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STAFF REPORT ACTION REQUIRED

4800 Yonge Street - Official Plan Amendment, Zoning Amendment and Site Plan Applications - Request for Direction Report

Date:	April 16, 2018
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	15 250774 NNY 23 OZ, 16 118542 NNY 23 OZ and 16 269431 NNY 23 SA

SUMMARY

The applicant has appealed the applications to amend the Official Plan and former North York Zoning By-law and for Site Plan Control for the site at 4800 Yonge Street due to Council's failure to make a decision within the prescribed time period under the *Planning Act*. A prehearing conference was held on October 26, 2017 and a 9 day hearing has been scheduled to begin November 20, 2018.

The applications propose to amend the Official Plan and the former City of North York Zoning By-law 7625 for this site at the southwest corner of Sheppard Avenue West and Yonge Street to: permit residential uses on a site designated for non-residential uses and zoned for commercial uses; increase the maximum gross floor area from $33,353 \text{ m}^2$ to 50,012m²; increase the permitted FSI in the Official Plan up to 12.07 FSI; and increase the maximum height of 100 m in the Official Plan and 23 storeys in the zoning by-law to 49 storeys (160 m). The applications propose to permit a 49 storey building, with 497 dwelling units, a five storey base including retail and office uses and a five-level underground parking



garage with 318 parking spaces.

This report seeks City Council's direction for the City Solicitor, together with appropriate City Staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applications, as staff have concerns with the development application in its current form, including the proposed land use, density and height. This report also recommends that the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an effort to address the issues outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

- City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the Official Plan Amendment (File No. 15 250774 NNY 23 OZ), Zoning By-law Amendment (File No. 16 118542 NNY 23 OZ) and Site Plan Control applications (File No. 16 269431 NNY 23 SA).
- 2. In the event that the LPAT approves the applications in whole or in part, City Council authorize the City Solicitor to request that the LPAT withhold its Order approving the application until such time as:

a. The LPAT has been advised by the City Solicitor that the proposed official plan amendment and zoning by-law amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and City Solicitor;

b. The City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning to secure the Section 37 matters;

c. City Planning has issued the Notice of Approval Conditions for site plan approval, and the City Solicitor confirms that all pre-approval conditions for such site plan approval have been met;

d. The City Solicitor confirms that the owner has provided a Functional Servicing Report, a Stormwater Management Report, and a Hydrogeological Report, acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;

e. The City Solicitor confirms that the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are

required to support the development, according to the Functional Servicing Report, Stormwater Management Report, and Hydrogeological Study, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and

f. The City Solicitor confirms that the implementation of the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services.

- 3. In the event that the LPAT allows the appeal of the applicant to amend the zoning by-law, in whole or in part, City Council direct staff to request that the LPAT withholds its Order(s) until such time as the City and the owner have presented a draft by-law to the LPAT that secured appropriate community benefits and a Section 37 agreement has been entered into.
- 4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and should a resolution be arrived, to report back to City Council on the outcome, including proposed Section 37 contributions relating to any revised proposal, as appropriate.
- 5. City Council require the Owner of the lands at 4800 Yonge Street, to satisfy the parkland dedication requirement through an on-site dedication of 290 m^2 .
- 6. City Council authorize City staff to have discussions with regards to the option of an off-site parkland dedication as per Section 415-26 C of the Toronto Municipal Code, should an on-site dedication not be feasible.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

In 1988, the former City of North York approved a Zoning By-law amendment to Zoning By-law 7625. The proposal was considered consistent with OPA 277 to North York's Official Plan which was before the OMB at the time of the development approvals. The proposal was for a 23 storey office building (33,353 m²) and up to 6,605 m² in density incentives at 4800 Yonge Street. This approval was in conjunction with the redevelopment of the site to the west at 25 Sheppard Avenue West. This approval also secured the extension of Beecroft Road, south of Sheppard Avenue West, and the dedication of parkland, now Albert Standing Park, at the edge of the North York Centre Secondary Plan. The density transfer from the road and park were allocated as 60% to 4800 Yonge and 40% to 25 Sheppard Avenue West. The former Downtown Plan, part of

the City of North York Official Plan, had a site specific policy recognizing this density transfer. This density transfer is recognized in the site specific by-law gross floor area (gfa), but is not recognized in the current North York Centre Secondary Plan (NYCSP).

By-laws 30686 and 30687 can be found here: https://www.toronto.ca/legdocs/pre1998bylaws/north%20york%20-%20city%20of/30686.pdf and https://www.toronto.ca/legdocs/pre1998bylaws/north%20york%20-%20city%20of/30687.pdf

OPA 447 to amend the North York Official Plan was approved by the City of North York in 1999. The Official Plan Amendment consolidated the Uptown and Downtown Secondary Plans, introduced areas designated for 100% non-residential use, further refined the mixed use area designations and set new density policies for the NYCSP, among other changes. OPA 447 removed the site-specific Official Plan policy for the density transfer for 4800 Yonge Street. The policies for OPA 447 were not appealed for 4800 Yonge Street and the current NYCSP policies are in effect. OPA 447 can be found at the following link:

https://www.toronto.ca/legdocs/pre1998bylaws/north%20york%20-%20city%20of/33101.pdf

The Official Plan Amendment application to allow for additional height (160 m), additional density (12.0 times the lot area) and 76% residential uses on a site designated for non-residential uses was submitted in November 2015. The preliminary report, prepared for the February 23, 2016 meeting of the North York Community Council, can be found at the following link:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY12.28.

