

TORONTO STAFF REPORT

August 22, 2006

To: Toronto and East York Community Council

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

Subject: Preliminary Report
Official Plan Amendment & Rezoning Application 06 161810 STE 27 OZ
Applicant: Adam J. Brown, Sherman Brown Dryer Karol Barristers & Solicitors
Architect: Taylor Smyth Architects
1121 Yonge Street
Ward 27 - Toronto Centre-Rosedale

Purpose:

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

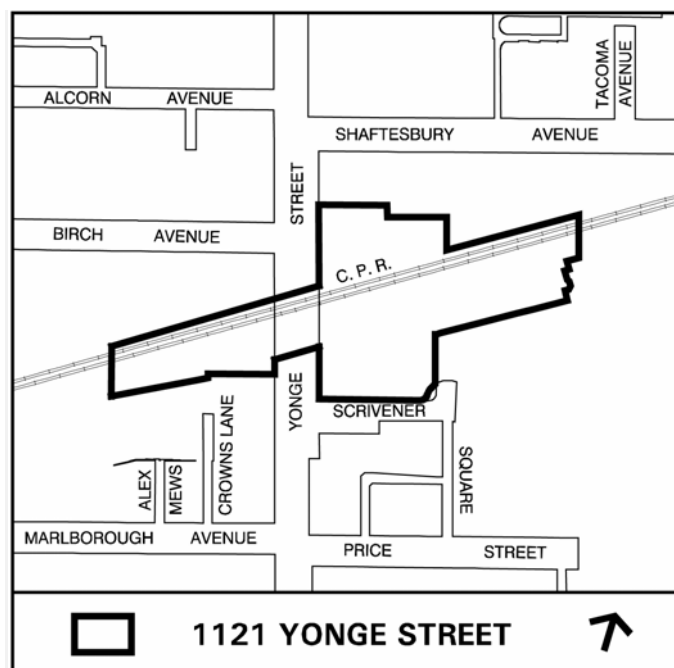
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.



Background:

On May 3, 2006 an application was submitted to the Committee of Adjustment to grant variances to the Zoning By-law to permit a restaurant on a CP (Canadian Pacific) rail bridge structure. At the June 20, 2006 hearing date, following correspondence received from City Planning and Works staff citing concerns with the application, the applicant agreed to defer pending the submission of a site plan application. Planning staff have since advised that an application to amend the Official Plan and Zoning By-law will be required. A site plan application was received on July 4, 2006 and an Official Plan Amendment/Rezoning application was received on July 28, 2006.

Comments:

Proposal

This is an application to permit a two-storey development on and adjacent to the CP rail bridge where it crosses Yonge Street, south of Shaftesbury Avenue. The proposal consists of a 1043 m², 100-seat restaurant to be located on the existing platform to the south of the active rail tracks, in a building spanning from the west to east sides of Yonge Street, connected to the historic North Toronto Station. The proposal also includes six retail stores, totalling 940 m², to be built into the railway underpass along the west side of Yonge.

Pedestrian access to the restaurant is proposed via the existing entrance at the base of the clock tower (currently housing a coffee shop). Two existing lots are proposed to accommodate parking demand, and servicing access for both the restaurant and retail uses is proposed to be provided at the east end of the North Toronto Station building.

Site Description

The site is an irregularly-shaped parcel totaling 11,493 m² in area which includes:

- lands on the west side of Yonge, including the area within the CP rail embankment and underpass;
- the CP rail bridge structure itself; and
- lands on the east side of Yonge including the existing North Toronto Station building (currently housing an LCBO outlet).

The following uses surround the site:

North: active CP rail line immediately adjacent to the proposed restaurant, a six-storey commercial building, commercial and retail uses along Yonge Street and the TTC Summerhill subway station;

South: two- and three-storey commercial and retail uses along Yonge Street, including the heritage retail stores known colloquially as the “Five Thieves” (1095-1101 Yonge Street) and a five storey retail/residential building;

East: a ten-storey condominium apartment building; and

West: a 2½ -storey townhouse development on Marlborough Avenue and Alex Mews.

The proponents of this application have also filed a development application for the lands immediately to the south of this site, at 8, 10, 10R Price Street and 1095-1107 Yonge Street. Staff are evaluating each proposal on its own merit.

New Toronto Official Plan

In the new Official Plan for the City of Toronto, the site is designated both Utility Corridor (for that portion along the rail line) and Mixed Use Area (along the east and west sides of Yonge Street).

The Utility Corridor policies in the Official Plan state that linear rail corridors are used primarily for the movement of people and goods. Where appropriate, development or redevelopment on lands nearby or adjacent to Utility Corridors will protect for access to existing or potential trails, parks and open space and provide adequate screening and securing of the adjacent property edge.

