

5294-5304 & 5306 Yonge Street – Official Plan Amendment & Zoning Amendment, Applications – Request for Directions Report

Date: May 30, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 23 - Willowdale

Planning Application Number: 17 218341 NNY 23 OZ

SUMMARY

This application proposes to amend the Official Plan and zoning by-law to permit a thirty-three storey residential building with retail on the ground floor at 5294-5304 and 5306 Yonge Street. The proposed building would have a height of 103.5 metres (excluding the mechanical penthouse) and a gross floor area of 24,375 square metres. The gross floor area would result in a Floor Space Index (FSI) of 9.61 times the area of the lot. A total of 334 vehicular parking spaces are proposed underground.

The applicant has appealed the applications for amendments to the Official Plan and zoning by-law to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*.

This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the LPAT hearing in opposition to the Official Plan and zoning by-law amendment applications. The proposal does not constitute good planning and is not in the public interest.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan and Zoning By-law Amendment applications in their current form.
2. Should the Local Planning Appeal Tribunal approve the zoning by-law amendment and/or Official Plan amendment applications, City Council authorize the City Solicitor to request that the Local Planning Appeal Tribunal withholds its Order(s) approving the application(s) until such time as:

- a. The Local Planning Appeal Tribunal has been advised by the City Solicitor that the proposed Official Plan and zoning by-law amendments are in a form satisfactory to the City;
 - 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. The City Solicitor confirms that the owner has provided a Functional Servicing and Stormwater Management Report and a Geohydrology Report, acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d. 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 and Stormwater Management Report, and Geohydrology 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 and Stormwater Management Report, and Geohydrology Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - e. The City Solicitor confirms that the implementation of the Functional Servicing and Stormwater Management Report and Geohydrology 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. Should the Local Planning Appeal Tribunal approve the application, City Council direct the City Solicitor to advise the Board that the zoning by-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner in consultation with the applicant and the ward councillor.
 4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant, in consultation with the local councillor, to address the issues outlined in this report and to report back to City Council on the outcome, including proposed Section 37 contributions relating to any revised proposal, as appropriate.
 5. City Council determine that, in the event that the proposal in some form is approved by the LPAT, City Council require an on-site parkland dedication of 249 square metres fronting onto Yonge Street, pursuant to Section 42 of the *Planning Act*, be required to be conveyed to the City as described and set out in this report.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject lands are part of a lot consolidation consisting of 5294-5304 Yonge Street and 5306 Yonge Street. While 5294-5304 Yonge Street has not had any recent planning applications, several have been made for 5306 Yonge Street. The previous planning applications for 5306 Yonge Street have been minor variances for additions to the existing building and for the creation of easements for pedestrian and vehicular access for the properties known as 5308, 5310, 5312, 5314 and 5318 Yonge Street.

A pre-application consultation meeting was held March 29, 2017 with the applicant to provide initial feedback on the proposal and to discuss complete application requirements. Staff raised concerns regarding a number of issues including the proposed height and density.

ISSUE BACKGROUND

Proposal

The applicant has filed an application to amend both the Official Plan and the zoning by-law to permit the construction of a thirty-three storey mixed-use building. The ground floor would contain retail uses while the remaining floors would be residential units. The overall gross floor area of the building would be 24,375 square metres, with a Floor Space Index (FSI) of 9.61 times the area of the lot. The retail portion of the building would be 599 square metres. The building would have a height of 103.5 metres (109.5 metres including a six metre tall mechanical penthouse).

The building is massed to have a base building and a tower element. The base building would be two- and three-storeys along Yonge Street and one-storey along Canterbury Place. The ground floor would have a height of 6.5 metres and have two retail units and an entrance along Yonge Street. Facing Canterbury Place would be a pedestrian entrance to the residential component of the development, access to the proposed loading space and the vehicular entrance to the below-grade parking. At the Canterbury Place pedestrian entrance the applicant is proposing a vehicular pick-up/drop-off area. The base building would have a front yard setback of approximately five metres along Yonge Street and a front yard setback in excess of fifteen metres along Canterbury Place.

The proposed tower element contains the remaining floors, four to thirty-three. The building steps back from Canterbury Place above the nineteenth storey. The floor plate of the tower is approximately 737 square metres up to the nineteenth floor and 677 square metres for levels twenty and higher. The setbacks of the tower are:

North: 12.5 metres for the majority of the building but as close as 2.94 metres from the lot line of 25 Canterbury Place.

- South: 7.63 metres for approximately half of the tower nearest Yonge Street and 12.5 metres for the western half of the tower.
- East: 8.7 to 9.6 metres.
- West: A minimum of 15.6 metres.

A total of 328 residential units are proposed. The breakdown of unit types is:

One-Bedroom:	265	(81%)
Two-Bedroom:	62	(19%)
Three-Bedroom:	1	(0.3%)

Both indoor and outdoor amenity space for the residents is proposed on the second floor of the building. A total of 503 square metres of interior amenity space would be provided and connected to 716 square metres of outdoor amenity space.

Parking would be provided in six levels of underground parking which would be accessed from Canterbury Place. A total of 334 vehicular parking spaces would be provided, of which 295 would be for residents, thirty-four for visitors and five for the retail portion of the building. One Type 'G' loading space, located at-grade, would be accessible from Canterbury Place.

The applicant is also proposing 351 bicycle parking spaces. A total of 338 bicycle parking spaces would be for the residential portion of the building and located on the first level below-grade. Of the residential spaces, 302 would be residents and thirty-six would be for residential guests. An additional thirteen bicycle parking spaces would be provided for the retail component of the building: eight below-grade and five visitor spaces outside along the Yonge Street frontage.

Site and Surrounding Area

The site has two municipal addresses and is located on the west side of Yonge Street. It is located between Sheppard Avenue and Finch Avenue, just north of Eglerslie Avenue. The site is currently developed with a two-storey commercial plaza (5294-5304 Yonge Street) and a one-storey commercial building (5306 Yonge Street).

The lot known as 5294-5304 Yonge Street is a "through lot" and the site therefore has frontage on both Yonge Street and Canterbury Place. The site has a Yonge Street frontage of approximately forty-one metres and a Canterbury Place frontage of approximately thirty-one metres. Overall, the site area is approximately 2536 square metres.

Surrounding land uses include:

- North: One-and two-storey "main street" mixed use buildings.
- South: Seventeen-storey mixed use building.

- East: Yonge Street with one- and two-storey mixed used buildings on the east side of the street.
- West: Canterbury Place with Toronto Police Services 32 Division, Toronto Fire Station 114 and Toronto EMS Station 22 on the west side of the street. Abutting the site to the northwest is a three storey residential building.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (PPS) 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement.

Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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 identifies a number of areas in the province as *urban growth centres*, one of which is North York Centre which the subject site is located within. *Urban growth centres* are regional focal points for accommodating population and employment growth. The Growth Plan states that "revitalization of these areas as meeting places, locations for cultural facilities, public institutions, and major services and transit hubs with the potential to become more vibrant, mixed-use, *transit-supportive* communities is particularly important.

As a focal area for investment and growth, the Growth Plan includes minimum density targets for *urban growth centres*, in the case of North York Centre a minimum of 400 residents and jobs combined per hectare.

Section 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve the minimum intensification target which will:

- a) encourage *intensification* generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;

- d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

The subject site is designated a Centre on Map 2 – Urban structure in the Official Plan. The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur.

The Plan outlines how growth is to be directed towards areas with supporting infrastructure and how development is to provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby development. The

Official Plan directs growth to the *Downtown*, the *Centres*, *Avenues*, and *Employment Districts*.

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;
- j) set out the location, mix and intensity of land uses within the *Centre*;
- l) support the potential growth within the *Centre* and protect adjacent *Neighbourhoods* from encroachment of larger scale development by:
 - i) establishing firm boundaries for the development area;
 - ii) ensuring an appropriate transition in scale and intensity of activity from within the *Centre* to surrounding *Neighbourhoods*; and
 - iii) connecting the *Centre* with the surrounding City fabric through parks, trails, bikeways, roads and transit routes.

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.

The Official Plan designates the site, on Map 16, as *Mixed Use Areas* which provides for a broad range of uses. Development in these areas will provide a balance of high quality commercial, residential and institutional uses. These uses should reduce automobile dependency and meet the needs of the local community. It is expected that *Mixed Use Areas* will absorb a large amount of the expected growth within the city however not all areas will experience the same scale or intensity of development. The Official Plan also contains policies respecting built form, transportation and the public realm.

Map 2 of the Official Plan identifies this segment of Yonge Street as an *Avenue*. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities which improve the pedestrian environment, streetscape, shopping opportunities and transit service for community residents. Canterbury Place is not an *Avenue*.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the city can fit harmoniously within the existing area. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the buildings and the use of setbacks and stepbacks of building mass.

Section 3.2.3 of the Official Plan deals with Toronto's system of parks and open spaces. The policies seek to maintain, enhance and expand the system as a necessary element of city-building. The policies further identify the rate at which parkland dedication should be calculated. Further, the Section provides guidance on the location and configuration a dedicated park should take.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the Planning Act for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The proposal has a Gross Floor Area of 24,375 square metres and proposes a height beyond what is permitted.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

North York Centre Secondary Plan

The site is located within the North York Centre Secondary Plan Area (NYCSP). The *North York Centre* is intended to be multi-use in character, containing a wide range of uses including office, retail, service, institutional, hotel, entertainment, residential and open spaces. While *North York Centre South* is the preferred location for cultural and government uses, they are not precluded from *North York Centre North*.

The site is located in the *North York Centre North* area which is generally intended to be a predominantly residential area but with a significant commercial node in the vicinity of the Toronto Transit Commission's Finch Station at Finch Avenue and Yonge Street. It is intended that street oriented commercial uses and other uses contributing to the animation of the street should be located on lands abutting arterial roads. Open space, recreational and community related uses such as schools, places of worship, day nurseries and other social facilities should be located throughout *North York Centre North*.

