

**850-858 York Mills Road  
Zoning By-law Amendment Application  
Request for Direction Report**

<b>Date:</b>	January 3, 2013
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 34 – Don Valley East
<b>Reference Number:</b>	11 204049 NNY 34 OZ

**SUMMARY**

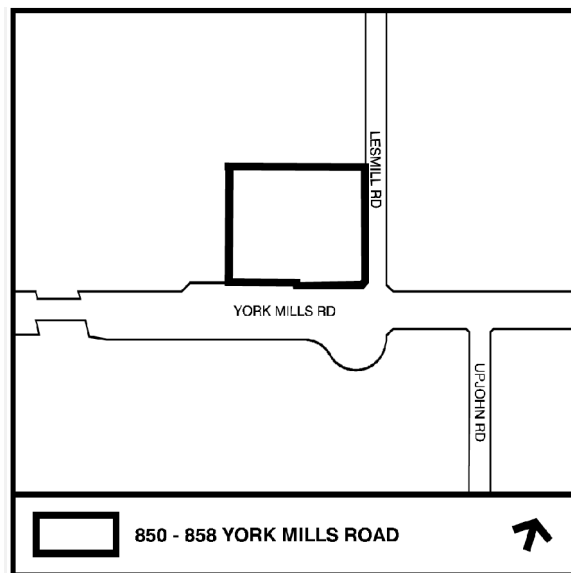
This is a report on an application to amend the former City of North York Zoning By-law No. 7625 to permit the development of a 2 storey commercial building with 11,254 m<sup>2</sup> of gross floor area on the lands at 850-858 York Mills Road. The applicant has appealed their application to the Ontario Municipal Board citing Council's failure to make a decision on the application.

This report seeks City Council's direction on the application.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board hearing in support of the proposed development.
2. City Council direct the City Solicitor to request the Ontario Municipal Board to withhold its Order approving the Zoning By-law Amendment until:



- a) The owner addresses the requirements of Transportation Services staff as outlined in a memorandum dated December 24, 2012 from Technical Services Division and any further comments to the satisfaction of the Director, Development Engineering, Technical Services Division.
- b) An appropriate Zoning By-law Amendment is prepared to the satisfaction of the City Solicitor and the Director, Community Planning, North York District.
- c) The owner has received Site Plan Control Notice of Approval Conditions to the satisfaction of the Director, Community Planning, North York District, and has entered into a Site Plan Agreement to the satisfaction of the City Solicitor.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

In September 2009 the owner submitted a proposal to rezone the lands for what was described as a 15 storey 438 unit senior's hotel and commercial uses. On August 25, 2010 City Council refused the application as the proposal did not conform to the Official Plan. The applicant did not appeal Council's refusal.

On May 27, 2011 a new zoning amendment application was submitted proposing a one storey 12 unit commercial building having 5,500 m<sup>2</sup> of gross floor area. On October 21, 2011, the applicant appealed their application to the Ontario Municipal Board citing City Council's failure to make a decision on the application within 120 days. On July 26, 2012 the applicant revised their proposal to a 2 storey commercial building with a gross floor area of 11,254 m<sup>2</sup>. The OMB has scheduled a hearing on the appeal to commence on March 4, 2013.

## **ISSUE BACKGROUND**

### **Proposal**

The original proposal submitted in May 2011 was for a one storey 12 unit commercial building of 5,511 m<sup>2</sup> of gross floor area with surface parking. In July, 2012 the proposal was revised to a 2 storey commercial building with a gross floor area of 11,254 m<sup>2</sup> comprised of offices, medical offices, educational uses, veterinary office, banks, retail stores, restaurants and a banquet hall. The applicant has since removed the banquet hall use. The proposed retail space is comprised of 5 retail units of 200 m<sup>2</sup> to 412 m<sup>2</sup> each for a total of 1,448 m<sup>2</sup> of space.

The proposal includes 305 parking spaces (146 surface spaces and 159 spaces in an underground garage). Vehicular access to the site is proposed off Lesmill Road as well as driveway access from the York Mills Road right-of-way under the York Mills Road overpass (Attachment 1).

