

TORONTO STAFF REPORT

May 25, 2006

To: Toronto and East York Community Council

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

Subject: Revised Preliminary and Status Report
Official Plan Amendment and Rezoning Application 04 130483 STE 27 OZ
Applicant: Tim Bermingham, Blake, Cassels & Graydon LLP
Architect: Graziani + Corazza Architects Inc.
444 Yonge Street
Ward 27, Toronto Centre-Rosedale

Purpose:

To provide a status update on the rezoning application for the College Park block and preliminary information on the development application for the Yonge-Gerrard lands and to seek Community Council's directions on further processing of the application and on the community consultation process.

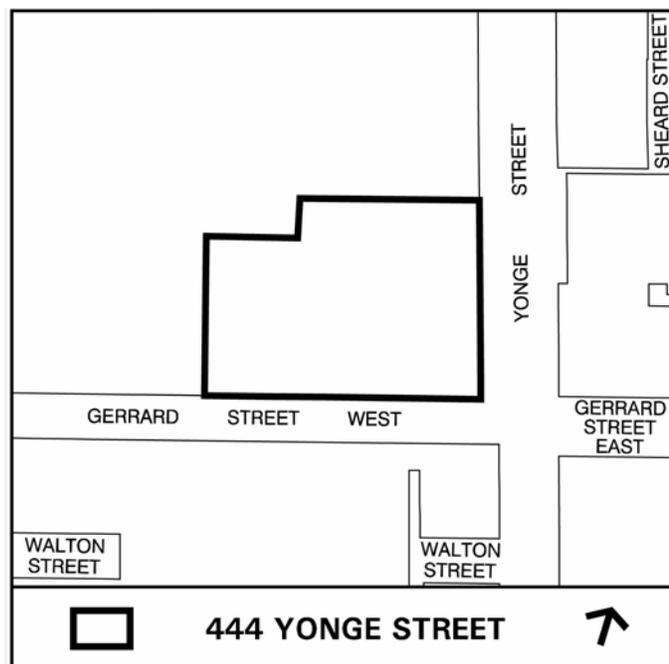
Financial Implications and Impact Statement:

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) the applicant work with City staff to address the issues identified in this report.



Background:

The College Park block, bounded by Yonge Street, Bay Street, College Street and Gerrard Street West, is known for the historic former Eaton College Street store and the refurbished “Carlu” venue now occupying the 7th floor. The block has been redeveloped over the last 25 years for office, residential, retail, institutional and public uses. Most recently, two high-rise condominiums were approved on the Bay Street side of the block, known as 761 and 763 Bay Street. The last remaining development site within the block is the Yonge-Gerrard lands, located on the northwest corner of Yonge Street and Gerrard Street West.

The block is subject to Site Specific By-law 840-78 and under that By-law the entire block is considered as one lot. The College Park block has been subject to several recent development applications and related applications to the Committee of Adjustment.

The last Committee of Adjustment decision (File A0011/04TEY) resulted in the filing of a rezoning application for the College Park block. On February 4, 2004, the Committee of Adjustment approved, on condition, the variances to the Site Specific By-law’s mixing formula. The variance permitted an increase in the number of residential units permitted on the lot.

The decision was subject to the following condition: “That within 3 months of the Committee of Adjustment approval of the application, the owner submit a rezoning application to address dwelling unit and gross floor area allocations for parcels of land within the College Park block, and overall planning objectives for the block.”

In the absence of an actual development proposal, this condition was originally requested by staff to simplify the regulatory controls for this block and to add clarity and predictability. An application to amend the Zoning By-law was submitted in satisfaction of this condition and a Preliminary Report was considered and adopted by City Council in June 2004. A community consultation meeting was held on October 6, 2004.

Upon further review and in consultation with the applicant, Planning staff advised that the request to address dwelling unit and gross floor area allocations for parcels of land within the College Park block would be premature without an actual development proposal.

Subsequently, in December 2005, Planning staff received an application to amend the original application to incorporate a development proposal. The development proposal is located on the Yonge-Gerrard lands. Since this is the last remaining development parcel on the block, Planning staff will evaluate the proposal, which is the subject of this report, against the prevailing By-law (By-law 840-78) and are not addressing dwelling unit and gross floor area allocations for parcels of land within the College Park block separate from a review of this application.

Comments:

Proposal

The proposal is for a mixed commercial and residential development on the Yonge-Gerrard lands. The proposed development consists of two residential buildings, one 50-storey tower on Yonge Street and a second 10-storey building on Gerrard Street West, both above a 10-storey podium that extends over the entire parcel. Overall, the two proposed buildings are 60-storeys (196 m) and 20-storeys (75 m), respectively. For visual reference, please refer to the Site Plan (Attachment 1) and Elevations (Attachments 2, 3 and 4).

The proposal has a gross floor area of 127,140 square metres, of which 29,585 square metres is for above-grade parking (floors 3 to 10), 83,610 square metres for residential area and 12,330 square metres for retail space (floors P2, P1, ground and 2nd). The resulting density is 19.5 times the area of the Yonge-Gerrard lands. The applicant also proposes to utilize and possibly purchase and privatize the surface and above-grade portion of the closed Hayter Street road allowance for its concierge/lobby drop-off. Also, the applicant is seeking property rights from the City for the below-grade portion of the closed Hayter Street road allowance for loading, waste collection and pedestrian linkages. Vehicular access for both the residential and retail component is proposed via three points along Gerrard Street West, in addition to the existing service and commercial/visitor parking ramp. Please refer to the Application Data Sheet for additional information on the proposal (Attachment 9).

