# **TORONTO STAFF REPORT**

October 5, 2004

To:	North York Community Council
From:	Director, Community Planning, North District
Subject:	Request for Direction Report OPA & Rezoning Application 04 109551 NNY 23 OZ Site Plan Application 04 150493 NNY 23 SA Proponent: Toronto District School Board and Rosedale Development Inc. Architect: Kohn Shnier Architects and E.I. Richmond Architects 4917-4975 Yonge St., 11-27 Hollywood Ave., 8-18 & 50 Spring Garden Avenue

Ward 23 - Willowdale

#### Purpose:

This report reviews and recommends direction on a proposal to amend the North York Official Plan and Zoning By-law to permit a development encompassing a 35 storey condominium building on Yonge Street having 2 floors of commercial use, a new Toronto District School Board school building, and two 24 storey condominium buildings. A 36 storey condominium is proposed to replace the previously approved 30 storey building.

<u>Financial Implications and Impact</u> <u>Statement</u>:

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

Recommendations:

It is recommended that City Council:

- (1) Authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the applications submitted;
- (2) Authorize the City Solicitor and appropriate staff to support the



applications provided the site plan is revised to the satisfaction of City Planning staff respecting the following:

- (i) continuous driveway with a dedicated drop-off and pick-up area for the school between Hollywood Avenue and Spring Garden Avenue;
- (ii) below-grade parking garage for 40 spaces provided beneath the school building;
- (iii) publicly accessible landscape open space abutting Spring Garden Avenue and the school playground by shifting Building E northward;
- (iv) consolidation of driveway entrances; and,
- (v) minimum three floors of retail/commercial uses in Building C along the Yonge Street frontage.
- (3) Authorize the City Solicitor and appropriate staff to support the applications provided that the following standards be secured in the proposed By-laws:
  - (i) For the building located at 8 Spring Garden Avenue (Building B) the following shall apply:
    - a) total gross floor area to be increased from 20,606 m<sup>2</sup> to 31,485 m<sup>2</sup>
    - b) maximum number of units to be increased from 318 to 342
  - (ii) For the building located at 4917-4975 Yonge Street (Building C) the following shall apply:
    - a) maximum 34,395 m<sup>2</sup> gross floor area for residential use including density incentives
    - b) minimum 8,985 <sup>m2</sup> gross floor area for commercial use, to be located on the first three floors
    - c) ground floor to be used for retail use, and the second and third floors to have retail / commercial uses
    - d) maximum number of units of 405.
  - (iii) For the buildings located at 18 Spring Garden and 27 Hollywood Avenues, (Buildings D and E), the following shall apply:
    - a) maximum residential gross floor area of 47,551 m<sup>2</sup> including density incentives
    - b) maximum number of units of 580
    - c) maximum building height of 65 metres.

- (iv) For the school building located at 50 Spring Garden Avenue, the following shall apply:
  - a) maximum gross floor area of  $3789 \text{ m}^2$
  - b) maximum building coverage of 40%
  - c) maximum building height of 11 metres and 3 storeys.
- (4) Prior to the OMB hearing, the applicants shall submit revised, detailed plans to the City for review, based on the revisions discussed in this Report.
- (5) The City Solicitor shall request the Ontario Municipal Board to withhold its Order approving the Official Plan amendment and Zoning By-law until:
  - i) The owner has entered into an agreement under Section 37 of the Planning Act to:ensure the provision of an appropriate financial contribution to be used for community facility improvements in the area, to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism in consultation with the ward Councillor. Based on the height and density proposed, staff recommend a contribution in the range of \$500,000. In addition to this contribution, the Section 37 agreement shall also secure a contribution towards public art based on one percent of the estimated value of construction for Buildings D and E and the additional density for Buildings B and C. These payment shall be submitted to the City prior to issuance of the first building permit for Buildings B, C, D, or E. Prior to the first building permit, the applicant shall provide an irrevocable letter of credit in the value of 5% of the market value of the net site of Buildings C, D, and E for off-site parkland dedication.
  - ii) Conditions of site plan approval for the entire site have been established and the owner has entered into an agreement under Section 41 of the Planning Act to secure among other matters, the provision of a publicly accessible landscaped open space adjacent to Spring Garden Avenue and the school playground. The site plan agreement shall also continue to secure sidewalk improvements along Yonge Street, landscaping and an interim parking lot, illustrated as Phase 1A on Plan L-1 (Nov. 27, 2003), prior to the issuance of the first building permit for Buildings B, C, D. or E.
  - iii) By-laws are prepared to the satisfaction of the City Solicitor. The detailed zoning by-law shall incorporate performance standards which include, but are not limited to, regulations on building setbacks, building envelopes, build-to lines, parking, building heights, gross floor area of residential and commercial space, type of uses, number of dwelling units, minimum indoor recreational amenity space, outdoor open space area, parking and loading.

