

850 - 858 York Mills Road – Official Plan Amendment and Zoning Amendment Applications – Preliminary Report

Date: January 29, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 16 - Don Valley East

Planning Application Number: 18 270584 NNY 16 OZ

Related Applications: 18 270588 NNY 16 SA

Notice of Complete Application Issued: January 10, 2019

Current Uses on Site: 850 York Mills Road is occupied with surface parking and 858 York Mills Road is vacant.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 850 - 858 York Mills Road. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 850-858 York Mills Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2011 the previous owner of the site submitted a zoning by-law amendment application in order to permit a one-storey, 12 unit commercial building having a gross floor area of 5,500m² with surface parking. The previous owner appealed this application to the Local Planning Appeal Tribunal (previously known as the Ontario Municipal Board) for failure of City Council to make a decision on the application within the prescribed timeline.

In 2012 the previous owner revised the application to propose a two storey commercial building having a gross floor area of 11,254 m² comprised of offices, medical offices, educational uses, veterinary offices, banks, retail stores, and restaurant uses. The proposal included 305 parking spaces (146 surface parking spaces and 159 spaces in an underground garage).

On February 20 and 21, 2013 City Council authorized appropriate City staff to attend the LPAT hearing in support of the revised development proposal, and for the LPAT to withhold its order approving the Zoning By-law Amendment until the owner addressed the requirements of Transportation Services staff, an appropriate zoning by-law was prepared to the satisfaction of the City, and that the owner has received Site Plan Control Notice of Approval Conditions and has entered into a Site Plan Agreement to the satisfaction of the City Solicitor.

On March 12, 2013 the LPAT issued a decision authorizing the proposed zoning by-law amendment in principle but withheld its final order until site plan approval and the resolution of the outstanding transportation matters. Final Site Plan approval was never granted and the final LPAT order was never issued and the zoning by-law is not in effect. On December 17, 2018 the LPAT issued a letter advising that the applicant had withdrawn their appeal and that there are no outstanding appeals in this matter. Accordingly, the LPAT closed its file.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan by introducing a site and area specific policy for the site in order to permit retail uses to a maximum non-residential gross floor area of 5,200m². The application proposes to amend the former City of North York Zoning By-law No. 7625 by rezoning the subject site from Industrial Office Business Park (MO)(6) zone to a site specific exception in the Industrial Commercial (MC) zone for the property at 850 - 858 York Mills Road to permit the development of a nine-storey (50.8 metres) non-residential mixed use building containing self-storage, office and retail uses. The application also proposes to bring the site into Zoning By-law 569-2013 by introducing a site specific exception for the proposed development.

The total proposed gross floor area of the project is 56,460m², comprised of 32,899m² of self-storage space (58% of total GFA), 18,458m² of office space (33% of total GFA), and 5,073m² of retail space (9% of total GFA). The proposed density on the site is 4.05 times the area of the site. The retail uses are proposed on the ground floor of the

building. The office uses are proposed on storeys two to six, wrapping around the self storage uses on the east, west, and south sides of the proposed building. The self storage uses form the interior space of the proposed building on storeys two to six, and then comprise the entirety of the floors of storeys seven to nine. A total of 699 parking spaces are provided, which includes 11 spaces located on the ground floor level and 688 parking spaces located on two levels of underground parking.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context, Attachment 3 for the applicant's proposed site plan, and Attachment 4 for the Lesmill Road and York Mills Road elevations.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as Employment Areas on Map 2, Urban Structure of the Official Plan and General Employment Areas on Map 19 of the Official Plan, as amended by Official Plan Amendment 231 (OPA 231). The General Employment Areas designation permits a wide range of uses including manufacturing, warehousing, wholesaling, distribution, storage, offices, banks, restaurants, fitness centres, and all types of retail and service uses. OPA 231 is partially under appeal. The use permissions for General Employment Areas policies noted above are in force with the exception of retail uses, which remains subject to appeal. As such, the retail policies of the Employment Areas designation of the in force Official Plan are applicable. Policy 4.6.1 of the in force Official Plan permits retail outlets ancillary to offices, manufacturing, warehousing, distribution, research and development facilities, utilities,

media facilities, parks and hotels; as well as small scale stores that serve area businesses and workers.

Zoning By-laws

The site is zoned Industrial Office Business Park (MO)(6), subject to Exception 6 of the Industrial Office Business Park zone in the former City of North York Zoning By-law No. 7625. The MO(6) zone permits business and professional office uses; professional medical offices; financial institutions; fitness centres, and restaurants. Personal service shops and retail uses are permitted only on the first floor of the office building. Self-storage warehouses and retail and personal service uses not ancillary to an office building are not permitted.

