

Clause embodied in Report No. 4 of the North Community Council, as adopted by the Council of the City of Toronto at its meeting held on May 30, 31, June 1, 2001.

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**Final Report - Application for Official Plan and
Zoning By-law Amendments - TB CMB 2000 0002 -
Menkes 5000 Yonge Developments Inc. - 5000 Yonge Street -
Ward 23 - Willowdale**

(City Council on May 30, 31 and June 1, 2001, amended this Clause in accordance with the report dated May 28, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that:

- (1) the last paragraph of Clause 1 of draft Official Plan be amended to read as:*

‘The development of these lands will be based on:

- (i) a clear publicly accessible east-west vehicular link between Beecroft Road and Yonge Street, which protects for signalization at Beecroft Road; and*
- (ii) an underground pedestrian connection between 5000 Yonge Street and 4950 Yonge Street, and 5000 Yonge Street and the North York Civic Centre.’; and*

- (2) the draft Zoning By-law be amended to add a new section to the Section 37 Agreement, (j)(vi) to read as:*

‘(vi) Connections

- (A) Provision of an underground pedestrian connection linking 4950 Yonge Street to the satisfaction of the Director, Community Planning, North District.’ ”)*

The North Community Council, after considering the depositions and based on the findings of fact, conclusions and recommendations contained in the following report (April 30, 2001) from the Director, Community Planning, North District, Urban Development Services, and for the reasons that the proposal is an appropriate use of lands, recommends that:

- (1) the application submitted by Menkes 5000 Yonge Development Limited regarding Official Plan and Zoning Amendment and Site Plan Approval Application Nos. TB CMB 2000 0002 and TB SPC 2000 0005 be approved, subject to the conditions outlined in the aforementioned report; and subject to the following:**
 - (a) the requirements of the Economic Development, Culture & Tourism, embodied in the communication (May 15, 2001) from the Supervisor, Land Acquisitions and Development Applications, Policy and Development Division, be amended by deleting the following words contained in the last line, “The location of the off-site parkland dedication shall be at the discretion of and determined by the Commissioner of Economic Development, Culture and Tourism, in consultation with the local Councillor” and inserting in lieu thereof, the following:**

“The location of the off-site parkland dedication shall be considered by the Commissioner of Economic Development, Culture and Tourism in consultation with the Ward Councillor, and a report thereon shall be submitted to the North Community Council for adoption”; and
 - (b) the provision of an underground pedestrian connection between the retail component of 5000 Yonge Street and 4950 Yonge Street.**

The North Community Council also reports having requested:

- (i) The Commissioner of Urban Development Services to submit a report directly to City Council for its meeting scheduled for May 30, 2001 on how the provision of an underground pedestrian connection between the retail component of 5000 Yonge Street and 4950 Yonge Street can be achieved; and**
- (ii) That a further community consultation meeting be held with Planning Staff, the applicant, the Ward Councillor and interested persons, prior to the Council meeting scheduled for May 30, 2001, in order to address the issues that are of concern to the area residents.**

The North Community Council reports having held a statutory public meeting on May 16, 2001, with appropriate notice given in accordance with the Planning Act and the regulations thereunder.

The North Community Council submits the following report (April 30, 2001) from the Director, Community Planning, North District, Urban Development Services:

Purpose:

The purpose of this report is to make final recommendations on an Official Plan and Rezoning Application to permit an increase in the amount of residential uses, to retain permission for commercial uses and to amend development standards. The report also recommends prior to the

enactment of the Zoning By-laws, matters related to park land contribution, transportation and technical services must be finalized.

Financial Implications and Impact Statement:

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

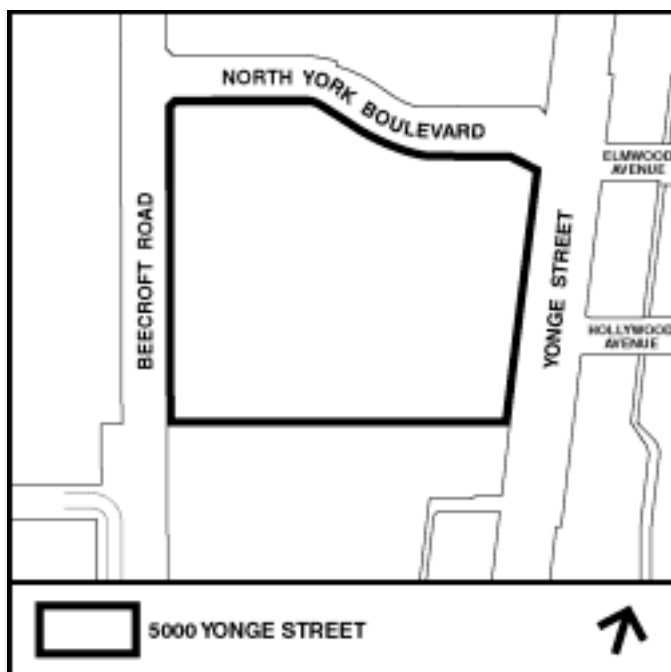
Recommendations:

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5.
- (2) Amend the Zoning By-law for the former City of North York as outlined in the draft Zoning By-law Amendment, under Section 37 of the Planning Act, attached as Attachment No.6.
- (3) Authorize 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 amend the Zoning By-law to Council for enactment, the Master Site Plan Agreement Instrument No. E131673 registered on be amended by deleting the five Demonstration Plans and adding the site plan as shown in Attachment 1 and by deleting the urban design guidelines and adding the Development Principles as indicated in Attachment 7, and the execution of the Section 37 Agreement.
- (5) Before introducing the necessary Bills to amend the Zoning By-law to Council for enactment the matters noted in Section B of this report must be approved by the appropriate City official.

Background:

In 1989, Ontario Hydro and CIBC Development submitted a rezoning application to permit a predominately office-commercial development on the site. North York City Council and the Ontario Municipal Board (OMB) approved the application in 1990. The approval resulted in Site Specific By-law 31292, which permitted 169,945 m² (1,829,332 ft²) of non-residential gross floor area, plus exemptions to the gross



floor area calculations. The approved site plan for this project indicated three office buildings ranging in height from 27-storeys to 32-storeys. These buildings were to be connected by a two-storey podium and a below grade concourse level. A separate day-care centre and open space was proposed on the western portion of the site, along with the Toronto Centre for the Arts building. The proposal also contemplated below grade pedestrian connections to the Madison Centre, a development on the east side of Yonge Street, as well to the north side of North York Boulevard. Vehicular access to the underground parking was to be provided off Beecroft Road by way of tunnels under the street and from North York Boulevard. All of these existing approvals are to be retained.

In 1997, the owners submitted an Official Plan and Zoning By-law Amendment to allow for residential permission on the western portion of the site. The OMB in a decision dated May 29, 1998, approved By-law 33133, which allows for up to 70,000 m² (753,498 ft²) of the total gross floor area to be used for residential purposes, provided it was located on the western portion of the site. The amending by-law also set a cap of 595 residential units and required a setback from the residential property to the south (Manhattan Place Condominium). In order to show that this development could be accommodated on the site, five Demonstration Projects and urban design guidelines were registered on title.

In December 2000, the applicant submitted this application for an Official Plan and Zoning By-law Amendment and amendments to the Master Site Plan. The applicant also applied for Site Plan Approval for Building “A”, a 26-storey apartment building and in April 2001 for Building “B”, a 28-storey apartment building. Both applications are being processed under the existing zoning by-laws governing the site, which permits 595 residential units on the western portion of the site within certain height limits.

At its meeting of January 15, 2001, North Community Council adopted the Preliminary Report on the application and the scheduling of a Community Consultation Meeting.

On February 26, 2001 a Community Consultation Meeting was held at the North York Civic Centre and was attended by the local Councillor, planning staff, the applicant and his agents and approximately 75 residents.

Comments:

Proposal

This application is to amend the Official Plan and Site Specific Zoning By-laws to permit residential uses along the Yonge Street and central portions of the site, while maintaining the permission for commercial uses, and to amend the development standards in the zoning by-laws with respect to requirements for the number of dwelling units and maximum frontage for commercial uses along Yonge Street. The application is also to amend the Master Site Plan agreement currently registered on title.

The proposal consists of a 20-storey office building at the corner of Yonge Street and North York Boulevard, 2-storeys of retail uses along the Yonge Street frontage with two towers above (these towers may be for office or residential uses), three residential apartment buildings on the

western portion of the site. A private road system is proposed, with an east-west road along the southern portion of the site connecting Beecroft Road and Yonge Street. A north-south road is also proposed that links North York Boulevard with the east-west road. Parking for all the buildings will be underground and servicing is proposed at grade.

