

**836-850 Yonge Street & 1-9A Yorkville Avenue  
Zoning Amendment and Rental Demolition Application under  
Municipal Code 667- Final Report**

<b>Date:</b>	March 25, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	13 246101 STE 27 OZ 13 246110 STE 27 RH

**SUMMARY**

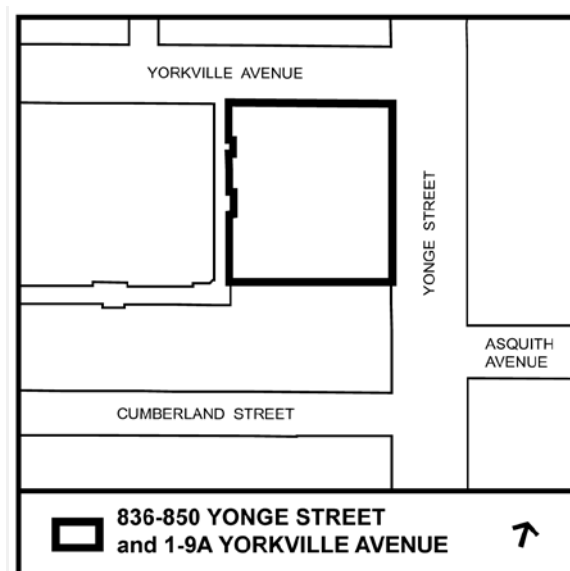
This application proposes a new 58-storey mixed-use building with retail uses on the ground and second floors and residential uses above at 836-850 Yonge Street and 1-9A Yorkville Avenue. The tower height is 180.6 metres plus a 2.6 metre elevator overrun. A total of 577 residential units, 162 resident parking spaces and 329 bicycle parking spaces are proposed.

The application proposes to demolish and replace seven residential rental units on site. The rental housing demolition application (13 246110 STE 27 RH) under Section 111 of the *City of Toronto Act* is addressed in this report.

A separate report from Heritage Preservation Services, dated March 9, 2015, addresses the proposed alteration of the heritage buildings on the site.

The proposal is consistent with relevant policies of the Official Plan, the Bloor-Yorkville/North Midtown Urban Design Guidelines and the Yorkville – East of Bay Planning Framework. The proposal also includes the first phase of a mid-block pedestrian connection from Yorkville Avenue to Cumberland Street.

This report reviews and recommends approval



of the application to amend the Zoning By-law. This report reviews and recommends approval of the rental housing demolition application for a Section 111 Permit, with conditions.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, for the lands at 836-850 Yonge Street and 1-9A Yorkville Avenue substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment No. 13 to report (March 25, 2015) from the Director, Community Planning, Toronto & East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 836-850 Yonge Street and 1-9A Yorkville Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 14 to report (March 25, 2015) from the Director, Community Planning, Toronto & East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. An indexed contribution of \$4,750,000 to be paid or secured as noted below in the Section 37 Agreement. The total amounts are indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and is detailed as follows:
      - a. Prior to the issuance of the first above-grade building permit the owner shall provide an indexed cash contribution to the City in the amount of \$4,750,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, Yorkville BIA capital projects, capital improvements to Toronto Community Housing in Ward 27, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

- b. Prior to the issuance of the first above-grade building permit, the City at its sole discretion may opt to use any or all of the \$4,750,000 identified in Condition 4(a)(i) in conjunction with any other funding sources at its discretion, for the purpose of parkland acquisition in the vicinity of the project, such parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation; and,
  - ii. To provide and maintain an accessible public pedestrian walkway on the west portion of the subject property which shall have a minimum width of 3.6 metres and shall provide a direct at-grade connection between Yorkville Avenue and the south property line generally within the area identified as "Pedestrian Walkway" on Map 2 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement(s) to the satisfaction of the City Solicitor.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The Owner shall enter into a Heritage Easement Agreement for the properties at 836-850 Yonge Street and 1-9A Yorkville Avenue to the satisfaction of the Manager, Heritage Preservation Services;
  - ii. The Owner shall provide and maintain seven (7) residential rental units on the subject site as rental housing for a period of at least 20 years, comprising three (3) bachelor units and four (4) 1-bedroom units, as shown on the plans submitted to the City Planning Division dated February 19, 2015 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Of these units, one (1) bachelor unit shall have an affordable rent; an additional five (5) units shall have rents no higher than mid-range; and one (1) unit will have no rent stipulation;
  - iii. The Owner shall provide tenant relocation assistance for tenants in the existing rental units including an extended notice period, financial assistance beyond the minimums of the *Residential Tenancies Act*, and the right to return to a replacement rental unit for the eligible tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- iv. The Owner shall enter into and register one or more Section 111 Agreement(s) to secure the rental replacement units and the tenant relocation provisions outlined above and as detailed in the draft Zoning By-law Amendments which are Attachment Nos. 13 and 14 to the report (March 25, 2015) from the Director, Community Planning, Toronto and East York District, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
  - v. The Owner shall enter into and register a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 7 replacement residential rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement; and,
  - vi. The Owner shall convey a portion of the land on the west side of the subject property to create a 6.0 metre wide public lane secured in a Site Plan Agreement with the City, to the satisfaction of the General Manager, Transportation Services and the City Solicitor.
5. City Council approve the Rental Housing Demolition application (13 246110 STE 27 RH) to demolish the seven (7) residential rental units at 836-850 Yonge Street and 1-9A Yorkville Avenue pursuant to Municipal Code Chapter 667 and three (3) residential units also pursuant to Municipal Code Chapter 363 subject to the following conditions:
- a. the owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the following conditions as further detailed in the draft Zoning By-law Amendments which are Attachment Nos. 13 and 14 to the report (March 25, 2015) from the Director, Community Planning, Toronto and East York District, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
    - i. the owner shall provide and maintain seven (7) residential rental dwelling units in the development, for a period of at least 20 years, comprising three (3) bachelor units and four (4) 1-bedroom units, of which five (5) units shall have not higher than mid-range rents and additionally one (1) bachelor unit at an affordable rent;
    - ii. the owner shall provide tenant relocation assistance for tenants in the existing rental building including the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

- b. the owner shall enter into, and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner and Executive Director, City Planning Division.
6. City Council authorize the issuance of a Preliminary Approval by the Chief Planner and Executive Director, City Planning Division to the Rental Housing Demolition application (13 246110 STE 27 RH) after:
  - a. the draft Zoning By-law Amendments which are Attachment Nos. 13 and 14 to the report (March 25, 2015) from the Director, Community Planning, Toronto and East York District, have come into full force and effect; and
  - b. the Notice of Approval Conditions for site plan approval has been issued for the development by the Chief Planner and Executive Director, City Planning Division, pursuant to Section 114 of the City of Toronto Act, 2006.
7. City Council authorize the issuance of a Section 111 Permit by the Chief Building Official for the Rental Housing Demolition application (13 246110 STE 27 RH) after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval.
8. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of *the Planning Act* for the residential uses on the lot no earlier than the issuance of a building permit for the shoring and excavation for the subject lands; and, of the issuance of Preliminary Approval by the Chief Planner and Executive Director, City Planning Division, on condition that:
  - a. the owner erect a residential building on site no later than five (5) years from the date the Section 33 demolition permit is issued; and
  - b. should the owner fail to complete the new building within five (5) years, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
9. City Council request the General Manager, Parks, Forestry and Recreation, in consultation with the Director, Real Estate Services to report to Toronto and East York Community Council by the Fourth Quarter, 2015 on the parkland acquisition option, including the following:
  - a. The financial implications to the City in the event City Council were to elect to require the parkland acquisition rather than the cash contribution of \$4,750,000 (Recommendation 4(a)(i));

- b. Detailed terms and conditions for the acquisition and capital improvements of the proposed parkland, including any other funding sources such as the cash-in-lieu received from this project under Section 42 of the *Planning Act*;
- c. Any additional terms and conditions that should be considered by City Council in determining whether or not to require the parkland acquisition instead of the cash contribution.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

A new 58-storey (180.6 metres plus elevator overrun) mixed-use building is proposed with retail on the ground and second floors and residential above. The proposal calls for the alteration of the existing heritage buildings at 836-850 Yonge Street and 1-9A Yorkville Avenue. The proposal also calls for the demolition and replacement of 7 residential rental units. The 7 replacement rental residential units will be located on the third floor fronting onto Yonge Street.

### **Built Form**

The base of the proposed 58-storey tower varies on all frontages. Along the Yonge Street frontage, the heritage buildings will serve as the tower's base and the ground floor will consist of retail uses. Along the Yorkville Avenue frontage, a portion of the base will consist of the 4 and 2-storey heritage building at the 850 Yonge Street and 1 Yorkville Avenue and a canopy that will extend from the height of the second storey at 1 Yorkville Avenue along the face of the building (see Attachment No.11). The ground floor along Yorkville Avenue will consist of retail uses.

Along the western frontage, the tower is set back 12.5 metres from the centreline of the lane and has no base. The setback provides for a widened public/private lane, a landscaped edge, and a pedestrian walkway. A 1.5-metre colonnade is provided under the west face of the tower for additional pedestrian space. The residential lobby and site servicing will be located along the west face of the ground floor.

The proposed tower is set back: 10 metres from Yonge Street (the east property line); 3 metres from Yorkville Avenue (the north property line); 12.5 metres from 834 Yonge Street (the south property line); and 12.5 metres from the centreline of the public lane to the west.

The proposed tower floor plate is 758 square metres with inset balconies and a geometrical metal screen around the exterior of the building. The density of the proposed development is 18 times the area of the lot plus the 0.75 times the area of the lot in the retained and preserved heritage structures.

The existing sidewalk width along Yonge Street is to remain unchanged. The heritage buildings along Yonge Street are set at the property line with a sidewalk width of 3.2 metres from curb to property line. The Yorkville Avenue sidewalk is currently 3 metres wide adjacent to the heritage

buildings. However, for the portion where the heritage buildings are proposed to be altered, the sidewalk will be widened to approximately 6 metres wide.

The proposal consists of 577 residential units, including the 7 rental replacement units. The proposed residential unit breakdown is as follows:

<b>Unit Type</b>	<b>Number of Units</b>	<b>Percentage of Units</b>
Bachelor	3	1%
1-bedroom	404	70%
2-bedroom	102	18%
3-bedroom	68	12%
Total	577	100%

The residential unit breakdown shown is not final. The draft zoning by-law requires a minimum of 10 percent of the total number of residential units to be 2-bedrooms or greater with an area no less than 79 square metres. The residential unit breakdown will be finalized during Site Plan Control.

The applicant is proposing a total of 1,207 square metres of indoor amenity space and 830 square metres of outdoor amenity space on the fourth floor and rooftop.

A total of 162 resident vehicular parking spaces are to be provided in a 5-level underground parking garage accessible from Yorkville Avenue and Cumberland Street, via a public lane. No parking is proposed for the commercial uses or residential visitors. A total of 329 residential bicycle parking spaces are proposed including 7 visitor spaces.

All servicing vehicles will access the site via the public lane off Yorkville Avenue. The proposal provides for a widening of the existing 3.66 metre wide lane to 6.0 metres. An enclosed Type 'G' loading space is proposed on the ground floor, visible from the public lane.

### **Heritage Alteration**

The proposed alteration and conservation plan of the heritage buildings is detailed in a separate staff report from the Director of Urban Design dated, March 9, 2015.

In summary, the proposal includes the retention of 836-848A Yonge Street in situ to a depth of approximately 10 metres and the full retention of a 4-storey and 2-storey building at 850 Yonge Street and 1 Yorkville Avenue. The remaining portions at the rear of the buildings on Yonge Street and the 1-storey additions along Yorkville Avenue will be removed.

The party walls between the existing Yonge Street buildings will be retained for approximately 10 metres from the east property line. Interior alterations including new openings in party walls may be permitted upon the review on an individual basis of new tenant requests presented to the City.

A list of exterior conservation work is proposed including but not limited to: repair and repoint brick walls and parapets; reconstruct the sheet metal and wood main cornice, brackets, frieze and

parapet coping; repair the existing wood storefront pilasters, cornices and sign boards; and rebuild the west wall at 1 Yorkville Avenue with salvaged brick if possible, to match the existing building.

### **Rental Replacement**

The 7 replacement rental dwelling units will be provided and maintained as residential rental units for at least 20 years, beginning with the date that each replacement unit is occupied. Some of the units are proposed to be replaced at larger than existing sizes and others are proposed to be smaller. However, the total floor area of all 7 replacement rental units (422 square metres) will exceed the existing floor area for the 7 existing rental units (416 square metres). Of the 7 units, 1 bachelor unit will be secured at an affordable rent level, 5 at mid-range rents and 1 at an unrestricted rent level.

The tenants of the 7 rental replacement units will have access to the indoor and outdoor amenity areas and concierge services on the same basis as the other residents in the building. A minimum of 7 bicycle spaces and storage lockers will be provided and each unit will have en-suite laundry facilities and central air conditioning.

Under provincial legislation, all tenants who receive notice to terminate their tenancies for the purpose of demolition are eligible for financial compensation and a minimum notice period before they are required to vacate their units.

All tenants will receive a minimum two additional months of notice to the four required by the Province, of the date that they must vacate for the demolition of their rental unit. The notice consists of 2 main elements: the form for Notice of Termination for demolition, pursuant to the *Residential Tenancies Act*; and the City-required Notice to Tenants which provides additional information.

The Notice to Tenants will include information on: the provisions for the tenants to vacate; the City-approved Tenant Relocation and Assistance Plan, including provisions for the right to return to a permanent replacement rental unit; and, the financial assistance for which the tenant is eligible. All eligible tenants are proposed to receive an extra four months' compensation beyond the Provincial minimum, as well as moving allowances of \$1,500 per unit to move out of the unit and, should they return, back into a replacement rental unit. Long term tenants, with tenancies over 10 years will also receive an additional one month of rent. A Tenant Option Form is included with the Notice To Tenants to provide information for the assessment of special needs, seniority and their intent to retain or to waive their right to return. Extra compensation will be offered to tenants with identified special needs.

### **Summary of Revisions to Proposal**

The current proposal incorporates numerous revisions from the original (October 4, 2013) application summarized below:

- gross floor area reduced from 41,781 to 40,475 square metres;
- floor space index reduced from 21 to 18.75 times the area of the lot;
- height of tower reduced from 188 to 180.6 metres (main roof);



- floor plate reduced from 790 to 758 square metres;
- tower setback from south increased from 11 to 12.5 metres;
- tower setback from west (lane centreline) increased from 9.2 to 12.5 metres;
- a 3-metre canopy introduced along the Yorkville Avenue frontage;
- parking garage increased from 4 to 5 levels (from 126 to 162 spaces);
- no longer excavating below heritage buildings; and,
- no rental replacement increased to 7 residential rental units being replaced.

## Site and Surrounding Area

The subject site is located on the southwest corner of Yorkville Avenue and Yonge Street. The site is 2,160 square metres in area, rectangular in shape, and has a frontage of 48.6 metres along Yonge Street and 44.4 metres along Yorkville Avenue. The right of way is approximately 11.5 metres along Yorkville Avenue and 20 metres along Yonge Street.

