

372-378 Yonge Street – Official Plan Amendment, Zoning Amendment Applications – Request for Direction Report

Date: March 23, 2021

To: Toronto and East York Community Council or City Council

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

Ward 11 - University-Rosedale

Planning Application Number: 20 174053 STE 11 OZ

SUMMARY

The owner of the site at 372-378 Yonge Street has appealed its Official Plan Amendment and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal (LPAT) citing Council's failure to make a decision within the time required by the Planning Act. Neither a case management conference nor a full hearing have been scheduled.

This application proposes a 74-storey mixed use building with 406 dwelling units and a total gross floor area of 35,871 square metres at 372-378 Yonge Street. The proposed building would have a height of 255 metres including the mechanical penthouse. There is no vehicular parking proposed.

The proposed intensification as a mixed use development in proximity to a transit station is a positive attribute to the proposal. However, the proposal is not supportable in its current form.

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 proposed development does not conform to the Mixed Use Area 2 designation in OPA 406 as a 74 storey building is not consistent with this designation. The proposed development can not achieve appropriate tower setbacks nor stepbacks because the site is too small for tower development. Additionally, the proposed development:

- does not provide an appropriate heritage conservation strategy including whole building conservation of 372 Yonge and appropriate tower stepbacks from heritage buildings;
- does not minimize shadowing on the public realm and nearby McGill Granby neighbourhood;
- lacks sufficient outdoor amenity space and the outdoor amenity space that is provided is in an inappropriate location and form;

- there is no parking; and
- the application to date does not have a satisfactory Functional Servicing Report to address servicing issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and appropriate City staff to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan Amendment and Zoning By-law Amendment applications in their current form
2. City Council direct City staff to continue discussions with the applicant in an attempt to resolve outstanding matters as identified in the report (March 23, 2021), from the Director, Community Planning, Toronto and East York District.
3. City Council direct the City Solicitor to request the LPAT, in the event the LPAT allows the appeal and permits additional height or density, or some variation, to:
 - a) Secure the following community benefits with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*.
 - i) A financial contribution payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment; the funds shall be directed as follows:
 - A. financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area (Ward 11);
 - B. financial contributions towards a non-profit, licensed child care facility within the vicinity of the subject site or capital improvements to existing facilities within the vicinity of the subject site;
 - C. financial contributions towards the Lillian Smith branch expansion or revitalization of the Toronto Reference Library (Ward 11);
 - D. financial contribution towards the provision of on-site affordable housing; and/or
 - E. financial contributions towards a PATH connection from the existing knockout panel at 444 Yonge Street to the south side of Gerrard

The funds may be redirected if not expended within 3 years for their intended purpose.

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

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

ii. The owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

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

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

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

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

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

v. that the owner provide a 1.17 metre widening requirement along the westerly portion of the property to be conveyed to the City free and clear of obstruction and a corner rounding requirement at the southeast corner of the site (north-west corner of Yonge and Walton) as lands to be provided for a Pedestrian Clearway Easement.

4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

FINANCIAL IMPACT

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

A number of pre-application meetings have been held with the applicant (June 5, 2018; December 17, 2018; June 4, 2019 and February 25, 2020). During these meetings City Planning has consistently indicated that the site is too small for a tower development as the site could not achieve both appropriate tower setbacks and tower stepbacks. City Planning also responded to the initial proposal with a letter dated June 19, 2018 indicating that the site was not a Tall Building site and the proposal does not conform to the Council approved Mixed Use Areas 2 designation from the Downtown Plan. Despite this the applicant has proceeded with an application.

PROPOSAL

This application proposes to amend the Official Plan and Zoning By-law for the property at 372-378 Yonge Street to permit a 74-storey mixed-use building with retail at grade, commercial units on levels three to seven and residential units above. The proposal entails the retention of the existing Elephant and Castle heritage building with the tower cantilevering over the top of that building.

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

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 5-11:

Table 1 – Summary of Application

Category	Proposed
Tower setbacks	
West to approved tower at 33 Gerrard	20 m (less than 1 m to west lot line)
East to midpoint Yonge Street	17 m
North to midpoint Gerrard Street	11 m
South to midpoint Walton Street	9 m
Tower stepbacks (level 12-74)	
Yonge Street	5 m
Gerrard Street	1.5 m (for the majority of the tower)
Walton Street	0.5 m
Pedestrian realm (building face to curb)	

Yonge Street	3.5 m
Gerrard Street	2.5 m
Walton Street	4.4 m
Tower floorplate GFA (approximate)	
Level 12-42 and 45-67	445 m ²
Level 68-73 (average)	430 m ²
Vehicular parking	0
Bicycle parking	
Commercial	24
Residential visitor	41
Resident residents	365
Loading spaces	
Type G	1
Amenity space	
Indoor	1185 m ²
Outdoor	578 m ²
Unit Mix	
One bedroom	232 (57%)
Two bedroom	116 (29%)
Three + bedroom	58 (14%)
Total	406

Site and Surrounding Area

The site is a corner lot with 38.5 m of frontage on Gerrard Street, 32 m on Yonge Street and 26.5 m on Walton Street. The lot area is 961 m². The site is presently developed with 2 and 3 storey commercial buildings including three listed properties (372, 374, 376 Yonge Street) and one designated property (378 Yonge Street; Lyle building). Refer to Attachment 2.

The surrounding uses are as follows:

North: Gerrard Street and on the north side of Gerrard Street; a 78-storey mixed use development commonly known as the Aura condos (444 Yonge Street).

South: Walton Street and on the south side of Walton Street 2 and 3–storey commercial buildings with frontage on Yonge Street.

East: Yonge Street and on the east side of Yonge Street an under construction 85-storey (299 m to top of mechanical) mixed use development at 363-391 Yonge Street

West: immediately west of the site is a City owned laneway and west of that the Chelsea hotel. The Chelsea hotel site has been approved for the development of a 3 tower (31, 48 and 84 stories) mixed use development including the reinstatement of Walton Street and the provision of both an on-site park and on-site POPS.

Reasons for Application

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

APPLICATION BACKGROUND

Application Submission Requirements

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

- Draft Official Plan and Zoning by-law Amendments
- Arborist Report and Tree Preservation Plan
- Complete community Assessment
- Energy Strategy Report
- Heritage impact Assessment
- Preliminary Geohydrology Assessment
- Noise and Vibration Feasibility Study
- Pedestrian Level Wind Study
- Planning Rationale Report
- Public Consultation Strategy Report
- Functional Servicing and Stormwater Management Report
- Toronto Green Standards Checklist
- Transportation Impact Study
- Urban Design Report
- Architectural plans including shadow studies

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

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Based on the responses received to date, these have assisted in evaluating the application and to formulate appropriate recommendations.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development;

the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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.

While decisions of Council shall be consistent with the policies of the PPS, it is also important to note that the PPS recognizes and acknowledges the Official Plan as an important document for implementing many of 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. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan 2020.

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

Toronto Official Plan

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

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

Chapter 2 – Shaping the City

Policy 2.2.1 Downtown: The Heart of Toronto

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

Policy 2.2.1.3 c) and d) refers to the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown.

Policy 2.2.1.6 refers to design guidelines being applied to ensure new development respects the context of such districts

Policy 2.2.1.14 refers to the City working with property owners and developers to ensure the PATH network is consistent, connected and coherent.

Chapter 3 – Building a Successful City

Policy 3.1.1 The Public Realm

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

Policy 3.1.2 states that the public realm will provide the organizing framework and setting for development and foster complete, well-connected walkable communities and employment areas.

Policy 3.1.2 Built Form

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

Policy 3.1.2.4 requires new development to locate and organize vehicle parking, vehicular access and ramps, loading, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 requires development 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.

Policy 3.1.2.6 requires new development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policy 3.1.3 Built Form – Building Types

Policy 3.1.3.1 states a mix of building types is encouraged on sites that can accommodate more than one building.

Policy 3.1.3.2 states that townhouse and low-rise apartment buildings are generally no taller than four storeys in height.

Policy 3.1.3.4 Mid-rise buildings will be designed to a) have heights generally no greater than the width of the right-of-way that it fronts onto.

Policy 3.1.3.7 tall buildings are generally greater in height than the width of the adjacent right-of-way.

Policy 3.1.3.9 the base portion of tall buildings should a) respect and reinforce good street proportion and pedestrian scale and b) be lined with active, grade-related uses.

Policy 3.1.3.10 the tower portion of a tall building should be designed to a) reduce the physical and visual impacts of the tower onto the public realm; b) limit shadow impacts on the public realm and surrounding properties; c) maximize access to sunlight and

open views of the sky from the public realm; d) limit and mitigate pedestrian level wind impacts; and e) provide access to daylight and protect privacy in interior spaces within the tower.

Policy 3.1.5 Heritage Conservation

Policy 3.1.5 provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. Portions of the subject site are identified as a potential heritage property.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 3.1.5.6 states the adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Policy 3.1.5.26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it.

Policy 3.1.5.27 states, where it is supported by cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged.

Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register.

Policy 3.2.1 Housing

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

Policy 3.2.3 Parks and Open Spaces

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

Chapter 4 – Land Use Designations

Policy 4.5 Mixed Use Areas

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

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

Policy 4.5.2 e) states development will frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

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

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

Chapter 5 – Implementation

Policy 5.1.1 Height and/or Density Incentives

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

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

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

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

- changes will be consistent with and enhance the character of the area, including the low scale of built form, pedestrian comfort and the varied storefront appearance of building facades;
- retention, conservation, rehabilitation, re-use and restoration of heritage buildings will be encouraged;
- streetscape improvements that promote Yonge Street as a pedestrian-oriented retail and entertainment area will be supported;

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

Official Plan Amendment 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

The Official Plan Amendment can be found here:

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

Official Plan Amendment 406 - The Downtown Plan

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

The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto’s fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to

grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The Downtown Plan can be found here:

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

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

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

The draft Amendment can be found here

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

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

Zoning

The site is zoned CR T4.0 C4.0 R1.5 under Zoning By-law 438-86 with a maximum height of 20 metres and a maximum density of 4 times the area of the lot. The site is zoned CR 4.0 (c4.0; r1.5) SS1 (x2553) with a maximum height of 20 metres and a maximum density of 4 times the area of the lot Zoning By-law 569-2013.

