

TORONTO STAFF REPORT

June 18, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Preliminary Report
Official Plan and Zoning By-law Amendment Application 04 130483 STE 27 OZ
for the City Block Bounded by Yonge Street, College Street, Bay Street and
Gerrard Street West (College Park Block)
Proponent: Tim Bermingham, Blake, Cassels & Graydon
Architect: N/A
444 Yonge Street (44 & 71 Gerrard Street West, 717, 761, 763 and 777 Bay
Street)
Ward 27 - Toronto Centre-Rosedale

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and



- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.

Background:

College Park and the block bounded by Yonge Street, Bay Street, College Street and Gerrard Street West is a major centrally located downtown development block. It is widely known for the historic former Eaton College Street store and the refurbished "Carlu" venue now occupying the 7th floor. The block has been redeveloped over the last 25 years for office uses, residential, retail, institutional and public uses. In the geography of the downtown, it represents the mid-point between major places, sub-areas and attractions east and west, and north and south.

The College Park block has been subject to several recent development applications and related applications to the Committee of Adjustment. These applications are outlined in Attachment 5: College Park Block Development Applications and Related Applications to the Committee of Adjustment. The specific decision of the Committee of Adjustment that gave rise to this application is outlined below.

The Committee of Adjustment (application A0011/04TEY) in a decision made February 4, 2004, granted variances to vary the College Park site specific By-law No. 840-78 to allow for an increased number of residential units on the College Park block, adding units at the north-west corner of Gerrard Street West and Yonge Street. This included changes to the mixing formula constant and to an increased residential gross floor area for the block. Specifically the variances were as follows:

1. The College Park Site Specific By-law No. 840-78 uses the "mixing formula" approach rather than regulating gross floor area directly. This formula assumes that each dwelling unit is equivalent to 1,090 square feet of non-residential floor area, regardless of the actual size of the dwelling unit. The proposal is to amend the residential "mixing constant" set out in Section 8 of By-law No. 840-78 from 1,090 to 1,000 per dwelling unit to allow for the flexibility of building smaller residential units.
2. The College Park Site Specific By-law No. 840-78, Section 7 permits a total of 2,031 dwelling units. The proposal is to amend the number of dwelling units from 2,031 to 2,431 dwelling units. This is an increase of 400 dwelling units.
3. The College Park Site Specific By-law No. 840-78, Section 22 permits a maximum floor area of buildings erected or used for residential purposes of 3 times the area of the lot (150,000 square metres). The proposal is to change the previously approved residential gross floor area of 175,012.87 square metres to 215,012 square metres. This is an increase of 40,000 square metres over previous approvals.

This decision is final and binding. This application to amend the zoning by-law is submitted in satisfaction of the condition attached by the Committee of Adjustment to the variances granted in file A0011/04TEY. The conditions included a requirement that an application for the rezoning of the College Park lands be submitted by Toronto College Park Limited ("TCPL") within 3

months of the variance decision. The owner submitted the application by May 4, 2004 in order to comply with the condition. This condition was requested by staff to address the need to simplify and modernize the regulatory controls for this block, to add clarity and predictability for the public, and address means to perhaps improve the final build out of the block. Please refer to Attachment 4: Application Data Sheet for more information on the College Park block.

Comments:

Proposal

This application is to allocate the existing development potential of the College Park lands to the ownership parcels that now exist on the block. No increase is sought in the amount of gross floor area that can be constructed.

While in our view the application is largely technical in nature, it is complicated by the fact that the development potential of the College Park Lands can be considered in two different ways. The site has a development potential under the current By-law 438-86, and also has a development potential that can be calculated according to the Site Specific By-law 840-78.

The Site Specific By-law uses the “mixing formula” approach to density. It is therefore not predictive of the gross floor area or physical size of the development. It also uses an older system of definitions that are uncommon and unfamiliar to most planners and developers. City staff and the property owners share the objective to move the College Park lands into the modern City of Toronto zoning regime.

