

5270 & 5290 Yonge Street – Rezoning – Final Report

Date:	October 28, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	08 208425 NNY 23 OZ

SUMMARY

This application was made on September 30, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

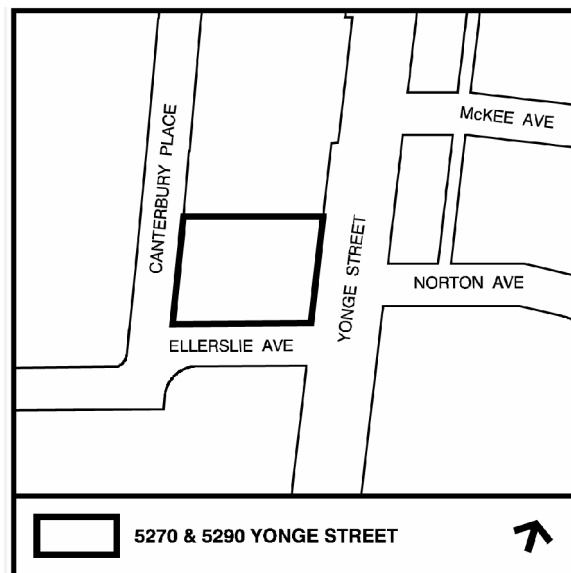
This application proposes to enclose second floor terraces in order to permit an increase to common dining and kitchen areas totalling 298.1 square metres. The outdoor terrace area is proposed to be relocated to the third floor. The proposal is wholly for the Diversicare Retirement Residence portion of the lands known municipally as 5270 and 5290 Yonge Street.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 1069-2007 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9.
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.



3. Before introducing the necessary Bills to City Council for enactment, the owner be required to amend the existing Section 37 Agreement with the City to the satisfaction of the City Solicitor, to provide the following facilities, services and/or monetary contributions:
 - (A) a monetary contribution in the form of a certified cheque, and satisfactory to the City, to fund an additional 298.1 m² of proposed gross floor area, toward the provision of public recreation centres or social facilities serving the North York Centre Area, and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre, to be made no later than the earlier of 6 months from the issuance of any occupancy permit for the non-residential portion of the development, and the issuance of the first building permit for the retirement residence, and which shall be indexed to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement and as further set out in that Agreement. The certified cheque shall be secured by a letter of credit, delivered to the City prior to the issuance of an occupancy permit for the non-residential portion of the development. The letter of credit shall be returned to the owner upon receipt of the certified cheque. The amount of the monetary contribution shall be equal to the market value, based on land value, of 298.1 m² of additional proposed gross floor area, as determined by the Director of Real Estate Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On June 8, 2006 the applicant filed applications for Zoning By-law amendment and Site Plan Control approval in order to permit a mixed use, two-phase project consisting of a 17-storey, 165 unit Retirement Residence on the west portion of the lands, and a 3-storey commercial building on the portion fronting on Yonge Street.

On September 27, 2007 Toronto City Council enacted Zoning By-law No. 1069-2007. There were no appeals of the By-law to the Ontario Municipal Board. This By-law permits a mixed-use project with a total of 14,897 m² of Gross Floor Area (gfa); 2,574 m² for office and commercial-retail uses and 12,323 m² for Retirement Residential uses, and a maximum building height of 55 metres (17-storeys). The project as approved has a density of 4.5 FSI (Floor Space Index).

See final report: <http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-6433.pdf>.

A Section 37 Agreement was entered into to permit density incentives and an additional 2,024 m² of gross floor area in exchange for a monetary contribution toward the cost of the City providing public recreation centres or social facilities, and/or towards the City's cost of acquiring lands for the completion of the planned service road and associated road network and buffer areas in the North York Centre.

ISSUE BACKGROUND

Proposal

The project approved in September 2007 consists of a mixed use, two-phase project comprised of a 3-storey commercial building on the portion fronting Yonge Street (DUCA), and a 17-storey, 165 unit Retirement Residence on the west portion of the lands fronting Canterbury Place (Diversicare).

