

## **409 and 415 Yonge Street, 9 and 17 McGill Street - Zoning By-law Amendment Application – Refusal Report**

Date: May 3, 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**

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The application proposes a Zoning By-law amendment for the property at 409 and 415 Yonge Street and 9 and 17 McGill Street to permit a 42-storey residential addition above an existing 19-storey office building resulting in an overall building height of 61 storeys (233 metres) and a floor space index (FSI) of 24.3 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 and no outdoor amenity space; 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.

This report reviews and recommends refusal of the application to amend the Zoning By-law. The proposal is inconsistent with the Provincial Policy Statement (2014), fails to conform with the Growth Plan for the Greater Golden Horseshoe (2017), and does not conform with the policies of the City of Toronto Official Plan. The proposal is inconsistent with the policies of the Downtown Secondary Plan (OPA 406), Downtown Tall Building Setback Area Specific Policy No. 517 (OPA 352), Site and Area Specific Policy No. 151, and does not appropriately respond to the Tall Building Design Guidelines, the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and the Growing Up Guidelines.

Specifically, the proposed development is of a scale, height and density that is not appropriate in relation to its existing and planned context; the proposal does not provide for an appropriate transition to the adjacent physically stable *Neighbourhood* (McGill Granby); the proposal does not provide minimum tall building setbacks and stepbacks and an appropriate floorplate size; a portion of the proposed development is within the portion of the property designated as *Parks and Open Space*, introducing residential uses within a park, contrary to the Official Plan; the proposed development has negative shadow impacts on the adjacent *Neighbourhood* (McGill Granby) and local *Parks and*

*Open Space* areas and negative wind impacts. The proposed development does not provide a full range of housing to meet the needs of all household sizes and income levels and does not provide a sufficient amount of amenity space and parking for future residents.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for the Zoning By-law Amendment at 409 and 415 Yonge Street and 9 and 17 McGill Street for the reasons set out in the report from the Director, Community Planning, Toronto and East York District, dated May 3, 2019.
2. City Council authorize the City Solicitor and appropriate City staff to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the LPAT.
3. 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 Manager, 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 (May 3, 2019) from the Director, Community Planning, Toronto and East York District.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.
5. In the event that the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order(s) until such time as the LPAT has been advised by the City Solicitor that:
  - a) the submission of an Official Plan Amendment application;
  - b) the final form of the Official Plan Amendment and Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - c) the owner has secured the on-site parkland dedication in the by-laws and appropriate agreements, with appropriate conditions, to the satisfaction of the City Solicitor and the General Manager, Parks, Forestry and Recreation;
  - d) all comments from Engineering and Construction Services contained in their February 28, 2018 and October 12, 2018 memorandums are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

e) community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor and in consultation with the local ward councillor.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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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. Community Planning staff then sent a letter to the applicant dated November 14, 2017 along with the requested complete application checklist. Concerns raised in the letter included: the proposed cantilever of the tall building over the McGill Parkette; shadowing on nearby parks, public realm and the Neighbourhood; and overlook caused by the proposal.

At its meeting of February 26, 2019, City Council considered a Request for Interim Directions Report dated January 18, 2019 from the Director of Community Planning, Toronto and East York District (Item TE3.7). City Council directed City staff to continue to review the application and resolve any outstanding issues detailed in the report. A copy of the Interim Directions Report and decision of City Council can be accessed at this link:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-124259.pdf>

## **PROPOSAL**

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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 with a height of 233.35 metres excluding the mechanical penthouse and 239.35 metres including the mechanical penthouse. The existing 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 (see Attachments 5, 6 and 7).

The proposed development would include 450 residential units and an additional 36,128 square metres of residential 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 proposed total gross floor area is 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. Seventy-four 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 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
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		3 spaces
Proposed (proposed short-term: long-term)		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 area of the site is 2,186 square metres (0.21 hectares) with frontages of 40 metres on Yonge Street and 57 metres on the public boulevard to the immediate north (see 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 at grade on top of the parking garage. The Parkette is privately owned but leased to the City of Toronto. The Parkette is 900 square metres (0.09 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. North of 423 Yonge Street is a continuation of the McGill Granby Parkette and a two-storey commercial building.

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 a 85-storey tower which incorporates the existing buildings fronting onto Yonge Street with heights between 2 and 4 storeys and podium heights ranging between 10 storeys and 21 storeys, where adjacent to the neighbouring institutional lands. 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. A 34 storey 'tower in the park' apartment building is located at 40 Gerrard Street East.

