

## **335 Yonge Street – Official Plan Amendment and Zoning Amendment Applications – Refusal Report**

Date: June 24, 2020

To: Toronto and East York Community Council

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

Ward 13 - Toronto Centre

**Planning Application Number:** 19 249699 STE 13 OZ

### **SUMMARY**

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This application proposes to amend the Zoning By-law to permit a 30 storey mixed-use tower with 165 dwelling units and a total gross floor area of 14,299 square metres at 335 Yonge Street. The proposed building would have a height of 106 metres including the mechanical penthouse. The proposal includes two below grade levels, one of which would be for retail uses with a knockout panel adjacent to the TTC Dundas Street subway platform. There is no vehicular parking proposed.

The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law. The development site is not appropriate for tower development as the site is too small. The proposed development can not achieve appropriate tower setbacks nor stepbacks because the site is too small for tower development. Additionally, the proposed development does not minimize shadowing; the proposed development lacks sufficient outdoor amenity space; the outdoor amenity space that is provided is in an inappropriate form; there is no pet amenity area; there is no parking and the loading area does not meet City standards; in addition, the application does not have a satisfactory Functional Servicing Report to address servicing issues. Therefore, for the reasons outlined in this report, it is recommended that the application be refused.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for Official Plan Amendment, for the lands at 335 Yonge Street for the reasons outlined in the report dated June 24, 2020 from the Director, Community Planning, Toronto and East York District.

2. City Council refuse the application for Zoning By-law Amendments for the lands at 335 Yonge Street for the reasons outlined in the report dated June 24, 2020 from the Director, Community Planning, Toronto and East York District

3. City Council authorize the City Solicitor, together with appropriate 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 Local Planning Appeal Tribunal.

4. City Council direct the City Solicitor to request the LPAT, in the event the application is appealed to the LPAT and the LPAT allows the appeal and permits additional height or density, or some variation, to:

a) Secure the following community benefits with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*.

i) A financial contribution payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment; the funds shall be directed as follows:

A. financial contributions for the relocation and expansion of the City Hall library to Old City Hall;

B. financial contributions towards the replacement/expansion of John Innes Community Recreation Centre as identified in the Parks and Recreation Facilities Master Plan Implementation Strategy and/or

C. financial contributions towards a non-profit, licensed child care facility within the vicinity of the site

b) The following matters are also recommended to be secured in the Section 37 Agreement as matters required to support the development of the site:

i. The owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the City's Executive Director of Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Executive Director of Engineering and Construction Services; and

ii. The owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green

Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

c) Withhold its Order allowing the appeal in whole or in part allowing the Official Plan and Zoning By-law Amendments until:

i. The owner has entered into an Agreement under Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate public benefits and the Section 37 Agreement has been registered on title to the site to the satisfaction of the City Solicitor;

ii. The LPAT has been provided with a proposed Official Plan Amendment and Zoning By-law Amendment by the City Solicitor together with confirmation the proposed Amendments are in a form satisfactory to the City; and

iii. The LPAT has been advised by the City Solicitor that the Functional Servicing Report has been completed to the satisfaction of Executive Director of Engineering and Construction Services.

iv. The owner maintain a 3 m clearance between the building, including all below grade and above grade structures, to all TTC infrastructure.

v. The owner provide a 6.0 m radius corner rounding at the southeast corner of Yonge/Gould Street, free and clear of all encumbrances.

vi. The owner shall provide confirmation from both the Hospital for Sick Children and St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path to the satisfaction Chief Building Official and Executive Director, Toronto Building.

5. In the event the cash contribution referred to in Recommendation 4 has not been used for the intended purpose within three years of the implementing Zoning By-law Amendments coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the local community.

6. 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.

## **FINANCIAL IMPACT**

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City Planning 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**

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There have been no recent pre-application meeting held for this application. However, a number of years ago Planning staff did inform the owner of the site that the site was too small for a tower development.

A pre-application meeting was held May 9, 2018 for a tower proposal on a larger development site, being 331 and 335 Yonge (331 Yonge is not part of this application). The current application was submitted on November 15, 2019 and deemed complete as of March 5, 2020.

Subsequent to the original submission, City Planning reiterated its concerns with the owner that the site is not a tall building site in meetings held December 24, 2019 and February 4, 2020. Despite this, the application remains unchanged.

## **PROPOSAL**

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The applicant is proposing a 30-storey (99 m excluding mechanical; 106 m including mechanical) mixed-use development which would contain 165 dwelling units. The development would be massed in a tower podium form. The tower, would stepback from the podium on the west and south sides by 3 and 3.4 m respectively. There would be no stepback on the north or east sides. The podium measures 3 storeys in height. Projecting balconies are proposed along the south and west faces of the tower. The proposed gross floor area would be 14,299 m<sup>2</sup> which equates to a Floor Space Index of 19.9 times the area of the lot under Zoning By-law 569-2013.

The ground floor would include the residential lobby fronting Gould Street and retail uses fronting both Yonge and Gould Street. The plans seem (it is not clear from the plans) to indicate an unenclosed loading/serving area adjacent to the ground floor. Residential amenity space would be located on the fourth floor. The first level of the basement would include retail space and a potential future PATH connection to the north and a connection to the adjacent TTC Dundas Station platform. Bicycle parking would be provided in the second below grade level, no vehicular parking is proposed.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 5-10:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks	
West to midpoint Yonge Street	13 m
East to property line	0 m
North to midpoint Gould Street	10 m
South to property line	3.4 m
Podium setback at grade to property line	
West	0 m
East	0.0 m
North	0.0 m
South	0.0 m
Pedestrian realm (building face to curb)	
Yonge Street	3.63 m
Gould Street	3.6 m
Tower floorplate GFA (approximate)	535 m <sup>2</sup>
Ground floor height	7 m
Vehicular parking	0
Bicycle parking	
Visitor	52
Resident	170
Loading spaces	
Type G	1
Amenity space	
Indoor	460 m <sup>2</sup>
Outdoor	112 m <sup>2</sup>
Unit Mix	
Studio	26 (16%)
One bedroom	70 (42%)
Two bedroom	52 (32%)
Three + bedroom	17 (10%)
Total	165

## Site and Surrounding Area

The site is a rectangular corner lot with 18.35 m of frontage on Yonge Street and 38.96 m of frontage on Gould Street. The lot area is 718 m<sup>2</sup>. The site is presently vacant but was occupied by the former William Reynolds Block (commonly known as the Empress Hotel) which was designated under Part IV of the Ontario Heritage Act. Refer to Attachment 2.

The surrounding uses are as follows:

North: on the north side of Gould Street; 9-storey Sheldon & Tracy Levy Student Learning Centre (Ryerson University).

South: immediately adjacent to the site, 2 and 3–storey commercial buildings with frontage on Yonge Street. Further south is the 10 Dundas Street East mixed use

development including retail, commercial, parking and Ryerson University uses with heights ranging from 5 to 11-storeys.

West: 2 to 3-storey commercial buildings on the west side of Yonge Street.

East: immediately east of the site is O'Keefe Lane and east of that the above mentioned 10 Dundas Street East mixed-use development. Portions of the 10 Dundas Street East mixed-use development cantilever over the laneway adjacent to the site.

### **Reasons for Application**

The proposal requires an amendment to the Official Plan to permit a built form which is not a low scale built form. Amendments to the Zoning By-law are required for an increase in density and height along with changes required to setbacks, parking and amenity space provisions among other requirements.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted with the application:

- Public Consultation Strategy
- Block Plan Analysis
- Draft Official Plan and Zoning by-law Amendments
- Phase One Environmental Site Assessment
- Baseline Soil and Ground Water Chemistry
- Geotechnical Engineering Report
- Site Servicing and Stage 1 Stormwater Management Report
- Heritage Opinion letter
- Noise & Vibration Impact Study
- Qualitative Pedestrian Level Wind Assessment
- Planning & Urban Design Rationale
- Shadow Study
- Toronto Green Standards Checklist
- Transportation Impact, Parking and Loading study
- Arborist Report

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

### **Agency Circulation Outcomes**

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 and to formulate appropriate recommendations.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **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 (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 (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

The Growth Plan (2019) 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.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendments 352 (implementing By-laws 1106-2016 and 1107-2016), Official Plan Amendment 174 and Official Plan Amendment 406 as follows:

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**

### **Policy 2.2.1 Downtown: The Heart of Toronto**

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The 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."

Policy 2.2.1.3 c) and d) refers to 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.

## **Chapter 3 – Building a Successful City**

### **Policy 3.1.1 The Public Realm**

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: a) providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and b) locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity.

### **Policy 3.1.2 Built Form**

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.2 requires new development to locate and organize vehicle parking and vehicular access, service areas and utilities to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

Policy 3.1.2.3 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 existing and/or planned 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 on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 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 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

### **Policy 3.1.5 Heritage Conservation**

Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, City Hall and Old City Hall being two of those properties.

### **Policy 3.1.3 Built Form – Tall Buildings**

Policy 3.1.3 states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 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.

### **Policy 3.2.1 Housing**

Policy 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. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

### **Policy 3.2.3 Parks and Open Spaces**

Policy 3.2.3 refers to the system of parks and open spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

## **Chapter 4 – Land Use Designations**

### **Policy 4.5 Mixed Use Areas**

The subject lands are designated *Mixed Use Areas* on Map 18 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. (Refer to Attachment 3)

Policy 4.5.2 c) states development within *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will 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.

Policy 4.5.2 i) refers to development that will provide an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact.