The Mixed Use Area designation contemplates a broad range of commercial, residential and institutional uses, as well as parks and open spaces and utilities. The east side of Yonge Street is also subject to Site-Specific Policies 207 and 208 pertaining to the former Yonge-Summerhill Part II Planning Area. These policies speak to appropriate height, siting, density and access for development in the vicinity of the North Toronto Station. Retail uses are encouraged under the CP Rail bridge within the Station building and the possible establishment of commuter rail service on the Summerhill Rail corridor is contemplated. In addition, the north parking lot intended to serve this proposal is identified as a development site (Site ‘C’).

Zoning

There are three zoning designations on the site. Along the west side of Yonge Street, the property is zoned MCR T2.5 C2.0 R2.0. This is a “main streets” mixed use zoning which allows a wide range of residential, commercial, retail and other uses to a maximum density of 2.5 times the lot area, with a maximum height of 14 metres. The east side of Yonge Street is subject to site-specific zoning by-law 398-2000, where it is designated CR (mixed use) with a height limit of 11 metres and no additional density permitted. The rail line is zoned T, an industrial district permitting only transit, parking and railway-related uses, with no height or density permissions.

Site Plan Control

An application for Site Plan Approval was submitted July 4, 2006 and will be considered concurrently with this application.

Tree Preservation

To facilitate the development the applicant proposes to remove two trees subject to the City's tree by-law, on the west side of Yonge Street on the rail embankment, which will require Council approval.

Reasons for the Application

The proposed restaurant use is not contemplated within the Utility Corridors policies of the new Official Plan and is not a permitted use within the 'T' zoning district. As the T zone does not permit any height or gross floor area, variances are required to permit the restaurant building. In the areas zoned CR on the east side of Yonge Street, the site-specific by-law does not allow any additional density, and limits the height of buildings to 11.0 metres, where the proposed building is 11.7 metres in height, as measured from sidewalk grade.

Issues to be Resolved

As this is a unique proposal with little precedent in the City, there are a number of issues to be reviewed in consideration of this application, including but not limited to the following:

Heritage

The proposed restaurant will be connected to the historic North Toronto Station, with its main entrance replacing the existing coffee shop at the base of the clock tower. The North Toronto Station is subject to a Heritage Easement Agreement outlining objectives for the preservation of the building. In addition, the site is located within the South Rosedale Heritage Conservation District. Guidelines for development within the district were adopted as part of the Heritage Conservation District and as such, any new development must be compatible with these guidelines and not detract from the heritage character of the district.

Yonge Street Roadway

The subject proposal includes construction within the above-grade portion of Yonge Street above the CP Rail Corridor. In order for this proposal to proceed in its current form, Transportation Services have advised that the owner may be required to close and purchase the above-grade portion of Yonge Street and that they will be requesting Legal Services to provide a formal legal opinion on this matter. The applicant has been requested for further information to clarify regulations respecting bridge and road allowance. In the event that the closure of the above-grade portion of Yonge Street is required, the applicant should be advised that approval of the subject proposal, in its current form, will be contingent on City Council's approval of the closure and sale of the above-grade portion of Yonge Street.

The presence of an active use with a virtually transparent south wall may present potential distractions (such as diners, activity, lighting and signage) to drivers on Yonge Street, with resulting safety issues. As a result, the applicant has been requested to provide a "Human Factor

Review", which should include an assessment of the distractions to the Yonge Street motorists, as part of the application.

Parking/Loading

Parking is proposed to be accommodated at the two existing LCBO lots off Yonge Street, one of which is accessed from a driveway north of the rail line, and the other to the east of the North Toronto Station, accessed from Yonge at Scrivener Square. Loading for both the restaurant and retail stores is proposed to be provided at an existing, but unused loading bay at the east side of the station building. City staff have required a Parking and Loading Assessment to examine the proposed demand for the restaurant and retail units and how the demand will be accommodated within the existing parking and loading areas, as well as providing a utilization study of the existing parking and loading facilities. This study was submitted with the site plan application and is currently under review. Similarly, Works and Emergency Services staff will assess the proposal to provide loading for the retail stores on the west side of Yonge Street via an internal corridor and lift system through the restaurant, accessed from the east side of Yonge.

Views

The topography of Yonge Street changes significantly as it drops southward from Woodlawn Avenue toward the rail underpass, affording a clear view corridor through to Bloor Street and beyond. The proposed structure would span the existing bridge at a height of 6.6 metres above the bridge deck, partially obscuring these views. In response to earlier comments the applicant has increased the amount of glazing on the north wall in an effort to permit views to continue through the restaurant building. Further changes to the building's mass and/or the introduction of additional glazing may be required.

Signage

As the proposed restaurant would occupy a prominent and highly visible site, adjacent to an important historic landmark, consideration should be given to appropriate restrictions on signage for the building, with potential implementation through a site-specific amendment to the Municipal Code.

Public Safety and Liability

The proposed development is immediately adjacent to a freight rail corridor and regard must be had for the issues of public safety and site-specific risk assessment. These matters will be reviewed in consultation with Canadian Pacific, City Legal and other relevant City staff.

