

5799 to 5915 Yonge Street, 45 and 53 Cummer Avenue, and 46 and 47 Averill Crescent – City-Initiated Official Plan and Zoning By-law Amendment Applications – Final Report

Date: November 13, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 18 - Willowdale

Planning Application Number: 11 287471 NNY 24 OZ

SUMMARY

In 2011 the owner of Newtonbrook Plaza (5799-5915 Yonge Street) made Official Plan and Zoning By-law Amendment applications to permit the redevelopment of the site to a mixed-use project. The owner appealed Council's failure to make a decision to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT). The City and the owner settled the appeals at the City Council meeting of July 7, 2015. One of the terms of the settlement was that the owner would construct a community recreation facility, including a daycare, having an area of 3,232 square metres. Since the settlement, it has been determined that the size of the community recreation facility is not large enough to make optimal use of the City's programs and functions.

City staff have had some discussion with the owner and they are amenable to entertaining an expansion of the community recreation facility subject to further increases in height and density and other permissions from the City. On October 7, 2020, North York Community Council authorized staff to enter into discussions with the owner to explore the possibility of increasing the size of the proposed community recreation facility and to report back to North York Community Council no later than December 3, 2020 with possible mechanisms of implementation. This report outlines the details of the expansion of the community recreation facility in exchange for certain permissions in height and density and attaches the proposed City-initiated Official Plan and Zoning By-law amendments to implement these changes as well as a financial analysis of proposed costs to the City.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and also conforms to the City's Official Plan.

This report reviews and recommends approval of the City-initiated application to amend the Official Plan and Zoning By-law to expand the community recreation facility and to increase the height and density of approved mixed-use buildings in Phase 2/Block 2.

Final Report - 5799-5915 Yonge St, 45 & 53 Cummer Ave, and 46 & 47 Averill Cres

The expanded community recreation facility will result in an improvement to the community services for the North York City Centre, will help it develop as a complete community and it represents good planning. The increased height and density in Phase 2/Block 2 respects the existing and planned built form context in the surrounding area and meets the objective of the built form and urban design policies of the Official Plan and the North York Centre Secondary Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan Number 208, for the lands at 5799 to 5915 Yonge Street, 45 and 53 Cummer Avenue, and 46 and 47 Averill Crescent substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 3 to this report.
2. City Council amend Zoning By-law No. 7625, as amended, for the lands at 5799 to 5915 Yonge Street, 45 and 53 Cummer Avenue, and 46 and 47 Averill Crescent substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an amending Agreement pursuant to Section 37 of the Planning Act to secure the following community benefits:
 - (a) the Owner provide for an expanded Community Recreation Facility of a minimum of 5190 square metres, finished, including a daycare of 900 square metres, and an abutting 300 square metres of outdoor play space, and subject to the following:
 - i. design and construction shall conform with City regulations, guidelines and design criteria;
 - ii. all materials, products, finishes, devices, signs, appliances and systems shall be designed with regard for the demands of an intensively used public building operated and maintained by the City;
 - iii. 11 parking spaces shall be provided to the City at no cost;
 - iv. prior to condominium registration containing the second tower of Phase 2/Block 2, the Owner will convey the Community Recreation Facility, as freehold strata title, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and

v. the City and the Owner will enter into such reciprocal and cost agreements and provide such easements as are commercially reasonable and typical of a multiple-use, stratified, multiple-owner, integrated development block.

(b) City Council authorize the City of Toronto to enter into, and the General Manager, Parks, Forestry and Recreation to execute on behalf of the City, a Construction Management Agreement with the Owner for the construction of the Community Recreation Facility, on terms and conditions deemed necessary and appropriate by the General Manager, Parks, Forestry and Recreation and the City Solicitor, in accordance with City policies applicable to capital projects.

(c) City Council authorize the City of Toronto to enter into, and the General Manager, Parks, Forestry and Recreation to execute on behalf of the City, any other ancillary agreements necessary to complete construction of the Community Recreation Facility, on terms and conditions satisfactory to the General Manager, Parks, Forestry and Recreation and the City Solicitor.

(d) City Council authorize the General Manager, Parks Forestry and Recreation to transfer up to \$3.9 million from Parks, Forestry and Recreation, subject to entering into a Construction Project Agreement with the Owner, to fund the City's agreed cash portion for the development of the Community Recreation Facility.

(e) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

i. Parks, Forestry and Recreation requirements around design, construction and specifications for the build out of the Community Recreation Facility, as described in Recommendations 4(a)(ii) and (iii), to the satisfaction of the General Manager, Parks, Forestry and Recreation.

FINANCIAL IMPACT

The owner is prepared to agree to an expansion in the size of the community recreation facility over and above the size stipulated in the Section 37 agreement registered on March 12, 2019, to facilitate the development of the site, and in exchange for certain further increases in density and other permissions from the City as shown below:

1. Notwithstanding subsection 6.1 and 7.1 of Schedule E and subsection 4.1 and 9.1 of Schedule F of the registered Section 37 Agreement, the Amending Section 37 Agreement will provide that the Owner is entitled to a credit for Development Charges for the furnishings, finishes, equipment and millwork provided for the entirety of the expanded community recreation facility, for a portion of the Parks and Recreation portion of the Development Charge for the Development, including, without limitation, on Block 1, Block 2 and Block 3.

2. The Amending Agreement will provide that:

(a) In addition to any other credits or benefits, the City will transfer to the Owner up to \$3,900,000.00 to fund the City's agreed cash portion for the development of the community recreation facility;

(b) These monies are anticipated to be funded by future Development Charges received and other development-related funding sources such as Section 42 Cash-in-Lieu. Specific funding sources will be identified in future year Capital Budget submissions for Parks, Forestry and Recreation, for consideration; and

(c) the Payment is to be indexed annually to reflect increases in the Construction Price Index from the date the Amendments are in force.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications in the Financial Impact Section.

DECISION HISTORY

In October 2011 the owner of Newtonbrook Plaza (5799-5915 Yonge Street) made Official Plan and Zoning By-law Amendment applications to permit the redevelopment of the site to a mixed-use project. The owner appealed Council's failure to make a decision to the Ontario Municipal Board, now the LPAT. The City and the owner settled the appeals at the City Council meeting of July 7, 2015. Link to settlement below: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY7.37>.

