

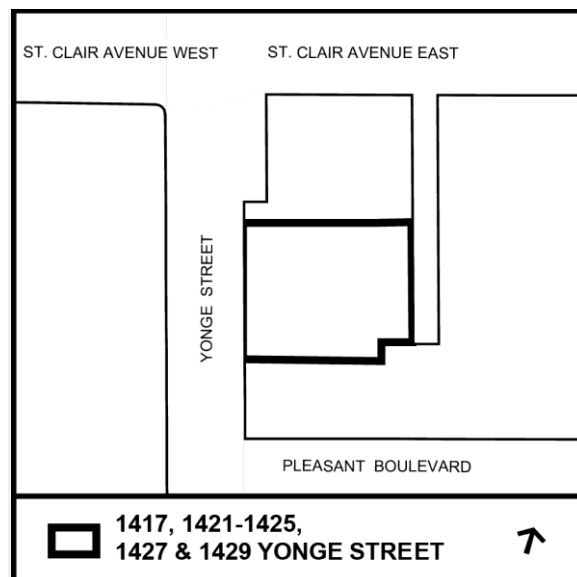
**1417, 1421-1425, 1427 & 1429 Yonge Street – Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition & Conversion Applications – Refusal Report**

<b>Date:</b>	September 18, 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 22 – St. Paul's
<b>Reference Number:</b>	14 268423 STE 22 OZ

**SUMMARY**

This application proposes a 42-storey mixed-use building with 420 residential units, 2 levels of grade-related retail space and 136 parking spaces on 4 levels of underground parking at 1417, 1421-1425, 1427 and 1429 Yonge Street and the demolition of 13 rental dwelling units. The proposed building would have 27,147.5m<sup>2</sup> of residential space, 2,045.8m<sup>2</sup> of retail space, an average floor plate of 695.3m<sup>2</sup> and an overall density of 18.44 times the lot area.

A Rental Housing Demolition and Conversion application was submitted under Section 111 of the *City of Toronto Act* to demolish the 13 existing rental dwelling units at 1423A and 1429 Yonge Street pursuant to Chapter 667 of the Municipal Code and was reviewed concurrently with the Official Plan and Zoning By-law Amendment applications.



This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law. It also recommends that the Rental Housing Demolition and Conversion application be deferred.

This application in its current form is not appropriate for the site. The proposed height, scale, access and relationship with the pedestrian realm do not conform to the Official Plan and are inconsistent with Council-approved guidelines. The proposal is an overdevelopment of the site; and does not represent good planning.

## **RECOMMENDATIONS**

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

1. City Council refuse the application to amend Zoning By-laws Nos. 438-86 and 569-2013 at 1417, 1421-1425, 1427 and 1429 Yonge Street for the reasons outlined in the report (September 18, 2015) from the Director, Community Planning, Toronto and East York District.
2. In the case that the applications are appealed to the Ontario Municipal Board, City Council authorize the City Solicitor and City staff to appear before the Ontario Municipal Board in support of City Council's refusal.
3. City Council authorize City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner and Executive Director, City Planning, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council defer making a decision on Application No. 15 168679 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act* to demolish the 13 existing rental dwelling units at 1423A and 1429 Yonge Street until such time as Zoning By-law and Official Plan amendment applications have been approved for the subject lands.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

Pre-application consultation meetings were held with the applicant on September 17, 2013, June 17, 2014 and November 19, 2014 to discuss complete application submission requirements. Staff also identified issues related to height, density, tower separation, parking supply and outdoor amenity space.

Planning staff reiterated to the applicant the concerns raised in the pre-application meetings and in meetings and discussions held after the application was submitted.

A Preliminary Report on this application was considered by Toronto and East York Community Council at its meeting on April 14, 2015. A copy of the report can be found at: <http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-78356.pdf>

## ISSUE BACKGROUND

### Proposal

The applicant proposes a 42-storey mixed-use building with 420 residential units, grade-related retail and a 4-level underground garage. Four existing two and three-storey mixed use buildings on the site would be demolished. Details of the proposed building are outlined below:

Site Area		1,583 m <sup>2</sup>
Tower Setbacks (to the lot line)	Yonge Street Tamblyn Lane North Property Line South Property Line	3.0 m to 9.0 m 2.45 m 7.82 m 6.82 m
Base Building Setback	Yonge Street Tamblyn Lane North Property Line South Property Line	1.5m 2.45 m 0 m 0 m
Tower Floorplate		695.3 m <sup>2</sup>
Gross Floor Area	Total Residential Non-Residential Total	27,147.5 m <sup>2</sup> 2,045.8 m <sup>2</sup> 29,193.3 m <sup>2</sup>
Floor Space Index		18.44
Number of Units	1-Bedroom Units 2-Bedroom Units Total	272 (65%) 148 (35%) 420
Ground Floor Height		7 m (2-storey retail)
Vehicular Parking (residential:visitor:non-residential)		136 (111:25:0)
Bicycle Parking (residential:visitor: retail)		420 (378:42:0)
Loading Spaces		1 Type 'G'
Residential Amenity Space	Indoor Outdoor Total	983 m <sup>2</sup> 995 m <sup>2</sup> 1,978 m <sup>2</sup>
Building Height		128.45 m (134.45 with mechanical)

The Application Data Sheet can be found in Attachment 5.

## **Site and Surrounding Area**

The rectangular-shaped site is located mid-block south of St. Clair Avenue East on the east side of Yonge Street. The site is comprised of 4 buildings; a one-storey commercial building at 1417 Yonge Street, a three-storey mixed-use building at 1421-1425 Yonge Street containing 12 rental dwelling units on the second and third floors, a two-storey commercial building at 1427 Yonge Street and a two-storey mixed-use building at 1429 Yonge Street containing 1 rental dwelling unit. The site is 1,583m<sup>2</sup> in size, has a frontage of 35.6m on Yonge Street and is approximately 43m in depth. Land uses surrounding the site include:

**North:** Immediately north is a 2-storey mixed-use building. Farther north on the southeast corner of Yonge Street and St. Clair Avenue is a 10-storey office building. On the north side of St. Clair Avenue are office buildings of 14 and 21 storeys. Farther north are 2, 3 and 4-storey mixed use buildings. A development consisting of a 16-storey mixed use building, 37-storey residential building, a series of townhouses and an open space north of St. Clair Avenue on the east side of Yonge Street was approved in 2008, but has not been constructed.

**East:** Across Tamblyn Lane, a semi-private laneway, is the St. Clair subway station. Farther east are residential and office buildings of 10 storeys to 32 storeys. Also to the east are 3-storey townhouses and 4-storey walk-up apartments.

**South:** Directly south is a 5-storey mixed-use building on Pleasant Avenue. Farther south are 2-storey mixed-use buildings on Yonge Street and a 5-storey above-grade parking garage on Pleasant Avenue.

**West:** On the west side of Yonge Street are 2-storey mixed-use buildings and a 14-storey residential building. On the southwest corner of Yonge and St. Clair is a 12-storey office building. Farther west on St. Clair Avenue West are 1, 2 and 3 storey mixed-use buildings and 13-storey office buildings.

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

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

This section of Yonge Street from St. Clair Avenue to Pleasant Boulevard is identified as an *Avenue* on the Urban Structure map (Map 2) of the Official Plan. Generally, mid-rise development is anticipated on *Avenues*.

The site is designated as *Mixed Use Areas* in the Official Plan Map 17 – Land Use Plan. The objective of *Mixed Use Areas* is to allow residents to live, work and shop in the same area and to reduce dependency on automobiles. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed-use buildings.

