

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

Date: June 24, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 18 - 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 applicant has appealed the application to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act* and a hearing has been scheduled to commence on October 28, 2019. On May 31, 2019, the applicant submitted a revised proposal in the form of a "With Prejudice", or public, settlement offer which is the subject of this report.

The revised thirty-three storey proposal would have a height of 101.26 metres (excluding the mechanical penthouse) and a gross floor area of 22,188 square metres. The gross floor area would result in a Floor Space Index (a "FSI") of 8.75 times the area of the lot. A total of 109 vehicular parking spaces are proposed underground. An on-site parkland dedication is now proposed in this revised proposal. The changes made by the applicant are discussed in this report, however, despite the modifications, the proposal is still not supportable for the reasons outlined in this report.

This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the LPAT hearing in opposition to the amended Official Plan and zoning by-law amendment applications. In the opinion of Planning staff, the proposal does not conform with the Growth Plan, is not consistent with the PPS, does not conform to the Official Plan or the North York Centre Secondary Plan, 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 appropriate staff, to continue to oppose the application, as amended, at the Local Planning Appeal Tribunal hearing.

2. Should the Local Planning Appeal Tribunal approve the Official Plan and/or zoning by-law amendment applications, City Council authorize the City Solicitor to request that the Local Planning Appeal Tribunal withhold its Order(s) approving the application 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 Tribunal 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. Should the Local Planning Appeal Tribunal approve the application, Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

5. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant, in consultation with the Local Councillor, to address the issues outlined in the report (June 24, 2019) from the Director, Community Planning, North York District, and to report back to City Council on the outcome, including proposed Section 37 contributions relating to any revised proposal, as appropriate.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of June 26, 2018, City Council considered a report dated May 30, 2018 and entitled "5294-5304 & 5306 Yonge Street - Official Plan Amendment and Zoning Amendment, Applications - Request for Directions Report. City Council directed staff to oppose the application in its current form at the LPAT hearing but also to continue discussions with the applicant and report back to Council on the outcome of those discussions, as appropriate. Council also directed staff to require an on-site parkland dedication of 249 square metres fronting onto Yonge Street. City Council's decision and staff's Request for Direction Report may be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY31.3>.

REVISED PROPOSAL

The application has been revised from that considered by City Council at its meeting of June 26, 2018. While the proposed building remains thirty-three storeys, it has been reduced in overall massing and now includes a proposed on-site parkland dedication. The modifications to the previous proposal are summarized in the table below:

	Original Proposal	Revised Proposal
Gross Floor Area (sq. m)	24,375	22,321
Floor Space Index	9.61	8.75
Storeys	33	33
Height (excluding mechanical) (m)	103.5	101.26
Number of Units	328	265
Vehicular Parking - Residents	295	82
Vehicular Parking - Visitors	34	8
Vehicular Parking - Retail	5	19
Parkland Conveyance (sq. m.)	0	397.4

In addition to the modifications identified in the table above, the applicant has made some modifications to the building location and footprint to address some of staff's concerns raised in the report from the Director, Community Planning, North York District considered by City Council in June 2018. Other modifications include:

- Eliminating the building stagger at grade and providing a consistent front yard setback of four metres;
- Relocating the residential entrance from Yonge Street to the north side of the building;
- Providing a consistent base building height of 14.35 metres;
- Shifting the base building to the south. Now providing a zero metre setback from the south property line;
- Relocating the proposed mid-block pedestrian connection to the north side of the building with a minimum width of approximately three metres;
- Eliminating the pedestrian entrance to the base building on the west side of the building;
- Extending the podium to the west;

- Introducing two, three-storey townhouse units connected to the main building and fronting onto Canterbury Place;
- Providing at-grade outdoor amenity space; and
- Increasing the tower setbacks for the tall building from the north and south property lines.

The materials filed with the revised proposal did not include the following:

- Revised engineering plans or reports;
- Revised sun/shadow study;
- Revised wind study;
- Revised transportation and parking study;
- Block plan; or
- Revised planning rationale for the revised proposal.

Since filing the revised application, staff have recently received, and are still reviewing, the following documents:

- Draft Zoning By-law Amendment;
- Draft Official Plan Amendment;
- Parking Reduction Addendum; and
- Updated planning rationale.

POLICY CONSIDERATIONS

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)

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 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 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".

Provincial Plans

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral

part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (a "MCR"), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a ten minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan & North York Centre Secondary Plan

The site is within a *Centre* on Map 2 of the Official Plan and is designated *Mixed Use Areas*.

The site is also within the North York Centre Secondary Plan (the "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. The site is located within the *North York Centre North* area and is designated as being within the *Mixed Use Areas G* designation of the NYCSP.

The report dated May 30, 2018 from the Director, Community Planning, North York District considered by City Council June 26, 2018, entitled "5294-5304 & 5306 Yonge Street - Official Plan Amendment and Zoning Amendment, Applications - Request for Directions Report" provided a detailed outline of the Official Plan and NYCSP policies which apply to the site. The staff report is available at <https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-115786.pdf>.

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

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>.

COMMENTS

Provincial Policy Statement and Provincial Plans

In staff's Request for Direction Report dated May 30, 2018 an analysis of the proposed development with respect to the PPS (2014) and the Growth Plan (2017) was provided. Since that time the Province introduced an updated Growth Plan which a decision making body, including the LPAT, must consider. As such, staff have evaluated the revised proposal against the PPS (2014) and the Growth Plan (2019).

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. Policy 1.1.1.(g) of the PPS requires that the necessary infrastructure and public service facilities are, or will be, available to meet current and projected needs. Policy 1.1.3.2.(a)(2) requires land use patterns to have densities which are appropriate for the infrastructure and public service facilities which are planned or available and avoid the need for the unjustified and/or uneconomical expansion. Further, Policy 1.1.3.3 requires planning authorities to identify appropriate locations for intensification where it can be accommodated, taking into account the availability of suitable existing or planned infrastructure and public service facilities. 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.

The NYCSP is a comprehensive plan which sets out permitted development levels based on the available transportation, servicing, and community services and facilities infrastructure. The proposed density is well in excess of that contemplated for the site and the applicant has not demonstrated whether the existing infrastructure can accommodate the cumulative impacts if similar densities are applied to other soft sites in the NYCSP. The proposal undermines the NYCSP which has successfully implemented the *Centre* policies of the Official Plan, the PPS and the Growth Plan.

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.

Policy 2.2.2.3(f) of the Growth Plan states that the strategy to achieve the minimum intensification target is to be implemented through a municipality's Official Plan policies and designations. Policy 2.2.2.2 stipulates that until the next *municipal comprehensive review* is approved and in effect, the annual minimum intensification target contained in the municipality's Official Plan that is approved and in effect as of July 1, 2017 will continue to apply. Policy 5.2.4.3 says that the population and employment forecasts contained in Official Plans that were approved and in effect on July 1, 2017 apply to all planning matters. The City is on pace to exceed its population targets and additional density, beyond those contemplated by the NYCSP, is not needed in order to achieve those targets. The proposal introduces uncertainty into the NYCSP which has clear, reasonable and attainable policies. The significant increase in density, without a comprehensive review of the impacts on the infrastructure demands, will undermine the NYCSP and introduce 'ad hoc' planning to this area.

The Growth Plan, in Policy 5.2.5.6, directs municipalities 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*. In addition to the policies in the Official Plan, City Planning has developed guidelines for how to appropriately site and mass tall buildings, which the proposal does not meet.

The proposal does not meet the policies of the PPS and Growth Plan as it does not contemplate the cumulative impacts that the potential increased densities would have on the available infrastructure and does not meet the city's guidelines with regards to creating appropriate built form and a high quality public realm. Lastly, it does not implement the Official Plan, as discussed below, which is the most important vehicle for implementing the PPS.