## **Site and Surrounding Area**

The 1.42 hectare site is located on the northwest corner of York Mills Road and Lesmill Road. A significant grade change occurs along York Mills Road west of Lesmill Road as York Mills Road rises to provide a grade separation over the railway tracks. The site is currently vacant with part of the site used for parking for Rogers Communications. Vehicular access to the site is provided from the portion of York Mills Road that goes under the York Mills Road overpass. In addition, there is a curb cut on Lesmill Road north of York Mills Road.

Land uses surrounding the site are as follows:

North: industrial uses.

South: south of York Mills Road are office, industrial and restaurant uses.

East: on the east side of Lesmill Road are industrial, commercial and restaurant uses. Further east is the Prince Hotel.

West: industrial use.

Lands abutting the site to the west and north were subject to an application by Home Depot for large scale retail uses with a three level parking garage. The Home Depot application was appealed to the Ontario Municipal Board, and the owner of the lands at 850-858 York Mills Road (Kingsberg) was a party to the OMB appeal. In February 2012, the Ontario Municipal Board approved Official Plan and Zoning By-law amendments for the Home Depot site permitting large scale and stand alone retail stores and other commercial uses with a total gross floor area of 29,212 m<sup>2</sup>.

## **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.

## **Official Plan**

The Official Plan identifies this site as being in an Employment District on the Urban Structure Map (Map 2) and designates the lands as Employment Areas on the Land Use Plan. The Official Plan seeks to protect and promote Employment Districts exclusively for economic activity to maintain and grow the City's tax base, attract new and expand existing employment clusters and provide a range of employment opportunities.

Employment Areas are intended to be places of business and economic activity. The Official Plan indicates that uses that support this function consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers. The Plan also provides that places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate within an Employment Area if the use is located on a major street shown on Map 3. The Plan also contains policy direction with respect to large scale, stand-alone retail stores.

In order to ensure that Employment Areas function well and are attractive for businesses, the Plan sets out development criteria including: contribution to the support of the economic function of the area; providing adequate parking on-site; creating an attractive streetscape and sharing driveways and parking areas where possible.

## **Zoning**

The site is zoned Industrial-Office Business Park Zone MO(6) in former City of North York Zoning By-law No. 7625. The MO Zone permits industrial, office and a range of commercial uses including a hotel, retail uses, restaurant, financial institution, fitness centre, commercial school and other commercial uses. The maximum gross floor area permitted by the MO zone is 1.5 FSI. Under the MO zone, the maximum gross floor area of retail stores is limited to 20% of the gross floor area of the largest floor of the buildings on the lot.

The site is subject to a site specific zoning MO(6) which was approved in 1982, that only permits business and professional offices, medical offices, personal service shops, financial institutions, fitness centres, restaurants and retail stores. This was based on an office building use with retail and service commercial uses only permitted on the first floor of the office building. A maximum gross floor area of 35,510 m<sup>2</sup> is permitted, the first floor which includes the retail and service commercial uses is not to exceed 3,500 m<sup>2</sup>, and each retail store is not to exceed 400 m<sup>2</sup>. The site specific zoning also sets out building setbacks. All of the required parking is to be provided in a parking structure and there is to be no external advertising of the retail, personal service and fitness centre uses. The development to implement this zoning did not proceed and the site is vacant.

## **Site Plan Control**

An application for Site Plan Control approval has been submitted.

## **Reasons for Application**

The proposed commercial building with surface and underground parking does not comply with the existing MO(6) zoning including uses, ground floor area, building setbacks and parking structure.

## **Community Consultation**

A community meeting was held on October 5, 2011 attended by 5 members of the public. A concern was raised about the volume of traffic on Lesmill Road and it was suggested that Lesmill Road be widened to 4 lanes for its entire length.

## **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 proposal is consistent with the Provincial Policy Statement (PPS) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Under the PPS, the proposed commercial and retail uses are considered economic activities providing employment opportunities. With respect to the Growth Plan, the proposed small scale retail uses and other commercial uses are considered employment uses.

### **Land Use and Density**

The proposed two storey commercial building with offices, medical offices, commercial school, veterinary office, banks, small scale retail stores and restaurants is appropriate and complies with the Official Plan. The proposed retail and restaurant uses will serve area businesses and workers and the retail units are limited in size to 5 retail units of 200 m<sup>2</sup> to 412 m<sup>2</sup> each which is similar to the permission under the existing site specific zoning for the site. Limitations on the size of individual retail stores and on the total gross floor area of all retail stores should be incorporated into the zoning by-law approved at the OMB.

