

2350-2352 Yonge Street – Zoning Amendment Application – Appeal Report

Date: August 15, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 8 - Eglinton-Lawrence

Planning Application Number: 22 176294 NNY 08 OZ

Related Planning Application: 22 176494 NNY 08 SB; 22 176293 NNY 08 SA

SUMMARY

On July 13, 2022, a Zoning By-law Amendment application was submitted to permit a 50-storey residential building containing a total of 323 residential dwelling units. The proposed development will have a total gross floor area (GFA) of approximately 20,562 square metres, comprised entirely of residential space at 2350 -2352 Yonge Street.

On July 10, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (“OLT”) due to Council not making a decision within the time frame prescribed in the Planning Act. No Case Management Conference has been scheduled to date.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the OLT hearing and 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 Ontario Land Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 2350 – 2352 Yonge Street and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Zoning By-law are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

1. if required, provisions for a holding by-law pursuant to Section 36 of the Planning Act regarding the provision of an acceptable sanitary system solution constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site;
- b) the owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated September 16, 2022, and any outstanding issues arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and Chief Engineer and Executive Director, Engineering and Construction Services;
- c) Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, prior to approval of the rezoning application, a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;
- d) Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;
- e) Provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10 and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- f) the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering & Construction Services for Work on the City's Right-of-Way;
- g) the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;

- h) the owner has submitted architectural plans reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - i) that the owner has submitted a tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor in accordance with Official Plan Policy 3.2.1.12; and,
 - j) the owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council authorizes 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

Yonge, Duplex, Helendale and Orchard View Planning Study

A planning study for the block bounded by Yonge, Duplex, Helendale, and Orchard View was completed in November 2013 after extensive community consultation. The study considered future development on the block bounded by Yonge Street, Duplex Avenue, Helendale Avenue and Orchard View Boulevard in a comprehensive fashion in relation to built form and public realm. The Final Report on the study included amendments to the then in force Yonge-Eglinton Secondary Plan and Urban Design Guidelines to implement the results of the Study.

<https://secure.toronto.ca/council/agenda-item.do?item=2013.NY28.31>

Midtown in Focus - Yonge-Eglinton Secondary Plan

Midtown in Focus was an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. City Council adopted Official Plan Amendment 405 and a series of infrastructure strategies and plans in July 2018. OPA 405 included a new Secondary Plan for the area. It was approved with modifications by the Minister of Municipal Affairs and Housing on June 5, 2019. The Minister approved Secondary Plan can be found here: https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Midtown Infrastructure Implementation Strategy - Final Report

On June 15-16, 2022, City Council adopted the Midtown Infrastructure Implementation Strategy - Final Report, which supports improved capital project planning and delivery in Midtown over the near, mid and long terms. As part of the Strategy, a complementary Public Realm Implementation Strategy provides design direction and implementation

tools to achieve public realm and streetscape improvements identified in the Yonge-Eglinton Secondary Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.IE30.7>

A pre-application meeting was held on May 18, 2021. The current OZ application and related development applications were submitted on July 13, 2022, and deemed complete on September 1, 2022.

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located at 2350-2352 Yonge Street, on the west side of Yonge Street, mid block between Orchard View Boulevard and Helendale Avenue. The rectangular site is 516 square metres in size, has a frontage of 12.5 metres along Yonge Street and a depth of approximately 41.2 metres.

Existing Use: three-storey commercial retail buildings with commercial uses (retail, office, service commercial) on the first two storeys and residential units on the third storey (4 residential rental units).

Surrounding uses include:

North: the property directly adjacent on the north is a three-storey commercial retail building with residential uses above. At the northwest corner of Helendale Avenue and Yonge Street is a recently constructed (2021) 31 storey residential building with retail commercial uses at grade.

East: on the east side of Yonge Street, are a number of commercial and commercial office buildings of low-rise and mid-rise, and tall building forms. Some of the low rise commercial buildings have residential uses above the ground floor.

South: the property directly south of the site is a two-storey commercial building at the northwest corner of Yonge Street and Orchard View Boulevard, currently occupied by an RBC branch. On the south side of Orchard View Boulevard, is the Yonge Eglinton Centre, generally encompassing the block bounded by Yonge Street, Eglinton Avenue West, Duplex Avenue, and Orchard View Boulevard. This complex includes a 30-storey office building, a 22-storey office building, a 22-storey residential building and a 17-storey residential building as well as a three storey commercial building in the centre of the block and connecting all the buildings on the block. The Eglinton subway station on the TTC Subway Line 1 and to the future Crosstown Light Rail Station on Line 5.

West: a surface parking lot associated with the two-storey RBC building on the northwest corner of Yonge Street and Orchard View Boulevard. To the west of this is a 15-storey residential building with a mix of office and community uses in the base building including the Northern District Public Library branch.

THE APPLICATION

Description

Height: 50-storey (165.65 metres, including 5.0 metre mechanical penthouse) residential building.

Density (Floor Space Index): 39.82 times the area of the lot.

Unit count: 323 dwelling units (98 bachelor units (30%), 90 one-bedroom units (28%), 93 two-bedroom units (41.8%) and 42 three-bedroom units (13%)). The total residential gross floor area is 20,562 square metres.

Additional Information

See Attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

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/>

Reasons for Application

The Zoning By-law Amendment Application proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height; building setbacks; floor space index; amenity space and parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

Agency Circulation Outcomes

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

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted concurrent with the application for Zoning By-law Amendment and was deemed complete on September 1, 2022. The application for site plan control is pending the outcome of the zoning by-law amendment application.

Draft Plan of Subdivision

The applicant also submitted an application for a draft plan of subdivision which was deemed completed on September 1, 2022. The Chief Planner has delegated authority for Plans of Subdivision under By-law 229, as amended. The Draft Plan of Subdivision

is proposed to enable flexibility to subdivide units within the building in the future. The draft plan of subdivision application is pending the outcome of the zoning by-law amendment application.

POLICY CONSIDERATIONS

Provincial Land Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation: The site is identified as an Avenue on Map 2 of the Official Plan and is designated *Mixed Use Areas* on Map 17 of the Official Plan. More specifically, it is designated as *Mixed Use Areas “B”* on Map 21-4 of the Yonge-Eglinton Secondary Plan (OPA 405). In the Yonge-Eglinton Secondary Plan (YESP) the site is within the Montgomery Square Special Place Character Area. The Yonge-Eglinton Secondary Plan anticipates a height range of 20 to 30 storeys, with heights generally decreasing from south to north and from east to west for developments in the Montgomery Square Character Area. This portion of Yonge Street is designated a Priority Retail Street and form part of the Yonge Street Squares.

