

906 Yonge Street and 25 McMurrich Street - Zoning Amendment Application - Request for Direction Report

Date:	August 16, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	10 200615 STE 27 OZ

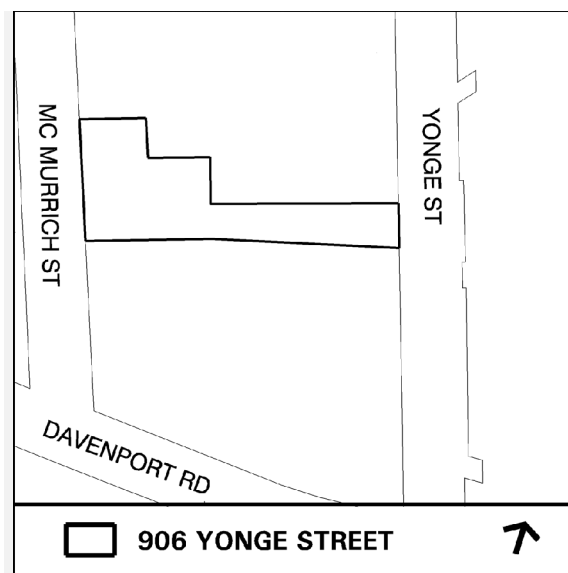
SUMMARY

The owner of the property at 906 Yonge Street and 25 McMurrich Street has appealed their application to amend Zoning By-law 438-86 to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*.

The application proposes a 27-storey hotel at 906 Yonge Street and a 23-storey residential condominium at 25 McMurrich Street. The proposed hotel building would retain the east façade of the Ridpath's furniture store building, which is listed on the City's inventory of heritage properties. The residential tower would replace an existing surface parking lot.

The purpose of this report is to seek City Council's direction to oppose the proposed development at the Ontario Municipal Board in its current form.

This application is not appropriate for the site. The overall proposal, including the proposed height and massing, does not conform to the Official Plan; is inconsistent with Council-approved guidelines; and represents an overdevelopment of the site.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 906 Yonge Street and 25 McMurrich Street (File No. 10 200615 STE 27 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate.
2. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that secures community benefits through a Section 37 Agreement.
3. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

DECISION HISTORY

ISSUE BACKGROUND

Proposal

The application proposes a new 27-storey (92 metres, including a 6-metre mechanical penthouse) hotel building fronting onto Yonge Street and a 23-storey (80 metres, including a 6-metre mechanical penthouse) residential building fronting onto McMurrich Street and a 2-storey (11.5-metre) connecting building.

The proposal calls for a total gross floor area of 24,171 square metres (9,402 square metres of non-residential and 14,769 square metres of residential). The proposed density is 10.6 times the area of the lot.

Yonge Street Building

The proposed 164-unit hotel building on Yonge Street is designed to incorporate a portion of the 3-storey east façade of the former Ridpath's Furniture store building as the base of the tower.

The proposed ground floor (over 7-metre floor-to-ceiling height) hotel lobby, restaurant and service area requires the removal of the Ridpath's second floor. The existing and

proposed sidewalk in front of the Yonge Street tower is approximately 3.5 metres wide (no new landscaping is proposed).

The proposed second floor (the third floor of the heritage building) would be a restaurant. The proposed third to fifth floors are set back behind the ridgeline of the heritage building. At the sixth floor, the tower projects out toward Yonge Street approximately 1 metre beyond the centre ridgeline of the heritage building. From the 11th to 13th floors there is a glass conservatory with access only on the 11th floor with indoor and outdoor amenity areas. The tower continues to the 27th floor with a mechanical penthouse above.

The proposed tower is somewhat rectangular in shape with notched corners and north and south facing sky gardens. The floor plate is approximately 386 square metres with an average width of 14.5 metres and a depth of 29.5 metres. The proposed Yonge Street tower is set back 0 metres from the north property line and approximately 16 metres from the adjacent building to the north at 914-920 Yonge Street. The proposed tower is set back between 0 to 1 metres from the south property line and between 1 and 2 metres from the adjacent building to the south at 900 Yonge Street.

Along the north and south property lines "sky gardens" are proposed, which appear to be inset planters within the north and south facades. The tower is set back 4 metres from the Yonge Street property line. No projecting balconies are proposed.

McMurrich Street Building

The proposed 135-unit residential tower on McMurrich Street is massed with three grade-related "townhouse" units (two floors) and lobby on the ground floor and indoor/outdoor amenity space on the second floor above the townhouses and lobby. The plans submitted identify the amenity space as spa areas, a fitness room, a multi-purpose room and a party room linked to a 237 square metre rectangular shaped outdoor amenity space with a pool along the south property line.

The ground floor is set back between 0 metres (south end) and 3 metres (north end) from the McMurrich Street property line. The sidewalk in front of the McMurrich Street towers is approximately 5 metres wide including the area designated for planting trees.

The two/three storey base virtually covers the 25 McMurrich Street portion of the property. The base is set back between 0 metres (south end) and 1 metre (north end) from the McMurrich Street property line. The base is set back 0.5 metres and 0.3 metres from the north property lines and 0.8 and 0.2 metres from the east property lines.

The tower is L-shaped, which is sited along the irregular pattern of the north and east property lines at 25 McMurrich Street. The typical floor plate size is approximately 626 square metres.

The L-shaped McMurrich Street tower is set back between 2.0 metres (with north facing units and balcony projections of 1.5 metres) and 2.5 metres (with no projections and units oriented to the east) from the irregular north property line.

The McMurrich Street tower is set back approximately 0.5 metres (no projections) and approximately 10.0 metres (with 1.5 metre projecting balconies) into the irregular east side setback.

The tower is set back between approximately 4.5 and 6.0 metres from the McMurrich Street property line. Balconies project 1.5 metres into the McMurrich Street setback.

The tower is set back between 10 and 12 metres from the south property line. The units along the south face of the tower appear to be oriented east and west. Balconies project 1.5 metres for a portion of the south face of the tower.

The distance between the two proposed towers is approximately 39 metres. The McMurrich Street tower is approximately 18 and 19.5 metres from the existing residential building at 15 McMurrich Street (to the south), and approximately 22 and 33 metres from the mixed-use building at 914-920 Yonge Street (to the east).

The application proposes 799 square metres of indoor amenity space and 273 square metres of outdoor amenity space for residential purposes only. The indoor amenity space will be located on the second floor and the outdoor amenity space will be located adjacent to the indoor amenity space at the south end of the site.

The plans identify a total of 127 parking spaces (94 residential spaces, 2 residential car share spaces, 13 visitor spaces, and 18 hotel/non-residential spaces) to be provided in a 4-level underground garage.

