

4050 Yonge Street – Official Plan Amendment & Rezoning Application – Final Report

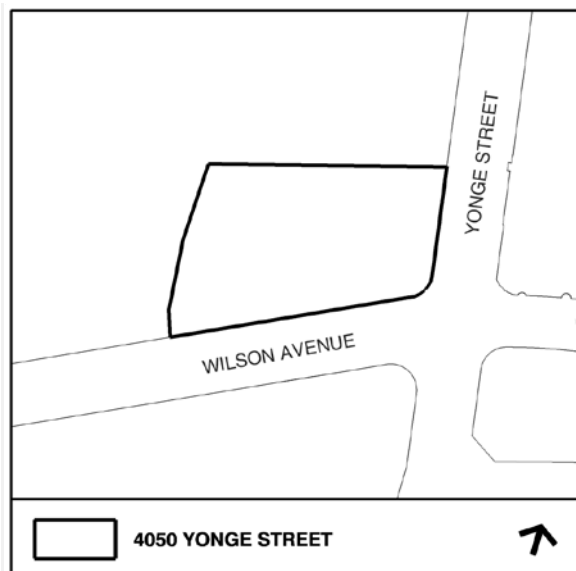
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| Date: | October 4, 2016 |
| To: | City Council |
| From: | Chief Planner and Executive Director, City Planning Division |
| Wards: | Ward No.16 – Eglinton-Lawrence |
| Reference Number: | P:\2016\Cluster B\PLN\City Council\CC16092 File No. 10 167159 NNY 16 OZ |

SUMMARY

The purpose of this final report is to update City Council on proposed revisions to the originally approved development of a 7-storey commercial building on the subject site in concert with the introduction of the Official Plan and Zoning Bills for adoption by City Council.

The final report for the proposed development with draft Official Plan and Zoning By-law Amendments was adopted by City Council at its meeting on July 12, 2011 (Item NY8.36). As originally approved, the proposed 7-storey, 32.9 metre high building would include office and retail uses and incorporate restaurant and café uses as well as a lobby entrance connection to the York Mills TTC subway station. A total of 134 bicycle parking and 371 vehicular parking spaces within 3 levels of below grade parking with access from Wilson Avenue were also originally proposed.

The proposed revisions to the previously approved development would introduce a hotel use in a 9-storey, 33.5 metres high, portion of the building as well as the addition of a 4th level of below grade parking. The previously approved total gross floor area of 44,670 m² remains unchanged as does the foot-print and general height of the proposed building.



This report recommends approval of the revised draft Official Plan Amendment and revised draft Zoning By-law Amendments, shown as Attachments # 6 and # 7 to this report, which reflect the modified proposal, and that no further public notice be required pursuant to Section 34 (17) of the *Planning Act* given the minor nature of the revisions. This report also recommends refinements to the previously approved Community Benefits to be secured in a Section 37 Agreement to include an additional park where the Section 37 funds can be used (Old Orchard Park) and to delete the Village Square at Dunblaine Avenue as an eligible public benefit.

RECOMMENDATIONS

The City Planning Division recommends that City Council amend its decision of July 12, 2011 (NY8.36) by deleting in part recommendations 1, 2, 4, 5a, 6, and 7 and replace with the following:

1. City Council amend the Official Plan for the lands at 4050 Yonge Street substantially in accordance with the draft Official Plan Amendment as attached in Attachment # 6 to this report;
2. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 4050 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment # 7 to this report;
3. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the release of above grade permits, provide a cash contribution of \$1,500,000, which is to be used for the following:
 - (i). Upgrades to the existing transit passenger pick-up and drop-off parking area along Old York Mills Road;
 - (ii). Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - (iii). Parks improvements to Woburn Park, the Douglas Greenbelt and Old Orchard Park.
 - ii. Require that the cash amounts identified above shall be indexed quarterly in accordance with the Non-Residential Construction

Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and

- iii. Provide and maintain public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.
- b. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. The owner is required to submit a Reference Plan for all or portions of the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority; and
 - ii. The owner shall construct and maintain the development in accordance with the Tier 2 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.
4. Amend the former City of North York By-laws #s 9813 and 9896 substantially in accordance with the draft By-law Amendment attached as Attachment # 8 to this report;
 5. Require that prior to final site plan approval the owner enter into an agreement with the City to secure Technical Services conditions related to the removal of portions of the property from By-law Nos. 9813 and 9896, to the satisfaction of the City Solicitor and the Director of Engineering and Construction Services.
 6. City Council determine that the revisions made to the proposed Official Plan and Zoning By-laws are minor in nature and, pursuant to subsection 34(17) of the *Planning Act*, no further public notice is required in respect of the proposed Official Plan and Zoning By-laws”.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The original application for the proposed development was made on April 30, 2010. On June 22, 2010 North York Community Council considered a Preliminary Report on the proposed Official Plan and Zoning By-law Amendment application. A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY35.57>

On July 12, 2011 Toronto City Council adopted the staff final report with draft amendments to the Official Plan and Zoning By-law to permit the proposed 7-storey commercial building. A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY8.36>.

The Official Plan and Zoning By-law amendments as drafted and presented in the staff report for the original proposal were not brought forward to City Council for enactment at that time as the applicant was required to first enter into a Section 37 Agreement which did not occur. In addition, the property ownership changed and the proposal was subsequently modified which necessitated further review by the City and the Toronto Region Conservation Authority.

ISSUE BACKGROUND

Proposal

In January of 2015, the City was informed that the subject lands were in the process of being sold. In subsequent discussions the new owner and applicant indicated an interest in revising the proposed development to also incorporate a hotel use.

Although the overall height, gross floor area and foot-print of the previously approved development would generally remain the same, it was proposed that some alterations would be required to the building's façade, vehicular access, interior floor plates and ceiling heights, and the total amount of parking in order to accommodate the proposed hotel use.

The applicant's proposed revisions would develop the subject site with a 7-storey office building and a 9-storey, 248 room, hotel component at the west portion of the site with various roof heights ranging from 26.5 metres (87 feet) along Wilson Avenue to the tallest portion of the building being the architectural feature along the Yonge Street frontage with a proposed height of 39.5 metres (129 feet) (See Attachment #2 d). As previously approved, the tallest portion of the development had a height of 39.2 metres for a portion of the building on the Yonge Street frontage that was proposed to operate as a "solar chimney" to assist air circulation for heating and ventilation. The applicant has indicated that retention of this feature is not practical for the proposed hotel and office development, particularly as the hotel and office areas are distinct from each other and would act and operate independently of each other for air movement, heating and cooling.

The applicant has indicated however, that the proposed development includes a range of environmental features including stormwater retention, water use, ventilation and electrical efficiency controls and specialized mechanical systems to reduce energy usage. Some of this equipment would be housed in the proposed architectural feature portion of the building which similarly to the solar chimney of the previous proposal, would also be located on the Yonge Street frontage. A green roof continues to be provided for both the office and hotel components of the proposed development. In addition to an atrium incorporated into the centre of the office portion of the building as per the previously approved proposal, the applicant is proposing an additional skylight feature for the proposed hotel component. Both features will provide natural light and allow for interior ventilation and air circulation.

Although the overall height generally remains as previously approved for the site, the lower floor to ceiling height of the hotel component results in an increase in the overall number of storeys for the proposed hotel portion of the development which would be located at the western edge of the site alongside the Don River.

Vehicular access to the proposed development would remain as previously approved from Wilson Avenue. However a reconfiguration of the driveway is proposed in order to allow for a drop-off and entrance to the lobby for the proposed hotel use. An additional below grade level of parking is also proposed to accommodate hotel patrons and associated functions. Given the change in floor to ceiling height for the proposed hotel portion of the building, and in order to best accommodate the proposed hotel and office components of the development some changes are also proposed to the façade of the proposed building along the Wilson Avenue and Yonge Street frontages.

The development would have a total gross floor area of 44,670 m² (480,824 ft²), including 24,090 m² (259,303 ft²) for office use, 1,414 m² (15,220 ft²) for retail and 16,276 m² (175,194 ft²) for hotel, conference, restaurant and cafe uses, with the remainder used for lobbies, mechanical and service areas and the Toronto Transit Commission entrance lobby and connection to the York Mills subway station, which would be fully accessible from within the proposed building at and below grade, as well as from its own entrance on Yonge Street.

A total of 592 parking spaces including 18 electrical parking spaces, 8 car-share spaces and 20 car-pool spaces will be provided within a 4 level below grade parking garage accessed from Wilson Avenue. The development would include 88 bicycle parking spaces distributed between P1 and at grade, and 4 loading spaces located at grade to service both the hotel and office portion of the proposed development.

The floor space index (FSI) for the proposal remains as previously approved, at 5.4 times the total area of the site after excluding the ravine lands beyond the 10 metre top-of-bank. Although the proposed hotel component of the development would be comprised of 9 storeys, the introduction of an interior atrium from the 3rd floor upwards removes gross floor area that would otherwise have added to the FSI.