The chart below compares the proposal changes to the existing permissions:

	Existing Permissions	Proposal
Total Gross Floor Area	169,945 m ²	169,945 m ²
Non-residential Gross Floor Area	169,945 m ²	120,770 m ²
Residential Gross Floor Area	70,000 m ²	138,059 m ²
Number of units	595	1850
	Existing Permissions	Proposal
Density Exemptions to GFA:		
For Road Widening	10,804 m ²	10,804 m ²
For Recreational uses	1,077 m ²	1,077 m ²
For Ground floor retail	5,233 m ²	5,233 m ²
For Below grade retail	12,163 m ²	12,163 m ²
For Day nursery	1,000 m ²	1,000 m ²
For Performing Arts Centre	14,650 m ²	14,650 m ²

Other pertinent site statistics are set out in Attachment 4 “Application Data Sheet”

Site Description

The 2.8 ha. (7-acre) site is located at the south-west corner of Yonge Street and North York Boulevard. The site extends from Yonge Street to Beecroft Road and wraps around the Toronto Centre for the Arts and is currently used as a commercial parking lot. To the south are the Madison Centre and two residential condominiums (131 Beecroft Road and 100 Upper Madison Avenue). To the north are the former North York Board of Education building and the North York Civic Centre. To the west of the site is the lawn bowling facility and York Cemetery. To the east on the opposite side of Yonge Street is the Royal Bank building, a 20-storey office building. To the south of the Royal Bank building is a 1.5 ha site (Rosedale) that is subject to Rezoning Application (UDZ-99-41) for a 18 storey commercial office building on the Yonge Street frontage and two residential towers (27 and 28 storeys).

Official Plan

The site is divided into three different Mixed Use designations under the North York Centre Plan (OPA 447), which permits residential and commercial uses up to a maximum density of 4.5 FSI, provided that the development of the site complies with certain criteria. The site is also subject to Site Specific policy 12.2, which permits a density of 4.5 over the entire site.

The eastern portion of the lands, adjacent to Yonge Street are designated Downtown Mixed Use-1 (DMU-1) only non-residential uses are permitted.

The lands in the central portion of the site, including the Toronto Centre for the Arts are designated Downtown Mixed Use-2 (DMU-2), both non-residential and residential uses are permitted, but the residential use is limited to 50 percent of the gross floor area.

The south-west portion of the lands adjacent to Beecroft Road and south of the Toronto Centre of the Arts are designated Downtown Residential-1 (DR-1) only residential uses are permitted.

The OPA 447 also contains general policies with respect to urban design matters, transportation, and park space.

Zoning

The site is subject to two Site Specific Zoning By-laws, By-law 31292, as amended by By-law 33133.

By-law 31292 permits a maximum gross floor area of 169,945 m² (1,829,332 ft²), all of which is for commercial use. The by-laws also sets out permitted uses, parking standards, height limits, uses excluded from the calculation of gross floor area, and maximum width for commercial unit frontage on Yonge Street.

In 1997, this by-law was amended to permit up to a maximum of 70,000 m² (753,498 ft²) of the total gross floor area to be used for residential uses, provided that no residential uses are located along the Yonge Street frontage of the site. The by-law also limits the number of residential units to 595 and requires the first 9 metres along the south property line between the condominium lot to the south, to be used for open space and walkways. The by-law also permits the addition of three storeys in height for any building located more than 75 metres from the Relevant Residential Property Line (RRPL), provided that the building is connected by a continuous underground weather protected connection to a subway station.

Community Consultation

The applicant's proposal was presented to the community at a Community Consultation meeting held on February 26, 2001 and was attended by Councillor Filion, Councillor Filion's Executive Assistant, City Planning staff, the applicant and his solicitor and architects, and approximately 75 members of the public. The following concerns and comments were raised:

- the compatibility of the proposed development with the existing area;
- the impact of the massing of the proposed building north of the Manhattan development;
- the intensity of the proposed development with regard to traffic;
- difficulty of accessing onto Beecroft Boulevard from developments to the south
- parking for the Toronto Centre for the Arts;
- parking for special events at Mel Lastman Square that currently use these lands;
- servicing issues, such as sewers, parks and schools;
- questions with respect to the earlier approval and five demonstration projects;

- construction truck routes;
- impact of new the development on views to the Toronto Centres for the Arts;

The comments and concerns raised at the meeting have received careful consideration in my review of the application.

A. Planning Considerations

1. Land Use Mix

As noted above, the existing by-laws permits 169,945 m² (1,829,332 ft²) of gross floor area on the site for commercial uses. Up to 70,000 m² (753,498 ft²) of the 169,945 m² can be used for residential purposes, provided it is located on the western portion of the site.

The applicant has applied to change the mix and location of the residential and commercial uses on the site. The applicant is seeking permission to increase the residential uses up to 138,982 m² (1,496,038 ft²) and reduce the permission for commercial uses to 120,770 m² (1,300,000 ft²), with the total gross floor area permitted on the site remaining as 169,945 m².

Under the existing approvals, the applicant could build up to 70,000 m² for residential purposes and 99,945 m² (107,534 ft²) for commercial uses. In order to secure an office building at the prominent corner of Yonge Street and North York Boulevard, this report is recommending that a minimum of 37,160 m² (400,000 ft²) of commercial gross floor area be constructed at the north-east corner of the site (Building F on Attachment 1), prior to or at the same time as any residential uses along the Yonge Street frontage. The provision of a mixed use project with retail uses at grade supports the policies of the OPA 447 which seeks to provide a diverse range of commercial residential and service commercial uses at appropriate locations and active streetscapes. This project will build on the positive elements that the Empress Walk project has had brought to the Yonge Street streetscape and Mel Lastman Square.

This amendment would provide the applicant the opportunity to adjust for changing market conditions, and it still achieves a significant office building on the Yonge Street frontage prior to or at the same time as any residential uses along the Yonge Street frontage. Should the current market change from a demand for residential to commercial uses, the ability for more commercial uses along the Yonge Street frontage is still available.

2. Master Site Plan

The existing Master Site Plan agreement with five Demonstration Plans and attached urban design guidelines illustrates the location of buildings and shows how density could be distributed on the site with commercial building along Yonge Street and residential buildings on the western portion of the site. Each of these schemes provides for open spaces and for base buildings (podiums) with a tower. All five schemes assumed that the primary servicing of the site would be underground with access from Beecroft via tunnels and that the open space would be well landscaped with minor servicing for the residential buildings at grade.

The applicant's scheme of providing private roads through the site is a significant shift in the approach to the block from these previous plans. Rather than a super block created by closing Burnett and Burndale Streets south of this site, the private road proposed by the applicant results in a scheme where roads and sidewalks provide the opportunity for a standard at grade pedestrian environment. In keeping with the principles of the North York Centre Plan, the proposal provides a new east-west private road that links Beecroft Road to Yonge Street. This "mid block" pedestrian connection from Yonge Street to Beecroft Road can be designed to ensure a direct, safe and attractive route. A new north private road that links North York Boulevard to the new east-west private road is also provided. Although these are private roads, public accessibility will be secured in the Section 37 Agreement, and they will be designed with sidewalks, lighting, street furniture and landscaping. The proposed private roads would provide both vehicular and pedestrian access, and ensure a safe and comfortable pedestrian use and the opportunity for street addresses for the buildings.

This report recommends an amendment to the Master Site Plan, by deleting the 5 Demonstration Plans and adding the proposed site plan (see Attachment 1) and deleting the Urban Design Guidelines in the agreement and adding development principles, as indicated in Attachment 7. The amending Master Site Plan Agreement will be secured prior to the enactment of the Zoning By-law amendment.

The role of Master Site Plan is to illustrate the concept for the site, indicating the location of the buildings, the private roads and the private open spaces. Detail matters such as the following, will be addressed at the time of site plan approval for each development component:

- (i) the role of the open spaces as to their scale, the uses at grade, servicing and the shadow impacts;
- (ii) base conditions for the buildings in conformity with the Plan to ensure proper wind conditions and street edges, also providing uses at grade in buildings that promote safety along the roads and open spaces;
- (iii) co-ordinate servicing, drop off and garage access ramps to minimize the negative impacts to pedestrians and open spaces:

3. Transportation

As noted earlier, the current approvals dating back to 1990 and in 1997 include tunnels connecting Beecroft Road to an underground level that facilitated most vehicular and service activity related to the development of the block. The provision of this infrastructure was considered significant in terms of directing development related traffic onto Beecroft Road, thereby reinforcing the role of the Service Road in the North York Centre.

