

372-378 Yonge Street – Official Plan Amendment, Zoning Amendment Applications – Preliminary Report

Date: September 21, 2020

To: Toronto and East York Community Council

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

Ward 11 - University-Rosedale

Planning Application Number: 20 174053 STE 11 OZ

Notice of Complete Application: July 29, 2020.

Listed Heritage Building(s) on Site: Yes

Designated Heritage Buildings(s) on Site: Yes

Current Use(s) on Site: Four separate two and three-storey commercial buildings

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a 74-storey mixed use building located at 372-378 Yonge Street. The proposal is not acceptable, the tower is too tall, and the site is too small to accommodate a tall building with appropriate tower setbacks and tower separation distances. Staff will work with the applicant to determine what form of development may be appropriate and achievable on this site. It is not clear whether a tall building is achievable without working with the adjacent land owner to the west to achieve appropriate tower separation distances.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 372-378 Yonge Street together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

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

DECISION HISTORY

A number of pre-application meetings have been held with the applicant. During these meetings City Planning has consistently indicated that the site is too small for a tower development as the site could not achieve both appropriate tower setbacks and tower stepbacks from heritage façades. Despite this the applicant has proceeded with an application.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan and Zoning By-law for the property at 372-378 Yonge Street to permit a 74-storey mixed-use building with retail at grade, commercial units on levels three to seven and residential units above. The third level includes a 130 m² Club Bluenote (it is not clear if this is intended as a community facility or not). The proposal entails the full retention of the existing Elephant and Castle heritage building with the tower cantilevering over the top of that building.

The proposed 74-storey (255 metres including the mechanical penthouse) development would contain a total of 2593.9 square metres of commercial gross floor area and 32,178.2 square metres of residential gross floor area, 35,871 square metres in total. The development would include 406 residential units. The application proposes: 232 one-bedroom units (57%), 116 two-bedroom units (29%), and 58 three-bedroom units (14%). The applicant is also proposing 1,185 square metres of indoor and 678 square metres of outdoor amenity space. The floor space index (FSI) for the development would be 37.32 times the area of the lot (By-law 569-2013). There are no parking spaces proposed as part of this development.

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

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

See Attachment 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 to 6 for elevations, Attachment 7 and 8 for Location Map and Site Plan as well as Attachment 10 for the Application Data Sheet.

Provincial Policy Statement and Provincial Plans

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

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2020) 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 (2020) 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 (2020), 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 (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2020) 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 (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan 2020.

Toronto Official Plan Policies and Planning Studies

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

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

The current application is located on lands shown as Downtown and Central Waterfront on Map 2 of the Official Plan and Mixed Use Areas as shown on Attachment 5.

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

The site is subject to 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 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.

This site is located on Map 41-3 of the Downtown Plan and is designated Mixed Use Areas 2 - Intermediate. This designation will form an intermediate transitional scale between the taller buildings in Mixed Use Areas 1 and the predominantly mid-rise character in Mixed Use Areas 3. Development will include building typologies that respond to their site context including mid-rise and some tall buildings. Scale and massing will be compatible with the existing and planned context of the neighbourhood including prevailing heights, massing, scale, density and building type. For those sites within proximity of a transit station, similar development permissions to Mixed Use Areas 1 designation may be permitted based on compatibility.

The Downtown Plan may be found here:

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

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 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 view of Old City hall includes the main entrance, tower and cenotaph as viewed from the southwest and southeast corners at Temperance Street and includes the silhouette of the roofline and clock tower. 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>

Zoning By-laws

The site is zoned CR T4.0 C4.0 R1.5 under Zoning By-law 438-86 with a maximum height of 20 metres and a maximum density of 4 times the area of the lot. The site is

zoned CR 4.0 (c4.0; r1.5) SS1 (x2553) with a maximum height of 20 metres under and a maximum density of 4 times the area of the lot Zoning By-law 569-2013.

The site is subject to certain permissions, exceptions and site specific provisions, including: required retail at grade, prohibition of commercial parking garages or private commercial garages and entertainment facilities, required parking for commercial and residential uses and angular plane provisions.

The site is also subject to the Priority Streets By-laws 1681-2019 and 1682-2019. These By-laws are Council approved but under appeal.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

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

City-wide Tall Building Design Guidelines
Downtown Tall Buildings Vision and Supplementary Design Guidelines; and
Growing up Design Guidelines
Pet Friendly Design Guideline
Retail Design Manual

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

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 landuse and built form recommendations. The link to the report is here:

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

yongeTOMorrow

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

COMMENTS

Reasons for the Application

The proposal requires an amendment to SASP 174 (Official Plan), Zoning By-law 438-86 and Zoning By-law 569-2013 for properties at 372-378 Yonge Street to permit the proposed density, height and parking requirements, among others.

ISSUES TO BE RESOLVED

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

Provincial Policies and Plans Consistency/Conformity

Staff will evaluate these planning applications to determine their consistency with the PPS (2020) and conformity with the Growth Plan (2020). Given the explicit link between Provincial Policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will largely be determined by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this planning application to determine the application's conformity to the Official Plan including the recently approved Downtown Plan (OPA 406), SASP 174 (Yonge Street Between Queen Street and North of Gerrard Street), and OPA 352.

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 d), j), p) and r) of the Planning Act; the PPS 2020, the Growth Plan (2019), the City's Official Plan policies including SASP174 and OPA406 and the City's Tall Building Design Guidelines and the Downtown Tall Building Design Guidelines.

