

**2128 Yonge St – Zoning Amendment Application –
Request for Interim Direction Report**

Date:	June 15, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	17 274171 STE 22 OZ

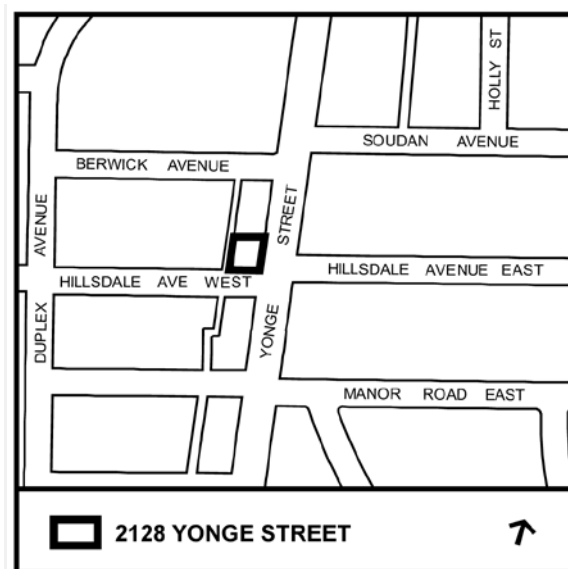
SUMMARY

This report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (LPAT) due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

A Preliminary Report was recently considered by Toronto and East York Community Council on April 4, 2018, and there has not been a revised submission to date. A community meeting has not yet been scheduled.

The report sets out outstanding issues related to the application and makes an initial determination as to whether or not the application is consistent with the Provincial Policy Statement (PPS) (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This application proposes a 13-storey (49.5 metres including mechanical penthouse) mixed-use building containing a total of 79 dwelling units. A total of 26 parking spaces will be provided in a 2 level below-grade garage.



Should the application be appealed to the LPAT, it is Staff's opinion that a decision to oppose the application in its current form is consistent with the PPS and would conform with the Growth Plan.

Issues to be resolved, as outlined in this report, include: height, setbacks, infrastructure capacity and Section 37 community benefits.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City Staff to continue to review the application and resolve any outstanding issues detailed in this report (June 15, 2018) from the Acting Director, Community Planning, Toronto and East York Community Council.
2. City Council direct the City Solicitor and appropriate City Staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on April 4, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area. Link to report:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-113416.pdf>

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on October 11, 2017 to discuss complete application submission requirements. City Planning staff expressed concerns related to the height of the proposed building and its setbacks. Planning staff also informed the applicant of the on-going Midtown in Focus Study, reviewed emerging directions and indicated that a proposed Secondary Plan update would be presented to City Council in late 2017.

ISSUE BACKGROUND

Proposal

This application proposes the construction of a 13-storey (49.5 metres, including a 6-metre mechanical penthouse) mixed-use building with commercial uses on the ground floor (279

square metres) and a total of 79 residential units. The 79 residential units will consist of 13 studio units (16.5%), 39 one-bedroom units (49.4%), 19 two-bedroom units (24%), and 8 three-bedroom units (10.1%). The proposed building will have a density of 7.7 times the area of the lot.

The proposed building will be setback 1.2 metres from the Yonge Street property line, providing a 6.0 metre setback from building face to curb. On Hillsdale Avenue the building will be setback 0.0 metres, with a 5.0 metre setback from building face to curb. At the rear, adjacent to an existing substandard width public lane, the building will be setback 2.3 metres. The 2.3 metre setback will be conveyed to the City in order to widen the laneway to 6.0 metres. The building will be setback 0.0 metres from the north property line (adjacent to 2140 Yonge Street).

The proposal provides a streetwall height of 6 storeys (19.8 metres) on Yonge Street and Hillsdale Avenue. Above the 6th floor, a 3.0-metre stepback is provided on the Yonge Street and Hillsdale Avenue frontages and a 5.5-metre stepback on the north side of the building. A 2.0-metre stepback will be provided above the 13th floor for the mechanical penthouse. On the north, south, and east sides of floors 8 to 13, balconies will project 1.5 metres.

The residential lobby will be accessed from Hillsdale Avenue, and the retail entrance will be on Yonge Street. A total of 51 square metres of indoor amenity space and 36 square metres of outdoor amenity space are provided on the 8th floor.

A total of 26 vehicle parking spaces are proposed in a two-level underground garage accessed by a vehicle elevator located at the rear of the building from the widened public lane. An unenclosed lay-by loading space is proposed to be located at the rear of the building on a private lay-by along the public lane.

Site and Surrounding Area

The site is located at the northwest corner of Yonge Street and Hillsdale Avenue. It is square in shape and approximately 774 square metres in size. The site has 28.62 metres of frontage on Yonge Street, and 27.36 metres of frontage on Hillsdale Avenue. The site is currently occupied by a one-storey auto service business. The following uses abut the site:

North: A series of 2 and 3-storey mixed use buildings fronting onto Yonge Street. Further to the north is an 18-storey commercial building.

South: On the south side of Hillsdale Avenue is a one-storey auto service business. The site has a site specific Zoning By-law to permit a 10-storey (35.6 metres, including mechanical penthouse) mixed-use building (By-law No. 1172-2015). Further to the south is a series of 2 and 3-storey mixed use buildings.

East: To the southeast of Yonge Street and Hillsdale Avenue is a series of 2 to 3-storey mixed use buildings fronting onto Yonge Street. To the northeast of Yonge Street and Hillsdale Avenue is a 12 to 28-storey mixed use building currently under construction.

West: A public laneway, approximately 3.7 metre wide, runs north-south from Hillsdale Avenue to Berwick Avenue. To the west of the lane is an open-cut section of the TTC's Yonge Street subway line and further west is a low-rise residential *Neighbourhood*.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place;
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The PPS 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;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe 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.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the report.

Official Plan

The subject site is designated *Mixed Use Areas* and is located within the Yonge-Eglinton Secondary Plan area. To the west is *Neighbourhoods* including the subway corridor.

Section 2.2.3 Avenues: Re-urbanizing Arterial Corridors

The site is identified within an *Avenue* on the Urban Structure Map (Map 2) of the City's Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated. The Official Plan states that not all lands that fall within an *Avenue* are designated for growth. Where lands within an *Avenue* are designated as *Neighbourhoods*, the neighbourhood protection policies prevail. Reurbanization on the *Avenues* is intended to occur incrementally and after the preparation of *Avenue* studies for strategic mixed-use segments of the corridors. In the preparation of *Avenue* studies, local residents and stakeholders are to be engaged in determining appropriate community improvements, contextually appropriate zoning and built form performance standards.