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.

## **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 24.3 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.

The proposed development in its current form does not conform with the Official Plan because a portion of the proposed tall building overhangs lands designated as *Parks and Open Space*. In the present circumstances, an amendment to the Official Plan is necessary for the proposal to conform, however, no such application has been made and, on the basis of the opinion provided in the Report, Community Planning staff would not recommend such an approval.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- 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 at 87 Elm Street. 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 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, lack of outdoor amenity area and the impact on the McGill Parkette.

## **POLICY CONSIDERATIONS**

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### 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."

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*

On December 7, 2018, the LPAT approved Official Plan amendment No. 320 (OPA 320) which brought into force various policies that affect neighbourhoods, apartment neighbourhoods, and housing, among other matters. On July 23, 2018, City Council approved a settlement of the appeals of OPA 320, the terms of which were partially made public on August 8, 2018 and was later presented to the LPAT for the purpose of its December 7, 2018 decision.

Though the subject application was deemed complete on August 31, 2018, the Report evaluates the application using the policies of the Official Plan as amended by OPA 320.

The proposed development is immediately adjacent to an area 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 Official 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.

Section 3.1.3 states that tall buildings come with larger civic responsibilities. Policy 1 intends that tall buildings are characterized by a base building, middle and top. The base building should have a scale relative to the surrounding streets, parks and open spaces and integrate with adjacent buildings. The middle is characterized by appropriate floor plate sizes and the top is intended to contribute to the skyline character and integrate mechanical structures.

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 including additional shadows, noise, traffic and wind will be minimized as necessary 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* (see 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 (see 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) No. 51**

This site is within the area defined by Site Specific Policy No. 151 (SASP 151) in the City of Toronto Official Plan. SASP 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 is under review. 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) No. 352 – Downtown Tall Building Setback Area Specific Policy No. 517 (SASP 517). OPA 352 is currently under appeal to the LPAT.

The purpose of SASP 517 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings located Downtown. SASP 517 includes policies that, among other things:

- describe the components of a tall building;
- describe the purpose of base buildings;
- require setbacks from lot lines to the tower portion of a tall building so that individual tall buildings on a site and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context;
- require the implementation of the policies through the zoning by-law;
- establish criteria for relief from the policies through the adoption of zoning by-law amendments and the grant of variances;
- state not every site in the area governed by SASP 517 can accommodate a tall building and proposals which do not maintain the intent of setback requirements and the criteria for relief from the setback requirements present significant concern for building strong healthy communities in the area governed by SASP and as such those sites are not considered suitable for a tall building development; and
- as building heights increase greater lot line setbacks may be required for the tower to the lot line to achieve the intent of SASP 517.

At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, both of which are also under appeal to the LPAT. These Zoning By-laws provide detailed performance standards for portions of buildings above 24 metres in height such as:

- Every tower must be no closer than:
  - 3.0 metres to a lot line abutting a street that is a public highway and 12.5 metres to the centre line of that street;
  - 12.5 metres to the centre line of an abutting street that is a public lane; and
  - 12.5 metres to a lot line having no abutting street.

## **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 the Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications throughout the City. These 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/bqrd/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 Building Design 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 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.

## **COMMENTS**

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

#### **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. These provincial interests are further articulated through the PPS (2014) and the Growth Plan (2017).

#### **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 where this can be accommodated taking into

- account existing building stock or areas and that intensification and redevelopment shall be directed in accordance with policies of Section 2 and 3 of the PPS; and
- Policy 1.4.3 which references an appropriate range and mix of housing types and densities.

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 appropriate locations. 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. In addition the cantilevering of the proposed building over the McGill Parkette is not an appropriate form of development given that it is within a *parks and open space* designated property. 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 policies of the Provincial Policy Statement (2014), as noted above.

### **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

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.

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. 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 the achievement of *complete communities*, 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 Planning staff, 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 former 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 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).

Accordingly, Staff recommend that the application be refused.

## **Land Use**

This application has been reviewed against the Official Plan policies, Secondary Plan policies (OPA 406) and site and area specific policies (SASP 151) 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 appropriately respond to the intent of the Tall Building Design Guidelines, 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 addition that cantilevers over the McGill Parkette. In the opinion of City Planning, the proposal does not conform to the *Parks and Open Space Areas* designation because the cantilevering of a tall building over the Parkette would introduce a residential use that is not permitted within this land use designation and it negatively affects the quality and useability of the parkland.

