



STAFF REPORT ACTION REQUIRED

1331 Yonge Street– Official Plan Amendment and Zoning Amendment Application – Final Report

Date:	March 7, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	11 255341 STE 22 OZ

SUMMARY

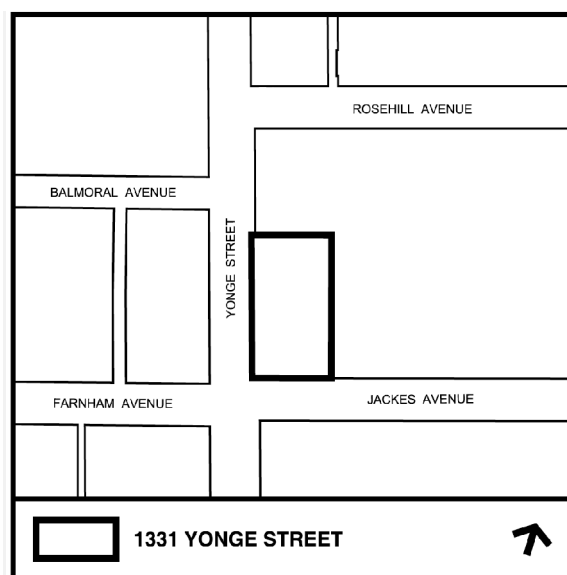
This application proposes to demolish the existing 2-storey building at 1331 Yonge Street and construct an 11-storey mixed-use commercial/residential building with 153 residential units, 4 commercial units at-grade, 240 parking spaces on 4 levels below-grade, 2 parking spaces on the ground level, and 150 bicycle spaces. The height proposed is 35.6 metres to the roof exclusive of the mechanical equipment. The development will have a total of 17,404 square metres of gross floor area and with a floor space index of 6.7 times the lot area.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 1331 Yonge Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11 to report (March 7, 2013) from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86, as amended for the lands at 1331 Yonge Street substantially in



accordance with the draft Zoning By-law Amendment attached as Attachment No. 12 to report (March 7, 2013) from the Director, Community Planning, Toronto and East York District.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 1331 Yonge Street (subject of this report) to enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a. The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$6,000 for the production by Heritage Toronto of a historic plaque to be installed on-site. The plaque will commemorate the historical significance of Gallows Hill, including the role it played in the Rebellion of 1837. The owner will provide to the City in advance of the installation, a site plan showing the location of the plaque to the satisfaction of the Executive Director of Heritage Toronto. The owner will provide consent to the installation of the plaque on site.
 - b. An indexed cash payment of \$375,000 payable prior to the issuance of the first above-grade building permit for the lot, for the purposes of Yonge Street streetscape improvements between Heath Street south to Woodlawn on the east side as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
 - c. An indexed cash payment of \$350,000 payable prior to the issuance of the first above-grade building permit for the lot for the purpose of park improvements to the David Balfour Park/Vale of Avoca Ravine.
 - d. The owner will provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost.
5. City Council require that the amounts identified in 4a-c above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- a. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure is required to support this development.
6. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 Agreement.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On November 2, 2011, the Toronto and East York Community Council considered a Preliminary Report dated October 11, 2011, from the Director, Community Planning, Toronto and East York District. Toronto and East York Community Council adopted the recommendations within that report, it can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE11.38>

ISSUE BACKGROUND

Proposal

The applicant proposes the redevelopment of the lands to permit an 11-storey mixed-use commercial/residential condominium containing 153 residential units with 4 commercial units at-grade along Yonge Street. The applicant proposes a total of 242 vehicular parking spaces consisting of 188 residential, 9 visitor and 43 surplus spaces on 4 levels below-grade, and 2 spaces internalized on the ground level dedicated for short term pick up and drop off purposes. Also proposed are 150 bicycle parking spaces including 148 spaces for residents, 12 spaces for visitor residential, 2 spaces for commercial occupants, and 6 spaces for visitor commercial occupants.

The proposed height is 35.6 metres excluding the mechanical equipment, and a total of 39 metres including the mechanical equipment. The building gross floor area is proposed at 17,404 square metres at a floor space index of 6.7 times the lot area. The loading area and garbage storage is proposed to be enclosed on the ground level towards the rear end of the site and with access to the site from a driveway off of Jackes Avenue.

The total commercial space proposed is approximately 949 square metres. There are 4 commercial units proposed ranging in size from approximately 150 to 350 square metres with 2 units located on the Lower Ground floor level and 2 units located on the Upper Ground floor level that responds to a change in grade of Yonge Street. All units are to be accessed from Yonge Street.

The proposal is for a total of 153 residential units consisting of 44 two bedroom units and 109 two bedroom plus den units.

The applicant proposes approximately 306 square metres of indoor amenity space on the second level and 309 square metres of outdoor amenity space on the second and rooftop levels.

Refer to Attachment No. 9 for project data.

Site and Surrounding Area

The site is located on the northeast corner of Yonge Street and Jackes Avenue. The site is approximately 2,581 square metres in area, generally rectangular in shape and has approximately 68 metres of frontage on Yonge Street and approximately 38 metres along Jackes Avenue. The site is occupied by a 2-storey building used for office uses with an adjacent parking lot on the east side.

Surrounding uses include:

North: a 7-storey residential condominium building with retail uses at-grade. Further to the north are a series of 2 to 3-storey buildings with retail uses at-grade and commercial and education uses above. At the south-east corner of Yonge Street and St. Clair Avenue is a 10-storey office building.

South: directly south of the subject site is a 3 to 4-storey office building with an east-west laneway at the south end. South of the laneway is a 3-storey commercial building and further south at the north-east corner of Yonge Street and Woodlawn Avenue East is a 2-storey commercial building.

East: is the right-of-way for the Yonge Subway line running below grade. East of the subway are 24 and 28-storey apartment buildings with a surface parking lot, open space and pool area. Further east is the David A. Balfour Park. Further east on the south side of Jackes Avenue are several apartment buildings ranging between 3, 6, 10 and 29-storeys.

West: at the north-west corner of Yonge Street and Balmoral Avenue is a 4-storey commercial building with a restaurant and retail uses at-grade. At the south-west corner is a 9-storey residential condominium with retail and restaurant uses at-grade. Further west is a residential neighbourhood with 2 to 3-storey detached, semi-detached and townhouse dwellings.

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. The 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated as a '*Mixed Use Areas*' in the Official Plan on Map 17 – Land Use Plan, and is adjacent to an *Apartment Neighbourhoods* area, to the east of the site. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. (Policy 4.5.1). Refer to Attachment 8.

The Official Plan includes Development Criteria (Policy 4.5.2) to help guide new development in Mixed Use Areas, including in particular:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;

- provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a 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;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- have access to schools, parks, community centres, libraries, and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- 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 site is designated as an "Avenues" on Map 2 – Urban Structure of the Official Plan. Avenues are recognized as important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. (Policy 2.2.3)

There is no Avenue Study for this portion of Yonge Street. Development in *Mixed Use Areas* on Avenues, prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the Avenue.

Development may be permitted on Avenues prior to an Avenue Study and will be considered on the basis of all of the policies of the Official Plan. Therefore, Avenue Segment Studies are required for any development proposals on Avenues without an Avenue Study in order to assess; the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances; consider whether incremental development of the entire Avenue would adversely impact any adjacent *Apartment Neighbourhoods*; consider whether

the proposed development is supportable by available infrastructure; and be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

The applicant has submitted an Avenue Segment Study which has been evaluated by staff. The applicant's Avenue Segment Study identified the Avenue Segment as the lands on the west side of Yonge Street as it extends south from the CPR tracks below Birch Avenue and north to 1430 Yonge Street, and on the east side of Yonge, south from the CPR tracks below Shaftesbury Avenue to Pleasant Boulevard on the north. Staff have accepted the applicant's study area boundaries as an accurate area of development influence.

The applicant's Avenue Segment Study found that:

- i) there are no active development applications within the study area;
- ii) there are four soft sites in the study area, in addition to the subject site, with future redevelopment potential;
- iii) the incremental development of the entire Avenue Segment will not adversely impact the adjacent *Apartment Neighbourhoods* to the east and *Neighbourhoods* to the east and west; and
- iv) the planned infrastructure will be able to accommodate the proposed development.

Staff reviewed the Avenue Segment Study and found it to be acceptable.

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

Yonge-St. Clair Secondary Plan

This site forms part of the Yonge-St. Clair Secondary Plan which contains policies relating to properties found on Map 6-1 of the Secondary Plan. (Attachment 10). The site falls within the *Mixed Use Areas 'C'* designation where "lower density and scale "main street type" development" is a Plan objective.

The Secondary Plan provides Urban Design and Built Form guidelines. Within the Secondary Plan, objectives include, but are not limited to, where "buildings will achieve a harmonious relationship to their built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading." (Policy 3.2.(b)) Specific to the *Mixed Use Areas 'C'* lands, the Plan states that "new development will meet the sunlight and step-back objectives; provide the same architectural quality and detail of exposed rear facades and walls as on facades and walls facing Yonge Street; and place entrances on Yonge Street at the level of the public sidewalk to promote easy pedestrian access." In addition, Policy 5.3 requires new development to maintain a minimum of 5 hours of sunlight on the opposing sidewalk on Yonge Street during the period of March 21st to September 21st.

The Yonge-St. Clair Secondary Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/pdf_secondary/35_secondary_map_dec2010.pdf.

Mid-Rise Guidelines

In 2010, Council adopted the Mid-Rise Buildings Study. The study includes guidelines which are intended to encourage the construction of better designed mid-rise buildings on the City's 'Avenues' where growth is expected and desirable.

The Mid-Rise Guidelines include various building performance standards including, but not limited to: the provision of angular planes; provision of appropriate setbacks; provide sky-views; increased sunlight access onto the sidewalk; and providing appropriate location for servicing and loading uses.