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

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

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

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Policy 2.2.1.6 also refers to design guidelines to ensure new development respects context. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines, Growing Up Draft Urban Design guidelines, Retail Design Manual and the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

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/bqrd/backgroundfile-57177.pdf>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

Map 1 from the Downtown Tall Building Guidelines identifies Yonge Street as a Special Character Street and Gerrard Street as a High Street. The portion of Walton Street adjacent to the site is not identified. Gerrard Street has assigned heights of 20 to 35 stories (62 - 107 m) on Map 2.

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

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

Growing Up Draft Urban Design Guidelines

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Guidelines can be found here:<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Retail Design Manual

City Council adopted the Retail Design Manual on October 27, 2020. The Retail Design Manual is applied in the evaluation of proposals with a retail presence. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing ground floor retail spaces.

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

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

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

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

Yonge Street Planning and Design Framework (2011)

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

The link to the report is here:
<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-49619.pdf>.

Yonge and Gerrard Focus Area Review (2017)

In 2017 Toronto East York Community Council adopted this report with amendments. The report reviewed the planning framework and the existing and planned built form context for the area approximately bounded by: Bay, Elm, Yonge and Gerrard. The report makes an initial assessment as to where towers could feasibly be developed under the assumption that any re-development would have to adhere to appropriate tower setbacks, maximum floorplate sizes and respond to heritage resources. The report concludes that, for the subject site, that on-site heritage buildings and small development site indicates tower development is not appropriate.

To date, there has been no further action with respect to the study's recommendations.

The link to the report is here:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-106307.pdf>

yongeTOmorrow

YongeTOmorrow is a Transportation Study which is evaluating street designs to improve how people move through and experience Yonge Street between Queen Street and College/Carlton Streets. The study is being carried out under Schedule 'C' of the Municipal Class Environmental Assessment (EA), which is an approved planning process under the Ontario Environmental Assessment Act. On February 3, 2021 City Council adopted the yongeTOmorrow Recommended Design Concept (Attachment 8 - Recommended Physical Design), which increases sidewalk widths by reducing the existing four driving lane cross section to two lanes. City Council authorized the City to file the yongeTOmorrow Environmental Assessment (EA) Notice of Completion and post the study report for a 30-day review period.

The study also evaluated various traffic operational strategies and proposes a flexible approach that would change the way the street functions from day to night. During the day, the one kilometre long stretch of Yonge Street between College / Carlton Street and Queen Street would be prioritized for people walking, cycling, and experiencing the street, while still providing for access and delivery routing needs through pedestrian priority zones, one-way and two-way driving access combined strategically to reduce traffic volumes.

The operational approach (pedestrian priority areas, turn movements/restrictions, one-way/two-way driving access etc.) will continue to be consulted upon and refined during detailed design. Prior to the completion of construction, a report would be brought forward to IEC recommending an operational approach

All background documents and City Council's amendments to the staff recommendation can be found under item IE19.11. The link to the item is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE19.11>

Site Plan Control

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

Community Consultation

A community consultation meeting was held on November 30, 2020 as a webex event which was attended by approximately 20 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Specific comments related to the zoning amendment component of the development were:

Architectural Design

- Enquiry concerning the vertical fins on the building and if they are structural or decorative and what is their material
- Will existing videowall be removed
- How will the elevators work, is there sufficient vertical capacity

Massing

- Site is too small and setbacks insufficient

Transportation and Servicing

- Concern with functioning of Walton Street, laneway widening requirements and does the loading meet City requirements
- Can they provide servicing from laneway, is there sufficient servicing capacity
- How will waste be collected – will organics be separated

Housing

- Enquiry as to how many affordable housing units would be provided and how many would be required

Other

- Enquiry as to staff's position in the Preliminary report
- Enquiry as to how many attendees at the meeting, who is the applicant, other Downtown projects by the architect

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Provincial plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any of the policies of the Plans.

The Preamble section further speaks to how the PPS provides policy direction on matters of provincial interest related to land use and development and how there is a provincial goal to enhancing the quality of life for all Ontarians. The PPS policies can also be complemented by provincial plans or by locally generated policies regarding matters of local interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

It is also in this section, together with Section 4.0 Implementation, that states that Municipal Official plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long term planning. Official plans

shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

As such, it is the expectation of the Province that many of the policies in the PPS rely on direct actions by a municipality, through its official plan, zoning by-law and other related documents. This would include such matters as identifying settlement areas, intensification corridors, setting growth and environmental targets, determining specific land uses, housing types and densities, protecting valuable resources such as agricultural lands and environmental areas.

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential types,
- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment,
- Policy 1.1.3.4 which refers to appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety,
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in a) establishing minimum targets for affordable to low and moderate income households and in f) establishing development standards for residential intensification,
- Policy 1.7.1 e) which refers to encouraging a sense of place by promoting well designed built form and cultural planning and by conserving features that help define character including built heritage resources and cultural heritage landscapes,
- Policy 2.6.1 states that significant built heritage resources shall be conserved, and Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved

The proposed development represents intensification in an identified designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan, and as such intensification is appropriate. The proposed landuse, being a mix of uses, is also appropriate and would conform with those policies that refer to healthy communities.

The proposal, in staff's opinion, is not consistent with other equally important PPS policies. The inconsistency with the PPS concerns development standards, including a heritage conservation strategy that is inconsistent with the PPS, as well as the appropriate range and mix of residential types including affordable housing.

Policy 1.1.3.4 of the PPS references appropriate development standards. The proposal does not conform to the City's existing development standards as articulated through

the official plan and associated guidelines. This policy infers it will be the planning authority, in this case the City of Toronto, who will have the responsibility of creating and implementing these development standards through its official plan, zoning by-law and associated guidelines. The City has undertaken such an exercise by first identifying where future development should be directed to within the designated growth area, being the Downtown. Policies have then been included which provide guidance on how development should proceed in these areas while achieving the intensification objective in the PPS.

The proposed built form, as assessed later in this report, demonstrates that the development site is not a tower site and hence the proposed tower can not and does not adhere to appropriate development standards for residential intensification, particularly those concerning appropriate locations for tower development and heritage conservation matters. It is a significant tower development on a very small site. From a well designed built form standpoint, the building overwhelms and is imposing over Yonge and Gerrard Streets. It does not provide appropriate setbacks and is inconsistent with other tall buildings either existing or approved in the area. Additionally, the proposal does not go far enough to retain the dominance of the Lyle building (372 Yonge) within the three storey podium expression. Yonge street has been identified as a special character street in the City's Downtown tall building guidelines and the application does not meet these development standards for Yonge street.

As noted earlier, the PPS policies are minimum standards and the City can go beyond these standards to address matters of municipal interest, unless it would conflict with another policy in the PPS. Given that this application does not meet the various development standards that have been set out in the Official Plan and other implementing documents, then the application is also not consistent with policy 1.1.3.4 which, although it is providing a significant level of intensification, it is not in conformity with the Mixed Use Area 2 designation in terms of the scale of development and does not meet the development standards established by the City.

Growth Plan

The key Growth Plan policies applicable to this development are:

Policy 1.2.1 which refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households,

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

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

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

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

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

Policy 4.2.7.1 which states Cultural heritage resources will be conserved.

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

The development site is located in an Urban Growth Centre which is identified as an appropriate location for intensification area. Intensification on the subject site is appropriate. The provision of a mix of retail, office and residential uses with the residential uses featuring a range of unit sizes is an example of a mixed use development, and as such would be appropriate subject to built form issues.

Staff have determined the proposal does not conform with other policies in the Growth Plan. The massing and form of development is not of an appropriate type and scale for a strategic growth area. Policy 2.2.2.3 f) specifically references intensification to be implemented through Official Plan policies and other supporting documents (guidelines). As described below, the proposed development is not a tall building site which does not meet applicable Official Plan policies and guidelines. Additionally, although there is merit to aspects of the Heritage Conservation strategy, it does not go far enough to retain the dominance of the Lyle building (372 Yonge) within the three storey podium expression and as such does not conform to the Growth Plan.

In the opinion of City Planning, the proposed development, Official Plan Amendment and Zoning By-law Amendments, in their current form, do not conform with the policy direction of the Growth Plan for the Greater Golden Horseshoe (2020) which directs that many of the policies surrounding complete communities, directing growth to intensification areas, heritage conservation, appropriate development standards are to be implemented through the Official Plan and other supporting documents.

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

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the

Province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The site is within the Urban Growth Centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 ppl/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto Urban Growth Centre area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates the growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2019). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan). There is no need for this development to occur as the City is comfortably meeting its density targets without this proposal.

Land Use

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The text of Section 4.5 of the Official Plan clarifies that not all *Mixed Use Areas* will experience the same scale or intensity of development.

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

The proposed land use is a mixed-use building with retail at grade, commercial units on levels three to seven and residential units above which conforms with the *Mixed Use Area* policy for permitted land uses. Although the proposed land use would be permitted, the built form must respond to the planned and built form context and minimize impacts. Built form is reviewed and assessed in the following sections.

A key aspect of the MUA 2 designation is that density and intensity of use needs to respond to the MUA 2 designation. MUA 2 forms an intermediate transitional scale between the taller buildings in Mixed Use Areas 1 (MUA 1) and the predominantly mid-rise character in Mixed Use Areas 3 (MUA 3). Tower heights in the adjacent MUA 1 designation on the west side of the site include heights up to 84 stories and in the MUA 1 designation to the north up to 78 stories. Notwithstanding Policy 6.21 and 6.36 of the Downtown Plan, if the site was appropriate for a tower (which as discussed below it is not) then any tower on this site should have a transitional height down from the taller heights in the MUA 1 designation.

Built Form

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

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

Tower - Setbacks and Tower Separation

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

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

Subsequent to the submission of this application, the Province approved revised Public Realm, Built Form and Tall Building policies as part of OPA 479 and 480. The new Official Plan Built Form Policies 3.1.2.1 and 3.1.2.5 require that new development be located and organized to fit within the existing and planned context. Policy 3.1.2.3 refers to development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls. Tall Building Policy 3.1.3.11 d) states that the tower portion of a tall building should be designed by providing appropriate separation distances from side and rear lot lines as well as other towers.