Density, Height and Massing

While the amended application addresses some of the issues raised by staff, including the setback of the base building from Yonge Street, the mid-block connection and height of the base building, staff continue to have concerns with the proposed density, height and 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 amended application, while having a lower height and density than previously proposed, remains well in excess of what is permitted in the NYCSP. As discussed in detail in staff's

previous Request for Directions report, when an application to amend the height provisions in the NYCSP 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 NYCSP 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 specifically states that "in no event will the City approve a development proposal" that exceeds this limit. Further, Policy 1.14 states that the numeric height and density limits in the NYCSP should be considered absolute. The revised application has reduced the proposed height from 103.5 metres to 101.26 metres, still higher than the 87 metres permitted in the NYCSP. The amended application proposes a density of 8.75 times the area of the lot rather than the permitted 3.75 times the area of the lot (to a maximum of 4.98 subject to the density incentive policies permitted by the NYCSP). Although reduced from the original density, the concerns, and analysis, with regards to height and density as outlined in staff's previous report continue to apply.

While the applicant has addressed the concerns with regards to the base building setback along Yonge Street and the stepped nature of the base building height, other concerns remain with the proposed building. In order to achieve a pedestrian-scale street wall condition along Yonge Street, the NYCSP requires taller buildings to stepback ten metres above the base building. The proposed tower portion of the building has a maximum stepback of approximately 2.5 metres and as little as one metre along the Yonge Street frontage. This is not consistent with other existing tall buildings along Yonge Street that have generally complied with this Official Plan policy, resulting in a uniform and appropriately scaled pedestrian environment along Yonge Street. The proposed building also does not stepback from the base along the north side of the building adjacent to the mid-block connection. In order to have an appropriate scale and relationship to the proposed walkway and public park, the tower should be stepped back from the base building.

While the tower setback to the south property line has been increased, the tower still does not meet the Tall Building Guidelines requirement with regards to building setback and separation distance to the south. The proposed tower continues to have an insufficient separation distance to the existing two-storey building to the northwest and does not provide the required 12.5 metre setback. The tower location on the site and block remains a concern of staff. Staff previously requested a Block Plan from the applicant which demonstrates comprehensive development, including tower placement, on the block from Eglerslie Avenue to Churchill Avenue, in order to demonstrate how development may occur in a comprehensive manner on the entire block.

The revised base building now extends closer to Canterbury Place. While staff are not opposed to the inclusion of townhouse type units, the proposed front yard setback is not appropriate. The building should have a greater front yard setback for grade related townhouses and provide a setback that is consistent and fits within the existing context to the north and south.

The residential entrance was originally accessible directly from Yonge Street but has now been relocated to the north side of the building, off of the proposed mid-block connection. The Built Form policies of the Official Plan require main building entrances to be "clearly visible and directly accessible from the public street". The proposed residential entrance is not appropriate and should be located on Yonge Street to have a street address.

Lastly, the revised massing may affect the shadowing and wind impacts that the building would create on adjacent properties and the public realm. However, the applicant has not provided updated studies for staff to evaluate the impacts and whether or not they remain a concern.

Privately-Owned Publicly Accessible Open Space (POPS)

A privately-owned publicly accessible open space ("POPS") of approximately 198 square meters is being proposed. The POPS is a pedestrian mid-block walkway immediately south of the proposed public park which spans the depth of the site, connecting Yonge Street to Canterbury Place. Staff consider the proposed POPS to be a positive element of the revised proposal as it will provide a mid-block connection for pedestrians, breaking up the block and improving the pedestrian network. However, to make the space pedestrian friendly, the walkway should be widened to be between five and six metres wide.

Should the LPAT approve the application, staff recommend that the POPS be secured in a Section 37 Agreement and its final design be secured through the Site Plan Control approval process.

Site and Block Organization

The combination of the lack of proper tower setbacks from the property lines, an insufficient width of the mid-block connection and an incremental approach for the entire block between Ellerslie Avenue and Churchill Avenue, necessitates a review of this proposal in the context of the overall block. As previously suggested to the applicant, the acquisition of additional properties on Yonge Street would improve the siting of the tower, setbacks to property lines and the overall development of the block. In addition to creating an appropriate vision for the entire block and appropriately locating buildings on the site, this would also result in a reduced density on the site.

Transportation

Yonge Street is identified as a *major street* in the Official Plan with a planned 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. Unlike the original proposal, the applicant is now proposing to dedicate the lands necessary to achieve the planned right-of-way width.

The revised proposal contains significantly reduced residential parking ratios compared to the original proposal. The changes are illustrated in the chart below:

	Original Proposal	Revised Proposal
Number of Units	328	265
Vehicular Parking - Residents	295	82
Vehicular Parking - Visitors	34	8
Vehicular Parking - Retail	5	19
Bicycle Parking - Residents	302	181
Bicycle Parking - Visitor	36	19
Bicycle Parking - Retail	13	0

The applicant is now proposing a commercial parking lot on the P1 level of the underground parking garage and reduced parking rates for the residential portion of the building. Since filing the revised application, the applicant has now provided an updated transportation study and parking justification which is under review.

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.

Servicing and Transportation Infrastructure

Engineering and Construction Services have reviewed the original materials and outlined concerns 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. Revised engineering reports were not included in the materials filed with the amended application.

As previously noted, the density levels established in the NYCSP were based on a certain level of available infrastructure. The applicant has not undertaken an analysis to demonstrate what the cumulative impact of the proposed density increase would have on servicing and transportation infrastructure should similar soft sites in the NYCSP propose densities at a similar level as proposed by this application.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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 1000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code. Chapter 415 of the Municipal Code can be found here: https://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.

Council's decision of June 26, 2018 directed that an on-site parkland dedication of 249 square metres is required pursuant to Section 42 of the *Planning Act*. The amended application now proposes a rectangular park with an area of approximately 397.4 square metres at the north end of the site. This is an over dedication of 148.4 square

metres. Section 3.3 (Density Incentives) of the NYCSP, as amended by By-law No. 721-2014, allows for a density incentive for additional parkland conveyances, over and above the dedication required by the parkland dedication policies of the Official Plan. The gross floor area equal to the area of the additional parkland, in this case 148.4 square metres, may be transferred provided the land is conveyed to the City for nominal consideration for public purposes such as parkland subject to the parkland dedication policies in Section 6.5 of the NYCSP, a public recreational centre or other public purposes identified in the Secondary Plan. Staff support the amendment to the application to provide public parkland which exceeds Council's required area.

If the LPAT approves the application, the applicant will need to ensure that any window or door openings on the north side of the building are properly secured to meet the Ontario Building Code requirements for fire separation. The City will not enter into a limiting distance agreement. Should the applicant be unable to ensure that any window or door openings on the north side of the building are properly secured, a minimum five metre setback from the park is required.

Community Services and Facilities Assessment and Section 37 of the *Planning Act*

Section 10.5 of the NYCSP 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 NYCSP, 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. 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, over dedication of parkland 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 applicant is proposing a density in excess of that contemplated by the NYCSP.

The Community Services and Facilities Study submitted by the applicant with the original application concludes that "the proposed development is not expected to significantly impact the demand on community services and facilities in the 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. This area has some capacity issues with regards to community services and facilities, in particular school capacity.

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 of 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.

The Toronto District School Board has provided comments advising that there is insufficient space at the local elementary and secondary schools to accommodate the students anticipated from the proposed development and others in the area. Children from new developments will not displace existing students at local schools.

Conclusion

The revised proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), 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 North York *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, and massing.

There is no rationale or density incentive strategy proposed for the significant excess in density proposed and resulting development pressures on the existing infrastructure and public services. The proposed intensification 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 to the north, limiting the ability to achieve more comprehensive planning in the block

between Eglerslie Avenue and Churchill Avenue to ensure future redevelopment meets Official Plan policies and city guidelines for tower siting, open space, parkland, built form and public realm relationships.

The applications to amend the Official Plan and zoning by-law are not supportable. The revised proposal is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not conform with the Official Plan and NYCSP, including policies regarding density and height. 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 amended proposal.

CONTACT

Guy Matthew, MCIP, RPP, Senior Planner
Tel. No. (416) 395-7102
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: 3D Model of Proposal in Context
- Attachment 3: Location Map
- Attachment 4: Official Plan Land Use Map
- Attachment 5: North York Centre Secondary Plan Maps
- Attachment 6: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 5306 YONGE ST Date Received: August 17, 2017
Application Number: 17 218341 NNY 23 OZ
Application Type: OPA / Rezoning, OPA & Rezoning
Project Description: OPA and rezoning to permit a 33 storey residential building with retail at grade.

