

TORONTO STAFF REPORT

October 20, 2005

To: Toronto and East York Community Council

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

Subject: Preliminary Report
Official Plan Amendment and Rezoning Application 05 165769 STE 27 OZ
Applicant: Jude Tersigni, Menkes Developments Ltd
Architect: Architects Alliance
36, 38 and 48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street
Ward 27, 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.

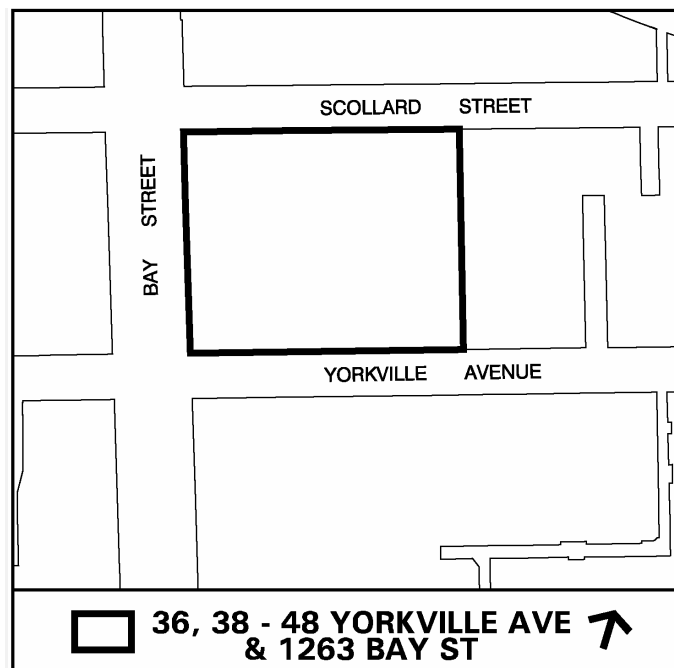
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a further community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents who were notified of the community consultation meeting that was held on October 11, 2005 as well as any additional parties that have requested to be notified.



Comments:

Proposal

This application proposes the redevelopment of the lands for hotel, residential and commercial uses. Two buildings are proposed: a 205 metre (55-storey) building in the southwest corner of the site at Bay Street and Yorkville Avenue and a 125 metre (30-storey) building in the northeast corner of the site, on the south side of Scollard Street. An internal courtyard is proposed to accommodate vehicle and pedestrian access and circulation for both buildings, with access from both Yorkville Avenue and Scollard Street. Loading and servicing bays are proposed off of Scollard Street. The total gross floor area is 11.46 times the area of the lot.

The 55-storey building is proposed to accommodate a 265-room hotel (Four Seasons) for the first 25 floors, with a residential condominium of 150 units on the upper 30 floors. A two-storey podium is proposed along the Yorkville and Bay Street frontages and intended to accommodate commercial, hotel and residential lobby uses. Above the two-storey podium, the tower floorplate is approximately 1,225 m² for the hotel portion then is reduced to approximately 955m² for the residential portion. An eight-storey extension of the building is proposed at the north end of the site to Scollard Street to accommodate hotel ballroom facilities as well as amenity and recreation facilities. The mechanical penthouse is proposed to be incorporated into the building, at the twenty-fourth storey.

The 30-storey building is proposed to accommodate 180 residential units with a floorplate of approximately 735m² for the first eight stories, reducing to approximately 655m² for the upper twenty-two storeys. A two-storey element of the 30-storey building is proposed to extend south across the site to and then along Yorkville Avenue to accommodate building amenity space and commercial space along Yorkville Avenue. An above-grade pedestrian link, at approximately the sixth floor, is proposed at the north end of the site to provide access to the amenity and recreation facilities of the 55-storey building. A mechanical penthouse is proposed to rise approximately 6 metres above the roof of the building.

Site Description

The site is located two blocks north of Bloor Street West on the east side of Bay Street, between Yorkville Avenue and Scollard Street. The site has an area of approximately 6,843m², with frontage on Bay Street, Scollard Street and Yorkville Avenue.

The site is presently occupied by a two-storey commercial building at the northeast corner of Bay Street and Yorkville Avenue (1263 Bay Street), a surface parking lot at the southeast corner of Bay Street and Scollard Street, and an automobile sales dealership (Bay Ford Lincoln at 38 Yorkville Avenue). The dealership includes a building of between three and four storeys in height and an outdoor parking area.

Surrounding land uses include:

North: Located on the north side of Scollard Street across from the site are a row of 3-storey house-form buildings (54-58 Scollard Street and 1315 Bay Street) at the northeast corner of Bay Street and Scollard Street. These buildings have been converted to commercial uses and are listed heritage buildings. There is also a surface commercial parking lot and a 43 metre (15-storey) residential tower (40 Scollard Street). Further east along Scollard Street is row of 2-storey house-form buildings, an approved 51 metre (16-storey) mixed-use residential tower (10 Scollard Street) and Frank Stollery Parkette at the northwest corner of Scollard Street and Yonge Street.

To the northwest of the site is a 13 metre (4-storey) office building at the northwest corner of Bay Street and Scollard Street and to the west are low-rise commercial buildings located on the on the north and south sides of Scollard Street. Located on the northwest side of Bay Street properties are Jessie Ketchum Park and Jesse Ketchum Public School and Daycare.

South: Located on the south side of the site at the southeast corner of Yorkville Avenue and Bay Street is a 30 metre (9-storey) office building at 1255 Bay Street and a 16 metre (6-storey) Toronto Parking Authority parking garage. Further east along Yorkville Avenue are a row of 3 storey commercial-residential buildings and a 30-metre (9-storey) office building.

