

STAFF REPORT **ACTION REQUIRED**

5799-5915 Yonge Street, 45 and 53 Cummer Avenue, 46 and 47 Averhill Crescent Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications **Preliminary Report**

Date:	December 15, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	11 287471 NNY 24 OZ & 11 287481 NNY 24 SB

SUMMARY

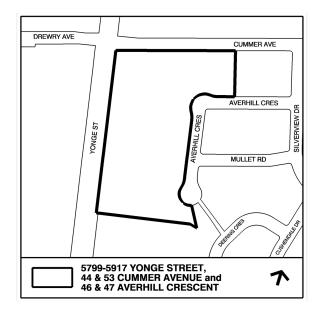
These applications propose an Official Plan and Zoning By-law Amendment and a draft Plan of Subdivision to permit the redevelopment of the 'Newtonbrook Plaza' at 5799 and 5915 Yonge Street to a mixed-use project containing 1,674 residential units in four buildings of 28, 36, 36 and 44 storeys in height with at-grade retail uses, office uses,

townhouses and a new public street and

park.

The proposal also includes retaining the existing Lester B. Pearson Place apartment and Newtonbrook United Church at 45 and 53 Cummer Avenue while utilizing the density from the lands, and providing parkland on the lands at 46 and 47 Averhill Crescent.

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



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 5799-5915 Yonge Street, 45 and 53 Cummer Avenue and 46 and 47 Averhill Crescent in consultation with the Ward Councillor.
- 2. The applications be reviewed in conjunction with the Yonge Street North Planning Study.
- 3. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 4. 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.

DECISION HISTORY

In 2003, City Council passed Zoning By-law No. 758-2003 to permit the 54-unit, 4-storey Lester B. Pearson Place apartment building at 43 Cummer Avenue on lands that are also part of the Newtonbrook United Church at 53 Cummer Avenue. These lands now form part of the subject lands.

In 2006, the OMB approved Zoning By-law 756-2006 for the lands to the south at 5791-5793 Yonge Street that included allowing for access from the properties at 5765-5785 Yonge Street to the signalized intersection on Yonge Street via a new public road that is proposed through these lands.

On June 22, 2011 North York Community Council adopted the report summarizing and initiating the 'Yonge Street North Planning Study' in the context of increasing development pressures and the appropriateness of current and potential future amendments to Official Plan policies and designations. The subject lands are within the study area for the 'Yonge Street North Planning Study' (http://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-38584.pdf).

Pre-Application Consultation

Pre-application consultation meetings have been held with the applicant over a lengthy period to discuss the Newtonbrook Plaza lands as well as the complete application submission requirements. A pre-application community consultation meeting was held in April 2008, and a presentation on various options for the site was made to the Design Review Panel in June 2008. The proposal has changed from these meetings on such

matters as: increasing the lands that form part of the application; providing for a transition to the adjacent neighbourhood to the east through parkland dedication and townhouses; altering the number, location and heights of tall and base building components; and reducing the total number of units and floor space.

ISSUE BACKGROUND

Proposal

The applicant is proposing Official Plan and Zoning By-law Amendments and draft Plan of Subdivision to provide for a high density mixed use development on the southeast corner of Yonge Street and Cummer Avenue.

The proposed development consists of three new development blocks on Yonge Street with proposed public road to the east and south and townhouses and park on the east side of the new road. The proposed blocks on Yonge Street would be created by two new east-west private streets to create three new development blocks of approximately 80 x 80 metres each in size. These two proposed new east-west private streets would visually extend from Yonge Street to Averhill Crescent and Mullet Road located to the east of the new public street, townhouses and park along the eastern edge of the site. The new public street through the site would extend south from Cummer Avenue immediately west of the existing Lester B. Pearson Place. The new street would extend to the southern limit of the site and then connect to existing traffic signals on Yonge Street. All vehicular access for parking and loading would be from this new public street. East of the public street, south of Lester B. Pearson Place and adjacent to Averhill Crescent, 3 storey townhouses and a public park are proposed. The proposed public park would be located between Averhill Crescent and the new public road and would also include the lands at 46 and 47 Averhill Crescent. It would be approximately 0.4 hectares in size.

