

**767-773 Yonge Street - Zoning Amendment Application  
Request for Direction Report**

<b>Date:</b>	January 9, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	16 118667 STE 27 OZ

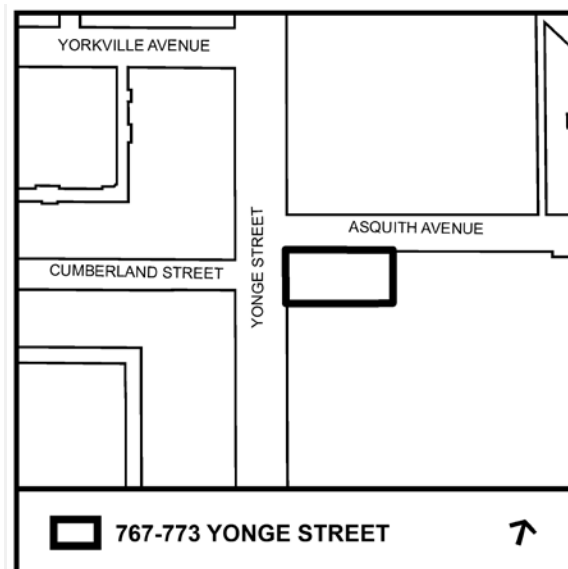
**SUMMARY**

On January 19, 2017, the applicant appealed its application for a 48-storey (166-metre) mixed-use building with 257 residential units and a density of 19.9 times the area of the lot to the Ontario Municipal Board due to Council's failure to enact the requested amendment within the time allotted by the *Planning Act*.

On July 27, 2017, after the appeal, the applicant submitted a "With Prejudice" settlement offer, reducing the height of the mixed-use building to 25 storeys (81.7 metres), with 136 residential units and a density of 14.8 times the area of the lot.

The purpose of this report is to seek City Council's direction with respect to the City's position at the Ontario Municipal Board hearing.

The site includes the 771 Yonge Street property which is on the City's Heritage Register and is proposed to be conserved and altered. A separate report (December 1, 2017) from Heritage Preservation Services and recommendations from Toronto Preservation Board are scheduled to be considered with this report.



This report recommends that Council direct the City Solicitor, together with appropriate City staff, to support the settlement proposal at the Ontario Municipal Board.

## **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor and other appropriate staff to attend at the Ontario Municipal Board in support of the settlement proposal by the Applicant described in the report from the Acting Director, Community Planning, Toronto and East York District (January 9, 2018) "767-773 Yonge Street – Zoning Amendment Application – Request for Direction Report" and set out in the letter dated July 26, 2017 from the Applicant (Attachment 1) and plans (Attachments 2 to 7) to this report, subject to the conditions in this report.
2. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of its final Order until:
  - a. the final form of Zoning By-Law Amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
  - b. the owner has entered into a Heritage Easement Agreement with the City for the property at 771 Yonge Street substantially in accordance with plans and drawings prepared by Giannone Petricone Associates Inc. Architects, dated November 14, 2017, and the Heritage Impact Assessment prepared by Goldsmith Borgal and Company Ltd. Architects, dated November 15, 2017, or otherwise revised in accordance with the settlement offer or Board Order, subject to and in accordance with the approved Conservation Plan required in Part 2.c below, all to the satisfaction of the Senior Manager, Heritage Preservation Services and including execution and registration of such agreement to the satisfaction of the City Solicitor.
  - c. the owner has provided a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 771 Yonge Street, prepared by Goldsmith Borgal and Company Ltd. Architects, dated November 15, 2017, or otherwise revised in accordance with the settlement offer or Board Order, all to the satisfaction of the Senior Manager, Heritage Preservation Services.
  - d. the owner has entered into and registered on the lands at 767-773 Yonge Street one or more agreements with the City, pursuant to section 37 of the *Planning Act*, to secure at the owner's expense, with such facilities, services and matters to be additionally set forth in the related site specific Zoning By-law Amendments, and subject to the requirements for insurance, indemnity, securing of letters of credit and upwards indexing, the following all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:

- i. the provision of community benefits pursuant to Section 37 of the *Planning Act* in the amount of not less than \$1,880,000 to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for the following benefits:
  - A. An indexed cash contribution of \$626,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards local area park or streetscape improvements, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - B. An indexed cash contribution of \$627,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards existing community, recreation and/or cultural space improvements in the ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - C. An indexed cash contribution of \$627,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards new or existing Toronto Community Housing and/or affordable housing;
  - D. The cash contributions referred to in A, B and C above are to be indexed in accordance with the Non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City;
  - E. In the event the cash contributions referred to in (i) above have not been used for the intended purposes within 3 years of the site specific By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- ii. the provision of a minimum of ten percent (10%) family sized residential dwelling units, containing at least three bedrooms, within the development, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- iii. the provision of the following facilities, services and matters, to the satisfaction of the Senior Manager, Heritage Preservation Services:
  - A. prior to final site plan approval in connection with the Zoning By-law Amendment:

- I. the owner shall provide final site plan drawings related to the approved Conservation Plan required in Recommendation 2 c. above, to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - II. the owner shall provide an Interpretation Plan for the heritage property, to the satisfaction of the Senior Manager, Heritage Preservation Services, and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - III. the owner shall provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character as viewed from the public realm, to the satisfaction of the Senior Manager, Heritage Preservation Services, and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - IV. the owner shall submit a Signage Plan for the development to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - V. the owner shall submit a detailed Landscape Plan for the subject property to the satisfaction of the Senior Manager, Heritage Preservation Services;
- B. Prior to the issuance of any permit for all or any part of the property at 771 Yonge Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
- I. have obtained final approval for the necessary Zoning By-law Amendments required for the permitted alterations to the property at 771 Yonge Street, with such Amendments being the subject of an Ontario Municipal Board Order allowing the Zoning By-law appeal in part and in a form and with content acceptable to City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services, and with such by-laws having come into full force and effect;
  - II. provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2. c. above including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - III. provide a letter of credit, including provision for upwards indexing in a form and amount and from a bank satisfactory to the Senior Manager,

Heritage Preservation Services, to secure all work included in the approved Conservation Plan, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan, and subsequently, prior to the release of the letter of credit to secure the conservation work:

- a. the owner shall have obtained final site plan approval for the subject property, issued by the Chief Planner and Executive Director, City Planning;
  - b. the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the approved Conservation Plan, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - c. the owner shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services; and
- IV. provide full documentation of the existing heritage property at 771 Yonge Street, including two (2) printed sets of archival quality 8” x 10” colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in TIFF format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
- V. prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.
- e. the owner shall provide any necessary modifications to the transportation impact study, to the satisfaction of the General Manager, Transportation Services;
  - f. the owner shall provide any necessary modifications to the functional servicing and stormwater management report(s), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- g. the owner shall provide any necessary modifications to the hydrogeology assessment, geotechnical report and associated municipal servicing plans, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- h. the owner shall enter into a financially secured agreement with the City (the Section 37 Agreement) for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Site Servicing and Stormwater Management Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

### **Financial Impact**

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

## **ISSUE BACKGROUND**

### **Proposal**

#### **Original Submission (February 19, 2016)**

The applicant submitted a proposal for a new 49-storey (161.1-metre including a 7.0 metre mechanical penthouse) mixed-use building with retail uses on the ground floor and residential uses above. No parking was proposed for the development. The proposed tower had no setback from the south property line and a tower separation of 10.1 metres from the existing office building to the south at 2 Bloor Street East. The proposed building had a density of 24.8 times the area of the lot.

#### **Revised Submission (August 12, 2016)**

The applicant submitted a revised proposal for a 48-storey mixed-use building (166 metres including a 12-metre mechanical penthouse). As in the original proposal, the 3-storey portion of the heritage building at 771 Yonge Street would be conserved and altered. The density of the proposed development was reduced to 19.9 times the area of the lot.

The tower floor plate was reduced to 447 square metres with the following setbacks:

- 10.0 metres from Yonge Street (the west property line);
- 1.5 metres from Asquith Avenue (the north property line);
- 4.9 metres from 765 Yonge Street (the south property line); and
- 4.0 metres from the centre line of the existing lane (the east property line), with balcony projections.

A total of 26 parking spaces were proposed on the P2-P3 levels of a 3-level underground parking garage accessed from 2 car elevators via the private lane to the east. A total of 291 bicycle parking spaces were proposed on levels P1, 1.5 and 2.

### **Ontario Municipal Board (OMB) "Settlement" Resubmission (July 27, 2017)**

On July 27, 2017, the applicant sent a letter (dated July 26, 2017) to the City which submitted a "With Prejudice" settlement offer with proposed revisions to its development. The settlement offer included proposed alterations to and conservation of the heritage property at 771 Yonge Street (see Attachment No. 1). On October 13, 2017 and November 22, 2017 the applicant sent supplementary materials and revisions to the City.

The revisions submitted on November 22, 2017, primarily address comments from Heritage Preservation Services. The applicant's revisions reduced the amount of parking from 36 to 22 vehicular spaces in order to remove any new construction below the heritage structure on the site. The revisions also propose a reduced height of 25 storeys (81.7 metres) for the mixed-use building, with 136 residential dwelling units, 586 square metres of retail area and a total density of 14.3 times the area of the lot.

The base of the proposed tower would include the 3-storey portion of the conserved heritage building at 771 Yonge Street in situ, new ground floor commercial uses along Asquith Avenue and Yonge Street, and a residential lobby on the ground floor on Asquith Avenue.

The proposed tower floor plate is approximately 600 square metres, with partially inset balconies on the west, north and east facades. The proposed tower would be set back as follows:

- 8.2-10.0 metres from Yonge Street (the west property line);
- 0.0-1.5 metres from Asquith Avenue (the north property line);
- 1.0-2.5 metres from 765 Yonge Street (the south property line); and
- 3.0-4.5 metres from centre line of the existing private lane (the east property line).

