

1-11 Bloor Street West and 768-784 Yonge Street – Zoning By-Law Amendment Application – Appeal Report

Date: January 10, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 20 230612 STE 11 OZ

SUMMARY

On December 18, 2020, a Zoning By-law Amendment application was submitted to increase the maximum permitted building height with an additional 9-storeys, totalling 94-storeys (338.3 metres, including mechanical).

On September 22, 2022, 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 in the Planning Act.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 1-11 Bloor Street West and 768-784 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 appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and,

b) community benefits and other matters in support of the development are secured through an amendment to the existing Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

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

On April 18, 2017, the OLT approved an application (File No. 15 128261 STE 27 OZ) for an 85-storey (306.9 metres, including mechanical) mixed use building, with 430 residential units at the site.

THE SITE

Description: The site is 'L'-shaped and has an area of 2,846 square metres, with a frontage of 58.8 metres along Yonge Street and 47.7 metres along Bloor Street West. See Attachment 1 for the Location Map.

Existing Use: The construction of an 85-storey (306.9 metres, including mechanical) mixed use building. The building is planned to contain retail at-grade, a 176-room hotel and 416 residential units.

THE APPLICATION

Description: The application proposes to increase the maximum height from 306.9 to 338.3 metres (85 to 94 storeys), and the number of dwelling units from 416 to 505.

The existing requirement of 296 vehicular parking spaces remains unchanged.

Density: 30.1 times the area of the lot.

Additional Information

See Attachments 2, 3 and 4 of this report for the Application Data Sheet, a three-dimensional representation of the project in context, and a site plan of the proposal, respectively.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<http://app.toronto.ca/AIC/index.do?folderRsn=XXCizTrrA5EY39ptWXajgw%3D%3D>

Reasons for Application

The Zoning By-law Amendment application proposes to amend performance standards in site specific Zoning By-laws 684-202 and 685-2020 including: gross floor area and building height.

Site Plan Control

The development is subject to Site Plan Control. A Site Plan Control application for the revised height has not been submitted.

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 PPS, and shall conform to provincial plans.

Official Plan Designation: Mixed Use Area.

Downtown Plan: The site is designated Mixed Use Areas 1.

Site and Area Specific Policy 211: Applies to the Bloor-Yorkville area. The tallest buildings in the Bloor-Yorkville Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor streets.

Site and Area Specific Policy 225: Encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy. No pedestrian route is specifically identified on the map at the subject site. The previous approval for this site secured knock-out panels for a future below grade pedestrian connection under Bloor Street West. The approval also secured funds through Section 37 that could be used towards a new pedestrian connection.

Zoning: On April 18, 2017, the OLT approved site specific Zoning By-laws 684-2020 and 685-2020, amending both Zoning By-law 569-2013 and Zoning By-law 438-86, for a 85-storey (306.9 metres, including mechanical) mixed use building, with an 8-storey base building and 430 residential units at the site.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Bloor-Yorkville/North Midtown Urban Design Guidelines
- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;

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

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

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 held on October 6, 2021 and approximately 36 people attended. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Comments and questions provided by the meeting attendees included:

- Shadow impacts on the public realm and Jesse Ketchum Park and school yard;
- Concerns regarding servicing capacity;
- Concerns about further construction impacts;
- Comments that the building should be connected to the Bloor/Yonge Subway Station below-grade; and,
- Support for additional green space.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

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 the proposal to be consistent with the PPS and conforms with the Growth Plan.

Building Height and Shadow Impacts

The proposed increase in height creates new shadows on Jesse Ketchum Park and school yard. The proposal does not conform to the Official Plan and Downtown Plan. The proposal has not demonstrated that it has adequately limited net-new shadow on Jesse Ketchum Park and school yard, which is identified as a "Sun Protected Park and Open Space" in the Downtown Plan.

Community Benefits

The existing site specific Zoning By-law contains Section 37 provisions pertaining to the provision of community benefits in exchange for increases in height and density.

An increase to the existing Section 37 benefits was not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the OLT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

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 deputations 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 City 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.