### **Height, Built Form, 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 base building. 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; and providing high-quality amenity spaces.

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*.

OPA 352 and Zoning By-law 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 12.5 metre tower setback to the property line which does not abut a street.

As an implementation tool of the Official Plan policies the proposed development is also assessed against applicable design guidelines. While not policy, these design guidelines provide detailed guidance regarding policy while maintaining an ability to respond to changing circumstances and priorities over time. IN the present circumstances, the Tall Building Guidelines and Downtown Tall Buildings: Vision and Supplementary Guidelines have been used by staff as a resource for the purpose of evaluating the application.

Relevant Guidelines of the Tall Building Design Guidelines include Guideline 1.1 (Context Analysis), 1.3 (Fit and Transition in Scale), 3.1.1 (Base Building Height and Scale), 3.2.1 (Floor Plate Size and Shape), 3.2.2 9Tower Placement) 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 3.1.1 requires that the base building fit harmoniously within the existing context of neighbouring building heights at the street and that the base building height respect the scale and proportion of adjacent streets, parks and public or private 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 3.2.2 requires that towers should be placed away from streets, parks, open space and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

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

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 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 addition is centred on top of the existing tall building 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 interstitial level 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 addition does not conform with the City's Official Plan and SASP 151. Further, the proposed development does not appropriately respond to the Tall Building Design Guidelines nor the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. The proposed addition, with regard to the development site as a whole, does not consist of an appropriately scaled base building, middle and top, but rather a tall building with an oversized floor plate added to the top of an existing tall building, which is already at a height that exceeds the guideline. The addition and the resultant tall 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 a *Neighbourhoods* designation, 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 create shadow impacts on the abutting *Neighbourhood* and transition down to the *Neighbourhood* with townhouses immediately adjacent to the *Neighbourhoods* designated properties.

The proposal has no 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 subject to 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 that a tower be setback a minimum of 20 metres from a neighbourhood designated property, 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 public lane 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.

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 Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary 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 Tall Buildings Design 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.

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: Vision and Supplementary Design 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 at 12:18, September 21 at 12:18;
- 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. If approved, it would be permitting residential uses above the *parks and open space* designation which is contrary to policy 4.3.2 of the Official Plan.

### **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 Sheard 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 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 total amount of amenity space proposed for each unit, as well as not providing for any outdoor amenity space does not conform to policy 3.1.2.6 and 4/5/2 (c) of the Official Plan.

### **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. Given the existing conditions, the City would be unable to acquire the lane widening with a development in the current form as required by the Official Plan as the land would be encumbered with the underground garage ramp.

### **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. As such, the proposed parking numbers do not conform to policy 4.5.2.

### **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:

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

<b>OPA 406 - Policy 11.1</b>				
<b>Type</b>	<b>Minimum Percent</b>	<b>Units Required</b>	<b>Units Provided</b>	<b>Percent Provided</b>
2-bedroom	15%	68	94	21%
3-bedroom	10%	45	52	12%
Combination of 2-bedroom and 3-bedroom units	15%	68	33	7.3%

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 has not been suitably demonstrated that 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 unit size requirements.

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 does not comply with these emerging policies nor does it conform with policy 3.2.1.1 of the Official Plan which requires development to provide for a full range of housing to meet the needs of all household sizes and income levels.

### **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 submitted as part of the application submission.

The 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 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. Policy 10.7 requires development to provide "a child care facility where it can be accommodated on the site", and Policy 10.8 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, Parks 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.

### **Tree Preservation**

An Arborist Report 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 tree 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 proposed Zoning by-law Amendment application has been evaluated against the policies of the Provincial Policy Statement, 2014, the Growth Plan for the Greater Golden Horseshoe, 2017, and the City of Toronto Official Plan. It has also been considered in the context of the Downtown Secondary Plan (OPA 406), SASP 517 (OPA 352) and SASP 151. Finally staff have considered whether the proposal appropriately responds to the Tall Building Design Guidelines, the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and Growing Up Guidelines.

