

**1-11 Bloor Street West, 768-784 Yonge Street  
and 760-762 Yonge Street  
Zoning Amendment - Request for Direction Report**

<b>Date:</b>	June 13, 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 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	15-128261 STE 27 OZ and 15-128257 STE 27 SA

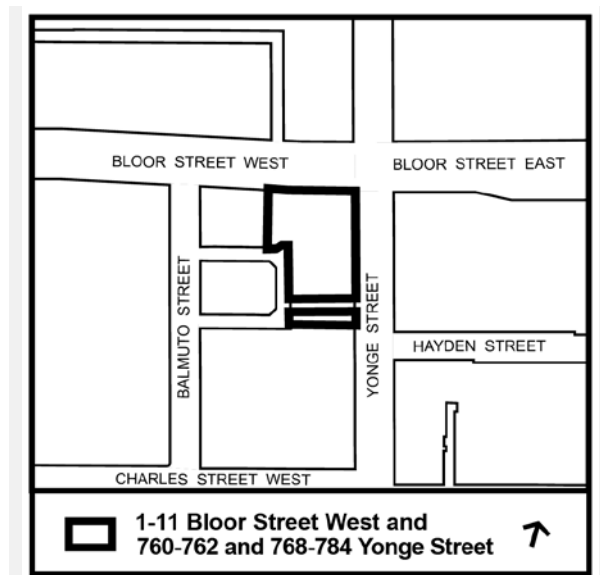
**SUMMARY**

On May 16, 2016, the owner of the property at 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street appealed its applications for Zoning By-law Amendment (15 128261 STE 27 OZ) and Site Plan Control (15 128257 STE 27 SA) to the Ontario Municipal Board due to Council's failure to enact the requested amendments and grant site plan approval within the time allotted by the *Planning Act*.

The purpose of this report is to seek City Council's direction with respect to the position of the City at the Ontario Municipal Board hearing. The applicant's proposed alteration to the heritage building within the site (774-776 Yonge Street) is not subject to the applicant's appeal.

This report recommends that Council direct the City Solicitor, together with appropriate City staff, to support the proposal at the Ontario Municipal Board, subject to a number of conditions.

This report provides modified recommendations, which are consistent with the recommendations provided in the Community Planning and Heritage



Preservation Staff Reports before Toronto and East York Community Council on May 10, 2016.

This report also provides information regarding further community and stakeholder consultations including a stakeholder meeting regarding a potential pedestrian tunnel connection to 2 Bloor Street West held on May 18, 2016, and the sixth working group meeting held on June 2, 2016.

## **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor, together with City Planning and other appropriate staff to attend at the Ontario Municipal Board in support of the proposal described in the reports from the Director, Community Planning, Toronto and East York District, (April 22, 2016) "Final Report – 1-11 Bloor Street West, 768 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application" and (May 9, 2016) "Supplementary Report – 1-11 Bloor Street West, 768 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application" on the basis that:
  - a. the zoning by-law amendment includes a requirement for a new underground publicly-accessible pedestrian tunnel ("the tunnel"), to be constructed and maintained at the expense of the Owner, linking the building to the TTC subway station at Yonge and Bloor, together with public access easements, including necessary rights of support, to be conveyed for nominal consideration, to the City, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, the General Manager of Transportation Services, and the Executive Director of Engineering and Construction Services, such conveyances to be completed prior to the issuance of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for the site; such tunnel shall be constructed in accordance with Attachment No. 13 (Pedestrian Tunnel Terms of Reference) in the report from the Director, Community Planning, Toronto and East York District, dated April 22, 2016 and titled "Final Report – 1-11 Bloor Street West, 768 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application" and shall be completed and ready for use prior to any commercial or residential use of any building or portion of a building erected on the site on or after the date an Ontario Municipal Board Order allowing such zoning by-law amendment and prior to the registration of any condominium on all or any part of the site; and that the Owner shall pay for all costs associated with the relocation of any underground utilities that are required to facilitate the construction and use of the tunnel, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- b. the zoning by-law amendment includes a requirement for the construction and maintenance, of a publicly-accessible walkway on the concourse level of the building at the Owner's expense, for use by members of the general public, together with public access easements, including necessary rights of support, to be conveyed, for nominal consideration, to the City, to accommodate linkages through the site for the publicly-accessible underground pedestrian network, such conveyance to be completed prior to the issuance of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for the site, and such walkway shall be completed and ready for use prior to any commercial or residential use of any building or portion of a building erected on the site on or after the date an Ontario Municipal Board Order allowing such zoning by-law amendment and prior to the registration of any condominium on all or any part of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- c. the zoning by-law amendment includes a requirement for the Owner to construct and provide at its expense as part of the development, knock-out panels along the concourse level of the building for potential future underground pedestrian network connections, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- d. the zoning by-law amendment includes a requirement for the Owner to construct and provide at its expense as part of the development, knock-out panels along the concourse level and in the underground parking garage levels for potential future vehicular connections and ramps (on Parcel 2), to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- e. the zoning by-law amendment includes requirements for the Owner to provide, at its expense, community benefits pursuant to Section 37 of the *Planning Act*, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, as determined by City Council and all to be secured in one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to be registered on title to the site prior to the issuance of any Board Order, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- f. the zoning by-law amendment includes requirements for the Owner to construct, provide and maintain, at its expense, a minimum area of at least 27 square metres adjacent to the sidewalk on Bloor Street