Longevity of Use

While this is an intriguing proposal in a unique location, the nature of the restaurant business can be transitory. It would not be desirable to see this space, again in a highly visible site, unoccupied should the venture not continue. It may be appropriate to consider tools to avoid this situation and to regulate the use and maintenance of the site more definitively in this regard.

Likewise, measures may need to be taken to ensure that this platform is available for passenger drop-off in the event the corridor is used for commuter rail purposes.

Conclusions:

Planning staff recommend a consultation meeting to be held in the community as soon as possible, prior to the election. It is expected that, provided the applicant continues to promptly respond to comments and requests for information, a final report on this application may be completed in the first quarter of 2007.

Contact:

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Email: mmelnyk@toronto.ca

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: Zoning
- Attachment 4: Site Plan
- Attachment 5: North Elevation (as provided by applicant)
- Attachment 6: South Elevation (as provided by applicant)
- Attachment 7: East Elevation (as provided by applicant)
- Attachment 8: West Elevation (as provided by applicant)
- Attachment 9: Sections (as provided by applicant)

Attachment 1: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning Application Number: 06 161810 STE 27 OZ
Details: OPA & Rezoning, Standard Application Date: July 28, 2006

Municipal Address: 1121 YONGE ST, TORONTO ON
Location Description: PLAN 277Y PT LOTS 2 3 4 & 31 66M2415 BLOCKS 5 & 9 **GRID S2704
Project Description: Restaurant on railway bridge with mixed retail below, at grade.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL BARRISTERS & SOLICITORS ADAM J. BROWN		TAYLOR SMYTH ARCHITECTS	WOODCLIFFE CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Utility Corridor/Mixed Use Area	Site Specific Provision:	Policies 207, 208 (OP) By-law 398-2000
Zoning:	T/CR	Historical Status:	Designated
Height Limit (m):	0/11 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	11493	Height:	Storeys:	2
Frontage (m):	0		Metres:	11.66
Depth (m):	0			
Total Ground Floor Area (sq. m):	1054			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	120
Total Non-Residential GFA (sq. m):	1983		Loading Docks	1
Total GFA (sq. m):	1983			
Lot Coverage Ratio (%):	9.2			
Floor Space Index:	0.173			

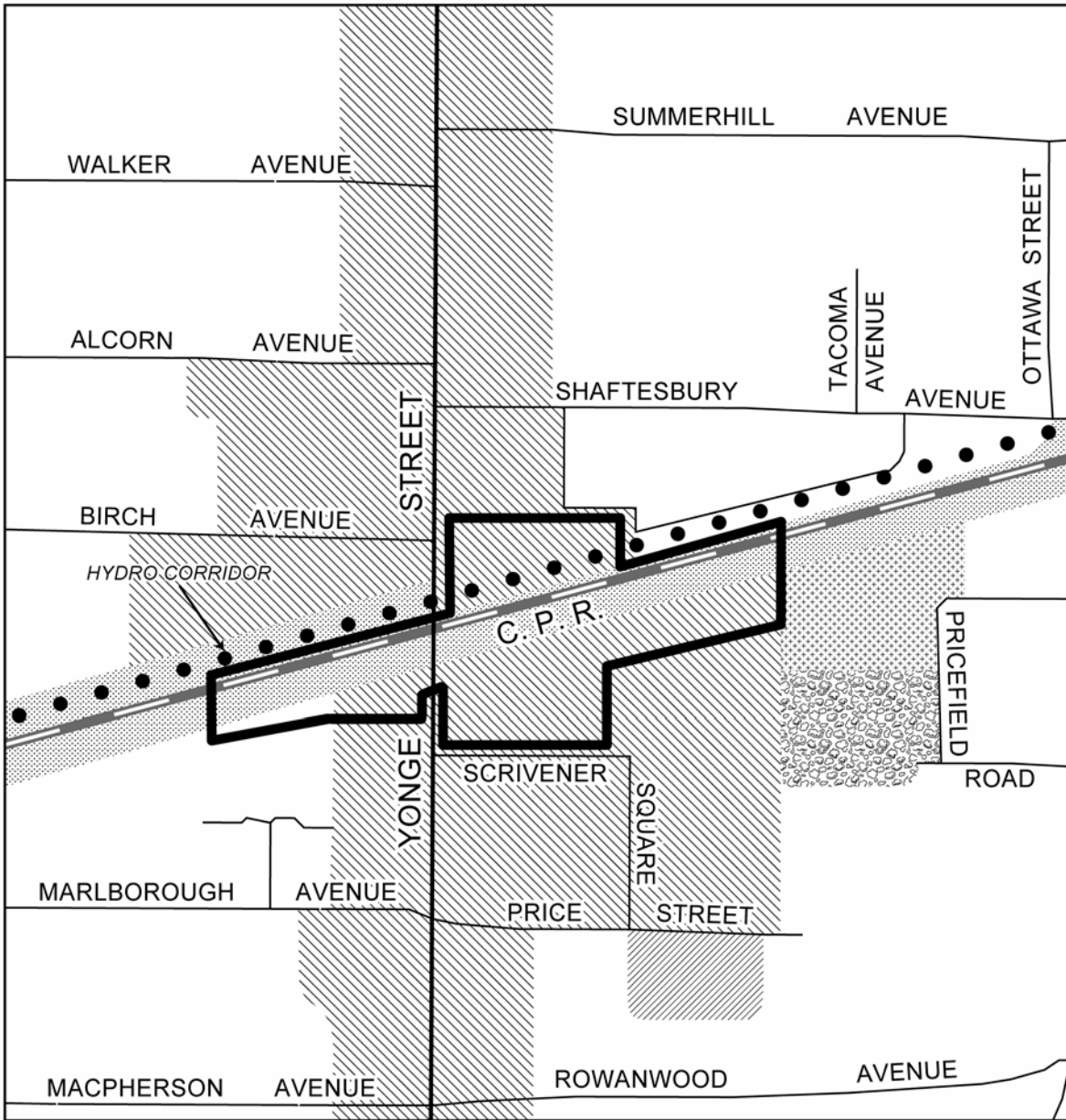
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	1983	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: **PLANNER NAME:** **Melanie Melnyk, Planner**
TELEPHONE: **(416) 338-5747**








