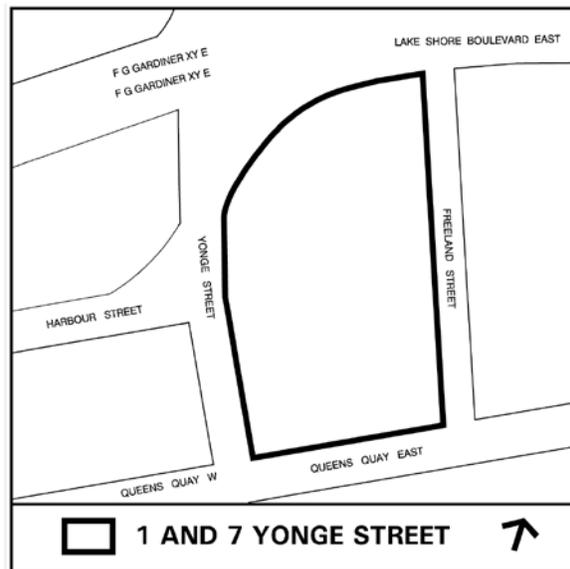


**1 – 7 Yonge Street - Official Plan Amendment & Zoning Amendment Applications - Request for Direction Report**

<b>Date:</b>	May 16, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale [or All]
<b>Reference Number:</b>	13-129256 STE 28 OZ

**SUMMARY**

These applications for 1-7 Yonge Street propose a mixed-use development on two development blocks, bisected by a proposed eastward extension of Harbour Street. On the south block, the proposal seeks to add a new office complex comprised of a 35-storey building connected to the existing, retained 25-storey Toronto Star building, and a 22-storey building on the east side of the block, stepping down to a five to six-storey base building. On the north block, three new residential buildings are proposed: a 95-storey tower on the west side fronting Yonge Street, an 80-storey tower at the northeast corner and a 65-storey tower at the southeast corner, all on two to six-storey mixed-use base buildings. A 4,772 square metre (approximately 51,000 square foot) community centre is proposed on the ground and second floors of the 65-storey tower at the southeast corner of the north block. A total of 10% of the proposed residential gross floor area is proposed to be dedicated to affordable rental housing. A number of public realm improvements are also proposed, including the opening up of the ground and second floor levels of the existing Toronto Star building and the creation of a 10 to 17 metre wide pedestrian promenade along the Yonge Street frontage of the site.



Both the Official Plan and Zoning By-law Amendment applications have been appealed to the Ontario Municipal Board (OMB), based on City Council's failure to make a decision within the required time period. The purpose of this report is to request direction from City Council regarding an upcoming 10 day OMB hearing of the appeal, scheduled to commence on October 24, 2016.

The applicant has made significant revisions to the application since its original submission in March 2013, based on feedback from City and Agency staff, area stakeholders and the public. The current proposal has the potential to conform with the proposed Lower Yonge Precinct Plan and Official Plan Amendment provided matters identified in this report are appropriately secured and addressed to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor. The Lower Yonge Precinct Plan and Official Plan Amendment were recommended by the Director, Community Planning, Toronto and East York District, respectively, for endorsement by City Council and for approval by the OMB, in the Lower Yonge Precinct Final Report, dated April 22, 2016. The Toronto and East York Community Council on May 10, 2016 supported the recommendations contained with the report, which will be before City Council at their meeting on June 7/8, 2016.

Staff are recommending that Council authorize the City Solicitor, City Planning staff and other appropriate City staff attend the OMB hearing to support the revised redevelopment proposal for 1-7 Yonge Street at the OMB subject to certain matters being addressed to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, as set out in this report.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board (OMB) hearing in support of a settlement of the Official Plan and Zoning By-law Amendment applications for 1-7 Yonge Street, based on the following matters and principles of settlement, all to the satisfaction of the Chief Planner and Executive Director (the Chief Planner), City Planning and the City Solicitor:
  - a. The applicant's February 16, 2016 plans as described in the staff report dated May 27, 2016, from the Chief Planner, subject to any revisions, to the satisfaction of the Chief Planner;
  - b. A Holding (H) symbol being added to the zoning for the portion of the subject property identified as Phases 2 to 5 in Attachment 9 of the staff report dated May 27, 2016, in the site-specific Zoning-By-law Amendment, requiring the following matters to be provided and their implementation secured through the execution and registration on title of an agreement or agreements pursuant to Section 37 and Sections 51 and/or 53 of the Planning Act, as appropriate and

pursuant to Section 114 of the City of Toronto Act, 2006, including any necessary financial securities, all to the satisfaction of the Chief Planner and the City Solicitor:

- i. Resolution of sanitary servicing capacity issues, pending implementation of the necessary capital improvements identified through the Waterfront Sanitary Servicing Master Plan Environmental Assessment Update, all to the satisfaction of the General Manager, Toronto Water and the Executive Director, Engineering and Construction Services;
  - ii. Incorporation, including securing implementation of the recommendations of the Lower Yonge Precinct Municipal Class Environmental Assessment (MCEA), including: the location, design and provision of the planned transportation network, including improvements thereto, necessary to support the proposed development, all to the satisfaction of the Chief Planner and the General Manager, Transportation Services;
  - iii. Submission of streetscape plans for all streets surrounding the proposed development, all to the satisfaction of the Chief Planner and the General Manager, Transportation Services, including securing implementation of such plans;
  - iv. Final confirmation and conveyance, or satisfactory securing of the conveyance, of the required off-site parkland dedication pursuant to section 42 of the Planning Act, in accordance with the Parks and Open Space policies in the Lower Yonge Precinct Official Plan Amendment, all to the satisfaction of the Chief Planner, the City Solicitor and the General Manager, Parks, Forestry and Recreation; and
  - v. The registration of a plan of subdivision and agreements, as appropriate, providing for amongst other things: the extension of Harbour Street through the site connecting Yonge Street to Freeland Street, including the proposed bi-directional cycle track on the south side of Harbour Street; intersection improvements for both the Yonge Street and Harbour Street and Yonge Street and Lake Shore Boulevard East intersections; conversion of Harbour Street to two-way operations between Yonge Street and York Street, and municipal services and infrastructure, all at the owner's expense, and including provisions for required conveyances and financial securities.
- c. The provision by the owner at its expense, to the City of the following payments and/or capital improvements, facilities and matters to be included in the zoning by-law amendment, all to the satisfaction of the Chief Planner and the City Solicitor, such matters to be further secured by the entering into and registration of an Agreement under Section 37 of the Planning Act prior to any Order issuing by the OMB, all to the satisfaction of the Chief Planner and the City Solicitor,

and to include amongst other matters, the timing for the provision of such improvements, facilities and matters, the provision of letters of credit to secure such matters, and where appropriate, insurance and indemnification:

- i. The design, construction, provision and conveyance to the City of an on-site 4,772 square metre (approximately 51,000 square foot) community centre (excluding fit-outs) through a freehold strata conveyance of the associated floor space. The community centre shall occupy the ground and second storey levels with frontage on Freeland and Harbour Street and shall be designed as a neighbourhood landmark including as its anchors a double gymnasium and a six-lane, 25 metre pool in addition to the provision of designated staff parking spaces, shared visitor parking and designated community centre bicycle parking spaces at ground level. The completion and conveyance of such facility and lands is expected to be within the first new building erected on the site, at the completion of Phase 1 of the proposed development, as identified in Attachment 9 of the staff report dated May 27, 2016.
- ii. Affordable rental housing units, comprising at least 10% of the proposed residential gross floor area to be erected on the site, to be provided pro rata with each portion of the residential development, with details of the location, access, availability of facilities and amenities, number of units, unit sizes, affordability term and rental tenure to be resolved prior to the OMB hearing.
- iii. Conveyance, including if necessary the satisfactory securing of the conveyance, of the required off-site parkland dedication pursuant to section 42 of the Planning Act, in accordance with the Parks and Open Space policies in the Lower Yonge Precinct Official Plan Amendment, all to the satisfaction of the Chief Planner, the City Solicitor and the General Manager, Parks, Forestry and Recreation. Such conveyance may include requirement for an escrow conveyance and provisions to ensure the City obtains all of the anticipated section 42 off-site parkland dedication at the first and earliest possible opportunity, and may include a requirement for a Three Party Agreement between the City, the owner of the site and the owner of the off-site parkland as part of the Section 37 requirements. A Three Party Agreement would be required to be executed and registered prior to the OMB issuing its Order.
- iv. The design and construction of landscape enhancements to the city-owned parcel of lands at the southeast corner of Yonge Street and Lake Shore Boulevard, upon completion of the normalization of this intersection, including the provision of a letter of credit to secure such work and timing for the provision of said letter of credit;

- v. Participation in the City's Percent for Public Art Program, in collaboration with Waterfront Toronto and in accordance with the Public Art Plan contained within the Lower Yonge Precinct Plan, dated April 2016;
- vi. Art on construction hoarding, in accordance with the City's START (Street Art Toronto) program; and
- vii. A cash contribution to the City prior to the issuance of the above-grade building permit for the second phase of development (Tower 1 at 95 storeys or 291 metres), identified as Phase 2 in Attachment 9 of the staff report dated May 27, 2016, with the contribution to be used by the City towards the following capital improvements, all to the satisfaction of the Chief Planner in consultation with the local Councillor:
  - A. A cash payment of \$1,000,000 towards the Jack Layton Ferry Terminal redevelopment;
  - B. A cash contribution towards the: two-way conversion of Harbour Street between Yonge and York Streets; full upgrade of Yonge Street from Queens Quay to Front Street; removal of the Bay Street on-ramp to the eastbound Gardiner Expressway; shortening of the Lower Jarvis off-ramp from the eastbound Gardiner Expressway; and/or re-construction of Lake Shore Boulevard East from Yonge Street to Lower Jarvis Street, all in accordance with the recommendations from the Lower Yonge Precinct Municipal Class Environmental Assessment (MCEA); and
  - C. A cash contribution to pay for the full costs of an upgraded cycling facility on Yonge Street between Queens Quay and Front Street, except for the portion abutting their site, which is required in Recommendation 1.f.ii. below, with the design conforming to the recommendations from the Lower Yonge Precinct MCEA;
- d. The required cash contributions pursuant to Recommendation 1.c.viii. A. B. and C. above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made;
- e. In the event the cash contributions in Recommendation 1.c.viii A. B. and C. above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner, in consultation with the local councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;

- f. The following matters are also recommended to be secured in the Section 37 Agreement and the zoning by-law amendment as a legal convenience to support development, at the owner's expense, all to the satisfaction of the Chief Planner and the City Solicitor, and to include amongst other matters, the timing for the provision of such improvements, facilities and matters, the provision of letters of credit to secure such matters, where appropriate, insurance and indemnification:
- i. The design, provision and maintenance of public realm enhancements on all streets surrounding the two development blocks on the subject property, with the design in accordance with the public realm concept component of the Lower Yonge Precinct MCEA, to be implemented through the site plan approval process;
  - ii. The provision of an upgraded cycling facility on the east side of Yonge Street abutting the site, with the design conforming to the recommendations from the Lower Yonge Precinct MCEA;
  - iii. The design and construction of the extension of Harbour Street through the subject property, including the proposed bi-directional, cycling facility along the south side of Harbour Street, with the design of both conforming to the recommendations from the Lower Yonge Precinct MCEA to the satisfaction of the General Manager, Transportation Services;
  - iv. The design and construction of intersection improvements (i.e. normalization) for both the Yonge Street and Harbour Street and Yonge Street and Lake Shore Boulevard East intersections, in accordance with the Lower Yonge Precinct MCEA to the satisfaction of the General Manager, Transportation Services;
  - v. The design, construction, provision and maintenance of above and below-grade PATH connections to the subject property and through the proposed development, including the conveyance at nominal costs to the City of easement(s) for use by the general public;
  - vi. The provision and maintenance of design excellence and materials for the tallest two towers, two tallest towers, Tower 1 not to exceed a height of 95 storeys (291 metres) and Tower 2 not to exceed a height of 80 storeys (246 metres);
  - vii. The Owner shall construct and maintain the development in accordance with Tier 1 and 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee;

- viii. The provision and implementation of landscape phasing plans to reflect interim conditions following each of the first four phases of the proposed development, all in accordance with the Lower Yonge Precinct MCEA; and
  - ix. The fit-out of the community centre, as provided for in recommendation 5, to the extent of the Development Charge credit.
- 2. City Council authorize the City Solicitor to request that the OMB withhold its Order on the Official Plan Amendment and Zoning By-law Amendment pending:
  - a. Receipt of confirmation from the City Solicitor that the final form of the amendments to the former City of Toronto Official Plan and former City of Toronto Zoning By-law are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - b. Receipt of confirmation from the City Solicitor of the satisfactory execution and registration of the Section 37 Agreement required in Recommendation 1.c.iii. above; and
  - c. Conformity of the proposed development with the recommendations of the Lower Yonge Precinct Municipal Class Environmental Assessment, including the alignment of Harbour Street and proposed public realm concept plan.
- 3. Prior to any OMB hearing commencing, the following are required to the satisfaction of the Chief Planner and the City Solicitor:
  - a. Resolution of outstanding items outlined in the memo from City of Toronto, Development Engineering, dated May 4, 2016, particularly with respect to hydrogeological (i.e. groundwater) matters, to the satisfaction of the Executive Director, Engineering and Construction Services;
  - b. Submission of a Master Functional Servicing Plan for the Lower Yonge Precinct satisfactory to the Executive Director, Engineering and Construction Services;
  - c. Satisfactory securing of the conveyance to the City of the proposed off-site parkland dedication, including the entering into of a Memorandum of Understanding, or such other satisfactory agreement between the City, the owner of the site and the owner of the proposed off-site parkland, with provisions to bind successors and assigns and with provisions as set out in Recommendation 4;
  - d. Resolution of design and implementation matters associated with the proposed community centre as set out in Recommendation 5, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- e. Confirmation of acceptable terms associated with the required affordable rental housing contribution, including the location, access, availability of facilities and amenities, number of units, unit sizes, affordability term and rental tenure; and
  - f. Resolution, including securing if required, of mitigation measures addressing compatibility with Redpath Sugar's industrial operations at 95 Queens Quay East. Such measures may be secured in the Section 37 Agreement as a matter of legal convenience.
4. That City Council require parkland dedication pursuant to Section 42 of the Planning Act to be conveyed to the City, in the form of an on-site dedication of land, or if appropriately secured, an off-site dedication of land to the City at a location acceptable to the General Manager, Parks, Forestry and Recreation and the Chief Planner, with the intention of creating an approximately 1 hectare centralized park within the Lower Yonge Precinct, such dedication to include base park improvements, as required below:
- a. The site selected for public parkland purposes shall be equal to the value of the on-site dedication as appraised by Real Estate Services as of the day before the above grade building permit is issued and located within the Lower Yonge Precinct Plan area. The location of the off-site parkland shall be to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor. The land to be conveyed as off-site parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation;
  - b. The owner will be required to enter into an agreement with the property owner at 55 Lake Shore Blvd East in order to present a coordinated approach to the clean-up and delivery of parkland to the Parks, Forestry and Recreation Department subject to Official Plan Policy 3.2.3, as well as the City's *Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act*. Such agreement could be a component of the Three Party Agreement, referred to in Recommendation 1.c.iii.; and
  - c. The owner shall pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the parkland dedication and the park dedication shall include the provision by the owner of base park improvements satisfactory to the General Manager Parks, Forestry and Recreation.

5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the fit out of the Community Centre, by the owner, to include all internal program elements and finishes, to the satisfaction of the General Manager, Parks, Forestry & Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Community Centre, as approved by the General Manager, Parks, Forestry & Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
6. City Council authorize the City Solicitor and other City staff to take such actions, as are required, to implement the above recommendations.

### **Financial Impact**

There are no immediate financial impacts resulting from the recommendations and attachments contained in this report. There are, however, longer-term financial implications related to the regional transportation improvements and the implementation of the proposed central park, both proposed as part of the Lower Yonge Precinct Plan and Official Plan Amendment.

### **Transportation Improvements**

The 2014 preliminary cost estimate for the transportation network changes recommended in the Lower Yonge Transportation Master Plan Environmental Assessment (excluding the proposed Church-Cooper tunnel connection) was approximately \$60 to \$116 million. This estimate included infrastructure improvements that would benefit both local and regional users of the transportation network. It did not include the costs associated with soil remediation or property acquisition and is therefore subject to change, possibly above the upper range of this estimate. Of this total cost, approximately \$16 to \$30 million would be required to be borne by area landowners, including 1-7 Yonge Street, through construction of local roads and improvements through and abutting their properties, during the course of redevelopment.

This leaves an outstanding cost of between \$44 and \$86 million for the regional transportation initiatives, including the removal of the Bay Street on-ramp to the eastbound Gardiner Expressway; the replacement of the Lower Jarvis off-ramp from the eastbound Gardiner Expressway with a new off-ramp at Yonge Street; the conversion of Harbour Street from one-way to two-way operations; and one additional eastbound lane on Lakeshore Boulevard East between Yonge and Lower Jarvis Streets.

The Lower Yonge Transportation Master Plan Environmental Assessment also recommended a long term plan for the extension of Cooper Street north to Church Street via a below grade crossing of the rail corridor. This extension is contingent on the redevelopment of an existing Toronto Community Housing Corporation residential building and a Toronto Parking Authority parking facility. The preliminary estimate for the Cooper Street extension is approximately \$60 to 110 million, not including property

acquisition. Given the long-term nature of the Cooper Street extension and that the extension is not required to support build out of the Lower Yonge Precinct Area, the costs are not included in the \$60 to 116 million estimate for transportation infrastructure needed to support the Precinct.

These cost estimates will be further refined through the Lower Yonge Municipal Class Environmental Assessment (MCEA) process which is currently underway and is expected to be completed in the fourth quarter of 2016. Following the completion of the MCEA process, staff recommendations will be made to the Public Works and Infrastructure Committee. The MCEA process will also provide estimates of the proportion of the regional initiatives that should be expected as contributions by landowners in the Lower Yonge Precinct in order to facilitate its orderly development. Currently, there are no funds allocated for these works in the Transportation Services 10-year Capital Plan. Upon completion of the MCEA, future capital funding for transportation improvements within the Lower Yonge Precinct will be considered against other unfunded City priorities in concert with the development of a financing strategy that will include various City and non-City sources. The zoning by-law amendment and Section 37 Agreement that will be brought forward to the Ontario Municipal Board for the 1-7 Yonge Street application will include Holding (H) provisions as appropriate to ensure adequate transportation infrastructure, among other matters, is planned and funded prior to full build-out of the proposed development.

