

49-51 Yonge Street – Zoning By-law Amendment Application – Preliminary Report

Date: January 31, 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 235446 STE 13 OZ

Related Applications: 21 2335455 STE 13 CD

Heritage Buildings on Site: Yes

Current Uses on Site: 4-storey commercial buildings.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 49-51 Yonge Street. The application proposes a 60-storey (221.36 metres, including mechanical penthouse) mixed-use building with office uses on floors 2 to 5 and 258 residential dwelling units.

The application has been circulated to all appropriate agencies and City divisions for comment. City Planning staff will proceed to schedule a community consultation meeting for the application, in consultation with the Ward Councillor. Staff note that the application is not supportable in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 49-51 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 June 18, 2021 to discuss the proposed development concept and identify application requirements. Staff discussed the applicable policy framework and identified concerns with the proposal, including conformity with the Downtown Plan, OPA 352, Downtown Tall Building Setbacks, the Downtown Tall Building Design Guidelines, overall building heights, and the overall density and scale of the building.

THE APPLICATION

Complete Application Submission Date: On December 9, 2021, the applicant was sent a Notice of Incomplete application.

Description

This applications propose to amend the Zoning By-law for the property at 49-51 Yonge Street to permit a 60-storey (221.36 metres, including mechanical penthouse) mixed-use building with office uses on floors 2 to 5 and 258 residential dwelling units. The proposal consists of 1,701 square metres of office use and 20,320 square metres of residential use, for a total of 22,021 square metres in an overall Floor Space Index ("FSI") of 37.84 times the lot area. The residential unit mix provided includes 152 one-bedroom units (59%), 80 two-bedroom units (31%), and 26 three-bedroom units (10%).

A total of 0 vehicle parking spaces, 284 bicycle parking spaces (254 long-term spaces and 30 short-term spaces) provided in an underground garage, and one Type G loading space off of the private laneway east of site are proposed.

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

See Attachment 1 of this report for the location map, Attachment 2 and 3 for three dimensional representations of the project in context, Attachment 4 for the proposed site plan drawing and Attachment 7 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.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review.

POLICY CONSIDERATIONS

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 (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. 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 (2020) 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 (2020) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

The proposed development is within one draft MTSA boundary (King, Queen and Union 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 from 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 5: 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 intensification suitable for a downtown growth area.

The Downtown Plan identifies both Yonge Street and Wellington Street as Priority Retail Streets, and Yonge Street as a Great Street and Cultural Corridor. The site is also located within the boundary of the Shoreline Stitch and the Downtown Film Precinct.

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 OLT 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 OLT partially approved modifications to OPA 352 and the Zoning By-laws, however, some properties remain under site-specific appeal.

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>

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 OLT 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>

Heritage

The property at 49 Yonge Street (Irish Embassy Pub) is designated under Part IV of the *Ontario Heritage Act* and the property at 51 Yonge Street is listed on the City's Heritage Register.

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).

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;
- Retail Design Manual;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

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/>.

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; an appropriate range of housing to accommodate a range of incomes and household sizes is provided; 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 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; the Downtown Plan (OPA 406); OPA 352; and the City's Design Guidelines and identify necessary changes with the aim of arriving at a proposal supportable by staff.

The following preliminary issues have been identified:

- The proposed height and massing, including overall density, setbacks and stepbacks, are not appropriate for the site and represent overdevelopment of the land; and
- The proposed building does not comply with a number of the City's tall building performance standards including tower floor plate dimensions, tower setbacks and separation distances.

Staff will continue to assess:

- The appropriateness of the tower step backs above the base building;
- The appropriateness of the tower setbacks and separation distances;
- The adequacy of the location and amount of proposed outdoor amenity space;
- The appropriateness of the proposed unit mix and sizes; and
- The appropriateness of the proposed non-residential GFA.

Public Realm

Staff will continue to review the proposed built form in relation to the public realm including:

- The appropriateness of no ground floor retail at the corner of two Priority Retail Streets;
- The appropriateness of the proposed enhancements to the public realm, including sidewalk widths and streetscape design along Yonge Street and Wellington Street; and
- Pedestrian level wind conditions along Yonge Street and Wellington Street.

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.

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

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Inventory and Preservation Plan. Staff will assess the appropriateness of the applicant's Preservation Plan.

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 property at 49 Yonge Street (Irish Embassy Pub) is designated under Part IV of the *Ontario Heritage Act* and the property at 51 Yonge Street is listed on the City's Heritage Register.