Attachment 2: Official Plan (Map)



 **TORONTO** City Planning Division
Official Plan

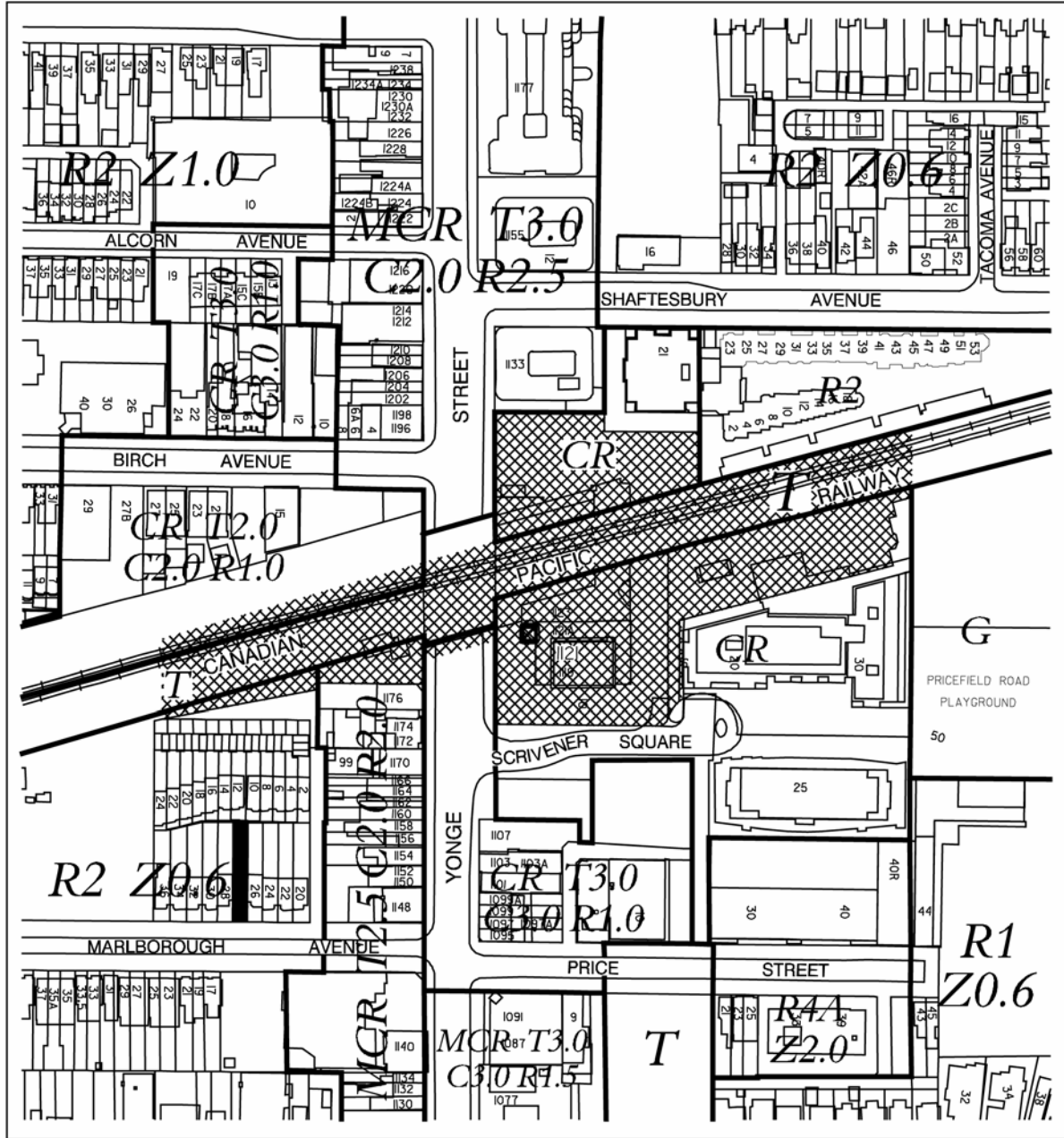
1121 Yonge Street

File # 06_161810

- | | |
|--|--|
|  Site |  Parks |
|  Neighbourhoods |  Other Open Space Areas |
|  Apartment Neighbourhoods |  Utility Corridors |
|  Mixed Use Areas | |


Not to Scale
