

**Willowdale Plaza – 4759-4789 Yonge St.
Official Plan Amendments/Modifications**

Date:	December 14, 2006
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	23
Reference Number:	File No. 06 163756 NNY 23 OZ

SUMMARY

An Official Plan Amendment and Zoning By-law Amendment application has been submitted to permit a high density mixed use development on the Willowdale Plaza lands located at the southeast corner of Yonge Street and Sheppard Avenue. Council requested that prior to scheduling a community consultation meeting, staff provide a further report to North York Community Council on the applicable Official Plan policies and amendments required for the approval of the proposed development. This report responds to that Council direction.

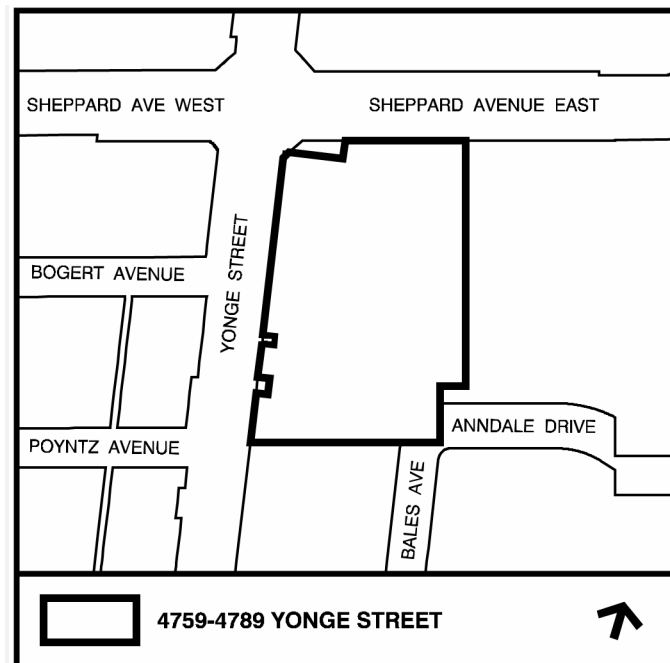
FINANCIAL IMPACT

There are no financial implications.

DECISION HISTORY

On August 3, 2006 the planning application was submitted.

On September 25, 26 and 27, 2006 City Council directed that prior to scheduling a community consultation meeting, staff 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.”

ISSUE BACKGROUND

The proposed mixed use development consists of residential, office and retail uses. The 825 residential units comprise approximately 71% of the total proposed floor space. The remaining 21% of the floor space is for office use, and 8% is for retail use. The three proposed buildings consist of a 37 storey south tower with retail and residential uses, a 5 storey retail and residential low-rise block, and a north tower of 45 storeys with retail, office, and residential uses.

The proposed residential use would be permitted in the North York City Centre Secondary Plan (the ‘Downtown’ Secondary Plan under the former City of North York Official Plan). The Secondary Plan was amended through OPA 447 to delete the residential use permission, in favour of a non-residential use only permission. This Secondary Plan policy was subsequently carried forward and adopted under the new City of Toronto Official Plan.

The previous landowner appealed the policies in both OPA 447 and the new Official Plan/Secondary Plan. However, no Ontario Municipal Board (OMB) decision has been made respecting these appeals. The result, as identified in staff’s August 29, 2006 Preliminary Report, is that the policies of the ‘Downtown’ Secondary Plan (under the North York Official Plan) remain in effect for this property.

COMMENTS

The submission of necessary supporting studies, and responding comments from departments and agencies on the application, is required to determine the exact Official Plan amendments/modifications that the development as presently proposed would require. However, a Traffic Impact Study, Stormwater Management Report, Site Servicing Plan and Grading Plan remain to be submitted. In addition, the application and materials submitted are currently in circulation and comments have not yet been received. Nonetheless, at this point in the review process and based on the information provided to date, the following required amendments/modifications to the Secondary Plans can be identified:

PROPOSAL CONFORMITY WITH 'DOWNTOWN' SECONDARY PLAN

The proposed development would require the following amendments under the 'Downtown' Secondary Plan:

**Table A: Amendments to the 'Downtown' Secondary Plan
(under former City of North York Official Plan)**

Proposal	Section of Secondary Plan	Policy
<p>1) Density</p> <p>5.98 Floor Space Index (FSI)</p>	<p>Density Limits</p> <p>Section 3.10 3.2.0 3.3.0</p>	<ul style="list-style-type: none"> • maximum of 1.5 FSI for lands more than 75 metres from a low density designation outside of the 'Downtown' Secondary Plan • 1.5 FSI may be exceeded up to 4.5 FSI where Community Impact Criteria are met including: traffic; shadowing/overview; circulation; building and site design; amenities; parking; streetscape; etc. • 4.5 FSI may be exceeded up to 6.0 FSI through Special Density Incentives where developments include: auditoriums; community/recreational centres; grade level shopping; below grade pedestrian concourses and retail uses; etc. • it is not yet clear how the density may be achieved
<p>2) Building Heights</p> <p>37 storeys (south tower)</p> <p>and</p> <p>45 storeys (north tower)</p>	<p>Building Heights 3.5.1c)</p>	<ul style="list-style-type: none"> • buildings located greater than 75 metres from the relevant residential property line (RRPL) shall be limited to a maximum of 23 storeys above grade • height can increase by one storey for every additional 25 metres away from the RRPL • height can also increase by an extra 3 storeys where connected to subway station • site is 75-100 metres from the nearest RRPL to the southwest • maximum height of 26 storeys is permitted at southwest corner of site (23 storeys; + 3 storeys for subway connection) • northeast corner of site is approximately 240 metres from the RRPL to the southwest • maximum height of 32 storeys is permitted at

Proposal	Section of Secondary Plan	Policy
		<p style="text-align: center;">northeast corner of site (23 storeys; +3 storeys for subway connection; +6 storeys for 150 additional metres from RRPL)</p> <ul style="list-style-type: none"> • maximum building height is exceeded

PROPOSAL CONFORMITY WITH NORTH YORK CENTRE SECONDARY PLAN

While the ‘Downtown’ Secondary Plan remains in effect for this site, several events have unfolded since that Plan was approved eight years ago:

- in 1998, the former City of North York Council adopted OPA 447 which does not permit residential uses;
- in 2000, City Council adopted OPA 495 which added policies with respect to height;
- in 2002, the new Toronto City Council also adopted these policies as part of the current North York Centre Secondary Plan of the Toronto Official Plan;
- in July 2006, the OMB approved the City of Toronto’s new Official Plan, prior to the submission of this application, thereby rescinding the previous North York Centre Secondary Plan under the former City of North York Official Plan; and,
- the Planning Act, Provincial Policy Statement and Growth Plan policies have all been either newly introduced or amended several times.

The proposed development in its current form is not permitted as-of-right and ultimately requires approval through the planning process. There has not been a resolution to the subsequent amendments and OMB appeals to the North York Centre Secondary Plan, and in the end the proposed development would require a modification to the North York Centre Secondary Plan under the City of Toronto Official Plan. For these reasons it is appropriate that the current North York Centre Secondary Plan also be a relevant document in evaluating the merits of the proposed development.

The proposed development would require the following modifications under the North York Centre Secondary Plan:

**Table B: Modifications to the North York Centre Secondary Plan
(under new City of Toronto Official Plan)**

Proposal	Section of Secondary Plan	Policy
1) Residential Uses	Land Use Mixed Use Area A 2.1.2.a)	<ul style="list-style-type: none"> • “The permitted uses in Mixed Use Area A are: commercial, institutional, public parks and recreational uses, and transit terminals.” • “Residential uses are not permitted.”
2) Density 5.98 FSI includes incentives for: non street-related retail uses and outside of 30 metres in depth; residential amenity area; and, transportation improvements	Density Incentives 3.3	<ul style="list-style-type: none"> • permitted density is 4.5 FSI with up to 6.0 FSI achievable through Density Incentives • incentives are provided only to street-related retail floor area to a depth of 30 metres • it is not yet clear how the density may be achieved
3) Building Heights: up to 177 metres above grade	Building Heights 5.4 5.4.1 5.4.2	<ul style="list-style-type: none"> • 100 metres is permitted • “Site-specific amendments to the height limits shown on Map 8-8 are discouraged. When considering an application for such an amendment, the City will be satisfied that the contemplated increase in height: <ul style="list-style-type: none"> (a) is necessary to provide for desirable flexibility in built form; (b) would have no appreciable impact on the residential amenity of properties within the stable residential area defined in Section 1.17; and meets the urban design objectives of Section 5...” • maximum building height is exceeded • it is not yet clear if the criteria has been met

In addition to the amendment and modifications noted above, Long Range Development Levels are identified in both the 'Downtown' Plan (D.1 Section 14.2.1.) and North York Centre Secondary Plan (Section 4.3.). The application should also be assessed against the maximum residential gross floor area provided by these Plans.

Other required Official Plan amendments and/or modifications may be identified through the circulation and review process, and if necessary, will be outlined in a future report to Community Council.

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SIGNATURE

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