West, of signed privately-owned publicly-accessible space (POPS) together with public access easements, including necessary rights of support, to be conveyed, for nominal consideration, to the City over the POPS, for use by members of the general public (all times of the day and night, 365 days of the year), such conveyance to be completed prior to the issuance of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for the site, and the POPS to be completed and ready for use prior to any commercial or residential use of any building or portion of a building erected on the site on or after the date an Ontario Municipal Board Order allowing such zoning by-law amendment and prior to the registration of any condominium on all or any part of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

- g. the zoning by-law amendment includes requirements for the Owner to construct, provide and maintain, at its expense, public pedestrian sidewalk surface easements, including necessary rights of support, in favour of the City of Toronto for use by the City and the general public as a publicly accessible, privately owned, pedestrian walkway for the purpose of extending the width of the public sidewalk abutting the site adjacent to Yonge Street and adjacent to Bloor Street West, within the site, within the ground floor setback of the proposed tower from the Yonge Street and Bloor Street West sidewalks to the face of the building, with the specific location, configuration and design to be determined and further secured in an agreement to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, such conveyance, for nominal consideration, to be completed prior to the issuance of any site plan approval for the site pursuant to Section 114 of the *City of Toronto Act, 2006*, and with provision for the Owner to maintain such portion of the site free and clear of physical encumbrances;
- h. the zoning by-law amendment and/or site plan approval includes a requirement securing the architectural features of the tower including the expression of the mega columns, diagonal hangers and retail level articulation and cladding, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- i. the proposal is in accordance with Tier 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
- j. the zoning by-law amendment includes a requirement for the Owner to provide and maintain at its expense, a "pet friendly" area with

disposal facilities for the residents of the building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- k. subject to City Council authorizing the heritage alteration proposed by the Owner pursuant to the *Ontario Heritage Act*, the zoning by-law amendment and site plan approval are in accordance with the plans and drawings prepared by Foster and Partners dated March 10, 2016, the Heritage Impact Assessment prepared by Goldsmith Borgal & Company Ltd. Architects dated March 28, 2016 (the HIA), all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Senior Manager, Heritage Preservation Services;
- l. subject to City Council authorizing the heritage alteration proposed by the Owner pursuant to the *Ontario Heritage Act*, the zoning by-law amendment includes a requirement that the Owner provide at its expense, a Conservation Plan satisfactory to the Senior Manager, Heritage Preservation Services, to be prepared by a qualified heritage consultant and that is consistent with the conservation strategy set out in the HIA and provides a detailed description with supporting documentation of the methods for restoration/ replacement of the foundations of the retained building elevations at 774-776 Yonge Street, including securing the implementation of such Conservation Plan, including the provision by the Owner of a letter of credit, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
- m. the proposal includes the conveyance of parkland dedication pursuant to Section 42 of the *Planning Act*, either on-site or off-site provided any off-site lands are acceptable to the General Manager, Parks, Forestry and Recreation, in accordance with the election or deemed election, and in accordance with Attachment No. 12 (Parkland Terms of Reference) in the report from the Director, Community Planning, Toronto and East York District, dated April 22, 2016 and titled "Final Report – 1-11 Bloor Street West, 768 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application," all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, such conveyance to be completed prior to the issuance of the first above grade building permit for all or any part of the site. The Owner at its expense 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;

