

NOTICE OF MOTION

**Preliminary Report - OPA and Rezoning Application 06 163756 NNY 23 OZ
Applicant: Stephen F. Waque, Borden Ladner Gervais LLP, Architect: Kirkor Architects & Planners, 4759-4789 Yonge Street (Ward 23 - Willowdale)**

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** the Preliminary Report on OPA and Rezoning Application 06 163756 NNY 23 OZ, 4759-4789 Yonge Street, was not able to be considered by North York Community Council at its scheduled meeting on September 19, 2006, due to the unanticipated cancellation of that meeting the preceding day; and

WHEREAS no further meetings of North York Community Council are scheduled this year; and

WHEREAS it is desirable that processing of this development application proceed without undue delay;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached Preliminary Report (August 29, 2006) from the Director, Community Planning, North York District;

AND BE IT FURTHER RESOLVED THAT, prior to the scheduling of a community consultation meeting, Planning staff, in consultation with the City Solicitor, be directed to report to the North York Community Council on:

- (1) the applicability of current and past versions of the North York Centre Secondary Plan to the proposed development in relation to its outstanding appeals; and
- (2) the exact Official Plan Amendments, and modifications to the City’s new Official Plan, that would be entailed by approval of the development in its presently proposed form;

AND BE IT FURTHER RESOLVED THAT the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of this Notice of Motion at the meeting of Council on September 25, 2006.”

September 25, 2006

Attachment

According to Chapter 27 of the Municipal Code, this Notice of Motion:

Notice was previously given	
Meets Municipal Code provisions and only requires a simple majority to introduce and debate	
Requires two-thirds to waive notice	(√)
Requires two-thirds to re-open	
Fiscal Impact Statement provided	*
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to the North York Community Council	(√)
Requires two-thirds to waive referral if Council wishes to debate	
Recommendations are time sensitive	

* Deputy City Manager and Chief Financial Officer to advise.

TORONTO STAFF REPORT

August 29, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Preliminary Report
OPA & Rezoning Application 06 163756 NNY 23 OZ
Applicant: Stephen F. Waque, Borden Ladner Gervais Llp
Architect: Kirkor Architects & Planners
4759-4789 Yonge St
Ward 23 - Willowdale

Purpose:

To provide preliminary information on the above-noted applications and to seek Community Council's directions on further processing of the applications and on the community consultation process.

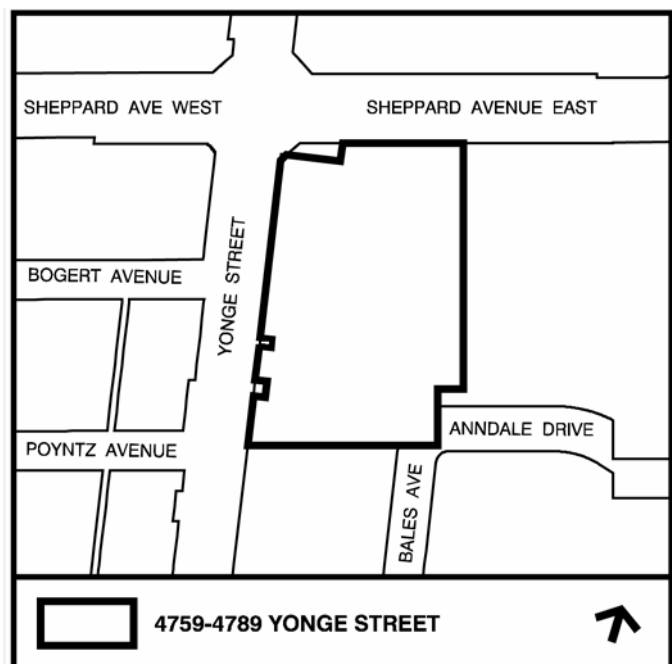
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.



Background:

In September 1996, City Council adopted OPA 393 that was subsequently approved by the Minister of Municipal Affairs.

In December 1998, the Minister of Municipal Affairs approved OPA 447 (North York Centre Secondary Plan), which redesignated the lands to Downtown Mixed-Use – 1 (DMU-1). The owner of the subject site appealed this Official Plan Amendment but a decision has yet to be made.

Since the new City of Toronto Official Plan also brings forward the North York Centre Secondary Plan, the owner has also appealed the new Official Plan. The OMB approved the majority of the new Official Plan on July 6, 2006, however no decision has been made with respect to the site specific appeal for these lands.

The North York Centre Secondary Plan as amended by OPA 393 for the southeast Downtown area and the policies specific to this site remain in force and effect, and Council's subsequently adopted policies that relate to this site have not yet been adjudicated upon.

Comments:

Proposal

An Official Plan Amendment and Zoning By-law Amendment application has been submitted to permit a high density mixed use development on the commercial plaza lands located at the southeast corner of Yonge Street and Sheppard Avenue East. The existing 'Willowdale' plaza on the site would be demolished.

The proposal consists of two tower buildings of 37 and 45 storeys, and a third low-rise block of 5 storeys.

The proposed development has a total gross floor area of approximately 90,849 sq.m. (977,887 sq.ft.). The total proposed commercial floor area of 25,967 sq.m. (279,504 sq.ft.) is made up of 19,226 sq.m. (206,945 sq.ft.) office and 6,741 sq.m. (72,559 sq.ft.) retail. The proposed residential use has a total floor area of 64,882 sq.m. (698,383 sq.ft.) containing 825 residential units. The total proposed floor space results in a density of approximately 6 times the area of the lot. The applicant is proposing that this density be achieved by providing Section 37 incentives such as street related retail uses, residential amenity area, and transportation improvements, including the conveyance of lands for a portion of the Service Road.