The following table provides a summary of the proposed changes to the previously approved proposal:

| | June 2011 Approved Proposal: | Revised Proposal: |
|---|--|--|
| Height (m) | | |
| <ul style="list-style-type: none"> • Highest point of roof • Solar Chimney • Architectural Feature | <p style="text-align: center;">32.9 39.2 n/a</p> | <p style="text-align: center;">33.5 n/a 39.5</p> |
| Storeys | | |
| <ul style="list-style-type: none"> • Office • Hotel | <p style="text-align: center;">7 n/a</p> | <p style="text-align: center;">7 9</p> |
| Floor Space Index | 5.4x | 5.4x |
| Gross Floor Area (m ²) | 44,669 | 44,670 |
| Vehicular Parking | 371 spaces (3 levels) | 592 spaces (4 levels) |
| Loading Spaces | 4 | 4 |

Site Plan Control

An application for site plan control for the original development proposal was submitted in December of 2010 (File no. 10319455 NNY 16 SA). As discussion was entered into for the sale of the lands, the previous owner did not pursue completion of the application and the file was closed.

A new application for Site Plan Control Approval for the revised proposal was submitted on May 19, 2015 (File # 15 159238 NNY 16 SA) and is currently being reviewed. The revised site plan has assisted in determining the appropriate revisions to the draft Official Plan and Zoning By-law Amendments to accommodate the revised development.

Ravine Control & Tree Preservation

The subject lands abut the Don River West Branch and are located within the Ravine and Natural Feature Protection By-law area and also subject to the Private Tree By-law.

As originally submitted the City's Urban Forestry staff and the Toronto and Region Conservation Authority did not object to the proposed development and required Official Plan and Zoning By-law Amendments.

The application and supporting materials for the revised proposal which is the subject of this report have been circulated to the City's Urban Forestry staff and the Toronto and Region Conservation Authority. Staff have indicated their support for the revised proposal and are finalizing their conditions for site plan approval.

Community Consultation

The Ward and adjacent Ward Councillors held an open house for the original proposal on June 3, 2010. A workshop was also hosted by the original applicant on November 24, 2010.

On March 2, 2015, the local Ward Councillor held a community meeting to discuss the proposed addition of a hotel use to the previously approved development. Approximately 25 members of the community and City planning staff were in attendance. The applicant has also met with members of the local community to discuss the revised proposal.

Although in favour of the proposed hotel addition, and complimentary on the proposed building's redesign, area residents expressed a continued desire for provision of additional commuter parking and the possibility of a TTC drop-off area in the development.

Agency Circulation

The revised proposal was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in drafting changes to the previously approved draft Official Plan Amendment and draft Zoning By-law Amendment to reflect the revised proposal.

COMMENTS

Land Use

The revised proposal for a mixed use development comprised of hotel, office and commercial uses are provided for by the *Mixed Use Areas* designation of the Official Plan.

The proposal would introduce a hotel use into the proposed development without generally increasing the previously approved gross floor area, density, height, or footprint of the proposed building. As revised, the proposed development reflects the Plan's objectives to provide for a range of employment uses, improved utilization of lands, and providing for an attractive, comfortable and safe pedestrian environment that takes advantage of nearby transit services. The proposal as revised is appropriate and reflects the original intent of the City Council approval of this development.

Height and Massing

The proposed development as revised is generally in conformity with the original proposal previously approved by City Council. Although the westerly portion of the site which incorporates the proposed hotel use is 9-storeys, given the lower floor to ceiling height the revised proposal maintains the 7-storey massing and silhouette of the original scheme. The numerically nominal increase in roof heights is a result of the proposed combination of hotel and office uses into the proposed building, and the necessity to effectively incorporate the different interior heights and roof-top mechanical elements they each require. As designed the proposed development has a range of heights from

30.5 metres for the hotel portion along Wilson Avenue to 39.5 metres which represents the architectural feature of the office component on the Yonge Street frontage. In comparison to the previously approved proposal, the revised heights represent an increase of less than 1 metre.

The proposed building as revised has been massed to frame the edges of both Yonge Street and Wilson Avenue. Appropriate recessing and design elements along both frontages of the building provide an appropriate break to the building massing and create an attractive complement to the public realm along both streets. At grade proposed retail and restaurant space will attract pedestrian activity, and will create an interesting and vibrant pedestrian environment at what is a busy and prominent street corner. As in the previous proposal, canopies along both frontages would continue to offer pedestrians a weather protected environment to access the hotel, retail or offices.

Access, Parking and Loading

As revised, the proposal would continue to have access from Wilson Avenue but also incorporates a hotel drop off area, as well as a 4th floor of below grade parking. The applicant has also provided a total of 88 bicycle parking spaces at and below grade, with provision for employee change rooms. The proposed loading areas have also been reviewed to ensure compatibility between the commercial, office and hotel use. Access and on-site vehicular circulation and the inclusion of a hotel drop-off area has been reviewed by the City's Transportation Services Division and have been determined to be acceptable.

Toronto and Region Conservation Authority

The development site is located within a Toronto and Region Conservation Authority (TRCA) Regulated Area and adjacent to the Don River West Branch and the Regional Floodplain. TRCA staff have indicated their support for the proposal as revised and TRCA conditions will be incorporated into the Notice of Approval Conditions. A permit will also be required from the TRCA prior to any development occurring on the subject property.

The proposed development will continue to be setback 10 metres from the long-term stable top of bank and outside the Regional Floodplain elevation boundaries. River-bank stabilization work will also provide additional protection and prevention of erosion along the property's western boundary and to ensure protection for the Wilson Avenue bridge abutments.

The Natural Environment, Official Plan Policy 3.4.6 requires that areas within the floodplain may only be used for certain activities such as those that retain the existing topography. As in the previous proposal, bank stabilization works require alterations to the existing topography to implement the improvements. As per the original proposal, an amendment to Official Plan Policy 3.4.6 a) is required to facilitate this development (Attachment 6). The bank stabilization works, once completed within the floodplain area, will address the policies of Section 3.4.6 to: protect, restore and improve existing

natural features and functions; not result in risk to life or property; and minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.

The TRCA is supportive of the bank stabilization work and the TRCA has no objections to the approval of the Official Plan and Zoning By-law amendments as the lands below the top-of-bank would be re-designated as *Natural Areas* and lands within the 10 metre buffer rezoned to an open space category. Lands below the top-of-bank are also to be conveyed to the TRCA with the exact property boundaries of the lands to be conveyed to be determined through the site plan review of the required river bank stabilization works.

Urban Forestry, Ravine and Landscaping

Urban Forestry, Ravine and Natural Feature Protection staff have no objections to the proposed revised amendments to the Official Plan and Zoning By-law. The revised proposal is being reviewed under the Site Plan approval process to maximize tree and natural area protection and opportunities for replacement tree plantings, which will be secured through conditions of site plan approval.

Servicing

Engineering and Construction Services staff has reviewed and accepted Functional Servicing and Stormwater Management reports submitted by the applicant in support of the revised proposal. As was requested for the original proposal, Engineering and Construction Services has received a letter of credit in the amount of \$300,000 to secure improvements to the existing sanitary sewer.

Low Lot By-laws

The former Township of North York enacted a number of 'Low Lot' By-laws in the 1950s that prohibited development due to low lying or unstable lands because of the risk of flooding and the potential impacts of construction on water, sewer or drainage works.

Toronto and Region Conservation Authority staff reviewed the original proposal and advised that the subject property was beyond the Regional Floodplain elevation boundaries. The City's Technical Services staff (now Engineering and Construction Services) were satisfied that servicing for the site would be constructed and maintained as part of the proposed development. TRCA and Technical Services staff did not have any concerns with the removal of these lands from the Low Lot By-law area (Attachment 8), when they reviewed the original proposal nor have they expressed any concerns with the revised proposal as has been described in this report. The attached amendments to By-law Nos. 9813 and 9896 remain unchanged from when first presented in draft form to City Council.

The revised proposal submitted for the proposed development has been reviewed extensively by the City's Engineering and Construction Services and the TRCA and advanced to a point which would allow the Bills to be implemented. Engineering and Construction Services conditions of site plan approval have been provided and will be incorporated into the Notice of Approval Conditions that will be issued to the applicant following adoption of the Bills. This will also include a condition that the owner enter

into an agreement with the City to secure Engineering and Construction Services conditions related to removal of the subject lands from the Low Lot By-laws, prior to issuance of site plan approval.

Site Plan Control

As previously mentioned the applicant has made an application for Site Plan Control Approval for the revised proposal. The application was circulated to various City Divisions as well as the TRCA for their review. Conditions of approval will be used to secure the implementation of features such as materiality of the proposed development, pedestrian weather protection and streetscaping, landscaping and tree plantings.

Circulation and review of the proposed development as revised was required for a proper assessment of any required alterations to the previous draft Official Plan and Zoning By-law Amendments. City Council's decision of July 12, 2011 also required that the applicant enter into a Site Plan Agreement prior to introducing the necessary Bills for enactment. The revised site plan that has been submitted for the proposed development has been reviewed extensively by City Divisions and the TRCA and has advanced to a point which allows the Bills to be implemented. The conditions of site plan approval, including the financial guarantees required to support the development, are close to being finalized, and Notice of Approval Conditions will be prepared and subsequently issued to the applicant following adoption of the Bills.

Open Space/Parkland

The development is subject to 2% cash-in-lieu of parkland dedication payment required under the City Wide Parkland Dedication By-law 1020-2010. 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.

In addition to the 2% cash-in-lieu payment to be made, discussions were had with the applicant and the local Ward Councillor as part of the Section 37 negotiations for improvements to area parks, trails and the ravine system.

A portion of the Section 37 funds are slated for local parks in need of improvement and to create new trails that would link the subject property to the ravine system/natural area abutting the property to the west and southwards underneath the Wilson Avenue bridge into York Mills Park. Section 37 funds would also be used for park improvements to Woburn Park, the Douglas Greenbelt and Old Orchard Park.

