

STAFF REPORT ACTION REQUIRED

1815 Yonge St and 25 Merton St – Rezoning Application - Preliminary Report

Date:	November 6, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	07 237390 STE 22 OZ

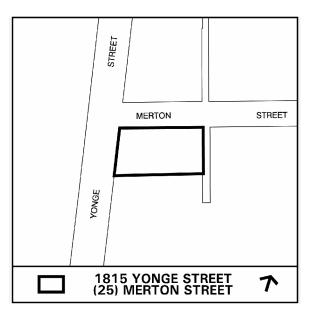
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application, pertaining to the lands at 1815 Yonge Street and 25 Merton Street, proposes the construction of a 29-storey residential condominium building including a 4-storey podium which is extends eastwards on its lot along the Merton Street frontage. The Merton Street podium extension is proposed to consist of stacked, multi-storey townhouse style units.

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

A community consultation meeting was held in the neighbourhood on Thursday November 1, 2007. Other community consultation meetings may be scheduled as the need arises. A statutory public meeting is targeted for spring of 2008. This target date assumes that the applicant will provide all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. the community consultation meeting that was held at the request of the Ward Councillor on Thursday November 1, 2007 be deemed to satisfy the requirement for such meeting as is normally held after the Preliminary Planning Report has been heard on a Community Council agenda. Notice was given to landowners and residents within 120 metres of the site;
- 2. notice for the public meeting under the Planning Act be given according to the regulations as set out in the Planning Act; and
- 3. City Council determines that the development of the lands at 1815 Yonge Street and 25 Merton Street completes the pattern of development for this segment of Yonge Street, that overall infrastructure is available and that the processing of this rezoning application can proceed prior to the completion of an Avenue Study.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposed development is a residential condominium building with up to 216 new dwelling units at the southeast corner of Yonge and Merton Streets. The proposal consists of a 4-storey podium that extends eastwards on Merton Street and a tower with a floorplate of approximately 633 square metres rising to a height of 29-storeys (93 – 96 metres) from the podium at the corner of Yonge and Merton Streets. The podium extension on Merton Street has the look of two rows of stacked townhouses separated by a landscaped courtyard. All podium units are 2-storeys (refer to Attachments 2, 3, 4 & 5, Elevations).

A total of 234 parking spaces are proposed to be provided in a 4-level underground garage. Of those spaces 212 are to be provided for the residents of the project and 22 are for visitors to the building. Garage access is from the public lane that forms the east boundary of the site (refer to Attachment 1, Site Plan). For further statistical information refer to the Application Data Sheet appended as Attachment 8 of this report.

Site and Surrounding Area

The site is located at the southeast corner of Yonge and Merton Streets. It is defined to the south by the Kay Gardner Beltline Park and by the Mount Pleasant Cemetery beyond that. It is defined to the east by a public lane that runs southwards from Merton Street

and ends at the Beltline Park and Cemetery. A pedestrian and cycle access to the Beltline Park and Cemetery is located at this point. A former rail line, the Beltline is now a linear park providing a pedestrian and cycle route that extends through midtown.

The site is currently occupied by two 2-storey commercial buildings both of which are vacant.

Grade slopes down from east to west so that the Yonge Street frontage is approximately 4 metres lower than the easterly extent of the lot at Merton Street and the public lane.

The following uses abut the site:

- North immediately across Merton Street from the site is a 12-storey condominium with retail at grade. Beyond that building to the northeast is an Apartment Neighbourhoods designated area consisting of apartment buildings on Balliol Street and Davisville Avenue that range in size from 6 to 29-storeys.
- South the Kay Gardner Beltline Park and the Mount Pleasant Cemetery
- East a 15-storey residential condominium is located immediately to the east on the opposite side of the public lane. Merton Street between Yonge Street and Mount Pleasant Road is a street that is gradually converting from commercial and some industrial uses to residential use. New residential buildings are generally in the 5 15-storey range. Some infill townhouse developments have been constructed on the north side of the street.
- West directly across Yonge Street (to the west) is the TTC's Davisville Yard. The yard is a relatively large site that consists of the uncovered Yonge Street subway line, the related storage and marshalling yard, a workshop building and the TTC's head office building (7-storeys) at the southwest corner of Yonge Street and Davisville Avenue. The rail yard is currently under study by the Planning Department and the TTC to determine the site's potential for possible redevelopment (given that the tracking will remain).

