

5925–5997 Yonge Street, 11–25 Wedgewood Drive, 1–8 Doverwood Court, and 42–54 Cummer Avenue – Official Plan Amendment Application – Request for Direction Report

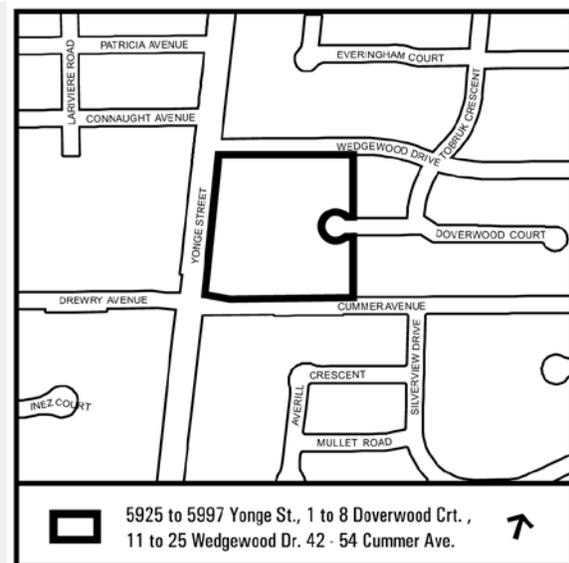
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| Date: | April 21, 2017 |
| To: | North York Community Council |
| From: | Director, Community Planning, North York District |
| Wards: | Ward 24 – Willowdale |
| Reference Numbers: | 16 121334 NNY 24 OZ |

SUMMARY

The applicant has appealed the application for an Official Plan amendment (OPA) to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time frame prescribed by the *Planning Act*. A Preliminary Hearing was held January 30, 2017, a second Preliminary Hearing is scheduled for June 5, 2017 and the hearing is scheduled to begin December 4, 2017.

The appeal has been consolidated with a previous zoning by-law amendment appeal at 5959 Yonge Street to permit two fourteen storey mixed use buildings (file no. 10 304240 NNY 24 OZ).

This application proposes to change the Official Plan designation for a portion of the lands, including lands not owned by the applicant, from *Neighbourhoods* to *Mixed Use Areas* to provide for a number of mixed use buildings within the designation, including buildings of 25, 29, 31 and 43 storeys on the lands which they own.



This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the OMB hearing in opposition to the current proposal. The report also recommends that the City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct that the City Solicitor, together with City Planning staff and other appropriate staff, attend any Ontario Municipal Board hearings in opposition to the Official Plan amendment application in its current form based on the issues outlined in the April 21, 2017 report from the Director, Community Planning, North York District.
2. Should the Ontario Municipal Board approve the application to amend the Official Plan, City Council authorized the City Solicitor to request that the Ontario Municipal Board withholds its Order(s) approving the applications until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed Official Plan is in a form satisfactory to the City; and
3. In the event that the Ontario Municipal Board allows the appeal of the applicant to amend the zoning by-law, in whole or in part, City Council direct staff to request that the Board withholds its Order(s) until such time as the City and the owner have presented a draft by-law to the Board that secured appropriate community benefits and a Section 37 agreement has been entered into; and
4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on the outcome, including proposed Section 37 contributions related to any revised proposal, as appropriate.

Financial Impact

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

DECISION HISTORY

On November 2010, 426099 Ontario Limited submitted a zoning by-law amendment application (file no. 10 304240 NNY 24 OZ) to permit two fourteen-storey residential apartment buildings containing a total of 371 units and ground floor commercial uses at 5959 Yonge Street. On March 22, 2011 North York Community Council (NYCC) considered a Preliminary Report on the application. The application was appealed to the

OMB on March 29, 2011 citing the City's failure to make a decision on the application within the time prescribed by the *Planning Act* as the reason for the appeal. The hearing for this application was deferred indefinitely. This file remains open at the OMB and has been consolidated with the current appeal. Council's direction, of October 24, 2011, to oppose the application and a copy of the Request for Directions report can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.CC13.3>.

In addition to the current Official Plan amendment application, the applicant also filed an application, on February 26, 2016, to amend the zoning by-law at 5945-5949 Yonge Street, 5959 Yonge Street, 1 & 2 Doverwood Court, 15 Wedgewood Drive and 48 Cummer Avenue (file no. 16 156153 NNY 24 OZ). The current application to amend the Official Plan was filed on May 16, 2016 and a Preliminary Report on both applications was considered at the June 14, 2016 meeting of NYCC. The applicant has not appealed the zoning by-law amendment application. The Preliminary Report and the decision of NYCC can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY15.35>.

ISSUE BACKGROUND

There are three active development applications on various portions of the site: one to amend the Official Plan and two to amend the zoning by-law. The lands to which each of the applications applies are different and are described below.

Official Plan Amendment

The properties subject to the OPA application are 5925-5931, 5935A, 5945-5949, 5959, 5995 and 5997 Yonge Street, 11 to 25 Wedgewood Drive, 1 to 8 Doverwood Court, and 42 to 54 Cummer Avenue.

The purpose of the OPA is to change the land use designation from *Neighbourhoods* to *Mixed Use Areas* for the properties at 11 to 25 Wedgewood Drive, 1 to 8 Doverwood Court, and 42 to 54 Cummer Avenue. Applicant owns 5945-5949 Yonge Street, 5959 Yonge Street, 1 & 2 Doverwood Court, 15 Wedgewood Drive and 48 Cummer Avenue, while the remaining lands are owned by other people/companies. The *Planning Act* allows for applicants to file Official Plan Amendment applications on land they do not own. This would enable the applicant to propose a 1542 unit, four tower residential and mixed use development through a related rezoning application (see discussion below for more details regarding file no. 16 121334 NNY 24 OZ).

No change in land use designation is proposed for the properties at 5925-5931, 5935A, 5945-5949, 5959, 5995 and 5997 Yonge Street which are currently designated *Mixed Use Areas* and also subject to the proposed OPA.

As part of the application the applicant has provided an *Avenue* segment study and a conceptual master plan (see Attachment 1). The master plan illustrates how the applicant believes all of the lands subject to the application may develop over the long term.

2010 Zoning By-law Amendment (file no. 10 304240 NNY 24 OZ)

This zoning by-law amendment application, filed in 2010 and currently under appeal, is only for the property at 5959 Yonge Street.

The purpose of the Zoning By-law amendment application is to permit two fourteen-storey mixed-use buildings. The buildings are proposed to be primarily residential with commercial uses on the ground floor including: retail, service commercial, restaurants and professional/medical offices. A six metre wide private driveway would run east-west through the site connecting the interior of the site to Yonge Street. Overall, the proposed development would have a gross floor area of 31,958 square metres and a Floor Space Index of 3.85 (see Attachment 2). More detail on the application is available in the staff reports previously submitted to Council:

Preliminary Report:

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

Request for Directions Report:

<http://www.toronto.ca/legdocs/mmis/2011/cc/bgrd/backgroundfile-41756.pdf>

2016 Zoning By-law Amendment (file no. 16 121334 NNY 24 OZ)

The properties subject to the current zoning by-law amendment application are 5945-5949 Yonge Street, 5959 Yonge Street, 1 & 2 Doverwood Court, 15 Wedgewood Drive and 48 Cummer Avenue which are owned by the applicant.