CONTACT

David Driedger, Senior Planner
Tel. No. 416-392-7613
E-mail: David.Driedger@toronto.ca

SIGNATURE

Alex Teixeira MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Application Data Sheet

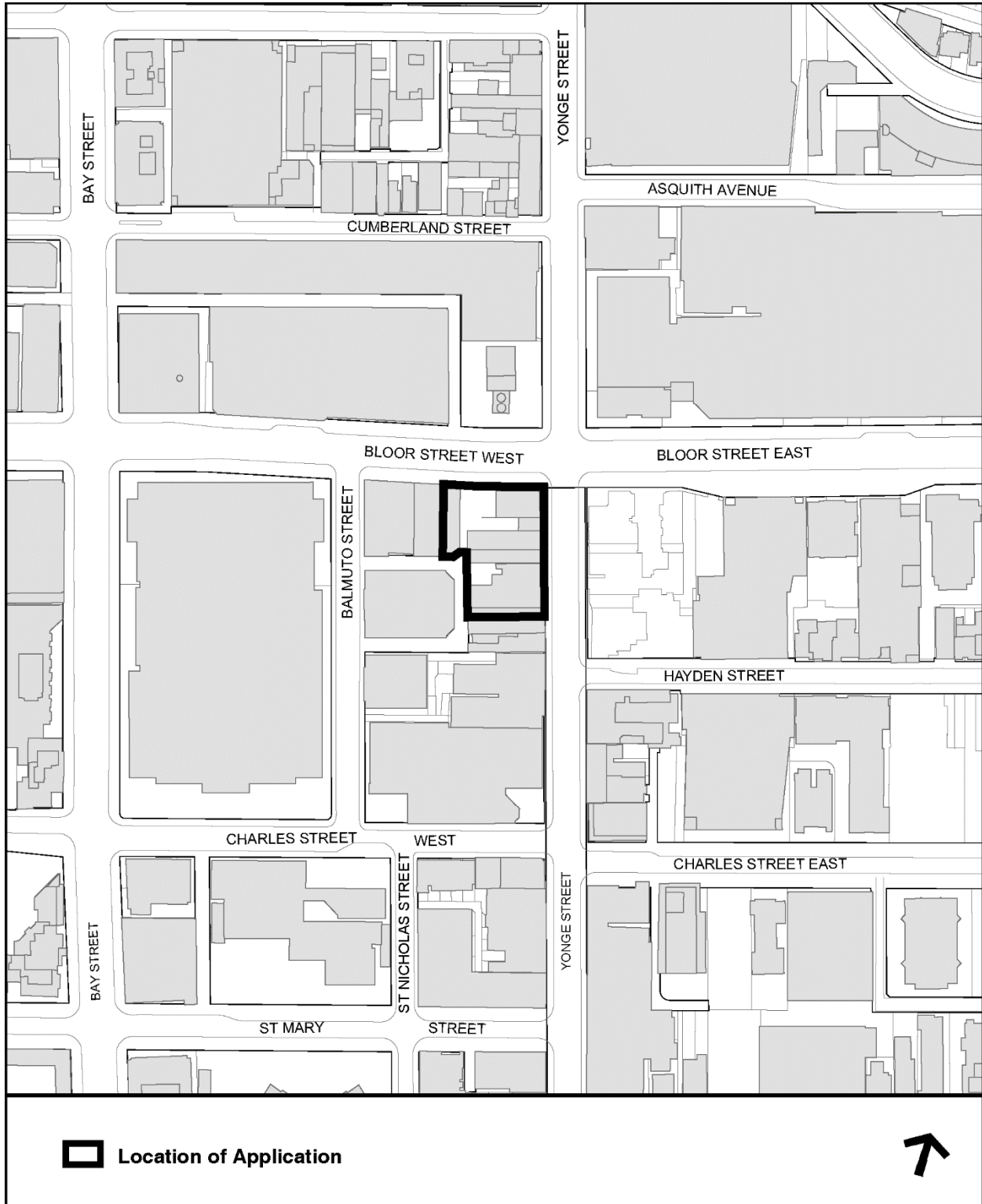
Attachment 3: 3D Model of Proposal in Context Looking Northwest

Attachment 4: Site Plan

Attachment 5: Official Plan Land Use Map

Attachment 6: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 1-11 Bloor Street West and 768-784 Yonge Street
Date Received: December 18, 2020
Application Number: 20 230612 STE 11 OZ
Application Type: Rezoning
Project Description: 94-storey mixed use building

Applicant	Agent	Architect	Owner
Dentons Canada LLP, 77 King St. W., Suite 400, Toronto, ON M5K0A1	Dentons Canada LLP, 77 King St. W., Suite 400, Toronto, ON M5K0A1	Core Architects Inc, 130 Queens Quay East, Suite 700, West Tower, Toronto, ON M5A 0P6	Mizrahi Development Group, 125 Hazelton Avenue, Toronto, ON M5R 2E5