A Heritage Impact Assessment was submitted with the application. Staff will review the Heritage Impact Assessment and the proposal to determine whether the proposed development complies with relevant in-force policies.

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

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 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.

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 would 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.

Other Matters

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.

Next Steps

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. City Planning staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York

Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

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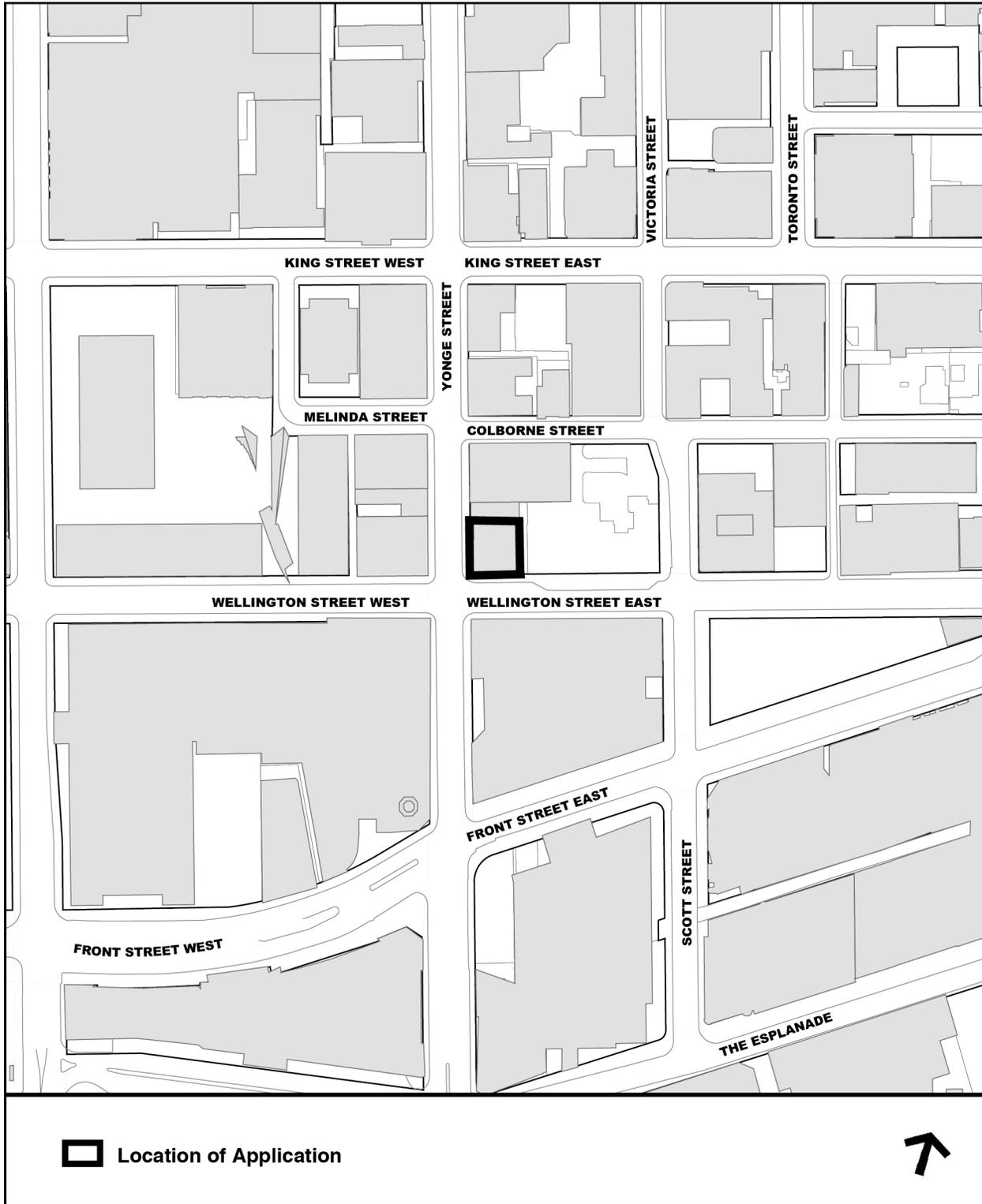
SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context Looking Northeast
Attachment 3: 3D Model of Proposal in Context Looking Northwest
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Zoning By-law Map
Attachment 7: Application Data Sheet

