

4050 Yonge Street – Official Plan and Zoning By-law Amendment Applications – Preliminary Report

Date: September 21, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

Planning Application Number: 20 115845 NNY 08 OZ

Notice of Complete Application Issued: March 3, 2020

Current Use on Site: Parking Lot

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to amend the Official Plan and Zoning By-law to permit development of an existing commercial parking lot with a proposed 21-storey building comprised of non-residential uses including office, retail, restaurant and a hotel, and a 35-storey, 290-unit residential building at 4050 Yonge Street. A 6-storey base building would connect the two towers. Access to the existing York Mills TTC subway station would be provided within the east building. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 4050 Yonge Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

An application for Official Plan and Zoning By-law Amendments was submitted under File No. 10 167159 NNY 16 OZ on April 30, 2010 and a Final Report was adopted by City Council at its meeting of July 12, 2011 (Item NY8.36) to permit a 7-storey, 32.9 metre high commercial building. A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY8.36>

The Official Plan and Zoning By-law Amendments as drafted and presented in the staff report for the original proposal were not brought forward to City Council for enactment at that time as the applicant was required to first enter into a Section 37 Agreement which did not occur. In addition, the property ownership changed and the proposal was subsequently modified which necessitated further review by the City and the Toronto Region Conservation Authority.

The proposed revisions to the previously approved development introduced a hotel use in a 9-storey, 33.5 metre high, portion of the building as well as the addition of a 4th level of below grade parking. The previously approved total gross floor area of 44,670 square metres remained unchanged as did the foot-print and general height of the building. The proposed floor space index was 5.4 times the lot area. A Final Report dated October 4, 2016 and prepared by staff can be found at this link:

<https://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97163.pdf>

The resulting Instruments were enacted on November 9, 2016 consisting of Official Plan Amendment 158 and Site and Area Specific Policy 90 by By-law 1092-2016 and Zoning By-law Amendment 1093-2016. SASP 90 permitted a density of 2 times the lot area for the subject property and a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres above sea level, provided the building height does not obstruct sight lines across the Don Valley, from top-of-bank to top-of-bank for the subject property at the southeast corner of Yonge Street and York Mills Road (See Attachment 3: Context Plan).

Pre-Application Consultation

A pre-application consultation meeting was held on November 28, 2019 between City staff (including Community Planning, Housing Policy, Urban Design, Transportation Planning, Parks Planning, Parks Ravine and Economic Development), the TRCA and the applicant to discuss complete application submission requirements and to identify issues with the proposal. Staff expressed concern regarding building height, massing, transition into the existing and planned context, uncomfortable on-site wind conditions,

and shadowing on neighbouring streets, properties, parks and open spaces including the adjacent ravine lands and City of Toronto Don Valley golf course. Staff also emphasized that the proposal should adhere to the requirements of the Site-specific SASP in terms of the provision of office space. Staff provided a Planning Application Checklist to the applicant subsequent to the meeting. The submitted development application is very similar to the proposed development discussed at the Pre-Application meeting.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan Site and Area Specific Policy 90 and Zoning By-law 7625, as amended by By-law 1093-2016, to permit a proposed 21-storey building (east building) comprised of non-residential uses including office, retail, restaurant and hotel, and a 35-storey, 290-unit residential building (west building) at 4050 Yonge Street. A 6-storey base building, would connect the two towers. The development would provide direct access to the existing York Mills TTC subway station. There is an existing entrance/exit to the York Mills subway station in the southeast corner of the site. A pedestrian tunnel runs from this subway entrance/exit building northward to the property to the north. The land containing the subway access building and tunnel are not owned by the applicant but belong to the city of Toronto. The site is currently used as a commercial parking lot.

The proposed development would contain a total of 67,826 square metres of gross floor area. With a gross site area of 12,986 square metres the proposed development would result in a net Floor Space Index of 8.15 times the lot area and a gross Floor Space Index of 5.22 times the lot area. Lands below the stable top of bank would be dedicated to a public authority.

The proposed east building would be 21 storeys (80.5 metres, including mezzanine and mechanical penthouse) in height, and would be comprised of non-residential uses, as follows: 4,626 square metres of office, 1,536 square metres of retail and restaurant use and 26,424 square metres of hotel use, which would be approximately 312 hotel suites. The proposed hotel would contain suites comprised of: 139 king rooms (45%), 123 double-queen rooms (39%) and 50 king suites (16%). The base of this building would provide access to the existing York Mills subway station.

The proposed building at the west end of the site would be 35 storeys (131.0 metres, including a ground floor mezzanine and mechanical penthouse) in height. A total of 290 residential units are proposed, comprised of: 69 1-bedroom (24%), 120 2-bedroom (41%) and 101 3-bedroom (35%) units. The applicant is proposing that 10% of the total units be affordable housing units.

The following table summarizes the setbacks of the development (see Attachment 4: Site Plan):

	North	East (Yonge Street)	South (Wilson Avenue)	West
Setbacks- West Tower Building (Residential)	Ground Floor up to top of Residential Tower (35 storeys) - 10 metres from stable top of bank	N/A	Ground Floor - 0 metres Floor 2 to Floor 6 - 0.0 metres up to 6.0 metres Floors 7 to Floor 35 - 15.9 metres	Ground Floor up to Floor 35 -10 metres from stable top of bank
Setback - East Tower Building (Hotel)	Ground Floor up to Floor 5 - 10 metre setback from stable top of bank. Floor 6 to top of Hotel Tower (21 storeys) - 1.0 metre	Ground Floor up to Floor 5 - 0.0 metres from Yonge Street ROW. Floor 6 to top of Hotel Tower (21 storeys) - 3.0 metres setback	Ground Floor up to top of Hotel Tower (21-storeys) - 0.0 metres from Wilson Avenue ROW	N/A
Setback - Northerly Mid-rise 6/7-Storey Building	Ground Floor up to Floor 6 - 10 metres from stable top of bank. Floor 7 - 8 metre setback varies	N/A	N/A	N/A

Proposed Building Heights:

35-Storey Residential Building including Mechanical Penthouse	131.0 metres
35-Storey Residential Building	123.5 metres
Ground Floor of Residential Building	6.4 - 7.75 metres
21-Storey Hotel including Mechanical Penthouse	80.5 metres
21-Storey Hotel	72.5 metres
Ground Floor Height of Hotel	7.9 metres
7 storey base building which connects towers	26.95 metres

The applicant has indicated that the residential tower floor plate would be approximately 800 square metres and the hotel tower floor plate would be 964 square metres. These floor plate sizes are larger than the City of Toronto standard of 750 square metres. The applicant will be encouraged to comply with the city guidelines in this regard.

