

**5220 to 5254 Yonge Street - OPA & Rezoning Application
- Preliminary Report**

Date:	October 19, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	09 165755 NNY 23 OZ

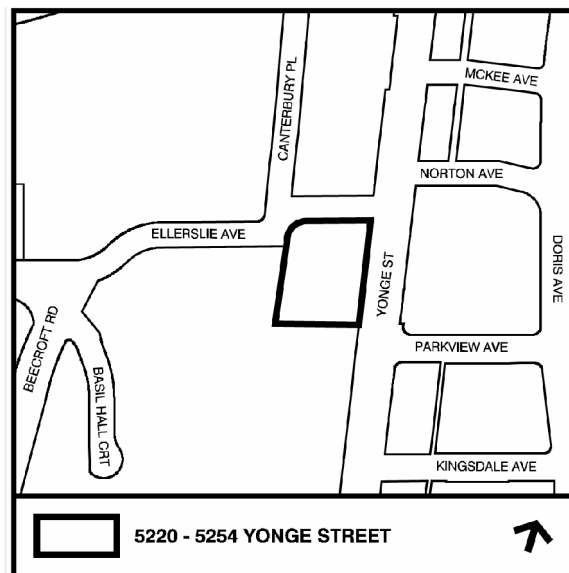
SUMMARY

This application was made on September 3, 2009 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application proposes to amend the North York Centre Secondary Plan and North York Zoning By-law 7625 to permit a mixed-use development at the southwest corner of Yonge Street and Eilerslie Avenue. The proposed mixed-use development (Centrium at North York) would consist of a 15-storey, 156 suite hotel and a 29-storey, 243 unit residential tower on a four level base building/podium. The proposal involves the demolition of residential rental dwelling units, with no replacement rental housing to be provided.

A Rental Housing Demolition and Conversion application (File 09 165759 NNY 00 RH) has been submitted with the subject application to demolish the 7 existing residential rental units located at 5250-5254 Yonge Street. An application for amendment to the Official Plan has also been submitted to seek relief from the requirement to replace the rental units.

There are two parcels within the proposed development block that are currently owned by the City. This includes the former Eva’s Place – satellite office (homeless shelter for youth) building located at 5248 Yonge Street and a parcel on the north side of the former Speedy



Muffler building located at 5220 Yonge Street which is presently a drainage ditch.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

It is intended that a community consultation meeting be scheduled by staff, in consultation with the Ward Councillor. A final report and public meeting under the *Planning Act* to consider the applications is targeted for the second quarter of 2010, provided that any required information is submitted in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends 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.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held on March 27, 2009 with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The application proposes to amend the North York Centre Secondary Plan and North York Zoning By-law 7625 to permit a mixed-use development at the southwest corner of Yonge Street and Ellerslie Avenue. The development parcel is 6,507 sq.m. in area and has a frontage of approximately 100 metres on Yonge Street and a frontage of approximately 65 metres on Ellerslie Avenue.

The proposed mixed-use development (Centrium at North York) would have a maximum gross floor area, including proposed incentives, of 38,947 sq.m. (19,473 sq.m. commercial and 19,473 sq.m. residential). The development would consist of a 15-storey, 156 suite hotel and a 29-storey, 243 unit residential tower on a four level base building/podium. The base building would contain retail, service and restaurant uses, as well as additional lobby and amenity uses and link the hotel and residential towers.

A shared vehicular drop-off area for the hotel and residential tower is being proposed from Ellerslie Avenue. A publicly accessible private driveway is proposed for the westerly portion of the site, at the rear of the proposed development, providing access to a four level, 532 space underground parking garage and the service and loading area.

Outdoor non-residential and residential amenity space would be provided on the podium roof at the third level. A green roof is proposed on the podium roof at the fourth level.

The proposal involves the demolition of the existing buildings on the site, including all of the residential rental dwelling units, with no replacement rental housing to be provided. A Rental Housing Demolition and Conversion application (File 09 165759 NNY 00 RH) has been submitted with the subject application for the seven existing privately-owned one-bedroom rental units located at 5250, 5252 and 5254 Yonge Street. All of the apartments are affordable rental units. The proposed residential condominium would only have one type of tenure and would not include any affordable housing. The development as currently proposed would displace affordable rental housing and the affected tenants from the neighbourhood, and cause permanent loss of seven affordable rental units.

An amendment to the Official Plan Housing policies is being requested for 5250-5254 Yonge Street, as part of the application. Specifically, relief is being sought from Policy 6 in Section 3.2.1, as the applicant is not proposing to replace the rental units in the redevelopment but rather is proposing a cash-in-lieu contribution. The applicant is also proposing to develop a tenant relocation and assistance plan for any affected tenants. At the time of application, four of the seven apartments were occupied.

Site and Surrounding Area

The Centrium at North York development site consists of six parcels. The properties municipally known as 5220, 5222, 5246, 5250-5254 Yonge Street are under private ownership and currently support a mix of commercial and residential uses. As noted previously, two parcels within the proposed development block are currently owned by the City, being the former Eva's Place – satellite office (homeless shelter for youth) building located at 5248 Yonge Street and the property immediately north of the former Speedy Muffler building located at 5220 Yonge Street, which is currently a drainage ditch.

The 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, currently consists of the following:

- The Yonge Street frontage generally consists of one and two-storey commercial retail buildings, Eva's Place - satellite office, a small office building, a commercial parking lot and the Rose Garden;
- Gibson Park;
- The Gibson House Museum;
- Yonge Hearts Child Care Centre;
- A 19-storey condominium building - Peninsula Place; and
- Two rental apartment buildings - Park Willow Developments.

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 is shown on “Attachment 10”.

Site 1

5220-5254 Yonge Street

The subject application.

Site 2

5182-5218 Yonge Street (Sam-Sor)

Official Plan Amendment and Zoning By-law Amendment applications were submitted in 2002 to permit a 33 storey residential building on a 5-storey mixed-use podium. The applications are currently on hold by the owner and are expected to be revised to reflect a new development proposal.

Site 3

5170 Yonge Street (Menkes Gibson Square)

The Ontario Municipal Board granted in principle an Official Plan Amendment to permit residential uses on the site. A Zoning By-law Amendment application has been submitted to permit two 42-storey (125 metre) residential towers on a 5-storey base building/podium. The base building would consist of residential units, live work units and some commercial retail space. This application is currently under review and is expected to be considered by North York Community Council in early 2010.