Development may be permitted on an *Avenue* prior to an *Avenue* Study based on applicable policies of the Official Plan. Development with the potential to set a precedent for future development on an *Avenue* requires that an *Avenue* segment study be completed by the applicant.

Proponents of such proposals must also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. The segment study will include an assessment of the impacts of the incremental development, consider whether the development is supportable by available infrastructure and can be considered together with any amendment to the Official Plan or Zoning By-law.

Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the *Avenue* segment review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts.

Section 2.3.1 Healthy Neighbourhoods

Policy 2.3.1.3 identifies that intensification of land adjacent to neighbourhoods will be carefully controlled to protect neighbourhoods from negative impact. The policy provides the opportunity to determine, through the review of applications involving significant intensification adjacent to a *Neighbourhood* or *Apartment Neighbourhood*, whether a Secondary Plan, area specific zoning by-law or area specific policy should be created in consultation with the local community following an *Avenue* Study or area based study. The policy requires City Council to make this determination at the earliest point in the process. The proposal is located close to the *Neighbourhood* to the west and is separated by the Yonge subway corridor.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment 320 on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods and allow limited infill on underutilized *Apartment Neighbourhood* sites.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. The LPAT commenced the hearing of appeals of OPA 320 in May 2017 and the hearing process is ongoing.

On December 13, 2017 the LPAT issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect.

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

New development will be located and organized to fit with its existing and/or planned context by: generally locating buildings parallel to the street or along the edge of a park or open space; having a consistent front yard setback; acknowledging the prominence of corner sites; locating entrances so they are clearly visible; and, providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and

vehicular access to minimize their impacts on the public realm, create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for its residents.

Section 4.5 Mixed Use Areas

The site is designated *Mixed Use Areas* on Map 17 - Land Use Plan of the City's Official Plan (see Attachment 7). This designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to:

- provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;
- take advantage of nearby transit services;
- 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.

5.2.1 Secondary Plans

The site is in the Yonge-Eglinton Secondary Plan area (see Attachment No. 8). The Official Plan states that Secondary Plans establish local development policies to guide growth and change in a defined area of the City. They outline and promote a desired type and form of physical development with the objective of ensuring highly functional and attractive communities that account for an appropriate transition in scale and activity between neighbouring districts.

Policy 5.2.1.2 identifies that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works,

open space or other public services or facilities. Where Council has determined that a Secondary Plan is necessary, no amendment to the Zoning By-law in the area will be made without prior or concurrent adoption of a Secondary Plan, provided that the Secondary Plan is adopted within a reasonable period of time.

In June 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review.

At its December 5, 2017 meeting, Council reaffirmed this direction for applications submitted prior to November 15, 2017 and also directed staff to assess the cumulative impact of development in the area on the availability of the necessary infrastructure to support continued development, and land use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

Yonge-Eglinton Secondary Plan

The subject site is located in the Yonge-Eglinton Secondary Plan area. A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires a full range of housing options (form, tenure) in the Yonge-Eglinton area suitable for family and other households that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Secondary Plan contain a mix of retail, service commercial, office and residential uses with the highest commercial concentration at Yonge Street and Eglinton Avenue and a lesser commercial concentration near the Yonge/Davisville subway station.

New development in the Yonge-Eglinton Secondary Plan area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of sky view) on lower scale built form in *Neighbourhoods*. New development will provide transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations abut a *Neighbourhood*.

New development will promote architectural excellence while providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan area. New parks and open spaces will be secured in the Secondary Plan area along with improvements to existing parks and open spaces and the public realm.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge-Eglinton Secondary Plan (OPA 289) that incorporate, among other matters, the urban design and public realm strategies and directions of the Midtown in Focus Public Realm Plan.

OPA 289 amended the Yonge Eglinton Secondary Plan incorporating five Place-Making Moves: Eglinton Green Line, Yonge Street and its Squares, Park Street Loop, Midtown Greenways, and Redpath Revisited as well as other public realm improvements such as midblock connections.

On May 3, 2018 the LPAT issued an oral decision bringing OPA 289 into force and effect. The policies of OPA now apply to the Yonge-Eglinton Secondary Plan area with the exception of a small number of properties with outstanding site-specific appeals on development applications including sites with recent approvals or applications under review.

Midtown in Focus: Growth, Built Form and Infrastructure Review

Midtown in Focus is an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan area and includes the Public Realm Plan (OPA 289). It introduces a new planning framework for the Yonge-Eglinton area in Midtown Toronto to ensure that any changes to the planned context of the area are addressed comprehensively, rather than on a site-specific basis. The objective is to ensure that growth positively contributes to Yonge-Eglinton's continued livability and vitality by establishing a clear and up-to-date Secondary Plan and Official Plan policy framework for the area, and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

A Proposals Report was presented to Council in late 2017. The report included a proposed update to the Yonge-Eglinton Secondary Plan as well as updates related to the infrastructure assessments. The proposed Yonge-Eglinton Secondary Plan sets out a 25-year vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected, inclusive and prosperous place, provides detailed direction on the appropriate scale and location of future growth, and links growth with the provision of infrastructure.

A Final Report on Midtown in Focus was deferred at the June 7, 2018 Planning and Growth Management Committee meeting. The Midtown in Focus: Final Report recommends adoption of amendments to the Official Plan and a new Yonge-Eglinton Secondary Plan (recommended Plan). The Planning and Growth Management Committee recommended that City Planning report back to the July 5, 2018 meeting of the Planning and Growth Management Committee to address a number of items including:

- the provision of affordable housing;
- opportunities for new parkland;
- applying holding provisions for the provision of physical infrastructure and community service facilities where necessary;
- to undertake an additional assessment of the impact of increased growth within the Yonge-Eglinton Secondary Plan area and along the Yonge Street corridor, pertaining to subway capacity of Line 1;
- lowering building heights in the Soudan Apartment Neighbourhood, Eglinton Greenline, Yonge-Eglinton Crossroads and Redpath Park Street Loop Character areas;
- increasing employment opportunities in certain *Mixed Use Areas*.

The recommended Plan identifies the subject site is located within the Midtown Village and Yonge Street South Character Area. The recommended Plan sets out a vision for the Midtown Villages as "historic main streets that will continue to be vital retail and service destinations for residents, workers and visitors. These areas will accommodate a mix of uses in well-proportioned low- and mid-rise buildings that appropriately conserve heritage resources."

