

409 and 415 Yonge Street, 9 and 17 McGill Street - Zoning By-law Amendment Application – Request for Interim Directions Report

Date: January 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Ward 13 - Toronto Centre

Planning Application Number: 17 278848 STE 27 OZ

SUMMARY

This Report responds to an application which could be appealed to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

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 (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017) and conform to the City's Official Plan.

The application proposes a 42-storey residential addition above an existing 19-storey office building resulting in an overall building height of 61 storeys and a floor space index (FSI) of 24.74 times the area of the lot. The proposed addition would include 450 residential dwelling units totalling 36,128 square metres in area and also proposes: 900 square metres of indoor amenity area; 74 parking spaces located below grade within the three levels of the existing parking garage; and 577 bicycle parking spaces. As a whole, the proposed building would comprise a total of 53,064 square metres, of which 16,936 square metres is existing non-residential gross floor area.

The proposed development in its current form is not consistent with the Provincial Policy Statement (2014) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017), and does not conform to the City's Official Plan and Zoning By-law. In particular, the proposed built form does not have appropriate regard to the development policies, standards and guidelines established by the City to ensure that a proposal fits within its existing and planned built form context which require that development provide for an appropriate transition to adjacent neighbourhoods, between adjacent sites and minimize impacts on park resources. Additionally, the proposal provides for inadequate parking and outdoor amenity space.

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.
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 (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.
3. In the event that the application is appealed to the Local Planning Appeal Tribunal, and in the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize a stratified conveyance of on-site parkland to the satisfaction of the General Manger, Parks, Forestry and Recreation should the City require on-site parkland dedication pursuant to Section 42 of the Planning Act as set out in the report January 23, 2019 from the Director, Community Planning, Toronto and East York District.
4. Notice of Public meeting be given according to the regulations under the Planning Act.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application consultation meeting was held with the applicant on March 15, 2017 on a proposed 51-storey, 500 unit tower addition above and to the rear of the existing 19-storey office building. The original proposal would have resulted in the complete removal and relocation of the McGill-Granby Parkette.

Supplementary information relating to the proposed Zoning By-law Amendment application was provided to City staff on October 2, 2017. A letter was subsequently sent to the applicants on November 14, 2017 advising that staff had concern with the proposal in its current form and provided the applicant with the requested complete application checklist. Specifically, concerns raised in the letter included: the cantilever over the McGill Parkette; shadowing on parks, public realm and the Neighbourhood; and overlook caused by the proposal.

ISSUE BACKGROUND

Proposal

This application proposes to amend the City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the subject lands to allow a 42-storey residential tower addition on top of the existing 19-storey office building. The tower addition would be connected to the existing office building, which would function as the base of the new tower. The overall building as proposed is 61 storeys tall with a height of 233.35 metres excluding the mechanical penthouse and 239.35 metres including the mechanical penthouse. The existing façade of the building would be maintained for the first 19 storeys, and then the addition would cantilever out from the existing building 11.69 metres towards the easterly property line. (Attachments 5, 6 and 7)

The proposed development would include 450 residential units and an additional 36,128 square metres of gross floor area. The residential space would be located on floors 20 through 61. The existing 19-storey, 16,936 square metre office building would be maintained. The total gross floor area would total 53,064 square metres, resulting in a floor space index (FSI) of 24.3 times the area of the lot.

Parking and loading would continue to be accessed from McGill Street at the northeast corner of the property. The existing Type “G” loading space is proposed to be maintained and a shared Type “C” loading space will be provided at-grade. The existing 3-level below-grade parking garage is proposed to be maintained and retrofitted to accommodate additional bicycle parking and storage lockers for residents. 74 vehicular parking spaces and 577 bicycle parking spaces are proposed. 900 square metres of indoor amenity space is proposed to occupy the entirety of the 24th storey. No outdoor amenity area is being proposed.

The application materials can be found at:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4300573&isCofASearch=false&isTlabSearch=false>

Details of the application are outlined in the table below and in Attachment 1 – Application Data Sheet.

Category	December 22, 2017 submission	
Site Area	2,185.67 square metres	
Existing 19-Storey Building Setbacks from Property Line (Storeys 1-19)	North	Between 0.36 metres and 0.9 metres
	East	21.5 metres with service space for the existing building (loading and underground garage ramp) with the City-leased McGill Parkette located within this setback

	South	4.1 metres
	West	0.7 metres with a 4.5 metre setback to a recessed entryway
Proposed 42-Storey Tower Addition from Property Line (Storeys 20-61)	North	Between 5.7 metres and 6.4 metres
	East	12.5 metres from the 20th to 26th storey and from the 51st storey to the 61st storey Between 13.5 metres and 15.5 metres from the 27th to 50th storey
	South	Between 9.6 metres and 13.4 metres
	West	0.7 metres from the 20th to 26th storey and from the 51st storey to the 61st storey Between 2.7 metres and 6.0 metres from the 27th to 50th storey
Gross Floor Area (GFA)		
Existing Non-Residential		16,936.32 square metres
Proposed Residential		36,128.5 square metres
Total		53,064.78 square metres
Floor Space Index (FSI)		
Existing		8.2
Proposed		24.3
Building Height		
Existing - to mechanical penthouse		19 storeys (73.45 metres)
Proposed - to mechanical penthouse		42 storeys (165.90 metres)
Total		61 storeys (239.35 metres)
Number of Proposed Residential Units		
Studio		0 (0%)
1 Bedroom		304 (67.6%)
2 Bedroom		94 (20.9%)
3 Bedroom		52 (11.5%)
Total		450
Amenity Area		
Indoor		900 square metres (24th storey)
Outdoor		0 square metres
Total		900 square metres
Existing Office Floorplate		1409 square metres
Proposed Tower Floor Plate		From 790 to 920 square metres
Vehicular Parking		
Existing		73 spaces (non-residential)
Proposed (shared commercial and visitor: residential)		73 spaces (57 shared residential visitor and commercial and 16 residential, in the form of car share spaces)

Loading Spaces Description	1 Type G 1 Type C (shared)
Bicycle Parking Existing Proposed (proposed short-term: long-term)	3 spaces 577 spaces (120:457)

Site and Surrounding Area

The site is irregularly shaped and consists of four separate property addresses: 409 and 415 Yonge Street; and 9 and 17 McGill Street. The site measures 2,186 square metres (0.21 hectares) in size with frontages of 40 metres on Yonge Street and 57 metres on the public boulevard to the immediate north. (Attachment 2)

The site is developed with a 19-storey building measuring 73 metres in height, which contains office and retail/commercial uses. The existing underground garage extends to the property line with the existing McGill Parkette located on top of the parking garage, at grade. The parkette is privately owned but leased to the City of Toronto. The Parkette measures 900 square metres (0.1 hectares) in area.

The surrounding uses are as follows:

North: To the immediate north of the site is the Joseph Sheard Parkette and Trail which contains the McGill Street Arch and acts as a pedestrian boulevard. Further north at 423 Yonge Street is a 19-storey residential apartment building with commercial uses at grade. A portion of the McGill Granby Parkette and a two-storey commercial building are located north of the Parkette.

South: 2 to 4-storey commercial buildings. At 363-391 Yonge Street and 3 Gerrard Street East (southeast corner of Yonge Street and Gerrard Street) is a development proposal which was recently settled at the LPAT for an 85-storey tower and 21-storey podium, containing a maximum of 1,106 dwelling units and additional office and retail space, with a maximum gross floor area of 94,500 square metres. Further south is the 9-storey Ryerson University building at 350 Victoria Street.

East: A four-storey walk up residential building located at 21 McGill Street. Further north and east is the McGill Granby Neighbourhood, which is in a *Neighbourhoods* designation. The McGill-Granby Neighbourhood contains a range of 2-3 storey semi-detached houses and townhouses.

West: A 78-storey mixed use development (Aura) at 386 and 388 Yonge Street, with a 4 to 9-storey podium featuring a mix of residential and commercial uses; to the northwest, an existing 19-storey mixed use building at 424 Yonge Street that is part of the College Park development.

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

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) (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 GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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), for conformity to the Growth Plan (2017) and conformity with the City's Official Plan. The outcome of staff analysis and review are summarized in the Comments section of this Report.

Toronto Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. The Official Plan is intended to be read and interpreted as a comprehensive whole. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Chapter 2 – Shaping the City

Section 2.2.1: Downtown: The Heart of Toronto

The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the Downtown. The downtown is where most of the growth in the City of Toronto is expected to occur.

The Downtown will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm, promote an environment of creativity and innovation, support and enhance the specialty retail and entertainment districts, support business infrastructure and create business partnerships.

Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The City of Toronto Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown. In fact, there are many residential communities Downtown that will not experience much physical change at all, nor should they."

Section 2.2.1.3 c) and d) states that the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the Mixed Use Areas of Downtown.

Section 2.3.1: Healthy Neighbourhoods

The proposed development is immediately adjacent to a designated *Neighbourhoods* in the Official Plan. Section 2.3.1 of the Official Plan, as recently modified by an LPAT decision states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic makeup, offers options within communities to match every stage of life". *Neighbourhoods* are where people connect and by focusing development into the centres and avenues we preserve the character of those *neighbourhoods*. Whether low-rise or apartment buildings, the policies in the

plan are intended to apply equally to both. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas.

