

94 Cumberland Street - Rezoning Application - Preliminary Report

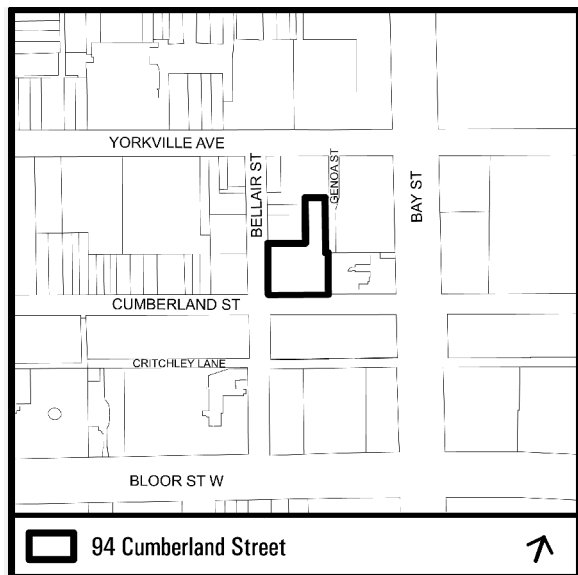
Date:	December 10, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	10 288955 STE 27 OZ

SUMMARY

This is a rezoning application to permit the redevelopment of the lands at 94 Cumberland Street for the purposes of constructing a 26-storey 105 unit mixed use building including 3 storeys of retail and 79 parking spaces located in 5 levels of underground parking.

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

The next step is to conduct a community consultation meeting to allow the public to review the application and provide feedback. This meeting is expected to take place early in 2011.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 94 Cumberland Street 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.

DECISION HISTORY

Pre-Application Consultation

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

ISSUE BACKGROUND

Proposal

The development includes the demolition of the existing 9 storey office building and replacement with a 26-storey (100 metres tall including mechanical screen) mixed-use building containing residential and commercial uses. A total of 105 units (29 one bedroom and 76 two bedroom) are proposed within the tower component of the project. Retail and restaurant uses are proposed for the two storey podium and the first floor of the tower, with an outdoor restaurant patio on the roof of the podium.

A total of 79 parking spaces (72 residential and 7 visitor spaces) are proposed in five levels of underground parking accessed from Genoa Street at the rear of the building. Servicing and loading functions are proposed to be accommodated at the rear of the building from Genoa Street.

Attachments 1 and 2 show the proposed site plan and building elevations. For a summary of the application details please refer to the Application Data Sheet in Attachment 4.

Site and Surrounding Area

The site is located in the Midtown Area of Toronto and is within the block bounded by Yorkville Avenue to the north, Bay Street to the east, Cumberland Street and Bellair Street to the west. The site has an area of 1,316 m² with a 35 metre frontage on

Cumberland Street and 30 metres along Bellair Street. The site is generally square in shape but includes a piece of land that extends northerly along Genoa Street, a public right-of-way accessed from Yorkville Avenue. (See site plan at attachment 1). The site is currently occupied by a nine storey office building with retail uses at grade. Access to underground parking is currently accessed from Bellair Street.

Abutting properties and other development in the vicinity of the site is as follows:

North: Within the same block and immediately to the north of the site along Bellair is a row of three storey commercial buildings containing a mix of restaurant, retails and office uses. On the north side of Yorkville Avenue at the terminus of Bellair Street is an 18-storey mixed use building forming part of the redevelopment of lands at 76-100 Yorkville Avenue.

East: Immediately to the east of the site within the same block are two 18-storey mixed-use buildings with frontage on Bay Street (80 Cumberland Street and 61 Yorkville Avenue).

South: On the south side of Cumberland Street is a nine storey office building containing retail at grade (1240 Bellair Street) and the entrance to the Bay Subway Station.

West: The west side of Bellair Street and north side of Cumberland Street is characterised by commercial buildings of one to three storeys in height. On the south side of Cumberland Street is the Village of Yorkville Park which extends westerly to approximately Old York Lane.

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 site is at the north end of the *Downtown* as shown on Map2, Urban Structure, of the Official Plan. The site is on the Official Plan land Use Map designated as a *Mixed Use*

Area. In Chapter 2, the Plan outlines a growth strategy for the City that highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged.

The Built Form policies of the Plan recognize the importance of good urban design as an essential ingredient of successful city building. The general built form policies of Section 3.1.2 and 3.1.3 related to Tall Buildings in particular, are to be reviewed in the context of this application.

As previously stated, the subject property is located within a designated *Mixed Use Area*. *Mixed Use Areas* are made up of broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Development Criteria for *Mixed Use Areas* set out in Policy 4.5.2 will be reviewed in the context of this application

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

Site and Area Specific Policy 211

The Official Plan contains Site and Areas Specific Policies for some parts of the City which provide additional policy guidance. Policy 211 applies to the entire Bloor-Yorkville/North Midtown Area, bounded by Avenue Road, Bloor Street, Sherbourne Street, Rosedale Valley Road, Yonge Street and CPR rail line to the north. The policy speaks to the overall built form context, the character of specific areas, the public realm and urban design.