The existing 'Newtonbrook Plaza' would be demolished in phases to facilitate the construction of a replacement supermarket in the first of three development phases. The applications propose to retain the existing uses at 45 and 53 Cummer Avenue: Lester B. Pearson Place and Newtonbrook United Church. The applications also include the lands at 46 and 47 Averhill Crescent and propose to demolish these two detached houses for the new public park.

The proposed development includes 1,674 residential units having a gross floor area of 150,115 square metres, and 12,790 square metres of retail and office uses. Including the existing lands and floor space for Lester B. Pearson Place and Newtonbrook United Church, the proposal represents a density of 4.18 times the area of the lands. The applicant's proposed Official Plan and Zoning By-law Amendments would allow additional density for retail and service commercial uses, bicycle room, and indoor recreational amenity area.

The proposed built form includes an 8 storey base building in each of the three blocks on Yonge Street. The southerly block would have two tall buildings of 36 storeys (122

metres) and 28 storeys (98 metres). The middle block would have one tall building of 44 storeys (145 metres), and the northerly block on the southeast corner of Yonge Street and Cummer Avenue would have a 36 storey building (125 metres). An access corridor and TTC entrance connection is also proposed within the northern development block. The proposed site/subdivision plan is included in Attachment 1, elevations in Attachments 2-4, and the detailed site statistics are included in the Application Data Sheet in Attachment 9.

Site and Surrounding Area

The site is located on the southeast corner of Yonge Street and Cummer Avenue. The site includes the existing Newtonbrook Plaza, an 11-storey office building, Lester B. Pearson Place and Newtonbrook United Church at 43 and 53 Cummer Avenue, and 2 existing detached houses at 46 and 47 Averhill Crescent. The site has an area of approximately 4.2 hectares with 260 metres frontage on Yonge Street and 190 metres frontage on Cummer Avenue.

The surrounding land uses are:

North: A 2 storey commercial building is on the northeast corner of Yonge Street and Cummer Avenue. Further north is a 15-storey apartment building, and also a former car dealership site which is currently under application for two 14-storey apartment buildings. Detached houses are on the north side of Cummer Avenue east of Yonge Street. On the northwest corner of Yonge Street and Drewry Avenue is a 2 storey commercial building and further north on Yonge Street is a 6 storey and then a 16 storey apartment building.

South: A 22 storey and a 24 storey apartment building are on Yonge Street south of the subject lands. To the rear of this development and sharing access to Yonge Street through the site is a 12-storey apartment building. Further south on Yonge Street is a 19 storey office building, and behind this building and north of the hydro corridor and associated transit and parking facilities, are two apartment buildings.

East: Detached houses extend along the south side of Cummer Avenue. Detached houses are on the north and south ends of Averhill Crescent, which also abuts the site. A low density neighbourhood, Newtonbrook Park, Silverview Park and the Griffin Centre are also to the east of the site.

West: A 3 storey commercial and residential building is on the southwest corner of Yonge Street and Drewry Avenue. Two 6-storey residential apartment buildings are just west of this corner. Across Yonge Street from the subject site is a 13-storey apartment building, single storey automotive uses, a 2 storey Toronto Hydro building and a vacant site owned by Ontario Hydro.

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. The Growth Plan conceptually identifies the existing Yonge Street subway line around the North York Urban Growth Centre as "improved higher order transit" and also a "proposed higher order transit to 2031"extension northwards from the current Finch subway station and adjoining the subject lands. 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

Almost the entire subject lands are located within the North York Centre including the Newtonbrook Plaza, Lester B. Pearson Place and Newtonbrook United Church. North York Centre is planned to be a major focus of future population and employment growth in the City supported by transit services and other infrastructure. The Official Plan identifies how Secondary Plans are to manage the growth of these transit-supportive mixed use areas and protect adjacent *Neighbourhoods* from the encroachment of larger scale development. As part of the Centre, these lands are also designated *Mixed Use Areas*, where the Plan accommodates population and employment growth by providing criteria for the development of a broad range of uses.

