

5400 Yonge Street and 15 Horsham Avenue– Official Plan Amendment and Zoning Amendment Applications– Refusal Report

Date: May 29, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 23 – Willowdale

Planning Application Number: 18 106120 NNY 23 OZ

SUMMARY

This application proposes to amend the Official Plan and Zoning By-law at 5400 Yonge Street and 15 Horsham Avenue to permit a 32-storey mixed-use building containing 324 residential units, 730 square metres of ground floor retail, and 1,713 square metres of office space. A total of 25,924 square metres of gross floor area is proposed which would result in a density of 8.02 times the lot area. The proposed height of the building to the top of the main roof is 100 metres (106 metres including mechanical). A total of 269 parking spaces are proposed in a 3-level underground parking garage accessed from Canterbury Place.

The proposed development is not consistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) and does not conform to the policies of the Official Plan and North York Centre Secondary Plan. This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning Bylaw in its current form.

This report also 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 in the event that the application is appealed to the LPAT.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications for the Official Plan Amendment and Zoning By-law Amendment at 5400 Yonge Street and 15 Horsham Avenue for the following reasons:

- a. the proposal is inconsistent with the PPS;
- b. the proposal fails to conform with the Growth Plan for the Greater Golden Horseshoe (2017);
- c. the proposal does not conform to the Official Plan and North York Centre Secondary Plan with respect to density, height, and office replacement; and
- d. the proposal is does not address Council-approved Tall Buildings Guidelines including the block context analysis.

2. City Council authorize the City Solicitor, together with City Planning and other appropriate staff, to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the LPAT.

3. In the event that the Local Planning Appeal Tribunal (LPAT) allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Orders on the Official Plan Amendment and Zoning By-law Amendment appeal for the subject lands until such time as:

- a. The LPAT has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law amendments are in a form and with content satisfactory to the Director, Community Planning, North York District and the City Solicitor;
- b. 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;
- c. 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;

d. 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; and

e. 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.

4. The City Solicitor and appropriate staff, in consultation with the Ward Councillor, 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 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 324 square metres, pursuant to Section 42 of the Planning Act, be required to be conveyed to the City as described and set out in this report, with frontage on Horsham Avenue.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1995, as part of an approval of an application at 5414-5418 Yonge Street, 6315 square metres of density was transferred from 15 Horsham to the site to the north. The site-specific by-law for 15 Horsham permits 372.6 square metres on the site for a social facility. The site specific by-law can be found at the following link:

<https://www.toronto.ca/legdocs/pre1998bylaws/north%20york%20-%20city%20of/32086.pdf>

A pre-application meeting was held on September 5, 2017. The current application was submitted on January 17, 2018. Planning staff identified concerns with the proposed scale and density of the proposal. Staff advised that a further lot consolidation would assist in accommodating the proposal's scale and provide for a more comprehensive block development that meets the policies in the North York Centre Secondary Plan.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan and Zoning By-law at 5400 Yonge Street and 15 Horsham to permit a 32-storey mixed-use building containing 324 residential units and 730 square metres of at-grade retail, and 1,713 square metres of office space. A total of 25,924 square metres of gross floor area is proposed which would result in a density of 8.02 times the lot area. The proposed height of the building to the top of the main roof is 100 metres (106 metres including mechanical). A total of 269 parking spaces are proposed in a 3-level underground parking garage accessed from Canterbury Place. See Attachment 1 - Application Data Sheet, Attachment 6 – Site Plan and Attachments 7a-7d- Elevations.

Site and Surrounding Area

The site is 3,476.9 square metres (0.86 acres) in area, located on the west side of Yonge Street and south side of Horsham Avenue. The site has frontage on Yonge Street, Horsham Avenue and Canterbury Place. Currently at 5400 Yonge Street there is a 5 storey and 3 storey office building with surface parking with access from Horsham Avenue. The 15 Horsham part of the site is a house-form building used previously occupied by the Children's Aid Society. The site is located approximately 700 m from both North York Centre and Finch subway stations. See Attachment 2 – Location Map.

North: The north side of Horsham Avenue, on the west side of Yonge Street is comprised of a 22-storey mixed-use residential building at 5412-5414 Yonge Street with retail uses at grade and a 4-storey townhouse complex at 5418 Yonge Street which is to the rear of the 22-storey building and fronts onto Horsham Avenue.

South: three low-rise commercial buildings along the Yonge Street frontage and the Saint George on Yonge Anglican church. To the west of the church, is a site approved for a 30 storey residential tower (75 Canterbury Place).

East: Yonge Street, and on the east side of Yonge there are two 28 storey residential towers and a 3 storey podium containing commercial uses.

West: Canterbury Place, a local road, which branches into a U-shaped road with Hounslow Avenue to the north and Horsham Avenue to the south. The U – shaped block contains 2 and 3 storey townhouses. There are detached homes on the north side of Hounslow Avenue and an application for stacked townhouses at 26-36 Hounslow (File 16 261875 NNY 23 OZ). At the southwest corner of Horsham Avenue and Canterbury Place is a block development of an 18 storey building and 3 storey townhouses.

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) (the "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 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 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.

Both the PPS and the Growth Plan are 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 shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and 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.

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, parks 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); and
- 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);

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.

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:

- encourage intensification generally to achieve the desired urban structure
- identify the appropriate type and scale of development and transition of built form to adjacent areas;

- identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- be implemented through official plan policies and designations, updated zoning and other supporting documents.

The coordinated approach to land use planning and transportation in the Growth Plan is supported through multimodal access (3.2.2.2.d), active transportation networks (3.2.3.4) and transportation demand management measures (3.2.2.4).

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).

Toronto Official Plan, Official Plan Policies and Planning Studies

This application has been reviewed against the policies of the City of Toronto Official Plan and the North York Centre Secondary Plan as follows:

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 3: Official Plan.

Centres implement the provincial 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:

- 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;
- set out local goals and a development framework consistent with this Plan;

- 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
- 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:

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

Transit-oriented growth is also supported by TDM measures set out in Policy 2.4 and through the implementation of Complete Streets (3.1.1.6 g).

The Official Plan 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 (3.1.1 – Public Realm, 3.1.2 Built Form and 3.1.3 Built Form – Tall Buildings).

As well, the Official Plan speaks to the provision of a range of housing types, housing affordability and access to community services and facilities (3.2.1 Housing and 3.2.2. Community Services and Facilities). Section 3.2.2 provides a policy framework which requires community services and facilities strategies for areas experiencing major growth or change, and supports the integration of community services and facilities as part of private development. Implementation of community facilities are identified in policies 5.1.1, 5.1.2 and 5.1.3 of the Official Plan which state that the City has tools to create new parks, open space and community infrastructure. These tools include Section 37 incentives to secure community infrastructure.

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

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 office 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, and all other Mixed Use Areas, Regeneration Areas and Employment Areas 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 subways (3.5.1.2 a). These policies also set out a framework for balanced growth of jobs and housing across the City to:

- maintain a complete community;
- reduce the need for long distance commuting and lessen regional road congestion; and
- increase the proportion of travel by transit, walking, and cycling. (3.5.1.3).

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. See Attachment 4 - NYCSP.

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.

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.