East: Abutting the eastern boundary of the site are two significant historical buildings, the Yorkville Branch Library at 22 Yorkville Avenue and the Yorkville Fire Hall at 34 Yorkville Avenue. Both buildings are listed on the City's heritage inventory. Further east along Yorkville Avenue and Scollard Street abutting the Yorkville Branch Library is a recently approved multiple building project (18 Yorkville Avenue) which includes a 108 metres (36-storey) residential tower at the northwest corner of Yonge Street and Yorkville Avenue, a 26 metre (7-storey) street-related building along the Scollard Street frontage which extends to the easterly limit of the subject site.

West: Located on the northwest corner of Yorkville Avenue and Bay Street, across the street from the subject site is a 55 metres (18-storey residential) building (1280-1290 Bay Street), which is currently under construction. At the southwest corner of Yorkville Avenue and Bay Street within the same street block are two 55 metre (18-storey) residential buildings (1240 Bay Street and 1252 Bay Street).

Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement (PPS) provides direction on matters of provincial interests related to land use planning and development. On March 1, 2005, a new PPS came into effect and replaces the policies that had been issued on May 22, 1996 and amended in 1997.

The Provincial Policy Statement supports intensification and redevelopment within Settlement Areas and emphasizes that the official plan is the most important vehicle for implementing the PPS.

Official Plan of the former Municipality of Metropolitan Toronto (Metro Plan)

Metro Plan designates the subject site as part of the “Central Area” which is identified as the pre-eminent Centre within the Greater Toronto Area for government, corporate head offices, financial and other institutions, retail activities and tourism attractions and the focus for communication, cultural, industrial and entertainment activities. Metro Plan directs that area municipal official plan policies require major developments to make efficient use of land and infrastructure, accommodate a mix of uses, and be physically compatible with the surrounding area.

Former City of Toronto Official Plan

The site is designated as Medium Density Mixed Commercial-Residential Area (MDMCR) within the Central Core of the Central Area in the Part I Plan (former City of Toronto). The site is also located within the North Midtown Part II Plan area.

The MDMCR designation promotes primarily residential uses with non-residential uses at grade and/or on lower building levels. The maximum density permission is up to four times the area of the lot. The Plan anticipates medium-rise buildings at heights of between six and ten storeys. Use, density and height permissions are to be set out in the zoning by-law in order to achieve physical form objectives and ensure appropriate compatibility with local conditions and objectives.

The Plan recognizes that the Central Core of the Central Area is the most dynamic, complex, diverse and intensively developed area of the City and is comprised of districts and neighbourhoods, which should be acknowledged and reinforced through new development.

The physical form and amenity policies of the Plan identify the intent to improve and enhance the public realm and pedestrian environment, reinforce street patterns and areas of special identity, improve connections and continuity, ensure that built form contributes to harmony and compatibility with neighbouring developments as well as an enhanced public realm, and address wind and sun/shadow impacts. The built form policies in particular seek massing that respects existing street proportions and provides a transition between areas of different development intensity.

The North Midtown Area Part II Plan (Section 19.34) policies support residential intensification in a manner that maintains and reinforces the particular forms and functions that are characteristic of each of the component areas of North Midtown. The subject site is located within the Yonge-Yorkville area of special identity of the Plan, which encourages development that is compatible with the existing historic buildings and uses of this area. The Plan also notes a

desire to improve the pedestrian environment in this area of North Midtown and identifies a proposed pedestrian connection generally through the subject site.

New Toronto Official Plan

At its meeting of November 26, 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 and the hearing has commenced.

Once the Plan comes into full force and effect, it will designate the property as a Mixed Use Area within the Downtown. All the uses contemplated for this site are permitted in this designation. This is one of four land use designations of the Plan identified as providing opportunities for increased jobs and/or population. While the Mixed-Use Area designation encourages intensification, the Plan recognizes that not all areas and/or lands within this designation will experience the same scale or intensity of development and requires that new development provide a transition between areas of different development intensity and scale.

The Plan contains built form policies to ensure that developments fit within the context of their surroundings. New buildings are to respect and improve local scale and character, minimize impact on neighbouring properties, demonstrate a transition in scale of development, and minimize shadow and wind conditions.

Site and area specific policies 211 and 225 pertain to the subject site. These policies establish that development will be compatible with the low-scale heritage buildings and protect views of the firehall tower, and encourage a pedestrian connection within this block generally in a location near the east limit of the subject site.

Zoning

The former City of Toronto Zoning By-law 438-86 zones the site CR T3.0 1.75 R3.0 with a maximum height of 18 metres. While all the uses contemplated for this site are permitted, the proposed height of the two buildings, 205 metres and 125 metres, exceed the 18 metre height and the proposed density is 11.46 times the area of the lot and exceeds the 3.0 times the area of the lot permissions of the Zoning By-law.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The site is located within the Yonge-Yorkville Precinct of the Bloor-Yorkville/North Midtown Urban Design Guidelines. These Guidelines were approved by City Council at its meeting of July 20, 21 and 22, 2004. The guidelines build on the policies of the Official Plan to define an urban structure for the area and provide direction regarding public realm improvements to ensure that those elements, which contribute to the special character of the area, are retained and enhanced.

Broadly, the guidelines are intended to enhance areas of special identity, protect low-rise pedestrian oriented mixed use areas and residential areas, enhance and protect historic buildings, improve publicly accessible areas and achieve excellence in urban design, architecture and landscape in private developments. In support of this intention the guidelines contain built form standards which address matters related to the interface between built form and the streetscape which will be used to evaluate the application.

