

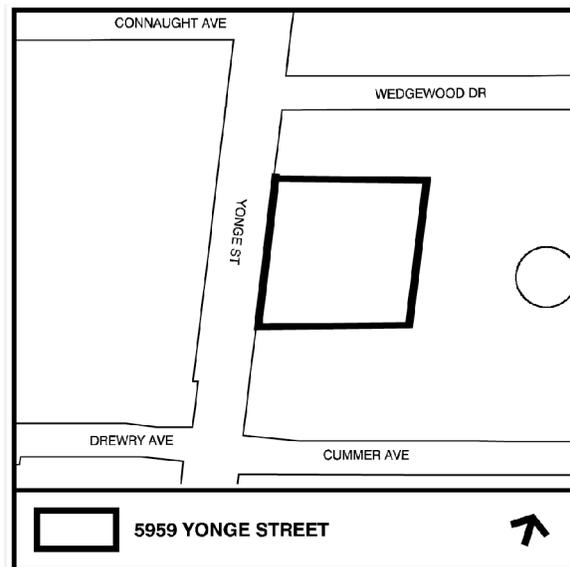
**5959 Yonge Street – Rezoning Application – Request for Direction Report**

<b>Date:</b>	October 13, 2011
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	10 304240 NNY 24 OZ

**SUMMARY**

426099 Ontario Limited (“**applicant**”) made a zoning by-law amendment application (“**application**”) on 26 November 2010 requesting permission for a mixed-use development of two 14-storey residential buildings with ground floor uses at the former auto dealership at 5959 Yonge Street. The property is located on the east side of Yonge Street, north of Cummer Avenue, and just outside the North York Centre Secondary Plan area. The applicant waited only the minimum period of time and then appealed to the Ontario Municipal Board (“**OMB**”) on 30 March 2011 due to Council’s failure to make a decision with respect to the application within the time prescribed by the *Planning Act*.

A pre-hearing conference was held on 29 July 2011 between interested parties and participants. The OMB approved a procedural order setting out the hearing dates as well as other important dates with respect to the exchange of evidence and witnesses. The hearing is scheduled for December 12, 14, 19 and 20 in 2011 and March 12 to 16 in 2012. An issues list and a witness list was exchanged between the parties on 30 September 2011.



Attached as Attachment 1 is the planning review for this application which was prepared by City Planning Division.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council reject the application of 426099 Ontario Limited in its current form for the property at 5959 Yonge Street for the reasons set out in Attachment 1 to this report and authorize the City Solicitor, the Chief Planner and other appropriate staff to attend the Ontario Municipal Board hearing in opposition.
2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant respecting a revised application which addresses the issues raised in the planning review, including the built form and site design, and if necessary, seek further instructions from Council.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Zoning By-law Amendment application was submitted on 26 November 2010 requesting permission of a mixed used development of two 14-storey residential buildings with ground floor commercial uses. On 22 March 2011, North York Community Council received a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notice area, and that notice for the public meeting be given according to regulations of the *Planning Act*.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-36321.pdf>

## **COMMENTS**

The purpose of this report is to seek Council's direction for the appeal of this application to the OMB. It is staff's opinion that the proposal is inappropriate in its current built form and site design. Staff is recommending that the application be rejected.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1: City Planning Division Review  
Attachment 2: Site Plan  
Attachment 3: Yonge Street Elevation  
Attachment 4: East Elevation  
Attachment 5: Building A North Elevation  
Attachment 6: Building A South Elevation  
Attachment 7: Building B North Elevation  
Attachment 8: Building B South Elevation  
Attachment 9: Landscape Plan  
Attachment 10: Official Plan – Land Use Plan  
Attachment 11: Former City of North York Zoning By-law 7625  
Attachment 12: Application Data Sheet

**Attachment 1- City Planning Division Review  
Rezoning Application – 5959 Yonge Street  
File No.: 10 304240 NNY 24 OZ**

The proposal is to redevelop the site with two 14-storey residential buildings with ground floor commercial uses, including retail, service commercial, restaurants and professional/medical offices. The proposed buildings would be located on the north and south sides of the existing storm sewer easement that runs east/west through the centre of the site. A 6 metre wide shared driveway for the buildings is proposed over the easement to provide access to the rear of the buildings where the individual loading areas and parking garage ramps would be located.

The development proposal has not changed since the original November 26, 2010 submission and the preparation of the Preliminary Report.

The pertinent development statistics for the overall development and each building is provided below:

Total Lot Area: 8,291 sq.m.  
 Total Building Coverage Area: 3,806 sq.m. (46%)  
 Total Landscape Area: 2,605 sq.m. (31%)  
 Total Asphalt/hard surface Area: 1,880 sq.m. (23%)  
 Total GFA: 31,958 sq.m.  
 Proposed Floor Space Index (FSI): 3.85

<b>Proposed</b>	<b>Building A – South Building</b>	<b>Building B – North Building</b>
Gross Floor Area (above grade)	16,368 sq.m. Residential: 15,566.65 sq.m. Commercial: 801.35 sq.m.	15,590 sq.m. Residential: 14,875 sq.m. Commercial: 715 sq.m.
Gross Floor Area (below grade)	7,716 sq.m.	8,376 sq.m.
Height (not including mechanical room)	14 storeys or 44 metres	14 storeys or 44 metres
# of Residential units (total 371)	191 1bdm: 173 2bdm: 18	180 1bdm: 158 2bdm: 22
# of Underground Parking Levels	2	3
# of Parking Spaces (total 397 spaces, incl. 19 handicapped accessible)	Underground: 204 Surface: 7	Underground: 181 Surface: 5
Bike Parking (total 316)	At grade: 32 Underground: 134 Total: 166	At grade 30 Underground: 120 Total: 150

## **Site and Surrounding Area**

The site is the former North York Chrysler Jeep Dodge dealership property located on the east side of Yonge Street, north of Cummer Avenue. The property, which is relatively flat, is 0.82 ha in area with a lot frontage of approximately 91 metres on Yonge Street and a lot depth of approximately 91 metres. The property is bisected by an east/west storm sewer easement that runs through the centre of the site.

The site currently consists of two vacant buildings, a one storey car dealership building on the south portion of the site and a smaller one-storey building at the north end of the site. There is also a large amount of surface parking areas associated with the previous car dealership use.

The uses surrounding the site include:

East: A residential neighbourhood of primarily single detached dwellings. Immediately east of the subject site, the OMB approved a severance for 5949 Yonge Street. The severed lands were to be consolidated with the abutting single detached lot at 2 Doverwood Court. The current owner has expressed an interest in developing the parcel however a development application has not yet been submitted to the City.

West: There are 6-storey and 17-storey apartment buildings and retail/commercial buildings on the west side of Yonge St., directly across from the subject lands.

South: There is a 15-storey apartment building located on the site immediately south of the subject lands. Retail/commercial uses are also located along this stretch of Yonge Street. Newtonbrook Plaza is located on the south side of Cummer Avenue. A development application was recently submitted to permit a high-density mixed use development on the plaza lands.

North: There is a single storey LCBO retail building located on the site immediately north of the subject lands. North of Wedgewood Drive is a small commercial plaza.

## **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.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* consist of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The site is also located in an *Avenue* in the Official Plan on Map 2.

Chapter 2 of the Official Plan sets out the urban structure of the City, develops the strategy for directing growth within this structure and sets out policies for the management of change, through the integration of land use and transportation planning.