The purpose of the Zoning By-law amendment application is to permit four residential and mixed use buildings with heights of 25, 29, 31 and 43-storeys. The applicant is proposing a total of 1,542 residential units and 1,902 parking spaces. The development is proposed to be built in two phases with Phase 1 consisting of the 31 and 43-storey buildings and Phase 2 consisting of the 25 and 29-storey buildings (see Attachment 3).

Site and Surrounding Area

The site subject to the Official Plan amendment application is made up of a number of properties and extends along Yonge Street between Cummer Avenue and Wedgewood Drive. It is located outside the North York Centre Secondary Plan area. The northern boundary of the secondary plan area falls on the south side of Cummer Avenue.

The site consists of numerous properties currently occupied by a variety of uses along Yonge Street including retail, a former car dealership (recently converted into a sales centre), the 15-storey Sedona Place co-op apartment building at 5949 Yonge Street, surface parking lots including parking for the Sedona Place building, and 18 single detached dwellings fronting onto Wedgewood Drive, Doverwood Court, and Cummer Avenue.

Surrounding Area

North: North of the site are 1-3 storey commercial uses along Yonge Street, a 20 storey apartment building at 6035-6081 Yonge Street, and 1 and 2-storey detached houses adjacent to the properties with frontage on Yonge Street.

South: The lands south of Cummer Avenue are subject to the North York Centre Secondary Plan. On the east side of Yonge Street is a commercial plaza (Newtonbrook Plaza) and an 11-storey office building.

A development proposal for this site was subject to an appeal to the OMB. The proposal was for a mixed use development consisting of four towers of 28, 34, 36, and 37 storeys, a new public street, and a public park (File Nos. 11 287471 NNY 24 OZ and 11 287481 NNY 24 SB). At their meeting on July 7, 8 and 9 2015 City Council adopted the principles of settlement to guide the final Official Plan amendment, Zoning By-law amendment and plan of subdivision. Staff's report on the settlement and Council's direction can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY7.37>

South of the Newtonbrook Plaza lands there is a 22-storey apartment building and a 24-storey apartment building.

East: Detached houses are located to the east of the site.

West: On the west side of Yonge Street is a 6-storey residential building, a 16-storey residential building, 2-storey retail buildings and a 2-storey retail/commercial plaza.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) (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 healthy 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 (2006) 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.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the development site, on Map 16, as both *Mixed Use Areas* and *Neighbourhoods*. The lands along Yonge Street are designated *Mixed Use Areas* while the remainder of the lands are *Neighbourhoods*.

Development in *Mixed Use Areas* will provide a balance of high quality commercial, residential and institutional uses. These uses should reduce automobile dependency and meet the needs of the local community. It is expected that *Mixed Use Areas* will absorb a large amount of the expected growth within the city however not all areas will experience the same scale of development.

Policy 2 of the *Mixed Use Areas* section of Chapter 4 identifies a number of criteria with regards to transition between developments within *Mixed Use Areas* and adjacent *Neighbourhoods*. The policies require that new development will locate and mass new buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and a stepping down of heights. Policy 4.5.2(d) also requires that shadowing from new development be limited on adjacent *Neighbourhoods* especially during the spring and fall equinoxes.

Neighbourhoods are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Policy 4.1.5 states that development in *Neighbourhoods* is expected to “respect and reinforce” the existing physical character of the neighbourhood including in particular:

- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s);
- setbacks of buildings from the street or streets; and
- prevailing patterns of rear and side yard setbacks and landscaped open space.

The Plan also contains policies in Chapter 2 with regards to Healthy Neighbourhoods and how development which is adjacent or close to *Neighbourhoods* should be undertaken. Intensification of land which is adjacent to neighbourhoods should be carefully controlled so that neighbourhoods are protected from negative impact. Development in *Mixed Use Areas* which is adjacent or close to *Neighbourhoods* will:

- be compatible with the *Neighbourhood* it is adjacent or close to;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. The Plan protects the integrity of the City's transportation network and provides for its planned expansion through the designation of rights-of-ways and transit corridors. Yonge Street is identified as a major street on Map 3 of the Official Plan with a planned right-of-way width of thirty-three metres. Map 4 of the Official Plan identifies Yonge Street north of Finch Avenue as a Transit Corridor which is an "expansion element" and by Map 5 a Transit Priority Segment. Policy 2.2.1 identifies the need to develop and expand the City's transit and other transportation infrastructure to support the growth objectives of the plan.

Map 2 of the Official Plan identifies this segment of Yonge Street as an *Avenue*. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities which improve the pedestrian environment, streetscape, shopping opportunities and transit service for community residents. The *Avenue* designation applies only to the lands which abut Yonge Street and does not apply to the remaining lands.

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 that will set out:

- investments in community improvements by public agencies or public/private partnerships including streetscape improvements, transportation improvements, parks and open spaces, and upgraded water or sewer infrastructure; and
- contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the *Avenue* which includes: permitted uses and maximum density and height limits; appropriate massing, scale, siting and organization of buildings; appropriate scale transitions to adjacent areas; and transit-supportive measures such as minimum development densities; maximum and minimum parking standards; and restrictions on auto-oriented retailing and services.

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. This review will:

- include an assessment of the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- consider whether the proposed development is supportable by available infrastructure; and

- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

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. The applicant submitted an *Avenue* segment study as part of the application.

Section 3.1.1 of the Plan contains policies related to the public realm. Public realm policies are intended to promote beautiful, comfortable, safe and accessible streets, parks, open spaces, and public buildings. Quality architectural, landscape, and urban design and construction are to be promoted in private developments.

This section of the Official Plan includes policies that encourage new streets to be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets. It also states that new streets will be designed to:

- provide connections with adjacent neighbourhoods;
- promote a connected grid of streets that offers safe and convenient travel options;
- extend sight lines and view corridors;
- divide larger sites into smaller development blocks;
- provide access and addresses for new development;
- allow the public to freely enter without obstruction;
- implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses within the right-of-way;
- improve the visibility, access and prominence of unique natural and human-made features; and
- provide access for emergency vehicles.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the city can fit harmoniously within the existing and planned context. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the building and the use of setback and stepbacks of building mass. These policies also speak to the exterior façade of buildings to fit harmoniously into the existing and planned context, by incorporating design elements, their form, scale, proportion, pattern and materials that fit with the existing or emerging character of the area.

