

**341-355 Yonge Street– Zoning Amendment Application –
Final Report**

Date:	January 29, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	14 265856 STE 27 OZ

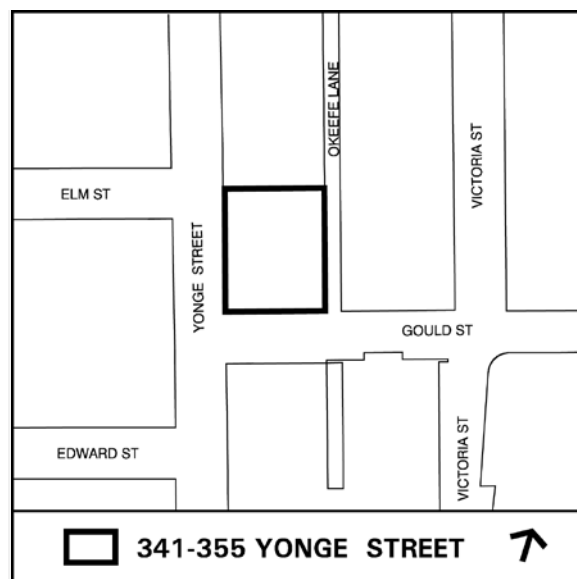
SUMMARY

This application proposes to permit the reconfiguration of the ground floor and basement levels of the Ryerson Student Learning Centre. The proposal includes replacing below-grade retail uses with institutional uses, reducing the number of required retail units from 2 to 1 while maintaining retail uses on the ground floor, reducing the minimum retail store frontage along Yonge Street from 34 metres to 27 metres, and allowing for an increase in total non-residential gross floor area by approximately 410 square metres.

At their meeting on November 29, 30 and December 1, 2012, City Council approved the zoning by-law amendment application file No. 11 146654 STE 27 OZ to permit the 9-storey Ryerson Student Learning Centre on the subject site. The building is currently nearing completion and is expected to open in March, 2015.

The proposed changes to the zoning by-law will continue to implement the Official Plan including site specific Official Plan Policy 174.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 and 1326-2011 for the lands at 341-355 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this report (January 29, 2015) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At their meeting on November 29, 30 and December 1, 2012, City Council approved the zoning by-law amendment application for the subject site (file No. 11 146654 STE 27 OZ) to permit the Ryerson Student Learning Centre.

The Ryerson Student Learning Centre is a 9-storey (51 metres including mechanical penthouse) primarily institutional building that includes retail at and below grade. The total approved gross floor area is 12,790 square metres, of which, 1,730 square metres is required to be retail.

The approved retail space is accessed from Yonge Street and has 34 metres of frontage on Yonge Street. The approved building is required to contain a minimum of 2 units of retail both at and below grade. The retail space has a floor-to-ceiling height of 5.5 metres on Yonge Street, gradually tapering to 3.15 metres at which point it acts as a mezzanine overlooking the below-grade retail, with a combined floor to ceiling height of 11 metres.

The approved proposal includes a knock-out panel on the south wall of the below-grade level for a potential PATH route under Gould Street connecting to the subway, and the construction of both an above-grade and potential below-grade connection across the City of Toronto right-of-way at O'Keefe Lane into the Ryerson Student Library.

ISSUE BACKGROUND

Proposal

The applicant is proposing to construct a mezzanine floor in the open area between the ground floor and the below-grade floor. The proposal includes allowing institutional uses in both the newly constructed mezzanine and on the below-grade floor where only retail uses are currently permitted. The ground floor area along Yonge Street would continue to be used for retail uses only, with the exception of an 8 metre area at the south end of the ground floor which would be used for a retail/institutional display area.

Changes proposed to the approved site specific zoning by-law (1386-2011) which regulates the uses and built form of the Ryerson Student Learning Centre include:

- increasing the maximum permitted non-residential gross floor area from 12,790 square metres to 13,200 square metres;
- reducing the minimum required retail use from 1,730 square metres to 245 square metres;
- eliminating the requirement for below-grade retail space;
- reducing the minimum required number of retail units from 2 to 1; and
- reducing the minimum required retail frontage accessed from Yonge Street from a minimum of 34 metres to 27 metres.

Site and Surrounding Area

Yonge Street between Gould Street and Gerrard Street is primarily characterized by low-rise (3-storey) retail buildings. The subject site was formerly occupied by the Sam the Record Man flagship store and the World of Posters outlet (341 Yonge Street and 355 Yonge Street, respectively). The site is currently occupied by the new Ryerson Student Learning Centre which is scheduled to be complete in March, 2015. There are listed heritage buildings in the vicinity at 340, 362, 363, 364 and 365 Yonge Street. The subject site is also within the boundaries of the Downtown Yonge BIA and the Ryerson University Master Plan area.