Policy 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the Downtown, it provides for transition in density and scale towards the boundaries of the area from the more intensive land use and development forms to the south and sites within the Height Peak at Yonge and Bloor Streets.

The key components of this Area Specific policy as it relates to development on the subject site are: height transition; development in mixed-use areas; and the use of area-based urban design guidelines.

The Area Specific policy is available on the City's website at:
http://www.toronto.ca/planning/official_plan/pdf_sitespecific/sas_policies_209_to_221_oct2009.pdf

Zoning

At its meeting of August 25-27, 2010, City Council adopted a new, harmonized, Zoning By-law for the City of Toronto. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board. Under this new zoning bylaw the property

has a split zoning with the majority of the site that fronts onto the corner of Bellair and Cumberland Streets zoned CR 6.0 (c4.5; r6.0) SS1 (x1477) and the rear portion of the site adjacent to Genoa Street zoned CR 3.0 (c2.5; r3.0) SS1 (x2271). The new Zoning By-law maintains the maximum density and height limits of Zoning By-law 438-86 (attachment 3). Under Zoning Bylaw 438-86 the zoning for the property is CR T6.0 C4.5 R6.0. and CR T3.0 C2.5 R3.0. The site is subject to dual heights of 46 metres for the front portion and 18 metres for the rear portion. Permitted uses include a range of residential and non-residential uses including office, retail and restaurants.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines were approved by Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of the Urban Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;
- Protection of the low-rise, pedestrian –oriented mixed use area from the adverse impact of high-rise development;
- Protection of residential areas from adverse impacts of commercial and/or higher density development;
- Improvement of the public realm and publicly accessible areas; and
- Excellence in urban design, architecture, and landscaping.

The guidelines can be found on the City's website at:

http://www.toronto.ca/planning/urbdesign/pdf/blooryorkville_final.pdf

Tall Building Guidelines

Toronto City Council approved the use of the document “Design Criteria for Review of Tall Building Proposals” in June, 2006. In April, 2010, Council extended the authorization of its use. 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, heritage conservation, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations and sustainable design. This document will be used to assess the proposed tower.

The City’s “Design Criteria for Review of Tall Building Proposals” can be found on the City’s website at: <http://www.toronto.ca/planning/urbdesign/index.htm>

Site Plan Control

The development is subject to site plan control. A site plan approval application has been submitted and will be reviewed concurrently with this application.

Reasons for the Application

The applicant seeks to amend provision of Zoning Bylaw 438-86 and Zoning Bylaw 1156-2010 as the proposed height of 100 metres and density of 12 times the lot area exceeds that permitted under the existing zoning (46 metres and 6 times area of lot, respectively). Other areas of non-compliance to the zoning by-law will be identified through the review of the application.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural Drawings, IBI Group
- Planning Rationale and Community Services and Facilities Study, Walker Nott Dragicevic Associates Limited
- Urban Design Brief, Brook McIlroy Inc.
- Shadow Impact Study, R. Bouwmeester & Associates
- Transportation Considerations Report, BA Group Transportation Consultants
- Functional Servicing Report, Al Underhill Associates Limited
- Green Development Standards Checklist
- Pedestrian Wind Assessment, RWDI Consulting Engineering and Scientists

A Notice of Complete Application was issued to the Applicant on December 6, 2010.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

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.

Issues to be Resolved

Prior to presenting a Final Report to Toronto and East York Community Council, the following issues, as well as any others identified by staff and the public, will need to be reviewed and addressed:

- consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;

- conformity with Official Plan policies, particularly with respect to the sections on *Mixed Use Areas*, built form and built form for tall buildings;
- conformity with the Design Criteria for Review of Tall Building Proposals, namely the sections on transition in scale, separation distance, pedestrian realm and sustainable design;
- consistency with the urban design guidance outlined in the Bloor-Yorkville/North Midtown Urban Design Guidelines
- other built form and massing issues including, but not limited to: height, setbacks, step backs, sky view, light penetration, privacy and wind mitigation;
- sustainability components of the building and the applicant's commitment to TGS targets;
- transportation issues related to local traffic impacts, vehicular and bicycle parking, access and loading;
- proposed landscaping on or adjacent to the subject property; and
- identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

