

# **TORONTO** STAFF REPORT

March 8, 2006

To: Toronto and East York Community Council

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

Subject: Final Report  
Official Plan Amendment and Rezoning Application 05 165769 STE 27 OZ  
Applicant: Menkes Developments Ltd  
Architect: Architects Alliance  
36, 38-48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street  
Ward 27 - Toronto Centre-Rosedale

## Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit the construction of two buildings, one consisting of a 46-storey hotel and residential condominium and the second building consisting of a 30-storey mixed-use residential condominium at 36, 38 and 48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street.

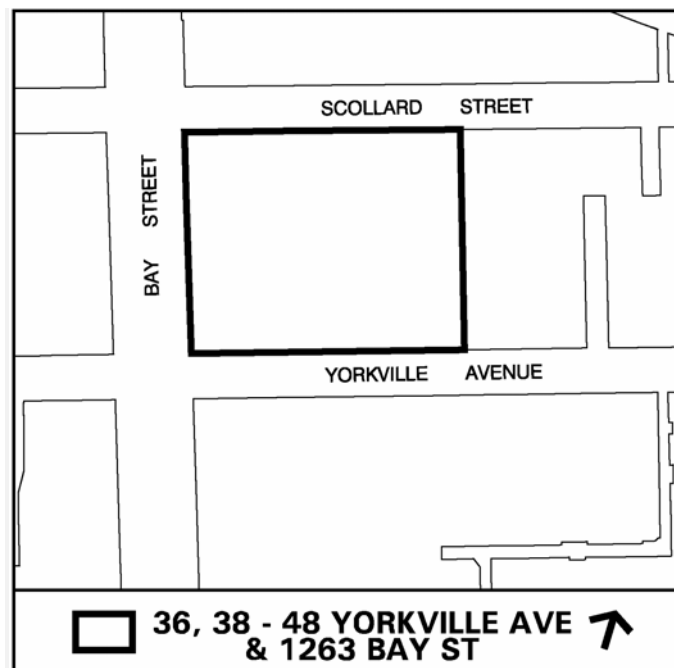
## Financial Implications and Impact Statement:

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

## Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 10;
- (2) amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.11;



- (3) authorize the City Solicitor to take any necessary action to fulfill the approval of this application should modifications be required to be made to the New Official Plan as a result of on going modifications;
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (5) require the owner, before introducing the necessary Bills to City Council for enactment, to execute one or more agreements under Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreements to be registered against the title of the lands for the development to secure the following facilities, services, and matters:
  - (a) a contribution of Four Million Dollars (\$4,000,000.00) prior to the issuance of an above grade building permit for any development, this Section 37 contribution:
    - (i) Toronto Reference Library \$1.5; and
    - (ii) Local streetscape improvements, new publicly accessible landscaping in the area and façade restoration to the Fire Hall station \$2.5

The owner shall also be required to comply with the following conditions to:

- (b) provide a public art contribution in accordance with the City of Toronto's Public Art Program for a value not less than one percent of the gross construction cost, indexed annually, of all buildings and structures on the lands to be paid at time of first building permit;
- (c) provide, prior to the first occupancy of the development, an at-grade pedestrian easement in favor of the City to permit access to the 1,300 square metre Publicly Accessible Landscaped Open Space that forms part of the development. This space is to remain open and accessible to the public between hours of 6:00 am until 2:00 am, 365 days a year subject to conditions satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (d) develop the Publicly Accessible Landscaped Open Space at the owner's expense in a manner satisfactory to the General Manager of Parks Recreation and Forestry;
- (e) provide and maintain within the site a publicly accessible walkway connecting Yorkville Avenue and Scollard Street generally as shown on the landscaped plan prepared by Claude Cormier Architects Inc. dated February 2006 which shall:
  - (i) remain open and accessible to the public between the hours of 6:00am to 2:00am, 365 days a year;
  - (ii) be maintained and clear of snow and ice at all times; and

- (iii) be illuminated.
- (f) provide exterior building materials and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning;
- (g) agree that, prior to the first occupancy of the development, the owner will provide satisfactory evidence that the hotel will be operated as a “Five Star Hotel”;
- (h) provide an irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular large growing shade trees to the satisfaction of the Director of Urban Forestry:
  - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than 2 metres;
  - (ii) an engineered draining system which prevents soil saturation; and
  - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual.
- (j) construct all driveways and passageways providing access to and egress from the Type G loading space with a minimum width of 3.5 m (4 m where enclosed), a minimum vertical clearance of 4.3 m and minimum inside and outside turning radii of 9 m and 16 m;
- (k) remove any existing encroachments in the public right-of-way to the satisfaction of the General Manager of Transportation Services, at no cost to the City;
- (l) comply with, and pay for, the City’s standard environmental site assessment and peer review process administered by the Technical Services Division;
- (m) undertake an assessment of the Fire Hall and Yorkville Library to the satisfaction of Facilities and Real Estate Services; prior to the issuance of any permit for demolition, excavation or shoring;
- (n) carry adequate insurance during demolition, excavation and construction to cover any damages to the Fire Hall and Yorkville Library that may arise from such activities;
- (o) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake

vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division

- (p) agree that no vehicular lay-by drop-off / pick-up will be provided along the Bay Street frontage for the development project; and
- (q) comply with any other condition to ensure the orderly development of the lands as required by the Chief Planner and Executive Director, City Planning acting reasonably; and
- (6) authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Background:

Proposal

The application proposes the redevelopment of the lands for hotel, residential and commercial uses. Two buildings with a total gross floor area of 10.69 times the area of the lot are proposed: a 179 metre (46-storey) building in the south west corner of the site at Bay Street and Yorkville Avenue and 110 metre (30-storey) building in the northeast corner of the site, on the south side of Scollard Street. An internal courtyard which is open to Yorkville Avenue and also accessible from Scollard Street would accommodate vehicular and pedestrian access and circulation for both buildings. Vehicular access to the courtyard would be provided from both Yorkville Avenue and Scollard Street. The courtyard would provide a publicly accessible landscape open space area consisting of 1,300m<sup>2</sup>, and a significant portion of the one percent public art integrated into this space. The loading and servicing bays are proposed off of Scollard Street.

The 46-storey building is proposed to accommodate a 254-room five star hotel (Four Seasons) for the first 21 floors, with a residential condominium of 108 units on the upper 24 floors. A four-storey podium is proposed along the Yorkville and Bay Street frontages and intended to accommodate commercial, hotel and residential lobby uses. Above the four storey podium the typical floor has a gross floor area of approximately 1,218 m<sup>2</sup> for the hotel portion which is reduced to 825m<sup>2</sup> 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, in accordance with existing zoning by-law provisions.

The 30-storey primarily residential building fronting on Scollard Street would accommodate 133 residential units with a residential gross floor area of approximately 600m<sup>2</sup>. A 218m<sup>2</sup> restaurant is proposed at the base of the building and would front onto the landscape open space. An above-grade pedestrian link, above the 2<sup>nd</sup> floor is proposed at the north end of the site to provide access to the amenity and recreation facilities in the 46-storey building. The mechanical penthouse is proposed to be incorporated into the building, in accordance with existing zoning by-law provisions.

## Project History

The Applicant's original submission for Official Plan and Zoning By-law Amendments was made to the City on July 28, 2005. Following a Community Consultation meeting on October 11, 2005, and 5 Working Group sessions with representatives of the Yorkville community, the applicant's consulting team, Ward Councillor and City staff, the Applicant submitted a revised development proposal to the City on December 29, 2005. The revisions included adjustments to grade related issues and building height reductions for hotel/condominium from 205 metres to 193 metres and the second residential tower from 125 metres to 110 metres.

On February 8, 2006 a second Community "Open House" Consultation meeting was held. In response to the comments from the community and City Planning staff, the applicant resubmitted plans that further reduced the height of the hotel/condominium. The change from the original July 28, 2005 application in terms of building height to the current resubmission consists of 205 metres to 179 metres (reduced by 26 metres) and the second residential tower from 125 metres to 110 metres (reduced by 15 metres). The density decreased from 11.64 to 10.69 times the area of the lot.

## 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 6,843m<sup>2</sup>, with frontage on Bay Street, Scollard Street and Yorkville Avenue.

The site is currently 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. All existing buildings will be demolished to facilitate the proposed development.

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 and Yonge Streets.

To the northwest of the site is a 13 metre (4-storey) office building at the northwest corner of Bay and Scollard Streets 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 Jesse Ketchum Public School and Daycare.

South: Located on the south side of the street 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 constructed multiple building project (18 Yorkville Avenue) which includes a 108 metre (36-storey) residential tower at the northwest corner of Yonge Street and Yorkville Avenue, a 26 metre (7-storey) 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 60 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 (2005)

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.

Relevant sections of the Provincial Policy Statement with respect to this application include Sections 1.1.3 Settlement Areas, 1.4.1 to 1.4.3 Housing and 1.6.5 Transportation.

Settlement Areas policies state that planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate project needs.

The Housing policies state that provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market.

Transportation policies state that efficient use shall be made of existing and planned infrastructure. A land pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support viable choices and plans for public transit and other alternative transportation modes.

#### Metro Toronto Official Plan (1994)

The (former) Metropolitan Toronto Official Plan “Office Consolidation, dated December 30, 1994, as amended, remained as a relevant policy consideration at the time of the subject Official Plan and Zoning By-law Amendment application.

The subject lands are located inside the “Central Area”, identified on Map 2: “Metropolitan Centers and Corridors” representing the pre-eminent economic and employment focus for the Centre of the Greater Toronto Area. An important economic objective of the Plan is to promote tourism, where appropriate, by encouraging development proposals and infrastructure that address the needs of tourists.

The Plan establishes that “Re-urbanization” is a process of redevelopment and reinvestment that involves taking advantage of the opportunities and facilities that already exist across Metropolitan Toronto by building on existing assets.

#### Former City of Toronto Official Plan

The site has a split designation. The majority of the lands are designated Medium Density Mixed Commercial-Residential Area (MDMCR) while the southeast corner of the site is designated Low Density Mixed Commercial-Residential Area (LDMCR) (Attachment 8). The site is located within the Central Core of the Central Area in the Part I Plan and within the North Midtown Part II Plan area.

The LDMCRA designation promotes a mix of commercial, residential and institutional uses in low-rise buildings, generally within a range of 3 to 5 storeys and a maximum density permission up to 3.0 times the area of the lot.

The MDMCR designation promotes primarily residential uses with non-residential uses at grade and/or on lower building levels. The maximum density permission is 4.0 times the area of the lot. The Plan anticipates medium-rise buildings at heights of between six and ten storeys.

The Plan recognizes that the Central Core 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 and addresses 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 pedestrian environment section of the Plan identifies that new development should not detract from sunlight availability on parks and important pedestrian streets. The portion of Bay

Street up to Davenport Road is identified as an important pedestrian street subject to a three hour sunlight standard.

The economic policies of the Plan identify that it is a goal of Council to strengthen the vitality of the Central Area and to support its unique role as the region's major international centre. Council's initiatives to help achieve this goal include:

- (i) the use of its land use planning powers to enhance economic competitiveness;
- (ii) the promotion of high quality in new developments in terms of public appearance;  
and
- (iii) improving public amenities.

The economic policies of the Plan also identify that the portion of the site fronting along Bay Street and Yorkville Avenue are within a Priority Retail strip. The policy objective is to ensure that new developments provide street related retail and service uses.