These Guidelines apply to mid-rise developments which are proposed to be constructed on the Avenues, but not if there is a Secondary Plan in-force. This site is located on an Avenue on Map 2 of the Official Plan but it is located within the Yonge-St. Clair Secondary Plan area.

The Yonge-St. Clair Secondary Plan does not contain specific mid-rise policies or guidelines. Staff have used the Mid-Rise Guidelines to evaluate this application where they do not conflict with the Secondary Plan.

The Mid-Rise Guidelines are available on the City's website at:
<http://www.toronto.ca/planning/midrisestudy.htm>

Zoning

The site is zoned 'MCR', mixed-use commercial/residential which allows for a broad range of uses such as, residential, commercial, parks, recreation, community services, and institutional. Refer to Attachment 7.

The permitted density is T3.0 C2.0 R2.5, which allows a total floor space index of 3.0 times the lot area, a maximum non-residential density of 2.0 times and a maximum residential floor space index of 2.5 times the area of the lot. Also permitted is a maximum height of 16.0 metres exclusive of mechanical equipment.

Site Plan Control

The proposed development is subject to Site Plan Control. An application will be filed at a later date.

Reasons for Application

The applicant seeks to amend the Zoning By-law to increase the permitted building height from 16.0 metres to 35.6 metres, (both heights exclusive of mechanical equipment) and the total permitted floor space index from 3.0 to 6.7 times the lot area. Additional areas of non-compliance are included in the draft by-law (Attachment 12).

The applicant is also requesting an amendment to the Yonge-St. Clair Secondary Plan with respect to policies related to the permitted maximum building height of 21 metres where 35.6 metres in height is being proposed, exclusive of the mechanical equipment. The original proposal had an additional amendment request given that the proposal did not provide the required 5 hours of sunlight (around solar noon) on the opposing sidewalk during the period of March 21st to September 21st. As staff have worked with the applicant to improve the built form massing on the west elevation to incorporate an angular plane condition, this second amendment is no longer required since this Secondary Plan criteria has been fulfilled.

Community Consultation

A community consultation meeting was held on December 6, 2011. The meeting was attended by approximately 108 members of the public, the Ward Councillor, the applicant and their consultants. The proposed Zoning and Official Plan Amendments were discussed at the meeting.

Comments and issues raised by the residents in attendance at the meeting as well as comments received by planning staff subsequent to the meeting, have been discussed with the applicant and revisions to the original plans were subsequently made.

Concerns expressed by residents included:

- traffic concerns in an already congested area;
- concerns about height, scale, setbacks, massing and building depth;
- the proposal does not fit the character of the neighbourhood and it is not aesthetically pleasing;
- violates all zoning by-laws, and with no benefit to the community;
- a desire for larger size of dwelling units;
- concerns with shadowing and a loss of sunlight;
- the proposal does not adhere to the Secondary Plan and Mid-Rise Guidelines;
- the development will increase energy usage at 5 Rosehill Avenue;
- there is no green space proposed;
- the proposal will reduce city views; and
- devalue property values.

Comments were also received from members of the public in writing and by e-mail after the public meeting expressing similar concerns to those noted above.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires the provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use lands, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement and Plans by: intensifying the residential use of the site, making efficient use of the existing infrastructure, providing a mix of residential unit sizes and by being within a short walk of the Yonge/St. Clair subway station and other surface TTC routes.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with focus on areas of the City such as major transit station areas. The site is three blocks from the Yonge-St. Clair subway station and is within the Yonge Street corridor which is designated as a 'Higher Order Transit Corridor' on Map 4 of the Official Plan.

Section 2.2.2(a) promotes new growth to the *built-up areas* of the community through *intensification*.

Section 2.2.2(d) promotes the reduction in dependence on the automobile through development of mixed-use, *transit-supportive*, pedestrian-friendly urban environments.

Section 2.2.2(h) encourages cities and towns to develop as *complete communities* through a diverse mix of land uses, a range and mix of housing types, high quality public open space and easy access to local stores and services.

Section 2.2.5.1 requires that the planning of higher order transit corridor areas strive to achieve a mix of residential, office, institutional and commercial development wherever appropriate.

The proposed development will increase residential densities in the built-up Yonge and St. Clair area with easy access to various modes of public transit and through the promotion of residential and commercial uses.

Land Use

The Official Plan and the Yonge-St. Clair Secondary Plan designates the site as a *Mixed Use Area*. The Official Plan policies call for development in *Mixed Use Areas* that balances high quality commercial and residential uses that reduce automobile dependency and meet the needs of the local community. The proposal is for a development of a residential building with retail units at-grade that is within walking distance to the St. Clair subway station and surface transit routes, places of employment, retail stores and services and places of entertainment. These attributes establish this site as being well suited to redevelopment and for intensification consistent with the Provincial policies and the Official Plan. In addition, the proposed mixed-use building is also permitted by the MCR zoning which applies to the site.

Mid-Rise Guidelines

The Avenues and Mid-Rise Guidelines as adopted by Council on July 6, 7 and 8, 2010 focussed on tools and performance standards which are intended to encourage well-designed mid-rise buildings on the Avenues located along the edges of some of Toronto's stable neighbourhoods.

The performance standards contained in the study are intended to be used as tools to implement the Official Plan's Avenues policies, maintaining a balance between reurbanization and adjacent neighbourhood stability. The performance standards give guidance about the size, shape and quality of

mid-rise buildings and are intended to support the policies of section 2.3.1.2 (Healthy Neighbourhoods) of the Official Plan.

The site is within an Official Plan designated 'Avenue' which triggers the requirement for the review against the Mid-Rise Guidelines. However, given that the Yonge-St. Clair Secondary Plan policies are in-force for the site, the Secondary Plan policies prevail over the Mid-Rise Guidelines. Staff did evaluate the proposal to the guidelines where they did not conflict with the Secondary Plan policies.

The intent of many of these performance standards have been met through the design of the proposed building as follows:

- i) The minimum height of the ground floor height should be 4.5 metres to facilitate retail uses at-grade.

The proposed building achieves a total ground floor height of approximately 5.17 metres for the combined upper and lower ground level floors. Proposed will be an animated street frontage with 4 retail units flanking the Yonge Street elevation.

- ii) Buildings should be built to the front property lines or applicable setback lines.

The proposed building provides an approximate minimum 3.8 to 5.5 metre range in setback for the entire Yonge Street frontage from the front wall of the building (at grade) to the property line. Also proposed, are the addition of street trees, plantings and benches to the Yonge Street and Jackes Avenue streetscape. This results in an overall sidewalk width ranging between approximately 5.3 to 7 metres on Yonge Street.

- iii) The building envelope should allow for a minimum of 5 hours of sunlight onto the Avenues sidewalks from March 21st and September 21st through the deployment of an angular plane.

The proposed building except for the southerly portion maintains a 45 degree angular plane which results in the provision of 5 hours of sunlight onto the opposite Yonge Street sidewalk for the March and September equinoxes.

- iv) The loading, services, and other vehicular related functions do not detract from the use or attractiveness of the pedestrian realm.

The development proposes that the loading and servicing uses be accessed off of the local street, Jackes Avenue, internalized to the site so as not to interrupt the flow of pedestrian activity on Yonge Street.

- v) Buildings should transition between an Avenue and *Apartment Neighbourhoods* to the rear of the site through the provision of a 7.5 metre setback.

The proposal achieves a minimum 7.0 metre setback for the majority of the east elevation from the second level and above to allow for an appropriate building separation distance to the adjacent *Apartment Neighbourhood* tower site at 44 Jackes Avenue. Given that the subway is located in close proximity to this elevation, it is unlikely that a new development will be built in close proximity, and the setback is acceptable.

Density, Height, Massing

The proposal is for an 11-storey building with a total floor space index of 6.7 times its lot area and a height of 35.6 metres (excluding the mechanical penthouse), 4 retail units at grade and below grade parking.

The proposed development provides a transition in scale and density between the mixed commercial/residential uses on Yonge Street and the adjacent *Apartment Neighbourhoods* to the east by shifting its height and density towards the east elevation.

Proposed on the west elevation is a 5-storey streetwall that steps back at the 6th level and aligns in height to the existing north building at 5 Rosehill Avenue for the majority of its frontage. It steps back in a series of terraces to an 11-storey level, to reduce the overall impression of building mass from Yonge Street. On the southwest corner is a 7-storey streetwall which steps to 9, 10 and 11-storeys. The building is compliant with the angular plane provisions from Mid-Rise Guidelines for the majority of its Yonge Street frontage at approximately 45 metres, with the exception at the southwest corner of the building. This elevated portion of the building is massed so that it is lower than the existing building across the street at 1 Balmoral Avenue/1360 Yonge Street.

On the Yonge Street elevation, the building is setback a minimum of approximately 3.8 metres along the entire frontage. It fulfills the Yonge-St. Clair Secondary Plan policy criteria that states that all new developments should be setback to accommodate wide sidewalks, landscaped and pedestrian space in front of buildings and to increase the spacious feeling of Yonge Street. The setback provides an improved public realm condition especially given that 4 retail units are proposed which will increase activity and animation around the site.

In response to criteria contained the Yonge-St. Clair Secondary Plan and the Mid-Rise Guidelines, a 45 degree angular plane is proposed for the majority of the length of the Yonge Street building frontage, for approximately 45 metres. One reason for the provision of the angular plane is to setback the upper levels thereby redeploying the building massing so that the Yonge-St. Clair Secondary Plan requirement for 5 hours of sunlight on the opposite side of Yonge Street will be achieved. Pedestrian perceptions of the building mass are reduced through the use of the angular plane.