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

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

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

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

The Yonge and Gerrard Focus Area Review looked at tower development potential in the block including the adjacent Chelsea property, the lands on the south side of Walton Street as well as the subject site. Although some of the conclusions in the report are dated, the essence of the report is that tower re-development could occur within the

block (Gerrard, Bay, Elm, Yonge) while achieving appropriate tower separation distances and tower setbacks. Crucially the report concludes that the subject site is too small for tower development.

The policies and implementing guidelines seek to ensure appropriate light, view and privacy for existing and any future residents as well as for pedestrians in the street and in that respect, the City recommends a tower separation distance of 25 m which would typically be achieved through a 12.5 m tower setback to the lot line or mid-point of the adjacent right-of-way and a similar 12.5 m setback for a tower on any adjacent lot. Failure to achieve these standards results in negative impacts on the quality of life to both residents and the public as further described in the guidelines.

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

The applicant provided a block context plan as part of their application. The block plan shows tower separation distance or setbacks of:

- West to approved tower at 33 Gerrard, 20 m
- East to midpoint Yonge Street, 17 m
- North to Aura tower, 444 Yonge, 40 m
- South to midpoint Walton Street, 9 m

In this instance, the subject site is too small for a tower development as evidenced by its inability to provide both appropriate setbacks to the south and west and by appropriate setbacks (as described in the Tower - Stepback section of this report). The proposed tower cannot achieve (and does not propose) 12.5 m setbacks to its south and west lot lines or to the midpoint of the adjacent right-of-way/laneway.

The west tower setback would result in a tower separation distance varying from 20 to 21 metres to the approved tower at 33 Gerrard (the Chelsea site). Although the guidelines refer to a minimum of 25 metres between towers, there have been instances where a slightly reduced setback has been recommended particularly when there are no facing balconies or facing windows. In this case there are no extenuating circumstances that justify a reduced setback without impacting the light, view and privacy for future residents of the approved tower at 33 Gerrard as well as appropriate light and views to and from the public realm. Likewise, the reduced setback would impact the residents in the proposed tower subject of this application.

The applicant's proposed south setback is premised on the property to the south, 360-370 Yonge Street, not being a tall building site because that site is too small. Notwithstanding this assumption, the proponents of 360-370 Yonge have proposed a tower development but have not yet submitted an application (City Planning would not support tower development on 360-370 Yonge because these lands are too small for

tower development, like the subject site). If the subject site, 372-378 Yonge Street is deemed appropriate for a tall building, notwithstanding its failure to provide appropriate setbacks and stepbacks, then by similar logic, 360-370 Yonge would also be appropriate for a tall building as they have a similar lot size with similar adjacency and setback issues. The proposed 9 m south setback to the mid-point of the Walton Street right-of-way does not meet the required 12.5 m setback with the result that any development at 360-370 Yonge would be negatively impacted as it ends up exporting the subject sites setback requirements onto 360-370 Yonge. If towers are permitted to locate too close to property lines the result is a "first-to-the-post" development scenario which may restrict adjacent sites from developing in a similar manner.

Neither this site nor the site to the south can accommodate a tower, OPA 352 and OPA 406, in addition to the guidelines, are very clear that not every site can accommodate a tower. The goal is to locate towers where they are appropriate and where they can protect quality of life for both new and existing residents as well as those within the public realm. Issues of light, view and privacy are the key elements that need protecting. OPA 352, under appeal, Policy B iii) states that not every site can accommodate a tall building. In-force OPA 406 Policy 6.22 states not all sites can accommodate the maximum scale of development. Tall Building Design Guideline 3.2.3 c) specifically states that sites that cannot provide the minimum tower setbacks may not be appropriate for tall buildings. Likewise, Downtown Tall Buildings Guideline 1.3 d) acknowledges that some sites are simply too small to accommodate tall buildings.

This site, with a 32 m frontage on Yonge Street is too small for a tower. It is simply not possible to develop a tower with the 12.5 m tower setbacks (and the stepbacks referred to in the Tower - Stepbacks section of this report). Any tower development on this site results in massing that would not fit harmoniously into a built form context of multiple towers. Multiple towers without appropriate tower separation distances would impact light, view and privacy objectives that the Official Plan and guidelines seek to protect.

There are a number of sites within the immediate vicinity that have been recently approved for tall buildings (examples include 8 Elm and 348-356 Yonge; 363-391 Yonge; 444 Yonge; 18-32 Edward; 33 Gerrard Street). These developments show that it is possible to develop tall buildings in the immediate vicinity on sites that are of a sufficient size to accommodate a tall building proposal.

Tower - Stepbacks

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

Subsequent to the submission of this application, the LPAT approved revised Built Form policies 3.1.2 as part of OPA 480. These policies include a sidebar which refers to, among other things, the relationship between street proportion and streetwall heights and step-backs and in Policy 3.1.2.5 b) stepping back building mass and reducing building footprints above the streetwall height.

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

Tall Building Guideline 3.2.2 refers to minimum tower stepbacks of 3m which is illustrated in Guideline 3.2.3. The Downtown Tall Buildings guideline 1.7.1a) states that for the Yonge Street Special Character Area, a 10 m stepback is required or 20 m if heritage properties are present on site. In this instance there is an on-site heritage resources.

The applicant's tower shows a 5 m east stepback fronting Yonge Street, 1.5 m fronting Gerrard Street for the majority of the proposed tower and 0.5 m on Walton Street. These stepbacks are not acceptable.

Recent approvals along Yonge Street have stepbacks more in line with the guidelines. 348-356 Yonge (commonly known as 8 Elm) has a 7.5 m stepback from Yonge Street podium facade; 363-391 Yonge Street has an approximate 10 m stepback, 444 Yonge Street has an approximate 10 m stepback from its podium for its 58-storey element (19.5 m to Gerrard); 197 Yonge has an approximate 9 m stepback; 2 Carlton (with Yonge Street frontage) has a 10 m stepback from the property line; and 454-464 Yonge has a 10 m stepback from the podium face. These examples show that development along Yonge Street is providing significant stepbacks along Yonge Street. Any reduction in stepbacks would set a precedent for reduced stepbacks along this portion of Yonge Street which would effect the character of the street. The failure to provide the required stepbacks is because the site is too small for a tower development; by providing the required stepbacks the applicant's proposed development would not be practical.

Tower - Height and Shadowing

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

Subsequent to the submission of this application, the Province approved revised Public Realm, Built Form and Tall Building policies as part of OPA 479 and 480. The new Official Plan Built Form Policy 3.1.2.5 refers to ensuring access to direct sunlight and daylight on the public realm and in 3.1.3.10 b) and c) limit shadow impacts on the public realm and surrounding properties and maximize access to sunlight and open views of the sky from the public realm. These revised policies expand on and clarify the existing policies in the Official Plan.

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

impacts. More specifically, Policy 9.18 and Map 41-13 states that development will adequately limit net-new shadows as measured from March 21st to September 21st from 10:18-4:18 pm on, among others, Allan Gardens.

OPA 82, Garden District Site and Area Specific Policy, Policy 3.3 prohibits net new shadows on Allan Gardens March and September 21 from 10-6 and in Policy 3.4 on the conservatory buildings or other significant buildings in Allan Gardens on March 21, September 21, June 21 and December 21 at all times of the day. It is noted that the subject site is outside of the boundaries of the Garden District Site and Area Specific Policy but should still adhere to the intent of the policy.

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

Downtown Tall Building Design Guideline 3.2 states that tall buildings should not cast new shadows on signature parks between 10:00 and 4:00 pm (Allan Gardens being a signature park) and on non signature parks (College Park being a non signature park) from 12:00 noon to 2:00 pm on September 21st.

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

- McGill-Granby neighbourhood (designated Neighbourhoods) 3:18-4:18 (March 21); 2:18- 4:18 (September 21). The study incorrectly shows the shadow within a shadow of a proposed development that has not been approved so the actual shadow would be more extensive;
- College Park (designated Parks) 9:18-11:18 (June 21); 10:18 (September 21);
- Ryerson Quad (designated Institutional Areas 5:18 (June 21);
- Allan Gardens (designated Parks) 5:18 (September 21)

Although not explicitly illustrated on the submitted shadows studies, it also appears that the proposed tower would shadow:

- Allan Gardens (designated Parks) somewhere between 4:18 and 5:18 (March 21);

As discussed above, the site is too small for a tower development and as such is not appropriate for a tower proposal. This implies that a mid-rise or low scale development may be appropriate. The shadowing from a mid-rise development would be drastically different from that proposed by a tower. A mid-rise form would minimize shadowing impacts in comparison to the proposed tower and would be in conformity with Official Plan policies which refer to minimizing shadows.

Even if the site were of an appropriate size for a tower development, which it is not, the proposed tower being at 74-storeys is inappropriate for the MUA 2 designation of OPA

406 and would shadow College Park during the morning hours and Allan Gardens in the evening hours. Providing appropriate tower setbacks (as referenced in the Tower - Setback section of this report) would help minimize shadowing of College Park while reducing tower height would eliminate shadowing on Allan Gardens.

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

Tower - Height and View Corridor

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

The applicant has submitted documentation which indicates that, although the proposed tower would intrude into the proposed City Hall view corridor, it would in fact not be visible after the approved development at 33 Gerrard Street is constructed.

Podium

The podium, or base building, is what is typically experienced by pedestrians. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings at an appropriate scale for adjacent streets and to integrate them with adjacent buildings. Subsequent to the submission of this application, the Province approved revised Public Realm, Built Form and Tall Building policies as part of OPA 479 and 480. The new Official Plan Tall Building Policy 3.1.3.9 refers to base buildings should respect and reinforce good street proportion and pedestrian scale and be lined with active, grade-related uses.

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

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

The proposed development is in a podium/tower form with tower setbacks. The podium is 3-stories (11 m) in height fronting Yonge Street. The width of the adjacent Yonge and Gerrard Street right-of-ways are 20 and 15 m respectively. This implies a maximum podium height of 16 m along Gerrard and 12 m along Yonge based on the

80% right-of-way provision from the guidelines. An appropriate podium height is also informed by the height of adjacent developments. Adjacent buildings or podium elements are generally in the 2 to 3-storey range with some exceptions. Given the existing variation in heights of adjacent developments or podium elements, the proposed podium height is appropriate.

Heritage

Official Plan Policy 3.1.5.2 states that properties of potential cultural heritage value or interest will be identified and evaluated while Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property and Policy 3.1.5.27 encourages whole building retention.