Site 4

55-65 Ellerslie Avenue (Park Willow Developments)

Zoning By-law Amendment and Site Plan Control Approval applications were 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 before further processing the applications.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Mixed Use Area B* in the North York Centre Secondary Plan. The permitted uses include commercial, institutional, residential, public parks and recreational uses, and transit terminals. The total of all residential uses on a site in *Mixed Use Area B* will not exceed 50 percent of the maximum permitted gross floor area.

The maximum permitted height is 100 metres and the maximum permitted density is 4.5 FSI plus an additional 33% of gross floor area (5.98 FSI) through density incentives available in the North York Centre Secondary Plan.

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Specifically, applicants proposing to demolish six or more residential rental dwelling units, except where all rents are above mid-range, are required to replace the rental units and to provide tenant relocation and assistance to affected tenants.

Zoning

The lands are covered by Zoning By-law 7625 of the former City of North York and are currently zoned General Commercial – C1.

Subject to certain restrictions, a variety of residential uses, a mix of commercial uses (such as restaurants, retail stores, banks, business and professional offices, theatres, funeral establishments, parking lots, service stations and accessory uses) and Institutional uses such as a lodge, fraternity or sorority house, labour union hall, a home for the aged or infirm, or hospital.

Site Plan Control

A Site Plan Control Approval application has not yet been submitted, although a comprehensive set of drawings and supporting documents were provided with the subject application. A Site Plan Control Approval application will be submitted and will be reported on concurrently with the final report on the subject application.

Section 111 of the *City of Toronto Act, 2006*

The subject lands include a total of seven residential rental dwelling units. An application to demolish these residential rental units was submitted to the City pursuant to section 111 of the *City of Toronto Act, 2006* (Chapter 667 of the Municipal Code). Amongst other matters, the owner would need a permit pursuant to Chapter 667 of the Municipal Code in order to demolish the buildings.

The By-law makes it an offence to demolish a residential rental property or a related group of buildings where there are six or more residential rental dwelling units, unless approval has been granted for a section 111 permit for the demolition. Any related planning approvals for the subject lands should be conditional upon, amongst other matters, the applicant obtaining a section 111 permit. City Council may impose conditions on the approval of a section 111 permit, which typically involve the replacement of the rental housing and assistance to any tenants affected by the proposed demolition. City Council's decisions on the refusal or approval of a section 111 permit are not subject to appeal to the Ontario Municipal Board.

The By-law requires planning staff to hold a consultation meeting with tenants to inform them of the application and the City's policies on rental housing demolition, and to provide tenants with the opportunity to raise concerns and comment on the development application. This meeting will be convened shortly.

Tree Preservation

Urban Forestry staff will review the development plans to determine the impact on any existing mature trees. The owner will be required to obtain the necessary permits prior to removing any trees.

Reasons for the Application

The applicant has proposed site specific amendments to the overall Official Plan, the North York Centre Secondary Plan and North York Zoning By-law 7625.

The application is requesting

- To extend the Prime Frontage Area in the North York Centre Secondary Plan on the west side of Yonge Street north to Eglerslie Avenue. The existing Prime Frontage Area is shown on Attachment 9.
- To amend the provisions of Section 3.3 – Density Incentives in the North York Centre Secondary Plan to exempt all retail and service commercial uses on the ground floor level directly accessible from the street and all retail and service commercial spaces on the second and third floor that accessible to the public via both escalator and elevator from certain floors of the development, provided not less than 50% of the total GFA on the site is zoned commercial and not more than 50% of the total GFA on the site is zoned residential. Presently the North York Centre Secondary Plan only exempts gross floor area of street related retail uses in the Prime Frontage Area that are located at grade and are directly accessible from the street up to a depth of 30 metres.
- To permit rooftop recreational areas to be included in the calculation of the private outdoor recreational space requirement, whereas the North York Centre Secondary Plan currently requires this space to be provided at grade.

- To obtain relief from Official Plan Housing Policies for 5250-5254 Yonge Street, specifically Policy 6 in Section 3.2.1, as the applicant is not proposing to replace the rental units within the redevelopment. A cash-in-lieu contribution is being proposed.

The Zoning By-law Amendment is required to establish the permitted uses and development standards for the proposed development.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Housing Issues Report
- Noise Impact Study
- Archaeological Assessment
- Planning Rationale
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Vibration Study
- Transportation Impact Study
- Stormwater Management Report
- Contaminated Site Assessment (Phase 1 & 2 Environmental Site Investigations)
- Servicing Report
- Arborist Report

A Notification of Complete Application was issued on October 16, 2009.

Issues to be Resolved

On a preliminary basis, the following issues must be addressed:

- Conformity with Official Plan policies;
- Consideration of extending the Prime Frontage Area and exempting all retail and service commercial uses on the ground floor level and second and third floors;
- Consistency with the Provincial Policy Statement and conformity with the Growth Plan of the Greater Golden Horseshoe;
- Parkland requirements;
- Surplus and sale of the two city owned parcels within this development block to the applicant;

- Conveyance of a required corner rounding at southwest corner of Yonge Street and Ellerslie Avenue;
- Public access easements over the proposed service driveway(s);
- Conformity with North York Centre Secondary Plan policies, including:
 - a) the urban design policies related to public realm and built form; and
 - b) the Parks and Open Space policies, including the requirement for common outdoor space for non-residential development and private recreational space for residential development, subject to certain criteria as outlined in the North York Centre Secondary Plan;
- More information will be sought on the characteristics of the existing rental units and the situation of the affected tenants, and staff will work with the applicant on a Tenant Relocation and Assistance Plan that should include the right to return to the replacement rental apartments.
- While the applicant has proposed cash-in-lieu of replacement for the existing rental units, the City's practice has generally been to utilize this option when it is not practical to accommodate all of the replacement rental units in the redevelopment. Further, the amount of cash-in-lieu that has been proposed by the applicant is significantly less than what would be required under the City's Guidelines.
- The staff report for decision on the application for rental housing demolition under Chapter 667 will be brought forward with the staff report for decision on the application for the Official Plan and Zoning By-law amendments;
- Submission of a Site Plan Control Approval application, prior to any approvals of the subject application;

