area. Since receipt of their April 17, 2001 letter, Wittington Properties has advised me that they will provide a 1.5 metre soil depth over the entire park area.*

(g) *90 Day Appeal Provision*

*With respect to the Downtown Community Council’s request to comment on the 90 day appeal provision of the Planning Act, I will report to the Planning and Transportation Committee at a later date.*

Contact:

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*Appendix A*

*Comments from Outside Agencies*

*1. Letter from McCarthy Tetrault, Stephen Diamond, dated April 20, 2001*

*We are writing further to the Company's discussions with City staff with respect to public art and the proposed development at Yonge, Yorkville and Scollard.*

*The overall contribution of \$750,000.00 will provide for meaningful public art and Park improvements. A portion of the \$750,000.00 will be allocated to public art within the proposed Public Park, and the public art will be co-ordinated and integrated with the Park improvements. Wittington will be working with the City's Public Art Commission in order to implement the public art according to the usual protocol. An artist will collaborate with a landscape and architectural professional from the inception of park design, in consultation with appropriate City staff and the owner. We understand this approach is acceptable to Jane Perdue.*

*While no necessary, if the City wants to enhance the Park improvements, we note that the development charges generated for park improvements alone will be approximately \$110,000.00, which could be allocated to the proposed Park.*

*2. Letter from McCarthy Tetrault, Stephen Diamond, dated April 17, 2001*

*We are the solicitors for Wittington Properties Limited with respect to the proposed mixed-use development at Yonge, Yorkville and Scollard Streets. Based on a Working Committee process facilitated by the local councillor, Wittington is seeking support for a development composed of a 6 storey building adjacent to Scollard Street, a Public Park adjacent to the City-owned Yorkville Public Library and Yorkville Fire Hall, and an elegant 34 storey point tower on a podium that is set back from Yonge Street and Yorkville Avenue.*

*Council may recall that the Ontario Municipal Board recently approved the Minto development located at Bay and Yorkville, which has a density of 9.9 times the area of the lot, without the requirement for any financial contributions or public benefits pursuant to Section 37 of the Planning Act.*

*In this case, Wittington is proposing a development at a density of 6.2 times the area of the lot, which will provide substantial benefits including a public art contribution. More particularly, the benefits are as follows:*

- 1. The dedication of four times the amount of land required under the existing policies for parkland. The original application included townhouses in the location of the proposed Park; the townhouses have been eliminated at staff's request.*

2. *The construction of the Park to a base condition at Wittington's cost of approximately \$400,000.*
3. *In addition, in response to the Downtown Community Council Resolution, Wittington agrees to provide a soil depth of 1.5 metres over at least 50% of the Park area (or such amount as determined by the Parks Department) at an additional cost of approximately \$200,000. Thus, the total cost to provide the Park in a base condition is approximately \$600,000.*
4. *The implementation of a finished park, at a cost of \$750,000, which includes the commitment of the public art contribution to the Park improvements rather than the private buildings. Wittington is committed to a co-operative design process, including an appropriate public art review process.*
5. *Wittington has also agreed to landscape portions of the public lanes over and above the \$750,000 contribution.*
6. *While the staff report has characterized a portion of the \$750,000 as a payment for a restriction over City owned lands through a "Limiting Distance Agreement", we wish to point out that Wittington is conveying strata title of approximately the same area of land to the City in order to connect the two City lanes.*
7. *This Project will also generate development charges in the amount of approximately \$700,000.*
8. *As well, since Council can anticipate that residents of the new development will contribute taxes to the City in the range of \$1,100,000 to \$1,500,000 annually, any park maintenance costs will be significantly offset by the annual taxes. Wittington is committed to designing the new Public Park in consultation with the Community, to the satisfaction of the appropriate City officials and Council, and will be sensitive to the issue of ongoing maintenance.*
9. *With respect to affordable housing, although not required by the City's Official Plan, Wittington agrees to the following unit size restrictions:*
  - not less than 25% of the total number of units will meet the following size restrictions:*
  - studio and 1 bedroom units – a maximum floor area of 62 m<sup>2</sup>*
  - 2 bedroom units – a maximum floor area of 82 m<sup>2</sup>*
  - 3 bedroom units – a maximum floor area of 98 m<sup>2</sup>*
10. *The wind tunnel testing of the proposed development has taken place, and as indicated by the consultants in their letter dated April 16, 2001, the resulting conditions are "appropriate for the intended use year-round, and would be considered superior to wind conditions currently experienced in many other areas of downtown Toronto." The final report will follow as soon as it is available.*

11. *Wittington is committed to ensuring that the development is energy efficient. Wittington will execute a site plan agreement which requires that prior to the issuance of a building permit, the owner will consult with the appropriate officials of the Buildings Department and of the Energy Efficiency Office of the Works and Emergency Services Department respecting energy efficiency and conservation plans for the project.*

