

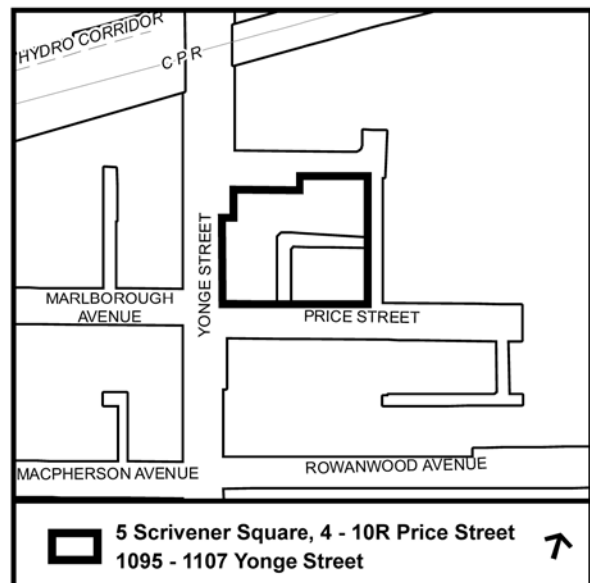
**5 Scrivener Square, 4-10 & 10R Price Street & 1095-1107  
Yonge Street - Official Plan and Zoning Amendment  
Applications - Request for Direction Report**

<b>Date:</b>	June 25, 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>	17 168095 STE 27 OZ

**SUMMARY**

On November 27, 2017 the applicant appealed of the Official Plan and Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT), citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A pre-hearing for these matters was held on June 14, 2018 and no hearing dates were set.

This application proposes to redevelop the site at 5 Scrivener Square, 4-10 & 10R Price Street, and 1095-1107 Yonge Street with two mixed-use buildings of 8-storeys (35 metres, including mechanical penthouse) and 26-storeys (97.3 metres, including mechanical penthouse). The two new buildings would contain a total of 182 rental dwelling units, 3,085 square metres of non-residential floor area, 164 parking spaces within a 4-level underground parking garage, and 203 bicycle parking spaces. The existing 4-storey buildings at 8-10 Price Street would be demolished. The existing buildings at 1095-1107 Yonge Street and 4 Price Street are to remain unaltered.



An alternative development proposal was submitted to the City on a "Without Prejudice but Not Confidential" (W/O Proposal) basis,

was circulated to appropriate agencies and City divisions for comments, and was the focus of a second community meeting. This W/O Proposal is not formally before the LPAT.

The purpose of this report is to seek City Council's direction with respect to the City's position at the LPAT hearing. This report recommends that Council direct the City Solicitor, together with appropriate City staff, to oppose the 26-storey proposal, in its current form, at the LPAT.

The proposal in its current form is not consistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017), and does not conform to the Official Plan and is not in keeping with City Council approved Guidelines with respect to the proposed building height, massing, site layout, setbacks, streetscape, its relationship to open spaces and the public realm, the lack of on-site public park and vehicle/loading configuration.

## **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor, together with the appropriate staff, to attend the Local Planning Appeal Tribunal hearing to oppose the applicant's appeal respecting the Official Plan and Zoning By-law Amendment application (File No. 17 168095 STE 27 OZ) for 5 Scrivener Square, 4-10 & 10R Price Street, and 1095-1107 Yonge Street for the reasons contained in the report (June 18, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor, together with the appropriate staff, to continue discussions with the applicant on a revised proposal in an attempt to resolve the issues outlined in this report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of the discussions, if necessary.
3. City Council require that, in the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, an on-site parkland dedication pursuant to Section 42 of the *Planning Act* be conveyed to the City, to the satisfaction the General Manager, Parks, Forestry and Recreation.
4. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of its final Order until:
  - a. the Tribunal has been advised by the City Solicitor that the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

- b. the Tribunal has been advised by the City Solicitor that community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
- c. the owner makes satisfactory arrangements with the General Manger, Parks, Forestry and Recreation to convey to the City an on-site parkland dedication pursuant to Section 42 of the *Planning Act*;
- d. the owner provides any necessary modifications to the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report, and makes satisfactory arrangements to address outstanding concerns with respect to development being in close proximity to the combined sewer easement to the east, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. the owner makes satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services to pay for and construct improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, in accordance with the Functional Servicing, Stormwater Management and Hydrogeological Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- f. the owner obtains approval under section 42 of the *Ontario Heritage Act* for the demolition of the buildings at 8 and 10 Price Street, designated under Part V of the *Ontario Heritage Act*, and for the construction of a new building within the South Rosedale Heritage Conservation District; and
- g. the owner provides a wind tunnel test and updated Pedestrian Level Wind Study, to the satisfaction of the Chief Planner and Executive Director, City Planning and secures any mitigation measures in the Section 37 Agreement.

### **Financial Impact**

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

### **DECISION HISTORY**

The site has a long and complex planning history and has been subject to a number of planning studies, community consultation processes and development applications over the past 30 years, as summarized below.

In 1988, the City undertook a two-phase planning study to review the land use planning policies for the area on the east side of Yonge Street between the Canadian Pacific Railway (CPR) tracks and Aylmer Avenue, which includes the subject site. A working committee including area residents, business and other stakeholders, the City, CPR, and then-landowners Marathon Realty, with support from City divisions, met over 40 times

and consulted with the broader community on the appropriate development. During the study's second phase, which examined the lands bounded by Shaftesbury Avenue, Yonge Street, Price Street and the Park Drive Ravine, Marathon submitted two development applications in 1992 for its lands at 1121 Yonge Street and 10R Price Street.

In 1995, following an Ontario Municipal Board hearing, the Yonge-Summerhill Part II Plan came into force, followed by a development Master Plan adopted by City Council in 1997 and site-specific Zoning By-law 398-2000 for the Yonge-Summerhill area. These documents set the policy framework for the future development of the former Marathon lands, as well as other lands within the Yonge-Summerhill area.

In 2005, Woodcliffe Corporation applied for Official Plan and Zoning By-law amendments for 8-10 & 10R Price Street and 1095-1107 Yonge Street to permit a 38-storey residential tower with a 4-storey base building containing residential, retail and office uses. The proposal included the expansion of the five retail stores at 1095-1103 Yonge Street (known as the "Shops of Summerhill"), and the creation of an urban square at the northwest portion of the site, opposite the restored North Toronto Station and existing urban square. The preservation of the Shops of Summerhill was previously secured in a 2002 Heritage Easement Agreement. The proposal was revised to a 26-storey tower, 97 metres in height and a 5-storey base building. City Council refused the application at its meeting on September 25, 26, 27 and 28, 2006.

On October 17, 2017, Toronto and East York Community Council adopted a Preliminary Report on the Official Plan and Zoning By-law Amendment applications for the site. The report provided background information on the proposal, and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*.

The Preliminary Report is available at:  
<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-107552.pdf>

## **ISSUE BACKGROUND**

### **Proposal**

This application submitted on May 29, 2017 and appealed to the LPAT proposes to: construct a new 8-storey mixed-use building at 5 Scrivener Square and 10R Price Street where there is an existing open space and surface parking lot; construct a new 26-storey mixed-use building, which requires the demolition of two 4-storey commercial buildings at 8 and 10 Price Street; and retain the existing 2- and 3-storey buildings, known as the Shops of Summerhill, at 1095-1107 Yonge Street.

The 8-storey building (35 metres including mechanical penthouse) is proposed along the north half of the site, with frontages on Yonge Street and Scrivener Square. The 8-storey building has a 3-storey base building (14.5 metres) built along the irregular north property line and is set back approximately 1.25 metres from the Yonge Street property line and 8.5 metres from the east property line to accommodate a widened Scrivener

Square roadway and sidewalk. The building is composed of retail uses, a residential lobby and vehicle and loading access on the ground floor, commercial uses on the second floor, and residential uses above. The building steps back approximately 4.0 metres at the fourth floor from the north, west and south and a further 35.0 metres from Yonge Street at the seventh floor and steps back again at the mechanical penthouse level.

The 26-storey building (97.3 metres including mechanical penthouse) is proposed in the southeast quadrant and is separated from the remainder of the site by an L-shaped public lane which runs west from Scrivener Square and turns south to Price Street. It has four vertical elements that step down in height from 26-storeys to 23-storeys. The facades of the tower are well articulated, with the facade stepping in and out at many levels. The building is composed of retail uses, a residential lobby and vehicle and loading access on the ground floor, commercial uses on the second floor and residential uses above.

**Table 1: Description of New Buildings**

	26-Storey Building	8-Storey Building	Total
Height (metres) (incl. mechanical)	97.3	35.0	
Gross Floor Area (square metres)	Residential: 7,315 Non-residential: 1,310 Total: 18,625	Residential: 3,840 Non-residential: 1,775 Total: 5,615	Residential: 21,155 Non-residential: 3,085 Total: 24,240
Dwelling Units	1-Bedroom: 32 2-Bedroom: 85 3-Bedroom: 30 Total: 147	1-Bedroom: 16 2-Bedroom: 13 3-Bedroom: 6 Total: 35	1-Bedroom: 48 (26%) 2-Bedroom: 98 (54%) 3-Bedroom: 36 (20%) Total: 182

**Table 2: Description of Development Site**

Density	Amenity Space	Vehicle Parking	Bicycle Parking
Floor Space Index:  6.16 (incl. existing Heritage buildings)	Indoor: 490 square metres  Outdoor: 590 square metres	Residential: 124  Visitor: 10  Non-residential: 30  Total: 164	Long Term Resident: 164 Non-resident: 7 Total: 171  Short Term Resident: 19 Non-resident: 13 Total: 32

A courtyard space is proposed at the centre of the site with pedestrian walkways extending west to Yonge Street between the new 8-storey building and the existing heritage buildings, and extending north by cutting between the two halves of the 8-storey building. The existing public laneway is shown to form part of the pedestrian network for the site rather than vehicular circulation.

Access and servicing for both proposed buildings are located off the north-south portion of Scrivener Square. The existing servicing access for the Shops of Summerhill will remain on Price Street. Vehicular parking is provided in an underground automated parking facility accessed via a two car elevators.

The Site Plan, Ground Floor Plan, Proposed Height Map, Context Plan, Elevations, a 3D Model Rendering and additional project information are included in Attachments to this report.

### Site and Surrounding Area

The site is bounded by Scrivener Square to the north and east, Price Street to the south and Yonge Street to the west, and is part of the area known as Summerhill. The site is nearly square in shape and is made up of the lands known as 5 Scrivener Square, 4-10 & 10R Price Street, and 1095-1107 Yonge Street (the Shops of Summerhill). The consolidated parcel, including an L-shaped, a City-owned, public lane that bisects the site, is 4,450.2 square metres in area. There are two easements within the subject property. An 11-metre TTC easement for the Yonge-University-Spadina subway and a 3-metre easement for a 1200 mm diameter trunk combined sewer. Both easements are located on the east side of the site.

