

TORONTO STAFF REPORT

April 21, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Preliminary Report
Official Plan Amendment and Rezoning Application 05 117524 STE 28 OZ
Applicant: McCarthy Tetrault
Architect: Page + Steele and Kuwabara Payne McKenna Blumberg Architects
15 York Street (Block 5 Railway Lands East)
Ward 28 - Toronto Centre-Rosedale

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

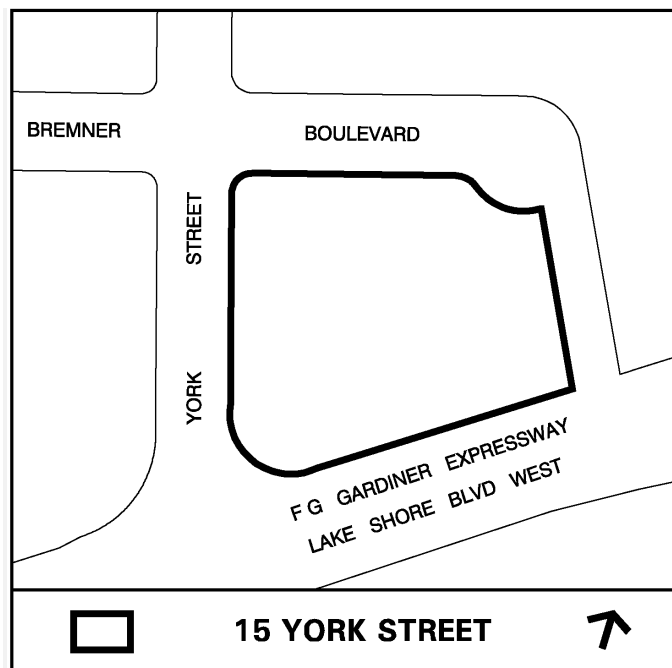
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the application be amended to contain office gross floor area to a minimum of 50% of the total gross floor area.
- (2) subsequent to the application being amended to contain office gross floor area to a minimum of 50% of the total gross floor area, staff be directed to schedule a community consultation meeting together with the Ward Councillor and Councillor Chow representing the abutting Ward.



- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.

Background:

In 1986, the Ontario Municipal Board approved the Part II Plan for the Railway Lands. The property was designated Block 5, Precinct B. In 1990, the City conducted a review of the 1985 Official Plan. Prior to 1991, the Railway Lands Secondary Plan provided for mixed-use development in this area and the Council of the day, after a thorough review of the 1985 Official Plan and Part II Plan, determined that residential development rights should be removed from these lands. Other changes to the Part II Plan included modifications to provisions for density, height, community services and facilities and the environment. This part of the Railway Lands was envisioned as the extension of the Financial District, the City's and region's premier office centre, with Union Station situated at its heart. In light of the land use program established for the Railway Lands East by the in-force former City of Toronto Plan, and in view of the need to reserve land for the future growth of the financial core, the new Official Plan reaffirmed that land use vision. A land development program comprising a major auto-oriented retail and entertainment complex with residential uses above was not permitted by these plans.

A Precinct B Precinct Agreement was registered in 1992. The Railway Lands East Area A Zoning By-law 168-93 was deemed to have come into force pursuant to the Ontario Municipal Board Order dated October 25, 1994. In 1996 and 2002, City Council authorized amendments to the Precinct B Precinct Agreement.

In planning to accommodate approximately 540,000 jobs in the City over the next 30 years, it was anticipated that certain lands in the City would be reserved for employment uses in the new Official Plan. The extension of the Financial District in the Railway Lands East was a key component of those lands, and in staffs' analysis for accommodating forecast job growth.

In addition to the regulatory background, additional relevant contextual issues include:

- (a) City Council approved the Union Station Master Plan in December 2004. The plan outlines the boundaries of the Union Station urban design study area as Simcoe Street, Wellington Street, Yonge Street and the Gardiner Expressway. The property is located within this study area and has potential connections to the City's PATH system. The Union Station Master Plan is based on four Big Moves that include an integrated public realm that celebrates the Station's two key frontages, Front Street and Union Plaza, and advocates redefining both. A new south entrance, southern extensions of the PATH system, and the view corridor from the Financial District to the waterfront through Union Plaza will be investigated as part of ongoing work related to the Master Plan study to be undertaken in 2005, including the Union Station Urban Design Study which has begun.

- (b) The site abuts the Gardiner Expressway, which is currently being studied by the Toronto Waterfront Revitalization Corporation for removal or reconstruction.

Over the last year, City staff have had pre-application discussions with the applicant. City staff have consistently expressed the need to protect this property for primarily non-residential development.

Comments:

Proposal

The subject property is located in the Financial District and in the Railway Lands East (Block 5). The subject property is an irregular 8,476 square metre property located at the southeast corner of York Street and Bremner Boulevard. The property is occupied by a parking lot. Vehicular access to the property is via a driveway on the east-west section of Bremner Boulevard.

The proposal does not adequately respond to pre-application direction given by City staff. The development proposal is for a mixed use development consisting of the following:

- two residential condominium point towers containing a total of 890 units;
- sports themed and destination retail;
- large specialty food store;
- broadcast facilities;
- a lounge and fine dining restaurant space;
- offices;
- a hotel with approximately 170 rooms;
- entertainment space including a 100-150 seat theatre featuring Toronto Raptors and Toronto Maple Leafs highlights;
- a daycare; and
- associated below grade parking.

