

53-55 Yonge Street - Zoning By-law Amendment Application – Preliminary Report

Date: June 4, 2021
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 13 - Toronto Centre

Planning Application Number: 21 129226 STE 13 OZ

Date of Complete Application Submission: March 19, 2021

Heritage Building(s) on Site: No

Current Use(s) on Site: A 5-storey commercial building with ground floor retail at 53 Yonge Street. A 12-storey commercial office building at 55 Yonge Street.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 53 and 55 Yonge Street. The application proposes to amend the Zoning By-law to permit a 67-storey mixed-use building. The proposal includes ground floor retail space, office space on floors 2 to 14, and 482 residential dwelling units.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Planning staff schedule a community consultation meeting for the development application located at 53-55 Yonge Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application meeting was held with the applicant on November 16, 2020 to discuss the proposed development concept and identify application requirements. Staff discussed the applicable policy framework and identified concerns, including conformity with the Downtown Plan, base building height, overall building height, shadows of nearby parks and open spaces, tower setbacks and separation distances, sidewalk widths and public realm improvements, and the overall density and scale of the building.

ISSUE BACKGROUND

Application Description

This application proposes to amend the zoning by-law for the properties at 53 and 55 Yonge Street, to permit a 67-storey (216.2 metres plus 6 metre mechanical penthouse) mixed-use building with ground floor retail, office space on floors 2 to 15, shared office and residential amenity space on floors 16 and 17, and 482 dwelling units. The proposal consists of 16,491 square metres of office use, 1,315 square metres of retail use, and 33,871 square metres of residential use, for a total of 51,677 square metres in an overall Floor Space Index ("FSI") of 34.78 times the lot area. The residential unit mix provided includes 40 bachelor units (8%), 249 one-bedroom units (52%), 145 two-bedroom units (30%), and 48 three-bedroom units (10%).

The proposal includes 43 vehicle parking spaces which are dedicated to the residential component of the development. The vehicle parking spaces are provided within a 2-level underground garage, which is accessed from the existing private driveway to the east of the property, with access from Colborne Street. A total of 552 bicycle parking spaces (465 long-term spaces and 87 short-term spaces) are provided on the floors 2 and 3.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 for the location map, and Attachment 6 for the application data sheet. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reasons for the Application

The Zoning By-law Amendment Application has been submitted in order to amend City-wide Zoning By-law 569-2013 to permit an increase in the overall height and density on the site and to modify various performance standards such as those for setbacks and parking.

Provincial Policy Statement and Provincial Plans

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

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. This new plan replaces the previous 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 of Ontario (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, 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 take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

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 ("MTSA"s) 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 are planned for the prescribed densities.

The proposed development is within four draft MTSA boundaries (Queen, King, Union, and St. Andrew stations) along the Yonge-University-Spadina subway line as depicted in Attachment 1 to report PH22.6, which was adopted by the Planning and Housing Committee on April 22, 2021. The report is available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH22.6>

Toronto Official Plan Policies

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. Authority for the Official Plan derives the Planning Act of Ontario (the "Planning Act"). The PPS recognizes the Official Plan as the most important document for its implementation.

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.

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

The site is located on lands shown as Downtown and Central Waterfront on Map 2 of the Official Plan. The site is designated as Mixed Use Areas on Map 18 of the Official Plan. See Attachment 4: Official Plan Map.

Downtown Plan

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. 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.

Map 41-2 identifies the site as being within the Financial District. The Financial District is intended to accommodate future job growth and protect the economic competitiveness of the city, region and province. Policy 6.1 and 6.2 state that no net loss of office and overall non-residential gross floor area will be permitted. Policy 6.4 states that development will contribute to a diverse and animated public realm through at grade uses, and improving the pedestrian and open space network where possible.