**Table 3: Site Description**

Address	Description	Height (metres)
5 Scrivener Square	Open space	0.0
1095-1099 Yonge Street	3-storey heritage designated commercial building	11.2
1101-1103 Yonge Street	2-storey heritage designated commercial building	10.3
1107 Yonge Street	Walkway and open space	0.0
4 Price Street	2-storey commercial building	11.2
8 Price Street	4-storey commercial building	14.1
10 Price Street	4-storey commercial building	13.9
10R Price Street	Surface parking lot	0.0

Surrounding uses include:

North: north of Scrivener Square is the historic North Toronto Station (13.2 metres in height) and clock tower (44.8 metres in height) currently occupied by the L.C.B.O. and the C.P.R. rail embankment. Northeast of the site is a 10-storey (31.2 metres) condominium apartment building known as Thornwood I (20 Scrivener Square).

South: south of Price Street are 1- and 2-storey retail buildings along the east side of Yonge Street and a Toronto Parking Authority lot that sits above the subway tunnel. Further south are 2- and 3-storey low-rise residential buildings.

East: east of Scrivener Square is a 13-storey (42.9-metre) condominium apartment building known as Thornwood II (25 Scrivener Square), and the Toronto Lawn Tennis Club facility (15.5 metres in height). Further east is Pricefield Road Playground and 2- and 3-storey low-rise residential buildings.

West: west side of Yonge Street are 2- and 3-storey buildings containing retail/commercial uses.

## **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:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (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 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;
- 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 located at the junction of a number of policy areas. The site is located on the east side of Yonge Street which is identified as an *Avenue*, as shown on the Official Plan's Map 2 – "Urban Structure". On the west side of Yonge Street, south of the C.P.R. rail embankment, is the northern tip of the *Downtown* and Site and Area Specific Policy 211. Yonge Street, north of the C.P.R. rail embankment is also identified as an *Avenue* and is within the Yonge-St. Clair Secondary Plan area. The site is subject to Site and Area Specific Policies 206, 207 and 208 which regulate massing, scale, and design (described further below). South of the subject site, on the east side of Yonge Street between Price Street and Crescent Road is Site and Area Specific Policy 231, which states that development will reinforce traditional low-scale built form on this portion of Yonge Street.

**Section 2.2.3** – "Avenues: Reurbanizing Arterial Corridors" states that *Avenues* are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, retail, and transit service for community residents. The Plan recognizes that the *Avenues* will be transformed incrementally, and that each is different

and there is no one size fits all approach to reurbanizing them. Reurbanization of the *Avenues* is subject to the policies of the Official Plan, including in particular the neighbourhood protection policies.

Development in *Mixed Use Areas* on *Avenues*, prior to an Avenue Study, has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. This review will:

- i) include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- ii) consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- iii) consider whether the proposed development is supportable by available infrastructure; and
- iv) be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development. Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review.

**Section 5.3.1** – "The Official Plan Guides City Action" states in Policy 3 that when considering a site specific amendment to this Plan, at the earliest point in the process the planning review will examine whether the application should be considered within the immediate planning context or whether a broader review and possible area specific policy or general policy change are appropriate.

Map 3 – "Right-of-Way Widths Associated with Existing Major Streets" of the City's Official Plan identifies Yonge Street as a major street with a right-of-way width of 20 metres.

The site is designated *Mixed Use Areas* on Map 17 – "Land Use Plan" of the City's Official Plan. **Section 4.5** – "*Mixed Use Areas*" identifies that *Mixed Use Areas* are intended to combine a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces.

Policy 2 states that development in *Mixed Use Areas* will:

- create a balance of high quality commercial, residential, institutional, and open space uses that reduce automobile dependency and meet the needs of the local community;
- provide for new jobs and homes for Toronto's growing population;

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this plan, through means such as providing 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;
- 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, safe, and comfortable pedestrian environment;
- have access to schools, parks, community centres, libraries, and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- 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.

**Chapter Three** – "Building a Successful City". **Section 3.1.2** – "Built Form" indicates that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Policy 3 states that new development will be massed and its exterior façade of the building will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces that respects the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- providing adequate light and privacy; and
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

**Section 3.1.5** – "Heritage Conservation" addresses the conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City. Policy 5 states that proposed alterations and/or development 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. Policy 26 identifies that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural

heritage values, attributes and character of that property and to mitigate visual and physical impacts on it. Policy 33 states that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans. Policy 44 states that the view to a property on the Heritage Register as described in Schedule 4 will be conserved unobstructed where the view is included on Maps 7A and 7B.

**Section 5.6** – "Interpretation" provides guidance to understand and interpret the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, **Section 1.5** – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole.

See Attachment No. 10 for the Official Plan Land Use Map.

The current City of Toronto Official Plan brought forward various Site and Area Specific Policies (SASPs) that apply the remaining undeveloped parcels of the former Yonge-Summerhill Part II Plan Area. While the Part II Plan was not carried over, three of these SASPs still pertain to the the subject site.

**SASP 206** applies to the south portion of the subject site on the properties at 1095-1107 Yonge Street and 8-10 Price Street and states that a mix of commercial, residential and institutional uses in low-rise form buildings generally in the range of three to five storeys are permitted.

**SASP 207** applies to the north portion of the site on the properties at 10R Price Street (referred to as Site A) and 5 Scrivener Square (referred to as Site B) and states that the height of new buildings surrounding the historic North Toronto Station will not diminish or detract from its visual and physical prominence; accordingly, the heights of new buildings are considered in direct relation to the form and scale of the station. Also, the siting of buildings will permit significant views of the clock tower along Yonge Street, as described in Urban Design Guidelines for the Yonge-Summerhill area, and will provide adequate separation to the station. A maximum gross floor area of 3,430 square metres is permitted on Site A with no maximum density specified for Site B. There is also policy stating that vehicular access for Sites A and B should be from Price Street.

**SASP 208** also applies to the north portion of the site on the properties at 10R Price Street and 5 Scrivener Square. It states more general objectives for the lands east of Yonge Street, south of the rail corridor and north of Price Street, including: the provision of an urban forecourt to enhance the North Toronto Station; the location of parking, loading and pedestrian access facilities generally outside the urban forecourt; the encouragement of retail uses under the C.P.R. bridge; improvements to the existing transportation system including a second entrance to the Summerhill TTC station; and provision for access to a potential commuter rail station.

The policies in the three SASPs stem from the policies introduced in 1995 through a Master Plan and subsequent Part II Plan. These plans were a result of the master planning process that began in 1988. The impetus for the master plan was an Official Plan Amendment application in 1995 which outlined several districts within the area, including the Station District, where the current application is located.

The Yonge-Summerhill Area Part II Plan, identified in the master plan, provided further policies for each of the districts. Policies focused on the conservation of the North Toronto Station with specific regard for views to the station and infill development. Additionally, the policies outlined the development of an urban forecourt south of the station. Half of the forecourt was built as part of the redevelopment of the station. The Part II Plan further identified and outlined policies regarding the *Mixed Use Areas*. Urban Design Guidelines were also created to implement the vision of the plan as discussed below.

This proposal will be reviewed against the policies described above as well as the policies of the Official Plan as a whole.

## **Heritage**

The application proposes to demolish the "unrated" buildings at 8-10 Price Street. The site is located within the South Rosedale Heritage Conservation District (HCD), an area designated under Part V of the *Ontario Heritage Act* on February 7, 2003, and is subject to the policies contained in the South Rosedale HCD Study.

The properties at 5 Scrivener Square, 8, 10 and 10R Price Street, and 1107 Yonge Street are categorized as "unrated" properties in the South Rosedale HCD. The properties at 1095-1103 Yonge Street are categorized as "B" rated properties, meaning that they have been identified as having city-wide significance. The properties at 1095-1103 Yonge Street are also subject to Heritage Easement Agreements (HEAs) with the City.

North of the site is the adjacent property at 1109 Yonge Street, the C.P.R. North Toronto Station (known as Summerhill Station), designated under Part IV of the Ontario Heritage Act and subject to an HEA with the City. 1109 Yonge Street is also located within the South Rosedale HCD. In addition, views to the Summerhill Station Clock Tower at 1109 Yonge Street are identified in Schedule 4 of the Official Plan, from the following locations: Alcorn Avenue from the west side of Yonge Street, Walker Avenue from the west side of Yonge Street, and the southwest corner of Yonge Street at Marlborough Avenue.

On the west side of Yonge Street to the west of the development site are a number of properties listed on the City of Toronto's Heritage Register, including 1148-1152 Yonge Street, 1156-1170 Yonge Street and 1176 Yonge Street. East of the site is 30 Price Street, an unrated property in the South Rosedale HCD.

Section 5.3.3 of the South Rosedale HCD Study identifies guidelines for new buildings and alterations and additions to unrated buildings. New buildings should contribute to

and not detract from the variety and heritage character of the District and be designed to be compatible with the heritage buildings in terms of scale, massing, height, setback and entry level. Additionally, the roof profile and eave line should be designed so that the height of the building is compatible with its neighbours and is not visually overwhelming to neighbouring buildings.

The guidelines for demolition in Section 5.3.4.C of the South Rosedale HCD Study state that demolition of an unrated building will generally be permissible if the replacement building, as shown in the building permit application, is acceptable under these guidelines and the zoning by-law.

### **Zoning**

Under Zoning By-law 438-86, as amended, the majority of the site is zoned CR T3.0 C3.0 R1.0 with a maximum height of 11 metres, a maximum non-residential density of 3.0 times the area of the lot, a maximum residential density of 1.0 times the area of the lot, and a maximum combined density of 3.0 times the area of the lot. The CR zoning category permits a range of commercial and residential uses.

The portion of the site fronting onto Yonge Street, south of Scrivener Square (5 Scrivener Square) is subject to site specific Zoning By-law 398-2000 (OMB). This By-law zones this portion of the site as CR and permits a maximum height of 21 metres, a maximum non-residential floor area of 1,400 square metres, a maximum residential floor area of 1,700 square metres, and a maximum combined floor area of 2,000 square metres.

The eastern portion of the site (8-10 & 10R Price Street) is also subject to Zoning By-law 569-2013. Under Zoning By-law 569-2013, the site is zoned Commercial Residential (CR 3.0 (C3.0, R1.0) SS2 (x1952)). The provisions for height, density and use are generally the same as Zoning By-law 438-86.

See Attachment No. 11 for the Existing Zoning By-law Map.

### **Yonge-Summerhill Area Urban Design Principles & Guidelines**

The Yonge-Summerhill Area Urban Design Principles & Guidelines set out various requirements and objectives related to the design of development in the Yonge-Summerhill area and were created as a companion to the former City of Toronto Part II Plan for the Yonge-Summerhill area. While the Part II Plan and respective guidelines were not incorporated into the current City of Toronto Official Plan, the guidelines remain relevant for the few remnant parcels with underutilized development permissions.

The subject site is located in Station District, described as the area south of the C.P.R. rail corridor, east of Yonge Street, north of Price Street and west of Pricefield Playground. The guidelines advise that development in the Station District should recognize and contribute to the primacy of the North Toronto Station, clock tower and urban square as a collective focal point for the area.