The proposed residential and mixed use buildings are considered Tall Buildings. The Official Plan, in section 3.1.3 indicates that Tall Buildings are desirable in the right places, however they are not appropriate everywhere. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related, or mid-rise building types. In assessing the appropriateness of Tall building proposals key urban design considerations must be addressed, including:

- the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site relate to the existing and/or planned context;
- taking into the account the relationship of the topography and other tall buildings; and
- providing high quality, comfortable and usable publically accessible open space areas.

Section 3.3 of the Official Plan discusses the creation of new neighbourhoods and states that this requires a comprehensive planning framework. New neighbourhoods "will have a comprehensive planning framework reflecting the Plan's city-wide goals as well as the local context". This framework should include a strategy to provide parkland; a pattern of streets, development blocks, open spaces and other infrastructure; and the mix and location of land uses.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The proposal is in excess of 10,000 square metres and proposes a significant increase in the permitted height and density.

The Toronto Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted OPA No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. OPA 320, as approved by Council, is available on the City's website at <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a

result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The Minister's approval and modification can be found at <http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MA%20Notice%20of%20Decision.OPA%20320.July%204%202016.pdf>

One of the ways in which OPA 320 would amend the Official Plan is by adding a policy to the Healthy Neighbourhoods section in Chapter 2. The new policy would require that new streets extend the local street network into larger sites, "to provide access and frontage for existing and future development, improve pedestrian and bicycle circulation and improve the prominence, visibility and safe access to parks, open spaces, transit, schools and pedestrian destinations". OPA 320 also reinforces the policies of Chapter 4 which requires development in *Neighbourhoods* to respect and reinforce the prevailing character of the neighbourhood.

Zoning

The site is subject to both the former North York Zoning By-law 7625 and City-wide Zoning By-law 569-2013 with the exception of the property at 5959 Yonge Street which is not subject to By-law 569-2013.

Former City of North York Zoning By-law 7625

The properties at 5925-5937, and the western portion of 5949 and 5995 Yonge Street are zoned C1 – General Commercial Zone in the former City of North York Zoning By-law 7625. The property at 5959 Yonge Street is zoned C1 (5) in the former City of North York Zoning By-law No. 7625. The C1 zoning allows for a wide variety of uses including detached and attached houses, apartments, offices, retail uses, restaurants, and institutional uses. The C1(5) zoning allows a motor vehicle dealership and accessory vehicle body repair shop in addition to the uses permitted in the C1 zone. The C1 and C1 (5) zoning permits a maximum density of 1 times the lot area. The maximum height permitted in the C1 and C1(5) zones is the lesser of 9.2 metres or three storeys.

The eastern portion of the property at 5945-5949 Yonge Street as well as the properties at 1, 15, 17, 19, 21, 23, and 25 Wedgewood Drive, 1-8 Doverwood Court and 42, 44, 46, 48, 50, 52, and 54 Cummer Avenue are zoned R4 – Residential Zone Fourth Density. The R4 zone designation allows for one single family detached dwelling per lot as well as limited home occupations, recreational, and institutional uses such as schools, public libraries, and day nurseries.

City-wide Zoning By-law 569-2013

The lots which abut Yonge Street, with the exception of 5959 Yonge Street, are zoned CR 1.0 (c1.0; r1.0). The CR designation is a Commercial Residential zone and on these lands an overall density of 1.0 is permitted of either residential or commercial uses, or a combination of the two. The lots are within Policy Area 4 and a maximum lot coverage of 33 percent and a maximum height of 10.5 metres and three storeys is permitted. Yonge Street is identified as a major street.

The lots abutting Yonge Street to the north of 5959 Yonge Street (5995 and 5997 Yonge Street) are within Standard Set 3 (SS3) and are subject to exception 260 which requires a parking rate of 1.5 parking spaces per dwelling unit, of which 0.25 spaces must be for visitors. The exception also identifies a number of former City of North York by-laws which prevail: 18758, 18840 and 22866.

The lots abutting Yonge Street to the south of 5959 Yonge Street (5925 to 5949 Yonge Street) are within Standard Set 2 (SS2) and are subject to exception 2565 which requires a parking rate of 1.5 parking spaces per dwelling unit, of which 0.25 spaces must be for visitors.

The lot at 40 Cummer Avenue is also zoned Commercial Residential: CR 1.0 (c1.0; r1.0) SS2 but no exceptions apply to the lands.

The remainder of the lands subject to the application are zoned RD (f15.0; a550) which is the Residential Detached zone. This zone permits residential uses in a detached dwelling with a minimum lot frontage of 15 metres and a minimum lot area of 550 square metres. A maximum lot coverage of 30 percent and a maximum height of 10 metres and 2 storeys is permitted. The lots are also subject to exception 5 which limits the side yard setback to a minimum of 1.8 metres and applies Schedule D Airport Hazard Map of former City of North York By-law 7625.

Yonge Street North Planning Study

In June 2011, North York Community Council adopted a report summarizing and initiating the 'Yonge Street North Planning Study' in the context of increasing development pressures and the appropriateness of current and potential future amendments to Official Plan policies and designations. The subject lands are within the study area for the Yonge Street North Planning Study.

In November 2013, Council received for information the consultant's final report on the Study and directed City Planning staff to undertake further work. This work included consulting with the community on an implementation plan for the study area including parkland acquisition, transportation improvements, density and streetscape improvements. Staff was also directed to provide historical data on congestion and traffic volumes and to present alternate built forms consisting of low- and mid-rise buildings.

Council's direction can be found at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY27.28>

Staff report for action – Request for Direction – 5925-5997 Yonge Street, 11-25 Wedgewood Drive, 1-8 Doverwood Court, and 42-54 Cummer Avenue

On May 28, 2014, City Planning held a community consultation meeting to consult with residents on a draft implementation plan for the Yonge Street North Planning Study. The draft implementation plan is available on the City's website at <http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/N/North%20Yonge%20Planning%20Study/Yonge%20Street%20North%20Secondary%20Plan%20May%2021%202014%20draft%20for%20publi.pdf>

A final implementation plan for the Yonge Street North Planning Study has not yet been prepared for Community Council's consideration.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/tall-buildings.pdf.

Site Plan Control

The proposed development is subject to Site Plan Control, however, no application has been filed.

Community Consultation

Staff held a community consultation meeting on October 18, 2016 to present the proposed OPA and 2016 zoning by-law amendment applications to the public. Approximately seventy-five members of the public attended. The public had major concerns with the project and raised a number of issues.

Concerns were raised with regards to both traffic impacts and parking. In conjunction with the recently approved development on Newtonbrook Plaza to the south, residents are concerned with the combined traffic impacts these developments would create. Further, residents would like to see traffic travelling through the neighbourhood minimized with vehicles directed towards Yonge Street. Questions were raised with regards to the removal of the surface parking at 5949 Yonge Street and where those existing residents would park.