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

An Official Plan Amendment will be required if the proposed development is not found to be in compliance with all Official Plan and Secondary Plan Policies discussed below and all other applicable policies of the Plan.

i) Mixed Use Area Designation - Section 4.5

The site is designated Mixed Use Area under the City of Toronto Official Plan (refer to Attachment 7, Official Plan). That designation permits a range of commercial, residential and institutional uses in single use or mixed use buildings.

The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within Mixed Use Areas. The proposed development will be evaluated with respect to the full list of criteria found in Section 4.5.2 of the Official Plan. Criteria include:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and 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 Official Plan also includes policies that are aimed at ensuring that the built form of new developments fits within the context of its surrounding area. Policies that are to be complied with are found in Sections 3.1.2.1 - 3.1.2.6.

In particular Section 3.1.2.3 requires that new development will be massed to fit harmoniously into its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy;
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.1.2.4 requires that, "new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The Design Criteria for the Review of Tall Building Proposals also apply to this application.

iii) Avenues: Re-urbanizing Arterial Corridors - Section 2.2.3

The site is 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.

However, 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:

- a) 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);
- b) consideration of whether incremental development of the entire Avenue segment would adversely impact any adjacent Neighbourhoods or Apartment Neighbourhoods (impact on abutting residential land use designations);
- c) consideration of whether the proposed development is supportable by available infrastructure; and
- d) 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.

Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the Segment Review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

The applicant has provided information that outlines their position with respect to the compliance of their proposal with the tests set out above that determine whether a proposal should be allowed to precede an Avenue Study. Staff's conclusions, based on a review of the applicant's information, are as follows:

a) Avenue Segment - Development Context

In this case, the development context within the Avenue segment has been established and this is the last privately-owned imminently redevelopable site on Yonge Street between the Beltline Park and Davisville Avenue.

The east side of Yonge Street north from Merton Street to Davisville Avenue is fully built out with buildings generally in the range of 7 - 12 storeys in height. It is unlikely that these properties would be redeveloped in the near future with or without the influence of any redevelopment that may take place on the subject site.

The east side of Yonge Street frontage from south of the Beltline Park to approximately Glen Elm Avenue is entirely occupied by cemetery use. There is no opportunity for redevelopment within this lengthy strip of Yonge Street.

The west side of Yonge Street from just north of Glen Elm Avenue to Chaplin Crescent is dominated by open track of the TTC's Yonge Street line and associated maintenance facilities of the Davisville Yard. The Davisville Yard (excluding the open track running south of the Beltline Park) is currently under

planning study, managed by the Planning Department and the TTC, to determine the potential for redevelopment of the yard while maintaining the existing track. The study will establish appropriate development parameters and design guidelines for those lands should the potential exist for redevelopment of the yard. Any redevelopment of the yard will be guided by the results of the current planning study. The development of 1815 Yonge Street will not establish a precedent for that site.

There are other properties on Merton Street not within the Yonge Street Avenue segment but which are in proximity to the subject lands, that could have redevelopment potential. Inner-block Merton Street properties between Yonge Street and Mt Pleasant Road are not distinguished with prominent corner site qualities. By comparison, the subject property is a prominent corner site which marks the transition point on Yonge Street where land uses change between cemetery open space and Yonge Street commercial. The development context for Merton Street has been set in recent years by the gradual replacement of commercial buildings with the construction of apartment buildings, generally up to 15-storeys and some infill townhouse developments.

The proposed development will not establish a precedent for Merton Street inner lots.

b) Impact on Abutting Residential Land Use Designations

The site and the immediately surrounding lands are designated Mixed Use or Park or Other Open Space Areas. There are no Neighbourhood or Apartment Neighbourhood Areas that are immediately adjacent to the site that could be adversely affected by this proposed redevelopment.

c) Available Infrastructure

The site is serviceable by existing physical services. The application will be subject to a Section 37 Agreement through which the developer will agree to make contributions towards local community services and facilities.

d) Segment Review to be Considered with Zoning By-law and/or Official Plan Amendments at the Statutory Public Meeting

The applicant's information will be included in the final Planning Report which will be presented at the public meeting at Toronto and East York Community Council.