The Zoning By-law Amendment application was filed on February 19, 2016 for the same proposal as the OPA application. The preliminary report, on the April 5, 2016 meeting agenda of North York Community Council, can be found at the following link: <u>http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY13.34</u>.

An application for Site Plan Control was filed in December 2016 and site plan revisions were filed in August 2017.

On May 16, 2017, the landowner filed an appeal of the Official Plan and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal citing City Council's failure to make a decision within the prescribed time set out in the *Planning Act*. On October 24, 2017, the landowner filed an appeal of the Site Plan Control application and a request to consolidate with the OPA and ZBA appeals.

ISSUE BACKGROUND

Proposal

The applications propose to amend the Official Plan and City of North York Zoning Bylaw 7625 for the site at 4800 Yonge Street to permit: residential uses on a site designated for non-residential uses and zoned for commercial; increase the maximum gross floor area to 50,012.52 m2 and density to 12.07 FSI; and, to increase the maximum height to 49 storeys (160 m). The proposed 49 storey building would have 497 dwelling units, a five storey base including retail and office uses and a five-level underground parking garage with 318 parking spaces.

The proposal provides street related retail, second floor retail and office uses on Levels 3-5. The total non-residential gross floor area is $11,883.26 \text{ m}^2$, with $8,469.55 \text{ m}^2$ of office. The office entrance is proposed on Sheppard Avenue West with a connection to 25 Sheppard Avenue West and the TTC Sheppard-Yonge subway station. A 6 m pedestrian zone with weather protection along the Yonge and Sheppard frontages are proposed on the ground floor in conformity with the NYCSP. The residential entrance is proposed at the southeast corner of the site, facing Bogert Avenue and Yonge Street.

The proposed cycling infrastructure includes: commercial and residential bicycle parking, a bicycle shower change facility and bicycle parking at grade. Vehicular access is proposed from Bogert Avenue. The concept plan also proposes underground parking within the Bogert Avenue right-of-way.

The height of the five storey base building is shown as 24.6 m in conformity with the NYCSP. The mixed use building proposes $1,011 \text{ m}^2$ of indoor amenity on Levels 6 and 7 and $1,016 \text{ m}^2$ of outdoor residential amenity on Level 6, on the roof of the base building.

The proposed residential tower floor plate ranges in size from 689 m^2 to 823 m^2 . The approximate gfa of the tower floors is as follows: floors 6 and 7 - approximately 824 m^2 , floors 8 to 45 - approximately 815 m^2 , floors 46 and 47 - approximately 783 m^2 and floors 48 and 49 -713 m². The proposal is illustrated on Attachment 1: Site Plan and Attachment 2: Elevations. See Attachment 6: Application Data Sheet for proposal statistics.

Site and Surrounding Area

The site, located at the southwest corner of Yonge Street and Sheppard Avenue West and the intersection of two subway lines, is currently used as a surface parking lot. Below grade, the site immediately abuts the TTC's Sheppard-Yonge subway station that serves two of the City's four subway lines; the Yonge-University line and the Sheppard line. A portion of underground subway track crosses the northeast corner of the site. The site area is 4,145.2 m2 with a frontage 62.44 metres along Yonge Street and 65.36 metres along Sheppard Avenue West. The site also has frontage on Bogert Avenue.

The surrounding land uses are as follows:

- North: On the northwest corner of Yonge Street and Sheppard Avenue West are one and two storey retail and commercial uses and the Yonge/Sheppard TTC bus terminal. On the northeast corner is the Sheppard Centre, a mixed use office, retail and residential development, recently approved for infill and partial redevelopment with existing office building heights of 9 and 19 storeys, new base buildings ranging from 7.7 m to 27 m and a new residential tower of 39 storeys (125 metres).
- South: On the south side of Bogert Avenue is Emerald Park, a mixed use residential and commercial development, with two residential towers of 30 and 40 storeys (102 and 129 metres) at the following municipal addresses: 4726-4750 Yonge Street, 9-31 Bogert Avenue and 2-28 Poyntz Avenue.
- East: On the southeast corner of Yonge Street and Sheppard Avenue East is the recently completed mixed-use Hullmark Centre at 4759 4789 Yonge Street with a 45 storey (160 metres) residential and office condominium, 5 storey office condominium and 35 storey (115 metres) residential condominium building.
- West: Immediately west of the site is a 21 storey (NYCSP maximum of 65 metres) office building at 25 Sheppard Avenue West with a connection to the TTC subway station and TTC covered entrance located in the Sheppard Avenue West right of way. West of Beecroft Avenue is Albert Standing Park and a low rise residential community.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS (2014) to guide its official plan and to inform decisions on other planning and development matters. The PPS (2014) is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS (2014).

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2017) seeks to optimize provincial investments in *higher order transit* by directing growth to *major transit station areas* and other *strategic growth areas*. Growth Plan (2017) policies direct major office and institutional development to *urban growth centres, major transit station areas*, or areas with existing or planned *frequent transit service*. North York Centre is a designated urban growth centre and 4800 Yonge Street is located within a *major transit station area* and is served by *frequent transit service*.

