

**826-834 Yonge Street and 2-8 Cumberland Street
Zoning Amendment Application – Final Report**

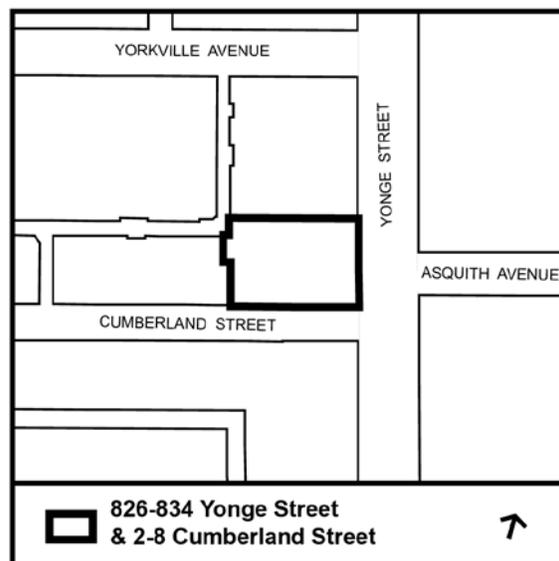
Date:	March 14, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	15 114759 STE 27 OZ

SUMMARY

This application proposes a 51-storey (162.5 metres plus a 7.5-metre mechanical penthouse) mixed-use building with 1,200 square metres of retail uses on the ground and second floors, and residential uses above at 826-834 Yonge Street and 2-8 Cumberland Street. A total of 371 residential units, 104 vehicle parking spaces and 379 bicycle parking spaces are proposed.

The proposed development is consistent with the policies of the Official Plan and guidelines that apply to *Mixed Use Areas*. The proposal provides residential and retail uses; alters and integrates existing heritage buildings into the development; and widens and (potentially) extends the public laneway that abuts the rear (west) of the site to connect Yorkville Street with Cumberland Street (the public portion of the laneway currently only abuts the northwest corner of the site).

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 826-834 Yonge Street and 2-8 Cumberland Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report of the Director of Community Planning, Toronto and East York District dated March 14, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 826-834 Yonge Street and 2-8 Cumberland substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the report of the Director of Community Planning, Toronto and East York District dated March 14, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner of the lands at 826-834 Yonge Street and 2-8 Cumberland Street to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash payment of \$4,200,000.00 payable prior to issuance of the first above-grade building permit. The amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:
 - a. \$250,000.00 towards the expansion of Toronto Bike Share.
 - b. \$500,000.00 towards public art, in accordance with the City of Toronto Public Art Program.
 - c. \$345,000.00 towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in consultation with the local Councillor.
 - d. \$345,000.00 towards capital improvements for new or existing cultural and/or community space, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor.

- e. \$2,760,000.00 towards local area park or streetscape improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation, and the local Councillor.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The Owner shall provide and maintain a privately owned and publicly-accessible open space (POPS) with a pedestrian walkway at the west portion of site with the specific location, configuration and design to be determined in the context of a site plan approval process pursuant to Section 114 of the City of Toronto Act, 2006, as amended and as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor.
 - ii. The Owner shall provide and maintain on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building.
 - iii. The Owner shall provide 10 percent family sized units in the development, with a minimum unit area of 79.0 square metres and shall contain at least two bedrooms.
 - iv. Pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.
- 5. Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - a. enter into a Heritage Easement Agreement with the City for the properties at 826-834 Yonge Street (including 2 Cumberland Street) to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such Agreement to the satisfaction of the City Solicitor; and
 - b. provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 826-834 Yonge Street (including 2 Cumberland Street) prepared by GBCA Architects, dated November 8, 2016, to the satisfaction of the Senior Manager, Heritage Preservation Services.

6. City Council grant authority to initiate the expropriation process for the City to acquire a property located at the rear of 8 Cumberland Street depicted as the "Orphaned Lane" on Attachment No. 2 (the "Lands") for the completion of a public laneway, conditional upon the Owner of the property located at 8 Cumberland Street entering into a binding agreement, in a form satisfactory to the City Solicitor, in which, among other things, the Owner agrees to pay all costs associated with the City's acquisition or expropriation of the Lands and the remediation of the subject lands to City standards for laneway purposes and provides such funding to secure the aforementioned obligations in an amount satisfactory to the Director of Real Estate Services and General Manager of Transportation Services, prior to publishing notices of Application for Approval to Expropriate Land.
7. Subject to satisfaction of the conditions in the above recommendation, City Council grant authority to the Director of Real Estate Services to serve and publish notices of Application for Approval to Expropriate Land, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City's position, and to report the Inquiry Officer's recommendations to Council for its consideration.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On April 14, 2015, Toronto and East York Community Council considered a Preliminary Report (dated March 25, 2015) regarding this application. A copy of the report is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE5.42>

On March 10, 2016, City Council stated its intent to designate under Part IV, Section 29 of the Ontario Heritage Act at 826-834 Yonge Street (including 2 Cumberland Street). A copy of that decision is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE14.11>

On March 9, 2017, City Council approved the alterations to designated heritage properties and authorized entering into a heritage easement agreement at 826-834 Yonge Street (including 2 Cumberland Street). A copy of that decision is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE22.23>

ISSUE BACKGROUND

Proposal

Original Submission

On February 11, 2015, the applicant submitted a proposal for a new 64-storey (184.5 metres plus a 9 metre mechanical penthouse) mixed-use building with retail uses on the ground, second and third floors, and 532 residential units above. The façades of the listed heritage buildings at 826-834 Yonge Street would be integrated into the 3-storey retail

base and the buildings at 2-8 Cumberland Street would be demolished. A pedestrian walkway was proposed on the western portion of the site through a colonnade. The proposal had a density of 26.5 times the area of the lot.

Revised Submission

In response to concerns raised by City Planning staff and the Design Review Panel (DRP) and through the community consultation process, the applicant revised the proposal as follows:

- reduced the height from 193.5 to 170 metres;
- reduced tower floor plate from 646 to 622 square metres.
- reduced the overall density from 26.5 to 20.7 times the area of the lot;
- reduced the tower floor plate and increased the setback from the private laneway to the west; and
- replaced the colonnade with an open to the sky pedestrian walkway which is partially cantilevered by the proposed tower at the seventh floor.

On September 29, 2016, the applicant submitted a revised proposal for a new 51-storey (162.5 metres plus a 7.5-metre mechanical penthouse) mixed-use building with 1,200 square metres of retail uses (ground and second floors) and residential uses above. The heritage buildings at 826-834 Yonge Street (including 2 Cumberland Street) will be integrated into the three-storey base building and the remaining buildings will be demolished. Refer to Attachment No. 7 for project data.

The proposed tower will be set back 10 metres from the Yonge Street property line above the 3-storey base building. The Yonge Street base building will integrate the existing 3-storey heritage buildings at 826-834 Yonge Street, which will be retained to a depth of 3 metres from the front facade. The applicant is proposing to maintain the existing interior demising walls of the ground floor retail units at 826-834 Yonge Street to maintain the mainstreet retail character of the block. The altered heritage buildings will complete the heritage block in coordination with the heritage conservation strategy at 836-850 Yonge Street and 1-9 Yorkville Avenue (known as 1 Yorkville Avenue) abutting to the north of the subject site. Along Cumberland Street, the 3-storey heritage façade will be retained in situ and the façade of the 2-storey addition will be dismantled and restored in its existing location.

Retail uses are proposed along the Yonge Street and Cumberland Street frontages. The western frontage along the laneway and will include the residential lobby accessible by a new 7.0-metre wide pedestrian walkway. Access to the loading space and underground parking garage will also be included within the western frontage.

The proposed tower floor plate is approximately 622 square metres. There is a row of balconies that project 0.9 metres on the north and south facades at the west edge of the tower (over the pedestrian walkway). A row of inset balconies are proposed for the northeast and southeast corners of the tower, which would have a depth of 1.9 metres

measured from the Yonge Street frontage (on floors 36 and up). The density of the proposed development is 20.7 times the area of the lot.

The proposed tower would be set back as follows:

- 10 metres from Yonge Street (east property line);
- 1.5 metres from Cumberland Street (south property line);
- 7.5 metres from 836 Yonge Street (north property line); and
- 8.0 metres from the centreline of the orphaned private laneway and 9.5 metres from the west property line (adjacent to 12 Cumberland Street).

The proposed tower is set back 7.5 metres from the north property line. The tower separation between the proposed tower and the tower under construction at 1 Yorkville Avenue is 20 metres. The proposed tower would be located 1.5 metres from the Cumberland Street property line.

The existing sidewalk widths along Yonge Street (3.2 metres) and Cumberland Street (2.8 metres) are to remain unchanged. The heritage buildings along Yonge Street are set at the property line and there will be a pedestrian clearway of 2.1 metres between the property line and the three trees located in the Yonge Street right-of-way adjacent to the site. Along Cumberland Street, the new base building west of the retained and restored heritage facades would be located 0.5 metres from the Cumberland Street property line.

With regard to the western frontage, floors 1-4 will be set back 7.0 metres from the laneway to create a 7.0-metre wide pedestrian walkway that will connect to the approved public pedestrian walkway at the rear of 1 Yorkville Avenue. This public pedestrian walkway will complete a mid-block pedestrian connection between Yorkville Avenue and Cumberland Street. Floors 5-6 of the western frontage would have a setback of 7.9 metres from the west widened laneway and at the seventh floor the tower would cantilever 3.5 metres over the pedestrian walkway.

The breakdown of the proposed 371 residential units is as follows:

Table 1: Proposed Unit Breakdown

Unit Type	Number of Units	Percentage	Average Size (square metres)
1-bedroom	192	52%	45.5
2-bedroom	179	48%	80
Total	371	100%	N/A

The application proposes that 10 percent of the total units will be secured as family size units. Family size dwelling units shall have a minimum area of 79.0 square metres and shall contain at least two bedrooms. Eleven of the 2-bedroom units in the development are capable of conversion to 3-bedroom units through minor interior alterations.

A total of 788 square metres of indoor amenity space is proposed on the fourth and fifth floors and 379 square metres of outdoor amenity space on the roof of the base building, accessible from the indoor amenity space on the fourth floor.

