

## **906 Yonge Street and 25 McMurrich Street – Zoning By-law Amendment and Site Plan Control Applications – 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 Numbers:** 21 233780 STE 11 OZ and 21 233790 STE 11 SA

### **SUMMARY**

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On November 8, 2021, Zoning By-law Amendment and Site Plan Control applications were submitted to permit a mixed-use complex with two tall buildings connected by a 2-storey base building. The tall building fronting Yonge Street is proposed to be 33-storeys, containing 213 dwelling units and 75 square metres of grade-related retail space. The tall building fronting McMurrich Street is proposed to be 19-storeys containing 188 dwelling units.

On July 18, 2022, the applicant appealed the Zoning By-law Amendment application and referred the Site Plan Control application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act.

The report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the applications in their current form and to continue discussions with the applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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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 applications regarding the Zoning By-law Amendment and Site Plan Control appeals for the lands at 906 Yonge Street and 25 McMurrich 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 Orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the applicant has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law amendment;
- c) the applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning by-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; and
- d) the owner has submitted a Revised Heritage Impact Assessment that includes a conservation strategy for the on-site significant heritage resource, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;
- e) the owner has entered into a Heritage Easement Agreement with the City for the property at 906 Yonge St, substantially in accordance with the Revised Heritage Impact Assessment required in Recommendation 2.d., subject to and in accordance with the approved Conservation Plan required in Recommendation 2.f., all to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor;
- f) the owner provides a detailed Conservation Plan, prepared by a qualified heritage consultant, that is substantially in accordance with the conservation strategy set out in the Revised Heritage Impact Assessment required by Recommendation 2.d. above, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and
- g) the owner has submitted an application and gained approval in writing under S.33 of the Ontario Heritage Act for the proposed alterations to the heritage property at 906 Yonge Street.

3. Prior to Final Site Plan approval for the Lands, or any part of the Lands, the owner shall:

- a) Provide final site plan drawings, including drawings related to the approved Conservation Plan required in Recommendation 2. f. to the satisfaction of the Senior Manager, Heritage Planning;
- b) Provide an Interpretation Plan for the subject property to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning; and

c) Provide a Heritage Lighting Plan that describes how the building on the subject heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning.

d) Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

4. Prior to the issuance of any permit for all, or any part of the Lands, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

a) Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2. f. including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and

b) Provide a Letter of Credit, including provision for upwards indexing in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Interpretation Plan.

5. Prior to the release of the Letter of Credit required in Recommendation 4.b. the owner shall:

a) Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation, lighting and interpretation has been completed in accordance with the relevant approved plans and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and

b) Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

6. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 906 Yonge Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

7. City Council authorize the City Solicitor to introduce the necessary Bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 906 Yonge Street.

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

## FINANCIAL IMPACT

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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

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On November 13, 2013, City Council considered an earlier application for the redevelopment of the site and directed that staff oppose an appeal to the Ontario Municipal Board of a proposed 27-storey hotel at 906 Yonge Street and a 23-storey residential building at 25 McMurrich Street. That decision of City Council can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE27.5>

Prior to the hearing the proposal was revised to a 13-storey residential building on Yonge Street and a 30-storey residential building on McMurrich Street.

On December 11, 2014, the Ontario Municipal Board issued a decision allowing an appeal in part to rezone the eastern portion of the property (known municipally as 906 Yonge Street) to permit a residential building up to 13 storeys in height. In all other respects the appeal was dismissed, including the portion of the appeal that sought to rezone the western portion of the property (known municipally as 25 McMurrich Street) to permit a residential building of 30 storeys.

On April 13, 2015, the Ontario Municipal Board issued a subsequent Order that the appeal was dismissed after the applicant withdrew its appeal and indicated it no longer wished to proceed with the matter.

On February 2, 2022, City Council stated its intention to designate the property at 906 Yonge Street (including the entrance address at 908 Yonge Street) under Part IV, Section 29 of the Ontario Heritage Act. That recommendation can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PB30.10>

On April 21, 2022, a Preliminary Report was adopted by Toronto and East York Community Council endorsing the arrangements made between City Planning staff and the applicant to give notice of the February 1, 2022, Community Consultation Meeting. The decision of the Toronto and East York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.34>

## THE SITE

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**Description:** The site is located on the west side of Yonge Street, south of Ramsden Park and north of Davenport Avenue. The site is an irregularly shaped through lot with frontages of 15.2 metres on Yonge Street and 40.7 metres on McMurrich Street, and an

approximate site area of 2,287 square metres. The site is generally flat with a slight decrease in grade from north to south and there are 4 trees within the public boulevard and 6 trees on private property.