The policy directions in the recommended Plan that are relevant to the review of this application include:

- a maximum height of 8 storeys;
- a 9th storey is permitted if there are no adverse shadow impacts and it is stepped back from the street;
- a minimum setback of 1.5 metres on Yonge Street;
- a minimum stepback of 1.5 metres above the 2nd storey;
- a minimum stepback of 3.0 metres above the 7th storey; and
- the provision of parkland is an essential element of complete communities. New parkland will be provided to support and be concurrent with growth;

Avenues and Mid-Rise Buildings Study and Performance Standards

In July 2010, Council directed staff to use the Mid-Rise Buildings Performance Standards in the evaluation of mid-rise building development proposals. In November 2013, Council adopted an extended monitoring period in order to measure the effectiveness of the Standards.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable.

The height of a mid-rise building varies from street to street, as mid-rises are generally defined as buildings that are no taller than the width of their adjacent street right-of-way (the width of the publicly owned portion of the street) and are contextually responsive. On the 20-metre wide streets, this would equate to a mid-rise building of approximately five or six storeys high. On wider major streets, a mid-rise building may be taller, up to a maximum of 11 storeys on the widest *Avenues*. Mid-rise buildings typically are designed with stepbacks or terraces at upper levels to reduce their visual impact, and to allow sunlight on the sidewalk.

Yonge Street, where the site is located, has a planned right-of-way width of 27 metres. The guidelines recommend that development adjacent to *Neighbourhoods* transition down in height to the adjacent *Neighbourhood*, through the use of a 45 degree angular plane from the *Neighbourhood*, in order to limit the impact of shadowing on, and to protect the privacy of the adjacent *Neighbourhoods*. The proposal is located close to the *Neighbourhood* to the west and is separated from it by the Yonge subway corridor. The Mid-rise Guidelines also include guidance related to pedestrian perception, front street walls, façade design, and articulation and character areas.

Zoning

The subject site is zoned MCR T3.0 C3.0 R2.5 (commercial residential) under former City of Toronto Zoning By-law 438-86, as amended, and is zoned CR 3.0 (c2.0; r2.5) SS2 (x2430) in Zoning By-law 569-2013, as amended. Both Zoning By-laws permit a range of non-residential and residential uses in buildings with a maximum density of 3.0 times the area of the lot and a maximum height of 16.0 metres. The zoning map is included in Attachment 6.

Site Plan Control

A site plan application is required for the proposal but one has not been submitted.

Reasons for Application

A zoning by-law amendment is required because the proposal does not comply with the Zoning By-law's height, angular plane, density, setback and parking requirements.

Agency Circulation

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

COMMENTS

Midtown in Focus: Growth, Built Form and Infrastructure Review

New and proposed development in the Yonge-Eglinton area is occurring at a rate, scale, and intensity that exceeds the City's projections made in the previous decade. The updated policies and infrastructure strategies resulting from Midtown in Focus Review will provide more direction in the Yonge-Eglinton Secondary Plan.

As the Midtown in Focus Review addresses the area character, urban structure, land use, built form and other matters affecting the potential redevelopment of the subject site, and given the intensification proposed by the application that is beyond the permissions in the existing planning framework, the proposal should be reviewed in the context of the on-going study.

The application, as proposed, does not conform to a number of the recommended Yonge-Eglinton Secondary Plan policies. The proposed application does not adequately address the following:

	Midtown in Focus	Proposed Building
Maximum height	8-9 storeys	13 storeys
Minimum setback on Yonge Street	1.5 metres	1.2 metres
Minimum setbacks	1.5 metres above 2 nd floor 3.0 metres above 7 th floor	3.0 metres above 6 th floor

Issues to be Resolved

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the report.

Should the application be appealed to the LPAT, it is staff's determination that the proposal is not consistent with the PPS and does not conform with the Growth Plan for the following reasons:

- Policy 4.7 of the PPS states that: "the official plan is the most important vehicle for implementation". Furthermore, Section 4.7 directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The proposed scale of the development is not appropriate, and does not conform to the policies of the in force Official Plan, including the Built Form and *Mixed Use Areas* policies.
- The Growth Plan contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development however, does not conform with Section 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development for the surrounding area. Further, the proposed development does not conform with Section 5.2.4.5.b) requiring the type and scale of development to be contextually appropriate.

Height and Massing

The proposed 13-storey building is too tall and does not respond appropriately to, and does not fit harmoniously into, the existing and planned context along this segment of Yonge Street. The planned context, set out in the policies of the in-force Official Plan, does not support the proposed increase in height. The approved and existing buildings to the north and south of the subject site within this segment of the Yonge Street *Avenue* are 2 storeys and 10 storeys, respectively.

The Built Form policies in section 3.1.2 of the Official Plan require that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context". The Built Form and *Mixed Use Areas* policies require that new buildings frame the edge of streets with good proportion.

The proposed height does not fit the in-force planned context and does not provide adequate transition to the adjacent *Neighbourhood*.

The Healthy Neighbourhoods policies of the Official Plan require that development adjacent to *Neighbourhoods* will provide a gradual transition of scale and density through stepping down of buildings and setbacks to those *Neighbourhoods*. The Built Form policies require that new development create appropriate transitions in scale to neighbouring existing and planned buildings.

Mixed Use Areas policy 4.5.2(c) further states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights, particularly towards lower-scale *Neighbourhoods*.

A primary objective of the in force Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement.

The proposed 6-storey streetwall does not frame the street with good proportion. The existing context along this portion of Yonge Street is lower scale buildings with streetwall heights of 2 to 3-storeys. The emerging planned context of the Midtown in Focus recommended Plan requires a maximum streetwall height of 2-storeys. The streetwall height of the proposed building must be reduced.

The Yonge-Eglinton Secondary Plan, as amended by OPA 289, requires a 1.5 metre building setback along Yonge Street. The proposed building must be revised to provide the required 1.5-metre setback.

Sun and Shadow

The Official Plan Built Form policies require new development to adequately limit any resulting shadowing of neighbouring streets, properties, and open spaces. The *Mixed Use Areas* policies require that new buildings are massed to frame the edges of streets with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets.

The proposed building will reduce the amount of sunlight on the east side of Yonge Street in the afternoon when compared to a more appropriately scaled mid-rise building, such as the heights permitted by the Midtown in Focus recommended Plan.

The proposed building does not meet the Built Form or *Mixed Use Areas* policies of the Official Plan with respect to access to sunlight and shadow impacts.

Community Services Assessment

The following issues will be considered in terms of community services:

- Evaluating the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.
- Reviewing the Secondary Plan Community Services and Facilities (CS&F) policies, site specific policies and growth related studies that apply to the application.
- Reviewing the CS&F Study that was submitted with the application and to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff and follow up any Study deficiencies that need to be addressed.
- Assessing whether there is sufficient capacity to accommodate the additional students resulting from the proposed development.