### **Lower Yonge Park and Community Centre**

A large central park is proposed for the Lower Yonge Precinct. The final size of the park will be determined in part through the above-mentioned MCEA process, as part of the final Harbour Street alignment. The applicant has agreed to work with other developers in the Lower Yonge Precinct to contribute to the assembly of an approximately 1 hectare, centrally located park on the neighbouring LCBO property at 55 Lake Shore Boulevard East. Parkland dedication requirements for this development will be secured through an off-site dedication under Section 42 of the *Planning Act* and in accordance with the Lower Yonge Precinct Plan.

The various parcels of land in this precinct, including the land proposed for the central park, have documented soil contamination issues that will need to be addressed through the Record of Site Condition regulation under the *Environmental Protection Act*. This will likely be done through a risk assessment process, and risk management measures (such as cap inspection, limits on excavation, etc). These measures have become more common in dealing with re-purposed brownfields, especially in the Waterfront area. The City of Toronto *Policy for Accepting Potentially contaminated Lands to be Conveyed to the City under the Planning Act* (adopted February 11, 2015) recognizes and accepts certain “routine” risk management measures. In the event that the risk management measures associated with these lands are more complex or costly than currently anticipated, a further report will be brought forward seeking direction in relation to those measures as part of the planning process applicable to the LCBO site.

The applicant is also proposing a 4,772 square meter (51,365 square foot) community centre integrated into the development site to be delivered at the completion of the first phase of development through a freehold strata title conveyance. The applicant will be required to design, construct and deliver a fully finished community centre, with all of the program elements included and functional for the intended purpose of providing a City operated public recreation facility. Elements such as furniture, office and sports equipment will not be the responsibility of the owner to provide.

City Council approval is being recommended in this Report to approve credit against the Parks and Recreation component of the Development Charges for the construction and fit out by the owner of internal program elements and finishes of the community centre. The design and program of the community centre will be determined prior to Site Plan approval, to the satisfaction of the General Manager, Parks, Forestry and Recreation. In the event the value of the approved design is larger than the combined value of the Section 37 benefit and Parks and Recreation component of the Development Charges, Parks, Forestry and Recreation would report back to City Council with options to allow for the planned scope of work to be fully implemented.

Future financial impacts resulting from planned parks and recreation facilities will be reported on as the detailed design is developed and will also be identified through future year Operating Budget submissions.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact information.

## **DECISION HISTORY**

### **Lower Yonge Precinct**

To date, there have been five staff reports pertaining to the Lower Yonge Precinct. The first two reports provided information and status updates on the progress of work on the Lower Yonge Precinct Plan. These reports were received by Toronto and East York Community Council on November 6, 2012, and February 25, 2014, respectively:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE20.46>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.56>

The third staff report to Toronto and East York Community Council, dated August 5, 2014, and adopted by City Council on August 25-28, 2014, summarized the results of Phase 1 of the Lower Yonge Precinct planning process. It provided recommendations to receive the "Lower Yonge Urban Design Report" and the "Lower Yonge Transportation Master Plan Environmental Assessment", to endorse the planning and policy directions in the staff report, and to direct City Planning to complete the Lower Yonge Precinct Plan in consultation with Waterfront Toronto, other City Divisions, landowners, community members and other stakeholders:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.95>

A fourth staff report on the Lower Yonge Precinct Transportation Master Plan Environmental Assessment was received by the Public Works and Infrastructure Committee in February 2015. On March 31, 2015, City Council endorsed the recommendations of the Environmental Assessment and authorized the issuance of the Notice of Completion. City Council further directed the preparation of an OPA to secure various planned rights-of-way and to evaluate opportunities for securing protected bicycle lanes on Yonge Street between Queens Quay and Front Street.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PW2.4>

The fifth staff report was a final report presented to Toronto and East York Community Council on May 10, 2016. Recommendations were made for City Council to: instruct the City solicitor to request the Ontario Municipal Board to implement the proposed planning framework for the Precinct, including the draft Lower Yonge Precinct Official Plan Amendment; endorse the proposed Lower Yonge Precinct Plan; and direct staff to work with the Ministry of Environment and Climate Change to classify the Precinct as a Class 4 area under Provincial noise guidelines.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.4>

### **1-7 Yonge Street**

In 2010, a site plan approval application (File 10 306318 STE 28 SA) was submitted by a previous owner of the property to convert the vacant former Toronto Star production plant and mail facility at 1-7 Yonge Street into an indoor commercial parking garage. A consent application for severance was filed in conjunction with the site plan application. The Committee of Adjustment refused the severance application in October 2011. It was appealed by the owner and following an unopposed hearing, was approved by the Ontario Municipal Board in March 2012. This site plan application is no longer active, although a Consent Agreement was registered on title, severing the property into two parcels, 1 and 7 Yonge Street.

A zoning amendment application was submitted by the current owner, Pinnacle International, in March 2013 to redevelop the subject property at 1 and 7 Yonge Street. In the Preliminary Report, staff noted that development of precinct plan policies are needed to inform the review of the application. The Preliminary Report on the rezoning was considered at the June 18, 2013 meeting of Toronto and East York Community Council:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE25.64>

The rezoning application was appealed to the Ontario Municipal Board in December 2013, due to Council's lack of decision on the application.

In consultation with City Planning staff, the applicant later determined that an Official Plan Amendment to the former City of Toronto Official Plan was required, as the proposal did not confirm to some of the policies within this Plan that is still in force for most of the waterfront area. The Official Plan Amendment application was submitted in November 2013 and a Preliminary Report on the Official Plan Amendment application was considered at the February 25, 2014 meeting of Toronto and East York Community Council: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.53>

The Official Plan Amendment application was appealed to the Ontario Municipal Board in April 2015 and consolidated with the Zoning By-law Amendment appeal.

## **ISSUE BACKGROUND**

### **Lower Yonge Precinct**

The planning process for the Lower Yonge Precinct study was initiated in 2012 by City Planning in collaboration with Waterfront Toronto. The purpose of the study was to establish a planning context for the comprehensive and orderly development of this underutilized portion of Toronto's waterfront in order to achieve a complete community. It was undertaken with direction provided by the Central Waterfront Secondary Plan for waterfront precinct planning, and was intended to provide similar planning direction to work done previously in the West Don Lands, East Bayfront and Keating Precincts.

The Lower Yonge Precinct study was conducted in two phases. The first phase was completed in August 2014 and culminated in three reports adopted by City Council (as referenced in the Decision History section):

1. **Lower Yonge Precinct Plan – Proposals Report:** this report summarized the planning process to date, outlined feedback from consultation and provided draft planning and policy directions.
2. **Lower Yonge Transportation Master Plan (TMP) Environmental Assessment:** the TMP report summarized phases 1 & 2 (of 4) of the Environmental Assessment process and introduced a preliminary preferred alternative for several local and regional transportation improvements aimed at improving the public realm and creating a transportation network that could accommodate the anticipated redevelopment within and surrounding the Precinct.
3. **Lower Yonge Urban Design Report (UDR): Principles and Recommendations:** this report provided recommendations for land use, public realm design, and built form/massing.

The three reports outlined the vision, objectives, principles and draft policies to guide private and public investment in the Precinct, including:

- a streets and blocks structure plan;
- road modifications (including ramps and tunnels), pedestrian connections, and cycling recommendations;
- public realm improvements, including options for parks and open space;
- standards for building height and massing;
- creating a balance between residential and employment-based development, and ensuring retention of existing employers;
- retention of heritage buildings; and
- urban design and public art guidelines.

Phase 2 of the Lower Yonge Precinct planning process involved more detailed refinements of many of the components considered in Phase 1, including built form, land use compatibility, public realm design and the transportation network. Effort was also focussed on key matters such as affordable housing, community services and facilities and required implementation mechanisms. In addition, a consultant was retained to undertake a Noise, Odour and Air Quality Assessment to ensure that the proposed land uses and built form were compatible with the Redpath Sugar refinery at 95 Queens Quay East and to provide recommendations for mitigation. Another consultant was retained to conduct a Municipal Class Environmental Assessment (MCEA) of the various transportation, public realm and servicing initiatives proposed as part of the Precinct planning process. This study is ongoing and, when concluded in late 2016, will result in the filing of an Environmental Study Report, fulfilling the requirements for Phases 3 & 4 (of 4) of the MCEA process.

The work on Phase 2, while awaiting conclusion of the MCEA process, essentially concluded with the Final Report dated April 22, 2015 that was considered by Toronto and East York Community Council on May 10, 2016. This report included the proposed Lower Yonge Precinct Plan and Official Plan Amendment (OPA), which collectively provide the proposed planning framework for development in the area. A bird's eye rendering depicting the build-out of the Lower Yonge Precinct was on the cover of the Lower Yonge Precinct Plan and is shown in Attachment 10.

Both phases included several forms of consultation with stakeholders, landowners and the general public. Communications throughout the process were provided in newspapers, on-line and through social media.

## **1-7 Yonge Street Proposal**

### **Original Submission**

As mentioned above, the Zoning and Official Plan Amendment applications to redevelop the 1-7 Yonge property as a mixed-use development were submitted in March and November 2013, respectively. The original (and current) development proposal contemplated the division of the site into two development blocks, bisected by a 27-metre wide easterly extension of Harbour Street. The original proposal included: a 10-storey addition to the existing Toronto Star building; a 70- storey hotel/residential building and a 40-storey office building on the south block. On the north block four new residential towers with heights of 75, 80, 80 and 88 storeys were proposed, including an eight storey base building for residential, retail and commercial uses. The density of this proposal was 25.4 times the area of the lot. Public open space was proposed in the form of a widened boulevard along the Yonge Street frontage.

Driveway access for the north block was proposed from a private courtyard in the north block along the proposed easterly Harbour Street extension, from Lake Shore Boulevard and Freeland Street. For the south block, an access point for parking and loading area was from Freeland Street. An eight-level underground parking garage was proposed under the majority of the site including under the proposed Harbour Street right-of-way.

### **Current Proposal**

The applicant has been engaged in continued dialogue with City and Waterfront Toronto staff on their proposal over the last two years and has also been an active participant in the precinct planning process. The most recent submission, dated February 16, 2016, proposes: a similar Harbour Street extension with a right-of-way width of 27 metres, creating new north and south blocks; retention and façade enhancements to the existing 25-storey Toronto Star building; a new office complex on the south block comprised of a 35-storey building connected to and above the Toronto Star building, and a 22-storey building, stepping down at the 17<sup>th</sup>, 12<sup>th</sup> and 6<sup>th</sup> floors to a five to six-storey base building; on the north block, three new mixed-use towers are proposed with heights of 95, 80 and 65 storeys. An overall density of 16.49 times the area of the lot (net of roads) is proposed. The application also proposes a 4,772 square metre (51,365 ft<sup>2</sup>) community centre on the north block, 10% of the residential gross floor area dedicated to affordable rental housing units and more than 23% of the ground floor of the site dedicated as privately owned, publicly-accessible space (POPS).

A 10 to 17 metre wide pedestrian promenade with a double row of trees is planned along the Yonge Street frontage. With planned pedestrian enhancements to the intersections at Yonge Street/Harbour Street and Yonge Street/Lake Shore Boulevard, this Yonge Street promenade would connect to a proposed open/space courtyard at the northwest corner of the subject property. In addition, the lower two levels of the existing Toronto Star building are proposed to be opened-up approximately seven metres along the Yonge Street frontage and nine metres along the Queens Quay frontage in order to expand the public realm and improve pedestrian circulation at the Yonge Street/Queens Quay intersection. Broad sidewalks with street trees and widths ranging from 6 to 13 metres from curb to building face are proposed along all street frontages. Continuous weather protection is proposed along all street frontages. Pedestrian circulation through the site is proposed through north-south and east-west open air walkways on the north block and an enclosed winter garden on the south block, with access from all four streets. Retail units are located along all street frontages and access to commercial lobby areas is proposed from both the sidewalks and the interior walkways on both blocks.

Vehicular access to the site is limited to three access points proposed along Freeland Street, two on the north block and one on the south block. A passenger drop-off area is proposed on the north block, and loading facilities on both blocks are contained within the ground level of the base buildings. Five levels of below-grade parking are proposed on the north block with three on the south block. The below-grade areas on each block are proposed to be connected on the P2 level with a combined vehicular and pedestrian connection underneath the proposed Harbour Street extension.

The proposed public community centre is located at the southeast corner of the north block, with approximately 613 square meters on the ground floor and 4,159 square meters on the second floor. The remaining portion of the second floor is proposed for additional retail uses. A connection to the PATH system is proposed for the second floor of the base building on the north block, providing a connection between existing and

planned buildings to the north and west. The PATH would extend across the second floor of the north block to the proposed community centre. It would then connect down escalators/elevators to the main floor of the north block, then to the P2 level and the connection underneath Harbour Street to the south block and back up to the ground level and into the winter garden on the south block.

Affordable housing units are currently proposed to be located adjacent to the proposed indoor and outdoor amenity space on the third and fourth floors of the north block. Additional affordable housing units are proposed on the fifth and sixth floors, and additional amenity space is proposed on the 8<sup>th</sup> floor. A total of 5,924 square meters of indoor and 5,924 square meters of outdoor amenity space are proposed, representing two square meters per unit.

A total of 3,596 bike parking spaces are proposed for the entire development, all of which are located either on the ground or P1 levels. There are 1,812 vehicular parking stalls within the underground parking garage, including 10 dedicated car-share spaces and 47 accessible spaces. For the north block, there are three 'type B' and 1 'type G' loading spaces proposed. A total of three 'type B' and three 'type C' loading spaces are proposed for the south block.

The application proposes a total of 2,962 units, with a proposed unit mix of 1,950 one-bedroom units (66% of total units), 729 two-bedroom units (25%) and 283 (10%) three-bedroom units. The unit mix and sizes for the affordable rental housing units has not yet been determined.

See Attachments 1-7 for the applicant's proposed site plan, ground floor plan, second floor plan, elevations, and artistic rendering.

The applicant is proposing a five-phase build-out for the entire development (see Attachment 9), with the first three phases on the north block and the last two phases on the south block. Phase 1 would consist of a portion of the below-grade area and base building with Tower 3 (65 storeys) at the southeast corner of the north block, fronting on Freeland Street and proposed Harbour Street extension. This first phase would include the proposed community centre. Phase 2 would comprise the tallest tower (Tower 1 at 95 storeys) along the Yonge Street frontage and Phase 3 would complete the north block with Tower 2 (80 storeys) along Lake Shore Boulevard East. The south block re-development would begin with Phase 4, the stepped office building of Tower 5 (22 storeys) fronting Freeland Street. The final phase would involve the re-cladding and renovation of the existing Toronto Star building and the addition of Tower 4 (35 storeys) above and to the north.

Additional details on the current proposal can be found on the application data sheet in Attachment 15. The following table provides a comparison of the original and current proposals:

	<b>Original Submission (March 2013)</b>	<b>Current Submission (February 2016)</b>
Gross Site Area (m <sup>2</sup> )	26,964	26,964
Net Site Area (m <sup>2</sup> ) (not including right-of-ways)	23,393	23,393
Residential GFA (m <sup>2</sup> )	355,266	220,982
Non- Residential GFA (m <sup>2</sup> )	238,846	164,961
Total GFA (m <sup>2</sup> )	594,112	385,943
FSI - gross site area	22.01x	14.31x
- net site area	25.4x	16.49x
Residential Units	4,137	2,962
Affordable Rental Housing Space (m <sup>2</sup> )	0	22,110 (10% of Residential GFA; # of units TBD)
Height – storeys (metres, not including mechanical penthouse)	Tower 1: 88 (271) Tower 2: 80 (247.4) Tower 3: 75 (232.7) Tower 4: 80 (247.4) Tower 5: 40 (179.2) Tower 6: 70 (221.6) Existing Office Tower with addition: 35 (132.7)	Tower 1: 95 (291) Tower 2: 80 (246) Tower 3: 65 (201) Tower 4: 35 (143) Tower 5: 22 (91) Existing Office Tower: 25 (91.4)
Average tower floorplate (m <sup>2</sup> )	Tower 1: 1,200 Tower 2: 928 Tower 3: 1,037 Tower 4: 1,020 Tower 5: 3,279 Tower 6: 1,112 Existing Office Tower: 1,647	Tower 1: 1,012 Tower 2: 1,021 Tower 3: 770 Tower 4 - 1,325; with addition to Existing Office Tower: 1,647 Tower 5: 2,478
Tower Area Ratio for North Block	34 %	19.8 %
Tower Separation Distances (metres)	25 25 and 10 (south block)	30 (north block) 25 (south block)
Community Centre GFA (m <sup>2</sup> )	0	4,772
Indoor Amenity Space (m <sup>2</sup> )	8,274	5,924
Outdoor Amenity Space (m <sup>2</sup> )	8,274	5,924
Vehicle Parking Spaces	3,117	1,812
Bicycle Parking Spaces	4,903	3,596

## Site and Surrounding Area

### Site

Existing development on the subject property is currently comprised of: the 25-storey Toronto Star office tower (1 Yonge Street) at the northeast corner of Yonge Street and Queens Quay East; the one and five-storey former Toronto Star production facilities (now office suites) to the north and east of the tower; and a surface parking lot (7 Yonge Street) on the north half of the site. The property is approximately 2.7 hectares (6.7 acres) in size and is generally flat.

### Surrounding Area

The surrounding area land uses and planned developments include the following:

East: Immediately east of the site on the west side of Cooper Street is the LCBO property with existing development comprised of: an LCBO retail store (2 Cooper Street) fronting Queens Quay East; the LCBO warehouse and head office buildings (55 Lake Shore Boulevard East), both of which are listed on the City's Inventory of heritage properties; and a City-owned rail spur at 15 Freeland Street, which runs east-west across the block. On the east side of Cooper Street, and also part of the LCBO land holding is a large surface parking lot, another City-owned (Toronto Port Lands Company) rail spur (15 Cooper Street), which cuts diagonally through the southern half of the property and a small parkette at the northeast corner of Cooper Street and Queens Quay East. This entire parcel, including the rail spurs, is approximately 4.6 hectares (11.3 acres). In May 2016, the Province announced that the LCBO lands (including the city-owned rail spur lands) had been sold to a private developer. An Official Plan and Zoning By-law Amendment application for this development was received on May 9, 2016 (File no. 16 152742 STE 28 OZ). Further east is the Loblaws property at 10 Lower Jarvis Street and 125 Lake Shore Boulevard. This property contains a two-storey supermarket (and ancillary retail) store on the southern two-thirds of the block and a two-level parking structure on the northern third. It is owned by Choice Properties REIT, the real estate division of Loblaws. They have previously signified an intention to redevelop the property, including holding pre-application discussions with City staff. At present, the timing of redevelopment plans for this site is unknown. The property is approximately 2.7 hectares (6.7 acres) in size.