This application therefore has been structured by:

- (a) calculating the amount of gross floor area permitted on the entire block under By-law 438-86 in terms of:
 - (i) residential gross floor area;
 - (ii) non-residential gross floor area; and
 - (iii) total gross floor area;
- (b) providing a clear sense of exemptions to reflect parks contributions to date by subtracting from the residential gross floor area and the total gross floor area subtotals of gross floor area 5% on account of the park levy that could be required under the Planning Act and under the Official Plan policies. Under these policies, for a large lot such as College Park, more than 5% of the land could be required but the development would be entitled to retain the gross floor area attributable to the land in excess of 5%; and
- (c) allocating the resulting subtotals according to the contractual entitlements and built form of the various ownership parcels, so that no parcel is given less than the amount of gross floor area existing or contractually committed at the time of the application.

The amounts of gross floor area proposed for each of the ownership parcels are:

| Parcel (refer to Attachment 1: Site Plan) | Residential Gross Floor Area (m2) | Non-Residential Gross Floor Area (m2) | Total Gross Floor Area (m2) |
|--|-----------------------------------|---------------------------------------|-----------------------------|
| Phase I TCPL (444 Yonge Street) | 16,400 | 1,500 (see note 1) | 17,900 (see note 1) |
| Phase II Oxford (777 Bay Street) | 0 | 89,000 | 89,000 |
| Canderel (761 & 763 Bay Street) | 95,761 (see note 2) | 13,935 | 95,761 |
| Liberties (44 & 71 Gerrard Street West & 717 Bay Street) | 56,000 | 1,450 | 57,450 |
| Yonge Gerrard | 90,000 | 37,500 | 90,748 |
| City Park (see note 3) | 0 | 0 | 0 |
| Total | 258,161 (see note 4) | 143,385 (see note 5) | 350,859 (see note 6) |

The notes on the table are explained in Attachment 6: Notes on the Amounts of Gross Floor Area Proposed for Each of the Parcels on the College Park Block.

While an essential element of the application is the allocation of gross floor area to the various components of the block, it will be necessary to preserve, in the by-law, certain elements of the “one lot” treatment, such as, for example, the ability to share the parking and loading facilities of the block for zoning compliance. Staff will also need to determine which of the historically applicable ratios, such as parking requirements, should be grandfathered into the new by-law.

Site Description

The subject property is a rectangular 5 hectare (12.3 acre) property with a minor slope down from the north to the south. The property is occupied by mixed-use buildings, Barbara Ann Scott Park and an at-grade commercial parking lot. Vehicular access to the property is via four driveways on Gerrard Street West and two driveways on Bay Street. A mixed-use building at 761 and 763 Bay Street is under construction.

The land included in this application includes all of the property bounded by Yonge Street, College Street, Bay Street and Gerrard Street, except:

- (i) the portion of the Hayter Street Road allowance owned by the City; and
- (ii) the stub of a City owned lane abutting the west end of 382 Yonge Street.

The parcels subject to the application are:

- (a) The “Phase I Lands” bounded on the east by Yonge Street, on the north by College Street, on the west by the City park and by the lands owned by Oxford Property Group, and on the south by the closed Hayter Street closed road allowance;
- (b) The “Phase II Lands” owned by Oxford Properties Group Limited, bounded on the east by the Phase I Lands, on the north by College Street, on the west by Bay Street and on the south by the Liberties Lands;
- (c) The “Canderel Lands” owned by The Residences Of College Park Inc. and The Residences Of College Park Tower II Inc. bounded on the east by the City park and the Phase II Lands;
- (d) The “Liberties Lands” owned by MTCC 901 and MTCC 907 bounded on the east by the City park and the Yonge Gerrard Lands, on the north by the Canderel Lands and the City park, on the west by Bay Street and on the south by Gerrard Street West;
- (e) The “Yonge-Gerrard” Lands owned by TCPL, bounded on the east by Yonge Street, on the north by the Hayter Street closed road allowance, on the west by the City park and by the Liberties Lands and on the south by Gerrard Street West;
- (f) The “City Park” the area owned by the City in the centre of the Block, excluding the Hayter Street road allowance.

The areas of the parcels referred to above are as follows:

| Parcel | Area in m2 |
|-------------------|------------|
| Phase I (TCPL) | 11,247 |
| Phase II (Oxford) | 11,382 |
| Liberties | 6,088 |
| City Park | 6,104 |
| Canderel | 7,145 |
| Yonge Gerrard | 6,486 |
| Total | 48,452 |

The City owns the closed portion of the Hayter Street right-of-way which compromises 1,554 m² of the “Park” area. The Hayter Street lands have been excluded from all density and area calculations.

