

# TORONTO STAFF REPORT

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February 11, 2002

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Refusal Report: Official Plan and Zoning By-law Amendment Application No. 100034 (ATS 2000 0001) and Site Plan Approval Application No. 301056 for 2195 Yonge Street.  
St. Paul's, Ward 22

Purpose:

To report on the findings of the focused planning review of the Yonge-Eglinton Mixed-Commercial Residential Area 'A' and provide a planning opinion with respect to Minto's proposed development at 2195 Yonge Street. The findings presented in this report will provide the basis for future amendments to the planning policies for the Yonge-Eglinton Area 'A' to provide greater guidance for development. They will also provide the basis for the City's planning case opposing the Minto application at an upcoming Ontario Municipal Board hearing.

The report is organized into three Sections:

Background – describes the Minto proposal, site, area context, applicable planning controls, and the planning review process.

Findings of the Focused Planning Review – summarizes the key findings and proposed planning directions by issue studied including: planning policy context; built form; land use and density; transportation; community services and facilities; and sewer and water capacity.

Appropriate Planning for 2195 Yonge Street (the Minto site) – sets out reasons for refusing the Minto proposal; the maximum level of intensification that would be acceptable for the site; and matters to be addressed further.

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 Official Plan and Zoning By-law Amendment Application No. 100034, as revised on January 24, 2002 and Site Plan Application No. 301056; and
2. City Council request the City Solicitor, Commissioner of Urban Development Services and any other appropriate staff to oppose the Ontario Municipal Board appeal and referral made by the applicant on Application No. 100034 and authorize staff to oppose any future appeal of Site Plan Application No. 301056; and
3. City Council authorize staff to finalize its focused planning review, organize a community consultation process to discuss the proposed directions, and bring forward final recommendations to amend and refine the Official Plan and Zoning By-law for the Yonge-Eglinton Mixed Commercial-Residential Area 'A'.

1.0 Background:

1.1 Application History

On December 22, 2000, Minto YE Inc. applied for Official Plan and Zoning By-law Amendments for 2195 Yonge Street to permit the construction of a mixed-use development consisting of two residential towers (54 and 47 storeys) rising from a 5 storey podium with street-related retail uses. The two towers would be separated by an interior court rising three storeys, framed by retail uses at grade, second storey amenity space and residential units on the third level. A total of 1030 residential units were proposed of which approximately 450 units were rental.

The proposed development would have a density of 12.6 times the area of the lot consisting of 96,446 m<sup>2</sup> of residential gross floor area and 1810 m<sup>2</sup> of retail/commercial gross floor area. A total of 745 parking spaces were proposed on four levels of underground parking.

On May 15, 2001 a community consultation meeting was held by Urban Development Services and attended by approximately 600 residents. Most who spoke opposed the proposed development and expressed concerns with shadowing, traffic and precedent.

On December 7, 2001, the applicant referred/appealed their Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board (OMB) and a prehearing has been scheduled for February 27, 2002. As of yet, the Site Plan Application has not been appealed.

On January 24, 2002, the applicant submitted a revised zoning by-law for the OMB to consider. The effect of the proposed zoning change is a reduction of the height of the south tower from 162 metres (47 storeys) to 137 metres (39 storeys) and a reduction in the overall density from 12.6 times lot coverage to 11.9. The north tower remains 187 metres (54 storeys) in height. The

number of units has been reduced from 1,030 to 954 units – 600 rental units in the north tower and 354 condominium apartments in the south tower. Seven hundred and forty-five parking spaces are still proposed.

The applicant's revised proposal is illustrated by Attachments 1, 2 and 3.

Attachment 4 is a table comparing the differences between the currently permitted density and height, the density and height of the original and revised proposals and the maximum supportable proposal suggested by the focused planning review. Reliance should be placed on the measured building heights expressed in metres as opposed to the number of storeys, which is an approximation based on an assumed floor to ceiling height.

## 1.2 Site Description

The site is located on the east side of Yonge Street approximately midway between Eglinton Avenue East and Soudan Avenue. The site is 0.78 hectares in size and is occupied by a 10-storey office building constructed in 1960. The existing density is 1.8 times the area of the lot. There is surface parking on the eastern and northern portions of the site and landscaped open space along the Yonge Street frontage. A 6.1 metre wide public lane abuts the site to the east.

## 1.3 Surrounding Area

North: a 6-storey commercial building immediately adjacent to the site at 2221 Yonge Street. North of this property are a number of other commercial buildings including: 2237 Yonge Street (5-storeys); 2245 Yonge Street which Minto also owns (2 storeys); and 1 Eglinton Avenue East (8-storeys).

South: at the northeast corner of Soudan Avenue and Yonge Street is a commercial building (8-storeys) municipally known as 2161 Yonge Street.

East: across the public lane are a number of residential developments including 50 Holly Street (15-storeys) and 20 Holly Street (13-storeys). A mixed-use development is situated immediately east of the site at 40 Holly Street (17 storeys).

West: across Yonge Street is the TTC/Canada Square site – a 4.32 hectare property accommodating commercial buildings up to 17 storeys in height and containing a mix of office, retail, service and entertainment uses as well as a major subway/bus terminal and TTC maintenance building.

Attachment 5 illustrates the proposed Minto development (as revised) within the existing built form context.