As a result of the foregoing analysis staff acknowledges that the proposed development meets the tests outlined in Subsection (b) of policy 2.2.3.3 of the Official Plan. Staff considers that development of this site may be allowed to proceed through its review process prior to an Avenue study being done on this part of Yonge Street. Despite this finding all other aspects of the form of the proposed development will be assessed against all applicable policies and guidelines

iv) Yonge-Eglinton Secondary Plan

This site is also regulated by the Yonge-Eglinton Secondary Plan which has been incorporated into Chapter 6, 'Secondary Plans' of the Official 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 Open Space Areas in terms of land use, scale and vehicular movement (Section 2.4).

Map 21-1 of the Secondary Plan shows the subject site as being within Mixed Use Area 'D'. Section 2.7(d) states that an objective of the Secondary Plan is to 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 2.8 of the Secondary Plan allows that parking requirements may be reduced for residential components of mixed use buildings within Mixed Use Areas which are in proximity to subway access.

Section 6.1 encourages that building access points, the relationship of new developments to the sidewalk and the location of proposed building walls, fences and trees enhance the quality of the streetscape.

v) Merton Street Design Guidelines

The Merton Street Design Guidelines were adopted by Council in 1996 and were incorporated into the former City of Toronto Official Plan by By-law No. 1997-0550.

Approximately the eastern third of the site falls within the Guideline area (the Yonge Street portion of the site is not covered by the Guidelines). The area of the site addressed by the Guidelines are proposed to be developed as a 4-storey podium extending eastwards (from underneath the tower component) on Merton as a double row of stacked townhouses.

The Guidelines for the south side of Merton Street include the need to emphasize view of and connections to the Beltline Park and Mt Pleasant Cemetery and to limit building heights to maximize sunlight on the north side of the street. Buildings oriented in an east-west fashion such as the proposed 4-storey podium, are to be limited to 5-storeys. Buildings should face the Beltline Park and cemetery with grade related unit entrances and living room windows.

Zoning

The site is split zoned. The Yonge Street portion of the site is zoned CR T3.0 C2.0 R2.5 with a height limit of 38.0 metres. The eastern portion of the site which fronts onto Merton Street is zoned CR T2.0 C2.0 R2.0 with a height of 21.0 metres (refer to Attachment 6).

The CR zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses.

Site Plan Control

The proposed development is subject to site plan control. An application must be submitted and will be considered concurrently with the Zoning By-law amendment application.

Tree Preservation

The applicant has submitted an arborist report and tree preservation plan.

Reasons for the Application

Zoning By-law amendments would be required to allow the proposed height, density visitor parking and other areas of non-compliance that are identified in the zoning plans examiner's report.

The proposed construction of a 29-storey, approximately 95 metre high tower on the site exceeds the maximum height permitted under By-law 438-86 for the Yonge Street frontage of 38 metres.

By-law 438-86 requires that the residential gross floor area be not more than 2.5 times the area of the lot for the portion zoned CR T3.0 C3.0 R2.5 and 2.0 times the area of the lot for the portion zoned CR T2.0 C2.0 R2.0 to a maximum of 6,807.2 square metres. The proposed residential gross floor area of the building is 19,808.0 square metres.

The By-law requires 54 visitor parking spaces for visitors to the building. Twenty two are proposed.

Additional areas of non-compliance with the Zoning By-law may be identified through further review of the application.

The need for an Official Plan amendment will be determined through the initial staff review of this application as measured against the applicable Official Plan policies and guidelines and including the policies of the Yonge – Eglinton Secondary Plan.

Community Consultation

A community consultation meeting was held at Christ Church Deer Park on November 1, 2007. The meeting, attended by approximately 40 persons, was held prior to the preliminary planning report being finalized in order to allow resident participation early in the application process. Comments and issues raised by residents in attendance at the consultation meeting (as well as comments received by planning staff subsequent to the

meeting) will be used in future discussions with the applicant. Discussions with the applicant will include staff concerns with the proposal and are expected to result in modifications to the plans.