The two detached houses at 46 and 47 Averhill Crescent at the southeast corner of the site are designated *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas, and development in these areas is to respect and reinforce the existing physical character of the area.

North York Centre Secondary Plan

Located at the northern edge of the North York Centre Secondary Plan, the lands are designated 'Mixed Use Area G' which provides for a range of commercial and residential uses while limiting commercial uses to a maximum of 20 per cent of the permitted gross floor area. A density of 2.2 times the area of the lot is permitted plus any available density incentives up to an additional 33% of the total gross floor area. Permitted heights

range from 11 metres adjacent to the relevant residential property line (RRPL) and low density *Neighbourhood* area to the east, to a maximum of 50% and 70% of the horizontal distance from the RRPL. A small portion of lands on Yonge Street has a maximum permitted height of 87 metres. Site-specific increases in height limits are discouraged by the Plan, however are possible where an improved built form is provided and urban design objectives are met, and where there are no appreciable impacts on stable residential areas.

The Secondary Plan conceptually identifies a park and/or private publicly accessible open space pedestrian connection from Yonge Street through the subject lands to Mullet Road and Silverview Park to the east. The subject lands have also been identified as having two potential locations for public art.

On the west side and connecting to Yonge Street at the south end of the subject lands, the Secondary Plan also includes the North York Centre Service Road. While not part of the Service Road network, the proposed subdivision includes a public road through the site that connects with this signalized intersection on Yonge Street.

Site specific policies also apply to the lands within the North York Centre Secondary Plan. Policy 13.6 applies to the Newtonbrook Plaza lands and provides for a maximum of 32 per cent of total gross floor area for commercial uses rather than the 20 per cent in *Mixed Use Area G*. Policy 13.1.applies to the Newtonbrook United Church and Lester B. Pearson Place lands, and assigns the 2.2 times density to the lands provided the church lands continue to be used as a place of worship.

The two houses at 46 and 47 Averhill Crescent proposed to be part of a new park are not within the Secondary Plan.

Yonge Street North Planning Study

On June 22, 2011 North York Community Council, in response to increasing development pressures in the area, adopted a report recommending initiation of a 'Yonge Street North Planning Study'. The Study is a comprehensive area study including land use, built form, the suitable location and design for tall buildings and transition to adjacent lower-scale neighbourhoods; the level of development that could be supported by existing and future higher order transit; necessary road, sewer and water system infrastructure improvements; the pedestrian environment and connections to parks, open space and transit stations; the provision of community services and facilities; and, strategies to implement the planned vision for the area. The subject lands are located in the Yonge Street corridor north of Finch Avenue, and are within the study area for the 'Yonge Street North Planning Study.'

Zoning

The Newtonbrook Plaza lands are zoned C1 permitting a wide range of commercial uses as well as the residential uses permitted in the R5 and RM5 zones. The east portion of the subject lands on Averhill Crescent are zoned R4, and the lands at 45 and 53 Cummer

Avenue are zoned RM5(12) providing for the existing place of worship and a 54 unit, 4 storey apartment building.

Site Plan Control

The proposed development is subject to Site Plan approval. A Site Plan Control Approval application has not yet been submitted.

Reasons for the Applications

The proposed Official Plan Amendment includes among other matters: increasing the permitted density from 2.2 to 4.18 times the area of the lot; increasing the maximum permitted commercial gross floor area; permitting a rooftop outdoor recreational area; exempting retail space beyond 30 metres from Yonge Street from the calculation of gross floor area; increasing the permitted maximum height of base buildings on Yonge Street from 25 metres to 33 metres; and increasing the permitted heights from a maximum of 87 metres for a small portion of the site, to 122 metres (36 storeys), 98 metres (28 storeys), 145 metres (44 storeys) and 125 metres (36 storeys) for the four towers on a larger portion of the site.

