

11-21 Yorkville Avenue and 16-18 Cumberland Street Official Plan Amendment, Zoning Amendment & Rental Housing Demolition Applications - Preliminary Report

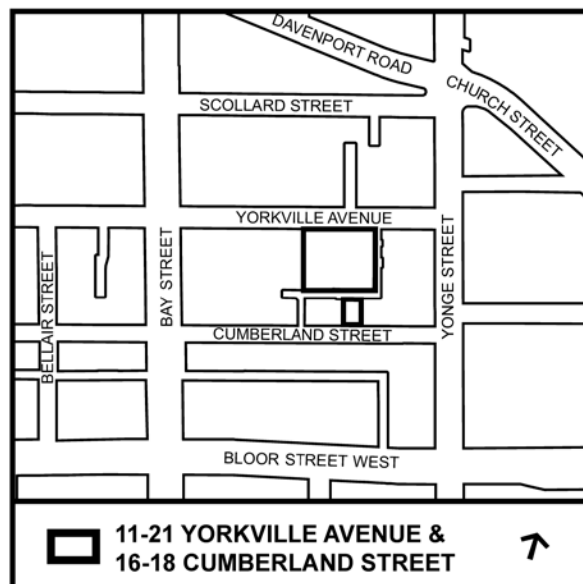
Date:	May 17, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Numbers:	18 135369 STE 27 OZ & 18 135378 STE 27 RH

SUMMARY

This application proposes a 62-storey (211.3 metres including a 9-metre mechanical penthouse) mixed-use building with retail uses on the first two floors at 11-21 Yorkville Avenue and a 2-storey commercial building at 16-18 Cumberland Street separated by a public lane. A total of 716 dwelling units, 235 parking spaces and 716 bicycle parking spaces are proposed. An open space made up of both a stratified public park and Privately Owned Publically-Accessible Space (POPS) is proposed on the west side of the subject lands fronting onto Yorkville Avenue expanding the conveyed park associated with 37 Yorkville Avenue.

This application also proposes to demolish and replace a related group of buildings which contain 81 rental dwelling units within the proposed tower. An application which seeks to demolish six or more dwelling units, of which at least one is rental requires a rental housing demolition application. The applicant has submitted a rental housing demolition application under Section 111 of the *City of Toronto Act*.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the application and on the community consultation process.



A community consultation meeting to be scheduled by staff in consultation with the Ward Councillor is anticipated to be held in June 2018. A final report and public meeting under the *Planning Act* is anticipated for the first quarter of 2019, provided the applicant submits all the required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 11-21 Yorkville Avenue and 16-18 Cumberland Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous decisions affecting the subject properties.

Pre-Application Consultation

A number of pre-application consultation meetings were held with the applicant throughout late 2017 and early 2018 to discuss complete application submission requirements, area policies, guidelines, planning framework, and built form concepts. Issues relating to built form, parkland dedication, site access and circulation, and overall fit within the existing and planned context were discussed.

The applicant hosted an open house on April 11, 2018 to introduce and discuss the concepts behind the development proposal with the local community and residents who currently live within the subject site.

ISSUE BACKGROUND

Site and Surrounding Area

The subject site is composed of two parcels, the first being located on the south side of Yorkville Avenue at 11-21 Yorkville Avenue (the north parcel) and the second being location on the north side of Cumberland Street at 16-18 Cumberland Street (the south parcel).

Table 1: Site Description

Address	Description	Rental Dwelling Units
11 Yorkville Avenue	9-storey mixed-use building	71
17 Yorkville Avenue	3-storey mixed-use building	2
19 Yorkville Avenue	4-storey mixed-use building	2
21 Yorkville Avenue	3-storey mixed-use building	6
	Public Lane	N/A
16 Cumberland Street	2-storey vacant commercial building	0
18 Cumberland Street	2-storey vacant commercial building	0

The north parcel has a frontage of 57.0 metres along Yorkville Avenue, a depth of 50.1 metres, and is rectangular in shape. The south parcel has a frontage of 14.6 metres along Cumberland Street, a depth of 24.4 metres, and is rectangular in shape. The combined area of the subject lands is 3,229 square metres.

The subject lands are bisected by the east-west portion of a public laneway approximately 4.27 metres in width. The laneway currently extends up to Yorkville Avenue along the east side of 11 Yorkville Avenue and down to Cumberland Street along the west side of 32 Cumberland Street. As part of the recent approval at 27-37 Yorkville Avenue and 26-50 Cumberland Street the portion of the laneway extending to Cumberland Street is being relocated farther east to the west side of 22 Cumberland Street. The portion of the public lane running along the east side of the 11 Yorkville Avenue is being widened to 6 metres and extended south to Cumberland Street as secured in applications at 836-850 Yonge Street & 1-9A Yorkville Avenue (File No. 13 246101 STE 27 OZ) and 826-834 Yonge Street & 2-8 Cumberland Street (File No. 15 114759 STE 27 OZ), and the expropriation of an orphaned lane. 0.87-metre strips of land will be conveyed from the southern edge of the north parcel and the northern edge of the south parcel to widen the east-west section of the lane from 4.27 metres to 6 metres.

The existing buildings contain 81 rental dwelling units according to the applicant. The rental units are located in four buildings as described in Table 1: Site Description. The rental units have the following unit type mix and affordability: 54 bachelor units (5 affordable rents and 49 mid-range rents); 25 one-bedroom units (all mid-range rents); 1 two-bedroom unit (mid-range rent); and 1 three-bedroom unit (mid-range rent).

Uses and structures near the site include:

North: of Yorkville Avenue are Town Hall Square, a public park, and two heritage buildings: the Yorkville Library; and the Yorkville Fire Hall.

East of Town Hall Square is 18 Yorkville Avenue, a 36-storey (117.4 metres including an 8.5-metre mechanical penthouse) mixed-use building with a 7-storey (22.5 metres) base element to the north.

West of the fire hall is an open space, known as the "Rose Garden" with a public art feature. Farther west is the Four Seasons Hotel and Private Residence. The combined

hotel and residential building located at the north east corner of Yorkville Avenue and Bay Street is 52-storeys (204 metres including a 9-metre mechanical penthouse). Between the 52-storey tower and the "Rose Garden" is a motor court with a mosaic paving feature and a fountain sculpture. The second Four Seasons residential tower is 26-storeys (94 metres including a 5 metre mechanical penthouse).

South: of Cumberland Street is 2 Bloor Street West (Cumberland Terrace), an L-shaped site extending north from the northwest corner of Yonge Street and Bloor Street West and west along the south side of Cumberland Street, between Bay and Yonge Streets. There is an existing office tower at the northwest corner of Yonge and Bloor Streets (146.5 metres tall) and a low-rise concrete slab building on the south side of Cumberland between Bay and Yonge Streets that contain an internalized retail mall and some office/commercial uses.

City Council on February 22 and 23, 2010, adopted the recommendation to amend the Zoning By-law to permit two residential towers at 2 Bloor Street West: one at the corner of Yonge and Cumberland Streets; and a second tower mid-block on Cumberland Street ((File No. 08 176116 STE 27 OZ). The decision was appealed to the Ontario Municipal Board (OMB). The OMB approved (OMB File No. PL100851) a by-law which permits: a 102.9-metre tower including a 6.3 metre mechanical penthouse, at Yonge Street; and a mid-block tower of 170 metres in height, including a 10-metre mechanical penthouse. A 24.4-metre base building includes grade-related commercial space, four levels of above-grade parking and "rooftop villas" at the corner of Bay and Cumberland Streets (stepped back atop the base from Cumberland Street with an overall height of 30.6 metres).

East: on Yorkville Avenue, a 58-storey (180.6 metres plus 2.6-metre elevator overrun) mixed-use building under construction at 836-850 Yonge Street & 1-9A Yorkville Avenue (File No. 13 246101 STE 27 OZ).

On Cumberland Street, 3-storey commercial buildings at 12-14 Cumberland Street, and 1-, 2- and 3-storey commercial buildings at 826-834 Yonge Street & 2-8 Cumberland Street. City Council on April 26, 27 and 28, 2017, adopted the recommendation to amend the Zoning By-law to permit a 51-storey (170.5 metres including a 7.5-metre mechanical penthouse) mixed-use building at 826-834 Yonge Street & 2-8 Cumberland Street (File No. 15 114759STE 27 OZ).