Policy 2.3.1.3 states that Developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*."

Policy 2.3.1.4 goes on to state that intensification of land adjacent to *Neighbourhoods* will be carefully controlled. The intent is that *Neighbourhoods* will be: "protected from negative impact".

Chapter 3 – Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

Section 3.1.2: Built Form

Section 3.1.2 – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. Policy 1 states that new development will be located and organized to fit within its existing and/or planned context. Policy 3 requires new development to be massed 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 street proportion; creating appropriate transitions in scale to neighbouring buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility. Policy 4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. Policy 6 requires that every new multi-residential development provide indoor and outdoor amenity space for residents of the new development and requires that each resident of such development will have outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Section 3.1.3: Built Form – Tall Buildings

Section 3.1.3 – "Built Form – Tall Buildings" provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.2.1: Housing

Section 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents.

Section 3.2.3: Parks and Open Spaces

The eastern portion of the site contains the McGill-Granby Parkette. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) should be minimized to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

Chapter 4 – Land Use Designations

Section 4.3: Parks and Open Space Areas

The easterly portion of the subject lands fronting McGill Street and municipally known as 9 and 17 McGill Street are designated *Parks and Open Space Areas* (Attachment 3). *Parks and Open Space Areas* are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a green open space network in Toronto.

Development is generally prohibited within *Parks and Open Space Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment.

Section 4.5: Mixed Use Areas

The subject lands are designated *Mixed Use Areas* on Map 18 of the Official Plan (Attachment 3). Section 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed use buildings.

Per Section 4.5.2(b) of the Official Plan, development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands. Section 4.5.2(c) states that development should locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*. Section 4.5.2(d) states that development shall locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Furthermore, Section 4.5.2(e) states that development in *Mixed Use Areas* should be located and massed 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.

Sections 4.5.2(f) and (g) state that development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare.

Sections 4.5.2 (h), (i), (j) and (k) state that development in *Mixed Use Areas* should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Chapter 5 – Implementation

Section 5.1.1: Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposed density meets the Official Plan's threshold for Section 37 considerations.

Section 5.3.2: Implementation Plans and Strategies for City Building

Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan.

Section 5.6: Interpretation

This section provides guidance as to the understanding and interpretation of 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. Policy 1.1 indicates the goal of the Official Plan is to balance and reconcile a range of diverse objectives affecting land use planning in the City.

Chapter 7 – Site and Area Specific Policies

Site and Area Specific Policy (SASP) 151

This site is within the area defined by Site Specific Policy 151 in the City of Toronto Official Plan. Site Specific Policy 151 requires that the McGill Granby Area be conserved and its stability promoted by encouraging the preservation of house-form buildings and their continued use for housing. Development of new housing in *Mixed Use Areas* is encouraged, however, new buildings within the *Mixed Use Areas* will be designed to minimize the extent to which they overlook, overshadow, or block views from existing or committed house-form buildings. Furthermore, new vehicular access routes will be designed so as not to interfere with the use of private open space in adjacent houses.

TOcore: Planning Downtown

OPA 406 – Downtown Plan

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018. The Council decision is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the *Planning Act*, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here: <https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and now has 210 days from the date of receipt (August 9, 2018) to issue a decision. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain

livability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

The new Downtown Plan also contains area-wide policies related to parks and public realm, mobility, built form, community services and facilities, housing, and energy and resilience, which will be considered during the review of the application.

OPA 352 – Downtown Tall Building Setback Area

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

Zoning

The subject lands are zoned CR T7.8 C2.0 and R7.8 under City of Toronto Zoning By-law No. 438-86 and CR 7.8 (c2.0; r7.8) SS1 (x1934) under Zoning By-law No. 569-2013. The lands at 9 and 17 McGill Street are exempt from City of Toronto Zoning By-law No. 569-2013. Each Zoning By-law permits a total density of 7.8 times the area of the lot and a maximum height of 61 metres, though the existing density of 8.2 times the lot area and height of 72.62 metres exceeds what is permitted by the Zoning By-law. Both By-laws permit a variety of commercial and residential uses.

By-law 569-2013 also includes site specific exception 1934 which references a number of prevailing By-laws and prevailing Sections from By-law 438-86. Key provisions include required street related retail and service uses and the prohibition of a commercial parking garage. (Attachment 4)

City-Wide Tall Building Design Guidelines

City Council, *in May 2013*, adopted city-wide 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. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document which was adopted by City Council in July 2012 and consolidated into the City's tall buildings guidelines in May 2013, identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

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 will be considered in the review of this proposal. The Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

Reasons for Application

The proposed development application requires a Zoning By-law Amendment to facilitate the proposed development. The applicant is proposing a maximum height of 239 metres, where 61 metres is permitted. The applicant is proposing a density of 24.28 times coverage where 7.8 times coverage is currently permitted. The proposed development would also require relief from the parking standards and amenity space requirements contained within the by-law. Additional areas of non-compliance with the zoning may be identified through a detailed zoning review.

Application Submission

The following reports/studies were submitted in support of the applications:

- Arborist/Tree Preservation Report & Declaration;
- Architectural Plans;
- Boundary and Topographical Survey;
- Community Services & Facilities Report;
- Concept Site Landscape Plan and Tree Protection & Removal Plan;
- Draft Zoning By-law Amendment;

- Energy Strategy;
- Functional Servicing & Stormwater Management Report;
- Hydrogeological and Geotechnical Review;
- Heritage Impact Assessment;
- Pedestrian Level Preliminary Wind Assessment;
- Planning & Urban Design Rationale;
- Public Consultation Strategy;
- Sun Shadow Study;
- Toronto Green Standards Development Checklist; and
- Transportation Impact Statement;

A Hydrogeological and Geotechnical Review was not provided with the original submission and a Notice of Incomplete Application was issued on January 19, 2018. The Hydrogeological and Geotechnical Review was provided as a resubmission and a Notification of Complete Application was issued with the complete application date being August 30, 2018.

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

A community consultation meeting was held on March 15, 2018 at the YWCA. The meeting was attended by the Ward Councillor, the applicant, 54 members of the public and was chaired by Community Planning staff. Written correspondence was also received from a number of residents who were unable to attend the Community Consultation meeting.

Members of the community, especially those who live in the McGill-Granby neighbourhood were concerned about the proposal's lack of outdoor amenity area, height, overlook and impact on the low-scale neighbourhood, traffic generated by the development, the ability of local schools to accommodate the increase in population, and the impact on the McGill Parkette.

COMMENTS

Section 2 of the Planning Act

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, section 2 of the Planning Act requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

(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; and
(r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the Planning Act, are particularly relevant to this proposal. The proposal, in its current form, does not have regard to relevant matters of provincial interest under the Planning Act.

Provincial Policy Statement

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). Staff have determined that the proposal is not consistent with the PPS and does not conform in its current form with the Growth Plan. 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.

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to accommodating an appropriate range and mix of residential uses and other uses to meet long term needs;
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations for intensification and redevelopment and that intensification and redevelopment shall be directed in accordance with policies of Section 2 and 3 of the PPS,
- Policy 1.4.3 which references an appropriate range and mix of housing types and densities,
- Policy 1.7.1 d) which encourages a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources,

The proposed development represents intensification in an identified designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan. The inconsistency with the PPS relates to the scale, intensity and form of development being proposed. The PPS references development standards, appropriate mix of housing as well as accommodating an appropriate range of uses to meeting long term needs. Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposal's conformity to Official Plan policies is key. The official plan shall set out land use designations and policies and shall direct development to suitable areas. Similarly policy 4.8 recognizes that Zoning by-laws are also important to the implementation of the PPS.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed tower height is excessive given the context and transition issues due to the building's adjacency to the house form buildings in the McGill Granby Neighbourhood. There is a lack of an appropriate base building height that would provide a better relationship to the street and the house form buildings, additional shadows would be cast on the neighbourhood area, parks, open space and public realm areas, tower setbacks do not adhere to

appropriate development standards to the north, south and east, and an appropriate housing unit size, sufficient amenity spaces and parking spaces have not been provided. As such, in the opinion of City Planning, the proposed development and Zoning By-law Amendments, in its current form, is not consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households and conservation of cultural heritage resources,
- Policy 2.2.1.4 b) refers to improving overall quality of life;
- Policy 2.2.1.4 c) refers to the provision of a diverse range and mix of housing options to accommodate the need of all household sizes and incomes,
- Policy 2.2.1.4 e) which ensures the development of high quality compact built form, an attractive and vibrant public realm,
- Policy 2.2.2.4 b) which refers to an appropriate type and scale of development and transition of built form to adjacent areas,
- Policy 2.2.6.3 which refers to multi-unit residential developments to accommodate a mix of unit sizes, and
- Policy 4.2.7.1 which states Cultural heritage resources will be conserved, particularly in strategic growth areas.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have a particular relevance for assessing the Growth Plan.

