

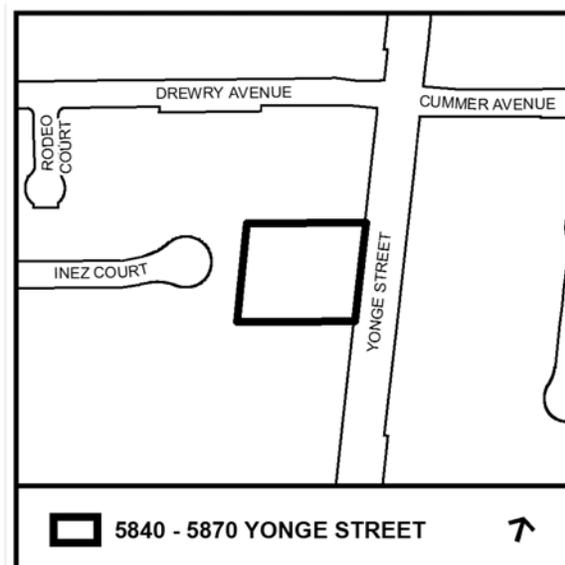
**5840, 5868 and 5870 Yonge Street - Official Plan  
Amendment and Zoning By-law Amendment  
Applications - Request for Direction Report**

<b>Date:</b>	August 28, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	16 109561 NNY 23 OZ

**SUMMARY**

This application proposes to amend the Official Plan and former City of North York Zoning By-law for the properties at 5840, 5868 and 5870 Yonge Street to permit a 29-storey (91.93 metre high) residential building that includes an L-shaped 8 to 12-storey base building. The proposed building would contain 518 residential dwelling units and 374 square metres of retail and service uses located on the ground floor. The applicant is proposing 477 parking spaces in a 4-level underground parking garage. In addition to the residential building, the application proposes a separate building fronting onto Yonge Street with a total area of 3,577.8 square metres that would contain a car dealership.

The owner appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A prehearing conference was held on April 21, 2017, a one day mediation session has been scheduled for September 26, 2017, and a 5 day hearing has been scheduled to commence on January 22, 2018.



The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City Staff, to attend the Ontario Municipal Board hearing to oppose the applications, as currently proposed by the applicant as staff have concerns with the development application in its current form, including the proposed density, height, lack of parkland dedication and site organization. This report also recommends that the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an effort to address the issues outlined in this report.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Official Plan and Zoning By-law Amendment applications in their current form for the lands located at 5840, 5868 and 5870 Yonge Street.
2. City staff continue discussions with the applicant to revise their proposal to address outstanding issues outlined in this report.
3. Should the Ontario Municipal Board approve the applications, City Council direct the City Solicitor to advise the Ontario Municipal Board that the Official Plan Amendment and Zoning By-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner and Executive Director, City Planning in consultation with the applicant and the Ward Councillor and as guided by the policies in the North York Centre Secondary Plan.
4. In the event that the Ontario Municipal Board allows the appeal of the Official Plan and Zoning By-law Amendment applications in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold 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 and Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor.
  - b. The City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning to secure community benefits pursuant to Section 37 of the Planning Act.

### **Financial Impact**

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

## **DECISION HISTORY**

### Yonge Street North Planning Study

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 requested City Planning staff to consult further with residents on an Implementation Plan that addresses a number of specific matters, to present historical traffic data and alternative low and mid-rise built form options, and to report to Community Council on the results of the community consultation prior to finalizing any draft Official Plan amendments:

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

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 approved by Council. Planning staff are currently preparing modifications to the implementation plan for further consultations.

### Consent Application

The North York Panel of the Committee of Adjustment approved Consent applications (File Nos. B072/14NY and B072/14NY) on February 19, 2015 to sever the west portion of 5840 Yonge Street and add it to 5868 – 5870 Yonge Street to form what is now shown in the subject development application as the property containing the residential development. The applications also proposed to sever a strip of land along the south side of 5868-5870 Yonge Street with a frontage of 9.77 metres and add it to the 5840 Yonge Street property to form a portion of what is now shown in the subject development application as the property containing the car dealership.

### Preliminary Report

A preliminary report was prepared for the April 5, 2016 agenda of the North York Community Council. A summary of the Community Council decision and amendments can be found below:

- adopt staff recommendations in the preliminary report, dated March 15, including expanding the notice area for the community consultation meeting;
- given that construction of a subway station at Yonge and Cummer/Drewry may be years away, in reviewing the application, direct that Planning staff be cognizant of

the potential timing of the construction of the proposed Cummer subway station as it relates to possible density on the site;

- in reviewing the application, direct that Planning staff be cognizant of the concerns and direction of North York Community Council with regard to the consultant's report on the Yonge Street North Planning Study and that neither this report nor the draft implementation plan presented to the community in May 2014 have been endorsed by North York Community Council or Council; and
- direct that Planning staff report to the North York Community Council and Council a minimum of three months prior to any Ontario Municipal Board prehearing or hearing.

The Preliminary Report and Community Council Decision are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY13.35>.

## **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant on October 22, 2015 to discuss complete application submission requirements and issues including, but not limited to height, density, and compliance with the Official Plan, North York Centre Secondary Plan policies and the City-wide Tall Building Design Guidelines.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant is proposing to amend the Official Plan and former City of North York Zoning By-law for 5840, 5868, and 5870 Yonge Street to permit a 29-storey (91.93 metre high) residential development that includes a tower above an L-shaped 8-storey (28.48 metre) to 12-storey (40.58 metre) base building. The proposed building would have retail and service uses along Yonge Street totalling 374 square metres. In addition, the proposal includes a separate 2-storey building on the southeast portion of the site that would contain a car dealership.

The proposed residential building and the car dealership are on separate properties and under separate ownership but are both part of the site subject to the development applications. The proposed residential development would be located at 5868-5870 Yonge Street and the car dealership would be located at 5840 Yonge Street. The applicant is proposing that the two properties be treated as one site for the purposes of density calculation.

The proposed base building would be 8 storeys and 28.48 metres in height at the northeast portion of the site. West of the tower, the proposed base building extends parallel to the west property line of the site in a north-south orientation. This portion of the base building is proposed to be 12 storeys and 40.58 metres in height.

The proposed base building is located approximately 5.53 metres from the north property line, 4.2 to 7 metres from the property line along Yonge Street, 5.5 metres from the west property line, and 1.14 metres from the property line of the proposed car dealership at 5840 Yonge Street. The 12-storey portion of the base building steps back above 8 storeys approximately 3 metres on the east and west sides, 1.5 metres on the north side, and 3.0 to 4.35 metres on the south side.

The proposed tower at 5868-5870 Yonge Street would be 91.93 metres in height (97.78 metres including the mechanical penthouse). It would be rectangular in shape with dimensions of approximately 45.5 metres in its east-west orientation and 17.4 metres in its north-south orientation. The typical tower floorplate size from floors 14 to 29 would be 746 square metres.

The tower would step back from the main wall of the 8 to 12-storey base building approximately 7.2 metres from the east (along Yonge Street), 0.5 to 2 metres from the south, 4.5 to 6 metres from the north, and 32 to 34 metres from the west.

The proposed tower is located approximately 10.3 metres from the north property line, 11.46 to 13.5 metres from the east property line along Yonge Street, 38 to 40 metres from the west property line and 1.6 metres from the property line of the proposed car dealership at 5840 Yonge Street.

Together, the proposed base building and tower contain 44,634 square metres of residential gross floor area including 518 residential dwelling units. The proposed unit mix includes 331 (64%) one-bedroom units, 132 (25%) two-bedroom units, and 55 (11%) three-bedroom units. The proposal also includes 374 square metres of non-residential uses on the ground floor.

The applicant is proposing 1,036 square metres, a ratio of 2 square metres per unit, of indoor amenity space located on the ground and 9<sup>th</sup> floors and 1,036 square metres, a ratio of 2 square metres per unit, of outdoor amenity area located adjacent to the 12-storey portion of the base building at ground level and on an 8<sup>th</sup> floor terrace.

The proposed building setback of approximately 4.2 to 7 metres from the property line along Yonge Street would provide a combined public boulevard and building setback of between approximately 9.5 metres to 12.0 metres from the building to the curb. The applicant is currently not proposing any pedestrian weather protection along Yonge Street.

Pedestrian access to the ground floor retail and service component of the building would be located along Yonge Street. The floor-to-ceiling height of the retail and service area would be 7 metres. Pedestrian access to the residential component of the building would be provided through an internal driveway where a residential lobby entrance would be located approximately half way between Yonge Street and the west property line.

Vehicles would access the residential building from Yonge Street at the northern portion of the site. The driveway would extend into the building and provide access to the ramp leading to a 4-level underground parking garage. The proposed parking garage would contain 477 parking spaces, including 54 visitor parking spaces and 3 retail parking spaces. The applicant is also proposing to locate 524 bicycle parking spaces in the underground parking garage including 52 visitor spaces and 5 spaces for the retail uses.

Two loading spaces are proposed to be located internal to the building on the ground floor. Garbage would be stored inside the building on the ground floor adjacent to the loading area.

In addition to the residential building, the proposal also includes a new building at 5840 Yonge Street that would contain a car dealership with a total floor area of 3,577.8 square metres. The proposed car dealership would be 11.5 metres in height (13.0 metres to the top of the elevator room). The car dealership is proposed to be located approximately 8.5 to 11.5 metres from the north property line of 5840 Yonge Street, between approximately 8.5 to 9.5 metres to the south property line, 5 metres from the east property line (Yonge Street) and approximately 18.5 to 24 metres from the west property line.

Vehicular access from Yonge Street to the car dealership is proposed to be separate from the residential building and located along the southern property line. The applicant is proposing 16 parking spaces and 2 loading spaces located outside the building in a surface parking lot west of the proposed car dealership.

The density of the proposed residential portion of the development is 8.83 times the site area of the property at 5868-5870 Yonge Street. The density of the proposed car dealership site is 1.3 times the site area of the property at 5840 Yonge Street. The total density of the proposal, including both the residential building and car dealership properties, is 6.19 times the site area.