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 20% of the maximum permitted gross floor area.

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:

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

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

- protect stable residential areas adjacent to the North York Centre;
- provide for appropriate transitions in height between the highest intensity areas along Yonge Street and the residential communities outside the Centre;

- 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
- 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 87 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. 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 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 NYCSP permits density increases up to 33% of base 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.

On this site the NYCSP permits a maximum density of 3.75 times the lot area (without the consideration of the previous density transfer). The Secondary Plan allows for density transfers and incentives which may allow a development to be higher than that shown on Map 8-7, up to a maximum increase of 33%. The NYCSP policies on density transfers have been updated since the 1995 approval for 5412-5418 Yonge Street which transferred density from 15 Horsham. The NYCSP now includes provisions for purchasing up to 33% through a combination of incentives and a monetary contribution. 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.

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.

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 right-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.

Recognizing the importance of retail uses at grade to support the objectives of the Secondary Plan, Section 1.1.5 identifies sections of Yonge Street, Sheppard Avenue and Finch Avenue as Prime Frontage Areas. At grade street-related narrow frontage retail uses are required by Section 1.1.6 within the Prime Frontage Areas and street related retail uses are encouraged along arterial roads outside of these areas. Prime Frontage areas are eligible for a density incentive for street-related retail. This site is not a Prime Frontage area.

Section 2.2.1(b) of the Secondary Plan directs that open space, recreational and community uses should be located throughout the North York Centre – North. The NYCSP framework addresses this in part through the eligible density incentives which include the provision of a public recreation centre or social facility.

Zoning By-laws

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. See Attachment 5 – Zoning.

15 Horsham is subject to a site-specific by-law which transferred 6315 square metres of density from to the site to the north at 5412-5418 Yonge Street. The

site-specific by-law for 15 Horsham permits 372.6 square metres on the site for a social facility.

<https://www.toronto.ca/legdocs/pre1998bylaws/north%20york%20-%20city%20of/32086.pdf>.

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>.

Site Plan Control

A development proposal on this site is subject to the Site Plan Control By-law and an application for Site Plan Control Approval has not been filed.

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>

Growing Up Draft Urban Design Guidelines

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments. The draft guidelines can be [found here](#) and the accompanying staff report is [available here](#). The Growing Up Draft Urban Guideline help implement the Official Plan's housing policies (Section 3.2.1), and the Growth Plan (2017) growth management and housing policies (Policy 2.2.1.4) to accommodate within new development a broad range of households, including families with children.

Tree Preservation

The current proposal shows injury to two City trees for the widening of an existing public sidewalk fronting Canterbury Place. Urban Forestry requires an Application to Injury or Remove Trees with an application fee for permission to injure two City trees. The application also proposes removal of nine privately-owned trees. Under the provisions of Section 813-16 (B), of the City of Toronto Municipal Code, Chapter 813, Trees, Article III, the subject trees meet the criteria for protection under the City of Toronto's Private Tree By-law.

COMMENTS

Reasons for the Application

An amendment to the Official Plan is required to permit the proposed density of 8.02 FSI and height of 100 m (106 m with the mechanical penthouse) that

exceeds the maximum limits of approximately 2.6 with the historic density transfer (4.98 FSI with incentives, if the density remained on 15 Horsham), and height of 87 m set out in the North York Centre Secondary Plan. The Official Plan amendment proposes to permit private outdoor amenity on the podium roof, not at grade. It also proposes to designate the Yonge Street frontage as a Prime Frontage Area.

An amendment to the Zoning By-law 7625 is required to permit: permissions for the proposed height, density and setbacks, and to develop appropriate development standards for the proposed development.

Complete Application Submission

The application was deemed complete as of January 17, 2018 and a Notification of Complete Application was issued on February 21, 2018.

The following reports/studies were submitted with the application:

- Planning Report;
- Community Services and Facilities Study;
- Public Consultation Plan;
- Pedestrian Level Wind Study;
- Noise and Vibration Study;
- Transportation Report;
- Geotechnical Report;
- Hydrological Report;
- Phase 1 Environmental Site Assessment;
- Phase 2 Environmental Site Assessment;
- Functional Servicing and Stormwater Management Report;
- Arborist Report;
- Energy Efficiency Report;
- Stage 1 Archaeological Assessment;
- Toronto Green Standards Checklist; and
- 3D model.

These studies are available at the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

A community consultation meeting has not yet been scheduled.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan. Staff have concluded that the proposal is not consistent with the PPS and does not conform with the Growth Plan.

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 (2017) contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development 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 will be 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 policies 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 proposed density, height, and office replacement do not meet the implementing policies and guidelines in the Official Plan, NYCSP and Tall Buildings Guidelines.

The PPS supports the planning for a densities and a mix of land uses, together with the identification of appropriate locations and promotion of 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 TDM 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 (2.2.3.1d) and the Official Plan policies (2.2.2.2a). Policies contained within the North York Centre Secondary Plan (NYCSP) have achieved the Official Plan's minimum gross density targets of 400 jobs and residents per hectare in the North York Centre, an Urban Growth Centre as delineated 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. 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 Growth Plan also sets out objectives to support economic development through ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth. It also directs retail and office uses will be to locations that support active transportation and have existing or planned transit (2.2.5.3). These objectives are implemented through Official Plan policies (OPA 231) which the proposal does not meet for office replacement.

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 (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 (1.5.1). The proposal does not provide a public park on site and does not address opportunities to improve pedestrian connections and active transportation.

Official Plan

The site is designated Mixed Use Areas in the Official Plan. It is intended that Mixed Use Areas achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions,

entertainment, recreation and cultural activities, and parks and open spaces. Mixed Use Areas are to be areas where residents will be able to live, work, and shop in the same areas, or even in the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night. Although Mixed Use Areas will absorb most of the anticipated increase in retail, office and service uses in the City, not all Mixed Use Areas will experience the same scale or intensity of development. While the mix of residential, retail and office in this proposal meets the broad objectives for the Mixed Use Areas designation, it does not meet some of the objectives in the Official Plan regarding economic health and office replacement in the Centres.

The NYCSP implements the OP's policies for Centres and sets out local goals and a development framework consistent with the OP (2.2.2.2.b). The scale of development for this Mixed Use Areas G has been established through specific density maximums in the NYCSP. The proposal is out of scale with the existing and planned context as envisioned by the Official Plan.

OPA 231

The proposal has 1607 square metres of office space (1731.31 square metres including the office lobby). The applicant identifies the existing office space as occupying an area of 2537 square metres. While further review of these figures is required to confirm the amount of office replacement being proposed, using the applicant's figures, the proposal provides for approximately 70% replacement. Although OPA 231's office replacement policies are under appeal and not in full force and effect, the policies represent Council's long-term land use planning direction. The proposal does not meet the office replacement policy objective.

It is noted that the Mixed Use Areas G designation limits commercial uses on the site to 20% of the maximum permitted GFA. At an FSI of 4.98, full office replacement can be provided on the site and be within 20% of the maximum permitted commercial GFA.