Map 8-4 of the NYCSP identifies the site as being within the *Mixed Use Areas G* designation. The permitted uses in *Mixed Use Area G* are: commercial, institutional uses that are not predominantly offices, residential, public parks and recreational uses. The total of all commercial uses on the site shall not exceed twenty percent of the maximum permitted gross floor area.

On the west side of Canterbury Place, the lands are also within the NYCSP and are designated *Mixed Use Area H*. In this designation the permitted uses are institutional uses that are not predominately offices, residential, public parks and recreational uses.

The NYCSP contains policies which require private indoor amenity space for residential buildings. A building should provide a minimum of 1.5 square metres per dwelling unit of private indoor amenity space. This private indoor amenity space may be exempted from the calculation of density as provided in Section 3.3 of the NYCSP. In this instance, the applicant is proposing 328 residential units and as such the policy requires a minimum of 492 square metres of private indoor amenity space.

Residential development within the NYCSP with more than one hundred units must provide a minimum of 1.5 square metres of outdoor amenity space per dwelling unit, in this case 492 square metres. Policy 6.7(b) requires the outdoor amenity space to be located at grade and to incorporate outdoor play areas and passive recreational areas for the use of and benefit of the residents of the development.

Within the NYCSP, it is intended that there is a variation in maximum permitted densities, with the highest densities served well by rapid transit. The southern portion of the *North York Centre North* will develop at lower densities than the areas better served by transit. Policy 1.10 outlines the intent of the NYCSP is 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.

On this site the NYCSP permits a maximum density of 3.75 times the lot area. The Secondary Plan allows for density transfers and incentives which may allow a development to be higher than that shown on Map 8-7 of the Secondary Plan, up to a maximum increase of thirty-three percent. In the *North York Centre North* density may only be transferred to a receiving site which is within the *North York Centre North* and which is on the same side of Yonge Street and Finch Avenue as the donor site.

Policy 4.3 of the Secondary Plan states that development within the Plan area is to be managed "within the existing and planned transportation system" discussed in Section 4.2 of the Secondary Plan. Therefore, to indicate the projected long range limits to growth within the Plan area, Long Range Development Levels are set out in Figure 4.3.1 of the Secondary Plan. These levels represent the anticipated level of development associated with the land use and density designations of the Secondary Plan. The policies state that no zoning by-law or holding by-law may be enacted that would permit the gross floor areas in the Secondary Plan from being exceeded. The Long Range Development Levels in the Secondary Plan are as follows:

	North York Centre North	North York Centre South	Total
Residential GFA	1,550,000 m ²	1,665,098 m ²	3,215,098 m ²
Non-residential GFA	540,000 m ²	1,356,586 m ²	1,896,586 m ²
Total	2,090,000 m ²	3,021,684 m ²	5,111,684 m ²

In order to implement the goals and objectives of the Secondary Plan, the NYCSP establishes maximum building heights, in particular to:

- a) protect stable residential areas adjacent to the North York Centre;
- b) provide for appropriate transitions in height between the highest intensity areas along Yonge Street and the residential communities outside the Centre;
- c) encourage the highest intensity developments along Yonge Street and in the vicinity of the subway stations, with the highest buildings along Yonge Street in the *North York Centre* South, generally north of Sheppard Avenue and near the Highway 401 interchange on the east side of Yonge Street; and
- d) achieve a comfortable human scale and sense of spatial enclosure along the primary pedestrian streets in the *Centre*.

For the subject site, a maximum height of eighty-seven metres above grade is permitted.

Site-specific amendments to the height permissions in the NYCSP are discouraged. Policies 1.13 and 1.14 address amendments to the NYCSP. General changes in the boundaries, densities or heights of the *North York Centre* North will be preceded by a comprehensive review of the Secondary Plan, or of a major portion of the Plan. The NYCSP discourages ad hoc, site-specific amendments that are not consistent with basic principles of the Secondary Plan or that create uncertainty. The NYCSP, in Policy 1.14 states that the numeric limits in the Plan "with respect to density, and the limits respecting height, will nonetheless be considered to be absolute". In considering proposed site-specific amendments to the 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 the Secondary Plan dealing with boundaries, land use, density, height or built form. In dealing with such site-specific amendments, the City will further be satisfied that the traffic certification requirements of the Secondary Plan are satisfied and that the amendments do not adversely impact stable residential areas.

The NYCSP includes urban design policies and guidelines to help shape the character of new development and of public spaces. These support the development of an

attractive and vibrant pedestrian environment; address the provision and evaluation of sun and shadow on public streets; address wind conditions; and improving pedestrian and cycling connections in the *North York Centre*.

The North York Centre Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is currently zoned General Commercial Zones (C1) by former City of North York Zoning By-law 7625. This zone permits a range of commercial and institutional uses. Residential uses which are permitted in the One-family Detached Dwelling Fifth Density Zone (R5) and the Multi-family Dwellings Fifth Density Zone (RM5) are also permitted. This includes detached dwellings, multiple attached dwellings and apartment house dwellings.

The site is not subject to City of Toronto Zoning By-law 569-2013. By-law 569-2013 is available at <http://www.toronto.ca/zoning>.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Site Plan Control

An application for Site Plan Control under Section 114 of the *City of Toronto Act* and Section 41 of the *Planning Act* is required, however no application has been submitted.

Tree Preservation

The Official Plan contains policies which seek to increase the City's tree canopy coverage from seventeen to between thirty and forty percent; the planning of large growing shade trees on both public and private lands should be an important objective for all development projects and must be considered integral to the design, planning and construction stages of development. It is expected that retention and appropriate protection of existing trees will be considered when evaluating a development proposal.

The submitted arborist report identifies three trees within the boulevard and three trees on the abutting lands to the north (5308 Yonge Street) which are subject to the City's tree by-laws. No trees on the subject site have been identified as subject to the City's tree protection by-laws. The report, which recommends removal of all six trees, has been circulated to Urban Forestry for review.

Toronto Transit Commission

The subject site is located approximately half way between the North York Centre and Finch Toronto Transit Commission (TTC) subway stations. According to the applicant, the proposed building would be located sixteen metres west of the existing subway tunnel.

The application has been circulated to the TTC for their review and comments.

Toronto Green Roof By-law

On May 26, 2009 City Council adopted the Green Roof By-law (By-law 583-2009) which created Chapter 492 of the Municipal Code. The by-law requires new buildings to provide a green roof if a new residential development has a gross floor area of 2000 square metres or greater and a height of greater than 6 storeys.

By-law 583-2009 can be found here:

<http://www.toronto.ca/legdocs/bylaws/2009/law0583.pdf>.

Reasons for Application

The application to amend the Official Plan is required as the proposal does not meet the policies of the North York Centre Secondary Plan. The applicant seeks to amend a number of policies including the maximum height and density limits and to modify the location in which the required outdoor amenity space is provided. The applicant is proposing the outdoor amenity area on the second floor rather than at grade as required by the Secondary Plan.

The application to amend former City of North York Zoning By-law 7625 is required as the proposed development does not meet the existing development standards. In particular, the applicant is proposing to amend the maximum permitted height and density in the by-law.

Application Submission

The following reports/studies were submitted in support of the application:

- Planning Rationale
- Stage 1 Archaeological Assessment
- Functional Servicing and Stormwater Management Report
- Arborist Report
- Shadow Study
- Pedestrian Level Wind Assessment
- Noise and Vibration Feasibility Study
- Geotechnical Report
- Urban Transportation Considerations Report
- Geohydrology Assessment
- Toronto Green Standard Checklist

A Notification of Complete Application was issued on September 5, 2017.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS and the Growth Plan are high-level and broad reaching documents. The City is a development area, the site is within an *urban growth centre* and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area and availability of infrastructure and public service facilities that meet projected needs.

Both the PPS and Growth Plan identify official plans as the way to implement the broad policy goals of building complete communities, appropriate mix of uses and efficient land use and development patterns to support sustainability by promoting strong, livable, healthy and resilient communities. Provincial policies that support and require implementation through official plans include:

- 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 Growth Plan contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development however, does not conform with Section 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development.
- Policy 2.2.2.4 f) states that intensification is implemented through official plan policies and designations, updated zoning and other supporting documents. The City has implemented this requirement through the adoption of a number of Official Plan and NYCSP policies; and
- In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of Official

Plan policies, NYCSP Policies and design guidelines including the Tall Building Guidelines.

The proposed development is not consistent with the PPS and does not conform to the Growth Plan because the proposal's scale of development does not meet the implementing policies and guidelines in the Official Plan, NYCSP and Tall Buildings Guidelines.

The PPS supports the planning for densities and a mix of land use and the identification of appropriate locations and promote opportunities for intensification and redevelopment in Policies 1.1.3.2 and 1.1.3.3. This needs to account for the availability of suitable existing or planned infrastructure. As well, the transportation strategies in the PPS include support for active transportation and the use of Transportation Demand Measures. The proposal's increase in density has not adequately addressed these infrastructure issues and transportation strategies.

The Growth Plan sets out the framework for the planning of *urban growth centres*. *Urban growth centres* are key areas for population and employment growth as per the PPS and Growth Plan policies (Policy 2.2.3.1d) and the Official Plan policies (Policy 2.2.2.2a). Policies contained within the NYCSP have achieved the Official Plan's minimum gross density targets of 400 jobs and residents per hectare in the North York Centre for an *urban growth centre* as delineated in the Growth Plan.

The NYCSP 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. 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 PPS promotes healthy, active communities through planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Policies 1.5.1;1.1.3.2.a.4). This is also achieved through planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, and open space areas (Policy 1.5.1). The proposal does not provide a public park and does not address opportunities to improve pedestrian connections and active transportation.