The applicant has advised that the residential component of the development would be a condominium.

## **Site and Surrounding Area**

The subject lands are located on the west side of Yonge Street south of Drewry Avenue at 5840, 5868, and 5870 Yonge Street. The adjacent right-of-way of Yonge Street is 33 metres. The lands are generally flat and have an area of 7,851.31 square metres (1.94 acres). The site was occupied by three, 1-storey commercial buildings and associated surface parking. The buildings had a combined non-residential gross floor area of approximately 2,538.1 square metres. The building with the municipal address of 5868 Yonge Street has been demolished and is currently being used for vehicular parking. The building at 5840 Yonge is currently being used to sell pre-owned luxury automobiles and the building at 5870 Yonge Street appears to be vacant.

The subject lands are comprised of 2 separate properties under separate ownership. The proposed residential development would be located at 5868-5870 Yonge Street. This

property is L-shaped with approximately 30.81 metres of frontage on Yonge Street, a depth of approximately 97.4 metres and a site area of 5,096 square metres (1.26 acres). The proposed car dealership would be located at 5840 Yonge Street. This property is square shaped with 50.49 metres of frontage on Yonge Street, a depth of 54.9 metres and a site area of 2,754.1 square metres (0.68 acres).

North: Immediately north of the site is a 13-storey residential building. Further north is a 3-storey commercial/residential building at Yonge Street and Drewry Avenue.

South: South of the site is the 2-storey former Toronto Hydro building and hydro corridor.

East: 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 appealed to the Ontario Municipal Board, a settlement was approved by City Council and this settlement was subsequently endorsed by the Ontario Municipal Board. The proposal is for a mixed use development consisting of 4 towers at 28, 34, 36, and 37-storeys in height, a new municipal road, and a public park, with a density of 4.09 times the area of the lot (File Nos. 11 287471 NNY 24 OZ and 11 287481 NNY 24 SB). South of the Newtonbrook Plaza lands there is a 22-storey apartment building and a 24-storey apartment building.

West: Immediately west of the subject site are low-rise residential houses on Inez Court which are subject to a development application (File No. 08 145788 NYY 28 OZ). At their meeting on April 1, 2014 City Council endorsed a proposed Ontario Municipal Board settlement to permit a proposal for two residential towers at 11 and 29-storeys, the extension of Beecroft Road, as well as a public park. A revised rezoning application to implement the proposed settlement has not yet been submitted.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (GGH) (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff reviewed the proposed development for consistency with the Provincial Policy Statement (2014) and for conformity with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Official Plan**

The City of Toronto's Official Plan contains a number of policies that were considered in the review of the proposed development application including the following:

### **Chapter 2 – Shaping the City**

#### **Section 2.2.2: Centres: Vital Mixed Use Communities**

The site is located within the North York Centre on Map 2 – Urban Structure in the Official Plan. Section 2.2.2 identifies the importance of the Centres in accommodating employment and residential growth. It identifies the importance of building a high quality public realm featuring public squares and parks, community gardens, public art, and a comfortable environment for pedestrians and cyclists, to attracting businesses, workers, residents and shoppers. It also prescribes that a Secondary Plan be in place to outline a growth strategy, show how transportation and other local amenities can be improved, specify variations in the mix of land uses and intensity of activities within each of the Centres and knit each Centre into the surrounding fabric of the City.

### **Chapter 3 – Built Form**

#### **Section 3.1.1: 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.

#### **Section 3.1.3: Built Form – Tall Buildings**

The proposed residential development is considered a Tall Building. The Official Plan 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. Tall building proposals will have to address key urban design considerations, 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.

## **Chapter 4 - Land Use Designation**

### **Section 4.5 Mixed Use Areas**

The subject site is designated *Mixed Use Areas* on Land Use Plan Map 16 in the Official Plan. *Mixed Use Areas* are intended to include a broad range commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is required to:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependence and meets the needs of the local community;
- be located and massed to provide a transition between areas of different development intensity and scale;
- frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space;
- provide attractive and safe pedestrian environments and take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for both residents and visitors;
- have access to schools, parks, community centres, libraries, and child care;
- locate and screen service areas, ramps, and garbage storage in developments to minimize the impact on adjacent streets and residents; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential building.

## **Chapter 6 – Secondary Plans – North York Centre Secondary Plan**

The subject site is also subject to the North York Centre Secondary Plan. Located in the North York Centre North portion of the Secondary Plan, the lands are designated '*Mixed Use Area G*' which permits commercial uses, institutional uses that are not predominantly offices, residential uses, public parks, and recreational uses. Commercial uses are limited to 20% of the gross floor area on the site. A density of 2.0 times the area of the lot is

permitted plus any available density incentives up to an additional 33% of the total gross floor area or a total maximum potential density of 2.66 times the site area.

The maximum permitted height on the site is 87 metres. Site-specific increases in height limits are discouraged by the Secondary Plan, however are possible where an improved built form is provided, there are no appreciable impacts on stable residential areas, and where the proposal meets the urban design objectives of the North York Centre Secondary Plan.

The North York Centre Secondary Plan also contains built form and urban design policies that require:

- a transition from Yonge Street to neighbouring residential areas through a decrease in height and building mass;
- building setbacks and a build-to line of approximately 4 metres from the Yonge Street property line;
- ground floor retail and commercial uses that animate Yonge Street;
- a building streetwall height of between 8 and 25 metres along Yonge Street; and
- a further building setback of approximately 10 metres for the portions of buildings higher than the streetwall height for approximately two-thirds of the street frontage of the lot.

The secondary plan identifies a park and/or privately-owned publicly accessible open space along the southern portion of this site that would connect Mullet Drive in the east to the planned extension of Beecroft Road west of the site, including pedestrian connections to Yonge Street. The Secondary Plan also identifies the subject lands as a potential location for public art.

## **Zoning**

The property at 5868-5870 Yonge Street is zoned C1 and the property at 5840 Yonge Street is zoned C1 (5) – General Commercial Zone 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 maximum lot coverage for a residential building other than a single family dwelling is 35%. For all other buildings, the maximum lot coverage is 33.3%. The maximum height permitted in the C1 and C1(5) zones is the lesser of 9.2 metres or three storeys. This site is not subject to City-Wide Zoning By-law 569-2013.

## **Site Plan Control**

The proposed development is subject to Site Plan Approval. A Site Plan Control application has not been submitted.

## **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://www.toronto.ca/planning/tallbuildingdesign.htm>

## **Yonge Street North Planning Study**

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>.

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: <https://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.

## **Tree Preservation**

There are 19 trees subject to the City's tree protection by-laws located on the site or within 6 metres of the site boundary. A total of 5 trees are proposed to be removed. All of the trees proposed to be removed are on private property.

Tree Preservation and Landscape Plans have been submitted with the application and circulated to the City's Urban Forestry staff for their review.

## **Reasons for the Application**

An Official Plan amendment application has been submitted to amend the North York Centre Secondary Plan to increase the maximum permitted building height from 87 metres to 91.78 metres (97.78 metres including mechanical penthouse) and to increase the maximum permitted base density from 2.0 (2.66 with incentives) to 6.19 times the combined site area. This proposed density of 6.19 times the site area includes the potential provision of density incentives for matters such as street related retail,

residential interior amenity space and bicycle parking. The zoning by-law amendment is proposed to change the zoning designation from C1 to RM6 on the L-shaped portion of the site, which is approximately 5073.37 square metres, in order to permit the proposed residential building, increase the permitted building height from 9.2 metres or three storeys to 91.78 metres and 29-storeys, and establish the appropriate development standards. The proposed car dealership is permitted at 5840 Yonge Street; however a Preliminary Project Review (PPR) has not been applied for by the applicant to identify any zoning deficiencies. The applicant has indicated in their planning rationale that a minor shift of the C1(5) zone boundary to the north may be required. The applicant has also indicated in the planning rationale that they intend to implement the car dealership by way of a separate site plan application, at which time any relief from the in-force zoning may be adjusted by way of minor variance.

## **Community Consultation**

Staff held a community consultation meeting on May 26, 2016 to present the proposal to the public. Approximately 30 members of the public attended the community meeting. The members of the community were predominantly opposed to the proposal and raised a number of concerns. These concerns include:

- the proposed building is too tall and too dense;
- the existing infrastructure in the North York Centre is inadequate to handle the proposed height and density of this development proposal;
- the proposal will generate additional traffic in an area where heavy congestion already exists;
- two access/egress points to service the proposal will cause additional traffic conflicts along Yonge Street;
- lack of alternate roads to alleviate congestion along Yonge Street;
- interface between the existing apartment to the north and the proposed development is not acceptable, including building setback, sun/shadow impacts, blocked views, loss of sky view and privacy impacts; and
- lack of new services, such as new schools, parks, green spaces, pedestrian areas, safe bicycle lanes, and rapid transportation to support this and other developments.

## **Agency Circulation**

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

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise 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 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 Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans." Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

Section 1, Policy 1.1.1 (g) of the PPS states that "healthy, liveable and safe communities are sustained by ensuring the necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs." The North York Centre Secondary Plan has identified long range development levels for residential and non-residential gross floor area and other policies to ensure that the North York Centre has the necessary infrastructure to meet current and projected needs.

Staff are of the opinion that the proposed level of development is considered an over-development of the site and does not conform to the policies of the City's Official Plan therefore making the proposed development application not consistent with the Provincial Policy Statement (2014).

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe. Section 5.2.4 Growth Forecasts, Policy 5 states that "within delineated built-up areas, municipalities may plan for development beyond the horizon of this Plan for strategic growth areas that are delineated in official plans and subject to minimum targets, provided that:

- a) integrated planning for infrastructure and public service facilities would ensure that the development does not exceed existing or planned capacity;
- b) the type and scale of built form for the development would be contextually appropriate; and
- c) the development would support the achievement of complete communities, including a diverse mix of land uses and sufficient open space.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. Official plans provide clear,

reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the Downtown, Centres, Avenues and Employment Areas. More specifically, the North York Centre Secondary Plan establishes height and density targets and identifies transportation capacity and long range development levels which will manage development within the North York Centre and ensure that development does not exceed the existing or planned capacity of the area. The applicant's development proposal significantly exceeds these targets, especially with the proposed density and will have a negative effect on the existing and future capacity of the North York Centre and associated infrastructure. Although intensification is encouraged on this site, the proposal in its current form is considered an over-development of the site and does not comply with the Official Plan.