The proposal includes a publicly accessible 1,634 sq.m. (17,592 sq.ft.) 'Grand Plaza' located directly at the southeast corner of Yonge Street and Sheppard Avenue that connects to a raised 1-storey landscaped garden internal to the site.

The proposed 37-storey south tower includes retail and residential uses and is located at the southwest portion of the site and would have frontage on Yonge Street. The 5-storey low-rise block includes retail and residential uses and extends from the south tower up the Yonge Street frontage. The proposed 45-storey north tower includes retail, office and residential uses that front onto Sheppard Avenue at the northeast corner of the site.

Anndale Drive is to be extended westward to connect with Yonge Street and Poyntz Avenue. As indicated in the Downtown Plan South of Sheppard Avenue Environmental Study Report, lands for the new road extension are required along the length of the site's south property line. Access to the proposed residential uses would be at the southwest corner of the site and from this future Anndale Drive extension. Access to the retail and office parking/loading facilities is proposed at the northeast corner of the site onto the south side of Sheppard Avenue East. A total of 1,249 parking spaces are proposed consisting of 1,021 residential, 61 retail, and 167 office spaces.

The proposal includes new access to the TTC subway internal to the ground floor of each of the two towers.

As part of the approvals process, the applicant is also proposing to initiate a voluntary "Urban and Architecture Design peer review" process in consultation with the City.

The proposed site plan is included in Attachment 1, Elevations in Attachments 2a)-d), and the detailed site statistics are included in the Application Data Sheet in Attachment 5.

Site Description

The site is located at the southeast corner of Yonge Street and Sheppard Avenue and currently supports a commercial plaza and parking lot. The gross site area is approximately 15,179 square metres (1.5 hectares or 3.75 acres). The site has dimensions of approximately 100 metres on Sheppard Avenue East and 150 metres on the Yonge Street frontage. A stairwell to the TTC Sheppard Station is currently located at the southwest corner of the site and a TTC building is located at the southeast corner of Yonge and Sheppard.

The surrounding land uses are as follows:

- North: across Sheppard Avenue is the Sheppard Centre consisting of 9-storey and 19-storey office buildings with commercial retail at the base, 3-storey rental townhouses, and three 29-storey apartment buildings
- South: 15-storey Procter and Gamble office building and to the southeast is a new residential development consisting of two 23-storey apartment buildings and 3-storey townhouses
- East: 33-storey condominium apartment building along the Sheppard Avenue frontage; an application has been submitted to permit a 33 storey residential building fronting onto the future Anndale Drive extension
- West: across Yonge Street is a parking lot at the southwest corner of Yonge Street and Sheppard Avenue West, and further west is the 22-storey Nestle office building. The TTC Bus Terminal and Subway lands are located at the northwest corner of Yonge Street and Sheppard Avenue.

Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe

The new Provincial Policy Statement (PPS) that came into effect on March 1, 2005 requires municipal planning decisions to be consistent with the PPS. The PPS requires land use patterns that have a density and mix of uses that efficiently use infrastructure. The PPS also supports intensification and redevelopment through minimum targets in provincial plans such as the Growth Plan for the Greater Golden Horseshoe. The PPS also requires that municipalities promote economic development and competitiveness by, among other matters, providing an appropriate mix and range of employment to meet long-term needs, providing a range of suitable sites for employment uses, and planning for, protecting and preserving employment areas for current and future use.

Downtown North York Centre Secondary Plan (OPA 393)

Under the former City of North York Official Plan, Official Plan Amendment (OPA) 393 was adopted by North York Council in 1996 and, among other matters, expanded the boundary of the Downtown Plan to the south and east of Yonge and Sheppard and added policies respecting the nature of development in this area. This includes identifying the Yonge and Sheppard intersection as the focus of a significant commercial node for the downtown. The policy also indicates that street oriented commercial uses and other uses contributing to the animation of the street should abut the sidewalks on this site.

OPA 393 also established policies in the Downtown North York Centre Secondary Plan regarding the implementation of the Downtown Service Road south of Sheppard Avenue and east of Yonge Street. Site specific policy 3.14.21 provided guidance to implementing and operating the segment of the Downtown Service Road prior (or subsequent) to redevelopment of the site.

The Downtown Secondary Plan designates the lands as Mixed Use (MU) which includes the following permitted uses: mixed commercial, residential, hotel, open space recreational, institutional, entertainment and cultural uses.

The maximum permitted density is 1.5 times the area of the lands. Where Community Impact Criteria are met the Plan also allows for a maximum 4.5 times the area of the lot as shown on Map D.2.1. Community Impact Criteria includes such matters as traffic, shadowing, wind, pedestrian access, parking, and streetscape. The Secondary Plan also outlines Special Density Incentives that can be used to implement up to a one-third increase in density. Building heights are regulated in relation to the distance from stable residential areas.

OPA 393 is still in effect on the subject lands, as there are outstanding appeals on the policies in OPA 447 and the new Official Plan that apply to this site.

North York Centre Secondary Plan (OPA 447)

In 1997, the North York Council adopted OPA 447 which consolidated the Uptown and Downtown plans for the North York Centre. OPA 447 the lands are designated Downtown Mixed-Use – 1 (DMU-1). Among other matters, OPA 447 permits only non-residential uses on this site. OPA 447 provides for a density of 4.5 times the area of the lands, and though density incentives, an opportunity to achieve a maximum density of 6.0 times the land area.

OPA 447 also applied a height limit of 100 metres to the site and separated it from the 65 metre height limit to the south by the conceptual identification of the South Service Road extension to Anndale Drive.

OPA 447 was appealed by the owners of this site and the Minister of Municipal Affairs and Housing did not make a decision on this appeal.

New Toronto Official Plan

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 City of North York Official Plan and Metro Plan respecting these three policy areas remain in effect.

