

**5170 Yonge St. - Official Plan Amendment Application -  
Request for Direction Report**

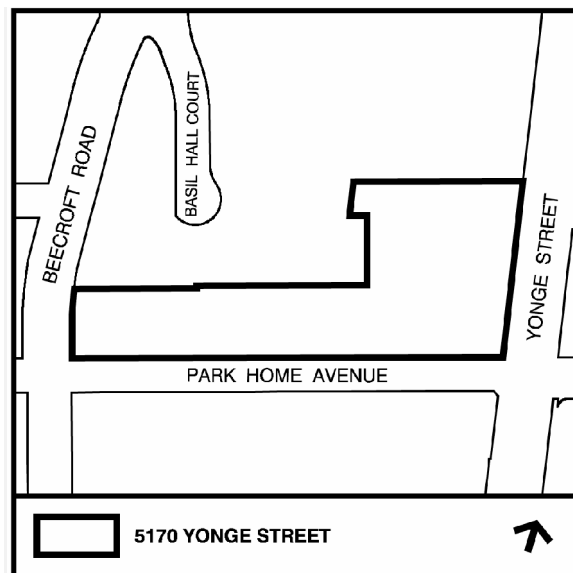
<b>Date:</b>	January 25, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward No. 23 – Willowdale
<b>Reference Number:</b>	File No. 05 210406 NNY 23 OZ

**SUMMARY**

The subject Official Plan Amendment application proposes to amend the North York Centre Secondary Plan for the property municipally known as 5170 Yonge Street, which is located at the northwest corner of Yonge Street and Park Home Avenue. This application proposes to redesignate the subject lands and modify the site specific policies to permit residential uses on the site. Currently, the bulk of the site is designated for non-residential uses only. No Zoning By-law Amendment or Site Plan Control Approval applications have been submitted. Based on the request for a maximum 100% residential development, Staff are recommending the application be refused in its current form.

The applicant has appealed the Official Plan Amendment application to the Ontario Municipal Board based on the lack of a decision from City Council within the timelines stipulated by the *Planning Act*. The purpose of this report is to seek Council’s direction on the appeal as an Ontario Municipal Board Hearing is scheduled for March 25, 2008.

This report also seeks Council’s authorization for City staff and consultants to attend the Ontario Municipal Board Hearing and oppose the application in its current form.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council refuse the application in its current form and authorize the City Solicitor and necessary City staff and consultants to attend the Ontario Municipal Board hearing in opposition to the appeals for the reasons outlined in this report.

### **Financial Impact**

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

### **Background**

#### Decision History for the Site

On June 13, 1990, City Council of the former City of North York, approved Official Plan Amendment No. 326 and Zoning By-law 31237. The amendments covered the lands on the west side of Yonge Street, immediately on the north side of Park Home Avenue, including the Gibson House property.

Generally, the amendments permitted two commercial office buildings on the easterly portion of the site, at the Yonge Street and Park Home Avenue intersection, and residential development, in the form of multiple family dwellings and an apartment building on the westerly portion of the site fronting Beecroft Road, while preserving the adjacent Gibson House and open space lands (Gibson Park).

On February 20, 1992 the Ontario Municipal Board approved the site specific Official Plan Amendment and Zoning By-law Amendment, with modifications. The OMB approved residential uses for the westerly portion (Beecroft Road) of the site have been built. The approved maximum 113,695 square metres of commercial floor area in two office buildings has not proceeded. The commercial office buildings, 27-storeys and 31-storeys in height, were approved to be located at the northwest corner of Yonge Street and Park Home Avenue. Of the total permitted commercial floor area approved by the OMB, 63,701 square metres were a result of permitted density being transferred from roads, road widenings, local open space buffer lands, Gibson Park and the Gibson House lands.

### **Site Description**

The proposed development site is located at the northwest corner of Yonge Street and Park Home Avenue and extends to Beecroft Road on the west. According to the information provided by the applicant, the site has an area of approximately 16,579 square metres (1.65 ha.).

The site is currently developed with a commercial parking lot and open space uses that include the privately owned and publicly accessible “Rose Garden” and “Gibson Park”. The City has a 999 year lease for the park/open space with the terms that an underground parking structure is permitted under the park area.

### **Block Description**

The block bounded by Yonge Street to the east, Eglinton Avenue to the north, Beecroft Road to the west and Park Home Avenue to the south, currently consists of the following:

- One-storey commercial retail buildings fronting onto Yonge Street;
- The Gibson House Museum;
- Yonge Hearts Child Care;
- A 19-storey condominium building -Peninsula Place;
- Two rental apartment buildings - Park Willow Developments; and
- the subject lands which consists of Gibson Square, the Rose Garden, Gibson Park and a commercial parking lot.

In addition to the subject lands, identified as Site 1 below, there are other current and pending development applications within this block. The location of these sites are listed below and shown on “Attachment 7”.

#### **Site 1**

5170 Yonge St. (Menkes Gibson Square)

The subject Official Plan Amendment application.

#### **Site 2**

5182-5200 Yonge St. (Sam-Sor)

Approvals are in place for a 27-storey residential building and a 17-storey commercial building on the site. In January 2002 an OPA and Rezoning application was submitted to permit a 28-storey residential building on a 3-storey commercial podium containing retail and recreation uses. The applications are currently on hold by the owner.

#### **Site 3**

5222-5254 Yonge St.

City staff have held preliminary meetings with the new owner of the properties to construct a mixed-use development on the site.

#### **Site 4**

55-65 Eglinton Ave. (Park Willow Developments)

A Rezoning and Site Plan Control Approval application was submitted in 2004 to permit a third residential building of 18-storeys where the pool and tennis courts are situated. City staff are waiting for additional information from the applicant.

**Surrounding land uses are as follows:**

South: across Park Home Avenue is the City Centre project consisting of office, hotel and retail uses.

East: across Yonge Street are one and two storey commercial uses and a parking lot.

West: Beecroft Road and a low-density residential neighbourhood.

**Application Background**

On December 16, 2005, an Official Plan Amendment application was submitted to amend the former City of North York Official Plan and North York Centre Secondary Plan to redesignate the easterly portion of the subject lands from DMU-1 (which permits only non-residential uses) to DMU-3 (which permits both residential and non-residential uses).

On February 7, 2006, the applicant requested Planning staff to put the Official Plan Amendment application on hold.

On August 2, 2006, Planning staff was advised that the property had been purchased by Menkes Gibson Square Inc., and staff were requested to reactivate the file.