A total of 104 resident vehicular parking spaces are to be provided in a 4-level underground parking garage accessible from Cumberland Street and Yorkville Avenue via the widened lane. No parking is proposed for the commercial uses or residential visitors. A total of 379 bicycle parking spaces are proposed, including 334 resident bicycle parking spaces on the third floor and levels P1-P4, and 38 visitor bicycle parking spaces on the mezzanine level (ramp and mechanical level) of the underground parking garage. An enclosed Type 'G' loading space is proposed at the rear of the ground floor level.

This application proposes to widen and extend the public lane at the northwest corner of the site to Cumberland Street by conveying a portion of its site (See Attachment No. 2). The application also considers incorporating the "orphan" lane that abuts the remainder of the rear/west property line as part of the lane network. All servicing vehicles will access the site via the laneway.

Site and Surrounding Area

The subject site has an area of 1,416 square metres, is rectangular in shape and is located on the northwest corner of Yonge Street (30.7-metre frontage) and Cumberland Street (45.3-metre frontage). The site consists of several properties:

Table 2: Details regarding the existing properties

Address	Description	Heritage
826 Yonge St. and 2 Cumberland St.	3-storey non-residential building (with 2-storey rear addition)	Designated
828 Yonge St.	3-storey non-residential building	Designated
830 Yonge St.	3-storey mixed-use building	Designated
832 Yonge St.	3-storey non-residential building	Designated
834 Yonge St.	3-storey non-residential building	Designated
6A Cumberland St.	1-storey non-residential building	
6B Cumberland St.	1-storey non-residential building	
6C Cumberland St.	1-storey non-residential building	
8 Cumberland St.	2-storey non-residential building	

City Planning staff conducted a site visit of the interiors of the buildings and confirmed that there were less than 6 existing residential rental units on the site. Thus, a Rental Housing Demolition and Conversion Application is not required.

The right-of-way width adjacent to the property is approximately 11.5 metres along Cumberland Street and 20 metres along Yonge Street.

The site is adjacent to an orphaned lane with multiple easements and rights-of-way located along a portion of the west lot line. The lane is approximately 3.15 metres wide. The orphaned lane is disconnected from the public lane, by the subject site.

Uses and structures near the site include:

North: at 1 Yorkville Avenue is an approved 58-storey (180.6 metres plus 2.6-metre elevator overrun) mixed-use building under construction (File No. 13 246101 STE 27 OZ). The development will incorporate the 3-storey heritage buildings at the southwest corner of Yonge Street and Yorkville Avenue.

North of Yorkville Avenue is 18 Yorkville Avenue, a 36-storey (115 metres including mechanical penthouse) mixed-use building with a 7-storey (22.5 metres) base. West of 18 Yorkville Avenue is Town Hall Square Park, the Yorkville Library and Fire Hall.

South: of Cumberland Street is 2 Bloor Street West (Cumberland Terrace), which consists of a 34-storey (146.5 metres) office tower at the northwest corner of Yonge and Bloor Streets and a low-rise retail mall with office uses on the south side of Cumberland between Bay and Yonge Streets. A below-grade retail concourse connects the 2 Bloor Street West site with the Toronto Parking Authority parking garage, on the north side of Cumberland Street. The site is also linked to the retail concourse below 2 Bloor Street East.

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

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

South of Asquith Avenue at 767-773 Yonge Street is a proposal for a 48-storey mixed-use building (166 metres plus a 12-metre mechanical penthouse) with a 3-storey base that would integrate the heritage buildings at 771-773 Yonge Street (File No. 16 118667 STE 27 OZ) currently under appeal at the OMB. The property is adjacent to 765 Yonge Street, a 2-storey heritage building.

Further south is 2 Bloor Street East, which consists of a 34-storey (134-metre) office tower at the northeast corner of Yonge Street and Bloor Street East; the

Yonge-Bloor subway station entrance; and a 41-storey (123-metre) hotel with the Hudson's Bay Centre at its base.

West: of the site is a 3-metre wide "orphan" lane, included as part of this development (only for the purposes of widening the lane and connecting it to the existing public laneway, which currently ends at the northwest corner of the site).

Further west are 2- to 4-storey buildings and the approved development at 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street (12 191650 STE 27 OZ). The development consists of two linked mixed-use towers: 62 storeys (203 metres tall plus a 12 metre mechanical penthouse) with frontage onto Yorkville Avenue and 40 storeys (136.5 metres tall plus a 6.0 metre mechanical penthouse) with frontage onto Cumberland Street and an open space along the eastern edge of the property from Yorkville Avenue to Cumberland Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

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

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

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

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Heritage policies are found under Section 3.1.5 of the Official Plan. The Official Plan states that significant heritage resources will be conserved by listing and designating properties of architectural and/or historic interest on the City's Heritage Register. Heritage resources on properties listed on the Heritage Register will be conserved. In this case, all the properties on the subject site are listed on the City's Inventory of Heritage Properties with the exception of 8 Cumberland Street.

Site and Area Specific Policy (SASP) 211 - Bloor Yorkville/North Midtown Area

SASP 211 in the Official Plan, recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the *Downtown* and provides for transition in density and scale.

The subject site is located within the Yonge Street Height Ridge as illustrated on Map 2 in SASP 211. Height and density permissions within the Height Ridge generally diminish further from the Height Peak at Yonge/Bloor to provide for a transition in scale. Development along the Height Ridge will be at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. The site is also located within the Yonge/Yorkville Area of Special Identity as illustrated on Map 1 in SASP 211.

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

Area Specific Policy 225 of the Official Plan encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy. No pedestrian route is specifically identified on the map at this site.

Zoning

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

Under Zoning By-law 569-2013, the subject site is zoned CR 3.0 (c2.5; r3.0) SS1 (x1939). Under Zoning By-law 438-86, as amended, the site is zoned CR T3.0 C2.5 R3.0. Both zoning by-laws permit a broad range of residential and commercial uses with a maximum height of 18 metres and a maximum density of 3.0 times the area of the lot.

Heritage

The subject site includes five properties that are designated under Part IV of the *Ontario Heritage Act*, as adopted by City Council on March 10, 2016, namely 826 Yonge Street (including 2 Cumberland Street) and 828-834 Yonge Street. The abutting site at 1 Yorkville Avenue also consists of properties designated under Part IV of the *Ontario Heritage Act*. This portion of Yonge Street is an intact example of a Victorian commercial block that was constructed in the later part of the 19th century and is part of the former Village of Yorkville.

The eastern portion of the façades and bays at 826-834 Yonge Street would be retained to a depth of 3 metres and would be integrated into the 3-storey base of the proposed 51-storey mixed-use building. In addition, the rear of 826 Yonge Street, which includes 2 Cumberland Street, would be retained to preserve a 17-metre heritage frontage along Cumberland Street. The demising walls of each of the existing store fronts will be rebuilt and integrated with the retained walls to a depth of approximately 10 metres. The proposed conservation strategy and the 10 metres tower stepback will maintain the three dimensional massing of the mainstreet heritage buildings to a depth of 10 metres.

On May 9, 2017 City Council adopted the recommendations in a staff report from the Senior Manager, Heritage Preservation Services (HPS) dated January 10, 2017, which recommended approval of the proposed alterations to the heritage properties on the subject site.

A copy of the HPS report and the recommendations that were adopted by TPB on January 26, 2017 is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PB20.6>

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of the Design Guidelines include:

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

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

Yorkville - East of Bay Planning Framework

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

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

This site is identified as Tall Building site No. 16 and forms part of the Town Hall Walkway linear park system. The Framework is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.93>

Tall Building Design Guidelines

In 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall buildings to ensure that they fit within their context and minimize their local impacts.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal.

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

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

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

TOcore

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The new Secondary Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for office, transportation, parks and public realm, community services and facilities, and energy are in development as part of this review, along with a water infrastructure assessment.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and 128 policy directions that will inform the development of the Downtown Secondary Plan. The accompanying staff report also provides updates on the Phase 2 public consultations, population growth projections for Downtown and the status of infrastructure strategies underway that will support the implementation of the new Downtown Secondary Plan. A draft Secondary Plan will be presented to City Council in Q3 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

The TOcore website is www.toronto.ca/tocore.

Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy

On October 13, 2016 Toronto and East York Community Council and staff were directed to consider the Bloor-Yorkville/North Midtown: Planning Framework and Implementation Strategy during the evaluation of current and future development applications.

The Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy report (August 2015) was prepared by The Planning Partnership, Greenberg Consultants Inc., ERA Architects., and Michael Spaziani Architect Inc., on behalf of the Bloor-Yorkville Business Improvement Association, ABC Residents Association, Greater Yorkville Residents Association, and Yonge Bay Bloor Business Association.

The report has two parts: an overview of the history, and current policy and development context; and, a policy framework and implementation strategies, and separate pedestrian realm network plan. The report organizes the Bloor-Yorkville/North Midtown area into 3 districts: the primary development districts; the corridor districts; and, the stable neighbourhood districts. Each district contains precincts, some of which are broken down into segments. Targeted planning policies are proposed for each district, precinct, and segment.

Planning staff have considered the Planning Framework and Implementation Strategy in the review of this application.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control was submitted on December 23, 2016 and is currently under review.

Reasons for Application

The application proposes a mixed-use building with a height of 170 metres (including mechanical penthouse) and a density of 20.7 times the area of the lot. The maximum permitted height and density is 3 times the area of the lot and 18 metres, respectively. A Zoning By-law amendment is therefore required.

Community Consultation

On April 30, 2015, a community consultation was hosted by City Planning staff at the Park Hyatt (4 Avenue Road) to discuss the original proposal for a 64-storey mixed-use building. Approximately 40 residents and other interested parties attended the meeting.

Following the presentations, City staff facilitated break-out sessions where attendees shared comments and asked questions regarding: Built Form and Public Realm, Heritage and Transportation.

