

1913-1951 Yonge Street, 17-21 Millwood Road and 22 Davisville Avenue – Zoning By-law Amendment Application – Request for Direction Report

Date: April 29, 2021

To: Toronto and East York, Community Council

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

Ward: 12 - Toronto-St. Paul's

Planning Application Number: 20 191099 STE 12 OZ

SUMMARY

On September 8, 2020, a Zoning By-law Amendment application was submitted to permit two residential towers at 30 and 45-storeys on a shared 8-storey base building with ground floor retail at 1913-1951 Yonge Street, 17-21 Millwood Road and 22 Davisville Avenue. The properties at 1913, 1917, 1919, 1919A, 1921 and 1923 Yonge Street are listed on the Toronto Heritage Register and are proposed to be demolished.

On December 16, 2020, the Applicant appealed the application to the Local Planning Appeal Tribunal ("LPAT"), due to Council not making a decision within the 90-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the LPAT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 1913-1951 Yonge Street, 17-21 Millwood Road and 22 Davisville Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

a. the final form of the Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;

b. the owner has submitted an updated Transportation Study and a Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services;

c. the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment Application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

d. the owner has submitted a revised Functional Servicing and Stormwater Management Report and associated financial securities, if required, for improvements to the existing municipal infrastructure satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;

e. community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

f. the owner has submitted and received approval from City Council regarding a Rental Housing Demolition Application for the proposed demolition;

g. the owner agrees to satisfy their required parkland dedication by conveying to the City an appropriate off-site parkland dedication, which shall be transferred to the City prior to the issuance of the first above grade building permit, and such agreement shall be secured in a registered Section 37 Agreement, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

h. the owner has submitted an updated Revised Heritage Impact Assessment that includes a conservation strategy for the on-site significant heritage resources to the satisfaction of the Senior Manager, Heritage Planning.

i. the significant heritage resources noted in the Revised Heritage Impact Assessment required by recommendation 2.h are designated under Part IV, Section 29 of the Ontario Heritage Act;

j. the owner enters into a Heritage Easement Agreement with the City for the significant Heritage resources noted in the Revised Heritage Impact Assessment required by Condition 1 substantially in accordance with the above noted

Revised Heritage Impact Assessment all to the satisfaction of the Senior Manager, Heritage Planning including execution and registration of such agreement to the satisfaction of the City Solicitor; and

k. the owner provides a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Revised Heritage Impact Assessment required by recommendation 2.h all to the satisfaction of the Senior Manager, Heritage Planning.

l. the owner has submitted a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor, in consultation with the local community, and afterward shall implement the plan during the course of construction; the Construction Management Plan will include, but not be limited to the following construction-related details: appropriate measures to address the safety of students and staff at Davisville Public School; noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

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

On March 29, 2017 an Official Plan and Zoning By-law Amendment Application (File No. 17 136251 STE 22 OZ) was submitted to permit a 34 and 25-storey mixed use development linked by a 9 and 3-storey base building and a 392 square metre on-site park. The application applied to 1925-1951 Yonge Street, 17-21 Millwood Road and 22 Davisville Avenue.

On November 2, 2017, the application was appealed to the LPAT.

On April 24, 2018 City Council adopted a Request for Direction Report to authorize the City Solicitor, together with appropriate City staff, to attend the LPAT hearing to oppose

the appeal. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE31.14>

On September 23, 2019 the applicant withdrew the Zoning By-law Amendment component of the original application (File No. 17 136251 STE 22 OZ) but the Official Plan Amendment remains under appeal at the LPAT. The Official Plan Amendment application proposes to re-designate the northeast portion of the subject site from Neighbourhoods to Mixed Use Areas. The updated Yonge-Eglinton Secondary Plan (OPA 405) designates the entirety of the subject site Mixed Uses Areas.

On September 8, 2020, the subject Zoning By-law Amendment was submitted to permit two residential towers at 30 and 45-storeys on a shared 8-storey base building with ground floor retail. A Preliminary Report was adopted by Toronto and East York Community Council on November 10, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE20.24>

SITE AND SURROUNDING AREA

The rectangular-shaped site at 1913-1951 Yonge Street, 17-21 Millwood Road and 22 Davisville Avenue (the "Site") consists of is approximately 5,726 square metres with frontage along Yonge Street (west), Davisville Avenue (south) and Millwood Road (north). The frontage along Yonge Street is approximately 85.26 metres, with frontages of approximately 26.3 metres along Davisville Avenue and approximately 64.7 metres along Millwood Road.

The Site area is larger than the previous application and includes the addition of five properties: 1913, 1915, 1919, 1921 and 1923 Yonge Street. The applicant does not own the property at 1921 Yonge Street.

The Site is currently primarily occupied with surface parking lots (approximately 4,070 square metres). The remainder of the Site contains 1 and 2-storey commercial and mixed use buildings. The buildings at 1913, 1917, 1919, 1919A, 1921 and 1923 Yonge Street are listed and on the Toronto Heritage Register. The buildings at 1913, 1919 and 1923 contain a total of four rental housing units.

Uses and structures near the Site include:

North: of the Site is a series of 2-3 storey mixed use buildings fronting onto Yonge Street. A recently completed 9-storey mixed use building, known as the J. Davis House is located between Millwood Road and Belsize Drive (1985 Yonge Street). To the northeast is a low rise residential Neighbourhood.

South: of the Site, at the northeast corner of Yonge Street and Davisville, is a 2-storey commercial building (1909 Yonge Street), which was listed on the City of Toronto Heritage Register on November 21, 1973. To the rear of the 1909 Yonge Street

building, adjacent to the private lane, is a single-storey commercial building (2A Davisville Avenue), which is occupied by a retail store (Spoiled Baby). At the southeast corner of Yonge Street and Davisville Avenue is a 10-storey mixed-use office building. Commercial buildings ranging from 8 to 11 storeys front on the east side of Yonge Street further to the south.