Specific to the Yonge-Yorkville precinct and the subject site, the guidelines state that the firehall and library on Yorkville Avenue are considered the focal point for the area. New development should compliment and enhance these structures and improve the public realm through the incorporation of specific building setbacks (consistent with 18 Yorkville), the establishment of an open space area immediately west of the firehall, and building design that reflects attention to the cornice and roof lines, floor levels and materials of the firehall and library. Opportunities to achieve pedestrian links between Cumberland Street, Yorkville Avenue, Scollard Street and Davenport Road are considered to exist and are also to be pursued through new development.

The development site is located on the eastern side of Bay Street approximately midway between Bloor Street and Davenport Road. The height peak for the building pattern in the North Midtown area starts at the major intersections along Bloor Street at Bay Street and Yonge Street. The proposed buildings height, mass, density and shadows are a serious concern in this context.

Community Consultation

A community consultation meeting was held on October 11, 2005. City staff, the applicant and the local Councillor were in attendance. Approximately 150 people attended the meeting. Comments and concerns expressed at the meeting were mixed, with some people expressing objection to the entire proposal, some expressing objection to the scale of the proposal and some expressing support for the proposal. Specific comments included concern with:

- Buildings height, mass, density and setbacks
- Shadows on Jessie Ketchum School, Jessie Ketchum Park and low density residential areas
- Compatibility with Urban Design Guidelines, the Official Plans and Zoning By-law
- Increased vehicular traffic and site access and egress
- Design and use of private/public open space
- Width of sidewalks and pedestrian movement

There were also broader based issues raised at the meeting that related to the greater Yorkville area. These issues focused on traffic congestion, community improvement projects and the use of section 37 contributions, the number of construction sites in Yorkville and the amount of public open spaces within Yorkville.

The local ward Councillor announced at the meeting that he would support the use of a Working Committee consisting of various representatives from the Yorkville community, the applicants team and City staff. At the conclusion of the Working Committee process a second Community Consultation meeting would be held, early in 2006.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received will be used to assist in evaluating the application and to formulate appropriate by-law standards.

Site Plan Control

An application for Site Plan Approval has not been submitted. Site Plan approval is required to implement the proposal.

Tree Preservation

The applicant has filed an Arborist Report indicating that there are 12 trees in good condition on the site that would be removed to implement the proposal. The Arborist Report has been circulated to Forestry Services for evaluation.

Reasons for the Application

The application proposes building heights of 30 and 55 storeys and an overall density of 11.46 times the lot area. An Official Plan Amendment to the former City of Toronto Official Plan is required as the application proposes height and density in excess of the six to ten storey building range envisioned and the four times density permitted by the Mixed Commercial Residential Area designation. No amendment is required to the new Official Plan.

An amendment to the Zoning By-law is required to permit building heights and site density in excess of the 18-metre height limit and three times the lot area density limit of the CR zoning for the site. Other variances to the Zoning By-law may be identified through the review of the application.

Issues to be Resolved

On a preliminary basis, staff has significant concerns with the scale of development proposed for this site. Staff has met with the applicant to express their concerns and the applicant has indicated a willingness to try and address and resolve issues in a satisfactory manner. Staff will continue to work with the applicant and update Council on the status of the application and progress of discussions as necessary and appropriate.

Preliminary issues identified to date are as follows:

- a) Policy Context – Conformity and compatibility with the Official Plan and Urban Design Guidelines.
- b) Site Organization – The buildings location, the number of buildings, the open space and pedestrian connections will be reviewed.

- c) Built Form – The height, massing and density of the proposed development relative to the policy context and sun/shadow, wind and skyline impacts.
- d) Vehicular Access and Circulation - The potential mid-block connection and open space will have to be reviewed relative to policy objectives regarding pedestrian linkages in the area in conjunction with the proposed parking and loading area.
- e) Heritage – The impacts on adjacent listed properties, in particular the firehall and library and including buildings on Scollard Street.
- f) Public Art – A public art program will be pursued in accordance with City policy.
- g) Community Benefits – Should staff recommend approval of a proposal in excess of the height and density provisions currently permitted for the site, a Section 37 contribution will be discussed.
- h) Outstanding Information - Staff has requested a streetscape plan, soils/contaminates study, and specific views of the proposal from the surrounding area. Other studies and plans may be required and will be identified through the review and evaluation of the application. These studies and plans may include a Pedestrian Level Wind Analysis Study, Updated Traffic Impact Study, Geo-Hydrological Study,

Establishment of a Working Committee

In consultation with the local Councillor, a Working Committee has been established to provide a forum for the applicant, staff, the local councillor and community to discuss concerns and work towards resolutions on the proposal. The working committee will include representation from established Yorkville area resident and business associations, Jessie Ketchum Junior School as well as from two representatives who live adjacent to the site. The working committee is expected to hold four meetings between late October and late November on key aspects of the proposal including site organization, built form, open space and amenity, and streetscape.

It is expected that the outcome of the Working Committee process, combined with the ongoing staff review and evaluation of the application, will result in a resubmission of plans that reflect areas of agreement and required technical modifications. Based on this expectation, a second community consultation meeting is proposed to be held in early 2006 to update the community on the application and report on the outcome of the working committee process.

Conclusions:

The application proposes the redevelopment of the site for a mixed-use hotel, commercial and residential development comprised of a 205 metres (55-storey) and a 125 metres (30-storey) building centered on an interior courtyard and landscaped open space area.

A community consultation meeting was held on October 11, 2005 to gain community input at an early stage of the application. Also, a working committee has been established with representation from community residents and businesses to try and address issues in a collaborative manner. City staff, the applicant and the local Councillor will also participate in the working committee. Staff anticipate that a second community consultation meeting will be held in early 2006 to report on the outcome of the working committee process.