North York Centre Secondary Plan

The role of the Secondary Plan is to provide a more detailed planning framework to help implement the Official Plan objectives. The application proposes amendments at a density and scale that are not permitted nor contemplated by the NYCSP. The application's proposed amendment for density is 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 mixed-used development. 5400 Yonge has a permitted density up to 3.75 times the area of the lot or Floor Space Index (FSI), and up to 4.98 with density incentives. The 15 Horsham site has had much of its density removed and reallocated through previous approvals. The applications are to permit additional height to 100 metres and additional density to 8.02 times the lot area. The scale of intensification proposed is not anticipated in the NYCSP.

In considering the proposed site-specific amendments to the Secondary Plan, Policy 1.14 states 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, and height or built form. The proposed FSI of 8.02 times the area of the lot represents a significant increase in density from the permitted density maximum limit of 2.6 times the lot area under current provisions and the density of 4.98 times the area of the lot, without the historical density transfers.

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. The proposed increase in height that results in a density increase is not consistent with the NYCSP. While there are considerations for site-specific amendments for height or evaluating other amendments "minor in nature and local in scope", the plan emphasizes: "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."

The applicant's draft Official Plan Amendment proposes designating the site's Yonge Street frontage as a Prime Frontage Area on Map 8-2 which would allow for density incentives for street-related retail. The applicant's planning rationale does not address this redesignation, however the extension of the Prime Frontage areas in the NYCSP warrants further review as this has been implemented for other sites.

The NYCSP policies on Parks and Open Space recognize that additional parkland and open space are needed to serve the employment and residential growth provided for by the Secondary Plan (6.1.b). The NYCSP parks and open space plan is conceptual in nature in that the final determination of parks, open space and recreational needs will be made as development proceeds. Parks staff have determined that parkland dedication is the preferred implementation strategy for this site (6.3.d.iii). The proposal does not provide parkland dedication and instead proposes a privately owned publicly-accessible space (POPS).

As discussed in the following sections, this proposal does not appropriately address other elements of the plan such as the transit modal split and capacity of

infrastructure (1.11) and the urban design policies to help shape the character of new development and public spaces (1.12).

Density

The current density limits in the Official Plan is 3.75 times the lot area (which results in 13,038 square metres) with provisions for 33% of additional density through incentives up to a maximum of 4.98 FSI (which results in 17,340.7 square metres). However, the permitted density is estimated at 2.58 FSI. This is a result of the previous density transfer from 15 Horsham, which only permits 372 square metres on the 15 Horsham Avenue portion of the site, and the 5400 Yonge portion of the site can yield 8532 square metres at 4.98 FSI. The applicant calculates the maximum permitted density on the site, with the historical density transfers, at 2.58 FSI (approximately 8989 square metres).

The proposed 8.02 FSI is a level of intensification that 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 the 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:

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

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 and transportation capacity and various community uses such as a community centre and child care facilities.

The applicant's proposal sets out 486 square metres in eligible density incentives as per the NYCSP. 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. However, the applicant provides no explanation of a rationale or strategy of incentives for the significant excess density proposed above the limits permitted 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 the 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 the Secondary Plan, or of a major portion of the Plan. The policies discourage "ad hoc, site-specific amendments that are not consistent with the basic principles of this Secondary Plan or that create uncertainty".

Significant density increases are not contemplated by the NYCSP and there is no framework or mechanism to approve 8.02 FSI within the current plan's approach and limits to density and density incentives. This proposal is not appropriate under the current framework. The proposed density request is an overextension of the density permissions contemplated in the North York Secondary Plan. The applicant has not demonstrated the cumulative demands on the existing infrastructure and public service facilities based on the significant density increase proposed when applied to similar developable sites within the NYCSP. Provincial Policy 4.7 states that the most important vehicles for implementation of this Provincial Policy Statement is through the Official Plan, which is grounded on comprehensive, integrated and long-term planning policies, and should not be significantly changed by ad-hoc site specific amendments that are not consistent with the basic principles of the Plan.

Height

The maximum height for a building on this site in the NYCSP is 87 m, and the proposal is for a building height of 100 m (106 m with the mechanical penthouse).

The applicant does not justify the following aspects of the proposed height: the tower height in relation to the topography and local height skyline for North York Centre; the appropriateness of the proposed tower being the tallest building in the local area/block in relation to transition in heights from south to north; and the shadow impacts on the public realm of streets, parks and open spaces and adjacent Neighbourhoods. The current application demonstrates a tower shadow that intrudes deeper into Neighbourhoods than other tall buildings to the south in the early morning at both the spring and fall equinoxes.

While Policy 5.4.2 discourages site-specific amendments to the height limits shown 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:

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

However, the increases in height are not to 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." Height increases have been approved in the NYCSP which have worked within the permitted density of the NYCSP and met built form criteria of the Official Plan, North York Centre Secondary Plan and Tall Buildings Guidelines.

The policy to consider amendments to the NYCSP's height provisions does not support increases in height that result in density increase beyond the plan permissions. The applicant has not demonstrated that they can achieve the permitted height of 87 m or the proposed height of 106 m within the density provisions of the NYCSP.

Built Form and Streetscape

The proposal does not provide an analysis of the block context to address the site organization and built form objectives of the Official Plan, North York Centre Secondary Plan and Tall Buildings Guidelines.

Much of the block between Churchill Avenue, Horsham Avenue, Yonge Street, and Canterbury Place has been redeveloped or approved for redevelopment, however there are residual lots remaining on Yonge Street. The applicant was requested by staff to prepare a Block Plan including the two parcels to the south to better understand overall site organization, built form relationships, future redevelopment options and tower separation. This analysis would help in the evaluation of criteria set out in the Tall Buildings Guidelines Section 1.1. b. The block context analysis is used to evaluate the relationship between the proposed development and the heights, separation distances, setbacks and other built form features of other buildings and potential buildings in the surrounding area. A comprehensive block plan needs to be prepared to deal with, among other things, park size and location as identified by PF&R, residual lots fronting on Yonge Street adjacent to the site, and pedestrian and cycling connections.

The intent of the block plan analysis is to coordinate the proposed tall building with the location, height, scale, and spacing of existing or approved buildings, and in particular other tall buildings on the same or adjacent blocks. Since tall building development is typically evaluated on a site-by-site basis, it is important to understand the cumulative effect of the proposed tall building within the

context of other tall buildings. One test for the appropriateness of proposed tower setbacks and separation distances is to replicate the proposal on adjacent sites or blocks. The cumulative effect should result in acceptable outcomes for shadowing, access to sky view, privacy, and daylighting.

The applicant has identified that the proposed tower is setback 12.5 m from the south property line as per the Tall Building Guidelines. However, the 12.5 m tower setback identified at the south needs to be confirmed as the plans show that the tower does not fully meet this setback. With respect to the local context, other tower separation distances to surrounding sites and tall buildings ranging between 30-48 m have been identified by the applicant. Consideration needs to be given to whether it is appropriate to require an increased separation distance between towers in order to better fit with the local context. Other outstanding issues include potential park location, sun/shadow, wind impacts, and setback from Yonge Street.