The proposed Settlement included 4 towers with heights of 112, 109, 104 and 86 metres in buildings with 37, 36, 34 and 28 storeys respectively. All of the proposed towers were below a 45 degree angular plane as measured from an amended Relevant Residential Property Line (RRPL) (to the east of the proposed park at 47 Averill Crescent).

The Settlement also included:

- 10,000 square metres of office;
- a below grade connection to the future subway;
- at-grade bicycle room or bike station;
- 7625 square metres of street related retail;
- residential amenity area (1.5 m² per unit);
- a community/social facility, finished, of 3,232 square metres including a daycare of 900 square metres and an abutting 300 square metres of outdoor play space, and parking in accordance with the Secondary Plan;
- development charge credit for furnishings and obligation for furnishings capped at DC credit amount and for any agreed upon above-base park improvements; and
- a parkland over-dedication of approximately 2310 square metres.

On May 2nd, 2019, the LPAT approved (Case No. PL140111) an Official Plan Amendment and a Zoning By-law Amendment permitting the redevelopment of the Final Report - 5799-5915 Yonge St, 45 & 53 Cummer Ave, and 46 & 47 Averill Cres

subject site in accordance with a number of conditions. One of those conditions was the provision of a community recreation facility space of 3,232 square metres in Phase 2/Block 2 of the development.

The LPAT approved Official Plan Amendment permits the redevelopment of the subject site consisting of three blocks with four mixed-use residential buildings on the first two blocks/phases with a total gross floor area of 164,994 square metres.

The LPAT approved Zoning By-law Amendment provides greater detail with respect to the development of each block. It allows for two residential buildings with maximum heights of 113 metres and 86 metres, a maximum residential gross floor area of 61,200 square metres and up to 748 dwelling units on Phase 2/Block 2. Both the LPAT approved OPA and ZBA require a community recreation facility on Phase 2/Block 2.

The Section 37 Agreement was registered on March 12, 2019 as Instrument No. AT5093428. The Draft Plan of Subdivision application was approved by the Local Planning Appeal Tribunal on May 6, 2019, Case No. PL140111. The City and the owner are working towards a subdivision agreement.

The Notice of Approval Conditions for Phase 1/Block 1 of the site plan application were issued on December 17, 2019. Phase 1/Block 1 is currently under construction.

On October 7, 2020, North York Community Council authorized staff by motion to enter into discussions with the owner to explore the possibility of increasing the size of the proposed community recreation facility and to report back to North York Community Council no later than December 3, 2020 with possible mechanisms of implementation. Link to motion below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY18.22>.

PROPOSAL

The approved Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision provide for a high density, mixed-use development on the southeast corner of Yonge Street and Cummer Avenue.

The approved development would consist of three new development blocks on Yonge Street with a public road to the east and south and a new public park on the east side of the new public road. The proposed blocks on Yonge Street would be created by two new east-west private streets to create three new development blocks of approximately 80 by 80 metres each in size. The new public street through the site would extend south from Cummer Avenue. The new public street would extend to the southern limit of the site and then turn west to connect to Yonge Street. The proposed public park would be located between Averhill Crescent and the new public road and would also include the lands at 46 and 47 Averhill Crescent for a minimum 6,006 square metres. The approved development would include a total of 1,650 residential units (748 units for Phase 2/Block 2) having a residential gross floor area of 134,820 square metres (61,200 square metres for Phase 2/Block 2).

A site plan application was submitted on October 22, 2020 for Phase 2 of the development. This phase includes the community recreation facility. In reviewing the application, it has been determined that a larger space would better meet the current demand for public recreation services. Accordingly, the City wishes to initiate amendments to the LPAT approved Official Plan and Zoning By-law to allow for additional height, density and residential units in Phase 2/Block 2. These increases are to be provided in compensation for the provision of an increase in the gross floor area of the community recreation facility space above that are set out in Section 2 (h)(i) of the approved LPAT OPA and secured in the Section 37 provisions of the approved LPAT ZBA.

The key changes to the approved development by the City-initiated Official Plan and Zoning By-law Amendments are outlined in the table below:

Statistics	LPAT OPA	LPAT ZBA	City-initiated OPA Amendment	City-initiated ZBA Amendment	Change
<i>Gross Floor Area (Max)</i>	164,994 sq. m.	159,414 sq. m.	166,955 sq. m.	161,375 sq. m.	+1961 sq. m. (OPA) +1961 sq. m. (ZBA)
<i>Maximum Residential Phase 2/Block 2</i>	N/A	61,200 sq. m.	N/A	63,165 sq. m.	+1965 sq. m.
<i>Maximum Residential All Blocks</i>	N/A	134,800 sq. m.	N/A	136,785 sq. m.	+1985 sq. m.
<i>Building Heights (Phase 2/Block 2)</i>	113 metres 86 metres	112.7 metres 85.9 metres	124 metres 107 metres	123.5 metres 106.3 metres	+11 m +21 m (OPA) +10.8 m +20.4 m (ZBA)
<i>Residential Dwelling Units (Phase 2/Block 2)</i>	N/A	748 units	N/A	867 units	+119 units
<i>Total Units</i>	N/A	1,650 units	N/A	1,769 units	+119 units

Statistics	LPAT OPA	LPAT ZBA	City-initiated OPA Amendment	City-initiated ZBA Amendment	Change
<i>Community/Social Facility (Min. GFA, density exempt)</i>	<i>3,232 sq. m.</i>	<i>3,232 sq. m.</i>	<i>5,190 sq. m.</i>	<i>5,190 sq. m.</i>	<i>+1,958 sq. m.</i>
<i>Parking (spaces per dwelling unit)</i>	<i>1.0</i>	<i>1.0</i>	<i>0.65</i>	<i>0.65</i>	<i>-0.35</i>
<i>FSI</i>	<i>4.09</i>	<i>N/A</i>	<i>4.14</i>	<i>N/A</i>	<i>+0.05</i>

See Attachment Nos. 1, 2, 5 and 6, Application Data Sheet, Location Map, Site Plan and Elevations for additional details.

Reasons for Application

The Official Plan Amendment is required to increase the overall maximum gross floor area permitted in all phases of the development. It is also required to increase the maximum building heights for Phase 2/Block 2, decrease the required parking, and to increase the size of the community recreation facility.