Growth areas are locations where good transit access can be provided along bus and streetcar routes and at rapid transit stations, and include *Avenues* that are mixed use with emphasis on residential growth. Also included are *Downtown*, including the *Central Waterfront*, the *Centres*, and the *Employment Districts*.

These areas have been identified for growth in order to:

- use municipal land, infrastructure and services efficiently;
- concentrate jobs and people in areas well served by surface transit and rapid transit stations;
- create assessment growth and contribute to the City's fiscal health;
- promote mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips;
- offer opportunities for people of all means to be affordably housed;
- facilitate social interaction, public safety and cultural and economic activity;
- improve air quality, energy efficiency and reduce greenhouse gas emissions;
- improve surface and groundwater quality and restore the hydrological function and habitat of streams, rivers, and wetlands; and
- protect neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

The Official Plan includes development criteria in *Mixed Use Areas*. Generally, it is the intent that development will:

- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets need of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this

- Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
  - e) locate and mass buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
  - f) provide an attractive, comfortable and safe pedestrian environment;
  - g) have access to schools, parks, community centres, libraries, and childcare;
  - h) take advantage of nearby transit services;
  - i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
  - j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
  - k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Official Plan identifies *Avenues* as important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment. A framework for change is to be tailored to the situation of each *Avenue* through a local Avenue Study that will contain a vision and implementation plan.

Policy 2.2.3.3 a) of the Official Plan states that development may be permitted on the *Avenues* prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development on the *Avenues* prior to an Avenue Study will implement the policies of the Plan for the relevant designation area(s).

Policy 2.2.3.3 b) states that development in *Mixed Use Areas* on *Avenues*, prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located taking a number of factors into consideration.

Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

Policy 2.2.3.3 c) of the Official Plan provides that in addition to satisfying all other policies of this Plan, including in particular the neighbourhood protection policies,

development in *Mixed Use Areas* on an *Avenues* that precedes the completion of an Avenue Study will meet a number of objectives related to transit, housing, pedestrian environments, parks, infrastructure, community services, among others.

The Official Plan also identifies the importance of urban design and includes policies related to Built Form.

Section 3.1.2 – Built Form Policy of the Official Plan provides for new development to be located and organized to fit within its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by respecting a number of principles.

New development is to locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by incorporating a number of strategies. As well, development is to be massed and its exterior façade is to be designed to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties.

Developments are to be massed to define the edges of streets, parks and open spaces at good proportion and taller buildings are to be located to ensure adequate access to sky view for the proposed and future use of these areas.

Adequate amenity for pedestrians in adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians is to be provided through a number of initiatives. Every significant new multi-unit residential development is to provide indoor and outdoor amenity space for residents of the new development, with residents having access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Section 3.1.3 – Built Form – Tall Buildings Policy of the Official Plan includes policies with criteria to evaluate appropriate sites for tall buildings to ensure that tall buildings fit within their existing and/or planned context and limit local impacts. A number of additional built form principles are applicable to the location and design of tall buildings. Tall buildings should be designed to consist of three parts, carefully integrated into a single whole, base building, middle (shaft) and top, as outlined in the policies. Tall building proposals are to address key urban design considerations, related to built form principles, building and site design; building and site design relationship to the existing and/or planned context; site topography and other tall buildings; high quality, comfortable and usable publicly accessible open space areas and other goals and objectives of the Official Plan.

Building on the policies in the Official Plan the City has developed the City's Avenues & Mid-Rise Buildings Study and the City's Design Criteria for Review of Tall Building

Proposals to help implement and provide direction for new mid-rise and tall building developments in the City.

The City's Design Criteria for Review of Tall Building Proposals was adopted in 2006 for evaluating tall building proposals. Tall buildings are considered to be buildings greater than the right-of-way of the principal street the parcel is located on. Also buildings which significantly rise above its existing or planned context should be considered tall. The tall building design criteria falls under Site Context, Site Organization; Building Massing and Pedestrian Realm. This criteria has been established to help implement the objective of the Official Plan "to ensure that tall buildings fit within their context and minimize their impacts".

The City's Avenues & Mid-Rise Buildings Study was developed to introduce performance standards for new buildings to be constructed in the *Avenues* identified in the City's Official Plan.

The Final Report for the Study describes Mid-rise buildings as being, no taller than the width of the street right-of-way. The as-of-right height of a mid-rise building will be determined by a series of factors. The maximum height is established based on a 1:1 ratio where the maximum height of a building is equivalent to the width of the right-of-way. The ability to realize the maximum height is tempered by angular planes applied to the front of the site and the rear of the site respectively. Not all sites on the *Avenues* will be able to achieve the maximum height, as some properties are physically constrained.

## **Section 37**

The Official Plan also has policies with respect to Section 37 of the *Planning Act* which allows for the City to secure community benefits in exchange for the ability of a development to be built higher, or have a greater density, than the maximum height and density allowed in the zoning by-law.

## **Zoning**

The site is part of the Yonge Street commercial corridor and is zoned C1(5) under By-law 7625, of the former Municipality of North York. Subject to certain restrictions, the C1 zone permits a variety of residential uses, a mix of commercial uses (such as restaurants, retail stores, banks, business and professional offices, theatres, funeral establishments, parking lots, service stations and accessory uses) and institutional uses such as a lodge, fraternity or sorority house, labour union hall, a home for the aged or infirm, or hospital.

The existing site specific exception on the site permits a motor vehicle dealership and a motor vehicle body repair shop only as an accessory use to a motor vehicle dealership. The exception also requires a minimum 3 m landscape strip adjacent to the display area for motor vehicles and a minimum lot frontage of 22 metres for the motor vehicle dealership use.

The C1 zone permits a maximum density of 1 times the lot area.

### **Site Plan Control**

A Site Plan Control application has not yet been submitted. Although a comprehensive set of drawings and supporting documents were provided with the subject application, as indicated in the Zoning submission the site plan was to be considered conceptual which has made it difficult for staff to fully evaluate the proposal.

### **Reasons for Application**

The application has been submitted to establish the permitted uses and development standards for the proposed development. The proposed development standards would relate to, among other details, maximum height, commercial and residential floor area, number of residential units, parking and loading requirements, building envelopes and required landscape and amenity space.

### **Community Consultation**

A community consultation was held by City Planning on May 26, 2011 and approximately 30 members of the public attended along with the applicant and their team, and the Ward Councillor. Staff from Urban Design and Transportation Services staff were also present.

The following issues were raised by members of the public in attendance:

- vehicular access in and out of the site given the amount of traffic on Yonge Street;
- traffic infiltration into the low density neighbourhood, particularly along Wedgewood Drive;
- number of proposed residential units, and the size and cost of the units;
- proposed development plans for 2 Doverwood Court which is directly behind 5959 Yonge Street, and proposed access from that site;

There were also some general questions related to plans for a future ring road to improve vehicular movement through the area. The general consensus from the members of the public was that there was a significant amount of traffic along this stretch of Yonge Street which has restricted vehicular movement in the area.

### **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

Staff have reviewed the application proposing the development of two 14-storey (44 metres) residential buildings with a mix of ground floor commercial uses. The proposed site design and built form of the development has raised a number of issues and concerns as summarized below.

### Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies that the Official Plan is the most important vehicle for implementing the PPS. The proposed residential development is located within a *designated growth area* as it is identified as an *Avenue* within the Official Plan. Designated growth areas are to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon. The development proposal cannot be supported in its current site design and built form as the proposal has not adequately addressed a number of Official Plan policies primarily respecting built form.

### The Growth Plan

The Growth Plan requires that a significant portion of new population and employment growth be directed to *built-up areas* of the community through *intensification*.

The Growth Plan outlines that through Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing *urban growth centres*, *intensification corridors* and *major transit station areas* as a key focus for development to accommodate intensification. The type and scale of development in intensification areas must be appropriate.

The Growth Plan would consider the area adjacent to Yonge Street to be an *intensification corridor*, which are *intensification areas* along major roads, arterials or *higher order transit corridors* that have the potential to provide a focus for higher density mixed-use development consistent with planned transit service levels.

The Growth Plan requires *intensification areas* to be planned and designed to – attract population and employment growth; provide a diverse and compatible mix of land uses; including residential and employment uses; to support vibrant neighbourhoods; provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places; support transit, walking and cycling for everyday activities; generally achieve higher densities than surrounding areas; and, achieve an appropriate transition of built form to adjacent areas.

The proposed redevelopment of the subject site conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, however, the development proposal cannot be supported in its current built form and site design.

## **Built form**

The site is located on a portion of Yonge Street included as an *Avenue* in the Official Plan. The City's Avenues & Mid-Rise Buildings Study was developed to introduce performance standards for new buildings to be reviewed along the *Avenues*. The site is deeper than most of the lots along this portion of Yonge Street and is in proximity to existing residential towers, ranging from 6 to 17-storeys. Given the existing physical and planned context, the site could potentially support either Tall Buildings or Mid-rise buildings.

During pre-application meetings staff's expectations for the development to follow one of the City guidelines building type was made clear. The current proposal is a hybrid of the two guidelines and creates a tall building slab that is unacceptable for redeveloping this Avenue as its bulky form creates unacceptable impacts. The proposal does not meet Official Plan Built Form Section 3.1.2. The mass of the buildings have not been designed to fit harmoniously into its existing and/or planned context and limit impact on the open space areas on the site. The proposal, if approved, would set an unacceptable precedent for the Avenue.

The two proposed buildings on site at 14 storeys, 44 metres high do not meet Performance Standard 1.0 of the City's Avenues and Mid-rise Study. This portion of Yonge Street right of way width is 33 metres and the proposed height is 25% over the width of Yonge St. right of way. The buildings are not mid-rise buildings.

The proposal also does not respond to the policies in Section 3.1.3-Built From-Tall Buildings Policy of the Official Plan related to the three parts, the base building, middle and top. The proposal also does not satisfy Section 3.0 of the City's Design Criteria for Review of Tall Building Proposals related to massing. The proposed building shaft creates unacceptable shadow on the open space on the site and adjacent properties. It also sets a negative built form precedent along the Avenue in this part of the Yonge Street corridor as well as City wide.

The ground floor and the site plan design includes unacceptable placement of parking garage ramps, loading facilities, among other aspects, which has limited the ability of the proposal to provide quality open space/landscaping and amenity space areas on the site.

With respect to Built Form policies of the Official Plan, the proposal fails to provide ground floor uses that have views into and access to the proposed open spaces. The open space at the rear becomes a leftover space without any direct indoor uses such as grade related apartments or amenity. The back of the site is filled with surface parking, pavement for loading movements and ramps to the underground parking garage. The applicant has not adequately organized the vehicle parking, vehicular access, service areas in order to minimize their impact on the property and on surrounding properties, and to improve the safety and attractiveness of open spaces by using shared service areas where possible within development block(s). The services and utility functions with the buildings have not been integrated and full use of the underground parking garage has not been explored. The service area needs to be reduced and the back of the buildings should

be landscaped amenity space for residents that will also provide a better transition to the abutting properties. The ground floor of the buildings along this edge should have uses that encourage the safe use of the space including amenity room and grade related apartments both of which should have adjacent corridor patios.

Many of these details should be addressed as part of a site plan application and considered as part of this Zoning application review to demonstrate that technical and policy objectives of the City can be achieved on the site.

### **Avenue Segment Study**

The applicant submitted an Avenue Segment Study with the Zoning By-law Amendment Application. The segment study included soft site analysis for other sites with frontage on Yonge Street, between Cummer/Drewry Avenue and Steeles Avenue, and how they could be developed. Possible development sites were selected but were excluded if there was fragmented ownership, listed on the City's Heritage Property Inventory or had been recently developed. A total of six sites were reviewed, not including the subject lands.

The built form analysis used in the study was based on the City's Avenues & Mid-Rise Buildings Study, which resulted in possible development scenarios ranging from 5 to 8 storeys at densities from 1.87 to 3.12. The segment study also included a Transportation Review of existing and future transportation conditions that account for this potential development and a community. A Community Services and Facilities Review and Planning Justification were also included.

Although the study was comprehensive in many respects, the study failed to justify the proposed built form for the subject lands itself and conform to Policy 2.2.3.3 b) i) of the *Avenues* section of the Official Plan. A study is to include an assessment of the impacts on the incremental development the entire segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances.

There was recognition in the segment study that the Avenue & Midrise Study considers a "typical" mid-rise building to be no taller than the width of the Avenue's right of way (Yonge Street ROW being 33 metres) or 11 storeys. There is also reference to a statement from the City's Avenues & Mid-Rise Buildings Study that the maximum height may not be achieved depending on the limits imposed by other performance standards including setbacks and angular planes.

The segment study also includes a statement that a proposal's existing context and unique circumstances must also be considered, such as the subject lands, and that greater height may be appropriate. This is not a criterion in the City's Avenues & Mid-Rise Buildings Study to allow mid-rise buildings to exceed the maximum height and the proposed built form on the site. As previously noted in this report, there are Tall Building criteria and guidelines for buildings taller than the right-of-way that can be complied with that would allow the site to be developed appropriately and address many of the deficiencies with the current site design related to landscaping, open space and amenity, and loading and pedestrian and vehicular circulation on the site.

## **Servicing**

Servicing details were submitted and review by Technical Services staff. Technical Services staff has advised that the applicant shall be required to retain the services of a Consulting Engineer to submit a sanitary sewer analysis (drainage plans, flow sheets and hydraulic analysis as necessary) to identify required improvements to the existing sanitary sewer system, up to the Trunk connection point, to provide for peak sanitary flows generated by this development and any extraneous wet weather flow, and any other known developments which are to be served by the same sanitary sewer system.

The applicant shall also include a copy of the easement (inst # 304790) encumbering the lands. This information is required in order to fully assess the applicant's submission.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are subject of this application are in an area with 0.8-1.56 hectares of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The current application is for 371 residential units and 1,516 sq.m. of non-residential uses on a site with a net area of 8,291 sq.m. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.495 hectares or 59% of the net site area. Therefore for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 797sq.m.

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as Centre Park is located within 500 metres walk from the site. Centre Park is 1.22 hectares in size and contains pathways, play structures and a softball diamond.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit by the Facilities and Real Estate Division. The applicant is to notify Parks, Forestry and Recreation at the time of building permit application in order to commence the appraisal process.

Parks staff has recommended that the cash-in-lieu of parkland dedication funds above the 5% for the residential component be allocated towards park improvements to Centre Park as permitted by the City Wide Parkland Dedication By-law 1020-2010 effective May 3, 2011.