Infrastructure/Service Capacity to Support Application

The following will be assessed to determine municipal infrastructure capacity:

- Reviewing the application to determine if there is sufficient infrastructure (transit, water, sewage, hydro, community services and facilities) capacity to accommodate the proposed development.
- Determining if the potential cumulative impact of all proposed applications in the area of this application should also be reviewed/or is being reviewed by staff.
- Reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

The TGS Checklist submitted by the applicant will be reviewed for compliance with the Tier 1 performance measures.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 Agreement between the applicant and the City would be established if the project is ultimately approved.

Planning staff has not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution due to staff's concerns with the proposed development as addressed in this report. In the event the application is appealed and the LPAT grants additional density and/or height beyond that which is permitted in Zoning By-law, the City will request that the LPAT withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits.

Additional issues may be identified through the further review of the application, agency comments and the community consultation process.

CONCLUSION

The proposal has been reviewed against the policies of the PPS, the Growth Plan and the Official Plan. Staff are of the opinion that the proposed development is not consistent with the PPS, does not conform with the Growth Plan, and does not conform with the Official Plan.

The proposal does not conform with the Official Plan policies, including the Built Form, *Mixed Use Areas*, and the Yonge-Eglinton Secondary Plan policies.

Given the City Council's determination of the need for a comprehensive update to the Yonge-Eglinton Secondary Plan and decision not to render decisions on any applications submitted after November 15, 2017 until the adoption of the revised Yonge-Eglinton Secondary Plan, staff are not in a position to bring forward a final report on the application.

City staff will work with the applicant through the review of the proposal to resolve the concerns with the application and align the proposal with the policies in the recommended Yonge-Eglinton Secondary Plan.

City Council direct the City Solicitor, and appropriate City Staff, to attend and oppose the application in its current form should the application be appealed to the LPAT on the basis of Council's failure to make a decision on the application within the statutory timeframe.

CONTACT

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E-mail: David.Driedger@toronto.ca

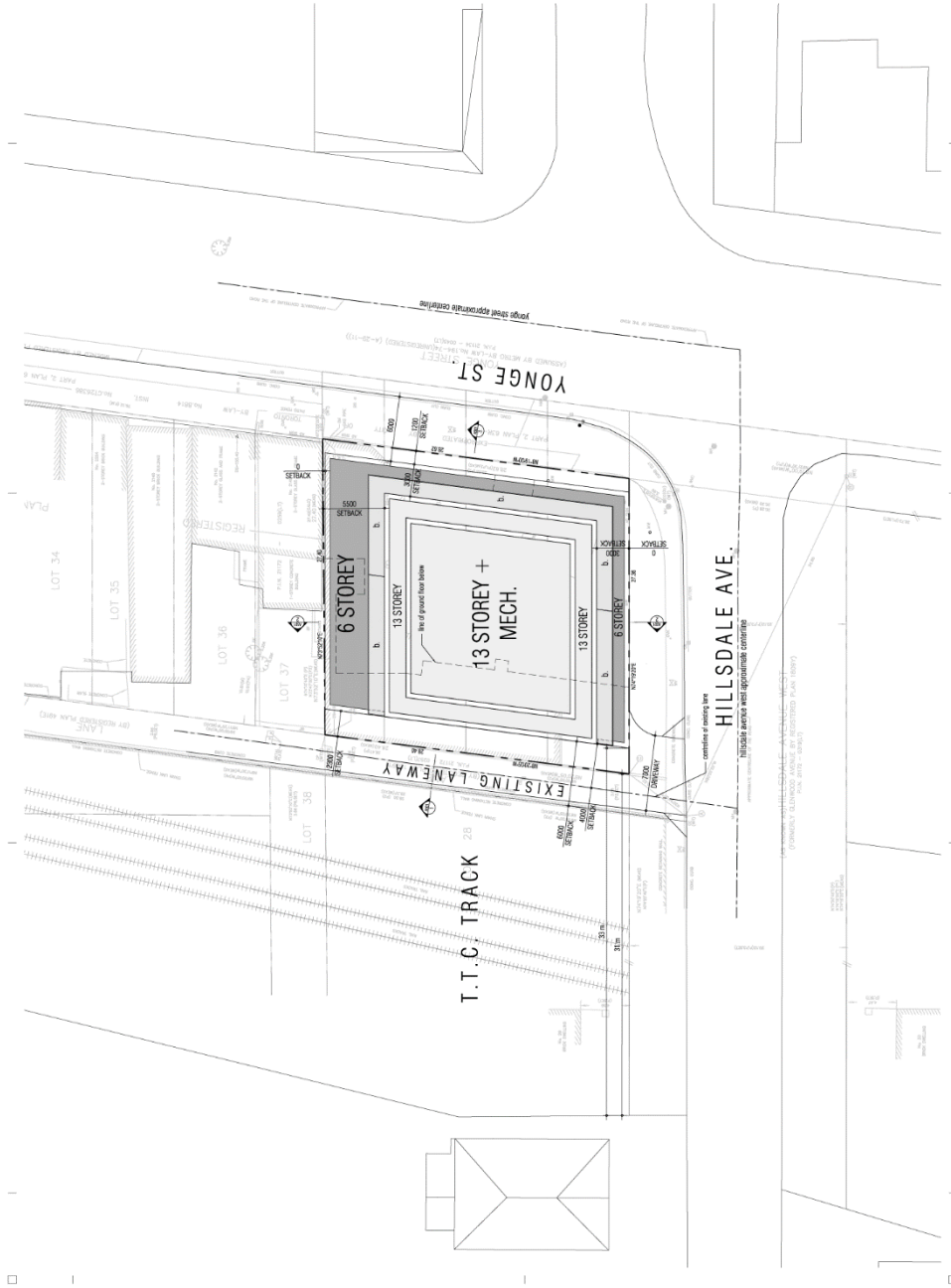
SIGNATURE

Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District
(P:\2018\Cluster B\pln\TEYCC\16195178085.doc) - ca

ATTACHMENTS

Attachment 1: Site Plan/Subdivision Plan
Attachment 2: West Elevation
Attachment 3: North Elevation
Attachment 4: East Elevation
Attachment 5: South Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Yonge-Eglinton Secondary Plan
Attachment 9: Application Data Sheet