Downtown Policy 9.10 refers to development on sites that include or are adjacent to heritage properties will include base buildings that are compatible with the streetwall; height, articulation, proportion and alignment thereof.

Tall Building Design Guideline 1.6 refers to tall buildings to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. The Downtown Tall Buildings: Vision and Supplementary Design Guideline 3.4 refers to locating and designing tall buildings to respect and complement the scale, character, form and setting on on-site and adjacent heritage properties.

The development site includes three listed properties (372, 374, 376 Yonge Street) and one designated property (378 Yonge Street; Lyle building). The application proposes to retain the facades of 374 and 376 Yonge Street, retain insitu the entirety of the designated 378 Yonge Street and to replace the listed property at 372 Yonge Street, none of these take the form of whole building conservation.

Heritage Preservation Services has reviewed the application and commented that the massing that replaces 372 Yonge Street may unify the base building of the overall project but diminishes the prominence of the Lyle building (378 Yonge Street) and that the base building design should be reconsidered to retain the dominance of the Lyle building within the three storey podium expression. A greater north stepback and/or starting the stepback at a higher elevation would reduce the imposition on the Lyle building. These built form issues combined with the proposed demolition of a listed building at 372 Yonge results in a proposed development that is not appropriate and as does not conform to the Official Plan.

In the event that the application, or a version thereof, would be approved by LPAT, as a condition of approval, Heritage Preservation Services would seek a detailed Conservation Plan based on a conservation strategy within an approved HIA. The conservation plan would identify all work required on the retained and rehabilitated buildings at 372-378 Yonge Street. Additionally, the properties at 372, 374 and 376 Yonge Street would be designated under Part IV of the Ontario Heritage Act and all heritage properties entered into a Heritage Easement Agreement.

Public Realm and Pedestrian Linkages

For development in the Downtown, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policies 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Subsequent to the submission of this application, the Province approved revised Public Realm, Built Form and Tall Building policies as part of OPA 479 and 480. The new Official Plan Public Realm Policy 3.1.1.6 which refers, among other things, to a Complete Streets approach and in Policy 3.1.1.13 that states sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages.

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

The site has frontage on Yonge, Walton and Gerrard Streets which is subject to a Municipal Class Environmental Assessment commonly known as yongeTOMorrow. This assessment, approved by Council on February 2, 2021 recommends a Design Concept which proposes shifting the existing curb alignment to increase sidewalk widths by removing two driving lanes on Yonge Street from College / Carlton Street to Queen Street to increase pedestrian space and improve the way people move through and experience Yonge Street. The recommended Design Concept proposes a consistent, yet flexible road design that can accommodate different operations and programming. The following design elements are consistent for the full length of the focus area from College / Carlton Street to Queen Street:

- 6.6 metre wide, two lane roadway with mountable curbs and vehicular unit paving;
- 2.7 metre wide furnishing, planting and café zone;
- 4.0 metre wide (minimum) pedestrian clearway with pedestrian unit paving.

The applicant is proposing a 3.5 m Yonge Street pedestrian realm (building face to curb), 2.5 m on Gerrard Street and 4.4 m on Walton Street. This setback does not meet the minimum standards but is in accordance with the historic character of street-oriented buildings as identified by OPA 406 with the retention in-situ of on-site heritage structure. Although there is a case to be made for an expanded pedestrian realm on Yonge Street given the yongeTOMorrow minimum recommended 4.0 metre wide pedestrian clearway, it is acknowledged that the proposed 3.5 m Yonge clearway preserves in-situ on-site heritage buildings and as such is appropriate. However, if the existing building at 372 Yonge Street on the south-east corner of the site can not be retained as a heritage structure, then the pedestrian realm should be increased at this corner location to 4 m along Yonge and 6 m along Walton Street in addition to providing corner rounding requirements as noted in the Traffic Impact section of this report.

In addition to the at-grade public realm, there is also the underground PATH network. Official Plan Policy 2.2.1.12 refers to the encouragement of the PATH network without compromising the role of the street. In OPA 406, Policy 8.7 encourages the expansion and improvement of the PATH network and Policy 8.9 encourages new connections to and below grade. The site is adjacent to an existing PATH knockout panel on the north side of Gerrard at 444 Yonge Street and an approved below-grade pedestrian network to the west connecting 43 Gerrard Street to 33 Gerrard Street. It is recommended that a PATH connection be secured for an expansion of the PATH network from the existing knockout panel at 444 Yonge Street to the south side of Gerrard Street (not necessarily as part of this development) as part of a Section 37 contribution should the application be approved.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. Policy 6.22 of OPA 406 refers to development being required to address other sensitive adjacencies while Policy 9.1.2 refers to development contributing to liveability by reasonably limiting uncomfortable wind conditions. The applicant has provided a pedestrian level wind study which concludes that the future wind conditions over grade-level pedestrian wind-sensitive areas within and surrounding the study site will be acceptable for the intended uses on a seasonal basis. Additionally, wind conditions for the outdoor amenity areas on levels 4, 10 and 74 are expected to be suitable for sitting during the summer without mitigation. However, for level 43 mitigation measures are recommended which could be secured as part of a subsequent site plan application. It is however noted that the wind study does not include the recently approved park on the adjacent site at 33 Gerrard and as such, the study must be updated.

Housing - Unit Mix and Unit Sizes

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

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

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

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

The applicant is proposing 232 (57%) one-bedroom, 116 (29%) two-bedroom and 58 (14%) three bedroom units. The proposed unit mix supports the unit mix objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and Growth Plan policies in order to accommodate, within new developments, a broad range of

households including families with children. However, the unit sizes do not meet the unit size objectives of the Growing Up guidelines, and as such should be re-configured.

Additionally, planning staff commented on the need for affordable housing to be included to support the City's and Growth Plan's housing policy objectives to provide a full range of housing (tenure and affordability) within new developments. It is therefore recommend that should LPAT approve this or a modified version of this application, that on-site affordable housing form part of any Section 37 package.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Subsequent to the submission of this application, the Province approved revised Public Realm, Built Form and Tall Building policies as part of OPA 479 and 480. The new Official Plan Built Form Policy 3.1.2.11 states that new indoor and outdoor amenity spaces be provided as part of multi-unit residential developments and consider the needs of residents of all ages and abilities over time and throughout the year. Official Plan Policy 4.5.2 k) states that in Mixed-Use Areas development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit, and through Zoning By-law 569-2013 which requires a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor).

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

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 1185 m² (2.9 m² per dwelling unit) of indoor and 578 m² (1.4m² per dwelling unit) of outdoor space proposed for a total of 1763 m² (4.3 m² per dwelling unit). Although the proposed indoor amenity space provision is appropriate, there is a need to increase the outdoor amenity space in keeping with the standards of the Zoning By-law 438-86 which requires 2.0m² per residential unit.

The majority of the outdoor amenity space is on the northern portion of the site and will likely be in full shadow most of the day. This outdoor space arguably does not conform

with OPA 406 Policy 9.32 - 9.33 which refers to, in part, provision of appropriate sunlight for the outdoor amenity space.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study was submitted with the application which has been reviewed by staff. The application proposed one type G loading space which would be accessed from Walton Street. Trucks would enter in a forward motion onto to a turntable and exit in a forward motion, no parking is proposed.

Transportation Services has identified a 1.17 metre widening requirement along the westerly portion of the property to satisfy the requirement of a 6.0 metre wide public right-of-way as lands to be conveyed to the City free and clear of obstruction. Access to the site must be provided via the widened north-south public lane with the provision of a pick-up/drop-off area on the site via the widened public lane to be provided along the western frontage of the site. This would entail revisions to the loading space configuration.

Additionally, there is a 4.0 metre corner rounding requirement at the southeast corner of the site (north-west corner of Yonge and Walton) as lands to be provided for a Pedestrian Clearway Easement. It is noted that this corner rounding requirement may not be feasible if the listed heritage building, 372 Yonge Street is retained. The application indicates the building would be demolished, whereas Heritage Preservation Services commented that the building should be retained. If the building is retained the corner rounding comment may need to be modified. Site and landscape plans also need to be dimensioned to show minimum clearway widths as per the City's Pedestrian Priority Guidelines, of 3.7 metres along Yonge Street, 3.0 metres along Gerrard Street West and 2.1 metres along Walton Street. It is noted that these guideline dimensions do not reflect the more recent recommendations from the yongeTOMorrow Environmental Assessment and would be updated as part of any future review. To address widening and clearway requirements, it is recommended that, should LPAT approve this or a modified version of this application, that these requirements be secured as a legal convenience in the Section 37 Agreement to support development.

The yongeTOMorrow Environmental Assessment will likely result in changes to Yonge Street which will impact vehicular access to the site. The physical design recommended for construction as part of the Environmental Assessment process does not "lock-in" the future operations of any block. Operations can be adjusted based on the future needs of downtown Yonge Street. This operational recommendation is subject to further consultation and refinement throughout the detailed design process.

The proposed development proposes no vehicular parking. Official Plan policy 4.5.2 i) refers to developments in Mixed Use areas will provide an adequate supply of parking for residents and visitors. The Official Plan policy clearly states that an adequate supply of parking be provided. The proponent takes the position that due to the subject site's location in proximity to the transit network, as well as the abundance of amenities within a walkable distance, that the provision of zero parking spaces is feasible. In a development with 406 dwelling units there will be a demand for some level of on-site parking, whether it is for residents or visitors. The proposal for zero parking spaces cannot meet the definition of adequate. Transportation Services has also commented

that they do not support the proposed zero parking space provision as there are significant concerns related to visitor and pick-up/drop-off activity for this site.. The proposed zero parking spaces does not conform to Official Plan policy. However it should be noted that the current proposals for yongeTOMorrow discourage the use of private vehicles on Yonge Street from Queen to Gerrard. It is acknowledged that the characteristics of this site in the context of the yongeTOMorrow may justify a reduced accomodation for parking.

The proposal includes 24 commercial bicycle parking spaces, 41 resident visitor bicycle parking spaces and 365 resident bicycle parking spaces. The bicycle parking is located below grade with elevator access from a rear entrance adjacent to the laneway. Given the applicant is proposing no vehicular parking spaces, it is especially important to adequately provide for cyclists.