Applicant	Agent	Architect	Owner
DEVINE PARK LLP		SCOTT SHIELDS ARCHITECTS INC	5300 YONGE GP LTD

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C1	Heritage Designation:
Height Limit (m):	9.2	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,536 Frontage (m): 41 Depth (m): 67

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	714		1,434	1,434
Residential GFA (sq m):			21,784	21,784
Non-Residential GFA (sq m):	1,449		404	404
Total GFA (sq m):	1,449		22,189	22,189
Height - Storeys:	2		33	33
Height - Metres:	8		101	101

Lot Coverage Ratio (%) : 56.56 Floor Space Index: 8.75

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	21,784	

Retail GFA: 404
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			265	265
Other:				
Total Units:			265	265

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			122	107	36
Total Units:			122	107	36

Parking and Loading

Parking Spaces: 109 Bicycle Parking Spaces: 200 Loading Docks: 1

CONTACT:

Guy Matthew, Senior Planner
 (416) 395-7102
 Guy.Matthew@toronto.ca

Attachment 2: 3D Model of Proposal in Context



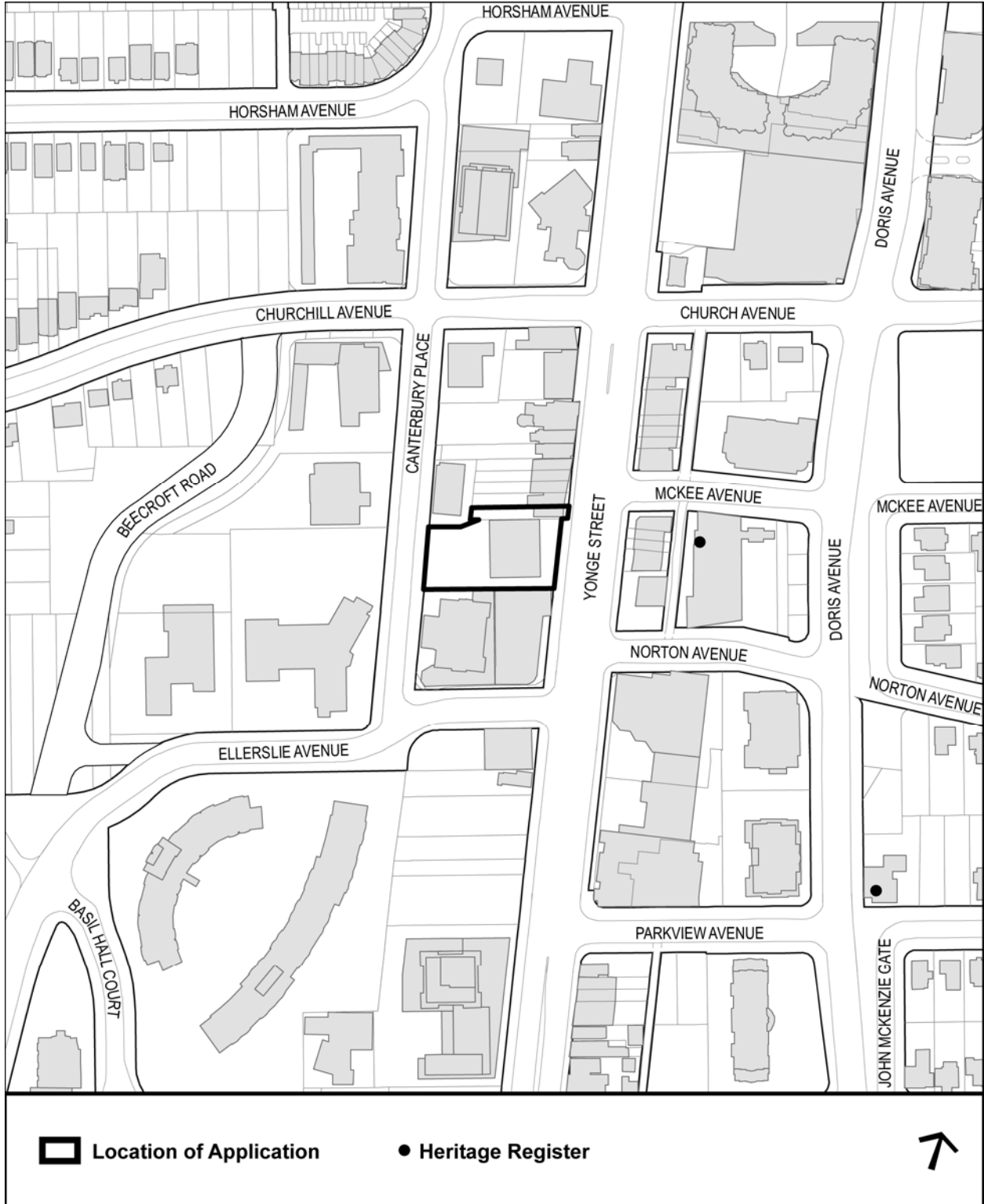


View of Applicant's Proposal Looking Northwest

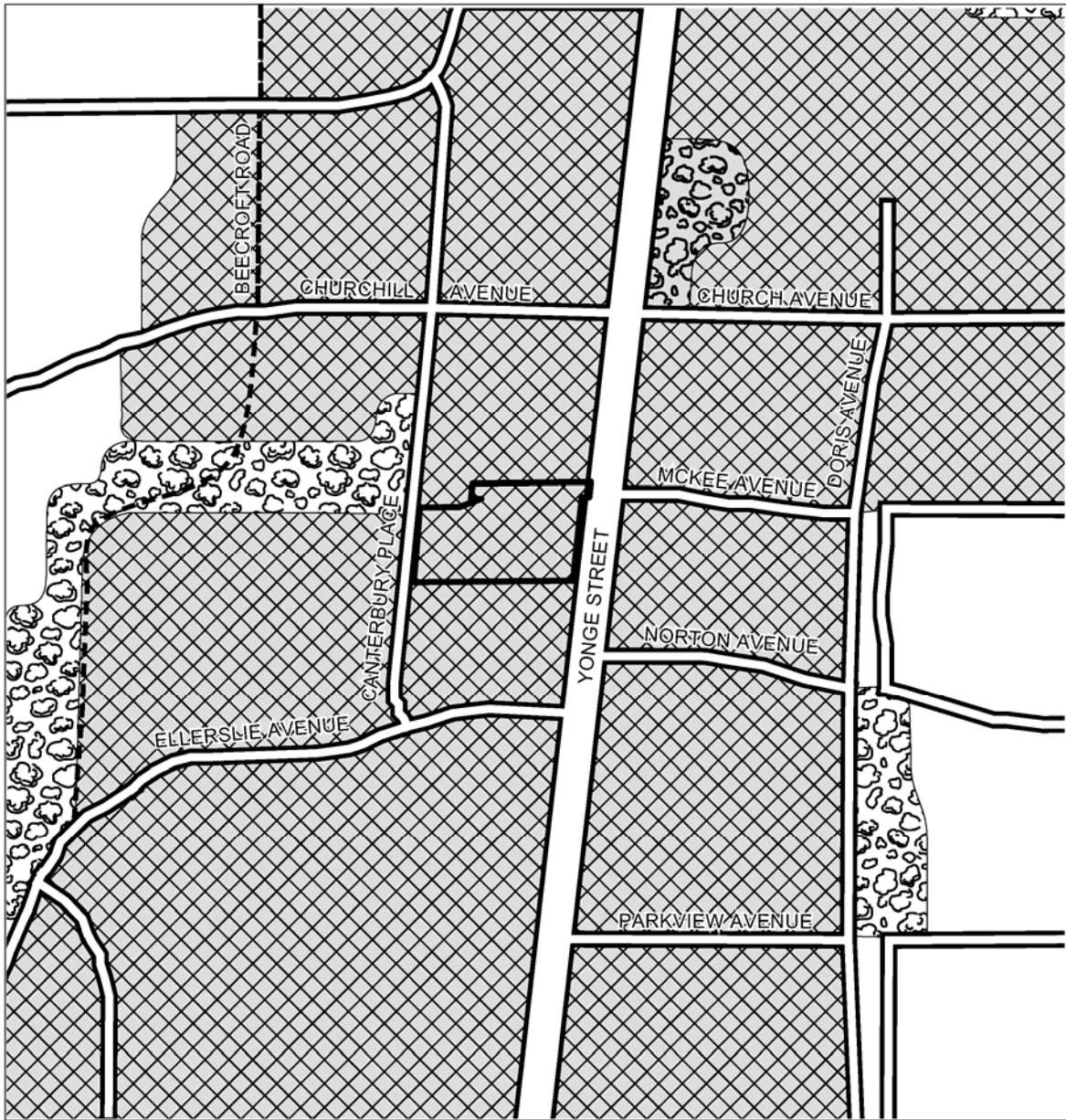


06/20/2019

Attachment 3: Location Map



Attachment 4: Official Plan Land Use Map



Extract from Official Plan