Attachment 1: Site Plan



2128 Yonge Street

File # 17 274171 STE 22 0Z

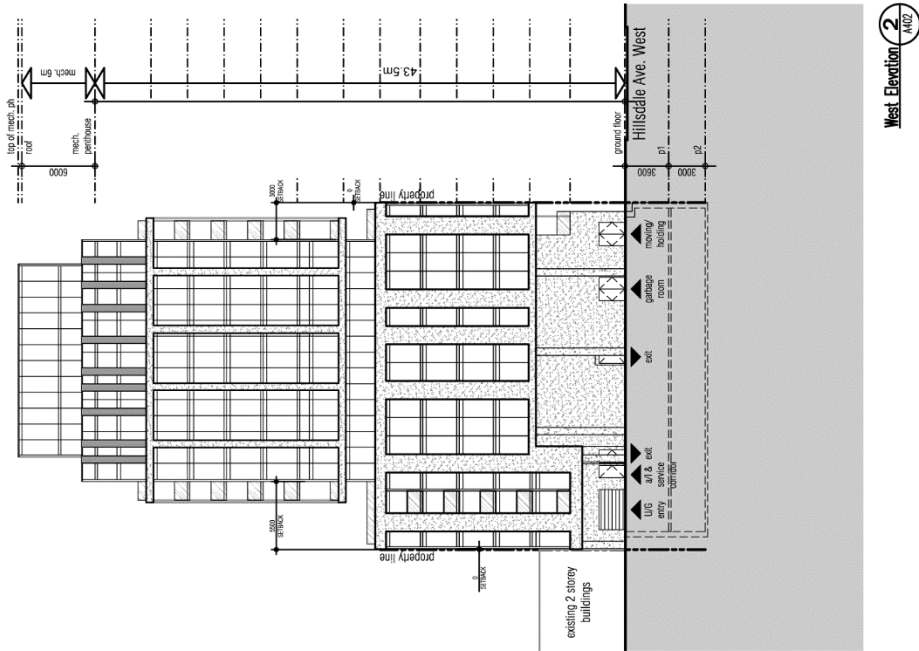
Site Plan

Applicant's Submitted Drawing

Not to Scale
03/12/2018



Attachment 2: West Elevation



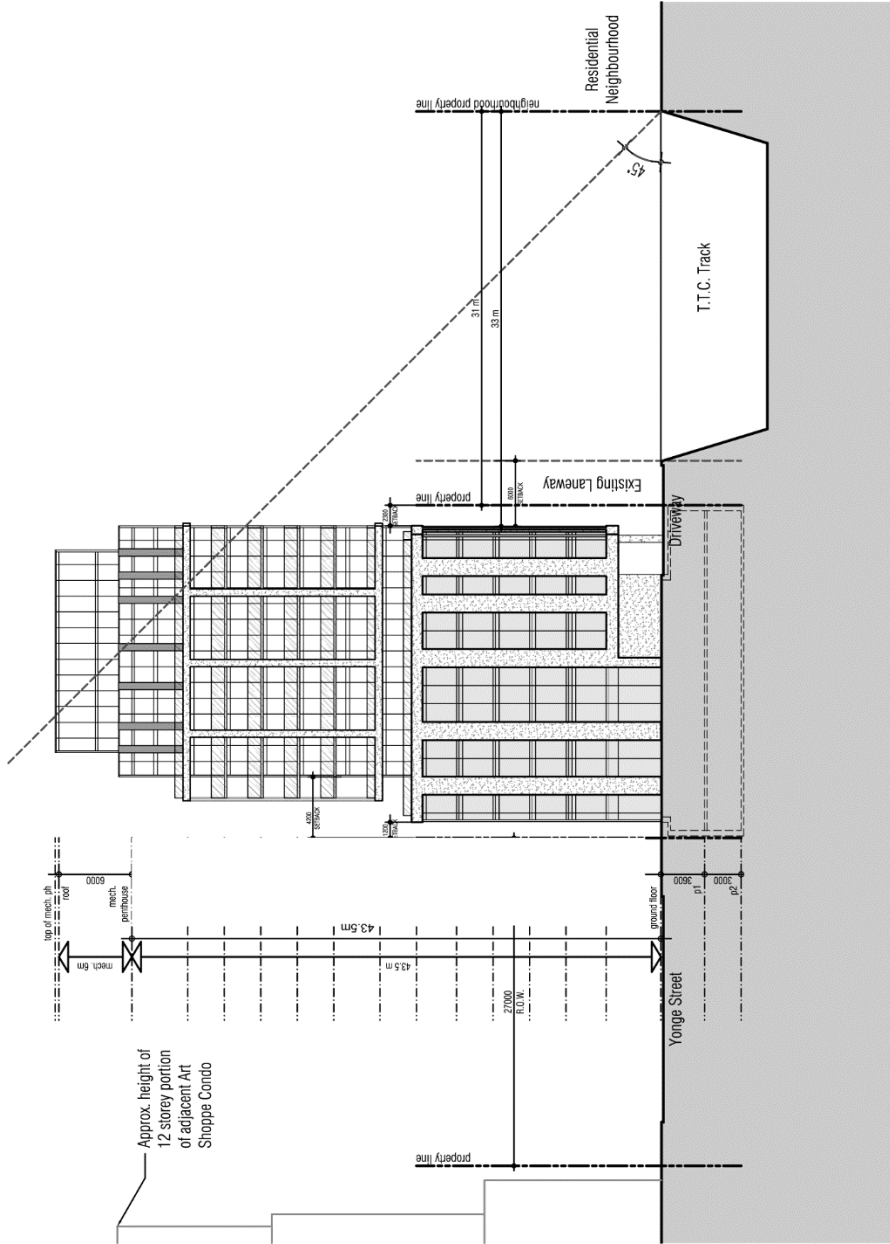
2128 Yonge Street

File # 17 274171 STE 22 0Z

West Elevation
 Applicant's Submitted Drawing

Not to Scale
 03/12/2018

Attachment 3: North Elevation



North Elevation 1/2018