In addition, with respect to the subject lands, OMB Order No. 1928 brought into effect the parent plan policies that were approved in Chapters 1 to 5. However, due to the applicant's appeal of the new Plan, the OMB did not bring the North York Centre Secondary Plan policies of the new Plan into force for the subject lands. Therefore the Downtown Secondary Plan policies (OPA 393) also remain in force for these lands.

In the City of Toronto Official Plan, four key locations on the rapid transit system, have been shown as Centres (Map 2 in the Official Plan), which include North York Centre. The new Plan reinforces the important role Centres have in the management of the City's future growth.

The Centre policies in Section 2.2.2 provide direction to Secondary Plans that are to provide local goals and a development framework that implements the Official Plan. Among other matters, Secondary Plans are to:

- create transit based mixed-use Centres;
- create a positive climate for economic growth and commercial office development;
- encourage a full range of housing opportunities;
- include a strategy for parks and open space, community services and facilities;
- support the existing public investment in transit, infrastructure and other public service facilities and identify future needs to support population and employment growth;
- set out the location, mix and intensity of land uses; and
- protect adjacent Neighbourhoods from encroachment of larger scale development.

The North York Centre Secondary Plan has been carried forward under the new City of Toronto Official Plan. With respect to the subject lands, the OMB did not yet bring these secondary policies into full force and effect. The North York Centre Secondary Plan recognizes that the North York Centre is an important focus of transit-based employment and residential growth and that it has an important role in achieving the strategic growth objectives of the Official Plan, while protecting, preserving and enhancing existing Neighbourhoods outside the Centre.

The subject lands are located within the North York Centre South area of the Secondary Plan, which is intended to be a mixed use area, but with significant commercial nodes in the vicinity and between the Sheppard and North York stations on the Yonge Subway and Sheppard Subway. Generally, the lands fronting along Yonge Street should contain substantial office buildings, or other commercial uses including retail and entertainment uses. Intensity, massing and height should be greatest in this area, relative to the rest of the North York Centre South.

The North York Centre South has been identified as the primary location for employment within the North York Centre. Generally, the North York Centre South will have higher densities and a greater concentration of commercial uses than the North York Centre North.

The lands are designated *Mixed-Use Area A* which permits only non-residential uses on the site. A height limit of 100 metres is permitted for the site.

With respect to Amendments to the North York Centre Secondary Plan, Section 1.13 of the Secondary Plan states that any general change in the boundaries, densities or heights of the North York Centre South or of the North York Centre North will be preceded by a comprehensive review of the Secondary Plan, or of a major portion of this Plan, taking into account the impact of the Sheppard Subway. Aside from such comprehensive reviews, substantial amendments to this Secondary Plan that may be proposed will normally be addressed by general, rather than site-specific, review.

Ad hoc, site-specific amendments that are not consistent with basic principles of the Secondary Plan or that create uncertainty will be discouraged.

As per Section 1.14 of the Secondary Plan, in considering proposed site-specific amendments to the Secondary Plan, the City will be satisfied that the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of this Secondary Plan dealing with boundaries, land use, density, height or built form. However, the numeric limits contained in this Secondary Plan with respect to density, and the limits respecting height, will nonetheless be considered to be absolute.

In dealing with such site-specific amendments, the City will further be satisfied that the traffic certification requirements of this Secondary Plan are satisfied and that the amendments do not adversely impact stable residential areas.

The owner has also appealed the new Official Plan with respect to the North York Centre Secondary Plan policies for this site.

Zoning

The former City of North York Zoning By-law 7625 currently zones the site “C2” Zone – Local Shopping Centre, subject to site specific by-laws BL-8287 and BL-9645. The “C2” Zone permits all commercial uses in “C1” Zones, with the exception of hotels, motels, custom workshops, commercial bath houses, car rental agencies, funeral establishments, and car washing establishments. Additional permitted commercial uses include Shopping Centres and parking lots. The “C2” Zone does also permit certain institutional uses, however, residential uses are not listed as permitted uses.

Site Plan Control

The proposed development is subject to Site Plan Control Approval. A Site Plan Control Approval application has not yet been submitted.

Reasons for the Application

The rezoning application is required to permit residential uses and the proposed scale of development on the subject lands. As there are outstanding OMB appeals on these lands related to both the North York Centre Secondary Plan (OPA 447) and the new City of Toronto Official Plan, discussions with the applicant should confirm the applicable Official Plan policy context, and form the basis for assessing this application and resolving the OMB appeals.

Issues to be Resolved

The following issues and any other issues identified through the review process will need to be addressed and resolved:

- a) conformity with applicable Official Plan and Secondary Plan policies;
- b) consistency with the Provincial Policy Statement and conformity with the Growth Plan for the Greater Golden Horseshoe;
- c) an assessment of the appropriate type and mix of land uses in this location in North York Centre and the implications for meeting broad economic and employment goals, including the employment target inserted in the Official Plan by the Minister of Municipal Affairs and Housing;
- d) an assessment of the impact of the proposed land use mix in this location and on the role and function of North York Centre in the City and within the broader economic region;
- e) an assessment of transportation issues including the adequacy of the local road network to accommodate traffic generated by the development; the City’s progress in

implementing the South Downtown Service Road; and integration of the proposal with pedestrian access to the Sheppard/Yonge subway station;

- f) appropriate height, density and built form for this site including any resulting Section 37 agreement; and,
- g) impact on community services and infrastructure.

Conclusions:

It is recommended that a community consultation meeting be scheduled by staff, in consultation with the Ward Councillor to present the Official Plan Amendment and Zoning By-law Amendment applications. The issues indicated above, and any other issues identified through the review process will need to be resolved prior to presentation of a Final Report to Community Council.