The residents also had concerns with the location of the proposed north-south driveway and future public road. Residents felt that the driveway needs to align with the future public road secured as part of the development of Newtonbrook Plaza. It was also questioned as to why the site required access to both Cummer Avenue and Wedgewood

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Drive. It was expressed that the site should never have a vehicular connection to Doverwood Court.

Also raised was the fact that the applicant's OPA application includes lands which they do not own. Questions were raised around what would happen to those lands if the proposed development was constructed; Residents wondered what could be built on those sites. Some were also concerned that this would lead to future *Mixed Use Areas* designations even further east thereby eroding the existing neighbourhood character.

Lastly, residents raised concerns over the proposed height and density. It was expressed that the proposed buildings were too tall and too dense. Residents had concerns regarding shadowing from the proposed tall buildings onto the adjacent single family dwellings as well as whether the proposal would create a precedent along Yonge Street.

COMMENTS

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. Key objectives include building strong healthy communities; wide use and management of resources; and protecting public health and safety. The PPS states that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 4 of the PPS outlines the methods in which the PPS should be implemented and interpreted. Policy 4.7 states that a municipality's Official Plan is "the most important vehicle for implementation" of the PPS. It further states that "comprehensive, integrated and long-term planning is best achieved through official plans". Official plans shall identify provincial interests and set out appropriate land use designations and policies.

The Official Plan identifies areas of the city which are intended for growth and others which are expected to remain stable. Map 2, the Urban Structure map identifies areas of the city designated *Centres, Avenues, Employment Areas* and *Downtown and Central Waterfront*. Policies in Chapter 2 of the Plan states that growth will be directed to these areas in order to use municipal services and infrastructure efficiently, to concentrate jobs and people in areas well served by public transit, to promote mixed use development to allow people to live near where they work and to protect neighbourhoods, green spaces and natural heritage features and functions from the effect of nearby development.

Section 1.1.1 of the PPS directs how healthy, liveable and safe communities are sustained. Within that section, subsection (b) requires a balance of residential, institutional, recreation, park and open space and other uses to meet long-term needs of the community. Subsection (g) is also relevant as it directs that there needs to be the necessary *infrastructure* and *public service facilities* available to meet current and projected needs. Policy 1.5 of the PPS requires healthy, active communities to be promoted by providing a full range and equitable distribution of publicly-accessible

buildings and natural settings including parklands, public spaces and open space areas. Policy 1.6.7.5 requires that transportation and land use considerations to be integrated at all stages of the planning process.

Section 1.2 of the PPS discusses that a "coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities". This is demonstrated in the sections of the PPS discussed above which requires there to be a balance of uses provided and that transportation and land use considerations are to be integrated. This demonstrates the need to comprehensively plan areas and when considering change the need to take all elements of a community into account.

Rather than considering the proposed redesignation of the lands from *Neighbourhoods* to *Mixed Use Areas* in a comprehensive manner, the applicant is proposing to amend the land use designation in order to enable development upon the lands they currently own. An Official Plan amendment needs to consider all elements including infrastructure, the transportation network and parkland, as well as implications upon the surrounding planning framework. Redesignation of an area not intended for growth to a designation intended for growth, without this type of comprehensive review is inappropriate and not consistent with the direction of the PPS to take a coordinated, integrated and comprehensive approach to planning. The proposed OPA is considered piecemeal planning.

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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

The Growth Plan provides direction on how to accommodate population and employment growth. Policy 2.2.2.1 directs cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services. *Complete Communities* are communities which meet people's needs for daily living throughout an entire lifetime. The submitted OPA achieves none of these elements, simply proposing to re-designate from *Neighbourhoods* to *Mixed Use Areas* without providing the required supporting infrastructure and examining the implications upon the surrounding planning framework.

Policy 3.2.1 of the Growth Plan requires infrastructure planning, land use planning and infrastructure investment to be co-ordinated in order to implement the Plan. This infrastructure includes transit, *transportation corridors* and community infrastructure. Similar to the vision of the PPS, the growth plan expects planning to be done comprehensively rather than the approach the applicant has taken.

Both provincial documents signal that planning in Ontario should be done comprehensively, considering infrastructure, transportation and public facilities at the same time as land use considerations are reviewed. The applicant is proposing an OPA

which would change the designation from lands which are intended to remain stable to a designation which is intended to accommodate growth. The proposed amendment would destabilize the surrounding stable residential neighbourhood and is not consistent with the PPS and does not conform to the Growth Plan for the Greater Golden Horseshoe.

Amendment to the Official Plan

As part of the application, the applicant submitted an *Avenue Segment Study* as required by the Official Plan. As part of this study, the applicant has identified a number of sites along Yonge Street which they consider to be capable of redevelopment, often referred to as "soft sites". This included analysis of consolidated lots, some of which included lands designated as *Neighbourhoods*. The study, on page 15, acknowledges that changes in a land use designation from *Neighbourhoods* to *Mixed Use Areas* is in conflict with Section 2.2.3.4 of the Official Plan but still chose to include these lands "for the purpose of exploring similar sites to the proposed development, the consolidation would be required".

The *Avenue Segment Study* provides an analysis of each site within the study area and whether it should be included as a "soft site". A number of the lots within the study area were excluded as being a "soft site" as they were designated *Neighbourhoods* and within an established neighbourhood. The rationale given for the sites subject to the OPA as being "soft sites" was because they were a "future phase of overall site development". Beyond this, there is no rationale provided as to how the lands subject to the OPA which are designated *Neighbourhoods* and part of an established neighbourhood are any different from the other neighbourhood lands excluded as "soft sites". The lands have the same designation and are part of an established neighbourhood.

As discussed in Policy 2.2.3.3 of the Official Plan, 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*. Direction is given in Policy 2.2.3.3(b) as to how the *Avenue Segment Study* should be done and directs that it include an assessment of the "impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances". However, rather than considering a similar form, scale and intensity of development to that proposed, mid-rise buildings with a maximum building height of 10 storeys was considered for all of the other sites. The submitted study justifies this difference in form, scale and intensity based on the conclusion that the site subject to the OPA has distinguishing circumstances:

- "The site is unique in its size, shape, and development potential in comparison to the other soft sites identified on the Avenue.
- The frontage and the depth of the OPA Site is unlike any other potential soft site on Yonge Street, even with a reasonable amount of consolidation.
- Given the location of the OPA Site near a potential future subway stop and the identification of the site as Node within the Yonge Street North Planning Study,

the development potential of the OPA Site is greater than the other identified soft sites."

