

## **1366 Yonge Street – Official Plan and Zoning By-law Amendment Application – Decision Report - Refusal**

Date: March 22, 2023

To: Toronto and East York Community Council or City Council

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

Ward: 12 - Toronto-St. Paul's

**Planning Application Number: 22 199265 STE 12 OZ**

### **SUMMARY**

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This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law to permit a 41-storey mixed use building containing 489 dwelling units. The proposal has not demonstrated how the proposed tall building can be accommodated on this site.

The proposal does not conform with the Official Plan or Yonge-St. Clair Secondary Plan, does not meet the intent of the Tall Building Design Guidelines.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for the Official Plan and Zoning By-law Amendment 1366 Yonge Street for the reasons set out in this report.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event the application is appealed to the Ontario Land Tribunal.
3. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.
4. City Council direct the City Solicitor to request that the Ontario Land Tribunal withhold its order in the event that the project is approved in some form, until the following have been secured:

- a) the final form of the Zoning By-law Amendment are to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b) the owner has revised the Functional Servicing and Stormwater Management Report, Hydrogeological Report, Hydrological Review Summary, and Groundwater Summary to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- c) all comments from Engineering and Construction Services contained in their November 29, 2022 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## 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.

## THE SITE

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**Description:** The site is located on the west side of Yonge Street, south of St. Clair Avenue. The site is approximately 996 square metres in size and square in shape with a frontage of 33 metres on Yonge Street and 30 metres on Balmoral Avenue.

**Existing Use:** A four-storey commercial building containing medical office uses and retail at grade.

## THE APPLICATION

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**Description:** A 41-storey (135 metres, including mechanical penthouse) mixed-use building.

**Density/Floor Space Index:** 32.4 times the area of the lot.

**Dwelling Units:** 489 dwelling units, includes 176 studio (36%), 78 one-bedroom (16%), 162 two-bedroom (33%), and 73 three-bedroom (15%) units.

**Commercial Component:** 100 square metres of commercial space.

**Access, Parking, and Loading:** Vehicle access would be provided on Balmoral Avenue. One Type-B and one Type-C loading space, and 2 vehicle parking spaces are

provided on the ground floor. A total of 500 bicycle parking spaces provided at various locations throughout the building.

**Additional Information:** See Attachment 2, 3, and 5 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet. 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://www.toronto.ca/1366YongeSt>

**Reasons for the Application:** The Official Plan Amendment application is required to amend the Yonge-St. Clair Secondary Plan to permit a building with a height greater than 30 metres.

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; and parking standards.

**Site Plan Control:** A complete Site Plan Control application was submitted on September 2, 2022.

## **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 Designation:** Mixed Use Areas, and is located within Mixed Use Area B in the Yonge-St. Clair Secondary Plan area.

**Zoning:** The site is zoned Commercial Residential (CR 3.0 (c2.0; r2.5) SS2 (x2523)) under Zoning By-law 569-2013. This zone permits a range of commercial and residential uses. The maximum permitted height is 16.0 metres, and the maximum permitted density is 3.0 times the area of the lot.

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

- Tall Building Design Guidelines;
- Yonge-St. Clair Planning Framework;
- 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

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A Virtual Community Consultation Meeting was hosted by City staff on November 29, 2022. Approximately 94 people participated. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Loss of existing commercial space, including medical office uses;
- The proposed height, density and massing are inappropriate for the site;
- Insufficient setbacks and step backs;
- Impacts on adjacent property to the north;
- Shadow and wind impacts;
- Insufficient vehicular parking;
- Traffic generated as a result of the proposed development; and
- Construction impacts.

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 has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal is consistent with the PPS and conforms with the Growth Plan.

## **Official Plan Amendment**

The proposed Official Plan Amendment is not appropriate and should be refused. The Official Plan Amendment application proposes to amend the Yonge-St. Clair Secondary plan to permit a tall building with a height greater than 30 metres.

The subject site is not a sufficient size to accommodate a tall building and the proposed 41-storey building does not achieve the policies of the Official Plan, Yonge-St. Clair Secondary Plan, or the Tall Building Design Guidelines.