5294 - 5304 & 5306 Yonge Street

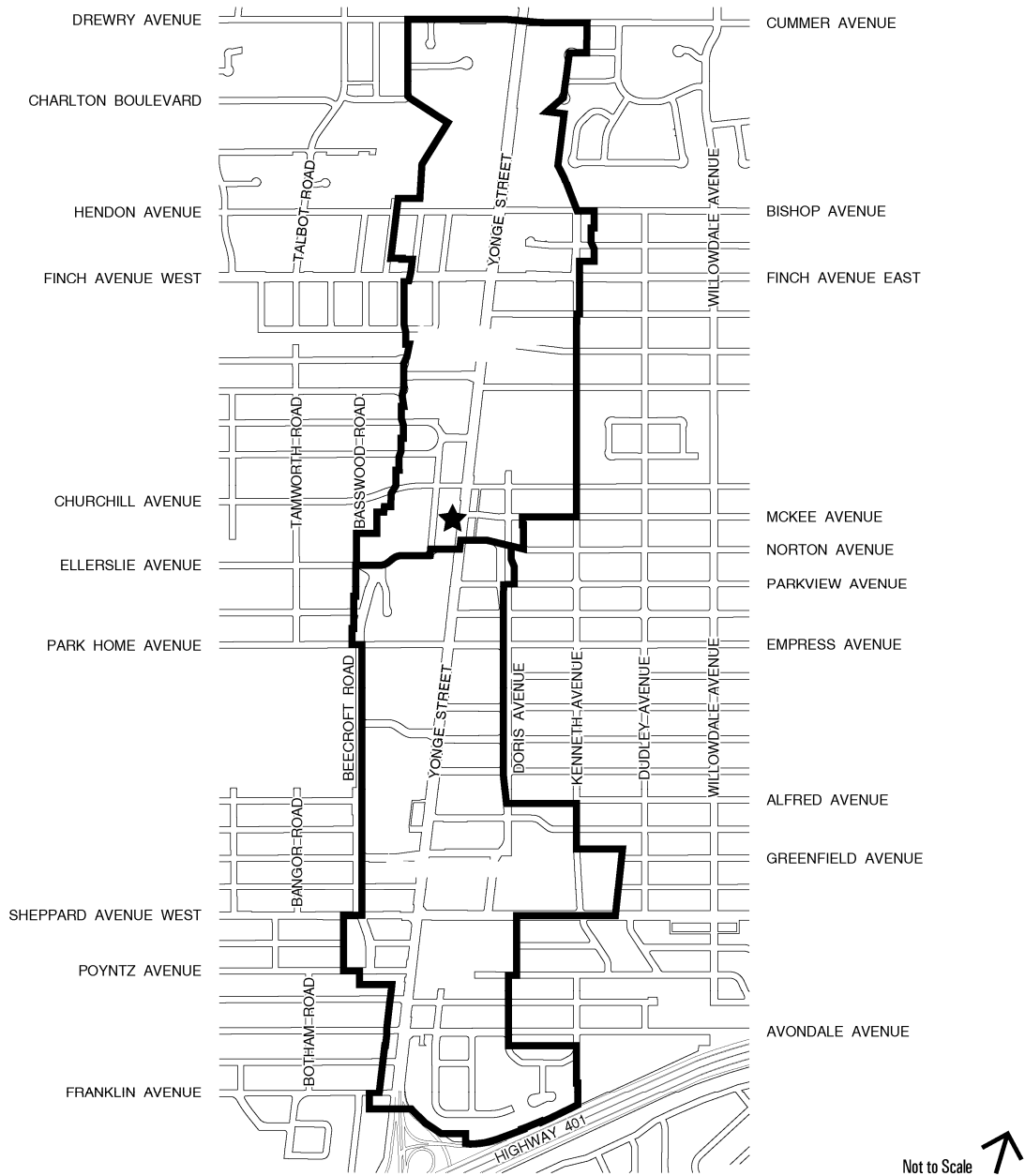
File # 17 218341 NNY 23 0Z

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



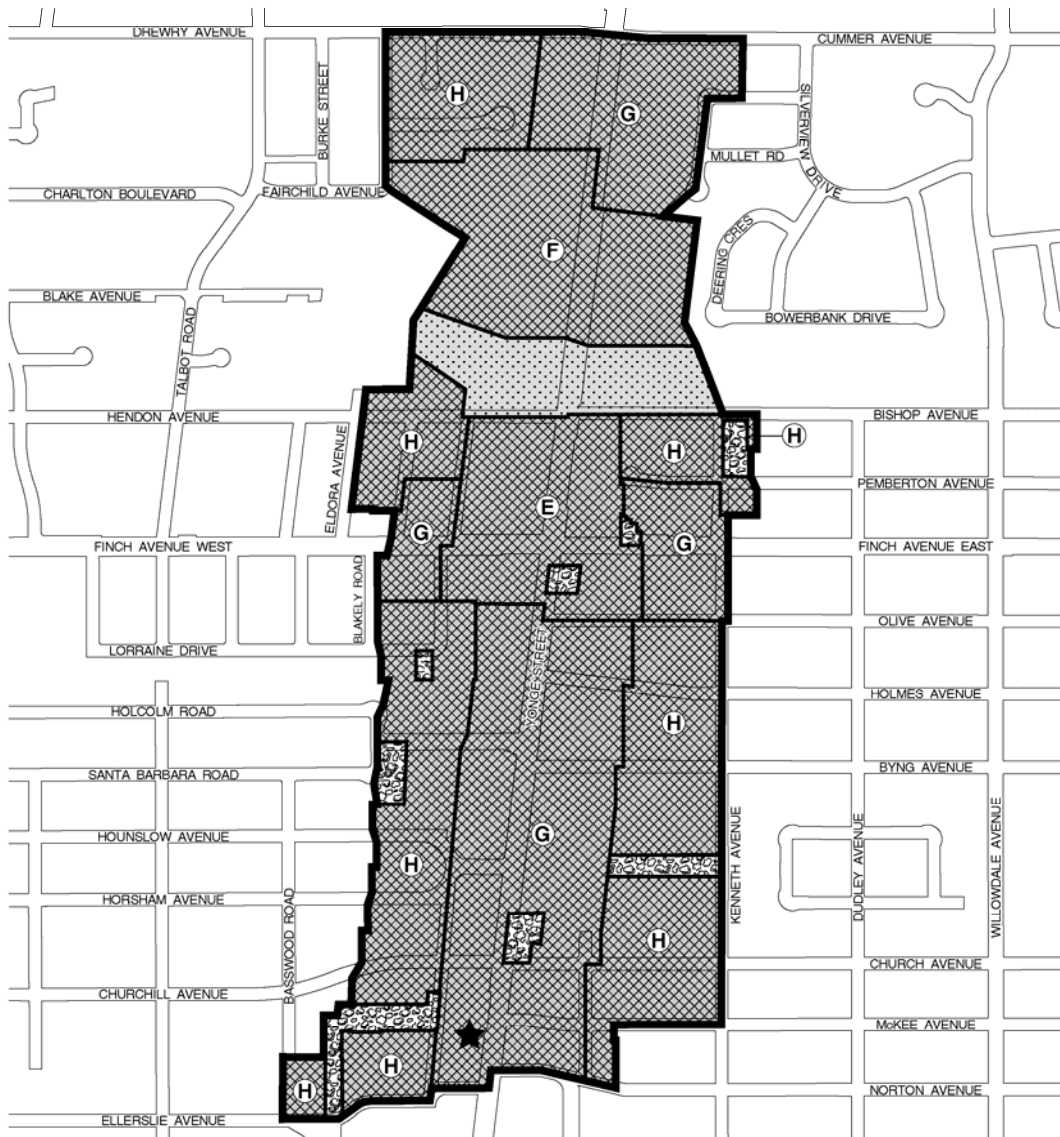
Not to Scale
09/07/2017

Attachment 5: North York Centre Secondary Plan Maps



North York Centre Secondary Plan

MAP 8-1 Secondary Plan Boundaries








Not to Scale 



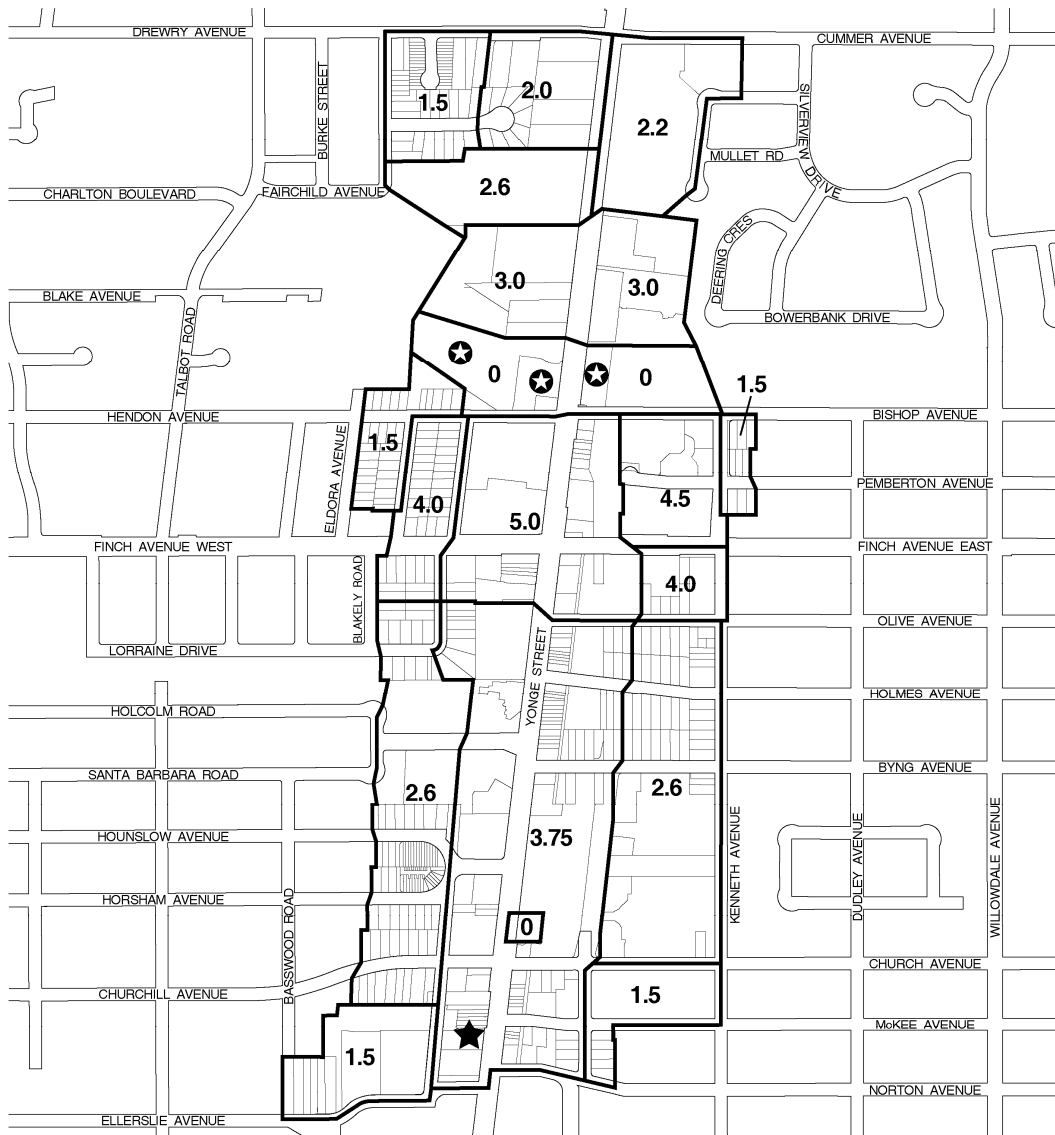
North York Centre Secondary Plan

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

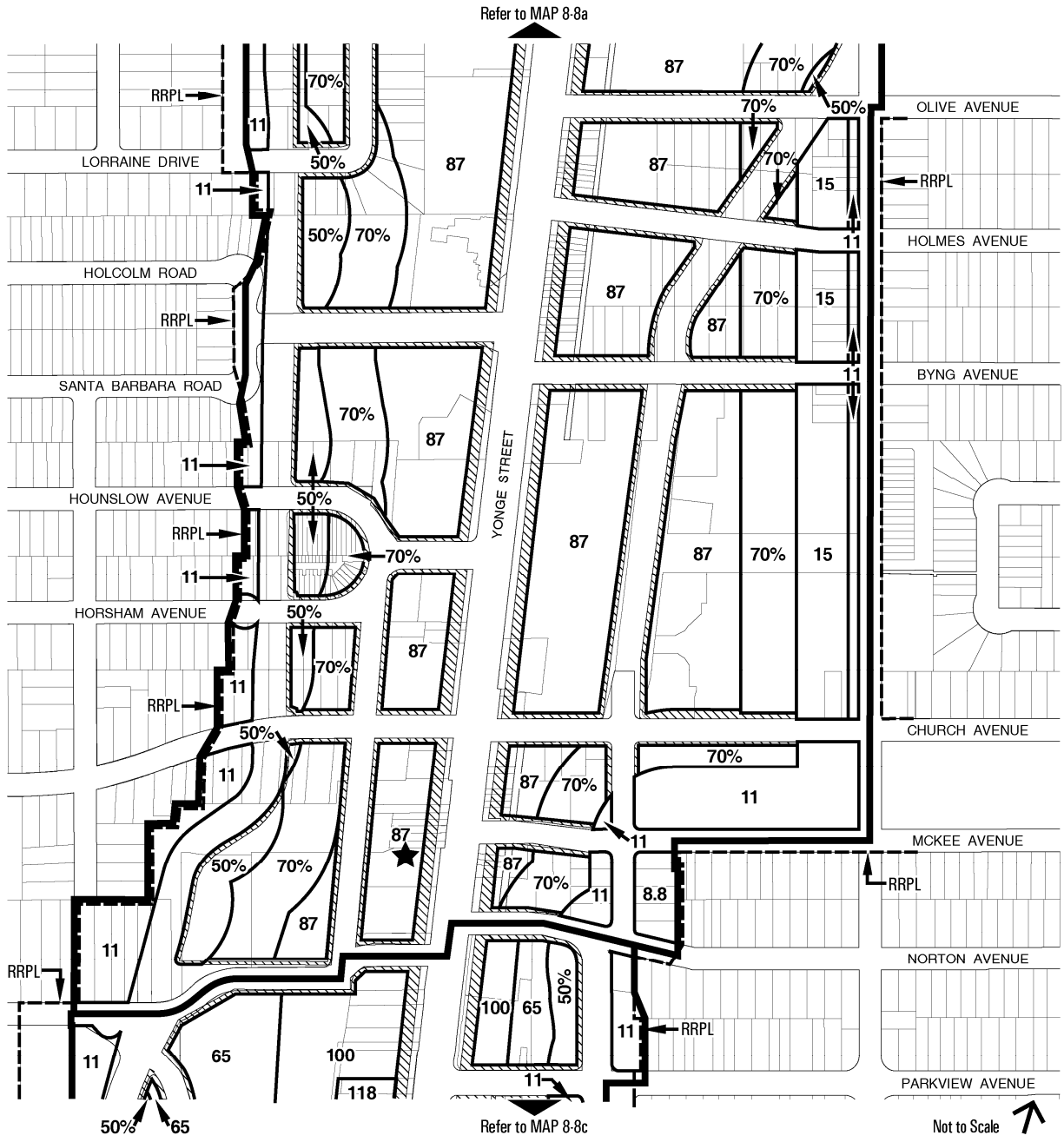
 Density can only be assigned to these lands pursuant to the Official Plan, North York Centre Secondary Plan, Section 3 or Section 13