The NYCSP sets out built form policies to provide appropriate scale and massing of buildings in relation to the specific context and edge condition of each development or redevelopment site. There are specific policies regarding how buildings relate to the street and there are issues with how the proposal meets these objectives, including:

- Tower setback along Yonge Street to be increased to 10.0 metres from the base building for two thirds of the building frontage (NYCSP Policy 5.3.2h);
- Minimum building setback along Horsham between 1.5 – 3.0 metres (or greater) to accommodate grade change, canopies or other elements on private lands (NYCSP Policy 5.3.5.a); and
- Tower setback on Horsham Avenue and Canterbury Place to be at least 3 m where the building height exceeds 12 metres (NYCSP Policy 5.3.5.b).

The proposal does not identify how it contributes to and addresses the extension of the Yonge Street landscaped median in response to REimagining Yonge Street (under review), the City Streetscape Manual and NYCSP policies. NYCSP Policies 6.3.c) and d) identifies the Yonge Street promenade comprised of a planted median and wide boulevards and components of the parks and open space system in NYCSP and its implementation through the extension of the median throughout the *North York Centre*.

The issues identified in relation to the determination of the land use, density and parkland dedication will shape the built form requirements. In its current form, staff have identified concerns with the following built form elements: site organization, building height, building setbacks and stepbacks, building massing and organization in relation to the surrounding properties and public realm, shadow impacts, pedestrian comfort (wind impacts), and Yonge Street streetscape development. These issues should also be addressed through a more comprehensive development and the consolidation of the residual lots within the block.

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 0.80 to 1.56 hectares of local parkland per 1,000 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.

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 4,320 square metres or 136 % 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 324 square metres.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to have frontage on Horsham Avenue.

Further discussion is required pertaining to the specific configuration and location of the on-site parkland dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan.

Housing Issues

The unit breakdown for the proposed residential portion of this development is as follows:

Table 1: Unit Breakdown

	Bachelor	1 Bedroom	2Bedroom	3 Bedroom	Total
# of units	110	54	131	29	324
% of units	33.95%	16.67%	40.43%	8.95%	100%

Source: Planning Rationale

[Section 3.2.1](#) of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan for the Greater Golden Horseshoe, 2017 also contains policies [2.2.1.4](#), [2.2.4.9](#) and [2.2.6.4](#) to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments,

As currently proposed less than 10% of all units have three or more bedrooms. This does not adequately support the objectives of the Growing Up guidelines, the City's Official Plan housing policies, or the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children.

Community Services and Facilities Assessment

The applicant has submitted a Community Services and Facilities (CS&F) Study, prepared by the Goldberg Group. There are elements of the report that require further clarification or additional information. The applicant's report does not provide an assessment of the social services sector, current or future capacity of the Douglas Snow Aquatic Centre or impact on the current facility or future improvement to North York Central Library. The level of growth projected for the NYCSP area will require a full range of growth-related community services and facilities to serve the increased resident and worker population.

This review is informed by the Parks Facilities and Recreation Facilities Masterplan. At its meeting on November 7, 8, & 9, 2017 City Council adopted the Parks and Recreation Facilities Master Plan 2019-2038 (FMP) reinforcing the City's commitment to providing high quality parks and recreation facilities for all residents. The Plan commits to building new recreation facilities and renewing current assets to meet demand, and making the most of the current facilities while finding new and creative ways of providing services including partnerships with other divisions, institutions and developers. The report can be viewed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX28.2>

In terms of current pressures, recreation staff have identified that improvements to Mitchell Field Community Centre and the Douglas Snow Aquatic Centre would benefit the existing community. Community policy staff have identified the need for an on-site social facility at-grade to provide a non-profit child care facility or human service agency space. As well there is high demand for library services. TPL staff note that the North York Central Library is the busiest TPL branch among their 100 locations and that the proposed development would have a substantial effect on the provision of library services in the area.

The applicant's CS&F study concludes that the application "will not currently place an undue burden on existing community services and facilities" with the current constraints placed on child care centres and schools in the neighbourhood and that the "overutilization of schools and capacity issues at child care centres are indicative of a city-wide problem." The proposal does not provide any additional community services and facilities or any CS&F Section 37 priorities.

Transportation and Parking

Policy 1.11 of the NYCSP addresses transit modal split and the capacity of infrastructure. It establishes a principal objective of the 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 or other sustainable mobility improvements to justify the proposed lower parking rates. Currently the applicant's Transportation Impact Study requires additional site related infrastructure improvement and demand management analysis. Issues to be addressed include:

- Investigate modifying the intersection of Canterbury Place and Horsham Avenue with the proposed site driveway. This includes reducing lane width on Canterbury to align the street with the proposed site driveway and providing enhanced streetscape and sidewalk connections;
- Provision of an additional Type B loading space to address the loading requirements in accordance with the requirements of Zoning By-law No. 569-2013;
- Addressing the proposal's provision of reduced parking requirements in accordance with the requirements of the North York Centre Secondary Plan;
- Streetscape improvements on Horsham Avenue between Yonge Street and Canterbury using midblock bump outs for more green space while reducing the excessive on-street parking layby;
- Improvements at the Horsham Avenue and Yonge Street intersection to install streetscape or planters in extended curbs and pedestrian and cycling amenities. Conceptual drawings of the potential improvements are available in REimagining Yonge Street Environmental Assessment study at https://www.toronto.ca/wp-content/uploads/2017/12/9550-pcu-rollplan-1-to-500_Enhance-Yonge_Stage-2_6L-2017-12-11.compressed.pdf; and
- Additional study of the proposed parking demand and supply, along with a review of potential transportation demand management (TDM) facilities and measures for the subject site.

Development in North York Centre and transportation capacity are closely tied to long-range development levels assumed in the NYCSP. The applicant's transportation study assumes a higher transit and active transportation mode share, assumes the majority of vehicle traffic using local streets, and proposes no site-specific measures to travel demand measures to reduce automobile demand. The subject application does not meet the NYCSP traffic certification criteria (Policy 4.8) or NYCSP policies to improve transit mode share for future residents (Policy 4.7.a).

There are potential infrastructure constraints in the NYCSP area in light of several recent applications (including this one) that greatly exceed the FSI permissions of the North York Centre Secondary Plan. The applicant has not demonstrated the cumulative impact of the proposed density when applied to other similar sites within the NYCSP on the area transportation infrastructure. The NYCSP's intent is that the distribution of densities will be strictly maintained to ensure that "redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation" and "to ensure that development levels do not exceed the capacity of the infrastructure serving the *North York Centre*" (Policies 1.10 and 1.11).

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. 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.

Development Engineering staff have identified Issues with the Functional Servicing & Stage-1 Stormwater Management Report by Counterpoint Engineering submitted by the applicant. These issues include inconsistencies with calculations and determination of appropriate stormwater, sanitary sewer and groundwater discharge connection. The applicant's current proposal does not provide details regarding water quality and proposes to discharge to the private sanitary sewer; this is not permitted. The applicant must revise their proposal for groundwater discharge and provide details regarding how they intend to ensure quality and quantity control are maintained. The applicant intends on providing additional details regarding groundwater discharge, including details of the treatment system, at the time of the long term discharge and site plan applications. However, Development Engineering requires those details to be finalized at the rezoning stage and for Toronto Water – EMP's approval. The applicant is required to submit a new servicing proposal, as well as downstream analysis to the trunk sewer to confirm capacity, as part of the revised functional servicing and stormwater management report submission.