The TTC has also commented on transit elements of the application. The development is located within TTC's 60-metre Development Review Zone of TTC's Line 1 (Yonge-University Subway) and is directly adjacent to TTC's subway tunnel and infrastructure. The TTC has indicated that the plans do not clearly show the relevant dimensions and that a 3 m clearance is required between the building, including all below grade and above grade structures, to all TTC infrastructure. This requirement is recommended to be included as a legal convenience in a Section 37 Agreement. A TTC Technical Review would also be required as part of a subsequent Site Plan application.

TTC has also commented, as an advisory comment, that this development is located within the limits of TTC's Fire Ventilation Upgrade and Line 1 Capacity Review Projects, which involve the construction of new infrastructure essential for ongoing Line 1 operations. Specifically, the development lands have been identified to accommodate a mid-tunnel fire ventilation fan and associated infrastructure. The inclusion of such infrastructure may impact the design of the development including a stratified land requirement over a portion of the property to facilitate system upgrades.

Site Servicing

The applicant submitted a Preliminary Geohydrology Assessment and Functional Servicing and Stormwater Management Report. Engineering and Construction Services has not yet completed its review. As a condition of development, it is therefore recommended that the owner be required to pay for and construct any improvements to the municipal infrastructure in connection with an approved Functional Servicing Report should such improvements be required to support 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 Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

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

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

Parks, Forestry and Recreation staff also commented that the proposed development would cast net new shadows on Allan Gardens and College Park and that the development proposal needs revisions in order to eliminate the net new shadows on the park.

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

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

The applicants submitted a Complete Community Assessment and references the Downtown CS&F Strategy. However, it does not explicitly discuss how the proposed development could assist in addressing identified CS&F needs. Staff have reviewed the development proposal and associated documentation and commented on the need to secure financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area; financial contributions towards a non-profit, licensed child care facility within the vicinity of the subject site or capital improvements to existing facilities within the vicinity of the subject site; and/or financial contributions towards the Lillian Smith branch expansion or revitalization of the Toronto Reference Library.

The application does not propose any community space either on site or through an off-site Section 37 contribution. Given Official Plan Policy encourages the provision of community service facilities and staff have identified a need for such space, it is recommended that should LPAT approve this application or a modified version of it, that a Section 37 contribution be requested as a condition of approval secured through a Section 37 Agreement, should the application result in an approval that would warrant Section 37 contributions.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act.

Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development. Discussions with the applicant concerning Section 37 benefits did not occur as there was no agreement on appropriate development for the site. However, if the application were to be appealed to the LPAT, it is prudent to address Section 37 contributions in the event the LPAT approves the proposed development.

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

- i. financial contributions towards a new Community Recreation Centre to serve growth in the North Downtown area;
- ii. financial contributions towards a non-profit, licensed child care facility within the vicinity of the subject site or capital improvements to existing facilities within the vicinity of the subject site;
- iii. financial contributions towards the Lillian Smith branch expansion or revitalization of the Toronto Reference Library;
- iv. financial contribution towards the provision of on-site affordable housing; and/or
- v. financial contributions towards a PATH connection from the existing knockout panel at 444 Yonge Street to the south side of Gerrard Street

The range of community benefits are comparable to those secured for similar developments in the area. The contribution should be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-

XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of such funds by the Owner to the City.

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

- i The owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the City's Executive Director of Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Executive Director of Engineering and Construction Services;
- ii that the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;
- iii. The owner maintain a 3 m clearance between the building, including all below grade and above grade structures, to all TTC infrastructure;
- iv. that the owner provide a 1.17 metre widening requirement along the westerly portion of the property to be conveyed to the City free and clear of obstruction and a corner rounding requirement at the southeast corner of the site (north-west corner of Yonge and Walton) as lands to be provided for a Pedestrian Clearway Easement.

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

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 proposed development does not conform to the Mixed Use Area 2 designation in OPA 406 as a 74 storey building is not consistent with this designation. The proposed development can not achieve appropriate tower setbacks nor stepbacks because the site is too small for tower development. Additionally, the proposed development:

- does not provide an appropriate heritage conservation strategy including whole building conservation of 372 Yonge and appropriate tower setbacks from heritage buildings;
- does not minimize shadowing on the public realm and nearby McGill Granby neighbourhood;
- lacks sufficient outdoor amenity space and the outdoor amenity space that is provided is in an inappropriate location and form;
- there is no parking; and
- the application to date does not have a satisfactory Functional Servicing Report to address servicing issues.

Therefore, for the reasons outlined in this report, it is recommended that staff be directed to attend the LPAT hearing in opposition to the applicant's development proposal and application for an Official Plan Amendment and Zoning By-law Amendment for the property at 372-378 Yonge Street.

CONTACT

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SIGNATURE



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

ATTACHMENTS

City of Toronto Data/Drawings

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

Applicant Submitted Drawings

- Attachment 5: Site Plan
- Attachment 6: 3D Model of Proposal in Context - Looking Southeast
- Attachment 7: 3D Model of Proposal in Context - Looking Northwest
- Attachment 8: North Elevation
- Attachment 9: South Elevation
- Attachment 10: West Elevation

Attachment 11: East Elevation

Attachment 1: Application Data Sheet

Municipal Address: 372 YONGE ST Date Received: July 29, 2020
Application Number: 20 174053 STE 11 OZ
Application Type: OPA / Rezoning, OPA & Rezoning
Project Description: Proposal for a 74-storey mixed-use building comprised of 3693.10 square metres of non-residential floor area and 32,178.20 square metres of residential gross floor area. A total of 406 residential dwelling units are proposed.

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

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 4.0 (c4.0; r1.5) SS1 (x2553)	Heritage Designation:	Y
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 961 Frontage (m): 32 Depth (m): 27

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			690	690
Residential GFA (sq m):			32,178	32,178
Non-Residential GFA (sq m):		702	2,991	3,693
Total GFA (sq m):		702	35,170	35,871
Height - Storeys:			74	74
Height - Metres:			245	245