The Growth Plan (2017) policies for *urban growth centres*, *major transit station areas* and *major office* inform the evaluation of this application. Policies include:

- Policy 2.2.3 c) directs that *urban growth centres* will be planned to serve as highdensity major employment centres that will attract provincially, nationally, or internationally significant employment uses;
- Policy 2.2.4.9 a): development will be supported by planning for a diverse mix of uses to support existing and planned transit service levels;
- Policy 2.2.5d): integrating and aligning land use planning and economic development goals and strategies to attract investment and employment;
- Policy 2.2.5.2 directs *major office* uses to *urban growth centres* and *major transit station areas* with existing or planned *frequent transit service*; and
- Policy 2.2.5.3 directs retail and office uses to locations that support *active transportation* and have existing or planned transit.

Like other provincial plans, the Growth Plan (2017) builds upon the policy foundation provided by the PPS (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2017) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan (2017).

City of Toronto Official Plan

The site is located in the North York Centre, one of the four *Centres* that form part of the Official Plan's urban structure, as shown on Map 2 Urban Structure. The site is designated *Mixed Use Areas* in the City's Official Plan, as shown on Map 16 Land Use Plan and shown in this report in Attachment 4: Official Plan.

Centres are part of the strategy to structure growth in the City in a manner that integrates land use and transportation (Section 2.2). Official Plan policies direct growth to *Centres* in order to use municipal land, infrastructure and services efficiently; concentrate jobs and people in areas well served by surface transit and rapid transit stations; and, to create assessment growth and contribute to the City's fiscal health (Section 2.2.2).

Each *Centre* will have a Secondary Plan that will set out the location, mix and intensity of land uses that support transit-based growth and meet certain objectives that will, amongst other matters:

- a) achieve a minimum combined gross density target of 400 jobs and residents per hectare for each *Centre* which delineates the boundaries of the urban growth centres for the purposes of the Growth Plan;
- b) set out local goals and a development framework consistent with this Plan;
- c) establish policies for managing change and creating vibrant transit-based mixed use *Centres* tailored to the individual circumstances of each location, taking into account the *Centre's* relationship to *Downtown* and the rest of the City; and
- d) create a positive climate for economic growth and commercial office development. (Section 2.2.2.2)

The role of the Secondary Plan is to provide a more detailed planning framework to help implement these policy directions and other Official Plan objectives.

Mixed Use Areas are designated in the Official Plan to provide for a broad range of uses including residential, commercial, institutional, entertainment and recreation uses in single or mixed use buildings as well as parks and open space. Buildings are to be located and massed to provide a transition in scale and intensity and to limit shadow impacts on adjacent lower scale *Neighbourhoods*. Development in these areas is to frame the edges of streets and provide a comfortable and attractive pedestrian environment. Service areas, ramps and garbage storage are to be located and screened to minimize impacts on adjacent streets and residences. The Official Plan recognizes that *North York Centre* is a major concentration of commercial office space where businesses benefit from excellent

transit service and good highway access. It should continue to grow as an important commercial location while also continuing to be a vibrant residential and cultural centre.

Other relevant Official Plan policies that inform the land use planning context for this site are set out in Section 3.5.1. Specifically, Section 3.5.1.2 supports a multi-faceted approach to economic development in Toronto that will stimulate transit-oriented office growth in the *Downtown and the Central Waterfront*, the *Centres* and within walking distance of existing and approved and funded subway, light rapid transit and GO stations in other *Mixed Use Areas, Regeneration Areas and Employment Areas*. As well, a balanced growth of jobs and housing across the City will be pursued to:

- a) Maintain a complete community;
- b) Reduce the need for long distance commuting and lessen regional road congestion; and
- c) Increase the proportion of travel by transit, walking and cycling.

The Official Plan also provides the policy framework for evaluating the public realm and built form of an application and its relationship to and impact on nearby streets, parks and neighbourhoods. As well, the Official Plan speaks to the provision of range of housing types, housing affordability and access to community services and facilities.

Official Plan Amendment 231

Official Plan Amendment 231 (OPA 231) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the LPAT.

Through OPA 231, Council has adopted additional policies to retain existing buildings and promote new office development and major freestanding office buildings in *Mixed Use Areas* and *Regeneration Areas* in the *Downtown and Central Waterfront* and *Centres* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station. OPA 231 also supports the nurturing and expansion of Toronto's economy to provide for the future employment needs of Torontonians and the fiscal health of the City by contributing to a broad range of stable full-time employment opportunities for all Torontonians.

OPA 231 policies in effect ensure a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the Centres and within walking distance of existing and approved subway (3.5.1.2 a). These policies also set out a framework for balanced growth of jobs and housing across the City to:

a) maintain a complete community;

b) reduce the need for long distance commuting and lessen regional road congestion; and

c) increase the proportion of travel by transit, walking, and cycling. (3.5.1.3).

North York Centre Secondary Plan

The site is designated *Mixed Use Area* A in the North York Centre Secondary Plan (NYCSP) and is located in *North York Centre* – South. See Attachment 5– North York Centre Secondary Plan.

North York Centre South has been planned to be the primary location for employment with a greater concentration of commercial uses than the *North York Centre* North. The sites at the Yonge Street and Sheppard Avenue intersection have been designated for 100% non-residential (0% residential) and most locations along the Yonge Street spine in the *North York Centre* South have been designated for either 100% non-residential (0% residential) and most locations along the Yonge Street spine in the *North York Centre* South have been designated for either 100% non-residential (0% residential) uses or for a maximum of 50% residential uses.

The permitted uses in *Mixed Use Area* A are: commercial, institutional, public parks and recreational uses and transit terminals. Residential uses are not permitted. On this site the NYCSP permits a maximum height of 100 metres and a maximum density of 4.5 times the lot area. A maximum density of 5.98 times the lot area would be permitted with increased density from the incentive provisions set out in the NYCSP.

