

# **TORONTO** STAFF REPORT

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September 8, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Request for Direction Report  
OPA & Rezoning Application 05 105152 NNY 23 OZ  
Subdivision Application 05 105158 NNY 23 SB  
Applicant: Goodmans LLP, Per Allan Leibel  
for K & G Oakburn Apartments I and II Limited  
Architect: Kirkor Architects & Planners  
1-12 Oakburn Crescent and 14-40 Oakburn Place,  
and 12 Anndale Drive and 68 Avondale Avenue (for density transfer)  
Ward 23 - Willowdale

Purpose:

To provide information on the proposed phased development consisting of 1,195 residential units arranged into multiple townhouse blocks and 5 residential towers of 15-21 storeys in height, and to seek Council's direction with respect to the scheduled Ontario Municipal Board hearing.

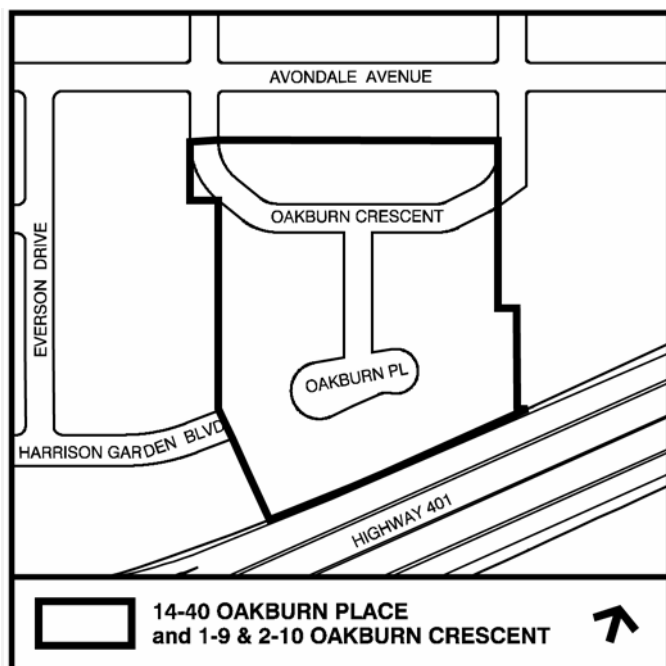
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) City Council not support the proposed phased development of 1,195 residential units in its current form.
- (2) City Council support the recommended modifications to the proposed Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision



Application, and Master Concept Plan, for a phased development consisting of a total maximum of 1,195 new residential units (859 units plus 55 existing rental units to remain in Phase 1; and an additional 336 units for a total of 1,195 new residential units at the end of Phase 2), subject to the Recommendations and conditions and as generally outlined in this Report.

- (3) City Council authorize the City Solicitor and any appropriate City staff as may be required to attend at the Ontario Municipal Board hearing in support of the position outlined in this Report and Recommendations, and to bring forward to the Ontario Municipal Board the final form of proposed Official Plan and Zoning Amendments, Draft Plan of Subdivision, and Master Concept Plan consistent with the principles outlined in this Report and Recommendations, and consistent with Council policies and guidelines as they may determine appropriate, including but not limited to the North York Centre Secondary Plan and the Infill Townhouse Guidelines.
- (4) Subject to taking the necessary procedural steps, City Council support in principle relocating the road through the subject property and declaring Parts A, B, C, E, F and H of the proposed Draft Plan of Subdivision (Attachment 5) surplus and inviting an offer to purchase them from the Owner, on the condition that the Owner convey to the City as part of the development Blocks 4 and 8 and Parts I and J on said attachment, to be secured in appropriate legal agreements in relation to the Phase 1 development.
- (5) City Council support in principle a draft plan of subdivision, substantially in the form of Attachment 5, which includes 6 townhouse blocks, 5 blocks for residential towers, a central park block, a westerly park block, and a relocated Oakburn Place road configuration which also provides for a future connection to Harrison Garden Boulevard, subject to the following, to the City's satisfaction:
  - (a) a Master Concept Plan, including urban design guidelines, subject to conditions as generally outlined in this Report and Recommendations, to be registered on title as part of the subdivision agreement;
  - (b) the City's standard subdivision agreement requirements;
  - (c) the draft plan of subdivision requirements as outlined in the Technical Services comments of September 7, 2006 (Attachment 10b);
  - (d) the draft plan of subdivision requirements as outlined in the Parks, Forestry and Recreation comments of August 24, 2006 (Attachment 10c), subject to the public park conveyances being provided as part of the Phase 1 development;
  - (e) the requirements of the Ministry of Transportation as outlined in their comments dated February 17, 2005 (Attachment 10f);

- (6) that City Council support in principle an amendment to the site-specific policy 12.17 of the North York Centre Secondary Plan, Oakburn Crescent and Oakburn Place Lands, for the following purposes:
  - (a) to delete the permission for a maximum of 2,787 m<sup>2</sup> of office and residential uses accessory or ancillary to the permitted residential uses; and
  - (b) to permit a maximum total of 1,195 residential units on the site, in a phased development consisting of 859 units plus 55 existing rental units to remain in Phase 1 only, and an additional 336 units for a total of 1,195 new residential units at the end of Phase 2.
- (7) City Council not support any proposed amendments to the Official Plan or Zoning By-law that would result in a density in excess of 83,652 m<sup>2</sup> (2.0 FSI base density on the site) or 110,827 m<sup>2</sup> (2.66 FSI on the site with combined density incentives and transfers provided in accordance with North York Centre Secondary Plan provisions, including an adjustment related to parkland dedication density), in relation to a proposed total site area of 41,826.1 m<sup>2</sup>.
- (8) City Council not support any proposed amendment to the Official Plan or Zoning By-law that would exempt any building within the development from the maximum height permission of the North York Centre Secondary Plan, including the site-specific angular plane policy that building heights are limited to one half the horizontal distance separating any building or portion thereof from the nearest Relevant Residential Property Line shown on Map D.1.6 of the Secondary Plan.
- (9) City Council support in principle a site-specific amendment to Zoning By-law 7625, to include, among other matters, the following provisions to be specified in the implementing zoning by-law to the satisfaction of the City Solicitor and the Director, Community Planning, North York District:
  - (a) that the Ontario Municipal Board be requested to withhold its Order for the proposed official plan and zoning by-law amendments until such time as the Owner has provided, at its sole expense, the following matters required in respect of the Phase 1 development (up to a maximum of 859 new units, plus 55 existing rental units), to the satisfaction of the Executive Director of Technical Services and the City Solicitor, and to be secured in a section 37 agreement:
    - (i) lands for the widening of Avondale Avenue to five lanes between Bales Avenue and Yonge Street;
    - (ii) an exclusive westbound right turn lane at the intersection of Yonge Street and Avondale Avenue;

- (iii) lands to implement the approved Service Road network in relation to the property at the northwest corner of Avondale Avenue and Tradewind Avenue (known municipally as 68 Avondale Avenue);
  - (iv) funding for signalization of the new four-leg intersection between Tradewind Avenue and Avondale Avenue;
  - (v) a road connection between the site and Harrison Garden Boulevard to the immediate west of the site;
  - (vi) Travel Demand Management initiatives for the Oakburn project including the provision of Metropasses and a shuttlebus service;
  - (vii) the monetary contribution in relation to the density incentive of approximately 4,281 m<sup>2</sup> gross floor area as outlined in (9)(c)(iv)(f) below.
- (b) a Holding provision to be placed on the site-specific zoning by-law for the development of the second phase (up to a maximum total of 1,195 units on the site) until such time as the City has secured the following improvements, with such matters also to be secured in the section 37 agreement:
- (i) the City's acquisition of lands to implement the identified Service Road connection along Anndale Drive between Yonge Street and Bonnington Place as identified in the Downtown Plan South of Sheppard Avenue Environmental Study Report;
  - (ii) Travel Demand Management initiatives for the Oakburn project including the provision of Metropasses and a shuttlebus service, revised as may be necessary to reflect the Phase 2 project; and
  - (iii) the monetary contribution in relation to the density incentive of approximately 17,337 m<sup>2</sup> gross floor area as outlined in (9)(c)(iv)(f) below;
- (c) the site-specific zoning by-law amendment include, among other matters, the following additional provisions:
- (i) the only permitted uses shall be apartment house dwellings (which may have access from either an interior corridor or direct at-grade exterior access, or both), multiple attached dwellings, and public park;
  - (ii) a maximum total of up to 1,195 total units on the site, subject to the following:

- (a) a maximum of 859 units in the Phase 1 development, including at least 286 rental units, along with 55 existing rental units to remain throughout construction of the Phase 1 development; and
  - (b) a maximum of an additional 336 residential units in the Phase 2 development, instead of the existing 55 rental units (approximate) proposed to remain as part of the Phase 1 development, for a total maximum unit count of 1,195 residential units upon completion of both Phase 1 and Phase 2;
- (iii) a maximum gross floor area of 83,652 m<sup>2</sup>, being a maximum base density limit of 2.0 FSI in conformity with the North York Centre Secondary Plan, for the site of total area 41,826.1 m<sup>2</sup>, including in the Phase 1 development existing buildings proposed to remain during that phase and having a total maximum gross floor area of 4,488 m<sup>2</sup>.
- (iv) a maximum additional gross floor area of up to 27,175 m<sup>2</sup>, for a total maximum gross floor area of 110,827 m<sup>2</sup> (including an adjustment related to the parkland dedication). The maximum total gross floor area for Phase 1 is 83,445 m<sup>2</sup> for new construction plus 4,488 m<sup>2</sup> for existing buildings, for a total maximum of 87,933 m<sup>2</sup>, and the maximum total gross floor area for the site upon completion of Phase 2 is 110,827 m<sup>2</sup>, being a maximum density of 2.66 FSI with combined density incentives and transfers permitted in conformity with the North York Centre Secondary Plan, and including a parkland dedication density adjustment, for the site of area 41,826.1 m<sup>2</sup>, subject to the Owner providing, at its expense, the following facilities, services and/or matters to be secured in a section 37 agreement to the satisfaction of the City Solicitor:
- (a) lands municipally known as 68 Avondale Avenue, with an area of approximately 451.5 m<sup>2</sup>, and a density of 3.5 FSI, for a maximum additional gross floor area of approximately 1580 m<sup>2</sup>, with the density of the 68 Avondale lands to be reduced to zero gross floor area to recognize the density transfer, and with these lands to be provided to the City prior to the implementing zoning by-law for the Oakburn project coming into effect;
  - (b) lands municipally known as 12 Anndale Drive, with an area of approximately 395.7 m<sup>2</sup>, and a density of 3.5 FSI, for a maximum additional gross floor area of approximately 1385 m<sup>2</sup>, with the density of the 12 Anndale Drive lands to be reduced to zero gross floor area to recognize the density transfer, and with these lands to be provided to the City prior to the implementing zoning by-law for the Oakburn project coming into effect;

- (c) the portion of lands municipally known municipally as 4679 Yonge Street at the northeast corner of Yonge Street and Avondale Avenue, that is required for the Service Road as identified in the Downtown Plan South of Sheppard Avenue Environmental Study Report (ESR), with an area of approximately 223 m<sup>2</sup>, for a maximum additional gross floor area of approximately 1003 m<sup>2</sup>, with the density of said lands to be reduced to zero gross floor area to recognize the density transfer, prior to the implementing zoning by-law for the Oakburn project coming into effect;
- (d) should the Owner (Oakburn) have used reasonable efforts to acquire the required lands from 4679 Yonge Street and have not been successful, City staff are authorized to initiate the expropriation process including serving and publishing Notices of Application for Approval to Expropriate, forwarding to the Chief Inquiry Officer any requests for hearing received, attending the hearing to present the City's position and reporting the Inquiry Officer's recommendations to Council for its consideration, with all costs incurred and compensation payable as a result of the expropriation to be at the Owner's (Oakburn's) total expense.
- (e) a minimum of 1.5 m<sup>2</sup> per unit of private indoor recreational area to be provided on the site, being approximately 1,059 units and 1,589 m<sup>2</sup> of private indoor recreational area, for a maximum additional gross floor area of approximately 1,589 m<sup>2</sup>;
- (f) a monetary contribution to fund any additional requested density up to the maximum 2.66 FSI permitted by the North York Centre Secondary Plan (subject to an adjustment related to parkland dedication density), in accordance with the provisions of Section 3.3, Density Incentives, of the Secondary Plan, with such moneys to be directed to the City's acquisition of required Service Road properties south of Sheppard Avenue and east of Yonge Street, or alternatively, the Owner may acquire and convey to the City additional property or properties required for the Service Road south of Sheppard Avenue and east of Yonge Street, as identified in the Downtown Plan South of Sheppard Avenue Environmental Study Report (ESR), or a combination of the monetary contribution and such Service Road properties, for a total additional gross floor area of up to 21,618 m<sup>2</sup>, with any monetary contribution to be based on the market value of density in the North York Centre as determined by the Director of Real Estate Services. Prior to the implementing zoning by-law for the Oakburn project coming into effect, the Owner shall provide a monetary contribution in the form of a certified cheque, to fund 4,281 m<sup>2</sup> of gross floor area associated with the Phase 1

development (existing plus proposed buildings), and the City shall secure in an appropriate legal agreement the requirement for the applicant to fund the balance of the approximate 21,618 m<sup>2</sup> density (approximately 17,337 m<sup>2</sup>) at the time the Holding provision is lifted in relation to the Phase 2 development; and