Abutting the property is the following:

North: College Street, beyond which are commercial, and mixed residential/commercial land uses with a variety of building forms

South: Gerrard Street West, beyond which are a commercial parking lot and commercial land uses with a variety of building forms

East: Yonge Street, beyond which are commercial and mixed residential/commercial land uses with a variety of building forms

West: Bay Street, beyond which are a commercial parking lot, commercial and mixed residential/commercial lands uses in generally tall building forms

Metropolitan Toronto Official Plan

The Official Plan of the former Municipality of Metropolitan Toronto designates the subject site as part of the Central Area, the pre-eminent centre designated in Metroplan.

Former City of Toronto Official Plan

The former City of Toronto Part I Official Plan designates the site as High Density Mixed Commercial-Residential Areas 'B', Low Density Mixed Commercial-Residential Areas, and Open Space. The block is subject to Section 18.46 which provides site specific policy to guide the development of the land.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The first prehearing on the new Official Plan was held on April 19 and 20th, 2004. The next prehearing has been scheduled for September 14, 2004.

The new Official Plan places the subject site within the Downtown and Central Waterfront urban structure area, and designates it as Mixed Use Area. The Plan contains development criteria that direct the form and quality of development in this area. The development will be reviewed for compliance with these criteria and conformity with the intent of the new plan.

Other Applicable Policies

The property is located within the boundaries of the Downtown Yonge Business Improvement Area and the Downtown Yonge Street Community Improvement Plan. Urban design guidelines have not been developed for this area.

Zoning

The site is governed by By-law No. 438-86 as amended and site specific by-law 840-78. The site is zoned CR T7.8 C2.0 R7.8, CR T4.0 C4.0 R1.5, and G. The By-laws permits mixed use commercial-residential buildings and a park.

The Zoning By-laws implement the building density limitations set out in the Official Plan as well as the location and massing of the buildings on the block and maximum building heights.

Site Plan Control

An application for an amendment to Site Plan Approval for 761 and 763 Bay Street has been filed. Site plan applications will be required for other parcels when redevelopment is proposed.

Reasons for the Application

The rezoning of the overall College Park Block is a condition of approved Committee of Adjustment application A0011/04TEY. The purpose of the Zoning By-law amendment is to clarify and make simple the various densities allowed on each of the parcels which together comprise the College Park Block. An Official Plan Amendment will also likely be required.

Issues to be Resolved

The following issues will need to be addressed:

- (a) modifying the land use regulations including by-laws and agreements including a review of the requests made by the applicant for specific regulatory provisions;
- (b) consideration of downtown Yonge Street area specific Official Plan and Community Improvement Policy and new Official Plan policies;
- (c) a review of the built form and site plan outcomes projected for the site with a view to achieving any improvements where desirable and appropriate;
- (d) appropriate design and integration of the public and private realm and consideration of the Downtown Yonge Business Improvement Area and Community Improvement Project Area streetscape initiatives;
- (e) identification and security of public benefits pursuant to Section 37 of the Planning Act including appropriate community services, facilities and amenities which address local priorities including public art; and
- (f) with a clear understanding of technical regulatory changes proposed, also obtaining a clear understanding of any soft and hard infrastructure impacts.

Other issues arising from the circulation to civic officials and community consultation will also be addressed.

Conclusions :

The project will be the subject of a community consultation meeting for owners and tenants in the neighbourhood in the third quarter of 2004. A Final Report is targeted for the fourth quarter of 2004 assuming that the applicant provides all required information without delay.

