



STAFF REPORT

Committee of Adjustment Application

Date: Thursday, July 18, 2024

To: Chair and Committee Members of the Committee of Adjustment, North York District

From: David Sit, Director, Community Planning, North York District

Ward: Eglinton-Lawrence

File No.: A0312/24NY

Address: 3180-3182 Yonge Street

Hearing Date: Thursday, August 1, 2024

RECOMMENDATIONS

City Planning staff recommends this application be refused.

Should the Committee approve this application, staff recommends that the application be deferred subject to the following:

That staff report back to Committee of Adjustment with regards to an in kind or cash contribution pursuant to Section 37 of the Planning Act.

CONTEXT

The subject site is on the southwest corner of Yonge Street and Woburn Avenue, north of Lawrence Avenue, and adjacent to the existing entrance of the Lawrence subway station on the TTC Line 1.

The approved 11 storey, 36.9 metres building height for 3180-3202 Yonge Street (plus 5.0 metres mechanical penthouse) is a result of an OLT settlement case (OLT-21-001055), reflected in OLT Decision and Zoning By-Law Amendment issued by the Board on October 7, 2022. The total approved building height, including mechanical penthouse is 41.95 metres.

The subject site has a Site Plan Application (File no. 21 162972 NNY 08 SA) currently under final review with the City.

COMMENTS

Based on the issues highlighted below, Staff are of the opinion that the proposal collectively does not meet the general intents of the Official Plan and Zoning By-law. Staff are also of the opinion that the proposed variances are not minor in nature and are not an appropriate development of the lands.

Built Form

The site is located within the draft Lawrence PMTSA (SASP 724) which prescribes a minimum density of 2.0 FSI. The approved 11-storey development conforms to this density permission and is proposed in a transit-supportive manner that maximizes the number of potential transit users and increases housing options as required by the Growth Plan.

The proposed development has been evaluated in the context of surrounding applications and developments. There are two active planning applications within a 500 metre radius of the proposed site: 47 Ranleigh Ave (22170570NNY15SA) and 49-59 Lawrence Ave E (23119635NNY15OZ). The respective applications propose developments of 4 storeys and 9 storeys. Importantly, there are no applications within this boundary for tall buildings, further underscoring that the proposed 15 storey building is out of character with the area's existing and planned context.

Within the draft Lawrence PMTSA, the average height along the Yonge Street corridor at Lawrence is 5 storeys, while the average building height to the rear of the site, which is designated Neighbourhoods, is 2.5 storeys. Presently, the tallest buildings at 3000 Yonge Street and 3016 Yonge Street, are both at 13 storeys. The proposed building height (15 storeys and 49.13 metres in height, plus a 9.0 metres mechanical penthouse) is out of character for this area, does not fit with the existing and planned context and would establish a negative precedent on the neighborhood in advance of any comprehensive review.

The policies of the OP direct that mid-rise buildings have heights generally no greater than the width of the adjacent right-of-way, which the text outlines are between 4 and 11 storeys in height. Along this section of Yonge Street, the right-of-way width is 27 metres. The height of the proposed 15 storey or 49.13 metre (58.13 metres with mechanical) building greatly exceeds the Yonge Street right-of-way width and is more appropriately considered as a tall building proposal.

The City's Official Plan directs that tall buildings should be designed with three distinct parts: a base, a tower, and a top, however the proposed does not have these distinct elements. The proposal in addition does not have an appropriately scaled base building, insufficient setbacks to property lines, separation distances, and stepbacks above the base, and has a larger floorplate.

The proposed 15 storey building with its larger floor plates, setbacks and stepbacks collectively does not achieve a built form that conforms to the Built Form policies of the Official Plan or consistency with the Tall Building Design Guidelines (TBDG) with respect to the design and massing of tall buildings.

Further, the proposal does not provide for appropriate transition to the low-rise residential neighborhoods along its rear property line (Woburn Avenue), particularly the proposal does not provide an appropriate tall building separation distance. The TBDG require 12.5 metre to property lines, which the proposal does not provide. Generally, a 45 degree

angular plane should be applied to the neighbourhood property line to ensure appropriate separation and seamless transition between the tower and neighboring residential areas. The absence of appropriate transition and separation suggests that the proposed tall building may not integrate well with the existing neighborhood fabric, where tall buildings are not considered desirable.

In addition to the preceding, given the comments noted below with regards to servicing, the submitted analysis has not demonstrated the appropriateness of the increased intensification of the proposed development.

Servicing

Policy 1.6.6.1 of the Provincial Policy Statement (PPS) and in the Growth Plan (3.2.6 and 3.2.7) directs that growth must be accommodated in a way that optimizes existing municipal sewage services and integrates servicing and land use considerations throughout the planning process. However, the current application has not yet demonstrated that the proposed development can effectively utilize the existing municipal services.

Additionally, OP Section 2.2 Policy 9 (Service Foundations For Growth) underscores that the City's water, wastewater, and stormwater management infrastructure must be developed and maintained to support city building objectives. The applicant has not provided justification for how the proposed development aligns with these policy objectives or ensures that it does not compromise the integrity or capacity of the existing municipal services.

Further, the City's Engineering and Construction Services (ECS) division has commented that the submitted documentation is insufficient to demonstrate that the development can be serviced with the additional proposed dwelling units (an increase of 49 dwelling units from the existing permitted 104 dwelling units). Specifically, ECS highlighted that the current submission from the applicant only addressed sanitary flow. The application has not sufficiently proven that the proposed development can be supported by storm flow, groundwater 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. As a result of the missing and incomplete analysis, support for the proposal cannot be provided at this stage.

Community Benefits

Section 37 The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. The Official Plan identifies that Section 37 may be used for development with more than 10,000 square metres of gross floor area (GFA) and where the increase is at least 1,500 square metres and, or significantly increases the permitted height. The applicant is proposing an increased density of 3,960 square metres and 4 additional storeys. As staff has recommended refusal of the application, there has been no discussions with regards to any community benefits contribution for the proposal. However, should Committee of Adjustment choose to approve the subject application,

Staff recommends deferral to a future Committee hearing in order for further discussions to determine the appropriate in kind or cash contributions to support the increased gross floor area and height.

Conclusion

The proposal does not meet the intents of the Official Plan and Zoning By-law, is not minor in nature and not appropriate development of the lands. As such, Planning Staff recommends refusal this application.

CONTACT

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SIGNATURE



Signed by Shelly Cham, MCIP, RPP, Manager, Community Planning, North York District on behalf of David Sit, MCIP, RPP, Director, Community Planning, North York District