- (g) reallocations may be made among (e) and (f) above on the basis of confirmation of proposed private indoor recreational amenity space prior to the final implementing zoning by-law going forward to the Ontario Municipal Board for enactment;
- (v) maximum gross floor areas to be assigned to each proposed development block generally as outlined in the Master Concept Plan development concept;
- (vi) “Gross Floor Area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
  - (a) any parts of the buildings used for mechanical purposes;
  - (b) any space used for motor vehicle parking or bicycle parking; and
  - (c) the floor area of unenclosed residential balconies.
- (vii) maximum building height limits to be provided in accordance with all of the following provisions:
  - (a) For the block of townhouses proposed north of Oakburn Crescent, Established grade shall be defined as 169.62 m, the centre line of Oakburn Crescent midpoint from east to west. For all other blocks, established grade shall be determined at the time the final form of the zoning by-law is brought forward and to be based on the centre line geodetic elevations of the adjacent proposed public streets.
  - (b) height limits shall be in conformity with the North York Centre Secondary Plan height limits of Map D.1.6, and with the angular plane requirements of site-specific policy 12.17 requiring that the maximum height of all buildings and structures shall not exceed one-half the horizontal distance from the nearest Relevant Residential Property Line (RRPL);
  - (c) within 75 m of the RRPL, the height of all buildings or structures shall not exceed 11 m or three storeys whichever is less, also subject to the above angular plane requirement;

- (d) the maximum height of all multiple attached dwellings shall be 11 m and 3 storeys;
  - (e) the maximum height of all towers shall be no greater than 65 m and 23 storeys, whichever is less, also subject to the above angular plane requirement; and
  - (f) maximum height limits shall include appropriate base building or podium conditions in association with the proposed residential towers;
- (viii) in addition to the angular plane height requirement recommended in (vi)(b) above, the following additional modifications shall be made to the proposed zoning schedule:
- (a) minimum setbacks of 2.5 m from adjacent public streets (existing or proposed) for all buildings;
  - (c) a minimum setback of 15 m from the west property line for the tower portion of building E on block 6;
  - (d) a minimum setback of 7.5 m from the west property line for the proposed townhouses in block 5; and
  - (e) a minimum distance of 12.5 m between blocks in front or rear facing relationships for all residential units;
- (ix) a public park block of approximately 4,054 m<sup>2</sup> in area central to the site, and a park block of minimum size 240 m<sup>2</sup> in the northwest portion of the site, shall be provided in relation to the Phase 1 project, within 6 months of completion of building B, the rental replacement building;
- (x) parking shall be provided at a ratio of 1.0 space per residential unit (minimum) to 1.4 spaces per residential unit (maximum), on a per block basis, with the exception of the proposed rental building which may have a parking standard of 0.8 spaces per residential unit, both ratios of which contain a visitor parking allowance of 0.1 space per residential unit;
- (xi) parking shall comply with the requirements of Zoning By-law 7625 in all other aspects;
- (xii) bicycle parking to be provided at a rate of 0.5 spaces per residential unit for all units other than those in the independent townhouse blocks;



- (xiii) loading space requirements, including supply, dimensions and accessibility, to comply with Zoning By-law 7625;
  - (xiv) a minimum of 25% of the total number of condominium residential units constructed are to be provided with the maximum floor area restrictions:
    - (a) 70 m<sup>2</sup> for a bachelor unit or a one-bedroom unit;
    - (b) 80 m<sup>2</sup> for a two-bedroom unit;
    - (c) 120 m<sup>2</sup> for a three-bedroom unit;
    - (d) any combination of the above.
- (10) City Council require that in addition to the recommended transportation improvements and density transfer and density incentive matters to be secured in a section 37 agreement as noted above, the owner be required to enter into a section 37 agreement to the satisfaction of the City Solicitor, to provide the following facilities, services and/or matters:
- (a) subject to Recommendation (4) above, the conveyance to the City of proposed parkland blocks 4 and 8, and public road Parts I and J as shown on Attachment 5, within 6 months of completion of proposed building E (rental replacement building);
  - (b) the provision and maintenance of at least 286 replacement rental dwelling units, with rental tenure to be secured for the proposed rental building for 20 years, along with the maintenance of rent levels and a tenant assistance package in conformity with the proposed rental housing principles attached as Attachment 10a;
  - (c) a public art programme valued at 1% of gross construction costs, for a public art installation to be located on-site and/or on public lands adjacent to the site. The owner shall submit to the City a public art plan for the site and obtain approval by the Chief Planner or designate in consultation with the Toronto Public Art Commission prior to the issuance of the first building permit for the Phase 1 project, or shall in lieu thereof, deposit two-thirds of the public art obligation in respect of that building permit with the City, and deposit the remaining one-third of the public art obligation prior to the issuance of the first building permit for the Phase 2 project;
  - (d) a Construction Management Plan, to the satisfaction of the Executive Director, Technical Services, to be provided for each of the two proposed development phases, prior to the issuance of any demolition permit for the site in respect each of the respective two phases; and
  - (e) any required remediation, improvements, and final design and programming of the proposed park blocks 4 and 8, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- (11) City Council endorse in principle a Master Concept Plan for development of the Oakburn lands, generally in the form found in Attachment 9, subject to any required revisions as a result of the above Recommendations and as outlined in this Report.
- (12) City Council direct the City Solicitor to request that the Ontario Municipal Board order that the proposed Official Plan Amendment and Zoning By-law Amendment not take effect until the Board has been advised that the City and the Owner of the subject lands have entered into a subdivision agreement and a section 37 agreement.
- (13) City Council authorize the appropriate City staff to initiate the expropriation process, if necessary, for the lands required for the Anndale Drive extension between Yonge Street and Bonnington Place, as identified in the Downtown Plan South of Sheppard Avenue Environmental Study Report (ESR), should the City not have acquired such lands within two years of the site-specific zoning by-law amendment for the Oakburn development coming into effect. The City's intent in this regard may be secured as part of the section 37 agreement for the Oakburn development.
- (14) City Council require the Owner to have provided a written undertaking, in a form satisfactory to the City Solicitor, that upon the site-specific Official Plan and Zoning By-law coming into effect, any outstanding appeal that the Owner may have in relation to the new Official Plan respecting this site, be withdrawn.

1. Background:

(a) Current Proposal

The proposal is a redevelopment of the existing Oakburn Crescent and Oakburn Place lands, which currently consist of 26, 3-storey walk-up apartment buildings containing a total of 286 rental units. The proposed redevelopment is for a total of 1,195 new residential units arranged into 5 towers ranging in height from 15-21 storeys, and multiple townhouse blocks. The development is proposed to occur in two phases, with the Phase 1 project to include the replacement of the existing 286 rental units in a new residential tower on the west side of the property.

The project also involves realigning the existing Oakburn Place so it is shifted further east, and creating a new public road connection to Harrison Garden Boulevard to the west. A central park block approximately 1 acre in size, and a smaller, westerly park block are also proposed (see Attachments 1, 4 and 5). The total proposed density as shown on the applicant's current drawings is 115,557 m<sup>2</sup>.

(b) Site History

In 1997, the Ontario Municipal Board approved an amendment (OPA 393) to the North York Downtown Secondary Plan area, which included the Oakburn site within the North York Centre Downtown area and designated the site Residential Density Five having a maximum density of

2.0 FSI. Specific policies were also approved for the Oakburn lands and include matters such as maximum building heights, rental housing replacement, and a road connection to the Wittington subdivision to the west. The OMB decision stated that future development of the lands would proceed by subdivision and a master concept plan.

In February 2000, the Ontario Municipal Board approved a draft plan of subdivision, subject to conditions, and approved a site-specific zoning amendment permitting a maximum of 694 residential units and 83,986 m<sup>2</sup> gross floor area including 2,787 m<sup>2</sup> accessory non-residential gross floor area. The Board's Order had directed that the zoning by-law not take effect until the Board has been advised that the City and the owner of the subject lands have entered into a subdivision agreement. The related subdivision agreement was never finalized and as a result, the approved zoning has not taken effect. The current owner K & G Oakburn Apartments I and II Limited acquired the site in 1999.

At the time of the 2000 OMB decision, the proposal by the previous owners of the site included street townhouses and 7 apartment buildings ranging in height between 20 and 40 metres. The existing Oakburn Place was also proposed to be shifted to an alignment further east, and a central park block and an extension of the road to the west limits of the site were also contemplated.

On January 27, 2005, the current owner filed applications for Official Plan and Zoning Amendments and for approval of a Plan of Subdivision. The January 2005 proposal was for a total of 1,135 residential units arranged generally as follows: three towers ranging from 21-23 storeys along the southern edge of the site; a building of 3-15 storeys along the eastern edge of the site; and townhouse blocks along the north and west boundaries of the site. The project included a proposed realignment of Oakburn Place to a location further east, along with a connection to Harrison Garden Boulevard to the west. The proposal also included a park block of approximately 0.34 ha (0.83 acres) to the west of the realigned Oakburn Place and a smaller park block of approximately 0.02 ha (0.06 acres) in the northwest portion of the site. The proposed gross floor area was 92,913 m<sup>2</sup> with a density of approximately 2.4 FSI. The applicant also filed a Master Concept Plan at the time, and proposed a rental replacement programme for the existing 286 rental units on the site.

In January 2005 the applicant also filed a draft plan of subdivision application, which proposed: 12 development blocks (7 for townhouses and 4 for residential towers); an extension of the existing Harrison Garden Boulevard eastward into the site and connecting with Oakburn Place; the closing of the easterly leg of Oakburn Place; and parkland in the form of a central park block and a smaller park block in the northwest portion of the site.

The applicant filed an Official Plan Amendment in order to provide an exemption from angular plane height control as it applies to the townhouses proposed north of Oakburn Crescent, and to delete reference to unit count. In their application letter of January, 2005, the applicant also advised that they were filing an Official Plan Amendment application to seek clarification "that density may be moved within the development site as between the 2.0 FSI and 2.5 FSI area".

(c) Ontario Municipal Board Appeal

On April 11, 2006, the applicant appealed their Official Plan Amendment application to the Ontario Municipal Board on the basis of Council's failure to adopt the requested amendment within 180 days of the application. The applicant concurrently appealed to the OMB their related applications for an amendment to the Zoning By-law and for subdivision approval.

The Ontario Municipal Board held a prehearing on August 16, 2006, at which time further hearing dates were set. The Board also granted party status to a group of property owners called the Avondale Avenue Residents Group, and to Wittington Properties Limited, who had both requested party status.

The Board scheduled a further prehearing for October 13, 2006 at 2:00 p.m., in the form of a teleconference meeting at which time the parties are to provide their issues lists.

The OMB hearing is scheduled for a two week period commencing November 27, 2006.

(d) Site and Surrounding Area

The 3.87 ha site is located east of Yonge Street, south of Sheppard Avenue, between Highway No. 401 and Avondale Avenue. The site is located in the southeast corner of the North York Centre Downtown area, and is immediately east of the Wittington subdivision (former Maclean Hunter lands). The site is developed with 286 rental units, constructed in the early 1950s, arranged into 26 low rise buildings (12 buildings of which are arranged in an attached fashion).

Surrounding land uses are as follows:

North: single detached homes fronting on Avondale Avenue;

South: Highway No. 401;

East: a supply centre for the Toronto District School Board;

West: to the immediate west are 4-storey stacked townhouses, and a 31-storey condominium tower south of Harrison Garden Boulevard, within the Wittington subdivision.

(e) Official Plan

The subject lands are designated by the policies of the North York Centre Secondary Plan of the City of North York Official Plan (see explanation regarding appeals below). The majority of the lands comprising the Oakburn site are designated Downtown Residential – 1 (DR-1), with a central portion of the site, in the approximate location of the north/south segment of the existing Oakburn Place, designated Local Open Space. The DR-1 designation permits residential uses, public parks, recreational uses, and institutional uses. The maximum permitted density is 2.0

FSI, which may be increased by up to 33% for a maximum permitted density of 2.66 FSI subject to combined density incentives and transfers permitted by the Secondary Plan.

The Secondary Plan provides a height limit of 11 m for the north part of the site, to a point south of Oakburn Crescent, and a height of 65 m from that point southward. Site-specific policy 12.17 of the Secondary Plan provides an additional angular plane provision requiring that the height of any building or portion thereof shall not exceed one half of the horizontal distance separating such building from the nearest Relevant Residential Property Line (RRPL), which in this case is the northerly property boundary.