Map 41-3-A identifies the site as being within the Mixed Use Areas 1 - Growth designation. Mixed Use Areas 1 includes areas with the greatest heights and largest proportion of non-residential uses, and will sustain a mix of uses and support prosperity. Policy 6.23 states that development in this area will include a range of buildings, heights, scales and massing that are dependent on the site characteristics and supportive of downtown intensification. Policy 6.24 states that a significant portion of non-residential will be provided within mixed-use developments.

Map 41-5 identifies the site as being on a Priority Retail Street. Policy 6.40 states that development that fronts onto a priority street will include ground floor retail and service commercial spaces. Policy 6.41 states that retail and service commercial spaces will include generous floor-to-ceiling heights, incorporate appropriate setbacks to provide for the public realm, and be designed to allow for adaptive reuse over time.

The in-force Downtown Plan may be found here:

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

Official Plan Amendment 352 - Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for setbacks and separation distances for buildings taller than 24 metres.

OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 were appealed to the Local Planning Appeal Tribunal ("LPAT") following City Council's adoption of the planning instruments.

On November 25, 2020 and February 2, 2021, City Council approved modifications to OPA 352 and the Zoning By-laws with the intention of resolving the appeals.

On May 28, 2021, the LPAT partially approved modifications to OPA 352 and the Zoning By-laws, however, OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 remain under appeal with respect to the subject site at 55 Yonge Street.

The Official Plan Amendment and associated Zoning By-law Amendments can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendment 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. 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, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-laws

The site is zoned Commercial Residential CR12.0(c8.0; r11.7) SS1 (x2325) under the City's Zoning By-law 569-2013.

This zone classification permits a wide array of uses commercial, residential, and institutional uses that are consistent with the Mixed Use Areas Official Plan designation. The current maximum height permitted is 76 metres. The maximum Floor Space Index for permitted uses on site include 8.0 times the lot area for commercial uses, and 11.7 times the lot area for residential uses. See Attachment 5: Zoning By-law Map.

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/>

On November 26, 2019 City Council adopted the Priority Retail Streets Zoning By-law Amendments 1681-2019 and 1692-2019 which specify standards for retail spaces at grade. By-laws 1681-2019 and 1692-2019 identify this portion of Yonge Street as a Priority Retail Street. The By-laws were subsequently appealed to the LPAT on a city-wide basis.

The Council-adopted By-laws can be found here:

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

Design Guidelines

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

- Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet-Friendly Design Guidelines; and
- Retail Design Manual.

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

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 1.0: no longer in effect. Older applications must be upgraded. TGS Version 2.0: new applications received between January 1, 2010 and April 30, 2018. 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/>.

Site Plan Control

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

COMMENTS

ISSUES TO BE RESOLVED

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

Provincial Policies and Plans Consistency/Conformity

Staff will evaluate this application to determine its consistency with the PPS and conformity to the Growth Plan, including but not limited to whether: the proposal makes efficient use of land and resources, infrastructure and public facilities; the proposal is directed at an appropriate location; appropriate development standards are promoted which facilitate compact form; and the proposal represents an appropriate type and scale of development and transition of built form to adjacent areas.

Official Plan Conformity

Staff will evaluate this planning application to determine its conformity to the Official Plan, including the Downtown Secondary Plan.

Built Form, Planned and Built Context

Staff will evaluate the suitability and appropriateness of the proposed height, massing, transition, and other built form issues based on Section 2 (d), (p), (q) and (r) of the Planning Act; the PPS; the Growth Plan; the City's Official Plan policies; OPA 352; the Downtown Plan (OPA 406) policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- The proposed height and massing, including overall density, setbacks and stepbacks, are not appropriate for site and represent overdevelopment of the land;
- The proposed building is not complying with a number of the City's tall building performance standards including tower floor plate dimensions, tower setbacks and separation distances; and
- The proposed development does not provide adequate improvements to the public **realm** including but not limited to sidewalk widening.

Staff will continue to assess:

- The appropriateness of the base building's mass and height;
- The adequacy of the location and amount of proposed outdoor amenity space;
- The provision of sufficient office and non-residential GFA;

- The impacts of new shadowing on the public realm and private open spaces; and
- The impacts of any changes to the pedestrian level wind conditions along abutting and nearby streets, and surrounding properties.