Concerns with the development expressed by residents in attendance at the meeting include:

- height –concerns were expressed with respect to the compatibility and fit of the proposed 29-storey tower into a neighbourhood in which the existing height context is set by buildings of up to 16-storeys;
- potential loss of city and sky views from surrounding buildings;
- shadowing of facing residential units;
- access by loading vehicles and automobiles to the loading area and the underground garage off of the public lane on the east side of the site;
 - noise and congestion concerns for residents at 35 Merton Street, and
 - vehicular and pedestrian conflicts in laneway (the lane provides pedestrian access to the Beltline trail and to the cemetery);
- traffic short-cutting on Merton Street between Yonge Street and Mt. Pleasant Road;
- the proposed passenger pick-up and drop-off on the Merton Street frontage safety concerns when through traffic use circular drives to change direction or, if no circular drive is proposed, the congestion resulting from lane-blockage so close to the intersection of Yonge and Merton Streets;
- the need to rebuild the public lane north of Merton Street to Balliol Street; and
- the adequacy of local social services and physical infrastructure to meet the demands of the new development.

Another community consultation meeting is expected to be held prior to the final planning report going to Toronto and East York Community Council.

COMMENTS

Issues to be Resolved:

Height, Massing and Density

Section 3.2.1, 'Built Form' of the Official Plan contains policies related to the massing, organization, fit and site orientation of new developments. Section 3.1.2.3(b) requires that new developments create appropriate transitions in scale to neighbouring existing and/or planned buildings. The building's proposed height, massing and density are currently under review to determine whether this 29-storey (95 metre) high building with a gross floor area equalling 7.99 times the lot area, would be compatible with the existing mixed commercial-residential uses on this portion of Yonge Street, with the existing and emerging residential uses on Merton Street and with the abutting parkland and open space (cemetery) to the south.

Sunlight, View, Privacy and Wind

Related to the issues of height, massing and density is the impact that the proposed development will have on the sunlight, sky views and privacy of surrounding residential buildings and parks and open spaces. Sections 3.1.2.3(c),(d)&(e) require that applicants ensure that proposed developments will minimize such impacts on adjacent properties (such as the condominium residences at 1819 Yonge Street and 35 Merton Street), neighbouring streets, parks and open spaces by proposing plans and designs that are sensitive to sunlight, privacy and sky views. New buildings are also to be designed to limit shadowing and uncomfortable wind conditions on parks and open spaces.

A shadow study has been submitted by the applicant and is under review by City staff. A wind study is being prepared.

Streetscape

The Official Plan (Section 4.5.2(e)) requires that new development in Mixed Use Areas locate and mass 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. As stated above, the applicant's shadow study is being reviewed. A wind study is yet to be submitted.

Access and Parking

Access to the 4-level underground parking garage is via a two-way drive ramp off of the public laneway that runs south from Merton Street. Resident pick-up and drop-off is from within the P-1 garage level which is also level 0 or the lobby level on Yonge Street. The loading space is also accessed from the lane.

The applicant is proposing 32 fewer visitor parking spaces than are required by the Bylaw but only 14 fewer spaces than required overall for the residents and visitors

combined. The applicant has submitted a parking and transportation issues study. The study and its conclusions are currently under review by City staff to determine whether the appropriate amount of parking is being provided and whether the proposed vehicular access and loading area will work well with the normal vehicular and pedestrian circulation in the area and with the current use of the lane by the residential condominium at 35 Merton Street.

Indoor and Outdoor Amenity Areas

Sections 3.1.2.6 and 4.5.2(k) of the Official Plan require the provision of appropriate amounts of indoor and outdoor amenity space for residents of multi-residential unit developments. The By-law minimum of indoor and outdoor amenity area should be provided.

Resident Issues Raised at the November 1, 2007 Community Consultation Meeting

A number of issues were raised by local residents at the community meeting held in the neighbourhood on November 1, 2007. Resident concerns are summarized under the 'Community Consultation' Section of this report. Issues included resident concerns with respect to shadowing and views and also with pedestrian and cyclist safety on the public lane which is proposed to serve as the garage and loading access for the new building and which currently serves and will continue to serve as a pedestrian and bicycle access to the Kay Gardner Beltline Trail and to the cemetery.

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 the project is to be recommended for approval.

Green Development Standards

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standard, adopted by City Council in July 2006.