Contact:

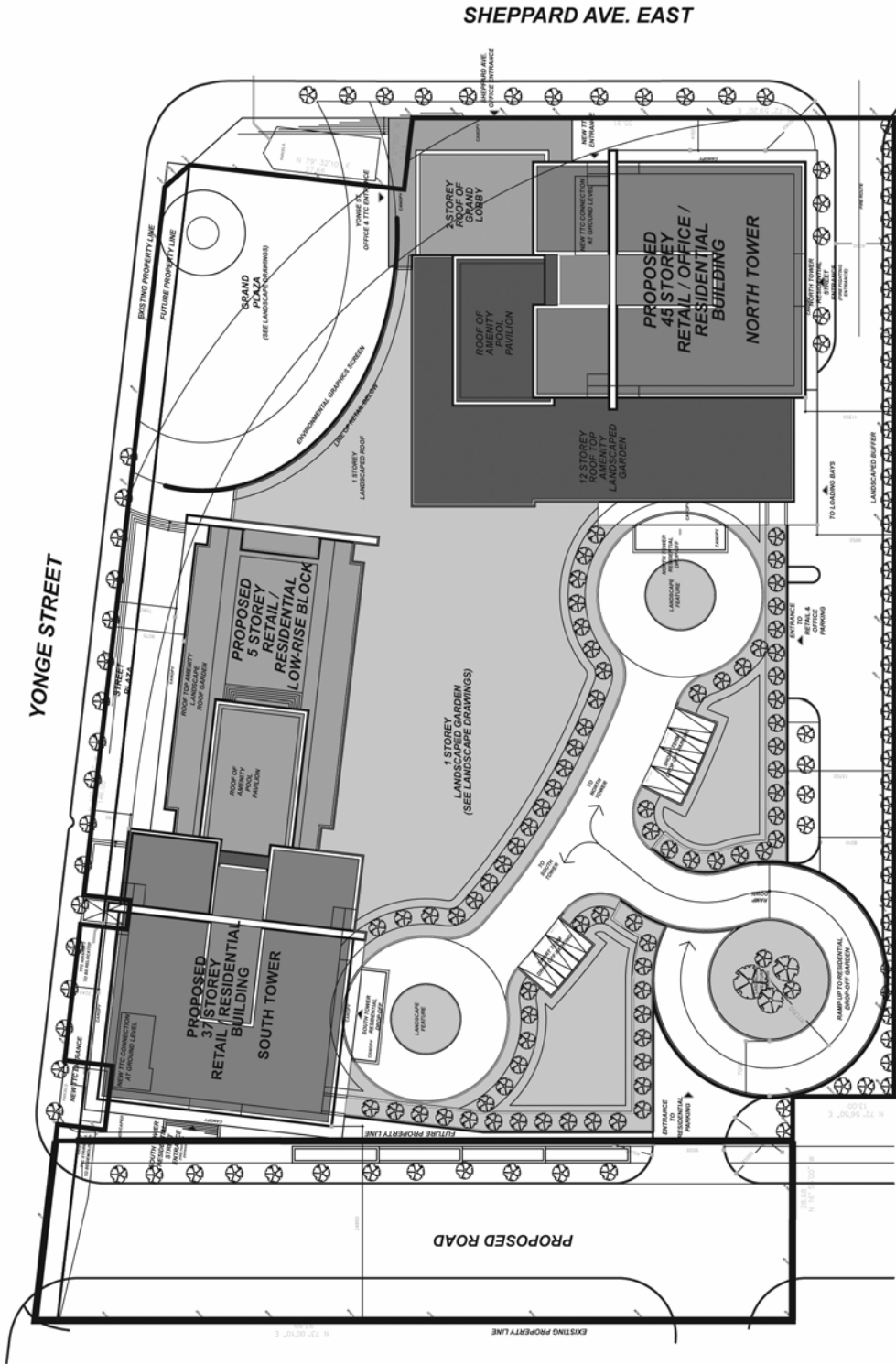
Robert Gibson, Senior Planner
Ph: (416) 395-7059
Fax: (416) 395-7155
Email: rgibson@toronto.ca

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

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan
Attachment 4: Zoning
Application 5: Application Data Sheet