The proposed tower, with a 1.0-metre setback from the south property line, is 11 metres from the existing office tower to the south at 2 Bloor Street West. There is one property between the subject site and 2 Bloor Street West, a heritage property at 765 Yonge Street with a frontage of approximately 7 metres. The north setback of the existing office tower at Bloor Street West from the 765 Yonge Street property is approximately 3 metres.

The existing sidewalk width from curb to property line at the site is approximately 3.35 metres along Yonge Street and 3.15 metres along Asquith Avenue. The proposed base building includes the existing 3-storey heritage building at 771 Yonge Street which will remain in situ. The ground floor of the proposal will be set back approximately 1.8 metres along Yonge Street and 0.0-0.9 metres along Asquith Street.

The proposed building contains 136 residential units, with the following unit breakdown:

<b>Unit Type</b>	<b>Number of Units</b>	<b>Percentage</b>
Studio	10	7%
1-bedroom	50	37%
2-bedroom	62	46 %
3-bedroom	14	10 %

The revised OMB submission proposes a total of 227 square metres of indoor amenity space on the second and third floors, and 140 square metres of outdoor amenity space on a terrace adjacent to the third floor indoor amenity space.

A total of 22 parking spaces are proposed on the P2-P3 levels of a 3-level underground parking garage accessed from 2 car elevators via the private lane to the east. A total of 138 bicycle parking spaces are proposed on levels P1 and Mezzanine Floor.

All servicing vehicles will access the site via the shared private lane to the east. An enclosed Type 'G' loading space is proposed on the ground floor at the rear (east) side of the building.

### **Site and Surrounding Area**

The subject site is located on the southeast corner of Yonge Street and Asquith Avenue and is composed of two properties: 767-769 Yonge Street (a 2-storey commercial building currently occupied by a restaurant (Tim Hortons) on the ground floor); and, 771-773 Yonge Street (a 3-storey commercial building listed on the City's Heritage Register and proposed for designation under Part IV of the *Ontario Heritage Act* in the related report (December 1, 2017) from Heritage Preservation Services, currently occupied by a retail store (Kitchen Stuff Plus) on the ground floor).

The subject site is 954.4 square metres in area, rectangular in shape, and has a frontage of 21.7 metres along Yonge Street and 44 metres along Asquith Avenue. The adjacent road right-of-way width is approximately 20 metres on Yonge Street and 14 metres on Asquith Avenue.

The site includes a portion of a privately-owned laneway with multiple easements and rights-of-way located along the east property line. The existing lane is approximately 2.44 metres wide, and its ownership is divided down the middle, with the western 1.22 metre half forming part of the subject site. The eastern 1.22 metres is owned by 15 Asquith Avenue.

Uses and structures near the site include:

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: immediately south at 765 Yonge Street is a listed 2-storey heritage building, "Albert Britnell Bookstore", constructed in 1928. Further south at the northeast corner of Yonge Street and Bloor Street East is a 34-storey (134-metre) office tower at 2 Bloor Street East, which includes an entrance to the Yonge-Bloor subway station. To the east of the office building at 2 Bloor Street East is a 41-storey (123-metre) hotel and residential tower with the Hudson's Bay Centre at its base.

East: along the south side of Asquith Avenue is a 6-storey brick building at 15 Asquith Avenue that is occupied by Bell Canada. Further east is the above grade parking garage for the Hudson's Bay Centre.



West: of Yonge Street between Yorkville Avenue and Cumberland Street are 3-storey main street buildings that are designated heritage properties. At 836-850 Yonge Street and 1-9A Yorkville Avenue, is a 58-storey (180.6 metres plus a 2.6 metre elevator overrun) mixed-use building currently under construction that will incorporate several 3-storey heritage buildings. At 826-834 Yonge Street and 2-8 Cumberland Street, is a City Council approved (Bills to be enacted) site specific Zoning By-law amendment permitting a 51-storey (170.5 metre) mixed-use building (File No. 15 114759 STE 27 OZ) that will incorporate several 3-storey heritage buildings.

South of Cumberland Street is 'Cumberland Terrace' located at 2 Bloor Street West. There is an existing 34-storey (146.5 metre) office tower at the northwest corner of Yonge and Bloor Streets and a low-rise retail mall on the south side of Cumberland Street 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 at 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 a 6.3 metre mechanical penthouse at Yonge Street; and a 170-metre mid-block tower, including a 10-metre mechanical penthouse. 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).

## **Planning Act, Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act*, sets out matters Council shall have regard to in making decisions under the *Planning Act*. This includes 2(d), the conservation of features of significant historical interest.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment; and,
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit.

The City of Toronto uses the Provincial Policy Statement ("PPS") to guide its Official Plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting

land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that cultural heritage resources, which includes built heritage resources, will be conserved in order to foster a sense of place and benefit communities.

## **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 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.

Policy 3.1.5.4 states that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council.

Policy 3.1.5.5 states that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

The Built Form policies in the Official Plan (3.1.2) state that new development will be located and organized to fit with its existing and/or planned context. The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

The Official Plan is intended to be read as a whole.

### **Site and Area Specific Policy 211 – Bloor Yorkville / North Midtown Area**

The City structure for the Bloor-Yorkville/North Midtown Area is provided in Area Specific Policy 211 of the Official Plan. Policy 211 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.

The Bloor-Yorkville/North Midtown Area forms the north edge of the Downtown and provides for transition in density and scale to surrounding lower rise areas. This transition is important to reinforce the diversity of built form and use, to foster the stability of *Neighbourhoods*.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The subject site is located within the Yonge Street Height Ridge and adjacent to the Height Peak.

The lowest heights in the Bloor-Yorkville/North Midtown Area are in the *Neighbourhoods* and Areas of Special Identity. The site is also located within the Yonge-Yorkville Area of Special Identity. Development in the Yonge-Yorkville Area of Special Identity will be compatible with the heritage buildings, protect views of the fire hall tower, and minimize shadow impacts on Frank Stollery Parkette.

### **Site and 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. A future underground pedestrian walkway is identified on the map which would connect the Yonge-Bloor subway station to the Toronto Reference Library through the subject site.

### **Tall Building Separation - Downtown**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for portions of buildings above 24 metres in height. The OPA and Zoning By-laws were enacted and passed on November 9, 2016 and are currently under appeal.

### **Zoning**

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

Under Zoning By-law 569-2013, the site is zoned CR 7.8(c4.5, r7.8) SS1 (x1859) with a height limit of 61 metres (plus a 5-metre mechanical penthouse) and a maximum density of 7.8 times the area of the lot. Exception 1859 permits a maximum non-residential density of 6.5 times the area of the lot for the properties at 771-773 Yonge Street.

Under Zoning By-law 438-86, as amended, the property is zoned CR T7.8 C4.5 R7.8 with a height limit of 61 metres (plus a 5-metre mechanical penthouse) and a maximum density of 7.8 times the area of the lot. Exception 12(2)259 requires a minimum of 60 percent of the street frontages on the subject site be used for street-related retail uses and service uses.

The CR zoning category in both Zoning By-laws allows for a broad range of residential and commercial uses.

## Heritage

The property at 771-773 Yonge Street is on the Heritage Register (listed in 1974) and is proposed for designation under Part IV of the *Ontario Heritage Act* in the accompanying report (December 1, 2017) of Heritage Preservation Services. The heritage building (1872) displays the scale, symmetry and gable roof that link its design to the style and type of commercial building identified with early Toronto.

It is historically associated with the development and evolution of Yorkville from an independent municipality to an important city neighbourhood where the property at 771-773 Yonge contained a hotel ("French's Hotel") for more than four decades. In the 20th century, it was the first location of the dance studio of the famed Russian-born dancer, choreographer, director and teacher, Boris Volkoff.

Contextually, French's Hotel contributes to the historical character of Yorkville as the setting of late 19th commercial and residential buildings, and it is historically linked to its surroundings on the corner of Yonge Street and Asquith Avenue where, to the northwest, it adjoins the contiguous row of surviving late-19th century storefronts between Cumberland Street and Yorkville Avenue, which are other recognized heritage properties.

The site is adjacent to the "Albert Britnell Bookstore", constructed in 1928, a property listed on the heritage register.

In 2008, City Council adopted the Parks Canada document *Standards and Guidelines for the Conservation of Historic Places in Canada* as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. *The Standards* include the following:

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*;
- Conserve heritage value by adopting an approach calling for minimal intervention;

- Find a use for an historic place that requires minimal or no change to its character-defining elements;
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention;
- Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes;
- Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference; and
- Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

The *Standards and Guidelines* also include several key definitions. Central to these is the definition of 'Conservation' as all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life.

### **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.

## **Tall Building Design Guidelines**

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for tall buildings to ensure 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 where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

The 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 and accommodates the differing redevelopment potential along specific segments of the Street. The Guidelines require towers to be set back a minimum of 20 metres from Yonge Street where heritage properties are located on a site.

The height range for the segment of Yonge Street south of Davenport Road to Hayden Street is 62 to 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. Asquith Avenue is identified as a secondary high street.

Map 4 of the Guidelines identifies the Yonge Street frontage as a Priority Retail Street, which requires 60 percent of the building frontage along Yonge Street to contain active retail uses.

## **TOcore**

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

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 study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the midtown rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future

growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of ‘Complete Communities’, addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward.

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

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 objective of this community-led Planning Framework and Implementation Strategy is to address concerns over tall buildings and intensification. It outlines where development should and should not occur, the types of uses and built form that are appropriate, how future development applications will be analyzed, and the future planning approval processes that are required.

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.

This site is located in the Urban Core within the Primary Development District. Within the Urban Core Precinct, the conditional maximum building height shall generally be 50 storeys or 190 metres. The Planning Framework & Implementation Strategy calls for a minimum separation between residential towers of 25 metres.

