

1 and 7 Yonge St - Official Plan Amendment and Zoning Amendment Applications - Preliminary Report

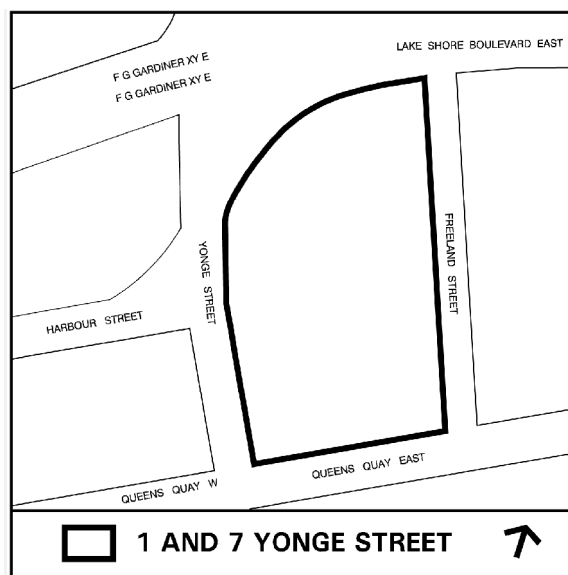
Date:	February 7, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	13-129256 STE 28 OZ

SUMMARY

The applicant submitted a rezoning application in March 2013 to redevelop 1 and 7 Yonge Street and subsequently determined, in consultation with City Planning, that an Official Plan Amendment to the former City of Toronto Official Plan is also required.

The site is proposed to be divided into two blocks by an eastern 27 metre wide extension of Harbour Street. On the south block, the application proposes to retain and add 10 storeys to the existing Toronto Star building and also develop an attached 70- storey hotel/residential building and a 40-storey office building connected with a 6-storey podium. On the north block, four new residential towers are proposed with heights of 75, 80, 80 and 88 storeys with an 8-storey podium for residential, retail and commercial uses.

Toronto and East York Community Council considered a preliminary report on the rezoning application in June 2013. This additional report provides preliminary information on the subsequent Official Plan Amendment application and seeks directions on further processing of the application and on the community consultation process.



RECOMMENDATIONS

The City Planning Division recommends that, following City Council approval of the Lower Yonge Precinct Plan, including any instruments required to implement such Plan:

1. Staff be directed to schedule a community consultation meeting for the lands at 1 and 7 Yonge Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Lower Yonge Precinct

In 2008, Waterfront Toronto issued a Request for Proposals for a Lower Yonge Precinct Study. While consultants were retained and there was further coordination between the City and Waterfront Toronto in 2009, the project was subsequently deferred. Discussions to restart the project began in late 2011 and in 2012 there was work to redefine the scope of the study and identify funding sources. An information report to provide an update on the Lower Yonge Precinct Plan was received by Toronto and East York Community Council on November 6, 2012:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE20.46>.

Waterfront Toronto and the City of Toronto are now jointly undertaking two studies in the Lower Yonge Precinct: an Urban Design Guidelines study and a Transportation Master Plan Environmental Assessment (EA). When complete, the studies will be used to develop the Lower Yonge Precinct Plan led by the City of Toronto. The goal of this work is to establish the planning context and implementing policies required to guide the future development of the Lower Yonge Precinct. Options for the implementation for the Lower Yonge Precinct Plan will be considered through the process, potentially including an area specific amendment to the Central Waterfront Secondary Plan.

Public consultation on the precinct plan has begun including landowner and stakeholder meetings, as well as two public meetings held in May and October 2013. In 2013 there were also Technical Advisory Committee meetings for the Lower Yonge Transportation Master Plan EA (together with Gardiner East EA). Notes and information from the public meeting are posted on the Waterfront Toronto website:

http://www.waterfronttoronto.ca/explore_projects2/central_waterfront/loweryonge.