The proposal for a commercial building with a gross floor area of 11,254 m<sup>2</sup> results in a gross floor area of 79% of the area of the lot, which is less than the maximum 150% permitted by the general MO Zone and well below the 35,510 m<sup>2</sup> GFA permitted by the site specific by-law for the site. The zoning by-law approved at the OMB should include a GFA limit of approximately 11,254 m<sup>2</sup>.

## **Built Form and Streetscape**

The proposed two storey building is sited fronting both York Mills Road and Lesmill Road and is designed to frame and support these public streets. Individual retail unit entrances are provided from the public sidewalk as well as the interior parking area. The proposed setbacks are appropriate to provide for pedestrian amenity including sidewalks and landscaping along both street frontages. Appropriate building articulation is provided on the building faces along the street frontages with a taller element accentuating the corner of York Mills Road and Lesmill Road. As part of the review of the site plan control application, staff will review the building facades along both street frontages to ensure they have appropriate built form details including glazing, materials and retail doors which face the public street. This review will also ensure that appropriate streetscape conditions are provided within the boulevards and private setbacks as well as pedestrian circulation routes and tree planting within the surface parking lot. The building envelope and building setbacks will be secured in the zoning by-law.

The Ontario Municipal Board should be requested to hold its Order approving the Zoning By-law Amendment until the applicant has received site plan Notice of Approval Conditions and entered into a Site Plan Agreement.

## **Access and Traffic Impact**

The applicant has submitted a traffic impact study for the original proposal and a traffic impact study and revisions for the revised proposal. The studies conclude that the site generated traffic is expected to have minimal impact on the Lesmill Road and York Mills Road intersection traffic operations, and the area intersections are expected to operate at an acceptable level of service. In a memorandum dated December 24, 2012, from the Manager, Development Engineering, Technical Services Division, Transportation Services staff have requested that the applicant submit additional information to address truck and pedestrian volumes and peak hour factors.

Two driveway accesses are proposed for the site, one from Lesmill Road and another from the York Mills Road right-of-way under the York Mills Road overpass. Due to southbound queuing on Lesmill Road extending as far back as the proposed Lesmill Road driveway and which may also have implications on the traffic flow on Lesmill Road and York Mills Road, Transportation Services staff require that the Lesmill Road access be limited to right-in right-out movements only. Transportation staff have also requested revisions to the traffic study to note this right-in right-out turn restriction.

As part of the adjacent Home Depot development (which was approved by the OMB in February of 2012), Lesmill Road will be widened to a four lane cross-section from York Mills Road northward to the new signalized intersection accessing the Home Depot site. To co-ordinate development between the subject site and the adjacent Home Depot site, a number of shared driveway access points are proposed. Two driveway connections (one to the north and another to the west) to the abutting Home Depot site are proposed.

The proposal also includes a shared driveway access with the adjacent Home Depot site from the York Mills Road right-of-way. This shared access (as shown on the Ultimate Site Plan included as Attachment 1) would occur once the Home Depot site is developed. Until then, driveway access from

the York Mills Road right-of-way would be provided solely from the subject site as shown on the Interim Site Plan included as Attachment 2. Transportation Services staff support these connections.

The report recommends that the OMB withhold its Order approving the zoning by-law until the owner addresses the requirements of Transportation Services staff as outlined in a memorandum dated December 24, 2012 from Technical Services Division and any further comments to the satisfaction of the Director, Development Engineering, Technical Services Division.

## **Parking**

A total of 305 parking spaces (146 surface spaces and 159 underground spaces) are proposed which Transportation Services staff advise satisfies the on-site parking requirement. As set out in the December 24, 2012 Technical Services memorandum, Transportation Services staff are recommending that parking rates for each of the proposed uses as well as bicycle parking rates be included in the zoning by-law approved at the OMB.

## **Servicing**

The applicant submitted a functional servicing report addressing water and sanitary servicing and stormwater management. The report concludes that the site can be serviced by the adjacent storm, sanitary and water supply services. Technical Services staff do not object to the proposal and advise that the applicant is to provide a 1.44 metre widening along the entire Lesmill Road frontage through the site plan approval process.

## **Open Space/Parkland**

Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with the highest ratio of local parkland per population (3.0 hectares of local parkland per 1,000 people). Parks, Forestry and Recreation staff advise that a 2% cash-in-lieu of parkland dedication payment is appropriate. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. The proposal includes a green roof. Other applicable TGS performance measures will be secured through the site plan approval process.

