

**2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard
Rezoning Application - Preliminary Report**

Date:	April 22, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	09 110945 NNY 16 OZ

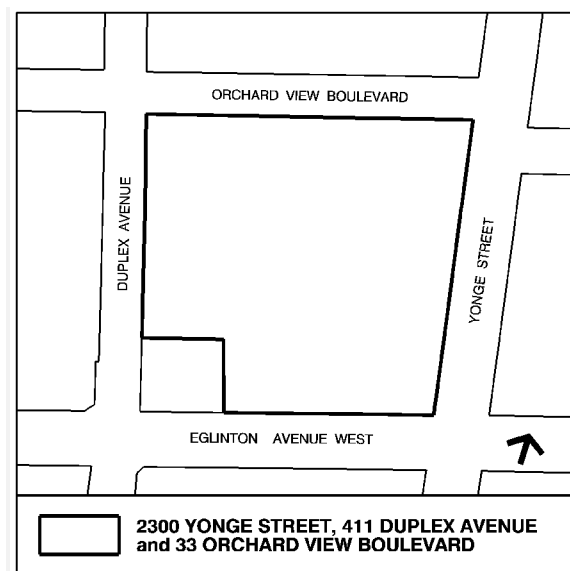
SUMMARY

This application was made on February 20, 2009 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend the existing site specific Zoning By-law for 2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard to permit a three storey addition to the existing retail concourse at grade and 5 and 7 storey additions to the existing office towers. The development would also include a renovation of the retail concourse to improve pedestrian connections to Yonge Street and Orchard View Boulevard.

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.

Should the applicant provide the necessary information required in a timely manner, it is anticipated that a final report will be completed in the first quarter of 2010.



RECOMMENDATIONS

The City Planning Division recommends 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.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The initial approval for development on the subject lands was enacted by Toronto City Council in 1968 under site specific By-law 110-68 which is described in more detail below. The following year, Council enacted By-law 292-69 which closed Starrett Avenue, a public road which roughly bisected the block between Yonge Street and Duplex Avenue north of Eglinton Avenue West. The By-law authorized the sale of the Starrett Avenue right of way to the North Toronto Development Company which had assembled the remainder of the development block governed by the site specific By-law.

Beginning in 1993, a series of Committee Adjustment decisions have permitted increases to the gross floor area and height permissions of By-law 110-68 as well as reductions in the required amount of landscaped open space. The most recent approval was granted in 1997 permitting the construction of a movie theatre on the existing podium roof between the office tower at 2300 Yonge Street and the apartment building at 33 Orchard View Boulevard. A site plan control application for the movie theatre was also approved in 1997.

In 2003, a minor variance application to the Committee of Adjustment was submitted by the previous owner to permit the construction of a two storey addition to the south east portion of the site with a similar footprint to the current proposal. The application was deferred by the Committee until such time as the development concepts for the Yonge-Eglinton Focussed Review were available for comment from the working group. The application was withdrawn by the applicant and the file was closed in 2005.

Staff have received multiple inquiries as to the status of the existing open space on the southeast corner of the site at the intersection of Yonge Street and Eglinton Avenue. Specifically, staff were asked if any historic legal agreements exist on title that require this open space to be retained in perpetuity as an instrument of the approval of the original development proposal under By-law 110-68 or a condition related to the closing Staff report for action – Rezoning Application – Preliminary Report - 2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard

of Starrett Avenue and sale of the right of way to the original developer. It can be confirmed that no such agreements are registered on title, and the landscaped open space requirements for the subject lands are found solely in By-law 110-68. These provisions, as noted, have been varied on two occasions by the Committee of Adjustment, and the standards are currently under review as part of staff's consideration of the current rezoning application under the provisions of the *Planning Act*.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The application proposes to amend the Zoning By-law to permit the construction of the following:

1. A three storey at-grade addition, comprising 4,287m² of new retail space above the below grade portion of the existing shopping concourse. This addition would extend out from the existing building towards Eglinton Avenue West into the existing open space on the southeast corner of the site; and
2. Five and seven storey additions to the top of the existing office towers at 2300 Yonge Street. The additional floors represent an increase of 19,449m² of office space on the site and would correspond with a recladding of both office towers and an update to the infrastructure of the buildings.