However, the Planning Framework & Implementation Strategy states that in dense urban sites such as within the Primary Development District, less tower separation distances may be considered where shadowing, sky view and privacy impacts are appropriately addressed. The distance between large massed towers will depend on the uses and configuration of units. While



a 15 metre separation is appropriate in dense areas for office uses, a 25 metre separation is required for a residential tower to ensure adequate privacy and views.

The report was tabled at the October 13, 2016 Toronto and East York Community Council and staff were directed to consider the report in preparation of the Secondary Plan for Bloor-Yorkville/North Midtown.

### **Site Plan Control**

The proposal is subject to Site Plan Control. No application has been made yet.

### **Community Consultation**

City Planning staff, in consultation with the Ward Councillor hosted a community consultation meeting on September 19, 2016 at 45 Davenport Road (Stone Church) to discuss the application when it proposed a 48-storey mixed-use building (166 metres including a 12-metre mechanical penthouse) with 26 vehicular parking spaces. The applicant provided further details with respect to the proposal with alternate designs and its planning rationale.

Following the presentations, City staff facilitated break-out sessions where attendees shared comments and asked questions regarding: heritage, built form and transportation. During the break-out sessions, attendees raised concerns and commented on:

Heritage – how it relates to the tower and the setbacks;

Transportation – the parking supply, traffic impacts, PATH/subway connection, congestion (roads and TTC), access off Yonge Street, and loading;

Built Form and Public Realm – sidewalk widths, amount of green and open space, shadow impact, relationship with adjacent office building and height.

For a full list of concerns and comments raised at the meeting, see Attachment No. 11.

### **Reasons for the Application**

The revised submission proposes a mixed-use building with a height of 81.7 metres (including mechanical penthouse) and a density of 14.3 times the area of the lot. The maximum height and permitted density permitted in the Zoning By-laws is 7.8 times the area of the lot and 61 metres (plus a 5-metre mechanical penthouse). A Zoning By-law amendment is therefore required. Additional areas of non-compliance with the Zoning By-laws include parking.

### **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**

The proposal has evolved considerably since the original submission. Notably, the proposed height has been reduced from 166 metres to 81.7 metres (i.e. to approximately 16 metres above the maximum permitted height in the Zoning By-law). The reduced height also results in less residential units and a lower overall density on the site.

The proposal conserves and alters a heritage building on the site and sets the tower back approximately 10 metres from Yonge Street which enables the heritage building to be experienced as a three dimensional building from the public realm. The footprint of the proposed underground parking garage has been reduced to no longer extend under the heritage building.

While the proposed tower setback to the south property line does not fully implement the Tall Building Guidelines, the proposed building envelope and heritage conservation strategy is an improved condition compared to the as-of-right zoning envelope, which permits no building setbacks for walls without windows up to 61 metres.

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

The OMB resubmission 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 PPS (Policy 4.7) states that the municipal 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) requires the conservation of built heritage resources. The proposal conserves built heritage resources, including the significant heritage attributes of the subject property and is compatible with adjacent heritage properties.

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). It conserves built heritage resources to foster a sense of place and benefit communities (Policy 4.2.7) and has regard to matters of provincial interest, including the matters set forth in section 2(d) of the *Planning Act*.

## **Land Use**

Planning staff are satisfied that the proposed residential and non-residential uses are acceptable. These uses are permitted within the *Mixed Use Areas* of the Official Plan as well as the CR district in the Zoning By-laws. The development will create a balance of commercial and

residential uses that reduces automobile dependency and meets the needs of the local community as anticipated in the Official Plan for *Mixed Use Areas*.

## **Height and Density**

SASP 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out types of areas called the Height Peak, Height Ridges and Low-Rise Areas. The intent of the local policies and guidelines for these areas is to direct the tallest buildings to the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition from the Height Peak, with lesser height and physical scale, and in a form compatible with adjacent areas.

The subject site is located on the Yonge Street Height Ridge, immediately north, and adjacent to the Height Peak as identified in SASP 211 and the Urban Design Guidelines. The height of the proposed tower at 81.7 metres including the mechanical penthouse is moderately over the height limit of 66 metres (including the mechanical penthouse) in the Zoning By-laws. The difference between the proposed and the maximum permitted height is approximately 16 metres. The proposed height is well below the existing and proposed towers in the immediate vicinity. Notably, the proposal is well below the height of the existing office tower at 2 Bloor Street West to the south of 134 metres in height. The descending height and scale from Bloor Street East towards the north conforms to the Official Plan.

The proposed height and density is acceptable as it fits within the existing and planned context in the Bloor-Yorkville area. The overall density of 14 times the area of the lot is less than the recent approvals within the area, which range from 17 to 28 times the area of the lot.

## **Tower Placement and Separation**

The as-of-right permissions for the site include a minimum setback of 0.0 metres from the south property line when there are no windows; a maximum setback of 3 metres from Yonge Street; and a maximum height limit of 61 metres plus a 5 metre mechanical penthouse.

The proposal sets the tower 8.2 to 10.0 metres back from Yonge Street (the west property line); 0.0 to 1.5 metres from Asquith Avenue (the north property line); 1.0 to 2.5 metres from 765 Yonge Street (the south property line); and 3.0 to 4.5 metres west from the centre line of the existing private lane (the east property line).

The proposed tower setback from Yonge Street provides the separation needed to conserve the entire 3-storey heritage building at the southeast corner of Yonge Street and Asquith Avenue, in order to fit within the heritage context of the immediate area. The proposed tower is partially offset in relation to the existing office tower at 2 Bloor Street East as a result of the proposed setback from Yonge Street.

The proposed tower, while it has a south setback of 1.0 to 2.5 metres, has no windows on its south side and is 11 to 12.5 metres from the existing office tower at 2 Bloor Street East, which is less than the 12.5 metre setback called for in the City's Tall Building Guidelines. There is an intervening property (765 Yonge Street) located between the subject site and 2 Bloor Street East to the south. The 765 Yonge Street property is listed on the City's Heritage Register and contains a heritage building and has a frontage of approximately 7 metres. The north setback of the

existing 34-storey (134-metre) office tower at 2 Bloor Street East from the south property line of 765 Yonge Street is approximately 3 metres.

The proposed tower is approximately 16 metres above the maximum permitted zoning height of 61 metres plus a 5-metre mechanical penthouse. Its proposed height is 52 metres below the height of the existing office tower at 2 Bloor Street East.

The proposal is reflective of the existing context within the Bloor-Yonge Height Peak area, the 61-metre height limit zone, and the Primary Development District (based on the Planning Framework & Implementation Strategy document) which consist of tall buildings with canyon typologies that have no or minimal setbacks to adjacent towers. This limited setback condition is acknowledged in the Bloor-Yorkville/North Midtown Urban Design Guidelines and The Planning Framework & Implementation Strategy document which recommend a 15-metre tower separation distance in this circumstance.

For these contextual, zoning and policy reasons, Planning staff is of the opinion that the tower placement and separation are appropriate on this site.

## **Massing**

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

### **Base Building**

The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of parking and servicing uses.

The proposed base conforms to the Official Plan and responds to the existing base condition along Yonge Street. The conservation of the 3-storey heritage building serves as a base building which reflects the existing scale within the area.

### **Middle Portion of Tower**

Planning staff are satisfied with the middle portion of the proposed tower. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

Section 3.2.1 of the Tall Building Guidelines states that the tower floor plate should be limited to 750 square metres or less per floor, including all built area within the building, but excluding balconies. Planning staff are satisfied with the proposed tower floor plate which is approximately 600 square metres and well-articulated.

## **Top of the Tower**

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

The top of the proposed tower is appropriate. The top is a simple design, which suits the overall architecture of the tower and fits within its immediate context. The mechanical penthouse is well designed and integrated into the overall design and massing of the tower.

## **Shadow Impacts**

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

The Urban Design Guidelines identify areas west of Yonge Street and north of Yorkville Avenue, and northeast of Church Street, as Shadow Sensitive Areas. This area includes Asquith Collier neighbourhood.

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Planning staff have reviewed the shadow study submitted by Giannone Petricone Associates for March/September 21<sup>st</sup> between 9:18 AM and 4:18 PM. The study demonstrates that the proposal does not incrementally shadow the *Neighbourhoods*, shadow sensitive areas, publicly accessible parks, open spaces and natural areas. The resulting shadow impacts are acceptable.

## **Wind**

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

The applicant submitted a Pedestrian Level Wind Study and addendums, dated February 12, 2016, November 25, 2016, and December 4, 2017 prepared by Theakston Environment Consulting Engineers. The study finds that wind conditions on and around the proposal are predicted to be comfortable and suitable for walking, standing, or better, year round under normal wind conditions and are expected to remain suitable to the area’s intended purpose most of the time. The latest addendum based on the OMB proposal draws the same findings because the wind impacts of the revised proposal providing less tower stepback from Asquith Avenue will be offset by its reduced height.

## **Heritage**

The existing heritage property at 771 Yonge Street will be conserved and incorporated into the proposal. Heritage Preservation Services reviewed the proposal and in a separate report

(December 1, 2017) titled "Alterations to a Designated Heritage Property, Intention to Designate under Part IV, Section 29 of the Ontario Act and Authority to Enter into a Heritage Easement Agreement - 771 Yonge Street" recommended that City Council approve the proposed alteration for the heritage property and state its intention to designate under Part IV, Section 29 of the Ontario Heritage Act.

Heritage Preservation Staff reviewed the Heritage Impact Assessment (HIA) for 771 Yonge Street, prepared by Goldsmith Borgal & Company Ltd. Architects, dated November 15, 2017. The HIA describes the applicant's proposed strategy to employ in an effort to mitigate this impact. The placement of the proposed tower has been stepped back significantly from Yonge Street which is the primary view of the facades. The proposed tower is sited east of the side wall (Asquith Avenue frontage) to allow the heritage building to be experienced as three dimensional building from the public realm. In addition, the streetwall of the adjacent base building will reinforce the height and scale of the heritage building.