On Map-21-3, the site is located within a 250 metre radius of the Eglinton Transit Node Station Area and located within the associated Secondary Zone. On July 19 2022, City Council adopted OPA 570 which delineated a Major Transit Station Area for Eglinton Station, a PMTSA with a proposed minimum density target of 600 people and jobs per hectare. The minimum density target assigned to this site is 2.5 times the area of the lands. The MTSA/PMTSAs are currently pending approval from the Province.

Zoning: The site is subject to Zoning By-law 569-2013. The site is zoned Commercial Residential (CR), with a density of 3 times the area of the lot and a height limit of 16 metres.

Design Guidelines: The following design guideline(s) will be used in the evaluation of this application:

- City-Wide Mid-Rise Performance Standards and Addendum;
- City-Wide Tall Building Design Guidelines;
- Townhouse & Low-Rise Apartment Guidelines; and
- Growing Up: Planning for Children in New Vertical Communities.

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

Rental Housing Demolition and Conversion By-law: The Applicant submitted an application on October 22, 2021 for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units, as the lands subject to the application contain six or more residential units, of which at least one is rental. As per Chapter 667-14, a tenant consultation meeting will be held to

review the impact of the proposal on existing tenants of the residential rental property and matters under Section 111.

City Council may refuse a Rental Housing Demolition application or approve an application with conditions, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan. However, unlike *Planning Act* applications, decisions by City Council under Chapter 667 are not appealable to the Ontario Land Tribunal.

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of the demolition of any residential property that contains 6 or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act*.

This proposal requires Council approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least six dwelling units and at least one rental unit. City Council has not yet made a determination on the demolition of the existing rental units.

Toronto Green Standard: 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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on February 1, 2023. Approximately 30 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- lack of retail on the ground floor along Yonge Street;
- size of development site is too small;
- size of proposed units too small; privacy and overlook concerns to nearby buildings
- lack of any residential parking or on site space for deliveries and drop-offs/pick ups will cause more traffic issues in an already heavily trafficked area;
- lack of on-site accessibility parking space; and
- height of proposal much higher than Secondary Plan permissions.

COMMENTS

Provincial Framework

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform

to provincial plans. Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find that elements of the proposal are not consistent with the PPS and do not conform with the Growth Plan. It is not consistent with PPS policies concerning matters such as but not limited to the establishment of appropriate coordination, provision for a healthy and active community and provision of appropriate built form.

The Growth Plan includes policies which suggests that the implementation and achievement of the Growth Plan policies is to be undertaken on a comprehensive basis by the municipality. This would include developing a strategy to achieve minimum intensification targets, identifying Strategic Growth Areas (which includes Major Transit Station Areas), identifying the appropriate type and scale of development in these areas.

Similar policy direction is also provided under the PPS where Planning authorities shall identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock and areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Further, Planning Authorities shall establish and implement minimum targets for intensification and redevelopment within built up areas, based on local circumstances.

As noted above, the YESP was updated and approved by the Province in 2019 and OPA 570 was approved by City Council in 2022. These plans and MTSA delineations reviewed the area comprehensively and determined the appropriate level of intensification and redevelopment within this area. As noted below, the height of the proposed building is not in line with the intent of the heights prescribed for the Montgomery Square Character Area.

The PPS establishes that the Official Plan is the most important vehicle for the implementation of the PPS. The YESP builds on the Official Plan to articulate a vision for this area. It also states that in order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the PPS and that the policies of the PPS continue to apply after adoption and approval of an Official Plan.

Land Use

This application has been reviewed against the Official Plan policies and the YESP as a whole.

The YESP designates the site *Mixed Use Areas "B"* and identifies Yonge Street as a Priority Retail Street. Mixed Use Areas "B" consist of residential, office and civic clusters around transit stations and along Yonge Street, Eglinton Avenue West and Merton Street. Tall buildings and large redevelopment sites capable of accommodating multiple

buildings will provide 100 percent replacement of any existing office gross floor area located on the site.

Per the YESP, development on priority retail streets will include a continuous frontage of at-grade, pedestrian-oriented retail and service uses and/or community service facilities. At-grade residential uses will generally not be permitted except for residential lobbies on mid-block sites. The Secondary Plan states that the width of residential lobbies should be limited. The site does not appear to be large enough to accommodate both retail at grade and the residential lobby. As the proposed development is not providing a continuous frontage of at-grade, pedestrian-oriented retail and service uses and/or community service facilities, the proposed land use does not generally conform to the Yonge-Eglinton Secondary Plan.

Site Layout, Context and Lot Consolidation

The site has an area of 516 square metres and is midblock between Orchard View Boulevard and Helendale Avenue with a frontage of approximately 12.5 metres on Yonge Street. The adjacent property to the north (2354 Yonge Street) of the site is a similar 3 storey mixed use building and the property adjacent to the south is a two-storey commercial building (2346 Yonge Street). The remaining properties on the block bounded by Helendale Avenue, Yonge Street, Orchard View Boulevard and Duplex Avenue are developed with high-rise residential and mixed-use buildings.

One of staff's principal concerns with the proposal is the lack of site consolidation with the two adjoining properties to the north and south of it. As proposed, the proposal has not demonstrated that the site can appropriately accommodate a tall building. The City's Official Plan directs that a tall building is to have a clear base, tower and top. The base and tower is only distinguished by the stepbacks within the east elevation of the proposed building. The tower does not have any rear or side yard setbacks and takes up the entirety of the lot to accommodate the proposed tower building. The Tall Building Guidelines state that developments should have a tower setback of at least 12.5 metres so as to ensure at least a 25 metre separation distance between towers. The tower separation between this tower and the tower to the north of the site (2360 – 2370 Yonge Street) is 20 metres and relies on 2354 Yonge Street to provide for said separation. Further, the proposal would in turn dictate that 2354 Yonge could only develop to the proposed base building height. Any taller elements in a mid-rise form would not adhere to the separation distances between a mid-rise and tall building as described in the guidelines. This is further exacerbated by the proposed window openings on the north elevation starting at the fifth level. The site is too small to accommodate the proposed development and meet Official Plan policy direction and does not meet the intent of the City's Tall Building Design Guidelines.

Staff are concerned about the impact the proposed development may have on the adjacent lands as well as how the proposed development would interface with any potential development that could happen on these lands. The development is highly encouraged to consolidate with neighbouring properties to ensure the orderly development of these lands.