## **CONTACT**

Nimrod Salamon, Senior Planner

Tel. No. (416) 395-7095

Fax No. (416) 395-7155

## **SIGNATURE**

---

Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Ultimate Site Plan

Attachment 2: Interim Site Plan

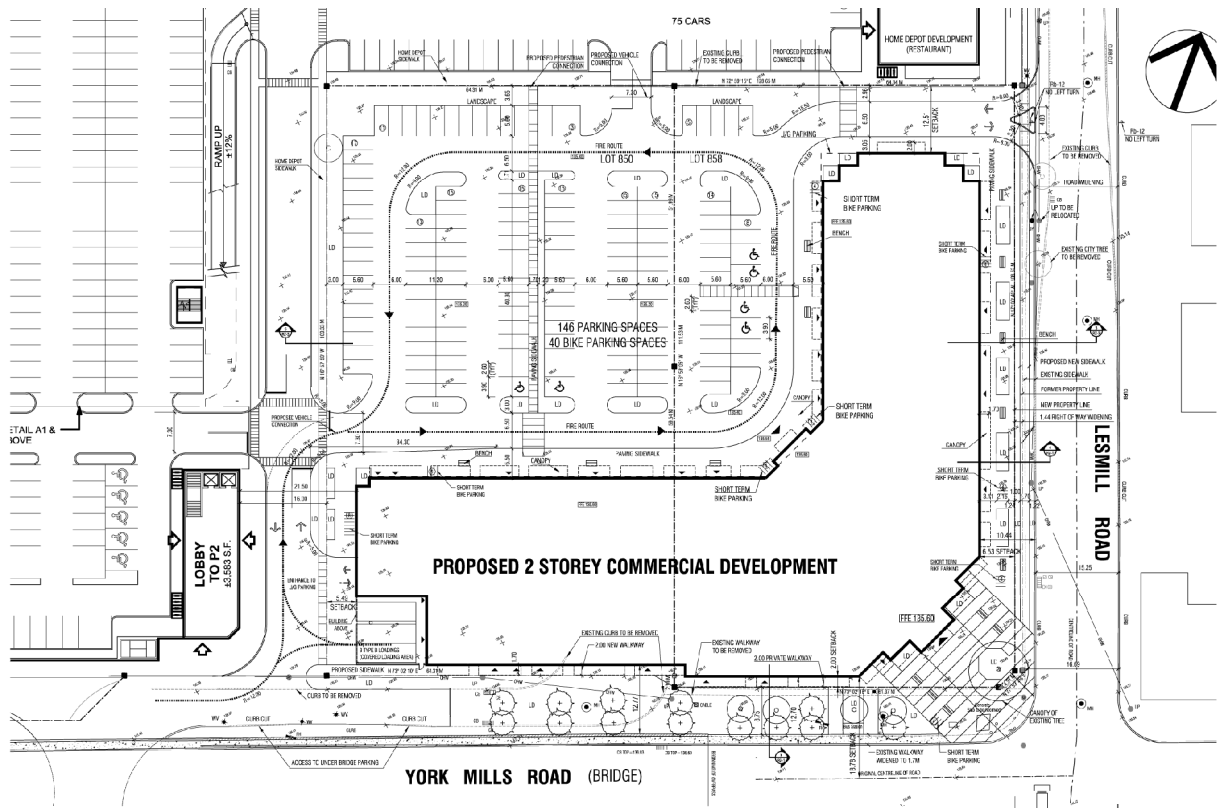
Attachment 3: Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet



# Attachment 1: Ultimate Site Plan



## Ultimate Site Plan

Applicant's Submitted Drawing

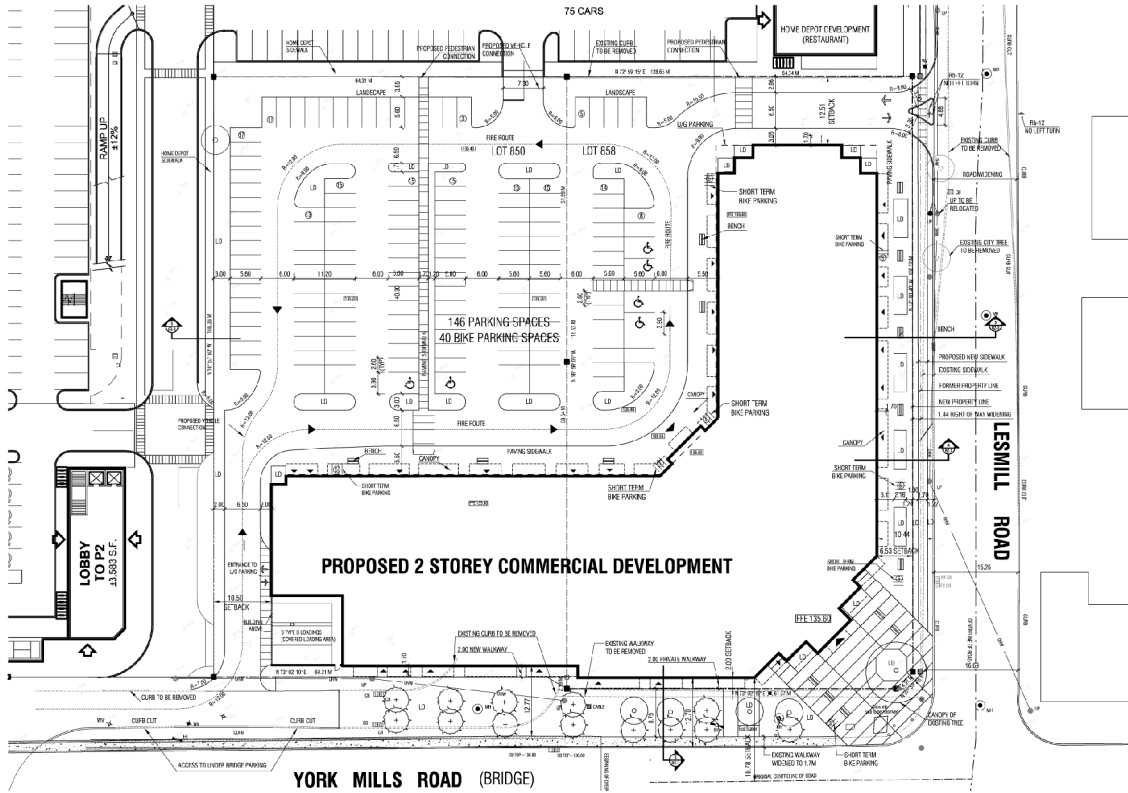
Not to Scale  
09/20/2012



850 - 858 York Mills Road

File # 11 204049 NNY 34 0Z

## Attachment 2: Interim Site Plan



### Interim Site Plan

850 - 858 York Mills Road

Applicant's Submitted Drawing

Not to Scale 09/20/2012

File # 11 204049 NNY 34 0Z

## Attachment 3: Elevations



### Elevations

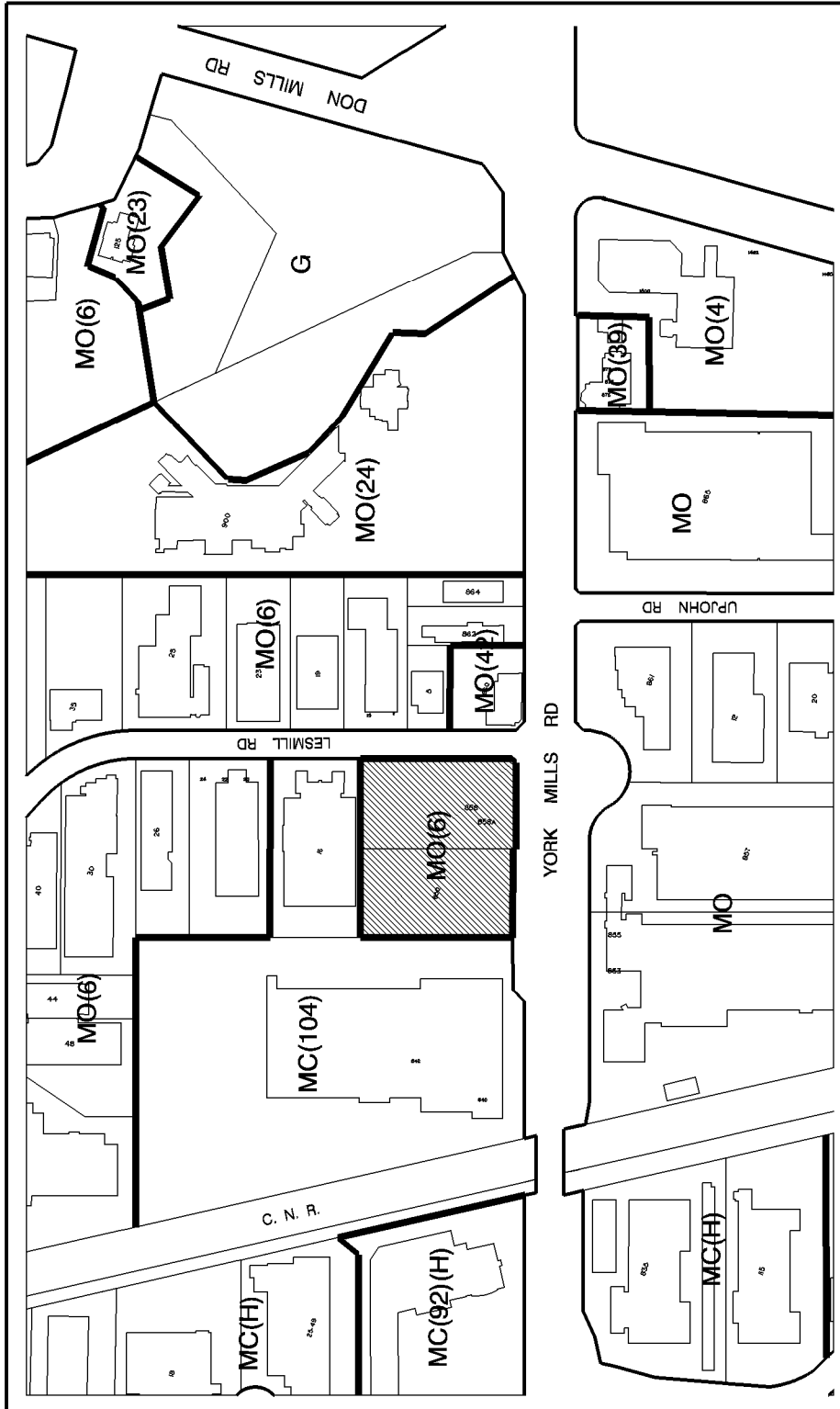
850 - 858 York Mills Road

Applicant's Submitted Drawing

Not to Scale  
09/20/2012

File # 11 204049 NNY 34 0Z

Attachment 4: Zoning



**Toronto** City Planning  
**Zoning**  
 850 - 858 York Mills Road  
 File # 11 204049 NNY 34 0Z

↑  
 Not to Scale  
 Zoning Bylaw 7625  
 Extracted 06/06/2011

G Greenbelt Zone  
 MO Industrial-Office Business Park Zone  
 MC Industrial-Commercial Zone  
 NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

**Attachment 5**  
**APPLICATION DATA SHEET**

Application Type	Rezoning	Application Number:	11 204049 NNY 34 OZ
Details	Rezoning, Standard	Application Date:	May 27, 2011

Municipal Address: 850-858 YORK MILLS RD  
 Location Description: CON 3 EY LOT 11 \*\*GRID N3401  
 Project Description: Proposed two storey commercial building with offices, medical offices, banks, retail stores, restaurants and other commercial uses.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BORDEN LADNER GERVAIS LLP		Francis Leung	KINGSBERG PROPERTY INVESTMENTS LTD

**PLANNING CONTROLS**

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	MO(6)	Historical Status:
Height Limit (m):		Site Plan Control Area:

**PROJECT INFORMATION**

Site Area (sq. m):	14209.36	Height:	Storeys:	2
Frontage (m):	128.7		Metres:	15.0
Depth (m):	110.4			
Total Ground Floor Area (sq. m):	5683			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	305
Total Non-Residential GFA (sq. m):	11254		Loading Docks	3
Total GFA (sq. m):	11254			
Lot Coverage Ratio (%):	40			
Floor Space Index:	0.79			

**DWELLING UNITS**

Tenure Type:	
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

**FLOOR AREA BREAKDOWN** (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	1,448	0
Office GFA (sq. m):	2,017	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	7,789	0

**CONTACT: PLANNER NAME:** Nimrod Salamon, Senior Planner  
**TELEPHONE:** (416) 395-7095