The site-specific policies of Section 12.17 of the North York Centre Secondary Plan provide that, at the appropriate time, the existing public roads (Oakburn Crescent and Oakburn Place) may be closed, subject to all the requirements of the Municipal Act and any related legislation, and that redevelopment of these lands may eventually be served by a new road whose location is protected by design on the abutting lands to the west.

Section 12.17 contains additional site-specific provisions including those related to: rental housing replacement; the need for development of the lands to proceed by a plan of subdivision and site plans subject to urban design guidelines registered on title as part of the subdivision agreement; a master concept plan; and transportation considerations. The site-specific policy permits up to 694 residential units plus a maximum of 2,787 m<sup>2</sup> of accessory or ancillary office and retail uses, which reflects the previous application on the subject lands.

The general policies of the Secondary Plan contain other provisions including those related to built form, urban design, density incentives and transfers, transportation, parks and open space, and other matters.

On July 6, 2006 the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into full force and effect. The Order also repealed most of the policies of the City of North York Official Plan and Metro Plan that were previously in effect. However, the Order did not bring into force the new Plan policies related to Section 37, Housing and the flood plain "Special Policy Areas". Policies in the Metro Plan and the City of North York Official Plan respecting these three policy areas remain in effect.

In addition, the OMB did not bring the new Plan into force for those lands subject to applications that were under appeal to the OMB as of July 6, 2006, the approval date. OMB Order No. 1928 therefore exempted the subject site from approval of the new Plan (Attachment 7 to the Order). The policies and land use designations of the City of North York Official Plan (including the North York Centre Secondary Plan in the North York Official Plan) and the Metro Plan policies remain in effect for the subject lands.

The density limit for the Oakburn lands in the North York Centre Secondary Plan within the new City of Toronto Official Plan is also under appeal (Attachment 3 to the July 6, 2006 Order) and is not in effect. The density limit of 2.0 FSI for the Oakburn lands as provided in the North York Centre Secondary Plan within the City of North York Official Plan is therefore in effect.

Under the permitted Secondary Plan density incentives, the 2.0 FSI base density may be increased by up to 33% for a maximum total of 2.66 FSI.

(f) Zoning

The lands are zoned RM4 Multiple-Family Dwellings Fourth Density Zone, which reflects the existing multiple unit development of 286 residential units on the site. The previous owners had sought a site-specific zoning of RM6(83) for their proposed 694 residential units plus commercial uses, and an O1 zoned block central to the development, however as discussed above the proposed zoning related to the February 2000 OMB decision has never taken effect.

(g) Reasons for the Application

The applicant advises that they have applied for an Official Plan Amendment to:

- exempt three storey buildings from the angular plane requirement;
- clarify that portions of the site lying north and south of Oakburn Place may be considered as one development site for the purposes of density calculation;
- delete the reference to unit number requirements; and
- modify the required parking requirements.

The applicant's proposed zoning amendment is to rezone the site to RM6 standards with site-specific provisions to implement the project.

The plan of subdivision is for the purpose of creating new blocks for buildings, roads and park land. It is also intended, as required by the site-specific Secondary Plan policy for these lands, that a master concept plan and urban design guidelines will be registered on title as part of the subdivision agreement.

(h) Site Plan Control

The site-specific Secondary Plan policy anticipates that the zoning of the subject lands to permit the maximum density limits is to be subject to a Master Concept Plan (discussed below), as part of the subdivision agreement for these lands. A more detailed site plan application review will occur in the future as each development block comes forward.

(i) Community Consultation

A Community Consultation Meeting was held on May 9, 2005 in relation to the initial submission of January 2005. Approximately 100 members of the public attended, along with the local Councillor, City staff, and the applicant and their representatives. A further meeting was arranged by the local Councillor and held on May 11, 2005, in order to include residents of 3 and 5 Everson Drive. Approximately 20 such residents attended.

The comments provided in relation to the proposal, which have been considered in the review of this application, may be summarized as follows:

- traffic impacts in the area;
- traffic infiltration into the neighbourhood to the west as a result of the proposed road connection to Harrison Garden Boulevard;
- too much density in the area;
- affordable rents for existing tenants wishing to remain on site in the new development;
- the desire for larger, affordable condominium units;
- school board capacities; and
- construction impacts.

(j) Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

2. Comments:

(a) Proposal Details

The applicant is proposing a total of 1,195 units arranged into townhouses and 5 towers ranging in height from 15 to 21 storeys. The total proposed density shown on the applicant's current drawings is 115,557 m<sup>2</sup>.

Three of the towers are proposed to be located adjacent to and along the Highway 401 frontage of the site. A fourth tower is proposed along the east property boundary. A fifth tower, which is to be a rental building, is proposed along the western edge of the property. Thirteen blocks of townhouses are proposed. The project includes the proposed realignment of the existing Oakburn Place, to be shifted and to connect with Oakburn Crescent in a location further east of its existing alignment, and to have a future connection with Harrison Garden Boulevard to the west, which is contemplated by the Secondary Plan. (For additional proposal details refer to Attachment 1, Applicant's Proposed Site Plan, and Attachment 8, Application Data Sheet).

A new public park of 4,054 m<sup>2</sup> is proposed central to the site, and a 259 m<sup>2</sup> public park walkway link to the Wittington subdivision to the west is proposed in the northwest corner of the subject site. This Report recommends that the City declare certain portions of Oakburn Place as surplus and that the applicant provide a new road pattern and park blocks for the subject lands.

Vehicular access to the development is proposed via Oakburn Crescent, which connects with Avondale Avenue at Tradewind Avenue (to the west) and Burnwell Street (to the east). The intersection of Oakburn Crescent with Avondale Avenue at Tradewind Avenue is to be improved and signalized as part of this application, with these improvements to be secured as part of the section 37 agreement. Additional vehicular access is proposed via a new connection between the realigned Oakburn Place and Harrison Garden Boulevard to the west. The project proposes a total of 1,318 parking spaces.

(b) Land Use and Density

The proposed residential land use is in conformity with the DR-1 land use provisions of the Secondary Plan. The site-specific policies of the Secondary Plan also permit ancillary non-residential uses up to 2,787 m<sup>2</sup> in area on the subject lands, however only residential uses are proposed. It is recommended that the site-specific Secondary Plan policy be amended to reflect a maximum total residential unit count of 1,195 units, and to delete the permission for non-residential uses.

The in-force North York Centre Secondary Plan in the North York Official Plan permits a maximum “base” density (before incentives) of 2.0 FSI. Subject to the satisfaction of certain criteria identified in the site-specific policy, including those related to traffic certification, and the approval of a master concept plan as part of the subdivision agreement for the subject lands, the density permitted by the existing zoning of the site may be increased to permit the maximum Secondary Plan density of 2.0 FSI (before density incentives). The Secondary Plan contains provisions for density incentives and transfers, for a maximum permitted density of 2.66 FSI (discussed in the following section of this Report).

It has been acknowledged that there had been a mapping error in the North York Centre Secondary Plan of the new Official Plan, in that a density limit of 2.5 FSI was mistakenly transcribed on Map 8-6 with respect to the subject lands, when in fact the maximum density permitted by the in-force Secondary Plan is 2.0 FSI (which may be increased by up to 33% for a maximum total of 2.66 FSI, subject to the combined density transfers and incentives permitted by the Secondary Plan). The mapping error has now been corrected to mirror the in-force Secondary Plan. It is recommended that the total permitted density for the project not exceed these amounts. The density limit of the new Official Plan Secondary Plan for this site is not yet in effect and is to be brought into force with the processing of the current development application.

The previous development application on the subject lands (February 2000 OMB Decision No. 0150) had also involved the reconfiguration of the existing Oakburn Place public street. The maximum permitted gross floor area was calculated on the basis of the lands owned by the applicant, closed, surplus road to be transferred by the City, new roads, and public parkland. On the basis of a similar revised road configuration and similarly located park blocks, the proposal subject of this Report has a maximum permitted gross floor area (before density incentives) of 83,652 m<sup>2</sup>, as follows:



Table 1

| Base Density – 2.0 FSI  |                       |                                     |
|---|-----------------------|-------------------------------------|
|   | Approximate Area (m2) | Approximate Density (m2) at 2.0 FSI |
| 1. Net site (existing)<br>(includes Parts I & J of 2,849 m2 for new roads, and Block 4 for parkland of 241.3 m2)                                  | 38,757 m2             | 77,514 m2                           |
| 2. Oakburn Place Road acquisitions<br>(Parts A, B, C, E, F & H)<br>(includes portion of Block 8 for parkland, i.e. Parts F & H of area 1749.6 m2) | 3,069.1 m2            | 6,138.2 m2                          |
| 3. Expanded net site (1 + 2)  | 41,826.1 m2           | 83,652.2 m2                         |

(c) Density Transfers and Incentives

The Secondary Plan permits a base density of 2.0 FSI, which may be increased by up to 33% with permitted density transfers and density incentives combined, for a maximum total permitted density of 2.66 FSI.

In exchange for additional density, the following density transfers and incentives are proposed, which qualify under sections 3.3 (incentives) and 3.4 (transfers) of the Secondary Plan, for a total gross floor area of 110,827 m<sup>2</sup> (including adjustment for parkland dedication density to remain with the City):

Table 2

| Density Incentives and Transfers Permitted by Secondary Plan –<br>Additional 0.66 FSI for a total of 2.66 FSI |  |  |
|---|--|--|
|   | Approximate Area (m2)  | Approximate Density (m2)                               |
| Total density of 2.66 FSI<br>times site area 41,826.1 m2  |  | 111,257 m2   |
| Adjustment for Parkland<br>Dedication – 5% of density<br>to remain with the City                              | 5% of (block 4 + block 8),<br>times 2.0 FSI<br>5% of 4,295.3 m2 times 2.0<br>equals 429.5 m2 | 111,257 minus 430 m2<br>equals<br>110,827 m2           |
| Total combined transfers and<br>incentives component of<br>maximum total density                              |  | (110,827 m2 minus 83,652<br>m2)<br>equals<br>27,175 m2 |
| 68 Avondale Avenue<br>(see map, Attachment 6)   | 451.5 m2 @ 3.5 FSI   | 1,580 m2   |
| 12 Anndale Drive  | 395.7 m2 @ 3.5 FSI   | 1,385 m2   |

|   |  |                       |
|---|--|-----------------------|
| (see map, Attachment 6)   |  |                       |
| Avondale/ Yonge widening<br>From 4679 Yonge Street  | 223 m <sup>2</sup> @ 4.5 FSI   | 1,003 m <sup>2</sup>  |
| Amenity Space   | 1.5 m <sup>2</sup> per residential unit<br>(other than townhouses in<br>separate townhouse blocks)<br>times approximately 1,059<br>units | 1,589 m <sup>2</sup>  |
| Balance of density to be<br>funded as a Monetary<br>contribution as per North<br>York Centre Secondary Plan | Monetary contribution to fund<br>21,618 m <sup>2</sup>   | 21,618 m <sup>2</sup> |

The total proposed density based on the applicant's current drawings is 115,557 m<sup>2</sup>. The total permitted density on the site, with permitted Secondary Plan combined density incentives and transfers, is 110,827 m<sup>2</sup>, which represents a maximum total of 2.66 FSI and which has been adjusted by 430 m<sup>2</sup> in accordance with density provisions related to parkland dedication (see Parkland Dedication section below). Modifications will therefore have to be made to the built form shown on the applicant's proposed drawings if the project is to comply with the maximum limits of the Secondary Plan.

With respect to incentives, it is recommended (Recommendation (9)(c)(iv)) that the developer provide lands, improvements, and/or funds as noted, in conformity with the permitted Secondary Plan density transfers and incentives, to fund the permitted density at each of the Phase 1 and Phase 2 project stages.

The proposed monetary contribution under the Secondary Plan has been structured so that the funds would be provided to help secure additional required lands for the Service Road in the southeast Downtown area.

#### (d) Proposed Phasing

The applicant proposes to develop the site in two phases. Phase 1 would include the proposed new rental apartment building on the west side of the site, townhouses west of the proposed central public park and those north of Oakburn Crescent, and buildings A and B along the south boundary of the site. Phase 1 would also include the reconfiguration of the Oakburn Place cul-de-sac, the connection of the link road to the Wittington subdivision to the west, and the park link in the northwest portion of the site (see Attachments 4 and 5).

Phase 2 would consist of the remaining two towers in the southeast portion of the site, and townhouses on the east block. The applicant has also proposed as part of Phase 2 the relocation of the north-south portion of Oakburn Place to a new location further east, and the construction of the new public park central to the site.

City staff recommend, as outlined below, that the new linkage road to extending to the west to Harrison Garden Boulevard, the shifting of Oakburn Place from its current alignment to a point further east, and the provision of the two park blocks occur in association with the Phase 1 development, with the easterly realignment of the north/south portion of Oakburn Place, and the central public park, to be provided to the City within 6 months of the completion of building B (the rental replacement building). This allows for some of the existing rental housing units to remain in place as part of the project staging and secures the revised road configuration and centrally located park as part of the Phase 1 development.