The development will also incorporate a pedestrian and cycling path at the west and north side of the proposed building which would permit easy access to the trails in the Don River valley, to the TTC station, to the proposed at grade retail and to sidewalk connections along Yonge Street and Wilson Avenue.

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 Zoning By-law will secure performance measures for the following Tier 1 development features: minimum and maximum vehicular parking rates and minimum bicycle parking spaces and associated shower/change room facilities.

Key TGS performance measures that will be secured through the site plan approval process include: a green roof, pedestrian infrastructure to transit stops, planting of native species, bird friendly glazing and no up-lighting from exterior light fixtures.

Trees that are within the ravine area where the bank stabilization works are to occur would be removed. As part of the review of the site plan application staff will be requiring that trees be replanted, where possible, on the new stabilized slope, and at alternative locations on-site and the immediate surrounding area. Where it will not be possible for the applicant to meet these replacement rates, the applicant will be required to submit cash-in-lieu payment for each that cannot be planted on-site.

The applicant has also advised that they are targeting Tier 2 of the Toronto Green Standard as well as LEED Gold Certification for the proposed building as revised.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increase in height and/or density pursuant to Section 37 of the *Planning Act*. During the review of the original proposal, Community Planning staff in consultation with the local Ward Councillors and the applicant agreed upon a \$1,500,000 Section 37 contribution to be used within the community and this was subsequently approved by City Council.

Since the original proposal was approved by City Council, some improvements have been secured and implemented to local park space. The local Ward Councillor has indicated that Old Orchard Park continues to need improvement and is therefore a viable and appropriate community benefit allocation.

The proposal for a Village Square on Dunblaine Avenue has also been reviewed by City staff, in consultation with the local councillor. In the review, it was determined that closure of a portion of Dunblaine Avenue to create a public square is not feasible given the impact on local retail and vehicular movement and that an alternative street tree planting plan is an achievable alternative.

As a result the Section 37 conditions are required to be modified slightly from those originally approved by City Council by adding Old Orchard Park to this list of eligible public parks and removing Dunblaine Village Square. The modified community benefits recommended to be secured in the Section 37 agreement are as follows:

1. A cash contribution of \$1,500,000, which is to be used for the following:

- a. Upgrades to the existing transit passenger pick-up and drop-off parking area along Old York Mills Road;
 - b. Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - c. Parks improvements to Woburn Park, the Douglas Greenbelt and Old Orchard Park.
2. Public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.

This report also recommends that the cash amount identified above be required to be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

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

1. The owner is required to submit a Reference Plan for all or portions of the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority.
2. The owner shall construct and maintain the development in accordance with the 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.

Conclusions

The draft Official Plan Amendment (OPA) re-designates the lands below the top-of-bank from *Mixed Use Areas* to *Parks and Open Space Areas – Natural Areas*. The OPA also amends *The Natural Environment* policy 3.4.6 to allow for necessary bank stabilization works. Amendments to Site and Area Specific policy #90 allow for the proposed height and density. The draft Zoning By-law Amendments allow the proposed uses and implements development standards, such as setbacks, height and gross floor area, to regulate the development.

The proposed revisions to the previously approved development would introduce a hotel use in a 9-storey building as well as an additional level of below grade parking. The

previously approved total gross floor area of 44,670 m² and density of 5.4 remain unchanged as does the foot-print and general height of the proposed building.

The revised draft Official Plan and Zoning By-law amendments allow for the appropriate development of a mixed use hotel and office development suitably located at the intersection of two major streets and a TTC subway station compatible within the surrounding context of a *Mixed Use Areas* designation in the Official Plan.

CONTACT

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SIGNATURE

Jennifer Keesmaat, Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2a: West Elevation

