

## **4050 Yonge Street – Official Plan and Zoning By-law Amendment Applications – Request for Direction Report**

Date: February 5, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: Eglinton-Lawrence

**Planning Application Number:** 20 115845 NNY 08 OZ and 20 115847 NNY 08 SA

### **SUMMARY**

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This application proposes the redevelopment of an existing commercial parking lot to a 21-storey building on the east portion of the site comprised of 29 residential units and non-residential uses including office, retail, restaurant and a hotel, and a 35-storey, 271-unit residential building located on the west portion of the site at 4050 Yonge Street. A 6-storey base building would connect the two towers. Access to the York Mills TTC subway/GO Transit station would be provided within the east building.

The application proposes to incorporate a City-owned piece of land which contains an entrance to the York Mills subway station via an easterly connecting tunnel under Yonge Street as well as northerly tunnel to the office complex known as Yonge Corporate Centre at 4100, 4110 and 4120 Yonge Street.

The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal does not conform to the Official Plan. Issues to be resolved, as outlined in this report, include:

- Official Plan conformity with regard to fit with the existing and planned context;
- A determination of the appropriate height, massing and density of development on this site;
- A determination of appropriate built-form setbacks (particularly along Yonge Street but also along Wilson Avenue) and appropriate step-backs on the site;
- The incorporation of larger setbacks and accessible open spaces into the development, particularly around the perimeter of the building, both at the intersection of Yonge Street and Wilson Avenue and along the north and west sides of the building where there are existing parks and natural areas and along abutting streets where there are transit stops;
- A reduction in the size of the floor plate of both buildings to comply with the Tall Building Design Guidelines;

- The inclusion of adequate amenity space, both indoor and outdoor, for residents and the provision of this space in appropriate locations.
- A resolution of the design of the proposed vehicular access to Wilson Avenue and the vehicular forecourt area within the building;
- Determination of an appropriate parking supply given the site's direct connection to the York Mills subway/GO Transit station;
- Determination of an appropriate amount of proposed office use given both the Growth Plan and the City encourage office use at, or in close proximity to, frequent transit service;
- Satisfaction of the pet-friendly guidelines; and
- The provision of on-site public art.

The applicant appealed their Official Plan, Zoning By-law Amendment and Site Plan Control Approval applications to the Local Planning Appeal Tribunal (LPAT) on September 22, 2020 citing Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A Case Management Conference has been scheduled for March 12, 2021.

This report reviews and recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application in its current form at the LPAT. This report also recommends that despite the applicant's appeal of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Approval applications to the LPAT, City Planning staff continue to work with the applicant to address the issues raised in this report.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applicant's appeal respecting the Official Plan and Zoning By-law Amendment application (File No. 20 115845 NNY 08 OZ) in their current form for the lands at 4050 Yonge Street for the reasons set out in this report (February 5, 2021).
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant and resolve the outstanding issues detailed in the report dated February 5, 2021 from the Acting Director, Community Planning, North York District, and report back to City Council on the outcome of the discussions, if necessary.
3. In the event the Local Planning Appeal Tribunal (LPAT) allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeals for the subject lands until such time as the LPAT has been advised by the City Solicitor that:

- a. The proposed Official Plan and Zoning By-law Amendments are in a final form and content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b. A Section 37 Agreement has been executed and registered to secure Section 37 contributions and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
- c. The owner has provided a Functional Servicing Report, Stormwater Management Report, Hydrogeological Report, and Groundwater Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services;
- d. The Owner has designed and provided the City with financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Groundwater Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services, should it be determined that improvements or upgrades are required to support the development; and
- e. The Owner has entered into an agreement(s) with the City requiring the Owner, prior to the issuance of any above grade building permit, and at no cost to the City, to design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Groundwater Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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

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

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

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

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

The resulting Instruments were enacted on November 9, 2016 consisting of Official Plan Amendment 158 and Site and Area Specific Policy 90 by By-law 1092-2016 and Zoning By-law Amendment 1093-2016. SASP 90 permitted a density of 5.4 times the lot area for the subject property and a maximum building height of 163.6 metres above sea level. Superstructures such as a mechanical enclosure are permitted above the maximum building height of 163.6 metres to a maximum height of 172.6 metres above sea level. (See Attachment 6).

## **ISSUE BACKGROUND**

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### **Proposal**

An application was initially submitted for this site on February 14, 2020. The application was circulated to technical agencies for comment including the Toronto Region Conservation Authority (TRCA). Comments returned by the TRCA indicated that in April 2020, the flood plain mapping for the Don River Watershed was updated and the floodplain appeared to extend further onto the subject property than previously identified. As a result, an updated geotechnical study was requested to determine the location of the Long Term Stable Top of Slope (LTSTOS) by the TRCA to assist in determining the updated limits of development. The applicant responded to the TRCA comments and made a revised submission to the City on December 11, 2020 that reflects the revised floodplain mapping.

The application proposes to amend the Official Plan Site and Area Specific Policy (SASP) 90 and Zoning By-law 7625, as amended by By-law 1093-2016, to permit a proposed 21-storey building (east building) comprised of residential and non-residential uses including office, retail, restaurant and hotel, and a 35-storey residential building (west building) at 4050 Yonge Street. In total, 300 residential units and 248 hotel suites are proposed on the site. A 6-storey base building, would connect the two towers. The development would provide direct underground access to the existing York Mills TTC subway/GO Transit station. There is an existing entrance/exit to the subway station in the southeast corner of the site which connects to the York Mills subway station under Yonge Street. A pedestrian tunnel also connects this on-site subway entrance/exit building northward to the property known as the Yonge Corporate Centre. The land

containing the subway access building and tunnel are not owned by the applicant but belong to the city of Toronto. The site is currently used as a commercial parking lot.

The proposed development would contain a total of 65,579 square metres of gross floor area. With a site area of 12,986 square metres the proposed development would result in a Floor Space Index of 5.06 times the lot area and a net Floor Space Index of 10.67 times the lot area as defined by the former City of North York Zoning By-law. Lands below the stable top of bank would be dedicated to the City of Toronto.

The proposed east building would be 21 storeys and 77.15 metres (85.20 metres, including mezzanine and mechanical penthouse) in height, and would be comprised of residential and non-residential uses. The non-residential component breakdown is as follows: 4,005 square metres of office, 426 square metres of retail and restaurant use and 18,657 square metres of hotel use, which would include 248 hotel suites and 29 residential units. The proposed hotel would contain suites comprised of: 122 king rooms (49%), 102 double-queen rooms (41%) and 24 king suites (10%). This building would also contain 5 floors of residential units (29 units total) at the top of the building. The proposed bedroom breakdown of the residential units would be one 1-bedroom, 13 2-bedroom and 15 3-bedroom units. The base of this building would provide access *underground* to the existing York Mills TTC subway/GO Transit station.

The proposed building at the west end of the site would be 35 storeys and 125.81 metres (132.81 metres, including a ground floor mezzanine and mechanical penthouse) in height. In total, 271 residential units are proposed in the west building including: 54 1-bedroom (20%), 117 2-bedroom (43%) and 100 3-bedroom (37%) units. The applicant has indicated that they are proposing that 10% of the total residential units be affordable housing units. No details have been provided in this regard.

The table below summarizes the proposed building heights:

35-Storey Residential Building	125.81 metres (plus 7.0 metres for MPH)
Ground Floor Height of Residential Building	6.4 - 7.75 metres
21-Storey Hotel (with 5-storeys of Residential component)	77.15 metres (plus 8.05 metres for MPH)
Ground Floor Height of Hotel (including mezzanine)	9.75 metres
6 storey base building height which connects towers	28.80 metres

The applicant has indicated that the residential tower floor plate would be approximately 800 square metres and the hotel tower floor plate would be 1026 square metres.

The applicant has provided a tower separation distance of approximately 42 metres, exclusive of balconies, between the residential tower in the west and the hotel tower in the east.

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

A total of 651 below-grade parking spaces would be provided in a 5-level structure with 269 spaces being for residential use and 382 spaces being for the hotel and other commercial uses.

A total of 256 bicycle parking spaces are proposed: 204 long-term residential spaces within the mezzanine floor level of the west building; 20 short-term residential spaces at ground floor level of the west building; 10 long-term spaces for other uses are located at the P1 level of the east building; and a further 22 short-term spaces for other uses are proposed outside the building in the northeast corner of the subject site.

Four loading spaces are proposed for the development including one Type 'G' loading space (for non-residential loading), one Type 'B' loading space (for residential loading) and two Type 'C' which would be located at grade within the building envelope accessed from the vehicular forecourt.

A total of 664 square metres of indoor amenity space (equating to 2.21 square metres per residential unit) and 536 square metres of outdoor amenity area (equating to 1.79 square metres per residential unit) would be provided as part of this development. The indoor amenity space would be located on the Ground Floor and Mezzanine Level with a third location on the 7th floor adjacent to an identified outdoor amenity space. An additional outdoor amenity area would be provided at the second floor level. This shared amenity is in addition to private amenity including balconies and terraces.

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

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

The applications for Official Plan Amendment and Zoning By-law Amendment and Site Plan Control Approval were appealed to the Local Planning Appeal Tribunal on September 22, 2020 due to the lack of decision by City Council (in respect of the Official Plan Amendment and Zoning By-law Amendment applications) and a lack of decision by the Chief Planner (in respect of the Site Plan Control application). The Chief Planner has delegated authority to direct the City Solicitor regarding the Site Plan Control application under the Toronto Municipal Code, Chapter 415-18.1.A and will direct the City Solicitor in respect of all aspects of that matter, including making a request of the LPAT to withhold its final order on that application subject to the City Solicitor confirming for the LPAT that the appellant has, among other matters, entered into a site plan agreement and registered it against title. A Case Management Conference in respect of each one of the appeals is scheduled for March 12, 2021.

See Attachment 1 for the Data Application Sheet, Attachment 8 for the applicant's submitted Site Plan, Attachments 9a to 9d for the applicant's building elevation drawings and Attachments 10a and 10b for a three dimensional representation of the project in context.

### **City of Toronto Lands Subject to Application**

A portion of the proposed development is on land that is owned by the city of Toronto which currently accommodates a secondary entrance to the TTC York Mills subway station via a tunnel under Yonge Street to the east side of Yonge Street. The applicant submitted an application form for Official Plan and Zoning By-law Amendment and Site Plan Control Approval applications but failed to acknowledge that city of Toronto lands were involved in the application. The city of Toronto has not provided the requisite consent, in its capacity as a land owner. Further, the applicant has not provided any explanation as to what the interim condition would be for patrons using the secondary entrance to the subway station on the subject lands. The same secondary entrance provides a tunnel access to the property to the north (Yonge Corporate Centre) and the applicant has not provided details as to what the interim condition would be for persons using that tunnel to access the Yonge Corporate Centre. It is unclear if the applicant has had discussions with representatives of the Yonge Corporate Centre or if the owners of the Yonge Corporate Centre are aware of the implications of this proposed development for their complex. The applicant is advised to clarify the accurate ownership of the lands subject to the application and to provide further information regarding the proposed interim conditions for access to the York Mills subway station and the Yonge Corporate Centre.

### **Site and Surrounding Area**

The property is 12,986 m<sup>2</sup> in size and located at the northwest corner of Yonge Street and Wilson Avenue having street frontages of approximately 66 metres on Yonge Street and 124 metres on Wilson Avenue. The property is currently used as a 260 space surface commercial parking lot and includes a TTC entrance building providing access to an underground tunnel connecting the west side of Yonge Street to the York Mills Subway Station and the York Mills GO Transit bus terminal on the east side of Yonge Street.

The intersection at Yonge Street is the boundary between York Mills Road (east of Yonge Street) and Wilson Avenue (west of Yonge Street). The intersection is situated in the Hoggs Hollow valley sloping down from Highway 401 towards Wilson Avenue and York Mills Road.

Land uses surrounding the subject site are as follows:

North: Immediately north of the site is a naturalized portion of the Don Valley Golf Course and includes its service yard. There is also a City of Toronto Dog Off-Leash Area immediately north of the development site. Beyond this is the Yonge Corporate Centre, a complex of 3 office buildings and including a free standing place of worship and a restaurant.

South: South of the site across Wilson Avenue is York Mills Park, a continuation of the natural area from the north. Further south at the top of the slope sits the “Four Thousand”, an 8-storey residential rental building and beyond, an 11 storey residential condominium building at 3900 Yonge Street. To the east of Yonge Street, south of York Mills Road is a Shell Gas Station and east of that is an 8-storey residential condominium building (10 Old Mills Road).

West: The Don Valley River (West Branch) runs through the west portion of the site and the Don Valley Golf Course is located west and north of the site. Beyond the golf course and the river is located the Canadian Forces College campus.

East: The York Mills Centre is located directly east of the site across Yonge Street which includes a multi-building office and retail complex. North of the York Mills Centre is a detached dwelling and beyond that, a 4-storey office building at 4141 Yonge Street.

### **Reasons for Application**

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

An application to amend the former City of North York Zoning By-law 7625 is required as the proposal does not comply with the existing performance standards with respect to: land use, building height, density, building setbacks, amenity space, landscaping and parking. An amendment is also required to establish appropriate development standards for the proposed development.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Planning Rationale and Community Services Facility Study;
- Architectural and Landscape Plans, Ravine Stewardship Plan, Tree Inventory and Protection Plan and Civil Engineering Plans;
- Site Survey;
- Public Consultation Strategy Report;
- 3D Building Massing Model;
- Shadow Study;
- Arborist Report and Tree Preservation Plan;
- Revised Natural Heritage Impact Study;
- Noise and Vibration Study;
- Pedestrian Level Wind Study;
- Urban Transportation Considerations Report;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Investigation;



- Fluvial Geomorphic Erosion Rate Assessment Report;
- Sanitary Capacity Analysis Report;
- Slope Stability Analysis;
- Phase Two Environmental Site Assessment Report;
- Energy Proposed Model Inputs Report;
- Energy Strategy Report and spreadsheets;
- Density Assessment/Economic Impact Analysis;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendments;
- Bird Friendly Design Statistics;
- Green Roof Statistics; and
- Toronto Green Standard Statistics and Checklist.