Density, Height, Massing

The role of a Secondary Plan is to provide a more detailed planning framework to implement the PPS, Growth Plan and the objectives of the Official Plan. The applicant is proposing densities and heights of a scale not contemplated for the site by the Secondary Plan.

The applicant is seeking a greater height and density than what is permitted in the NYCSP. Site-specific amendments to the height permissions in the NYCSP are

discouraged by the plan. When an application to amend the height provisions is made, the City will be satisfied that the 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 of the NYCSP;
and
- c) meets the urban design objectives of the NYCSP.

With regards to the maximum density permitted on a site, the Secondary Plan states, in Policy 3.2(b), that the City will in no event approve a development proposal that:

- i) exceeds the amount of actual floor space that can reasonably be accommodated in conformity with applicable policies of this Secondary Plan; and
- ii) 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.

The Secondary Plan does provide some flexibility on permitted density by allowing applicants to increase the density beyond that shown on Map 8-6 and 8-7 of the Plan. Section 3.3 provides for Density Incentives above the maximum densities permitted, however Section 3.2 sets a maximum increase above those limits of thirty-three percent. The Secondary Plan specifically states that "in no event will the City approve a development proposal" that exceeds this limit. The applicant is proposing a density of 9.61 times the area of the lot rather than the permitted 3.75 times the area of the lot plus incentives, to a maximum of 4.98, while other towers in the area comply with the density permissions. Introducing densities of this level not contemplated by the NYCSP may have negative cumulative impacts on the City's infrastructure.

Policy 1.10 states that it is intended that the distribution of densities assigned in the *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 sewage, roads and public transportation; and
- c) the built form of redevelopment is compatible with the abutting stable residential community.

The applicant has not demonstrated that the additional height is necessary to provide flexibility in built form. Flexibility in built form may easier be accomplished within the height permissions in the Secondary Plan.

The proposed building height is greater than that of other buildings in the immediate area and does not support the overall hierarchy of tall buildings within the NYCSP area; the tallest buildings should be located at the subway stations. The residential building to the south is only seventeen storeys and two buildings to the northwest are eighteen storey buildings. The building height should be lower to be in keeping with the gradual reduction in heights further away from subway stations. This would reinforce the broader city structure and respect and integrate with the height, scale and character of neighbouring buildings. The proposed height also creates shadowing on the adjacent neighbourhoods which are greater than that of tall buildings closer to the *Neighbourhoods* boundary.

Further, the Secondary Plan specifically states that the height of a building "will not be interpreted or applied so as to encourage, facilitate or justify any increase in density" beyond that identified in the Plan. The policies of the Secondary Plan do not allow additional height as a reason for additional density beyond that permitted.

Policies 1.13 and 1.14 address amendments to the NYCSP. General changes in the boundaries, densities or heights of the *North York Centre North* will be preceded by a comprehensive review of this Secondary Plan, or of a major portion of the Plan. The NYCSP discourages ad hoc, site-specific amendments that are not consistent with basic principles of the Secondary Plan or that create uncertainty. The applicant has not completed a comprehensive review of the Secondary Plan or major portion of it to justify why the proposed heights and densities are appropriate. Policy 1.14 states that the numeric limits of both height and density contained in the Secondary Plan should be considered to be absolute and the applicant has not demonstrated why the existing limits are not appropriate and should be increased.

The City's Tall Building Guidelines require minimum separation between towers and setbacks of 12.5 metres from a property line to ensure an abutting site may also develop with a tower. The proposed tower setback of 7.6 metres from the south side lot line is not appropriate and the proposed tower separation from the abutting tower to the south is not appropriate as it does not meet the minimum 25 metre separation distance. The proposed separation distance from the existing two storey building to the northwest is also insufficient and does not provide the required 12.5 setback. As such, the tower location is not appropriate on the subject site.

A Block Plan, between Churchill Avenue and Eglinton Avenue would allow for a review of potential lot consolidation. An appropriate lot consolidation of the subject site and adjacent sites to the north may allow for an appropriate development on the site. Consolidation would allow for an increased site area to provide appropriate building setbacks and tower separation, decreased overall density and a public park.

Streetscape and Massing

The proposed relationship to Yonge Street is not appropriate as it is not consistent with the existing and planned pattern of buildings which are sited parallel to Yonge Street. The proposed staggered building at grade along Yonge Street does not support a coherent streetscape and does not fit within the context. The NYCSP contains policies

which require a four metre setback from Yonge Street. This is done to ensure a consistent building setback, a consistent build-to line and a ten metre wide publicly accessible boulevard along Yonge Street, rather than the inconsistent setback proposed which varies from 3.8 metres to approximately 5 metres. By encroaching into this setback, the proposed building will disrupt this planned character of Yonge Street and as such the proposed setbacks are not appropriate.

The stepped building base varies in height and does not contribute to a consistent streetwall along Yonge Street. Further, the lowest portion does not meet the NYCSP policies for minimum base building height and should be greater to provide appropriate framing of Yonge Street. Policy 5.3.2(h) requires any buildings within 10 metres of the build-to line to be 8 to 25 metres in height rather than the 6.5 metres proposed for the building base.

The proposed pedestrian connection at the south end of the site is too narrow to support landscaping with planters, necessary to create a pleasant pedestrian environment. The 3.9 metre setback should be increased to a minimum of 5 and ideally 6 metres in order to provide the necessary space for planters and creating a pedestrian friendly environment.

The NYCSP contains policies in Section 6 with requirements for outdoor space, including outdoor private amenity space in Policy 6.7. The proposed development does not provide at grade, outdoor amenity space as required by the Secondary Plan. Rather, the applicant is proposing space on the second floor above grade which is not in keeping with the intent of the plan to create open, usable space at grade.

Open Space/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 Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1000 people. The site is in the middle 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. Chapter 415 of the Municipal Code can be found here: http://www.toronto.ca/legdocs/municode/1184_415.pdf.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Municipal Code, the parkland dedication requirement is 4373.3 square metres or 176.79 percent of the site area. However, for sites that are less than one hectare in size, a cap of ten percent of the development site is applied to the residential use while the non-residential use is subject to a two percent parkland dedication. In total, the parkland dedication requirement is 249 square metres or 9.8 percent of the net site area.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to be 249 square metres and located on the northern portion of the site with frontage onto Yonge Street. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan.

The current proposal submitted to the City proposes to provide cash-in-lieu of an on-site parkland dedication. This is not appropriate and the plan must be modified to provide the dedication in the location described above.

Public Art

There is no public art proposed as part of the development. One of the Urban Design objectives of the NYSCP is to encourage public art to be provided on both City and privately owned land as part of redevelopment projects. This proposal is of a scale where public art is typical and appropriate. The proposal should include public art.

Transportation

Yonge Street is identified as a major street in the Official Plan with a right-of-way of thirty-three metres, A widening of 2.7 metres is required for the portion of the development on the lands known as 5306 Yonge Street which the applicant is not proposing.

The NYSCP contains parking requirements for developments within its boundaries. In this instance a total of 332 parking spaces are required including 32 for residential visitors and 5 for the retail component. The proposed development would have 334 parking spaces meeting the NYSCP requirements.

The PPS includes transportation strategies to support active transportation and the use of Transportation Demand Measures. The applicant has not undertaken an analysis to demonstrate what the cumulative impact of the proposed density would have on transportation infrastructure should similar soft sites in the NYSCP propose densities at a similar level as proposed by this application. As such, the proposal's increase in density has not adequately addressed these infrastructure issues and transportation strategies.

Servicing

Engineering and Construction Services have reviewed the submitted materials and have outstanding concerns as outlined in their memorandum of October 10, 2017, including concerns with regards to servicing and stormwater management. At this time the City requires more information regarding storm water runoff, sanitary flow and water supply demand resulting from the proposed development and whether the existing municipal infrastructure is adequate to support the proposal.

Furthermore, the applicant has not undertaken an analysis to demonstrate what the cumulative impact of the proposed density would have on servicing infrastructure should similar soft sites in the NYSCP propose densities at a similar level as proposed by this application.

Community Services and Facilities Assessment

Section 10.5 of the NYSCP requires an applicant to enter into an agreement under Section 37 of the *Planning Act* concerning the transfer of density described in Section 3.4 of the Secondary Plan and for the provision of matters qualifying for incentives as described in Section 3.3 of the Secondary Plan. As per Section 10.5 of the NYSCP, the

policies of the Official Plan are not to be interpreted as encouraging site specific amendments to exceed the height and density limits of the prevailing NYCSP.

The NYCSP contains density incentives for the provision of specific uses and facilities similar to Section 37. This would permit a density greater than would otherwise be permitted in accordance with Maps 8-6 and 8-7. These incentives, outlined in Policy 3.3, include things such as bicycle parking, pedestrian connections to a transit terminal and street related retail. However, this is capped at an increase of 33 percent over what is shown on Maps 8-6 and 8-7. The proposed density is greater than that permitted by the increases permitted by Policy 3.3 and as such Section 37 is appropriate for the density in excess of what would be achieved through this policy.

The Community Services and Facilities Study submitted by the applicant concludes that "the proposed development is not expected to significantly impact the demand on community services and facilities in the area area". It further states that "the community services and facilities in the study area could accommodate the proposed development and residential population" and as a result does not highlight any facilities which need improvements. Planning staff do not concur with the study conclusions.