1-7 Yonge Street

In 2010, a Site Plan approval application (File 10 306318 STE 28 SA) was filed to convert the existing vacant production plant and mail facility into an indoor commercial parking garage. A consent application for severance was filed in conjunction with the Site Plan application. The Committee of Adjustment refused the severance application in October 2011. It was appealed by the owner and following an unopposed hearing, it was approved by the Ontario Municipal Board in March 2012. This Site Plan Control application is no longer active and was not implemented.

A rezoning application was filed in March 2013. The preliminary report on the rezoning was considered at the June 18, 2013 meeting of Toronto and East York Community Council:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE25.64>.

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant to discuss complete application submission requirements on October 2, 2012 and December 3, 2012. The applicant was advised that the Lower Yonge Precinct plan would be needed to establish the context to review the application. Additional issues that were raised at the meetings included tower height and floorplate size, density of the development, and provision of open space.

The applicant's team has participated in the landowner group meetings on the Lower Yonge Precinct together with Waterfront Toronto in October 2, 2012, May 2, 2013 and in September 2013.

Representatives for the applicant consulted with City Planning staff prior to filing the Official Plan Amendment application.

ISSUE BACKGROUND

Proposal

The applicant's proposal is for the site to be divided into two blocks by an easterly, 27 metre wide extension of Harbour Street. On the south block, the application proposes to retain and add 10 storeys to the existing Toronto Star building and also develop an attached 70- storey hotel/residential building to the north and 40 storey office building with a six storey podium. On the north block, four new residential towers are proposed with heights of 75, 80, 80 and 88 storeys with an eight storey podium for residential, retail and commercial uses. A proposed public open space in the form of a widened boulevard is located along the Yonge Street frontage. More details about the proposal and the site and surrounding area are in the earlier preliminary report.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan policy framework for this site includes the former City of Toronto Official Plan and the former Official Plan for Metropolitan Toronto, together with the approved Central Waterfront Secondary Plan and in force City of Toronto Official Plan (2006). The City of Toronto Official Plan, approved in 2002 and brought mostly in force city-wide in 2006, is not in force for these lands as the Central Waterfront Secondary Plan, adopted in 2003, is still under appeal and is now in force only for specific areas. The Central Waterfront Secondary Plan (CWSP) was approved as an amendment to the former City of Toronto Official Plan, with Council direction to modify the new Official Plan with the CWSP policies.

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030414/plt5rpt/cl001.pdf>

Former Official Plan for Metropolitan Toronto (Metro Plan)

The former Official Plan for Metropolitan Toronto (Metro Plan) is still in-force for the subject site. This plan was repealed when the new City of Toronto came into force, but is still in effect for areas not yet subject to the new Official Plan.

Former City of Toronto Official Plan (1993)

Chapter 14 of the former City of Toronto Official Plan sets out a policy framework, goals and objectives for the waterfront. These include the primary goal for the waterfront as set out in Policy 14.2 being to promote increased and sustainable public enjoyment and use of the area by ensuring that future developments and action, by both the public and private sectors, will help to achieve certain objectives, including: improving public access to the waterfront, increasing the amount of public parkland across the entire waterfront and enhancing the quality of the waterfront as a place.

The general policies for the *Bayfront* area (Policy 14.21) provides that Council shall encourage residential, commercial, institutional and compatible industrial uses in suitable

locations within it in order to increase the area's public character, promote active and varied use of the area by people throughout the year, assist in meeting Council's housing policies in Section 6 of the Plan, and other objectives.

More detailed planning and urban design principles for the *Central Bayfront* and *East Bayfront* are set out in Policy 14.28; the site is located in the *Central Bayfront*. These principles include that new development in the *Central Bayfront* should reinforce the goal of increased public enjoyment and use of the waterfront; new residential development should be permitted in a manner which promotes the housing goals and objectives of Section 6 of the Plan (which includes policies respecting affordable housing and housing suitable for families with children); should ensure the creation of viable neighbourhoods with an appropriate level of community services and facilities; should be seen as providing opportunities for the introduction of parks and open spaces that serve a regional and a local constituency; and the physical form of new development should include buildings at moderate to high intensity with medium heights stepping down to the water and the preservation of expansive views from the City to the water.