All the submitted reports/studies and information for the application is available on the Application Information Centre (AIC) at:

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

### **Agency Circulation Outcomes**

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

### **Community Consultation**

A Community Consultation Meeting was held virtually on January 8, 2021 by City Planning staff. Approximately 100 members of the community attended the meeting along with the Ward Councillor and abutting Ward Councillor, each with their staff. A number of comments were received from members of the public prior to the community consultation meeting. At the meeting City staff and the applicant's team gave presentations on the planning context of the site and surrounding area and the applicant's proposed development. Comments received at the meeting, as well as provided in writing prior to the meeting, included:

- Concern that the applicant has applied for additional height and density on this site when there is already an approval in place for a much lower development dating back to 2016;
- Concern that the proposed height and massing of the development will overwhelm the neighbourhood, and block views from nearby buildings and dwellings;
- Concern that the proposed development is out of character with the existing neighbourhood, given the height of the existing buildings and the area topography;
- Concern that the addition of new people into the neighbourhood will overwhelm the existing traffic situation, pedestrian realm, subway system and community services and facilities such as parks and schools;

- Concern the development of other soft sites in the neighbourhood will increase traffic problems cumulatively in the neighbourhood;
- Concern about a loss of privacy for existing residents living in detached dwellings east of Yonge Street;
- Concern that the commercial parking lot will disappear with the development of this parcel, given how well used it is;
- Concern that the loss of a transit drop-off on site is significant and will not be compensated for by the remaining drop-off on the east side of Yonge Street;
- Concern about the environmental impact a development on this site will have on the abutting *Natural Areas* lands surrounding the site, and in particular, including birds and wildlife;
- Concern that the city does not need another hotel, more office space or retail uses in this location; and
- That consideration be given to the incorporation of a grocery store, or even a convenience store into the project as residents have to travel a long way currently to get groceries.

## **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 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. 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*.

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, and better connected 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 GGH 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

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. As per the Growth Plan, 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 definition does not operate as to create the boundaries of the MTSA within a municipality. Municipalities delineate MTSAs pursuant to a Municipal Comprehensive Review (MCR), in conformity with the process set out in the Growth Plan. The Growth Plan (2020) requires that, at the time of the next (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities. The site is located at the northwest corner of Yonge Street and Wilson Avenue at the York Mills TTC subway/GO Transit station and there is a secondary entrance to the York Mills subway station on the subject site.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of the staff analysis and review are summarized in the Comments Section of this Report.

## **Toronto Official Plan**

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.

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

### **Chapter 2 - Shaping the City**

Chapter 2 of the Official Plan contains principles for steering growth and change to some parts of the city, while protecting our neighbourhoods and green spaces from development pressures.

Section 2.2 Structuring Growth in the City of the Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Generally, growth areas in the City are locations where good transit access can be provided along bus and streetcar routes and at rapid transit stations.

*Neighbourhoods* are seen as being stable but not static. Policies in Section 2.3.1 Healthy Neighbourhoods require development in *Mixed Use Areas*, among others, that are adjacent to or close to *Neighbourhoods* to be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards those *Neighbourhoods*, and maintain adequate light and privacy for residents in those *Neighbourhoods*. New development in *Mixed Use Areas* should attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Urban Structure Map 2 of the Official Plan shows that the subject lands include, and are surrounded by, an overlay of the *Green Space System*. Section 2.3.2 Toronto's Green Space System of the Official Plan states that the City of Toronto is connected by a system of green space, which system is vital to both our quality of life and to the health of natural ecosystems both within, and beyond, our current boundaries. The *Green Space System* is comprised of those lands with a *Parks and Open Space Areas* land use designation which are large, have a significant natural heritage or recreational value and are connected. The Official Plan identifies the many benefits for the City of lands identified as *Green Space System* and the Toronto and Region Conservation Authority is charged with playing an important role in the protection, enhancement and management of these lands.

Official Plan Map 3 Right-of-Way Widths Associated with Existing Major Streets illustrates an anticipated right-of-way width of 36 metres for both Yonge Street and Wilson Avenue along the frontages of the development site.

Map 4 - Higher Order Transit Corridors identifies the existing York Mills subway station as part of the City's Higher Order Transit System and Map 5 - Surface Priority Network identifies Wilson Avenue and York Mills Road in both directions from Yonge Street as a 'Transit Priority Segment'.

Section 2.4 of the Official Plan integrates transportation and land use planning at both the local and regional scales. Within the City, the Plan addresses the differing transportation demands between areas targeted for growth and those other parts of the City where little physical change is foreseen. The transportation policies, maps and schedules of the Plan make provision for the protection and development of the City's road, rapid transit and inter-regional networks.

### **Chapter 3 - Building A Successful City**

Chapter 3 of the Official Plan contains policies to guide growth in the city by integrating social, economic and environmental perspectives in decision making in order to create an attractive Toronto with a strong economy and complete communities. The policies

focus on the built environment, the human and natural environments economic health and new communities. It complements the policies in chapters 2 and 4 of the Official Plan by providing direction to matters that can improve everyday lives.

Section 3.1.1 contains policies with regards to the public realm and recognizes how important good design is in creating a great city. It encourages excellence in architecture, landscape and urban design while recognizing that city streets are significant public open spaces which connect people and places as well as supporting the development of sustainable, economically vibrant and complete communities.

Section 3.1.2 is the Built Form section of the Official Plan and contains policies to shape how future development can fit in, respect and improve on the character of the surrounding area. It recognizes that buildings have a civic responsibility to meet the needs of the people who live and work in the area who will encounter the building in their daily lives in addition to future users of the building. Policies provide direction on how to ensure that buildings and their facades fit within their existing and/or planned context and acknowledges that each new building should promote and achieve the overall objectives of the Official Plan.

The Official Plan contains specific built form policies with regards to tall buildings in Section 3.1.3. These buildings come with larger civic responsibilities and obligations than other buildings and as such the ability to fit within the existing and/or planned context while limiting their local impacts is important. This section focusses on the three separate elements of a tall building and identifies the need for each to meet key urban design considerations.

Official Plan Amendments 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review pursuant to Section 26 and Subsection 17(34) of the Planning Act. On September 11, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs replace Sections 3.1.1., 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design. While not in force at the time the application was submitted, this continuing evolution of urban design principles are useful in reviewing the application.

Section 3.1.4 Public Art encourages the inclusion of public art in all significant private sector developments across the City. Art is a public benefit to be enjoyed and experienced by residents and visitors throughout the city.

The property is located within the Natural Heritage System as identified on Map 9 of the Official Plan. Section 3.4 The Natural Environment of the City's Official Plan provides policies for development within or near natural hazards and lands containing the natural heritage system. The north and western side of the property contains a valley slope and the entire property is entirely within the natural heritage system as shown on Map 9. Policy 8 states that development will be setback at least 10 metres from the stable top-

of-bank. Policy 9 states that alteration of the existing slope of a valley for the purpose of accommodating development will not be permitted. Policy 11 states that development is generally not permitted within the natural heritage system. Policies 3 and 13 require that a study be provided to assess a development's impact on the system and provide measures to reduce negative impacts on and/or improve the system.

#### **Chapter 4 - Land Use Designations**

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

The site is designated *Mixed Use Areas* which is one of four designations identified in the Official Plan as providing opportunities for increased jobs and/or population. Underutilized lots within *Mixed Use Areas* have the potential to absorb much of the new housing growth expected in Toronto over the coming decades. While the *Mixed Use Areas* designation encourages intensification, the Plan recognizes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

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

The Official Plan establishes criteria for development in *Mixed Use Areas* that are intended to contribute to the quality of life. It is the intent that development will:

- Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Provide for new jobs and homes for Toronto's growing population on underutilized lands in areas such as designated *Mixed Use Areas*;
- Provide a transition between areas of different development intensity, particularly providing setbacks from and stepping-down of building heights towards lower scale *Neighbourhoods*;
- Locate and mass new buildings to minimize shadow impacts on adjacent *Neighbourhoods* during the spring and fall equinoxes;
- Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Provide an attractive, comfortable and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries, and childcare;
- Take advantage of nearby transit services;
- Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and

- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

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

### **Chapter 5: Implementation: Making Things Happen**

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1. and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 square metres and an increase in density of at least 1,500 square metres from the base zoning. Details of a Section 37 Agreement between the applicant and the City are determined, in conjunction with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

Policy 1 in Section 5.3.2 in Implementation Plans and Strategies for City-Building, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Applicable Design Guidelines are discussed further in this report.

### **Official Plan Site and Area Specific Amendment 90**

The lands are subject to site and area specific policy (SASP) 90 which specifies that a maximum density of 5.4 times the lot area is permitted and a maximum building height of 163.6 metres above sea level is permitted on the site. Superstructures such as a mechanical enclosure are permitted above the maximum building height of 163.6 metres to a maximum height of 172.6 metres above sea level. The SASP goes on to state that areas within the floodplain may be used for bank stabilization works that alter the existing topography, provided that such works: protect, restore or improve existing natural features and functions; do not result in unacceptable risk to life or property; and minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.



SASP 90 also includes policies for the lands at the south east corner of Yonge Street and York Mills Road shown as Parcel "B" in the SASP. For Parcel "B", a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres above sea level is permitted, provided the building height does not obstruct sight lines across the valley, from top-of-bank to top-of-bank.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

### **Avenues and Mid-Rise Buildings Study**

The Avenues and Mid-Rise Buildings Study provides design guidelines for new mid-rise buildings. The guidelines include various building performance standards including but not limited to: angular planes; appropriate setbacks' skyviews; increased sunlight access onto the sidewalk; and appropriate location for servicing and loading uses.

At its meeting on June 7, 8 and 9th, 2016, City Council adopted an addendum to the Mid-Rise Building Performance Standards dated April 20, 2016. The addendum states that the performance standards should apply to the evaluation of proposed development on sites fronting onto any major street identified on Map 3 of the Official Plan with a planned right-of-way of at least 20 metres wide. The performance standards previously applied only to sites fronting onto streets shown as Avenues on Map 2 of the Plan.

Accordingly, it is appropriate to consider the Mid-Rise Buildings Guidelines in the evaluation of this proposal as it fronts onto both Yonge Street and Wilson Avenue, major streets identified in the Official Plan, which have planned right-of-way widths of 36 metres each.

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

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

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

### **Growing Up: Planning for Children in New Vertical Communities**

In July 2020, Toronto City Council adopted the Growing Up 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 greater than 20 residential units and future City-wide and area based planning frameworks. The

objective of the Growing Up 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 are available here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

## **Pet-Friendly Guidelines**

The objective of the Pet Friendly Design Guidelines 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 support all residents, pet-owners and non pet-owners alike, by encouraging design in new development that demonstrates a consideration for pets, as well as the impacts that they have on our parks, open spaces and the environment. The Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

## **Zoning**

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

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

## **Site Plan Control**

Site Plan Control is applicable to the subject site and an application for Site Plan Control Approval was submitted with the application for Official Plan and Zoning By-law Amendments (File No. 20 115847 NNY 08 SA). The Site Plan Control Approval application has been appealed along with the applications for Official Plan and Zoning By-law Amendment applications.

## **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 (2020).

Policy 4.6 of the PPS (2020) states that a municipality's "Official Plan is the most important vehicle for implementation of this Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through Official

Plans." Furthermore, the PPS directs municipalities to provide clear, reasonable and attainable policies to protect provincial interest and direct development to suitable areas.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed tower heights are excessive given the existing context. As such, in the opinion of City Planning, the proposed Official Plan and Zoning By-law Amendments in their current form are not supportable.

The Growth Plan Policy 2.2.5.2 directs that major office and appropriate institutional development will be directed to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit service. Major Office is defined as 'free standing office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more. The applicant is proposing approximately 4,005 square metres of office space. While the building containing the office space is not freestanding, the amount of office space is in conformity with the Growth Plan.

Policy 2.2.4.(10) of the Growth Plan states that lands adjacent to or near frequent transit should be planned to be transit-supportive and supportive of active transportation. The Growth Plan requires that transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines. The guidelines state that "the act of locating higher-density development and uses adjacent to a transit stop does not always equate to transit-supportive development". According to the site statistics provided by the applicant, the development requires 481 vehicular parking spaces but 651 spaces are proposed. The provision of excessive parking spaces within the development does not necessarily reflect a transit-supportive development nor a development that is supportive of active transportation and City staff request further information on why so much additional parking is being proposed on this site.

Policy 2.2.2 (3)(b) states that municipalities will identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas. The City has done this by including policies in the Official Plan which speak to appropriate types and scale of development and transition of built form to adjacent areas, in particular, areas of different density. The proposed development does not appropriately fit into the existing context on Yonge Street in the vicinity of this site, does not demonstrate transition to neighbouring development and does not meet the policies of the Official Plan or the Tall Building Guidelines.

Policy 2.2.1(4) of the Growth Plan states that applying the policies of the Growth Plan will support the achievement of complete communities through, among other matters, expanding convenient access to an appropriate supply of safe, publicly-accessible open spaces, and providing a more compact built form and a vibrant public realm, including public open spaces. The proposed development does not provide on-site public open space nor does it provide sufficient private outdoor amenity space. The proposed development does not support the achievement of complete communities.

The Provincial Policy Statement and the Growth Plan define intensification as the development of a property, site or area at a higher density than currently exists through the development of vacant and/or underutilized lots within previously developed areas. The current Zoning By-law permissions approved under Zoning By-law 1093-2016 as a result of the previous development application (File No. 10 167159 NNY 16 OZ) allow for the intensification of the subject site beyond what currently exists which would result in a scale that is appropriate given the surrounding context.

Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan (2020).

### **City of Toronto Official Plan**

The City of Toronto Official Plan identifies areas for intensification and provides policy framework that encourages intensification in those areas, provided that it is respectful of the existing and/or the planned context.

This application has been reviewed against the policies of the Toronto Official Plan and Design Guidelines described in the Policy Consideration Section of the Report.

### **Land Use**

The applicant is proposing a mixed-use development containing both residential and non-residential uses. The variety of land uses proposed, including residential, office, hotel and retail uses, is in keeping with the land use provisions of the Official Plan *Mixed Use Areas* designation. The *Mixed Use Areas* designation is one of four land use designations that are intended to accommodate most of the increased jobs and population anticipated by the Official Plan's growth strategy. The intent of the *Mixed Use Areas* designation is to create places where people can live, work and shop in the same area. The applicant proposes a balance of residential and non-residential uses of approximately 58% to 42%, respectively. In terms of land use, the proposed development conforms with the City of Toronto Official Plan.