Contact:

Al Rezoski, Senior Planner - Downtown Section

Ph: (416) 392-0481

Fax: (416) 392-1330

Email:arezosk@toronto.ca

Ted Tyndorf
Director, Community Planning, South District

List of Attachments:

Attachment 1: SitePlan

Attachment 2: Zoning Map

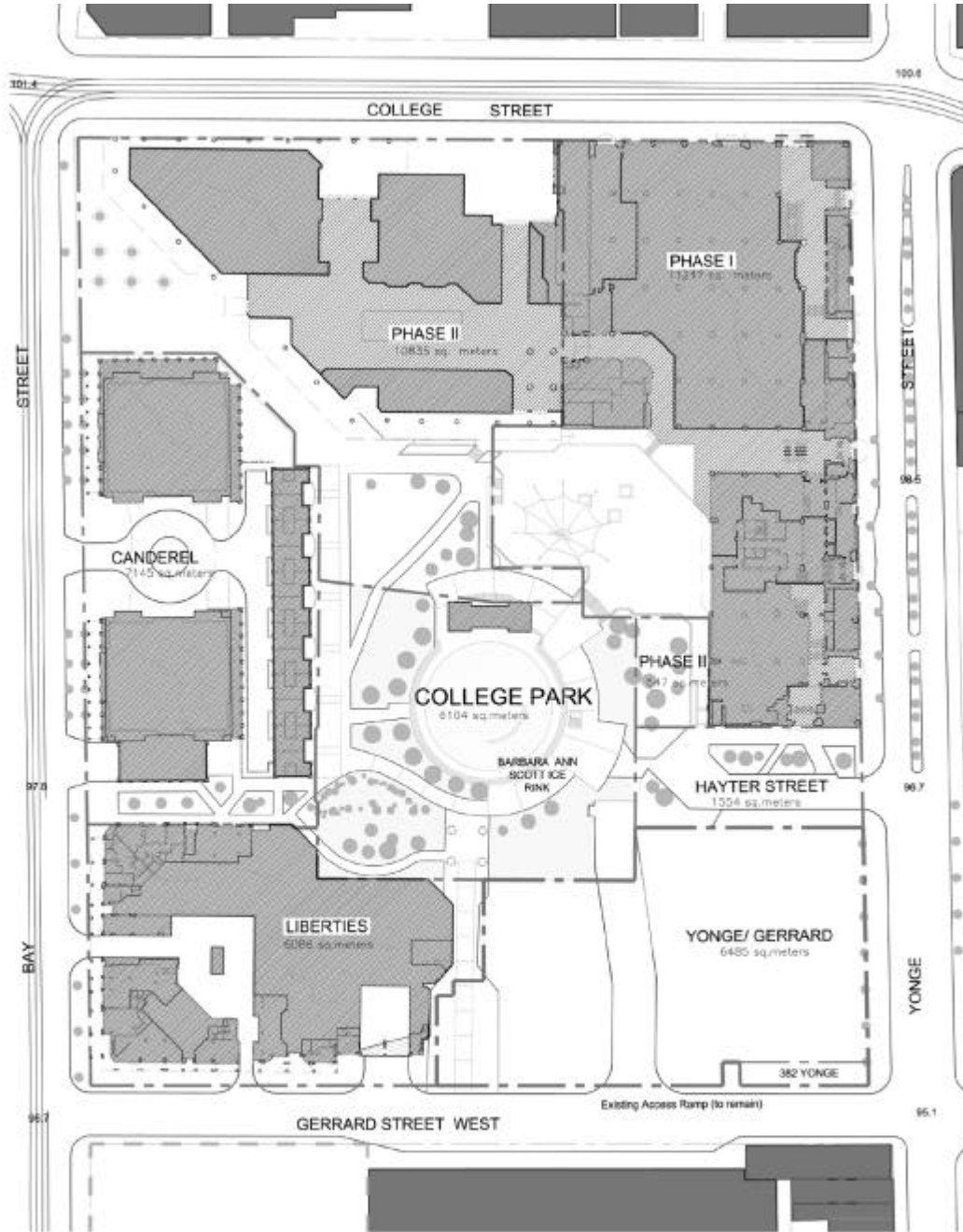
Attachment 3: Official Plan Map

Attachment 4: Application Data Sheet

Attachment 5: College Park Block Development Applications and Related Applications to the Committee of Adjustment

Attachment 6: Notes on the Amounts of Gross Floor Area Proposed for Each of the Parcels on the College Park Block