Policy 4.5.2 k) also refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

### **Policy 4.8 Institutional Areas**

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight paths are the Hospital for Sick Children helicopter flight path and the St. Michaels Hospital Helicopter flight path.

## **Chapter 5 – Implementation**

### **Policy 5.1.1 Height and/or Density Incentives**

This policy refers to Section 37 of the Planning Act and establishes the provisions under which Section 37 may be used.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

### **Official Plan Site and Area Specific Policy 174 - Yonge Street Between Queen Street and North of Gerrard Street**

The site is subject to Official Plan Site and Area Specific Policy 174, Yonge Street Between Queen Street and North of Gerrard Street (SASP 174). The general planning objective of SASP 174 is to provide an overall framework for continued revitalization in the area. The policy provides general planning objectives and built form principles for the area. Key objectives and principles are:

- changes will be consistent with and enhance the character of the area, including the low scale of built form, pedestrian comfort and the varied storefront appearance of building facades;
- retention, conservation, rehabilitation, re-use and restoration of heritage buildings will be encouraged;
- streetscape improvements that promote Yonge Street as a pedestrian-oriented retail and entertainment area will be supported;
- certain retail and entertainment uses may be exempted from providing parking;
- buildings will be located along property lines fronting Yonge Street in such a way that they define and form a continuous edge along the street;
- new developments will have a scale consistent with the height limits within the area and respect the existing transition in height and scale between buildings;
- the site and lower levels of buildings will be organized to enhance the public nature of streets, open spaces and pedestrian routes;
- public uses which are directly accessible from grade should be provided;
- servicing and vehicular parking is encouraged to be accessed from rear lanes;
- servicing and vehicular parking are encouraged to be designed so as to minimize pedestrian/vehicular conflicts;
- site and massing will ensure that adequate light, view and privacy standards are achieved;
- a harmonious relationship to the built form context will be achieved through such matters as: height, massing, scale, setbacks, stepbacks, roof line, profile and architectural character and expression;
- new buildings are articulated and massed in widths compatible with narrow lot patterns dominant on Yonge Street between Gerrard and Queen Streets; and
- wind and shadow impacts on Yonge Street, flanking streets and open spaces will be minimized.

### **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council

adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

### **Official Plan Amendment 406 - The Downtown Plan**

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and Approved by the Ministry June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete after June 5, 2019 and as such the plan is in full force and effect for this application.

The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – 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 liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan 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.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

### **Official Plan Amendment to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral**

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, City Hall and Old City Hall being two of those properties. The existing protected view includes the east and west towers, the council chamber and podium of City Hall and the silhouette of those features as viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond City Hall and Old City Hall.

The draft Amendment can be found here

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and designations, Secondary plans, Site and Area Specific OPAs are summarized in the Comments section of the Report.

## **Zoning**

The site is subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned CR T4.0 C4.0 R1.5 under By-law 438-86. Under By-law 569-2013 the site is zoned CR 4.0 (c4.0; r1.5) SS1 (x2553). Both By-laws permit a variety of commercial and residential uses with a maximum density of 4.0 and a maximum building height of 20 m. (Refer to Attachment 4)

Both By-laws include a number of Permissive and Restrictive Exceptions. Key provisions include: angular plane provisions; street related retail requirements; restrictions on both entertainment facilities and commercial parking uses; parking being required for certain residential and commercial uses; and protection of the Sick Children's helicopter flight path. Additionally, By-law 97-0194 applies to the site. This By-law implements Site and Area Specific Policy 174.

On November 26, 2019 City Council adopted the Priority Retail Streets Zoning By-law Amendments 1681-2019 and 1692-2019 which were approved prior to the application being deemed complete. The By-laws can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH10.1>

### **Airport Zoning Regulation - The Hospital for Sick Children and St. Michael's Hospital Helicopter Flight Path**

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4 and OPA 406 Policy 9.29 (not applicable for this application), any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The development site is below the Hospital for Sick Children flight path and adjacent to the St. Michael's Hospital helicopter flight path.

The by-law can be found here: <https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

## **Design Guidelines**

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines, Growing Up Draft Urban Design guidelines and the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

### **City-Wide Tall Building Design Guidelines**

City Council in 2013 adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the

evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/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 identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 1 from the Downtown Tall Building Guidelines identifies Yonge Street as a Special Character Street and Gould Street as a Secondary High Street. Neither street has heights assigned to it on Map 2.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

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

In July 2017, 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/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Retail Design Manual**

The Retail Design Manual is anticipated to be on a future Planning and Housing Committee agenda with an anticipated recommendation that the Retail Design Manual be applied in the evaluation of proposals with a retail presence. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing ground floor retail spaces.

The Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2020/01/960d-Toronto-Retail-Design-Manual-December-2019.pdf>

## **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

## **Yonge Street Planning and Design Framework (2011)**

In 2011 Greenberg Consultants and KPMB Architects completed a design study of Yonge Street between Gerrard Street and Dundas Street. The study made a number of public realm, built form, program and land-use recommendations. Toronto and East York Community Council received a report from the Director, Community Planning which commented on the study's recommendations. To date, there has been no further action with respect to the study's land use and built form recommendations. The link to the report is here:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-49619.pdf>.

## **yongeTOmorrow**

YongeTOmorrow is a Transportation Study which is evaluating street designs to improve how people move through and experience Yonge Street between Queen Street and College/Carlton Streets. The study is being carried out under Schedule 'C' of the Municipal Class Environmental Assessment (EA), which is an approved planning process under the Ontario Environmental Assessment Act. The study is considering a range of options including, but not limited to, increasing the sidewalk width, reducing motor vehicle lanes, redesigning intersections and laneway connections and/or establishing pedestrian priority zones. Information about this study can be found here:

<https://www.toronto.ca/community-people/get-involved/public-consultations/infrastructure-projects/yonge-downtown/background/>

## **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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). 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 of the policies of the Plans.

Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan as follows:

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential types,
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment,
- Policy 1.1.3.4 which refers to appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in a) establishing minimum targets for affordable to low and moderate income households and in f) establishing development standards for residential intensification,
- Policy 1.7.1 e) which refers to encouraging a sense of place by promoting well designed built form and cultural planning and by conserving features that help define character including built heritage resources and cultural heritage landscapes, and
- Policy 2.6.1 states that significant built heritage resources shall be conserved,

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 concerns the massing and form of development. Policy 1.1.3.4 of the PPS references appropriate development standards to facilitate intensification while avoiding risks to public health and safety. Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key.

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 development site is not a tower site and hence the proposed tower cannot and does not adhere to appropriate development standards for residential intensification particularly those concerning appropriate locations for tower development and tower separation issues. As such, in

the opinion of City Planning, the proposed development, Official Plan Amendment and Zoning By-law Amendments, in their current form, is not consistent with the Provincial Policy Statement (2020). The proposal does not conform to the intensification direction and standards that are set out in the official plan and guidelines, as directed through the PPS as being a responsibility of the City. As such, if the proposal does not conform to these official plan policies and guidelines, then by default, it is not consistent with the policy direction in the PPS

## **Growth Plan**

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,

Policy 2.2.1.4 a) refers to complete communities that feature a diverse mix of land uses including residential and employment uses,

Policy 2.2.1.4 c) refers to the achievement of complete communities that provide a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes,

Policy 2.2.1.4 e) which provides for a more compact built form and a vibrant public realm,

Policy 2.2.2.3 b) which refers to the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas and 2.2.2.3 f) which refers to implementation through official plan policies and designations and other supporting documents,

Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes and incomes, and

Policy 4.2.7.1 which states Cultural heritage resources will be conserved.

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

As with the PPS, the development site is located in an Urban Growth Centre which is identified as an intensification area. Intensification on the subject site may be appropriate. However, the massing and form of development is not of an appropriate type and scale for a strategic growth area. Policy 2.2.2.3 f) specifically references intensification to be implemented through Official Plan policies and other supporting

documents (guidelines). As described below, the proposed development is not a tall building site and is of an inappropriate type and scale which does not meet applicable Official Plan policies and guidelines.

In the opinion of City Planning, the proposed development, Official Plan Amendment and Zoning By-law Amendments, in their current form, do not conform with the policy direction of the Growth Plan for the Greater Golden Horseshoe (2019) which directs intensification to be implemented through the Official Plan.

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

### **Conformity with Growth Targets and Density Targets**

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

The site is within the Urban Growth Centre 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 of Toronto 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 ppl/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, current development proposals and future trends that are currently being considered by the City.

The density of the 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 (2019). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

## **Land Use**

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. Policy 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. The text of Section 4.5 of the Official Plan clarifies that not all *Mixed Use Areas* will experience the same scale or intensity of development.

In OPA 406 the site is designated *Mixed Use Areas 2 – Intermediate*. Policy 6.25 and 6.26 states that building typologies will respond to their site context and that scale and massing will be compatible with the existing and planned context.

The proposed land use is residential with commercial uses below grade and in 3 above grade levels which conforms with the *Mixed Use Area* policy for permitted land uses. Although the proposed land use would be permitted, the built form must respond to the planned and built form context and minimize impacts. Built form is reviewed and assessed in the following sections.

## **Built Form**

The proposed built form has been reviewed against the Official Plan, OPA 406 and the under appeal not in full force and effect OPA 352 as well as relevant design guidelines described in the Issue Background Section of the Report.

The proposed tower has been assessed in terms of tower setbacks and tower separation distances, tower stepbacks, tower height and issues related to shadowing, helicopter flight paths and view corridors. The podium is separately assessed.