This report identifies that staff has significant concerns with the scale of development proposed for the site. Staff will continue to work with the applicant in an effort to address and resolve these significant issues in a satisfactory manner and will be seeking major modifications to the current application. Staff will report further on the status of this application as necessary and appropriate.

Contact:

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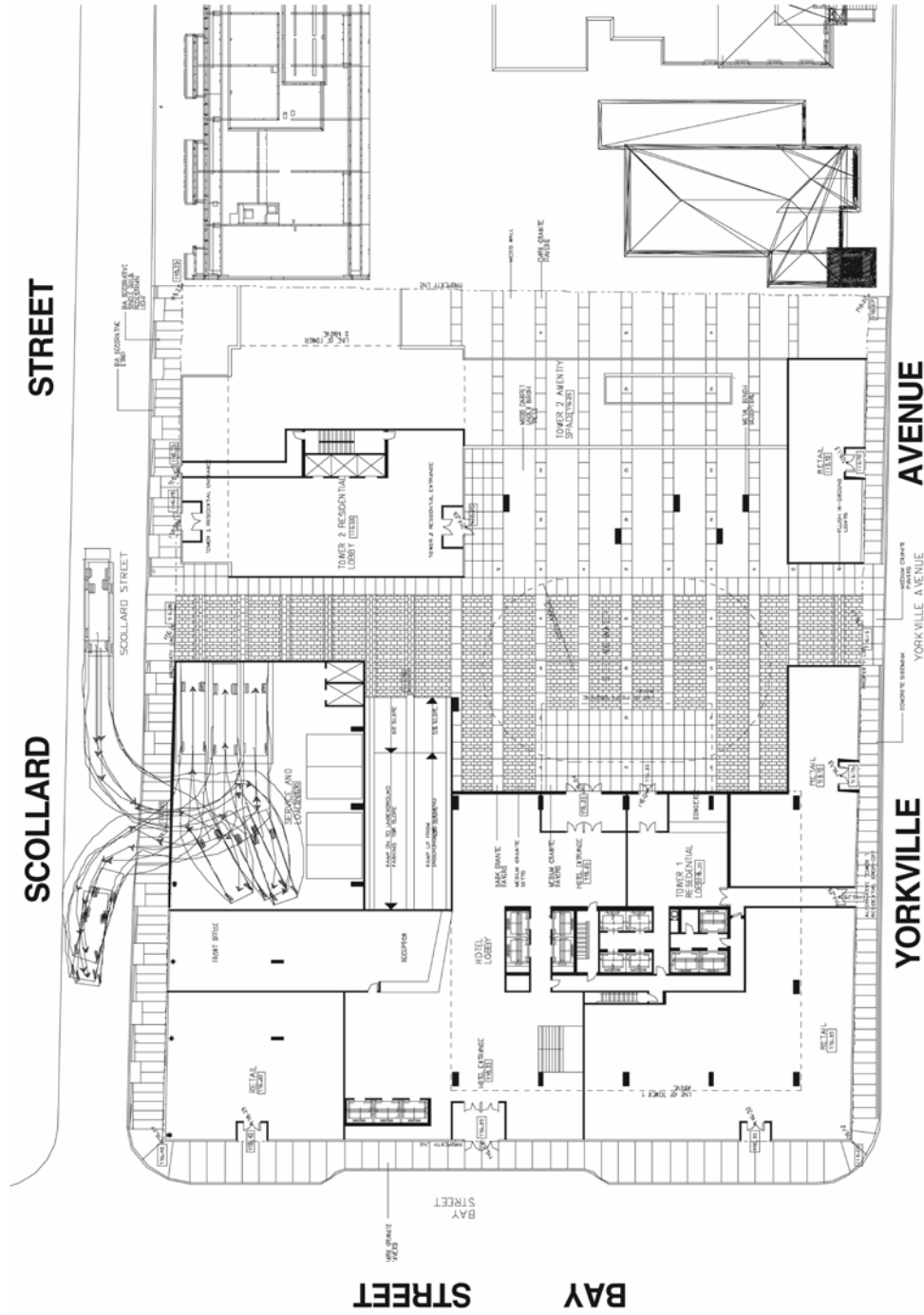
Gary Wright
Director, Community Planning, Toronto and East York District

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List of Attachments:

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

Attachment 1: Site Plan



Site Plan / Landscape Plan

Applicant's Submitted Drawing

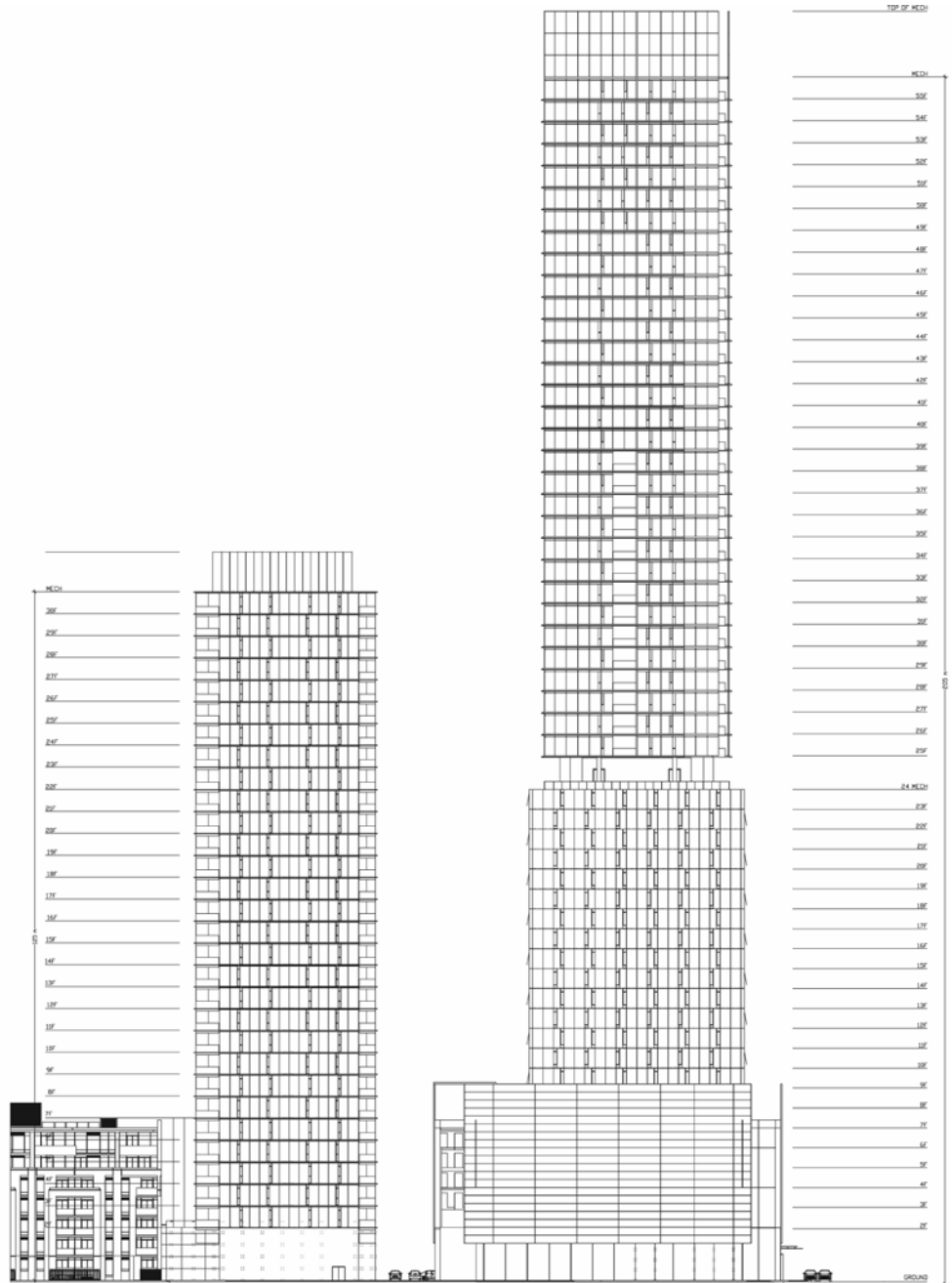
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Attachment 2: Elevation 1



