

11-25 Yorkville Avenue and 16-18 Cumberland Street – Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition Applications Final Report

Date: June 11, 2019

To: Toronto and East York Community Council

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

Ward 11 - University-Rosedale

Planning Application Number: 18 135369 STE 27 OZ & 18 135378 STE 27 RH

SUMMARY

The applications propose to amend the Official Plan and Zoning By-law to permit a 62-storey (206 metres plus a 7-metre mechanical penthouse) mixed-use building with 2,467 square metres of retail uses on the ground and second floors and residential uses above at 11-25 Yorkville Avenue, and a 3-storey (13.5 metres) commercial building with 839 square metres of retail at 16-18 Cumberland Street. A total of 674 residential units, 235 vehicle parking spaces and 691 bicycle parking spaces are proposed. An open space comprised of a 455 square metre public park and a 248 square metre Privately-Owned Publically-Accessible Space (POPS) is proposed along the western edge of the property and connects to a stratified park previously secured as part of the development at 27-37 Yorkville Avenue and 26-50 Cumberland Street.

A Rental Housing Demolition application proposes to demolish the existing rental residential apartment buildings at 11, 19 and 21-25 Yorkville Avenue. The four existing buildings contain a total of 81 rental dwelling units. All 81 units would be replaced within the lower residential levels of the new 62-storey building on the subject site.

The proposed development is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2019), generally conforms with all relevant policies of the Official Plan, and is consistent with the Bloor-Yorkville/North Midtown Urban Design Guidelines and the Yorkville - East of Bay Planning Framework. The proposed development conforms with the development criteria for *Mixed Use Areas* and *Downtown* Official Plan policies, includes the second phase of the open space and pedestrian connection between Yorkville Avenue and Cumberland Street known as the Clock Tower Walkway, and fits in with the existing and planned context of the Bloor-Yorkville area.

This report reviews and recommends approval of the application to amend the Official Plan, Zoning By-law, and recommends approval of the Rental Housing Demolition, with conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands 11-25 Yorkville Avenue and 16-18 Cumberland Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 11-25 Yorkville Avenue and 16-18 Cumberland Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District.
3. City Council amend Zoning By-law 438-86, for the lands at 11-25 Yorkville Avenue and 16-18 Cumberland Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District.
4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, the owner be required to enter into an Agreement pursuant to Section 37 of the *Planning Act*, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 11-25 Yorkville Avenue and 16-18 Cumberland Street in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense, including:
 - a. A financial contribution in the amount of \$7,500,000.00 payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:
 - i. \$2,500,000.00 towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in consultation with the Ward Councillor;

ii. \$2,500,000.00 towards capital improvements for new or existing cultural and/or community space, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and

iii. \$2,500,000.00 towards local area park or streetscape improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation, and the Ward Councillor.

b. An additional 149 square metres of on-site parkland dedication above the required on-site parkland contribution pursuant to Section 42 of the *Planning Act*;

c. The provision of twenty (20) of the eighty-one (81) replacement rental units at reduced rents, comprised of ten (10) bachelor units at rents reduced from mid-range rents to eighty per cent (80%) of affordable rents, and five (5) two-bedroom and five (5) three-bedroom units at rents reduced from mid-range rents to affordable rents, all as defined by the Official Plan, all for a period of 20 years, beginning from the date of first occupancy, and all shall be offered to tenants in accordance with a Tenant Access Plan to ensure the benefit of the affordable units is linked to households in need of affordable housing, to the satisfaction of the Chief Planner and Executive Director, City Planning;

d. Should the City elect to close the public lanes, generally shown as Laneway A and Laneway B in Attachment No. 16 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District, the owner agrees, at its sole expense, to convert and/or construct the portions of the public lane, generally shown as Laneway A and Laneway B in Attachment No. 16 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District, for public parkland purposes to the satisfaction of the General Manager, Parks, Forestry and Recreation and General Manager, Transportation Services, and this may only occur if and when the north-south public lane along the eastern edge of the Site, is conveyed and assumed by the City to the satisfaction of the General Manager, Transportation Services;

e. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i. The owner shall provide and maintain a Privately-Owned and Publicly-Accessible Space (POPS), with a minimum area of 248 square metres, on the lot with the specific location, configuration and design secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor, pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and as applicable, Section 41 of the *Planning Act*, as amended;

ii. The owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms;

iii. The owner shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing and stormwater management report and/or any other engineering report accepted by, and to the satisfaction of, the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water;

iv. The owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681-10; and

v. The owner shall enter into a maintenance agreement for the 455 square metre parkland dedication and converted lane generally shown as Laneway A and Laneway B in Attachment No. 16 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District.

6. Before introducing the necessary Bills to City Council for enactment, the owner will be required to revise the Functional Servicing Report prepared by WSP Canada Group Ltd., dated March 23, 2018 and re-submit to the City for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and such report will determine, whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required.

7. City Council accept an on-site parkland dedication pursuant to Section 42 of the *Planning Act* having a minimum size of 306 square metres and an on-site parkland dedication in accordance with Section 5.1.1 of the Official Plan and pursuant to section 37 of the *Planning Act* having a minimum size of 149 square metres for a total combined on-site parkland dedication of 455 square metres (the “Combined Parkland Dedication”), with the location and configuration of the Combined Parkland Dedication to be to the satisfaction of the General Manager, Parks, Forestry and Recreation as generally described in the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District.

8. The Combined Parkland Dedication will be secured through the Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation, including securing the following:

a. The owner’s obligations to convey the Combined Parkland Dedication and to design and construct base and above-base park improvements, on terms and conditions set out in the Section 37 Agreement; and

b. The Combined Parkland Dedication to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and is to be conveyed to the City prior to the issuance of the first above-grade building permit, pursuant to the park policies set out in Section 3.2.3 of the Official Plan and to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

9. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

10. City Council approve the Rental Housing Demolition Application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of eighty-one (81) existing rental dwelling units located at 11, 17, 19 and 21-25 Yorkville Avenue, subject to the following conditions:

a. The owner shall provide and maintain eighty-one (81) replacement rental dwelling units, comprised of seventeen (17) bachelor units, forty-five (45) one-bedroom units, twelve (12) two-bedroom units and seven (7) three-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as generally shown on the plans for the rental replacement component by Cecconi Simone dated March 2019 submitted to the City Planning Division with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. The owner shall, as part of the eighty-one (81) replacement rental dwelling units required above, provide:

i. Twenty (20) replacement rental dwelling units for a period of at least twenty (20) years, beginning from the date of first occupancy, comprised of at least ten (10) bachelor units at eighty per cent (80%) of affordable rents, and five (5) two-bedroom and five (5) three-bedroom units at affordable rents; and

ii. Sixty-one (61) replacement rental dwelling units for a period of at least ten (10) years, beginning from the date of first occupancy, comprised of at least five (5) bachelor replacement rental dwelling units at affordable rents, and two (2) bachelor, forty-five (45) one-bedroom, seven (7) two-bedroom and two (2) three-bedroom replacement rental dwelling units at mid-range rents;

c. The owner shall provide tenants of the eighty-one (81) replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed rental replacement building at no extra charge; access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;

d. The owner shall provide nineteen (19) replacement rental dwelling units with a balcony or terrace;

e. The owner shall provide tenants of the eighty-one (81) replacement rental dwelling units with access to all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building;

f. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

g. The owner shall enter into and register on title one or more agreement(s), including a Section 111 Agreement and a Section 37 Agreement, to secure the conditions outlined above, including the matters related to the tenant relocation and assistance plan as detailed in the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District, the Construction Mitigation Strategy and Tenant Communication Strategy and any other matters required to satisfy the conditions above, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

11. City Council authorize the Chief Planner and Executive Director, City Planning to issue the Preliminary Approval for the application under Chapter 667 of the Toronto Municipal Code for the demolition of the eighty-one (81) existing rental dwelling units at 11, 17, 19, and 21-25 Yorkville Avenue after all of the following have occurred:

a. the conditions in Recommendation 10 above have been fully satisfied;

b. The Official Plan and Zoning By-law Amendments have come into full force and effect;

c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;

d. The issuance of excavation and shoring permits for the approved structure on the site; and

e. The execution and registration of a Section 37 Agreement pursuant to the *Planning Act* and/or other required agreements securing Recommendation 10 (a) through (f) and any other prescribed matters.

12. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning has given preliminary approval referred to in Recommendation 11 above.

13. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a demolition permit under Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning has given preliminary approval referred to in Recommendation 11 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:

- a. the owner remove all debris and rubble from the site immediately after demolition;
- b. the owner erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c. the owner erects a residential building on site no later than four and a half (4.5) years from the day demolition of the buildings is commenced; and
- d. should the owner fail to complete the new building within the time specified in condition (C) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

14. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement and other related agreements.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-application meetings were held on June 8, 2016, June 9, 2017, July 26, 2017 and October 10, 2017. The focus of discussion at the meetings was the proposals consistency with Yorkville - East of Bay Planning Framework vision and built form objectives.

A Preliminary Report on the applications was adopted by Toronto and East York Community Council on June 6, 2018 authorizing staff to conduct a community

consultation meeting with an expanded notification area. The Preliminary Report from the Acting Director, Community Planning, Toronto and East York District dated May 17, 2018 can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.46>

PROPOSAL

The application propose to construct two buildings on two parcels of land: a 62-storey mixed-use building at 11-25 Yorkville Avenue (the north parcel); and a 3-storey commercial building at 16-18 Cumberland Street (the south parcel). The total proposed gross floor area is 49,430 square metres which represents a density of 15.3 times the area of the subject lands.

North Parcel

A new 62-storey (206 metres plus a 7-metre mechanical penthouse) mixed-use building is proposed on the north parcel. The building has 2,467 square metres of retail on the ground and second floors and residential uses above with 46,123 square metres of residential gross floor area. The proposed building consists of 674 residential units, 81 of which are replacement rental dwelling units located on floors 5 to 9. The proposed unit breakdown includes 56 bachelor units (8.3%), 368 one-bedroom units (54.6%), 180 two-bedroom units (26.7%), and 70 three-bedroom units (10.4%).

A new 729 square metre open space is proposed along the western edge of the site consisting of a 9.0-metre wide unencumbered public park space with an area of 455 square metres and a 5.3-metre wide POPS between the park and the west side of the building with an area of 248 square metres. The public park space and POPS will connect to and be designed with the public park space secured at 27-37 Yorkville Avenue & 26-50 Cumberland Street (File Nos. 12 191650 STE 27 OZ and 14 173892 STE 27 OZ) as one larger park.

The current proposal for the north parcel incorporates numerous revisions from the original application as summarized below:

- reduced density from 17 to 15.3 times the lot area;
- reduced residential and retail gross floor area;
- reduced tower floor plates;
- improved tower separation;
- improved base building design; and
- revised underground garage design enabling an unencumbered parkland dedication.

South Parcel

A new 3-storey (approximately 13.5 metres including rooftop parapet) commercial building is proposed on the south parcel. The building consists of 839 square metres of non-residential gross floor area (including the basement). The current proposal for the south parcel remains substantially the same as the original submission.

See Attachment Nos. 1 (Application Data Sheet) and 10-16 (Site Plan, Elevations and 3D Massing Views).

Site and Surrounding Area

The subject site is composed of two parcels, the first being located on the south side of Yorkville Avenue at 11-25 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
21-25 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 affordability of the existing rental dwelling units, at the time of the application, consisted of five units with affordable rents and 76 with mid-range rents as defined by the Official Plan.

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.

A public lane runs along the east and south sides of the north parcel and the north side of the south parcel. The east-west portion of the public lane bisects the north and south parcels. 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 has been 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).

The existing buildings contain 81 rental dwelling units. 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). The second Four Seasons residential north 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. 2 Bloor Street West has an existing approval 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 new application at 2 Bloor Street West was submitted to the City proposing a mixed-use development consisting of: three residential towers, 50, 66 and 69 storeys in height, with a 4-storey base building for the east tower and a 9-storey base building connecting the middle and west towers; a 1,807 square metre public open space on Cumberland Street as well as a 199 square metre POPS on Yonge Street. This application is still under review.