The proposed office space is 4,005 square metres which represents a significant reduction from the amount of office space previously approved for the site (24,090 square metres). While the amount of proposed office space is in conformity with the Growth Plan, staff would like to continue to work with the applicant to increase the amount of office space proposed given the direct connection to the York Mills TTC subway/GO Transit station and proximity of Highway 401. For example the 4800 Yonge Street development application at the southeast corner of Yonge Street and Sheppard Avenue and to be directly connected with the Sheppard/Yonge subway station was approved with a minimum of 30% of the mixed use development being office space (15,000 square metres).

### **Existing and Planned Context**

The existing context in the vicinity of, the subject site is mainly mid-rise and low rise buildings set within a landscape valley setting, as shown in the table below:

Corner	Name, Address and nature of building	Height
Northwest	Yonge Corporate Centre - 4100, 4110 & 4120 Yonge Street - commercial	6 storeys each
Northeast	4155 Yonge Street - proposed mixed use building (See Attachment 6 for location)	14 storeys proposed under File No. 17 245489 NNY 25 OZ (Appealed to LPAT)
Northeast	4141 Yonge Street - commercial	4 storeys
Northeast	York Mills Centre - 36 York Mills Road, 20 York Mills Road, 10 York Mills Road & 4101 Yonge Street - commercial, GO Transit station, TTC subway station	Building 1 - 5 storeys Building 2 - 5 floors Building 3 - 7 Floors Building 4 - 4 floors
Southwest	4000 Yonge Street - residential	8 storeys
Southwest	York Mills Place (residential) - 3900 Yonge Street	11 storeys
Southeast	10 Old York Mills Road (residential)	8 storeys
Southeast	The Townhouses of Hoggs Hollow (residential)	4 storeys

The stretch of Yonge Street, north and south of the intersection of Wilson Avenue/York Mills Road generally has a uniform built form character. The area consists of buildings that fit within the landscape valley setting, with setbacks as well as heights of the buildings along the east and west sides of Yonge Street which historically relate to the height of the treed slope which runs in a north-south direction along a number of the properties on the east side of Yonge Street. While the existing context is a result of a previous planning regime, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area.

The proposed development height does not fit the existing context of the area. The proposed height is equivalent to 210.5 metres above sea level for the east building and 259.16 metres above sea level for the west building, both exclusive of mechanical penthouse. Other development in the vicinity fall within a height range of between 162.0 and 170.0 metres above sea level.

The Built Form policies of the Official Plan in Chapter 3 identify the importance of the existing context of an area and how that should be considered when reviewing a development application. It requires development to be located and organized to “fit with its existing and/or planned context”. The built form policies provide principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Plan.

The Growth Plan (2020) requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate Major Transit Station Areas (MTSA) boundaries and demonstrate how the MTSA's are planned for the prescribed densities. City staff have commenced the process of delineating MTSA's with a staff report dated May 19, 2020 outlining the work plan for satisfying the conformity exercise including putting in place a policy framework that is balanced and appropriately manages anticipated population and employment growth while planning complete communities. The subject site is identified for MTSA Prioritization Phase 3 with an estimated completion date of 2022. The results of the MTSA delineation work by staff will further inform the planned context and associated levels of development.

Given the *Mixed Use Areas* land use designation on the majority of the site, an absence of an *Avenues* overlay, the large lot size, and direct connection into the York Mills TTC subway/GO Transit station, the anticipated context for the subject lands is mid-rise and possibly tall building. Given the anticipated right-of-width of both Yonge Street and Wilson Avenue in this location of 36 metres, a mid-rise building of 9 storeys for a commercial use or 11-storeys for a residential use would be appropriate. However, any development on this site with a tall building, one that is 'taller' than the width of the anticipated right of way for Yonge Street and Wilson Avenue in this location, must respect and fit in with the existing context, respect the character of the area, and transition appropriately to adjacent and nearby areas of low-scale development, neighbouring properties, and have appropriately massed built form relationships to adjacent public realm including streets, parks and open spaces.

It is City Planning staff's opinion that the proposed development does not fit with the existing and/or planned context in the vicinity of the subject site.

## **Height, Setbacks, Massing and Density**

### **Height**

The existing Site and Area Policy 90 sets out the maximum permitted building height of 163.6 metres for the site. Superstructures such as a mechanical enclosure are permitted to a maximum height of 172.6 metres above sea level. These maximum permitted building heights have also been incorporated into the in-force Zoning By-law 1093-2016 and are reflective of the previously approved proposal.

The proposed height of the west building is 35-storeys and 259.16 metres above sea level to the top of the residential building with a further 7.0 metres to the top of the mechanical penthouse. The proposed height of the east building is 21-storeys and 210.5 metres above sea level to the top of the building and 218.55 metres to the top of the mechanical penthouse. These proposed building heights are significantly higher than the existing buildings in the area. As described in the section above, the existing context is described as low- to mid-rise buildings. The proposed development does not fit harmoniously into its existing and/or planned context as per Policy 3.1.2 of the Official Plan and does not represent an appropriate scale of development for the surrounding area.

It is staff's opinion that the proposed development does not reflect the existing context along Yonge Street in the vicinity of the Wilson Avenue/York Mills Road intersection. Any proposal for development on this site must create appropriate transitions in scale to existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan. Care must be taken to ensure that the proposed building heights do not result in shadowing of, and uncomfortable wind conditions on neighbouring streets, properties and open space. It is City Planning staff's opinion that the height of the proposed development does not transition appropriately to existing buildings in the area and results in negative impacts, particularly shadow impacts, on neighbouring streets, properties and open spaces.

### **Setbacks and Massing**

The scale and massing of buildings define the edges of, and give shape to, the public realm. The recently approved Official Plan Amendment 480 sidebar regarding Street Proportion reads as follows:

"Development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by: a) providing streetwall heights and setbacks that fit harmoniously with the existing or planned context; and b) stepping back building mass and reducing building footprints above the streetwall height."

As noted above, existing developments along both the east and west sides of Yonge Street, north and south of the development, are set back from the Yonge Street property line with generous setbacks. The proposed development provides a building setback of 3 metres at the ground floor and mezzanine level from the Yonge Street lot line, which is what is suggested as a minimum by the Tall Building Design Guidelines. Between the second and fifth floors, the building setback of 3 metres disappears and the proposed building sits at the lot line along Yonge Street. Above the fifth floor, a 3 metre stepback is provided. While staff understand that this design is intended to mimic the provision of a base building, the design fails to address the role of a base building which is to help a tall building fit harmoniously within the existing or planned streetwall context, define the edges of adjacent streets, parks, and open space at good proportion, and maintain access to sunlight and sky view for pedestrians and neighbouring properties.

At the corner of Wilson Avenue and Yonge Street, the building is proposed to be set back between 3.0 metres and 6.6 metres at grade for the ground floor and mezzanine level. Similar to the building setback along Yonge Street, this setback is lost at the second floor to a zero lot line setback up to the fourth floor. While this provides an area of pedestrian refuge at grade, it also serves to provide bulk and mass at the sidewalk level within the pedestrian perception zone. The narrow setback above grade has implications for shadowing on the sidewalks and impacts growth potential for landscape material at grade.

Along Wilson Avenue, a 3.0 metre building setback has been provided at grade for the west residential building for all floors up to the fourth floor. At this point, the building steps back significantly from Wilson Avenue to accommodate a green roof. At the

extreme west end of the site, the 3 metre building setback has been provided for a two storey portion of the building where Wilson Avenue intersects with the west lot line.

Official Plan policy 3.1.2 requires that new development provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by provided improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycles parking facilities; coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms; landscaped open space within the development site; and public art to make the building and its open spaces more attractive and interesting.

Although the boulevard is approximately 6 metres wide in this location, a wider space is desirable along Yonge Street and Wilson Avenue as it is beneficial adjacent to a subway and GO Transit station, and is congruent with the surrounding open space and valley setting in the vicinity of the development as well as setbacks provided by other developments along Yonge Street. This is particularly important for a tall building proposal along a main street, to increase sky view and improve tree planting conditions.

City Planning has requested the applicant to look at the provision of a larger, unencumbered open space at the corner and provide a greater building setback along Yonge Street to counter-balance the built form and density sought on the site. An overhead canopy would also assist in mitigating the presence of height on the street.

City Planning staff have requested that the applicant examine additional built form massing changes including reducing building height to be in line with the right-of-way width and to provide additional built form setbacks.

Along the full extent of the future west lot line and the future north lot line (after the dedication of lands below the top of bank) the applicant has provided a 3 metre wide building setback. This minimum setback is required to accommodate building maintenance. The applicant is encouraged to increase this setback to provide additional land for passive recreation around the building for residents and visitors and spill-out space from activities internal to the building (i.e. patio space associated with the proposed restaurant or other accessory activities to the development).

While staff have concerns with the proposed tall buildings given the context, there are also massing concerns with the floorplates themselves. Guideline 3.2.1 Tower Floor Plate Size and Shape of the Tall Building Design Guidelines suggests that tower floor plates be limited to 750 square metres or less per floor, including all built areas within the building, but excluding balconies. The applicant is proposing a floor plate of 800 square metres for the west building (residential) and 1,026 square metres for the east building (lower floors are hotel and upper 5 floors are residential). These floor plate sizes are greater than that recommended in the Tall Building Design Guidelines and staff request that the applicant look at reducing these to be more consistent with the Tall Building Design Guidelines. The size and shape of the tower floor plate works together with the height and placement of the tower to determine the overall three-dimensional



massing of a tall building and the visual and physical impact it poses on surrounding streets, parks, open space and properties.

Slender, point form towers with compact floor plates create smaller, faster moving shadows, improve access to sky view, permit better views between buildings and through sites, and contribute to a more attractive skyline. Towers with smaller floor plates can also make interior climate control more energy efficient and increase daylighting with the building - an important contributor to sustainability, residential liveability, and workplace productivity.

On a site-specific basis where adequate tower separation, setbacks, and stepbacks are achieved, flexibility in the maximum floor plate size may be considered for the tower or a portion thereof: to make the interior layout of non-residential uses, such as commercial-only buildings, commercial-only floors of mixed use buildings, institutional buildings, and hotels, economically viable. While this application proposes a hotel component within the east building and a larger floor plate may be appropriate for the hotel portion, it should be noted that the eastern building has a greater impact on the adjacent public realm in terms of shadows. Additionally, the top 5 floors are indicated to be condominium residential and the floor plate size for that portion of the east building should be correspondingly reduced to meet the recommended size of 750 square metres of the Tall Building Design Guidelines.

Any increases in tower floor plate size require that exceptional design attention be given to the shape and articulation of the tower to diminish the overall scale and impact of the building mass. Greater tower separation, setbacks, and stepbacks proportionate to increases in building size are also effective strategies to mitigate resultant wind, shadow, and sky view impacts on surrounding streets, parks, open space and properties.

Given the topography of the area and adjacent context, development on the subject site must take into consideration abutting existing development and the transition to it. The Tall Building Guidelines state that "Transition in scale will be provided within the development site."

The recently approved Official Plan Amendment 480 contains a side bar describing transition in scale. The text notes that "transition in scale is the geometric relationship between areas of low-scale development, parks or open spaces and taller, more intense development. It provides a measure of the impacts, including shadows and privacy, of larger-scale development on low-scale neighbourhoods and the public realm. It can be achieved using a variety of measures - individually or in different combinations - including angular planes, stepping height limits, location and orientation of buildings, the use of setbacks and step-backs of building mass, and separation distances. Good transition in scale is contextual and will be determined by considering the planned level of growth in relation to adjacent sites and the public realm. It should balance growth with the impacts of intensification in a way that is both repeatable and predictable in its impacts." Given the low-rise to mid-rise context of the existing context, the proposed development does not transition appropriately to its neighbouring properties.

In summary, the development should have generous setbacks to ensure direct sunlight and daylight on the public realm and enable street trees and other landscaping material to thrive. The proposed development should fit within the valley setting and its context. Built form, particularly along Yonge Street and Wilson Avenue, should maintain good street proportion along the public realm that reinforces the streetwall height established by the existing context. Stepbacks should be generous and be located and sized to relate to the width of the abutting streets and contribute to a comfortable pedestrian perception zone. As noted above, the proposed development does not respect and reinforce the existing context including building height and massing.

The proposed development does not respect and reinforce the existing context including landscape setbacks along Yonge Street, building height and massing. Staff would like to work with the applicant to address the issues outlined in this section.

### **Density**

The gross floor area of the proposed development is 65,579 square metres, resulting in a density of 5.06 Floor Space Index under the former City of North York Zoning By-law and 4.58 Floor Space Index under the City of Toronto Zoning By-law 569-2013. In terms of net density, which excludes the lands beyond the 10-metre setback from top-of-bank, the proposed development would result in a net density of 10.67 times the lot area under the former City of North York Zoning By-law and 9.66 times the lot area under the City of Toronto Zoning By-law 569-3013.

Density is an outcome, in part, of height and massing, and ultimately design which has been discussed above. Given the local and planned context of the site and the surrounding area, staff are of the opinion that the proposed building represents over intensification of the site and is not supportable. Staff would like to work with the applicant to address the issues outlined in the height and massing sections, which would impact the resulting density.

### **Sun, Shadow and Wind**

The Official Plan and the Tall Building Design Guidelines contain policies and guidelines related to minimizing shadowing and wind impacts, and protect sunlight and sky view, for streets, parks, public and private open space, and neighbouring properties.

### **Shadow**

The applicant has submitted shadow studies prepared by Bousfields Inc. and dated December 2020 for the proposed development illustrating the extent of shadowing in one hour increments that would result from the proposed development from 9:18 am to 6:18 pm for March 21st (Spring equinox), June 21st and September 21st (Fall equinox).