## Site Plan

Issues that have been raised through the review of the Zoning By-law Amendment application will need to be addressed in a formal Site Plan application submission, as well as other requirements normally captured during a site plan review.

Given the scale of the proposed development Planning Staff has advised it would be appropriate for a Site Plan Control Approval application to be submitted with the Zoning By-law Amendment application. This would allow City staff an opportunity to evaluate the development proposal in more detail such as height of buildings; building setbacks and setbacks; building footprint and coverage; size of tower floor plates; bicycle and vehicular parking spaces; loading spaces and garbage disposal requirements; landscaping; amenity space and driveway access requirements, among other details.

The site plan review will provide an opportunity to address built form policies in the Official Plan. With respect to built form principles, the exterior design elements, form, scale and proportion of the buildings will have to be used successfully to provide an appropriate character, scale and appearance of the development. The current design does not have regard for adequate light and privacy and to limit any resulting shadowing of, and uncomfortable wind conditions on the open spaces.

With respect to providing amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians, the submission has not successfully demonstrated the provision of: improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities; co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms; weather protection such as canopies, and awnings; and, landscaped open space within the development site.

Transportation staff had a number of comments as part of their review of the Zoning By-law Amendment application that will be required to be addressed in a site plan submission. Through a site plan application a detailed review of site operations including site access and vehicle circulation, parking dimensions, ramp design, driveway width & radii, loading operations, pick-up and drop-off facilities, location, function and amount of parking, among other items, can be carried out. This will also include review of a revised Traffic Impact and Parking Study.

The site plan review will also give City staff an opportunity to review sections of the proposed development adjacent to the storm sewer that runs through the site and determine if there are any negative impacts. The plans submitted with the Zoning By-law Amendment application do not provide this essential detail.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the *Planning Act*. The proposal is for 31,958 sq.m. of gross floor area resulting in a site density of 3.85 FSI and a maximum height of 44 metres. The as-of-right C1 zoning permits a maximum density of 1 times the area of the lot with for a total gross floor area of 8,291 sq.m.

As the application is seeking a significant increase in height and density, a Section 37 contribution would be warranted if this application were approved. A Community Services and Facilities Inventory was done as part of the Avenue Segment Study submitted by the applicant and reviewed by staff. The applicant's study recommended that the following be considered:

- **Child Care:** Although there are several child care centres that serve the area, existing and future population pressures will create the need for additional child care facilities and options should be explored and encouraged.
- **Community Centres:** The existing Goulding Community Centre serves the existing community well and offers a variety of services and facilities. The City may wish to explore opportunities to expand this existing centre, or evaluate new community centre opportunities as the Avenue Segment builds out.
- **Parks and Recreational Facilities:** The study area is underserved with respect to local parkland. The City may wish to explore new parkland opportunities to be acquired through parkland dedications and/or cash-in-lieu payments as the Avenue Segment develops.

The provision of community benefits and/or cash contributions toward these benefits should be considered as part of any discussions regarding a revised application.

To date, staff have had only preliminary discussions with the applicant and Ward Councillor regarding a Section 37 contribution. Should staff continue discussions with the applicant and reach an agreement on an appropriate built form for the proposal, appropriate Section 37 contribution discussions will be undertaken and should be secured as part of a revised comprehensive application.

As part of any Section 37 Agreement, the Owner shall agree to construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

## **Summary**

The application before the Ontario Municipal Board proposes to amend Zoning By-law 7625 of the former City of North York to permit the construction of two 14-storey residential buildings with ground floor commercial uses at 5959 Yonge Street. The property is located on the east side of Yonge Street, north of Cummer Avenue, and just outside the North York Centre Secondary Plan area.

The purpose of this report is to seek Council's direction on the appeal of this application to the Ontario Municipal Board.

It is staffs opinion the proposal is inappropriate in its current built form and site design. Staff is recommending that the application be refused.

## **CONTACT**

Mark Chlon, MCIP RPP  
Senior Planner, Community Planning  
City Planning Division

Tel. No. 416-395-7137  
Fax No. 416-395-7155  
E-mail: mchlon@toronto.ca

Attachment 2: Site Plan (as provided by applicant)