Density, Built Form, Height and Transition, Massing

The Site is located within the YESP outside of the Yonge Eglinton Centre (Urban Growth Centre) and within the Montgomery Square Character Area. The Montgomery Square Character Area is and will continue to be the civic heart of Midtown with its concentration of historic buildings, community services facilities and shops that line Yonge Street. The heights of tall buildings will scale down in height away from the Yonge-Eglinton intersection. Tall building elements are to ensure that the area's rich heritage fabric is accentuated and enable sunlight to reach the street at key points during the day. New public parks and other spaces connecting with the Square's civic buildings will create a unique destination for civic events. The anticipated height range for the Montgomery Square height range is 20 to 30 storeys, with heights generally decreasing from south to north and from east to west. The proposed height of 50 storeys does not meet the general intent of the heights for this character area.

With respect to the Midtown Transit Station Areas, the site falls within the Secondary Zone of the Eglinton Transit Station Node. This zone supports transit-supportive development in a compact urban form and a mix of uses in Midtown. The intensity of development will generally be less than the Station Area Core. Development will generally transition down in height and scale to surrounding Built-up zones. The proposed height is more similar to those within the Station Area Core zone where existing and approved heights range from 36 – 65 storeys.

The proposed building massing has a 9-storey (37.05 metre) base building that occupies the entirety of the site. Atop this base building is a tower form for a total of 50 storeys. Along Yonge Street, the base building is set back by a minimum of 0 metres from the front property line, except on the ground level which has a 2.5 metre. The total curb to building face setback is approximately 4.8 metres (7.3 metres at grade). Above the ground floor, the base building will step-back from the Yonge Street frontage by 1.0 metre at Levels 2 and 5. Levels 2, 5 and 10 include outdoor amenity spaces in-set so that the upper stories are cantilevered above them, along Yonge Street. At Level 2, the western portion of the north main wall will be set back by approximately 0.5 metres from the north side lot line, creating a 'notch' at the northwest corner of the building. This notch continues up the height of the base building and tower above. Above the 9-storey base building, the tower element provides an additional 1.0 metre front step back, in order to provide for a total tower setback of 3.0 metres from the Yonge Street right-of-way. The proposed tower element does not provide any step backs to the north, west or south property lines. The building does not include any projecting balconies.

It is a built form principle in the YESP to ensure liveable and comfortable spaces that also contribute to a resilient future by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, ensuring adequate access to sky view from the public realm, allowing adequate sunlight to penetrate to the street, and ensuring good wind conditions in all seasons. Per the YESP, the siting and placement of tall buildings, particularly the tower portion will take into account other adjacent sites, provide adequate access to sunlight and sky view from the public realm. Base buildings are to be generally six storeys in the Montgomery Square Character

Area, however additional storeys are permitted if they are setback from all sides of the base building. The proposal is not in keeping with the Built Form policies of the YESP.

The proposal has not demonstrated that it is meeting the policies in the Official Plan, the Yonge-Eglinton Secondary Plan, and urban design guidelines regarding height, building setbacks, building step-backs, and tower separation distance. Furthermore, the consolidation of the site with adjacent lands is strongly encouraged to achieve a proposed development that conforms to the official plan policies.

Sun, Shadow, Wind

The Official Plan states that buildings are to be located and massed to provide transition through appropriate setbacks and/or a stepping down of heights towards lower scale Neighbourhoods, and for buildings to be located and massed to adequately limit shadow impacts on adjacent Neighbourhoods.

The YESP also states that new development will be located and designed to provide adequate sunlight on parks and open spaces including the existing Northern Secondary School playfield. The submitted shadow study indicates that the proposed development includes additional increase of shadowing on the outdoor field of North Toronto Collegiate Institute on the March 21 equinox at 2:18 p.m. and 3:18 p.m. and on 3:18 p.m. during the September equinox.

A Pedestrian Level Wind Study prepared by Gradient Wind concluded that the future wind conditions over all grade-level pedestrian wind-sensitive areas within and surrounding the study site will be acceptable for the intended uses on a seasonal basis. The Levels 2, 5, and 10 amenity terraces on the building are expected to be comfortable for sitting or more sedentary activities throughout the summer months, without the need for mitigation.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit, of which at least 2.0 square metres for each dwelling unit is for indoor amenity space and at least 40.0 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space.

The application is proposing a total of 956.29 square metres of residential amenity, comprised of 681.29 square metres of indoor amenity space (2.11 square metres/unit) and 275 square metres of outdoor amenity space (0.85 square metres/unit). The applicant is proposing the indoor amenity on the second floor in the form of two party rooms on the west side of the floorplate and two indoor lounges on the eastern part of the floorplate adjacent to a 116.86 square metre outdoor amenity terrace overlooking Yonge Street. Additional indoor amenity of fitness type uses is also proposed on the third floor. Media and dining amenity spaces is also proposed on the fifth floor, adjacent to an outdoor amenity terrace overlooking Yonge Street. The tenth floor also includes indoor and outdoor amenity in the form of lobbies and dining rooms and an adjoining outdoor terrace. While the applicant is meeting the minimum required amount of indoor amenity space per unit and the minimum outdoor amenity space in a location

adjoining/directly accessible to the indoor amenity space, the overall amenity space per unit is 2.96 square metres/unit which is below the overall amount required of 4 square metres/unit. Furthermore the policies of the YESP encourages development to have outdoor amenity space that provides for adequate sky views and sunlight and to include trees and other landscaping. Further information is required as to how the proposed outdoor amenity spaces that are in-set with the tower cantilevered over can achieve these objectives.

Public Realm

The YESP Public Moves identify the public realm move of the Yonge Street Squares for the public space (sidewalks and pedestrian connections) for this area around the site. The ground floor is setback 2.5 metres which provides for a pedestrian clearway from the curb face of Yonge Street to the building face of 7.30 metres. This distance would be consistent with other recent applications along Yonge Street.

Traffic Impact, Access, Parking

There is no vehicular access to the existing site within its property lines. The primary vehicular access to the proposed loading area is provided from Helendale Avenue via a private driveway from 2360-2370 Yonge Street. This driveway provides access to 2354 Yonge Street and the subject lands via a 6.0m easement depicted on the plans. The applicant proposes to build over this area with an at-grade internal turntable to facilitate vehicle movement and turnaround. The applicant needs to clarify whether this proposed design is permitted over the easement. The dedicated easement must be registered on-title for all subject properties. Further, vehicular pick-up and drop-off activities must be accommodated within the site boundary, not on the public streets. Transportation Services has expressed concerns with the removal of existing on-street parking along Yonge Street.