Attachment 1: Site Plan



4759-4789 Yonge Street

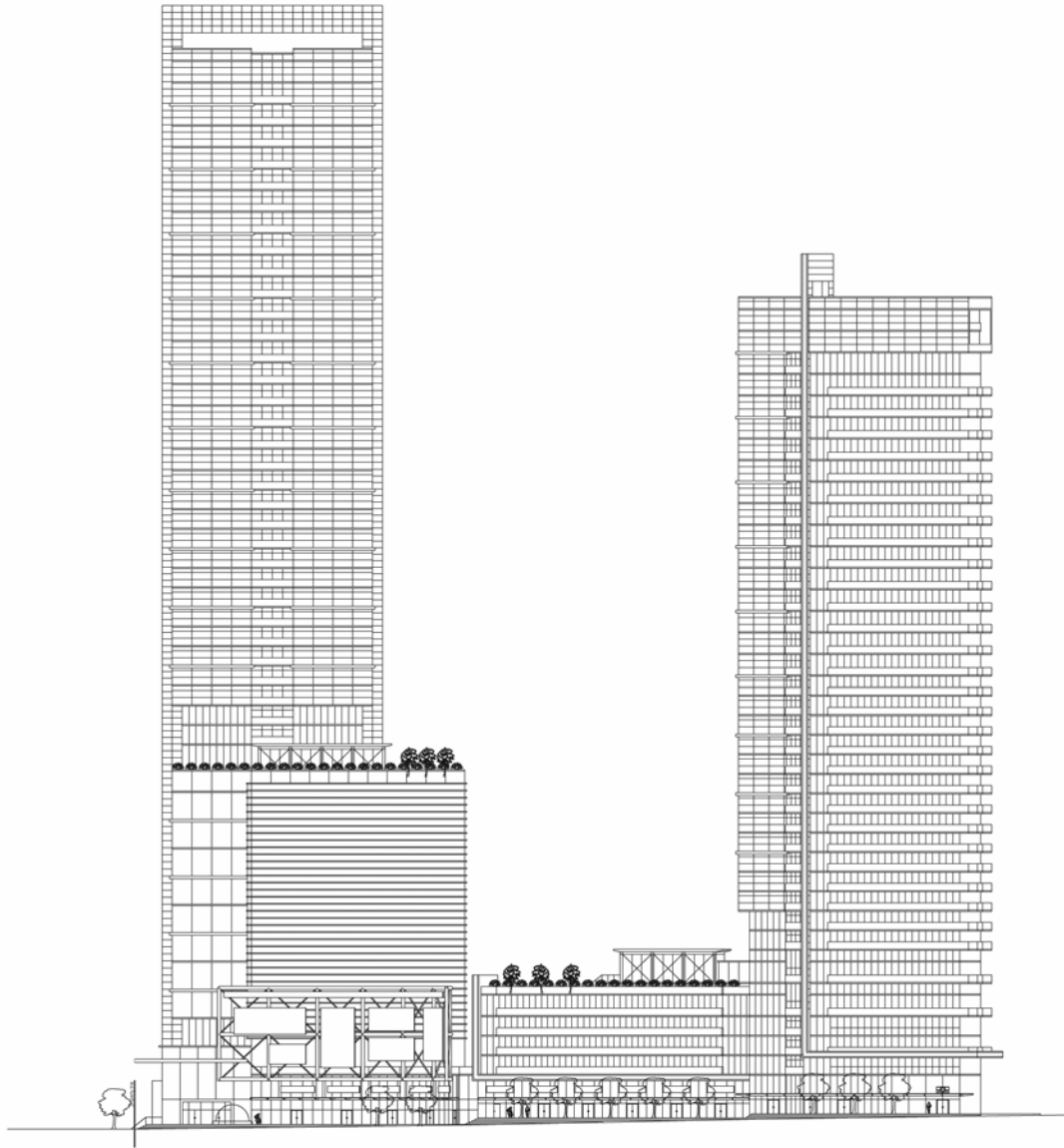
Site Plan

Applicant's Submitted Drawing

Not to Scale
08/22/06

File # 06 163756

Attachment 2a: West Elevation



West Elevation

Elevations

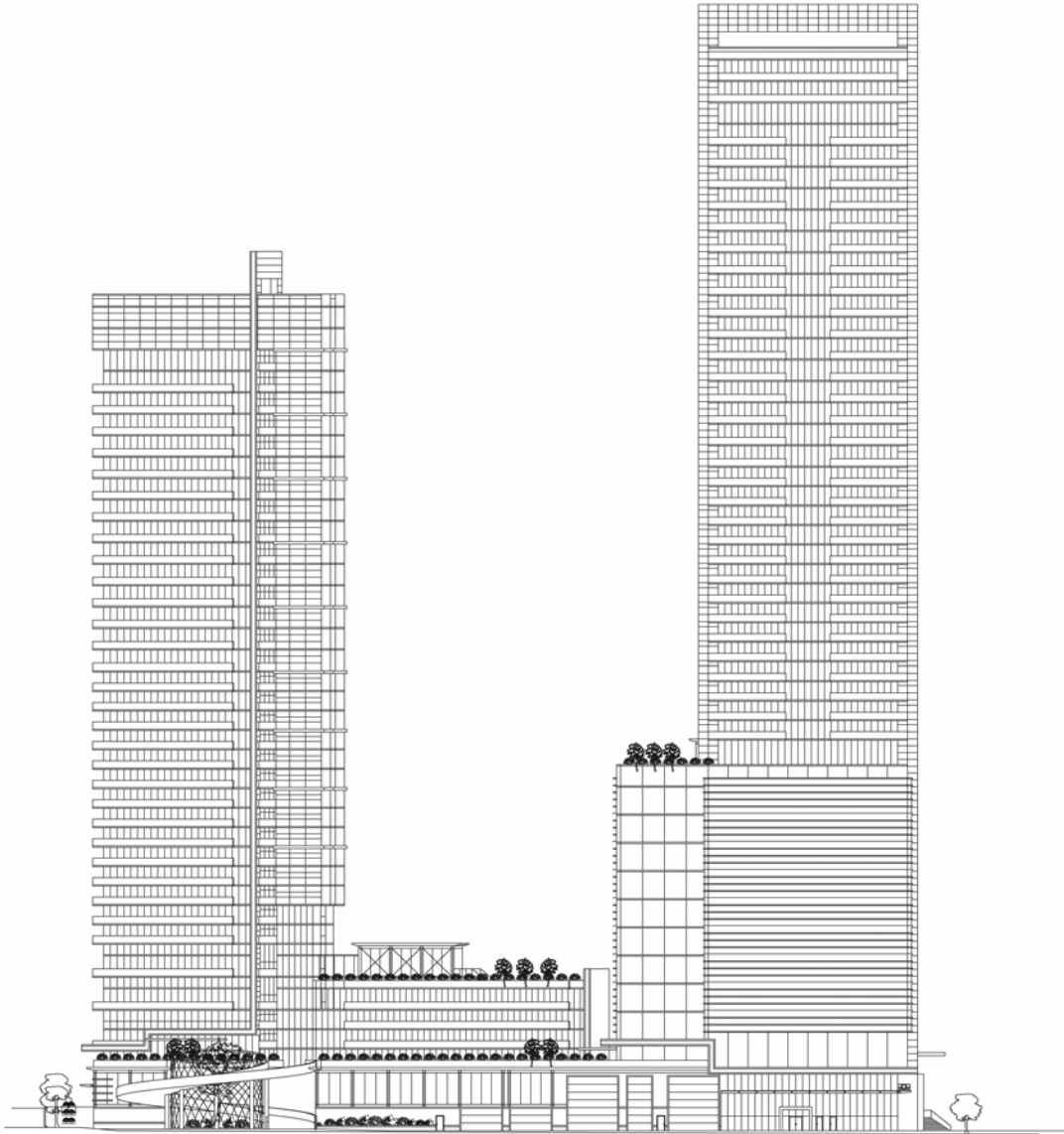
Applicant's Submitted Drawing

Not to Scale
08/22/06