The proposed Zoning By-law Amendment is required to establish appropriate site-specific development standards including the permitted uses, maximum gross floor area in total and on each block plus proposed density incentives, minimum levels of non-residential and office uses, minimum levels of indoor and outdoor amenity areas, maximum number of dwelling units, and building envelope height/storeys, setbacks and step backs.

The draft Plan of Subdivision is required to create suitable blocks for development and infrastructure including: the three mixed use high density blocks on Yonge Street separated by two private street blocks; the block for the new public street running through the lands; the townhouse block; and two park blocks to the east of the new public street.

COMMENTS

Application Submission

The following reports/studies were submitted with the applications:

- -Planning Rationale
- -Proposed draft Plan of Subdivision including streets and blocks
- -Archaeological Assessment
- -Pedestrian Wind Conditions
- -Toronto Green Standard Template and Checklist
- -Urban Transportation Considerations Report
- -Functional Servicing Report
- -Tree Survey and Arborist Report

A Notification of Complete Application was issued on November 14, 2011. The Notice of Complete Application was issued after the fees were paid in full by the applicant under protest. On December 13, 2011, the applicant submitted an appeal of the fees paid to the Ontario Municipal Board under section 69 of the *Planning Act*.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. The Official Plan policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Issues to be Resolved

The applications will be reviewed for consistency with the Provincial Policy Statement and conformity with the Growth Plan for the Greater Golden Horseshoe. On a preliminary basis a number of broad issues will need to be reviewed in conjunction with the Yonge Street North Planning Study.

At a preliminary review stage and by all measures, the applications exceed the Secondary Plan policies that provide for a density of 2.2 times the area of the lands. In addition to the lands for the Newtonbrook Plaza, the applications include 45 and 53 Cummer Avenue (Newtonbrook United Church and Lester B. Pearson Place), and also lands that are outside of the Secondary Plan area (46 and 47 Averhill Crescent). When the 162,899 square metres of proposed new gross floor area is considered only on the lands within the Secondary Plan area (not including lands on Averhill Crescent) the density would be approximately 4.2 FSI. This density is an estimate as it does not take into account the adjustments from on-site parkland dedication, nor other assumed gross floor area exclusions noted in the application such as for amenity space, 'transit terminal', bicycle lockers, and storage lockers. These gross floor area and density details are unclear at this time will need to be clarified through the review of the application.

The Secondary Plan also provides opportunity for potential density increases of a maximum of 33% through a list of specific density incentives. This would enable a potential maximum density of 2.9 times the area of the lot. When the proposed density incentives of retail uses beyond 30 metres from the street frontage, an at-grade bicycle room and recreation amenity space are taken into consideration, the proposed floor space and density still exceeds that provided by the Secondary Plan. The detailed gross floor area and density calculations need to be reviewed and assessed in relation to the base density and potential incentives provided by the Secondary Plan.

The overall review of density will help to determine the impact and appropriateness of the proposed increase in planned development on existing and planned transportation and servicing infrastructure, and existing and planned community services. The applications also indicate a potential phasing of the development and the review needs to also consider whether this build-out could relate to the provision of increased transit access and other

necessary infrastructure improvements. The proposed increases in density would also need to be reviewed in the context of the North Yonge Street Planning Study and the development potential of other sites in the area

Each of the four proposed towers exceed the Secondary Plan provisions for building heights. The proposed heights need to be reviewed in the context of the current Secondary Plan policy to discourage increases except where an improved built form is provided and there are no appreciable impacts on stable residential areas. The draft Tall Building Guideline will also be used to assess the proposed heights, floor plate dimensions, locations and separation distances of the tall buildings and associated shadow and sky view impacts. The heights would also be reviewed as part of the North Yonge Street Planning Study.

The proposal also includes the 46 and 47 Averhill Crescent lands that are located outside of the North York Centre Secondary Plan boundary. An additional broad-scale issue to be considered is whether there are potential implications from including lands outside of the Secondary Plan boundary, as part of a development proposal within the Centre.

In addition to these broad issues, other more site-specific issues will also need to be reviewed.