Subsequent to the submission of this application, the proponent has met with City Planning staff to discuss a potential revised concept based on a single tall tower, but to-date, the applicant has not submitted a formal revised proposal.

Site Description

The site should be understood as an individual development parcel, known as the Yonge-Gerrard lands, within a larger lot, referred to as the College Park block.

The College Park block is a rectangular five hectare (12.3 acre) property with a minor slope down from the north to the south. The block is occupied by mixed-use buildings, Barbara Ann Scott Park, an at-grade commercial parking lot and the City-owned closed portion of the Hayter Street right-of-way. (See Attachment 5, Context Plan – College Park Block).

The Yonge-Gerrard lands, owned by Toronto College Park Limited (TCPL), are bounded by Yonge Street to the east, the Hayter Street closed road allowance to the north, the Liberties building to the west and by Gerrard Street West to the south. The site area is 6511 square metres, but the applicant has included the publicly-owned lane stub at the rear of 382 Yonge Street. The site is currently occupied by and utilized as a commercial parking lot.

The following uses surround the Yonge-Gerrard lands:

North: The closed Hayter Street road allowance and College Park, beyond which is the TCPL Phase I mixed use development and the Oxford Phase II commercial development. Across College Street are commercial and mixed residential/commercial land uses with a variety of building forms.

South: Gerrard Street West, beyond which is the Delta Chelsea Hotel.

East: Yonge Street, beyond which are commercial and mixed residential/commercial land uses with a variety of building forms. Beyond the commercial strip is the McGill-Granby residential community.

West: Access to Barbara Ann Scott Park, beyond which is the Liberties mixed use development.

Consistency with Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. On March 1, 2005, a new PPS came into effect that replaces the policies that had been issued on May 22, 1996 and amended in 1997. PPS housing policies include the provision of an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Council is required to make decisions on planning matters that are consistent with PPS policies.

Former City of Toronto Official Plan

The block has several designations. Barbara Ann Scott Park, the Hayter Street right-of-way and the pedestrian access from the west and south are designated Open Space. The southeast portion of the block fronting Yonge Street is designated Low Density Mixed Commercial-Residential Area (LDMCRA) and the remainder of the block is designated as High Density Mixed Commercial-Residential Area 'B' (HDMCRA). The Official Plan permits a maximum total gross floor area of 3.0 times the area of the lot in LDMCRA areas and a maximum gross floor area of 7.8 times the area of the lot in HDMCRA 'B' areas. (Refer to Official Plan Map - Attachment 6).

The block is subject to Section 18.46, which provides site specific policy to guide the development of the land. Specifically, it deems the entire College Park block to be one lot for the purpose of calculating density and that density may be transferable between all or any part of the HDMCRA and LDMCRA lands provided that the mixing formula for the College Park block is as follows:

$$\text{Non-residential Density} + \frac{\text{Residential Density}}{100} = 7.58$$

Therefore, the overall density of development for the entire block is not to exceed 7.58 times the lot area.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board (OMB). The majority of the Plan has been approved by the OMB and is expected to come into force in June 2006.

The new Official Plan places the subject site within the Downtown and Central Waterfront urban structure area, and designates it as Mixed Use Area. The Plan contains policies and development criteria that direct the form and quality of development in this area. It is anticipated that Downtown will accommodate growth; however, this growth will not be spread uniformly across the whole of Downtown. There are many residential communities, such as McGill-Granby, throughout the Downtown and future development needs to mitigate impacts on these areas. The highest buildings and greatest intensity are expected to occur Downtown, particularly in the Financial District. The proposed development will be reviewed for compliance with these criteria and conformity with the intent of the new Plan.

The eastern third of the site is subject to Site and Area Specific Policy 174, which sets out general planning objectives and built form principles for lands generally fronting on Yonge Street between Queen Street and just north of Gerrard Street. This policy recognizes Downtown Yonge Street as a prominent area in the City, an important retail street and a major shopping focus within the Greater Toronto Area. Policies promote the retention and enhancement of street related retail and entertainment uses by attracting new investment to Downtown Yonge Street in the form of re-use of existing buildings and appropriate re-development. Policies focus on maintaining and enhancing the special physical and experiential character, including the low scale built form along Yonge Street and a high level of pedestrian comfort. Built form principles speak to new development being located along property lines fronting Yonge Street, with the scale of new buildings consistent with height limits in the area, and respecting the existing transition in height and scale between surrounding buildings.

Other Applicable Policies

The property is located within the boundaries of the Downtown Yonge Business Improvement Area and the Downtown Yonge Street Community Improvement Plan. Urban design guidelines have not been developed for this area.

Zoning

The prevailing by-law is Site Specific By-law 840-78. By-law 840-78 of the former City of Toronto was passed on October 24, 1978 to establish the zoning for the area known as the College Park block. The By-law permitted residential and mixed use buildings on the block and established the non-residential density by limiting the maximum permitted non-residential gross floor area. The By-law established the residential limit by restricting the number of residential units to 2031. The By-law uses a mixing formula approach to calculate the maximum mixed-use

development potential for the block, where the number of residential units is multiplied by 1090 to determine the amount of residential area permitted.

Appendix “B”, Schedule 5 of By-law 840-78 illustrates the permitted height limits for the entire lot. With respect to the Yonge-Gerrard lands, Area ‘B’, the area fronting Yonge Street, has a height limit of 19.6 m; Area ‘A’ allows for a maximum height of 54.3 m, however, under certain conditions the height limit can be increased to a maximum of 92.3 m; and the remainder of the Yonge-Gerrard lands has a maximum height permission of 116 m. (Attachment 7 – Height limits as per By-law 840-78).