South: On the south side of Queens Quay East is the Pier 27 development at 25 Queens Quay East, a seven-building, two-phase mixed-use development with commercial/retail uses fronting on the ground floor and a publicly accessible waterfront promenade. Phase One, closer to the lake containing four 14-storey buildings connected by bridges, is complete. The second phase, now approved, will consist of a 35-storey tower and two 13-storey buildings, including a proposed child care centre. The foot of Yonge Street adjacent to the Yonge Street Slip is proposed to be a public park. To the east of Pier 27 is the Redpath Sugar Refinery at 95 Queens Quay East, a multi-building complex with ancillary surface parking facilities. This property is listed on the City's Heritage Register.

West: On the west side of Yonge Street is the World Trade Centre complex at 10 Yonge Street and 10 Queens Quay West, which consists of a central courtyard surrounded by 37 and 26-storey towers, respectively. To the north of the World Trade Centre site is the Pinnacle Centre development (33 Bay, 18 Harbour, 16 and 12 Yonge Street) with four residential towers (54, 52, 40 and 30 storeys), retail and office uses. Further north is 18 Yonge Street, a 39-storey residential building and a proposed 48-storey office development at 45 Bay Street. To the southwest is the Westin Harbour Castle Hotel with two 34-storey towers on the south side of Queens Quay and two-storey conference centre on the north side.

North: To the north is the elevated Gardiner Expressway with Lake Shore Boulevard below, and the CN rail corridor. Further north is the 36-storey Backstage development (5-7 The Esplanade), the 57-storey L-Tower development within the Sony Centre (1 Front Street East) and the 33-storey Esplanade condos at 25 The Esplanade.

### **Provincial Policy Statement**

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, resilient communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented and some policies provide flexibility in their implementation, provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The PPS promotes the provision of healthy communities that accommodate an appropriate range and mix of uses to meet long term needs. In accordance with the PPS, densities and land uses are to be transit supportive and appropriate for available or planned infrastructure and public service facilities. Land use compatibility is to be considered to ensure that major facilities (such as industries) and sensitive land uses are appropriately separated and buffered, where necessary, in order to minimize adverse effects and to ensure the long term viability of industry. Municipalities are to provide for an appropriate range and mix of housing types and densities and to establish and implement minimum targets for the provision of affordable housing.

In accordance with the PPS, healthy, active communities should be promoted by the planning of public streets, spaces and facilities to meet the needs of pedestrians, facilitate active transportation and community connectivity. Additionally, a full range and equitable distribution of publicly accessible opportunities for recreation, including open space, should be provided. Development on lands adjacent to protected heritage property will be evaluated to ensure that the heritage attributes of the protected heritage property will be conserved.

Infrastructure and servicing considerations, including capacity for municipal sewage and water services, are to be integrated with land use considerations at all stages of the planning process.

### **Growth Plan for the Greater Golden Horseshoe**

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; protecting natural systems; and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan requires the planning and design of intensification areas to provide a diverse and compatible mix of land uses. These areas are to provide high-quality public open spaces with urban design standards to create attractive and vibrant places. Intensification areas are also required to achieve an appropriate transition of built form to adjacent areas. The Growth Plan also requires employment areas to be protected.

### **Official Plan**

The City of Toronto Official Plan was adopted by Council in 2002 and approved by the Ontario Municipal Board (OMB) in 2006. The 2006 OMB Order only partially approved the Official Plan across the City, however, as it omitted areas covered by the Central Waterfront Secondary Plan (CWSP), which was an amendment to the former City of Toronto Official Plan. Therefore, the former City of Toronto Official Plan, not the newer Toronto Official Plan, is in force and effect for the 1-7 Yonge Street property. Although the new City of Toronto Official Plan is not in force for this site, it sets out the overall vision for the City's urban structure and future growth and is considered when reviewing Waterfront planning and development.

Within the new City of Toronto Official Plan, 1-7 Yonge Street is located in the *Downtown and Central Waterfront* on Map 2 - Urban Structure. Its land use designation is *Regeneration Areas*, except for a strip along the Yonge Street edge which is designated *Parks and Open Space Areas* (see Attachment 11).

The *Downtown and Central Waterfront* offer opportunities for employment and residential growth. However, as per Section 5.2.1, growth in the *Central Waterfront* is guided by Secondary Plans, which in this case is the CWSP. The Official Plan policies address the importance of well-designed connections between the core and *Central Waterfront*. The renewal of the *Central Waterfront* will create new opportunities for business development, as well as new neighbourhoods with homes for *Downtown* workers. The *Downtown* policies also acknowledge the opportunity to add to the supply of office space south of the rail corridor.

Policies for *Regeneration Areas* are intended to provide for a broad mix of commercial, residential, light industrial, institutional and live/work uses in an urban form, in order to revitalize areas that are largely vacant or underused, and to create new jobs and homes.

These areas are blocks of land that may be subdivided into smaller areas for a wide variety of mixed-use redevelopment. The Official Plan provides that for each *Regeneration Area*, a framework for new development will be set out in a Secondary Plan and development should not proceed prior to approval of a Secondary Plan.

*Parks and Open Space Areas* are areas for use as parks, open spaces, natural areas and plazas, and can include compatible community, recreation, cultural, restaurant and entertainment facilities. Lands designated *Parks and Open Space Areas* in the vicinity of *Regeneration Areas* may be subject to Precinct Implementation Strategies.

Section 5.6, Interpretation, provides guidance on the understanding and interpretation of the Official Plan. Policy 1 indicates that the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – ‘How to Read the Plan’ indicates the Official Plan is a comprehensive and cohesive whole. The City of Toronto’s Official Plan is available on the City’s website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>

### **Former Metropolitan Toronto Official Plan**

As the guiding document for the former City of Toronto Official Plan, the former Metropolitan Toronto Official Plan remains in force for 1-7 Yonge Street. The Plan locates the subject property within the Central Area, which is identified as the pre-eminent centre within the Greater Toronto Area and the primary location for a variety of governmental and economic activities. The Plan provides policy direction for attaining an urban structure that fosters liveability, focuses programs on sustainable community development, enhances the planning process and promotes effective collaboration.

### **Former City of Toronto Official Plan**

The former City of Toronto Official Plan is in force for 1-7 Yonge Street, and was therefore reviewed and evaluated during this planning process. This Plan supports the precinct planning approach and comprehensive level of analysis for precinct areas. It sets out a policy framework, including goals and objectives, for the waterfront in Chapter 14. This includes the primary goal for the waterfront as set out in Policy 14.2: to promote increased and sustainable public enjoyment and use of the area by ensuring that future developments and actions by both the public and private sectors, will help to achieve certain objectives. These objectives include: improving public access to the waterfront, increasing the amount of public parkland across the entire waterfront and enhancing the quality of the waterfront as a place. The general policies for the *Bayfront* area (Policy 14.21) state that Council shall encourage residential, commercial, institutional and compatible industrial uses in suitable locations in order to increase the area's public character, promote active and varied use of the area by people throughout the year, and assist in meeting Council's housing policies in Section 6 of the Plan.

As seen in Attachment 12, 1-7 Yonge Street is within the *Central Bayfront* area of the former City of Toronto Official Plan. A set of planning and urban design principles for

development in both the *Central Bayfront* and *East Bayfront* is set out in Policy 14.28. These principles set out the need for further planning and development to address land use, open space, built form and infrastructure. Development is directed to be phased at an appropriate pace. To further this comprehensive planning framework, cooperative arrangements among landowners and public agencies and levels of government are recommended to realize both public and private objectives, including the creation of an appropriate streets and blocks plan.

Planning and urban design principles in Policy 14.28 specify that new development in the *Central Bayfront* will develop at moderate to high intensity. Development is to step down in height to the water and preserve expansive views from the City to the water. Policy 14.28(e) states that new residential development should be permitted in a manner which promotes the housing goals and objectives in Section 6 of the Plan (which includes policies respecting affordable housing policies and housing suitable for families with children). Policy 14.28 (f) sets out the principle that new residential development should ensure the creation of viable neighbourhoods with an appropriate level of community services and facilities and (g) states that redevelopment should be seen as providing opportunities for the introduction of parks and open spaces that serve a regional and a local constituency.

Addressing transportation considerations, Policy 14.28 (i) requires redevelopment to be based on a street system that improves connections between the City and Central/East Bayfront, accommodates the Gardiner Expressway in its present location but allows for its restructuring, and establishes Queens Quay East as a significant waterfront boulevard. Other policies include those addressing compatibility with existing industries and environmental issues and recognizing and preserving the area's industrial heritage. Policy (k)(v) notes that the physical form of new development should include Lower Yonge Street as a focal point on Toronto Bay.

Site specific policies (14.31) for the 1-7 Yonge Street property state that building heights are to generally decrease from west to east across the site, resulting in lower buildings along Freeland Street, which respect the built form scale of the *East Bayfront*. A maximum gross floor area of 7.0 times the area of the lot is permitted, provided all other policies are addressed. These policies also speak to the need for widening sidewalks surrounding the site, ensuring appropriate community services and facilities are provided, contributing to parkland, and addressing affordable and family-oriented housing requirements.

### **Central Waterfront Secondary Plan**

The Central Waterfront Secondary Plan (CWSP) was adopted by City Council on April 16, 2003 as an amendment to Part II of the former City of Toronto Official Plan. It was appealed in its entirety, and although parts of the Plan have been approved by the OMB, the Plan is not yet approved and in force for the Lower Yonge Precinct. Notwithstanding the above, the CWSP has been used as the guiding policy document for waterfront redevelopment and policy implementation.

Similar to the Toronto Official Plan, the subject property lands are designated *Regeneration Areas*, with same strip abutting Yonge Street as *Parks and Open Space Areas* (see Attachment 13).

The purpose of the CWSP is to identify key public priorities and opportunities, as well as an implementation process for waterfront revitalization. The document is based on four core principles:

- A. Removing Barriers/Making Connections;
- B. Building a Network of Spectacular Waterfront Parks and Public Spaces;
- C. Promoting a Clean and Green Environment; and
- D. Creating Dynamic and Diverse New Communities.

A precinct-level implementation strategy is the tool detailed within the CWSP to provide for comprehensive and orderly development and to implement its policies. As mentioned, precinct plans and subsequent implementing zoning by-laws have been developed for East Bayfront, West Don Lands, and the Keating Channel Precinct. Other precinct planning processes are underway for Villiers Island (formerly Cousins Quay) and the Film Studio Precinct (on hold) in the Port Lands and Bathurst Quay to the west.

Prior to the preparation of zoning by-laws or development permit by-laws within *Regeneration Areas*, the CWSP requires Precinct Implementation Strategies to be prepared in accordance with the policies contained in Section 2.2. As well, the CWSP provides that rezoning of individual sites within *Regeneration Areas* will generally only be entertained once a context has been established for the evaluation of specific rezoning applications, through the Precinct Implementation Strategies. In addition, area-wide infrastructure requirements are required to have been determined, including a fair and equitable means for ensuring appropriate financial contributions for their provision, prior to the approval of rezoning applications.

The CWSP has specific requirements for land use compatibility. Paragraph P27 requires development in *Regenerations Areas* to have regard for provincial guidelines and for lands to be appropriately buffered and mitigated to prevent adverse effects from noise, odour and other contaminants. Policy P51 states that the Redpath facility is an important feature of the Toronto Waterfront that should be maintained. Further, any development applications and public realm initiatives shall have regard for applicable policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with respect to noise, dust, odour and air quality. The goals of these policies, as stated in P51, are to:

- i. prevent undue adverse impacts from the proposed land use on the Redpath lands designated as an *Existing Use Area*; and
- ii. prevent undue adverse impacts on the new land use from the Redpath lands designated as an *Existing Use Area*.

Sensitive land uses may be prohibited in the implementing zoning or limited (through massing and siting, buffering and design mitigation measures) in proximity to Redpath lands to ensure compatibility. In addition, noise and air emissions reports shall be required, in support of development approval requests. Such environmental reports are to specify how compatibility will be achieved and maintained.

The Central Waterfront Secondary Plan can be viewed at:

<https://www1.toronto.ca/City%20of%20Toronto/Waterfront%20Secretariat/Shared%20Content/Files/CWSP07.pdf>

## **Lower Yonge Precinct Plan and Official Plan Amendment**

The Lower Yonge Precinct Plan and implementing draft Official Plan Amendment (OPA) were considered by Toronto and East York Community Council on May 10, 2016 and will be considered by City Council on June 7/8, 2016. These documents provide the comprehensive planning framework intended to guide development in the Precinct. Both documents set out a common vision for the redevelopment of the Lower Yonge Precinct:

The Lower Yonge Precinct will be a vibrant, mixed-use, complete community that derives its character from its waterfront context and the large central park at its heart. A home and workplace for people of all incomes, as well as a destination to visit, Lower Yonge will be a green, sustainable neighbourhood with streets and sidewalks that are inviting to both pedestrians and cyclists. The area will be characterized by mid-rise base buildings framing the public realm at a human scale, and broadly spaced towers ensuring sunlight, good wind conditions and ample views of the sky from all streets and the park.

A set of eight objectives are outlined for how to implement this vision. The OPA then establishes a set of planning policies with graphics, intended to guide future private and public investment, under the following general themes:

1. **Public Realm:** streets and blocks network, regional transportation improvements; complete streets; active transportation; ground floor animation, parks and open space, privately owned, publicly-accessible spaces (POPS), public art, and transit;
2. **Infrastructure:** community services and facilities, sustainability/resiliency, parking/loading, servicing, and travel demand management;
3. **Development:** land use, compatibility with Redpath Sugar, housing, heritage conservation and archaeology, and built form (including base buildings, articulation, tall buildings, density and specific provisions for the 1-7 Yonge Street property); and
4. **Implementation:** municipal approvals (including complete application requirements, holding provisions, Section 37 agreements and subdivision), municipal class environmental assessment, design review panel, landowner agreements, and monitoring.

The Lower Yonge Precinct Plan provides the background material for the OPA, as well as additional measures and details for each of the elements in the OPA. It outlines and highlights the:

- context for the area;
- broader public realm network, including connections to surrounding areas;
- clarification of street types; and possibilities for the PATH network;
- added recommendations for built form development;
- background for the recommended community services and facilities;
- sustainability and resiliency ambitions;
- goals for economic innovation;
- public art plan; and
- additional recommendations for phasing and implementation.

The Lower Yonge Precinct Plan and draft Official Plan Amendment (on page 49 of the Final Staff Report) can be found at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=bd6ec6f87bdb1410VgnVCM10000071d60f89RCRD>

## **Zoning**

The former City of Toronto Zoning By-law 438-86, as amended, is applicable to the 1-7 Yonge Street property. All of the lands within the CWSP area were exempt from inclusion into City of Toronto harmonized zoning by-law 569-2013. The property is zoned CR T6.0 C6.0 R0 (see Attachment 14), or commercial-residential, with a maximum total density of six times the lot area, maximum commercial density of 6 times the lot area and no permitted residential density. Although the CR zone is a mixed-use zone, this property is only permitted non-residential uses under the existing zoning.

A restrictive site specific zoning by-law exception, Section 12(2)297, was approved as part of an OMB settlement in 1995 and further prescribes the form of development across the site. The by-law sets out specific height and massing, which steps down both west to east and north to south, and seeks to preserve views to the south. The maximum base building height adjacent to all streets is 19 metres, above which upper storeys must step back a minimum of 2 metres. Adjacent to Queens Quay and Freeland Street, upper storeys must step back another 12 metres at a height of 30 metres. A maximum height of 85 metres is permitted along the Yonge Street frontage, 60 metres at Lake Shore Boulevard and Freeland Street, and 44 metres at Queens Quay East and Freeland Street. The by-law protects for a potential Harbour Street extension to accommodate a mid-block street between Yonge Street and Freeland Street. It also protects for a pedestrian promenade along Yonge Street.

## Urban Design Guidelines

### 1-7 Yonge Street - Urban Design Guidelines

City Council adopted site-specific urban design guidelines for the 1 Yonge Street site in 1995 in conjunction with the restrictive site-specific zoning by-law exception 12(2)297. The guidelines support the site-specific zoning provisions and also provide several built form and microclimate recommendations, including:

- providing visual linkages between open spaces on the north and south blocks, as well as to the development block south of Queens Quay;
- requiring buildings to step down in height from Yonge Street to Freeland Street and from Lake Shore Boulevard East to Queens Quay East;
- breaking down building masses and articulating building facades;
- creating distinctive, yet complementary tower design, acknowledging the Toronto skyline;
- requiring base building setbacks of 10-17 metres along Yonge Street, 6 metres on Queens Quay and 3 metres on Freeland Street;
- ensuring a 60 degree angular plane above a height of 50 metres along Yonge Street, to ensure maximum sunlight on Yonge Street; and
- providing continuous weather protection along Yonge Street, Queens Quay and Harbour Street.

The guidelines can be found at:

[http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/44\\_1yongestreet.pdf](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/44_1yongestreet.pdf)

### City-wide Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. Section 1.2 speaks to the need to coordinate the development of larger sites with multiple tall buildings, new internal streets and parks through a Master Plan. The city-wide Tall Building Design Guidelines are available at: [http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/tall-buildings.pdf](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/tall-buildings.pdf)

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

As this project is located within the CWSP, it is not 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 in May 2013).

## **TOcore**

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports can be found at the project website: [www.toronto.ca/tocore](http://www.toronto.ca/tocore)

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second 'planning and analysis' phase, which involves drafting policies, plans and strategies. A report back to TEYCC is targeted by the end of 2016 on the results of Phase 2 and next steps on implementation. Staff from the TOcore unit have been involved in many of the decision-making processes associated with the formulation of the Lower Yonge Precinct Plan and OPA, as well as the 1-7 Yonge Street site, including deliberations on community services and facilities, sanitary servicing and built form tools.

## **Subdivision**

In response to a policy requirement in the Lower Yonge Precinct OPA, the applicant has submitted a subdivision application to split the site into two blocks and to provide for the conveyance of the extension of Harbour Street through the site, connecting Yonge Street to Freeland Street. This application is currently under review. A report will be brought forward to Community Council for consideration shortly after completion of the Lower Yonge Precinct MCEA.