Affordable Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan (2020) also contains policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

Staff will engage in discussions with the applicant, the Ward Councillor, and City staff to evaluate potential opportunities for the provision of affordable housing.

Heritage Impact & Conservation

Policy 3.1.5.5 of the Official Plan states that development adjacent to designated heritage properties shall ensure that the integrity and cultural heritage value of the property is retained. The site is adjacent to and located in the same block as 51 Yonge Street (listed) and 49 Yonge Street & 8 Wellington Street (designated). On the west side of Yonge Street are 56 Yonge Street (designated) and 66 Yonge Street (designated). On the north side of Colborne Street are 2-2A Colborne Street & 63-67 Yonge Street (designated).

As part of the review of the proposed development, the applicant has provided a Heritage Impact Statement which will be reviewed for completeness within the existing policy and cultural heritage framework.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. An Archaeological Assessment has been submitted and is under review.

Community Services and Facilities

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

The applicant has incorporated a CS&F review into the Planning Justification report submitted in support of the application, and staff are reviewing this material for completeness.

Infrastructure/Servicing Capacity

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

In support of the proposed development, the applicant has submitted the following studies and reports for review by Engineering and Construction Services and Transportation Services staff: Geotechnical Study, Hydrogeological Report, Servicing report, Stormwater Management Report, and Transportation Impact Study.

Staff will continue to assess:

- The Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- The Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

Staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

Section 37 Community Benefits

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

The proposal at its current height and density will be subject to Section 37 contributions under the Planning Act. Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

ADDITIONAL ISSUES

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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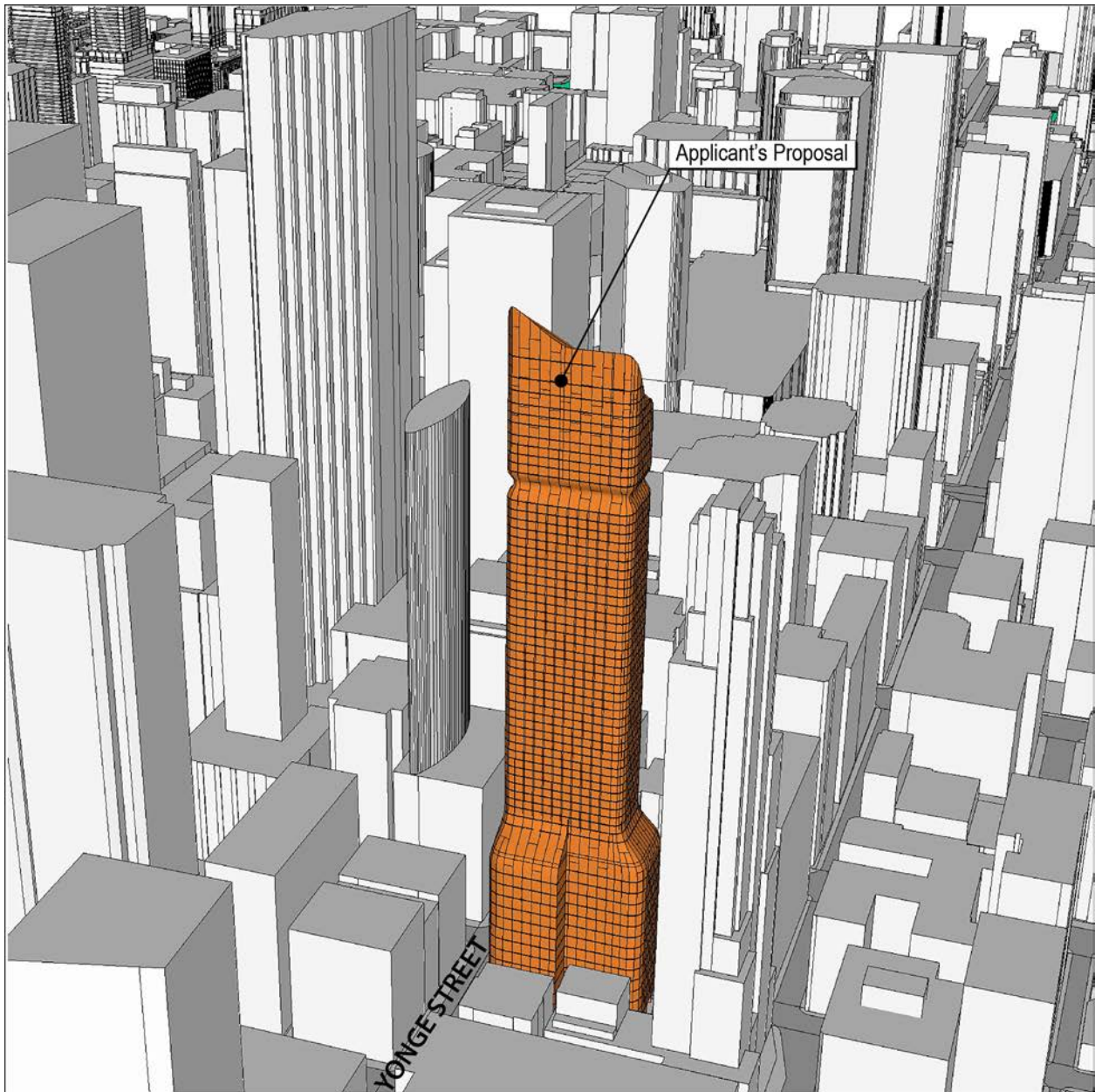
SIGNATURE