Staff will continue to assess:

- whether the site is appropriate for tower development. The site is too small for a tower with the consequence that it can not provide appropriate tower setbacks, tower stepbacks to Yonge Street nor tower stepbacks to on-site heritage resources. Staff will work with the applicant to determine what is achievable on-site that is currently not achievable;
- the appropriate mix of land-uses including the potential for the inclusion of an on-site community facility (which may be represented by the proposed Club Bluenote as drafted on the plans) and/or on-site affordable housing as part of a complete community;
- if the site is deemed appropriate for a tower development, then the appropriate height for that tower given shadowing and wind impacts on the adjacent public realm and parks, including POPS spaces;
- the proposed heritage strategy and more specifically if that strategy adequately protects both the listed and designated properties;
- the appropriate provision of outdoor amenity space and generally, its lack of access to direct sunlight;
- the proposed zero provision of auto parking and the appropriateness of that provision given the recommendations arising out of the YongeTOmorrow EA; and
- confirmation that the proposed loading and access for that loading address both functional needs and safety issues;

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and Tree Preservation Plan which states that there are no trees on the site or immediately adjacent areas that are governed by the Private Tree By-law. Additionally, there are 5 City owned trees which are located within the City road allowance which will be required to be removed. The application has been circulated to Urban Forestry for review and comment.

Housing

The proposed unit mix does support the unit mix requirements of the Downtown Secondary Plan, which requires 15% two-bedroom units, 10% three-bedroom units plus an additional 15% two or three bedroom units or convertible units. The unit sizes and layouts need to be reviewed in the context of the Growing Up Design Guidelines.

Heritage Impact & Conservation

The site includes three listed heritage buildings (372, 374 and 376 Yonge Street) and one designated building (378 Yonge Street, commonly known as Elephant and Castle). A Heritage Impact Assessment has been submitted and is currently under review by City staff.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A CS&F Study was submitted with the application and is currently under review by City staff.

Infrastructure/Servicing Capacity

Staff is reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro) to accommodate the proposed development. The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Preliminary Geohydrology Assessment; and Transportation Impact Study.

Staff will continue to assess:

- the servicing report provided by the applicant, to evaluate the effects of the development, and challenges to servicing the site, on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development. Recent infrastructure improvements to Gerrard Street and anticipated changes to Yonge Street in the near term will impact available servicing to the site; and
- the transportation report submitted by the applicant, to evaluate the effects of the development on the transportation system and the impacts of not providing any parking. Given the proposed density and number of units, the provision of no parking will impact the adjacent road network as guests and deliveries will be forced to find alternative arrangements which may not be readily available.

Parking and access to the site will also be impacted by anticipated changes to both Walton and Yonge Streets.

Toronto Green Standard

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

Section 37 Community Benefits

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

Further discussion with the Ward Councillor, City staff, residents and the applicant will be required to determine the extent and nature of the Section 37 community benefits should the proposal proceed to approval in some form.