During the break-out sessions, attendees raised concerns and made comments as follows:

Relating to Built Form and Public Realm:

- regarding the pedestrian walkway and colonnade (at the time of the community meeting) including: public realm looks great; love the cantilever; do not like the cantilever over the walkway; walkway should be open to the sky like at 1 Yorkville Avenue
- staff should push hard for the walkway as it was envisioned
- increase tower separation and improve skyview
- 25 metre tower separation should be met

- tower height and density should be less than 1 Yorkville Avenue
- intensification at 2 subway stations is a good idea
- affordability of units should be taken into consideration
- concerns regarding wind study results
- proposed curtain wall design appreciated, innovative
- space for dogs should be part of the complex

Relating to Heritage:

- heritage age of the buildings circa 1867, an early example of second empire style
- re-create original façade elements
- tower stepback should mitigate impact of tower on quality of heritage
- saving the façade is not the definition of preserving the past, the developer should try harder to create real heritage and strive for more than just façade restoration
- concerns regarding proposed 10-metre stepback from Yonge Street and would like more of the existing building to be retained
- existing buildings look "junky", the proposal significantly improves quality

Relating to Transportation:

- concern about traffic access during construction
- concern about traffic congestion along Cumberland Street and surrounding area
- what is the justification for the reduction in vehicular parking spaces?
- lack of public and on-street parking
- 0.2 parking spaces/unit is too low, encourage auto-share and go deeper with garage
- potential for the applicant to make improvements to the TTC/public transit in the area

Concerns regarding the proposal were also raised through verbal contact or by written submissions to the City Planning Division and included the following:

- a concourse-level PATH connection to include the subject development and 1 Yorkville Avenue is a must, considering pedestrian comfort and increased density in the area
- proposed parking provision should be reconsidered
- concerns about shadow impact on Collier Street during play time for kids
- community is interested in working with the developer to improve the area where the sun still shines
- infrastructure and open space is critical for liveability
- regarding the Collier-Asquith area: there is a lot of development occurring, the façades look good, the walkway is good, shadowing over the neighbourhood is disappointing
- a better public play space for children should be created
- impact of increased development on emergency services, response times
- Family-sized units are not being represented

Design Review Panel

First Review – May 26, 2015

The Design Review Panel (DRP) considered the original proposal for the subject site, which was prepared by Page + Steele/IBI Group Architects. Comments received from the first review on May 26, 2015, acknowledged that the site had many constraints and commended the integration of the heritage buildings into the proposed design, which would be consistent with the redevelopment at 1 Yorkville Avenue. The Panel recommended that the proposal be revised to provide a more slender tower to better respond to the size of the site and the adjacent public realm; meet the minimum tower separation distances; meet the Yonge Street setbacks; comply with the Tall Building Guidelines; eliminate the cantilever/projection over the pedestrian walkway; and provide a sustainability strategy for the proposal. With regard to the public realm along the laneway, the Panel recommended increasing the height of the tower cantilever to reduce the sense of enclosure and accommodate views along Mayfair Mews to the south.

The minutes of the DRP meeting on May 26, 2015, are available at:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202015/DRP%20Minutes%20MAY%2026%20FINAL.pdf>

Second Review – November 23, 2015

The DRP commended the applicant for revising the proposal in preparation for the second review on November 23, 2015. The Panel continued to have concerns regarding: the 6-storey tower base materials and transition to street level; the contrast of materials between the heritage elements and the new construction; the location of the servicing area along the southern portion of the lane; the non-compliance with the Tall Building Guidelines; the impact on light, views, and privacy; and the sustainability of the building. The Panel also expressed concerns with the tower separation distance from the site at 2 Bloor Street West (Cumberland Terrace).

The minutes of the DRP meeting on November 23, 2015, are available at:

http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Article/Percent_For_PublicArt/Final%20DRP%20Minutes%20Nov23%202015.pdf

Current Proposal

The current proposal subject of this report is based on plans prepared by architectsAlliance. These plans have not been considered by the DRP.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS (2014). It provides additional density within a settlement area through intensification and redevelopment to accommodate an appropriate range and mix of land uses (Policy 1.1.2). The intensification will meet appropriate development standards (Policy 1.1.3.4) discussed further in this report.

The PPS states (Policy 4.7) that the official plan is "the most important vehicle for implementation" of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans".

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

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

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

Land Use

Planning staff are satisfied that the proposed residential and non-residential uses are acceptable. The uses are permitted within the *Mixed Use Areas* of the Official Plan and in the CR zone of both Zoning By-laws. The development will create a balance of high quality commercial, residential, and open space uses that reduces automobile dependency and meets the needs of the local community as anticipated in the Official Plan for *Mixed Use Areas*.

The Tall Buildings Guidelines identify Yonge Street and Cumberland Street as priority retail streets and the Bloor-Yorkville/North Midtown Urban Design Guidelines identify Yonge Street as Highly Animated Street where the primary use is retail/commercial uses. The Draft Zoning By-law Amendments (Attachment Nos. 9 and 10) accommodate a mix of uses.

Site Organization / Yorkville – East of Bay Area

The site organization is acceptable. The tower and POPS placement on the site were influenced by heritage and open space objectives.

The 622 square metre floor plate tower proposal is appropriately massed and situated within the Yorkville – East of Bay area to fit within the urban structure for Yorkville, while minimizing potential impacts and improving pedestrian access and amenity. The tower is well set back from Yonge Street and provides a sufficient setback from the tower under construction at 1 Yorkville Avenue as described further below.

A new POPS, and pedestrian walkway is located on the west portion of the site, along the expanded vehicular laneway system. The open space improves the pedestrian amenity and is an integral part of the Town Hall Walkway which is planned to link Bloor Street to Davenport Road.

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

The proposed vehicular access with a drop off area accessed from the laneway system.

Density, Height, Massing

SASP 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out areas called the Height Peak, Height Ridges and Low-Rise Areas. The intent of these local policies and guidelines is to direct the tallest buildings to the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridge provides a transition from the Height Peak at Yonge/Bloor lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. The subject site is located in the Height Ridge as identified in Official Plan Policy 211 and in the Urban Design Guidelines.

The height of the tower (170 metres including mechanical penthouse) is lower than the approved tower at 1 Yorkville Avenue (180.6 metres, plus elevator overrun), which is also located within the Height Ridge and further north of the Height Peak.

With an overall density is 20.7 times the area of the lot, the proposal is appropriately scaled and proportional to its site and responsive to constraints. The proposed height and density is less than what was approved for the site at 1 Bloor Street East within the Height Peak area and relative to the density approved at 1 Yorkville Avenue. In addition, the proposal will integrate the existing heritage façades and bays to a depth of 3 metres, which is included in the density calculation for the new building. Official Plan Policy 3.1.5.8 permits additional gross floor area in excess of what is permitted in the Zoning By-law for a lot containing a conserved heritage building and where the new development complies with a number of provisions.

The proposed 622 square metre tower floor plate and the 51-storey building height are in keeping with the recommendations of the Tall Buildings Guidelines. The proposed 10-metre tower setback from Yonge Street is consistent with the development at 1 Yorkville

Avenue. The tower placement towards the rear of the site will provide more prominence to the heritage façades and bays along Yonge Street.

The Tall Building Guidelines call for a 25-metre tower separation distance and permits balconies to project within that separation distance. To its north, a tower separation distance of 20 metres is proposed from 1 Yorkville Avenue (currently under construction). There are no projecting balconies within this 20 metre zone where the two towers overlap.

To its south, the proposed tower is set back 1.5 metres from the Cumberland Street property line. There is an approved 102.9-metre zoning envelope, for a yet to be developed building, at the southwest corner of Cumberland Street and Yonge Street with no setbacks from the Cumberland Street and Yonge Street property lines. The two sites are separated by the Cumberland Street right-of-way of 11.5 metres. However, it is noted that the approved 102.9-metre tower zoning envelope is partially offset (10 metres) and significantly lower than the proposed tower on the north side of Cumberland Street.

To its west, the proposed tower (above the sixth floor) is set back 8.0 metres from the centre of the orphaned lane and 9.5 metres from its western most property line adjacent to 12 Cumberland Street. The Yorkville – East of Bay Planning Framework does not identify the group of buildings to the immediate west of the subject site as a potential tall building site.

The proposed tower partially cantilevers over the pedestrian walkway along the western frontage beginning at the seventh floor. The north and south-facing balconies located within the cantilever portion of the tower have been relocated to minimize potential privacy issues on the adjacent tower at 1 Yorkville Avenue and the approved development at 2 Bloor Street West.

The tower placement is considered acceptable given the site constraints. In addition, the proposed height and density is acceptable as it fits with the existing and planned context within the Yorkville – East of Bay area while minimizing the impacts relating to the height, such as shadow impacts.

Heritage

The proposed redevelopment for the subject site will conserve the first 3 metres of the existing heritage buildings. The altered heritage-designated buildings will be integrated into the 3-storey base of the proposed 51-storey mixed-use building and the proposed tower will be set back 10 metres from Yonge Street, consistent with the development at 1 Yorkville Avenue. The integration of the heritage buildings into the proposed development will preserve this intact commercial block that was constructed in the later part of the 19th century and is part of the former Village of Yorkville.

On March 9, 2017, City Council adopted the recommendations in a staff report from HPS dated January 10, 2017, which recommended approval of the proposed alterations to the heritage properties on the subject site.

Sun, Shadow

Section 4.5, Policy 2(d) of the Official Plan states that development within *Mixed Use Areas* will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The Downtown Tall Building Guidelines state that effort will be made to design and orient tall buildings to minimize their impact on all publicly accessible parks, open spaces, natural area and other shadow sensitive areas. New buildings should be located and designed not to cast any new net shadow on parks between 12:00 PM and 2:00 PM on September 21st. The Guidelines also state that new buildings should be designed and located to mitigate all new net shadowing on Jesse Ketchum Park/Schoolyard and Ramsden Park in the Bloor-Yorkville/North Midtown Area.

The Bloor-Yorkville/North Midtown Urban Design Guidelines identify shadow sensitive areas, including the *Neighbourhoods* and *Natural Areas* to the east of Yonge Street (Asquith Collier Precinct); Frank Stollery Parkette (Scollard Street); Town Hall Square Park on Yorkville Avenue (as well as the Fire Hall clock tower and the Toronto Public Library – Yorkville branch); a portion of the Village of Yorkville; the Yorkville Triangle Precinct; and Jesse Ketchum Park.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the proposed 51-storey (170-metre including mechanical penthouse) mixed-use building and are satisfied that it adequately limits shadow on the *Neighbourhoods*, shadow sensitive areas, parks, publicly accessible open spaces and natural areas.

The tower height was reduced from the original application to minimize the impact on Jesse Ketchum Park, Town Hall Square Park, Frank Stollery Parkette and the Asquith Collier neighbourhood.

The Shadow Study, dated August 22, 2016, prepared by architectsAlliance indicates that on March 21st there is some incremental shadow on Town Hall Square Park and Frank Stollery Parkette at 12:18 PM. East of Yonge Street, within the Asquith Collier neighbourhood, there is some incremental shadow on Harold Town Park at 3:18 PM and on the residential properties on Collier Street at 5:18 PM.