## 1.4 Applicable Planning Controls

Approved planning policies are contained in three documents including the Metropolitan Toronto Official Plan (1994), the former City of Toronto Official Plan Part I (1994), and the Yonge-Eglinton Part II Plan (1981).

In 1998, Council requested the preparation of a new Official Plan to replace the seven Official Plans of the former municipalities. After an extensive period of consultation staff prepared “Toronto Plan – Directions Report – Toronto at the Crossroads”, setting out directions for the new Official Plan.

City Council received this report on August 1, 2, 3 and 4, 2000 and authorized staff to engage in a process of public consultation which provided for “significant dialogue with the community”. The Commissioner of Urban Development Services will report back on the results of the consultation, with recommendations for a new Official Plan, later this year.

### 1.4.1 Metropolitan Toronto Official Plan

The Official Plan for the (former) Municipality of Metropolitan Toronto recognizes a hierarchy of “Centres” with varying functions and levels of development intensity.

The “Central Area” is identified as the pre-eminent centre within the GTA, shaping the identity of Metropolitan Toronto.

Yonge-Eglinton is identified as one of several smaller Centres which are intended to function as a community focus, supporting an efficient concentration of employment, residential and other compatible uses and promoting a high level of interaction between activities in locations serviced by rapid transit.

### 1.4.2 Former City of Toronto Official Plan Part I

Lands in the vicinity of the Yonge-Eglinton intersection, including 2195 Yonge Street, are designated “Regional Commerce Centre”, generally a centre for the concentration of office and institutional employment in the city.

### 1.4.3 Yonge-Eglinton Part II Plan (Attachment 6)

The Yonge-Eglinton Part II Plan was adopted in 1981 following a comprehensive study of the area. The policies were generally upheld in 1993 as a result of a review of the various Part II Plans carried out as part of the Cityplan Official Plan process.

The Minto site and the area immediately surrounding the Yonge-Eglinton intersection are designated Yonge-Eglinton Mixed Commercial Residential Area 'A'. This area is to be regarded as a predominantly commercial area, within which office, retail, residential and institutional uses can be accommodated.

Conflicts between Mixed Commercial-Residential Areas and adjacent High Density Residence Areas and Low Density Residence Areas in terms of land use, scale of development and vehicular movement are to be discouraged.

To help achieve this, the Plan allows residential uses up to a maximum gross floor area of 3.0 times the area of the lot; commercial uses up to a maximum gross floor area of 4.0 times the area of the lot and a total maximum gross floor area of 5.0 times the area of the lot.

In order to ensure that the form of buildings promotes a compatible relationship between commercial uses in the Mixed Commercial-Residential Areas and residential uses in adjacent residence areas, and that all new buildings in the area form a positive relationship to the street, the Plan allows Council to use its powers of regulation and review to:

- pass by-laws to limit the height of buildings;
- maintain the low rise scale of the stable Low Density Residence Area and protect such areas from overshadowing from buildings located in abutting High Density Residence Areas and Mixed Use Areas;
- maintain the consistency of the generally low-to-moderate height of the buildings in Mixed Commercial-Residential Areas; and
- secure a transition in scale from the Yonge Eglinton Mixed Commercial-Residential Area 'A' to the Low Density Residence Area.

#### 1.4.4 Toronto Plan – Directions Report – Toronto at the Crossroads

The “Directions” report for the new Official Plan for the city presents one integrated vision viewed through three lenses or approaches. The report encourages population and job growth within areas served by existing infrastructure. The city will be viewed and analysed according to the degree of physical change that is desirable. The three approaches include:

- in established, relatively stable districts where major physical change is not desired, the Official Plan policies and the Zoning By-law will reinforce the existing physical character;
- in areas where gradual change is expected, new development will be guided by a local vision for change and design based zoning; and
- areas where the City would like to encourage major reinvestment and development will be given a new array of creative tools to kick-start and facilitate change.

Yonge-Eglinton is identified as a “Centre” where opportunities for growth exist but to a lesser degree than in the physically larger North York, Scarborough and Etobicoke Centres which are at a different stage of development.

#### 1.4.5 Zoning By-law

The site is zoned CR T5.0 C4.0 R3.0. The zoning permits commercial densities up to 4.0 times the lot area, residential densities up to 3.0 times the lot area, and a maximum total density of 5.0

times the lot area. The maximum permitted height is 61 metres. Attachments 7 and 8 show the existing zoning and height limits respectively.

The only exception to this zoning regime within the area is the TTC/Canada Square site at the southwest corner of the intersection.

The northern third of this site (approx. 0.87 ha) was designated as a Special Study Area which requires that appropriate planning studies be completed prior to redesignation. Until completion of such study, this portion of the site retains the Official Plan designation and zoning in place prior to the 1981 Yonge-Eglinton Part II study, that is a "Regional Commerce Centre" designation and C1 V3 (7.0 times commercial density) and C1 V2 (5 times commercial density) zoning. The remainder of the site is zoned CR L4 U300 with a maximum total gross floor area of 5.0 times the area of the lot. The southwest portion of the site is zoned R2 Z0.6 in recognition of the existing houses on the site in close proximity to the stable residential neighbourhood to the south and west.