The proposed amendments to the mix in commercial and residential uses are accompanied by a transportation plan with new access and servicing arrangements that eliminate the tunnels and provide private roads and servicing at grade. The major elements consist of:

- (a) an east-west two-lane private road connection between Yonge Street and Beecroft Road, that is publicly accessible at all times. The connection at Beecroft Road is located at an optimum location to protect for signalization at this intersection. The Yonge Street connection will function as a partial moves access permitting only right-in/right-out, recognizing the constraints imposed by the Yonge Street median at this location.
- (b) a north-south two-lane private road connecting to North York Boulevard Road, that is publicly accessible at all times. In recognizing the operational constraints arising from the close proximity of this new intersection and Yonge Street/ North York Boulevard intersection, the proposed new intersection is to function with left turn restrictions during the morning peak period. A program to monitor its operations, as the site is built-out will be undertaken. This connection will recognize in its design the existing lay-by for the Toronto Centre for the Arts.
- (c) signalization of the intersection of North York Boulevard and Beecroft Road as identified in the Downtown Service Road and Associated Road Network Environmental Study Report (April 1991).

Consideration of the proposed amendments and the associated permission for development are benchmarked by the transportation plan that forms part of the existing approval on the site and transportation policies contained in the OPA 447.

Consistent with City policy, the transportation plan recognizes the established role and function of the public roads surrounding the site, including North York Boulevard, Beecroft Road and Yonge Street. The office development of the block will capitalize on its strategic location in relation to the North York Centre Subway Station by connecting to the existing tunnel at the Civic Centre.

At a strategic level, the vehicular trip generation anticipated as a result of the increase in residential permission, the office building at the corner of North York Boulevard and Yonge Street, and the ability to respond to changing market conditions on the remaining Yonge Street frontage are consistent with the planning and transportation objectives inherent in the long range development levels contained in OPA 447. It should be noted that the anticipated vehicular trip generation, based on existing permissions on the block have been captured in all successive development approvals in the North York Centre. Travel demand associated with the proposed amendments can be supported by the North York Centre transportation system.

4. Built Form and Height

The proposal consists of three towers along the Yonge Street frontage, one 20-storey office building and two towers that could be either residential or commercial above a two-storey podium, and three free standing residential towers, the northern two connected by a podium. The six towers are organized into a checkerboard pattern on the site producing a series of open spaces.

The role of these open spaces will need to be determined during the site plan process as to their design, scale, the uses at grade, servicing and the shadow impacts. The landscaped open space

east of the Toronto Centre for the Arts should be publicly accessible open space and secured in the Section 37 Agreement, if the area is not determined to be public parkland. Its design should be of the highest quality including landscaping and architectural elements to animate its edges, provide amenity and to help integrate the Toronto Centre for the Arts into the rest of the block.

The applicant is proposing a continuous retail edge along the Yonge Street frontage from the office building to the proposed east-west road. This will provide an animated pedestrian edge along this important portion of Yonge Street, which is designated as Prime Retail Frontage in OPA 447 and requires the provision of retail and service uses at grade. This will be secured in the zoning by-law and would be constructed at the time of building the Yonge Street towers.

In order to achieve the urban design policies of the OPA 447, the proposed zoning by-law will require buildings along Yonge Street to be set-back 4-metres at grade; provide a base building 8 to 25 metres high along the set-back line; and above the base, the building is to be stepped back 10-metres for two-thirds of the frontage. To maintain and enhance the views and access to the Toronto Centre for the Arts from Yonge Street, the proposed by-law will also require a 4-metre setback along North York Boulevard and the building stepped back a minimum of 1.3 metres above 12 metres, with a canopy along the north edge of the building. If there is no canopy this setback should be increased. This would achieve a minimum 10 metre public sidewalk (including setbacks) along the south side of North York Boulevard from Yonge Street to Toronto Centre of the Arts.

The height limits as stated in the OPA 447 permit height of 100 metres along the Yonge Street portion of the site and 65 metres over the majority of the rest of the site. A small area at the south-west corner of the site has a height limit of 11 metres, since this area is within 75 metres of the RRPL. The zoning by-law will secure these height limits for the site.

The existing zoning by-law has a 9-metre strip along the south property line that restricts any buildings. The proposed site plan indicates a private road along the south property line, with a pavement width of 8.5 metres. This is a change from the earlier approval in which vehicle uses were not permitted within this buffer area, but the proposed private road will achieve a similar building setback from the property to the south. The zoning by-law will secure a 9 metre no build zone along the entire south property line.

5. Long Term Development Levels

It is the policy of Council that development of the North York Centre be managed within the capacity of the existing and planned transportation system. OPA 447 cites long range residential and non-residential development levels (in gross floor area), which represent the anticipated level of development associated with the land use and density designation in the Plan. OPA 447 states that no rezoning by-law may be enacted that would permit the stated development levels to be exceeded. This provision is in force throughout the North York Centre, and applies to this site. Long range development levels reflect the mix of non-residential and residential gross floor areas permitted under the existing designations.

This report recommends adjustment to the amount of residential and non-residential gross floor area by increasing the residential and lowering the non-residential. This change is an adjustment

between the mix of non-residential and residential levels and is not an increase the total gross floor area permission. Therefore, this report recommends that the Long Range Development Levels in Figure 4.3.1 be amended to take in account the proposed changes put forward in this application.

B. Matters to be Resolved:

As a result of numerous discussions with the applicant and other affected parties this application has advanced to a point where the planning elements of this proposal can be addressed, however a number of matters remain outstanding. Prior to the enactment of the zoning by-law the following matters must be addressed to the satisfaction of appropriate City officials.

1. Transportation

- (a) The submission of a Transportation Impact Study that forms the basis of the traffic certification, as required by Section 4.8.1 of the OPA 447 will need to be approved by the Director, Community Planning, North District and the Director of Transportation Services, District 3, prior to the enactment of the zoning by-law.

The Transportation Impact Study should reflect the transportation plan and identify all transportation improvements associated with the proposed amendments including, but not limited to, the private road system, the signalization of North York Boulevard and Beecroft Road along with the provision of a southbound lane.

- (b) Approval of functional plans will also be required prior to the enactment of the zoning by-law detailing the design and treatment of the private/public road connections and technical requirements, along with a Pedestrian Circulation and Signage Plan and a parking strategy that:
 - (i) addresses the proposed amendments and associated development schemes comprehensively and forms the basis of certification and is consistent the North York Centre Parking Policy;
 - (ii) deals with shared parking arrangement associated with the Toronto Centre for the Performing Arts; and
 - (iii) addresses parking demand associated with the existing parking lot.

Comments from Works and Emergency Services (Transportation Services) raise a number of transportation issues with respect to the traffic certification, which includes parking, road and intersection improvements, access and site circulation. These matters will be either secured in the Section 37 Agreement or addressed to the satisfaction of the Director of Community Planning, North District and the Director of Transportation Services, District 3, prior to the enactment of the Zoning By-laws.

2. Parks and Outdoor Open Space

Under OPA 447 the applicant is required to provide an on-site parkland dedication equal to 15 percent of the net site area. Consideration will be given to a combination of on-site and off-site parkland dedication. Prior to enactment of the zoning by-law the applicant shall satisfy the parkland dedication requirements to the satisfaction of the Commissioner of Economic Development, Culture and Tourism. The landscaped open space east of the Toronto Centre for the Arts should be publicly accessible open space and secured in the Section 37 Agreement, if the area is not determined to be public parkland.

2. Site Servicing

Comments from Works and Emergency Services (Development Services) raise a number of site servicing issues such as road issues, storm sewers, sanitary sewers, site grading, service connections, and solid waste and recycling collection. These matters will be either secured in the Section 37 Agreement or addressed to the satisfaction of the Director of Technical Services, District 3, prior to the enactment of the Zoning By-laws.

3. Subway Connections

The applicant is proposing that the project be connected to the North York Civic Centre by an underground connection. In the early 1990's with the realignment and reconstruction of North York Boulevard, a pedestrian tunnel was constructed from North York Civic Centre to the south side of North York Boulevard. This tunnel connects with what is currently the cafeteria of the North York Civic Centre.

The earlier approvals for this property envisioned an underground pedestrian network with a below-grade retail concourse level that would link the proposed buildings to both the Sheppard and North York Centre Subway stations and the proposed development on the east side of Yonge Street between Hollywood Avenue and Spring Garden Avenue.

The existing by-laws exempts from the calculations of gross floor area the below grade retail and service space. OPA 447 eliminated the bonusing for below grade concourse levels, but instead provides an incentive for direct connections to the subway stations, and encourages grade level access with requirements for weather protected pedestrian links with the use of canopies or arcades. This report recommends that the new zoning by-law exempt the below grade retail and service uses only if all the building along the Yonge Street frontage are commercial uses as permitted under existing permissions.