The site specific policies for 1 and 7 Yonge Street are set out in Policy 14.31 “Toronto Star Lands” (1 Yonge Street). This provides that is the policy of Council to pass by-laws and approve development to permit buildings having a maximum density of 7.0 times the area of the lot, subject to a number of requirements, as follows:

“ provided that:

“(a) the siting of such buildings allows for:

- i) the future west-east extension of Harbour Street across the site from Yonge Street to Freeland Street, and for the lands to the north, which presently form the Lake Shore Boulevard sweep, to be incorporated into the development of the Toronto Star Lands.

Dedication of the right-of-way for Harbour Street will not be required until such time as Harbour Street can be extended through to Jarvis Street. Density rights applicable to the right-of-way will be transferred onto the remaining Toronto Star Lands at the time of dedication, as per policy 16.10 of this Plan; and

- ii) the widening of sidewalks along Yonge Street, Queens Quay and Freeland Street;
- (b) the height and massing of such buildings have appropriate regard for the microclimatic impacts of wind, calm, sun and shade, and, in particular, that the minimum three hour sunlight standard outlined in Section 3.27 of this Plan be achieved along the Yonge Street frontage of the site;

- (c) building heights generally decrease in a west-east direction across the site resulting in lower buildings along Freeland Street, which respect the built form scale of the East Bayfront;
- (d) prior to any residential development being permitted on the site, as encouraged by the mixed-use provisions of Section 14.21 of this Plan, Council shall have approved an appropriate Community Services and Facilities Strategic Plan, as outlined in Section 7.2, and shall be satisfied that implementation arrangements are in place to ensure that any community services and facilities needs resulting from the proposed residential development will be met in accordance with that Strategic Plan, including appropriate cost-sharing arrangements with the development proponents;
- (e) any development on the site for residential purposes shall contribute to the provision of parkland in accordance with Section 4.18 of this Plan and that the rate of parkland dedication take into account the importance of the site's proximity to the waterfront, in addition to the other factors listed in Section 4.18; and
- (f) any development on the site for residential purposes shall satisfactorily address the provisions of Sections 6.12 and 6.13 of this Plan regarding affordable housing and housing suitable for families with children."

Section 14 provides the principles and policies for waterfront redevelopment. The are other applicable policies in the former City of Toronto OP to be considered in the context of this Official Plan amendment, including parks and open space, housing and community services and facilities.

Central Waterfront Secondary Plan (2003)

The Central Waterfront Secondary Plan (CWSP) was adopted by City Council on April 16, 2003 as an amendment to the former City of Toronto Official Plan, with the intent to bring it into the new Official Plan. The CWSP and new Official Plan were being developed concurrently and the CWSP reflects the new OP framework, however due to anticipated report timing it was adopted as an amendment to the City of Toronto OP. The purpose of this Secondary Plan is to identify core principles and a series of "big moves" to guide waterfront revitalization.

The CWSP is built on four core principles. These are:

- A. Removing Barriers/Making Connections;
- B. Building a Network of Spectacular Waterfront Parks and Public Spaces;
- C. Promoting a Clean and Green Environment; and
- D. Creating Dynamic and Diverse New Communities.

The CWSP is subject to various appeals and has been modified by the OMB. The relevant policies for the development of precincts have not been challenged. Refer to: http://www.toronto.ca/waterfront/pdf/waterfront_cwp_revised_nov07.pdf.

A precinct implementation strategy is the tool detailed in Section 2.1 of the CWSP to provide for comprehensive and orderly development and to implement the policies of the CWSP. Precinct plans and subsequent implementing zoning by-laws have been developed for the East Bayfront Precinct, West Don Lands Precinct, and the Keating Precinct of the Lower Don Lands.