A total of 116 bicycle parking spaces are proposed, including 96 residential and 20 visitor spaces. The visitor and residential bicycle spaces are proposed to be located in all 4 levels of the underground garage.

Vehicular access is proposed via a driveway at the south end of the site off McMurrich Street. A taxi drop-off area is proposed at-grade and internal to the site. An enclosed Type G loading space is located on the ground floor (with an additional small moving truck area) and two Type C loading spaces on the P1 level.

Site and Surrounding Area

The subject site is composed of two properties, 906 Yonge Street and 25 McMurrich Street. These two properties are joined creating one unusually-configured contiguous 2,287 square metre site with frontages of 15.3 metres on Yonge Street and 40.7 metres on McMurrich Street.

The property at 906 Yonge Street is listed on the City's Inventory of Heritage Properties consisting of a now vacant 3-storey former furniture store known as Ridpath's. The property at 25 McMurrich Street is a surface parking lot.

Uses and structures near the site include:

North: and adjacent to the subject site is 914-920 Yonge Street, which consists of a 19-storey mixed-use (commercial-residential) building on a property which fronts both Yonge Street and McMurrich Street. The 19-storey building is located on the eastern half of the site with a ground floor which extends from Yonge Street to McMurrich Street. The first 10 storeys are commercial and the upper 9 storeys are residential.

North of 914-920 Yonge Street is a 13-storey mixed-use building at 942 Yonge Street, with frontages on Yonge Street, Frichot Avenue and McMurrich Street. The 13-storey building consists of a 2-storey commercial base on Yonge Street and a 3-storey residential base on McMurrich Street. The building is primarily residential.

South: are two sites that abut the subject property, one at 15 McMurrich Street and the other at 890-900 Yonge Street. At 15 McMurrich Street there is a 15-storey residential building with a 4-storey base along McMurrich Street. At 890-900 Yonge Street is a mixed-use development with retail at-grade. Above the retail use is residential on the north half and office on the south half of the building.

East: of Yonge Street, is a 3-storey retail store (Canadian Tire). South of the retail building is a gas station and to its' east is a 37-storey residential building currently under construction. North of Canadian Tire is 'Fellowship Towers,' a 15-storey senior's residence.

West: of McMurrich Street at 32 Davenport Road is 31-storey residential building with a 4-storey base building stretching north along McMurrich Street, which is currently under construction. North of 32 Davenport Road is the 'Domus' residential condominium with a row of 3-storey townhouses along McMurrich Street and a 10-storey building behind, also fronting onto McAlpine Street.

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.

Policy 2.6.1, in the PPS, states that "Significant built heritage resources and cultural heritage landscapes shall be conserved". Properties designated under Part IV of the Act or included on the City's Inventory of Heritage Properties comprise "significant built heritage resources". Conserved is defined as "the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their

heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment."

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 City of Toronto Official Plan designates the subject site *Mixed Use Areas* and locates the site within the *Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map.

The *Mixed Use Areas* designation in the Official Plan provides for 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.

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.

Heritage policies are found under Section 3.1.5 of the Plan. The Plan states that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties; designating properties; entering into conservation agreements with owners of heritage properties; and designating areas with a concentration of heritage resources as heritage conservation districts. The Plan directs the adoption of guidelines to maintain and improve the character of such districts. The interpretation policies of the Plan provide that use of the term "will" is prescriptive, to be interpreted as equivalent to "shall".

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Area Specific Policy 211, in the Official Plan, 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. It forms the north edge of the Downtown and provides for transition in density and scale.

The subject site is located within the Height Ridge as illustrated on Map 2 of 2 in Policy 211. Height and density permissions within the Height Ridge generally diminish the further one gets from the Height Peak at Yonge/Bloor. The Height Ridge provides for a transition in scale from the Height Peak at Yonge/Bloor. Development along the Height Ridge will be at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas.

All other relevant Official Plan policies have been taken into consideration. The Toronto Official Plan is available on the City's Website at:
www.toronto.ca/planning/official_plan/introduction.htm.

Zoning

Zoning By-law 438-86 applies to this site. The subject site is zoned CR T4.0 C1.75 R4.0. The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, hotel, office and other commercial uses. The total density permitted is 4.0 times the area of the lot. The maximum permitted height for the site is 30 metres.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law 569-2013. Lands that were subject to a rezoning application under the former general zoning by-law were not included in By-law 569-2013 in order to avoid interfering with the approval process as contemplated when the application was made.

Heritage

The Ridpath's building is located on the 906 Yonge Street portion of the development site. City Council listed the property on the Inventory of Heritage Properties on March 15, 1974. The building was originally designed by Mackenzie Waters and constructed in 1928. The 3-storey building fronts onto Yonge Street and its principal east façade has been designed in a Tudor Revival style.

The current proposal will include the alteration of the heritage building with the retention of the front 7 metre depth of the existing building from Yonge Street, including the Tudor façade, side walls and gable roof. This retained portion will form part of the podium the proposed Yonge Street tower.

Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the Parks Canada document *Standards and Guidelines for the Conservation of Historic Places in Canada* as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. *The Standards* include the following:

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*
- Conserve heritage value by adopting an approach calling for minimal intervention
- Find a use for an historic place that requires minimal or no change to its character-defining elements
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
- Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes
- Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference
- Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements

The *Standards and Guidelines* also include several key definitions. Central to these is the definition of Conservation:

Conservation: all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life.

Bloor – Yorkville/North Midtown Urban Design Guidelines

The Bloor – Yorkville/North Midtown Urban Design Guidelines gives 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 these 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 part of the Yonge Corridor in the Guidelines.

The guidelines state that special consideration should be given to the impact of: commercial uses; the form of development; and parking and servicing arrangements on the adjacent low-scale residential neighbourhood. New buildings are to provide a transition between areas of different development intensity and scale. Shadow impacts should be minimized on adjacent *Neighbourhoods* through the location and massing of new buildings.

The Urban Design Guideline is available on the City's website at:
<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts.

This project is also located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong 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 new and current Downtown tall building proposals.

The Tall Building Design Guidelines update and replace the "Design Criteria for the Review of Tall Building Proposals" (2006), as well as consolidate and substantially replace the "Downtown Tall Buildings Vision and Performance Standards Design Guidelines" (2012).

The Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Site Plan Control

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

Reasons for Application

The proposal is for a new 27-storey (92 metres, including a 6-metre mechanical penthouse) hotel building fronting onto Yonge Street and a 23-storey (80 metres, including a 6-metre mechanical penthouse) residential building fronting onto McMurich Street and a 2-storey (11.5-metre) connecting building. The total density is 10.6 times

the area of the lot. The Zoning By-law permits a building with a height of 30 metres and a density of 4.0 times the area of the lot. As the proposal does not comply with the Zoning By-law, a Zoning By-law amendment is required. Other areas of non-compliance with the Zoning By-law include: setbacks, loading and parking.