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context - Looking Southeast

Attachment 2: 3D Model of Proposal in Context - Looking Northwest

Attachment 3: North Elevation

Attachment 4: South Elevation

Attachment 5: West Elevation

Attachment 6: East Elevation

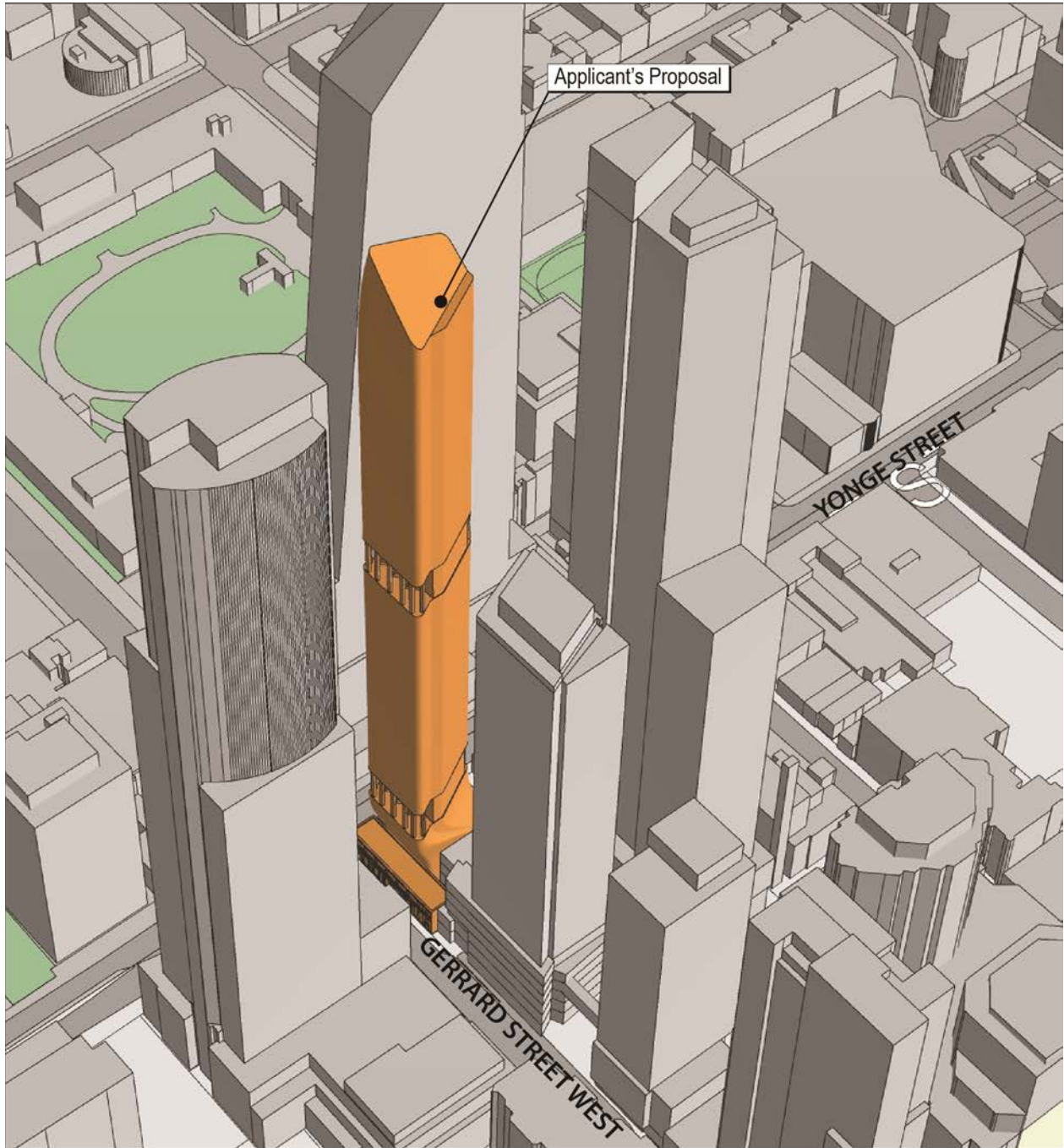
Attachment 7: Location Map

Attachment 8: Site Plan

Attachment 9: Official Plan Map

Attachment10: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context - Looking Southwest

