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STAFF REPORT ACTION REQUIRED

2131 Yonge St and 32 Hillsdale Avenue East - Official Plan Amendment and Zoning Amendment Applications -Preliminary Report

Date:	March 20, 2013					
То:	Toronto and East York Community Council					
From:	Director, Community Planning, Toronto and East York District					
Wards:	Ward 22 – St. Paul's					
Reference Number:	13 105888 STE 22 OZ					

SUMMARY

This application proposes to redevelop the subject site at 2131 Yonge Street and 32 Hillsdale Avenue. The current use, to be demolished, is a large retail store (The Art Shoppe).

The proposed mixed commercial-residential redevelopment consists of a 38-storey north tower (123.85 metres excluding mechanical penthouse) and a 29-storey south tower (98.70 metres excluding mechanical penthouse). The proposed north tower includes a restaurant in the 38th floor and outdoor patio seating. The height of both towers in

storeys includes a common 6-storey podium.

A total of 693 residential units are proposed and 497 parking spaces plus 3 car-share spaces are provided in an underground garage. The total proposed gross floor area is approximately 9.0 times the lot area. The lot includes the parkette on Hillsdale Avenue East which is owned by the applicant but leased to the City.

The podium consists of retail uses on floors 1 and 2, residential units on floors 3 to 5 and a residential amenity level on the 6th floor. This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the



community consultation process.

The proposed redevelopment greatly exceeds the heights and densities which would be considered appropriate for this site which is on an *Avenue* abutting a *Neighbourhoods* designation.

In the opinion of staff, the height, density and massing of the proposed development does not fit the built and planned context for this area. However, staff recommend holding a community consultation meeting to seek input from the local community on the proposal. Issues raised at that meeting will assist staff in determining the nature and the extent of the revisions that would be required for this application to fit within its neighbourhood.

If the applicant submits revised plans (in a timely manner) which are better suited to this site which abuts a *Neighbourhoods* designation, a final report can be targeted for the third quarter of 2013.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 2131 Yonge Street and 32 Hillsdale Avenue together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

Pre-application consultation meetings were held with the applicants on April 18, 2011 and September 16, 2012 to discuss the proposed redevelopment concept. Staff indicated that the proposals which were presented by the applicant at those meetings exceeded supportable heights and densities.

A letter from the Manager of Mid-Town Section of Community Planning dated June 18, 2011, also disagreed with the applicant's pre-application proposal.

A pre-application consultation meeting with the applicants was also held by the Ward Councillor on November 2, 2012. The applicants presented two 30 plus storey towers on top of a 6-storey podium to the Ward Councillor, representatives of local resident's associations and City staff.

The Ward Councillor requested another pre-application meeting after the applicants revised the plans in response to the resident comments and concerns regarding: over-height; over- density and the massing of this proposal which is for a site that is outside of the Urban Growth Centre and abuts a Neighbourhoods designation. This additional meeting was held on February 19th but only after the applicant had submitted the application package to the City. Staff report for action – Preliminary Report - 2131 Yonge St 2

The application (when submitted) included a request to amend the Yonge-Eglinton Secondary Plan by establishing the site within a new, proposed mixed use area (mixed use area F). The applicants' proposed mixed use area F includes policies which support their proposed development instead of responding (by revising their plans) to the concerns expressed by the residents, the Ward Councillor and Planning staff in a meaningful way.

ISSUE BACKGROUND

Proposal

This is an application for an amendment to the Official Plan and rezoning to permit the construction of a mixed-use development consisting of a 38 and a 29-storey tower including a 6-storey podium (refer to Attachments 2 & 3: Elevations).

The proposed development contains 693 residential units, 497 parking spaces and 3 car share spaces. The building podium contains 2 storeys of retail (floors 1 & 2) and 4 storeys of residential units above that.

The proposed density is approximately 9.0 times the lot area.

Site and Surrounding Area

The site comprises the full block on the east side of Yonge Street between Soudan Avenue and Hillsdale Avenue East. It is an assembly of two properties, 2131 Yonge Street and 32 Hillsdale Avenue East. The site is currently occupied by a 2 to 3-storey, single use retail store (The Art Shoppe).