Community Consultation

Planning staff, in coordination with the local Councillor held a community consultation meeting on March 3, 2011 at the Toronto Reference Library. Approximately 100 members of the public attended the community consultation meeting. The attendees asked questions and raised a number of comments, issues and concerns, including: concerns over the height and density of the proposed tower including tower separation and appropriate transition in height; the massing and siting of the tower in relation to the surrounding buildings on McMurrich Street; impacts from the proposed hotel use; privacy and noise impacts; wind and shadow impacts; the traffic generated as a result of the proposed development; and, vehicular access and ramp locations.

The local Councillor hosted a number of working group meetings with the local representatives and the Applicant. Planning staff participated in these working group meetings. Four working group meetings were held on: April 26, 2011; May 9, 2011; May 24, 2011; and June 7, 2011. Matters relating to heritage, public realm, built form, traffic, access and parking were discussed throughout the working group meetings. No consensus was reached in support of revisions at the time. Formal resubmissions were made in January 2012 and February 2013. The application was appealed in April 2013.

Planning staff have received a number of written correspondence, phone calls and follow up meetings with stakeholders in the community.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

As stated in the Provincial Policy Statement (Policy 4.5) the Official Plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through municipal Official Plans. Municipal Official Plans shall identify provincial interests and set out appropriate land use designations and policies. The PPS speaks to managing and directing land use to achieve efficient development and land use patterns. Official Plan Site and Area Specific Policy 211, for example, directs growth in the Yorkville area by accommodating an appropriate range of height and density with a mix of residential, employment, recreational and open space uses to meet long-term needs. While the proposal generally conforms to the PPS, this report demonstrates that this application does not conform to the City's intensification plan.

The City's Official Plan identifies the appropriate type and scale of development in the Yorkville Area. While this application generally conforms to the Growth Plan for the Greater Golden Horseshoe, this report demonstrates that the proposal does not fit within the scale of development called for in the Official Plan.

Land Use

The application proposes both residential and non-residential uses. More specifically the non-residential use includes a hotel with a restaurant and other amenities in the Yonge Street tower and residential uses in the McMurrich Street tower. These uses are permitted within the CR Mixed-use district in Zoning By-law 438-86 as well as within the *Mixed Use Areas* of the Official Plan.

This application proposes to exceed the permitted gross floor area for the residential and non-residential uses in the Zoning By-law. While the uses are permitted, the application fails to meet many key policies within the Official Plan, Bloor-Yorkville/North Midtown Urban Design Guidelines and the Tall Building Design Guideline as explained in the sections below.

Site Context / Site Organization

The proposal consists of a new hotel tower on Yonge Street and a new residential tower on McMurrich Street with a 2-storey structure linking the two towers. These towers are designed to function independently of one another, in terms of separating residential and hotel lobbies and amenity areas. For example, the lobby for the 27-storey hotel building is located off Yonge Street and a separate lobby entrance for the 23-storey residential building is located off McMurrich Street. The two towers would share vehicular access, servicing, loading and parking facilities via a single curb cut off of McMurrich Street. The ramp to the underground parking is also internalized and located off the proposed enclosed driveway.

While *Downtown* and *Mixed Use Areas* policies are specifically identified as areas for intensification, new development is subject to a number of policies and criteria regarding appropriate building location and massing. This application fails to demonstrate how this site can appropriately accommodate the proposed height and density and comply with the Official Plan policies and satisfy the Bloor-Yorkville/North Midtown Urban Design Guidelines and Tall Buildings Guidelines.

Not every site can accommodate two point towers. The two proposed towers are not in keeping with the existing and planned context. The sites' relatively small size, geometry, setting of tall buildings surrounding the site and built form character restrict the development potential for the site. As stated in the Tall Building Design Guideline "the construction of tall buildings on sites that are too small to accommodate 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." Small sites may only be able to accommodate a lower-scale building form, such as a mid-rise building.

The Bloor-Yorkville/North Midtown Urban Design Guidelines describes the Yonge Street Corridor as having buildings along the west side of Yonge Street including two heritage buildings (Masonic Temple and Ridpath's) built to the street line, and a number of low and high-rise buildings with a variety of uses. The Guidelines state that "the effect of the mix of building forms and inconsistent building lines on the west side of Yonge Street creates an unattractive and uninteresting streetscape. With this in mind, the mixed-use building at No. 900 Yonge was designed to respect the building lines of its historic neighbours, the Masonic Temple and the Ridpath's Furniture."

There is no relationship between the proposed Yonge Street tower and its neighbouring buildings. The Yonge Street tower, in terms of height and massing is out of context and is not designed to fit within the existing "building lines" as described in the Guidelines.

Overall the site organization is unacceptable. The two towers have not been sited and massed to fit into the existing and planned context for the site and area as described further in the following section.

Built Form: Density, Height, Massing

The proposed density, height and massing is not acceptable in its current form. The proposal calls for an overall density of 10.6 times the area of the lot, where the Zoning By-law permits a total density of 4.0 times the area of the lot. The application does not demonstrate how the proposed density can be massed on the site to fit within the planned and existing context.

Tall buildings should be designed to consist of three parts carefully integrated into a single whole. These three parts include a base building, middle and top. Tall buildings proposed should address key urban design considerations in the Official Plan, including the built form policies, site design and general fit, while providing a usable publicly accessible open space.

Base Building

The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impact of parking and servicing uses. The Urban Design Guidelines calls for a low-rise built form at the street edge. The street wall should reinforce the pedestrian scale of the existing street wall heights of the surrounding buildings.

There is a consistent 3- and 4-storey base to existing buildings along McMurich Street with landscaped frontages and residential uses (other than a veterinary clinic) at grade. On the west side of McMurich Street is *Apartment Neighbourhoods* and to the north there is a *Neighbourhoods* designation; therefore the proposed 2 and 3 storey (11.5-metre) tall residential base is appropriate given the existing residential context.

On the Yonge Street side, the retention of the existing 3- storey heritage façade along with a portion of the gable roof will form the base of the proposed tower.

The relationship of the heritage façade and relationship of the proposed tower is discussed in the Heritage section below.