In 1988, the former City of Toronto passed By-laws 973-88 and 974-88 which attempted to bring this site into closer conformity with the planning policies for the rest of the area by redesignating it Yonge-Eglinton Mixed Commercial-Residential Area 'A' and rezoning it CR L3.0 U300 with a maximum total gross floor area of 4.0 times the area of the lot. Cityplan By-law 425-93 subsequently rezoned it CR T4.0 C3.0 R3.0, eliminating the units per hectare option for calculating residential floor area in accordance with the direction for the rest of the city. Both these by-laws are still under appeal by the Toronto Transit Commission (TTC) and Canada Square (now Kolter Property Company).

A 1989 Working Committee was constituted to settle the outstanding appeal and address the future planning of the TTC/Canada Square site. Although development guidelines were adopted by Metro and City Councils, there was no agreement on the appropriate density for the site and, therefore, the Official Plan and Zoning By-law for the site remain under appeal. Litigation between the TTC and Canada Square (which has since been resolved) has also delayed a resolution of these appeals.

#### 1.4.6 Site Plan Control

The development is subject to Site Plan Control. An application for Site Plan Approval was submitted shortly after the Official Plan and Zoning By-law Amendment Applications, but the applicant has yet to submit revised plans reflecting the reduced (January, 2002) proposal. The Site Plan Application has not been appealed to the Ontario Municipal Board, but it is expected that the applicant will do so in order to consolidate all matters.

#### 1.5 Planning Review Process to Date

At its meeting of April 3, 2001, Midtown Community Council adopted my planning report (dated March 15, 2001) providing preliminary information on the Minto application and recommending a focused planning review for the area identified in the Yonge-Eglinton Part II Official Plan as Yonge-Eglinton Mixed Commercial-Residential Area 'A'.

In addition to assessing the planning merits and issues associated with the Minto proposal, the report recognized that the proposal could not be evaluated in isolation. Approval of densities and heights of the magnitude proposed by Minto would no doubt place upward pressure on future development in the area.

For this reason, City Council adopted my recommendation that staff undertake a broader planning review of the Yonge-Eglinton area in order to determine the appropriate level of development intensity, mix of uses, building heights and urban design guidelines to ensure a high quality living environment and minimize impacts on adjacent stable residential neighbourhoods. Attachment 9 shows the boundaries of the focused planning review.

In order to address these issues, staff conducted the following analyses:

- A review of existing and emerging planning policies for the area and an analysis of how these policies will/should affect the future development of the area.
- An inventory of existing land use information to identify potential redevelopment sites (soft sites).
- A transportation assessment for the broader Yonge-Eglinton area in order to estimate future traffic and transit operations that could result from different development scenarios.
- An urban design analysis to determine appropriate built form for the Yonge-Eglinton Area 'A' which included a comparative analysis of key intersections along Yonge Street and a more detailed analysis of the shadow and streetscape impacts associated with various development scenarios.
- A review of existing community services and facilities to provide an understanding of what services are available, existing gaps in service provision and additional services that may be required over time.
- An examination of available sewer and water capacity to determine if there are any constraints on future development in the area.

The findings of these studies are set out in Section 2.0 of this report.

A working group consisting of representatives of the business and resident communities was set up to function as an advisory panel for City staff. The Yonge-Eglinton Review Group met a total of 9 times during the course of the focused review and provided input on issues including:

- comparative built form analysis along Yonge Street;
- built form analysis of the Yonge-Eglinton Area 'A';
- wind studies for the Minto proposal;
- shadow studies for the Minto proposal and various area development scenarios;
- community services and facilities review;

- soil condition studies;
- bird collision information; and
- area transportation assessment.-

In October of 2001, I reported to Midtown Community Council that the focused review was proceeding well but more slowly than originally anticipated. I estimated that I would be in a position to report by April, 2002. The applicant's December 7, 2001 appeal to the OMB, resulting in a February 27, 2002 prehearing conference, has unfortunately reduced the time available to finalize the analysis and compile and publish the background studies.

At its meeting of January 29, 2002 Midtown Community Council adopted a motion directing the City Solicitor to request the OMB to adjourn the preliminary hearing in order that City Council may complete its review and take a position on the appeals.

## 2.0 Findings of Focused Planning Review:

### 2.1 Planning Policy Context

City planning policy has historically recognized the need for population and job growth around transit hubs (Centres) if the city is to continue to grow and prosper in relation to the surrounding region. However, it is also recognized that the pursuit of intensification cannot take place at the expense of good planning. Each Centre is unique in character, scale of development, potential to grow, and amount of public action required to realize its full potential.

Given Yonge-Eglinton's location at the intersection of two arterial roads and along the Yonge subway line, it is arguably a place for intensification. However, its scale compared to other Centres, degree of maturation, close proximity to stable residential neighbourhoods, surrounding built form context and transportation constraints warrant a moderate approach to intensification.

The issues examined as part of the focused planning review provide the basis for proposing a growth strategy that is suitable for Yonge-Eglinton Area 'A'. The intent is to ensure that Yonge-Eglinton Area 'A' develops as part of the larger neighbourhood it serves and that individual developments fit with the local context. This approach also forms the basis for my recommendations respecting the disposition of the Minto applications.

### 2.2 Built Form Analysis

#### 2.2.1 City Structure

The existing city structure is identifiable through areas that exhibit similar patterns in height and intensity of development. Along the Yonge Street corridor greater heights and densities are concentrated around the subway stations with lower "mainstreet" type development in between.