The phase one portion of the project has been started and is nearing completion. The phase two portion to construct the Retirement Residence portion of the project cannot begin until the new office building for DUCA Credit Union building is completed and the existing office building is demolished.

With this application, the applicant is proposing to increase the total gross floor area permitted for the Retirement Residence portion of the development by an additional 298.1 m². This additional gross floor area is for the proposed enclosure of the second floor terraces in order to increase common dining and kitchen areas. The second floor terraces would be relocated to the third floor of the Retirement Residence building. No additional changes and no other residential units are proposed.

The project as revised would consist of a total of 15,195 m² of Gross Floor Area (gfa); 2,574 m² for office and commercial-retail uses and 12,621 m² for Retirement Residential uses, and a maximum building height of 55 metres (17-storeys). The proposed density is within the 5 FSI permitted under the North York Centre Secondary Plan.

The applicant's proposed density incentives include an additional 298.1 m² of gross floor area in exchange for a monetary contribution toward the cost of the City providing public recreation centres or social facilities, and/or towards the City's cost of acquiring lands for the completion of the planned service road and associated road network and buffer areas in the North York Centre.

Site and Surrounding Area

The site has a frontage of 50 metres along the west side of Yonge Street, just north of Ellerslie Avenue, and a net site area of 3,227 m². The northerly portion of the site is presently occupied by the Head Office of the DUCA Financial Services Credit Union. The new DUCA building or Phase One of the development, is currently under construction.

Surrounding land uses are as follows:

- North: Low rise commercial uses north of the site along Yonge Street. Immediately north on Canterbury Place a 3-storey building which will become the new home of "Eva's Place" Youth Shelter is nearing completion; north-westerly on Canterbury Place is located the recently completed 18-storey DIA residential condominium building;
- South: Low rise commercial uses south of Ellerslie Avenue along Yonge Street;
- East: Across Yonge Street south of Norton Avenue is a 15-storey commercial office building, with 2-storey commercial buildings along Yonge Street north of Norton Avenue; and
- West: A police station and fire station are on the west side of Canterbury Place, immediately west and just north, respectively, of the site.

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.

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.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated "*Mixed Use Area G*" within the North York Centre Secondary Plan. This designation provides for commercial uses, institutional uses that are not predominantly offices, residential, public parks and recreational uses. The maximum permitted base density on the site is 3.75 FSI provided that the total of all commercial uses on the site does not exceed 20% of the maximum permitted gross floor area. The North York Centre Secondary Plan provides for a maximum height on the subject lands of 87 metres above grade.

The North York Centre Secondary Plan also provides for various additional density incentives of up to 33% of the maximum permitted base density, for a total of 4.98 FSI. In exchange for additional density, the City may accept a monetary contribution for the provision of public recreation centres or social facilities, and/or utilize the funds towards the cost of acquiring land necessary for completion of the service road and associated road network and buffer areas. The amount of the monetary contribution will be equal to the market value of the additional gross floor area obtained, based on the land value of density in the North York Centre, as determined by the Director of Real Estate Services.

Zoning

This site was rezoned in 2007 to RM6 (174), to permit a mixed use, two-phase project consisting of a 17-storey, 165 unit Retirement Residence on the west portion of the lands, and a 3-storey commercial building on the portion fronting Yonge Street. Zoning By-law amendment No. 1069-2007 permits a mixed-use project with a total of 14,897 m² of Gross Floor Area (gfa); 2,574 m² for office and commercial-retail uses and 12,323 m² for Retirement Residential uses, and a maximum building height of 55 metres (17-storeys).

Site Plan Control

A Site Plan Agreement was registered for the original proposal on February 20, 2008. As the changes envisioned in this application are considered to largely conform with the previously approved site plan, no additional site plan review or amendment to the agreement is considered necessary.

Reasons for Application

The applicant is proposing modifications to the Retirement Residence portion of the project that will increase the total gross floor area by an additional 298.1 m². This additional gross floor area is created by the proposed enclosure of the second floor terraces to permit an increase to common dining and kitchen areas. The second floor terraces would be relocated to the third floor of the Retirement Residence building. No additional structural changes and no additional residential units are proposed, nor will there be any changes to the previously approved commercial-retail component of the project.