Middle Portion of Tower

The middle component of the development proposal is not acceptable. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

Above their bases, the middle portions of other existing buildings along McMurrich Street are well set and terraced back to support the long standing objective of creating a pedestrian-scale residential street with the taller elements positioned well back from the lower-scaled base. Their overall heights along McMurrich Street range from 5 to 15 storeys and the taller existing and planned buildings are oriented towards Davenport Road and Yonge Street. The tallest buildings are located along Bay Street and around the Yonge / Bloor Height Peak. The proposed tower is taller and closer to McMurrich Street than the other existing towers along the street.

While both towers have floor plates less than the 750 square metre limit provided in the Tall Building Guidelines (Yonge Street Tower at 386 square metres, McMurrich Street tower at 626 square metres) these floor plates are restricted by the site size and configuration rather than complying with the tower separation distances in the Guidelines or the window setback requirements in the Zoning By-law.

The two proposed towers are separated by 39 metres on site, but the proposed towers do not provide the required separation from the north and south abutting property lines and adjacent towers. The site constraints limit the opportunity to design two towers while providing the 12.5 metre setbacks to adjacent properties, especially in terms of the Yonge Street tower. The Yonge Street tower does not provide virtually any setback from the north and south property lines to the tower. Furthermore, the proposed McMurrich Street tower balconies are only 0.5 metres from the north property line. The proposed setbacks and separation distances were described in greater detail in the Proposal section of this report.

In support of the application, the applicant has provided documentation to demonstrate the complicated landownership to the north of the McMurrich Street tower. While development on the adjacent property with the one storey commercial base is unlikely, it is not impossible. Therefore, as proposed the McMurrich Street building does not appropriately respond to possible privacy impacts and tower separation.

Top of the Tower

The height and massing of the proposed towers is not appropriate for the site and does not fit within the existing and planned context for Yonge Street and McMurrich Street. Official Plan Area Specific Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out areas called the Height Peak, Height Ridges and Low-Rise Areas. The intent of these policies and guidelines are to direct the tallest buildings

around the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition in scale from the Height Peak, with lesser height and physical scale than the Height Peak, and in a form compatible with adjacent areas. Along the Yonge Street Height Ridge, the height and density permissions should generally diminish the further north one gets from Bloor Street.

The subject site is located along the Yonge Street Height Ridge as identified in Official Plan Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines. The proposed 27-storey (92 metres, including a 6 metre mechanical penthouse) Yonge Street tower, exceeds the 15 to 25-storey (47 to 77 metre) height range provided for in Map 2 – Downtown Vision Height Map of the Downtown Tall Buildings Vision and Supplementary Design Guidelines.

The subject site (906 Yonge Street) is partially located on the northern half of the Yonge Street Height Ridge, as identified in Official Plan Policy 211. The other portion of the site (25 McMurrich Street) is located outside of the Height Ridge.

The proposed 27-storey hotel building fronting onto Yonge Street does not conform to the Yorkville/North Midtown Urban Design Guidelines. The height is out of scale with its neighbouring buildings along the Yonge Street Height Ridge. The Yonge Street tower also projects beyond the main wall of the building at 900 Yonge Street and projects over the ridgeline of the heritage building at its base. This proposed height, siting and massing is not in character with the area.

The proposal attempts to respond to the Height Peak/Height Ridge policy found in the Official Plan and the Bloor-Yorkville/North Midtown Urban Design Guidelines by locating the taller 27-storey tower on Yonge Street and the 23-storey tower on McMurrich Street. However, there are a number of site constraints, such as size and configuration, policies and guidelines and heritage conservation principles which also guide the built form potential for this site.

The proposed height, scale and massing of both proposed towers are not acceptable.

Sun, Shadow, Wind

The shadow impact resulting from the proposed application is generally acceptable. The Tall Building Guidelines states that tall buildings shall be designed to minimize shadowing and wind impacts, and protect sunlight and sky view for streets, parks, public and private open space, and neighbouring properties. The Bloor-Yorkville / North Midtown Urban Design Guidelines identify Shadow Sensitive Areas, which includes the *Neighbourhoods* west of Davenport Road and north of Belmont Street, and the site north of McAlpine Street known as Belmont House (a senior's residence). The Rosedale Ravine, east of Yonge Street, is also identified as a Shadow Sensitive Area. 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.

The shadow study submitted by the applicant illustrates the following incremental shadow impacts. On March/September 21, the morning shadows (9:18 am) of the two towers overlap and are cast northwest over the landscaped open space in and around Belmont House. The shadows are also cast across the east façade of the residential building at 3 McAlpine Street and the south face of the mixed use building at 914-920 Yonge Street. By 10:18 am the shadows of the two towers no longer overlap and continue to shadow the open space at Belmont House and portions of 914-920 Yonge Street and 942 Yonge Street. At 11:18 am the shadow from the McMurrich Street tower is nearly off the Belmont House building and the Yonge Street tower continues to cast a shadow north over 914-920 Yonge Street and 942 Yonge Street. At 1:18 pm the Yonge Street tower shadow reaches the east side of Yonge Street. By 3:18 pm the Yonge Street tower (and at 5:18 pm the McMurrich Street tower) shadows the west face of 877 Yonge Street, known as Fellowship Towers (a senior's residence). At 5:18 pm the Yonge Street tower begins to shadow the Rosedale Ravine.

During the Summer Solstice (June 21), when the sun is at its highest point, a shadow is not cast on the Shadow Sensitive Areas as illustrated by the Bloor-Yorkville / North Midtown Urban Design Guidelines.

A complete wind study is required, as per the terms of reference in the Toronto Development Guide. The applicant submitted a Qualitative Pedestrian Level Wind Study, dated December 11, 2011, prepared by Gradient Microclimate Engineering Inc, for the 27 and 23-storey proposal. Staff reviewed the qualitative study and consider the assessment incomplete. Staff require a study using a reduced scale physical model and a series of test locations to measure pedestrian level comfort conditions at locations in and around the site.

Staff is not satisfied that the drawings assessed by the consultants reflect the current plans reviewed by City staff. The current plans show a greater tower projection over the heritage façade than the plans reviewed by the consultants, possibly impacting the downwash of wind onto the Yonge Street sidewalk.

The consultants also suggest that no wind mitigation strategies are required. Given the predicted wind impact of the outdoor amenity space atop of the McMurrich Street base building, some mitigation strategies, such as landscaping, could be considered to reduce this impact.

Heritage

Heritage staff reviewed the Heritage Impact Assessment (HIA) submitted by E.R.A. Architects, dated June 16, 2010 along with the latest submission of the proposal for the property submitted by KPMB Architects date stamp received by City Planning in February, 2013.