The commercial area is located on nine floors starting one level below grade. The proposed residential floor area would be 59,000 square metres and 61% of the total gross floor area. The proposed non-residential floor area would be 37,150 square metres and 39% of the total gross floor area. The non-residential floor area consists of:

- retail, 14,100 square metres or 14.7% of the total gross floor area;
- food store, 4,980 square metres or 5.1% of the total gross floor area;
- hotel, 12,990 square metres or 13.5% of the total gross floor area;
- office, 4,460 square metres or 4.6% of the total gross floor area; and
- daycare, 580 square metres or 0.6% of the total gross floor area.

The eight storey podium would cover the majority (81.3 percent) of the site. The 53 storey tower would be located at the southwest corner of the site and be 166 metres high. The 49 storey tower would be located at the northeast corner of the site and would be 154 metres high. The ground floor would consist of a shared residential lobby for both towers, entrance to the daycare, hotel

lobby, a mid-block and east-west indoor retail street with 3 to 4 storey high ceiling, and retail space with both exterior access and access from the indoor retail space. The grocery store would have some floor area at this level and the majority of the floor area for this use would be one level below grade. The applicant proposes weather protection around the majority of the site.

The second and third floor would include hotel and retail space. Some of the third floor retail space would have 3 storey high ceilings. A bridge to the Air Canada Centre over the north-south section of Bremner Boulevard is proposed at the second level. The fourth and fifth floor would contain hotel space. The sixth floor would contain hotel space and offices. The seventh floor would contain hotel space, offices, and a daycare with an outdoor space. The eighth floor would contain a residential sky lobby in door and outdoor recreational space. The applicant proposes 1,780 square metres of indoor residential amenity space and 1,790 square metres of outdoor residential amenity space.

With respect to the two towers above the podium, the typical tower dimensions would be 29 metres by 28 metres and the typical floor area for each tower would be approximately 800 square metres. The proposed distance separation between the two towers is 28.5 metres.

The applicant proposes to expand the existing underground service route that serves the Air Canada Centre. This underground service area will eventually service Union Station and development at 25 York Street (northeast corner of Bremner Boulevard and York Street). This route has an inbound ramp from the westbound Lake Shore Boulevard west of Bay Street located on the Air Centre Centre property. This route has an outbound ramp to the westbound Lake Shore Boulevard west of the Air Canada Centre in the vicinity of York Street and located on the subject property. The applicant proposes to knock out a panel on the west side of the underground area of the Air Canada Centre (under the north-south section of Bremner Boulevard) to provide access to the underground loading area on-site. The loading area would contain 10 spaces.

The applicant proposes 873 parking spaces consisting of 365 commercial spaces, 3 daycare parking spaces and 505 residential parking spaces. The access for the parking would be at Bremner Boulevard east of York Street. The parking spaces would be located on four levels below grade. The applicant proposes 160 residential bicycle parking spaces and 40 residential visitor bicycle parking spaces located on levels P1, P3 and P4. No commercial bicycle parking spaces or employee showers are proposed.

The applicant is proposing a eight storey high canopy over approximately 1/3 of the north-south part of Bremner Boulevard. This canopy would connect the proposed development with a proposed approximately 10 metre wide westerly expansion of the Air Canada Centre. The details of this expansion have not been submitted. A pre-application meeting with the with Air Canada Centre staff has been scheduled prior to the May 3rd, 2005 Toronto and East York Community Council meeting.. The applicant requests that the development be connected into the PATH system via this Air Canada Centre expansion.

The total site density would be 11.3 times the lot area.

For a summary of the application please refer to Attachment 5: Application Data Sheet.

Immediately surrounding the site are as follows:

North: Bremner Boulevard, beyond which is Block 4 in the Railway Lands East, which is zoned CR Block 4 and permits a highrise office building with a maximum height of 160 metres, and beyond is Union Station.

South: Lake Shore Boulevard with the Gardiner Expressway overhead, beyond which is a vacant five-storey office building and parking lot which is zoned CR T6.0 C6.0 R0 and permits commercial development with a maximum height of 115 metres (western part) and 125 metres (eastern part).

East: Bremner Boulevard, beyond which is the Air Canada Centre and an office building.

West: York Street, beyond which is Block 9 in the Railway Lands East, which is zoned CR Block 9 and permits highrise office buildings with a maximum height of 130 metres.

Provincial Policy Statement

Consistency with the Provincial Policy Statement will be reviewed. In particular, Section 1.3 relates to Employment Areas and contains the following policies:

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment areas for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

1.3.2 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Metropolitan Toronto Official Plan

The Official Plan of the former Municipality of Metropolitan Toronto designates the subject site as part of the Central Area, the pre-eminent Centre designated in Metroplan.

Former City of Toronto Official Plan

The former City of Toronto Part I Official Plan designates the site as Railway Lands. The Railway Lands East Part II (secondary) plan designates the property as Financial District South Area D. The Financial District South Area D permits only non-residential development with a maximum density of 9.9 times the lot area.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. Several pre-hearings have occurred.

The new Official Plan places the subject site within the Downtown and Central Waterfront urban structure area, and within the Financial District. The Plan designates the property as Mixed Use Area. The lands adjacent to the subject site are designated Mixed Use Areas (east and west), Utility Corridors (north) and Regeneration Areas (south). The Plan contains development criteria that direct the form and quality of development in this area. The criteria direct that comfortable sunlight and wind conditions be achieved through the massing of new buildings, that parking, loading, amenities and other good site planning principles are complied with, and advantage is taken of nearby transit services.

The proposal will also be reviewed for conformity with the Tall Buildings policies of the new Official Plan, which outline built form principles that are applied to the location and design of such buildings. They seek to ensure an appropriate relationship between adjacent buildings and to minimize negative impacts, while contributing to and reinforcing the overall City structure.