At its September 25, 26 and 27, 2006 meeting, Council adopted the staff recommendations contained in the preliminary report dated September 6, 2006 and directed staff to schedule a community consultation meeting together with the Ward Councillor.

On December 12, 2006, a community consultation meeting was held to discuss the Official Plan Amendment application. The meeting was attended by the Local Councillor, City staff, the applicant and consultants and approximately 150 residents.

The Local Councillor held working group sessions on February 28, 2007 and March 28, 2007 with the applicant and members of the community to discuss the existing Rose Garden and Gibson House, and to explore options for these community assets within the context of the proposed application, recognizing that the proposed change in land use from non-residential to residential was still being evaluated by planning staff.

On May 23, 2007, the applicant held a separate meeting with the community, without the Local Councillor or City staff in attendance.

On July 6, 2007, the applicant submitted a revised Official Plan Amendment application along with a North York Centre Employment Assessment report from UrbanMetrics Inc., a Traffic Analysis Report from Lea Consulting and a Planning Rationale report from the Goldberg Group.

On August 2, 2007, the applicant appealed the Official Plan Amendment application to the Ontario Municipal Board.

## **Proposal**

The proposed Official Plan Amendment is to:

- Redesignate the lands to permit residential uses without percentage limitation;
- Increase the amount of park space at the corner of Yonge St. and Park Home Ave.;
- Decrease the Secondary Plan development levels of non-residential floor space and increase the development levels for residential floor space;
- Increase the maximum permitted height limit from 100 metres to 125 metres above grade; and
- Prohibit parking underneath specified portions of the landscape open space.

The applicant submitted a concept plan for a 93,686 square metre development of two 45-storey residential buildings with retail commercial space and live work units at the base, refer to "Attachment 6". However, the applicant has not submitted a Zoning By-law Amendment application or Site Plan Control Approval application.

## **Planning Policy**

As previously stated, the application was originally submitted on December 16, 2005 when the former City of North York Official Plan was in force. Based on the submitted material, the applicant is suggesting that the subject Official Plan Amendment application be reviewed in context of the policies of the former City of North York Official Plan as well as The Official Plan of the Municipality of Metropolitan Toronto and the 2005 Provincial Policy Statement, also in force at the time of the original submission.

On July 6, 2006, the Ontario Municipal Board, brought the City of Toronto Official Plan into full force and effect by issuing Order No. 1928, and ordered that the policies, maps and schedules contained within the former municipal official plans within the City of Toronto be repealed, except as they relate to certain properties and areas identified on Attachments 3 to 7 to the decision. The OMB did not identify the subject site as being withheld from approval of the Toronto Official Plan because it had not received an appeal of the new Toronto Official Plan with respect to this site, and there was no outstanding appeal of an application related to the site in July 2006. The policies of the City of Toronto Official Plan are therefore in full force and effect for the subject lands, and the policies of the former City of North York Official Plan have no status.

## **Provincial Policy Statement and The Growth Plan for the Greater Golden Horseshoe**

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.

According to the PPS, one of the factors of sustaining healthy, liveable and safe communities is by accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long term needs. In this regard, sufficient land shall be made available through intensification and redevelopment, and if necessary, designated growth areas, to accommodate an appropriate range and mix of uses to meet projected needs.

The PPS also indicates that the Official Plan is the most important vehicle for implementing its policies.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

*North York Centre* is identified as one of a network of *Urban Growth Centres* which will be planned –

- a) as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses
- b) to accommodate and support major transit infrastructure
- c) to serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses
- d) to accommodate a significant share of population and employment growth.”

Municipal decisions are to conform with the Growth Plan.

### **City of Toronto Official Plan**

The subject lands are designated *Mixed Use Areas* in the City of Toronto Official Plan. Policies in Section 4.5 indicate that these areas are made up of a broad range of uses. The development criteria include creating a balance of commercial, residential, and other uses, as well as providing for new jobs and homes for Toronto's growing population on underutilized lands in the *Centres*.

The subject lands are located in a "*Centre*" on Map 2, Urban Structure in the City of Toronto Official Plan.

In the City of Toronto Official Plan, four key locations on the rapid transit system, have been shown as *Centres* on Map 2, including *North York Centre*. The new plan reinforces the important role *Centres* have in the management of the City's future growth and states that:

“Substantial past investment in transit and other infrastructure in these *Centres* has made it possible to accommodate economic growth. Good transit accessibility also makes the *Centres* attractive locations for developing a range of housing opportunities where people can live close to their work or easily get to their jobs by transit.

The potential of the *Centres* to support various levels of both commercial office job growth and residential growth outside of the *Downtown* is important. This Plan encourages creating concentrations of workers and residents at these locations, resulting in significant centres of economic activity accessible by transit.”

In the Official Plan, *North York Centre* is described as follows:

“*North York Centre*, focused on three subway stations on its Yonge Street spine, is served by both the Yonge subway and the Sheppard subway and is also a terminus for regional transit from communities to the north. It is a major concentration of commercial office space where businesses benefit from excellent transit service to the *Downtown* core as well as from good highway access. It should continue to grow as an important commercial office location. It should also continue to be a vibrant residential and cultural centre. A dedicated transit corridor should be established on Yonge Street as an Avenue and to improve transit service for residents of York Region.”

The *Centres* policies in Section 2.2.2, require that Secondary Plans set out local goals and a development framework to implement 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 use of existing public investment in transit, infrastructure and other municipal assets and identify future needs to support population and employment growth; and
- set out the location, mix and intensity of land uses.

## **North York Centre Secondary Plan**

### Background

The North York Centre Secondary Plan in the City of Toronto Official Plan carries forward the policies of the North York Centre Secondary Plan under the former City of North York Official Plan, approved by OPA 447.

OPA 447 was adopted by Council after a 1996 City review of the land use policies that governed the *North York Centre* area. At the time of the review, the *North York Centre* consisted of a Downtown and an Uptown, each with its own Secondary Plan.

The Secondary Plan for the Downtown (Part D.1) set out general concepts and objectives for the *Centre*. The Plan indicated that the *North York Centre* was intended to be multi-use in character with concentrations of employment and residents and a variety of office, retail, service, institutional, hotel, entertainment, residential and open space uses. Although it was clear that the Downtown was to be the primary focus of the *North York Centre* and that higher densities were permitted in the Downtown area, the location of land uses was not specifically specified.

While the Plan required that retail and service commercial uses be provided along the Yonge Street frontage of all projects in the *North York Centre*, no further guidance was provided in the Downtown for how the multi-use character was to be achieved. Most of the lands in the Downtown were designated Mixed Use with no differentiation as to the types or mix of permitted uses.