Not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur in the *Downtown* and development along the *Avenues* will generally be at a much lower scale than the *Downtown* and *Centres*. Yonge-St. Clair is not located within the *Downtown* or a *Centre*.

The Official Plan includes development criteria for *Mixed Use Areas*. Policy 4.5.1 outlines that new 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;
- locate and mass buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks;
- locate and mass buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Chapter Three - Building a Successful City identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Development will be located, organized and massed to fit harmoniously with its existing and/or planned context. Development

will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, and limiting shadow and wind impacts. It also notes that tall buildings are desirable in the right places but they do not belong everywhere and are only one form of intensification. Tall buildings come with larger civic responsibilities and obligations than other buildings and the larger the difference in scale of development the greater the need for transition.

Public Realm policies 3.1.1.5 and 3.1.1.6 outline that city streets are a significant open space that serve pedestrians and vehicles, provide space for trees and landscaping and are public gathering spaces and will be designed to serve that purpose. The policies include criteria for the design of new streets including providing connections with adjacent neighbourhoods, providing access and address for new developments, and creating adequate space for pedestrians, bicycles and landscaping.

Built Form policies in section 3.1.2 outline that new development will:

- be massed and its exterior façade designed to fit harmoniously into its existing and/or planned context and limit its impact on neighbouring streets, parks, open spaces and properties;
- provide space for public utilities and services, trees and landscaping, building access, amenities such as view corridors, sky view and sunlight, and public gathering places;
- create appropriate transition in scale to neighbouring existing and/or planned buildings;
- provide for adequate light and privacy;
- limit any resulting shadow and uncomfortable wind conditions;
- locate taller buildings to ensure adequate access to sky view for the proposed and future use of these areas; and
- provide for the base buildings of tall buildings to give definition and support at an appropriate scale for adjacent streets, parks and open spaces, integrate with adjacent buildings, and minimize the impact of parking and servicing uses.

Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including: meeting the built form principles of the Official Plan; demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed

building and site design relate to the existing and/or planned context; taking into account the relationship of the site to topography and other tall buildings; providing high quality, comfortable and usable publicly accessible open space areas; and meeting other objectives of the Official Plan.

Section 3.2.1 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. Policy 3.2.1.6 requires that new development resulting in the loss of six or more rental housing dwelling units with affordable or mid-range rents will not be approved unless the following are secured:

- ii. at least the same number, size and type of rental housing dwelling units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- ii. for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- iii. an acceptable tenant relocation and assistance plan addressing the right to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

### **Yonge – St. Clair Secondary Plan**

The site is within the Yonge-St. Clair Secondary Plan area generally bounded by Avenue Road to the west, Mount Pleasant Cemetery/Kay Gardiner Beltline to the north, the Moore Park Ravine/Beltline Trail to the east and the CP rail line to the south.

The purpose of the Secondary Plan is to:

- require that redevelopment in *Mixed Use Areas* on Yonge Street and St. Clair Avenue is compatible with the maintenance of adjacent *Neighbourhoods* and *Apartment Neighbourhoods* and improves Yonge Street and St. Clair Avenue as public spaces;
- retain, protect and enhance the special physical character and public spaces of the Yonge-St. Clair Secondary Plan area; and
- ensure that new development meets high urban design standards which contribute to achieving public areas which are attractive, inviting, comfortable and safe.

Urban Design and Built Form principles of the Secondary Plan include that:  
"buildings will achieve a harmonious relationship to their built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading."

The site is located primarily within the *Mixed Use Areas* 'B' designation in the Secondary Plan, which is south of the *Mixed Use Areas* 'A' designation adjacent to the Yonge/St. Clair intersection. The *Mixed Use Areas* 'B' designation has performance criteria including: a lower density than *Mixed Use Areas* 'A'; 5 hours of sunlight on the opposite sidewalk during the period from March 21 to September 21; avoidance of continuous building walls above the base building; a minimum 3 metre setback from Yonge Street; stepping of heights; architectural quality on all building facades; and a maximum height of 30 metres, provided the building complies with the policies and design principles of the Secondary Plan.

Policy 5.7 of the Secondary Plan recognizes the potential for the height and/or density to exceed the limits of the Zoning By-law subject to the following criteria: encouraging an active, comfortable and safe public environment on all streets; avoiding a continuous building wall above the base building; providing a minimum setback from Yonge Street; stepping of building massing; meeting the sunlight objectives; providing architectural quality and detail on exposed facades, and locating entrances on Yonge Street.

### **Tall Building Design Guidelines**

In 2013, Toronto City Council adopted city-wide Tall Building Design Guidelines and directed Planning staff to use them to evaluate tall buildings. The Guidelines establish a unified set of performance measures to ensure that proposed tall buildings fit their context and minimize local impacts. The Guidelines implement the Official Plan Policies regarding fit and transition in scale; sunlight and sky view; the pedestrian realm; base building height and scale and separation distances between buildings. Among other matters, the Guidelines ask that base buildings be aligned with the existing street wall and that building towers have a minimum 25 metre separation between buildings, with each adjacent site responsible for providing a minimum 12.5m setback.

### **Zoning**

The site is zoned CR 4.25 in Zoning By-law 569-2013. This zone permits a variety of residential and commercial uses, a maximum density of 4.25 times the lot area, and a maximum height of 30m. The site is subject to parking policy area 3.

The site is also subject to former City of Toronto Zoning By-law 438-86. It is zoned CR which permits residential and commercial uses, a maximum density of 4.25 times the lot area and a maximum height of 30m. Zoning By-law 438-86 also contains exception 12(2)262 that limits the use of the subject site, requires an angular plane, and sets the base height for calculating the angular plane.

### **Site Plan Control**

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

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

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's rental housing policies.



The By-law prohibits demolition or conversion of rental dwelling units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental dwelling units or where there is a related application for a Zoning By-law amendment require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued.

Council approval of demolition under Section 33 of the *Planning Act* is required where six or more residential dwelling units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*. The By-law provides for the co-ordination of all the approval authorities needed for the demolition of the rental housing. When there is an application for rezoning as well as an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time after receiving a joint report from Community Planning and policy staff. Unlike Planning Act applications, decisions made by the City under Chapter 667 are not appealable to the Ontario Municipal Board.

### **Reasons for Application**

An Official Plan Amendment is required because the proposal does not comply with policies of the Official Plan and Yonge-St. Clair Secondary Plan regarding height, setbacks and public realm enhancements on Yonge Street.

A Zoning By-law Amendment is required because the proposal does not comply with certain standards, including height and density. The proposed density of 18.44 exceeds the maximum total density of 4.25 times permitted by both Zoning By-laws. At 42 storeys and 128.45m in height, the proposed building exceeds the maximum 30m height limit contained in both Zoning By-laws.

### **Community Consultation**

Staff held a community consultation meeting on June 24, 2015 to receive community feedback on the proposal. Approximately 150 people attended the meeting.

Some of the concerns raised were:

- Height
  - Not reflective of area context;
  - Not in keeping with the character of the area or the policies in the Official Plan, Secondary Plan and Tall Building Guidelines;
  - Other tall buildings in the area were built prior to good design principles and should not be used as valid comparisons.

- Density and Massing
  - Density is too high - similar to Yonge/Eglinton where the policies are different;
  - Setbacks are insufficient on such a tight site, resulting in the feeling of a large sheer wall on Yonge Street;
  - Site is too small to accommodate such a large building.
  
- Public Realm
  - Public realm along Yonge Street is lacking and there is no "breathing room" on site;
  - Other proposals in the area have provided on-site open space and reduced height at Yonge Street;
  - Proposed building design projects towards Yonge Street, making the sidewalk narrower.
  