Therefore, the proposed office/commercial uses and the Toronto Centre for the Arts should be connected as part of a public underground network that links these buildings to the subway system. Connections to the residential buildings could form part of a public network if they are clearly defined and safe, provide appropriate lighting, and do not cross vehicular driveways.

Prior to the enactment of the zoning by-law, the applicant enter into the appropriate agreements with the City, to the satisfaction of the Commissioner of Corporate Services, with respect to connections to the North York Civic Centre.

4. Public Art

It is the policy in the North York Centre to encourage the provision of public art on City owned lands as well as on privately owned lands as part of redevelopment projects to enhance the quality of the civic district. The owner should be required prior to the enactment of the by-law to enter into an agreement with the City to secure a public art program.

5. Toronto Centre for the Arts

The existing agreement between the landowner and the Toronto Centre for the Arts requires that 10 parking spaces be provided for employees of the Centre for the Arts. The applicant is proposing that 10 parking spaces be provided in the underground garage of the office building.

The issue of parking for the Centre for the Arts was also a concern raised by the area residents and staff. The proposed office building at the corner of North York Boulevard and Yonge Street will have a range of 400 to 500 parking spaces. As was envisioned in the earlier schemes the peak demand for the Centre for the Arts parking is the evening and for the office is daytime, therefore, patrons to the Centre for the Arts will be able to use the office parking in the off peak periods. Prior to the enactment of the zoning by-law, matters related to the Centre for the Arts with respect to parking arrangements, improvements to the drop-off circle and east exterior wall and providing a weather enhanced pedestrian access at grade from the Yonge Street sidewalk to the Toronto Centres for the Arts need to be secured as part of the Section 37 Agreement.

6. Tree Retention

There is a Pyramidal English Oak tree located along the Yonge Street frontage of this site. This tree holds particular significance to the City, as it is one of two front "field trees" that marked the limits of the original Sheppard farm. The other tree is located along Yonge Street in Mel Lastman Square. Because of its maturity, this tree is a positive element in the streetscape and every effort should be undertaken to the satisfaction of Urban Forestry to ensure its survival and integration or removal into the streetscape.

7. Construction Routing and Phasing

An issue raised at the community consultation meeting dealt with routing of construction vehicles. Therefore, prior to the issuance of a building permit a Construction staging and routing of construction vehicles plan be submitted for approval of the Commissioner of Works and Emergency Services.

Comments from Civic Departments and Reporting Agencies:

The comments from the Civic Departments and reporting agencies are attached to this report as Attachment 8 to Attachment 21.

The Toronto District School Board (see Attachment 13) indicated the need to post signs and include warning clauses in all offers of purchase and sales noting sufficient accommodation

might not be available in local school. These agreements should be negotiated between the owners and the Board.

Conclusions:

This report recommends amendments to both the Official Plan and Zoning By-law for reasons outlined in this report and also recommends amendments to the Master Site Plan. This report also recommends that prior to the enactment of the By-laws that the number of matters be addressed, such as traffic certification, functional plans detailing the design and treatment of the private/public road connections, a pedestrian circulation and signage plan, a parking strategy, determine whether on-site or off-site parkland contribution, a public art program, matters related to the Centre for the Arts with respect to parking arrangements, improvements to the drop-off circle and provision of weather protected pedestrian access at grade from the Yonge Street sidewalk to the Toronto Centres for the Arts, and agreements with respect to underground pedestrian connections to the North York Civic Centre.

Contact:

Paul Byrne, Senior Planner, North District
Tel: (416) 395-7105; Fax: (416) 395-7155; E-mail: pbyrne@city.toronto.on.ca

Attachment 5

Amendment No. 506
To The Official Plan of the
Former City of North York

Part Two – The Amendment

The following text and map constitute Amendment No. 506 to the Official Plan of the former City of North York

ITEM 1

Clause 1 Part D.1, The North York Centre Plan is hereby amended by amending Section 12.2 to read as following:

“12.2 Lands located west of Yonge Street and south of North York Boulevard municipally known as 5000 Yonge Street.

The above lands will be developed in such a manner that the overall development on all the lands shown on Map D1.10 shall not exceed Floor Space Index = 4.5.

Despite the Downtown Mixed Use-1, Downtown Mixed Use-2, and the Downtown Residential-1 designations of the lands at 5000 Yonge Street, Council may pass by-laws to permit a mixed-use commercial and residential project consisting of:

- (i) a total gross floor area not exceeding 169,945 m² of gross floor area plus incentives;
- (ii) residential gross floor area not exceeding 138,059 m² and the non-residential gross floor area not exceeding 120,770 m²; and
- (iii) the number of dwellings not exceeding 1850;

provided that a minimum of 37,160 m² of non-residential gross floor area and a 2-storey retail/office/commercial podium will be constructed at the same time or prior to any residential uses along the Yonge Street portion of the site.

Council may enter into an agreement, under Section 37 of the Planning Act, R.S.O. 1990, with the land owner to secure the construction of the 47,845 m² of office use, prior to the construction of any residential uses on the Yonge Street portion of the site.

The use of Section 37 in this amendment is to implement the goals and objectives of the Plan. The provision of a mixed use project with retail uses at grade supports the policies of the Plan which seeks to provide a diverse range of commercial residential and service commercial uses at appropriate locations and active streetscapes.

The development of these lands will be based on a clear publicly accessible east-west vehicular link between Beecroft Road and Yonge Street, which protects for signalization at Beecroft Road.

Clause 2 Figures 4.3.1 Long Range Development Levels be amended to change the “Downtown” Residential Gross Floor Area from 1,461,319 m² to 1,491,430 m² and the Downtown Non-Residential Gross Floor Area from 1,570,729 m² to 1,540,618 m².

Attachment 6

Authority: _____ Report No. ____ Clause No. _____, as enacted by Council on _____

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To amend City of North York By-law 7625 n respect
of lands municipally known as 5000 Yonge Street

WHEREAS authority is given to Council by Sections 34 and 37 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;

AND WHEREAS Amendment No. 506 of the Official Plan of the former City of North York contains provisions relating to the authorization of increases in density of development;

AND WHEREAS pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, R.S.O., c.P. 13, as amended, 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, R.S.O. 1990, c.P. 13, 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 owners 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 residential density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law 31292 and 33133 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;

AND WHEREAS the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in residential density in connection with the aforesaid lands as permitted by this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. THAT Schedules “B” and “C” of By-law 7625, as amended, are hereby amended in accordance with Schedule “C1(100)” attached hereto.
2. Section 64.23 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.23 (100) C1 (100)

DEFINITIONS

- (a) For the purpose of this exception the following definitions will apply:

“MECHANICAL FLOOR AREA” means the space within the building which is necessary to house the mechanical equipment required to physically operate the building such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment, but shall not be construed to mean areas of the building used for pedestrian circulation, general maintenance, parking or similar non-leasable or leasable uses;

“COMMON OUTDOOR SPACE” for non-residential buildings means an area that is unenclosed exterior area; shall adjoin and be directly accessible from a street or public park; shall be accessible to the public at all times, shall include landscaping and outdoor seating; and may include other features including public art;

“GROSS FLOOR AREA” shall mean the aggregate of the areas of each floor, measured between the outside of the exterior walls of the building at the level of each floor, including all areas used as enclosed balconies, but excluding:

- (i) any part of the building used for Mechanical Floor Area;
- (ii) any area used for vehicle parking, including that contained in an above-grade parking structure, provided the structure does not exceed three (3) storeys in height above-grade and provided that its roof deck is fully landscaped and made directly accessible to adjacent redevelopment projects;
- (iii) the gross floor area of the density attributable to the lands required for road widenings to be conveyed to the City or the Municipality of Metropolitan Toronto in respect of the development of the lands shown on Schedule “C1 (100)” hereto, to a maximum of 10,804 square metres;
- (iv) the gross floor area of recreational uses and recreational clubs to a maximum of 1,077 square metres;

(b) PERMITTED USES

The only used permitted shall be as follows:

(i) Residential Uses

apartment house dwelling, multiple attached dwellings.