East: of the Site is the 1.54-hectare (3.81-acre) Davisville Junior Public School/Spectrum Alternative Senior School (43 Millwood Road), currently under construction. A new City of Toronto aquatic centre is also proposed in the southwest corner of the school property. East of the school property is a low-rise residential Neighbourhood.

West: of Yonge Street and north of Chaplin Crescent, is a 5-storey office building, with retail uses at grade (1910 Yonge Street). To its immediate north is a 9-storey office building, with retail at grade (1932 Yonge Street) and a 7-storey residential building, The Residences of Davisville (1944 Yonge Street).

On the south side of Davisville Avenue is a 7-storey office building known as the William McBrien Building (1900 Yonge Street). It is the administrative headquarters of the Toronto Transit Commission (TTC) and is located directly above the Davisville subway station.

Refer to Attachment 1 for the Location Map.

THE APPLICATION

Description

The application proposes two-towers at 30 and 45-storeys (102.0 and 148.5 metres, plus mechanical penthouse respectively), on a shared 8-storeys base building (34 metres). The proposal contains 3,000 square metres of ground-floor retail space with residential uses above. The proposal has a gross floor area of 39,003 square metres resulting in a Floor Space Index of 11.35 times the area of the Site.

The proposed 45-storey south tower has a floor plate size of 750 square metres. It is stepped back 6.0 metres from the face of the base building along Yonge Street, resulting in a setback of 10.5 metres from the Yonge Street property line. The tower is set back 8.9 metres from the listed heritage building at 1909 Yonge Street that does not form part of this application and 18.0 metres from the east property line, with a 25.0 metre separation distance from the proposed north tower.

The proposed 30-storey north tower has a floor plate of 750 square metres. It is setback 4.5 metres from the Yonge Street property line, 8.4 metres from the Millwood Road property line and 24 metres from the east property line.

The proposal consists of 821 dwelling units, with a unit mix of 46 studio units (6%), 403 one-bedroom units (49%), 273 two-bedroom units (33%), and 99 three-bedroom units

(12%). The proposal includes 2,044 square metres of indoor amenity space and 1,269 square metres of outdoor amenity space.

The application includes a 4-level underground parking garage containing 92 commercial/visitor and 350 resident vehicular parking spaces. A total of 1,008 bicycle parking spaces are proposed. Access to the parking garage would be from a driveway along the east side of the Site connecting to Millwood Road and Davisville Avenue. One Type G and Type B loading spaces are proposed.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1, 3 and 6 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. The Application Data Sheet contains additional details about the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reasons for the Application

The Zoning By-law Application is required to vary performance standards including: building height; floor space index; building setbacks; landscaped open space; and parking requirements.

A Rental Housing Demolition Application is required but has not been submitted. The proposal requires the demolition of 4 existing residential rental units (two three-bedroom units at 1913 and 1919 Yonge Street and two rental units of unknown size and type at 1923 Yonge Street). The applicant currently does not own the property at 1921 Yonge Street. City staff will need further information from the applicant and the owner of 1921 Yonge Street in order to determine how to proceed.

Site Plan Control

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

POLICY CONSIDERATIONS

The Site is designated Mixed Use Areas "A" and is located in the Davisville Station Character Area in the Yonge-Eglinton Secondary Plan. The Davisville Station Character Area is a retail and office node located around the Davisville subway station. New tall buildings will frame the Yonge Street and Davisville Avenue intersection with an anticipated height range of 30 - 45 storeys for the tower portion and 8 storeys for base buildings.

The Site contains 4 residential rental units. Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of rental properties in the City.

The properties at 1913, 1917, 1919, 1919A, 1921 and 1923 Yonge Street are listed on the Toronto Heritage Register. The Site is adjacent to properties on the Heritage Register, at 1909 Yonge Street, and 2 and 2A Davisville Avenue.

There are multiple zoning categories that apply to the Site. The properties on Millwood Road are zoned for low-rise residential uses. The central portion of the Site along Yonge Street is zoned for main street commercial and residential uses and the southern portion of the Site, including properties on Yonge Street and Davisville Avenue, is zoned for commercial residential uses.

Information on applicable policy documents can be found in Attachment 7.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on January 27, 2021. Approximately 117 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments on the proposed development were made by community members:

- need for broader range of uses including office and community uses;
- need for affordable housing;
- negative impact on the main street character of Yonge Street;
- construction impacts including potential for building at 1909 Yonge Street to be damaged;
- need for on-site dog relief area;
- buildings are too tall;
- concerns with shadow impact on the school and residential area to the east;
- need for accessibility to be included in the retail and unit design;
- lack of school capacity in the area;
- increased traffic and its impacts on the surrounding area and safety of students;
- the proposed connection between Millwood Road and Davisville Avenue will be useful for pedestrians; and,
- the proposed ground level open space shown as a design option at the meeting would be positive.

COMMENTS

The proposal has been reviewed against the *Planning Act*, PPS, Growth Plan and Official Plan and Secondary Plan policies, planning studies and design guidelines.

Planning Act

Planning Staff have reviewed the application having regard for the relevant matters of provincial interest set out under Section 2 of the Planning Act. The application does not have sufficient regard to Section 2(d), which speaks to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. Provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). The proposal is consistent with some but not all of the policies in the PPS and conforms with some but not all of policies in the Growth Plan.

Provincial Policy Statement (2020)

Planning Staff have reviewed the application against the policies of the PPS and find that the proposal in its current form is not consistent with the PPS as it relates to matters of heritage conservation.

The PPS directs that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.

The PPS directs that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties 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 does not appropriately conserve the heritage resources on the site.

A decision by City Council to oppose the current proposal given the non-conformity with Official Plan policies as described below, will be consistent with the PPS.

Growth Plan (2020)

Planning Staff have reviewed the application against the policies of the Growth Plan and find that the proposal in its current form does not conform with the Growth Plan as it relates to matters of heritage conservation.

The Growth Plan indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. The proposed development does not appropriately conserve the on-site heritage resources. As such the development does not conform to the Growth Plan.