## **Land Use**

The proposed development will demolish an existing 4-storey commercial building containing approximately 3,400 square metres of non-residential floor area, including medical offices. The new 41-storey building will contain 489 dwelling units and 100 square metres of non-residential floor area on the ground floor.

Through the community consultation process residents have raised concerns about the loss of non-residential floor area, in particular the existing medical offices. The proposed development is encouraged to provide a greater proportion of non-residential floor area to create a balance of commercial and residential uses that meet the needs of the local community.

## **Massing and Height**

The proposed building massing, including setbacks, step backs, height, and transition to adjacent areas, is not acceptable and does not achieve the policies of the Official Plan, Yonge-St. Clair Secondary Plan, or the Tall Building Design Guidelines.

The size of the site is insufficient to accommodate a tall building that meets the policies of the Official Plan or the intent of the Tall Building Design Guidelines. The Yonge-St. Clair Planning Framework identifies the site as an area not appropriate for a tall building.

The proposed base building height of 8-storeys (30.6 metres), and streetwall height of 5-storeys (20.5 metres), are too tall and do not provide an appropriate streetwall height along Yonge Street or Balmoral Avenue. The proposed base building setback of 0.0 metres to the west, with windows facing the property line, is not appropriate.

The proposed tower setbacks of 0.75 metres to the north, and 1.5 metres to the west, are not appropriate. The proposal does not provide appropriate transition to the low-rise Neighbourhood to the west, or the mid-rise context to the south.

## **Wind**

The wind impacts resulting from the proposal are unacceptable and do not meet the policies of the Official Plan and the intent of the Tall Building Guidelines.

A Pedestrian Level Wind Study prepared by Gradient Wind, dated August 5, 2022, shows a number of areas in the adjacent public realm where comfort levels will be decreased as a result of the proposed development.

### **Loading**

An Urban Transportation Considerations Report was submitted and reviewed by Engineering and Construction Services, including Solid Waste Services. Staff determined that the proposed Type 'B' loading space is not acceptable, as a larger Type 'G' loading space is required.

### **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are reviewed by Engineering and Construction Services.

In the event that the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services contained in their November 29, 2022 memorandum to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

### **CONTACT**

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E-mail: David.Driedger@toronto.ca