To achieve the comprehensive development envisioned in the CWSP, the approval of new zoning for lands within the *Regeneration Areas* will generally take place at a precinct level. The CWSP policies require that, prior to the preparation of zoning by-laws or development permit by-laws within the *Regeneration Areas*, Precinct Implementation Strategies will be prepared in accordance with the policies contained in Section 2.2. As well, the CWSP provides that rezoning of individual sites within *Regeneration Areas* will generally only be entertained once a context has been established for the evaluation of specific rezoning applications, through the Precinct Implementation Strategies. In addition, area-wide infrastructure requirements are required to have been determined, including a fair and equitable means for ensuring appropriate financial contributions for their provision, prior to the approval of rezoning applications.

Section 2.2 of the CWSP defines the elements of Precinct Implementation Strategies, including, but not limited to:

- A streets and blocks structure;
- Minimum and maximum standards for building height and massing;
- Strategies to ensure a balance between residential and employment based development;
- Strategies for achieving affordable housing targets;
- Location and phasing of local and regional parks, open space, public use areas and trails;
- Location and phasing of schools, libraries, community/recreation centres, day care, etc;
- Environmental performance standards;
- Provisions for securing the retention of heritage buildings;
- Urban design and public art provisions;
- Provisions to secure necessary roads, transit, trails and bike paths; and
- Financial mechanisms to ensure the above matters are implemented.

City of Toronto Official Plan (2006)

The City of Toronto Official Plan is not in effect for this site, although it is in force policy. The site is located in the *Downtown and Central Waterfront* on Map 2- Urban Structure. It is designated *Regeneration Areas*, except for the Yonge Street frontage which is designated *Parks and Open Space Areas*. This site is within the Central Waterfront Secondary Plan (CWSP) and is subject to the same designations under the CWSP.

The *Downtown and Central Waterfront* offer opportunities for employment and residential growth. However, growth in the *Central Waterfront* is guided by the CWSP.

The Official Plan policies address the importance of well designed connections between the core and *Central Waterfront*. The renewal of the *Central Waterfront* will create new opportunities for business development, as well as new neighbourhoods with homes for *Downtown* workers. The *Downtown* policies also acknowledge the opportunity to add to the supply of office space south of the rail corridor.

Regeneration Areas are blocks of land that may be subdivided into smaller areas for a wide variety of mixed-use redevelopment. The Official Plan provides that for each *Regeneration Area*, a framework for new development will be set out in a Secondary Plan and development should not proceed prior to approval of a Secondary Plan. The CWSP sets out how precinct implementation strategies will determine the scale of future development, range of uses and the relationship between building massing, density and public spaces for *Regeneration Areas*.

Parks and Open Space Areas are areas for use as parks, open spaces, natural areas and plazas, and can include compatible community, recreation, cultural, restaurant and entertainment facilities. Lands designated Parks and Open Space Areas in the vicinity of Regeneration Areas may be subject to Precinct Implementation Strategies.

The 2006 OMB Order partially approving the Official Plan leaves the Central Waterfront Secondary Plan area under the former City of Toronto Official Plan and the new Toronto Official Plan is not currently in effect on these lands.

OPA 394

The site is currently in the process of being removed from a Special Policy Area for flood protection, now that the Flood Protection Landform in the West Don Lands is substantially complete. The provisions for the Downtown Spill Zone, including this site, are to be removed by OPA 394, which was approved by Council in October 2012. Implementing bills are imminent.

Zoning

The site is zoned CR T6.0 C6.0 R0 which permits commercial development at a density of 6 times the lot area. The CR zone is a mixed use zone, but residential use is not currently permitted on this site.

The site specific zoning by-law exception, 12(2) 297, approved as part of an OMB settlement in 1995, established maximum height limits for the site, but did not change the zoning designation. The permitted height and massing steps down west to east, and seeks to preserve views to the south. A maximum height of 85 metres is permitted along the Yonge Street frontage; a maximum height of 60 metres is permitted for the Lake Shore Boulevard and Freeland Street portion of the site, and a maximum height of 44 metres is permitted for the Queens Quay East and Freeland Street portion of the site. A maximum base building height of 19.0 metres with provision for stepping back 2 metres and up to a height of 30 metres is also permitted.