Surrounding the site are:

North: To the north of the subject property are 2 to 3-storey retail and food stores and adult entertainment establishments.

South: To the south of the subject property is Gould Street and beyond that is the now demolished heritage building referred to as the Lalani building (335 Yonge Street); retail uses continue to the south to Yonge and Dundas Square.

East: To the east of the subject property is O'Keefe Lane, the Ryerson Student Library, and the greater Ryerson University campus.

West: To the immediate west of the property is Yonge Street and 2 to 3-storey retail buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow;

the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. 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 subject property is located within the “Downtown and Central Waterfront” area on Map 2 – Urban Structure in the Official Plan. Policies in this area stipulate that the Downtown will continue to evolve as a healthy and attractive place to live and work. Investment in the Downtown on the part of the City, other levels of government and public/private partnerships will be sought to: maintain and improve the public realm; promote an environment of creativity and innovation; and support and enhance the specialty retail and entertainment districts.

The Official Plan land use designation that applies to this site is *Mixed-Use Areas*. *Mixed-Use Areas* in the Official Plan are intended to accommodate a broad range of retail, residential and institutional uses. New development in *Mixed-Use Areas* should provide an appropriate transition between diverse built forms and provide high quality employment opportunities wherever possible.

The *Mixed Use Areas* designation includes policies that require development to create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community, and provide an attractive, comfortable and safe pedestrian environment.

Section 3.5.3 of the Official Plan– The Future of Retailing – requires promoting a strong retail sector by permitting a broad range of shopping opportunities for local residents and employees in a variety of settings and supporting specialty retailing opportunities that attract tourists and residents of the broader region. This section of the Official Plan also requires that traditional retail shopping streets be improved as centres of community activity by encouraging development that is compatible with the character of the area and adjacent uses and by improving public amenities such as street furniture and landscaping.

In order to provide local opportunities for small businesses and maintain the safety, comfort and amenity of shopping areas, Section 3.5.3.4 of the Official Plan allows for zoning regulations for new buildings in *Mixed Use Areas* along pedestrian shopping strips to regulate maximum ground floor retail store size or commercial unit size based on:

- sizes of existing stores in the area;
- the provision of a range of store sizes;
- the potential impact of large vacant stores on the ground floor on the safety and comfort of the strip for pedestrians; and
- the rhythm and flow of storefronts on the strip.

The property is also subject to Site Specific Official Plan Policy 174. Site Specific Policy 174 of the Official Plan provides an overall framework for continued revitalization in the area north and south of Dundas Square. The policy provides general planning objectives and built form principles for the area. Included in these objectives and principles are:

- site and organize the lower levels of the building associated with the pedestrian realm to enhance the public nature of streets, open spaces and pedestrian routes;
- provide public uses which are directly accessible from grade level;
- the promotion and enhancement of Downtown Yonge Street as a primary location for street related retail and entertainment will be achieved;
- changes to Downtown Yonge Street will be consistent with the physical and experiential character, including the varied and diverse storefront appearance of building facades and signage and the pedestrian orientation of the public realm; and
- new buildings will be articulated and massed in widths compatible with narrow lot patterns dominant on Yonge Street between Gerrard and Queen Streets.

Zoning

The subject lands are zoned CR, or commercial residential in the former City of Toronto Zoning By-law 438-86. CR zoning permits a wide variety of uses including residential, retail, commercial and institutional uses. The property is also within the flight path of the Hospital for Sick Children and subject to the height restrictions associated with it.

At their meeting on November 29, 30 and December 1, 2012, City Council approved site specific by-law 1326-2011 to permit the 9-storey Ryerson Student Learning Centre building that is currently nearing completion on the subject site.

The site specific zoning by-law also allows for a maximum non-residential Gross Floor Area of 12,790 square metres, and requires a minimum of 1,730 square metres of retail space, a minimum of 2 retail units, and a minimum of 34 metres retail frontage accessed from Yonge Street.

Site Plan Control

A site plan application (file No. 14 265860 STE 27 SA) has been submitted and is under review by City staff.

Reasons for Application

A zoning by-law amendment is required to:

- increase the maximum permitted non-residential gross floor area from 12,790 square metres to 13,200 square metres;
- reduce the minimum required retail space from of 1,730 square metres to 245 square metres;
- eliminate the requirement for below-grade retail space;
- reduce the minimum required number of retail units from 2 to 1; and
- reduce the minimum required retail frontage accessed from Yonge Street from a minimum of 34 metres to 27 metres.