The two proposed development phases may be summarized as follows:

Table 3

|   | Phase 1   | Phase 2  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
|---|---|--|------------|----------------|-----|--------------------|----|-----------------|-----|---|----------|------------|-----------------|-----|-----------------|-----|--------------------|----|
| Existing rental units and tenant relocation/ assistance | <p>Removal of existing rental buildings on the west and southwest portions of the site, i.e. nos. 1, 3, 5, 34, 36, 38 &amp; 40 (west) and 22, 24, 26, 28, 30 &amp; 32 (southwest) (13 buildings, 143 units).</p> <p>Removal of existing rental buildings north of Oakburn Crescent (nos. 2, 4, 6, 8, 10, 12) (6 buildings, 66 units).</p> <p>Removal of 2 existing rental buildings east of Oakburn Place (nos. 7 &amp; 14, 22 units).</p> <p>Tenant relocation and assistance package would commence immediately to provide these services to any existing eligible tenants of the west and southwest blocks.</p> <p>55 existing rental units in 5 buildings east of Oakburn Place and south of Oakburn Crescent to remain and continue to provide rental accommodation.</p> | <p>Removal of remaining rental buildings, i.e. nos. 9, 11, 16, 18 &amp; 20 (Note: #20 may be included in Phase 1 due to services connection)</p> <p>(0 existing units to remain).</p> <p>Upon completion of Phase 2, remaining tenants who wish to occupy the new building will relocate to that building.</p> |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Proposed development                                    | <table><tr><th>Building</th><th>Unit Count</th></tr><tr><td>Rental tower E</td><td>287</td></tr><tr><td>Condo towns “west”</td><td>47</td></tr><tr><td>Condo tower “A”</td><td>225</td></tr></table>  | Building   | Unit Count | Rental tower E | 287 | Condo towns “west” | 47 | Condo tower “A” | 225 | <table><tr><th>Building</th><th>Unit Count</th></tr><tr><td>Condo tower “C”</td><td>172</td></tr><tr><td>Condo tower “D”</td><td>150</td></tr><tr><td>Condo towns “east”</td><td>14</td></tr></table> | Building | Unit Count | Condo tower “C” | 172 | Condo tower “D” | 150 | Condo towns “east” | 14 |
| Building  | Unit Count  |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Rental tower E  | 287   |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Condo towns “west”                                      | 47  |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Condo tower “A”   | 225   |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Building  | Unit Count  |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Condo tower “C”   | 172   |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Condo tower “D”   | 150   |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |
| Condo towns “east”                                      | 14  |  |            |                |     |                    |    |                 |     |   |          |            |                 |     |                 |     |                    |    |

|                           |  |   |
|---------------------------|--|---|
|                           | <p>Condo tower “B” 225<br/>Condo towns “north” 75</p> <p>Total units 859<br/>(plus 55 existing rental units)</p>   | <p>Total units 336</p>  |
| Proposed Gross Floor Area | <p>83,445 m2 proposed new bldgs.<br/>Plus 4,488 m2 to remain in existing apartments throughout Phase 1<br/>Equals 87,933 m2.</p> <p>(Note: applicant to fund under density incentives (87,933 m2 minus 83,652m2 ) equals 4,281 m2 “incentive/ transfers” gross floor area, plus other density matters as noted in the Recommendations)</p> | <p>Balance of permitted GFA remaining for Phase 2, at 2.66 FSI total, with incentives, and with demolition of remaining 4,488 m2 existing rental, (including parkland dedication density adjustment), is (110,827 m2 total permitted minus 83,445 m2 Phase 1 new devt.) equals 27,382 m2</p> <p>(Note: applicant to fund under density incentives approximately 17,337m2 “incentive/ transfers” gross floor area, plus other density matters as noted in the Recommendations)</p> |
| Road configuration        | <p>Closure and reconfiguration of existing Oakburn Place cul-de-sac. Construction and hook-up of link to Harrison Garden Boulevard. Closure and relocation of Oakburn Place north-south road within 6 months of completion of building E (rental replacement building).</p>  |   |
| Park configuration        | <p>Provision of central public park, and public pedestrian walkway and bike path connection to Wittington lands, within 6 months of completion of building E.</p>  |   |

(e) Draft Plan of Subdivision

It is recommended that City Council support in principle a proposed draft plan of subdivision, attached as Attachment 5, which includes 6 townhouse blocks, 5 blocks for residential towers, a central park block, a westerly park block, and a relocated Oakburn Place road configuration which also provides for a future connection to Harrison Garden Boulevard, subject to the Recommendations noted above.

It is anticipated that with respect to future road connections, there may be cost sharing arrangements made between the City, the developer of the Oakburn property, and Wittington, as part of the subdivision approval.

(f) Development Concept – The Layout of the Streets and Blocks

This 3.87 ha site is proposed to be divided by a new pattern of existing and new streets. The street pattern defines a new set of development blocks and a new 1 acre public park. The proposed layout is generally consistent with the plan attached to the Ontario Municipal Board order of February 2000. It reorganizes existing streets and lays out new streets and blocks to achieve a number of objectives of the Official Plan including:

(i) Improved Connections to the neighbourhood to the west and Yonge Street

Connecting Harrison Garden Boulevard with these lands provides pedestrian and vehicular linkages to the Wittington lands and provides pedestrian access to Yonge Street and access to the parks and amenity of each of the two neighbourhoods. The two neighbourhoods will also be linked by a walkway to be provided in the northwest portion of the site.

(ii) A new one acre (0.41 ha) park in a central location

The location of a new park, central for the site, is identified generally on Map 8-9b of the Secondary Plan. The proposed development provides for a central park in approximately the centre of the total site. This location provides a central focus, identity and amenity for the new development. The Park block is defined on three sides by existing or new public streets which are in conformity with the Official Plan policies that ask for public street edges for parks to promote visual and physical access to the park. The park size exceeds the standard 5% allocation and will be a central focus for this new neighbourhood and continue the successful pattern of central park design found in the Wittington lands.

(iii) Appropriately scaled blocks for high density development

The existing Oakburn Place roadway is closed and a new road constructed in a new alignment to the east. This arrangement forms a new set of development blocks. The old location ended in a cul-de-sac and was designed to serve the existing low scale apartment buildings. The existing cul-de-sac is much larger than is needed for the function of the road, is not an efficient use of land, and the development blocks around it are not the best dimensions for the planned building types. The block sizes are large enough to provide for base buildings for the taller apartment towers proposed adjacent to Highway 401, which is an important design criterion.

(iv) Completion of Walkway linkages from the west

An additional new Public Park is proposed on a triangle of land at the entry to the site along Oakburn Crescent, this location is appropriate for a park as it allows for a visual and physical extension of the public walkway and parkette east of the site east through to Oakburn

Crescent, improving pedestrian connections to the neighbouring properties and amenity on this site. The design of the space should acknowledge and frame the views, and allow for accessibility between the two neighbourhoods in a park setting.

The closure of Oakburn Place and the sale of the lands to the developer, and the subdivision of the lands with a new street extending Harrison Garden Boulevard up to Oakburn Crescent are important in achieving this development concept and the goals of the Official Plan. Without the road relocation, the size and location of the central park and the dimensions of the development blocks are compromised.

In addition to the new layout of public streets and parks, a network of private walkways will divide the larger blocks that are planned to be used for townhouses. Walkways are proposed for blocks 5, 6 and 7. On these blocks townhouses have been proposed above underground parking. This approach to townhouses is consistent with other townhouse developments in the area, and does not require public street access as described in Councils DIPS policy.

On Block 1, 2 and 3 a walkway is proposed to provide access to townhouses behind street oriented towns along Oakburn Crescent. These townhouse are not acceptable in their location as they do not meet the required angular plane as set out in the site-specific Official Plan policy and therefore the proposed walkway is not necessary.

#### (g) Built Form

##### Base Buildings and Townhouse Blocks

The proposed low scaled townhouse buildings and the base buildings of taller apartment buildings have generally been sited in a consistent manner along the edge of new and existing streets, the new park and the mid-block shared driveways. The townhouse blocks have a proposed height of 11 metres. These are proposed for Blocks 1, 2, 3, 5, and 9, and are generally found within the first 75 metres south of the RRPL and will form an appropriate scale transition to the lower scaled neighbourhood north of the site and townhouses west of the site.

Base buildings of two to three storeys are proposed for taller apartment buildings located on Blocks 6, 10, 11, 12, and 13. These base buildings will, together with the townhouse blocks define the edges of the public realm with appropriate scaled enclosure to ensure adequate sky view, sunlight and appropriate wind conditions.

These townhouse and base buildings for the apartments have landscaped setbacks that range from 2 to 11 metres from streets and the park. The design of these spaces will compliment the streetscape and will add to the landscape character of the area. A minimum face to face dimension of 12.5 metres is proposed for townhouse blocks and base buildings without a street frontage.

A fine grain of building entrances to townhouses, and garden apartments in the apartment bases, are proposed along the edges of public streets, private driveways and walkways and the public parks. These entrances are found at two scales, those associated townhouse units and those with

grade related units in the base of apartments. The master plan gives direction that these should be designed with clear visual and physical connections to the public realm, with proper lightning landscape and amenity to promote safe use.

Loading and servicing uses are proposed for midblock locations and along the Highway 401 face of the development in shared driveways and service courts. These locations will minimize the impacts of these uses on the public realm and neighbouring residence areas. Appropriate screening and landscaping will be secured to adequately buffer from adjacent public spaces and neighbours.

### Relationship to Neighbouring Development

The Official Plan and the OMB order set out a height strategy that limits the height of buildings to 11 metres in first 75 m from the RRPL and then raises the height to 65 metres south of that line along Highway 401. To ensure adequate scale transition to the stable area to the north the height of all buildings is to be under a 26.5 degree angular plane from the RRPL.

The current proposal has organized the building mass of all buildings to respect the two height limits. The angular plane has been respected by all buildings on the site except for a row of townhouses at the back of Block 1, 2 and 3 along the northern edge of the site. Staff are recommending that this row of townhouses be removed and the required angular plane be achieved. No strong planning reason for allowing the proposed townhouses on this part of the Block to exceed the angular plane has been given by the applicant. Staff will continue to negotiate the ZBL and Master Concept Plan to put in place an implementation framework that will respect this angular plane along the northern boundary of the site.

### Tall Buildings

The concept plan proposes Tall Buildings on block 10, 11, 12, 13 and 6. The height of these buildings is within the 65 metre height limit in the Official Plan and under the angular plane. The location of these buildings is generally along the edge of the 401 and adjacent to the School Board storage yard. They are in line with and step down from the tall buildings recently constructed to the west. It is expected that the design of the tall buildings will promote the distinctive character of this important site with in the City and the North York Centre.

The tall buildings on Block 10, 11, 12 and 13 have been designed as square floor plates with adequate space between them and step-backs from the base building. This is an important feature of the development concept and allows for views through the site from surrounding areas, and sky-view and sunlight to access the streets and park found to the north of the towers. The maximum dimensions of these towers, the minimum step-back from the base condition and the space between them will be secured in the Zoning By-Law and described in the Master Concept Plan. Regard should be had for sun/ shadow impacts and wind impacts consistent with expectations for the redevelopment area.

The tall building on Block 6 has a slightly different form in part due to its unique location in the plan. It takes the form of a short slab building, oriented in a north south direction. Its narrow

face is to the street and it is located in the largest block. A townhouse block separated by a private shared driveway has been proposed between this tall building and the park to minimize its scale and shadow impact on the park. We have recommended a setback of 16 metres from this building to the west property line to provide adequate spacing from the townhouses on the block to the west.

### Zoning Specifications

Recommendation (9) includes a proposed framework for an implementing site-specific zoning by-law for a two-phased project on the subject lands, generally based on the proposed Master Concept Plan, as recommended to be modified. The proposed zoning concept outlined in the Recommendations of this Report includes maximum height and density provisions in conformity with the North York Centre Secondary Plan, which will require modifications to the current proposal. It is anticipated that in advance of the Ontario Municipal Board hearing, City staff will have an opportunity to consider a more detailed and specific form of draft zoning by-law to be brought forward to the Board. The zoning by-law will implement the development concept as generally outlined in this Report, and will include consideration of matters such as heights, densities, setbacks, stepbacks, and building massing tailored, as appropriate, to each development block, and will be guided by the Secondary Plan policies including those related to Environment and Urban Design.

#### (h) Master Concept Plan

A condition of subdivision approval is that prior to final approval and registration of the Subdivision Plan, a Master Concept Plan prepared by the Owner must be provided to the satisfaction of the City. The Master Concept Plan would form part of the Subdivision Agreement, and would provide the basis for review of more detailed site plan applications for specific buildings or phases within the development. The applicant has submitted a Master Concept Plan for review, and the applicant is also required to apply for Site Plan Approval for each building or phase subject to Section 41 of the Planning Act.