The North York Centre Secondary Plan identifies the subject lands as an area where taller built form can be accommodated. The development application proposes a height of 29 storeys (91.78 metres, 97.78 metres including the mechanical penthouse) with an overall floor space index of 8.83 times the site area, or 6.19 times the combined site area. This height and density represents significant intensification and overdevelopment of the lands. The scale of intensification and built form proposed is not anticipated in the North York Centre Secondary Plan or the draft Yonge Street North Planning Study. The type and scale of built form for the development would not be contextually appropriate in the North York Centre.

The proposed development would also not support the achievement of a complete community, as the proposal does not provide sufficient open space, including parkland on site, and no corresponding social infrastructure such as a community facility is proposed to support the development.

Staff are of the opinion that the proposed development application does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe (2017).

## **Land Use**

The site is designated *Mixed Use Areas* on Land Use Plan Map 16 in the City's Official Plan. Within *Mixed Use Areas* a broad range of uses are encouraged, providing opportunities to live, work and shop within the same area. *Mixed Use Areas* are anticipated to accommodate growth with new service, employment and residential uses all locating in a manner that is appropriate to their surrounding contexts, with adequate transportation and infrastructure servicing. The application proposes a mixed-use building with retail and residential uses and a separate car dealership. The *Mixed Use Areas* designation on the site provides for these uses. Policy 2.2.3 (c) of the North York Centre Secondary Plan states that "the total of all commercial uses on the site or a portion of a site in *Mixed Use Area G* will not exceed 20 percent of the maximum permitted gross floor area on the site or a portion of the site designated *Mixed Use Area G*." Given the amount of density that is proposed, there is a concern with the limited amount of retail that is proposed on the combined site area. The current use mix proposed on the

combined site is 8.2% commercial uses and 91.8% residential uses. The proposed use mix is not distributed appropriately on the subject lands because the proposed mixed use building is squeezed onto an L-shaped site that does not provide enough frontage onto Yonge Street to reach the maximum 20 percent of commercial uses in the North York Centre Secondary Plan policies and to appropriately animate Yonge Street.

### **Site Organization and Residential Mixed Use Building Relationship to Car Dealership Building**

The proposal is comprised of two distinct uses on two separate properties with no integration of uses, access/egress, and servicing. One of the key policies of *Mixed Use Areas* in a Centre is the integration of such uses. The applicant has indicated in previous discussions that the integration of the uses is not possible because of requirements within the Ontario Building Code and the service component of the proposed car dealership. The non-integration of uses on a *Mixed Use Areas* site in a Centre, the multiple access/egress points, and the separate servicing areas proposed for the development is not consistent with the objectives of the City's Official Plan and the North York Centre Secondary Plan policies.

One of the goals in the North York Centre Secondary Plan is to create a continuous retail promenade along Yonge Street. The residential building is located in an L-shape, wrapping around the proposed car dealership and is setback from Yonge Street. It does not frame or animate the street and the development proposal introduces multiple curb cuts which are potentially hazardous to pedestrians and cyclists. The proposed residential mixed use building is squeezed into an L-shaped parcel with approximately 30.81 metres of frontage along Yonge Street. The majority of the property frontage is occupied by the proposed car dealership. This type of use does not typically lend itself to animate a street as it is primarily automobile oriented. The residential mixed use building is not oriented, located or massed to frame the edge of Yonge Street at a scale discussed within the policies of the North York Centre Secondary Plan. Further, the principal building entrance for the residential mixed use building does not front or animate Yonge Street which is an objective of the North York Centre Secondary Plan. There are a number of issues with the height, massing and density of the proposed development and the organization and fit of the proposed buildings on the subject lands. The proposal in its current form is not an appropriate form of development for this site in this location.

### **Possible Future Residential Re-development of the Car Dealership Site**

The density of the proposed residential mixed use portion of the development is 8.83 times the site area of the property at 5868-5870 Yonge Street. The density of the proposed car dealership site is 1.3 times the site area of the property at 5840 Yonge Street. The total density of the proposal, including both the mixed use residential building and car dealership properties, is 6.19 times the site area. The applicant is suggesting that the site be considered as one site even though the proposal is two distinct and unrelated projects on two separate properties for density calculation purposes. Although an Official Plan and zoning by-law amendment application would be required

for a future residential mixed use project on the car dealership site, planning staff are concerned that would result in the redevelopment of residential uses at the car dealership property and the height, massing and density impacts associated with that potential. The possibility of the car dealership site redeveloping in the future should be thought about comprehensively in the context of this development application. For example, the separation distance of the proposed car dealership to the northerly proposed residential building is approximately 10.21 metres. A future proposed residential condominium tower on the car dealership site would not meet the City-wide Tall Building Design Guideline minimum of a 25 metre separation distance between towers. Additional issues of concern with the future redevelopment potential of the car dealership site are, but not limited to, height, density, separation distances, parkland dedication, and compliance with the North York Centre Secondary Plan policies and the City-wide Tall Building Design Guidelines. A comprehensive redesign of the entire combined site is necessary as the proposed development is set up to fail as a future comprehensive development.

### **Proposed Density**

Policy 3.1.2.1 (Built Form) of the City's Official Plan states that "new development will be located and organized to fit with its existing and/or planned context." Density aspects of the new development will be assessed on the basis of the Plan's policies, including Secondary Plans and site and area specific policies. The applicant's proposed density for the development does not appropriately respond to the North York Centre's Secondary Plan policies. The development proposal does not fit within its existing and/or planned context as it would be the most dense development in the North York Centre North Secondary Plan area and may have negative implications on the North York Centre's infrastructure system to support existing and future development.

Planning staff have significant concerns with the proposed density of the development application. The proposal is inconsistent with the North York Centre Secondary Plan in a number of ways, including maximum permitted density. A density of 2.0 times the area of the lot is permitted plus any available density incentives up to an additional 33% of the total gross floor area or a total maximum potential density of 2.66 times the site area. Commercial uses are limited to 20% of the gross floor area of the site. The density of the proposed residential mixed use portion of the development is 8.83 times the site area of the property at 5868-5870 Yonge Street. The density of the proposed car dealership site is 1.3 times the site area of the property at 5840 Yonge Street. The total density of the proposal, including both the residential mixed use building and car dealership properties, is 6.19 times the site area. Even when the density is applied over the two properties it represents a significant overdevelopment and intensification of the subject lands. The densities in the North York Centre North Secondary Plan range from 1.5 to 5.0 times the site area. The 5.0 times density is located at the north-west corner of Yonge Street and Finch Avenue on the Yonge subway line. The property is known as the North American Centre and is primarily an office development on a large site that is on the intersection two major arterial roads and it is well served by public transit. The highest permitted primarily residential density in the area is at the Newtonbrook Plaza, which is 4.09 times the site area, with incentives. However, this was a comprehensively planned proposal

including a future below grade subway connection, a public road network, an on-site parkland dedication, affordable housing, office replacement, as well as a community facility that includes a full height gymnasium and a daycare.

Located immediately to the west of the subject site is the proposed Inez Court development. This development application is an assembly of 20 single family lots on Inez Court, with access provided through a proposed municipal road connecting to Drewry Avenue. This includes an extension of Beecroft Road, which is the continuation of the west service road identified in the North York Centre Secondary Plan. This application was appealed to the Ontario Municipal Board and a revised settlement proposal was endorsed by City Council on August 25, 2014. The adopted settlement has not been approved by the Ontario Municipal Board. However, the settlement reached between the applicant and the City proposes two towers of 11 and 29-storeys on the east portion of the site and the lands west of the Beecroft Road extension are proposed to be dedicated to the City for parks purposes. The proposed density is 2.3 times the site area. This proposed density with incentives is within the North York Centre Secondary Plan density limits with incentives of 2.66 times the site area on the eastern portion of the site.

The proposed development and specifically the amount of density proposed does not respond to the North York Centre North existing and planned context.

Policy 1.10 of the North York Centre Secondary Plan states that the "distribution of densities assigned in the North York Centre will be strictly maintained to ensure that: appropriate redevelopment takes place; redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation; and the built form of redevelopment is compatible with the abutting stable residential community." The development application proposes a major increase in density in the North York Centre Secondary Plan. This proposed increase in density may have a negative impact on the sewer system and the area road network. The applicant has not demonstrated that the density can be supported by sewer and transportation infrastructure.

Policy 1.14 of the Secondary Plan states that "the numeric limits contained in this Secondary Plan with respect to density, and the limits respecting height, will nonetheless be considered to be absolute." The policies of the North York Centre Secondary Plan do not provide the flexibility for the proposed increase in density so that infrastructure capacity and the transportation network within the North York Centre can be adequately maintained. This proposed increase in density, if it were approved, would have precedent implications for the Yonge Street corridor in terms of massing impacts, servicing and transportation capacity. The applicant has not undertaken a comprehensive analysis to justify the development proposal.

### **Building Height, Massing and Scale**

The applicant is proposing a 29-storey tower on an 8 to 12-storey base building. The planned context within the North York Centre North Secondary Plan area is evolving. The secondary plan now includes a number of buildings within this height range. On the

east side of Yonge Street, at the Newtonbrook Plaza, the planned context now includes four towers at 28, 34, 36, and 37-storeys in height. Immediately east of the subject site, the development proposal at Inez Court includes two towers of 11 and 29-storeys in height.

Section 3.1.2.3 (e) of the City's Official Plan states that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas." The proposed mixed use residential portion of the development is located too close to the existing 13-storey apartment building to the north. The 8 to 12-storey portion of the building is located approximately 5.5 metres from the property line to the north. Along with overlook, privacy, sky view, and future redevelopment options impacts, this proposed northerly setback by this slab type residential mixed use building would have unacceptable sun/shadow impacts on the apartment building to the north during the spring and fall equinoxes generally from 11:18am to 4:18pm. Even during the summer months, when the sun is at its highest, this proposed building design and location would have sun/shadow impacts on the existing apartment building from approximately 11:18am to 3:18pm.