All properties within the subject site are currently listed on the City's Inventory of Heritage Properties. The site abuts a two-way public lane to its west which is approximately 3.66 metres wide. At the southern portion of the site, the lane extends west and then turns south to Cumberland Street.

Planning staff visited the interior of the buildings on the site to confirm the existing residential and non-residential composition, and the number and type of residential rental units. The existing residential units vary in size and unit type. A total of 10 dwelling units were on the site (3 owner-occupied and 7 rentals) at the time of application and the remainder of the units were determined to be commercial uses. There was some parking available on the site. The existing residential rental units were a mix of 3 bachelor units and 4 one-bedroom units.

The properties include:

Address	Description	Residential Units
836 Yonge St.	3-storey non-residential building	
838 Yonge St.	3-storey mixed-use building with non-residential uses on the first and second floors.	<b>2 rental units</b> (1 bachelor on the 2 <sup>nd</sup> floor and 1 one-bedroom on the 3 <sup>rd</sup> floor)
840 Yonge St.	3-storey non-residential building.	
842 Yonge St.	3-storey non-residential building.	
844 Yonge St.	3-storey mixed-use building with non-residential uses on the first floor.	1 <u>owner</u> occupied unit on the 2 <sup>nd</sup> and 3 <sup>rd</sup> floor.
846 Yonge St.	3-storey mixed-use building with a non-residential use on the ground floor.	<b>3 rental units</b> (2 bachelors on the 2 <sup>nd</sup> floor and 1 one-bedroom on 3 <sup>rd</sup> floor)
848 Yonge St.	3-storey mixed-use building (with a 4 <sup>th</sup> storey addition at the rear) with a non-residential use on the ground floor.	1 <u>owner</u> occupied unit on the 2 <sup>nd</sup> and 3 <sup>rd</sup> floor  <b>2 rental units</b> (2 one-bedroom units on the 2 <sup>nd</sup> and 3 <sup>rd</sup> floors)
848A Yonge St.	3-storey non-residential building.	

850 Yonge St. & 1 Yorkville Ave.	4-storey mixed-use building (with a 2-storey portion at the rear fronting onto Yorkville Avenue) with non-residential uses on the first three floors.	1 owner occupied unit on the 4 <sup>th</sup> floor
3, 5, 7, 7A, 9, & 9A Yorkville Ave.	1 commercial unit in each of the six buildings forming a row-building.	

Uses and structures near the site include:

North: of Yorkville Avenue at 18 Yorkville Avenue is a 36-storey (115 metres to the top of the mechanical penthouse) mixed-use building with a 7-storey (22.5-metre) base element to the north. West of 18 Yorkville Avenue is Town Hall Square Park and the Yorkville Library and Fire hall.

South: to Cumberland Street along the west side of Yonge Street is the continuation of the 3-storey mainstreet buildings which are currently listed on the City's Inventory of Heritage Properties. Those properties are the subject of an application (15 114759 STE 27 OZ) to amend the Zoning By-law to permit a new 64-storey mixed-use building with retail uses on the ground, second and third floors and residential above at 826-834 Yonge Street and 2-8 Cumberland Street. The tower height is 184.5 metres plus a 9.0 metre mechanical penthouse totalling 193.5 metres). As proposed, the tower is set back 7.5 metres from the north; 10 metres from the east; 3 metres from the south; and, 3 metres from the west property lines.

South of Cumberland Street is Cumberland Terrace, located at 2 Bloor Street West. There is an existing office tower at the northwest corner of Yonge and Bloor Streets (146.5 metres tall) and a low-rise concrete slab building on the south side of Cumberland between Bay and Yonge Streets, containing a retail mall and some office/commercial uses. A below-grade retail concourse connects the 2 Bloor Street West site with the Toronto Parking Authority parking garage, on the north side of Cumberland Street.

An OMB approved (OMB File No. PL100851) Site-Specific Zoning By-law permits at 2 Bloor Street West: a 102.9-metre tower including a 6.3 metre mechanical penthouse, at Yonge Street; and a mid-block tower of 170 metres in height, including a 10-metre mechanical penthouse. A 24.4-metre base building includes grade-related commercial space, four levels of above-grade parking and 'rooftop villas' at the corner of Bay and Cumberland Streets (stepped back atop the base from Cumberland Street with an overall height of 30.6 metres).

East: of Yonge Street, is the Toronto Reference Library with a height of 28.7 metres (36.3 to the top of the mechanical penthouse).

West: of the public lane is a 10-storey (27-metre tall) mixed-use building on the south side of Yorkville Avenue with retail and office uses on the ground and second floors and residential (rental) above.

Further west is a recent City Council approved (Bills still outstanding) development with two linked mixed-use towers: 62 storeys (203 metres tall plus a 12-metre mechanical penthouse) on Yorkville Avenue; and, 40 storeys (136.5 metres tall plus a 6.0-metre mechanical penthouse) on Cumberland Street with a 2, 7 and 10-storey base on the property at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street. An open space is proposed along the eastern edge of the property from Yorkville Avenue to Cumberland Street. A total of 1,100 residential units and 1,136 parking spaces are proposed (800 replacement Toronto Parking Authority spaces and 336 residential spaces).

## **Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* lists the provision of affordable housing as a matter of provincial interest that municipalities shall have regard for when making planning decisions.

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. The PPS provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved. The housing policies of the PPS require planning authorities to provide for an appropriate range of housing, including affordable housing, to meet the needs of current and future residents. 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.

## **Official Plan**

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

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-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 Official Plan. The Official Plan states that significant heritage resources will be conserved by listing and designating properties of architectural and/or historic interest on the City's Inventory of Heritage Properties. Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved. In this case, all the properties on the subject site and the properties to the south are listed on the City's Inventory of Heritage Properties.

Section 3.1.5.1(b) also directs the City to designate areas with a concentration of heritage resources as Heritage Conservation Districts and adopt conservation and design guidelines to maintain and improve their character. The subject site is within a Council approved Heritage Conservation District study boundary and a district study is currently underway.

The Official Plan contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability and the protection of rental housing units. Applicants proposing to demolish six or more residential rental units, except where all of the rents are above the mid-range rent category, are required by Policy 3.2.1.6 to replace the rental units with at least the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative interim accommodation and other assistance to lessen hardship.

### **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 Yonge Street Height Ridge as illustrated on Map 2 in Policy 211. Height and density permissions within the Height Ridge generally diminish further from the Height Peak at Yonge/Bloor to provide for a transition in scale. 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. The subject site is also located within the Yonge/Yorkville Area of Special Identity as illustrated on Map 1 in Policy 211.

## **Area Specific Policy 225 - Lands North and South of Bloor Street Between Park Road and Avenue Road**

Area Specific Policy 225 of the Official Plan encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy.

The Official Plan is available on the City's Website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm).

## **Zoning**

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

Under Zoning By-law 569-2013, the site is CR3.0 (c2.5; r3.0) SS1 with a height limit of 18 metres and a maximum density of 3.0 times the area of the lot. Under Zoning By-law 438-86, as amended, the property is zoned CR T3.0 C2.5 R3.0 with a height limit of 18 metres and a maximum density of 3.0 times the area of the lot. In both cases the CR zoning category allows for a broad range of residential and commercial uses.

## **Historic Yonge Street Heritage Conservation District: Study Area Designation By-Law (277-2015)**

On February 11, 2015, Toronto City Council passed Study Area Designation By-law 277-2015 for the Historic Yonge Street Heritage Conservation District (HCD) Study Area, effective for one year. Currently 89 percent of the properties in the Historic Yonge Street HCD Study Area are not protected by heritage designation. Over the next year a Plan will be drafted for the area and presented to City Council that sets out policies and guidelines for its protection. City Council may adopt the Plan and designate the area as a HCD.

During the study period, property owners may not undertake any alterations on the exterior of their properties, including changes to roofs, windows, doors, cladding, and painting previously unpainted surfaces (e.g. masonry). As well, the By-law prevents the erection, demolition or removal of any buildings or structures. However, routine maintenance, interior work that does not affect the exterior appearance, or the installation, removal or alteration of signage is not restricted by this By-law.

Owners of individually designated properties will be permitted to undertake alterations in accordance with the requirements of the Ontario Heritage Act and the Municipal Code, however, they will not be permitted to demolish during the study period.

## **Heritage**

The properties at 836-850 Yonge Street and 1-9A Yorkville Avenue were listed on the Inventory of Heritage Properties in 1974. The properties at 830-850 Yonge Street were built between 1850 and 1909. This portion of Yonge Street is an intact example of a Victorian commercial block. Many of the buildings, including 850 Yonge Street are attributed to the Frogley's Bakery.

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 the 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.

### **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law (885-2007) established Chapter 667 of the Municipal Code and implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act*.

Proposals involving six or more residential units, where at least one of the units proposed for demolition or conversion is a rental housing unit, require an application for a Section 111 permit.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Decisions made by City Council under the Rental Housing Demolition and Conversion By-law are not appealable to the Ontario Municipal Board.

## **Bloor –Yorkville/North Midtown Urban Design Guidelines**

The Bloor –Yorkville/North Midtown Urban Design Guidelines give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development. The main planning objectives of the Design Guidelines include:

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

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

The Bloor-Yorkville/North Midtown Urban Design Guidelines are 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 tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

This application is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Buildings Guidelines also contain heritage principles and performance standards.

This site is located on the Yonge Street Special Character Street as illustrated on Map 1 of the Guidelines. This designation recognizes Yonge Street's overall heritage value and iconic stature but accommodates its differing re-development potential along specific segments of the street. In this segment of Yonge Street, towers are to be set back 20 metres where heritage properties are present on site and 10 metres where there are no on-site heritage properties.

The height range for the area south of Davenport Road to Hayden Street is 62 – 107 metres, as identified on Map 2 of the Guidelines. The High Streets Typologies Map (Map 3) also identifies

the site within the Yonge Street Special Character Street, where appropriate building typologies will be determined on a site-by-site basis. Map 4 identifies the Yonge Street and Yorkville Avenue frontages as Priority Retail Streets, meaning 60 percent of the total building frontage should contain active retail uses.

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

## **Yorkville - East of Bay Planning Framework**

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

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

This site is identified as Tall Building site No. 12 and forms part of the Town Hall Walkway linear park system. The Framework is available at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.93>

## **Tree Preservation**

There are four street trees located along Yonge Street adjacent to the site and two private trees, protected by the Private Tree By-law, located to the rear of 846 Yonge Street. The concept Landscape Plan prepared by NAK Design Group shows the replacement of the four street trees along Yonge Street, two new trees along Yorkville Avenue, and four new trees along the public lane/pedestrian walkway.

## **Site Plan Control**

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

## **Reasons for the Application**

The application proposes a mixed-use building with a height of 180.6 metres (plus elevator overrun) and a density of 18.75 times the area of the lot. The maximum height and density permitted in the Zoning By-laws is 3 times the area of the lot and 18 metres. The overall proposed height also exceeds maximum floor space index and height limit for the site. Relief is also required to accommodate the proposed parking supply, outdoor amenity space, bicycle parking and other provisions. A Zoning By-law amendment is therefore required.



The proposal requires the demolition of 10 residential units of which 7 were rental at the time of the application. A Rental Housing Demolition and Conversion Application is therefore required.

## **Community Consultation**

On February 27, 2014, a community meeting attended by 80 members of the public was held at the Stone Church at 45 Davenport Road.

The attendees expressed a number of comments, issues and concerns, including: the height and density of the tower; the shadow and wind impact of the proposal; the traffic generated as a result of the proposed development; the ability to continue the proposed pedestrian connection south to Cumberland Street; the views from the residential units at 18 Yorkville Avenue; sky view from the public realm; the provision of affordable housing; the need for "human-scale" development; the elimination of small scale businesses; and the collective impacts of all of the proposals in the Yorkville – East of Bay area.

The application was first before the City's Design Review Panel (DRP) on November 14, 2013. The proposed design was commended for its simplicity and focused intent, but needed to: fully meet the Tall Building Guidelines; reduce shadow on adjacent open spaces; improve the public realm along the laneway; and, further develop the podium height.

At the second meeting before the City's DRP on March 18, 2014, the Panel commented on 4 proposals in Yorkville- East of Bay collectively: 50 Bloor Street West; 2 Bloor Street West; 27-37 Yorkville Avenue and 26-50 Cumberland Street; and, 836-850 Yonge Street and 1-9A Yorkville Avenue. The Panel noted that this development was "giving back" to the city in terms of the heritage preservation, laneway expansion, and streetscape enhancements. There were outstanding concerns regarding the tower's relationship to the sidewalk.

The minutes of the DRP meeting are available at:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%20Minutes%20March%202014.pdf>

On March 18, 2014, following the second DRP meeting, the local Councillor chaired a community stakeholder meeting where the ABC Residents Association, Asquith Collier Residents Association, Bloor-Yonge BIA and Greater Yorkville Residents Association provided feedback on the presentations from the DRP meeting.

On April 3, 2014 Planning staff met with representatives of the Asquith Collier community to discuss the emerging vision for Yorkville -East of Bay and each of the development applications.

On May 7, 2014 Planning staff met with community stakeholders from the ABC Residents Association, Asquith Collier Residents Association, Bloor-Yonge BIA and Greater Yorkville Residents Association to update them on the applications in the Yorkville - East of Bay area. The stakeholders provided comments to Staff on the latest proposals by the applicants.

On June 9, 2014 Planning staff presented the most current proposals by applicants in the Yorkville – East of Bay area to the Asquith Collier neighbourhood at the invitation of its Residents Association.

### **Tenant Consultation**

A Tenant Consultation meeting was held under Chapter 667 of the Municipal Code on May 26, 2014. Four tenants attended to discuss the implications to their residencies in the building and their specific circumstances. Tenants were concerned that they used their residence as a live-work space, as many of the existing units had high ceilings and several were quite large. Concerns were also raised about the length of the construction period and regarding interim accommodations.

### **Agency Circulation**

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

### **COMMENTS**

Staff are recommending Zoning By-law amendments for the site that represent good planning. The applicant participated in the Yorkville – East of Bay design workshops prior to making their original submission. The applicant designed their initial proposal to fit within the open space plan for the area. Through the development review process the applicant improved the proposal by reducing the height and floor plate of the tower, providing the setbacks in the Tall Building Guidelines and providing weather protection along the Yorkville Avenue streetscape.

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with Section 2 of the *Planning Act*. The proposal replaces the existing affordable housing use on the site.

The proposal is consistent with the PPS. It provides additional density within a settlement area through intensification and redevelopment to accommodate an appropriate range and mix of land uses (Policy 1.1.2). The intensification will meet appropriate development standards (Policy 1.1.3.4) discussed further in this report.

The proposal to replace the existing rental housing is consistent with accommodating a mix and range of housing, including affordable housing (Policy 1.1.1 b) through private market development and the tools of the *Planning Act*. (Policy 1.2.1 h, referencing the Ontario Housing Policy Statement).