On June 21st, there are no incremental shadows cast on Jesse Ketchum Park, Town Hall Square Park, Frank Stollery Parkette and the Asquith Collier neighbourhood at any point during the day.

Wind

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

The applicant submitted a Final Pedestrian Level Wind Study, dated September 2016, prepared by Theakston Environmental based on wind tunnel testing of the current proposal. The study involves wind tunnel measurements of pedestrian wind speeds using a physical scale model, combined with meteorological data integration, to assess pedestrian comfort at key areas, including public sidewalks and walkways, parks, and building access points.

Based on the wind tunnel test results, the study finds that wind conditions at all tested locations are expected to pass the criterion used to assess pedestrian wind safety. The study concludes that wind speeds at grade are acceptable for pedestrians on sidewalks and walkways.

The study indicates that the proposed residential lobby entrance along the western frontage would be isolated from downwash caused by westerly winds due to the recessed entrance and the tower cantilever above. Downwashing occurs when tall buildings intercept stronger winds at higher elevations and redirect them to ground level and is often the main cause for wind accelerations around large buildings at the pedestrian level.

The study finds that the retail entrances along Yonge Street could be recessed to mitigate the wind impact. The retail entrance along Cumberland Streets will be flush with the façade and be susceptible to winds that are deflected to flow along the building, making the area less comfortable. The study also indicates that the Cumberland Street sidewalk adjacent to the southwestern portion of the site could be windier. However, the conditions would be suitable for walking during winter and spring, and sitting or standing during summer and fall.

Roadways, Laneways and Access

The subject site abuts a portion of a 2-way, 3.0-metre wide, public lane at the northwest corner of the site. The north-south portion of the public lane (which is to be widened to 6.0-metres as part of the development at 1 Yorkville Avenue) extends from Yorkville Avenue to the northwest corner of this site and then extends west and then south to Cumberland Street. See the key map on the front page for this report which shows the configuration of the public lane.

As part of the comprehensive planning for the neighbourhood, it is intended that the north-south private lane abutting the site be widened, and converted to a 6.0-metre wide public lane. Attachment No. 2 of this report shows how the 6.0-metre wide north-south portion of the public lane could be extended directly south to Cumberland Street as part of this proposal. The western portion of the subject site to be conveyed to the City, would be between 3.0 and 6.0 metres in width (a portion of which would be stratified). The 3.0-metre wide orphan lane would be expropriated by the City or conveyed to the City (if the applicant becomes the owner) at no cost to the City. An ownership search of the orphan lane was undertaken by the applicant and it has been determined that the last registered owner of the lane has been deceased since the 1800s.

Transportation Services recommend the applicant first attempt to acquire the land, and then convey it to the City for lane purposes. City Council may wish to pursue acquisition of the lands through expropriation. Transportation Services is satisfied with this process provided that all costs associated with the expropriation would be at the expense of the applicant including site remediation. As a result, this report seeks authority to expropriate the lands.

If the orphan lane is not expropriated by the City or conveyed to the City then the extended portion of the lane will remain private, as the applicant has indicated that it has surface easement rights over the orphan lane. In combination, these public and privately-owned laneways provide a proposed through-connection between Cumberland Street and Yorkville Avenue. This laneway system is intended to provide all vehicular access to the subject site.

In either event, a portion of the subject site which abuts the existing public lane (at 834 Yonge Street) will be conveyed to the City for public lane purposes to increase the width of the public lane to 6.0 metres. The lands to be conveyed should have a width of approximately 2.34 metres at the north limit of the site, to match the conveyance of the lane widening to be secured in connection with the redevelopment at 1 Yorkville Avenue, and a width of approximately 2.38 metres at the south limit of the site. It is anticipated that the owner will be required to enter into a Municipal Infrastructure Agreement in respect of the construction of the north-south public lane, as widened. Although an upgraded treatment could be considered, given maintenance considerations any upgraded pavement treatment for the public lane, as widened, must be to City Standards.

The Cumberland Street and Yonge Street frontages do not require any widening under the City's Official Plan.

Traffic Impact, Parking

The traffic impact of the proposal is acceptable. The applicant's transportation consultant, (LEA Consulting Ltd.) prepared a Traffic Impact Study Update (dated September 20, 2016). The report estimates that the proposed redevelopment will generate approximately 78 and 74 two-way trips during the AM and PM peak hours, respectively. The study concludes that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Transportation Services Staff has reviewed the traffic study and agree with the study's conclusion.

The proposal is to provide 104 parking spaces to serve the project in a four-level parking garage with access off a 6.0 metre-wide lane. All parking spaces are proposed for residential use. The proposed provision of 104 resident parking spaces is less than the minimum requirement of prevailing Zoning By-law No. 569-2013, which is estimated to be 276 parking spaces (239 resident and 37 visitor spaces). It is also less than the minimum requirement of Zoning By-law No. 438-86, which is estimated to require 252 parking spaces (230 resident and 22 visitor spaces). No parking is required for retail component, given the amount of proposed non-residential gross floor area.

The Traffic Impact Study Update (dated September 20, 2016) includes proxy surveys, for the proposed parking shortfall. The study notes that the proposed development will provide a minimum parking of 0.28 parking spaces per residential unit. Transportation Services has reviewed the study and concurs with its recommendation. As a result, the parking standards (ratios) recommended by the above study and the proposed parking supply for the site are acceptable.

According to the study, the need for visitor parking can be readily accommodated in the nearby public parking facilities, which have an abundance of parking available, especially during peak times for residential visitors (i.e. late evenings). Having regard for the relatively small size of the site, access to public transit, and availability of public parking in the vicinity, Transportation Services does not object, in principle, to a non-provision of the required residential visitor parking supply on the site.

Servicing

Solid Waste Management staff have reviewed the proposed servicing for this development. An enclosed Type-G loading space is proposed along the western frontage adjacent to the extended laneway at the rear of 834 Yonge Street. Public (City) solid waste collection is proposed for the residential component of the building and private collection is proposed for the non-residential component. The Transportation Impact Study dated September 2016 and prepared by LEA Consulting Ltd indicates that a City garbage truck would be required to reverse onto the private laneway when leaving the site. In this case, Solid Waste Management staff have accepted the proposed servicing for the site.

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

A comprehensive stormwater management report, site servicing and site grading plans will be secured through the Site Plan Control process. Additional revisions may be required should the orphaned lane and the proposed land become part of the public laneway system.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people, the second highest 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.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 4,946 square metres

or 364% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 137 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Given the current rise in the dog population in the Downtown area, especially within condominium towers, the applicant is expected to provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building. These features will be secured in the Section 37 Agreement to help to alleviate some of the pressure on the existing neighbourhood parks.

Streetscape

The development criteria for *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets. Area Specific Policy 211 states that pedestrian activity is a vital component of the Bloor-Yorkville/North Midtown Area. Due to the integration of the existing heritage façades along the Yonge Street frontage and 17 metres of the Cumberland Street frontage, the sidewalks along both streets will remain unchanged.

Overall, this proposal achieves a balance of objectives. While keeping the heritage buildings in situ, the pedestrian environment will be enhanced at the western portion of the site with the proposed 7.0-metre wide pedestrian walkway (including landscaping) that will extend to the approved pedestrian walkway at the rear of the 1 Yorkville Avenue development. This will create a continuous pedestrian connection between Yorkville Avenue and Cumberland Street that will form part of the Town Hall Walkway.

The applicant is proposing to replace the three existing trees located within the Yonge Street, which are listed in fair condition, with three new trees. The amenity of public sidewalks and views to open space and parks will be maintained and enhanced with high quality, coordinated streetscape. Views through and to significant sites can also assist in encouraging and directing greater pedestrian movement in all areas.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. This proposal meets the minimum density threshold for a Section 37 contribution.

The community benefits to be secured in the Section 37 agreement are as set out in Recommendation 4 of this report.

CONTACT

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E-mail: Oren.Tamir@toronto.ca

SIGNATURE

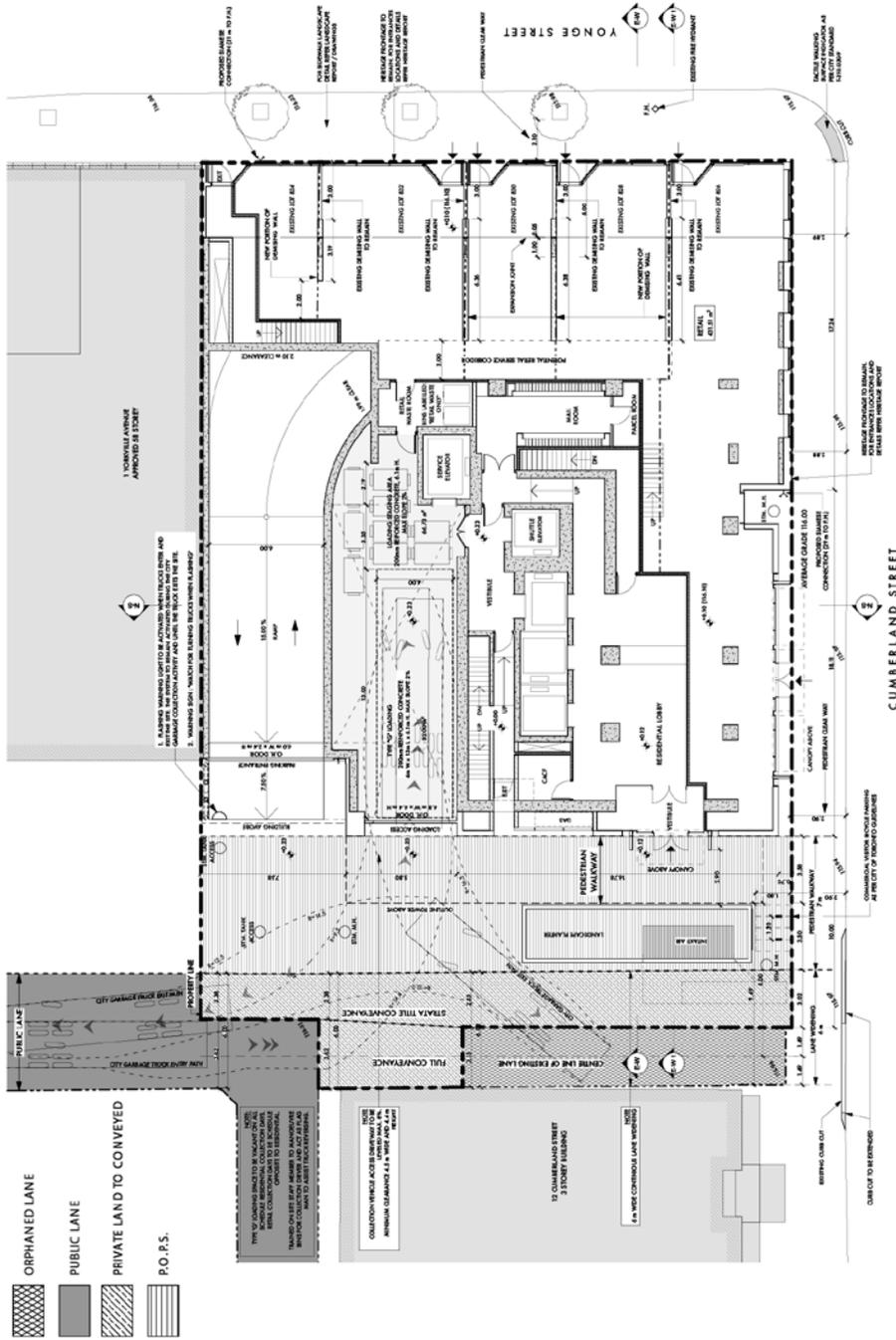
Gregg Lintern, MCIP, RPP
Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Ground Floor Plan
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: East Elevation
Attachment 6: West Elevation
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Zoning By-law Amendment (438-86)
Attachment 10: Draft Zoning By-law Amendment (569-2013)