The applicant is also proposing a renovation to the interior of the shopping centre as part of the redevelopment scheme which can proceed without any changes to the site specific Zoning By-law as varied. There are no alterations or additions being proposed to the two existing residential rental apartment buildings at 411 Duplex Avenue and 33 Orchard View Boulevard.

The requested increase in gross floor area for office and retail use would result in a density over the entirety of the subject lands of approximately 8.7 times the area of the lot. This density includes all existing and proposed office and retail gross floor area, as well as the existing residential gross floor area on site. The proposed total gross floor area of all uses on the subject lands is 170,066m².

The existing parking garage contains 787 parking spaces and is proposed to be retained in its current configuration as no additional parking can be provided on site. Of these parking spaces, 250 are available to the residents of the two apartment buildings

The site statistics are presented on the Application Data Sheet (Attachment 6).

Site and Surrounding Area

The site comprises nearly the entire block formed by Yonge Street, Eglinton Avenue West, Duplex Avenue and Orchard View Boulevard and has an area of approximately 1.95 hectares (4.82 acres). An existing office building at the northeast corner of Duplex Avenue and Eglinton Avenue West (36 Eglinton Avenue West) does not form part of the subject site.

The existing development on the subject site includes:

- Two office towers of 30 and 22 storeys at 2300 Yonge Street containing a total gross floor area of 68,724m²;
- Two residential rental towers at 411 Duplex Avenue (22 storeys) and 33 Orchard View Boulevard (17 storeys) containing 782 units;
- A multi-storey retail concourse containing 25,973m² of retail space, including a movie theatre, restaurant, fitness club, and supermarket located primarily on the 2300 Yonge Street parcel, but also beneath portions of the 33 Orchard View Boulevard parcel; and
- A publicly accessible pedestrian square with an area of 2,150m² above the retail concourse on the southeast corner of the site at the intersection of Yonge Street and Eglinton Avenue West. Both office towers can be accessed off the square as well as below grade portions of the retail concourse that connects to the Eglinton subway station via a pedestrian tunnel beneath Eglinton Avenue West.

The development is served by an underground parking garage containing 787 parking spaces. Vehicular access to the underground garage is provided from Orchard View Boulevard. A service lane with multiple loading docks runs between the apartment building at 411 Duplex Avenue and the retail concourse/movie theatre structure at 2300 Yonge Street.

Land uses surrounding the subject site are as follows:

North: across Orchard View Boulevard, low scale retail uses, 2 storeys in height, front onto Yonge Street. Mid block at 40 Orchard View Boulevard is the 13 storey Stanley Knowles Co-op Apartment Building which sits atop a three storey podium containing office and community uses including the Northern District branch of the Toronto Public Library. Adjacent to the public library at the northeast corner of Orchard View Boulevard and Duplex Avenue is a temporary commercial parking lot which is currently the subject of a rezoning application proposing a high-density apartment building.

East: across Yonge Street, a series of low scale retail stores, two storeys in height front onto Yonge Street with larger scale apartment buildings beyond.

South: across Eglinton Avenue West, a 17 storey office and retail complex known as Canada Square. West of this complex lies the TTC bus facilities, including the abandoned bus barns above Eglinton subway station. This quadrant was recently

Staff report for action – Rezoning Application – Preliminary Report - 2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard

the subject of a City-initiated focused review which resulted in revised Official Plan policies and Zoning By-law standards that were approved by City Council in February, 2009.

West: a seven storey office building at 36 Eglinton Avenue West is surrounded by the subject site and occupies the southwest corner of the block. Across Duplex Avenue to the west is a three storey office building along Eglinton Avenue with a Bell Canada switching facility immediately to its north and low density residential uses beyond.

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

The subject lands are located within the *Yonge-Eglinton Centre* as identified by Map 2 of the Official Plan. The City's four *Centres*, along with *Avenues*, *Employment Districts* and the *Downtown*, are key components in the Official Plan's growth management strategy.

The Official Plan provides for growth to be directed to *Centres* in order to use municipal land, infrastructure and services more efficiently and concentrate jobs and people in areas well served by surface transit and rapid transit stations. Section 2.2.2 of the Official Plan states that the *Yonge-Eglinton Centre* is limited to the four corners of its key intersection and has potential for infill and redevelopment of key sites. The Plan provides that a priority for managing growth in the City is the establishment of vibrant and transit supportive mixed-use *Centres* via the use of Secondary Plans.