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Standard, adopted by City Council in July 2006.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West and East Elevation
Attachment 3: South and North Elevation
Attachment 4: Ground Floor Plan
Attachment 5: Level 3 Floor Plan
Attachment 6: Perspectives
Attachment 7: Zoning
Attachment 8: Official Plan – North York Centre Secondary Plan - Land Use Plan
Attachment 9: Official Plan – North York Centre Secondary Plan - Prime Frontage Areas
Attachment 10: Current and Pending Development Application Sites
Attachment 11: Application Data Sheet

Attachment 1: Site Plan



5220-5254 Yonge Street

File # 09_165755

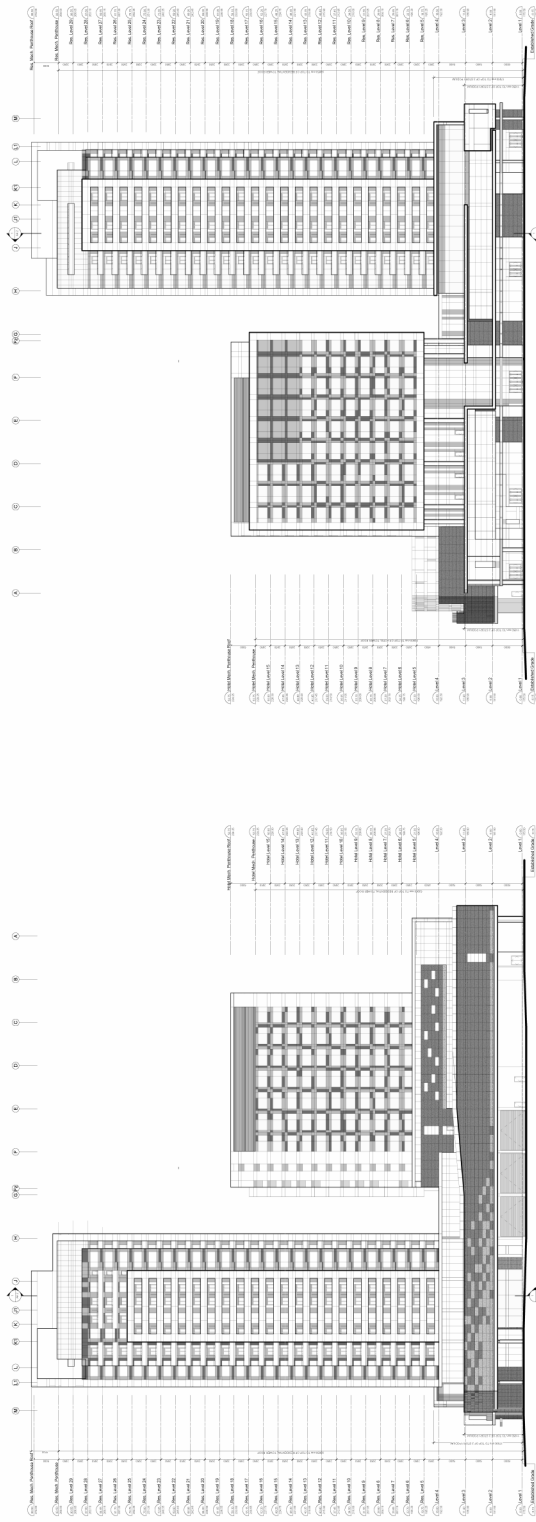
Site Plan

Applicant's Submitted Drawing

Not to Scale
10/08/09



Attachment 2: West and East Elevation



East Elevation

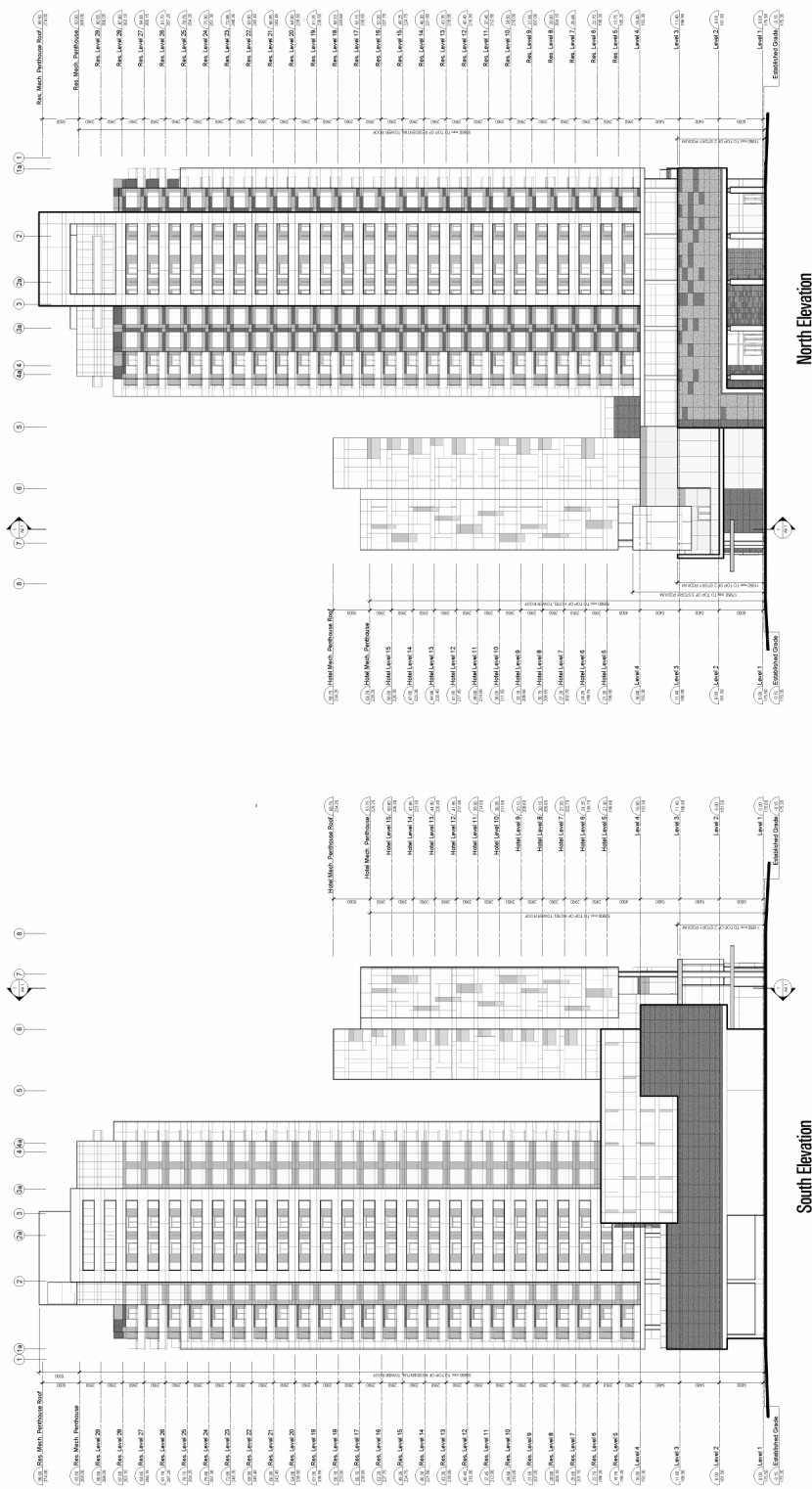
West Elevation

Elevation
 Applicant's Submitted Drawing
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5220-5254 Yonge Street

File # 09_165755

Attachment 3: South and North Elevation



5220-5254 Yonge Street

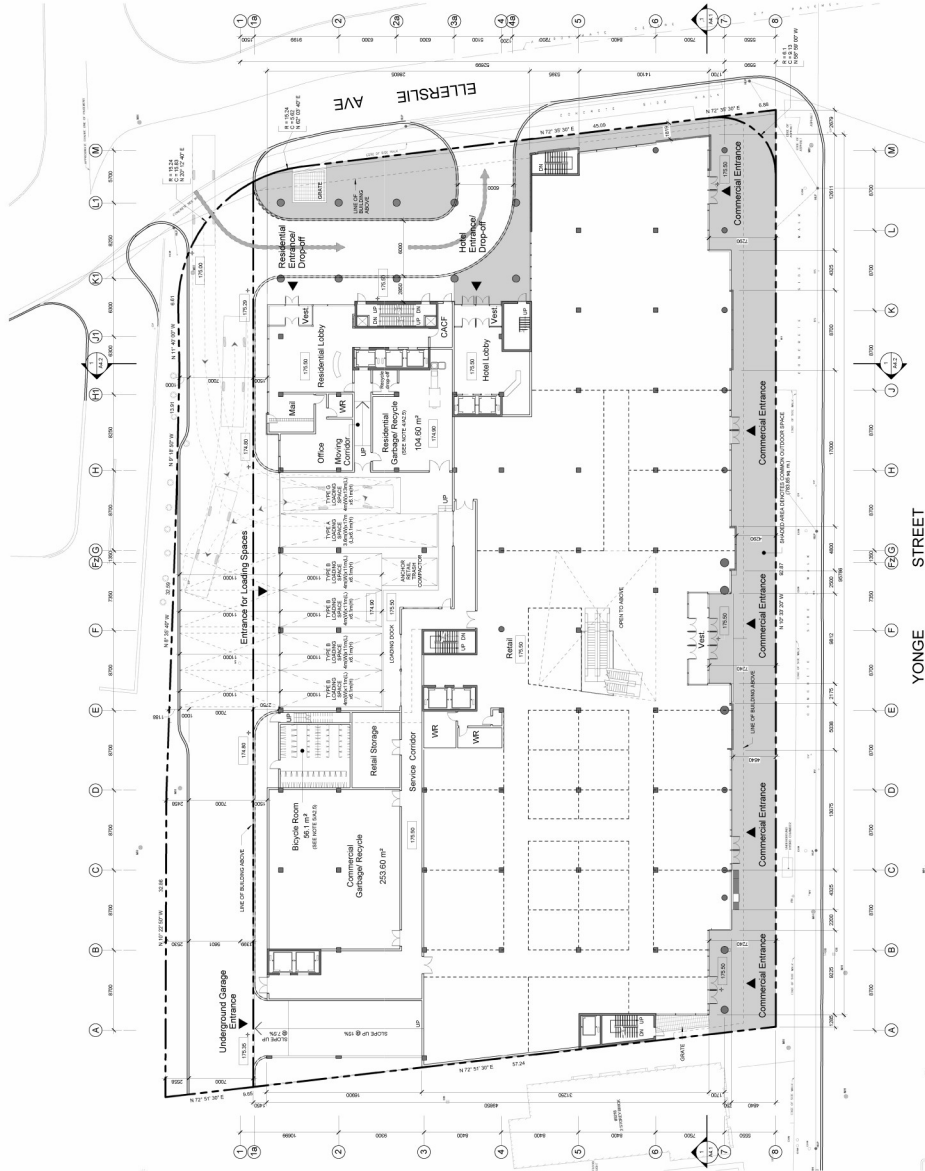
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Elevation
Applicant's Submitted Drawing