## **Tower - Setbacks and Tower Separation**

The planned and built form context as it relates to tower separation distances is one of the key considerations when assessing appropriate built form. The general intent is that sufficient separation distances be achieved to ensure light, view and privacy impacts are appropriately addressed for both residents within a building and for pedestrians on the street.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Policy 3.1.2.3 d) refers to limiting impacts by providing for adequate light and privacy while 3.1.2.4 refers to adequate access to sky view. Tall Building Policy 3.1.3.2 c) states that tall buildings will demonstrate how they relate to the existing and/or planned context.

SASP 174 Objective ii) d) refers to the low scale of built form along Yonge Street. Built Form Principle i) b) refers to the scale of new buildings consistent with the height limits within the Area and respect the existing transition in height and scale between the buildings and height limits within the Area. The applicant has submitted an Official Plan amendment to amend the provisions of SASP 174 to permit the proposed development.

In OPA 406, Policy 6.22 states that not all sites can accommodate the maximum scale of development and that development will be required to address specific site characteristics. Policy 9.25.3 refers to built form adjacencies from tall to tall buildings through the application of separation distances and tower orientation.

OPA 352, Council approved but not in full force and effect, Policy B i) refers to tall buildings to provide setbacks from the lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit within the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants and an appropriate pedestrian level and occupant views between towers.

Tall Building Design Guideline 1.1 refers to context and defines a 250 m and 500 m radius for that context. Guideline 1.3 refers to tall buildings fitting within the existing or planned context. Guideline 3.2.2 a) refers to coordinating tower placement with other towers on the same block to maximize access to sunlight and sky views for surrounding streets, parks and properties. Guideline 3.2.3 refers to tower separation distances of 12.5 m or greater from the side and rear property lines in order to limit negative impact on sky view, privacy and daylighting. Sub-guideline e) further references coordinating setbacks and separation distances with other towers on the same block.

The existing and planned context includes a mix of development forms from towers to low-rise main street buildings. The towers within this context generally all include appropriate separation distances between the towers or to their lot lines. The applicant is proposing a tower development on a site that is too small for a tower. What differentiates those towers from this proposal is that on this site the inadequate lot size results in an inability for the proponent to achieve appropriate tower separation distances (and/or tower setbacks).

The policies and implementing guidelines seek to ensure adequate light and sky views to residents and in that respect, the City recommends a tower separation distance of 25 m which would typically be achieved through a 12.5 m tower setback to the lot line or mid-point of the adjacent right-of-way (which would also apply to any adjacent development). Failure to achieve these standards results in negative impacts on the quality of life to both residents and the public as outlined in the guidelines.

The applicant has provided a block plan as justification for their proposed tower. In the Planning Rationale (page 56) there is reference to the block plan being shared with the adjacent property owners. Confirmation has not been received from the adjacent property owners that they concur with this block plan or that they are willing to implement and secure the plan. The proposed block plan fails to acknowledge the development potential immediately to the east and adjacent to their site and the development potential immediately to the south and adjacent to their site at 329 and 333 Yonge Street. The lands immediately to the east and adjacent to the site could accommodate a tower development with appropriate tower setbacks.

Any block plan must ensure that towers are located with appropriate tower separation distances (the guidelines refer to 25 m) in part, to ensure appropriate light, view and privacy objectives for existing and any future residents as well as pedestrians in the street. The 25 m is achieved through a 12.5 m tower setback to the lot line (or mid-point of the right-of-way) and a similar 12.5 m setback for a tower on any adjacent lot.

The proposed tower cannot achieve (and does not propose) 12.5 m setbacks to its south and east lot lines. This has the effect of compromising the ability to develop towers on adjacent lands, and more specifically it ends up exporting the subject sites setback requirements onto adjacent properties. If towers are permitted to locate too close to property lines the result is a "first-to-the-post" development scenario which may restrict adjacent sites from developing in a similar manner. Tall Building Design Guideline 3.2.3 c) specifically states that sites that cannot provide the minimum tower setbacks may not be appropriate for tall buildings. It is noted that OPA 352, under appeal, Policy B iii) actually recognizes that not every site can accommodate a tall building. Likewise, Downtown Tall Buildings Guideline 1.3 d) acknowledges that some sites are simply too small to accommodate tall buildings. Likewise, in-force OPA 406 Policy 6.22 states not all sites can accommodate the maximum scale of development.

This site, with an 18.04 m frontage is too small for a tower. It is simply not practical to develop a tower with the 12.5 m tower setbacks as identified by the guidelines (also identifies in the OPA 352 implementing By-laws, under appeal). Any tower development on this site, without the concurrence, and binding agreement to secure this concurrence, of adjacent property owners to restrict their own development potential, results in massing that would not fit harmoniously into a built form context of multiple towers. Multiple towers without appropriate tower separation distances would impact light, view and privacy objectives that the Official Plan and guidelines seek to protect. As such, the proposed development is not appropriate and should be refused as it does not conform to Official Plan policies and the implementing guidelines, nor does it support good planning or quality of life issues.

There are a number of sites within the immediate vicinity that have been recently approved for tall buildings (examples include 8 Elm and 348-356 Yonge; 363-391 Yonge; 18-32 Edward). These developments show that it is possible to develop tall buildings in the immediate vicinity on sites that are of a sufficient size to accommodate a tall building proposal.

### **Tower - Stepbacks**

Related to the above discussion of tower separation issues and setbacks is the issue of appropriate tower stepbacks, being the setback from the podium face to the tower face. Stepbacks are intended to ensure adequate light and skyview is maintained from the street, help deflect downdraft wind impacts and maintain a clearly defined and comfortable pedestrian scale base building (podium) at grade

In OPA 406, Policy 9.13 refers to tall building floor plates to maintain adequate sky view from the public realm and in Policy 9.14 to stepping back building mass and/or limiting building floorplates above the streetwall height to allow daylight and sunlight to penetrate to the street. Additionally, Policies 9.22 refer to a built form transition to create a more liveable environment in the public realm and in 9.23 states that transition can be achieved through, among other items, setbacks and step-backs.

Tall Building Guideline 3.2.2 refers to minimum tower stepbacks of 3m which is illustrated in Guideline 3.2.3. The Downtown Tall Buildings guideline 1.7.1a) states that a 10 m setback is required for properties along Yonge Street, which is identified as a Special Character Street in the guidelines, in recognition of how new development will respond to its main street context.

The applicant's tower shows a 3 m west stepback fronting Yonge Street with projecting balconies and 3.4 m on the south side with projecting balconies. There is no step back proposed on Gould Street or the east side of the site.

Recent approvals along Yonge Street have step backs more in line with the guidelines. 348-356 Yonge (commonly known as 8 Elm) has a 7.5 m step back from Yonge Street podium facade; 363-391 Yonge Street has a 10 m step back and 197 Yonge has an approximate 9 m step back. These examples show that development along Yonge Street is providing significant step backs along Yonge Street, while this application not only does not provide the required step back, it also proposes balconies that would encroach into the step back further eroding the goal of responding to the main street context. The application also does not provide the 3 m step back along Gould Street which the guidelines specifically reference. For these reasons, staff do not support the proposed step backs. It is noted that the failure to provide the required step backs may in part be because the site is simply too small for a tower development and by providing the required step backs the applicant's proposed development would not be practical.

### **Tower - Height and Shadowing**

There are multiple Official Plan policies that refer to shadowing. Official Plan Built Form Policy 3.1.2.3 e) refers to limiting shadowing on neighbouring streets, properties and open spaces and in f) minimizing additional shadowing on neighbouring parks to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

OPA 406 in Policy 9.17 and 9.18 states development will adequately limit shadows on sidewalks, parks, open spaces and institutional open spaces as necessary to preserve their utility. Policy 6.22 also refers to development being required to address shadowing impacts.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on non-signature parks (park to be built at 33 Gerrard Street and Ryerson Community Park being non-signature parks) from 12:00 noon to 2:00 pm on September 21st.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show the proposed tower would shadow:

- Park at 33 Gerrard Street, approved but not built, (designated *Mixed Use Areas*) 9:18 (March and September 21).
- Pedestrian portion of Gould Street (identified as Gould Plaza in the Ryerson University Campus Public Realm plan) from 3:18 to 5:18 (March and September 21); from 2:18 to 3:18 (June 21).
- Ryerson Quad, also known as St. James Square, (designated *Institutional Areas*) 4:18 (March 21); from 3:18 to 4:18 (September 21).
- Ryerson Community Park, also known as Devonian Square, (designated *Other Open Space Areas*) 4:18 to 5:18 (June 21)

As discussed above, the site is too small for a tower development and as such is not appropriate for a tower proposal. This implies that a mid-rise or low scale development may be appropriate. The shadowing from a mid-rise development would be drastically different from that proposed by a tower. A mid-rise form would minimize shadowing impacts in comparison to the proposed tower and would be in conformity with Official Plan policies which refer to minimizing shadows. More specifically, a mid-rise at the same height as the adjacent development to the east would eliminate any additional shadows on the Ryerson Community Park and potentially eliminate all shadows on the park at 33 Gerrard as well as reducing shadowing on the pedestrian portions of Gould Street.

The recently approved Downtown Plan, OPA 406, identifies sidewalks and institutional open spaces where development should adequately limit shadows to preserve their utility. The reference to sidewalks and institutional open spaces is a new policy direction which is not specifically referenced by the Official Plan. This new policy initiative, which is in full force and effect, has a special relevance to this application because of the shadow impacts to both the pedestrian portion of Gould Street and the Ryerson Quad.



The proposed shadowing is not acceptable and does not conform to the policy direction. At a very basic level, a mid-rise built form would minimize shadowing impacts compared to a tall building proposal.