The applicant has provided a tower separation distance of approximately 52.50 metres, exclusive of balconies, between the residential tower in the west and the hotel tower in the east.

Vehicular access to the site would be provided via a single driveway which is located centrally along the Wilson Avenue frontage of the site. The driveway would provide access to a vehicular forecourt area, at-grade but within the building, which includes a drop-off area for both the hotel and the residential uses, and access to the underground garage ramp and the loading spaces/servicing area.

A total of 766 below-grade parking spaces would be provided in a 5-level structure with 257 spaces being for residential use and 509 spaces being for the hotel and other commercial uses.

A total of 304 bicycle parking spaces are proposed: 198 long-term residential spaces within the mezzanine floor level of the west building; 20 short-term residential spaces at ground floor level of the west building; 10 long-term spaces for other uses are located at the P1 level of the east building; and a further 22 short-term spaces for other uses are proposed outside the building in the northeast corner of the subject site.

Four loading spaces are proposed for the development including one Type 'G' loading space (for non-residential loading), one Type 'B' loading space (for residential loading)

and two Type 'C' which would be located at grade within the building envelope accessed from the vehicular forecourt.

A total of 580 square metres of indoor amenity space (2 square metres per residential unit) and 580 square metres of outdoor amenity area (2 square metres per residential unit) would be provided as part of this development. The indoor amenity space would be located on Level 1 and Level 7 (390 square metres and 190 square metres, respectively). The outdoor amenity would be located abutting the Level 1 indoor amenity space (580 square metres) This shared amenity is in addition to private amenity including balconies and terraces.

The required 10-metre setback from the stable top-of-bank line as per the Toronto Region Conservation Authority along the north and west of the proposed building appears to have been provided. The abutting ravine to the north and west of the proposed building is steep and not suitable for public access from the private property. This 10-metre setback area is proposed to be developed for private use accessory to the development including private amenity areas for both at-grade residential and commercial uses such as patios and short term bicycle parking spaces.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1a and 1b of this report, for a three dimensional representation of the project in context and Attachment 4 for the proposed Site Plan.

Nearby Active Applications

There is an active application for a 14-storey residential building at 4155 Yonge Street, which is located on the east side of Yonge Street just south of William Carson Crescent. The original proposal for a 10-storey building was turned down by the Ontario Municipal Board in 2013. The applicant subsequently re-applied for a 14-storey building in 2017 and have appealed their application for Zoning By-law Amendment to the Local Planning Appeal Tribunal (file n0. 17 245489 NNY 25 OZ). No hearing date has been set.

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.

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and, where applicable, the Greenbelt Plan (2017). The PPS

and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs, including affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

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 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."

Provincial Plans

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new growth plan replaces the previous Growth Plan for the Golden Horseshoe, 2019. The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. The site is located at the northwest corner of Yonge Street and Wilson Avenue across from the York Mills subway station and there is an entrance to the York Mills subway station on the site.

A May 19, 2020 staff report to Planning and Housing Committee outlines the City Planning staff recommended approach and work plan that will ultimately result in Official Plan Amendments required to align the Official Plan with the Province's A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The work plan includes the phased Major Transit Station Area (MTSA) Prioritization Approach. York Mills subway station is identified for Proposed MTSA Prioritization Phase 3.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from *The Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The application is subject to Site and Area Specific Policy 90 Northwest of Wilson Avenue and Yonge Street and Southeast of York Mills Road and Yonge Street. As it applies to the subject lands, this policy specifies that a maximum density of 5.4 times the lot area is permitted and a maximum building height of 163.6 metres above sea level is permitted. Superstructures such as a mechanical enclosure are permitted above the maximum building height of 163.6 metres above sea level to a maximum height of 172.6 metres above sea level. The Site and Area Specific policy also states that areas within the floodplain may be used for bank stabilization works that alter the existing topography, provided that such works: protect, restore or improve existing natural features and functions; do not result in unacceptable risk to life or property, and minimize the need to mitigate and remediate flood, erosion and damage to the natural ecosystem.

The application is located on lands shown as *Mixed Use Areas* and *Parks and Open Spaces - Natural Areas* on Land Use Map 16 of the Official Plan (see Attachment 5: Official Plan Map).

Mixed Use Areas are made up a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan directs new development to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to existing and/or planned buildings. Further, development in *Mixed Use Areas* will locate and mass new buildings to provide appropriate transition towards areas of different intensity and scale.

The site has lands designated *Parks and Open Spaces - Natural Areas* along the west and northern boundaries of the property. Policy 4.3(2) of the Official Plan sets out 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. Policy 4.3(3) goes on to specify the areas shown as *Natural Areas* on the Land Use Maps will be maintained primarily in a natural state, while allowing for: a) compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and b) conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, that are designed to have only minimal adverse impacts on natural features and functions, and that restore and enhance existing vegetation and other natural heritage features.

Urban Structure Map 2 of the Official Plan shows that the subject lands are subject to an overlay of both the *Green Space System* and *Greenbelt River Valley Connections*. The Official Plan states that the City of Toronto is connected by a system of green space, which system is vital to both our quality of life and to the health of natural ecosystems both within, and beyond, our current boundaries. The *Green Space System* is comprised of those lands with a *Parks and Open Space Areas* land use designation which are large, have a significant natural heritage or recreational value and are connected. The Official Plan identifies the many benefits for the City of lands identified as *Green Space System* and the Toronto and Region Conservation Authority is charged with playing an important role in the protection, enhancement and management of these lands. Policy 2.3.2(11) of the Official Plan highlights the important ecological and hydrological functions and park and trail connections that *Greenbelt River Valley Connections* provide and that they will be recognized through public information, awareness and stewardship programs and partnerships with public and private landowners, First Nations, institutions and organizations.

Official Plan Map 3 illustrates an anticipated right-of-way width of 36 metres for both Yonge Street and Wilson Avenue along the frontages of the development site.

Map 4 (Higher Order Transit Corridor) identifies the existing York Mills subway station and Map 5 (Surface Priority Network) identifies Wilson Avenue and York Mills Road in both directions from Yonge Street as a 'Transit Priority Segment'.

The property is also located within the Natural Heritage System as identified on Map 9 of the Official Plan. Development is generally not permitted in the natural heritage system except where the underlying land use designation provides for development in or near the natural heritage system. In these cases, development will: recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and minimize adverse impacts and when possible, restore and enhance the natural heritage system. All proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impacts on and/or improve the natural heritage system.

Other relevant policies to be referred to during the review of this development proposal include those in the "Healthy Neighbourhoods", "Public Realm", Built Form". "Parks and Open Spaces", "The Natural Environment" and "Implementation" sections of the Plan.