 Subject Site

Note: Density Limits are exclusive of density incentives and transfers



June 2006



North York Centre Secondary Plan

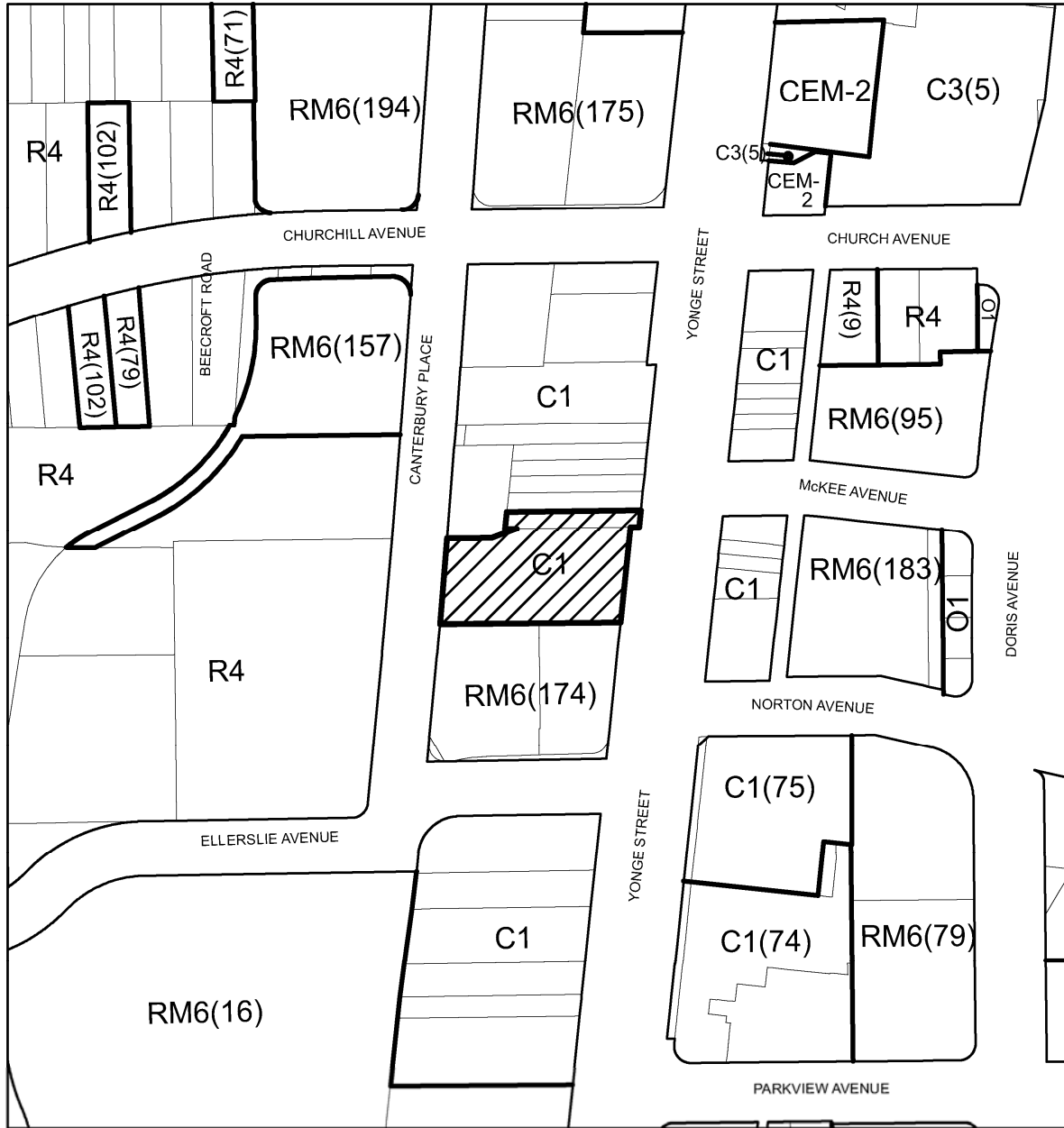
MAP 8-8b Maximum Height Limits

- Secondary Plan Boundary
- Relevant Residential Property Line (RRPL)
- Subject Site
- The Lesser of 8.8m or 2 Storeys
- Maximum 100m Above Grade
- 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
- Maximum 87m Above Grade
- Street Facade Limit as per Section 5.3 of this Secondary Plan



November 2015

Attachment 6: Existing Zoning By-law Map



Zoning By-Law No. 7625

5294 - 5304 & 5306 Yonge Street

File # 17 218341 NNY 23 0Z



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

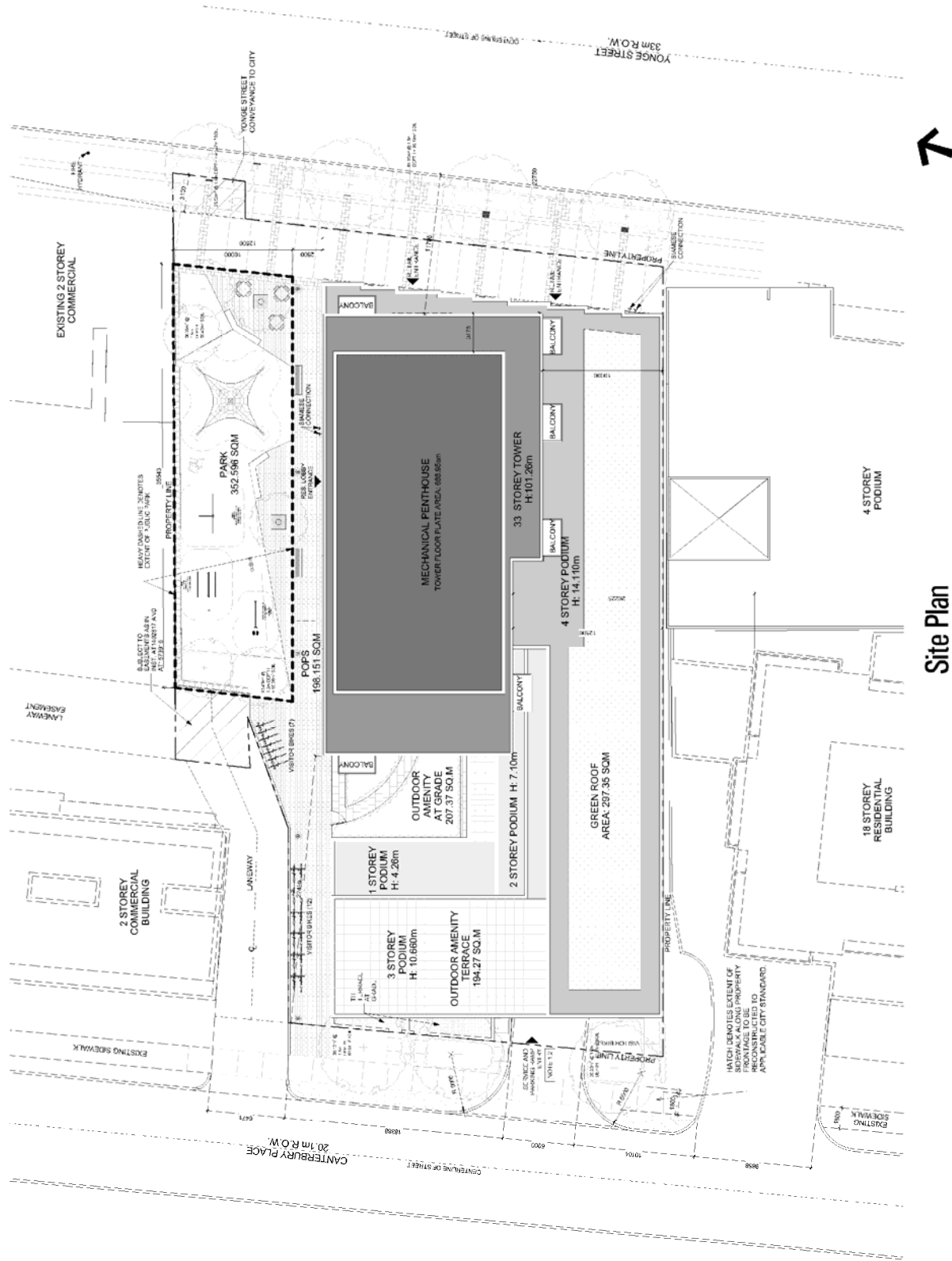
CEM-2 Restricted Cemetery Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