North Elevation

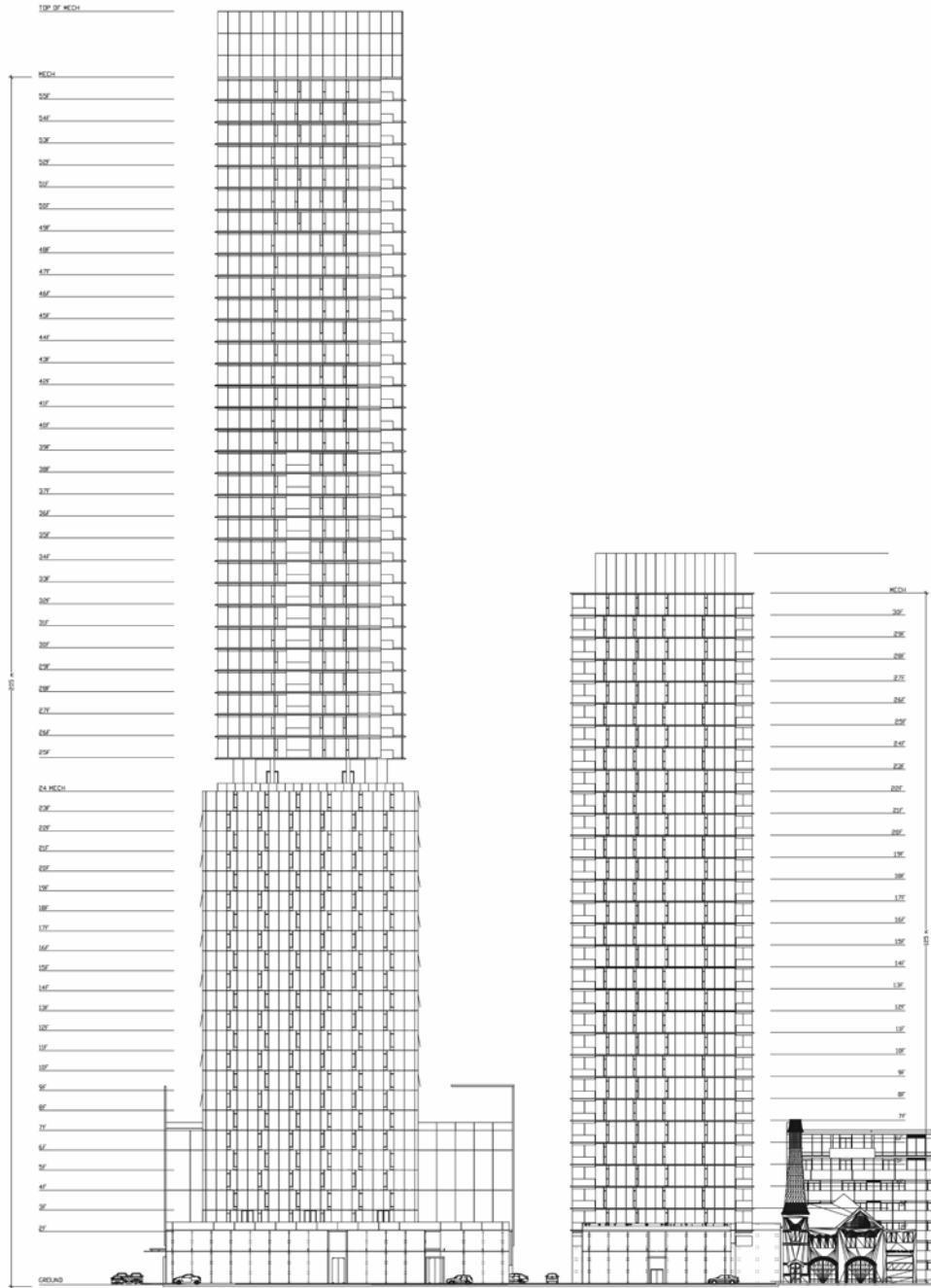
Applicant's Submitted Drawing

Not to Scale
09/15/05

36,38 - 48 Yorkville Avenue
& 1263 Bay Street

File # 05_165769

Attachment 3: Elevation 2



South Elevation

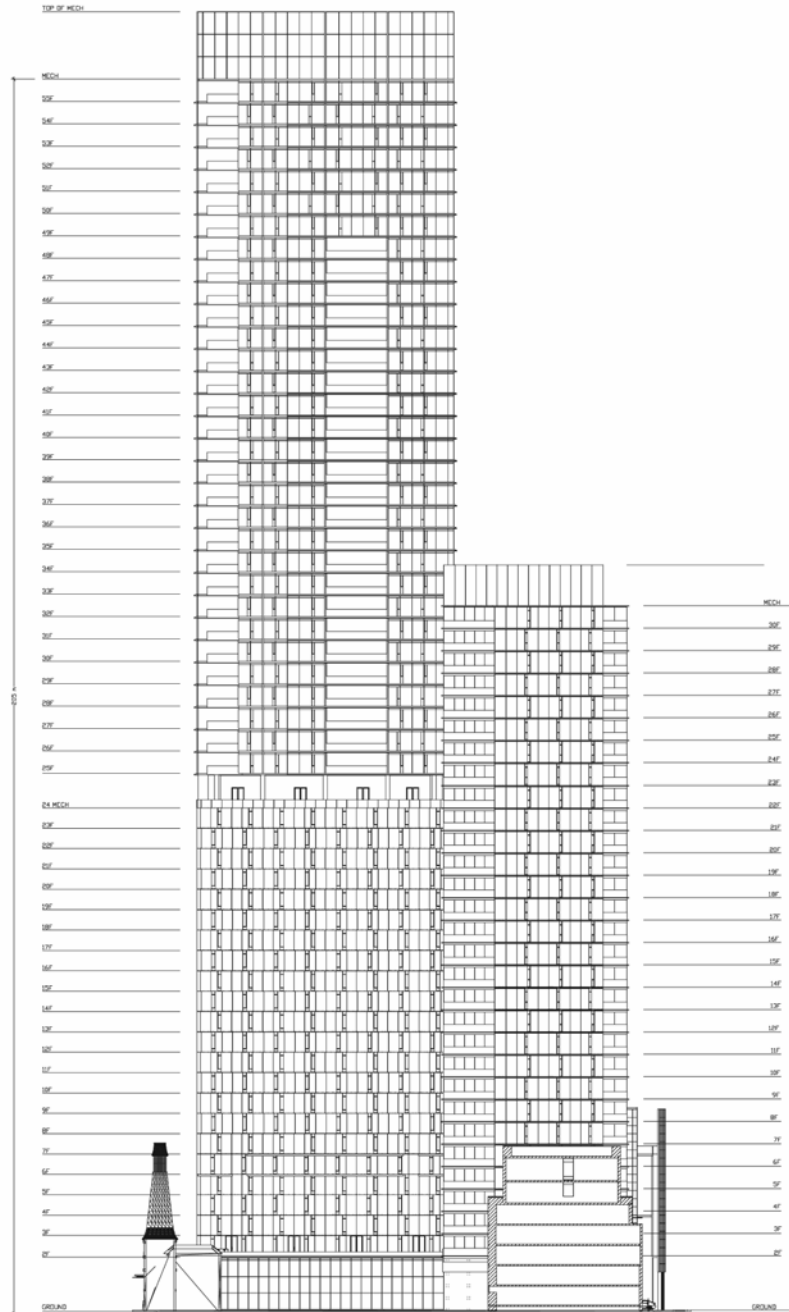
Applicant's Submitted Drawing