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

CONTACT

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 E-mail: ltinker@toronto.ca

SIGNATURE

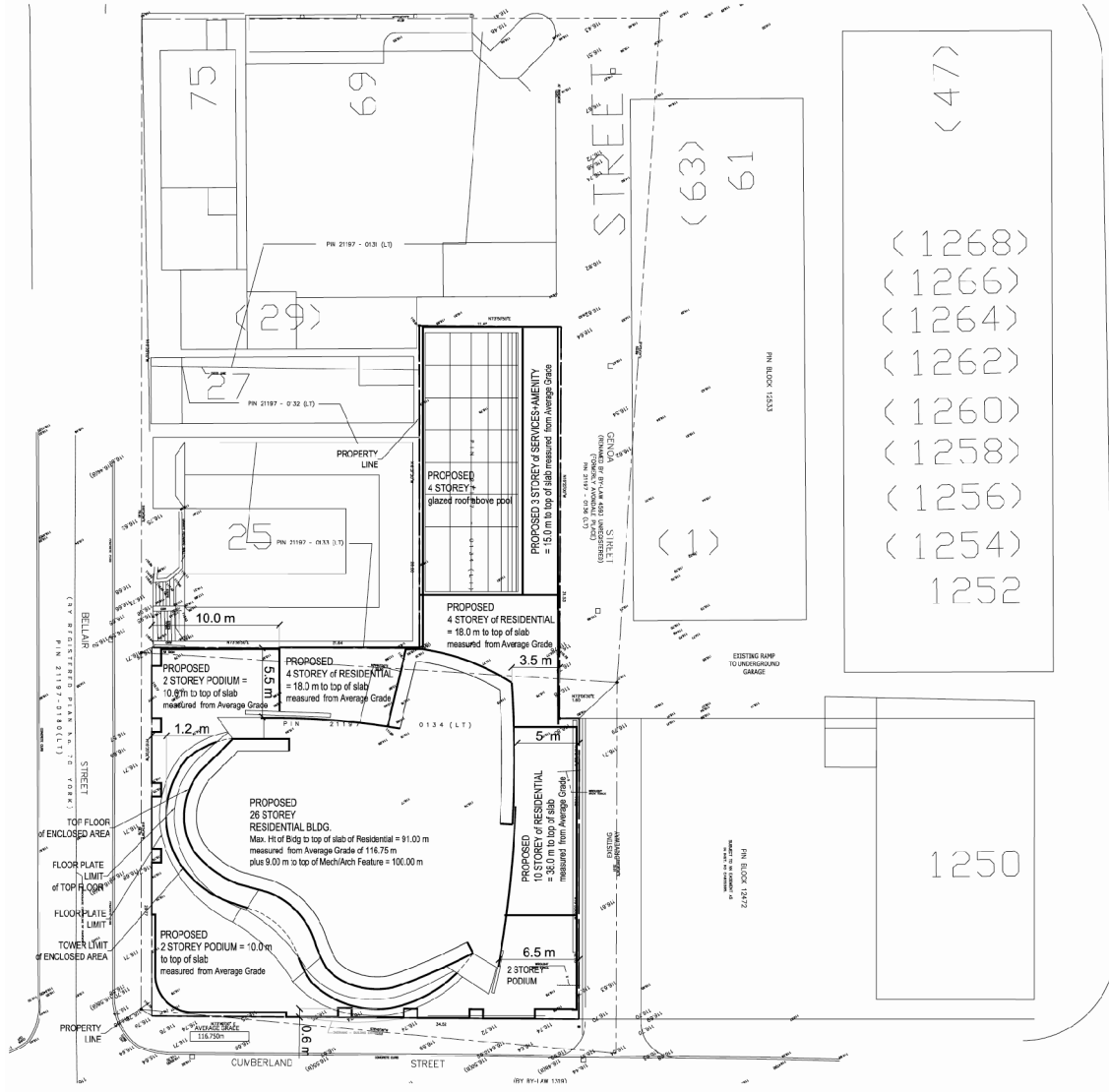
Raymond David, Director
 Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan as provided by applicant
- Attachment 2: Elevations as provided by applicant
- Attachment 3: Zoning
- Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