The arts policies of the Plan require that all development proposals exceeding 20,000 square metres of gross floor area contribute 1 percent of the projects gross construction cost for public art.

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.

#### City of Toronto New Official Plan

The new Official Plan for the City of Toronto was adopted by Council in November 2002 and approved in large part, with modifications, by the Minister of Municipal Affairs and Housing in March 2003. The entire Plan was appealed to the Ontario Municipal Board and the hearing is continuing.

Once the Plan comes into full force and effect it will designate this site as a 'Mixed Use Area' located within the 'Downtown'. Section 2.2.1 of the Plan states that a full range of housing opportunities will be encouraged through residential intensification in the 'Mixed Use Areas' of the 'Downtown'. As well the Plan provides that investment in the 'Downtown' will be sought 'to support and enhance the specialty retail and entertainment districts found Downtown as important regional and tourist destinations'.



Section 4.3 of the new Official Plan sets criteria for development in 'Mixed Use Areas' that are intended to contribute to the quality of life by requiring buildings to be planned, located and massed to, among other things:

- provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale 'Neighbourhoods';
- adequately limit shadow impacts on adjacent 'Neighbourhoods' particularly during the fall and spring equinoxes;
- frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment.

The Built Form policies in Section 3.1.2 of the Plan also give guidance to matters such as:

- massing buildings to frame adjacent streets and respect street proportion;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
- minimizing additional shadowing and uncomfortable wind conditions on parks as necessary to preserve their utility;
- adequately limiting shadows and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and
- means of making the adjacent streets attractive interesting and functional for pedestrians.

The proposed development has a height greater than the width of the adjacent road allowance and the 'Tall Building' policies in Section 3.1.3 of the Plan would therefore be applicable. Tall buildings should be designed to consist of a base building to relate to the pedestrian realm, a middle shaft and a top that contributes to the skyline character. Specific goals are set out for the design of tall buildings.

Planning staff are satisfied that the development proposal satisfies the applicable policies and would therefore not require an amendment to the new Official Plan.

## Site and Area Specific Policy 211

The new Official Plan has been appealed by the Confederation of Resident and Ratepayer Associations (CORRA) as it pertains to the area covered by the North Midtown Area Part II Plan, which includes the site that is subject to this application. The North Midtown Area Part II Plan has not been carried forward into Chapter 6 of the new Official Plan. However, several key policies from the Part II Plan have been brought forward as Site and Area Specific Policies in Chapter 7 of the new Official Plan. Both the existing North Midtown Part II Plan and Site and Area Specific Policy 211 in Chapter 7 of the new Official Plan contain policies for the Yonge-Yorkville Area of Special Identity, which the subject site falls within. At the time of the writing of this report Council has not approved the settlement of the appeal of CORRA pertaining to this area.

## Zoning

The Zoning By-law designates the site CR T3.0 C1.75 R 3.0. This zone permits a mix of commercial and residential uses to a total density of 3.0 times the area of the lot. The maximum permitted building height is 18.0 metres.

## 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.

Generally, 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.

Specific to the Yonge-Yorkville precinct and the subject site, the guidelines state that the fire hall 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 those expressed by the 18 Yorkville development). The establishment of an open space area immediately west of the fire hall, and building design that reflects attention to the cornice and roof lines, floor levels and materials of the fire hall and library are goals to be pursued. 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.

## Site Plan Control

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

## Reasons for the Application

The proposed density (10.69) times the area of the lot exceeds the permitted density permissions of 3.0 and 4.0 times the area of the lot in the Official Plan and therefore requires an amendment. Also, the proposed heights of 46 and 30 storeys exceed those which the Official Plan describes as characteristic of Low and Medium Density Mixed Commercial-Residential Areas.

An amendment to the Zoning By-law is also required because the proposed development exceeds the permitted total density of 3.0 times the area of the lot. The proposed building heights of 179 metres and 110 metres exceed the maximum permitted height of 18.0 metres. Other areas of non-compliance with the Zoning By-law include:

- (i) the provision of 0 square metres of common outdoor space where 923 square metres is required and
- (ii) the provision of 153 square metres is provided on the 22<sup>nd</sup> floor of the Hotel/condominium tower for indoor residential amenity space, where as 482 square meters is required;
- (iii) the provision of 437 square metres is provided for outdoor residential amenity space, where as 482 square metres is required.

## Community Consultation

A community consultation meeting was held on October 11, 2005. City staff, the applicant and the local Councillor were in attendance. Approximately 175 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 others expressing support for the proposal. Specific comments included concern with:

- Building height, mass, density and setbacks
- Shadows on Jessie Ketchum School, the area known as Jessie Ketchum Park and low density residential areas
- Non Compliance 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 space within Yorkville.

The Ward Councillor announced at the meeting that he would support the use of a Working Group consisting of various representatives from the Yorkville community, the applicant's team and City staff. At the conclusion of the Working Group process it was announced that a second Community "Open House" Consultation meeting would be held, early in 2006.

The Ward Councillor subsequently established a Working Group consisting of City Planning staff, the developer's team and representatives of several local residents groups. This group met on five occasions in an effort to improve the design and mitigate negative impacts.

Several significant revisions to the design were made based on the outcome of the Working Group meetings. Revisions included:

- (a) increased building setback of approximately 2.5 metres along Bay Street for tree planting;
- (b) increased building setback of approximately 5 metres along Yorkville Avenue to maintain a view to the Fire Hall clock tower and a double row of tree planting;
- (c) reduced podium heights to 28 metres along Scollard Street and Bay Street and 16 metres along Bay Street and Yorkville Avenue;
- (d) locate the loading entrance along Scollard Street with only 1 entrance;
- (e) addition of publicly accessible landscape open space of approximately 32 metres frontage along Yorkville Avenue by 40 metre depth and area of 1,300 square metres; and
- (f) provision of landscape and streetscape improvements beyond the immediate site.

The majority of the members of the Working Group continued to express concerns over the height, massing and density of the proposed buildings.

On February 8, 2006, a second Community meeting in the form of an "Open House" was held and approximately 200 people attended, at which the revised plans, with the above noted changes and building heights of 193 metres and 110 metres were presented.

There appeared to be overall consensus from the public that the development proposal had been improved in terms of hotel/residential condominium use and grade related matters.

City Planning staff who attended the meeting concluded that the majority of people who spoke to staff supported the revised project at 193 metres and 110 metres. However, some people continued to express concerns with the buildings height and shadow impacts to the surrounding area. There were approximately 25 responses of support for the project and approximately 14

responses expressing concerns with the buildings height, massing and shadow impacts to the surrounding area. These responses were received via emails, comment sheets and letters.

### Agency Circulation

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

### Comments:

The proposed development has been reviewed within its policy and built form contexts with regard to its impacts and overall fit. Specifically, staff, representatives of the Working Group and the applicant's consulting team have considered land use and density; height and built form; shadow; wind and traffic and parking as discussed below.

### Land Use and Density

In the context of the rest of the Central Core, many of the areas of the Bloor-Yorkville are unique in terms of use, scale and built form. The uniqueness and diversity of these areas attract tourists and they play an important role in the economic and cultural vitality of the City. Bloor Street evokes names such as "5<sup>th</sup> Avenue North", while Yorkville is known internationally as an area of specialty boutiques. This is particularly true of the fine grained, low scale areas of Yorkville west of Bay Street. East of Bay, the properties are typically larger and developed with less fine grained buildings accommodating comparatively more office and automobile related uses. While accommodating some significant historic buildings, this portion of Yorkville is generally less active than the portion West of Bay Street.

Notwithstanding the strategic location of the subject site within walking distance of two subways and the availability of hard and soft services the site has remained vacant or under-utilized for many years. For these reasons and because of the site's large size an opportunity exists for substantial intensification.

The applicant is seeking to amend the Official Plan by exceeding the permitted densities of 3 and 4 times the area of the lot to develop two point towers at a density of 10.69 times the area of the lot. The towers would accommodate a total of 241 new residential units, a five star (Four Seasons) Hotel and Resort, approximately 500m<sup>2</sup> of street related retail and service uses and a publicly accessible landscaped open space. It is believed that the development of a new five star hotel east of Bay Street will have significant economic benefits for the area. Further, the hotel use and associated retail and service uses will attract residents and tourists alike across Bay Street thereby reconnecting the historic and retailing districts of Yorkville. The proposed draft Zoning By-law stipulates that a hotel be built if the maximum permitted density is to be achieved. Likewise, the owner will be required to demonstrate that the hotel is intended to be operated in a manner consistent with luxury hotels awarded a "Five Star" rating in the Mobile Travel Guide.

At 10.69 times the area of the lot the density of the proposed development is within the upper range of densities in the immediate area and less than what has been approved at 2 Bloor Street West (The Cumberland Terrace) as indicated in the table below.

<u>Address</u>	<u>Density (approved and/or built)</u>
2 Bloor Street W	11.9 times the are of the lot
1252 Bay Street	9.9
1250 Bay Street	9.3
1235 Bay Street	8.8
1255 Bay Street	8.7
1280/1290 Bay Street	7.2

The uses proposed are permitted by the Official Plan and Zoning By-law. Likewise, the intensification of this underutilized urban site is consistent with Provincial, (former) Metropolitan Toronto and City policies targeting reductions in urban sprawl, in reliance on the automobile, in the use of natural resources and in public servicing costs associated with development. However, as with any redevelopment, how well the proposal fits within the character of the surrounding Yorkville area must be carefully considered against the Bloor-Yorkville/ North Midtown Urban Design Guidelines.

#### Bloor-Yorkville / North Midtown Urban Design Guidelines

The site is subject to the Urban Design Guidelines for Bloor-Yorkville/North Midtown, which incorporates and supersedes older design guidelines for the area. Further, these Guidelines reflect and are supported by the Bloor-Yorkville Urban Design Guidelines drafted by Brook McLroy Inc. and amended by the Office for Urbanism for the Bloor-Yorkville Business Association and other area associations.

The goal of these guidelines is to improve the quality of the environment in Bloor-Yorkville/North Midtown and ensure that those elements, which contribute to the special character of the diverse parts of the area, are retained and enhanced. The main planning objectives in achieving this goal include:

- (a) enhancement of Areas of Special Identity noted in the Official Plan and the Precincts and Corridors identified in the guidelines;
- (b) protection of low-rise, pedestrian-oriented mixed use areas from the adverse impact of high-rise development;
- (c) protection of residential areas from adverse impacts of commercial and/or higher density development;
- (d) enhancement and protection of historic buildings;
- (e) improvement of publicly accessible areas (streets and open spaces); and

(f) excellence in urban design, architecture, and landscape in private developments.

The proposed development as discussed in detail below achieves a majority of these objectives.

The guidelines identify a number of precincts and corridors each defined by its attributes in terms of function and built form character. The proposed development is located within the Yonge-Yorkville Precinct. The historically designated library and fire hall on Yorkville Avenue are the focal point of this precinct and new development along Yorkville Avenue should complement and enhance these structures.

#### Site Plan

The guidelines were referred to and instrumental in the arrangement of the site plan for this development. The guidelines for the Yonge-Yorkville precinct call for strategically placed open space on the site as well as increased set backs. The siting of the two towers reinforced by the proposed setbacks, open space and landscape design complete the framing of the library and fire hall in the context of the city block. (Attachment 2 & 5). These two historic structures will become the focal point of the new open space which is created by this development in conjunction with the recently completed development at 18 Yorkville Avenue.