A decision by City Council to oppose the current proposal will also conform with the Growth Plan.

Land Use

The proposed commercial and residential uses align with the Official Plan designation and the underlying Zoning By-laws.

Rental Housing Demolition

The Application proposes to demolish 7 residential units, of which 4 are rental dwelling units. A Rental Housing Demolition Application has not been submitted but one is required to be approved prior to the demolition of any of the rental housing units.

Based on the information included in the applicants Housing Issues Report, replacement of the existing rental dwelling units in accordance with Official Plan Policy 3.2.1.6 will not be required, as the Site contains fewer than 6 rental dwelling units. However, a tenant relocation and assistance plan will be sought for the impacted tenants. Also, as per Chapter 667-14, a tenant consultation meeting is required to review the impact of the proposal on tenants of the residential rental property and matters under Section 111 of the City of Toronto Act. A tenant meeting would take place before a decision is made on a Rental Housing Demolition Application.

In the event that the LPAT allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its final Order until the Chief Planner and Executive Director, City Planning has approved the Rental Housing Demolition Application; and until the owner has entered into and registered on title one or more agreements with the City securing the rental housing matters.

Height and Massing

The Site is located in the Davisville Station Character area in the Yonge-Eglinton Secondary Plan. The Secondary Plan calls for base building heights of 8 storeys and overall anticipated building height range of 30 to 45 storeys, which numerically is in line with the proposal. However, elements of the massing are too tall. The massing of the base building creates negative impacts on the surrounding area. New buildings in Mixed Use Areas should be located and massed to provide transition to lower-scale Neighbourhoods, frame the edge of streets and maintain sunlight for pedestrians.

Midblock Connection

The Yonge-Eglinton Secondary Plan identifies a potential midblock connection on the eastern portion of this Site. A new midblock connection would allow pedestrians to travel between Davisville Avenue and Millwood Road and provide improved pedestrian access for people using the school and future aquatic centre. Further discussion with the applicant about the provision and design of a midblock connection are required.

Heritage

The properties at 1913, 1917, 1919, 1919A, 1921 and 1923 Yonge Street are on the Toronto Heritage Register and are proposed to be demolished. The property immediately south of the site at 1909 Yonge Street is also listed on the Toronto Heritage Register. The applicant has submitted a Heritage Impact Assessment ("HIA") in support of the application. The HIA does not propose the retention of any of the heritage listed buildings on the Site. Further discussion with the applicant is required to determine the appropriate conservation strategy for the properties as well as the proposals relationship with the heritage listed building at 1909 Yonge Street.

Servicing and Stormwater Management

The applicant has submitted a Functional Servicing and Stormwater Management Report in support of the application. Engineering and Construction Services staff have reviewed the submitted materials and require revisions to the Functional Servicing and Stormwater Management Report as outlined in the memorandum from Engineering and Construction Services dated April 28, 2021. The applicant must also provide a Hydrological Review Summary Form and Servicing Report Groundwater Summary to be reviewed and accepted.

In the event that the LPAT allows the Official Plan and Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending the confirmation that the Functional Servicing and Stormwater Management Report has been revised to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services and it is demonstrated that the municipal water, sanitary and storm sewer systems can support the proposed development

Road Widening

The application provides the 0.4 metre wide conveyance along Yonge Street as required by the Official Plan, to satisfy the requirement of a 27 metre wide right-of-way.

While a 0.86 metre widening is required along the Davisville Avenue to satisfy the requirement a 20 metre wide right-of-way, the application proposed a 2.35 metre widening. Given the potential need for a transit shelter/pad, Transportation Services supports the additional right-of-way conveyance.

Traffic Impact

The applicant submitted an Urban Transportation Considerations Report in support of the application. The report estimates that the proposed development will generate approximately 100, 100 and 105 net new two-way vehicular trips during the morning, afternoon school, and afternoon peak hours, respectively taking into account the existing site traffic.

The report concludes that site-related traffic can be on the area street network. The report proposes to restrict southbound left-turns from the Site onto Davisville Avenue. Transportation Services staff accept these conclusions.

Given the intensification of the residential component for the Site, the applicant is required to review the feasibility for the design and construction of a traffic signal at Yonge Street and Millwood Road. Given the need for pedestrian crossings/safety, the adjacency of the school zone to the east, along with the operational concerns at the intersection, this infrastructure is necessary for the full build-out of the Site as proposed.

Driveway Access and Site Circulation

Vehicular access to the subject site is proposed via a north-south driveway, located along the east property line, which extends from Davisville Avenue to Millwood Road. The driveway appears to provide a consistent 6.0 metre wide drive aisle with additional width provided for vehicle lay-bys. The curb cuts on both Davisville Avenue and Millwood Road are at 6.0 metres in width which is acceptable.

The existing access on Yonge Street is proposed to be removed. Transportation Services staff acknowledge the benefit of closing the access driveway on Yonge Street and providing a connection through the Site between Millwood Road and Davisville Avenue.

Corner Rounding

A 5-metre corner rounding at the southeast corner of the Yonge Street/Millwood Road intersection is required provide additional pedestrian space at the intersection. This corner rounding can be secured via a Pedestrian Clearway easement provided the development above-grade is a minimum of 3.0 metres above the finished grade. In conjunction with this easement, Transportation Services is requesting the applicant to design and construct a curb extension (bump-out) along the Millwood Road frontage of the Site, at Yonge Street, in accordance with the City's Curb Extension, Curb Radii, and Lane Width Design Guidelines.

Parking

A total of 442 parking spaces (350 resident and 92 shared commercial/visitor spaces) are proposed in a 4-level underground parking garage. The submitted Urban Transportation Considerations Report concludes that the proposed parking will meet the resident and visitor demand for the Site. The proposed supply rates of 0.43 spaces per unit for residents and 0.11 spaces per unit for visitors/retail uses is acceptable to Transportation Services with the inclusion of additional Travel Demand Management related measures as required by Transportation staff.

