

4917- 4975 Yonge Street – Report

Date:	July 26, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	A0221/10NY

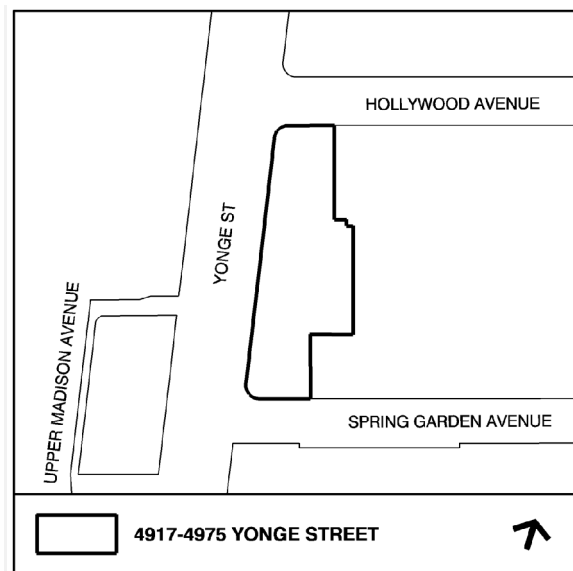
SUMMARY

At its June 22, 2010 meeting, North York Community Council directed the Director, Community Planning, North York District, to report to the North York Community Council meeting on August 17, 2010, on the Minor Variance application for the proposed mixed-use building located at 4917-4975 Yonge Street.

The purpose of the application is to permit an increase in the height of the podium and number of units within the proposed mixed use building ("The Pearl 2"), allow the new parking space dimensions to be used, permit a building encroachment into the required front yard setback and permit a reduction in the amount of required landscape area.

The variances were approved by the Committee of Adjustment at its June 23, 2010 meeting, subject to certain conditions.

This report provides background information on the application and responds to North York Community Council’s questions on the proposed variances.



RECOMMENDATIONS

The City Planning Division recommends that:

1. That North York Community Council receives this report for information purposes.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2005, the Ontario Municipal Board approved a comprehensive development plan for the block bounded by Yonge Street, Hollywood Avenue, Doris Avenue and Spring Garden Avenue. The implementing Official Plan Amendment and Zoning By-law Amendment 459-2005(OMB) permits two 36-storey residential buildings, a 24-storey residential building, the new Claude Watson School For the Arts fronting Doris Avenue, and this proposed 34-storey mixed use building fronting Yonge Street. The existing Legion Hall building on Spring Garden Avenue is also recognized.

The applicant applied to the Committee of Adjustment and requested the following variances to Site Specific By-law 459-2005(OMB), for the proposed mixed-use building fronting on Yonge Street.

The variances were to allow:

- an increase the number of dwellings units from 420 to 431;
- the building height of the northerly and southerly portion of the building to increase from 16m and 3 storeys to 19.6m and 4 storeys;
- the parking spaces to have minimum dimensions of 2.7 metres in width and 5.5 metres in length and allow for parallel parking spaces to have minimum dimensions of 2.7 metre and 6.7 metres in length;
- a three (3) storey roof projection of 2.5m into the minimum yard setback along the Yonge Street frontage; and,
- a landscape area of a minimum 815 m² instead of 900 m².

City Planning provided comments to the Committee of Adjustment (see attachment 3) in support of the Minor Variance application, subject to the owner receiving Site Plan Control Approval for the proposed mixed-use building.

At its June 23, 2010 meeting the Committee of Adjustment approved the variances, subject to the following conditions (see Attachment 4).

1. Site Plan Approval being obtained.
2. The total number of dwelling units in all of the residential buildings within the proposed development not to exceed the total number permitted by Zoning By-law 459-2005 (OMB).
3. Verification, satisfactory to the Director, Community Planning, North York District and the Deputy Chief Building Official, North York District, that the plans and drawings conform to the approved Zoning By-law as modified by the Variance, and do not provide for or allow additional gross floor area or extra height beyond that permitted by the By-law.

A Motion was passed by Council at its meeting of July 6/7, 2010 for the City Solicitor to appeal the subject minor variance application (see Attachment 5). The City Solicitor has subsequently submitted an appeal to the OMB.