Attachment 2: Ground Floor Plan



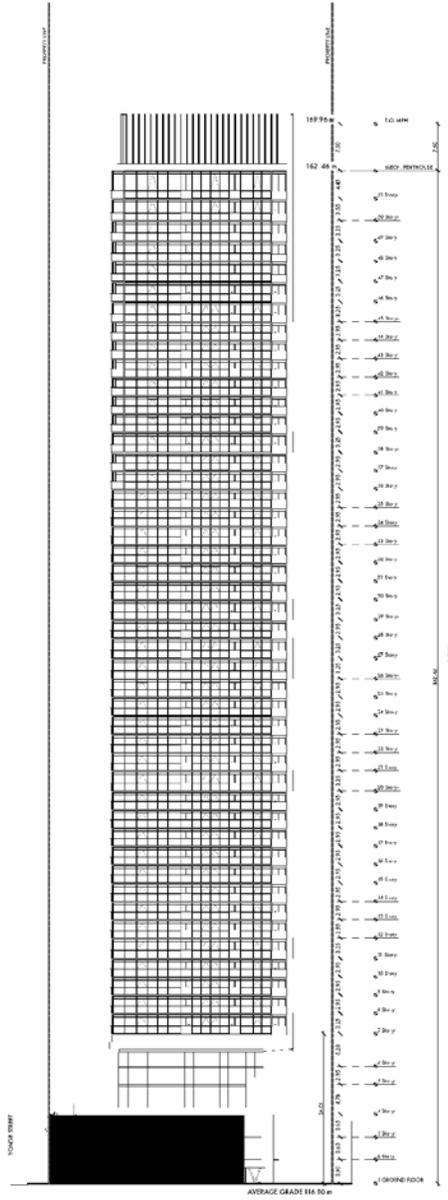
826-834 Yonge Street and 8 Cumberland Street

Ground Floor Plan
 Applicant's Submitted Drawing

Not to Scale
 03/15/2017

File # 15 114759 STE 27 0Z

Attachment 3: North Elevation



NORTH ELEVATION

North Elevation

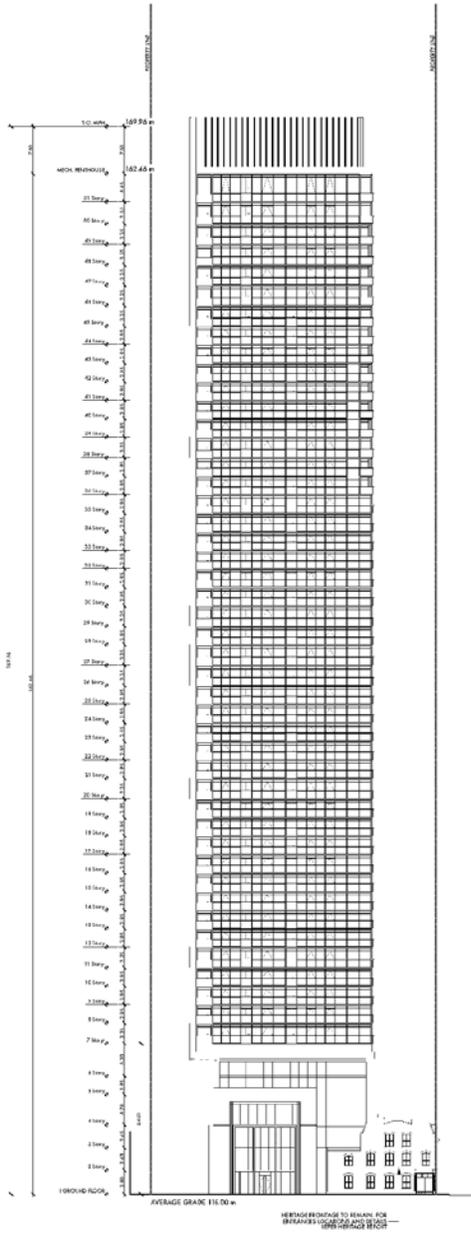
Applicant's Submitted Drawing

Not to Scale
01/11/2017

826-834 Yonge Street and 2-8 Cumberland Street

File # 15 114759 STE 27 OZ

Attachment 4: South Elevation



SOUTH ELEVATION

South Elevation

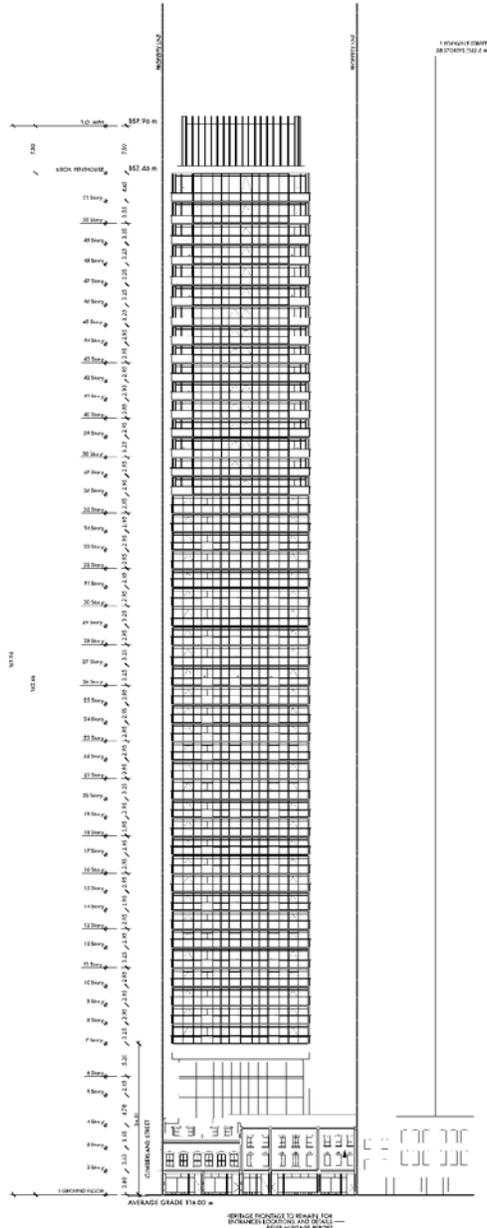
826-834 Yonge Street and 2-8 Cumberland Street

Applicant's Submitted Drawing

Not to Scale
01/11/2017

File # 15 114759 STE 27 OZ

Attachment 5: East Elevation



EAST ELEVATION

East Elevation

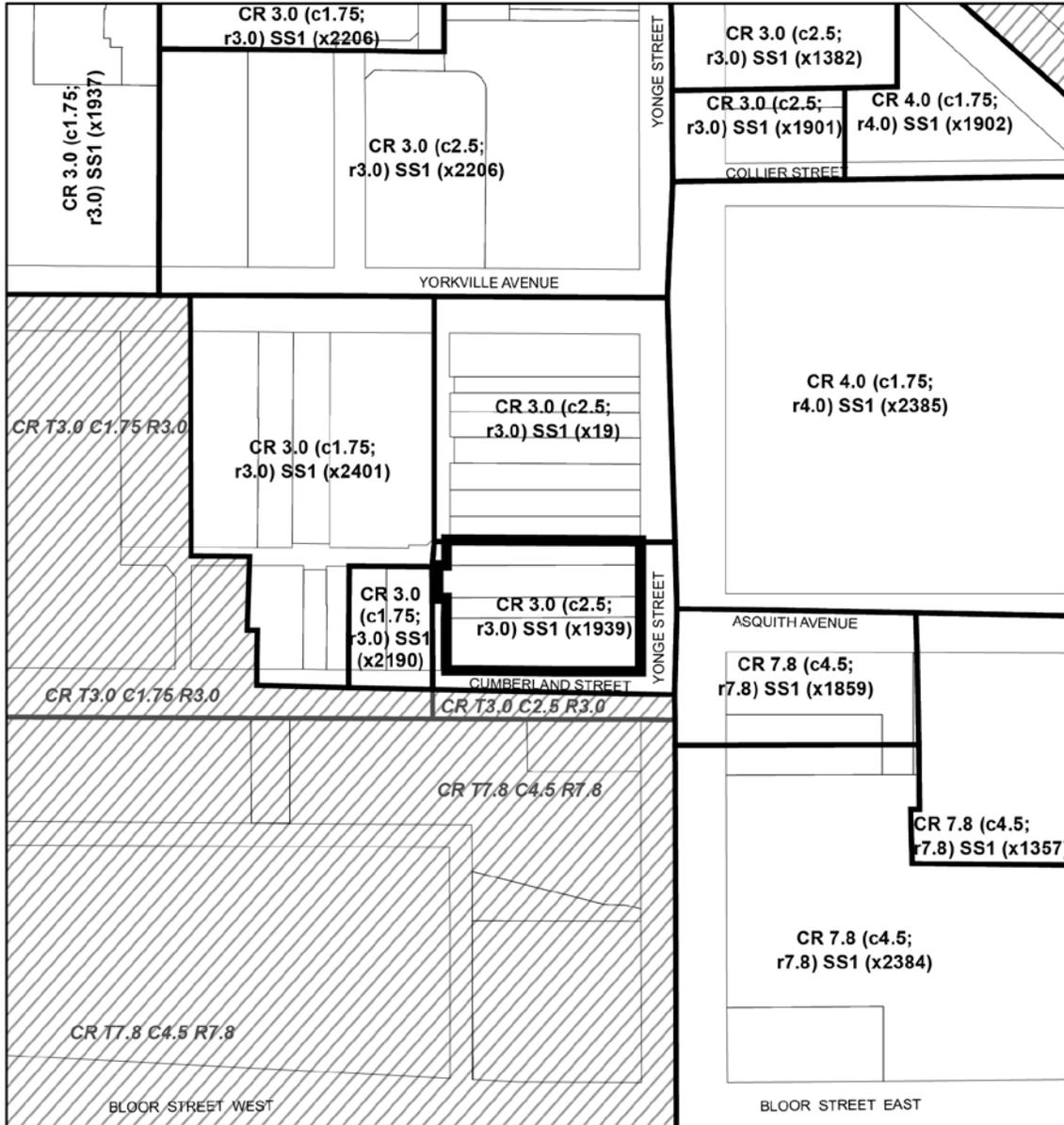
826-834 Yonge Street and 2-8 Cumberland Street