Further Information Required

The applicant is required to submit a wind study. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

Tim Burkholder, Planner Tel. No. (416) 392-0412 Fax No. (416) 392-1330 E-mail: tburk@toronto.ca

SIGNATURE

Gary Wright, Director Community Planning, Toronto and East York District

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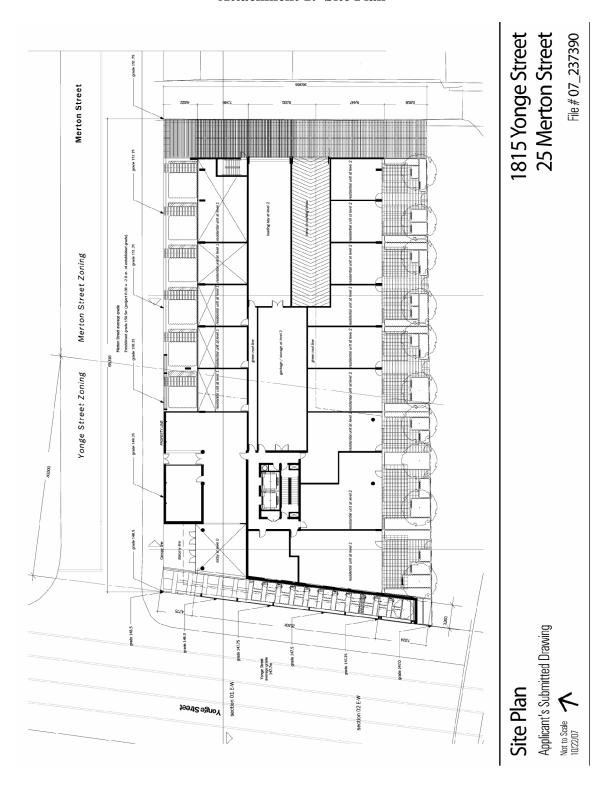
ATTACHMENTS

Attachment 1: Site Plan

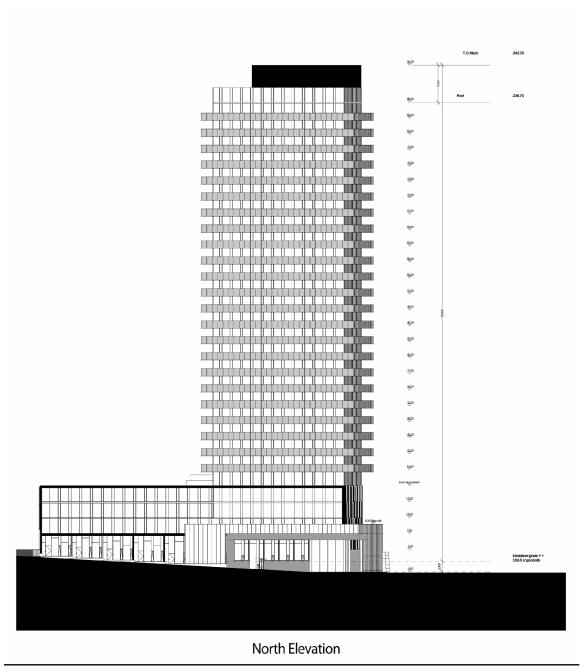
Attachment 2: North Elevation [as provided by applicant]
Attachment 3: South Elevation [as provided by applicant]
Attachment 4: East Elevation [as provided by applicant]
Attachment 5: West Elevation [as provided by applicant]