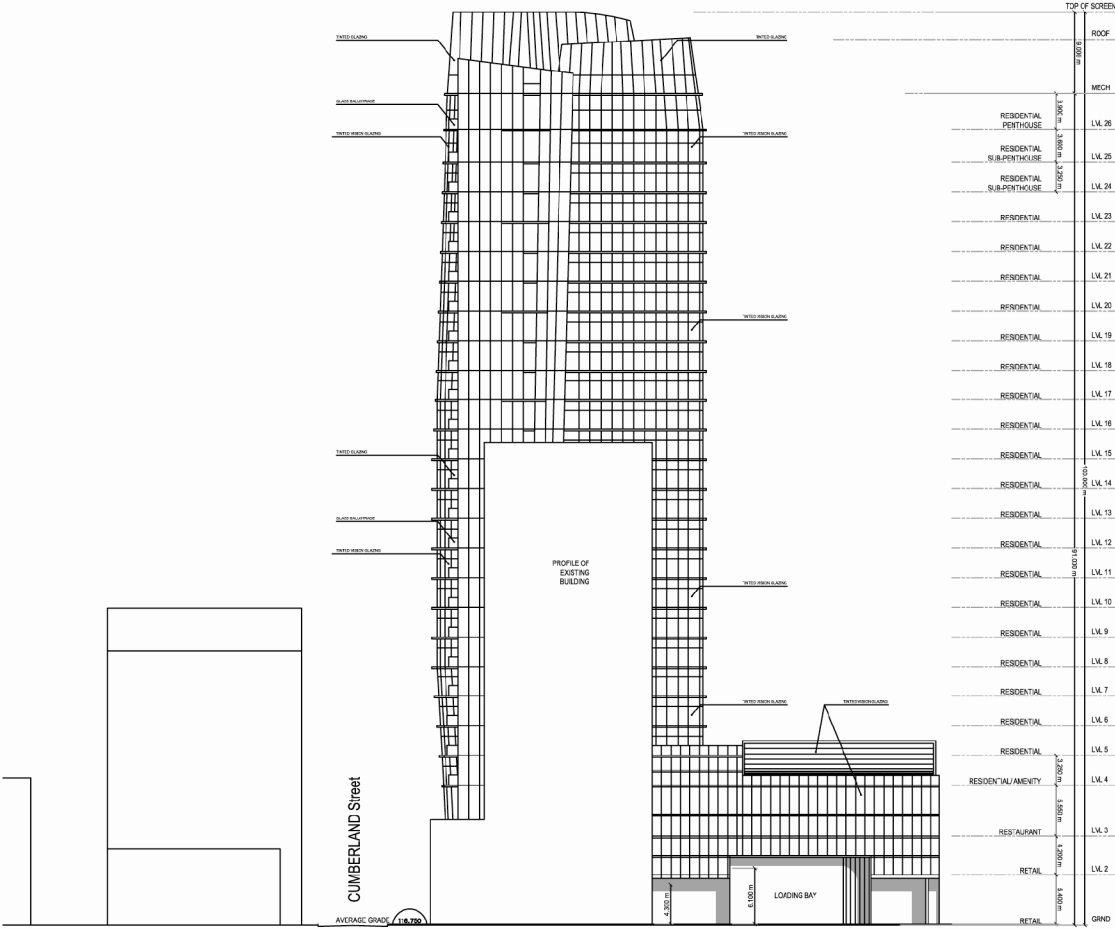
94 Cumberland Street

Applicant's Submitted Drawing

Not to Scale 

File # 10_288955

Attachment 2: East Elevation



EAST Elevation

Elevations

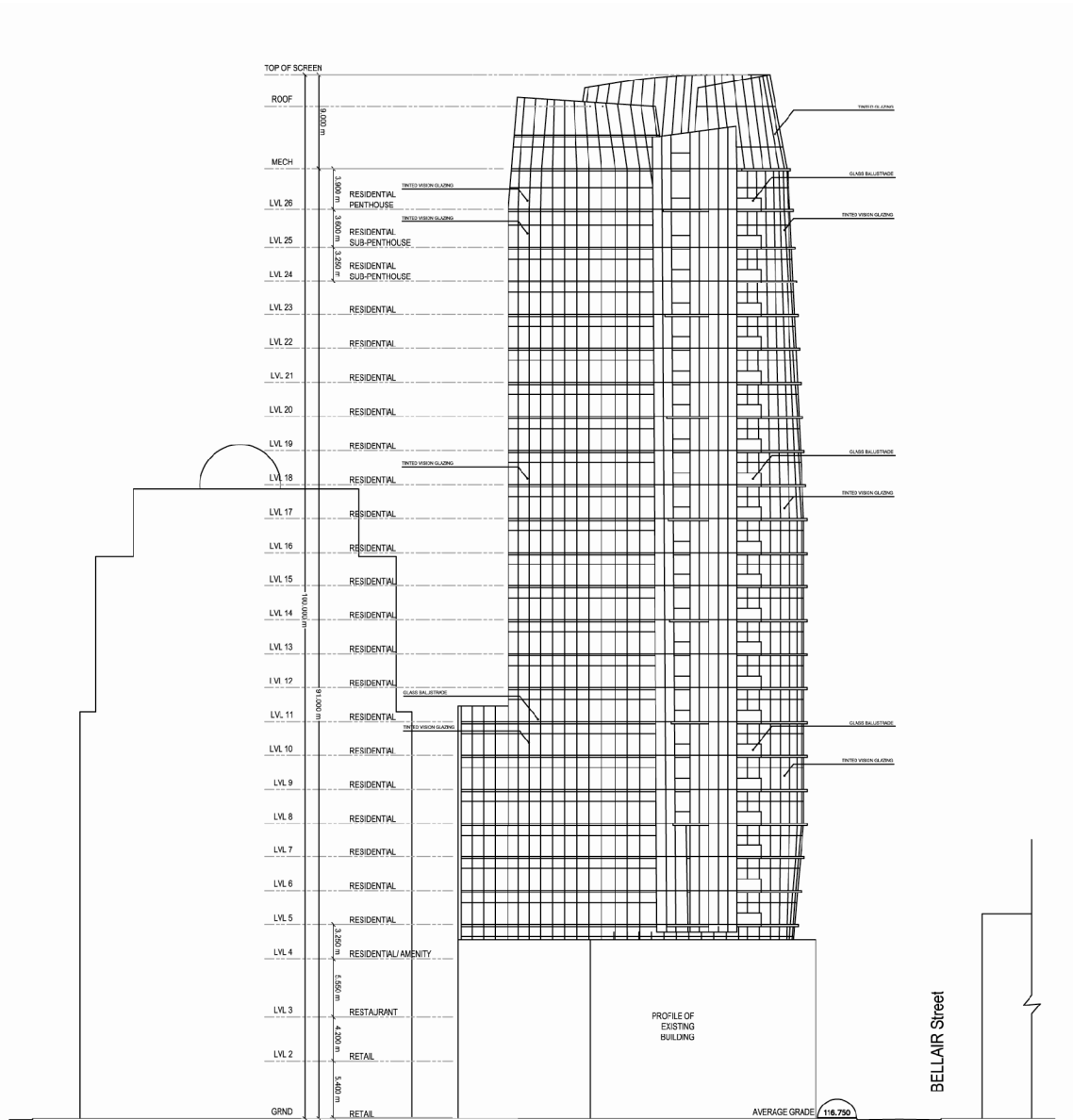
Applicant's Submitted Drawing

Not to Scale
12/01/10

94 Cumberland Street

File # 10_288955

North Elevation



Elevations

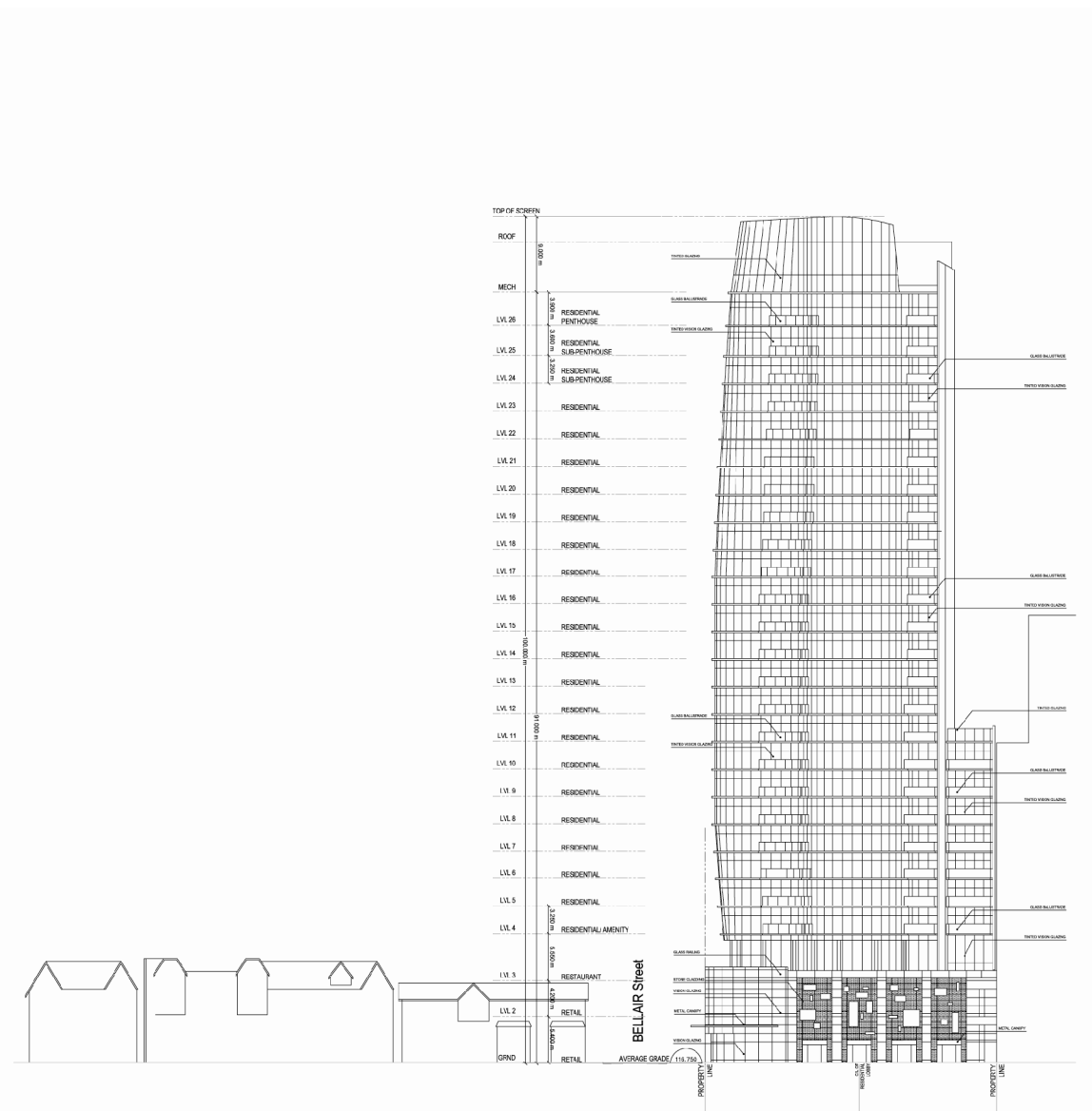
Applicant's Submitted Drawing

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94 Cumberland Street

File # 10_288955

South Elevation



SOUTH Elevation

