

4155 Yonge Street – Rezoning Application – Final Report

Date:	October 2, 2007
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	25 – Don Valley West
Reference Number:	06 124742 NNY 25 OZ and 06 124746 NNY 25 SA

SUMMARY

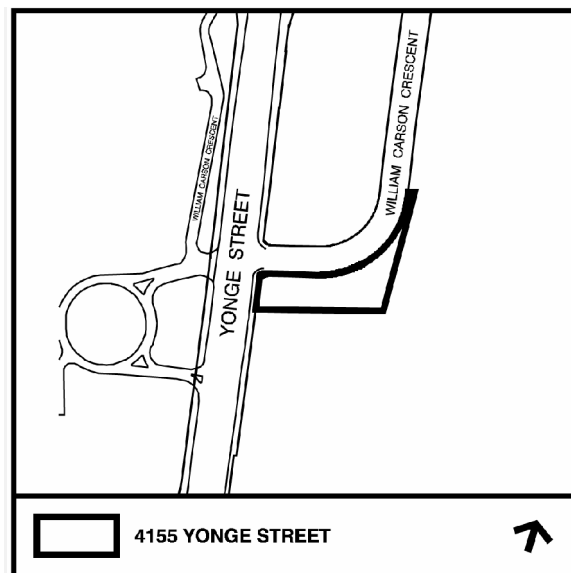
This application proposes to amend the Zoning By-law to permit an existing temporary parking lot to operate as a permanent use at 4155 Yonge Street.

This report reviews and recommends approval of the application to amend the Zoning By-law. The temporary use of the lands for a parking lot was permitted through a series of temporary use By-laws, the first of which expired in 1995, and the latest on April 14, 2006. The proposal would not change the function of the property, but would allow the existing parking lot, operating for the past 12 years, to continue as a permanent use. The proposal does not conflict with the policies of the City of Toronto Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 as amended for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and



3. Before introducing the necessary Bills to City Council for enactment, require the applicant to amend the existing Site Plan Control Agreement registered on title under Section 41 of the *Planning Act* to provide garbage bins on site and resurface the parking lot with permeable pavers.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1989 and 1990 the City Council of the former City of North York approved By-laws 30952 and 31095 to permit the construction of a 5,812.0 m² office building on the subject site with a maximum height of approximately 20.0m or 5-6 storeys.

The use of the lands for a parking lot was permitted through a series of temporary use By-laws, the first of which expired in 1995, and the latest on April 14, 2006.

In September of 2004, Site Plan Control approval for the temporary parking lot was granted. The Site Plan Agreement between the owner and City secured landscaping and other site improvements. The owner wishes to secure the use of the parking lot as a permanent use prior to making further site improvements.

ISSUE BACKGROUND

Proposal

This application is to amend the Zoning By-law of the former City of North York to permit the existing parking lot as a permanent use. As part of the proposal the applicant intends to implement site and landscaping improvements including tree and shrub planting, walkway connections, curbing, bollards and fencing. The parking layout would also be reconfigured to provide 35 parking spaces. The lot currently has a total of 39 parking spaces.

Site and Surrounding Area

Located at the southeast corner of Yonge Street and William Carson Crescent, just north of York Mills Avenue, the site has an area of 3,218.0 m² with approximately 35 metres of frontage on Yonge Street and 92 metres flanking William Carson Crescent. The site is relatively flat but slopes upwards to the northeast, with the easterly half of the property being a heavily vegetated greenbelt.

There are no existing buildings on site as the westerly portion of the lot is developed with the existing surface parking lot. Vehicular access to the parking lot is provided from William Carson Crescent. William Carson Crescent is a fully signalized intersection with Yonge Street. A bus stop and shelter are located along the Yonge Street frontage.

The use of abutting properties includes:

- North: across William Carson Crescent is a 5 storey office building with ground floor commercial uses
- South: a 4 storey office building separated by mature landscaping and vehicle access
- East: a partially treed valley slope extending up towards a church and cemetery
- West: across Yonge Street is the Yonge Corporate Centre consisting of a variety of office, commercial and institutional uses

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

This proposal is consistent with the PPS.

Official Plan

The City of Toronto Official Plan designates the developed portion of the site as a *Mixed Use Area*, which permits a broad range of commercial, residential and institutional uses subject to a number of criteria. The undeveloped greenbelt portion of the site is designated as a Parks and Open Space Area.

Zoning

The site is zoned C1 (General Commercial) and G (Greenbelt). Under Zoning By-law 7625, the portion of the site zoned C1 permits a variety of residential, commercial and institutional uses. Parking lots are permitted in C1 zones provided they are located within wholly enclosed buildings.