The design of the proposed tower is consistent with the City's Official Plan heritage policies 3.1.5.5 and 3.1.5.26 as the location, massing, and design of the tower will mitigate the visual impact of the proposal.

The design of the proposed new base building is compatible with and conserves the heritage of the site and the 765 Yonge property to the south. Adjacent to the site, a base building extends both east along Asquith Avenue and south along the Yonge Street. The proposed base building on the site will extend east along Asquith Avenue from the heritage property and have some characteristics of the adjacent heritage building such as punched windows, brick masonry, scale and coherent datums. A visual break between the two brick walls of the heritage building and the new podium will be established by a transparent connection stepped back from the sidewalk. This strategy distinguishes the separate volumes, enhanced by the third storey stepback of the podium to enhance the prominence of the heritage property massing, which is one storey higher.

On the Yonge Street elevation, a sympathetic connection is proposed between the existing heritage building and the listed property at 765 Yonge Street. The contemporary podium addition uses complementary materials, scale, massing and punched windows to achieve a sensitive transition between the new podium volume and the heritage properties at both 769-773 Yonge Street and 765 Yonge Street. The solid brick masonry treatment is contemporary and distinguishes the new building while relating to the heritage properties.

A Heritage Easement Agreement is recommended to be entered into with the City and registered for the property at 771 Yonge Street prior to any Board Order issuing and will assist with conserving the heritage building at 771 Yonge Street.

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

Transportation Services reviewed the traffic study and update prepared by LEA Consulting Ltd (dated August 2017) for the OMB resubmission that does not address the later revision which reduced the proposed parking supply from 36 to 22 spaces.

The LEA study estimates that the proposed development would generate 12 and 15 two-way vehicle trips during the weekday AM and PM peak hours, respectively. The proposal is anticipated to have minimal impacts on the surrounding road network, due to the low number of vehicles added and the counter flow of site generated traffic in relation to the existing travel pattern.

Transportation Services Staff agree with the study's conclusion that the traffic impacts from the proposal are marginal and can be accommodated under the current access scenario.

### **Driveway Access and Site Circulation**

Vehicular access to the site will be provided via a shared private lane off Asquith Avenue, at the east side of the site. The 22 resident parking spaces in the underground parking garage are to be accessed via two car elevators. Transportation Services Staff require further details regarding the elevator dimensions, vehicle size considerations, and manoeuvring diagrams. While the access and operation of the vehicular parking garage may be satisfactory, Staff are recommending that the applicant provide further information regarding driveway access and site circulation prior to issuance of a final OMB Order.

### **Parking**

The OMB resubmission (July 27, 2017) proposed 36 residential parking spaces on 2 underground levels accessible via 2 parking elevators, resulting in a residential parking ratio of 0.26 spaces per unit. The applicant's transportation study supports this parking supply based on the site's proximity to transit services, major destinations such as shopping centres, University of Toronto and the downtown core.

The study compares the proposed parking supply to approved parking rates of nearby developments. The developments provided have parking supply ratios greater than the subject proposal, or were approved by City Council despite the concerns of Transportation Services Staff. A residential parking ratio of 0.26 spaces per unit is in line with or above accepted rates for other sites with similar use, scale and area context. Therefore, the proposed residential parking ratio of 0.26 spaces per unit is acceptable.

Typically, garages with car elevators do not support the provision of visitor parking because specific training is required to operate the elevator. This training is normally provided to residents only. Given that the development will not provide any residential visitor or retail parking, the study includes a review of the existing publicly available parking supply near the site. The study suggests that the publicly-accessible parking supply in the surrounding area can accommodate the proposed visitor and retail parking and that the non-provision of parking for these uses is acceptable. Transportation Services Staff is satisfied with the study's conclusions.

The proposed parking was revised following the most recent comments from Transportation Services Staff, to propose a residential parking ratio reduced from 0.26 (agreed to by Staff) to 0.17 (not yet reviewed by Staff). Further study and assessment of the reduced parking ratio is required prior to the issuance of a final OMB Order.

## **Loading**

The loading requirements of the site are subject to Zoning By-law No. 569-2013 which requires that one Type-G loading space be provided for the proposed development. The plans illustrate the provision of 1 Type-G loading space, which meets the Zoning By-law requirement. The vehicular manoeuvring diagrams provided demonstrate that City garbage truck design vehicles can enter and exit the site and the proposed Type-G loading space in an acceptable manner. Transportation Services Staff find this acceptable.

## **Servicing**

Engineering and Construction Services has reviewed the Functional Servicing Report along with supporting letter by Stantec Consulting Ltd (both dated August 24, 2017). The revised Functional Servicing Report requires further revisions. A hydrogeological report is also required to determine the elevation of the groundwater level relative to the elevation of the lowest basement slab elevation and the quality and quantity of groundwater proposed to be pumped and discharged. Discharging of groundwater is subject to the provisions of the Sewer Use By-law.

Planning Staff is requesting that a revised Functional Servicing Report and a Hydrogeological Report, and arrangements by the owner for the construction of any improvements to municipal infrastructure, if needed, to the satisfaction of Engineering and Construction Services staff, prior to the issuance of a final OMB Order.

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

## **Streetscaping and Pedestrian Environment**

The existing sidewalk width from curb to property line is approximately 3.35 metres along Yonge Street and 3.15 metres along Asquith Avenue. Along the primary street frontages of a tall building site, the Tall Building Guidelines call for a sidewalk zone at least 6 metres wide or greater where larger setbacks are established by the existing context or required by the Zoning By-law. The application proposes to conserve the heritage building in situ, thus the sidewalks along Yonge Street and Asquith Avenue will remain as is, other than where the proposed ground floor is recessed at building entrances.

The architectural plans do not identify a future extension of the climate-controlled underground pedestrian network north towards the Toronto Reference Library. This matter will be revisited at Site Plan Control.

## **Parkland**

The site is 130 metres from Town Hall Square, a 2,000 square metre park that has a garden and passive recreation. As well, the site is 170 metres away from Asquith Green Park, a 900 square metre park that also includes a garden and passive recreation.

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 0.43 to 0.79 hectares of local parkland per 1,000 people, the second lowest quintile of current provision of parkland.

The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code. In accordance with the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential portion of this proposal is subject to a 2% parkland dedication while the residential portion is subject to a 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

In the event that the Ontario Municipal Board allows the appeal in whole or in part, the City Solicitor will request the Ontario Municipal Board to withhold the issuance of its final Order until the owner has entered into an agreement with the City to secure community benefits pursuant to Section 37 of the *Planning Act* in the amount of not less than \$1,880,000 to the satisfaction of the City Solicitor and in consultation with the Chief Planner and Executive Director, City Planning, to be allocated as follows:

- i. An indexed cash contribution of \$626,000 to be allocated towards local area park or streetscape improvements, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, payable before the issuance of the first above-grade building permit;
- ii. An indexed cash contribution of \$627,000 to be allocated towards existing community, recreation and/or cultural space improvements in the ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, payable before the issuance of the first above-grade building permit;
- iii. An indexed cash contribution of \$627,000 to be allocated towards new or existing Toronto Community Housing and/or affordable housing, payable before the issuance of the first above-grade permit;
- iv. The cash contributions referred to in (i), (ii) and (iii) above are to be indexed in accordance with the Non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City.

- v. In the event the cash contributions referred to in (i), (ii), (iii) and (iv) above have not been used for the intended purposes within 3 years of the site specific By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
  
- vi. The owner shall provide a minimum of ten percent (10%) family sized residential units, containing at least three bedrooms.

A Heritage Easement Agreement is required, and other conditions relating to the heritage property (an interpretation plan, a heritage lighting plan and other matters required in the Heritage Alterations report). The recommendations also include the securing of other matters pursuant to section 37 of the *Planning Act*, such as a construction management plan and adequacy of site servicing.

## **CONTACT**

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

## **SIGNATURE**

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Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

- Attachment 1: Applicant's Settlement Offer (dated July 26, 2017)
- Attachment 2: Site Plan
- Attachment 3: Ground Floor Plan
- Attachment 4: West Elevation
- Attachment 5: North Elevation
- Attachment 6: East Elevation
- Attachment 7: South Elevation
- Attachment 8: Zoning Map
- Attachment 9: Area Specific Policy 211 (Map 2)
- Attachment 10: Area Specific Policy 225
- Attachment 11: Community Consultation Summary
- Attachment 12: Application Data Sheet

## Attachment 1



July 26, 2017

Our File No.: 00-1768

Legal Services, City of Toronto  
Metro Hall  
55 John Street, 26<sup>th</sup> Floor  
Toronto ON, M5V 3C6

**Attention: Ms. Sharon Haniford (City Solicitor)**

Dear Ms. Haniford:

**Re: "WITH PREJUDICE" OFFER TO SETTLE APPEAL of the Application for Zoning By-law Amendment relating to the properties municipally known as 767-773 YONGE STREET (the "Site"), in the City of Toronto**

**City File No.: 16 118667 STE 27 OZ**

As you are aware, we are the solicitors for Menkes Residence Ltd., the beneficial owners of the properties municipally known as 767-773 Yonge Street (the "Site") in the City of Toronto. The Site is within the area of the City of Toronto commonly referred to as "Yonge & Bloor", which Site is more specifically located on the south-east corner of Yonge Street and Asquith Avenue, one block north of Bloor Street East. The Site is currently occupied by two low rise buildings, one of which, the 2-storey building at 767 Yonge Street, is intended to be demolished with the 3-storey building on the northern portion having its façade incorporated into the proposed mixed use development. The Site has frontages of 21.7 metres along Yonge Street and 44 metres along Asquith Avenue, with a total land area of 954.4 m<sup>2</sup>.