West: a two-storey retail building located at 27-33 Yorkville Avenue; a six-storey Toronto Parking Authority structure containing 1,036 parking spaces with a 4-storey office component fronting onto Cumberland Street at 31-37 Yorkville Avenue and 40-50 Cumberland Street; and a 2- and 3-storey commercial buildings at 20-32 Cumberland Street.

City Council on August 25, 26, 27 and 28, 2014, adopted the recommendation to amend the Official Plan and Zoning By-law to permit two linked mid-block towers at 27-37 Yorkville Avenue & 26-50 Cumberland Street (File Nos. 12 191650 STE 27 OZ and 14 173892 STE 27 OZ). The Zoning By-law permits a 62-storey (215 metres including a 12-

metre mechanical penthouse) on Yorkville Avenue; and a 40-storey (142.5 metres including a 6.0-metre mechanical penthouse) on Cumberland Street with a public park along the eastern edge of the property from Yorkville Avenue to Cumberland Street.

See Attachment 1: Location Map.

Proposal

This application proposes to construct two buildings on two parcels of land: a 62-storey mixed-use building with retail on the first two floors at 11-21 Yorkville Avenue (the north parcel); and a 2-storey commercial building at 16-18 Cumberland Street (the south parcel). The proposal includes 716 residential units, of which 81 would be rental replacement units, the remainder are proposed to be condominium units. Amenity space and common elements would be shared by all.

The proposal would contain a total of 4,664 square metres of non-residential gross floor area and 49,001 square metres of residential gross floor area. The total proposed gross floor area is 53,665 square metres which represents a density of 17 times the area of the subject lands.

North Parcel

A new 62-storey (211.3 metres including a 9-metre mechanical penthouse) mixed-use building is proposed on the north parcel. The building has 3,818 square metres of retail in a 2-storey base building and a concourse level which will be connected to an existing underground pedestrian mall system. A residential tower above the base building includes 49,001 square metres of residential gross floor area.

A new open space is proposed along the western edge of the site consisting of a 10.5-metre wide stratified public park space with an area of 529 square metres and a 4-metre wide POPS that will run along the west side of the building. The public park and POPS will connect to and be designed with the public park secured at 27-37 Yorkville Avenue & 26-50 Cumberland Street (File Nos. 12 191650 STE 27 OZ and 14 173892 STE 27 OZ).

The base building is mostly 2-storeys and 13.5 metres in height, with the exception of the centre portion of the Yorkville Avenue streetwall which is 9-storeys and 40.0 metres in height. The base building is set back 3.0 metres from Yorkville Avenue (the north property line) resulting in a 6.5-metre sidewalk. Retail uses are proposed along the Yorkville Avenue frontage and the west side of the base, fronting the proposed POPS and public park. The eastern frontage along a public lane will include the residential lobby accessible by a 4.3-metre wide pedestrian walkway. Access to the loading spaces and underground parking garage will also be included within the eastern frontage.

Above the 2-storey base, the tower is set back 4.6 metres from the west, 2.5 metres from the south, and 6.2 metres from the east. The tower then steps back: 2 metres from the north at the 10th floor above the 9-storey streetwall along Yorkville Avenue; 1.8 metres from the west at the 18th floor; 1.8 metres from the east at the 24th floor; and 2.0 metres from the north and 1.9 metres from the south at the 30th floor.

The proposed tower floor plate ranges from 1,167 to 770 square metres, with floor plate sizes generally decreasing as the tower gets taller. The floor plate sizes are as follows:

Table 2: Tower Floor Plate Areas

Floor Range	Floor Plate (square metres)
3	968
4 to 9	1,167
10 to 17	1,059
18 to 23	985
24 to 29	912
30 to 59	788
60 to 62	770
Average	896

At its closest point, the tower is set back: 3 metres from Yorkville Street (the north property line); 18.9 metres from the public park secured at 27-33 Yorkville Avenue (the west property line); 13.5 metres from the centreline of the recently widened public lane to the east; and 5.7 metres from the centreline of the public lane to the south (adjacent to 16-18 Cumberland Street). The proposed tower setbacks would result in the following tower separation distances: 29.5 metres to the approved tower at 27-33 Yorkville Avenue to the west; 25.2 metres to the under construction tower at 836-850 Yonge Street & 1-9A Yorkville Avenue to the east; and 23.2 metres to the approved tower at 826-834 Yonge Street & 2-8 Cumberland Street to the south-east. The inclusion of 16-18 Cumberland Street as part of this development limits the potential for a tall building to be constructed to the south.

The proposed building consists of 716 residential units, 81 of which are replacement rental dwelling units located on floors 5 to 8. The proposed residential unit breakdown is as follows:

Table 3: Unit Type Breakdown

Unit Type	Number of Units	Percentage
Bachelor	61	8.5%
1-bedroom	365	51.0%
2-bedroom	218	30.4%
3-bedroom	72	10.1%
Total	716	100%

The applicant is proposing a total of 1,908 square metres of indoor amenity space on the third and fourth floors, and 743 square metres of outdoor amenity space is proposed on the roof of the base building, accessible from the indoor amenity space on the third floor.

A total of 235 resident vehicular parking spaces are to be provided in a 4-level underground parking garage accessible from Cumberland Street and Yorkville Avenue via the public lane to the east. No parking is proposed for the commercial uses or residential visitors. A total of 716

bicycle parking spaces are proposed, including 664 resident bicycle parking spaces and 72 visitor bicycle parking spaces on levels P1, concourse, and on the ground floor mezzanine.

Two loading spaces are proposed to service the development, including one Type-B/C space and one Type-G/B space. The loading spaces will be located within the base building accessible from Cumberland Street and Yorkville Avenue via the widened public lane to the east.

South Parcel

A new 2-storey (approximately 12.3 metres including rooftop parapet) commercial building is proposed on the south parcel. The building consists of 846 square metres of non-residential gross floor area (including the basement), 0 parking spaces, and a type C loading space at grade with access off of the public lane to the rear of the building. The building will be located 0.9 metres from Cumberland Street (the south property line), 0.8 metres from the north property line adjacent to the public lane, and 0.0 metres from the east and west property lines. The east and west elevations will not contain any openings.

See Attachments 2-7 (Application Data Sheet, Site Plan and Elevations).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) and geographically specific Provincial Plans (2017), along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing including affordability;
- Recreation, parks and open space;
- Transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

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 with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff will review the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). In the submission forms for development approval, the applicant has indicated that the application is consistent with the PPS and conforms to the applicable Provincial Plans. Staff will be evaluating this planning application against the PPS (2014) and the applicable Provincial Plans (2017) noted above as part of the City's development approval process.

Official Plan

The Official Plan designates the subject site as *Mixed Use Areas* and locates it within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan. The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Built Form policies in the Official Plan (3.1.2) state that new development will be located and organized to fit with its existing and/or planned context. The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall

buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

Rental replacement Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

This application will be reviewed against the Official Plan policies and/or planning studies described above as well as the policies of the Official Plan as a whole.

See Attachment 8: Official Plan Land Use Map.

Site and Area Specific Policy 211 - Bloor Yorkville / North Midtown Area

The City structure for the Bloor-Yorkville/North Midtown Area is provided in Area Specific Policy 211 of the Official Plan. Policy 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, Areas of Special Identity, *Mixed Use Areas*, and open space provided by parks and ravines.

The Bloor-Yorkville/North Midtown Area forms the north edge of the *Downtown* and provides for transition in density and scale to surrounding lower rise areas. This transition is important to reinforce the diversity of built form and use, to foster the stability of *Neighbourhoods*.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The Height Peak and Height Ridges are illustrated on Map 2 of Policy 211. The subject site is located between the Yonge Street and Bay Street Height Ridges and north of the Height Peak.