The applications propose three base buildings within 10 metres of Yonge Street up to 33 metres in height, whereas the Secondary Plan policies provide for a scale of between 8 and 25 metres. The impact of massing and organizing these base buildings on the pedestrian-scale street environment needs to be assessed.

The proposed pedestrian access and connections through the site to adjacent areas is via private roads that are shared with vehicular access to parking and loading facilities. The review needs to consider how the proposed new private road space will work safely for pedestrians while at the same time providing appropriate access for automobiles and service vehicles.

The location and function of the new public road access needs to be reviewed including the proposed connections to Cummer Avenue, the proposed private streets, Yonge Street, and the North York Centre Service Road extending on the west side of Yonge Street.

The proposal includes a below-grade subway station connection to the north, and the viability and functioning of this potential access needs to be reviewed.

The pedestrian realm will need to be addressed including details about the streetscape and how it may be enhanced by public art as the Secondary Plan identifies two potential locations on the site.

The proposal is for the private outdoor recreation space to be on a rooftop patio as opposed to the Secondary Plan requirement for at-grade outdoor recreation space. The

functionality of this space will need to be reviewed as well as the levels of amenity for the residential and non-residential uses.

Additional issues may be identified through the review of the application in the context of the Yonge Street North Planning Study, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Allen Appleby, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan/Subdivision Plan

Attachment 2: West Elevations
Attachment 3: East Elevations

Attachment 4: Townhouse Elevations

Attachment 5: Official Plan

Attachment 6: North York Centre Secondary Plan - Density Attachment 7: North York Centre Secondary Plan - Height