Zoning By-laws

The lands are subject to the former City of North York Zoning By-law 7625, as amended by Site Specific Zoning By-law 1093-2016. The lands are zoned C1(132) and O1(45). The C1(132) zone permits a variety of non-residential uses including professional office use and a hotel, including accessory uses such as restaurant, café, conference centre and banquet hall. Residential uses are not permitted in the C1(132) zone. The O1(45) zone permits landscaping and soft landscaping as defined by the zoning by-law and cafes and patios ancillary to a restaurant use within the abutting C1(132) zone.

The lands are not subject to City-wide Zoning By-law No 569-2013 which may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- City-Wide Tall Buildings Design Guidelines;
- Avenues and Mid-Rise Buildings Study including Performance Standards and Addendum;
- Growing Up: Planning for Children in New Vertical Communities;
- Bird Friendly Development Guidelines;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Units Buildings;
- Toronto Green Standards; and
- Percent for Public Art Programme.

The application may be subject to further design guidelines as the review of the application progresses.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

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

COMMENTS

Reasons for the Application

The site's *Mixed Use Areas* designation permits the proposed uses contemplated by the application. The Official Plan Amendment is required to permit the development at the density and height being proposed, which exceeds that permitted by the Site and Area Specific Policy 90 applicable to the site.

An application to amend the former City of North York Zoning By-law 7625 is required as the proposal does not comply with the existing performance standards with respect to: building heights, density, building setbacks, and parking. An amendment is also required to establish appropriate development standards for the proposal development. Other areas of non-compliance may be identified through the review of the application.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

The application will be evaluated against the Planning Act and applicable Provincial Plans to establish the application's consistency with the PPS (2020) and conformity with the Growth Plan (2020), especially with regard to ensuring that the development recognizes the local context in terms of appropriate intensification, the promotion of well-designed built form, housing options and whether the proposal complies with the municipal direction for growth.

Section 2 of the Planning Act sets out matters of provincial interest that City Council shall have regard to in making any decisions under the Planning Act. Relevant matters of provincial interest are (j) the adequate provision of a full range of housing, including affordable housing, (p) the appropriate location of growth and development; (q) the promotion of development that is designed to be sustainable, pedestrian-oriented and transit-supportive; 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.

The Provincial Policy Statement (PPS) (2020) contains policies related to managing and directing development. It requires that sufficient lands be made available for intensification and redevelopment, that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and surrounding areas.

While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity,. The PPS indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020) supports intensification within built-up urban areas and focuses on accommodating forecasted growth in "complete communities" designed to meet people's needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing to accommodate a range of incomes and household sizes. The Growth Plan provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding objectives of the Growth Plan.

The application will be evaluated against the policies and objectives of the Planning Act, Provincial Policy Statement and Growth Plan, including the promotion of well-designed built form, providing for a range of housing options and whether the proposal complies with the municipal direction for growth.

Official Plan Conformity

The Official Plan states 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. However, not all *Mixed Use Areas* will experience the same scale or intensity of development.

Chapter 2 - Shaping the City contains principles for steering growth and change to some parts of the City, while protecting neighbourhoods and green spaces from development pressures. It sets out the city's "big picture" or "vision" for growth management. In addition, it identifies that community and neighbourhood amenities will be enhanced where needed by improving and expanding facilities, creating new facilities and adapting existing services to changes in the needs of the neighbourhood.

Chapter 3 - Building a Successful City contains principles to guide growth by integrating social, economic and environmental perspectives in decision making to create complete communities. The Official Plan contains policies which promote quality architecture, landscape and urban design and construction that ensures new development enhances the quality of the public realm. The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. Section 3.1.1. of the Official Plan contains Public Realm policies that recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing, including affordable housing, will be provided and maintained to meet the needs of current and future residents.

Section 3.4 Natural Environments of the City's Official Plan provides policies for development within or near natural hazards and lands containing the natural heritage system. Policy 8 states that development will be setback at least 10 metres from the stable top-of-bank. Policy 9 states that alteration of the existing slope of a valley for the purpose of accommodating development will not be permitted. Policy 11 states that development is generally not permitted within the natural heritage system. Policies 3 and 13 require that a study be provided to assess a development's impact on the system and provide measures to reduce negative impacts on and/or improve the system.

Land Use Designations are described in Chapter 4 and are among the Official Plan's key implementation tools for achieving the growth strategy set out in Chapter 2. - to direct major growth to some parts of the city and away from others. Policy 4.5.2 of the Official Plan contains a number of criteria for development in *Mixed Use Areas*. One of the key objectives of the Official Plan is for new development to provide built form transition and minimize shadow impacts from areas designated *Mixed Use Areas* to areas with different development intensity and scale. New buildings should be located and massed with appropriate setbacks and/or stepping down of heights, particularly to lower scale *Neighbourhoods*. Other *Mixed Use Areas* development criteria establish that new development should provide good site access, circulation and parking as well as provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Through its Official Plan, the City has identified appropriate locations and opportunities for intensification. Although growth is intended to occur on this particular site given its land use designation, the level of intensification of this site must reflect the existing and planned context as established by the implementing Zoning By-law and Official Plan policies. SASP 90 is in effect for the subject property and the appropriateness of revising the provisions of SASP 90 for this site will be assessed through the planning process.

Staff will continue working with the applicant to achieve a redevelopment proposal that meets the intent of City policies of the Official Plan.

Land Use

The applicant is proposing a mixed-use development containing both non-residential and residential uses. The variety of land uses proposed, including residential, office, hotel and retail uses, is in keeping with the land use provisions of the Official Plan *Mixed Use Areas* designation. The *Mixed Use Areas* designation is one of four land use designation that are intended to accommodate most of the increased jobs and population anticipated by the Official Plan's growth strategy. The intent of the *Mixed*

Use Areas designation is to create places where people can live, work and shop in the same area. The applicant proposes a balance of residential and non-residential uses 53% to 47%, respectively. The proposed office, hotel and retail uses are currently permitted by the existing C1(132) zone - the residential uses are not. The applicant is proposing only 4,626 square metres of office space where the proposal approved in 2016 included 24,090 square metres of office space. Staff will pursue more office space given the TTC York Mills subway station entrance on site and the proposed station access integration into the building.

Site Organization

Staff will assess the suitability of the proposed site organization and building placement through the application evaluation process. The site is organized with the 35-storey residential building located along the west lot line and the 21 storey hotel located along the east property line. A 7-storey building component connects the two towers across the north portion of the site, so that the built form takes on an upside-down U-shape. Servicing functions are located within the central portion of the site under a 1-storey building component.

Given the prominent intersection of Yonge Street and Wilson Avenue and the presence of the York Mills subway station entrance on site at this corner, staff have requested a larger, unencumbered open space, perhaps in the form of a Privately Owned Publically Accessible Open Space (POPS). Staff require a wider unencumbered setback along Yonge Street to provide for a wider public realm suitable for a significant landscaping upgrade.