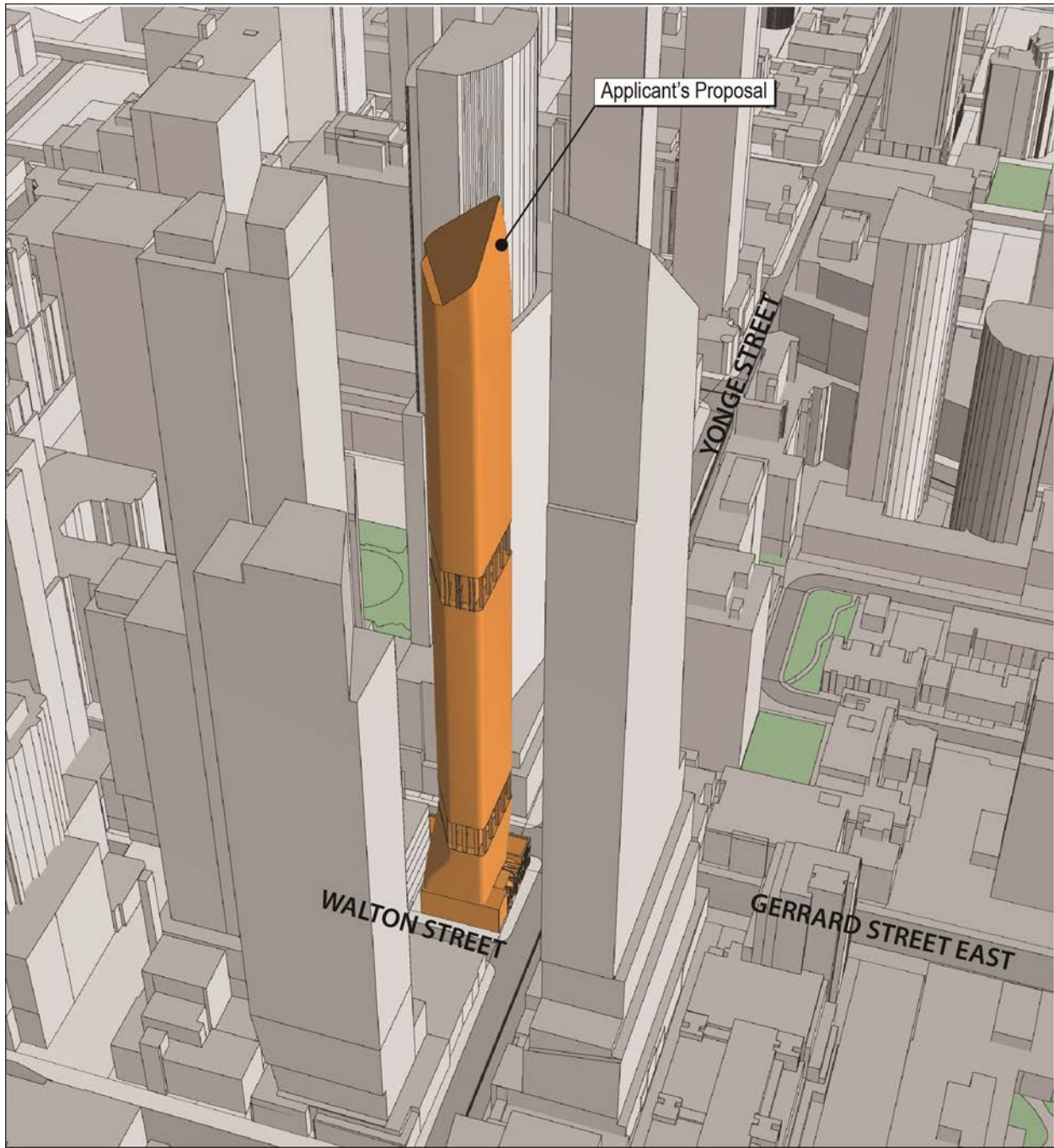


View of Applicant's Proposal Looking Southeast



08/21/2020

Attachment 2: 3D Model of Proposal in context - Looking Northwest

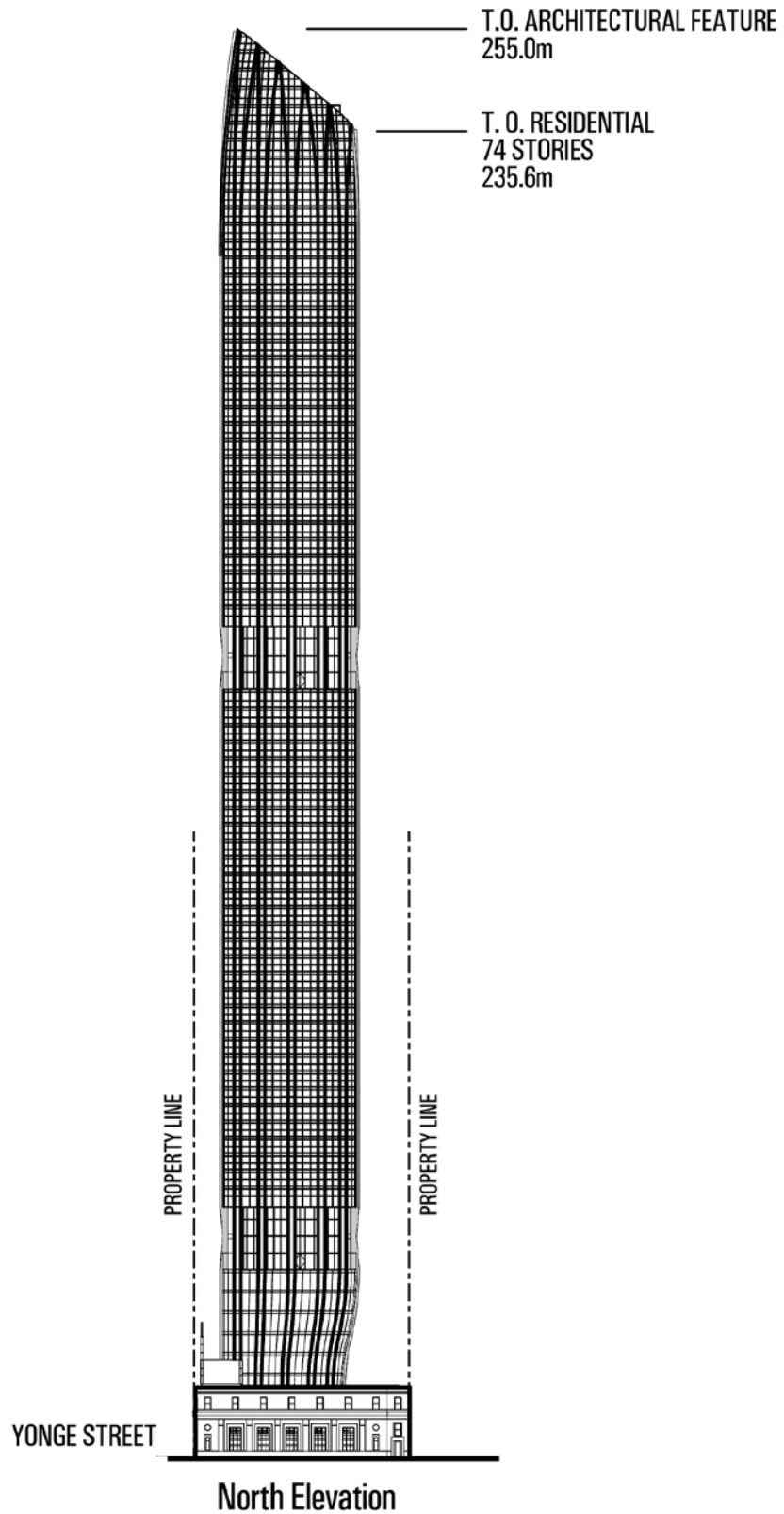


