4155 Yonge Street – Rezoning Application – Final Report

<table>
<thead>
<tr>
<th>Date</th>
<th>October 2, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>North York Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Director, Community Planning, North York District</td>
</tr>
<tr>
<td>Wards:</td>
<td>25 – Don Valley West</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>06 124742 NNY 25 OZ and 06 124746 NNY 25 SA</td>
</tr>
</tbody>
</table>

SUMMARY

This application proposes to amend the Zoning By-law to permit an existing temporary parking lot to operate as a permanent use at 4155 Yonge Street.

This report reviews and recommends approval of the application to amend the Zoning By-law. The temporary use of the lands for a parking lot was permitted through a series of temporary use By-laws, the first of which expired in 1995, and the latest on April 14, 2006. The proposal would not change the function of the property, but would allow the existing parking lot, operating for the past 12 years, to continue as a permanent use. The proposal does not conflict with the policies of the City of Toronto Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 as amended for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4;

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and
3. Before introducing the necessary Bills to City Council for enactment, require the applicant to amend the existing Site Plan Control Agreement registered on title under Section 41 of the Planning Act to provide garbage bins on site and resurface the parking lot with permeable pavers.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
In 1989 and 1990 the City Council of the former City of North York approved By-laws 30952 and 31095 to permit the construction of a 5,812.0 m$^2$ office building on the subject site with a maximum height of approximately 20.0m or 5-6 storeys.

The use of the lands for a parking lot was permitted through a series of temporary use By-laws, the first of which expired in 1995, and the latest on April 14, 2006.

In September of 2004, Site Plan Control approval for the temporary parking lot was granted. The Site Plan Agreement between the owner and City secured landscaping and other site improvements. The owner wishes to secure the use of the parking lot as a permanent use prior to making further site improvements.

ISSUE BACKGROUND
Proposal
This application is to amend the Zoning By-law of the former City of North York to permit the existing parking lot as a permanent use. As part of the proposal the applicant intends to implement site and landscaping improvements including tree and shrub planting, walkway connections, curbing, bollards and fencing. The parking layout would also be reconfigured to provide 35 parking spaces. The lot currently has a total of 39 parking spaces.

Site and Surrounding Area
Located at the southeast corner of Yonge Street and William Carson Crescent, just north of York Mills Avenue, the site has an area of 3,218.0 m$^2$ with approximately 35 metres of frontage on Yonge Street and 92 metres flanking William Carson Crescent. The site is relatively flat but slopes upwards to the northeast, with the easterly half of the property being a heavily vegetated greenbelt.

There are no existing buildings on site as the westerly portion of the lot is developed with the existing surface parking lot. Vehicular access to the parking lot is provided from William Carson Crescent. William Carson Crescent is a fully signalized intersection with Yonge Street. A bus stop and shelter are located along the Yonge Street frontage.
The use of abutting properties includes:

North: across William Carson Crescent is a 5 storey office building with ground floor commercial uses
South: a 4 storey office building separated by mature landscaping and vehicle access
East: a partially treed valley slope extending up towards a church and cemetery
West: across Yonge Street is the Yonge Corporate Centre consisting of a variety of office, commercial and institutional uses

**Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

This proposal is consistent with the PPS.

**Official Plan**

The City of Toronto Official Plan designates the developed portion of the site as a *Mixed Use Area*, which permits a broad range of commercial, residential and institutional uses subject to a number of criteria. The undeveloped greenbelt portion of the site is designated as a Parks and Open Space Area.

**Zoning**

The site is zoned C1 (General Commercial) and G (Greenbelt). Under Zoning By-law 7625, the portion of the site zoned C1 permits a variety of residential, commercial and institutional uses. Parking lots are permitted in C1 zones provided they are located within wholly enclosed buildings.

Site specific Zoning By-laws (By-laws 30952 and 31095) were passed in 1989 and 1990 to permit a 5,182.0 m² office building on the subject site with ground floor commercial uses, and a maximum building height of 20 metres (or 5-6 storeys). Parking is permitted only as an ancillary use to the proposed building.

**Site Plan Control**

There is currently a Site Plan Control Agreement for the parking lot registered on title.

**Reasons for Application**

The proposed parking lot is not a permitted use under Zoning By-law 7625 or By-law 30952 (site specific By-law governing the property).
Community Consultation
A Community Consultation meeting was held on April 11, 2007. The meeting was attended by the Ward Councillor, City Planning staff, the applicant and three members of the public. Concerns raised by local residents focused on the site's current state of disrepair, the need to resurface the lot and the lack of garbage clean up and site maintenance. Two written submissions expressed concern over the continued operation of a parking lot on the site, believing the property could be better served by another use.

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

COMMENTS

Land Use
The subject site has been used as a commercial parking lot since 1995 without any significant impact on the surrounding community. The current proposal would not change the function of the property, but would allow the existing parking lot, operating for the past 12 years, to continue as a permanent use.