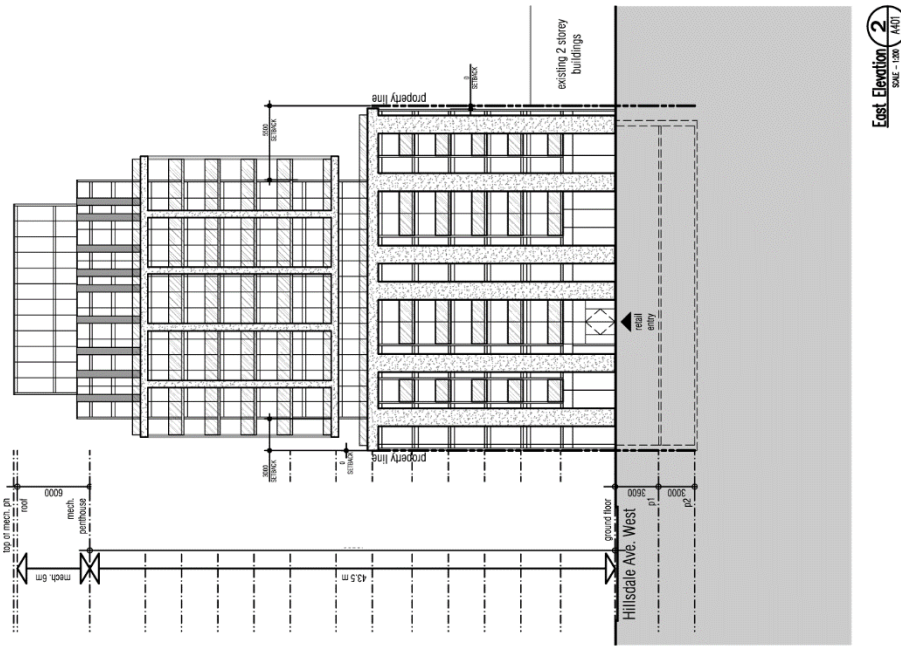
2128 Yonge Street

North Elevation
Applicant's Submitted Drawing

File # 17 274171 STE 22 0Z

Not to Scale
03/12/2018

Attachment 4: East Elevation



2128 Yonge Street

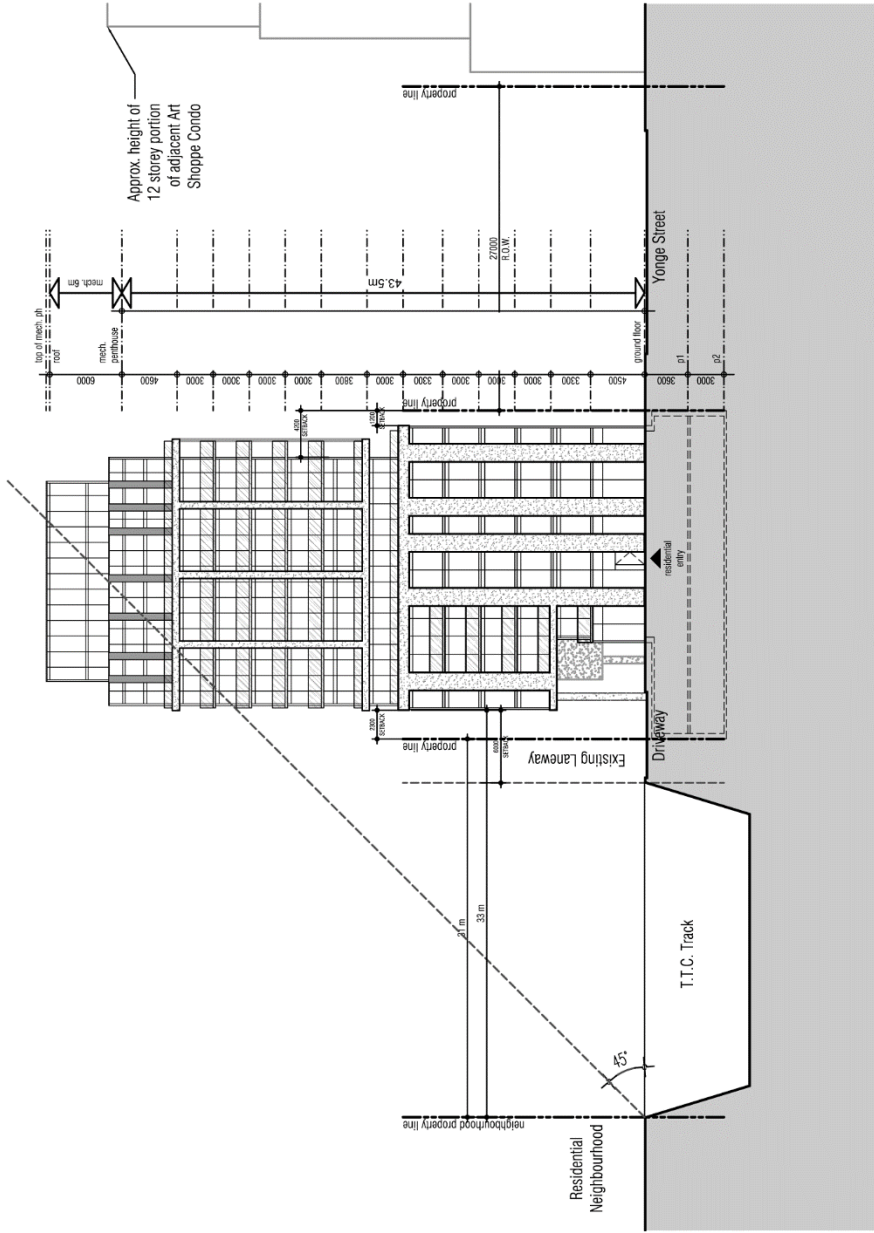
File # 17 274171 STE 22 OZ

East Elevation

Applicant's Submitted Drawing

Not to Scale
03/12/2018

Attachment 5: South Elevation



South Elevation (1/4/18)