- Site Entrance
  - Rear lane is already narrow and shared with other buildings;
  - Conflicts would arise from service vehicles, garbage trucks, taxis, delivery trucks and cars turning onto St. Clair where the streetcar line runs.
  
- Fine Grain Retail
  - Would be replaced by large scale retail which is not the character of the area and might have an impact on the local businesses.
  
- Land Use
  - Already a significant amount of residential in the area. Office, or combination, would better suit the community.

No tenant consultation on the proposed Rental Housing Demolition and Conversion application per Chapter 667-14 of the Toronto Municipal Code has been held to date.

### **Agency Circulation**

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

### **COMMENTS**

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

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation".

Policy 1.5.1 of the PPS includes "a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity." The application is not consistent with the

public spaces policies of the PPS and does not conform to the public realm policies of the Official Plan.

The application does not conflict with the Growth Plan for the Greater Golden Horseshoe.

The application does not have regard to Section 2 of the *Planning Act* as it does not adequately or appropriately address current planning issues on the site.

### **Height, Massing and Density**

The building is proposed to be 42 storeys and 128.45 metres in height. The proposed setbacks are 1.5 metres on the Yonge Street frontage and 2.45 metres to the lane at the rear, with zero side setbacks. Minimal stepbacks of 3 metres to 9 metres are proposed at the 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup> and 42<sup>nd</sup> floors at the front of the building. The proposed density is 18.44 times the lot area.

Chapter 3 of the Official Plan calls for development to be located, organized and massed to fit harmoniously with its existing and/or planned context. Development, among other matters, will limit its impact on neighbouring properties, streets and the public realm by respecting street proportions, creating appropriate transitions in scale and provide adequate light and privacy. Policy 3.1.3.2 states that tall buildings will demonstrate how the proposed building and site design relate to the existing and/or planned context.

Chapter 4 of the Plan addresses development in *Mixed Use Areas*. Policy 4.5.2 requires that development provide transition through means such as appropriate setbacks and stepping down of heights and to locate and mass new buildings to frame the edges of streets with good proportions.

The Yonge-St. Clair Secondary Plan Policy 3.2 states that buildings will achieve a harmonious relationship to their built form context through building height, massing, setbacks, stepbacks, roof line and profile, architectural expression and vehicle access and loading.

The Tall Building Design Guidelines complement the above policy framework as an implementing tool of Official Plan policy. They call for tall buildings to provide an appropriate transition in scale, including base buildings that relate directly to the height and typology of the existing or planned streetwall context; provide greater setbacks to improve pedestrian amenity; tower floor plate size of 750m<sup>2</sup> or less; have towers that are placed away from the street and neighbouring properties; and provide a separation distance of 12.5 metres.

#### **Height**

The proposed building is located mid-block on a small site. There is no demonstration that the building and site design fit the existing or planned context. The proposed height both exceeds any existing development in the surrounding area and what is contemplated in the Secondary Plan.

The Secondary Plan identifies this site as largely within *Mixed Use Area B*, which envisions a lower scale mid-rise building.

The applicant submitted a "soft site" analysis of 7 sites in the vicinity. This analysis largely focuses on building height, including massing models of each, to support the proposed development. Of the 7 soft sites, 3 have the most direct impact on the subject site.

**Soft Site 4:** Located north of the subject site at the southeast corner of Yonge Street and St. Clair Avenue East. The applicant suggests that the site could accommodate a 45-50 storey building with an FSI of 26.9 times the lot area. In this scenario, the applicant is proposing to use the two-storey retail building at 1431 Yonge Street as the buffer and 6.3 metre separation distance between the subject site and the soft site tower.

The Secondary Plan shows this soft site fully within the *Mixed Use Area 'A'* where the greatest height should be located. The proposed soft site height is not dissimilar to the development proposal. This suggests that the proposed height at the subject site is not appropriate and does not fit within the planned context of the area. This configuration on the soft site sterilizes the development potential of 1431 Yonge Street. Additionally, using this sterilized site as the separation distance to the subject site is not reflective of or aligned with the policies in the Official Plan or Tall Building Design Guidelines.

**Soft Site 5:** Located directly south of the subject site at the northeast corner of Yonge Street and Pleasant Boulevard. The site is within the *Mixed Use Area 'B'* portion of the Secondary Plan. The applicant's analysis indicates this is a mid-rise site and could accommodate a 12-storey building with an FSI of 6.5 times the lot area. In this scenario, the transition of building height would occur primarily on the soft site. The drastic difference in height from 42 storeys to 12 proposed storeys indicates that the subject site is too small to support a tower of its proposed size within the existing and planned context. There would be no transition in scale as required by the Official Plan, Secondary Plan and Tall Building Design Guidelines.

**Soft Site 3:** Located on the southwest corner of Yonge Street and St. Clair Avenue West. The site is within the *Mixed Use Area 'A'* portion of the Secondary Plan. The applicant's analysis indicates that the soft site could accommodate a 35-40 storey building with an FSI of 18 times the lot area. In this scenario the building is lower in height than the other soft site located in the same policy area, and directly across Yonge Street, and is lower than the proposed building on the subject site. The analysis of this soft site further indicates that the proposal for the subject site does not reflect the existing or proposed context.

Overall, the soft site analysis provided by the applicant, does not support the proposed height and density of the development proposal. In the opinion of Planning staff, it demonstrates the imbalance in scale of the proposed building to existing and potential buildings on adjacent properties.

The proposed height does not reflect the policy framework that applies to the site. It limits the development potential on adjacent sites within the block, as outlined in the Official Plan and Secondary Plan. The proposed building height represents overdevelopment of the site and does not represent good planning.

### **Massing**

The proposed massing of the building dominates the site and its surroundings. Minimal setbacks and stepbacks provide no significant visual relief. The building is set back 1.5 metres from Yonge Street which creates a sheer streetwall for 7 storeys. The base building and resulting streetwall do not relate to the height and typology of the existing streetwall along Yonge Street which are typically two and 3 storeys. Additionally, the minimal setback to Yonge Street negatively impacts the pedestrian realm. The proposed step backs are minimal and infrequent, thereby not achieving visual and physical relief from the bulk of the building.

The Tall Building Design Guidelines recommend that towers be separated by a minimum distance of 25 metres to achieve sufficient light, views and privacy for proposed towers, and to secure light, views and privacy for adjacent existing and/or potential tower sites. The proposed tower setbacks of 7.8 metres to the north and 6.8 metres to the south do not meet the Tall Building Design Guidelines. The subject site is too small to accommodate the minimum 12.5 metres tower setback to the north property line. The Guidelines explain that if it is not feasible to construct a tower on a site after applying these setback and stepbacks, the site may be too small for a tall building, which is the case in this instance.

The proposed tower will negatively impact the development potential of the adjacent properties to the north and south. The proposed setback and separation distances would create an inappropriate condition that would need to be addressed on adjacent lands if they are developed. There is no overarching policy framework in the Secondary Plan that suggests reduced separation distances are appropriate.

The Official Plan, Secondary Plan and Tall Building Design Guidelines all speak to transition and outline the importance of the way a building is designed to fit its existing and planned context. The proposed building does not provide appropriate transition in scale to neighbouring buildings either by way of setbacks, stepping down of heights or providing good proportions. The proposed separation distances are insufficient for appropriate light, view and privacy. The proposed building massing represents overdevelopment of the site and does not represent good planning.

### **Density**

The proposed density is a reflection of excessive height, massing and built form. The density of 18.44 times the lot area indicates that the building is too large for this small site.