Not to Scale
10/08/09



Attachment 4: Ground Floor Plan



5220-5254 Yonge Street

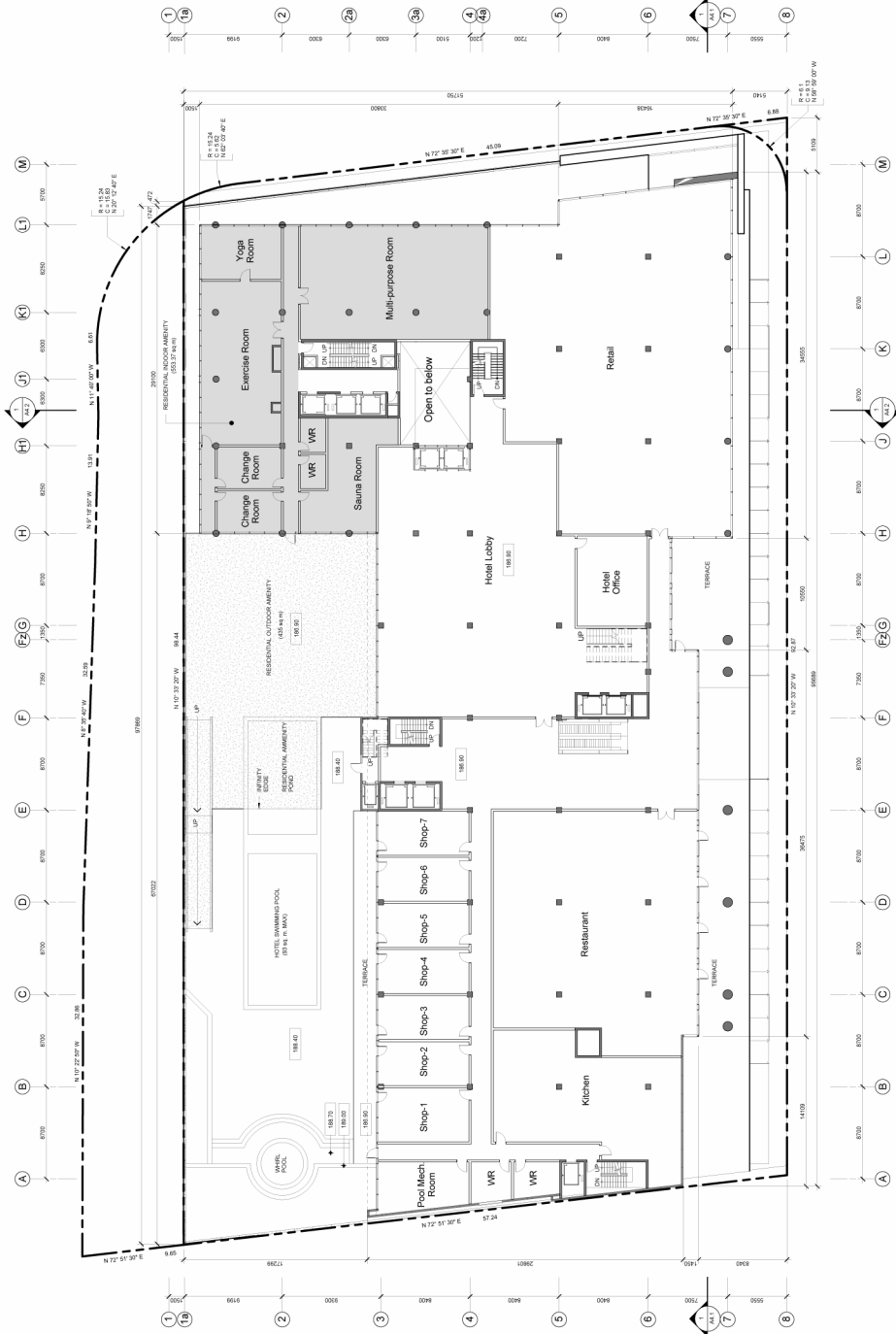
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Ground Floor Plan
 Applicant's Submitted Drawing

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Attachment 5: Level 3 Floor Plan