### **Tower - Height and View Corridor**

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, City Hall being one of those properties. The existing protected view includes the east and west towers, the council chamber and podium of City Hall and the silhouette of those features as viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the view protection policies to and beyond City Hall.

The applicant has submitted documentation which indicates that the proposed tower would not be in the existing or proposed City Hall view corridor. Similarly, it would not be in the existing or proposed Old City Hall view corridor.

### **Tower - Height and Helicopter Flight Paths**

Official Plan Policy 4.8.4 and the Airport Zoning Regulation (By-law 1432-2017) refers to the protection of helicopter flight paths. Additionally, OPA 406 Policy 9.29 requires new buildings to be sited and massed to protect the helicopter flight paths. Any development including all temporary and permanent structures would have to be below or outside the protected flight path.

The proposed building is located within the Hospital for Sick Children helicopter flight path and near the St. Michael's Hospital helicopter flight path. The applicant's intention is that the tower would be at a height below the Hospital for Sick Children helicopter flight path. The application did not include any information concerning cranes and projections.

The application has been circulated to both hospitals and Toronto Buildings for an assessment as to whether the proposal conforms to the flight path. Sick Children's hospital did comment that the application may be below the flight path however, they need the applicant to retain the services of an aviation consultant to review the plans and to confirm. At this point in time it is not possible to conclude if the proposal conforms to the flight path or not. It is recommended that, should LPAT approve this application or a modified version of it, that LPAT be requested to include a condition that prior to the issuance of the first building permit on the site, the owner shall provide confirmation from both Hospital for Sick Children and St. Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path to the satisfaction of the Chief Planner and Executive Director, City Planning.

### **Podium**

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings at an appropriate scale for adjacent streets and to integrate them with adjacent buildings.

In OPA 406, Policy 9.8.1 states that base buildings will be designed to relate to the scale and proportion of adjacent streets; in Policy 9.8.2 that base buildings will fit compatibly within the existing and planned context of neighbouring streetwall heights and in Policy 9.9 that development will provide a transition from the base building to relate to adjacent properties with a lower scaled planned context.

Tall Building Design Guideline 3.1.1 refers to the base building height being consistent with the existing street wall context and refers to base building height being a maximum of 80% of the width of the adjacent right-of-way. Guideline 3.2.2 states that base buildings be the primary defining element for the site and adjacent public realm with towers setback 3 m from the base building along all street frontages. Guideline 4.3 refers to the pedestrian level wind effects and the need to step back towers to reduce undesirable downward wind flows.

The proposed development is in a podium/tower form with tower step backs only on the west and south sides. The podium visually appears as 3-stories (17 m) from Yonge Street but is more generally 4-stories (21 m) in height. The width of the adjacent Yonge and Gould Street right-of-ways are 20 m. This implies a maximum podium height of 16 m based on the 80% right-of-way provision from the guidelines. An appropriate podium height is also informed by the height of adjacent developments. Adjacent buildings or podium elements fronting Yonge Street are generally in the 2 to 3-storey range with the notable exception of the adjacent Sheldon & Tracy Levy Learning Centre being 9-stories in height.

Given the existing variation in heights of adjacent developments, additional height may be appropriate for the podium, provided the total height does not exceed 100% of the Yonge Street right-of-way width of 20m.

### **Heritage**

Official Plan Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated while Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property.

This property includes the former William Reynolds Block (commonly known as the Empress Hotel) building which was designated under Part IV of the Ontario Heritage Act. This building was designated by Toronto City Council on August 27, 2010 by By-law 1176-2010. This building has subsequently been demolished as a result of a fire. This existing by-law has not been repealed.

Although there are no existing heritage buildings on site or adjacent heritage buildings, the applicant did submit an Opinion Letter indicating there is no remaining heritage value on site. Heritage staff reviewed this letter and indicated they have no comments on the application.

### **Public Realm and Pedestrian Linkages**

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient

movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. In OPA 406, Policy 9.1.2 refers to development being encouraged to contribute to liveability by improving the public realm. Additionally, Policy 9.5 refers to a 6 m curb to building face easement and in Policy 9.6 the potential to reduce this easement given the historic character of street-oriented buildings, on site heritage resources or the prevailing pattern of buildings with lesser setbacks. Tall Building Design Guideline 4.2 also recommends a minimum 6 m wide sidewalk zone.

The site has frontage on Yonge Street and Gould Street which is subject to an ongoing Municipal Class Environmental Assessment commonly known as yongeTOMorrow. This assessment is considering possible changes to the design of Yonge Street including a range of options such as increasing sidewalk width, reducing driving lanes, proposing limited access for service vehicles and redesigning intersections among other ideas. At this point the study has identified a range of possible opportunities to increase pedestrian space and improve the way people move through and experience Yonge Street.

To date none of these options have been finalised, however, it appears that the City is strongly considering Alternative 4. Alternative 4 would reduce Yonge Street to a 2 lane cross section from Queen to College and restrict motor vehicle traffic to certain parts of Yonge Street during the day when the subway is in operation. Currently the design concepts under development for Alternative 4 consider one way and two way local access for the portion of Yonge Street that fronts this property. This is primarily to maintain daytime access to the 10 Dundas loading docks which are accessed from Gould Street and O'Keefe Lane. Of particular concern to this application would be any recommendations that impact Gould Street, the adjacent O'Keefe Lane as well as any changes to the public realm along Yonge Street and the Yonge/Gould intersection. As the study develops there is a need to monitor any recommendations from the study and their impacts to this site.

The applicant is proposing a 3.63 m Yonge Street pedestrian realm (building face to curb) and 3.6 m on Gould Street. This setback does not meet the minimum standards but is in accordance with the historic character of street-oriented buildings as identified by OPA 406. Although there is a case to be made for an expanded pedestrian realm given the overcrowding on Yonge Street, it is recognized that the proposed setback is in line with the historic character, and it is similar to the pedestrian realm for the recently approved developments at 348-356 Yonge (including 8 Elm) and 363-387 Yonge Street which notably retained in-situ existing heritage buildings. There is potential for changes to be made to Yonge Street as a result of the yongeTOMorrow study. In this case, the proposed pedestrian realm is acceptable only if the yongeTOMorrow study results in an expanded pedestrian realm. If this does not occur, then there is a need to increase the pedestrian realm to 6 m to help alleviate the existing pedestrian overcrowding along this portion of Yonge Street.

In addition to the at-grade public realm, there is also the underground PATH network. Official Plan Policy 2.2.1.12 refers to the encouragement of the PATH network without compromising the role of the street. In OPA 406, Policy 8.7 encourages the expansion

and improvement of the PATH network and Policy 8.9 encourages new connections to and below grade. OPA 406 Policy 8.21 also refers to development in proximity to transit stations being encouraged to provide access to the station.

The applicant is proposing a below grade knockout panel facing north and a TTC PATH connection to the Dundas Street subway station. As of the date of the drafting of this report, there are no details concerning these connections and there are no commitments from the applicant or the TTC to make these connections. The Planning Rationale provided as part of the submission simply refers to these as potential connections to be explored. Issues with the TTC subway are further discussed below.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. Policy 6.22 of OPA 406 refers to development being required to address other sensitive adjacencies while Policy 9.1.2 refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions. The applicant has provided a qualitative pedestrian level wind assessment which concludes that wind impacts at all grade-level pedestrian sensitive locations are expected to be suitable for their anticipated uses without mitigation. Additionally, wind conditions for the outdoor amenity areas are expected to be suitable for sitting during the summer.

### **Housing - Unit Mix and Unit Sizes**

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that 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. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities. OPA 406 Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms;
- a minimum 10% of the units as 3 bedrooms; and
- an additional 15% of the units will be 2 and/or 3 bedroom units or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

The Growing-Up Guidelines provide similar direction on the recommended mixture of residential unit types and provide appropriate unit sizes for multi-unit developments.

The applicant is proposing 26 (16%) bachelor units, 70 (42%) one-bedroom, 52 (32%) two-bedroom and 17 (10%) three bedroom units. The proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan

and Growth Plan policies in order to accommodate, within new developments, a broad range of households including families with children.

The proposed two-bedroom units are 85 m<sup>2</sup> while the three-bedroom units are 105 m<sup>2</sup>. These unit sizes approximate the unit size objectives of the Growing Up guidelines, as such the unit sizes are appropriate.

### **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 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 Zoning By-law 438-86, which requires a minimum of 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space for each unit, and through Zoning By-law 569-2013 which requires a minimum of 4.0 m<sup>2</sup> of amenity space for each unit (of which at least 2m<sup>2</sup> shall be indoor).

In OPA 406, Policy 9.30 refers to the encouragement of amenity space to be designed in an appropriate form. Policy 9.32 to 9.33 states that outdoor amenity space will provide for appropriate sky-views and sunlight and include trees and other landscaping. Policy 9.36 also encourages the provision of pet amenity areas.

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 460 m<sup>2</sup> (2.8 m<sup>2</sup> per dwelling unit) of indoor and 112 m<sup>2</sup> (0.7m<sup>2</sup> per dwelling unit) of outdoor space proposed for a total of 572 m<sup>2</sup> (3.5 m<sup>2</sup> per dwelling unit). Although the proposed indoor amenity space provision is appropriate, there is a need to increase the outdoor amenity space in keeping with the standards of the Zoning By-law which requires 2.0m<sup>2</sup> per residential unit.

The proposed outdoor amenity space has been designed as a linear 1.7 m wide space facing north. The implication is that this outdoor space will typically be in the shade without space for landscaping and as such the space has a diminished utility. This outdoor space is too small and is not in an appropriate form. Additionally, pet amenity space has not been provided as encouraged by OPA 406.