Built Form, Planned and Built Context

Staff have significant concerns with the height and scale of the proposed redevelopment. The intent of SASP 90 was to ensure that the building height does not obstruct sight lines across the Don Valley, from top-of-bank to top-of-bank for the subject property and the property at the southeast corner of Yonge Street and York Mills Road (see Attachment 3: Context Plan).

The following table describes the heights of the nearby buildings near the intersection of Yonge Street and Wilson Avenue/York Mills Road and within 800 metres of the York Mills subway station:

Corner	Name, Address and nature of building	Height
Northwest	Yonge Corporate Centre - 4100, 4110 & 4120 Yonge Street - commercial	6 storeys each
Northeast	4141 Yonge Street - commercial	4 storeys

Corner	Name, Address and nature of building	Height
Northeast	York Mills Centre - 36 York Mills Road, 20 York Mills Road, 10 York Mills Road & 4101 Yonge Street - commercial, GO station, TTC station	Building 1 - 5 storeys Building 2 - 5 storeys Building 3 - 7 storeys Building 4 - 4 storeys
Southwest	4000 Yonge Street - residential	9 storeys
Southwest	York Mills Place (residential) - 3900 Yonge Street	11 storeys
Southeast	10 Old York Mills Road (residential)	9 storeys
Southeast	The Townhouses of Hoggs Hollow (residential)	4 storeys

Staff will assess the suitability of the proposed setbacks, height, massing, and transition based on the City's Official Plan including Healthy Neighbourhoods Section 2.3.1, Public Realm Section 3.1.1., Built Form Section 3.1.2, Built Form - Tall Buildings 3.1.3 and *Mixed Use Areas* Section 4.5. Staff will utilize both the Avenues and Mid-Rise Guidelines and the Tall Buildings Guidelines to assess the application. Staff will also assess the proposal against the *Mixed Use Areas* policies outlined in Chapter 4 and the design guidelines identified earlier. Of particular concern will be how the proposed buildings relate to, and respect, the height in relation to the top of bank feature, as well as the abutting Yonge Street and Wilson Avenue rights-of-way given the anticipated right-of-way width of 36 metres of each street. Also, of concern will be an evaluation of the proposed setbacks and stepbacks of the development.

City-Wide Tall Buildings Design Guidelines

In May 2013, Toronto City Council adopted the updated City-wide Tall Buildings Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The City-wide Tall Buildings Design Guidelines are available at: <https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Avenues and Mid-Rise Buildings Study and Addendum

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

Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2017/08/960c-Performance-Standards-for-Mid-Rise-Buildings.pdf>

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<https://www.toronto.ca/wp-content/uploads/2017/08/96be-Mid-Rise-Building-Performance-Standards-Addendum.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto 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 Guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

The applicant is proposing to provide the following unit mix:

69 1-bedroom (24%)
120 2-bedroom (41%)
101 3-bedroom (35%)

The Guidelines recommend that 25% of the units within a building be large units suitable for families, that is, 2 and 3 bedroom units. The applicant is proposing a total of 290 units. Given the recommended ratio in the Guidelines, more than 73 units proposed within this building should be larger units. The development proposes that 76% or 221 of the proposed units will be large units which is greater than that recommended by the Guidelines. The Guidelines further recommend that a minimum of 10% of total units be 3-bedroom units which in this case would be 29 units. The applicant is proposing that 101 or 35% of the total units be 3-bedroom units which meets the guidelines.

The applicant will be encouraged to provide further information on the proposed unit sizes within the building. The Growing Up Guidelines recommend minimum unit sizes for each bedroom unit type and staff will assess the proposed unit sizes against the Growing Up Guidelines with the goal of accommodating larger households. Amenity spaces should be appropriate for families with children.

City staff will work with the applicant to appropriately address the Growing Up Guidelines to the extent possible, particularly as the proposal relates to the above noted issues and others that may arise in the review of this proposal.

Ravine Protection

The subject lands are within a TRCA Regulated Area and adjacent to the Don River West Branch and the Regional Floodplain. A permit will be required from the TRCA prior to any development taking place.

The proposed development is subject to provisions of the City of Toronto Ravine and Natural Feature Protection By-law (Chapter 658 of the Municipal Code) as the entire property is located within the Ravine and Natural Feature Protection Area. The City of Toronto's Ravine Protection By-law prohibits and regulates the injury and destruction of trees, filling, grading and dumping in ravines and associated wooded areas within the Ravine Protection line, including the West Don River valley system. All trees are subject to the Ravine By-law regardless of species or diameter. Staff will determine if the planning application conforms to the By-law through the processing of the application. Staff will determine if the proposed development will be setback at least 10 meters from the stable top of bank as per Policy 8 of Section 3.4 of the Official Plan.

While no permanent development can occur within the 10-metre setback from the top-of-bank, amenities such as pathways could be considered - staff will encourage the applicant to provide such amenities that can be enjoyed by the residents who will live in the building and patrons of non-residential uses within the development.

The TRCA has been circulated the application for comment and will be evaluating the proposal.

Natural Heritage Protection

The subject lands are entirely within the Natural Heritage System Area as illustrated on Map 9 of the Official Plan. The Official Plan requires that all proposed development in or near the natural heritage system be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system. To assist in this evaluation, the applicant has submitted a Natural Heritage Impact Statement as part of their application submission. The Natural Heritage Impact Statement will be assessed to determine if a comprehensive ecological restoration plan, which secures improvements to the natural heritage system in the area, both on and off site, will be required as part of both the City's and the TRCA's permit process.

Due to the proximity of the proposed development to the natural heritage system and the anticipated mix of uses, it is recommended that the applicant take care to incorporate designs that minimize impacts on the natural environment. For example, special attention must be paid to the type of bird friendly design solutions and note that the collision prevention treatment must be implemented for the first 16 metres of the building height or to the top of the mature tree canopy.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicant has submitted a Tree Inventory and Preservation Plan which is currently under review by staff. The findings of the study indicate a total of 607 existing trees on-site and on adjacent properties. Removal of 250 trees greater than 10cm diameter at breast height (DBH) and 356 trees less than 10cm DBH is recommended to accommodate the proposed development and provide opportunity for enhancements of the natural ravine feature area. It is anticipated that 1 tree will be injured as a result of the proposed development. Staff will be evaluating the proposed Tree Preservation Plan submitted by the applicant.

Additionally, City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy 3.4.1 (d) of the Official Plan states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and iii) regulating the injury and destruction of trees".

Staff will work with the applicant to address the provision of trees on-site and the requirement to add to the City's tree canopy.