- iv) Upon detailed review of the revised plans, in preparation of the by-laws and required agreements, the applicant shall address the concerns of the commenting departments and agencies including the requirements of the Works and Emergency Services Department, Economic Development, Culture and Tourism Department, and the Toronto Transit Commission. These requirements shall be secured as appropriate in the Section 37 or Site Plan development agreements; and,
- v) The applicants have given a written undertaking in a form satisfactory to the City Solicitor, that upon the Official Plan amendment and zoning by-law described in this report coming into force and effect, the applicant's appeal of the new Toronto Official Plan as it relates to this site, be settled upon the necessary amendments to the new Toronto Official Plan being made to reflect the Official Plan amendment and zoning by-law approved by the Ontario Municipal Board.

#### Background:

#### Ontario Municipal Board Hearing

The applicants have sent a Notice of Appeal to the Ontario Municipal Board on the basis that the City has not acted in a timely fashion to the applications for rezoning, official plan amendment and site plan submitted to the City. A Pre-hearing conference before the Board on August 9, 2004 resulted in a hearing being scheduled for November 15 to 19 inclusive to deal with the lands owned by the Toronto District School Board, with later dates scheduled for the remainder of the site. This report reviews and evaluates the development proposal for the entire site as it requires a comprehense review.

#### Site History

The western half of the site was approved by the Ontario Municipal Board in August 2001 for an 18 storey commercial office building on Yonge Street with ground floor retail use and two 36 storey condominium buildings, (Buildings A and B). On this basis, site plan approval was given in December 2003 with Building B approved for 30 storeys.

#### Proposal

The proposal is for the block bounded by Yonge Street, Doris, Spring Garden and Hollywood Avenues and consists of a new school building for the Claude Watson School of Arts, four residential buildings, and one primarily residential buildings with a two storey podium having commercial uses. The total number of units proposed is 1704 with an overall density of 5.6 fsi.

In detail, the proposal incorporates the new schoool building; a 36 storey 342 unit condominium building on Hollywood Avenue (Building A), currently under construction; and a second 36 storey condominium 342 unit building on Spring Garden Avenue (Building B) in which 10,879  $m^2$  of gfa and 24 units and six floors are being added to the already approved building. Building C, located on Yonge Street, represents the conversion of the approved 18 storey office building having 26,475  $m^2$  of gfa with a 35 storey mixed used building having ground floor retail and office use on the second floor and 440 units above. Two further new 24 storey condominium buildings – one on Hollywood Avenue (Building D) and the other on Spring Garden Avenue (Building E), each having 290 units are also proposed. (See Attachment 1: Site Plan).

The proposal relies on utilizing the already approved density transfer and incentive from the Canadian Legion Hall of 5927  $m^2$  as well as density incentives permitted by the Official Plan for indoor recreational space, retail space, and below grade bicycle storage. The applicant is also proposing density incentives for the new school building. These density incentives are broken out as follows:

14,864 m <sup>2</sup>	School
2,643	At-grade Retail
2,556	Private indoor amenity area
3,064	Below grade bicycle storage
$23,127 \text{ m}^2$	

The previously approved site plan incorporates a service lane between Hollywood and Spring Garden Avenues running between Building C and Buildings A/B providing access to these three buildings. The applicants are not proposing any changes to the approved access arrangements for these buildings.

For Buildings D and E, separate driveways for drop-off and pick-up and access to the underground parking are proposed with a service lane adjacent to the future school. As well, a separate ramp leading to the underground garage for the school is proposed from Spring Garden Avenue. The applicant is proposing a total of 8 access points onto the site from Hollywood and Spring Garden Avenues.

The Claude Watson School for the Arts building is proposed to be demolished and a new building constructed facing Doris Avenue at the corner of Hollywood Avenues. The playground is to be located on the south portion of the school site. The building is proposed to be 3 storeys and have its main entrance facing the school yard. A secondary access is on the west side of the building. The parking garage is proposed to be located below grade in the area of the school yard. The garage is not physically connected to the school, and Board staff will exit the garage by stairs leading into the playground.

The applicants are proposing 58 parking spaces for the commercial component in the Yonge Street building, 1819 parking spaces for residents and visitors in all 5 buildings, and 41 spaces for the school, which includes one surface handicapped space.