Background

At its June 22, 2010 meeting, North York Community Council directed the Director, Community Planning, North York District, to report to the North York Community Council meeting on August 17, 2010, on the following:

- a. an explanation of where the residential GFA for the fourth floor podium is coming from, and the details of how the built form will be changed to accommodate this;
- b. confirmation that the minimum commercial floor space requirements contained in the by-law will still be met despite the reduced floor plate resulting from the proposed increase in publicly accessible open space at street level;
- c. a quantification of the proposed additional publicly accessible open space and an explanation for why no variances are being sought to increase the minimum amount of common outdoor space required by the by-law to ensure that the additional open space is actually provided;
- d. an explanation of the request for a decrease in landscaped area required by the by-law; and
- e. verification, satisfactory to the Director, Community Planning, North York District and the Deputy Chief Building Official, North York District, that the plans and drawings conform to the approved Zoning By-law as would be modified by the proposed variance, and do not provide for or

allow additional gross floor area or extra height beyond that permitted by the by-law.

It was also directed that this report be provided to the Committee of Adjustment, North Panel, as soon as it is available.

Comments

With respect to the above noted matters, the following information is provided.

1. The Site Specific Zoning By-law for the proposed mixed-use building includes permission for a three storey non-residential base building with a residential tower stepping from six-storeys to 34-storeys in height. As part of the current proposal, the six-storey portion will not be constructed, but will be replaced with a partial 4th floor extension at each end of the building where a maximum three storeys is currently permitted. These areas are to support a multi-purpose room and 3 residential suites. The residential gross floor area is to be in accordance with the provisions of the zoning by-law.
2. According to the Site Specific Zoning By-law, a minimum 8,428 sq.m. of commercial gfa is required to be provided within the first three floors of the base building. A minimum 2,428 sq.m. of retail and service commercial space on the ground floor and a minimum 6,000 sq.m. of retail, service commercial and office space on the second and third floors.

The applicant has confirmed that the minimum commercial requirement will be provided, as required in the Site Specific Zoning By-law and is not seeking a variance for the amount of retail space.

3. A zoning by-law variance is not required if additional publicly accessible open space is being provided.

Additional common outdoor space of approximately 190 sq.m. at the northerly end the site and approximately 90 sq.m. at the southerly end of the site will be secured through site plan approval, resulting in a total of approximately 980 sq.m. of common outdoor space along the street frontages. This is in excess of the minimum common outdoor space requirement of 500 sq.m. in the Site Specific Zoning By-law.

There is a separate requirement in this particular Site Specific Zoning By-law regarding landscape area. According to the definition for landscape areas in the general Zoning By-law 7625, landscape areas cannot be covered and in this regard the area under the desired 2.5 metre canopy to provide protection for pedestrians cannot be considered as landscape area. As noted above, the total amount of the open space on the site is being increased and not reduced.

4. With respect to verification, satisfactory to the Director, Community Planning, North York District and the Deputy Chief Building Official, North York District, that the plans and drawings conform to the approved Zoning By-law as would be modified by the proposed variance, and do not provide for or allow additional gross floor area or extra height beyond that permitted by the by-law, this will be confirmed through the final review of the site plan and building permit applications. The variances were identified through a Preliminary Project Review conducted by Toronto Buildings, and it is expected that the final approved plans will comply with the zoning by-law in all respects, as modified by the variances.

With respect to the request to increase the number of residential units from 420 to 431 for the proposed mixed-use building, it should be noted that Zoning By-law 459-2005(OMB) permits a total of 1,484 units within the 4 new high-rise buildings to be constructed within the block bounded by Yonge Street, Hollywood Avenue, Doris Avenue and Spring Garden Avenue. For the three other buildings on the block, a total of 1035 units have been approved. The proposed increase from 420 to 431 units for this final building would result in a total of 1466 units on the entire block, under the 1484 units permitted.

