

**874-878 Yonge Street and 3-11 Scollard Street
Official Plan Amendment and Zoning Amendment
Applications - Refusal Report**

Date:	August 12, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 173154 STE 27 OZ

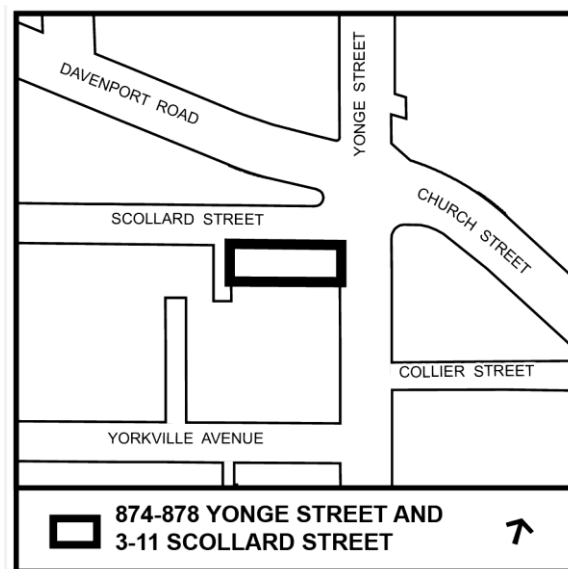
SUMMARY

This application proposes to amend the Official Plan and the Zoning By-law to permit a 59-storey residential tower plus three mechanical floors (229.4 metres) at 874-878 Yonge Street and 3-11 Scollard Street. The proposal has a Floor Space Index of 37.5 times the area of the lot and a total of 194 residential units.

189 vehicular parking spaces (168 resident and 21 visitor spaces) are to be provided in a 7-level automated underground parking garage accessed from Scollard Street via a public lane.

Planning staff recommends that the application be refused. This proposed tower is too tall and the site is too small to accommodate the proposal. The proposal does not fit within the existing and planned context for the Bloor-Yorkville and North Midtown Area.

A community consultation meeting is scheduled for September 26, 2016 where the community can review the application, provide comments, and ask questions of City staff and the applicant.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law and Official Plan Amendments at 874-878 Yonge Street and 3-11 Scollard Street for the following reasons contained in this report.
2. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. Staff be directed to hold a community consultation meeting for the lands at 874-878 Yonge Street and 3-11 Scollard Street and report directly to City Council on any further recommendations arising from it.
4. In the event that any development arising out of the subject application (File No. 16 173154 STE 27 OZ) is approved, City Council require on-site parkland dedication be conveyed to the City pursuant to Section 42 of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On December 18, 2001, the Ontario Municipal Board approved (Order No. 2058) site specific by-law number 588-2002 (OMB) with respect to 852-860 and 876 Yonge Street, 11 and 21 Scollard Street. The by-law permits heights of 15.5 and 23.0 metres at 876 Yonge Street and 11 Scollard Street, respectively.

On September 30, 2005, the Ontario Municipal Board (OMB) approved (Decision/Order No. 2587) minor variances for increased density and for height up to 26.37 metres at 878 Yonge Street.

Pre-Application Consultation

A pre-application meeting was held on March 9, 2016 to discuss complete application submission requirements. Staff raised concerns related to the lack of conformity with the Official Plan and the Tall Building Guidelines, and overall fit of the proposal within the existing and planned context. Staff informed the applicant that the tower proposal was not appropriate.

ISSUE BACKGROUND

Proposal

This application proposes to amend the Official Plan and the Zoning By-law to permit an articulated 59-storey residential tower plus three mechanical floors (229.4 metres) at 874-878 Yonge Street and 3-11 Scollard Street with a Floor Space Index of 37.5 times the area of the lot.

The proposed tower floor plate varies in size but is generally 537 square metres. Inset balconies of approximately 3.2 to 3.5 metres in depth are proposed on all four façades, in various locations. No balcony projections are proposed.

The massing of the proposed tower would be set back as follows:

- 0.0 metres from Yonge Street (the east property line) for floors 7-17 and 6.4 metres for floors 18-59;
- 0.0 metres from Scollard Street (the north property line);
- 0.0 metres from 18 Yorkville Avenue (the south property line); and
- 6.6 metres from the rear public lane (the west property line) for floors 7-15 and 0.0 for floors 16-59.

The proposed building consists of 194 residential units. The proposed residential unit breakdown is as follows:

Unit Type	Number of Units	Percentage
1-bedroom	108	56 %
2-bedroom	54	28 %
3 or more bedrooms	32	16 %

The application proposes a total of 1,798 square metres of indoor amenity space (1,521 square metres on floors 2 to 6 and 276 square metres on the 17th floor). A total of 426 square metres of outdoor amenity space would be located on the floors 4 to 6 adjacent to the indoor amenity space.

A total of 189 parking spaces (168 resident and 21 visitor spaces) are to be provided in a 7-level fully automated underground parking garage accessible from Scollard Street via the public lane west of the site. Vehicles will travel down a ramp to the P1 transfer level where there would be two automated car elevators. A total of 196 bicycle parking spaces are proposed for residents and would be located on the second and third floors and accessed via the service elevator in the loading area.

A semi enclosed Type 'G' loading space is proposed. All servicing vehicles will access the site via the rear public lane to the west.

Site and Surrounding Area

The 700.6 square metre, rectangular shaped site is located on the southwest corner of Yonge Street (15.15 metre frontage) and Scollard Street (45.7 metre frontage). The subject site is composed of several properties:

Address	Description
874 Yonge St.	3-storey building
876 Yonge St.	3-storey building
878 Yonge St. / 3 Scollard St.	4-storey building
9 Scollard St.	1-storey commercial building (connected to 876 Yonge St.).
11 Scollard St.	8 space surface parking lot.

None of the existing buildings are on the Heritage Register, however Heritage Preservation Services is currently reviewing the heritage potential of 874 and 876 Yonge Street.

The width of the Yonge Street right of way is approximately 20 metres and of the Scollard Street right of way is 14 metres. A 6-metre wide public lane abuts the site along the west property line.

Uses and structures near the site include:

North: of Scollard Street is Frank Stollery Parkette and a 16-storey (54-metre) mixed-use building west of the Parkette called the 'Lotus'. Further north along Yonge Street is the 6-storey (26-metre) Masonic Temple building at 888 Yonge Street, on the north side of Davenport Road. On the east side of Yonge Street is the 37-storey residential building (112.2 metres to the main roof and 119.7 metres to the top of the mechanical and wrapped penthouse units) at 825 Church Street.

South: is a 36-storey mixed-use building (115 metres including mechanical penthouse) with a 7-storey base (22.5 metres) at 18 Yorkville Avenue. On the south side of Yorkville Avenue is a City Council approved 58-storey mixed-use building (180.6 metres plus elevator overrun) at 836-850 Yonge Street and 1-9 Yorkville Avenue, which incorporates the 3-storey heritage listed mainstreet buildings on the west side of Yonge Street.

North of Cumberland Street on the west side of Yonge Street at 826-834 Yonge Street and 2-8 Cumberland Street, there is a proposal currently under review (File No. 15 114759 STE 27 OZ) to permit a new mixed-use tower.

South of Asquith Avenue on the east side of Yonge Street at 767-773 Yonge Street, there is a proposal currently under review (File No. 16 118667 STE 27 OZ) to permit a new mixed-use tower.

East: of Yonge Street consists of 2- to 4-storey non-residential buildings and Collier Street. South of Collier Street is the Toronto Reference Library with a height of 28.7 metres (36.3 metres to the top of the mechanical penthouse).

West: is a public lane that extends from Scollard Street to Town Hall Square Park. West of the lane is a 7-storey residential building at 21 Scollard Street. Further west a combined hotel and residential building located at the northeast corner of Yorkville Avenue and Bay Street is 52 storeys (204 metres including a 9-metre mechanical penthouse) with a base building of 35.9 metres on the south side of Scollard Street. The second Four Seasons residential tower is 26 storeys (94 metres including a 5-metre mechanical penthouse).

On the north side of Scollard Street at Bay Street is an application to permit a new mixed use tower currently under review (File No. 15 251277 STE 27 OZ).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Official plans integrate all applicable provincial policies. Since the policies are outcome-oriented, the official plan is the most important vehicle for the implementation of the Policy Statement. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site as *Mixed Use Areas* and locates it within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan. The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate

setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Built Form policies in the Official Plan (3.1.2) state that new development will be located and organized to fit with its existing and/or planned context. The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

The Official Plan is intended to be read as a whole.