(ii) Non-residential Uses

Restaurants, retail stores, personal service shops, service shops, branches of financial institutions, business and professional offices, studios, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, automatic laundry shops, custom workshops making articles or products to be

sold at retail on the premises, taverns, theatres and uses ancillary thereto, cinemas, art galleries, assembly halls, banquet halls, clubs, commercial schools, billiard parlours, bowling alleys, professional medical offices, recreational uses, day nurseries, outdoor cafes in conjunction with a restaurant on the same lot, subject to the provisions of Section 6.22 of this by-law, public parking structures, car rental agencies, including storage of motor vehicles for hire, and public parking lots; PROVIDED THAT the use of the first floor along the Yonge Street frontage of any building shall be restricted to retail stores, service shops, personal service shops, office lobby, restaurants, outdoor cafes in conjunction with a restaurant on the same lot subject to the provisions of Section 6.22 of this by-law, custom workshops, art galleries, and service areas; PROVIDED THAT a branch of a financial institution may be located on Yonge Street only in the north tower building (as shown on Schedule "C1 (100)" hereto);

EXCEPTION REGULATIONS

(c) MAXIMUM GROSS FLOOR AREA:

- (i) a total of 169,945 square metres of gross floor area is permitted;
- (ii) of the maximum gross floor area permitted by (i) above, a maximum of 70,000 m² may be used for residential uses provided that no residential uses shall be located within the area shown as hatched on Schedule "C1 (100)", attached hereto;"

(d) MAXIMUM NUMBER OF DWELLING UNITS:

- (i) a maximum of 595 dwelling units shall be permitted.

(e) MAXIMUM WIDTH OF FRONTAGE OF COMMERCIAL UNITS FRONTING ON YONGE STREET:

- (i) Office Entrance Lobby – 12.0 metres; provided that only one office entrance lobby shall be permitted on Yonge Street;
- (ii) Retail Stores, Restaurants, Branch of financial institutions, Personal Service Shops, Service Shops – 14.0 metres.

(f) MINIMUM AND MAXIMUM PARKING REQUIREMENTS:

For the purposes of calculating required parking, only those areas listed in paragraph (i) and (ii) in the definition of Gross Floor Area as defined above, shall be excluded.

- (i) Parking spaces shall be provided in accordance with the following:

(A) Non-residential:

- minimum 0.9 parking spaces per 100m² of gross floor area;
- maximum 1.18 parking spaces per 100m² of gross floor area;

(B) Residential:

- minimum 1.0 parking spaces per dwelling unit of which 0.1 parking spaces per dwelling unit is reserved for visitor parking;
- maximum 1.2 parking spaces per dwelling unit of which 0.1 parking spaces per dwelling unit is reserved for visitor parking.”

(iii) A charge may be made for the use of parking spaces except for residential visitors parking space requirements.

(iv) Handicapped Parking be provided in accordance with By-law Number 27724, as amended;

(v) In calculating the maximum parking requirements, a parking space shall be any area of automobiles, including tandem parking spaces (which are areas designed and marked for the temporary accommodation of automobiles, accessible only through another such area), and shall not include driveways or loading areas.

(g) MAXIMUM BUILDING HEIGHT:

(i) the maximum height of all buildings and structures shall be as shown on Schedule C1(100).

(ii) in any case, the height of any part of a building or structure including mechanical structures shall not exceed the horizontal distance between that part of the building or structure and the “Relevant Residential Property Line”, as shown on Schedule C1(100).

(h) YARD SETBACKS

(i) buildings shall be set back a minimum of 4 metres from the property line along the Yonge Street and North York Boulevard frontages;

(ii) along the Yonge Street frontage, at the 4 metre setback, buildings shall have minimum height of 8 metres to a maximum height of 25 metres;

- (iii) along Yonge Street frontage, above the 8 to 25 metres height, buildings shall be setback a minimum of 10 metres for 2/3 of the frontage;
- (iv) along North York Boulevard, above the height of 12 metre, buildings shall be set back a minimum of 5.3 metres, and must provide a pedestrian weather protected canopy.

For the purpose of this subsection Yonge Street frontage means the area bounded by North York Boulevard, Yonge Street, the new north-south private road and the new east-west private road.

(i) RECREATIONAL SPACE

- (i) a minimum of 1.5 m² per dwelling unit of indoor recreational amenity area shall be provided;
- (ii) a minimum of 1.5 m² per dwelling unit of outdoor open space shall be provided.

SECTION 37 AGREEMENT

- (j) The owner of the site, at their expense, and in accordance with and subject to the Section 37 Agreement shall provide the following services, matters and facilities.
 - (i) Project Phasing
 - (A) Provision that the office building at the north east portion of the site consisting of a minimum gross floor area of 37,160 m² (400,000 ft²) and two-storey retail/office/commercial podium must be building at the same time or prior to any residential uses along Yonge Street frontage.
 - (ii) Municipal Services:
 - (A) Provision of all site servicing improvements associated with the development identified by Works and Emergency Services (Development Services).
 - (iii) Transportation:
 - (A) Provision of all transportation improvements associated with the development identified by Works and Emergency Services (Transportation).
 - (B) Provision that the private roads will have a minimum pavement width of 8.5 metres as per the Public Roads Policy and that the private roads are publicly accessible at all times.

(iv) Public Art

- (A) Provision for a public art program for public art on publicly accessible or publicly visible portions of lands including abutting City owned lands. Such contribution, its maintenance, the selection criteria and process is to be finalized prior to the issuance of a building permit.

(v) Construction Staging and Routing Plan

- (A) Provision for a Construction Staging and Routing Plan to the satisfaction of the Directors of Works and Emergency Services (Transportation Services and Development Services) that detail the staging of construction and the routing of construction vehicles.

(vi) Toronto Centre for the Arts

- (A) Provision for parking agreements with the Toronto Centre for the Arts with respect to 10 employees parking spaces.
- (B) Provision for shared parking arrangements with the Toronto Centre for the Arts with respect to shared evening parking to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Works and Emergency Services, and the pedestrian circulation and signage plan associated with the parking arrangements.
- (C) Provision for improvements to the drop-off circle and east exterior wall and providing weather enhanced pedestrian access at grade from the Yong Street sidewalk to the Toronto Centre for the Arts.

All of the above conditions must be met at no cost to the City.

PERMITTED USES AND EXCEPTION PURSUANT TO SECTION 37 AGREEMENT

- (k) Despite the provision of subsections (c), (d) and (e) above, and subject to the owner of the lands entering into one or more agreements with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, as amended, in accordance with the conditions of subsection (j), the following provisions apply.

EXCEPTION REGULATIONS

(l) GROSS FLOOR AREA

- (i) the maximum gross floor area for residential uses shall be 138,059 m² permitted on the entire site and maximum gross floor area for non-residential gross floor area shall be 120,770m² provided:

- (a) the total gross floor area does not exceed 169,945 m²; and
- (b) that 37,160 m² of office building shall be constructed at the same time or prior to any residential gross floor area along the Yonge Street frontage.
- (c) the following uses are exempt from the calculation of gross floor area for the purposes of this subsection:
 - (i) the gross floor area of first floor restaurants, retail stores, personal service shops, service shops, branches of financial institutions provided that they have no frontage on Yonge Street, studios, custom workshops making articles or products to be sold at retail on the premises, and art galleries, to a maximum of 5,233 square metres;
 - (ii) the gross floor area of below-first floor pedestrian circulation areas, restaurants, retail stores, personal service shops, service shops, branches of financial institutions, studios, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, automatic laundry shops, custom workshops making articles or products to be sold at retail on the premises, theatres and uses ancillary thereto, cinemas, art galleries, taverns, clubs, commercial schools, billiard parlours and bowling alleys to a maximum of 12,163 square metres: PROVIDED THAT all buildings along the Yonge Street frontage are non-residential;
 - (iii) the gross floor area of day nurseries to a maximum of 1,000 square metres;
- (m) the only uses permitted on the first floor level along the Yonge Street frontage shall be those listed in section (b)(i), and there must be an entrance every 14 metres along the Yonge Street frontage with a minimum of six entrances, except for office lobbies.
- (n) An office lobby shall have a maximum width of frontage of 18 metres along Yonge Street.
- (o) MAXIMUM NUMBER OF UNITS
 - (i) a maximum of 1850 dwelling units shall be permitted
- (p) UNIT SIZES
 - (i) a minimum of 25 percent of the total number of residential units constructed are to be provided as follows:

- (a) one bedroom and bachelor units having a maximum gross floor area of 70 m²; or
 - (b) two bedroom units having a maximum gross floor area of 80 m²; or
 - (c) three bedroom units having a maximum gross floor area of 120 m²; or
 - (d) any combination of the above.
- (q) COMMON OUTDOOR SPACE FOR NONRESIDENTIAL GROSS FLOOR AREA

- (a) provide a minimum common outdoor space equal to 4 percent of the non-residential gross floor area or 10 percent of the site, whichever is greater.

(r) LAND DIVISION

The provisions of this exception and the provisions of By-law 7625 shall apply collectively to the lands identified on Schedule "C1(100)" attached hereto, notwithstanding their future severance, partition or division for any purpose.