Policy 5.4.2 of the North York Centre Secondary Plan states that "site-specific amendments to the height limits shown on Map 8-8 of the Secondary Plan are discouraged. When considering an application for such an amendment, the City will be satisfied that the contemplated increase in height: is necessary to provide for desirable flexibility in built form; would have no appreciable impact on the residential amenity of properties within the stable residential area defined in Section 1.17 of the Secondary Plan; and meets the urban design objectives of Section 5, whereupon the provisions of Section 1.14 of the Secondary Plan will be deemed to be satisfied. Nothing within the Secondary Plan will be interpreted or applied as to encourage, facilitate or justify any increase in density beyond the limits specified in Section 3 of the North York Centre Secondary Plan." The proposed development application currently does not meet the criteria in the North York Centre Secondary Plan to contemplate an increase in height.

### **Yonge Street North Planning Study**

A preliminary report on this application was prepared for the April 5, 2016 agenda of the North York Community Council. At this Community Council meeting amendments were made to staff recommendations. Two of these amendments include direction to staff. This direction is as follows:

- given that construction of a subway station at Yonge and Cummer/Drewry may be years away, in reviewing the application, direct that Planning staff be cognizant of the potential timing of the construction of the proposed Cummer subway station as it relates to possible density on the site; and

- in reviewing the application, direct that Planning staff be cognizant of the concerns and direction of North York Community Council with regard to the consultant's report on the Yonge Street North Planning Study and that neither this report nor the draft implementation plan presented to the community in May 2014 have been endorsed by North York Community Council or Council.

A final implementation plan for the Yonge Street North Planning Study has not yet been approved by Council. Planning staff are in the process of preparing modifications to the implementation plan for further consultations. The density and height direction from the Yonge Street North Draft Implementation Plan, dated May 21, 2014, is that the permitted density on the lands be increased from a base of 2.0 times the site area to a base of 3.75 times the site area. The maximum height limit on the subject lands was also proposed to be increased from 87 metres to 125 metres. The density increase is based on the construction of a subway station at Yonge and Cummer/Drewry Avenues. As stated above in the direction from Community Council, this subway station is years away, and no funding has been confirmed for construction. The directions emerging from the Yonge Street North Planning Study have no status. The applicant's development proposal falls within this proposed maximum height limit but the density proposed by the development proposal is significantly higher than the proposed permissions that have not been approved by Council.

### **Ontario Municipal Board Pre-Hearing**

A pre-hearing was held at the Ontario Municipal Board on April 21, 2017. At this pre-hearing parties and participants were identified and a date was set for a five day hearing commencing on Monday, January 22, 2018. The Ontario Municipal Board subsequently also scheduled a day for mediation. This mediation session is scheduled for September 26, 2017.

### **Transportation Infrastructure and Traffic Certification**

To support development in the North York Centre a supporting transportation system is required. Policy 4.3 of the North York Centre Secondary Plan speaks to Transportation Capacity and Long Range Development Levels. This policy states that "development of the North York Centre will be managed within the capacity of the existing and planned transportation system." Further to this, Policy 4.3(b) states that "no zoning by-law or holding by-law may be enacted that would permit either the residential or non-residential gross floor area levels specified in the Long Range Development Levels Figure in the North York Centre Secondary Plan to be exceeded." A traffic impact assessment was submitted for review but is missing the necessary information for Transportation Services staff to come to a conclusion. This information is required to determine if the long range development levels have been exceeded and if the transportation infrastructure in the North York Centre is adequate enough to accommodate the applicant's proposal. A revised traffic study which includes information on all background developments is required for review and to determine whether the proposed development falls within the capacity of the existing and planned transportation system.

Policy 4.8.1 of the North York Centre Secondary Plan states that in order for rezonings for developments of more than 5,000 square metres of total floor space (including transfers and incentives) to be approved, a qualified professional must attest in an acceptable traffic certification and in accordance with the policies of the North York Centre Secondary Plan and associated appendices and guidelines that the auto traffic resulting from occupancy of the proposed development will not significantly contribute to reducing the level of service on nearby arterial roads; the project can be accommodated by the existing and planned transportation infrastructure, taking into account all existing developments and zoned developments approved but not yet constructed or fully occupied in the North York Centre; the project will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise, dust and fumes for nearby residential communities; the project provides enough parking so that the building's occupants and visitors will be unlikely to disrupt off-site roadways and unaffiliated parking areas; and the site layout provides adequately for the movement needs of visiting pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties.

Policy 4.8.2 of the North York Centre Secondary Plan states that “the theoretical capacity provided by major improvements to the roads and transit networks that may be identified in the future will be excluded when undertaking the certification required by Policy 4.8.1 until all necessary approvals have been secured and timing of construction assigned.

The required traffic certification has not been submitted by the applicant for review and comment to the City's Transportation Services and Transportation Planning staff.

The proposed residential mixed use and car dealership development introduces multiple buildings and multiple curb cuts along Yonge Street. The two driveways proposed should be consolidated as these multiple curb cuts increases the vehicular traffic crossing Yonge Street thereby introducing potentially dangerous conflicts with pedestrians and cyclists.

### **TTC Line 1 Expansion**

In accordance with Map 4 of the Official Plan, the Metrolinx Regional Transit Plan (RTP) puts the Yonge Subway Extension as a top priority in the next 15 years. In 2008, the Regional Municipality of York along with the Toronto Transit Commission (TTC) and the City of Toronto, as co-proponents, led the functional planning and the Transit Project Assessment Process (TPAP) for the 6.8 kilometre subway extension to Richmond Hill Centre with six new stations including one at Cummer and Drewry Avenues. The TPAP for the subway extension was approved in 2009 and the Conceptual Design Study was approved by the TTC and York Region in 2012. In 2016, the Province of Ontario committed \$55 million and the Government of Canada committed an additional \$36 million in June 2017 to advance design work to 15 percent. Engineering and construction of the subway extension will take approximately 10 years, and during this preliminary engineering a more detailed schedule will be confirmed. Presently, there is no funding secured for the construction of the Yonge subway extension. Additional information on

the project is available at:

[http://www.metrolinx.com/en/news/announcements/201610\\_Yonge\\_North\\_Subway.aspx](http://www.metrolinx.com/en/news/announcements/201610_Yonge_North_Subway.aspx)

## **North York Centre Secondary Plan Urban Design Policies**

There are many urban design policies within the North York Centre Secondary Plan that apply to the proposed development and staff have a number of concerns. Some of these policies and concerns are outlined below:

- Policy 5.1 (d) (ii) of the General Urban Design Objectives of the North York Centre Secondary Plan states that "on all streets in the North York Centre continuous building frontages will be encouraged."
- Policy 5.1 (d) (iii) states that "height limits adjacent to the streets should establish a comfortable human scale and create a sense of spatial containment."
- Policy 5.3.2 (c) relating specifically to Yonge Street states that "all buildings will be set back approximately 4 metres from the property line adjacent to Yonge Street in order to create a publicly accessible boulevard approximately 10 metres in width from the roadway. This setback will also establish a build-to line to ensure a continuous building façade."
- Policy 5.3.2 (h) states that "in order to achieve a pedestrian-scale street wall condition along Yonge Street, any buildings within 10 metres of the build-to line are required to be constructed between 8 metres and 25 metres in height."
  - Along approximately two-thirds of the street frontage of the lot, higher buildings will be set back 10 metres above that height.
  - Along approximately one-third of the street frontage of the lot, higher buildings may be located to the street frontage provided they have a setback or an architectural treatment such as a cornice at the approximate height of the adjacent lower portion of the building so that the lower portion is delineated from the higher portion of the building.
  - This height limitation may extend for some depth along the side streets away from Yonge Street.

The proposed heights of the 8 to 12-storey base building do not establish a comfortable human scale along Yonge Street as the proposed residential building exceeds the 8 to 25 metre height requirement in the North York Centre Secondary Plan. This height restriction for the base building assists in establishing a comfortable relationship between a person and the adjacent building as they walk along Yonge Street. The 8 storey portion of the proposed base building is 28.48 metres in height and to the top of the 12 storey portion of the base building is 40.58 metres. In addition to not providing a comfortable human scaled environment in terms of building height, the proposal introduces multiple

buildings and multiple curb cuts along Yonge Street breaking up the façade and thus not creating a continuous building frontage that is consistent with the objectives of the North York Centre Secondary Plan. These multiple curb cuts increases the vehicular traffic crossing Yonge Street thereby introducing potentially dangerous conflicts with pedestrians and cyclists.

Surface parking is proposed to the rear of the car dealership. It would be visible from Yonge Street via the two proposed driveways. Policy 5.3.2 (i) states that "surface parking will not be permitted in any required building setback adjacent to Yonge Street." While surface parking is not within the required building setback, it is clearly visible from the Yonge Street frontage. It is not a use that animates the street. Policy 5.3.2 (b) of the North York Centre Secondary Plan states that "retail commercial and other uses that provide pedestrian oriented animation of the street and reflect the primacy of Yonge Street as the spine of the North York Centre are encouraged along Yonge Street on the ground floor with entrances at grade."

The organization of the proposed mixed use residential building and the car dealership on the subject property does not address the policies in the North York Centre Secondary Plan.

Policy 5.1 (h) of the North York Centre Secondary Plan speaks to public art being encouraged on privately owned lands as part of redevelopment projects. The applicant has not proposed any type of public art.

Policies 5.6.5 of the North York Centre Secondary Plan speak about pedestrian comfort. Specifically, policy 5.6.5 (e) states that "the incorporation of cantilevers, arcades, canopies, awnings or similar features into a proposed development is encouraged, in order to provide for greater pedestrian comfort and weather sheltered surface pedestrian routes, as well as to provide interest and variety to the streetscape." The proposed building façade is broken up into multiple buildings that do not include pedestrian weather protection.