**Existing Uses:** A 3-storey institutional building fronts onto Yonge Street and an associated surface parking lot and outdoor play area that fronts onto McMurrich Street. The building is occupied by the Dalton School, a private elementary school, and is vacant on the third level.

**Heritage:** 906 Yonge Street is designated under Part IV of the Ontario Heritage Act (By-law 2022-0261), having formerly been the site of Ridpath's Furniture, designed by Mackenzie Waters and constructed in 1928.

## THE APPLICATION

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**Description:** A 33- and 19-storey (106 and 63 metres excluding mechanical penthouse) mixed-use development including a shared 2-storey (7-metre) base building.

**Density:** 12.4

**Dwelling Units and Amenity Space:** A total of 401 dwelling units, including 31 bachelor (8%), 245 one-bedroom (61%), 83 two-bedroom (21%), and 42 three-bedroom units (10%). A total of 802 square metres of indoor amenity space (2 square metres per unit) and 714 square metres of outdoor amenity space (1.8 square metres per unit) is proposed.

**Access, Parking and Loading:** Vehicle and loading access would be provided from McMurrich Street on the south side of the site. A total of 61 vehicular parking spaces (39 residential, 19 visitor, 3 short-term pick-up and drop-off), 402 bicycle parking spaces (361 long term, 41 short term), and 2 loading spaces (1 Type-C and 1 Type-G) in a shared 2-storey underground garage.

### 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: [www.toronto.ca/906YongeSt](http://www.toronto.ca/906YongeSt)

### Reasons for the Applications

The Zoning By-law Amendment application proposes to bring the subject site into Zoning By-law 569-2013 and seeks to vary performance standards, including: maximum building height, minimum setbacks, maximum gross floor area, and minimum amenity space.

## **Site Plan Control**

A Site Plan Control application was submitted on November 8, 2021. On July 18, 2022, the applicant referred the application to the OLT due to Council not making a decision within the time frame in the Planning Act.

## **POLICY CONSIDERATIONS**

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### **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**

The site is designated Mixed Use Areas in the Official Plan.

### **Downtown Plan**

The site is designated Mixed Use Areas 2 - Intermediate in the Downtown Plan. Yonge Street is also designated as a Great Street and a Priority Retail Street and the site is located within the Ramsden Park - Yorkville Park District.

### **Site and Area Specific Policy (SASP) 211**

The entire site is subject to the Bloor-Yorkville/North Midtown Area Site and Area Specific Policy and the eastern portion of the site is located within the Yonge Street Height Ridge.

### **Zoning**

The site is not subject to Zoning By-law 569-2013. Under former City of Toronto Zoning By-law 438-86, the site is zoned CR T4.0 C1.75 R4.0 with a maximum height limit of 30 metres. See Attachment 6 of this report for the Zoning Map.

### **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/officialplanguidelines/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/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

## **COMMUNITY CONSULTATION**

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A virtual Community Consultation Meeting was held on February 1, 2022 and approximately 101 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:

- Proposed site organization including whether two tall buildings were appropriate on the site;
- Proximity and facing conditions of the proposed tall buildings to adjacent buildings;
- Negative sky view, light, and privacy impacts for surrounding units;
- Appropriate scale and transition to McMurrich Street
- Traffic impacts on McMurrich Street and other nearby streets;
- Engineering impacts of the proposal, particularly with regard to water supply and sewage; and
- Support for the incorporation of affordable housing in the proposal.

Through the Ward Councillor's Office, City staff also met with the applicant and representatives from the community on March 17, 2022 and June 10, 2022, where the proposal was presented. Comments provided by attendees at that meeting were primarily related to building massing and impacts on adjacent properties, traffic impacts on McMurrich, construction management, and the proposed materiality of the buildings.

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

## COMMENTS

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### **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 have 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 in conformity with the Growth Plan.

### **Built Form**

The proposal does not conform to the Official Plan, the Downtown Plan, and SASP 211, and is not in keeping with the Tall Buildings Design Guidelines. The proposed massing, including setbacks, step backs, tall building separation distances, and heights are not acceptable. The proposal does not fit within the existing and planned context and would result in two tall buildings with insufficient setbacks from the north, south, and a portion of the east property lines, negatively impacting existing buildings on adjacent properties. Inadequate transition is also proposed to McMurrich Street, where the predominant character includes a low rise streetwall.