Loading

The application proposes 1 Type G and 1 Type B loading spaces in accordance with Zoning By-law 569-2013 as well as short-term loading/lay-by spaces provided along the driveway. Transportation Services are satisfied with the proposed loading spaces.

Tree Preservation

The Application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law'.

An Arborist Report and Tree Inventory and Preservation Plan were submitted by the applicant.

The applicant proposes to remove 15 City-owned trees regulated by the Street Tree By-law, 1 privately-owned tree regulated by the Private Tree By-law, and 13 privately-owned trees not regulated by the Private Tree By-law on the Site.

The concept landscape plans propose the planting of 15 new trees within the adjacent road allowances, which satisfies the compensation planting requirements for City-owned street trees to be removed. If it is not possible to achieve the necessary setbacks from utilities within the Yonge Street road allowance to provide an acceptable number of replacement trees with adequate soil volumes, then Urban Forestry may deny the tree removal permit application. Urban Forestry requires detailed landscape plans as part of a future Site Plan Control application.

Public Realm

The proposal provides an approximately 7-metre setback from curb to building face on the northern portion of the Yonge Street frontage and approximately 5 metres on the southern portion of the Yonge Street frontage.

The proposal includes the conveyance of a 2.35-metre strip of land to the City along Davisville Avenue for road widening. The base building is setback approximately 2.0 metres further and the total distance from curb to building face of 6.7 metres until Davisville venue is widened, at which point the total distance from curb to building face would be 4.7 metres.

The base building is setback 1.5 to 2.5 metres from Millwood Road allowing for approximately 6 metres from curb to building face.

Further discussion with the applicant are required to explore opportunities for a Privately Owned Publicly-Accessible Space (POPS) on the Site, wider sidewalk zones and other public realm improvements.

Sun/Shadow

The proposal casts shadows on Yonge Street and the Neighbourhoods properties to the west of the street between approximately 9 am and 1 pm, on the Neighbourhoods properties on the east side of Yonge Street from approximately 1 pm to 4 pm, and on the Davisville Public School property from approximately 2 pm to sunset. Planning staff require revisions to the massing to reduce shadow impacts on the surrounding area.

Wind

The pedestrian-level wind study submitted in support of the proposal found that all grade-level areas within and surrounding the Site will be acceptable for the intended pedestrian uses throughout the year. Specifically, wind conditions over surrounding sidewalks, building access points, bus stops, and outdoor amenity areas will be acceptable for the intended uses throughout the year without mitigation.

Wind mitigation measures such as a wind barrier would be required if a patio is to be located near the northwest corner of the building to ensure comfortable wind conditions.

Conditions within the east amenity terrace at Level 2 are predicted to be suitable for sitting during the typical use period from late spring through early autumn.

Conditions within the west amenity terrace at Level 2 may require local mitigation in the form of wind barriers along the perimeter of the terrace to ensure conditions are acceptable. A canopy at the southwest corner of the terrace will also reduce downwash of higher-level winds over this space.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The Site is in an area with 12 - 28 square metres of parkland per person, which is less than the city-wide average provision of 28 square metres of parkland per person in 2016. Given the future expected growth both on the Site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

The applicant has agreed to satisfy their parkland dedication requirements through the conveyance of 64, 66, 68, and 76 Soudan Avenue. These properties will expand the parkland secured at 33 Holly Avenue, which was one of the parkland objectives of the Midtown In Focus Study and subsequent Yonge-Eglinton Secondary Plan.

Amenity Areas

The Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development.

Zoning By-law 438-86 and 569-2013 which respectively require a minimum of 2 square metres of indoor and 2 square metres of outdoor amenity space for each unit; and a minimum of 4 square metres of amenity space for each unit (of which at least 2 square metres shall be indoor).

A total of 2,044.26 square metres of indoor amenity space is proposed (2.49 square metres per unit), well in excess of the required provision of 2.0 square metres per unit. Outdoor amenity space is proposed to be provided at a rate of 1.55 square metres per unit (1,268.86 square metres), resulting in an overall amenity space provision of 4.04

square metres per unit, in excess of the zoning by-law requirement of 4.0 square metres per unit. Incorporating family and child-friendly areas within amenity areas as per the Growing Up Guidelines is also recommended.

Pet Friendly Design Guidelines

A dog run with an associated indoor wash/grooming station, as per the Pet-Friendly Guidelines, should be included as part of the outdoor area.

Toronto Green Standard

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

The Applicant is required to meet Tier 1 of the TGS. The Applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner.

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

The following potential CS&F contributions should be considered as part of any Section 37 Agreement should the project proceed to approval in some form:

- a non-profit, licensed child care facility on-site, with adjoining outdoor play space, as per the City's standard terms and conditions,
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- Additional space for Davisville Public School; and/or

- a financial contribution towards the development of the Davisville Aquatic and Recreation Centre.
- Any in-kind benefits provided on site pursuant to Section 37 of the Planning Act, will be subject to the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Toronto District School Board

The Toronto District School Board (TDSB), who is a party to this LPAT appeal, has determined that there is insufficient capacity at local elementary schools to accommodate the students anticipated from the proposed development and others in the area.

The TDSB has privacy and safety concerns regarding the location of the balconies and terrace located on the rear of the podium (levels 3-5), north of the proposed amenity area.

The shadow study for June and March/September shows some shadow impact on the school's outdoor space in the late afternoon, which may adversely impact after-school activities during the school year.

The TDSB support the proposed turn restrictions, preventing vehicles exiting the site and travelling east along Davisville Avenue and Millwood Road. This would reduce the number of vehicle movements passing the school property, particularly in the AM peak period, and would therefore assist in mitigating potential conflicts with students and other school users accessing the 43 Millwood Road property.

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. Planning staff has not met with the Applicant or Ward Councillor regarding Section 37 contributions. Section 37 contributions should be secured in the event of an approval in some form by the LPAT.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, as well as the Tall Building Guidelines, and Growing Up Guidelines. The current proposal is not consistent with the PPS (2020), does not conform to the Growth Plan (2020) and Official Plan.