An examination of the March and September shadow studies reveals that the City Off-Leash Dog Park to the north of the development site will be impacted by shadow caused by one or the other of the proposed buildings throughout much of the day. Beginning early in the morning around 9 am the east building will cast a shadow on the dog park and it is not until 1:18 pm that the shadow from the first building has cleared this outdoor space. However, at that time a shadow from the west building has moved into the dog park and this shadow does not clear the park until after 3:18 pm. The

proposed tall buildings also impact the Don Valley Golf Course from early in the day in March until just after 10 am and by 1:18 pm the buildings are casting shadows upon the Yonge Street public realm and nearside sidewalk north of Wilson Avenue. . The Yonge Street west sidewalk is in shadow from 1:18 pm until the end of the day. By mid-afternoon (3:18 pm), the shadow has reached the farside (east) Yonge Street sidewalk which remains in shadow until the end of the day. The tall buildings also begin to shadow neighbouring properties along York Ridge Road beginning before 5:18 pm.

Shadows cast onto the Yonge Street public realm in particular but also the adjacent City-owned golf course and dog off-leash park are not in keeping with Official Plan policies of Section 3.1.3. The shadows are a result of the height and massing of the proposed buildings and shadows can be mitigated by addressing these issues. On this basis, city staff cannot support the heights, massing, and floorplate sizes of the proposed buildings.

### **Wind**

A Pedestrian Level Wind Assessment dated December 2020 by The Boundary Layer Wind Tunnel Laboratory was submitted for review by staff.

The study identifies several locations of concern on-site, specifically at the southwest and northwest corners of the buildings at grade where people may be expected to walk leisurely and to stand for brief periods. Improving comfort at these locations for leisurely walking would be beneficial. When such a concern is identified, the first step should be to evaluate the physical massing of the building to determine if mitigation can be achieved. If changes to the physical massing do not improve the scenario, then further mitigation measures will need to be examined. Staff would like the applicant to examine built form massing changes to improve wind mitigation around the perimeter of the site during the wintertime, particularly at the perimeter corners. Changes to built-form massing are the most sensible and effective strategy to make wind conditions suitable for their intended purpose.

### **Planning for Children in New Vertical Communities (Growing Up) Design Guidelines**

The Planning for Children in New Vertical Communities (Growing Up) Design Guidelines recommends that a building should provide a mix of unit sizes within a building to accommodate a variety of household types. The recommendations include that a building provide a minimum of 25% large units: 10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units. Of the total number of 300 units that the applicant is proposing, 130 units or 43 % would be 2-bedroom units and 115 units or 38% would be 3-bedroom units. In this regard, the applicant is exceeding the recommendations of the Growing Up Guidelines.

In terms of unit sizes, the guidelines recommend that a 2-bedroom unit be between 87 - 90 square metres in size and a 3-bedroom unit be between 100-106 square metres in size. The applicant has not provided complete information in this regard.

### **Bird Friendly Guidelines**

Bird Friendly Design Statistics were provided with the February 2020 application submission. In order to minimize long-term impacts to bird populations in the vicinity of the building, the applicant has indicated that bird-friendly designs aimed at minimizing bird collisions will be incorporated in to the architecture. The applicant notes that the designs will follow guidelines outlined in the City of Toronto Bird-Friendly Guidelines (2016) and include fritted dots applied to window glazing with the first 16 metres of the building as well as above roof terraces.

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

The applicant submitted an Urban Transportation Considerations Report prepared by BA Group dated January 2020 with an Update Memorandum dated December 2020 that reviewed the proposed mixed-use development including the parking (vehicular and bicycle) requirements, service vehicle needs, site circulation characteristics, and traffic impacts on the adjacent public street network. The consultant estimates that the proposed development will generate 155 and 80 net new two-way trips during the morning and afternoon peak hours, respectively. The consultant concludes that the study area intersections and site access driveway are expected to operate at acceptable levels of service in the future total traffic condition. Transportation Services acknowledges the effect of removing the existing commuter parking lot on this site and generally agrees with the conclusions of the submitted report.

Access to the site is proposed from Wilson Avenue via a single 12 metre wide driveway. The driveway provides access to a central internal pick up/drop off area serving the residential tower and the hotel component. City staff request the applicant to review and minimize curb radii for all travel lanes and intersections (i.e. internal and external) on site, wherever applicable, based on the City's Curb Radii and Vehicle Travel Lane Widths Guidelines (City's Road Engineering Design Guidelines), including that the driveway width be tightened to minimize disruption to pedestrian flows along Wilson Avenue as per Official Plan Policy 3.1.3.4. It is also requested that the internal pick-up/drop-off area at the ground level be tightened to reduce the overall pavement area at grade.

The outbound left-turn movement is expected to operate with some capacity constraints and as a potential safety risk during the afternoon peak hour. Once the site is operational, the Owner shall submit a safety review of the access (undertaken by a qualified transportation consultant) for review and consideration by Transportation Services no later than 2 years after occupancy of the building on-site. The scope of the safety review shall be determined in consultation with Transportation Services. Following the safety review, should Transportation Services determine in its sole discretion that it is necessary to restrict the Wilson Avenue driveway access to outbound left turn movements during the afternoon peak hour, the Owner shall modify the driveway access and provide appropriate signage to that effect.

Transportation Services generally accepts the proposed driveway configuration, though additional modifications to the adjacent pick-up/drop-off area, driveway design and sidewalk are required as noted above.

The parking requirements for the development are governed by the applicable parking provisions contained in the former North York Zoning By-law 7625. However, Zoning By-law 569-2013 was developed by City staff in order to update the parking requirements for developments. This By-law was adopted by City Council in April 2013. The parking provisions contained in this By-law have been accepted by staff on recent development projects, as the associated parking standards are based on more recent information when compared to the former North York Zoning By-law 7625. In their Urban Transportation Considerations Study, BA Group recommends the application of Zoning By-law 569-2013 Policy Area 3 (PA3) given the site's proximity to York Mills subway station on the Yonge subway line, which is acceptable to staff. Insufficient zoning related information has been provided to conduct a parking space review, beyond what the applicant had indicated is required in the site statistics. Therefore, the parking requirements for the site could not be determined. The applicant is required to demonstrate compliance with the parking requirements of Zoning 569-2013 (PA3).

All parking would be provided below-grade in a 5-level parking structure. A total of 651 parking spaces are proposed by the applicant, including 19 accessible spaces. A total of 269 parking spaces would be dedicated to residential uses and 382 parking spaces would be intended for other uses including the hotel, retail and office uses. The applicant indicates the required number of parking spaces for the development is 481 spaces, including 19 accessible spaces, with the residential use requiring 257 parking spaces and other uses requiring 224 spaces. The application proposes approximately 170 additional parking spaces above what is required. It is unclear what the intention is of providing so many extra parking spaces but in accordance with the Toronto Green Standards (TGS) - Version 3, the excess spaces must be dedicated priority parking spaces for low-emitting vehicles (LEV), carpooling, ridesharing, or for publicly accessible spaces dedicated to shared vehicle systems such as carsharing, ridesharing or micro mobility systems in addition to any electric vehicle supply equipment (EVSE) parking spaces required on site.

City Planning staff encourage the applicant to provide parking at the minimum required rates in the zoning by-law given the site's proximity to the York Mills subway station. Proposed parking spaces intended to be supplied with electric vehicle supply equipment (EVSE) are to be identified on the site plan and floor plans. City Planning requires that the applicant provide specific transportation demand management measures to comply with the Toronto Green Standard v3 requirement AQ1.1 to reduce single occupancy and auto vehicle trips generated by the proposed development by 15%. City Planning staff encourage the applicant to secure an agreement with a car-share service provider to provide car-share vehicle and services on site at the Site Plan stage.

## **Road Widening**

Transportation Services has been advised by the Land and Property Survey unit of the Engineering and Construction Services Division that conveyances for road widening purposes are not required at this location. However, a corner rounding of a 15 metre radius is required at the southwest corner of the site at the intersection of Yonge Street and Wilson Avenue. The above conveyances must be free and clear of any obstructions and must be explicitly dimensioned on the site plan drawings as lands that are to be conveyed to the City for a nominal sum.

## **Bicycle Parking**

A total of 254 bicycle parking spaces are required with 204 of the spaces being for long term residential use, 21 spaces for short term residential use, 9 spaces for long term other uses and 21 spaces for short term other uses. The applicant is proposing that 256 bicycle parking spaces be provided on site with 204 spaces being intended for long term residential uses, 20 spaces being for short term residential use, 10 spaces being for long term other uses and 22 spaces being for short term other uses.

The proposed bicycle parking space locations are as follows: 10 long term bicycle parking spaces proposed on P1 level along with a bicycle repair station; 20 short term bicycle parking spaces proposed within a protected area but exterior to the building along the west side of the building at grade; 20 short term bicycle spaces proposed along the north side of the building within the 3 metre setback area at grade; and 204 bicycle storage stackers proposed on mezzanine floor level.

Related to the provision of bicycle parking spaces, City Planning requests the following:

- All the proposed short-term bicycle parking spaces should be relocated to highly visible locations within the setback areas along Wilson Avenue and Yonge Street near the main entrances (i.e. no more than 30 metres from a pedestrian entrance) to the buildings on site.
- At least one (1) elevator in each building must be accessible to bicycles with direct access to each level where bicycle parking is located.
- The locations and dimensions of the elevators must facilitate easy access for bicycles.

The applicant is to ensure that all the proposed stackable bicycle parking spaces are functional and have sufficient manoeuvring space for cyclists to easily access. Cyclists should be able to comfortably slide out the bicycles on the upper level horizontally, tilt down, and then pull/turn the bicycle out of the rack. Wider access aisles (in the proposed bicycle parking room at the mezzanine floor level) should be provided with a minimum clearway of 1.8 metres being recommended.

City Planning staff recommend that the applicant coordinate with the City/Toronto Parking Authority (TPA) to secure a financial contribution of \$50,000 for future implementation of bike-share facilities and programs in the area as per Official Plan policy 5.1.1.1(a). It should be secured as a condition in an agreement with the City (such as the Section 37 Agreement, Site Plan Agreement or NOAC) as appropriate.

## **Servicing**

The applicant submitted a Civil Engineering package including Civil and Utilities Plans dated December 2020 by Schaeffers Consulting Engineers, a Functional Servicing and Stormwater Management report by Schaeffers Consulting Engineers dated December 2020 and Sanitary Capacity Analysis Report by Schaeffers dated November 2020. Engineering and Construction Services staff have reviewed the material and advised that further information is required including the submission of a hydraulic network

model simulation/analysis to determine if the demand flow exceeds the capacity of the supply and to demonstrate that the studied system will not adversely affect the surrounding system in terms of pressure and supply. Engineering and Construction Services also note that short and long-term dewatering is proposed to discharge to the existing watercourse (Don River) within the property to the west and this requires TRCA review and approval.

Engineering and Construction Services staff request that the applicant submit a revised Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and indicate whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development. The applicant is to make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.

The applicant is to provide space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its Order until these matters are resolved to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

### **Noise Impact and Vibration Study**

A Noise and Vibration Feasibility Study dated December 2, 2020 was prepared by Howe Gastmeier Chapnik Limited to determine the impact of noise and vibration on the proposed development. The Study notes that traffic on Yonge Street and Wilson Avenue are the main sources of noise in the area, with additional contributions from Highway 401. Noise from these transportation sources requires that reasonable sound insulation measures be integrated into the design of the building envelope to maintain reasonable indoor sound levels. These requirements will be met through the use of appropriate wall and glazing assemblies, which will be implemented during the building design, provided the development is good planning.

With regard to vibration, impact from the subway line is marginal as the subway tunnel is located approximately 60 metres to the east from the development site and no subway shafts are located within close proximity to the site. Additional study will be required as the building progresses to determine if some mitigation measures are required.

The study conclusion is that the proposed development is considered to be feasible from a noise and vibration impact perspective.

## **Toronto Transit Commission**

The development is located within the Toronto Transit Commission (TTC) 60 metre Development Review Zone of Line 1 Yonge University, York Mills Station.

The TTC has a southbound nearside bus and subway shuttle stop on Yonge Street at York Mills Road located on the frontage of the site. For visibility and safety reasons, no trees should be placed within 1.5 metres of the edge of the road, for a distance of 38.0 metres on approach to this transit stop.

The TTC also has a westbound farside bus stop on Wilson Avenue at Yonge Street, located on the frontage of the site. To provide adequate room to operate the accessible ramp on the buses, and to accommodate both the standard and articulated buses, the applicant is required to provide level concrete platform at both stops. The platform must be 16 metres in length and 2.4 metres in width from the curb as per the City standard drawing T-310.010-8.

## **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 new development. These requirements are implemented through zoning by-laws. The City requires 2 square metres of indoor and 2 square metres of outdoor amenity space per unit.

The development proposes a total of 1,200 square metres of residential amenity space as follows: 664 square metres of indoor and 536 square metres of outdoor. With 300 residential units proposed, this amounts to 2.21 square metres of indoor amenity space per unit and 1.79 square metres per unit of outdoor amenity space. While the applicant is meeting the city standard for indoor amenity space, the proposed outdoor amenity space does not meet the city requirement. The proposal does not conform to policies 3.1.2.6 and 4.5.2(k) of the Official Plan and the requirements set out in Zoning By-law 569-2013.

As per the Draft Growing Up Guidelines, indoor and outdoor amenity spaces should support a variety of age groups and activities. It is unclear whether the proposal provides space designed for children and youth within the required indoor and outdoor amenity spaces.

The applicant has not indicated whether the proposal provides amenities for pets on-site, indoor or outdoor. It is recommended that a dog relief area, a dog run and grooming facilities be provided in the development.

## **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 City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the third 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 residential component of this development is subject to a cap of 10% parkland while the non-residential component is subject to a 2% 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 6 months. Payment will be required prior to the issuance of said permit.

### **Toronto Region Conservation Authority**

The TRCA has met with the applicant consulting team throughout the application process. In comments to the applicant dated December 10, 2020, the TRCA has indicated that new development is not permitted within the Natural System which is identified as being a 10 metre buffer from the greater of the existing top of slope, long term stable top of slope (LTSTOS), stable toe of slope, regulatory floodplain, meander belt and any contiguous natural features or areas (driplines).