### **City-Wide Tall Building Design Guidelines**

On May 8, 2013, City Council adopted the updated city-wide Tall Building Guidelines. The Guidelines integrate and build upon previous Council-adopted tall building guidelines and establish a unified set of performance measures for the evaluation of all tall building development applications city-wide. Some of these guidelines and the concerns City staff have with the proposal are outlined below:

Section 1.1, Context Analysis requires the applicant to "evaluate the existing and planned context and demonstrate how the proposed tall building responds to the patterns, opportunities, and challenges within the surrounding area." The applicant's density for the proposed residential portion of the development is 8.83 times the site area of the property at 5868-5870 Yonge Street. The density of the proposed car dealership site is 1.3 times the site area of the property at 5840 Yonge Street. The combined total density

of the proposal, including both the residential building and car dealership properties, is 6.19 times the site area. This combination of height and density does not respond to the existing or planned pattern of development for the surrounding area which is characterized by densities ranging from 1.5 to 5.0 times the site area. The result is an overdevelopment of the site which is reflected in the massing of the project. The proposed tower is situated on top of an oversized base building ranging in height from 8 to 12-storeys. The result is a residential mixed use building that is squeezed into an L-shaped property that surrounds a proposed car dealership.

Section 2.1, Building Placement requires the applicant to "locate the base of tall buildings to frame the edges of streets, parks, and open spaces, reinforce corners, and to fit harmoniously within the existing context." Only a small portion of the proposed mixed use building frames the edge of Yonge Street. The rest of the mixed use building is set well back on the site. The proposed building placement does not respond to the guideline.

Section 2.2, Building Address and Entrances requires the applicant to "organize tall buildings to use existing or new public streets for address and building entrances. Ensure primary building entrances front onto public streets, are well-defined, clearly visible, and universally accessible from the adjacent public sidewalk." The primary building entrance for the residential portion of the building is set back approximately 58.56 metres from Yonge Street and is not clearly visible from the public street.

Section 2.4, Publicly Accessible Open Space requires the applicant to "provide grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space. A parkland dedication has not been proposed by the applicant, nor has any publicly accessible open space. The majority of the site is hard surface, and a large portion is covered by surface parking to service the proposed car dealership.

Section 3.1.1, Base Building Scale and Height requires the applicant to "design the base building to fit harmoniously within the existing context of neighbouring building heights at the street and to respect the scale and proportion of adjacent streets, parks, and public or private open space. Similar to the North York Centre Secondary Plan, the City of Toronto City-wide Tall Building Guidelines states that the base building height shall be a maximum of 80% of the right-of-way to a maximum of 24 metres. The right-of-way width of Yonge Street in this location is 33 metres as shown on Map 3 of the City's Official Plan. Eighty percent of the right-of-way width of Yonge Street is 26.4 metres. The 8 storey portion of the base building is 28.48 metres in height and to the top of the 12 storey portion of the base building it is 40.58 metres. This exceeds the recommendation in the City's Tall Buildings Guidelines to create a human scaled, comfortable streetscape environment along Yonge Street.

Section 3.1.2, Street Animation requires the applicant to "line the base building with active, grade-related uses to promote a safe and animated public realm." The proposed mixed use building does not establish a continuous building frontage along the street nor

does it provide a comfortable human scale environment along Yonge Street. Only a small portion of the residential mixed use building is proposed to front Yonge Street with retail uses at grade. The rest of the frontage is lined with multiple curb cuts and a car dealership. This does not promote a safe and animated public realm along Yonge Street.

Section 4.4, Pedestrian Weather Protection requires the applicant to "ensure weather protection elements, such as overhangs and canopies, are well-integrated into the building design, carefully designed and scaled to support the street, and positioned to maximize function and pedestrian comfort." The applicant is not proposing any pedestrian realm weather protection along Yonge Street to support pedestrian comfort.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition area, as per Chapter 415, Article III of the Toronto Municipal Code.

The proposal is for 518 residential units and 374 square metres of non-residential uses within a 29 storey building, in addition to a commercial building containing a 3,577.8 square metre car dealership.

At the alternate rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 6,907 square metres or 88% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 734 square metres or 9.35% of the net site area.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. Further discussion is required pertaining to the specific configuration and location of the on-site parkland dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan.

Map 8-9a, North York Centre North Conceptual Parks and Open Space Plan of the North York Centre Secondary Plan identifies a park and/or privately-owned publicly accessible open space (POPS) along the southern portion of this site that would connect Mullet Drive in the east to the planned extension of Beecroft Road west of the site. In addition to the parkland dedication, City staff will be looking for opportunities to secure this east-west connection.

No parkland dedication, POPS, or east-west connection has been proposed which are additional concerns with the proposed development application.

## **Servicing Issues**

Section 2.2.5 of the Official Plan speaks to the City's water, wastewater and stormwater management infrastructure being maintained and developed by providing adequate facilities to support new development and encouraging and implementing measures which reduce wastewater and stormwater flows, in accordance with best management practices developed by the City for this purpose.

Policy 8.14 of the North York Centre Secondary Plan states that "the North York Centre is served by local and sub-trunk sewers that drain onto the Don Trunk Sewers. Capacity constraints currently exist within the Trunk Sewer System. Interim sewer capacity has been allocated to the North York Centre, and plans are proceeding for additional long term capacity. In order to ensure that development does not exceed interim capacity allocations, any application for rezoning may be refused as premature if it cannot be demonstrated that needed capacity in the sewer infrastructure can be provided upon occupancy."

A Functional Servicing and Stage 1 Stormwater Management Report has been submitted to Engineering and Construction Services staff for review and comment. A number of comments for resolution have been provided to the applicant and engineer, including the need for a hydrogeological report. With respect to capacity, the sanitary analysis is to include a number of technical drawings and information so that Engineering and Construction Services staff can determine if the existing system can accommodate the design flows in the drainage system without causing flooding upstream or downstream of this location or cause flows to exit the system, as surcharging conditions would not be acceptable.

## **Section 37**

Section 37 of the Planning Act enables the City to pass a zoning by-law to grant a height and/or a density increase for a proposal that is greater than the zoning by-law would otherwise permit in return for community benefits. Section 37 may be used for development with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height.

Under the current proposal Section 37 policies would apply as the development contemplates a total gross floor area of 48,585.8 square metres and a maximum building height of 97.78 metres to the top of the mechanical penthouse or 29 storeys.

Section 10.5 of the North York Centre Secondary Plan states that "Council will require, as a condition of approval, the entering into an agreement concerning the transfer of density described in Section 3.4 and the provision of matters qualifying for incentives described in Section 3.3. The provisions of the Secondary Plan pertaining to Section 37 will prevail over the policies embodied in Section 5.1.1 of the Official Plan. The policies of the Official Plan are not to be interpreted as encouraging site specific amendments that

exceed the height and density limits of the prevailing North York Centre Secondary Plan."

Since the proposal is not considered appropriate in its current form, and does not constitute good planning, discussions with the applicant about the nature and amount of community benefits have not taken place. In the event that the Ontario Municipal Board approves the proposed development, this report recommends that the Ontario Municipal Board not approve the zoning by-law without the provisions of such community benefits as may be considered appropriate in the opinion of the Chief Planner in consultation with the applicant and the Ward Councillor and as guided by the policies in the North York Centre Secondary Plan. Should the proposal be improved to address the issues in this report, City staff will undertake discussions with the applicant regarding appropriate Section 37 community benefits.

## **Conclusion**

The applicant's proposed Official Plan and Zoning By-law amendments propose changes that are a significant departure from the Official Plan and the North York Centre Secondary Plan. The applicant has appealed the Official Plan and Zoning By-law amendments citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. The applicant is proposing site density and heights significantly higher than envisioned in the North York Centre Secondary Plan.

The proposed development constitutes an overdevelopment of the site and does not respect the City's Official Plan policies, the North York Centre Secondary Plan policies, the draft Yonge Street North Planning Study, the City-wide Tall Building Design Guidelines, or the existing and planned context of the area. The applicant's density for the proposed residential portion of the development is 8.83 times the site area of the property at 5868-5870 Yonge Street. The density of the proposed car dealership site is 1.3 times the site area of the property at 5840 Yonge Street. The combined total density of the proposal, including both the residential mixed use building and car dealership properties, is 6.19 times the site area. Even when the density is applied over the two properties it represents an overdevelopment of the subject lands which may have an effect on the North York Centre transportation network and infrastructure capacity as the North York Centre Secondary Plans identifies the subject lands as having a maximum density of 2.0 times the site area and 2.66 times the site area with incentives.

The residential mixed use portion of the development proposal is shoe-horned onto an L-shape parcel of land, wrapping around the proposed car dealership and the residential entrance is setback from Yonge Street. The development does not frame or animate Yonge Street and introduces multiple curb cuts which are potentially hazardous to pedestrians and cyclists. The majority of the property frontage is occupied by the proposed car dealership. This type of use does not typically lend itself to street animation as it is primarily automobile oriented. The residential building is not oriented, located or massed to frame the edge of Yonge Street at a scale required by the policies of the North

York Centre Secondary Plan. The proposed development does not fit harmoniously within the existing and planned context of Yonge Street in this location.

The applicant's proposal does not represent good planning. The proposed Official Plan Amendment and Zoning By-law Amendment are not in keeping with the policies of the City's Official Plan and the North York Centre Secondary Plan. Staff are of the opinion that the proposed development application is not consistent with the Provincial Policy Statement (2014) and does not conform, and conflicts with the Growth Plan for the Greater Golden Horseshoe (2017). The application should be opposed at the Ontario Municipal Board in its current form.