Revisions to address Solid Waste Management issues are also required.

The applicant has not demonstrated the cumulative impact on servicing infrastructure of the proposed density when applied to other similar sites within the NYCSP. The NYCSP's intent is that the distribution of densities will be strictly maintained to ensure that "redevelopment does not exceed the capacity of the

physical infrastructure as improved from time to time, including sewerage, roads and public transportation" (Policy 1.10).

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Conclusion

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

The North York Centre Secondary Plan provides more detailed local development policies to guide growth and change, has been successful in meeting larger policy goals to encourage a substantial amount of density near transit stations and has exceeded its minimum density targets. While this site is appropriate for residential intensification, the proposal, in its current form, is considered 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, 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. This level of intensification constitutes overdevelopment and is not in keeping with the objectives of the Official Plan and North York Centre Secondary Plan and would be a precedent for other similar sites in the NYCSP area. This development could also limit the redevelopment potential of the adjacent lots, limiting ability to achieve more comprehensive planning to ensure re-development that meets requirements for open space, parkland, built form and public realm relationships.

The application to amend the Official Plan and Zoning by-law are not supportable. The proposal is not consistent with the Provincial Policy Statement (2014) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017). The proposal does not meet the Official Plan and North York Centre Secondary Plan, including policies regarding density, height, office replacement 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 refuse the application.

CONTACT

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E-mail: Allison.Meistrich@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 Map
- Attachment 5: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 6: Site Plan

Attachment 7a-7d: Elevations

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	18 106120 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	January 17, 2018

Municipal Address: 5400 YONGE ST
 Location Description: PLAN 2057 PT LOT 1 PT LOT 4 **GRID N2302
 Project Description: The applicant has proposed an Official Plan Amendment and Zoning Bylaw Amendment application for a 32-storey residential tower comprised of 324 dwelling units with a 4-storey mixed residential, retail and commercial podium. A 338 sq. metre Privately-owned Publicly Accessible Space (POPS) is proposed on the western portion of the subject site.

Applicant:	Address:	Owner:	Address:
GOLDBERG GROUP	2098 AVENUE ROAD TORONTO, ON M5M 4A8	5400 YONGE STREET HOLDINGS LIMITED	5400 YONGE STREET TORONTO, ON SQUARE METRES 3V3

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	North York Centre Secondary Plan- MUA "G"
Zoning:	C1	Historical Status:	N
Height Limit (m):	9.2	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3476.9	Height:	Storeys:	32
Frontage (m):	47.3		Metres:	106
Depth (m):	62			
Total Ground Floor Area (sq. m):	1655.02			Total
Total Residential GFA (sq. m):	25438.16		Parking Spaces:	269
Total Non-Residential GFA (sq. m):	2444.35		Loading Docks	1
Total GFA (sq. m):	27882.51			
Lot Coverage Ratio (%):	47.6			
Floor Space Index:	8.02			

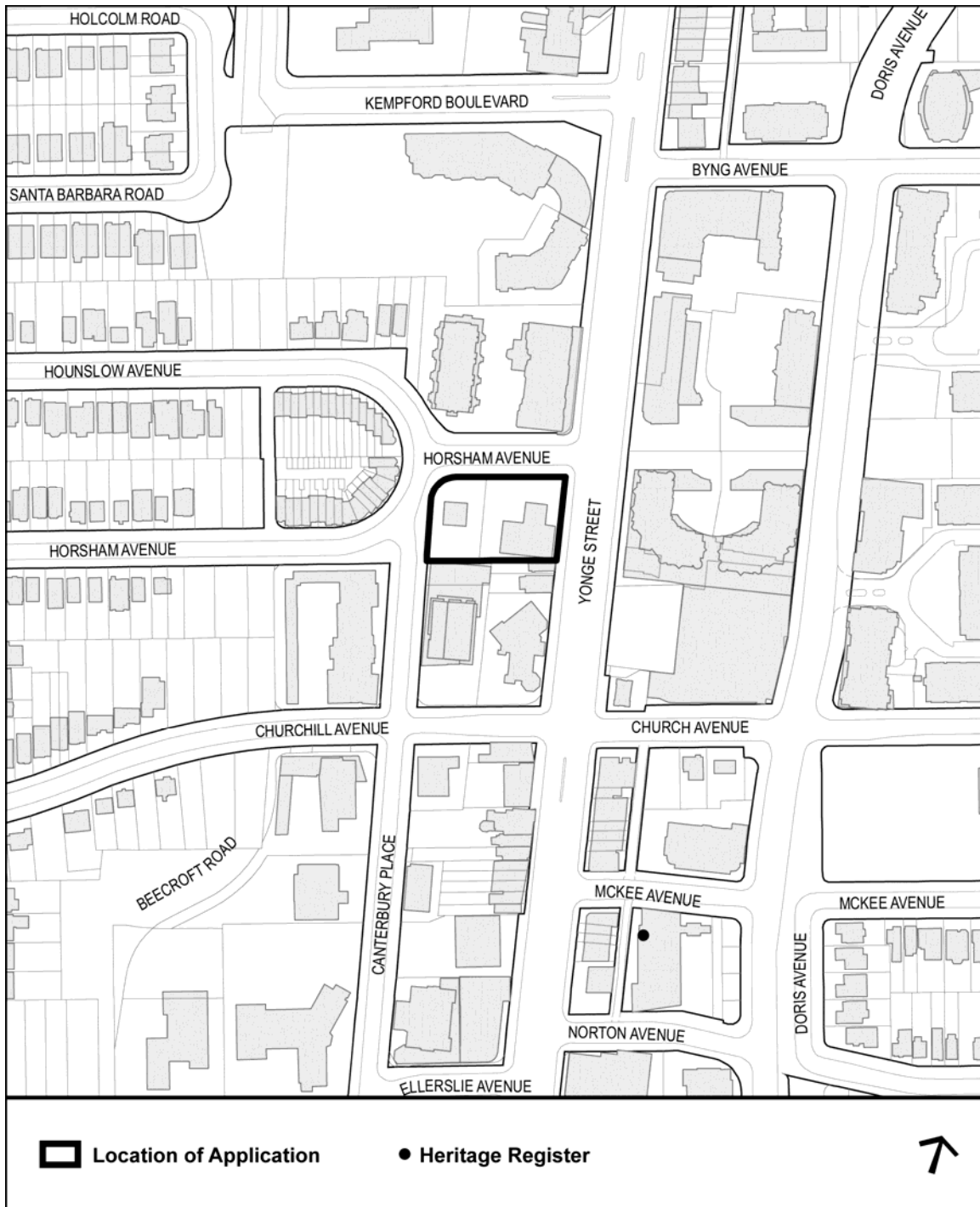
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	25438.16	0
Bachelor:	0	Retail GFA (sq. m):	730.7	0
1 Bedroom:	164	Office GFA (sq. m):	1713.65	0
2 Bedroom:	131	Industrial GFA (sq. m):	0	0

3 + Bedroom:	29	Institutional/Other GFA (sq. m):	0	0
Total Units:	324			
CONTACT:	PLANNER NAME:	Allison Meistrich, Senior Planner		
	TELEPHONE:	(416) 395-7127		
	E-MAIL:	Allison.Meistrich@toronto.ca		