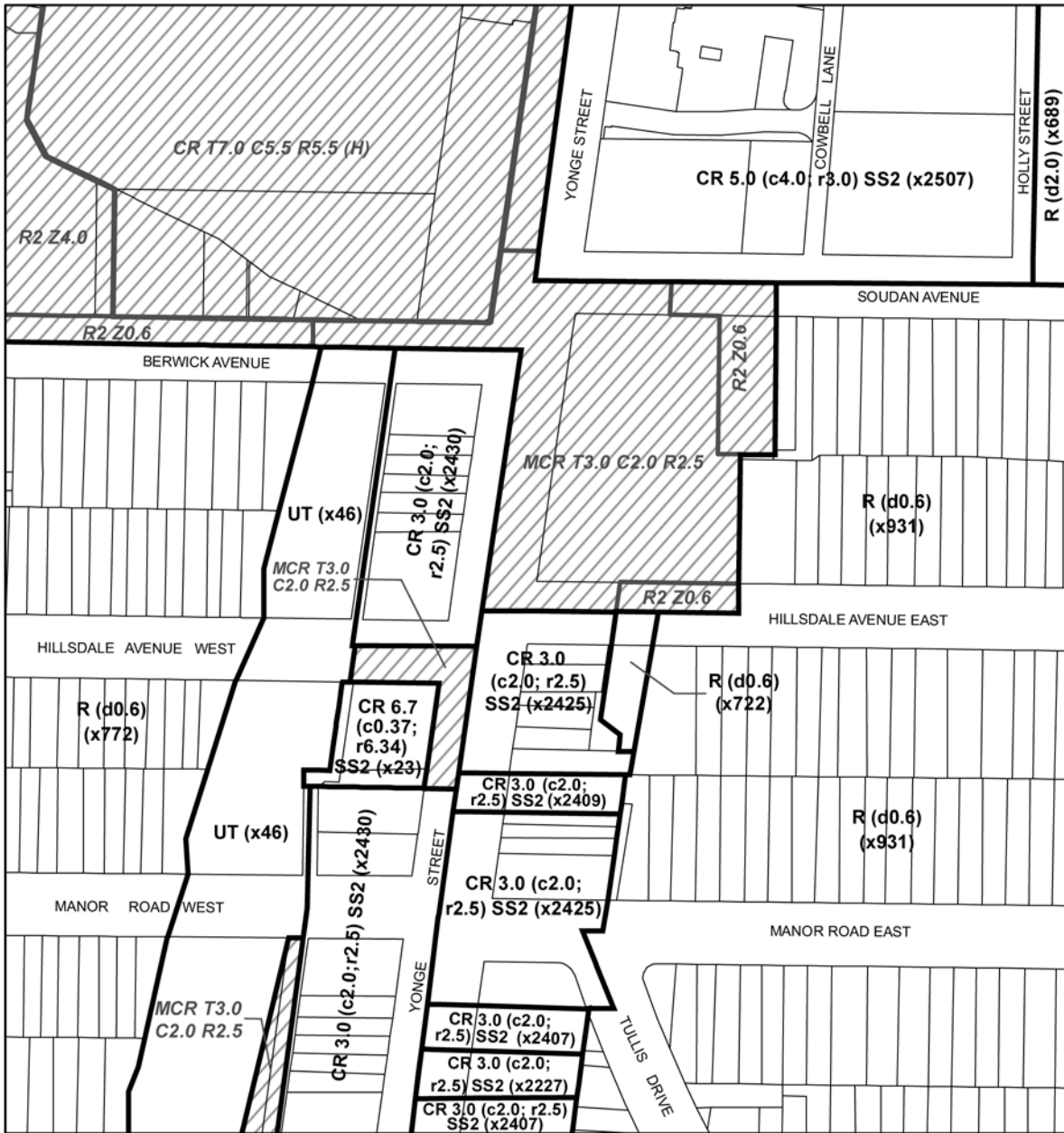
2128 Yonge Street

File # 17 274171 STE 22 0Z

South Elevation
 Applicant's Submitted Drawing

Not to Scale
 03/14/2018

Attachment 6: Zoning



Zoning By-law No. 569-2013

2128 Yonge Street

File # 17 274171 STE 22 0Z



Location of Application

R Residential CR Commercial Residential
 UT Utility and Transportation



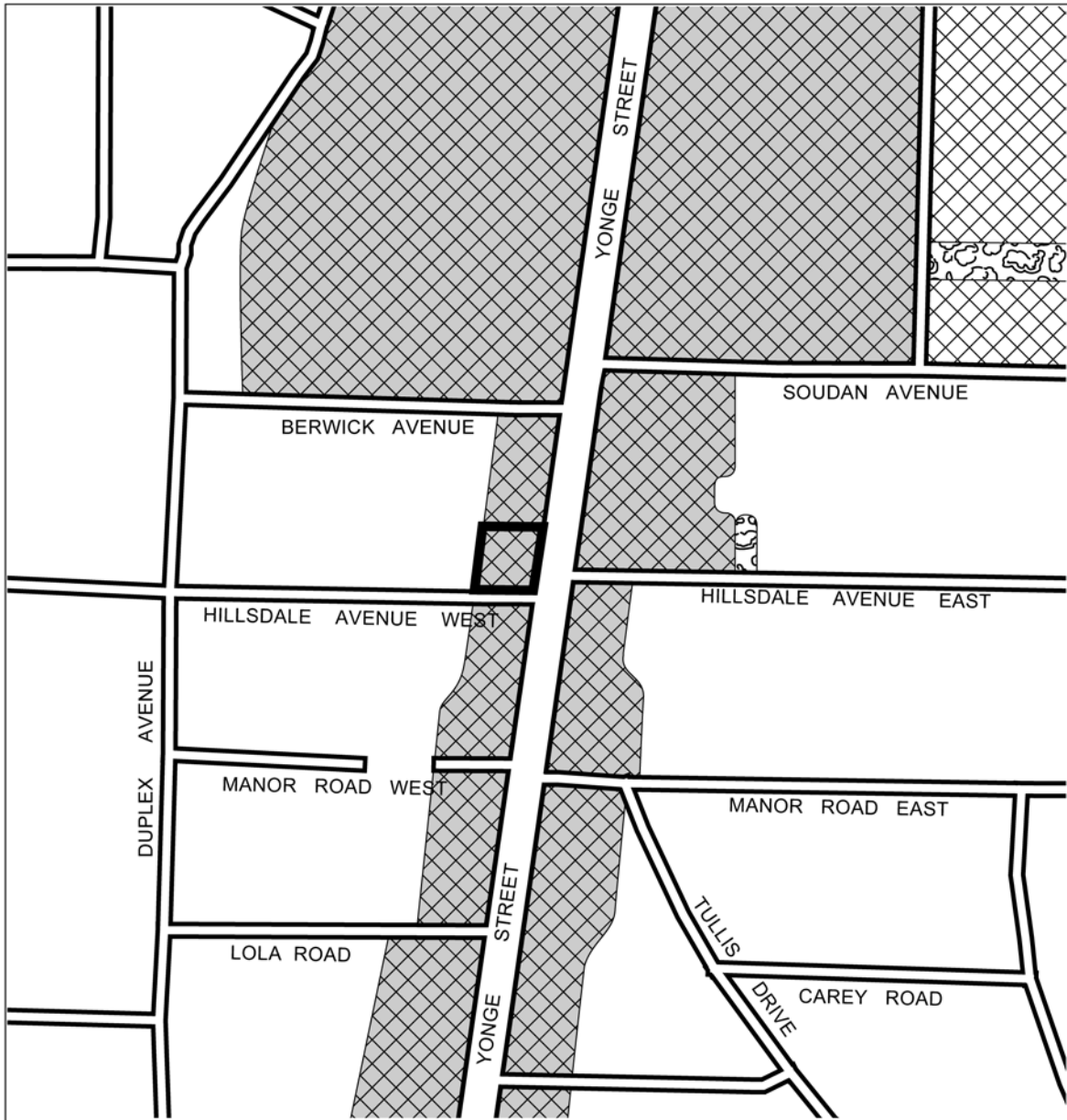
See Former City of Toronto By-Law No. 438-86