- n. the proposal includes the payment by the Owner at its expense, of all costs for the installation of traffic control signals at Bloor Street West and Balmuto Street, and provide financial security in the amount of \$30,000 to cover the maintenance and operating costs of the traffic control signals for a period of 5 years, all to the satisfaction of the Executive Director of Engineering and Construction Services; and,
  - o. the proposal includes requirements for the Owner at its expense, to construct a storm sewer in the rear public lane to Balmuto Street and to provide an acceptable letter of credit to the City of all as proposed in the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, all to the satisfaction of such Executive Director; and all to be secured in the by-law and in an agreement pursuant to Section 37 of the *Planning Act*, to be entered into between the Owner and the City in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor, with such agreement to be registered on title to the site to the satisfaction of the City Solicitor prior to the issuance of a Board Order and such agreement to include provision for insurance, indemnification and indexed upward escalation of any required financial securities and payments; and
  - p. the Owner enters into a Heritage Easement Agreement with the City for the site pursuant to Section 37 of the *Ontario Heritage Act* in a form and with content satisfactory to the Senior Manager, Heritage Preservation Services and the City Solicitor, with such agreement to be registered on title to the site to the satisfaction of the City Solicitor prior to the issuance of a Board Order.
2. City Council authorize the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, to continue discussions with the applicant to identify the appropriate services, facilities or matters pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning.
  3. City Council direct the City Solicitor, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as a Site Plan Agreement has been entered into between the City and the Owner, such agreement has been registered to the satisfaction of the City Solicitor and any pre-conditions to Site Plan Approval as are recommended by the Chief Planner and Executive Director, City Planning in a Notice of Approval Conditions prepared by the Chief Planner and Executive Director, City Planning in consultation with other

appropriate staff have been fulfilled, including amongst other matters, the following:

- a. the Owner shall provide documentation demonstrating that there is an agreement with an adjoining owner, to provide a pedestrian tunnel connecting the retail concourse of the lands at 1-11 Bloor Street West and 768-784 Yonge Street to the Toronto Transit Commission (TTC) Yonge / Bloor Subway Station to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b. the Owner shall submit a detailed design for a publicly accessible underground pedestrian tunnel connecting to the TTC subway station at Yonge and Bloor to the satisfaction of the Chief Planner, and Executive Director, City Planning, the General Manager, Transportation Services and, the Executive Director, Engineering and Construction Services;
- c. the Owner shall submit a letter of credit to the City in the amount of eleven million, three hundred thousand dollars (\$11,300,000.00) (amount to be verified following design) and including provision for upwards indexing, to guarantee performance and completion by the Owner of all obligations relating to construction by the Owner of the publicly accessible pedestrian tunnel all to the satisfaction of the General Manager, Transportation Services and the Executive Director, Engineering & Construction Services. The security shall be kept in full force and effect until the satisfactory completion by the Owner of all works associated with the construction of the publicly accessible pedestrian tunnel, and expiry of all performance and guarantee periods related thereto. For greater certainty, and without limiting the generality of the foregoing, the letter of credit shall guarantee the terms and obligations set out herein, including; the cost of designing, administering, and constructing the publicly accessible pedestrian tunnel; the cost of constructing the future connection within the receiving building, the cost of designing, administering and constructing any required relocation of existing utilities and municipal infrastructure; the cost of design and construction of sidewalks, curbs and roadways on completion of the tunnel, any cost of design by a third party as may be required; the cost of peer review of design, the cost of diversion of transit facilities as well as the costs associated with the implementation of any required traffic control measures during construction; and the cost of all engineering and professional services and related permits;
- d. the Owner shall at its expense, submit an application to the Right-of-Way Management Section of Transportation Services and enter into