### **SIGNATURE**

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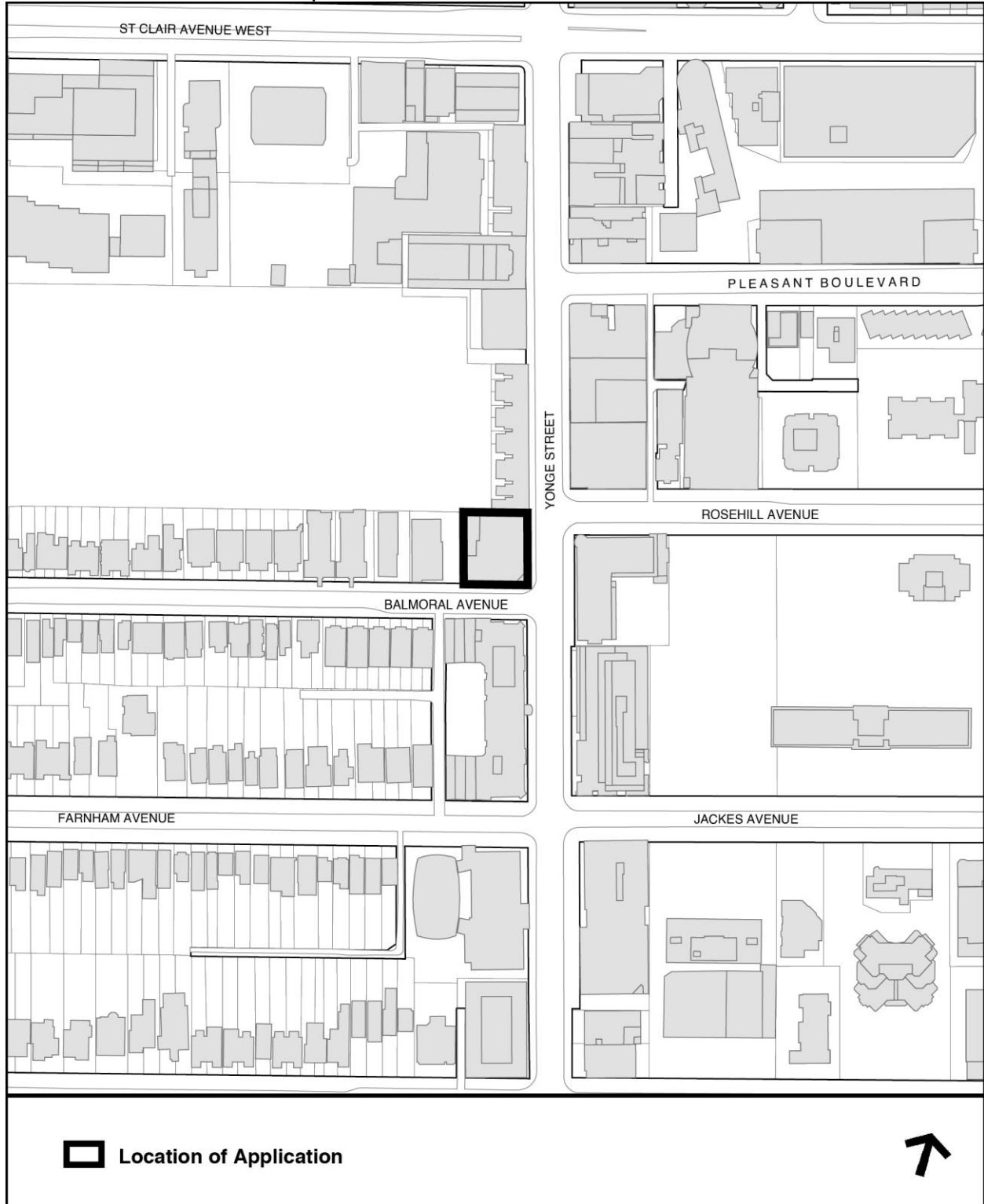
Alex Teixeira MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