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: is a redevelopment currently under construction at 27-33 Yorkville Avenue for 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 No. 2: Location Map.

APPLICATION BACKGROUND

Application Submission Requirements

A complete application was submitted on March 27, 2018. A Notice of Complete Application was issued on April 27, 2018.

The following reports/studies were submitted in support of the applications:

- 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.

All submission materials can be found at the following link: <https://aic.to/11YorkvilleAve>

Agency Circulation Outcomes

The applications together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate Official Plan amendments and Zoning By-law standards and conditions of Site Plan Control approval.

Statutory Public Meeting Comments

In making their decision with regard to the applications, Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Toronto and East York Community Council for the applications. Oral submissions made at the meeting are broadcast live over the internet and recorded for review.

Reason for Applications

The applications propose a tower of 62-storey (206 metres plus a 7-metre mechanical penthouse) on Yorkville Avenue and 3-storey (13.5 metres) commercial building on Cumberland Street. The overall proposed height of the tower exceeds the 18-metre height limit on the site. The overall proposed density is 15.3 times the area of the lot, whereas the existing maximum permitted density is 3.0 times the area of the lot. A Zoning By-law amendment is therefore required for non-compliance with these and a number of other performance measures in both zoning by-laws.

An Official Plan Amendment is required because the proposed total building height of 213 metre 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.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, 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 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; recreation, parks and open space; and 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 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."

Provincial Plans

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous

Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs will achieve appropriate densities and

built form at that time, and this approval does not impact this matter that will require a MCR.

Toronto Official Plan

The applications are being reviewed against the policies of the City of Toronto Official Plan and Site and Area Specific Policy 211, as follows:

The Official Plan locates the subject site within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan, and designates it as *Mixed Use Areas*, as shown on Map 17.

The Official Plan identifies that the *Downtown* will continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for *Downtown*, is attracted to the area. In particular, Section 2.2.1.1 of the Plan identifies that the *Downtown* policies of the Plan will shape the City's future by accommodating development that provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting.

Policy 2.2(2) directs growth to the *Downtown, Centres, Avenues, and Employment Areas* in order to efficiently use existing infrastructure, create a concentration of jobs and people in areas well served by transit, and facilitate cultural and economic activity. Policy 2.2.1(1) specifies a "minimum combined gross density target of 400 jobs and residents per hectare for *Downtown*, which delineates the urban growth centre for the purposes of the Growth Plan." New development is to build on "the strength of the *Downtown* as the premier employment centre in the GTA" as per Policy 2.2.1(1)(b).

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.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. 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 rental housing units have rents that exceed mid-range rents at the time of application 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.

The applications have been 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 No. 3: Official Plan Land Use Map.

SASP 211 - Bloor Yorkville / North Midtown Area

The 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 site is not located in either the Height Peak nor Height Ridges.

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 No. 4: Official Plan - Site and Area Specific Policy 211 (Map 2).

SASP 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: Planning Downtown

City Council adopted OPA 406 on July 27, 2018. OPA 406 included amendments to the *Downtown* section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire *Downtown* area.

On August 9, 2018 the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019.

As part of the decision the Ministry revised the Plan to add the following transition policy: "This Plan does not apply to applications for official plan amendment, zoning by-law amendment, draft plan of subdivision or condominium approval, site plan approval, consent or minor variance which were complete prior to the approval of this Plan and which are not withdrawn. In-force site-specific official plan and/or zoning by-law amendments shall be deemed to conform with this Plan." Given that this application was complete prior to June 5, 2019, OPA 406, the new *Downtown* Secondary Plan, does not apply to this application.

OPA 352 - Downtown Tall Building Setback Area

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.

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 No. 5: Existing Zoning By-law Map.

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;
- design tall building with no projecting balconies; and
- 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.

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.

City-Wide 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. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

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 link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

Draft Growing Up Urban Design Guidelines

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at:

<https://www.toronto.ca/city-government/planning-development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities>

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 Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling 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, where delegated, the Chief Planner and Executive Director, City Planning.

Pursuant to Chapter 667, City Council may refuse or approve an application to demolish a rental building and may impose conditions upon such an approval, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental housing.

Pursuant to the City's Residential Demolition Control By-law, Chapter 363 of the Toronto Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

The applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code on March 27, 2018. 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.

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 under review.

COMMUNITY CONSULTATION

Community Consultation Meeting

A community meeting was held on July 11, 2018 at 111 Queens Park (Gardiner Museum) and attended by approximately 40 members of the public. 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 62-storey and 2-storey buildings. Following the presentations, City staff led a town hall format question and answer period.

The attendees asked questions and expressed a number of comments, issues and concerns, including:

- height and density of the proposal;
- proportion of the building to the street right-of-way;
- traffic generated as a result of the proposed development;
- shadowing on public streets and nearby parks and open spaces;
- wind impacts;
- increase in TTC ridership;
- impact on existing infrastructure;
- the construction impacts associated with the proposed development and nearby approved developments occurring at the same time in such a small area;
- insufficient environmental sustainability standards;
- safety concerns in the new park; and
- housing affordability.

These comments were considered in Planning staff's comments on the original submission. The applicant responded to some of the abovementioned issues in resubmissions made on December 20, 2018 and April 1, 2019.

Tenant Consultation

Three meetings relating specifically to the rental housing demolition application were held. The first and third meetings were in addition to the Tenant Consultation Meeting required by the Rental Housing Demolition by-law, which is addressed in detail below. The first meeting hosted by the applicant and was held on November 6, 2018, which City Planning staff attended in a supporting capacity. The Ward Councillor was also in attendance.

A Tenant Consultation Meeting hosted by City Planning Staff was held on April 2, 2019. The purpose of the meeting was to review the City's rental housing policies, provide information on the proposed redevelopment and outline the proposed Tenant Relocation and Assistance Plan. This meeting was attended by approximately 35 tenant households, City Planning staff, applicant representatives, the Ward Councillor and a member of their staff.

During the Tenant Consultation Meeting, tenants asked questions about the proposed development including details on the replacement rental units, permitted rent increases for the replacement rental dwelling units, and the expected length of construction. During the meeting, tenants expressed concern that the Tenant Relocation and Assistance Plan did not include sufficient financial compensation to bridge the difference in rents that they currently pay and may pay during the time between move out and move back to a replacement rental dwelling units.

Based on this feedback, additional measures to mitigate the hardship of having to relocate have been proposed:

- further mitigating financial hardship for long-term tenants;
- providing additional compensation for tenants should the proposed project take longer than 48 months to complete; and
- assistance with finding alternative rental dwelling units through a dedicated rental agent.

A third tenant open house meeting was held on May 27, 2019 to allow tenants to ask questions of planning staff and the applicant's representatives in relation to their individual circumstances, including what compensation they would be entitled to per the Tenant Relocation and Assistance Plan. Changes to the proposed Tenant Relocation and Assistance Plan were also communicated to tenants and posted electronically on the applicants' project information portal. The terms of Tenant Relocation and Assistance Plan contained in the most recent communications are summarised in the comments section below.

COMMENTS

Planning Act

It is staff's opinion that the proposed development has regard for the relevant matters of provincial interest, including: the orderly development of safe and healthy; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests are further articulated through the PPS (2014) and the Growth Plan (2019).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

The proposal is consistent with the PPS (2014). It provides additional density within a settlement area through intensification and redevelopment to accommodate an appropriate range and mix of land uses (Policy 1.1.2). The proposed intensification and redevelopment can be accommodated, subject to the recommendations in this report in securing the appropriate upgrades/improvements, as necessary, to public infrastructure and securing appropriate community benefits to accommodate the increased density on the site (Policy 1.1.3.3). The intensification will meet appropriate development standards (Policy 1.1.3.4) discussed further in this report.

The PPS requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. Policy 1.1.1 states that healthy, livable and safe communities are achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit. The proposal to replace the existing rental housing is consistent with accommodating a mix and range of housing, including affordable housing through private market development and the tools of the *Planning Act*.

Policy 1.5.1 (b) of the PPS indicates that healthy, active communities should be promoted by "planning and providing for a full range of equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas...". The proposal provides both an on-site parkland dedication and a POPS which connects to and expands an existing and planned

network of parks and open spaces, which is encouraged through the Yorkville - East of Bay Planning Framework.

In regard to efficient use of infrastructure and transportation systems, the proposal is located near the intersection of the Bloor and Yonge subway lines. It promotes a land use pattern, density and mix of uses that limits vehicle trips, and through improvements to the laneway and the inclusion of new open space provides for increased pedestrian connectivity supporting the use of transit and active transportation as stated in Policy 1.6.7.4.

Policy 4.7 of the PPS indicates that the Official Plan is the most important vehicle for implementation of the PPS and that Official Plans shall identify provincial interests, as identified in Section 2 of the *Planning Act*, which includes the promotion of a well-designed built form. The proposed development is consistent with Official Plan policies and provides a well-designed built form and provides intensification and redevelopment in an appropriate location in a built form that has respect for its local context.

Policy 2.2.1(4) of the Growth Plan states that applying the policies of the Growth Plan will support the achievement of complete communities through, among other matters, providing a more compact built form and a vibrant public realm, including public open spaces. The proposed development provides a compact built form and includes new public open spaces supporting the achievement of complete communities.

The proposal conforms with the Growth Plan (2019). Growth Plan Policy 2.2.2 (3) requires municipalities to develop a strategy to achieve the minimum intensification target and intensification through delineated built-up areas, which will, among other things, encourage intensification generally to achieve the desired urban structure, identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development, and identify the appropriate type and scale of development and transition of built form to adjacent areas. The proposal represents an appropriate level of intensification on this site that will ensure and optimize the viability of existing and planned infrastructure as implemented through the City's Official Plan and other implementation tools.

This proposal is consistent with the PPS (2014) and conforms to the Growth Plan (2019) as it promotes residential intensification through the efficient use of land to meet the long-term housing needs of an Urban Growth Centre (UGC). The proposal provides healthy, livable and safe communities that make a substantial contribution to the parks and open space system of the area.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The subject site is within the Urban Growth Centre (UGC) of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2031. Additional density targets are provided for the various UGCs in the City at a rate of 400 people and jobs combined per hectare to help achieve this overall population. The City is presently on track to meet these overall 2031 Growth Plan's forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto UGC area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates total population and employment growth and growth in density of the UGC.

Table 2: Downtown Toronto UGC

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto UGC area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet completed (see ProfileToronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects was realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto UGC over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continue, the resulting density would be above the minimum UGC density target of the Growth Plan (2019). In addition, there would remain an additional ten years for additional approved development to occur.

It is City Planning staff's opinion that this application conforms with the Growth Plan in regard to reaching density targets.

Land Use

The applications have been reviewed against the Official Plan policies, applicable SASPs, and planning frameworks as well as the policies of the Toronto Official Plan as a whole. Given the existing and the planned context for the subject property and the surrounding area, Planning staff are of the opinion that the proposed mix of residential and non-residential uses are appropriate for site. The uses are permitted within the *Mixed Use Areas* of the Official Plan and in the CR zone of both Zoning By-laws. The Downtown Tall Building Supplementary Guidelines identify Yorkville Avenue and Cumberland Street as priority retail streets and the Bloor-Yorkville/North Midtown Urban Design Guidelines identify Yorkville Avenue and Cumberland Street as Highly Animated Streets where the primary use is retail/commercial uses. The retail uses on the ground and second floor are consistent with these objectives.

The development will create a balance of high quality commercial, residential, and open space uses that reduce automobile dependency by providing at-grade retail commercial and meet the needs of the local community as anticipated in the Official Plan for *Mixed Use Areas*, the Tall Building Guidelines, and the Bloor-Yorkville/North Midtown Urban Design Guidelines.

Density, Height

The Official Plan Area Specific Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out areas called the Height Peak, Height Ridges and Low-Rise Areas. The intent of these local policies and guidelines is to direct the tallest buildings around the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition in scale from the Height Peak with lesser height and physical scale than the Height Peak, and in a form compatible with adjacent areas.