In the spirit of continued cooperation, our client has re-examined the Site and retained a new architect who has completely changed the direction of the design, which design is focused on both increasing the size of all units with a built form that in essence, respects the existing "as of right" zoning, with a modest addition above the "as of right" zoning envelope. The revised design not only offers "higher end" large luxury units, it is a design that includes a concept of stacked "villas" in the sky with sculptured elements and "bump outs" along all facades of the reduced built form. Along with the added articulation at all levels, the overall building height has been reduced by 84.35 metres from 48 storeys (166.05 metres) to 26 storeys (81.7 meters). The proposed building setbacks comply with the existing zoning setback requirements in the "as of right" zoning by-law, which "as of right" height is 61 metres. For the modest portion of the building above 61 metres, rising to 78.4 metres (with a 3.3 metre mechanical above), there are additional setbacks for a total of 2.5 metres along the south portion, in excess of the 0

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The individual lawyers named above practice in association with Adam J. Brown Professional Corporation

metre setback permitted for the “as of right” 61 metre height.

Our client is pleased to formally submit this “with prejudice” settlement offer, which proposal we are confident not only fully responds to City Staff’s comments to date, but which is a redesign which demonstrates the creative approach this applicant has taken to introducing a completely new design which addresses any prior concerns about setbacks to adjacent properties.

The following highlights the significant revisions and reductions to the original proposal:

1. The total height of the building including mechanical has decreased by 84.35 metres from the original height of 166.05 metres to 81.7 metres which height is now significantly lower than virtually every new tower approved in the immediate area, and which height is also significantly lower than the 149 metre office building located to the south of the subject site;
2. The change in the design, height and overall gross floor area has resulted in a decrease in the unit count from 257 to 135;
3. The tower setback to the south has been reduced from 4.91 metres to 1 metre up to 57.25 metres in height (in full compliance with existing zoning standards), which tower is then setback 2.5 metres to the south for the remaining 21.15 metres portion with the exception of the mechanical shaft and garbage chute which will continue to be setback 1 metre, which setback again complies with in force zoning for the Site;
4. The 1.5 metres continuous tower setback to the north has been revised in a manner that reflects the articulating façade which now has varied northerly setbacks from 0 to 1.5 metres. The east setback has been reduced from 3.8 to 2.8 metres and the west setback has been maintained to respect Heritage Staff’s request for a 10 metres setback from the façade of the existing heritage building at 771 Yonge Street;
5. The amount of indoor residential amenity space per unit decrease from 2.54 m<sup>2</sup> per unit to 2.0 m<sup>2</sup> per unit which complies with in force zoning for the Site;
6. The amount of outdoor residential amenity space has increased from 0.97 m<sup>2</sup> per unit to 1.34 m<sup>2</sup> per unit;
7. The number of parking spaces per unit has increased from 0.15 to 0.27 spaces per unit (including car share);
8. The unique design results in a floorplate that varies in size from 524 to 558.8 m<sup>2</sup>, which floorplate is considerably smaller than the 750 m<sup>2</sup> floorplate commonly requested by City Staff;

9. As a result of the above-noted revisions, the total proposed gross floor area has been reduced from 18,964 m<sup>2</sup> to 13,618 m<sup>2</sup> which is comprised of an increase to the non-residential GFA from 320 m<sup>2</sup> to 512 m<sup>2</sup> and a decrease to the residential GFA from 18,644 m<sup>2</sup> to 13,032 m<sup>2</sup>; and
10. The resulting total combined FSI has decreased from 19.9 to 14.27 essentially removing a quarter of the building mass.

In light of the foregoing, we confirm that our client is committed to proceeding to a settlement hearing in support of the revised architectural plans attached hereto, which settlement proposal is conditional on Council's approval of same at its Council Meeting scheduled to commence October 2, 2017. Should you have any questions, please do not hesitate to contact the undersigned or Mr. Tim Williams, a Planner in our office.

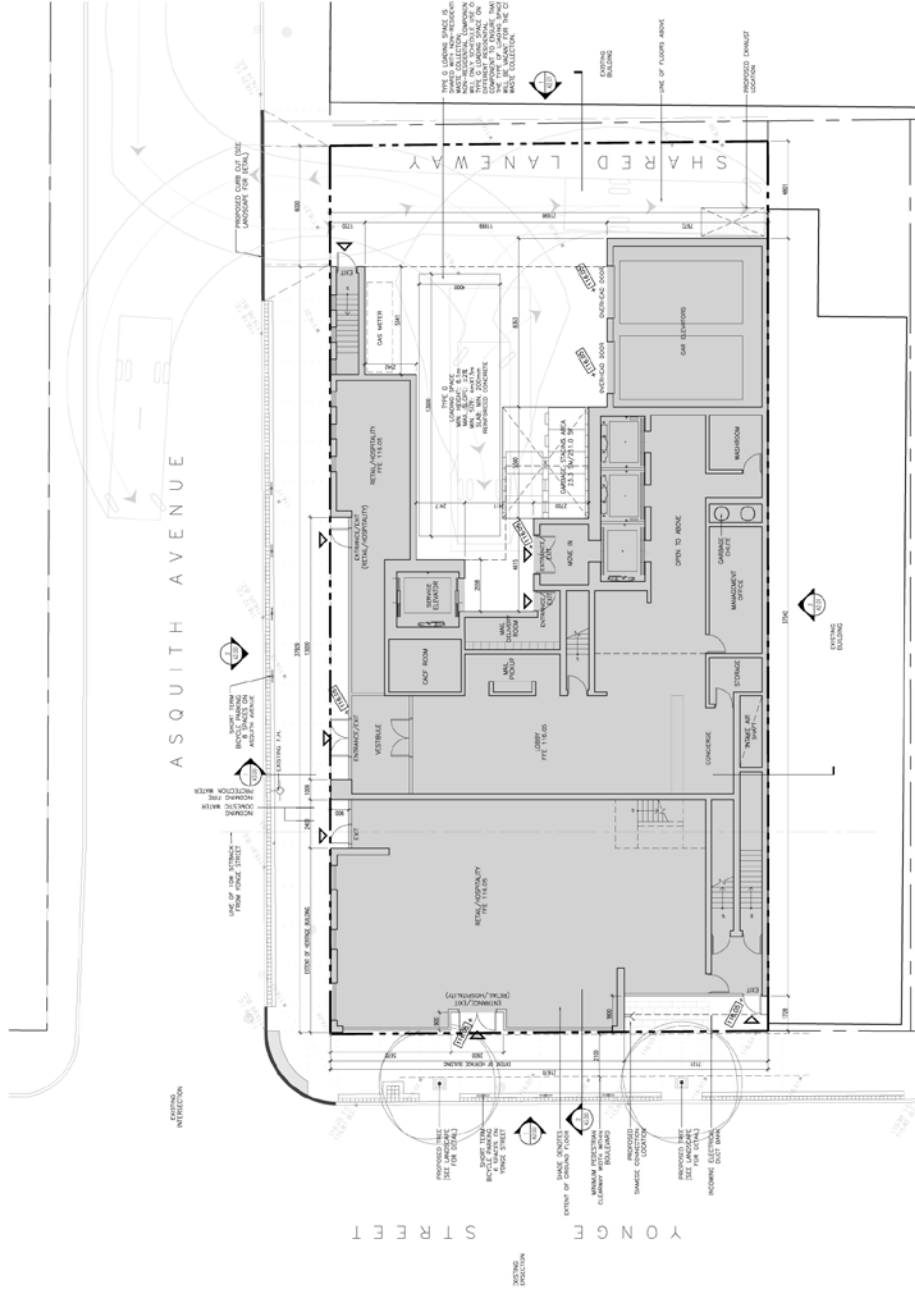
Yours very truly,



Adam J. Brown  
Encls.

Cc: Councillor Kristyn Wong Tam (w/o attachments)  
Mr. Oren Tamir, Senior Planner, Community Planner (with 5 copies of all attachments and 1 digital copy)  
Mr. Jude Tersigni, Menkes Residences Ltd. (w/o attachments)  
Mr. Jason Park, Devine Park LLP (with attachments)