This report recommends that the City Solicitor, with appropriate staff, attend the LPAT in opposition to the Application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions of materials submitted in support of the proposal and through deputation made by members of the public to Community Council. In addition, Planning staff may be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, in addition to the issues specifically addressed above, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Planning staff may report back to City Council as necessary.

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SIGNATURE

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Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context

Attachment 2: Location Map

Attachment 3: Site Plan

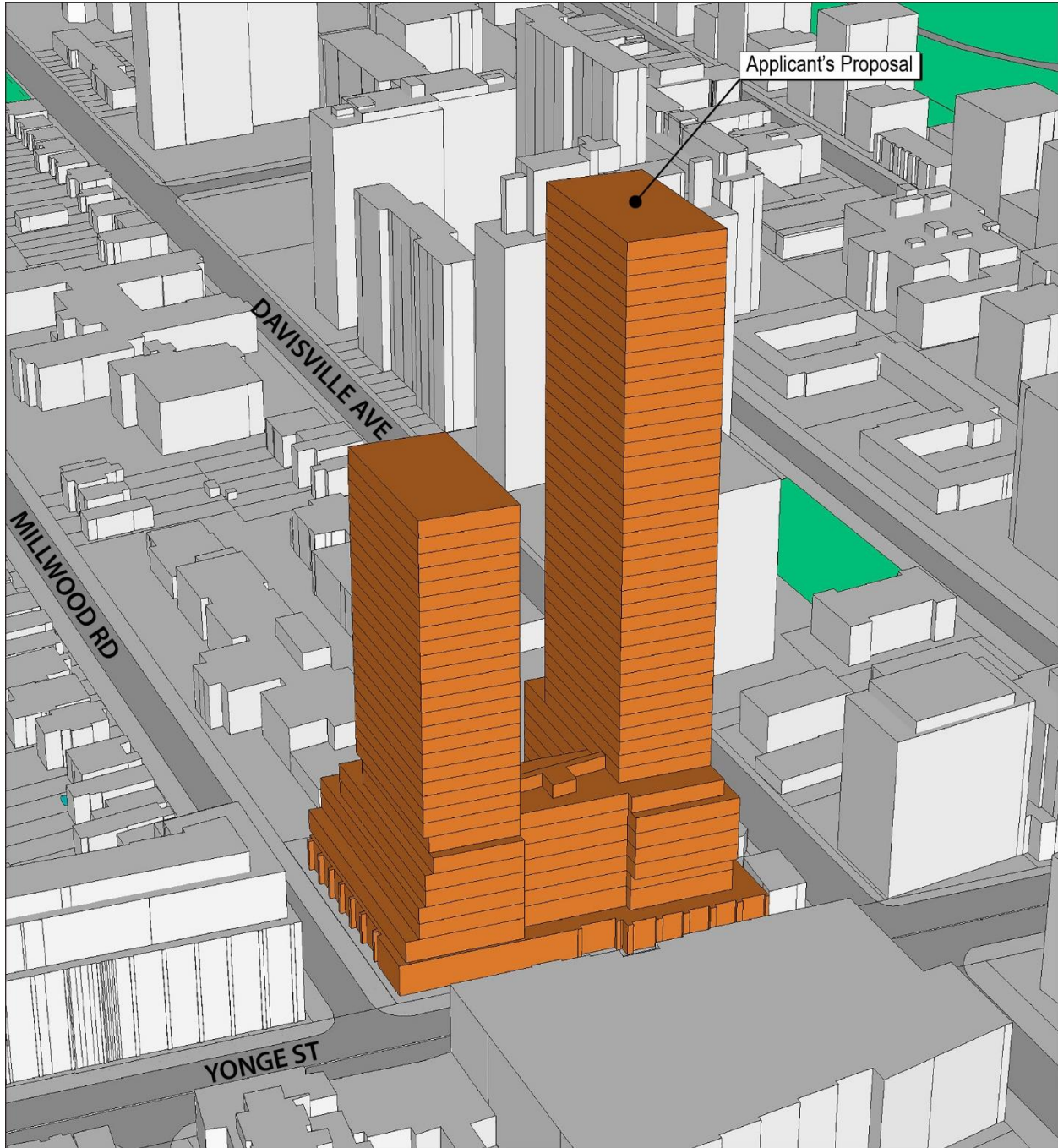
Attachment 4: Official Plan Map

Attachment 5: Zoning By-law Map

Attachment 6: Application Data Sheet

Attachment 7: Policy Considerations

Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Southeast



09/06/2020

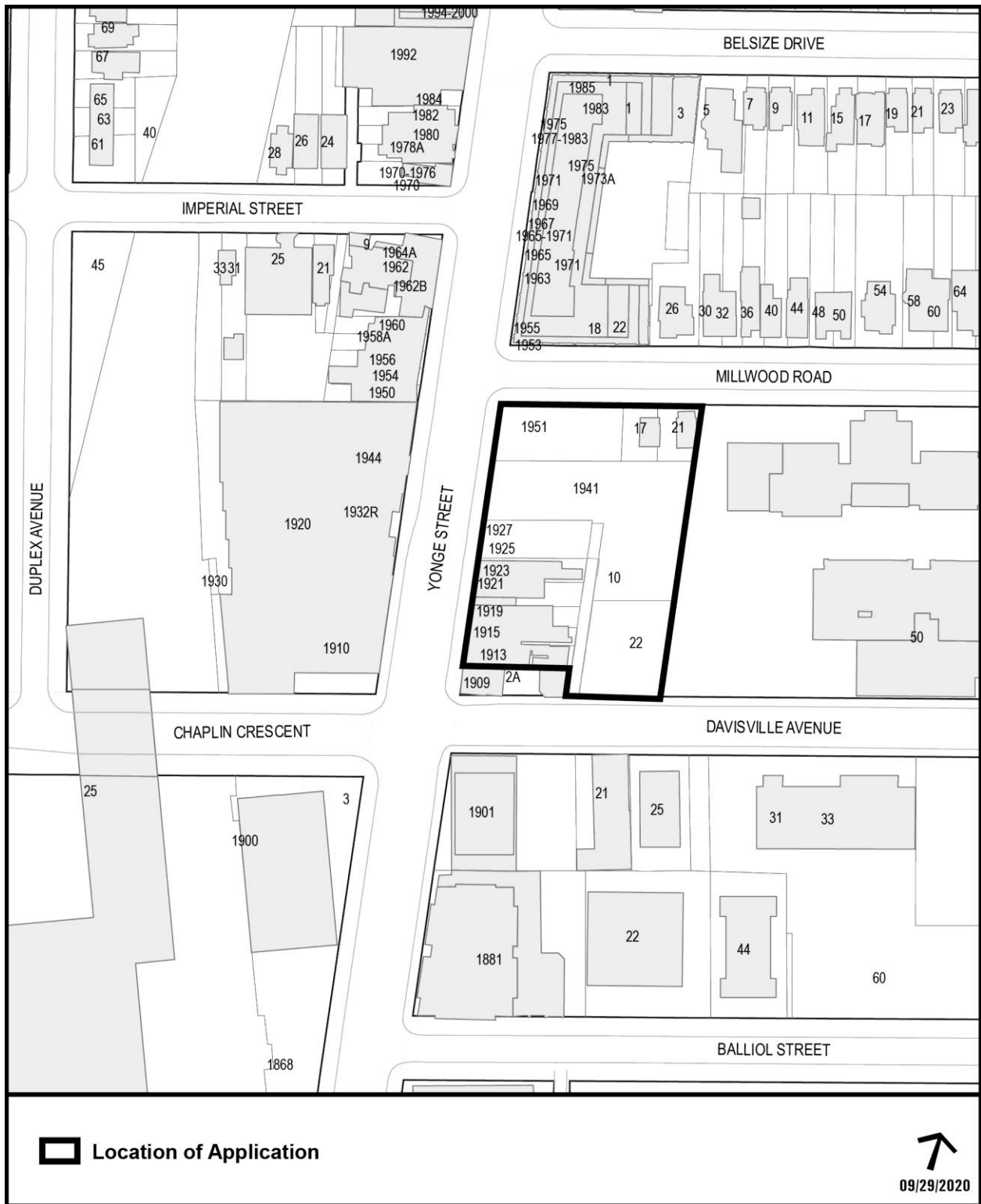


View of Applicant's Proposal Looking Northeast

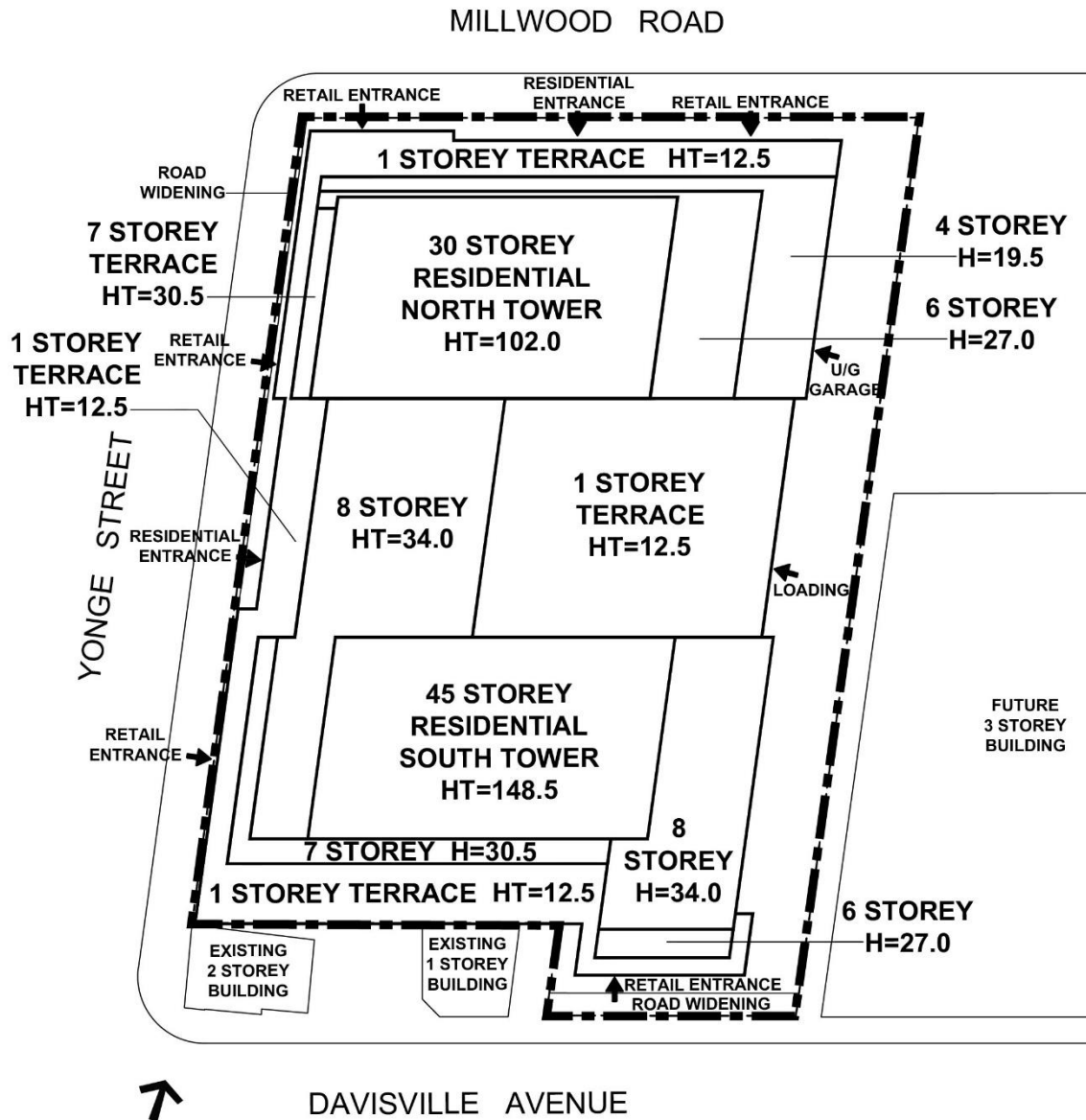


09/06/2020

Attachment 2: Location Map



Attachment 3: Site Plan



Attachment 4: Official Plan Map



Official Plan Land Use Map #17

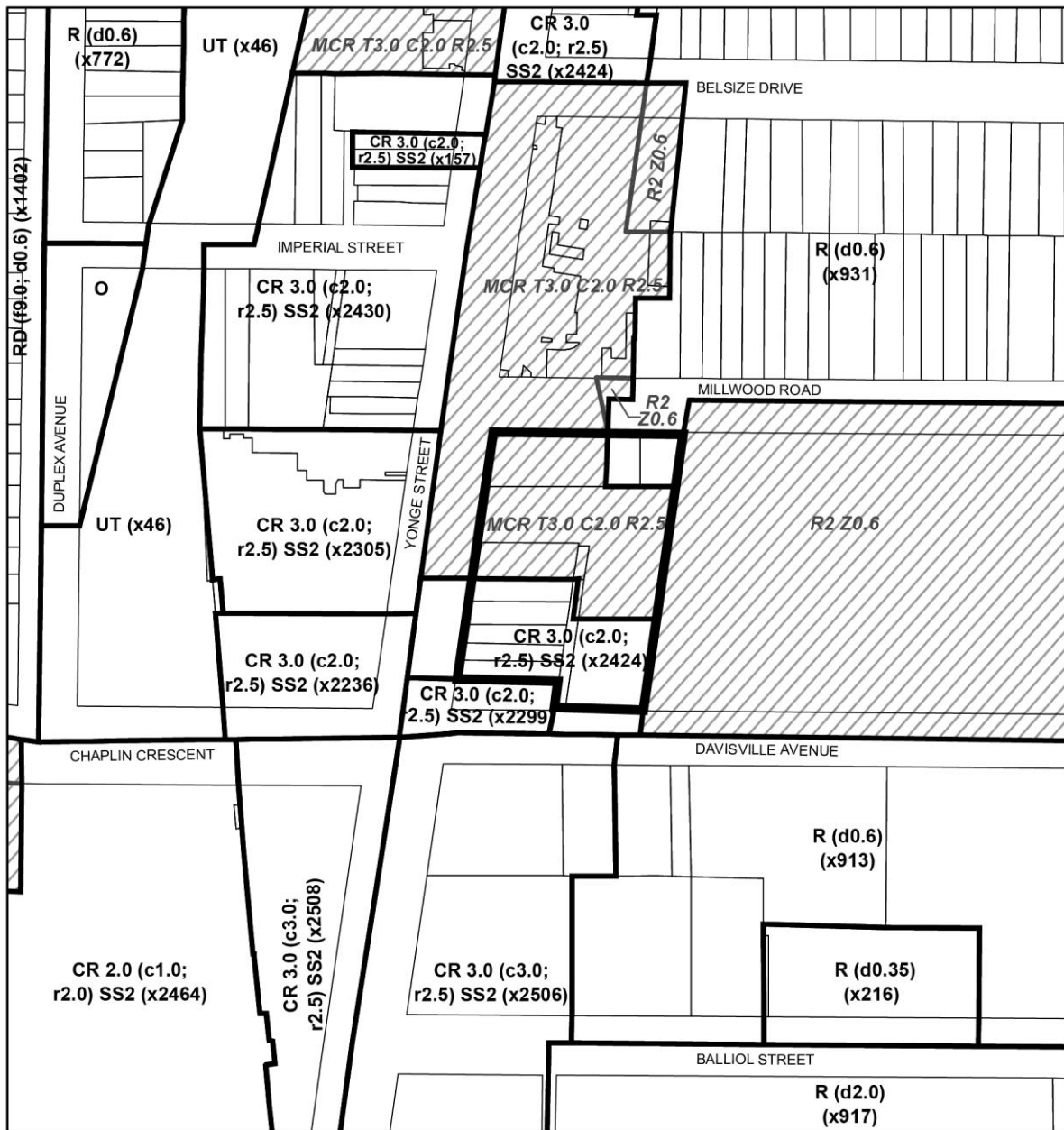
1913-1951 Yonge St, 17-21 Millwood Rd
and 22 Davisville Ave

File # 20 191099 STE 12 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks


Not to Scale
09/29/2020

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

**1913-1951 Yonge St, 17-21 Millwood Rd and
22 Davisville Ave**

File # 20 191099 STE 12 0Z



Location of Application

- R** Residential
- RD** Residential Detached
- CR** Commercial Residential
- O** Open Space
- UT** Utility and Transportation



See Former City of Toronto By-law No. 438-86

- R1** Residential District
- R2** Residential District
- CR** Mixed-Use District
- MCR** Mixed-Use District



Not to Scale
Extracted: 09/29/2020

Attachment 6: Application Data Sheet

Municipal Address: 1913-1951 Yonge Street, 17-21 Millwood Road and 22 Davisville Avenue
Date Received: September 8, 2020

Application Number: 20 191099 STE 12 OZ

Application Type: Rezoning

Project Description: Two-tower mixed use building with a 4-level underground parking garage.

Applicant
Bousfields Inc.

Architect
Core Architects Inc.