CONTACT

Mark Chlon, Senior Planner
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Fax No. 416-395-7155
E-mail: mchlon@toronto.ca

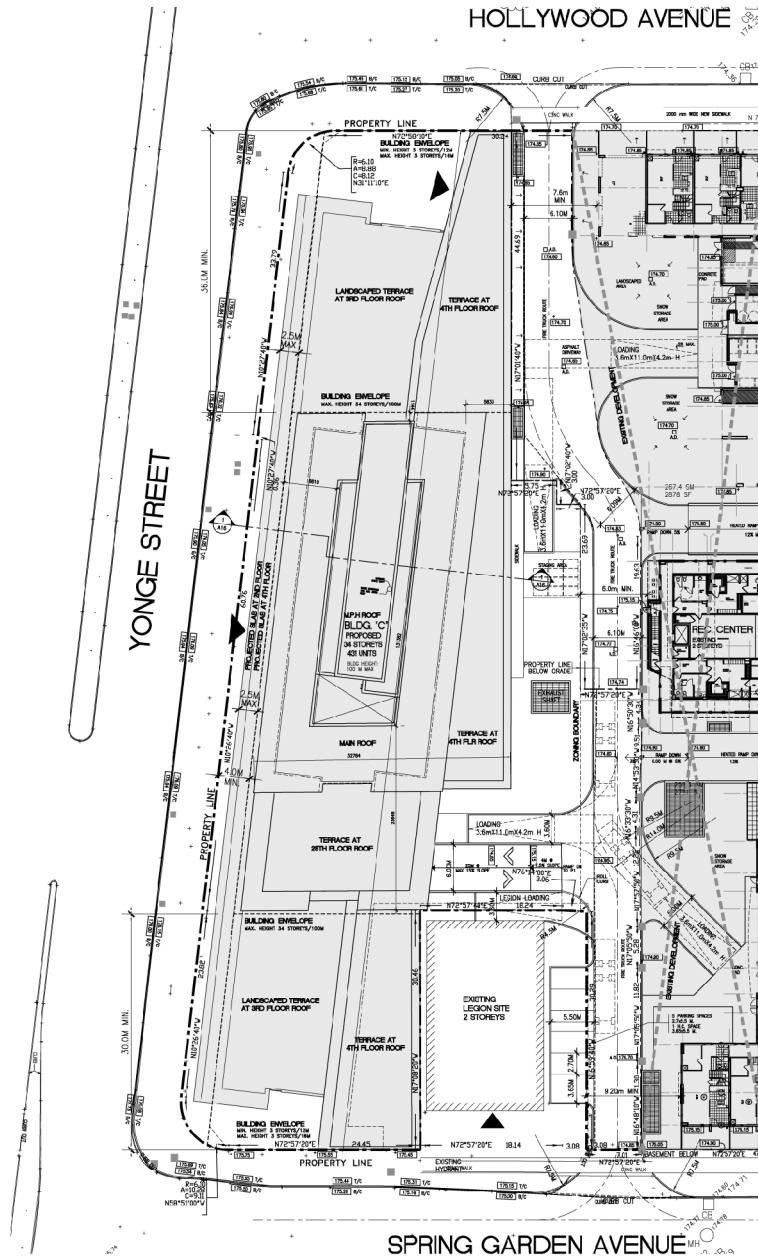
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Staff Report – Committee of Adjustment
Attachment 4: Notice of Decision Minor Variance/Permission A0221/10NY
Attachment 5: Council Motion – July 6/7, 2010