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

The City structure for the Bloor-Yorkville/North Midtown Area is provided in Area Specific Policy 211 of the Official Plan. Policy 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, Areas of Special Identity, *Mixed Use Areas*, and open space provided by parks and ravines.

The Bloor-Yorkville/North Midtown Area forms the north edge of the Downtown and provides for transition in density and scale to surrounding lower rise areas. This transition is important to reinforce the diversity of built form and use, to foster the stability of the *Neighbourhoods*.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The subject site is located within the Yonge Street Height Ridge.

The lowest heights in the Bloor-Yorkville/North Midtown Area are in the *Neighbourhoods* and portion of Areas of Special Identity. The site is also located within the Yonge-Yorkville Area of Special Identity. Development in the Yonge-Yorkville Area of Special Identity will be compatible with the heritage buildings, protect views of the fire hall tower, and minimize shadow impacts on Frank Stollery Parkette.

Site and Area Specific Policy 225 – Lands North and South of Bloor Street Between Park Road and Avenue Road

Area Specific Policy 225 of the Official Plan encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy. The Policy illustrates a proposed pedestrian route leading to Frank Stollery Parkette on the west edge of the site.

The Official Plan is available on the City's Website at:
www.toronto.ca/planning/official_plan/introduction.htm.

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is under appeal at the Ontario Municipal Board. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the site.

Under Zoning By-law 569-2013, the site is zoned CR 3.0 (c2.5, r3.0) SS1 (x2206) with a height limit of 18 metres and a maximum density of 3.0 times the area of the lot. Exception 2206 relates to the prevailing policies from Zoning By-law 438-86 (Exceptions 12(2)132, 12(2)259 and 12(2)260).

Under Zoning By-law 438-86, as amended, the property is zoned CR T3.0 C2.5 R3.0 with a height limit of 18 metres and a maximum density of 3.0 times the area of the lot.

The CR zoning category in both Zoning By-laws allow for a broad range of residential and commercial uses.

On December 18, 2001, Site Specific By-law No. 588-2002 (OMB) permits height limits of 15.5 and 23.0 metres at 876 Yonge Street and 11 Scollard Street, respectively.

On September 30, 2005, the OMB has approved (Decision/Order No. 2587) minor variances for increased density and for height up to 26.37 metres at 878 Yonge Street.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of the Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;
- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located within the Yonge-Yorkville Precinct.

The Bloor-Yorkville/North Midtown Urban Design Guidelines highlight the historic buildings in the Yonge-Yorkville Precinct including the Masonic Temple at the northwest corner of Davenport Road and Yonge Street, across from Frank Stollery Parkette. The Guidelines state that buildings around this parkette should be designed to frame the open space with a 5-6 storey street wall. Any new buildings should reflect the character of the existing area and form a consistent edge to the park in order to create an “urban room”.

Tall Building Design Guidelines

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

This project is located within an area that is also 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). This document identifies where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>.

This site is located on the Yonge Street Special Character Street as illustrated on Map 1 of the Guidelines. This designation recognizes Yonge Street's overall heritage value and iconic stature and accommodates the Street's differing re-development potential along specific segments of the street. The Guidelines require towers to be set back a minimum of 20 metres from Yonge Street where heritage properties are located on a site.

The height range for the segment of Yonge Street south of Davenport Road to Hayden Street is 62-107 metres, as identified on Map 2 of the Guidelines. The High Streets Typologies Map (Map 3) also identifies the site within the Yonge Street Special Character Street, where appropriate building typologies will be determined on a site-by-site basis. The Tall Building Guidelines apply the Tower-Base Form typology on sites between Davenport Road to Yorkville Avenue, along Yonge Street.

Map 4 of the Guidelines identifies the Yonge Street frontage as a Priority Retail Street, which requires 60 percent of the building frontage along Yonge Street to contain active retail uses.

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. Reports to Toronto and East York Community Council are targeted by the end 2016 on the results of the second phase and the next steps of implementation.

As a component of TOcore's second phase, a Final Report for the City-initiated Official Plan and Zoning By-law amendments to update setback requirements for tall buildings in the *Downtown* is currently before Toronto and East York Community Council. The Official Plan and Zoning By-law amendments seeks to reinforce minimum tall building setback and separation distance requirements to ensure that future growth positively contributes to the liveability, sustainability and health of *Downtown*.

The TOcore website is www.toronto.ca/tocore.

Yorkville - East of Bay Planning Framework

City Council adopted the Yorkville – East of Bay Planning Framework on August 25, 2014. The Framework applies to the area of Yorkville located between Bay Street and Yonge Street, from Bloor Street to Davenport Road. The Framework is founded on a vision, goals and objectives for the pedestrian environment and connectivity, and identifies the location of potential tall building sites and their built form criteria.

The Planning Framework identifies two key mid-block pedestrian connections to be created by a series of parks, open spaces, linear parks and walkways. These north/south linear park and walkway systems are named by their defining features - Town Hall Walkway and Clock Tower Walkway.

The subject site is not identified as a Potential Tall Building site in the Yorkville – East of Bay Planning Framework. The Framework does however identify this site as contributing to the open space network as part of the Town Hall Walkway. The Framework is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.93>

Site Plan Control

The proposal is subject to Site Plan Control and an application (File No. 16 173156 STE 27 SA) has been submitted.

Reasons for the Application

The application proposes a residential building with a height of 229.4 metres and a density of 37.5 times the area of the lot. The proposal exceeds the 18-metre height limit and the permitted density of 3.0 times the area of the lot, in the Zoning By-laws. Other areas of non-compliance of the proposal are: not providing 60 percent of its Yonge Street frontage as retail and services uses; penetrating the 44 degree angular plane; exceeding the street wall height; providing an automated parking system; and reducing the building setbacks.

The proposal's height and massing does not comply with the policies in the Official Plan for a number of reasons outlined in this report including, but not limited to, the additional shadow and uncomfortable wind conditions being unacceptable and the proposal not fitting within the existing and planned context for the Bloor-Yorkville/North Midtown Area.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural Plans, including Landscape Plans, Lighting Plan and Survey
- Shadow Impact Study
- Tree Inventory and Preservation Plan/Arborist Report
- Planning Justification Report, including Draft Official Plan and Zoning By-law Amendments (By-laws 438-86 and 569-2013)
- Urban Design Brief and Urban Design Guidelines
- Community Services & Facilities Study
- Stage 1 Archaeological Resource Assessment
- Phase 2 Environmental Site Assessment
- Rental Housing Demolition and Conversion Screening Form
- Noise Impact Study
- Pedestrian Level Wind Study
- Heritage Impact Assessment
- Transportation Impact Study, including Vehicular and Bicycle Parking, and Loading Studies
- Functional Servicing Report, including Stormwater Management Report
- Geotechnical Report
- Geohydrology Assessment
- Toronto Green Standard Checklist

The application is complete as of June 13, 2016. A notice of complete application was issued on August 3, 2016.

Issues to be Resolved

Community Consultation Meeting

Planning Staff scheduled a Community Consultation Meeting for September 26, 2016, because a meeting could not be scheduled during the summer months. Staff is recommending that the Director of Community Planning, Toronto and East York District, report directly to City Council on any further recommendations arising from the community consultation meeting if needed.

Height, Massing and Density

This is not an appropriate site for a tall building and the proposed height at 59-storeys is unacceptable. The proposal does not contribute to and reinforce the overall City structure and does not fit with its existing and/or planned context and should be refused. This site has been subject to two separate planning exercises adjudicated by the OMB (in 2001 and 2005), and the OMB approvals permit a building of approximately 26 metres in height.

The lot configuration and size for the north portion of this block is not appropriate to accommodate a tall building. The 2001 OMB approval incorporated a portion of the subject site and permitted a height of 15.5 and 23.0 metres. Separately, the OMB in 2005 approved variances including a height of 26.3 metres for another portion of the subject site. Collectively the previous approvals for the subject site contemplated that these lands are suitable as an extension of the base building height along Yonge Street for the 115-metre tower at 18 Yorkville Avenue. Combining these properties into a single development site does not justify a 229.3-metre tall tower with a density of 37.5 times the area of the lot. The proposed scale and density is greater than any buildings in the Height Peak and Height Ridge within Area Specific Policy 211.

The proposed height at 229.4 metres does not conform to the Official Plan, which calls for descending height and density northward from Bloor Street.