The lowest heights in the Bloor-Yorkville/North Midtown Area are in the *Neighbourhoods* and portions of Areas of Special Identity shown as Low Rise Areas on Map 2. The site is located within the Yonge-Yorkville Area of Special Identity and immediately south of the Low Rise Area surrounding the Yorkville Avenue Fire Hall. Development in the Yonge-Yorkville Area of

Special Identity will be compatible with the heritage buildings, protect views of the fire hall tower, and minimize shadow impacts on Frank Stollery Parkette.
See Attachment 9: Official Plan- Site and Area Specific Policy 211 (Map 2).

Area Specific Policy 225 - Lands North and South of Bloor Street Between Park Road and Avenue Road

Area Specific Policy 225 of the Official Plan 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 this site.

TOcore

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA). The recommended OPA includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once the OPA comes into force and effect. The Committee's recommendations have been submitted for City Council consideration at its May 23-25, 2018 meeting. The Committee also directed staff to meet as appropriate with deputants and report directly to City Council with any further recommendations.

This recommended OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities that were also adopted as separate items at the same Committee meeting – is the result of a three-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

After a decade of unprecedented growth and development that has transformed Downtown into one of Canada's most desirable places to live and work, an updated planning framework is required to ensure that growth and the timely provision of infrastructure is addressed so that Downtown remains liveable and economically competitive. The Downtown Plan serves as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It provides detailed direction on the appropriate scale and location of future growth. It also links this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe, 2017 (the "Growth Plan").

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, the Downtown Plan Official Plan Amendment (OPA) is a component of the work program to bring the Official Plan into conformity with the Growth Plan. The OPA is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*. It will be submitted to the Minister of Municipal Affairs for approval pursuant to Section 26 of the *Planning Act*.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height. While OPA 352 and the by-laws are under appeal, these amendments represent Council's position with respect to proposals seeking to introduce a tall building into the urban context.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment. At that meeting, Council directed Staff to consider the policies contained with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward. This direction was reiterated by PGM Committee at its May 1, 2018 meeting, with a recommendation that City Council direct the Chief Planner and Executive Director, City Planning to use the Downtown Plan policies to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister of Municipal Affairs.

Further background information can be found at www.toronto.ca/tocore.

Yorkville - East of Bay Planning Framework

City Council adopted the Yorkville – East of Bay Planning Framework on August 25, 2014. The Framework applies to the area of Yorkville located between Bay Street and Yonge Street, from Bloor Street to Davenport Road. The Framework is founded on a vision, goals and objectives for the pedestrian environment and connectivity, and for the location of tall buildings and their built form criteria.

The Planning Framework identifies two key mid-block pedestrian connections to be created by a series of parks, open spaces, linear parks and walkways. These north/south linear park and walkway systems are named by their defining features - Town Hall Walkway and Clock Tower Walkway. The Planning Framework also identifies the built form criteria for existing, approved, proposed and possible future tall building sites.

The subject site is identified as Tall Building site No. 15 and forms the eastern portion of the Clock Tower Walkway system and the western portion of the Town Hall Walkway system. The built form objectives for this site are as follows:

- satisfy all rental housing replacement policies;
- possible tower must provide a minimum of 25 metre tower separation or greater to proposed tall building at Site Nos. 11 (27-37 Yorkville Avenue) and 12 (836-850 Yonge Street and 1-9A Yorkville Avenue);
- provide publicly-accessible open space to the west, completing the transformation of the publicly accessible plaza and walkway (i.e. Clock Tower Walkway) into a single enlarged public park with seating and public art; and

- design tall building with no projecting balconies - set back building and ground floor from Yorkville Avenue to provide for widened sidewalks and outdoor cafes.

The Planning Framework also indicates that the cross streets within the Yorkville – East of Bay area each have their own identities to be strengthened with new development. Cumberland Street is identified as a "Pedestrian Shopping Street" and should be developed with the objective of creating a pedestrian-oriented shopping street. This character will be strengthened in accordance with the following objectives:

- design as a shopping street with narrowly articulated store fronts;
- design streetscape with a consistent paving pattern from building-face to building face;
- maximize sidewalk width by setting back buildings and ground floor;
- provide for moveable bollards to expand the pedestrian realm seasonally;
- provide street furniture with a variety of seating options;
- provide weather protection for pedestrians; and
- introduce Privately Owned Publicly-Accessible Space (POPS) signage and wayfinding to the walkways and open spaces.

Yorkville Avenue is identified as a "Civic Street" which serves as the area's cultural arena with historic civic buildings. This character will be strengthened in accordance with the following objectives:

- set back buildings to provide space for outdoor cafes and public art;
- maximize seating opportunities in various forms (i.e. fixed and movable);
- require high quality building and streetscape materials;
- recognize, create and protect views of heritage buildings;
- locate opportunities and install the Bloor-Yorkville BIA's pedestrian light standards and other street furniture; and
- identify opportunities for civic and community related messaging (i.e. banners).

The underground pedestrian network through the Yorkville – East of Bay area will remain intact and be improved in terms of the quality of retail servicing residents, workers and visitors. While there may be opportunities to expand the network further north, preference will be given to the objective of creating a dynamic and animated public realm at grade. Currently, the system links the Bay and Yonge subway stations through Cumberland Terrace and connects north to the Toronto Parking Authority (TPA) parking garage on Cumberland Street.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development. The main planning objectives of the Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;
- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located within the Yonge-Yorkville Precinct.

Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

The guidelines state that tall buildings should be located and designed to best mitigate all new net shadowing of Jesse Ketchum Park, School Playground and Open Space and Ramsden Park in the Bloor-Yorkville/North Midtown Area throughout the entire day for all seasons of the year.

Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy

The Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy report (August 2015) was prepared by The Planning Partnership, Greenberg Consultants Inc., ERA Architects, and Michael Spaziani Architect Inc., on behalf of the Bloor-Yorkville Business Improvement Association, ABC Residents Association, Greater Yorkville Residents Association, and Yonge Bay Bloor Business Association.

The objective of this community-led Planning Framework and Implementation Strategy is to address concerns over tall buildings and intensification. It outlines where development should and should not occur, the types of uses and built form that are appropriate, how future development applications will be analyzed, and the future planning approval processes that are required.

The report has two parts: an overview of the history, and current policy and development context; and, a policy framework and implementation strategies, and separate pedestrian realm network plan. The report organizes the Bloor-Yorkville/North Midtown area into 3 districts: the primary development districts; the corridor districts; and, the stable neighbourhood districts.

Each district contains precincts, some of which are broken down into segments. Targeted planning policies are proposed for each district, precinct, and segment.

This site is located in the Urban Core within the Primary Development District. Within the Urban Core Precinct, the conditional maximum building height shall generally be 50 storeys or 190 metres. The Planning Framework & Implementation Strategy calls for a minimum separation between residential towers of 25 metres.

However, the Planning Framework & Implementation Strategy states that in dense urban sites such as within the Primary Development District, less tower separation distances may be considered where shadowing, sky view and privacy impacts are appropriately addressed. The distance between large massed towers will depend on the uses and configuration of units. While a 15-metre separation is appropriate in dense areas for office uses, a 25-metre separation is required for a residential tower to ensure adequate privacy and views.

The report was tabled at the October 13, 2016 Toronto and East York Community Council and staff were directed to consider the report in preparation of the Secondary Plan for Bloor-Yorkville/North Midtown.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner and Executive Director, City Planning.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of residential demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council for rental housing demolition are not appealable to the Local Planning Appeal Tribunal.

On March 27, 2018, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. The application was deemed complete on April 24, 2018 and a notice informing tenants of this and future process was delivered by the applicant on May 3, 2018.

As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

City staff will be reviewing the submitted materials, including the Housing Issues Report, to evaluate the appropriateness of the rental replacement strategy and measures to mitigate hardship for tenants.

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently partially under appeal at the LPAT. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the site.

Under Zoning By-law 569-2013, the majority of the site is zoned CR 3.0 (c1.75, r3.0) SS1 (x2401). 16 Cumberland Street is zoned CR 3.0 (c1.75, r3.0) SS1 (x2190). The entire site has a height limit of 18 metres (plus a 5-metre mechanical penthouse) and a maximum density of 3.0 times the area of the lot. Under Zoning By-law 438-86, as amended, the property is zoned CR T3.0 C1.75 R3.0 with a height limit of 18 metres (plus a 5-metre mechanical penthouse) and a maximum density of 3.0 times the area of the lot. The CR zoning category in both Zoning By-laws allows for a broad range of residential and commercial uses.