Not to Scale
09/15/05

36,38 - 48 Yorkville Avenue
& 1263 Bay Street

File # 05_165769

Attachment 4: Elevation 3



East Elevation

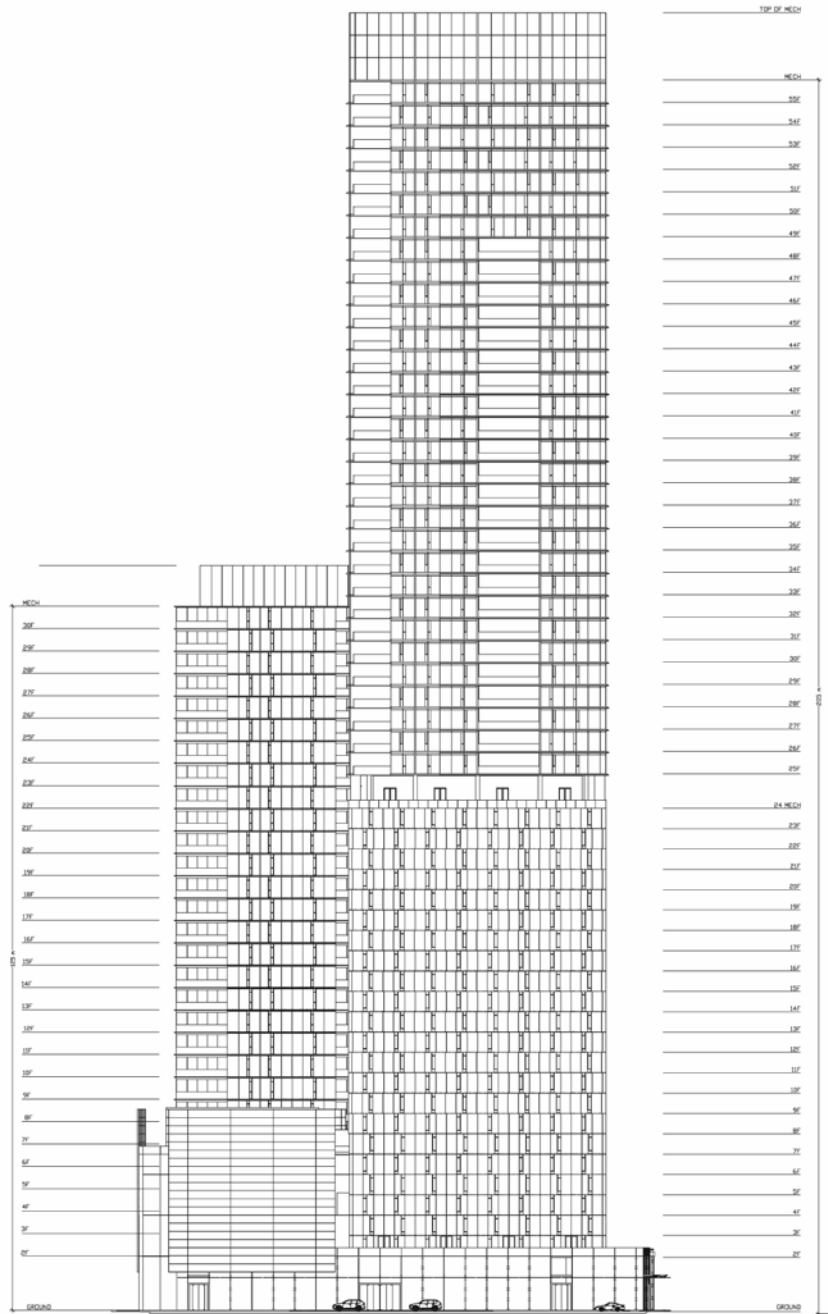
Applicant's Submitted Drawing

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36,38 - 48 Yorkville Avenue
& 1263 Bay Street