The height and massing, including setbacks and stepbacks, the minimal transition and the density of the proposed building do not fit the existing or planned context. The building does not provide appropriate transition in scale to neighbouring buildings or transition between areas of different development intensity and scale. The height of both the proposed tower and base building do not achieve a harmonious relationship to the built form context, including the low scale retail character of Yonge Street. The pedestrian realm is negatively impacted by the inadequate setbacks and the overall building. Additionally, the proposed building has negative implications for development on the rest of its block and no mitigative measures have been presented.

The proposal does not fit its existing and planned context. It does not conform with the policies of the Official Plan and Secondary Plan, nor meet the Tall Building Design Guidelines. The proposal is not appropriate for the site, and does not represent good planning.

### **Public Realm and Streetscape**

The building has a proposed setback to Yonge Street of 1.5 metres and structural columns of the base building adjacent to the setback.

Public Realm policy 3.1.1.6 calls for sidewalks and boulevards to be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Public streets and boulevards should work with landscaped setbacks and ground floor uses to provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians, as required by Built Form Policy 3.1.2.5 of the Official Plan. New development should be located and organized to frame and support adjacent streets to improve safety and pedestrian interest by generally locating buildings parallel to the street with a consistent front yard setbacks, as required by Policy 3.1.2.1 of the Official Plan. Policy 3.1.2.5 further states that this should be done by providing improvements to adjacent boulevards and sidewalks as well as providing co-ordinated landscape improvements in setbacks to create appropriate transitions between private and public realms. The Tall Building Design Guidelines seek a minimum of 6 metres of boulevard space from the curb to the edge of the building.

The proposed setback, location of base building columns and lack of coordinated landscaping do not create an attractive or comfortable pedestrian realm. The proposed building does not meet the Secondary Plan requirement for setback from Yonge Street, nor the Tall Building Design Guideline of 6 metres. The proposed building would add a significant amount of retail to the first and second storeys and a 1.5 metre setback prevents appropriate transitions between the private and public realms.

The proposed building does not reflect the retail scale and character of Yonge Street and negatively impacts the pedestrian realm by providing a substandard setback with further encroachments due to its building design.

### **Site and Vehicular Access**

Vehicular access to the building is proposed off a rear laneway that comes from St. Clair Avenue East, and dead-ends at the south end of the building. The garbage loading, servicing and vehicular activity would all occur at the rear of the site on the lane.

The *Mixed Use Areas* policies speak to new developments providing good site access and circulation and an adequate supply of parking for residents and visitors. Secondary Plan policy 3.1.5 outlines that the improvement of the existing lane system in the area and the introduction of new lanes are encouraged to serve new development. The Secondary Plan also states that new development should minimize pedestrian/vehicle conflicts in the design and location of parking and servicing areas for vehicles.

The access to the lane from St. Clair Avenue East is less than 10 metres from the inbound streetcar track at the adjacent TTC station. The TTC has indicated it would not allow a left turn in or out of the lane onto St. Clair Avenue East and as such, all outbound traffic would be directed east.

The existing lane is shared by a number of buildings fronting on Yonge Street. The proposal would increase the use of the lane significantly due to the large amount of retail and residential units proposed. As a result, there are potential conflicts between pedestrians and service and other vehicles. The application does not propose any improvements to the existing lane system to minimize pedestrian/vehicle conflicts, in accordance with the Secondary Plan. The proposal creates additional issues that have not been resolved. The potential conflicts and the adequacy of the lane for all vehicular and servicing functions have not been addressed.

### **Parking, Loading and Servicing**

Engineering and Construction Services has indicated that the proposal does not provide sufficient parking or loading. A minimum of one Type G, one Type B and one Type C loading spaces are required. One Type G space is proposed.

EC&S has also indicated that it does not have sufficient information regarding the proposed design to assess how vehicles will enter and exit the site and the loading spaces from the lane.

There are a number of outstanding issues regarding the servicing of the site and the Functional Servicing Report that was submitted. These have not been addressed.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The site is in an area with 0 to 0.42

hectares of local parkland per 1,000 people, which is the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 5,600 m<sup>2</sup> or 353.76 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 149.42 m<sup>2</sup>.

Parks, Forestry & Recreation staff has indicated that the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu.

### **Toronto Green Standard**

The Toronto Green Standard is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

### **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

There have been no discussions with the applicant regarding community benefits. In the event that this application is brought before the Ontario Municipal Board (OMB), and the OMB is in the position to grant additional density and/or height beyond that permitted in Zoning By-law 438-86, as amended, the City should request that the OMB withhold its final order until the City has secured the appropriate community benefits under Section 37.

Community improvement priorities in the vicinity of the site include streetscape improvements on Yonge Street, local parkland improvements and other community improvement.

### **Rental Housing**

The group of related buildings at 1417-1429 Yonge Street currently contain a total of 13 rental dwelling units; 6 one-bedroom dwelling units and 7 two-bedroom dwelling units. Based on information submitted by the applicant, the site contains 7 rental dwelling units with affordable rents and 6 rental dwelling units with mid-range rents. At the time of application, all 13 units were occupied.



The applicant's rental replacement proposal and Tenant Relocation and Assistance Plan as described within the Housing Issues Report submitted on June 4, 2015, meets the general intent of the City's Official Plan housing policies. The applicant has proposed to replace all existing rental dwelling units with units of approximately the same size and type; secure the replacement rental dwelling units for at least 20 years; restrict the rents for all replacement rental dwelling units for a period of at least 10 years, and to provide an acceptable Tenant Relocation and Assistance Plan.

As the redevelopment proposal is not in the public interest and in light of the fact that a tenant meeting has not been held under Chapter 667, it is premature to deal with the Section 111 permit at this time.

## **Conclusion**

The proposal represents overdevelopment of the site. It does not reflect the City's policies in the Official Plan on development in *Mixed Use Areas*, Built Form, Public Realm or the Secondary Plan. It is inconsistent with the City's Tall Building Design Guidelines. It will negatively impact the pedestrian realm and create an unfavourable condition on the site by failing to mitigate the impacts of its proposed layout, organization and built form. For these reasons, the proposal is not good planning. City Planning recommends that City Council refuse the application.