Section 16 of By-law No. 840-78 contains specific criteria for shadow impacts on Barbara Ann Scott Park. The By-law states that the “relevant total open area” must be in sunlight at 12:18 pm (Daylight Saving Time) on September 21 of each year and that an average of not less than 40 per cent of the relevant total open area, measured hourly, is in sunlight between the hours of 11:18 am and 3:18 pm (Daylight Saving Time) on the same day.

There have been a number of Committee of Adjustment Decisions that have increased height permissions and density limits on the block. The most recent decision (A0011/04TEY) makes allowances to further increase the number of residential units (from 2031 to 2431), a reduction in the residential multiplier (from 1090 to 1000) and an increase in total residential gross floor area (from 175,012 to 215,012 square metres) on the block.

As set out in By-law 438-86, as amended, the underlying as-of-right zoning is “CR”, or commercial-residential. The College Park block is zoned G, CR T7.8 C2.0 R7.8 and CR T4.0 C4.0 R1.5. On the eastern third of the Yonge-Gerrard lands there is a total density limit of 4.0 times the lot area, a commercial density limit of 4.0 times the lot area, a residential density limit of 1.5 times the area of the lot and a height permission of 20 metres. The remainder of the site has a total density limit of 7.8 times the area of the lot, a commercial density limit of 2.0 times the lot area, the residential density limit is 7.8 times the lot area and a height permission of 61.0 metres. (Refer to Attachment 8-Height Limits).

Site Plan Control

The proposed development is subject to Site Plan Approval. To date, a site plan control application has not been filed.

Reasons for the Application

The proposed density for the Yonge-Gerrard development proposal is 9.28 times the area of the College Park block and 19.5 times the area of the Yonge-Gerrard lands. This significantly exceeds the underlying as-of-right permissions in the former City of Toronto Official Plan of 3.0 times in LDMCRA, as well as 7.8 times in the HDMCRA ‘B’. It also exceeds the site specific provision of 7.58 in Section 18.46.

In its present form, the proposed development does not meet the general intent of Site and Area Specific Policy 174 in the new Plan. Further, the proposed development will be reviewed in

more detail as part of the circulation of the application to determine compliance with policies and development criteria for Mixed Use Areas, along with other policies contained in the Plan.

Subject to confirmation from the Chief Building Official, a preliminary review indicates that the applicant's proposal exceeds the residential unit, height and gross floor area limits in the Site Specific By-law 840-78. Prior to the most recent Committee of Adjustment decision, the residual number of residential units that could be constructed as-of-right was nearly depleted. With the Committee of Adjustment decision, the applicant is permitted to build up to 480 residential units, where the application proposes 869 units. The Site Specific By-law regulates three different height limits within the Yonge-Gerrard lands, which are 19, 54 and 116 metres. The height of the tallest tower reaches 196.5 metres. The application also exceeds the residential gross floor area limits within the Site Specific By-law.

In addition, the proposed density of 9.28 times the area of the College Park block and 19.5 times the area of the Yonge-Gerrard lands exceed the density of 7.8 and 4.0 times coverage as set out in By-law 438-86, as amended. The proposed heights of 75 and 196.5 metres exceed the height limits set out in By-law 438-86, as amended, of 20 and 61 metres, respectively.

Pre-Application Discussions

Subsequent to the Community Consultation meeting held on October 6, 2004, City Planning staff met with the applicant's development team regarding the remaining development potential for the College Park block. Planning staff advised that an actual development application was required to have meaningful discussions to address dwelling unit and gross floor area allocations for the College Park block.

Public Consultation

As previously mentioned, the last Committee of Adjustment decision (File A0011/04TEY) resulted in the filing of a rezoning application for the College Park block. A community consultation meeting was held on October 6, 2004. This meeting was attended by Councillor Rae, City staff, the applicant and architect, and two members of the public. Other than timing of a possible development on the Yonge-Gerrard lands, no other issues were raised at this meeting.

This report recommends that another community consultation meeting be held in the local neighbourhood to discuss the proposed development application.

Issues to be Resolved

The application is technically incomplete, and further information is required to allow City staff to adequately review it. Outstanding studies are listed in the Requirement for Additional Information section. Notwithstanding a more detailed review, the proposal raises concerns. The applicant must address the following issues as well as any other issues that may be identified as a result of a more comprehensive review including public input.

- (a) the ability to meet the intent and spirit of the existing and new Official Plan policies and other applicable planning policies, and to represent good planning and community building;
- (b) the appropriate height, massing and step-back of the towers, including an evaluative comparison to the approved massing for the site;
- (c) the spacing of buildings;
- (d) the mitigation of physical impact on the surrounding buildings, open spaces and uses, including but not limited to light, view, privacy, sunlight penetration, shadow, sky view and weather and wind protection;
- (e) the contribution to (or detraction from) the local urban environment and appropriate design and integration of the public and private realms;
- (f) the at-grade relationship of the building to the street;
- (g) the building functionality and need for the above-grade parking, given the ability to construct a below-grade parking facility;
- (h) the ability to be adequately serviced by existing municipal infrastructure;
- (i) the transportation/access issues;
- (j) the relationship to the abutting heritage building; and
- (k) the proposed re-configuration of the College Park entry on the former Hayter Street road allowance.

The incomplete application has been circulated to City Divisions for review. This circulation and community consultation may identify other issues that require resolution.