The following exceptions and prevailing by-laws apply to all or a portion of the subject site:

- Permission exception 12(1) 126 applies to 16 Cumberland Street and permits the use of split-level entrances to commercial establishments;
- Restrictive exception 12(2) 132 does not permit using the lands for a commercial parking garage or private commercial garage;
- Restrictive exception 12(2) 259 requires a minimum of 60 percent of the street frontages on the subject site be used for street-related retail uses and service uses;
- Restrictive exception 12(2) 304 does not permit using the lands for a place of amusement; and
- Site specific by-law 503-77 applies to 18 Cumberland Street and permits a maximum non-residential gross floor area of 1.75 times the area of the lot.

See Attachment 10: Existing Zoning By-law Map.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control was submitted on March 27, 2018 and is being reviewed concurrently.

Reasons for the Application

The application proposes a tower of 62-storey (211.3 metres tall including a 9-metre mechanical penthouse) on Yorkville Avenue and 2-storey (12.3 metres including rooftop parapet) building on Cumberland Street. The overall proposed density is 17 times the area of the lot, whereas the existing maximum permitted density is 3.0 times the area of the lot. The overall proposed height of the tower also exceeds the 18-metre height limit on the site. A Zoning By-law amendment is

therefore required for non-compliance with these and a number of other performance measures in both by-laws.

An Official Plan Amendment is required because the proposed 211.3 metre height of the development exceeds the planned height for the site, falling outside of the Height Peak and Height Ridge of the Official Plan, Site and Area Specific Policy 211.

The applicant has submitted an application 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 subject lands contain six or more residential units, of which at least one is rental.

Application Submission

Complete Official Plan and Zoning By-law Amendment applications were submitted on March 27, 2018. A Notification of Complete Application was issued on April 26, 2018.

The following reports/studies have been submitted with the application:

- Survey Plan;
- Architectural Plans, Elevations and Sections;
- Landscape Plans;
- Tree Preservation Plan;
- Civil Plans;
- Arborist Report;
- Energy Strategy Report;
- Phase One Environmental Site Assessment;
- Phase Two Environmental Site Assessment;
- Hydrogeological Investigation;
- Geotechnical Assessment;
- Stage One Archaeological Assessment;
- Noise and Vibration Impact Study;
- Pedestrian Level Wind Study;
- Transportation Impact Study;
- Functional Servicing Report;
- Stormwater Management Report;
- Heritage Impact Assessment;
- Planning and Urban Design Rationale Report;
- Community Services & Facilities Report;
- Housing Issues Report;
- Shadow Study;
- Draft Zoning By-law Amendments;
- Draft Official Plan Amendment;
- Public Consultation Plan;
- Toronto Green Development Standards Checklist; and
- Digital copy of the Building Massing Model.

COMMENTS

Issues to be Resolved

Provincial Policies and Plans Consistency/Conformity Exercise Issue:

- Evaluating this planning application against the PPS (2014) and the applicable Provincial Plans (2017) to establish the application's consistency with the PPS (2014) and conformity with the Growth Plan (2017).

Official Plan Conformity Exercise Issue:

- Determining conformity with the Official Plan, including Site and Area Specific Policy 211 and the Downtown Plan.

Housing Issue:

- Evaluating the need to provide larger residential dwelling units suitable for a broad range of households, including families with children;
- Evaluating the appropriateness of the rental housing replacement proposal, including the size, unit design and associated amenities for the proposed replacement housing; and
- Evaluating the suitability of the tenant relocation and assistance plan for the affected tenants.

Archaeological Assessment Issue:

- Evaluating if the subject site has archaeological resource potential and whether an archaeological assessment needs to be completed.

Heritage Impact & Conservation Strategy Issue:

- Reviewing the Heritage Impact Assessment (HIA) Report submitted with the application and evaluating whether the application will have an impact on adjacent heritage resources.

Community Services Assessment Issue:

- Evaluating the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population;
- Reviewing Community Services & Facilities policies, site specific policies and growth related studies applying to the application; and
- Reviewing the Community Services & Facilities Study that was submitted with the application and to determine whether any capital improvements or expansion of

facilities opportunities were identified by the applicant or by staff and follow up any Study deficiencies that need to be addressed.

Transportation Issue:

- Assessing the impact of the development on the adjacent public lane; and
- Assessing the adequacy of the proposed parking supply.

Infrastructure/Servicing Capacity to Support Application Issue:

- Reviewing the application to determine if there is sufficient infrastructure (such as roads, transit, water, sewage, hydro, community services and facilities) capacity to accommodate the proposed development; and
- Reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard Issue:

- Reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 2 performance measures.

Built Form Impacts Issue:

- While the applicant has responded to the built form objectives of the Yorkville – East of Bay Planning Framework staff are still assessing the suitability of the proposed height, density and massing, including tower floor plate areas and tower separation, of the application based on Provincial policies and plans, the City's Official Plan policies, and design guidelines;
- Reviewing the background studies submitted with the application to assess impacts and mitigation strategies associated with the proposed building, including but not limited to privacy, wind, and incremental shadowing of nearby parks, school yards and open spaces; and
- Assessing the adequacy of proposed indoor and outdoor amenity space.

Public Realm and Streetscape Issue:

- While the applicant has demonstrated the desire to respond to the Yorkville- East of Bay Planning Framework in terms of the open space network, staff are still assessing the adequacy of the public realm, open spaces, and public park;
- Assessing the scale of the building related to open space; and
- Assessing the connectivity of the site to the existing and planned underground network.

Section 37 Community Benefits Issue:

- Identifying and securing appropriate community benefits in a Section 37 Agreement, under the *Planning Act*, if the project is ultimately considered to be good planning and recommended for approval.

Other Matters:

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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Jym Clark, Planner
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E-mail: Jym.Clark@toronto.ca

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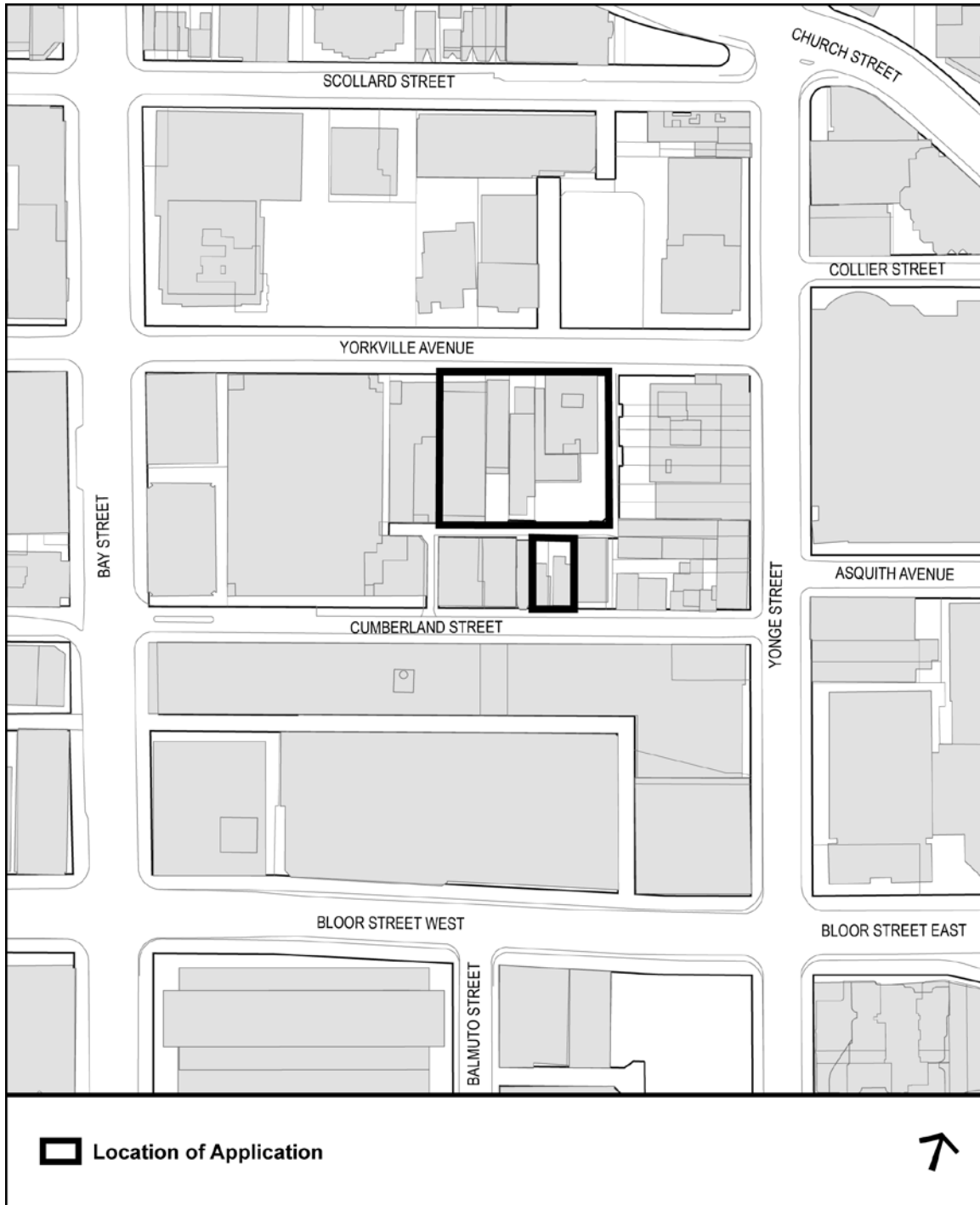
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Site Plan
- Attachment 4: North Elevation
- Attachment 5: East Elevation
- Attachment 6: South Elevation
- Attachment 7: West Elevation
- Attachment 8: Official Plan Land Use Map
- Attachment 9: Official Plan- Site and Area Specific Policy 211 (Map 2)
- Attachment 10: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 11-21 Yorkville Ave. & 16-18 Cumberland St. **Date Received:** March 27, 2018