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



TORONTO
 Extract from Official Plan

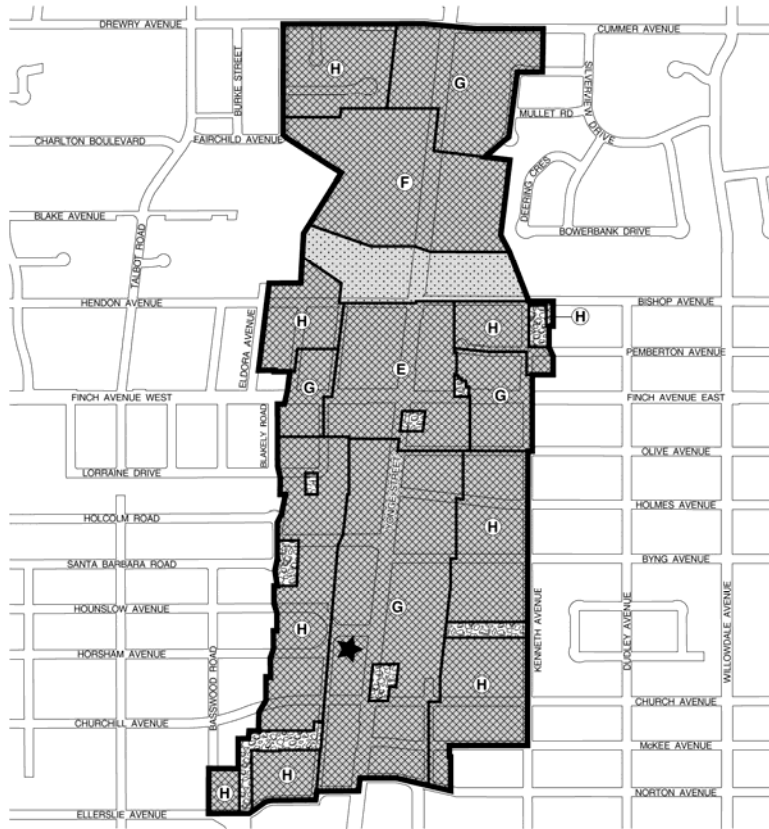
5400 Yonge St. & 15 Horsham Ave.

File # 18 106120 NNY 23 0Z

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

↑
 Not to Scale
 MO/DA/2018

Attachment 4 – North York Centre Secondary Plan Land Use Map



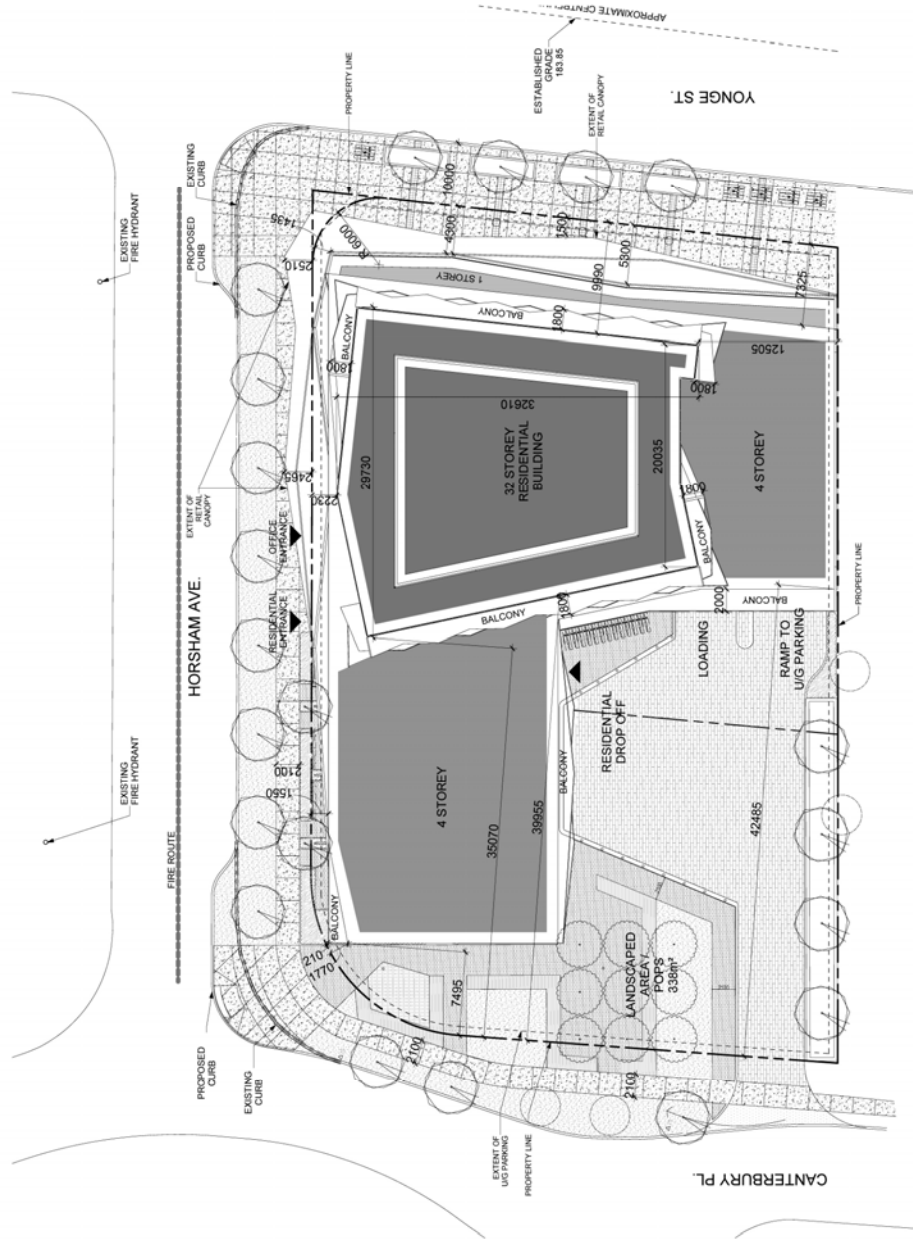
North York Centre Secondary Plan MAP B-4 North York Centre North Land Use Areas

- Secondary Plan Boundary
- Location of Application
- 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