An amendment to the in-force Zoning By-law is required to permit the requested additional residential gross floor area of 298.1 m².

The proposed revision to permit additional gross floor area also requires changes to the density incentive arrangement of the previously approved application to provide an additional monetary contribution towards the City's cost of constructing public recreation centres or social facilities serving the North York Centre Area and/or toward the cost of acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre.

Community Consultation

A community meeting to discuss the original and now approved proposal for the subject lands was held March 27, 2007. Approximately 22 members of the local community as well as the local Councillor's representative, Planning staff, the applicant and their legal representatives were in attendance. The community participants had no objections to the previous proposal.

Given the minor changes that are proposed to the approved development and given the outcome of the earlier community consultation meeting, it was decided, in consultation with the local Councillor, that a further community consultation meeting was not necessary.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be "consistent with" the PPS. The PPS requires that a range of housing types and densities are provided to meet the social, health and well-being of residents. This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Density, Height, Massing

Through this application, the applicant is proposing revisions that will result in an increase of the approved total Gross Floor Area from 14,897 m² to 15,195 m². With a net site area of 3,227 m², the proposal would have a total revised density of 4.7 FSI, which is within the density limits of the Secondary Plan.

The applicant is requesting revised density incentives for a cash contribution to fund the additional 298.1 m² of gross floor area, with the contribution directed towards the construction of a community facility and/or service road serving the North York Centre.

There will be no changes to the previously approved non-residential portion of the development fronting onto Yonge Street which will have a building height of 3 storeys and 17 metres, nor the height of the Retirement Residence component of the development, fronting onto Canterbury Place, which has a maximum height of 17 storeys and 55 metres. The heights conform to the policies of the Secondary Plan which permit heights up to 87 metres.

There will be no changes to the previously approved indoor amenity and recreational space on the first and second floor of the building, nor to the 89 m² year-round conservatory located on the 1st floor at the south-west corner of the building.

Staff are of the opinion that the proposed enclosure of the second story terraces will provide an opportunity to enhance the continuity of the building wall as it wraps around Eglinton Avenue, and connects the commercial-retail portion of the development to the retirement residence. This will make for an improved street-wall along Eglinton Avenue, and enhance the visual appeal of the building.

The proposed revision to the project conforms to the density, built form and urban design objectives of the Secondary Plan.

Parkland

Applicability of Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8-1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of the current provision of parkland. The site is located within a Parkland Acquisition Priority Area; however it is governed by the North York Centre Secondary Plan parkland dedication requirement.

Calculation of Parkland Dedication

The nature of the operation of the proposed retirement residence contains dwelling rooms without full kitchen functions. A common dining area and housekeeping services are provided. As such the building is regarded as being commercial in nature. The enclosure of the terraces to accommodate the common dining and kitchen facilities will be subject to a 2% parkland dedication.

Proposal for Dedication of Parkland

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as the amount of land is too small to be of a functional size.

The actual amount of cash-in-lieu to be paid will be determined comprehensively for the entire project at the time of issuance of the building permit.

Toronto Green Development Standard

Through the review of the previously approved proposal, the applicant was encouraged to incorporate the City's Green Development Standards into the design. As a result, a green-roof was incorporated into the commercial portion of the development along with provision of bicycle parking spaces, and a reduced parking standard that complies with the policies of the North York Centre Secondary Plan.

Section 37

The applicant proposes to use the density incentive provisions of the North York Centre Secondary Plan to acquire additional density of 298.1 m² for the proposed development through a monetary contribution. An amendment to the existing Section 37 agreement will be required to secure this additional incentive.

Development Charges

Additional development charges resulting from the proposed increase to the gross floor area will be determined by the City Building Division prior to issuance of any building permits for the second phase of the development.