Attachment 2b: East Elevation

Attachment 2c: North Elevation

Attachment 2d: South Elevation

Attachment 3: Official Plan

Attachment 4: Former City of North York Zoning By-law No. 7625

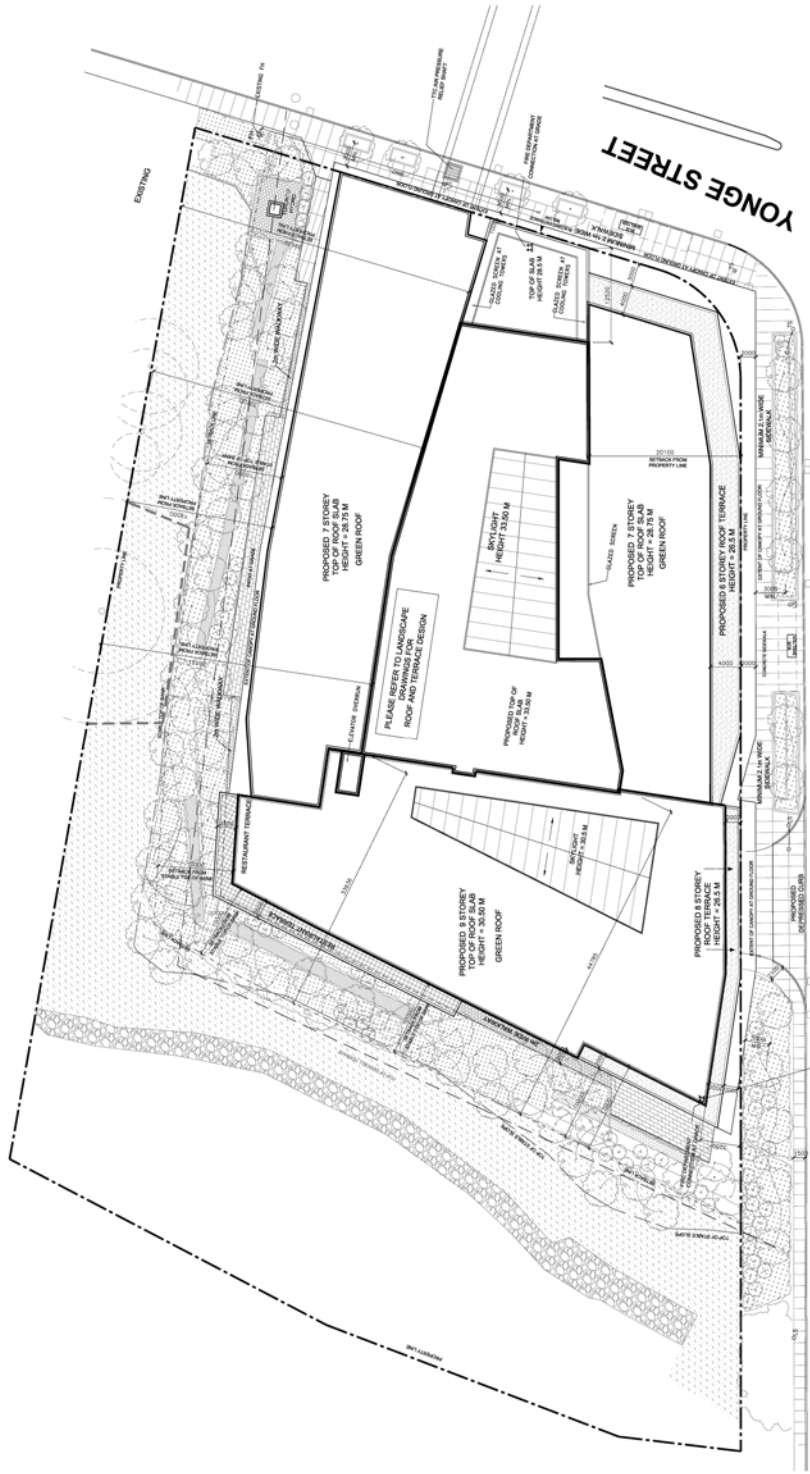
Attachment 5: Application Data Sheet

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment

Attachment 8: Draft Low Lot By-law Amendment to By-laws 9813 and 9896

Attachment 1: Site Plan



WILSON AVENUE

4050 Yonge Street

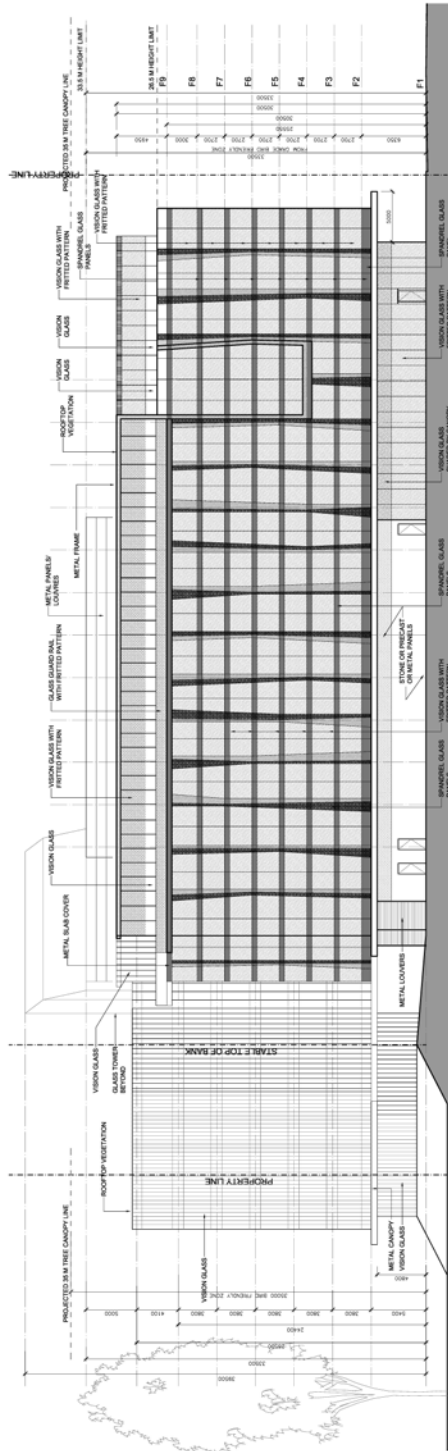
Site Plan

Applicant's Submitted Drawing

Not to Scale
05/31/2011

File # 10 167159 NMY 16 0Z

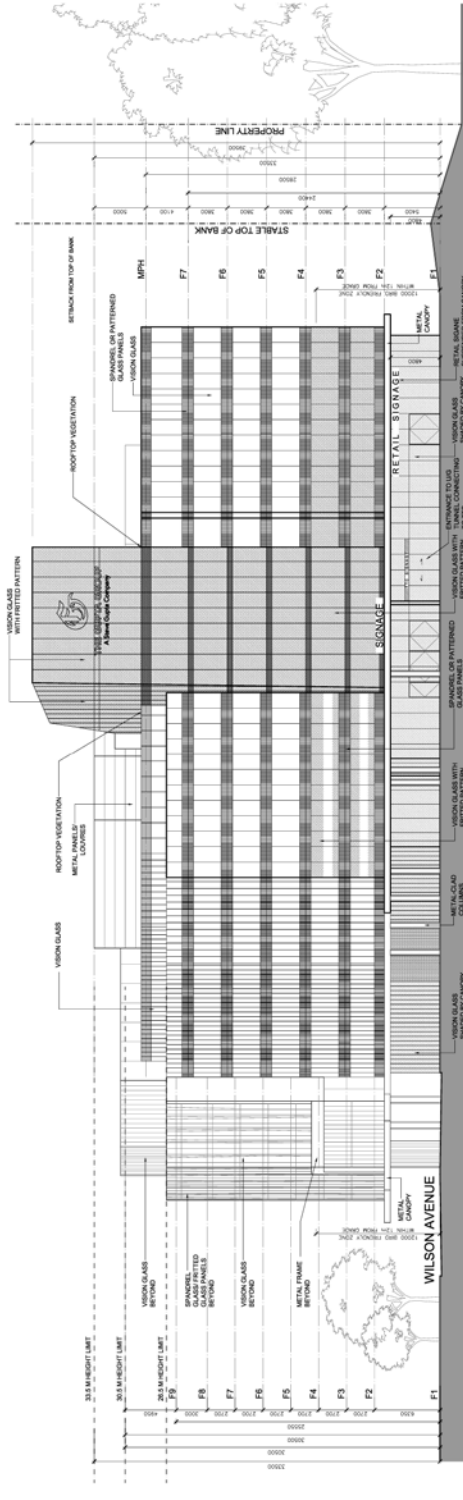
Attachment 2a: West Elevation



West Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/31/2011
4050 Yonge Street
 File # 10 167159 NNY 16 0Z

Attachment 2b: East Elevation



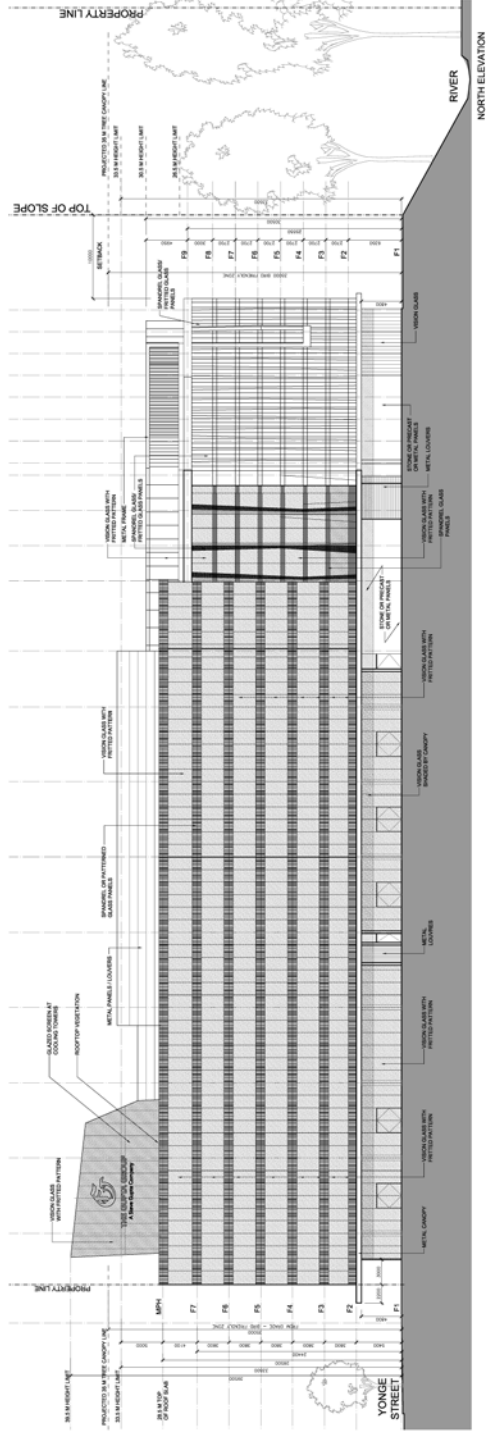
East Elevation

4050 Yonge Street

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/31/2011

File # 10 167159 NNY 16 0Z

Attachment 2c: North Elevation



North Elevation

4050 Yonge Street

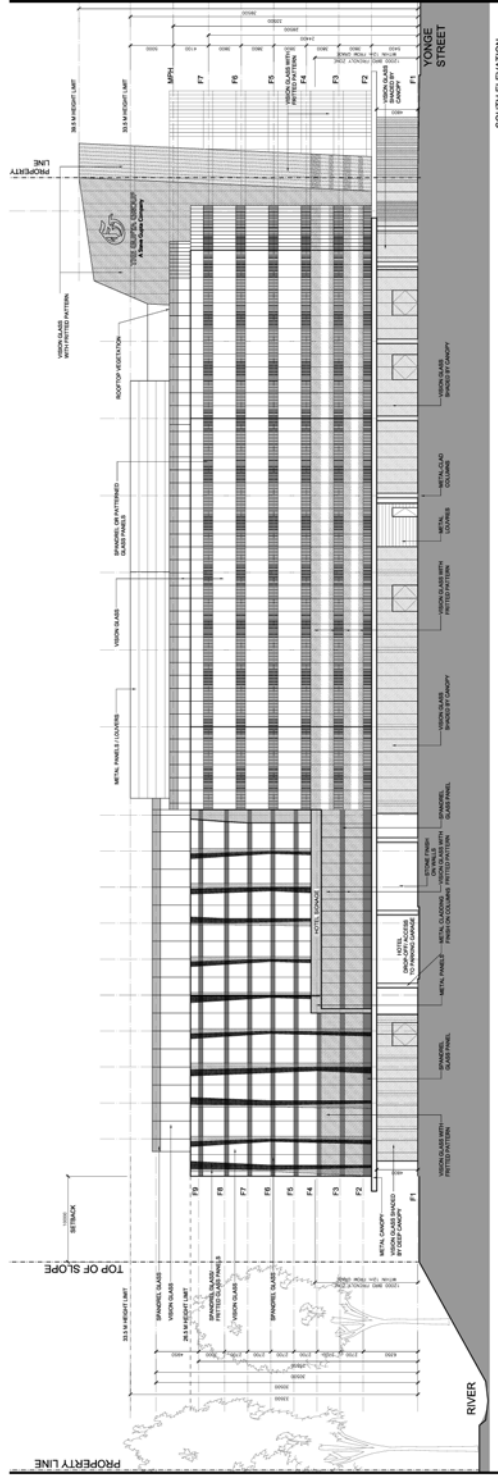
File # 10 167159 NNY 16 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
09/31/2011

Attachment 2d: South Elevation



South Elevation

4050 Yonge Street

File # 10 167159 NNY 16 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
09/31/2011