The proposed setback distance from the east property lot line ranges between 0.75 at the south end to 1.23 metres to the north on the first level. On the second level and above, the setback ranges between 0.75 metres from the south end for approximately 20.75 metres and increases to 7.0 metres for approximately 40.0 metres and to 16.83 metres to the north end of the site. The outdoor amenity space is proposed on the second level. The purpose for the increased setback towards the north end of the site is to align with the existing amenity courtyard area of the 5 Rosehill Avenue condominium.

To the east of the subject site is an existing 28-storey tower in *Apartment Neighbourhoods*. Beyond the east property line there is a strip of land that extends from Jackes Avenue to Rosehill Avenue that is approximately 16.1 metres wide and tapers to 11.3 metres on the northern half. It is unlikely that this area is developable in the future given the narrow and awkward lot configuration, and especially since the subway is adjacent and to the east of that narrow strip of land. The proposed setbacks are acceptable to staff, due to the conditions noted above and the unlikelihood of future development adjacent to the subject site.

A blank wall is proposed on the north elevation for the first 7-storeys to mitigate any potential privacy or overlook issues for the residents at 5 Rosehill Avenue. Staff will work with the applicant during the site plan review process to secure upgraded building materials for a desirable building wall condition. The windows on the south elevation of 5 Rosehill Avenue are considered to be secondary windows.

An approved mid-rise mixed-use building development that is equivalent in height is located at 1994-2008 Yonge Street/17 Glebe Road West. This development can be considered as a comparable development condition to the subject site given that it has been approved at 36 metres (exclusive of mechanicals) and 10-storeys in height.

Amenity Space

The Zoning By-law requires a minimum of 2 square metres of indoor and outdoor amenity space. Proposed is a total of 306 square metres of indoor amenity space which is located on the second level. Adjacent is an outdoor amenity area of 199 square metres and an additional rooftop level outdoor amenity area at 110 square metres. Both of these areas achieve the Zoning By-law requirement. Also proposed is a green roof of an approximate 366 square metres that is adjacent to the outdoor amenity space.

Sun, Shadow and Wind

The *Mixed Use Areas* policies in the Official Plan, Section 4.5, Policy 2(e), provides development criteria which states that development will contribute to the quality of life by locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. In addition, the Yonge/St. Clair Secondary Plan requires that there be 5 hours of sunlight (around solar noon) on the opposing sidewalk during the period of March 21st to September 21st.

Based on the Shadow Studies provided by the applicant, the proposed development fulfills the Secondary Plan requirement by providing a minimum of 5 hours of sunlight on the Yonge Street west sidewalk from 12:18 p.m. and onwards at the March and September equinoxes.

In addition, the applicant has submitted a Qualitative Pedestrian Wind Assessment. It concludes that wind comfort at pedestrian areas around the site and residential balconies and terraces are expected to be good without the need for mitigation with the exception of, wind screens required on the south, west and north sides of the 11th floor terrace as a mitigative measure. City staff will include this feature as part of the design component of the Site Plan Approval process.

Traffic Impact, Access, Parking

Access to the site is proposed from Jackes Avenue. The driveway is to be located at the eastern end of the site. In support of the proposal, the applicant's transportation consultant submitted a Transportation Impact Study (TIS) dated August 2011. In this study, the consultant concluded that site traffic can be accommodated on the adjacent road network and City Staff concur with their conclusion. In addition, the consultant submitted an Addendum Letter dated June 2012 to reflect the revised site data given that the development had decreased in dwelling units to confirm that the TIS is still applicable. Staff reviewed the supporting documentation and concur with the consultant's conclusion.

Zoning By-law 438-86 requires a minimum of 115 residential parking spaces where the applicant is proposing 188 spaces located on three levels below-grade. The Zoning By-law also requires a minimum

of 9 residential visitor spaces which are located on the first level below-grade. Two temporary parking spaces are being provided on the lower ground floor level to assist with short term delivery and visitors. In addition the applicant is providing 43 commercial parking spaces located on the first level below-grade.

Loading

The applicant is providing 1 Type G loading space as required by By-law 438-86. This space is enclosed within the main level of the building and is accessed from Jackes Avenue. Engineering and Construction Services staff have reviewed the proposed loading area and find it to be acceptable for the needs of the building and to meet the requirements of the zoning by-law.

Bicycle Parking

Zoning By-law 438-86 requires a total of 125 bicycle parking spaces consisting of 105 residential, 12 visitor residential, 2 retail and 6 visitor retail spaces. The applicant is providing a total of 168 spaces consisting of 148 residential, 12 visitor residential, 2 retail and 6 visitor retail spaces in secured rooms on the lower ground floor and the P1 underground levels. The proposal satisfies the Zoning By-law requirements.

Servicing

The applicant has submitted a stormwater report, a site servicing plan, and a site grading and drainage plan in support of the proposed development to the Executive Director of Engineering and Construction Services for review and acceptance prior to entering into a Site Plan Agreement with the City.

Open Space/Parkland

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 lands which are the subject of this application are in an area with 1.55 to 2.00 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The City Wide Parkland Dedication By-law 1020-2010 requires a 2% parkland dedication for non-residential uses and a cap of 10% is applied to the residential use. The proposed building would have 949 square metres of non-residential use on a site with a net area of 2,581 square metres. In total, the parkland dedication requirement for this proposed development is 247 square metres.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 247 square metres would not be of a useable size and the site would be encumbered with below-grade parking.

Streetscape

The Development Criteria for *Mixed Use Areas* in the Official Plan calls for development to provide an attractive, comfortable and safe pedestrian environment, and locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. The proposed development satisfies these policies.

The Yonge/St. Clair Secondary Plan Policy 5 states that in order to accommodate wide sidewalks, landscaped and pedestrian space in front of buildings and to increase the spacious feeling of Yonge Street, development fronting or flanking onto Yonge Street will be set back approximately 3 metres from the Yonge Street property line. The Plan also encourages and supports healthy retail businesses, especially on Yonge Street.

The development complies with the above policy given that it provides an approximate minimum setback range of 3.8 to 5.5 metres along the Yonge Street frontage; it proposes 4 retail units at grade and the addition of trees, plantings and benches to be designed onto Yonge Street and Jackes Avenue streetscape condition. The landscaping details will be secured through the Site Plan Approval process.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructures and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*.

1. The community benefits recommended to be secured in the Section 37 agreement are as follows:
 - a. The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$6,000 for the production by Heritage Toronto of a historic plaque to be installed on-site. The plaque will commemorate the historical significance of Gallows Hill, including the role it played in the Rebellion of 1837. The owner will provide to the City in advance of the installation, a site plan showing the location of the plaque to the satisfaction of the Executive Director of Heritage Toronto. The owner will provide consent to the installation of the plaque on site.
 - b. An indexed cash payment of \$375,000 payable prior to the first-above grade building permit. Such payment will be deposited to the Planning Act Reserve Fund to be used for the construction and associated costs of improvements to the Yonge Street streetscape, improvement between Heath Street south to Woodlawn on the east side as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
 - c. An indexed cash payment of \$350,000 payable prior to the issuance of the first above-grade building permit for the lot for the purpose of park improvements to the David Balfour Park/Vale of Avoca Ravine.

- d. The owner will provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost.
2. Require that the amounts identified in 1a-c above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

- a. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure is required to support this development.

Conclusion

The application has been carefully considered with respect to compatibility and fit with the surrounding context. As such, Planning staff recommend approval of the proposed Official Plan and Zoning By-law Amendments.

CONTACT

Diane Silver, Planner
Tel. No. (416) 397-4648
Fax No. (416) 392-1330
E-mail: dsilver2@toronto.ca

SIGNATURE

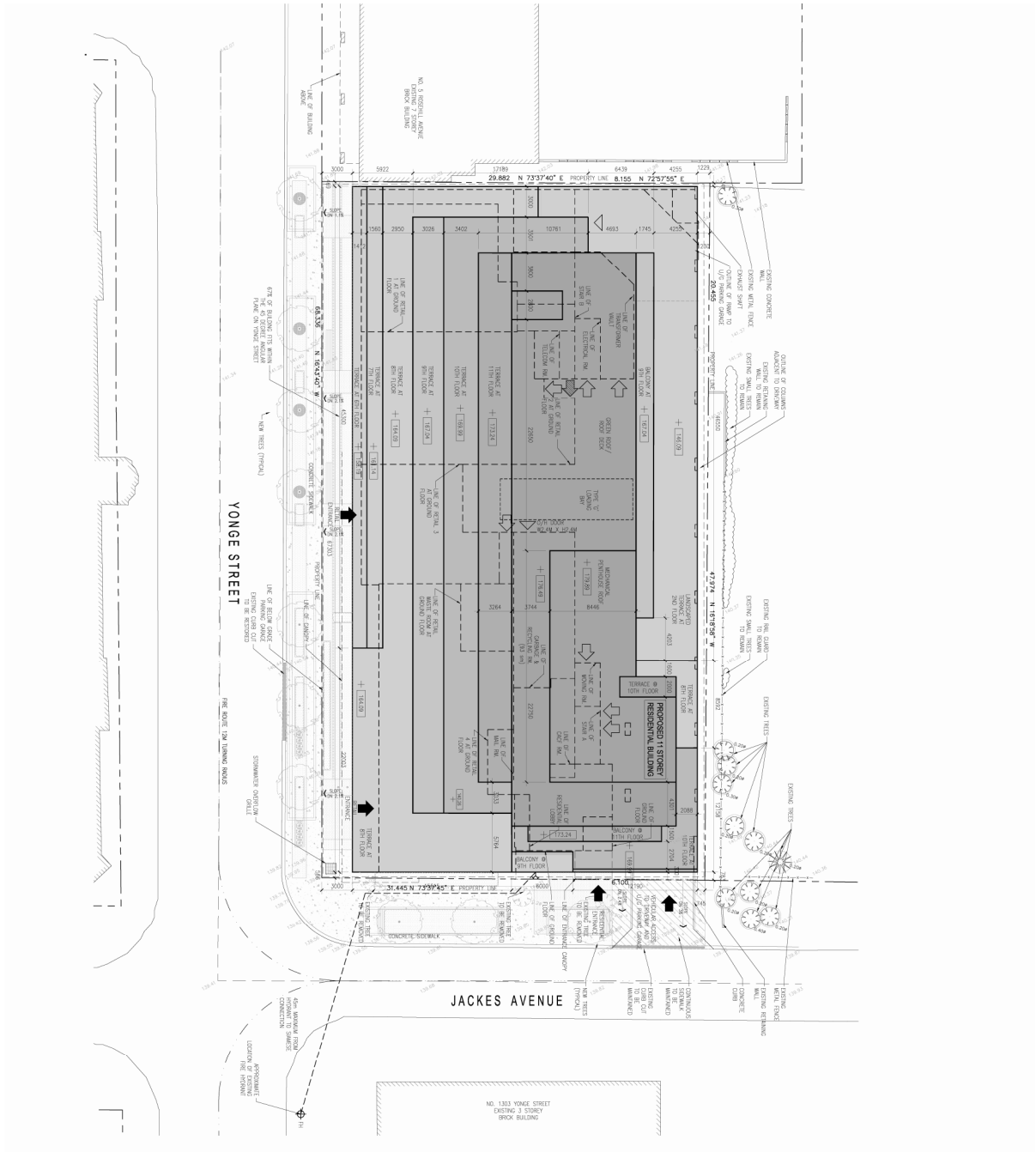
Gregg Lintern, MCIP, RRP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Conceptual Rendering
Attachment 7: Zoning
Attachment 8: Official Plan
Attachment 9: Application Data Sheet
Attachment 10: Yonge-St. Clair Secondary Plan
Attachment 11: Draft Official Plan Amendment
Attachment 12: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