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

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

Total Residential Units by Size

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

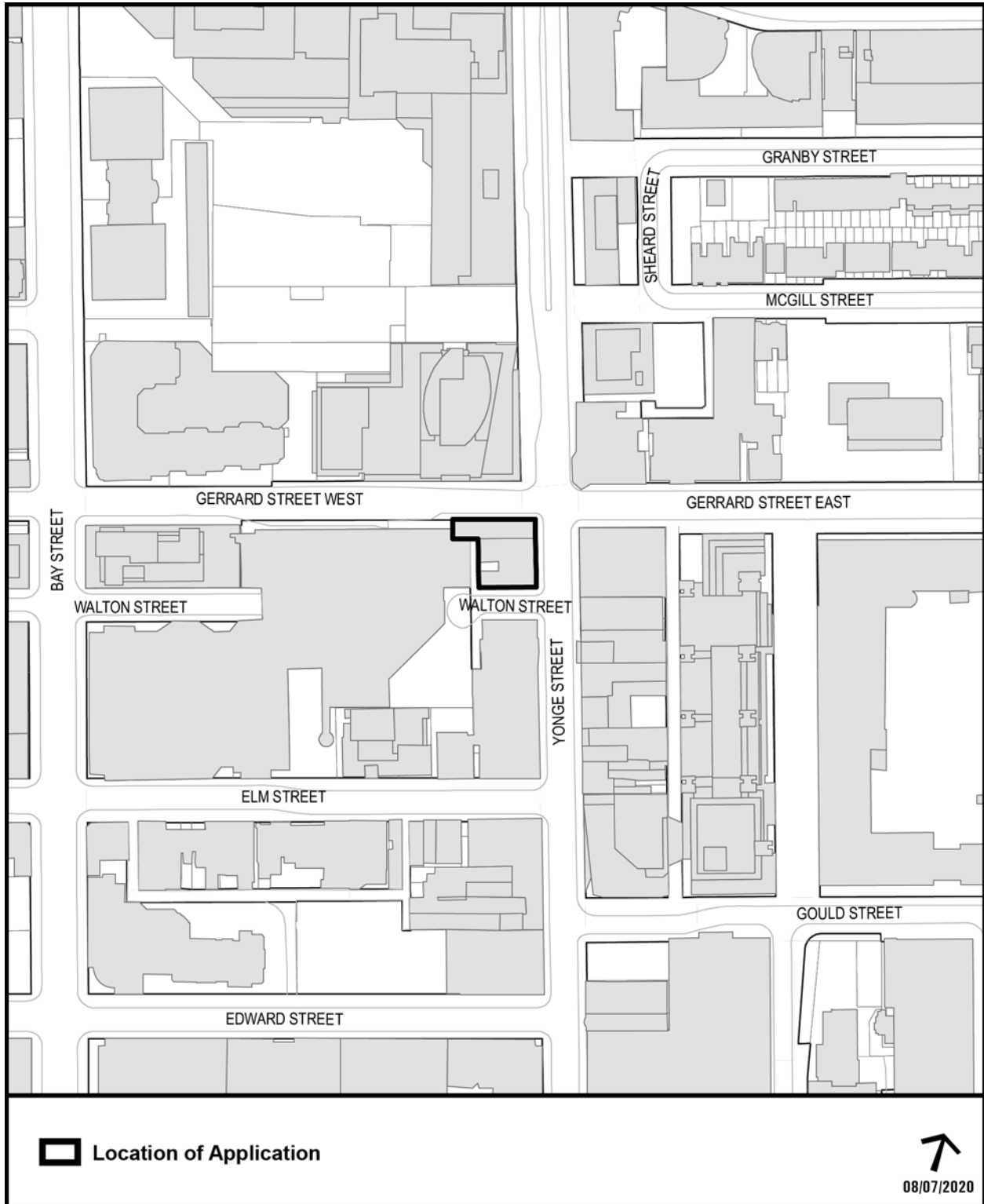
Parking and Loading

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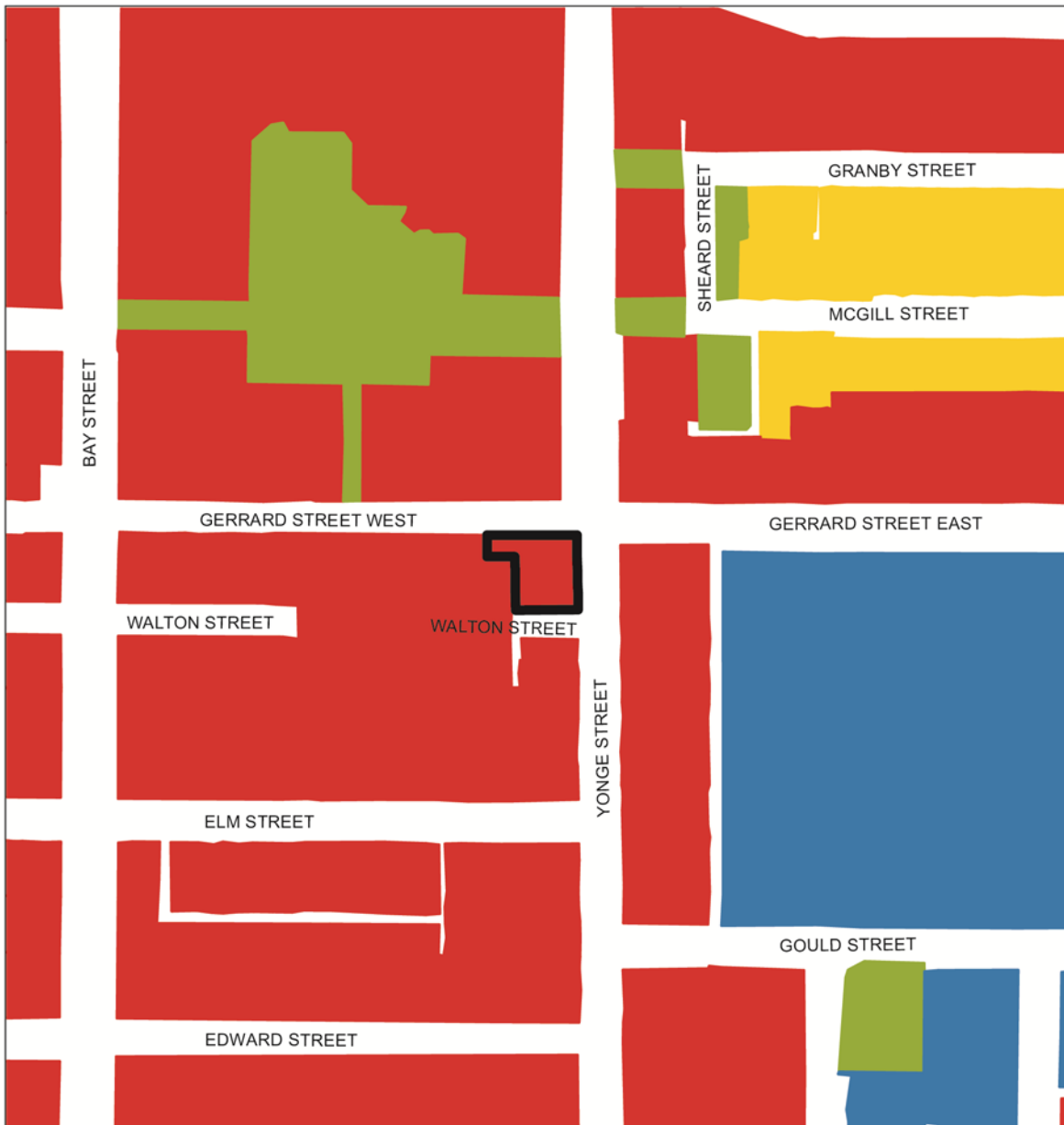
CONTACT:

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

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



372-378 Yonge Street

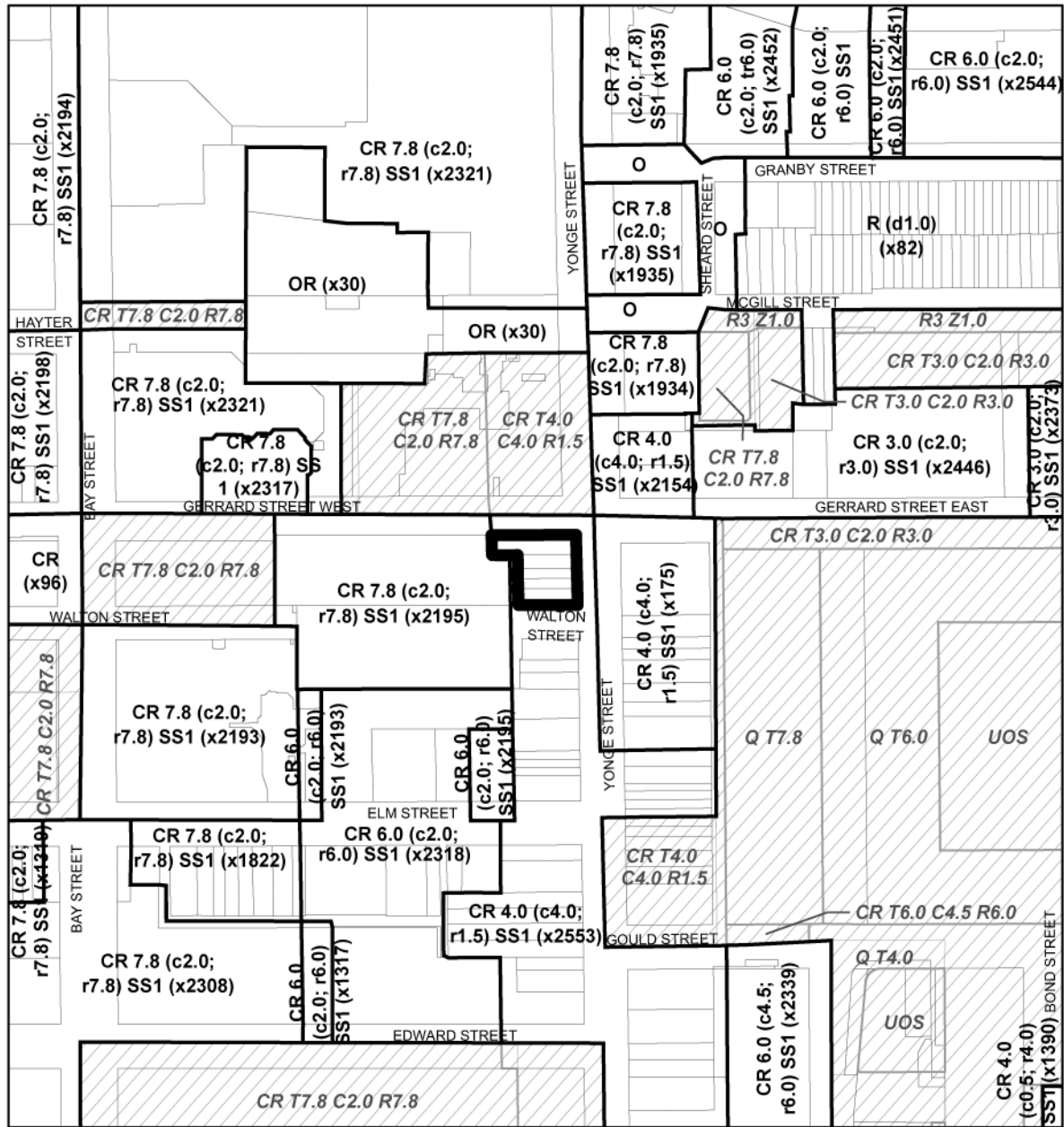
Official Plan Land Use Map

File # 20 174053 STE 11 OZ

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks
-  Institutional Areas


Not to Scale
08/10/2020

Attachment 4: Existing Zoning By-law Map





Zoning By-law 569-2013

372-378 Yonge Street

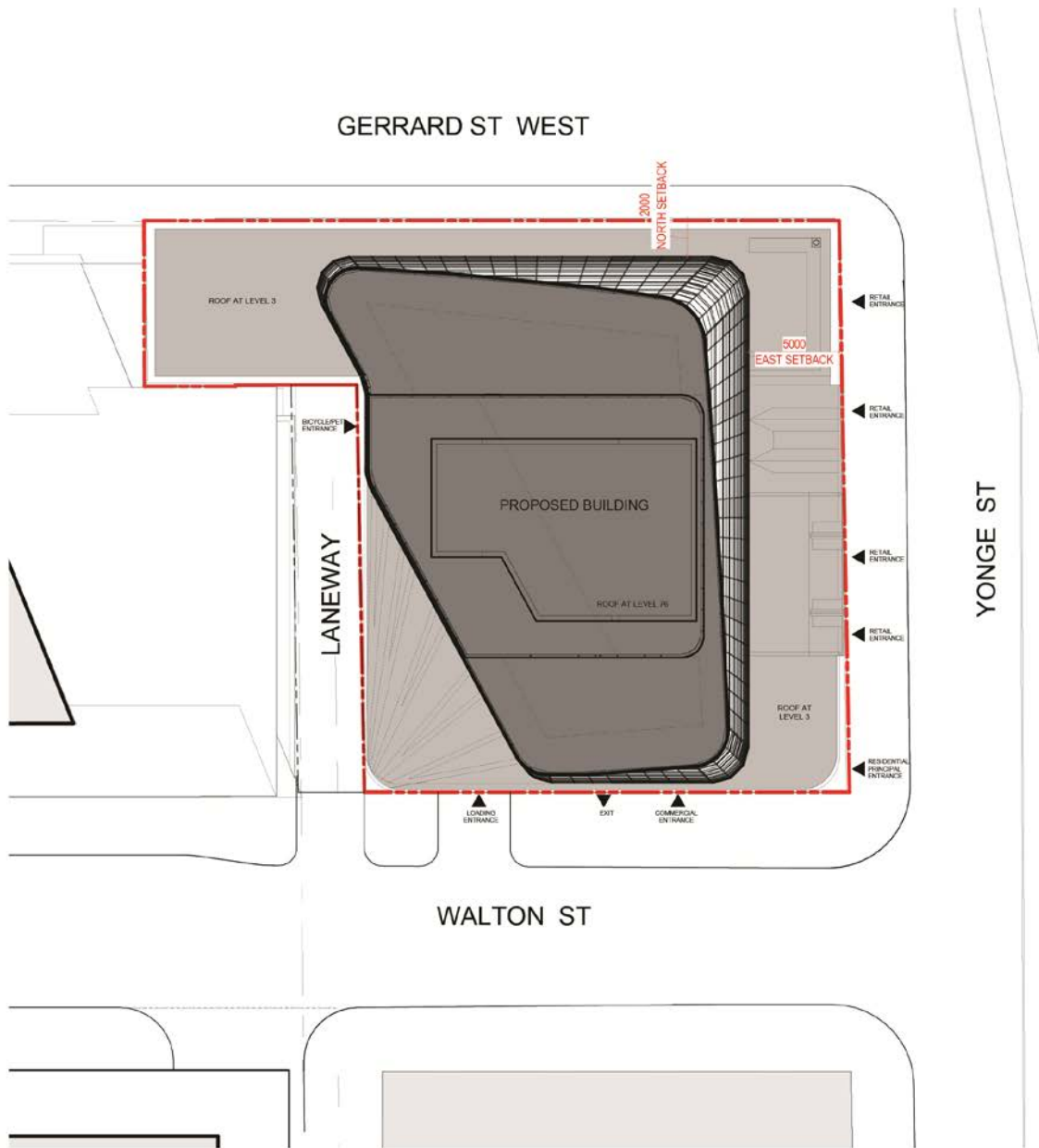
File # 20 174053 STE 11 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- CR** Mixed-Use District
- Q** Mixed-Use District
- UOS** Parks District