Applicant's Submitted Drawing

Not to Scale
01/11/2017

File # 15 114759 STE 27 OZ

Attachment 7: Zoning



Zoning By-Law No. 569-2013

**826-834 Yonge Street and
2-8 Cumberland Street
File # 15 114759 STE 27 0Z**

Location of Application
CR Commercial Residential

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

↑
Not to Scale
Extracted: 03/02/2017

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 114759 STE 27 OZ
		Application Date:	February 11, 2015

Municipal Address: 826-834 Yonge St and 2-8 Cumberland St
 Location Description: CON 2 FTB PT LOT 21 RP 63R686 PART 1 **GRID S2703
 Project Description: A 51-storey mixed-use building (162.5 metres plus a 7.5 metre mechanical penthouse) with 1,200 square metres of non-residential gross floor area and 371 residential dwelling units. The application proposes to retain the façades of the heritage buildings on Yonge St.

Applicant:	Agent:	Architect:	Owner:
Walker Nott Dragicevic Assoc Ltd	Robert Dragicevic	architectsAlliance	GG Eight Cumberland Inc

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	ASP 211, 225
Zoning:	CR 3.0 (c2.5; r3.0) SS1 (x1939) CR T3.0 C2.5 R3.0	Historical Status:	Y
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,416.4	Height:	Storeys:	51
Frontage (m):	30.78		Metres:	162.5
Depth (m):	45.34			
Total Ground Floor Area (sq. m):	851			Total
Total Residential GFA (sq. m):	28,156		Parking Spaces:	104
Total Non-Residential GFA (sq. m):	1,200		Loading Docks	1
Total GFA (sq. m):	29,356			
Lot Coverage Ratio (%):	58			
Floor Space Index:	20.7			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	192
2 Bedroom:	179
3 + Bedroom:	0
Total Units:	371

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	28,156	0
Retail GFA (sq. m):	1,200	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Oren Tamir, Senior Planner
	TELEPHONE:	(416) 392-7349
	EMAIL:	Oren.Tamir@toronto.ca

Attachment 9: Draft Zoning By-law Amendment (438-86)

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2017

To amend Zoning By-law No. 438-86, as amended, with respect to lands known as 826-834 Yonge Street and 2-8 Cumberland Street.

Whereas authority is given to Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas Council of the City of Toronto, at its meeting on ~, 2017, determined to amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2017 as 826-834 Yonge Street and 2-8 Cumberland Street;

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law;

Whereas Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for an increase in *height* and density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); and

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Section 2 with respect to the definitions of *bicycle parking space – visitor, lot, grade, height* and *residential gross floor area* and Sections 4(2), 4(5), 4(8), 4(12), 4(13), 4(17), 8(3) Part I, 8(3) Part II 1 and 2, 8(3) Part III, and 12(2) 260, 12(2)380 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of a *mixed-use building* with underground parking on the *lot* delineated by dashed lines on the attached Map 1, provided that:
 - (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by dashed lines on the attached Map 1;
 - (b) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 29,500.0 square metres, subject to the following:
 - (i) the *residential gross floor area* of buildings and structures shall not exceed 28,250.0 square metres; and
 - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 1,250.0 square metres;
 - (c) a minimum of 2.0 square metres of indoor *residential amenity space* for each dwelling unit and 1.0 square metres of outdoor *residential amenity space* for each dwelling unit shall be provided on the *lot*;
 - (d) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
 - (i) the maximum *height* for mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises,

eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof having a maximum height of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2; and

- (ii) an architectural feature located along the western edge of the roof level (163.0-metre height limit) may extend a maximum of 8.5 metres above the heights shown on Map 2 of By-law XXX-2017);
- (e) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
 - (i) balconies located above the sixth storey of the building above-ground may encroach into the required minimum building setback a maximum of 1.0 metres; and
 - (ii) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural features, patios, eaves, decks, pillars, pergolas, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures, all of which may extend beyond the dashed lines shown on Map 2;
- (f) parking shall be provided and maintained on the lot in accordance with the following requirements:
 - (i) 0.28 *residential parking spaces* for each *dwelling unit*;
 - (ii) no parking is required for the non-residential uses; and,
 - (iii) no visitor *parking spaces* are required on the *lot*;
- (g) a *parking space* shall have a minimum width of 2.6 metres, a minimum length of 5.6 metres, and a minimum height of 2.0 metres;
- (h) despite (g), up to 30 of the *parking spaces* may have a minimum width of 2.4 metres, a minimum length of 5.0 metres, and a minimum height of 2.0 metres, and up to 4 of the *parking spaces* may have a minimum width of 2.6 metres, a minimum length of 5.2 metres, and a minimum height of 2.0 metres;
- (i) a minimum of 379 *bicycle parking spaces* shall be provided on the *lot*, of which, a minimum of 334 shall be for residents and a minimum of 38 shall be for visitors; and

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

Definitions

- 5. For the purposes of this By-law:
 - (a) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and may be located in a secured room on Level P1;
 - (b) "*grade*" means 116.00 metres Canadian Geodetic Datum;
 - (c) "*residential gross floor area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
 - (i) indoor *residential amenity space*;
 - (ii) parking, loading and bicycle parking below established grade;
 - (iii) parking, loading and bicycle parking at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building; and
 - (d) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.
- 6. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

Enacted and passed on month ##, 2017.

Frances Nunziata,
Speaker

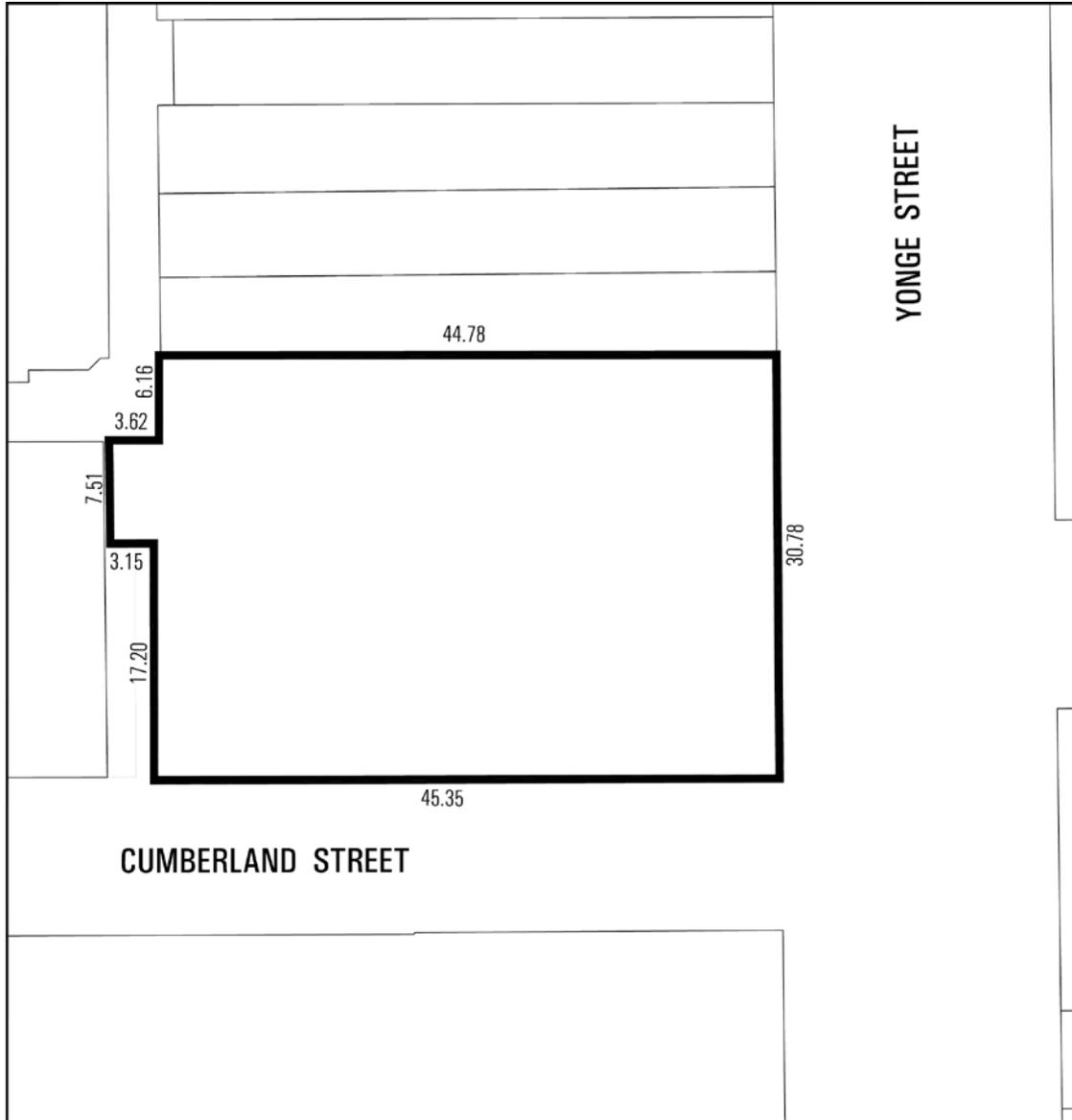
Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1: Community Benefits
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

Community benefits and matters of legal convenience will be inserted.