Shadow Study

The applicant submitted a shadow study prepared by Bousfields Inc. assessing the shadow impacts at the spring and fall equinoxes (March/September 21) and the summer solstice (June 21). The study will be reviewed to determine shadow impacts upon neighbouring properties and the applicant will be encouraged to incorporate appropriate mitigation measures into the proposal, as necessary, in terms of building height, massing and design.

Wind Assessment

The applicant submitted a Pedestrian Level Wind Assessment dated January 14, 2020, prepared by The Boundary Layer Wind Tunnel Laboratory for the purposes of investigating pedestrian wind comfort within and surrounding the subject site, and to identify any areas where wind conditions may interfere with certain pedestrian activities so that mitigation measures may be considered, where necessary. The study will be reviewed and the applicant will be requested to consider how the building massing and materials could be used to mitigate wind impacts, if necessary. For example, the applicant's proposed mitigation to the negative wind conditions on the 7th floor amenity area increases the scale of the building mass and the height of the podium. Staff's response to this is to encourage the applicant to find a way to mitigate the wind impacts on the 7th floor amenity area without impacting the building's physical mass and perceived height.

Noise Impact and Vibration Study

The applicant submitted a Noise and Vibration Feasibility Study by Howe Gastmeier Chapnik Limited (HGC Engineering) dated February 14, 2020 to determine noise impacts on the proposed development, particularly from the adjacent transportation facilities and the vibration impacts from the TTC Yonge-University subway line tunnel which is in close proximity to, and below grade to, the development site. City staff will review the submitted study and determine whether it is appropriate to retain a third party consultant to undertake a peer review of this study at the cost of the applicant, as the evaluation of the application proceeds.

Community Services and Facilities

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

The applicant has submitted a Planning & Urban Design Rationale prepared by Bousfields Inc. dated February 2020 which includes a section on community services and facilities. Staff are reviewing the submitted materials.

Infrastructure/Service Capacity

The applicant submitted a Functional Servicing and Stormwater Management Report dated February 2020 and a Sanitary Capacity Analysis Report dated December 2019, both by Schaeffers Consulting Engineers and a Hydrogeological Investigation Report dated January 10, 2020 by EXP Services Inc. Staff will be reviewing the servicing reports to evaluate the effects of the development on the City's municipal servicing infrastructure, and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to adequately service the proposal.

Transportation Impacts

The applicant submitted a report dated January 31, 2020 by BA Group entitled Urban Transportation Considerations which staff will review to evaluate the effects of the development on the local transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands generated by the proposed development.

The applicant has proposed a 12-metre wide driveway from the Wilson Avenue frontage of the site to provide access to the site loading, the underground parking structure and passenger drop-off/pick-up. The driveway appears excessively wide and will have a negative impact upon the pedestrian realm along Wilson Avenue. The drop-off areas serving the two towers also appears to be large - staff will evaluate these through the application process.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

Given its proposed height and density, the current proposal is subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intend to apply the Section 37 provisions of the Planning Act should this application be recommended for 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, through Zoning By-law Amendment applications, through a Site Plan Agreement or Registered Plan of Subdivisions.

The applicant submitted a TGS Checklist with this application and it is currently being reviewed by staff. Staff will encourage the applicant to pursue a Tier 2 or higher level of performance as well as the TGS Development Charges refund program.

Other Matters

Staff have identified the following issues:

- The provision of limited office space in the development which is not in alignment with the previously approved SASP;
- A lack of built-form setbacks (particularly along Wilson Avenue and Yonge Street) and step-backs on the site;
- The lack of mid-rise building forms along the Yonge Street and Wilson Avenue frontages in keeping with the planned ultimate right-of-way width of 36 metres of those streets;
- The lack of a cohesive architectural style between the residential building component and the hotel/office component;
- The obstruction of sight-lines across the valley which conflicts with SASP 90;

- Given the increase in dog-owning population, the applicant will be strongly encouraged to provide suitable indoor and outdoor dog amenities on-site with proper disposal facilities such as dog relief stations;
- Parks, Forestry and Recreation staff advise that the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu; and
- The applicant will be encouraged to provide public art in the proposed development through the applicant's participation in the Percent for Public Art Program.

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

CONTACT

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E-mail: Cathie.Ferguson@toronto.ca

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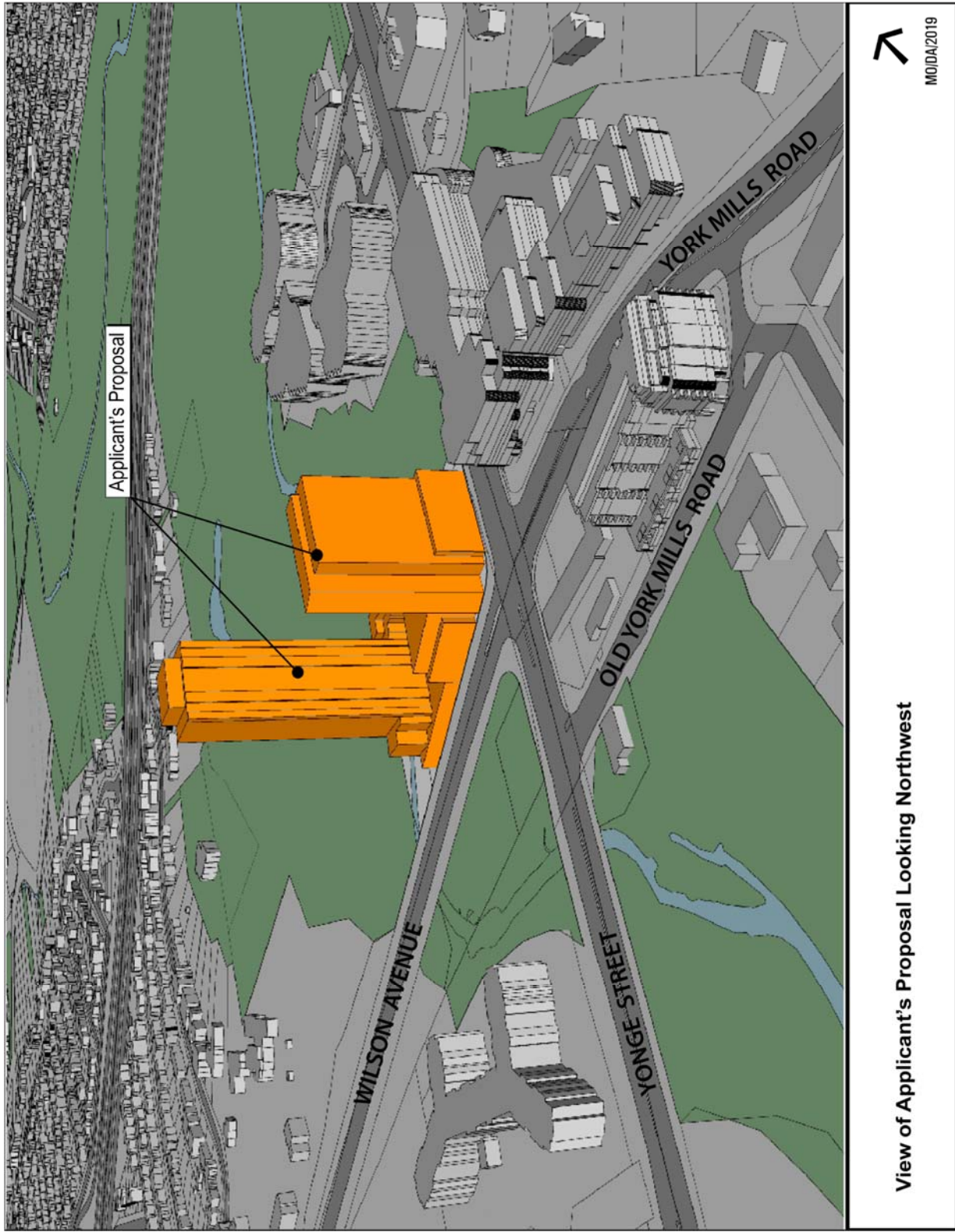
Al Rezoski, Acting Director
Community Planning, North York District