Attachment 3: Official Plan



TORONTO
Official Plan

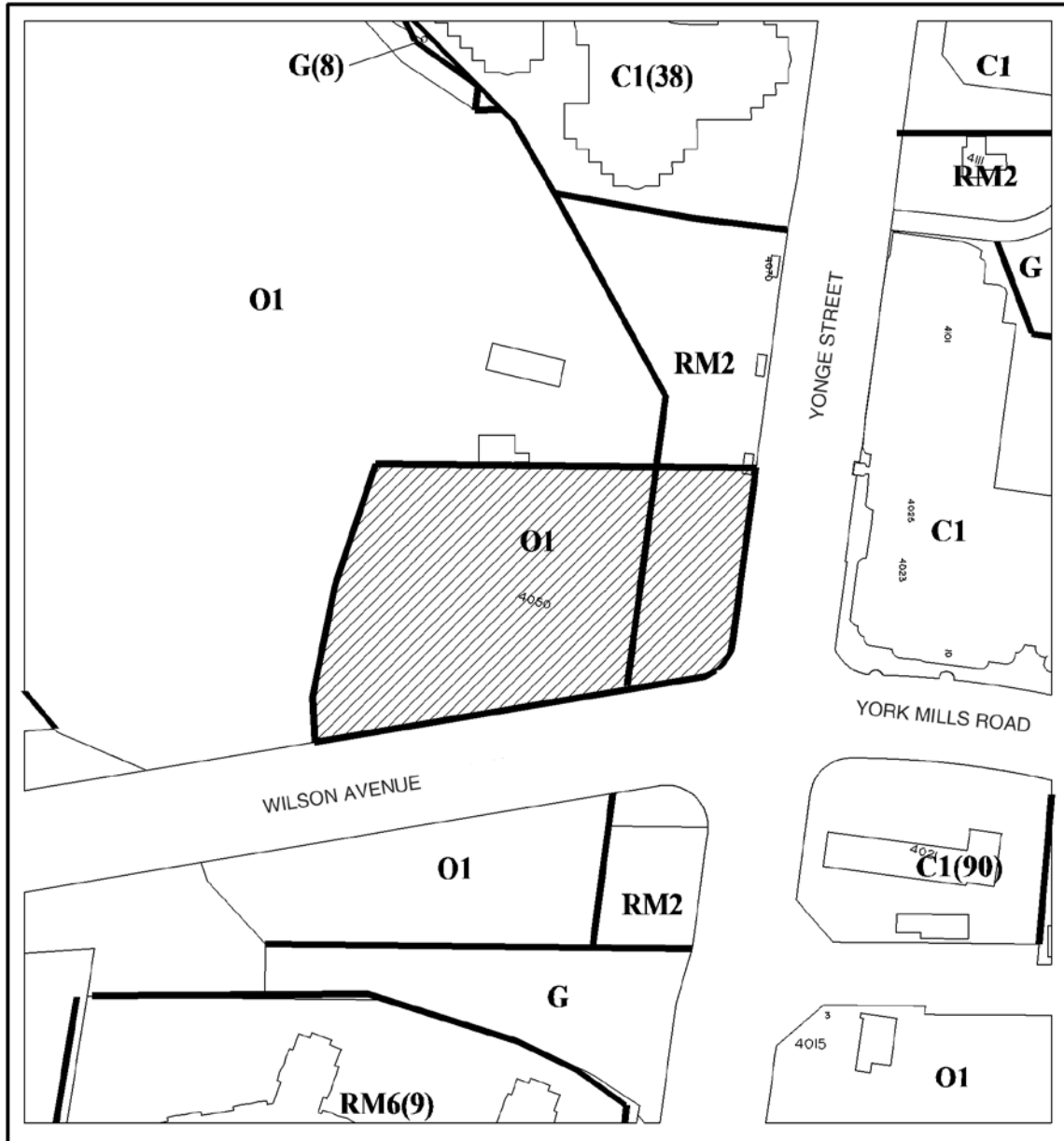
4050 Yonge Street

File # 10_167159



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05/12/2010

Attachment 4: Former City of North York Zoning By-law No. 7625



TORONTO City Planning
Zoning

4050 Yonge Street
File # 10_167159

- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- G Greenbelt Zone
- C1 General Commercial Zone
- O1 Open Space Zone

↑
Not to Scale
Zoning By-law 7625
Extracted 05/12/2010

Attachment 5: Application Data Sheet

| | | | |
|------------------|----------------------------------|---------------------|---------------------|
| Application Type | Official Plan/Rezoning Amendment | Application Number: | 10 167159 NNY 16 OZ |
| Details | OPA & Rezoning, Standard | Application Date: | April 30, 2010 |

Municipal Address: 4050 YONGE STREET

Location Description: CON 1 WYS PT LOT 11 PLAN 204 PT LOTS 98 TO 104 RP 66R22242 PARTS 1 TO 4 **GRID N1602

Project Description: 7-storey office and 9-storey hotel development. Total gross floor area of 44,670 m² (480,824 ft²), including 24,090 m² (259,303 ft²) for office use, 1,414 m² (15,220 ft²) for retail and 16,276 m² (175,194 ft²) for hotel, conference, restaurant & cafe uses. Access to York Mills subway. 592 parking spaces in 4 levels below grade & 88 bicycle parking spaces accessed from Wilson Avenue. City Council adopted original staff report July 12, 2011.

| | | | |
|--|---------------|--|--|
| Applicant: | Agent: | Architect: | Owner: |
| URBAN STRATEGIES INC 197 Spadina Avenue, Suite 600 Toronto Ontario M5T 2C8 | | Page+Steele / IBI Group 95 St. Clair West, Suite 200 Toronto Ontario M4V 1N6 | 2432014 ONTARIO INC. c/o Eastons Group of Companies 3100 Steeles Avenue East, Suite 601 Markham Ontario L3R 8T3 |

PLANNING CONTROLS

| | | | |
|----------------------------|-----------------------|--------------------------|-----|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | #90 |
| Zoning: | RM2 and O1 | Historical Status: | N |
| Height Limit (m): | 163 m above sea level | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | | |
|--------------------------------------|--------|----------|-----------------|------|--------------|
| Site Area (sq. m): | 12986 | Storeys: | Hotel | 9 | |
| Existing frontage (m) on Yonge St: | 75 | | Office | 7 | |
| Proposed on Yonge Street: | 50 | | Metres: | 39.5 | |
| Existing frontage (m) on Wilson Ave: | 154 | | | | |
| Proposed on Wilson Avenue: | 105 | | | | |
| Total Ground Floor Area (sq. m): | 4,275 | | | | Total |
| Total Hotel GFA (sq. m): | 16,276 | | Parking Spaces: | 592 | |
| Total Non-Residential GFA (sq. m): | 44,670 | | Loading Docks | 4 | |
| Total GFA (sq. m): | 44,670 | | | | |
| Lot Coverage Ratio (%): | 42 | | | | |
| Floor Space Index: | 5.4 | | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|--------------|-----|--------------------------|-------------|
| Tenure Type: | n/a | | |
| Hotel Rooms: | 248 | Residential GFA (sq. m): | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 1,414 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 24,090 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 0 |
| 3 + Bedroom: | 0 | Hotel/Other GFA (sq. m): | 17,446 |
| Total Units: | 0 | | 1,720 |

| | | |
|-----------------|----------------------|--|
| CONTACT: | PLANNER NAME: | Ben DiRaimo, Planner, Community Planning |
| | TELEPHONE: | (416) 395-7119 email: bdiraimo@toronto.ca |

Attachment 6: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2016

Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2016, as
4050 Yonge Street**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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. The attached Amendment No. 158 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2016.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

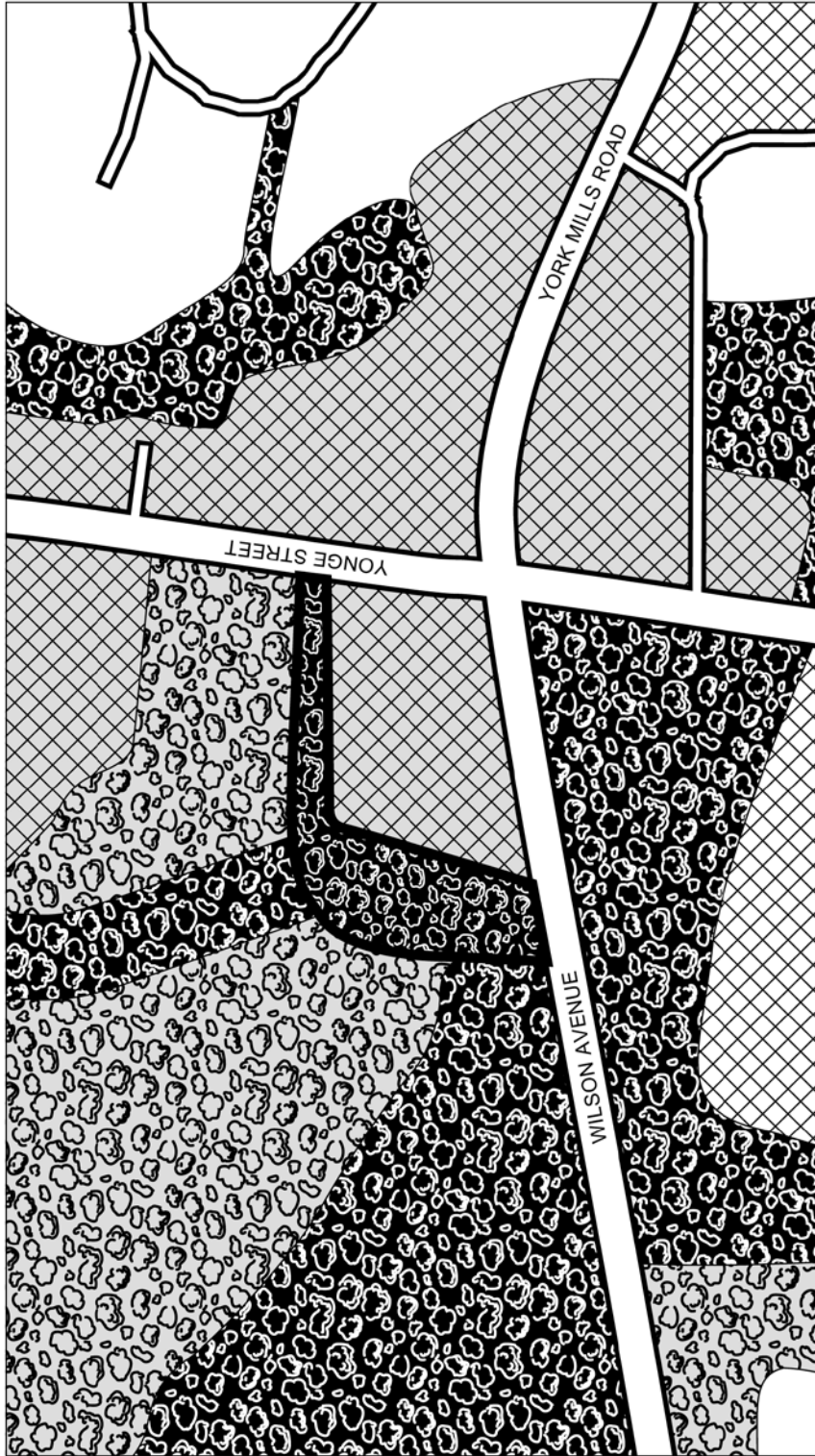
(Corporate Seal)