3. Section 64.39 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.39 (3) O3(3)

PERMITTED USES

- (a) The only permitted use shall be a Performing Arts Centre, comprising theatres, concert halls, museums, art galleries, cultural heritage centres and cinemas and ancillary uses such as assembly halls, banquet halls, retail stores, taverns, clubs, restaurants, commercial schools, outdoor cafes in conjunction with a restaurant on the same lot subject to the provisions of Section 22.9.1 of this by-law, and day nurseries;

EXCEPTION REGULATION

- (b) Parking

A Performing Arts Centre is exempt of the parking regulations of this by-law.

- (c) Gross Floor Area

The maximum non-residential gross floor area of 14,650 square metres, excluding mechanical floor area.

4. Section 64.37 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.37 (23) O1 (23)

PERMITTED USES

- (a) The only permitted uses shall be Landscaped open space, paved surfaces and public utilities. No buildings shall be permitted above ground level;
5. Section 64.23, Section 64.39 and Section 64.37 of the former City of North York is amended by adding Schedules C1 (100), O3 (3) and O1 (23) respectively, attached to this by-law.

ENACTED AND PASSED this day ____ of _____, AD. 2001

Mel Lastman
Mayor

Novina Wong
City Clerk

(Schedules attached to the foregoing Draft By-law, are on file in the office of the City Clerk, North York Civic Centre).

Attachment 7

MASTER CONCEPT PLAN
Development Principles
5000 Yonge Street

Introduction

5000 Yonge Street is a key site in the City Centre, located immediately south of the City Centre Block and adjacent to the Toronto Centre for the Performing Arts. The site will be developed with a development containing a mix of residential uses and commercial uses.

This “Master Concept Plan” illustrates a design concept for this large site and how the Official Plan and zoning by-law could be implemented on this site. Future development at the 5000 Yonge Street site will be governed by Official Plan 447 and the Zoning By-law 7625 relating to height, density and use. The “Master Concept Plan” is an organizational diagram and written set of principles that compliment and extend the objectives of the Official Plan for this site. The diagram is schematic and should be considered to represent a set of relationships rather than a building proposal. Specific building footprints for base buildings and towers are diagrammatic. Detailed locations for these as well as details of streetscape, open space design, loading, servicing and parking access will be resolved at the time of site plan approval for individual buildings with the guidance of these documents.

Should there be discrepancies between the Master Concept Plan, and its principles, and the policies of OPA 447 and Zoning By-law, OPA 447 and Zoning By-law shall take precedence.

DEVELOPMENT PRINCIPLES

General – Pedestrian Realm

An efficient, fine grain and attractive grid system of pedestrian access through site will be encouraged between Yonge Street and Beecroft Avenue.

General – Build Form

Focal points, gateways, view corridors and termination of vistas should be created by buildings, structures and landscaping elements to organize the development and provide variety of points of interest throughout the site.

In addition to providing appropriate architectural treatments along the base and shaft of all buildings, the building mass will provide for appropriate skyline treatments.

General – Relationship with Development to the South

Compatible relationships with adjacent properties shall be achieved through appropriate building setbacks, yards and landscaping treatments.

The building heights, setbacks and location of the residential component are to minimize impacts to view corridors from the existing residential building at the southwest periphery of the site (i.e., Manhattan building).

General Servicing

Servicing, drop off and garage access ramps should be co-ordinated to minimize the negative impacts to pedestrians, private roads and open spaces:

- (a) including shared use service areas;
- (b) minimizing the number and length of curb cuts for drop off, access and servicing from existing and proposed roads;
- (c) placing underground parking access ramps within the building mass; and
- (d) using base buildings to screen servicing functions from streets and open spaces.

General Safety

The overall design of the site shall incorporate measures which promote a safe environment through proper design of lighting, open spaces and grade related uses in buildings which allow casual overlook of the adjacent streets and open space. Site plan

applications will be reviewed for safety based on the ‘Crime Prevention Through Environmental Design Guidelines’.

Phasing

The phasing of the development should not unreasonably impair future development of the balance of the block or other nearby sites.

Public Art

The detailed description of the public art program shall be addressed as part of the subsequent overall public art master plan to be completed before the first building permit.

Yonge St. Frontage

Development will enhance of the pedestrian environment along the Yonge Street frontage through the following:

Sidewalk improvements:

Sidewalk improvements along the Yonge Street frontage will create a promenade as per Council’s approved streetscape plans. This will be accommodated by the provision of a building 4 metre setback at the Yonge Street property line.

Street Wall:

A continuous base building will front onto Yonge Street at the setback line. Buildings along the street wall will be a minimum of 8 metres and a maximum of 25 metres.

Tower setbacks:

Towers along Yonge Street will respect the Official Plan 447 Section 5.2(h) setback requirements to ensure appropriate environmental conditions on the sidewalk.

Street related retail:

Buildings will be designed with retail activity and other uses that support the Yonge Street frontage. Sidewalk café seating is encouraged along the setback area.

Street block length:

The Yonge Street frontage may be moderated through the introduction of a private road, forecourts, parkettes or plazas. Where breaks in the street wall concept occur, they will be flanked by a streetwall and street related retail uses.

Through block circulation:

Pedestrian access from Yonge Street to the middle of the block and through to the Cemetery and neighbourhoods beyond Beecroft is encouraged. This will be met by the introduction of a pedestrian link through the site.

Pedestrian Protection:

A continuous 2.5m wide canopy along the building edge is encouraged to promote comfortable pedestrian use of the sidewalk.

North York Blvd.

The building edge along North York Boulevard forms the edge of an important link to the Performing Arts Centre. Development will enhance the pedestrian environment along the North York Boulevard frontage through the following:

Sidewalk improvements:

The Yonge Street promenade streetscape pattern and dimensions will turn the corner and form the basis for streetscape improvements along this frontage from Yonge Street to the entrance to the Performing Arts Centre. This will be accommodated by the provision of a building 4m setback at the Yonge Street property line.

Street Wall:

A continuous base building along the setback line is encouraged to define the Boulevard. This base building should help to integrate the commercial development at the corner with the Toronto Centre for the Performing Arts Buildings along North York Boulevard and shall not exceed a height of 12 metres at the street frontage. Above the 12 metres height, taller buildings shall step back a minimum of 1.3 metres from the streets. This building should also have a pedestrian weather protected canopy along this edge, or the step back should be increased to 3 metres.

Retail:

All proposed buildings along North York Boulevard should incorporate street related uses to encourage an animated connection between Yonge Street and the Toronto Centre for the Arts. Retail uses with a strong pedestrian orientation should be encouraged. Less active uses such as banks, offices and health care uses along the North York Boulevard sidewalk will be discouraged; individual retail/service commercial store fronts along the North York Boulevard sidewalk to a maximum width of 14 metres and office and residential entrance lobbies, along the North York Boulevard sidewalk, to a maximum of 6 metres will be encouraged.

Pedestrian Canopy:

A continuous 2.5m wide canopy along the building edge is encouraged to promote comfortable pedestrian use of the sidewalk.

North York Boulevard Corner

The creation of a visual focus at the southeast corner is important to frame the views to the Toronto Centre for the Arts. This element may take various forms. It may be an open area anchored by a signature corner building, it may be a small forecourt defining the view corridor to the Toronto Centre for the Arts, or it may be a significant piece of Public Art or combination.

Beecroft Frontage

Development will enhance the pedestrian environment along the Beecroft frontage through the following:

Street Wall:

Beecroft Road should have a building frontage with a consistent setback from the street with the objective of achieving approximately $\frac{1}{2}$ of the frontage length at a consistent setback along Beecroft Road.

Entry to the private road from Beecroft will be created by both hard and soft landscaping. The entry will also act as an integrated element in the street façade.

Internal Roads

Two private roads will divide the site providing access, address and amenity for the site, connecting it to public street system. A new east/west road will connect Beecroft to Yonge Street at the south end of the site. A new north/south road will connect this road to North York Boulevard east of the Toronto Centre for the Arts. The private street should be designed in a manner that reflects a public street. Development will enhance the pedestrian environment along these new street frontages through the following:

Streetscape Improvements:

These private streets will have 1.5m concrete sidewalks. The north/south road on both sides and east/west on the north side only.

These private roads will have distinctive lighting to promote safe evening use and street trees planted as per public streets.

Streetwall:

These streets will be defined by building between 8-12m in height setback from the sidewalk to provide amenity for pedestrians and privacy for ground floor uses. Buildings taller than 12 metres should step back from the base buildings.

Publicly Accessible Open Space

The Master Concept Plan proposes a series of small landscaped, mid-block, privately owned open spaces will be created within and at the edges of this block. This network of publicly accessible open spaces provided on the site will be enhanced through:

Design:

These spaces will have strong visual design to promote unique memorable place. Visually and physically connected to the surrounding and adjacent streets.