In regard to efficient use of infrastructure and transportation systems, the proposal is located near the intersection of the Bloor and Yonge subway lines. It promotes a land use pattern, density and mix of uses that limits vehicle trips and supports the use of transit and active transportation (Policy 1.6.7.4).

The PPS (Policy 2.6) provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved. The proposal conserves built heritage resources and the significant heritage attributes of the property.

This proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It represents new growth in a built-up area that will ensure and maximize the viability of existing and planned infrastructure (Policy 2.2.2).

## **Land Use**

Planning staff are satisfied that the proposed residential and non-residential uses are acceptable. These uses are permitted within the *Mixed Use Areas* of the Official Plan as well as the CR district in the Zoning By-laws. The development will 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 as anticipated in the Official Plan for *Mixed Use Areas*. In addition, the Tall Buildings Guidelines identify Yonge Street and Yorkville Avenue as priority retail streets and the local Urban Design Guidelines identify Yonge Street and Yorkville Avenue as Highly Animated Streets where the primary use is retail and commercial uses.

The Draft Site Specific Zoning By-laws accommodates a mix of uses.

## **Site Organization / Yorkville – East of Bay Area**

The site organization is acceptable. The tower proposal is appropriately massed and situated within its heritage setting in the Yorkville – East of Bay area to fit within the urban structure for Yorkville, while minimizing potential impacts and improving pedestrian access and comfort.

A new publicly accessible pedestrian walkway is located on the west portion of the site. The open space improves the pedestrian amenity in the area providing a section of a pedestrian-only mid-block connection to be created from Cumberland Street to Yorkville Avenue. The mid-block connection forms and is in keeping with the objectives of the Yorkville – East of Bay Planning Framework, an integral part of the Town Hall Walkway which links Bloor Street to Davenport Road.

The Urban Design Guidelines state that mid-block pedestrian connections are one of the urban design factors which contribute to Bloor-Yorkville's success. This unique quality and network of pedestrian paths and courtyards should be continued as new developments are proposed in the area. The Official Plan states that mid-block connections will be designed to complement and extend the role of the street as the main place for pedestrian activity.

The existing substandard vehicular lane on the west side of the site will be widened adjacent to the landscaped pedestrian walkway (Town Hall Walkway). All vehicular access and loading will be provided off the public lane and the residential lobby will front onto the Town Hall Walkway.

This arrangement enables the Yonge Street and Yorkville Avenue frontages to be predominantly retail.

## **Height and Density**

The 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 local policies and guidelines is to direct the tallest buildings to the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition from the Height Peak with lesser height and physical scale than the Height Peak, and in a form compatible with adjacent areas.

The subject site is located in the Yonge Street Height Ridge and just north of the Height Peak as identified in Official Plan Policy 211 and in the Urban Design Guidelines.

The height of the tower (180.6 metres, plus elevator overrun) is lower than the most recent approval in the Height Peak at 1 Bloor Street East. The zoned height at 1 Bloor Street East is 290 metres and the expected constructed height is 254 metres. The proposed tower falls below a plane drawn from either the approved or constructed heights at 1 Bloor Street East to the northern end of the Height Ridge along Yonge Street.

The overall density is 18.75 times the area. The proposed height and density is less than the recent approval site within the Height Peak area, when considering that 0.75 of the density is attributed to the existing heritage buildings being conserved. While not directly related to this particular situation, the Official Plan (Policy 3.1.5.8) permits the additional gross floor area in excess of what is permitted in the Zoning By-law for a lot containing a conserved heritage building and where the new development complies with a number of provisions.

The height and density is acceptable as it fits with the existing and planned context within the Yorkville – East of Bay area while minimizing the impacts relating to the height, such as shadow impacts.

## **Tower Placement and Separation**

The 58-storey tower is sited to meet the Tall Building Guideline requirements of setting the tower back 10 metres from Yonge Street, 3 metres from Yorkville Avenue, 12.5 metres from the centreline of the public lane and 12.5 metres from the south property line. The tower positioning and proposed height minimizes incremental shadow impacts on Jesse Ketchum Park/Schoolyard and the low rise residential neighbourhood east of Yonge Street (discussed in more detail in the Shadow section of this report).

Staff is satisfied that the 10 metre tower setback (with no balcony projections) along Yonge Street gives adequate prominence to the 3 and 4-storey heritage buildings from a pedestrian

perspective. The 10 metre depth to which the buildings are to be conserved was found to be appropriate for this particular group of buildings, especially given other site planning objectives.

On the north side of Yorkville Avenue is an existing point tower at 18 Yorkville Avenue. The proposed tower is set back 3 metres from the Yorkville Avenue property line. The tower separation between the proposed tower and 18 Yorkville Avenue is approximately 23 metres and partially offset given the proposed 10 metre setback from Yonge Street.

## **Massing**

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

### **Base Building**

The proposed base conforms to the Official Plan and responds to the direction in the Bloor-Yorkville/North Midtown Urban Design Guidelines. The proposed base consists of the retained heritage structures along Yonge Street and Yorkville Avenue. A two storey high canopy, projecting 3 metres, will continue across the Yorkville Avenue frontage (see Attachment No. 11).

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 impacts of parking and servicing uses. The existing public lane will be widened to provide all residential and servicing vehicle access to the site. No new driveways or vehicular access points will interrupt the contiguous conserved heritage structures.

### **Middle Portion of Tower**

Planning staff are satisfied with the middle portion of the proposed tower. The proposed tower has a floor plate of 758 square metres. The bulk and massing of the towers will be restricted with no projecting balconies.

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.

Section 3.2.1 of the Tall Building Guidelines states that the tower floor plate should be limited to 750 square metres or less per floor, including all built area within the building, but excluding balconies. The Guidelines also states that where adequate tower separation, setbacks, and stepbacks are achieved, flexibility in the maximum floor plate size may be considered for the tower to accommodate modest increases for tall buildings greater than 50 storeys. Planning staff are satisfied with the proposed 758 square metre floor plate.

## Top of the Tower

An appropriate design for the top of a tall building is influenced by many factors, which may include location, height, built form composition, architectural expression, and overall 'fit' within the existing context of the city skyline.

The top of the proposed tower is appropriate. The top is a simple design, which suits the overall architecture of the tower and fits within the Yorkville and city skyline. The rooftop residential amenity area is screened by the metal cladding feature and the elevator machine room is of a modest height and massing and not visible from the public realm.

## Shadow Impacts

The shadow impact resulting from the proposed application is acceptable. The Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

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

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

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.

Planning staff have assessed this application in terms of the incremental impact resulting from the proposed 58-storey tower (180.6 metres plus elevator machine room). Planning staff are satisfied that the proposed development adequately limits shadow on the *Neighbourhoods*, shadow sensitive areas, publicly accessible parks, open spaces and natural areas.

On September/March 21, at 9:18 AM an incremental shadow is cast over the rear yards of houses on Hazelton Avenue and Berryman Street. At this time the majority of the shadow cast is behind the Four Seasons tower fronting onto Scollard Street. A minor incremental shadow does appear

to the west of that shadow on Jesse Ketchum Schoolyard and the north part of the Rose Garden on Yorkville Avenue.

The height of the 58 storey tower was reduced from the original application by approximately 8 metres, to eliminate any shadow on Jesse Ketchum Schoolyard at 10:18 AM on September/March 21.

A more detailed study shows that on September/March 21 the proposed tower falls between the shadows of the 2 Four Seasons towers until about 9:18 AM. The incremental shadow then slides across the asphalt play area fronting onto Bay Street from approximately 9:45 AM until the shadow is off the property at 10:18 AM. The reduction from the original height was to ensure that as the shadow moves along the frontage of the School Yard, it misses the outdoor daycare playground.

On September/March 21 at 11:18 AM, there is some shadow on the north portion of Town Hall Square Park. At 12:18 PM there is no incremental shadow cast over Frank Stollery Parkette since it is already shadowed by the tower at 18 Yorkville Avenue.

In the afternoon as the shadow crosses Yonge Street and begins to reach the Asquith Collier Precinct, there is no net new shadow that impacts the low rise neighbourhood. The shadow cast by the proposal is shared by the recently approved 62-storey north tower at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street.

On June 21, when the sun is at its highest point, there are no shadows on the low-rise neighbourhood west of Bay Street and Jesse Ketchum Park. There is shadow on the Rose Garden at 9:18 AM and 10:18 AM, and shadows on Town Hall Square Park at 12:18 AM. East of Yonge Street, there is no new shadow on any public parks or low rise neighbourhoods in the afternoon on June 21.

## **Wind**

Planning staff are satisfied with the wind condition resulting from the proposed development, subject to further assessment during the Site Plan Control process for additional mitigation strategies.

The applicant submitted Pedestrian Level Wind Studies and addendums, dated February 26, 2014, June 10, 2014, and December 17, 2014 prepared by Gradient Microclimate Engineering Inc., based on wind tunnel testing. The study involves wind tunnel measurements of pedestrian wind speeds using a physical scale model, combined with meteorological data integration, to assess pedestrian comfort at key areas, including public sidewalks and walkways, parks, and building access points, as well as on the elevated outdoor amenity terraces.

Based on the wind tunnel test results, and experience with similar developments in Toronto, the study finds that wind conditions at the majority of grade-level pedestrian areas within and surrounding the development site will be acceptable for their intended uses throughout the year.

The study finds the wind comfort along the sidewalk at the east end of Yorkville Avenue is acceptable or better for walking throughout the year, although conditions are found to be moderately windy during the spring and winter months. The study finds that the proposal is not expected to contribute to increased wind speeds along Yorkville Avenue as compared to the present conditions, and may result in calmer winds in this area.

Wind speeds at the existing patio area on Yorkville Avenue immediately north of the development were found to be comfortable for sitting during the summer and autumn seasons. No areas within and surrounding the development site were found to experience conditions too windy for walking, or that could be considered unsafe for elderly persons.

The wind study included recently approved towers at 50 Bloor Street West, 37 Yorkville Avenue, and 2 Bloor Street West, as well as existing towers at 18 Yorkville Avenue, 60 Yorkville Avenue and 1 Bloor Street West. It is expected that without the future developments in place, which provide shielding for prominent wind directions, conditions over the study site will be similar to or somewhat windier than reported in the study.

## Heritage

The proposal meets objectives that would preserve and reinforce the property's cultural, historic and contextual significance. The proposal:

- Revitalizes the commercial and historic character of the Yonge Street properties through the rehabilitation and restoration of buildings in accordance with Parks Canada Standards and Guidelines.
- Conserves and enhances the existing contextual relationship of the site with the Yonge Street properties in general and of the anchor corner property at the southwest corner of Yonge Street and Yorkville in particular.
- Conserves the heritage attributes of the buildings while adapting them for future occupancies which will further activate the surrounding streets and provide for an improved pedestrian environment.

Based upon the Heritage Impact Assessment, prepared by E.R.A. Architects Inc., the conservation strategy will retain and reinforce the heritage values that currently exist at the site and along the commercial main street, in accordance with the Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada*.

For further details regarding the heritage assessment of this proposal and the intention to designate the subject site, refer to the report prepared by the Director of Urban Design, dated March 9, 2015 and titled "Alterations to Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to enter into Heritage Easement Agreement - 836-850 Yonge Street and 1-9A Yorkville Avenue."



## Rental Housing

The rental housing replacement proposal is acceptable, subject to the conditions identified in the recommendations to Council in this report. The minimum unit sizes will be secured for 20 years and the rent levels for tenants will be secured for a minimum of 10 years, for all new tenants.

Some proposed replacement units are larger than the existing units and some are smaller, but the aggregate area is greater. The following table provides a comparison of the existing and proposed unit sizes:

New Unit #	Existing		Proposed		Affordability
	Area (m <sup>2</sup> )	Unit Type	Rental GFA (m <sup>2</sup> )	Percent Change	
304	80.69	B	51.97	64.4%	M
305	87.95	1	71.41	81.2%	M
303	28.03	B	47.46	169.3%	M
302	14.68	B	36.29	247.2%	A
307	49.17	1	67.92	138.1%	M
308	107.3	1	91.67	85.4%	H
306	47.73	1	55.36	116.0%	M
	<b>415.55</b>		<b>422.08</b>	<b>101.6%</b>	<b>1A; 5M; 1H</b>

The 7 replacement rental units will be secured in the Zoning By-law, the Section 37 (*Planning Act*) Agreement, Section 111 (*City of Toronto Act*) Agreements, and through the Section 118 Restriction.

The Section 37 Agreement and Section 111 Agreement will secure the right of return for the tenants present at the time of the Notice for Demolition and the provision of a tenant relocation and assistance plan. Only a few tenants remain at this time. Further support would be offered to any tenants who require special assistance.

The Section 111 Agreement will secure the orderly issuance of the demolition permit to prevent vacating tenants prematurely.

## Traffic Impact, Access, Parking

The traffic impact of the proposal is acceptable. The applicant's transportation consultant, (MMM Group Limited) prepared a Traffic Impact Study dated September 18, 2013. The study estimates that the proposed redevelopment will generate approximately 101 and 152 two-way trips during the AM and PM peak hours, respectively. The study concludes that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Transportation Services staff have reviewed the traffic study and agree with the study's conclusion.

## Roadways and Laneways

To the west of the site is an irregularly-configured public lane which extends south from Yorkville Avenue, turning west and then south to Cumberland Street. The segment of the lane that abuts the site is generally 3.66 metres wide, except for portions at the rear of 842 and 848 Yonge Street, where the lane was previously widened by 1.17 metres to a width of 4.83 metres.

The Official Plan (Policy 2.2.3(c)) calls for the widening of public lanes adjacent to mixed-use developments to be 6 metres wide. Generally, the conveyance requested would be 1.17 metres on either side of the lane. In this case the applicant has agreed to convey 2.34 metres on the east side to create a 6 metre-wide public lane. The underground parking garage will be 1.2 metres below the finished grade of the public lane and unencumbered. The laneway conveyance will be secured in the Section 37 Agreement and through the Site Plan Control process.

## Parking

The application proposes a parking ratio of 0.28 parking spaces per residential unit. Given that 577 residential units are proposed, a total of 162 parking spaces including 4 car share spaces, would be provided in five levels of underground parking. No residential visitor parking spaces or non-residential parking spaces are provided.

The proposed residential parking supply does not meet the requirements of the Zoning By-law. The Zoning by-law would require 352 parking spaces for residents and 57 parking spaces for residential visitors.

As noted in the Traffic Impact Study (and correspondence dated February 20, 2015) by MMM Group Limited, the site is located in the Downtown area with easy access to transit (Yonge and Bloor subway lines) and amenities. The footprint of the parking garage has been reduced so no excavation is proposed beneath the conserved heritage buildings.

The Traffic Impact Study notes that there are over 1,600 Toronto Parking Authority (TPA) parking spaces in the area. Given that the proposed non-residential floor area is similar to the existing non-residential floor area, it maintains the status quo. The Zoning by-law does not require parking for the retail use on this site because the retail GFA is less than the site area size.