## **Site Plan Control**

The subject site and proposed development are subject to site plan control. It is anticipated that site plan control applications will be brought forward separately for each of the five phases. The first site plan control application, expected before the end of 2016, will be required to provide interim landscape and construction staging plans for each of the first four phases. The first or second site plan control application will also be required to include a streetscape design and phasing plan for the entire site to ensure appropriate implementation of the MCEA-recommended public realm concept plan.

## **Reasons for the Application**

The applicant is seeking amendments to both the former City of Toronto Official Plan and former City of Toronto Zoning By-law. The existing site specific Official Plan policy (Section 14.31) permits 7.0x FSI, subject to certain requirements. The applicant has proposed the following amendments to the site specific policies in order to:

- increase the permitted density from 7.0 FSI to 16.49 FSI;
- amend the provisions of Policy 14.31(a) regarding the dedication of the right-of-way for the Harbour Street extension;
- amend the provisions of Policy 14.31(b) to reflect the 2006 Official Plan policies regarding shadow and wind impacts on adjacent properties, streets and parks;
- amend the provisions of Policy 14.31(e) regarding parkland dedication to reflect 2006 Official Plan standards; and

The proposal does not comply with the existing zoning by-law in several instances, including, among others:

- residential uses are not permitted;
- built form does not adhere to the site-specific base building and tower height provisions of Section 12(2)297;
- 16.5x FSI exceeds the permitted density (from the zoning by-law) of 6x FSI.

## **Community Engagement**

The 1-7 Yonge Street applications were presented concurrently with the proposed Lower Yonge Precinct Plan at a Stakeholder Advisory Committee (SAC) meeting, community consultation meeting, and also through web-based correspondence with City Planning and Waterfront Toronto.

### Stakeholder Advisory Committee

The 1-7 Yonge Street proposal was discussed with the Lower Yonge Precinct SAC on June 15, 2015. At that meeting, many participants agreed that, if there is a place for an extremely tall landmark building in the City, it is at the foot of Yonge Street. Participants felt the proposal had improved significantly from the original submission, and that the community centre with aquatic facilities was a very positive addition. Lowered heights of the proposed developments on the south block were viewed as an improvement, lessening impacts on Queens Quay East and the waterfront. Participants indicated that it would be useful to see the proposed development in its broader context, including the nearby financial district. They also requested additional consideration of how the City proposes to absorb so much density in a livable, humane way, especially with regard to how the density would be supported by a rich public realm. A review of extremely tall building precedent conditions was recommended.

## Public Meeting

On June 23, 2015, approximately 150 people participated in the third and final community consultation meeting respecting the Lower Yonge Precinct Plan (the first two were held in May and October 2013). The June 2015 meeting, for the first time, included a presentation of the 1-7 Yonge Street development proposal during the overview, as well as separate break-out sessions on the 1-7 Yonge Street proposal during the workshop portion of the meeting.

Several participants indicated that they liked the development's approach of stepping down from west to east and north to south, although there were concerns about blocking views southwards from existing development. There was discussion about the proposed configuration of the development, focussing on opportunities to make the site more porous and include greater separation between buildings.

Concerns were expressed about the interface between the 1-7 Yonge Street development and the recently approved Pier 27 development on the south side of Queens Quay, immediately opposite the subject site. Questions emerged from existing tenants of the Toronto Star tower respecting plans for the building, with some wishing to see the building remain and others interested in its removal to make way for more density at that location. Some participants questioned why such tall buildings were being proposed and why people would want to live at that height.

## **Design Review Panel**

Recognizing the prime location at the foot of Yonge Street and importance of the proposed redevelopment of this area, the Lower Yonge Precinct Plan and 1-7 Yonge Street proposals were presented to two meetings of a joint Panel of the City's and Waterfront Toronto's Design Review Panels. Meetings were held at Waterfront Toronto under their guidance and procedures, but City Panel members were invited to attend as commenting, non-voting members.

The joint Design Review Panel held their first evaluation of the 1-7 Yonge Street proposal on September 16, 2015. Panel recommendations included:

- reduce the height and bulk of the south block;
- reconsider the ground-level interface between buildings and internal walkways and courtyards as well as the relationship to the proposed park;
- pursue a public realm-led design for the block;
- give more significance to sustainable design elements; and
- consolidate parking and loading access points.

Several panelists were concerned that the proposal evoked a suburban, shopping mall type development, rather than a prime waterfront, publicly-oriented proposal. The panel voted unanimously to not support the proposal at this first review.

The second joint Design Review Panel hearing for 1-7 Yonge Street was held on December 9, 2015. The Panel found that revisions to the building massing resulting in smaller floor plates better integrated the proposal into its urban context. They felt that parking and loading had improved, but remained concerned with the lack the light penetration and public access to the community centre and drop-off areas. The Panel also considered the public realm connectivity to be much-improved through the new north-south linkages, but felt that further public realm connections and walkability improvements would be beneficial. The Panel acknowledged that several of the proposed recommendations could be made at the site plan control stage, and that the Panel looked forward to seeing the project again at that stage. The panel voted unanimously in support of the revised proposal.

### **Agency Circulation**

The applications were circulated on four occasions to appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and in formulating appropriate standards for inclusion into the draft Official Plan and Zoning By-law Amendments that will be brought forward to the OMB for consideration, should Council endorse the recommendations contained within this report.

## **COMMENTS**

### **Provincial Policy Statement and Growth Plan**

The proposal is consistent with the PPS, provided the outstanding matters set forth in this report are addressed to the satisfaction of the Chief Planner and City Solicitor. The proposed redevelopment can create an efficient use of existing infrastructure and transportation systems, as it is an under-utilized site within 300 metres of Union Station, the city's main multi-modal transportation hub. It promotes a land use pattern, density and mix of uses that limits vehicle trips and supports the use of transit and active transportation.

This proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, provided the outstanding matters set forth in this report are addressed to the satisfaction of the Chief Planner and City Solicitor. It represents new growth in a built-up area that can ensure and maximize the viability of existing and planned infrastructure.

### **Lower Yonge Precinct Plan and OPA**

Both the former City of Toronto Official Plan and the Central Waterfront Secondary Plan reference the need for comprehensive precinct planning in *Regeneration Areas* along the Toronto waterfront. The Lower Yonge Precinct planning process was conducted over a nearly four year period and involved considerable research, analysis, consultation, and collaboration. Aside from the outstanding work to be conducted as part of the Lower Yonge Precinct MCEA, that planning process culminated with consideration of the Lower Yonge Precinct Plan and OPA to Toronto and East York Community Council on May 10, 2016.

The draft Lower Yonge Precinct OPA contains specific quantitative provisions for the 1-7 Yonge Street property in Policies 6.5.13 to 6.5.15, including maximum gross floor area, and tower heights. The proposal for 1-7 Yonge Street has the potential to be consistent with these and all other policies in the Lower Yonge Precinct OPA, and to conform with the recommendations in the Lower Yonge Precinct Plan, provided the outstanding matters set forth in this report are addressed to the satisfaction of the Chief Planner and City Solicitor.

## **Transportation Network**

The proposal for 1-7 Yonge Street supports and does not preclude the larger, regional transportation network changes proposed for the Lower Yonge Precinct, namely, the:

- removal of the Bay Street on-ramp to the eastbound Gardiner Expressway;
- shortening of the Lower Jarvis off-ramp to the eastbound Gardiner Expressway;
- widening of Lake Shore Boulevard East between Yonge and Lower Jarvis Streets;
- conversion of Harbour Street to two-way operations from Yonge Street to York Street;
- normalization of the Yonge Street/Harbour Street and Yonge Street/Lake Shore Boulevard intersections; and
- Church-Cooper tunnel connection;

It is expected that the applicant will, at a minimum, implement the normalization of the Yonge Street/Harbour Street and Yonge Street/Lake Boulevard intersections as these intersection works about the 1-7 Yonge Street site.

The Lower Yonge Precinct MCEA will be creating a preliminary costing and phasing plan for these initiatives. This will include an assessment of the proportion of these costs that could reasonably be expected to be borne by local development, as well as recommendations as to when each initiative is required to appropriately accommodate anticipated vehicular, bike and pedestrian volumes. It is recommended that a holding provision be put on the zoning by-law amendment for the property to ensure that development beyond the first phase would be required to conform to the costing and phasing recommendations of the MCEA and will not proceed until the provision of this infrastructure is secured in a manner satisfactory to the City.

## **Streets and Blocks**

The Official Plan and Zoning By-law Amendment applications for 1-7 Yonge Street (as well as the proposed subdivision application) propose to extend Harbour Street east from Yonge Street to Freeland Street, splitting the property into two development blocks. Although the exact alignment of Harbour Street will not be determined until the completion of the MCEA process, the proposed streets and blocks plan reflects the intent of the Lower Yonge Precinct planning framework. Precise building footprints for the proposed buildings abutting Harbour Street, secured within the zoning by-law amendment, will therefore not be made certain until the MCEA is completed.

## Public Realm

The Lower Yonge Precinct Plan and OPA propose several significant public realm improvements, all directed to facilitate accommodation of the significant expected population of residents, employees and visitors to the area. The premise is to transform the area from a vehicular-oriented, industrial area into a vibrant, green, pedestrian and cyclist-friendly area, befitting its waterfront location. The 1-7 Yonge Street application proposes to implement all of the recommended public realm enhancements (see Attachment 2, Ground Floor Plan), including:

- creating a wide public promenade along the Yonge Street frontage, in accordance with the Public Realm Plan on Map J4 of the OPA; the promenade is made possible by the proposed opening up the lower two levels of the existing Toronto Star building along Yonge Street and Queens Quay to allow for pedestrian permeability and visibility at the southeast corner of the south block;
- creating wide sidewalks of at least six metres along the new Harbour Street extension, Freeland Street, Lake Shore Boulevard East and Queens Quay East, with distinct zones, as noted in Section 4.3 of the Precinct Plan, for furnishing/planting, pedestrian clearways (or throughways), and building frontage zones for retail spillover;
- providing street trees along all streets with minimum soil volumes of 20 to 30 square meters to ensure long-term survival;
- a number of privately-owned publicly-accessible spaces (POPS) throughout the site, in the form of north-south and east-west mid-block pedestrian connections across the site that will help to encourage pedestrian activity by increasing permeability through the site; these connections are exterior on the north block and interior on the south block;
- the provision of an interior winter garden on the south block that is widened and open to the sky at the south end fronting Queens Quay, aimed at creating potential views to the Lake and providing an interesting and inviting place for pedestrians at all times of year;
- inclusion of continuous weather protection in the form of canopies on the north block and covered promenades on the south block, mitigating impacts of rain and wind;
- extension of the PATH network into the site, as per Section 4.6.5 of the Precinct Plan, providing additional pedestrian options within and surrounding the site, and creating a weather-protected linkage to Union Station for employees, residents and visitors; and
- the improvement of the City-owned parcel at the northwest corner of the site.

The cross-section plans and details for each of the streets surrounding and bisecting the site are being designed as part of the public realm concept component of the MCEA. These plans will be incorporated to the site plan drawings for 1-7 Yonge Street when the MCEA is completed and will be implemented in phases during their construction.

### **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 Official Plan shows local parkland provisions across the City. The subject site is in an area with 0 to 0.42 hectares of local parkland per 1,000 people, the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The proposal includes 2,962 residential units on a net site area of 23,393m<sup>2</sup> with 164,961 square meters of non-residential use (excluding the 4,772 m<sup>2</sup> dedicated to a community centre use). At the alternative rate of 0.4 hectares per 300 units specified in the City Wide Parkland Dedication By-law 1020-2010, the parkland dedication requirement is 39,493.3 m<sup>2</sup> or 262% of the site area. However, for sites that are between 1-5 hectares in size, a cap of 15% of the development site is applied to the residential use. The non-residential uses are subject to a 2% parkland dedication. In total, the parkland dedication requirement is 2,231m<sup>2</sup>.

Cash-in-lieu of parkland will not be accepted for this application as the Lower Yonge Precinct Plan has identified the provision of parkland to be assembled into an approximately 1 hectare centralized park. The owner will be required to satisfy the whole of its parkland requirement through an off-site parkland conveyance in relation to the application at 55 Lake Shore Blvd East and at a location in accordance with the Lower Yonge Precinct Plan. Alternatively, if the applicant fails to provide an off-site dedication, an on-site parkland conveyance will be secured with frontage along Lake Shore Blvd and abutting existing City owned lands.

An approach for securing the land and timing of the conveyance is still being negotiated as part of the application process for this development. However, prior to the OMB hearing commencing, the City will require that the owner enter into a Memorandum of Understanding, or other satisfactory agreement, with the City and property owner at 55 Lake Shore Blvd East in order to present a coordinated approach to the clean-up and delivery of parkland in accordance with Official Plan Policy 3.2.3, as well as the City's Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act, approved by Council on February 10, 2015. It is anticipated that the owner of 1-7 Yonge Street will be required to enter into a Three Party Agreement, pursuant to Section 37 of the Planning Act, with the City and the owner of 55 Lake Shore Boulevard East, to secure the conveyance of the off-site parkland.

## **Public Art**

The applicant has indicated that they will be pursuing the City's Percent for Public Art Program, which will follow the recommendations contained within the Public Art Plan in Section 9 of the Lower Yonge Precinct Plan. The proposed approach to public art will be secured through the Section 37 Agreement. At a later date, a separate staff report concerning public art will be brought forward to Community Council outlining the method by which the applicant will commission public art within a publicly-accessible location on the site or elsewhere as a consolidated project in collaboration with Waterfront Toronto and other landowners in the Precinct.

## **Ground Floor Animation**

In order to increase the amount of pedestrian activity and thereby promote surveillance and enhance safety around the Precinct, a Ground Floor Animation Zone was introduced with the policies in Section 4.5 and the graphic in Map J6 of the Lower Yonge Precinct OPA, as well as through the recommendations in Section 5.2.1 of the Precinct Plan. Portions of the building within the Ground Floor Animation Zone are expected to have frontages and façade design that facilitate activity and visibility, with a high degree of window transparency, a consistent rhythm of entrances and universal accessibility. They will enhance the safety, amenity and animation of adjacent streets and open spaces. Ground floor animation zones are required to contain active uses that will see high volumes of pedestrian activity. Active uses include, but are not limited to: retail uses, restaurants, commercial uses that service the local residents and workers; recreational and arts facilities; institutional uses and building lobbies.

The proposed development conforms with the active frontage requirements in the Lower Yonge OPA and Precinct Plan by lining the perimeter of their base buildings on the ground floor with retail, lobbies, and institutional uses (commercial recreation centre).

## **Cycling Facilities**

In response to stakeholder feedback on the Lower Yonge Transportation Master Plan, which proposed sharrows on all streets in the Precinct, considerable effort was made during phase 2 of the precinct planning process to identify improved cycling connections. Map J5 within the Lower Yonge Precinct OPA depicts the anticipated cycling network within and surrounding the Precinct, the exact design of which will be confirmed upon completion of the MCEA process and secured through the site plan control process. The applicant for 1-7 Yonge Street is expected to implement:

- the section through their property of a potential bi-directional, cycling facility that is proposed to be extended from York Street to Lower Jarvis Street along the south side of Harbour Street; and
- the potential upgrade of the existing bike lane on Yonge Street between Queens Quay and Front Street from standard (painted) to separated.

These measures will be secured in the Section 37 Agreement. The proposal meets the required number of bike parking spaces on the site, in addition to providing the proposed shower/change facilities for the office uses on the south block. Given the large number of bike parking spaces located on the P1 level of the north block and the close proximity to existing and planned cycling routes, staff have requested the applicant to provide enhanced, bike-only access ramps to the below-grade area. This will be finalized at the site plan control stage.

## **Community Service and Facilities**

Section 5.1 of the Lower Yonge Precinct OPA identifies the inclusion of a community centre integrated into the development site. The applicant has proposed a 4,772 square meter (51,365 square foot) facility located on the southeast corner of the north block with the majority of the floor space located on the 2<sup>nd</sup> floor. The owner will be required to design and construct, entirely at their own cost, a complete 4,772 square meter community centre to be delivered through a freehold strata title conveyance at the completion of Phase 1. The community centre will have frontage on Freeland and Harbour Streets and will be designed as a neighbourhood landmark including as its anchors a double gymnasium and a six-lane, 25 metre pool. In addition, designated staff parking spaces, shared visitor parking and a number of designated community centre bicycle parking spots at ground level will be required.

All of the details on the design, precise location, exact size, tenure, components, specifications, mechanical equipment, access and parking will be secured in the Zoning By-law Amendment, Section 37 Agreement and Site Plan Agreement, as appropriate. City Council approval will be sought to approve credit against the Parks and Recreation component of the Development Charges for the fit-out, to include construction of internal program elements and finishes, of the community centre by the owner. Furniture, office and sports equipment shall not be the responsibility of the owner to provide.

## **Housing**

The Lower Yonge Precinct Plan and OPA have prioritized the delivery of affordable rental housing in the form of built residential units, rather than as land or cash in lieu of affordable rental housing. The ratios of affordable rental housing requirements outlined in Policy 6.3.5 of the OPA are intended to reflect variations in the cost to both the City and the developer of delivering housing through each of the three options (land, cash-in-lieu or units). The 1-7 Yonge Street application proposes the provision of 10% of the residential gross floor area for affordable rental units, in accordance with Policy 6.3.5a(i). The units are proposed to be located on the third to sixth floors of the base building on the north block, as identified on the February 16, 2016 architectural plans. Staff have provided initial feedback that the general approach to provision of affordable rental housing units within the proposed development is acceptable, subject to resolution of the following matters, among others:

- units should have access points that are integrated with the other residential units;
- in accordance with the Policy 6.3.2 of the OPA, half of the three-bedroom units will only be considered as such if they have all bedrooms on an exterior wall with glazing in each bedroom;
- the identification of accessible or barrier-free units; and
- units should have equitable access to all facilities, including freight elevators, moving rooms, amenity spaces, storage lockers, bike parking and vehicular parking.

The precise location, access, availability of facilities and amenities, number of units, unit sizes, affordability term and rental tenure will be secured through the Zoning By-law Amendment, Section 37 Agreement and Site Plan Agreement. Staff are also investigating the possibility of working with the applicant and appropriate staff to evaluate whether this project can contribute to reducing the number of people on the City of Toronto's Housing Connections List for subsidized housing.