All buildings fronting onto the urban square should have a base building height that has regard for the cornice line of the Station (approximately 12 to 13.5 metres), above which any building height should have a substantial stepback of approximately 2 metres on any public frontage. The height limit for buildings on Sites A and B (10R Price Street and 5 Scrivener Square, respectively) should be 21 metres, stepped back from the base building. Development on Site B will be set back to align with the west face of the clock tower and to preserve important views from Yonge Street to the clock tower, the station building and into the urban square.

### **Bloor-Yorkville/North Midtown Urban Design Guidelines**

Portions of the subject site are within the area of the Bloor-Yorkville/North Midtown Urban Design Guidelines. The guidelines seek 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 in the "Yonge Street Corridor, North of Ramsden Park", which is described as a local shopping area consisting mainly of 3-storey brick buildings situated adjacent to low-rise residential areas. This area is anchored by the North Toronto Station and the landmark clock tower, which marks entry into the Bloor-Yorkville/North Midtown area from the north.

The guidelines encourage compatibility with the existing form and use of this area, and state that development will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and stepping down of heights towards lower scale *Neighbourhoods*;
- locate and mass new buildings to minimize shadow impacts on adjacent *Neighbourhoods* during the spring and fall equinoxes;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide good site access and circulation and an adequate supply of parking for residents and visitors.

The guidelines provide a height structure plan for the Bloor-Yorkville/North Midtown area, comprised of a "Height Peak", "Height Ridges", and "Low-Rise Areas". The guidelines contemplate that building heights should follow a logical pattern that has a "peak" around the Yonge/Bloor intersection and descending "ridges" along the main

corridors, including Yonge Street as illustrated in Figure 22 – "General Pattern of Building Heights" of the guidelines. This map is referenced in Site and Area Specific Policy 211 of the Official Plan. Along the Yonge corridor, the "Height Ridge" extends north as Belmont Street, four blocks south of the subject site. Portions of the site fall within the "Low-Rise Areas" identified in the guidelines.

The guidelines state that residential areas and the public realm must be protected from undue overshadowing by any proposed building, with "shadow sensitive areas" delineated immediately east of the site. As well, the guidelines address matters such as the treatment of gateway areas, heritage considerations, open spaces, public art, street character and built form angular planes, among others, that may apply to development of the subject site.

### **Tall Building Design Guidelines**

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

Official Plan Policy 5.3.2(1) states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1, The Built Environment, and other policies within the Plan related to the design and development of tall buildings in Toronto. Specifically, the Guidelines implement Official Plan Policies regarding fit and transition in scale; sunlight and sky view; the pedestrian realm and street animation, including publicly accessibly open space; servicing, access and parking; base building height and scale and separation distances between buildings. The Guidelines indicate that the height of the base building should match the existing street wall context, a minimum tower separation of 25 metres should be achieved and the placement of the tower on the base should achieve appropriate tower setbacks.

In the context of the guidelines, the proposed tower does not front onto the *Avenue* (east side of Yonge Street) and is east of the public lane at the rear of the Shops of Summerhill.

### **Avenues and Mid-Rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and setbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building



Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines.

The proposed 8-storey building fronts on the *Avenue* (east side of Yonge Street) and as such, these guidelines are applicable.

### **Growing Up Draft Urban Design Guidelines**

In July 2017, City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines have been considered in the review of this proposal.

### **Subdivision and Section 37 Agreements**

On June 21, 1996, the owner entered into Subdivision and Section 37 Agreements that were registered on title as Instrument Nos. CA411545 and CA411544, respectively. Both Agreements outline outstanding requirements for the widening of both the east-west and the north-south portions of Scrivener Square. The Agreements also requires that development within the Station District have consideration for a second entrance to the Summerhill Subway Station.

### **Site Plan Control**

The site is subject to Site Plan Control. An application has not been submitted.

### **Draft Plan of Subdivision**

A Subdivision Amendment application is required. An application has not been submitted.

### **Reasons for the Application**

The Official Plan Amendment application is required to amend the Site and Area Specific Policies 206, 207 and 208.

A Zoning By-law Amendment application is required because the proposed heights and densities of the two buildings exceed the permissions set out in Zoning By-law 438-86, Zoning By-law 569-2013 and site specific By-law 398-2000 (OMB).

### **Community Consultation**

#### **Community Meeting 1 (November 27, 2017)**

A community consultation meeting was held on November 27, 2017 at 45 Davenport Road (Stone Church) and attended by approximately 350 members of the public along with the Ward Councillor, the consulting team and City staff. At the meeting City staff

gave a presentation on the site and surrounding area, the existing planning framework, and the proposal including the 8 and 26-storey buildings.

Following the presentation, City staff facilitated break-out sessions where attendees shared comments and asked questions regarding: transportation; heritage; parks and open space; built form; and other miscellaneous concerns.

During the break-out sessions, attendees raised the following issues and concerns:

- height of the 26-storeys (97.6 metres) building is out of keeping with the surrounding context and overshadows the North Toronto Train Station and Clock Tower;
- significant density increase for the site and area;
- loss of green space along Yonge Street;
- traffic and congestion along Yonge Street, Price Street and Scrivener Square as a result of the proposed development;
- pedestrian safety on Scrivener Square;
- impacts to nearby residential buildings including loss of sunlight, sky view and privacy;
- shadow impacts on Scrivener Square, the urban forecourt, and the low-rise neighbourhood to the east;
- construction impacts to neighbouring properties;
- insufficient parking for residents, visitors, and retail patrons;
- insufficient bicycle parking;
- inadequacy of existing infrastructure (i.e. servicing and transit) for such a large proposal;
- viability of retail on the second floor; and
- affordability of the high-end rental dwelling units.

Suggested improvements to the development included:

- reduce height of both buildings to maximum of 6-7 storeys;
- reduce the scale of the 8-storey building to better complement the North Toronto Train Station;
- provide signalized traffic lights at the Price Street/Yonge Street/Marlborough Avenue intersection;
- expand the Green P parking lot to the south;
- provide a second TTC entrance to Summerhill Station;
- protect the sidewalks with bollards;
- provide public open space or a park, preferably green space, at Yonge Street and Scrivener Square instead of within an internalized courtyard; and
- plant coniferous plants to allow for greenery all year.

Some attendees provided comments in support of the proposal, including the following:

- design and materiality of the buildings respect the heritage character of the North Toronto Train Station and Clock Tower, the Shops of Summerhill, and adjacent heritage buildings on Yonge Street; and
- central courtyard provides a very unique and intimate public open space.

### **Community Meeting 2 (March 20, 2018)**

A second community consultation was held on March 20, 2018 at 93 Charles Street West (Isabel Bader Theatre). Approximately 165 members of the public attended along with the Ward Councillor, the consulting team and staff. At this meeting, the applicant presented an alternate proposal that was submitted to the City on a "Without Prejudice but Not Confidential" (W/O Proposal) basis, for one building of varying heights of 2, 6, 8, 9, 18, 19, 20 and 21-storeys to be built on the subject site, including the public lane. The W/O Proposal requires the purchase of the L-shaped public lane from the City.

The W/O Proposal also includes an on-site public park, increased setbacks, a secondary TTC subway entrance, additional pedestrian walkways, and an overall public realm plan that includes sidewalks on both sides of the north-south portion of Scrivener Square.

The loading space in the existing Shops of Summerhill would be consolidated with the proposed loading spaces and would have access off Scrivener Square. The vehicular access would be from Price Street.

The plans for the W/O Proposal are in Attachment No. 13. These plans are not the subject of this report, and are not currently before the LPAT.

Issues raised on the W/O Proposal included:

- building height and density;
- traffic and congestion; and
- insufficient green space.

### **Design Review Panel**

The W/O Proposal was before Toronto's Design Review Panel (DRP) on March 23, 2018. While the panel agreed that the applicant's team prepared a highly creative and elegantly social design strategy that offers great promise, they unanimously voted that the proposal be "Refined".

The complete minutes of the March 23, 2018 DRP meeting are available here: [www.toronto.ca/planning/urbandesign](http://www.toronto.ca/planning/urbandesign).

### **Stakeholder Working Group**

The applicant held stakeholder working groups independent of the City's process and City staff were not involved.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

#### *Planning Act*

Section 2 of the *Planning Act* establishes a list of provincial interests that approval authorities, including the City of Toronto, shall have regard for when carrying out their responsibilities under the *Planning Act*.

These provincial interests and others are further articulated through Provincial Policy Statements that are released from time to time and through other area-specific Provincial Plans, such as the Growth Plan. 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. Planning staff has determined the proposal does not have regard for the policies of the *Planning Act*.

#### Provincial Policy Statement, 2014

Policy 4.7 of the PPS states the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area. The proposal in its current form is not consistent with the PPS as further articulated by the City's Official Plan.

#### Growth Plan for the Greater Golden Horseshoe, 2017

Staff has determined that the proposal in its current form does not conform with the Growth Plan For the Greater Golden Horseshoe for the following reasons:

Policies 2.2.2.4 (d) and (e) of the Growth Plan speak to the achievement of complete communities which will:

- d) Expand convenient access to: i) a range of transportation options, including options for the safe, comfortable and convenient use of active transportation and, iii) an appropriate supply of safe, publicly accessible open spaces, parks, trails and other recreational facilities; and
- e) Ensure development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

Policy 4.2.5 states that municipalities are encouraged to establish an open space system within *settlement areas*, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards and public parks.

The proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan, the way to achieve complete communities is through the Policies in the Growth Plan. The proposal does not provide a public park or a secondary TTC entrance and as such, does not conform with the Growth Plan.

## **Land Use**

The subject site is designated *Mixed Use Areas* in the Toronto Official Plan. This designation permits a mix of retail and service, office, residential, and parks and open spaces. The proposal provides for a mix of residential and retail uses, however does not provide any on-site parkland. While the residential and retail uses are permitted, the lack of required park is not in keeping with the Official Plan *Mixed Use Areas*.

## **Site Context / Site Organization**

The site is bisected by an L-shaped City-owned lane. The site has 3 components which include an 8-storey building, the heritage buildings (Shops of Summerhill) and the 26-storey tower. The proposed 26-storey building is located to the south and east of the lane. The 8-storey building is located north of the public lane. The entrance to the automated parking elevators and one of the two Type-G loading spaces is located in the east side wall of the 8-storey building and the second Type-G loading space is located in the east side wall of the 26-storey building. The existing loading space for the Shops of Summerhill will remain on Price Street.

Official Plan Policy 3.1.2.2 states that new development will locate and organize vehicle parking, access, service areas to minimize their impact on the property and on surrounding properties and will consolidate and minimize the width of driveways and curb cuts along the public sidewalk. The location of the vehicular entrance, loading spaces and the lane create an environment with more curb cuts than in the existing condition. This has the potential to pose a number of conflicts from a pedestrian and site circulation perspective.

The proposal does not address the requirement for on-site parkland dedication. An interior courtyard is proposed on a portion of the vehicular public lane. While the addition of publicly-accessible open space is encouraged, the location of the open space is not adequate considering both the location of the lane, and Site and Area Specific Policy 208 which seeks to have the open space on the south side of Scrivener Square, adjacent to the North Toronto Train Station.