The TRCA acknowledged that the required 10-metre buffer from the stable top-of-bank line as per the Toronto Region Conservation Authority along the north and west of the proposed building appears to have been provided. The abutting ravine to the north and west of the proposed building is steep and not suitable for public access from the private property. This 10-metre buffer area is proposed to be naturalized and ultimately conveyed into public ownership. As a result the proposed buildings are to maintain a minimum 3 metre building setback from the 10-metre buffer for the purposes of future building maintenance. It appears that this 3 metre building setback from the 10-metre buffer has been provided with the exception of the encroachment of above grade balconies projecting up to 0.5 metre into this 3 metre structural setback. The TRCA has no objection to these encroachments pending confirmation that the balconies can be maintained without encroaching into the 10 metre buffer.

Other comments provided by the TRCA include a requirement that all plans are to state "Long Term Stable Top of Slope" or "LTSTOS". Some plans currently state "Latest Stable Top of Slope". It appears that the applicant is proposing formal landscaping within the 10 metre buffer and this will need to be removed. The below grade Hydro Transformer located in the northeast corner of the site within the 10 metre buffer from the LPSTOS will need to be relocated outside of the buffer. Additionally, the applicant has proposed bioswales within the 10 metre buffer which will have to be removed. The TRCA recommends that a fence be installed along the 10 metre buffer. By conveying the lands and installing the fence, this will delineate the lands to be protected and to remain in a natural state. It will also help reduce any encroachment by the new residents into the buffer area.

## **Ravine Protection**

The proposed development is subject to provisions of the City of Toronto Ravine and Natural Feature Protection By-law (Chapter 658 of the Municipal Code) as the entire subject property is situated within a Ravine and Natural Features Protection Area and is subject to provisions of the City of Toronto Municipal Code chapter 658 - Ravine and Natural Feature Protection. The City of Toronto's Ravine Protection By-law prohibits and regulates the injury and destruction of trees, filling, grading and dumping in ravines and associated wooded areas within the Ravine Protection Line, including the West Don River valley system. Trees protected by the Ravine and Natural Feature Protection By-law may not be removed, injured or destroyed without written authorisation from RNFP. The applicant will be required to obtain a permit from RNFP which may be subject to conditions. The site is within a TRCA Regulated Area and a permit will be required for the TRCA prior to any development taking place.

The applicant has submitted a Ravine Stewardship Plan dated December 7, 2020 prepared by Kuntz Forestry Consulting Inc. which outlines preservation and enhancement opportunities for the adjacent Lower West Don River ravine system. Restoration efforts will address all ecological issues currently present in the natural feature. Prescriptions will deal with tree removals, site preparation, restoration of ecological integrity including enhancement of species diversity, and ecological function of the riparian forest. The applicant is advised that there is to be no development within the 10 metre buffer.

## **Natural Heritage Protection**

The applicant submitted a Natural Heritage Impact Study dated February 2020 prepared by Savanta, for the purposes of determining the impact of the proposed development on the subject site and adjacent lands, all of which are identified on Map 9 of the City's Official Plan as part of the Natural Heritage System as well as being regulated by the Toronto Region Conservation Authority (TRCA) under Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). The conclusion of the consultant's report is that the proposed development will not negatively impact natural heritage features or functions attributable to the natural environment and there are several opportunities to mitigate any minor and/or localized potential impacts and to enhance and restore natural systems. These include the removal of litter within the proposed restoration area, managing and monitoring native and invasive vegetative cover on the west and north slope through the Invasive Species Management Plan and the Monitoring and Contingency Plan and developing detailed construction staging plans in collaboration with engineering/foresters/ecologists for staging the removal of the non-native treed communities.

## **Tree Preservation**

The applicant submitted an Tree Inventory and Preservation Plan by Kuntz Forestry Consulting Inc. dated December 2020. The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Tree By-law) and III (Private Tree By-law).

There are no private trees involved with this application that qualify for protection under the private tree by-law, and the entire property is subject to the Ravine By-law. There are also no existing City trees involved with this application.

The applicant is to submit a tree planting deposit to ensure the planting and survival of 15 new City-owned trees at \$583.00 per tree. The tree planting deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. It is recommended that the species in the soil trenches along Yonge Street and Wilson Avenue be switched to a species more tolerant of hardscapes.

### **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 secured through the zoning by-law process are automobile and cycling infrastructure. Other Tier 1 performance measures such as storage/collection of recycling and organic waste, construction activity and stormwater retention are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher levels of performance to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner and participate in the TGS Development Charge refund program for the provision of a development that meets the TGS beyond Tier 1. Higher performance buildings will reduce a building's climate impact as well as operating costs.

Due to its proximity to the natural heritage system and the proposed mix of on-site uses, the development should be designed to minimize impacts on the natural environment. Special attention should be paid to the type of bird friendly design solutions proposed and that the treatment be provided for the first 16 metres of the building or to the top of the mature tree canopy.

### **Community Services Assessment**

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible

communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The City's Official Plan Policy 2.3.1.6 identifies that community and neighbourhood amenities will be enhanced where needed by improving and expanding facilities, creating new facilities and adapting existing services to changes in the needs of the neighbourhood. Section 3.2.2. of the Official Plan calls for adequate and equitable access to community services and local institutions, and sets out a policy framework that, among other things, encourages the inclusion of community services facilities as part of private development.

A Community Services and Facilities Study (February 2020) prepared by Bousfields Inc. was submitted as part of the application for the area bounded by Highway 401 to the north, Bayview Avenue to the east, Lawrence Avenue to the south and Avenue Road to the west. The Study includes an inventory of existing community service facilities for the study area and a review of recent development activity in the area. It identifies that schools and child care facilities may not have the capacity to accommodate the additional population that may be generated by the proposed development, but does not identify how the development may contribute towards addressing this limited capacity.

The Study concludes that the neighbourhood is served by a number of community services and facilities that may accommodate the proposed development, including, but not limited to, two community centres, 11 human service organizations, and ample parkland. However, the data reviewed indicates schools and childcare centres show limited capacity and may not have the necessary capacity to accommodate the additional population that would be generated by the proposed development, such that the needs of future residents may need to be accommodated, in part, at facilities located outside of the neighbourhood.

Based upon the information provided and recent work completed, City Policy staff have identified a number of CS&F contributions that may be considered in review of this application. These contributions include:

- Financial contributions towards the revitalization of the Armour Heights Neighbourhood Branch Library as identified in the TPL's 2019 Facilities Master Plan;
- Financial contributions towards specific facility improvements as identified in Parks and Recreation Facilities Master Plan; and
- Secure a minimum of 464.5 square metres of non-profit agency space under the City's Community Space Tenancy program.

## **Schools**

The Toronto Catholic District School Board (TCDSB) staff have advised that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students from this development as proposed. The TCDSB has successfully been granted approval to construct a new Catholic elementary school on the site of the former Baycrest Public School to address accommodation pressures in the area. The

TCDSB will continue to monitor development growth in this area as it relates to cumulative impact on local schools and requests notification of any modifications, community consultations, appeals or notices of decision relating to this development application or related applications.

The Toronto Lands Corporation (development review agency for the Toronto District School Board) staff have indicated that sufficient capacity at the local schools is anticipated, based upon the data available at this time. Therefore, TLC has no concerns with the further processing of this application unless the proposal changes at which time they would like to be notified.

## **Public Art**

Official Plan Section 3.1.4 Public Art encourages the inclusion of public art in all significant private sector developments across the city. City Planning staff have not had a discussion in this regard with the applicant but would encourage the provision of public art on this site, given its location at the major intersection of Yonge Street and Wilson Avenue.

## **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. Policy 5.1.1.4 of the Official Plan states that Section 37 may be used for developments with more than 10,000 square metres of gross floor area. The applicant is proposing 65,579 square metres of gross floor area and heights exceeding that permitted by existing zoning by-laws. As such, a Section 37 contribution would be required but staff have not had discussions in this regard with the applicant pertaining to Section 37 contributions as the application does not yet constitute good planning.

Other community needs in addition to the matters discussed in the Community Services Assessment section include improvements to the Don Valley trail system and public art at this prominent intersection.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is not entirely consistent with the PPS (2020) and conflicts in some ways with the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to 3.1.1, 3.1.2, 3.1.3, 3.1.4, 4.5, 5.1.1 and 5.1.4. The following staff and community concerns have not been resolved:

- Official Plan conformity with regard to fit with the existing and planned context;
- A determination of the appropriate height, massing and density of development on this site;
- A determination of appropriate built-form setbacks (particularly along Yonge Street but also along Wilson Avenue) and appropriate step-backs on the site;

- The incorporation of larger setbacks and accessible open spaces into the development, particularly around the perimeter of the building, both at the intersection of Yonge Street and Wilson Avenue and along the north and west sides of the building where there are existing parks and natural areas and along abutting streets where there are transit stops;
- A reduction in the size of the floor plate of both buildings to comply with the Tall Building Design Guidelines;
- The inclusion of adequate amenity space, both indoor and outdoor, for residents and the provision of this space in appropriate locations;
- A resolution of the design of the proposed vehicular access to Wilson Avenue and the vehicular forecourt area within the building;
- Determination of an appropriate parking supply given the site's direct connection to the York Mills subway/GO Transit station;
- Determination of an appropriate amount of proposed office use given both the Growth Plan and the City encourage office use at, or in close proximity to, frequent transit service;
- Satisfaction of the pet-friendly guidelines; and
- The provision of on-site public art.

Staff recommend that City Council direct City Staff to continue discussions with the applicant to resolve outstanding issues detailed in this report. City Council direct the City Solicitor, and appropriate City Staff, to attend and oppose the application in its current form, as per the issues identified in this Report.

## **CONTACT**

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 Tel. No. (416) 395-7117  
 E-mail: Cathie.Ferguson@toronto.ca

## **SIGNATURE**

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Al Rezoski, AICP  
 Acting Director  
 Community Planning, North York District

## **ATTACHMENTS**

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

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Urban Structure Map 2
- Attachment 4: Nature Heritage System Map 9

Attachment 5: Official Plan Land Use Map 16

Attachment 6: Site and Area Policy 90 and location of 4155 Yonge Street

Attachment 7: Existing Zoning (Former City of North York By-law 7625) Map

**Applicant Submitted Drawings**

Attachment 8: Site Plan

Attachment 9a: South Elevation (from Wilson Avenue)

Attachment 9b: East Elevation (from Yonge Street)

Attachment 9c: North Elevation

Attachment 9d: West Elevation

Attachment 10a: 3D Massing Model Looking Northwest

Attachment 10b: 3D Massing Model Looking Southeast

## Attachment 1: Application Data Sheet

Municipal Address: 4050 YONGE ST Date Received: February 14, 2020

Application Number: 20 115845 NNY 08 OZ &  
20115847 NNY SA

Application Type: Official Plan Amendment, Zoning By-law Amendment, Site Plan Control

Project Description: Proposed redevelopment of the existing surface parking lot with two towers. The proposed East Building, 21 storeys in height, would be comprised of non-residential uses including office, retail, restaurant and 248 hotel suites as well as 29 residential units on the top 5 floors. The base of the building would provide access to the York Mills TTC subway/GO Transit station. The West Building would be 35 storeys in height and consist of 271 residential units (55 1-bedroom, 130 2-bedroom & 115 3-bedroom). Both buildings would be connected by a 6 storey base building. A total of 651 below grade parking spaces (269 for residential use & 382 for non-residential uses) and 256 bicycle parking spaces are proposed.

Applicant	Agent	Architect	Owner
Patrick Devine, Devine Park LLP, 250 Yonge Street, Suite 2302, Toronto, ON M5B 2L7	Patrick Devine, Devine Park LLP, 250 Yonge Street, Suite 2302, Toronto, ON M5B 2L7	IBI Group 55 St. Clair Avenue West 7th Floor Toronto, ON M4V 2Y7I	2432014 Ontario Inc. Yonge Park Plaza c/o Eastons Group 3100 Steeles Avenue East, Suite 601 Markham, ON L3R 8T3

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Natural Areas	Site Specific Provision:	SASP 90
Zoning:	C1(132) and O1(45) 172.6 metres	Heritage Designation:	N
Height Limit (m):	above sea level (including MP)	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	12,986	Frontage (m):	124	Depth (m):	66
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,791	2,791
Residential GFA (sq m):			37,711	37,711
Non-Residential GFA (sq m):			27,868	27,868
Total GFA (sq m):			65,579	65,579
Height - Storeys:			35	35
Height - Metres:			126	126

Lot Coverage Ratio (%)	22% Gross, 45% Net	Floor Space Index:	(Gross) 5.06 FSI (Net) 10.67 FSI
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	37,711	
Retail GFA:	428	
Office GFA:	4,005	
Industrial GFA:		
Institutional/Other GFA:	774 (TTC)	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			300	300
Other:				
Total Units:			300	300

#### Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			55	130	115
Total Units:			55	130	115