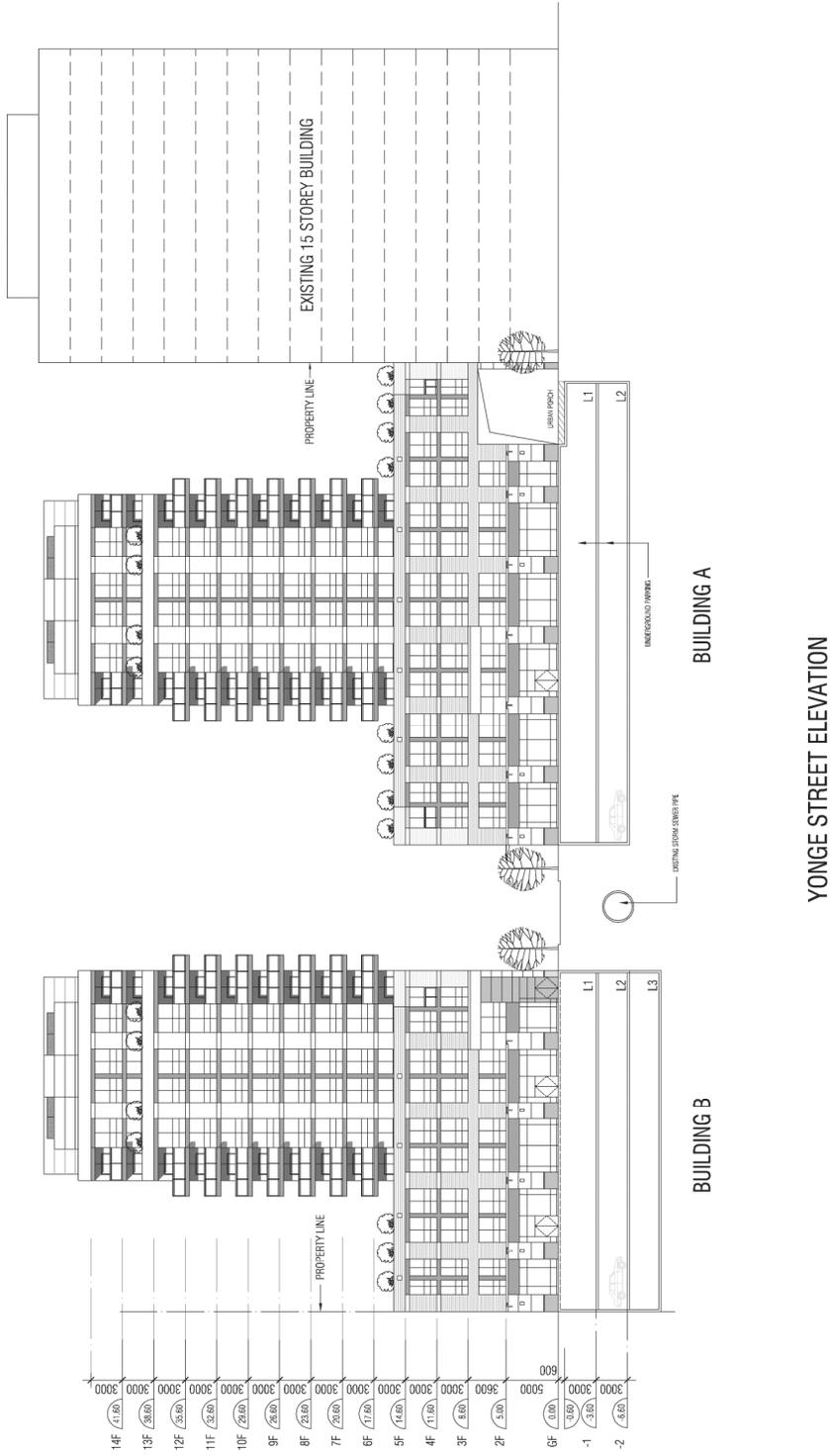


5959 Yonge Street

File # 10\_304240

Site Plan  
 Applicant's Submitted Drawing  
 Not to Scale  
 01/07/2011

**Attachment 3: Yonge Street Elevation [as provided by applicant]**



**5959 Yonge Street**

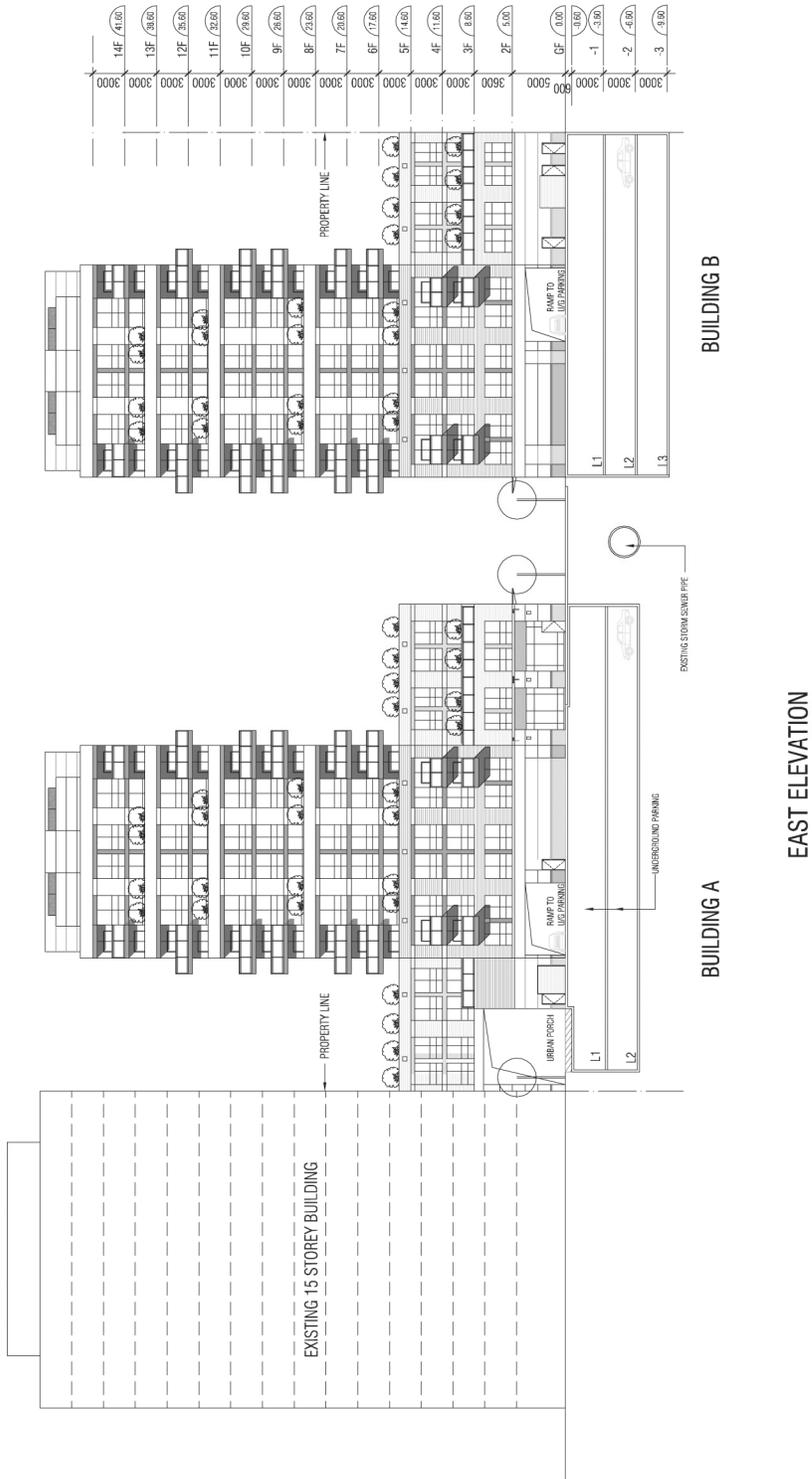
**File # 10\_304240**

**Elevations**

**Applicant's Submitted Drawing**

Not to Scale  
01/07/2011

**Attachment 4: East Elevation [as provided by applicant]**



**Elevations**

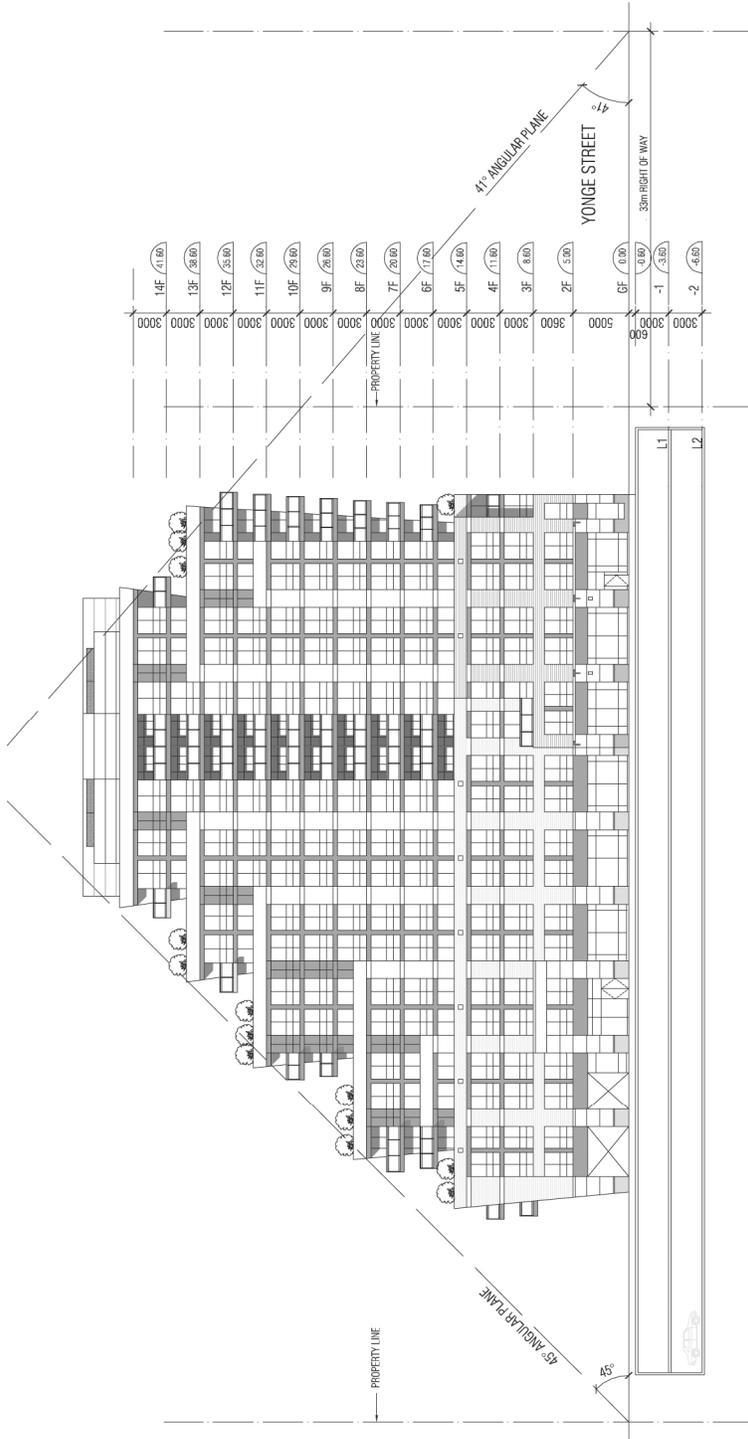
Applicant's Submitted Drawing