4759-4789 Yonge Street

File # 06_163756

Attachment 2b: East Elevation



East Elevation

Elevations

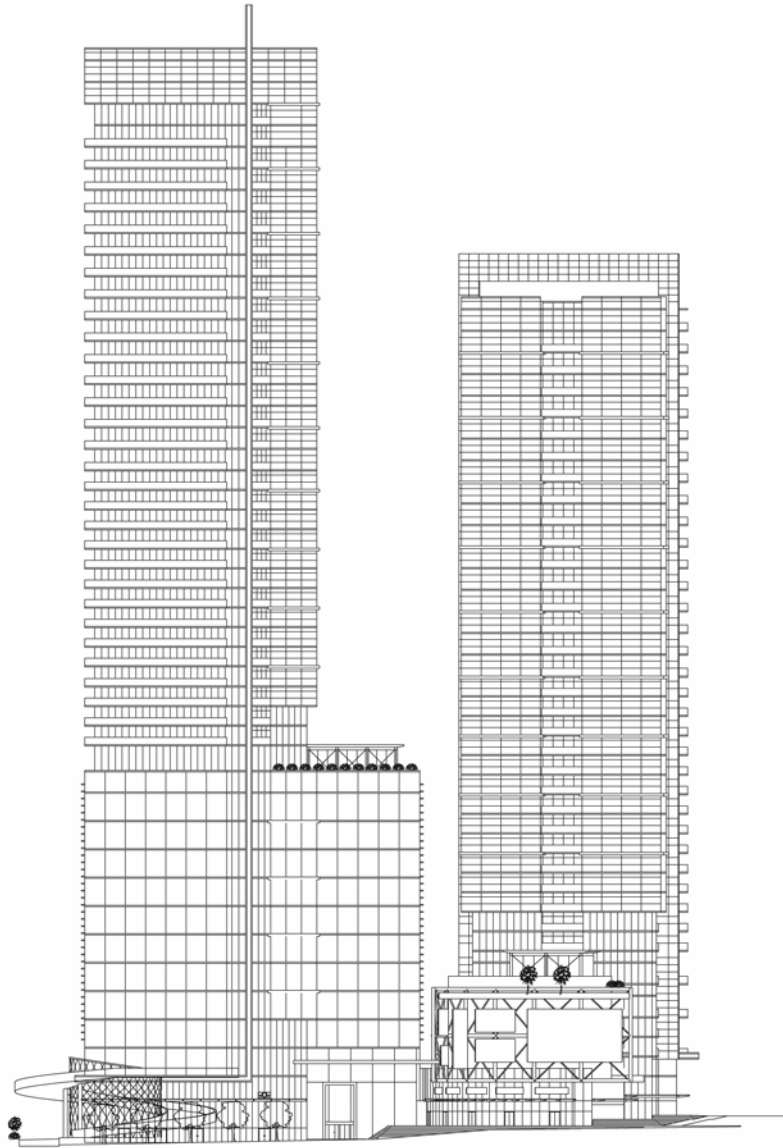
Applicant's Submitted Drawing

Not to Scale
08/22/06

4759-4789 Yonge Street

File # 06_163756

Attachment 2c: North Elevation



North Elevation

Elevations

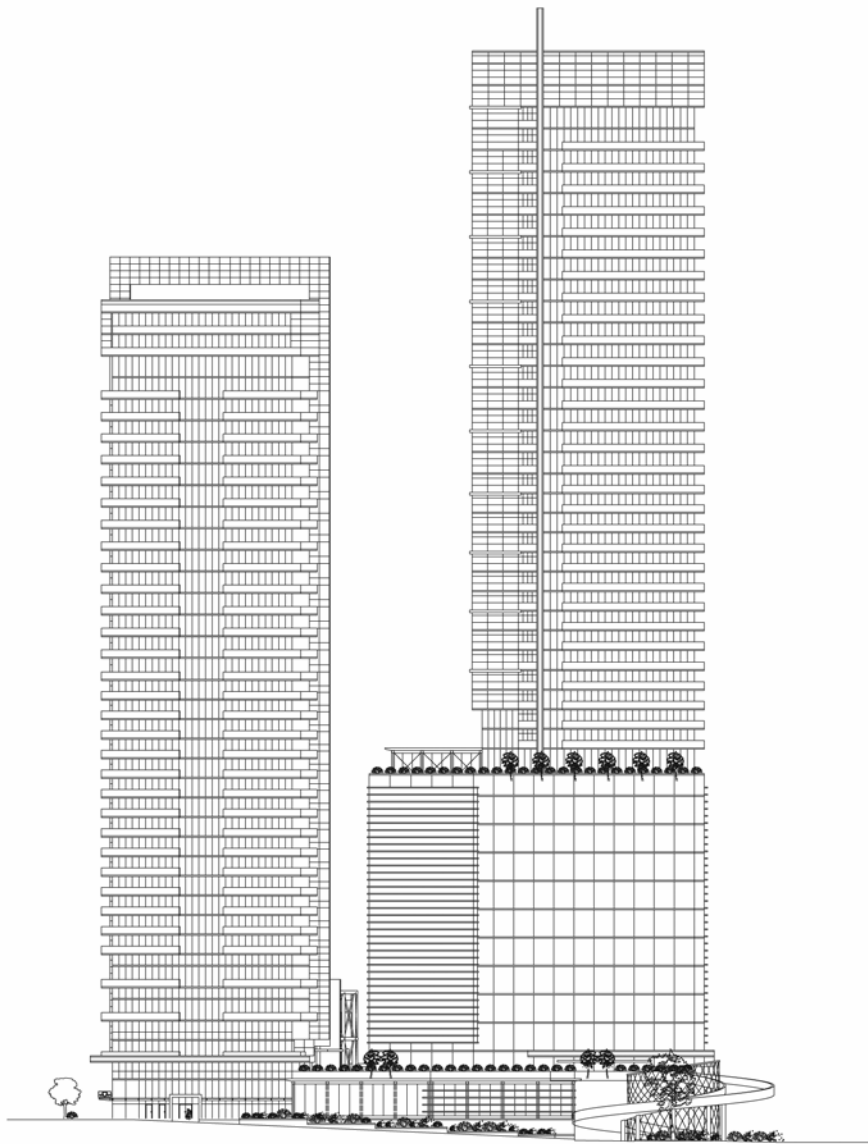