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Mixed Use Areas</i>	Site Specific Provision:	SASP 225, SASP 211
Zoning:	CR 7.8 (c4.5; r7.8) SS1 (x62)	Heritage Designation:	Y
Height Limit (m):	306.9	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,846 Frontage (m): 48 Depth (m): 55

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,478		2,178	2,178
Residential GFA (sq m):			67,995	67,995
Non-Residential GFA (sq m):	3,797		17,669	17,669
Total GFA (sq m):	3,797		85,664	85,664
Height - Storeys:	3		95	95
Height - Metres:			338	338

Lot Coverage Ratio (%) :	76.51	Floor Space Index:	30.1
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	67,995	

Retail GFA:	863	640
Office GFA:	982	
Industrial GFA:		
Institutional/Other GFA:	15,168	16

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	2			
Freehold:				
Condominium:			505	505
Other:				
Total Units:	2		505	505

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			221	207	77
Total Units:			221	207	77

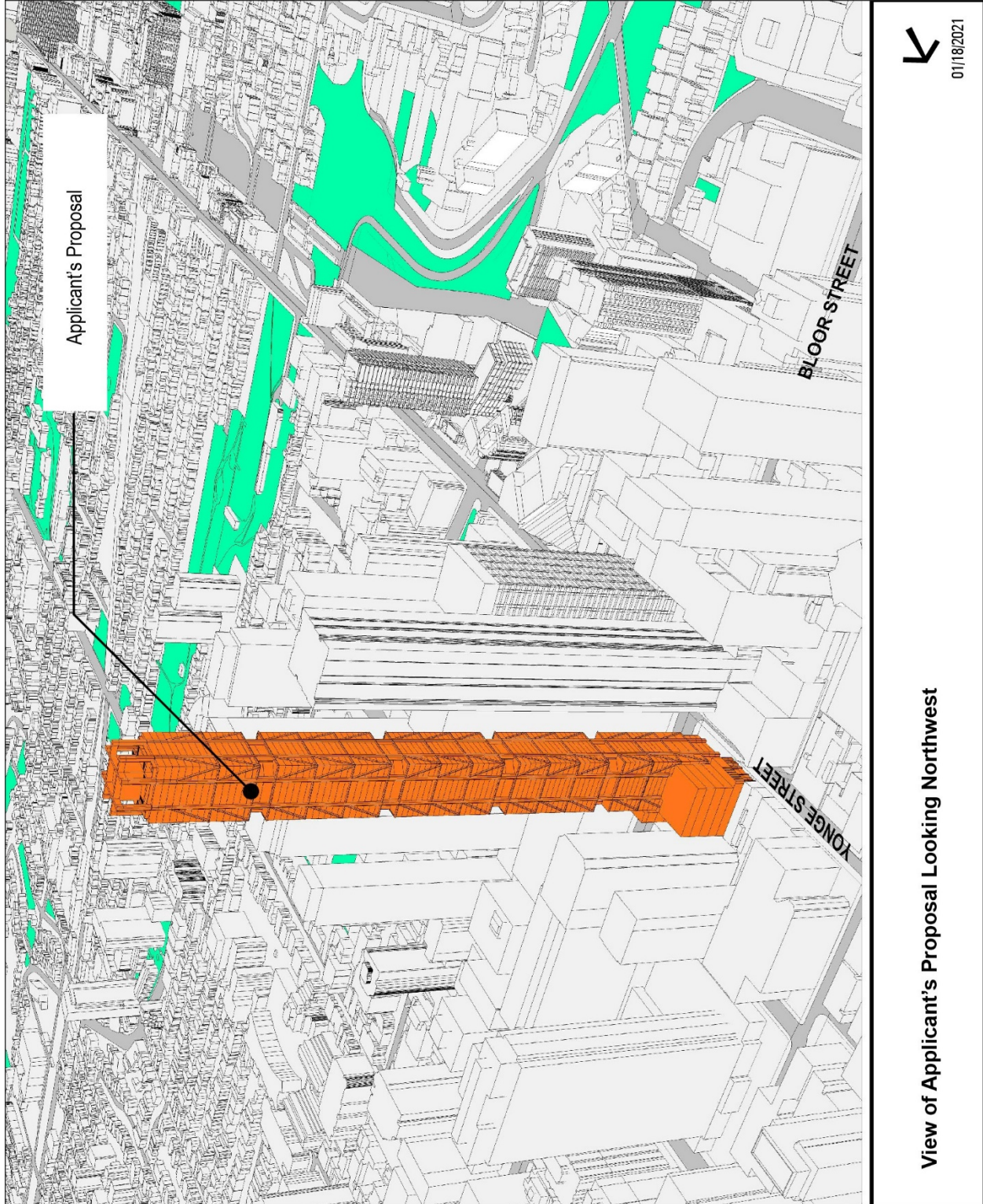
Parking and Loading

Parking Spaces:	296	Bicycle Parking Spaces:	547	Loading Docks:	5
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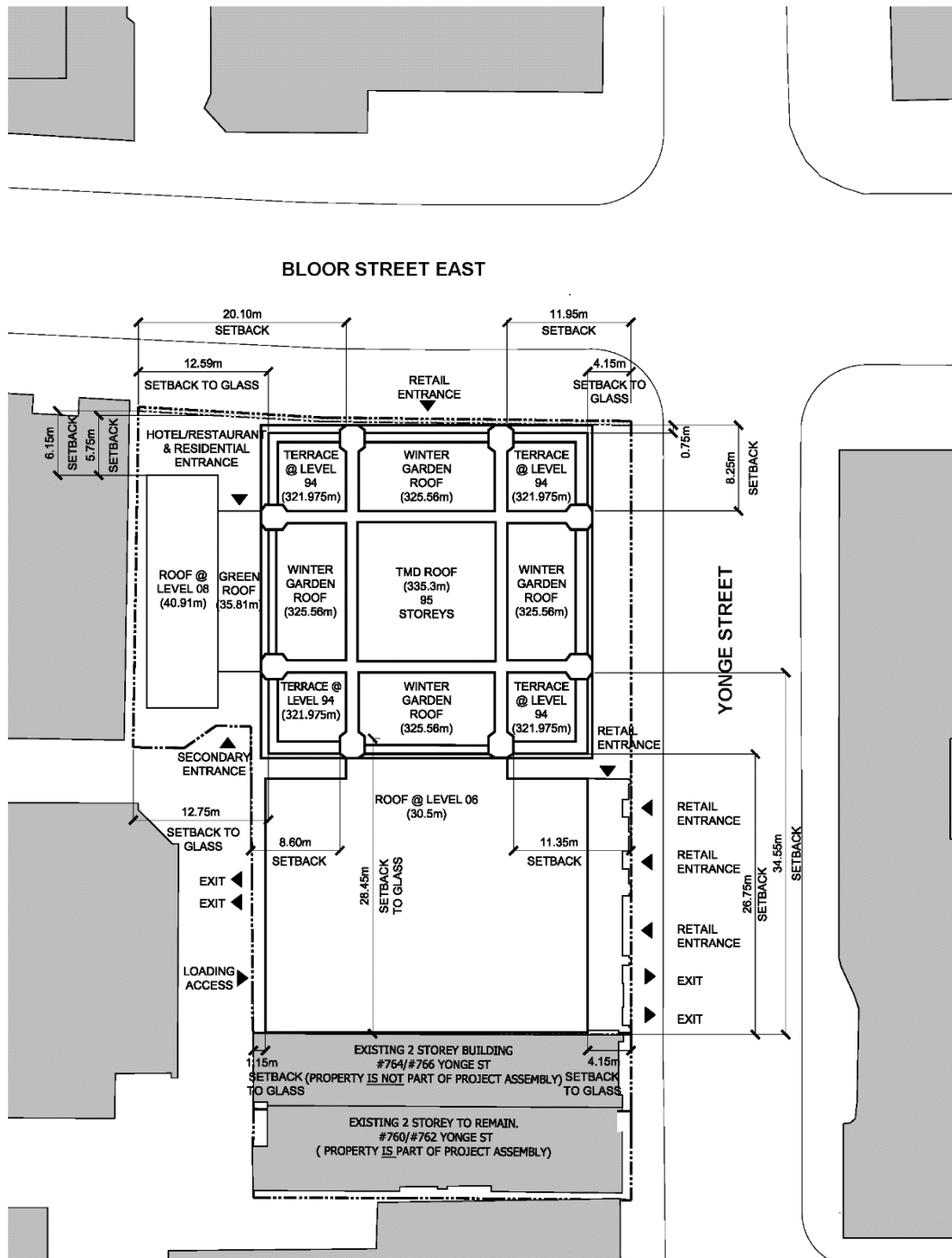
CONTACT:

David Driedger, Senior Planner
416-392-7613
David.Driedger@toronto.ca

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



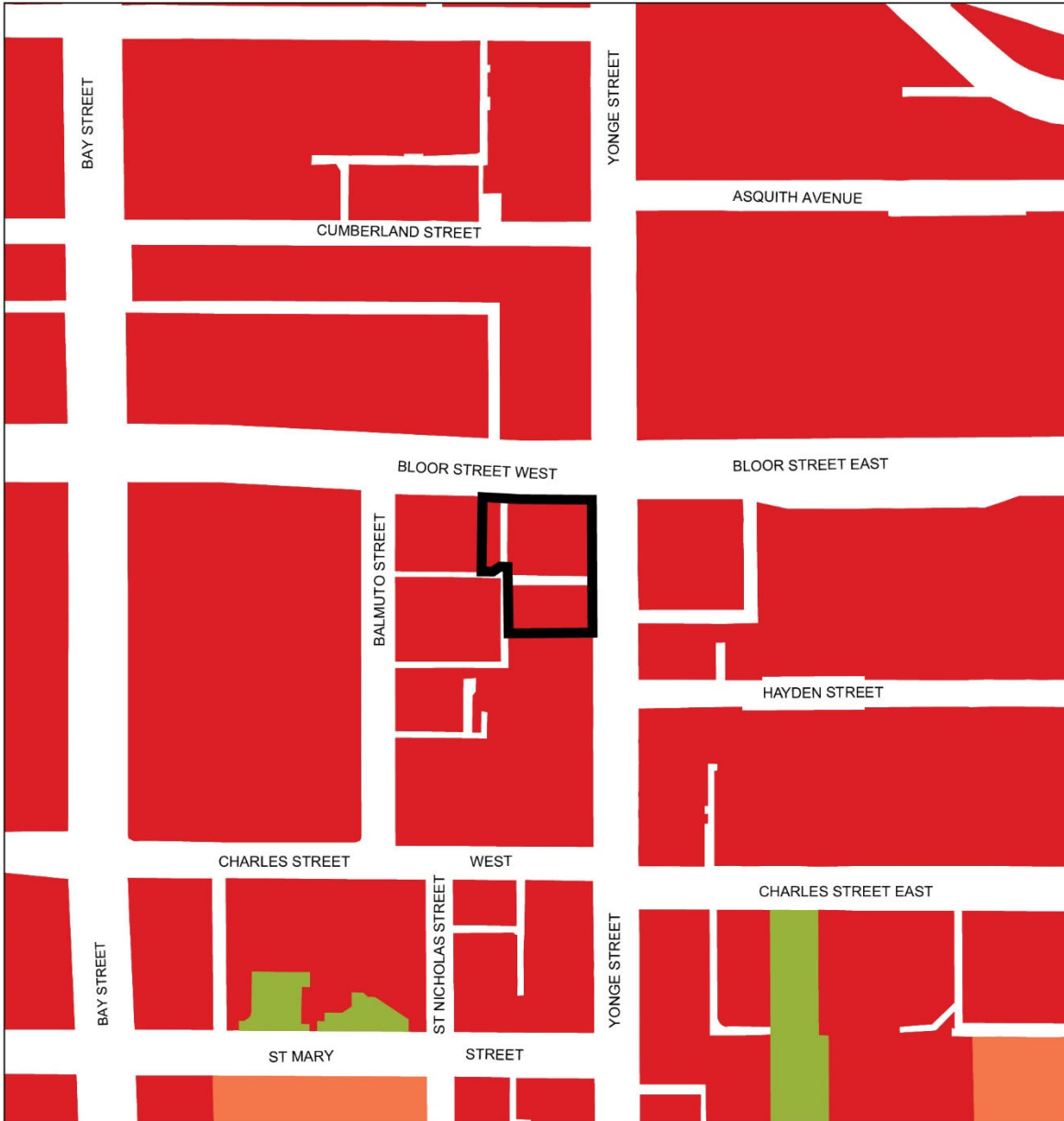
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Land Use Map