Policy 1.10 outlines the intent of the NYCSP to strictly maintain the distribution of densities assigned to ensure that:

(a) appropriate redevelopment takes place;

(b) redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation; and

(c) the built form of redevelopment is compatible with the abutting stable residential community.

Policies 1.13 and 1.14 address amendments to the North York Centre Secondary Plan. General changes in the boundaries, densities or heights of the *North York Centre* South or of the *North York Centre* North will be preceded by a comprehensive review of this Secondary Plan, or of a major portion of this Plan. The NYCSP discourages ad hoc, sitespecific amendments that are not consistent with basic principles of this Secondary Plan or that create uncertainty. In considering proposed site-specific amendments to this Secondary Plan, the City will be satisfied that the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of this Secondary Plan dealing with boundaries, land use, density, height or built form. In dealing with such sitespecific amendments, the City will further be satisfied that the traffic certification requirements of this Secondary Plan are satisfied and that the amendments do not adversely impact stable residential areas.

The NYCSP sets out the maximum density assigned to lands; this is shown as Density Limits on Maps 8-6 and 8-7. These densities do not include the framework for density incentives discussed in Section 3.3 and any transfers discussed in Section 3.4. The NYSCP permits density increases up to 33% of based density through incentives, transfers and monetary contributions. The amount of the monetary contribution will be equal to the market value of the gross floor area obtained through this incentive, as specified in Figure 3.3.1 in the NYCSP. The eligible density incentives include the provision of bicycle parking, public recreational facilities, social facilities, heritage retention, continuous connections to a transit terminal and street-related retail, and service roads, among others.

The density incentive for a commercial or mixed use project providing new office space in excess of 15,000 square metres gross floor area, linked to a transit terminal by a continuous indoor pedestrian connection, was implemented by OPA 90. This OPA, adopted by Council in May 2009, came into effect on August 19, 2009. It resolved outstanding appeals to the former City of North York Centre Secondary Plan and City of Toronto Official Plan for the lands at the southeast corner of Yonge Street and Sheppard Avenue East.

The NYCSP includes urban design policies to help shape the character of public spaces and new development. These policies support the development of an attractive and vibrant pedestrian environment; address the provision and evaluation of sun and shadow on public streets; wind conditions; and improving pedestrian and cycling connections in the *North York Centre*. The entrance to the *North York Centre* South should be defined through particular attention to the design of buildings near the Yonge Street - Highway 401 interchange.

The site's Yonge Street and Sheppard Avenue West frontages are identified as *Prime Frontage Areas* which have specific urban design policies for buildings fronting these streets in the NYCSP. Buildings in these locations are to provide pedestrian-oriented uses to animate the public sidewalks by incorporating street related retail uses with windows and store entrances at the adjacent grade. The Secondary Plan discourages below-grade and internalized retail uses.

To provide a pedestrian oriented environment, the Secondary Plan requires building setbacks to achieve a 10 metre wide publicly accessible boulevard, and minimum and maximum building heights and stepbacks on the Yonge Street and Sheppard Avenue rights-of-way. The additional NYCSP policies for Yonge Street include:

- Office and residential entrance lobbies, along the Yonge Street sidewalk, may be restricted to a maximum width of 6 metres;
- In order to achieve a pedestrian-scale street wall condition along Yonge Street, any buildings within 10 metres of the build-to line are required to be constructed between 8 and 25 metres in height;
- Along approximately two-thirds of the street frontage of the lot, higher buildings will be set back 10 metres above the base building height.

The Sheppard Avenue frontage requires along approximately two-thirds of the street frontage of the lot, higher buildings to be set back 3 metres above the base building height. A setback between 1.5 and 3 metres is the direction for side streets.

Zoning

The site is zoned C1 under the former City of North York By-law 7625 (See Attachment 3: Zoning) and is subject to the site-specific City of North York By-law 30687, approved in 1988, for a 23 storey office building with $33,353 \text{ m}^2$ of gross floor area and up to 6,065 m² of density through incentives. By-law 30687 permits a range of office, commercial and retail uses on the site. A day nursery/child care use is permitted as part of the office development and considered as part of the original approval's density incentives. The by-law sets out parking requirements, setbacks, height, exclusions from gross floor area calculations and density provisions for the approved uses.

The approval of the 1988 site specific zoning by-law for this site was originally considered together with the lands to the west. The lands to the west were redeveloped with a 21 storey office building and included the extension of Beecroft Avenue and Albert Standing Park, and are subject to former City of North York By-law 30686.

The property is not subject to the provisions of the City of Toronto Zoning By-law 569-2013.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at http://www.toronto.ca/planning/tallbuildingdesign.htm.