# Attachment 2: Site Plan



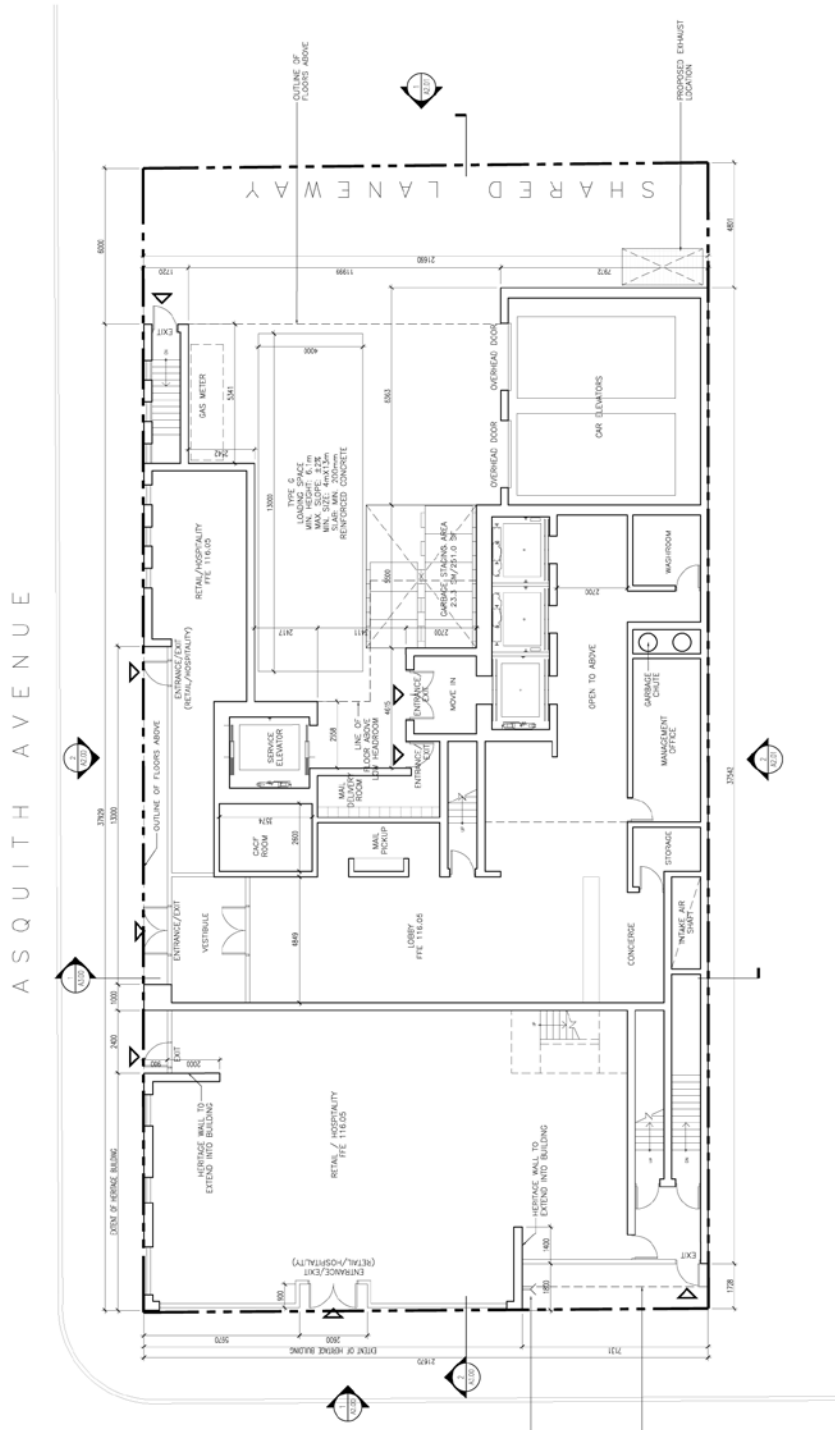
767-773 Yonge Street

Site Plan  
 Applicant's Submitted Drawing

File # 16 118667 STE 27 0Z

Not to Scale  
 12/07/2017

# Attachment 3: Ground Floor Plan



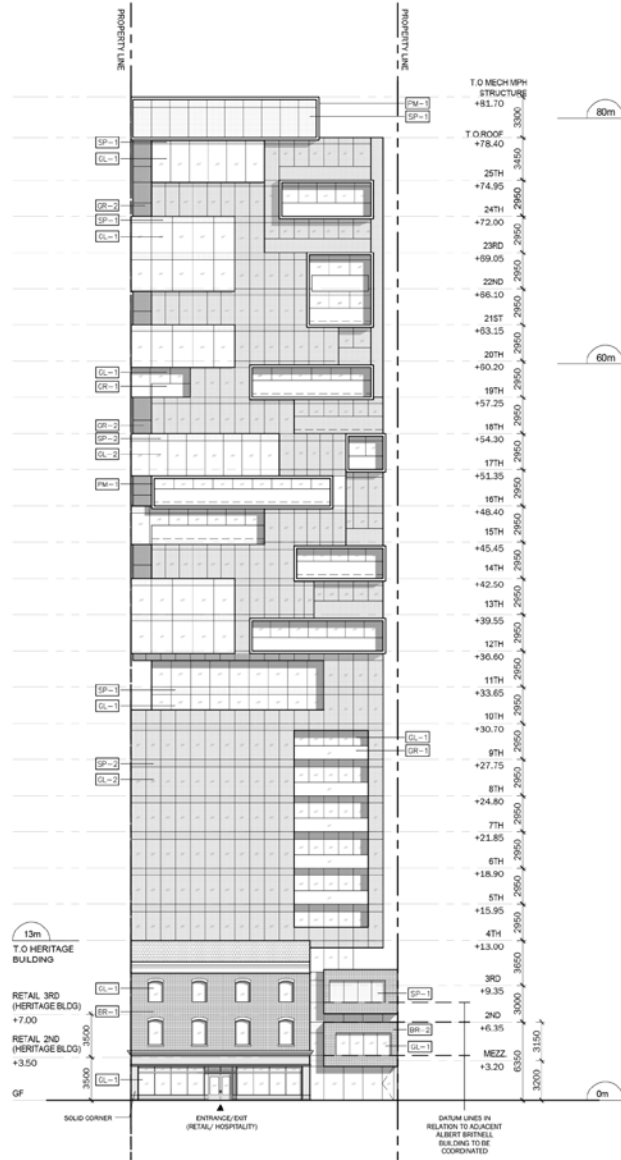
767-773 Yonge Street

Ground Floor Plan  
 Applicant's Submitted Drawing

File # 16 118667 STE 27 02

Not to Scale  
 12/07/2017

# Attachment 4: West Elevation



## West Elevation

Applicant's Submitted Drawing

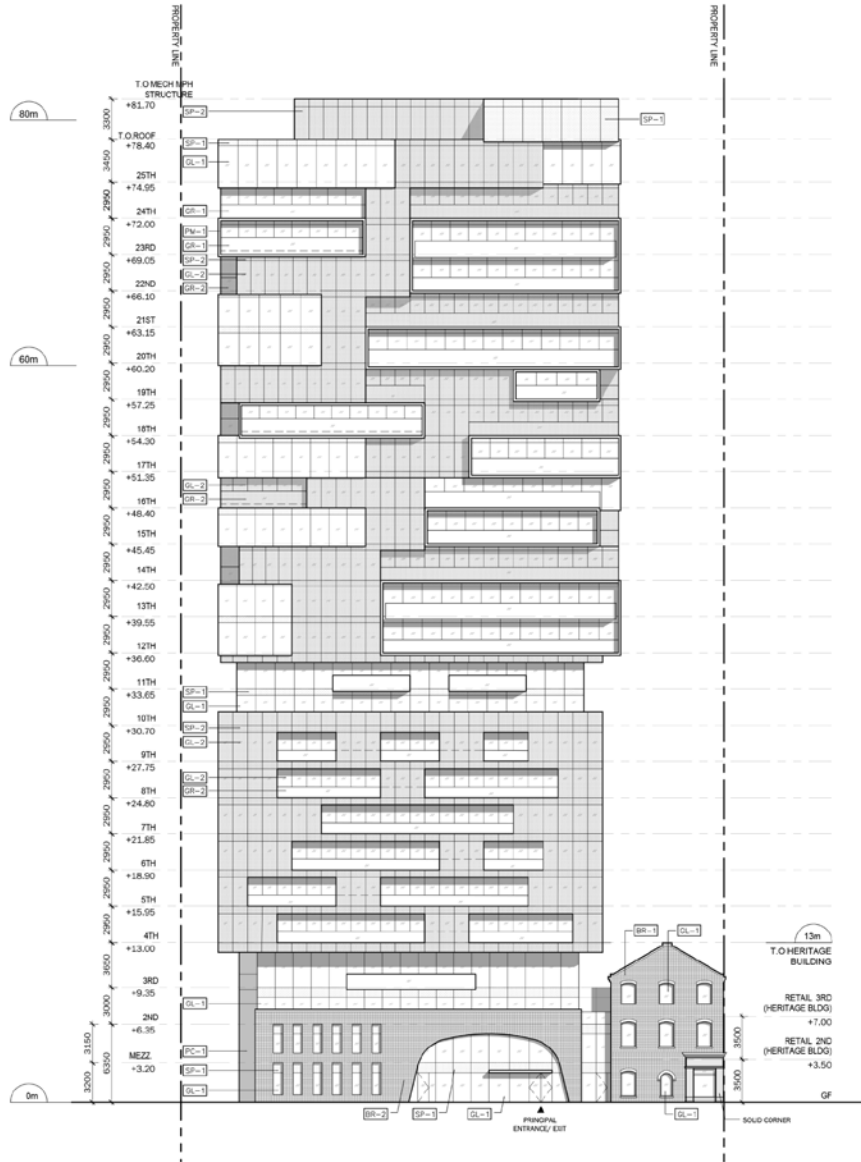
Not to Scale  
12/07/2017

767-773 Yonge Street

File # 16 118667 STE 27 OZ



# Attachment 5: North Elevation



## North Elevation

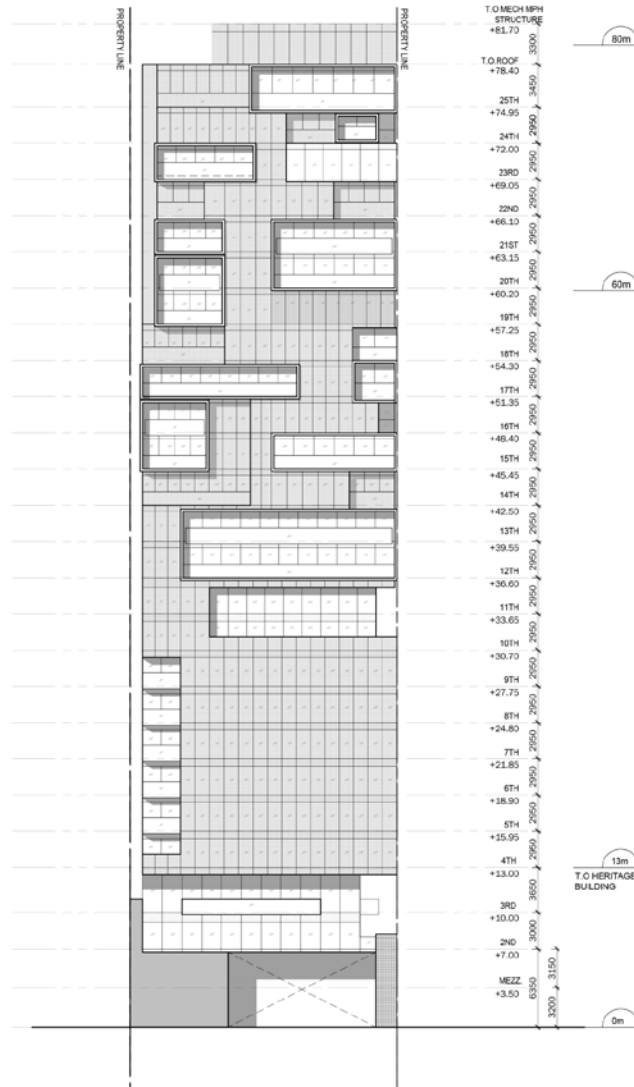
Applicant's Submitted Drawing

Not to Scale  
12/07/2017

## 767-773 Yonge Street

File # 16 118667 STE 27 0Z

# Attachment 6: East Elevation



## East Elevation

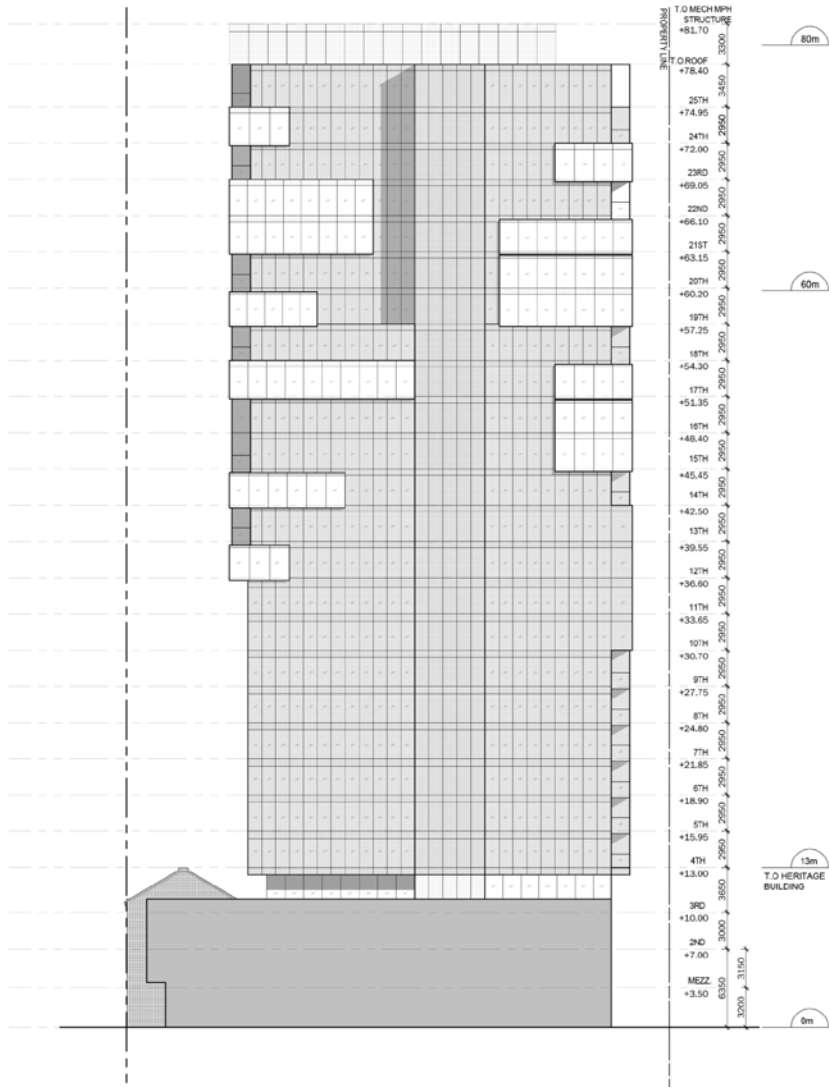
Applicant's Submitted Drawing

Not to Scale  
12/07/2017

767-773 Yonge Street

File # 16 118667 STE 27 OZ

# Attachment 7: South Elevation



**South Elevation**

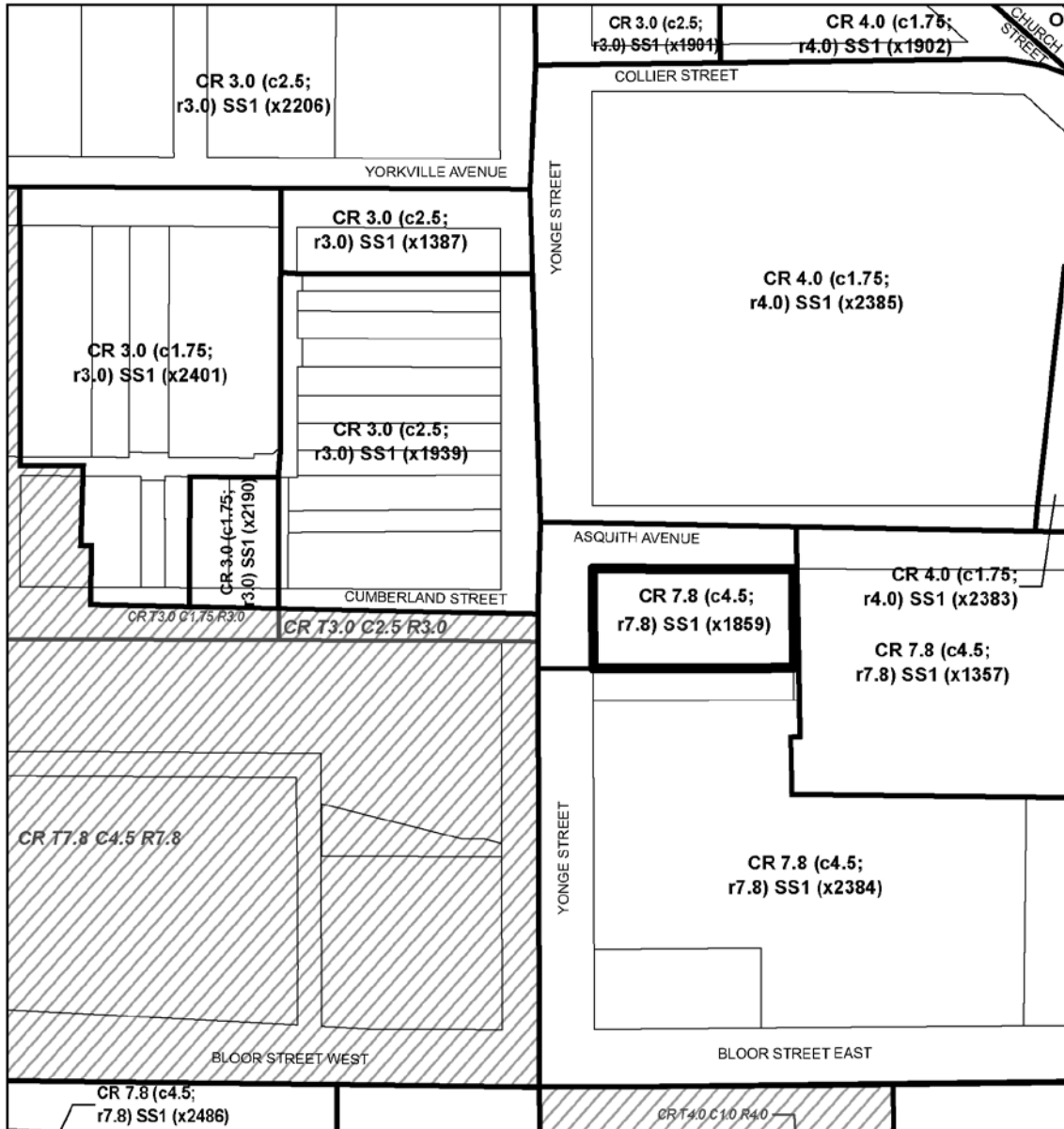
Applicant's Submitted Drawing

Not to Scale  
12/07/2017

**767-773 Yonge Street**

File # 16 118667 STE 27 0Z

## Attachment 8: Zoning Map



**Zoning By-Law No. 569-2013**

**767-773 Yonge Street**

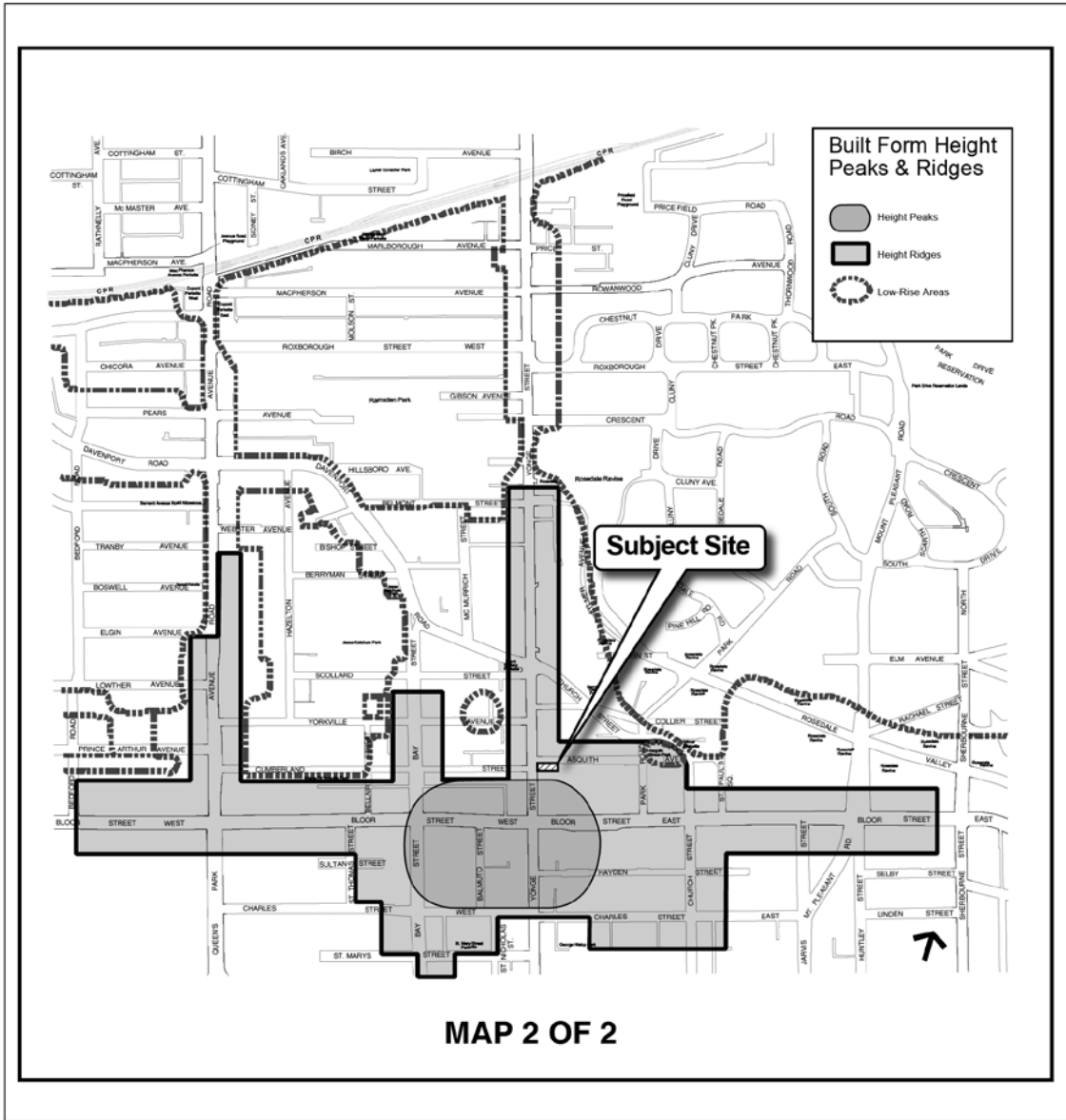
**File # 16 118667 STE 27 OZ**

- Location of Application
- CR Commercial Residential    O Open Space

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

Not to Scale  
 Extracted: 05/13/2016

Attachment 9: Area Specific Policy 211 (Map 2)



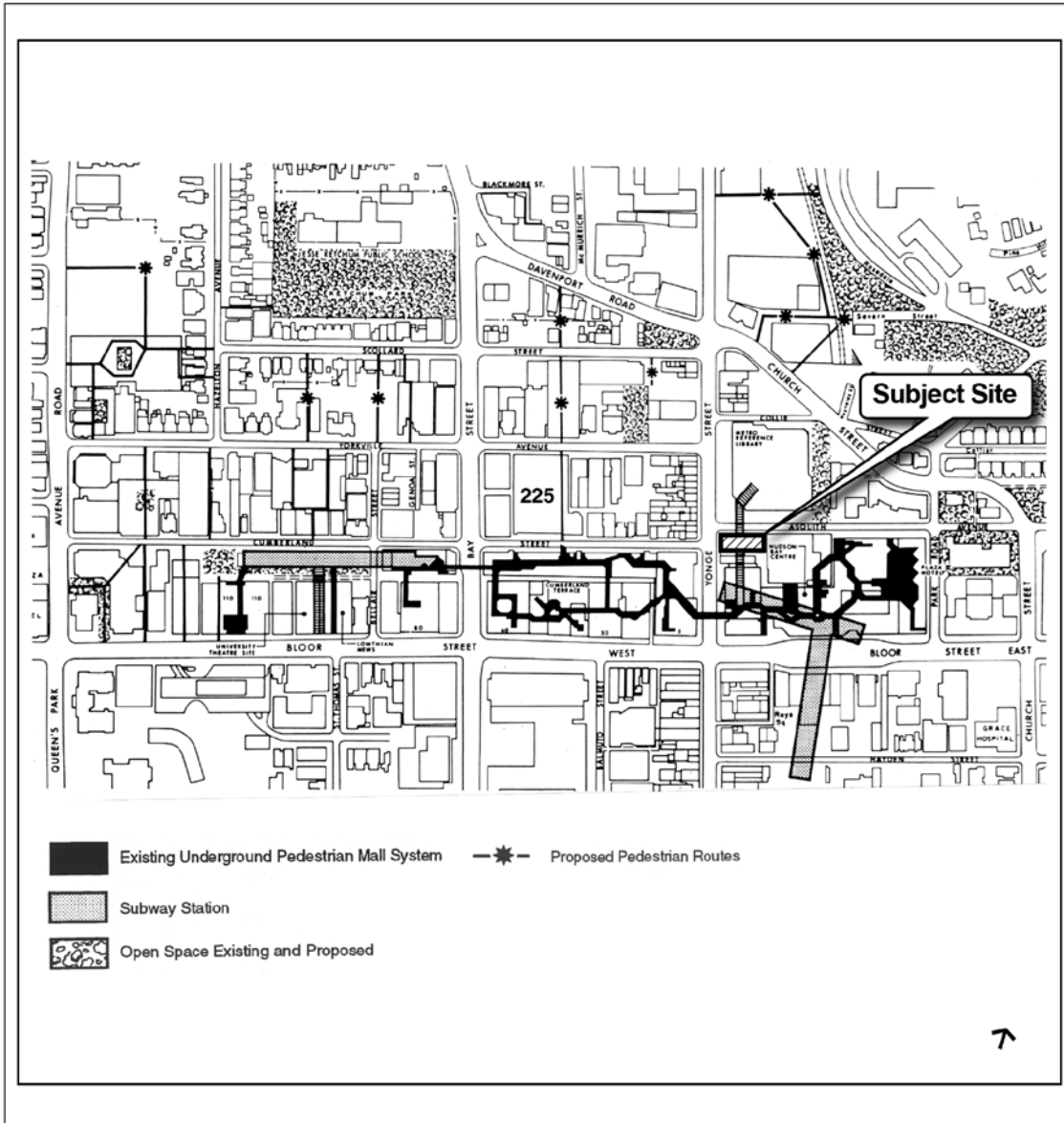
**TORONTO** City Planning  
 Official Plan - SASP211 Map 2of2

767-773 Yonge Street

File # 16 118667 STE 27 0Z

↑  
 Not to Scale  
 08/15/2016

Attachment 10: Area Specific Policy 225



**Toronto** City Planning  
 Official Plan - SASP225