Attachment 1: Site Plan



Site Plan

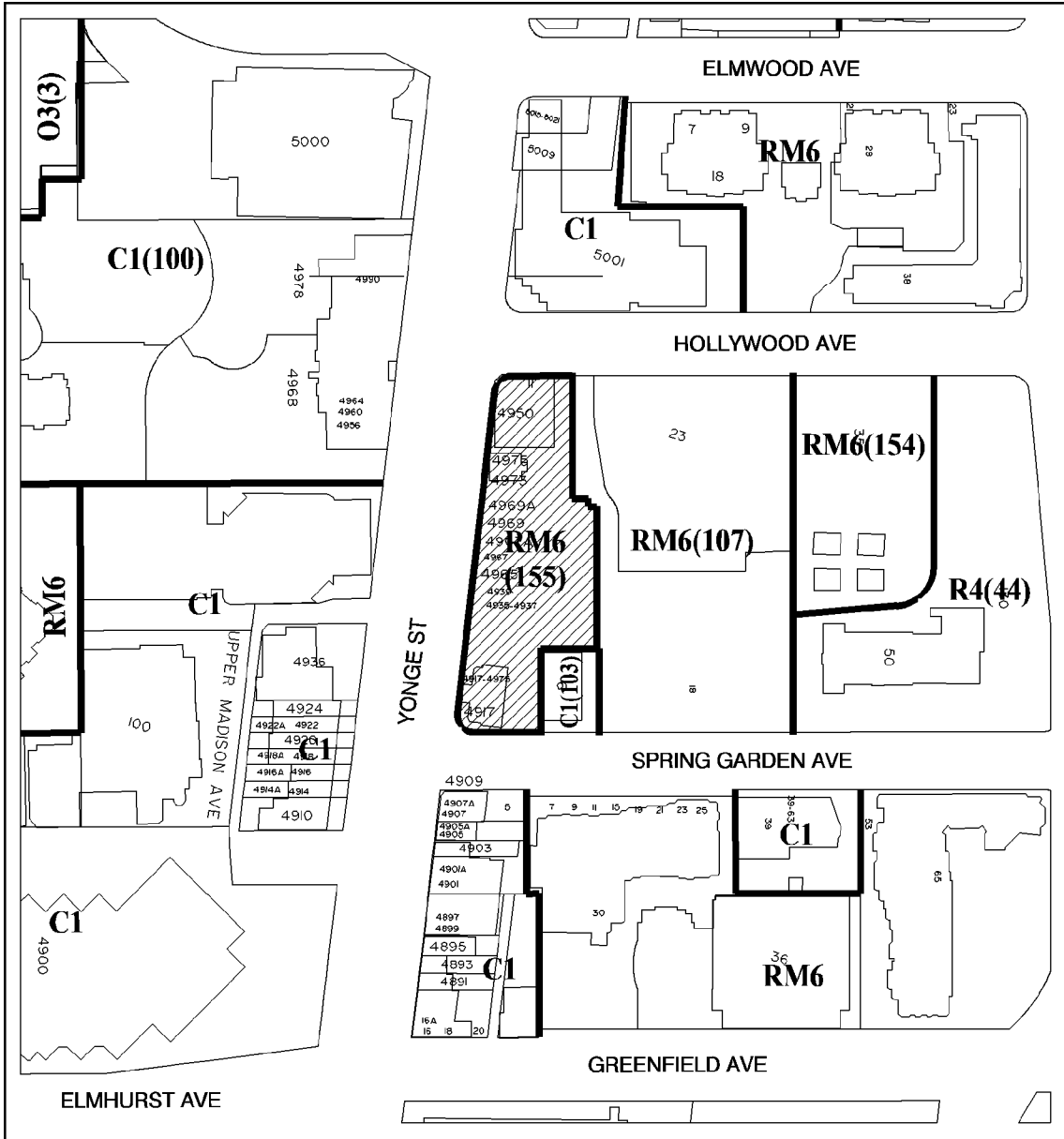
Applicant's Submitted Drawing

Not to Scale 
07/07/2010

4917-4975 Yonge Street

File # A0221_10NY

Attachment 2: Zoning



Attachment 3: Staff Report – Committee of Adjustment



STAFF REPORT
Committee of Adjustment
Application

Date:	June 17, 2010
To:	Chair and Members of the Committee of Adjustment North York District
From:	Director, Community Planning, North York District
Wards:	Ward 23, Willowdale Avenue
Reference:	File No. A0221/10NY Address: 4917-4975 Yonge Street Application to be heard: Wednesday, June 23, 2010 at 1:45 p.m.

RECOMMENDATION

Should the Committee approve this application, staff recommend this approval be subject to the following condition:

1. The owner receives Site Plan Control Approval for the proposed mixed-use building.

APPLICATION

PURPOSE OF THE APPLICATION:

This is an application is to permit an increase in the height of the podium and number of units within the proposed mixed use building ("The Pearl 2"), allow the new parking space dimensions to be used, permit a building encroachment into the required front yard setback and permit a reduction in the amount of required landscape area.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Proposed number of dwelling units is 431
WHEREAS the maximum number of dwelling units is 420;
2. The proposed maximum permitted building height of the northerly and southerly portion of the building is 19.6m and 4 storeys
WHEREAS the maximum permitted building height of the northerly and southerly portion of the building is 16m and 3 storeys;

3. That Section 6A(3) (d) (ii) of Zoning By-law 7625 not apply to the subject property
WHEREAS Section 6A(3) (d) (ii) of Zoning By-law 7625 requires that "where a site-specific amendment to By-law No. 7625, as amended, has passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which does not specify parking space dimensions, the minimum dimensions for a parking space, including an angled parking space, shall be 2.7m in width and 5.5m in length, but for a parallel parking space the minimum dimensions shall be 2.7m in width and 6.7m is length;
4. The three (3) storey roof projection of the proposed building projects 2.5m into the minimum yard setback along the Yonge Street frontage
WHEREAS no portion of any building or structure may project into the minimum yard setback except for a canopy or canopies along the Yonge Street frontage that project a maximum of 2.5m into the yard setback; and
5. Proposed landscaped area of 815m²
WHEREAS a minimum landscaped area of 900m² is required.