ATTACHMENTS

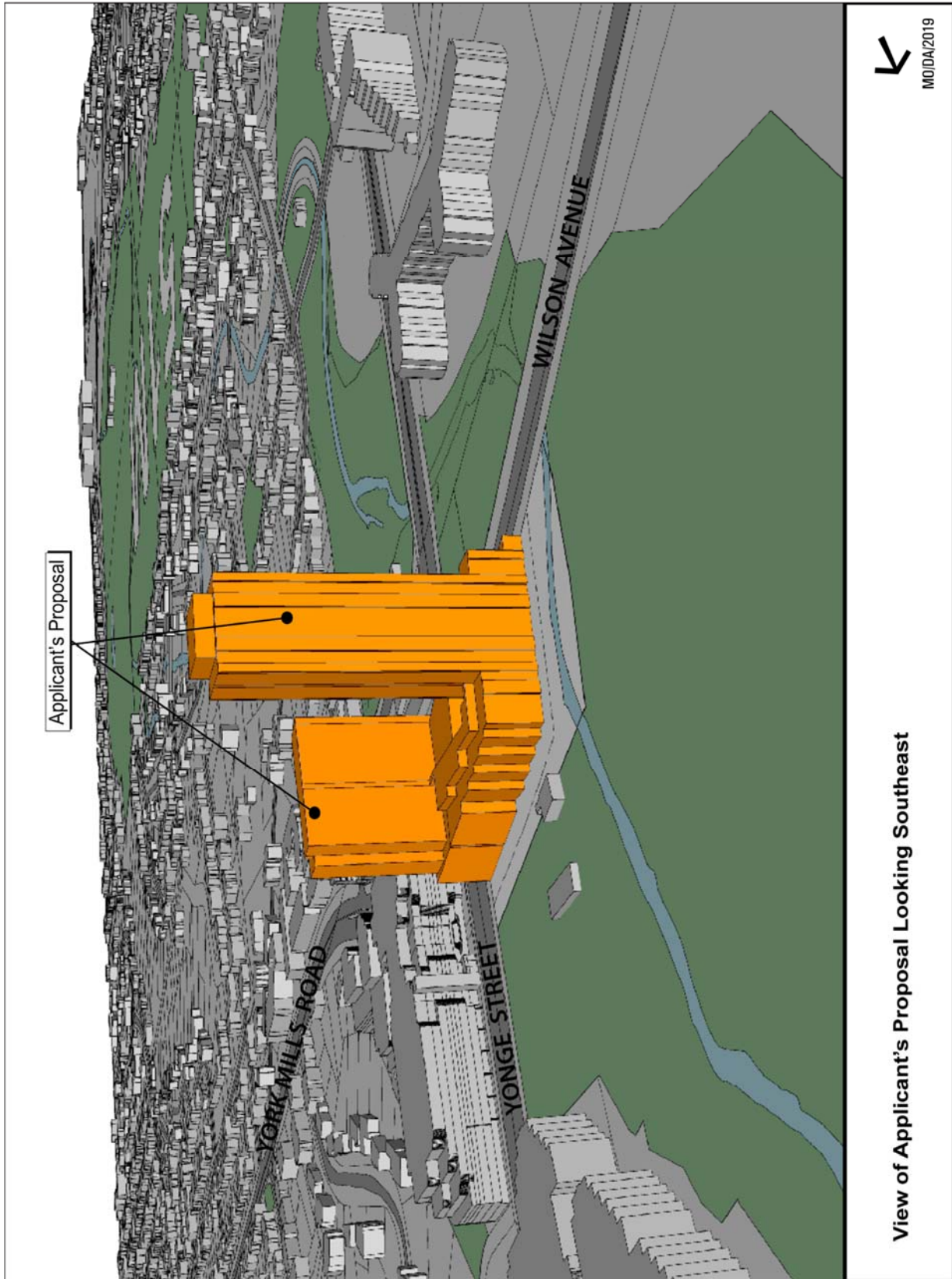
City of Toronto Drawings

Attachment 1a: 3D Model of Proposal in Context looking Northwest
Attachment 1b: 3D Model of Proposal in Context looking Southeast
Attachment 2: Location Map
Attachment 3: Context Plan
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Application Data Sheet