767-773 Yonge Street

File # 16 118667 STE 27 0Z

↑  
 Not to Scale  
 08/15/2016

## **Attachment 11: Community Consultation Summary**

Issues and Concerns related to:

Heritage:

- heritage building and tower do not relate to each other
- integrate tower design with the heritage building
- appropriateness of setbacks from the heritage building façade
- pleased the heritage building has "breathing room"
- retention of heritage building is a real plus
- pleased with the 10 metre stepback from heritage building

Transportation:

- questions were raised about how the appropriate parking supply is determined and what proxy developments were considered
- there should be no vehicular parking on site
- concerns about traffic and infrastructure impacts
- questions related to vehicular and transit counts
- comments were raised about the location of commercial parking garages and whether the Toronto Parking Authority lots will remain in the area
- concern about the traffic burden on Asquith Avenue related to loading
- questions about whether there will be a PATH connection through this building
- this is good opportunity to create a new subway access from the site
- concern about the congestion on the subway related to the density
- need a traffic signal at Asquith Avenue due to this proposal
- difficulty for cyclists to pass through Park Road and Church Street
- more bicycle parking spaces
- concerns with the residential entrance off Yonge Street and the impacts on resulting passenger pick-up and drop-off along Yonge Street.
- loading dock access and traffic with Hudson Bay loading facilities

Built Form and Public Realm:

- narrow sidewalks along Yonge Street and Asquith Avenue
- people loitering in front of Tim Hortons
- green space and more parkland is needed
- questioned why the proposed height is 3 times what is permitted in the by-law