The subject site is not located in the Height Peak, Height Ridge or Low-Rise Areas as identified in Official Plan Policy 211 and in the Urban Design Guidelines. An Official Plan Amendment is required because the proposed height exceeds the anticipated height for the site because the proposed tower (206 metres, plus a 7-metre mechanical penthouse) is taller than the tallest building in the Bay or Yonge Street Height Ridges (204 metres).

The site is adjacent to the Height Peak and between the Yonge Street and Bay Street Height Ridges. The height of the tower is lower than the most recent approval in the Height Peak at 1 Bloor Street West, which has an approved height of 306 metres. The proposed tower (206 metres, plus a 7-metre mechanical penthouse) falls below a plane drawn from the approved height at 1 Bloor Street West to the recently built Four Seasons Hotel (204 metres) at Bay Street and Yorkville Avenue.

The proposal also fits within the planned height context of Yorkville Avenue. The property to the west, 27-37 Yorkville Avenue and 26-50 Cumberland Street, is currently

being redeveloped with a mixed-use building with a height of 215 metres, including mechanical penthouse. This development also required an Official Plan Amendment.

The density is 15.3 times the area of the lot. The proposed density is consistent with recently approved site specific Zoning By-laws outside of the Height Peak area.

The height and density of the tower are acceptable as the proposal fits with the existing and planned context while minimizing the impacts relating to the height.

Massing

Base Building

Planning staff are satisfied with the massing and design of the base building portion of the proposed tower. The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of parking and servicing uses.

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.

The proposed base conforms to the Official Plan and responds to the existing base condition along Yorkville Avenue and the new Yorkville - East of Bay Park. The 9-storey Yorkville Avenue streetwall responds to the 7-storey base at 27-37 Yorkville Avenue and 26-50 Cumberland Street to the west and the podium building at the Four Seasons on the north side of Yorkville Avenue. The 2-storey portion of the base on the west, south and east sides create a comfortable scale for pedestrians, responds to the scale of heritage buildings on the north side of Yorkville Avenue, and mitigates the perceived height of the building.

Middle Portion of the Tower

Planning staff are satisfied with the massing and design of the middle portion of the proposed tower. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

Above the 2-storey base, the tower is set back 4.5 metres from the west, 4.7 metres from the south, and 6.4 metres from the east. The tower continues to step back at various levels as the building height increases, adding articulation, minimizing the mass of the upper levels, and mitigating long range shadow impacts.

At its closest point, the tower is set back: 13.2 metres from centreline line of Yorkville Avenue to the north; 18.9 metres from the public park secured at 27-33 Yorkville

Avenue to the west (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 meets the required 12.5 metres setback specified in Zoning By-laws 1106-2016 and 1107-2016 (currently under appeal) to the north, west and east, and meets the minimum 25-metre tower separation performance standard to all nearby towers as outlined in the Tall Building Guidelines, OPA 352 and the Yorkville - East of Bay Planning Framework. 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 25 metres to the approved tower at 826-834 Yonge Street & 2-8 Cumberland Street to the south-east. Tower separation generally increases at the higher levels as the tower is sculpted and tower floor plates decrease in size.

Staff are of the opinion that the collection of properties to the south (12-22 Cumberland Street) is not a tall building site, therefore, the south setback is acceptable. The Yorkville - East of Bay Planning Framework carefully studied the area and the potential opportunities for all tall buildings and determined that 12-22 Cumberland Street was not suitable for a tall building. Furthermore, the inclusion of 16-18 Cumberland Street as part of the applications prevents the properties from assembling and further regulates the comprehensive development potential of the block.

Section 3.2.1 of the Tall Building Guidelines states that the tower floor plate should be limited to 750 square metres or less per floor, including all built area within the building, but excluding balconies. Above the 10th floor of the building, the tower floor plate area ranges from 999.98 to 757.44 square metres, with floor plate areas decreasing as building height increases. Despite being larger than the average 750 square metre floor plate outlined in the Tall Building Guidelines, the larger floor plate is acceptable in this instance. The tower has its narrowest face fronting Yorkville Avenue, which is 19 metres where it is closest to Yorkville Avenue. The generally rectangular tower is oriented north-south and positioned perpendicular to the street which helps to limit shadow impacts, minimizes the massing and view of the tower, and provides a high degree of articulation when viewed from all directions. The bulk and massing of the towers will be restricted with no projecting balconies.

Tower Top

Planning staff are satisfied with the top portion of the proposed tower. An appropriate design for the top of a tall building is influenced by many factors, which may include location, height, built form composition, architectural expression, and overall 'fit' within the existing context of the city skyline.

The top of the proposed tower is appropriate. The proposed top of the tower is a simple design, which suits the overall architecture of the tower and fits within the Bloor-Yorkville and city skyline. The mechanical penthouse is well designed and integrated into the overall design and massing of the tower.

Cumberland Street Building

Planning staff are satisfied with proposed massing of the 3-storey building on Cumberland Street. The proposed 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.

Sun, Shadow

The shadow impact resulting from the proposal is acceptable. The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

The Downtown Tall Buildings Guidelines (Guideline No. 2) states that new buildings should be located and designed not to cast any new net shadow on parks between 12:00 PM and 2:00 PM on September 21. It also states that new buildings should be designed and located to best mitigate all new net shadowing on Jesse Ketchum Park/Schoolyard and Ramsden Park in the Bloor-Yorkville/North Midtown Area.

The Bloor-Yorkville / North Midtown Urban Design Guidelines identify Shadow Sensitive Areas including the *Neighbourhoods* and *Natural Areas* to the east of Yonge Street, Frank Stollery Parkette on Scollard Street, the Fire Hall clock tower, Library and Town Hall Square Park on Yorkville Avenue, the Village of Yorkville Park, a portion of the Village of Yorkville, the Yorkville Triangle Precinct, and Jesse Ketchum Park.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the proposed 62-storey tower and are satisfied that it adequately limits shadow on the *Neighbourhoods*, shadow sensitive areas, parks, publicly accessible open spaces and natural areas.

On September/March 21, at 9:18 AM the shadow extends beyond Hazelton Avenue in a northwest direction. While there is some incremental shadow on properties within the Yorkville Triangle Precinct along Hazelton Avenue and Jesse Ketchum Schoolyard, the new shadow is minimal at this time. At 10:18 AM, the building casts new shadow on a small portion of the Jesse Ketchum Schoolyard adjacent to the shadows from the Four Seasons tower and approved building at 48-58 Scollard Avenue and 1315-1325 Bay Street. By 11:18 AM the shadow is completely off of Jesse Ketchum Schoolyard and on the *Mixed Use Areas* east of Bay Street with incremental shadow on the Rose Garden and Fire Hall on Yorkville Avenue. As the shadow moves through the afternoon, incremental shadow is cast over the library on Yorkville Avenue at 12:18 PM, Town Hall Square Park and Frank Stollery Parkette at 1:18 PM, and Town Hall Square Park at 2:18 PM. After 2:18 PM, the shadow cast falls in line with the shadows of existing and approved buildings with only minor incremental shadow on the public realm of Yorkville Avenue and Yonge Street at 3:18 PM and Rosedale Valley Ravine at 5:18 PM before the sun sets.

On June 21, when the sun is at its highest point, there are no new shadows on Jesse Ketchum Schoolyard, the Yorkville Triangle Precinct, Frank Stollery Parkette or the Asquith Collier neighbourhood at any point during the day. Between 10:18 AM and 12:18 PM incremental shadow is cast on the Rose Garden, Fire Hall, and library. At 1:18 PM the shadow moves onto Town Hall Park. After 2:18 PM, the shadow cast falls in line with the shadows of existing and approved buildings with minimal new incremental shadow on the public realm.

Wind

Planning staff are satisfied with the wind conditions resulting from the proposed development, subject to further assessment during the Site Plan Control process for additional mitigation strategies.

The applicant submitted a Pedestrian Level Wind Study and an addendum, dated March 7, 2018 and November 27, 2018, prepared by Gradient Wind Engineering Inc., based on wind tunnel testing. The study involves wind tunnel measurements of pedestrian wind speeds using a physical scale model, combined with meteorological data integration, to assess pedestrian comfort and safety at key areas within and surrounding the development site. Grade-level pedestrian areas considered in this study include surrounding sidewalks, laneways, walkways, building access points, transit stops, Privately-Owned public space (POPS), and parks. Wind conditions are also measured on the level three amenity terrace.

Based on the wind tunnel test results, and experience with similar developments in Toronto, the study finds the wind conditions within and surrounding the full study site will be acceptable for the intended pedestrian uses on a seasonal basis.

The study finds the wind comfort along the new park/walkway along the west side of the development is acceptable for sitting during the summer months, and for standing or better throughout the rest of the year. Specifically, areas near the building façade are generally comfortable for sitting throughout the spring, summer, and autumn without the need for mitigation. The exception is near the northwest corner of the building, where standing conditions exist. Wind mitigation considerations will be further explored during the review of the Site Plan Control application. All building access points for the proposed building will be acceptable for standing, or better, throughout the year, which is appropriate as per the consultant's report.

Regarding the level three outdoor amenity terrace, the majority of the space will be comfortable for sitting or more sedentary activities during the warmer months with the exception for the southeast corner which is comfortable for standing. The consultant recommends that if seating areas will be provided at the southeast corner wind mitigation measures should be provided.

The wind comfort along the sidewalk at the east end of Yorkville Avenue is acceptable or better for walking throughout the year, although conditions are found to be moderately windy during the spring and winter months. The wind study finds that the

proposal is not expected to contribute to increased wind speeds along Yorkville Avenue as compared to the present conditions, and may result in calmer winds in this area.

The wind study included recently approved towers. It is expected that without the future developments in place, which provide shielding for prominent wind directions, conditions over the site will be similar to or somewhat windier than reported in the study.

Traffic Impact Assessment

The applicant submitted a Transportation Impact Study and an addendum, dated March 23, 2018 and December 13, 2018, prepared by WSP Canada Group Limited, in support of their applications.

The consultant estimates that the proposed redevelopment will generate approximately 98 and 175 two-way vehicular trips during the AM, PM and Saturday Peak Hours, respectively. Given this level of estimated trip generation, the consultant concludes that the proposed development will have minimal traffic impacts on nearby intersections.

Based on a review of the documentation provided by the consultant, and taking into account the nature of the applications for this project, Transportation Services staff agree with the above-noted conclusion.

Parking

Zoning By-law 569-2013 requires a minimum of 522 vehicular parking spaces as follows: 423 resident parking spaces; 67 visitor parking spaces; and 32 non-residential parking spaces. A total of 235 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. The proposed 235 parking spaces will be allocated as follows: 215 resident parking spaces; 20 parking spaces for visitors; and 0 parking spaces for non-residential uses. The south parcel does not include any on-site parking spaces.

The applicant's transportation consultant has justified the reduction in the residential parking supply given the following: recent reduced residential parking supply ratio approvals; parking characteristics of other developments located in areas with a similar transportation context; the availability of car-share and bike-share facilities in the area surrounding the site; and a review of parking demands observed at other residential condominiums.

The consultant justified the reduction in non-residential parking supply based upon the following considerations: the site context and the wide range of non-automobile alternatives provided in the vicinity of the site; employment and amenity areas as well as shopping and service uses within the immediate vicinity of the development; and a review of the availability of public parking facilities in the area surrounding the site, including the 800 space Toronto Parking Authority garage immediately to the west of the site.

A total of 691 bicycle parking spaces are proposed, including 607 resident bicycle parking spaces, 67 visitor bicycle parking spaces, and 17 retail bicycle parking spaces.

Transportation Services staff have reviewed the submitted studies and accept the proposed parking supply.

Loading

Two loading spaces are proposed to service the 62-storey mixed use tower on the north parcel, 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. One Type C loading space has been proposed on the south parcel with access off of the existing east-west portion of the public lane system that divides the north and south parcels. Transportation Services staff have determined that the proposed loading spaces are acceptable.