### **ATTACHMENTS**

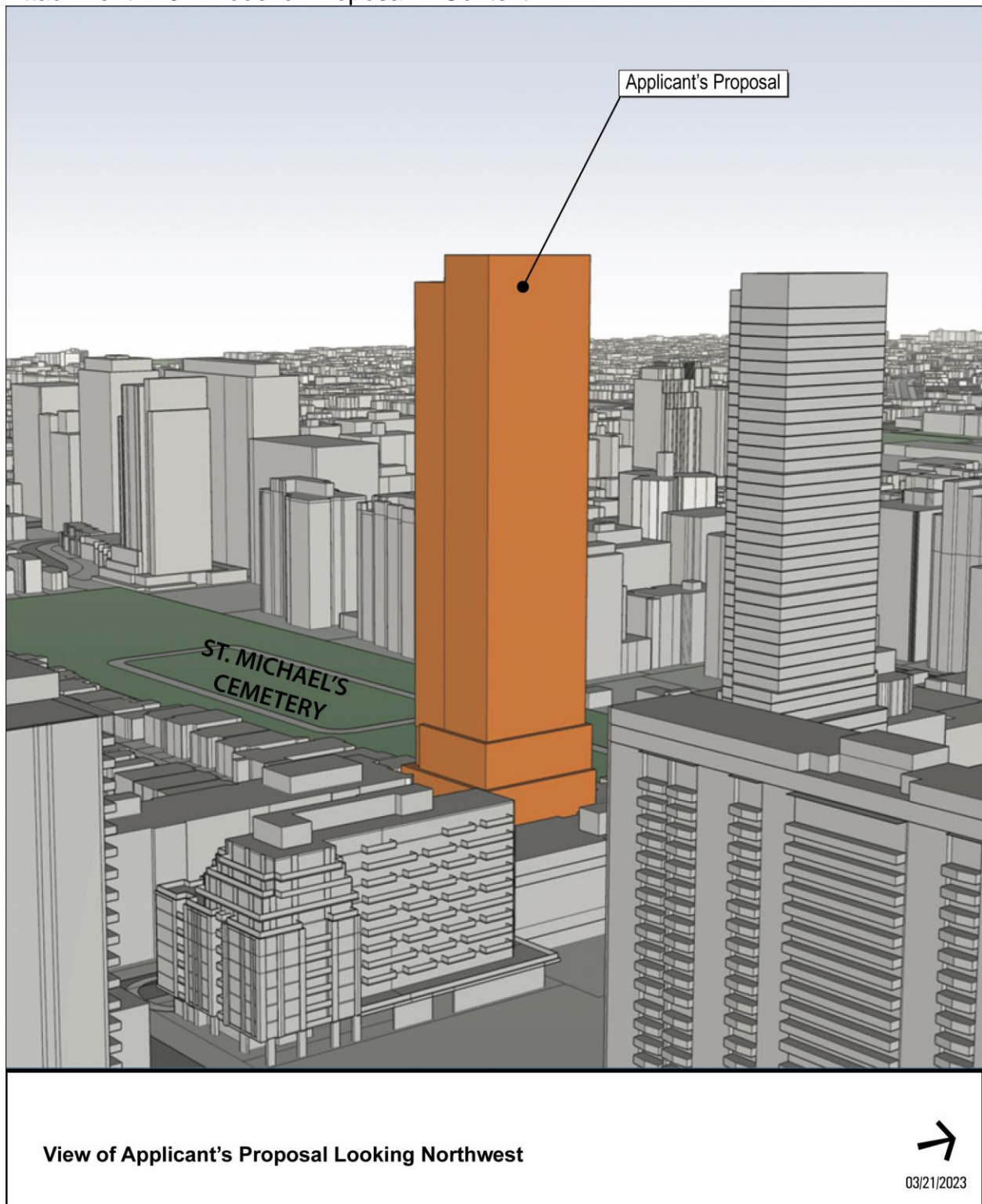
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Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Application Data Sheet