View of Applicant's Proposal Looking Northwest

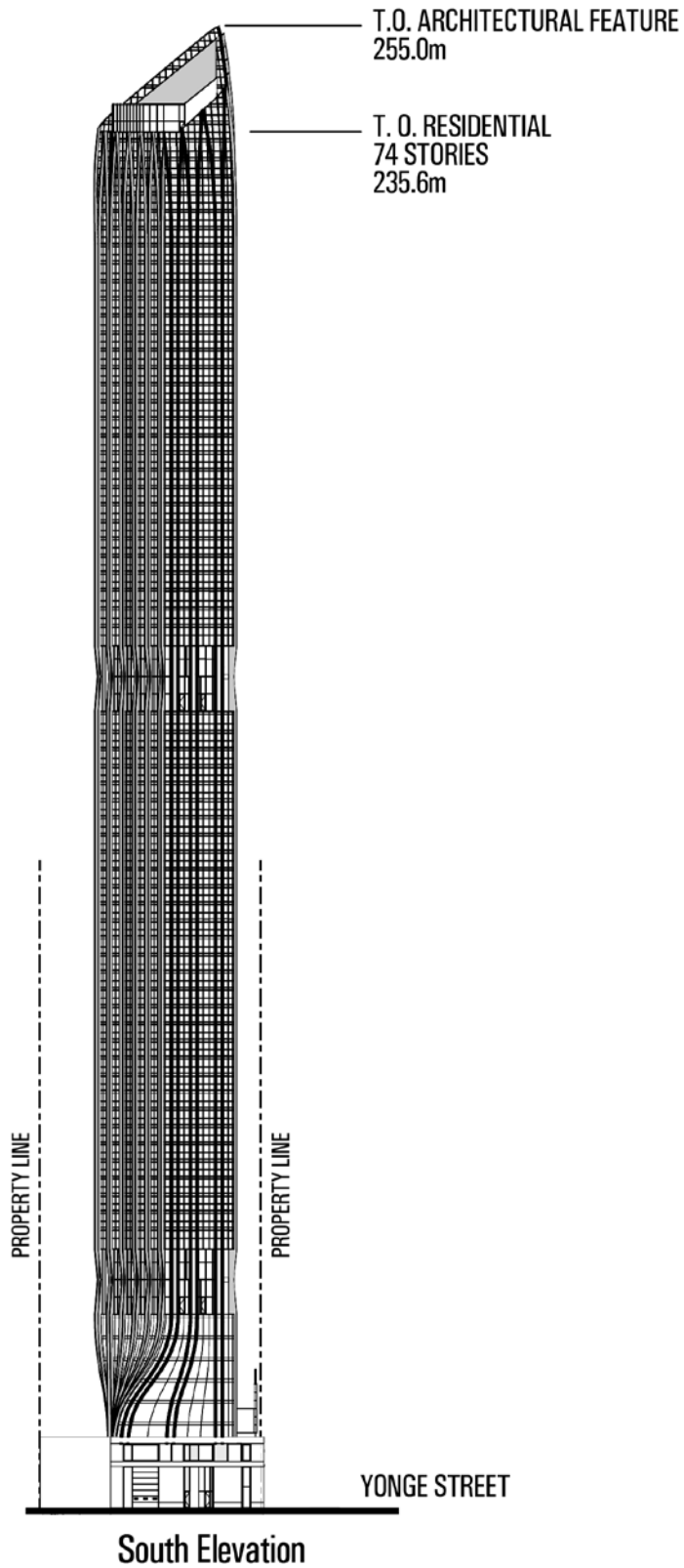


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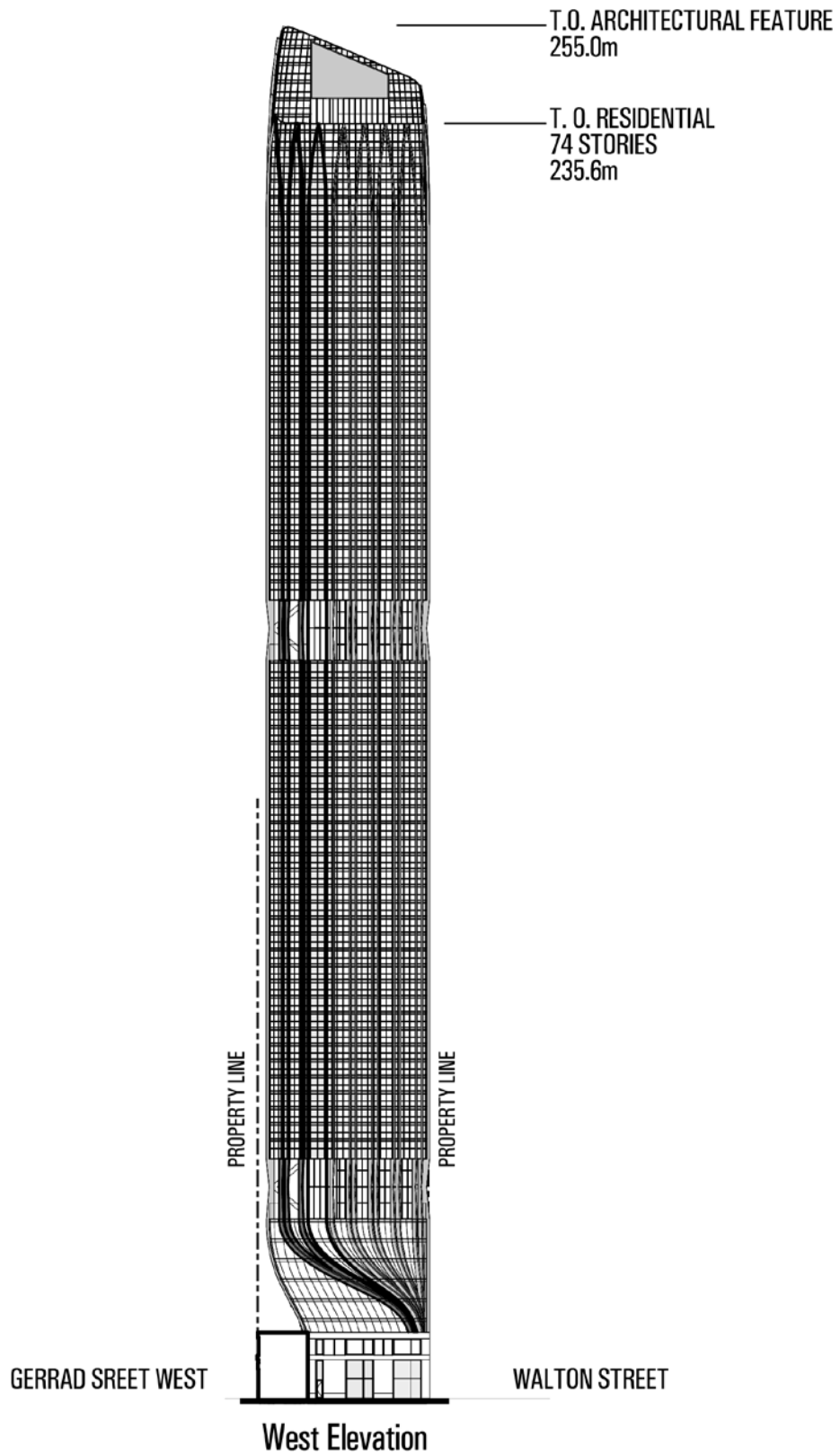
Attachment 3: North Elevation