- a tunnel agreement in respect of the underground pedestrian network tunnel under the City right-of-way all to the satisfaction of the General Manager, Transportation Services and the Executive Director, Engineering & Construction Services and the City Solicitor;
- e. the Owner shall, at its expense, enter into a licence agreement for the proposed underground pedestrian tunnel to the satisfaction of the City Solicitor; and,
  - f. the Owner shall provide and thereafter implement an Operations Management Plan which addresses the management of parking spaces, the valet service, and manoeuvring of vehicles and a Loading Dock Master Plan, all to the satisfaction of the General Manager, Transportation Services and the Executive Director, Engineering and Construction Services;
4. City Council direct the City Solicitor, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Board withhold any order to approve a Zoning By-law Amendment and Site Plan appeal for the subject lands until such time as the Owner elects in writing to the General Manager, Parks, Forestry and Recreation and the City Solicitor, its decision to provide on-site or off-site parkland dedication as required herein. Failing such election, the Owner shall be deemed to have elected on-site park dedication and shall be required to convey an on-site dedication for public parkland purposes, to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor. Council further direct the City Solicitor that in the event on-site parkland dedication is elected or deemed to be elected, that the Ontario Municipal Board be requested to withhold any order to approve a Zoning By-law Amendment or Site Plan for the subject lands, until such time the Zoning By-law Amendment and Site Plan Approval are revised to take into account the requirement for on-site parkland dedication, all to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with other appropriate City staff.
5. Should the Owner elect or be deemed to elect to provide on-site parkland, the Owner will be required to convey, at no cost, to the City pursuant to Section 42 of the *Planning Act*, RSO 1990, c.P 13, a 0.0245 hectares (245 square metres) portion of the development site, with frontage along Bloor Street West, for public parkland purposes, in a location to the satisfaction of the General Manager, Parks, Forestry and Recreation. The land to be conveyed as on-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.



6. Should the Owner elect to provide an off-site parkland dedication, then prior to the issuance of the first foundation building permit for the site the Owner shall satisfy the City Solicitor and the General Manager, Parks, Forestry and Recreation that the Owner has entered into an Agreement of Purchase and Sale for the acquisition of such off-site parkland dedication, for lands satisfactory to the General Manager, Parks, Forestry and Recreation in consultation with the Ward Councillor and as required below:
  - a. the site selected for public parkland purposes shall be equal to the value of the 0.0245 hectares (245 square metres) on-site dedication as appraised by Real Estate Services as of the day before the above grade building permit is issued and located within approximately 1 kilometre of the development site. 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. should the value of the land selected for off-site dedication, satisfactory to the General Manager, Parks, Forestry and Recreation, not be in the full amount equal to the value of the 0.0245 hectares (245 square metres) on-site dedication, the difference is to be paid by the Owner to the City prior to the issuance of the first above-grade building permit for the site, as cash-in-lieu of dedication, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
7. City Council receive the reports from the Director, Community Planning, Toronto and East York District, (April 22, 2016) "Final Report – 1-11 Bloor Street West, 768 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application" and (May 9, 2016) "Supplementary Report – 1-11 Bloor Street West, 768 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application."
8. City Council defer the report from the Chief Planner and Executive Director, City Planning Division, (April 13, 2016) "Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement – 774-776 Yonge Street (William Luke Buildings)" until such time that the Ontario Municipal Board issues a decision on the appeal or the appeal is withdrawn.
9. City Council direct the City Solicitor, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Board withhold any order to approve a Zoning By-law Amendment and any Site Plan Approval for the subject lands until such time as the Owner enter into one or more agreements with

the City pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning and registers such agreement(s) to the satisfaction of the City Solicitor.

10. City Council direct the City Solicitor, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Board withhold any order to approve a Zoning By-law Amendment and any Site Plan Approval for the subject lands until such time as the Owner enter into a Municipal Infrastructure Agreement or any other agreements to the satisfaction of the City Solicitor and the Executive Director of Engineering and Construction Services. The Owner shall pay for and construct improvements to the municipal infrastructure in connection with the Functional Servicing Report approved by the Executive Director of Engineering and Construction Services.
11. City Council direct the City Solicitor, in the event that the Ontario Municipal Board allows the appeal in whole or in part, to request that the Board withhold any order to approve a Zoning By-law Amendment and any Site Plan Approval for the subject lands until such time as the Owner enters into a Heritage Easement Agreement with the City to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning respecting 774-776 Yonge Street and registers such agreement on the site to the satisfaction of the City Solicitor.
12. City Council authorize, in the event that the Ontario Municipal Board allows the appeal in whole or in part, the installation of traffic control signals at the intersection of Balmuto Street and Bloor Street West.
13. City Council approve, in the event that the Ontario Municipal Board allows the appeal in whole or in part, the development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements 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 Above Base Park Improvements, 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.
14. City Council authorize the entering into of a heritage easement agreement under Section 37 of the Ontario Heritage Act with the Owner of 774-776 Yonge Street in a form and content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.
15. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a heritage easement agreement for the property at 774-776 Yonge Street.