The Central Area is pre-eminent within the structure of the city and is the most intensively developed. Its concentration of tall buildings and resulting skyline have become the visual icon



for Toronto, symbolizing the health and vitality of the city and promoting Toronto as the dominant centre within the region.

In addition, North York, Scarborough, Etobicoke and Yonge-Eglinton Mixed Commercial-Residential Area 'A' are Centres within the city structure.

North York Centre has developed into a vibrant mixed-use centre. It is bordered by single family residential neighbourhoods to the west and east. The built form of this Centre has been carefully controlled in order to concentrate the highest buildings along Yonge Street with a pronounced decrease in building height west and east from Yonge Street. The maximum building height permitted along Yonge Street is 100 metres. To date, the tallest building is the Empress Walk development, opposite the North York Civic Centre, which is 118 metres high. Buildings at the edge of the Centre, adjacent to single family neighbourhoods, are generally 14 metres in height.

Currently, the Scarborough Centre also has a maximum permitted height of 100 metres. The emerging Etobicoke Centre includes existing and proposed buildings with maximum heights in the range of 80 metres.

The built form of the Centres is the result of a conscious planning effort to create places with buildings that fit within a local context. This planning principle is reflected in the former City of Toronto's current Official Plan policies. Section 3.13 of the Part I Plan states that Council shall encourage a high quality of urban design for new buildings and structures which fit with neighbouring development by ensuring that the siting and massing of buildings is appropriate in relationship to neighbouring development.

As previously noted, Section 2.4 of the Yonge-Eglinton Part II Plan allows Council to use its powers of regulation and review to limit building height to secure a transition in scale from the Yonge-Eglinton Mixed Commercial-Residential Areas to the Low Density Residence Areas.

A city structure based on the concept of Central Area, centres and corridors provides a logical organizing principle for development, allowing the City to plan for growth in a manner which makes efficient use of existing public infrastructure and provides a degree of stability in the land use planning process. The consequence of permitting developments with little or no regard for this principle is uncontrolled growth.

### 2.2.2 Local Built Form Context

The Yonge subway line had a profound impact on the development of the Yonge-Eglinton area. An entire single-family neighbourhood east of Yonge Street to Mt. Pleasant and between Soudan Avenue and Keewatin Avenue was demolished and replaced with large-scale apartment buildings in the 1960's. Canada Square also developed in the 1960's. The Yonge-Eglinton Centre, at the northwest corner of Yonge-Eglinton, followed in 1977. The Yonge-Eglinton Centre development includes two office buildings, a residential high-rise and an interior shopping mall. The 124 metre and 92 metre high office buildings mark the Yonge-Eglinton intersection.

The Canada Square project brought two 67-metre high slab type office buildings to the west side of Yonge Street immediately south of Eglinton Avenue West and directly across from the Minto site.

It is clear that the Yonge-Eglinton area has significant development potential as a major focus of rapid and surface transit. Private development, if carried out correctly can reinforce these streets as primary public places. In order to proceed with further development in the Yonge-Eglinton area a suitable built form framework has to be established.

The revised Minto proposal includes two towers – one 187 metres (54 storeys) high, the other 137 metres (39 storeys) high, (each height includes a 20 metre high mechanical penthouse). Within the city structure buildings of these heights are only seen in the Central Area. To put Minto's proposal further into perspective, if approved, the north tower would be the 8th tallest building in the city and the south tower the 20th tallest. Attachment 10 lists the city's tallest buildings.

The Yonge-Eglinton Centre tower at 124 metres should set an upper height limit in terms of future development. It is situated at the corner and is the focal point for the neighbourhood, offering employment, shopping and entertainment opportunities. Buildings should decrease in height away from the intersection. Increasing the height threshold to the heights (and resulting densities) proposed by Minto is not in keeping with the existing character of the area and would have detrimental impacts on its future development.

### 2.3 2.2 Land Use and Density Analysis

To determine the impact of the proposed Minto development, existing land use patterns and development trends were assessed for an approximate 40 block area bounded by Keewatin/Castlefield Avenues, Mt. Pleasant Avenue, Hillside Avenue and Avenue Road. Regard was had for land use, lot size, lot coverage, building height, density, date of construction, ownership, tenure, heritage significance, and history of development applications.

Using this information, potential redevelopment sites within the Yonge-Eglinton Mixed Commercial-Residential Area 'A' and the High Density Residence Area east of it were identified. Three development scenarios with variable height and density limits were developed.

The key findings of this assessment were as follows:

- There are many properties within the vicinity of Yonge-Eglinton Area 'A' that are underutilized relative to current planning permissions. However, when lot size, lot configuration, age of building and other factors are considered, a truer picture of future redevelopment opportunities emerges.
- Only 4 sites within the Yonge-Eglinton Area 'A' and 18 sites in and immediately adjacent to the High Density Residence Area were identified as potential redevelopment sites (soft sites). This assumed soft sites within Area 'A' developing to densities permitted by

maximum built form envelopes established by City staff and soft sites in and immediately adjacent to the High Density Residence Area generally developing to current Official Plan permissions.