Requirement for Additional Information

In addition to holding a community consultation meeting, to assist staff with their review of the proposal, the following studies and reports are required by the City at this stage in the review process:

- Planning Rationale Study
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Site Servicing Report
- Transportation Impact Study, including a Transportation Demand Management Plan
- Arborist / Tree Preservation Report
- Archaeological Assessment
- Computer generated building mass model

Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increased height and density pursuant to Section 37 of the *Planning Act*. City Planning staff, in consultation with the local Ward Councilor, will be discussing with the applicant how these policies will be addressed should this application, or some variation thereof, proceed.

Public Art

The former City of Toronto Official Plan, Section 10.11 contains provisions regarding a public art contribution in all development proposals exceeding 20,000 square metres of gross floor area. In its current form, the developer would be required to make a public art contribution in keeping with Official Plan policy.

Conclusions:

The proposal is significant in scale and exceeds the limits of the governing planning controls. Upon receipt of the required information, the next steps in the review process are to hold a community consultation meeting in the local neighbourhood and to continue to work with the applicant's team on the development concept for the site.

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Gary Wright

Director, Community Planning, Toronto and East York District

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List of Attachments:

Attachment 1: SitePlan

Attachment 2: Elevations

Attachment 3: Elevations

Attachment 4: Elevations

Attachment 5: Context Plan – College Park Block

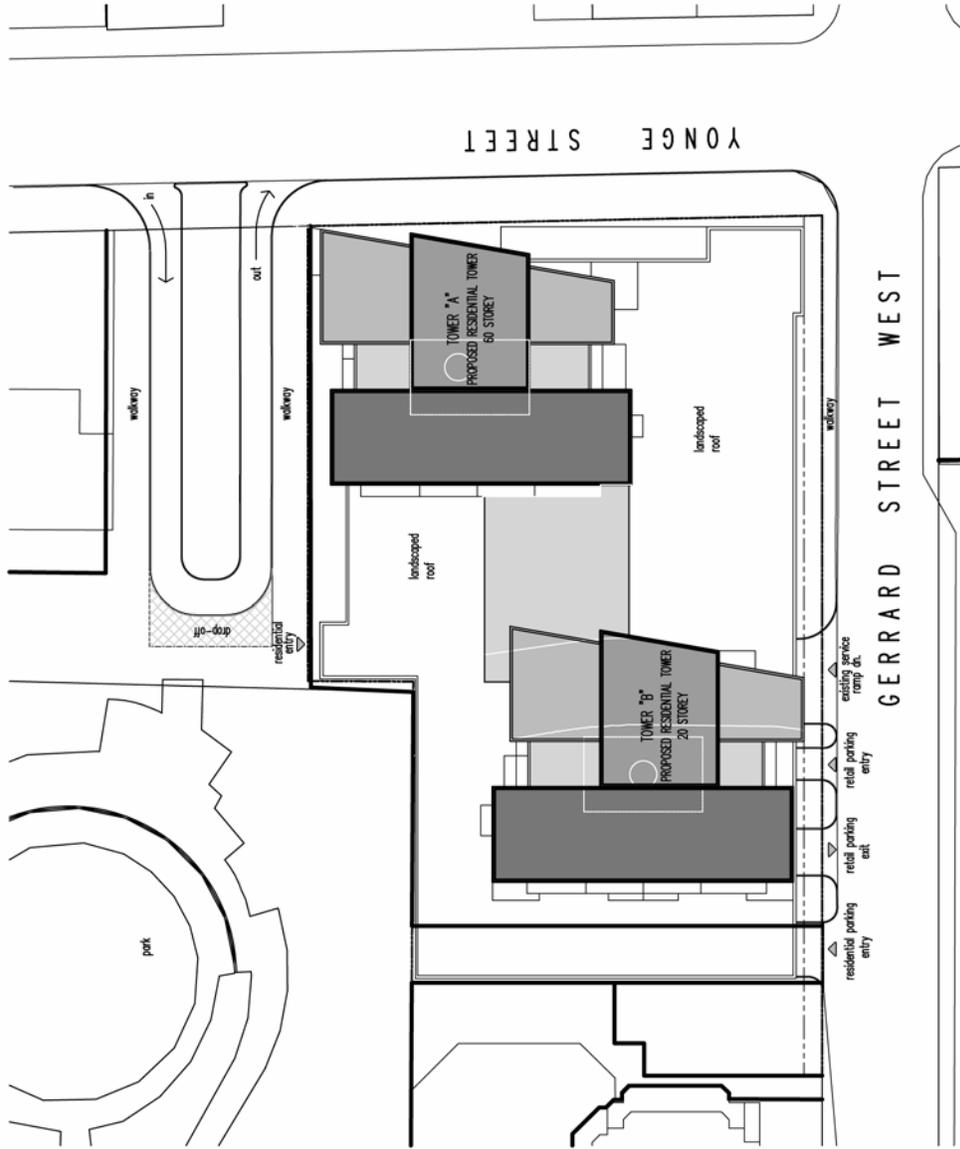
Attachment 6: Official Plan Map (Former City of Toronto)