Site Plan Control

A Site Plan Control application has not been submitted. The area is subject to Site Plan Control.

Urban Design Guidelines

The 1 Yonge site specific urban design guidelines which support the 1995 site-specific zoning by-law exception for this site, set out concepts for the block including a division of the block with a future street, height and massing which steps down west to east, and seeks to preserve views to the south. The guidelines also address microclimate and a sunlight angular plane. The Yonge Street setback, varying in width from 6 to 17 metres, is designated as *Parks and Open Space Area* in the CWSP. The guidelines can be found at the following link:

http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/44_1yongestreet.pdf.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

As this project is located within the CWSP it is not subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013).

Transportation Issues/Transportation Master Plan EA

As part of the precinct plan, Waterfront Toronto and the City of Toronto are conducting a Transportation Master Plan EA to identify the transportation infrastructure required to support development within the Lower Yonge Precinct. The Transportation Master Plan EA will examine connections and network options, including the role and function of Harbour Street west to Lower Simcoe Street. The Transportation Master Plan is being carried out in accordance with the requirements of the Municipal Class EA, which is an approved planning process under the *Environmental Assessment Act*. There are a number of related transportation initiatives and studies which influence this precinct including the Queens Quay EA, York-Bay-Yonge Interchange Reconfiguration EA, the PATH Master Plan, and Gardiner East and Lake Shore Boulevard EA.

Plans have been developed for the transformation of Queens Quay into a two-lane two-way roadway alongside a two-way dedicated light rail line and a continuous separated multi-use path, plus streetscaping and sidewalks. These plans are being implemented west of Bay Street beginning in 2012 and the East Bayfront transit segment has been approved as part of the Queens Quay EA.

Harbour Street west of Yonge Street will also be transformed as a consequence of the planned modification of the elevated eastbound York-Bay-Yonge exit ramp from the Gardiner Expressway. The ramp will be shortened to land at Lower Simcoe Street, allowing Harbour Street between Lower Simcoe Street and Bay Street to become a four-lane at-grade eastbound roadway. City Council has also endorsed the proposal to limit the use of the Bay Street entry ramp to the eastbound Gardiner Expressway to buses.

The York-Bay-Yonge Interchange Reconfiguration EA Study examined reconfiguring the Gardiner Expressway's York-Bay-Yonge interchange, which has implications for the transportation analysis in the Lower Yonge Precinct. In July 2012 City Council approved the amendment of the York-Bay-Yonge Interchange Reconfiguration EA Study. The final Environmental Study Report was published for 30 day review in May 2013: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW16.1>.

As well, in November 2012 City Council directed the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, to undertake a traffic transportation visioning study of the area bounded by Lake Shore Boulevard to the north, Lake Ontario to the south, Stadium Road to the west, and Parliament Street to the east with the report to coincide with the evaluation of future rezoning applications in this area. The timeline for this study is to begin in fall 2013.

The PATH Master Plan shows future pedestrian links north and south of the rail corridor extending as far east as Yonge Street. A connection further south along Yonge Street to Queens Quay is shown as a long-term PATH opportunity in the PATH Master Plan.

Reasons for the Application

The existing site specific Official Plan policy (Section 14.31) permits 7.0X coverage, subject to certain requirements. The applicant has proposed the following amendments to the site specific policies in order to:

- increase the permitted density from 7.0 FSI to 22.01 FSI;
- amend the provisions of Policy 14.31(a) regarding the timing for dedication of the right-of-way for the Harbour Street extension;
- amend the provisions of Policy 14.31(b) to reflect the 2006 Official Plan policies regarding shadow and wind impacts on adjacent properties, streets and parks;
- exempt the subject site from the provisions of Policy 14.31(d) which outlines requirements for the approval of a Community Services and Facilities Strategic Plan in accordance with 2006 Official Plan policies;
- amend the provisions of Policy 14.31(e) regarding parkland dedication to reflect 2006 Official Plan standards; and
- clarify the housing provisions outlined in Policy 14.31(f) to reflect standards approved for other developments in the Central Bayfront.