## **Built Form**

The proposed tower at 26-storeys (97.3 metres including mechanical penthouse), is out of character with the existing and planned context and causes undue shadow impact on surrounding low-rise neighbourhoods and public open spaces.

The tallest building elements in the immediate area are the two residential buildings at 10-storeys (29 metres) and 13-storeys (42 metres) known as Thornwood I and II. SASP 206 limits the height of buildings at 8-10 Price Street be generally in the range of three to five storeys. SASP 207 states that the height of new buildings surrounding the historic North Toronto Station will not diminish or detract from its visual and physical prominence; accordingly, the heights of new buildings are considered in direct relation to the form and scale of the station.

Official Plan Policy 4.5.2c states that new development will locate and mass new buildings to provide transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*. Policy 3.1.2.3c further states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings.

The portion of the 8-storey building fronting Yonge Street is set back 1.25 metres and has a 3-storey streetwall. The 3-storey streetwall does not adequately reflect the 2-storey main street character of Yonge Street. Additionally, the cornice lines of the proposed building do not reflect the cornice lines of the North Toronto Train Station or the heritage buildings at 1095-1107 Yonge Street (The Shops of Summerhill). The building then steps up in height to 6-storeys for the middle portion of the building, and then to 8-storeys adjacent to the Thornwood I and II buildings. Due to the minimal setbacks on Scrivener Square and the stepping up of height, the transition to the adjacent buildings is inadequate.

The proposed tower does not provide adequate transition to the *Neighbourhoods* on the south side of Price Street. The tower has a 0.0 metre setback to Price Street with a minimal stepback at the 6<sup>th</sup> floor of 1.0-metre for the west portion of the building and 2.5 metres for the east portion of the building.

The overall massing of both the tower and the 8-storey building do not adequately transition to areas of different development intensity.

The Summerhill Area Part II Plan and SASP 208 addressed the need to complete the forecourt on the south side of Scrivener Square, adjacent to the train station. The proposal locates the majority of the 8-storey building in the area that was planned to be the forecourt and public open space. Rather, the proposal provides a courtyard internal to the site and locates the massing on the space intended to be public.

### **Streetscape**

The Official Plan public realm policies address the importance of beautiful, comfortable, safe and accessible streets, parks and open spaces. Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. SASP Policy 208 outlines the requirement for the completion of the forecourt on the south side of Scrivener Square.

The proposed setback along the north property line, in front of the 8-storey building ranges from 0.4 to 0.7 metres for a total sidewalk width of 1.9 metres. The proposed boulevard area is not sufficient in size to accommodate a 2.1-metre clearway, appropriate landscaping and tree planting. Additionally, the application does not address the requirement for the forecourt.

Within the widened north-south portion of Scrivener Square, the applicant is proposing a new 3.4-metre sidewalk along the west side of the right-of-way with both buildings located on the new east lot line. The location of the proposed vehicular access to the underground garage and loading spaces are from this portion of Scrivener Square. These access points, in addition to the public lane, create one long continuous curb cut and could create potentially uncomfortable and unsafe pedestrian conditions.

Overall, the proposed setbacks, sidewalk widths, and lack of forecourt creates an inadequate streetscape, does not provide for a comfortable public realm, and has the potential to create unsafe conditions for pedestrians.

### **Shadow**

The Official Plan requires that new development will adequately limit any resulting shadowing of neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Planning staff have reviewed the shadow study prepared by Urban Strategies Inc., dated May 26, 2017, to assess the shadow impacts of the proposal.

The study shows that the proposal will cast shadows on the low-rise *Neighbourhood* to west, on the west side of Yonge Street, at 9:18 am on March 21 and June 21, and on the low-rise *Neighbourhood* to the east from 5:18 pm to 6:18 pm on March 21, September 21 and June 21.

The study also shows that the shadows resulting from the proposal will reach Pricefield Playground, a City-owned park just east of Thornwood I and II condominiums, by 4:18 pm on March 21 and September 21. The shadow will be off of the park by 5:18 pm. There will be no shadow from the proposal on Pricefield Playground on June 21. The shadow from the proposal will reach Roxborough Parkette, a City-owned park located on the east side of Mount Pleasant Road, by 6:18 pm on June 21.

Additionally, the proposal increases the shadow on Yonge Street, Scrivener Square and the urban forecourt located in front of the North Toronto Train Station, beyond the as-of-right height permissions in the Zoning By-law.

Staff are of the opinion that the proposed buildings result in undesirable shadow impacts on the public realm, specifically the Yonge Street sidewalk, the urban forecourt, Pricefield Playground, Roxborough Parkette and the low-rise neighbourhood to the east at various points of the day on the fall and spring equinoxes and, to a lesser extent, the summer solstice.

### **Wind**

The applicant submitted a Pedestrian Wind Conditions - Letter of Opinion prepared by RWDI Inc. and dated May 19, 2017, in support of the application. The wind consultant opined that the proposal for two buildings, 8- and 26-storeys, will not cause any significant wind impact on its surrounding streets and that suitable wind conditions are expected.

In the event the LPAT approve the applicant's appeal, staff recommend that the Tribunal's final Order be withheld to allow the applicant to undertake wind tunnel testing and that any necessary wind protection be reviewed and secured in a Section 37 Agreement and through the site plan control process.

## **Heritage**

Heritage Preservation Services (HPS) staff have reviewed the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc., dated May 26, 2017 and have concerns with the proposal in its current form. HPS staff have advised that the base building height does not address the height of the adjacent heritage buildings on Yonge Street at 1095-1103 Yonge Street, and that the design of the street wall on the Yonge Street and Price Street elevations do not address the storefront height and floor levels of the adjacent heritage properties and do not reflect the relationship of solids to voids on the existing adjacent heritage properties.

## **TTC Subway Access**

The subject site is located in the Development Review Zone of the Yonge-University-Spadina Subway Line and is within close proximity to Summerhill Subway Station. Summerhill Subway Station requires a second exit to improve the fire life safety systems of the station. The TTC has identified that subject site as a preferred location for this second exit facility. Furthermore, SASP 208 outlines an outstanding obligation for the provision of a second entrance to the Summerhill Subway Station from the area around the North Toronto Railway Station, south of the Summerhill Rail Corridor. The proposal does not include a second entrance/exit facility.

The application was circulated to the Toronto Transit Commission (TTC) for comments. The TTC is requiring a second entrance to Summerhill subway station as part of this development.

## **Easements**

The subject site currently has two easements along the east side of the site. There is a 3-metre easement in favour of the City regarding the 1200mm diameter trunk combined sewer. Any encroachment into the sewer easement, subject to the approval of Toronto Water and Engineering and Construction Services, would require an amendment to the easement agreement.

There is also an 11-metre TTC easement for the Yonge-University-Spadina subway adjacent to the sewer easement. Any encroachment into the TTC easement would require the owner to transfer to the City fee simple lands subject to a negative support easement.

## **Traffic, Access and Parking**

### **Roadways & Laneways**

The applicant requires a 9-metre road widening on the north-south portion of Scrivener Square and have proposed a partial widening. A 7-metre road widening is required on the east-west portion of Scrivener Square, but it has not been shown on this submission.



The previous subdivision agreement required Scrivener Square be conveyed to the City, which it has been, but it has not been assumed. Transportation Services staff have requested additional information to address the aforementioned. The subdivision agreement would need to be amended to address the shortfall in the required road widenings.

On January 23, 2018, the applicant submitted a request for permanent closure and conveyance of a public lane to Transportation Services to close the L-shaped public lane. The process is in progress but no decisions have been made.

### **Traffic Impact Assessment**

The applicant submitted a Transportation Impact Study, dated May 26, 2017 from BA group, in support of their application. In this study, the consultant estimates that the proposed development will generate approximately 45 two-way vehicular trips during both the AM and PM peak hours respectively. Given this level of estimated trip generation, the consultant concludes that the proposed development will have minimal traffic impacts at the intersections within the study area.

Based on a review of the documentation provided by the consultant, and taking into account the nature of the application for this project, Transportation Services staff agree with the above-noted conclusion.

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

The applicant intends to maintain the existing L-shaped public lane and remove the Price Street driveway.

Two Type G loading spaces and the vehicular access facilities are proposed to be located on the east side of the buildings. Vehicular access to the underground parking garage is proposed to be provided via two elevators provided as part of an automated parking system proposed for the site. Existing loading for the Shops of Summerhill is to remain adjacent to the lane, on Price Street.

### **Parking and Loading**

A total of 164 parking spaces are proposed within a four level underground garage located beneath the 8-storey building. A fully automated parking system is proposed to be used within the garage to maximize achievable parking supply and respond to site configurations and limitations surrounding the provision of a traditional parking ramp.

Parking is to be provided on a 'pooled' basis for all users (i.e. tenants, visitors and retail / commercial patrons) within the automated parking system. Parking allocation will be managed by the automated system to ensure that residents (that would have a parking access pass) are able to park upon their return to the building.

Zoning By-law 569-2013 requires a minimum of 167 parking spaces as follows: 125 resident parking spaces; 11 visitor parking spaces; 31 non-residential parking spaces. The proposed 164 parking spaces will be allocated as follows: 124 resident parking spaces, 10

visitor parking spaces, and 30 non-residential parking spaces. Transportation Services staff accept the proposed parking supply for residential and non-residential parking uses.

Two Type G loading spaces have been proposed, one in the 8-storey building and one in the 26-storey building. Transportation Services staff have determined that the provision of two new Type G loading spaces to serve the new mixed-use buildings is acceptable.

### **Servicing**

The applicant has submitted a Functional Servicing & Stormwater Management Report, prepared by Cole Engineering, dated May 2017 and a Hydrogeological Investigation, prepared by exp Services Inc., dated May 16, 2017 in support of the original proposal. Engineering and Construction Services and Toronto Water staff have reviewed the submitted materials and require further revisions.

Staff is requesting revised Functional Servicing, Stormwater Management and Hydrogeological Reports, and arrangements by the owner for the construction of any improvements to municipal infrastructure, if needed, be submitted to the satisfaction of Engineering and Construction Services staff, prior to the issuance of a final LPAT Order.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in 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.

The application is for an 8-storey building and a 26-storey building that will contain a total of 3,085 square metres of non-residential gross floor area, and a total of 182 rental units that will comprise 21,155 square metres of residential gross floor area.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 2,427 square metres or 63% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 400 square metres.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to front along Yonge Street and Scrivener Square. This is an appropriate location as it will enhance the urban forecourt of the historic North Toronto Railway Station as outlined in the Site and Area Specific Policy, and it will preserve the significant view of the Station's clock tower along Yonge Street as outlined in the Urban Design Guidelines.

The application does not propose any on-site parkland dedication.

