

TORONTO STAFF REPORT

March 20, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Request for Direction Report
OPA & Rezoning Application 04 126102 NNY 24 OZ
Site Plan Application: 04 126118 SA NNY 24
Applicant: Menkes 5795 Yonge Street Inc.
Architect: Rafeal & Bigauskas
5793 Yonge St
Ward 24 - Willowdale

Purpose:

The purpose of this report is to provide an update on the processing of the above project and to seek Council's direction with respect to the upcoming Ontario Municipal Board hearing.

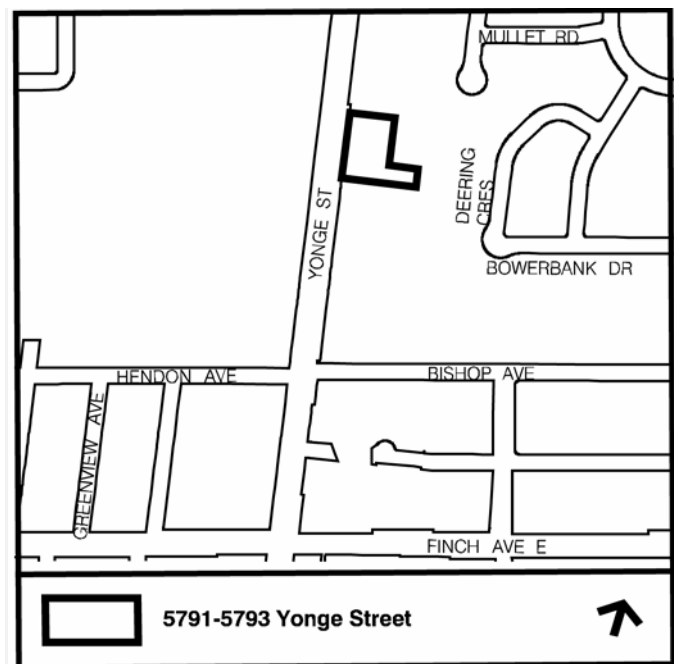
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the City Solicitor and appropriate City staff be directed to attend the Ontario Municipal Board in support of the Official Plan, Zoning and Site Plan Applications on the basis set out in the recommendations for approval in August 31, 2005 Final Report, and the Further Report dated October 28, 2005.



Background:

At its meeting on September 28, 29 and 30 2005, City Council had before it a Final Report on 5791-5793 Yonge Street for an Official Plan and Zoning By-law Amendment to permit a residential building having a maximum gross floor area, excluding density incentives of 32,004 m². Additionally the report recommended an Addendum to Exhibit 24 of the Uptown Service Road Environmental Study Report of May 1993. City Council deferred consideration of the application, to allow the applicant to resolve outstanding issues pertaining to access, and also requested the applicant to revise the application to provide retail at grade.

At its meeting of December 5, 6 and 7 2005, City Council considered the Further Staff Report which recommended approval of the proposal subject to conditions. In addressing the report, North York Community Council introduced a motion that:

- “(1) postponed consideration of the application outlined in the further report (October 28, 2005) from the Director, Community Planning, North York District, to allow the applicant to come back with either an agreement with the Turnberry Court Condominium Corporation or to come back with a revised application;
- (2) recommended that the applicant be required to provide retail uses at grade along the Yonge Street frontage;
- (3) requested the Director, Community Planning, North York District and the Director, Urban Design, in consultation with the Ward Councillor, to report back to the North York Community Council on how the contribution for the public art program would be utilized; and
- (4) received the report (August 31, 2005) from the Director, Community Planning, North York District.”

The applicant has now appealed the proposed Official Plan and Zoning By-law Amendments, as well as the Site Plan Approval application for 5791 - 5793 Yonge Street. City Council should now take a position on this previously deferred matter prior to the Ontario Municipal Board hearing scheduled for May 17, 2005

Comments

Shared Vehicular Access

The Final Report recommended the owner be required to confirm to the satisfaction of the City Solicitor that the shared access arrangements have been resolved between the applicant and Turnberry Court prior to introducing the necessary Bill to Council for enactment. Now that the matter has been appealed to the Ontario Municipal Board, the Turnberry Court Condominium will be provided with notice and will be in a position to express concerns, if any directly to the Board. City staff have no objection to the shared driveway at the north end of the site, as proposed by the applicant.

Grade Related Retail

At its meeting of September 19, 2005, North York Community Council requested that the applicant consider revising their proposal to include retail at grade. In response to this request, the applicant revised the ground floor plans to provide 116 m² of street related retail at the north-west corner of the proposed building. At its November 14, 2005 meeting, Community Council recommended that the applicant be required to provide retail uses at grade along the entire Yonge Street frontage. The applicant has advised that in order to comply with Council recommendations, the indoor amenity space that is currently provided for on the ground floor would need to be relocated to one of the upper floors, resulting in the loss of approximately 12 residential units. The applicant has indicated that they are not willing to consider revising the application to include the requested additional retail at grade.

The North York Secondary Plan permits this site to be used for 100% residential uses and does not designate this portion of Yonge Street as prime retail frontage. As a result, there is no planning policy to require retail uses in this location.

Public Art

As stated in the Final Report, the owner has agreed to provide a public art program on-site in the amount of \$300,000.00. The process for an on-site public art program requires the applicant to submit a "Public Art Plan" to City Planning and the Public Art Commission for consideration. The Public Art Plan includes the:

1. Appropriate location for public art opportunities on site;
2. Distribution of the art budget; and
3. Process for art selection method.