Not to Scale  
01/07/2011

5959 Yonge Street

File # 10\_304240

**Attachment 5: Building A North Elevation [as provided by applicant]**



BUILDING A NORTH ELEVATION

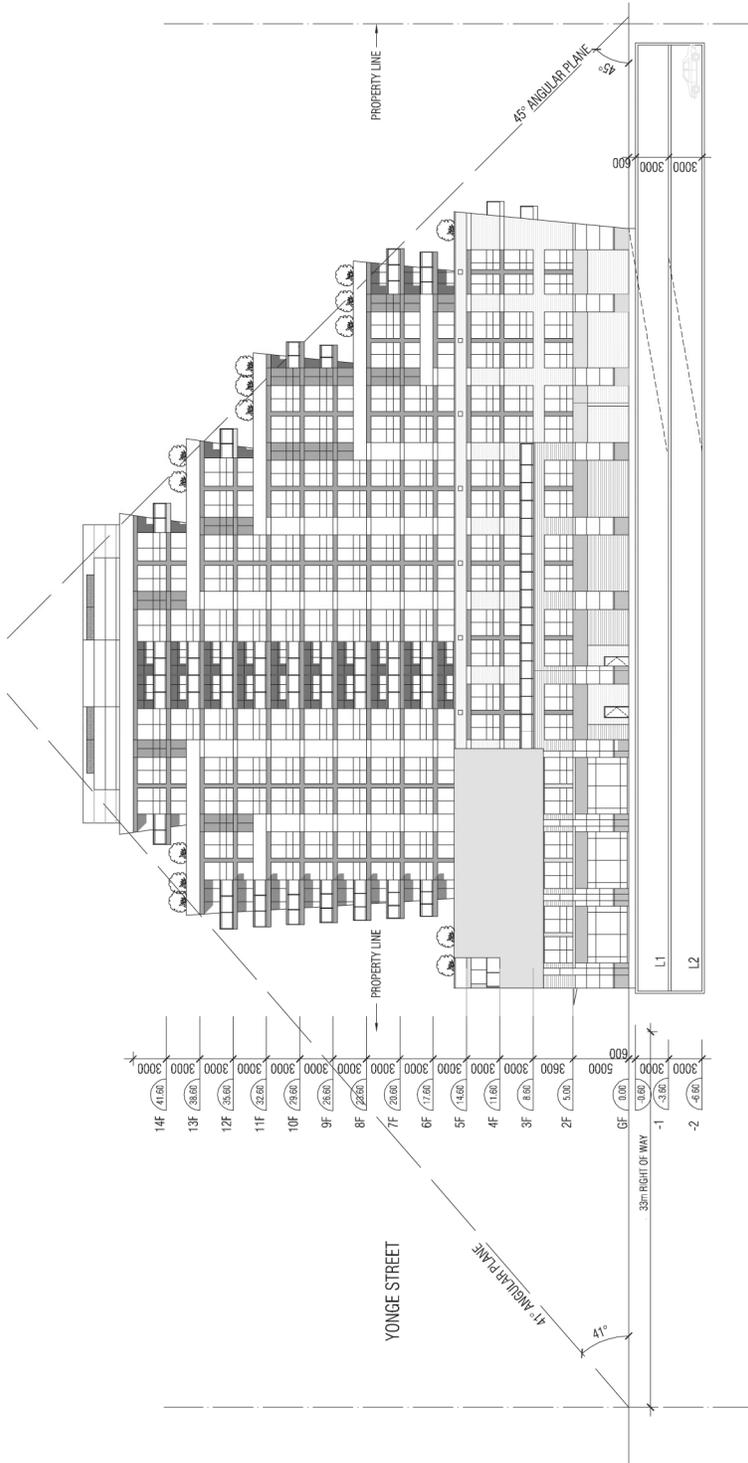
5959 Yonge Street

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 01/07/2011

File # 10\_304240

**Attachment 6: Building A South Elevation [as provided by applicant]**



BUILDING A SOUTH ELEVATION

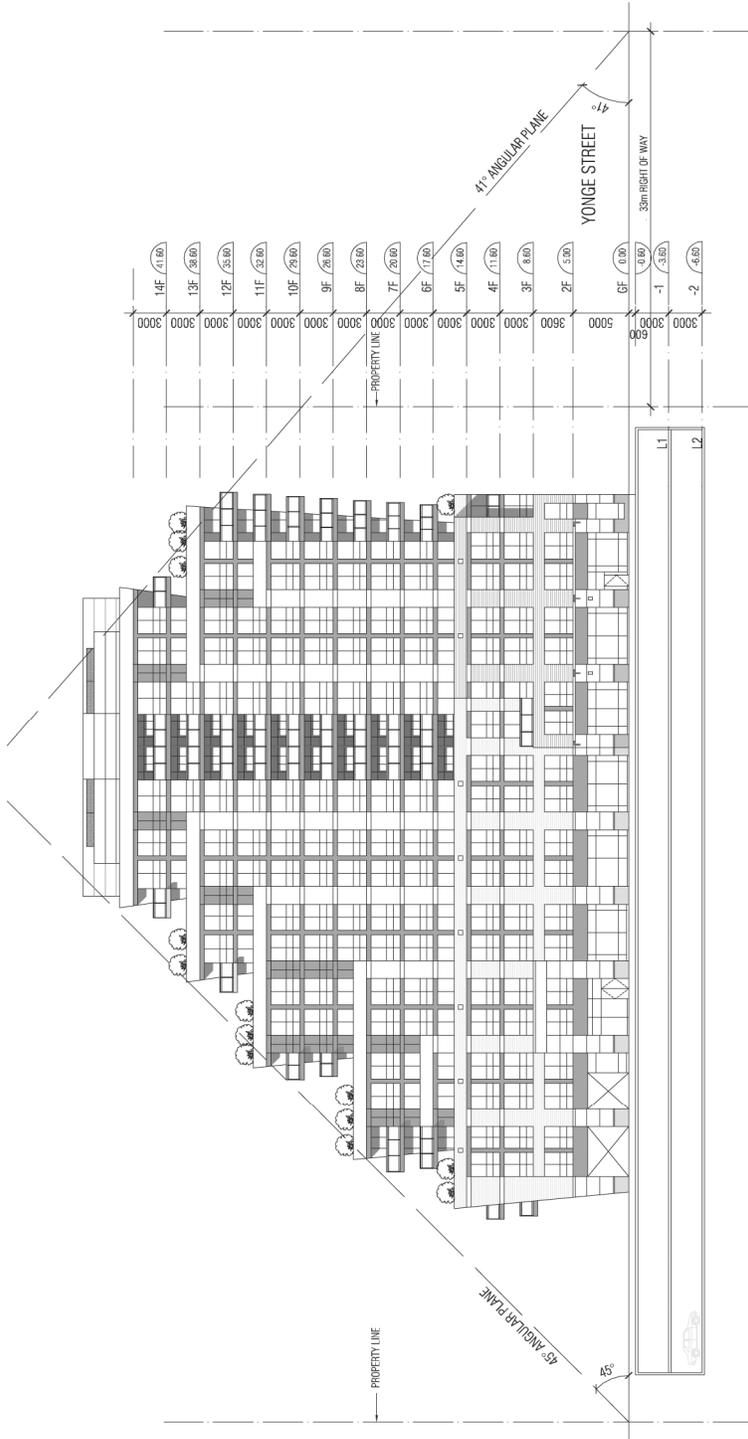
5959 Yonge Street

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 01/07/2011