Application Number: 18 135369STE 27 OZ

Application Type: OPA / Rezoning

Project Description: Zoning By-law and Official Plan Amendment to facilitate redevelopment of the site with 2 buildings: a 62-storey mixed-use building on the north parcel with a total of 716 units, of which 81 will be rental replacement units, and a 2-storey commercial building on the south parcel.

Applicant
Metropia

Owner
11 Yorkville Partners Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 211
Zoning:	CR 3.0 (c1.75, r3.0) SS1 (x2401) (x2190)	Heritage Designation:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,229 Frontage (m): 57 Depth (m): 79

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,421	1,421
Residential GFA (sq m):			49,001	49,001
Non-Residential GFA (sq m):			4,664	4,664
Total GFA (sq m):			53,665	53,665
Height - Storeys:			62	62
Height - Metres:			211.3	211.3
Lot Coverage Ratio (%): 44.0		Floor Space Index:	17	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	49,001	31
Retail GFA:	2,778	1,886
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	81	0	81	81
Freehold:				
Condominium:			635	635
Other:				
Total Units:			716	716

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		61	365	218	72
Total Units:		61	365	218	72

Parking and Loading

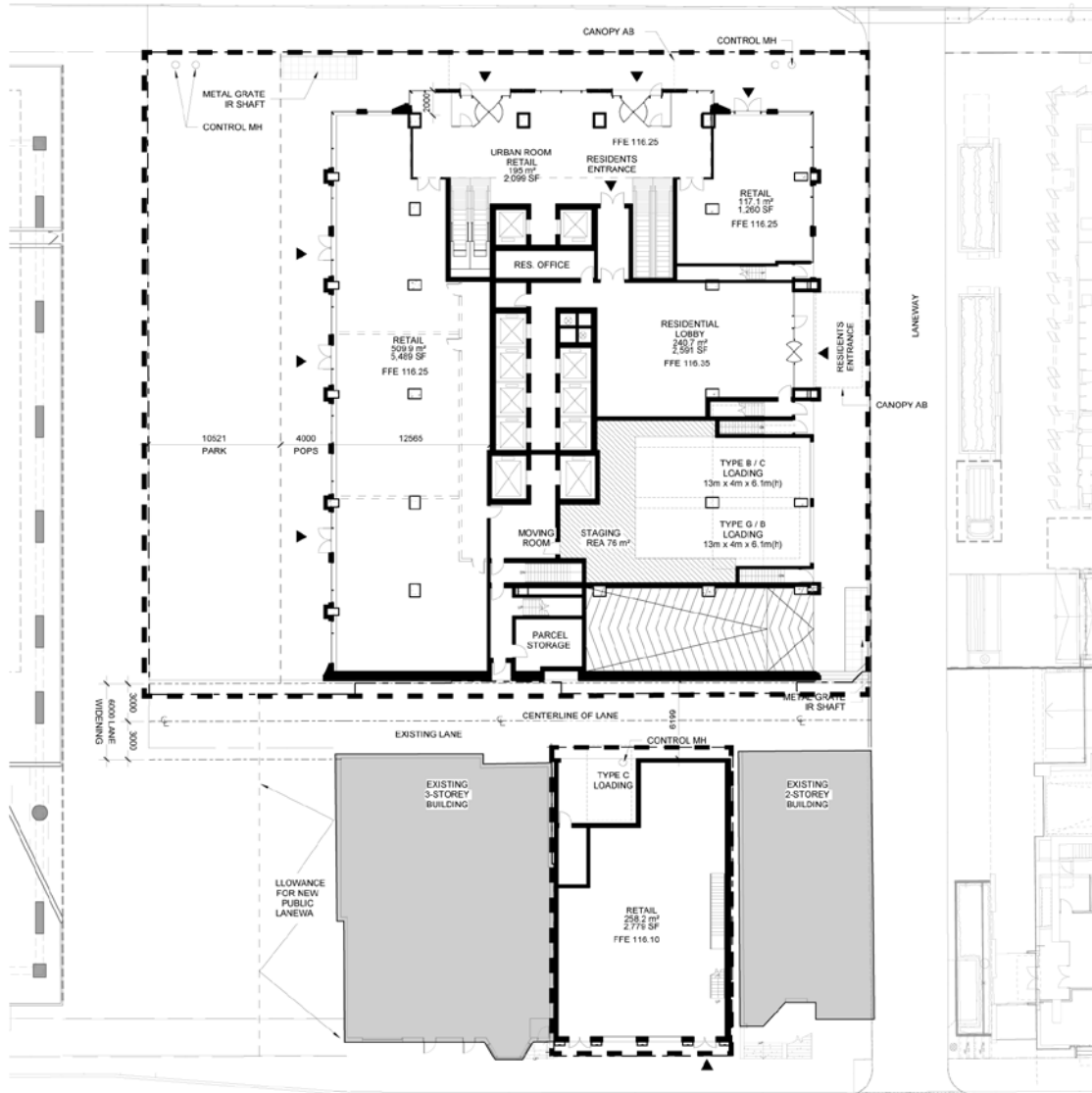
Parking Spaces: 235 Bicycle Parking Spaces: 716 Loading Docks: 2

CONTACT:

Kevin Friedrich, Planner
(416) 338-5740
Kevin.Friedrich@toronto.ca

Attachment 3: Site Plan

YORKVILLE AVENUE



CUMBERLAND STREET

Site Plan

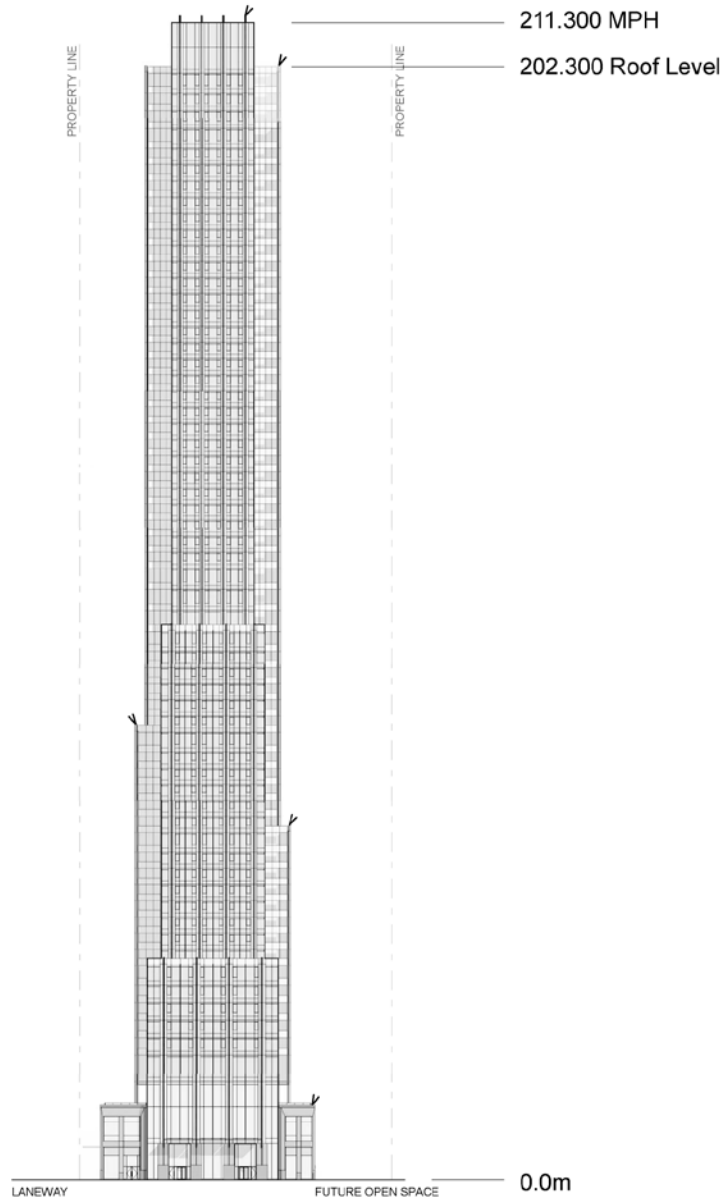
Applicant's Submitted Drawing

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11-21 Yorkville Avenue
& 16-18 Cumberland Street