 Not to Scale
 Extracted: 01/29/2021

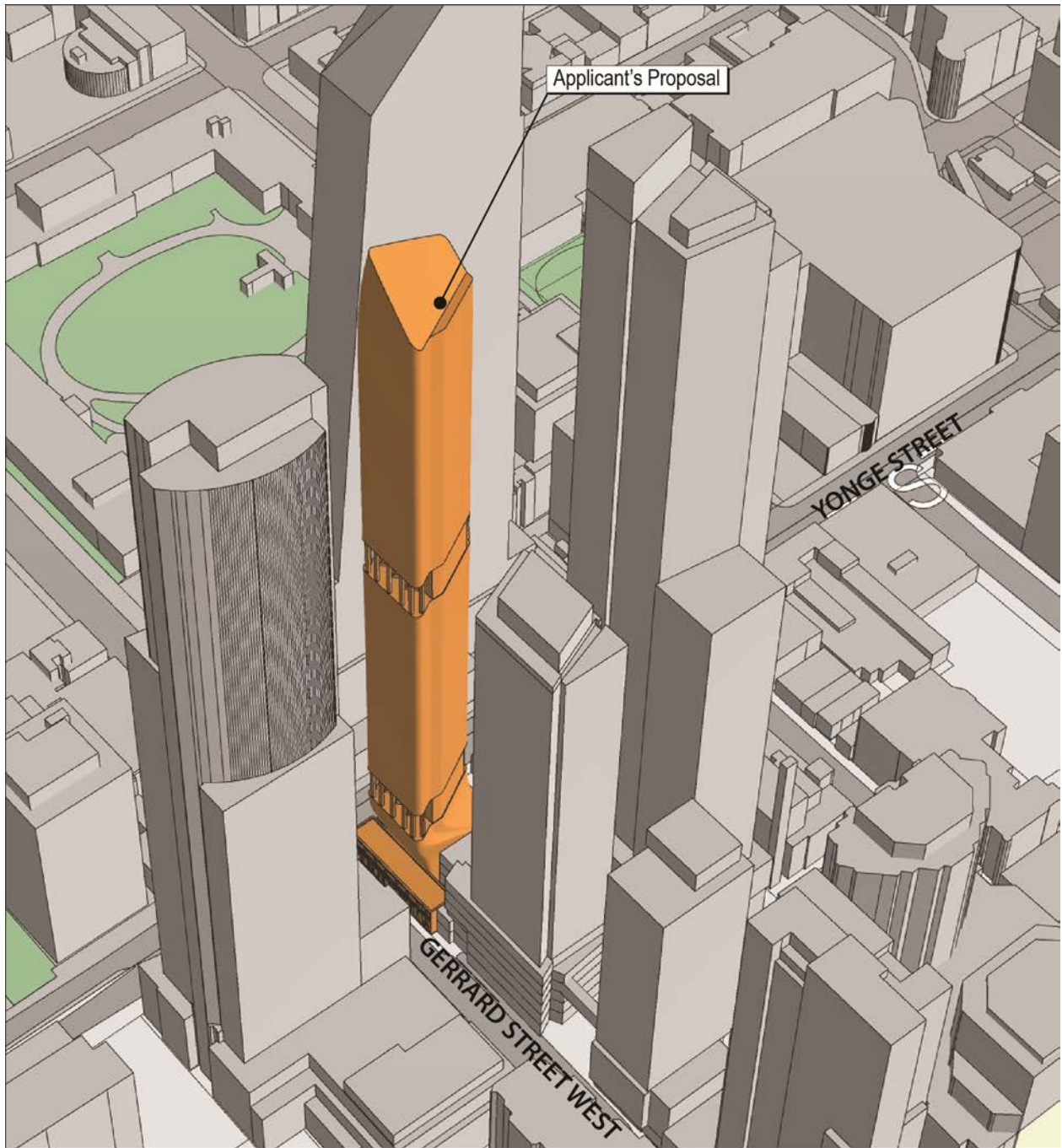
Attachment 5: Site Plan



Site Plan



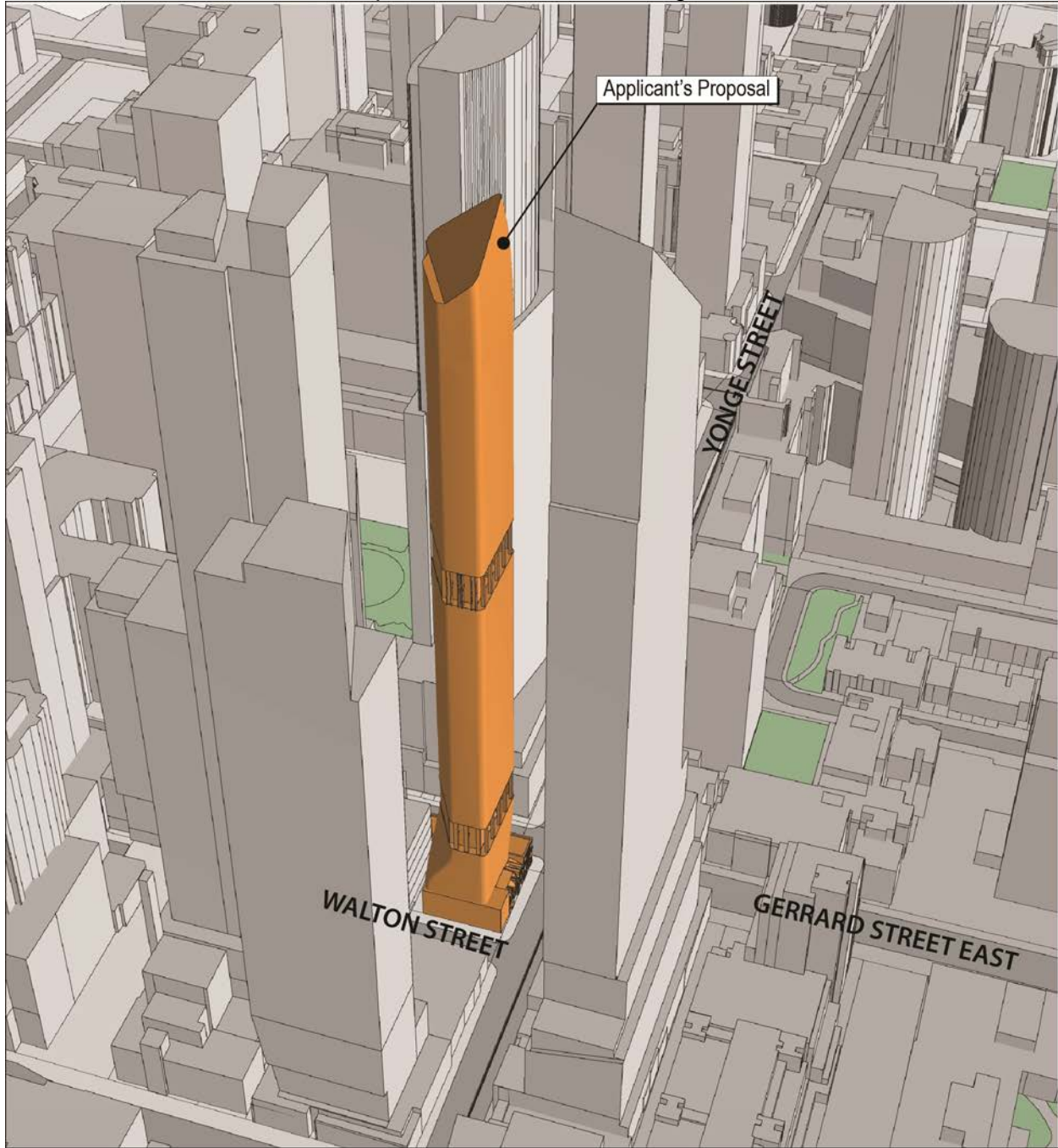
Attachment 6: 3D Model of Proposal in Context - Looking Southeast



