

TORONTO STAFF REPORT

August 25, 2006

To: Toronto and East York Community Council

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

Subject: Refusal Report
Official Plan Amendment & Rezoning Application 05 210978 STE 27 OZ
Applicant: Woodcliffe Corporation
Architect: Young + Wright Architects Inc.
8, 10, 10R Price Street, 1095-1107 Yonge Street
Ward 27 - Toronto Centre-Rosedale

Purpose:

This report reviews and recommends refusal of an application to amend the Official Plan and the Zoning By-law for a 26-storey mixed-use development at the northeast corner of Yonge and Price Streets in the Yonge-Summerhill Area.

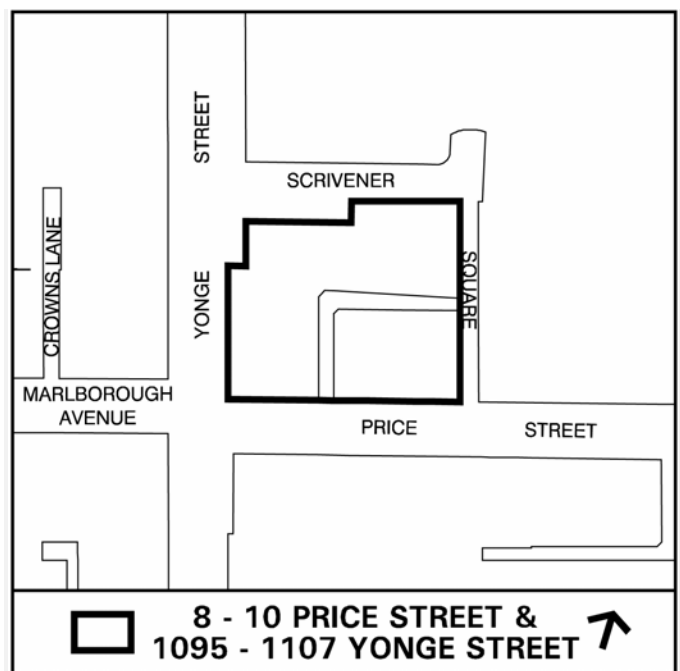
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) refuse the application to amend the Official Plan and Zoning By-law for a 26-storey mixed use building containing residential, retail and office uses at 8, 10 and 10R Price Street and 1095-1107 Yonge Street;
- (2) authorize the City Solicitor and appropriate City officials to appear in opposition to the proposed redevelopment in the event of an appeal to the Ontario Municipal Board; and



- (3) authorize the Chief Planner and Executive Director, City Planning Division to hold an information meeting in the community and to notify landowners and residents within 120 metres of the site in the event of an appeal to the Ontario Municipal Board.

Background:

Application History

On December 20, 2005 Woodcliffe Corporation applied for Official Plan and Zoning By-law Amendments for 8, 10, 10R Price Street and 1095-1107 Yonge Street to permit redevelopment of the properties, consisting of a 38-storey residential tower with a 4-storey podium building containing residential, retail and office uses. The proposal also included the expansion of the five historic retail stores at 1095-1103 Yonge Street (known colloquially as the “Five Thieves”), and the creation of an urban square at the northwest portion of the site, opposite the restored North Toronto Station and existing urban square. The preservation of the Five Thieves was previously secured in a 2002 Heritage Easement Agreement.

On February 28, 2006, City Planning staff held a community consultation meeting, attended by the ward Councillor and approximately 300 residents. Most who spoke opposed the proposed development and expressed concerns with respect to the scale and fit of the proposal in its context; shadow and wind impacts; and parking, access and traffic through the site. Some speakers suggested that they were not opposed to an intensification of the site but felt that the proposal did not have appropriate regard for the planning regulations in place for the Yonge-Summerhill area. Many felt that these policies and guidelines, which were achieved following an involved consultative process, were still relevant. City Planning staff have also since received over 100 written submissions from area residents on both the original and revised proposals (see below), almost all of which reflect the same concerns.

On June 26, 2006, the applicant submitted a revised application which reflected the following changes:

	Original Proposal	Revised Proposal
Tower height (metres)	137.25	97.25
Tower height (storeys)	38	26
Podium building height (metres)	18.3	22.5
Podium height (storeys)	4	5
Number of units	179	124
Total gross floor area	34,042 m ²	32,820 m ²
Overall density (times the lot area)	6.97	6.72

Site History

The site is a consolidation of existing built-up lots with two of the last undeveloped parcels in the Yonge-Summerhill area. The area formerly known as the Yonge-Summerhill Part II Planning area is bounded by Yonge Street to the west, Price Street to the south, Shaftesbury Avenue and the CPR Rail Corridor to the north, and the Park Drive Ravine and the Vale of Avoca to the east.

In 1988, the City undertook a two-phase planning study to review the land use planning policies for the area on the east side of Yonge Street between the CPR tracks and Aylmer Avenue. A Working Committee, including representation from area residents, business and other stakeholders, the City, CP Rail, and then-landowners Marathon Realty, as well as support from City and Metro departments, met over 40 times and consulted with the broader community on the appropriate development of the area. During the course of the study's second phase, which examined the lands bounded by Shaftesbury Avenue, Yonge Street, Price Street and the Park Drive Ravine, Marathon submitted two development applications in February 1992 for its lands at 1121 Yonge Street and 10R Price Street. As is described further below, a small portion of those lands remains undeveloped and forms part of the current application.