Yonge-Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan designates the subject lands *Mixed Use Area "A"*. The Secondary Plan directs the highest concentration of retail, service commercial, office and residential uses to the intersection of Yonge Street and Eglinton Avenue with its

Staff report for action – Rezoning Application – Preliminary Report - 2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard

proximity to the subway. The boundary of *Mixed Use Area “A”* on Map 21-1 approximates the boundary of the *Yonge-Eglinton Centre* and the designation recognizes the intersection’s role as the transportation and commercial focal point of the local community.

This is reinforced by policies within the *Mixed Use Area “A”* designation stipulating that development within this area will have a height, density and scale greater than anywhere else in the Secondary Plan area. It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflict among uses in *Mixed Use Areas, Neighbourhoods, Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement.

Built Form and the Public Realm

The Official Plan contains policies which emphasize how development should address and integrate with the public realm. The Plan provides for new development to be located and organized to frame and support adjacent streets, parks and open spaces while improving pedestrian safety with casual views and access to these spaces from ground floor uses.

Interior shopping malls, underground concourses, plaza walkways and private midblock connections are to be designed to complement and extend, but not replace the role of the street as the main place for pedestrian activity. The Plan directs that these spaces be accessible, comfortable, safe and integrated into the local pattern of pedestrian movement with direct universal physical and visual access from the public sidewalk and key path finding vision.

A key theme of the built form policies, as well as the Yonge-Eglinton Secondary Plan, is that new development is to be massed to fit harmoniously into its existing or planned context while limiting the impacts on neighbouring streets, parks and open spaces. Development must be appropriately massed to define the edges of these spaces while adequately limiting shadowing and uncomfortable wind conditions.

Taller buildings have larger civic responsibilities and the Plan contains additional built form policies to address key urban design considerations. The Plan requires tall building proposals to demonstrate how the proposed building and site design contributes to and reinforces the overall City structure as it relates to the existing or planned context. Tall building proposals are also required by the Plan to provide high quality, comfortable and publicly accessible open spaces and areas while meeting other goals and objectives.

Zoning

The block bounded by Yonge Street, Eglinton Avenue West, Duplex Avenue and Orchard View Boulevard is zoned CR T5.0 C4.0 R3.0 by Zoning By-law 438-86 of the former City of Toronto. The maximum building height permitted is 61m. The CR zoning permits a wide range of commercial, office, hotel and retail uses with a density of 4 times the area of the lot. Residential uses are also permitted at a density of 3 times the

area of the lot with mixed use developments including commercial and residential components being permitted to a maximum density of 5.0 times the area of the lot (provided the commercial or residential components do not exceed their maximum density).

Site specific By-law 110-68 was enacted by Toronto City Council in 1968 which defines the subject lands as one lot for zoning purposes and defines the mixed use development as one building that was required to meet the following standards:

- The total gross floor area of the building may not exceed 1,501,735 square feet (139,511m²).
- No part of the building can be located above a level of 575 feet (175.2m) above City of Toronto Geodetic Datum unless wholly contained within envelopes set out on a plan attached to the By-law. The heights which correspond to these envelopes are 17 and 22 storeys for the residential buildings, and 22 and 31 storeys for the non-residential buildings.
- A minimum of 6,131m² of landscaped open space must be provided, which may include landscaped open space provided on a roof provided it has an elevation not exceeding 555 feet (169.16m) above City of Toronto datum.

Landscaped open space is defined by the Zoning By-law as an “open, unobstructed space suitable for the growth and maintenance of grass, flowers, bushes and other landscaping within 1.2m of grade level that is not designated as residential amenity space pursuant to the requirements of this by-law and on the part of the lot unoccupied by building or structure”. The site specific exception permits rooftop landscaped open space, provided that the elevation of the roof does not exceed a certain height.

As outlined above, a series of minor variances to By-law 110-68 increased the floor area permission and reduced the required amount of landscaped open space. The most recent approval, issued by the Committee of Adjustment on August 12, 1997 permitted an additional 6,819m² of gross floor area and lowered the minimum amount of landscaped open space to 4,715m².

Site Plan Control

A Site Plan Control application is required but has not been submitted by the applicant.