### **Streetscape**

The proposed streetscape along McMurrich Street is not acceptable. The proposal does not fit within the existing and planned context or improve the quality of the public realm with regard to the scale and proportion of the base building, street wall heights, or providing adequate setbacks to allow for optimal landscaping conditions and adequate space for tree infrastructure.

### **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted and have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required. 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, or the determination of whether holding provisions are required in the Zoning By-law amendment.

### **Tree Preservation**

The proposal is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Inventory and Preservation Plan prepared by IBI Group and dated September 24, 2021, were submitted by the applicant. The applicant proposes to remove 4 City-owned trees and 6 privately-owned trees regulated by the Private Tree By-law. The proposal does not provide adequate replacement of large growing native shade trees and is not acceptable.



## **Heritage**

The property is designated under Part IV, Section 29 of the Ontario Heritage Act as per By-law 2022-0261 and has been identified as having design and physical value, having been formerly the site of Ridpath's Furniture, designed by Mackenzie Waters and constructed in 1928.

The application proposes the retention in situ to a depth of 7.5 metres measured from the primary east façade with select interior elements, such as posts, beams, and wood paneling on the third floor. Interior modifications to the building are proposed to allow for a double height space on the first two storeys of the heritage building, with an indoor amenity space on the third storey. The application does not demonstrate that the designated property would be conserved in accordance with the policies of the City's Official Plan.

The applicant is required to submit a Heritage Permit Application with further detail on the proposed conservation strategy.

## **Indoor/Outdoor Amenity Space**

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

A total of 802 square metres of indoor amenity space (2 square metres per unit) and 714 square metres of outdoor amenity space (1.8 square metres per unit) is proposed.

## **Parking and Loading**

Vehicle and loading access for the site is proposed to be provided from McMurrich Street. A total of 61 vehicular parking spaces, 402 bicycle parking spaces, and 2 loading spaces (1 Type-C and 1 Type-G) are proposed in a shared 2-storey underground garage. While the proposed parking rates, access/egress route and traffic impact assessment is generally acceptable to Transportation Services, the proposed driveway along the southern property line would be immediately adjacent to an existing driveway servicing an underground parking lot for 15 McMurrich Street, 890-900 Yonge Street, and 18 Davenport Road.

## **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**

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Tel. No. 416-392-5651  
E-mail: [Corinna.Prior@toronto.ca](mailto:Corinna.Prior@toronto.ca)