The design guidelines require an open space that has a minimum frontage width of 20 meters along Yorkville Avenue to be located west of the fire hall. The intent of this open space is to mirror the park which is on the east side of the library. The applicant has responded to the guidelines by creating a landscaped space of approximately 1,300 square meters which is more than 30 meters wide along Yorkville Avenue which exceeds the guidelines requirement. Public access to this privately owned landscaped open space is recommended as a condition of City Council approval.

The view of the fire hall and its clock tower from Bay Street is another guideline requirement for this precinct. To achieve this, the guidelines call for a setback from the Yorkville Avenue property line which is consistent with 18 Yorkville. In addition to increasing the views towards the fire hall and library the intent of the building setbacks along Yorkville Avenue is to also create a promenade consisting of a double row of trees connecting Bay and Yonge Streets. The applicant has provided a set back of the building from the property line of 5 meters on the north side of Yorkville Avenue consistent with the guideline objectives for this site. This setback accommodates a sidewalk width of 8 meters from curb to building face on Yorkville Avenue.

The applicant has also set back the building 2.5 meters on Bay Street to create a 7 meter sidewalk from curb to building. Trees will also be planted along Bay and Scollard Streets consistent with the open space network plan of the guidelines.

The Open Space Network Plan also makes reference to mid-block pedestrian connections on this site connecting Yorkville Avenue with Scollard Street. The site plan for the project is providing this north-south pedestrian connection. Public access to this privately owned walkway is recommended as a condition of City Council approval. In addition, the proposed landscape plan

also contemplates providing additional east-west pedestrian connections to the north of the fire hall and library which is still being explored and will be dependent on an agreement with the Library Board and Fire Chief. The open space network plan also illustrates the Yorkville promenade as well as Bay Street and Scollard Street being green streetscapes. (Attachment 5)

The guidelines also refer to strategic sites which the proposed development falls within. Specifically, the south west corner of the site has been identified as a precinct gateway. The proposed development is responding to this by creating a double height pedestrian entrance at this location.

Under the section on parking and loading in the guidelines the general requirement for loading and parking areas is that they should be hidden from view, and located on the roads with the least amount of pedestrian traffic. Access to parking and loading should not be at gateway sites. The proposed development has internalized all drop off and parking ramps which will be accessed from a motor court away from the main streets. Access to the loading will be from a single opening along Scollard street. The loading functions themselves will also be internalized and not visible from Scollard Street.

#### Building Heights and Built Form

Existing or approved building heights in the Bloor-Yorkville area generally follow a logical pattern that has a 'peak' around the Yonge/Bloor intersection and descending 'ridges' along the main corridors of Yonge Street, Bloor Street and north of Bloor Street, portions of Bay Street, Church Street and Avenue Road. (Attachment 6)

This pattern parallels the existing and desired urban structure for the wider city where greater heights and intensities are directed to areas where they already exist or along major road and transit corridors. Established low-rise pockets are equally important built form patterns within the Downtown areas that should be protected from the encroachment of high-rises that may have adverse impacts such as shadowing and wind. To maintain and reinforce this pattern, the heights of new buildings are subject to the following principles:

**Height Peak:** This area is where buildings reach a pinnacle height providing a landmark at the intersection of the City's two principal streets and contributes to its skyline. This is the appropriate location for the tallest buildings in Bloor-Yorkville/North Midtown.

**Height Ridges:** In these areas buildings should step down in height from the Peak Area.

**Low-Rise Area:** These areas are significant, established, contiguous low-rise areas. High-rise towers are inappropriate in these locations as they may have significant adverse impacts and would pose a threat to the viability of the area remaining as low-rise.

The proposed development occupies a large urban site defined by Bay Street to the west, Scollard Street to the north and Yorkville Avenue to the south. The south western portion of this site is located within the "height ridge" as defined by these guidelines. The Working Group was in general agreement that the size of this site could accommodate two taller building elements



and still have adequate separation distance between them and the 18 Yorkville property which occupies the eastern portion of the block while also achieving the open space objectives of the guidelines.

The site is one block north of the height peak and is adjacent to a low-rise area immediately to the east of the site (Attachment 6). The height peak is currently identified by buildings which include the Manulife Centre at 166 meters, buildings at Yonge and Bloor which are approximately 140 meters as well as approved buildings such as the 158 meter building at 35 Balmuto Street and the One Bloor East development at 205 meters.

Buildings within the height ridges include the existing Four Season's hotel at 92 meters, 10 Bellair (90 meters), Minto Yorkville (60 meters) as well as 18 Yorkville which is 110M tall and occupies the same block as the proposed development.

The proposed development consists of two taller building elements which are 179 and 110 meters respectively. The taller building is a mixed-use building of which the first 69 meters, are occupied by hotel suites and hotel uses associated with the five-star hotel. The remaining height will be occupied by large residential suites. The floor to floor heights for the residential component are on average 3.76 meters which will accommodate higher floor to ceiling heights commensurate with those found in other cities for similar types of five-star mixed-used projects. The lower of the two buildings is predominately a residential tower. The north-west corner of the site occupies a podium which is 35 meters high and contains ball rooms, pre-function spaces and other hotel amenities. Planning staff in consultation with the Working Group discussed the implications of these tower heights. While there are heights found within the height ridge as high as 110 meters the height of the taller tower at 179 meters is more consistent with those heights found within the height peak.

Under the heading High-Rise Built Form Design Criteria the guidelines state that point towers are generally the preferred form of development for high rise buildings in areas where they can be accommodated. The following design criteria have been established in the guidelines which should be applied to point towers: Point towers should be placed on a podium which represents the scale of the street wall. The tower should maintain an average gross floor plate size that is slender to permit adequate sky view and minimize shadow impacts. Where possible, the placement of the point tower should be staggered from adjacent towers, and the minimum separation between point towers should have a 1:1:1 relationship between floor plate size and distance between buildings.

The proposed development locates two point towers on the site above podiums which are consistent with the heights found on neighbouring buildings. The point towers have floors which have a gross floor area of 825 square meters (above the 69 meter high hotel portion) for the west tower and 600 square meters for the east tower. The towers impacts on shadow and wind will be discussed in the following sections of this report. The proposed towers are offset from each other and from the 18 Yorkville tower which is also located on this block. The separation distance between the two towers on the proposed development site is approximately 26 meters which is equal to the width of the east tower.

With respect to the architectural treatment of the new buildings in relation to the library and fire hall the guidelines also call for special attention to be given to the design of the new buildings to reflect existing cornice lines, roof lines, fenestration, floor levels and materials used. The proposed development will have a 16 meter high street wall along Yorkville which will reference the scale of the historic structures. The tower above will step back an additional 2.5 meters. The elevations which frame the new open space will have a scale, proportion and materiality which reinforce those of the historic buildings. The exterior building materials used on the proposed development are recommended to be to the satisfaction of the Chief Planner and Executive Director, City Planning.

### Built Form Angular Planes

The development site is subject to Built Form Angular Planes along the south side of Scollard Street. There are also angular plane criteria for the north side of Yorkville Avenue but exclude developments that directly front on Bay Street. The intent of the angular planes is to provide build-to envelopes to maintain and define the character of the street; ensure adequate access to sun and sky view; and to govern relationships between adjacent differing built forms.

The podium for the residential building fronting on Scollard Street meets the intent of the built form angular planes with its step-backs at 14 and 17 metres. However, the tower portion of the building above the height of 23 metres breaches the angular plane.

The portion of the hotel that has frontage along Scollard Street also meets the intent of the built form angular planes with step-backs at 14 and 28 metres. However, where the building rises to 35 metres it also breaches the angular plane.

The significant breach of the angular plane occurs with the predominantly residential building. Planning staff are satisfied that this is acceptable because of the building's narrow (25 metre) frontage on Scollard Street.

### Shadow Analysis

The applicant has submitted studies, to illustrate the shadows created by the proposed buildings on the equinoxes (March 21<sup>st</sup> and September 21<sup>st</sup>) between the hours of 10:00am and 4:00pm local time.

The sensitive land uses in the surrounding area that Planning staff identified in consultation with the Working Group members and other members of the community included, but are not limited to: Jessie Ketchum School playgrounds, Jessie Ketchum Daycare, Low Density Residential properties, Belmont House Retirement Home and the 18 Yorkville residential condominium.

As a result of the preliminary shadow testing, it became apparent that additional analysis would be required to determine the actual impacts of the shadows on the sensitive land uses. The Bloor-Yorkville / North Midtown Urban Design Guidelines suggest that shadows be studied from 10:00am to 4:00pm. Planning staff requested that the applicant provide shadow plans for March

21<sup>st</sup>, September 21<sup>st</sup> and June 21<sup>st</sup> from 9:00am to 4:00pm local time to take into consideration the Jessie Ketchum School student outdoor activities.

Planning staff consulted with applicant's sun and shadow Position Specialist R. Bouwmeester & Associates to determine the shadow location and durations. The findings are described in detail in (Attachment 9) and summarized as follows:

- a) the impact on the Berryman Avenue low density residential rear yards is minimal with an average impact of approximately 30 minutes;
- b) a good balance of sun/shade will remain on the three playgrounds in the area;
- c) there are no impacts on Belmont House Retirement Home;
- d) the 21 Scollard Street Building units are currently affected by shadows from the existing Ford dealership building and will continue to be shaded by the proposed development during the mid afternoon;
- e) the impact on the windows of the 18 Yorkville podium is moderate with a maximum duration of 50 minutes;
- f) the shadow impacts on the 18 Yorkville tower occur from 4:00 pm onwards; and
- g) a minimum of 3-hour sunlight (around solar noon) is maintained on the Bay Street sidewalk as required by the Official Plan

The Toronto District School Board (TDSB) staff provided comments dated October 14, 2005 and indicated that even though they had significant concerns with the proposed height and shadow impact on the school property they would continue to negotiate to ameliorate the impacts on the site. TDSB staff also expressed their desire to continue dialogue with City staff in collaboration with the school community in seeking long term improvements to the school site through the use of Section 37 benefits or an endowment from the current development proposal or other similar developments in the area.

In a letter dated March 15, 2006 the lawyers for TDSB indicated that they are of the opinion that the revised proposal will give rise to serious long term problems for the School. The TDSB lawyer request that City Planning not report on the development project until these issues have been resolved to the satisfaction of the TDSB.

Planning staff are satisfied that full sun will be available on over half of the school's playgrounds between 9:30am and 11:30 am on March 21<sup>st</sup>, June 21<sup>st</sup> and September 21<sup>st</sup>. Further, that there will be no new shadow impacts on the School property after 11:30 am. Therefore, Planning staff are not able to comply with the TDSB's request for delay and note that discussions between TDSB staff and the applicant are on-going.

### Pedestrian Level Wind Study

A pedestrian level Wind Study, dated February 28, 2006, was prepared by Theakston Environmental who concluded that, for the pedestrian at grade for both summer and winter seasons, any wind impacts are acceptable. This analysis further indicated that the pedestrian comfort conditions will be similar to existing conditions and will likely be improved by additional architectural elements such as canopies along the street frontages of the podium and over main entrances, parapet walls, stepped building facades and balconies.

The courtyard incorporates landscape architectural details which will also improve the wind impacts, which should include privacy walls, coniferous plantings, rocks, berms, fences and other materials related to landscaping design. Planning staff have reviewed this study and concur with the conclusions.