The submitted report concludes that the site subject to the application is unique from any other potential redevelopment site and that it is "not expected to have any adverse impacts on the surrounding neighbourhoods". It further concludes that the proposed development will not become a precedent for greater intensification on other sites because no other site along Yonge Street "has the combination of distinguishing circumstances necessary to justify such density". Planning staff do not concur with the conclusions of the *Avenue Segment Study*. The analysis is inconsistent and the conclusions not supportable. Planning staff are of the opinion that the OPA would have an adverse impact on the surrounding neighbourhoods and would be a precedent for greater intensification adjacent to the Yonge Street corridor.

The applicant is proposing to amend the designation of some of the lands within the application area from *Neighbourhoods* to *Mixed Use Areas*. The proposed eastern boundary of the *Mixed Use Areas* designation is the same as that proposed by the Yonge Street North Planning Study. The draft Official Plan Amendment proposed as part of the Yonge Street North Planning Study was not adopted by City Council and is therefore not in-force policy.

The proposed Official Plan re-designation recommended as part of the Yonge Street North Planning Study was recommended as part of a comprehensive review and framework of the entire Yonge Street corridor between Steeles Avenue and Cummer/Drewry Avenue. In addition to recommending changes in land use designations, the study also recommended new public streets, maximum heights and densities and parks and open spaces. The draft plan assigned a maximum base density of 3.75 FSI and a maximum height of 125 metres to the westerly portion of the site. The proposed OPA as a result of the study assigned a maximum density of 1.5 and a maximum height of the lesser of eleven metres or four storeys to the easterly portion of the lands subject to this application. In addition, a public park or publically accessible open space and a new public road were proposed within the area re-designated to *Mixed Use Areas*. There was also Infrastructure and Transportation Master Plans done as part of the study.

The applicant's rationale for changing the designation of some of the lands from *Neighbourhoods* to *Mixed Use Areas* seems to largely be premised on the draft Secondary Plan which was a result of the Yonge Street North Planning Study. The applicant's submitted planning rationale indicates that they understand this to be the City's "intent and vision for this segment of Yonge Street". However, while this may be a public document, it is not Council adopted and as such is not the intent and vision of City Council. The Yonge Street North Planning Study was also a comprehensive planning framework which encompassed a much broader area. A redesignation of lands on a piecemeal basis, without due considerations for the precedent on other lands along the Yonge Corridor is inappropriate.

Furthermore, the applicant has been selective in implementing the recommended policies in the draft Secondary Plan. The proposed changes to the land use designation were only one element of the draft OPA. The draft OPA also considered things such as maximum densities, height, a public street network and the location of new public parks. Furthermore, the proposed density in the 2016 rezoning application is significantly greater than that proposed in the draft plan. As part of the OPA application the applicant submitted a master plan to demonstrate how all of the lands to be designated *Mixed Use Areas* could redevelop. On the master plan the proposed public road is located in an inappropriate location and the proposed green space would be too small for the level of development proposed. The draft OPA does not include the provision for parkland or a public road, nor does it address maximum densities and required supporting infrastructure.

The current, in-force Official Plan policies designate the lands abutting Yonge Street as *Mixed Use Areas* and the remaining lots as *Neighbourhoods*. The Plan requires development on sites designated *Mixed Use Areas* to provide transition between areas of different development intensity and scale; this is especially important towards lower scale *Neighbourhoods* which some of the lands are designated as well as the surrounding lots to the east. While not providing any details on height or transition in the draft OPA, in the 2016 zoning by-law amendment application the applicant proposes 25 and 31 storey buildings within the lands designated *Neighbourhoods*. By proposing to move the *Mixed Use Areas* designation to the east, the applicant is relying on other land owners to provide the transition to a lower scaled neighbourhood further east which should be provided on the lands currently designated *Mixed Use Areas*. This would result in existing single family dwellings being located in the shadow of tall buildings. The Official Plan requires applications to provide transition within the *Mixed Use Areas* designation and discourages amendments to the plan that are not in keeping with its general intent. The proposed Official Plan amendment would undermine the stability of the established neighbourhood to the east and north, as well as have a negative precedent upon the lands adjacent to the mixed use Yonge Street corridor. Planning staff are of the opinion that the OPA is not considered good planning.

TTC Line 1 Expansion

In accordance with Maps 4 and 5 of the Official Plan, The Toronto Transit Commission (TTC) and Metrolinx has begun work to examine the extension of the subway Line 1, north to Richmond Hill Centre/Highway 7 in York Region. This extension would have 6 new stops including one at Cummer and Drewry Avenues. In 2016 the Province of Ontario committed \$55 million to advance the design work to 15 percent. Additional information on the project is available at http://www.vivanext.com/project_YongeSubway.

The proposed development is partly justified by the applicant due to a potential future subway station at Yonge Street and Cummer and Drewry Avenues. With the exception of the financial commitment to advance design work, there is no funding secured for the construction of the subway extension nor any timeline for its construction and opening.

Until funding is in place, there is no guarantee that it will ever be constructed and the potential station locations may change as a result of further design and planning work. The applicant does not propose any phasing or density limitations prior to the subway opening.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the city. The lands which are the subject of this application are in an area with 0.8 to 1.56 hectares of local parkland per 1000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

Chapter 415, Article III of the Toronto Municipal Code sets out a parkland dedication requirement of 0.4 hectares per 300 units. However, for sites that are between one and five hectares in size, a cap of fifteen percent of the development site is applied to the residential use while the non-residential use is subject to a two percent parkland dedication. Based on the cap of fifteen percent, a public park of approximately 4500 square metres would be required with a full build out of the master plan. The applicant is not proposing a City park in neither the draft Official Plan amendment nor the submitted master plan.

Conclusion

The applicant is proposing to amend the Official Plan for a number of sites from a *Neighbourhoods* designation to a designation which encourages intensification and higher densities, namely *Mixed Use Areas*. The proposed OPA does not contemplate this change in a comprehensive manner; rather it proposes only to amend the land use designation.

The redesignation from *Neighbourhoods*, in the absence of a comprehensive framework, is inappropriate and piecemeal planning. Infrastructure, including funding for the subway expansion, is not in place to accommodate a redesignation of the lands and major intensification proposed through the applications. The application would set a negative precedent for other lands adjacent to the mixed use Yonge Street corridor.

For the reasons discussed in this report, staff are of the opinion that the proposed Official Plan Amendment is not appropriate, not good planning and should be opposed at the Ontario Municipal Board in its current form.