In 1995, following further negotiation and an Ontario Municipal Board hearing, the Yonge-Summerhill Part II Plan came into force, followed by a development Master Plan adopted by City Council in 1997 and corresponding site-specific Zoning By-law No. 398-2000 for the Yonge-Summerhill area. These documents set the policy framework for the future development of the former Marathon lands, as well as other lands within the Yonge-Summerhill area.

Site and Surrounding Area

The site is located at the northeast corner of Yonge and Price Streets, south of the CPR rail corridor (see Attachment 2). The consolidated parcel, which includes two public lanes traversing the site that are proposed to be closed and conveyed as part of this development, is 4883.4 m² in area. The following uses surround the site:

North: the restored historic North Toronto Station and clock tower, and CPR rail embankment;

South: one and two-storey retail buildings on the east side of Yonge Street and a Toronto Parking Authority lot;

East: two condominium buildings (one at ten storeys and one at thirteen storeys), and the Toronto Lawn Tennis Club; and

West: two and three-storey buildings containing retail/commercial uses on the west side of Yonge Street.

Planning Controls

Official Plan

The new Official Plan for the City of Toronto designates this site a Mixed Use Area. Development in Mixed Use Areas is intended to be made up of a broad range of uses to create a balance of commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. Among other objectives the Mixed Use Area policies state that new buildings should be located and massed to provide a transition between areas of different development intensity and scale, limit shadow and wind impacts,

provide an attractive, comfortable and safe pedestrian environment; and take advantage of nearby transit services.

This portion of Yonge Street is identified as an Avenue, outside the Downtown area. The Official Plan states that some Avenues, which function well as “main streets” and already have appropriate zoning in place may not need further study. This portion of Yonge Street does have established zoning as determined through the relatively recent study of the Yonge-Summerhill area, and development is further guided by site-specific policies as described below.

When the new Official Plan came into force and effect it brought forward site-specific policies to govern the remaining undeveloped parcels of the former City of Toronto Yonge-Summerhill Part II Plan area, while the Part II Plan was not re-adopted. Three of these policies pertain to the various parcels that comprise the subject site, as illustrated in Attachment 3:

- Policy 206, respecting the properties at 1095-1107 Yonge Street and 8-40 Price Street, states that a mix of commercial, residential and institutional uses in low-rise form buildings generally in the range of three to five storeys is permitted.
- Policy 207, which deals with the two northern parcels of the site (referred to as Sites A and B), states that the height of new buildings surrounding the historic North Toronto Railway Station will not diminish or detract from its visual and physical prominence; accordingly, the heights of new buildings are considered in direct relation to the form and scale of the station. The siting of buildings will permit significant views of the clock tower along Yonge Street, as described in Urban Design Guidelines for the Yonge-Summerhill area, and will provide adequate separation to the station. Development on Sites A and B should have vehicular access from Price Street. A maximum gross floor area of 3,430 m² is permitted on Site A; there is no maximum density specified for Site B.
- Policy 208 deals with more general objectives for the lands east of Yonge Street, south of the rail corridor and north of Price Street. These include: the provision of an urban forecourt to enhance the North Toronto Station; the location of parking, loading and pedestrian access facilities generally outside the urban forecourt; the encouragement of retail uses under the CPR bridge; improvements to the existing transportation system including a second entrance to the Summerhill TTC station; and provision for access to a potential commuter rail station should the opportunity arise.

Site and Area Specific Policy 211 regarding the Bloor-Yorkville/North Midtown Area is also relevant to the review of the site, as it references the Urban Design Guidelines for the area of which this site forms a part. In this broader context, the policy contemplates that building heights will step down from the Bloor/Yonge intersection as one travels further from Bloor Street. The northern portions of Yonge Street in this area are intended to have lower heights than the “height ridges” identified by the policy and urban design guidelines. New development adjacent to Neighbourhoods should be of a lesser scale and contextually appropriate and compatible with the adjacent low-rise areas. The Bloor-Yorkville/North Midtown Urban Design Guidelines are discussed in further detail below.

The new Toronto Official plan contains policies that encourage the conservation and protection of heritage buildings within the city. Policy 2 under section 3.1.5 entitled "Heritage Resources" states that development adjacent to properties on the City's Inventory of Heritage Properties will respect the scale, character, and form of the heritage buildings and landscapes.

Zoning

The zoning for most of the site is CR T3.0 C3.0 R1.0 as shown in Attachment 4. This is a mixed-use zoning that permits a range of commercial and residential uses up to a maximum total density of 3.0 times the area of the lot, subject to a density limits on commercial uses (3.0 times) and residential uses (1.0 times). The maximum permitted height is 11 metres.

The portion of the site fronting onto Yonge Street, south of Scrivener Square, (referred to in this report as Site 'B') is subject to site-specific zoning by-law 398-2000. This site-specific by-law permits a maximum height of 21 metres and a maximum permitted density of 2,000 m².

The site-specific zoning by-law also provides for the provision of 25% affordable housing (achieved either through Provincial/Federal funding or by virtue of unit size) within the Yonge-Summerhill Lands, to be assessed upon full build out of the residential blocks, including Site 'B'.

Yonge-Summerhill Urban Design Guidelines

The Yonge-Summerhill Part II Planning Area is largely built out according to design guidelines created in 1995. There are three remnant parcels with unutilized development permissions, two of which (Sites A and B as described above) form part of the site. Because the area has been substantially redeveloped, the existing urban design guidelines for the entire Yonge-Summerhill area were not brought forward for re-adoption in the new Official Plan. Development of the remaining parcels will have regard for the following guidelines which originate from the area-wide 1995 Design Guidelines, and are to be read in conjunction with the urban design policies of the Official Plan.