The overall intent of the Official Plan Site and Area Specific Policy 211 is to transition down height and density in the Height Ridge from the taller buildings in the Height Peak to the generally lower and mid-rise context that surrounds the Bloor-Yorkville/North Midtown Area. This approach mitigates impacts and maintains the gradual change from the Yonge Street and Bloor Street Height Peak to the parks, open spaces, school yard, low-rise commercial and residential neighbourhoods and the mid-rise character of the north part of the Bloor-Yorkville/North Midtown Area. This serves the overall goal of allowing for intensification in a manner that balances change and growth with preserving the character of the area.

Tall buildings have been approved in the Height Ridges. These towers have been reviewed to mitigate impacts and provide a downward transition north along Avenue Road, Bay Street and Yonge Street. The planning rationale report submitted with the application suggests that the proposal provides an "appropriate upward transition" from the tall buildings built and under construction. There is no policy which calls for an

upward transition northward along the Yonge Street Height Ridge. This rationale is contrary to the policy for the area is not good planning.

The proposed height of 229.4 metres is comparable to recently approved and constructed buildings at the Height Peak at Yonge Street and Bloor Street (1 Bloor Street East – 258.5 metres; 50 Bloor Street West – 230 metres). At a Floor Space Index of 37.5 times the area of the lot, this proposal far exceeds the scale of any development in the both the Height Ridge and the Height Peak.

Table 1: Built Form of Towers in the Height Peak at Yonge and Bloor Streets

	1 Bloor St W <i>* Council and City Planning Supported</i>	1 Bloor St E	2 Bloor St W	2 Bloor St E	50 Bloor St W	35 Balmuto St
Height	304m (80 storeys)	As built: 258.5m (75 storeys) <i>Zoning:279m (and 290m to finials)</i>	146.5m (34 storeys)	133.9m (35 storeys)	230m (71 storeys)	158m (48 storeys)
Site Size (sq.m.)	2,843	4,690	7,404	15,259	5,920	1,953
Density (FSI)	28.3	17.3	17.4 <i>(with 2 approved towers on Cumberland St)</i>	13.8	17.1	15.3

Table 2: Built Form of Towers in the Yonge Street Height Ridge

	826 Yonge St (8 Cumberland St)	771 Yonge St	836 Yonge Street (1 Yorkville Ave)	18 Yorkville Ave
	<i>Under Review</i>	<i>Under Review</i>	<i>Under Construction</i>	<i>Built</i>
Height (m)	169.8 (51 storeys)	166 (48 storeys)	183.2 (58 storeys)	115 (36 storeys)
Site Size (sq.m.)	1,468	954.4	2,160	Approx. 5,000 (including parkland)
Density (FSI)	19.9	19.9	18.75	Approx. 9.8 (including conveyed park)

The Official Plan including the Area Specific Policy do not support the use of the subject site for a tall building. The 59-storey tower proposal far exceeds the approved heights and would undermine its existing and planned built form context. Through the development and adoption of the Yorkville East of Bay Planning Framework (2014), the City identified potential sites for tall buildings. This small site is not identified as a potential tall building site.

As stated in the Tall Building Guidelines, tall buildings on sites that are too small to provide the minimum tower setbacks and stepbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants, and the overall liveability of the City. Not all sites are suitable

for tall buildings. A small site may only be able to accommodate a lower-scale building form, such as a mid-rise building.

The proposed tower is set back 0.0 metres from all property lines at varying heights. This is not acceptable. Along Yonge Street, the proposal provides a ground floor setback, but the tower projects over the widened sidewalk and is proud of the tower at 18 Yorkville Avenue to the south and the planned towers further south along the Height Ridge.

While the appropriate built form typology given the small size may be a mid-rise building, the tower typology for this stretch of Yonge Street would be a tower-base form for an appropriately-sized site. A tower-base form is characterized by slender point towers spaced apart and set atop pedestrian –scaled base buildings that define the street edge. The articulated portion of the tower on floors 4-6 provides a base-like condition on Yonge Street, but the tower is proposed to project beyond the base-like condition and over the widened sidewalk on floors 7-17, rather than setting back from the base form. The tower can be better characterized as a canyon form because the tower covers the full width of the site.

The small size (700 square metres) site poses a number of constraints to achieving a functional site design in compliance with the policies of the Official Plan. The proposal:

- does not provide a new on-site open space to provide a green link between Town Hall Park and Frank Stollery Parkette;
- does not consolidate vehicular and servicing access to the site and screen loading facilities from the public realm;
- does not provide retail and services uses along Yonge Street;
- does not mass the tower in a tower-base form with the tower set back from the base along Yonge Street, rather it projects outwards and blocks sky views;
- does not mitigate shadow and wind impacts; and
- privatizes the surrounding public areas.

The sections below describe further impacts resulting from the proposing massing.

Shadow

The shadow impact resulting from the proposed building is not acceptable. The Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

The Tall Buildings Design Guidelines - Supplementary Design Guideline #2 states that new buildings should be located and designed not to cast any new net shadow on parks between 12:00 PM. and 2:00 PM on September 21. It also states that new buildings should be designed and located so as to best mitigate all new net shadowing on Jesse Ketchum Park/Schoolyard and Ramsden Park in the Bloor-Yorkville/North Midtown Area.

The Urban Design Guidelines identify Shadow Sensitive Areas. East of Yonge Street, the lands designated *Neighbourhoods* in the Asquith Collier Precinct, and on Collier Street, Park Road and Asquith Avenue, are identified as shadow sensitive areas. West of Bay Street, a portion of the Village of Yorkville and Yorkville Triangle, including the lands designated *Neighbourhoods* along Hazelton Avenue and Scollard Street, the Village of Yorkville Park and Jesse Ketchum Park, are identified as shadow sensitive areas. To the north, Frank Stollery Parkette, on the north side of Scollard Street, is identified as a shadow sensitive area.

On June 21, when the sun is at its highest point, there is significant incremental shadow from the proposed building. At 9:18 AM a new shadow is cast across the school yard at Jesse Ketchum Parkette. Shortly after 9:18 AM, the proposal begins to shadow Frank Stollery Parkette and remains on the Parkette until just prior to 3:18 PM. At 4:18 PM the proposal casts a new shadow across Harold Town Park on Church Street.

The applicant's shadow study (prepared by R. Bouwmeester & Associates, dated May 6, 2016) demonstrates that the current height limits as approved by the OMB do not create any incremental shadow on Frank Stollery Parkette on June 21. Additional height beyond the as-of-right limit would begin to cast shadow along the sidewalk on the north side of Scollard Street and Frank Stollery Parkette.

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

On September 21 the proposed incremental shadow is cast over the Yorkville Triangle Neighbourhood at 9:18 AM. By 2:18 PM a new shadow is cast over the Rosedale Valley Ravine and into the Rosedale Neighbourhood after 3:18 PM.

Wind

The wind conditions found in the Pedestrian Wind Study (April 20, 2016) by RWDI Inc., submitted with the application, are unacceptable. The public areas around the proposed tower including within Frank Stollery Parkette and adjacent to Town Hall Square Park will experience increased wind conditions, reducing the usability of those spaces. Within Frank Stollery Parkette, the comfort levels would deteriorate from being suitable for sitting and standing to only being suitable for standing and strolling in the summer months in the proposed and future conditions (including other approved buildings that have not been constructed). The comfort category of the Yonge Street and Scollard Street sidewalks adjacent to the site would also deteriorate from being suitable for sitting to only being suitable for standing in the summer months as a result of the proposal.

Heritage

A Heritage Impact Assessment (May 6, 2016) prepared by ERA Architects Inc., for the applicant, is currently under review by Heritage Preservation Services. The study identifies the year of construction of buildings on the site as follows: 874 Yonge Street (1893); 876 Yonge Street (1869), and 878 Yonge Street (late 1970s). The properties at

874 and 876 Yonge Street were evaluated under Ontario Regulation 9/06. The applicant's study found that these buildings have low cultural heritage value due to substantial unsympathetic alterations and isolation in their current context and does not recommend designation under Part IV of the *Ontario Heritage Act*. Heritage Preservation Services is reviewing the heritage potential of 874 and 876 Yonge Street.

Roadway

The site is bounded by an existing mixed-use building to the south, a public lane to the west, Scollard Street to the north, and Yonge Street to the east. Land and Property Surveys staff have determined that no additional lands are required for right-of-way purposes to satisfy the Official Plan requirements for public rights-of-way abutting the site.