## **Financial Impact**

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

## **DECISION HISTORY**

On May 10, 2016, the Toronto and East York Community Council commenced a statutory public meeting, pursuant to notice given in accordance with the *Planning Act*. The Toronto and East York Community Council deferred consideration of the Final Report and Supplementary Report to allow sufficient time for the outstanding concerns of City staff, the Bloor Yorkville BIA, resident associations and affected stakeholders in the Working Group to be further discussed and considered with additional recommendations to be brought forward at the June 14, 2016 meeting.

On May 10, 2016, Toronto and East York Community Council also deferred consideration of the report (April 13, 2016) from the Chief Planner and Executive Director, City Planning Division, respecting Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement - 774-776 Yonge Street (William Luke Buildings), until its June 14, 2016 meeting.

On May 16, 2016 the applicant filed a Notice of Appeal of City Council's refusal or neglect to make a decision within 120 days and 30 days from the submission of the applications for a Zoning By-law Amendment and Site Plan Approval, respectively for the properties municipally known as 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street.

## **ISSUE BACKGROUND**

### **The Ontario Municipal Board Appeal (May 16, 2016)**

Following the decision to defer by Toronto and East York Community Council, the applicant filed a notice of appeal for both the rezoning and site plan applications. The applicant's letter states that "the signed leases that our client has executed with the world class tenants they have succeeded in securing, require that planning approvals be in place by no later than July 15, 2016, with the only exception being an appeal to the Ontario Municipal Board. With the deferral of our client's application by one month, the earliest its zoning by-law amendments would be in force and effect would be early August, outside of the terms of our clients' contractual obligations. While our client was hopeful that the application process would culminate in an approval by City Council, our client has no choice but to appeal City Council's failure to make a timely decision to the Ontario Municipal Board. Our client remains committed to participating in a continued consultation process and will make themselves available to attend a 6th working group meeting, with the hope of resolving all outstanding concerns." No dates have been set for the Ontario Municipal Board hearing.

### **Pedestrian Tunnel Meeting (May 18, 2016)**

Following the May 10, 2016 Toronto and East York Community Council meeting, the Ward Councillor scheduled and facilitated a meeting with the applicant, City Staff, the

TTC and the owner of 2 Bloor Street West to explore opportunities to expand the underground pedestrian network in the Bloor-Yorkville Area and specifically to study the opportunity to construct a tunnel linking the subject property at 1 Bloor Street West to the underground retail concourse at 2 Bloor Street West. The retail concourse at 2 Bloor Street West located on the north side of Bloor Street has underground pedestrian connections to the Bay and Bloor-Yonge subway stations. All parties agreed to continue exploring the potential of connecting the concourse levels of the two buildings below Bloor Street West.

### **Working Group Meeting No. 6 (June 2, 2016)**

Following the May 10, 2016 Toronto and East York Community Council Meeting, a sixth working group meeting was held. The meeting was attended by approximately 40 people including City staff, representatives of the applicant team, and local stakeholders. The meeting provided area stakeholders with answers to outstanding questions from the Statutory Public Meeting regarding: the function of the public laneway; the planning rationale for the proposed development; the proposed treatment of the Yonge Street frontage, including the heritage conservation approach; the proposed Bloor Street West and Balmuto Street traffic signals; as well as updates on the proposed pedestrian tunnel connection under Bloor Street West; and, the Ontario Municipal Board appeal.

The working group meeting began with the applicant addressing its appeal of the application and its desire to continue to cooperate and respond to issues raised by the working group.

The Ward Councillor asked that the applicant team demonstrate that the public lane will remain functional with the proposal. The applicant's transportation consultant advised that the proposal would generate 80 vehicles during peak periods and presented a video of Cowbell Lane near Yonge Street and Eglinton Avenue West as a demonstration of a 6-metre wide lane during periods with similar traffic volumes. In one scenario, a garbage truck stands idle as cars manoeuvre around the truck. The transportation consultant suggested that the 1 Bloor Street West dock master would coordinate deliveries on-site and ensure that the lane is not used to store material and vehicles. It was also suggested that 1 Bloor Street West could coordinate and host a meeting with the laneway users to discuss issues regarding the function of the lane.