### Traffic Impacts

The applicant has submitted a Traffic Impact Study (TIS) prepared by LEA Consulting Ltd. The study has been reviewed by City Works and Emergency Services staff who have advised that traffic generated by this development can be accommodated.

In previous comments on the TIS, Works and Emergency Services staff expressed concern with the future levels-of-service which were projected for some traffic movements, particularly the eastbound left/right movement at the unsignalized intersection of Yonge Street and Yorkville Avenue in the p.m. peak hour. In order to address this issue, the owner was advised that this intersection will be monitored in the future, and if deemed necessary at that time, p.m. peak hour outbound left turn prohibitions may be imposed at the Yorkville Avenue exit driveway from the site in order to minimize the impact of this development on the operations of that intersection. The implementation of this turn prohibition would potentially result in a redistribution of approximately 15 site trips to the Bay Street/Yorkville Avenue signalized intersection and/or the Bay Street/Scollard Street unsignalized intersection. Based on the results of the TIS, it appears that both intersections have sufficient residual capacity to effectively accommodate this volume of traffic.

### Vehicular Access and Parking

The applicant has made a reduction in the widths of the mouths for the driveway extending between Yorkville Avenue and Scollard Street from approximately 11 metres to 9 metres at Yorkville Avenue and 7 metres at Scollard Street which have been found acceptable.

The proposed provision of 336 parking spaces consisting of 241 spaces for residents, 15 spaces for residential visitors plus 80 spaces for the hotel component of the project satisfies the estimated minimum requirement of the Zoning By-law for 271 parking spaces.

## Loading

Works and Emergency Services staff have reviewed the loading study and supplemental documentation received from the traffic consultant and are satisfied that the proposed provision of 1 Type G, 2 Type B plus 4 Type C loading spaces plus the driveway extending between Yorkville Avenue and Scollard Street, which can accommodate all of the bus activity associated with this project, is acceptable to serve the project.

## Site Servicing

The applicant has provided to Technical Services staff a storm water management and site servicing report that determine the sanitary flow, water supply and storm drainage demand. These have been reviewed and found to be acceptable.

## Tree Preservation

Urban Forestry staff have reviewed the application and associated Arborist Report. There are 4 private trees located on site and 5 City-owned trees located within the municipal boulevard along Scollard Street. A separate approval process will be required for the trees identified for removal. There are approximately 30 mature shade trees as well as assorted shrubs and ground cover proposed to be planted on site and within the municipal boulevard along Scollard Street, Yorkville Avenue and Bay Street.

As conditions of approval the owner will be required to plant the street trees in a continuous tree pit and to provide an irrigation system.

## Private Amenity Spaces

The By-law requires 482m<sup>2</sup> of both indoor and outdoor residential amenity space for the project. The applicant is proposing 153m<sup>2</sup> of indoor residential amenity space in the Hotel / condominium residential tower on the 22<sup>nd</sup> floor in addition to the use of hotel amenity facilities. This shared use of the hotel amenity facilities is secured in the draft Zoning By-law (Attachment 11).

The outdoor residential amenity space for the project is 437 m<sup>2</sup>. Planning staff support the outdoor amenity spaces as proposed considering the provision of a 1,300m<sup>2</sup> publicly accessible landscaped open space located on site.

## Community Benefits

The Official Plan contains objectives pertaining to the provision of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. Discussions with the applicant have led to a commitment to provide public benefits in the form of a \$4,000,000.00 contribution for Toronto Reference Library, local streetscape improvements, new publicly accessible landscaping in the area. To adequately support intensification, the downtown requires

renewal of community services and reinvestment in the public realm in order to address the quality of life objectives of the new Official Plan.

The Section 37 Agreement will secure a number of other obligations by the owner to the City including:

- (a) a public art contribution in accordance with the City of Toronto's Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands;
- (b) the provision of exterior building materials and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning;
- (c) a commitment that, prior to the first occupancy of the development, the owner will provide satisfactory evidence that the hotel will be operated as a "Five Star Hotel";
- (d) the provision of an at-grade easement permitting public access to the 1,300 square metre landscaped open space
- (e) submission of an assessment of the Fire Hall and Yorkville Library to the satisfaction of Facilities and Real Estate Services prior to the issuance of any permit for demolition, excavation or shoring;
- (f) agreement to secure and carry adequate insurance during demolition, excavation and construction to cover any damages to the Fire Hall and Yorkville Library that may arise from such activities;
- (g) provision of space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division
- (h) agreement that no vehicular lay-by drop-off / pick-up will be provided along the Bay Street frontage for the development project; and
- (j) compliance with any other condition to ensure the orderly development of the lands as required by the Chief Planner and Executive Director, City Planning;

#### Development Charges

It is estimated that the Development Charges from this project will be \$3,696,178.41. This is an estimate and the actual charge is assessed and collected upon the issuance of the building permit.

Conclusions:

The applicant's proposal contemplates buildings significantly in excess of the current planning permissions respecting density and height. However, the large corner site is underutilized and suitable for redevelopment. It is located in the Central Core, within close proximity of two subway lines and shopping and entertainment areas. The proposed development is also supportable by existing hard and soft services. Likewise the proposed "Five Star hotel" will contribute to Yorkville's economic vitality and support its role as an important tourist destination.

The development proposal does not comply fully with guidelines respecting the location of tall buildings and has some shadow impacts which, while not desirable have been found to be acceptable give the projects many positive attributes.

The applicant is also proposing significant streetscape improvements, the installation of public art, a large publicly accessible landscaped open space and a mid block pedestrian connection. Public benefits will include a significant monetary contribution of four-million dollars to be used for heritage restoration, library facilities and other streetscape and landscape improvements. (Attachment 5)

For the reasons stated above, staff recommends approval of the requested amendments to the Official Plan and Zoning By-law.

Contact:

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Fax: 416-392-1330  
Email: sdaniel1@toronto.ca

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

34159788098.(fm)

List of Attachments:

Attachment 1: Data Application Sheet  
Attachment 2: Site Plan  
Attachment 3: East & North Elevations  
Attachment 4: West & South Elevations  
Attachment 5: Landscape Plan  
Attachment 6: Built Form Height Peaks & Ridges  
Attachment 7: Zoning Map

Attachment 8: Official Plan Map

Attachment 9: Shadow Analysis Findings

Attachment 10: Draft Official Plan Amendment OPA No. 361 and Section 18.679

Attachment 11: Draft Zoning By-law Amendment



**Attachment 1: Application Data Sheet**

Application Type            Official Plan Amendment &            Application Number:    05 165769 STE 27 OZ  
                                  Rezoning  
 Details                      OPA & Rezoning, Standard            Application Date:        July 28, 2005  
 Municipal Address:        36 YORKVILLE AVE, TORONTO ON  
 Location Description:     PL 179 LTS 9 TO 12 PL 248 LTS 4 AND 5 \*\*GRID S2703  
 Project Description:       Proposal to demolish existing building and replace with 2 buildings (30 and 46 storeys) containing 241 residential units with commercial component at main floor and hotel component (46 storey building only).

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MENKES DEVELOPMENTS LTD JUDE TERSIGNI	Mc Carthy Tetrault	Architects Alliance	2048098 ONTARIO INC.

**PLANNING CONTROLS**

Official Plan Designation:	Medium Density Mixed Commercial-Residential Area	Site Specific Provision:
Zoning:	CR T3.0 C1.75 R3.0	Historical Status:
Height Limit (m):	18	Site Plan Control Area:    Y

**PROJECT INFORMATION**

		<b>Towers</b>	<b><u>A</u></b>	<b><u>B</u></b>
Site Area (sq. m):	6843.24	Height:    Storeys:	46	30
Frontage (m):	74.4	Metres:	193	110
Depth (m):	92			
Total Ground Floor Area (sq. m):	3332.78			<b>Total</b>
Total Residential GFA (sq. m):	41963	Parking Spaces:	336	
Total Non-Residential GFA (sq. m):	31256.38	Loading Docks	7	
Total GFA (sq. m):	73219.38			
Lot Coverage Ratio (%):	49			
Floor Space Index:	10.69			

**DWELLING UNITS**

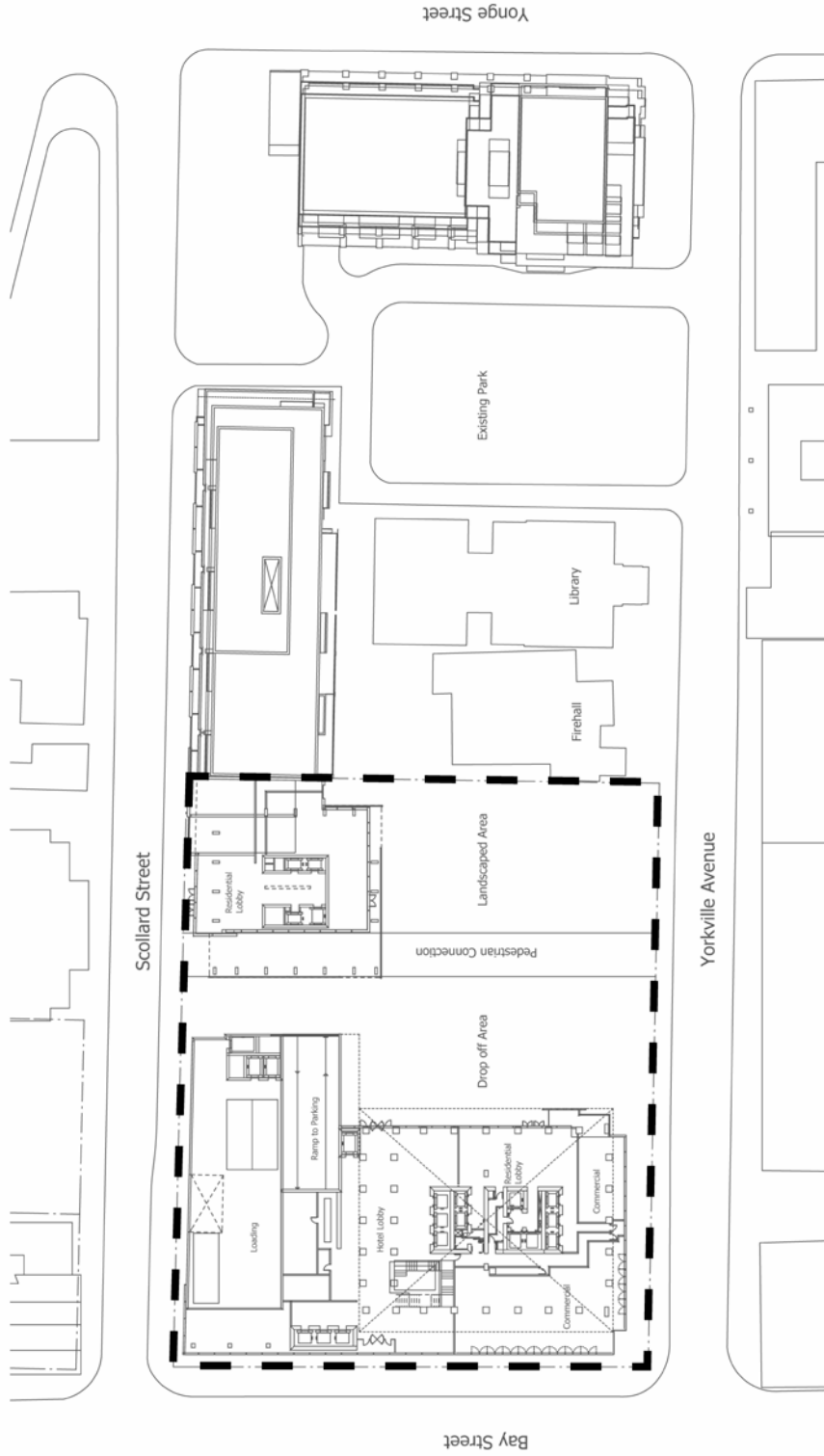
Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	41
2 Bedroom:	197
3 + Bedroom:	3
Total Units:	241