### **Amenity Space**

Zoning By-law 569-2013 requires a minimum of 2 square metres of both indoor and outdoor amenity space for each unit, which would result in 364 square metres each of indoor and outdoor amenity. The proposed development is providing 490 square metres of indoor amenity and 590 square metres of outdoor amenity which exceeds the Zoning By-law requirement. Planning staff are satisfied with the amount of proposed amenity space.

### **Tree Preservation**

The applicant submitted an Arborist report, prepared by Urban Forest Innovations Inc. dated May 19, 2017, in support of their application. The application proposes the removal of three trees protected under the provisions of the Private Tree By-law. Parks, Forestry and Recreation staff have determined the removal of those three trees would require nine replacement trees to be planted. The proposal in its current form does not include any replacement trees.

### **Family-Sized Units**

New residential developments are encouraged to provide 10% of the total unit count in the form of 3-bedroom or larger units, as per the Growing Up Guidelines. The proposal includes 36 units or 20% of the total 182 residential unit count as 3-bedroom units.

### **Section 37**

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication, public art; streetscape improvements on the public boulevard not abutting the site; Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The proposal at its current height and density would be subject to Section 37 contributions under the *Planning Act*. In the event the application is approved in some form by the LPAT, Planning staff recommend that staff be authorized to negotiate an appropriate agreement for Section 37 benefits and legal conveniences with the applicant, in consultation with the Ward Councillor.

### **Conclusion**

The proposal has been reviewed against the policies of the *Planning Act*, the PPS (2014), the Growth Plan (2017), the Toronto Official Plan and the Site and Area Specific Policies. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). The proposal does not conform with the Official Plan and the applicable urban design guidelines.

Planning staff do not support the proposal in its current form which does not represent good planning. There are outstanding issues with respect to height, massing, setbacks, site layout, transition and the provision of parkland. Staff recommend that City Council direct the City Solicitor, together with appropriate staff, to attend the LPAT in opposition to the Official Plan and Zoning By-law Amendment application, in its current form.

## **CONTACT**

Kevin Friedrich, Planner  
Tel. No.: (416) 338-5740  
E-mail: Kevin.Friedrich@toronto.ca

Emily Rossini, Senior Planner  
Tel. No.: (416) 397-4648  
E-mail: Emily.Rossini@toronto.ca

## **SIGNATURE**

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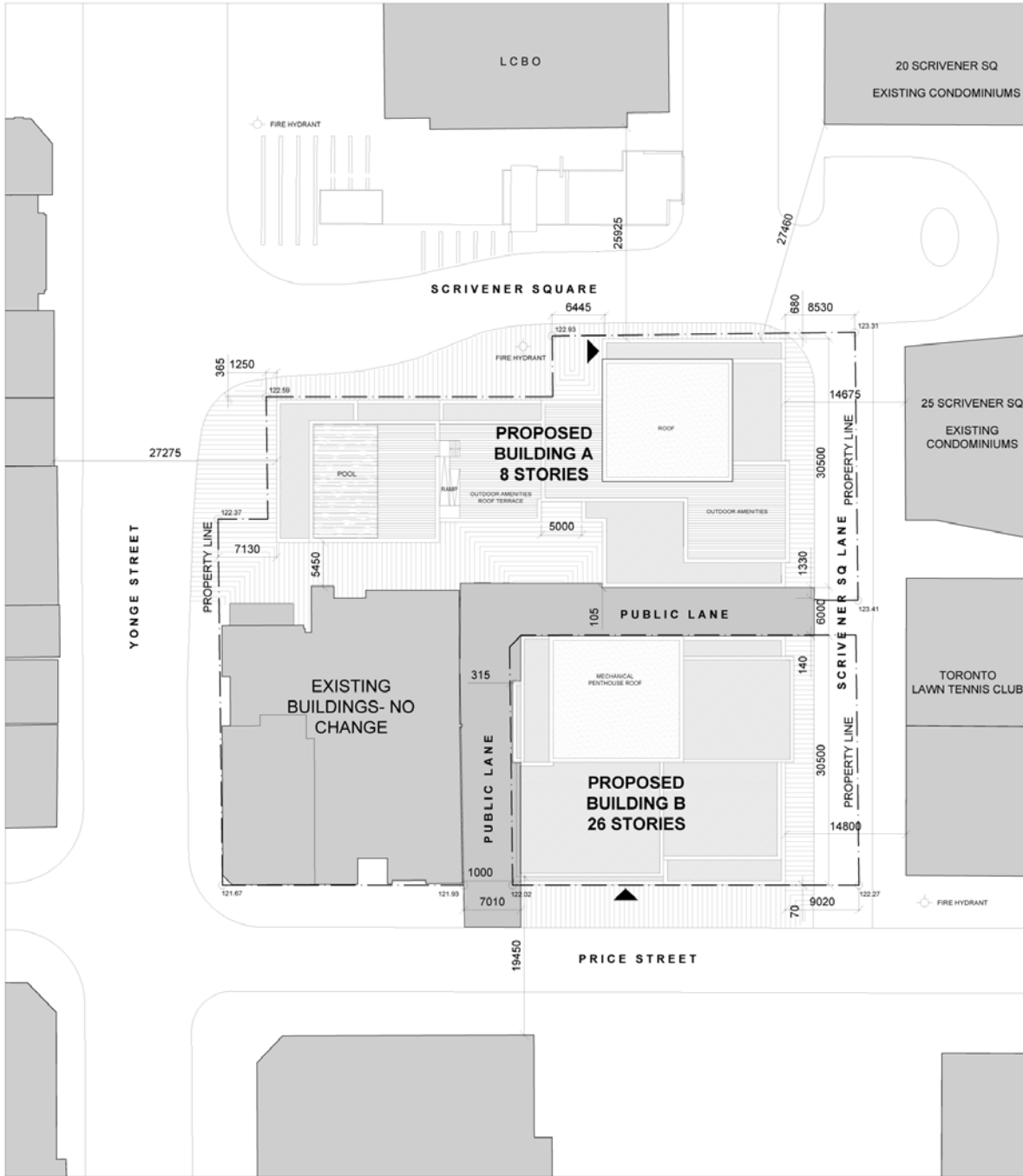
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\17225738047.doc) - hm

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Ground Floor Plan
- Attachment 3: Proposed Height Map
- Attachment 4: Context Plan
- Attachment 5: West Elevation
- Attachment 6: East Elevation
- Attachment 7: North Elevation
- Attachment 8: South Elevation
- Attachment 9: 3D Rendering
- Attachment 10: Official Plan
- Attachment 11: Zoning
- Attachment 12: Application Data Sheet
- Attachment 13: W/O Proposal Presented at Second Community Meeting