The HIA states that the cultural heritage value or interest lies in: the continuous occupancy of the Ridpath's Furniture Company since 1928; the Tudor revival style exhibited on the east elevation; and the property's association with Mackenzie Waters, a

noted Toronto architect. The existing heritage building has been maintained in good condition and is considered to be a good example of commercial Tudor revival style in Toronto. The key heritage attributes of the listed property include: the side-gable roof with slate tile on the east facing side; the original steel frame windows on the second and third storey of the east elevation; the interior heavy timber beams and mill deck floor; and the Tudor revival decorative façade on the east elevation.

E.R.A. Architects Inc. considers that the conservation approach to the development proposal include the retention of the first 7 metres of the building including the Tudor façade, side walls, and gable roof. The proposed development strategy and its impact on the heritage attributes at 906 Yonge Street as described in the HIA are as follows: retain the building up to the first column (segment under the gable roof) and incorporate into new development; protect the Tudor revival style design on the east elevation, including gable roof and steel upper windows; maintain an active entrance to the building off Yonge Street; restore and rehabilitate the east façade on Yonge Street; and set the proposed tower back by approximately 5-metres from the building face on Yonge Street.

The proposal will negatively impact the heritage façade and does not appropriately respond to the existing heritage building on the site. The scale, massing and cantilever projection of the proposed tower over the ridgeline of the heritage building is visually overwhelming. Of particular concern is the proposed setback to the heritage façade along with the cantilever of the tower that is proposed to be in front of the ridge of the gable roof. While the HIA states that the tower will be set back 5 metres from the building face, the architectural drawings show a setback of approximately 3 metres. The tower is proposed to be setback for the first 2 storeys above the heritage façade and will then cantilever beyond the ridge of the gable roof. No portion of the tower should project beyond the ridge line and should instead be setback behind the ridge line so that the three dimensional aspect of the retained portion of the heritage building is clearly visible in the podium of the new tower.

Further, the alteration to the interior which includes the elimination of the second floor of the heritage building does not respect or complement the scale, character and form of the heritage building.

Traffic Impact, Access, Parking

Transportation Services find the traffic impacts resulting from the proposed development to be acceptable. A Traffic Impact Study (TIS) prepared by LEA Consulting Limited, dated May 2010 was submitted in support of the application. The study concluded that site traffic associated with the development can be accommodated on the area road system. Despite this conclusion, City staff required additional analysis and documentation, including revised data inputs, peak hour factor adjustments, additional details regarding trip generation, additional traffic activity and modified trip distribution data regarding the proposed hotel component. An updated TIS, dated February 5, 2013, responded to the outstanding issues raised by Staff.

The overall parking supply is acceptable as it meets Transportation Services' parking requirement. The application proposes a total of 127 parking spaces consisting of 94 resident spaces, 2 car-share spaces, 13 visitor spaces and 18 hotel/non-residential spaces.

Transportation Services requires the proposed development to satisfy the following standard: a minimum of 0.3 and a maximum of 0.4 spaces per bachelor unit; a minimum of 0.5 and a maximum of 0.7 spaces per 1-bedroom unit; a minimum of 0.8 and a maximum of 1.2 spaces per 2-bedroom unit; and a minimum of 1.0 and a maximum of 1.5 spaces per 3-bedroom unit or greater. An additional requirement of 0.1 spaces per residential unit for visitors must be satisfied and a reduction of four residential spaces is permitted for each car-share space provided. With respect to the hotel use, the parking requirement is a minimum of 0.2 and a maximum of 1.0 spaces per 100 square metres of non-residential gross floor area.

Access to and from the site is proposed via a single two-way driveway off McMurrich Street. Limiting the vehicular access point to one curb-cut is generally preferred and therefore the proposed access to the site is acceptable.

Servicing

The functional servicing report must be revised. Site Servicing and Stormwater Management Reports were submitted, dated May 27, 2010 and February 6, 2013 by A.M. Candaras Associates Inc. Consulting Engineers. The reports are incomplete. Engineering and Construction Services have required additional clarity and further details to be provided by the applicant's engineers.

With respect to loading requirements and solid waste and recycling for this proposal, the proposed one Type G and two Type C loading spaces is acceptable. Based on the information provided the development is eligible for the City to provide bulk lift compacted garbage, recycling and organic collection services for the residential component of the development. The non-residential component of the proposal is ineligible and thus must store, transport and collect material separately from the residential component.

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 .78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle 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 residential condominium component of this application is subject to the Alternative Parkland Dedication By-law. The application proposes 135 residential units which represents 61 percent of the total proposed development. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.18 hectares (1,800 square metres). However, for sites that are less than

1 hectare in size, a cap of 10 percent is applied to the residential component while the non-residential portion is subject to a 2 percent parkland dedication. In total, the parkland dedication requirement is 0.015753 hectares (157.5 square metres).

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The Official Plan states that main building entrances shall be located in areas that are clearly visible and directly accessible from the public sidewalk. The ground floor uses include residential and office lobbies, and retail uses. These uses have views into and access to adjacent streets and open spaces. The location of the proposed residential lobby on McMurrich Street and hotel lobby on Yonge Street are acceptable as they front on the public sidewalk.

The proposed retention and alteration of the heritage building constrains the opportunity for greater setbacks on the Yonge Street frontage. However, through any future Site Plan Control process, Staff will assess the appropriate streetscape details to maximize pedestrian comfort, animated ground floor design, and landscaping on the approximately 3-metre wide sidewalk.

The sidewalk (curb to property line) in front of the McMurrich Street tower is approximately 5-metres wide, which is proposed to include 5 new street trees in front of the 3 grade-related units and residential lobby. The ground floor is set back between 2.5 and 3.5 metres to provide private patio areas for the grade related units and open space in front of the residential lobby.

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.

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 what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

No discussions were had regarding community benefits, since the application has not been considered good planning. In the event, the Ontario Municipal Board (OMB), is in the position to grant additional density and/or height beyond that permitted in Zoning By-law 438-86, as amended, the City should request that the OMB withhold their final order until the City has secured the appropriate community benefits.

Conclusion

The proposed towers are not appropriate for this site where the intent is to support a more contextual fit and scale. The overall proposal, including the proposed height and massing, does not conform to the Official Plan; is inconsistent with Council-approved guidelines; and represents an overdevelopment of the site. Therefore, this report reviews and recommends refusal of the application to amend the Zoning By-law.