## **SIGNATURE**

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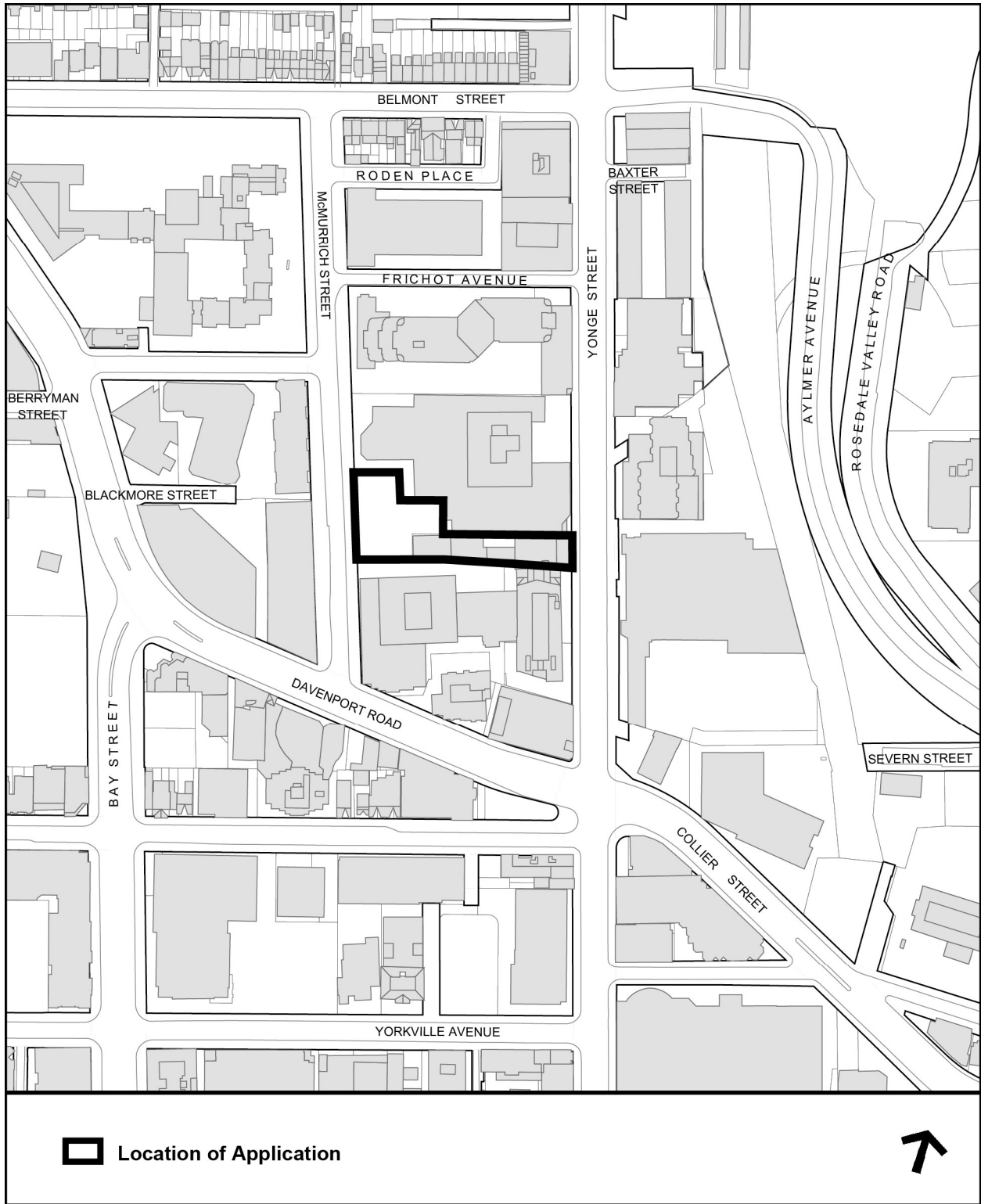
Alex Teixeira, MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: 3D Model of Proposal in Context  
Attachment 4: Site Plan  
Attachment 5: Official Plan Land Use Map  
Attachment 6: Downtown Plan Mixed-Use Map  
Attachment 7: Zoning By-law Map

Attachment 1: Location Map



## Attachment 2: Application Data Sheet

**Municipal Address:** 906 Yonge Street and 25 McMurrich Street **Date Received:** November 8, 2021

**Application Number:** 21 233780 STE 11 OZ

**Application Type:** Rezoning

**Project Description:** A mixed-use building with two tower elements (33 storeys fronting onto Yonge Street and 19 storeys fronting onto McMurrich Street) containing 401 dwelling units and 75 square metres of grade-related retail space.

### Applicant

Eileen Costello  
(Aird & Berlis LLP)

### Architect

Mansoor Kazerouni  
(IBI Group Architects)

### Owner

906 Yonge Street  
Development Inc.

## EXISTING PLANNING CONTROLS

**Official Plan Designation:** *Mixed Use Areas*

**Zoning:** CR T4.0 C1.75 R4.0

**Height Limit (m):** 30

**Site Plan Control Area:**

Y

## PROJECT INFORMATION

**Site Area (sq m):** 2,287.90 **Frontage (m):** 15.24 (Yonge); 40.67 (McMurrich) **Depth (m):** 103.5

Building Data	Existing	Retained	Proposed	Total
<b>Ground Floor Area (sq m):</b>			1168.20	1168.20
<b>Residential GFA (sq m):</b>			28,376	28,376
<b>Non-Residential GFA (sq m):</b>			74.9	74.9
<b>Total GFA (sq m):</b>			28,376.1	28,376.1
<b>Height - Storeys:</b>	3		33	33
<b>Height - Metres:</b>			114	114 (incl. MPH)

**Lot Coverage Ratio (%):** 51%

**Floor Space Index:** 12.4

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
<b>Residential GFA:</b>	28,376.1	
<b>Retail GFA:</b>	75	
<b>Office GFA:</b>		
<b>Industrial GFA:</b>		
<b>Institutional/Other GFA:</b>		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
<b>Rental:</b>				
<b>Freehold:</b>				
<b>Condominium:</b>			401	401
<b>Other</b>				
<b>Total Units:</b>			401	401