The development site is located in an Urban Growth Centre as identified by the Province and as planned for in the City's Official Plan. Urban Growth Centres are the only Strategic Growth Areas for the City of Toronto currently implemented and identified for the City of Toronto. Therefore, 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. It should be noted that there has already been a level of intensification on this site with an existing 19 storey office building present. It will still have to be determined if any further development is appropriate in light of the issues being identified. At the present time, staff are of the opinion that the additional form of intensification is not appropriate as it does not conform to the policies and guidelines that are used to assess conformity with relevant provisions of the Growth Plan.

The policies of the Growth Plan with regard to how land is developed, how resources are managed and protected, and how public dollars are invested are based on the Guiding Principles found in Section 1.2.1. These Guiding Principles support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households, and planning for more resilient, low-carbon

communities. Further, the guiding principles direct that in reading the policies of the Growth Plan it should be based on providing for different approaches to manage growth that recognize the diversity of communities in the GGH. Further, the Growth Plan, similar to the PPS, seeks to conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Metis communities.

Policies 2.2.1.4 (b), (c) and (e) of the Growth Plan speak to supporting the achievement of complete communities. For example, Policy 2.2.1.4 b) speaks to improving overall quality of life; c) speaks to the provision of a range and mix of housing options, similar to 2.2.6.3; and e) speaks to ensuring the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Public realm includes spaces to which the public has access, such as streets, parks, and sidewalks. This is also supported by policy 2.2.2.4 b) which speaks to the appropriateness of development in terms of type and scale and how it should transition to adjacent areas.

In the opinion of City Planning, the proposed development and Zoning By-law Amendments, in its current form, does not conform to the Growth Plan for the Greater Golden Horseshoe (2017). More specifically, as described later in this report, the proposal does not improve the overall quality of life for future residents as the building currently lacks outdoor amenity space and community space; the appropriate housing unit sizes are not being provided to accommodate the needs of various household sizes; the proposed tower is of an excessive height (239.35 metres which includes mechanical) without proper setbacks, stepbacks and podium height that is of a proper scale that transitions well to adjacent areas.

The linkage between the proposed built form, Official Plan policies, emerging policies and relevant existing guidelines to the PPS and Growth Plan is further examined below.

Conformity with Growth Targets and Density Targets

The most recent official plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The site is within the Urban Growth Centre (UGC) of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 people/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan forecasts based on Census data and current development proposals that are currently being considered by the City.

The density of Downtown Toronto Urban Growth Centre area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates the growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2017). In addition, there would remain an additional ten years for additional approved development to occur.

This single application is not required for the City to meet the density target of 400 people and jobs per hectare in the Downtown UGC. The density target is to be measured across the whole of the Downtown UGC (Policy 5.2.5.4 of Growth Plan).

City of Toronto Official Plan

Land Use

This application has been reviewed against the official plan policies, secondary plan policies and site and area specific policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The western portion of the site at 409-415 Yonge Street is designated *Mixed Use Areas* in the City of Toronto Official Plan. It is intended that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

Section 4.5 of the Official Plan directs that development within *Mixed Use Areas* will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- 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 a stepping down of heights;
- take advantage of nearby transit services;
- 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 good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The proposal contemplates the intensification of the present site from an existing 19 storey building (8.2 FSI) to a 61-storey building with an FSI of 24.3. While it is recognized that the site is primarily designated as *Mixed Use Areas* in the City's Official Plan, it fails to conform with other official plan policies, including the Mixed Use Area policies, SASP 151 policies and fails to meet the intent of the Tall Building guidelines, among others that would help to assist in determining whether the proposal is an appropriate scale in relation to the existing and/or planned context.

The eastern portion of the site at 9-17 McGill Street is a City-leased park (McGill Parkette) and is designated *Parks and Open Space Areas* in the City's Official Plan. Per Section 4.3.1 of the Official Plan, *Parks and Open Space Areas* are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a green open space network in Toronto.

Section 4.3.2 of the Official Plan states that:

"Development is generally prohibited within *Parks and Open Space Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public

transit and essential public works and utilities where supported by appropriate assessment."

The proposal, as currently submitted contemplates a 42-storey tower addition that cantilevers over the McGill Parkette. In the opinion of City Planning, this would be contrary to the intent of the *Parks and Open Space Areas* designation as the proposed cantilevering would introduce a residential use over a park that is not permitted.

Height, Overlook, Transition and Context

The proposed development is massed in an inappropriate tower podium form as it is proposing to utilize the existing 19-storey office building as a podium. The following section assesses the built form in terms of height, overlook, transition and context.

The proposed development is immediately adjacent to a designated *Neighbourhood* in the Official Plan. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas.

Healthy Neighbourhoods Policy 2.3.1.3(b) states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will: "provide a gradual transition of scale and density through stepping down of buildings towards and setbacks from those *Neighbourhoods*." Policy 2.3.1.4 states that intensification of land adjacent to *Neighbourhoods* will be carefully controlled in order to protect *Neighbourhoods* from negative impact.

Built Form Policies 3.1.2.1 and 3.1.2.3 state that new development will fit with its existing and/or planned context and in Policy 3.1.2.3 (c) will limit its impact by creating appropriate transitions in scale to neighbouring buildings. Tall Building Policy 3.1.3.1 states that tall buildings should be designed to consist of three parts integrated into a single whole, including: a base building, middle and top. Tall Building Policy 3.1.3.2 (c) also refers to tall buildings relating to the existing and/or planned context.

This is expanded on by *Mixed Use Areas* Policy 4.5.2 (c) which references a transition between areas of different development intensity and stepping down of heights particularly towards lower scale *Neighbourhoods*.

The site is also subject to SASP 151 for the McGill Granby Area. Policy c) of SASP 151 states that: "new buildings within the *Mixed Use Areas* will be designed to minimize the extent to which they overlook, overshadow, or block views from existing or committed house-form buildings."

Section 9 of OPA 406 speaks to Built Form and requires that development contribute to liveability by minimizing uncomfortable wind conditions and providing access to sunlight, natural light, openness and sky-view; expanding and improving the public realm; ensuring privacy; providing high-quality amenity spaces; and conserving heritage.

Policy 9.25.2 of OPA 406 states that development will be required to demonstrate transition in scale when it is adjacent and nearby to lands that have a planned context

that does not anticipate tall buildings, including but not limited to *Neighbourhoods, Mixed Use Areas 3* and *Mixed Use Areas 4*.

As an implementation tool of the Official Plan policies, and in particular the built form policies of the official plan, in accordance with section 5.3.2 and policy 5.3.2.1 the proposed development is also assessed against the guidelines. While not policy, the guidelines provide on the one hand more detailed guidance and precision about implementation that cannot be captured in the Plan itself and on the other, the ability to respond to changing circumstances and priorities over time, such as those found in the Tall Building Guidelines and Downtown Tall Building Guidelines.

Relevant Guidelines in this case include Guideline 1.1 (Context Analysis), 1.3 (Fit and Transition in Scale), 3.2.1 (Floor Plate Size and Shape) and 3.2.3 (Separation Distances).

Guideline 1.3 states that tall buildings are to fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks, and open space.

Guideline 3.2.1 limits the tower floor plate to 750 square metres or less per floor, while acknowledging that modest increases may be permitted for very tall buildings.

Guideline 3.2.3 requires a 12.5 metre or greater setback from the property line to ensure sufficient space between towers on neighbouring properties, to ensure the provision of adequate sky views, privacy and daylighting.

OPA 352 and Zoning By-laws 1106-2016 and 1107-2016, currently under appeal to the LPAT, provide direction on appropriate separation distance between tall buildings, in particular the requirement to provide a 12.5 metre tower setback to the property line in order to achieve a 25 metre tower separation.

The Downtown Tall Building Guidelines identify Yonge Street as a Special Character Street with tower heights to be determined on a site-by-site basis. Guideline 1.7.1 requires a tower setbacks of 10 metres from Yonge Street where there are no on-site heritage properties. In this case, the existing 19-storey office building is not a heritage property.

In addition, Supplementary Guideline 3.1(a) of the Downtown Tall Building Guidelines speaks to a setback of at least 20 metres to the property line where a tall building abuts a lower scale neighbourhood area.

The application proposes a 42 storey residential tower addition to the existing 19 storey office building. The overall building would measure 61 storeys (233.35 metres excluding the mechanical penthouse; 239.35 metres including the mechanical penthouse) in height. The existing tower floorplate is approximately 1,409 square metres and the proposed addition would have a tower floorplate ranging between 790 and 920 square metres.

The proposed tower addition is centred on top of the existing tower with setbacks of 0.7 metres from Yonge Street (west property line); 5.7 metres to 6.4 metres (north property line, abutting a public walkway approximately 17 metres wide); 12.5 metres from the 20th to 26th storey and from the 51st storey to the 61st storey and between 13.5 metres and 15.5 metres from the 27th to 50th storey (east property line, abutting a *Neighbourhoods* designation); and 9.6 metres and 13.3 metres from transitional level between the office and residential components to the mechanical level (south property line). The eastern portion of the site is designated *Parks and Open Space* and the site is directly adjacent to a *Neighbourhoods* designation.