AMENDMENT NO. 158 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2016 AS
4050 YONGE STREET

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

1. Map 16, Land Use Plan, is amended by re-designating the northerly and westerly portions of the lands known municipally as 4050 Yonge Street from Mixed Use Areas to Parks and Open Space Areas – Natural Areas, as shown on the attached Schedule A.
2. Chapter 7, Site and Area Specific Policies, Site and Area Specific Policy No. 90 is amended for the lands known municipally in 2016 as 4050 Yonge Street by deleting the text and replacing it with the following text:
 - " 90. Northwest of Wilson Avenue and Yonge Street, and Southeast of York Mills Road and Yonge Street
 - a) For the lands located at the north-west corner of Wilson Avenue and Yonge Street, shown as Parcel 'A', a maximum density of 5.4 times the lot area is permitted and a maximum building height of 163.6 metres above sea level is permitted. Superstructures such as a mechanical enclosure are permitted above the maximum building height of 163.6 metres to a maximum height of 172.6 metres above sea level.
 - b) For Parcel 'A', areas within the floodplain may be used for bank stabilization works that alter the existing topography, provided that such works: protect, restore or improve existing natural features and functions; do not result in unacceptable risk to life or property; and minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.
 - c) For Parcel 'B', a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres above sea level is permitted, provided the building height does not obstruct sight lines across the valley, from top-of-bank to top-of-bank."

Schedule A



4050 Yonge Street

TORONTO City Planning
Official Plan Amendment #158

File# 10 167159 NMY 16 0Z

Revisions to Land Use Plan, Map 16 to redesignate lands from Mixed Use Areas to Parks & Open Space Areas - Natural Areas

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Natural Areas
-  Other Open Space Areas



Not to Scale
 05/25/2011

Attachment 7: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto
Council on ~, 2016
Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. --2016

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as,
4050 Yonge Street**

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

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

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

WHEREAS Subsection 37(3) of the Planning Act provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in 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 or matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law;

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. Schedules "B" and "C" of By-law No.7625 of the former City of North York are amended in accordance with Schedule "1, 2, 3" attached to this By-law.
2. Section 64.23 –**EXCEPTIONS TO C1 ZONE (GENERAL COMMERCIAL ZONE)** of By-law No. 7625 is amended by adding the following subsection:

64.23 (132) C1(132)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions will apply:
 - (i). **Established Grade** shall mean the geodetic elevation of 133.1 metres above sea level.
 - (ii). **Landscaping** shall mean trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not **Landscaping**.
 - (iii). **Soft Landscaping** shall mean **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.

PERMITTED USES

- (a) The following are the only permitted uses subject to the Exception Regulations below:
 - (i). business use;
 - (ii). information processing use;
 - (iii). financial institution;
 - (iv). restaurant;
 - (v). outdoor café;
 - (vi). open space;
 - (vii). professional medical offices;
 - (viii). professional office use;
 - (ix). retail store;
 - (x). personal service shop;
 - (xi). service shop; and
 - (xii). hotel, including accessory uses such as restaurant, café, conference centre and banquet hall.

EXCEPTION REGULATIONS

(b) Building Height / Storeys

- (i). The maximum building height, including superstructures and mechanical enclosures, shall not exceed the heights in metres above established grade and storeys as shown on Schedule 3;
- (ii). A mezzanine level located between the first and second floor shall not be considered as a storey;
- (iii). Notwithstanding (b) (i), skylights and elevator overruns are permitted to exceed the heights on Schedule 3; to a maximum of an additional 2.5 metres, and
- (iv). The maximum number of storeys shall be 9 for a hotel use and 7 for office use; mechanical enclosures shall not be considered a storey.

(c) Yard Requirements

1. The minimum yard setbacks shall be as shown on Schedules 2 and 3.
2. A ground floor canopy is permitted to encroach into the front, rear and side yard setbacks.

(d) Loading

A minimum of two (2) Type B and two (2) Type C loading spaces shall be provided.

(e) Gross Floor Area

- (i). The maximum total gross floor area shall be 44,670 square metres.
- (ii). The minimum retail gross floor area shall be 360 square metres.
- (iii). The interior floor area of a portion of a building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in a basement, parking space, loading space, or a drive aisle used to access a parking space or loading space, is not included as gross floor area for the purpose of calculating parking space requirements.
- (iv). Below grade mechanical and mechanical storage areas shall be excluded from gross floor area.

(f) Parking

- (i). On-site vehicular parking shall be provided as follows:
 - A. Business & Professional Offices:
 1. Minimum – 1.0 spaces per 100 m² GFA; and
 2. Maximum – 2.0 spaces per 100 m² GFA.
 - B. Financial Institution:
 1. Minimum – 2.0 spaces per 100 m² GFA; and
 2. Maximum – 4.5 spaces per 100 m² GFA.

- C. Professional Medical Office:
 - 1. Minimum – 1.5 spaces per 100 m² GFA; and
 - 2. Maximum – 6.0 spaces per 100 m² GFA.
- D. Personal Service Shops:
 - 1. Minimum – 1.0 spaces per 100 m² GFA; and
 - 2. Maximum – 4.0 spaces per 100 m² GFA
- E. Retail Store:
 - 1. Minimum – 1.0 spaces per 100 m² GFA; and
 - 2. Maximum – 4.0 spaces per 100 m² GFA.
- F. Service Shops:
 - 1. Minimum – 1.0 spaces per 100 m² GFA; and
 - 2. Maximum – 4.0 spaces per 100 m² GFA.
- G. Restaurant:
 - 1. Minimum – 0 spaces; and
 - 2. Maximum – 5.0 spaces per 100 m² GFA.
- H. Hotel:

Minimum – 1 space per 47m² of bedroom area, plus the requirement set out in this section for accessory uses.
- I. Restaurant (accessory to Hotel use)
 - a) for a restaurant that is less than 250 m² in gfa, 1 space per 9.8 m² of gfa.
 - b) For a restaurant that has a gfa of 250m² or more, the parking rate is 1 space per $[100/(GFA \times 0.005) + 9.8]$ m² of gross floor area.
- j. Conference centre (accessory to Hotel use)

Minimum – 1 space per 7.18 m² of gfa.
- k. In determining the minimum number of vehicular parking spaces required, the following shared parking rates shall apply:
 - l.

| Use | Shared Parking Rates | | |
|---|----------------------|---------|---------|
| | Morning | Mid-Day | Evening |
| Hotel | 95% | 70% | 95% |
| Conference Centre | 65% | 100% | 100% |
| Restaurant (Ancillary to Hotel - 9th Floor) | 20% | 100% | 70% |

| | | | |
|--|------|------|------|
| Restaurant (Portion of Hotel Lobby Area) | 0% | 0% | 0% |
| Office | 100% | 100% | 10% |
| Sales Centre (Office) | 100% | 100% | 10% |
| Retail | 35% | 100% | 95% |
| Restaurant (Ground Floor) | 30% | 75% | 100% |

(ii). On-site bicycle parking shall be provided as follows:

- A. Business & Professional Offices:
 1. Short Term – 3, plus 0.15 spaces for each 100 m² GFA; and
 2. Long Term - 0.13 spaces per 100 m² GFA
- B. Professional Medical Office:
 1. Short Term – 3, plus 0.1 spaces for 100 m² GFA; and
 2. Long Term – 0.1 per 100 m² GFA
- C. Personal Service Shops & Service Shops:
 1. Short Term - 3, plus 0.25 spaces for each 100 m² GFA; and
 2. Long Term – 0.13 per 100 m² GFA.
- D. Retail:
 1. Short Term – 3, plus 0.25 spaces for each 100 m² GFA; and
 2. Long Term – 0.13 spaces per 100 m² GFA.
- E. Restaurant:
 1. Short Term – 3, plus 0.25 spaces for each 100 m² GFA; and
 2. Long Term – 0.13 spaces per 100 m² GFA
- F. A minimum of 1 shower and change facilities must be provided for each gender.
- G. A minimum of 20 short-term bicycle parking spaces must be located in a weather protected bicycle parking area at grade.

(iii). If providing more than the minimum parking spaces required, any additional parking spaces must provide roughed-in conduits to allow for future electrical outlets for plug-in electric vehicles or spaces must be provided for dedicated priority parking for carpooling.

(g) Buildings or structures and/or portions of buildings or structures, with the

exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope O1(45) Zone as shown on Schedule 1. Bank stabilization works may be permitted within this area.

(h) The provisions of Sections 6A-1, 22.10, 22.10.2, 22.10.3, 22.12.5, and Section 23 shall not apply.

3. Section 64.37 – **EXCEPTIONS TO O1 ZONE (OPEN SPACE ZONE)** of By-law 7625 is amended by adding the following subsection:

64.37 (45) O1 (45)

DEFINITIONS

(a) For the purposes of this exception, the following definitions will apply:

- (i). **Landscaping** shall mean trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not **Landscaping**.
- (ii). **Soft Landscaping** shall mean **landscaping**, and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.