The Uptown Plan on the other hand specified the location and mix of uses in the Uptown. The Plan envisioned the Uptown area to be predominantly residential with a commercial node around the Finch subway station. Lands in the Uptown area were designated either Mixed Use or Residential with the specific land use districts setting out the uses permitted. Under each of the land use districts, commercial uses would not be required and the amount permitted was limited to a proportion of the overall gross floor area, ranging from 65% down to 0% depending on the location.

Although the intent of the Downtown was to provide a mix of uses, under the mixed use designation the prime sites for non-residential uses in the Downtown Plan would have developed as residential, given the demand for residential uses.

To ensure that a range and mix of uses are achieved in the *North York Centre*, the specific location and limits of uses were designated throughout the Secondary Plan area. The Secondary Plan policies for the Downtown area identified prime non-residential areas along the Yonge St. corridor and in proximity to the subway stations. The Ministry of Municipal Affairs and Housing issued a Notice of Decision on OPA 447, the new North York Centre Secondary Plan, on December 8, 1998.

#### Current North York Centre Secondary Plan

The North York Centre Secondary Plan (NYCSP) under the City of Toronto Official 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 NYCSP consists of *North York Centre South* (formerly referred to as *Downtown*) and *North York Centre North* (formerly referred to as *Uptown*). The subject lands are located in the South portion which 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*, which is to be a predominantly residential area.

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The South area of the NYCSP is intended to be a mixed use area 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*.

In the NYCSP, the westerly portion of the site along the Park Home Avenue frontage is designated as *Parks and Open Space Areas*. The northwest corner of Yonge Street and Park Home Avenue is primarily designated *Mixed Use Area A*, with a portion at the north end of the site designated *Mixed Use Area B*. The permitted uses in the *Mixed Use Area A* include commercial, institutional, public parks and recreational uses and transit terminals. Residential uses are not permitted. The *Mixed Use Area B* designation permits commercial, institutional, residential, public parks and recreational uses, and transit terminals. The total gross floor area of all residential uses in the *Mixed Use Area B* will not exceed 50 per cent of the maximum permitted gross floor area on the site or portion of the site designated *Mixed Use Area B*, see Attachment 1.

The maximum density for the site is 4.5 FSI, or a maximum of approximately 6.0 FSI, including density incentives and transfers. The maximum permitted height for the *Mixed Use Areas* portion of the site is 100 metres.

There is also a site specific policy that applies to the subject lands. Section 12.8 of the North York Centre Secondary Plan, which reflects approval of the previous application on the property, is provided below:

- (a) The lands designated *Mixed Use Area A*, and *Parks and Open Space Areas* and are assigned a maximum density of 4.5 times the lot area in the Official Plan. To facilitate the establishment of the park, all of the density assigned to the *Parks and Open Space* lands will be transferred to the *Mixed Use Area* lands.
- (b) The *Parks and Open Space Areas* lands east of the *North York Centre South Service Road* will develop as a City park. The lands beneath the surface of the City Park may be used for an underground parking structure associated with the *Mixed Use Area* lands. The use of lands at grade will be limited to those uses permitted within a *Parks and Open Space Areas* designation and vehicle access to the below grade parking structure.
- (c) On the lands designated *Mixed Use Areas*, the floor area occupied by a privately-owned, publicly accessible indoor space (Tea Garden, Atrium and the Connection between the Tea Garden and Conservatory) to a maximum of 1,600 square metres, may be exempted from the calculation of gross floor area where it is determined that such exemption is necessary in order to provide an indoor pedestrian connection from Yonge Street to Gibson House and to enhance the presence of Gibson House in the *North York Centre South*.

As per Section 1.14 of the NYCSP, in considering proposed site-specific amendments to this 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 the Secondary Plan are satisfied and that the amendments do not adversely impact stable residential areas.

As per Section 5.4.1 of the NYCSP, site specific amendments to the height limits are discouraged. When considering an application for such an amendment, the City will be satisfied that the contemplated increase in height is necessary to provide for desirable flexibility in built form; would have no appreciable impact on the residential amenity of properties within the defined stable residential area; and meets the urban design objectives of the Secondary Plan.

Section 5.5.1, Heritage Policies of the NYCSP, requires the massing of proposed development in the vicinity of the Gibson House to be complementary, to the extent possible, to the Gibson House. Building design shall allow sunlight to penetrate to the front yard area of Gibson House, and to its south and east elevations; and a vista from Yonge Street to Gibson House.

Section 5.3.1 (b) of the NYCSP, states, "the division of large blocks of land by streets or other ground related features such as outdoor pedestrian malls or linear parks is encouraged in order to provide an efficient, fine grain and attractive grid system provided that the roads within the *North York Centre South* or *North York Centre North* do not create additional access to nearby residential neighbourhoods, and provided that the efficiency and function of other existing or planned intersections involving an arterial road or a Service Road are not disrupted."

In the Implementation Section of the NYCSP, specifically Section 10.2, "the rezoning of specific sites within the *North York Centre South* or *North York Centre North* may be refused if approval of the development proposal is premature, or would unreasonably impair future development of the balance of the block or other nearby lands in a manner that fulfills the objectives of this Secondary Plan."

## **COMMENTS**

The Provincial Policy Statement requires municipalities to provide an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long term needs (population and employment). Sufficient land is to be made available through intensification and redevelopment, and if necessary, designated growth areas, to accommodate an appropriate range and mix of uses to meet projected needs. The Official Plan implements the objectives of the PPS and provides for a mix of uses within the City.

The Growth Plan for the Greater Golden Horseshoe does not apply to this OPA application due to its submission date. However, Council needs to be cognizant of the implications of the proposal from the standpoint of meeting the objectives of the Growth Plan. The Growth Plan requires municipalities to plan *Urban Growth Centres* to achieve a minimum job-plus-resident density of 400 persons per hectare. The Provincial vision for *Urban Growth Centres* is very much in line with the vision articulated for North York Centre in the Official Plan and the Secondary Plan.

As a *Mixed Use Area* in the Official Plan, the *North York Centre* is to be comprised of a broad range of uses with the intent of creating a balance of residential and non-residential uses. In addition to providing this mix of uses, the North York Centre Secondary Plan recognizes the specific role of the *North York Centre* as a *Centre* in the Official Plan and sets the policies and development framework that implement the objectives of the Official Plan. Among other objectives of Secondary Plans, as referenced in Section 2.2, the NYCSP sets out the location, mix and intensity of land uses within the *North York Centre North* area and the *North York Centre South*.