- Soft sites in the Area could be developed at heights and/or densities above current planning permissions without negatively impacting adjacent stable residential neighbourhoods.
- Appropriate maximum heights and densities for each soft site vary greatly depending on a number of factors including site size, land use and proximity to Low Density Residence Areas. For example, the Minto site at 2195 Yonge Street has a greater relative ability to accommodate density than the substantially larger TTC/Canada Square block directly across Yonge Street.
- A full build out of Area 'A' to Minto densities (i.e. 12 times the lot area) would adversely affect surrounding stable residential areas in terms of shadow and traffic impacts and alter the character of the Centre which in terms of height and density would become comparable to districts within the Central Area.
- It would not be appropriate to assign more as-of-right height and/or density to lands in Area 'A' to encourage intensification. The rezoning process is an appropriate means to gauge the carrying capacity of individual development sites and the merit of specific development schemes.
- The Yonge-Eglinton Part II Plan would benefit from design guidelines and other performance measures to guide future development in a more positive manner.
- The last significant office development constructed here was built in 1986. Notwithstanding the bias in the current mixing formula toward non-residential land uses the development trend has been toward primarily residential developments. The elimination of this bias for lands within Area 'A', excluding the TTC/Canada Square site, and along Eglinton Avenue could be beneficial permitting developers greater flexibility to respond to the market without threatening the role of Yonge-Eglinton as a commercial centre. Despite the trend toward more residential development, the area is still a vital and stable commercial area, employing over 25,000 people.

#### 2.4 6.3 Transportation Assessment

A transportation assessment was conducted to assist in determining the appropriate intensity of development and mix of uses within the Yonge-Eglinton Mixed Commercial-Residential Area 'A'.

Attachment 9 shows the transportation assessment review area.

Three development scenarios were assessed:

Scenario 1: existing condition;

- Scenario 2: future scenario factoring in the original Minto proposal, other approved and proposed developments in the larger study area, and underdeveloped parcels (soft sites) within the larger study area as well as the Yonge-Eglinton Mixed Commercial-Residential Area 'A' if generally developed to the maximum density permitted under the existing Official Plan; and
- Scenario 3: future scenario factoring in other approved and proposed developments in the larger study area, underdeveloped parcels (soft sites) within the larger study area if generally developed to the maximum density permitted under the existing Official Plan and soft sites within Area 'A' if developed at density levels established by maximum built form envelopes created by City staff, including a reduced Minto proposal.

The assessment concentrated on road and transit conditions occurring during the weekday morning and evening peak hours when travel activity is at its highest in the area. Weekend conditions were also considered but resulted in less impact compared to the weekday peak hours. The road network was assessed in terms of, among other things, queuing/delay, gaps, volume-to-capacity ratios and delay to buses at the following locations:

- Yonge Street at: Manor Road, Soudan/Berwick, TTC access, Eglinton, and Broadway; and
- Eglinton Avenue at: Duplex, Dunfield, Redpath, and Mt. Pleasant.

The public transit network was also assessed primarily with respect to subway platform activity and subway line capacity.

For each future development scenario, new travel demand was generated and assigned to the road and transit networks in order to report on the forecast conditions compared to existing conditions. The review also addressed the qualitative impacts of forecast traffic conditions on the abutting residential neighbourhoods, commenting on issues of traffic infiltration and impact on pedestrian conditions at the Yonge-Eglinton intersection.

Existing peak hour conditions on the road network are busy, with some intersection movements approaching or at capacity. While this situation is not necessarily unique, there are limited opportunities to physically increase road capacity through either new road construction or traffic operation improvements. The proximity of stable residential neighbourhoods also poses additional constraints.

On the section of the Yonge subway line north of Bloor Street, including Eglinton Station, there is capacity available throughout the day, including peak periods, except if a service disruption occurs. As the Yonge subway enters the downtown area, south of Bloor Street, there is capacity available for current and increased ridership levels, although the subway does approach capacity limits for short intervals during the busiest hour of the morning. In order to address these short periods of capacity constraint, demand management approaches are being used, such as better

distribution of passengers throughout the trains and spreading of the peak demand into less-busy times. Also, additional trains are being used, which are specifically timed to provide supplementary capacity right when it is needed. Large increases in the capacity of the Yonge subway line into the downtown area would, however, require significant investment.

The Yonge-Eglinton area is also served by a comprehensive network of ten TTC bus routes, emanating from Eglinton Station, and providing frequent service in every direction. The routes operate more efficiently in this area because of the presence of reserved bus lanes on Eglinton Avenue, east and west of Yonge Street. These routes currently carry approximately 38,000 passengers per day, with the potential to carry considerably more. The bus operations area of Eglinton Station is currently planned to be reconstructed, commencing in 2003, into a modern, fully-accessible facility, and this will further enhance the efficiency, convenience, and attractiveness of transit service in the Yonge-Eglinton area.

The Yonge-Eglinton area is also served by the TTC's fully-accessible, specialised service, Wheel-Trans, so that people with mobility difficulties and limitations are able to travel without the need for a car.

The analysis of Development Scenario 2 suggests the road network will be manageable as development proceeds. However, growing congestion and delay will increasingly affect system reliability and promote additional traffic infiltration of adjacent stable residential neighbourhoods. With full build out of Scenario 2, and assuming today's travel characteristics remain unchanged in the future, more frequent back-ups of arterial traffic and/or additional traffic infiltration are likely to result. Development Scenario 3 exacerbates these road conditions when applying the same assumptions, resulting in an even greater degradation of traffic conditions.

The impact on subway loading is likely to be less pronounced, with an average of 20 to 30 new passengers per train in the peak hour peak-direction for Scenarios 2 and 3, respectively.