Transportation Services staff have accepted with the provision of no parking for the non-residential uses on the site. However, Transportation Services staff recommend a minimum number of resident and residential visitor parking spaces on the site to serve this development based on the following ratios:

Unit Type	Spaces Per Unit
Bachelor	0.3
1-bedroom	0.5
2-bedroom	0.8
3-bedroom	1.0
Residential visitors	0.1 x 35% (afternoon peak)

The parking ratios provided by Transportation Services (similar to the Zoning By-law minimum standard) result in 352 residential parking spaces and 20 residential visitor spaces, while 162 residential parking spaces proposed. The proposal is short 190 residential spaces and 20 residential visitor spaces.

A number of small car spaces are proposed, ranging in length from 4.39 metres to 5.32 metres. A small car space could accommodate a car with a length of approximately 4 metres. Transportation Services staff have assessed the car spaces, and find them to be acceptable. Staff require the small car spaces to be labeled on plans secured through Site Plan Control and any potential future condominium plans.

Planning staff generally support a reduced parking supply for this site given its proximity to the Yonge and Bloor subway lines site constraints due to the conservation of the heritage buildings. However, the draft zoning by-laws in Attachment 13 and 14 include the ratios provided by Transportation Services staff.

City Council has reduced the parking supply requirement for recent developments in the Yorkville area. Council approval would be required to replace the parking ratio in the draft zoning by-laws in Attachment Nos. 13 and 14 to the applicant's proposed ratio of 0.28 parking spaces per dwelling unit.

### **Loading**

The application proposes one Type-G and one Type-C loading space. The loading facility is accessed off the public lane and not visible from Yorkville Avenue or Yonge Street. This is generally acceptable to Staff, but requires further assessment through the Site Plan Control process to limit any encroachment the Type-C loading space on the new north-south pedestrian walkway.

### **Servicing**

Engineering and Construction Services staff reviewed a revised Functional Servicing & Stormwater Report (June 2014) and letter dated December 17, 2014 provided by MMM Group Limited. Staff find the proposed servicing plan for the site to be acceptable.

A comprehensive stormwater management report and site servicing and grading plans will be required and secured through the Site Plan Control process.

### **Streetscape**

The development criteria for *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets. Area Specific Policy 211 states that pedestrian activity is a vital component of the Bloor-Yorkville/North Midtown Area. The amenity of public sidewalks and views to open space and parks will be maintained and enhanced

with high quality, coordinated streetscape. Views through and to significant sites can also assist in encouraging and directing greater pedestrian movement in all areas.

The proposed development satisfies the Official Plan policies by locating the loading and service areas in the interior of the site, with a single vehicular access point off the public lane, providing for a safe, pedestrian friendly streetscape along Yorkville Avenue and Yonge Street.

Yonge Street and Yorkville Avenue are identified as Priority Retail Streets in the Tall Buildings Guidelines, where at least 60 percent of the frontage should be glazed and transparent. The layout of the ground floor level of the proposal has been designed to locate the residential lobby and servicing from the public lane in order to maximize the amount of retail frontage along Yorkville Avenue and Yonge Street.

The Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. The Urban Design Guidelines identify a range of opportunities to improve and expand the public network of parks, open spaces, pedestrian links, forecourts, courtyards, and the quality of the pedestrian environment along the existing road network. In addition, the Bloor-Yorkville/North Midtown Urban Design Guidelines identify the character type of Yorkville Avenue as a 'Primary Pedestrian Street' where development shall be sensitive to pedestrian comfort and visual interests. Pre-eminent considerations include reinforcing the human scale, pedestrian priority and a vibrant street life including sidewalk cafes and 'spill-out' retail activities.

The sidewalk along Yorkville Avenue is proposed to be widened to 6.0 metres in the area where the heritage buildings have been removed. Due to the proposed conservation strategy of the heritage buildings, which are to remain in place, the sidewalk width along Yonge Street will not be widened. The new north-south pedestrian walkway forming part of the Town Hall Walkway is proposed to be approximately 8 metres wide including landscaping. The walkway will improve the pedestrian amenity and provide permanent weather protection for the comfort of pedestrians.

The existing Yonge Street pedestrian crosswalk located mid-block between Yorkville Avenue and Cumberland Street will be removed and a new signalized intersection will be installed at Yorkville Avenue and Yonge Street. City Council's decision on the planned reconfiguration of the intersection can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.144>

## **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 site is located in an area with 0.78-1.55 ha of parkland per 1,000 people, which is the middle provision level. The site is in a parkland priority area, as per Alternative Rate Parkland Dedication By-law No. 1020-2010.

The application proposes 577 residential units on the 2,160 square metre site. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, (and exempting the 7 rental units being demolished and replaced), the parkland dedication requirement is 0.77 hectares or 367 percent of the net site area. For sites less than 1ha in size, a cap of 10 percent for the residential portion of the development applies, while the non-residential portion is subject to a 2 percent parkland dedication requirement. In total, the parkland dedication requirement under Section 42 of the *Planning Act* is 212 square metres.

Parks staff is satisfied with the applicant providing cash-in-lieu of parkland dedication for this proposal. The local Councillor has expressed interest in local parkland acquisition. A subsequent report to City Council will identify possible sources of funds for such parkland acquisition, including the feasibility of using any or all of the Section 37 community benefits or Section 42 cash-in-lieu contributions for this site. The parkland would be provided to the satisfaction of the General Manager, Parks, Forestry and Recreation.

### **Toronto Green Standard**

City Council has adopted the two-tiered Toronto Green Standard (TGS), a set of performance measures for green development. Tier 1 is required for the proposed development. Tier 2 is a voluntary, higher level of performance with financial incentives.

### **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*. While the proposed development exceeds the height and density limits of the *Zoning By-law*, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Prior to the issuance of the first above-grade building permit the owner shall provide an indexed cash contribution to the City in the amount of \$4,750,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, Yorkville BIA capital projects, capital improvements to Toronto Community Housing in Ward 27, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

The Section 37 Agreement secures a north-south public pedestrian walkway along the west side of the site. Heritage Agreements, lane widening and rental housing protection will be secured through the Section 37 Agreement.

## **CONTACT**

Oren Tamir, Senior Planner  
Tel. No. (416) 392-7349  
Fax No. (416) 392-1330  
E-mail: otamir@toronto.ca

## **SIGNATURE**

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

(P:\2015\Cluster B\pln\TEYCC\3381678016.doc) - vc

## **ATTACHMENTS**

Attachment 1: Application Data Sheet  
Attachment 2: Site Plan  
Attachment 3: North Elevation  
Attachment 4: South Elevation  
Attachment 5: East Elevation  
Attachment 6: West Elevation  
Attachment 7: East Base Elevation  
Attachment 8: North Base Elevation  
Attachment 9: West Base Elevation  
Attachment 10: Landscape Plan  
Attachment 11: Landscape Sections  
Attachment 12: Zoning By-law Map  
Attachment 13: Draft Zoning By-law Amendment (438-86)  
Attachment 14: Draft Zoning By-law Amendment (569-2013)

## Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	13 246101 STE 27 OZ
		Application Date:	October 4, 2013
Municipal Address:	836-850 YONGE STREET AND 1-9A YORKVILLE AVENUE		
Location Description:	PLAN 355 LOT 2 **GRID S2703		
Project Description:	A new 58-storey (182.6 metres including mechanical penthouse) mixed-use building with retail on the ground and second floors and residential above. The proposal calls for the alteration and demolition of heritage buildings and the replacement of 7 residential rental units. A total of 577 residential units are proposed. 162 vehicular parking spaces and 329 bicycle parking spaces.		

**Applicant:**

Rosario Varacalli  
1700 Langstaff Rd. Unit 1003  
Concord, ON L4K 3S3

**Architect:**

r. Varacalli Architects Inc.  
1700 Langstaff Rd. Unit 1003  
Concord, ON L4K 3S3

**Owner:**

840 Yonge St Holdings Inc.  
848 Yonge St Holding Inc  
1700 Langstaff Rd. Unit 1003  
Concord, ON L4K 3S3

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OP 211/OP 225
Zoning:	CR T3.0 C2.5 R3.0 CR3.0 (c2.5; r3.0) SS1	Historical Status:	Y
Height Limit (m):	18	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	2,160	Height:	Storeys:	58
Frontage (m):	48.9		Metres:	182.6
Depth (m):	44.5			
Total Ground Floor Area (sq. m):	1,457			<b>Total</b>
Total Residential GFA (sq. m):	38,706		Parking Spaces:	162
Total Non-Residential GFA (sq. m):	1,769		Loading Docks	2
Total GFA (sq. m):	40,475			
Lot Coverage Ratio (%):	67			
Floor Space Index:	18.75			

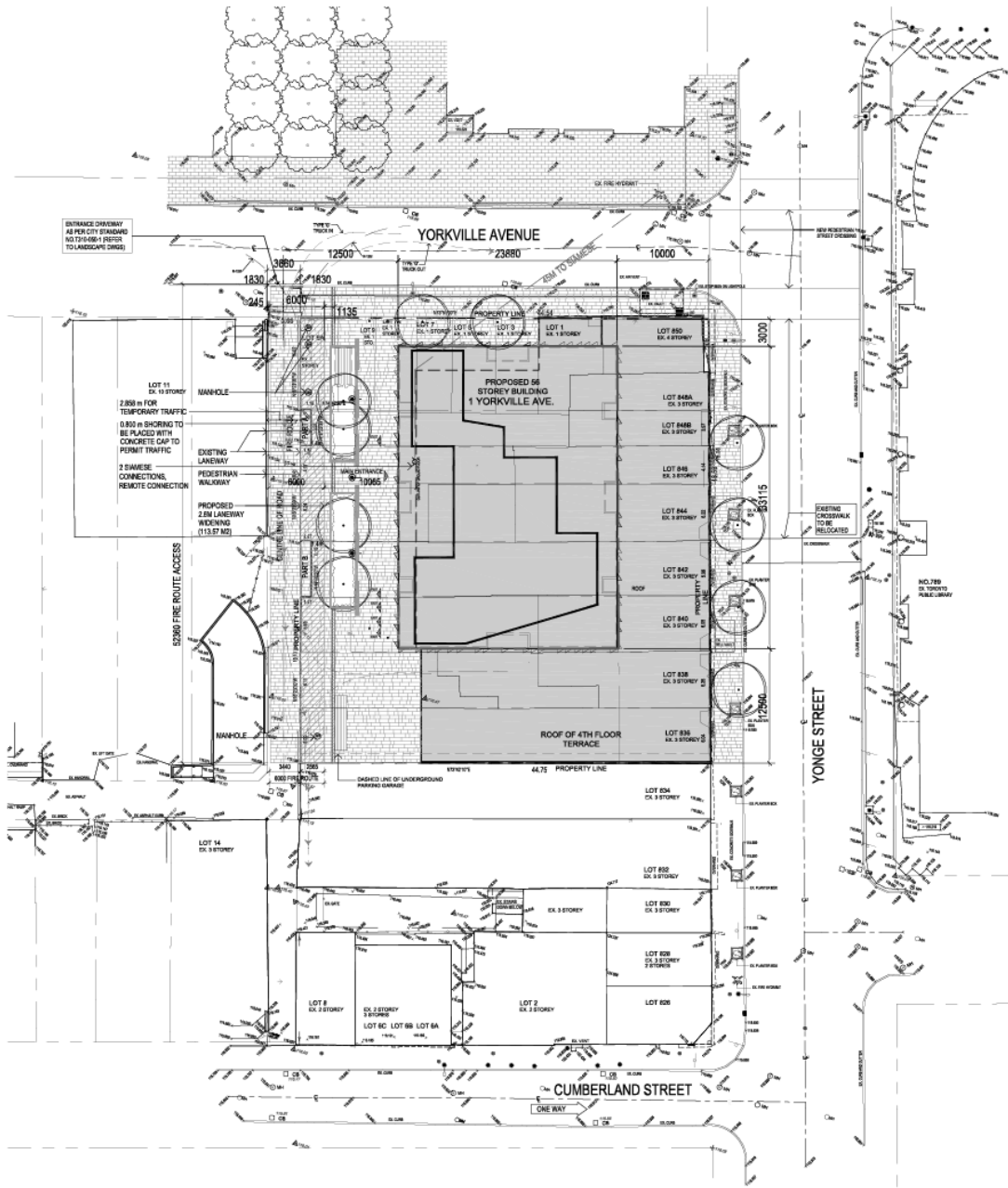
**DWELLING UNITS**

**FLOOR AREA BREAKDOWN** (upon project completion)

	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	38,706	0
Bachelor:	3	Retail GFA (sq. m):	1,769	0
1 Bedroom:	404	Office GFA (sq. m):	0	0
2 Bedroom:	102	Industrial GFA (sq. m):	0	0
3 + Bedroom:	68	Institutional/Other GFA (sq. m):	0	0
Total Units:	577			

**CONTACT:                   Oren Tamir, Senior Planner, 416-392-7349, otamir@toronto.ca**

## Attachment 2: Site Plan



### Site Plan

### 836-850 Yonge Street and 1-9A Yorkville Avenue

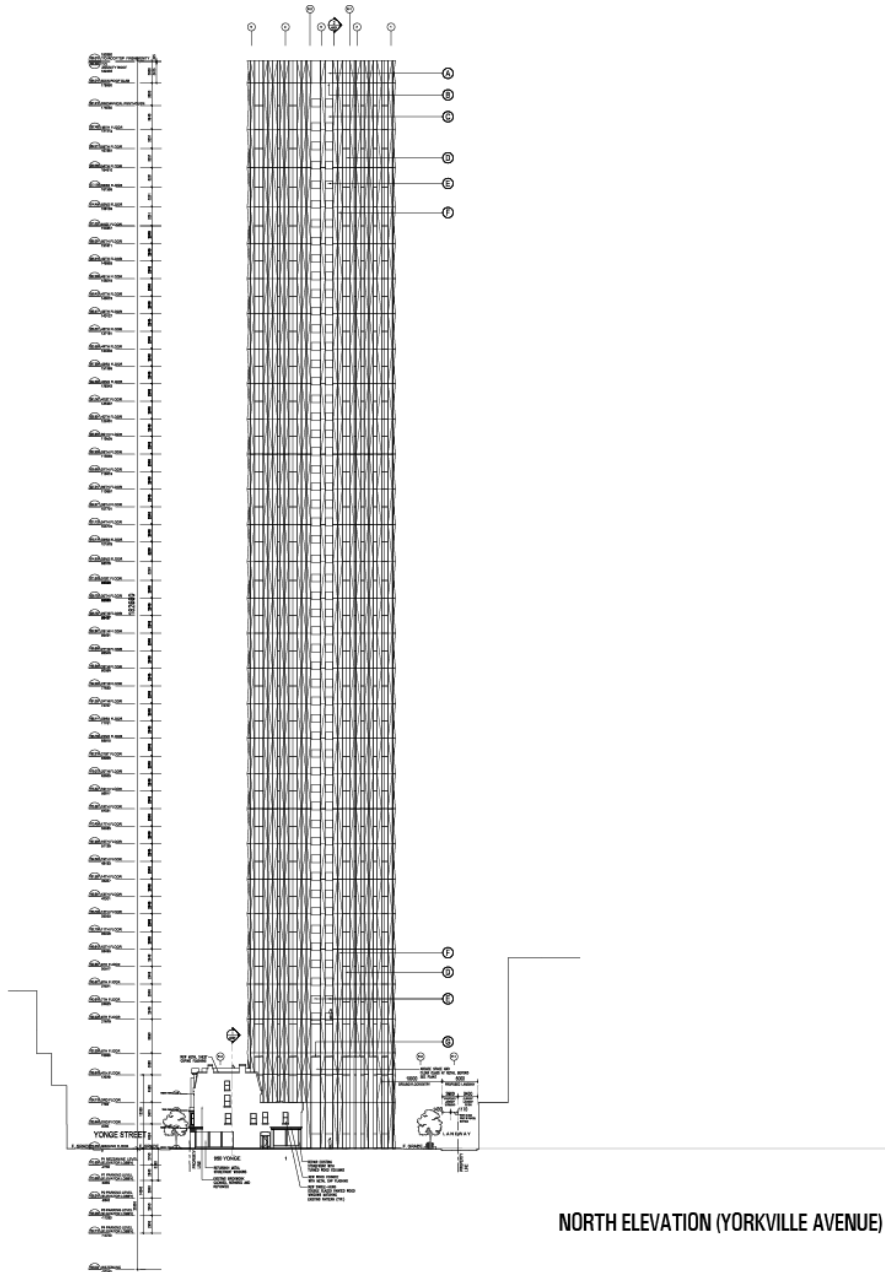
Applicant's Submitted Drawing

Not to Scale 01/14/2015

File # 13\_246101 STE 27 OZ



### Attachment 3: North Elevation



NORTH ELEVATION (YORKVILLE AVENUE)