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Attachment 3: Zoning (Map)



TORONTO City Planning
Division
Zoning

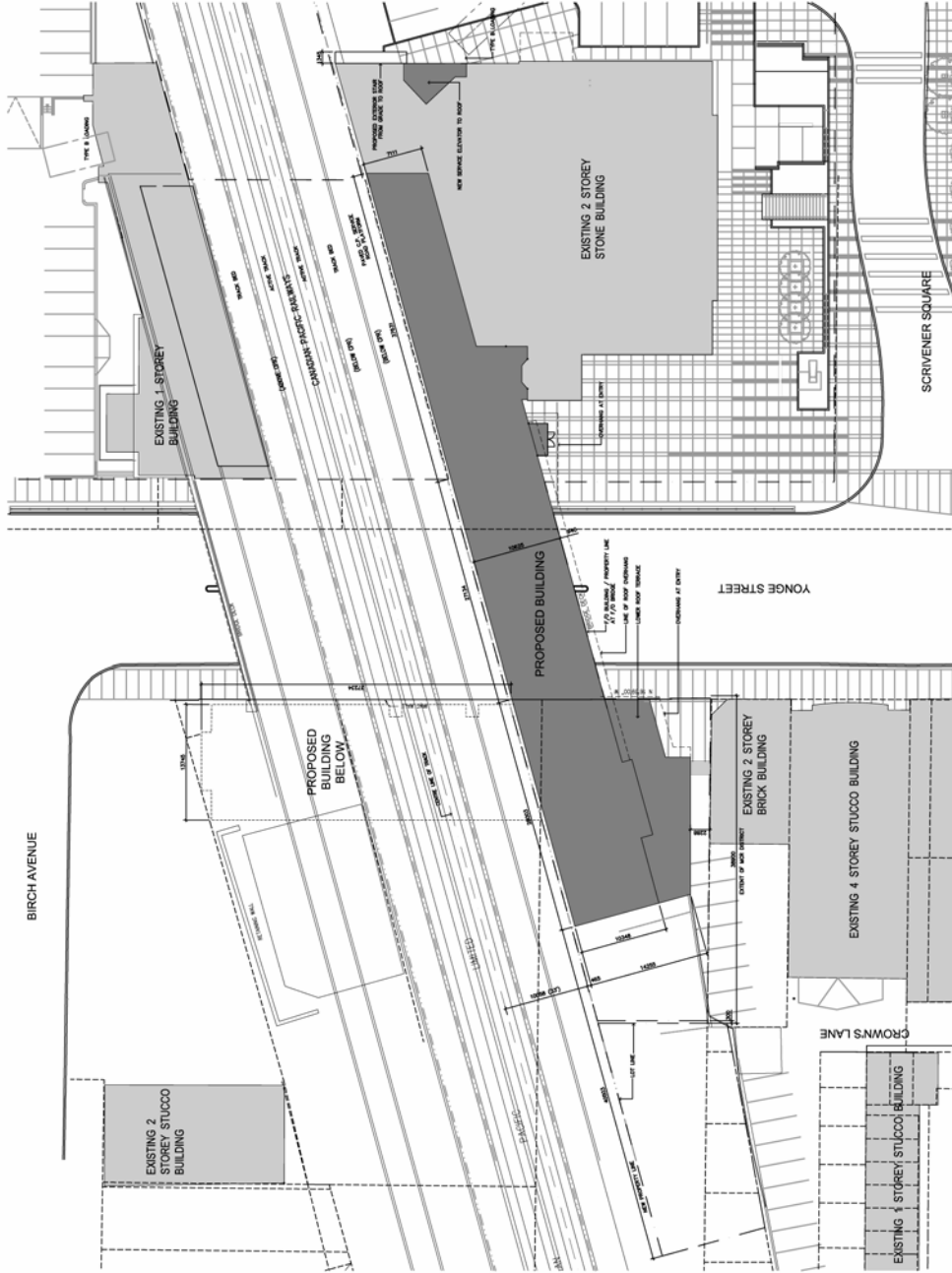
1121 Yonge Street
File # 06_161810

- | | | | |
|-----|----------------------|-----|---------------------|
| 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 08/15/06 - TA