Attachment 6: Site Plan



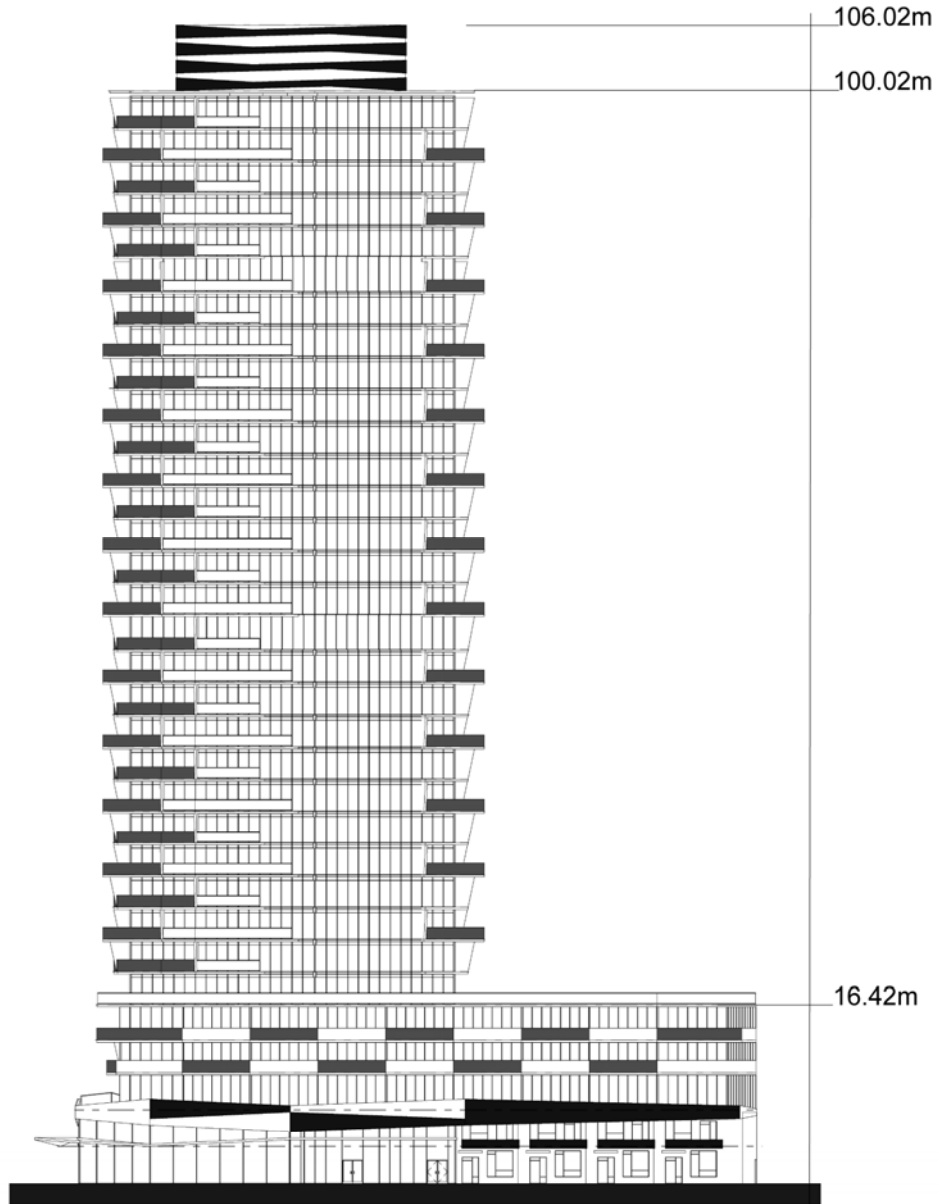
5400 Yonge St. & 15 Horsham Ave.

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 04/11/2018

File # 18 106120 NNY 23 0Z

Attachment 7a: Elevations



North Elevation

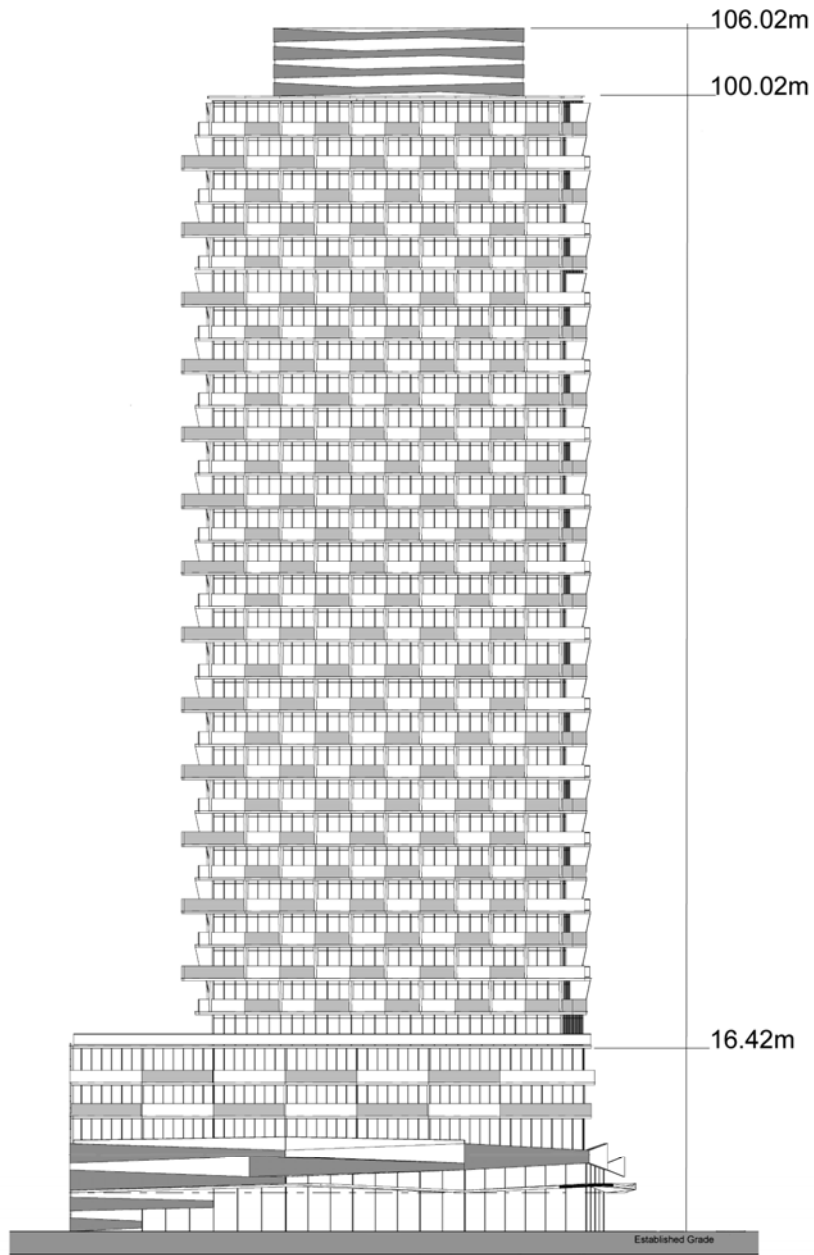
5400 Yonge St. & 15 Horsham Ave.