CONTACT

Ben DiRaimo, Planner
Tel. No. (416) 395-7119
Fax No. (416) 395-7155
E-mail: bdiraimo@toronto.ca

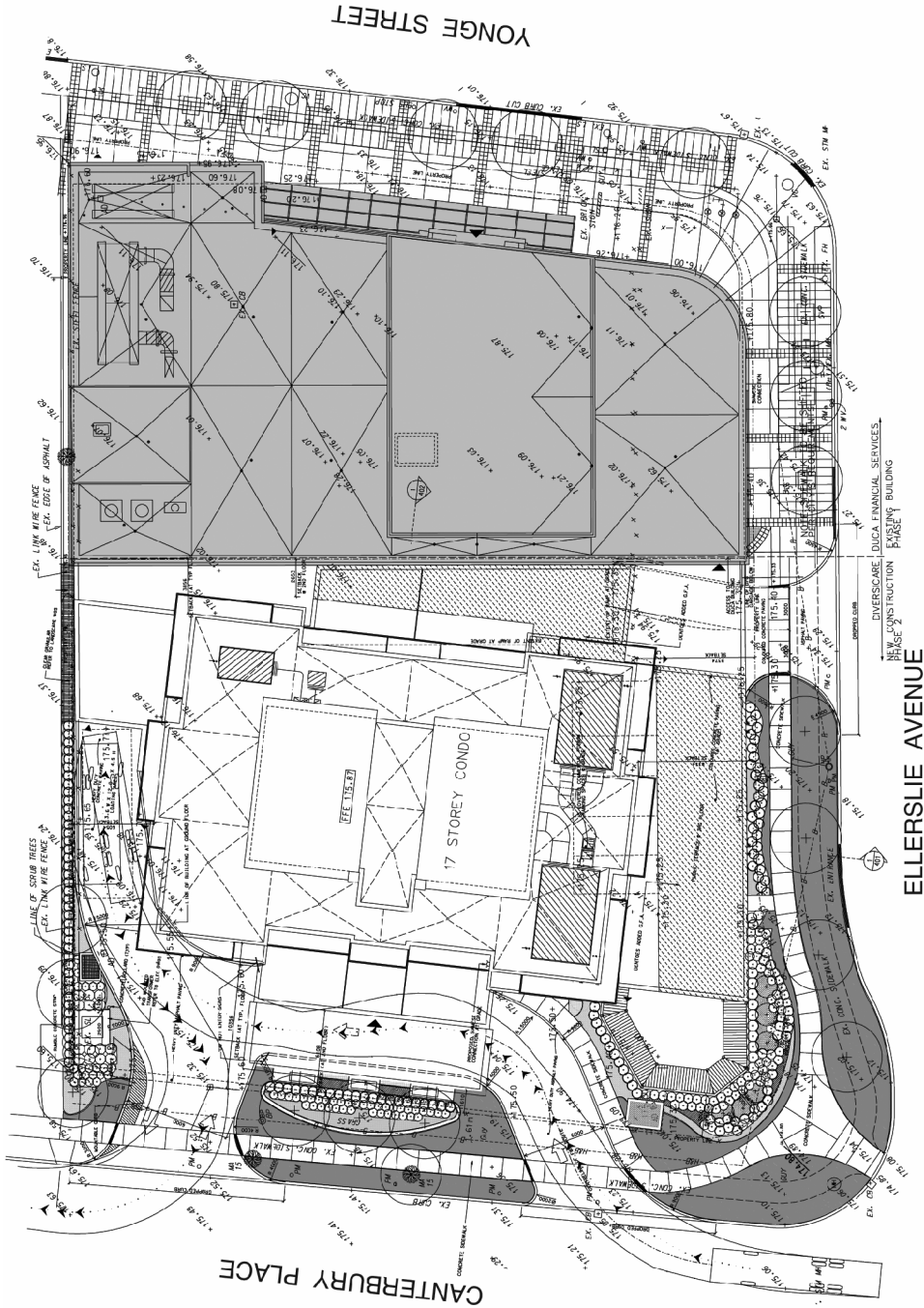
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: West Elevation
Attachment 4: North Elevation
Attachment 5: South Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Agency Comments
Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Site Plan