However, if the LPAT approves a height and density beyond that permitted in the NYCSP, additional community benefits should be secured. As per Section 3.3, the monetary contribution secured should be equal to the market value of the gross floor area obtained. On a preliminary basis, some of the community needs to which a Section 37 contribution could be directed include:

- Affordable housing to support the City's and Growth Plan's housing policy objectives;
- A need for additional daycare space, especially for infants and toddlers;
- Improvements to Mitchell Field Community Centre and the Douglas Snow Aquatic Centre; and/or
- Support the delivery or new and emerging services of the Toronto Public Library, including upgrades to the technology infrastructure to North York Central Library in conjunction with the capital project that is currently underway.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Official Plan and the NYCSP. Section 4.7 of the PPS recognizes and acknowledges that the most important method of implementing the policies contained in the PPS is a municipality's Official Plan, which guides the method of intensification and where it should be focused.

The NYCSP provides more detailed local development policies to guide growth and change within the *Centre*, has been successful in meeting larger policy goals to encourage a substantial amount of density near transit stations and has exceeded the minimum density targets in the Growth Plan. While this site is appropriate for residential intensification, the proposal, in its current form, is an overdevelopment of the site. Staff are of the opinion a more comprehensive plan can be achieved through the acquisition of additional land together with a reduction in density and further review of building height, density, site organization, massing and parks and open space.

There is no rationale or density incentive strategy proposed for the significant excess in density and potential development pressures on the existing infrastructure and public services. The proposed intensification represents an overdevelopment of the site, is not in keeping with the objectives of the Official Plan and the NYCSP and would be a precedent for other similar sites in the NYCSP. This development may also limit the future redevelopment potential of adjacent lots, limiting the ability to achieve more comprehensive planning in the area to ensure future redevelopment meets requirements for open space, parkland, built form and public realm relationships.

The applications to amend the Official Plan and zoning by-law are not supportable. The proposal is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not meet the Official Plan and NYCSP, including policies regarding density, height, and provision of parkland and open space. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council direct the City Solicitor, together with appropriate staff, to attend the LPAT hearing in opposition to the applications.

CONTACT

Guy Matthew, Senior Planner, Tel. No. (416) 395-7102, Fax No. (416) 395-7155,
E-mail: guy.matthew@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: North York Centre Secondary Plan Maps
- Attachment 5: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 6: Site Plan/Draft Plan of Subdivision
- Attachment 7: Elevations

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	17 218341 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 17, 2017
Municipal Address:	5294-5304 & 5306 YONGE STREET		
Location Description:	CON 1 WY PT LOT 19 **GRID N2302		
Project Description:	OPA and rezoning to permit a 33 storey residential building with 328 units and 599 m2 of retail at grade. A total of 334 parking spaces would be provided.		

Applicant:	Agent:	Architect:	Owner:
Devine Park LLP 250 Yonge Street Toronto, ON	Devine Park LLP 250 Yonge Street Toronto, ON	Scott Shields Architects 24 Mercer Street Toronto, ON	5300 Yonge GP Ltd 100 Davenport Road Toronto, ON

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	By-law 7625: C1	Historical Status:	N
Height Limit (m):	9.2	Site Plan Control Area:	Y

PROJECT INFORMATION

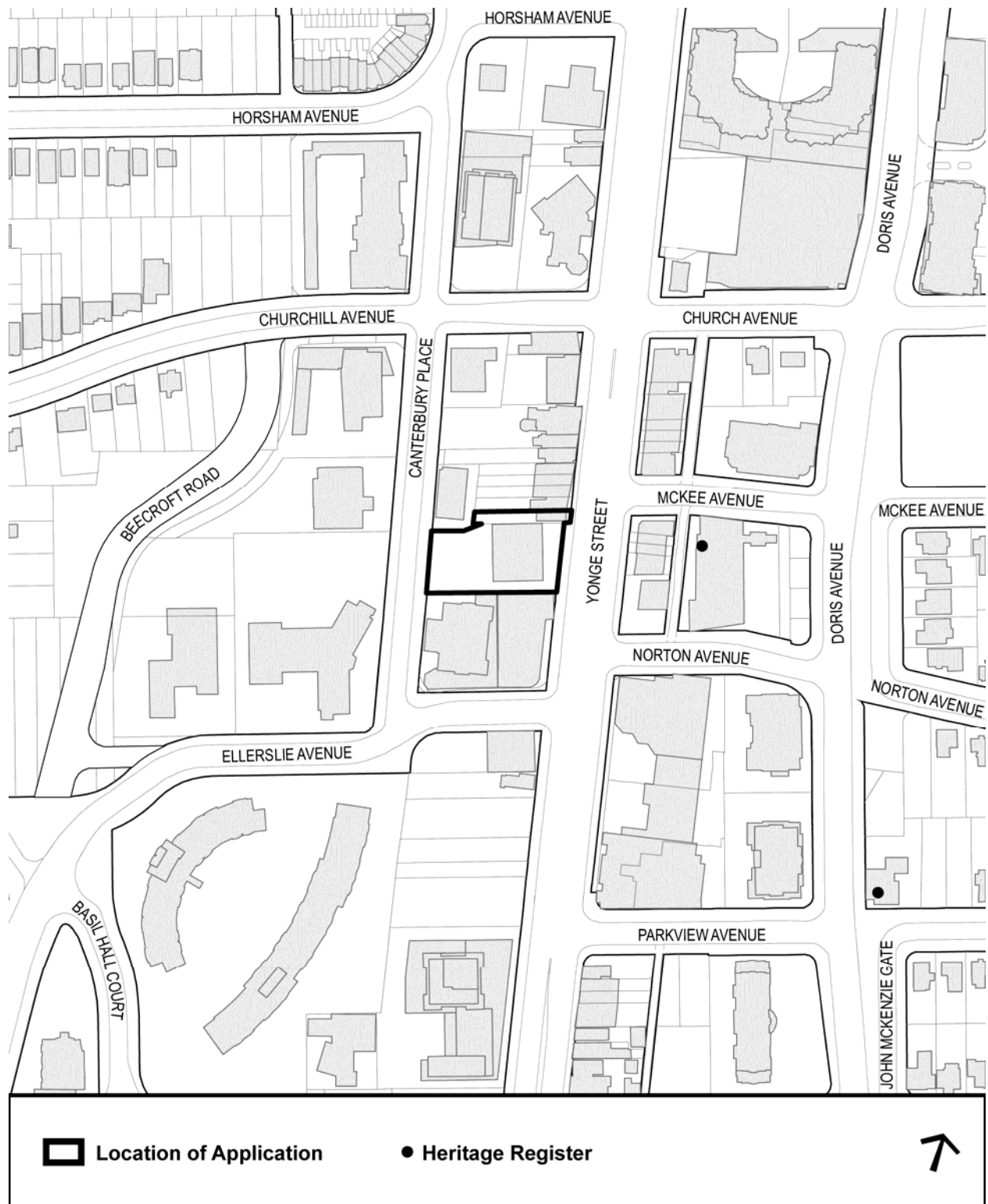
Site Area (sq. m):	2536.04	Height:	Storeys:	33
Frontage (m):	41.29		Metres:	109
Depth (m):	67.35			
Total Ground Floor Area (sq. m):	1260.31			Total
Total Residential GFA (sq. m):	23775.81		Parking Spaces:	334
Total Non-Residential GFA (sq. m):	599		Loading Docks	1
Total GFA (sq. m):	24374.81			
Lot Coverage Ratio (%):	49.7			
Floor Space Index:	9.61			

DWELLING UNITS

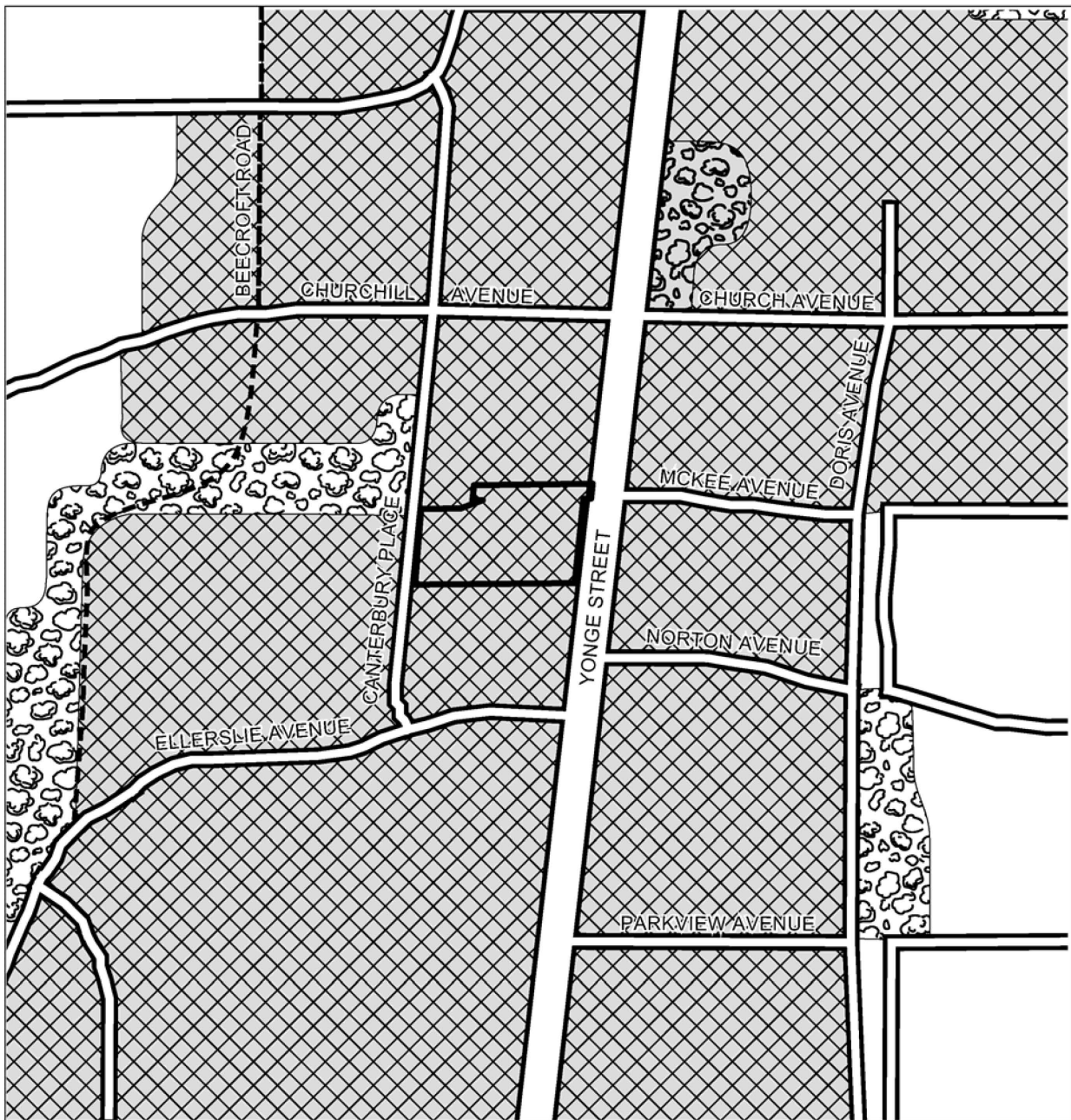
DWELLING UNITS		FLOOR AREA BREAKDOWN (upon project completion)		
Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	23775.81	0
Bachelor:	0	Retail GFA (sq. m):	599	0
1 Bedroom:	265 (81%)	Office GFA (sq. m):	0	0
2 Bedroom:	62 (19%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1 (0.3%)	Institutional/Other GFA (sq. m):	0	0