Access

The underground parking garage and loading spaces on the north parcel will be accessed via the public lane to the east of the site. The loading space on the south parcel will be accessed via the existing east-west portion of the public lane system that divides the north and south parcels. 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.

Transportation Services staff are satisfied with the access and circulation at this time. The owner is advised that additional comments and requirements regarding site access design, site circulation and site layout will be provided in conjunction with the site plan application for the project.

Streetscape

The development criteria for *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets. Area Specific Policy 211 states that pedestrian activity is a vital component of the Bloor Yorkville/North Midtown Area and the amenity of public sidewalks and views to open space and parks will be maintained and enhanced with high quality, coordinated streetscape. Views through and to significant sites can also assist in encouraging and directing greater pedestrian movement in all areas.

The proposed development satisfies the Official Plan policies by locating the loading and vehicular access off of the public lane, and providing for a safe, pedestrian friendly streetscape. The building will be set back 3.0 metres from the north property line allowing a 6.5-metre wide sidewalk along the south side of Yorkville Avenue.

Cumberland Street and Yorkville Avenue are identified as Priority Retail Streets in the Tall Buildings Guidelines, where at least 60 percent of the frontage should be glazed and transparent. The layout of the ground floor level of the proposal has been designed to maximize the amount of retail frontage along Yorkville Avenue and Cumberland Street, by providing access to the residential lobby via a landscaped walkway to at east side of building along new public lane and allowing for a high percentage of glazing along both Priority Retail Streets.

The Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. The Urban Design Guidelines identify a range of opportunities to improve and expand the public network of parks, open spaces, pedestrian links, forecourts, courtyards, and the quality of the pedestrian environment along the existing road network. In addition, the Bloor-Yorkville/North Midtown Urban Design Guidelines identify the character type of both Cumberland Street and Yorkville Avenue as a 'Primary Pedestrian Street' where development shall be sensitive to pedestrian comfort and visual interests. Pre-eminent considerations include reinforcing the human scale, pedestrian priority and a vibrant street life including sidewalk cafes and 'spill-out' retail activities.

Planning staff are satisfied that the proposed interface with the pedestrian realm, including the open space area, widened sidewalks and retail glazing. Final landscaping details and streetscape treatments will be coordinated with other development applications along Yorkville Avenue and Cumberland Street and secured through Site Plan Control.

Servicing

The applicant has submitted a Functional Servicing Report, prepared by WSP Canada Group Limited, dated March 23, 2018 and revised on December 14, 2018 and March 28, 2019, a Stormwater Management Report, prepared by WSP Canada Group Limited, dated March 2018 and revised on March 22, 2019, and a Hydrogeological Investigation, prepared by EXP Services Inc., dated March 13, 2018 and revised on May 7, 2019, all in support of the proposal. Engineering and Construction Services and Toronto Water staff have reviewed the submitted materials and require further revisions.

Staff is requesting revised Functional Servicing Report, and arrangements by the owner for the construction of any improvements to municipal infrastructure, if needed, be submitted to the satisfaction of Engineering and Construction Services staff, before the Bills are enacted.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this proposal are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applications propose a 62-storey mixed use building on the north parcel and 3-storey commercial building on the south parcel with a total of 3,307 square metres of non-residential gross floor area and 46,123 square metres of residential gross floor area comprising 674 residential units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland

dedication requirement is 8,987 square metres or 298% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 306 square metres. The value of the 306 square metres of parkland dedication is approximately \$16,400,000.00 as of the date of this report.

The applicant is proposing to satisfy the parkland dedication requirement by providing a 455 square metre fee simple land conveyance on the west portion of the development site as a public park. The 149 square metre overdedication of parkland has a value of approximately \$8,000,000.00 as of the date of this report. The proposed parkland has a width of approximately 9.0 metres and extends the full depth of the north parcel. The proposed park connects to and will be designed with the parkland dedication provided as part of the development application at 27-37 Yorkville Avenue and 26-50 Cumberland Street. This combined park will have a total area of 1,149 square metres and will form the majority of the Clock Tower Walkway connection between Yorkville Avenue and Cumberland Street, the central park and heart of the Yorkville - East of Bay area contemplated in the Planning Framework.

Another significant portion of the Clock Tower Walkway will be provided by the applicant in the form of a 5.3-metre wide POPS with an area of 248 square metres that runs between the park and podium of the proposed building. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control approval process. The two parkland dedications and POPS result in an open space between the two buildings with a width of 21 metres.

The last component of the Clock Tower Walkway is currently part of the public lane system of the block. The applicant has agreed to construct, design, build and maintain the park on these lands should the City elect to declare surplus and close this portion of the lane and transfer ownership from Transportation Services, Right-of-Way Management to Parks, Forestry and Recreation.

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 By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

The applicant is proposing a total of 1,925 square metres (2.86 square metres per unit) of indoor amenity space on the third, fourth and fifth floors, and 771.7 square metres (1.14 square metres per unit) of outdoor amenity space is proposed on the roof of the base building, accessible from the indoor amenity space on the third floor. The total amenity space proposed is 2,697 square metres (4.0 square metres per unit). Amenity space and common elements would be shared by both the rental replacement and condominium units. Planning staff are satisfied with the amount and location of amenity space proposed.

Family-Sized Units

The proposed development includes 674 residential units. The proposed unit breakdown includes 56 bachelor units (8.3%), 368 one-bedroom units (54.6%), 180 two-bedroom units (26.7%), and 70 three-bedroom units (10.4%). Staff generally seek to secure a minimum of 25% of units as two-bedroom units and 10% of units as three-bedroom units, consistent with Official Plan objectives to create a diversity of unit types. This is also consistent with the City's "Growing Up" study which emphasizes the need to accommodate the growing demand for family housing in vertical communities. A minimum of 10% three-bedroom units will be secured in the Zoning By-law and Section 37 Agreement.

Rental Housing Demolition

The applicant proposes to provide 81 replacement rental dwelling units within the podium element of the proposed building. The unit mix for the replacement rental units would be an improvement on the existing rental units at 11, 17, 19 and 21-25 Yorkville Avenue. The current and proposed mix would be:

Table 3: Rental Dwelling Unit Types

	Existing	Proposed
Bachelor	54	17
1-Bedroom	25	45
2-Bedroom	1	12
3-Bedroom	1	7

Staff are satisfied with the revised unit mix. The proposed change is consistent with Official Plan policy 3.2.1.6 as the applicant has proposed to replace units with larger bedroom types than currently exist.

The total gross floor area for the 81 replacement rental dwelling units upon completion would be the same as what exists today. The average unit size for the bachelor units will remain the same. The average unit size for one-bedroom, two-bedroom and three-bedroom units would be smaller on average to take into consideration the revised unit mix. Internal floor plans for the replacement units have been reviewed by staff. The size and layouts of the replacement are considered to provide good quality living conditions.

As an improvement of the existing condition, 19 of the replacement rental dwelling units would be provided with a balcony, whereas nine existing rental units have access to a private balcony. Air conditioning would be provided in each unit. Tenants of the replacement rental units would have shared access to all indoor and outdoor amenity space provided within the new building. Bicycle and visitor parking would be available to tenants of the replacement rental dwelling units on the same terms as other residents of the residential rental building.

The Section 37 and Section 111 Agreements will secure all details regarding minimum unit sizes, mix and overall numbers and tenants' access to all facilities and amenities.

Tenure and Rents for the Replacement Rental Dwelling Units

The applicant has agreed to provide and maintain the 81 replacement rental dwelling units within the proposed mixed-use building for at least 20 years. The 20 year period would begin from the date that each replacement rental dwelling unit is first occupied.

The affordability of the existing rental dwelling units, at the time of the application, consisted of five units with affordable rents and 76 with mid-range rents as defined by the Official Plan.

The applicant has agreed to deepen the affordability of 20 existing rental units, 10 of which from mid-range rents to affordable rents and 10 from mid-range rents to 80 per cent of affordable rents as part of the Section 37 contribution with an approximate value of \$3,000,000.00 as of the date of this report. The unit mix of the 10 units reduced to affordable rents would be comprised of 5 two-bedroom and 5 three-bedroom units. All 10 units reduced to 80 per cent of affordable rents would be bachelor units. The 20 existing rental units are currently unoccupied. A total of 22 rental units with affordable or 80 per cent of affordable will be provided in the new building, including 5 existing affordable units. The remaining 59 rental units would be secured with mid-range rents. The rents for the 20 units with reduced rents would be secured for at least 20 years. The rents for the remaining 61 rental units would be secured for at least 10 years. In all cases, tenants who move into a unit during the affordability period will have their rent maintained until they move out. All rents will be secured in the appropriate legal agreements registered on title to the property.

The applicant has agreed to develop a Tenant Access Plan for the 20 units with reduced rents to ensure that the public benefit of the affordable rental units is linked to households in defined need of affordable housing.

Tenant Relocation and Assistance Plan

The owner has agreed to provide Tenant Relocation and Assistance to all tenants currently residing at 11, 17, 19 and 21-25 Yorkville Avenue. The Tenant Relocation and Assistance Plan would be to the satisfaction of the Chief Planner and Executive Director, City Planning, and secured through the Section 37 and Section 111 Agreements with the City.

The Tenant Relocation and Assistance Plan will assist affected tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed.

As part of this plan, all eligible tenants would receive:

- At least 6 months' notice of the date that they must vacate their rental unit;

- The right to return to a replacement rental unit of at least the same bedroom type in the new building at similar rent; or tenants who currently occupy a bachelor unit to return to a one-bedroom unit with similar rent;
- Compensation equal to 3 month's rent pursuant to the *Residential Tenancies Act*;
- Moving allowances for move-out and move-back;
- Additional compensation based on length of tenure within the building;
- Additional compensation should the replacement rental dwelling units not be available for tenants to occupy within 48 months of the last day they must move out;
- Additional compensation and assistance for special needs tenants, with the final determination by the Chief Planner and Executive Director, City Planning; and
- Assistance with finding alternative rental dwelling units through a dedicated rental agent .

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). 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. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law, and future site plan agreement, will secure performance measures for various Tier 1 development features, including, but not limited to, the following:

- Cycling Infrastructure, providing secure bicycle parking on P1, accessible by a dedicated bicycle elevator;
- Storage and Collection of Recycling and Organic Waste, such as two waste chutes, one dual sorter for garbage and organic waste and the second dedicated to recycling will be provided for each condominium.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

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*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the PPS, conforms with the Growth Plan, is generally consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits to be secured in the Section 37 agreement are as follows:

1. A financial contribution in the amount of \$7,500,000.00 payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:

- a. \$2,500,000.00 towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in consultation with the Ward Councillor;
- b. \$2,500,000.00 towards capital improvements for new or existing cultural and/or community space, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
- c. \$2,500,000.00 towards local area park or streetscape improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation, and the Ward Councillor.

2. An additional 149 square metres of on-site parkland dedication above the required on-site parkland contribution pursuant to Section 42 of the *Planning Act*;

3. The provision of twenty (20) of the eighty-one (81) replacement rental units at reduced rents, comprised of ten (10) bachelor units at rents reduced from mid-range rents to eighty per cent (80%) of affordable rents, and five (5) two-bedroom and five (5) three-bedroom units at rents reduced from mid-range rents to affordable rents, all as defined by the Official Plan, all for a period of 20 years, beginning from the date of first occupancy, and all shall be offered to tenants in accordance with a Tenant Access Plan to ensure the benefit of the affordable units is linked to households in need of affordable housing, to the satisfaction of the Chief Planner and Executive Director, City Planning;

4. Should the City elect to close the public lanes, generally shown as Laneway A and Laneway B in Attachment No. 16 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District, the owner agrees, at its sole expense, to convert and/or construct the portions of the public lane, generally shown as Laneway A and Laneway B in Attachment No. 16 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District, for public parkland purposes to the satisfaction of the General Manager, Parks, Forestry and Recreation and General Manager, Transportation Services, and this may only occur if and when the north-south public lane along the eastern edge of the Site, is conveyed and assumed by the City to the satisfaction of the General Manager, Transportation Services;

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The owner shall provide and maintain a Privately-Owned and Publicly-Accessible Space (POPS), with a minimum area of 248 square metres, on the lot with the specific location, configuration and design secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor, pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and as applicable, Section 41 of the *Planning Act*, as amended;
2. The owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms;
3. The owner shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing and stormwater management report and/or any other engineering report accepted by, and to the satisfaction of, the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water;
4. The owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681-10; and
5. The owner shall enter into a maintenance agreement for the 455 square metre parkland dedication and converted lane generally shown as Laneway A and Laneway B in Attachment No. 16 to the report (June 11, 2019) from the Director, Community Planning, Toronto and East York District.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to *Mixed Use Areas* and *Downtown* policies.