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
<b>Retained:</b>					
<b>Proposed:</b>		31	245	83	42
<b>Total Units:</b>		31	245	83	42

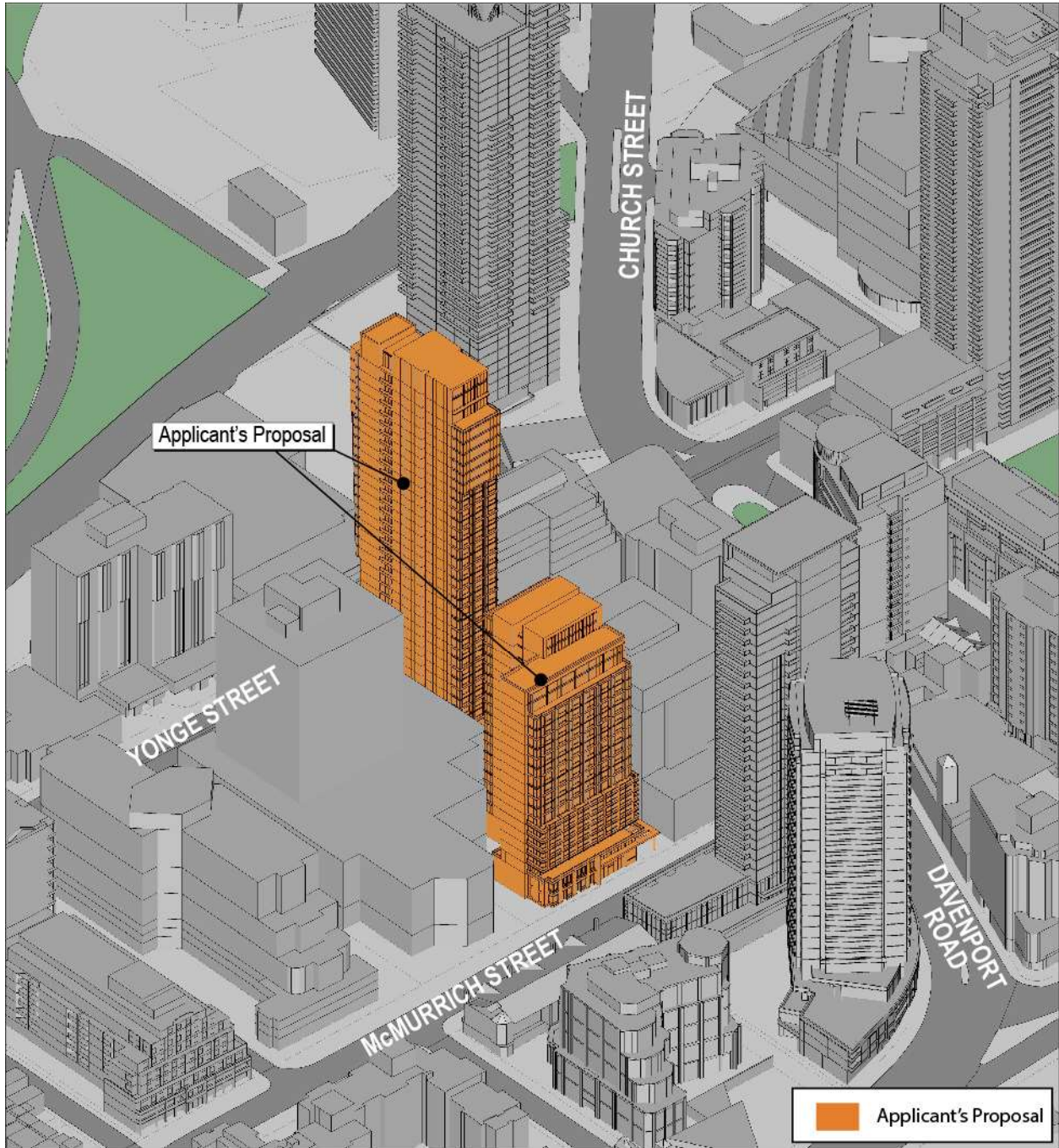
**Parking and Loading**

<b>Parking Spaces:</b>	61	<b>Bicycle Parking Spaces:</b>	402	<b>Loading Docks:</b>	1 Type C 1 Type G
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**CONTACT:**