(b) The following are the only permitted uses subject to the Exception Regulations below:

- (i). Cafes and patios ancillary to a restaurant use within the **C1(132)** Zone;
- (ii). **Landscaping**; and
- (iii). **Soft landscaping**.

EXCEPTION REGULATIONS

(c) Landscaping

A minimum of 1,780 square metres of **landscaping** shall be provided.

(d) Soft Landscaping

A minimum of 1,060 square metres of **soft landscaping** shall be provided.

(e) Cafes and patios ancillary to a restaurant use shall not exceed an area of 250 m².

- (i) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within, above or below grade, the 10 metre top-of-slope area as shown on Schedule 1. Bank stabilization works are permitted within this area.

4. SECTION 37 – INCREASED HEIGHT/DENSITY

- (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lot is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:

- (i). Prior to the release of above grade permits, provide a cash contribution of \$1,500,000, which is to be used for the following:
 - A. Upgrades to the existing TTC York Mills Station passenger pick-up and drop-off parking area along Old York Mills Road;
 - B. Path and trail improvements/connections within the West Don River Valley area adjacent to the site, York Mills Park and York Mills Valley Park; and
 - C. Parks improvements to Woburn Park, the Douglas Greenbelt and Old Orchard Park and streetscape improvements.
- (ii). Require that the cash amounts identified above shall be indexed quarterly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
- (iii). Provide and maintain public art pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site.

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

- (i). The owner is required to submit a Reference Plan for all or portions of

the lands below the top-of-bank, to the satisfaction of the Toronto and Region Conservation Authority, and convey all or portions of the subject site below top-of-bank to the Toronto and Region Conservation Authority; and

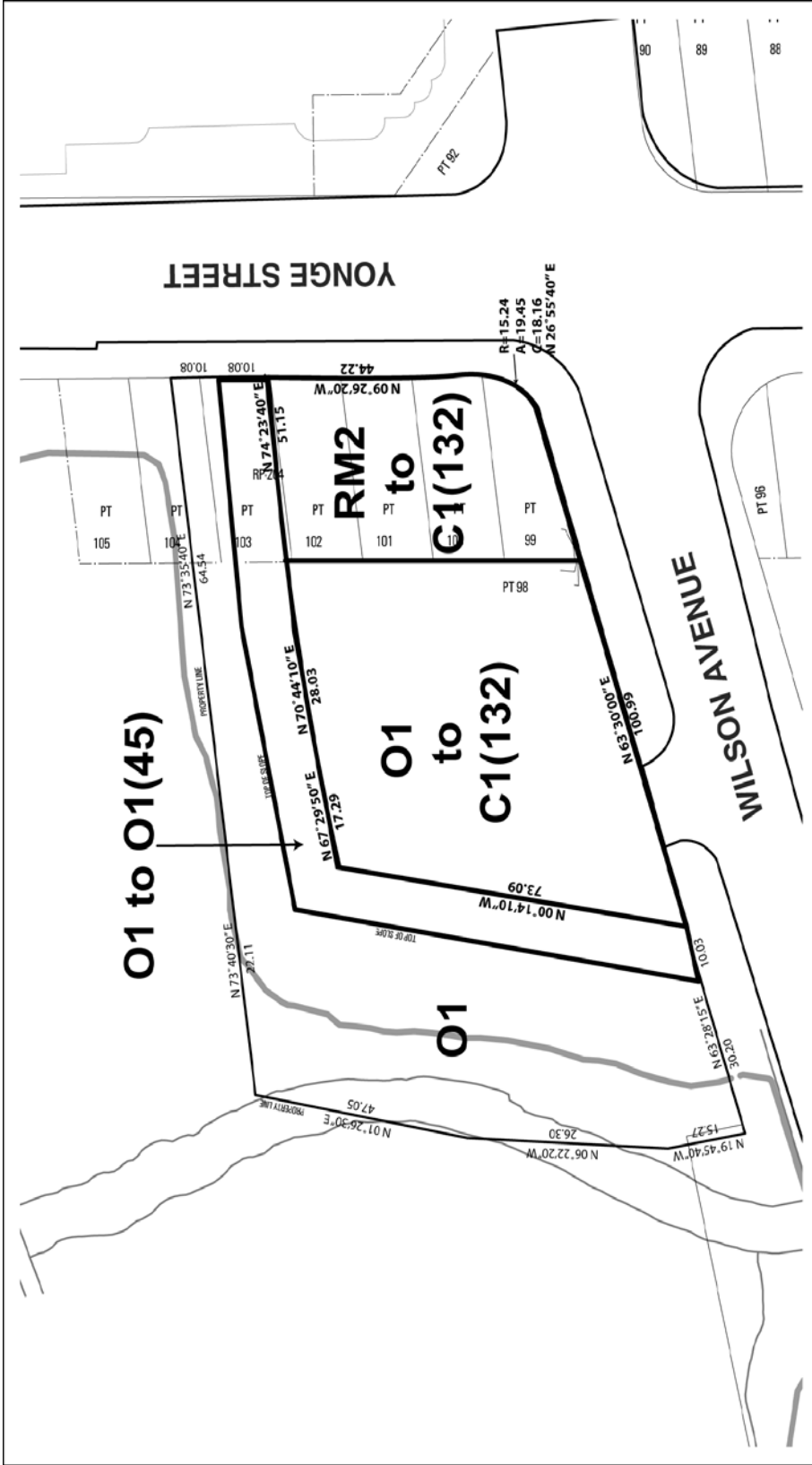
- (ii). The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption item PG32.3 of the Planning and Growth Committee.
- 5.** Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 6.** The provisions of this By-law shall apply collectively to this land as shown on Schedule "1" attached to this By-law, notwithstanding its future division into two or more parcels.

ENACTED AND PASSED this ~ day of ~, A.D. 2016.

JOHN TORY,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk



Schedule 1

Part of Lot 11, Concession 1, West of Yonge Street and Part of Lots 98, 99, 100, 101, 102, 103, & 104

File # 10 167159 MNY 16 0Z

Registered Plan 204, City of Toronto.

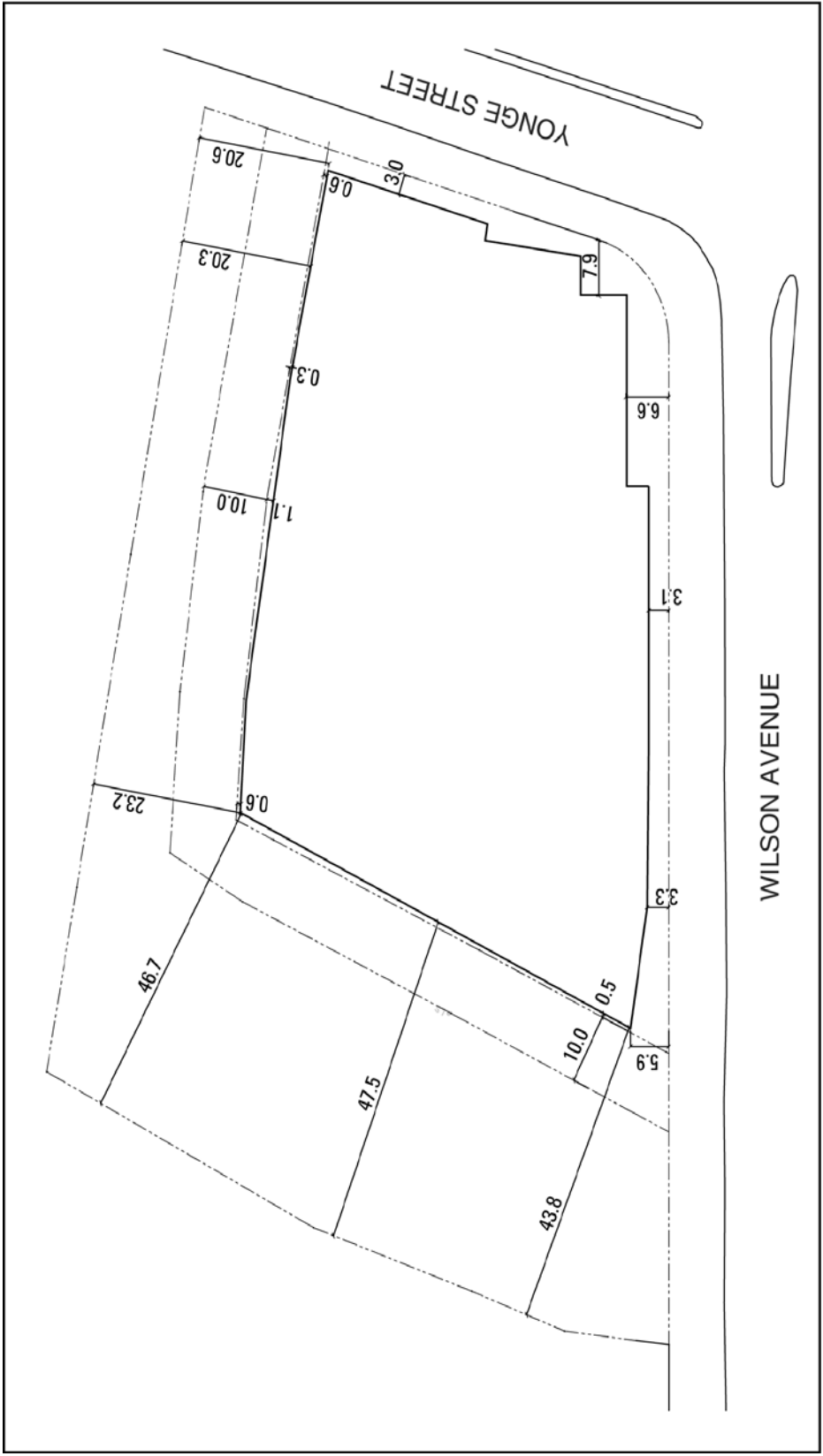
J.D.Barnes Ltd. February 2010.