5270 & 5290 Yonge Street

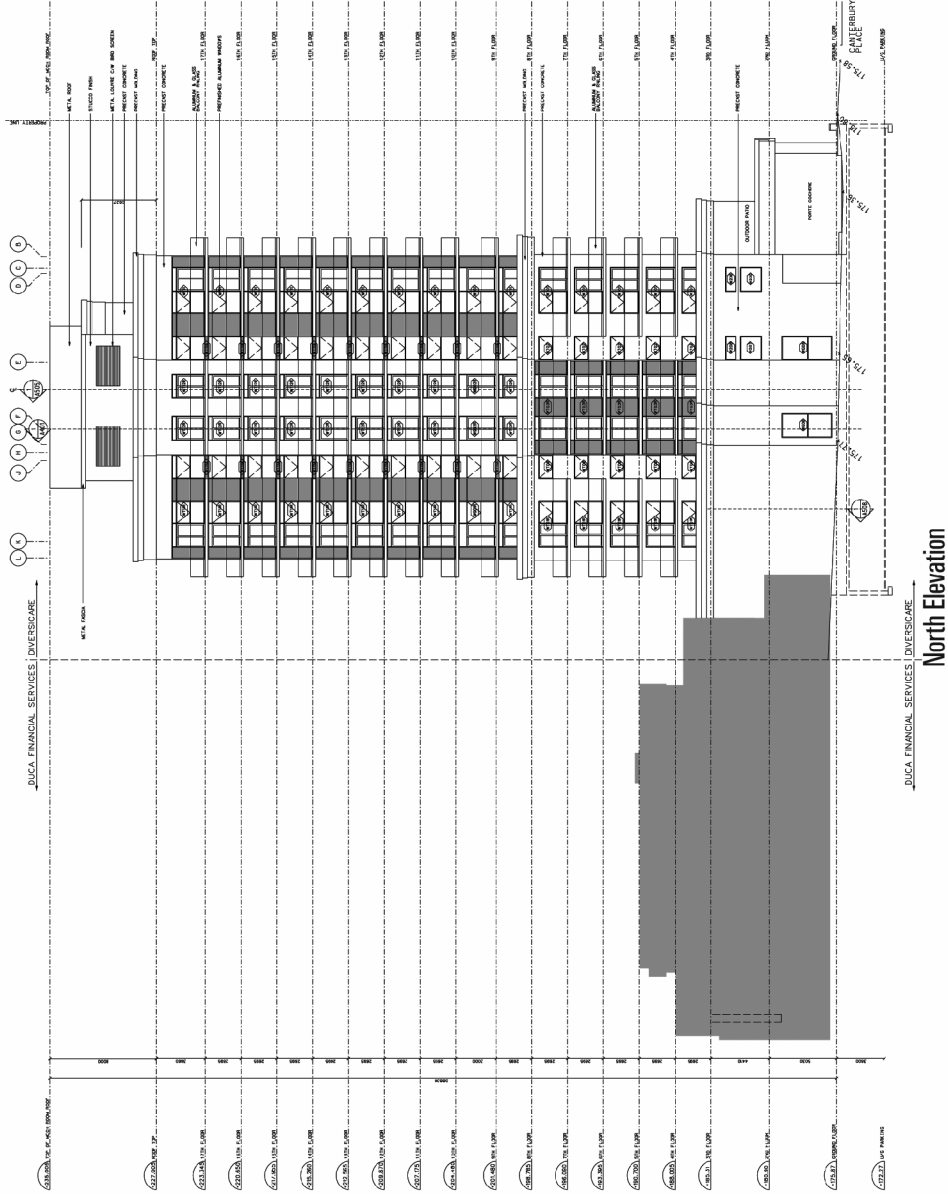
Site Plan

Applicant's Submitted Drawing

Not to Scale
10/17/2008

File # 08_208425

Attachment 4: North Elevation

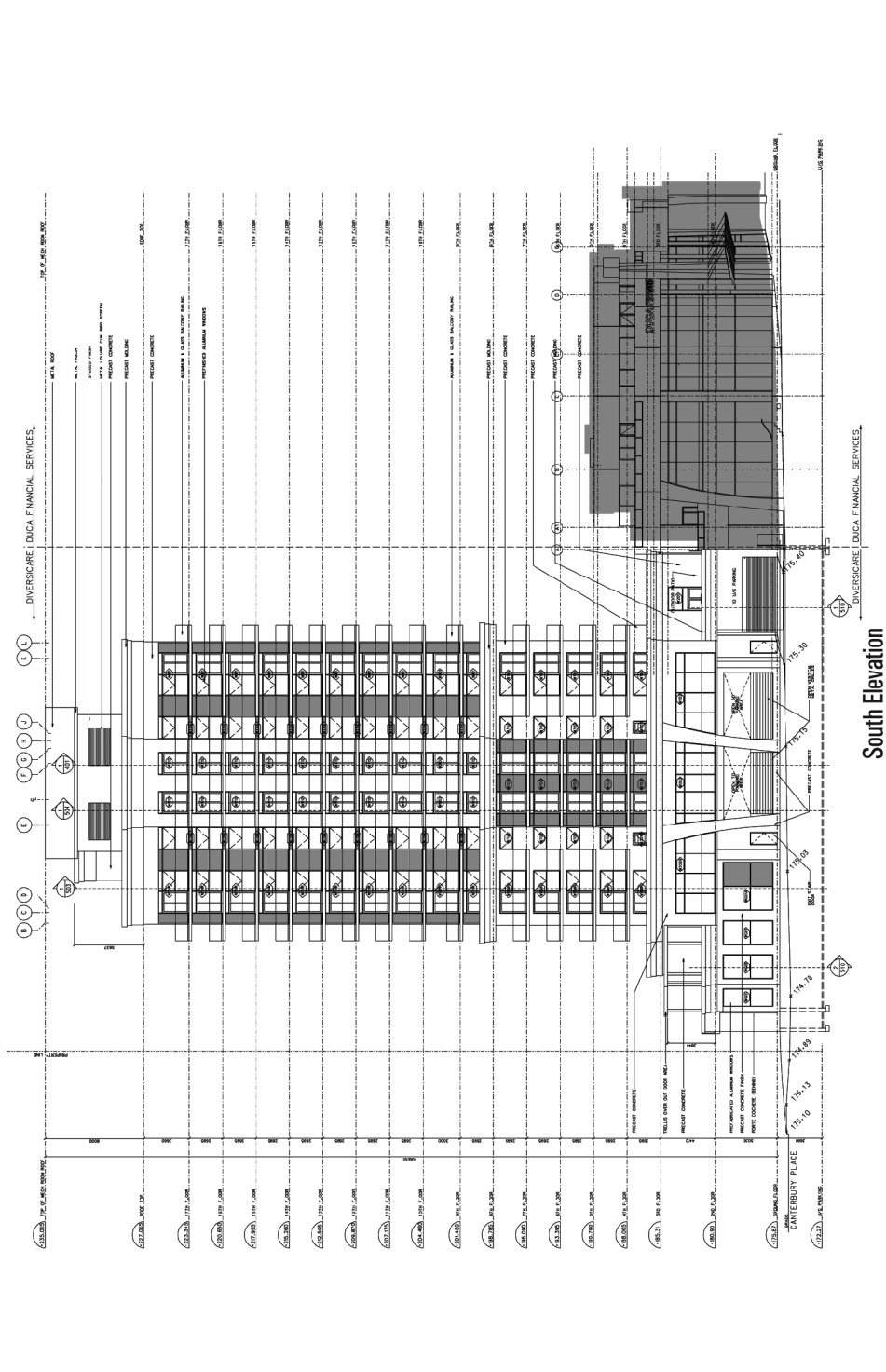


5270 & 5290 Yonge Street

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 10/17/2008

File # 08_208425

Attachment 5: South Elevation

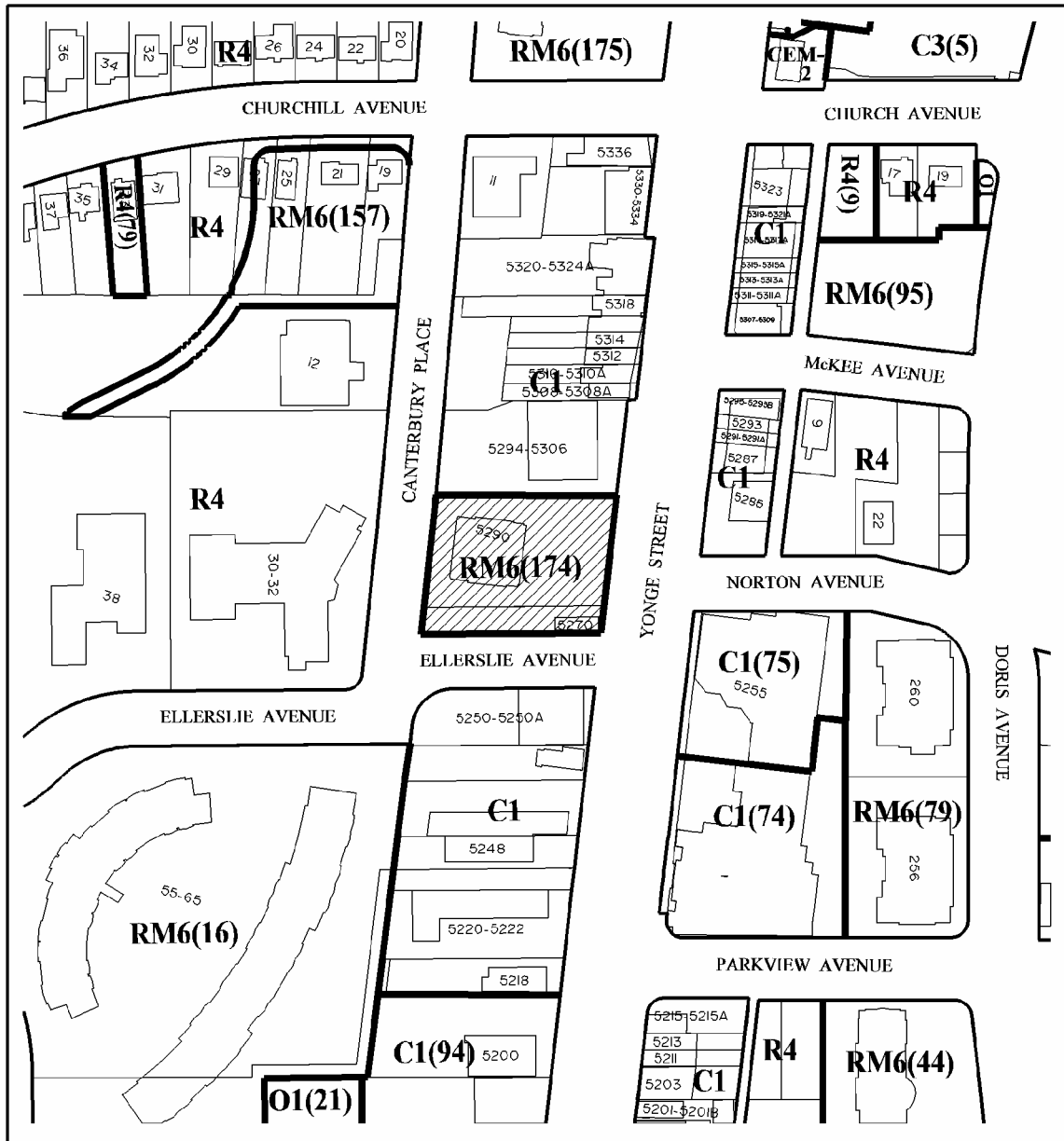


5270 & 5290 Yonge Street

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 10/17/2008

File # 08_208425

Attachment 6: Zoning



5270 & 5290 Yonge Street

File # 08_208425

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C3 District Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- O1 Open Space Zone
- Cem-2 Restricted Cemetery Zone



Not to Scale
Zoning By-law 7625
Extracted 10/17/2008

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 208425 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	September 30, 2008

Municipal Address: 5270 YONGE ST
 Location Description: CON 1 WYS PT LOT 18 **GRID N2302
 Project Description: Proposed enclosure of terraces on second floor of 298 square metres to increase common dining and kitchen area. Outdoor terrace area relocated to third floor. Proposal is wholly for the Diversicare Retirement Residence portion of the site.