CONTACT

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Fax No. (416) 392-1330
E-mail: otamir@toronto.ca

SIGNATURE

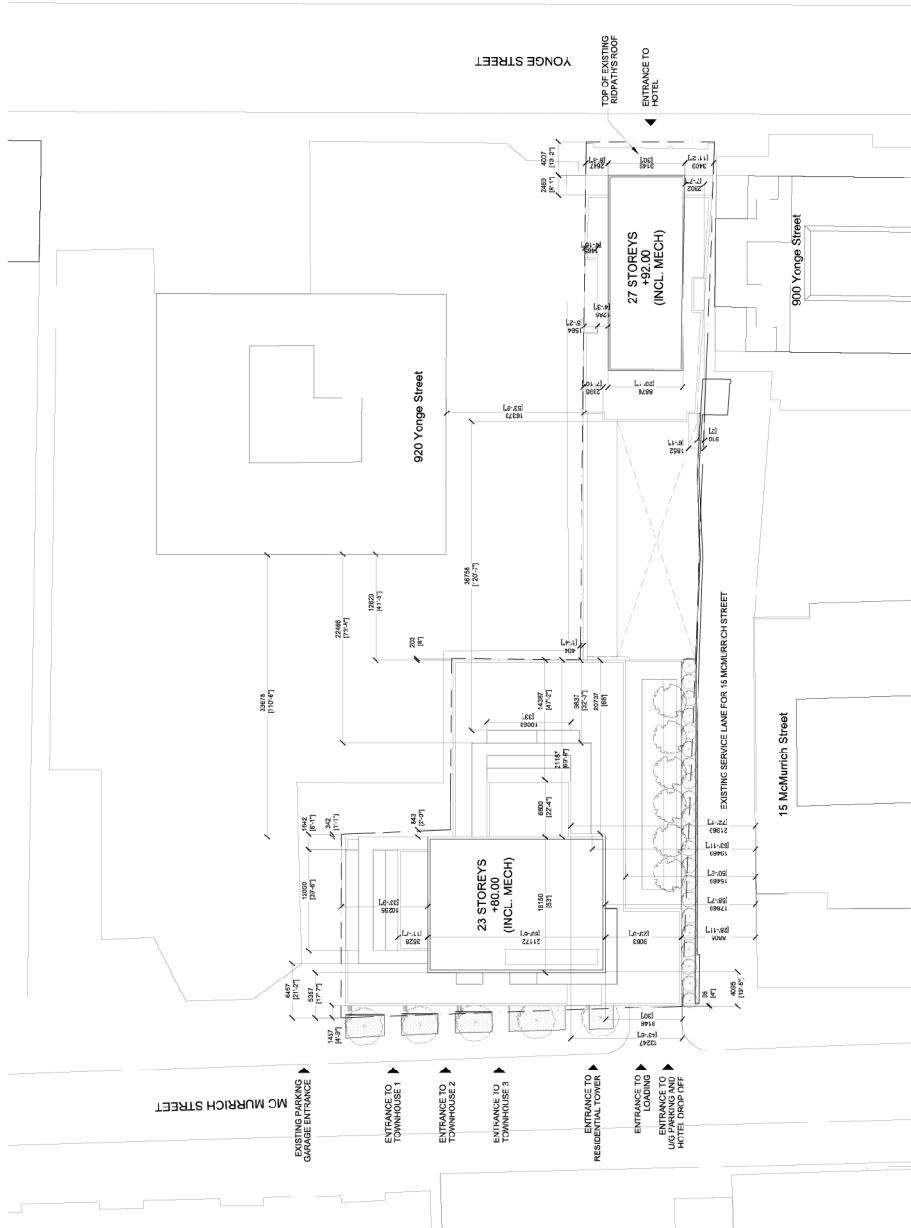
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Ground Floor Plan
Attachment 3: West Elevation
Attachment 4: East Elevation
Attachment 5: South Elevation
Attachment 6: North Elevation
Attachment 7: Zoning Map
Attachment 8: Application Data Sheet

Attachment 1: Site Plan



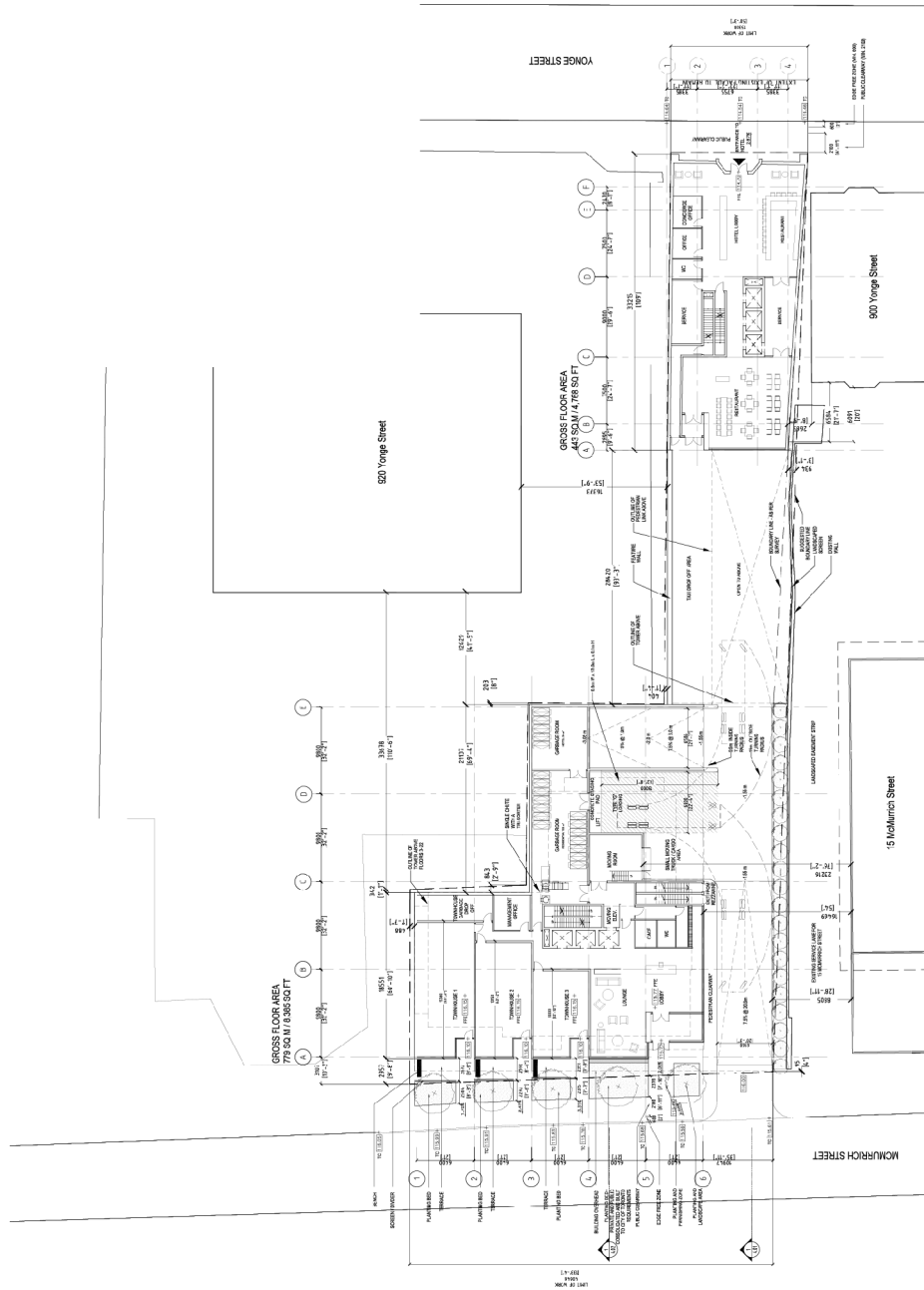
Site Plan

Applicant's Submitted Drawing

Not to Scale
08/07/2013

File # 10 200615 02

Staff report for action – Request for Direction - 906 Yonge St and 25 McMurrich St



Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale
08/07/2013

906 Yonge Street and 25 McMurrich Street

File # 10 2006150Z

Architectural elevation drawing of a building facade. The drawing shows a multi-story building with a grid of windows and doors. The facade is divided into several sections, with a central entrance area featuring a small canopy. The drawing includes a scale bar at the bottom left, a north arrow at the bottom right, and a title block at the bottom center. The title block contains the text 'PROJEKTOWA KANCELARIA ARCHITEKTURA' and 'KRAKÓW'.

Elevations

Applicant's Submitted Drawing

File # 10 200615 0Z

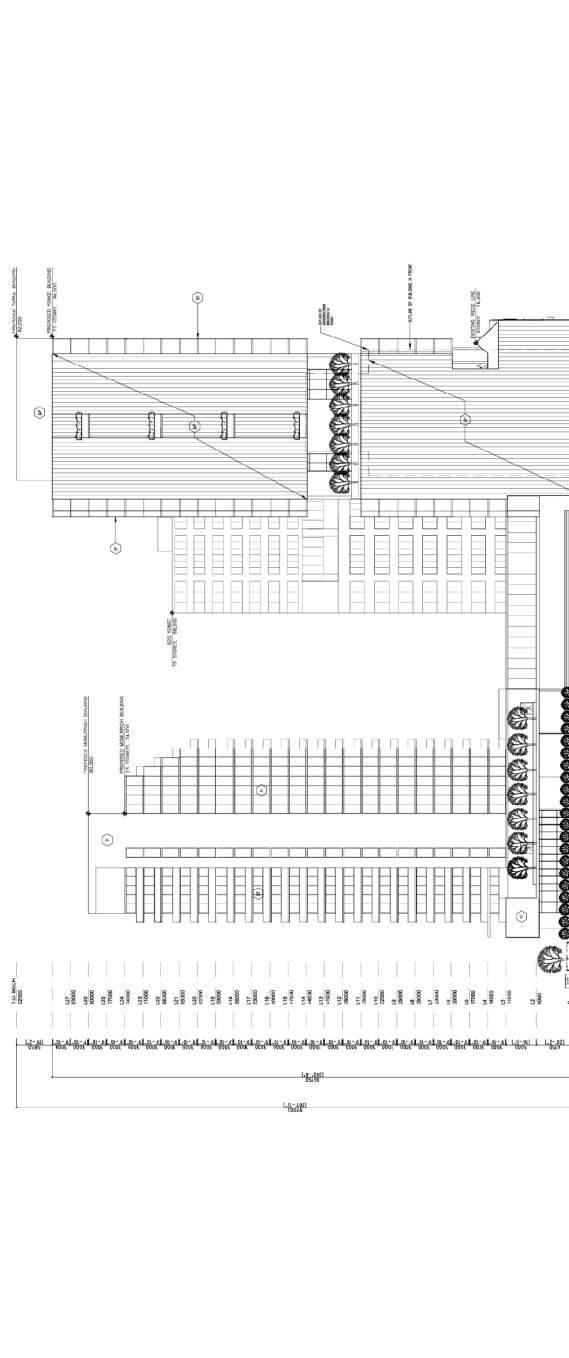
Architectural floor plan of the 12th floor of the National Library of Medicine. The plan shows a large rectangular building with a grid of rooms. A central corridor runs vertically, with rooms on either side. A large circular area is located on the right side of the plan. The plan is labeled with '12th FLOOR' and 'NLM'.

906 Yonge Street and 25 McMurich Street

Not to Scale
08/07/2013

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Attachment 5: South Elevation



South Elevation

Elevations

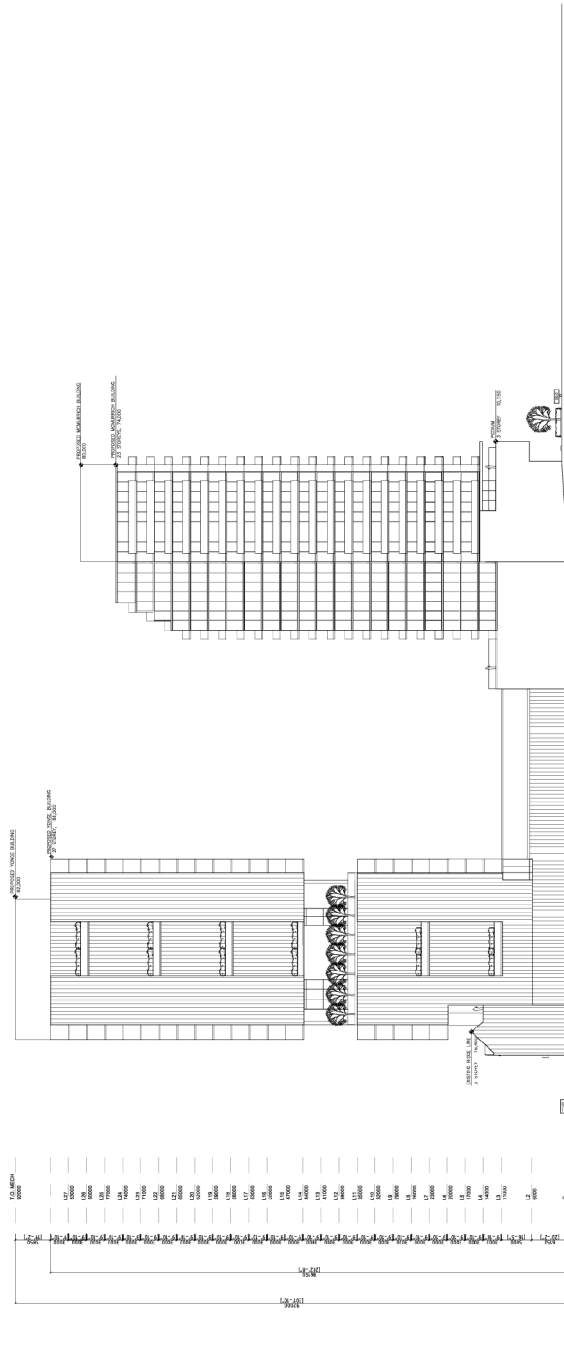
906 Yonge Street and 25 McMurrich Street