Attachment 8: Zoning

Attachment 9: Application Data Sheet

5799-5947 Yonge Street, 44 & 53 Cummer Avenue and 46 & 47 Averhill Crescent

Applicant's Submitted Drawing

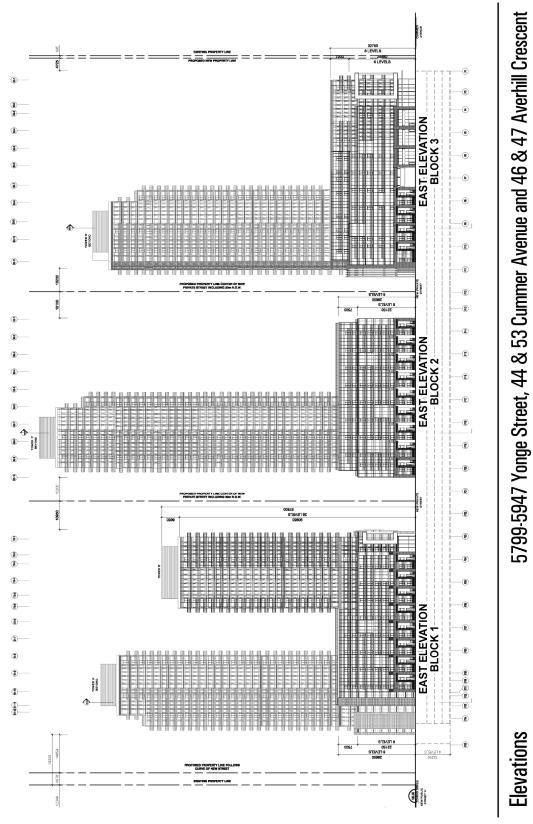
Site Plan

Applicant's Submitted Drawing

Not to Scale 11/07/2011

File # 11 287471 NNY 24 0Z

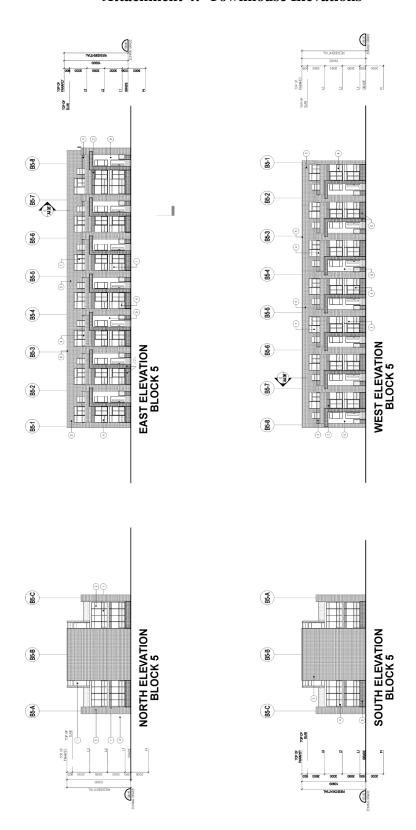
Attachment 3: East Elevations



Applicant's Submitted Drawing

Not to Scale 11/07/2011

5799-5947 Yonge Street, 44 & 53 Cummer Avenue and 46 & 47 Averhill Crescent



Applicant's Submitted Drawing

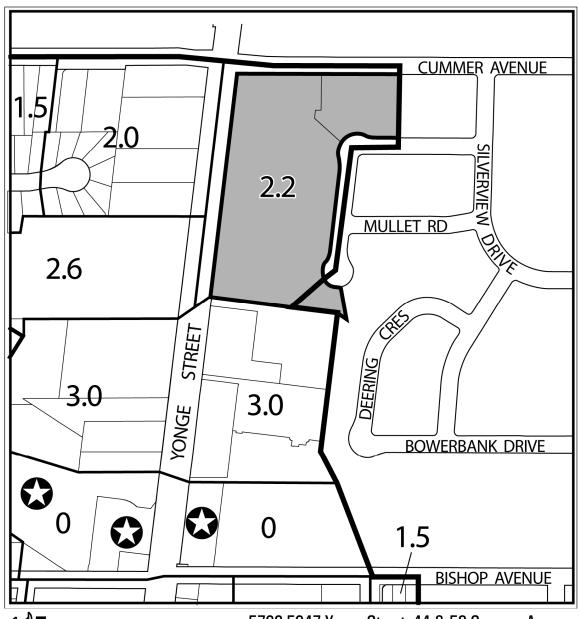
Not to Scale 11/07/2011

Elevations

Attachment 5: Official Plan



Attachment 6: North York Centre Secondary Plan – Density





5799-5947 Yonge Street, 44 & 53 Cummer Avenue & 46 & 47 Averhill Crescent

North York Secondary Plan-Maximum Density

File # 11 287471 NNY 24 OZ



Site Location

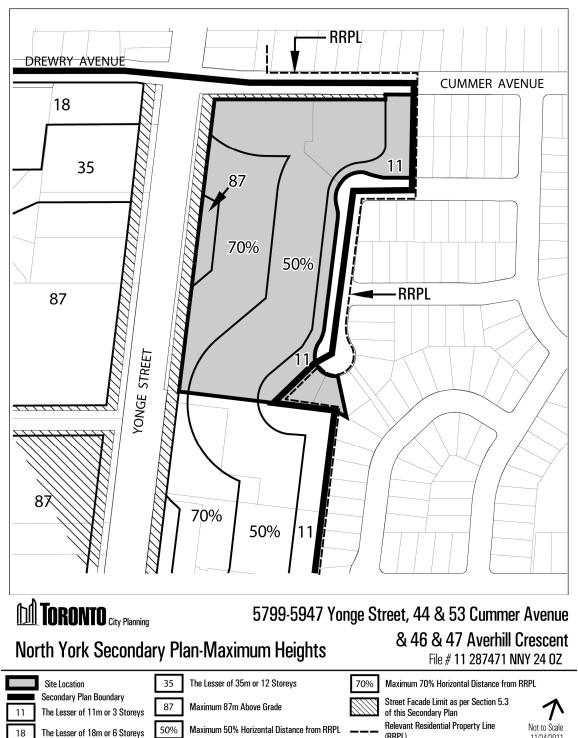
Secondary Plan Boundary
Density can only be assigned to these lands pursuant to the Official Plan,