Elevations

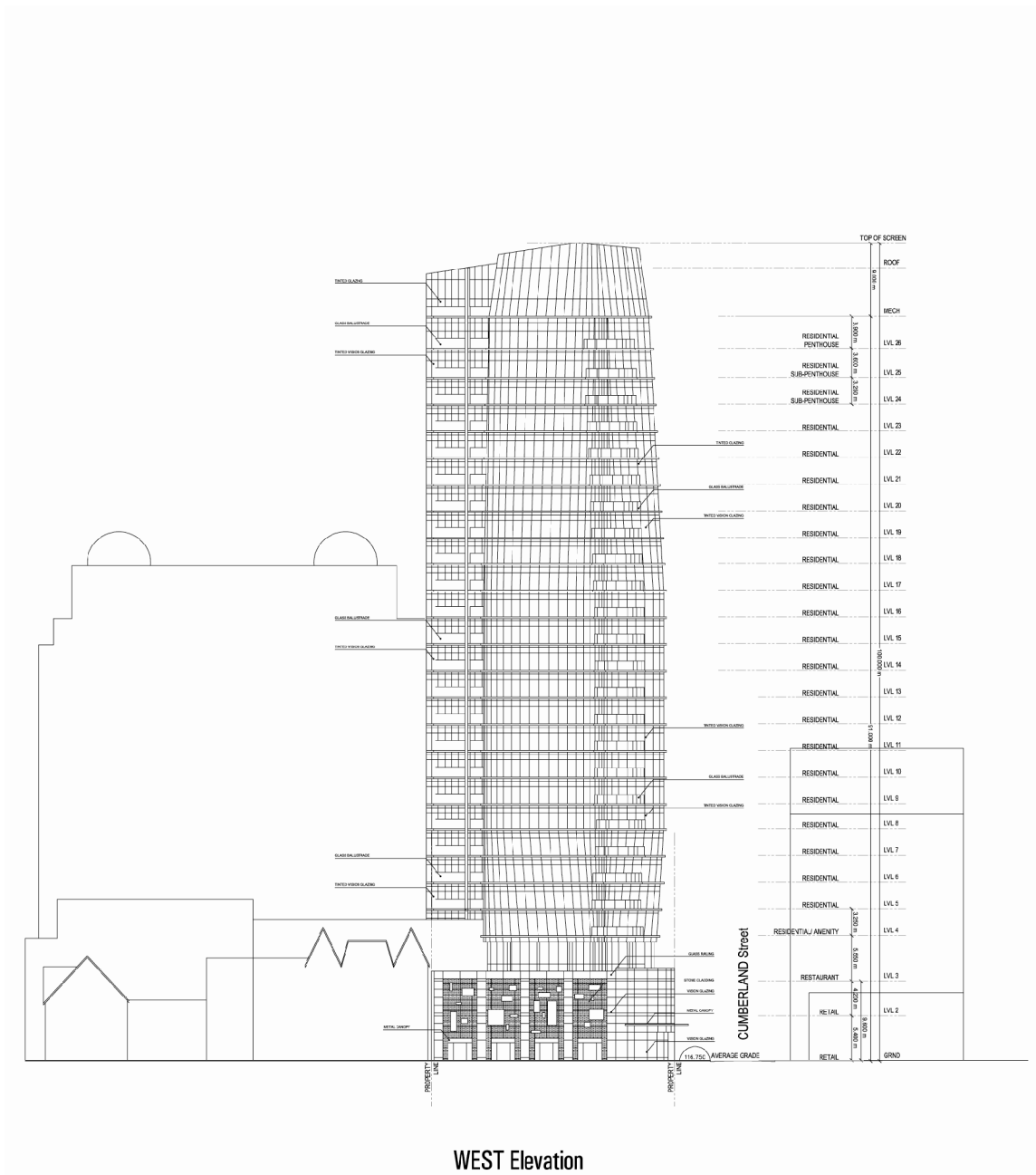
Applicant's Submitted Drawing

Not to Scale
12/01/10

94 Cumberland Street

File # 10_288955

West Elevation



Elevations

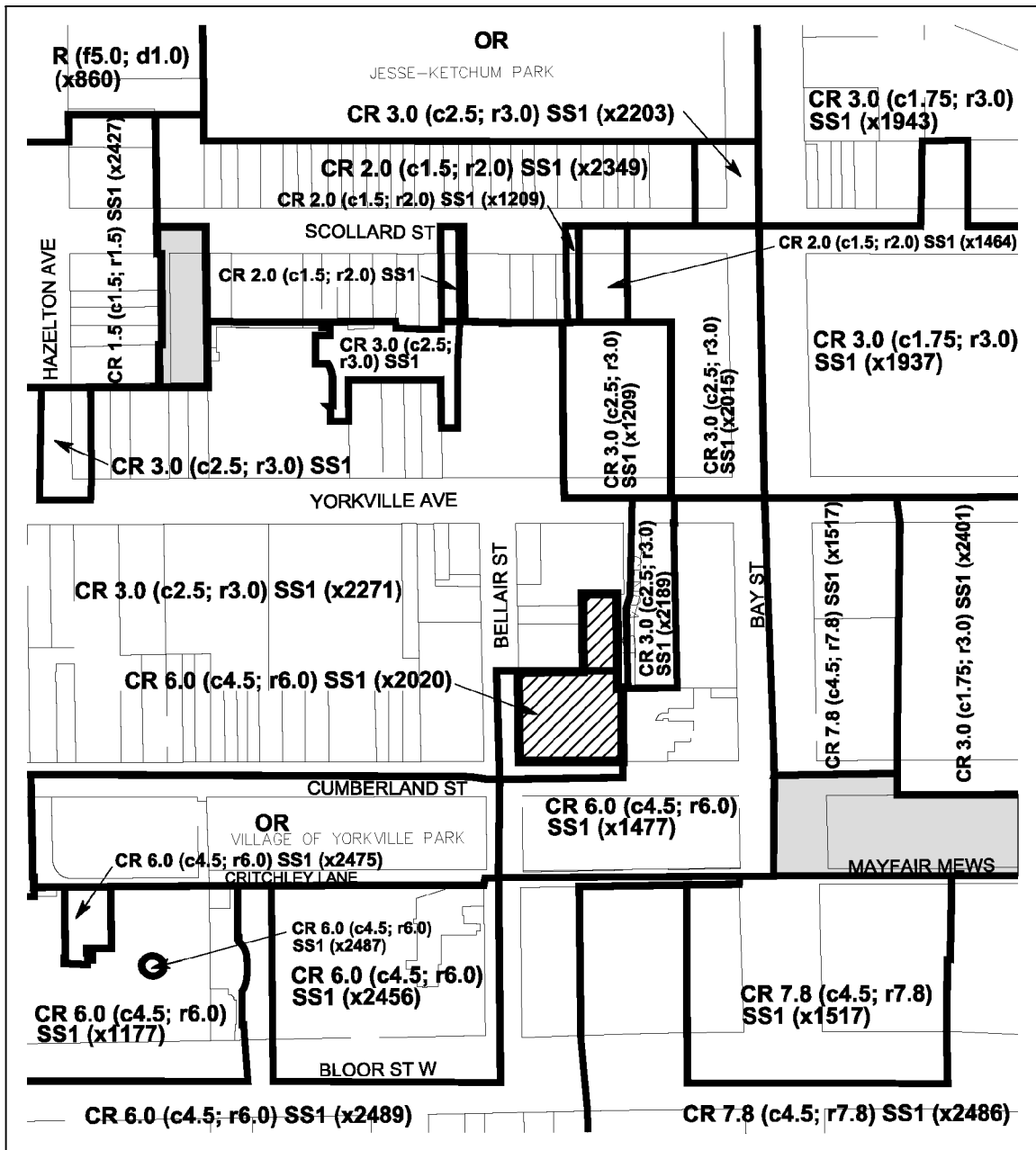
Applicant's Submitted Drawing

Not to Scale
12/01/10

94 Cumberland Street

File # 10_288955

Attachment 3: Zoning



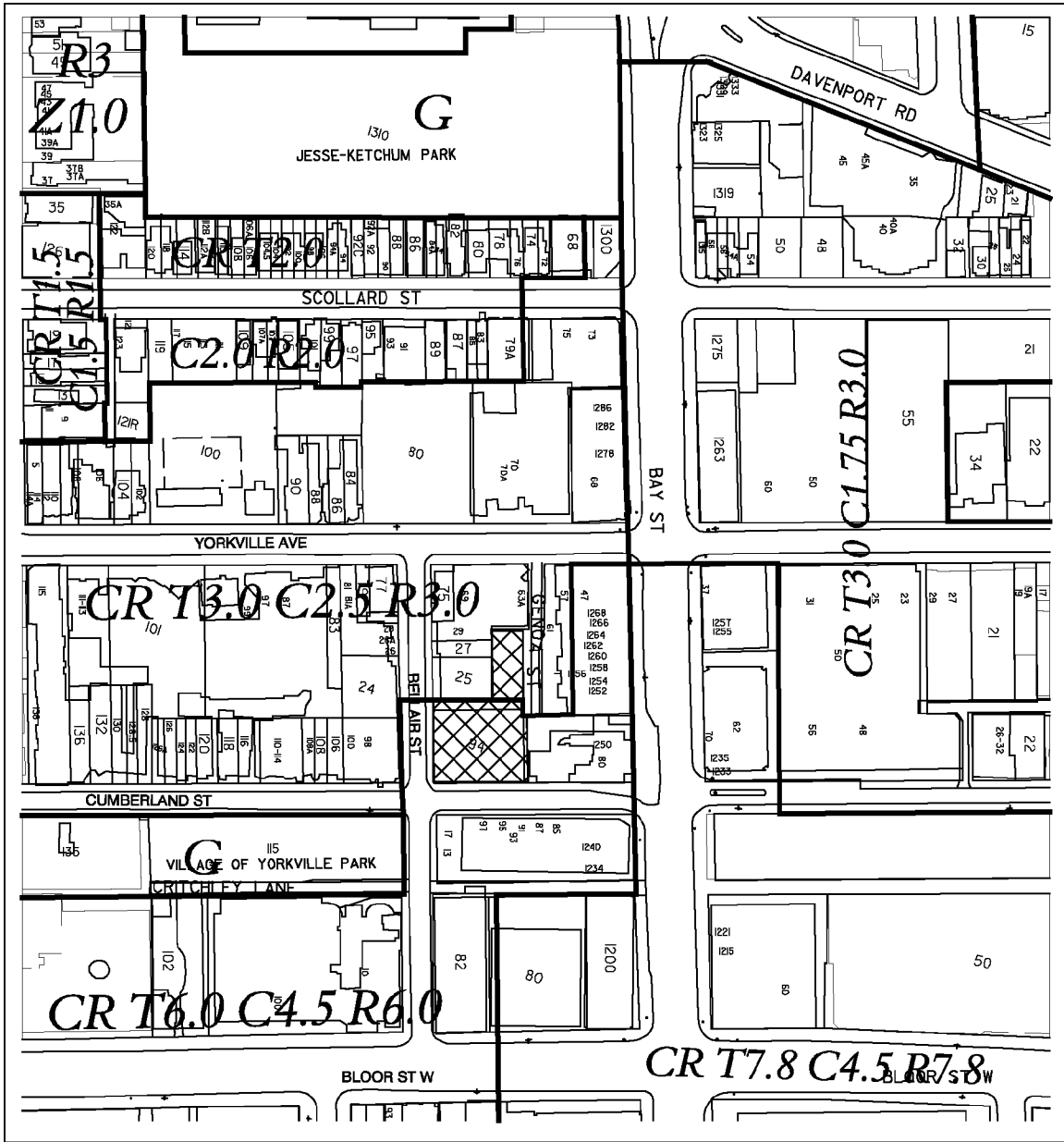
Zoning-City of Toronto By-law 1156-2010

94 Cumberland Street

File # 10 288955 0Z

-  Not Part of By-Law 1156-2010
-  Location of Application
- R Residential