CONTACT

Guy Matthew, Senior Planner

Tel. No. (416) 395-7102

Fax No. (416) 395-7155

E-mail: guy.matthew@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Master Plan

Attachment 2: Site Plan – Application File No. 10 304240 NNY 24 OZ

Attachment 3: Site Plan – Application File No. 16 121334 NNY 24 OZ

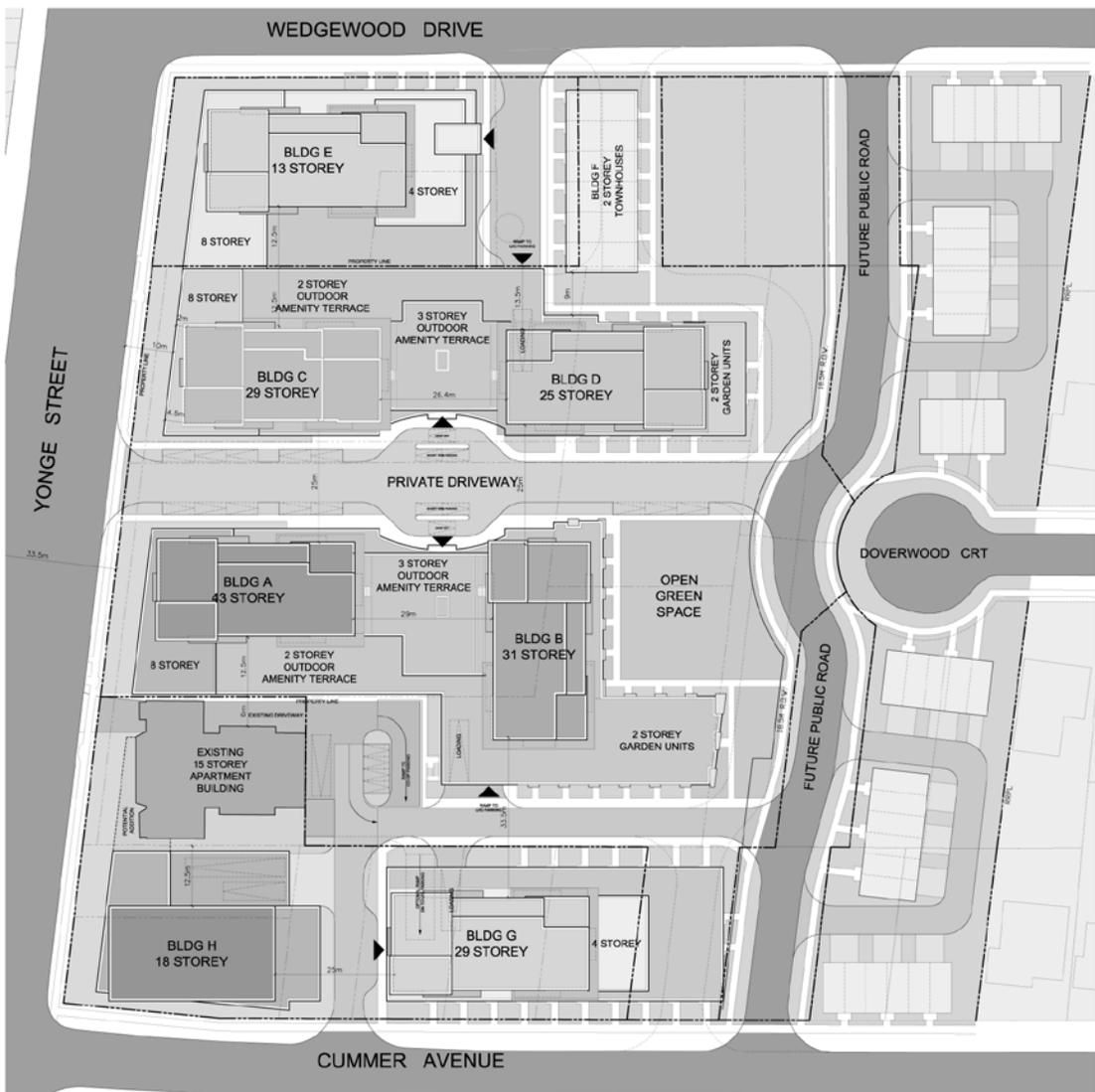
Attachment 4: Zoning – By-law 7625 Map

Attachment 5: Zoning – By-law 569-2013 Map

Attachment 6: Official Plan Map

Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

5925 to 5997 Yonge St., 1 to 8 Doverwood Cr., 11 to 25 Wedgewood Dr.
42 - 54 Cummer Ave.