Attachment 7: Height Limits as per By-law No. 840-78

Attachment 8: Zoning Map as per By-law 438-86

Attachment 9: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

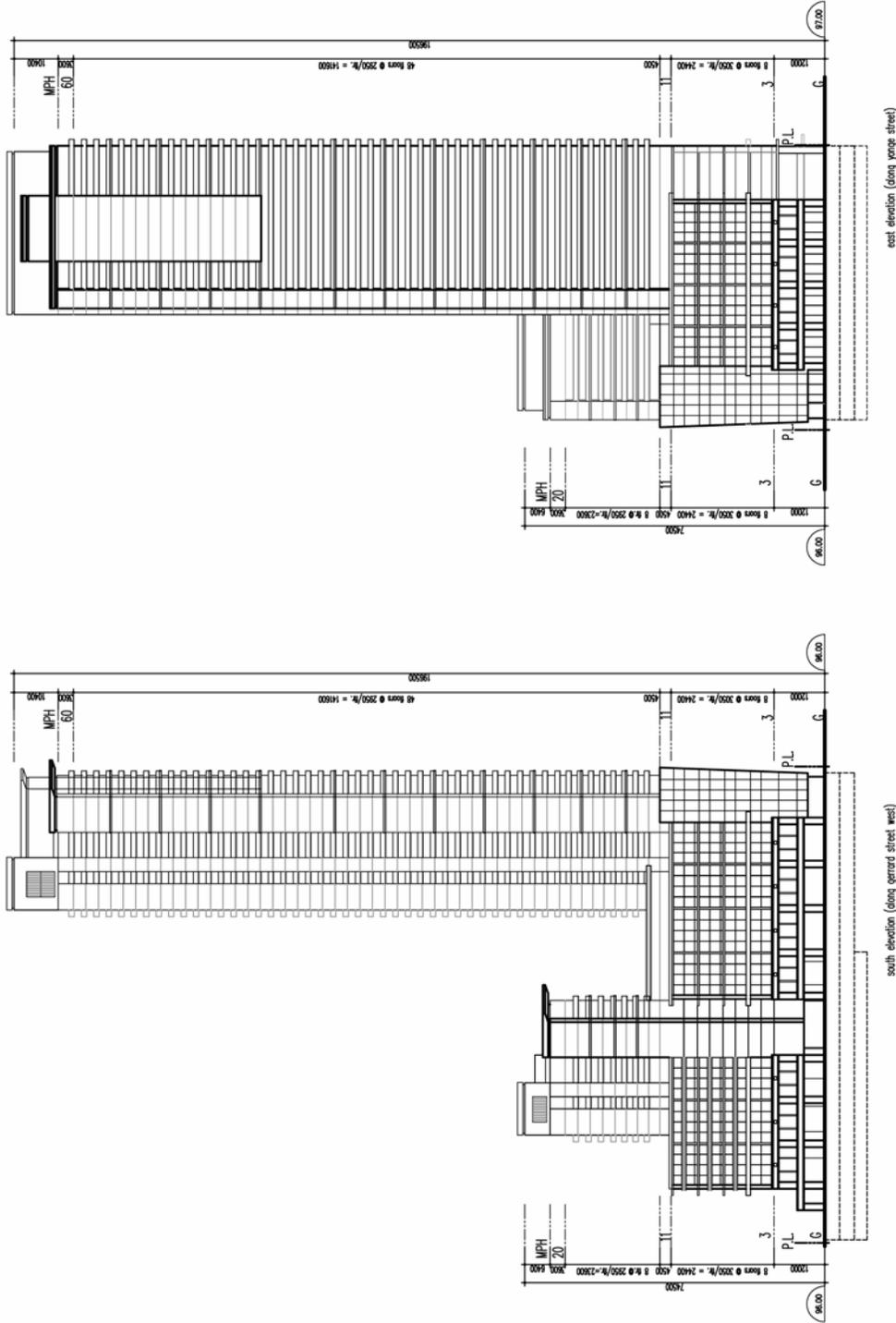
Not to Scale
04/12/06



444 Yonge Street

File # 04_130483