## Attachment 1: Site Plan



### Site Plan

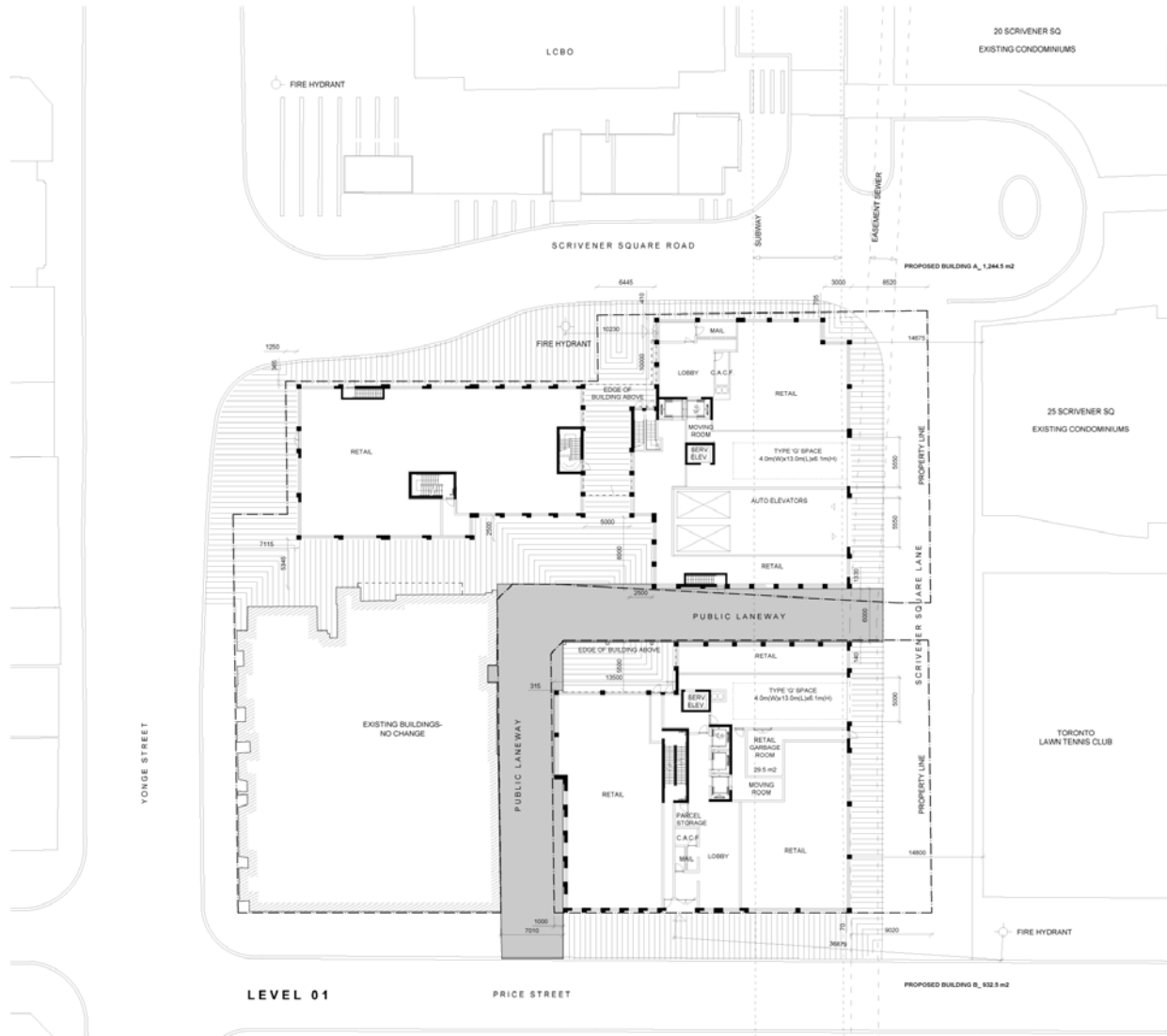
Applicant's Submitted Drawing

Not to Scale 09/19/2017

5 Scrivener Square, 4 - 10R Price Street,  
1095 - 1107 Yonge Street

File # 17 168095 STE 27 0Z

## Attachment 2: Ground Floor Plan



### Ground Floor Plan

Applicant's Submitted Drawing

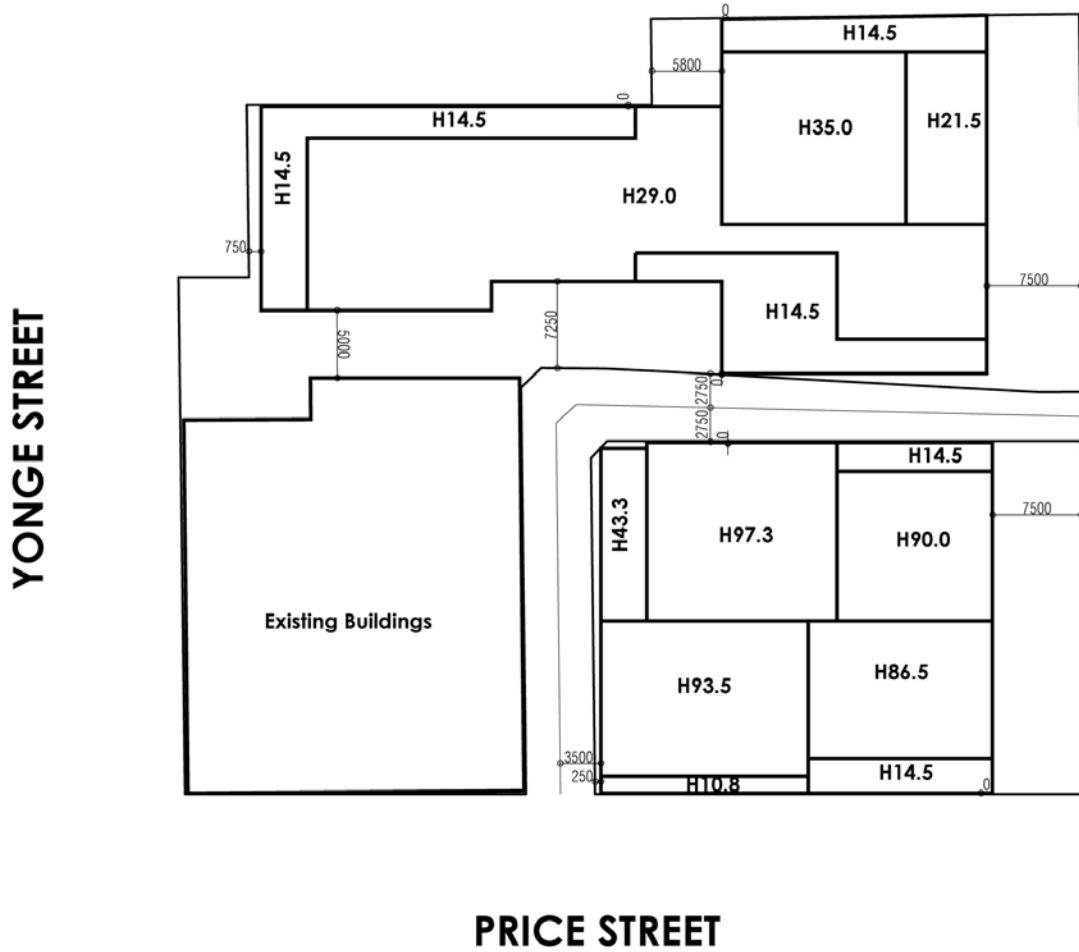
Not to Scale 09/28/2017

**5 Scrivener Square, 4-10R Price Street,  
1095 - 1107 Yonge Street**

File # 17 168095 STE 27 0Z

Attachment 3: Proposed Height Map

SCRIVENER SQUARE



Height Map

Applicant's Submitted Drawing

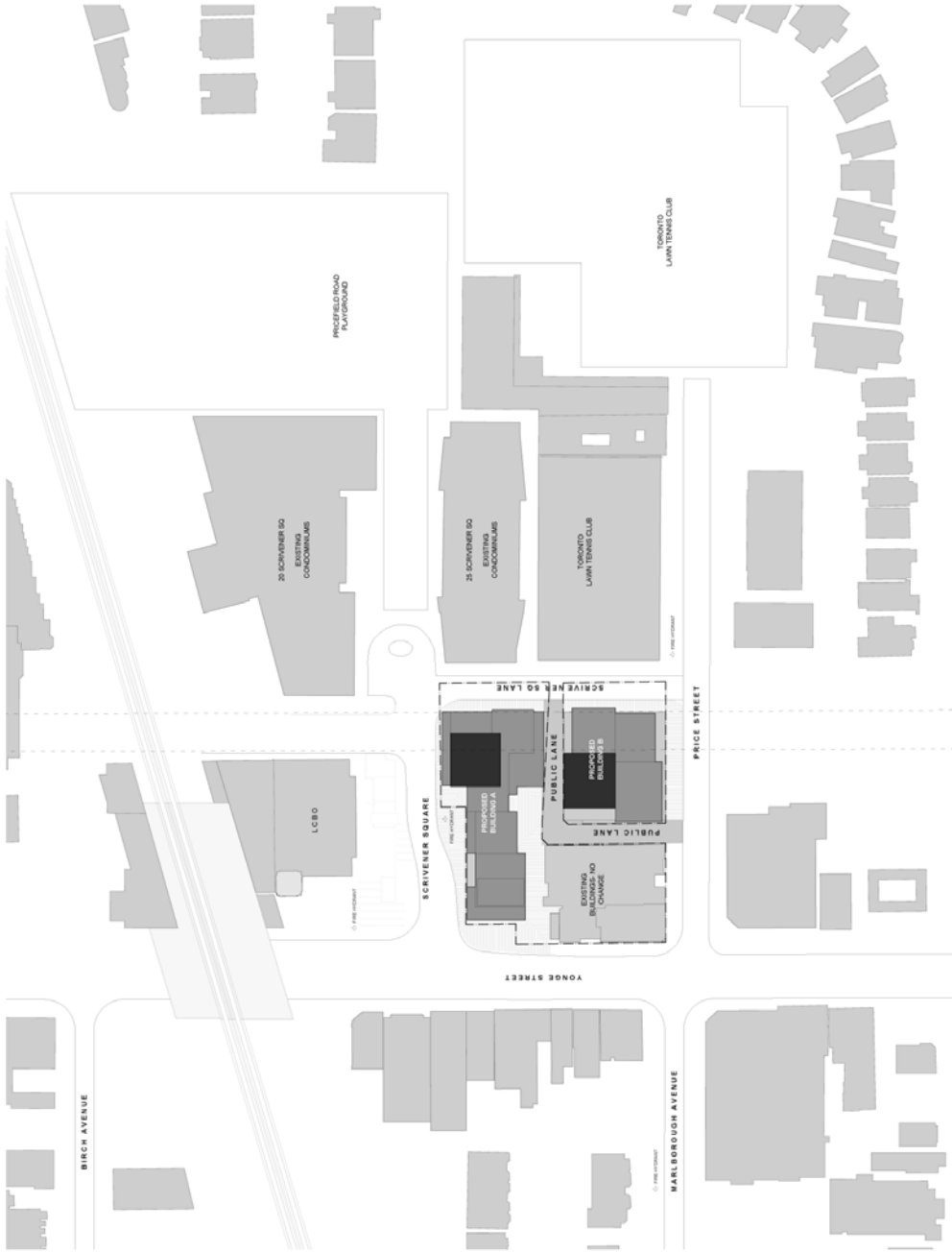
Not to Scale  
09/28/2017



5 Scrivener Square, 4 -10R Price Street,  
1095 - 1107 Yonge Street

File # 17 168095 STE 27 0Z

**Attachment 4: Context Plan**

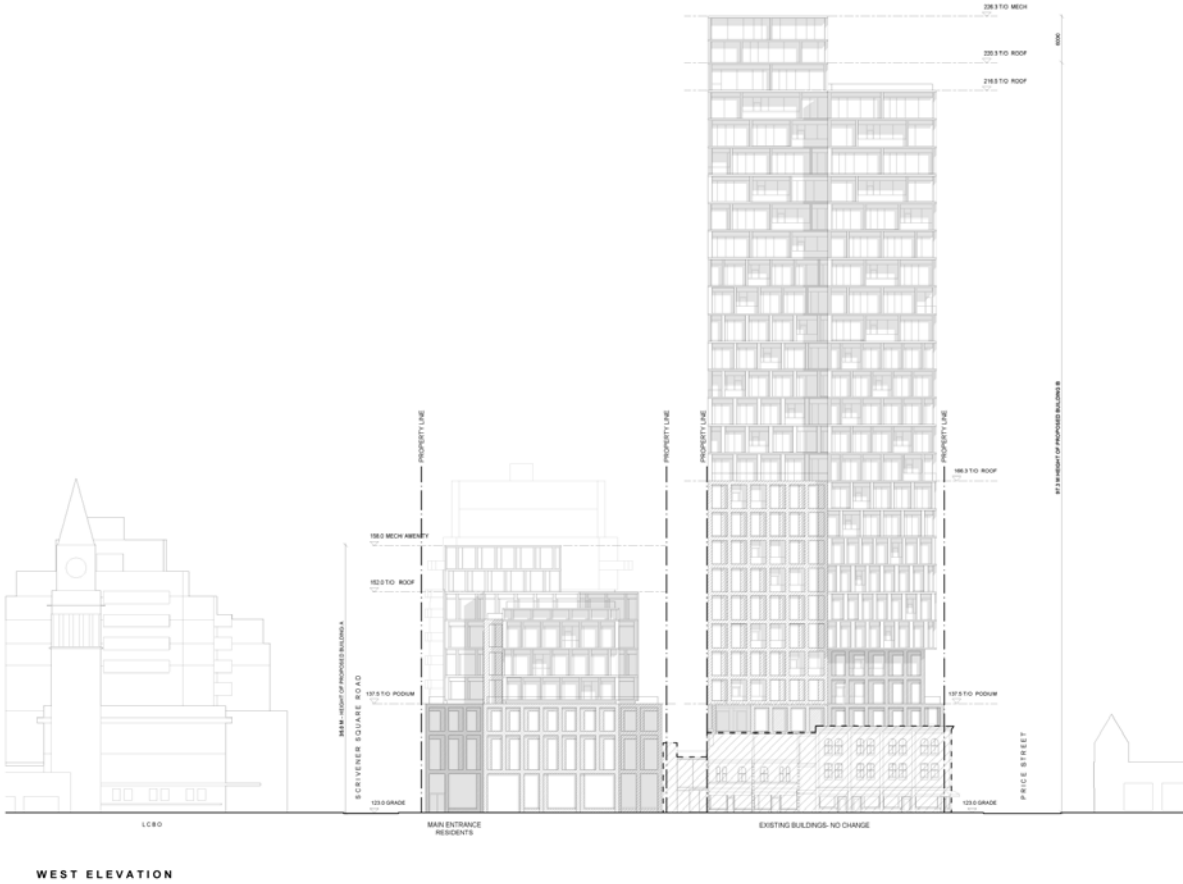


**Context Plan**  
**Applicant's Submitted Drawing**  
 Not to Scale  
 09/19/2017

**5 Scrivener Square, 4 -10R Price Street,  
 1095 - 1107 Yonge Street**  
 File # 17 168095 STE 27 0Z



## Attachment 5: West Elevation



### West Elevation

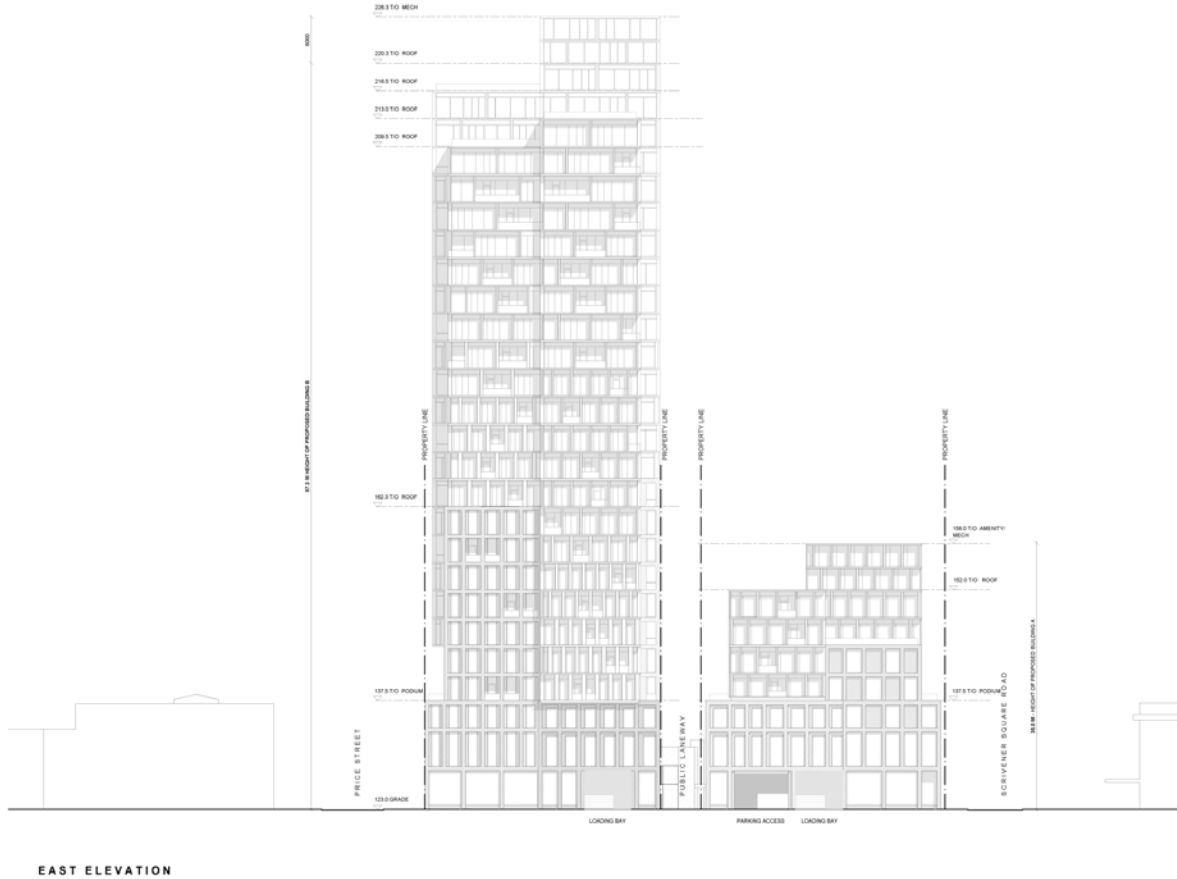
Applicant's Submitted Drawing

Not to Scale  
09/19/2017

**5 Scrivener Square, 4 -10R Price Street,  
1095 - 1107 Yonge Street**

File # 17 168095 STE 27 0Z

## Attachment 6: East Elevation



### East Elevation

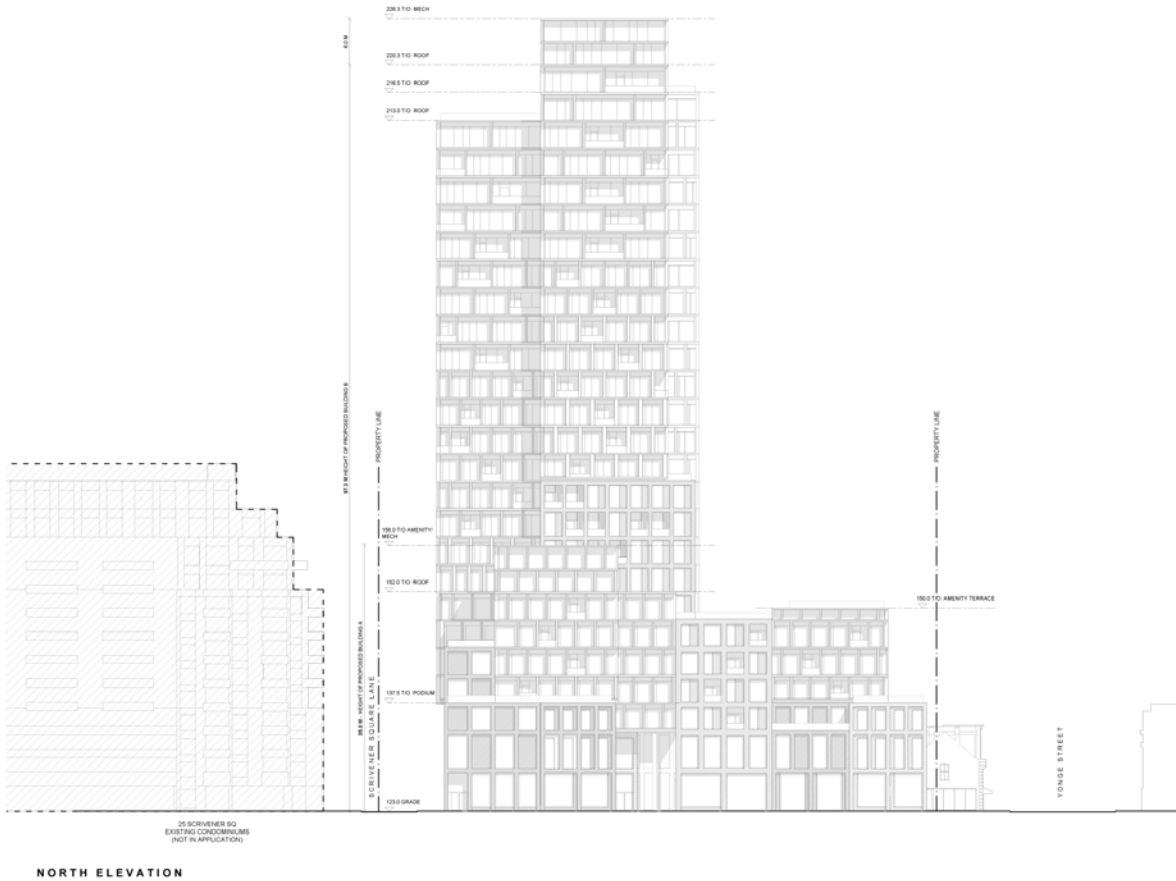
Applicant's Submitted Drawing

Not to Scale  
09/19/2017

**5 Scrivener Square, 4 -10R Price Street,  
1095 - 1107 Yonge Street**

File # 17 168095 STE 27 0Z

## Attachment 7: North Elevation



### North Elevation

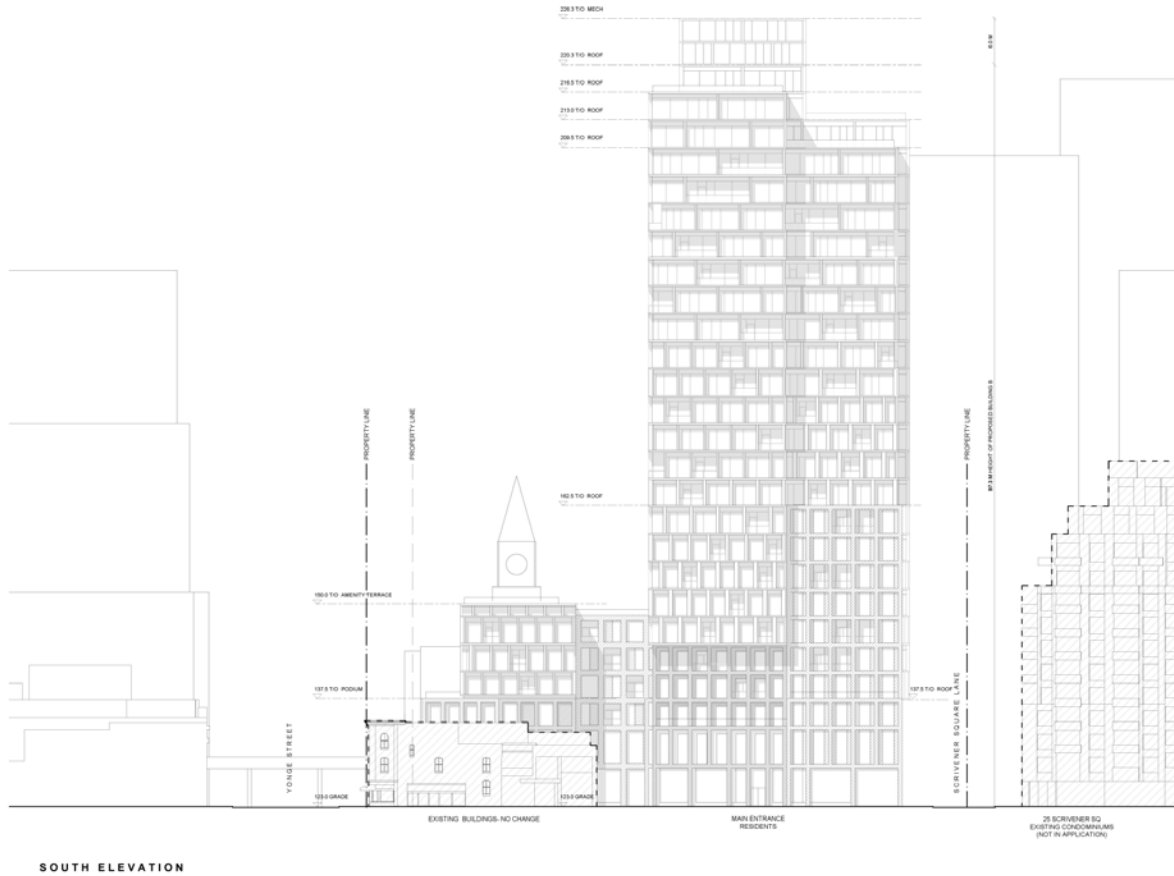
Applicant's Submitted Drawing