The Master Concept Plan together with the Zoning By-Law and subdivision will be the tools to implement the development concept for this area. The Master Concept Plan (Attachment 9) is intended to implement the goals and policies of the Official Plan to ensure unity, coherence and a high quality of public realm, while at the same time balancing flexibility with design details to deal with changes to building and design programs over time. Key built form issues described in this report will be secured in the zoning by-law and more detailed design guidance will be found in the Master Concept Plan to assist in the site plan process for individual developments within the project.

The urban design issues discussed in the attached Master Concept Plan are generally consistent with the Official Plan and the OMB order including a description of general building envelopes with maximum heights, a conceptual landscape plan and topographical information. The Master Concept Plan includes detailed guidelines on the mix of land uses, built form principles, block patterns, public and private open space, the pedestrian system. The guidelines provide assistance to understand individual developments in the various phases will fit together with the neighbours



and later phases of the development. As described in the Secondary Plan the Master Concept Plan will be secured on title.

The master concept plan will need to be modified to bring it in conformity with the recommended changes to the Zoning By-Law and the subdivision recommendations of this report. Staff will continue to negotiate with the applicant to ensure that the Master Concept Plan will have the necessary detail and measurable standards to ensure the highest standards of Urban Design are achieved on this large and prominent site.

(i) Traffic and Traffic Certification

The Transportation Services Division advises that the applicant has not satisfied the Traffic Certification requirements of Section 4.8 of OPA 447, the North York Centre Secondary Plan (see Attachment 10b, Development Engineering memorandum). The proposed development can not be adequately accommodated by the existing road network in the south east downtown area. As a result, Transportation Services is requiring that the proposed development can proceed only by way of a phased development as the City acquires lands for two road improvements that are required to accommodate the traffic generated by the proposed development in the context of the ongoing redevelopment of the South Downtown area of North York Centre. The following table outlines the 3 phase approach to the development's transportation requirements.

Table 4

| Phase | Number of Units  | Required Improvements  |
|-------|--|--|
| 1     | Replacement of existing 286 rental units                                   | None   |
| 2     | Construction up to 859 new residential units                               | <ol style="list-style-type: none"> <li>1. Widen Avondale Avenue to five lanes between Bales Avenue and Yonge Street;</li> <li>2. An exclusive westbound right turn lane at the intersection of Yonge Street and Avondale Avenue;</li> <li>3. Signalization of the new four-leg intersection between Tradewind Avenue and Avondale Drive (Service Road), including any property acquisitions required to construct this intersection;</li> <li>4. Road connection to Harrison Gardens; and</li> <li>5. Implementation of various Travel Demand Management initiatives.</li> </ol> |
| 3     | Construction of up to 1,195 residential units including rental replacement | Acquisition of the lands required for the Anndale Drive connection to Yonge Street, as per the Environmental Study Report.   |

The applicant's proposal for phase 2 in the table above meets three of the five conditions above. They have:

- proposed to dedicate the necessary property required and fund the signalization of the Avondale/Tradewind intersection (#3);
- implement the connection to Harrison Gardens as envisioned in the original OMB decision on the site (#4); and,

- agreed to implement a Transportation Demand Management (TDM) program that will consist of a peak period shuttle bus service from the site to the subway as well as a one-year Metropass for the occupants of the rental replacement building.

With respect to the proposed shuttle bus service, staff are of the opinion that a suitable time period for securing the subway shuttle bus service would be for a minimum 10 year time period.

In contrast, the applicant has not been able to acquire the land necessary to construct the widening of Avondale Avenue to provide a dedicated westbound right turn lane from Bales Avenue to Yonge Street. This requirement was identified by the Downtown Plan South of Sheppard Avenue Environmental Study Report (ESR) as a necessary improvement to support the “interim” development levels for the quadrant. The ESR’s “interim” levels included the buildout of the Wittington subdivision and the Oakburn lands. The right turn lane was also assumed to be in place in the 1997 traffic study for the original Oakburn proposal and was one element necessary to achieve Traffic Certification.

Should the developer not be able to secure the land required for the required widening, staff are recommending that the City obtain this land through expropriation, at the sole expense of the applicant.

Transportation Services has further advised that additional road capacity to Yonge Street is required in order to accommodate the full buildout of the proposal to 1,195 units. In accordance with the approved ESR, that new capacity is available only when Anndale Drive is extended west to Yonge Street to align with Poyntz Avenue. As a result, Transportation Services is requiring that a Holding provision be applied to the remaining units beyond Phase 2. The Holding provision would be lifted once the City has obtained the lands necessary to construct the Anndale extension.

With respect to the Anndale Drive extension, it is anticipated that a large portion of this required Service Road segment will be acquired by the City as part of a proposed major redevelopment of the Willowdale Plaza lands, which application was received by the City in August, 2006.

Staff recommend that the City commence any necessary expropriations with respect to properties required for the Service Road and fronting Anndale Drive between Yonge Street and Bonnington Avenue, should the City not have acquired such lands within two years of the site-specific zoning by-law amendment for the Oakburn development coming into effect.

To protect the stable residential neighbourhoods to the north and east of the subject site from transient traffic, the City of Toronto will enact the necessary by-laws at the easterly intersection of Avondale Avenue and Oakburn Crescent to restrict northbound through and northbound right turn traffic movements (see Development Engineering comments, Attachment 10b).

#### (j) Parking

The proposed development includes 1,318 parking spaces, or a ratio of 1.10 spaces per unit. Overall, the parking proposed meets the requirements of the North York Centre Parking Policy.

Notwithstanding, the Parking Policy must be adhered to on a block by block basis within a proposed subdivision.

Based on a consultant's review of similar rental apartment buildings, City staff have agreed to a supply for the rental apartment component of the proposal of 0.80 spaces per unit, which includes 0.10 for visitors. This is deemed to conform to the parking policy as it will contribute to achieving the City's aspirations to reduce the auto driver modal split. An Official Plan Amendment would not be required for this purpose. The parking supply for any blocks that do not conform to the North York Centre Parking Policy must be adjusted to conform, as per the zoning recommendations.

City Council has endorsed a policy requiring 0.5 bicycle parking spaces per unit in the North York Centre. The area of the bicycle parking spaces is exempt from the calculation of gross floor area. The bicycle parking space guidelines apply to all proposed multiple-residential units other than the independent townhouse blocks and are to be secured in the zoning by-law.

(k) Access, Loading and Servicing

With a few minor exceptions, access to the proposed buildings is generally acceptable to Transportation Services. Further detailed design will be necessary to mitigate the concerns raised in the memorandum from Development Engineering dated September 7, 2006 (Attachment 10b) at the time that site plan applications are filed for individual buildings.

Similarly, the loading requirements of Zoning By-law 7625 have not been met as a minimum of five spaces of acceptable size and configuration are required whereas only four are shown on the plans. As with a detailed access review, the By-law requirements for loading spaces may be met at the site plan stage.

The proposed development is also required to meet the setback requirements of the Ministry of Transportation, including loading and servicing areas, with respect to the property line adjacent to Highway 401 (see Attachment 10f).

The applicant will be required to meet any servicing requirements with respect to the phased project as outlined in the attached Development Engineering comments.

(l) Parkland Dedication

The applicant is proposing a new, centrally located park area that would be bounded by the existing Oakburn Crescent to the north, the relocated Oakburn Place to the east, the new link road to the south, and would be framed by proposed townhouses in blocks A-2 and B-2 to the west (see Site Plan, Attachment 1). The proposed central park includes lands currently developed with the north-south portion of the existing Oakburn Place. The applicant proposes as part of the overall road reconfiguration to purchase from the City the north-south portion of Oakburn Place, and subsequently convey these lands to the City as parkland, and augment this conveyance with additional lands currently forming part of the subject site. The proposed central park block (block 8) has a total area of approximately 4,054 m<sup>2</sup>. Notwithstanding the

recommendation of the Parks, Forestry and Recreation Division (Attachment 10c), it is recommended that this central park block be provided to the City within 6 months of completion of building B, the rental replacement building. The parkland is to be provided in a condition acceptable to the General Manager Parks, Forestry and Recreation. These matters are to be secured in the section 37 agreement and other legal agreements as may be appropriate.

A second public park space (block 4) of approximately 241 m<sup>2</sup> is proposed in the northwest portion of the site and would provide a public linkage between the subject site and the Wittington development to the west, and is proposed to be provided as part of the Phase 1 development.

The Parks, Forestry and Recreation Division (Policy and Development) advises that the proposed total amount of parkland is acceptable, and notes in their memorandum additional requirements with respect to the parkland dedication.

An adjustment needs to be made to the total density that may be built in Oakburn's development as it is the City's policy that the applicant shall convey the proposed parkland to the City along with the density attributable to the first 5% of the land dedication. This amount of density is equal to 430 m<sup>2</sup> gross floor area which needs to be deducted from the maximum 111,257 m<sup>2</sup> permitted density under Secondary Plan permission (with permitted transfers and incentives), which yields a total maximum permitted density for the project of 110,827 m<sup>2</sup> (see also Table 2 above).

(m) Urban Forestry Services

Comments have been provided by Urban Forestry Services (Attachment 10d and 10e) and will be considered at the time of finalizing the draft zoning by-law, Master Concept Plan, and at the time the future site plan applications for each block are brought forward to the City for approval.

(n) Rental Housing Replacement Programme

The applicant and the City have agreed in principle to a rental housing replacement programme and assistance for existing eligible tenants (see Attachment 10a).

The rental housing package includes, but is not limited to, the following principles:

- 100% rental replacement, included as part of the Phase 1 development;
- security of rental tenure for the proposed rental building for 20 years;
- maintenance of rent levels, subject to the provisions in the attached principles;
- tenant relocation assistance;
- tenant compensation;
- provisions for special needs of tenants; and
- a communications strategy for existing tenants.

It is recommended that the proposed rental replacement programme, rents, and tenant assistance and communication matters be secured as part of the section 37 agreement for the development.

(o) Affordable Housing

Part C.4 (Housing) of the former City of North York Official Plan requires that at least 25% of new units in all multiple unit residential buildings containing 20 units or more be affordable. The affordability criterion is based on maximum unit size and is to be secured in the site-specific zoning by-law.

(p) Public Art

It is recommended that the applicant provide 1% of gross construction for public art, to be secured as part of the section 37 agreement (see Recommendation 10 (c)). This will be provided in accordance to the Guidelines for Public Art recently approved by City Council. It is recommended that a public art master plan will be submitted for approval prior to the issuance of the first building permit for Phase 1.

(q) Construction Access

It is recommended that a Construction Management Plan, to address matters including truck vehicle access, parking for construction trades, and dust control measures, be provided to the satisfaction of the Executive Director, Technical Services, for each of the two proposed development phases, prior to the issuance of any demolition permit for the site in respect each of the respective two phases.

(r) School Boards

The proposal was circulated to the Toronto District School Board and the Toronto Catholic District School Board (Attachment 10g). The Toronto District School Board has advised that there is a shared access between their adjacent property to the east and the Oakburn lands. It is expected that the two property owners will confirm any easement arrangements as part of the development approvals.

The Toronto District School Board also advises that there is insufficient space at the local schools to accommodate students anticipated from the proposed development, and has requested that the status of local school accommodation be posted on the site prior to registration or the issuance of any building permit, and also included in agreements of purchase. These requirements, along with any additional requests of a similar nature that may be received from the Toronto Catholic District School Board, can be secured in the appropriate legal agreements. The Board advises that children from new development will not displace existing students at local schools.

Conclusions:

This staff report recommends that City Council not support the applicant's proposed development for 1-12 Oakburn Crescent and 14-40 Oakburn Place in its current form, and recommends that the City Solicitor and appropriate City staff bring forward to the Ontario Municipal Board for approval a modified project as outlined in the Recommendations and generally consisting of a maximum of 1,195 residential units at a maximum density of 2.66 FSI (with permitted Secondary Plan incentives), to be built in two phases, and to include an improved road configuration, a road connection to the neighbourhood to the west, a central public park block of an approximate size of 1 acre, and a public walkway connection in the northwest portion of the site.