File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH

Attachment 4: North Elevation



North Elevation

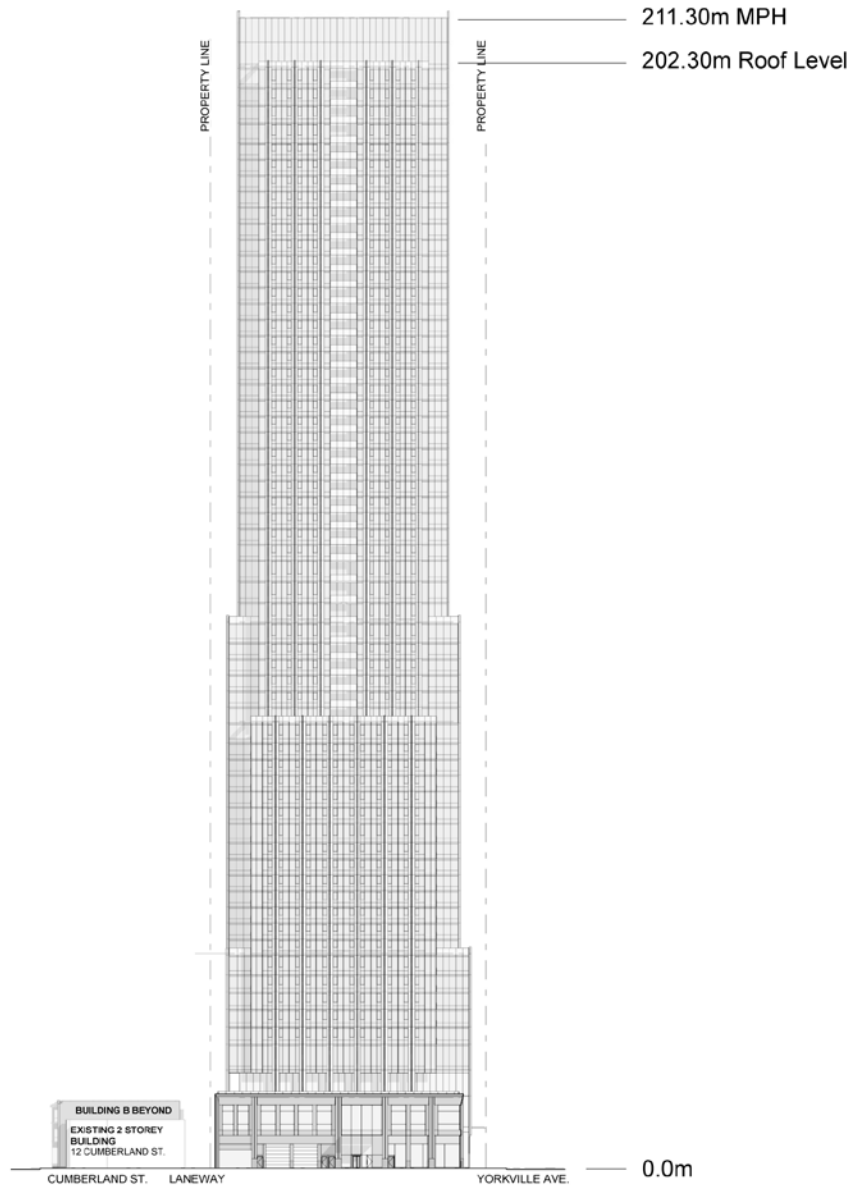
Applicant's Submitted Drawing

Not to Scale
04/30/2018

11-21 Yorkville Avenue
& 16-18 Cumberland Street

File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH

Attachment 5: East Elevation



East Elevation

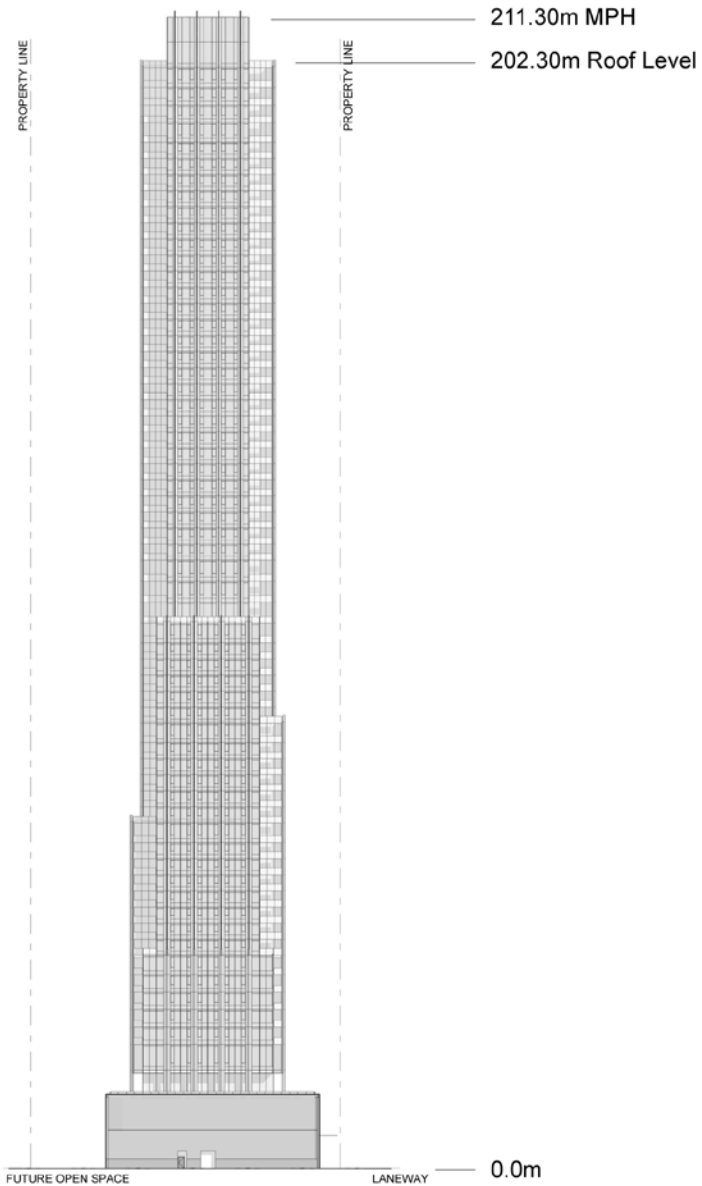
Applicant's Submitted Drawing

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04/30/2018

11-21 Yorkville Avenue
& 16-18 Cumberland Street

File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH

Attachment 6: South Elevation



South Elevation

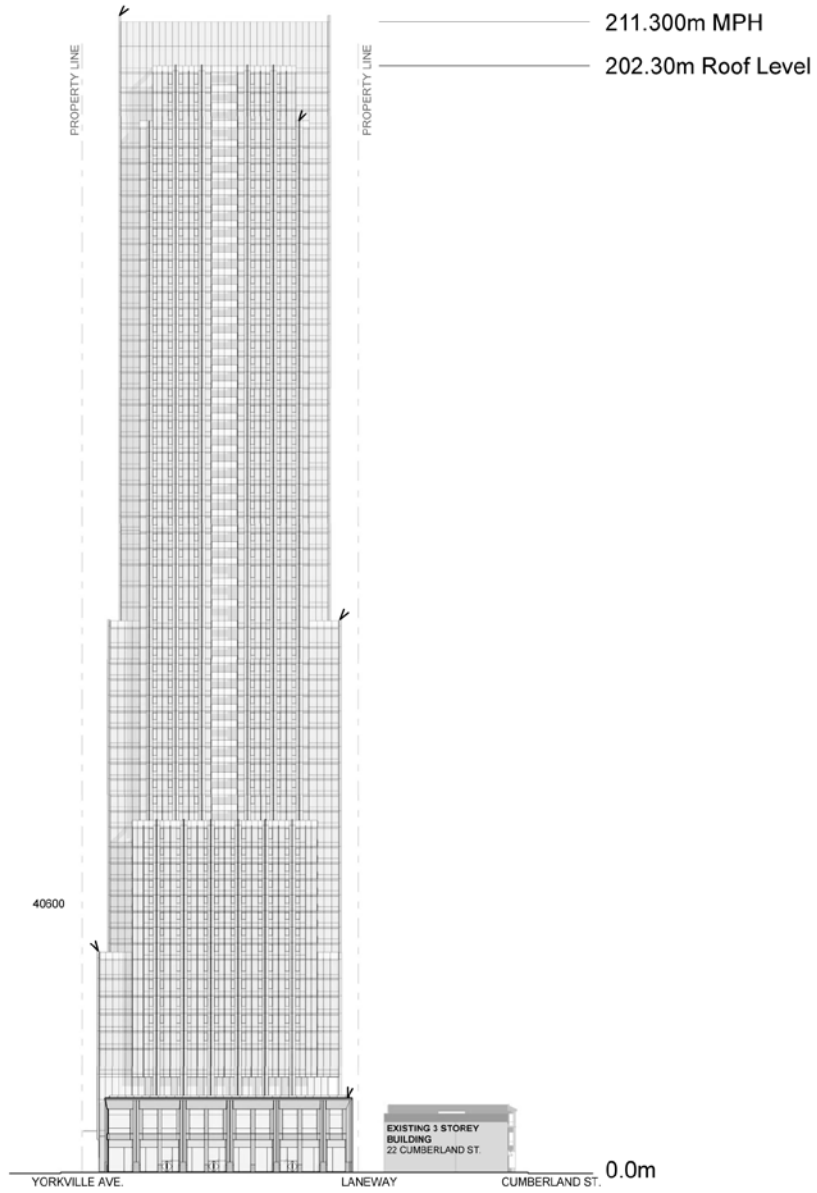
Applicant's Submitted Drawing

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11-21 Yorkville Avenue
& 16-18 Cumberland Street

File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH

Attachment 7: West Elevation



West Elevation

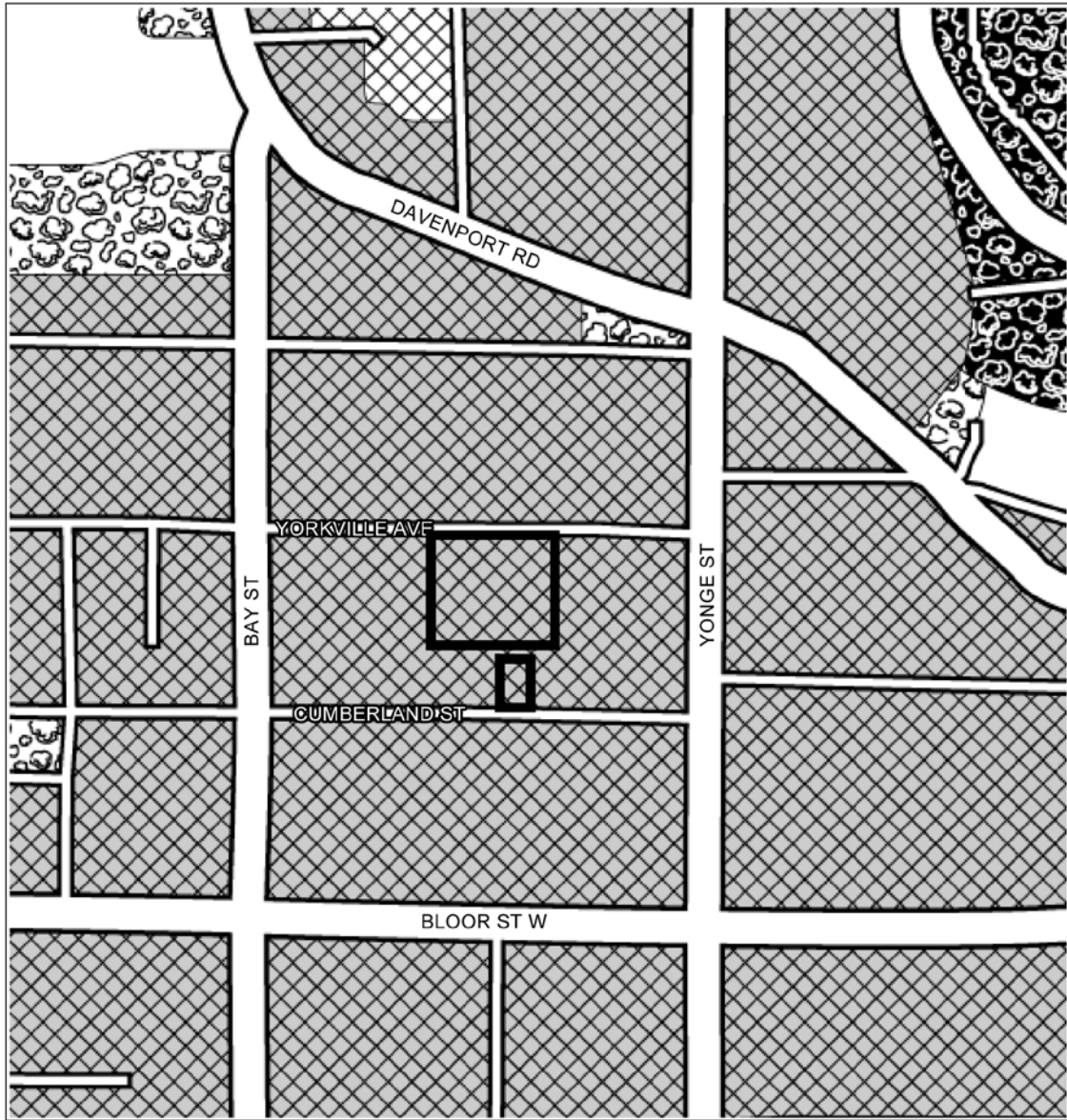
Applicant's Submitted Drawing

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11-21 Yorkville Avenue
& 16-18 Cumberland Street