The proposed tower addition does not conform with the City's Official Plan and SASP 151. Further, the proposed development does not meet the intent of the City's Tall Buildings Guidelines or the Downtown Tall Buildings Guidelines. The proposed tower addition, with regard to the development site as a whole, does not consist of a base building, middle and top, but rather a tower with an oversized floor plate added to an existing tower, which is already at a height that exceeds the guideline. The tower addition and the resultant building does not fit within the surrounding context and is not of an appropriate scale with relation to the adjacent streets, parks and open spaces.

New development must be massed and designed to fit within its context. It is recognized that the surrounding area context includes the 78-storey Aura building to the west, as well as some taller buildings to the north and south along Yonge Street and east on Carlton Street. The majority of these developments do not abut *Neighbourhoods*, with the exception of those located on the south side of Carlton Street. These buildings, while abutting the *neighbourhood* designation to the south do not have shadow impacts on the neighbourhood. The buildings transition down to the neighbourhood with townhouses being located immediately adjacent to the *Neighbourhoods* designated properties.

The proposal has little regard for the context to the east of Yonge Street, which includes the immediately adjacent McGill-Granby Parkette and the neighbourhood. The McGill-Granby neighbourhood encompasses the area south of Carlton Street and north of Gerrard Street East between Yonge and Jarvis Streets and is encompassed by SASP 151.

The McGill-Granby neighbourhood is comprised of approximately 50, two-to-four storey semi-detached and row houses. A number of properties are listed on the City's Heritage Register. These include: 18-28 McGill Street (listed – row housing); 23-27 McGill Street (listed – row housing); and 20 Gerrard Street (designated under Part IV - Willard Hall).

The intent of SASP 151 is to provide for protection of the area context and transition through minimizing the extent to which buildings overlook, shadow, or block views into and from the neighbourhood. The proposed tower does not provide a gradual transition of scale and density to the McGill-Granby Neighbourhood. The tower addition, above the 19th storey, is setback 12.5 metres at its closest point to the boundary of the *Neighbourhoods* designation without any stepping of heights by way of a lower base building, stepbacks or angular plane to produce a transition of scale and density to the

lower scale built form. The tall buildings guideline requires a 20 metre setback of a tower to a neighbourhood, which is not achieved even when considering the distance to the mid-point of the adjacent public lane.

Guideline 3.2.3 requires a minimum 12.5 metre or greater setback between the side and rear property lines or centre line of a lane or road to provide transition. The Downtown Tall Building Guidelines identify a 10 metre stepback from Yonge Street with tower heights to be determined on a site-by-site basis, above the base building. In this case, the existing office tower is set back only 3.96 metres from the south property line and 0.7 metres from the north property line. The proposed tower, while increasing the setback to 9.6 metres from the south property line, above the 19th storey, and 7.1 metres from the north property line above the 19th storey, does not provide for appropriate building setback either at grade or at the proposed "middle" element of the proposed building as contemplated in the tall building guideline, as a tool to help implement the mixed use area built form and site and area specific policies. In this case, the maintenance of the existing office building on the site makes it difficult to achieve all of these objective, however the proposal as submitted could me modified to meet the intent of some of the built form policies.

Accordingly, the proposed development does not provide for an appropriate transition in height and does not fit within the existing context as required by Sections 3.1.2.3 (c) and 4.5.2 (c) of the City's Official Plan. The proposed setbacks and stepbacks to the north, east and west property lines do not meet the guideline requirements and do not provide for appropriate transition and does not fit within the existing area context.

The proposed tower also does not meet the intent of the design guidelines set out in the City's Tall Buildings Guidelines and the Downtown Tall Buildings Guidelines relating to context and transition. The size and shape of the tower floor plate works together to determine the overall massing and the physical impact it poses on surrounding streets, parks, open space and properties. The tower floor plate as proposed would range between 790 square metres and 920 square metres, which when combined with the existing floor plate presents significant massing and impact. While Guideline 3.2.1 speaks to a tower floor plate of 750 square metres, it is also noted in the guideline that a floor plate smaller than 750 square metres may be required to achieve adequate tower setbacks.

Shadow Impact on Parks, Public Realm, and Neighbourhoods

One of the key impacts of tower heights is the resulting shadows. There are a number of Official Plan policies which specifically address shadowing. Built Form Policies 3.1.2.3 (d),(e) and (f) refer to providing for adequate light and limiting shadows on streets, properties and open spaces and minimizing additional shadowing on neighbouring parks and open spaces to preserve their utility. The easterly portion of the site is within a *Parks and Open Spaces* designation.

Policy 2.2.1.3 states that the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

The Healthy Neighbourhoods Policy 2.3.1.2(c) states that developments close to *Neighbourhoods* will maintain adequate light for residents in those *Neighbourhoods*. Mixed Use Policy 4.5.2(d) also refers to limiting shadows on adjacent *Neighbourhoods*. The adjacent lands to the east are designated *Neighbourhoods*.

OPA 82, the Garden District Site and Area Specific Policy states in Policy 3.5 that there shall be no new net shadow on Allan Gardens measured from March 21 and September 21 from 10:00 am to 6:00 pm.

There are a number of relevant guidelines within the Tall Building Design Guidelines that relate to shadowing. These include Guideline 1.3 (Fit and Transition in Scale), Guideline 1.4 (Sunlight and Sky View) and Guideline 3.2.1 (Floor Plate Size and Shape).

Guideline 1.3 (a) refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties.

Guideline 1.4 (a) and (b) seeks to protect access to sunlight and sky views including maintaining at least 5 hours of sunlight on the opposite side of the street and to provide protection to open spaces/parks and heritage properties.

Guideline 3.2.1 also refers to a maximum tower floor plate of 750 square metres to ensure that any shadows that are generated would be fast moving and would minimize impacts.

Guideline 1.3 of the Downtown Tall Buildings Guidelines further states that sunlight on parks and open spaces is one of the mitigating factors that take precedence over assigned heights. This is expanded on by Guideline 3.2 which states that tall buildings should not cast new shadows on parks between 12 noon and 2:00 pm on September 21st. The same guideline clarifies that this should not be interpreted as taking away the City's ability to protect beyond the minimum hours.

The proposed development casts shadows on the following areas at the following times during the year. These are in addition to shadows cast from the existing building and other surrounding developments:

- McGill Granby Neighbourhood: March 21 from 15:18 to 17:18, June 21 from 14:18 to 17:18, September 21 from 13:18 to 16:18;
- Public space between 429 and 431 Yonge Street - March 21 between 11:40 and 12:40, September 21 between 11:25 and 12:26;
- Joseph Sheard Parkette - March 21 from 13:18 to 15:18, June 21 from 13:18 to 15:18, September 21 from 12:18 to 14:18;
- McGill Parkette - June 21 at 13:18, September 21 at 13:18;
- College Park: June 21 from 9:18 to 11:18; and
- Allen Gardens: March 21 at 17:18, September 21 at 17:18, including the Conservatory building.

The proposed development will be creating shadow impacts on the parks and open spaces listed above. While the official plan policies speak to 'minimizing' shadows, the

effect of this development proposal coupled with other existing developments will exasperate the shadowing situation on these areas on an incremental basis and, as such, will be affecting the year-round usability and enjoyment of adjacent parkland and public spaces and limit access to sunlight for mature trees and landscape. The shadows created on the houses in the McGill-Granby neighbourhood also limit access to sunlight for the residents of the affected properties.

The proposed shadowing is significant as it impacts a number of properties, some of which are specifically protected by Official Plan policies. This is especially true with the impact on the McGill Parkette, which is designated as *Parks and Open Space Areas*.

Official Plan Policies 3.1.2.3, 3.2.3.3 and 4.5.2 and related Tall Building Design Guidelines (Guideline 1.3, 1.4 and 3.2) specifically state the need to minimize and limit shadows.

A smaller tower floor plate, including the removal of the cantilever over the Parkette and a lower tower height would reduce shadowing impacts.

City Planning Staff are of the opinion that the proposed shadow impacts are unacceptable and do not conform to the policies of the Official Plan.

Cantilever over McGill Parkette

The McGill Parkette is a privately-owned park that is approximately 800 square metres in size (excluding the underground garage ramp). It is located immediately east of the existing office building and is within the subject site, with frontage on McGill Street and Sheard Street. McGill Parkette is owned by the applicant.

Since January 31, 1976, the Parkette has been leased to the City of Toronto for parks purposes. The lease is for a period of 60 years with the lease terminating on January 31, 2036. As part of the Lease Agreement, the City is responsible for the maintenance of the area as a public park. Existing amenities include a drinking fountain, seating, horticulture display and pathway. The Parkette is also on the City's list of live music venues.

As noted previously, policies in the City of Toronto Official Plan for *Mixed Use Areas* require that new buildings be massed: "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."

The portion of the site containing the McGill Parkette is designated *Parks and Open Space Areas* in the City's Official Plan.

Section 4.3.2 of the Official Plan states that:

"Development is generally prohibited within *Parks and Open Space Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment."

The proposed building projection over the McGill Parkette into areas designated *Parks and Open Space Areas* is not acceptable and does not conform with this policy.

Wind Impacts

The applicant has submitted a Qualitative Pedestrian Level Wind Assessment from Gradient Wind Engineering Inc. (GWE), dated December 18, 2017, to detail the potential wind impacts resulting from the massing of the proposed building. A wind tunnel test is required for this analysis.