COMMENTS

The proposed mixed-used building is located on Yonge Street in the North York Centre Secondary Plan Area and is part of a comprehensive development plan for the block bounded by Yonge Street, Hollywood Avenue, Spring Garden Avenue and Doris Avenue.

The site specific OPA and Zoning By-law for the block, as approve by the OMB, permits a total of 4 highrise buildings, including the subject building, and a new school building (Claude Watson School For the Arts), while also recognizing the existing Legion building on Spring Garden Avenue. The proposed mixed-use building (referred to as Building C) which fronts onto Yonge Street is the final new building to be constructed in the block.

Among other details, Site Specific Zoning By-law 459-2005(OMB) establishes for each building, the permitted uses, building heights and building envelopes, number of residential units as well as the facilities and securities to be secured under Section 37 of the Planning Act.

The requested variances are to permit an increase in the height of the podium and number of units within the proposed mixed use building ("The Pearl 2"), to allow the new parking space dimensions to be used, to permit a building encroachment on the third level into the required front yard setback and to permit a reduction in the amount of required landscape area.

Variance 1

A maximum 420 residential units are presently permitted in the proposed building. A total of 431 residential units are currently being requested. Staff has no concerns with the increase in number of units for the building as this is the last building to be constructed on the site and the overall total of residential units assigned for the total block will not be exceeded.

Variances 2, 4 and 5

Given the prominence of this development on Yonge Street and the fact that the building extends the width of the block from Spring Garden Avenue to Hollywood Avenue, opportunities to provide publicly accessible open space at both ends of the block that would provide a considerable benefit to the streetscape and pedestrian environment is encouraged.

The reallocation of the built form to create this open space has resulted in an additional floor for a portion of the base building located at either end of the block. The addition of this floor requires a variance in height. There are no appreciable impacts arising for the redistribution of the floor area to this location and the total gross floor area for the building remains the same. The 19.6 metre height is still below the maximum height of 25 metres identified in the North York Centre Secondary Plan.

Through the site plan review process, the design of the streetscape and publicly accessible open space will be required to provide a high quality of treatment and landscape in keeping with the importance of this prominent site in North York Centre.

In order to achieve weather protection objectives of the North York Centre, a continuous weather protection element is to be provided along the Yonge Street frontage, in the form of a 2.5 metre canopy. This will have the effect of improving the pedestrian environment on Yonge Street in a manner that uncovered landscape open space cannot. By providing this canopy, a variance is needed to the minimum landscape requirement due only to the fact that the definition that the area be uncovered. On this basis, we have no objection to the reduction. The open space remains publicly accessible and unenclosed, and the amount of at grade outdoor common outdoor for the commercial is unaffected.

An additional canopy is being provided at the third level, which is considered to be a roof projection of 2.5 metres into the minimum front yard setback. For the reasons stated above, regarding improving the pedestrian environment, staff has no objections to this projection.

Variance 3

By-law 495-2007 establishes new minimum parking space dimensions for the City. Exception provisions were included in the By-law for developments that may have

already received approvals, but may not have yet been built. The subject site falls within the exception 6A(3) (d) (ii), however, the applicant is able to incorporate the new parking dimensions within the development and is requested relief from the exception.

Planning staff recommend the requested variances be approved, as the variances requested are minor, will result in the appropriate development of the land, and meet the general intent and purpose of the Official Plan and Zoning By-law.