Contact

Catherine Cieply, Senior Planner  
Phone: 416 395 7109  
Fax: 416 395 7155  
Email: ccieply@toronto.ca

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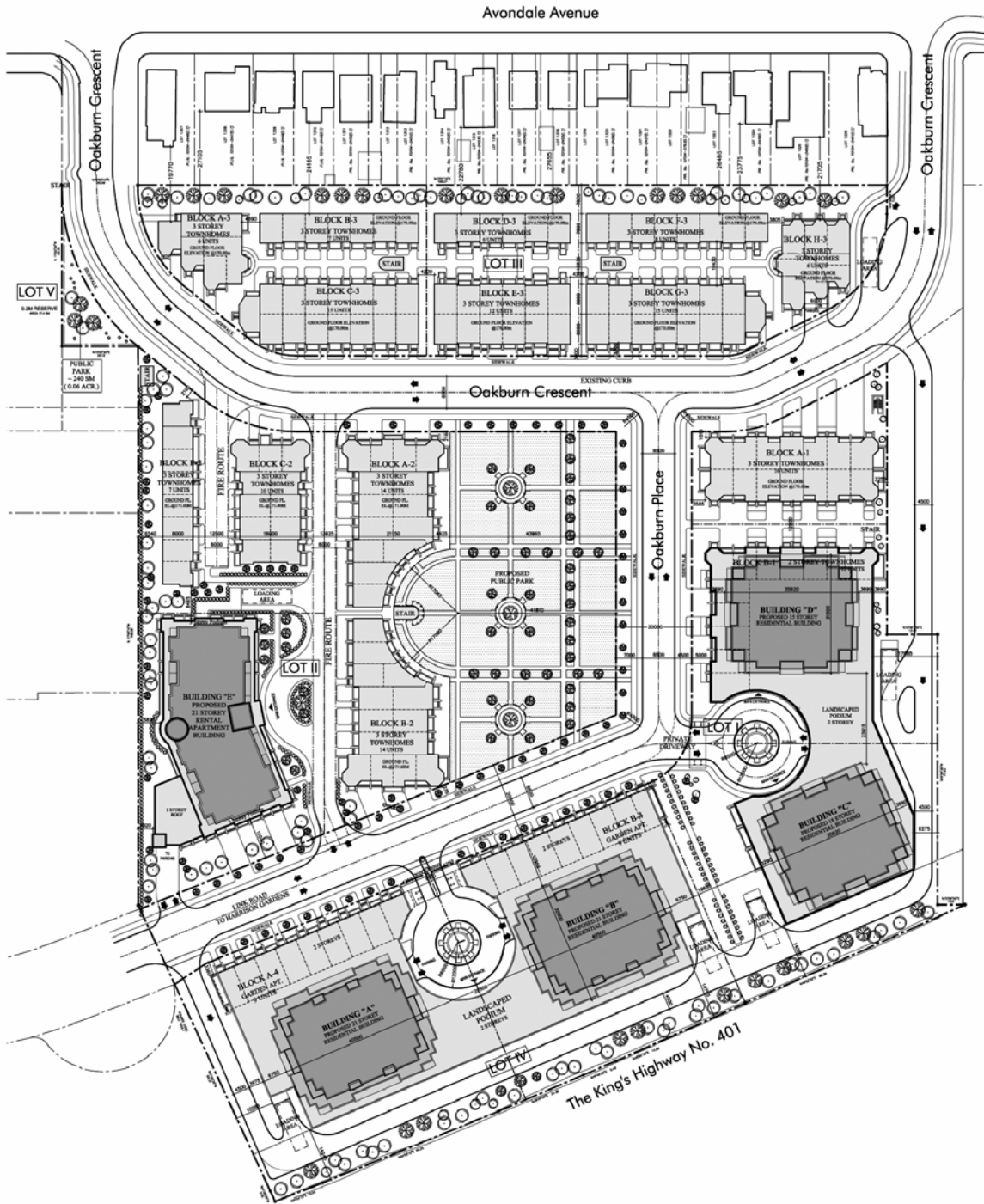
Thomas C. Keefe  
Director, Community Planning, North York District

List of Attachments:

- Attachment 1: Applicant's Proposed Site Plan
- Attachment 2: Official Plan
- Attachment 3: Zoning
- Attachment 4: Applicant's Proposed Road Conveyances and Acquisitions
- Attachment 5: Applicant's Proposed Plan of Subdivision
- Attachment 6: Applicant's Drawing showing Off-Site Properties
- Attachment 7a: Applicant's Elevations – East Elevation, and Townhomes – South Elevation
- Attachment 7b: Applicant's Schematic Diagrams looking East and West
- Attachment 7c: Applicant's Proposed Building E and Block C2 on West Side of Site
- Attachment 7d: Applicant's Proposed Buildings A & B along the 401 – North Elevation
- Attachment 8: Application Data Sheet
- Attachment 9: Applicant's Proposed Master Concept Plan (with selection of drawings)
- Attachment 10: City Division and External Agency Comments
  - 10a: City Planning Division, Principles for Housing Issues, August 11, 2006
  - 10b: Development Engineering, Technical Services Division, September 7, 2006

- 10c: Parks, Forestry and Recreation, Parks & Recreation Planning, August 24, 2006
- 10d: Parks, Forestry and Recreation, Urban Forestry Services, June 28, 2006
- 10e: Parks, Forestry and Recreation, Urban Forestry Services, August 31, 2006
- 10f: Ministry of Transportation, Corridor Management, August 24, 2006,  
December 23, 2005, and February 17, 2005
- 10g: Toronto District School Board, August 26, 2005, July 21, 2005,  
and March 29, 2005

## Attachment 1: Applicant's Proposed Site Plan



### Site Plan

Applicant's Submitted Drawing

Not to Scale  
08/26/06

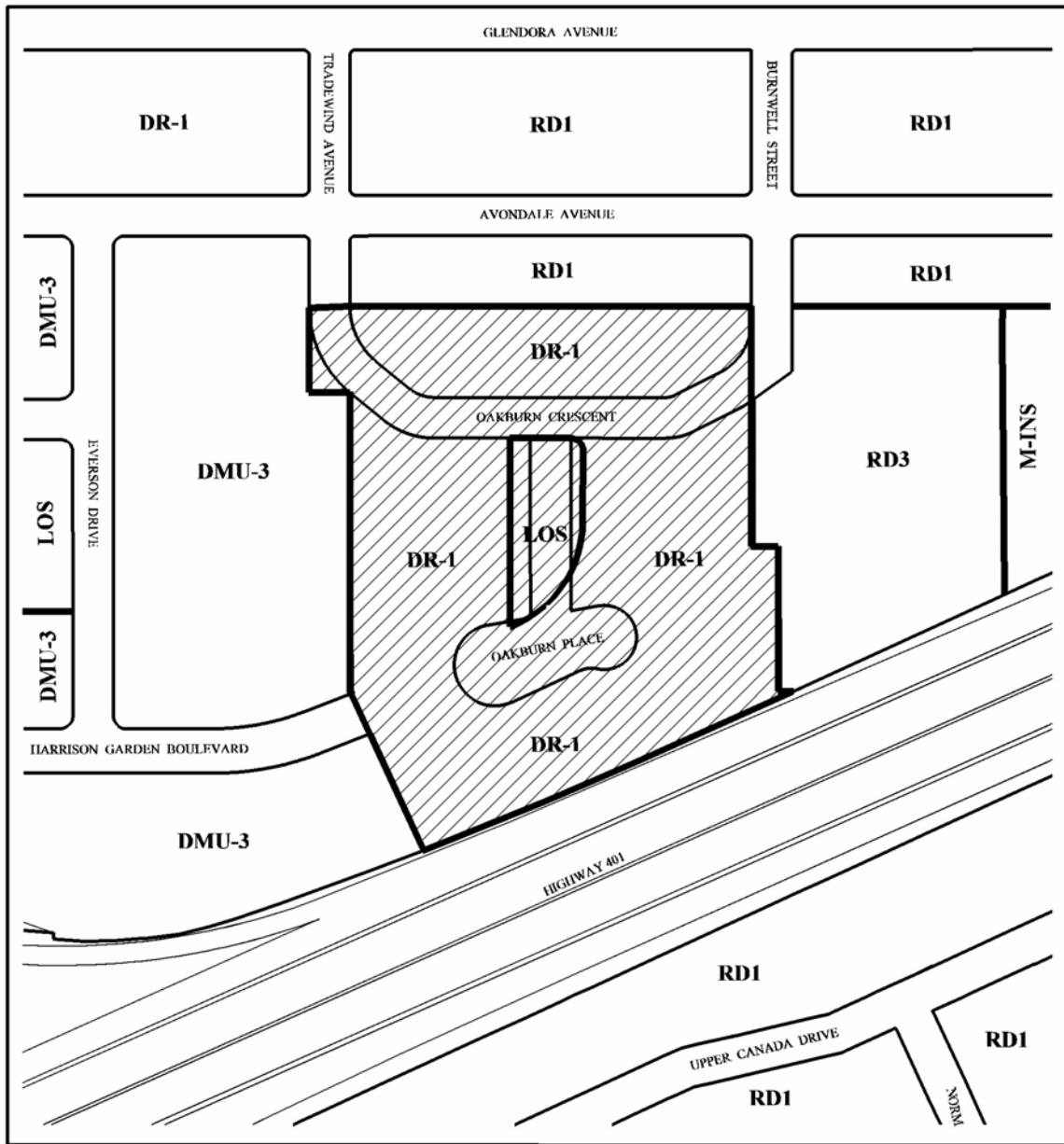


14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152



## Attachment 2: Official Plan



**Toronto** City Planning  
Division  
**Official Plan**

**14-40 Oakburn Place and 1-9 & 2-12 Oakburn Crescent**

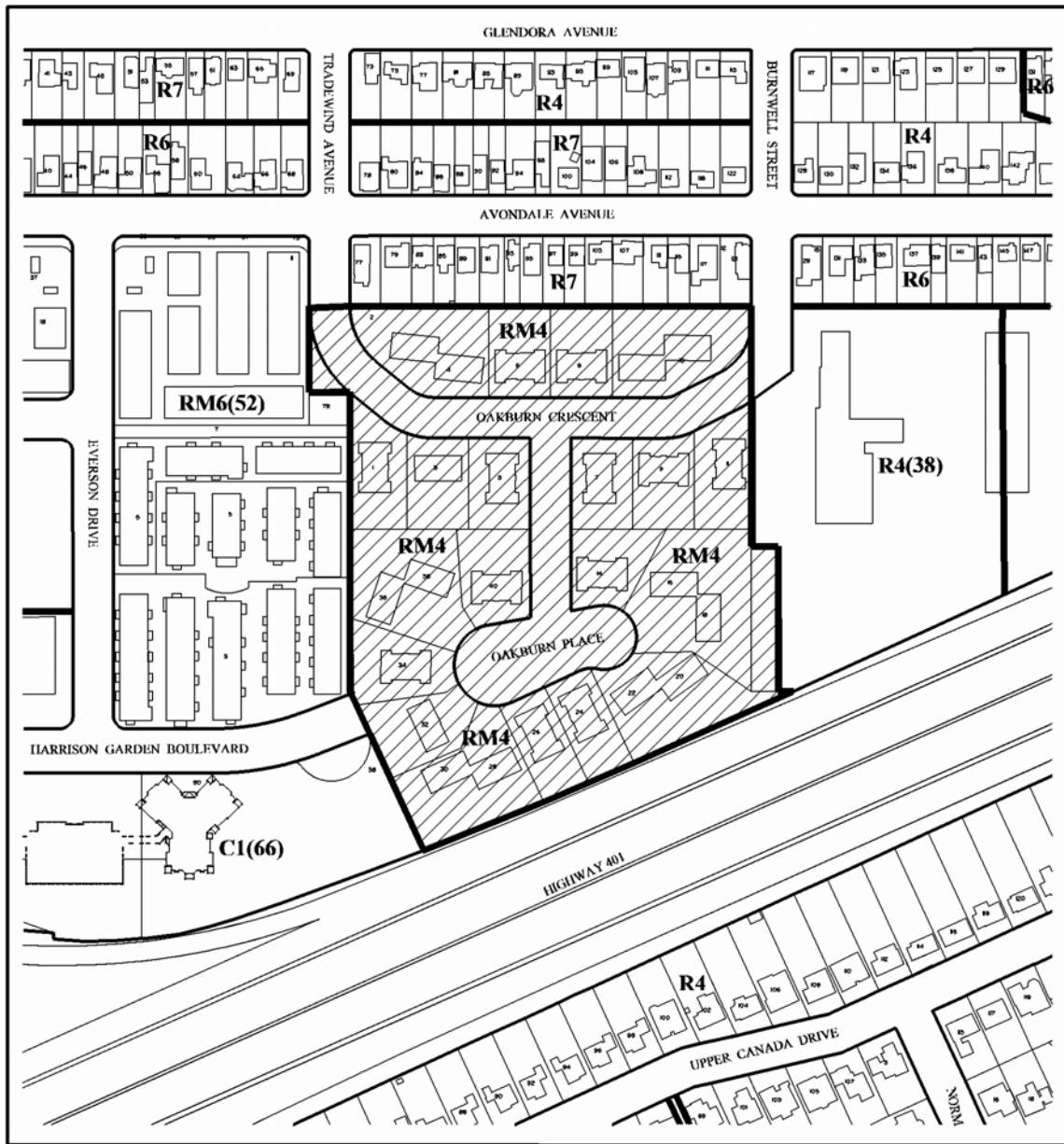
File # 05\_105152

DR-1 Downtown Residential - 1  
DMU-3 Downtown Mixed Use - 3  
RD1 Residential Density One  
RD3 Residential Density Three