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

ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context Looking Northwest
Attachment 2: 3D Model of Proposal in Context Looking Southeast
Attachment 3: Location Map
Attachment 4: Official Plan Map
Attachment 5: Zoning By-law Map
Attachment 6: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context Looking Northwest

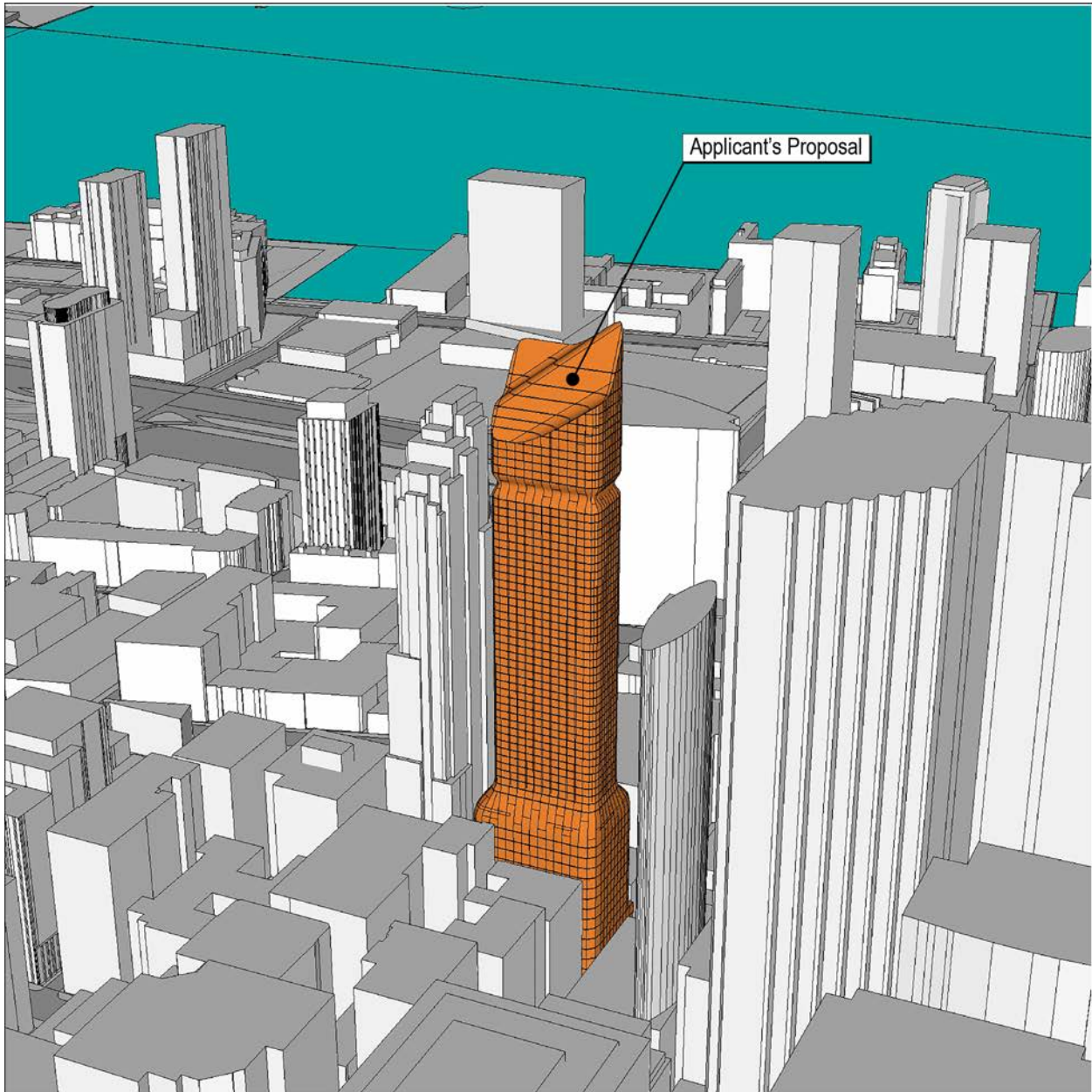


View of Applicant's Proposal Looking Northwest



05/26/2021

Attachment 2: 3D Model of Proposal in Context Looking Southeast