Should the variances be approved, it is recommended that the approval be subject to the following condition:

1. The owner receives Site Plan Control Approval for the proposed mixed-use building.

Respectfully Submitted,

Mark Chlon, Senior Planner
Tel: 416 395-7137
Fax: 416 395-7155
E-mail: mchlon@toronto.ca

SIGNATURE

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

File No. A0221/10NY

Attachment 4: Notice of Decision

Wednesday, June 23, 2010

NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

File Number:	A0221/10NY	Zoning	RM6(155) - Exception to Multiple family Dwelling Zone (PPR)
Owner(s):	ROSEDALE DEVELOPMENTS INC.	Ward:	Willowdale (23)
Agent:	TOMMY CHANG		
Property Address:	4917 - 4975 YONGE ST	Community:	North York
Legal Description:	CON 1 EY PT LOT 16 RP 66R16423 PART 20 BRAMALEA 80% INT IRREG SHAFTESBURY 20% INT		

Notice was given and a Public Hearing was held on Wednesday, June 23, 2010, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

This is an application to permit an increase in the height and number of units within the proposed mixed use building ("The Pearl 2").

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Proposed number of dwelling units is 431
WHEREAS the maximum number of dwelling units is 420;
2. The proposed maximum permitted building height of the northerly and southerly portion of the building is 19.6m and 4 storeys
WHEREAS the maximum permitted building height of the northerly and southerly portion of the building is 16m and 3 storeys;
3. That Section 6A(3) (d) (ii) of Zoning By-law 7625 not apply to the subject property
WHEREAS Section 6A(3) (d) (ii) of Zoning By-law 7625 requires that "where a site-specific amendment to By-law No. 7625, as amended, has passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which does not specify parking space dimensions, the minimum dimensions for a parking space, including an angled parking space, shall be 2.7m in width and 5.5m in length, but for a parallel parking space the minimum dimensions shall be 2.7m in width and 6.7m in length;

4. The three (3) storey roof projection of the proposed building projects 2.5m into the minimum yard setback along the Yonge Street frontage
WHEREAS no portion of any building or structure may project into the minimum yard setback except for a canopy or canopies along the Yonge Street frontage that project a maximum of 2.5m into the yard setback; and
5. Proposed landscaped area of 815m²
WHEREAS a minimum landscaped area of 900m² is required.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. Site Plan Approval being obtained.
2. The total number of dwelling units in all of the residential buildings within the proposed development not to exceed the total number permitted by Zoning By-law 459-2005 (OMB).
3. Verification, satisfactory to the Director, Community Planning, North York District and the Deputy Chief Building Official, North York District, that the plans and drawings conform to the approved Zoning By-law as modified by the Variance, and do not provide for or allow additional gross floor area or extra height beyond that permitted by the By-law.

SIGNATURE PAGE

File Number: A0221/10NY Zoning RM6(155) - Excpetion to Multiple family Dwelling Zone (PPR)
Owner: ROSEDALE DEVELOPMENTS Ward: Willowdale (23)
INC.
Agent: TOMMY CHANG
Property Address: **4917 YONGE ST** Community: North York
Legal Description: CON 1 EY PT LOT 16 RP 66R16423 PART 20 BRAMALEA 80% INT IRREG
SHAFTESBURY 20% INT

David Gurin (signed)

Donald Di Prospero
(signed)

Ronald Forbes (signed)

DATE DECISION MAILED ON: Wednesday, June 30, 2010

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 13, 2010

CERTIFIED TRUE COPY

Denise Rundle (signed)
Manager & Deputy Secretary Treasurer
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

Attachment 5: Council Motion – July 6/7, 2010

Motion without Notice

MM51.18	ACTION	Adopted		Ward: 23
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Request to Authorize the City Solicitor to appeal the Committee of Adjustment decision on 4917- 4975 Yonge Street (File #A0221/10NY) - by Councillor Filion, seconded by Councillor Jenkins

City Council Decision

City Council on July 6, 7 and 8, 2010, adopted the following:

1. In order to safeguard the City's position until Planning staff have been able to report to the North York Community Council on the minor variance application for 4917-4975 Yonge Street and City Council has considered the North York Community Council's recommendations in August, City Council authorize the City Solicitor to appeal the Committee of Adjustment decision on 4917-4975 Yonge Street (File #AO221/10NY) to the Ontario Municipal Board; and that the issue regarding what attendance at the Board is required to protect the City's interest be determined by City Council, following consideration of the report to North York Community Council at its August meeting.

Background Information (City Council)

Member Motion MM51.18

<http://www.toronto.ca/legdocs/mmis/2010/mm/bgrd/backgroundfile-31928.pdf>

(June 23, 2010) Notice of Decision - Minor Variance/Permission

<http://www.toronto.ca/legdocs/mmis/2010/mm/bgrd/backgroundfile-31931.pdf>