No vehicle parking spaces are proposed, including no visitor or accessible parking spaces. The parking space requirements for the proposed development are governed by the applicable parking provisions contained in the Toronto Zoning By-law No. 569-2013 amended by By-law 89-2022, which removed the minimum parking requirements for residential uses except for visitor and accessible parking spaces. The site has not met the visitor or accessible parking requirements of By-law 89-2022.

Loading is proposed via a turntable at the rear of the site. Transportation Services staff have requested further information and details regarding the functionality of the turntable and its potential impact on the driveway access of the neighbouring properties. Solid Waste staff further identified a number of design matters related to the turntable of which the applicant has not demonstrated to staff's satisfaction.

Lastly, the City may require a 3.4 metre Yonge Street widening which has not been accommodated in the proposed development and appears to impact the proposed building setbacks.

Transportation Demand Management (TDM)

A TDM plan was included as part of the applicant's Urban Transportation Considerations Report. However, additional information is required in order for staff to

assess the appropriateness of the proposed TDM Plan. For instance, further information is needed to demonstrate that appropriate on-site pick up and drop off opportunities as well as further TDM measures to support cycling.

In the event that the OLT allows the Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised TDM plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured.

Servicing

A Functional Servicing and Stormwater Management Report, a Hydrogeological Report, a Geotechnical Study, a Transportation Impact Study and associated engineering plans have been submitted for the application. Engineering and Construction Services Staff have reviewed the submitted materials in support of the zoning by-law amendment application and have requested revisions to the reports and plans and have requested additional information which has not been provided to date.

A revised Functional Servicing Report is required to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development. It must be submitted for review and acceptance to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

Should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services; the owner is also to make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, as well as to provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, and pending the completion of a satisfactory Functional Servicing Report, as indicated in these staff recommendations, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Housing

The Official Plan prevents new development that would have the effect of removing all or part of a private building or related group of buildings that would result in the loss of one or more rental units or dwelling rooms unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

The applicant has submitted a Rental Housing Demolition and Conversion Declaration of Use and Screening Form confirming that the lands contain three rental dwelling units. Accordingly, the applicant is required to develop an acceptable tenant relocation and assistance plan to mitigate hardship for any existing tenants. The tenant relocation and assistance plan will need to be secured through one or more agreements with the City, to the satisfaction of the City Solicitor and Chief Planner should the development application be approved

The Yonge-Eglinton Secondary Plan, as approved by the Minister of Municipal Affairs and Housing on June 5, 2019, includes housing policies that require developments containing more than 80 new residential units include a minimum of 15% 2-bedroom units, a minimum of 10% 3-bedroom units, and an additional 15% of units as some combination of 2- and 3-bedroom units or units that can be converted to 2 and 3 bedroom units through accessible or adaptable design measures.

The Council-adopted Growing Up: Planning for Children in New Vertical Communities final urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that 10% of the total residential units should be three-bedroom units and 15% should be two-bedroom units. Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The provision of 93 (28.8%) two-bedroom units and 42 (13%) three-bedroom units supports unit mix objectives of the Growing Up guidelines, Yonge-Eglinton Secondary Plan and the Official Plan housing policies. However the average unit sizes listed for 2 bedrooms is 59.55 square metres, and the average unit size for 3 bedroom units is 72.66 square metres. Although these are only averages, they do not approximate the ideal unit size for larger units and do not appear to support the unit size objectives of the Growing Up guidelines.

TTC

The TTC has advised that a minimum 3 metre clearance is required between the proposed development and all existing TTC infrastructure, and requests that a site-specific zoning standard requiring a minimum distance of 3 metres between the building, including above and below grade structures and all TTC infrastructure be included in any approved site specific by-law for this application. The TTC has also requested a number of conditions prior to Site Plan approval.

Live Music Venues

The City's Economic Development and Culture Division advises that Toronto has a longstanding history as a world-renowned centre for music. Toronto's live music venues generate over \$850 million in annual economic impact, and create an inviting, engaging, and attractive streetscape for tourists and locals alike.

In an effort to preserve Toronto's musical culture and economy, and in accordance with the current Toronto Music Strategy (adopted by City Council in 2022) and May 2017's "Balancing Music Venues and New Development" motion, the Music Office (Film & Entertainment Industries, Economic Development and Culture) contributes comments on applications situated within 120 meters of an existing live music venue or an outdoor or indoor non-traditional / alternative space used for live performances, in order to prevent future conflict between music industry stakeholders and the future short- or long-term tenants or guests of these new developments.

In the case of the application at 2350 Yonge St, there are two nearby establishments that have music venues: the Rose & Crown at 2335 Yonge St (25m from application address) and the Function Bar at 2291 Yonge St (120m from application address).

To reduce the chance of future conflict between residents of the new development and the pre-existing music venue(s) nearby, Economic Development strongly recommends that the applicant also consider sound mitigation measures including adaptations to walls and windows as well as proactive site design features such as location of balconies and bedrooms. These measures may help protect residents from sound produced not just by the nearby music venue(s) but also from the significant ambient noise in the area. Further, they request that the applicant acknowledge and agree to advisory clauses with respect to this development and include such warning clauses in all offers of purchase and sale, as well as appropriate condominium documents, addressing the potential noise and vibration from the nearby music venue(s) listed above.

Toronto Green Standard / Tree Preservation

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. Further information is also required to determine conformity with the Energy and Resilience policies of the YESP.

The Application is subject to the provisions of the City of Toronto Municipal Code. A Utility Coordinate Plan, a Landscape Plan and a Planting and Soil Volume Plan were provided and reviewed by Urban Forestry. While Urban Forestry does not object in principle to the zoning by-law amendment application, there are concerns with the related Site Plan application. Additional information is required in order to determine whether sufficient soil volumes can be achieved to permit tree planting.

Parkland

At the alternative rate of 1 hectare per 600 units specified in [Section 42 of the Planning Act](#), the parkland dedication requirement is 5,333 square metres or 11,032.95% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 51.63 square metres.

In this instance and as per the [Toronto Municipal Code Chapter 415-26](#), Parks, Forestry & Recreation would accept the conveyance of lands off-site that would expand an existing park or create a new park as the required parkland dedication. The off-site dedication is to comply with Policy 3.2.3.8 of the Toronto Official Plan. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation, with conveyance of parkland required prior to the issuance of the First above Grade Building Permit.