Site specific Zoning By-laws (By-laws 30952 and 31095) were passed in 1989 and 1990 to permit a 5,182.0 m² office building on the subject site with ground floor commercial uses, and a maximum building height of 20 metres (or 5-6 storeys). Parking is permitted only as an ancillary use to the proposed building.

Site Plan Control

There is currently a Site Plan Control Agreement for the parking lot registered on title.

Reasons for Application

The proposed parking lot is not a permitted use under Zoning By-law 7625 or By-law 30952 (site specific By-law governing the property).

Community Consultation

A Community Consultation meeting was held on April 11, 2007. The meeting was attended by the Ward Councillor, City Planning staff, the applicant and three members of the public. Concerns raised by local residents focused on the sites current state of disrepair, the need to resurface the lot and the lack of garbage clean up and site maintenance. Two written submissions expressed concern over the continued operation of a parking lot on the site, believing the property could be better served by another use.

Agency Circulation

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

COMMENTS

Land Use

The subject site has been used as a commercial parking lot since 1995 without any significant impact on the surrounding community. The current proposal would not change the function of the property, but would allow the existing parking lot, operating for the past 12 years, to continue as a permanent use.

The granting of permanent status to the parking lot would not preclude the applicant or any future owner of the property from redeveloping the lands for office or commercial use. While the site currently has approval for a 5-6 storey office building, construction has never commenced, as the applicant maintains there is no demand for office space in the area to justify the construction of the building. Therefore, the addition of a commercial parking lot as a permitted use to the site specific By-law passed in 1989 (authorizing a 5-6 storey office building) would provide the lands with some stability until the site becomes economically viable for commercial/office redevelopment.

The City of Toronto Official Plan designates the subject site as a *Mixed Use Area*, which does not explicitly provide for commercial parking lots as a use; however, it does not exclude it.

Traffic Impact, Access, Parking

The parking lot is an existing use; therefore, the proposal would not result in any traffic impacts within the neighbourhood beyond that which currently exist. The reconfiguration of the parking lot will reduce the number of parking spaces on site by four. Vehicular access to the site would continue to be located on the south side of William Carson Crescent.

Site Plan Control

A Site Plan Control Agreement was registered in December of 2004, requiring the owners to implement landscaping improvements including tree and shrub planting, walkway connections, curbing, bollards and fencing. The site improvements have not been completed as the applicant wishes to secure the permanent parking lot use prior to

committing to significantly improving the condition of the property. All work required under the existing agreement is to be completed by September 28, 2009.

While the applicant is proposing to implement the existing site plan previously approved in 2004, through the review of this application, concerns were raised with respect to the need to resurface the parking lot with a permeable paver and provide garbage bins on site. Comments were also provided by Technical Services indicating, as per the amendment to Zoning By-Law 7625 passed by City Council in May, 2007, the applicant must re-design the parking spaces to comply with the new parking standards. Compliance with this issue should not require a noticeable reconfiguration of the previously approved plan. All of these matters can be addressed and secured through a site plan amendment process. It is recommended that any amendments to the existing Site Plan Control Agreement be obtained prior to introducing the necessary Bills to Council.