View of Applicant's Proposal Looking Southeast

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08/21/2020

Attachment 7: 3D Model of Proposal in Context - Looking Northwest

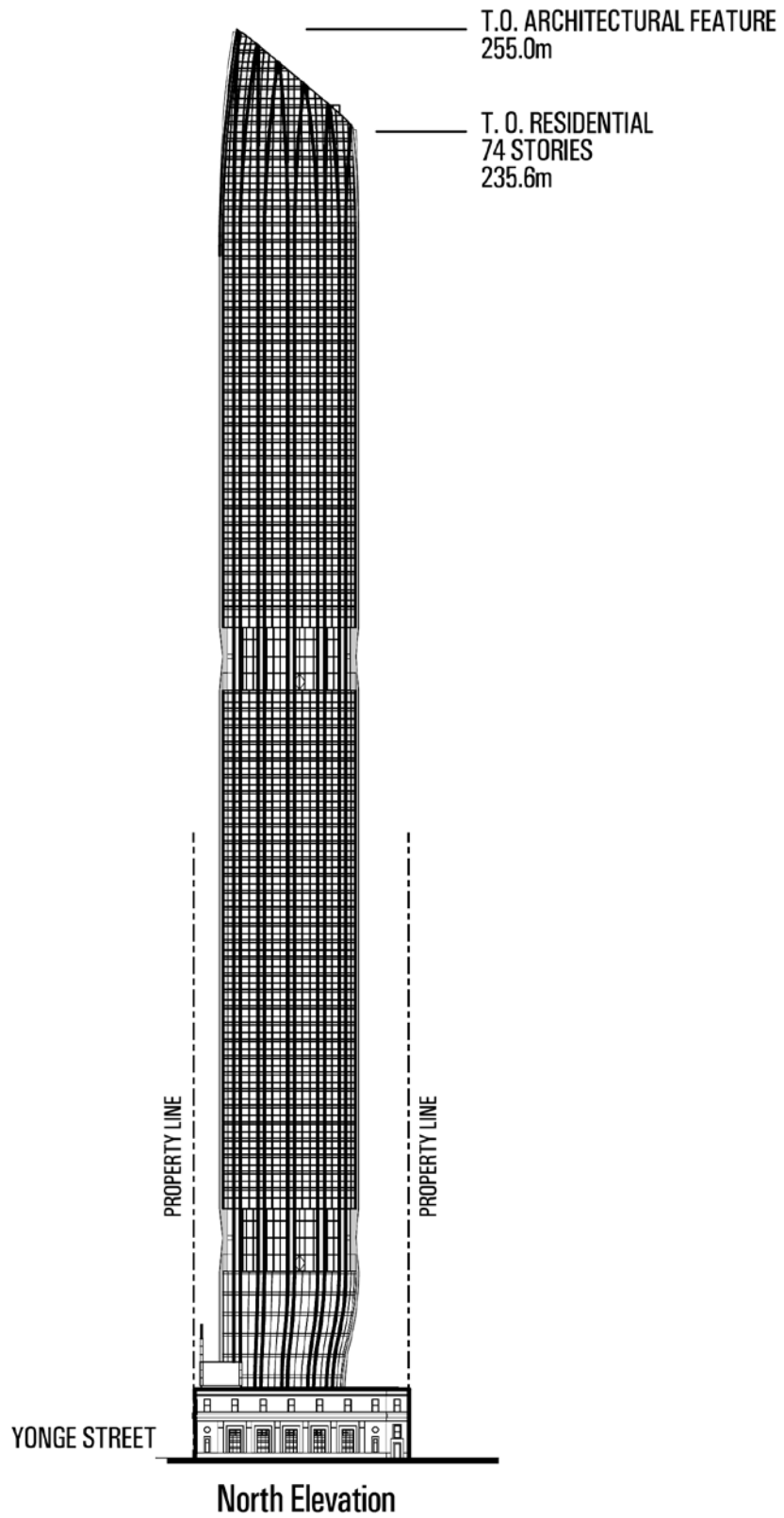


View of Applicant's Proposal Looking Northwest

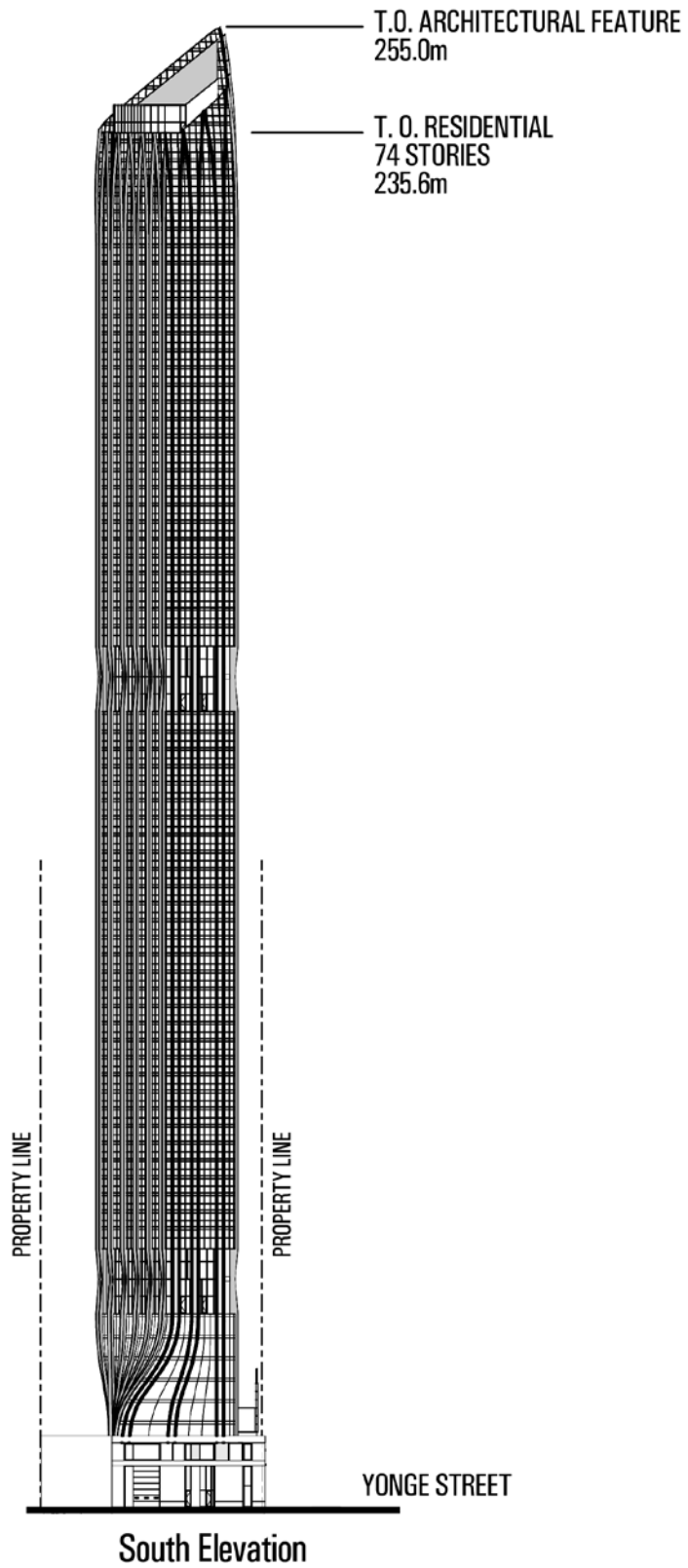


08/21/2020

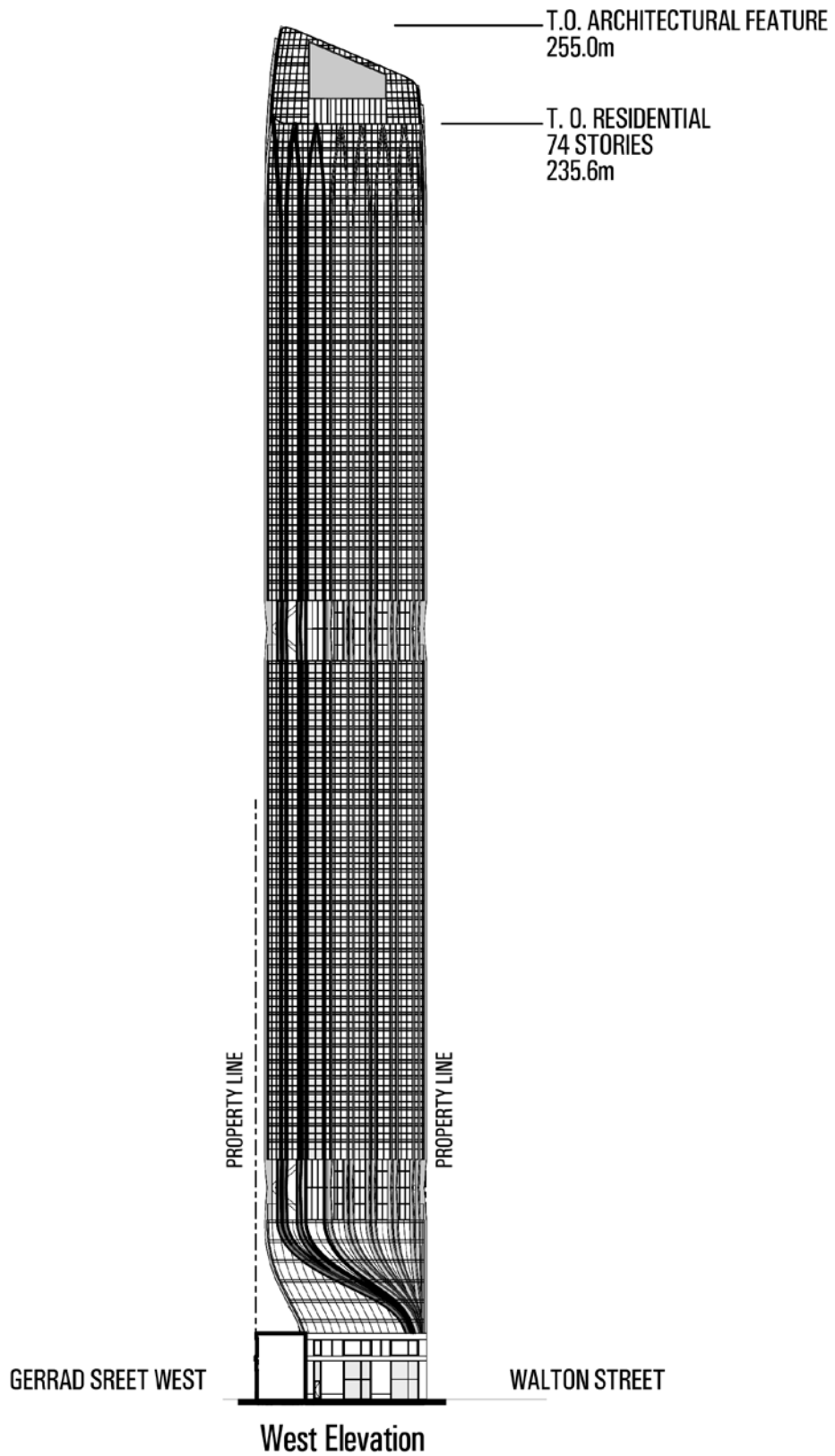
Attachment 8: North Elevation



Attachment 9: South Elevation



Attachment 10: West Elevation



Attachment 11: East Elevation