For Sites A and B, these guidelines point to development that recognizes and contributes to the primacy of the North Toronto Station, clock tower and urban square as a collective focal point for the area. All buildings fronting onto the urban square should have a base building height that has regard for the cornice line of the Station (approximately 12 to 13.5 m), above which any building height should have a substantial stepback of approximately 2 metres on any public frontage. The height limit for buildings on Sites A and B should be 21 metres, stepped back from the base building and development on Site B will be set back to align with the west face of the clock tower and to preserve important views from Yonge Street to the clock tower, the station building and into the urban square.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The site also falls within the area regulated by the Bloor-Yorkville/North Midtown Urban Design Guidelines, which Council adopted in July 2004. This document identifies the site within the “Yonge Street Corridor, North of Ramsden Park”, which is described as a local shopping area consisting mainly of three-storey brick rows situated adjacent to low-rise residential areas. Developments that are compatible with the existing form and use of this area are encouraged with appropriate regard for location and massing of buildings to provide transition between areas of different development intensity and scale. This area is anchored by the North Toronto Station and the landmark clock tower, which marks entry into the Bloor-Yorkville/North Midtown area.

With respect to urban scale within the Bloor-Yorkville/North Midtown area, the guidelines contemplate that building heights should follow a logical pattern that has a “peak” around the Yonge/Bloor intersection and descending “ridges” along the main corridors, including Yonge Street. 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, while established low-rise pockets represent an equally important built form. Along the Yonge corridor, the height ridge extends only as far north as Belmont Street, four blocks south of the subject site. Portions of the site fall within the “low-rise areas” identified in the document.

The guidelines also state that residential areas and the public realm must be protected from undue overshadowing by any proposed building, and they delineate “shadow sensitive areas” to the immediate east of the site.

Other guidelines related to the treatment of gateway areas, heritage considerations, open spaces, public art, street character and built form angular planes, among others, also apply to development of the site.

Site Plan Control

The development is subject to site plan control. A site plan approval application has not been received to date.

Reasons for the Application

The applicant is proposing a development scheme of a height and density which exceeds current permissions. At 97.25 metres the proposal considerably exceeds the maximum heights of 11 and 21 metres permitted by the zoning by-law. The proposed gross floor area of 32,820 m² (6.72 times the area of the lot) exceeds the total maximum of approximately 14,842 m² (including the lanes) that is currently permitted by the combination of Official Plan and zoning by-law policies.

Agency Circulation

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

Comments:

City Structure

The existing city structure is identifiable through areas that exhibit similar patterns in height and intensity of development. Along the Yonge Street corridor, greater heights and densities are concentrated around major subway stations, in particular those intersecting with east-west transit routes, with lower “main street” type development in between. The new Official Plan recognizes this organization by identifying the Downtown, Avenues and Centres within the Urban Structure.

The Official Plan contemplates that much of the new growth in the city will occur in the Downtown and Central Waterfront Areas. North of the Downtown, the Yonge corridor is punctuated by two Centres, at Eglinton Avenue and at North York Centre, where concentrations of workers and residents are encouraged at these locations, resulting in significant centres of economic activity accessible by transit.

The site of the proposed development is considered an Avenue (located outside of the Downtown), where reurbanization is anticipated and encouraged, subject to the policies for Mixed Use Areas contained in the Plan. As an established “main street” in the Yonge-Summerhill neighbourhood, for which an extensive planning exercise was undertaken to determine the appropriate form of development, this area of Yonge Street has the zoning in place to guide mixed use development in a way that fits with the neighbourhood. The local built form context is considered further below.

Local Built Form Context

At this location, Yonge Street is generally characterized by low-rise, one to three-storey retail and service establishments. Beyond this there are established, low-density residential neighbourhoods both east and west of Yonge. The highest building elements in the immediate vicinity are the two condominium buildings known as “Thornwood I and II” (one ten-storey, 29-metre building to the north and one thirteen-storey, 42-metre building to the south) just east of the site, and the clock tower of the historic North Toronto Station (approximately 42 metres) to the north. The concept of introducing these two higher-density residential buildings was borne of the Yonge-Summerhill planning process, which reserved the Marathon lands closest to the established neighbourhoods for low-rise development while acknowledging that more intense mid-rise development - with appropriate respect for the scale of the heritage station and clock tower - could be sustained closer to Yonge. The approved development scenario resulted in a balance of different forms of housing with different densities, achieving an appropriate average density for the Yonge-Summerhill lands as a whole.

Density, Height, Massing

The proposed development introduces a building height and density that is well out of keeping with this planned context. The proposed density more than doubles that permitted by the Official Plan and zoning by-law and, by deploying the additional density into a tall, 26-storey building, results in a building form that is inconsistent with the character of the area and does not properly address the planning objectives and urban design guidelines for the site.

One of the guiding principles in the redevelopment of the Yonge-Summerhill area is the recognition, preservation, enhancement of the North Toronto Station and clock tower as a neighbourhood landmark and focal point. Existing buildings in the immediate vicinity are consistent with or lower than the height of the clock tower (approximately 42 metres), reinforcing the distinctly low-to mid-rise scale of the neighbourhood. At the proposed 26-storey, 97.25-metre height with an average floorplate over 1000 m², the tower element is of a height and bulk that diminishes the importance of the clock tower as a focal point and detracts from its visual and physical prominence. Staff has expressed concern about the relationship between the existing North Toronto Station and the proposed tower. The Provincial Policy Statement states that mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration. The proposal as submitted does not adequately protect the prominence of this important landmark.