CONTACT

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SIGNATURE

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

ATTACHMENTS

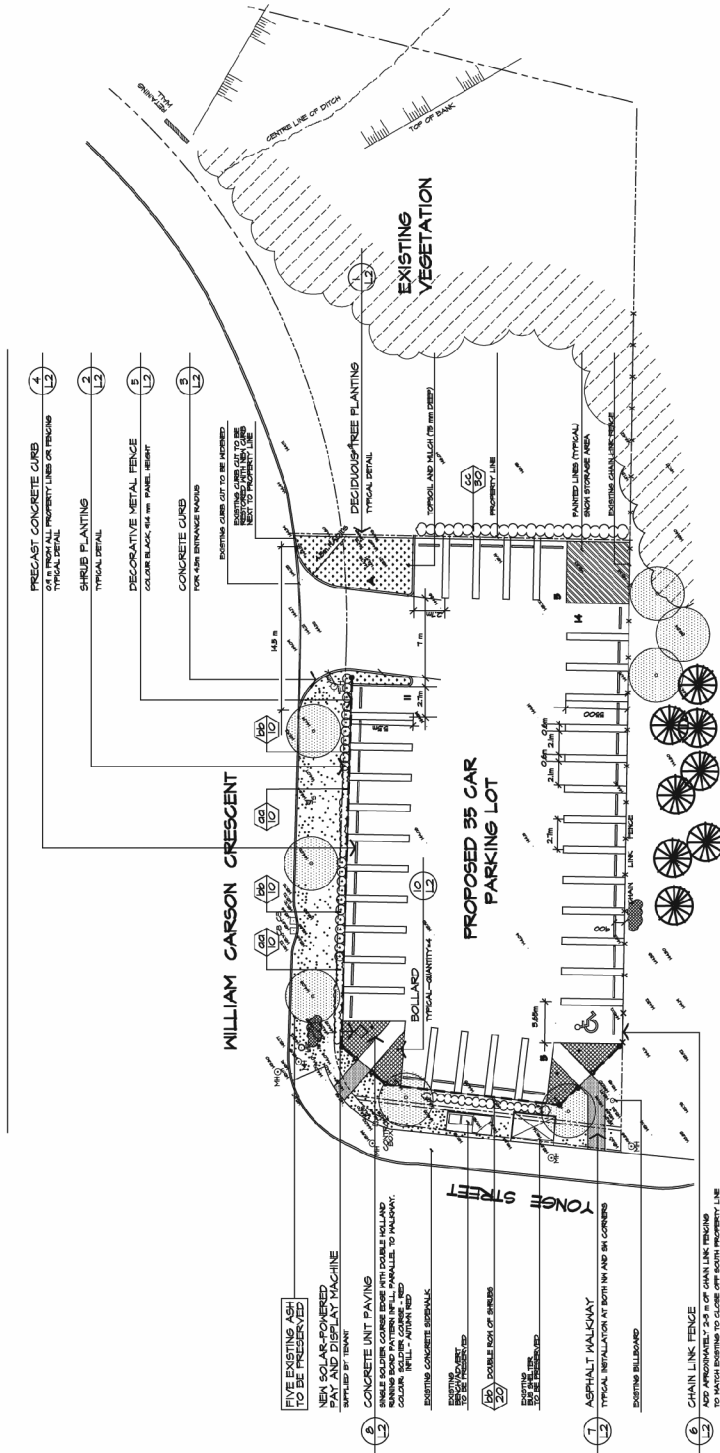
Attachment 1: Site and Landscape Plan (Site Plan Approved – September 28, 2004)
Attachment 2: Zoning (Map)
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site and Landscape Plan (Site Plan Approved – September 28, 2004)

PLANT LIST

In the event of a discrepancy between the planting plan and the plant list, the planting plan shall govern.

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	SPREAD	ROOT	REMARKS	SPACING
DECIDUOUS TREES									
A	1	GLEDITSIA TRIACANTHOS	SHADBLASTER	1500mm	5000mm	1500mm	SB	ESCAL FORM	----
DECIDUOUS SHRUBS									
aa	20	DIWYF BURNINGISH	SHADBLASTER HONEY-LOUSE	----	600mm	----	POTTED	MIN. 10 STEMS	1000mm
ab	20	SPYRAGUS BRACHYLOBA	SHADBLASTER	----	600mm	----	POTTED	MIN. 10 STEMS	600mm
ac	20	REBESIA SPINOSA	FLAME CORNET	----	600mm	----	POTTED	MIN. 10 STEMS	600mm