Vehicular access to a customer parking lot and loading area is from Soudan Avenue at the north end of the site. A smaller staff parking area, shipping door and garbage storage area is located at the south end of the building and accessed from Hillsdale Avenue East.

The Hillsdale Avenue Parkette is located at 32 Hillsdale Avenue East. The parkette land is owned by the applicant but is under 50-year lease to the City for public use.

Surrounding uses are as follows:

North: to the north of the subject site, on the north side of Soudan Avenue is an 8-storey office building at 2161 Yonge Street and a 6-storey office building at 30 Soudan Avenue. To the north of these buildings are the 2 Minto Midtown towers consisting of a 39-storey south tower and a 54-storey north tower. Both towers have commercial uses at grade along Yonge Street. Immediately north of the Minto Midtown development is a 6-storey office building which is under application for rezoning to permit a 56-storey mixed commercial-residential building. Beyond that are 3 buildings ranging in height from 2 to 8-storeys (at the southeast corner of Yonge and Eglinton).

To the northwest of the site is a commercial development known as Canada Square which is comprised of 3 office buildings (some with commercial frontages) at grade on Yonge Street and some with internal retail stores (no Yonge Street frontage). Canada Square includes an 18-storey office building at the northwest corner of Yonge Street and Berwick Avenue, a 6-storey office

building north of that and a 17-storey office building at the southwest corner of Yonge Street and Eglinton Avenue.

The rest of the lands within the area defined by Yonge Street, Eglinton Avenue West, Duplex Avenue and Berwick Avenue include the now vacant TTC bus barns and a new development consisting of 20 townhouses on the east side of Duplex Avenue and a 17-storey condominium at the corner of Duplex and Berwick Avenues which is currently under construction.

The whole of the block between Yonge Street, Eglinton Avenue West, Duplex Avenue and Berwick Avenue was the subject of a City-initiated review and public consultation process to review the Official Plan policy and zoning regulations which govern the redevelopment of these lands. The result was an Official Plan amendment which (among other things) included most of the lands within an Urban Growth Centre designation and an area-specific rezoning that allow as-of-right heights at the southwest corner of Yonge Street and Eglinton Avenue West of 120 metres or approximately 39 storeys and an 85 metre height or approximately 28 storeys on lands south of that.

- South: to the south, the full block of Yonge Street (east and west sides) between Soudan Avenue and Hillsdale Avenue East is comprised of 2 and 3-storey mixed use buildings with retail at grade and apartments and/or offices above. Most of the properties in this block on the east side of Yonge Street are part of a lot with approved zoning to permit the redevelopment of a 7-storey mixed commercial-residential building.
- East: immediately to the east of the subject site is a large *Neighbourhoods* designated area which stretches east to Laird Drive. This *Neighbourhoods* area consists of a number of stable Midtown neighbourhoods including Davisville Village and Leaside. The prevailing context of housing throughout these neighbourhoods is 2 and 3-storey, single and semi-detached homes. For example, the property immediately to the east of the site at 29 Soudan Avenue is a detached 2-storey house. The property immediately to the east of the site on Hillsdale Avenue is a 2.5-storey house.
- West: to the west, directly across Yonge Street from the site is a block of 2 and 3-storey mixed commercial-residential buildings (between Berwick Avenue and Hillsdale Avenue West). South of this block also on the west side of Yonge Street is a similar row of low, mixed commercial-residential buildings. Both blocks have an auto-repair shop at the corner (northwest and southwest corner) of Yonge Street and Hillsdale Avenue. The auto-repair shop at the southwest corner (2112 2114 Yonge Street) is currently under application for zoning approval to construct a 9-storey, mixed use, mid-rise building. To the west of both of these blocks is the TTC open subway track which provides a width of undevelopable area between the Mixed Use designation on the west side of Yonge Street and the Neighbourhoods designation beyond the subway open cut.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and

management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

i.) Mixed Use Neighbourhoods – Section 4.5

The site is primarily located within a *Mixed Use Areas* designation of the Official Plan. Referring to Map 17 of the Official Plan, it would appear that a small portion is designated *Neighbourhoods* and the parkette fronting onto Hillsdale Avenue (refer to Attachment 5: Official Plan), which is owned by the applicant but leased to the City, is designated *Parks*.