File # 10\_304240

**Attachment 7: Building B North Elevation [as provided by applicant]**



BUILDING A NORTH ELEVATION

5959 Yonge Street

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
01/07/2011

File # 10\_304240

**Attachment 8: Building B South Elevation [as provided by applicant]**



BUILDING B SOUTH ELEVATION

5959 Yonge Street

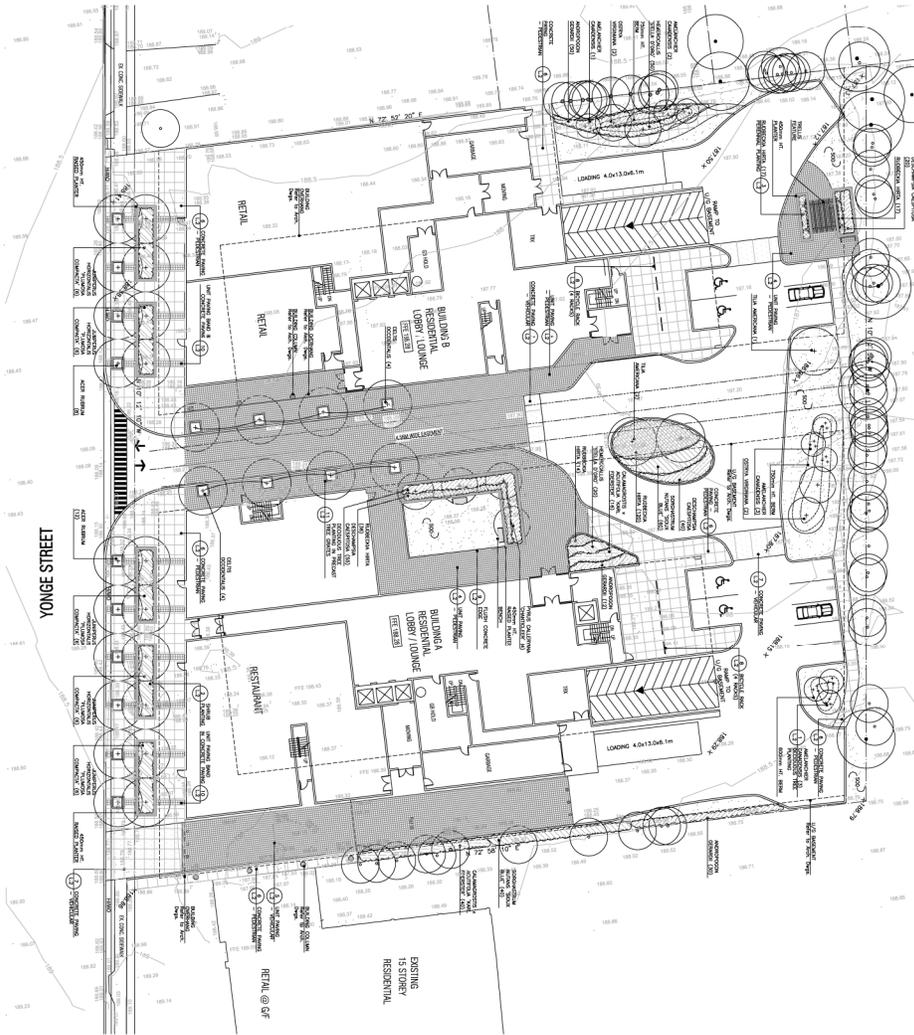
File # 10\_304240

Elevations

Applicant's Submitted Drawing

Not to Scale  
01/07/2011

Attachment 9: Landscape Plan [as provided by applicant]