Further information can be found on the Application Data Sheet in Attachment 7.

#### Site and Surrounding Area

The site area is 2.6 hectares and incorporates the entire block bounded by Yonge Street and Doris Avenue, and Spring Garden and Hollywood Avenues, with the exception of the Canadian Legion Hall site located at 6 Spring Garden Avenue. In addition to the Legion Hall, the block is currently occupied by the Claude Watson School for the Arts; and fronting Yonge Street, a block of 4 retail stores, a building containing a restaurant, and a sales pavillion for the condominiums. The previously approved 36 storey building at 23 Hollywood Avenue is currently under construction. The abutting uses are:

- North: 19 storey office building on north side of Hollywood Avenue at Yonge Street, and two apartment buildings at 18 and 28 Hollywood Avenue, and row of 3 storey townhouse at 38 Hollywood Avenue
- South: two 24 storey apartment buildings with 2 storey retail base on south side of Spring Garden Avenue
- East: across Doris Avenue, Willowdale Park and three storey townhouse block
- West: across Yonge Street, 24 storey office building (Madison Centre) and 35 storey residential building.

#### North York Official Plan

The block is within the Downtown of the North York Centre Secondary Plan. The portion of the site flanking Yonge Street is designated Downtown Mixed Use 1 which permits only commercial uses. The area where Buildings A and B will be located is designated Downtown Mixed Use 3 permitting commercial or residential use, while the eastern part of the block where Buildings D and E and the school will be located is designated Downtown Residential 1 permitting residential and institutional uses.

The maximum permitted density for the entire block is 4.5 fsi which can be increased by up to 33% of the permitted fsi for incentives to provide for ground floor retail uses, indoor residential amenity space, below-grade bicycle parking, and school/social facilities. The maximum building height ranges from west to east: 100 metres, 65 metres, then 11 metres in the north east corner of the block. The Secondary Plan also has policies with respect to built form and urban design.

The Claude Watson school site is identified in Map D.1.7 : North York Centre Conceptual Parks and Open Space Plan as Schools, Cemetary, and Ancillary Open Spaces.

#### 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 Official Plan is now before the Ontario Municipal Board and prehearing conferences are now taking place.

These properties are designated in the new Toronto Official Plan to reflect the uses, building heights, and densities permitted by the North York Centre Secondary Plan. The area flanking Yonge Street, designated Mixed Use Area A permits only commercial use while the remaining portion of the block is designated Mixed Use Area C and D which permit 100% residential use.

#### Zoning

Building C, fronting Yonge Street is subject to C1(99) and the two residential buildings (Buildings A and B) at 23 Hollywood Avenue and 18 Spring Garden Avenue are subject to RM6(107) enacted by the OMB in August 2001. The C1(99) zone permits an 18 storey commercial office building while the RM6(107) permits 2 residential buildings having a maximum height of 100 metres and 660 units as well as an adjoining recreational building.

As a result of a previous plan by the Toronto District School Board to relocate the existing school on the block, the eastern half of the block is zoned R4(44) which contains provisions limiting the gross floor area, building envelope, building height and ensuring a specific parking standard for a future school. This site specific zone permits only day nurseries, live theatres, schools, education resource centres, underground parking structures and accessory uses.

#### Site Plan Control

The site is subject to site plan approval. The applicant has appealed the site plan application to the Ontario Municipal Board. This report recommends that the OMB withold its Order until the site plan agreements have been entered into.

#### Reasons for the Application

Both the Official Plan for the former City of North York and the new Official Plan for the City of Toronto permits non-residential use for buildings fronting Yonge Street, whereas the applicant is proposing a residential building with a two storey commercial base for Building C. The OMB approved site specific zoning C1(99) permits an 18 storey commercial office building.

The OMB approved site specific zoning RM6(107), for Buildings A and B is proposed to be amended to permit an increase in units from 660 units to 684 units. Amendment to the by-law is also required to increase the maximum gross floor area of 56,384 m<sup>2</sup> to 64,806 m<sup>2</sup> gross floor.

The site specific zoning, R4(44) applicable to the TDSB site does not permit residential uses and establishes a maximum building height, envelope, and gross floor area that would require amendment to permit the proposed residential buildings.