#### Parking and Loading

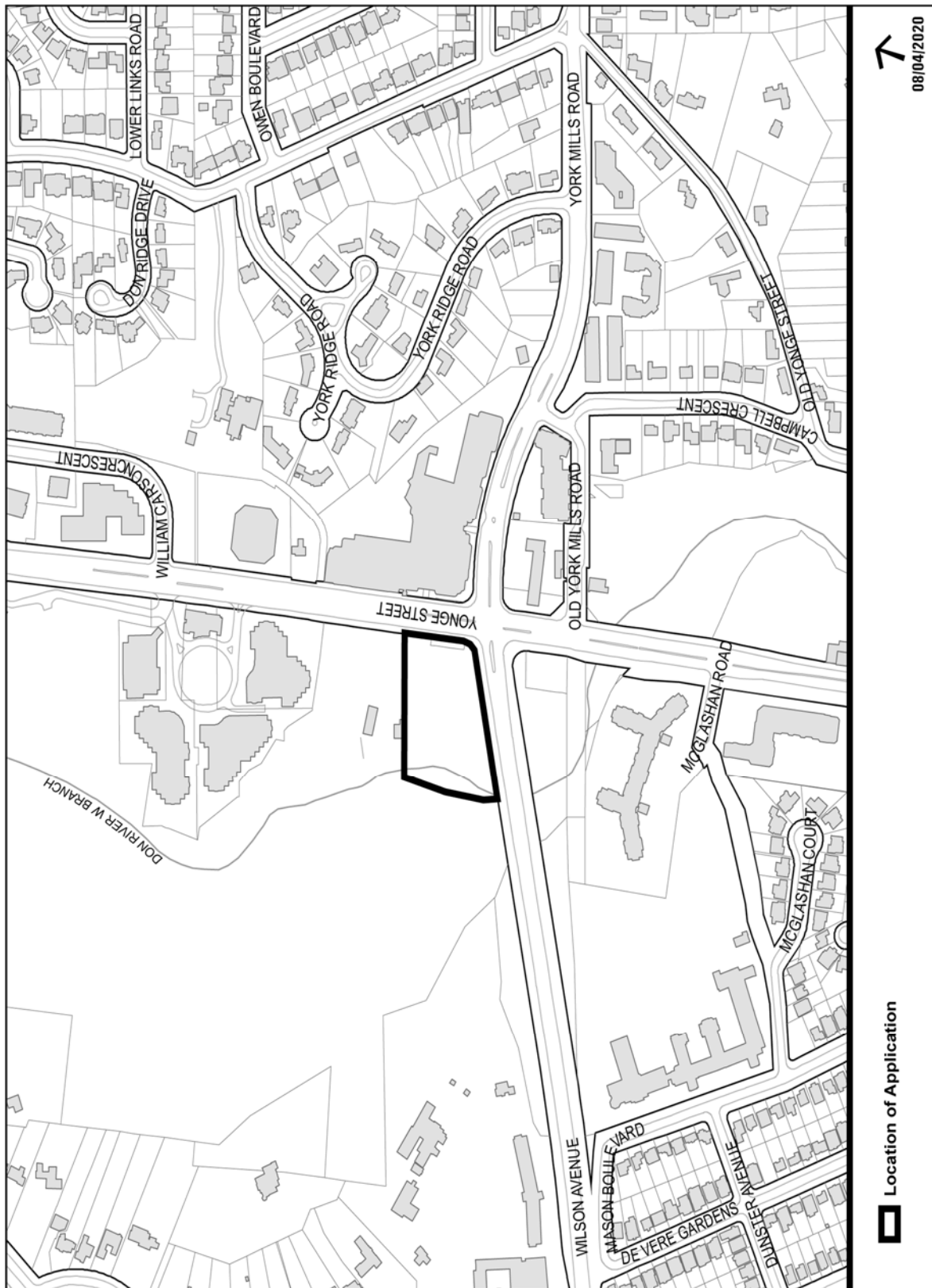
Parking Spaces:	651	Bicycle Parking Spaces:	256	Loading Docks:	4
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#### CONTACT:

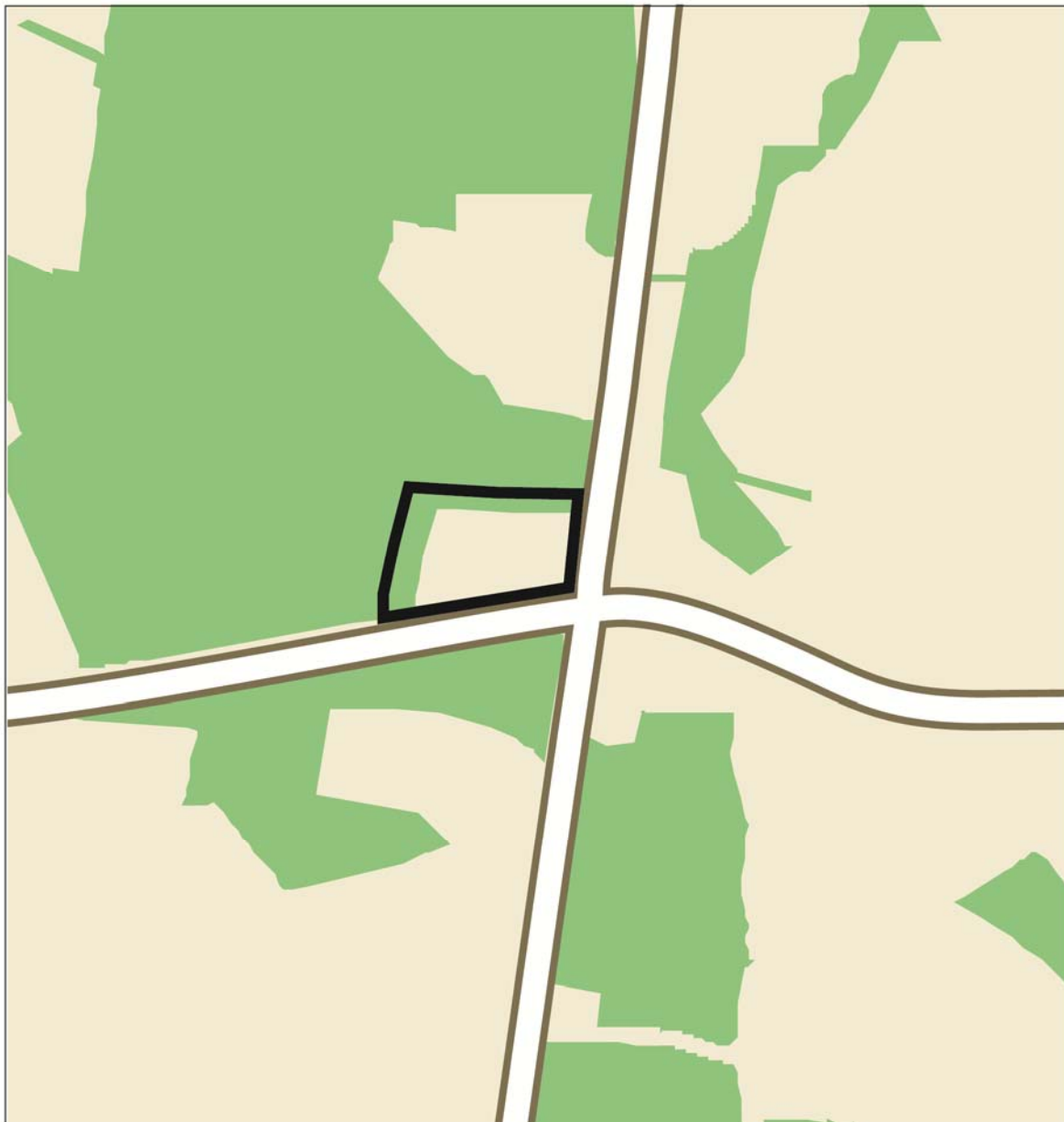
Cathie Ferguson, Senior Planner

Tel: (416) 395-7117, Email: [Cathie.Ferguson@toronto.ca](mailto:Cathie.Ferguson@toronto.ca)