## **CONTACT**

Emily Rossini, Planner  
Tel. No. 416-397-4648  
E-mail: erossin@toronto.ca

## **SIGNATURE**

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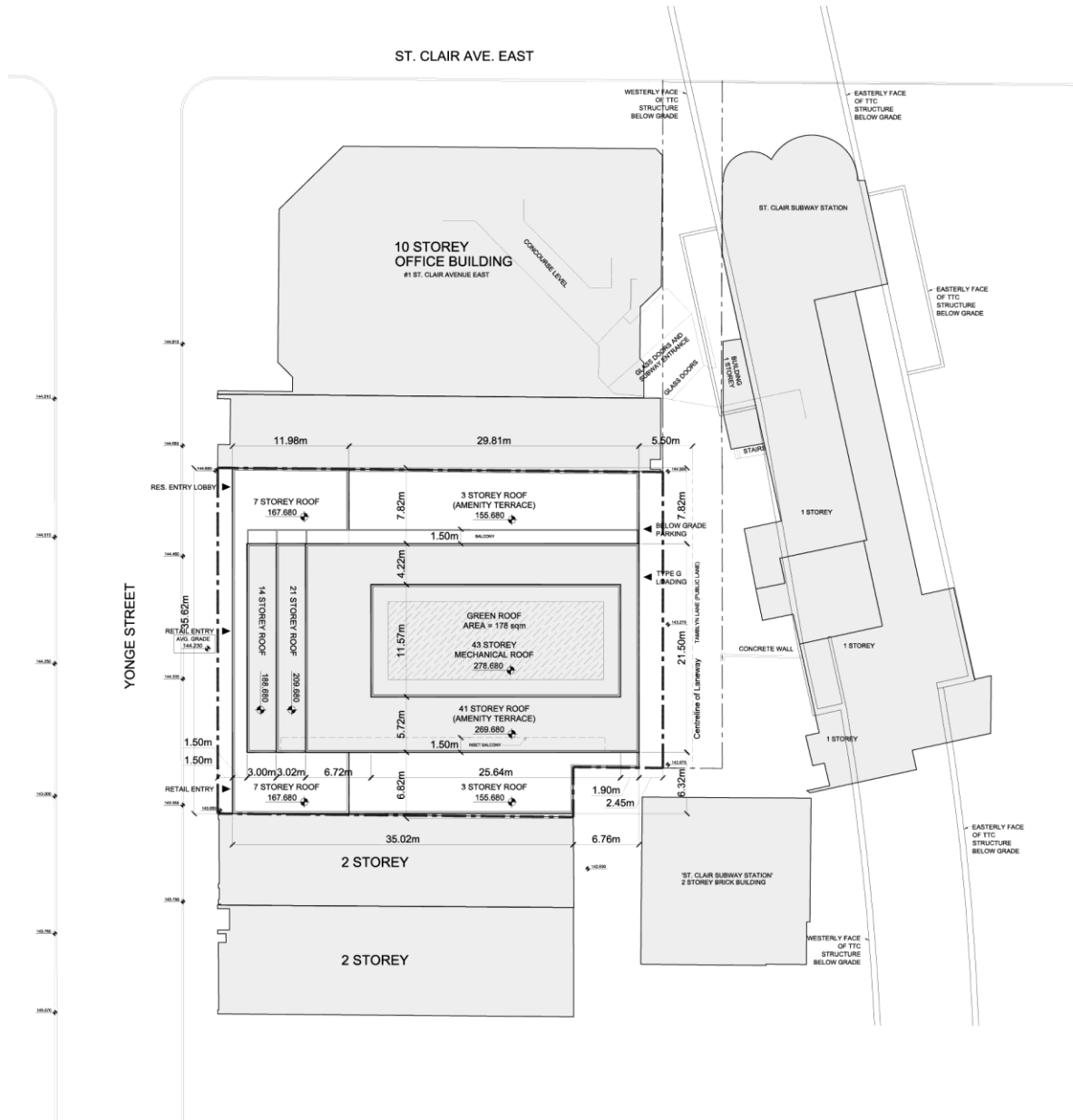
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

(P:\2015\Cluster B\pln\TEYCC\24320217081.doc) - vc

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Secondary Plan Mixed Use Areas Map  
Attachment 6: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

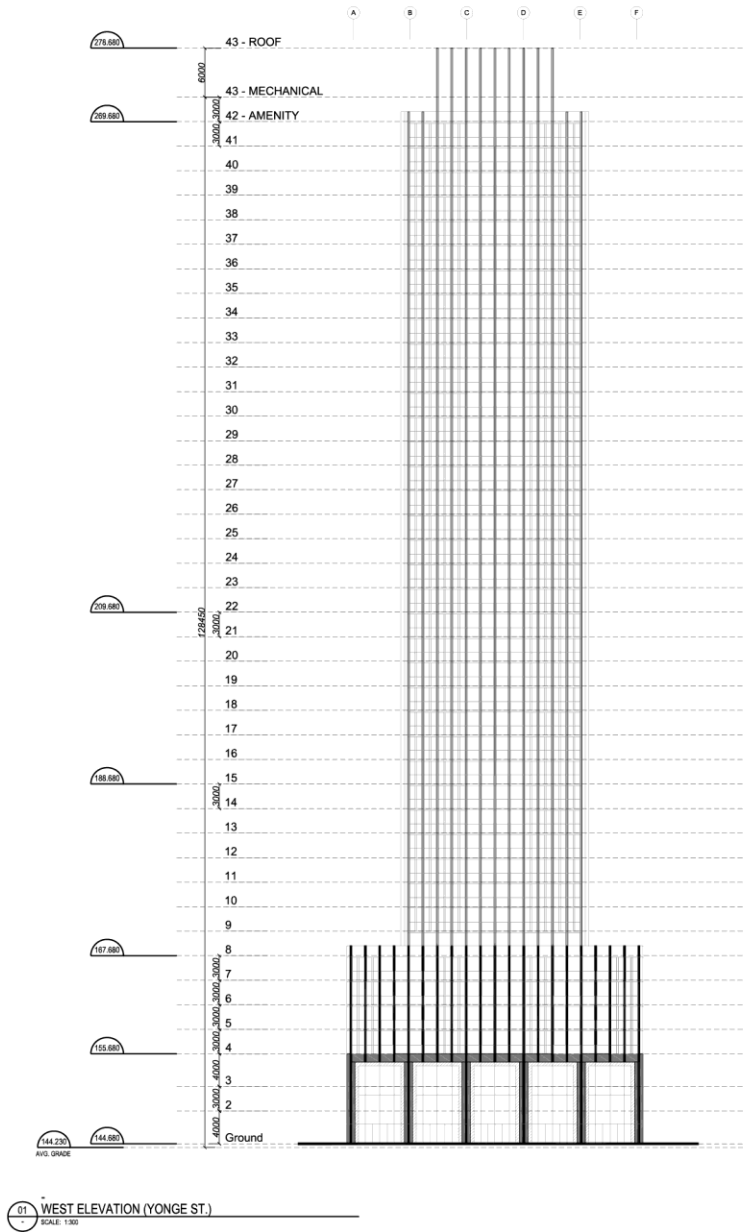
1417, 1421-1425, 1427 & 1429 Yonge Street