5220-5254 Yonge Street

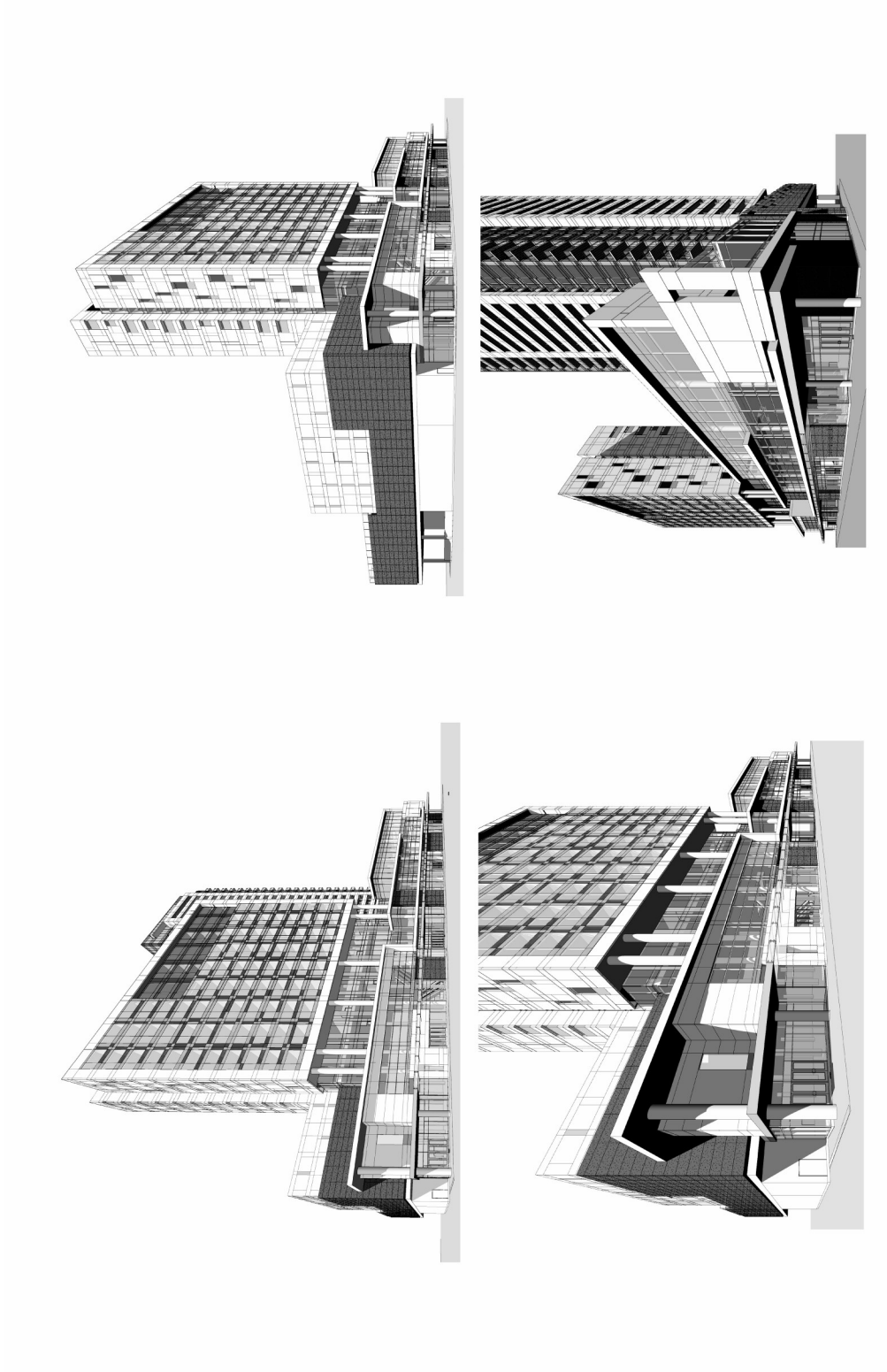
Level 3 Floor Plan

Applicant's Submitted Drawing

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Attachment 6: Perspectives



Perspectives

Applicant's Submitted Drawing

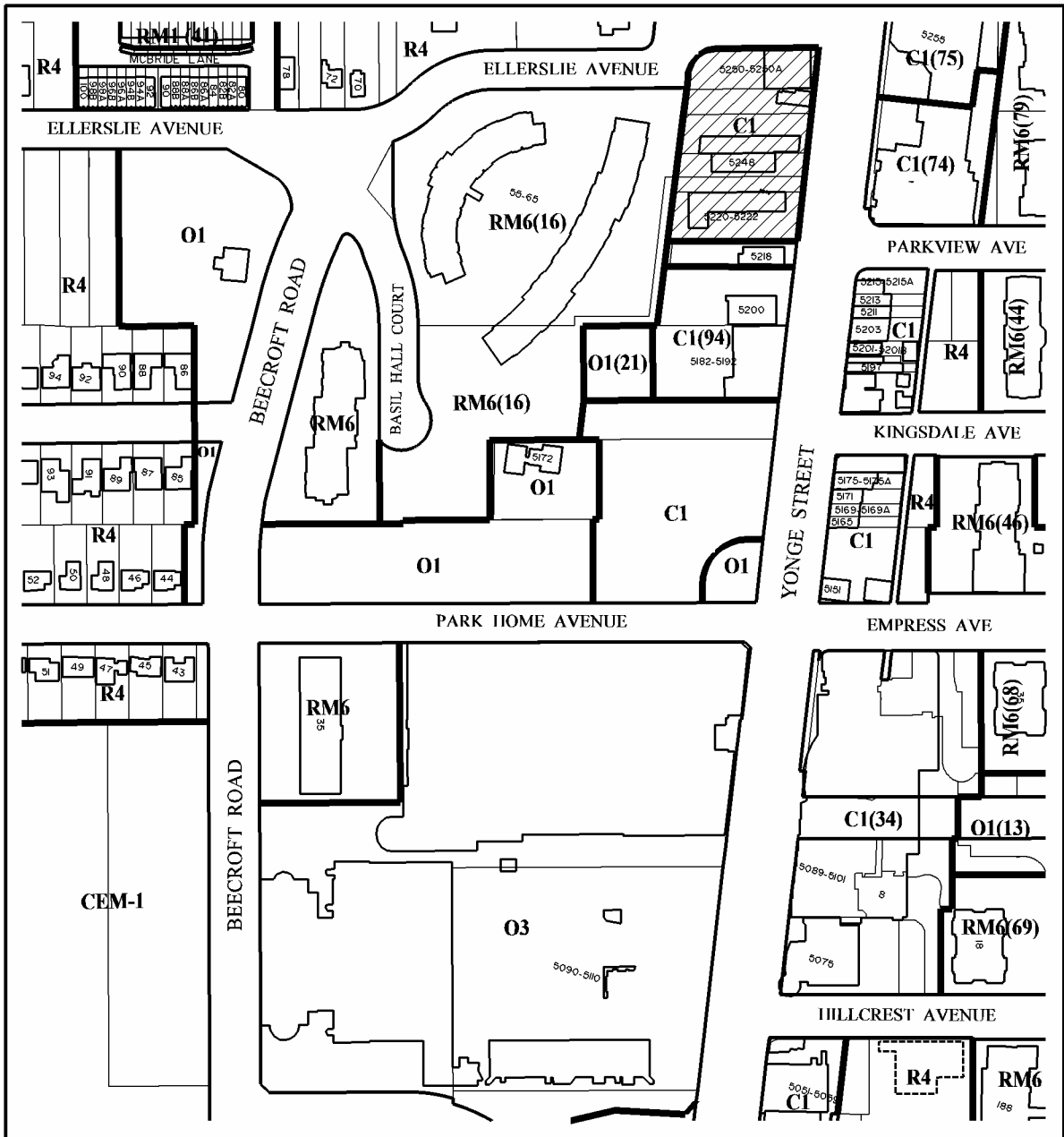
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5220-5254 Yonge Street