Official Plan Land Use Map #18

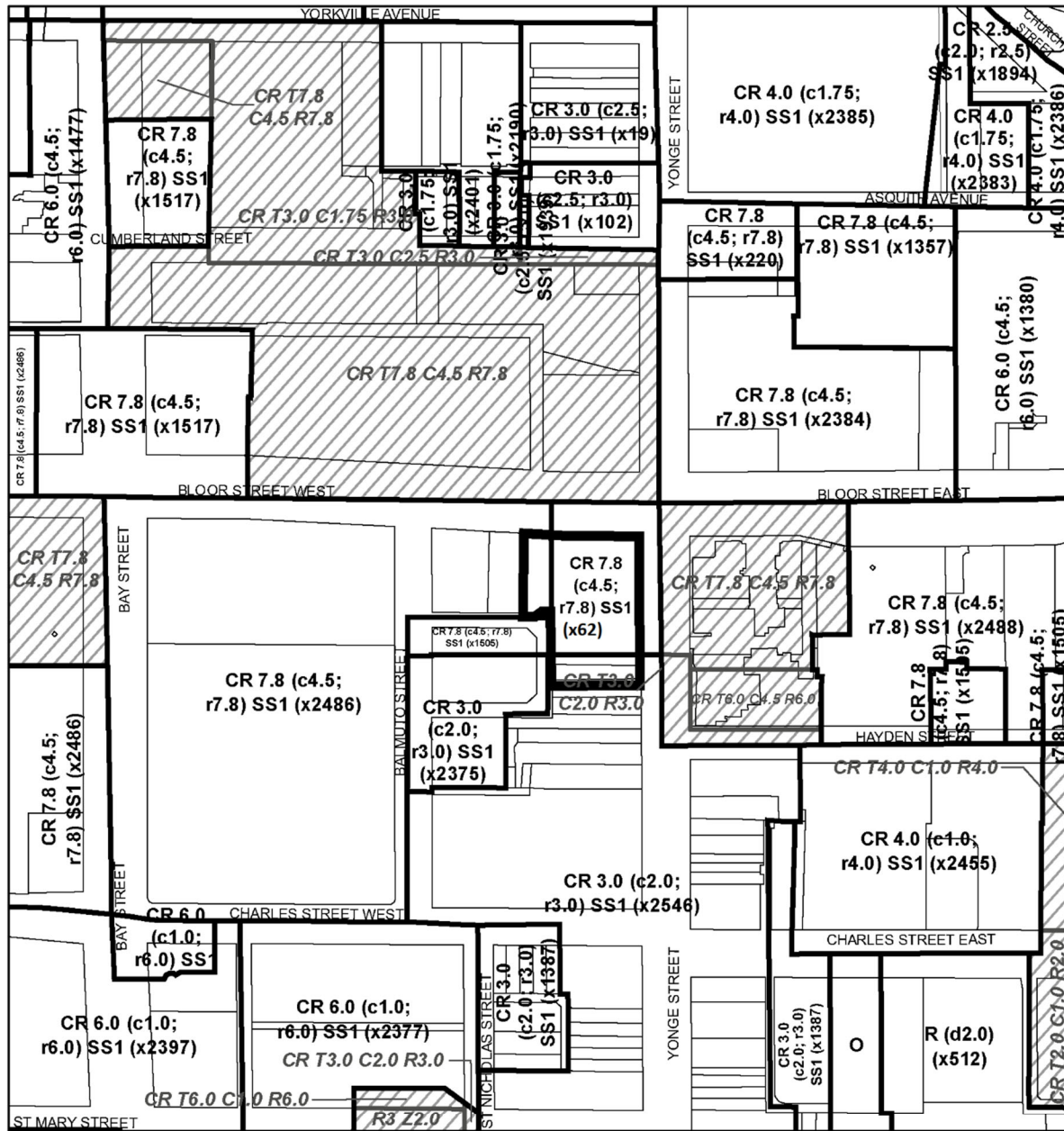
1-11 Bloor Street West & 768-780 Yonge Street

File # 20 230612 STE 11 OZ

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


 Not to Scale
 Extracted: 01/11/2021

Attachment 6: Zoning By-law Map



Zoning By-law 569-2013

1-11 Bloor Street West & 768-780 Yonge Street

File # 20 230612 STE 11 0Z

Location of Application

R Residential CR Commercial Residential
 O Open Space

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

R3 Residential District
 CR Mixed-Use District



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 Extracted: 01/12/2021