Applicant's Submitted Drawing

Not to Scale
04/11/2018

File # 18 106120 NNY 23 OZ

Attachment 7b: Elevations



East Elevation

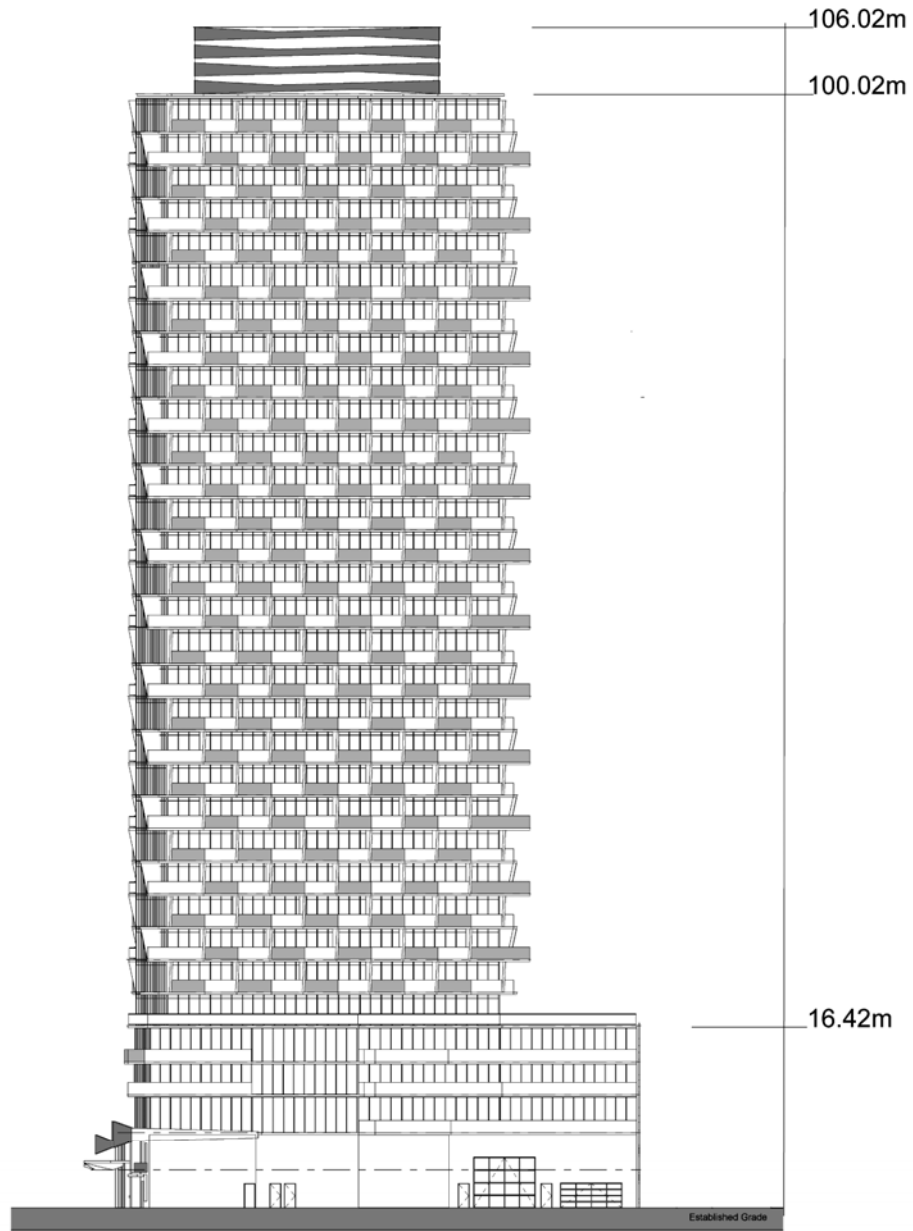
5400 Yonge St. & 15 Horsham Ave.

Applicant's Submitted Drawing

Not to Scale
04/11/2018

File # 18 106120 NNY 23 0Z

Attachment 7c: Elevations



West Elevation

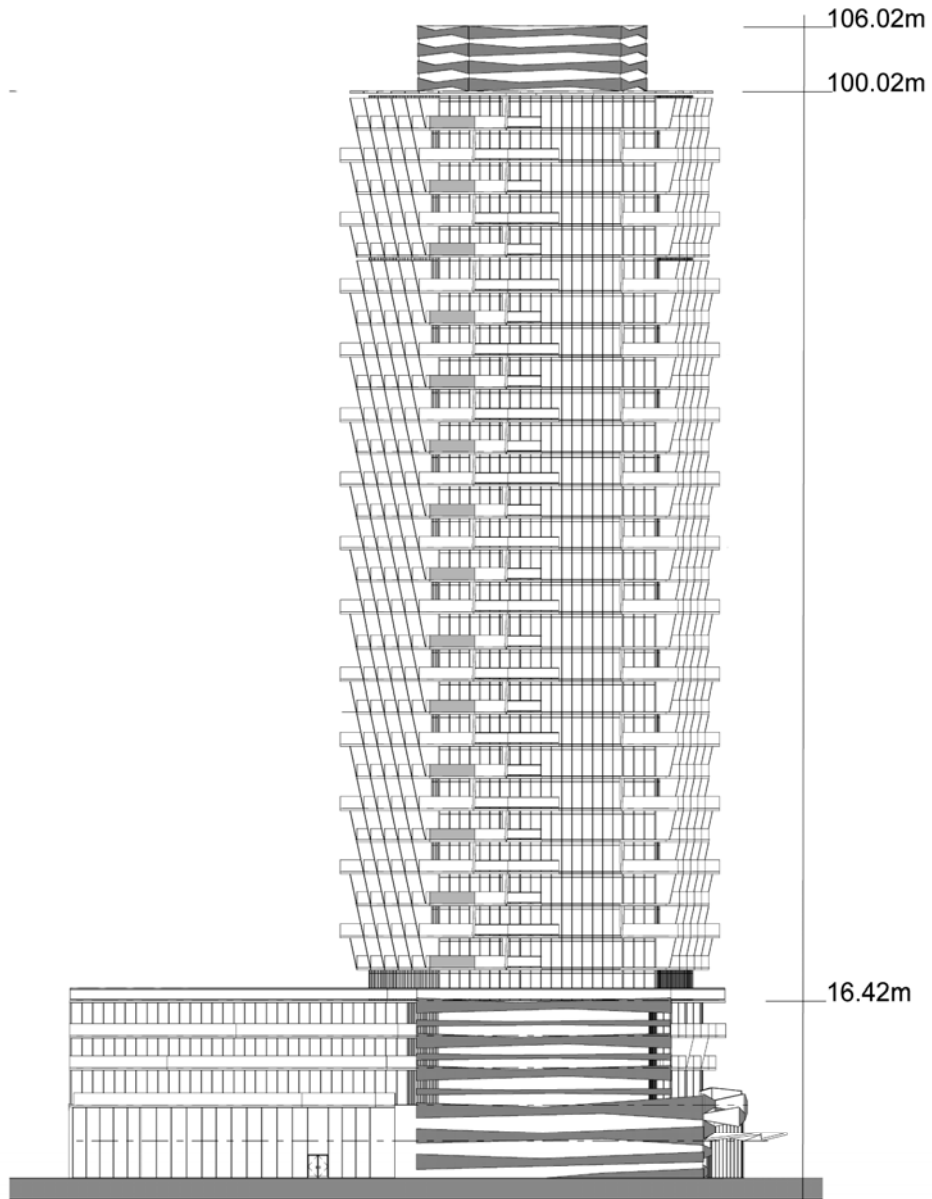
5400 Yonge St. & 15 Horsham Ave.

Applicant's Submitted Drawing

Not to Scale
04/11/2018

File # 18 106120 NNY 23 0Z

Attachment 7d: Elevations



South Elevation

5400 Yonge St. & 15 Horsham Ave.

Applicant's Submitted Drawing

Not to Scale
04/11/2018

File # 18 106120 NNY 23 0Z