Community Consultation

Staff held a community consultation meeting on April 13, 2016 to present the proposal to the public. Approximately 60 -70 people attended. Issues of concern raised at the meeting and through correspondence focused on land use, school capacity, and impact on servicing infrastructure. Discussion and questions included the following:

- The proposal does not meet the intent of the OP when considering density and use;
- Other buildings in the area that have a height greater than 100 metres, however, they have all complied with the density requirements of the OP;
- The site should remain as an office use and not be converted to residential uses;
- Consider changing some of the residential units (a portion of the building) into additional office space;
- The building design would be more interesting as an office tower;
- The commercial use should be kept as nothing has been built in the last 20 years and the proposal will create a bedroom community with no place for anyone to work;

- If the building were commercial, there would not be a problem with schools reaching capacity;
- How will the increased density impact the infrastructure and transit concerns will it cause a strain?
- How will the increased density impact schools and their capacities? This area has experienced the greatest growth in school-aged children in the city;
- Retail spaces should be larger units;
- If the tower is residential, a variety of unit sizes should be provided (i.e. family-sized units);
- Maintain the median on Yonge Street;
- Concerned with location of loading located on Bogert Avenue;
- Concerned with site servicing, sanitary and stormwater capacity in the area;
- Already high demand on TTC and has there been consideration given to the Sheppard extension to Downsview; and
- How will the development benefit the community? What are the Section 37 benefits?

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.7 states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans." Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The PPS sets the direction for development, intensification and redevelopment that supports an appropriate mix of land uses for healthy, livable and safe communities. This is implemented through:

- Accommodating an appropriate range and mix of residential, employment, recreation, park and open space, and other uses to meet long-term needs (1.1.1b);
- Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (1.3.1.a);
- Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1.b);

- Encouraging compact, mixed-se development that incorporates compatible employment uses to support liveable and resilient communities while ensuring the necessary infrastructure is provided to support current and projected needs (1.3.1 c) and d)); and
- Land use patterns be based on densities and a mix of land uses which support *active transportation* and are transit-supportive (1.1.3.2.4 and 1.1.3.2.5).

The proposed development application is not consistent with the Provincial Policy Statement (2014) because the proposed land use and density do not conform to the City's Official Plan, which is the municipality's primary tool for implementing provincial policies. Official Plans provide clear, reasonable and attainable polices to protect provincial interests and direct development to suitable areas. The Official Plan Urban Structure, Map 2, identifies areas where intensification is appropriate and directs growth to certain areas of the City. The growth areas are identified as the *Downtown*, *Centres, Avenues* and *Employment Areas* and the growth strategy, land use mix and intensity of activities are further detailed in the North York Centre Secondary Plan. The proposal does not meet the Plan's objectives for density; non-residential and office development on this site; or the objectives for employment uses in this area.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe. Urban Growth Centres will be planned as focal areas for investment in public service facilities, as well as commercial, recreational, cultural, and entertainment uses; to serve as high-density major employment centres; and, support the transit network at the regional scale and provide connection points for inter and intra-regional transit [2.2.3. a), b)and c)].

This site is located at the intersection of two subway lines, served by regional transit and within an Urban Growth Centre. This is a key site for office development, as per the Growth Plan policies (2.2.5.2). The North York Centre has achieved the minimum target of 400 people and jobs per hectare established by the Growth Plan 2006. This requirement is continued in the 2017 Growth Plan. By 2011, North York Centre had reached 455 people and jobs per hectare and by 2016, an estimated 523 jobs and people per hectare.

The site is planned for a major office development in the existing by-law and NYCSP policies; this is reinforced by the employment objectives of the Official Plan, PPS and Growth Plan. The Official Plan policies recognize the importance of locating offices close to rapid transit because of the limited capacity of the regional road network to support office growth and because of the significant public investment in rapid transit (2.2.2). Office space generates considerably more transit ridership than the same amount of residential floor space and provides a better return on investment in transit infrastructure. While the proposal provides a mix of uses on this site, including some office, the balance of jobs to residents on this site does not meet the employment objectives of the City of Toronto Official Plan, the NYCSP, PPS and the Growth Plan.

The North Centre Secondary Plan has supported and successfully implemented redevelopment and growth around transit stations. The plan already encourages a substantial amount of residential and non-residential density and the North York Centre achieves its minimum density targets.

The provisions of the Growth Plan (2017) recognize that municipalities need time to update their plans and the City has until 2022 to complete work to conform to the Growth Plan (2017), including reviewing, refining or developing policies and boundaries for Major Transit Station Areas (MTSA). This will be implemented through a Municipal Comprehensive Review.

Staff are of the opinion that the proposed development application is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017).

Official Plan/North York Centre Secondary Plan

The applications propose amendments to land use and density that are not permitted and are outside the scope and framework for secondary plan amendments. The application also proposes an amendment to increase the permitted building height, however the NYCSP provides criteria to evaluate height amendments.

The NYCSP identifies the subject lands as an area for solely non-residential growth, up to 5.98 times the area of the lot or Floor Space Index (FSI). The applications are to permit additional height (160 m), additional density (12.07 times the lot area) and 76% residential uses on a site designated for 100% non-residential uses. This proposed land use mix is not consistent with the NYCSP. The scale of intensification proposed is not anticipated in the NYCSP.

Section 3.2 of the NYCSP sets out the maximum density and states the City will not approve a development that:

- exceeds the amount of actual floor space that can reasonably be accommodated in conformity with applicable policies of this Secondary Plan; and
- exceeds the maximum permitted gross floor area as set out in Section 3.2(a) by more than 33 per cent through density incentives and density transfers combined as set out in Sections 3.3 and 3.4, except where and to the extent specifically provided for in Figure 3.3.1.

Sections 1.13 and 1.14 of the NYCSP address the criteria for amendments to the Secondary Plan. Any general change in the boundaries, densities or heights will be preceded by a comprehensive review of this Secondary Plan, or of a major portion of this Plan. The policies discourage "ad hoc, site-specific amendments that are not consistent with basic principles of this Secondary Plan or that create uncertainty".