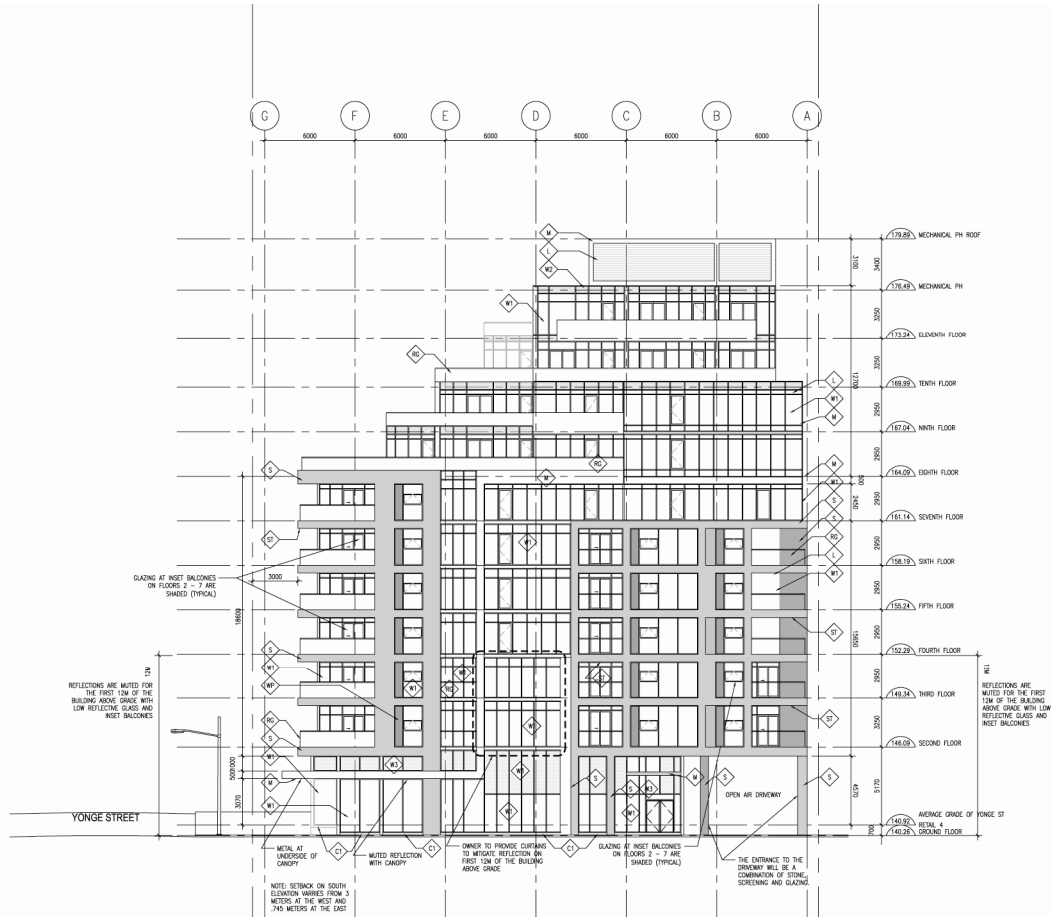
Not to Scale
02/25/2013

1331 Yonge Street

File # 11_255341

[illegible]