Applicant's Submitted Drawing

Not to Scale 

File # 14\_268423\_STE 22 0Z

## Attachment 2: Elevations



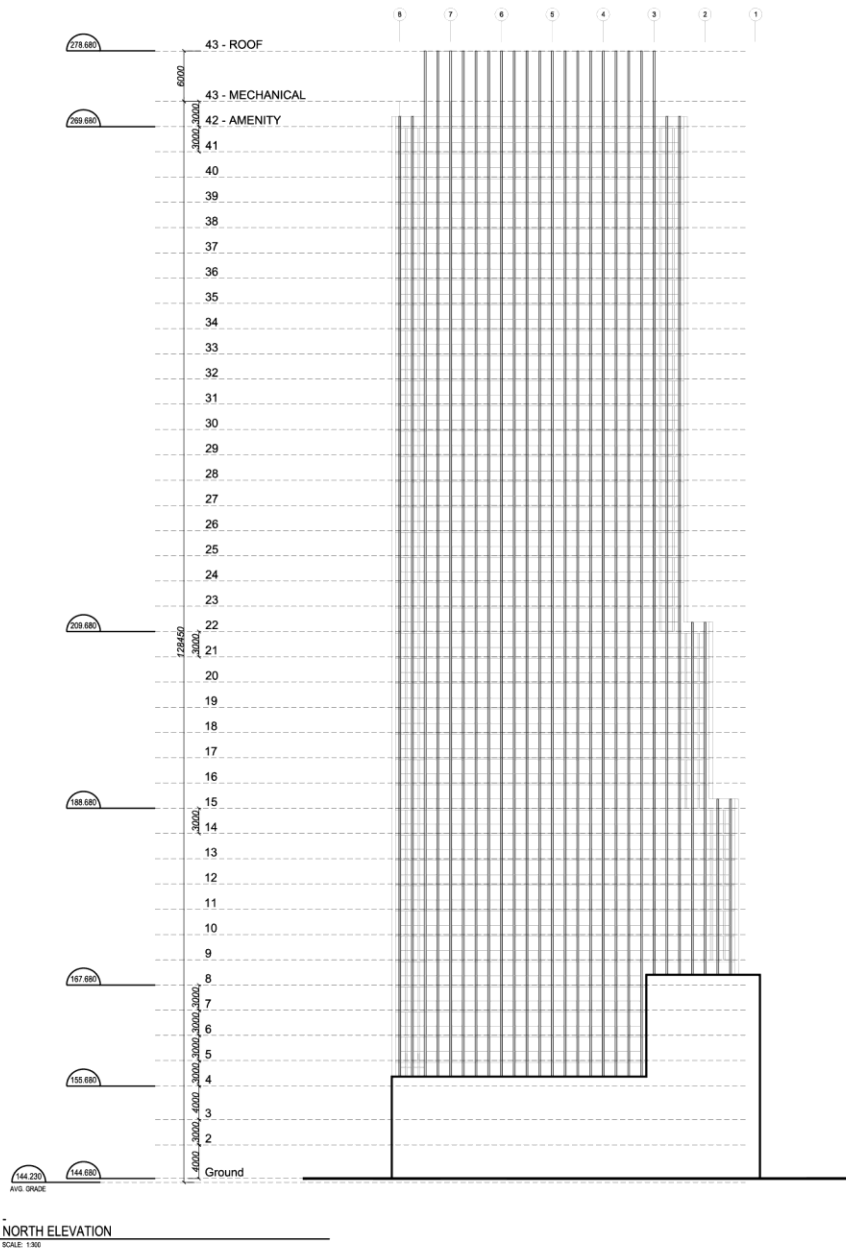
### West Elevation

1417, 1421-1425, 1427 & 1429 Yonge Street

Applicant's Submitted Drawing

Not to Scale  
02/04/2015

File # 14\_268423\_STE 22 0Z



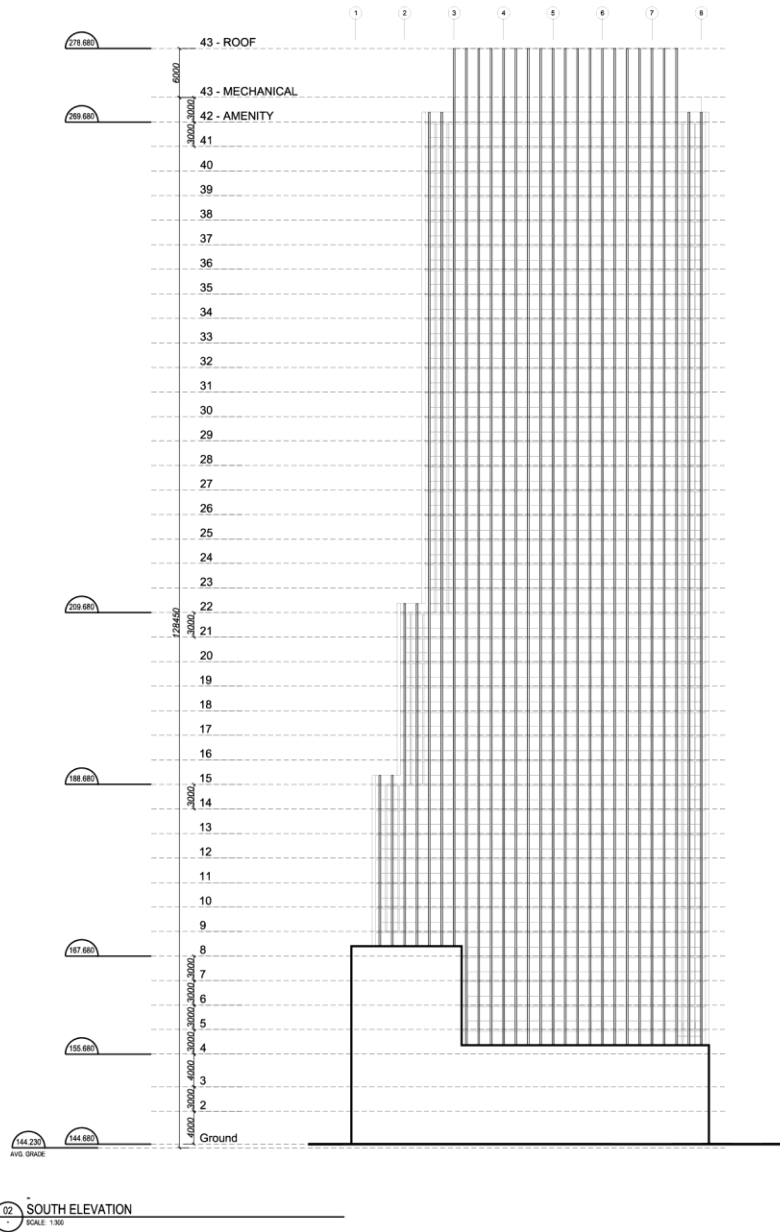
**North Elevation**

**1417, 1421-1425, 1427 & 1429 Yonge Street**

Applicant's Submitted Drawing

Not to Scale  
02/04/2015

File # 14\_268423\_STE 22 0Z



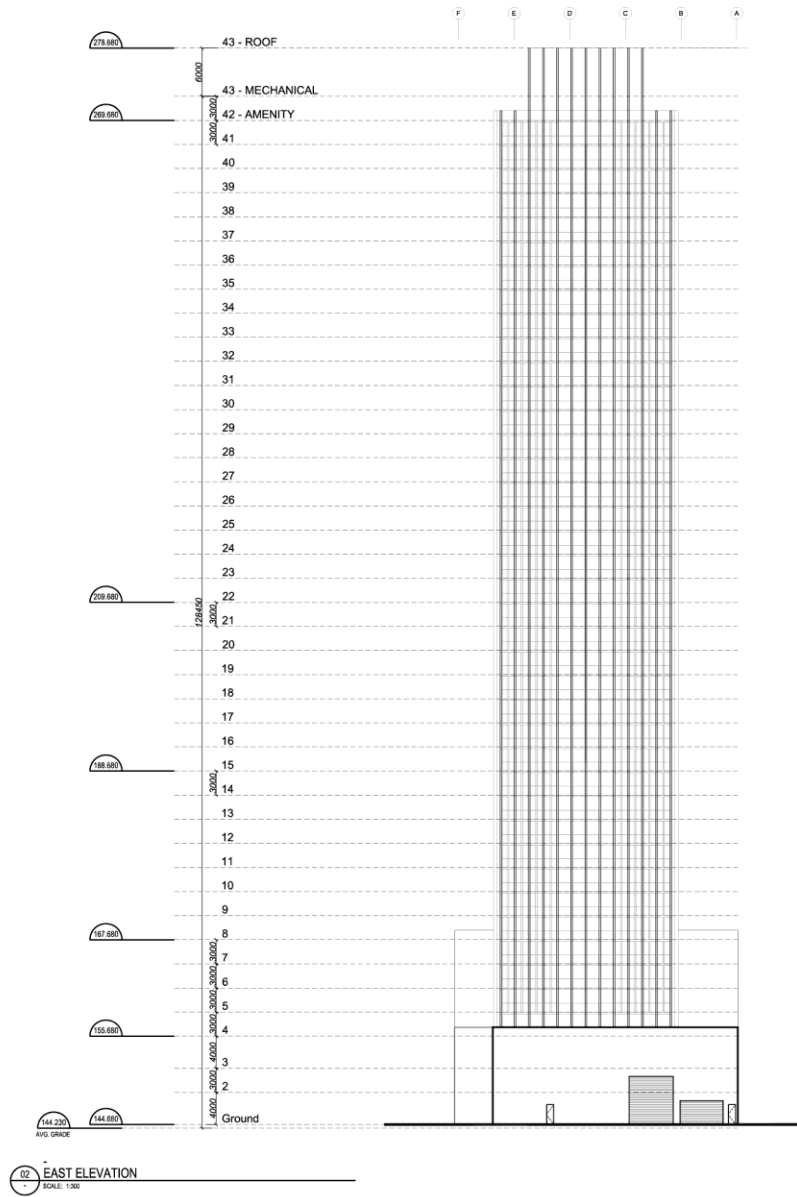
**South Elevation**

**1417, 1421-1425, 1427 & 1429 Yonge Street**

Applicant's Submitted Drawing