Staff worked with the applicant to ensure that the development included a significant contribution of open space to realize the completion of the Clock Tower Walkway as required in the Yorkville - East of Bay Planning Framework, and to reduce the tower floor plates to a more acceptable size. Staff find that this proposal fits in with the existing and planned context of Bloor-Yorkville and the proposal is appropriate. Section 37 contributions have also been agreed upon and will be secured in a Section 37 Agreement. City Planning recommends that Council approve the Official Plan Amendment and Zoning Amendment applications.

Staff are also recommending that City Council approve the demolition of the 81 existing rental dwelling units located at 11, 17, 19 and 21-25 Yorkville Avenue subject to the conditions set out in the recommendations of this report.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FSCLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Official Plan - Site and Area Specific Policy 211 (Map 2)

Attachment 5: Existing Zoning By-law Map

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment (By-law 569-2013)

Attachment 8: Draft Zoning By-law Amendment (By-law 438-86)

Attachment 9: Draft Parkland Conditions

Applicant Submitted Drawings

Attachment 10: Site Plan

Attachment 11: North Elevation

Attachment 12: East Elevation

Attachment 13: South Elevation

Attachment 14: West Elevation

Attachment 15: 3D Massing Model View

Attachment 16: Open Space Map

Attachment 1: Application Data Sheet

Municipal Address: 11 YORKVILLE AVE **Date Received:** March 27, 2018

Application Number: 18 135369 STE 27 OZ &
18 135378 STE 27 RH

Application Type: OPA & Rezoning

Project Description: 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	Agent	Architect	Owner
Metropia	Metropia	Sweeney & Co Architects	11 Yorkville Partners Inc

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 211, 517
Zoning:	CR 3.0 (c1.75; r3.0) SS1(x2401, x2190)	Heritage Designation:	N
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,229 Frontage (m): 57 Depth (m): 51

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,302		2,030	2,030
Residential GFA (sq m):	3,900		46,902	46,902
Non-Residential GFA (sq m):	2,040		3,295	3,295
Total GFA (sq m):	5,940		50,197	50,197
Height - Storeys:	10		62	62
Height - Metres:			206	206

Lot Coverage Ratio (%): 62.87 Floor Space Index: 15.55

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	46,902	
Retail GFA:	2,449	846
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	81		81	81
Freehold:				
Condominium:			589	589
Other:				
Total Units:	81		670	670

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		22	35	7	17
Proposed:		33	292	210	54
Total Units:		55	327	217	71

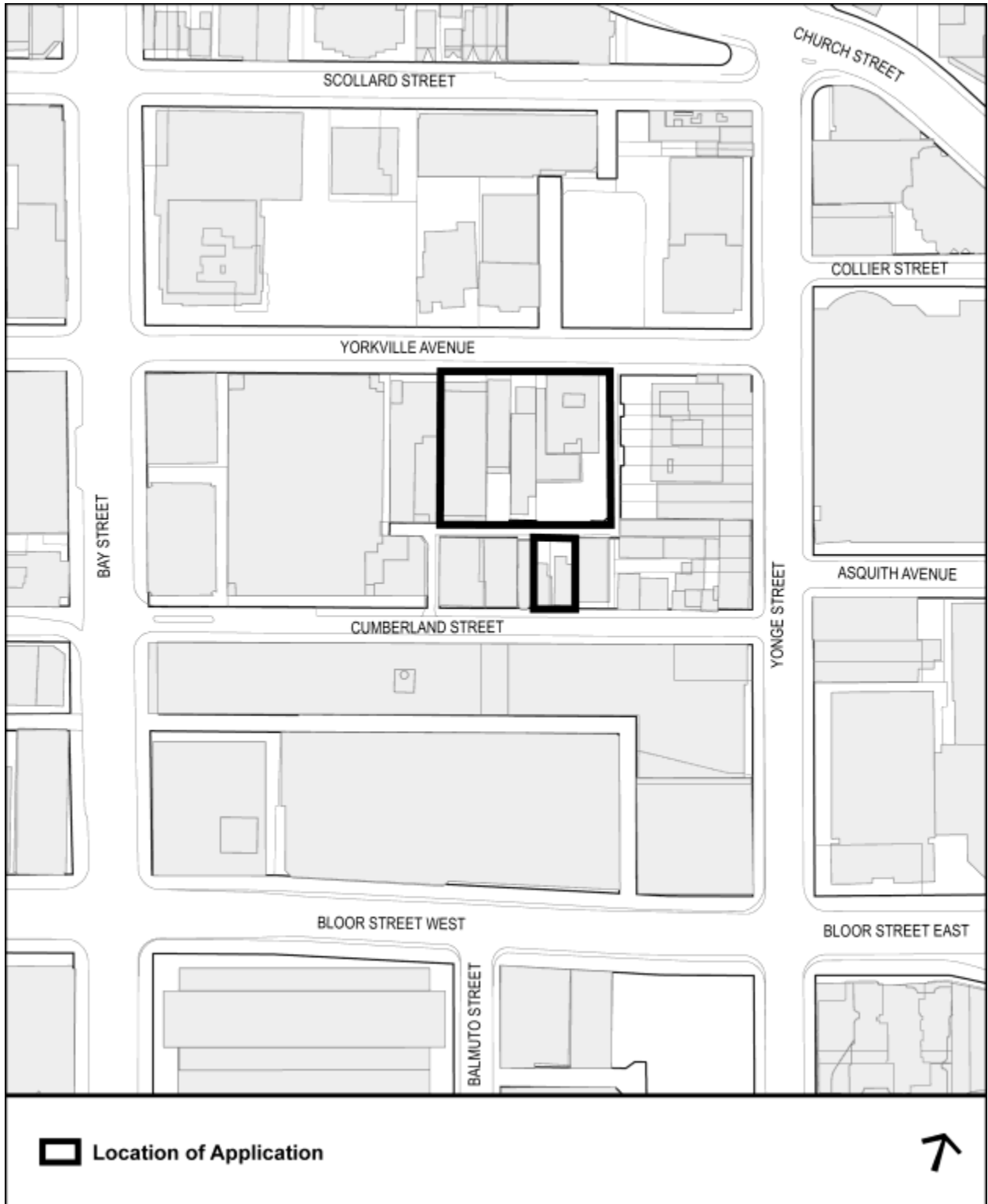
Parking and Loading

Parking Spaces:	235	Bicycle Parking Spaces:	687	Loading Docks:	3
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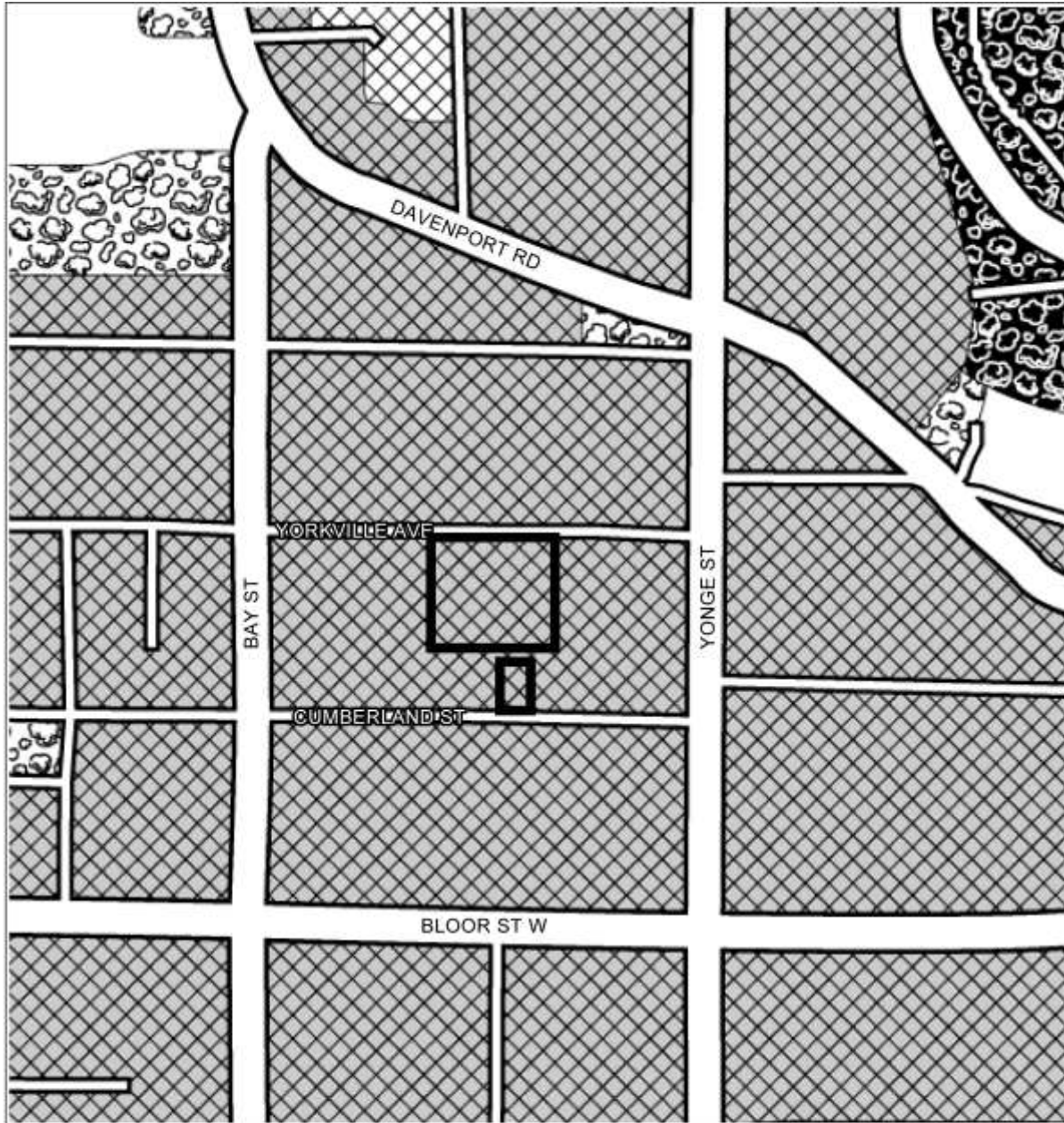
CONTACT:

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

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



TORONTO
Official Plan Land Use Map #18

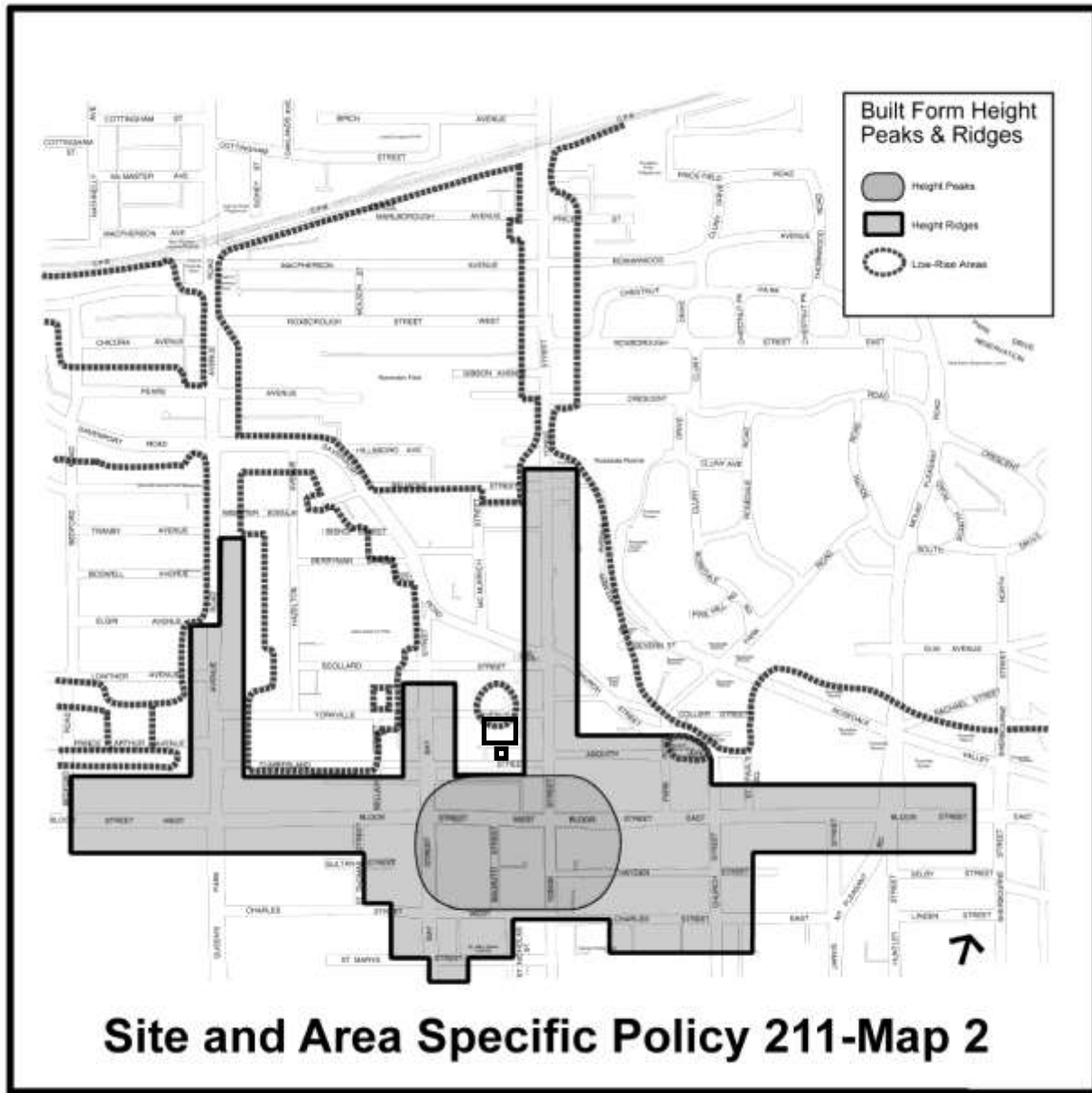
**11-21 Yorkville Avenue
 & 16-18 Cumberland Street**

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 | | |

↑
 Not to Scale
 04/30/2018

Attachment 4: Official Plan - Site and Area Specific Policy 211 (Map 2)



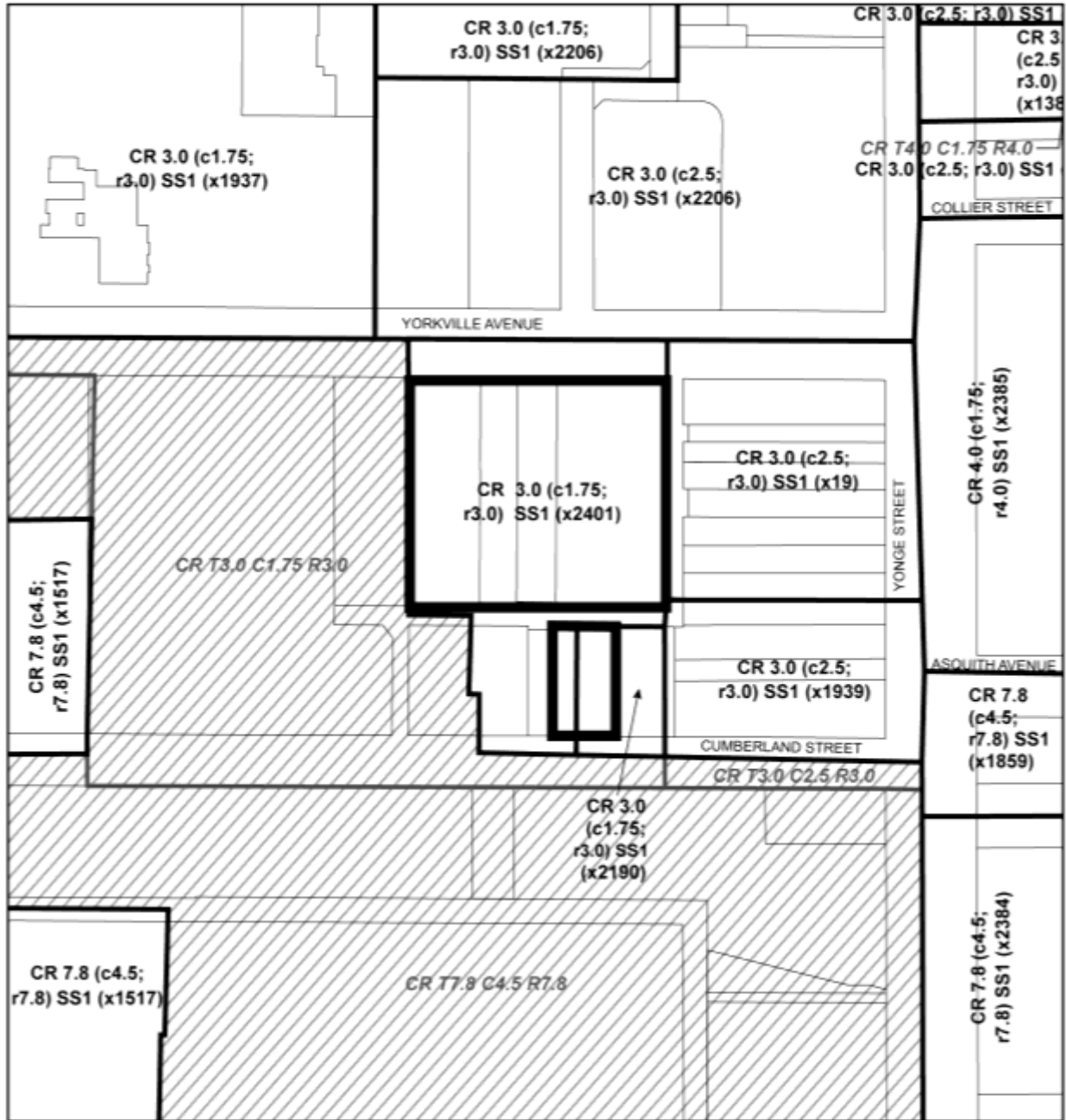
Zoning By-law 569-2013

11-21 Yorkville Avenue
& 16-18 Cumberland Street

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

 Location of Application

Attachment 5: 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



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

CR Commercial Residential



Not to Scale
Extracted: 05/02/2018

Attachment 6: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW ~ -2019

To adopt Amendment No. 457 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2019 as 11-25 Yorkville Avenue and 16-18 Cumberland Street.

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. The attached Amendment No. 457 to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 457 TO THE OFFICIAL PLAN

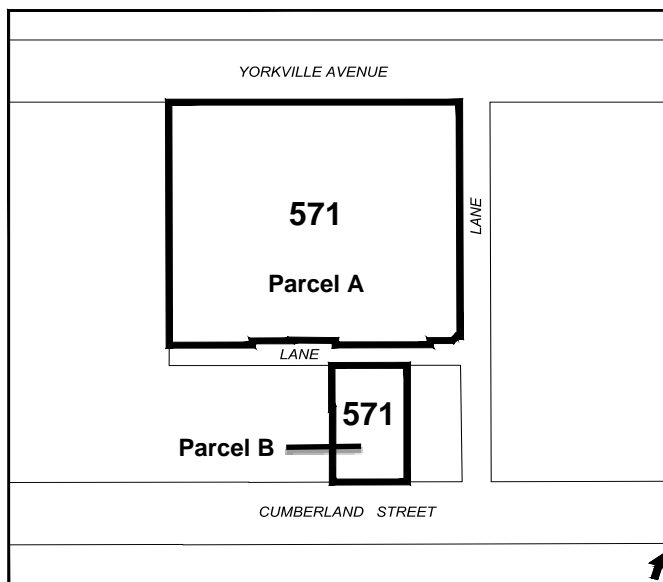
LANDS MUNICIPALLY KNOWN IN THE YEAR 2019 AS 11-25 YORKVILLE AVENUE AND 16-18 CUMBERLAND STREET

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7 is amended by adding Site and Area Specific Policy No. 571 for the lands known municipally in 2019 as 11-25 Yorkville Avenue and 16-18 Cumberland Street:

“571. 11-25 Yorkville Avenue and 16-18 Cumberland Street

A maximum building height of 213.0 metres, including a mechanical penthouse, is permitted at 11-25 Yorkville Avenue, shown as "Parcel A", and a maximum building height of 13.5 metres, including the rooftop parapet, is permitted at 16-18 Cumberland Street, shown as "Parcel B".



2. Chapter 7, Maps 28 and 29, Site and Area Specific Policies, are amended to add the lands known municipally in 2019 as 11-25 Yorkville Avenue and 16-18 Cumberland Street shown on the map above as Site and Area Specific Policy No. 571.

Attachment 7: Draft Zoning By-law Amendment (569-2013)

To be provided prior to the June 25, 2019 Community Council Meeting

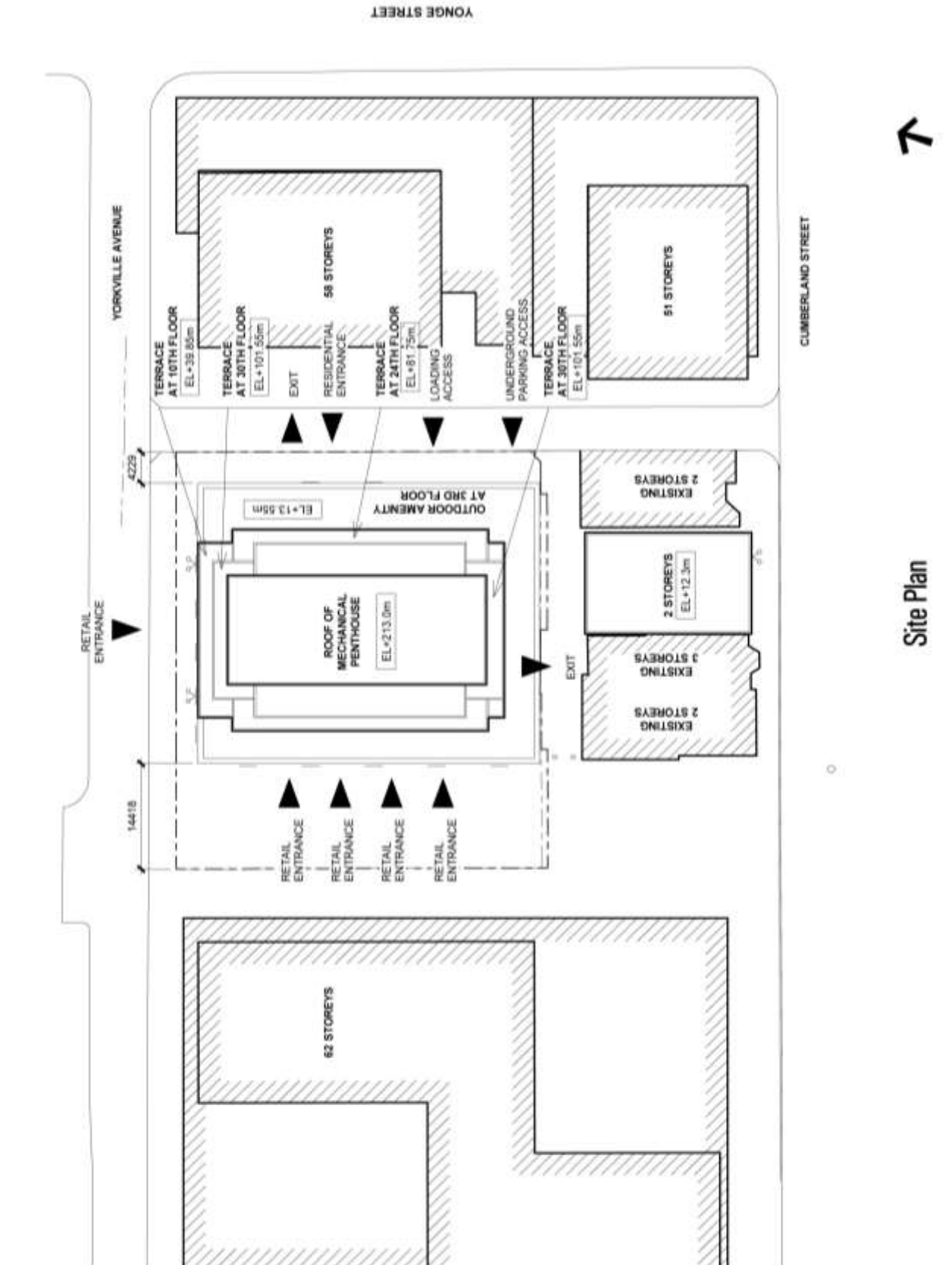
Attachment 8: Draft Zoning By-law Amendment (438-86)