The Official Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within *Mixed Use Areas* particularly those *Mixed Use Areas* which abut *Neighbourhoods* designations. Criteria are found in Section 4.5.2 of the Plan and include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a 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;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and their visitors;
- 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.

ii) Built Form – Section 3.1.2

The *Built Form* section of the Official Plan provides similar list of criteria to those found in the *Mixed Use Areas* policies to ensure that new development will be massed to fit harmoniously into its existing and/or planned context and to limit its impacts on neighbouring streets, parks, open spaces and properties.

The list of built form criteria are found in Section 3.1.2.3.

iii) Avenues – Section 2.2.3

The site is also located on a section of Yonge Street that is identified as an 'Avenue' on Map 2 of the Official Plan. Avenues are corridors along major streets generally where reurbanization is anticipated. Avenue Studies are intended to precede major development occurring in these designated Avenue corridors.

Section 2.2.3.3(a) of the Official Plan allows that some development may be permitted on an Avenue prior to an Avenue Study, subject to a Review of the implications of the proposed development on the segment of the Avenue in which it is located and on the greater *Neighbourhood*. Section 2.2.3.3(b) of the Plan sets out the general parameters of the Segment Review for testing whether (or not) a development proposal will have adverse impacts on the specific Avenue Segment and the greater neighbourhood area in which it is located. Parameters include:

- an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances (the potential of the proposal to be a catalyst for changing the established development context on the Avenue);
- consideration of whether incremental development of the entire Avenue Segment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods* (impact on abutting land use designations);
- consideration of whether the proposed development is supportable by available infrastructure; and
- the requirement that the segment study will be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

iv) Yonge-Eglinton Secondary Plan

The site is also within the Yonge-Eglinton Secondary Plan. The Secondary Plan includes policies which are aimed at minimizing conflicts between buildings and uses in Mixed Use Areas and abutting *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks* and *Opens Space Areas* in terms of land use, scale of buildings and traffic and access (Section 2.4).

Map 21-1 of the Secondary Plan (refer to Attachment 6: Yonge-Eglinton Secondary Plan) shows the subject site as being outside of the Secondary Plan special policy Mixed Use Areas. This means that the *Mixed Use Areas* policies of the Official Plan apply.

However, a number of General policies of the Secondary Plan do apply to the subject site. These are as follows:

Section 2.4

It is a primary objective to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas, Neighbourhoods, Apartment Neighbourhoods and Parks and Open Space Areas* in terms of land use, scale and vehicular movement.

Section 2.7

In order to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations, and that all new buildings within Yonge-Eglinton Secondary Plan area form a positive visual relationship to the street, it is an objective of this Secondary Plan to:

- (a) maintain the existing scale of developments within stable *Neighbourhoods* and protect such areas from overshadowing from buildings located in abutting *Mixed Use Areas* and *Apartment Neighbourhoods*;
- (b) secure a transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* and in particular to those sites which abut a *Neighbourhoods* area;
- (c) require that development on those portions of land which project into adjacent *Neighbourhoods* will be designed in a manner so as to be of a height and scale consistent with the abutting residential uses; and
- (d) ensure that development of the greatest height, density and scale are situated within *Mixed Use Area* 'A' and that developments of a lesser scale that are contextually appropriate and compatible with adjacent areas will occur in *Mixed Use Areas* 'B', 'C' and 'D'.

Section 5.0 – Yonge-Eglinton (Urban Growth) Centre

The Province's Growth Plan for the Greater Golden Horseshoe contains policies to direct a significant portion of future population and employment growth into a number of intensification areas called Urban Growth Centres (UGC's). Under the policies of the Growth Plan, municipalities were required to delineate the boundaries of the UGC's within their Official Plans. The Yonge-Eglinton Secondary Plan was just recently amended (by Official Plan Amendment No. 116, adopted by By-law 623-2010, not appealed) to include the delineation of the UGC boundary.