The proposed tower height fails to relate to the heights of the existing Thornwood condominium buildings and, as it is positioned to the easternmost portion of the site, it does not offer an appropriate transition to the mid-rise condominium buildings and the low-rise neighbourhood to the east. Furthermore, the tower is proposed in a mid-block location on Price Street where the Official Plan contemplates building heights in the three- to five-storey range to reflect the low-rise, secondary nature of the street.

From a broader city perspective, the introduction of a 26-storey tower in this location would be anomalous within the city structure contemplated in the Official Plan and Bloor-Yorkville/North Midtown Urban Design Guidelines.

While the proposed expansion of the urban square may offer some benefit in the form of additional open space, that value is outweighed by the negative impacts of the proposal. It should also be noted that the provision of a forecourt to the south of North Toronto Station has been satisfied with the provision of the existing urban square and public boulevard design.

Sun/Shadow Impact

According to the applicant's submitted studies for March and September equinoxes, the revised proposal for a 26-storey tower and 5-storey podium building would cast additional shadows on neighbouring streets and open spaces. Based on a review of the September study, in the morning hours, from 9:18 through 11:18 am, the building casts a shadow on the existing and proposed urban squares in front of the North Toronto Station. In particular, the tower introduces new

shadows to the open space east of the station and clock tower. By 12:18 the shadow from the tower has moved off the open space but the podium building continues to cast a shadow on a substantial portion the proposed urban square until late afternoon (between 3:18 and 4:18 pm). In the early afternoon (between 1:18 and 3:18 pm), shadows cast by the tower to the northeast affect the southwest windows and courtyard of the Thornwood condominium buildings for approximately two hours.

East of the site, the greatest impact of the tower's shadow begins between 3:18 and 4:18 pm, when it falls on the outdoor courts of the Toronto Lawn Tennis Club. By 5:18 pm the tower's shadow has also reached all or part of some single family properties on Cluny Drive, and this impact is shown to continue through to 6:18 pm. All of the above-noted impacts would occur one hour earlier in the March equinox.

Roadways

In accordance with Schedule "A" of By-law No. 398-2000, and reinforced in the Section 37 Agreement for the former Marathon lands, any redevelopment of the parcel known as Site A (10R Price Street) must accommodate a road widening of Scrivener Square to accommodate traffic movements through the block. The north-south portion of Scrivener Square must be widened by 9.0 metres and the east-west portion must be widened by 7.0 metres. The original and revised development proposals have not incorporated either of these widenings. Without the widening of the north-south portion of Scrivener Square, the traffic capacity of the road would be rendered substandard and would leave an inadequate separation distance between the proposed podium building and the existing Thornwood II condominium building. Without the widening of the east-west portion of Scrivener Square, the width of the boulevard would be insufficient. The submitted development scheme proposes to address this situation by extending the podium building over the public boulevard in the form of an arcade. This encumbers the boulevard and alters the design of the original urban square by introducing building massing in an area intended for additional planting and open space.

Extending through the site is an L-shaped public lane, under the City's jurisdiction, which connects Price Street with the north-south portion of Scrivener Square. The applicant proposes to incorporate the lane into the development proposal and has applied to have the lands closed and conveyed to facilitate the development. The approval of this development is contingent upon City Council's approval of the proposed closure and sale of the L-shaped public lane to the applicant, to be dealt with under a separate process.

Conclusions:

The proposed development of a 26-storey tower with 5-storey podium building in this location is inappropriate and out of context. It considerably exceeds any height limits contemplated in the Official Plan, Zoning By-law or Urban Design Guidelines for the Yonge-Summerhill area. The proposed increase in density results in a built form that does not fit with the character of the local area or the overall city structure.

Planning staff recommend refusal of the application and request authority to appear at the Ontario Municipal Board should the applicant file an appeal of Council's decision on the matter.

Contact:

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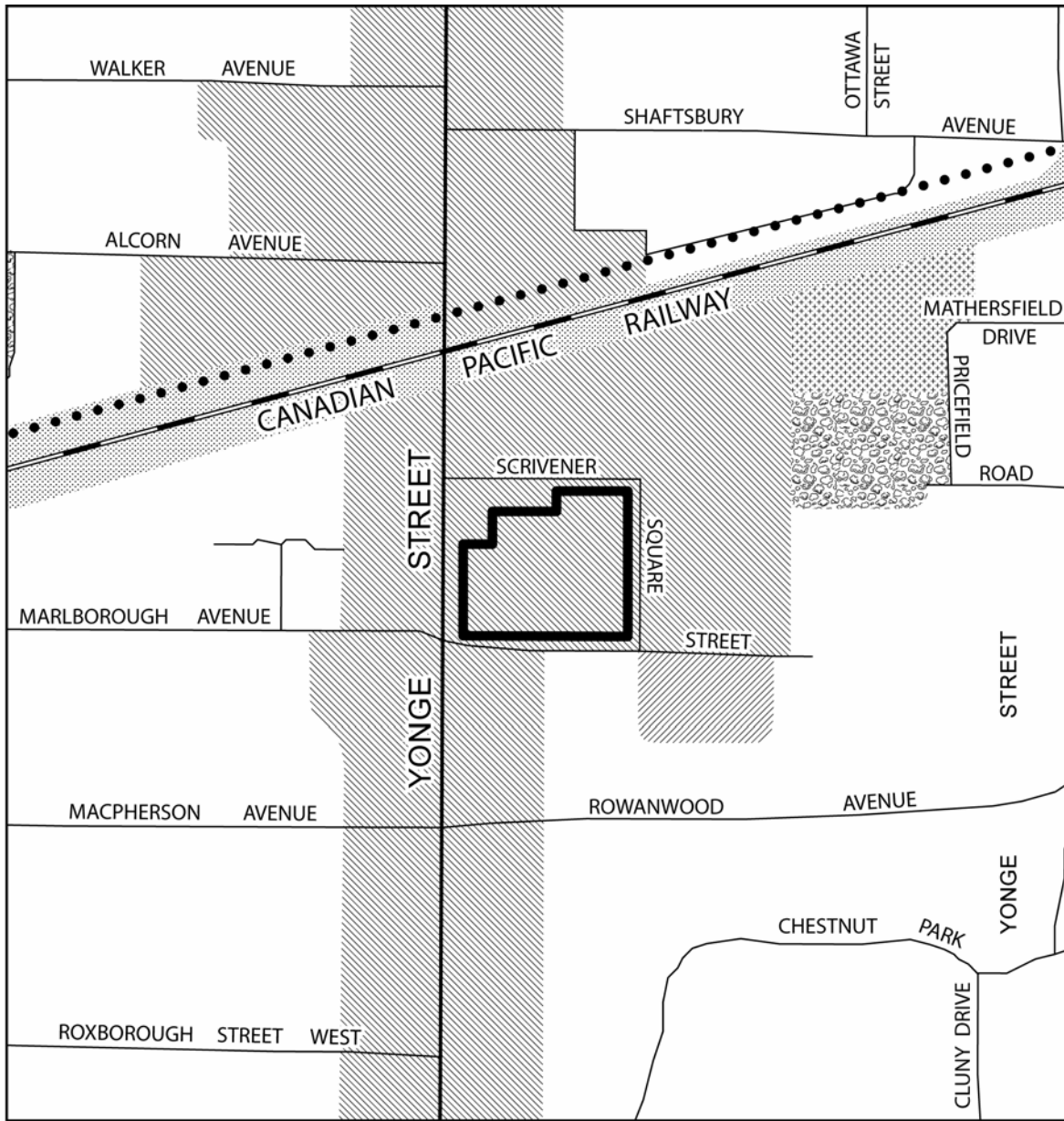
Gary Wright
Director, Community Planning, Toronto and East York District

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List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Official Plan
Attachment 3: Official Plan: Site-Specific Policies
Attachment 4: Zoning
Attachment 5: Site Plan (applicant's submitted drawing)
Attachment 6: North and South Elevations (applicant's submitted drawing)
Attachment 7: West and East Elevations (applicant's submitted drawing)