As previously stated, *North York Centre South* is the primary location for non-residential employment uses within the *North York Centre*. In accordance with the policies of the NYCSP, the subject lands have been identified as a prime location for non-residential uses recognizing its Yonge St. frontage and proximity to the North York Centre station on the Yonge Subway. The appropriateness of this location for non-residential uses was confirmed through the previous development approvals for the two commercial office buildings on the site with direct underground pedestrian connection to the subway.

Transportation planning policy in the NYCSP is founded on the planned and existing infrastructure and is intrinsically linked to intensity and characterization of land use. Changes to land use alter travel demand and patterns. The technical report submitted in support of the amendment concludes, that while commercial development generates more overall vehicular traffic, it does not address and is not conclusive about the effects of the proposed amendment on travel demand and patterns in the *Centre*.

In order to achieve the objectives of *North York Centre*, and more specifically the South area, as an employment area it is important that prime non-residential sites within the South area be protected. The applicant's justification and supporting documentation for 100% residential use primarily relies on assumptions about future demand for office use and share within the City of Toronto and *North York Centre*.

The applicant's position is that their projected office demand and share for North York Centre can be accommodated on other sites within the North York Centre Secondary Plan area and the redesignation of this site for residential uses will not affect the overall function of the Centre. Although there may be other sites available to accommodate non-residential development, many of the potential sites identified by the applicant are located in the North area which is the residential area of the *North York Centre*. Non-residential uses are permitted in the North area up to a maximum percentage, however there is no minimum requirement for non-residential uses to be provided. Developments may consist of up to a maximum 100% residential uses in

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accordance with the NYCSP. In this regard, the sites in the North area cannot be relied upon to meet the future demand and share of non-residential uses in the *Centre*.

In addition to the above, the size and prime location of the subject lands is limited in the *North York Centre*, especially in the South area, and therefore it would be inappropriate to permit a maximum 100% residential uses on this site. As mentioned, there are provisions in the Secondary Plan that permit residential uses in other locations within the Centre where they are appropriate. The Secondary Plan is currently working to provide residential uses in the *North York Centre*, as many sites have received development approvals and are being developed in accordance with the Secondary Plan. Other sites in the *North York Centre* are still available for residential developments and in keeping within the intent of the *North York Centre* as a transit oriented high density mixed use centre, it is important that prime non-residential sites not be developed for only residential uses.

It should be noted that residential uses have been permitted through site specific amendments on some sites in the *North York Centre* that were previously identified for non-residential uses only. These amendments were made where it was deemed appropriate in the context of the specific development applications. In no other cases, were lands converted from 100% non-residential to a maximum 100% residential uses.

The previous comprehensive approval for the commercial development of this site including the subject lands resulted from a comprehensive development application for a large portion of this block extending from the Yonge Street frontage to the lands adjacent to the Beecroft Road extension. As part of this approval, residential uses were permitted on Beecroft Road, where it was deemed appropriate.

As noted earlier, there are a number of development applications within this large block bounded by Yonge Street to the east, Ellerslie Avenue to the north, Beecroft Road to the west and Park Home Avenue to the south. The processing of the Rezoning and Site Plan Control Approval applications for these projects will be done comprehensively to determine, among other matters, whether a public road network through the block will be required to support the proposed development, in accordance with Sections 5.3.1 (b) and 10.2 of the North York Centre Secondary Plan.

Based on the above, the application to permit a maximum 100% residential uses on the subject lands is not consistent with the Provincial Policy Statement and does not conform to the Official Plan and North York Centre Secondary Plan directive to provide non-residential uses where they have been deemed appropriate and desirable, and cannot be supported.

### **Proposed Increase in Height**

The subject amendment proposes to increase the maximum permitted height from 100 metres to 125 metres. In accordance with Section 5.4.1 of the North York Centre Secondary Plan, increase in height limits is discouraged.

Where an increase in height is proposed, the City must be satisfied that the contemplated increase in height is necessary to provide for desirable flexibility in built form; would have no appreciable impact on the residential amenity of properties within the defined stable residential area; and meets the urban design objectives of the Secondary Plan.

Without the submission of detailed plans showing the scale and massing and the location of building envelopes of the proposed development, which typically accompany Zoning By-law Amendment and Site Plan Control Approval applications, staff is not in a position to comment on whether or not the urban design objectives of the Secondary Plan are being met and that the request to increase in height from 100 metres to 125 metres is appropriate.

### **Community Improvement Plan**

The *North York Centre* has been designated as a Community Improvement Project Area by the City. The goal of the designation is to establish policies and provide tax incentives to help make the *North York Centre* more competitive for new office uses. Staff will be preparing a Community Improvement Plan for Council consideration in the near future.

## **Conclusions:**

Staff is recommending that the Official Plan Amendment application to permit a maximum 100% residential uses on the subject lands be refused in its current form. The application is not consistent with the Provincial Policy Statement and does not conform to the Official Plan and North York Centre Secondary Plan and will result in the introduction of a significant residential development on a site that has been identified as a key location for non-residential uses within *North York Centre*.