Future trips generated by Development Scenarios 2 and 3 are noted below.

Land Use Assumption	A.M. Pk. Hr. Total New Vehicle Trips	A.M. Pk Hr. Total New Subway Trips	P.M. Pk. Hr. Total New Vehicle Trips	P.M. Pk. Hr. Total New Subway Trips
Scenario 2	500	930	900	1,000
Scenario 3	750	1,500	1,400	1,660

It is critical that the traffic conditions reported in this focused review be balanced against the likelihood that limiting development at Yonge-Eglinton will not stop traffic infiltration/congestion from occurring, since it is reasonable to expect that externally generated traffic will continue to travel through this area. In fact, external "uncontrolled" growth, which encourages greater auto dependence, could result in worse traffic conditions due to more and longer distance commuting throughout the city and surrounding area.

The traffic assessment is based upon a series of assumptions about traffic operations and travel patterns. In reality, these assumptions may change over time, so development scenarios which seem inappropriate today, may be able to be accommodated in the future. The City's intensification strategy relies in large part on public transit to meet a greater proportion of future travel demand.

Therefore, although the traffic assessment indicates more frequent queuing, delays and infiltration as development proceeds, the terms and assumptions upon which this assessment is based may change. Past experience with travel patterns to/from the Central Area over the last 30 years has demonstrated that people's travel characteristics change over time and more people may choose to take public transit. However, there is no assurance that this will continue to occur or occur at the same rate.

Until such time as travel characteristics change substantively and/or specific transit improvements are made, a moderate approach to intensification seems prudent. It would also seem prudent to maintain the existing zoning permissions for Area 'A' so that the traffic implications of individual applications for increased density can be assessed in relation to conditions existing at the time. This process could be linked to the identification and possible securing of private sector contributions towards meeting the City's transportation planning objectives, including improvement of the public transit infrastructure.

In order to address the longer-term traffic issues in this area, the following improvements to the transportation system need to be considered further, in consultation with the TTC and other relevant agencies and Departments:

- potential short-term measures to maximize public transit efficiency in the Yonge-Eglinton area including express bus operations, additional reserve bus lanes, transit signal priority etc.; and
- traffic signal operations in the Yonge-Eglinton area, to ensure road operations are optimized and a process is in place to update operations as necessary to reflect changing conditions.

## 2.5 Community Services and Facilities Analysis

This assessment focused on service providers within a primary catchment area defined by Lytton Boulevard/Blythwood Road, Mt. Pleasant Road, Davisville Avenue and Avenue Road. However, service providers whose operational boundaries extend into or are wholly within a larger secondary catchment area of Lytton Boulevard, Bayview Avenue, Davisville Avenue and Bathurst Street were also factored into the assessment.

The assessment included:

- an inventory of schools, recreation centres, libraries, parks and facilities offering programs for childcare, youth, adult, seniors and the homeless;

- a basic demographic profile of the area to identify pending change in the demand for services in this area; and
- a survey of and interviews with service providers in the larger area to identify gaps in service provision. A total of 28 agencies were surveyed and/or interviewed.

The Yonge-Eglinton area is a mature neighbourhood with a diverse range of existing services and facilities. The majority of agencies have been located in the area for many years, and have developed programs and service delivery models to meet local needs over time.

Enhancements to community service infrastructure will be required to serve the demand that will result from further intensification.

At present there are existing gaps in the following areas:

- licensed infant/toddler daycare;
- programs for youth, seniors and care-givers; and
- parkland

Community services and facilities evolve and grow with the area they serve. To facilitate the growth of the area, the City should focus on securing:

- a multi-purpose, shared-use facility to be used for satellite programming by a full range of local agencies;
- a 52 child daycare for children 0 to 5 years of age; and
- additional parkland.

Section 37 of the Planning Act, which facilitates the provision of facilities, services and matters in exchange for increases in height and/or density is an appropriate tool and should be used to address gaps as new development in the area comes on stream.

## 2.6 Sewer and Water Capacity Analysis

The area is generally well serviced in terms of sewer capacity and water supply and pressure. The streets in this area all have separated storm sewers that accept the drainage from roads and new development. This diverts a large part of the flow that was destined for the combined sewers providing additional sanitary capacity. An analysis of problem calls from flooded basements due to the storm events in May 2000 across the city did not identify this area as a problem zone. The City is taking other measures through its Wet Weather Master Plan Study to reduce storm flow which should help provide additional sewer capacity. No water supply or pressure problems have been identified in this area.

## 2.7 Proposed Planning Directions for the Yonge-Eglinton Mixed Commercial-Residential Area 'A'

Having largely completed the planning review of the area, staff are now in a position to suggest directions for the future planning and development of Area 'A'.

For reasons discussed earlier, it would be appropriate to encourage further moderate intensification. Staff's built form analysis indicates that individual properties could be developed at heights and/or densities above current planning permission without negatively impacting adjacent stable residential neighbourhoods. However, the appropriate densities and/or heights for each site vary greatly depending on a number of factors including the size of the site, proximity to stable residential areas and on the particular development scheme.

The Yonge-Eglinton Part II Plan relies on density limits as the primary development control mechanism providing minimal direction with respect to how intensification should occur.