To be provided prior to the June 25, 2019 Community Council Meeting

Attachment 9: Draft Parkland Conditions

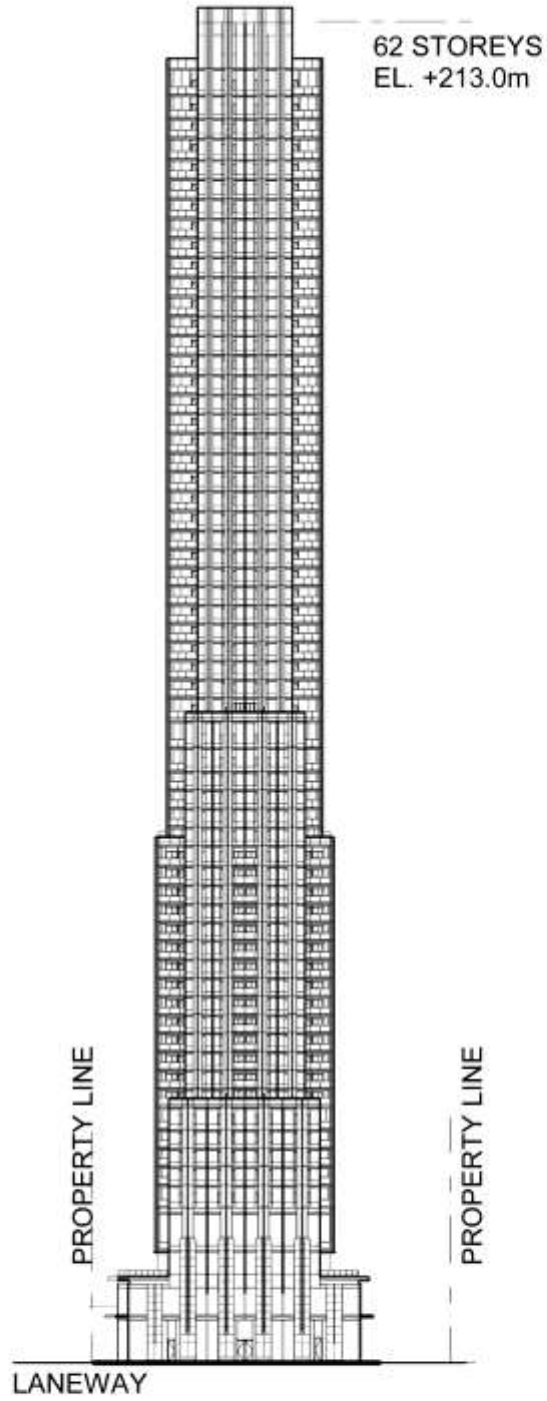
To be provided prior to the June 25, 2019 Community Council Meeting