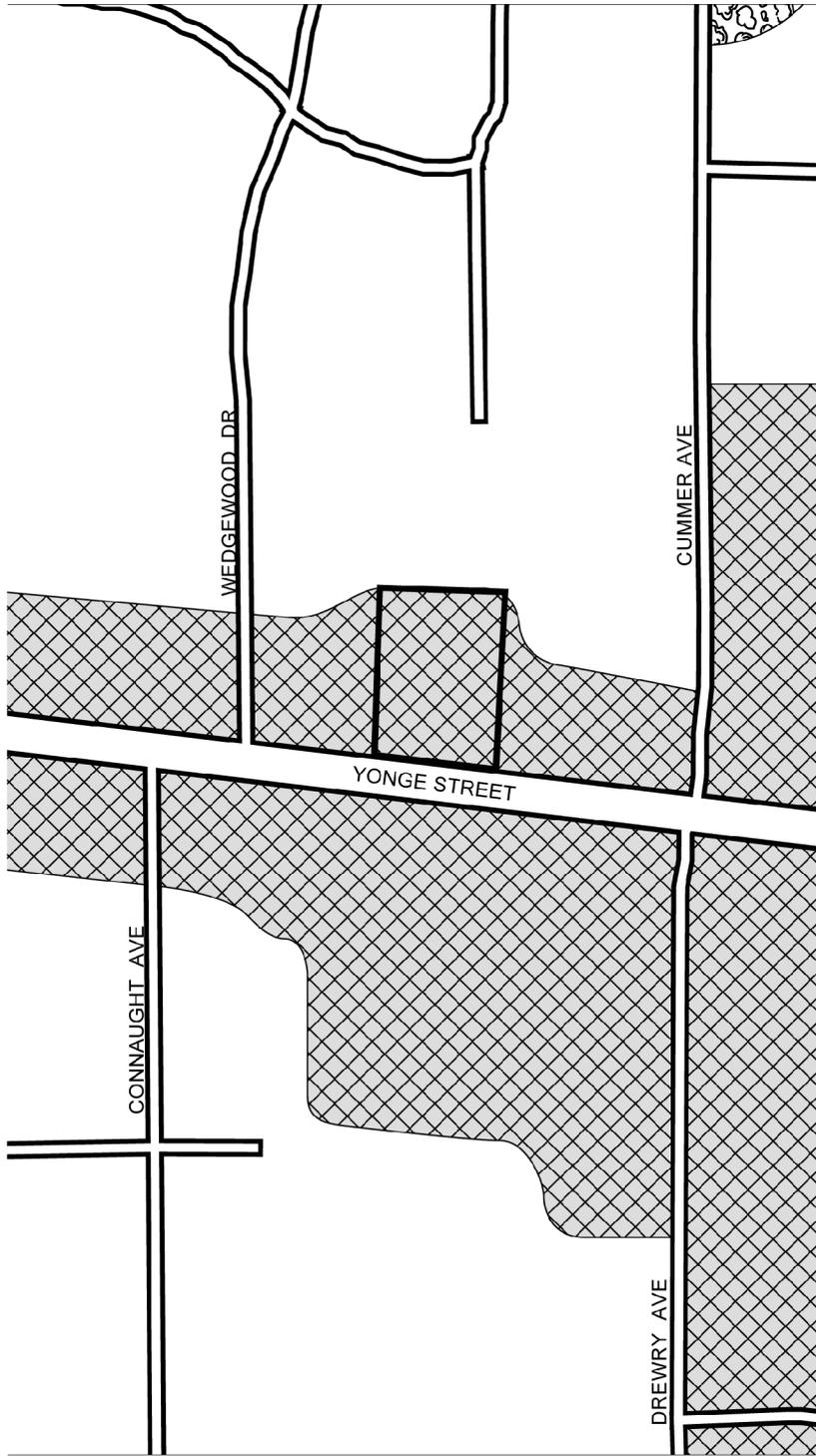
5959 Yonge Street

Landscape Plan  
Applicant's Submitted Drawing

Not to Scale  
01/07/2011

File # 10\_304240

Attachment 10: Official Plan – Land Use Plan



**TORONTO** City Planning  
**Official Plan**

5959 Yonge Street

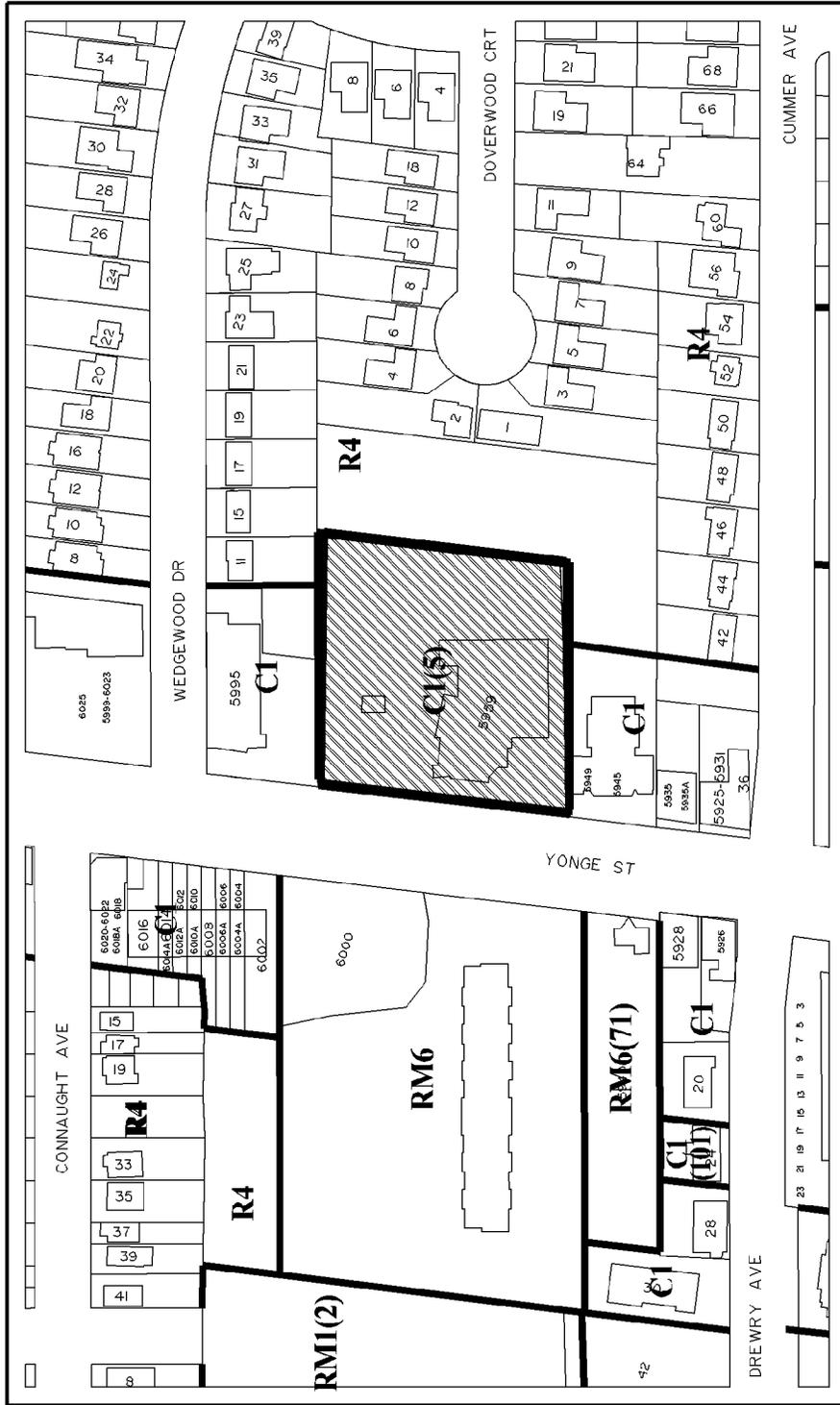
File# 10\_304240

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks



Not to Scale  
 01/07/2011

Attachment 11: Former City of North York Zoning By-law 7625



**5959 Yonge Street**  
File # 10\_304240



Not to Scale  
Zoning Bylaw 7625  
Extracted 01/07/2011

R4 One-Family Detached Dwelling Fourth Density Zone  
RM1 Multiple-Family Dwellings First Density Zone  
RM6 Multiple-Family Dwellings Sixth Density Zone  
C1 General Commercial Zone  
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

## Attachment 12: Application Data Sheet

Application Type	Rezoning	Application Number:	10 304240 NNY 24 OZ
Details	Rezoning, Standard	Application Date:	November 26, 2010

Municipal Address: 5959 YONGE ST  
 Location Description: CON 1 EY PT LOT 23 \*\*GRID N2401  
 Project Description: 2 - 14 storey residential apartment buildings with retail, service commercial, restaurant and other street-related uses at grade.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MAY LUONG Borden Ladner Gervais LLP)		Stingray	426099 ONTARIO LTD

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C1	Historical Status:
Height Limit (m):		Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	8291	Height:	Storeys:	14
Frontage (m):	91.15		Metres:	44
Depth (m):	91.44			
Total Ground Floor Area (sq. m):				<b>Total</b>
Total Residential GFA (sq. m):	30441		Parking Spaces:	397
Total Non-Residential GFA (sq. m):	1516		Loading Docks	2
Total GFA (sq. m):	31958			
Lot Coverage Ratio (%):	46			
Floor Space Index:	3.85			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	30441
Bachelor:	0	Retail GFA (sq. m):	1516
1 Bedroom:	331	Office GFA (sq. m):	0
2 Bedroom:	40	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	371		

**CONTACT:**      **PLANNER NAME:**      **Mark Chlon, Senior Planner**  
**TELEPHONE:**      **416-395-7137**