Attachment 4: Site Plan



1121 Yonge Street

Site Plan

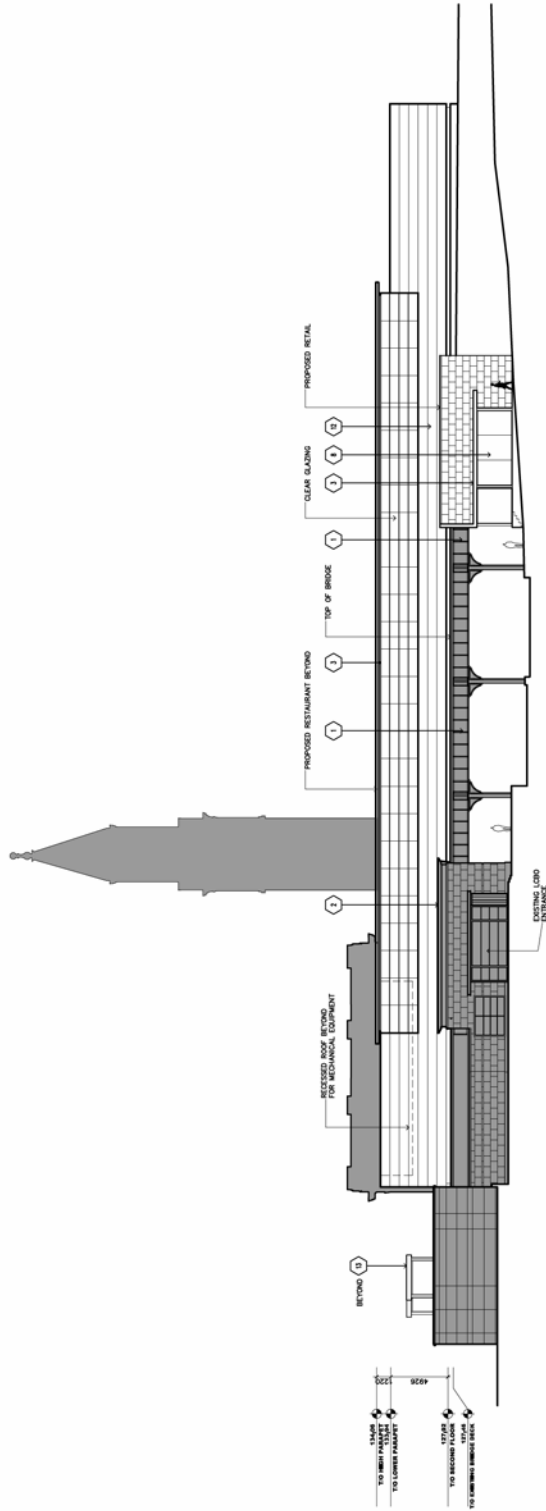
Applicant's Submitted Drawing

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Attachment 5: North Elevation