## **CONTACT**

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## **SIGNATURE**

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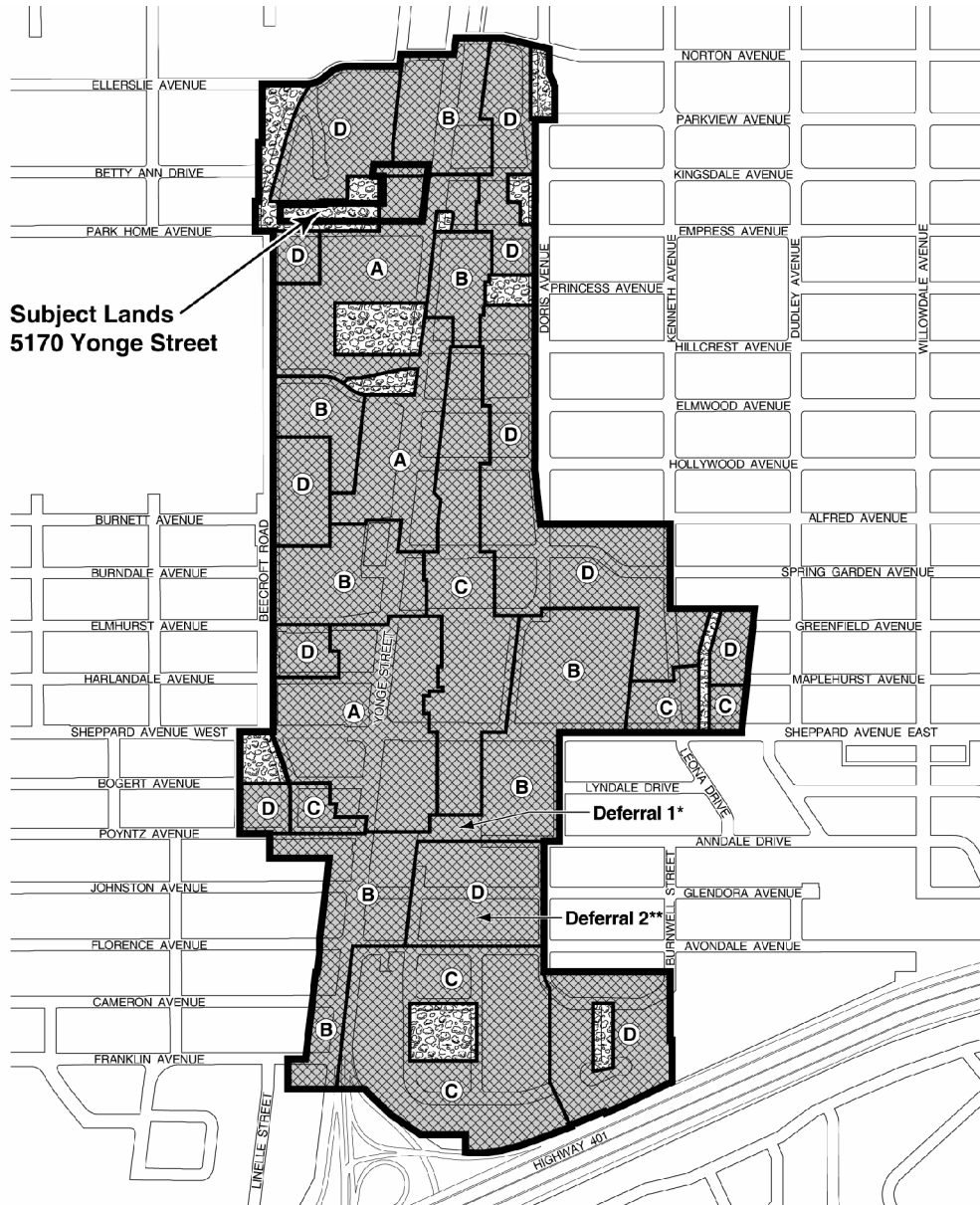
Thomas C. Keefe  
Director, Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: North York Centre Secondary Plan - North York Centre South Land Use Areas  
Attachment 2: North York Centre Secondary Plan - North York Centre South Density Limits  
Attachment 3: North York Centre Secondary Plan - Maximum Height Limits  
Attachment 4: North York Centre Secondary Plan - Site Specific Policies  
Attachment 5: Zoning  
Attachment 6: Concept Plan - Submitted by the applicant  
Attachment 7: Current and Pending Development Application Sites  
Attachment 8: Application Data Sheet

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# Attachment 1: North York Centre South Land Use Areas



## North York Centre Secondary Plan

MAP 8-3 North York Centre South Land Use Areas

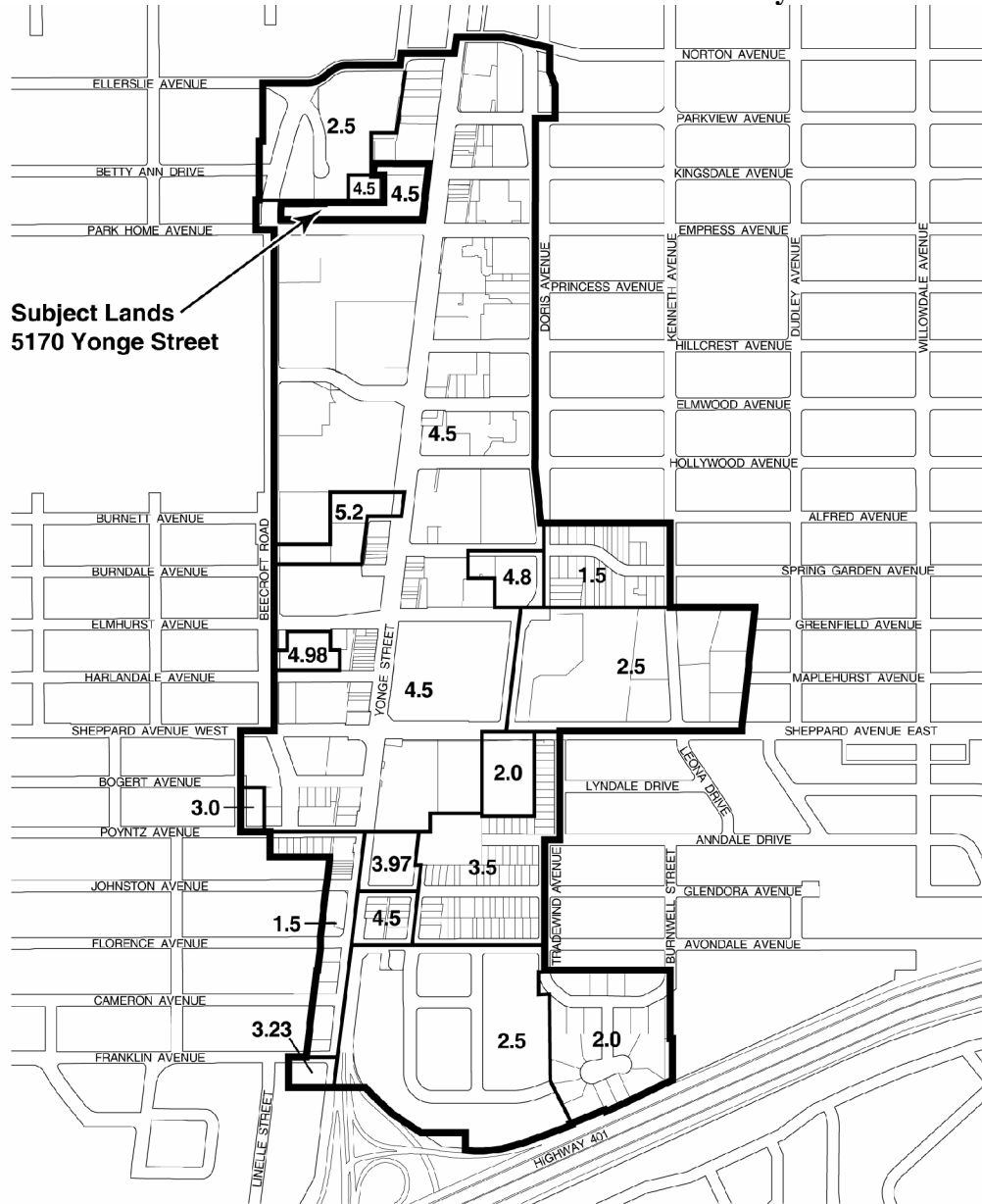
- Secondary Plan Boundary
- Mixed Use Areas
  - Area A - 0% Residential Use
  - Area B - Maximum 50% Residential Use
  - Area C - Maximum 100% Residential Use
  - Area D - Maximum 100% Residential Use
- Parks and Open Space Areas