Applicant's Submitted Drawing

Not to Scale
04/07/2017



File # 16 121334 NNY 24 OZ

Attachment 2: Site Plan – Application File No. 10 304240 NNY 24 OZ

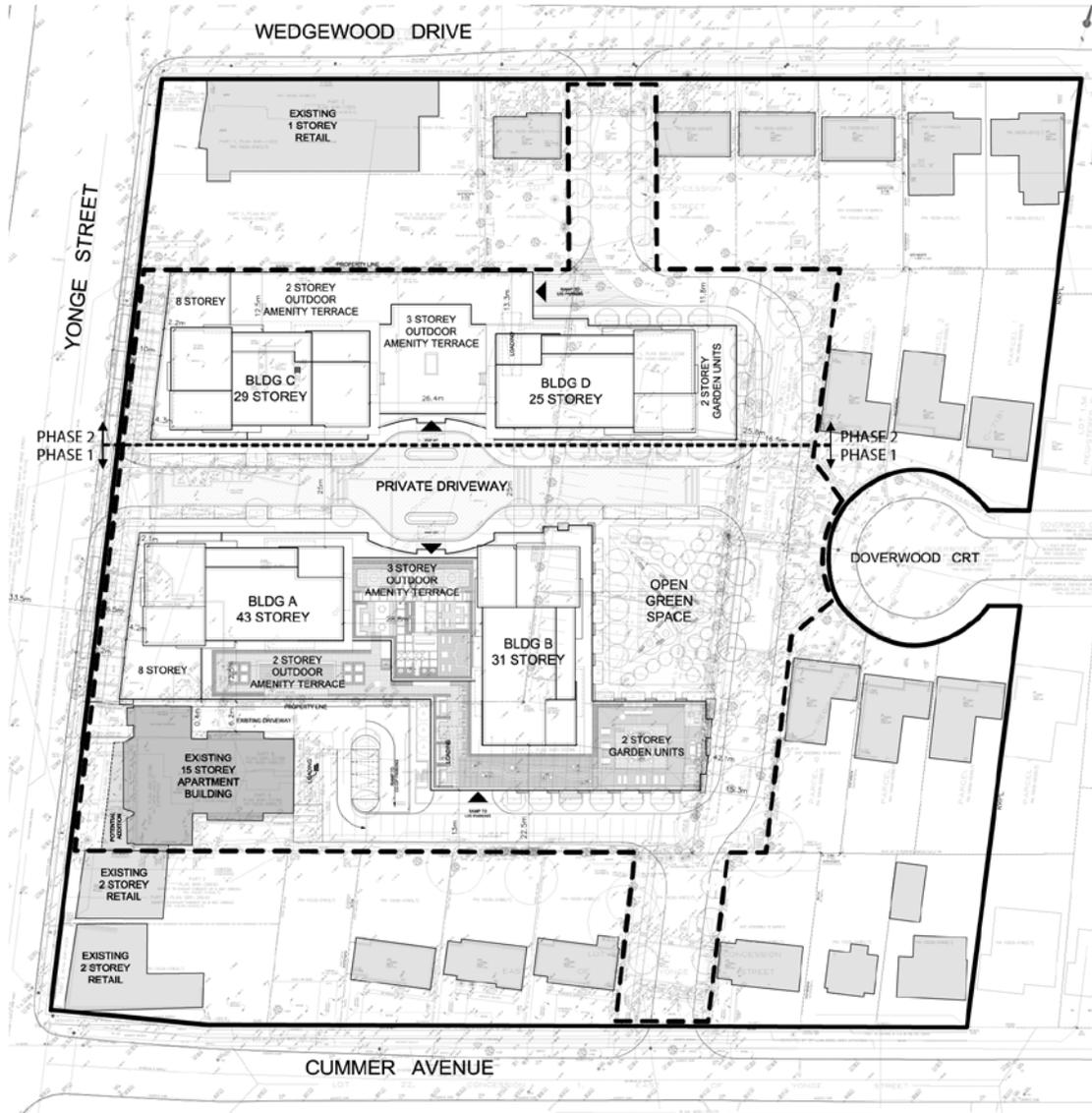


5959 Yonge Street

File # 10_304240

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

Attachment 3: Site Plan – Application File No. 16 121334 NNY 24 OZ



Site Plan

5949 - 5959 Yonge Street, 48 Cummer Avenue
1 - 2 Doverwood Court and 15 Wedgewood Drive

Applicant's Submitted Drawing

Not to Scale
04/07/2017

OPA

Rezoning

File # 16 121334 NNY 24 OZ

Attachment 4: Zoning By-law 7625



5925 to 5997 Yonge St., 1 to 8 Doverwood Cr., 11 to 25 Wedgewood Dr.
42 - 54 Cummer Ave.



Zoning By-Law No. 7625

File # 16 121334 NNY 24 02



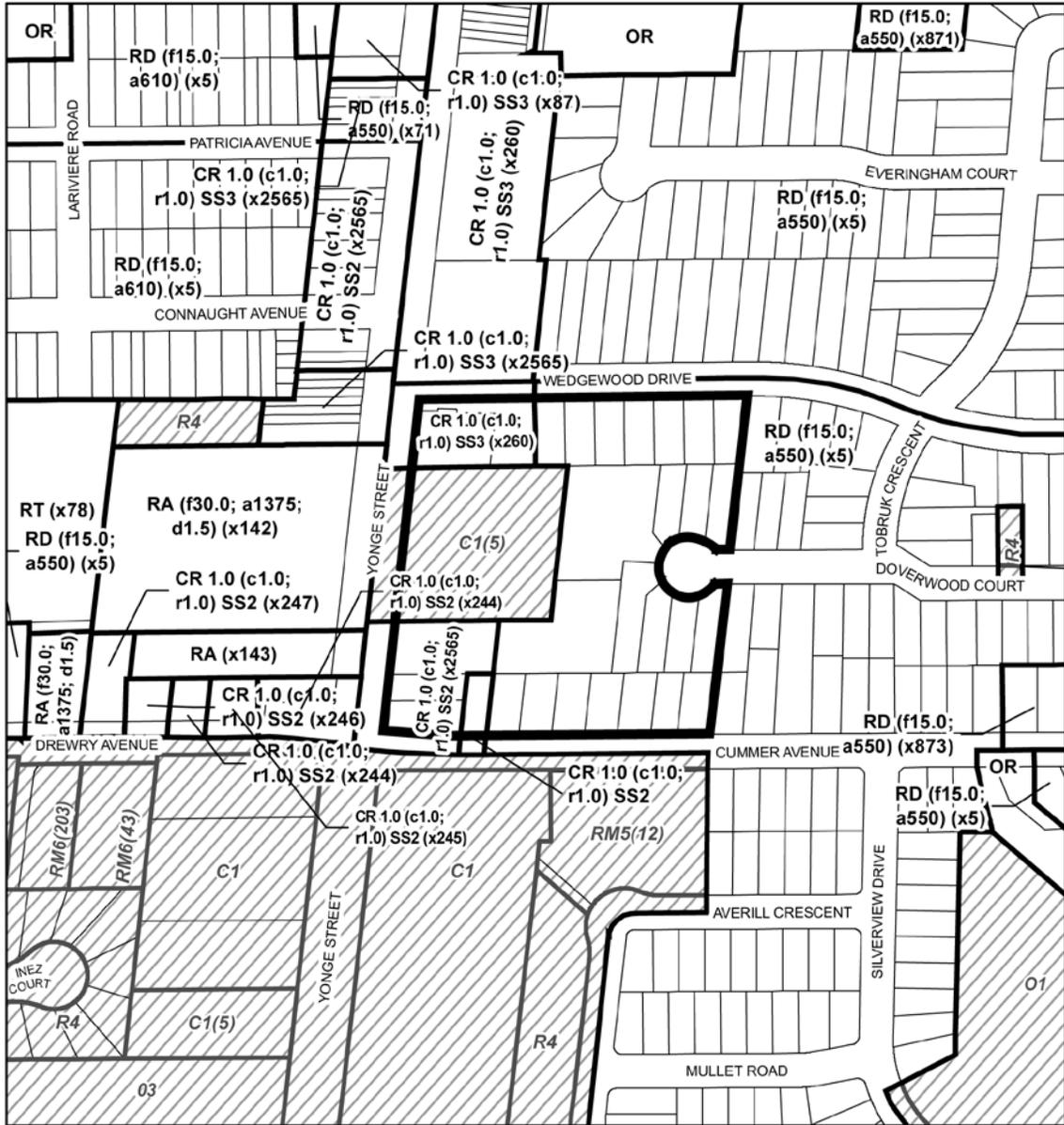
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone

- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- O1 Open Space Zone
- O3 Semi-Public Open Space Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 04/11/2016

Attachment 5: Zoning By-law 569-2013



5925 to 5997 Yonge St., 1 to 8 Doverwood Ct., 11 to 25 Wedgewood Dr.
42 - 54 Cummer Ave.