North Elevation

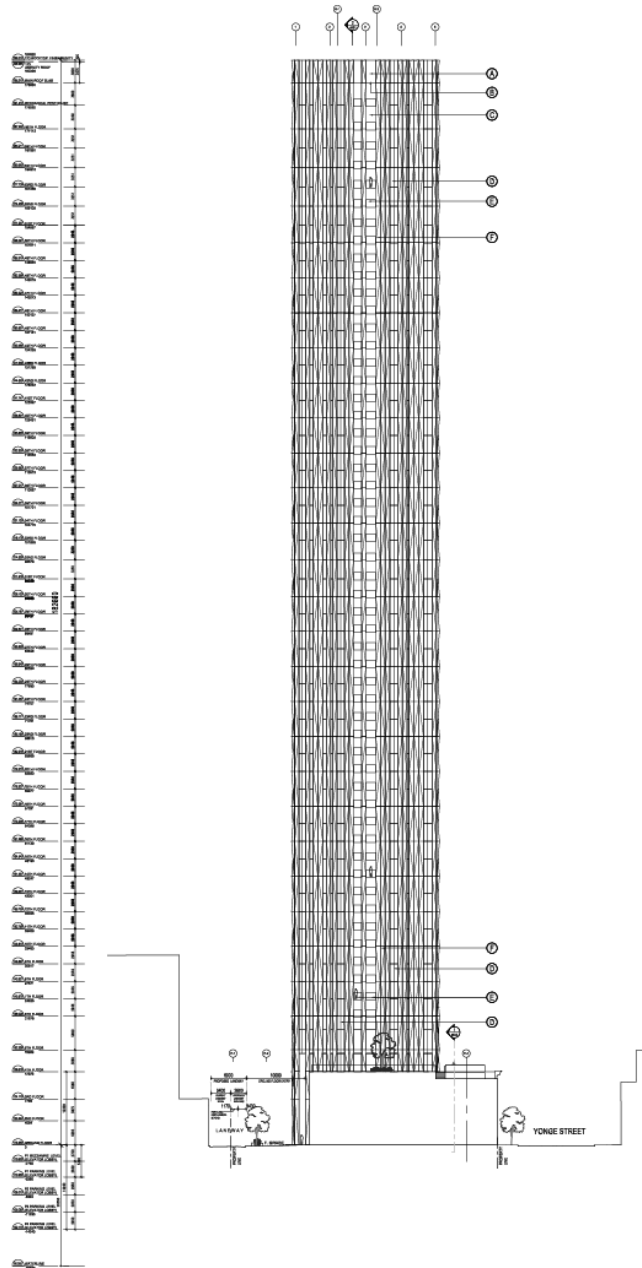
836-850 Yonge Street and 1-9A Yorkville Avenue

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 OZ

## Attachment 4: South Elevation



South Elevation

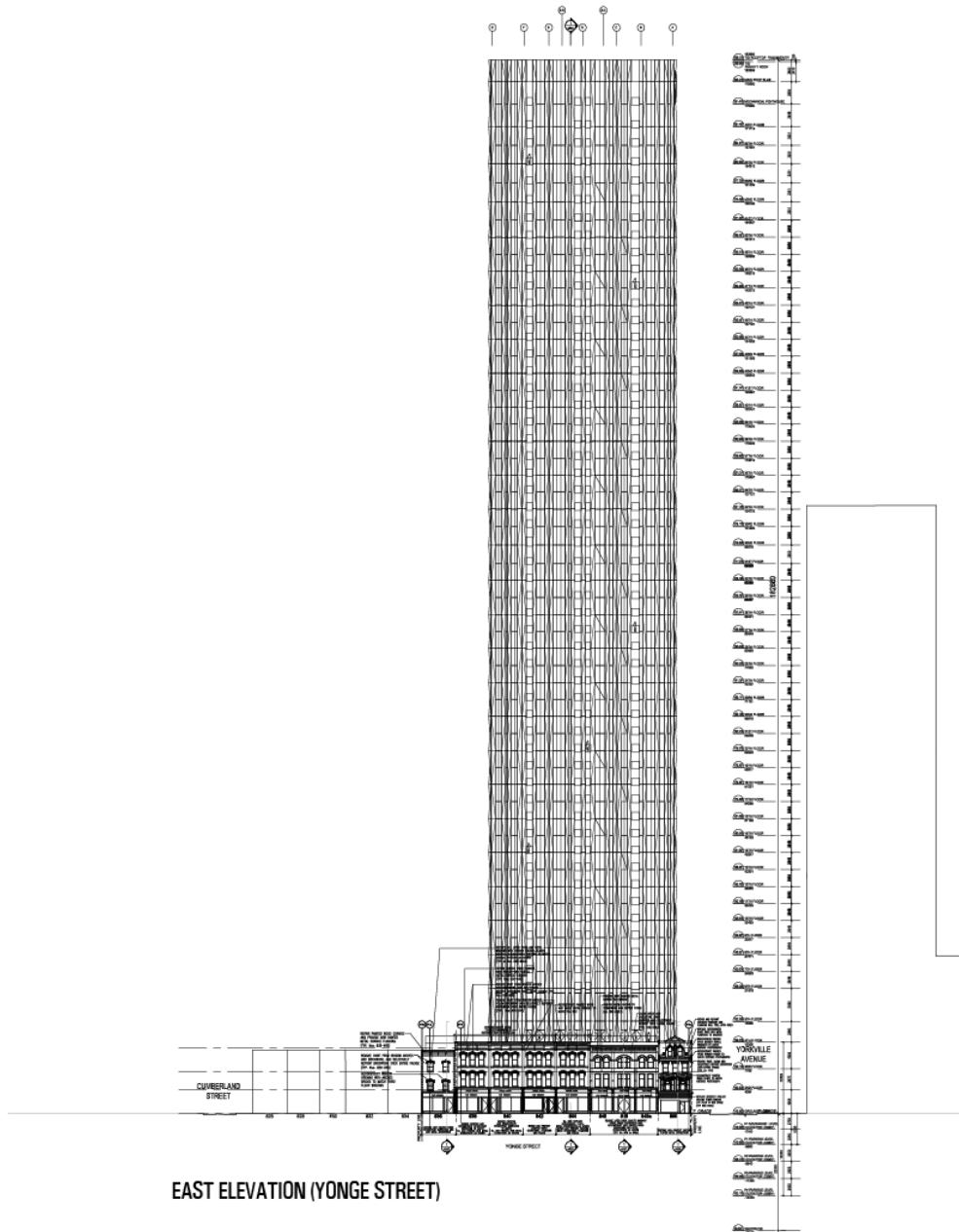
836-850 Yonge Street and 1-9A Yorkville Avenue

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 0Z

**Attachment 5: East Elevation**



**East Elevation**

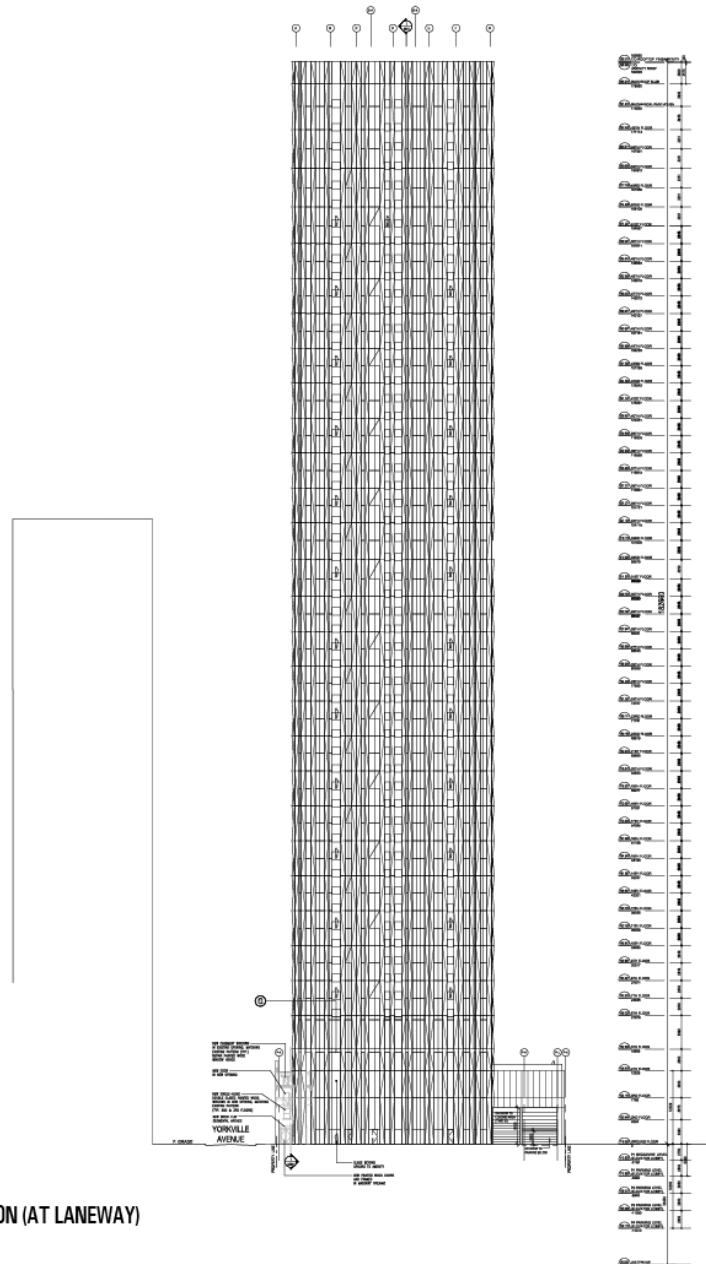
**836-850 Yonge Street and 1-9A Yorkville Avenue**

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 0Z

## Attachment 6: West Elevation



West Elevation

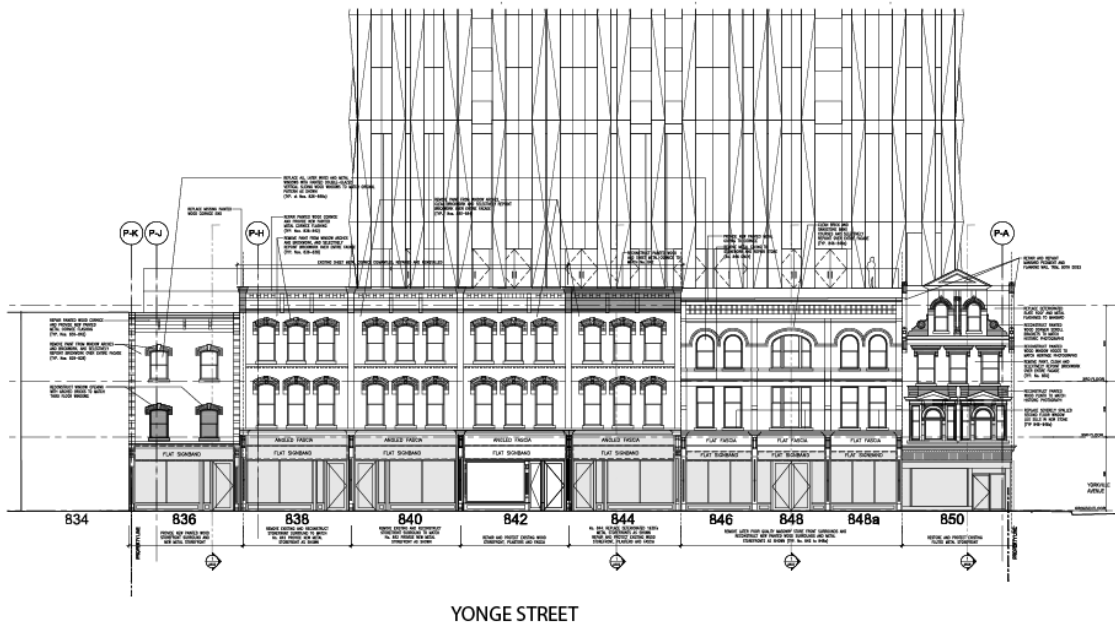
836-850 Yonge Street and 1-9A Yorkville Avenue