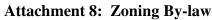
North York Centre Secondary Plan, Section 3 or Section 13

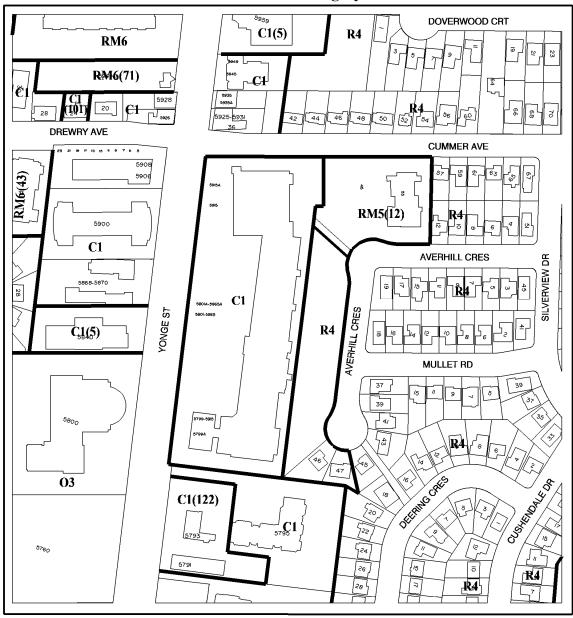
Not to Scale

Note: Density Limits are exclusive of density incentives and transfers

Attachment 7: North York Centre Secondary Plan - Height







TORONTO City Planning Zoning

5799-5917 Yonge Street / 44 & 53 Cummer Avenue and 46 & 47 Averhill Crescent File # 11 287471 NNY 24 0Z

R4 One-Family Detached Dwelling Fourth Density Zone RM6 Multiple-Family Dwellings Sixth Density Zone C1 General Commercial Zone



Not to Scale Zoning By-law 7625 Extracted 11/07/2011

O3 Semi-Public Open Space Zone

Attachment 9: Application Data Sheet

Application Type Official Plan Amendment, Application Number: 11 287471 NNY 24 OZ

Rezoning, Plan of Subdivision

Rezoning, Standard Details **Application Date:** October 5, 2011

Municipal Address: 5799 to 5915 Yonge St., 45 and 53 Cummer Avenue, 46 and 47 Averhill Crescent Location Description: CON 1 EY PT LOT 22 PLAN 5345 BLK A LOT 242 TO 252 **GRID N2401

Project Description: Proposed redevelopment of the 'Newtonbrook Plaza' and adjacent lands for a mixed-use

project with 1,674 residential units in 3 blocks with 4 buildings of 28, 36, 36 and 44 storeys,

at-grade retail uses, office uses, townhouses and a new public street and park.

Applicant: Agent: **Architect:** Owner:

MCCARTHY TETRAULT

LLP

John Dawson, MCCARTHY TETRAULT LLP

WALLMAN **ARCHITECTS** **SILVERCORE**

INC./CUMMER YONGE INVESTMENT LTD.

PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas and Site Specific Provision: North York Centre

Neighbourhoods

Secondary Plan 13.1 and

13.6 Zoning: C1, R4, RM5(12) **Historical Status:** N 8m-87m Site Plan Control Area: Y

PROJECT INFORMATION

Height Limit (m):

Site Area (sq. m): 41779 Height: Storeys: 28, 36, 36 44

Frontage (m): 260 Metres: 98, 122, 125, 145

190 Depth (m):

Total Ground Floor Area (sq. m): 16499 **Total**

1745 Total Residential GFA (sq. m): 150115 Parking Spaces: Total Non-Residential GFA (sq. m): 12790 Loading Docks 8

162899 Total GFA (sq. m):

Lot Coverage Ratio (%): 47

4.2 Floor Space Index:

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	TBD		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	150115	0
Bachelor:	0	Retail GFA (sq. m):	7258	0
1 Bedroom:	962	Office GFA (sq. m):	5532	0
2 Bedroom:	712	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	1674			

CONTACT: PLANNER NAME: Robert Gibson, Senior Planner

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