Compliance with other relevant policies of the new Official Plan including the environment and transportation will be addressed.

Zoning

The site is governed by By-law No. 168-93 as amended and is zoned CR Block 5. The By-law permits only a commercial building containing a total building density of 9.9 times the lot area and a height of 115 metres. No residential density accrues to these lands.

The Zoning By-law implements the building density limitations set out in the Official Plan as well as the location and massing of the building on the lot.

Site Plan Control

An application for Site Plan Approval has not been filed.

Reasons for the Application

The applicant proposes residential use of the property which is not permitted by the Official Plan and Zoning By-law. The proposed building density of the development is 11.3 times the area of the lot exceeding the By-law permission of 9.9 times the area of the lot, reserved for commercial development.

In addition, the proposed development includes two residential towers 154 metres and 166 metres in height whereas the By-law permits a maximum height of 115 metres. Other zoning modifications may be required once a complete review is undertaken.

Comments

The application is for a predominantly residential development with 890 units (59,000 square metres or 61% of the total gross floor area of 96,150 square metres). The 4,460 square metres of office space is only 4.6% of the total gross floor area. The proposed 4,980 square metre food store represents 5.2% of total gross floor area, which is larger than the proposed office component. Staff very are concerned about the loss of commercial space in the Financial District with this application resulting in the diminished potential for future job creation and loss of commercial tax assessment.

The large investment in the revitalization of Union Station including the high speed railway link to Pearson Airport is best served by the construction of new office buildings in the vicinity of the station. Development with primarily high density residential gross floor area does little to support the investment in Union Station and the high speed railway link to Pearson Airport.

Substantial potential for residential development exists elsewhere in the Downtown as well as the Central Waterfront. If residential development were to be permitted in this part of the Railway Lands East as well, there could be an impact on the implementation of the City's mixed-use objectives in those areas, depending upon residential absorption. Alternatively, if the market is stronger in these areas, a residential component at this location could be delayed, potentially resulting in a truncated design for a substantial period of time.

In light of the precedent setting nature of the proposal to substitute residential for commercial permission in this part of the Railway Lands East, the entire Railway Lands East Secondary Plan would need re-evaluation in conjunction with residential use on the property. Such a substantial departure from the vision for these lands, as clearly articulated in the Secondary Plan, cannot be considered on a site-specific basis.

Staff cannot support the application in its current form. Staff recommend that prior to processing the application any further, that the applicant be required to have an amount of office gross floor area equivalent to at least 50% of the total gross floor area.

Issues to be Resolved

Once the application is amended and prior to presenting a Final Report to Toronto and East York Community Council, the following issues, as well as any other issues that may be identified by staff and the public, will need to be addressed by the applicant:

- (a) conformity with the existing and new Official Plan policies;
- (b) conformity with the Railway Lands East Secondary Plan policies;
- (c) assessment of the impact of the conversion of a large amount of non-residential gross floor area in the Financial District;
- (d) appropriate design and integration of the public and private realm and consideration of Union Station Urban Design Study streetscape initiatives, including improvements to Union Plaza and the south entrance to the station, consideration of York Street as a connection between the waterfront, Union Station and Financial District, and PATH extensions;
- (e) assessment of other infrastructure improvements required by the Precinct B Precinct Agreement for the Railway Lands East including the Simcoe Street tunnel, York East Teamway and Blue Route (southern entrance) to Union Station;
- (f) assessment of the request to close the north-south section of Bremner Boulevard for special events and the impact on the access to Union Station;
- (g) assessment of the building connection to the Air Canada Centre located over the north-south section of Bremner Boulevard and the impact on the view corridor between the Financial District and the waterfront through Union Plaza;
- (h) assessment of the impact on Union Plaza of this proposal and the Air Canada Centre expansion proposal which will require an Official Plan Amendment and rezoning application to modify the area and configuration of this publicly accessible open space;
- (i) appropriate height, massing and stepback of the towers and low-rise podium and mitigation of physical and visual impact on the surrounding buildings, open space and uses including but not limited to light, view, privacy, sunlight penetration, shadow, sky view and weather and wind protection;
- (j) treatment of the ground floor of the building and its relationship to the streetscapes, including the York Street and Lake Shore Boulevard frontages, and the York East Teamway design, in particular continuous weather protection required by the Precinct B Precinct Plan;
- (k) assessment of the streetscape along Lake Shore Boulevard considering the potential modification or removal of the Gardiner Expressway;

- (l) assessment of the need for a bridge to the Air Canada Centre located at the second level in light of Official Plan policies to discourage this form of pedestrian connection;
- (m) assessment of traffic and transportation impacts, including automobile use reduction strategies such as a car sharing program;
- (n) a review of the parking proposed in light of the site's proximity to Union Station;
- (o) assessment of the layby on Bremner Boulevard and the impact on long term taxi operations to serve Union Station and the Air Canada Centre;
- (p) assessment of bus parking for the Air Canada Centre which was intended to be provided on this property;
- (q) assessment of the impact of the proposal on the Bremner LRT alignment options;
- (r) commitment to LEED certification and green technology;
- (s) assessment of the potential to connect to District Heating and Cooling;
- (t) identification and security of public benefits pursuant to Section 37 of the Planning Act including appropriate community services, facilities and amenities which address local priorities including public art;
- (u) assessment of the 1,393.5 square metres of Community Services and Facilities required by the Precinct B Precinct Agreement for the Railway Lands East to be constructed on this property;
- (v) consideration of the Daycare Act requirements for the daycare proposed on the seventh floor;
- (w) assessment of bicycle parking and change rooms and showers for cyclists light of future bicycle lanes on Bremner Boulevard, Simcoe Street, Queens Quay, Yonge Street and Bay Street, and off road path on Lake Shore Boulevard;
- (x) assessment of the request for a large amount of signage;
- (y) assessment of the potential to expand already congested underground service route for the Air Canada Centre, Union Station and future development on the lands to the north of the property (Block 4, 25 York Street) which abuts the site;
- (z) assessment of security issues related to a shared service area with the Air Canada Centre and Union Station in light of the Ontario Municipal Board decision on 28 Rees Street which abuts the Rogers Centre; and

- (aa) assessment of the provision of family sized units and indoor and outdoor amenities to support families.