Another important objective of a dynamic waterfront is the creation of neighbourhoods that are attractive for many different types of households from a wide range of incomes and demographics, particularly families with children, seniors and downtown workers. Policy 6.3.2 of the Lower Yonge Precinct OPA requires a mix of units to provide this diversity, specifying that 25% of the units be in the form of two-bedroom units or larger including 10% of units being three bedrooms or larger throughout the residential development. The current proposal conforms to this policy objective.

### **Amenity Space**

The proposed indoor and outdoor residential amenity space meets the zoning bylaw requirements for proportion and location. It is expected that there will be a number of residents purchasing units in the proposed residential towers who will have young children and/or dogs. These issues were raised at stakeholder advisory meetings, community consultation meetings and in correspondence from constituents. Staff have therefore requested the applicant to provide suitable common amenity spaces and/or privately owned but publicly accessible spaces that cater to families with children and residents with dogs. This will be dealt with at the site plan control stage.

### **Toronto Green Standard and Sustainability**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS and Policy 5.2.1 of the Lower Yonge Precinct OPA strongly encourages applicants to achieve Tier 2.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features:

- provision of 10 car-share spaces in lieu of 40 standard vehicular parking spaces;
- designated shower/change facilities for the office towers;
- continuous weather protection for the majority of building frontages; and
- provision of native species for all street trees and landscaped areas.

The following Tier 1 performance measures will be secured through the Subdivision Approval process:

- provision of an erosion and siltation control plan in accordance with conservation authority guidelines; and
- retention of the first 5 millimetres from each rainfall event, as addressed in the applicant's Stormwater Management Report.

Other applicable TGS performance measures will be secured through the site plan approval process, including the provision of appropriate soil volumes for all trees, bird-friendly design features, light pollution mitigation measures and enhanced solid waste collection facilities.

The applicant has indicated they will pursue Tier 2 of the TGS which includes possible refunds against Development Charges payable for the development. All of the Tier 2 Core performance measures will be pursued, including:

- meeting or exceeding a 35% improvement over the Model National Energy Code for Buildings, including the use of best-practice commissioning;
- 30% reduction in potable water consumption using efficient fixtures;
- 50% reduction in potable water used for irrigation; and
- addressing light pollution through the elimination of spotlighting and roof-top vanity lighting, and the reduction of outward spillage from internal light.

It is anticipated that the following Tier 2 Optional performance measures will be pursued:

- provision of enhanced bike parking rates;
- enhanced stormwater retention facilities and design; and
- treatment of glass on all supplementary building and glass features to address potential migratory bird collisions with windows.

In addition, the underground garage plans currently propose mechanical spaces for district energy connection equipment. The exact room sizes and pipe space allocations will be finalized through the site plan control process as discussions with district energy providers evolve. District energy could take the form of deep lake water cooling, geo-thermal heating or any other emerging technology.

In accordance with policy 5.2.2 of the Lower Yonge Precinct OPA, the applicant will be required to submit an energy strategy upon submission of the first site plan control application. The energy strategy will identify opportunities for energy conservation, including peak demand reduction, greenhouse gas emission reduction and improved resilience to power disruptions. The applicant will be encouraged to pursue these opportunities through consideration of: upper-level tower orientation, amount of glazing and materiality, and on-site renewable energy production.

### **Tree Preservation**

There are a total of 36 trees on and within six metres of the subject property, none of which are larger than 30 centimetres in diameter at breast height. The removal of 19 trees is required to accommodate the proposed development in an appropriate manner. The remaining 17 trees can be preserved, and will require appropriate tree protection measures to be installed prior to construction of the proposed development. A total of 110 trees are proposed to be planted on and surround the site. These measures will be secured at the site plan control stage.

### **Land Use and Compatibility**

The Lower Yonge Precinct Plan and OPA prescribe a mix of uses in the area to ensure activity in the area at all times of day. The application currently proposes a use mix of 57% of the gross floor area dedicated to residential uses and 43% to non-residential uses, which complies with the Policy 6.1.4 in the OPA, which limits residential uses to 75% across the Precinct. The proposed non-residential uses are divided among retail and office uses and the community centre provides an important civic/institutional use to the site. The inclusion of the proposed affordable rental residential units will help to ensure that an inclusive community is achieved with the residential uses through a mix of ownership and rental tenure, as well as market and non-market affordability rates.

The land use plan outlined on Map J8 in the OPA specifies that only non-sensitive (i.e. non-residential) uses are permitted south of the proposed Harbour Street extension through the Precinct. This was imposed to respect the existing Redpath Sugar refinery on the south side of Queens Quay. Sensitive uses (i.e. residential units, community centre, etc.) are contemplated on the north side of Harbour Street. These uses would only be permitted in these locations, subject to appropriate mitigation measures being implemented to reduce noise, odour and air quality impacts associated with Redpath Sugar.

To provide assurance that the proposed land use plan for the Lower Yonge Precinct is able to be successfully implemented to the satisfaction of the Ministry of the Environment and Climate Change (MoECC), the City retained an external consultant to conduct a Noise, Odour and Air Quality Study. The study was focused on assessing the proposed land use and built form provisions to ensure their compatibility with Redpath Sugar and existing transportation corridors (CN rail, Gardiner Expressway and Lake Shore Boulevard). In response to the noise-related conclusions from the study, staff brought forward the following recommendation in the Lower Yonge Precinct Plan Final

Report, dated April 22, 2016, which was adopted by Toronto East York Community Council on May 10, 2016 and will be considered by City Council on June 7/8, 2016:

That City Council direct staff to confirm with the Ministry of Environment and Climate Change that the lands within the Lower Yonge Precinct, identified on Map J1 within the draft Official Plan Amendment attached as Attachment No. 5 to the report dated April 22, 2016 from the Director, Community Planning, Toronto and East York District, should be classified as a Class 4 area under Ministry of Environment (now Ministry of Environment and Climate Change) Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300, August 2013.

The Class 4 area designation was introduced by the MoECC for areas that are intended for development with new noise sensitive land uses that are not yet built, and are in close proximity to existing compliant industry. Its designation in Lower Yonge would enable certain types of mitigation to be possible on the proposed sensitive land uses, while still ensuring the viability of Redpath Sugar.

The Lower Yonge Precinct OPA, developed in consultation representatives from Redpath Sugar, contains several policies in Section 6.2 requiring landowners to demonstrate land use compatibility through the submission of their own, site-specific noise, odour and air quality studies. The applicant for 1-7 Yonge Street has undertaken these studies, which contain the following conclusions:

- **Noise:** Impacts from transportation noise sources (including road and rail traffic) can be adequately addressed through the specific design of each building façade (using wall and window Sound Transmission Class ratings) and through the installation of noise barriers for outdoor amenity areas. Impacts from stationary noise associated with Redpath Sugar can be addressed if the Class 4 classification is implemented by the City, in addition to appropriate mitigation measures.
- **Air Quality:** The proposed development at 1-7 Yonge Street is not expected to cause a burden with Redpath's existing operations and MoECC approvals.
- **Odour:** Further discussion is recommended between Redpath and the applicant to determine, at the site plan control stage, whether mitigation measures should be considered, and if so, the options for implementation.

The City will be undertaking a peer review of these conclusions, in consultation with Redpath Sugar, which will be completed prior to the OMB hearing. It is expected that specific land uses, building orientation, mitigation measures and any other required matters for the 1-7 Yonge Street proposal will be secured through the Zoning By-law Amendment, Section 37 Agreement and any other agreements, as necessary, prior to the OMB hearing or during the site plan control process, as required.

## **Built Form and Height**

The current built form proposal on the 1-7 Yonge Street site reflects extensive evaluation, and collaboration amongst City and Waterfront Toronto staff, the applicant, area stakeholders and the joint City/Waterfront Toronto Design Review Panel. The applicant sponsored a two-day design charrette in April 2014, aimed at establishing broad principles for the site and Precinct. Following the charrette, discussion with the applicant has been consistent and ongoing since the fall of 2014. Staff felt that regular dialogue and coordination with the Lower Yonge Precinct planning process was important for this proposal, given its prominent location, scale and magnitude. Staff and the applicant conducted detailed studies and analyses on floor plates, heights, densities, tower separation distances, tower area ratios, building core sizes, shadow impacts, height transitions, building cross-sections, pedestrian level views, skyline views, sky view proportions, economic considerations, and the integration of public realm design into built form design both within and surrounding the site.

The revised application is consistent with all of the policies in Section 6.5, the built form policies of the Lower Yonge Precinct OPA. It also conforms with the built form recommendations contained within Section 5.2 of the Lower Yonge Precinct Plan. The base buildings have been designed to accommodate the pedestrian promenade along Yonge Street and are aligned with the base building heights identified on Map J7 of the OPA. They have reduced the number of towers from 4 to 3 on the north block and from 3 to 2 (with an addition to the Toronto Star building) on the south block. Tower separation has been increased to a minimum of 30 metres on the north block for the taller residential towers and 25 metres on the south block for the lower commercial buildings. The tower area ratio (TAR) has been implemented as a tool to guide the assessment of how much tower is too much for a given block. The TAR is the ratio of the total area of the average tower floorplate(s) above the base building to the area of the development block. The applicant is adhering to the required 20% TAR for the blocks north of Harbour Street, as noted in Policy 6.5.10 and Map J9 in the OPA.

Significant analysis and community consultation were conducted on the heights for the Precinct, and in particular, the 1-7 Yonge Street site. The heights were determined through careful consideration of shadow impacts and pedestrian level views, skyline views, existing and planned heights in the vicinity, property size and adjacencies. There was also consideration of the 150 to 200 metre-wide transportation corridor (Gardiner Expressway/Lake Shore Boulevard and CN Rail) to the north of the site. The towers on this site are expected to contribute to a dynamic and visually appealing skyline, and represent the prominence that befits a site at the terminus of Yonge Street. They provide the requisite transition in height from north to south and west to east across the property. The shape of the towers has also been refined to respond to concerns from both the public and Design Review Panel: the north block towers have been made slimmer and re-located to ensure visual porosity from the north and from within the proposed park; and the south block tower on the east side were broken down into stepped building blocks to reduce their mass and create a transition into the proposed park. The east and west components of the south block have also been split to ensure continuation of the above-mentioned north-south visual corridor.

With the 65-storey tower expected as Phase 1 for construction, the applicant has agreed to undertake a further design exercise, with continued input from the joint Design Review Panel, on the tallest, 95-storey tower. The intent is to ensure that its shape, articulation and materiality reflect its landmark height and location.

## **Density**

The density of the proposal has been significantly revised from the original submission of 25.4x the net lot area to the currently proposed 16.49x. This number is more in keeping with approvals in the vicinity and represents a transition from higher density areas in the Financial District and South Core areas, to the lower densities in existing and planned developments to the east of the site. The proposed density also reflects the overall capacity of the area to accommodate new development, as well as the proposal's contribution to both hard and social infrastructure that have been planned to create positive, complete communities.

## **Sun, Shadow, Wind**

The height, massing and location of the proposed towers have been revised to reduce shadow impacts from the proposed development on the public realm, including nearby planned and existing parks. In particular, a previously identified evening shadow during the summer solstice period (June 21) has been almost entirely eliminated from Sugar Beach and the west wall of the Corus Building, where outdoor summer concerts are a popular activity. Efforts have also been made to reduce the afternoon shadow impacts on the proposed Lower Yonge park during both the equinox (March 21 and September 21) and summer solstice periods. There are no shadow impacts on Berczy Park to the north during the equinoxes and the summer solstice. The shadow impacts of the revised development proposal are acceptable.

The applicant submitted a revised wind study with the revised proposal, which has identified three areas that require further study. The northeast and southeast corners of the site, as well as the mid-point of the north block along Yonge Street have all been identified as areas suitable for fast walking in the winter. These three zones will require mitigation measures to improve the pedestrian experience. All other areas within and surrounding the site are suitable for sitting, standing, and leisurely walking in both summer and winter conditions. There were no areas that were identified as being uncomfortable from a wind perspective. Wind mitigation measures will be identified and secured through the site plan control process.

## **Heritage and Archaeology**

On the east side of Freeland Street, directly across from the subject property, are the heritage-listed LCBO head office and warehouse buildings. These buildings are considered *adjacent* to the north block of the 1-7 Yonge Street site and, as per Policy 6.4.2 of the Lower Yonge Precinct OPA, are required to demonstrate and achieve an appropriate relationship with the listed heritage buildings through consideration of matters including, but not limited to, building massing, setbacks, step-backs, materials and architectural character. In the revised proposal, the east façade of the north block has

been better articulated and reduced in scale since the initial submission in March 2013. The scale and massing do not affect the potential attributes of the LCBO buildings, as identified in the three separate cultural heritage assessments conducted for the LCBO site.

Archaeologically, the subject property housed the former RCAF equipment depot which is considered a Grade 3 archaeological resource and of no further concern. Archeological monitoring will be required during construction, however.

### **Traffic Impact, Access, Parking, Loading**

One component of the Lower Yonge Precinct MCEA is to conduct additional modelling analyses to further evaluate how the proposed local and regional transportation network improvement can appropriately accommodate the proposed development in the Precinct. The MCEA will also provide an indication of the appropriate stage during the redevelopment of the entire Precinct that each of the proposed network improvements needs to be made. It will also provide a recommendation for those improvements that should be allocated specifically to the landowners in the Precinct. Staff recommend that a holding provision be placed upon the zoning for those phases of development on 1-7 Yonge Street after Phase 1 to ensure that all required transportation network improvements will be provided or secured when required.

The current proposal has consolidated vehicular access onto Freeland Street, thereby minimizing vehicular/pedestrian/cyclist conflict from all other streets. This will dramatically improve the public realm experience for this important section of waterfront redevelopment. Two curb cuts are proposed on the north block, one for access to the internal loading areas and drop off area, and the other with direct access to the underground parking garage ramp. The south block has one curb cut for all loading and parking garage access.

The proposed parking supply of 1,812 spaces, including car-share spaces, has been deemed acceptable. Some minor changes are required for the layout of the proposed loading areas, which will be secured at the site plan control stage.

### **Servicing**

Toronto Water is nearing completion of an update to the 2012 Waterfront Sanitary Servicing Master Plan Environmental Assessment. They are reviewing options to address development capacity pressures on the Scott Street sewage pumping station. This project, led by Toronto Water and supported by Development Engineering and City Planning, will develop an infrastructure strategy going forward in light of the significant residential and non-residential density increases being sought in the southeast Downtown area within the Scott Street pumping station catchment area. While options are being reviewed and a final strategy developed, a holding provision will be imposed for the site-specific zoning by-law amendment on 1-7 Yonge Street to restrict development to the zoned as-of-right density. This holding provision would be subject to removal pending agreement on a preferred option for sanitary servicing in the area and an implementation strategy being approved. Phase 1 of this development, which represents less than the as-

of-right density, would therefore be able to proceed, based on sanitary servicing capacity, without a holding provision.

In order to properly coordinate the required local infrastructure for development within the Lower Yonge Precinct, Policy 5.4.3 of the Lower Yonge Precinct OPA requires the preparation of a Master Functional Servicing Plan for the Precinct. This plan is intended to illustrate the utility improvements (including upsizing) required to support proposed redevelopment, with a study area that encompasses the servicing network within and adjacent to the Precinct. The coordinated Master Functional Servicing Plan will include an implementation strategy that identifies the required timing for upgrades and a strategy for fair and equitable cost-sharing.

### **Economic Impact**

The application proposes the retention of the existing Toronto Star office tower, thereby retaining the existing employment on site. The 35-storey northerly addition to this building, as well as its proposed re-cladding are both anticipated in Phase 5 of the redevelopment. Additional details regarding impacts to tenants and employees will be determined through the site plan control process once re-cladding/renovation plans are more thoroughly evaluated.

The proposal to add more than 110,000 square meters (~1.2 million square feet) of commercial office space (in Phases 4 and 5) to the retained 29,236 square meters (315,000 square feet) of Toronto Star office tower space is an important economic consideration for the City of Toronto. It is estimated that approximately 6,000 jobs will be provided for within the new development, which includes the retention of the existing jobs in the Toronto Star tower. Creating space of this magnitude, in close proximity to Union Station with PATH connections, an enhanced public realm and a revitalized transportation network, is an important factor for employment generation and the creation of the complete community that was an integral component of the vision for the Lower Yonge Precinct.

As identified in the land use section above, the Lower Yonge Precinct Plan and OPA have also undertaken significant measures to ensure that the existing Redpath Sugar refinery, and its 300 employees, can continue its operations in relative harmony with the proposed redevelopment.

### **Implementation and Holding Provisions**

The redevelopment of the 1-7 Yonge Street site will involve consideration of the applications for Official Plan Amendment and Zoning By-law (from City Council and the OMB), Subdivision (from City Council and staff), Site Plan Control and Building Permit. Further discussion/resolution of the following matters, however, needs to occur prior to the OMB considering site-specific by-laws for the development:

- MCEA matters, particularly the confirmation of the Harbour Street alignment and apportioning of regional transportation initiative costs to landowners, as well as the proposed public realm concept and design of cycling facilities for Harbour Street and Yonge Street;
- outstanding items outlined in the memo from Development Engineering, dated May 4, 2016, particularly with respect to hydrogeological (i.e. groundwater) matters;
- submission of a Master Functional Servicing Plan for the Precinct, as required by Policy 5.4.3 of the Lower Yonge Precinct OPA;
- proposed off-site parkland dedication;
- design and implementation matters associated with the proposed community centre;
- design and implementation details associated with the proposed affordable rental housing; and
- acceptance of the conclusions of the noise, odour and air quality studies conducted for the proposed development addressing compatibility with Redpath Sugar's industrial operations and further discussion with Redpath Sugar regarding the proposed mitigation approaches and necessary agreements.

The following holding provisions are expected to be included with the zoning for Phases 2 to 5 of the proposed development (as depicted in Attachment 9):

- sanitary servicing capacity, in accordance with the conclusions and implementation of the recommendations following completion of the Waterfront Sanitary Servicing Master Plan EA update;
- the location, design and provision of existing and planned transportation networks, both on and off-site, to support the development, in accordance with the MCEA;
- submission of streetscape plans for the entire block.
- confirmation of the implementation mechanisms by which the central park will be secured; and/or
- registration of a plan of subdivision and necessary agreements to secure the required municipal services and transportation infrastructure.