Not to Scale  
02/04/2015

File # 14\_268423\_STE 22 0Z



**East Elevation**

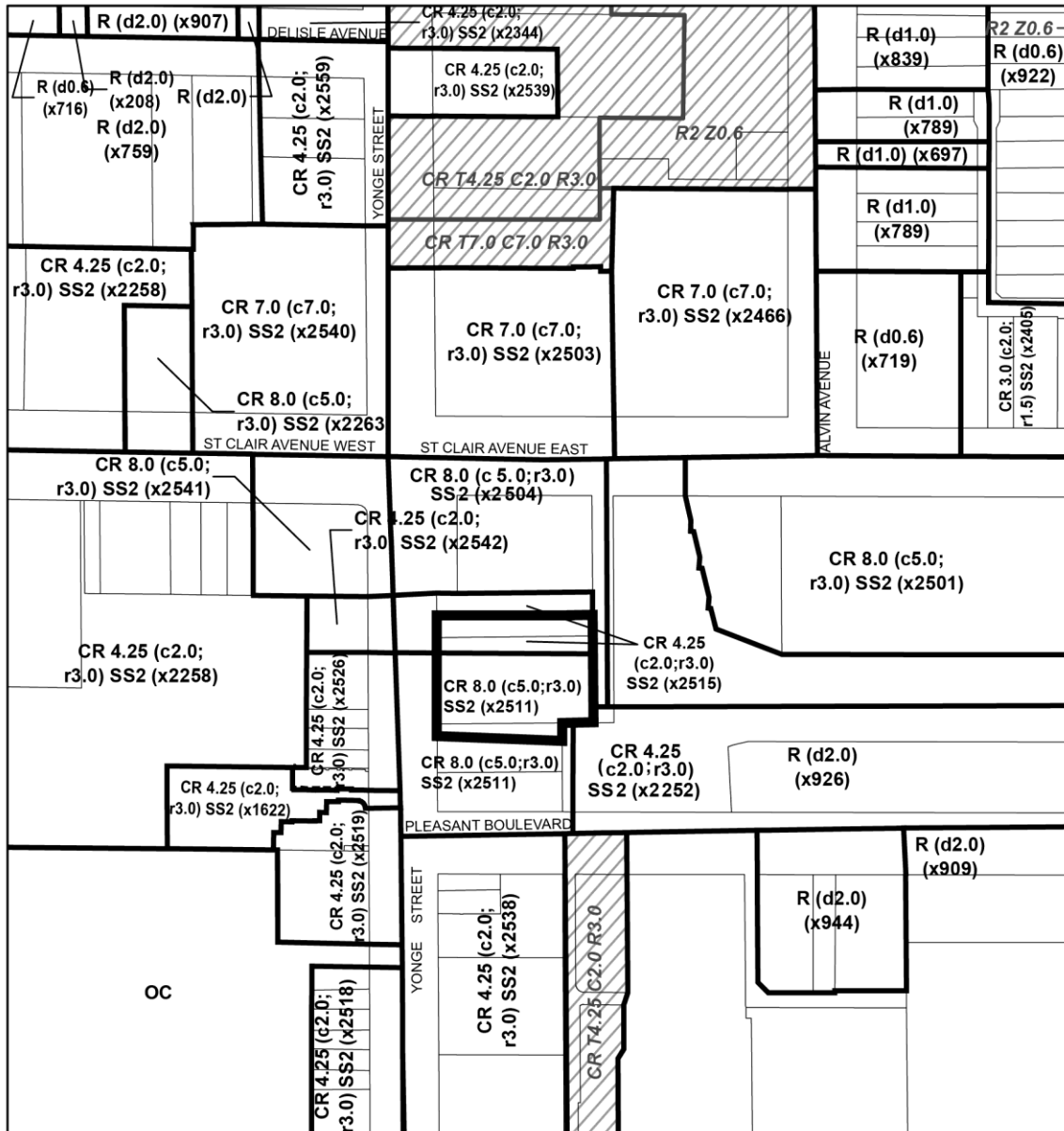
**1417, 1421-1425, 1427 & 1429 Yonge Street**

Applicant's Submitted Drawing

Not to Scale  
02/04/2015

File # 14\_268423\_STE 22 OZ

### Attachment 3: Zoning



Zoning By-Law No. 569-2013

1417, 1421-1425, 1427 & 1429 Yonge Street

File # 14 268423 STE 22 02

Location of Application

R Residential  
CR Commercial Residential  
OC Open Space Cemetery

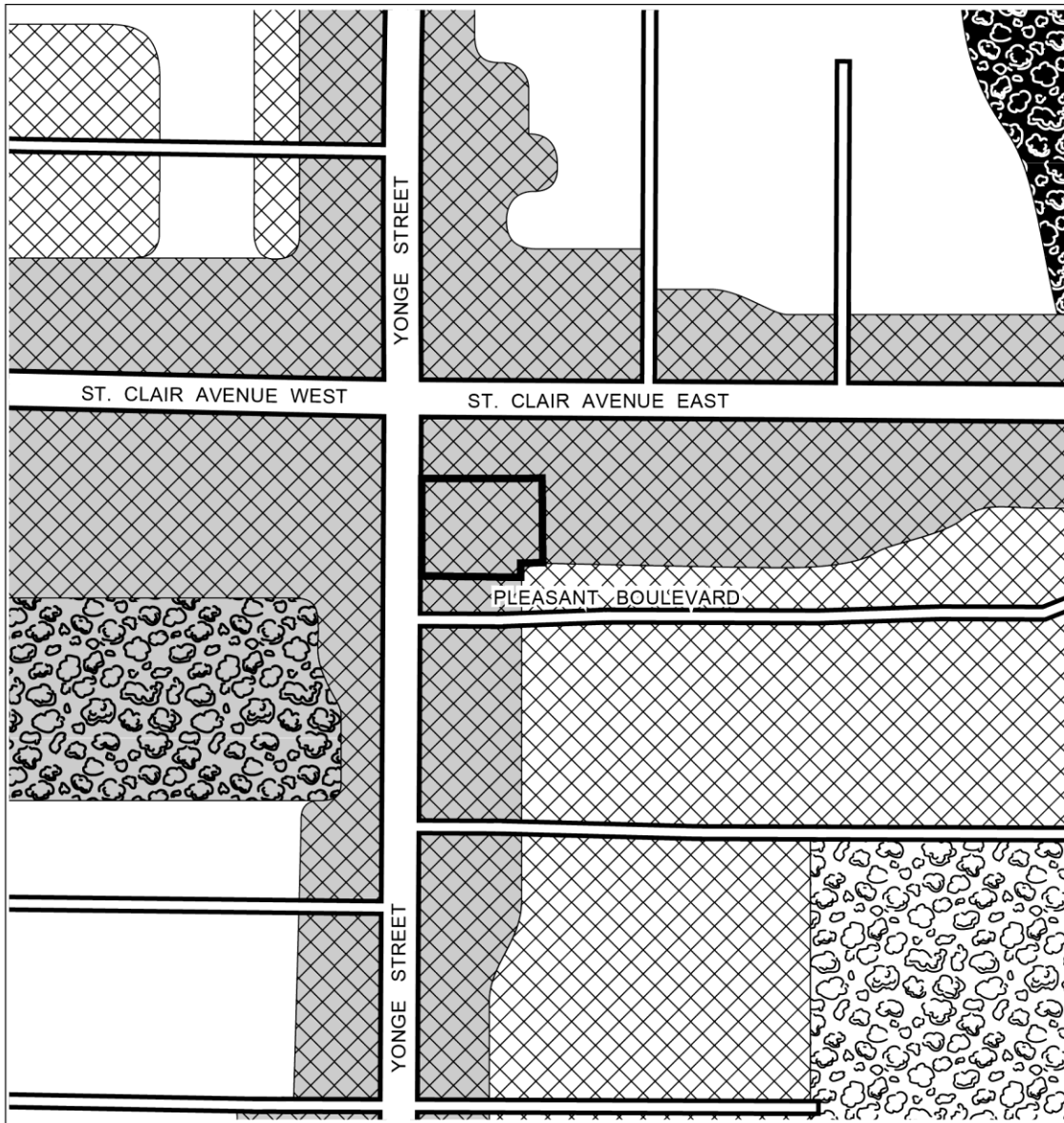
See Former City of Toronto By-Law No. 438-86