Attachment 3: South Elevation



South Elevation

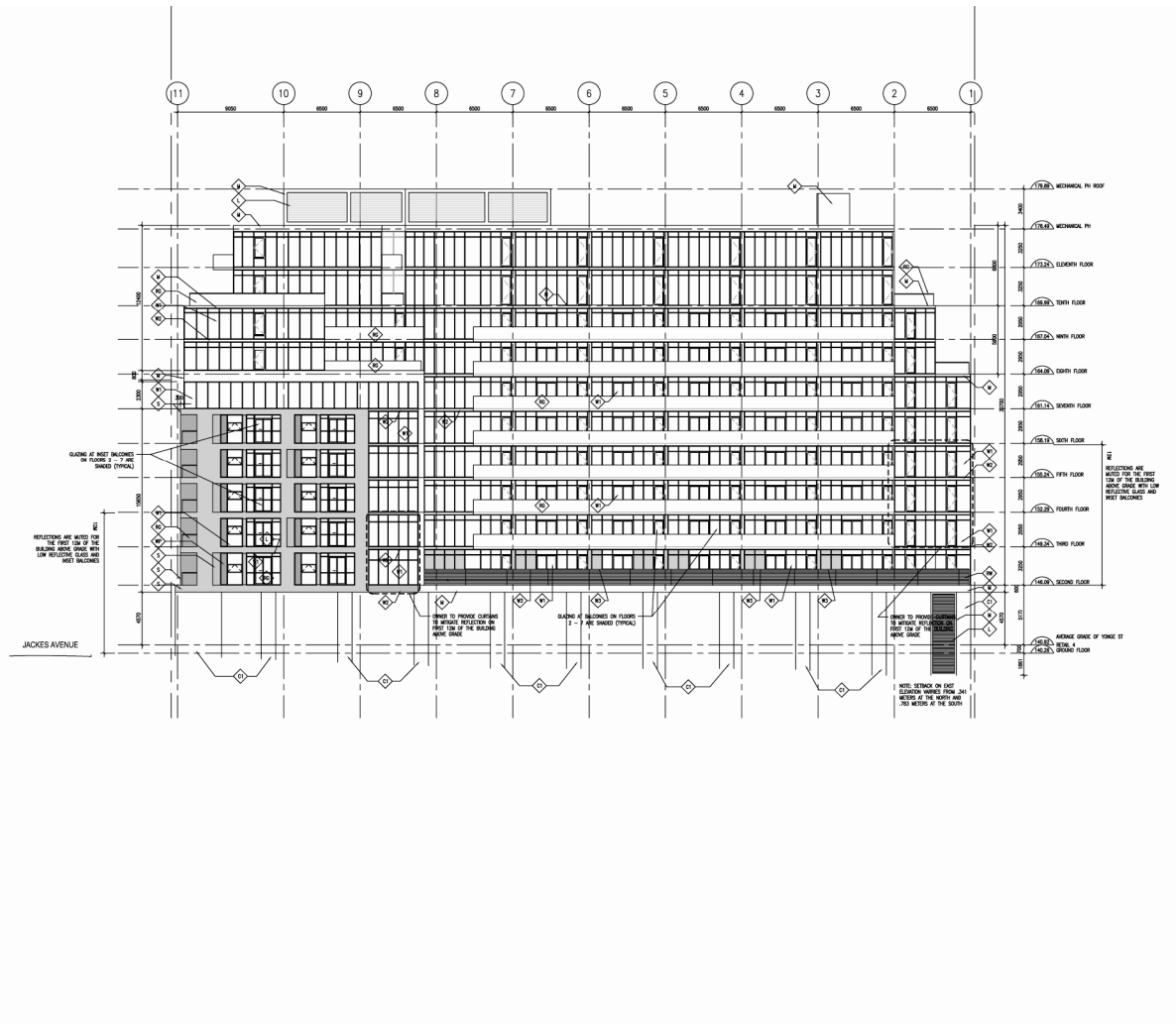
Applicant's Submitted Drawing

Not to Scale
02/25/2013

1331 Yonge Street

File # 11_255341

Attachment 4: East Elevation



East Elevation

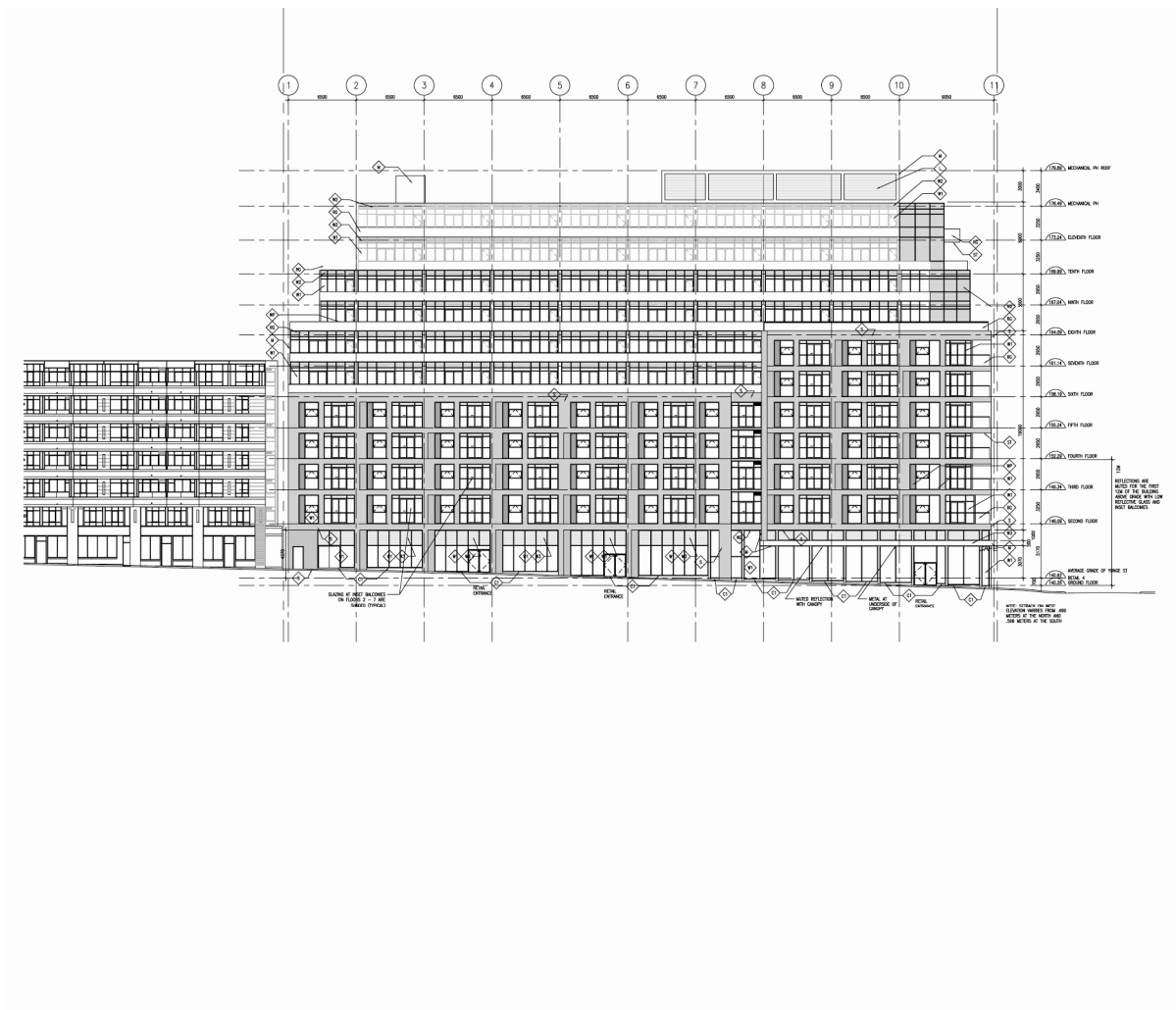
1331 Yonge Street

Applicant's Submitted Drawing

Not to Scale
02/25/2013

File # 11_255341

Attachment 5: West Elevation



West Elevation

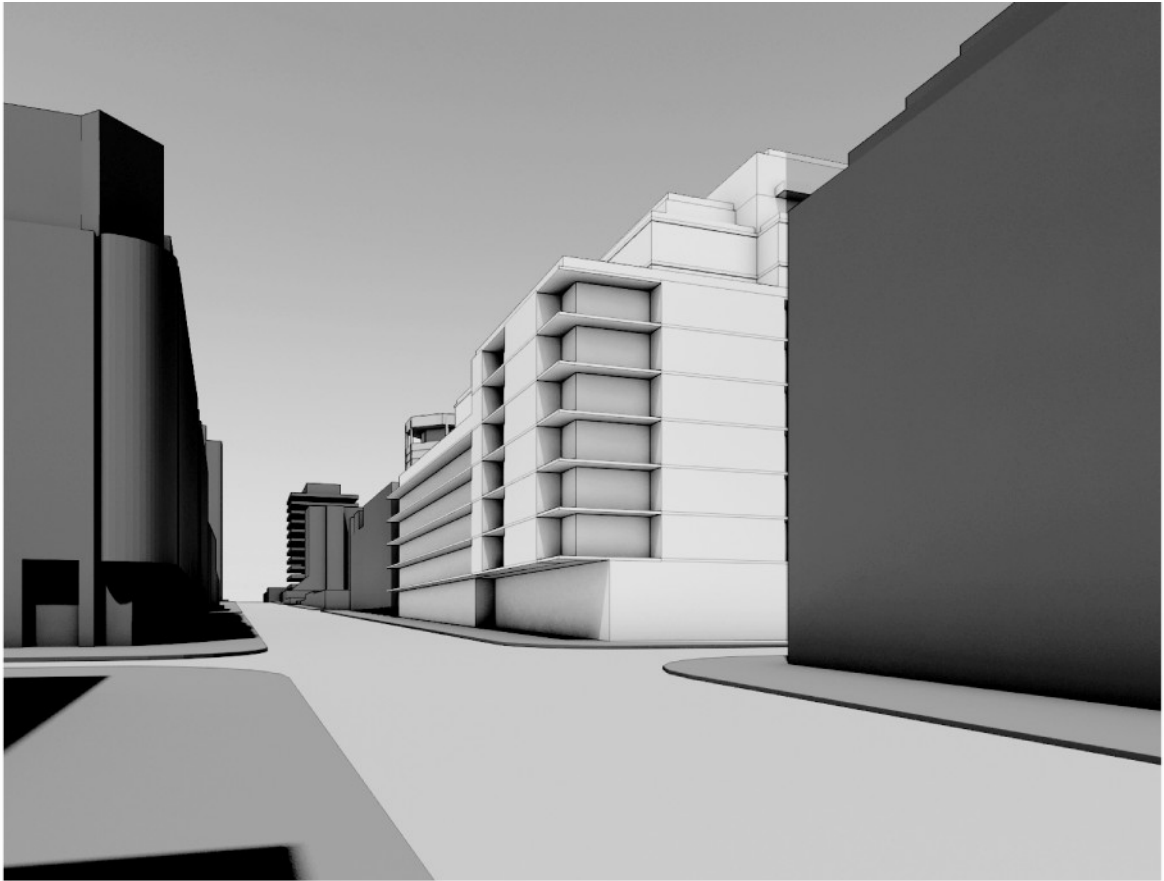
1331 Yonge Street

Applicant's Submitted Drawing

Not to Scale
02/25/2013

File # 11_255341

Attachment 6: Conceptual Rendering Looking North



Computer Modelling

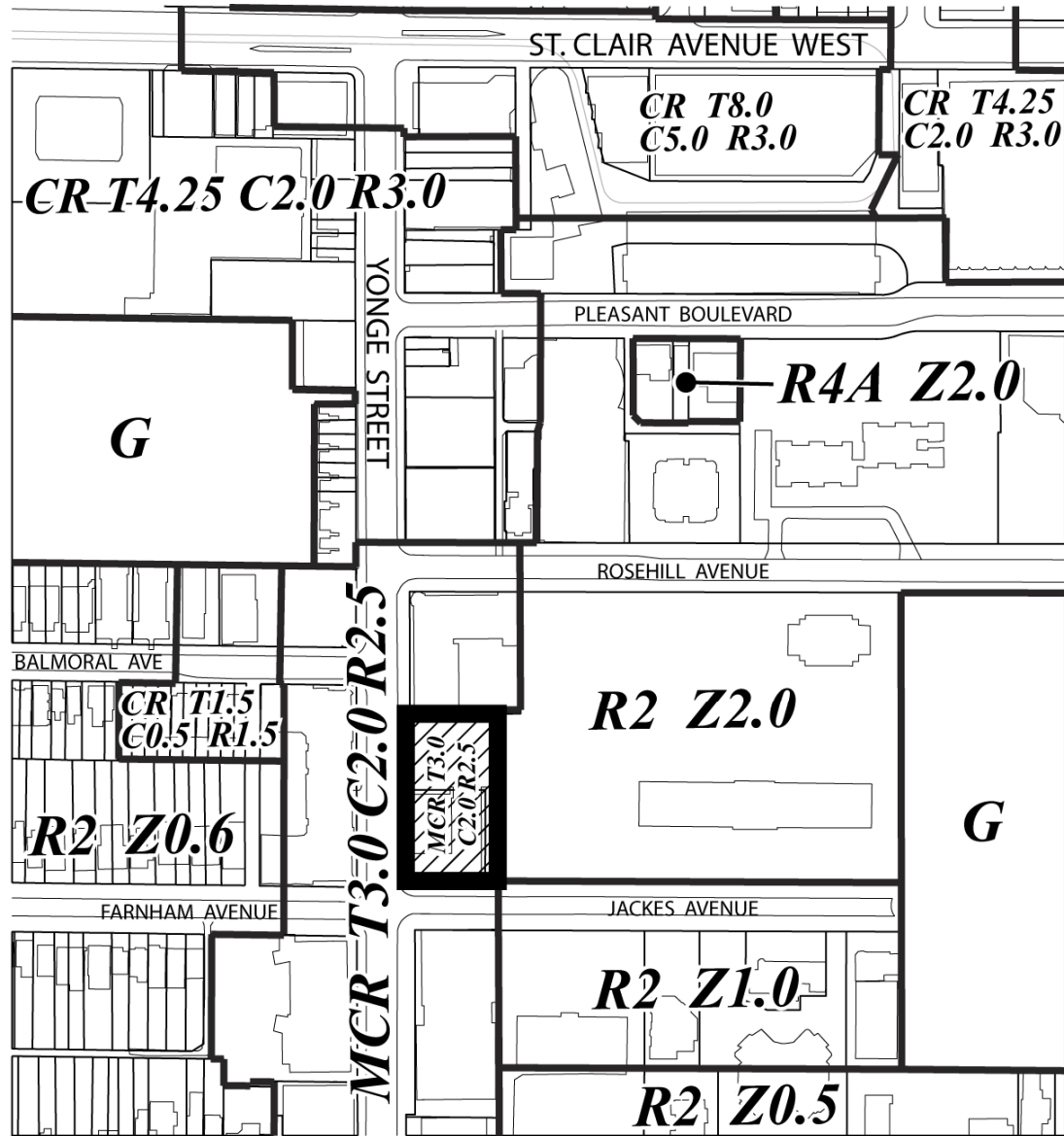
Applicant's Submitted Drawing

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11/17/2012

1331 Yonge Street

File # 11_255341

Attachment 7: Zoning



Toronto City Planning
Zoning

1331 Yonge Street

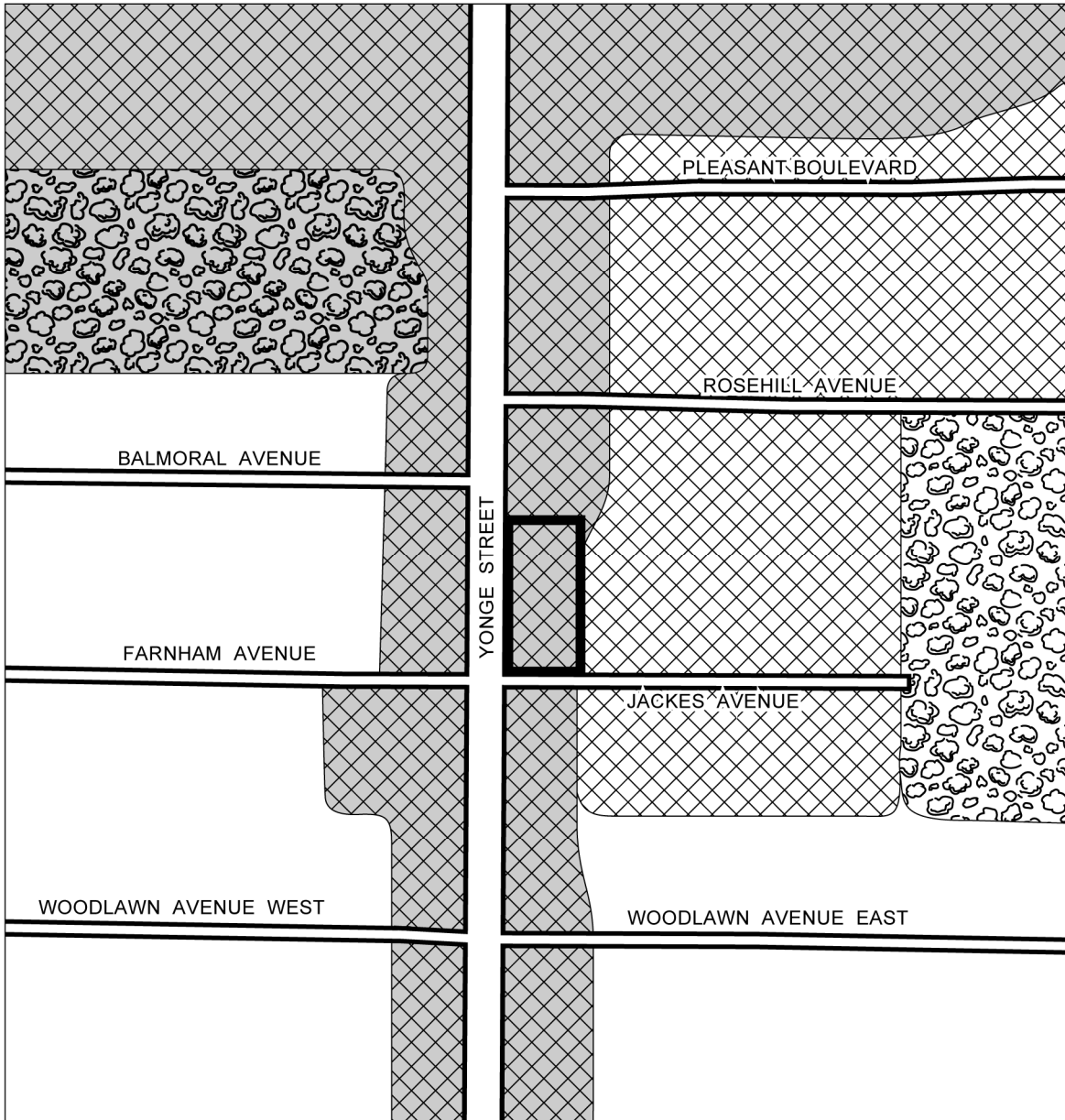
File # 11_255341_0Z

G Parks District
R2 Residential District
R4A Residential District

CR Mixed Use District
MCR Mixed Use District

Not to Scale
Zoning By-law 438-86 as amended
Extracted 12/18/2012

Attachment 8: Official Plan



Toronto City Planning
Official Plan

1331 Yonge Street

File # 11 255341 0Z



↑
Not to Scale
09/21/2011

Attachment 9: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 255341 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 11, 2011
Municipal Address:	1331 Yonge Street		
Location Description:	PLAN 1389 PT LOT C **GRID S2211		
Project Description:	OPA and Rezoning application for a new 11-storey mixed-use building - 153 residential suites, 4 levels of below grade parking, 168 bicycle parking spaces, 4 retail units at grade.		