The Zoning By-law Amendment is required to increase the overall maximum gross floor area, to increase the maximum amount of residential gross floor area permitted in Phase 2/Block 2, to increase the building heights in Phase 2/Block 2, to increase the number of residential units permitted, and to decrease the number of parking spaces required. This amendment is also required to amend the registered Section 37 Agreement to increase the size of the community recreation facility.

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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019.

The Growth Plan (2020) 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 (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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, and better connected 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 (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) 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 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and the North York Centre Secondary Plan. The outcome of staff analysis and review are summarized in the Comments section of the Report.

The subject site is designated Mixed Use Areas on Land Use Plan Map 16 in the Official Plan. Mixed Use Areas are intended to include a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

North York Centre Secondary Plan

The subject site is also subject to the North York Centre Secondary Plan. The subject lands are located in the North York Centre North portion of the Secondary Plan, they are designated 'Mixed Use Areas' and are subject to Site Specific Policy 13.6.

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

Zoning

On May 2nd, 2019, the Local Planning Approval Tribunal (LPAT) approved (Case No. PL140111) thereby approving the 2011 Zoning By-law Amendment application. The LPAT Zoning By-law Amendment rezoned the subject site from C1 to RM6 under the Former City of North York Zoning By-law No. 7625.

This zoning by-law amendment sets performances standards, such as, but not limited to, the permitted uses, the maximum permitted residential gross floor area, the number of units, the built form envelopes, and minimum parking standards. A quick summary of some of the key performances standards is as follows: the maximum residential gross floor area for Phase 2/Block 2 is 61,200 square metres, the overall maximum residential gross floor area for the entire lands is 134,820 square metres. The total number of units in Phase 2/Block 2 is 748 and the overall residential unit count is 1650.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020) as the proposed amendments support the development of complete communities and the intensification of a site within built-up areas, particularly in locations which are well served by existing municipal infrastructure.

Official Plan

This application has been reviewed against the City's official plan policies as a whole and the North York Centre Secondary Plan policies. The proposed City-initiated Official Plan and Zoning By-law Amendments continue to meet the objectives of the City of Toronto Official Plan, including the North York Centre Secondary Plan policies. The

increase in height and density is at a scale and location that is appropriate along Yonge Street.

Height, Massing and Built Form

From a built-form and urban design perspective, the proposed Official Plan and Zoning By-law amendment to increase the height and gross floor area in Phase 2/Block 2 continues to support an appropriate built-form presence along Yonge Street which recognizes the established 25 metre height limit for the podium in accordance with the urban design objectives of the North York Centre Secondary Plan.

An appropriate transition in scale to the low-rise residential area to the east will continue to be maintained, with a building envelope that is contained within a 45-degree angular plane taken from the boundary of the Neighbourhoods designated area to the east. No increase to the maximum permitted floor plate sizes will result. The increased height in Phase 2/Block 2 respects the existing and planned built form context in the surrounding area and conforms with the built form and urban design policies of the Toronto Official Plan and the North York Centre Secondary Plan.

Community Recreational Facility

The opportunity to add an additional 1,960 square metres to the approved 3,232 square metre community recreation facility will provide a much larger space which will meet the growing demand for indoor recreation space in the North York City Centre, as the space can now be designed to meet the specifications of City of Toronto Parks, Forestry and Recreation Services which will operate the community recreation facility.

Traffic Impact and Parking

The amendment to the approved zoning by-law proposes an adjustment to the parking standards as follows:

The parking ratio in section 7. b. A. (a minimum of 1.00 parking space per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use) of the LPAT approved zoning by-law shall be revised to:

- A minimum of 0.65 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use;
- The amount of parking in Phase 1/Block 1, including four levels of underground, will remain unchanged; and
- Any parking within Phase 1 in excess of the revised required parking ratio may be used to satisfy the required parking ratio for Phase 2/Block 2 and/or Phase 3/Block 3, as the case may be.

A Transportation Impact Study dated October 2020 has been prepared by BA Consulting Group Ltd. that demonstrates that no adverse traffic impacts will be

generated by the increase in density and unit count, and that the Block 2 parking supply is appropriate.

Servicing

A Functional Servicing Report dated October 2020 was prepared by TMIG and a Stormwater Management Report dated October 15, 2020 was prepared by Counterpoint Engineering Inc. These documents conclude that the increase in density and unit count can be adequately serviced from a water supply, sanitary drainage, stormwater drainage, and stormwater management perspective.

Community Consultation

On November 4, 2020, Planning staff held a virtual community consultation meeting together with the Ward Councillor. Approximately 15 members of the public attended the meeting, as well as the developer and their architect. The attendees asked questions about parking, future programming for the community recreation facility, traffic along the new public road, the future underground subway connection and timing of construction for Phases 1 and 2. The attendees were generally supportive of the proposal and had no concerns.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

(a) the Owner provide for an expanded Community Recreation Facility of a minimum of 5190 square metres, finished, including a daycare of 900 square metres, and an abutting 300 square metres of outdoor play space, and subject to the following:

- i. design and construction shall conform with City regulations, guidelines and design criteria;
- ii. all materials, products, finishes, devices, signs, appliances and systems shall be designed with regard for the demands of an intensively used public building operated and maintained by the City;
- iii. 11 parking spaces shall be provided to the City at no cost;
- iv. prior to condominium registration containing the second tower of Phase 2/Block 2, the Owner will convey the Community Recreation Facility, as freehold strata title, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and

v. the City and the Owner will enter into such reciprocal and cost agreements and provide such easements as are commercially reasonable and typical of a multiple-use, stratified, multiple-owner, integrated development block.

(b) City Council authorize the City of Toronto to enter into, and the General Manager, Parks, Forestry and Recreation to execute on behalf of the City, a Construction Management Agreement with the Owner for the construction of the Community Recreation Facility, on terms and conditions deemed necessary and appropriate by the General Manager, Parks, Forestry and Recreation and the City Solicitor, in accordance with City policies applicable to capital projects.

(c) City Council authorize the City of Toronto to enter into, and the General Manager, Parks, Forestry and Recreation to execute on behalf of the City, any other ancillary agreements necessary to complete construction of the Community Recreation Facility, on terms and conditions satisfactory to the General Manager, Parks, Forestry and Recreation and the City Solicitor.