Attachment 2: Official Plan



 **Toronto** City Planning Division
Official Plan

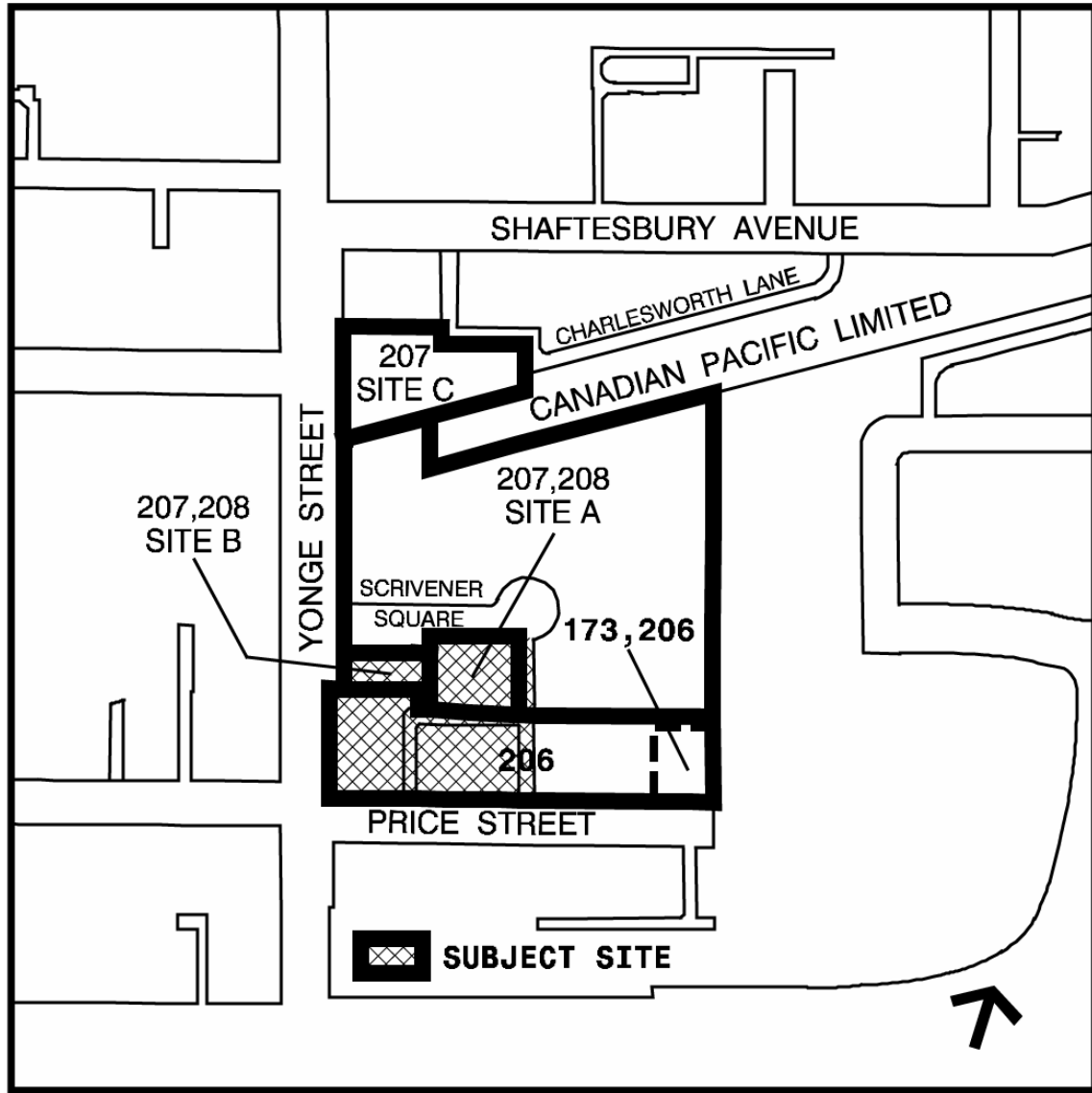
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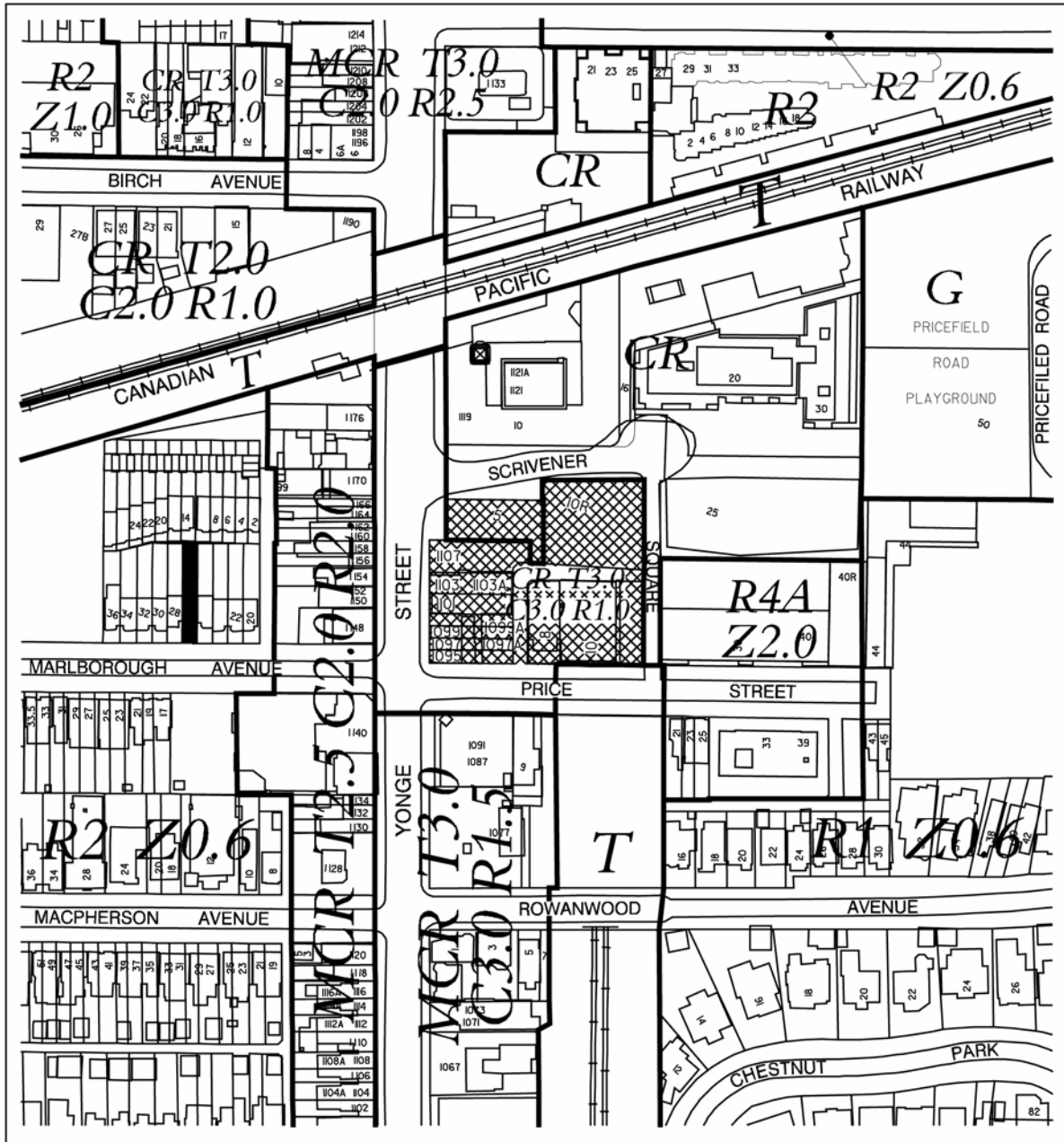
- | | |
|---|--|
|  Site |  Parks |
|  Neighbourhood |  Other Open Space Parks |
|  Apartment Neighbourhood |  Utility Corridor |
|  Mixed Use |  Hydro Corridor |