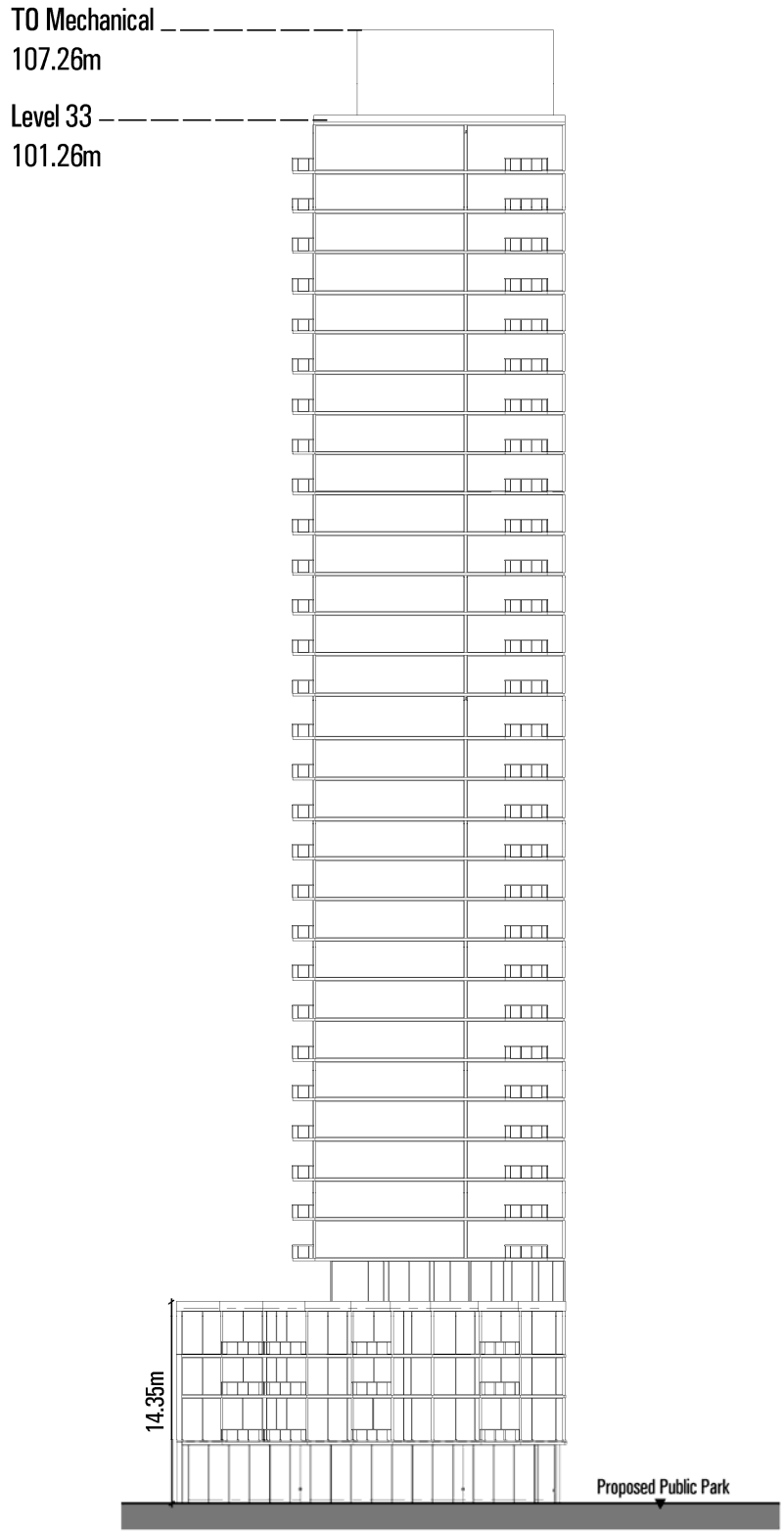
Not to Scale
Extracted: 09/07/2017

Attachment 7: Site Plan

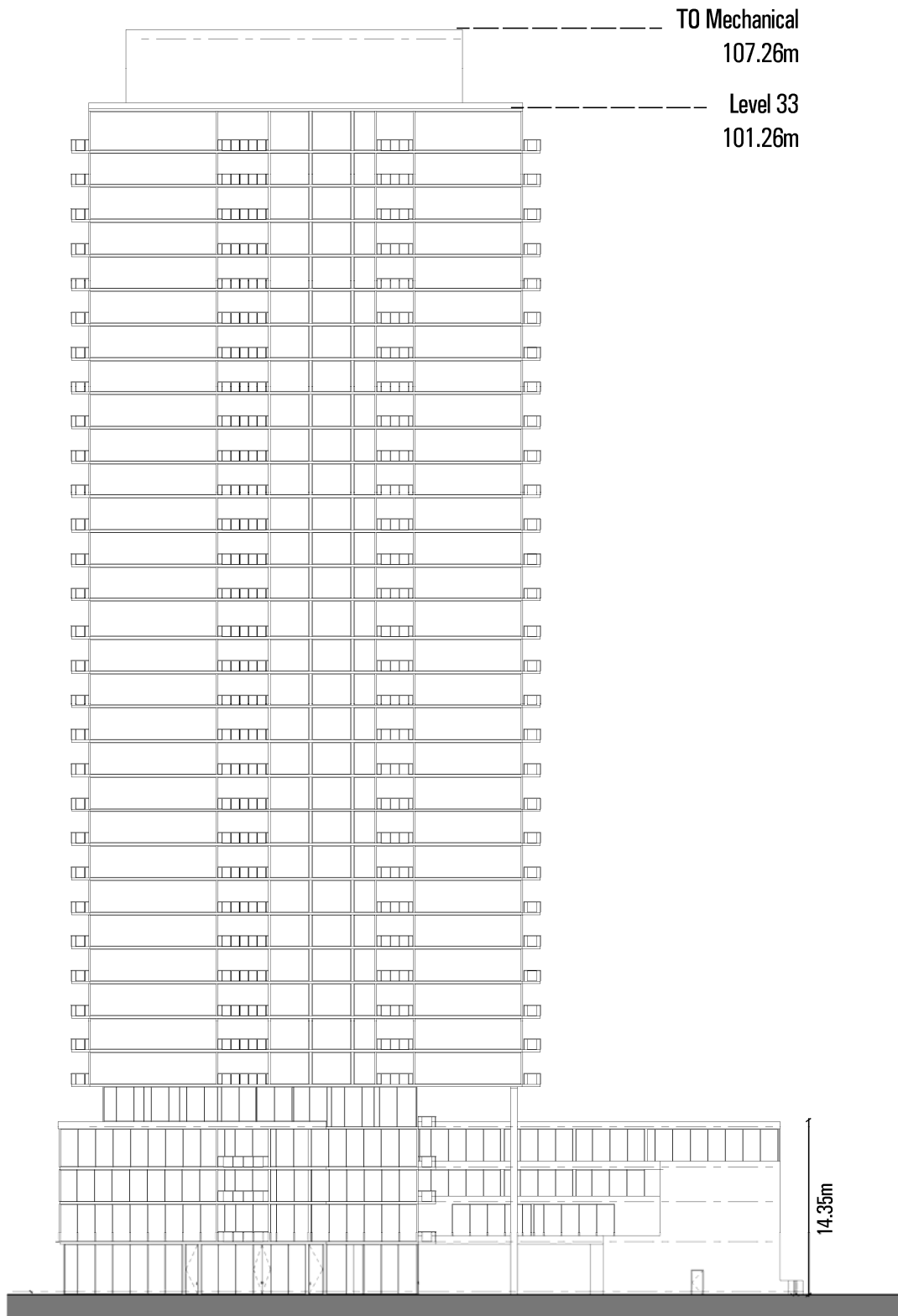


Site Plan