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

		<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA (sq. m):	41963		0
Retail GFA (sq. m):	1440.41		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	29815.97		0

**CONTACT:**            **PLANNER NAME:**        **Steve Daniels, Planner**  
                                  **TELEPHONE:**            **(416) 392-1306**

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

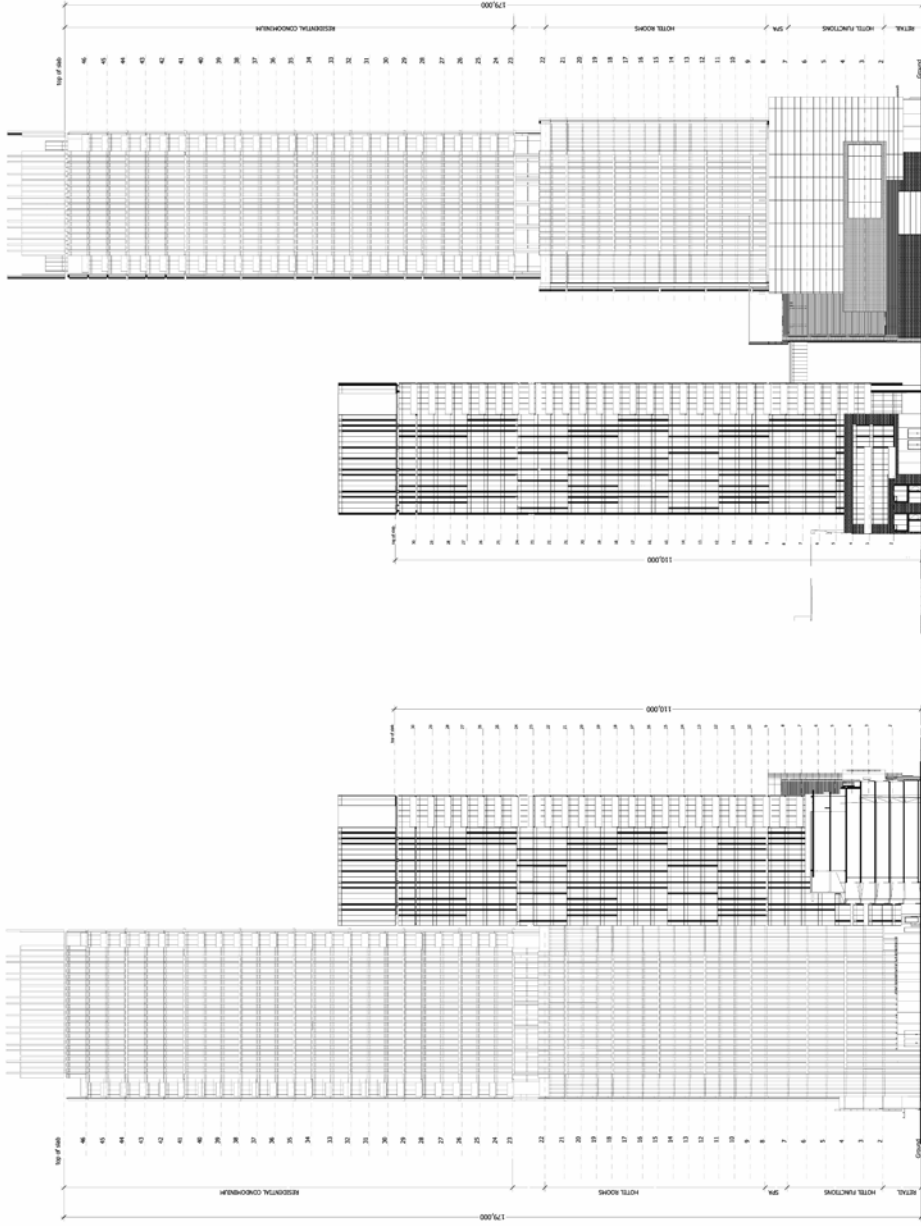
Not to Scale  
02/17/06



36,38 - 48 Yorkville Avenue & 1263 Bay Street

File # 05\_165769

Attachment 3: Elevation 1



North Elevation

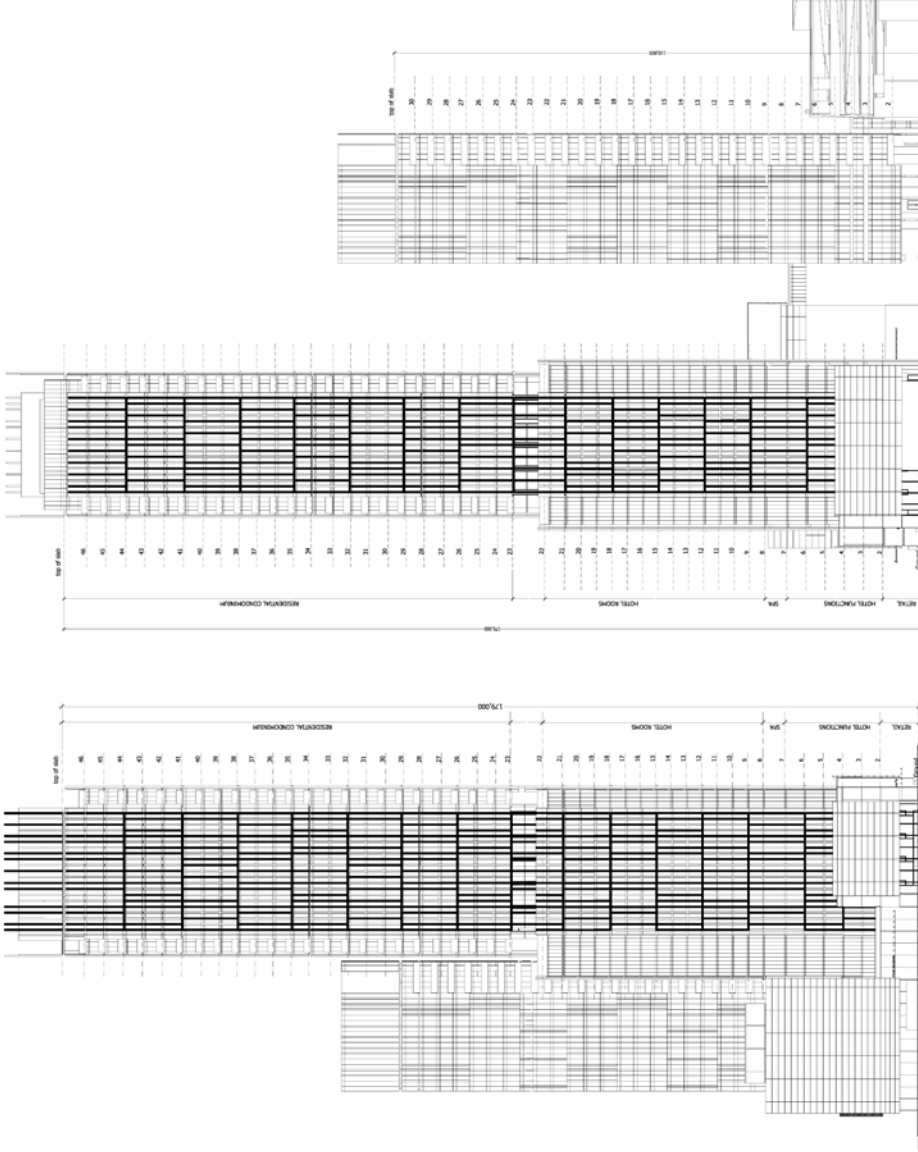
East Elevation

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
02/17/06

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

File # 05\_165769

Attachment 4: Elevation 2



West Elevation

South Elevation

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
02/17/06

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

File # 05\_165769

**Attachment 5: Landscape Plan**



**Conceptual Landscaped Plan (View of Courtyard)**

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

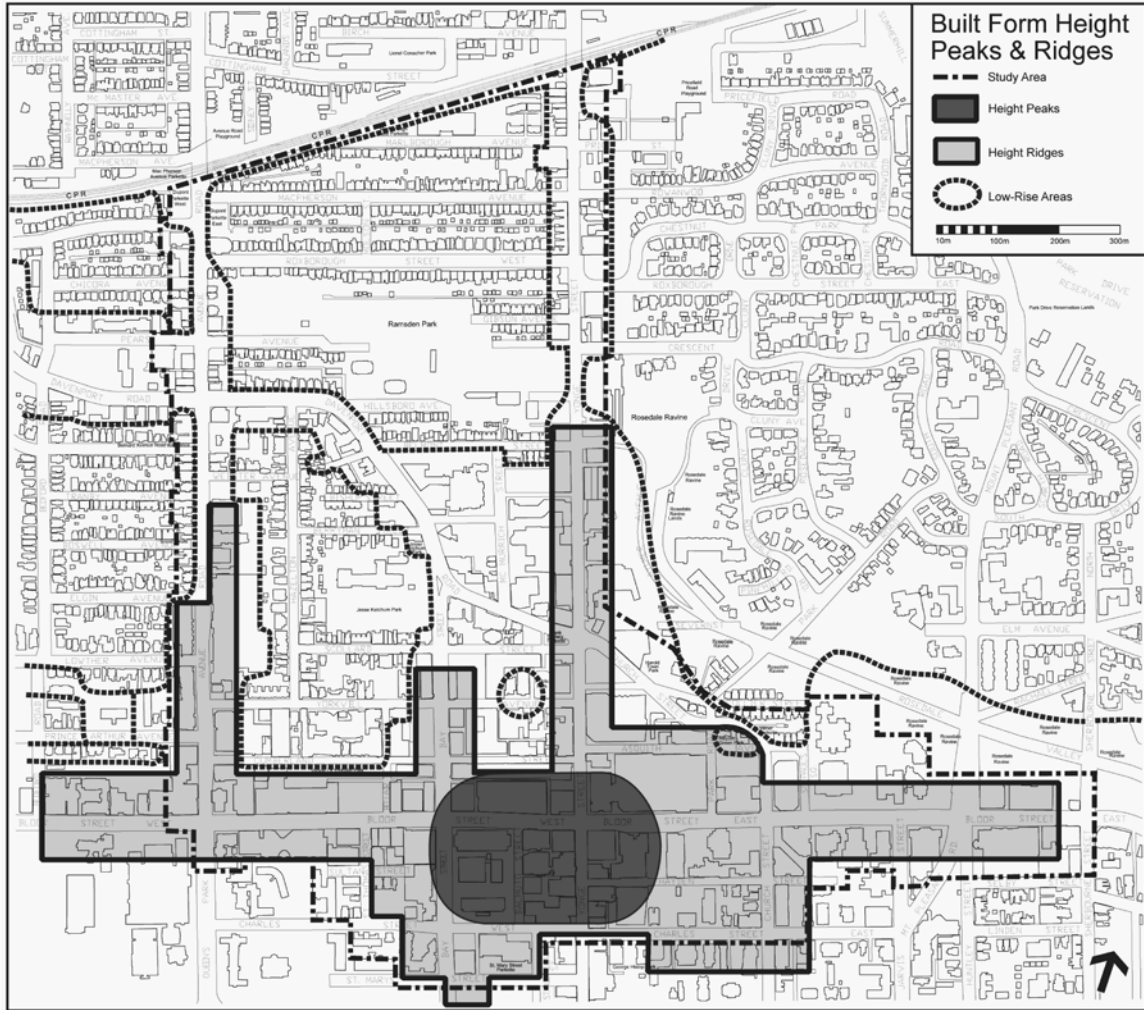
Applicant's Submitted Drawing

Not to Scale  
02/17/06



File # 05\_165769

### Attachment 6: Built Form Height Peaks & Ridges



### Built Form Height Peaks & Ridges

Applicant's Submitted Drawing

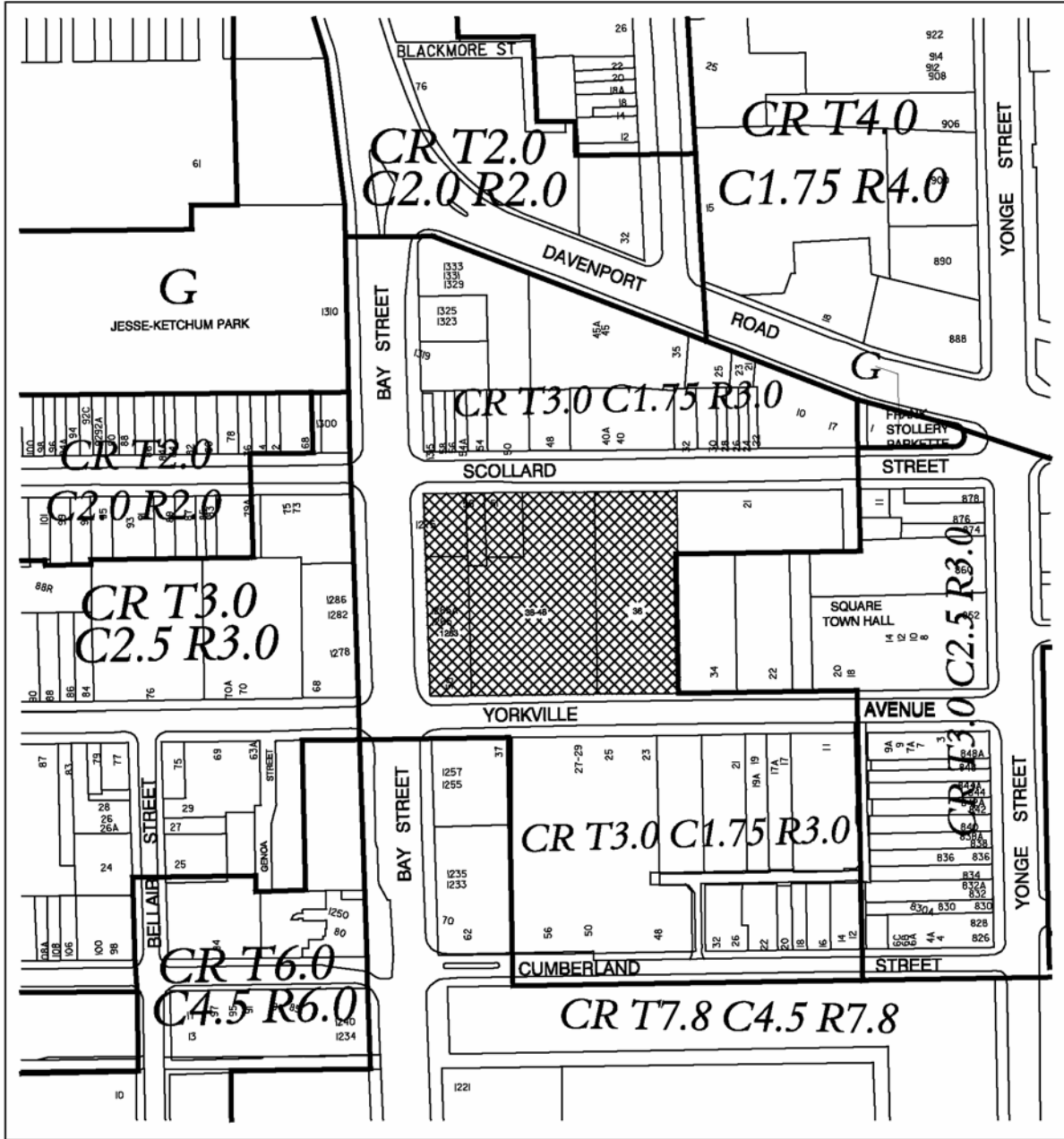
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03/16/06

36,38 - 48 Yorkville Avenue  
& 1263 Bay Street

File # 05\_165769

Attachment 7: Zoning (Map)



 **TORONTO** City  
Planning Division  
**Zoning**

36, 38 - 48 Yorkville Avenue & 1263 Bay Street

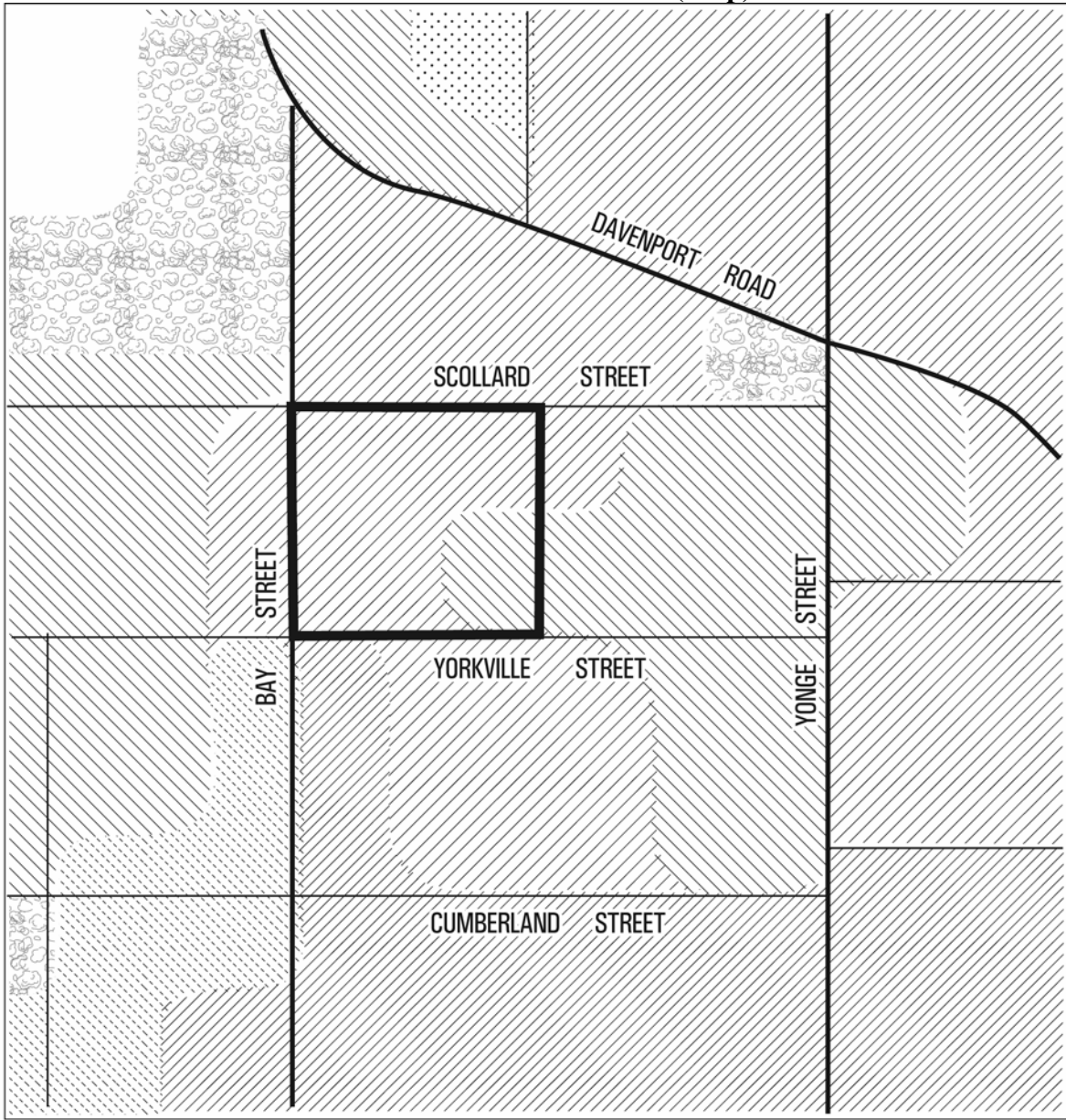
File # 05\_165769

G Parks District  
CR Mixed-Use District



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

### Attachment 8: 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' |   |

  
Not to Scale  
09/14/05