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS, LLP		ARSENAULT ARCHITECT INC	S JACK VANDERKOOY

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	RM6(105)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	3226.93	Height:	Storeys:	17
Frontage (m):	50.65		Metres:	55
Depth (m):	65.8			
Total Ground Floor Area (sq. m):	2010.92			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	78
Total Non-Residential GFA (sq. m):	15194.88		Loading Docks	1
Total GFA (sq. m):	15194.88			
Lot Coverage Ratio (%):	60.3			
Floor Space Index:	4.6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Other		Above Grade	Below Grade
Rooms:	165	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	2573.71	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	12621.17	0
Total Units:	0			

CONTACT: **PLANNER NAME:** **Ben DiRaimo, Planner**
 TELEPHONE: **(416) 395-7119**

Attachment 8: Agency Comments

Joe Casali
Director of Real Estate

Memorandum

Facilities & Real Estate
Metro Hall
55 John Street, 2nd Floor
Toronto, ON M5V 3C6

DATE: September 17, 2008
TO: Ben DiRaimo (By fax 416 395 7155)
FROM: Brian Varner
SUBJECT: **Purchase of Additional Density**
5270-5290 Yonge Street (DUCA)

I refer to DUCA Financial Services Credit Union Ltd.'s (DUCA) application for additional density for this project.

Please be advised that Real Estate recommends a rate of \$45.00 per square foot (\$484.38 per square metre) of additional density as of the current date for settlement purposes with DUCA.

If you require further information, please contact Peter Cheng at 416 338 5105.

A handwritten signature in black ink, appearing to read "Brian Varner", written over a horizontal line.

Brian Varner, AACI
Manager, Policy and Appraisals

Cc Paul Byrne (Fax: 416 395 7155)
Valuation File

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Attachment 9: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as
adopted by City of Toronto Council on ~, 2008~
Enacted by Council: ~, 2008~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008~

**To amend the former City of North York Zoning By-law No. 1069-2007,
with respect to the lands municipally known as,
5270 and 5290 Yonge Street**

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. Section 64.20-A (174) of By-law No. 7625 is hereby amended as follows:

“64.20-A (174) RM6 (174)

- (a) Schedule “RM6(174)” is hereby removed and replaced with Schedule “RM6(174)” attached to this By-law;
- (b) the word “and” is deleted from the end of subsection (v)(B);
- (c) subsection (v)(C) is renumbered (v)(C)(i) and the word “and” is added at the end of said subsection following the semi-colon;
- (d) a new subsection (v)(C)(ii) is added after subsection (v)(C)(i) as follows:
 - (ii) the owner shall provide a monetary contribution satisfactory to the City, to fund 298.11 m² of proposed gross floor area, for the provision of public recreation centres or social facilities serving the North York Centre Area, and/or toward the cost of the City acquiring lands necessary for the completion of planned service roads and associated road network and buffer areas in the North York Centre to be provided in the form of a

certified cheque to the City of Toronto no later than the earlier of six months from the occupancy of the non-residential portion of the development, and prior to the issuance of the first building permit for the Retirement Residence, and which shall be indexed to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement and as further set out in that Agreement. The certified cheque shall be secured by a letter of credit, delivered prior the occupancy of the non-residential portion of the development. The letter of credit shall be returned to the owner upon receipt of the certified cheque. The amount of the monetary contribution shall be equal to the market value, based on land value, of 298.11 m² of proposed gross floor area, as determined by the Director of Real Estate Services which is \$144,402.04 to be indexed as specified above.

- (e) subsection (v)(D)(iii) is deleted and replaced with the following:
- (iii) a maximum of 2,322.19 m² of Gross Floor Area attributable to the monetary contribution specified in subsections (v)(C)(i) and (ii) above.”

ENACTED AND PASSED this ~ day of ~, A.D. 2008.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