Easements

Several easements affect the subject site as identified on the Survey (Drawing No. A002). The owner must identify and provide descriptions for each easement or restrictive covenant affecting the site and any other existing rights-of-way or easement(s) off the site which the owner intends to rely on to service the site.

Access, Parking and Traffic

Vehicular access to the site is proposed via the public lane west of the site. This lane will provide access to a parking ramp that connects to the P1 level of the building as well as the building's parking system and loading area. While the proposed access arrangement is acceptable from a technical perspective, the location of the access to the parking and loading should be accessed via one driveway off the public lane. The access point should be well set back from the Scollard Street property line to provide space for a new public park on the site as discussed later.

Traffic Planning staff have reviewed Urban Transportation Considerations report (May 6, 2016) prepared by BA Consulting Group Ltd. The report estimates that the proposed development would generate 30 to 40 two-way vehicle trips during both weekday morning and afternoon peak hours. Given this level of estimated trip generation, the report concludes that new site traffic can be acceptable and appropriately accommodated at the intersections within the study area. Prior to accepting the traffic impacts of the proposal, additional analysis and documentation is required by Transportation Services.

The proposed parking supply exceeds the requirements in Zoning By-law 569-2013, and is acceptable. In accordance with the Toronto Green Standard, when providing more than the minimum parking required under the Zoning By-law for residential uses, any additional spaces must include physical provisions for future electric vehicle charging.

The proposed development includes one Type-G loading space on the site within a semi-enclosed facility to accommodate the servicing and garbage/collection of the proposed development. The proposed loading supply meets the requirements outlined by Zoning By-law 569-2013, but should be redesigned to be fully enclosed within the building and not visible from the public realm.

Staff have requested further information regarding the Functional Servicing and Stormwater Management Report.

Parkland

The proposed development is located in an area that is experiencing rapid growth and has low provision of parkland. In accordance with the August 4, 2016 memorandum from Parks, Forestry and Recreation, this report recommends that City Council require the owner to satisfy the dedication requirement through an on-site parkland conveyance with frontage along Scollard Street. The parkland dedication is to be unencumbered, uniform in shape and topography, with visibility and accessibility from public roads.

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people, the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application proposes a new 59-storey residential tower with 194 residential units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 2,586 square metres or 369.5 percent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 percent of the development site is applied to the residential use. In total, the parkland dedication requirement is 70 square metres.

A 70 square metre on-site park will enhance the availability of green space in the vicinity of the development, while helping to establish a public space connection between the existing Town Hall Square and Frank Stollery Parkette, as identified in the Yorkville – East of Bay Planning Framework.

Further discussion is required on the specific configuration and location of the on-site parkland dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan. Once the park block has been determined to the satisfaction of the General Manager, Parks, Forestry and Recreation, additional detailed comments and conditions will be provided.

Open Space, Streetscaping and Pedestrian Environment

The Urban Design Guidelines (June 2016) by BrookMcIlroy submitted with the application states that a new open space should be provided along the length of the existing north-south mid-block pedestrian connection between Town Hall Square Park and Frank Stollery Parkette, located in the vicinity of 11 Scollard Street. The new open space should improve access between Town Hall Square Park and Frank Stollery Parkette and incorporate special paving treatments, and enhanced landscaping and furnishings.

It is not clear to Staff why the the application does not provide a new open space on the site as proposed in the applicant's own Urban Design Guidelines. The western portion of the site (11 Scollard Street) is to be paved to provide for a loading space and vehicular access to the P1 level, and no landscaping or furnishings is proposed.

Planning staff recommend that the new public park be located in the 11 Scollard Street portion of the site. The sidewalks, roadway and opens space should be designed as per City standards. Any proposed redesign for Scollard Street and the recently reconstructed Frank Stollery Parkette should be a separate City initiated exercise and not designed as an integrated extension of the proposed tower's site.

The site has frontage on two public streets (Scollard Street and Yonge Street) and a public lane. The existing sidewalks along Yonge Street and Scollard Street are approximately 3.5 metres in width. The sidewalk along Yonge Street is proposed to be widened to 5.3 metres and the sidewalk on Scollard Street will remain the same. A partial colonnade is proposed along Scollard Street for a portion of the site.

The zoning by-law and the Tall Building Guidelines identify Yonge Street as a priority retail street, where at least 60 percent of the frontage shall be used for street-related retail and service uses. The proposed residential tower proposes no retail or service uses.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City will be considered, in consultation with the Ward Councillor, if a project is ultimately approved.

The submitted drawings include a proposed re-design of Frank Stollery Parkette, but no itemized cost estimate has been provided.

Conclusion

This application for a tall building is not appropriate for the site, and should be refused. The proposed development does not conform to the Official Plan; is inconsistent with Council-approved guidelines; does not fit within the existing and planned context for the Bloor-Yorkville/North Midtown Area.

CONTACT

Oren Tamir, Senior Planner
Tel. No. (416) 392-7349
E-mail: otamir@toronto.ca

SIGNATURE

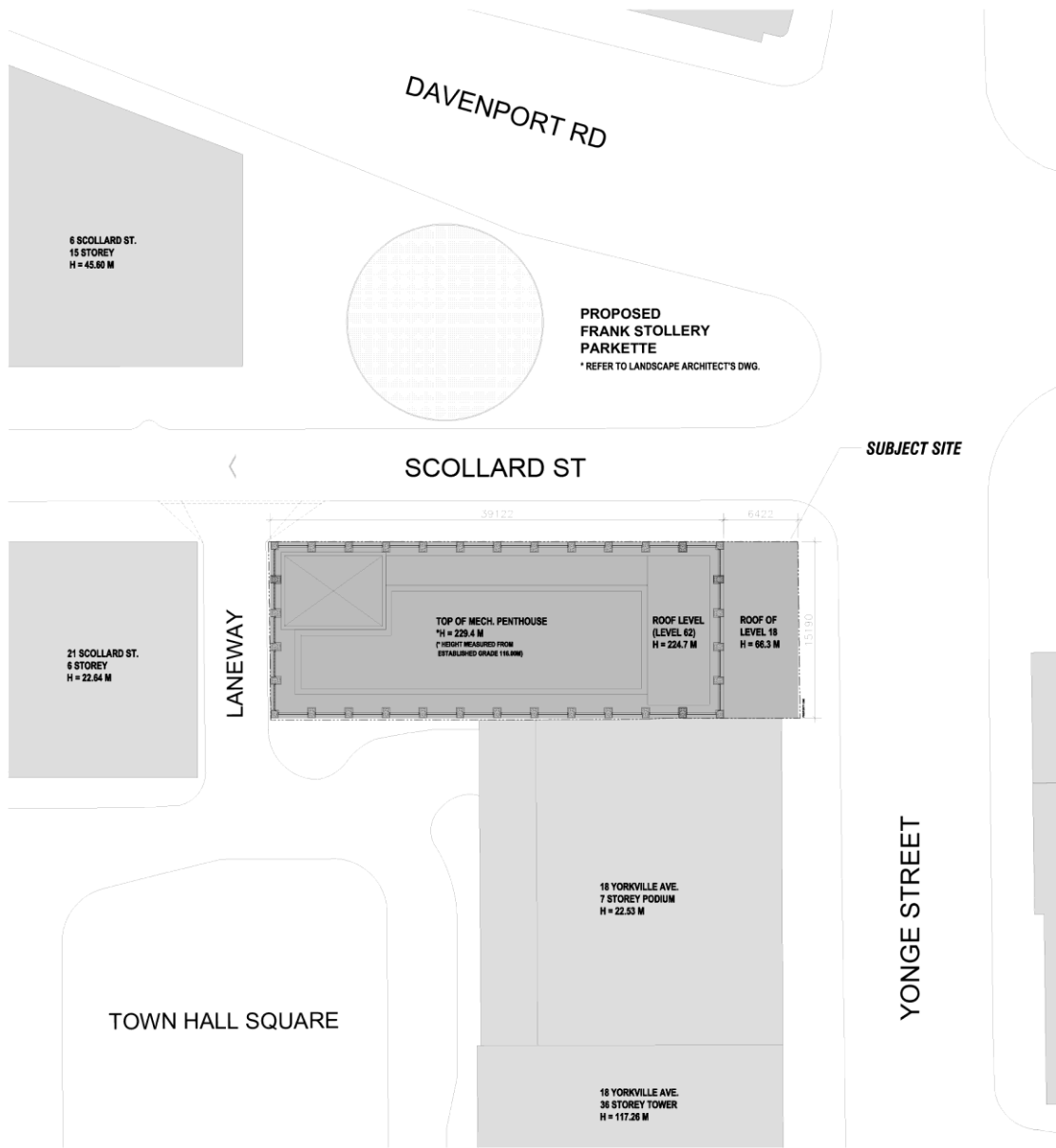
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Ground Floor Plan
- Attachment 3: North Elevations
- Attachment 4: East Elevations
- Attachment 5: West Elevations
- Attachment 6: South Elevations
- Attachment 7: Zoning
- Attachment 8: Official Plan
- Attachment 9: Area Specific Policy 211
- Attachment 10: Area Specific Policy 225
- Attachment 11: Application Data Sheet