Attachment 2: Elevation 1



Elevations

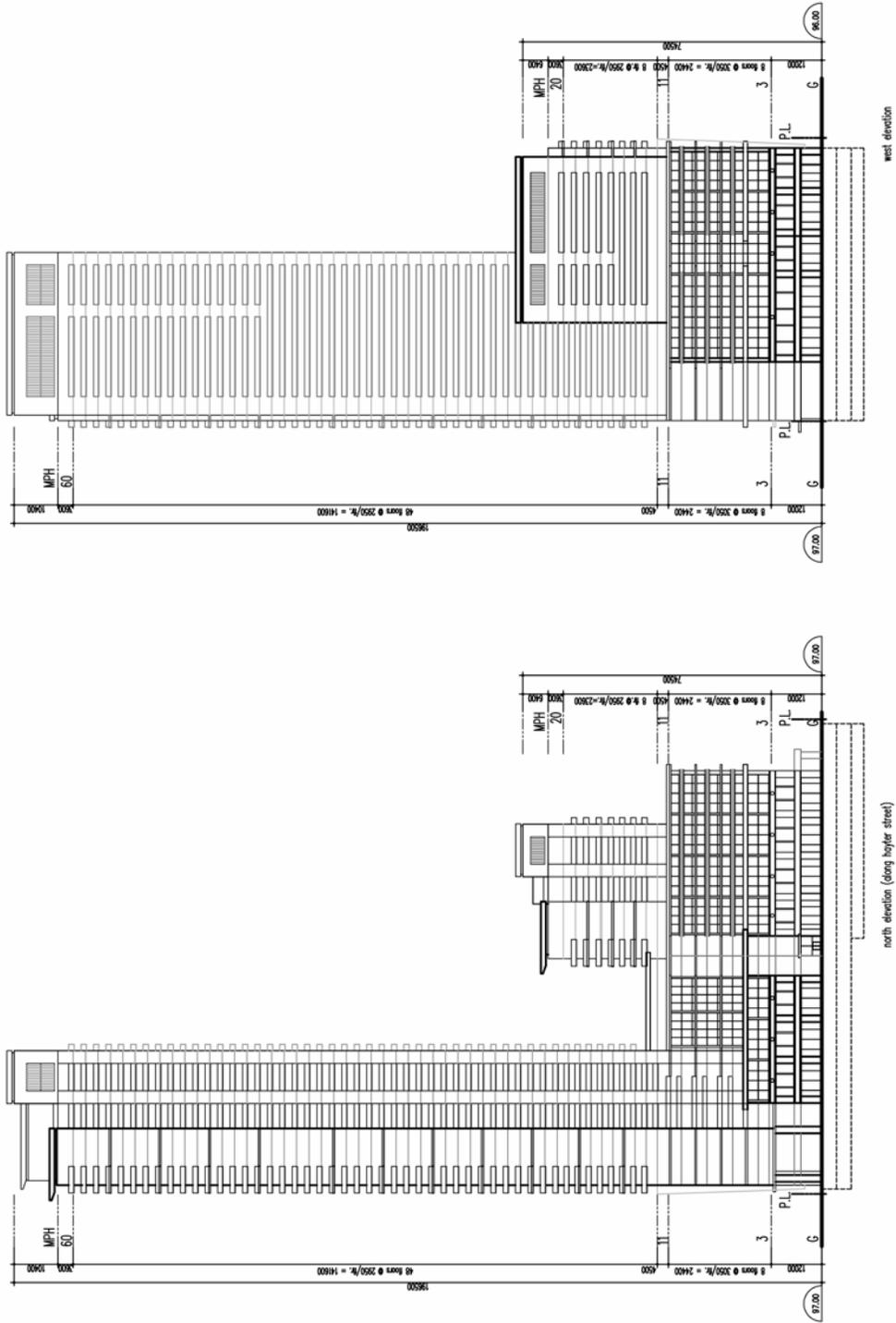
444 Yonge Street

Applicant's Submitted Drawing

Not to Scale
04/12/06

File # 04_130483

Attachment 3: Elevation 2



Elevations

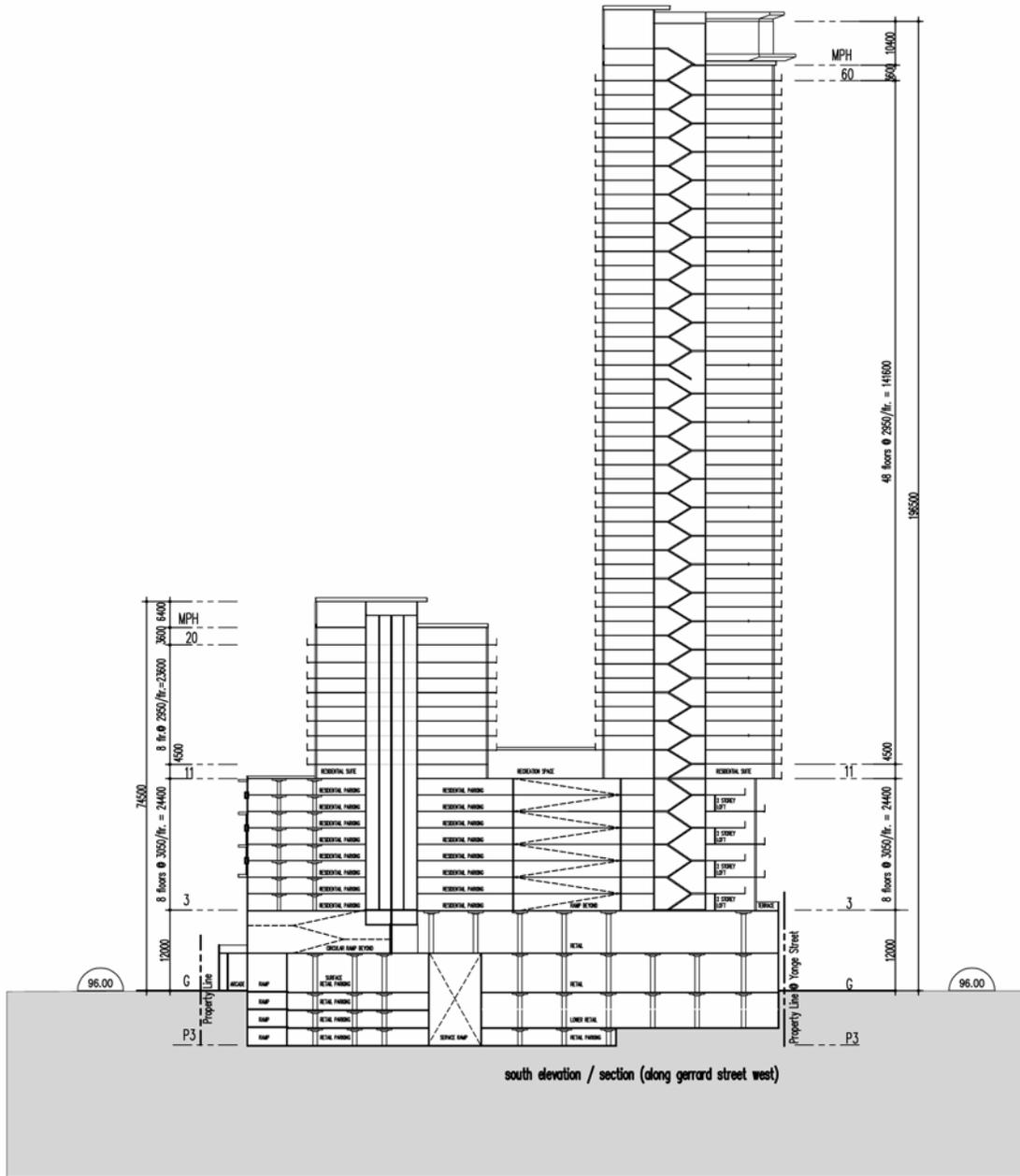
444 Yonge Street

Applicant's Submitted Drawing