Zoning By-Law No. 569-2013

File # 16 121334 NNY 24 0Z



- RD Residential Detached
- RT Residential Townhouse
- RA Residential Apartment
- CR Commercial Residential
- OR Open Space Recreation

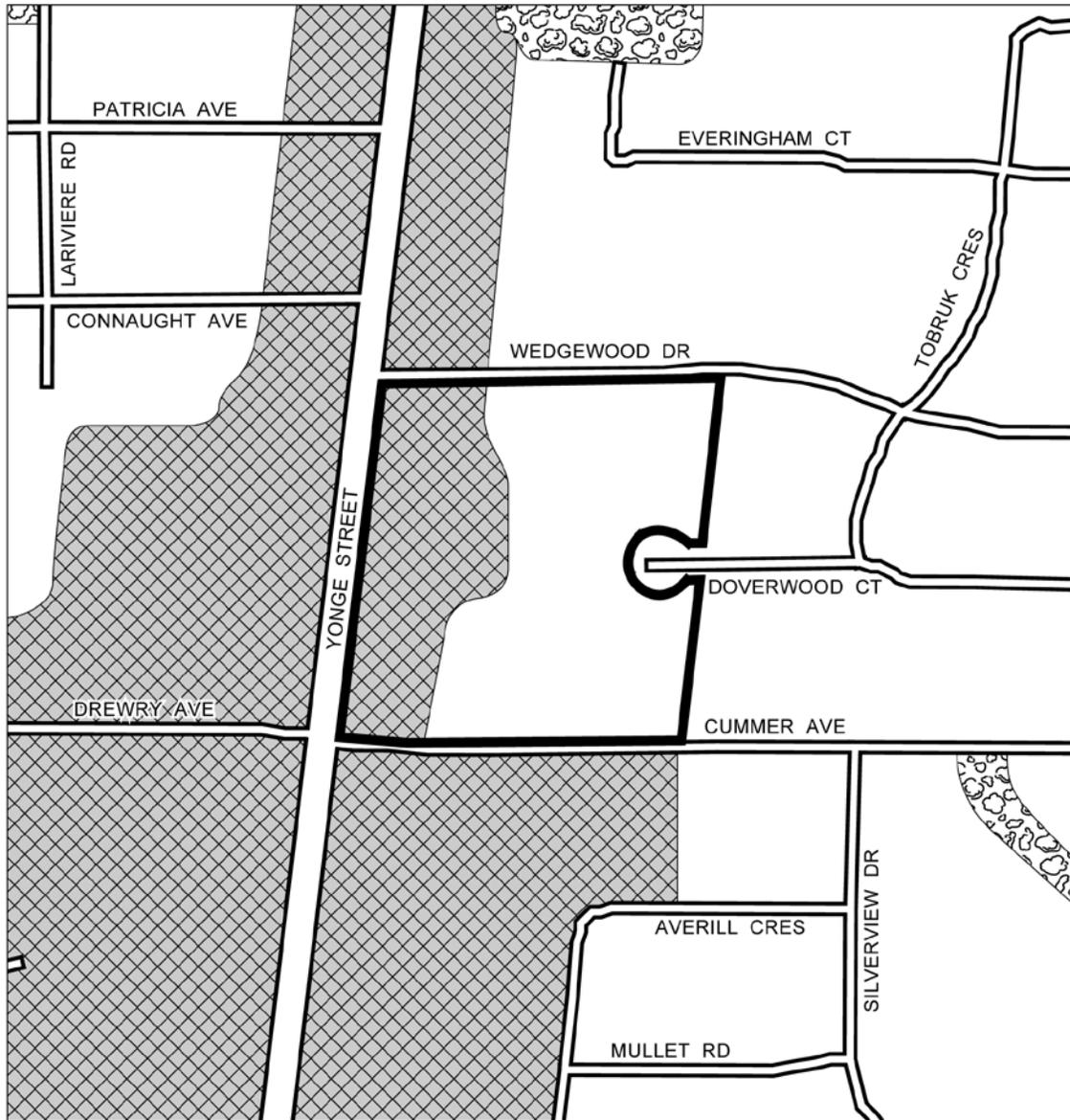


- See Former City of North York By-Law No. 7625
- R4 One-Family Detached Dwelling Fourth Density Zone
 - RM5 Multiple-Family Dwellings Fifth Density Zone
 - RM6 Multiple-Family Dwellings Sixth Density Zone
 - C1 General Commercial Zone
 - O1 Open Space Zone
 - O3 Semi-Public Open Space Zone



Not to Scale
Extracted: 04/11/2016

Attachment 6: Official Plan



Toronto
Extract from Official Plan

5925 to 5997 Yonge St., 1 to 8 Doverwood Ct., 11 to 25 Wedgewood Dr.
 42 - 54 Cummer Ave.

File # 16 121334 NNY 24 0Z

- OPA
- Neighbourhoods
- Mixed Use Areas

- Parks & Open Space Areas
- Parks

Not to Scale
 04/11/2016

Attachment 7: Application Data Sheet

| | | | |
|------------------|-------------------------|---------------------|---------------------|
| Application Type | Official Plan Amendment | Application Number: | 16 121334 NNY 24 OZ |
| Details | OPA, Standard | Application Date: | February 26, 2016 |

Municipal Address: 5925-5931, 5935A, 5945-5949, 5959, 5997 and 5995 Yonge Street, 11, 15, 17, 19, 21, 23, and 25 Wedgewood Drive, 1-8 Doverwood Court, and 42, 44, 46, 48, 50, 52, and 54 Cummer Avenue

Location Description: CON 1 EY PT LOT 23 **GRID N2401

Project Description: The purpose of the Official Plan amendment application is to re-designate of a portion of the lands from *Neighbourhoods* to *Mixed Use Areas*.

| | | | |
|--------------------|--------------------|------------------------------|---------------|
| Applicant: | Agent: | Architect: | Owner: |
| GHODS BUILDERS INC | GHODS BUILDERS INC | KIRKOR ARCHITECTS & PLANNERS | |

PLANNING CONTROLS

| | | |
|----------------------------|---|----------------------------|
| Official Plan Designation: | Mixed Use Areas and Neighbourhoods | Site Specific Provision: Y |
| Zoning: | By-law 7625: C1(5) & R4 By-law 569-2103: RD(f15.0; a550)(x5) | Historical Status: |
| Height Limit (m): | 9.2 | Site Plan Control Area: Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|-----------|---------|-----------------|----------------------------|
| Site Area (sq. m): | 30054.24 | Height: | Storeys: | 43,31,29, 25,13, 2, 29, 18 |
| Frontage (m): | | | Metres: | |
| Depth (m): | | | | |
| Total Ground Floor Area (sq. m): | | | | Total |
| Total Residential GFA (sq. m): | | | Parking Spaces: | |
| Total Non-Residential GFA (sq. m): | | | Loading Docks | |
| Total GFA (sq. m): | 174039.42 | | | |
| Lot Coverage Ratio (%): | | | | |
| Floor Space Index: | 5.79 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | | |
|--------------|-------|----------------------------------|--------------------|--------------------|
| Tenure Type: | Condo | | Above Grade | Below Grade |
| Rooms: | | Residential GFA (sq. m): | | |
| Bachelor: | | Retail GFA (sq. m): | | |
| 1 Bedroom: | | Office GFA (sq. m): | | |
| 2 Bedroom: | | Industrial GFA (sq. m): | | |
| 3 + Bedroom: | | Institutional/Other GFA (sq. m): | | |
| Total Units: | 2108 | | | |