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 0Z

## Attachment 7: East Base Elevation



**East Podium Elevation**

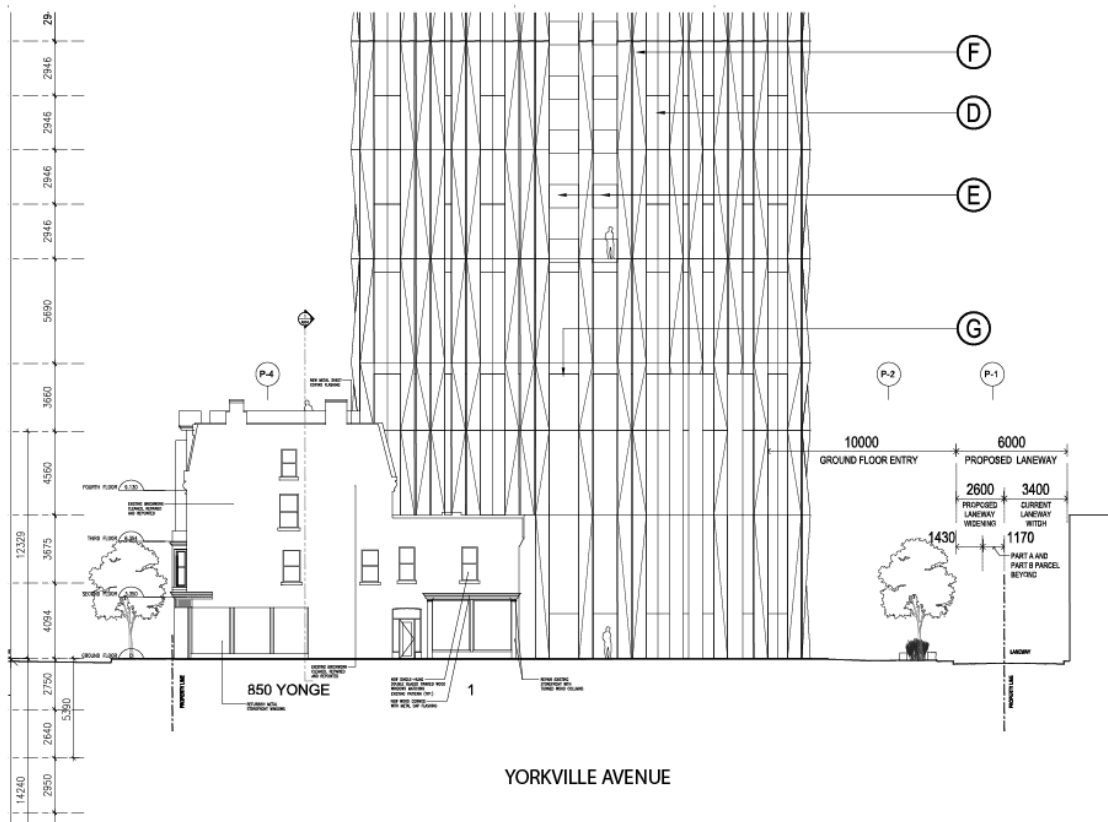
**836-850 Yonge Street and 1-9A Yorkville Avenue**

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 0Z

## Attachment 8: North Base Elevation



**North Podium Elevation**

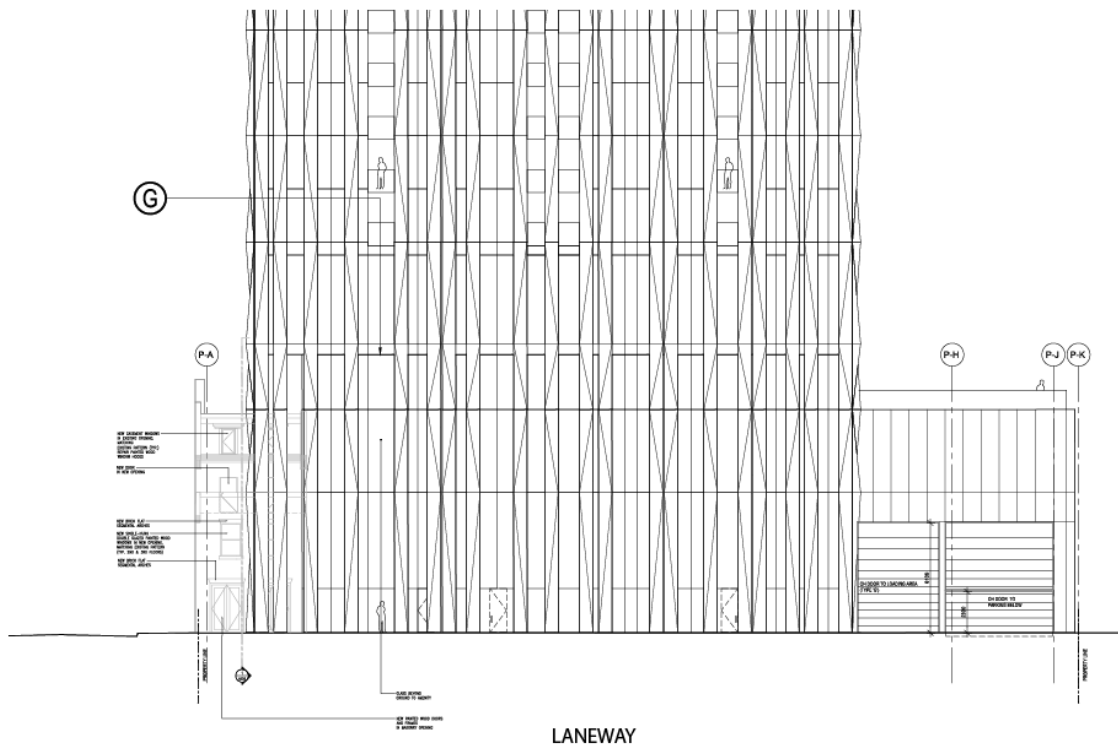
**836-850 Yonge Street and 1-9A Yorkville Avenue**

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 OZ

## Attachment 9: West Base Elevation



West Podium Elevation

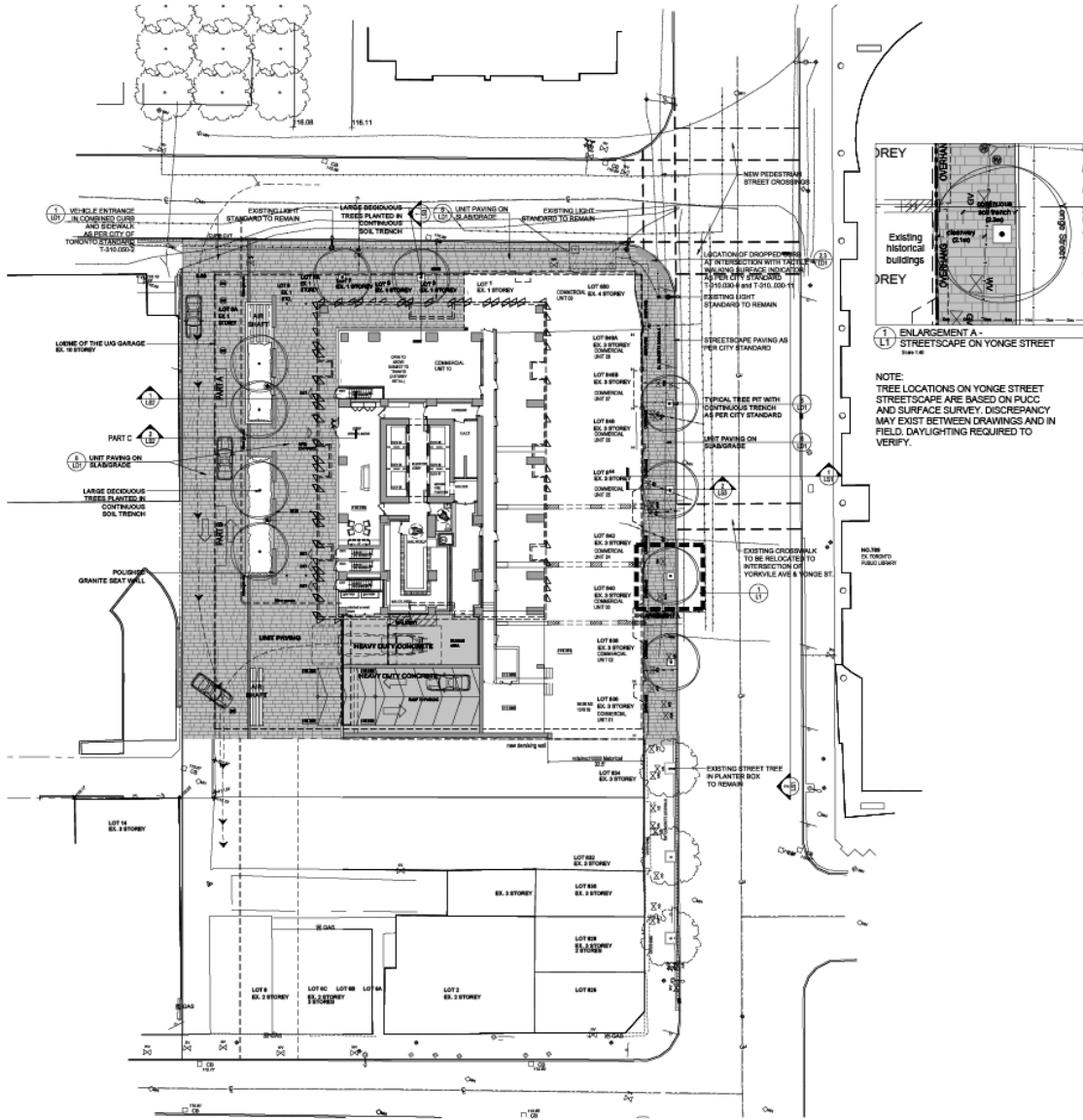
836-850 Yonge Street and 1-9A Yorkville Avenue

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 OZ

# Attachment 10: Landscape Plan



## Landscape

## 836-850 Yonge Street and 1-9A Yorkville Avenue

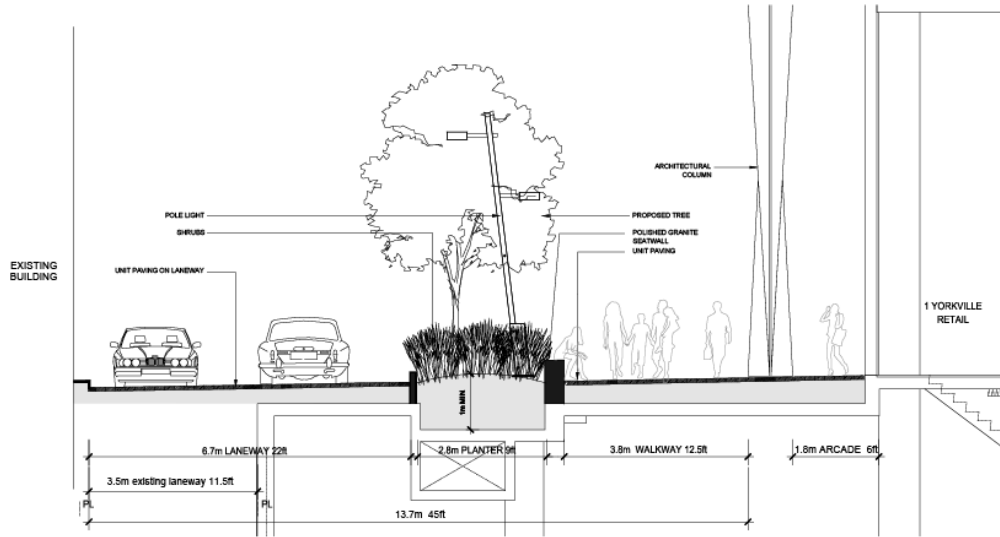
Applicant's Submitted Drawing

Not to Scale  
01/14/2015

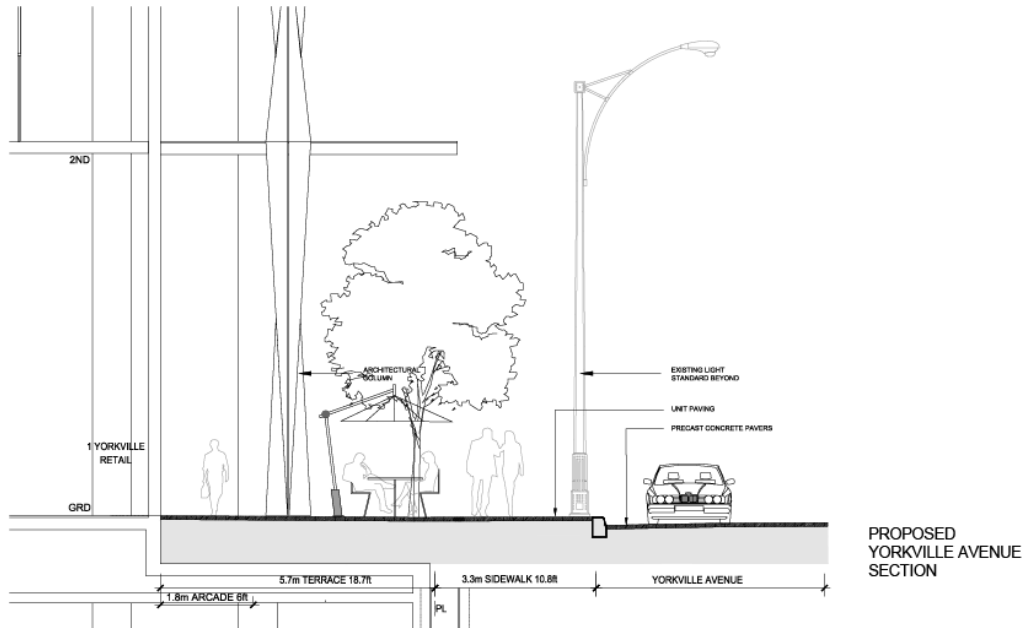
File # 13\_246101 STE 27 02



## Attachment 11: Landscape Sections



SECTION THROUGH THE LANEWAY AND PLANTER



PROPOSED  
YORKVILLE AVENUE  
SECTION

### Landscape Sections

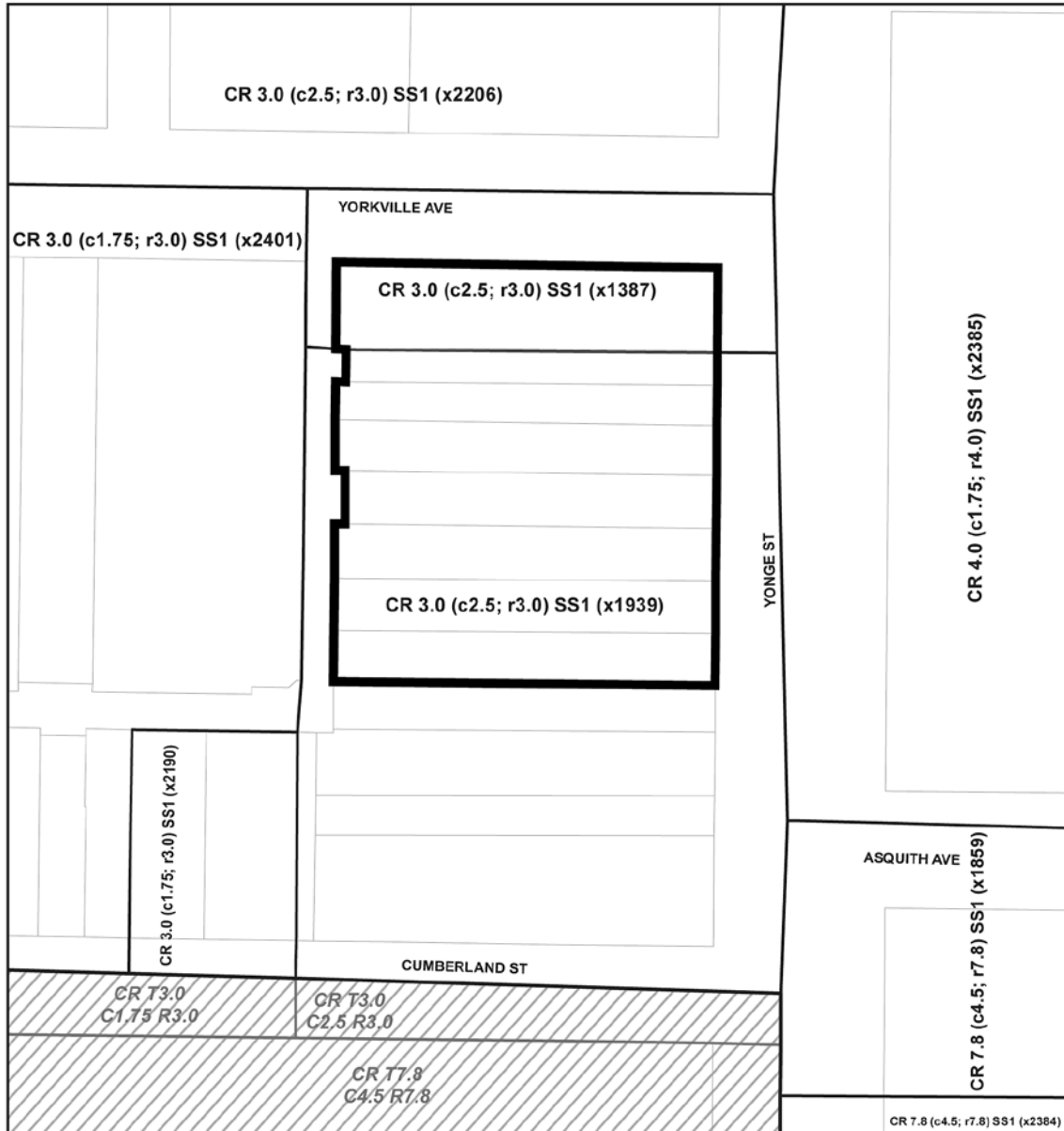
### 836-850 Yonge Street and 1-9A Yorkville Avenue