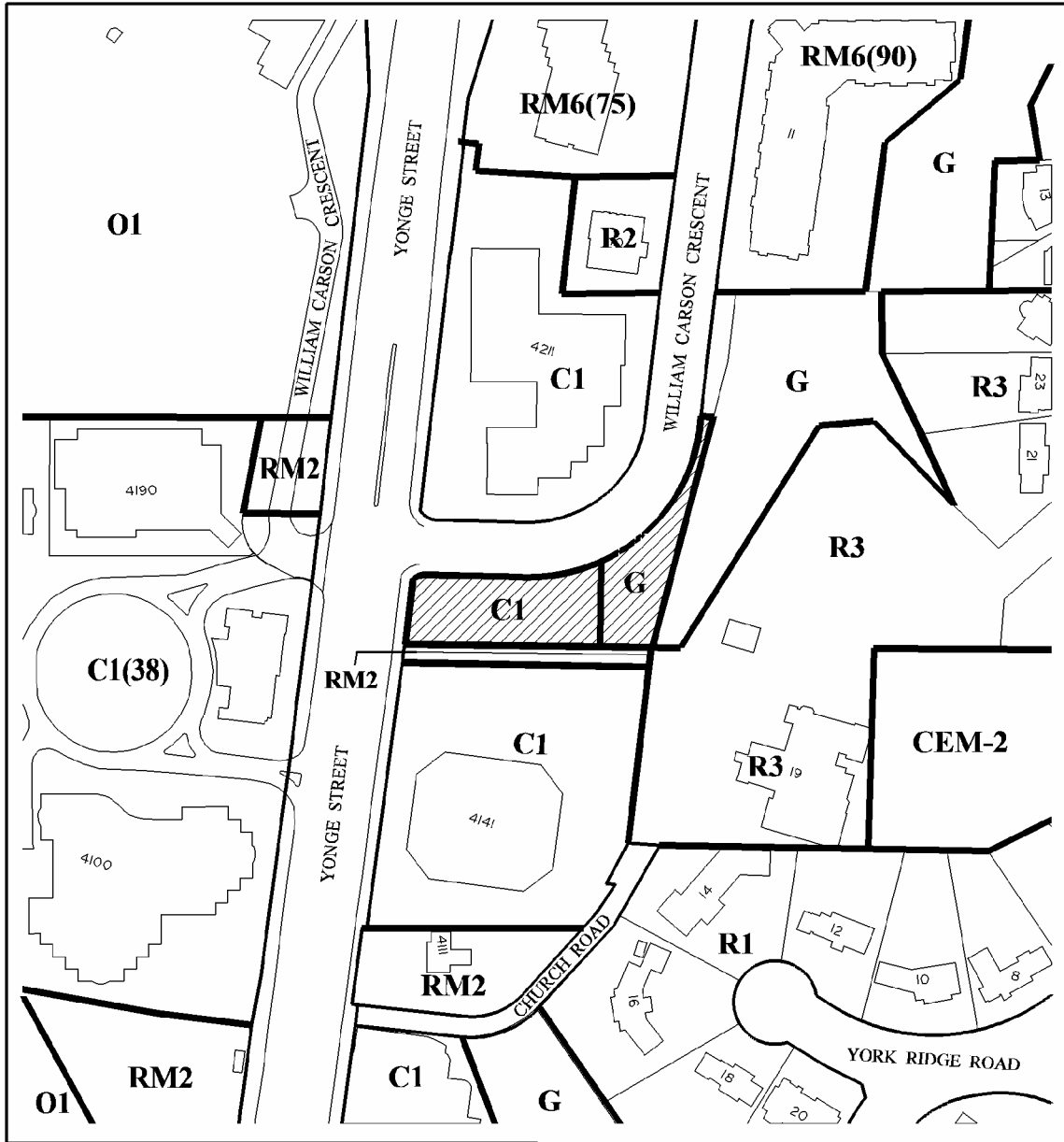
Site and Landscaping Plan
 Applicant's Submitted Drawing

Not to Scale
 09/23/06

4155 Yonge Street

File # 06_124746

Attachment 2: Zoning (Map)



TORONTO City Planning
Division
Zoning

4155 Yonge Street
File # 06_124746

- | | |
|--|--|
| R1 One-Family Detached Dwelling First Density Zone | RM6 Multiple-Family Dwellings Sixth Density Zone |
| R2 One-Family Detached Dwelling Second Density Zone | C1 General Commercial Zone |
| R3 One-Family Detached Dwelling Third Density Zone | G Greenbelt Zone |
| RM2 Multiple-Family Dwellings Second Density Zone | O1 Open Space Zone |
| NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category | CEM-2 Restricted Cemetery Zone |


 Not to Scale
 Zoning By-law 7625
 Extracted 05/23/06

Attachment 3: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	06 124742 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	April 10, 2006

Municipal Address: 4155 YONGE ST, TORONTO ON M2P 1N6
 Location Description: PLAN 3549 PT LOTS 17,18,19, AND 20 RP64R8407 PARTS 1 7 9 **GRID N2501
 Project Description: Parking lot (permitted use) under by-law 30952

Applicant:	Agent:	Architect:	Owner:
MARK PAVKOVIC			IRE-YONGE DEVELOPERS INC

PLANNING CONTROLS

Official Plan Designation:	MUA	Site Specific Provision:	office, temporary parking
Zoning:	C1, G	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3218	Height:	Storeys:	0
Frontage (m):	34.79		Metres:	0
Depth (m):	92.48			
Total Ground Floor Area (sq. m):	0		Total	
Total Residential GFA (sq. m):	0		Parking Spaces:	35
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Jeff Markowiak, Assistant Planner
	TELEPHONE:	(416) 395-7130

Attachment 4: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by
City of Toronto Council on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

**To amend City of North York Zoning By-law No. 30952, as amended,
With respect to the lands municipally known as
4155 Yonge St**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 30952 as amended by By-law No. 285-2003 is hereby further amended by deleting the text in Clause 2(a)(iv) and replacing it with the following: "A parking lot".

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)