



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

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CITY OF TORONTO PLANNING  
NORTH YORK CIVIC CENTRE

<b>Date:</b>	June 15, 2016
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Joe Nanos, Director, Community Planning, North York District
<b>Ward:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File No: A0048/16NY Address: 4954 -4990 Yonge Street Application to be heard: Wednesday June 22, 2016

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**RECOMMENDATION**

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Should the Committee choose to approve this application, staff recommend that the following condition be attached:

1. The professional medical office be limited to a maximum gross floor area of 158 m<sup>2</sup>, and a maximum frontage of 9 metres on the first floor along the Yonge Street frontage.

**APPLICATION**

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This application proposes to permit a professional medical office on the first floor along the Yonge Street frontage.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

1. **Section 2(b)(ii), By-law No. 601-2001**  
A professional medical office is permitted except on the first floor along the Yonge Street frontage of any building.

A professional medical office is permitted on the first floor along the Yonge Street frontage.

## COMMENTS

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The subject property is located on the southwest corner of Yonge Street and North York Boulevard, just south of the North York Civic Centre.

In 2001, Council enacted By-law 601-2001 as a site-specific zoning by-law amendment to the City of North York Zoning By-law No. 7625, to permit a redevelopment of this site and other lands located south of North York Boulevard, west of Yonge Street, east of Beecroft Road and north of the Madison Centre. The By-law provides for a maximum gross floor area of 169,945m<sup>2</sup>, and maximum of 595 units in 4 buildings of 77.2 to 100 metres in height. The Zoning By-law also provides for the office building on the southwest corner of Yonge Street and North York Boulevard at 5000 Yonge Street, and includes a list of non-residential uses permitted on the first floor of the Yonge Street frontage including: retail stores, service shops, personal service shops, restaurants and outdoor cafes, custom workshops, art galleries, service areas and office lobbies.

The Official Plan designates the lands *Mixed Use Areas* which provides for a broad range of commercial and residential land uses. The North York Centre Secondary Plan designates the lands *Mixed Use Area A* and a site specific policy permits a maximum total gross floor area of 169,945 m<sup>2</sup> and non-residential gross floor area of 120,770 m<sup>2</sup>. In conformity with the Secondary Plan, the Zoning By-law treats the permitted first floor retail uses as a density incentive and exempts this floor area from the calculation of density.

The North York Centre Secondary Plan provides for an enhanced streetscape on Yonge Street and supports the pedestrian environment with retail commercial uses. The Secondary Plan encourages commercial uses to have an active frontage by having commercial units with frontages of generally no greater widths than 14 metres. The site specific Zoning By-law also includes this standard by requiring retail/commercial uses to have a maximum width of 14 metres, and permits the office lobby to have a maximum size width of 12 metres.

On March 16, 2016 the Committee of Adjustment accepted staff's recommendation to defer the application until additional information and analysis was provided to determine:

*"-whether there is any additional gross floor area and/or non-residential floor space available, or the maximum gross floor area has been fully utilized; and*

*-the potential impact and scale of the use change relative to the overall total permitted gross floor area, non-residential gross floor area, and street related retail uses.*

*Consultation with City Legal staff is also necessary to determine whether an amendment to the Section 37 Agreement would be required prior to the Committee's consideration of the matter."*

The original proposed variance would have permitted professional medical office uses on the entire first floor and potentially occupy the entire Yonge Street frontage. This would have not met the intent of the Official Plan to support the pedestrian environment with active retail and commercial uses. In subsequent discussions with the applicant regarding this issue, the proposed variance should be conditional upon limiting the proposed medical office use to a maximum of 158m<sup>2</sup> in area. Limiting the proposed use to a portion of the floor space in the existing building would ensure that the change is minor in nature relative to the scale of approved uses on the lands including the 37,160m<sup>2</sup> office use and 5,233m<sup>2</sup> of retail uses. As the proposal is also a minor change in use of existing floor space, the application would not result in any increase in the overall total density or usability of the lands.

Professional medical office uses would not adversely affect adjacent lands as they are similar to the other retail commercial uses. However these uses are often not permitted fronting onto pedestrian environments as they are typically less able to provide similar levels of pedestrian activity or visibility onto adjacent streetscapes. In order for the overall site to retain this intent of the Official Plan and Zoning By-law, the scale of the proposed use along the Yonge Street frontage should also be minor in nature. In addition to limiting the total floor area of the proposed use, the proposed variance should also be conditional on limiting its width on the Yonge Street frontage to a maximum of 9 metres.

Lastly, in many cases the Section 37 Agreements are typically used to secure the provision of a minimum amount of retail/commercial use on the Yonge Street frontage. While the Zoning By-law and Section 37 Agreement did in this case secure the provision of a minimum of 37,160 m<sup>2</sup> office use on the lands, it did not secure a minimum level of retail uses on the Yonge Street frontage. Therefore it is not necessary for Council to consider an amendment of the Section 37 Agreement prior to the Committee of Adjustment's consideration of the proposed variance.

On the basis of a variance application which is conditional upon limiting both the size and frontage of the proposed medical office use, and in light of the existing significant commercial use on the lands including the retail uses and office building and associated lobby fronting onto the enhanced streetscape, the proposed variance application would be minor in nature, meet the intent and purpose of the Official Plan and Zoning By-law and be an appropriate use of the existing building.

Staff recommend that approval of this application be subject to the professional medical office be limited to a maximum gross floor area of 158 m<sup>2</sup>, and a maximum frontage of 9 metres on the first floor along the Yonge Street frontage.

**CONTACT**

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**SIGNATURE**



for

Joe Nanos

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