(d) City Council authorize the General Manager, Parks Forestry and Recreation to transfer up to \$3.9 million from Parks, Forestry and Recreation, subject to entering into a Construction Project Agreement with the Owner, to fund the City's agreed cash portion for the development of the Community Recreation Facility.

(e) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

i. Parks, Forestry and Recreation requirements around design, construction and specifications for the build out of the Community Recreation Facility, as described in Recommendations 4(a)(ii) and (iii).

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and the North York Centre Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the modest increase in height, density and unit

count is appropriate and helps facilitate a larger community recreation facility for the neighbourhood. The proposal meets the objectives of the City's Official Plan and the North York Centre Secondary Plan and staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Draft Official Plan Amendment
- Attachment 4: Draft Zoning By-law Amendment
- Attachment 5: Site Plan
- Attachment 6a-d: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 5799-5915 YONGE STREET, 45 & 53 Cummer Avenue, and 46 & 47 Averill Crescent

Date Received: October 22, 2020

Application Number: 11 287471 NNY 24 OZ & 20 209468 NNY 18 SA

Application Type: OPA/ZBA & Site Plan Approval

Project Description: Approval for the second phase of the mixed-use development. Phase 2/Block 2 proposes a total gross floor area of 66,838.9 square metres. The proposed mixed use building would contain two towers on a shared podium. One tower will be 34 storeys (106.3 metres excluding the mechanical penthouse) and the other proposed tower would be 40 storeys (123.5 metres excluding the mechanical penthouse). A total of 867 residential units are proposed with 543 vehicular parking spaces. A community recreation facility is also proposed.

Applicant	Architect	Owner
BOUSFIELDS INC	Wallman Architects	2591260 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	NYCSP 13.6
Zoning:	RM6	Heritage Designation:	N
Height Limit (m):	113	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	40,340	Frontage (m):	265	Depth (m):	193
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			5,947	5,947
Residential GFA (sq m):			63,152	63,152
Non-Residential GFA (sq m):			3,687	3,687
Total GFA (sq m):			66,839	66,839
Height - Storeys:			40	40
Height - Metres:			123	123

Lot Coverage Ratio (%): 14.74 Floor Space Index: 4.14

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	63,152	
Retail GFA:	5978	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	5,190	

Residential Units				
by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			856	856
Other:				
Total Units:			856	856

Total Residential Units by Size					
	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		14	346	414	82
Total Units:		14	346	414	82

Parking and Loading
 Parking Spaces: 543 Bicycle Parking Spaces: 682 Loading Docks:

Attachment 2: Location Map



Attachment 3: Draft Official Plan Amendment

AMENDMENT NO. 519 TO THE OFFICIAL PLAN

LANDS LOCATED AT THE SOUTHEAST CORNER OF YONGE STREET AND CUMMER AVENUE, MUNICIPALLY KNOWN AS 45 AND 53 CUMMER AVENUE AND 5799 TO 5915 YONGE STREET

The Official Plan of the City of Toronto is amended as follows:

Section 13.6 is amended as follows:

Clause 1

Subsections 13.6 (h) and 13.6 (h) (i) are deleted and replaced with the following:

(h) A maximum gross floor area 166,955 square metres is permitted on the lands. Such increase over the amount set out in the applicable zoning by-law existing immediately prior to the approval of this Site Specific Policy is to be permitted in exchange for community benefits and the securing of other development standards which will include each of the following, as implemented in the zoning bylaw, section 37 agreement and subdivision approval process:

(i) a finished community/social facility of a minimum of 5,190 square metres of space, including but not limited to a daycare facility, plus a minimum of 300 square metres of adjacent outdoor play space for use with the daycare facility;

Clause 2

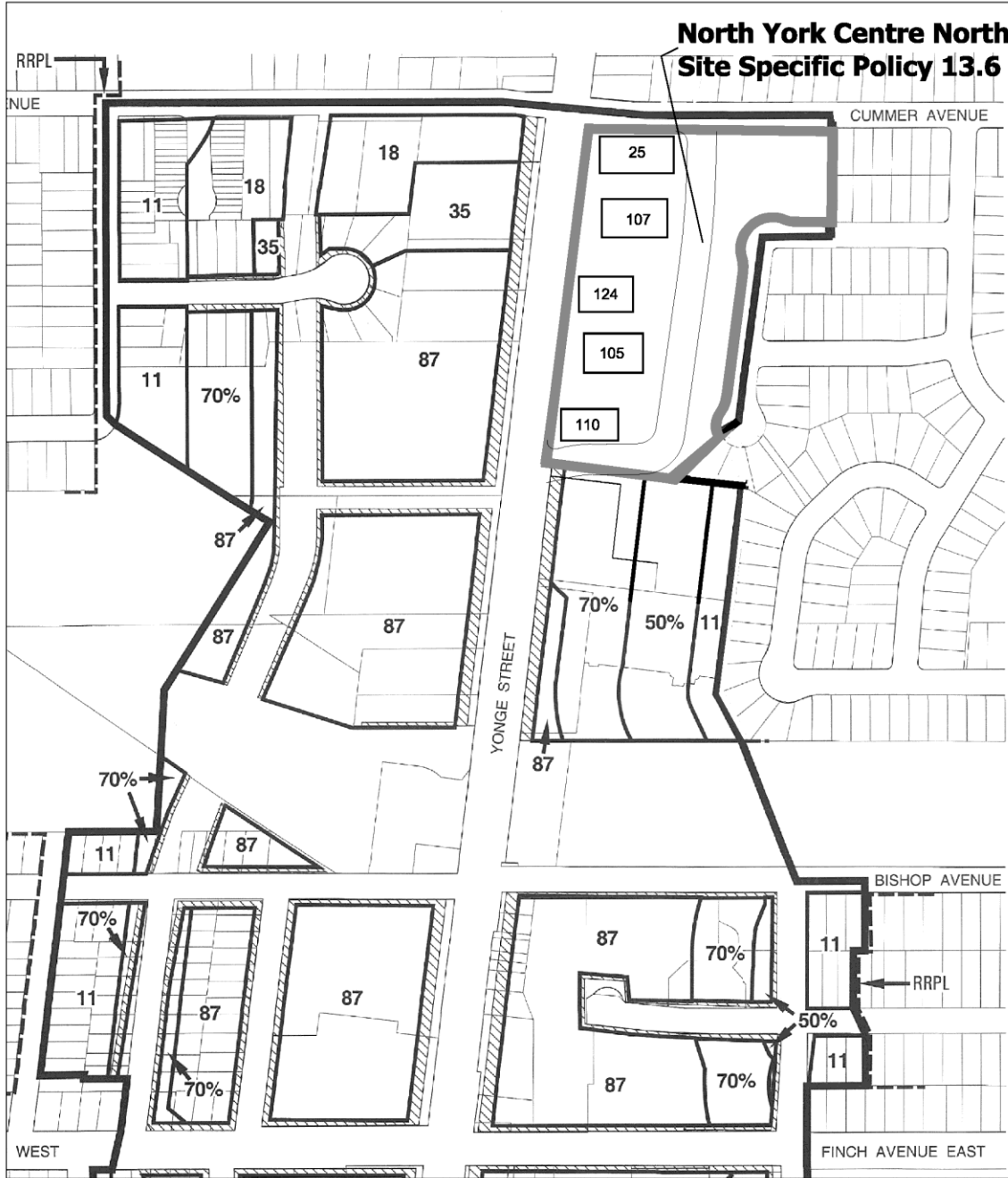
(a) Notwithstanding the provisions of Section 4.6.1 (c) and the Residential Uses parking standards set out in Section 2.2 of Appendix 1 of this Secondary Plan, the required parking rate for Residential Uses shall be as follows:

i) A minimum of 0.65 parking spaces per dwelling unit.

Clause 3

Map 8-8a of Chapter Six, Section 8 (North York Centre Secondary Plan) titled "North York Centre North Maximum Height Limits", is amended with respect to the lands shown in heavy outline on Schedule "1" attached.

**North York Centre North
Site Specific Policy 13.6**



Schedule 6 - Amending Map 8-8a

File # 11 287471 NNY 24 02

- Secondary Plan Boundary
- 11 The Lesser of 11m or 3 Storeys
- 18 The Lesser of 18m or 6 Storeys
- 35 The Lesser of 35m or 12 Storeys
- 87 Maximum 87m Above Grade
- 50% Maximum 50% Horizontal Distance from RRPL
- 70% Maximum 70% Horizontal Distance from RRPL
- Street Facade Limit as per Section 5.3 of this Secondary Plan
- Relevant Residential Property Line (RRPL)
- Area Subject to Amendment
- 124 Maximum Tower Height in Metres



Not to Scale

Attachment 4: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. --2020

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 5799-5915 Yonge Street (Newtonbrook Plaza), and 46 and 47 Averill Crescent

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of increase in height and density of development; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may, in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS Subsection 37(3) of the Planning Act, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. Section 64.20-A of By-law 7625, Subsection 64.20-A(235)RM6(235) of the former City of North York is amended as follows:

a) Subsection 64.20-A(235)RM6(235)(5) of By-law 7625, headed "PERMITTED USES" is amended by deleting i Residential Uses and replacing it as follows:

i Residential Uses

Apartment house dwellings and accessory uses, including indoor and outdoor amenity spaces.

a. Maximum Gross Floor Area

The gross floor area of all residential uses shall be limited to a maximum of 136,785 square metres of which up to:

- A. 66,520 square metres may be provided on Block 1;
- B. 63,165 square metres may be provided on Block 2; and
- C. 7,100 square metres may be provided on Block 3;

Each Block is identified on Schedule 1 to this By-law.

b) Subsection 64.20-A(235)RM6(235)(6) of By-law 7625, headed "EXCEPTION REGULATIONS", is amended by replacing a. Maximum Gross Floor Area and b. Number of dwelling units as follows:

a. Maximum Gross Floor Area

As provided for in the following subsections, the maximum Gross Floor Area permitted on the Net Site, shall be 161,375 square metres, such gross floor area being permitted by meeting the requirements herein pursuant to Section 37 of the Planning Act as described in Section 10.

b. Number of dwelling units - the maximum number of dwelling units shall be 1,769, of which up to:

- i. 810 may be provided on Block 1;
- ii. 867 may be provided on Block 2; and
- iii. 92 may be provided on Block 3;

Notwithstanding subsection b)b, i to iii above, where the maximum permitted units on Block 1 are not provided, the shortfall in units may be provided on Block 2. Provided that on Block 2 a minimum of 58% of the units are 2- and 3-bedroom units, of which a minimum of 8% are 3-bedroom units.

Each Block as identified on Schedule 1 to this By-law.

c) Subsection 64.20-A(235)RM6(235)(7) of By-law 7625, headed "LOADING REGULATIONS, MOTOR VEHICLE PARKING REGULATIONS AND BICYCLE PARKING REGULATIONS" is amended by replacing Subsection b. Parking Regulations Paragraph A as follows:

A. A minimum of 0.65 parking space per dwelling unit, including 0.10 parking spaces per dwelling unit allocated for visitor use

d) Subsection 64.20-A(235)RM6(235)(10) of By-law 7625, headed "INCREASED DENSITY" is amended by replacing "A Social Facility of a minimum of 3,232 square metres" in subsection F with "A Social Facility of a minimum of 5,190 square metres" and by adding the following under subsection F:

4. "A payment of \$3,900,000.00 from the City of Toronto's Parkland Acquisition Reserve Fund, prior to the conveyance to the City of the Social Facility, which payment shall be indexed annually, from the date By-law – 2020 is in force, in accordance with the Construction Price Index".