#### Community Consultation

A meeting was held on September 22, 2004 with the local Councillor, staff, and approximately 150 residents. The two main issues raised were traffic congestion and maintaining the school grounds for open space. Many residents cited existing traffic conflicts due to the number of cars dropping off and picking up children along with trucks making deliveries to nearby stores and a large number of other cars using Spring Garden, Hollywood, and Doris Avenues. They expressed concerns about the increased traffic due to this development and the need for any future school redevelopment to incorporate an on-site drop-off and pick-up area. Several residents expressed concerns with the increased number of people planned for this block while the amount of open space was being greatly reduced. The Central Willowdale Ratepayers Association requested that the garage for the school be constructed below the school building so that the remaining open space remain unencumbered as well as ensuring a better growing environment for trees.

#### Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

#### Comments:

#### Land Use

The applicant is proposing a change in use for Building C from an 18 storey building having 26,475 m<sup>2</sup> commercial space to a mixed-use 35 storey building having a two storey podium with at-grade retail use of 2643 m<sup>2</sup> and a second floor of commercial office space of 3,347 m<sup>2</sup>. Staff have reviewed the constraints posed by this site's location and are of the opinion that the site is suitable for residential uses and has limitations for commercial office use. Firstly, there is no ability to provide a direct below-grade pedestrian connection to a subway station. Secondly, the Yonge Street median precludes vehicular left turns in and out of the site via Hollywood and Spring Garden Avenues. More feasible commercial development sites in the North York Centre are located at Yonge Street and Sheppard Avenue and Yonge Street and Empress/Park Home

Avenues. The proposed change in use was supported by a market needs analysis carried out by the Altus Group for the applicant

Planning staff recommend that a third floor of commercial space be provided to support the large number of residential units being built on this site as well as other sites along the Yonge Street corridor. This would result in a greater retail and commercial presence on Yonge Street also complying with the Official Plan requirement for a base building of 8 - 24 metres in height along the Yonge Street frontage. The additional floor space would create an improved base condition along this portion of the street. On the basis of all these reasons, the change in use from 100% commercial space to one being primarily residential can be supported.

#### Density

The density proposed is within the density limits of the Secondary Plan which permits 4.5 fsi plus 33 percent density incentives and transfers. The overall density of the site is 5.6 fsi which includes the density incentives for ground floor retail, indoor amenity space, below-grade bicycle storage, and the school facility, plus the incentive and transfer of density from the Legion Hall site.

#### Site Plan – Proposed Revisions

Staff have reviewed the application and are of the opinion that the site plan needs to address the issues of access, circulation, and open space, particularly as they relate to the lands proposed for Buildings D and E and the school.

#### Claude Watson School

The former City of North York Zoning By-law has a provision that all new schools and redeveloped school sites are to have drop-off and pick-up areas. The application of this provision is particularly important on this site given that the Claude Watson School is only one of two TDSB schools that are focussed on the arts in the City of Toronto and therefore many students do not live in the area but instead arrive by car or transit. Staff recommend the provision of a continuous driveway having a dedicated drop-off and pick-up area be located between Hollywood and Spring Garden Avenues.

The applicant has proposed to locate a 40 space underground garage below the school's playground accessed by a ramp off Spring Garden Avenue. Staff recommend that the school parking garage be located under the school building enabling direct access to the school building and accommodating an elevator for handicapped accessibility. This will also ensure that the mature trees along the south end of the playground will be saved.

#### Access and Circulation

There are 8 points of access/egress on Hollywood and Spring Garden Avenues which pose a safety hazard for pedestrians, occupy lands that could otherwise be landscaped, and detract from an attractive streetscape. Works and Emergency Services staff have requested the applicant to consolidate where feasible, driveway accesses and provide further information to be included in the Traffic Impact Study.

#### Open Space

The site area for the Claude Watson school is currently 11,890 n<sup>2</sup> which will be reduced by this proposal to 4,508 m<sup>2</sup> while the footprint of the new school building will be increased. There is a need for additional open space on the development block to offset the reduced playground area and provide more useable open space for the increased number of residents who will be living in this area.

A re-designed layout of Buildings D and E is recommended whereby the two buildings shift closer together or become one in order to create an area of landscaped open space on Spring Garden Avenue contiguous with the school grounds.

The recommended changes to the site plan will endeavour to maintain many of the mature trees on the site. Specifically, relocating the underground garage and ramp from the area of the school playground and siting Building C away from existing trees near Yonge Street are recommended.

The Economic Development, Culture and Tourism Department has determined that an on-site parkland dedication is not feasible due to the encumbrance of below-grade parking required by the development. Instead, the EDCT Department recommends that prior to issuance of the first building permit for Buildings C, D, or E, an irrevocable letter of credit be provided to the City for off-site parkland dedication based on 5% of the market value of the net site of these 3 buildings. EDCT has noted that the plans submitted indicate a children's playground area. The playground area should consist of a pre-school play area and multi-purpose sports pad.