Total Units: 328
CONTACT: PLANNER NAME: Guy Matthew, Senior Planner
TELEPHONE: (416) 395-7102
EMAIL: Guy.Matthew@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Extract from Official Plan

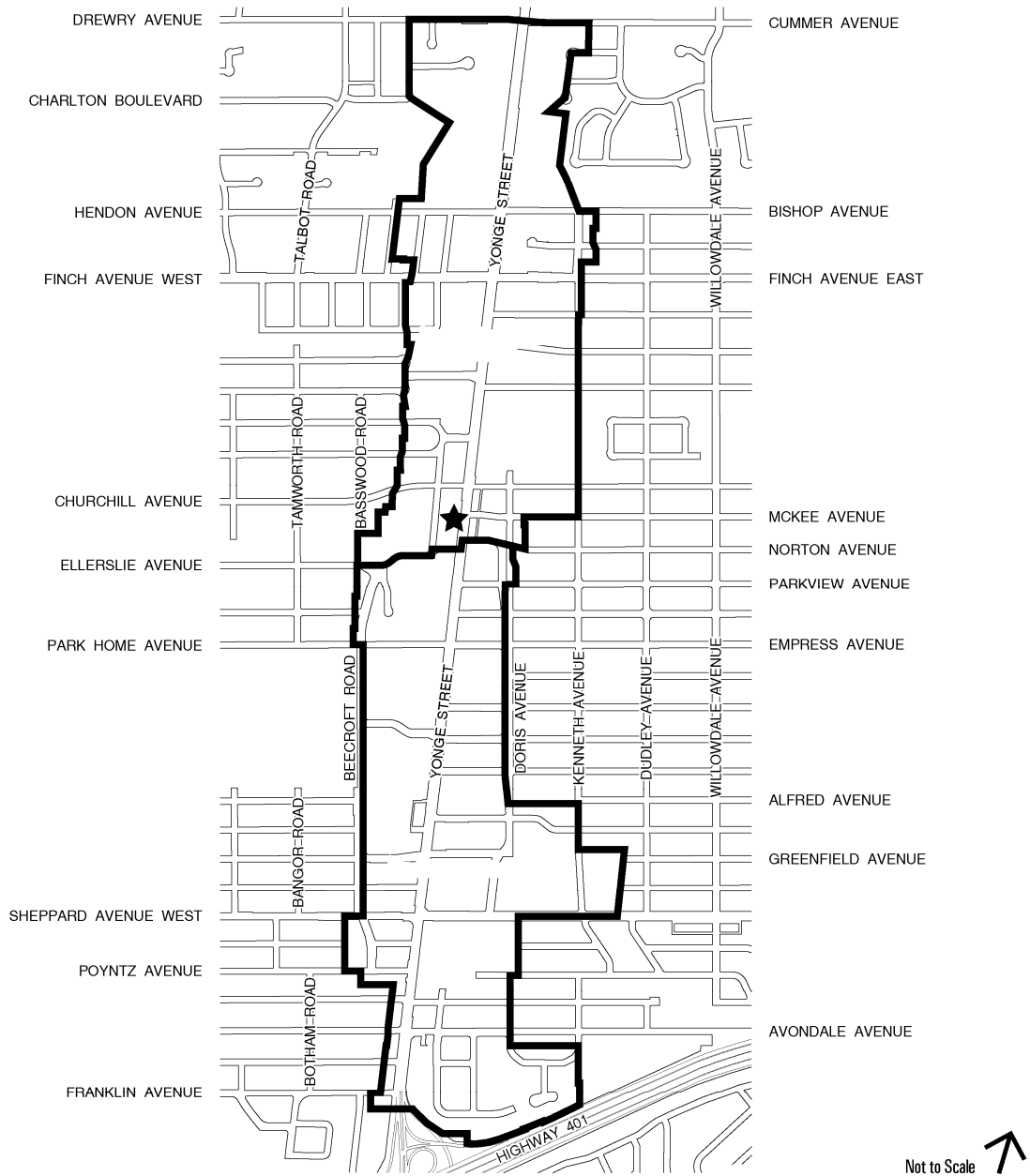
5294 - 5304 & 5306 Yonge Street

File # 17 218341 NNY 23 02

- | | | |
|---|--|---|
|  Site Location |  Parks & Open Space Areas |  Roads not currently shown on Land Use Map |
|  Neighbourhoods |  Parks | |
|  Mixed Use Areas |  Other Open Space Areas | |