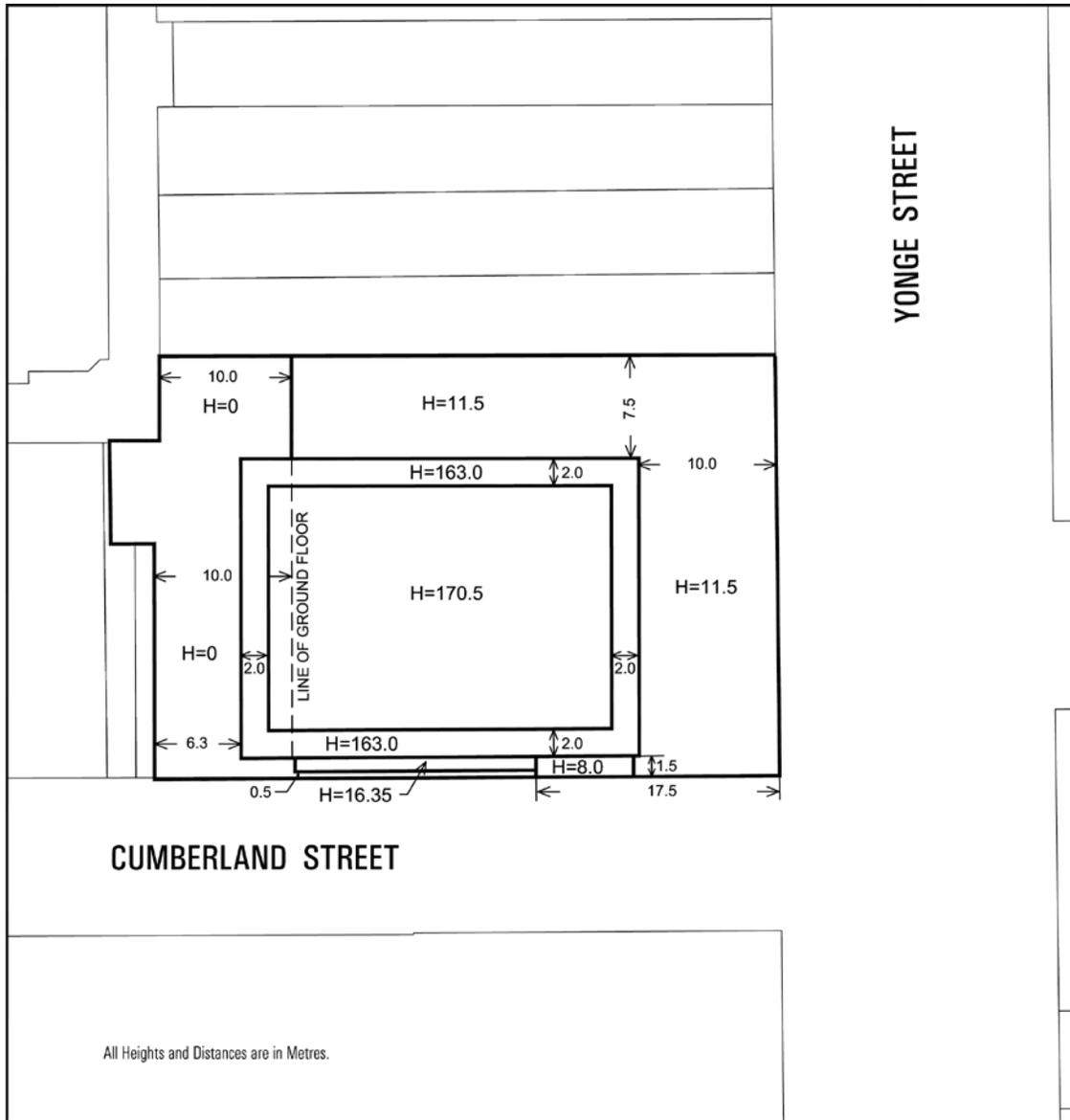


TORONTO
Map 1

**826-834 Yonge Street and
2-8 Cumberland Street**

File # 15 114759 STE 27 0Z

City of Toronto By-Law 438-86
Not to Scale
03/2/2017



TORONTO
Map 2

**826-834 Yonge Street and
2-8 Cumberland Street**

File # 15 114759 STE 27 0Z

City of Toronto By-Law 438-86
Not to Scale
03/07/2017

Attachment 10: Draft Zoning By-law Amendment (569-2013)

CITY OF TORONTO

BY- LAW No. XXX-2017

To amend the City of Toronto By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2017 as 826-834 Yonge Street and 2-8 Cumberland Street.

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by the heavy lines to CR 3.0 (c.2.5; r3.0) SS1(x102) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 102 so that it reads:

Exception CR (102)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 826-834 Yonge Street and 2-8 Cumberland Street, if the requirements of Section 4 and Schedule A of By-law XXX-2017 are complied with, none of the provisions of Sections 40.10.40.40(1), 40.10.40.50(1) and (2), 200.5.1.10(2), 200.15.1.5, 230.5.1.10(9) and 600.10 apply to prevent the erection or use of a **building, structure**, addition or enlargement if it is in compliance with regulations (B) to (K) below;
- (B) Despite regulation 5.10.40.70(1) and 600.10.10, a **building** or **structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law XXX-2017;
- (C) Despite regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 116.00 metres in the year 2017;
- (D) Despite regulations 40.5.40.10(3)-(7) and 40.10.40.10(1) and (5), no portion of any **building** may exceed the **height** in metres specified by the numbers following the symbol H on Diagram 3 of By-law XXX-2017, with the exception of the following:
 - i. mechanical equipment and any associated enclosure structures, parapets, guard rails, railings and dividers, pergolas, trellises, screens, stairs, window washing equipment, lightning rods, architectural features, elements of a **green roof** are permitted to extend a maximum of 3.0 metres above the heights shown on Diagram 3 of By-law XXX-2017;

- ii. an architectural feature located along the western edge of the roof level (163.0-metre height limit) may extend a maximum of 8.5 metres above the heights shown on Diagram 3 of By-law XXX-2017); and
- (E) Despite clause 40.10.40.60 and regulation 40.10.40.70(1), no portion of any **building** or **structure** above-grade may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law XXX-2017, with the exception of:
 - i. balconies located above the sixth **storey** of the **building** above-grade may encroach a maximum of 1.0 metres into the required minimum **building** setback;
 - ii. cornices, light fixtures, ornamental elements, parapets, architectural features, patios, decks, pillars, pergolas, trellises, terraces, eaves, window sills, planters, art and landscape features, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, awnings and canopies, window washing equipment, and underground garage ramps and associated structures; and
- (F) The maximum permitted **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 3 of By-law XXX-2017, must not exceed 29,500 square metres, of which:
 - i. residential uses must not exceed 28,250 square metres;
 - ii. non-residential uses must not exceed 1,250 square metres; and
- (G) **Amenity space** must be provided and maintained at a minimum rate of 3.0 square metres for each **dwelling unit**, of which:
 - iii. indoor **amenity space** must be provided at a minimum rate of 2.0 square metres for each **dwelling unit**;
 - iv. at least 40 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
- (H) Despite clauses 200.5.10.1 and 200.15.10(1), the minimum number of required **parking spaces** is:
 - i. 0.28 resident **parking spaces** for each **dwelling unit**;

- ii. no visitor **parking spaces** are required;
 - iii. no **parking spaces** are required for non-residential uses;
 - iv. 4 accessible **parking spaces** are required; and
- (I) Despite clause 200.5.1.10:
- i. a maximum of 30 **parking spaces** may have the following minimum dimensions: length of 5.0 metres, width of 2.4 metres, and height of 2.0 metres; and
 - ii. a maximum of 4 **parking spaces** may have the following minimum dimensions: length of 5.2 metres, width of 2.6 metres, and height of 2.0 metres; and
- (J) Despite clause 220.5.10.1, a minimum of one Type G **loading space** is required;
- (K) Despite clause 230.5.1.10, a minimum of 379 **bicycle parking spaces** are required, of which:
- i. a minimum of 38 must be for short-term **bicycle parking spaces**; and
 - ii. a minimum of 334 must be for long-term **bicycle parking spaces**; and

Prevailing By-laws and Prevailing Sections (None Apply)

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A of this By-law are satisfied.

ENACTED AND PASSED this ____ day of _____, 2017.