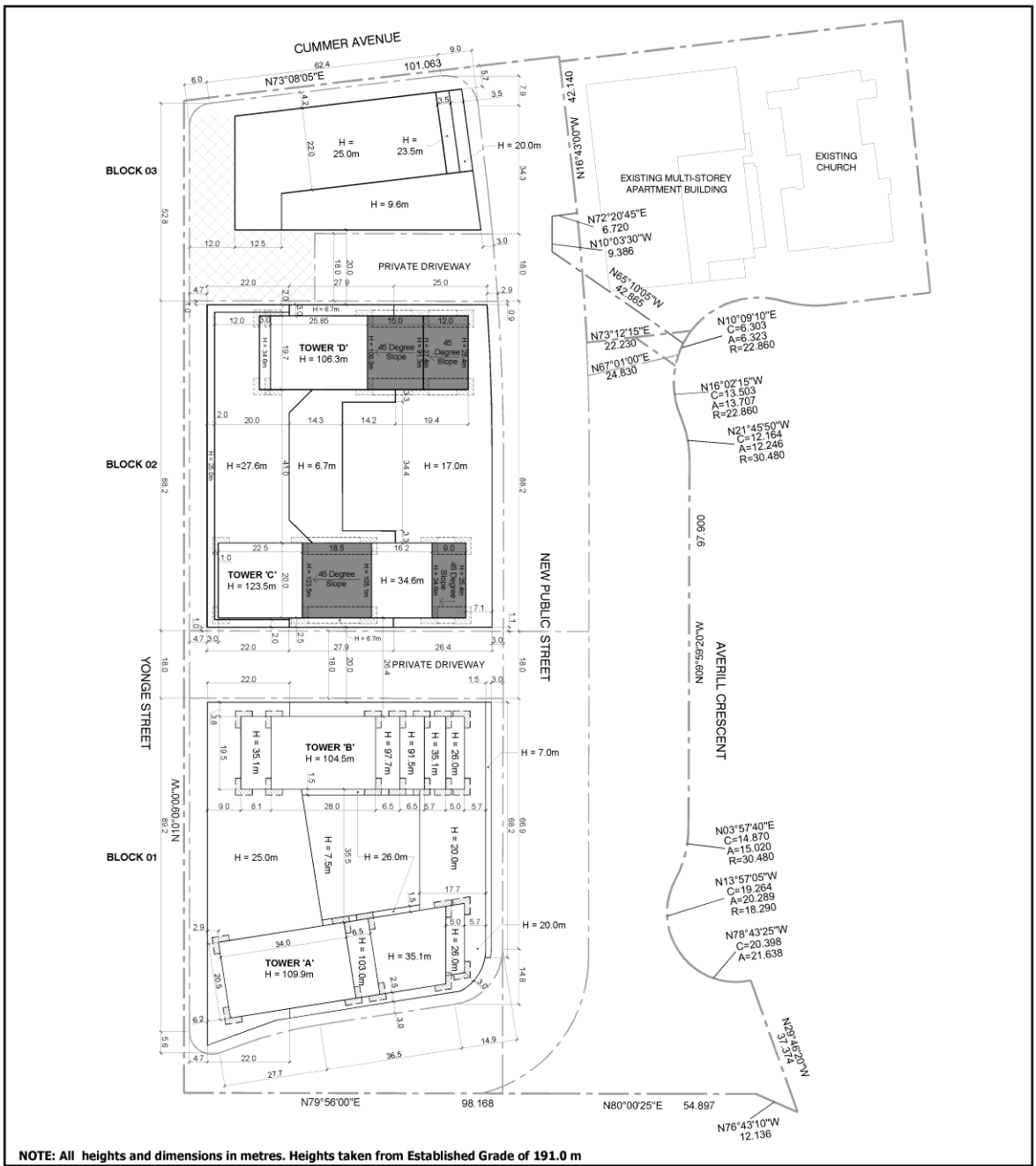
e) Schedule "1" RM6 (235) is replaced with Schedule "1" RM6 (235) attached to this By-law.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

JOHN TORY
Mayor



ULLI S. WATKISS
City Clerk

(Corporate Seal)



Toronto
Schedule 1

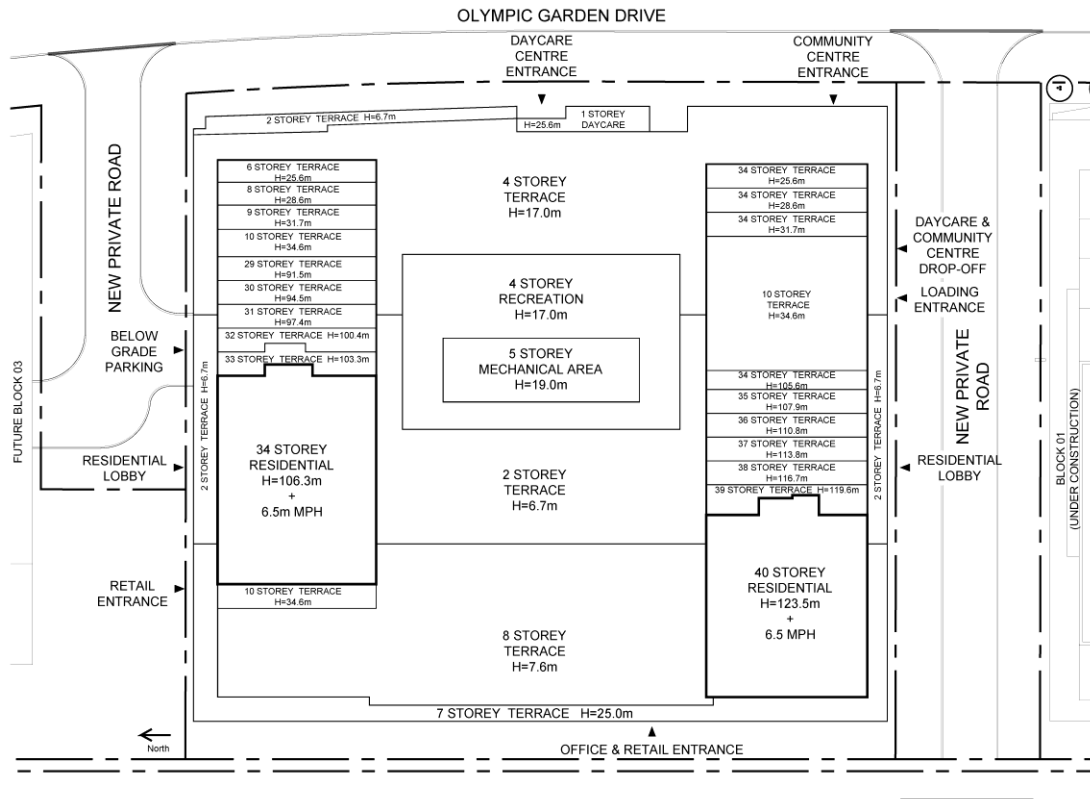
5799-5915 Yonge Street, 45 & 53 Cummer Avenue,
and 46 & 47 Averill Crescent
File # 11 287471 NNY 24 02