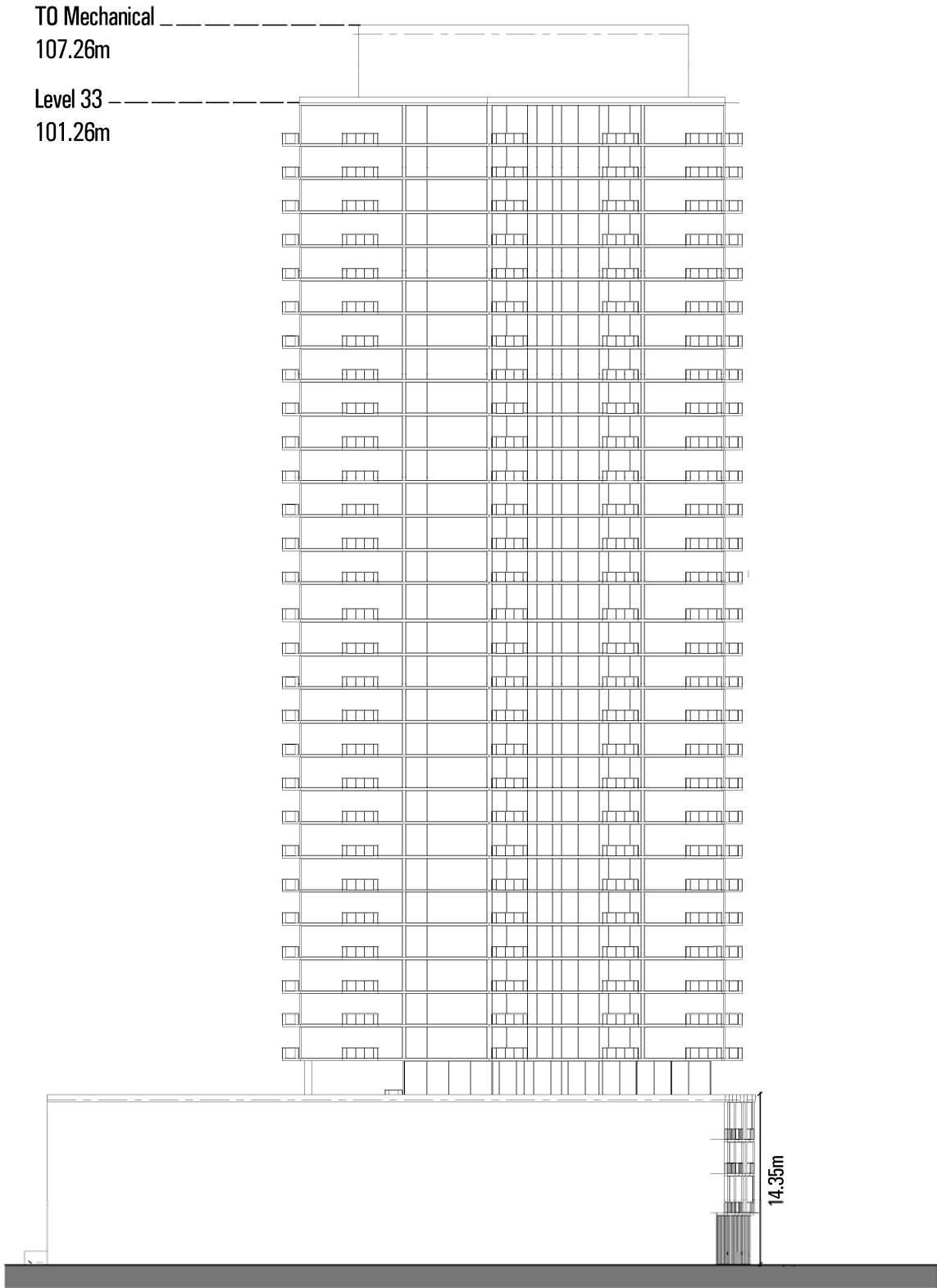
Attachment 8: Elevations



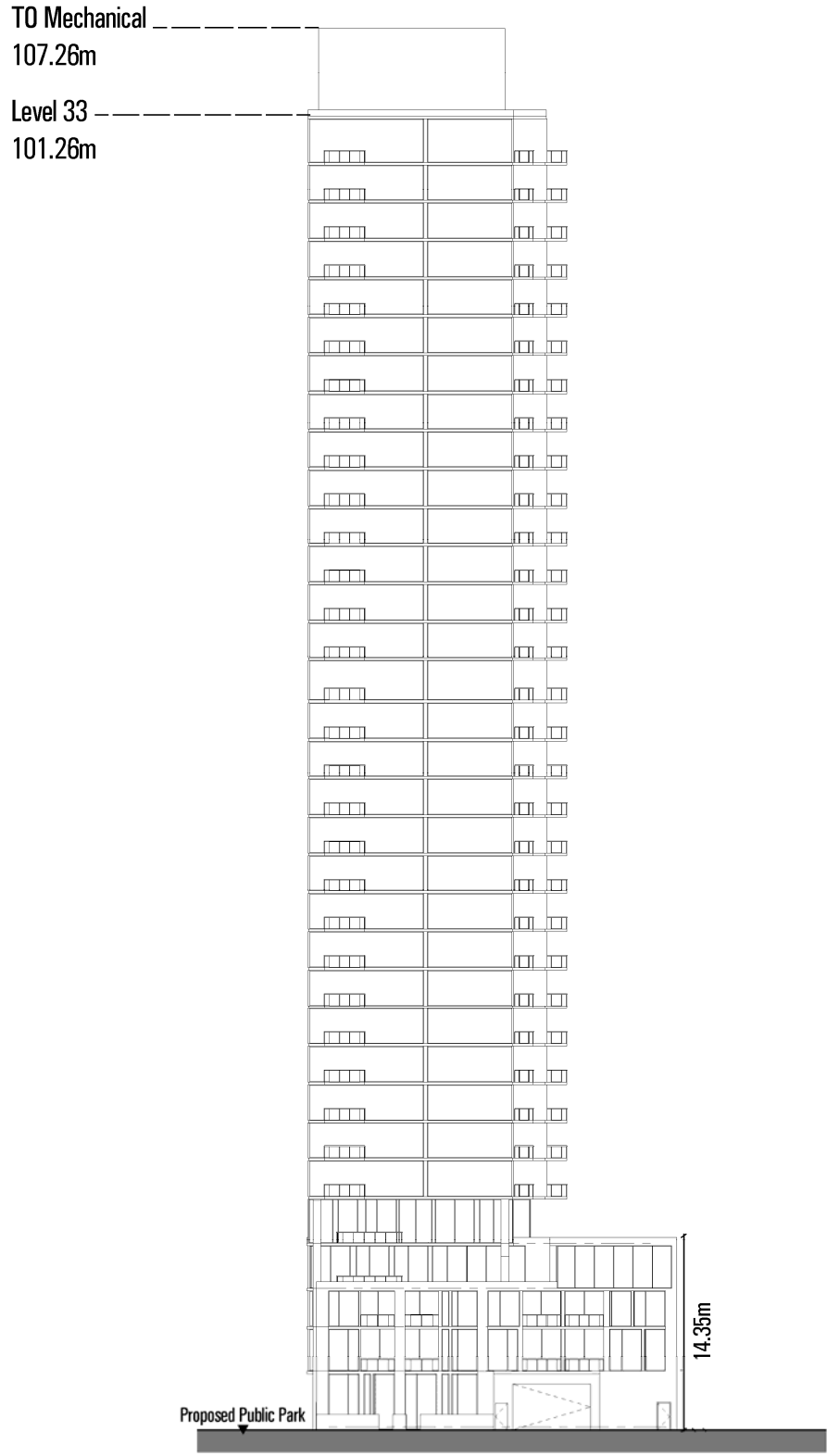
East Elevation



North Elevation



South Elevation



West Elevation