Reasons for the Application

An amendment to the Zoning By-law is required as the height, density and building envelope of the proposal is not permitted by site specific By-law 110-68 as varied. The site would also be deficient in required landscaped open space. Also, appropriate performance standards including minimum and maximum parking supply required and the loading requirements associated with the proposal need to be established for the site.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Survey and Existing Site Plan
- Architectural Plans and Elevations
- Planning Rationale Report
- Transportation Considerations Report
- Urban Design Rationale Report
- Sun/Shade Analysis
- Green Development Checklist
- Servicing Report
- Pedestrian Wind Assessment
- Arborist/Tree Preservation Report
- Rental Housing Demolition and Conversion Screening Form

A Notification of Complete Application was issued on March 23, 2009.

Issues to be Resolved

On a preliminary basis, the following issues have been identified:

1. The appropriateness of the additional gross floor area proposed for the site.
2. The appropriateness of the additional height proposed for the existing office towers.
3. The appropriateness of the addition to the retail concourse as it projects into the open space at grade in terms of built form and public realm implications including:
 - a. Appropriate streetscape along two important arterial streets (Eglinton Avenue West and Yonge Street);
 - b. Appropriate step backs and massing around the base of existing tall buildings;
 - c. The adequacy of landscaped open space to be provided and the form which the space takes given the significant civic role the northwest corner of Yonge Street and Eglinton Avenue has established since the development of this mixed use complex; and
 - d. The relationship of pedestrian circulation through the block.
4. The appropriateness of a further reduced parking standard given the constraints on providing additional spaces.
5. The mitigation of adverse wind and shadow conditions created by both the existing and proposed built form.

6. The consideration of improved access to underground concourses leading to the Eglinton subway station.
7. The integration of the site with other initiatives in the Yonge-Eglinton area including the recently completed review of the southwest quadrant.

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

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

CONTACT

Christian Ventresca, Planner
Tel. No. (416) 395-7129
Fax No. (416) 395-7155
E-mail: cventre@toronto.ca

SIGNATURE

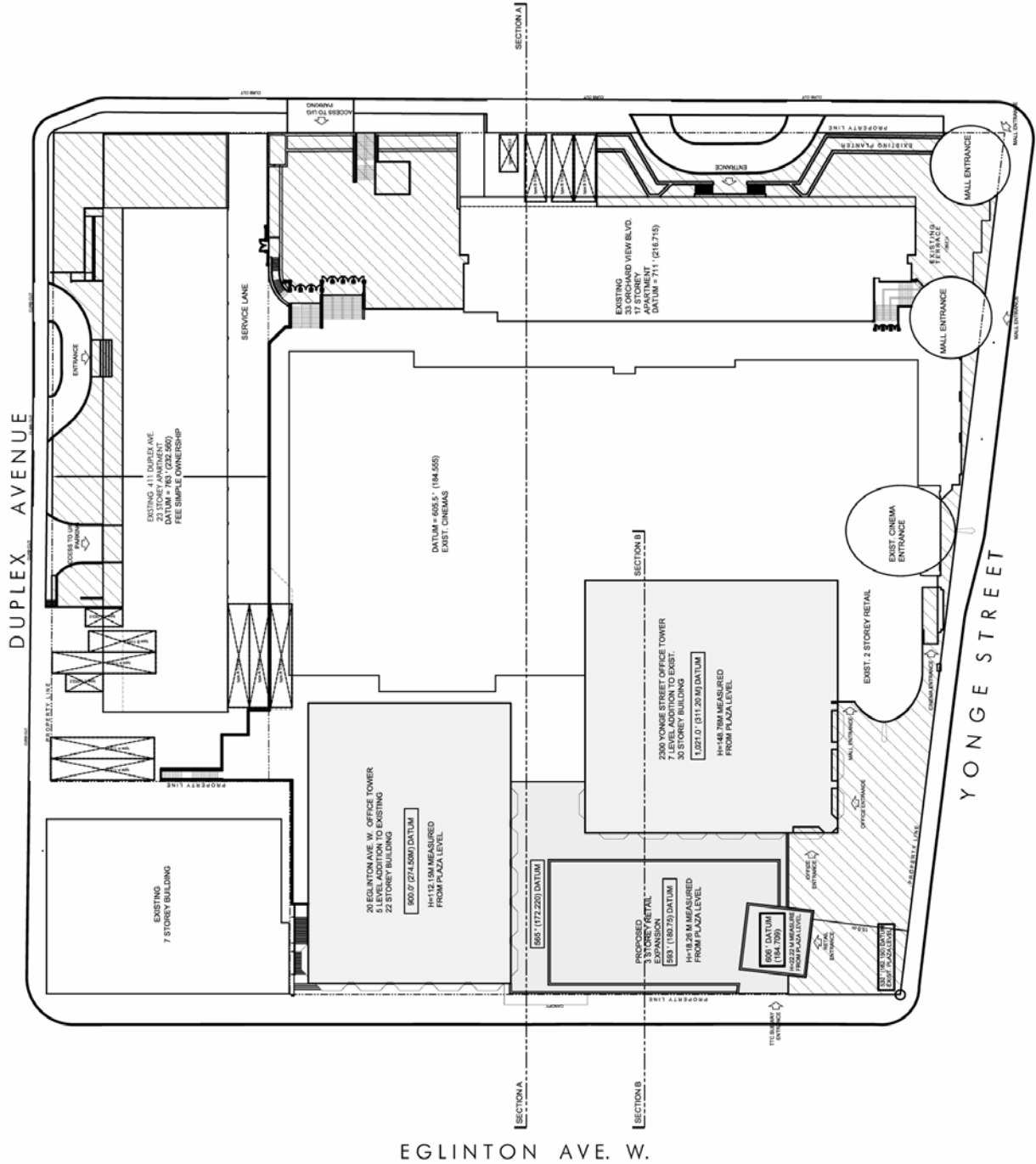
Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 3: East Elevation
Attachment 4: Official Plan
Attachment 5: Zoning
Attachment 6: Application Data Sheet