### **Traffic Impact, Access, Parking and Loading**

A Transportation Impact, Parking and Loading study was submitted with the application and has been reviewed by staff. Transportation Services has identified a need to provide a 6.0 m radius corner rounding at the southeast corner of Yonge/Gould Street, subject to yongeTOMorrow recommendations, free and clear of all encumbrances, to satisfy Official Plan requirements. This condition could be secured as a legal convenience in a Section 37 Agreement. There are no other right-of-way widening requirements.

The application proposed one type G loading space which would be provided in what is believed to be an unenclosed space at grade level with access from O'Keefe Lane. Trucks would enter in a forward motion from Gould Street and exit by reversing into the lane and then reversing onto Gould Street to exit the site. Transportation Services

reviewed this proposal and commented that a truck manoeuvring diagram is required for review. Solid Waste Management Services has also commented that, among other items, the City will provide services to the site conditional on a collection vehicle being able to enter and exit the site in a forward motion with no more than a three-point turn in addition to minimum dimensional requirements for loading areas. Given the applicant has not provided the requested information to date, Transportation Services is not in a position to draw a conclusion as to the appropriateness of the proposed truck servicing. Servicing vehicles currently access the adjacent 10 Dundas property by making three point turns reversing onto Gould Street. Increasing the volume of truck traffic reversing into an area with high pedestrian volumes is not appropriate. It is noted that the yongeTOMorrow Environmental Assessment will likely result in changes to Yonge Street which will impact vehicular access to the site.

The proposed development proposes no vehicular parking. Official Plan policy 4.5.2 i) refers to developments in Mixed Use areas will provide an adequate supply of parking for residents and visitors. The Official Plan policy clearly states that an adequate supply of parking be provided. The proponent takes the position that zero parking spaces is feasible given alternative transportation modes in the area and nearby public parking spaces available. In a development with 165 dwelling units there will be a demand for some level of on-site parking, whether it is for residents or visitors. The proposal not to provide any parking spaces would not meet the definition of adequate. Transportation Services also advise that they do not agree with the applicant's conclusion that the non-provision of parking is appropriate, in part, because the applicant has provided no estimated parking demand information to justify their proposal. The proposed zero parking spaces does not conform to Official Plan policy. However it should be noted that the current proposals for yongeTOMorrow discourage the use of private vehicles on Yonge Street from Queen to Gerrard. It is acknowledged that the characteristics of this site in the context of the yongeTOMorrow may justify a reduced accommodation for parking.

It is noted that the yongeTOMorrow initiative may have recommendations which impact access to the site and the appropriateness of any parking proposal. Transportation Planning has not finalised their recommended approach for the Yonge Street design and have not provided any comments to date. Recommendations arising from this study, which are anticipated in the Fall or 2020, could include the daytime closure of parts of Yonge Street which would impact access to this site.

The proposal includes 52 visitor bicycle parking spaces and 170 resident bicycle parking spaces. All of the bicycle parking is located in the second basement level in one room. Access would be by elevator through the main lobby doors or through multiple flights of stairs. This location is inappropriate, especially for the visitor bicycle parking spaces. Given the applicant is providing zero vehicular parking spaces, it is especially important to adequately provide for cyclists.

In addition to Transportation Services comments, the TTC has commented on transit elements of the application. The development is located within TTC's 60-metre Development Review Zone of TTC's Line 1 (Yonge-University Subway) and is directly adjacent to TTC's subway tunnel and infrastructure. The TTC has indicated that the plans do not clearly show the relevant dimensions and that a 3 m clearance is required

between the building, including all below grade and above grade structures, to all TTC infrastructure. This requirement is recommended to be included as a legal convenience in a Section 37 Agreement. A TTC Technical Review would also be required as part of a subsequent Site Plan application.

As an advisory comment, the TTC indicated that they have property interests on this parcel for the purposes of a major transit-related initiative (Dundas Street station entrance/exit). Additionally, the entrance to the TTC subway platform as proposed by the applicant would need to be approved by the TTC.

### **Site Servicing**

The applicant submitted a Phase One Environmental Site Assessment, Baseline Soil and Ground Water Chemistry, Geotechnical Engineering Report and a Site Servicing and Stage 1 Storm water Management Report. Engineering and Construction Services has reviewed the reports and advises that the Functional Servicing Report needs revisions to address servicing issues.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the 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 priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

Parks, Forestry and Recreation staff also commented that the proposed development would cast net new shadows on Ryerson Community Park (Devonian Square) and that the development proposal needs revisions in order to minimize net new shadows on the park. Additionally, they strongly encourage the provision of on-site dog amenities with proper disposal facilities to accommodate both residents needs and help alleviate pressure on neighbourhood parks.

### **Urban Forestry**

An Arborist Report was submitted by the applicant. The report indicates that there are no trees protected by City By-laws. The conceptual landscape plan submitted with the application proposes 4 street trees to be located within the Gould Street right-of-way.

Urban Forestry has commented that they do not object in principal to the application and that any comments will be addressed as part of a subsequent Site Plan application.

### **Community Service 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 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.

Official Plan Policy 3.2.2.7 refers to the inclusions of community services facilities being encouraged in all significant private sector developments. OPA 406 Policy 10.2 states that development will be encouraged to contribute to the delivery of community facilities as a community benefit and in Policy 10.3.1 that they be located in highly visible locations.

The applicants submitted a Community Services and Facilities analysis as part of the Planning Rationale. Staff have reviewed the analysis and commented on the need to secure financial contributions for the relocation and expansion of the City Hall library to Old City Hall; securing financial contributions towards the replacement/expansion of John Inness CRC as identified in the Parks and Recreation FMP Implementation Strategy and/or securing financial contributions towards a non-profit, licensed child care facility within the vicinity of the site. The application does not propose any community space either on site or through an off-site Section 37 contribution. Given Official Plan Policy encourages the provision of community service facilities and staff have identified a need for such space, it is recommended that should LPAT approve this application or a modified version of it, that a Section 37 contribution be requested as a condition of approval secured through a Section 37 Agreement, should the application result in an approval that would warrant Section 37 contributions.

### **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.

Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development. Discussions with the applicant concerning Section 37 benefits



did not occur as there was no agreement on appropriate development for the site. However, if the application were to be appealed to the LPAT, it is prudent to address Section 37 contributions in the event the LPAT approves the proposed development.

This report therefore recommends that if the application is appealed and the LPAT approves this or a modified form of this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan a contribution should be required to be provided by the Owner under Section 37 of the Planning Act for the following community benefits within the vicinity of the site with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office:

- i. financial contributions for the relocation and expansion of the City Hall library to Old City Hall;
- ii. financial contributions towards the replacement/expansion of John Innes CRC as identified in the Parks and Recreation FMP Implementation Strategy and/or
- iii. financial contributions towards a non-profit, licensed child care facility within the vicinity of the site

The amount and recommended community benefits are comparable to those secured for similar developments in the area. The contribution should be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of such funds by the Owner to the City.

The following matters are also recommended to be secured as a legal convenience in the Section 37 Agreement to support development if it were to be approved:

- i The owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the City's Executive Director of Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Executive Director of Engineering and Construction Services;
- ii that the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;
- iii. that the owner maintain a 3 m clearance between the building, including all below grade and above grade structures, to all TTC infrastructure; and
- iv. that the owner provide a 6.0 m radius corner rounding at the southeast corner of Yonge/Gould Street, free and clear of all encumbrances.

## **Community Consultation**

As of the date of the drafting of this report, a community consultation meeting has not been held, due in part to Covid-19 issues. It is intended that a community consultation meeting will be held prior to any LPAT Hearing. The community consultation will add more detailed comment art on the project, however, the fact remains that this site is too small for a tower and the project is not appropriate as submitted.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the policy direction on intensification in the PPS (2020) and does not conform with the Growth Plan (2019) These provincial policies rely on the City to provide an intensification strategy on where growth should take place. This direction is to be implemented through the Official Plan and other supportive guidelines. As such, given that the proposal does not conform to the City's intensification policies, it by default, is not consistent with and does not conform to the PPS and the Growth Plan.

Furthermore, the proposal does not conform to the Official Plan policies and the Tall Building Guidelines. The development site is not appropriate for tower development as the site is too small. The result is the proposed development cannot achieve appropriate tower setbacks nor step backs. Additionally, the proposed development does not minimize shadowing; the proposed development lacks sufficient outdoor amenity space; the outdoor amenity space that is provided is in an inappropriate form; there is no pet amenity area; there is no on-site parking, the proposed loading does not conform to City standards; additionally, the application does not have a satisfactory Functional Servicing Report to address servicing issues.

Therefore, for the reasons outlined in this report, it is recommended that the application be refused. Also, should the application be appealed to the LPAT, it is staff's recommendation that staff be directed to attend the LPAT hearing in opposition to the applicant's development proposal and application for an Official Plan Amendment and Zoning By-law Amendment for the property at 335 Yonge Street.

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,  
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: 3D Model of Proposal  
Attachment 7: North Elevation  
Attachment 8: South Elevation  
Attachment 9: West Elevation  
Attachment 10: East Elevation

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 335 YONGE ST Date Received: November 15, 2019

Application Number: 19 249699 STE 13 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official Plan and Zoning By-law Amendment Application for a proposed 30-storey mixed-use building comprised of 165 dwelling units, 2096 square metres of non-residential floor area.