File # 09_165755


Attachment 7: Zoning



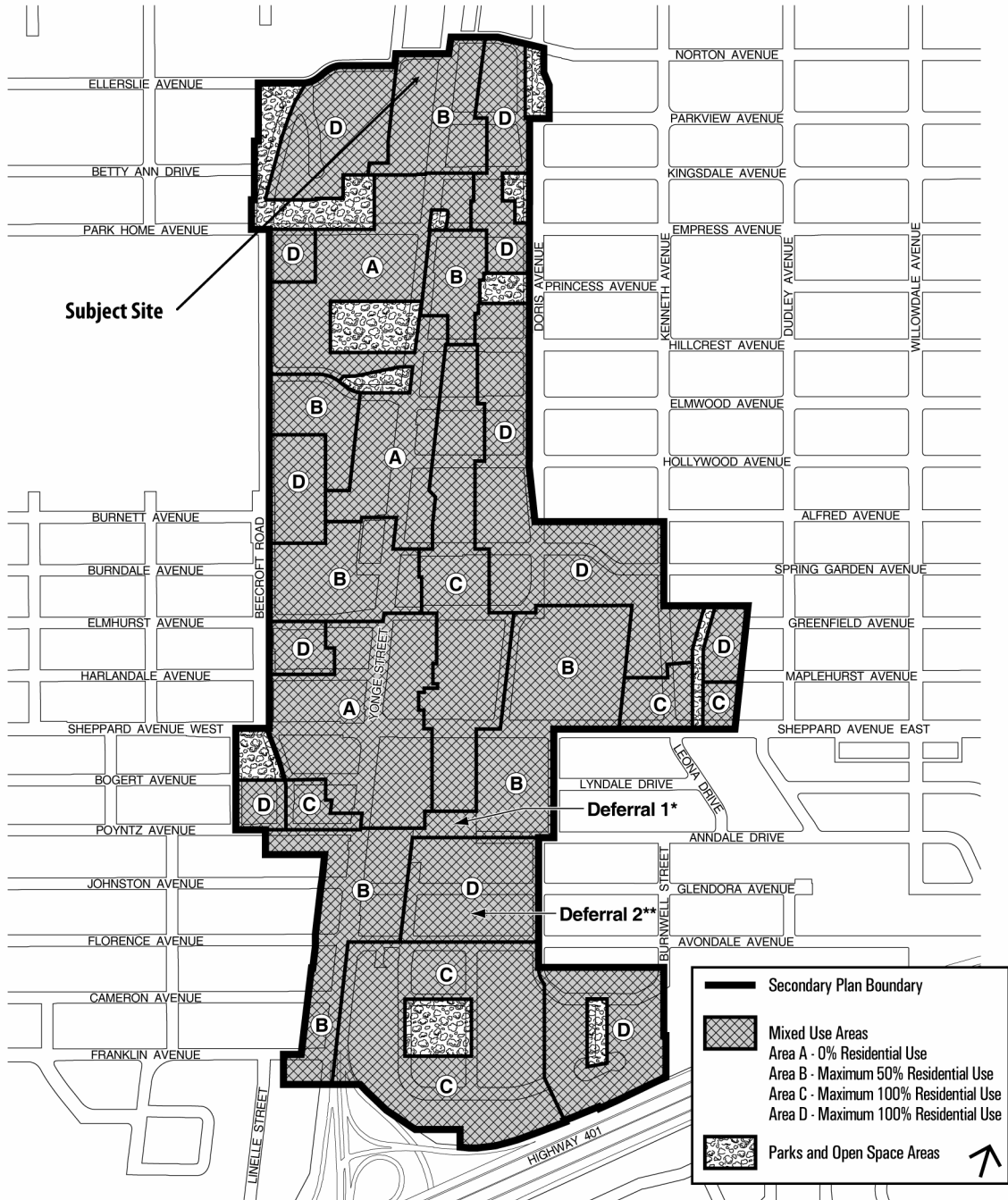
Toronto City Planning
Zoning

5220 - 5254 Yonge Street
 File # 09_165755

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


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 Zoning By-law 7625
 Extracted 12/08/08

Attachment 8: Official Plan – North York Centre Secondary Plan – Land Use Plan



North York Centre South Land Use Areas

5220-5254 Yonge Street

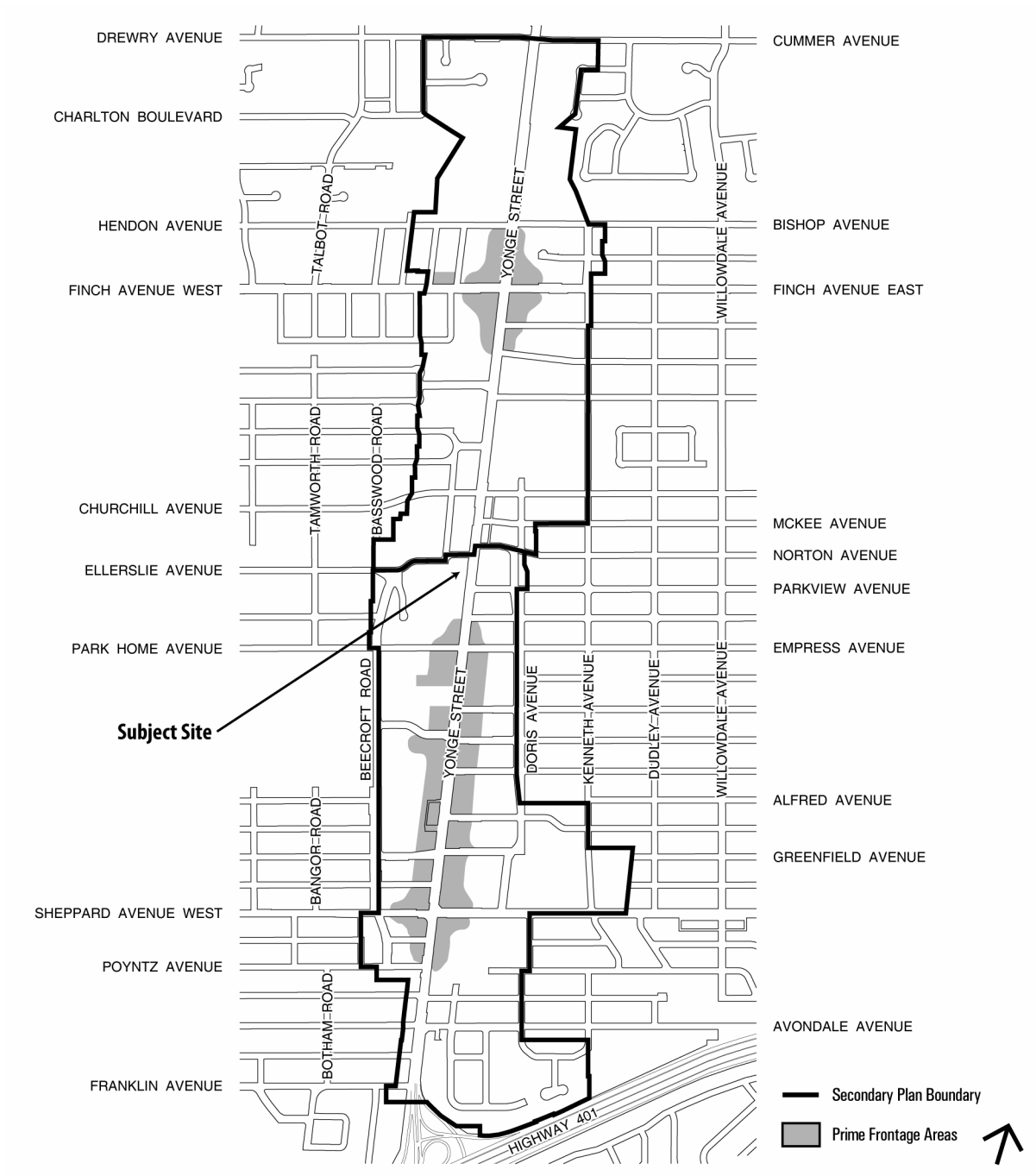
Applicant's Submitted Drawing

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Attachment 9: Official Plan – North York Centre Secondary Plan – Prime Frontage Areas