Given the Official Plan's objectives for City beautification, and achieving high quality design and the prominent location of the site beside Union Station, a peer review process would seem appropriate for this application at the Site Plan Approval stage, if it is approved by City Council. Staff will be recommending this for all development applications in the Union Station Urban Design Study Area. Some developers are now voluntarily deciding to use a peer review process to facilitate high quality design. Given this interest and the use of peer review in other jurisdictions, the City is organizing a symposium for mid 2005 on peer review and how to institute it more formally in the development approval process.

Conclusions:

After the application is amended to contain office gross floor area to a minimum of 50% of the total gross floor area, the project will be the subject of a community consultation meeting for owners and tenants in the neighbourhood.

Contact:

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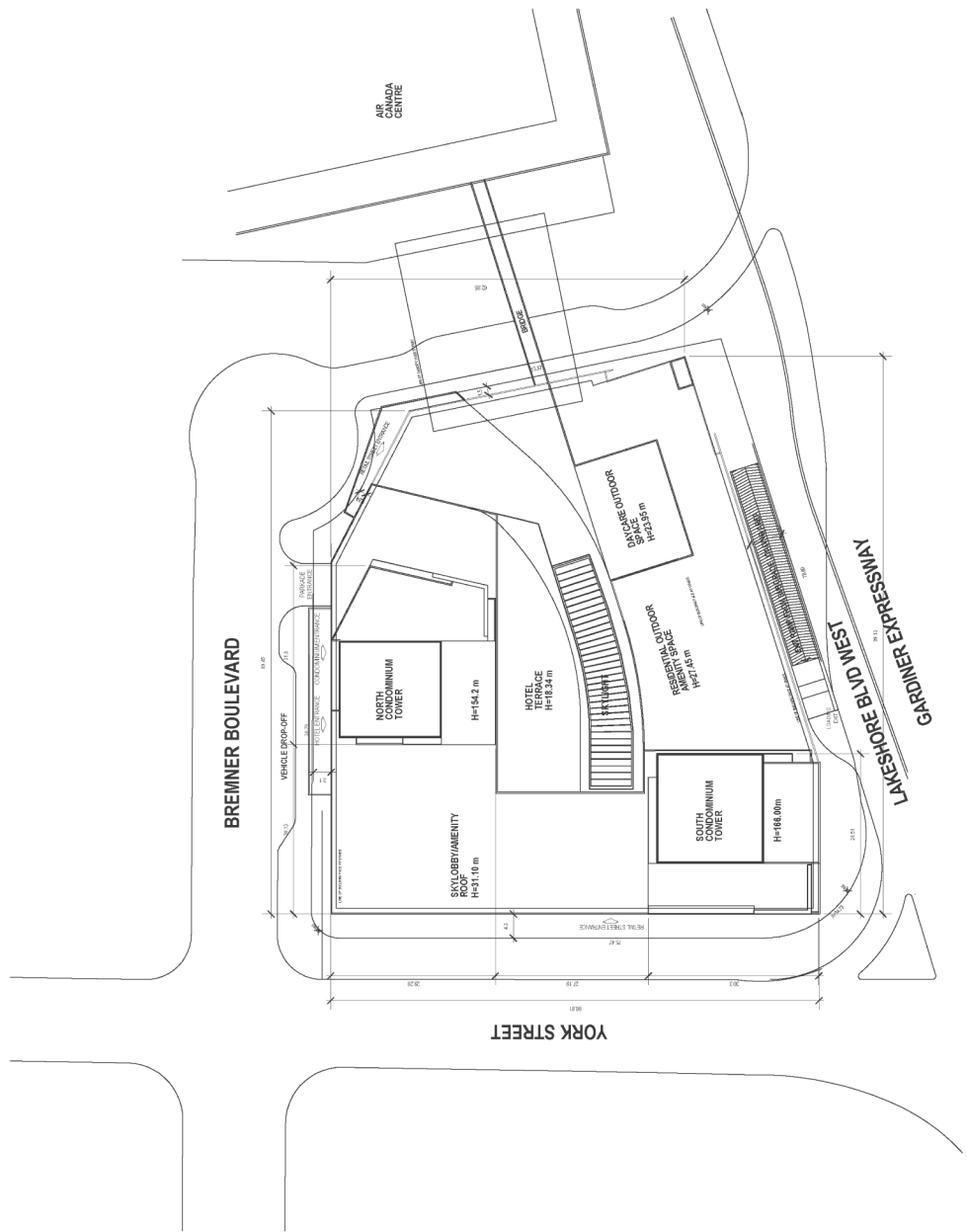
Gary Wright, MCIP, RPP
Director, Community Planning, South District

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List of Attachments:

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Official Plan
Attachment 7: Zoning
Application 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