Attachment 1: Site Plan

ORCHARD VIEW BOULEVARD



Site Plan

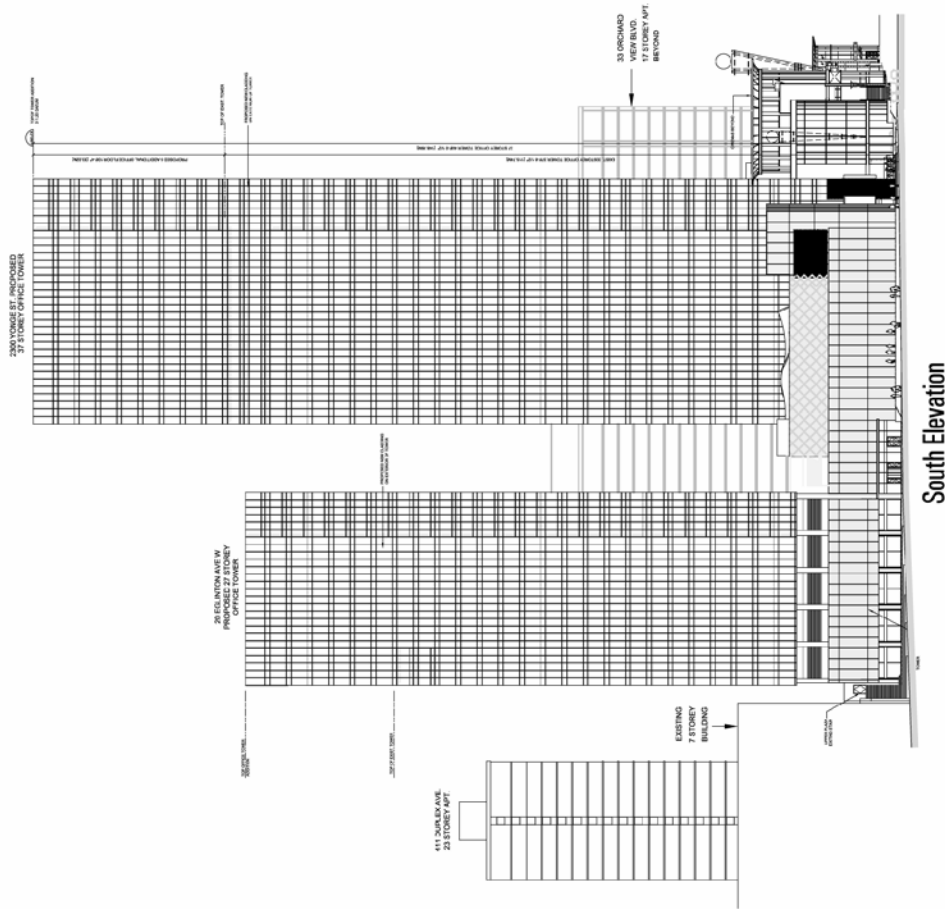
Applicant's Submitted Drawing

Not to Scale 

2300 Yonge Street, 411 Duplex Avenue
and 33 Orchard View Boulevard

File # 09_110945

Attachment 2: South Elevation

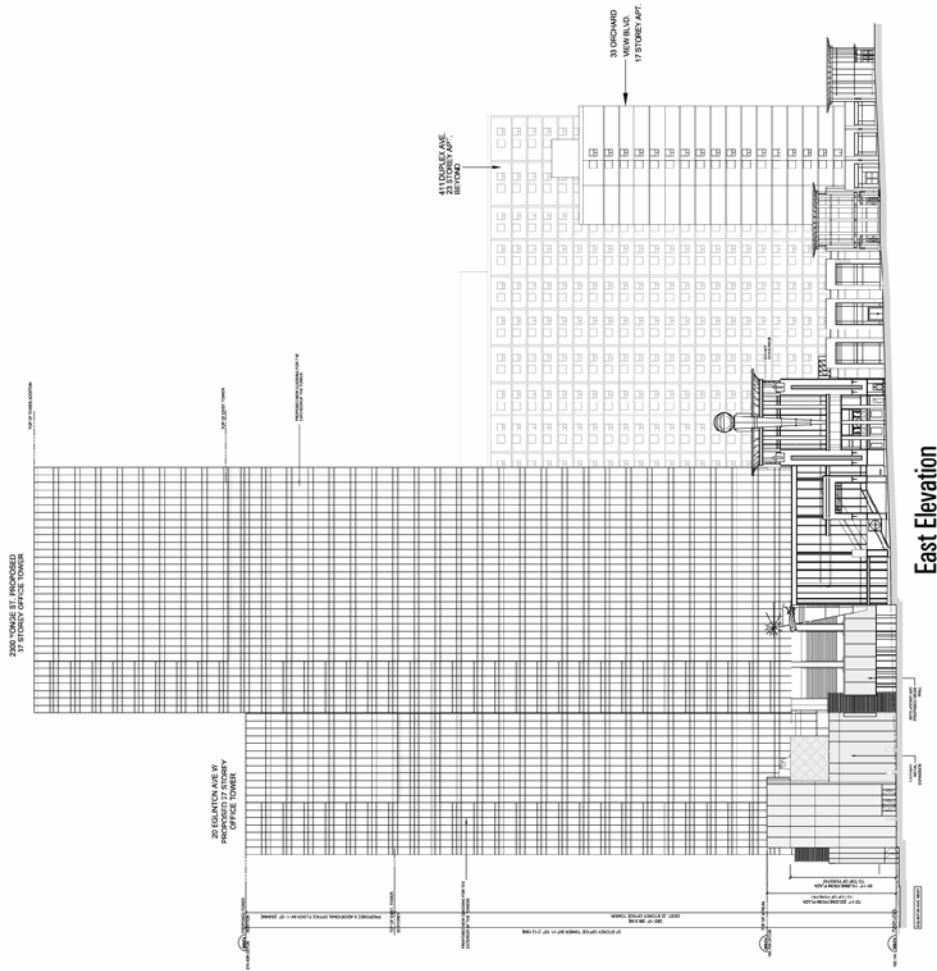


Elevations 2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard

Applicant's Submitted Drawing
 Not to Scale
 03/06/2009

File # 079_110945

Attachment 3 – East Elevation



East Elevation

2300 Yonge Street, 411 Duplex Avenue and 33 Orchard View Boulevard

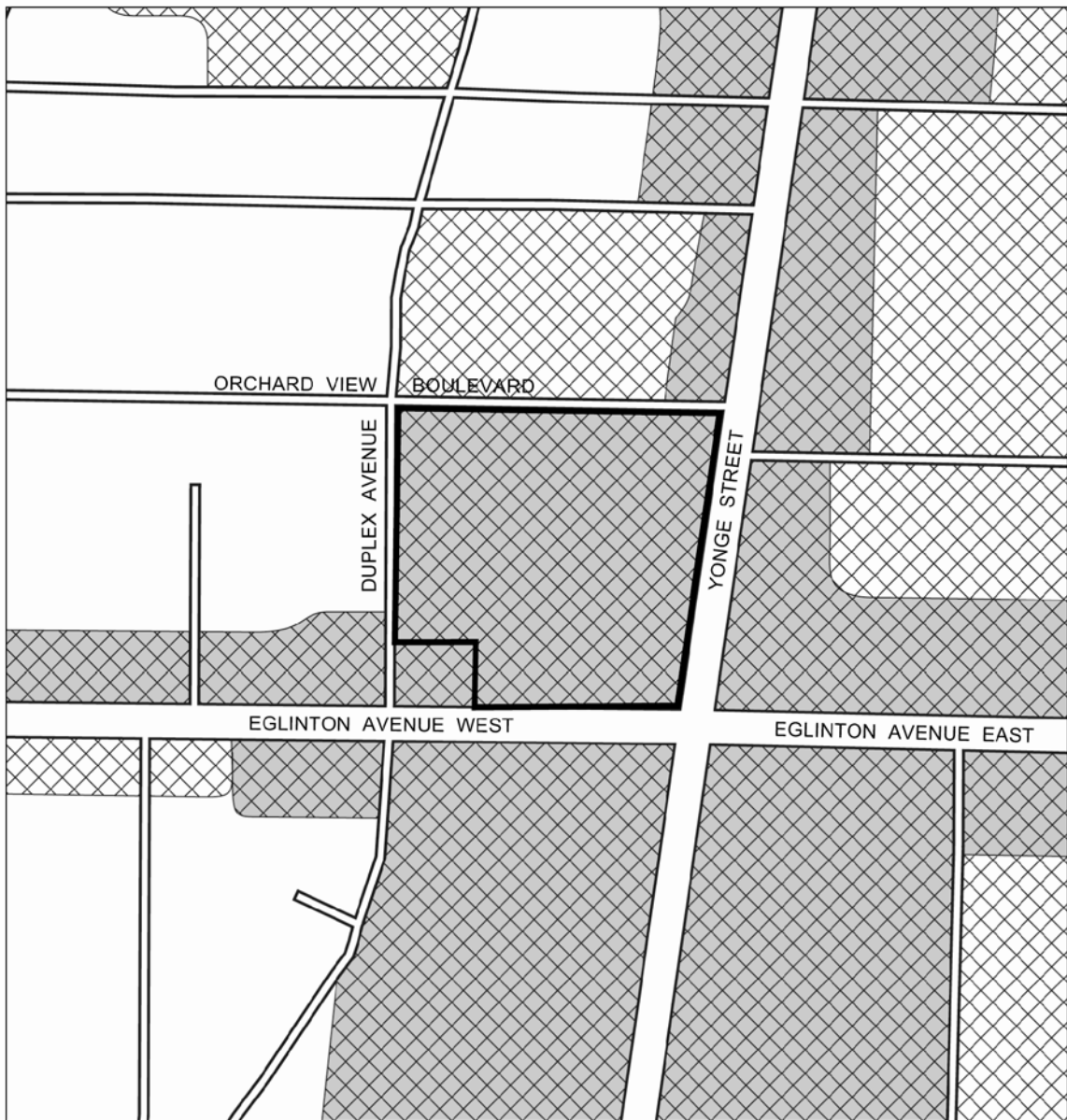
Elevations