The granting of permanent status to the parking lot would not preclude the applicant or any future owner of the property from redeveloping the lands for office or commercial use. While the site currently has approval for a 5-6 storey office building, construction has never commenced, as the applicant maintains there is no demand for office space in the area to justify the construction of the building. Therefore, the addition of a commercial parking lot as a permitted use to the site specific By-law passed in 1989 (authorizing a 5-6 storey office building) would provide the lands with some stability until the site becomes economically viable for commercial/office redevelopment.

The City of Toronto Official Plan designates the subject site as a Mixed Use Area, which does not explicitly provide for commercial parking lots as a use; however, it does not exclude it.

Traffic Impact, Access, Parking
The parking lot is an existing use; therefore, the proposal would not result in any traffic impacts within the neighbourhood beyond that which currently exist. The reconfiguration of the parking lot will reduce the number of parking spaces on site by four. Vehicular access to the site would continue to be located on the south side of William Carson Crescent.

Site Plan Control
A Site Plan Control Agreement was registered in December of 2004, requiring the owners to implement landscaping improvements including tree and shrub planting, walkway connections, curbing, bollards and fencing. The site improvements have not been completed as the applicant wishes to secure the permanent parking lot use prior to
committing to significantly improving the condition of the property. All work required under the existing agreement is to be completed by September 28, 2009.

While the applicant is proposing to implement the existing site plan previously approved in 2004, through the review of this application, concerns were raised with respect to the need to resurface the parking lot with a permeable paver and provide garbage bins on site. Comments were also provided by Technical Services indicating, as per the amendment to Zoning By-Law 7625 passed by City Council in May, 2007, the applicant must re-design the parking spaces to comply with the new parking standards. Compliance with this issue should not require a noticeable reconfiguration of the previously approved plan. All of these matters can be addressed and secured through a site plan amendment process. It is recommended that any amendments to the existing Site Plan Control Agreement be obtained prior to introducing the necessary Bills to Council.

CONTACT
Jeff Markowiak, Assistant Planner
Tel. No. (416) 395-7130
Fax No. (416) 395-7155
E-mail: jmarkow@toronto.ca

SIGNATURE

_______________________________
Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1: Site and Landscape Plan (Site Plan Approved – September 28, 2004)
Attachment 2: Zoning (Map)
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment
Attachment 1: Site and Landscape Plan (Site Plan Approved – September 28, 2004)
Attachment 2: Zoning (Map)
Attachment 3: Application Data Sheet

APPLICATION DATA SHEET

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Details</th>
<th>Application Number:</th>
<th>Application Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezoning</td>
<td>Rezoning, Standard</td>
<td>06 124742 NNY 25 OZ</td>
<td>April 10, 2006</td>
</tr>
</tbody>
</table>

Municipal Address: 4155 YONGE ST, TORONTO ON M2P 1N6  
Location Description: PLAN 3549 PT LOTS 17,18,19, AND 20 RP64R8407 PARTS 1 7 9 **GRID N2501  
Project Description: Parking lot (permitted use) under by-law 30952

Applicant: MARK PAVKOVIC  
Agent:  
Architect:  
Owner: IRE-YONGE DEVELOPERS INC

PLANNING CONTROLS

Official Plan Designation: MUA  
Zoning: C1, G  
Height Limit (m): 0  
Site Specific Provision: office, temporary parking  
Historical Status:  
Site Plan Control Area: Y

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Site Area (sq. m):</th>
<th>3218</th>
<th>Height: Storeys:</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage (m):</td>
<td>34.79</td>
<td>Metres: 0</td>
<td></td>
</tr>
<tr>
<td>Depth (m):</td>
<td>92.48</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Ground Floor Area (sq. m):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Residential GFA (sq. m):</td>
<td>0</td>
<td>Parking Spaces:</td>
<td>35</td>
</tr>
<tr>
<td>Total Non-Residential GFA (sq. m):</td>
<td>0</td>
<td>Loading Docks</td>
<td>0</td>
</tr>
<tr>
<td>Total GFA (sq. m):</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage Ratio (%):</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Space Index:</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

DWELLING UNITS

<table>
<thead>
<tr>
<th>Tenure Type</th>
<th>Rooms:</th>
<th>Above Grade</th>
<th>Residential GFA (sq. m):</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor:</td>
<td>0</td>
<td></td>
<td>Retail GFA (sq. m):</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Bedroom:</td>
<td>0</td>
<td></td>
<td>Office GFA (sq. m):</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Bedroom:</td>
<td>0</td>
<td></td>
<td>Industrial GFA (sq. m):</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3 + Bedroom:</td>
<td>0</td>
<td></td>
<td>Institutional/Other GFA (sq. m):</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Units:</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONTACT: PLANNER NAME: Jeff Markowiak, Assistant Planner  
TELEPHONE: (416) 395-7130

Staff report for action – Final Report – 4155 Yonge St. 8
Attachment 4: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2007

Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. --2007

To amend City of North York Zoning By-law No. 30952, as amended, with respect to the lands municipally known as 4155 Yonge St

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;

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

1. By-law No. 30952 as amended by By-law No. 285-2003 is hereby further amended by deleting the text in Clause 2(a)(iv) and replacing it with the following: “A parking lot”.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)