## **CONTACT**

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## **SIGNATURE**

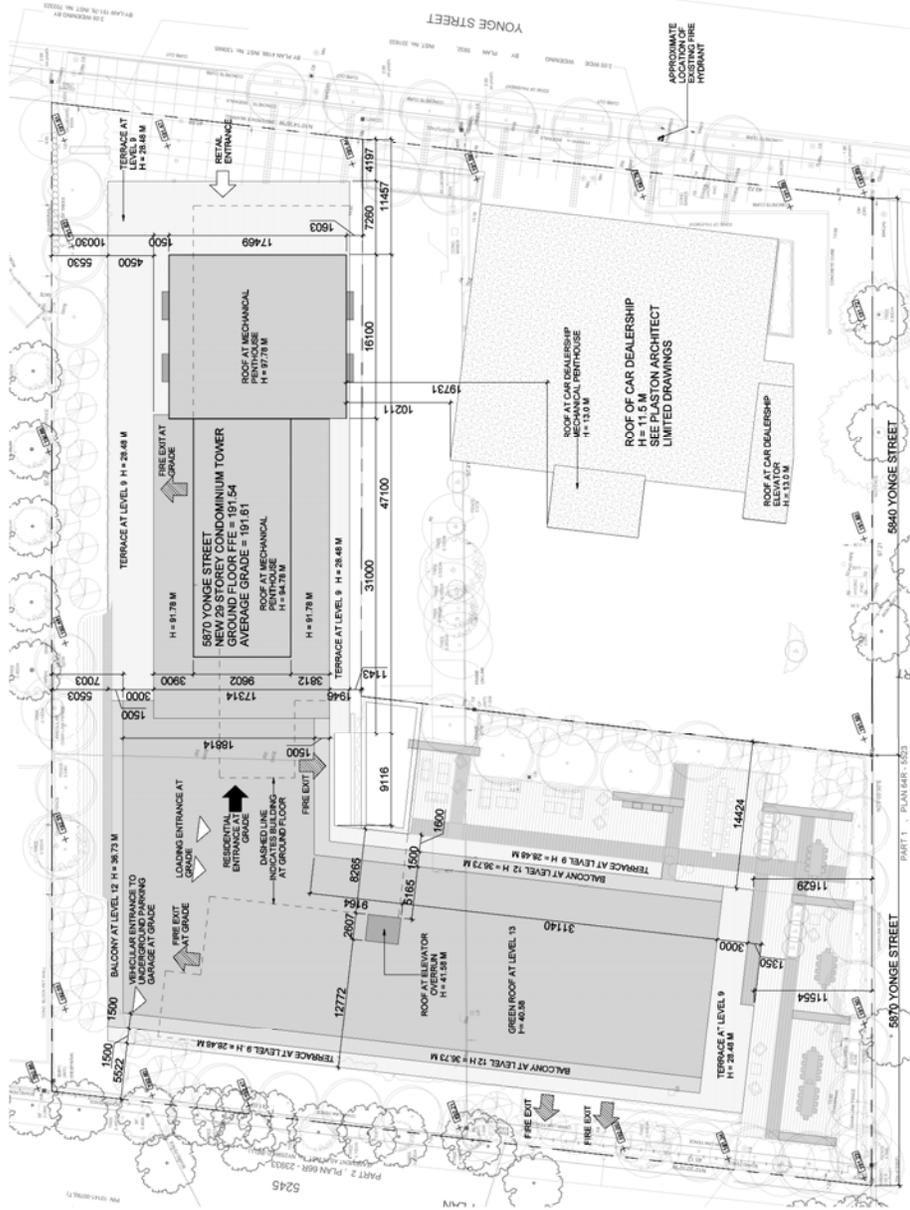
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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevation  
Attachment 2b: South Elevation  
Attachment 2c: East Elevation  
Attachment 2d: West Elevation  
Attachment 3: City of North York Zoning By-law No. 7625  
Attachment 4: Official Plan  
Attachment 5: North York Centre Secondary Plan – Density  
Attachment 6: North York Centre Secondary Plan – Height  
Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