Prime Frontage Area

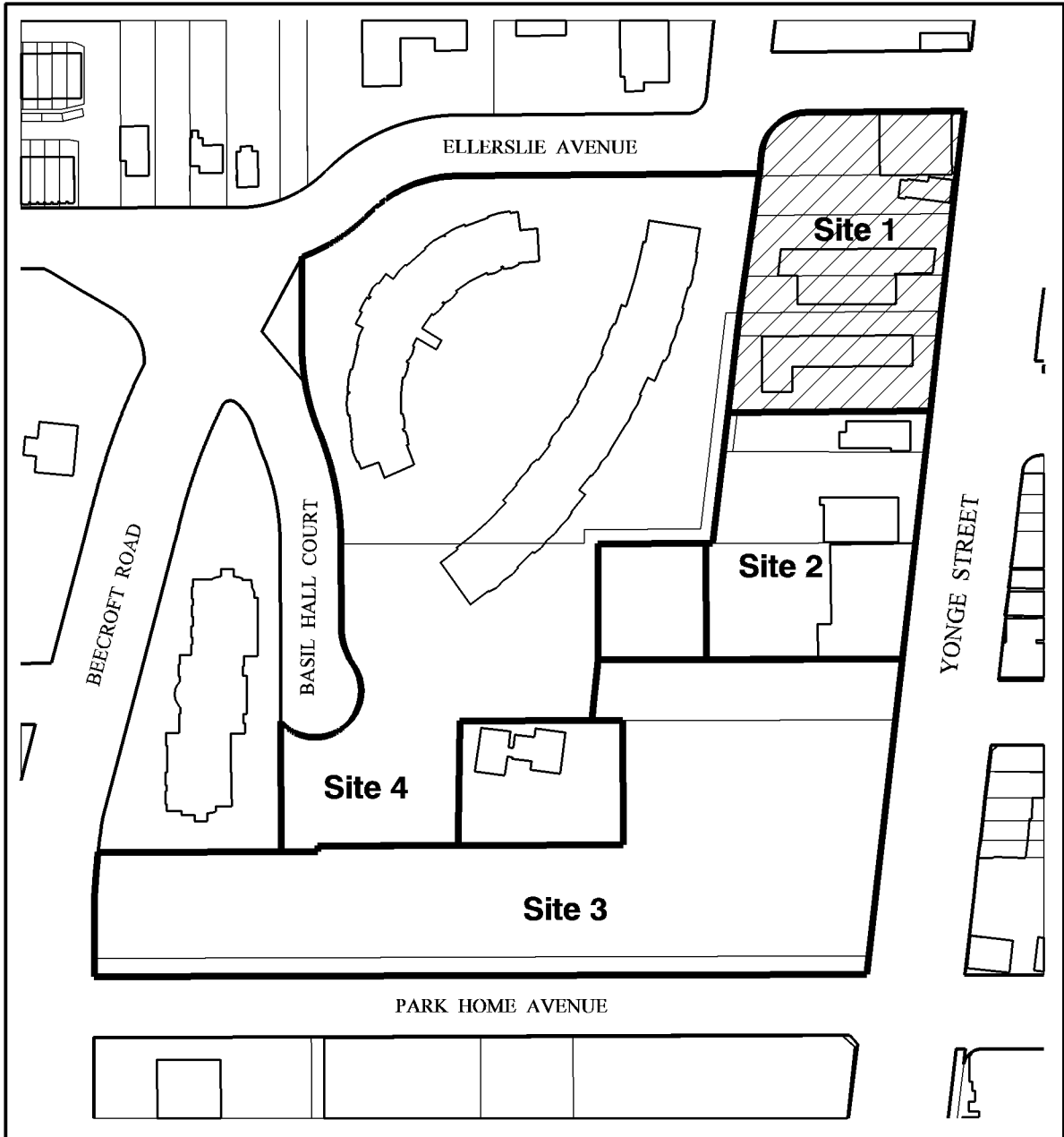
5220-5254 Yonge Street

Applicant's Submitted Drawing

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Attachment 10: Current and Pending Development Application Sites



Current and Pending Development Application Sites

5220 - 5254 Yonge Street

File # 09_165755



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Extracted 01/22/2008

Attachment 11: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	09 165755 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 3, 2009

Municipal Address: 5220 to 5254 YONGE ST
 Location Description: Southwest corner of Yonge Street and Ellerslie Avenue.
 Project Description: Official Plan and Zoning By-law Amendment applications to permit a mixed-used development consisting of a 29-storey, 243 unit residential tower and a 15-storey hotel tower on a podium ranging from 2-storeys to 4-storeys in height.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL	Adam Brown	KIRKOR	1745932 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area B - North York Centre Secondary Plan	Site Specific Provision:	
Zoning:	C1	Historical Status:	
Height Limit (m):	100 metres in the Secondary Plan	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	6507.5	Height:	Storeys:	15 (hotel) & 29 (res tower)
Frontage (m):	99.75		Metres:	94.95 (top of residential floors) + mechanical penthouse
Depth (m):	65			
Total Ground Floor Area (sq. m):	5234.22			Total
Total Residential GFA (sq. m):	19473.69		Parking Spaces:	532
Total Non-Residential GFA (sq. m):	19473.69		Loading Docks	6
Total GFA (sq. m):	38947.38			
Lot Coverage Ratio (%):	80.4			
Floor Space Index:	5.98			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	19473.69	0
Bachelor:	0	Retail GFA (sq. m):	19473.69	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:	243			

CONTACT: PLANNER NAME: Mark Chlon, Senior Planner
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