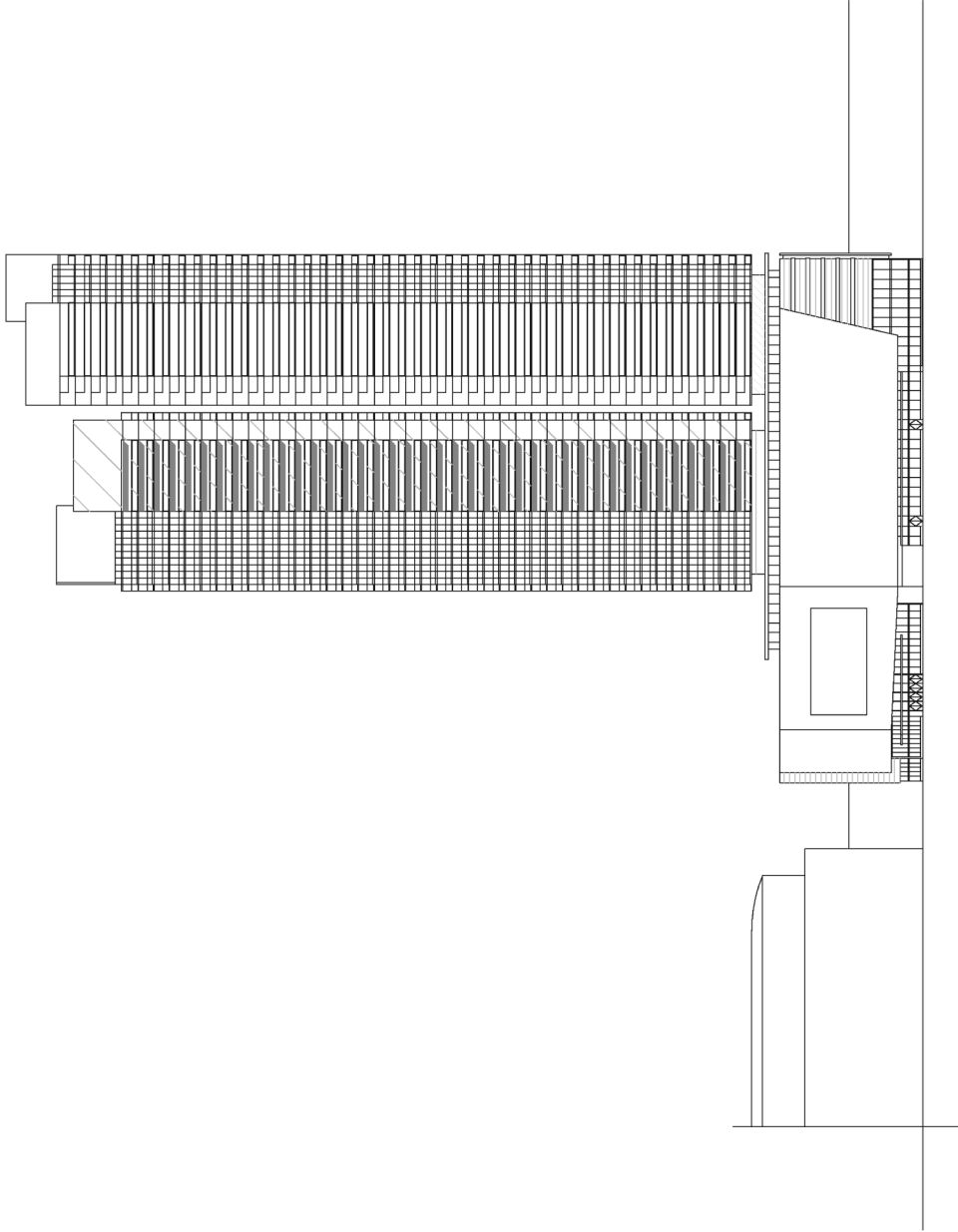
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15 York Street

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Attachment 2: North Elevation