Corinna Prior, Planner  
416-392-5651  
Corinna.Prior@toronto.ca

Attachment 3: 3D Model of Proposal in Context



View of Applicant's Proposal Looking East

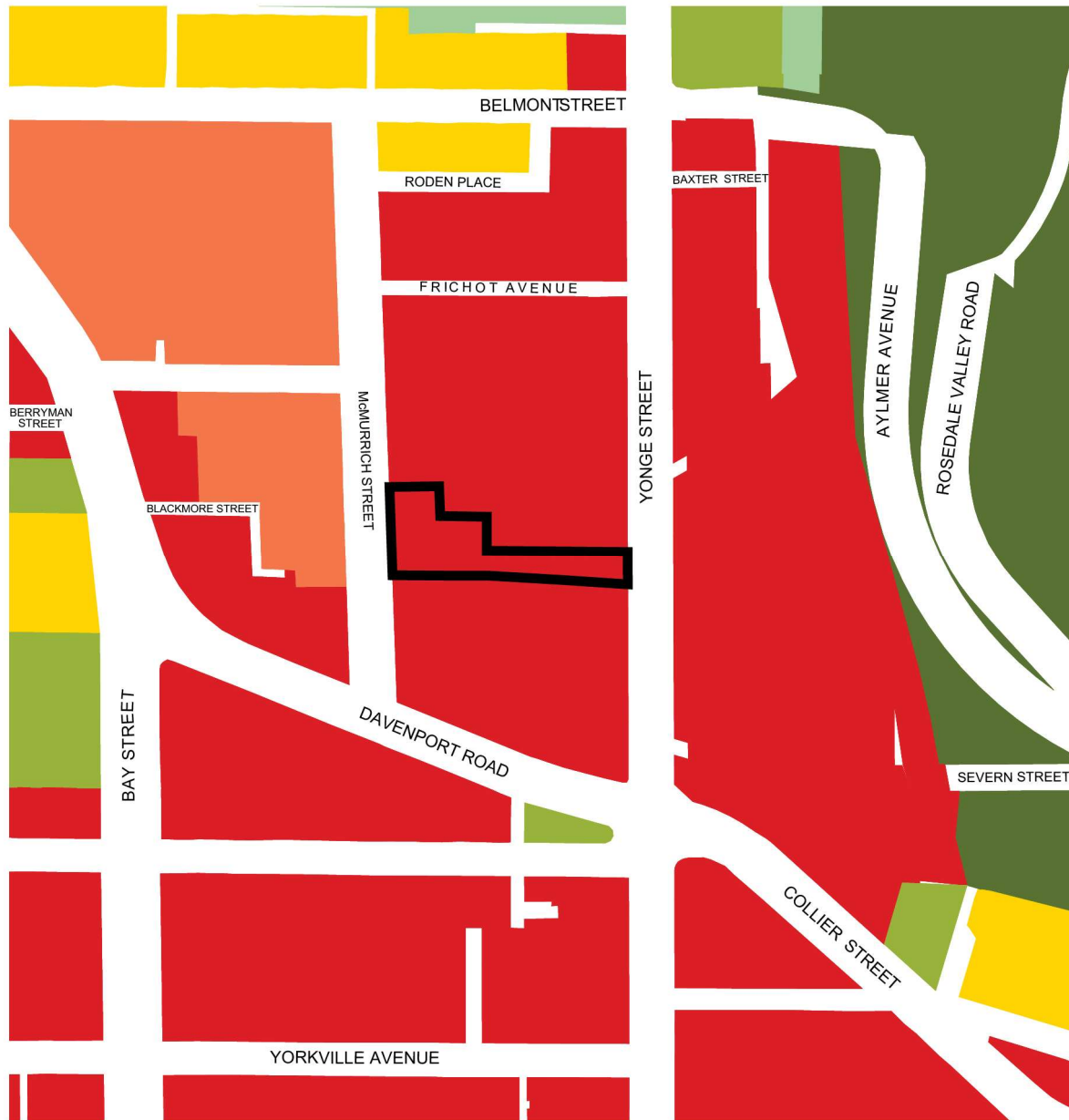


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Attachment 5: Official Plan Map