### Attachment 9: Shadow Analysis Findings

The shadow impact on both the Jessie Ketchum School playground areas and Daycare playground as a percentage of the amount of sunlight lost during a given time period. The first row of figures in the following table indicates the impact (loss of sunlight) during the full study period while the second set of figures indicates the impact during the period while the playground is in use. It is also noted that there are additional recess times that are not affected by the development proposal such as in the afternoon.

The “Average Loss of Sunlight” percentages are weighted averages that are a function of both time and coverage. For example a 2% loss of sunlight can mean 2% of the area is shaded for the full time period, or that the entire area is shaded for 2% of the time.

Jessie Ketchum School playgrounds (east + south play areas approx. 11,080 m<sup>2</sup>):

Average Loss of Sunlight (%)  
(as percent of total available for given period)

Period	March 21	June 21	Sept 21
9:00am – 4:00pm	7%	1%	13%
*9:30am – 11:30pm	13%	3%	29%

\* Note: Play area in use by children

Full sun will be available on over half this playground between 9:30am and 11:30 am on March 21<sup>st</sup>, June 21<sup>st</sup> and September 21<sup>st</sup>. On June 21<sup>st</sup> the maximum shadow coverage is only 3%.

Jessie Ketchum Daycare Playground (approx 700m<sup>2</sup>):

Average Loss of Sunlight (%)  
(as percent of total available for given period)

Period	March 21	June 21	Sept 21
9:00am – 4:00pm	2%	0%	2%
9:30am – 11:00pm	9%	0%	1%

Full sun will be available on the entire playground for the full period between 9:00am and 11:00am on June 21<sup>st</sup>, on at least 65% of the playground between 9:00am and 11:00am on March 21<sup>st</sup> and on at least 75% on September 21<sup>st</sup>. There are no shadow impacts from the development proposal from April 21<sup>st</sup> to August 21<sup>st</sup>.

Low Density Residential Properties:

Shadowing on the Berryman Avenue rear yards was modeled in the middle of the outdoor amenity areas which were typically at the centre of the lot, 3 metres from the rear of the houses. The following table shows the shadow duration (in minutes) resulting from the proposal on each lot between 9:00am and 4:00pm. The shadows are off the properties by approximately 10:45am.