Attachment 1: Site Plan



Site Plan

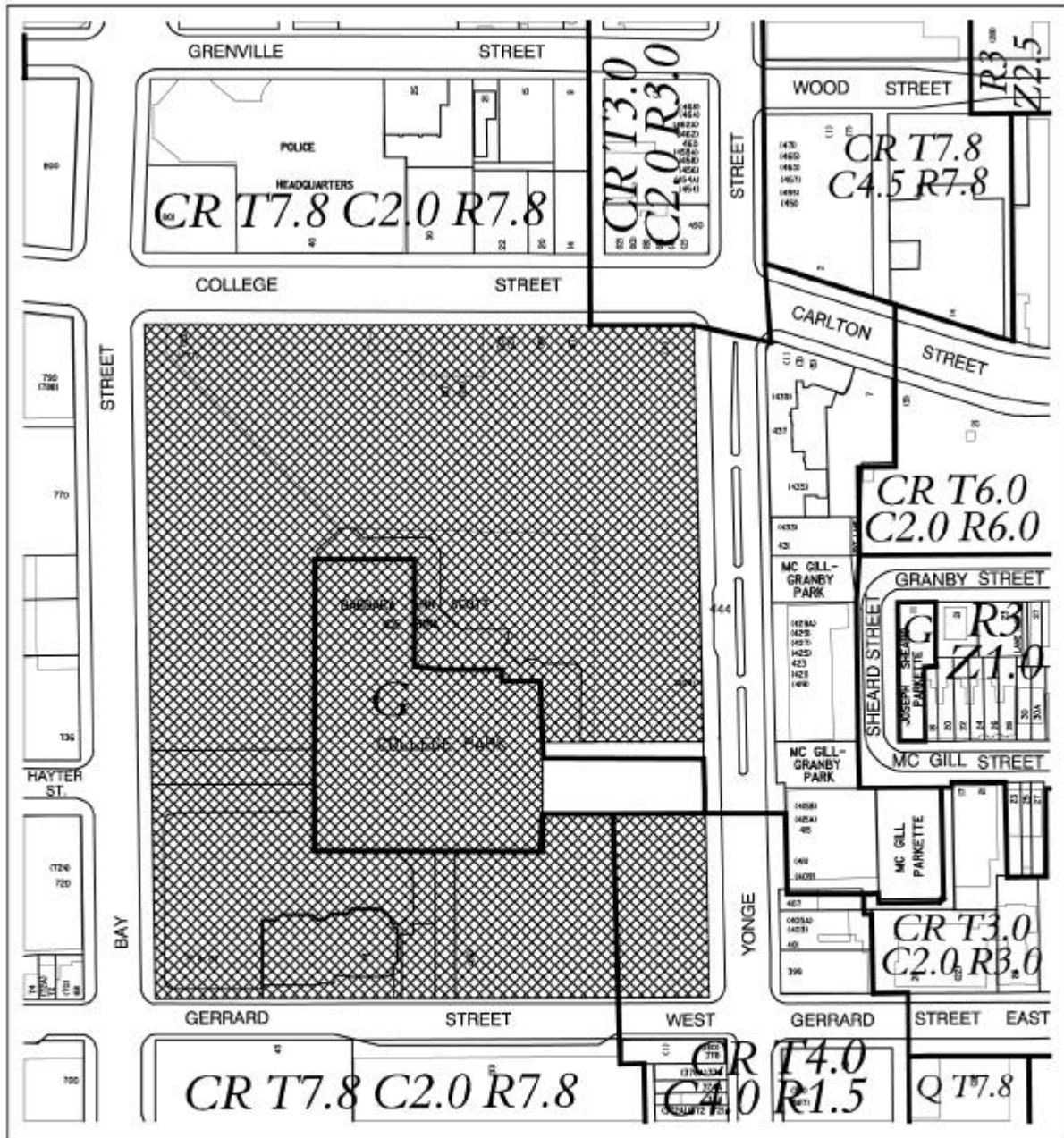
444 Yonge Street

Applicant's Submitted Drawing

Not to Scale
06/16/04 

File # 04_130483

Attachment 2: Zoning Map



TORONTO Urban Development Services
Zoning

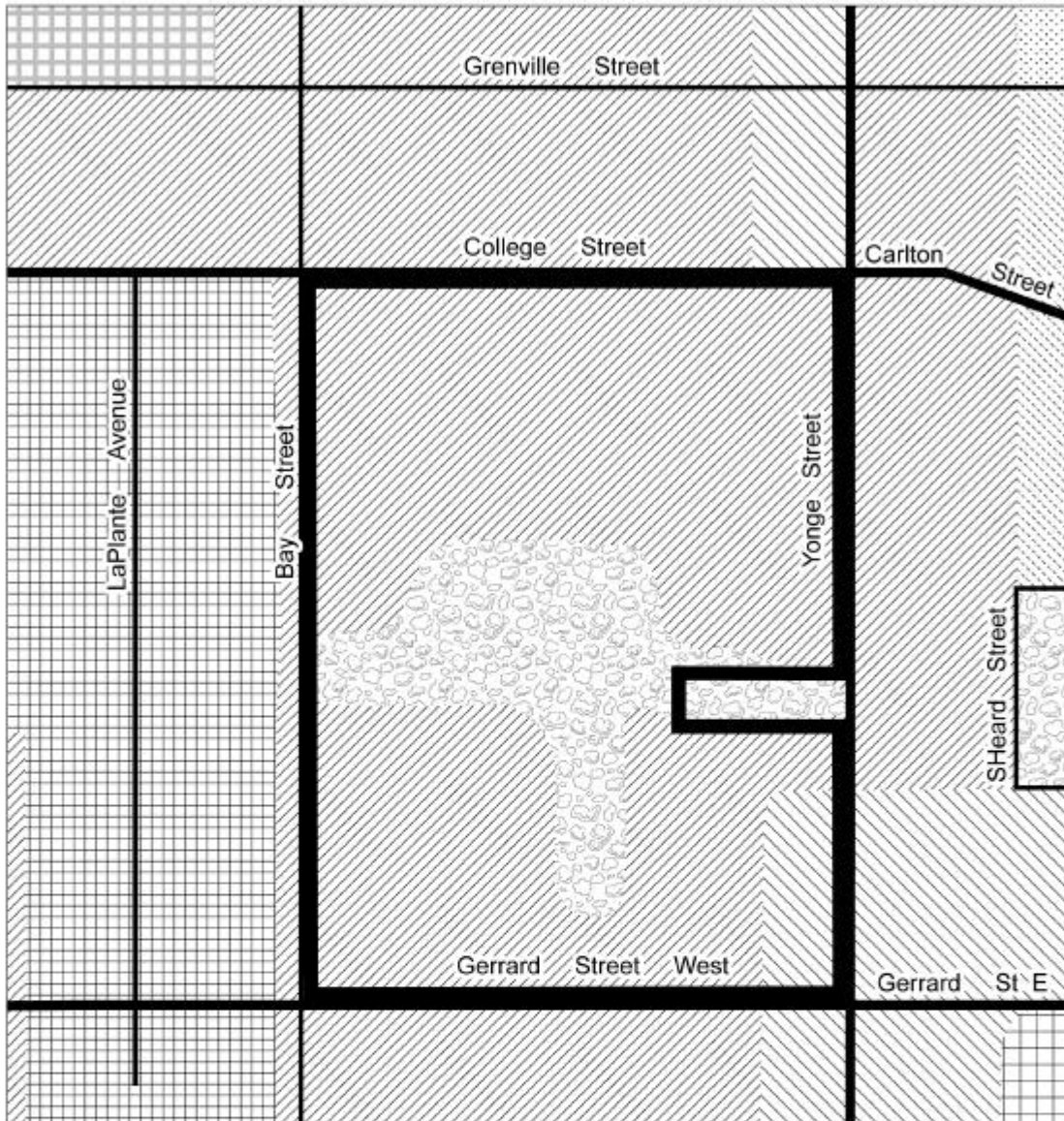
444 Yonge Street
 File # 04_130483

- G Parks District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 06/16/04 - EM

Attachment 3: Official Plan Map



TORONTO Urban Development Services
Official Plan

444 Yonge Street

File # 04_130483

- | | | |
|--|---|------------------------------|
| Site | High Density Mixed Commercial-Residential Areas 'A' | Queen's Park Government Area |
| High Density Residence Areas | High Density Mixed Commercial-Residential Areas 'B' | Hospital Areas |
| Low Density Mixed Commercial-Residential Areas | University Areas | Open Space |

↑
Not to Scale
06/18/04

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

| | | | |
|------------------|--------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 04 130483 STE 27 OZ |
| Details | Rezoning, Standard | Application Date: | May 4, 2004 |