Spatial containment of the open spaces will be achieved by the placement of buildings and landscape elements.

These spaces will be designed to be publicly accessible and safe. They will have benches, landscaping and lighting to promote their use.

Public Art:

These small open spaces are an appropriate place for public art. Integration of artist ideas into the design of these spaces is encouraged early in the design stage.

Landscape

All landscaped areas shall provide for sufficient soil over the slab to support mature trees and shrubs.

Large caliper trees are to be provided through the site to define and enhance the public and private streets and open spaces.

All emergency/service vehicular routes shall be landscaped so that they are fully integrated into their setting.

(The Schedules to the Draft By-law, Attachments 1-4, and 8-22, also referred to in the foregoing report, were forwarded to all Members of the North Community Council with the agenda for its meeting on May 16, 2001, and copies thereof are on file in the office of the City Clerk, North York Civic Centre).

A staff presentation was made by Mr. Paul Byrne, Senior Planner, Community Planning, North District, Urban Development Services.

The North Community Council also had before it the following communications:

- (May 4, 2001) from Mr. Bill Burak, Property Manager, Board of Directors, Manhattan Place, indicating that the proposed development will have an adverse effect on the residents of the building and requesting that the meeting be rescheduled to 7:00 p.m.;
- (May 7, 2001) from Hans Lee, expressing concerns with the proposed development especially with respect to increased congestion in the area and suggesting that the subject lands be converted into an environmentally friendly park;
- (May 7, 2001) from Mr. Robert Armitage, President, Professional Court Reporters Inc., expressing concern over the availability of public parking for the operation of businesses in the vicinity relying heavily on vehicular traffic;
- (May 11, 2001) from Mark Obaldeston, Stikeman Elliott Barristers and Solicitors on behalf of 2748355 Canada Inc., owner of the Madison Centre located at 4950 Yonge Street, requesting that the policies requiring an underground pedestrian connection between 5000 Yonge Street and the Madison Centre be included in the Official Plan Amendment and reflected through requirements in the implementing zoning by-law and site plan agreement for 5000 Yonge Street;
- (May 15, 2001) from Mr. Tim Park, Supervisor, Land Acquisition and Development Applications, Economic Development, Culture and Tourism, providing further comments as an addendum to their previous comments and recommending that prior to the issuance of the first building permit, the applicant provide an irrevocable letter of credit as a security for an off-site parkland dedication requirement; that the amount of the letter of credit will be determined by the Real Estate Services Section of Corporate Services prior to the issuance of the first building permit; that the City will hold the letter of credit until an appropriate location for an off-site parkland dedication can be identified and acquired; and that the location of the off-site parkland dedication shall be at the discretion of and determined by the Commissioner of Economic Development, Culture and Tourism in consultation with the local Councillor;
- (May 16, 2001) from Mr. Ronald M. Kanter, McDonald & Hayden Barristers and Solicitors on behalf of MTCC 595 (Manhattan Place), expressing concerns with regard to the density, the number of units, traffic and parking, road configuration, the massing of Building "C"; the process; and requesting that the North Community Council adopt a motion that the application be deferred to the next meeting of North Community Council, to allow an opportunity for the applicant to meet with MTCC 595 and address their concerns;
- (May 11, 2001) from Mr. J. Dennis Dunlop, expressing concern regarding the time of the public meeting and requesting that the meeting be held after 6:00 p.m.; and

- (May 16, 2001) from Susan Singer, expressing her objections to the proposal to build six highrise buildings and three townhouses on the current parking lot, and commenting on the inconvenient time for the public meeting.

The following persons appeared before the North Community Council in connection with the foregoing matter:

- Mr. Adam Brown, Solicitor, of the law firm of Brown Dryer Karol, on behalf of the applicant, who spoke on the merits of the application. During his submission he indicated that this development if approved, would allow the first office building within the North York Civic Centre over the past ten years and that the entire proposal provides for high-profile street-related uses along Yonge Street. He further added that the Master Site Plan provides for landscaping along Yonge Street as well as an active public open space area. Insofar as the residents' concerns regarding views was concerned, he indicated that those issues were fought and dealt with a long time ago. He also stated that the applicant now has a proposal that implements the existing zoning envelope; one which has been carefully designed and developed and is worthy of receiving the approval of the North Community Council. He concluded by requesting that the staff recommendations be adopted.
- Mr. Mark Osbaldeston, Stikeman Elliott, who spoke on behalf of Beutel Goodman Real Estate Group, the owners of Madison Centre located at 4950 Yonge Street. During his submission he indicated that in accordance with the North York Official Plan policy, the Madison Centre was constructed with an underground concourse designed to permit interconnection with adjacent development and with the subway. The staff report on the proposed Official Plan Amendment and rezoning recommends the requirement of an underground connection northward from the proposed commercial building, however further linkage of the proposed residential buildings to the south is left discretionary. This, in his opinion, is inappropriate and any development of 5000 Yonge Street should provide for an integrated underground pedestrian to connect to the existing Madison Centre walkway and underground concourse as planned. He concluded by requesting that the provision of a pedestrian underground connection from the commercial building southward to the Madison Centre be made a requirement of this development.
- Mr. Chris Holtved, Beutel Goodman Real Estate Group on behalf of the Madison Centre, commented on the need for the connection and advised that the Madison Centre spent approximately one quarter of a million dollars to provide the underground connection in their building for future connections to this development. He further indicated that the requirement for this connection is positive from a planning perspective and would be in accordance with the Public Pedestrian Passageway Agreement between the predecessor in title to the current owner of the site and the Corporation of the City of North York, which agreement is registered on title.
- Mr. Ronald Kanter of McDonald & Hayden, Barristers and Solicitors, on behalf of Metro Toronto Condominium Corporation No. 595, Manhattan Place, commented that the development is huge in terms of the number of units and the density, which is on a scale of 4.5 times coverage. He advised that his clients were concerned about the impact this

project will have on their lives and residences. He further commented that his clients had five issues to be addressed and a concern regarding the process, which he felt was being rushed. In addition he pointed out that from his client's perspective, the original plan has changed substantially, particularly with respect to the east-west road. He then advised that the development is going to have a major impact on the area, particularly with respect to noise pollution, traffic and lack of parking. He further advised that four major access or driveways next to each other on Beecroft Road is not reasonable; and the location of the road is inconsistent with the original zoning by-law. In concluding he requested that the matter be deferred in order to allow an opportunity to meet with the applicant to discuss their concerns and to resolve their issues.

- Ms. Marion Lick, President, Willowdale Central Ratepayers Association, who advised that she is in agreement with the previous comments made regarding the importance of the underground pedestrian connection. She then expressed concern regarding the road and the need to preserve the trees currently on the property;
- Mr. Vladimir Raff of the Toronto Cycling Committee, who expressed his opposition to the development. During his submission he expressed concern with respect to the view of the Performing Arts Centre being obscured and increase in traffic congestion. He also commented on the trees on the property and requested that they be preserved and additional trees be planted. He further commented on the increased density and expressed a safety concern with respect to the number of tall buildings in one area, in the event of an earthquake or other disaster; and
- Ms. Susan Singer who expressed her opposition to the development and the concern that the height of the proposed buildings would deprive the neighbouring condominium of sunlight and the pleasant view that is now enjoyed. Loss of property values was also of concern. In concluding she requested that the current plan be rejected and that a subsequent meeting be called for 7:30 p.m. to allow more people to participate.

Recorded Votes:

A recorded vote on a motion, moved by Councillor Filion, Ward 23 - Willowdale, that the application be deferred for one month to allow the Planning staff to engage in a consultation process with the community, similar to what has already existed with the applicant; and that the Commissioner of Urban Development Services and the Commissioner of Community Services submit a report to the North Community Council on the desirability of requiring that the conversion from commercial to residential be conditional on an appropriate portion of the residential buildings be affordable/assisted housing for seniors, was as follows:

FOR: Councillors Sutherland, Filion

AGAINST: Councillors Shiner, Li Preti, Feldman

ABSENT: Councillors Augimeri, Mammoliti

Lost.

A recorded vote on Recommendation (1)(a), moved by Councillor Shiner, Ward 24 - Willowdale, was as follows:

FOR: Councillors Sutherland, Shiner, Feldman

AGAINST: Councillors Filion, Li Preti

ABSENT: Councillors Augimeri, Mammoliti

Carried.