The preliminary assessment concludes the following:

- Wind comfort at all grade-level pedestrian-sensitive locations across the full study site is expected to be suitable for the anticipated uses without mitigation. These grade-level areas include nearby sidewalks, building access points, laneways, parking areas, as well as the existing north plaza;
- Wind conditions within the Joseph Sherad Parkette, and the north third of the McGill Parkette are predicted to be suitable for sitting during the summer season, standing during the autumn season and for walking during the remaining colder seasons.
- The introduction of the proposed building is not expected to significantly influence pedestrian wind comfort at neighbouring areas beyond the development site.

Due to the proposed built form, the Joseph Sheard Parkette and McGill Parkette may require wind mitigation strategies to ensure sitting conditions from late spring to early autumn. Adverse wind conditions will negatively impact comfort, usability and enjoyment of these public spaces.

The proposed development has not demonstrated how it proposes to mitigate the wind conditions on Joseph Sheard Parkette and McGill Parkette as required by the Official Plan. The proposed development, in its current form, does not conform to Section 3.1.2 of the City's Official Plan.

In addition to the in effect official plan policies, policy 9.1.2 of OPA 406 states that development will:

"Contribute to liveability by minimizing uncomfortable wind conditions and providing access to sunlight, natural light, openness and sky-view; expanding and improving the public realm; ensuring privacy; providing high-quality amenity spaces; and conserving heritage"

Further, Policy 9.18 of OPA 406 states that:

"Development will minimize shadows to preserve the utility of sidewalks, parks, open spaces, natural areas, child care centres, playgrounds, institutional open spaces, private open spaces, outdoor amenity spaces and POPS."

City Planning requires an updated wind study. The updated study shall include existing conditions and recommend such mitigation measures. In the event that the proposal is

determined to be good planning, such mitigation measures may be secured by a Section 37 Agreement with the owner implementing the mitigation measures through the Site Plan Control application process.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in Mixed-Use Areas development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

These requirements are implemented through both Zoning By-law 438-86 and Zoning By-law 569-2013 which respectively require a minimum of 2 square metres of indoor and 2 square metres of outdoor amenity space for each unit; and a minimum of 4 square metres of amenity space for each unit (of which at least 2 square metres shall be indoor). Typically, the City requires 2 square metres of indoor and 2 square metres of outdoor amenity space per unit.

The development proposal only includes indoor amenity space. A total of 900 square metres of indoor space is proposed for a total of 2 square metres per dwelling unit. The provision of no outdoor amenity space is unacceptable.

Road Widening

In order to satisfy the Official Plan requirement of a 6 metre right-of-way for the lanes to the east and south of 9-17 McGill Street, a 0.72 metre widening is required to be conveyed to the City at nominal cost, for lane widening purposes. The proposed development has proposed no change to the footprint of the existing underground which encroaches into the required right of way widening, along with the access ramp to the underground garage. Given the existing conditions, the City would be unable to acquire the lane widening with a development in the current form.

Parking

Transportation Services staff have reviewed the proposal and have commented that parking is required to be provided at a rate of 0.20 parking spaces per unit. A reduction is permitted for the provision of car-share spaces and surplus bicycle parking spaces, but this number is capped and would not be sufficient to meet the shortfall of parking. The current proposal proposes 16 car-share spaces only for the proposed 450 residential units. Section 4.5.2 of the Official Plan requires that development provide for an adequate supply of parking for both residents and visitors.

Servicing

Engineering and Construction Services require the applicant to submit a revised Functional Servicing and Stormwater Management Report to address outstanding requirements. These comments were outlined in memorandums dated February 28, 2018 and October 12, 2018.

Housing Issues

The proposal contemplates 450 residential units, consisting of: 0 (0%) studio units; 304 (67.6%) 1-bedroom units; 94 (20.9%) 2-bedroom units; and 52 (11.5%) 3-bedroom units.

Section 2.2.1.4(a) of the Official Plan indicates that a full range of housing will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown.

Section 3.2.1.1 of the Official Plan indicates a full range of housing, in terms of form; tenure; and affordability across the City will be provided and maintained to meet the current and future needs of residents.

The below table provides a comparison of the proposed unit mix and sizes with the requirements of the City's Growing Up Guidelines and OPA 406:

Growing Up Guidelines - Section 2.1(a)				
Type	Minimum Percent	Units Required	Units Provided	Percent Provided
2-bedroom	15%	68	94	20.9%
3-bedroom	10%	45	52	11.5%
Total number of large units	25%	113	146	32.4%

While it is recognized that the minimum percentages of 2 and 3 bedroom units are being provided, the application is not providing for the additional 15 percent of 2 and 3 bedroom units as required by Policy 11.1.3 of OPA 406.

Further, Section 3.0(a) and (b) of the Growing Up Guidelines and Policies 11.1.1 and 11.1.2 of OPA 406 provided for a minimum gross floor area of 87 square metres for a 2-bedroom unit and 100 square metres for a 3-bedroom unit. As the gross floor areas for the residential units have not been provided. It is not clear whether the provincial policy objectives are being met, as articulated in the City's policies.

Section 11 of OPA 406 states that providing housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life cycle is essential to the creation of complete communities. Policy 11.1 requires that development containing more than 80 new residential units will include:

- a minimum of 15 per cent of the total number of units as 2-bedroom units of 87 square metres of gross floor area or more;
- a minimum of 10 per cent of the total number of units as 3-bedroom units of 100 square metres of gross floor area or more; and
- an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units.

The unit mix proposed by the application is not providing for the additional 15 percent of the total number of units as a combination of 2-bedroom and 3-bedroom units. The sizes of the proposed units has not been not provided with the application to determine compliance with the recommended unit sizes.

Given that the zoning amendment has not provided clarity with respect to the unit sizes and is not providing an appropriate combination of 2-bedroom and 3-bedroom units that the City has established under OPA 406 and alternatively in the City's Growing Up Guidelines, the proposal is inconsistent with these emerging policies.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A Community Services & Facilities Report, attached as Appendix A to the December 2017 Planning & Urban Design Rationale Report was prepared by Bousfields and was submitted as part of the application submission.

The Bousfields CS&F Study submission addresses the City's CS&F Study requirements as identified in the Toronto Development Guide Terms of Reference. Their Study includes a demographic profile; nearby development activity; City-initiated Studies; an inventory of services and facilities; along with some analysis/summary discussion of the key sectors (e.g. schools, child care, and recreation). The Bousfields CS&F Study confirms the findings of the TOcore CS&F Study which identifies a shortfall of community service facilities and programs within the downtown core. Options for the provision of additional services within the proposed development will be explored.

Section 10 of OPA 406 speaks to Community Services and Facilities and contains specific policies that reflect the above-noted facility priorities respecting child care and community space. They are Policy 10.7 which requires development to provide "a child care facility where it can be accommodated on the site", and Policy 10.8 which encourages development to provide "space for community-based, non-profit organizations that are eligible for the City's Community Space Tenancy Policy".

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the 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.

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 6,000 square metres or 403% 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. In total, the parkland dedication requirement is 149 square metres.

The applicant is required to satisfy the parkland dedication requirement through a stratified on-site parkland dedication of 149 square metres that will be encumbered over the existing underground parking garage.

The proposed strata parkland conveyance requires City Council authorization in accordance with Chapter 415, Article III, and Section 26 B of the Toronto Municipal Code as the land would be encumbered. If Council were to approve the proposed encumbered parkland dedication, this Division would require the conditions of approval regarding stratified parkland to be secured in an agreement, and any shortfall in the value of the strata land conveyance from that of the required parkland dedication requirement would be required as a cash-in-lieu payment.

On-site parkland will enhance the availability of green space in the vicinity of the development, while moving towards establishing connections to adjacent green spaces such as Joseph Sheard Parkette and the McGill Parkette pedestrian pathways immediately to the north of the development. The park is to be located on the northeast side of the development with frontage on McGill Street and Sheard Street, where the existing leased park is located.

If Council is not supportive of the applicant's proposal for an encumbered parkland dedication, then the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined prior to the issuance of the first building permit.

Tree Preservation

An Arborist Report, prepared by Urban Forest Associates (UFA) Inc. and dated December 19, 2017, was submitted in support of the proposed development. The Arborist Report submitted indicates that there are 30 trees on or adjacent to the site, of which eight (8) trees are located within the park and one (1) private trees are proposed to be removed.

Parks, Forestry and Recreation staff have indicated that revisions are required to the Arborist Report submitted with the application. In the event that this application is appealed to the LPAT and the LPAT allows an appeal to permit development on this

property, the applicant is required to submit an updated Arborist Report to the satisfaction of Parks, Forestry and Recreation staff and the City will secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

In the event that this application is appealed to the LPAT and they allow an appeal to permit development on this property, the applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the implementing Zoning By-law and the associated site plan application and site plan agreement.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*.