Municipal Address: 444 Yonge Street (44 & 71 Gerrard Street West, 717, 761, 763 and 777 Bay Street)

Location Description: PL 350 LTS 9 TO 14 PT LTS 1 TO 7 PT PK LT 9 PL D42 LTS 15 TO 23,32,33,41 & 42 PT LTS 25 TO 39 & 50 TO 53 **GRID S2711

Project Description: The rezoning of the overall College Park Block is a condition of approved COA Adjustment application A0011/04TEY. Purpose of the rezoning is to clarify and make simple the various densities allowed on each of the parcels which together comprise the College Park Block.

| | | | |
|------------------------------|---------------|-------------------|---------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| BLAKE, CASSELS & GRAYDON LLP | | | TORONTO COLLEGE PARK LTD. |

PLANNING CONTROLS

| | | | |
|----------------------------|--|--------------------------|--------------------------------------|
| Official Plan Designation: | High Density Mixed Commercial-Residential Areas 'B', Low Density Mixed Commercial-Residential Areas and Open Space | Site Specific Provision: | 840-78, 41-79, 245-79, 834-79, 71-91 |
| Zoning: | CR T7.8 C2.0 R7.8, CR T4.0 C4.0 R1.5, G | Historical Status: | Y |
| Height Limit (m): | 61 (varied by COA decisions) | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------|--------|-----------------|--------------|-----------------------------|
| Site Area (sq. m): | 50006 | Height: | Storeys: | Varies (multiple buildings) |
| Frontage (m): | 200 | | Metres: | Varies (as above) |
| Depth (m): | 240 | | | |
| Ground Floor GFA (sq. m): | TBP | | Total | |
| Residential GFA (sq. m): | 345488 | Parking Spaces: | TBP | |
| Non-Residential GFA (sq. m): | 143385 | Loading Docks | TBP | |
| Total GFA (sq. m): | 350859 | | | |
| Lot Coverage Ratio (%): | TBP | | | |
| Floor Space Index: | 7 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN

| | | | |
|--------------|------------------------|---------------------------------|--------------------|
| Tenure Type: | Rental and condominium | Above Grade | Below Grade |
| Rooms: | TBP | Residential GFA (sq. m): 345488 | 0 |

| | | | | |
|--------------|-------|----------------------------------|-----|-----|
| Bachelor: | TBP | Retail GFA (sq. m): | TBP | TBP |
| 1 Bedroom: | TBP | Office GFA (sq. m): | TBP | TBP |
| 2 Bedroom: | TBP | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | TBP | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 2,431 | | | |

CONTACT: **PLANNER NAME:** **Al Rezoski, Senior Planner – Downtown Section**
TELEPHONE: **(416) 392-0481**

Attachment 5: College Park Block Development Applications and Related Applications to the Committee of Adjustment

The portion of the block known as 761 and 763 Bay Street has been subject to Committee of Adjustment and site plan applications. The Committee of Adjustment in a decision made on January 10, 2002 for application A669/01TO granted variances to permit extra height for architectural features and mechanical space, to align the Bay Street arcade with the existing arcades to the south, and to provide for a reduction in recreational space. The decision is final and binding.

The owner obtained Site Plan Approval (file: TE SPC 20010059) on January 22, 2003 for a mixed-use development with a 39-storey and 45-storey residential tower and 12 townhouses.

The Committee of Adjustment (application A0130/03TEY) in a decision made on May 7, 2003, granted variances to permit additional height, reduced recreational space for the various unit types, reduced personal recreation space for the various unit types, and permitted a residential gross floor area in excess of that permitted by section 22 of By-law 840-78. This decision is final and binding.

The owner applied for an amendment to Site Plan Approval on November 19, 2003 (file: 03 194470 STE 27 SA). The application reflects the granted variances for 6 additional storeys on each residential tower thereby resulting in a mixed use development with a maximum of 1,264 residential units and a maximum 45-storey and 51-storey residential tower. The proposal includes 12 townhouses which abut the west limit of Barbara Ann Scott Park. Staff anticipate approval of the amendment to Site Plan Approval in July 2004.