↑
Not to Scale
09/07/2017

Attachment 4: North York Centre Secondary Plan Maps



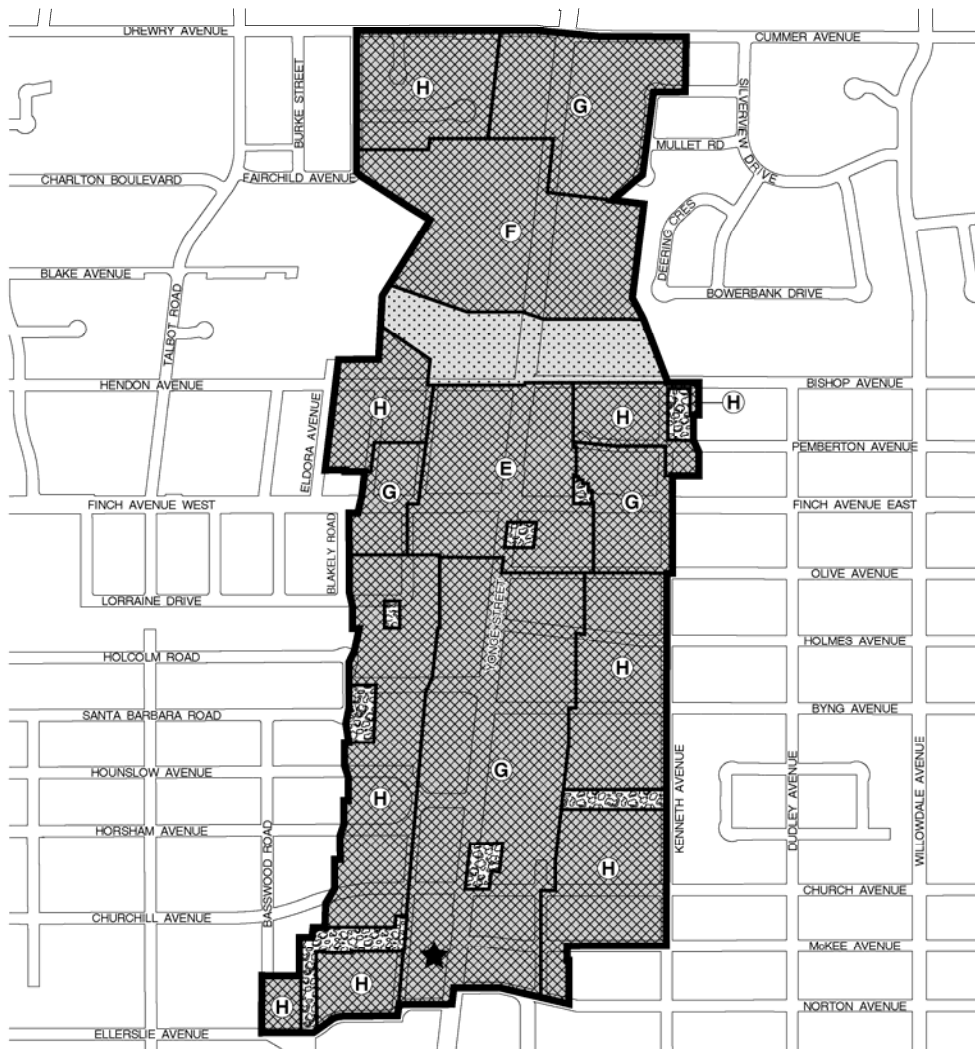
North York Centre Secondary Plan

MAP 8-1 Secondary Plan Boundaries

— Secondary Plan Boundary

★ Subject Site

June 2006








Not to Scale 



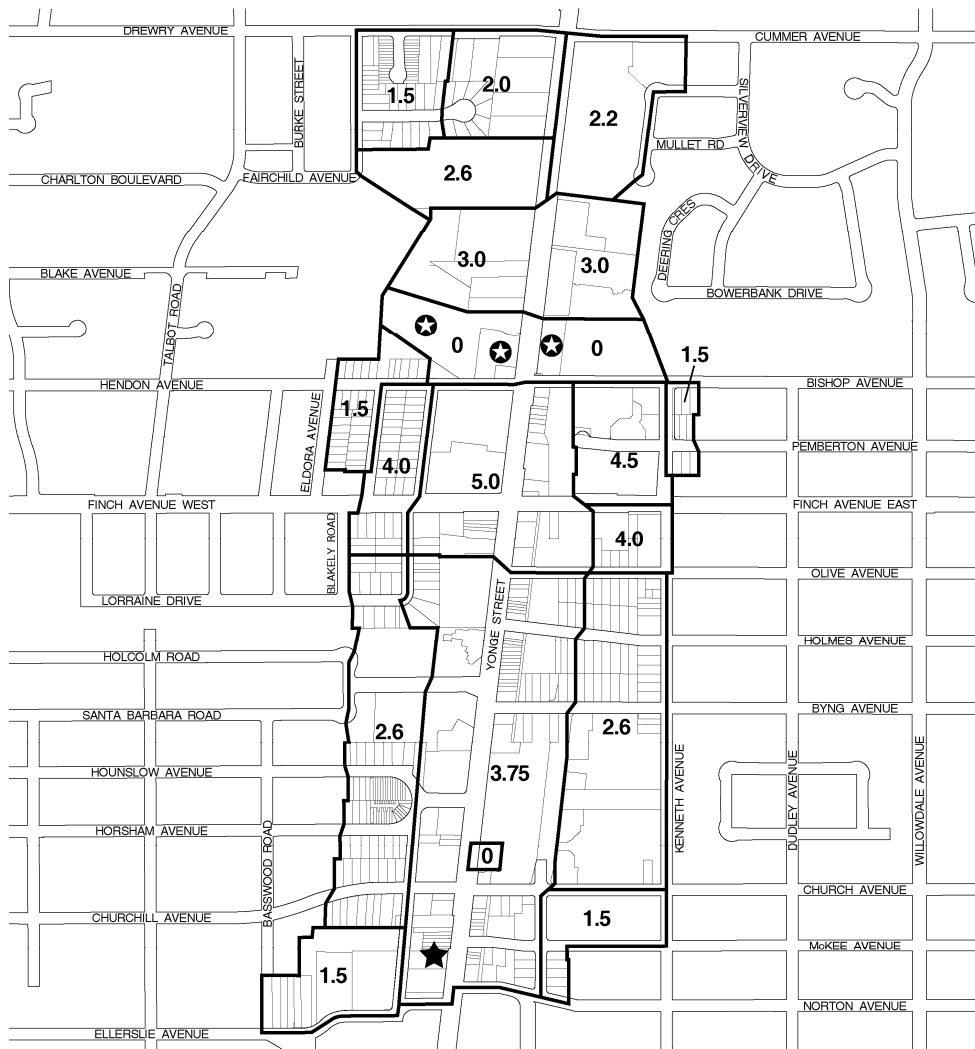
North York Centre Secondary Plan

MAP 8-4 North York Centre North Land Use Areas

-  Secondary Plan Boundary
-  Subject Site
-  Mixed Use Areas
 - Area E - Maximum 65% Commercial Use
 - Area F - Maximum 50% Commercial Use
 - Area G - Maximum 20% Commercial Use
 - Area H - 0% Commercial Use
-  Parks and Open Space Areas
-  Utility Corridors



June 2006






Not to Scale 

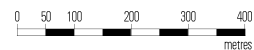


North York Centre Secondary Plan

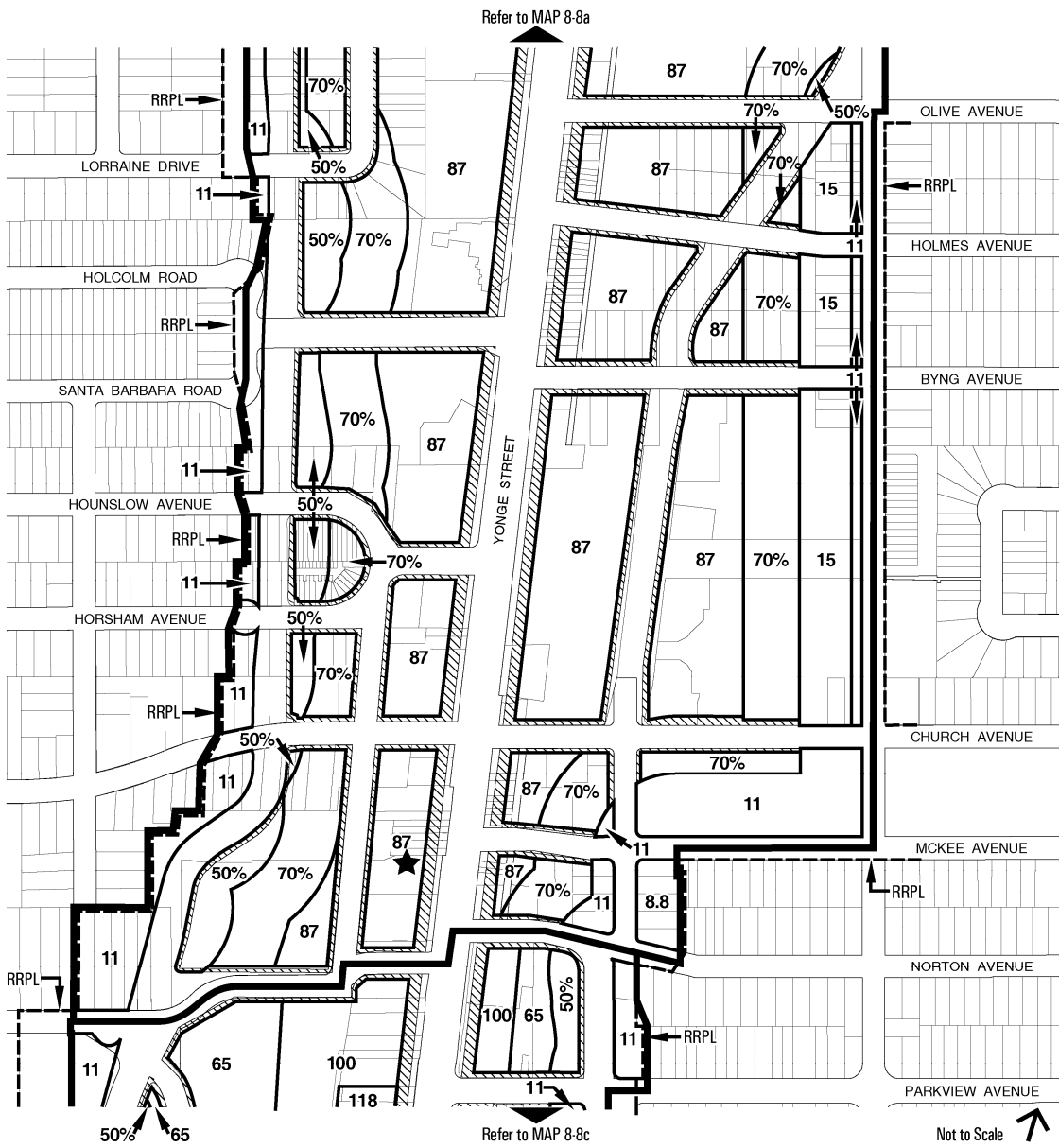
MAP 8-7 North York Centre North Density Limits