It is also anticipated that agreements among landowners, potentially including the City as a signatory, will be required for implementation of some of the redevelopment matters, including but not limited to the:

- proposed central park;
- joint preparation of a Master Functional Servicing Plan;
- MCEA matters;
- mitigation measures associated with Redpath Sugar;
- the proposed PATH connections; and
- public art.

Specific details on conditions for lifting the holding provisions will be outlined in the Zoning By-law Amendment to be considered by the OMB.

## **Ontario Municipal Board**

As mentioned in the Decision History section, the proposed Official Plan and Zoning By-law Amendment applications have been appealed and consolidated at the OMB. At a pre-hearing on December 11, 2015, the OMB scheduled a second pre-hearing on the 1-7 Yonge Street application, which will be held on September 15/16, 2016. A full hearing has been scheduled for October 24 – November 4, 2016. At the first pre-hearing a number of parties and participants were identified, including: the City of Toronto, Waterfront Toronto, Pinnacle International (the appellants and owners of 1-7 Yonge Street), the LCBO, Redpath Sugar, Pier 27, Daniels (owners of lands on the east side of Lower Jarvis), TorStar Corporation, Cycle Toronto, the Toronto Island Community Association and a resident of 16 Yonge Street.

Staff are recommending that a settlement be pursued between the City of Toronto and Pinnacle International in support of the revised development proposal for 1-7 Yonge Street described herein, and subject to the outstanding matters raised in this report being addressed to the satisfaction of the Chief Planner and City Solicitor. Further, staff have no objection to this OMB hearing proceeding prior to the Lower Yonge Precinct OPA being approved by the OMB, provided the 1-7 Yonge Street proposal is settled to the satisfaction of the Chief Planner and City Solicitor, as provided for in this report. The applicant has confirmed that they will not be appealing any of the policies the Lower Yonge Precinct OPA.

### **Section 37**

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits can include (among other capital facilities): parkland, affordable rental housing, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development. (e.g. local shortage of parkland, provision of new community facilities).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres and/or increases the height significantly or where the applicant agrees to provide such benefits.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- i. The design, construction, provision and conveyance to the City of an on-site 4,772 square metre (approximately 51,000 square foot) community centre (excluding fit-outs) through a freehold strata conveyance of the associated floor space. The community centre shall occupy the ground and second storey levels with frontage

on Freeland and Harbour Street and shall be designed as a neighbourhood landmark including as its anchors a double gymnasium and a six-lane, 25 metre pool in addition to the provision of designated staff parking spaces, shared visitor parking and designated community centre bicycle parking spaces at ground level. The completion and conveyance of such facility and lands is expected to be within the first new building erected on the site, at the completion of Phase 1 of the proposed development, as identified in Attachment 9 of the staff report dated May 27, 2016.

- ii. Affordable rental housing units, comprising at least 10% of the proposed residential gross floor area to be erected on the site, to be provided pro rata with each portion of the residential development, with details of the location, access, availability of facilities and amenities, number of units, unit sizes, affordability term and rental tenure to be resolved prior to the OMB hearing.
- iii. Conveyance, including if necessary the satisfactory securing of the conveyance, of the required off-site parkland dedication pursuant to section 42 of the Planning Act, in accordance with the Parks and Open Space policies in the Lower Yonge Precinct Official Plan Amendment, all to the satisfaction of the Chief Planner, the City Solicitor and the General Manager, Parks, Forestry and Recreation. Such conveyance may include requirement for an escrow conveyance and provisions to ensure the City obtains all of the anticipated section 42 off-site parkland dedication at the first and earliest possible opportunity, and may include a requirement for a Three Party Agreement between the City, the owner of the site and the owner of the off-site parkland as part of the Section 37 requirements. A Three Party Agreement would be required to be executed and registered prior to the OMB issuing its Order.
- iv. The design and construction of landscape enhancements to the city-owned parcel of lands at the southeast corner of Yonge Street and Lake Shore Boulevard, upon completion of the normalization of this intersection, including the provision of a letter of credit to secure such work and timing for the provision of said letter of credit;
- v. Participation in the City's Percent for Public Art Program, in collaboration with Waterfront Toronto and in accordance with the Public Art Plan contained within the Lower Yonge Precinct Plan, dated April 2016;
- vi. Art on construction hoarding, in accordance with the City's START (Street Art Toronto) program; and
- vii. A cash contribution to the City prior to the issuance of the above-grade building permit for the second phase of development (Tower 1 at 95 storeys or 291 metres), identified as Phase 2 in Attachment 9 of the staff report dated May 27, 2016, with the contribution to be used by the City towards the following capital improvements, all to the satisfaction of the Chief Planner in consultation with the local Councillor:

- A. A cash payment of \$1,000,000 towards the Jack Layton Ferry Terminal redevelopment;
- B. A cash contribution towards the: two-way conversion of Harbour Street between Yonge and York Streets; full upgrade of Yonge Street from Queens Quay to Front Street; removal of the Bay Street on-ramp to the eastbound Gardiner Expressway; shortening of the Lower Jarvis off-ramp from the eastbound Gardiner Expressway; and/or re-construction of Lake Shore Boulevard East from Yonge Street to Lower Jarvis Street, all in accordance with the recommendations from the Lower Yonge Precinct Municipal Class Environmental Assessment (MCEA); and
- C. A cash contribution to pay for the full costs of an upgraded cycling facility on Yonge Street between Queens Quay and Front Street, except for the portion abutting their site, which is required in Recommendation 1.f.ii. below, with the design conforming to the recommendations from the Lower Yonge Precinct MCEA;

The required cash contributions pursuant to Recommendation 1.c.viii. A. B. and C. above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made; and

In the event the cash contributions in Recommendation 1.c.viii A. B. and C. above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner, in consultation with the local councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

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

- i. The design, provision and maintenance of public realm enhancements on all streets surrounding the two development blocks on the subject property, with the design in accordance with the public realm concept component of the Lower Yonge Precinct MCEA, to be implemented through the site plan approval process;
- ii. The provision of an upgraded cycling facility on the east side of Yonge Street abutting the site, with the design conforming to the recommendations from the Lower Yonge Precinct MCEA;
- iii. The design and construction of the extension of Harbour Street through the subject property, including the proposed bi-directional, cycling facility along the south side of Harbour Street, with the design of both conforming to the recommendations from

the Lower Yonge Precinct MCEA to the satisfaction of the General Manager, Transportation Services;

- iv. The design and construction of intersection improvements (i.e. normalization) for both the Yonge Street and Harbour Street and Yonge Street and Lake Shore Boulevard East intersections, in accordance with the Lower Yonge Precinct MCEA to the satisfaction of the General Manager, Transportation Services;
- v. The design, construction, provision and maintenance of above and below-grade PATH connections to the subject property and through the proposed development, including the conveyance at nominal costs to the City of easement(s) for use by the general public;
- vi. The provision and maintenance of design excellence and materials for the tallest two towers, two tallest towers, Tower 1 not to exceed a height of 95 storeys (291 metres) and Tower 2 not to exceed a height of 80 storeys (246 metres);
- vii. The Owner shall construct and maintain the development in accordance with Tier 1 and 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee;
- viii. The provision and implementation of landscape phasing plans to reflect interim conditions following each of the first four phases of the proposed development, all in accordance with the Lower Yonge Precinct MCEA; and
- ix. The fit-out of the community centre, as provided for in recommendation 5, to the extent of the Development Charge credit.

## **Conclusion**

The applicant has made significant revisions to this application since it was first submitted in March 2013, to respond to staff, agency/division and stakeholder concerns. The project has both informed and been informed by the Lower Yonge Precinct planning process and both projects have improved as a result. 1-7 Yonge Street is a true landmark site given its location at the place where Yonge Street, the longest street in Canada, originates (or terminates) at Lake Ontario. It will be a focal point on the Toronto Inner Harbour and along Queens Quay at Yonge Street and is therefore worthy of special consideration.

The current proposal contains a number of significant features that make it not only supportable from a land use planning perspective, but also highly desirable in revitalizing the Lower Yonge Precinct from an under-utilized post-industrial area, into a beautiful, vibrant, complete community. The proposed application includes:

- significant public realm improvements and a contribution to the proposed central park;

- cycling and mid-block pedestrian connections;
- sustainability measures
- a 4,772 square meter (51,365 square foot) community centre;
- the dedication of 10% of the residential gross floor to affordable rental housing;
- 25% two and three-bedroom residential units;
- a built form that responds to the recommendations and policies contained within the Lower Yonge Precinct Plan and OPA;
- an appropriate mix of residential, retail, office and institutional uses;
- a new PATH connection to Union Station;
- compatibility with existing industry;
- creation of substantial new office space;

Subject to the outstanding matters addressed in this report being finalized and secured in a manner satisfactory to the Chief Planner and City Solicitor, the applications for 1-7 Yonge Street would represent good planning and could be supported. This report provides the planning rationale to City Council to authorize the City Solicitor, City Planning staff and any other City/Agency staff to support resolution of all matters at the OMB appeal of the Official Plan and Zoning By-law Amendment applications, subject to the recommendations of this report.

## **CONTACT**

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 Tel. No. 416-396-7026  
 E-mail: wmacrae@toronto.ca

## **SIGNATURE**

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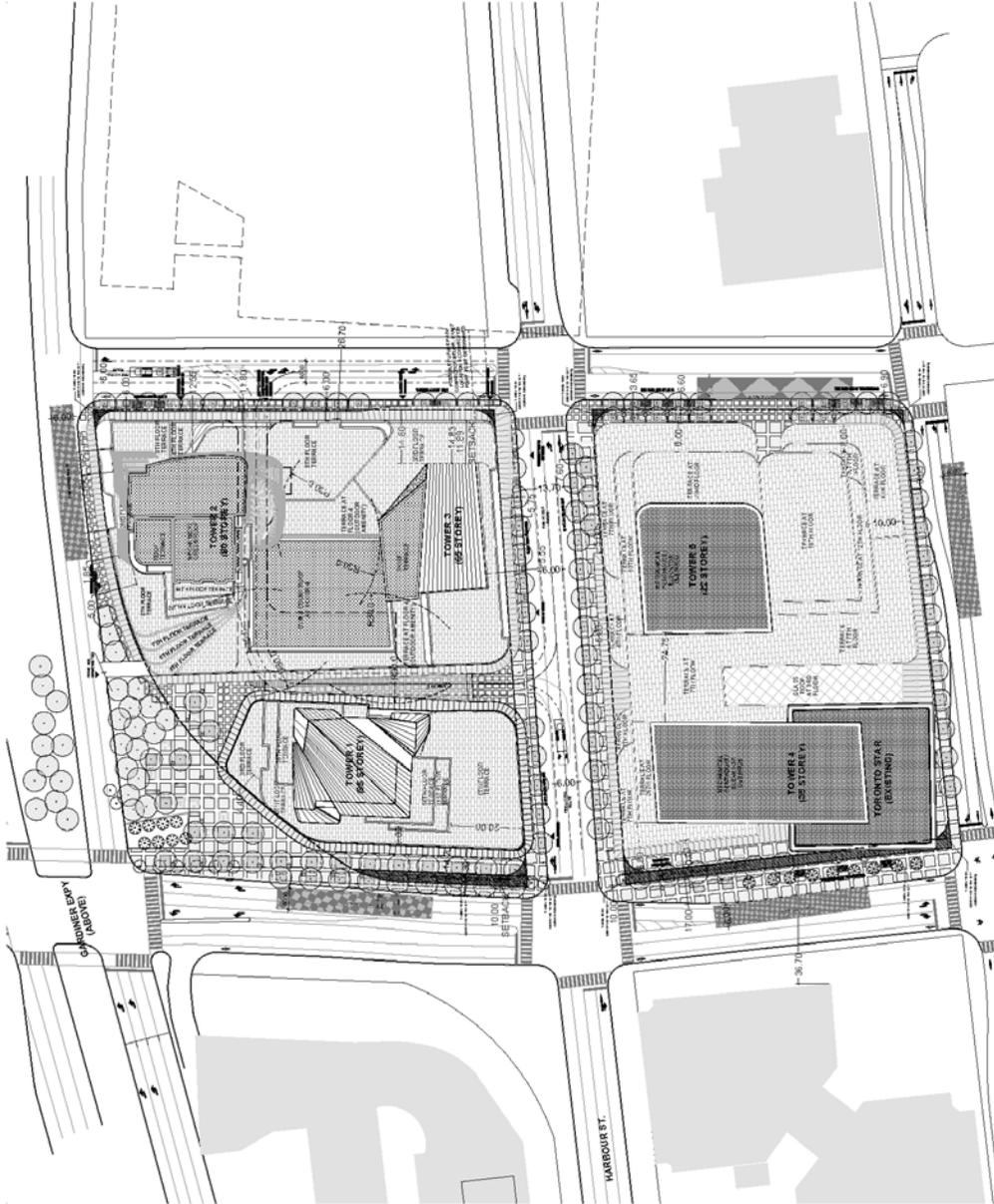
Gregg Lintern, MCIP, RPP  
 Director, Community Planning  
 Toronto and East York District

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## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Ground Floor Plan
- Attachment 3: Second Floor Plan
- Attachment 4: North Elevation (Lake Shore Boulevard East)
- Attachment 5: West Elevation (Yonge Street)
- Attachment 6: South Elevation (Queens Quay East)
- Attachment 7: East Elevation (Freeland Street)
- Attachment 8: Applicant's Rendering
- Attachment 9: Applicant's Phasing Plan
- Attachment 10: Lower Yonge Precinct Rendering
- Attachment 11: Official Plan
- Attachment 12: Former City of Toronto Official Plan
- Attachment 13: Central Waterfront Secondary Plan
- Attachment 14: Zoning
- Attachment 15: Application Data Sheet

Attachment 1: Site Plan



1 - 7 Yonge Street

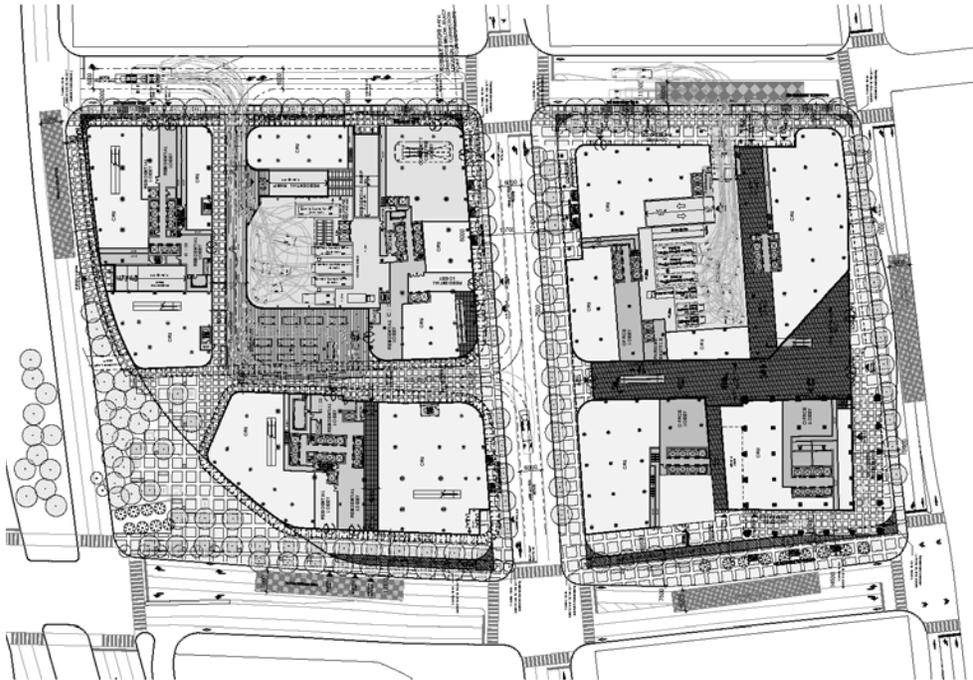
File # 13\_129256\_STE 28 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale  
05/05/2016