Not to Scale
07/12/06

Attachment 3: Official Plan – Site-Specific Policies



Attachment 4: Zoning



TORONTO City Planning Division
Zoning

8 - 10 Price Street & 1095 - 1107 Yonge Street

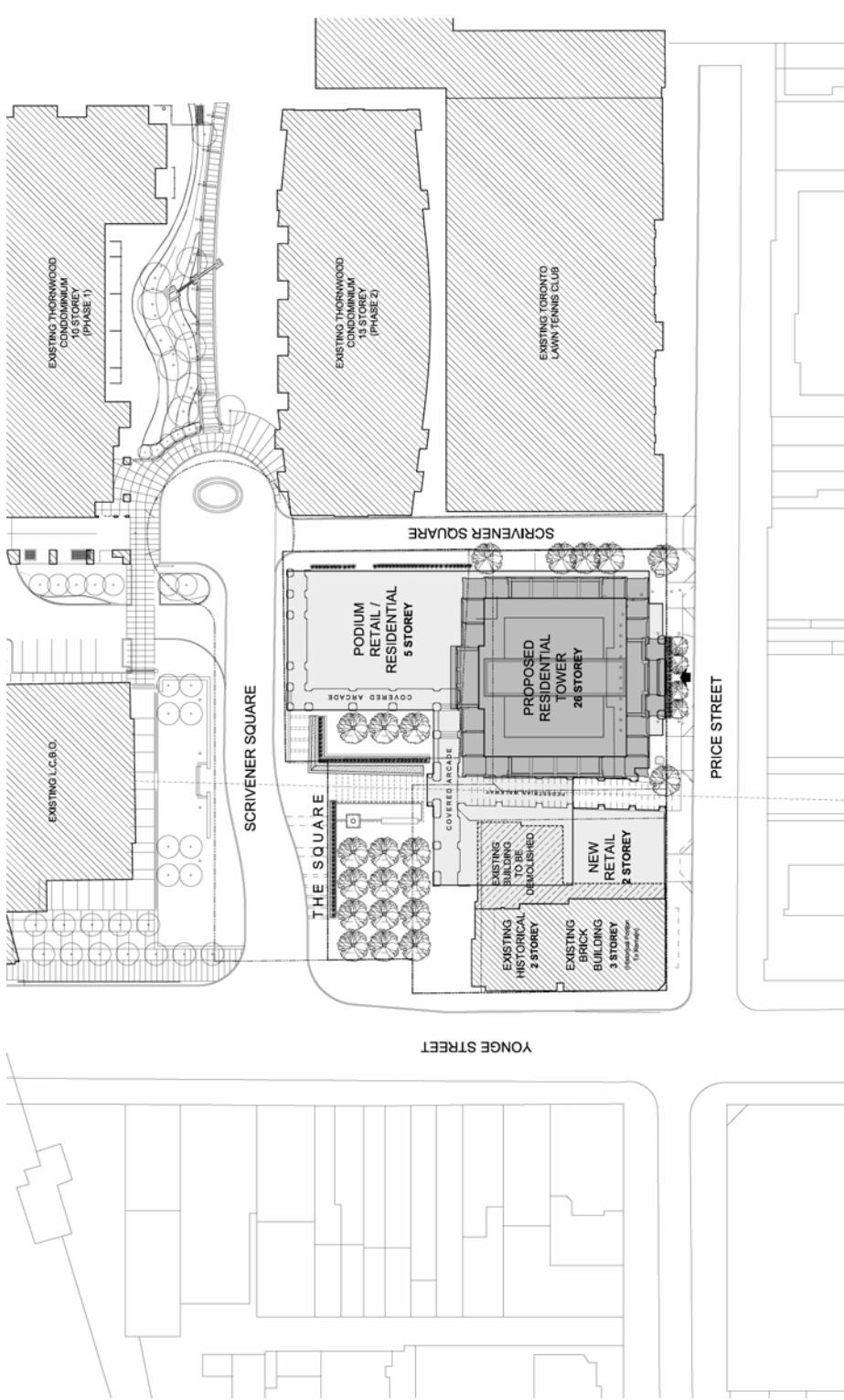
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|-----|----------------------|-----|---------------------|
| G | Parks District | MCR | Mixed-Use District |
| R1 | Residential District | T | Industrial District |
| R2 | Residential District | | |
| R4A | Residential District | | |
| CR | Mixed-Use District | | |