Attachment 1: Site Plan



Site Plan

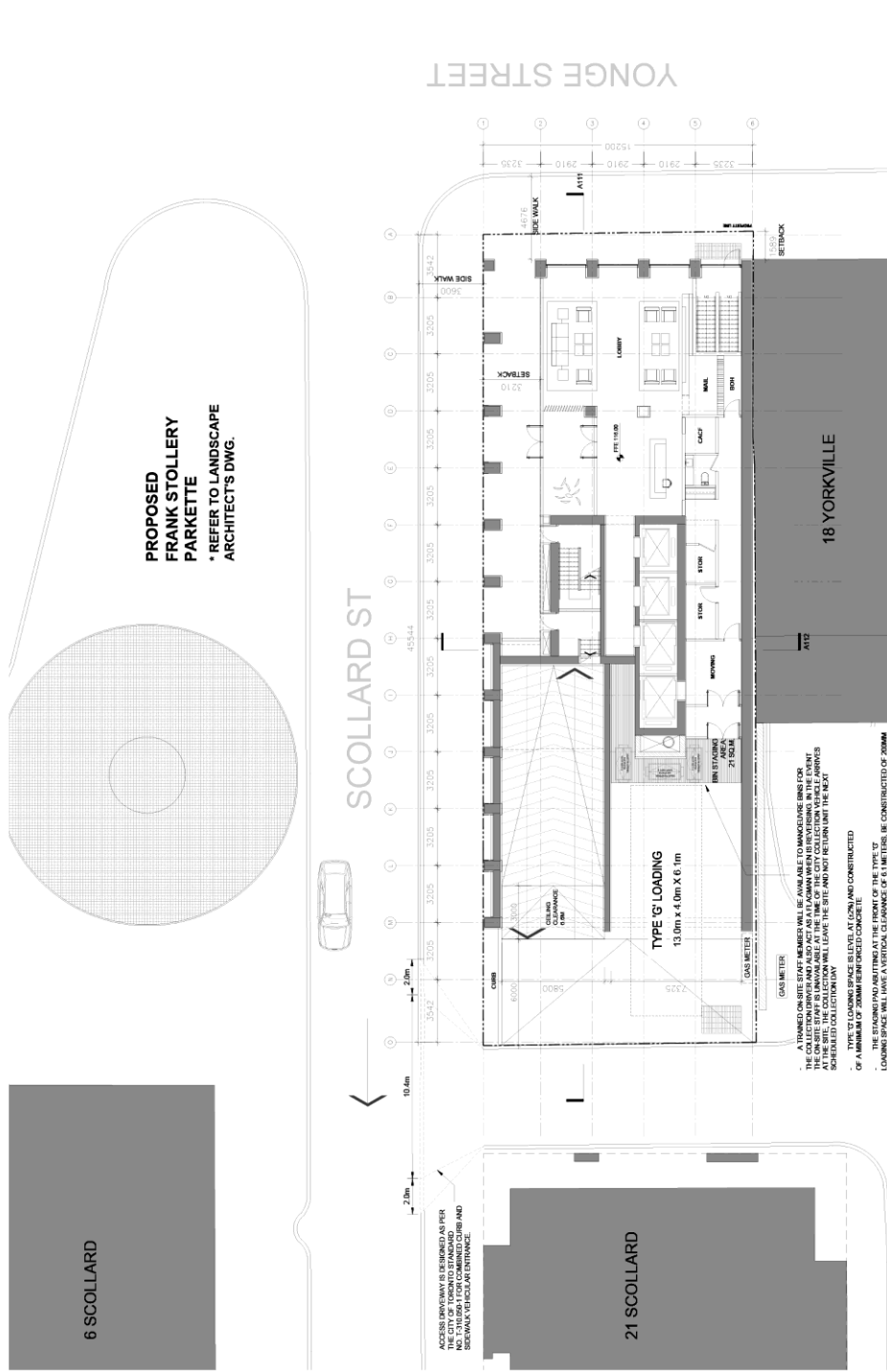
874-878 Yonge Street and 3-11 Scollard Street