Staff are of the opinion that the application in its current form does not conform to Provincial and municipal 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. Staff have significant concerns with the built form, inadequate tower setbacks from abutting property lines, proposed height and massing, floorplate size, the lack of appropriate transition to the abutting *Neighbourhood*, the proposal for residential development within *Parks and Open Space*, tower separation, shadow impacts, the complete absence of proposed outdoor amenity space, and insufficient number of vehicular parking spaces and wind impacts.

In addition, concerns related to the servicing to accommodate the development, parkland dedication, tree preservation, provision of sufficient indoor and outdoor amenity space, parking, vehicular and loading access and Section 37 benefits have not been resolved.

The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application.

## **CONTACT**

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Tel. No. (416) 397-4079  
E-mail: Leontine.Major@toronto.ca

## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

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

Tenure Type: Rental

Rooms: 0  
Bachelor: 0  
1 Bedroom: 304  
2 Bedroom: 94  
3 + Bedroom: 52

Total Units: 450

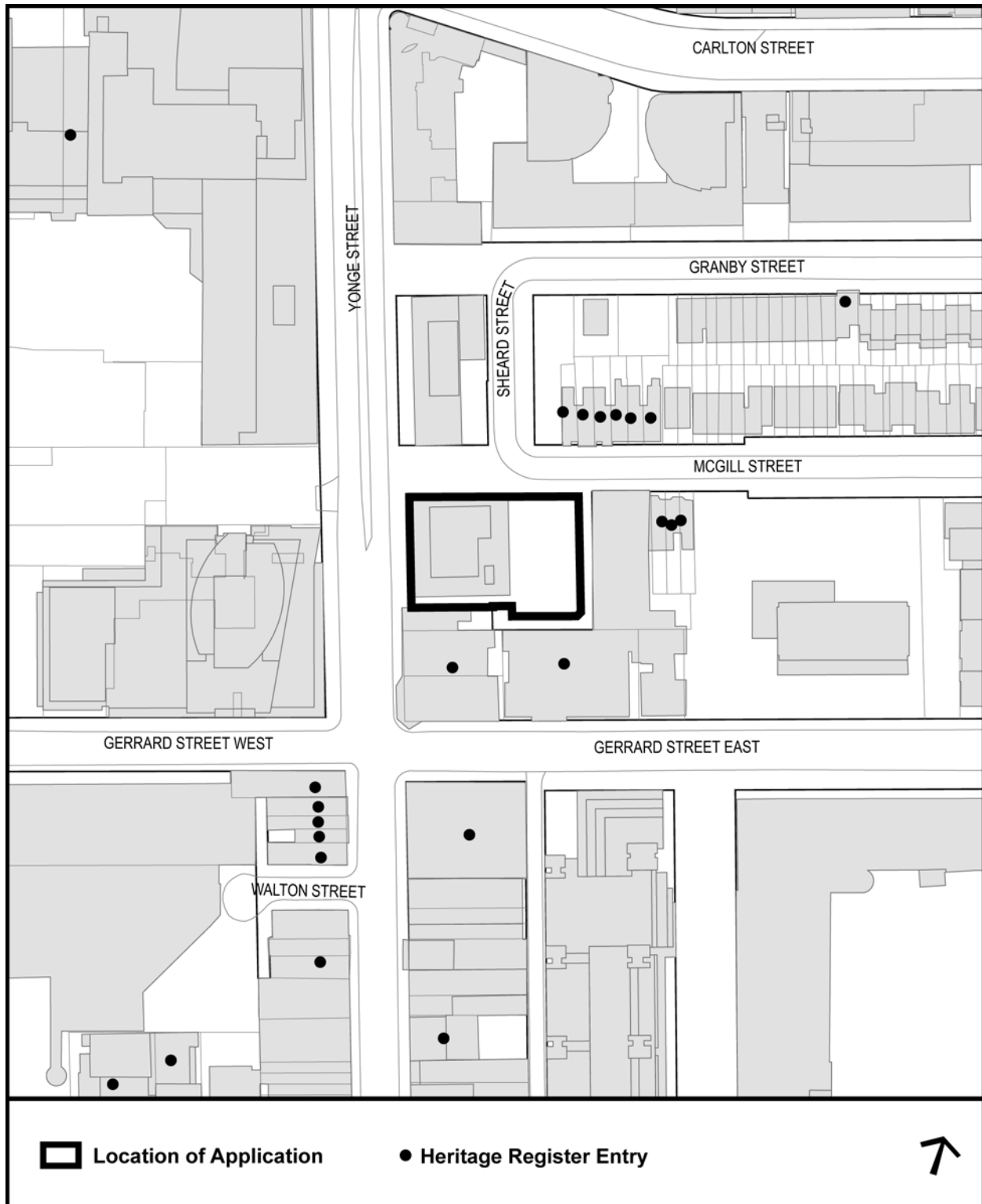
CONTACT: PLANNER NAME:  
TELEPHONE:

## FLOOR AREA BREAKDOWN (upon project completion)

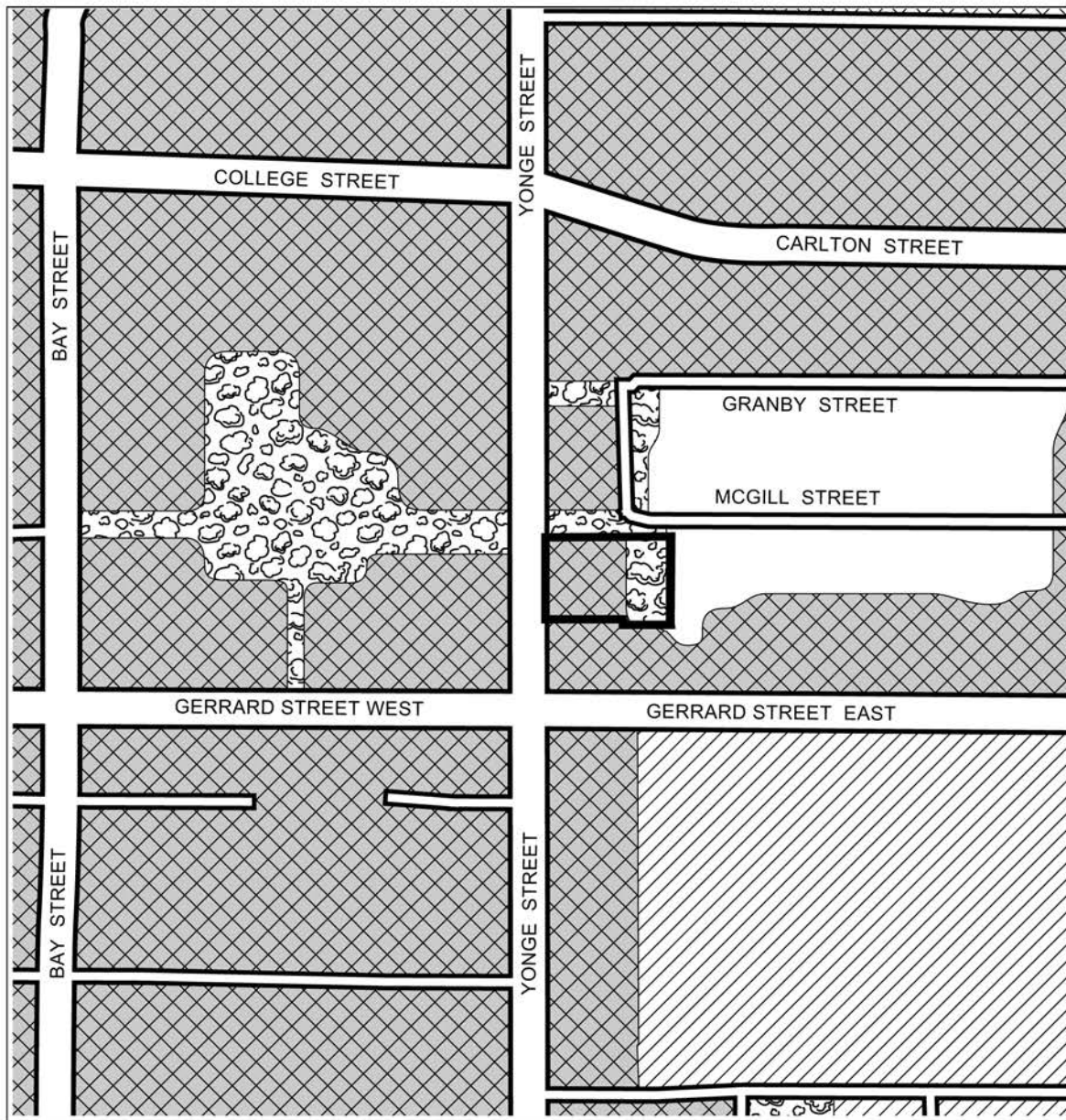
	Above Grade	Below Grade
Residential GFA (sq. m):	36128.5	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	16936.3	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