The Yonge-Eglinton Part II Plan would, therefore, benefit from the addition of a well-defined series of specific development and built form guidelines addressing issues such as:

- mix of land uses;
- shadowing of adjacent stable residential areas;
- massing of buildings;
- transition in scale from Area 'A' to adjacent residential areas;
- street-edge conditions;
- public realm improvements;
- requirements for traffic impact studies;
- area-specific guidelines for the use of Section 37; and
- development guidelines specific to the TTC/Canada Square block to ensure comprehensive development addressing the above noted issues and other site-specific matters such as development phasing, bus circulation, provision of an east-west road connecting Yonge Street and Duplex Avenue and an on-site parkland contribution.

With respect to the Zoning By-law, staff are satisfied that the existing zoning and height limits provide an appropriate base for as-of-right development. When heights and densities above the current permissions are considered, a rezoning process allows for an appropriate review to ensure the issues set out in the Official Plan are addressed.

This report recommends that staff continue its focused planning review in order to develop specific recommendations to amend and refine the Yonge-Eglinton Part II Plan. Following this, staff propose to schedule public meetings to discuss the proposed changes. Final recommendations will be brought forward for adoption by Council this Fall.



### 3.0 The Minto Application:

#### 3.1 Reasons For Refusal

The Minto proposal represents an overly aggressive and inappropriate approach to intensification within the Yonge-Eglinton Mixed Commercial-Residential Area 'A'. In making this determination staff have reviewed the application in terms of the broader planning context which considers the implications of similarly intensifying other sites in Area 'A' as well as the project-specific impacts of the Minto proposal. The issues set out below, when considered in their entirety, provide the basis for recommending refusal of the application.

#### Built Form Context

Within the Yonge-Eglinton Area 'A', the Minto application represents the most substantial development proposal in the last 20 years. The Canada Square lands directly across the street from the Minto site are also primed for redevelopment. If other “soft” sites, including the TTC/Canada Square lands, develop to the same heights and densities as proposed by Minto, the resulting built form will be unacceptable.

Development would approach heights and densities which are more appropriate for the Central Area. In terms of compatibility with the surrounding community, development should provide a smooth transition as one moves away from the centre of Area 'A'. Minto's north and south towers should provide a transition in height from the intersection of Yonge and Eglinton (124 metres existing) to the edge of the Centre (61 metres permitted).

Part of the rationale put forward by Minto to justify the scale of their proposal is architectural excellence. Specifically, because the proposed buildings are of high architectural quality, an increase in height and density is said to be required to offset the associated costs. In my opinion, all development projects should strive for architectural excellence. Architectural excellence should not be achieved at the expense of good planning. It should be noted that the revised application has eliminated some of the lauded architectural features of the original proposal (e.g. water feature, glass/metal dome) as a result of the proposed reduction in density from 12.6 to 11.9 times the area of the lot.

#### Traffic

As previously noted, a transportation assessment was conducted to assist in determining the appropriate intensity of development within the Yonge-Eglinton Area 'A'. Although the traffic generated by the Minto proposal itself could be accommodated, traffic problems do begin to occur as soft sites outside the Area develop to their Official Plan maximum and soft sites inside the Area begin to develop above the current Official Plan level. For this reason, a more moderate approach to intensification than currently proposed by Minto is required.

## Shadows

Section 2.4(b) of the Yonge-Eglinton Part II Plan specifically addresses the need to ensure that higher density development in Area 'A' and High Density Residence Areas do not adversely affect stable Low Density Residence Areas. New development should not shadow stable residential areas beyond the shadows cast from the current permitted height limit or those which may be cast from existing development.

The shadow analysis undertaken by staff indicates that the southern tower of the Minto proposal will cast new shadows on the south side of Soudan Avenue in the summer months (June 21, 6:00 p.m. to 7:00 p.m.). This will adversely affect residents in the area by casting new shadows in the early evening in the summer time when people are enjoying their front and rear yards and are outside enjoying the neighbourhood.

The north tower of the Minto proposal will cast a shadow on the stable, low density residential neighbourhood north of Eglinton Avenue and east of Yonge Street during the morning of the autumn months (September 21, 9:00 a.m.).

Attachments 11 and 12 illustrate the shadow impacts of the Minto proposal.

## Section 37

Section 16.21 of the Official Plan authorizes the use of Section 37 of the Planning Act to secure public benefits in exchange for increased density and/or height. My Preliminary Report on the Minto application advised the applicant of the need to address this issue. Several discussions were held with the applicant indicating the City's intent to secure Section 37 benefits in connection with this proposal. The City indicated contributions toward community service space, parkland and/or on-site affordable housing would be appropriate in this case. Given staff's position on the revised application, no formal proposal for public benefits has been put forward by the applicant.

### 3.2 Appropriate Planning for 2195 Yonge Street

#### Height, Massing and Resulting Density

In light of the foregoing planning analysis, the following reductions would result in an acceptable maximum built form with respect to the Minto proposal:

- north tower reduced to 118 metres to fit the context established by the tallest tower of the Yonge-Eglinton Centre, provide a transition in building height from the intersection to the edge of Area 'A', and to eliminate shadows cast on low density residences to the northwest;
- south tower reduced to 92 metres to eliminate additional shadows on low density residences on Soudan Avenue and allow for a transition in height from the centre to the edge of Area 'A'; and

- floor plates reduced to correspond with reductions in the tower heights, resulting in an overall lower density of 8.0 times the area of the lot.