Not to Scale  
09/19/2017

**5 Scrivener Square, 4 - 10R Price Street,  
1095 - 1107 Yonge Street**

File # 17 168095 STE 27 0Z

## Attachment 8: South Elevation



### South Elevation

Applicant's Submitted Drawing

Not to Scale  
09/19/2017

**5 Scrivener Square, 4 -10R Price Street,  
1095 - 1107 Yonge Street**

File # 17 168095 STE 27 0Z

**Attachment 9: 3D Rendering**



**3D Model**

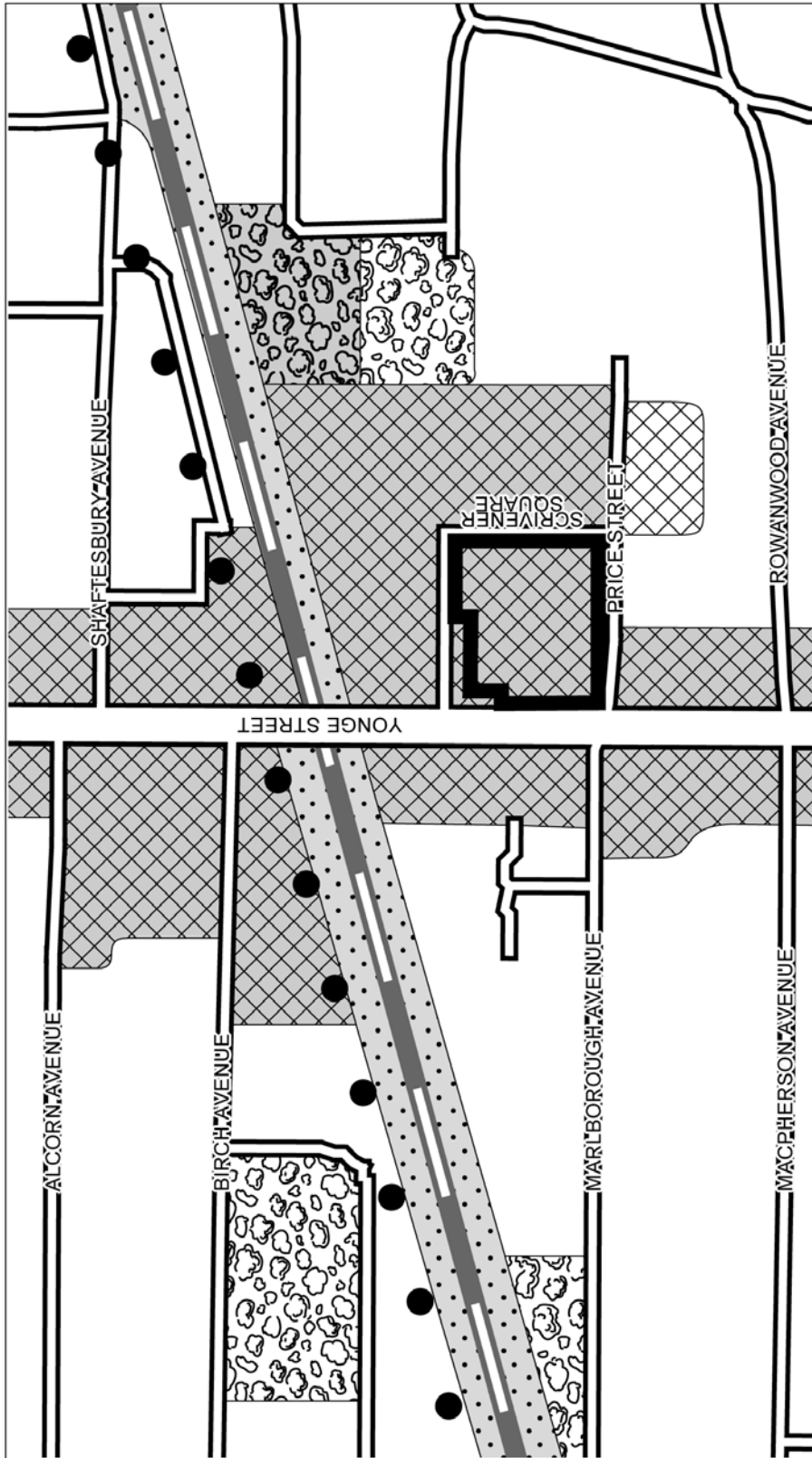
Applicant's Submitted Drawing

Not to Scale  
09/19/2017

**5 Scrivener Square, 4 - 10R Price Street,  
1095 - 1107 Yonge Street**

File # 17 168095 STE 27 0Z

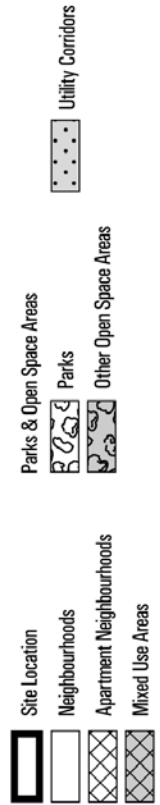
Attachment 10: Official Plan



**Toronto**  
 Extract from Official Plan

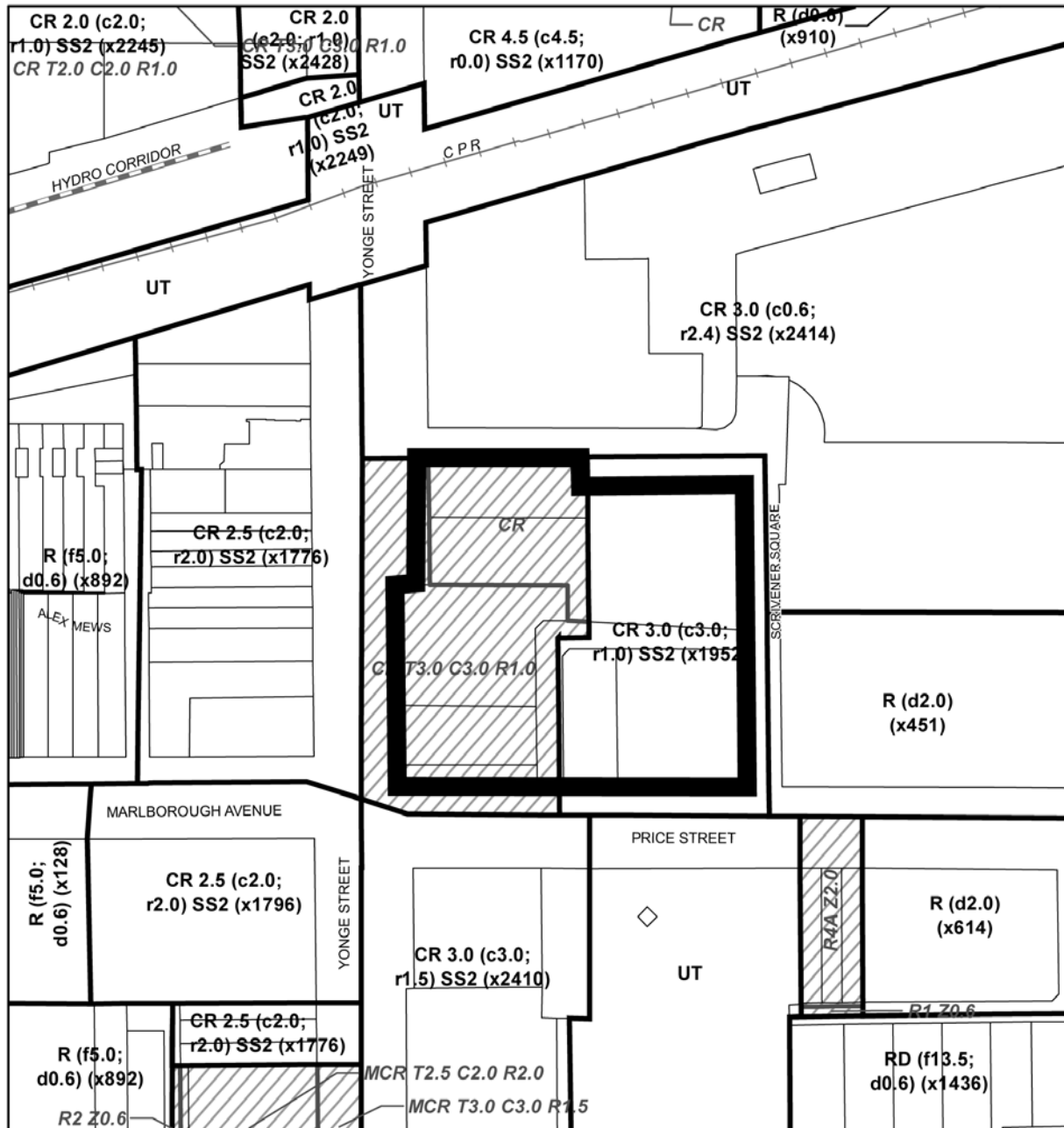
5 Scrivener Square, 4-10R Price Street,  
 1095 - 1107 Yonge Street

File # 17 168095 STE 27 0Z



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 Not to Scale  
 08/19/2017

## Attachment 11: Zoning



**TORONTO** 5 Scrivener Square, 4 - 10R Price Street, 1095 - 1107 Yonge Street  
**Zoning By-Law No. 569-2013** File # 17 168095 STE 27 0Z

Location of Application

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

**R** Residential      **CR** Commercial Residential  
**RD** Residential Detached      **UT** Utility and Transportation

**R1** Residential District  
**R2** Residential District  
**R4A** Residential District  
**CR** Mixed-Use District  
**MCR** Mixed-Use District

Not to Scale  
 Extracted: 09/18/2017

## Attachment 12: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	17 168095 STE 27 OZ
		Application Date:	May 29, 2017
Municipal Address:	5 Scrivener Square, 4-10 & 10R Price Street & 1095-1107 Yonge Street		