Applicant's Submitted Drawing

Not to Scale  
01/14/2015

File # 13\_246101 STE 27 02

## Attachment 12: Zoning By-law Map




**Zoning By-law 569-2013**

**836-850 Yonge Street and 1-9A Yorkville Avenue**

File # 13 246101 STE 27 0Z

 Location of Application  
CR Commercial Residential

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

  
 Not to Scale  
 Extracted 11/28/2013

**Attachment 13: Draft Zoning By-law (438-86)**

**CITY OF TORONTO**

**BY-LAW No. XXXX-2015**

**To amend by-law No. 438-86, as amended, of the former City of Toronto with respect with lands known as 836-850 Yonge Street and 1-9A Yorkville Avenue**

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*; and

WHEREAS Council of the City of Toronto, at its meeting on \_\_\_\_\_, 2015, determined to amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2015 as 836-850 Yonge Street, 1-9A Yorkville Avenue;

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

1. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *height* and *residential gross floor area* and Sections 4(5)(b), 4(8), 4(12), 4(13), 4(17), 8(1)(a), 8(3) Part I, 8(3) Part II 1, 2 and 12(2) 260 of By-law No. 438-86, 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 land and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *mixed-use building* with underground parking on the *lot* delineated by dashed lines on the attached Map 1, provided that:
  - (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by dashed lines on the attached Map 1;

**Gross Floor Area**

- (b) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 40,475 square metres, subject to the following:
  - (i) the *residential gross floor area* of buildings and structures shall not exceed 38,706 square metres; and
  - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 1,769 square metres;

### **Family Size Units**

- (c) a minimum of 10 percent of the total number of *dwelling units* constructed on the *lot* shall have a minimum area of 79.0 square metres and shall contain at least two bedrooms;

### **Amenity Space**

- (d) a minimum of 2 square metres of indoor *residential amenity space* for each dwelling unit and 1.4 square metres of outdoor *residential amenity space* for each dwelling unit shall be provided on the *lot*;

### **Height**

- (e) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
  - (i) the maximum *height* for mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof having a maximum height of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;

### **Setbacks**

- (f) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
  - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, patios, decks, pillars, pergolas, trellises, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures, all of which may extend beyond the dashed lines shown on Map 2;

### **Rental Replacement Units**

- (g) a total of 7 *rental replacement dwelling units*, comprised of 4 one-bedroom units and 3 bachelor units shall be contiguous pursuant to Appendix 1;

### **Heritage Buildings**

- (h) the *Heritage Buildings* shall be conserved in accordance with the Heritage Easement Agreement registered on title.

### **Vehicle Parking**

- (i) parking shall be provided and maintained on the *lot* in accordance with the following requirements:
- (i) 0.3 *residential parking spaces* for each bachelor *dwelling unit*;
  - (ii) 0.5 *residential parking spaces* for each one bedroom *dwelling unit*;
  - (iii) 0.8 *residential parking spaces* for each two bedroom *dwelling unit*;
  - (iv) 1.0 *residential parking spaces* for each three or more bedroom *dwelling unit*;
  - (v) 0.1 x 35% visitor parking spaces for each dwelling unit;
  - (vi) no parking is required for the non-residential uses;
- (j) up to 80 of the *parking spaces*, including 4 car share *residential parking spaces*, may have a minimum width of 2.35 metres, a minimum length of 4.39 metres, and a minimum height of 2.0 metres;

### **Bicycle Parking**

- (k) a minimum of 327 *bicycle parking spaces* shall be provided on the *lot*, of which, a minimum of 320 shall be for residents and a minimum of 7 shall be for visitors; and

### **Loading**

- (l) one *loading space - type "G"* and one *loading space - type "C"* shall be provided and maintained on the *lot*.

### **Definitions**

#### **2. For the purposes of this By-law:**

- (a) "*grade*" means 116.35 metres Canadian Geodetic Datum;
- (c) "*rental replacement dwelling unit*" means a *dwelling unit* which replaces one of the rental units existing on the *lot* at the time of enactment of this by-law, as required pursuant to Section 111 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11 and Appendix 1; and
- (d) "*Heritage Buildings*" means the structures identified on Map 2 with a dashed outline and noted as "Heritage Structures To Be Retained"
- (e) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.

4. Notwithstanding any 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 had occurred.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## Appendix 1: Community Benefits

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

### Community Benefits

1. Prior to the issuance of the first above-grade building permit the owner shall provide a cash contribution to the City in the amount of \$4,750,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, Yorkville BIA capital projects, capital improvements to Toronto Community Housing in Ward 27, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. Prior to the issuance of the first above-grade building permit, the City at its sole discretion may opt to use any or all of the \$4,750,000 identified in Condition 1, in conjunction with any other funding sources at its discretion, for the purpose of parkland acquisition in the vicinity of the project, such parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation.

### Rental Replacement

3. The *owner* shall provide and maintain not less than 7 *rental replacement dwelling units* on the *lot*, subject to the following:
  - a. The 7 *rental replacement dwelling units* shall be provided entirely on the *lot*;
  - b. The 7 *rental replacement dwelling units* shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-Law, with any modifications to the satisfaction of the Chief Planner, subject to the following:
    - (i) The *rental replacement dwelling units* shall comprise a unit mix of at least three bachelor and four one-bedroom units;
    - (ii) The combined floor areas of the 7 *rental replacement dwelling units* will not be less than 407.2 m<sup>2</sup>, subject to the following:
      - a) The three (3) bachelor units shall be provided at not less than 35.5 m<sup>2</sup>, with one (1) unit being not less than 51.0 m<sup>2</sup>

- b) The four (4) one bedroom units shall be provided with one (1) at not less than 55.0 m<sup>2</sup>, one (1) at not less than 66.0 m<sup>2</sup>, one (1) at not less than 70.0 m<sup>2</sup>, and the final one will be at not less than 90.0 m<sup>2</sup>
- (iii) The 7 *rental replacement dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the *owner* obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units. No application may be submitted for condominium or for any other conversion of these units to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
- (iv) All of the *rental replacement dwelling units* shall be ready and available for occupancy no later than the date by which 80% of the other *dwelling units* erected on the *lot* pursuant to this By-law amendment are available and ready for occupancy;
- (v) A minimum of 1 bachelor *rental replacement dwelling unit* shall be provided as an affordable *rental replacement dwelling unit* and a minimum of 5 *rental replacement dwelling units* shall be provided as mid-range *rental replacement dwelling units*, subject to the following:
  - a) The *owner* shall provide and maintain affordable rents charged to the tenants who rents the affordable *rental replacement dwelling unit* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;
  - b) The *owner* shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 5 mid-range *rental replacement dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent times 1.5 for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed



the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;

- c) Rents charged to tenants occupying the affordable *rental replacement dwelling unit* or a mid-range *rental replacement dwelling unit* at the end of the 10 year period set forth in subsections a) and b) above shall be subject only to annual increases which do not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases, so long as they continue to occupy their unit or until the expiry of the rental tenure period set forth in subsection (iii) above with a subsequent phase-in period of at least three years for rent increases; and
- d) Rents charged to tenants newly occupying a *rental replacement dwelling unit* after the completion of the 10 year period set forth in subsections a) and b) will not be subject to restrictions by the City of Toronto under the terms of subsections a) and b).
- e) The *owner* is entitled to charge an unrestricted rent for 1 one-bedroom unit;

- (vi) A minimum of 7 *bicycle parking spaces*, and 7 storage lockers shall be made available for the use of the *rental replacement dwelling units* at no extra charge.

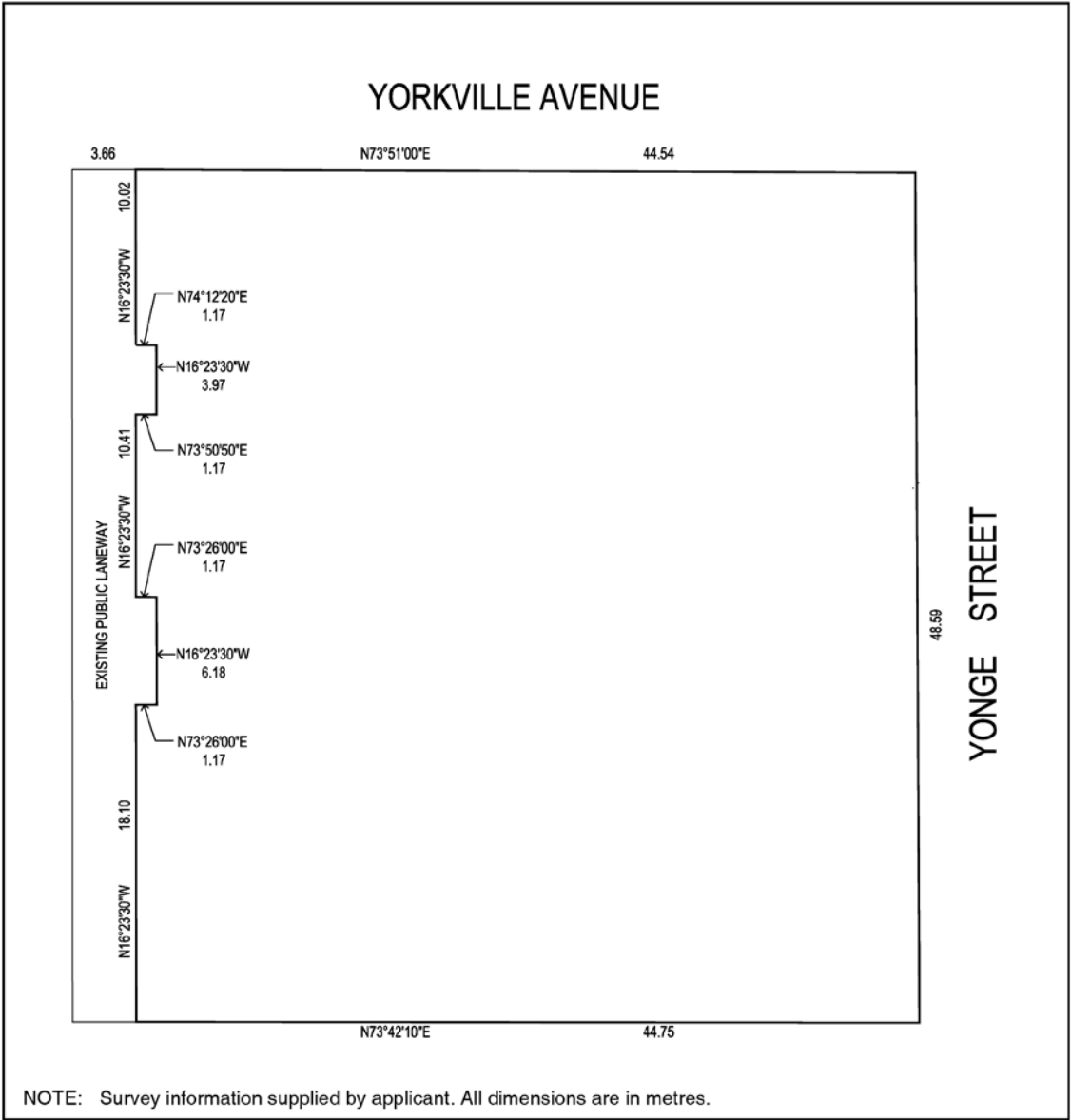
### **Tenant Relocation Assistance**

- 4. The *owner* shall provide tenant relocation assistance to the tenants of the existing units affected by the demolition, in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner, and Executive Director, City Planning. The assistance shall include at least:
  - a. an extended notice period before having to vacate for demolition;
  - b. the right to return to a rental replacement unit;
  - c. returning tenants will choose their rental replacement units by seniority, with provisions for special needs tenants, if required;

- d. all tenants deemed 'eligible' shall receive financial assistance to assist with relocation beyond the amounts required by provincial legislation, with extra provisions for tenants with special needs.

### **Heritage**

5. The Owner shall enter into a Heritage Easement Agreement for the properties at 836-850 Yonge Street and 1-9A Yorkville Avenue to the satisfaction of the Manager, Heritage Preservation Services.