File # 05_165769

Attachment 5: Elevation 4



West Elevation

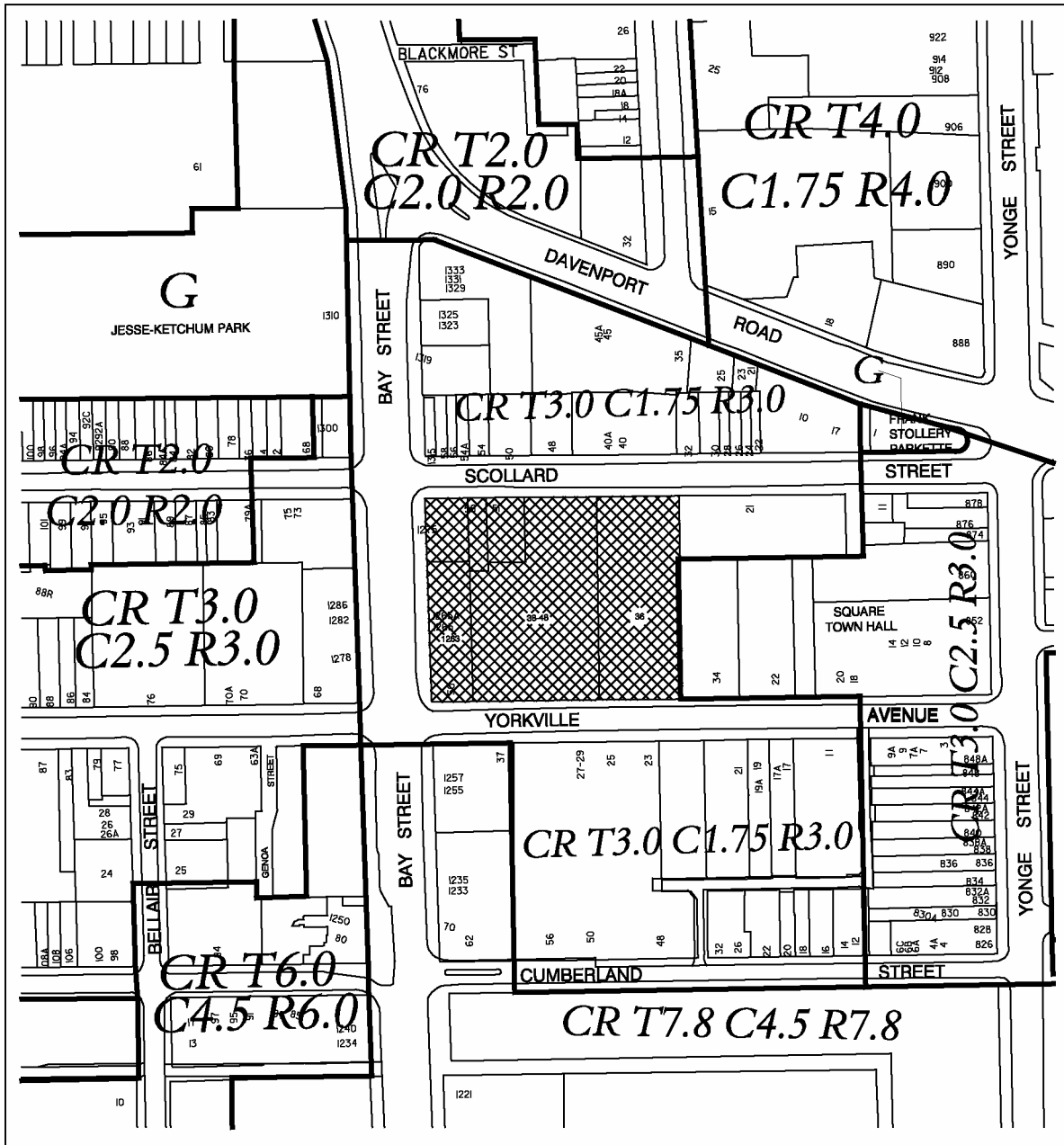
Applicant's Submitted Drawing

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36,38 - 48 Yorkville Avenue
& 1263 Bay Street

File # 05_165769

Attachment 6: Zoning (Map)



36, 38 - 48 Yorkville Avenue & 1263 Bay Street

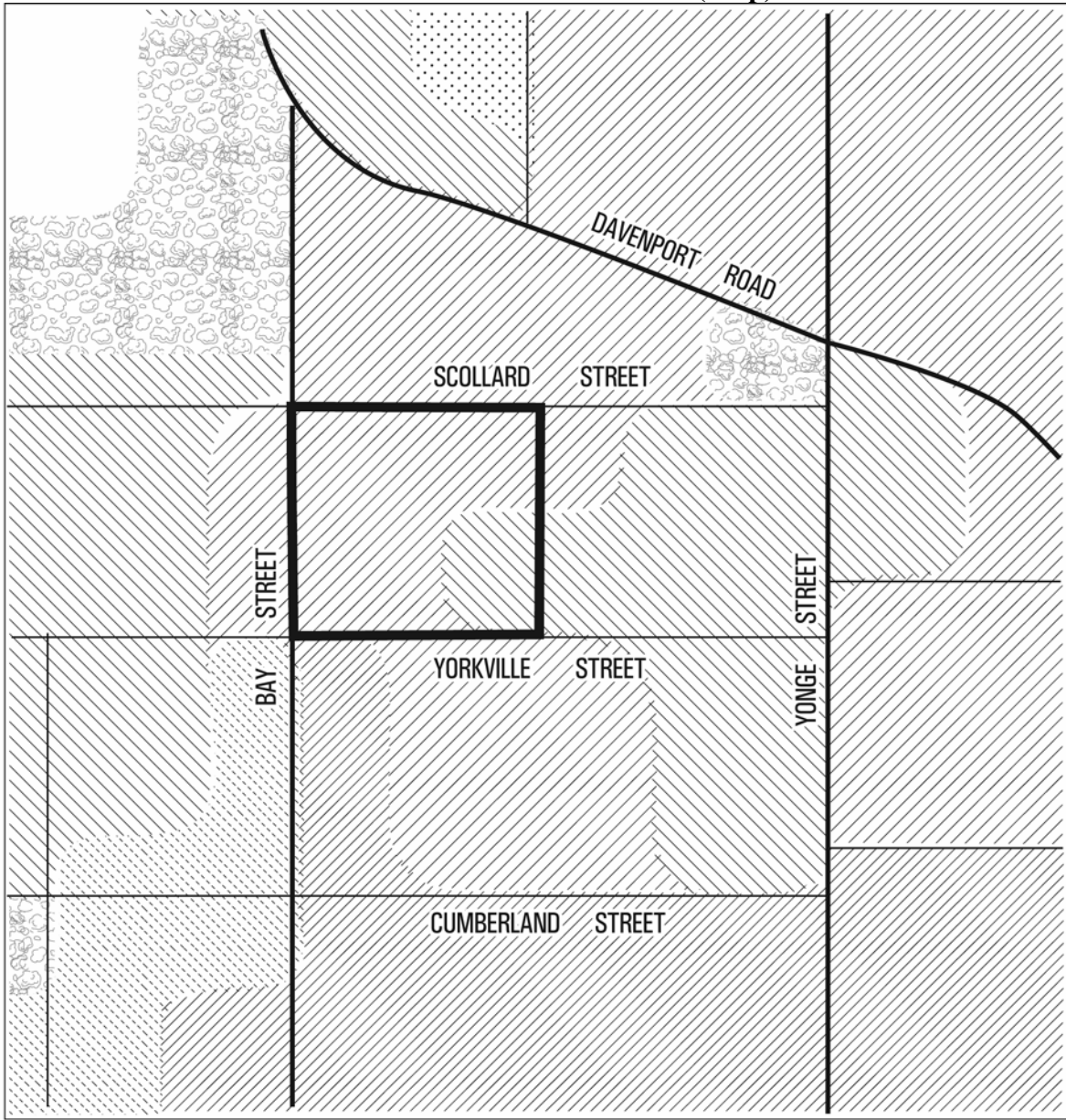
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G Parks District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 09/13/05 - DR

Attachment 7: Official Plan (Map)



 **TORONTO** City
Planning Division
Official Plan

**36,38 - 48 Yorkville Avenue
& 1263 Bay Street**

File # 05_165769

- | | | |
|--|---|---|
|  Site |  Low Density Mixed Commercial - Residential Areas |  Open Space |
|  Low Density Residence Areas |  Medium Density Mixed Commercial - Residential Areas |  High Density Mixed Commercial - Residential Areas 'B' |
|  Medium Density Residence Areas |  High Density Mixed Commercial - Residential Areas 'A' | |


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09/14/05