Applicant	Agent	Architect	Owner
BOUSFIELD INC		Zeidler	2160943 ONTARIO LIMITED

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP No. 174

Zoning: CR 4.0 (c4.0; r1.5) SS1 (x2553) Heritage Designation: Y

Height Limit (m): 16 Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 718 Frontage (m): 18 Depth (m): 39

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			690	690
Residential GFA (sq m):			12,203	12,203
Non-Residential GFA (sq m):			2,096	2,096
Total GFA (sq m):	0	0	14,299	14,299
Height - Storeys:			30	30
Height - Metres:			99	99

Lot Coverage Ratio (%): 96.1 Floor Space Index: 19.92

<b>Floor Area Breakdown</b>	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	12,203	
Retail GFA:	1,662	434
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			165	165
Other:				
Total Units:			165	165

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		26	70	52	17
Total Units:		26	70	52	17

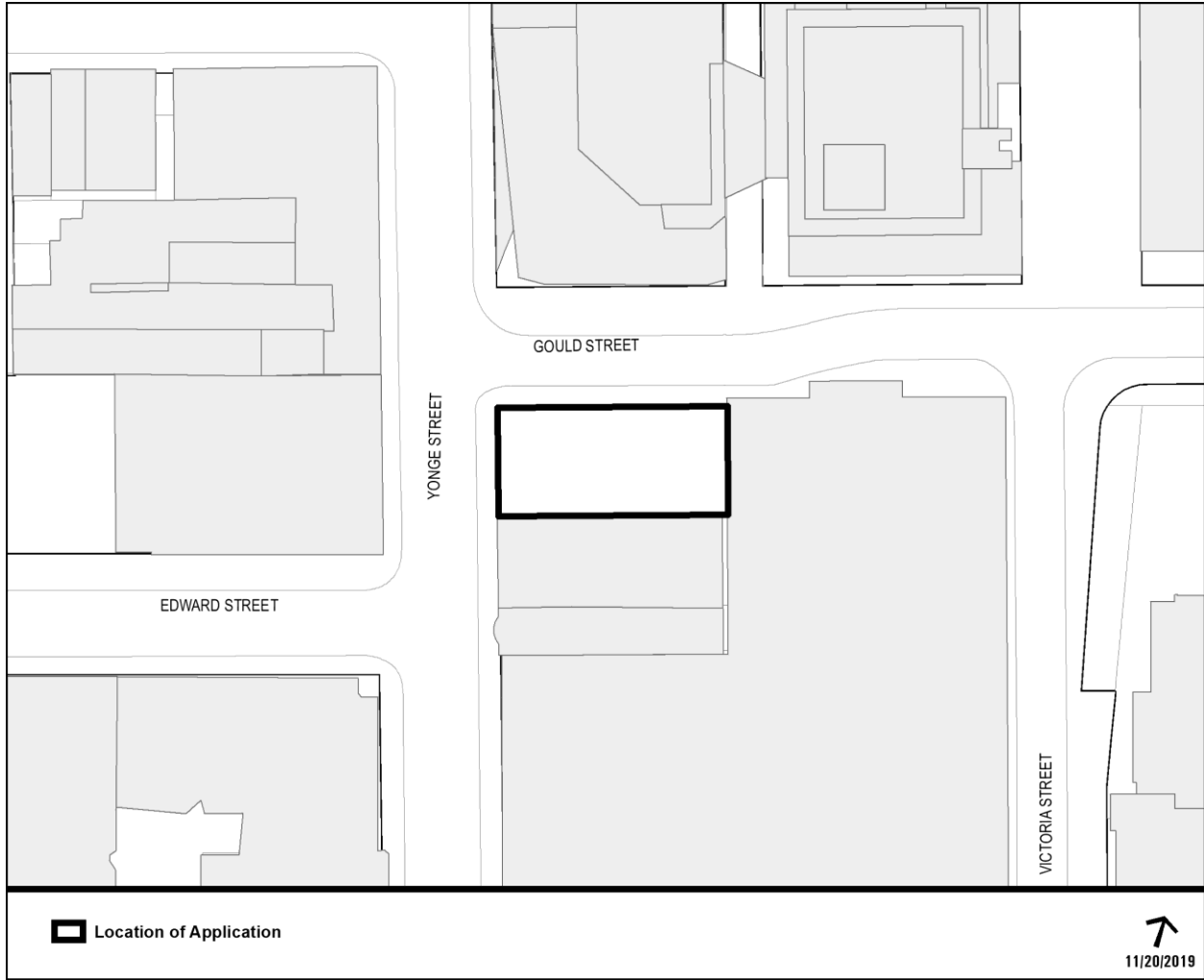
**Parking and Loading**

Parking Spaces:	0	Bicycle Parking Spaces:	222	Loading Docks:	1
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**CONTACT:**

Derek Waltho, Senior Planner  
416-392-0412  
Derek.Waltho@toronto.ca

## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



**TORONTO**  
 Official Plan Land Use Map #18

335 Yonge Street

File # 19 249699 STE 13 OZ



↑  
 Not to Scale  
 11/20/2019

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**335 Yonge Street**

**File # 19 249699 STE 13 0Z**

Location of Application  
 CR Commercial Residential

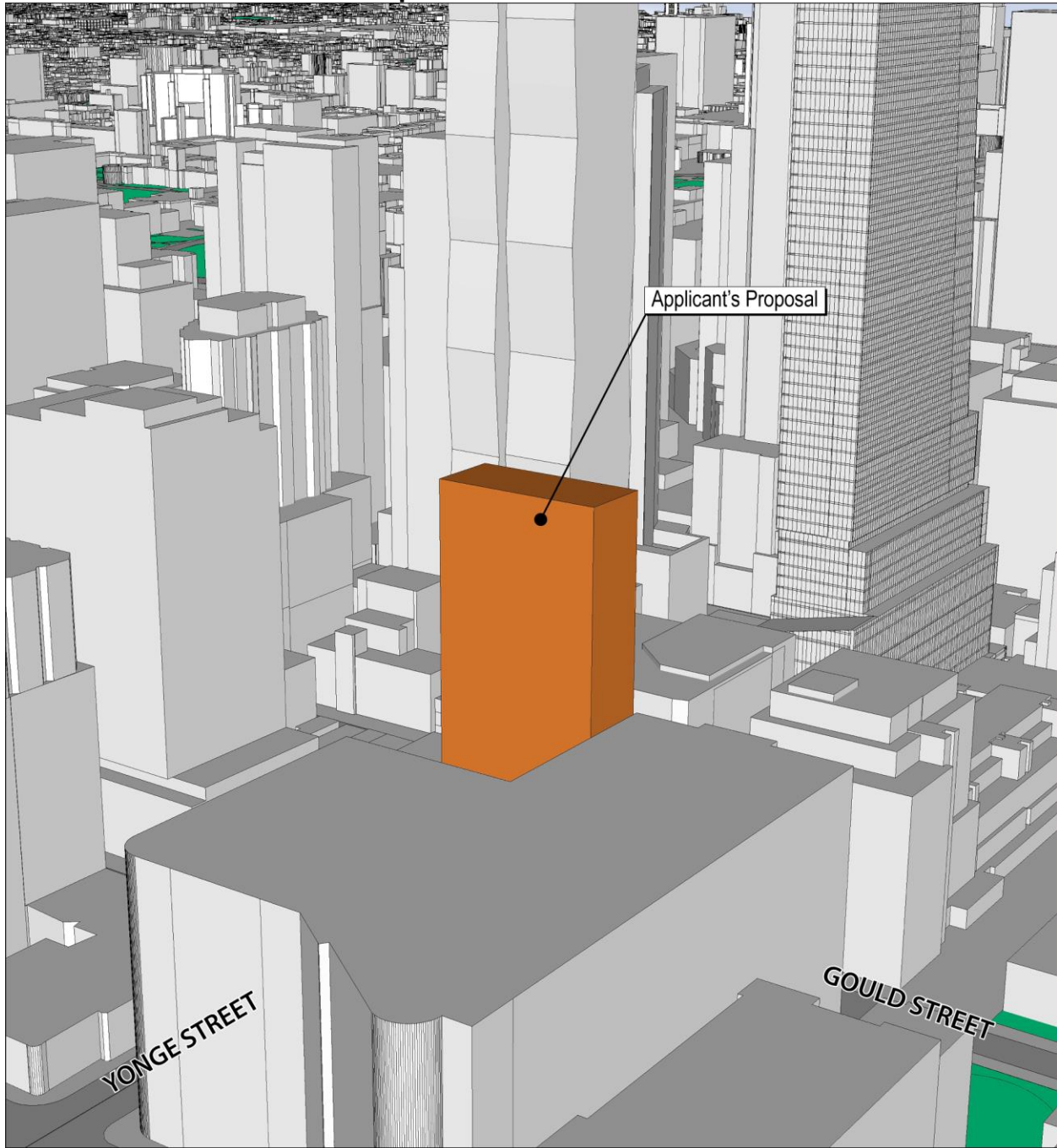
See Former City of Toronto By-law No. 438-86  
 CR Mixed-Use District  
 Q Mixed-Use District  
 UOS Parks District