Attachment 1: Location Map



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

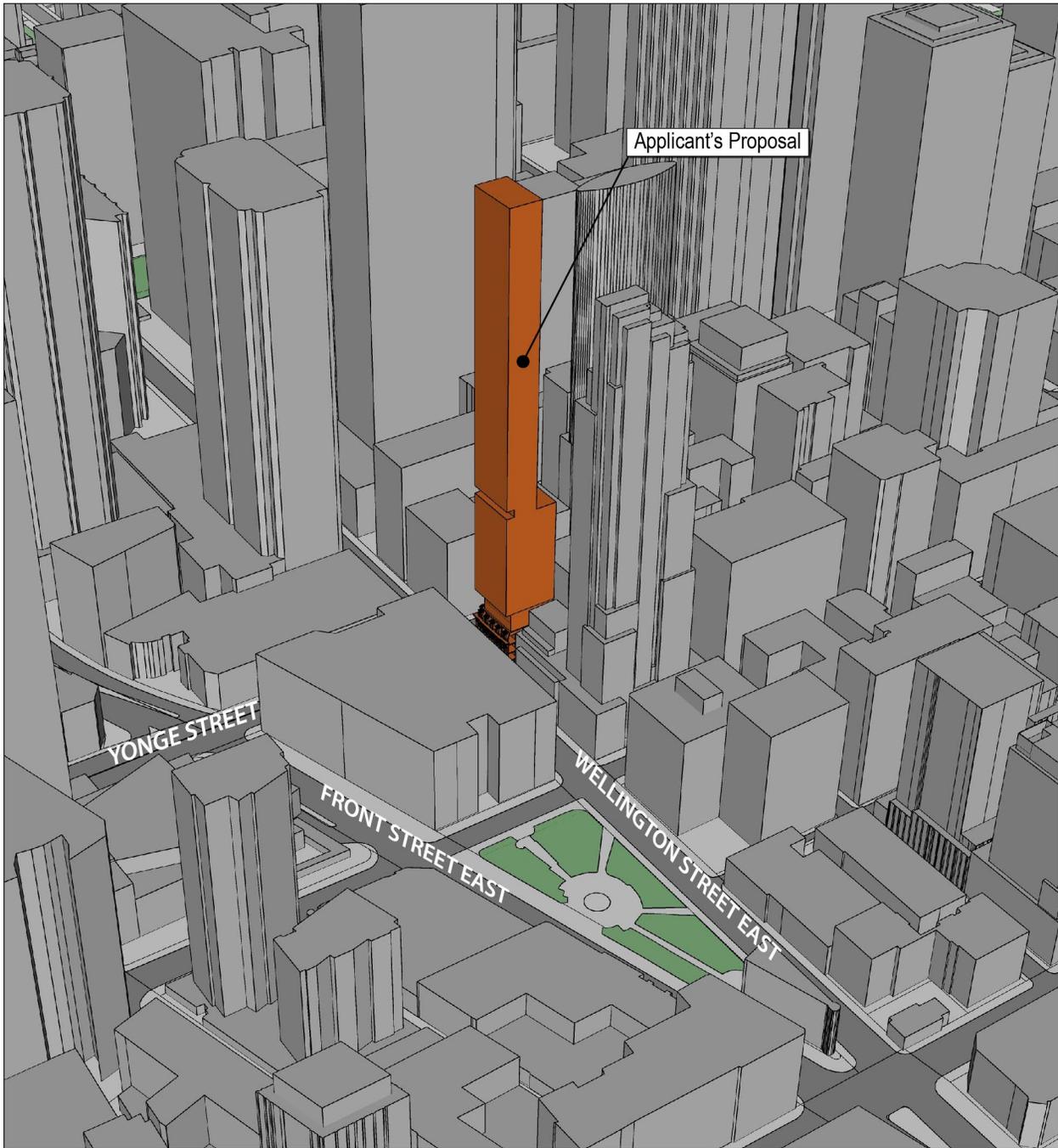