**Attachment 2: Ground Floor Plan**



**1 - 7 Yonge Street**

File # 13\_129256\_STE 28.0Z

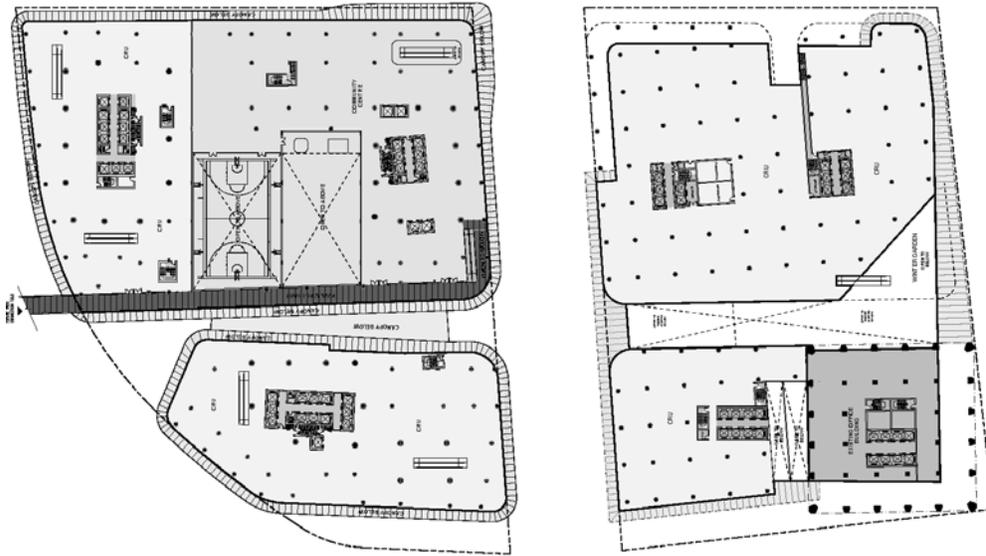
**Ground Floor Plan**

Applicant's Submitted Drawing

Not to Scale  
05/05/2016



**Attachment 3: Second Floor Plan**



**1-7 Yonge Street**

File # 13\_129256\_STE 28.0Z

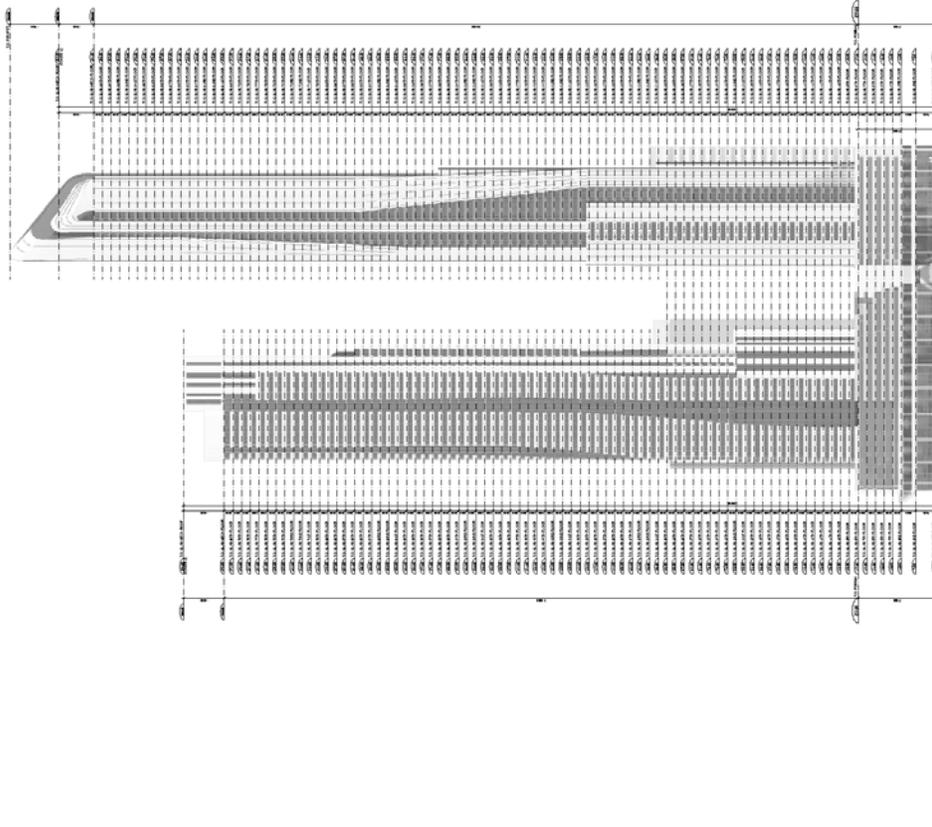
**Second Floor Plan**

Applicant's Submitted Drawing

Not to Scale  
05/05/2016



**Attachment 4: North Elevation (Lake Shore Boulevard East)**



**North Elevation**

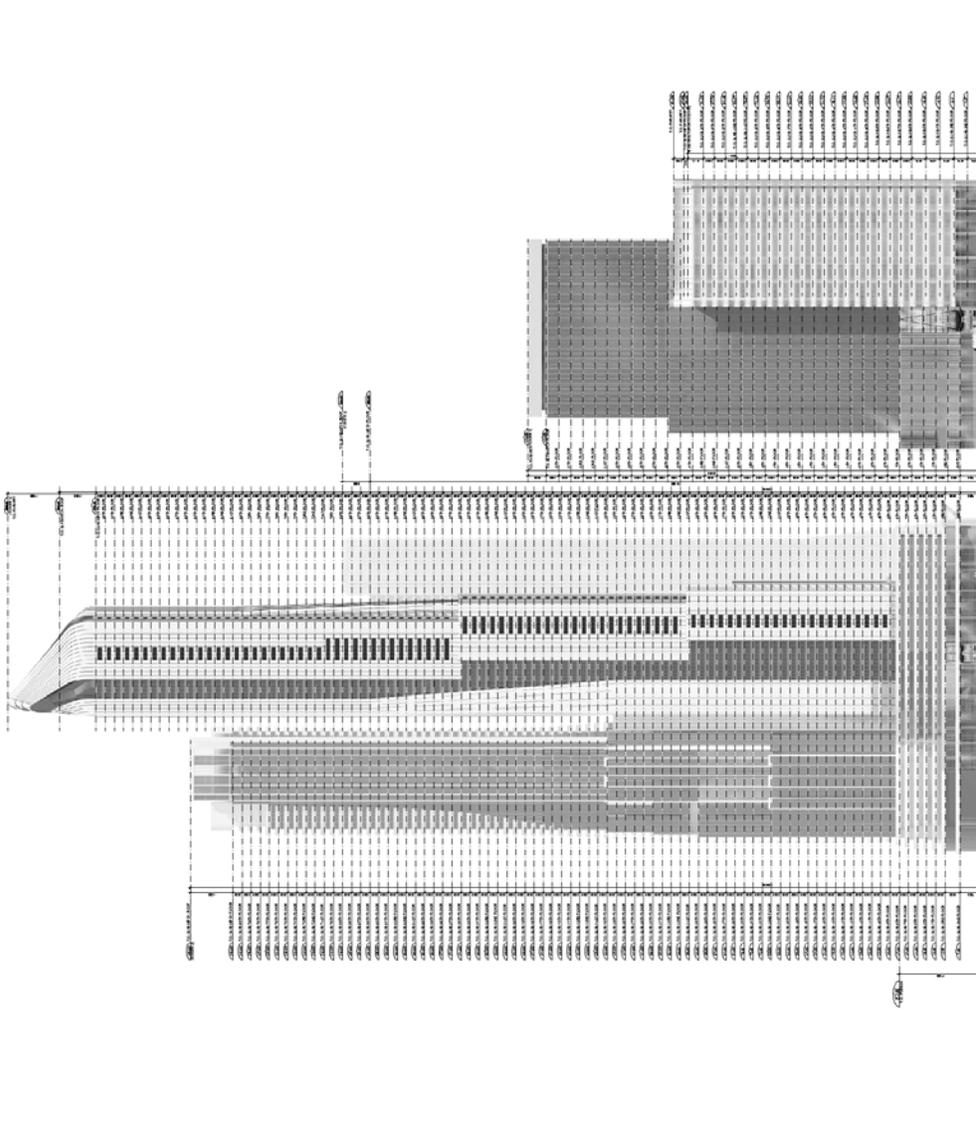
Applicant's Submitted Drawing

Not to Scale  
05/05/2016

**1 - 7 Yonge Street**

File # 13\_129256\_STE 28 0Z

**Attachment 5: West Elevation (Yonge Street)**



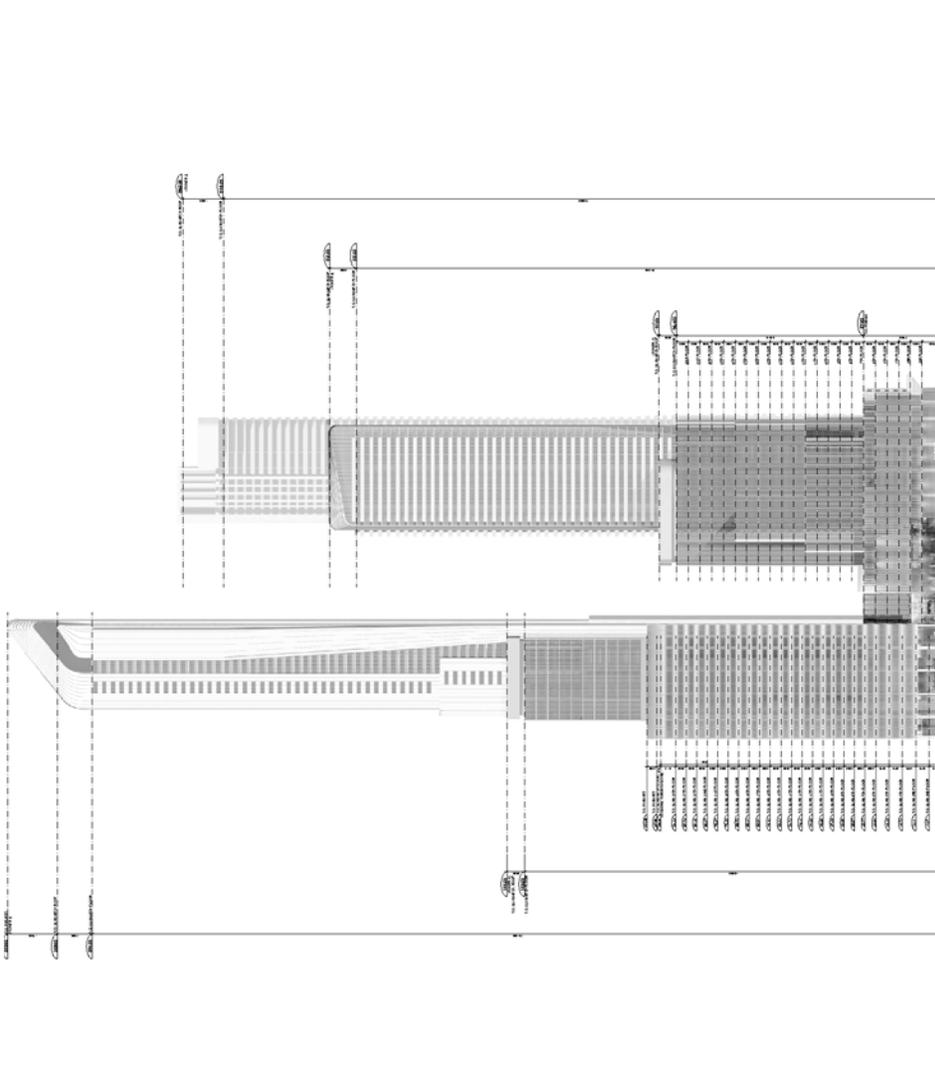
**1 - 7 Yonge Street**

File # 13\_129256\_STE 28 0Z

**West Elevation**  
Applicant's Submitted Drawing

Not to Scale  
05/05/2016

**Attachment 6: South Elevation (Queens Quay East)**



**South Elevation**

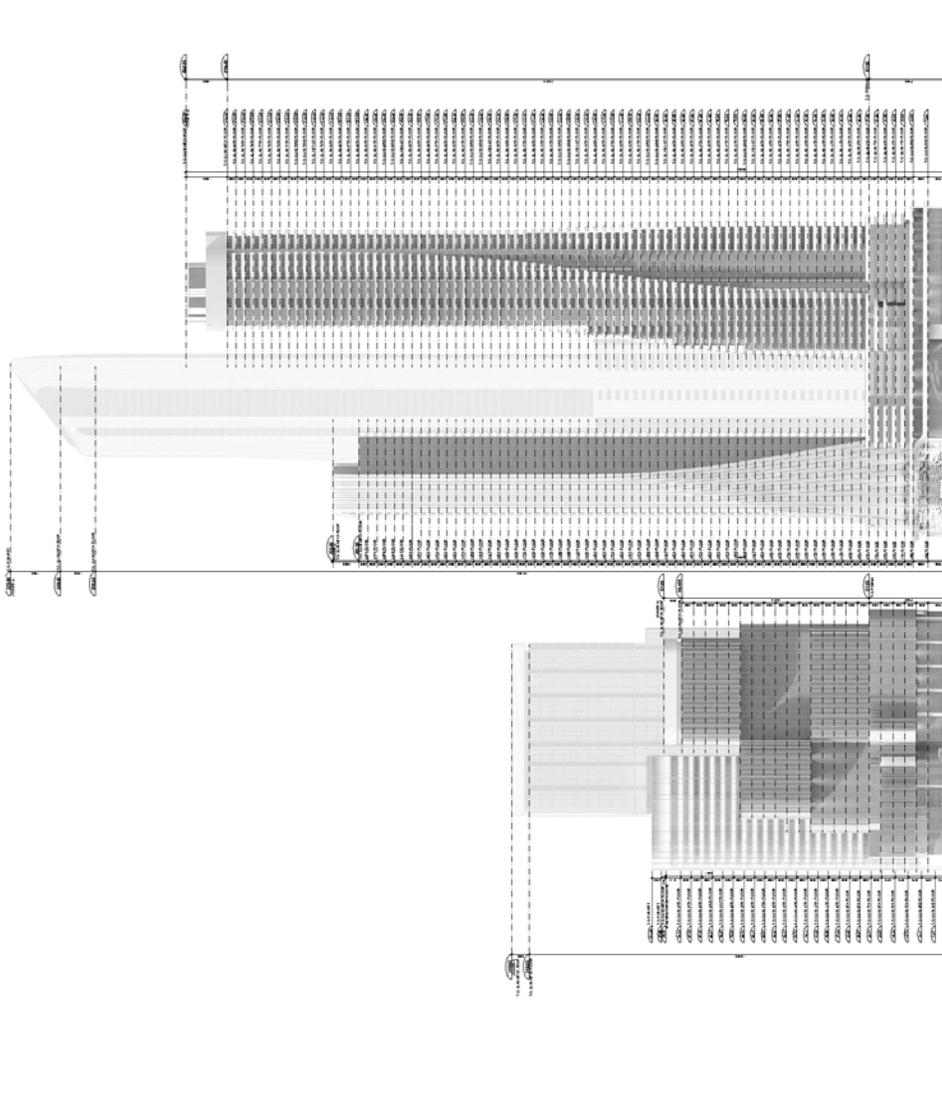
Applicant's Submitted Drawing

Not to Scale  
06/05/2016

**1 - 7 Yonge Street**

File # 13\_129256\_STE 28 0Z

**Attachment 7: East Elevation (Freeland Street)**



**1 - 7 Yonge Street**

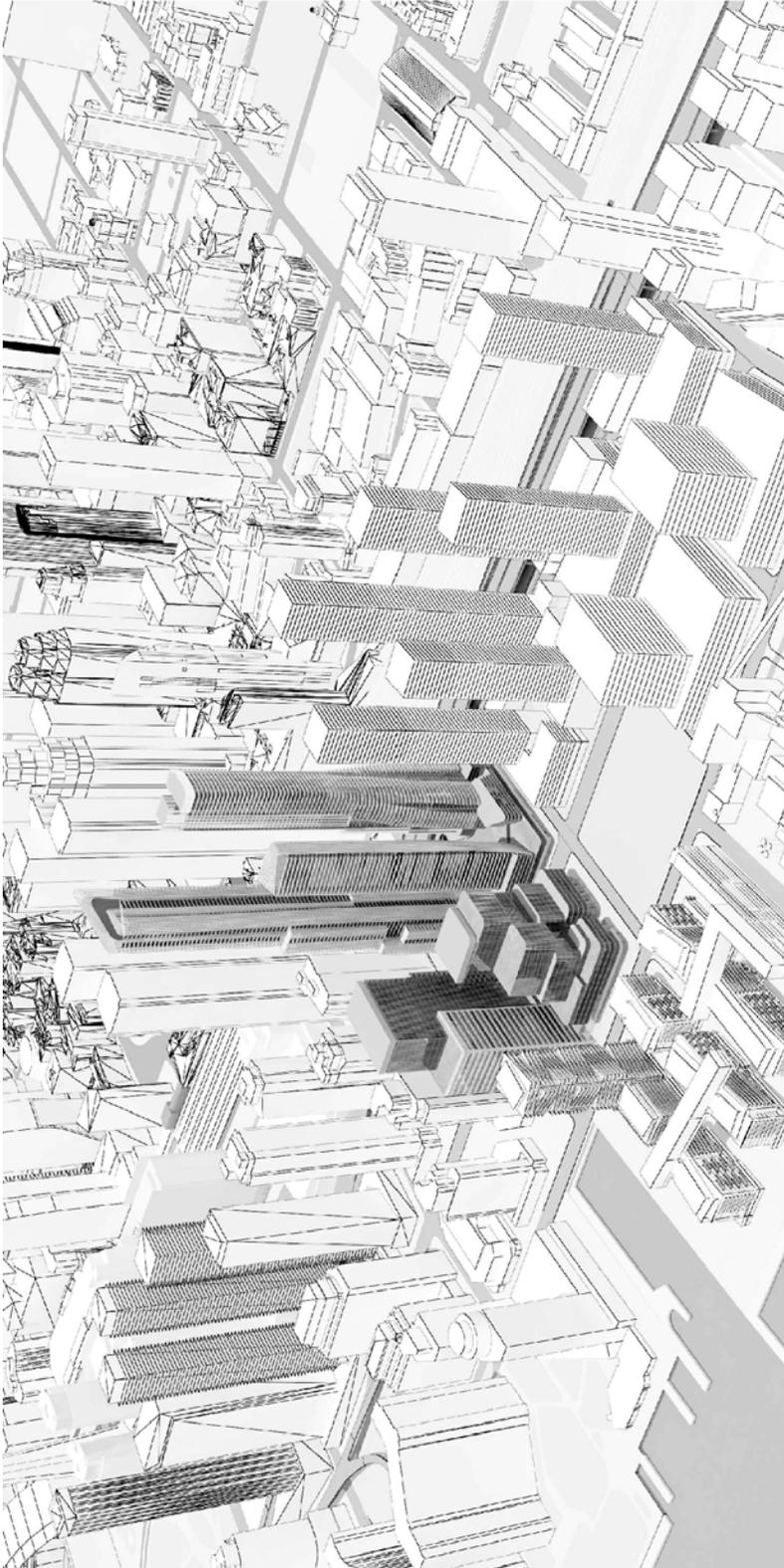
**East Elevations**

Applicant's Submitted Drawing

Not to Scale  
05/05/2016

File # 13\_129256\_STE 28 0Z

**Attachment 8: Applicant's Rendering**



**Proposed Rendering Plan**

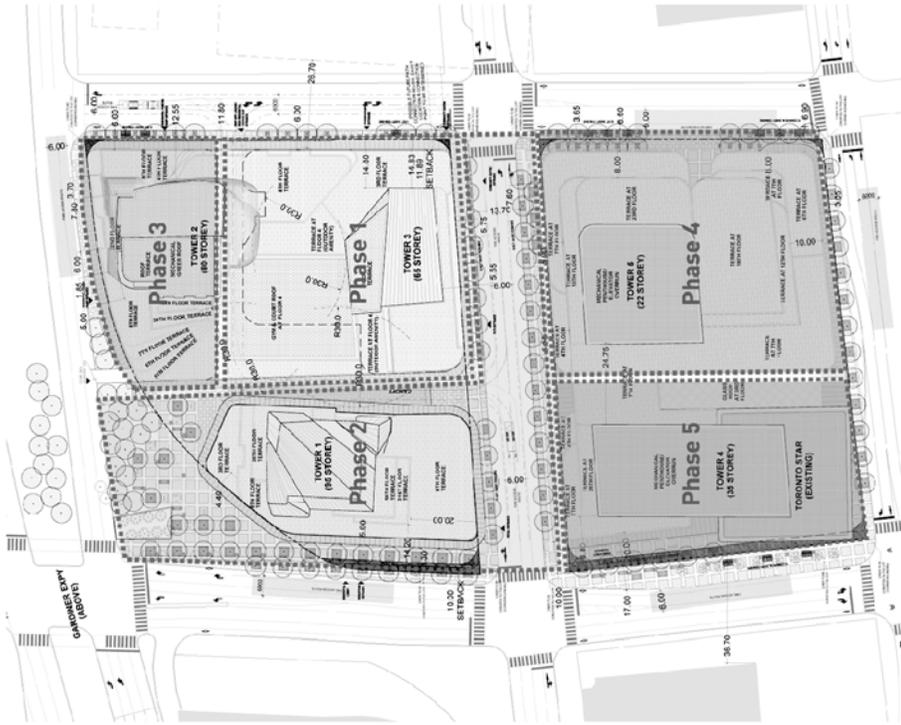
Applicant's Submitted Drawing

Not to Scale  
05/05/2016

**1 - 7 Yonge Street**

File # 13\_129256 STE 28 0Z

Attachment 9: Applicant's Phasing Plan



Without prejudice

1 - 7 Yonge Street

Proposed Phasing Plan

Applicant's Submitted Drawing

Not to Scale  
05/05/2016

File # 13\_129256 STE 28.0Z

## Attachment 10: Lower Yonge Precinct Plan Rendering



1 - 7 Yonge Street

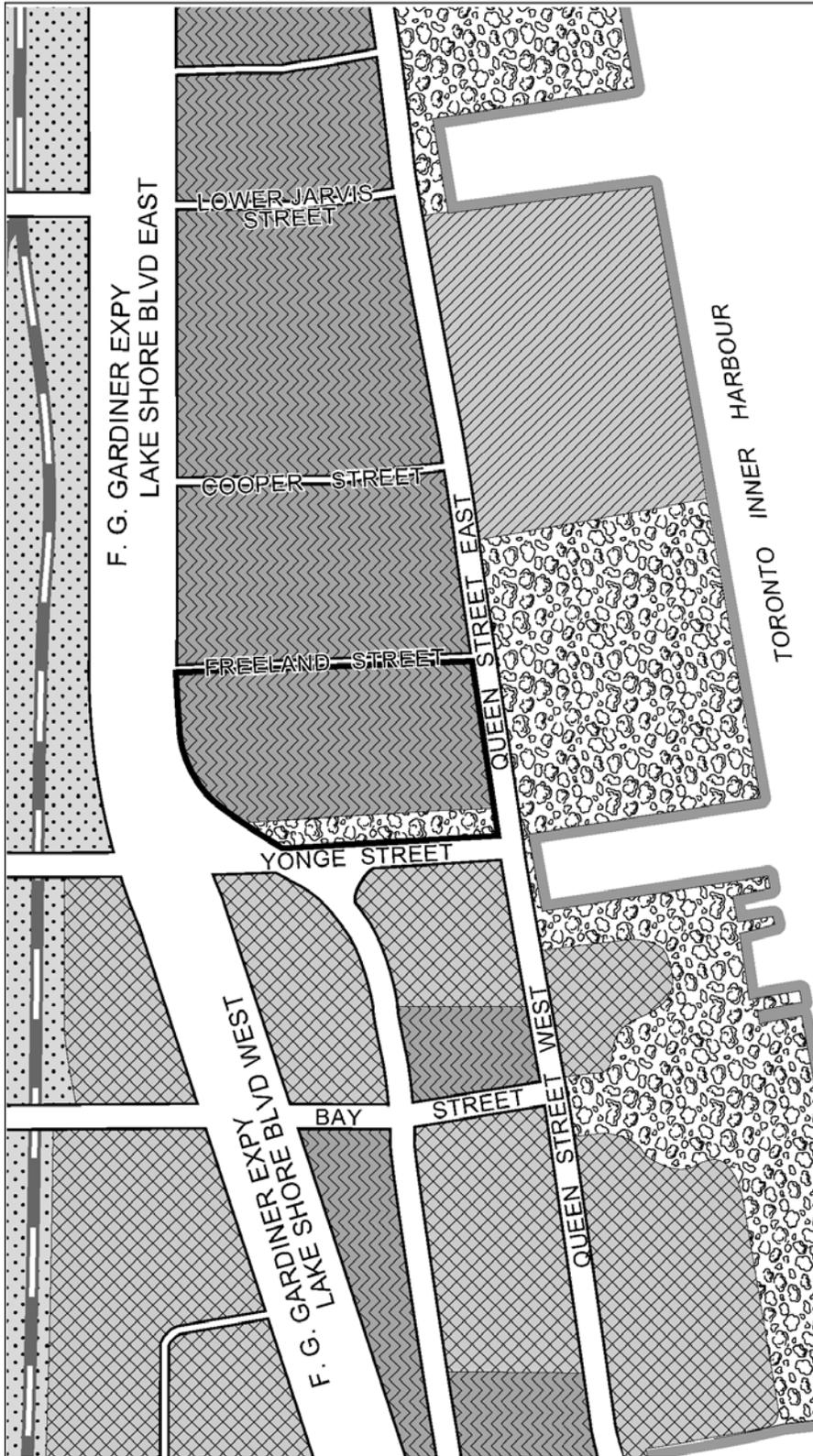
Proposed Rendering Plan