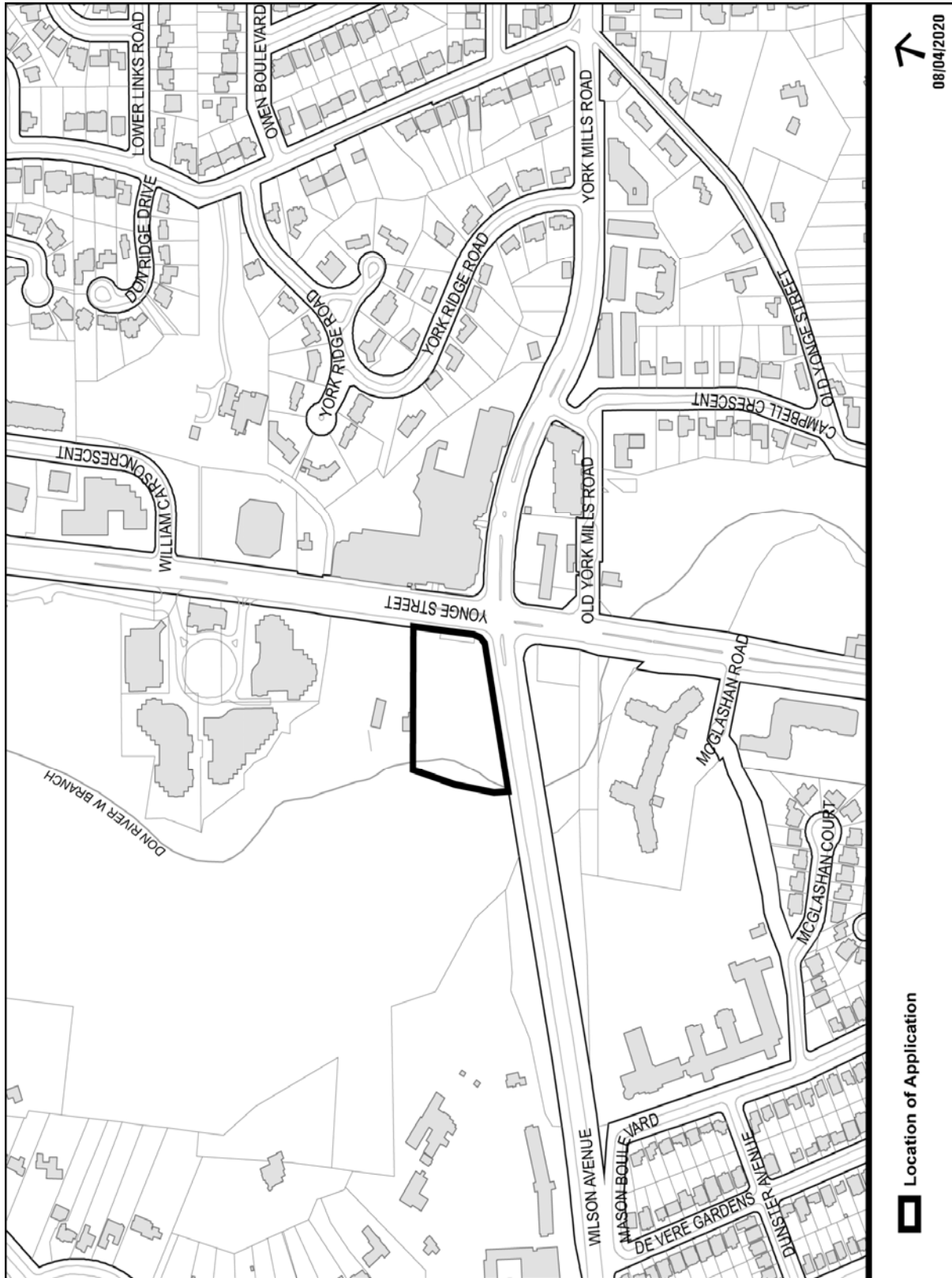
Attachment 1a: 3D Model of Proposal in Context looking Northwest



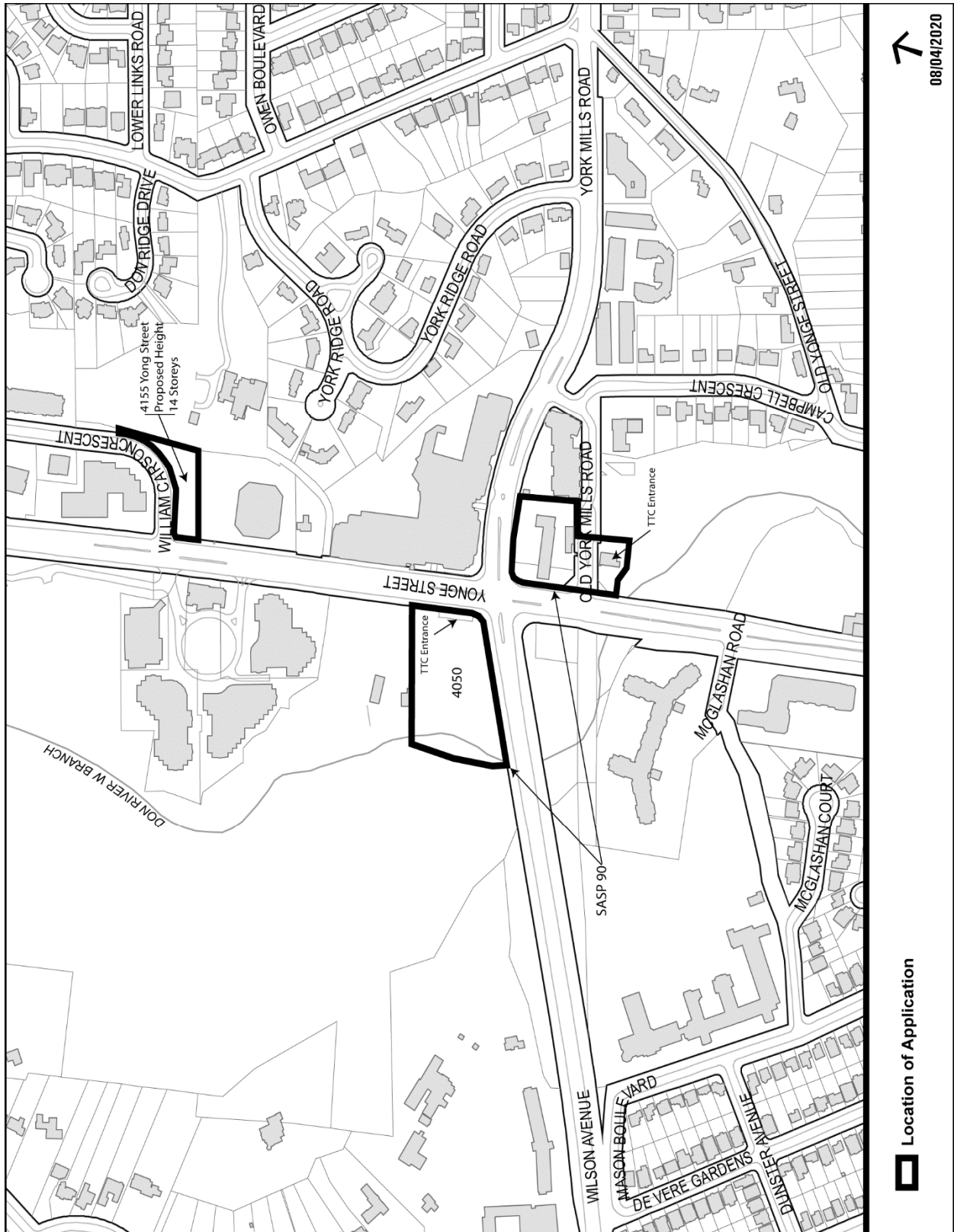
Attachment 1b: 3D Model of Proposal in Context looking Southeast