-  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
-  Subject Site

Note: Density Limits are exclusive of density incentives and transfers



June 2006



North York Centre Secondary Plan

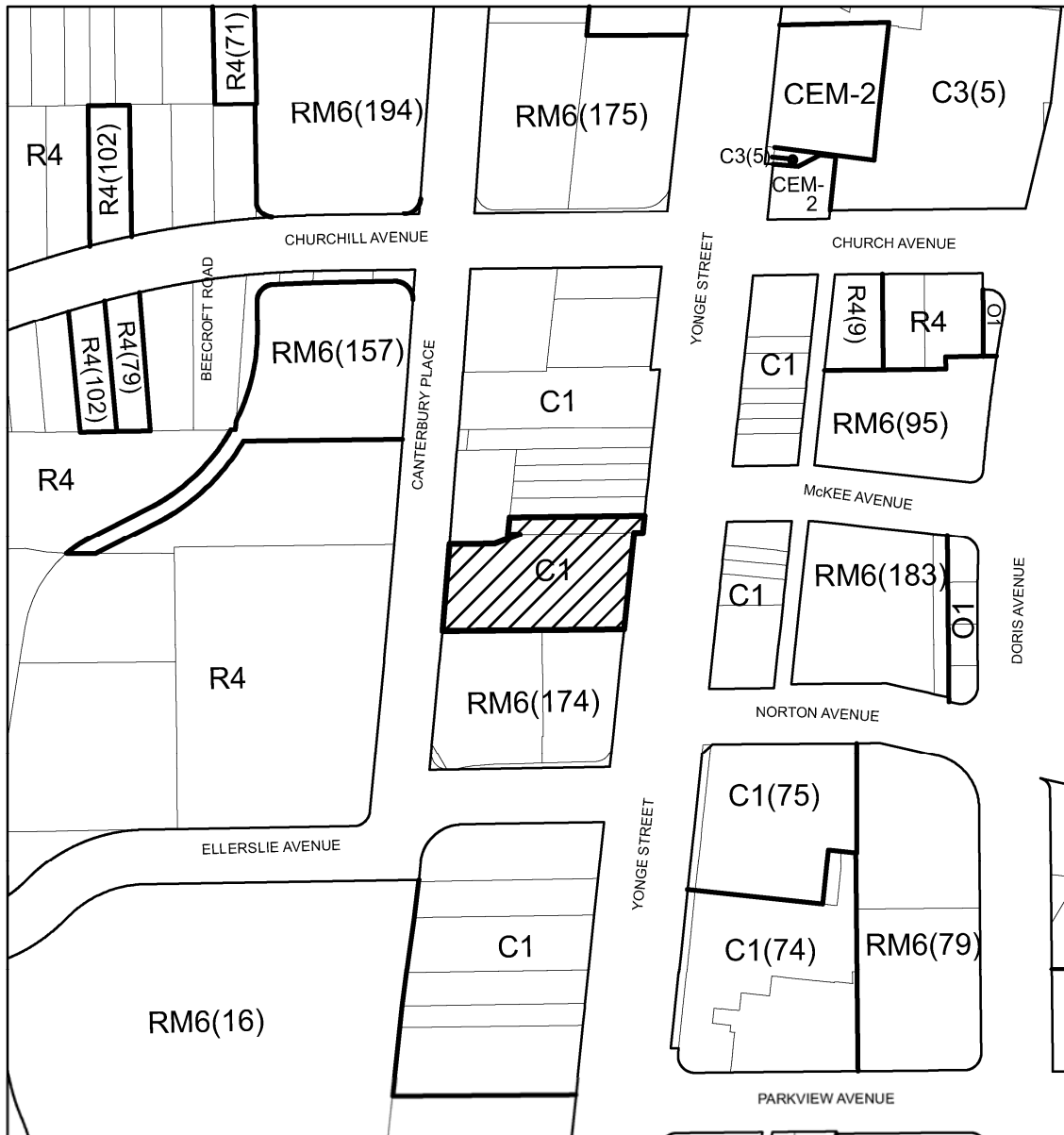
MAP 8-8b Maximum Height Limits

Secondary Plan Boundary	Maximum 87m Above Grade	Relevant Residential Property Line (RRPL)
The Lesser of 8.8m or 2 Storeys	Maximum 100m Above Grade	Subject Site
The Lesser of 11m or 3 Storeys	Maximum 50% Horizontal Distance from RRPL	
The Lesser of 15m or 4 Storeys	Maximum 70% Horizontal Distance from RRPL	
Maximum 65m Above Grade	Street Facade Limit as per Section 5.3 of this Secondary Plan	



November 2015

Attachment 5: Existing Zoning By-law Map



Zoning By-Law No. 7625

5294 - 5304 & 5306 Yonge Street

File # 17 218341 NNY 23 02



Location of Application

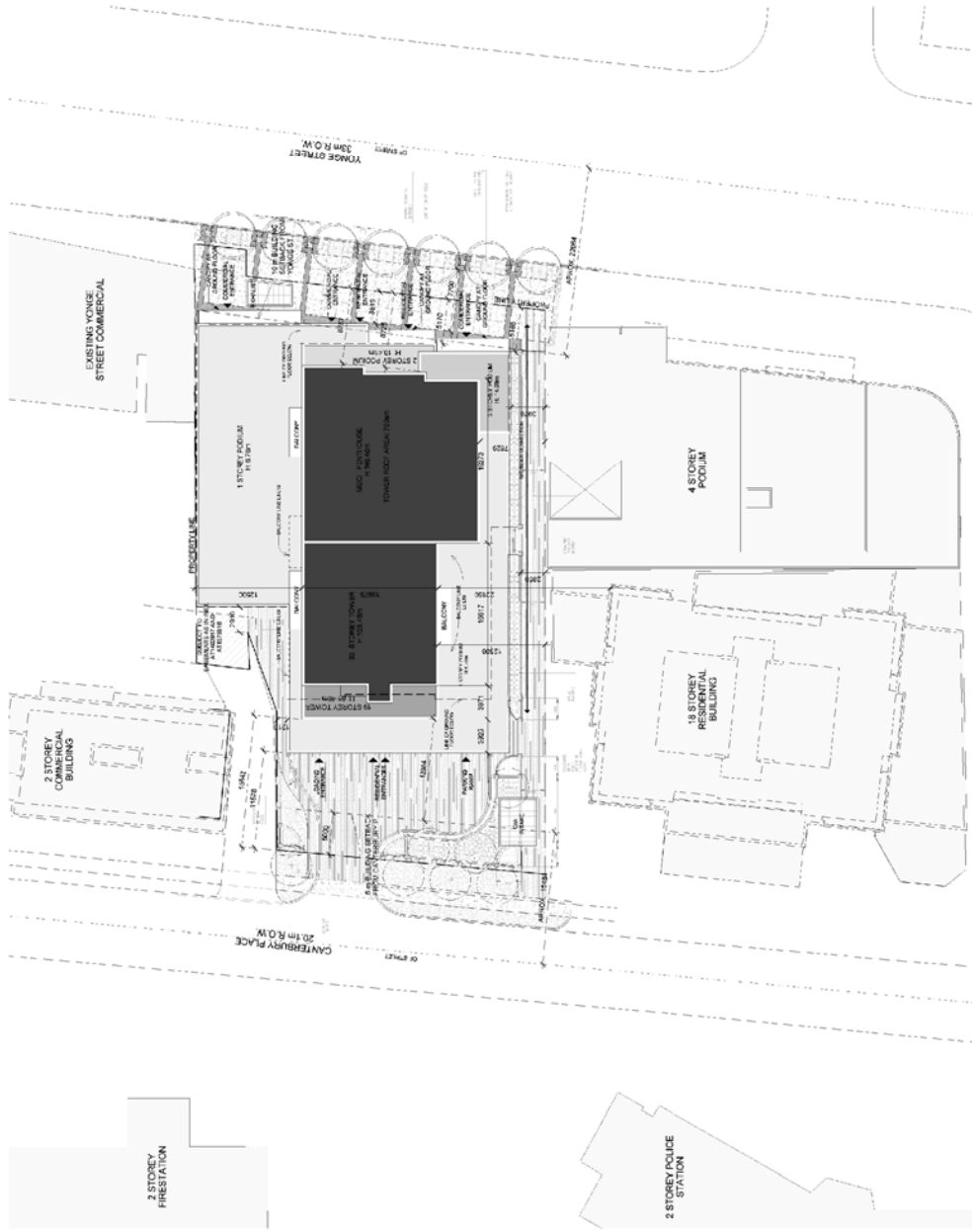
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C3 District Shopping Centre Zone

- O1 Open Space Zone
- Cem-2 Restricted Cemetery Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted: 09/07/2017