Applicant's Submitted Drawing

Not to Scale 
08/05/2016

File # 16 173154 STE 27 OZ

Attachment 2: Ground Floor Plan

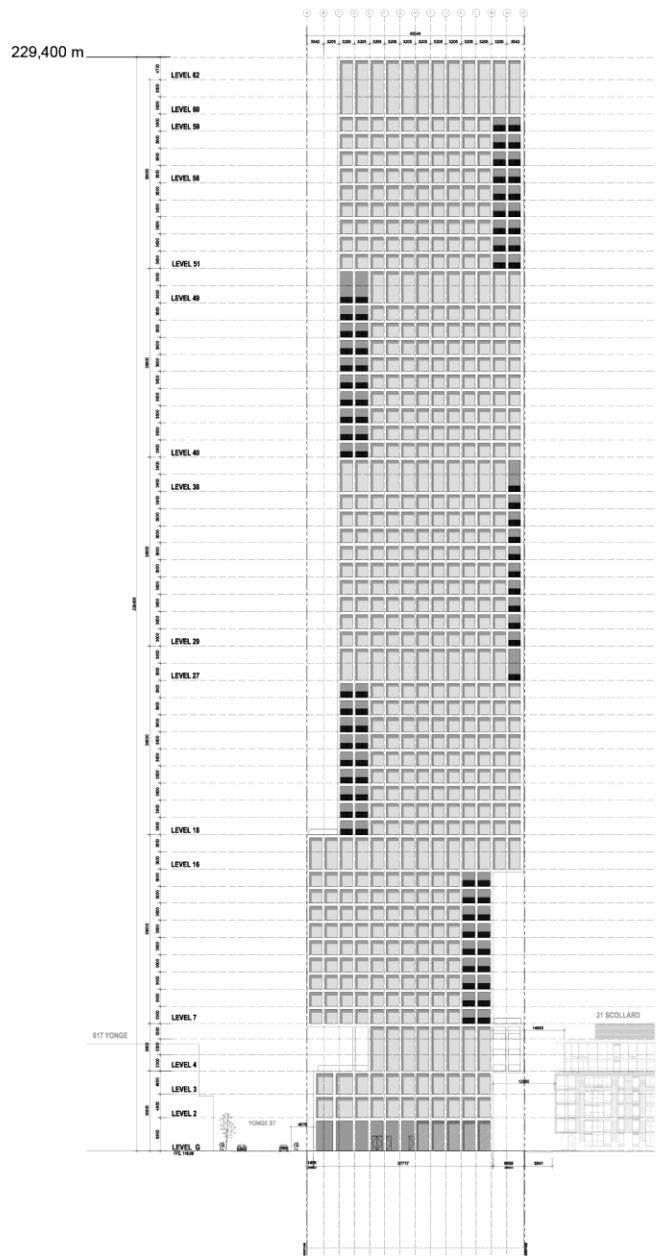


Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 08/05/2016

874-878 Yonge Street and 3-11 Scollard Street

File # 16 173154 STE 27 0Z

Attachment 3: North Elevation



North Elevation

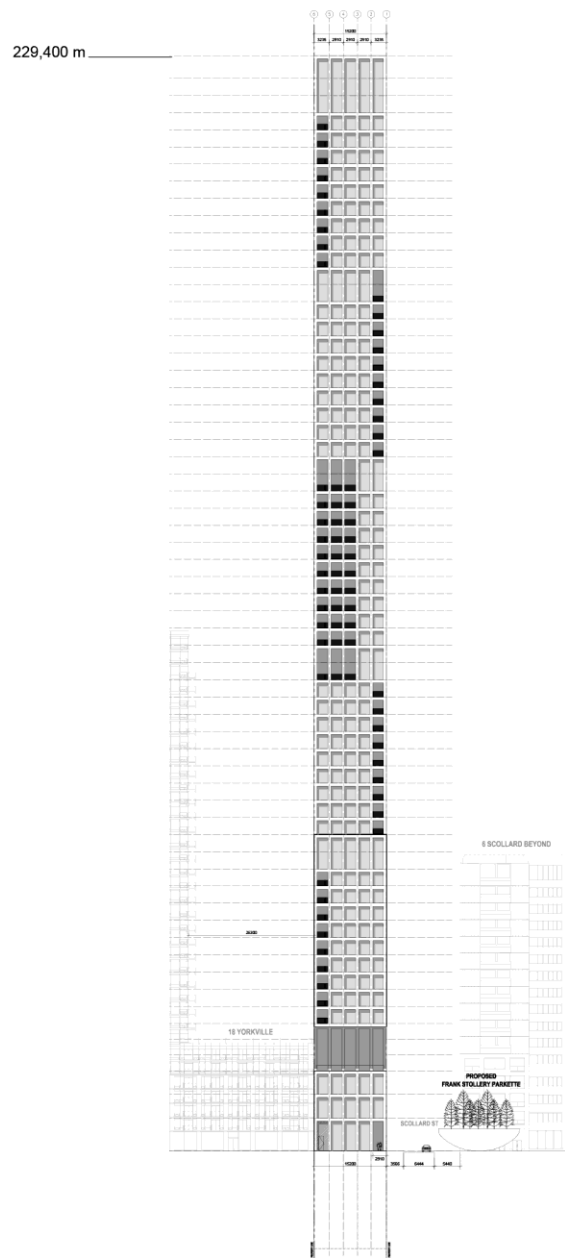
874-878 Yonge Street and 3-11 Scollard Street

Applicant's Submitted Drawing

Not to Scale
08/05/2016

File # 16 173154 STE 27 OZ

Attachment 4: East Elevation



East Elevation

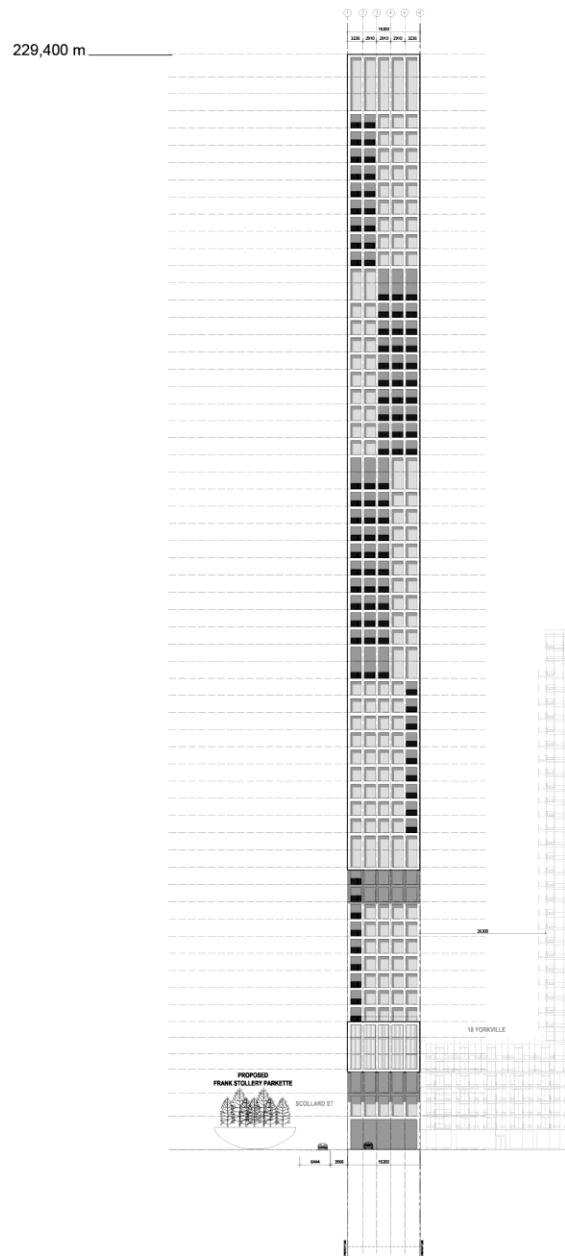
874-878 Yonge Street and 3-11 Scollard Street

Applicant's Submitted Drawing

Not to Scale
08/05/2016

File # 16 173154 STE 27 OZ

Attachment 5: West Elevation



West Elevation

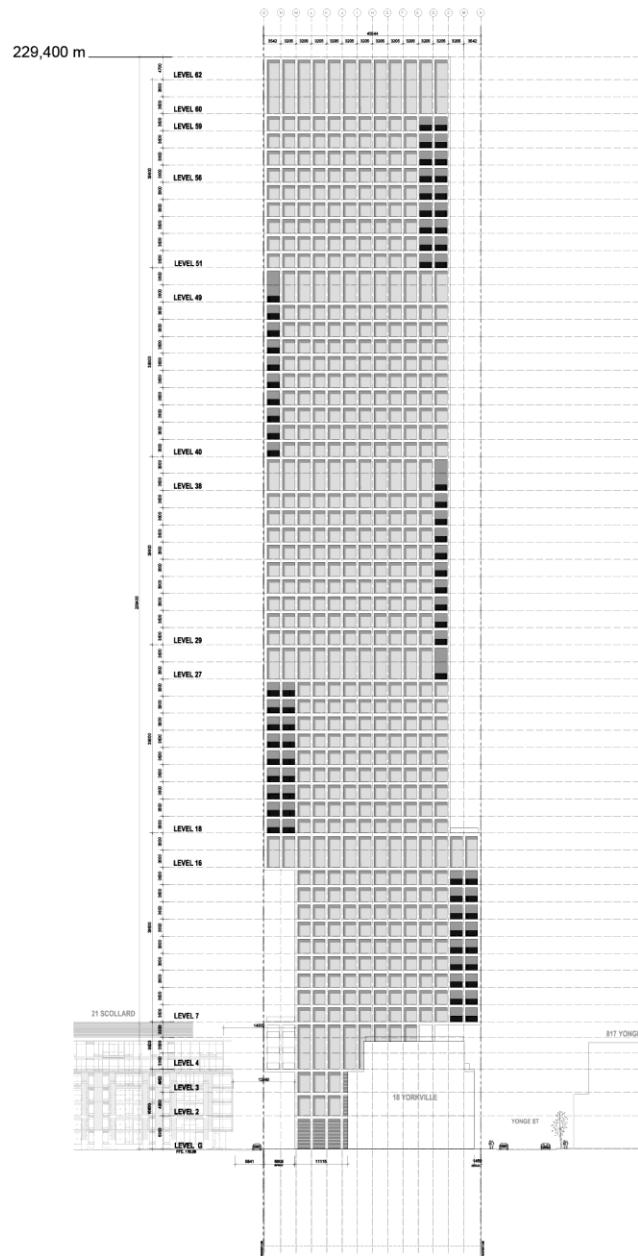
874-878 Yonge Street and 3-11 Scollard Street