\*Deferral 1 No decision made by Ministry on lands identified as Deferral 1  
 \*\*Deferral 2 Lands identified as Deferral 2 have not yet received approval from the OMB



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## Attachment 2: North York Centre South - Density Limits



## North York Centre Secondary Plan

MAP 8-6 North York Centre South Density Limits

— Secondary Plan Boundary

Note: Density Limits are exclusive of density incentives and transfers



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### Attachment 3: North York Centre South - Maximum Height Limits

Refer to MAP 8-8b



Refer to MAP 8-8d



### North York Centre Secondary Plan

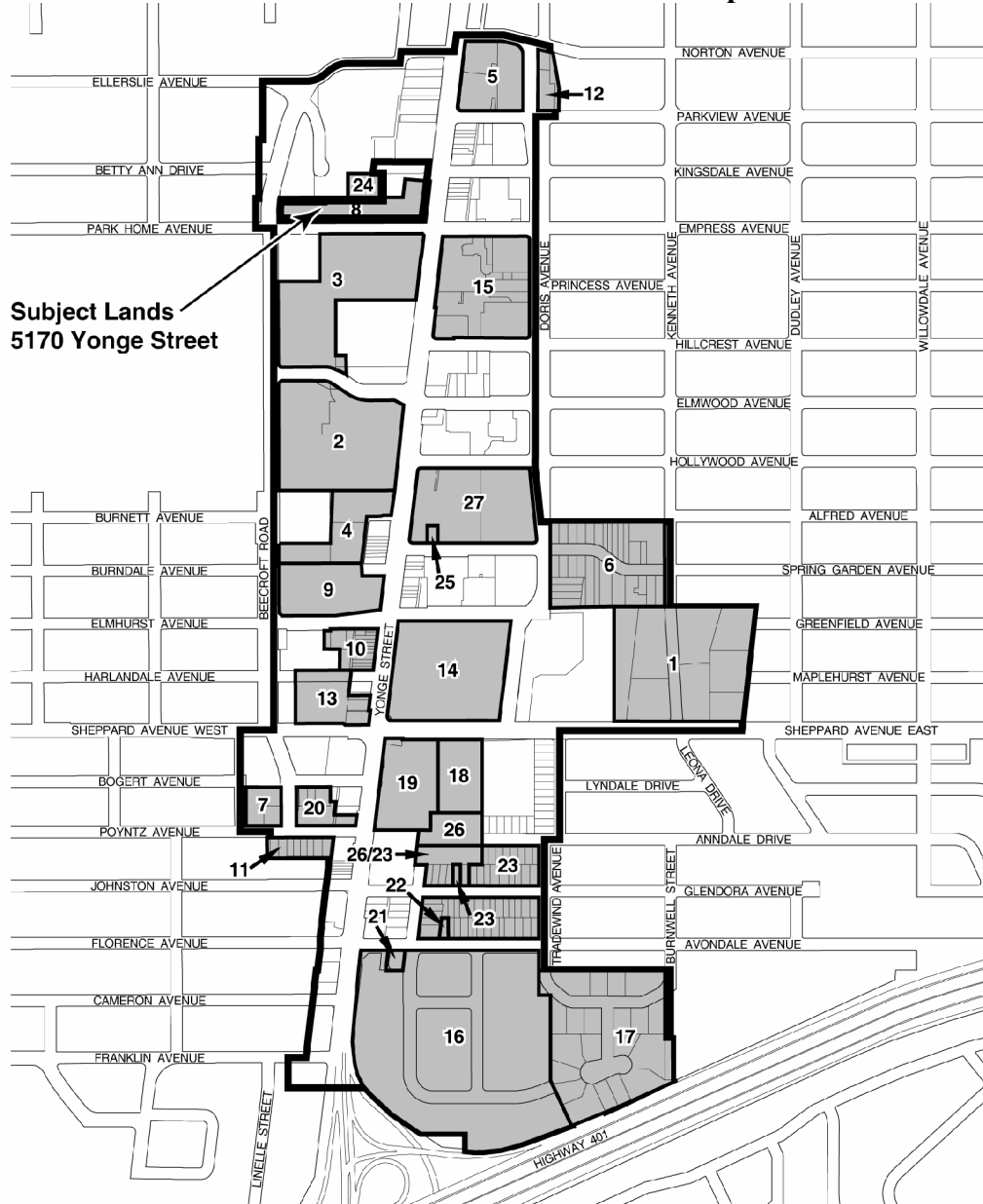
MAP 8-8c Maximum Height Limits

- Secondary Plan Boundary
- The Lesser of 11m or 3 Storeys
- The Lesser of 18m or 6 Storeys
- The Lesser of 35m or 12 Storeys
- Maximum 65m Above Grade
- Maximum 86m Above Grade
- Maximum 100m Above Grade
- Maximum 50% Horizontal Distance from RRPL
- Street Facade Limit as per Section 5.3 of this Secondary Plan
- Relevant Residential Property Line (RRPL)



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## Attachment 4: North York Centre South - Site Specific Policies