A Notification of Complete Application was issued on January 26th, 2015.

Community Consultation

A community consultation meeting was held on January 13, 2014. The meeting was attended by approximately 10 people including representatives from the Downtown Yonge BIA, other local business owners and local residents. Staff also received emails from local business owners.

Issues raised/comments include:

- concern the reduction in retail space would negatively impact Yonge Street as a retail destination;
- the overall project is a positive contribution to Yonge Street;
- concern the proposed reduction in retail space will not adequately replace the retail uses previously existing on the site including the Sam the Record Man store;
- concern the reduction in retail units from two to one would reduce animation on Yonge Street;
- concern the reduction in retail space would set a precedent for other large developments expected to occur on Yonge Street in the future; and
- concern about increasing institutional uses along Yonge Street.

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 Provincial Policy Statement provides direction for the orderly growth and disposition of land within the Province of Ontario. This application represents an intensification of an underutilized piece of land, provides a mix of uses and provides much needed institutional space in the area. The proposal is consistent with the PPS.

The City of Toronto is designated as a growth area in the Growth Plan for the Greater Golden Horseshoe. The growth plan requires that a municipality provide for a mix of uses in any new growth including the provision of space for institutional, retail, residential and infrastructure. The proposal represents an expansion of institutional uses while maintaining retail space on the site. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The proposed amendments to the zoning by-law are consistent with the policies of the Official Plan. Despite a significant reduction in retail space from the original approval, the development will continue to provide an attractive, comfortable and safe pedestrian environment, contribute to a broad range of shopping opportunities, and is compatible with the character of the area and adjacent uses.

The proposal is consistent with the intent of Area Specific Policy 174 of the Official Plan. Even with the proposed changes to the by-law, the overall proposal continues to:

- enhance the public nature of Yonge Street;
- provide public uses directly accessible from grade level;
- promote Downtown Yonge as a primary location for street related retail;
- be consistent with the varied and diverse storefront appearance of building facades and signage and the pedestrian orientation of the public realm; and
- be articulated and massed in widths compatible with the narrow lot patterns on Yonge Street between Gerrard and Queen Streets.

Land Use

The addition of the mezzanine floor will add approximately 410 square metres of space to the building. While this space can be used for both retail and institutional uses, Ryerson University has advised they intend to use it for institutional uses. The reduction in the minimum retail use requirement from 1,730 square metres to 245 square metres is intended to allow institutional uses to be located below-grade and to allow for the entrance to this space from Yonge Street. Retail uses will continue to be required for the majority of the ground floor area along Yonge Street.

The proposed land uses are currently permitted by the Official Plan and to former City of Toronto by-law 438-86 as well as site specific by-law 1326-2011.

Traffic Impact, Access, Parking

There is no impact on traffic, vehicular access and parking.

Servicing

There are no servicing implications.

Open Space/Parkland

This application is exempt from the parks levy requirement.

Streetscape

The proposal will have no impact on the approved streetscape.

Conclusions

Although the original proposal approved by Council provided for a better retail environment on Yonge Street, staff find that this proposal in an institutional building is acceptable as it maintains a minimum retail presence on Yonge Street and will be activated by users in the University space. Staff recommend approval of the application.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ~,
as adopted by City of Toronto Council on ~ , 2015

Enacted by Council: ~ , 2015

CITY OF TORONTO BY-LAW No. XXX-2015

To amend the General Zoning By-law No. 438-86 of the Former City of Toronto, as amended, and to amend By-law No. 1386-2011 of the Former City of Toronto with respect to the lands municipally known as 341 - 355 Yonge Street.

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

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. Notwithstanding Section 12(2)259 of By-law No. 438-86, as amended, at least 54 percent of the aggregate length of the portion of the *frontage* of the *lot* abutting Yonge Street shall be used for *street-related retail and services uses*.
2. Section 1(d) of By-law No. 1326-2011 is deleted and replaced with the following: “the *non-residential gross floor area* of the building erected on the *lot* does not exceed 13,200 square metres, a minimum of 245 square metres of which shall be used to provide a minimum of one *retail store*, at grade, with a total minimum frontage of 27 metres accessed from Yonge Street.”
3. For the purposes of this by-law the *lot* shall be the lands delineated by the heavy lines on Map 1 attached to this By-law.

ENACTED AND PASSED this ~ day of ~, A.D. 2015.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