The Owner shall provide confirmation to Parks Department whether they would be agreeable to pursuing an off-site parkland dedication. If the pursuit of an off-site parkland dedication is not successful, payment of cash-in-lieu of parkland will be required. The appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management, with payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Schools

The Toronto Lands Corporation (TLC)/Toronto District School Board has advised that there is insufficient capacity to accommodate students from new residential developments at local schools. To address accommodation challenges that may arise, the Board may need to use portables to accommodate students or engage in studies to explore options for creating space at a local school. These options include changing school boundaries, moving programs, or bussing new students to another school, among others. These studies are made publicly available in the Board's Long-Term Program and Accommodation Strategy and may be subject to Board approval and (in some cases) include public engagement.

The status of local elementary school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools. As such, the TDSB has requested conditions as part of the site plan agreement including the installation of a notice sign on the development site and warning clauses in all agreements of purchase and sale/lease/rental/tenancy agreements.

The Toronto Catholic District School Board has advised that at this time, the local elementary and secondary school is operating at capacity and cannot accommodate additional students from the development as proposed. The TCDSB will continue to monitor development growth in this area as it relates to cumulative impact on local schools. Due to concerns associated with school accommodation, the Toronto Catholic District School Board has also requested conditions as part of the site plan agreement including the installation of a notice sign on the development site and warning clauses in all agreements of purchase and sale/lease/rental/tenancy agreements.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to

Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result 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, Staff may report back to City Council as necessary.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the YESP. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and conflicts with the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Toronto Official Plan and the YESP, and does not maintain the intent and purpose of the relevant Design Guidelines. The proposal in its current form does not represent good planning and is not in the public interest.

This report recommends that City Council direct the City Solicitor, with appropriate staff, attend the OLT 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.

CONTACT

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E-mail: Valeria.Maurizio@toronto.ca

SIGNATURE

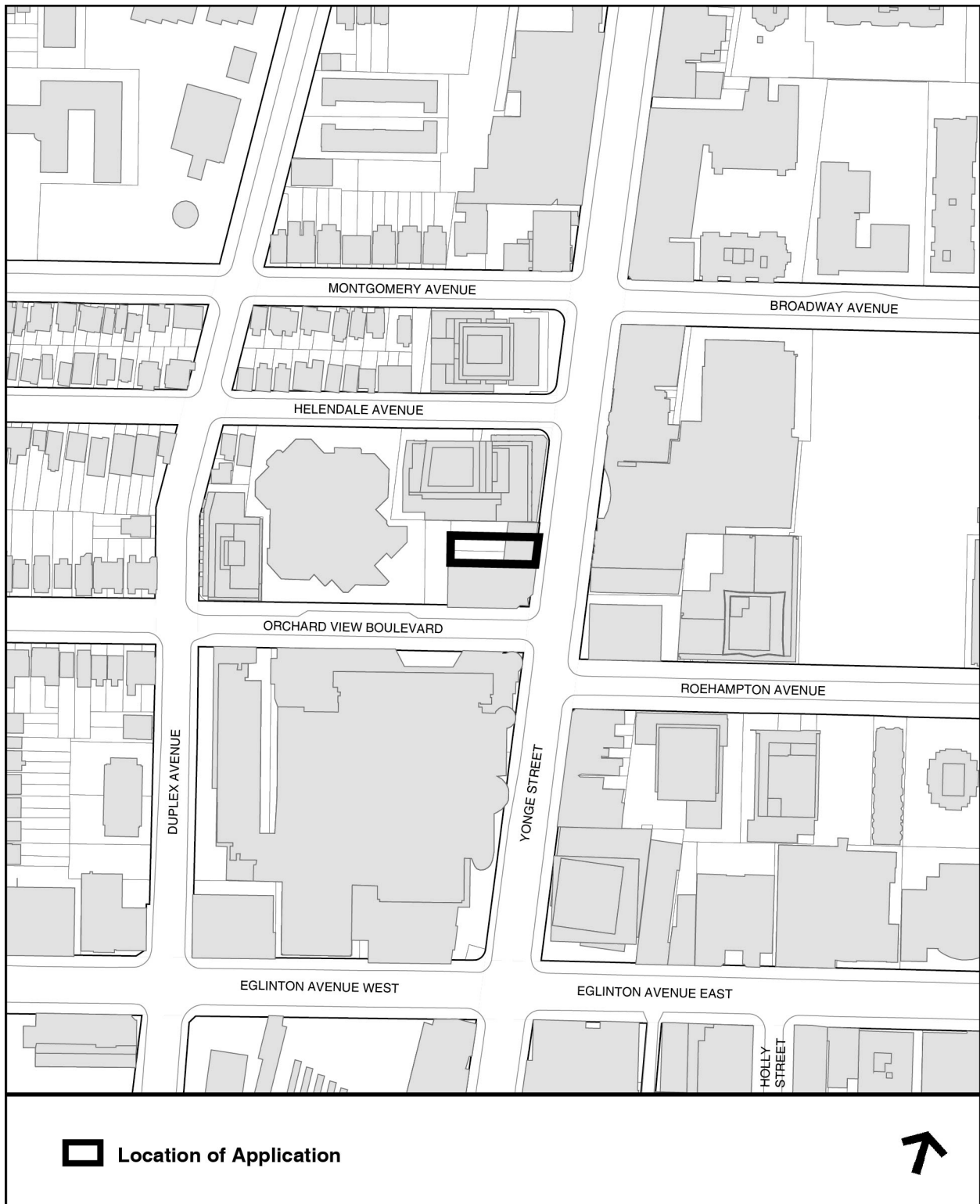
David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Yonge-Eglinton Secondary Plan Midtown Character Area Map

Attachment 8: Yonge-Eglinton Secondary Plan Midtown Transit Station
Attachment 9: Yonge-Eglinton Secondary Plan Land Use Map
Attachment 10: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 2350 YONGE ST **Date Received:** July 13, 2022
Application Number: 22 176294 NNY 08 OZ
Application Type: OPA / Rezoning, Rezoning
Project Description: Proposal for 50-storey residential building containing a total of 323 residential dwelling units. The proposed development will have a total gross floor area (GFA) of approximately 20,562 square metres, comprised entirely of residential space. (see 21-144988 NNY 8 PAC)

| Applicant | Agent | Architect | Owner |
|------------------|--------------|------------------|--------------------------|
| BAZIS INC | | | HARPY EAGLE HOLDINGS INC |

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:
Zoning: CR 3.0 (c2.0; r2.5) SS2 Heritage Designation:
(x2433)
Height Limit (m): 16 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 516 Frontage (m): 13 Depth (m): 41