R2 Residential District  
CR Mixed-Use District



Not to Scale  
Extracted: 09/22/2015

## Attachment 4: Official Plan



**TORONTO** City Planning  
**Official Plan**

**1417, 1421-1425, 1427 & 1429 Yonge Street**

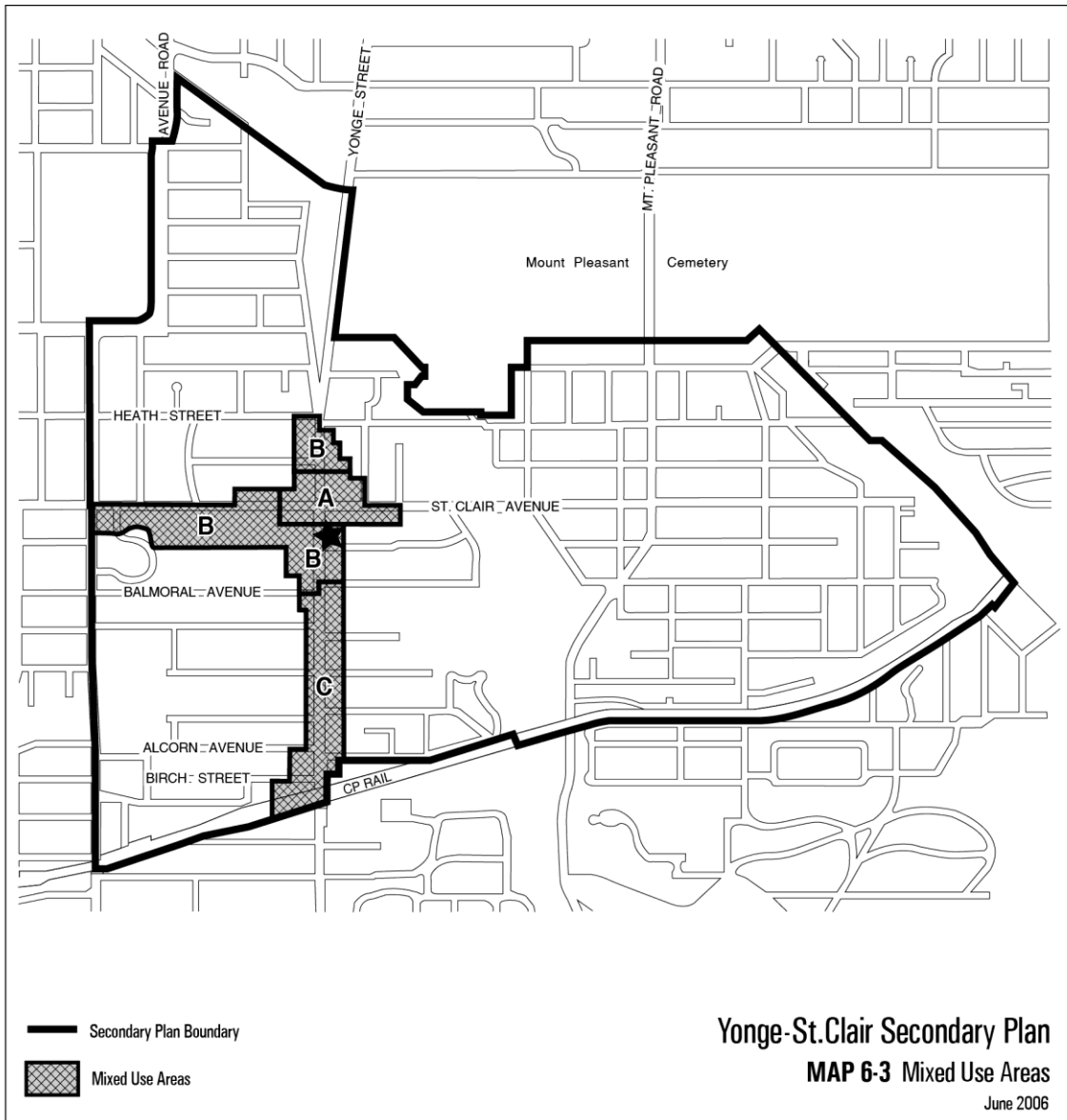
File # 14\_268423 STE 22 0Z



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 02/04/2015



Attachment 5: Secondary Plan Mixed Use Areas Map



1417, 1421-1425, 1427 & 1429 Yonge Street

Yonge-St.Clair Secondary Plan

File # 14\_268423 STE 22 0Z

★ SUBJECT SITE

  
 Not to Scale  
 09/22/2015

## Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	14 268423 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 30, 2014
Municipal Address:	1421 YONGE ST		
Location Description:	**GRID S2211		
Project Description:	42-storey mixed-use building with 420 residential units and commercial space on the 1st and 2nd floors and 4 levels of underground parking with 136 parking spaces.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Calvin Lantz, Stikeman Elliott LLP. 5300 Commerce Court West, 199 Bay Street, Toronto, ON, M5L 1B9	Calvin Lantz, Stikeman Elliott LLP. 5300 Commerce Court West, 199 Bay Street, Toronto, ON, M5L 1B9	Wallman Architects. 30 Duncan St, Toronto, ON M5V 2C3	Terracap Management Inc. 100 Sheppard Ave E. North York, M2N 6N5

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: Y – 438-86 (12(2)262)
Zoning:	CR 4.25	Historical Status: N
Height Limit (m):	30	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	1583	Height:	Storeys:	42
Frontage (m):	35.62		Metres:	134
Depth (m):	45.73			
Total Ground Floor Area (sq. m):	937.6			<b>Total</b>
Total Residential GFA (sq. m):	26436.6		Parking Spaces:	136
Total Non-Residential GFA (sq. m):	2008.3		Loading Docks	1 – Type 'G'
Total GFA (sq. m):	28444.9			
Lot Coverage Ratio (%):	59.2			
Floor Space Index:	18.44			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	272
2 Bedroom:	148
3 + Bedroom:	0
Total Units:	420

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	26436.6	0
Retail GFA (sq. m):	2008.3	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Emily Rossini, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 397-4648</b>