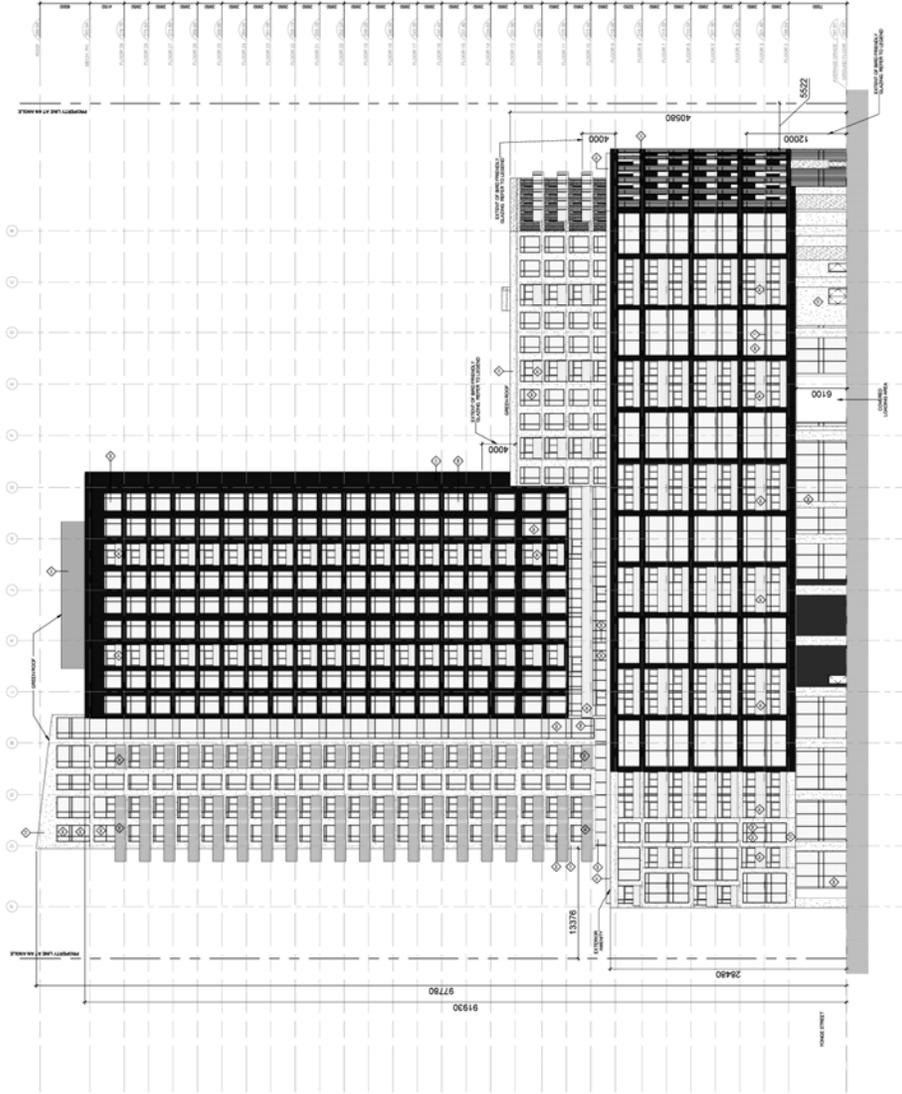
5840 - 5870 Yonge Street

Site Plan  
 Applicant's Submitted Drawing

File # 16 109561 NNY 23 0Z

Not to Scale  
 02/22/2016

**Attachment 2a: North Elevation**



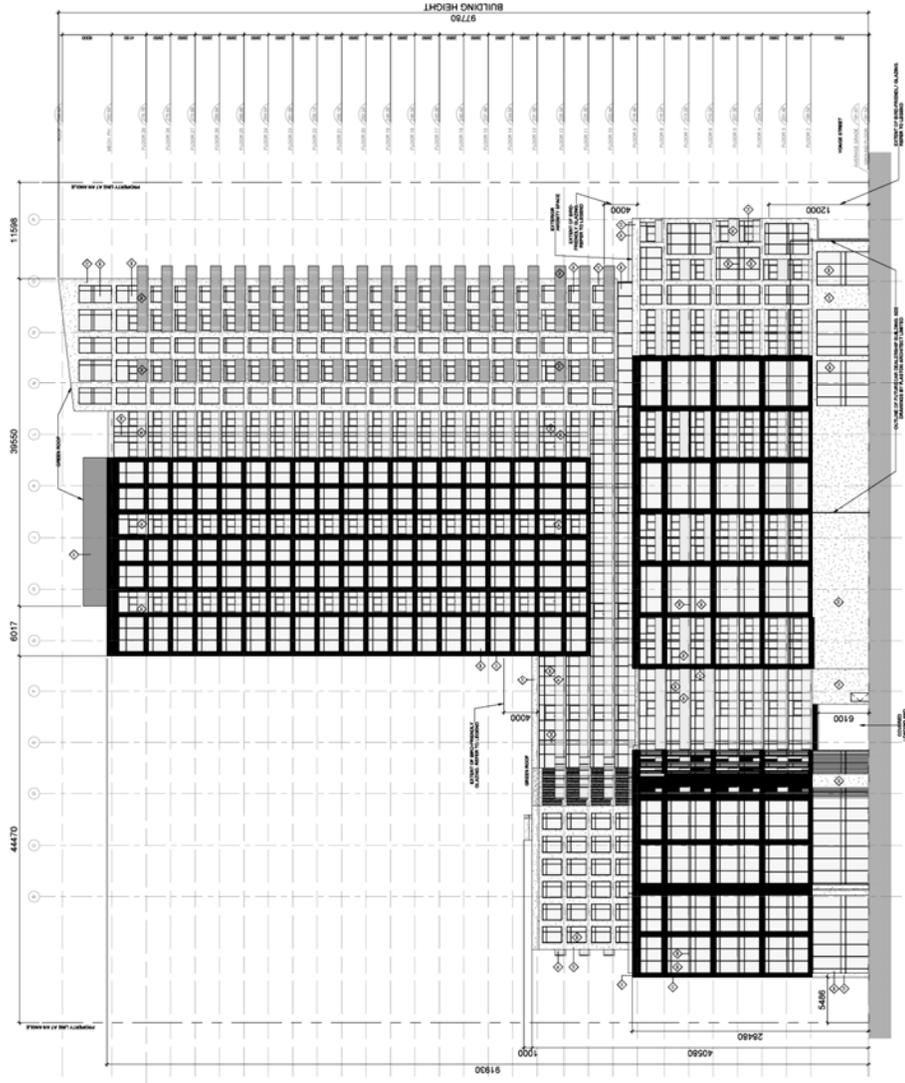
**5840 - 5870 Yonge Street**

File # 16 109561 NNY 23 0Z

**North Elevation**  
 Applicant's Submitted Drawing

Not to Scale  
 02/22/2016

# Attachment 2b: South Elevation



**South Elevation**

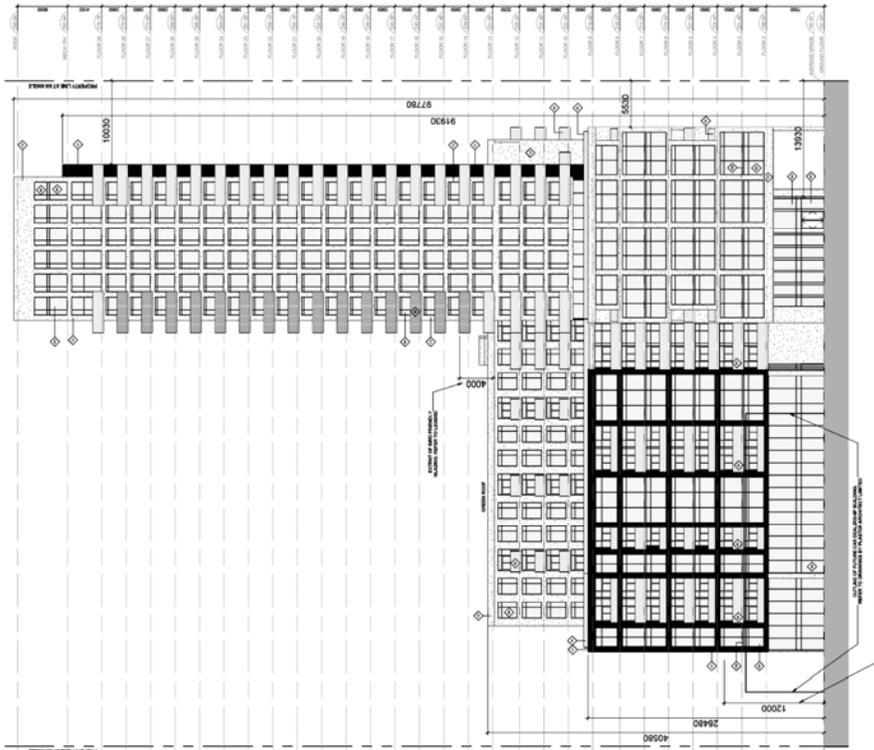
Applicant's Submitted Drawing

Not to Scale  
02/22/2016

**5840 - 5870 Yonge Street**

File # 16 109561 MNY 23 0Z

**Attachment 2c: East Elevation**



**5840 - 5870 Yonge Street**

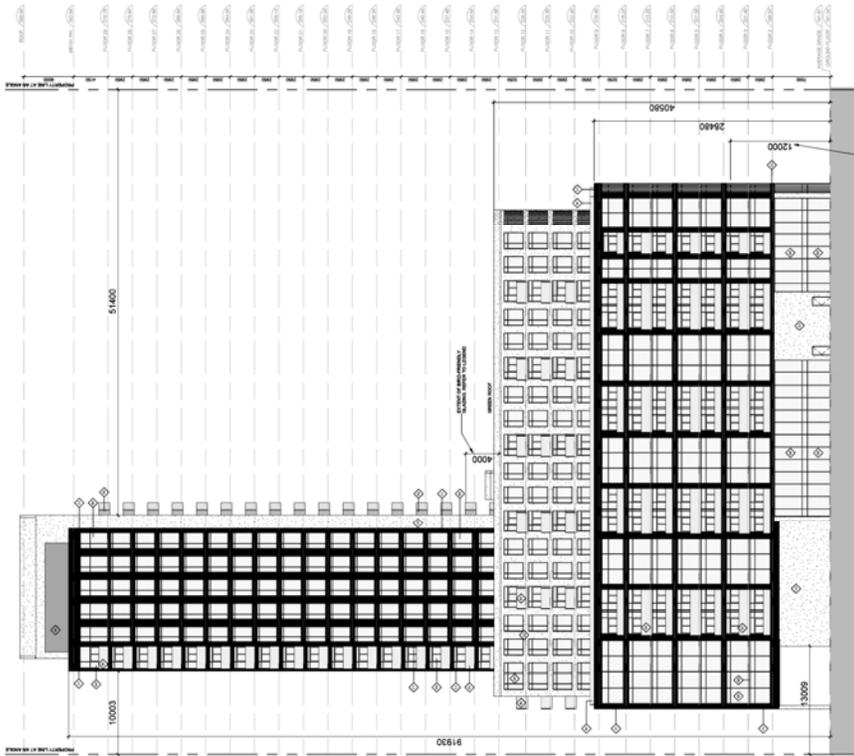
**East Elevation (Yonge Street)**

Applicant's Submitted Drawing

Not to Scale  
02/22/2016

File # 16 109561 NNY 23 0Z

Attachment 2d: West Elevation



West Elevation

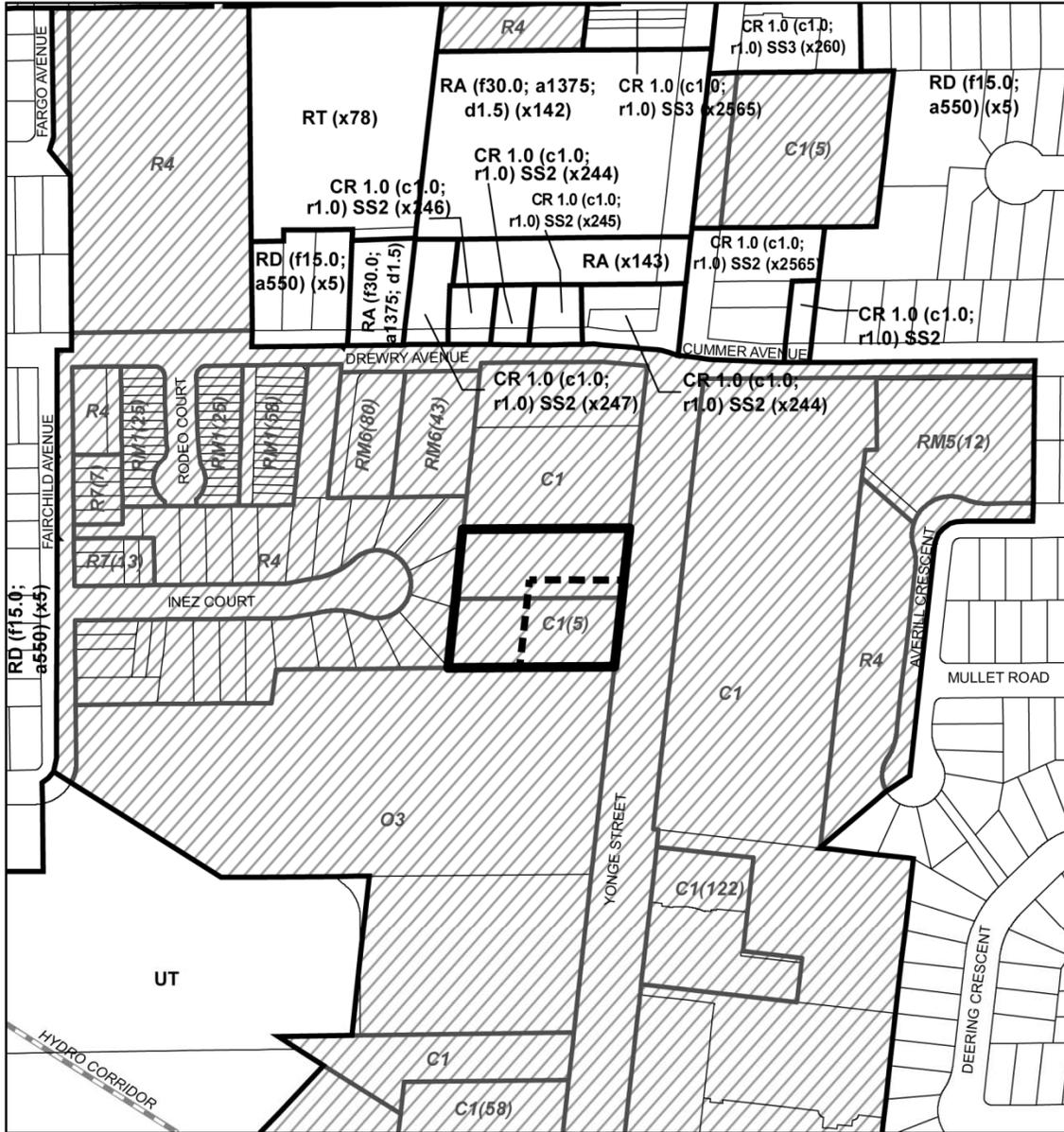
Applicant's Submitted Drawing

Not to Scale  
02/22/2016

5840 - 5870 Yonge Street

File # 16 109561 NNY 23 0Z

### Attachment 3: Zoning By-law No. 7625



**Zoning By-Law No. 569-2013**

**5840 - 5870 Yonge Street**

**File # 16 109561 NNY 23 02**

- Location of Application
- RD** Residential Detached
- RT** Residential Townhouse
- RA** Residential Apartment
- CR** Commercial Residential
- UT** Utility and Transportation

- See Former City of North York By-Law No. 7625
- R4** One-Family Detached Dwelling Fourth Density Zone
- R7** One-Family Detached Dwelling Seventh 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
- O3** Semi-Public Open Space Zone