Not to Scale
04/12/06

File # 04_130483

Attachment 4: Elevation 3



east / west site section

Sections

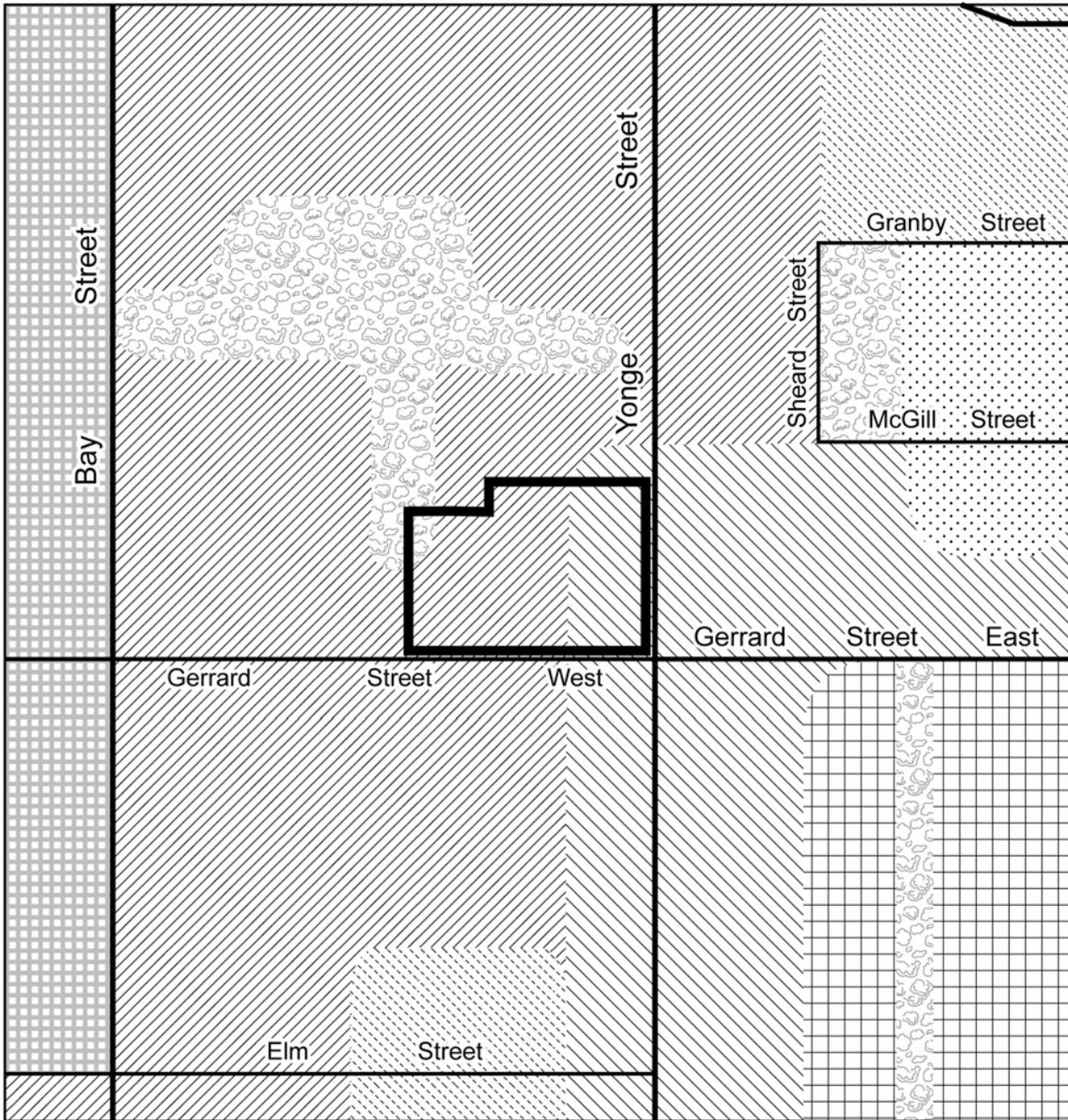
Applicant's Submitted Drawing

Not to Scale
04/12/06

444 Yonge Street

File # 04_130483

Attachment 6: Official Plan (Map)