Site-specific amendments will be considered if "the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of this

Secondary Plan dealing with boundaries, land use, density, height or built form. However, the numeric limits contained in this Secondary Plan with respect to density, and the limits respecting height, will nonetheless be considered to be absolute." There are criteria for considering site-specific amendments for building height in Section 5.4.2, which include desired flexibility in built form, impact on surrounding neighbourhoods and meeting urban design objectives. However, with the considerations for site-specific amendments for height or addressing issues "minor in nature and local in scope" the plan reiterates: "Nothing herein will be interpreted or applied so as to encourage, facilitate or justify any increase in density beyond the limits specified in Section 3 of this Secondary Plan."

Land Use

The appropriate land use and land use mix is evaluated through its consistency with provincial polices and its implementation through municipal plans. The proposed land use change is not consistent with the NYCSP. The permitted uses in *Mixed Use Area* A are: commercial, institutional, public parks and recreational uses and transit terminals. Residential uses are not permitted. This application proposes a significant residential component which the planned framework did not contemplate at the Yonge and Sheppard intersection.

The NYCSP's policy to require non-residential land uses at key transit nodes has been reinforced by Council's adoption of OPA 231. These policies direct that major freestanding office buildings of 10,000 square metres or more of gross floor area, or the capacity for 500 jobs or more should be located in *Mixed Use Areas* and *Regeneration Areas* in the *Downtown and Central Waterfront* and *Centres* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station. The City's policy expands on the Growth Plan (2017) requirement (2.2.5.2) for major office in these locations. For density incentives, the NYCSP considers major office developments to be commercial or mixed use projects that provide new office space in excess of 15,000 square metres gross floor area (3.3.d). The proposed office gross floor area is 8,469.55 m².

The LPAT's determination of the appropriate land use or land use mix on this site will affect consideration of other planning issues such as built form, parkland dedication, housing mix, community service impacts, transportation requirements and parking supply.

Density

The applications to amend the Official Plan and Zoning By-law also propose to amend the existing density and gross floor area permissions. The current density limits in the Official Plan are 4.5 times the lot area (which results in 18,652 m²) with provisions for 33% of additional density through incentives up to a maximum of 5.98 FSI (which results in 24,809 m²). The as-of-right zoning by-law permits a maximum of 33,353 m² of gross floor area (8.04 FSI) and up to 6,065 m² in incentives (9.5 FSI).

While the *North York Centre* South is intended to have higher densities, the proposal for over 12 FSI represents double the NYCSP permission of 5.98 FSI and an overdevelopment of the site. The proposal exceeds both the density provisions of the NYCSP and the as-of-right permissions in the by-law for a commercial office building. This level of intensification is not contemplated in the NYCSP. While amendments to the plan are permitted if they are minor in nature and local in scope, the numeric limits contained in this Secondary Plan with respect to density, and the limits respecting height, are considered to be absolute (1.14). It is intended that distribution of densities assigned in the *North York Centre* will be strictly maintained to ensure that:

- a) appropriate redevelopment takes place;
- b) redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation; and
- c) the built form of redevelopment is compatible with the abutting stable residential community (1.10).

The proposed level of development is not appropriate for this site. While staff are cognizant of the as-of-right densities in the zoning by-law, there is no framework to exceed those permissions. The as-of-right density is also for a standalone office building that did not contemplate residential development. The servicing requirements for a mixed-use versus a single-use building differ and in particular with regards to office and residential, generate different travel patterns and infrastructure usage.

The densities of the North York Centre and their incentives were designed based on the available infrastructure and what would be required in the future to maintain a viable mixed-use centre. This framework for redevelopment and growth includes the provisions of the ring road, a strong employment node, servicing capacity and various community uses such as a community centre and child care facilities.

The density incentives eligible for this site through By-law 30687 included up to 6,065 m² through provision of a road widening, childcare facility, below grade concourse and street related retail. The 6,065 m² represents approximately 18% of the approved 1988 density eligible through incentives. The NYCSP policies on density transfers have been updated since 1988 and now include provisions for purchasing up to 33% through a combination of incentives and a monetary contribution. The applicant's proposal sets out 2,069.97 m² in eligible density incentives as per the NYCSP. The applicant's planning rationale does indicate the potential for a monetary contribution towards increased density. The NYCSP sets out that the amount of the monetary contribution will be equal to the market value of the gross floor area obtained through this incentive, which is a significant contribution at the proposed density levels. However, there is no explanation of a rationale or strategy of incentives for the significant excess density proposed above the limits permitted in the NYCSP.

Eligible incentives in the NYCSP have been also updated to include the connection of major office development to a transit terminal. This update was implemented in 2009 through Official Plan Amendment 90, adopted as a general amendment to the North York

Centre Secondary Plan to enable the monetary contribution for Section 37 density incentives to be offset by the cost of connecting major office developments to subway stations. If this proposal provided major office development, defined as commercial or mixed use projects that provide new office space in excess of 15,000 square metres gross floor area (3.3.d), there could be additional density incentives for connecting to the subway.

Significant density increases are not contemplated by the NYCSP and there is no framework or mechanism to approve 12.07 FSI within the current plan's approach and limits to density and density incentives. This proposal represents an ad hoc amendment to the plan which is discouraged. This proposal is not appropriate under the current framework.