-  Hatch denotes Approximate location of Privately Owned Publicly Accessible Open Space at Ground Level
-  Hatch denotes areas where balconies are not permitted within 3m of corner of Tower footprints

 Hatch denotes Building Height Slope


Former City of North York By-law 7625
Not to Scale
10/30/2020

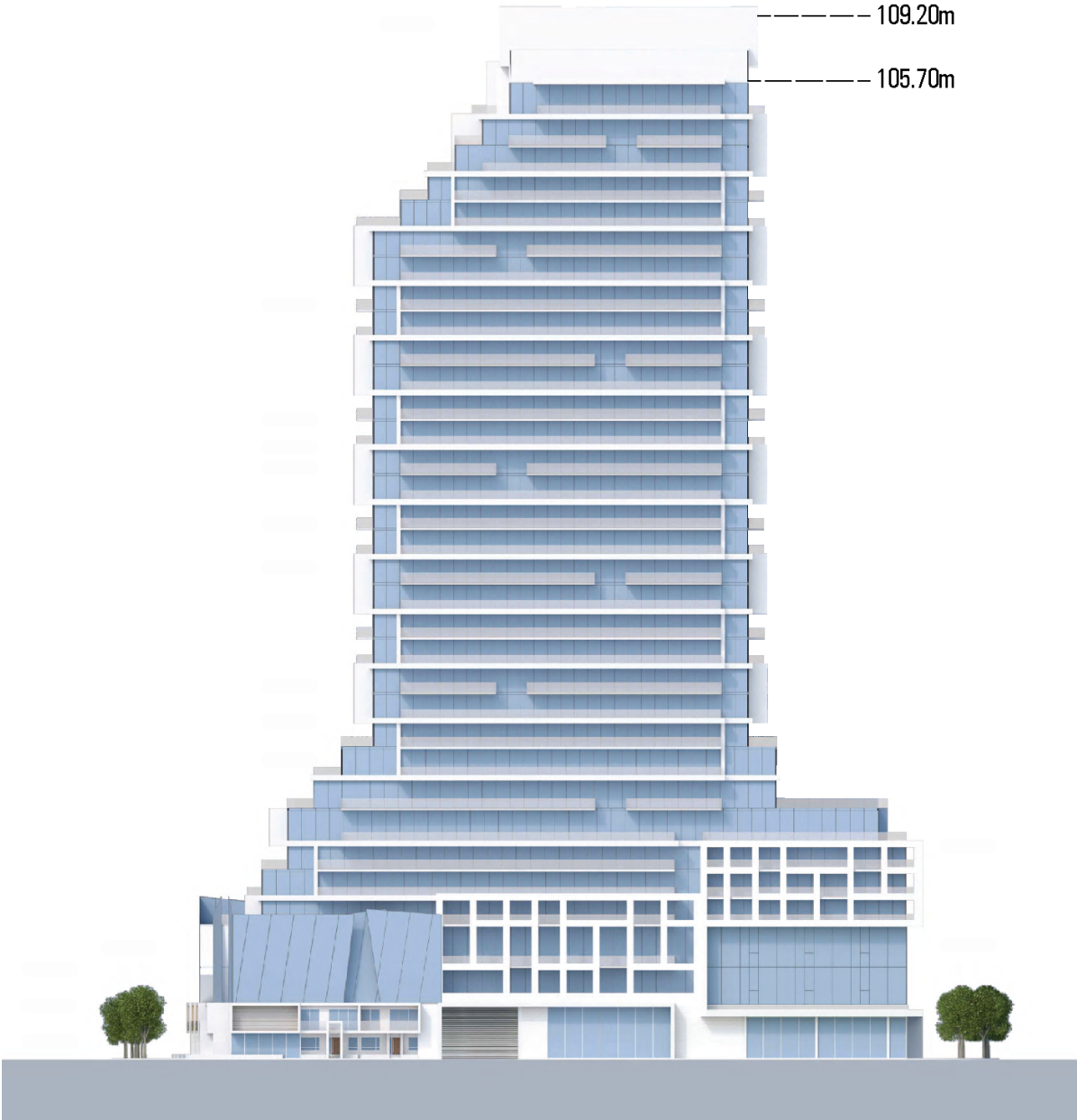