The proposal at its current height, massing and density will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits have not yet been discussed. Should this proposal be approved in some form by the LPAT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Conclusion

The proposal has been reviewed against the policies of the Provincial Policy Statement, 2014, the Growth Plan for the Greater Golden Horseshoe, 2017, the City of Toronto Official Plan. It has also been reviewed against the Downtown Secondary Plan (OPA 406), the Downtown Tall Building Setback Area (OPA 352) and Site and Area Specific Policies 151, as well as the Tall Building Guidelines, Downtown Tall Building Design Guidelines and Growing Up Guidelines.

Staff are of the opinion that the proposal in its current form does not conform to the specific policies highlighted in this report which provide direction for how future development is to fit in with the existing and planned context and be contextually appropriate. These primarily relate to the built form, height, massing, floorplate size, transition to neighbourhoods, tower separation, shadow impact and the lack of outdoor amenity space.

In addition, concerns related to the servicing to accommodate the development, parkland dedication, tree preservation, Section 37 benefits and parking, vehicular and loading access location have not been resolved.

The proposal in its current form does not conform to the Growth Plan, is not consistent the Provincial Policy Statement and does not conform to the City's Official Plan. The proposed development also does not meet the intent of OPA 352, OPA 406, and the City's design Guidelines.

City Planning staff recommends continued discussions with the applicant to consider revisions to the proposal which address the issues set out in this report.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA
Director Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Site Plan
Attachment 6: North and East Elevations
Attachment 7: South and West Elevations

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	17 278848 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2017
Municipal Address:	409-415 YONGE ST and 9-17 MCGILL ST		
Location Description:	PLAN 377 PT LOTS 1 TO 5 7 AND 8 AND PT LANE AND PLAN 606 PT LANE RP 63R387 PART 4 **GRID S2712		
Project Description:	Zoning By-law Amendment to facilitate the addition of a 42-storey residential tower on top of the existing 19-storey office building. The overall building height is 61-storeys (239.35 metres). Total GFA 53,064.8 square metres, consisting of 16,936.3 square metres of existing non-residential GFA and 36,128.5 square metres of proposed residential GFA.		
Applicant/Agent:	Architect:	Owner:	
Bousfields Inc. 3 Church Street, Suite 200 Toronto, ON, M5E 1M2	Kirkor Architects + Planners 20 De Boers Dr, Unit 400 Toronto, ON, M3J 0H1	Artis Yonge Street Ltd 220 Portage Avenue, Suite 600 Winnipeg, MB, R3C 0A5	

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 151, SASP 517
Zoning:	CR 7.8 (c2.0, r7.8) SS1 (x1934)	Historical Status:	N
Height Limit (m):	61	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2185.7	Height:	Storeys:	61
Frontage (m):	40		Metres:	233
Depth (m):	57.3			
Total Ground Floor Area (sq. m):	905			Total
Total Residential GFA (sq. m):	36128.5		Parking Spaces:	73
Total Non-Residential GFA (sq. m):	16936.3		Loading Docks	2
Total GFA (sq. m):	53064.8			
Lot Coverage Ratio (%):	41.4			
Floor Space Index:	24.3			

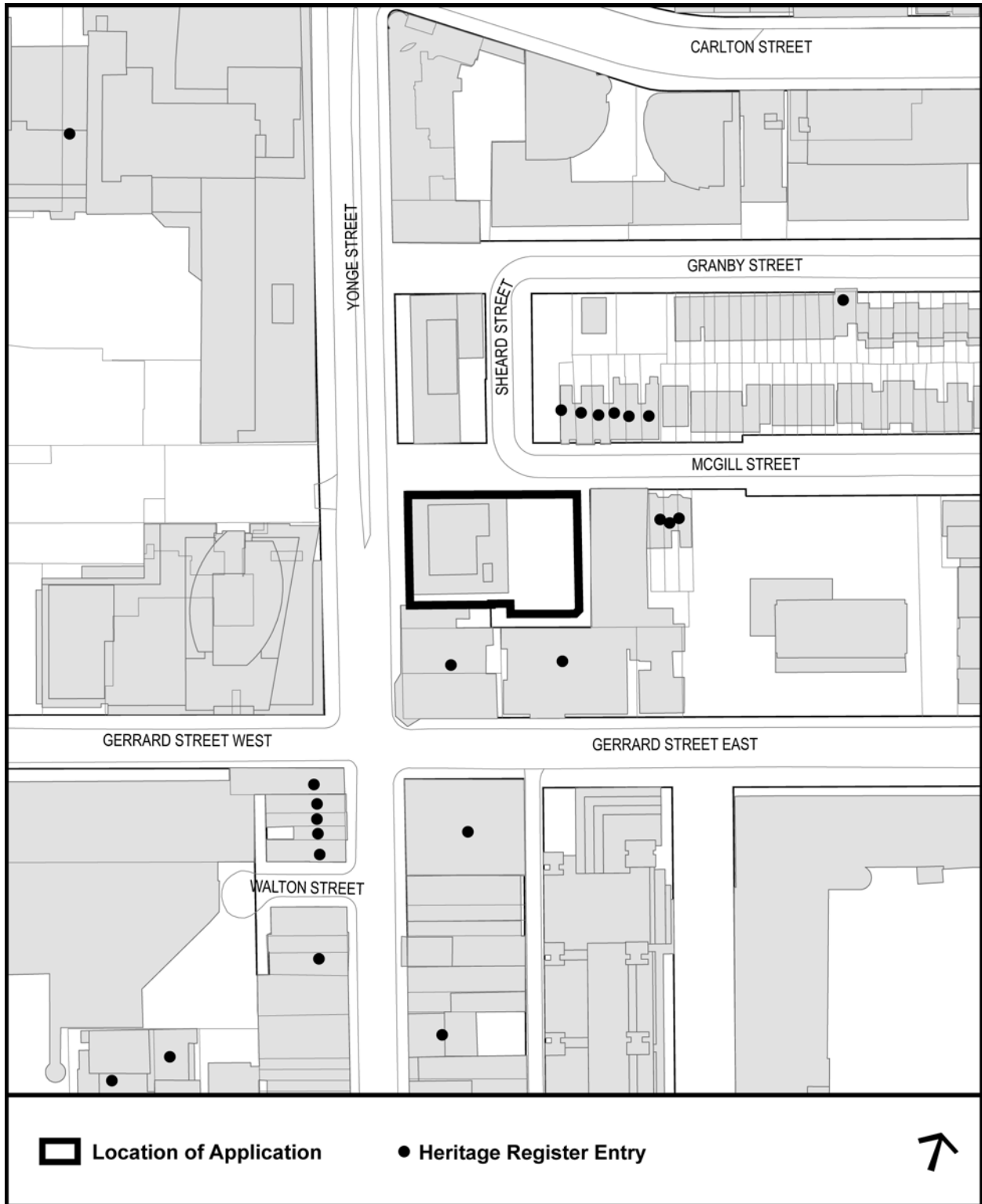
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

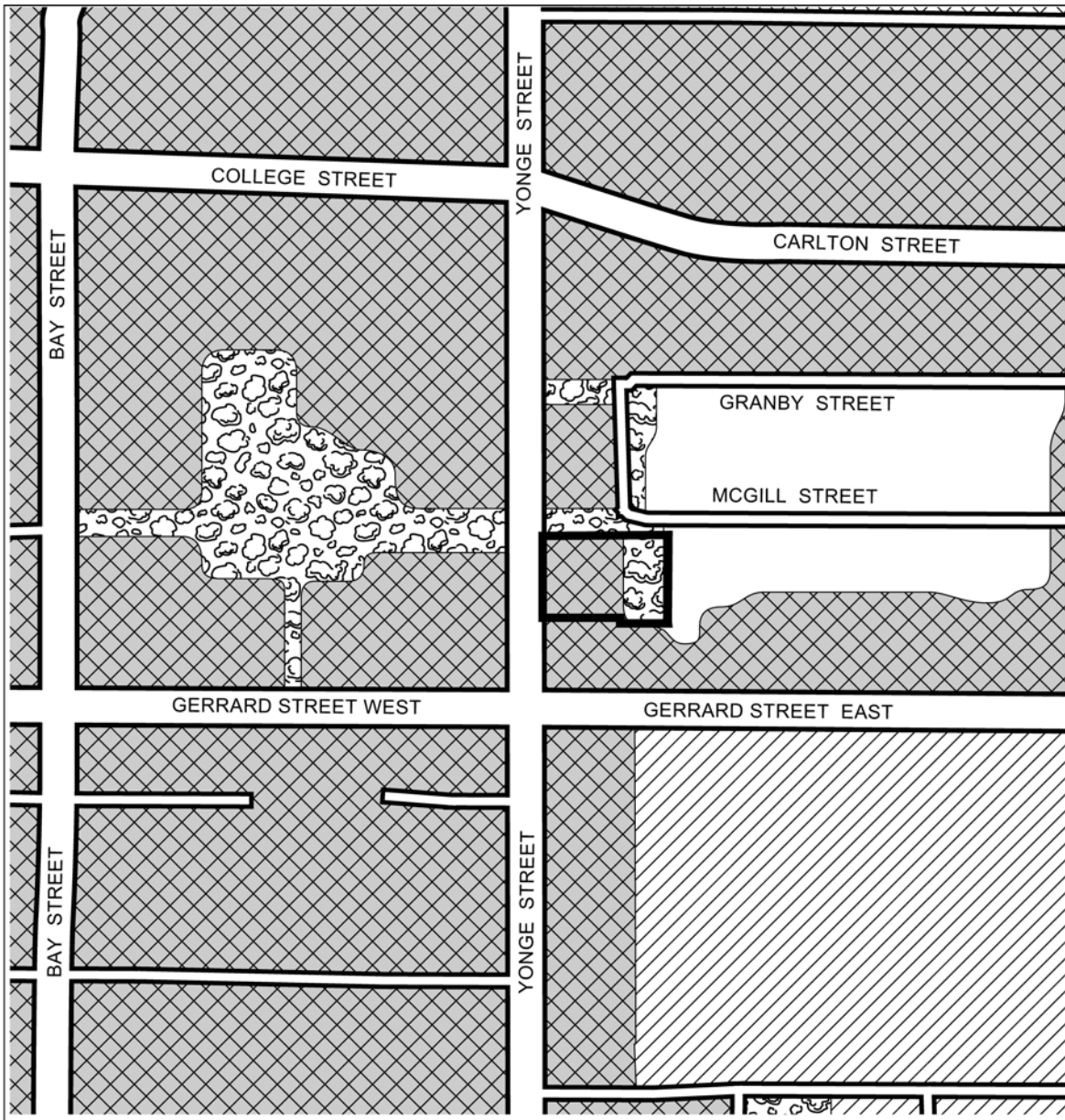
Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	36128.5	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	304	Office GFA (sq. m):	16936.3	0
2 Bedroom:	94	Industrial GFA (sq. m):	0	0
3 + Bedroom:	52	Institutional/Other GFA (sq. m):	0	0
Total Units:	450			