Not to Scale  
 Extracted: 02/22/2016

Attachment 4: Official Plan



 **TORONTO** City Planning  
Extract from Official Plan

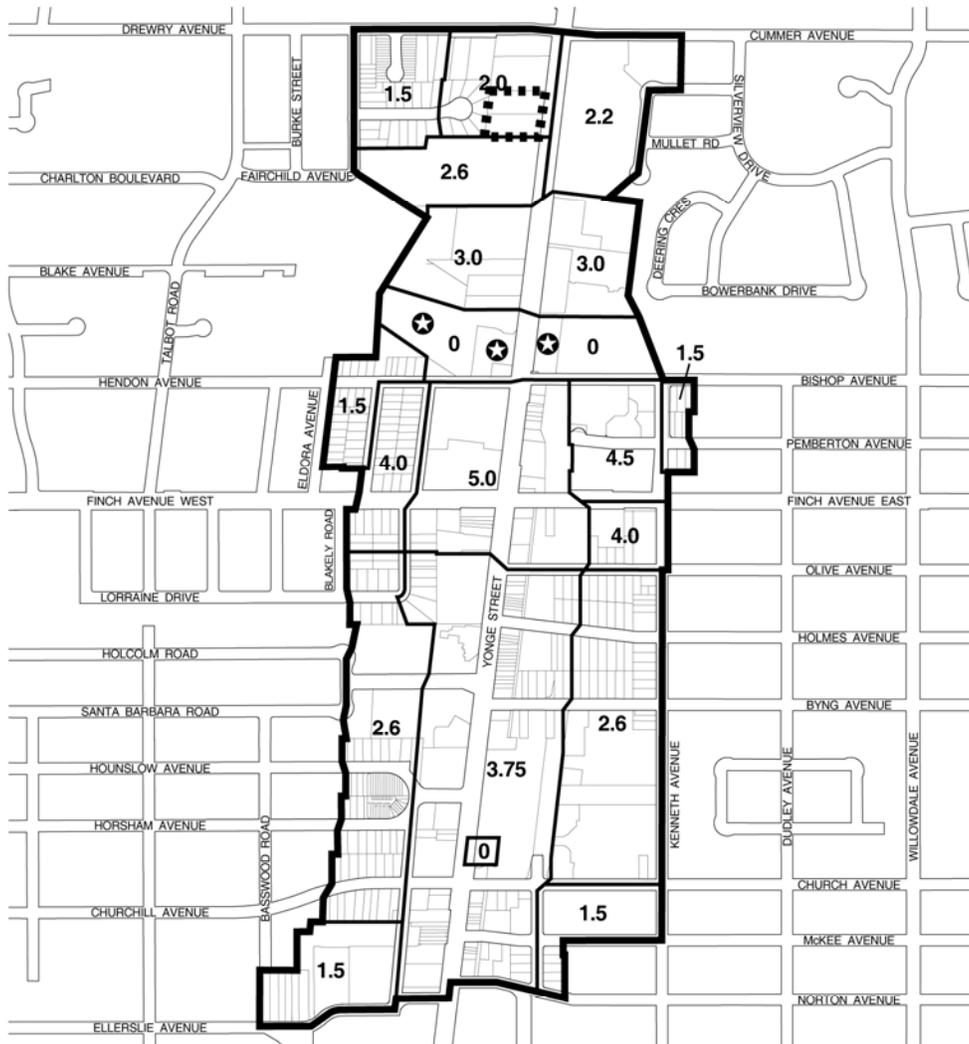
5840 - 5870 Yonge Street

File # 16 109561 NNY 23 02

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Utility Corridors

  
Not to Scale  
02/22/2016

## Attachment 5: North York Centre Secondary Plan – Density



### North York Centre Secondary Plan

5840 - 5870 Yonge Street

MAP 8-7 North York Centre North Density Limits

File # 16 109561 NNY 23 0Z

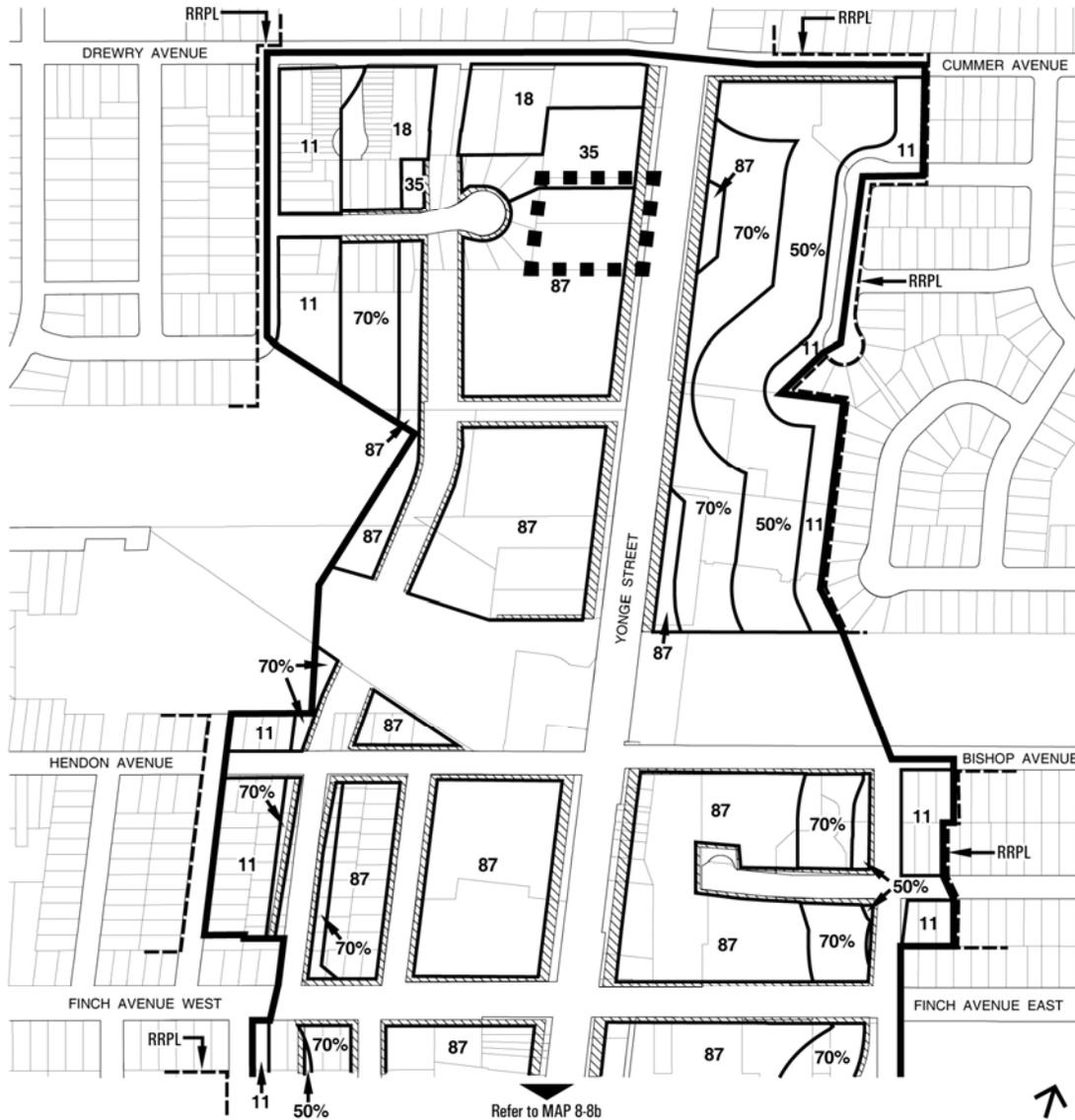
- Secondary Plan Boundary
- ★ Density can only be assigned to these lands pursuant to the Official Plan, North York Centre Secondary Plan, Section 3 or Section 13

Note: Density Limits are exclusive of density incentives and transfers



June 2006

## Attachment 6: North York Centre Secondary Plan – Height



### North York Centre Secondary Plan

5840 - 5870 Yonge Street

**MAP 8-8a** Maximum Height Limits

File # 16 109561 NNY 23 0Z

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li> Secondary Plan Boundary</li> <li> The Lesser of 11m or 3 Storeys</li> <li> The Lesser of 18m or 6 Storeys</li> <li> The Lesser of 35m or 12 Storeys</li> <li> Maximum 87m Above Grade</li> </ul> | <ul style="list-style-type: none"> <li> Maximum 50% Horizontal Distance from RRPL</li> <li> Maximum 70% Horizontal Distance from RRPL</li> <li> Street Facade Limit as per Section 5.3 of this Secondary Plan</li> <li> Relevant Residential Property Line (RRPL)</li> </ul> |
|--|--|



June 2006

## Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 109561 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	January 27, 2016

Municipal Address: 5840, 5868 & 5870 YONGE STREET  
 Location Description: CON 1 WYS PT LOT 22 \*\*GRID N2301

Project Description: The purpose of the Official Plan and Zoning By-law amendment application is to permit a 29-storey residential building including an L-shaped 8 to 12-storey base building. The proposed building contains 518 residential dwelling units including 44,634 square metres of residential gross floor area. The application also includes 374 square metres of non-residential uses on the ground floor. The applicant is proposing 477 parking spaces in a 4-level underground parking structure. In addition to the tower, the proposal also includes a new building that would contain a car dealership with a total area of 3,577.8 square metres.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
GOLDBERG GROUP		QUADRANGLE	1831988 ONTARIO LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: N
Zoning:	C1(5)	Historical Status: N
Height Limit (m):	Lesser of 9.2 m or 3 storeys	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	7851.31	Height:	Storeys:	29	
Frontage (m):	81.3		Metres:	91.93	
Depth (m):	97.4				
Total Ground Floor Area (sq. m):	2035				<b>Total</b>
Total Residential GFA (sq. m):	44634		Parking Spaces:	477	
Total Non-Residential GFA (sq. m):	3951.8		Loading Docks	2	
Total GFA (sq. m):	48585.8				
Lot Coverage Ratio (%):	36.5				
Floor Space Index:	6.19				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	44634
Bachelor:	0	Retail GFA (sq. m):	3951.8
1 Bedroom:	331 (64%)	Office GFA (sq. m):	0
2 Bedroom:	132 (25%)	Industrial GFA (sq. m):	0
3 + Bedroom:	55 (11%)	Institutional/Other GFA (sq. m):	0
Total Units:	518		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Perry Korouyenis, Senior Planner</b>
	<b>TEL/EMAIL:</b>	<b>416-395-7110 / Perry.Korouyenis@toronto.ca</b>