M-INS Minor Institutional - School Site  
LOS Local Open Space

↑  
Not to Scale  
North York Official Plan  
Extracted 02/15/05

### Attachment 3: Zoning



**Toronto** Urban Development Services  
Zoning

14-40 Oakburn Place and 1-9 & 2-12 Oakburn Crescent

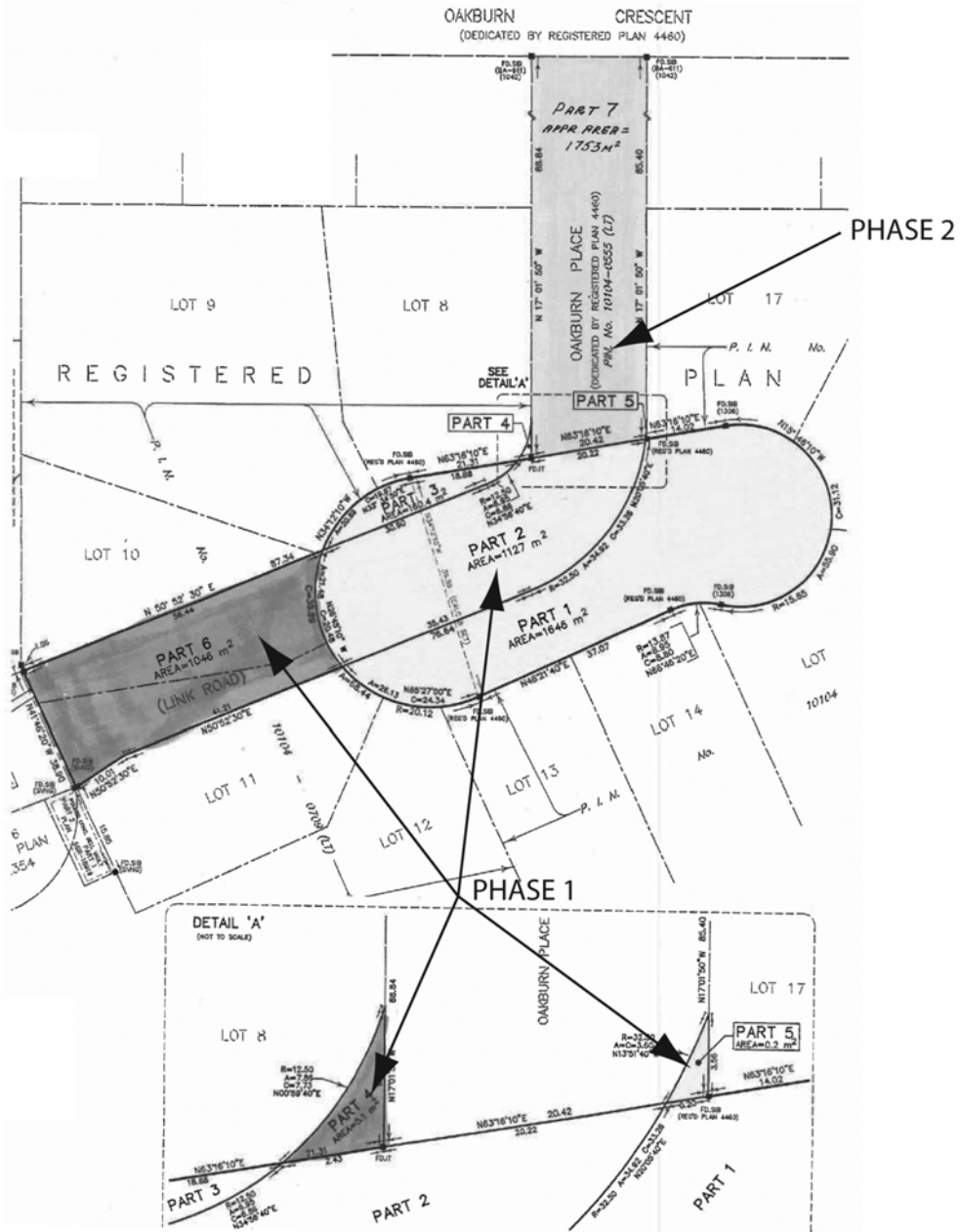
File # 05\_105152

R4 One-Family Detached Dwelling Fourth Density Zone  
R6 One-Family Detached Dwelling Sixth Density Zone  
R7 One-Family Detached Dwelling Seventh Density Zone  
RM4 Multiple-Family Dwellings Fourth Density Zone  
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