Height

The maximum height for this site in the NYCSP is 100 m and 23 storeys in the site specific zoning by-law. While Policy 5.4.2 discourages site-specific amendments to the height limits shown on in the NYCSP, it sets out criteria for evaluating an increase in height. When considering an application for such an amendment, the City will be satisfied that the contemplated increase in height:

- a) is necessary to provide for desirable flexibility in built form;
- b) would have no appreciable impact on the residential amenity of properties within the stable residential area defined in Section 1.17; and
- c) meets the urban design objectives of Section 5, whereupon the provisions of Section 1.14 will be deemed to be satisfied.

This policy does not support increases in density and height beyond the plan permissions. The height increase proposed by the applicant needs to be further evaluated in the context of the land use permissions and associated built form. However, there have been height increases on sites around the Yonge and Sheppard intersection which have worked within the density of the NYCSP.

Built Form and Streetscape

The proposal does not meet the Official Plan and North York Centre Secondary Plan's objectives for built form. The determination of the land use, density and site program will shape the built form requirements. In its current form, staff have identified concerns with the following elements:

- Providing a strong public presence at the corner of a major intersection;
- Ensuring a continuous, generous canopy and 10 m setback on Yonge Street and Sheppard Avenue West (NYCSP 5.3.2.c);
- Streetscape improvements on Sheppard Avenue West, Bogert Avenue and Yonge Street, including continuation of the median and within the setbacks;
- Integration of TTC stairs/connection into the building (currently in Sheppard ROW);
- Average 750 sq m floor plate for the tower as per the Tall Buildings Guidelines; and

• Demonstration of the building's role as a part of designated view of the North York Centre Skyline in the OP and the NYCSP (5.2.f).

The applicant's proposal has a base building height which meets the NYCSP policies for 25 m. However, staff could support modifications to this policy for a proposal with increased base building height. Increased base building height could address land use issues and revisions to accommodate greater office uses. A higher base building is consistent and acceptable within the area context, provided the higher base building would meet the NYCSP requirements regarding articulation of the façade, street definition and setbacks for 60% of the streetwall.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 6,626.70 m2 or 243.77 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 290 m2.

The applicant is required to satisfy the parkland requirement through an on-site dedication of 290 m². The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan. Alternatively, Parks, Forestry and Recreation would be open to exploring the option of an off-site parkland dedication as per Section 415-26 C of the Toronto Municipal Code. Once an appropriate park block has been determined to the satisfaction of the General Manager, Parks, Forestry and Recreation, additional detailed comments and conditions will be provided.

Transportation and Parking

Policy 1.11 of the NYCSP addresses transit modal split and the capacity of infrastructure. It establishes a principal objective of this Secondary Plan to work towards reducing the reliance on the use of the automobile and attaining a high transit modal split, consistent with the *North York Centre* Parking Policy, and to ensure that development levels do not exceed the capacity of the infrastructure serving the *North York Centre*.

The current proposal has not adequately addressed the parking supply and does not demonstrate TDM measures to justify the proposed parking rates. Currently the Parking Study in the applicant's Transportation Impact Study is not acceptable and Transportation Services requires parking to be provided in accordance with the North York Centre Parking Policy. A mixed-use building is not contemplated here through the current planning framework and will require a more comprehensive strategy to address its impact on traffic and transit use.

Site organization and relationship to Bogert Avenue access are still outstanding issues for transportation and site access. The strategy for the landscaped median in the NYCSP is to provide minimal interruption of the traffic flow towards Highway 401 and improve pedestrian safety. The median on Yonge Street should be extended to the south of Bogert Avenue, while providing full site access from Bogert Avenue and Beecroft Road as per the NYCSP policies.

Site Servicing and Infrastructure Capacity

The application is proposing a density level above the permissions in the OP and zoning by-law which could have impacts on servicing capacity. As well, the site is within in a Basement Flooding Environmental Assessment (EA) Study Area. The applicant is required to address the Basement Flooding study in their Functional Servicing Report (FSR) and incorporate the findings as appropriate into the FSR. This identifies if any sanitary sewer upgrades are required (i.e. if there is adequate sewer capacity per City criteria) to facilitate the development of the proposal. The applicant's servicing analysis has not updated the basement flooding model to determine capacity to satisfy Toronto Water.

The proposed long term groundwater discharge to the storm sewer is indicated as required treatment to meet the Sewer Use By-Law Quality levels. Development Engineering has not received the proposed treatment system for Toronto Water-Environmental Monitoring and Protection review. This would need to be addressed prior to any LPAT Order because of potential impacts on sanitary capacity. If the treatment system cannot meet the storm quality limits then it may have to go to the sanitary sewer. This could increase the demands on sanitary capacity which would need further evaluation.

Policy 8.14 of the NYCSP addresses current capacity constraints that exist within the sewer system. In order to ensure that development does not exceed interim capacity allocations, any application for rezoning may be refused as premature if it cannot be demonstrated that the needed capacity in the sewer infrastructure can be provided upon occupancy.

Conclusion

The proposed changes in land use, increased density and additional height are substantial changes to both the existing zoning and North York Secondary Plan policies for this site. The proposal does not adequately support the *North York Centre* South as the primary location for employment in the *North York Centre*. It does not meet the Official Plan and Growth Plan policies for office to be located at major transit stations and the role of the North York Centre as an urban growth centre.

The in effect land use permissions and planning framework are in conformity with provincial policies and support the City's future employment needs. The North York Centre Secondary Plan has been successful in meeting larger policy goals to encourage a substantial amount of density near transit stations and the North York Centre has achieved its minimum density targets.