Official Plan Land Use Map #17

906 Yonge St & 25 McMurrich St

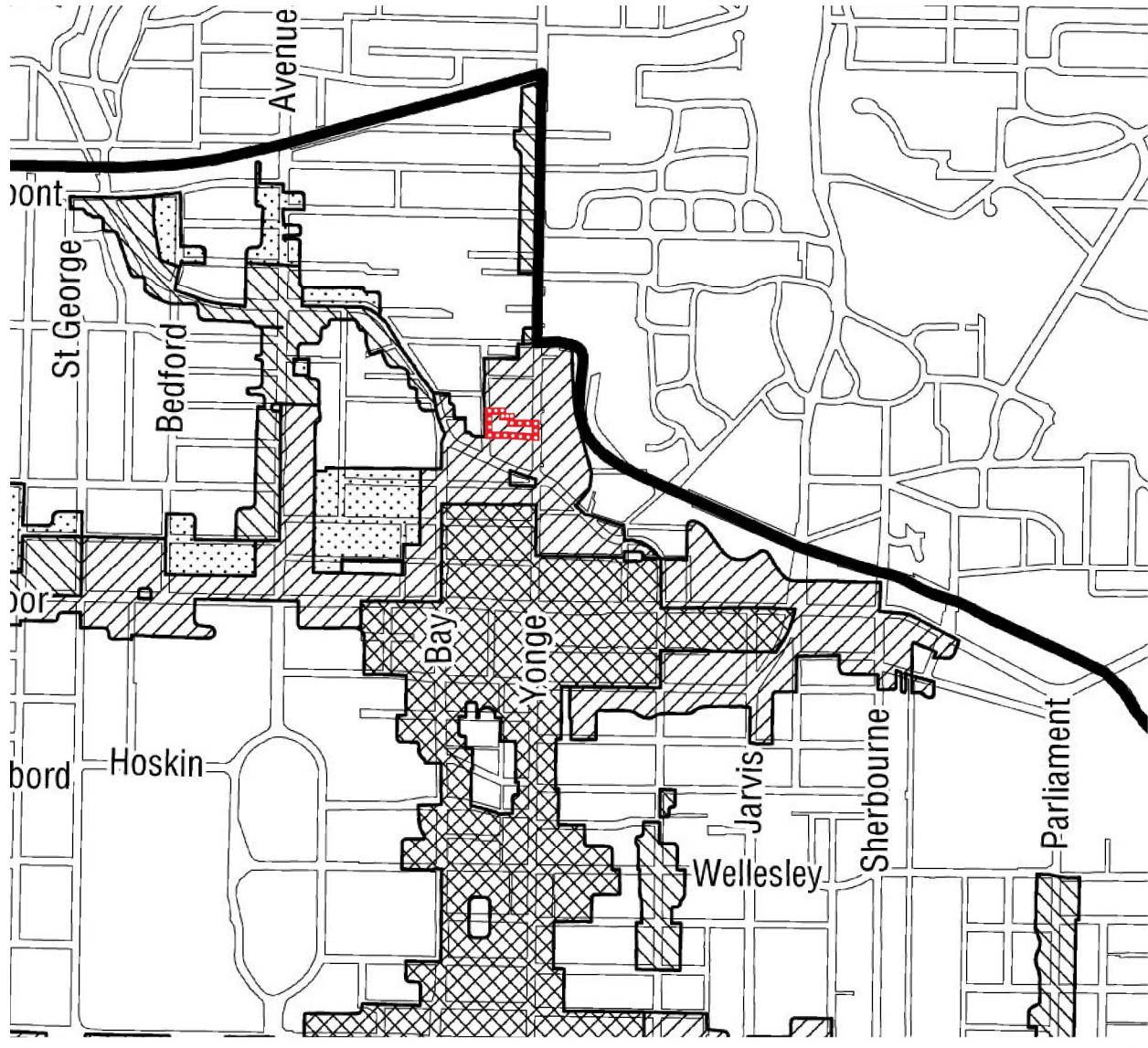
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|---|--------------------------|---|------------------------|
|  | Location of Application  |  | Natural Areas          |
|  | Neighbourhoods           |  | Parks                  |
|  | Apartment Neighbourhoods |  | Other Open Space Areas |
|  | Mixed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