CONTACT: PLANNER NAME: Leontine Major, Senior Planner
 TELEPHONE: (416) 397-4079

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Toronto
Official Plan

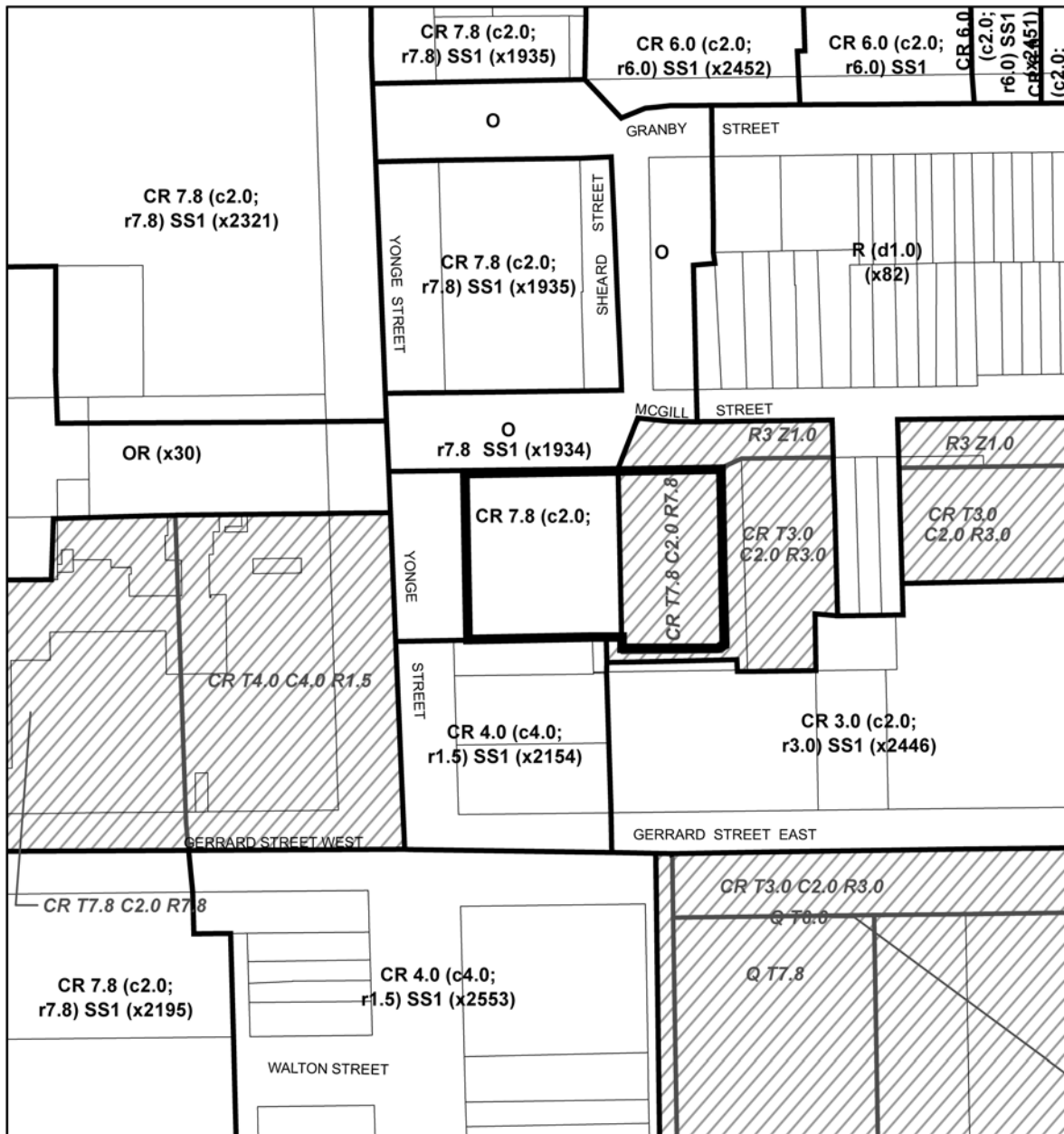
409-415 Yonge Street and 9-17 McGill Street

File # 17 278848 STE 27 0Z



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01/16/2018

Attachment 4: Existing Zoning By-law Map



409-415 Yonge Street and 9-17 McGill Street

Zoning By-Law No. 569-2013

File # 17 278848 STE 27 OZ



Location of Application

R Residential
CR Commercial Residential
O Open Space
OR Open Space Recreation



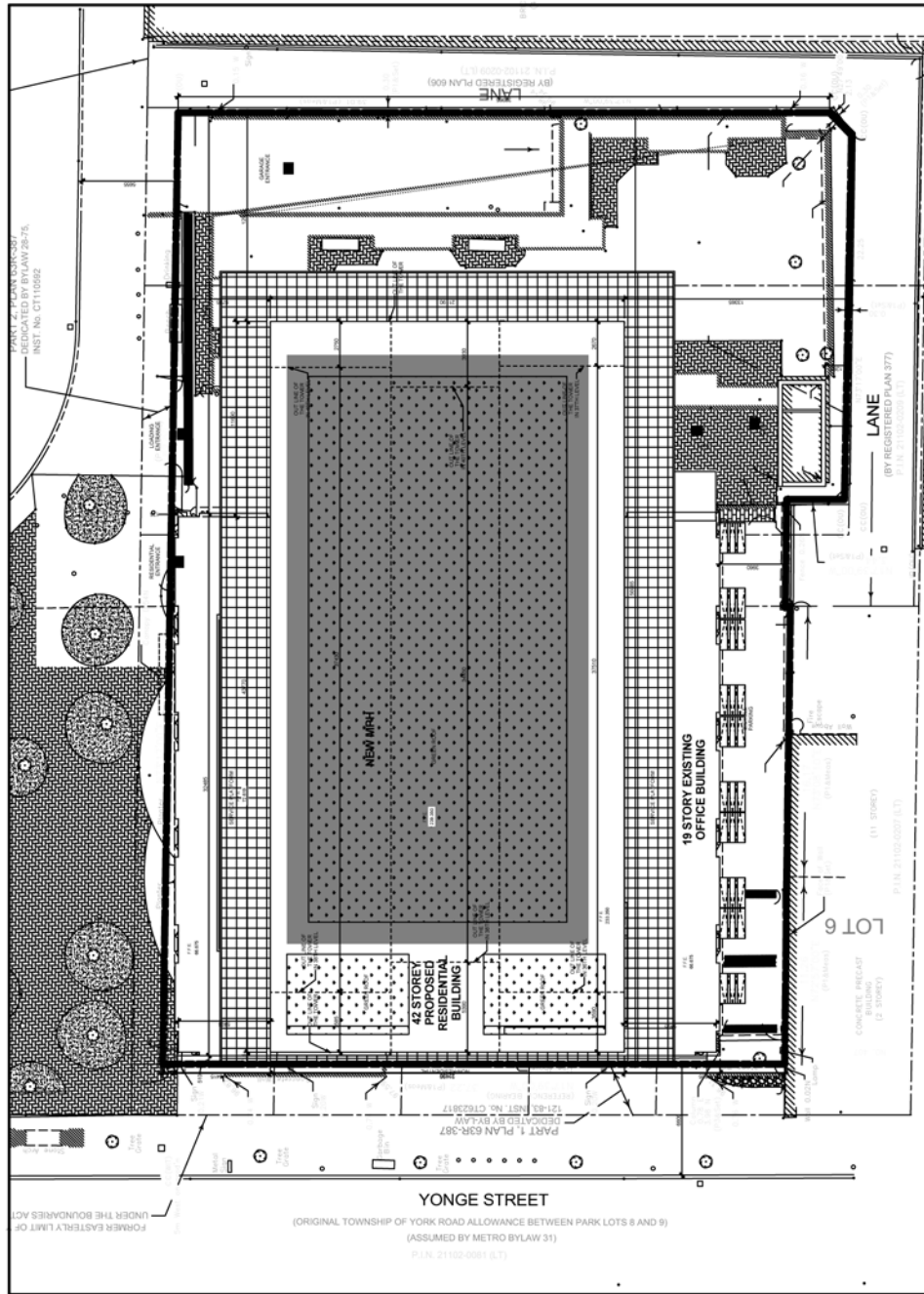
See Former City of Toronto By-Law No. 438-86