 **TORONTO** City Planning Division
Official Plan

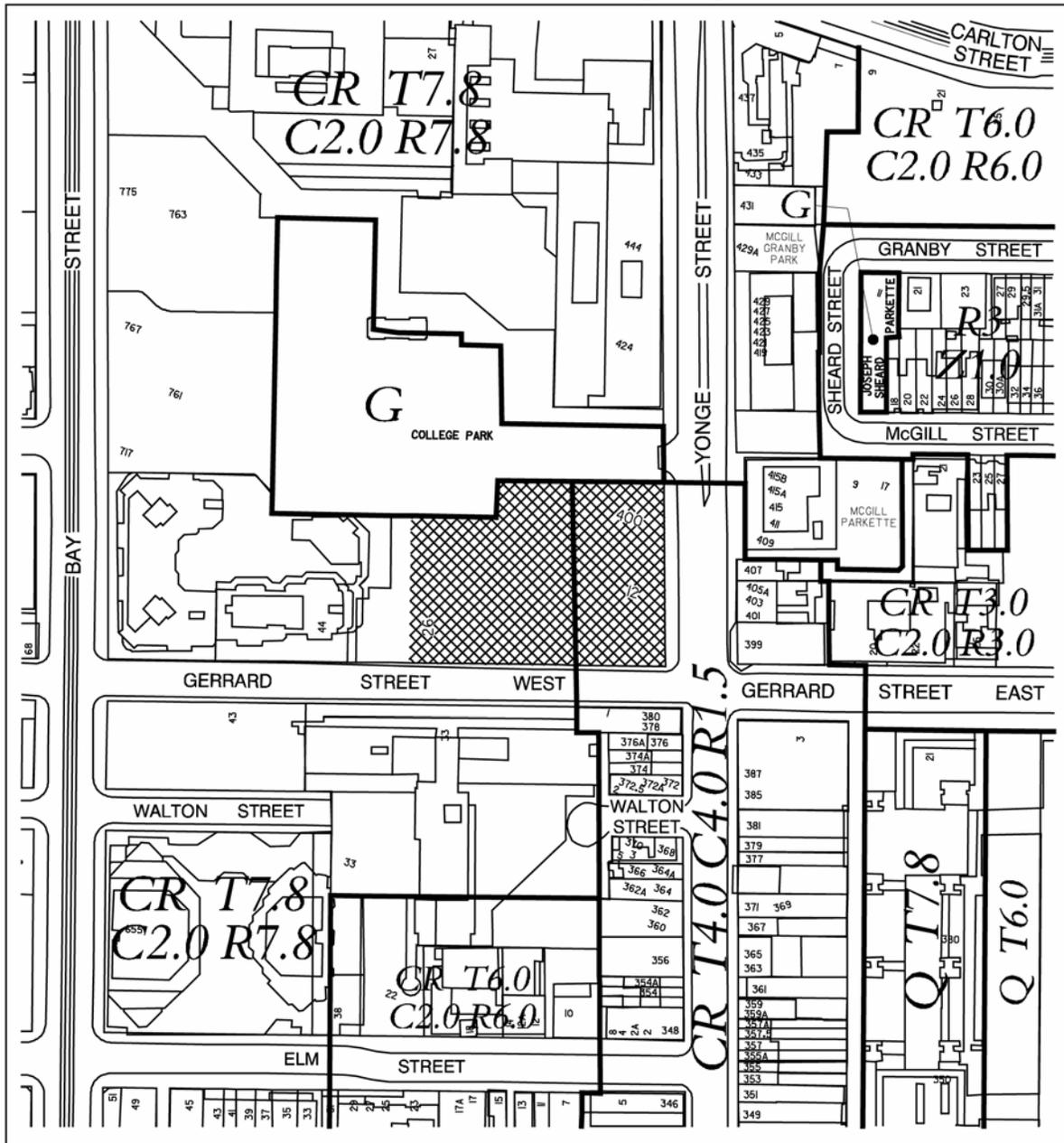
444 Yonge Street

File # 04_130483

- | | |
|---|---|
|  Site |  High Density Mixed Commercial - Residential Areas 'B' |
|  Medium Density Residence Areas |  University Areas |
|  Low Density Mixed Commercial - Residential Areas |  Institutions |
|  High Density Mixed Commercial - Residential Areas 'A' |  Open Space |


Not to Scale
04/12/06

Attachment 8: Zoning (Map)



444 Yonge Street
File # 04_130483

- G Parks District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/12/06 - TA

Attachment 9: Application Data Sheet

Application Type OPA/Rezoning Application Number: 04 130483 STE 27 OZ
 Details OPA/Rezoning Application Date: May 4, 2004
 December 2005-Rev'd

Municipal Address: 444 YONGE ST, TORONTO ON

Location Description: PL 350 LTS 9 TO 14 PT LTS 1 TO 7 PT PK LT 9 PL D42 LTS 15 TO 23,32,33,41 & 42 PT LTS 25 TO 39 & 50 TO 53 **GRID S2711

Project Description: Application revised to include OPA/Rezoning for mixed commercial and residential development on the Yonge-Gerrard lands. The proposal consists of two residential buildings, one 50-storey tower on Yonge Street and a second 10-storey building on Gerrard Street W., both above a 10-storey podium. Overall, the two buildings will be 60-storeys (196 m) and 20-storeys (75 m).

Applicant:	Agent:	Architect:	Owner:
BLAKE, CASSELS & GRAYDON LLP TIM BERMINGHAM			TORONTO COLLEGE PARK LTD

PLANNING CONTROLS

Official Plan Designation:	HDMCRA'B', LDMCRA, Open Space	Site Specific Provision:	840-78, 41-79, 245-79, 834-79, 71-91
Zoning:	CR T7.8 C2.0 R7.8, CR T4.0 C4.0 R1.5, G	Historical Status:	Y
Height Limit (m):	Various on block	Site Plan Control Area:	Y

PROJECT INFORMATION FOR THE YONGE-GERRARD LANDS

Site Area (sq. m):	6511	Height:	Storeys:	20 and 60
Frontage (m):	TBD		Metres:	75 and 196.5
Depth (m):	TBD			
Total Ground Floor Area (sq. m):	TBD			Total
Total Residential GFA (sq. m):	83610		Parking Spaces:	588
Total Non-Residential GFA (sq. m):	41915		Loading Docks	TBD
Total GFA (sq. m):	127140			
Lot Coverage Ratio (%):	TBD			
Floor Space Index:	19.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	83610	0
Bachelor:	59	Retail GFA (sq. m):	8355	3975
1 Bedroom:	625	Office GFA (sq. m):	0	0
2 Bedroom:	185	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Above-grade Parking GFA (sq. m):	29585	0
Total Units:	869			

CONTACT: PLANNER NAME: Kelly Dynes, Senior Planner TELEPHONE: (416) 392-7363