View of Applicant's Proposal Looking Northeast



M0/DA/2022

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

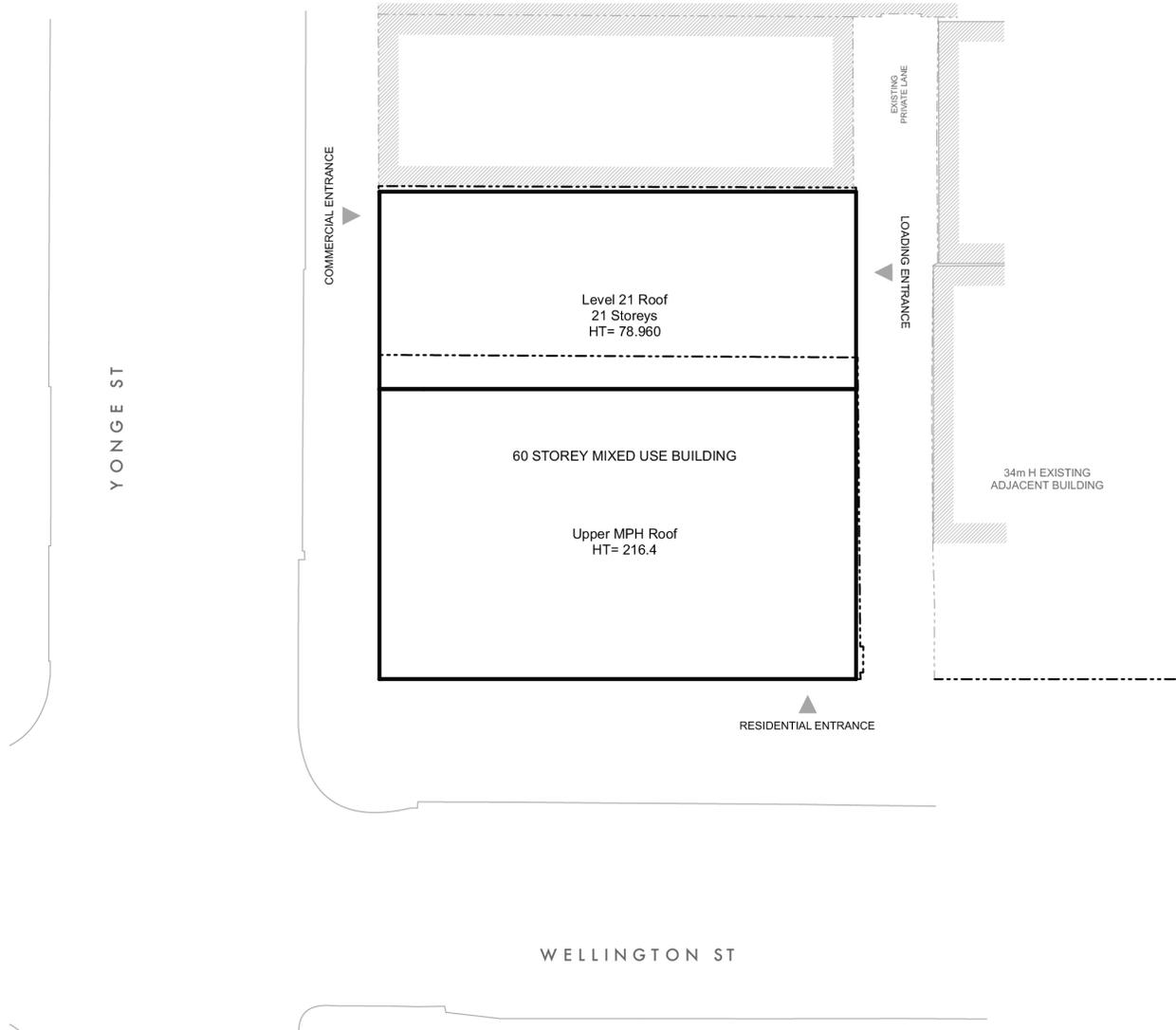