R3 Residential District
CR Mixed-Use District
Q Mixed-Use District



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Extracted: 01/16/2018

Attachment 5: Site Plan



Site Plan

409-415 Yonge Street and 9-17 McGill Street

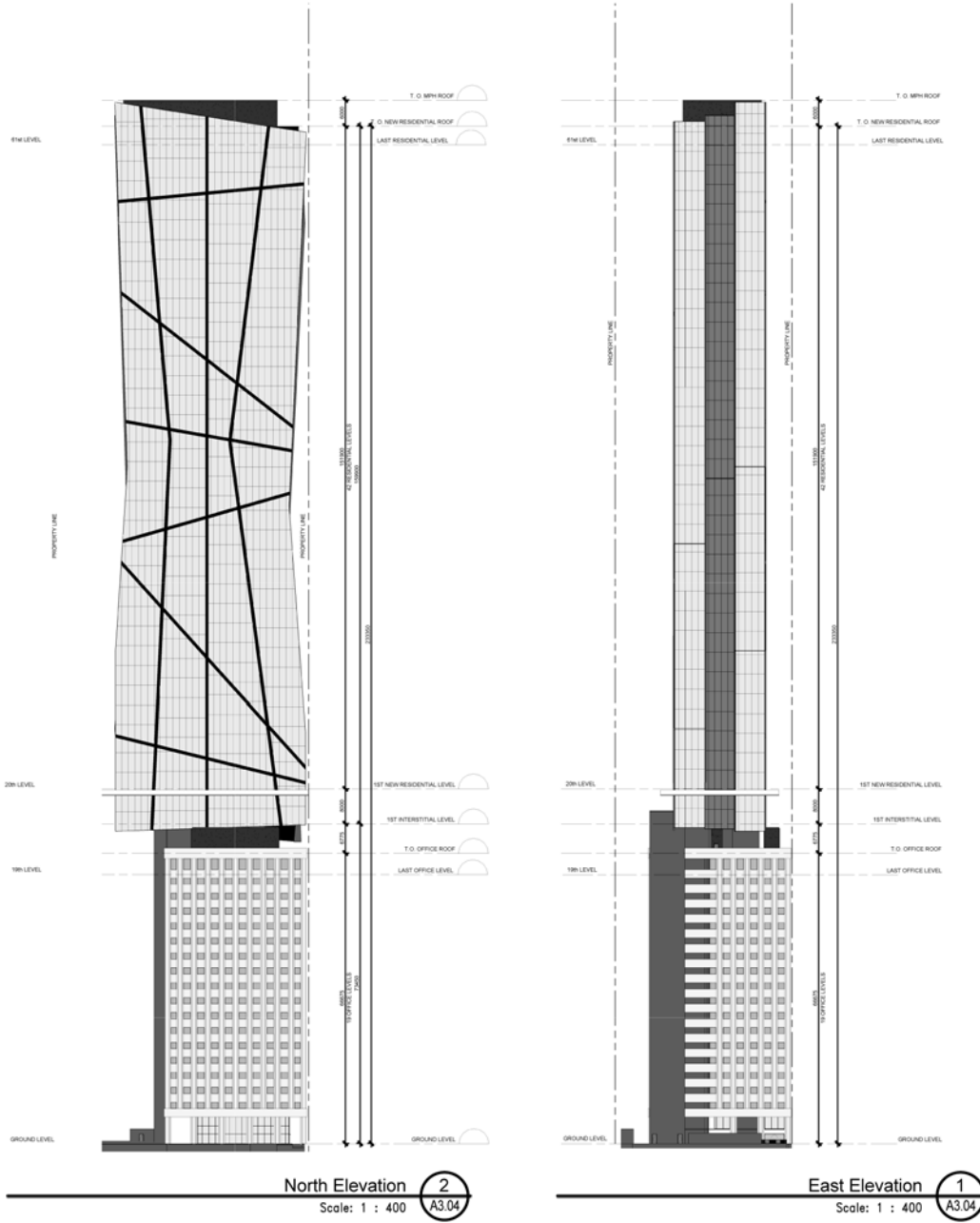
Applicant's Submitted Drawing

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01/15/2018



File # 17 278848 STE 27 OZ

Attachment 6: North and East Elevations

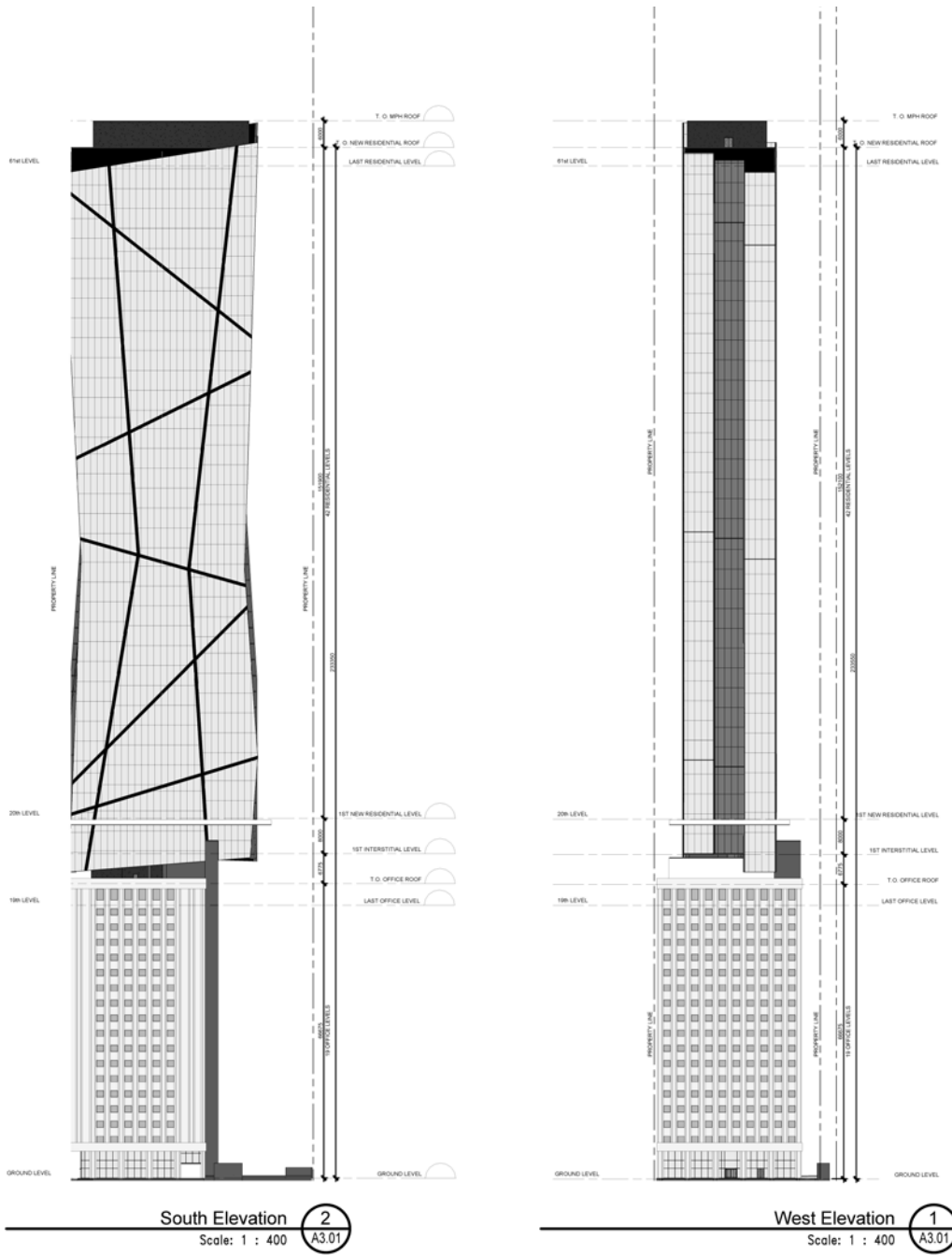


North and East Elevations 409-415 Yonge Street and 9-17 McGill Street
 Applicant's Submitted Drawing

Not to Scale
 01/15/2018

File # 17 278848 STE 27 OZ

Attachment 7: South and West Elevations



South and West Elevations 409-415 Yonge Street and 9-17 McGill Street

Applicant's Submitted Drawing

Not to Scale
01/15/2018

File # 17 278848 STE 27 OZ