North Elevation

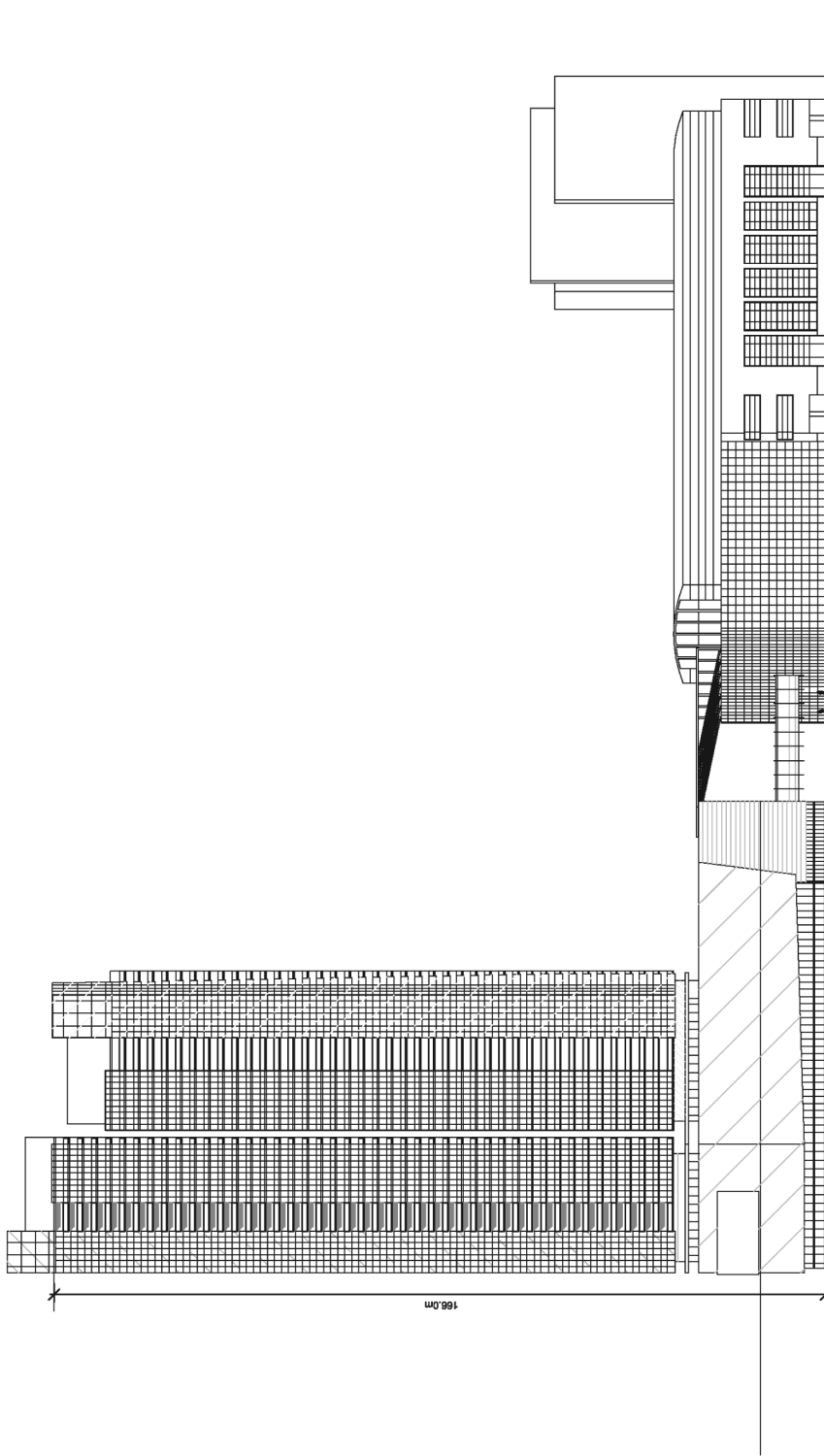
Applicant's Submitted Drawing

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15 York Street

File # 05_117524

Attachment 3: South Elevation



South Elevation

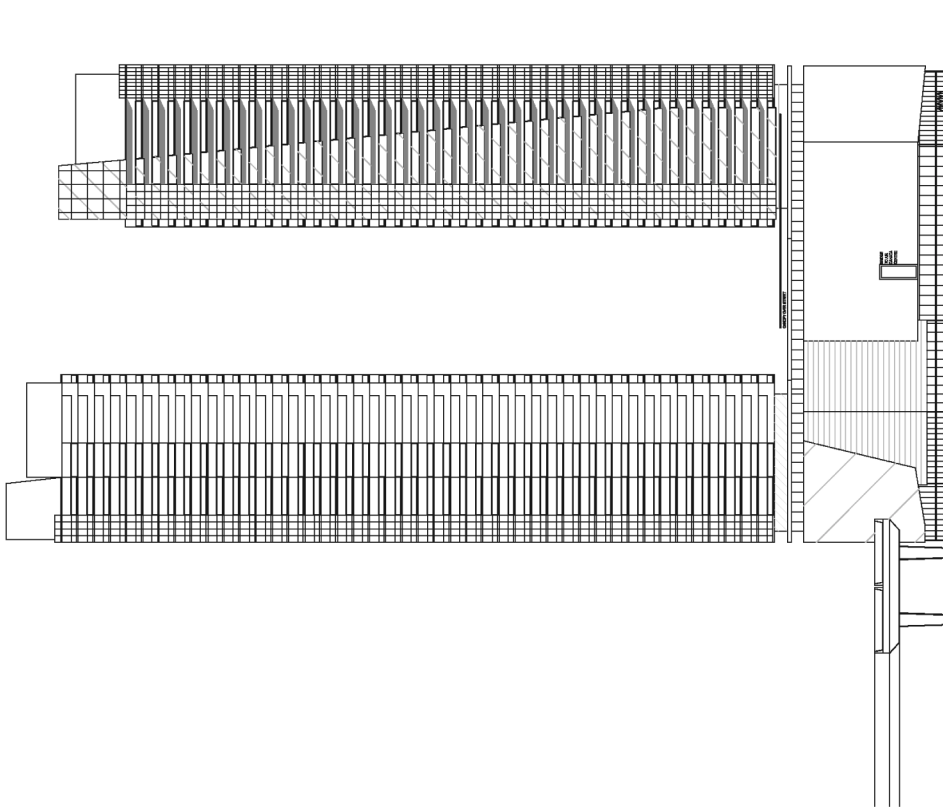
Applicant's Submitted Drawing

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15 York Street

File # 05_117524

Attachment 4: East Elevation



East Elevation

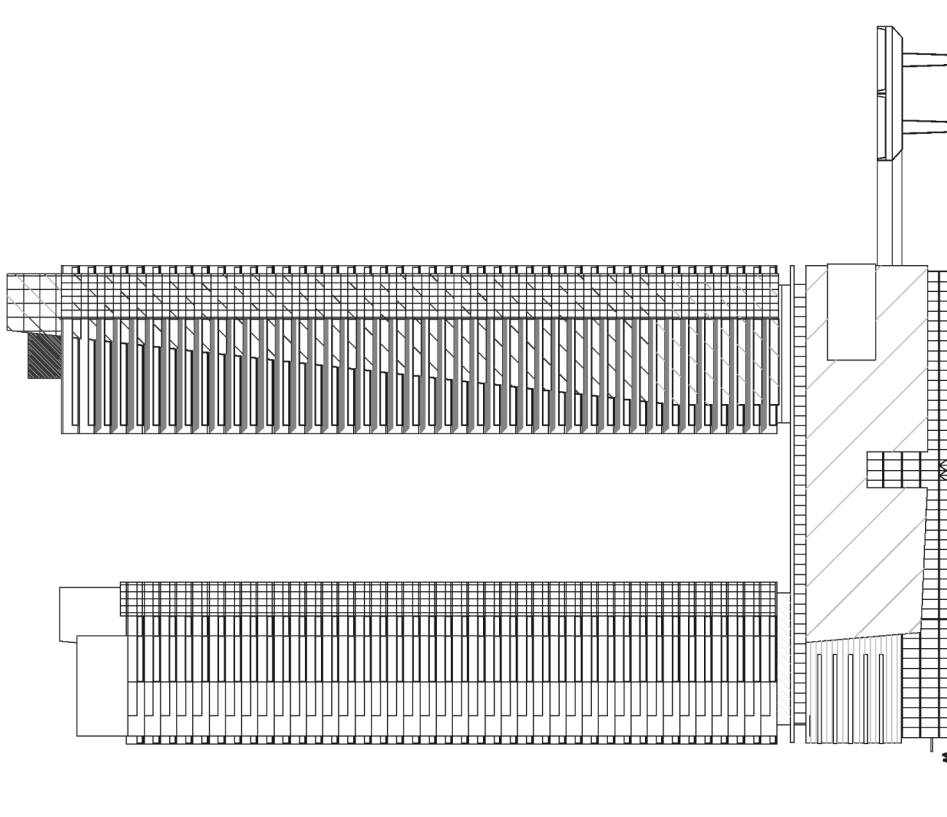
Applicant's Submitted Drawing

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15 York Street

File # 05_117524

Attachment 5: West Elevation



West Elevation

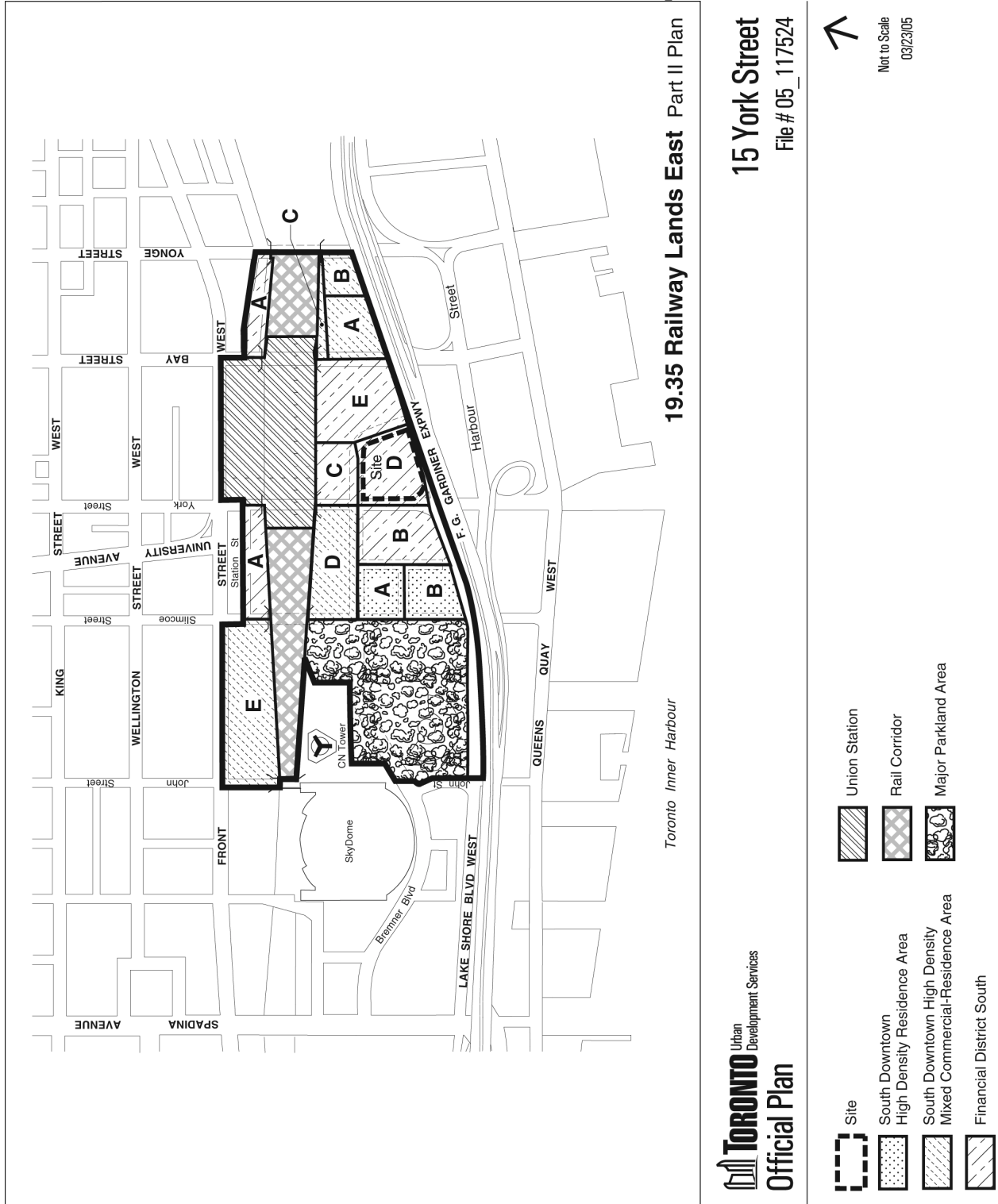
Applicant's Submitted Drawing

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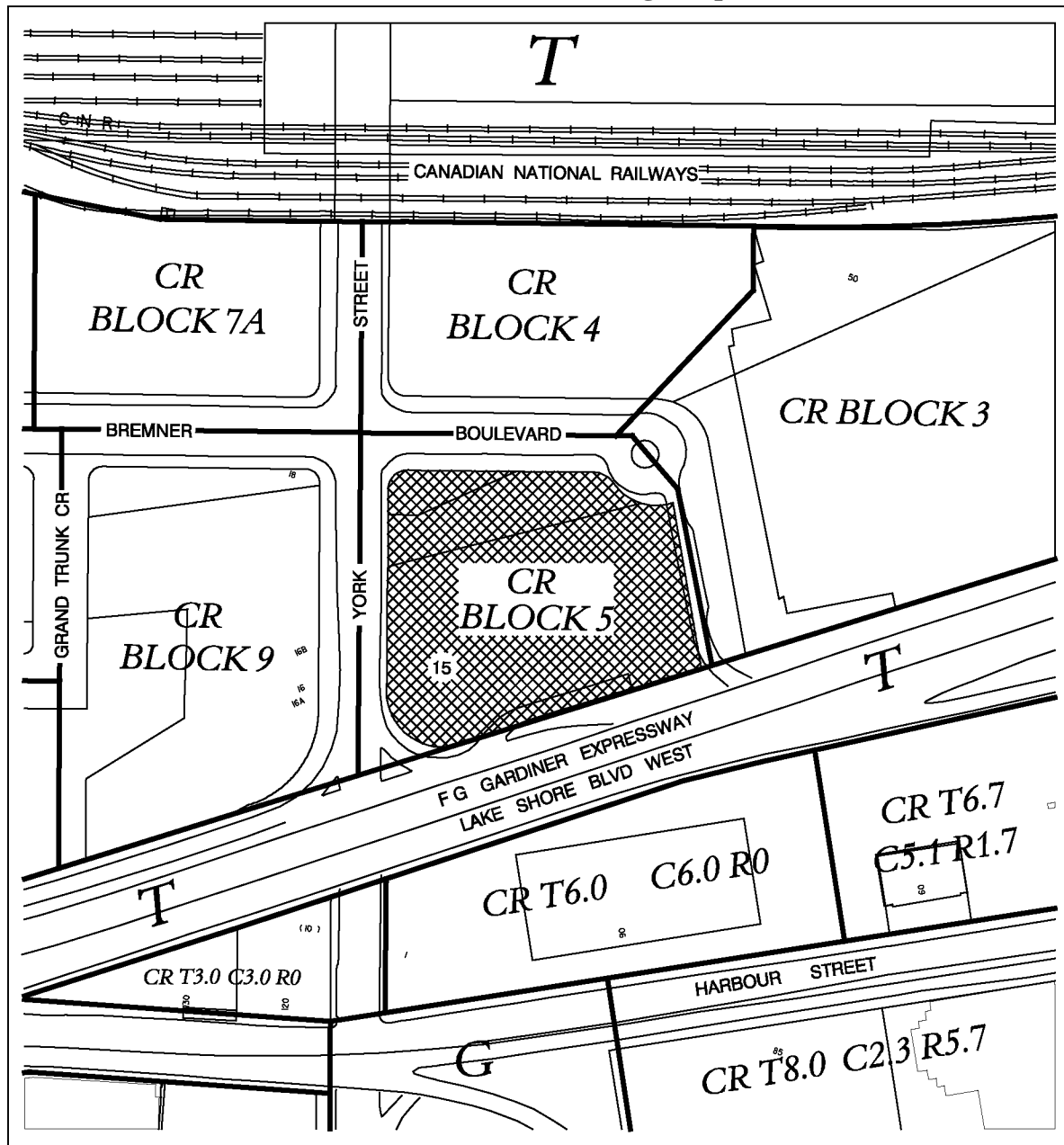
15 York Street