The transportation consultant and applicant informed the group that servicing vehicles will enter the site via the lane and loading doors with an enclosed the loading area to mitigate noise. The beeping from reversing trucks will occur either when reversing in or out of the loading area. Otherwise, trucks will move in a forward motion. Servicing times are intended to be during the day and no later than 9:00 PM but those times are open for discussion.

Previously it was presented that the parking on site could be serviced using 7 valets but the applicant advised that it would start with 9 valets to ensure there were no issues. It is anticipated that a round trip for a valet to park a vehicle and return to the concourse level is 6 minutes.

Comments and questions were raised about the use of the existing private lane on the site which is subject to rights-of-way. A member of the working group suggested that if the private lane is not likely to be used then it should be eliminated to provide an improved design.

The applicant's Planner provided a brief presentation on the rationale for the height and density of the proposal. Overall, the Planner advised that the proposal is 14 metres taller than the approved height at 1 Bloor Street East and opined that the proposal is in keeping with the tower separation provided in the Tall Building Guidelines and is consistent with the policy direction in the Official Plan that the greatest height and density being located at Yonge Street and Bloor Street.

The applicant's architect demonstrated the proposed pedestrian access to the site from Yonge Street. There is a single entrance provided for the proposed "glass box" which fronts onto the intersection of Yonge Street and Bloor Street, located further west on Bloor Street West. The rhythm of small grain retail frontages south of the glass box provides opportunities for a series of retail entrances off Yonge Street.

Heritage Preservation Services provided a brief presentation on the question of setting the heritage building back from its current location to widen the sidewalk on Yonge Street. The recommendation by Community Planning and Heritage Preservation Services is to keep the building in place as reflected in the Alterations Report. This will provide a consistent setback and streetwall which is fundamental to the character of an historic main street. Provincial heritage guidelines, the Official Plan and the Heritage Conservation District Plan for the area speak to keeping the building in place. If the application had included the relocation and setting back of the designated building, Heritage Preservation Services Staff would not have recommended the proposal to City Council. Questions and comments were raised by the working group regarding the impact on the overall massing of the proposal if the heritage building was set back.

The applicant's traffic consultant explained that the proposed traffic signal at Bloor Street West and Balmuto Street meets the technical tests for warranting a signal and has been accepted by Transportation Services Staff. The traffic signal improves the opportunity and safety for pedestrians to cross Bloor Street West at Balmuto Street. The traffic consultant advised that 500 pedestrians currently cross Bloor Street West at Balmuto Street during an 8 hour period. The traffic signal will also improve the flow of vehicles from Balmuto Street turning left onto Bloor Street West. The consultant estimates that traffic along Bloor Street could be delayed approximately 15 seconds as a result of the signal.

Concerns were raised by some members of the group regarding potential traffic congestion resulting from the traffic signal. References were made to the pedestrian scramble signal which was removed at Bay Street and Bloor Street West, due to concerns that it increased congestion. Comments and questions about the potential of converting

Charles Street West to two-way traffic between Yonge Street and Balmuto Street were also raised, and about the overall potential streetscape improvements to Yonge Street.

Finally, further information was provided regarding commemoration of a former aboriginal burial site exhumed in the past during the development of the Yonge Street properties. Heritage Preservation Services and the applicant will investigate further.

### **Site Plan Control**

The Site Plan Control application is currently under review and Planning staff is not in the position to provide a complete set of recommendations with respect to the plans or conditions to be secured in a Site Plan Agreement. A number of matters require further discussion and assessment including the functional servicing of the development, streetscape design, as well as the review and approval of an Operations Management Plan and Loading Dock Master Plan. For this reason, in the event that the Ontario Municipal Board allows the appeal in whole or in part, Planning staff recommend that the City Solicitor request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as the Site Plan application review is complete and an Agreement has been entered into between the City and the Owner.

### **Section 37**

This report recommends that staff continue discussions with the applicant in an attempt to secure appropriate community benefits. In the event that the Ontario Municipal Board grants additional density and/or height beyond that which is permitted in the Zoning By-law, the City will request that the Ontario Municipal Board withhold its order until such time that the Owner enters into an agreement with the City for the provision of such community benefits to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

### **CONTACT**

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### **SIGNATURE**

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

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