The applicant's planning rationale states that the proposed OPA is minor and satisfies the intent of the NYCSP policies. The applicant's consultant's opinion is based on their analysis that concludes that there is an oversupply of designated sites in the North York Centre to satisfy long-term non-residential demand. That analysis assumed that the remaining undeveloped or underdeveloped 0% residential or maximum 50% residential sites would develop at the maximum permission to meet future demand for office space. The risks to this assumption are that not all of the remaining sites are suitable for major office and the projected office growth and employment may not be reached. The NYCSP provides a strategy for mixed-use development in the North York Centre and protects sites for non-residential and office development through its land use designations and density limits.

The applicant's planning rationale also states that this proposal contributes to "needed inventory of residential sites that are very well located." There has been substantial residential development in the North York Centre and given that the density targets are achieved, and exceeded, there is no identified need for residential sites for growth.

The applicant's planning rationale maintains that "the OPA related to the use is minor in nature, local in scope and does not materially alter the provisions of the Secondary Plan." A similar approach is put forward for the other substantial changes to the NYCSP regarding density and height. These changes would "materially alter the provisions of the Secondary Plan" dealing with land use and density. While there are considerations for site-specific amendments for height or addressing issues "minor in nature and local in scope" the plan reiterates: "Nothing herein will be interpreted or applied so as to encourage, facilitate or justify any increase in density beyond the limits specified in Section 3 of this Secondary Plan."

These applications for amendments to the Official Plan and zoning by-law are not supportable because the proposed scale and land use mix are not appropriate and are not consistent with the City's planning framework and larger growth strategy.

CONTACT

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SIGNATURE

Joe Nanos, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan Attachment 2a: West Elevation Attachment 2b: East Elevation Attachment 2c: North Elevation Attachment 2d: South Elevation Attachment 3: Zoning Attachment 4: Official Plan Attachment 5: North York Centre Secondary Plan Attachment 6: Application Data Sheet





Attachment 2a: West Elevation



West Elevation

4800 Yonge Street

Applicant's Submitted Drawing

Not to Scale 03/09/2016

File # 16 118542 NNY 23 OZ







Attachment 2c: North Elevation

North Elevation

Applicant's Submitted Drawing

Not to Scale 03/09/2016

4800 Yonge Street

File # 16 118542 NNY 23 OZ

Attachment 2d: South Elevation

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South Elevation

Applicant's Submitted Drawing

Not to Scale 03/09/2016

4800 Yonge Street

File # 16 118542 NNY 23 OZ



Attachment 3:

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale Extracted 03/09/2016

RM6 Multiple-Family Dwellings Sixth Density Zone

Attachment 4: Official Plan



Site Location
Neighbourhoods
Mixed Use Areas

Parks & Open Space Areas

 Roads not currently shown on Land Use Map





Attachment 5: North York Centre Secondary Plan

Attachment 6: Application Data Sheet

Application Type Details		OPA and Rezoning Rezoning, Standard		Application Number: Application Dates:			16 118542 NNY 23 OZ November 12, 2015		
Details	Rezonni	g, Standard	7 tppn				oruary 19, 2016		
Municipal Address:	4800 YG	NGE ST							
Location Description:		4800 YONGE ST **GRID N2305							
Project Description:									
roject Description.	density a use, 4.5 commer square n	Proposal to amend the North York Zoning By-law 7625 regarding land use, density and height permissions. Currently the site is zoned for 100% commercial use, 4.5x FSI and 23 storeys under By-law 30687. The proposal is for 23% commercial. 12x FSI and 160 m with a 49 storey mixed use building 37,411.42 square metres of residential floor area with 536 dwelling units and 5 storeys of commercial at floors 1 through 5; and 5 storeys of below grade parking.							
Applicant:	Agent:						wner:		
SHERMAN BROWN					MENKES 4800 YONGE STREET INC				
PLANNING CONTROI	S								
Official Plan Designation: Mixed Use Are		Jse Areas	-	Site Specific Provision:					
Zoning:	C1	C1		Y Historical Status: N					
Height Limit (m):	23 storeys)	Site Plan Control Area:							
PROJECT INFORMAT	ION								
Site Area (sq. m):		4145.2	Height:	Storeys:	49				
Frontage (m):		62.71		Metres: 160					
Depth (m):		65.36							
Total Ground Floor Area	(sq. m):	p. m): 2865.03			Total				
Total Residential GFA (so	l. m):	m): 38412.14		Parking Spaces:					
Total Non-Residential GF m):	A (sq.	11559.91	Loading Docks 4						
Total GFA (sq. m):		50,012.52							
Lot Coverage Ratio (%):		69.1							
Floor Space Index:		12.07							
DWELLING UNITS		FLOOR A	AREA BREA	KDOWN (upon p	roject c	ompletion)		
Tenure Type:	Condo			А	bove G	Frade	Below Grade		
Rooms:			GFA (sq. m):		38412.14		0		
Bachelor:	0 Retail GFA ((sq. m):		413.71		0		
1 Bedroom:	326	326 Office GFA (sq. m):		84	8469.55		0		
2 Bedroom:	167	Industrial GFA (sq. m):		0			0		
3 + Bedroom:	4	Institutiona	Institutional/Other GFA (sq. m):				0		
Total Units:	497								
CONTACT: PLAN	NER NAMI	E: Allison Mei	istrich, Senio	r Planner					
TELEI	PHONE:	(416) 395-7	127 EMA	AIL: ameis	str@to1	ronto.c	a		