A recorded vote on a motion moved by Councillor Filion, Ward 23 – Willowdale, that the Commissioner of Urban Development Services and the Commissioner of Community Services submit a report directly to City Council for its meeting scheduled for May 30, 2001, on the desirability of requiring that the conversion from commercial to residential be conditional on an appropriate portion of the residential buildings being affordable/assisted housing for seniors, was as follows:

FOR: Councillor Filion

AGAINST: Councillors Sutherland, Shiner, LiPreti, Feldman

ABSENT: Councillors Augimeri, Mammoliti

Lost

A recorded vote on the Recommendation (1) to approve the application, subject to the conditions outlined in the report (April 30, 2001) from the Director, Community Planning, North District, Urban Development Services, moved by Councillor Feldman, Ward 10 - York Centre, as amended by Recommendations (1)(a), (1)(b) and request (i) and (ii), moved by Councillor Shiner, was as follows:

FOR: Councillors Sutherland, Shiner, Li Preti, Feldman

AGAINST: Councillor Filion

ABSENT: Councillors Augimeri, Mammoliti

Carried.

(City Council on May 30, 31 and June 1, 2001, had before it, during consideration of the foregoing Clause, the following report (May 28, 2001) from the Commissioner of Urban Development Services:

Purpose:

The purpose of this report is to indicate the changes to the draft Official Plan and draft Zoning By-law Amendments required to implement the request of North Community Council on how the

provision of an underground connection between 5000 Yonge Street and 4950 Yonge Street can be achieved and to report on the requested community consultation meeting.

Recommendations:

It is recommended that:

(1) The last paragraph of Clause 1 of draft Official Plan be amended to read as:

“The development of these lands will be based on:

(i) a clear publicly accessible east-west vehicular link between Beecroft Road and Yonge Street, which protects for signalization at Beecroft Road; and

(ii) an underground pedestrian connection between 5000 Yonge Street and 4950 Yonge Street, and 5000 Yonge Street and the North York Civic Centre.

(2) That the draft Zoning By-law be amended to add a new section to the Section 37 Agreement, (j) (vi) to read as:

“(vi) Connections

(A) Provision of an underground pedestrian connection linking 4950 Yonge Street and 5000 Yonge Street to the satisfaction of the Director, Community Planning, North District.”

Background:

North Community Council at its meeting of May 16, 2001, in dealing with the Final Report on Official Plan and Zoning By-law Amendment Application (TB CBM 2000 0002) for 5000 Yonge Street (Menkes Development) requested a report directly to City Council for its meeting of May 30, 2001 on how the provision of an underground pedestrian connection between the retail component of 5000 Yonge Street and 4950 Yonge Street (Madison Centre) can be achieved.

North Community Council also requested that a further community consultation meeting be held with Planning staff, the applicant, the Ward Councillor and interested persons, prior to the City Council meeting scheduled for May 30, 2001, in order to address the issues that are a concern to the area residents.

Comments:

1. Underground Connections

As noted in the Final Report, the earlier approvals for this property envisioned an underground pedestrian network with a below-grade retail concourse level that would link the proposed buildings to the Sheppard Subway station to the south and the North York Centre Subway station to the north. The existing site specific zoning by-laws for the site exempts from the calculations of gross floor area the below grade retail and service space.

The North York Centre Secondary Plan (OPA 447) approved in 1997, provides an incentive for direct connections to the subway stations, and encourages grade level access with requirements for weather protected pedestrian links with the use of canopies or arcades. OPA 447 eliminated the bonusing for below grade concourse levels that the D.2 Plan had provided.

The Final Report recommended that the new site specific zoning by-law exempt the below grade retail and service uses only if all the building along the Yonge Street frontage are commercial uses as permitted under existing permissions.

The applicant has advised planning staff that they are not interested in below grade retail space, and are proposing that the retail and service uses at grade will have direct access onto Yonge Street with no internal walkways. If there is no below-grade retail space, the underground connection would be provided through the underground parking garage. These walkways through the parking garage could form part of a public network if they are clearly defined and safe, provide appropriate lighting, and do not cross vehicular driveways.

In order to secure the underground pedestrian connection to the property to the south, both the draft Official Plan and Zoning By-law Amendments, as attached to the Final Report, would need to be amended to include the provision for the underground connection.

The recommendations of this report indicate the changes to the draft Official Plan and Zoning By-law Amendments required to implement North Community Council's recommendation for an underground pedestrian connection linking 5000 Yonge Street to the building to the south, 4950 Yonge Street.

2. Community Consultation Meeting

As requested by North Community Council, a further community consultation meeting was held with Planning staff, the applicant, the Ward Councillor and interested persons on May 23, 2001, in order to address concerns of the area residents.

The residents from 131 Beecroft Boulevard raised concerns with respect to traffic conflict from the new east-west road, spacing between the new road and North York Boulevard and traffic infiltration. These matters have been addressed by the Director of Transportation Services, District 3 in a memorandum dated May 24, 2001, as Attachment A to this report.

Another issue raised by the residents of 131 Beecroft Boulevard was the number of units proposed for the site. The applicant is proposing a total of 1850 units over the entire site. There would be approximately 970 on the western portion of the site and the remaining units would be located on the Yonge Street frontage. The heights and gross floor area proposed for the western portion of the site is not changing, but there is a proposed change in the number of units from the 595 units permitted in the current site specific by-law to the 970 proposed. This increase in the number of units would allow the applicant to respond to the market trends for smaller unit sizes.

The issue of the Pyramidal English Oak tree located along the Yonge Street frontage of this site was also raised. It was noted that the tree could not be retained, but that staff would explore the possibilities for intensified streetscape planting along Yonge Street.

Conclusions:

The recommendations of this report incorporate North Community Council's request on how the provision of an underground pedestrian connection between the retail component of 5000 Yonge Street and 4950 Yonge Street can be achieved.

Contact Name:

*Paul Byrne, North York Civic Centre
Telephone: (416) 395-7105; Fax: (416) 395-7155; E-mail: pbyrne@city.toronto.on.ca*

Attachment A

Memorandum from the Director of Transportation Services, District 3 dated May 24, 2001.

*Re: Official Plan and Zoning By-Law Amendment Application
And Site Plan Application
TB CMB 2000 0002 and TB SPC 2000 0005
Menkes 5000 Yonge Developments Ltd.
5000 Yonge Street*

As per North Community Council direction, with respect to the above noted development proposal, a meeting was held on May 23, 2001 with Councillor Filion, City Staff, representatives of the condominium building at 131 Beecroft Avenue and Menkes Development. The main transportation related issues, which were raised by the representatives of 131 Beecroft Avenue, are noted below.

Possible Traffic Conflicts Resulting From Proposed East-West Private Road

As shown on the master plan (dated April 25, 2001), the proposed east-west private road for the 5000 Yonge Street development is located approximately 8.0m north of the existing service access driveway for 131 Beecroft Avenue (Manhattan Place). Concerns were raised with respect to the close proximity of these access points, and the potential for traffic conflicts which may result if the subject private road is constructed at the proposed location.

In response to the above noted traffic safety concern, Transportation Services staff conducted observations for the existing service access to 131 Beecroft Avenue. In order to capture the peak operating hours of the above noted service access driveway, observations were made during the weekday A.M. and P.M. peak period.

The results of our observations indicate that the said service access driveway is not heavily used. As a result, there are no traffic safety concerns with respect to its location in relation to the proposed east-west private road. However, to address the concerns raised by representatives of 131 Beecroft Avenue, it is recommended that the respective landowners explore the possibility of a direct north-south connection between the subject service road and the proposed east-west private road for 5000 Yonge Street along with the requisite easements. In this manner, the number of curb cuts on Beecroft Avenue could be kept to a minimum, and the opportunity could

be available for service vehicles destined for 131 Beecroft Avenue to enter the premises via Yonge Street or Beecroft Avenue, thus distributing site traffic more evenly.

Spacing Between Proposed Private Road and North York Boulevard

It was suggested by representatives of Manhattan Place to re-locate the proposed private road approximately 40-50m north. This would place the subject roadway approximately 140m south of the North York Boulevard/Beecroft Road intersection, which will be signalized. Traffic control signals may also be installed at Beecroft Road/proposed private road when warranted. Ideally a 215m spacing is required between traffic control signals. Thus the 140m spacing between the above noted traffic signals would decrease signal progression, increase delays and congestion at the development Beecroft Road access and compromise driver sight-lines.

Traffic Infiltration

Concerns were also raised with respect to the use of the proposed private road by non-development related traffic. With the existing centre median on Yonge Street, the access of the private road which fronts Yonge Street will be a right-in/right-out access only. Furthermore, the intersection of Beecroft Road and Elmhurst Avenue is currently signalized as will be the intersection of North York Boulevard and Beecroft Road. Given these factors, the need of non-development related traffic to use the proposed private road is limited.)