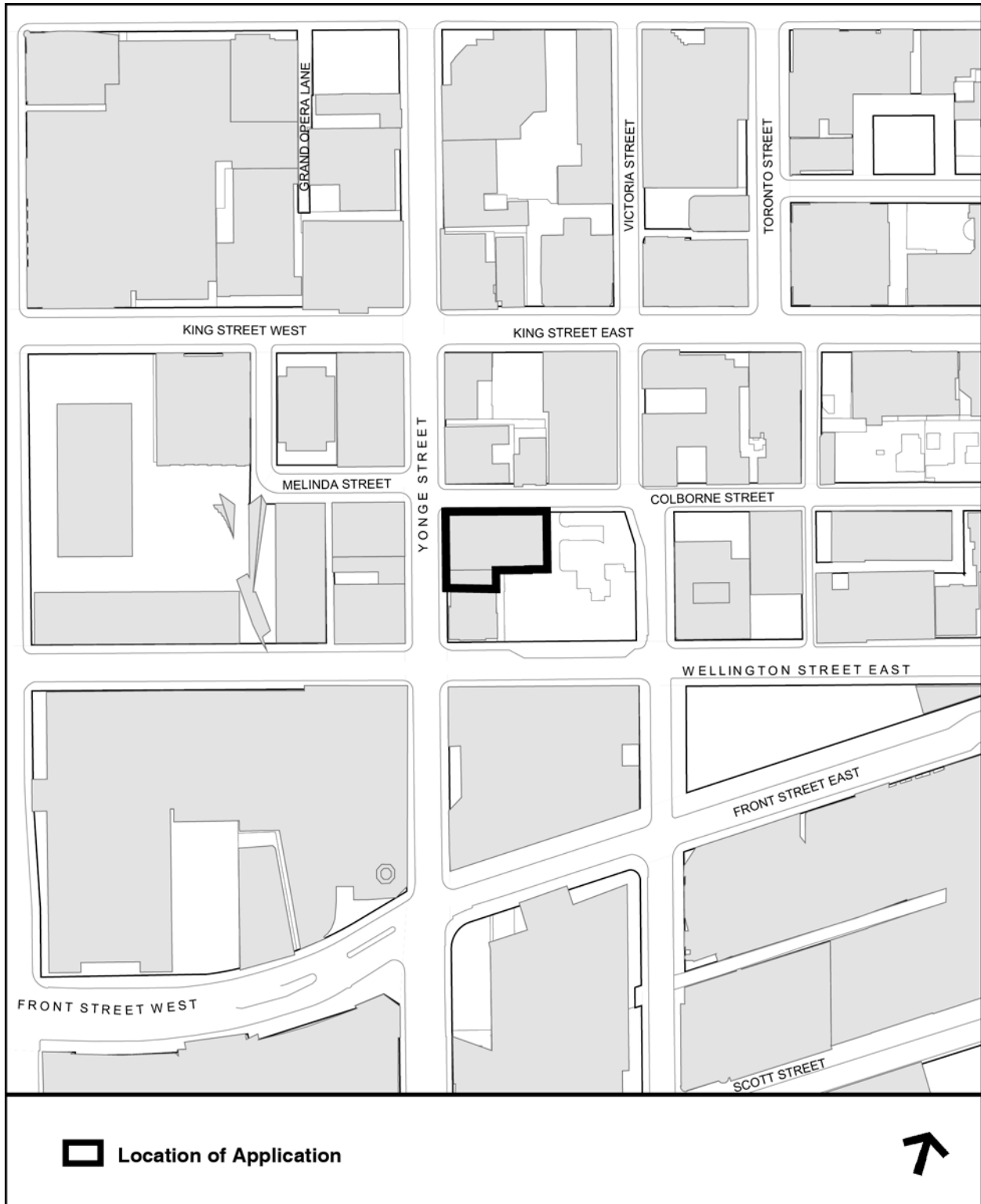


View of Applicant's Proposal Looking Southeast

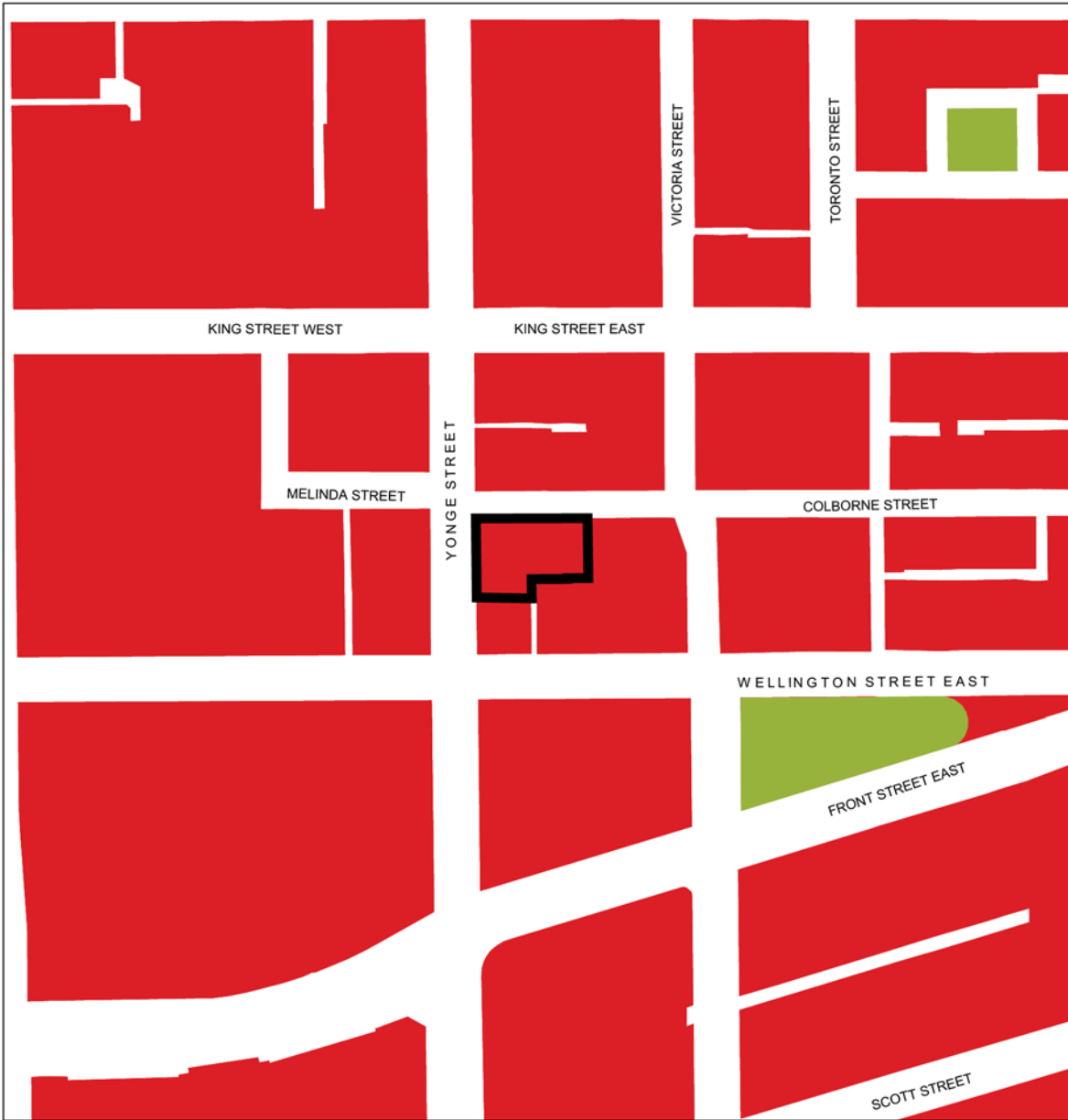


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Attachment 3: Location Map




Attachment 4: Official Plan Map



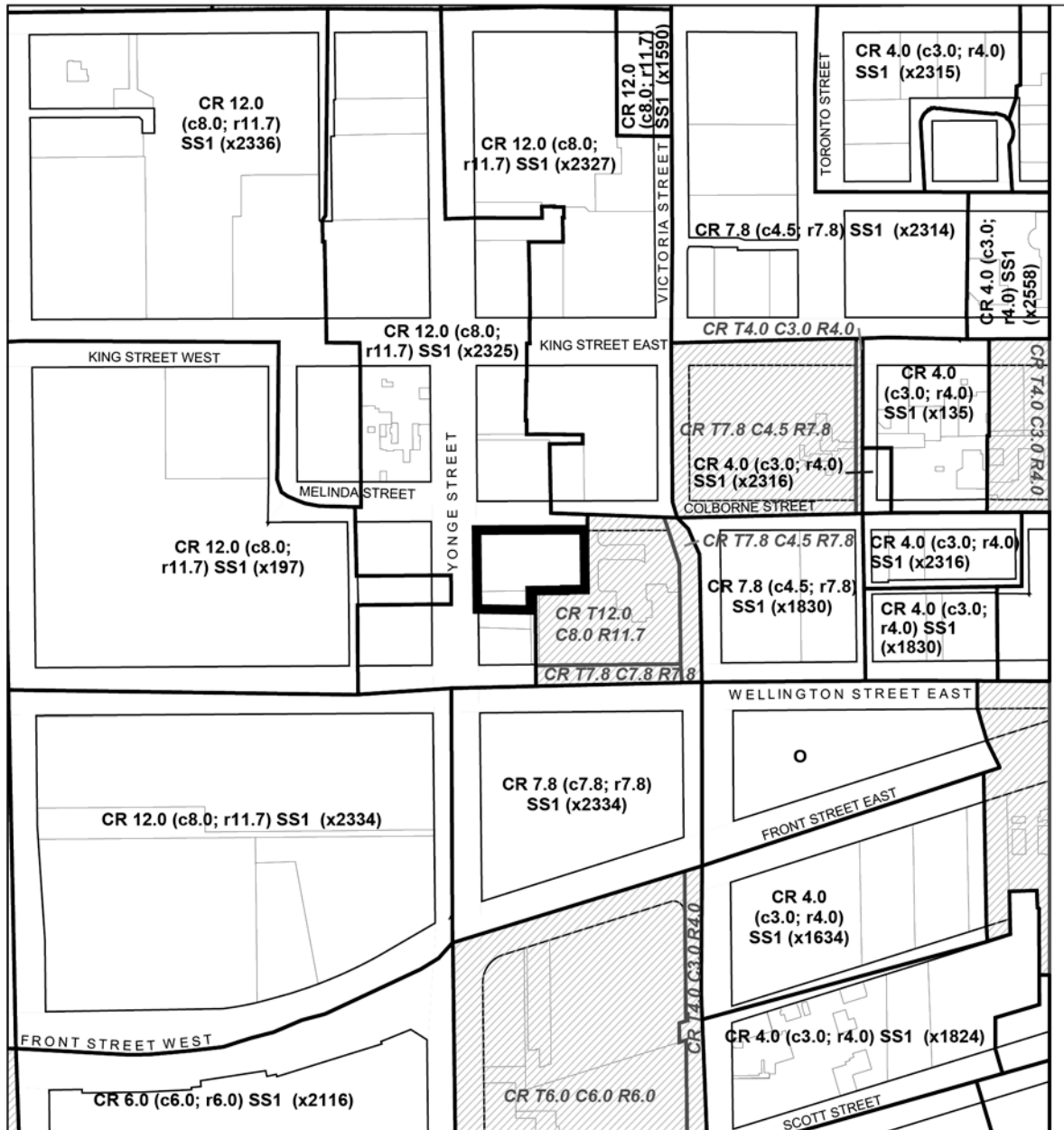
Official Plan Land Use Map #18

53-55 Yonge Street
File # 21 129226 STE 13 0Z

-  Location of Application
-  Mixed Use Areas
-  Parks


Not to Scale
Extracted: 03/22/2021

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