Applicant's Submitted Drawing

Not to Scale
08/05/2016

File # 16 173154 STE 27 OZ

Attachment 6: South Elevation



South Elevation

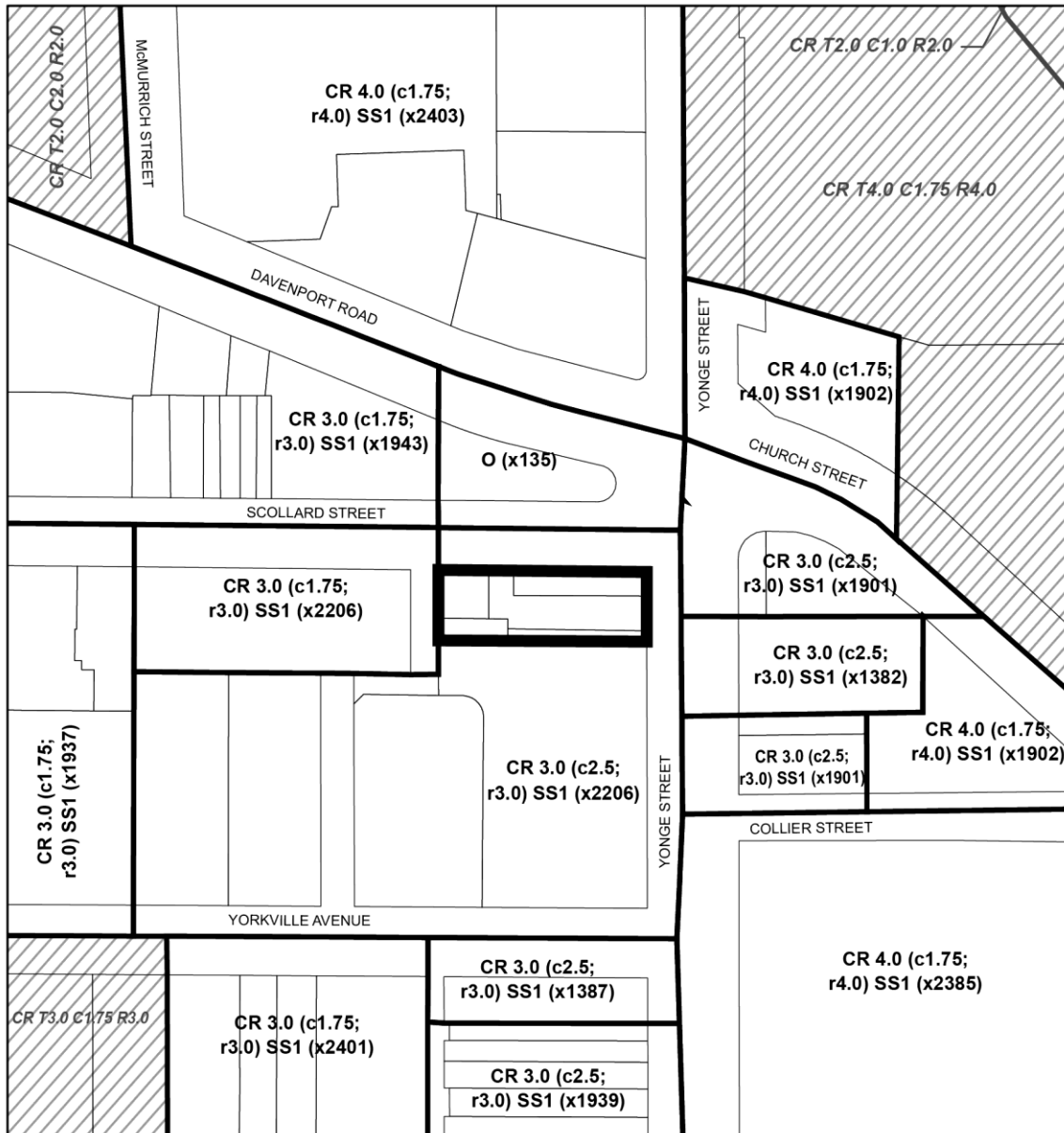
874-878 Yonge Street and 3-11 Scollard Street

Applicant's Submitted Drawing

Not to Scale
08/05/2016

File # 16 173154 STE 27 0Z

Attachment 7: Zoning Map



874-878 Yonge Street and 3-11 Scollard Street

Zoning By-Law No. 569-2013

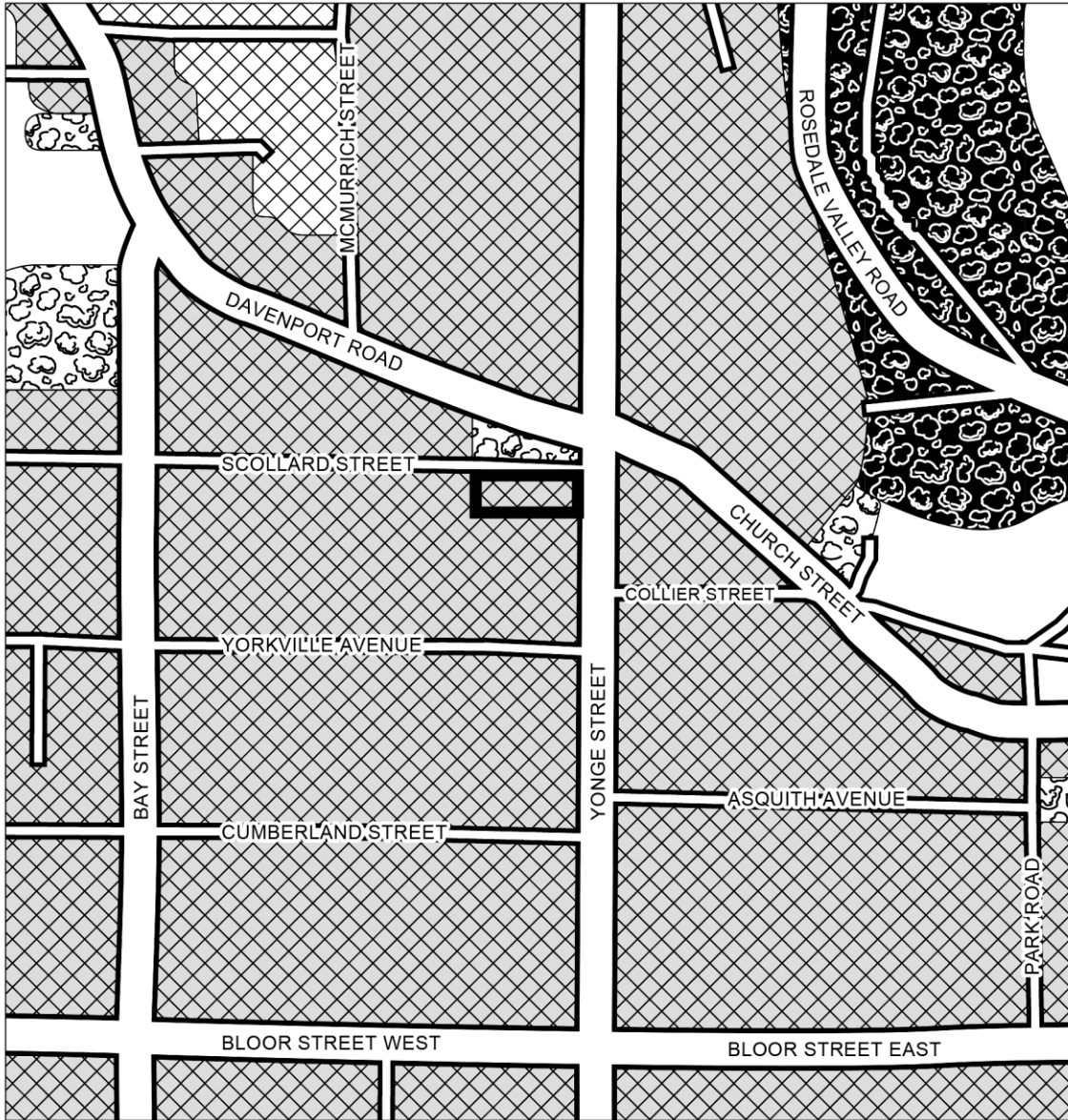
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Location of Application
 CR Commercial Residential O Open Space

See Former City of Toronto By-Law No. 438-86
 CR Mixed-Use District

Not to Scale
 Extracted: 08/05/2016

Attachment 8: Official Plan (Land Use Map)