North Elevation

Elevations

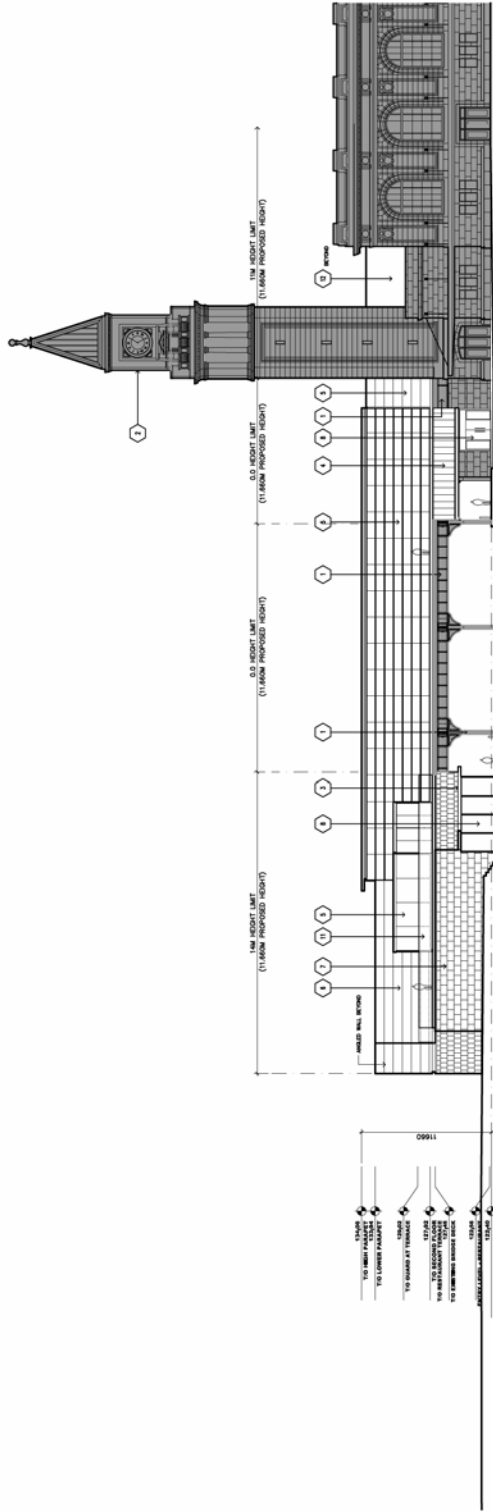
Applicant's Submitted Drawing

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1121 Yonge Street

File # 06_161810

Attachment 6: South Elevation



South Elevation

Elevations

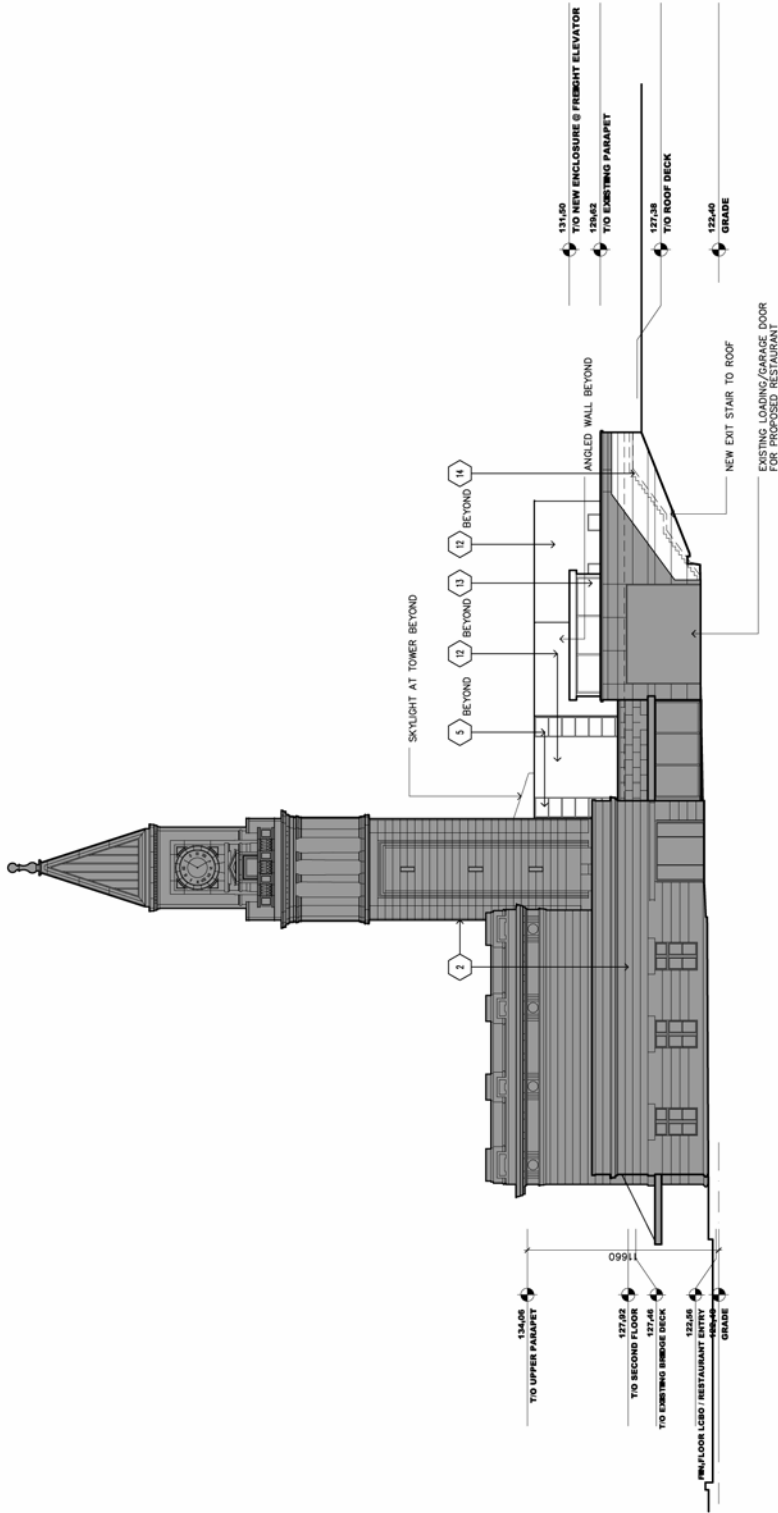
Applicant's Submitted Drawing

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08/16/06

1121 Yonge Street

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Attachment 7: East Elevation