The Committee of Adjustment (application A539/03TEY) in a decision made on November 5, 2003, granted variances to permit a six storey addition on the west side of 777 Bay Street for the purpose of a potential institutional use. The variances requested included:

1. The proposed non-residential gross floor area of 2,132,498 square feet (198,109 square metres) would exceed the permitted maximum non-residential gross floor area of 2,086,858 square feet (193,869 square metres) by 39,300 square feet (3,651 square metres); and
2. The proposed structure will contain a continuous arcade at ground level on its Bay Street frontage which would be located within the minimum set back from the Bay Street street line contrary to the requirement to locate said pedestrian arcade easterly of the Bay Street set back line.

This decision is final and binding. This proposal is not proceeding however.

**Attachment 6: Notes on the Amounts of Gross Floor Area Proposed
for Each of the Parcels on the College Park Block**

- Note 1: Site Specific By-law 840-78 and the College Park “Master Agreement” entered into with the City provide an exemption of 521,715 square feet (48,467 m²) in the Phase I building (former Eaton’s College Street Store) in return for its preservation. This treatment is proposed to be retained. In addition, 1,500 m² are proposed for future potential alterations.
- Note 2: The Canderel development was reviewed and approved on the basis of the Site Specific by-law, and the gross floor area figures calculated for that project were in accordance with definitions in the Site Specific By-law. The figures in the table above represent the gross floor area in terms of By-law 438-86 that are provided for in the agreement of purchase and sale between Canderel and TCPL. The numbers are therefore not reflective of the site plan, nor of the different treatment the project receives under the Site Specific By-law.
- Note 3: The “City Park” referred to in this letter excludes, for all purposes, the portion of the Hayter Street road allowance that continues to be owned by the City. No GFA has been attributed to the Hayter Street Lands, as this land has never been owned by TCPL.
- Note 4: By-law 438-86 zones the block and the surrounding area (except for the City owned park) CR T7.8 C2.0 R7.8. A small part of the block, along Yonge Street north of Gerrard Street West, is zoned CR T4.0 C4.0 R1.5.

The City park was dedicated to the City by TCPL as part of the redevelopment and rezoning agreement. For the purposes of this exercise, the applicant has examined the block prior to any dedication of the City park, and has assumed that the entire block, except for the CR T4.0 C4.0 R1.5 area, would be zoned CR T7.8 C2.0 R7.8.

This produces a residential gross floor area for the block of 363,672 m². Five percent of this total residential gross floor area is 18,184 m². Deducting the gross floor area attributable to the park dedication yields a net residential gross floor area of 345,206 m². This exceeds the amount proposed to be allocated in the above table.

The real constraint is the total gross floor area. The calculations under By-law 438-86 show this amount to be (after the park dedication) 350,859 m². After allowing for built from and contractual commitments, this leaves 90,748 m² that could be deployed on the Yonge Gerrard Lands. The applicant proposes to round the residential entitlement down to 90,000 m², in part to reflect the provision of street related retail uses.

- Note 5: By-law 438-86 permits significantly less of the total gross floor area to be built and used as non-residential than does the Site Specific By-law. A compromise between the two by-laws is proposed in this application.

In more specific terms, the Site Specific By-law permits 2,085,858 square feet (193,776 m²) of non-residential gross floor area.

By-law 438-86 permits (subject to the total gross floor area limit) an FSI of 2 times on most of the site and of 4 on the medium density zone along the southern part of the Yonge Street frontage. (No park dedication is reflected here because it has been conservatively estimated to be taken entirely from the residential and total figures, and at the residential rate of 5%). The total non-residential figure produced by these FSI figures is 104,533 m², or just over half of the gross floor area permitted by the Site Specific By-law.

TCPL proposes a total non-residential gross floor area of 143,385 m² which is approximately midway between these two figures. This figure recognizes the non-residential gross floor area that has been constructed or contractually committed, and reserves sufficient for an office tower as part of the Yonge Gerrard Lands, should the market permit.

Note 6: The total gross floor area permitted under By-law 438-86 is 369,325 m². Deducting 5% (18,466 m²) for a park dedication yields a total gross floor area of 350,859 m². As with the residential gross floor area figure, this is less than the total shown in the proposed allocation table.

Note that the total gross floor area permitted under By-law 438-86 cannot be compared to the “mixing constant” in the Site specific by-law of 3,595,850. This is because the mixing constant did not limit the amount of gross floor area that could be built.