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|-----------------|-----------------|-----------------|---------------|
| Ground Floor Area (sq m): | 347 | | 477 | 477 |
| Residential GFA (sq m): | 208 | | 20,562 | 20,562 |
| Non-Residential GFA (sq m): | 695 | | | |
| Total GFA (sq m): | 903 | | 20,562 | 20,562 |
| Height - Storeys: | 3 | | 50 | 50 |
| Height - Metres: | 10 | | 161 | 161 |

Lot Coverage Ratio (%): 92.41 Floor Space Index: 39.82

| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
|-----------------------------|---------------------------|---------------------------|
| Residential GFA: | 20,562 | |
| Retail GFA: | | |
| Office GFA: | | |
| Industrial GFA: | | |
| Institutional/Other GFA: | | |

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|------------------------------------|-----------------|-----------------|-----------------|--------------|
| Rental: | 4 | | | |
| Freehold: | | | | |
| Condominium: | | | 323 | 323 |
| Other: | | | | |
| Total Units: | 4 | | 323 | 323 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|--------------|-----------------|------------------|------------------|-------------------|
| Retained: | | | | | |
| Proposed: | | 98 | 90 | 93 | 42 |
| Total Units: | | 98 | 90 | 93 | 42 |

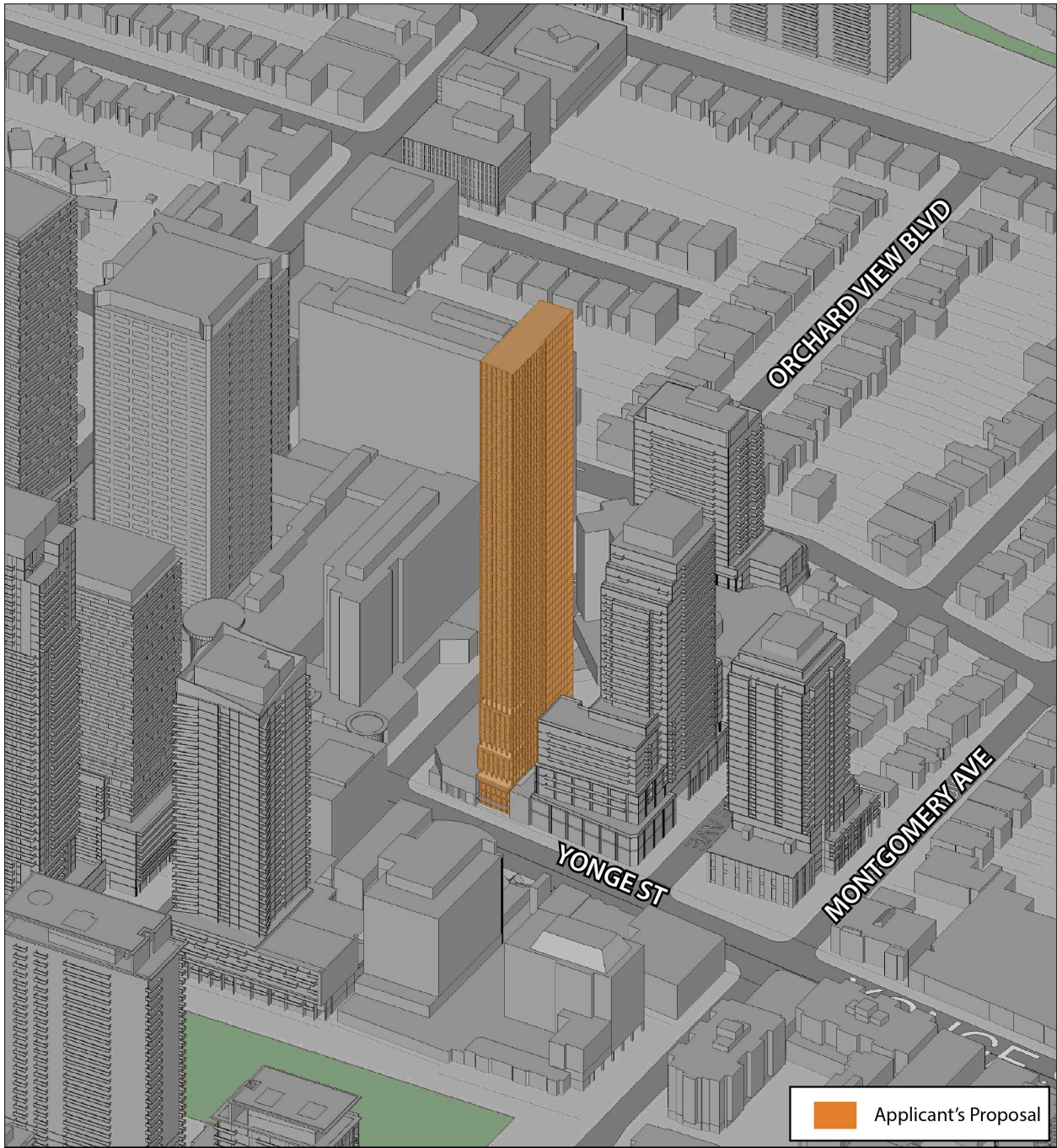
Parking and Loading

Parking Spaces: Bicycle Parking Spaces: 325 Loading Docks: 1

CONTACT:

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(416) 395-7052
Valeria.Maurizio@toronto.ca