JOHN TORY
Mayor

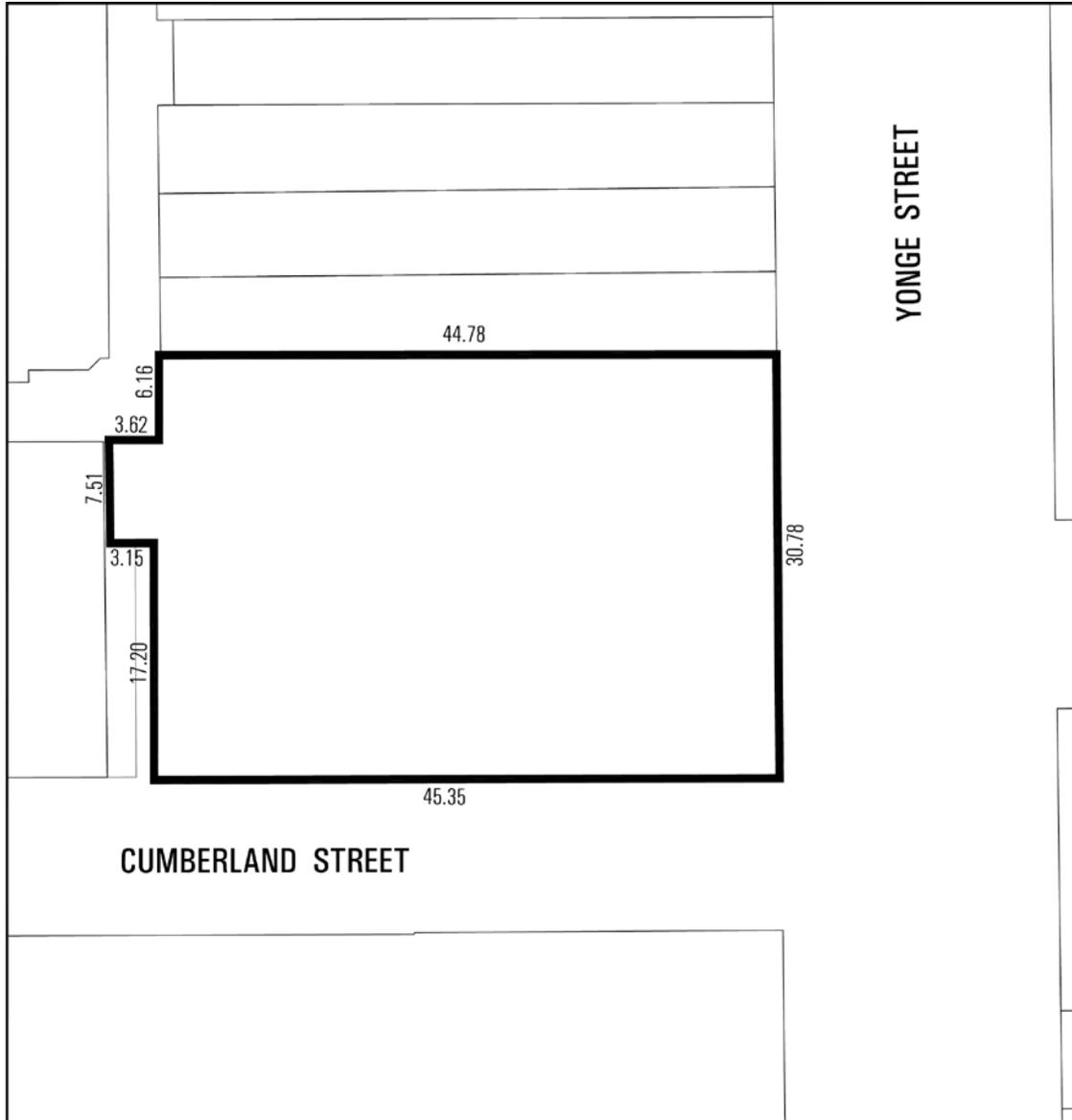
ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

Community benefits and matters of legal convenience will be inserted.

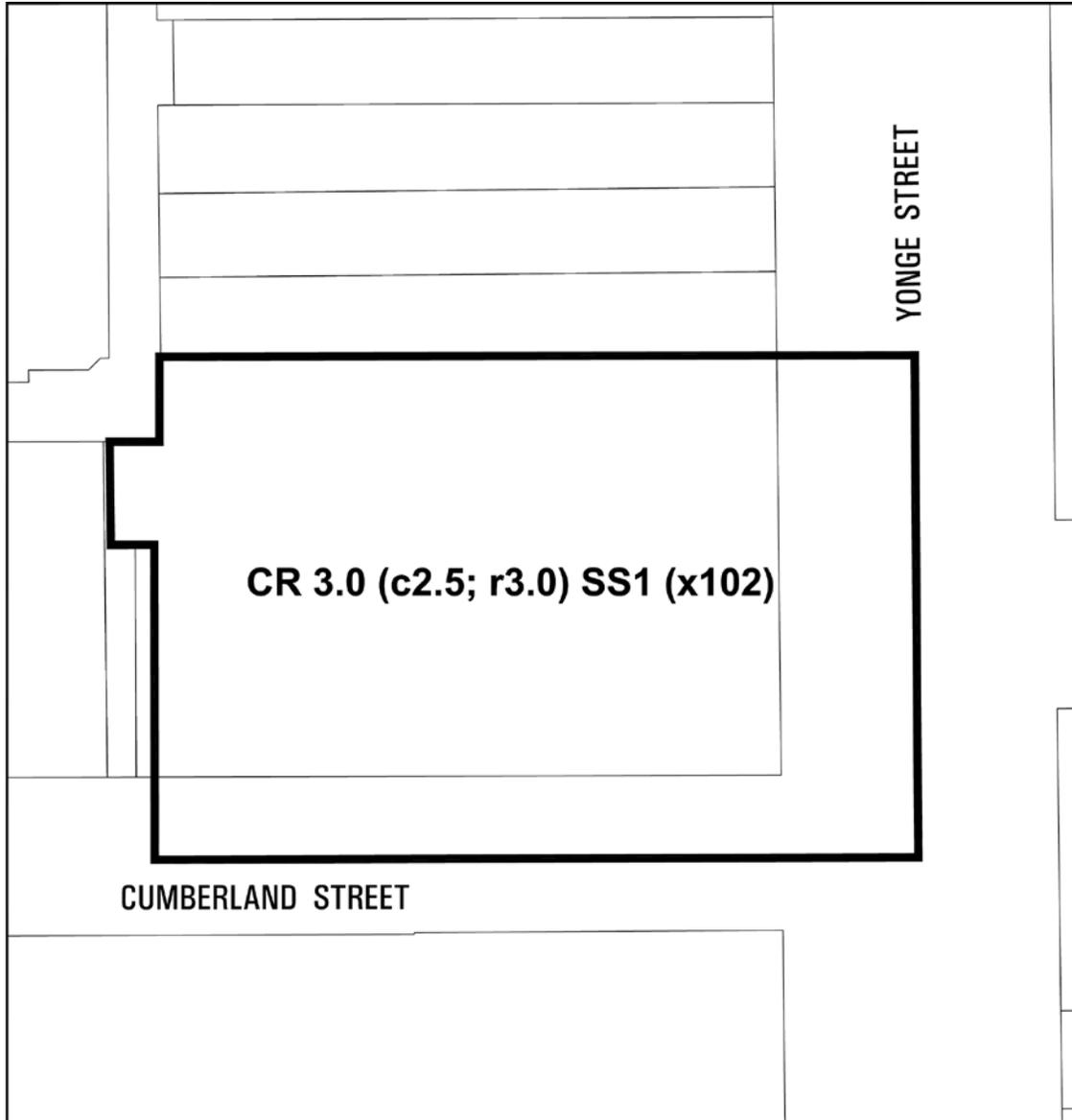


TORONTO
 Diagram 1

**826-834 Yonge Street and
 2-8 Cumberland Street**

File # 15 114759 STE 27 0Z

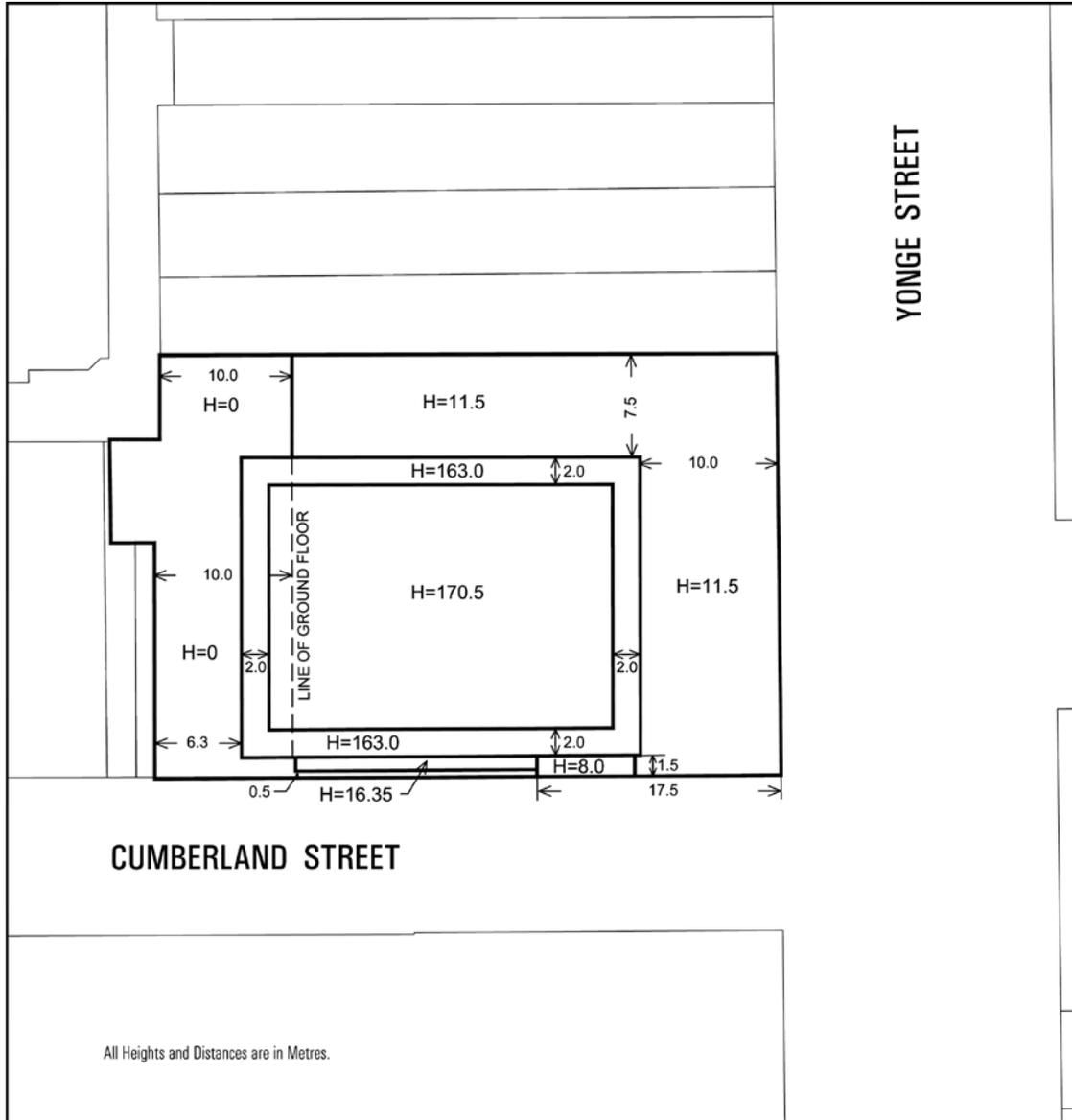
City of Toronto By-Law 569-2013
 Not to Scale
 03/2/2017



 **TORONTO**
Diagram 2

**826-834 Yonge Street and
2-8 Cumberland Street**
File # 15 114759 STE 27 0Z


City of Toronto By-Law 569-2013
Not to Scale
03/2/2017



TORONTO
Diagram 3

**826-834 Yonge Street and
2-8 Cumberland Street**

File # 15 114759 STE 27 02

City of Toronto By-Law 569-2013
Not to Scale
03/07/2017