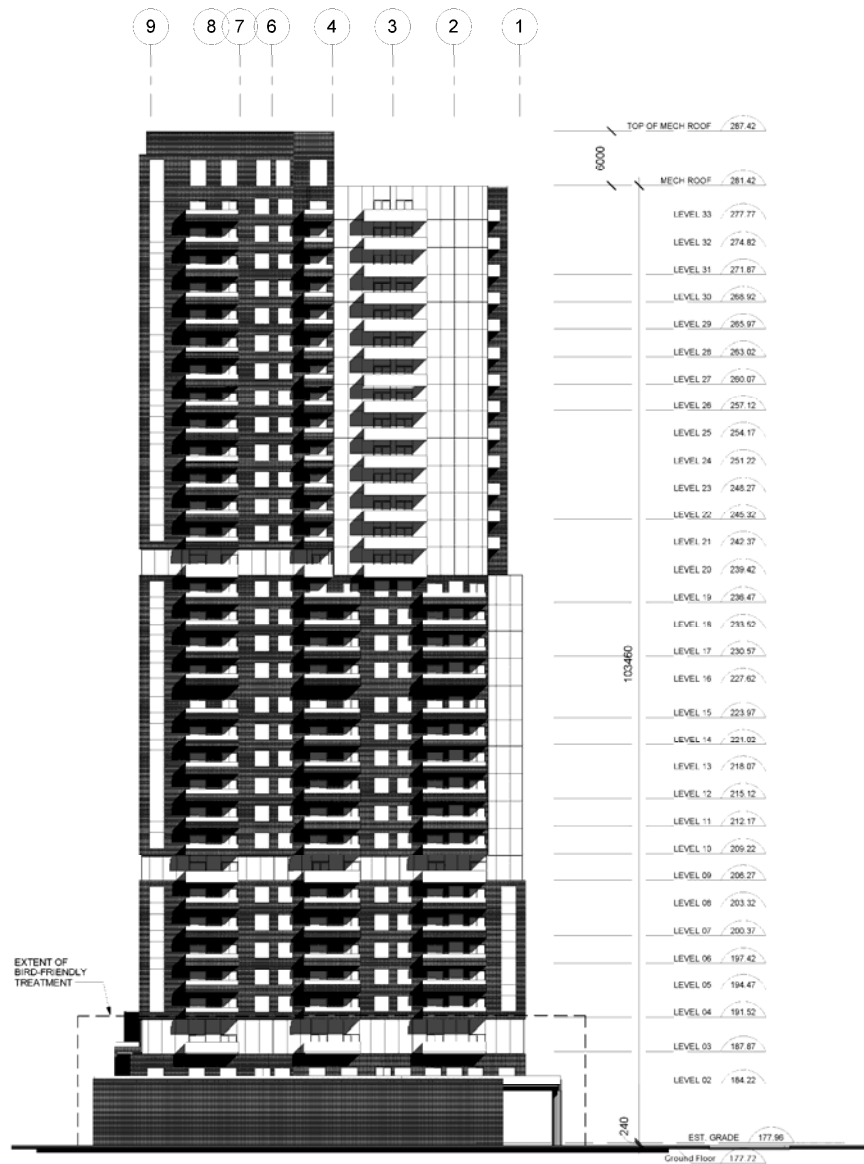
5294 - 5304 & 5306 Yonge Street

Site Plan
Applicant's Submitted Drawing

Not to Scale
09/07/2017

File # 17 218341 NNY 23 0Z

Attachment 7: Elevations



North Elevation

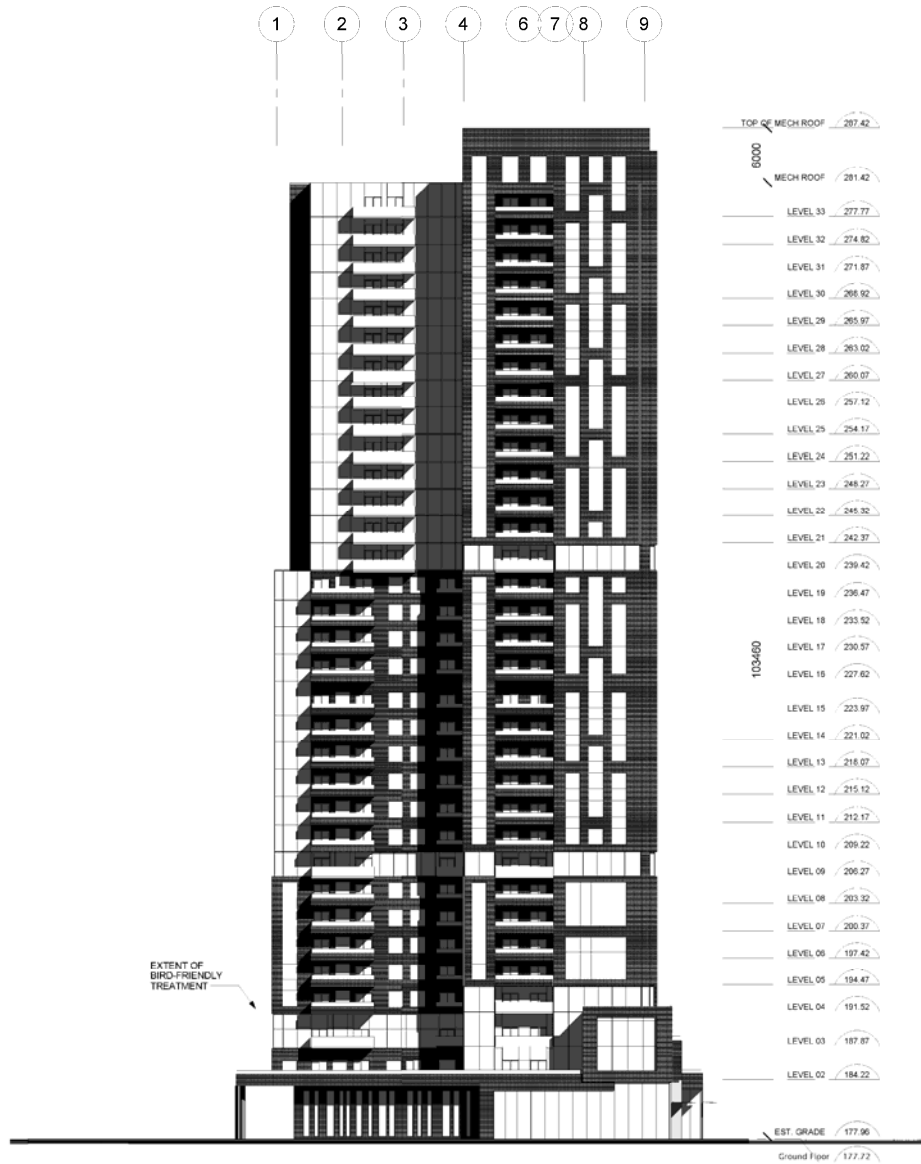
Elevations

5294 - 5304 & 5306 Yonge Street

Applicant's Submitted Drawing

Not to Scale
09/07/2017

File # 17 218341 NNY 23 0Z



South Elevation

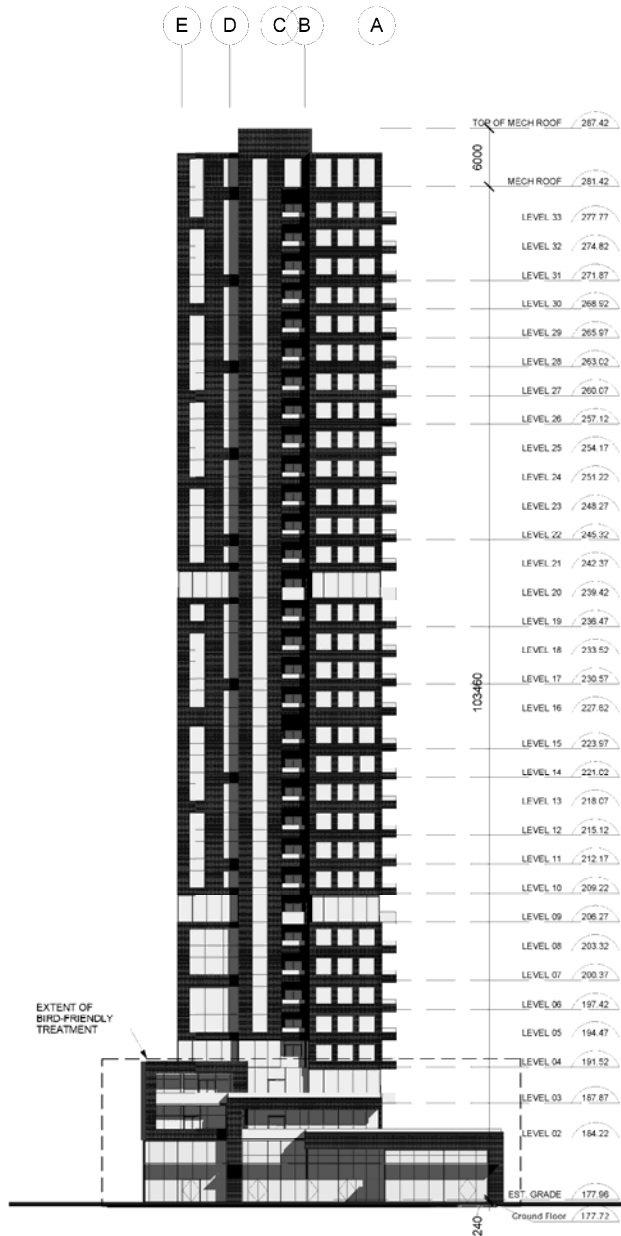
Elevations

5294 - 5304 & 5306 Yonge Street

Applicant's Submitted Drawing

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09/07/2017

File # 17 218341 NNY 23 OZ



East Elevation

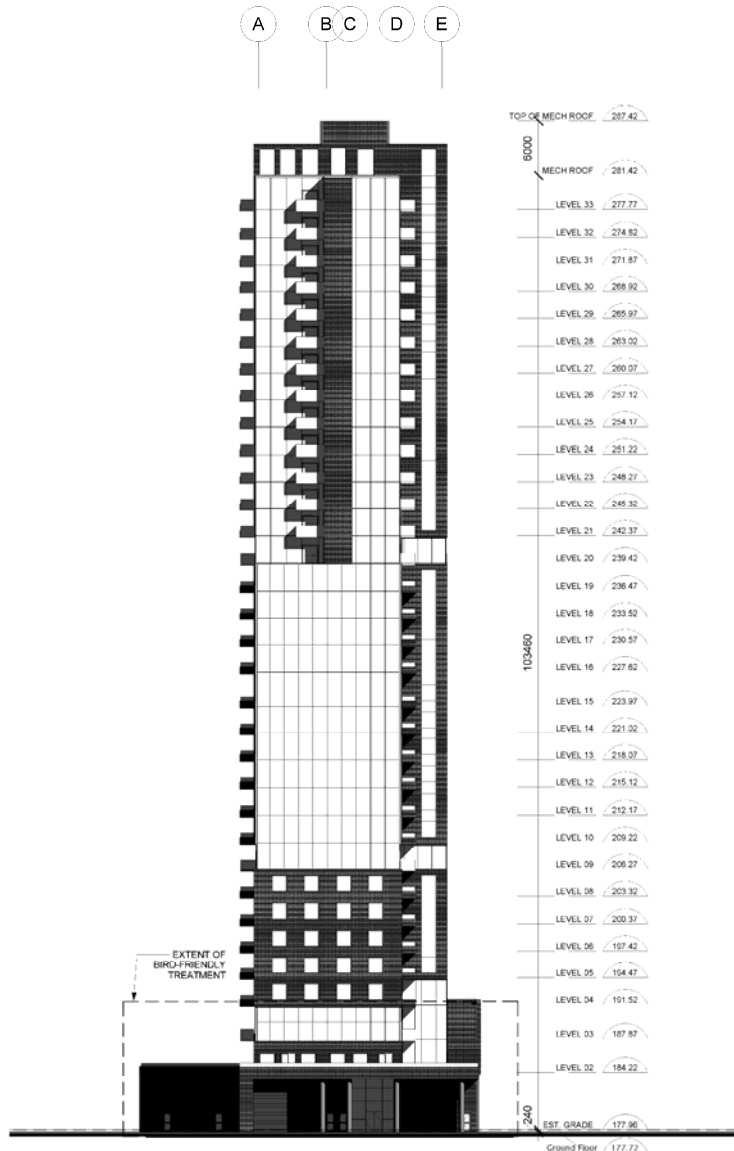
Elevations

5294 - 5304 & 5306 Yonge Street

Applicant's Submitted Drawing

Not to Scale
09/07/2017

File # 17 218341 NNY 23 OZ



West Elevation

Elevations

5294 - 5304 & 5306 Yonge Street

Applicant's Submitted Drawing

Not to Scale
09/07/2017

File # 17 218341 NNY 23 OZ