Applicant:	Agent:	Architect:	Owner:
Bousfields Inc. 200-3 Church Street Toronto, ON M5E 1M2	Same as Applicant	Quadrangle Architects Ltd. 380 Wellington St. W. Toronto, ON M5V 1E3	Jakes(ARH) Developments Ltd. 29 Floral Parkway Concord, ON L4K 5C5

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MCR T3.0 C2.0 R2.5	Historical Status:
Height Limit (m):	16	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	2580.9	Height:	Storeys:	11
Frontage (m):	68		Metres:	35.57 (exclusive of mechanical equipment)
Depth (m):	38			
Total Ground Floor Area (sq. m):	2322			Total
Total Residential GFA (sq. m):	16,455		Parking Spaces:	240 + 2 temporary
Total Non-Residential GFA (sq. m):	949		Loading Docks	1
Total GFA (sq. m):	17,404			
Lot Coverage Ratio (%):	90			
Floor Space Index:	6.7			

DWELLING UNITS

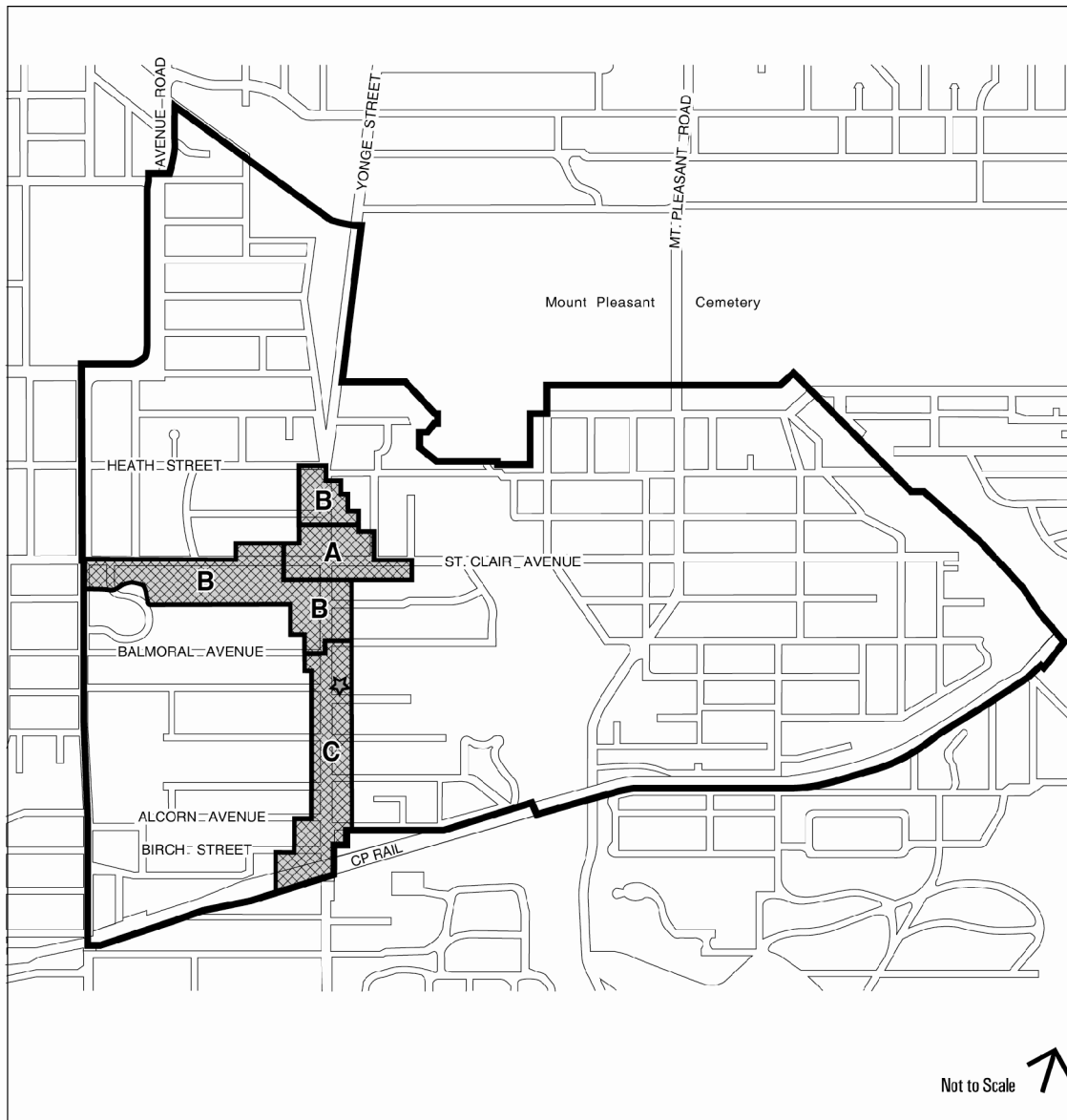
Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	153
3 + Bedroom:	0
Total Units:	153

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	16,455	0
Retail GFA (sq. m):	949	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Diane Silver, Planner
	TELEPHONE:	(416) 397-4648

Attachment 10: Yonge-St. Clair Secondary Plan



TORONTO City Planning
Official Plan

Yonge-St. Clair Secondary Plan

MAP 6-3 Mixed Use Areas

File # 11_255341_02

- Secondary Plan Boundary
- Mixed Use Areas
- Subject Site 1331 Yonge St

October 2011

Attachment 11: Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. ____ -2012

To adopt Amendment No. 212 to the Official Plan for the City of Toronto with respect to lands municipally known as 1331 Yonge Street.