Not to Scale  
 Extracted: 11/20/2019





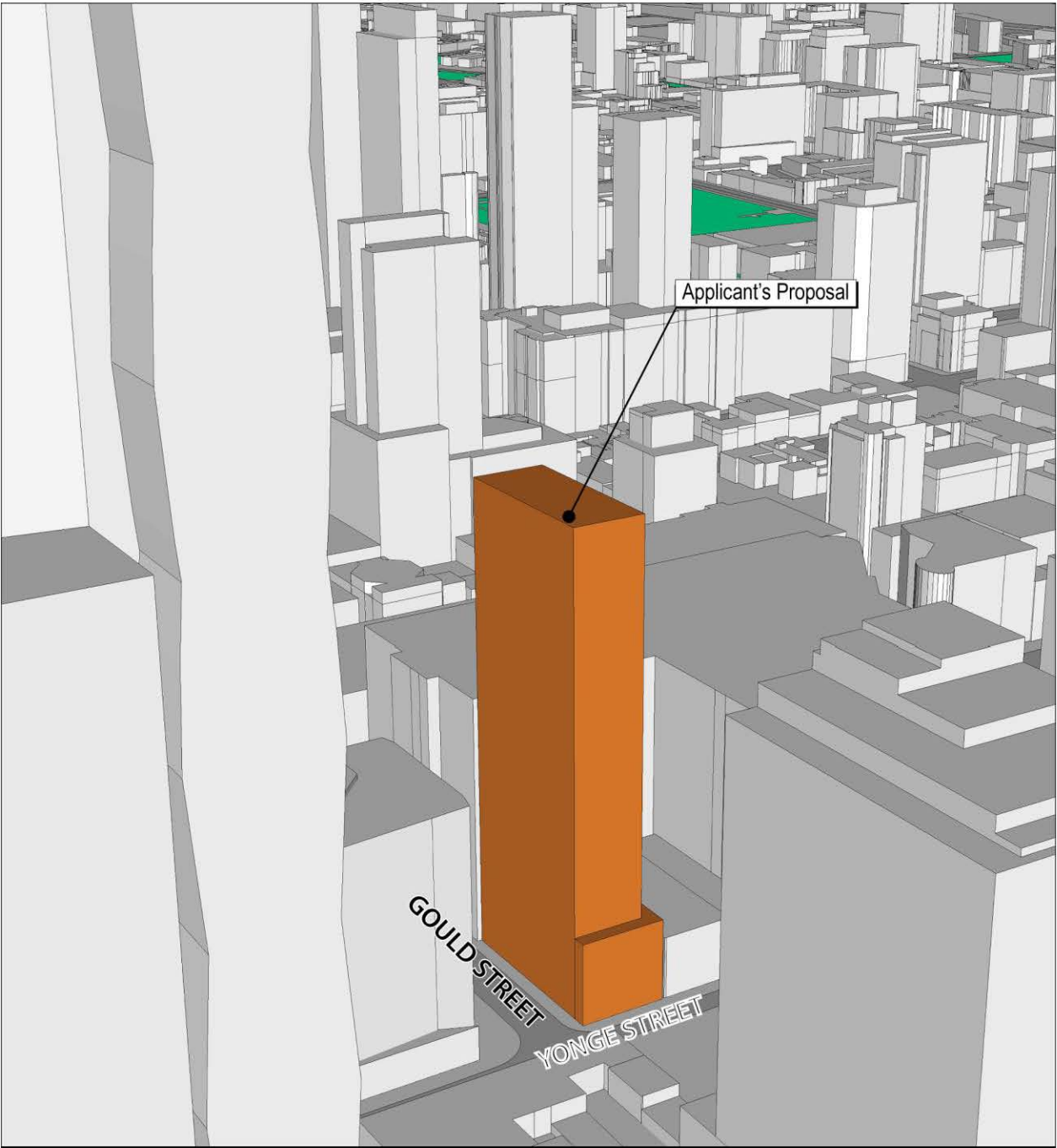
## Attachment 6: 3D Model of Proposal



View of Applicant's Proposal Looking Northwest



11/26/2019

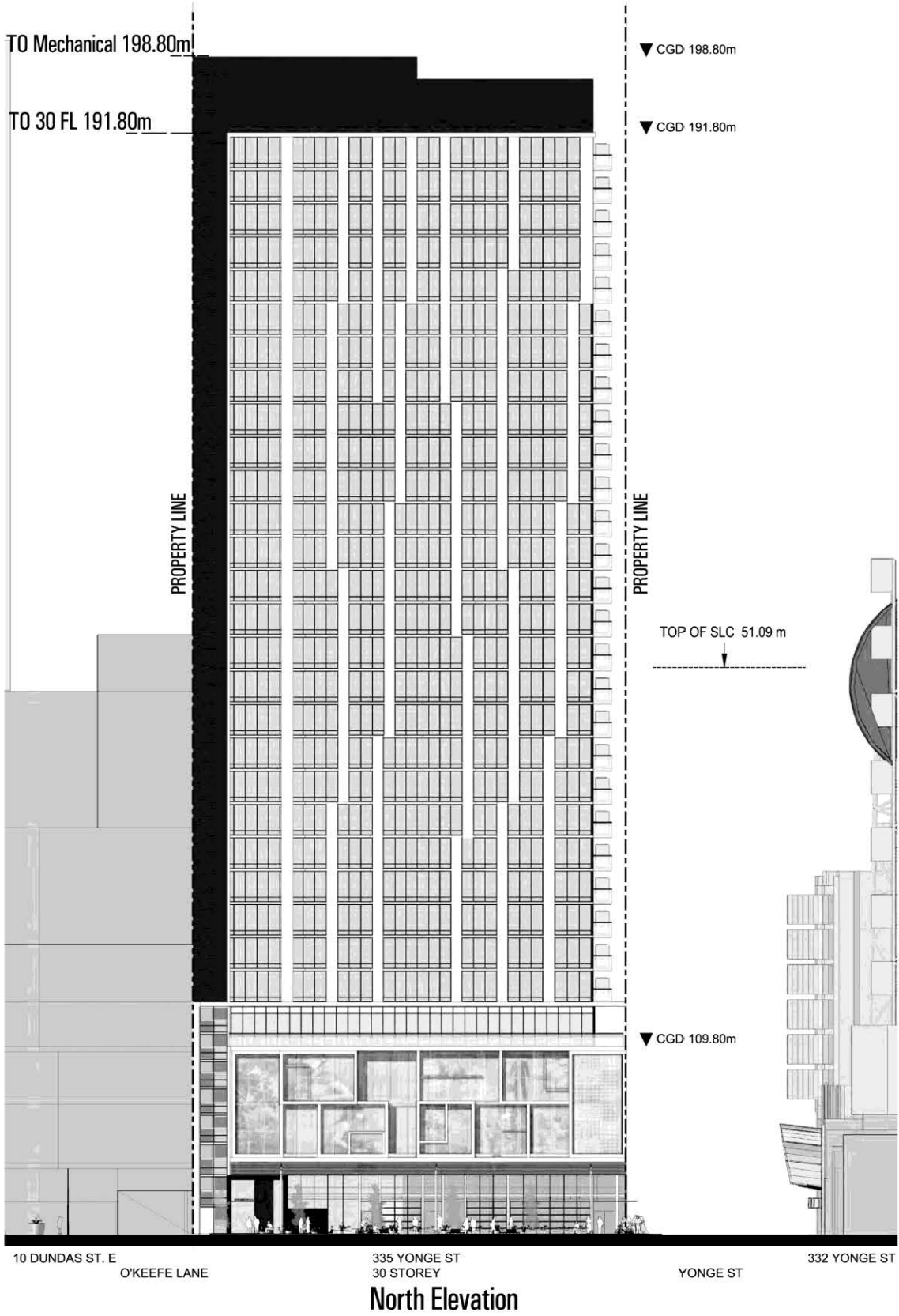


**View of Applicant's Proposal Looking Southeast**

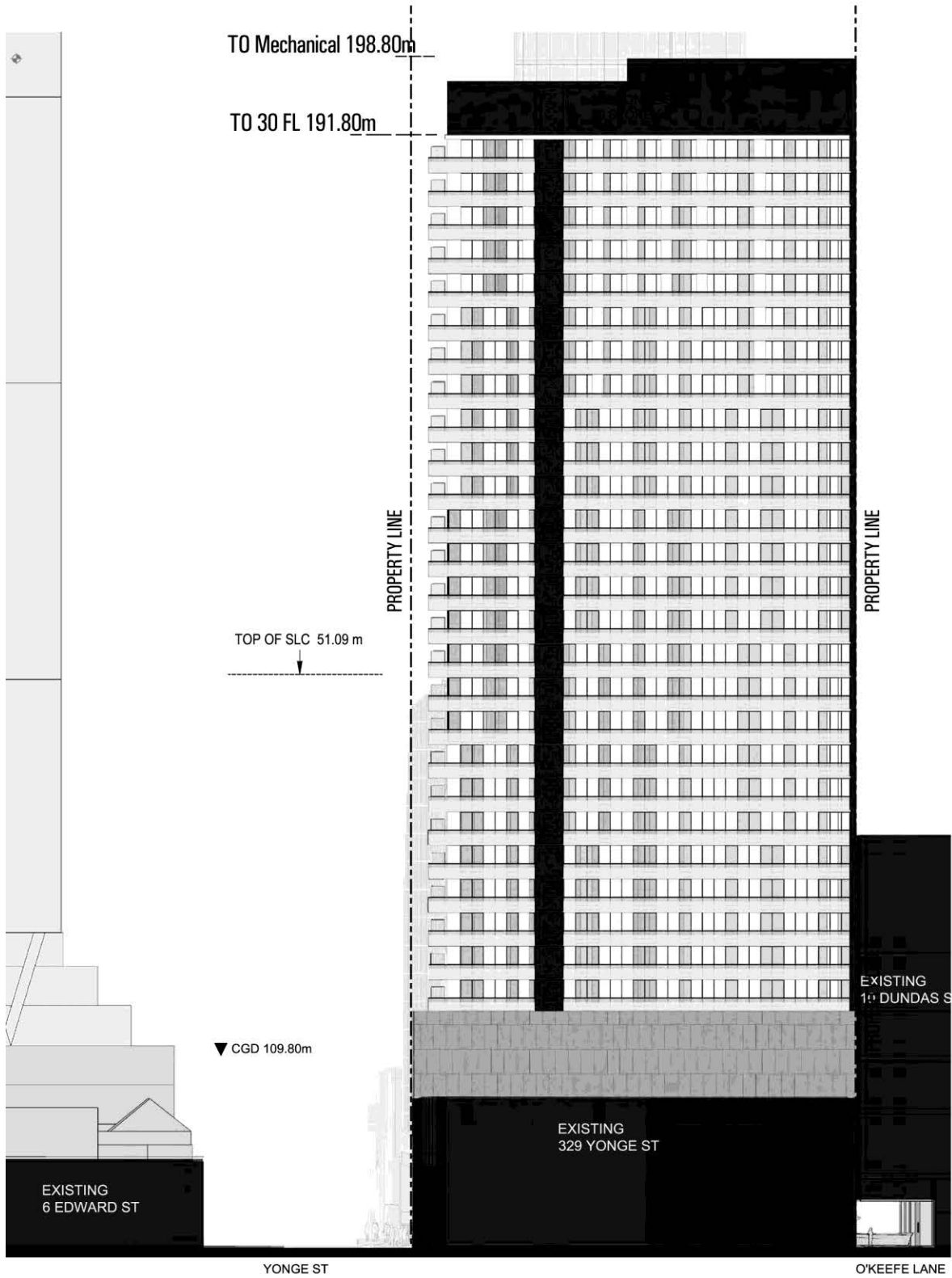