The policies of Section 5.0 of the Yonge-Eglinton Secondary Plan offer specific guidance to the areas of the Secondary Plan to which intensification should be directed. Policies are:

- 5.2 Within the Yonge-Eglinton Centre the highest heights, densities and scale of development will be within Mixed Use Area 'A' on the blocks at the four quadrants of the intersection of Yonge Street and Eglinton Avenue.
- 5.3 The heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from the Yonge-Eglinton intersection within the Yonge-Eglinton Centre.
- 5.7 New development in the Yonge-Eglinton Centre will be compatible with maintaining the character of surrounding Neighbourhoods.

The proposed development is outside of the area which is identified for growth and defined as the Yonge-Eglinton Urban Growth Centre.

Design Guidelines

Given the form of the proposed development and staff's concerns, both of the following guideline documents will be referred to in the course of reviewing this application.

Design Criteria for the Review of Tall Building Proposals

A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. The Design Criteria provide policy recommendations for tall buildings on issues of: transition; building placement and orientation; entrances; massing of base buildings; tower floor plate sizes; tower setbacks and separation distances; pedestrian realm considerations and sustainable design.

Avenues and Mid-Rise Building Study

The performance standards of the, "Avenues and Mid-Rise Building Study" are intended to encourage well-designed, mid-rise buildings on the *Avenues* which are located along the edges of some of Toronto's stable neighbourhoods. The performance standards are also intended to maintain a balance between re-urbanization and neighbourhood stability.

Zoning

Under By-law 438-86 the majority of the site is zoned MCR T3.0 C2.0 R2.5. A small portion of the easterly edge of site stretching from Soudan Avenue to Hillsdale Avenue is zoned R2 Z0.6 (refer to Attachment 7: Zoning).

The MCR zoning classification permits residential uses including apartment buildings and a range of retail, service and office commercial uses. The height limit for the MCR zoned portion of the site is 16 metres or approximately 5.5 storeys. The maximum mixed use as-of-right density is 3 times the lot area.

The R2 zoning classification permits residential uses. The permitted building height for the R2 zoned portion of the site is 9 metres. The maximum residential as-of-right density is 0.6 times the lot area.

Site Plan Control

The proposed development is subject to site plan control. An application will be submitted and the owner would be required to enter into a site plan agreement with the City prior to the issuance of a

building permit. The owner has applied the City's Green Development Standards to the design of the proposed building.

Tree Preservation

The applicant has submitted a tree inventory for review by Urban Forestry, Parks Forestry and Recreation Division.

Reasons for the Application

Official Plan Amendment

The site is irregular in shape and the majority, with exception of the parkette portion of the site which fronts onto Hillsdale Avenue and a small area of the property to the north of the parkette, is designated *Mixed Use Areas*. The parkette is designated *Parks* and the small area above it is shown as *Neighbourhoods* (refer to Attachment 5: Official Plan).

The applicant points out that the land use area boundaries of the Official Plan are intended to be general except where they are referencing a specific policy or policies or where they coincide with distinguishable features (i.e., roads). The applicant's position is that the whole of the site currently functions as *Mixed Use Areas* and is intended to be designated *Mixed Use Areas*. The applicants propose to clarify that intent with an amendment to the Yonge-Eglinton Secondary Plan (given the Secondary Plan takes precedence over the Official Plan in the event of a conflict with the Official Plan).

However, the proposed official plan amendment does more than redesignate the small area which may be in the *Neighbourhoods* designation. The requested amendment proposes a new Secondary Plan designation ('mixed use area F') and adds new planning and development policies for the whole of the site under that new 'mixed use area F' designation. The mixed use area 'F' policies would allow the proposed redevelopment by differentiating the site in policy terms from the remainder of the *Avenues* segment along Yonge Street to the south.