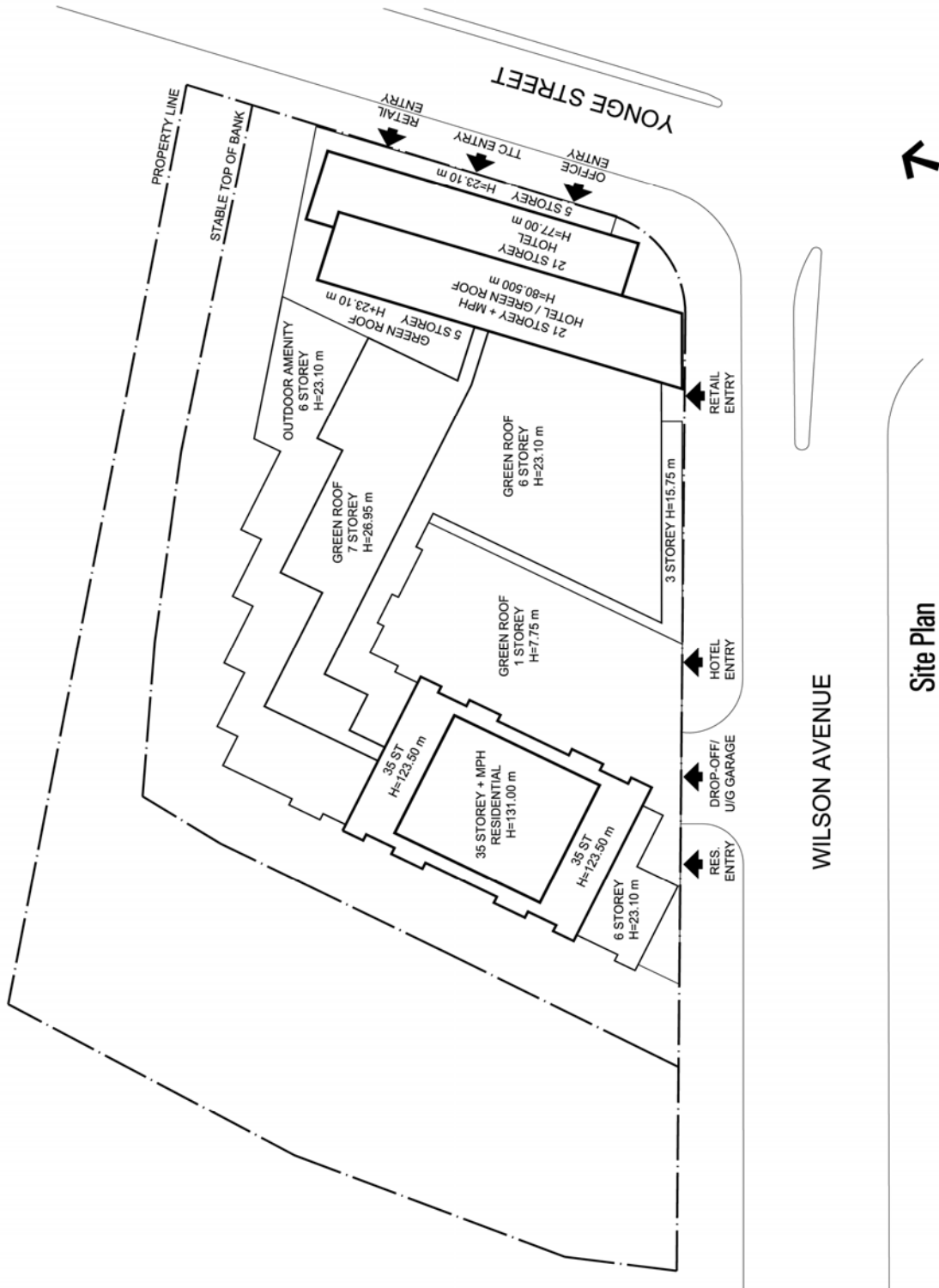
Attachment 2: Location Map



Attachment 3: Context Plan



Attachment 4: Site Plan

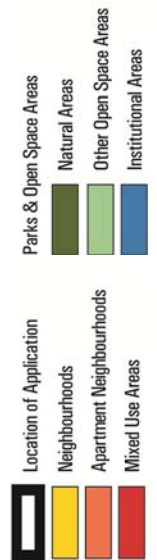




4050 Yonge Street

Toronto
Official Plan Land Use Map #16

File # 20 115845 NINY 08 0Z



Attachment 6: Application Data Sheet

Municipal Address: 4050 Yonge Street **Date Received:** February 14, 2020

Application Number: 20 115845 NNY 08 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposed redevelopment of the existing surface parking lot with two towers. The proposed East Building, 21 storeys in height, would be comprised of non-residential uses including office, retail, restaurant and 312 hotel suites. The base of the building would provide access to the existing TTC subway station. The West Building would be 35 storeys in height and consist of 290 residential units (69 1-bedroom, 120 2-bedroom & 101 3-bedroom). Both buildings would be connected by a 6 storey base building. A total of 766 below grade parking spaces (257 for residential use & 509 for commercial / hotel use) and 250 bicycle parking spaces are proposed.

Applicant	Agent	Architect	Owner
Patrick Devine, Devine Park LLP 250 Yonge Street, Suite 2302, Toronto, ON M5B 2L7	Patrick Devine, Devine Park LLP 250 Yonge Street, Suite 2302, Toronto, ON M5B 2L7	IBI Group 55 St. Clair Avenue West 7th Floor Toronto, ON M4V 2Y7	2432014 ONTARIO INC Yonge Park Plaza c/o Eastons Group 3100 Steeles Street East, Suite 601 Markham, ON L3R 8T3

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas Parks and Open Space – Natural Areas	Site Specific Provision:	SASP 90
Zoning:	C1(132) and O1(45) 163 metres	Heritage Designation:	N
Height Limit (m):	above sea level (including MP)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	12,986	Frontage (m):	124	Depth (m):	66
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			4,729	4,729
Residential GFA (sq m):			34,474	34,474
Non-Residential GFA (sq m):			32,586	32,586
Total GFA (sq m):			67,826	67,826
Height - Storeys:			35	35
Height - Metres:			131	131

Lot Coverage Ratio (%): 36.42 Floor Space Index: 8.15 (net)

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	34,474	
Retail GFA:	1,536	
Office GFA:	4,626	
Industrial GFA:		
Institutional/Other GFA:	26,424	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			290	290
Other:				
Total Units:			290	290

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			69	120	101
Total Units:			69	120	101

Parking and Loading

Parking Spaces: 766 Bicycle Parking Spaces: 250 Loading Docks: 4

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