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



View of Applicant's Proposal Looking Southwest



07/28/2023

Attachment 4: 3D Model of Proposal in Context Looking Northeast

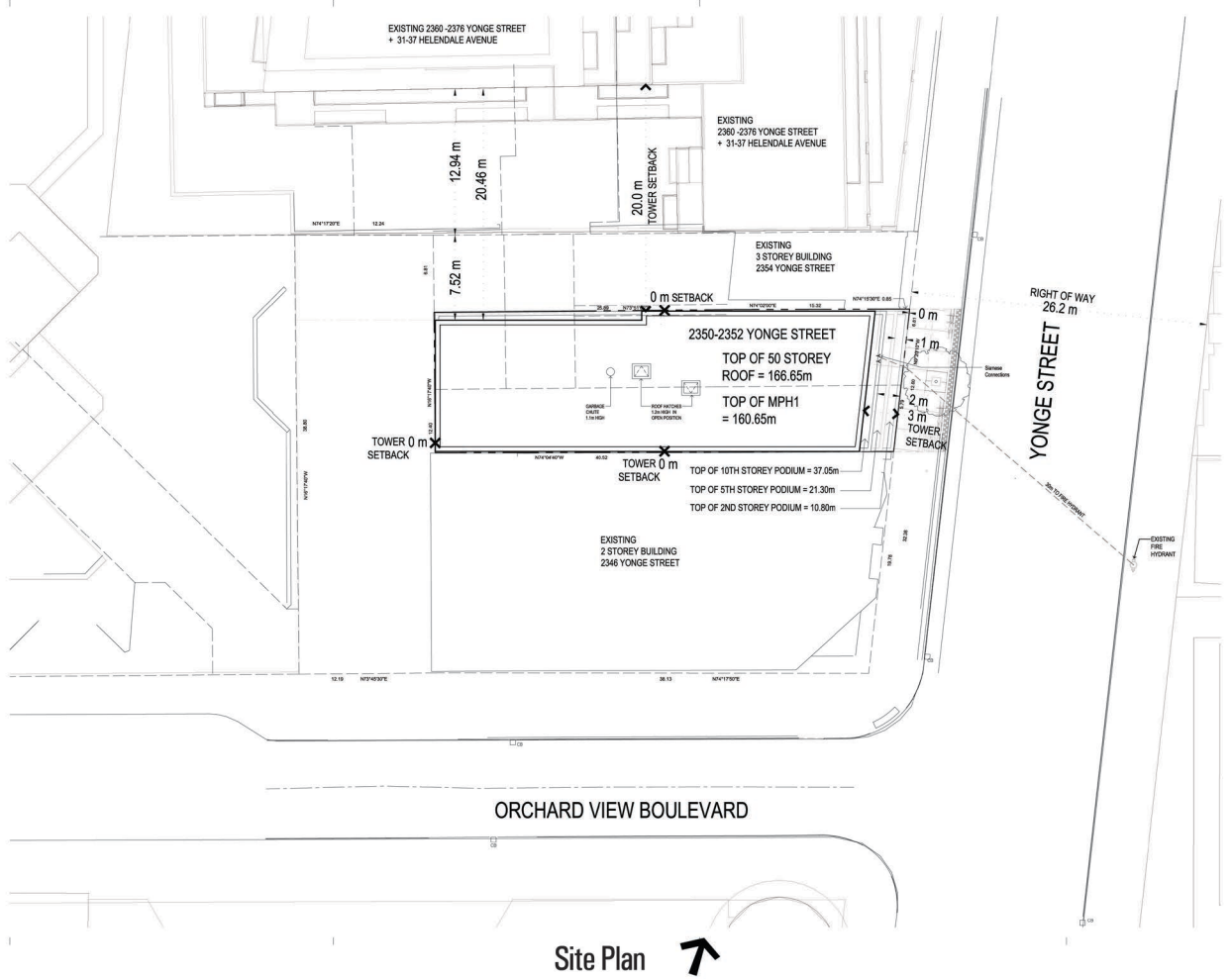


View of Applicant's Proposal Looking Northeast



07/28/2023

Attachment 5: Site Plan



Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map #17

2350-2352 Yonge Street

File # 22 176294 NNY 08 0Z



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Not to Scale
Extracted: 07/20/2022