Applicant's Submitted Drawing

Not to Scale
03/06/2009

File # 079_110945

Attachment 4: Official Plan



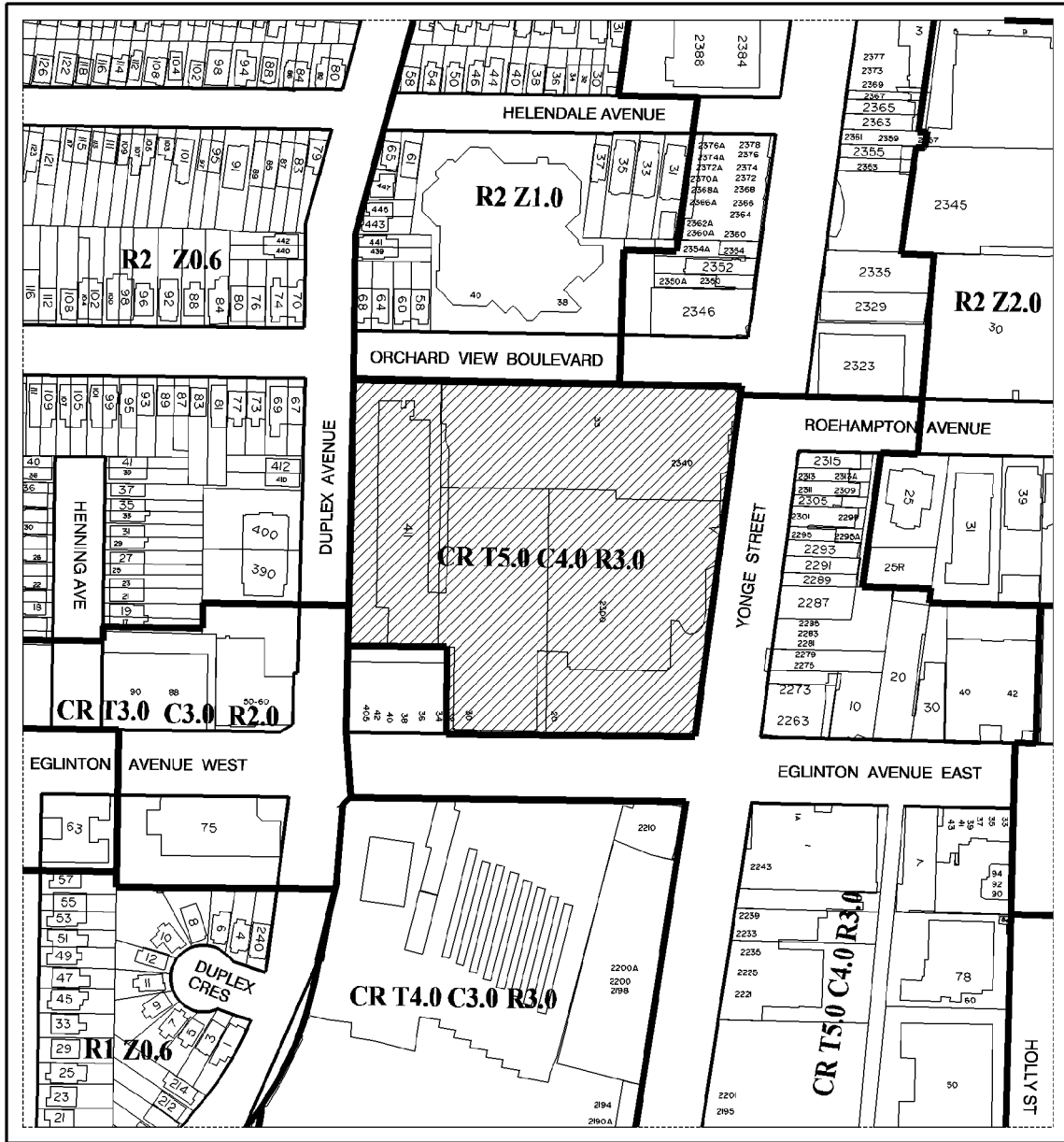
Toronto City Planning
Official Plan

**2300 Yonge Street, 411 Duplex Avenue
 and 33 Orchard View Boulevard**

File # 09_110945



Attachment 5: Zoning



2300 Yonge Street, 411 Duplex Avenue
and 33 Orchard View Boulevard
File # 09_110945

- R1 Residential District
- R2 Residential District
- CR Mixed-Use District



Not to Scale
Former Toronto Zoning By-law 438-86
Extracted 03/05/2009

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	09 110945 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	February 20, 2009

Municipal Address: 2300 YONGE ST, 411 DUPLEX AVE & 33 ORCHARD VIEW BLVD.
 Location Description: PL 818Y PT LTS 1 TO 6 CLOSED STARREIT AVE CLSD LANE PL 491Y RESERVE
 **GRID N1606
 Project Description: Renovation of the interior retail mall, office lobbies and pedestrian connections, to extend a coherent public realm throughout the centre

Applicant:	Agent:	Architect:	Owner:
GOODMANS LLP			RIO CAN YEC HOLDINGS MC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	BL 110-68
Zoning:	CR T5.0 C4.0 R3.0	Historical Status:	
Height Limit (m):		Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	19515	Height:	Storeys:	37
Frontage (m):	141.8		Metres:	0
Depth (m):	100.14			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	51633		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	118433		Loading Docks	13
Total GFA (sq. m):	118433			
Lot Coverage Ratio (%):	0			
Floor Space Index:	8.7			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	782

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	51633	0
Retail GFA (sq. m):	30260	0
Office GFA (sq. m):	88173	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Christian Ventresca, Planner
	TELEPHONE:	(416) 395-7129