*In conclusion, the proposed development will meet the goals of the Official Plan Policies and provide an attractive entrance to the northern limit of the City's Central Area.*

3. *Letter from Rowan Williams Davies & Irwin, Harry Baker, dated April 16, 2001.*

*Further to my recent discussions with you, we have updated our physical model of the above project to reflect the March 5, 2001 design. The following are the most notable of the current changes:*

- *The Scollard Street building has been reduced from 12 storeys to 6.*
- *The Yonge Street Tower has been increased from 22 storeys to 34.*
- *The height of the podium adjacent to Yonge Street Tower has been reduced from 8 storeys to 6.*
- *The length of the Yonge Street building has been reduced by 5 m at the south end. This has created an outdoor open space at grade level at this end of the building. As a result the podium/terrace area at the south end of the tested model has been reduced to a width of 1 metre in the new design.*

*The current letter has been prepared to present the preliminary results of our most recent tests. Our final report will be available on or about April 24, 2001.*

*After completing our preliminary analysis of the current test results, generally, it can be confirmed that wind conditions on and around the study site are suitable for sitting/standing conditions in the summer and standing/walking conditions in the winter. These conditions are considered appropriate for the intended use year round, and would be considered superior to wind conditions currently experienced in many other areas of downtown Toronto.*

*The following are details regarding areas we understand are of interest:*

#### *Public Park (Locations 36 and 37)*

*Similar to our previous study, the Public Park located to the west of the Yonge Street Tower will experience summer wind conditions suitable for standing and winter winds suitable for walking. These conditions in our view are acceptable, particularly when it is considered that the park was tested void of any landscaping. For example, the addition of typical park landscaping would be expected to improve sitting conditions that are currently in the 65% to 70% range to above 89% resulting a sitting designation.*

*South side of Yonge Street Tower (Locations 24 to 26, 40 and 41)*

*As predicted in our March 21 letter, moderate wind speed increases were observed in this localized area as a result of the recent design changes. The wind conditions at Locations 24, 26, 40 and 41 are expected to be suitable for standing during the summer (81% to 84% of the time). Location 25 experiences wind conditions during the winter suitable for walking 76% of the time that is marginally below the 80% level of acceptability. Since four out of five locations within this localized area experience suitable wind conditions, it is our opinion that conditions on the south side of the Yonge Street Tower are acceptable. It should also be noted that the new sensors at Locations 40 and 41 (added for the current study) where the podium has been eliminated produce acceptable wind conditions immediately adjacent to the south facade of the building. This provides a continuous path from the southwest corner of the tower to Yonge Street that will experience suitable wind conditions.*

*In conclusion, it is felt that the current design will provide pedestrian wind conditions that are within an acceptable range for the anticipated activities.*

*We trust the above suites your current needs. If you have any question about the above discussion please do not hesitate to contact us. In the meantime we will continue with our analysis programme and the preparation of our report that we expect to submit on or about April 24).*

*(City Council also had before it, during consideration of the foregoing Clause, the following communications regarding the proposed Official Plan Amendment, Rezoning and Site Plan with respect to 852, 860 and 876 Yonge Street, and 11 and 21 Scollard Street:*

- (i) (April 9, 2001) from Mr. Ron Palmer;*
- (ii) (April 17, 2001) from Mr. Stephen H. Diamond, McCarthy Tetrault, Barristers and Solicitors, on behalf of Wittington Properties Limited;*
- (iii) (April 19, 2001) from Bronwyn Krog, Senior Director, Planning and Development, Wittington Property Limited;*
- (iv) (April 20, 2001) from Mr. Stephen H. Diamond, McCarthy Tetrault, Barristers and Solicitors, submitting further comments with respect to public art and the proposed development at Yonge, Yorkville and Scollard;*
- (v) (April 21, 2001) from Ms. Janice Merson, President; Mr. Matthias Schlaepfer, Vice-President; Mr. Barry DeZwaan and Mr. John Tyacke, Zoning/Planning Representatives, Summerhill Residents Association;*
- (vi) (April 21, 2001) from Ms. Diane Dyer;*
- (vii) (April 20, 2001) from Ms. Diane Coutts, President, ABC Residents Association;*
- (viii) (April 24, 2001) from R. S. Saunderson, Chairman of the Board, Bloor-Yorkville Business Improvement Area;*
- (ix) (April 24, 2001) from Mr. Budd Sugarman, President, Budd Sugarman Interior Design Ltd.;*
- (x) (April 24, 2001) from Ms. Valerie Schatzker, President, South Rosedale Ratepayers' Association;*
- (xi) (April 24, 2001) from Mr. Alan Dudeck, Chair, Wittington Development Working Committee; and*
- (xii) (April 25, 2001) from Mr. Peter Clewes, Architects Alliance.)*