Attachment 6: Zoning Attachment 7: Official Plan Attachment 8: Data Sheet

Attachment 1: Site Plan



Attachment 2: Elevations



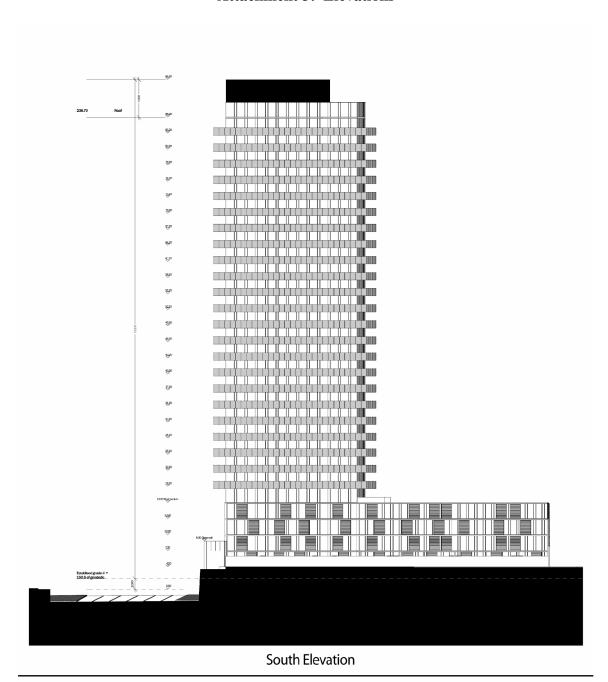
Elevations

Applicant's Submitted Drawing

Not to Scale 10/22/07 1815 Yonge Street 25 Merton Street

File # 07_237390

Attachment 3: Elevations



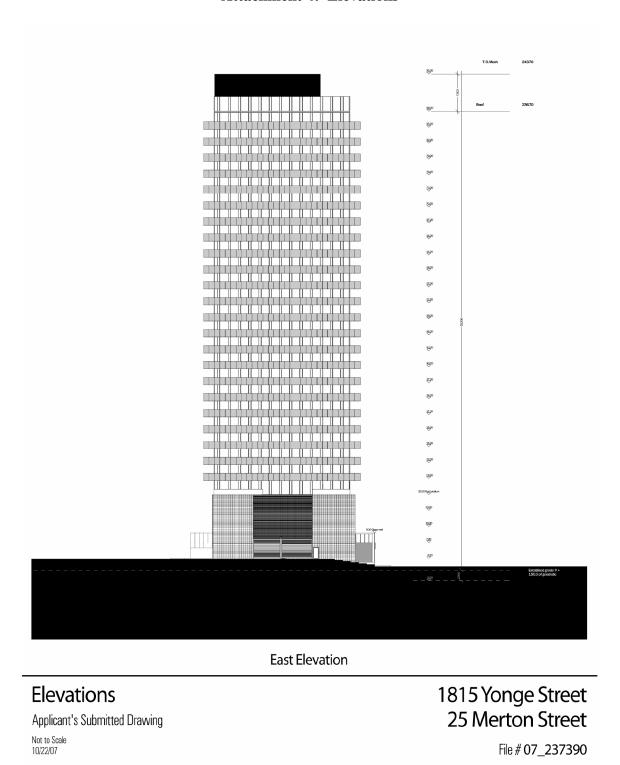
Elevations

Applicant's Submitted Drawing

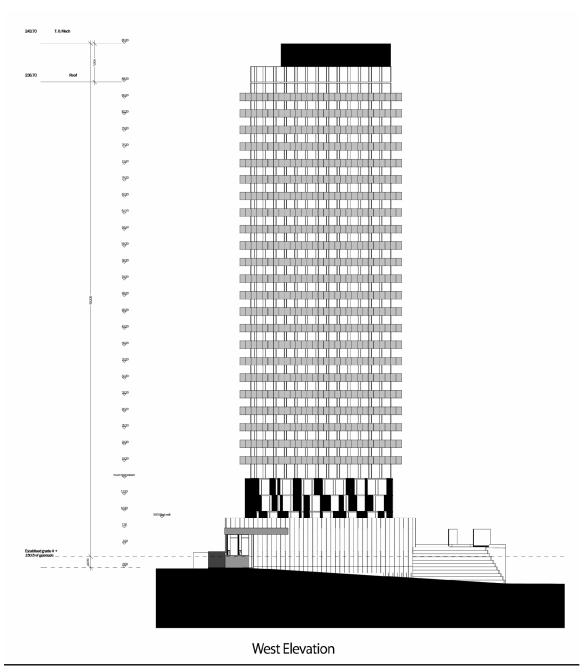
Not to Scale 10/22/07 1815 Yonge Street 25 Merton Street