File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH








Attachment 8: Official Plan Land Use Map



Official Plan Land Use Map #18

**11-21 Yorkville Avenue
& 16-18 Cumberland Street**

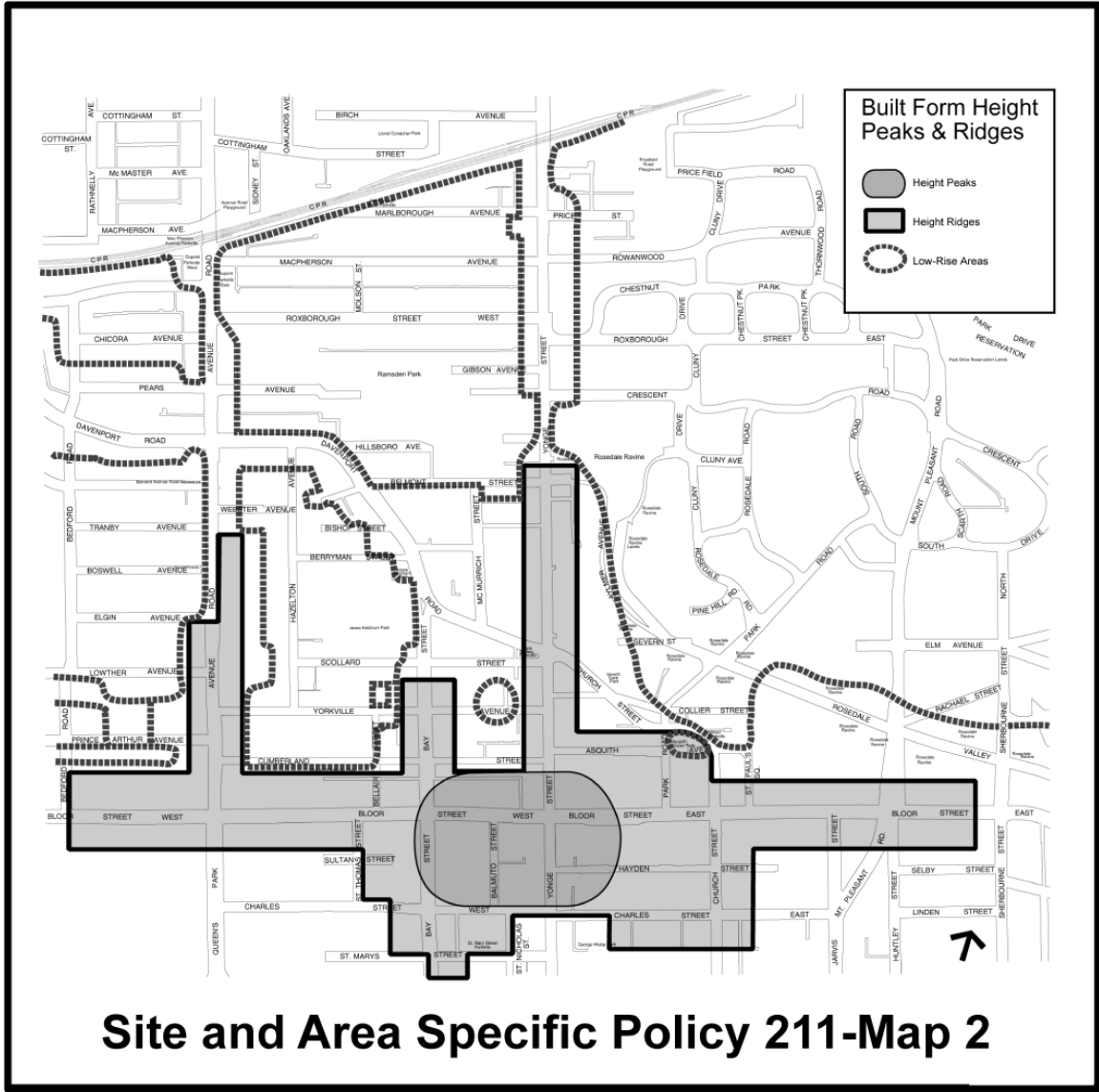
File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH

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

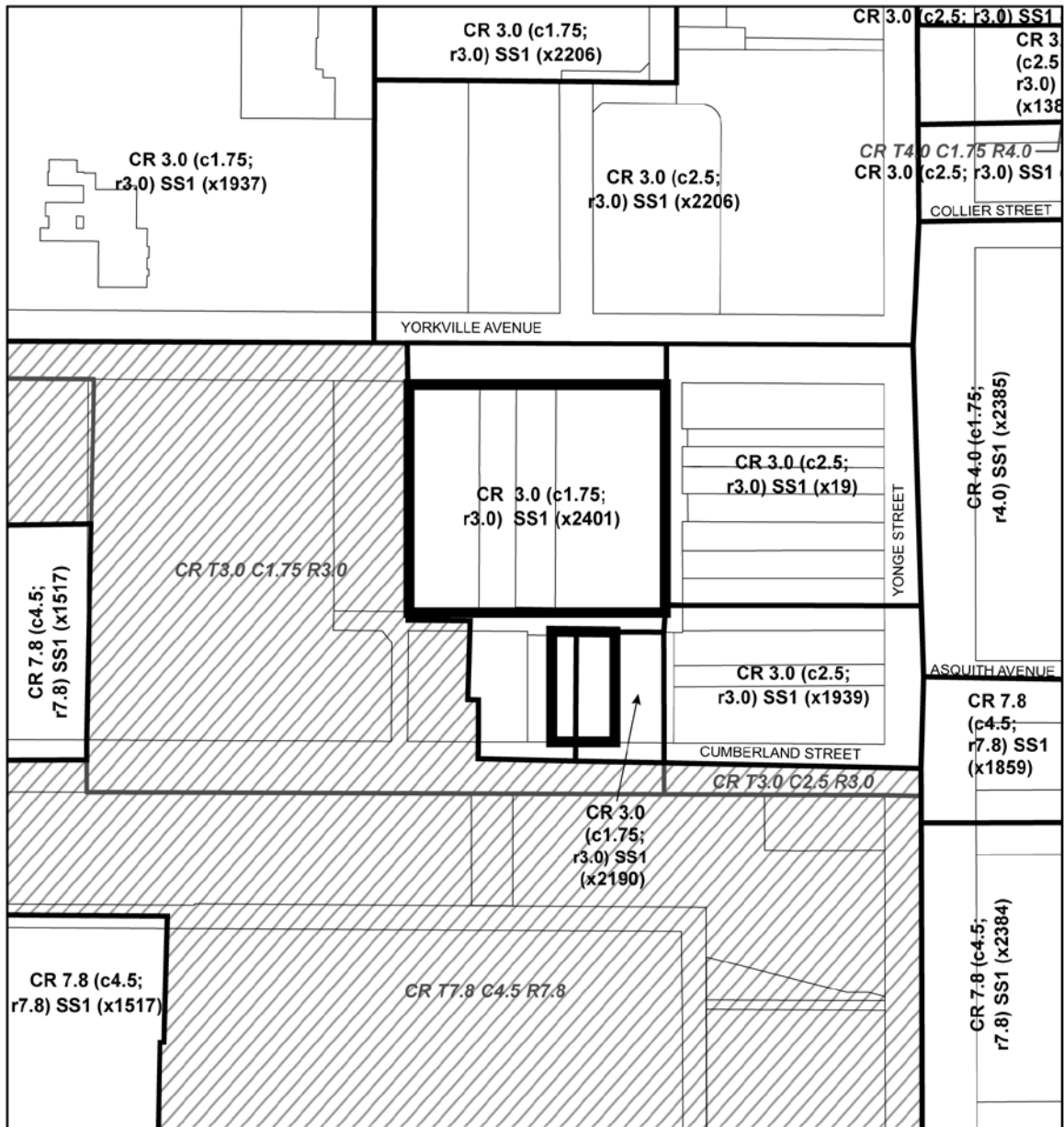


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Attachment 9: Official Plan- Site and Area Specific Policy 211 (Map 2)



Attachment 10: Existing Zoning By-law Map



Zoning By-law 569-2013

**11-21 Yorkville Avenue
& 16-18 Cumberland Street**

File # 18 135369 STE 27 OZ & 18 135378 STE 27 RH

Location of Application

CR Commercial Residential

See Former City of Toronto By-Law No. 438-86
CR Mixed-Use District



Not to Scale
Extracted: 05/02/2018