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 01/16/06 - TA

Attachment 5: Site Plan



Site Plan

Applicant's Submitted Drawing

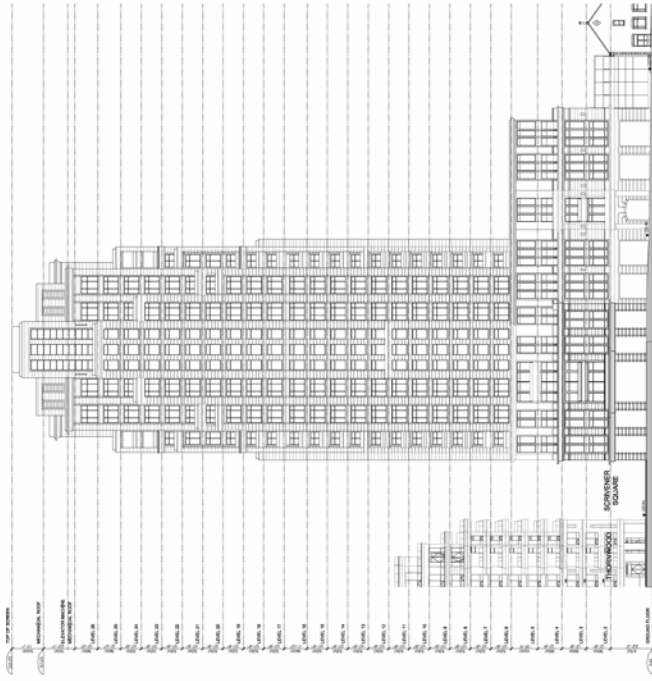
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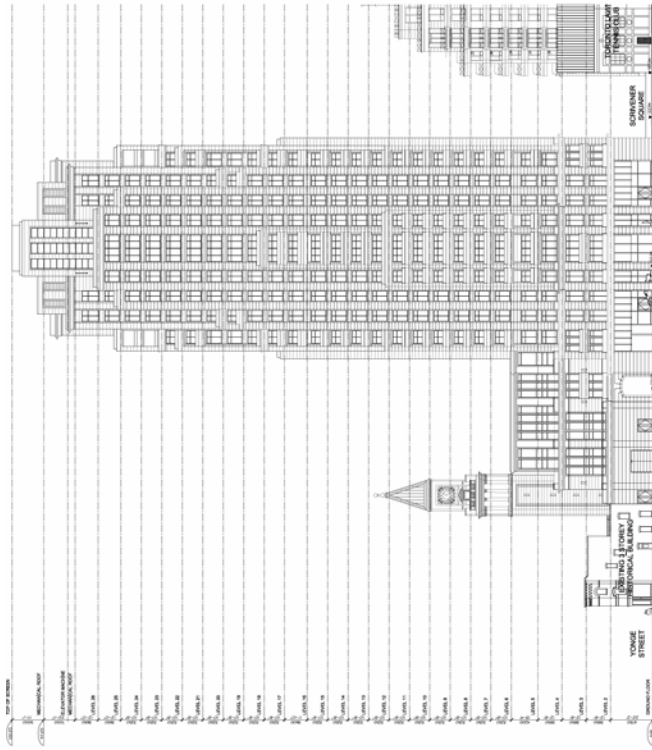
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Attachment 6: North and South Elevations



North Elevation



South Elevation

Elevations

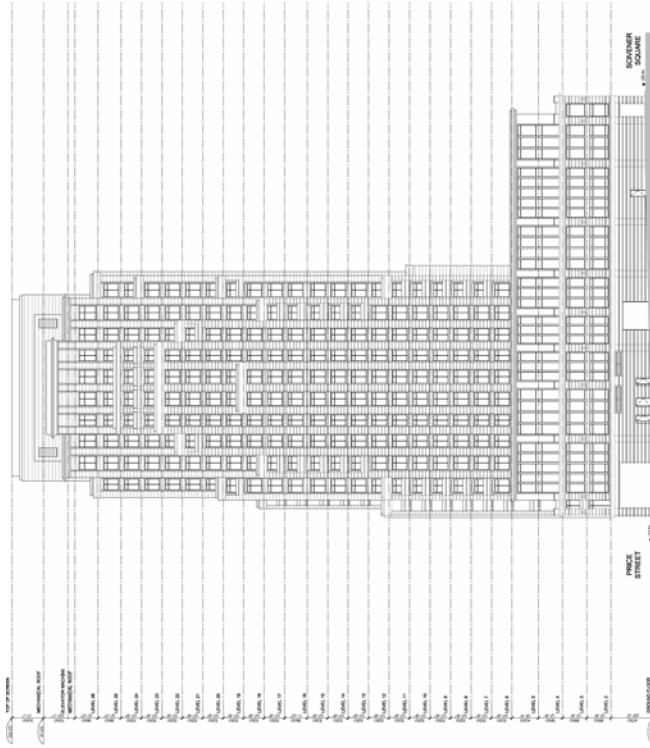
Applicant's Submitted Drawing

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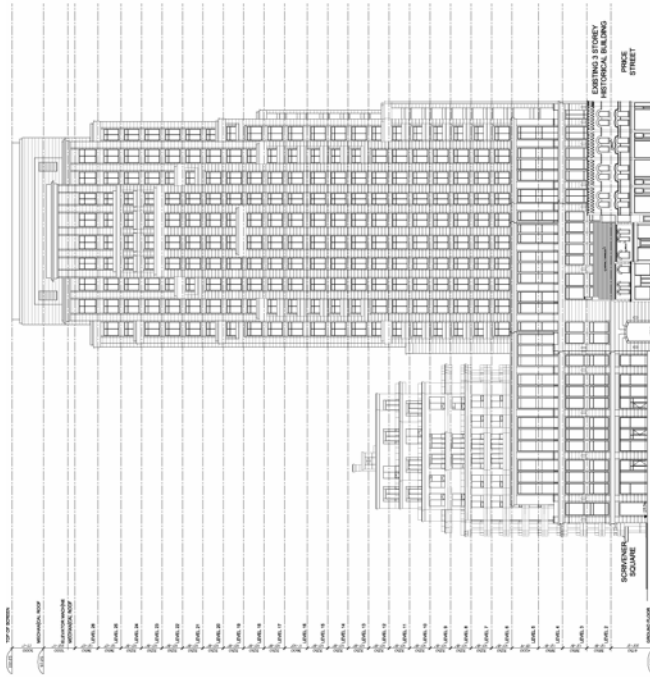
8 - 10 Price Street & 1095 - 1107 Yonge Street

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Attachment 7: West and East Elevations



East Elevation



West Elevation

Elevations

8 - 10 Price Street & 1095 - 1107 Yonge Street

Applicant's Submitted Drawing

Not to Scale
07/12/06

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