Leontine Major, Senior Planner  
(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 02

 Site Location	 Parks & Open Space Areas	 Institutional Areas	 Utility Corridors
 Neighbourhoods	 Natural Areas	 Regeneration Areas	
 Apartment Neighbourhoods	 Parks	 Employment Areas	
 Mixed Use Areas	 Other Open Space Areas		

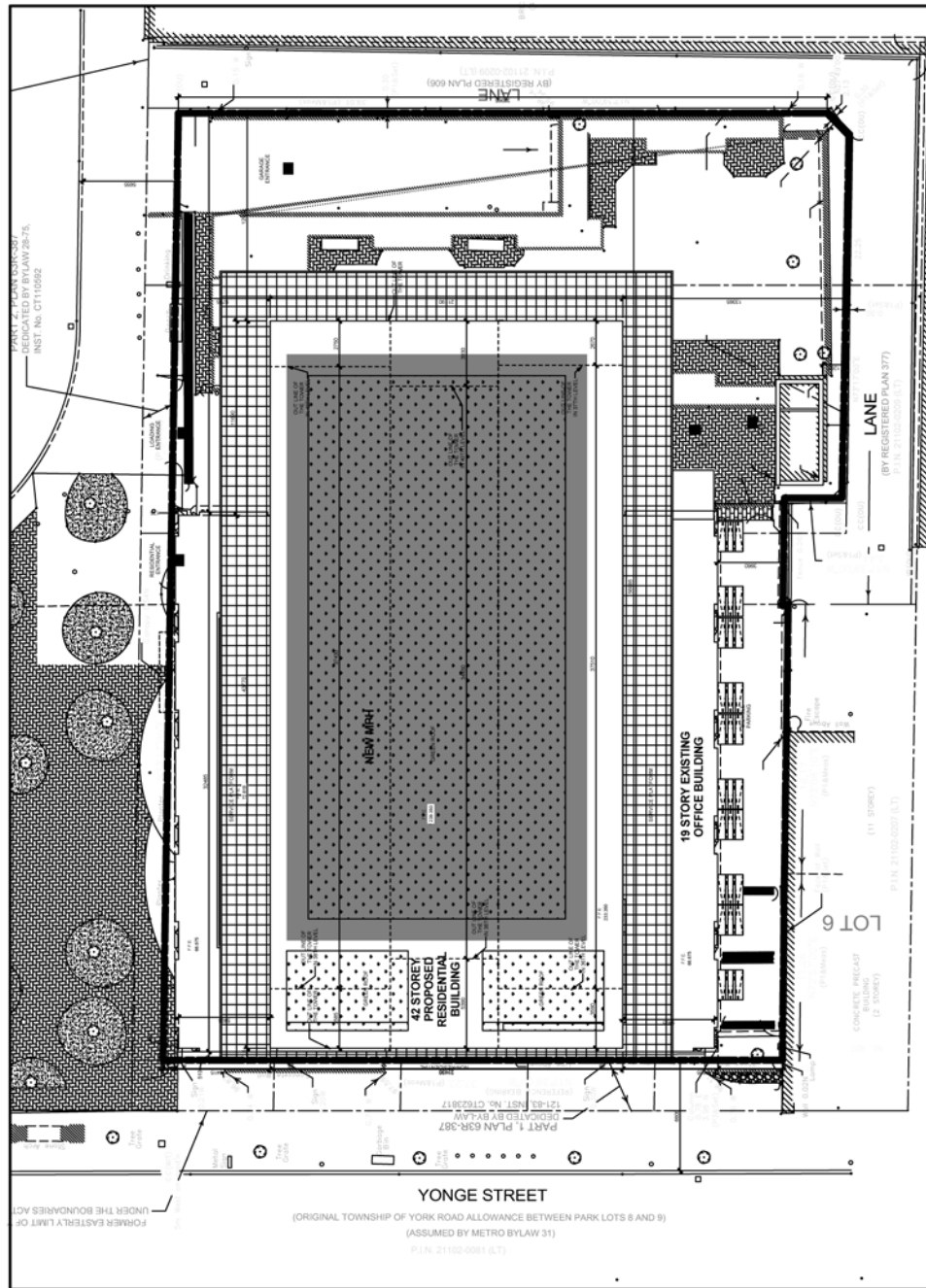
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## Attachment 5: Site Plan