Shadow Durations between 9:00am and 4:00pm  
(at the centre of outdoor amenity area 3m from house) in ‘minutes’

House Nos.	March 21 <sup>st</sup>	June 21 <sup>st</sup>	Sept 21 <sup>st</sup>
9 to 17	20-25	0	20-25
19 to 39	30-35	0	30-35
41 to 45	25*	0	40
47 to 49	15*	0	40

\* Note: These figures are also the daily (sunrise to sunset) totals for those marked with an asterisk which have a total duration of 40 minutes, some of which occurs before 9:00am

Belmont Retirement Home:

On March, June and September 21<sup>st</sup> there are no impacts from the proposal development at any time of day.

18 Yorkville Residential Condominium:

The review of the shadow impacts to the building at 18 Yorkville was separated into 3 components which consisted of:

1. 18 Yorkville Podium (7-storeys)
2. 18 Yorkville Tower (36-storeys)
3. 21 Scollard Street Building (7-storeys)

The shadows from the proposed development do not reach the podium until 3:10pm on March 21<sup>st</sup> and 3:55 pm on September 21<sup>st</sup> at which time the west façade of the podium begins to be fully shaded from those times onward. At 4:00pm on June 21<sup>st</sup> the shadows reach the podium on the 1<sup>st</sup> and 2<sup>nd</sup> floors.

The tower at 18 Yorkville is not affected by shadows prior to 4:00 pm on March and September 21<sup>st</sup>. The only time of year when shadowing occurs before 4:00 pm is on May, June and July 21<sup>st</sup> (starting at between 3:35 and 3:45 pm). The tower is therefore in shadow from 4:00 pm onwards. Note that the sun sets prior to shadow directions reaching the tower on November, December and January 21<sup>st</sup>.

The south façade of the 21 Scollard Street Building is not shaded until approximately 2:05 pm on March 21<sup>st</sup> and 2:50 pm on September 21<sup>st</sup>. The units are currently shaded by the Ford dealership building and the balconies themselves.

**Attachment 10: Draft Official Plan Amendment**

Authority:  
Enacted by Council:

**CITY OF TORONTO**  
Bill No. **BY-LAW No. 361-2006**

**To adopt an amendment to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2006 as 36, 38-48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street**

**WHEREAS** the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2006 36, 38-48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street as; and

**WHEREAS** the Toronto and East York Community Council conducted a public meeting on November 16, 2004 under Section 17 of the *Planning Act*, R.S.O. 1990 c. P.13 regarding the proposed Official Plan Amendment; and

**WHEREAS** the Council of the City of Toronto, at its meeting held \_\_\_\_\_2006 determined to amend the Official Plan for the former City of Toronto;

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. The text annexed hereto as Schedule "A" is hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 361.

ENACTED AND PASSED this        day of        , A.D. 2004.

DAVID R. MILLER  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE "A"**

Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section Section 18.679 and the attached Map 18.679:

18.679           Lands known in the year 2006 as No. 36, 38-48 Yorkville Avenue, 1263 Bay Street and 55 Scollard Street

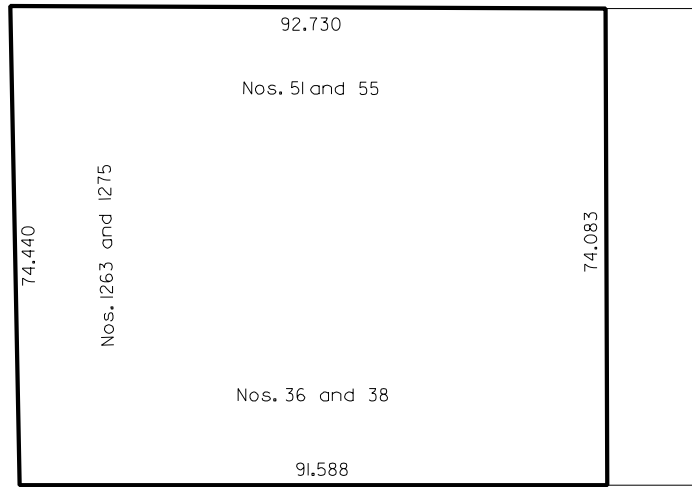
Notwithstanding any provisions of the Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.679 to permit the erection, use and maintenance of apartment buildings provided that:

- (1) the maximum *residential gross floor area* does not exceed 73,219.38 square metres;  
and
- (2) pursuant to Section 37 of the *Planning Act*, such by-law requires the *owner* of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, service and matters:
  - a. provide the City with a \$4,000,000.00 contribution, for local streetscape improvements; façade restoration to the Fire Hall station and Toronto Reference Library

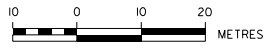
MAP 18.679

SCOLLARD STREET

BAY STREET

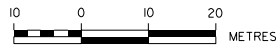
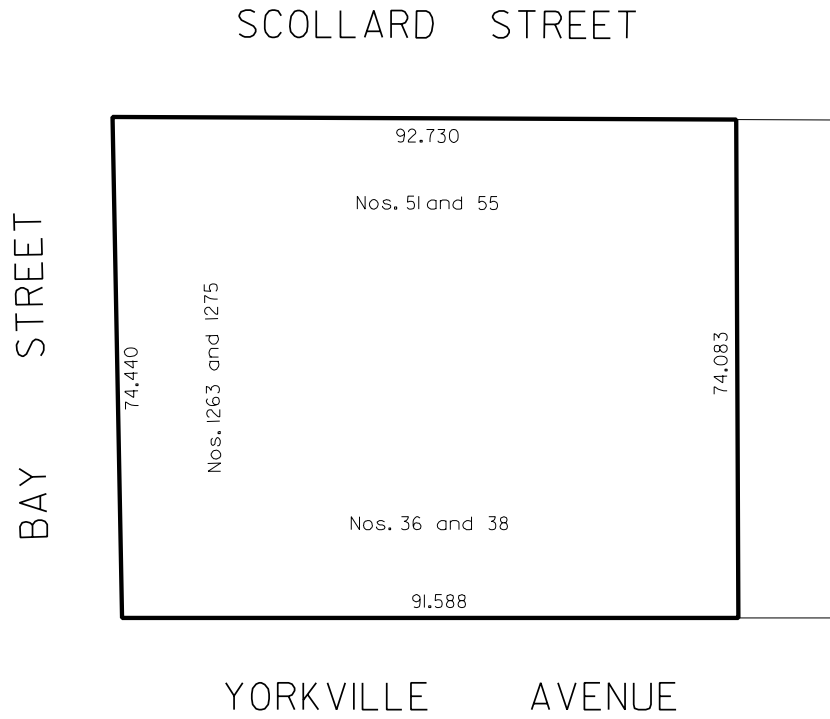


YORKVILLE AVENUE



SURVEY AND MAPPING SERVICES  
TORONTO MARCH 2006  
OP06/18679-DGN  
FILE: Y6-Z20  
MAP No. 50J-313 DRAWN: VG

MAP I



SURVEY AND MAPPING SERVICES  
TORONTO MARCH 2006  
BL06/1263BAY1.DGN  
FILE: Y6-Z20  
MAP No. 50J-313 DRAWN: VG

**Attachment 11: Draft Zoning By-law Amendment**

Authority: Toronto Community Council Report No. ●, Clause No. ●,  
as adopted by City of Toronto Council on ●, 2006  
Enacted by Council: ~, 2006

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2006**

**To amend ~ Zoning By-law No. 438-86, as amended,  
with respect to the lands municipally known as  
No. 1263 Bay Street and 36, 38-48 Yorkville Avenue and 55 Scollard Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law;

WHEREAS pursuant to Section 37 of the *Planning Act* the Council of a municipality may in a By-law passed pursuant to Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services and matters as are set out in the By-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may required the owner to enter into one or more agreements with the municipality in respect of the facilities, services or matters;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provision of facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted in this By-law;



The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to the definitions of the terms *lot*, *grade*, *height*, *hotel* and *street related retail and service uses*, Sections 4(2)(a)(i) and (ii), 4(5), 4(8), 4(12), 8(3)PART I, 8(3) PART II 1(a)(ii), 8(3)PART III 1(a), 8(3)PART XI 2, and 12(2)259 of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed use building* and *accessory* uses thereto, including a *parking garage* on the lands municipally known as 1263 Bay Street and 36, 38-48 Yorkville Avenue and 55 Scollard Street (hereafter referred to as the “*lot*”) provided:
  - (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
  - (b) the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *lot* shall not exceed 74,000 square metres, of which the maximum *residential gross floor area* shall not exceed 43,000 square metres, provided that:
    - (i) the *non-residential gross floor area* shall, in addition to the uses permitted in a CR zone, comprise a *hotel* of at least 230 guest rooms;
  - (c) no portion of any building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
  - (d) in a building which is within the envelopes delineated on Map 2:

for *Building A* no more than 825 square metres of *residential gross floor area* shall be permitted within the 179 metre *height* limit zone on each floor above 69 metres; and

for *Building B* no more than 650 square metres of *residential gross floor area* shall be permitted within the 110 metre *height* limit zone on each floor above 17 metres.
  - (e) section 1(c) hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 1.0 metres above the height limits established in Section 1(f) of this By-law
eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills,	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
fences, safety railings and guardrails	No restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 2.0 metres
canopies	maximum 5.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	No restriction, provided the height of such “STRUCTURES” does not exceed 2.0 metres above finished ground level
balconies	No restriction, provided such “STRUCTURE” is located within the hatched areas identified on Map 2 attached hereto
building connection between <i>Building B</i> and <i>Building C</i>	No restriction, provided the height of such “STRUCTURE” does not exceed 35.0 metres, the width of such “STRUCTURE” does not exceed 3.5 metres and a vertical clearance of 24.0 metres is provided to finished ground level
stairs, stair enclosures, landings and associated railings	No restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
public art features, light standards and landscape features	No restriction in extent of projection or height of “STRUCTURE”

- (f) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, and 46-*storeys* for *Building A* and 30-*storeys* for *Building B*, except for the following:

- (i) the structural projections identified in Section 1(d), including structural projections permitted outside of the heavy lines on the attached Map 2, subject to the limitations contained therein; and
- (ii) the structures and elements identified in Section 4(2)(a)(i) and Section 4(2)(a)(ii) of By-law No. 438-86 and any parapets or screens enclosing such structures and elements, provided:
  - A. the maximum *height* of the top of such elements or enclosure is no higher than the sum of five metres and the applicable *height* limit; and,
  - B. the aggregate horizontal area of such elements or enclosure does not exceed 65 percent of the area of the roof of the building;
- (g) parking spaces for the residents of, and visitors to the buildings are provided and maintained on the *lot* in accordance with the following:
  - (i) a minimum of 0.3 *parking spaces* per bachelor *dwelling unit* for residents;
  - (ii) a minimum of 0.5 *parking spaces* per one *bedroom dwelling unit* for residents;
  - (iii) a minimum of 0.75 *parking spaces* per two *bedroom dwelling unit* for residents;
  - (iv) a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit* for residents; and,
  - (v) a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors to each such building;
- (h) parking spaces for non-residential uses within the building are provided in accordance with the provisions of section 4(5)(b) of Zoning By-law 438-86, provided that none of the provisions of Zoning By-law 438-86, as amended require the minimum number of motor vehicle parking facilities in respect of any use set out in the column of Schedule 1 of section 4(5) of Zoning By-law No. 438-86 entitled “Type of Use” commencing with a *retail store* to and including an *undertaker’s establishment* if the use is in a building having a *non-residential gross floor area*, exclusive of *hotel* uses, not exceeding 1.0 times the area of the *lot*;
  - (i) at least one *loading space* – type “G” and two *loading spaces* – type “B” and four *loading spaces* – type “C” are provided and maintained on the *lot*;
- (j) indoor *amenity space* shall be provided and maintained within a building at a rate of 3 square metres per *dwelling unit*;