WHEREAS authority is given to Council by the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 212 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this ____ day of _____, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

AMENDMENT NO. 212

TO THE CITY OF TORONTO OFFICIAL PLAN

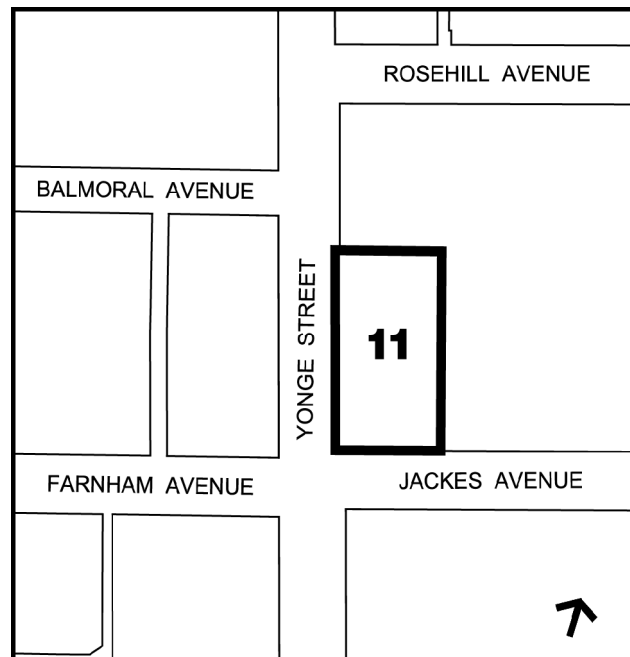
The Official Plan of the City of Toronto is amended as follows:

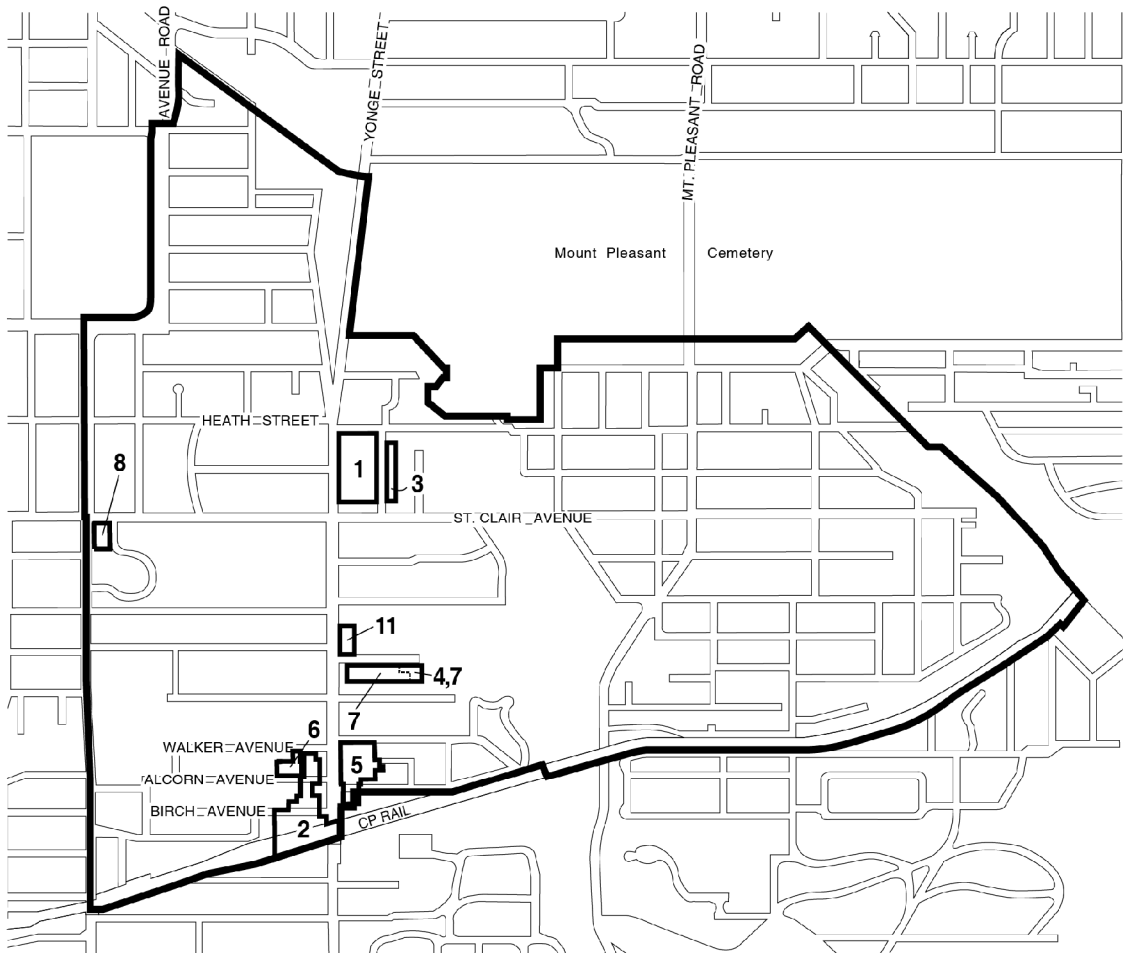
1. Chapter 6, Section 6, Yonge-St. Clair Secondary Plan, is amended as follows:

1.1 Section 8, Site and Area Specific Policies, is amended by adding the following Site and Area Specific Policy 11, together with the key map as shown on the attached Schedule 2, as follows:

11. 1331 Yonge Street

For the lands shown as 11 on Map 6-2, the maximum permitted height for the building is 39.0 metres to the top of the mechanical penthouse roof.





Not to Scale



Yonge-St.Clair Secondary Plan

MAP 6-2 Site and Area Specific Policies

- Secondary Plan Boundary
- Site and Area Specific Policies

March 2013

Attachment 12: Draft Zoning By-law Amendment

CITY OF TORONTO BY-LAW No. ____ - 2013

To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1331 Yonge Street

WHEREAS authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS Council of the City of Toronto, at its meeting on _____, 2013, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2013 as 1331 Yonge Street;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for an increase in *height* and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Sections 4(2)(a), 4(4)(b) and (c), 4(13)(a) and (c), 8(3) Part II, 2 and 3, 8(3) Part II, and 8(3) Part III 1, 8(3)IV, 8(3)IV2 of Zoning By-law No. 438-86, of the former City of Toronto, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the

City of Toronto” shall apply to prevent the erection or use of any buildings or structures on the *lot* provided that:

- (a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the total *residential gross floor area* erected or used on the *lot* does not exceed 17,410 square metres;
- (c) the total *non-residential gross floor area* erected or used on the *lot* does not exceed 1,000 square metres;
- (d) the maximum number of *dwelling units* erected or used on the *lot* shall not exceed 153;
- (e) no portion of the building or structure erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may extend beyond the areas delineated by such heavy lines:
 - (i) cornices, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings, awnings and canopies; and
 - (ii) balconies may extend up to 3.0 metres from the walls to which they are attached;
- (f) the *height* of any building or structure, or portion thereof including mechanical penthouse, does not exceed those *height* limits as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - (i) railings, parapets, balconies, cornices, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, planters, partitions dividing outdoor recreation areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, landscape elements, roof access ladders, elements of a green roof, lightning rods, mechanical equipment, pressurization equipment, and exhaust flues, located above the *height* of each of the roof levels of the building;
- (g) parking will be provided in accordance with the following standards:
 - i. bachelor units: minimum 0.6 spaces/unit, maximum 0.9 spaces/unit;

- ii. 1-bedroom Units: minimum 0.7 spaces/unit, maximum 1.0 spaces/unit;
 - iii. 2-Bedroom units: minimum of 0.9 spaces/unit, maximum of 1.3 spaces/unit;
 - iv. 3+Bedroom units: minimum of 1.0 spaces/unit, maximum of 1.5 spaces/unit;
 - v. visitor spaces: 0.1 spaces/unit; and
 - vi. retail use: no minimum requirement
- (h) a *commercial parking garage* is a permitted use.
- (i) a minimum of 105 *bicycle parking spaces – occupant* shall be provided and maintained on the *lot* for the use of residents of the *lot*;
- (j) a minimum of 12 *bicycle parking spaces – visitor (residential)* shall be provided and maintained on the *lot*;
- (k) a minimum of 2 *bicycle parking spaces – retail* shall be provided and maintained on the *lot*;
- (l) a minimum of 6 *bicycle parking spaces – visitor (retail)* shall be provided and maintained on the *lot*;
- (m) one *loading space – type “G”* shall be provided and maintained on the *lot*;
- (n) the minimum dimensions of a parking space shall be:
- length 5.6 metres
height 2.0 metres
width 2.6 metres
- (o) the driveway intended for motor vehicles shall not have any portion inclined at a slope of greater than three metres vertical to each 20 metres horizontal (15%);

Exceptions:

- (p) Restrictive Exemptive 12(2)324 shall not apply to the property at 1331 Yonge Street.
- (q) Restrictive Exception 12(2)260(I) & (II) shall not apply to the property at 1331 Yonge Street.

3. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

"*commercial parking garage*" means a parking facility that is used for the temporary parking of motor vehicles as a principal use on a *lot*;

"*grade*" means 140.92 metres Canadian Geodetic Datum;

"*lot*" means at least the lands delineated by heavy lines shown on Map 1;

"*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;

"*parking space*" means an unimpeded area having minimum dimensions of 5.6 metres in length and 2.6 metres in width which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle;

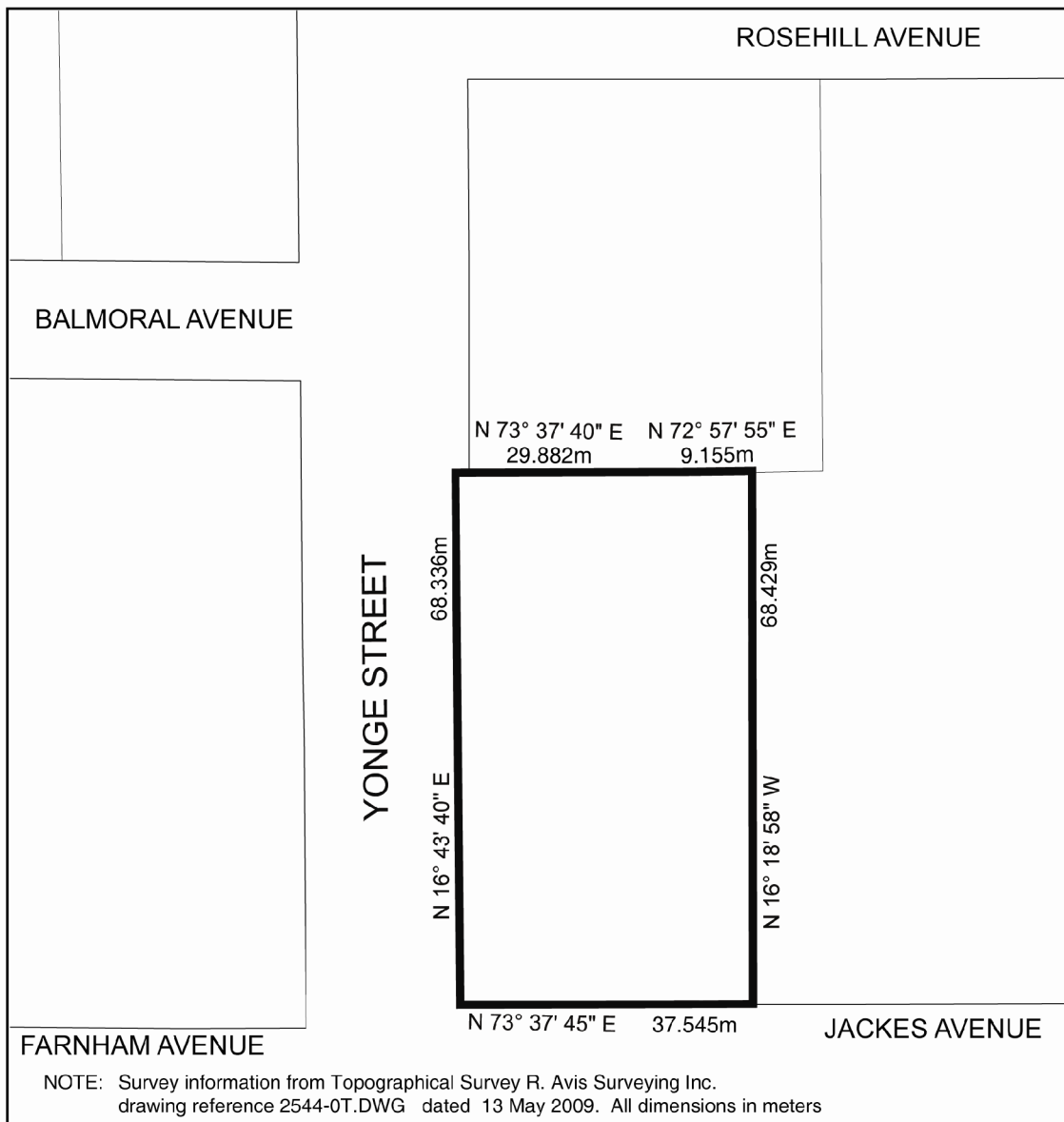
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

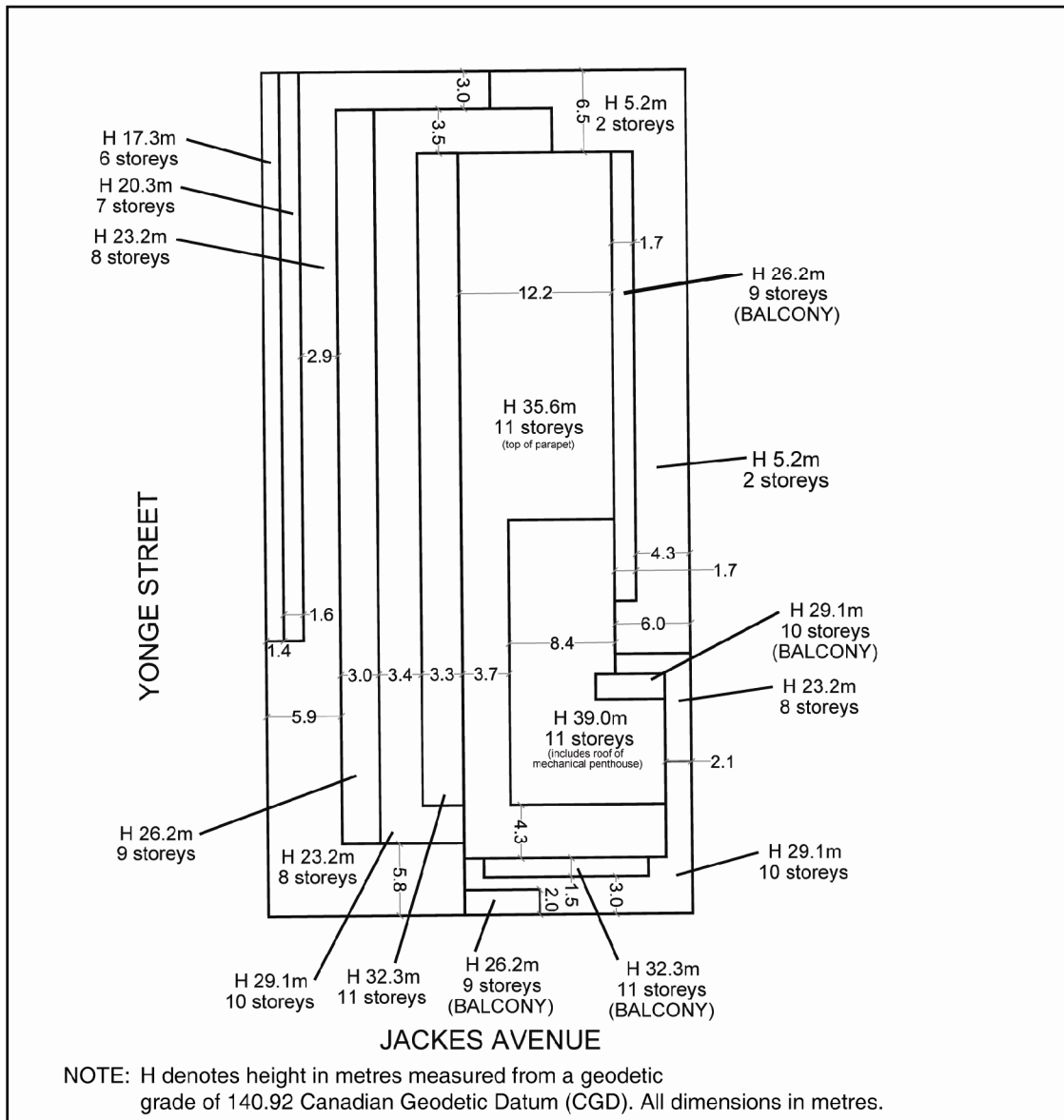
ENACTED AND PASSED this _____ day of _____. A.D. 2013.

ROB FORD
Mayor

ULLI WATKISS
City Clerk

City of Toronto
Corporate Seal





Appendix 1 to Attachment 12 – Zoning By-law Amendment

APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and the owner with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- a. The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$6,000 for the production by Heritage Toronto of a historic plaque to be installed on-site. The plaque will commemorate the historical significance of Gallows Hill, including the role it played in the Rebellion of 1837. The owner will provide to the City in advance of the installation, a site plan showing the location of the plaque to the satisfaction of the Executive Director of Heritage Toronto. The owner will provide consent to the installation of the plaque on site.
- b. An indexed cash payment of \$375,000 payable prior to the first above grade building permit. Such payment will be deposited to the Planning Act Reserve Fund to be used for the construction and associated costs of improvements to the Yonge Street streetscape, improvement between Heath Street south to Woodlawn on the east side as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
- c. An indexed cash payment of \$350,000 payable prior to the issuance of the first above grade building permit for the lot for the purpose of park improvements to the David Balfour Park/Vale of Avoca Ravine.
- d. The owner will provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost.

Require that the amounts identified in a-c above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- e. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, a accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure is required to support this development.