RM6 Multiple-Family Dwellings Sixth Density Zone  
C1 General Commercial Zone

Not to Scale  
Zoning By-law 7625  
Extracted 08/29/06

## Attachment 4: Applicant's Proposed Road Conveyances and Acquisitions



### Road Conveyances and Acquisitions

Applicant's Submitted Drawing

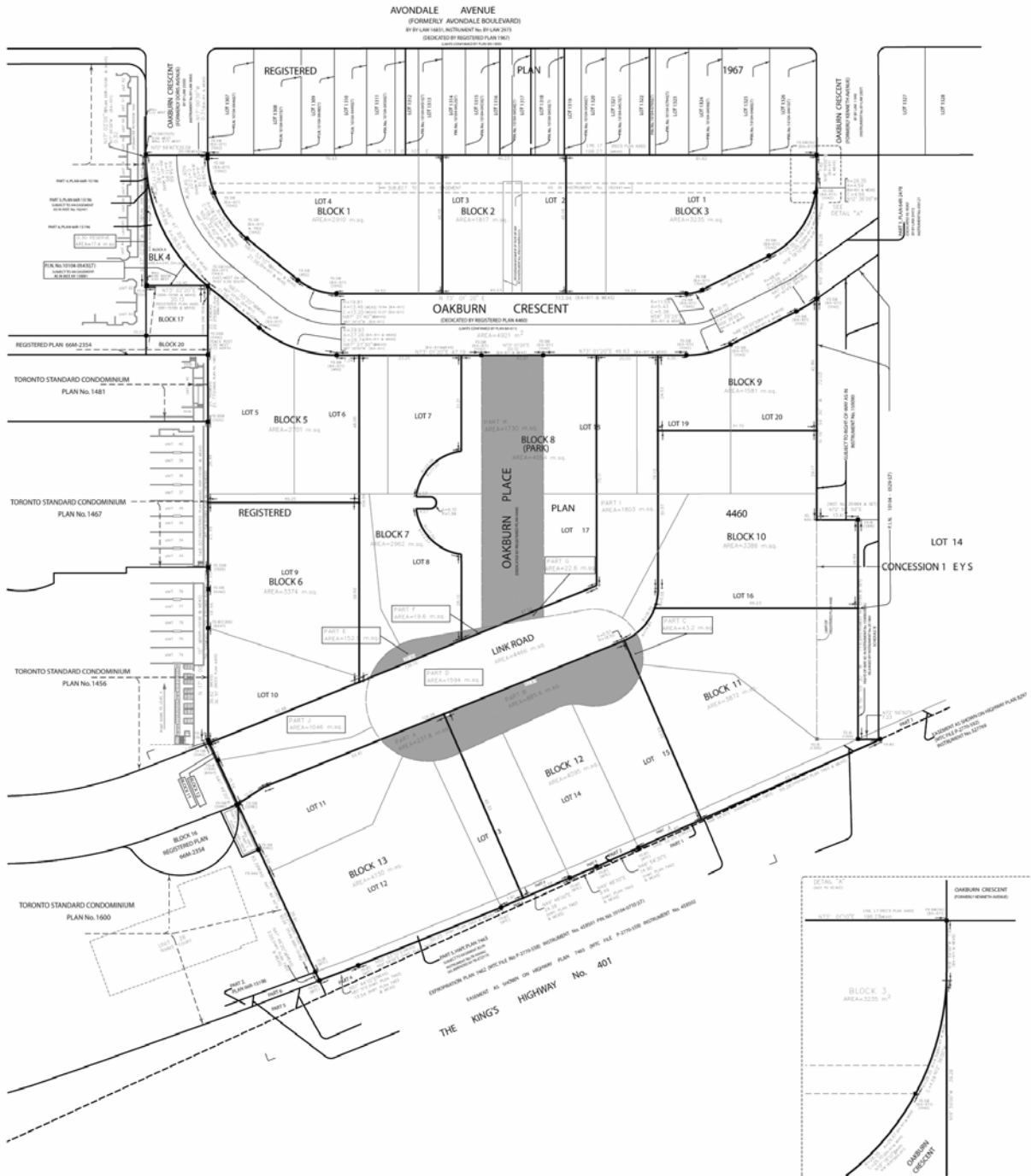
Not to Scale  
08/30/06



14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152

## Attachment 5: Applicant's Proposed Plan of Subdivision



### Proposed Plan of Subdivision

Applicant's Submitted Drawing

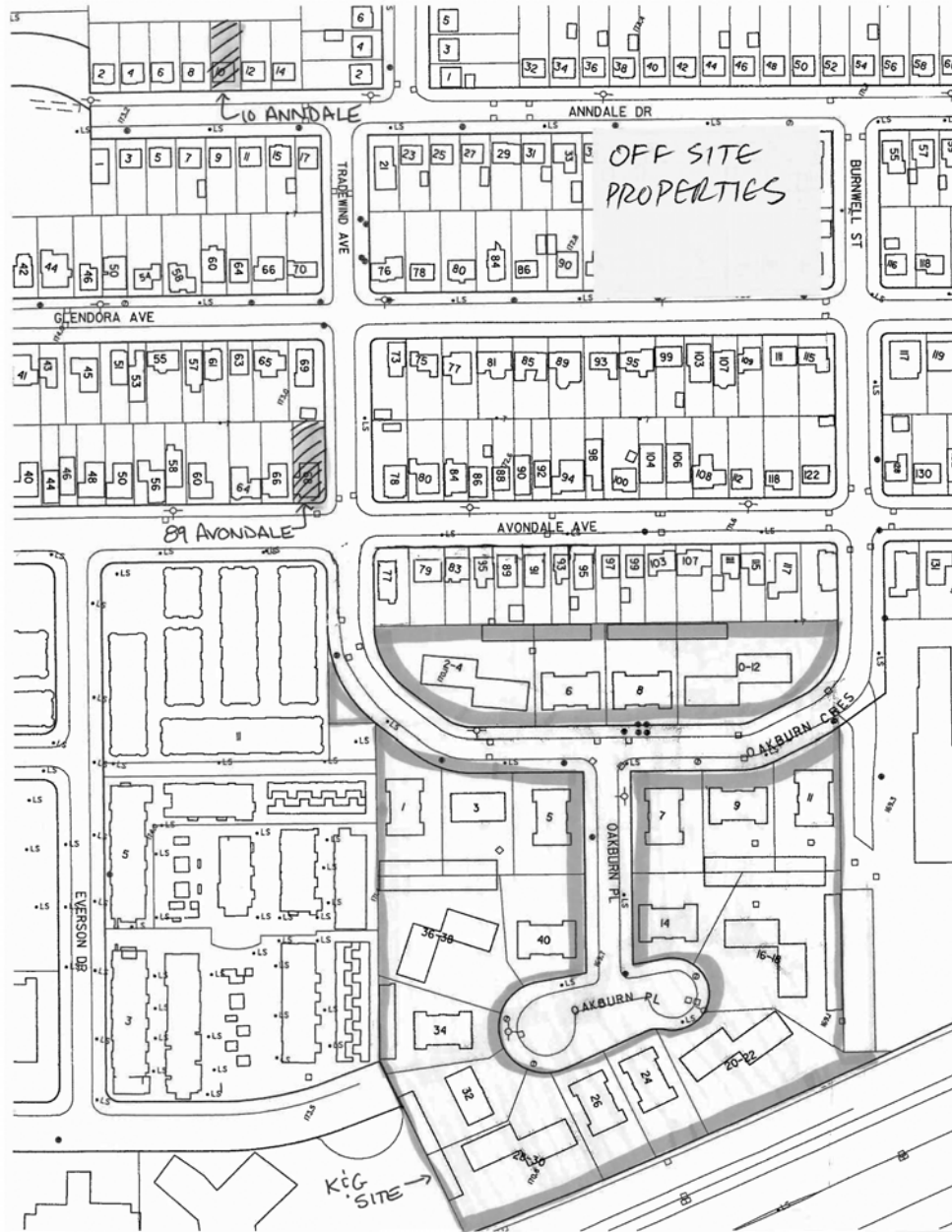
Not to Scale  
08/30/06



14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152

## Attachment 6: Applicant's Drawing Showing Off-Site Properties



### Map of Off-site Properties

Applicant's Submitted Drawing

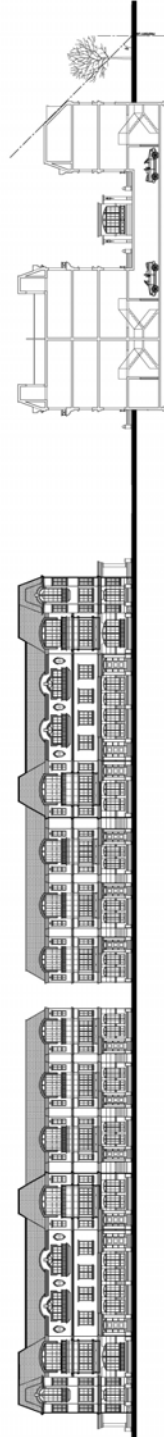
Not to Scale  
08/30/06



14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152

**Attachment 7a: Applicant's Elevations – East Elevation, & Townhouses – South Elevation**



Lot II/III - West Elevation/Section



Lot III - Townhomes - South Elevation

**Sections and Elevations**

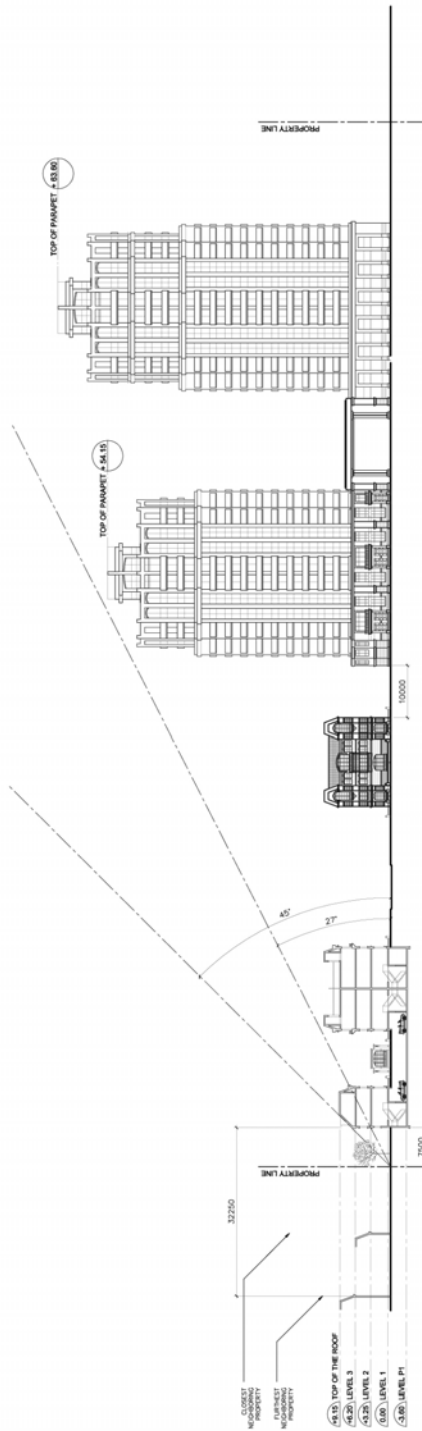
Applicant's Submitted Drawing

Not to Scale  
08/30/06

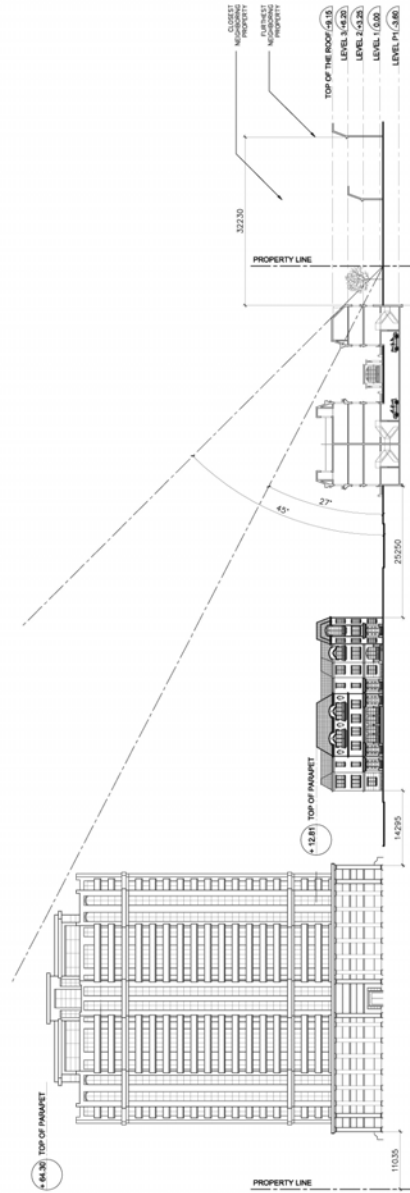
**14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent**

File # 05\_105152

Attachment 7b: Applicant's Schematic Diagrams Looking East and West



Schematic Diagram Through Site Looking East



Schematic Diagram Through Site Looking West

Sections and Elevations

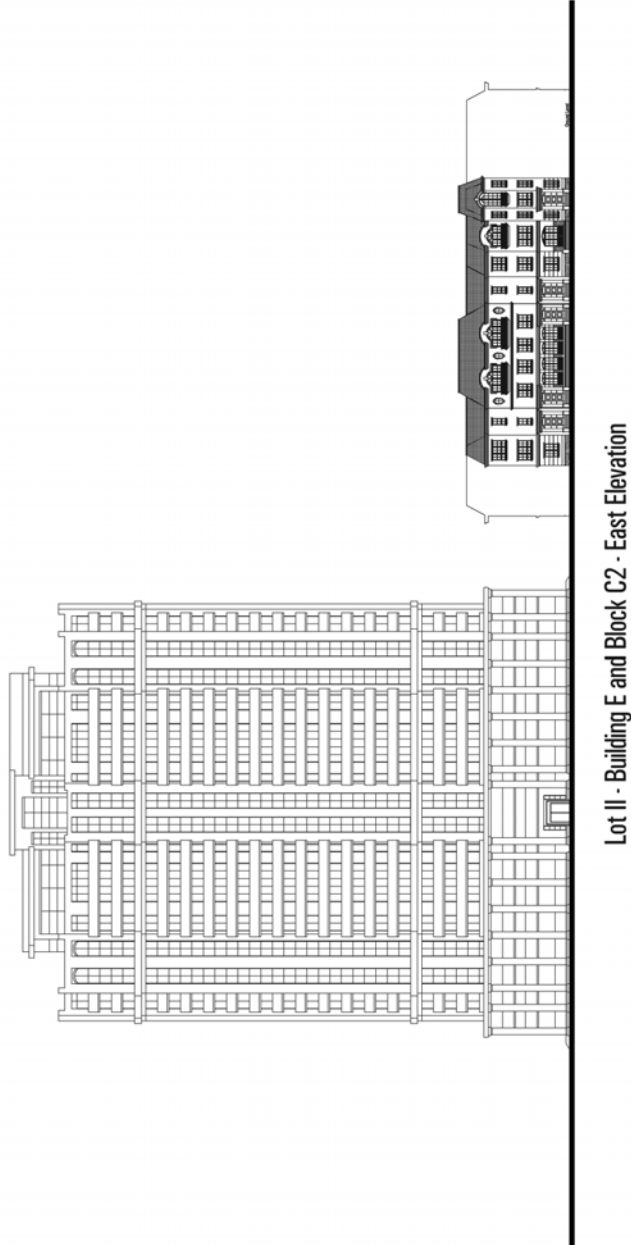
Applicant's Submitted Drawing

Not to Scale  
09/30/06

14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152

**Attachment 7c: Applicant's Proposed Building E and Block C2 on West Side of Site**



**Elevations**

Applicant's Submitted Drawing

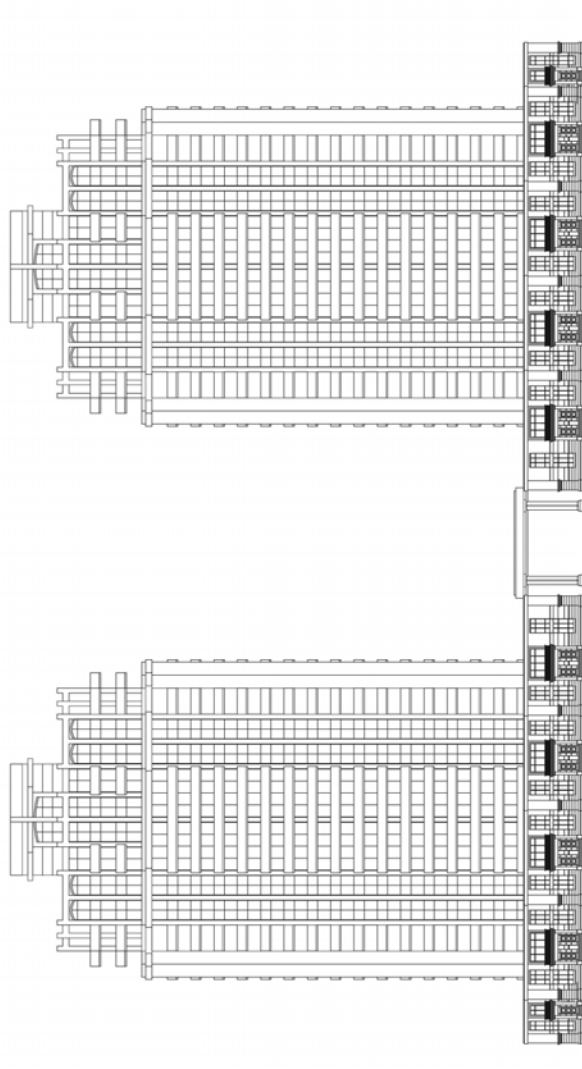
Not to Scale  
08/30/06

14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152



**Attachment 7d: Applicant's Proposed Buildings A & B Along the 401 – North Elevation**



Lot IV - Buildings A&B - North Elevation

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
08/30/06

14-40 Oakburn Place and  
1-9 & 2-12 Oakburn Crescent

File # 05\_105152

**Attachment 8**  
**APPLICATION DATA SHEET**

|                                    |  |                                   |  |
|------------------------------------|--|-----------------------------------|--|
| Application Type                   | OPA, Rezoning, and Subdivision   | Application Number:               | 05 105152 NNY 23 OZ<br>05 105158 NNY 23 SB |
| Details                            |  | Application Date:                 | January 27, 2005                           |
| Municipal Address:                 | 1-12 Oakburn Cres. & 14-40 Oakburn Pl., and 12 Anndale Dr. & 68 Avondale Ave.  |                                   |  |
| Location Description:              | PLAN 4460 PT LOT 5 **GRID N2306  |                                   |  |
| Project Description:               | To replace 286 existing rental units in walk-up apartments with 1,195 new residential units consisting of 5 towers 15-21 storeys in height, and multiple townhouse blocks. |                                   |  |
| <b>Applicant:</b>                  | <b>Agent:</b>  | <b>Architect:</b>                 | <b>Owner:</b>                              |
| GOODMANS LLP , PER<br>ALLAN LEIBEL | AS PER APPLICANT   | KIRKOR ARCHITECTS<br>AND PLANNERS | K & G OAKBURN<br>APARTMENTS I & II<br>LTD  |

**PLANNING CONTROLS**

|                            |                             |                          |               |
|----------------------------|-----------------------------|--------------------------|---------------|
| Official Plan Designation: | DR-1 & LOS                  | Site Specific Provision: | 12.17 (NYCSP) |
| Zoning:                    | RM4                         | Historical Status:       |               |
| Height Limit (m):          | 11 m, 65 m, & angular plane | Site Plan Control Area:  | Y             |

**PROJECT INFORMATION**

|                                    |  |         |                 |                                 |
|------------------------------------|--|---------|-----------------|---------------------------------|
| Site Area (sq. m):                 | 38,757 (existing)<br>41,826 (proposed) | Height: | Storeys:        | 3 storeys, and<br>15-21 storeys |
| Frontage (m):                      | Approx. 200 m                          |         | Metres:         | 65                              |
| Depth (m):                         | Irrregular                             |         |                 |                                 |
| Total Ground Floor Area (sq. m):   | 17681                                  |         |                 | <b>Total</b>                    |
| Total Residential GFA (sq. m):     | 115557                                 |         | Parking Spaces: | 1318                            |
| Total Non-Residential GFA (sq. m): | 0                                      |         | Loading Docks   | 4                               |
| Total GFA (sq. m):                 | 115557                                 |         |                 |                                 |
| Lot Coverage Ratio (%):            | 40                                     |         |                 |                                 |
| Floor Space Index:                 | 2.76                                   |         |                 |                                 |

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN** (upon project completion)

|              |               |                                  |                    |
|--------------|---------------|----------------------------------|--------------------|
| Tenure Type: | Rental, Condo | <b>Above Grade</b>               | <b>Below Grade</b> |
| Rooms:       | 0             | Residential GFA (sq. m):         | 115557             |
| Bachelor:    | 0             | Retail GFA (sq. m):              | 0                  |
| 1 Bedroom:   | 363 (approx.) | Office GFA (sq. m):              | 0                  |
| 2 Bedroom:   | 832 (approx.) | Industrial GFA (sq. m):          | 0                  |
| 3 + Bedroom: | 0             | Institutional/Other GFA (sq. m): | 0                  |
| Total Units: | 1195          |                                  |                    |

|                 |                      |   |
|-----------------|----------------------|---|
| <b>CONTACT:</b> | <b>PLANNER NAME:</b> | <b>Catherine Cieply, Senior Planner</b> |
|                 | <b>TELEPHONE:</b>    | <b>(416) 395-7109</b>                   |