11/26/2019

# Attachment 7: North Elevation

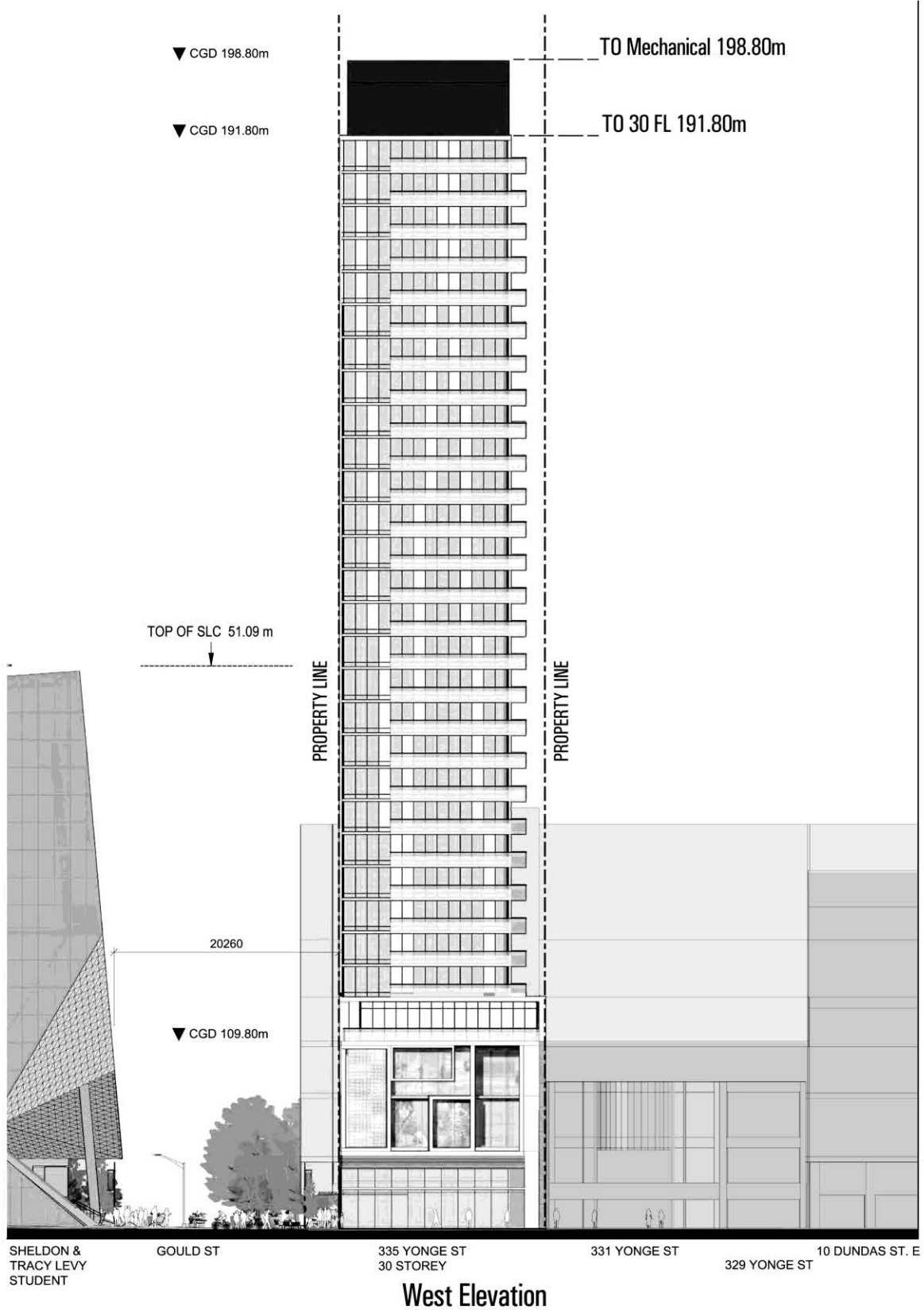


# Attachment 8: South Elevation

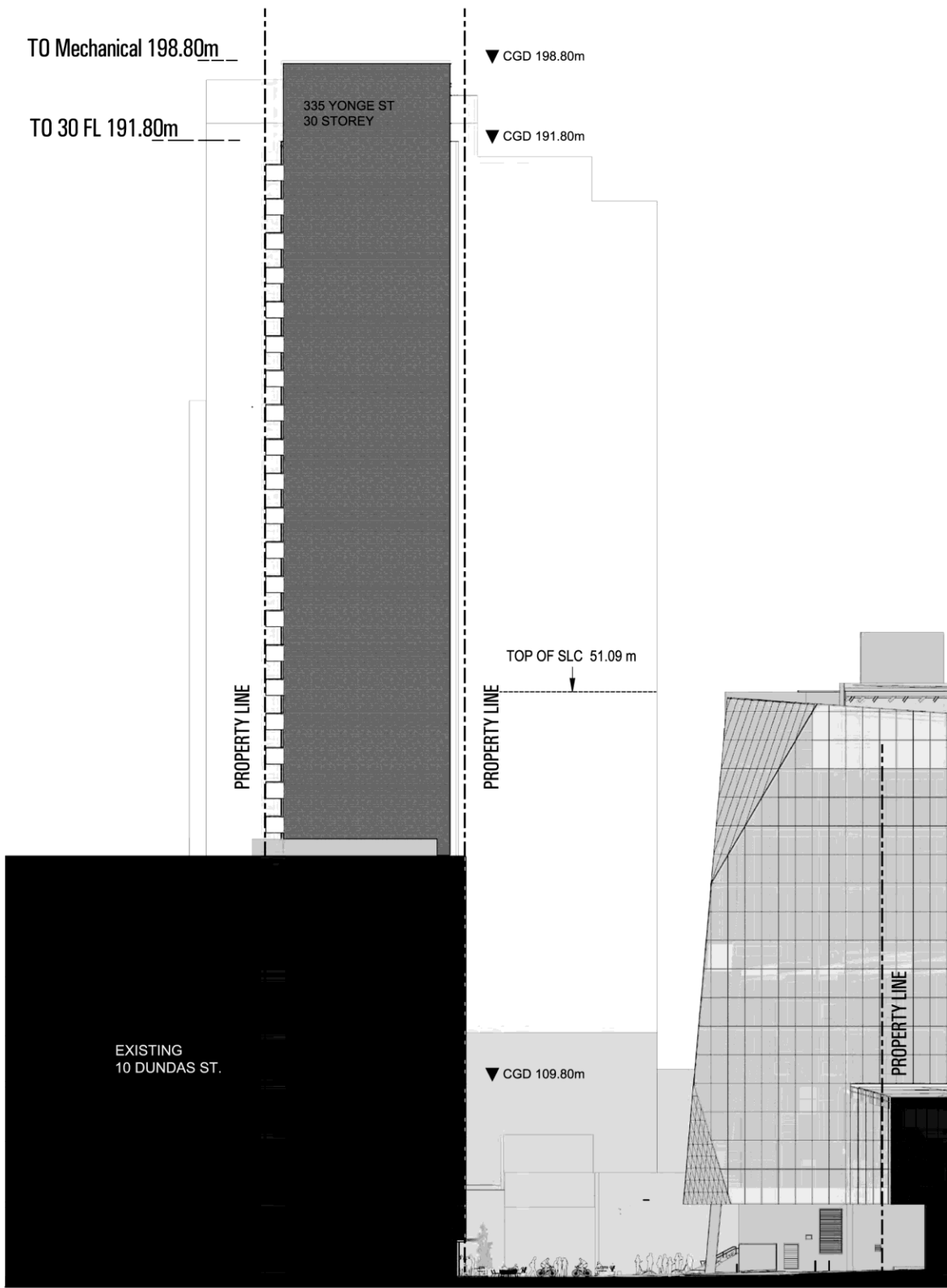


South Elevation

# Attachment 9: West Elevation



# Attachment 10: East Elevation



East Elevation