The proposed draft Official Plan Amendment also proposes to incorporate lands to the north that are part of the Lake Shore Boulevard sweep that connects to Lake Shore Boulevard East. The reconfiguration of this intersection and these lands are being reviewed as part of the Lower Yonge Precinct Transportation Master Plan study. Further review of the proposal's conformity with the site-specific and other provisions of the former of City of Toronto Official Plan is underway.

As noted in the Preliminary Report dated May 29, 2013, the proposal does not comply with the existing zoning by-law as residential uses are not permitted, it exceeds the height limits and the proposed 22x FSI does not comply with the permitted density of 6x FSI. In addition, the development will project into the 60 degree angular plane and a portion of the proposed building would be constructed beneath the proposed new public road extension. Further, the application is within the Central Waterfront Secondary Plan and a precinct plan needs to be completed prior to rezoning.

The purpose of the Official Plan Amendment application is to amend the policies of the former City of Toronto Official Plan, as the policies of current City of Toronto Official Plan and the Central Waterfront Secondary Plan, while Council adopted, are not in effect for this site. The Central Waterfront Secondary Plan area, adopted in 2003, is subject to appeals and is only in force for specific areas.

COMMENTS

Application Submission

In addition to reports and studies that were submitted with the rezoning application, the applicant submitted a planning rationale for the Official Plan Amendment.

A Notification of Complete Application has deemed the application complete as of December 20, 2013.

Issues to be Resolved

In addition to the issues to be resolved identified in the previous report on this proposed development, other issues may be identified through the review of the Official Plan policies and development of the Lower Yonge Precinct Plan. To date the following issues to be resolved related to the in force site specific Official Plan policy, include, but are not limited to:

- The proposal's height and density;
- Provision of built form transition from west to east;
- Consideration of winds, sun and shade and provision of sunlight along the Yonge Street frontage;
- Community services and implementation arrangements;
- Affordable housing and housing suitable for families with children;
- Parkland provision;
- Protecting views of the lake along the waterfront

- Timing of the dedication of a Harbour Street extension; and
- Evaluation of the road network and proposed changes to the Lake Shore Boulevard sweep.

Staff will be reviewing the former Official Plan policies together with more recent Council adopted policies and the City of Toronto Official Plan policies. These policy frameworks require a more comprehensive review of the area and staff are continuing with the precinct plan work identified in the previous preliminary report. The Lower Yonge Precinct Plan is underway and the establishment of directions and a policy framework are targeted for the second quarter of 2014. Its implementation, through an area specific amendment to the Central Waterfront Secondary Plan and design guidelines and/or other tools, is targeted for later in 2014.

The development of the precinct plan policies are needed to inform the review of this application. Consultation on the issues for the development of the area has begun through the precinct plan process.

On December 23, 2013, the applicant filed an appeal to the Ontario Municipal Board of the re-zoning application on the basis of Council's failure to make a decision within 120 days of its submission.

Additional issues may be identified through the preparation of the Lower Yonge Transportation Master Plan EA, Urban Design Guidelines and Precinct Plan policies, review of the application, agency comments and the community consultation process.