### Site Plan

Applicant's Submitted Drawing

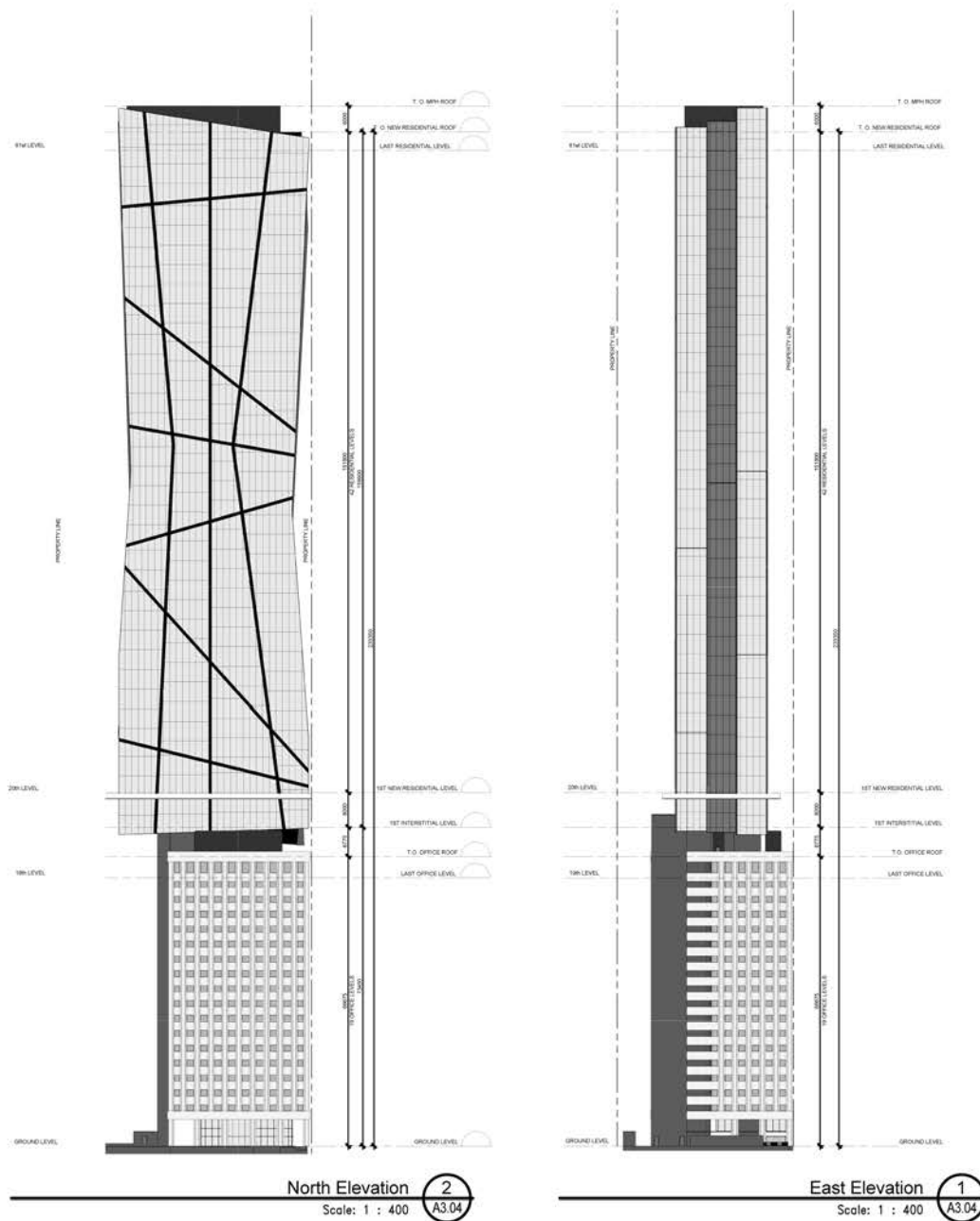
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## 409-415 Yonge Street and 9-17 McGill Street