- questions about the number of homeless shelters in the area
- a desirable area is becoming undesirable
- development is part of congestion
- concerns with shadow impact
- there are already a lot of tall buildings, what is just one more
- prefer to see something special at the top of the tower
- questions about the number of 3-bedroom units
- interaction with the office building
- the building looks good and the height is fine
- the building should be smaller

## Attachment 12: Application Data Sheet

Application Type	Rezoning	Application Number:	16 118667 STE 27 OZ
		Application Date:	February 19, 2016
Municipal Address:	767-773 Yonge Street		
Location Description:	PLAN 331 PT LOT B & D PT LOT 20 CON 2 FTB **GRID S2704		
Project Description:	A 25-storey (81.7 metres) mixed-use building with 136 residential units and 586 square metres of retail area, with 22 parking spaces.		

<b>Applicant:</b>	<b>Architect:</b>	<b>Owner:</b>
Sherman Brown Barristers & Solicitors	Giannone Petricone Associates Inc. Architects	Merkur Realty (1993) Limited

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 211, 225
Zoning:	CR 7.8(c4.5, r7.8) SS1 (x1859)	Historical Status:	Listed
Height Limit (m):	61	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	954.4	Height:	Storeys:	25
Frontage (m):	21.7		Metres:	81.7
Depth (m):	44.06			
Total Residential GFA (sq. m):	13,058			<b>Total</b>
Total Non-Residential GFA (sq. m):	539		Vehicle Parking Spaces:	22
Total GFA (sq. m):	13,597		Bicycle Parking Spaces	138
Floor Space Index:	14.3		Loading Docks	1

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
		Residential GFA (sq. m):	13,058	0
Bachelor:	10	Retail GFA (sq. m):	539	0
1 Bedroom:	50	Office GFA (sq. m):	0	0
2 Bedroom:	62	Industrial GFA (sq. m):	0	0
3 + Bedroom:	14	Institutional/Other GFA (sq. m):	0	0
Total Units:	136			

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