Extract from Official Plan

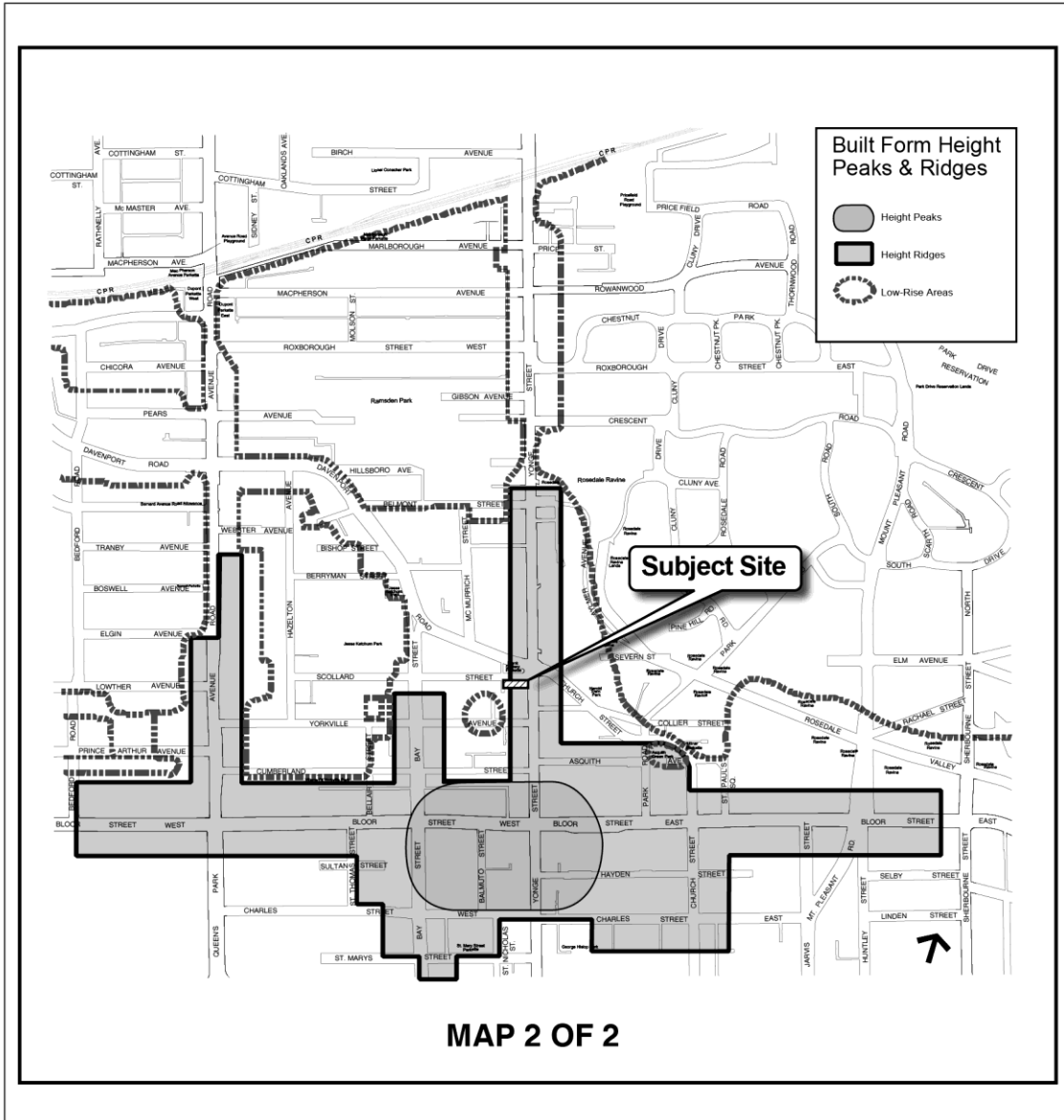
874-878 Yonge Street and 3-11 Scollard Street

File # 16 173154 STE 27 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Parks |
|  Mixed Use Areas | |

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Not to Scale
08/05/2016

Attachment 9: Area Specific Policy 211 (Map 2)



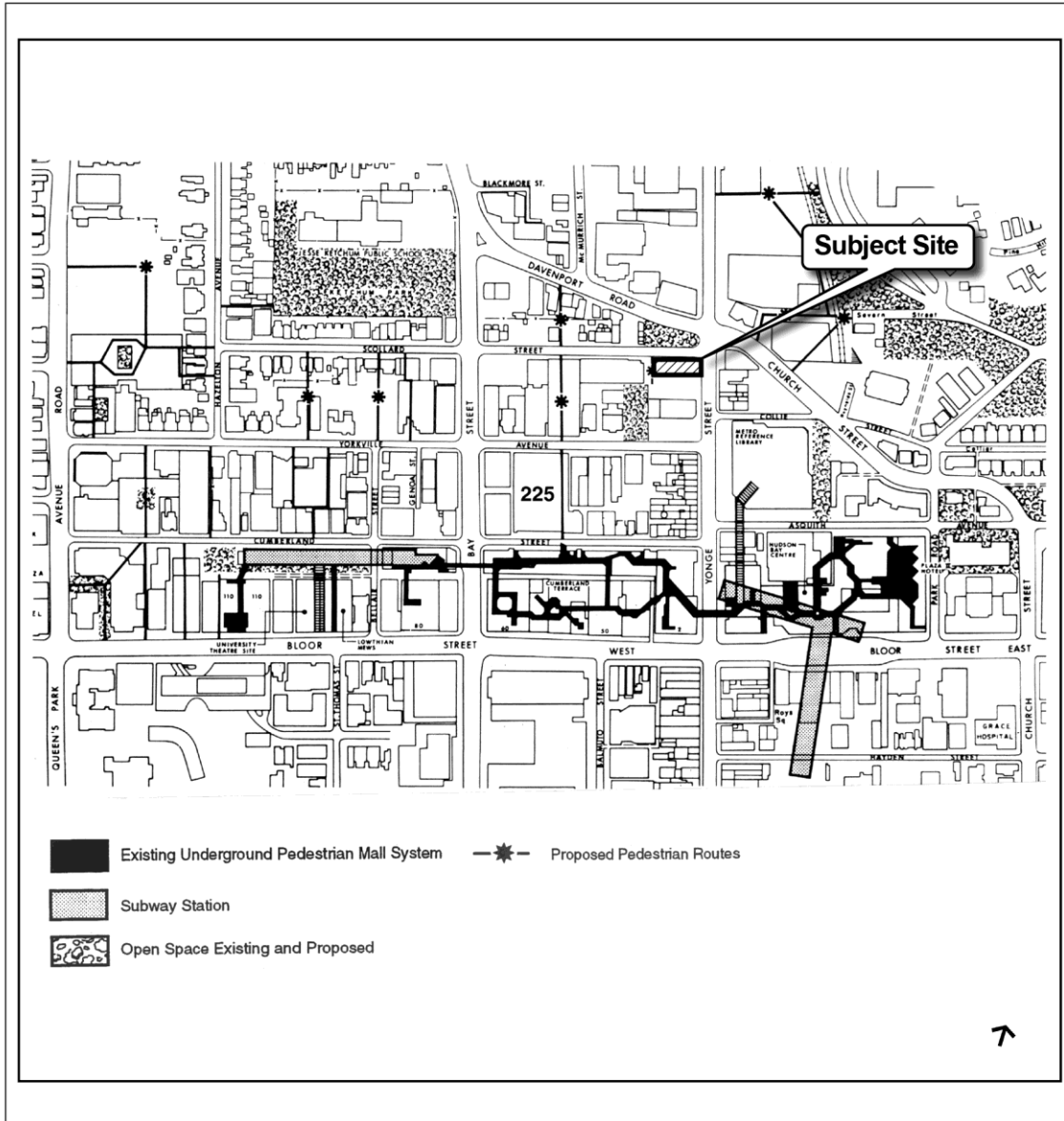
TORONTO City Planning
 Official Plan - SASP211 Map 2of2

874-878 Yonge Street and 3-11 Scollard Street

File # 16 173154 STE 27 0Z

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 08/11/2016

Attachment 10: Area Specific Policy 225



Attachment 11: Application Data Sheet

Application Type Official Plan and Zoning Amendment and Site Plan Control Application Number: 16 173156 STE 27 SA

Application Date: June 13, 2016

Municipal Address: 874-878 Yonge Street and 3-11 Scollard Street

Location Description: PLAN 179 PT LOT 2 **GRID S2703

Project Description: A 59-storey (229.4-metre) residential tower with a 7-level fully automated underground parking garage.

Applicant:

McCarthy Tetrault LLP

Architect:

KPMB Architects

Owner:

Yonge & Scollard Developments Inc.

PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 211, 225

Zoning: CR 3.0 (c2.5, r3.0) SS1 Historical Status: Under Review

Height Limit (m): 18 Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m): 700.6 Height: Storeys: 59, plus 3 mechanical floors

Frontage (m): 15.2 Metres: 229

Depth (m): 45.7

Total Ground Floor Area (sq. m): 213. **Total**

Total Residential GFA (sq. m): 26,213 Parking Spaces: 189

Total Non-Residential GFA (sq. m): 0 Loading Dock(s) 1

Total GFA (sq. m): 26,213

Lot Coverage Ratio (%): 71

Floor Space Index: 37.5

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
		Residential GFA (sq. m):	26,213	0
1 Bedroom:	108	Retail GFA (sq. m):	0	0
2 Bedroom:	54	Office GFA (sq. m):	0	0
3 + Bedroom:	32	Industrial GFA (sq. m):	0	0
Total Units:	194	Institutional/Other GFA (sq. m):	0	0

CONTACT:

Oren Tamir, Senior Planner
(416) 392-7349
otamir@toronto.ca