File # 17 278848 STE 27 OZ

## Attachment 6: North and East Elevations



### North and East Elevations

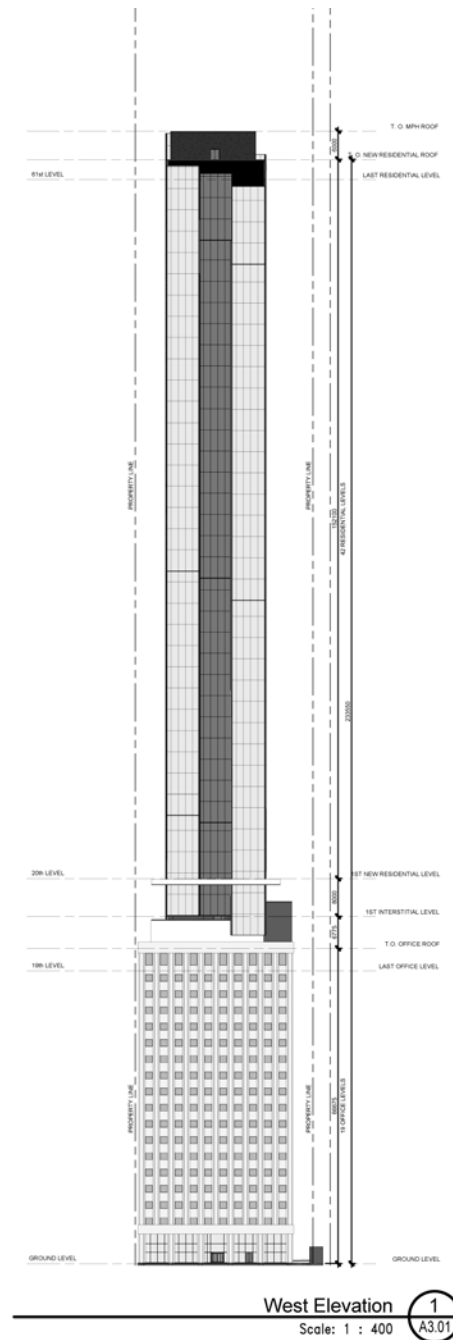
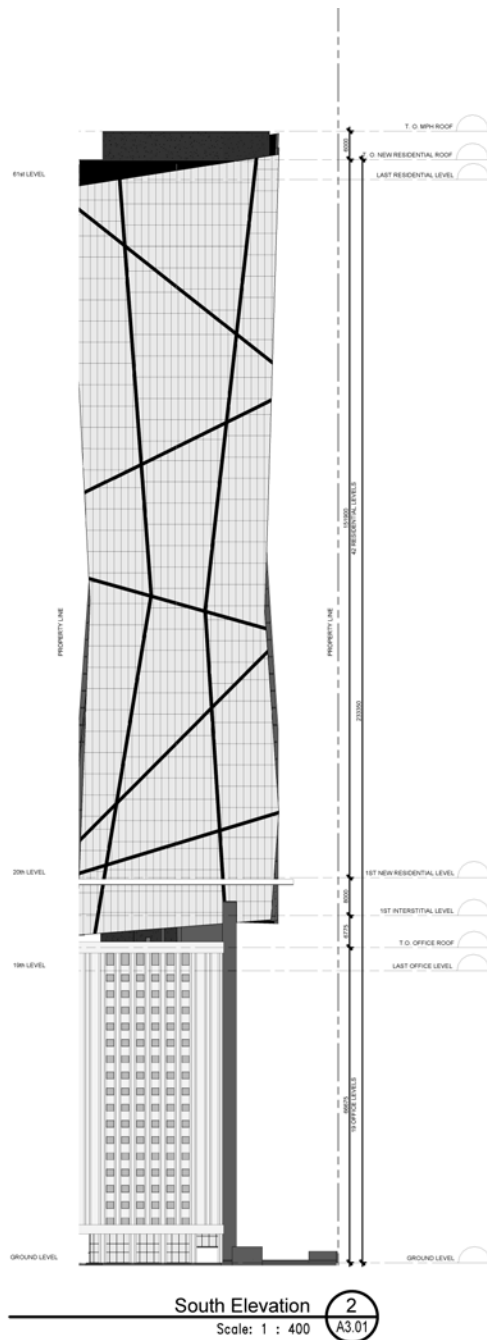
409-415 Yonge Street and 9-17 McGill Street

Applicant's Submitted Drawing

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01/15/2018

File # 17 278848 STE 27 0Z

## 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 0Z