Applicant's Submitted Drawing

Not to Scale
08/22/06

4759-4789 Yonge Street

File # 06_163756

Attachment 2d: South Elevation



South Elevation

Elevations

Applicant's Submitted Drawing

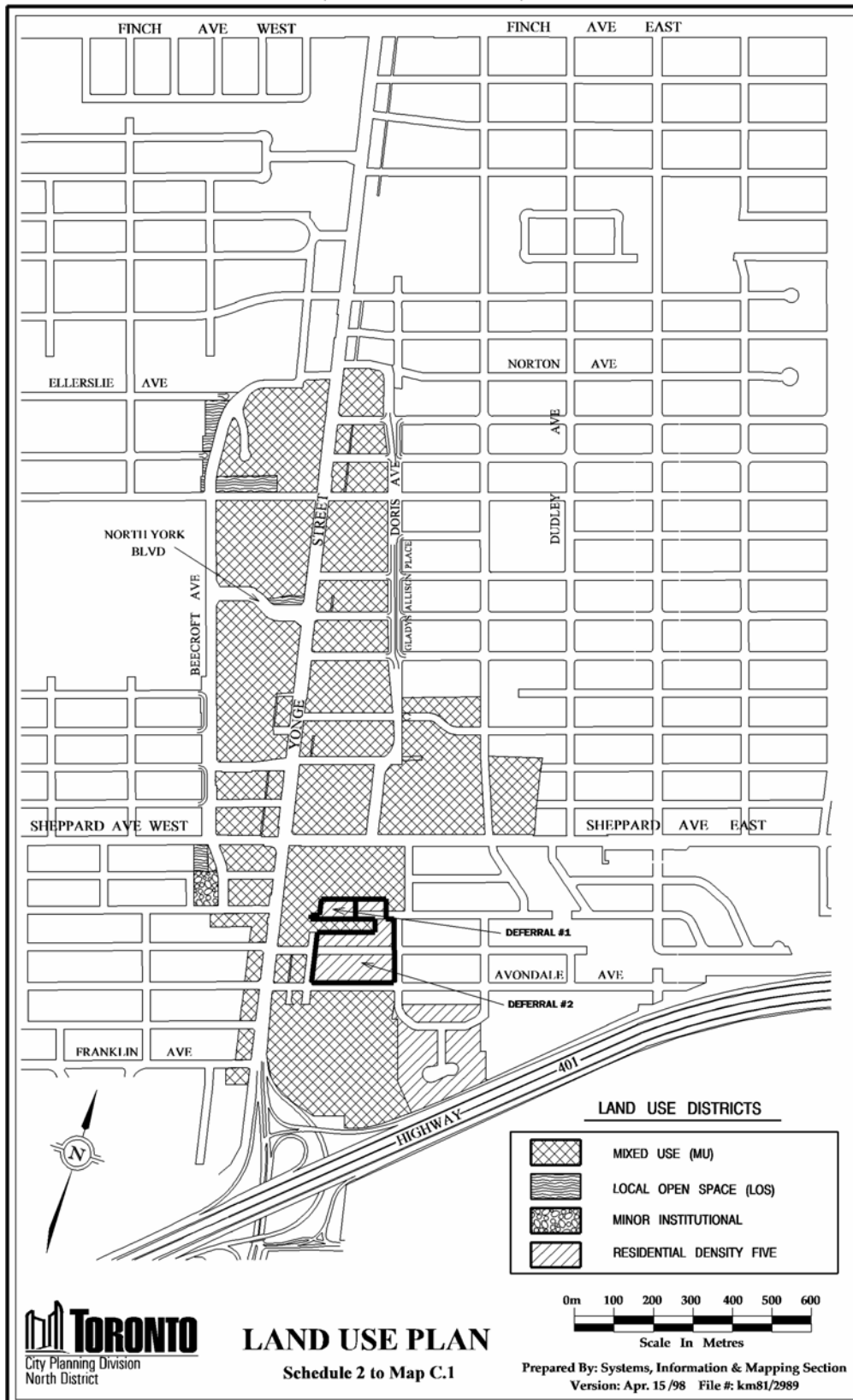
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4759-4789 Yonge Street