53-55 Yonge Street

File # 21 129226 STE 13 0Z

Location of Application
 CR Commercial Residential
 O Open Space

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



Not to Scale
 Extracted: 03/22/2021

Attachment 6: Application Data Sheet

Municipal Address: 53-55 Yonge Street **Date Received:** March 19, 2021

Application Number: 21 129226 STE 13 OZ

Application Type: Rezoning

Project Description: 67-storey mixed-use building

Applicant	Agent	Architect	Owner
Bousfields Inc.	Bousfields Inc.	Partisans Architects & Quadrangle Architects Ltd.	55 Yonge Portfolio Inc.

Existing Planning Controls

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR12.0 (C8.0; R11.7) SS1 (x2325)	Heritage Designation:	N
Height Limit (m):	76	Site Plan Control Area:	Y

Project Information

Site Area (sq m): 1,486 Frontage (m): 35 Depth (m): 48

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,430		1,340	1,340
Residential GFA (sq m):			33,871	33,871
Non-Residential GFA (sq m):	16,240		17,806	17,806
Total GFA (sq m):	16,240		51,677	51,677
Height - Storeys:	12		66	66
Height - Metres:			215	215

Lot Coverage Ratio (%): 90.17 Floor Space Index: 34.77

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	33,073	798
Retail GFA:	1,315	
Office GFA:	16,069	422
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			482	482
Other:				
Total Units:			482	482

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		40	249	145	48
Total Units:		40	249	145	48

Parking and Loading

Parking Spaces: 43 Bicycle Parking Spaces: 552 Loading Docks: 3

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