Attachment 10: Site Plan



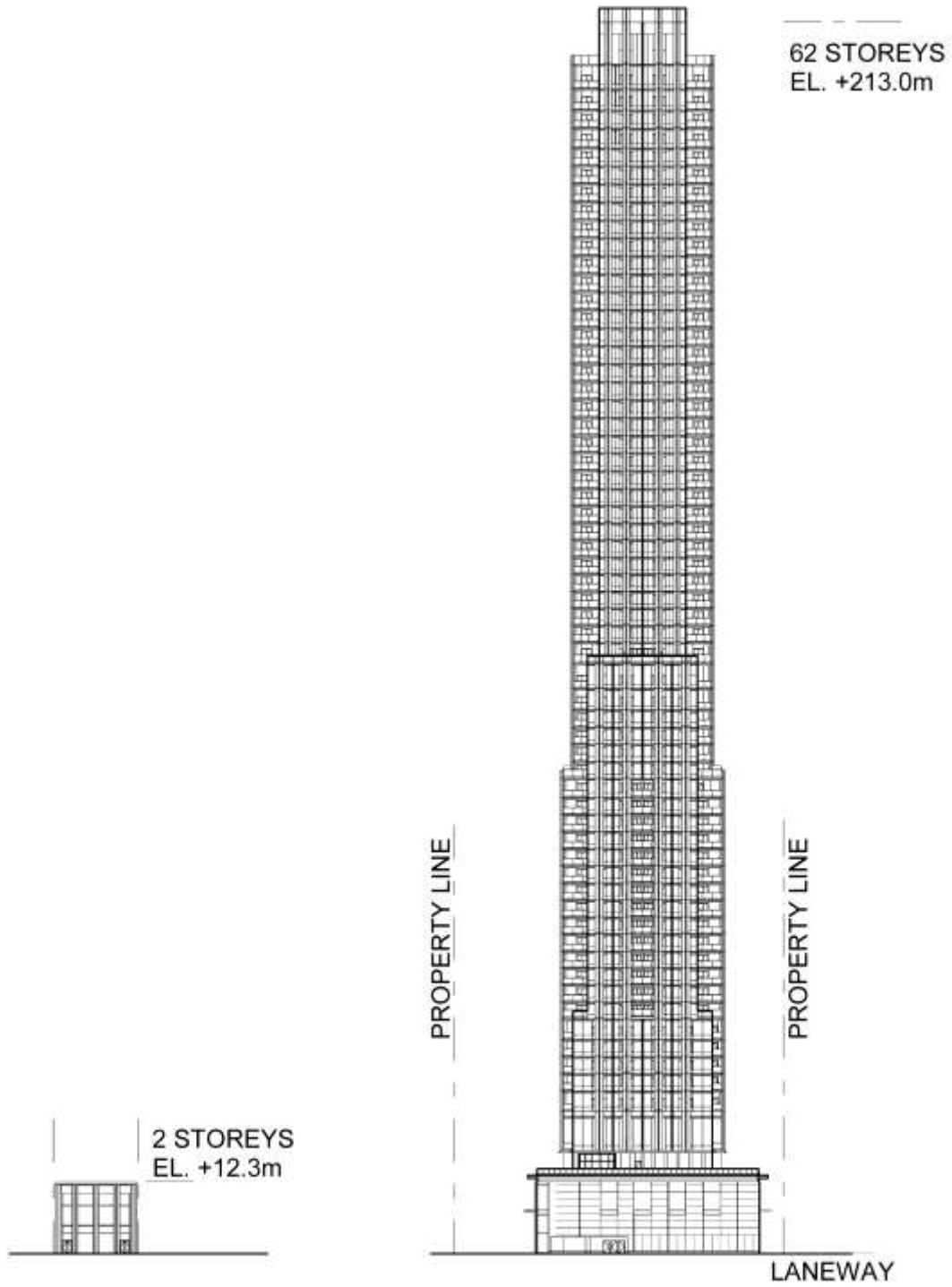
Site Plan

Attachment 11: North Elevation



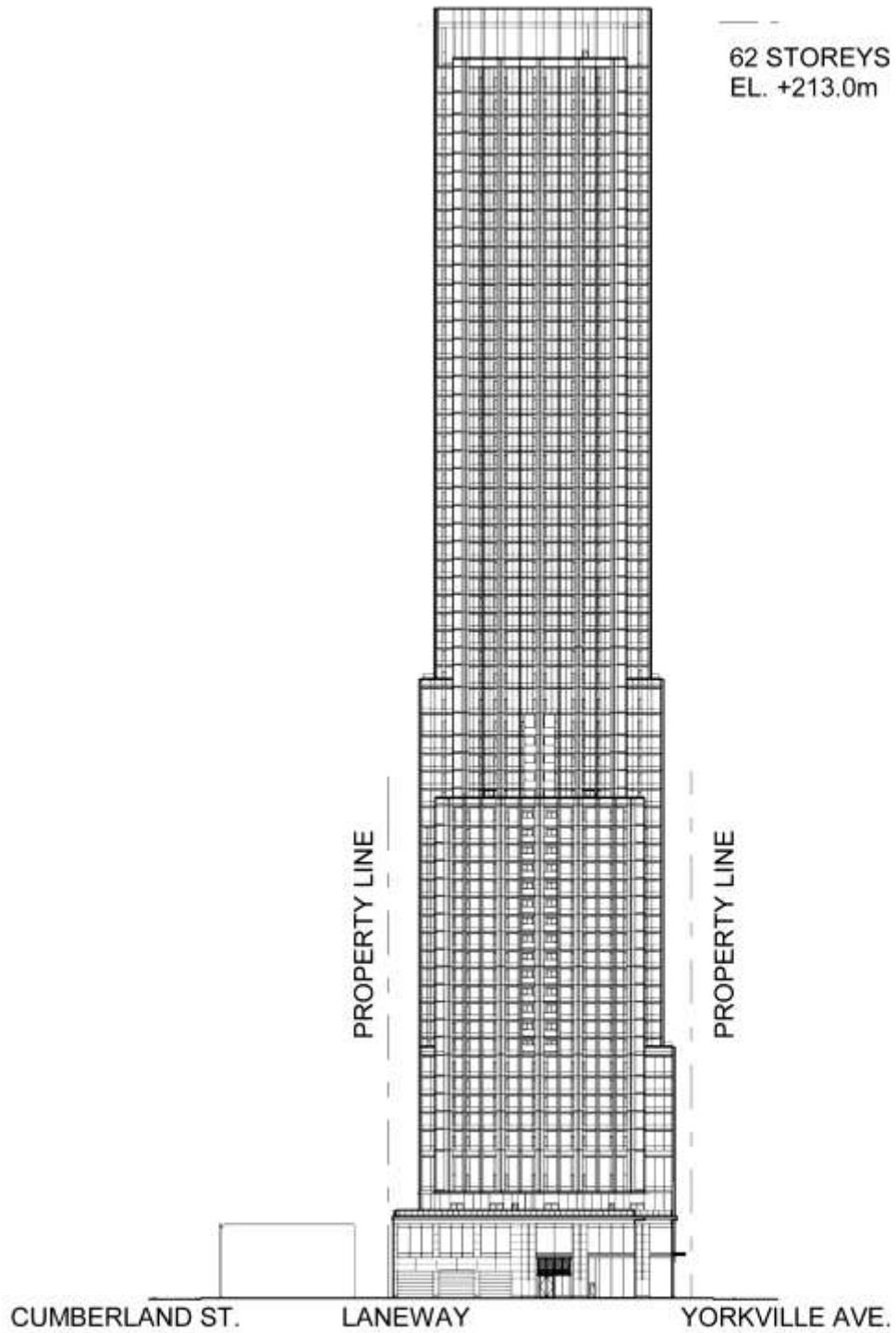
North Elevation

Attachment 12: South Elevation



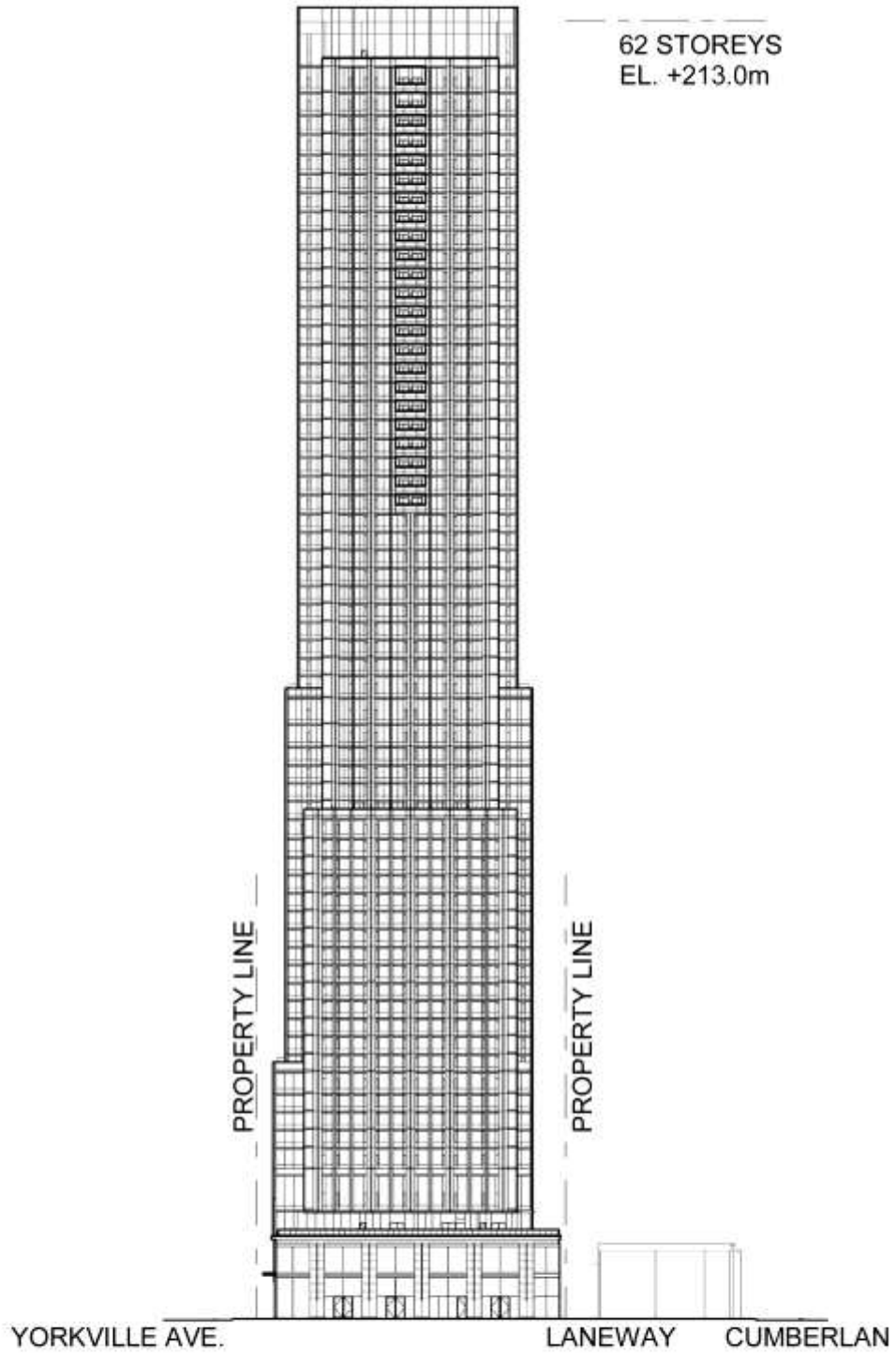
South Elevation

Attachment 13: East Elevation



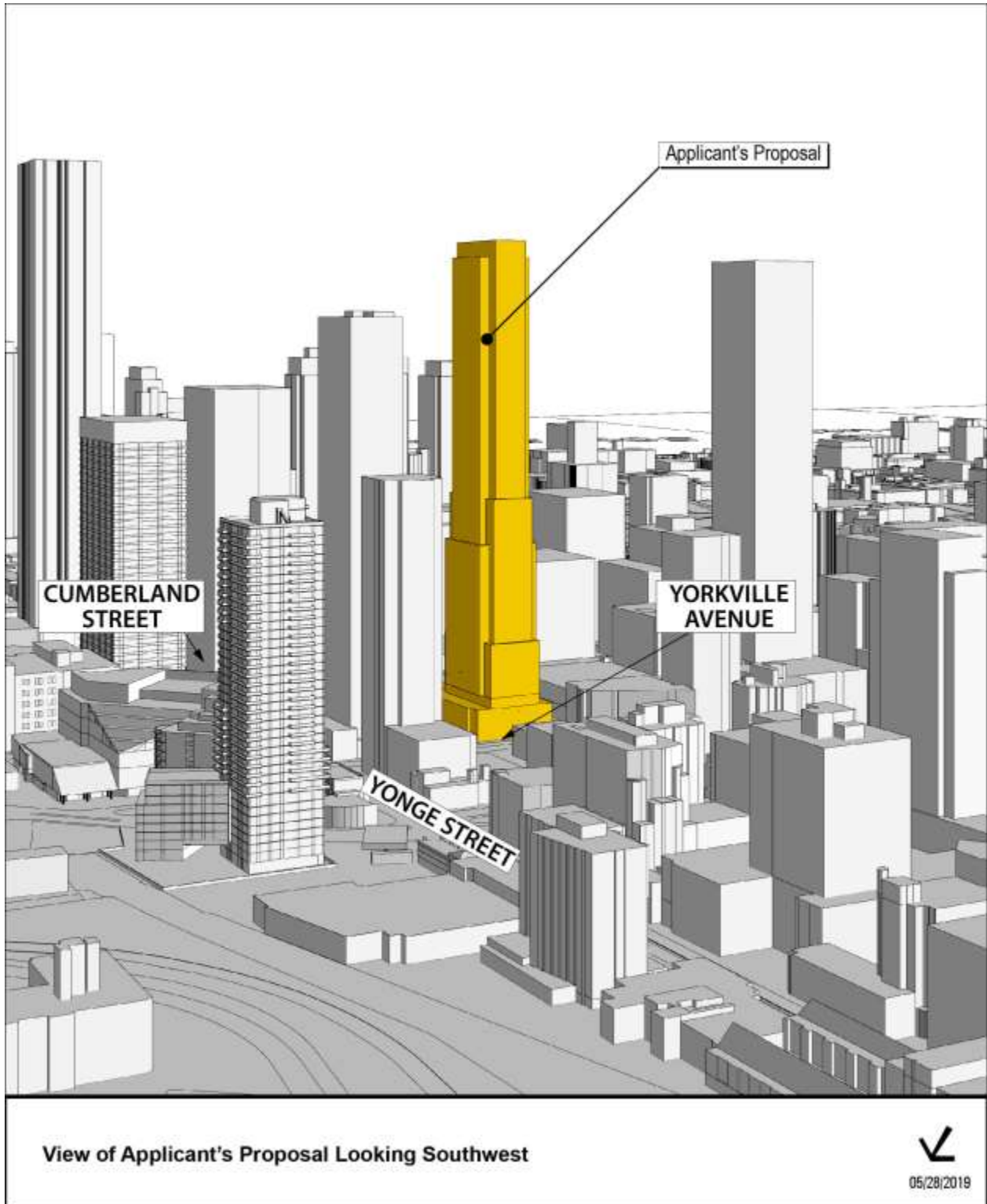
East Elevation

Attachment 14: West Elevation

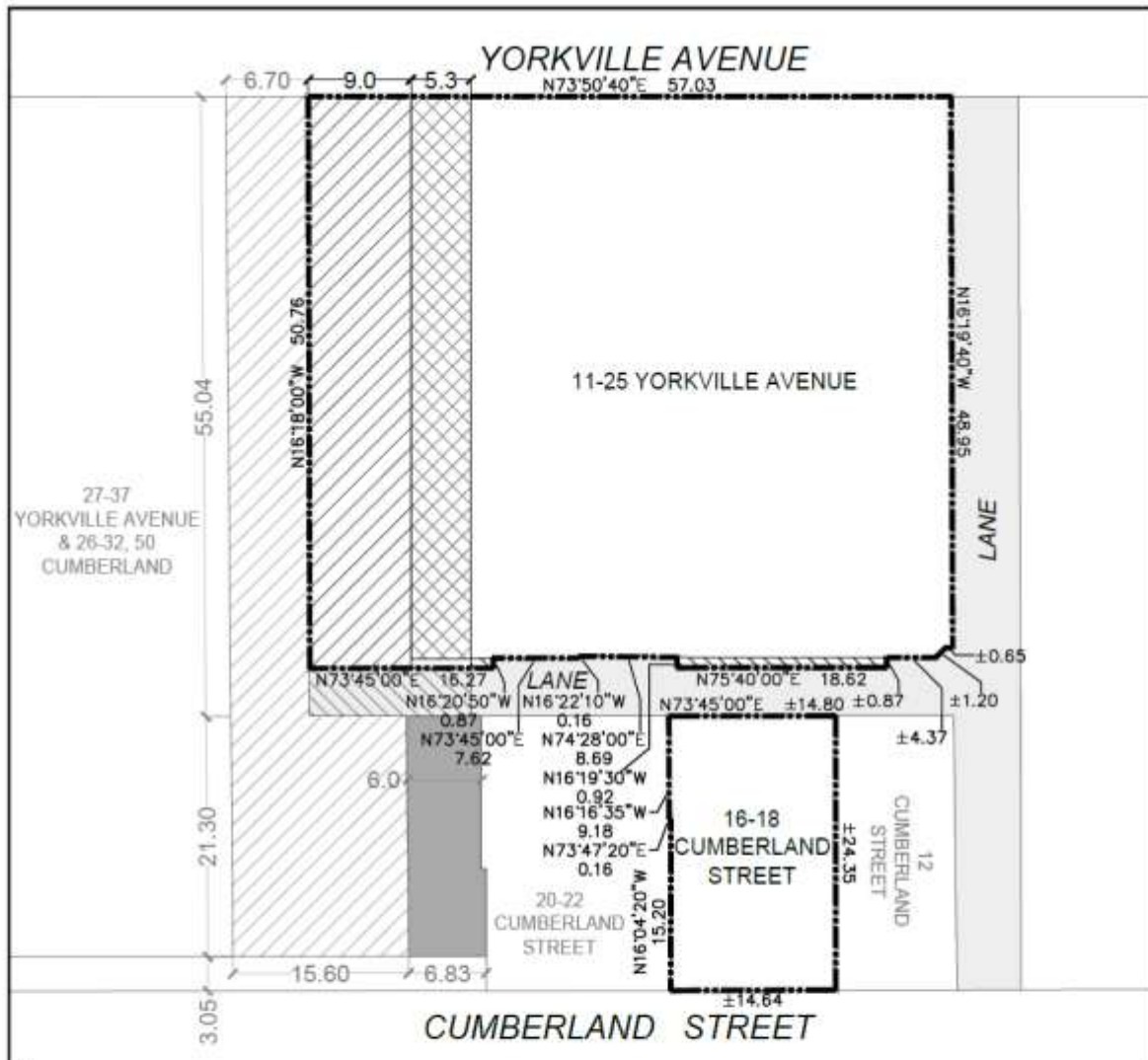


West Elevation

Attachment 15: 3D Massing Model View



Attachment 16: Open Space Map



Open Space

- Subject Site
- ▨ Open Space, Area = 455m²*
- ▩ Privately Owned Publicly-Accessible Space, Area = 248m²
- ▤ Proposed Lane Widening
- Public Lane
- ▨ Existing Public Lane to be Converted to Open Space (Laneway A)
- ▩ New Public Lane to be Converted to Open Space (Laneway B)



Not to Scale

*Figure represents Open Space provided by 11-25 Yorkville Avenue & 16-18 Cumberland Street