Applicant's Submitted Drawing

Not to Scale
08/07/2013

File # 10 200615 0Z

Attachment 6: North Elevation



North Elevation

Elevations

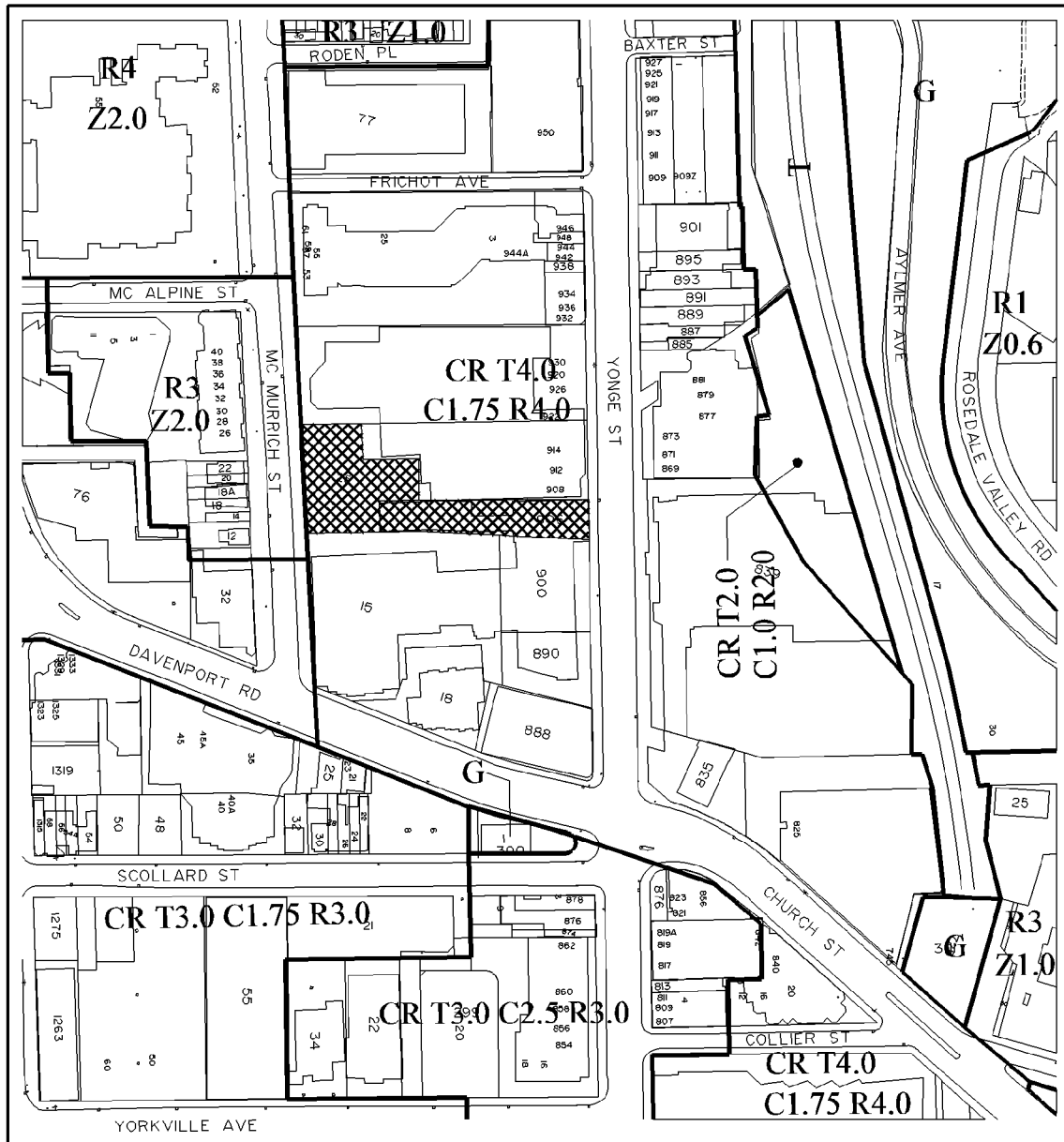
906 Yonge Street and 25 McMurrich Street

Applicant's Submitted Drawing

Not to Scale
08/07/2013

File # 10 200615 0Z

Attachment 7: Zoning Map



Toronto City Planning
Division
Zoning

906 Yonge Street
File # 10_200615

G	Parks District	CR	Mixed-Use District
R1	Residential District	T	Industrial District
R3	Residential Zone		
R4	Residential District		



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/13/2010 - JC

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	10 200615 STE 27 OZ
Details		Application Date:	June 18, 2010

Municipal Address: 906 Yonge St and 25 McMurrich St

Location Description: PLAN 270 LOT 13 PT LOT 6 PT LOT 12 **GRID S2703

Project Description: The application proposes a 27-storey hotel at 906 Yonge Street and a 23-storey residential condominium at 25 McMurrich Street. The proposed hotel building would retain the east façade of the Ridpath's furniture store building, which is listed on the City's inventory of heritage buildings. The residential tower would replace an existing surface parking lot.

Applicant:	Architect:	Owner:
Gowling Lafleur Henderson LLP C/O David Tang	KPMB Architects	Ridpath Ltd.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T4.0 C1.75 R4.0	Historical Status: Y
Height Limit (m):	30	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2,287	Height:	Storeys:	27 / 23
Frontage (m):	40.8		Metres:	92 / 80 (including mechanical penthouse)
Depth (m):				
Total Ground Floor Area (sq. m):				Total
Total Residential GFA (sq. m):	14,769		Parking Spaces:	127
Total Non-Residential GFA (sq. m):	9,402		Loading Docks	3
Total GFA (sq. m):	24,171			
Lot Coverage Ratio (%):				
Floor Space Index:	10.6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, other		Above Grade	Below Grade
Hotel:	164	Residential GFA (sq. m):	14,769	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	36	Office GFA (sq. m):	0	0
2 Bedroom:	93	Industrial GFA (sq. m):	0	0
3 + Bedroom:	6	Institutional/Other GFA (sq. m):	9,402	0
Total Residential Units:	135			