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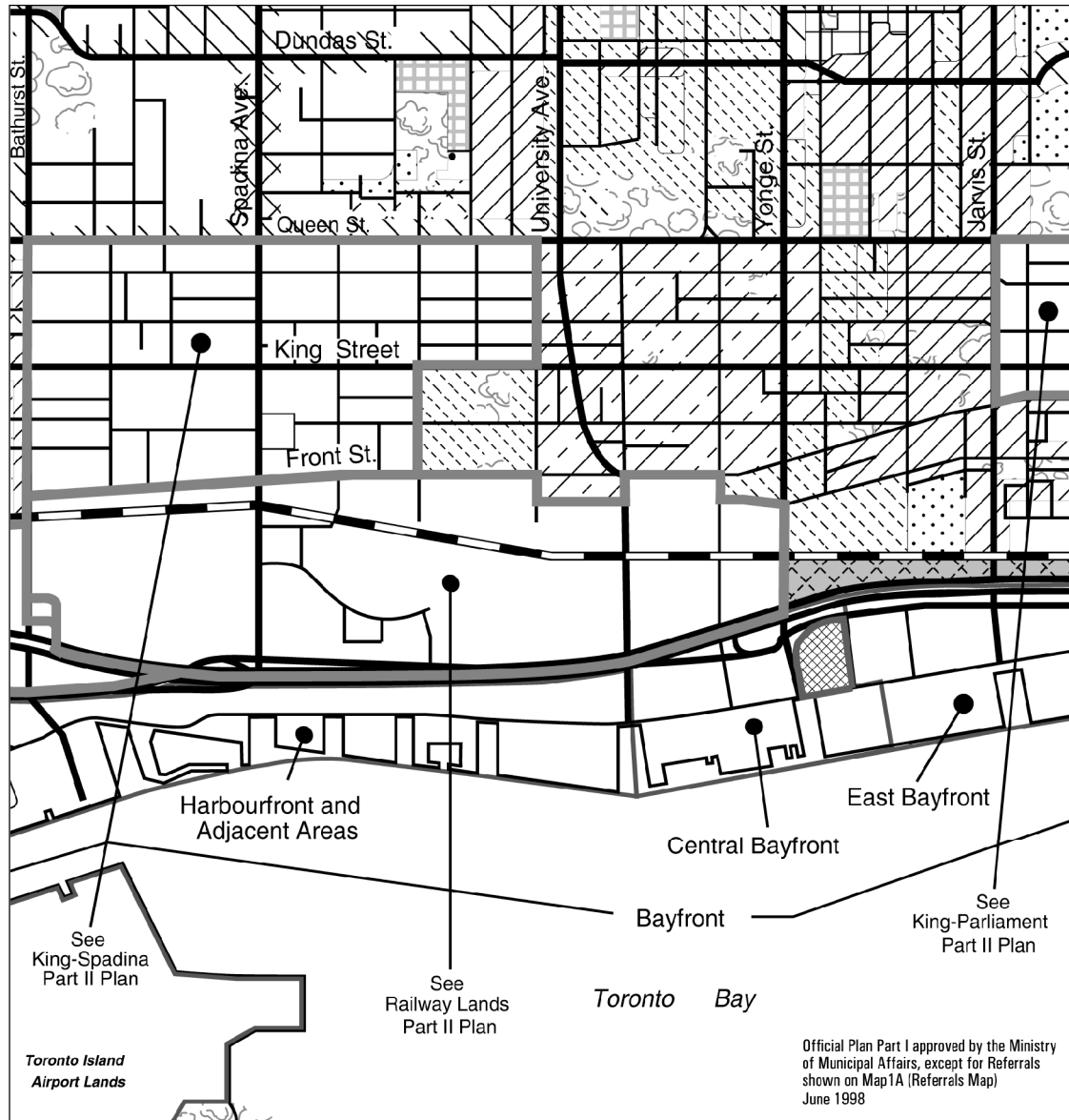
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ATTACHMENTS

Attachment 1: Former City of Toronto Official Plan

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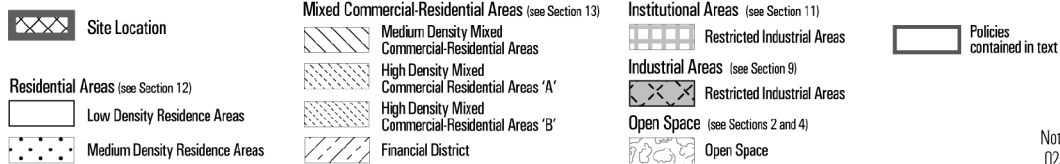


TORONTO City Planning

Former City of Toronto Official Plan Generalized Land Use Map1

1 and 7 Yonge Street

File # 13 129256 02



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