This development alternative represents an appropriate maximum level of intensification for 2195 Yonge Street and would fit with the existing built form context. Approval of a development as outlined above could, therefore, proceed in advance of any final recommendations on proposed amendments to the Yonge-Eglinton Part II Plan.

### Section 37

Since even an acceptable proposal for the Minto site would result in a height and density in excess of that permitted by the Official Plan and Zoning By-law, it would have to be reviewed in accordance with Section 16.21 of the Official Plan. This section establishes Council's intent to use its powers under Section 37 of the Planning Act.

Section 37 permits municipalities to pass Zoning By-laws to authorize increases in density and/or height beyond what is otherwise permitted in return for the provision of such facilities, services and other public benefits as are set out in the by-law authorizing the increase.

The Yonge-Eglinton area has the capacity to accommodate more jobs and residents but it will require significant public action to fully realize its potential. Deficiencies in affordable housing, parks, multi-purpose community space and day-care space have all been identified in the City's review of existing community services and facilities.

If the area is to intensify, the issue of transit capacity must also be addressed. The City's Development Charges by-law only covers a specific set of transit improvements (i.e. Sheppard Subway, Harbourfront LRT, Union Station Platform and the bus fleet). Public transit improvements that improve local conditions can and should be secured through Section 37.

In light of the above, it would be appropriate to secure 37 public benefits in connection with the future redevelopment of this site (or other sites within the area). These contributions will help address the deficiencies in affordable housing, parks, community services and facilities or public transit infrastructure.

### Other Matters

Having considered the matters of height, massing, density and Section 37 benefits, an appropriate development of 2195 Yonge Street would also have to deal with the following matters:

- provide for a future below grade pedestrian route connecting to the underground connection beginning at the southeast corner of the intersection;
- provide for a publicly accessible pedestrian walkway across the site connecting Yonge Street and the public lane; and

- satisfactorily resolve all other matters that may arise from the review of any revised submission.

#### 4.0 Conclusions:

The density and height of the proposed Minto development are greatly in excess of current Official Plan and Zoning By-law limits. The implications of this development were explored in terms of the precedent it might have on future development within the Yonge-Eglinton Mixed Commercial Residential Area 'A', and the effect future cumulative development might have on adjacent residential neighbourhoods. The objective of the focused planning review was to suggest a strategy for the development of Area 'A' and for the disposition of the development application filed by Minto YE Inc.

Having substantially completed my focused review, I have concluded as follows:

- The Yonge-Eglinton Mixed Commercial-Residential Area 'A', situated at the intersection of two arterial roads on the Yonge subway line and a major bus terminus is a suitable location for intensification. However, its scale, close proximity of stable residential neighbourhoods, surrounding built form context and transportation constraints warrant a moderate approach to intensification.
- Appropriate maximum densities and heights for redevelopment sites in the Area vary greatly depending on a number of factors including site size, configuration, and proximity to low density residential development. Further study is required to define appropriate maximum limits for lands within the node.
- Building heights should peak at the intersection of Yonge and Eglinton (124 metres) and transition downward to a maximum height of 61 metres, unless adjacent to low density residence areas where the 61 metres maximum should be mitigated by angular planes to reduce shadowing.
- Increases in height and/or density permissions in advance of site-specific applications are not warranted. However, Official Plan and Zoning By-law amendments are required to guide future development, particularly with respect to the TTC/Canada Square block which is primed for redevelopment and the subject of outstanding by-law appeals.
- Existing gaps in available community services and facilities include licensed infant/toddler care, programs for youth, seniors and care-givers, and parkland. Transit capacity is also an issue that must be addressed if the area is to intensify. Affordable housing is needed city-wide and the Yonge-Eglinton area is no exception. Section 37 of the Planning Act is a tool that should be used to address these needs as new development comes on stream.

- Municipal hard services such as sewer and water do not represent impediments to moderate future growth.
- Further study is required to identify opportunities to enhance the public realm within Area 'A'.
- I have recommended that staff be authorized to finalize its focused planning review and to bring forward final recommendations for amendments to the Official Plan and Zoning By-law for the Yonge-Eglinton Mixed Commercial-Residential Area 'A'.
- The revised proposal by Minto YE Inc. does not fit within the existing policy and built form contexts or those indicated for the future by the focused planning review. It is recommended that staff oppose the Ontario Municipal Board referral/appeal respecting this proposal.
- A further reduced proposal with a 118 metre high north tower, 92 metre high south tower and a resultant maximum density of 8.0 times lot coverage would represent a maximum supportable level of intensification for 2195 Yonge Street. The proposal would arguably fit with both the existing built form context and with the future context suggested by the focused review.

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Beate Bowron  
Director, Community Planning, South District

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List of Attachments:

- 1) Site Plan
- 2) West Elevation (Yonge Street)
- 3) Floor Plan Details (Typical)
- 4) Proposal Comparison Table
- 5) Minto's Revised Proposal within Existing Built Form Context
- 6) Yonge-Eglinton Part II Plan
- 7) Zoning
- 8) Height Limits
- 9) Yonge-Eglinton Focused Review Area
- 10) Tallest Buildings
- 11) Shadow Impacts of Revised Proposal (Southeast)
- 12) Shadow Impacts of Revised Proposal (Northwest)