Date: 05/31/2011

Approved by: J.A.



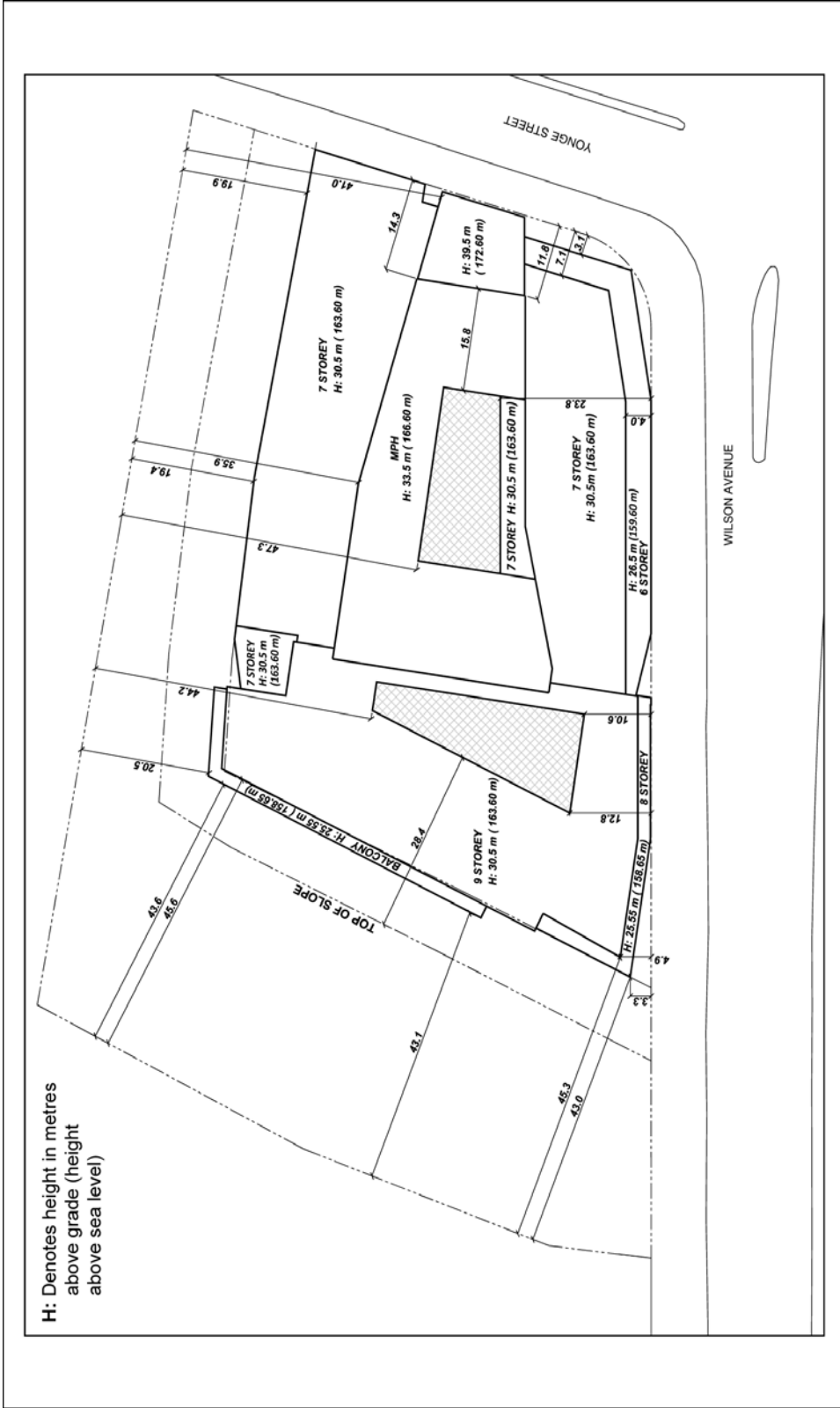
Not to Scale



Schedule 2

Ground Floor Setbacks
 From Applicant's Drawing
 Date: 08/29/2016
 Approved by: B. D.R.

File # 10 167159 NNY 16 0Z
 ↖
 Not to Scale



Schedule 3

File# 10 167159 NMY 16 0Z



Not to Scale



Heights & Roof Setbacks

From Applicant's Drawing
 Date: 08/29/2016
 Approved by: B. D.R.

Attachment 8: Draft By-law Amendments

Authority: North York Community Council Item ~ as adopted by City of Toronto
Council on ~, 2016
Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2016

To amend the former City of North York Low Lot By-law Nos. 9813 and 9896, as amended, with respect to the lands municipally known as, 4050 Yonge Street

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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:

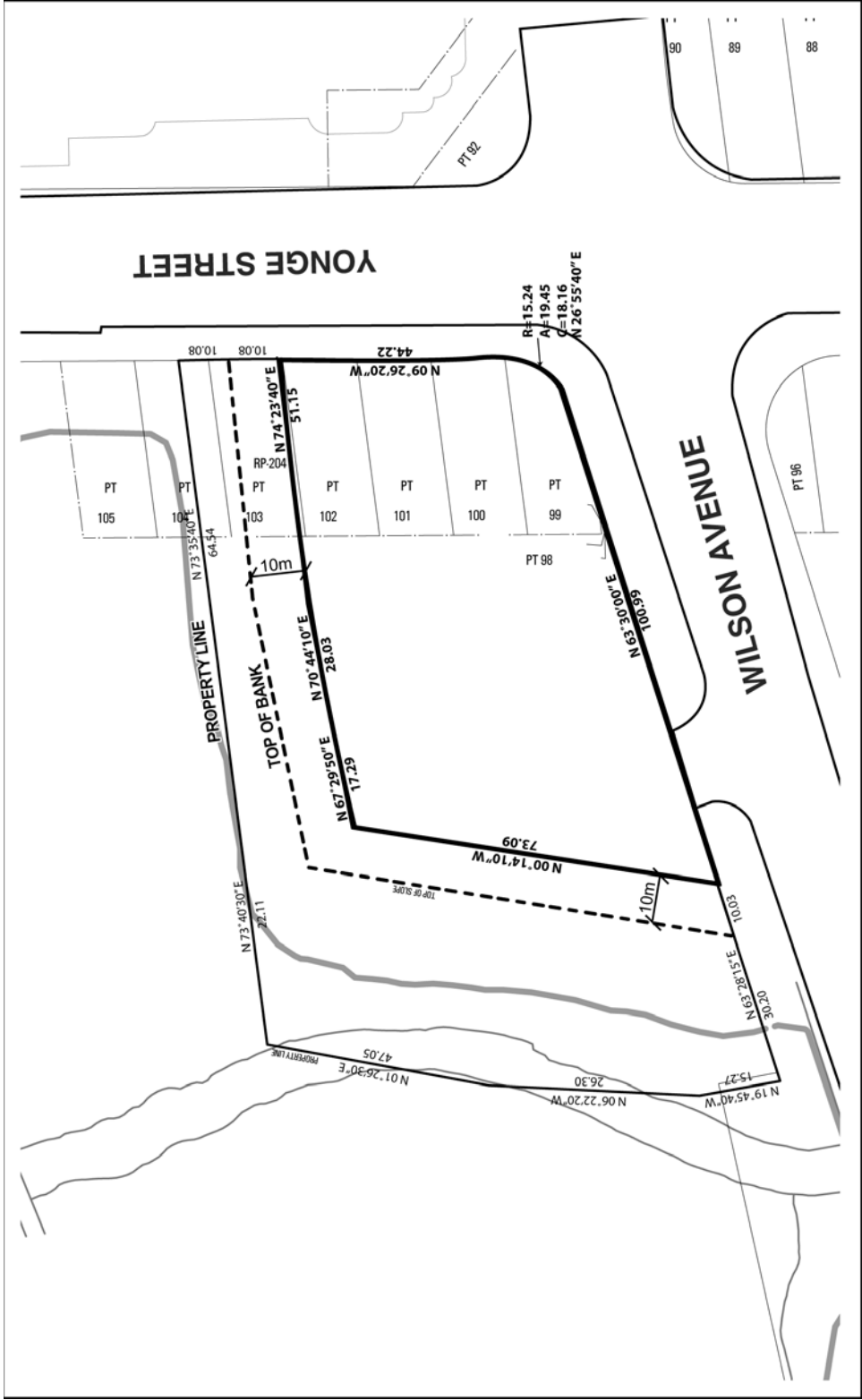
1. Schedule "A" to By-laws 9813 and 9896 are hereby amended by deleting the land in heavy black line as shown on attached Schedule 1.

ENACTED AND PASSED this ~ day of ~, A.D. 2016.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 1

File # 10 167159 NNY 16 0Z



Not to Scale



Part of Lot 11, Concession 1, West of Yonge Street and Part of Lots 98, 99, 100, 101, 102, 103, & 104

Registered Plan 204, City of Toronto.

J.D.Barnes Ltd. February 2010.

Date: 05/31/2011

Approved by: J.A.