Attachment 7: Yonge-Eglinton Secondary Plan Midtown Character Area Map



Yonge-Eglinton Secondary Plan

MAP 21-2 Midtown Character Areas

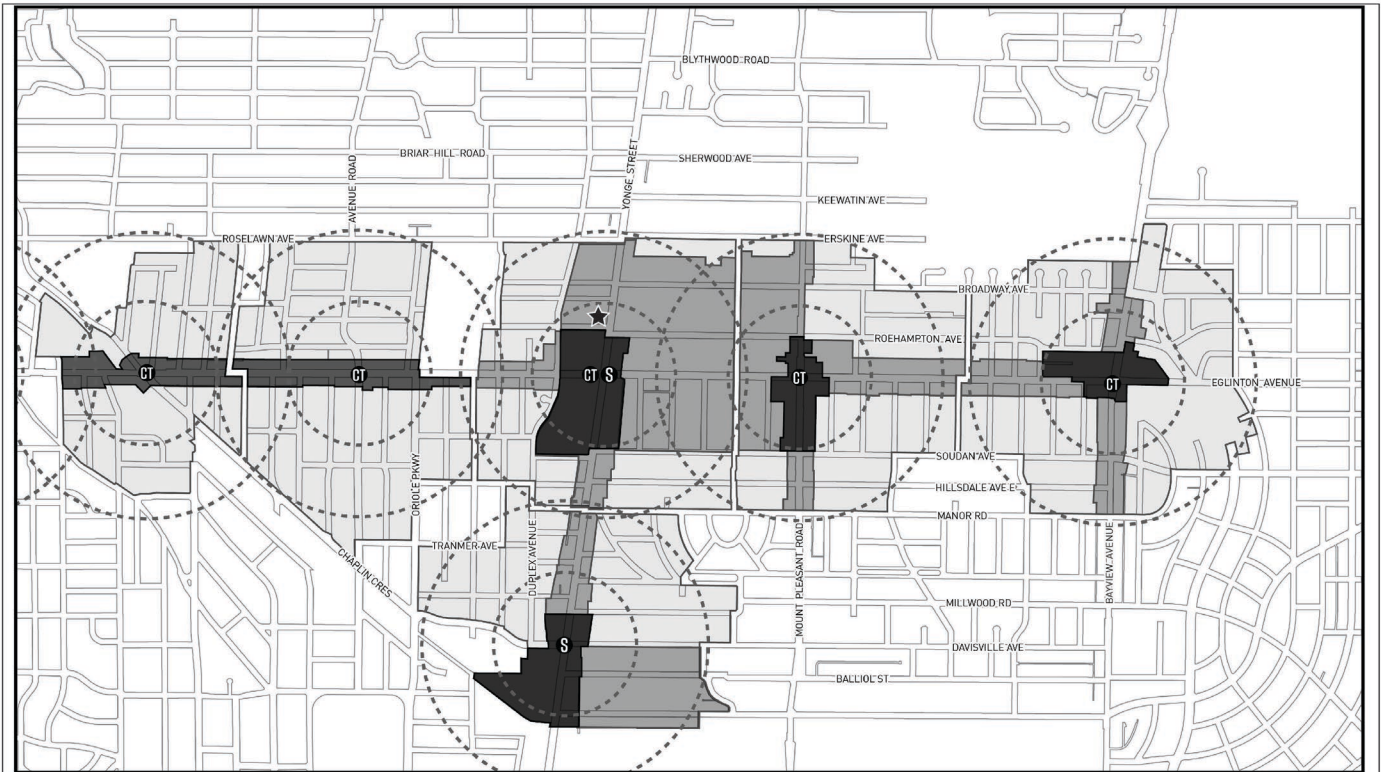
2350-2352 Yonge Street

File # 22 176294 NNY 08 0Z

| | | | | | |
|---------------------------|-----------------------------|-------------------------|------------------------------|--------------------------------|---------------|
| Secondary Plan Boundary | Apartment Neighbourhoods | Villages | Cores | Special Places | Site Location |
| Apartment High Streets | B1 Erskine and Keewatin | C1 Eglinton Way | D1 Yonge-Eglinton Crossroads | E1 Eglinton Greenline | |
| A1 Eglinton Park | B2 Redpath Park Street Loop | C2 Yonge Street North | D2 Davisville Station | E2 Montgomery Square | |
| A2 Mount Pleasant Gateway | B3 Soudan | C3 Yonge Street South | D3 Mount Pleasant Station | E3 Henning | |
| A3 Eglinton East | B4 Davisville | C4 Mount Pleasant South | D4 Bayview Focus Area | E4 Davisville Community Street | |
| A4 Mount Pleasant North | | C5 Bayview-Leaside | | E5 Merton Street | |

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Not to Scale
07/28/2023

Attachment 8: Yonge-Eglinton Secondary Plan Midtown Transit Station



Yonge-Eglinton Secondary Plan

MAP 21-3 Midtown Transit Station Areas

2350-2352 Yonge Street

File # 22 176294 NNY 08 0Z

| | | | | | |
|---------------|-------------------|-------------------|---------------|---------------------|-------------------------------|
| Transit Nodes | | Transit Corridors | | 250m and 500m Radii | ★ Site Location |
| | Station Area Core | | Corridor | | |
| | Secondary Zone | | Built-up Zone | | S Subway Station |
| | Built-up Zone | | | | CT Eglinton Crosstown Station |

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Not to Scale
07/28/2023

Attachment 9: Yonge-Eglinton Secondary Plan Land Use Map



Yonge-Eglinton Secondary Plan - OPA 405

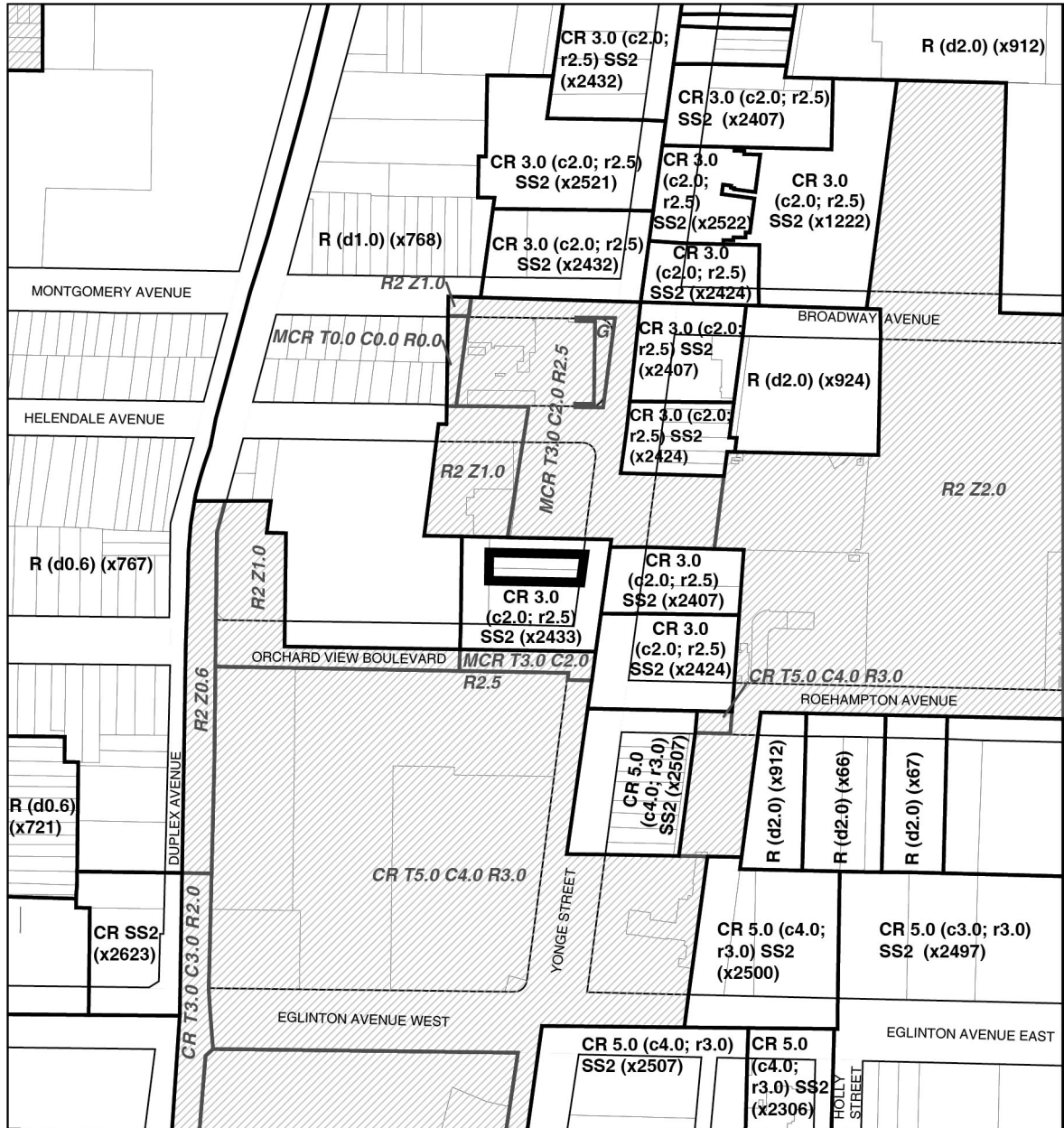
2350-2352 Yonge Street

File # 22 176294 NNY 08 0Z

★ Site Location

↗
Not to Scale
12/14/2022

Attachment 10: Zoning By-law Map



Zoning By-law 569-2013

2350-2352 Yonge Street

File # 22 176294 NNY 08 0Z

 Location of Application
R Residential
CR Commercial Residential

 See Former City of Toronto By-law No. 438-86
R2 Residential District
MCR Mixed-Use District
G Parks District


 Not to Scale
 Extracted: 07/20/2022