## Attachment 1: Location Map

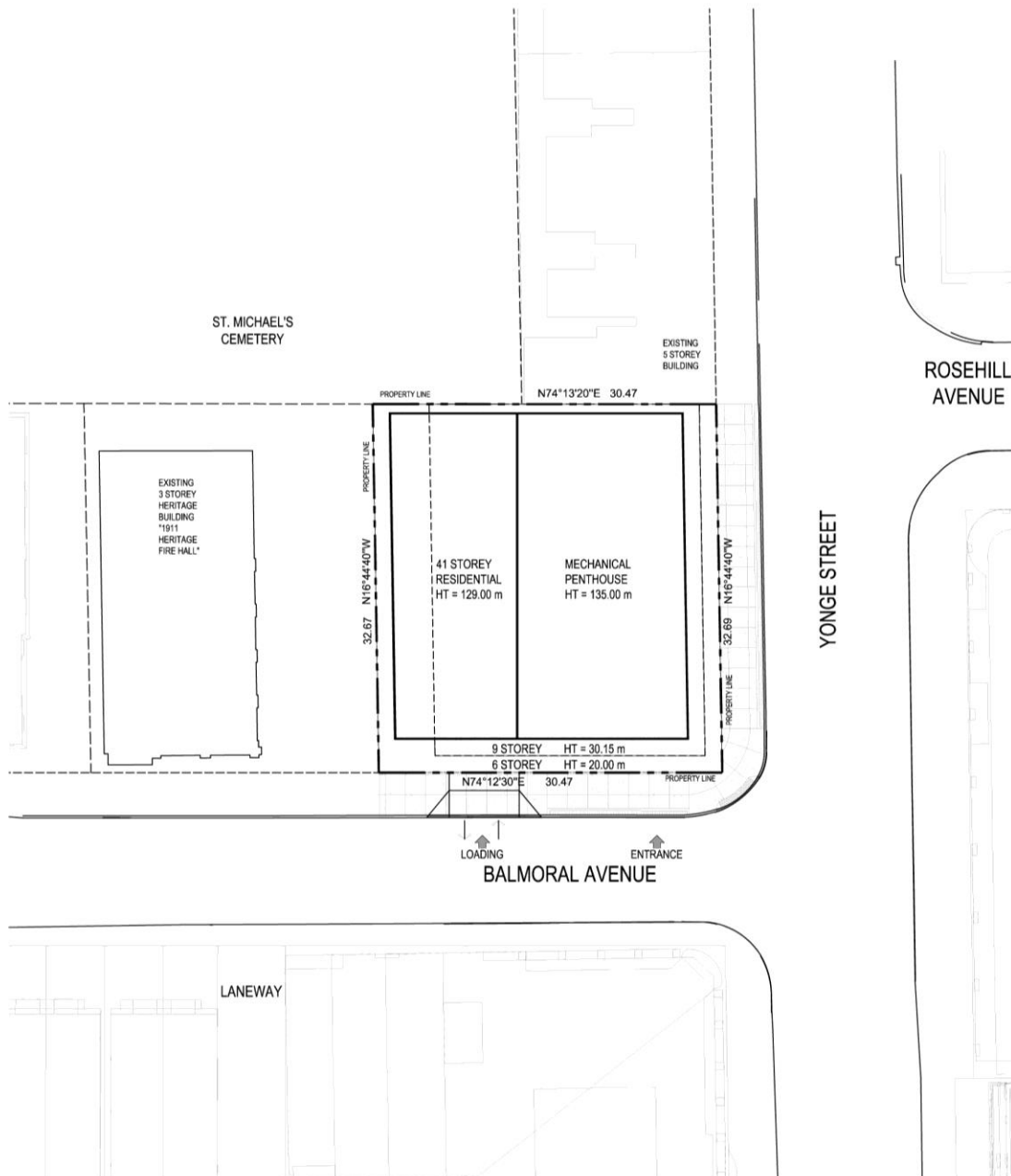


## Attachment 2: 3D Model of Proposal in Context





## Attachment 3: Site Plan



Site Plan

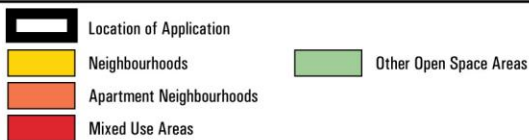


## Attachment 4: Official Plan Map



Official Plan Land Use Map #17

1366 Yonge Street  
File # 22 199265 STE 12 02



↑  
Not to Scale  
Extracted: 09/06/2022

## Attachment 5: Application Data Sheet

Municipal Address: 1366 YONGE ST Date Received: September 2, 2022

Application Number: 22 199265 STE 12 OZ

Application Type: OPA & Rezoning

Project Description: A 41-storey mixed-use

Applicant	Agent	Owner
Bazis Inc, 1700 Langstaff Road, Concord, ON	Bazis Inc, 1700 Langstaff Road, Concord, ON	Tarjay Investments Inc., 1366 Yonge Street, Toronto, ON

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Yonge-St. Clair Secondary Plan
Zoning:	CR 3.0 (c2.0; r2.5) SS2 (x2523)	Heritage Designation:	
Height Limit (m):	30, 163	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 996 Frontage (m): 33 Depth (m): 30

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	959		870	870
Residential GFA (sq m):			32,196	32,196
Non-Residential GFA (sq m):	3,912		100	100
Total GFA (sq m):	3,912		32,296	32,296
Height - Storeys:	4		41	41
Height - Metres:	17		129	129

Lot Coverage Ratio (%)	87.32	Floor Space Index:	32.41
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA: 32,196  
 Retail GFA: 100  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			489	489
Other:				
Total Units:			489	489

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		176	78	162	73
Total Units:		176	78	162	73

#### Parking and Loading

Parking Spaces: 2      Bicycle Parking Spaces: 500      Loading Docks: 2

#### CONTACT:

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