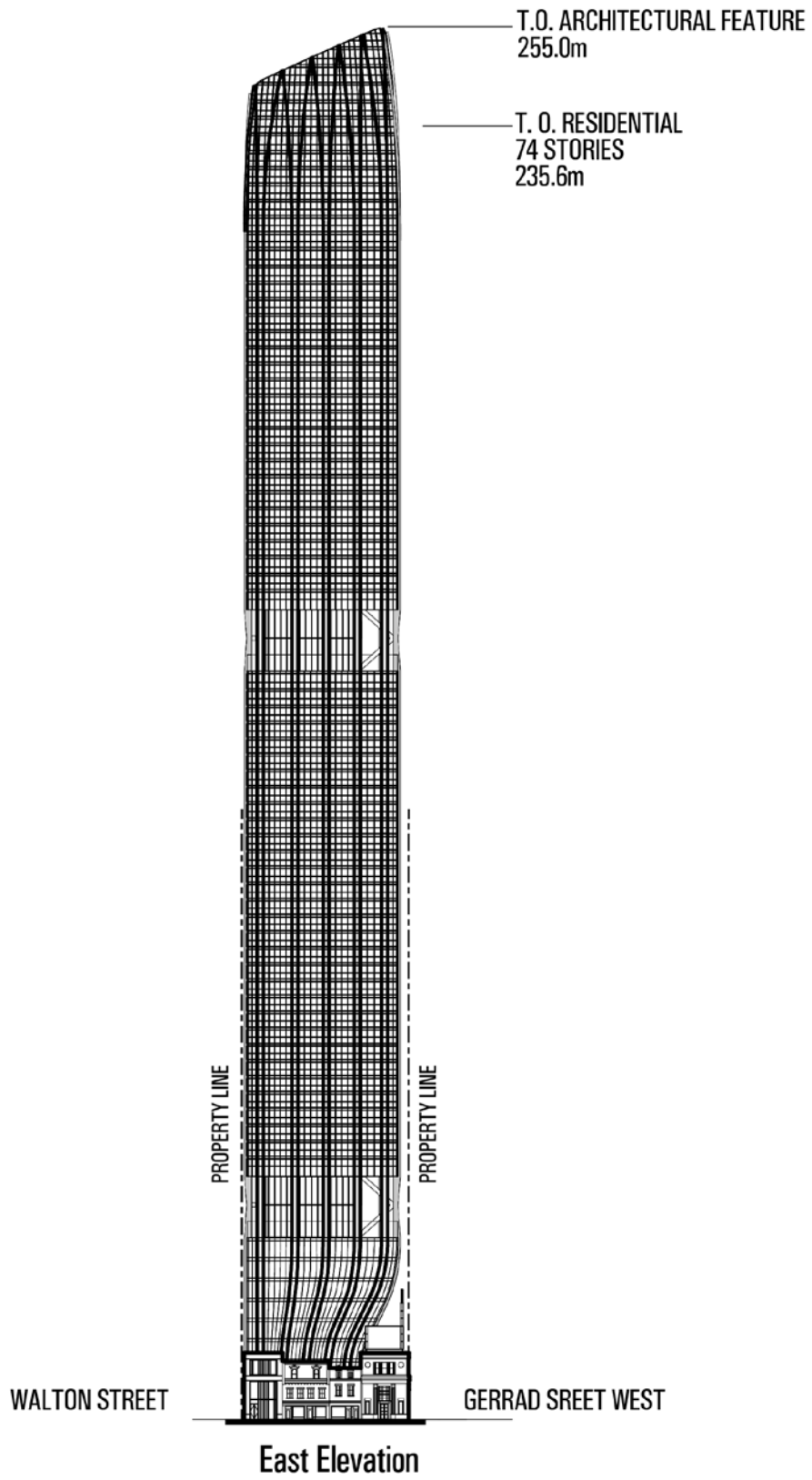
Attachment 4: South Elevation



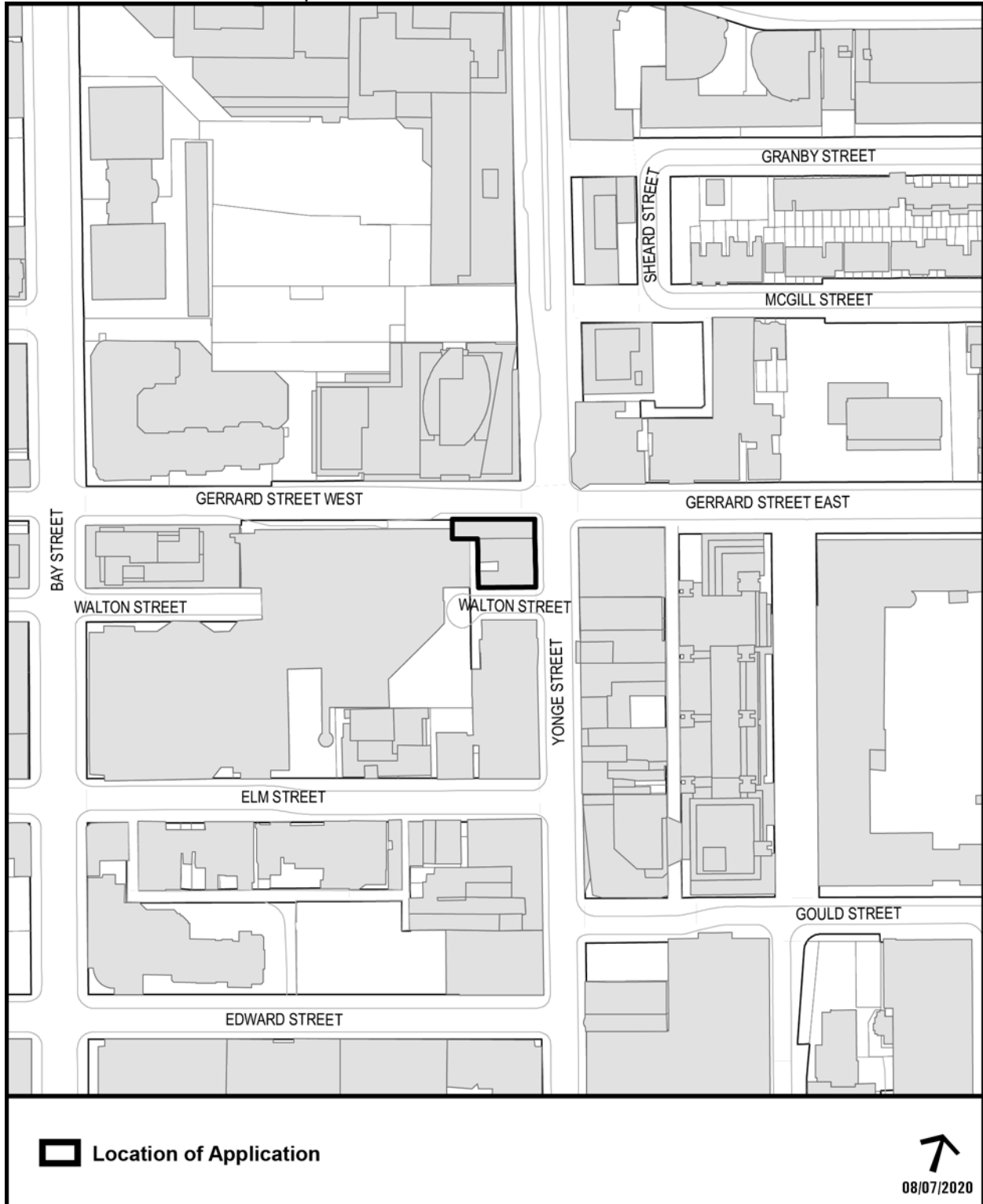
Attachment 5: West Elevation



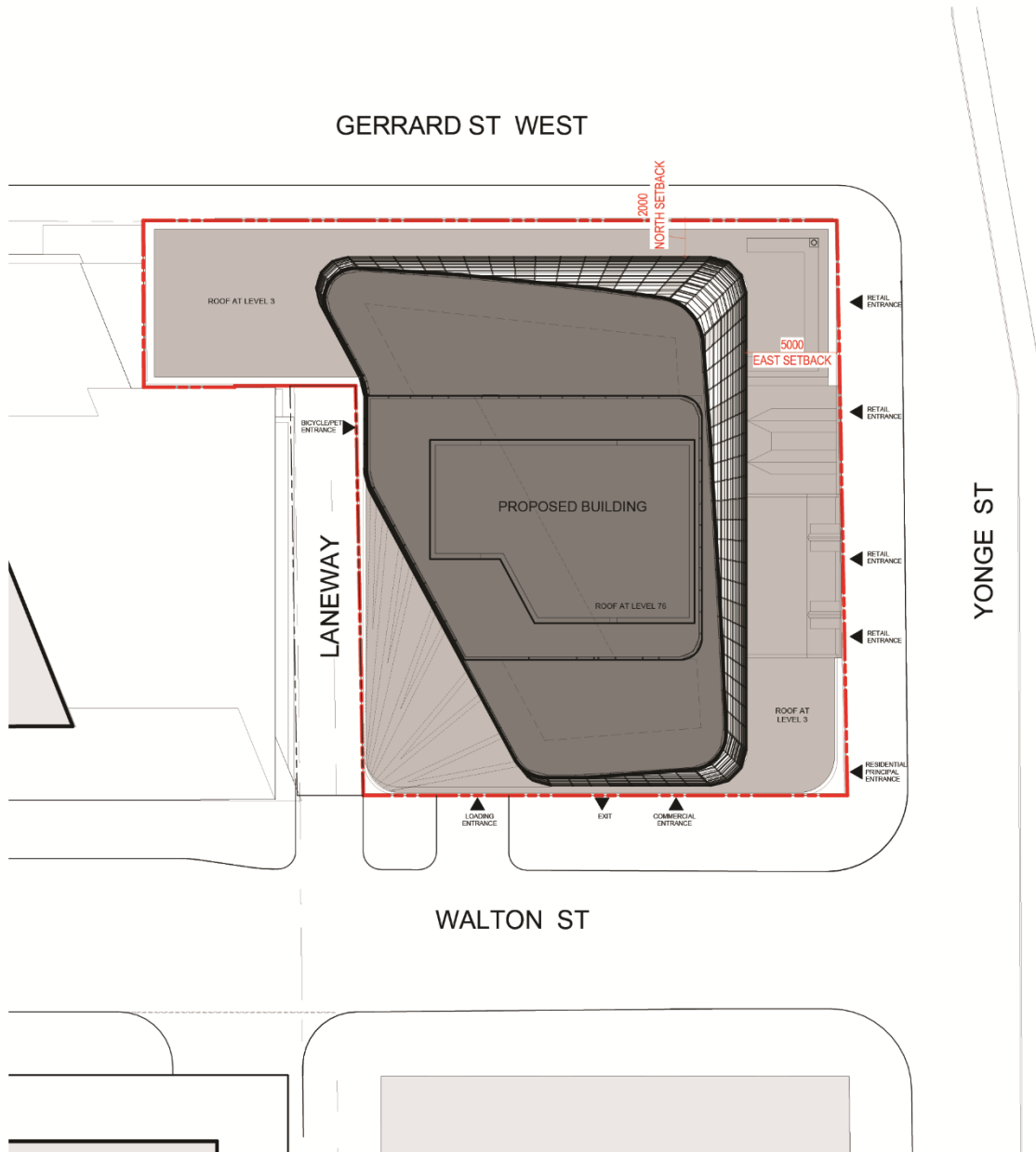
Attachment 6: East Elevation



Attachment 7: Location Map



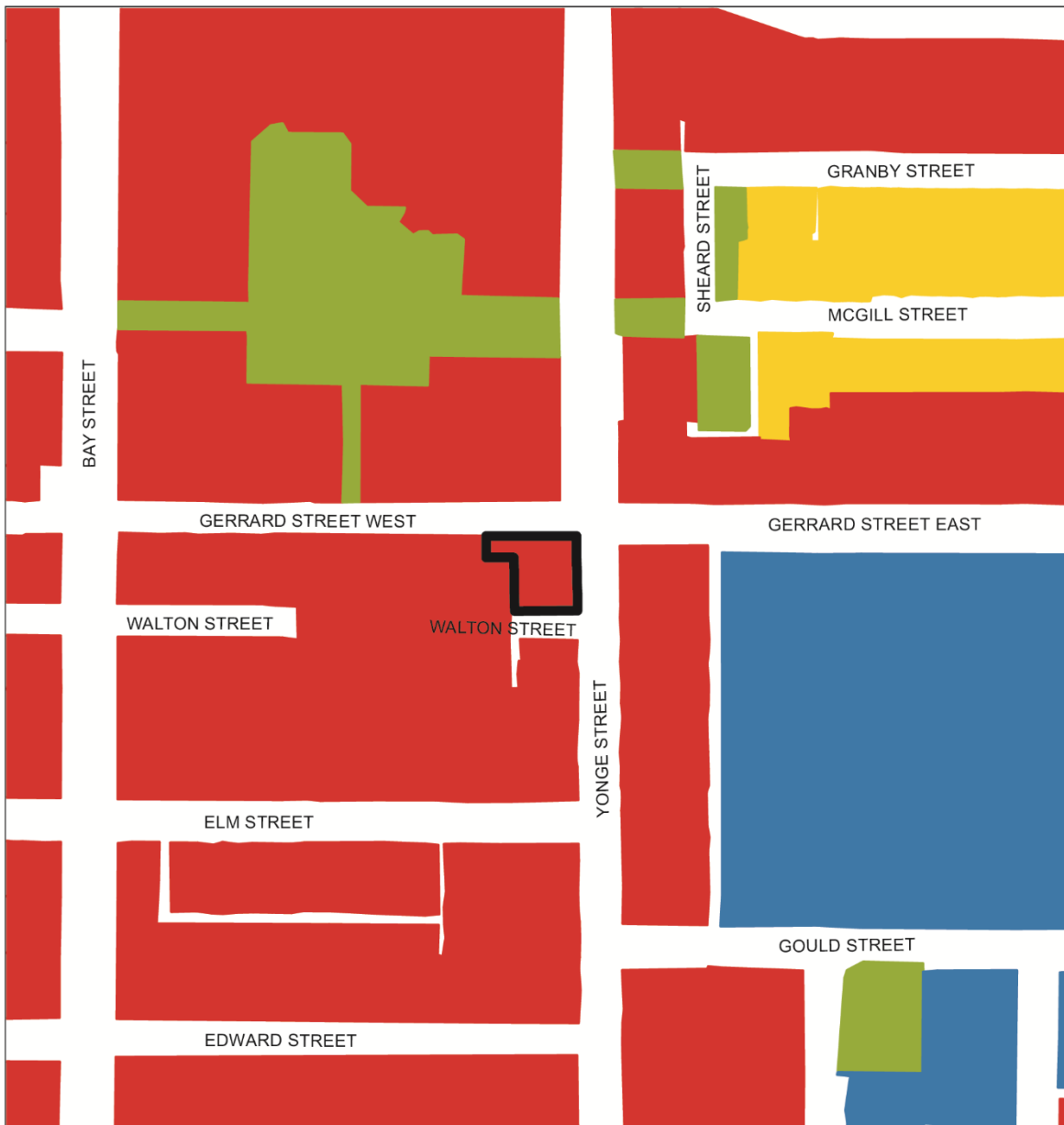
Attachment 8: Site Plan



Site Plan



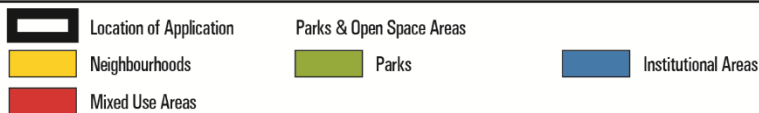
Attachment 9: Official Plan Map



372-378 Yonge Street

Official Plan Land Use Map

File # 20 174053 STE 11 OZ



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Not to Scale
08/10/2020

Attachment 10: Application Data Sheet

Municipal Address: 372 YONGE ST Date Received: July 29, 2020

Application Number: 20 174053 STE 11 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposal for a 74-storey mixed-use building comprised of 3693.10 square metres of non-residential floor area and 32,178.20 square metres of residential gross floor area. A total of 406 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
AIRD & BERLIS LLP		Dialog	YONGE AND GERRARD PARTNERS INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
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):	961	Frontage (m):	32	Depth (m):	27
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			690	690
Residential GFA (sq m):			32,178	32,178
Non-Residential GFA (sq m):		702	2,991	3,693
Total GFA (sq m):		702	35,170	35,871
Height - Storeys:			74	74
Height - Metres:			245	245

Lot Coverage Ratio (%)	71.79	Floor Space Index:	37.33
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	31,927	251
Retail GFA:	1,311	45
Office GFA:	2,337	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			406	406
Other:				
Total Units:			406	406

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			232	116	58
Total Units:			232	116	58

Parking and Loading

Parking Spaces:	Bicycle Parking Spaces:	430	Loading Docks:	1
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