## Attachment 2: Location Map



Attachment 3: Official Plan Urban Structure Map 2



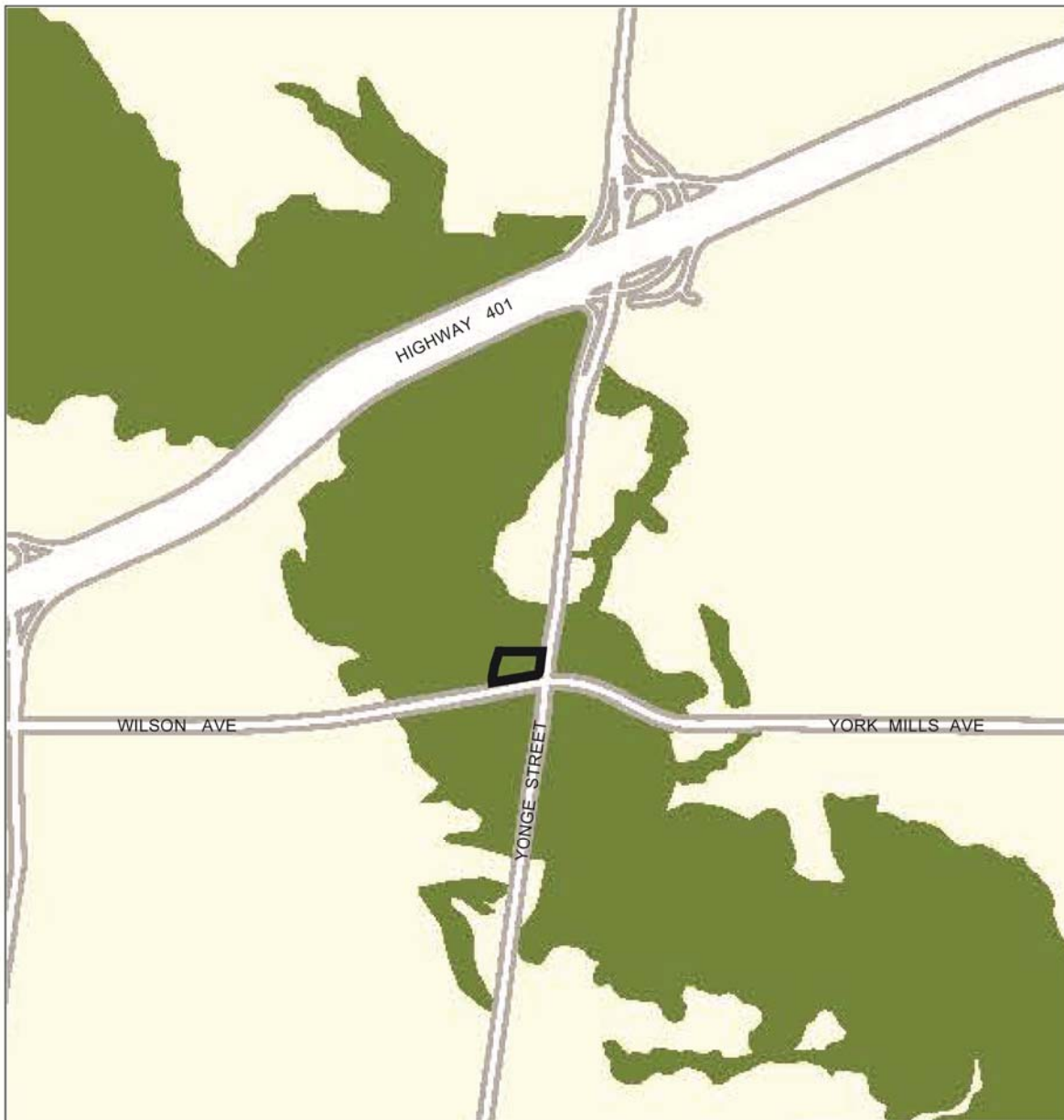
4050 Yonge Street

Official Plan Urban Structure

File # 20 115845 NNY 08 02



Attachment 4: Natural Heritage System Map 9



4050 Yonge Street

Natural Heritage System Map 9

File # 20 115845 NNY 08 02

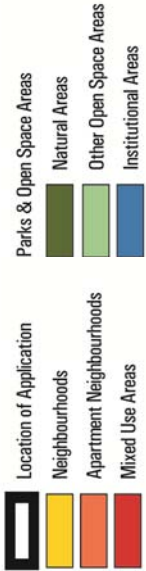




4050 Yonge Street

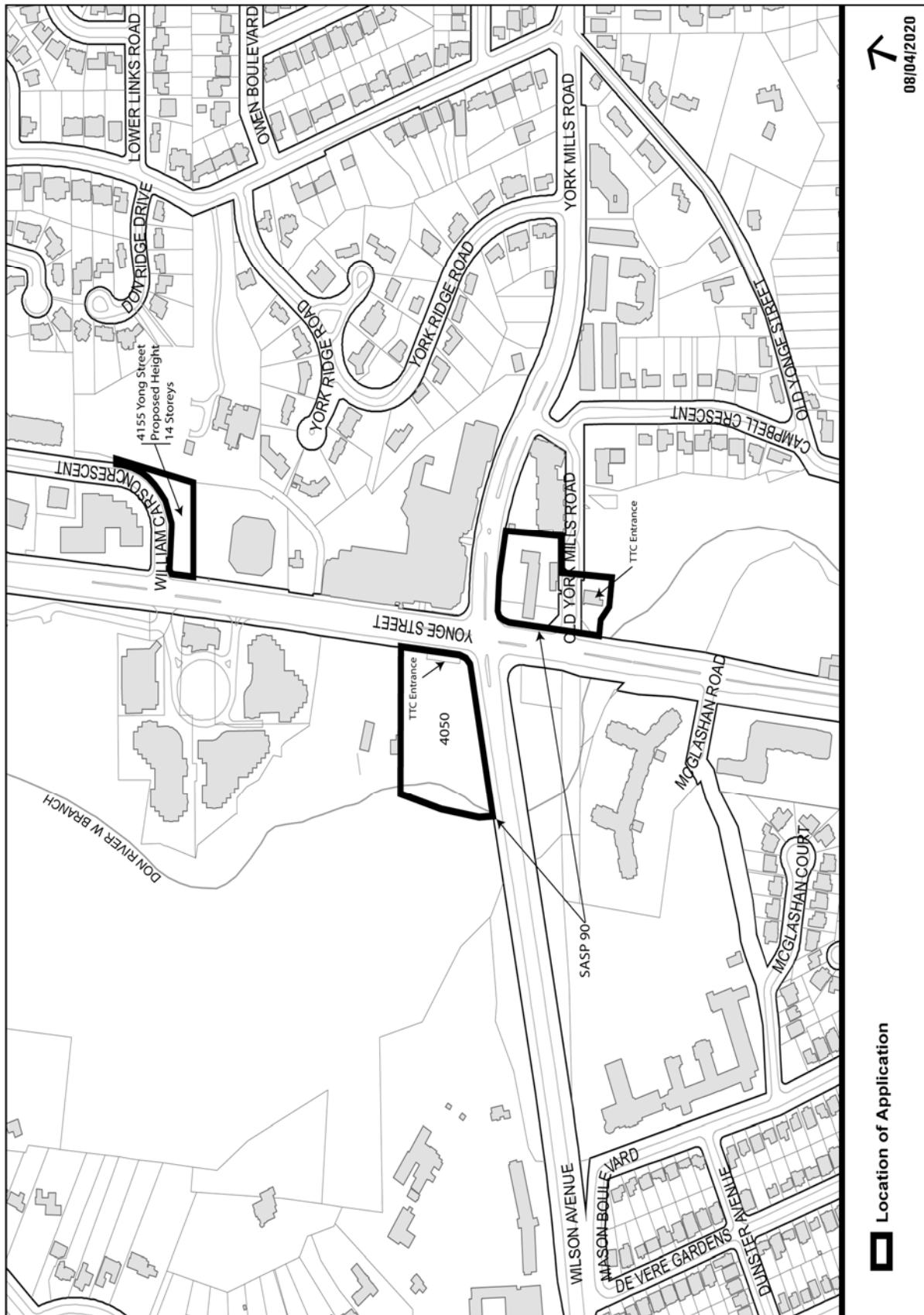
Official Plan Land Use Map #16

File # 20 115845 NNY 08 02

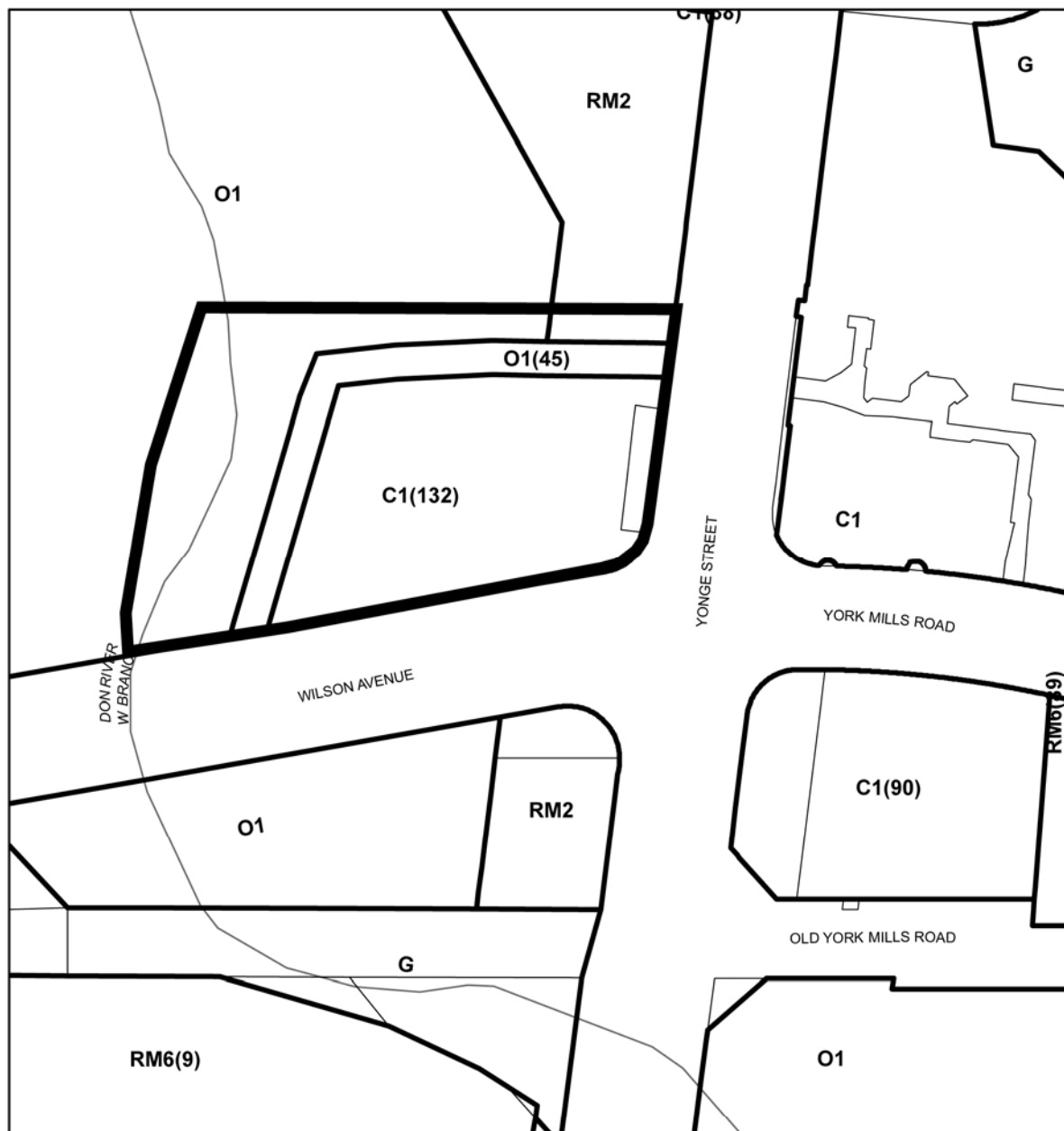


↑  
Not to Scale  
08/04/2020

Attachment 6: Site and Area Specific Policy 90 and location of 4155 Yonge Street



# Attachment 7: Existing Zoning (Former City of North York Zoning By-law 7625) Map



Zoning By-law 7625

4050 Yonge Street

File # 20 115845 NNY 08 02



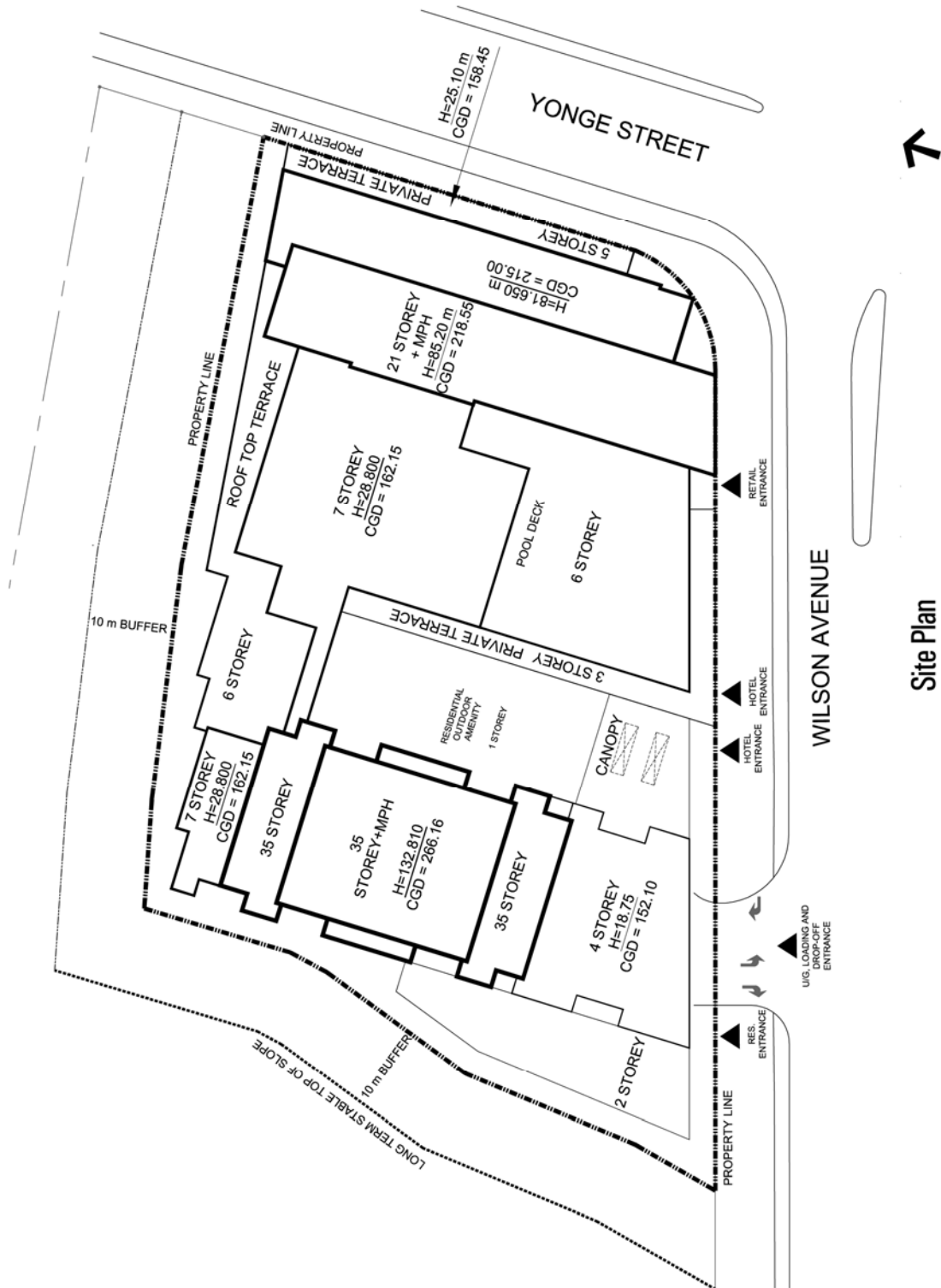
Location of Application

RM2	Multiple-Family Dwellings Second Density Zone	C6	Special Commercial Area Zone
RM6	Multiple-Family Dwellings Sixth Density Zone	O1	Open Space Zone
C1	General Commercial Zone	G	Greenbelt Zone