Location Description:	PLAN 180E PT BLK 1 66M2315 BLOCK 4 **GRID S2704		
Project Description:	An 8-storey (35 metre) building and a 26-storey (97.3 metre) building with a total of 182 rental dwelling units, 3,085 square metres of non-residential floor area, and 164 vehicle parking spaces within an underground garage.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Diamond Corp	Diamond Corp	COBE Architects	Price Leaseholds LTD

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 206, 207, 208
Zoning:	CR (c3.0, r1.0) SS2 (x1952)	Historical Status:	Y
Height Limit (m):	11, 21	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	4450.2	Height:	Storeys:	26
Frontage (m):	59.9		Metres:	97.3
Depth (m):	78.46			
Total Ground Floor Area (sq. m):	0		<b>Total</b>	
Total Residential GFA (sq. m):	21,155		Parking Spaces:	164
Total Non-Residential GFA (sq. m):	6,245		Loading Docks	2
Total GFA (sq. m):	27400			
Floor Space Index:	6.16			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

	Rental		Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	21,155	0
Bachelor:	0	Retail GFA (sq. m):	6,245	0
1 Bedroom:	48	Office GFA (sq. m):	0	0
2 Bedroom:	98	Industrial GFA (sq. m):	0	0
3 + Bedroom:	36	Institutional/Other GFA (sq. m):	0	0
Total Units:	182			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Kevin Friedrich, Planner	Emily Rossini, Senior Planner
	<b>TELEPHONE:</b>	(416) 338-5740	(416)397-4648
	<b>EMAIL:</b>	Kevin.Friedrich@toronto.ca	Emily.Rossini@toronto.ca



**Attachment 13: W/O Proposal Presented at Second Community Meeting**

To be available at the July 4, 2018  
Toronto and East York Community Council Meeting