- (k) that not less than 153 metres squared of an indoor multi purpose room which shall contain kitchen facilities and sanitary facilities shall be provided and maintained in addition to that required in paragraph (j) for the exclusive use of the residents for *Buildings A and B*
- (l) no person shall erect or use a building or any portion of a building on the *lot* for any commercial purpose unless the portion of the main floor level of the building containing such commercial uses has a depth of not less than 5.0 metres measured from the main front wall of the building;
- (m) no person shall erect or use a building or structure for any purpose unless *street related retail and service uses* are provided and;
  - (i) at least 15 percent of the aggregate length of the portion of the *frontage* adjacent to Yorkville Avenue is used for that purpose;
  - (ii) at least 45 percent of the aggregate length of the portion of the *frontage* adjacent to Bay Street is used for that purpose; and,
  - (iii) at least one public entrance to a *street related retail and service use* is provided in the exterior wall of the building facing Bay Street not more than 2.5 metres from the setback line to Yorkville Avenue as established on Map 2;
- (n) not less than 1,250 square metres of the *lot* consists of *publicly accessible landscaped open space* and the provisions of section 1(d) of this by-law shall not apply to such *publicly accessible landscaped open space* except that public art features, light standards and landscape features are permitted with no restriction on the extent of the projection or height of structure; Map 3
- (o) the owner of the *lot*, at its expense, provides and maintains the following facilities, services and matters, subject to and in accordance with the agreement pursuant to Section 37 of the *Planning Act* required in paragraph (m) herein,
  - (i) pays to the City the sum of \$4,000,000.00 prior to the issuance of the first building permit on the *lot*, to be allocated as follows:
    - A. \$1,500,000.00 to the Toronto Reference Library;
    - B. \$2,500,000.00 towards the Fire hall Wall, local streetscape improvements, and new publicly accessible landscaping in the area
  - (ii) public art;
  - (iii) building materials to be secured in an agreement pursuant to Section 41 of the *Planning Act* having due regard to the context and level of quality suitable to the residential condominium and *hotel*; and,

- (iv) a *publicly accessible landscaped open space* area consisting of a minimum of 1,250 square metres;
  - (p) the owner of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the Planning Act, as a first charge to secure the facilities, services and matters set forth in paragraph (m) of this By-law.
2. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
3. For the purposes of this By-law:
- (a) “*amenity space*” means space which may include, but is not limited to, recreational and/or spa facilities, meeting rooms, ballrooms, group dining facilities and kitchen facilities related thereto which may be used by residents for recreational or social purposes on a non-exclusive basis;
  - (b) “*Building A*”, “*Building B*” and “*Building C*” means Building A, Building B and Building C as shown on Map 2 attached hereto;
  - (c) “*grade*” means 116.6 metres Canadian Geodetic Datum;
  - (d) “*height*” means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in this By-law;
  - (e) “*hotel*” means a building or part thereof comprising *non-residential gross floor area* used within the meaning of the *Hotel Registration of Guests Act*, R.S.O. 1990, Chapter H17, but does not include a *hostel*, a *rooming house*, or a *tourist or guest home*, or a mechanical or electronic game machine for gambling purposes, and shall include a lobby and guest registration area, hotel administration offices, guest service facilities, recreational facilities, at least one meeting, conference or ballroom, at least one *restaurant*, valet parking facilities, and *accessory* uses;
  - (f) “*publicly accessible landscaped open space area*” means an unenclosed, paved, sodded or landscaped exterior area or areas on a *lot* which adjoins and is directly accessible from a *street* which may include landscaping such as grass, shrubs, trees and flowers, refuse receptacles/recycling bins, outdoor seating restaurant patios, public art, lighting fixtures and water features;
  - (g) “*residential gross floor area*” and “*non-residential gross floor area*” shall have the same meaning as they have for the purpose of By-law No. 438-86 and any building or structure used for *publicly accessible landscape open space area* purposes be excluded;

- (h) “*storey*” shall have the same meaning as it has for the purpose of By-law No. 438-86, except that mezzanines and portions of the building that are used solely for mechanical purposes do not constitute a *storey*;
- (i) “*street related retail and service uses*” shall have the same meaning as they have for the purpose of By-law No. 438-86, and shall also include those portions of a *hotel* containing a lobby, lounge, bar, retail uses and *restaurants* that are *accessory to a hotel*;
- (j) all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, except as herein provided.

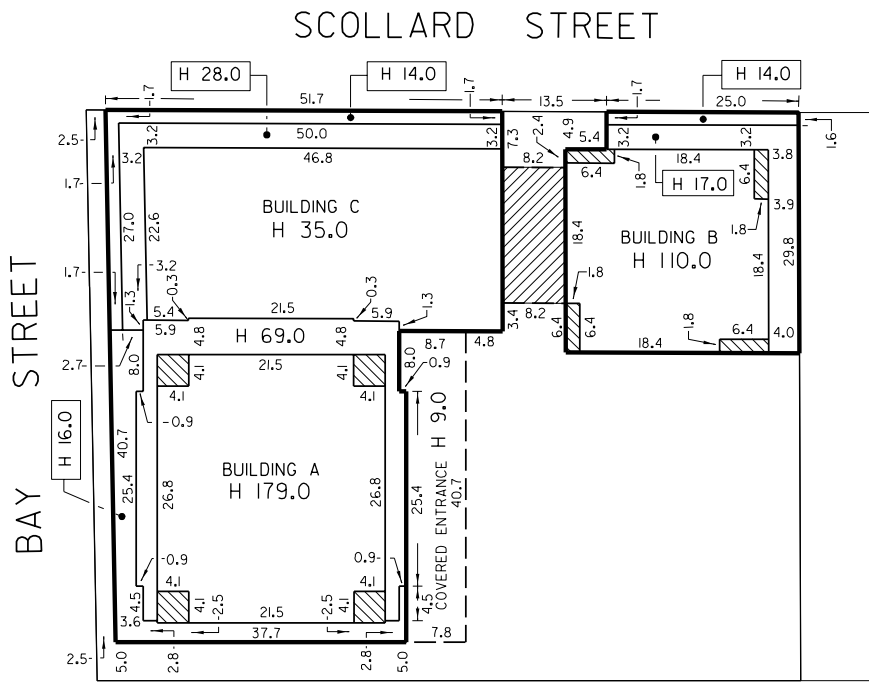
ENACTED AND PASSED this • day of •, A.D. 2006.

DAVID MILLER,  
Mayor



ULLI S. WATKISS  
City Clerk

(Corporate Seal)

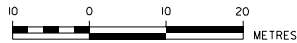
MAP 2



YORKVILLE AVENUE

-  Location of one-storey bridge enclosure  
3.5m maximum width  
24.0m minimum vertical clearance
-  Balconies

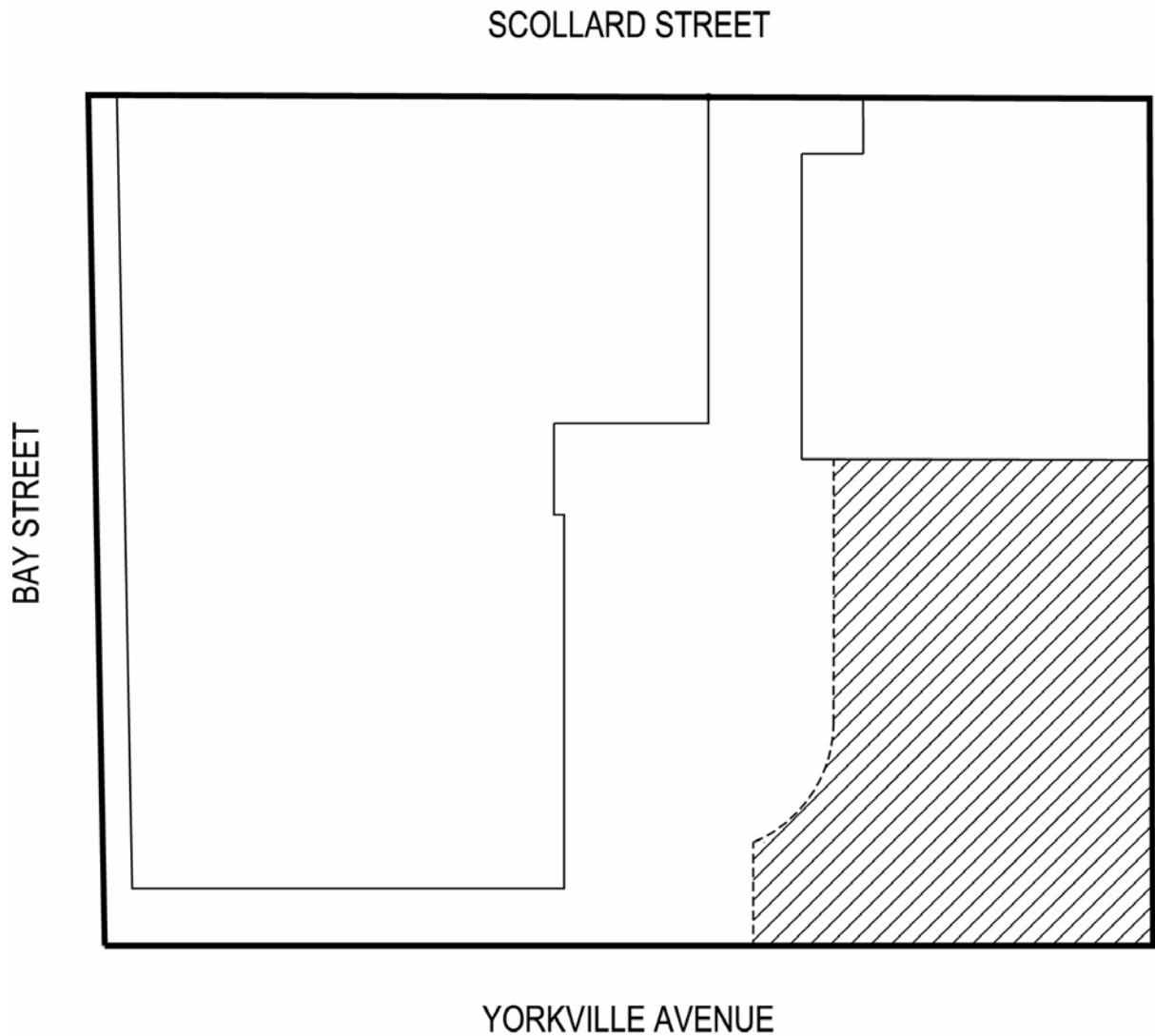
H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE




SURVEY AND MAPPING SERVICES  
TORONTO MARCH 23, 2006  
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FILE: Y6-220  
MAP No. 50J-313 DRAWN: VG

**MAP 3**

Publicly Accessible Landscaped Open Space



 PUBLICLY ACCESSIBLE LANDSCAPED OPEN SPACE  
(MINIMUM OF 1250 SQUARE METRES)