File # 07_237390

Attachment 4: Elevations



Attachment 5: Elevations



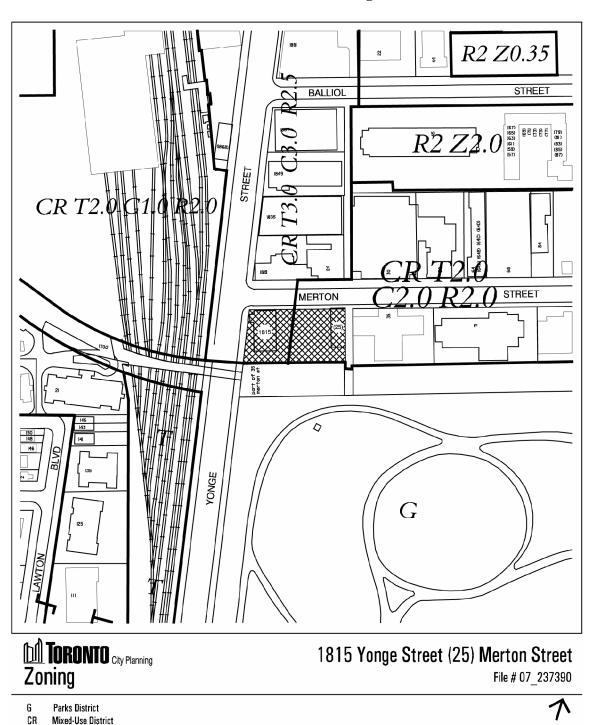
Elevations

Applicant's Submitted Drawing

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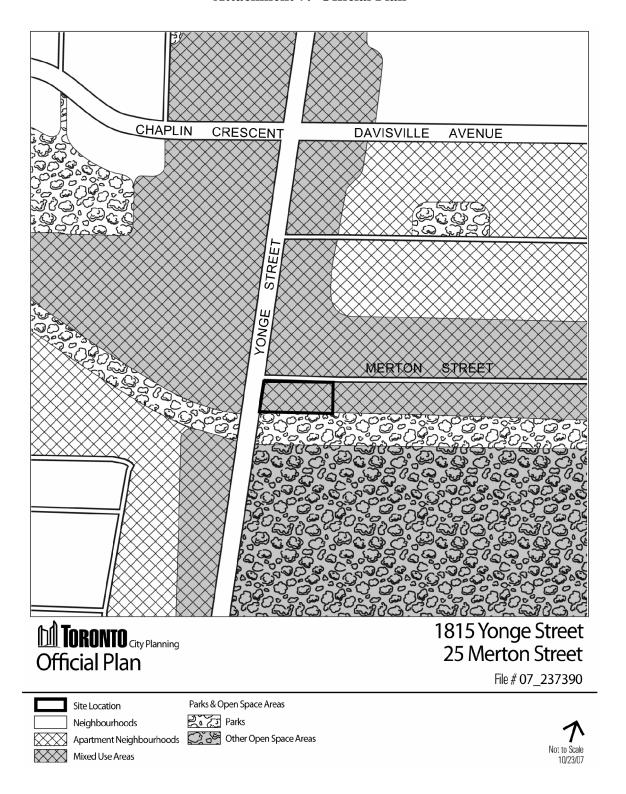
Attachment 6: Zoning



Industrial District

Zoning By-law 438-86 as amended Extracted 10/11/07 - DR

Attachment 7: Official Plan



Attachment 8: Data sheet

APPLICATION DATA SHEET

Application Type Rezoning Application Number: 07 237390 STE 22 OZ

Details Rezoning, Standard Application Date: June 27, 2007

Municipal Address: 1815 YONGE ST, TORONTO ON M4T 2A4 Location Description: PL M5 PT LTS 1 AND 2 **GRID S2208

Project Description: Construct 29-storey residential apartment building including four levels of

underground garage

Applicant: Agent: Architect: Owner:

MCCARTHY ARCHITECTS 2100699 ONTARIO

TETRAULT LLP ALLIANCE LIMTED

PLANNING CONTROLS

Official Plan Designation: Mixed Use Site Specific Provision:

Zoning: CR T3.0 C3.0 R2.5, CR Historical Status:

T2.0 C2.0 R2.0

Height Limit (m): 38, 21 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 2478 Height: Storeys: 29

Frontage (m): 65.32 Metres: 96

Depth (m): 36.3

Total Ground Floor Area (sq. m): 1597 **Total**

Total Residential GFA (sq. m): 19808 Parking Spaces: 234
Total Non-Residential GFA (sq. m): 0 Loading Docks 1

Total GFA (sq. m): 19808 Lot Coverage Ratio (%): 64 Floor Space Index: 7.99

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	19808	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	56	Office GFA (sq. m):	0	0
2 Bedroom:	131	Industrial GFA (sq. m):	0	0
3 + Bedroom:	29	Institutional/Other GFA (sq. m):	0	0
Total Units:	216			

CONTACT: PLANNER NAME: Tim Burkholder, Planner

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