The applicants propose that mixed use area 'F' would be regarded as:

- suitable for mixed use intensification; and
- appropriate for tall buildings subject to providing a transition in height outside of the Urban Growth Centre from Mixed Use Area 'A' to the mid-rise development along the east side of Yonge Street south of Soudan Avenue.

Zoning Amendment

The applicant is requested amendments to the provisions of Zoning By-law 438-86 to permit the proposed development with heights of 123.85 metres excluding the mechanical penthouse (north tower) and 98.70 metres excluding the mechanical penthouse (south tower) and a density of 9.0 times the lot area where 16 metres and a total of 3.0 times the lot area for a mixed use building is permitted. Other areas of non-compliance (i.e., parking, amenity space, landscaped open space) will be determined by Toronto Buildings through their zoning review of the application .

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- architectural plans and drawings
- boundary and topographical survey
- concept landscape plans
- tree preservation plan and arborist report
- massing model
- shadow studies
- planning and urban design rationale report
- Avenues segment study
- Community Services and Facilities Appendix
- Toronto Green Standards Checklist
- Pedestrian Level Wind Study
- Stage 1 Archaeological Assessment
- Noise and Vibration Feasibility Study
- Preliminary Geotechnical Investigation Report
- Phase 1 Environmental Assessment
- Preliminary Environmental Investigation
- 2131 Yonge Street Mixed Use Development Urban Transportation Considerations
- Functional Servicing Report and Stormwater Management Study
- draft Official Plan amendment
- draft Zoning By-law amendment

A Notification of Complete Application was issued on February 12, 2013.

Issues to be Resolved

Prior to submitting a Final Report to Toronto and East York Community Council, the following issues as well as any others which may be identified by staff and the local community will need to be reviewed and satisfactorily addressed:

- consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
- conformity with the policies of the Official Plan and the Yonge-Eglinton Secondary Plan, particularly those policies of the *Built Form* and *Mixed Use Areas* that offer direction to building proposals with respect to appropriate height, density, massing, site orientation and transitioning of taller buildings to areas of lower heights and densities such as *Neighbourhoods Areas*;
- staff are not convinced that this site's attributes differ significantly from any other redevelopment application or redevelopment approval (all mid-rise type buildings) which have occurred on Yonge Street between Soudan and Davisville Avenues. Neither are staff convinced that this site is an appropriate location for construction of a single or dual (as proposed) tall building. A midrise building is more appropriate for this site;

- the policies of the Yonge-Eglinton Secondary Plan do not state directly or indirectly that transitioning down from the greater heights, densities and massing of the Yonge-Eglinton Urban Growth Centre may occur outside of the Urban Growth Centre area boundaries (and therefore within lower density areas). Transitioning down to lower density *Neighbourhoods*, for example is to occur within the Urban Growth Centre; and
- transportation issues which may arise that are related to local traffic circulation and the proposed vehicular parking supply, bicycle parking, access and loading.

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

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the Planning Act. The applicant is aware that the City intends to apply the Section 37 policies of the Planning Act to this proposal. Details of a Section 37 Agreement between the applicant and the City will be established if a development is recommended for approval.

CONTACT

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SIGNATURE

Gregg Lintern, MCPP, RPP Director, Community Planning Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan Attachment 2: Elevations (North & East) Attachment 3: Elevations (South & West) Attachment 4: Roof Plan Attachment 5: Official Plan Attachment 5: Official Plan Attachment 6: Yonge-Eglinton Secondary Plan Attachment 7: Zoning Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan Applicant's Submitted Drawing Not to Scale 03/01/2013 2131 Yonge Street 32 Hillsdale Avenue East

File # 13_105888



Attachment 2: North and East Elevations

Applicant's Submitted Drawing Not to Scale 03/01/2013

32 Hillsdale Avenue East

File # 13 105888



South & West Elevations

Applicant's Submitted Drawing Not to Scale 03/01/2013

2131 Yonge Street 32 Hillsdale Avenue East File # 13_105888

Attachment 4: Roof Plan



File # 13_105888

Attachment 5: Official Plan





Attachment 6: Yonge-Eglinton Secondary Plan





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Attachment 8 – Application Data Sheet