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







Attachment 6: Downtown Plan, Mixed Use Map

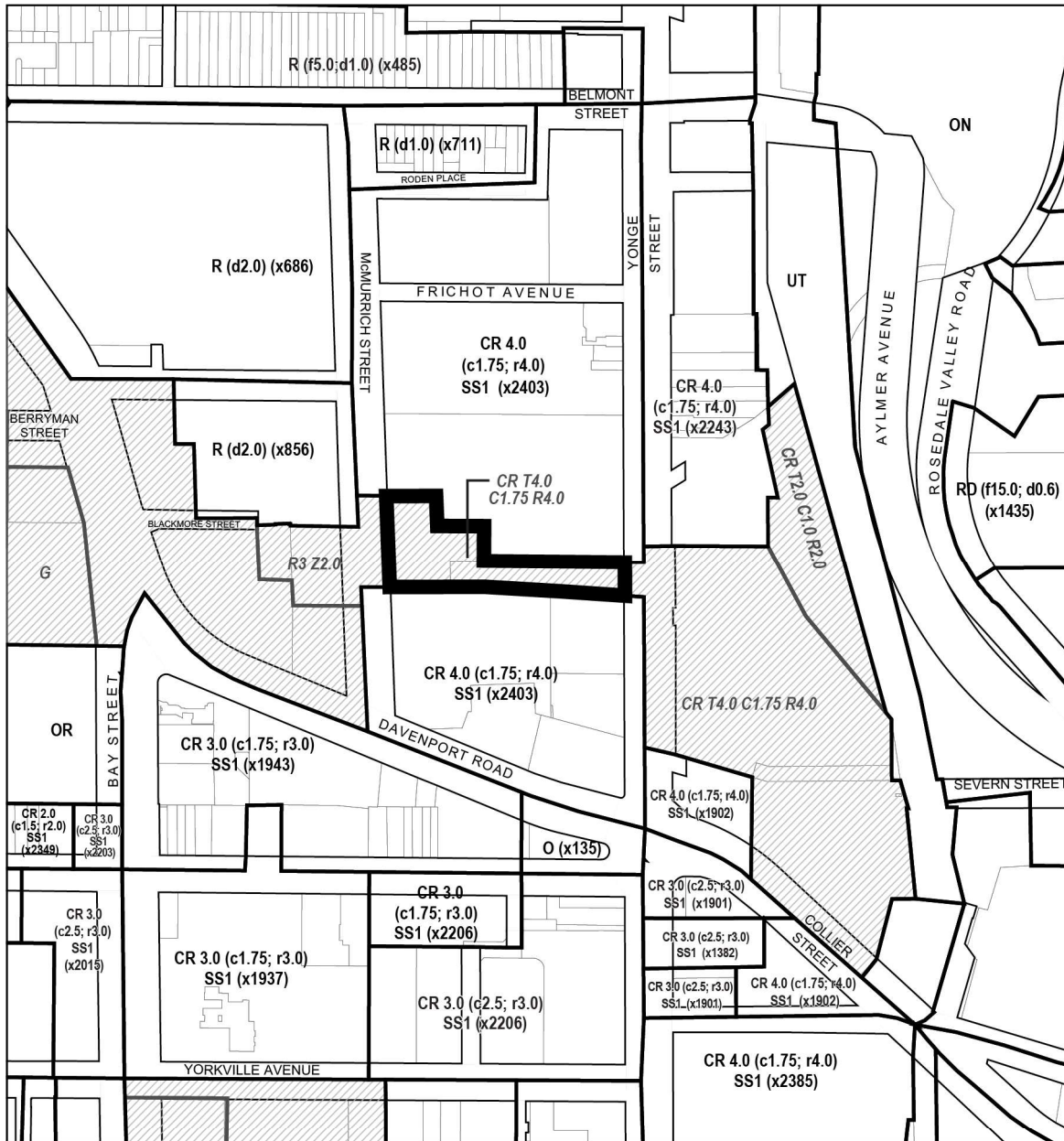


Downtown Plan

Excerpt from MAP 41-3 Mixed Use Areas

-  Downtown Plan Boundary
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate
-  Mixed Use Areas 3 - Main Street
-  Mixed Use Areas 4 - Local
-  Central Waterfront Secondary Plan
-  Subject Site

# Attachment 7: Zoning By-law Map



906 Yonge St & 25 McMurrich St


Zoning By-law 569-2013

File # 21 233780 STE 11 0Z

-  Location of Application
- R** Residential
- RD** Residential Detached
- CR** Commercial Residential
- O** Open Space
- ON** Open Space Natural
- OR** Open Space Recreation

**UT** Utility and Transportation

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- CR** Mixed-Use District
- G** Parks District

  
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