## North York Centre Secondary Plan

MAP 8-12 North York Centre South Site Specific Policies

-  Secondary Plan Boundary
-  Site Specific Policy Areas\*

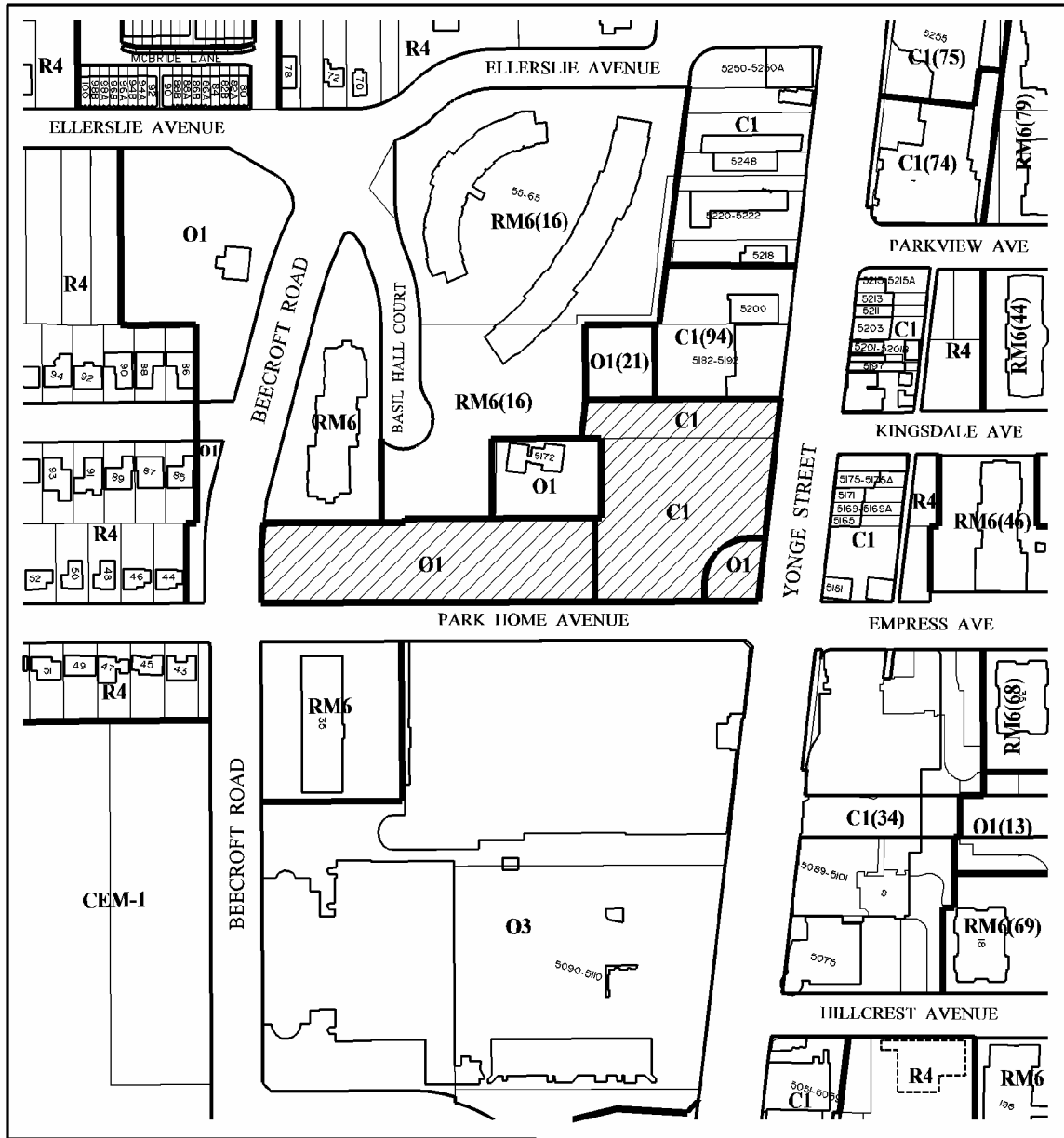
\* The shaded areas on this map are subject to the specific policies set out in the North York Centre Secondary Plan, Section 12.

This map forms part of the Official Plan and should be interpreted in conjunction with the written text.



June 2006


## Attachment 5: Zoning



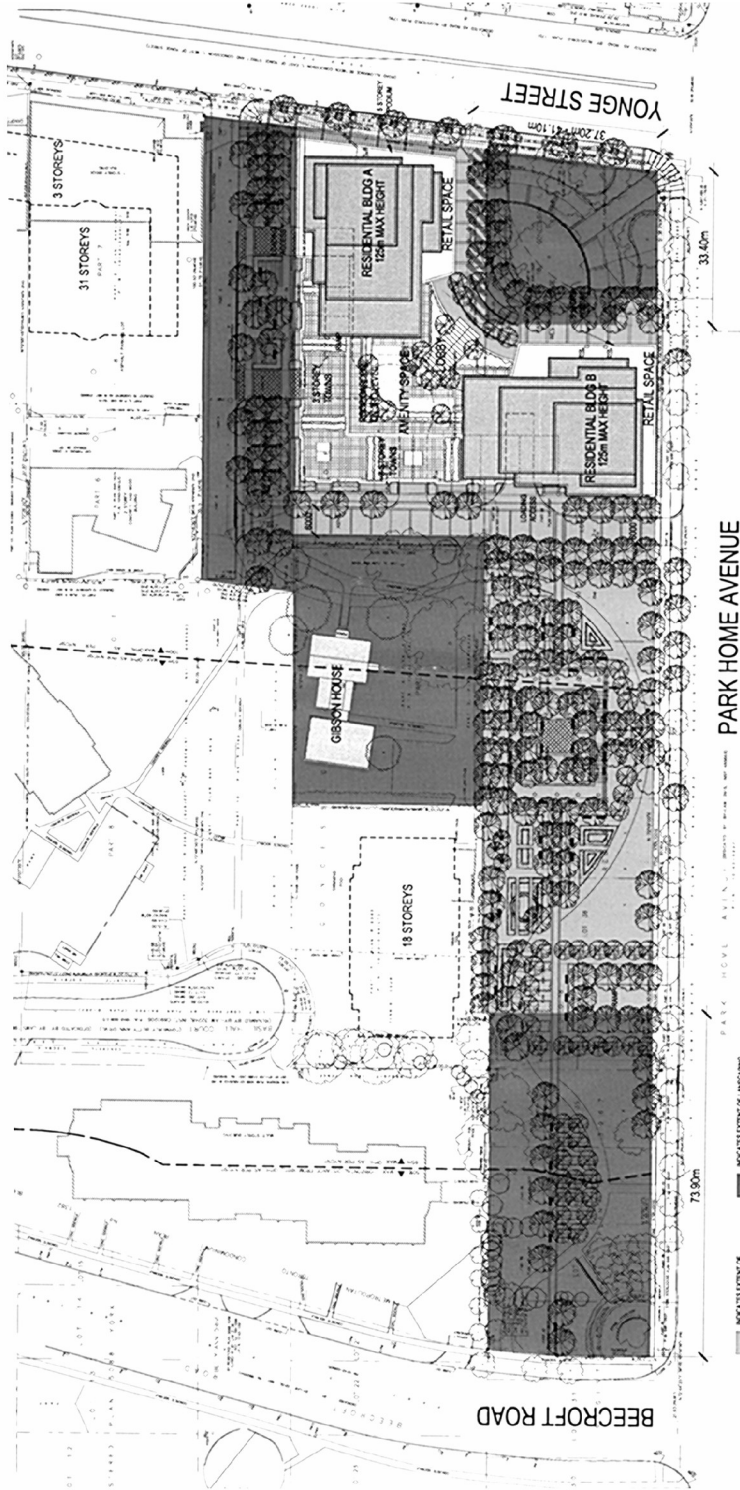
**TORONTO** City Planning Division  
**Zoning**