Not to Scale  
Extracted: 12/01/2020

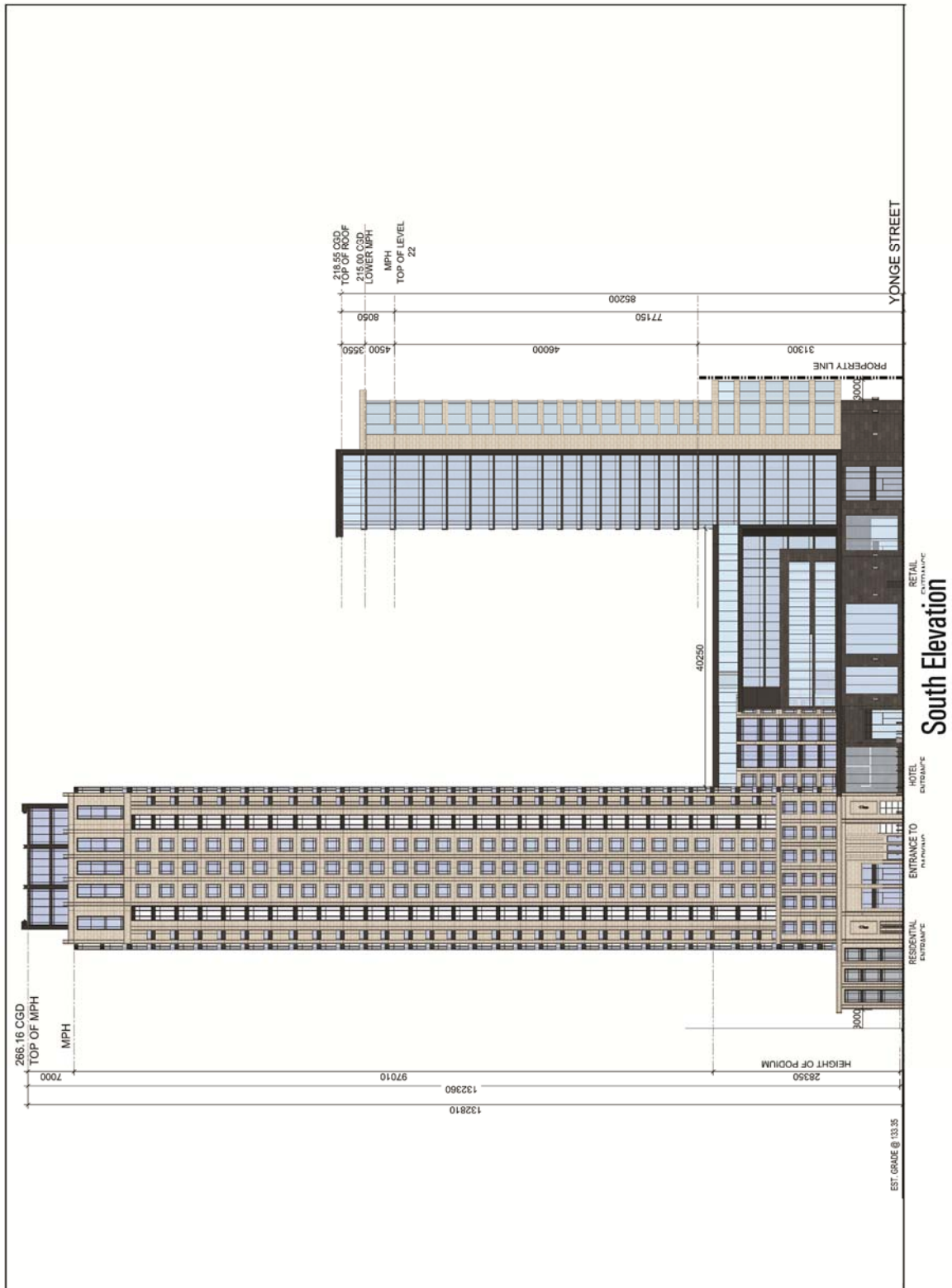
# Attachment 8: Site Plan



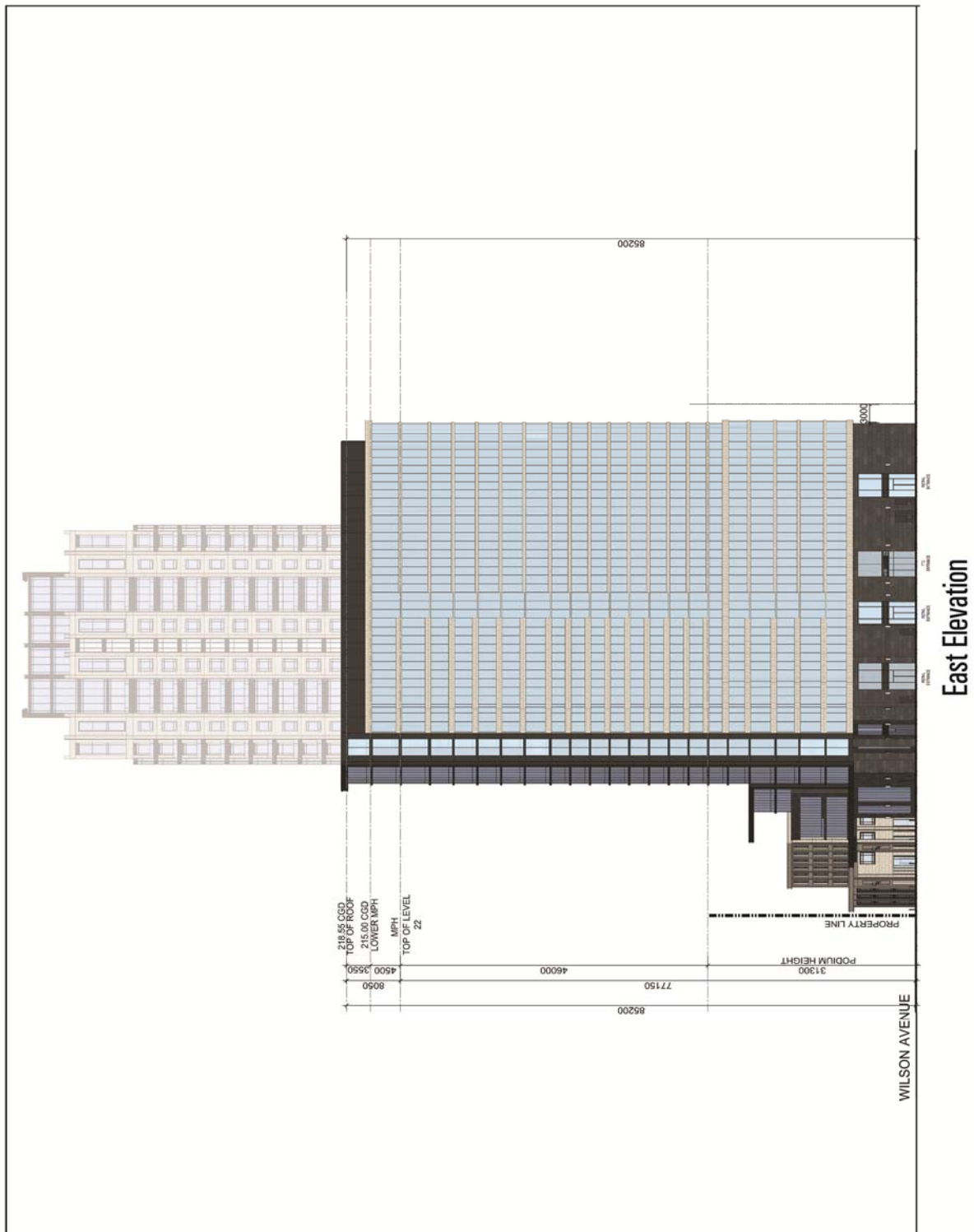
Site Plan



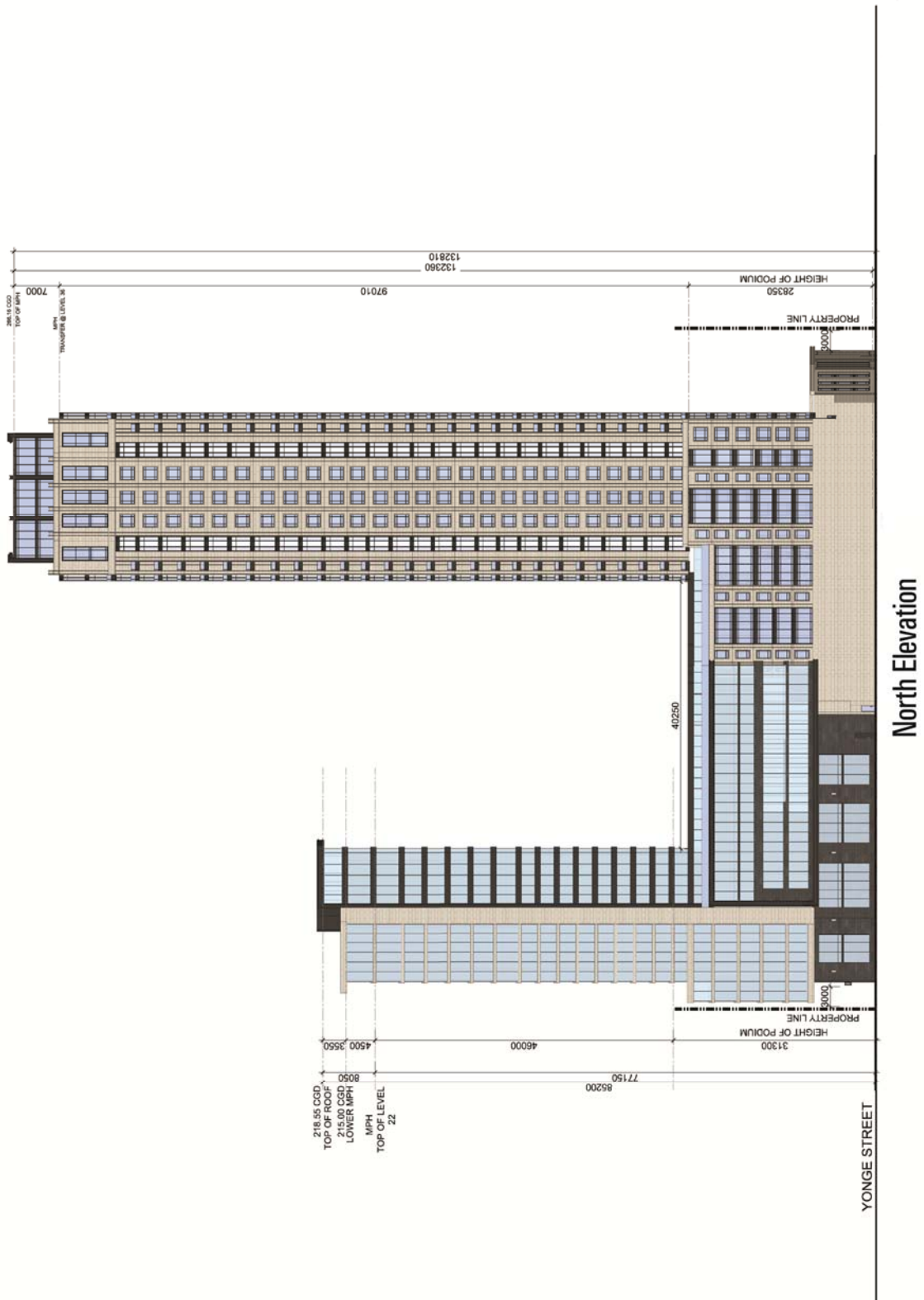
# Attachment 9a: South Elevation (from Wilson Avenue)



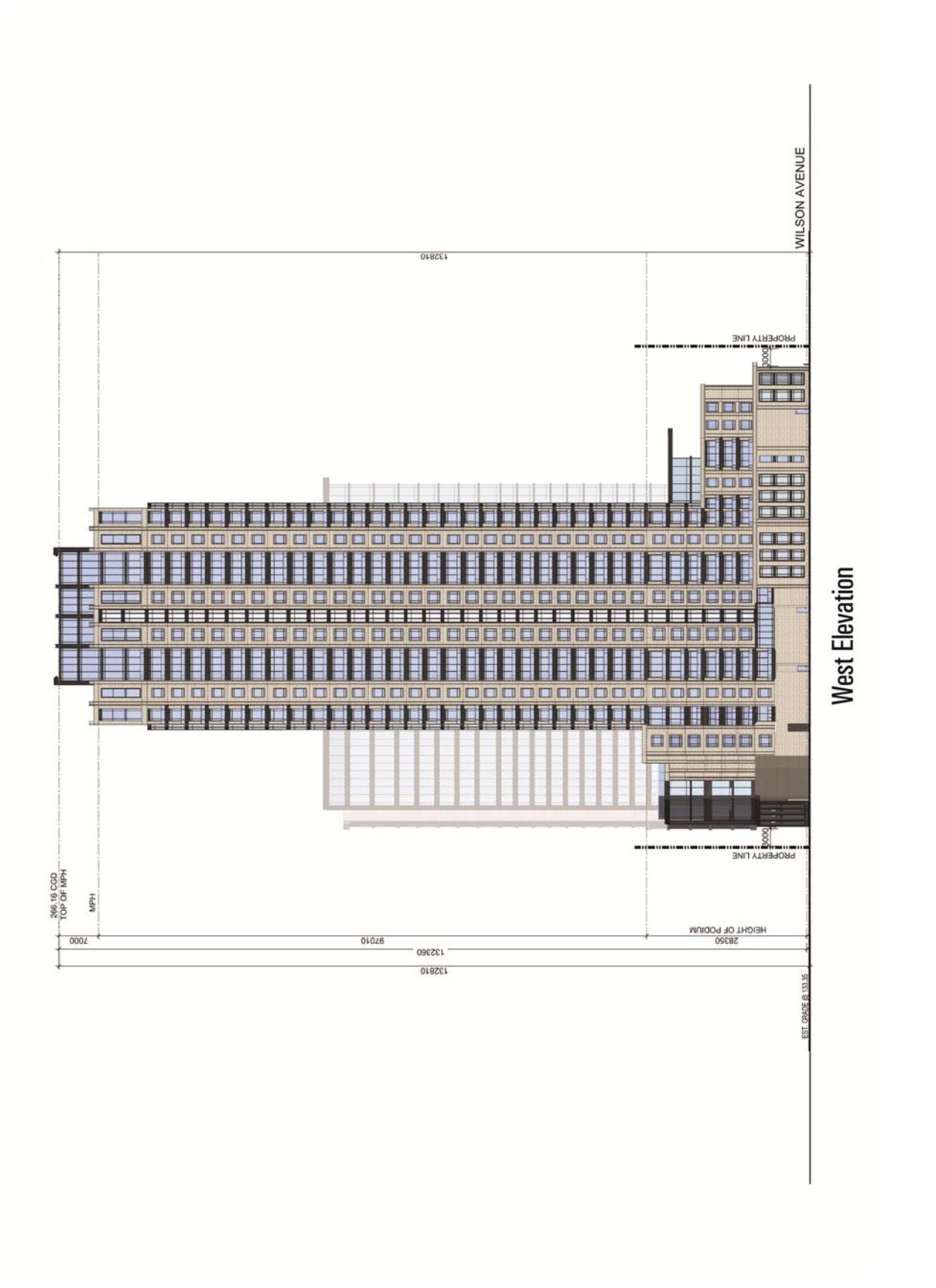
## Page 50 of 54



## Request for Direction Report - 4050 Yonge Street

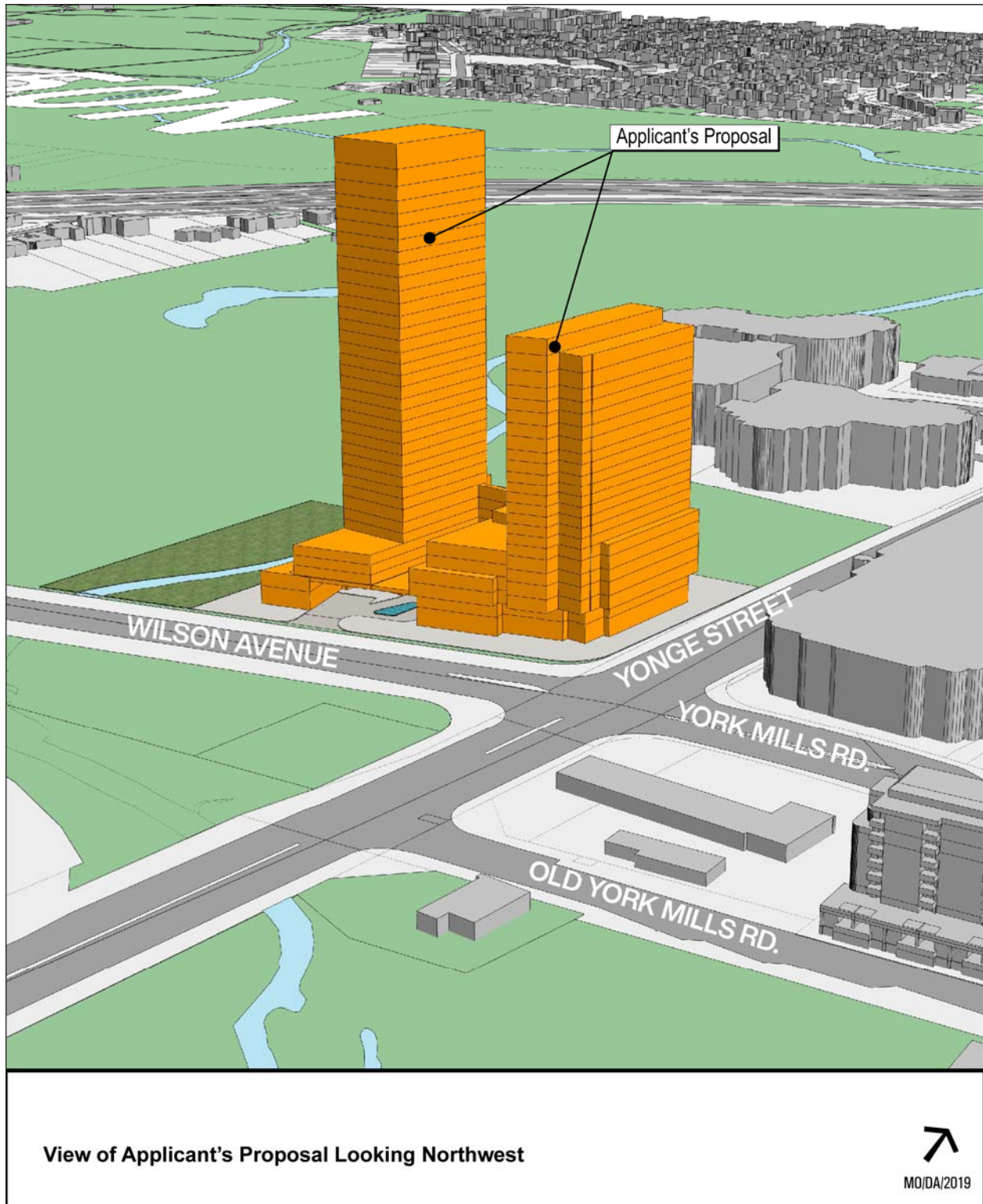


Attachment 9d : West Elevation





Attachment 10a: 3D Massing Model looking northwest



Attachment 10b: 3D Massing Model looking Southeast