View of Applicant's Proposal Looking Northwest



M0/DA/2022

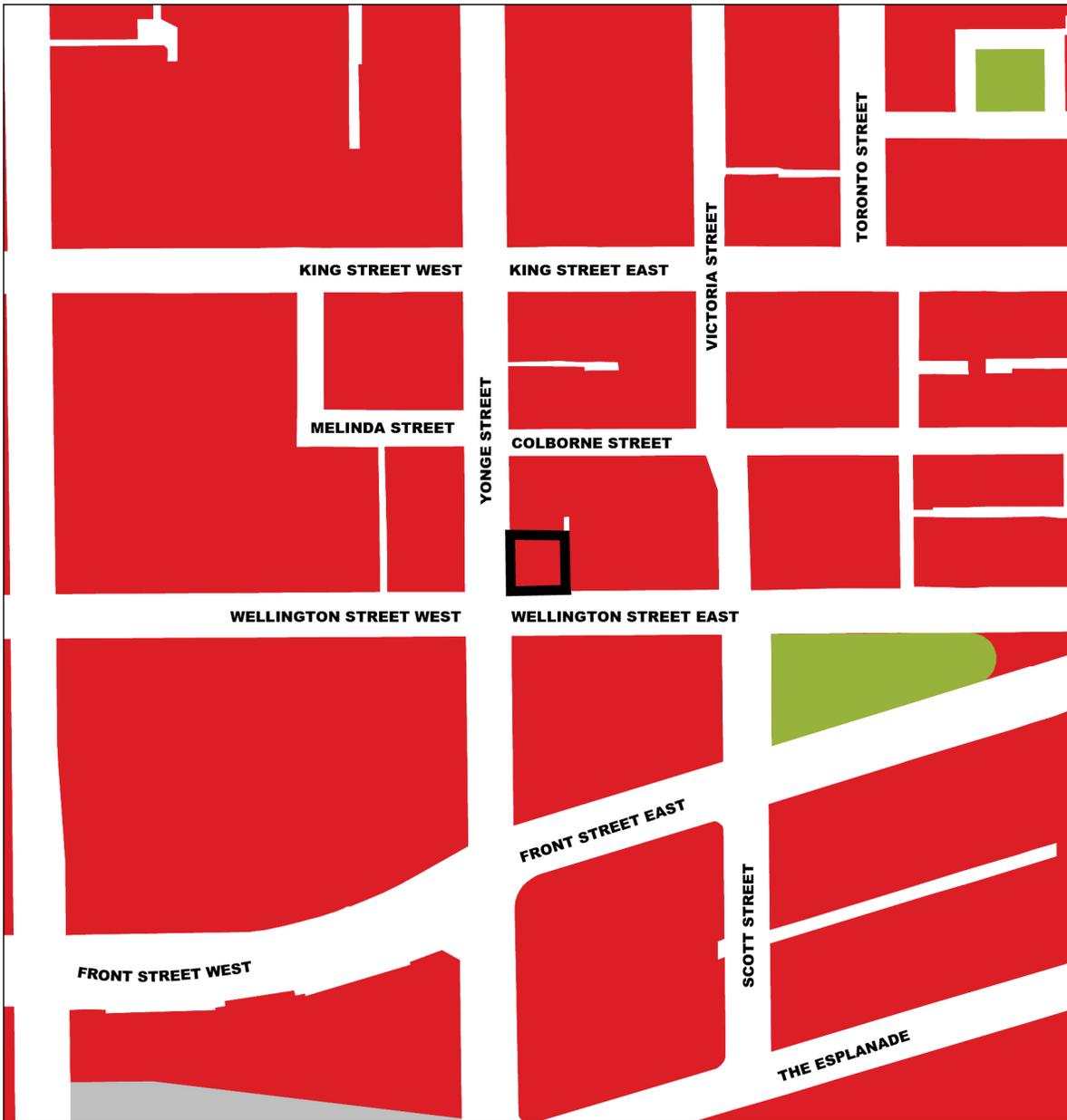
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