Owner
1644137 Ontario Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: *Mixed Use Areas, Neighbourhoods*

Zoning: MCR T3.0 C2.0 R2.5; R2 Z0.6; R (d0.6) (x931); CR 3.0 (c2.0; r2.5) SS2 (x2424)

Heritage Designation: Y

Height Limit (m): 16 (MCR & CR) 9.0 (R & R2)

Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 5,726 Frontage along Yonge St. (m): 85 Depth (m): 64.7

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,469	1,469
Residential GFA (sq m):			62,000	62,000
Non-Residential GFA (sq m):			3,000	3,000
Total GFA (sq m):			65,000	65,000
Height - Storeys:			45, 30	45, 30

Height - Metres: 148, 102 148, 102

Lot Coverage Ratio (%): 1,135.17 **Floor Space Index**: 11.35

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 62,000 1, 026
 Retail GFA: 3,000
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure Existing Retained Proposed Total

Rental: 4 4
 Freehold:
 Condominium: 821 821
 Other:
 Total Units: 821 821

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	46	403	273	99	
Total Units:	46	403	273	99	

Parking and Loading

Parking Spaces: 442 Bicycle Parking Spaces: 1,008 Loading Docks: 2

CONTACT:

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 (416) 392-0459
 Alex.Teixeira@toronto.ca

Attachment 7: Policy Considerations

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;
- 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;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

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

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), 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;
- Conserve cultural heritage resources in order to foster a sense of place and benefit communities, particularly in strategic growth areas;
- 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).

Planning for Major Transit Station Areas

The Growth Plan as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review ("MCR"), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

Toronto Official Plan

The City of Toronto Official Plan (the "Official Plan") is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The Site is located on land shown as Avenues on Map 2 of the Official Plan and Mixed Use Areas Land Use Map 17. OPA 405, implementing the Yonge-Eglinton Secondary Plan, redesignated the properties at 17 and 21 Millwood Road from Neighbourhoods to Mixed-Use Areas. See Attachment 4 of this report for the Official Plan Land Use Map.

The Mixed Use Areas designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Official Plan Amendments ("OPA") 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. On September 21, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form, and built form types. While not in force at the time the application was submitted, understanding this continuing evolution of urban design principles is relevant to the review of the application.

The Official Plan, as updated by OPA 479, states that "The preservation, long-term growth and increase in the amount of healthy trees will be a priority for all new

development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved."

The updated Public Realm policies also specifies that Privately Owned Publicly-Accessible Spaces (POPS) provided through development will generally be publicly accessible, designed and programed for a variety of users, highly visible locations, connect into the broader public realm and include new trees, seating, public art, landscaping.

Yonge-Eglinton Official Plan Amendment (OPA 405)

The Site is located within the Yonge-Eglinton Secondary Plan area. On July 23, 2018, City Council adopted Official Plan Amendment ("OPA 405") to replace in its entirety the former Yonge-Eglinton Secondary Plan. The Minister of Municipal Affairs and Housing modified and approved OPA 405 on June 5, 2019.

The Secondary Plan designates the Site as Mixed Use Areas "A" and is located in the Davisville Station Character Area. The Davisville Station Character Area is a retail and office node located around the Davisville subway station. The area is to transform into a vibrant mixed use, transit-oriented node with new and improved squares and plazas as part of the sequence of squares along Yonge Street. New tall buildings will frame the Yonge Street and Davisville Avenue intersection with an anticipated height range of 30 - 45 storeys for the tower portion and 8 storeys for base buildings.

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

Rental Housing Demolition By-law

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111.

The By-law prohibits the demolition or conversion of rental housing units in a building containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City after a decision by either City Council or the Chief Planner and Executive Director, City Planning.

City Council or the Chief Planner and Executive Director, City Planning may refuse an Application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Heritage

The properties municipally known as 1913, 1917, 1919, 1919A, 1921 and 1923 Yonge Street are listed on the Toronto Heritage Register. The properties were listed by City Council on October 2, 2017.

The Site is also adjacent to properties on the Heritage Register, which include 1909 Yonge Street, and 2 and 2A Davisville Avenue. The buildings at these addresses known as the J.J Davis's Davisville General Store and Post Office was constructed in 1894. The properties 1909 Yonge Street, and 2 and 2A Davisville Avenue were listed by City Council on November 21 and 23, 1973. The Toronto Heritage Register can be found at: <https://www.toronto.ca/city-government/planning-development/heritage-preservation/heritage-register/>

Zoning By-laws

The northeast corner of the Site, 17 and 21 Millwood Road, is zoned Residential (R (d0.6) (x931)), with a height limit of 9.0 metres under Zoning By-law 569-2013.

The central portion of the Site, 1925-1951 Yonge Street is zoned Main Street Commercial Residential (MCR T3.0 C2.0 R2.5), with a height limit of 16.0 metres, and the northeast corner of the site, 17 and 21 Millwood Road, is zoned Residential (R2 Z0.6) with a height limit of 9.0 metres under Zoning By-law 438-86.

The southern portion of the Site, 1913-1923 Yonge Street, and 22 Davisville Avenue is zoned Commercial Residential (CR 3.0 (c2.0; r2.5) SS2 (x2424)), with a height limit of 16.0 metres under Zoning By-law 569-2013.

See Attachment 5 of this report for the existing Zoning By-law Map. The City's Zoning By-law 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Midtown Zoning Review

As part of the approval of The Yonge-Eglinton Secondary Plan (OPA 405), City Planning staff was directed by Council to initiate a zoning review for the 22 defined Character Areas to implement the directions of the Secondary Plan. The intent of the zoning review is to establish specific heights in the Zoning By-law as set out in Policy 5.4.3 of the Secondary Plan. It will also provide clarity on the location, scale and form of appropriate development within each Character Area and implement other policy directions within the approved Secondary Plan. Such a review, as provided for in Policy 2.3.1.4 of the Official Plan, will be used to create an area specific zoning by-law. Further study will determine whether specific built form standards will apply to the Character Area in which this site is located.

Urban Forest/Ravines/Environment

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

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 may be found here:

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

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The Growing Up Guidelines can be found at: <https://www.toronto.ca/city-government/planning-development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

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

The City of Toronto has completed the 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 pet amenities for high density residential communities. The Pet Friendly Design Guidelines can be found at: <https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit <https://www.toronto.ca/city->

[government/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/](#).