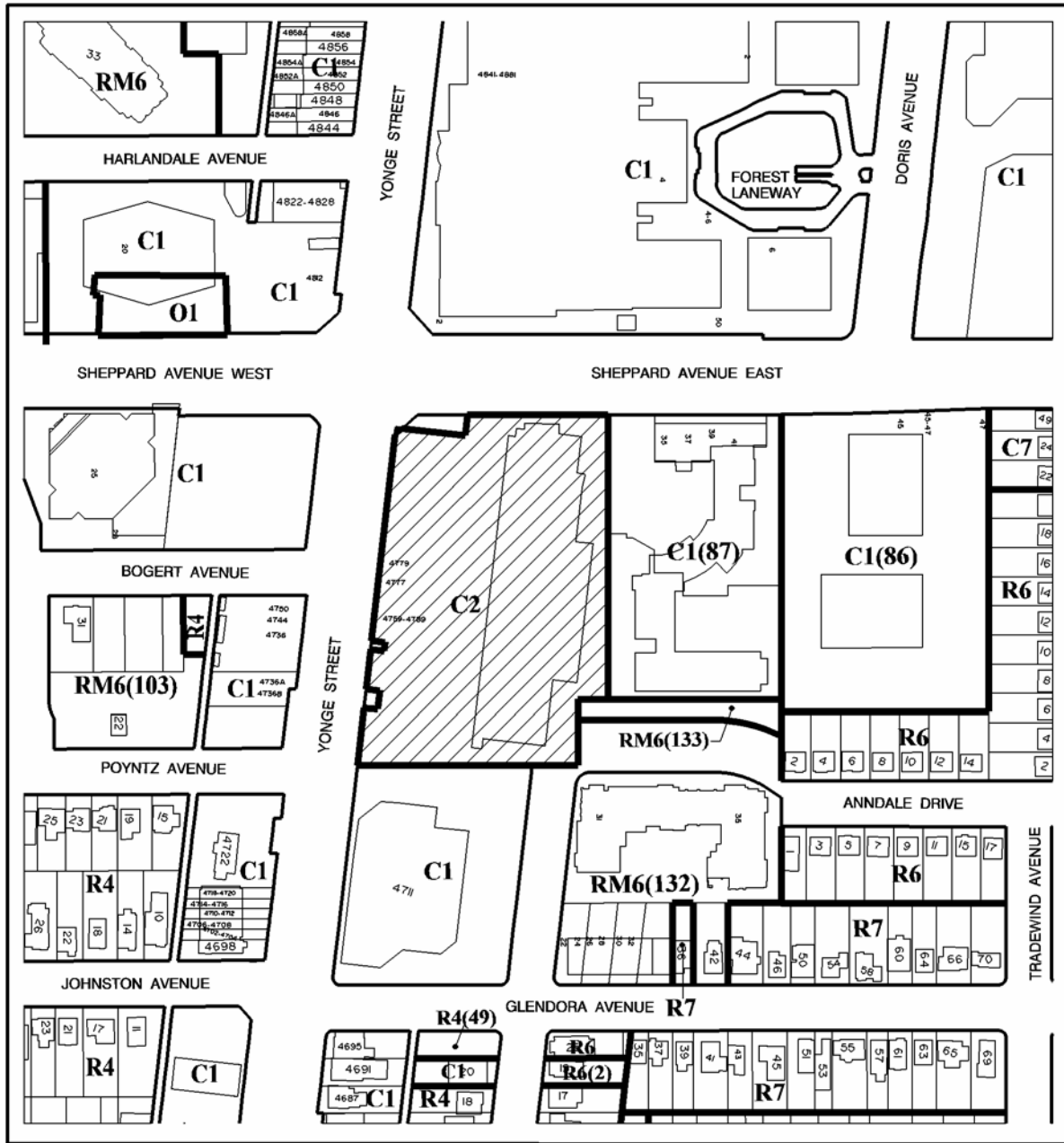
File # 06_163756

Attachment 3: North York Official Plan (OPA 393)

Schedule "6"
(Amendment No. 393)



- 15 -
Attachment 4: Zoning



4759-4789 Yonge Street

File # 06_163756

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- C7 Mixed Use Commercial Zone
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 08/21/06

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 163756 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 3, 2006

Municipal Address: 4759-4789 YONGE ST, TORONTO ON
 Location Description: PLAN 2090 PT BLK A **GRID N2306
 Project Description: THE HULLMARK CENTRE

Applicant:	Agent:	Architect:	Owner:
BORDEN LADNER GERVAIS LLP STEPHEN F. WAQUE	STEPHEN WAQUE	KIRKOR ARCHITECTS & PLANNERS	WILLOWDALE PLAZA HOLDINGS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use	Site Specific Provision:
Zoning:	C2	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	15179.4	Height:	Storeys:	5, 37, 45
Frontage (m):	145		Metres:	164
Depth (m):	90			
Total Ground Floor Area (sq. m):	8624.21			Total
Total Residential GFA (sq. m):	64881.9		Parking Spaces:	1249
Total Non-Residential GFA (sq. m):	25966.8		Loading Docks	5
Total GFA (sq. m):	90848.7			
Lot Coverage Ratio (%):	56.82			
Floor Space Index:	5.98			

DWELLING UNITS

Tenure Type: Condo
 Rooms:
 Bachelor:
 1 Bedroom:
 2 Bedroom:
 3 + Bedroom:
 Total Units: 825

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	64881.9	
Retail GFA (sq. m):	6740.96	
Office GFA (sq. m):	19225.84	
Industrial GFA (sq. m):	0	
Institutional/Other GFA (sq. m):	0	

CONTACT: PLANNER NAME: Rob Gibson, Senior Planner
TELEPHONE: (416) 395-7059