The results of this plan are then integrated into the proposed site plan. The art could be a stand alone structure, or it could be integrated into the built form. If a public art site is an enhancement of a building or landscape element such as a wall, fence, canopy etc., the site plan process secures a value for the basic element and the public art money is used to transform that element into an independent art work that has function. Public art money is not used to build the element itself. For example, if a wall is transformed into a mural, the public art money would be put towards its upgrade, but it does not pay for the wall itself.

The Public Art Commission provides a "peer review" for Council that has been used for public art selection throughout the City since 1998 in order to achieve high quality public art in visible and publicly accessible locations. The public art process and the construction of the art are the responsibility of the developer. The art belongs to the development, with the public enjoying the benefit of the public art enhancement.

The applicant also has the option to donate the funds to the City, so that the public art can be sited on publicly owned lands in the vicinity of the development. This process is lead by the

Culture Division. A similar peer review of the public art site and selection occurs with the “Art Committee for Public Places” group. The work to administer and construct the public art comes from the public art budget or staff and the public art remains in public ownership with its responsibilities and obligations for ongoing maintenance.

Conclusions:

It is recommended that City Council adopt the recommendation in order to provide direction to the City Solicitor in advance of the Ontario Municipal Board hearing scheduled for May 17, 2006.

Contact

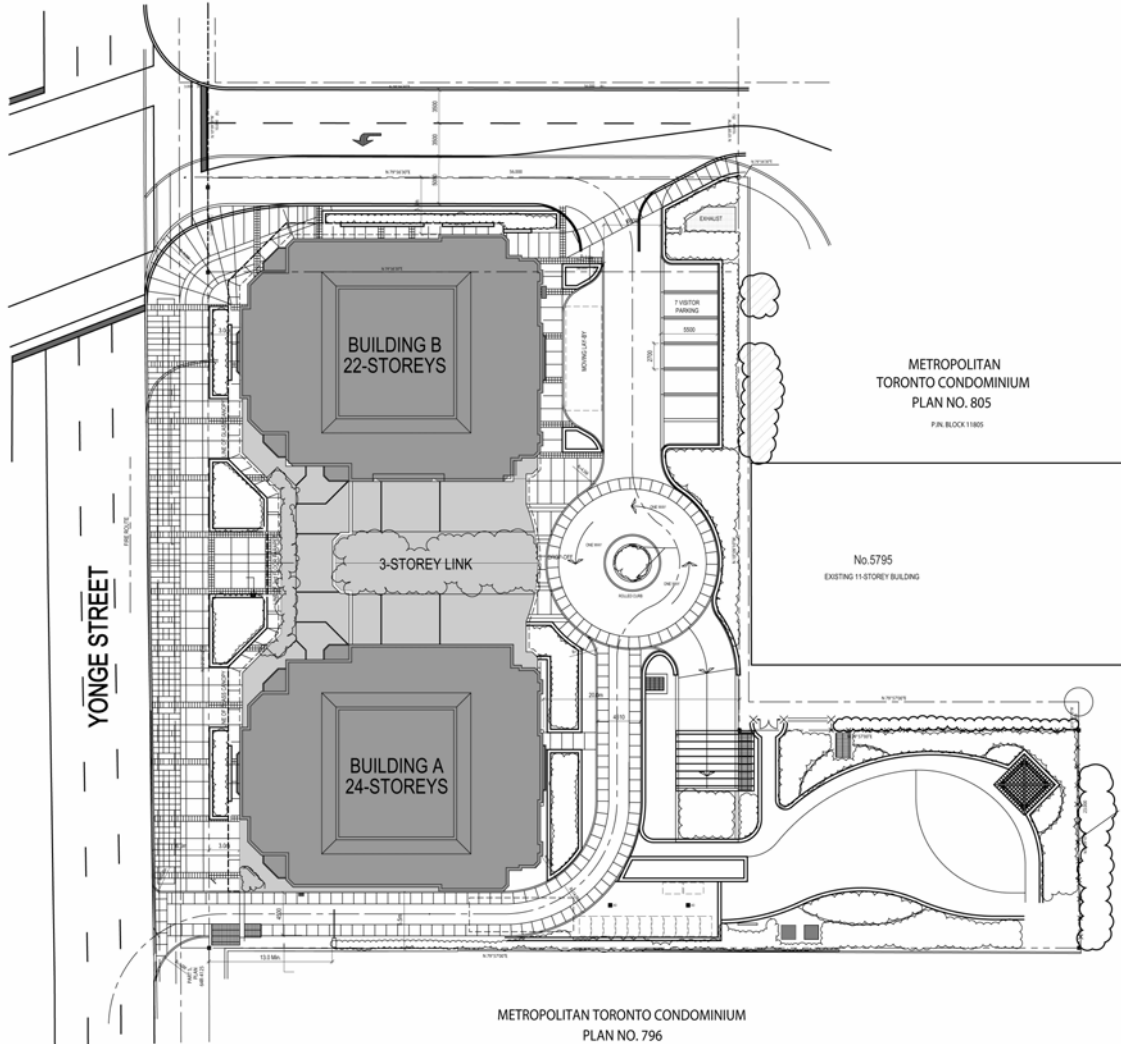
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Thomas C. Keefe
Director, Community Planning, North York District

List of Attachments

Attachment 1: Site Plan

Attachment 1



Site Plan

5791 - 5793 Yonge Street

Applicant's Submitted Drawing

Not to Scale
06/27/05



File # 04_126102