R2 Residential District
 CR Mixed-Use District
 MCR Mixed-Use District



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 Extracted: 03/09/2018

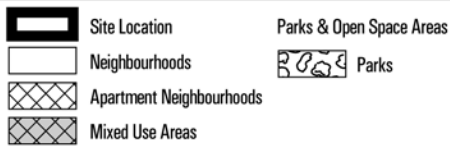
Attachment 7: Official Plan



Toronto
 Extract from Official Plan

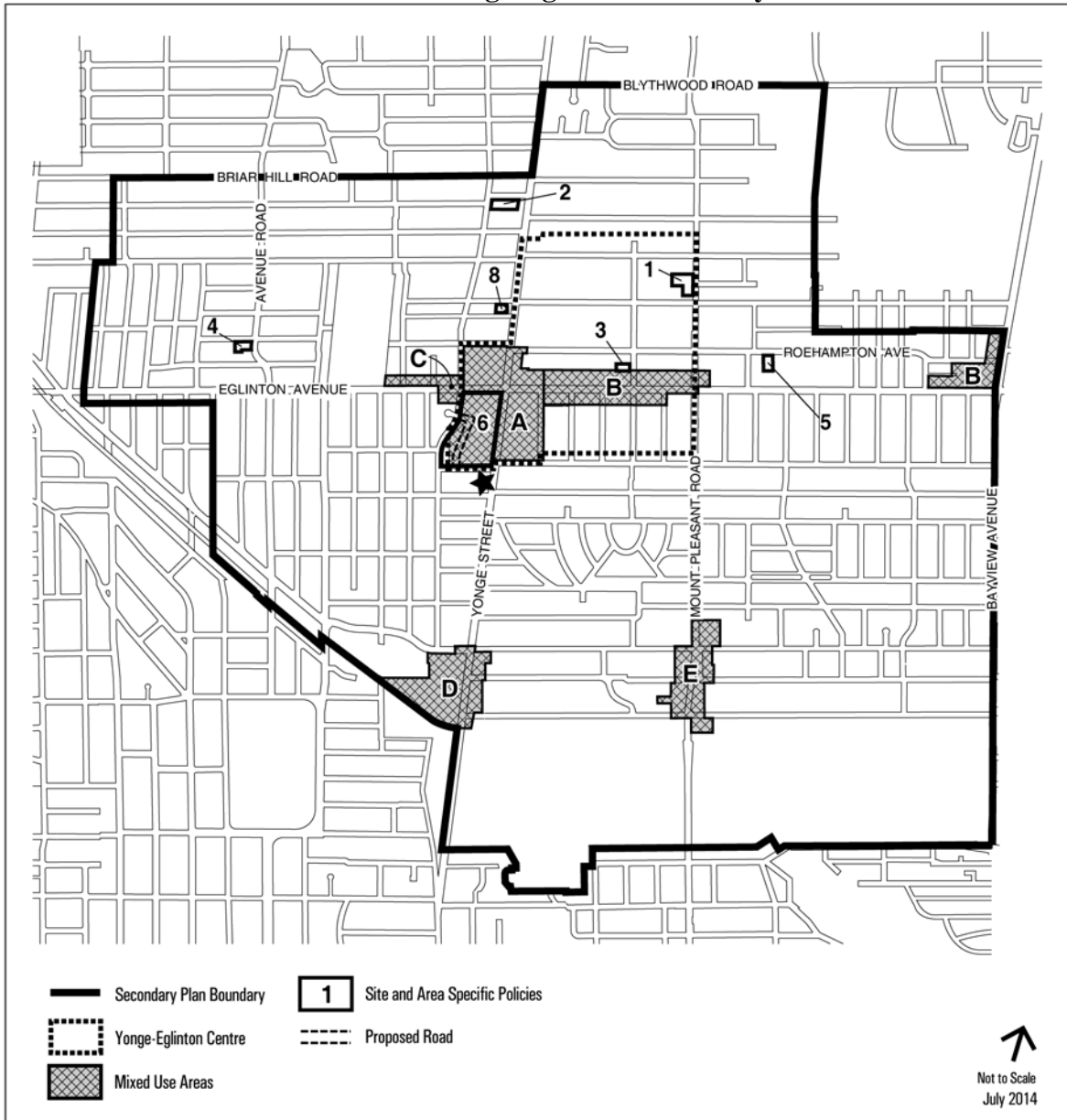
2128 Yonge Street

File # 17 274171 STE 22 0Z




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 03/14/2018

Attachment 8: Yonge-Eglinton Secondary Plan



Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

2128 Yonge Street

File # 17 274171 STE 22 0Z

★ Subject Site - 2128 Yonge Street

Not to Scale
03/14/2018

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	17 274171 STE 22 OZ
		Application Date:	December 11, 2017

Municipal Address: 2128 Yonge Street
 Location Description: PLAN 1809 PT LOTS 1 TO 4 **GRID S2203
 Project Description: a 13-storey mixed-use building (79 dwelling units)

Applicant:	Agent:	Architect:	Owner:
Hunter & Associates Ltd	Hunter & Associates Ltd	Graziani & Corazza Architects Inc.	2128 Yonge Street Ltd

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 3.0 (c2.0; r2.5) SS2 (x2430)	Historical Status:	N
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	774	Height:	Storeys:	13	
Frontage (m):	28.62		Metres:	49.5	
Depth (m):	27.36				
Total Ground Floor Area (sq. m):	673.38				Total
Total Residential GFA (sq. m):	5,698		Parking Spaces:	26	
Total Non-Residential GFA (sq. m):	279		Loading Docks	1	
Total GFA (sq. m):	5,977				
Lot Coverage Ratio (%):	87				
Floor Space Index:	7.7				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m): 5,698	0
Bachelor:	13	Retail GFA (sq. m): 279	0
1 Bedroom:	39	Office GFA (sq. m): 0	0
2 Bedroom:	19	Industrial GFA (sq. m): 0	0
3 + Bedroom:	8	Institutional/Other GFA (sq. m): 0	0
Total Units:	79		

CONTACT:	PLANNER NAME:	David Driedger, Senior Planner
	TELEPHONE:	416-392-7613
	EMAIL:	David.Driedger@toronto.ca