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Attachment 6: Official Plan (Map)



Attachment 7: Zoning (Map)



Attachment 8: APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 117524 STE 28 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 23, 2005
Municipal Address:	15 YORK ST, Toronto, ON		
Location Description:	**GRID S2811		
Project Description:	Proposed development of existing surface parking lot to permit 49 and 53 storey towers with a total of 890 residential units. The proposal also incorporates retail, restaurant, office uses and a daycare.		

Applicant:	Agent:	Architect:	Owner:
MCCARTHY TETRAULT		PAGE + STEELE and KPMB	YORK BREMNER DEVELOPMENTS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Financial District South Area D	Site Specific Provision:	612-85, 568-91, 168-93, 95-0506
Zoning:	CR BLOCK 5	Historical Status:	
Height Limit (m):	115	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	8476.5	Height:	Storeys:	52	
Frontage (m):	94		Metres:	166	
Depth (m):	100				
Total Ground Floor Area (sq. m):	6895				Total
Total Residential GFA (sq. m):	59000		Parking Spaces:	873	
Total Non-Residential GFA (sq. m):	37150		Loading Docks	10	
Total GFA (sq. m):	96150				
Lot Coverage Ratio (%):	81.3				
Floor Space Index:	11.34				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	62
1 Bedroom:	542
2 Bedroom:	286
3 + Bedroom:	0
Total Units:	890

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	59000	0	
Retail GFA (sq. m):	32110	0	
Office GFA (sq. m):	4460	0	
Industrial GFA (sq. m):	0	0	
Institutional/Other GFA (sq. m):	580	0	

CONTACT:	PLANNER NAME:	Al Rezoski, Senior Planner – Downtown Section
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