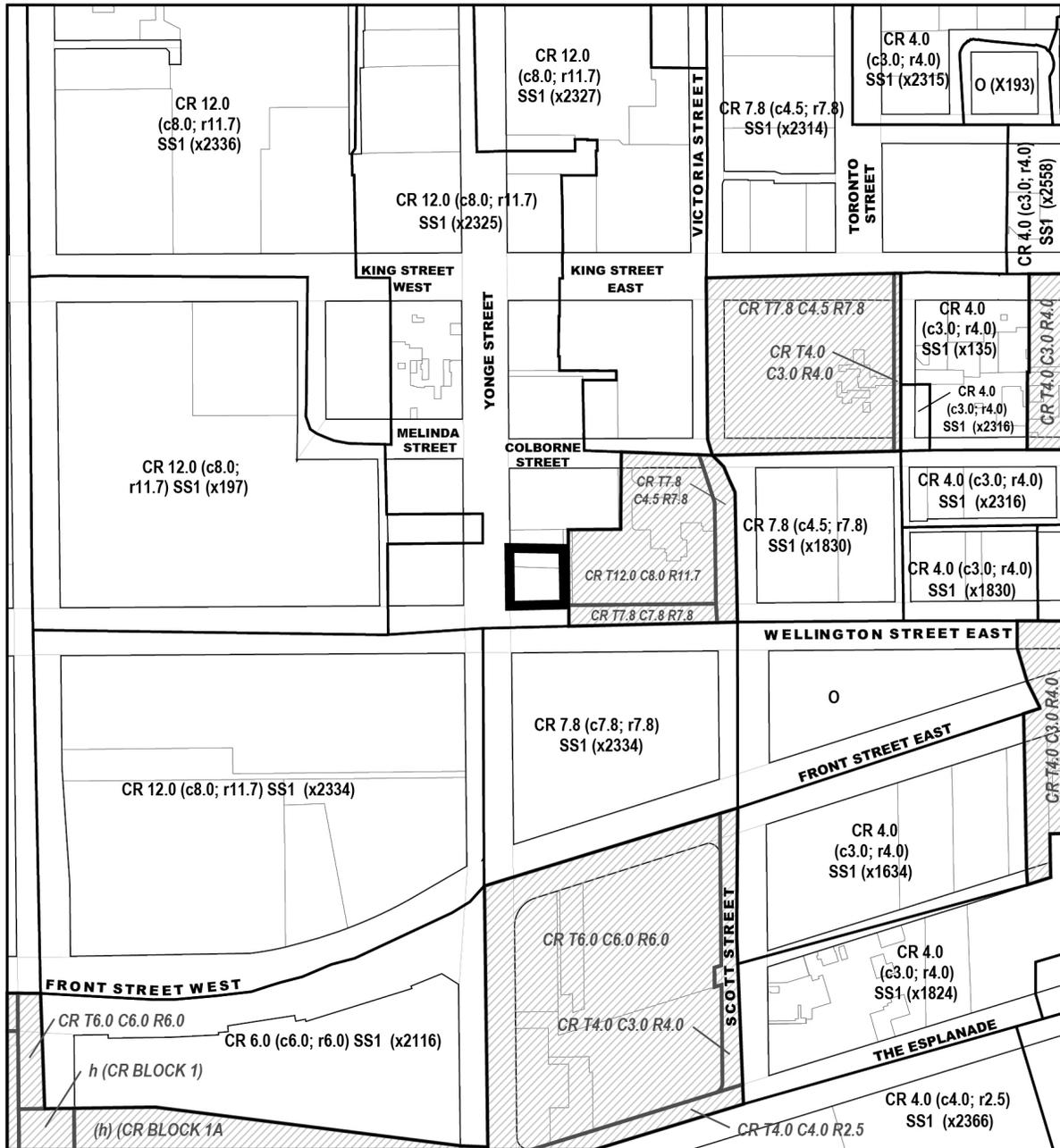
Official Plan Land Use Map #18

49-51 Yonge Street
 File # 21 235446 STE 13 0Z

- Location of Application
- Mixed Use Areas
- Parks
- Other Open Space Areas
- Utility Corridors

Not to Scale
 Extracted: 11/15/2021

Attachment 6: Zoning By-law Map



Zoning By-law 569-2013

49-51 Yonge Street

File # 21 235446 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
- T** Industrial District



Not to Scale
Extracted: 11/15/2021

Attachment 7: Application Data Sheet

Municipal Address: 49-51 YONGE ST **Date Received:** November 8, 2021

Application Number: 21 235446 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: 6-storey mixed-use building.

Applicant	Agent	Architect	Owner
Smart Centres REIT	Smart Centres REIT	Architects Alliance	Calloway Real Estate Investment Trust Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Downtown Plan

Zoning: CR12.0 (C8.0; R11.7) SS1 (x2325) Heritage Designation: Y

Height Limit (m): 76 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 588 Frontage (m): 28 Depth (m): 25

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,701	1,701		1,701
Residential GFA (sq m):				
Non-Residential GFA (sq m):	1,701	1,701	20,320	22,021
Total GFA (sq m):	1,701	1,701	20,320	22,021
Height - Storeys:	4	4	60	60
Height - Metres:	21	21	221	221

Lot Coverage Ratio (%): 289.29 Floor Space Index: 37.45

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	20,320	
Retail GFA:		
Office GFA:	1,701	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			258	258
Other:				
Total Units:			258	258

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			152	80	26
Total Units:			152	80	26

Parking and Loading

Parking Spaces: 0 Bicycle Parking Spaces: 284 Loading Docks: 0

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