Attachment 5: Site Plan



YONGE STREET

Site Plan

Attachment 6a: Elevations - North



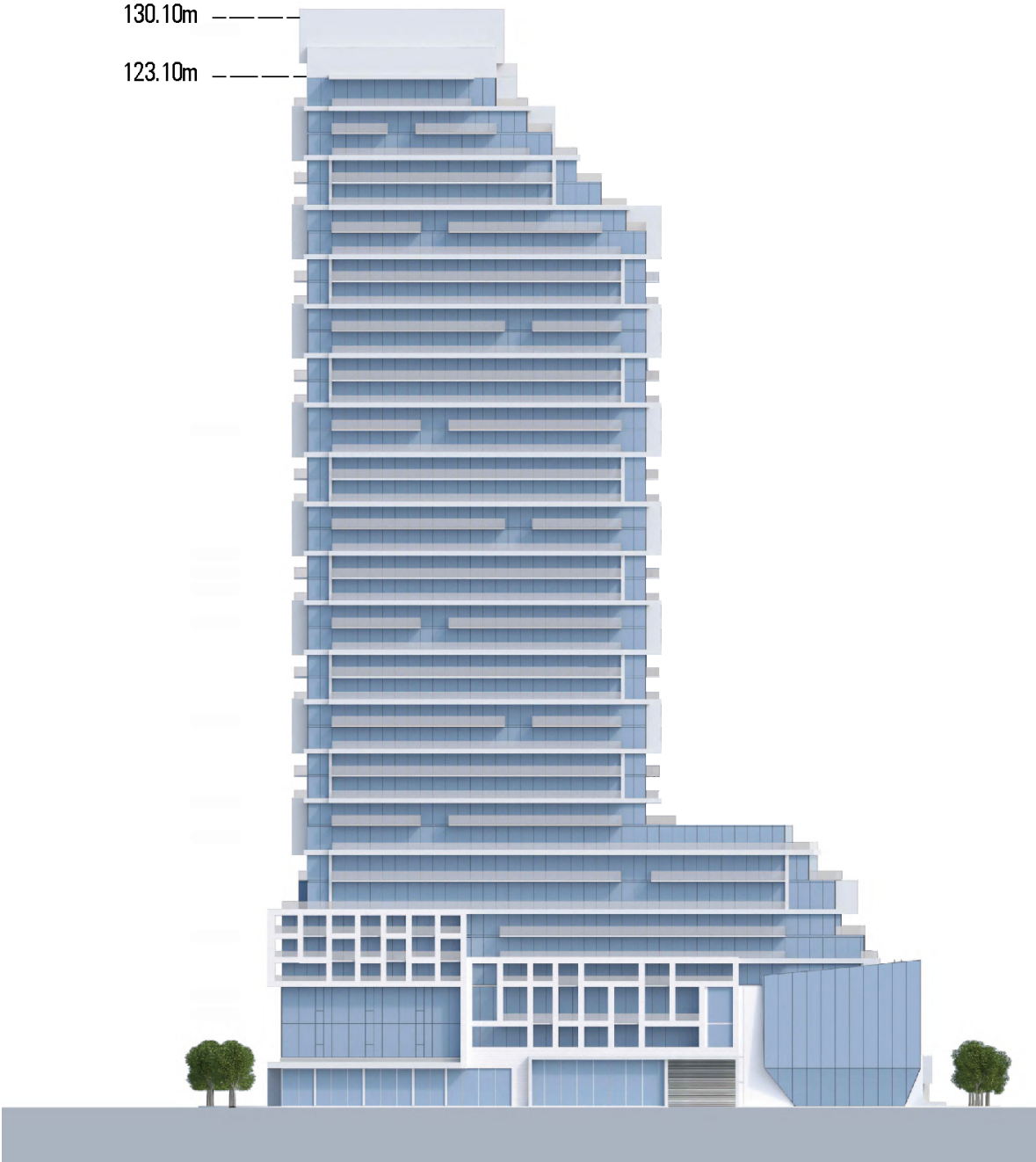
North Elevation

Attachment 6b: Elevations - East



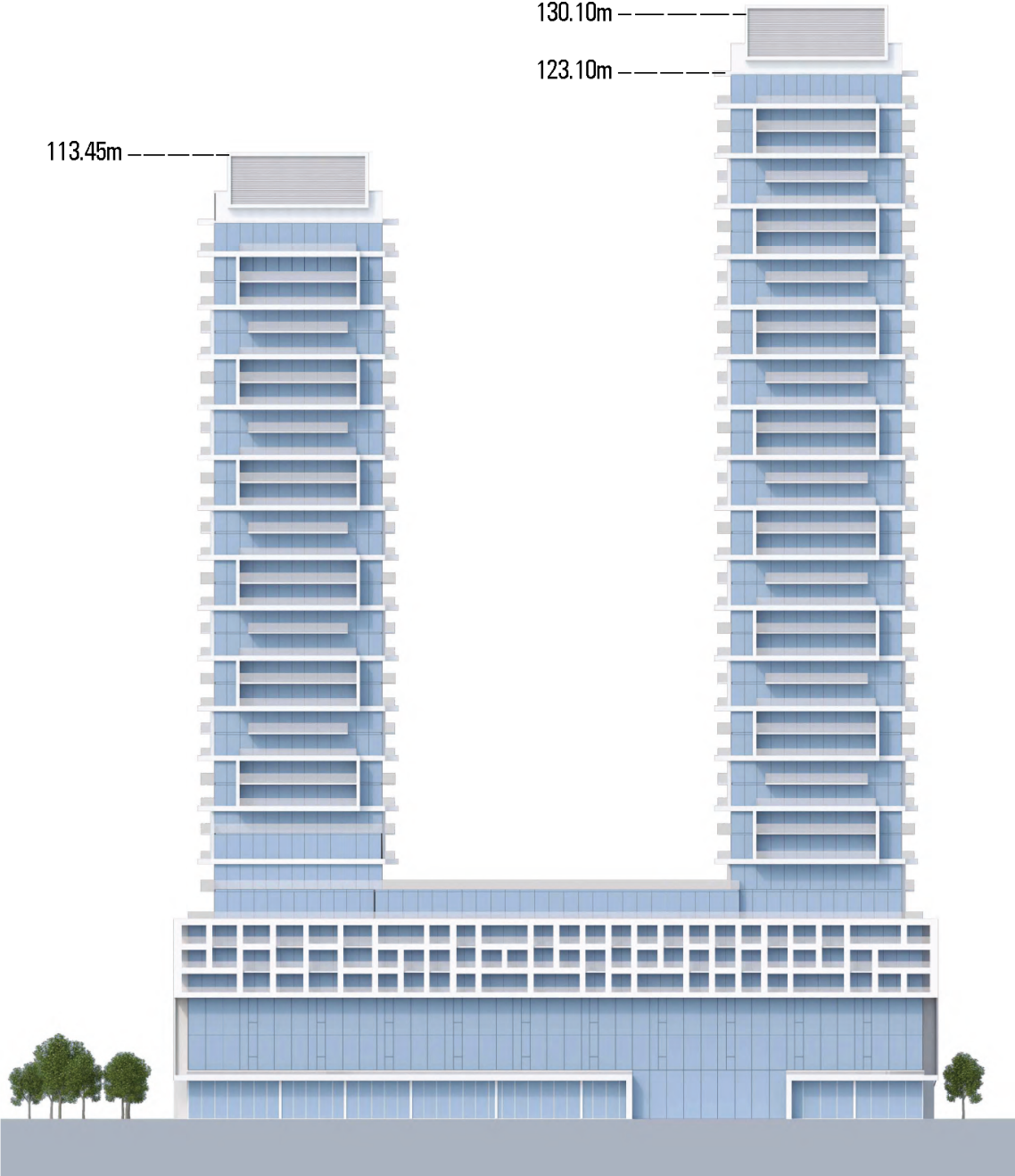
East Elevation

Attachment 6c: Elevations - South



South Elevation

Attachment 6d: Elevations - West



West Elevation