East Elevation

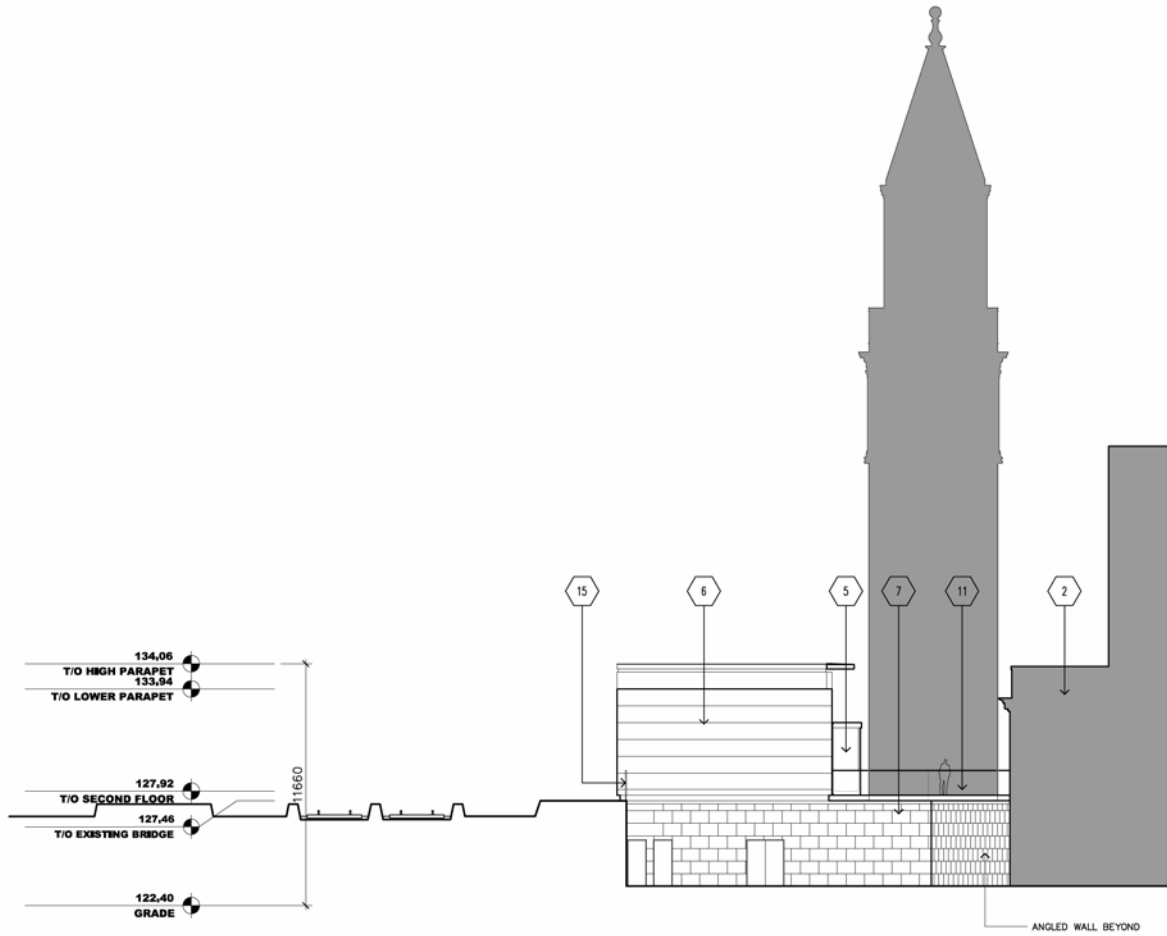
1121 Yonge Street

Elevations
Applicant's Submitted Drawing

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File # 06_161810

Attachment 8: West Elevation



West Elevation

Elevations

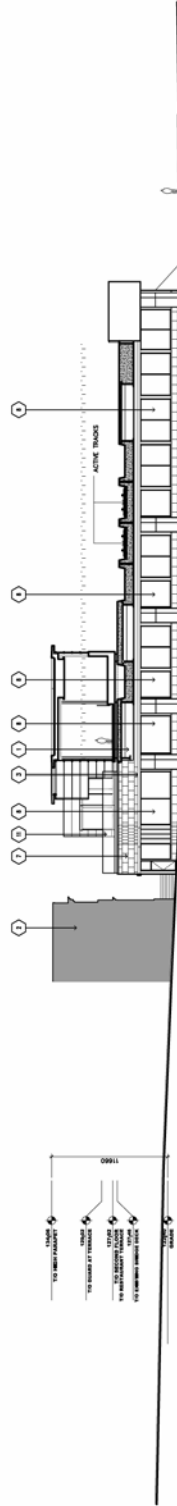
Applicant's Submitted Drawing

Not to Scale
08/16/06

1121 Yonge Street

File # 06_161810

Attachment 9: Section



Sections

Applicant's Submitted Drawing

Not to Scale
08/16/06

1121 Yonge Street

File # 06_161810