- OR Open Space Recreation
- CR Commercial Residential

↑ Not to Scale
12/8/10



TORONTO City Planning
Zoning

94 Cumberland Street
 File # 10_288955

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



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 12/17/10

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	10 288955 STE 27 OZ
Details	Rezoning, Standard	Application Date:	November 1, 2010

Municipal Address: 94 CUMBERLAND ST

Location Description: PLAN 69 LOT 6 PLAN 46 PT LOT 4 PLAN 70 LOTS 12, 14 & PT LOT 10 **GRID S2703

Project Description: Rezoning Application for new mixed use commercial residential building containing 105 residential suites, 26 storey building with 3 stories of retail and 23 stories of residential - 79 parking spaces - 5 levels below grade parking. Please see 10 288949 STE 27 SA for Site Plan Approval

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL		IBI GROUP	94 CUMBERLAND INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR T6.0 C4.5 R6.0; CR T3.0 C2.5 R3.0	Historical Status:	
Height Limit (m):	46, 18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1316.5	Height:	Storeys:	26
Frontage (m):	34.52		Metres:	91
Depth (m):	29.77			
Total Ground Floor Area (sq. m):	838			Total
Total Residential GFA (sq. m):	13171		Parking Spaces:	79
Total Non-Residential GFA (sq. m):	2603		Loading Docks	3
Total GFA (sq. m):	15774			
Lot Coverage Ratio (%):	63.7			
Floor Space Index:	11.98			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	13171
Bachelor:	0	Retail GFA (sq. m):	2603
1 Bedroom:	29	Office GFA (sq. m):	0
2 Bedroom:	76	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	105		