#### **Community Facilities**

The North York Centre Secondary Plan encourages the provision of adequate community facilities to serve the needs of residents in the North York Centre. This development, if approved, would introduce a large number of new residents into the community. As a result, a contribution by the owner in the range of \$500,000 for the improvement of community facilities in the area is recommended. Contributions would be based on the additional residential density

resulting from the conversion of commercial space to residential in Building C, and would be required prior to the issuance of the first building permit for Buildings B,C,D, or E.

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#### Public Art

The North York Centre Secondary Plan encourages the provision of public art on City owned sites as well as on privately owned lands as part of redevelopment projects. In the case of this development, a public art program is recommended based on the additional residential density being proposed and would be required prior to the issuance of the first building permit for Buildings B,C,D, or E.

#### Conclusions:

This proposal is consistent with the density and built form policies of the in force North York Official Plan and new Toronto Official Plan, as well as the previously approved site plan and amendments to the Official Plan and Zoning By-law. The change in use from commercial to residential for the Yonge Street building is based on the constraints specific to this site. Additional commercial space in the Yonge Street building is also recommended.

Staff have worked with the applicant to site the school playground on the south side of the TDSB property to minimize impact of shade and provide sufficient parking for the school below-grade. Further improvements to the site plan along with the conditions as outlined in this report are recommended prior to approval of the applications.

Contact:

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Thomas C. Keefe Director, Community Planning, North District List of Attachments:

Attachment 1: Site Plan

Attachment 2: North Elevations

Attachment 3: West Elelvation

Attachment 4: School Elevation

Attachment 5: Official Plan

Attachment 6: Zoning

Attachment 7: Application Data Sheet Attachment 8a: WES Comments

Attachment 8b: EDCT Comments



Attachment 1: Site Plan



**Attachment 2: North Elevation** 



Elevations

Not to Scale 06/07/04

#### **Attachment 3: West Elevation**



### Attachment 4: School Elevation



DMU-3 Downtown Mixed Use-Three

DR-1 Downtown Residential-One

Not to Scale North York Official Plan Extracted 03/22/04



RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone

01 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale Zoning By-law 7625 Extracted 03/22/04

## Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment &		Applica	tion Number	: 04 109551 NNY 23 OZ		
Details	Rezoning OPA & Rezoning, Standard		Application Date:		February 16, 2004		
Municipal Address:	4917-4975 Yonge St, 11-27 Hollywood Avenue, 8-18 & 50 Spring Garden Avenue						
Location Description:	Toronto ON CON 1 EY P	6R16423 PAR	R16423 PART 20 ** GRIE				
Project Description:	Proposed 35 storey residential apartment building with two storey commercial conponent, two 36 storey residental apartment buildings, two 24 storey residental apartment buildings, and a three storey school						
Applicant:	Agent:		Architect:		Owner:		
Davies Howe Partners		EI Richmond Inc. & Kohn Shnier			Inc. &		
Planning Controls							
Official Plan Designation:	DMU-1; DMU-3; DR-1		Site Specific Provision:		BL 32537		
Zoning:	C1(99) / RM6 (107) /R4(44)		Historical Status:				
Height Limit (m):	11 – 100 metr	11 – 100 metres Site P		ontrol Area: Y			
<b>Project Information</b>							
Site Area (sq. m):	28322.5		Height: S	Storeys:	3 - 36		
Frontage (m):	140			Metres:	11 - 100		
Depth (m):	190						
Ground Floor GFA (sq. m):	11667			То	tal		
Residential GFA (sq. m):	150517		Parking Spaces:		96		
Non-Residential GFA (sq. r	n): 9706		Loading Docks		condo)		
Total GFA (sq. m):	160223		Loading Bay	ys 2 (	2 (school)		
Lot Coverage Ratio (%):	44.3						
Floor Space Index:	5.6						
DWELLING UNITS FLOOR AREA BREAKDOWN							
Tenure Type:	Condo			Abo	ve Grade	<b>Below Grade</b>	
1 Bedroom:	673	Residential	GFA (sq. m):	1474	452	3065	
2 Bedroom:	1008 Retail GFA		(sq. m):	2643	3	0	
3 + Bedroom:	23	Office GFA	(sq. m):	3347	7	0	
Total Units:	1704	Industrial GFA (sq. m):		0		0	
		Institutional	GFA (sq. m):	3716	5	0	
CONTACT: PLANNER NAME:		Naomi Faulkner, Senior Planner (416) 395-7137					