City - Initiated Lower Yonge Precinct Plan

Not to Scale  
05/05/2016

File # 13\_129256\_STE 28.0Z

Attachment 11: Official Plan (excerpt)



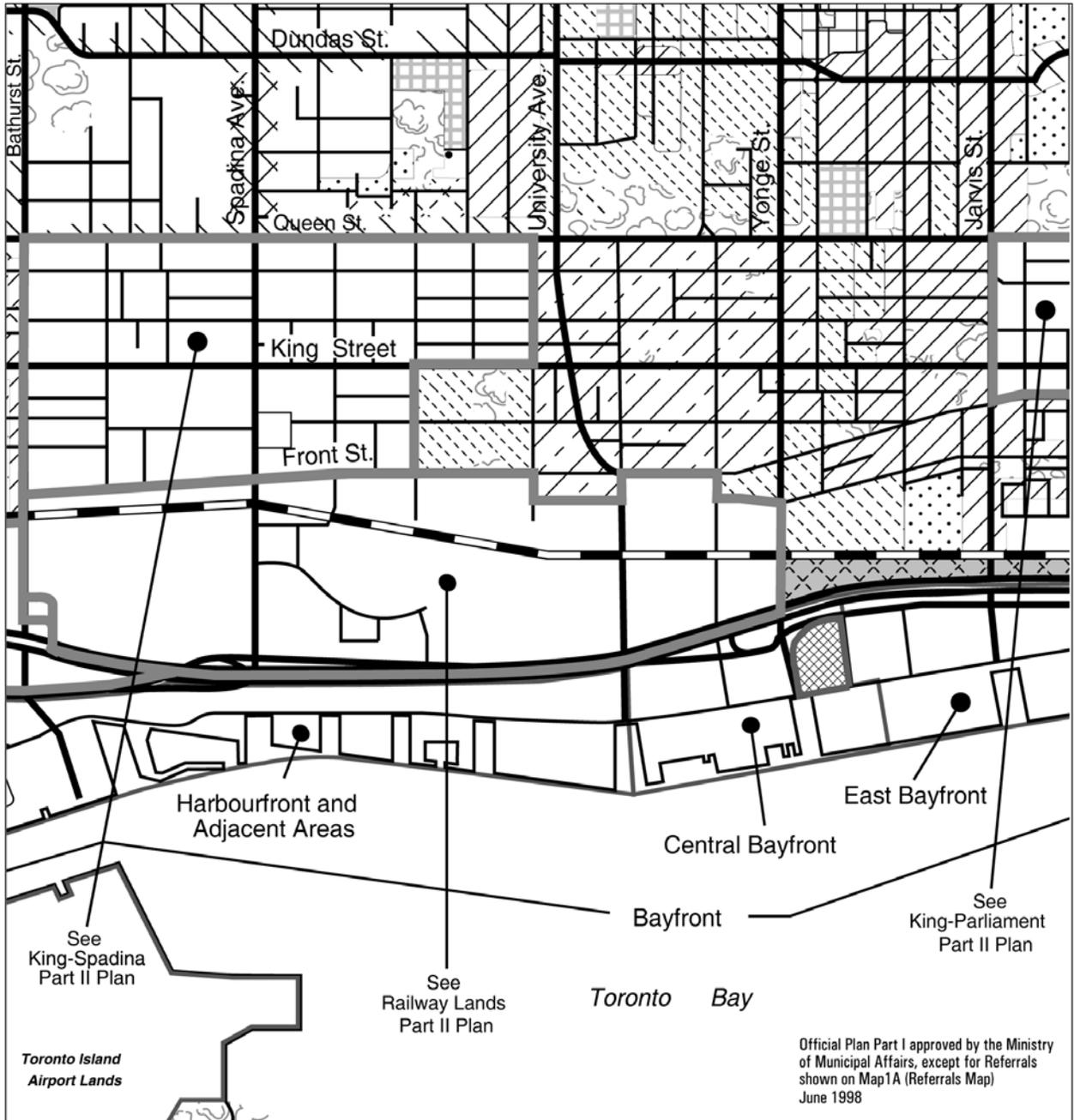
1 - 7 Yonge Street

File # 13\_129256 STE 28 OZ

**Toronto** City Planning  
Official Plan



Attachment 12: Former City of Toronto Official Plan (excerpt)



Official Plan Part I approved by the Ministry of Municipal Affairs, except for Referrals shown on Map1A (Referrals Map) June 1998



1 and 7 Yonge Street

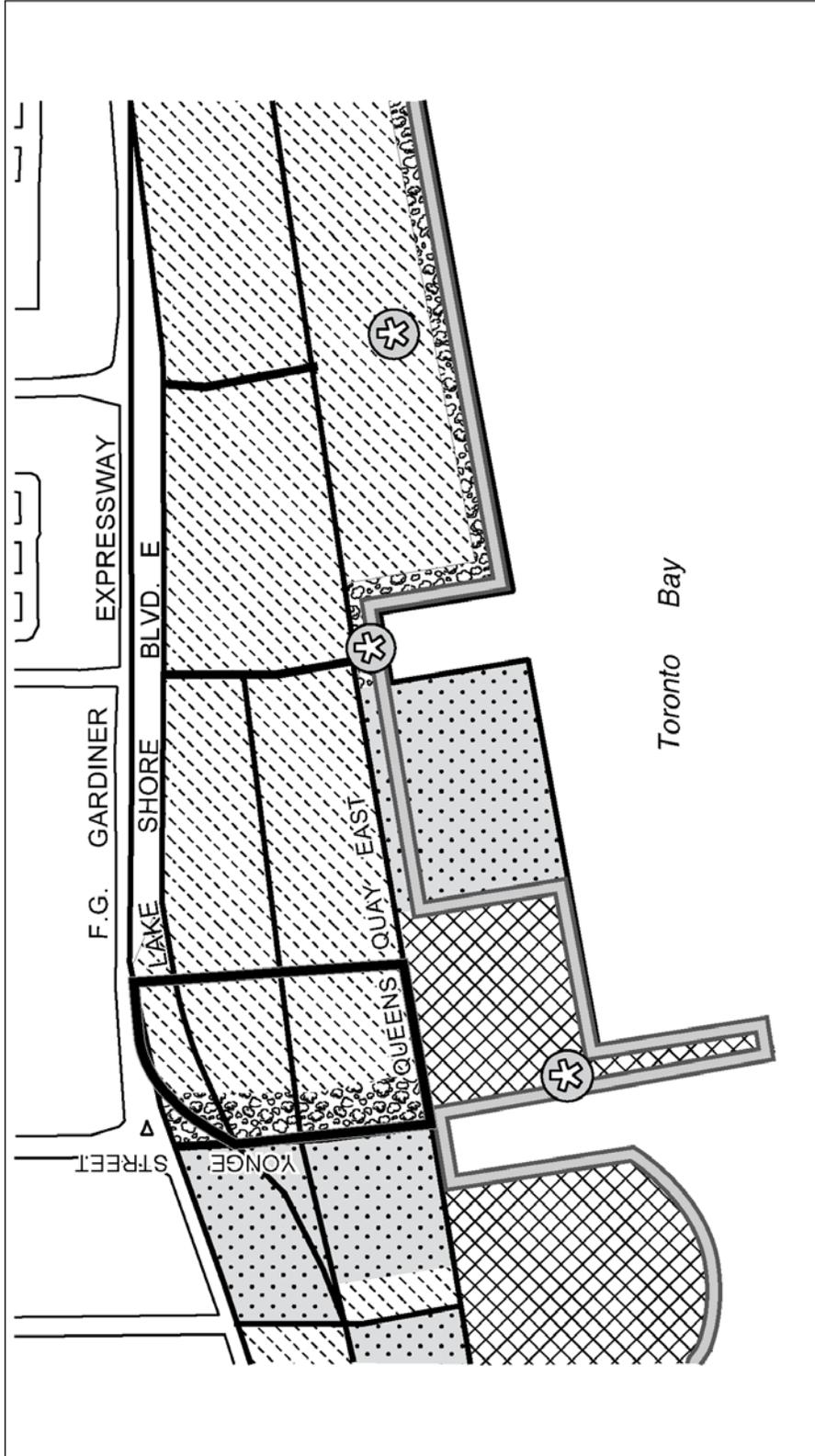
Former City of Toronto Official Plan Generalized Land Use Map 1

File # 13 129256 0Z

<p> Site Location</p> <p><b>Residential Areas</b> (see Section 12)</p> <p> Low Density Residence Areas</p> <p> Medium Density Residence Areas</p>	<p><b>Mixed Commercial-Residential Areas</b> (see Section 13)</p> <p> Medium Density Mixed Commercial-Residential Areas</p> <p> High Density Mixed Commercial Residential Areas 'A'</p> <p> High Density Mixed Commercial-Residential Areas 'B'</p> <p> Financial District</p>	<p><b>Institutional Areas</b> (see Section 11)</p> <p> Restricted Industrial Areas</p> <p><b>Industrial Areas</b> (see Section 9)</p> <p> Restricted Industrial Areas</p> <p><b>Open Space</b> (see Sections 2 and 4)</p> <p> Open Space</p>	<p> Policies contained in text</p>
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↑  
Not to Scale  
02/07/2014

Attachment 13: Central Waterfront Secondary Plan (excerpt)



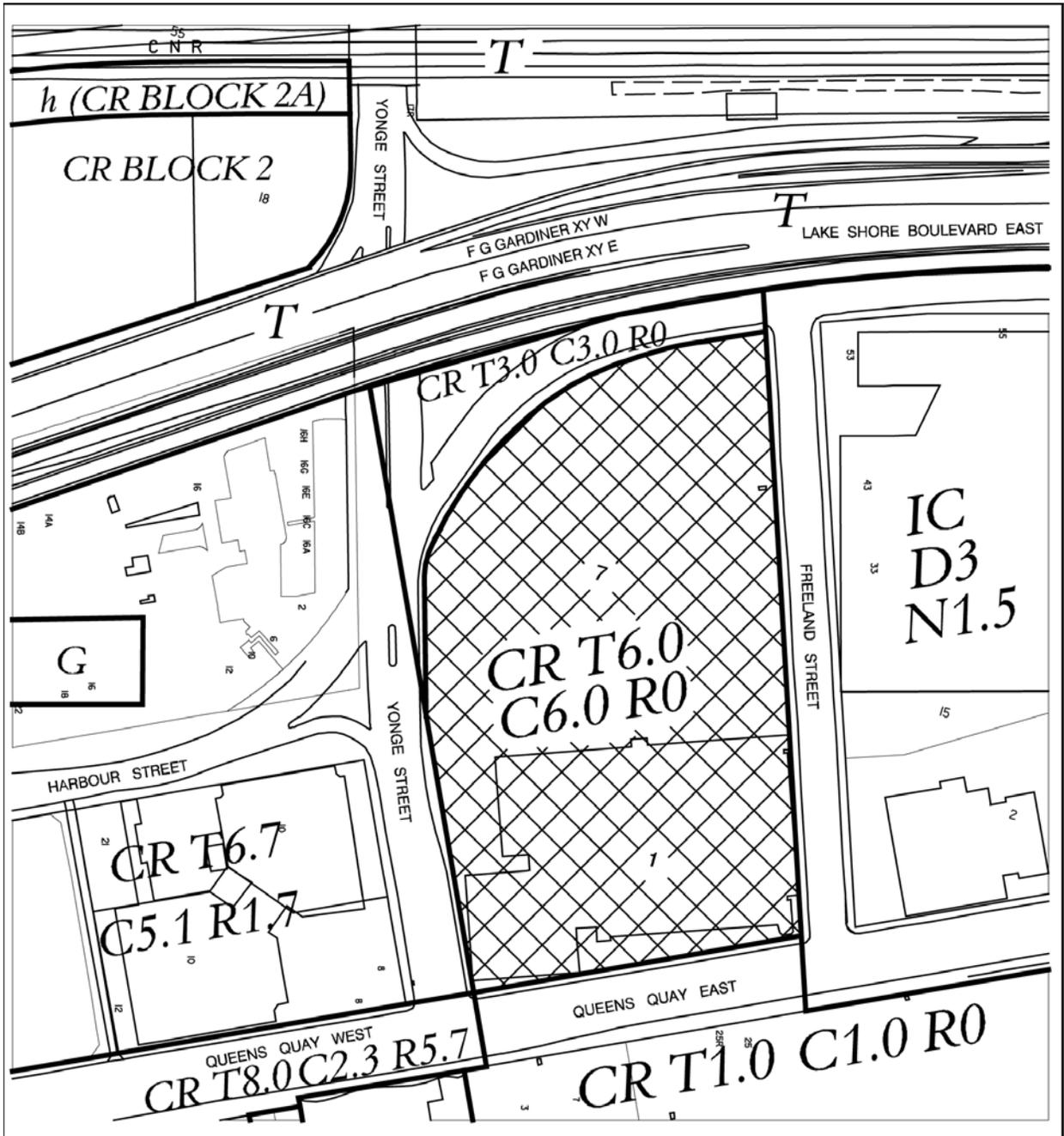
1 - 7 Yonge Street

File # 13\_129256\_STE 28 0Z

**Toronto** City Planning  
**Central Waterfront Secondary Plan** Map E Extract



Attachment 14: Existing Zoning (excerpt)



**TORONTO** City Planning  
Zoning

1 and 7 Yonge Street  
File # 13\_129256\_OZ

- G Parks District
- CR Mixed-Use District
- IC Industrial District
- T Industrial District
- (h) Holding District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 04/30/2013