**5170 Yonge Street**  
 File # 05\_210406

- R4 One-Family Detached Dwelling Fourth Density Zone
  - RM6 Multiple-Family Dwellings Sixth Density Zone
  - C1 General Commercial Zone
  - C2 Local Shopping Centre Zone
  - O1 Open Space Zone
  - O3 Semi-Public Open Space Zone
  - Cem-1 General Cemetery Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

  
 Not to Scale  
 Zoning By-law 7625  
 Extracted 01/02/08

**Attachment 6: Concept Plan - Submitted by the Applicant**



**5170 Yonge Street**

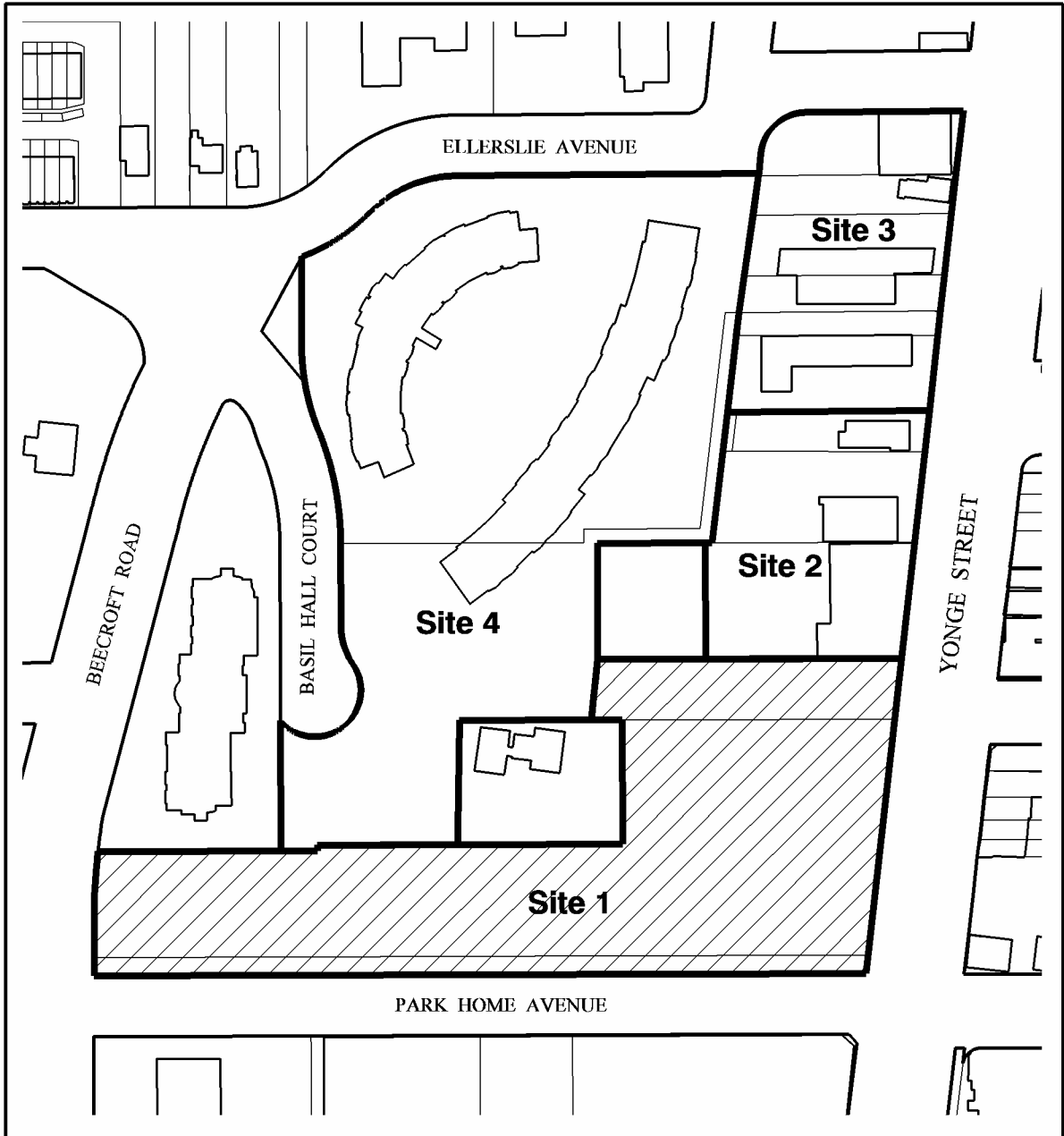
File # 05\_210406

**Conceptual Site Plan**

Applicant's Submitted Drawing

Not to Scale  
01/02/2008

**Attachment 7: Current and Pending Development Application Sites**



**Current and Pending Development Application Sites**

5170 Yonge Street

File # 05\_210406



Not to Scale

Extracted 01/22/2008

## Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	05 210406 NNY 23 OZ
Details	OPA, Standard	Application Date:	December 16, 2005 Reactivated on August 2, 2006 Appealed Aug 2, 2007

Municipal Address: 5170 YONGE ST, TORONTO ON

Location Description: RP 66R16102 PARTS 1 TO 34 RP 64R12937 PARTS 37 TO 51 PARTS 54 TO 80 (EVEN NO'S) RP 66R16436 PART 1 \*\*GRID N2302

Project Description: Official Plan Amendment application to permit a highrise residential development with some non-residential uses. The development to have a total gross floor area of 93,686 square metres.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Mark Karam	Adam Brown		Menkes Gibson Square

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area –A and B Parks and Open Space Areas	Site Specific Provision:	12.8
Zoning:	C1 & O1 (By-law 31237)	Historical Status:	
Height Limit (m):	27 and 31 storeys (100 m in Secondary Plan)	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	16579	Height:	Storeys:	0	
Frontage (m):	104.95		Metres:	125	
Depth (m):	0				
Total Ground Floor Area (sq. m):	0				<b>Total</b>
Total Residential GFA (sq. m):	93, 686 (with some non-res)	Parking Spaces:		0	
Total Non-Residential GFA (sq. m):	0	Loading Docks		0	
Total GFA (sq. m):	93, 686				
Floor Space Index:	0				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	93, 686	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			