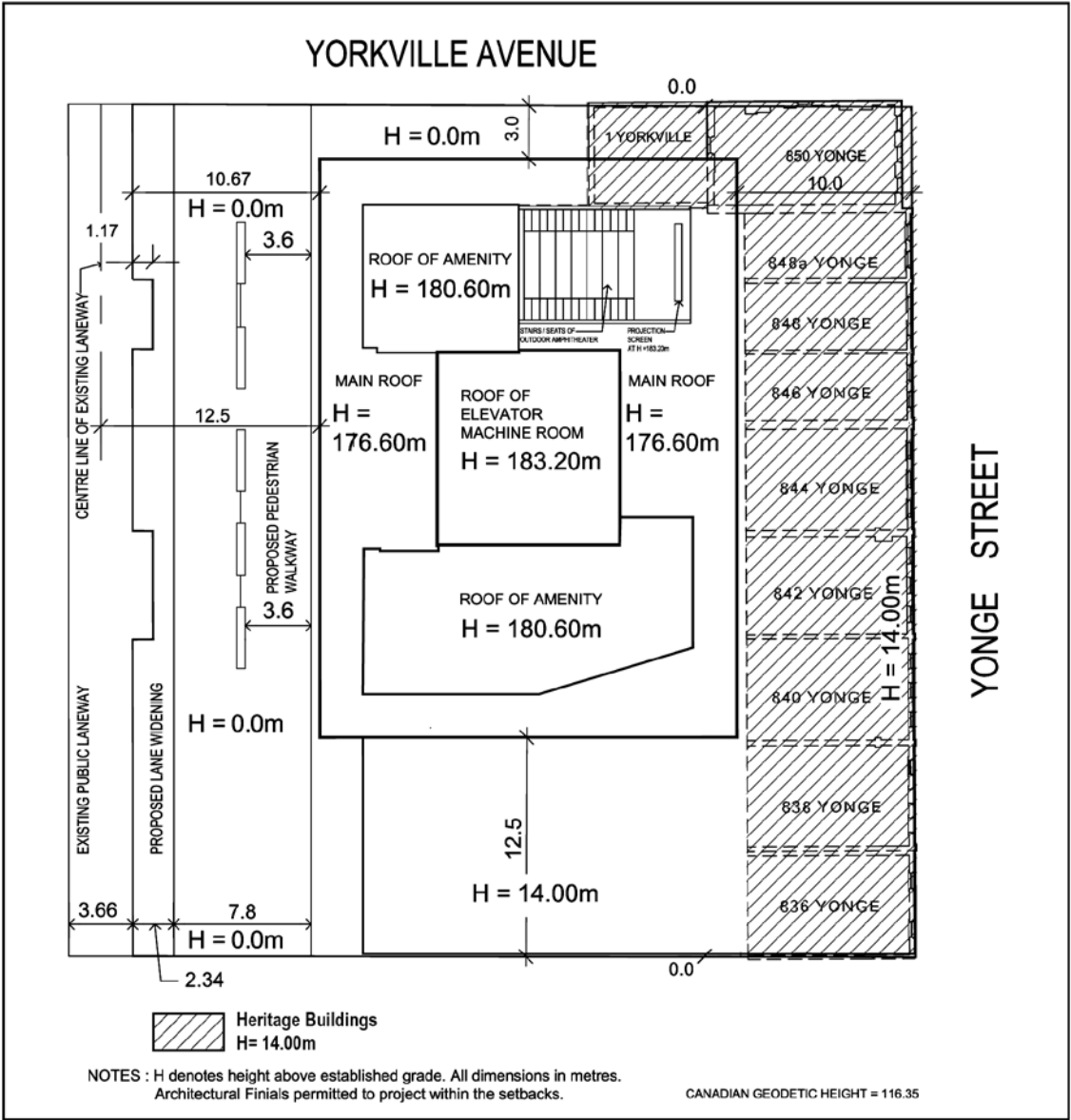


**836 - 850 Yonge Street and 1 - 9A Yorkville Avenue**

**Map 1**

File # 13 246101 STE 27 OZ

↑  
Not to Scale  
03/18/2015



**Attachment 14: Draft Zoning By-law (569-2013)**

**CITY OF TORONTO**

**BY-LAW No. XXX-2015**

**To amend the City of Toronto By-law No. 569-2013, with respect to lands known municipally as 836-850 Yonge Street and 1-9A Yorkville Avenue.**

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. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the Regulations of Zoning By-law No. 569-2013 continue to apply to the lands.
3. Zoning By-law No. 569-2013 is amended by adding Chapter 900.11.10(XXXX) Exception CR 18.5 (c0.87 r17.63) SS1 (x19), as shown on Diagram 1 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 19, so that it reads:

Exception CR 19

Site Specific Provisions:

- (A) None of the regulations of 5.10.40.70, 40.5.40.10(1) and (2), 40.10.40.10(1), 40.10.40.40(1), 40.10.40.50(1), 40.10.40.60, 40.10.40.70(1)(a), 40.10.50.10(1), Table 200.5.10.1, 220.5.10.1, 230.5.10.1 and Table 230.5.10.1(1) will prevent the erection or use of a **building, structure**, addition or enlargement if it complies with By-law XXX-2015:

- (i) any **building** or **structure** erected on the lands must not exceed the height in metres specified by the numbers following the symbol “H” on Diagram 2 of By-law XXX-2015, with the exception of:
  - (a) elevator overruns, mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof;
- (ii) no portions of a **building** or **structure** above ground extend beyond the areas delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, with the exception of:
  - (a) encroachments permitted in Section 40.10.40.60;
  - (b) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, patios, pillars, pergolas, trellises, terraces, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures;
- (iii) the total **gross floor area** of all **buildings** and **structures** must not exceed 40,475.0 square metres, and the **gross floor area** of **buildings** or **structures** occupied by:
  - (a) residential uses symbolized by the letter ‘r’, permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 38,706.0 square metres; and
  - (c) non-residential uses symbolized by the letter ‘c’, permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must not exceed 1,769.0 square metres;
- (iv) a minimum of 10 percent of the total number of **dwelling units** shall have a minimum area of 79.0 square metres and shall contain at least two bedrooms;
- (v) **amenity space** must be provided at a minimum rate of 3.4 square metres for each **dwelling unit**, of which:
  - a. at least 2.0 metres for each **dwelling unit** is indoor **amenity space**;

- b. at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
  - c. no more than 25% of the outdoor component may be a **green roof**.
- (vi) 7 **rental replacement dwelling units**, comprised of 4 one bedroom units and 3 bachelor units shall be contiguous and provided as required pursuant to Schedule A;
- (vii) the **Heritage Buildings** shall be conserved in accordance with the Heritage Easement Agreement registered on title.
- (viii) **Parking spaces** must be provided and maintained as follows:
  - (a) 0.3 residential **parking spaces** for each bachelor **dwelling unit**;
  - (b) 0.5 residential **parking spaces** for each one bedroom **dwelling unit**;
  - (c) 0.8 residential **parking spaces** for each two bedroom **dwelling unit**;
  - (d) 1.0 residential **parking spaces** for each three or more bedroom **dwelling unit**;
  - (e) 0.1 x 35% visitor **parking spaces** for each dwelling unit;
  - (f) No **Parking spaces** are required for non-residential uses symbolized by the letter ‘c’, permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), will be provided and maintained on the lands; and
  - (g) up to 80 of the **parking spaces**, including 4 car share **parking spaces**, may have a minimum width of 2.35 metres, a minimum length of 4.39 metres, and a minimum height of 2.0 metres;
- (ix) A minimum of 327 **bicycle parking spaces** must be provided and maintained on the lands, of which:
  - (a) A minimum of 7 **bicycle parking spaces** shall be allocated for short-term **bicycle parking spaces**; and
  - (b) A minimum of 320 **bicycle parking spaces** must be allocated for long-term bicycle parking spaces and may be located below **grade**; and

- (x) A minimum of one Type “G” **loading space** and one Type “C” **loading space** shall be provided and maintained;
  - (xi) Exception CR(x19) shall apply to all of the lands collectively regardless of future severance, partition or division; and
  - (xii) **Height** is measured from the Canadian Geodetic Datum elevation of 116.35 metres;
- (B) For the purposes of this By-law:
- (i) "**rental replacement dwelling unit**" means a **dwelling unit** which replaces one of the rental units existing at the time of enactment of this by-law, as required pursuant to section 111 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11 and Schedule 1;
  - (ii) "**Heritage Buildings**" means the structures identified on Diagram 2 with a dashed outline and noted as "Heritage Structures To Be Retained"

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2015.

JOHN TORY,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



## Schedule A: Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

### Community Benefits

6. Prior to the issuance of the first above-grade building permit the owner shall provide a cash contribution to the City in the amount of \$4,750,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, Yorkville BIA capital projects, capital improvements to Toronto Community Housing in Ward 27, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
7. Prior to the issuance of the first above-grade building permit, the City at its sole discretion may opt to use any or all of the \$4,750,000 identified in Condition 1, in conjunction with any other funding sources at its discretion, for the purpose of parkland acquisition in the vicinity of the project, such parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation.

### Rental Replacement

8. The owner shall provide and maintain not less than 7 **rental replacement dwelling units**, subject to the following:
  - a. The 7 **rental replacement dwelling units** shall be provided entirely on the lot;
  - b. The 7 **rental replacement dwelling units** shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-Law, with any modifications to the satisfaction of the Chief Planner, subject to the following:
    - (vii) The **rental replacement dwelling units** shall comprise a unit mix of at least three bachelor and four one-bedroom units;
    - (viii) The combined floor areas of the 7 **rental replacement dwelling units** will not be less than 407.2 m<sup>2</sup>, subject to the following:
      - a) The three (3) bachelor units shall be provided at not less than 35.5 m<sup>2</sup>, with one (1) unit being not less than 51.0 m<sup>2</sup>

- b) The four (4) one bedroom units shall be provided with one (1) at not less than 55.0 m<sup>2</sup>, one (1) at not less than 66.0 m<sup>2</sup>, one (1) at not less than 70.0 m<sup>2</sup>, and the final one will be at not less than 90.0 m<sup>2</sup>
- (ix) The 7 **rental replacement dwelling units** shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units. No application may be submitted for condominium or for any other conversion of these units to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
- (x) All of the **rental replacement dwelling units** shall be ready and available for occupancy no later than the date by which 80% of the other dwelling units erected on the lot pursuant to this By-law amendment are available and ready for occupancy;
- (xi) A minimum of 1 bachelor **rental replacement dwelling unit** shall be provided as an affordable **rental replacement dwelling unit** and a minimum of 5 **rental replacement dwelling units** shall be provided as mid-range **rental replacement dwelling units**, subject to the following:
  - a) The owner shall provide and maintain affordable rents charged to the tenants who rents the affordable **rental replacement dwelling unit** during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;
  - b) The owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 5 mid-range **rental replacement dwelling units** during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent times 1.5 for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not

exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;

- c) Rents charged to tenants occupying the affordable **rental replacement dwelling unit** or a mid-range **rental replacement dwelling unit** at the end of the 10 year period set forth in subsections a) and b) above shall be subject only to annual increases which do not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases, so long as they continue to occupy their unit or until the expiry of the rental tenure period set forth in subsection (iii) above with a subsequent phase-in period of at least three years for rent increases; and
- d) Rents charged to tenants newly occupying a **rental replacement dwelling unit** after the completion of the 10 year period set forth in subsections a) and b) will not be subject to restrictions by the City of Toronto under the terms of subsections a) and b).
- e) The owner is entitled to charge an unrestricted rent for 1 one-bedroom unit;

- (xii) A minimum of 7 bicycle parking spaces, and 7 storage lockers shall be made available for the use of the **rental replacement dwelling units** at no extra charge.

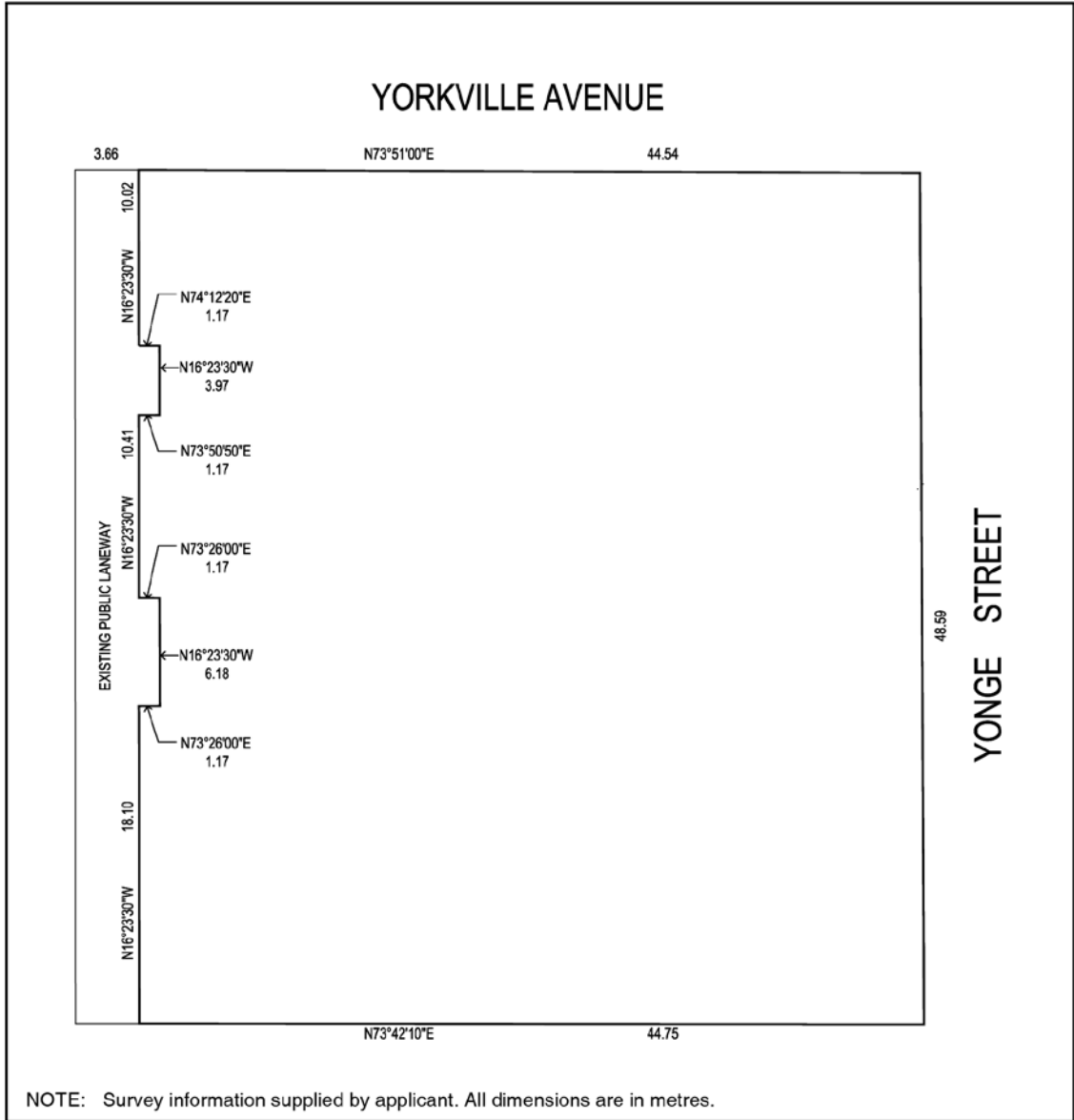
### **Tenant Relocation Assistance**

- 9. The owner shall provide tenant relocation assistance to the tenants of the existing units affected by the demolition, in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner, and Executive Director, City Planning. The assistance shall include at least:
  - a. an extended notice period before having to vacate for demolition;
  - b. the right to return to a **rental replacement dwelling unit**;
  - c. returning tenants will choose their **rental replacement dwelling units** by seniority, with provisions for special needs tenants, if required;

- d. all tenants deemed 'eligible' shall receive financial assistance to assist with relocation beyond the amounts required by provincial legislation, with extra provisions for tenants with special needs.

### **Heritage**

10. The Owner shall enter into a Heritage Easement Agreement for the properties at 836-850 Yonge Street and 1-9A Yorkville Avenue to the satisfaction of the Manager, Heritage Preservation Services.



836 - 850 Yonge Street and 1 - 9A Yorkville Avenue

Diagram 1

File # 13 246101 STE 27 0Z



Not to Scale  
03/18/2015