The MO(6) zone permits a maximum gross floor area of 35,510m². The first floor area of the ground floor excluding any portion that is covered by a roof of glass or other translucent material is not to exceed 3,500m². The maximum gross floor area of each retail store is not to exceed 400m². The MO(6) exception requires specific setbacks for any proposed building on the subject lands.

The site is not subject to Zoning By-law 569-2013. However, it is anticipated that should this application be approved in some form then any potential zoning amendments would be incorporated in to By-law 569-2013.

Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Performance Standards Addendum;
- Best Practices for Bird-Friendly Glass;
- Accessible Design; and
- Guidelines for the Design and Management of Bicycle Parking Facilities

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with the applications for official plan and zoning by-law amendment.

COMMENTS

Reasons for the Application

OPA 231 permits restaurants and all types of retail and service uses on the site through the General Employment Areas designation. However the retail uses of this designation are still under appeal and not in full force and effect. As such, an official plan amendment is required to the in-force Official Plan policy as the proposed retail use at a total gross floor area of 5,073m² is not ancillary to the other permitted employment uses and the proposed retail uses would serve more than just area businesses and workers. Policy 4.6.1 of the in force Official Plan permits retail outlets ancillary to offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks and hotels; as well as small scale stores that serve area businesses and workers.

A zoning by-law amendment is required to permit the proposed self storage use, amount of retail gross floor area, total gross floor area, yard setbacks, and other appropriate development standards.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

This application is being evaluated against the PPS and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) to establish the application's consistency with the PPS and conformity with the Growth Plan, including such matters as ensuring sufficient and adequate infrastructure and transportation capacity.

Official Plan Conformity

Staff are assessing the suitability of the proposed Official Plan Amendment against current Official Plan policies as well as determining conformity with the Official Plan as amended by Official Plan Amendment No. 231, with respect to the list of proposed uses in the draft zoning by-law. The draft zoning by-law amendment submitted with the application proposes to permit a number of uses, including hotels, places of worship, daycares, education facilities, and entertainment and recreation type uses which are not permitted in General Employment Areas. Staff are also determining conformity with the Official Plan with respect to all relevant development criteria in Employment Areas in policy 4.6.6.

Built Form, Planned and Built Context

Staff are assessing the suitability of the proposed height, density, massing and building setbacks, based on Sections 2 (q) and (r) of the Planning Act; Policy 2.2.1.4 (e) of the Growth Plan (2017), the City's Official Plan built form policies in Section 3.1.2, the public realm policies in Section 3.1.1, and the City's Design Guidelines including the Mid-Rise Building Performance Standards and Addendum and others identified above.

Staff are assessing the suitability of the proposed height, density, massing, building setbacks, of the proposed development based on the City's Official Plan policies and reviewing whether the application is contextually appropriate and whether it fits with the planned and built context, including considerations for appropriate transition and impacts on the public realm. Staff are reviewing the proposed height and visibility of the self-storage uses as it pertains to the area character and building design.

The applicant has submitted a Sun/Shadow Study and a Pedestrian Level Wind Study in support of the applications, that are currently being reviewed by City staff.

Traffic Impact, Access, and Parking

The Transportation Impact Study submitted by the applicant, is currently being reviewed by Transportation Services staff, the purpose of which is to evaluate the effects of the development on the transportation system, and also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development, including improvements to cycling connections.

Staff are reviewing the suitability and appropriateness of the vehicular oversupply of the proposed parking supply and the suitability, adequacy, and location of the proposed loading space. The suitability and adequacy of the proposed driveways and vehicle access locations and design, are also being reviewed, including the proposed access from the York Mills Road underpass at the southwest portion of the site and the implications to the City's right-of-way and to the relationship with the adjacent property at 840 - 842 York Mills Road and 16 Lesmill Road.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The arborist report recommends the removal of 32 trees on the site (private) and four street trees in order to facilitate the development. As part of the proposed Landscape Plan, 46 deciduous trees are proposed to be planted on site and 17 deciduous trees within the City's right-of-way along York Mills Road and Lesmill Road.

The Arborist Report, Tree Preservation and Landscape Plans have been circulated to Urban Forestry staff for review.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title when development thresholds are met.

The provision of Section 37 community benefits will be required in relation to the development.

Infrastructure/Servicing Capacity

Engineering and Construction Services staff are reviewing the Functional Servicing and Stormwater Management Report provided by the applicant with the submission, the purpose of which is intended to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in zoning by-law amendments, on site plan drawings, and through a Site Plan Agreement or Registered Plan of Subdivision.

The application and submitted TGS Checklist is being reviewed for compliance with the Tier 1 performance measures.

Other Matters

The review of the proposed building occupancy and its implications on the zoning and design of the building.

The appropriateness of the proposed on-site landscaped open space in relation to the character of the immediate employment area.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Joe Nanos, Director
Community Planning, North District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context

Attachment 2: Location Map

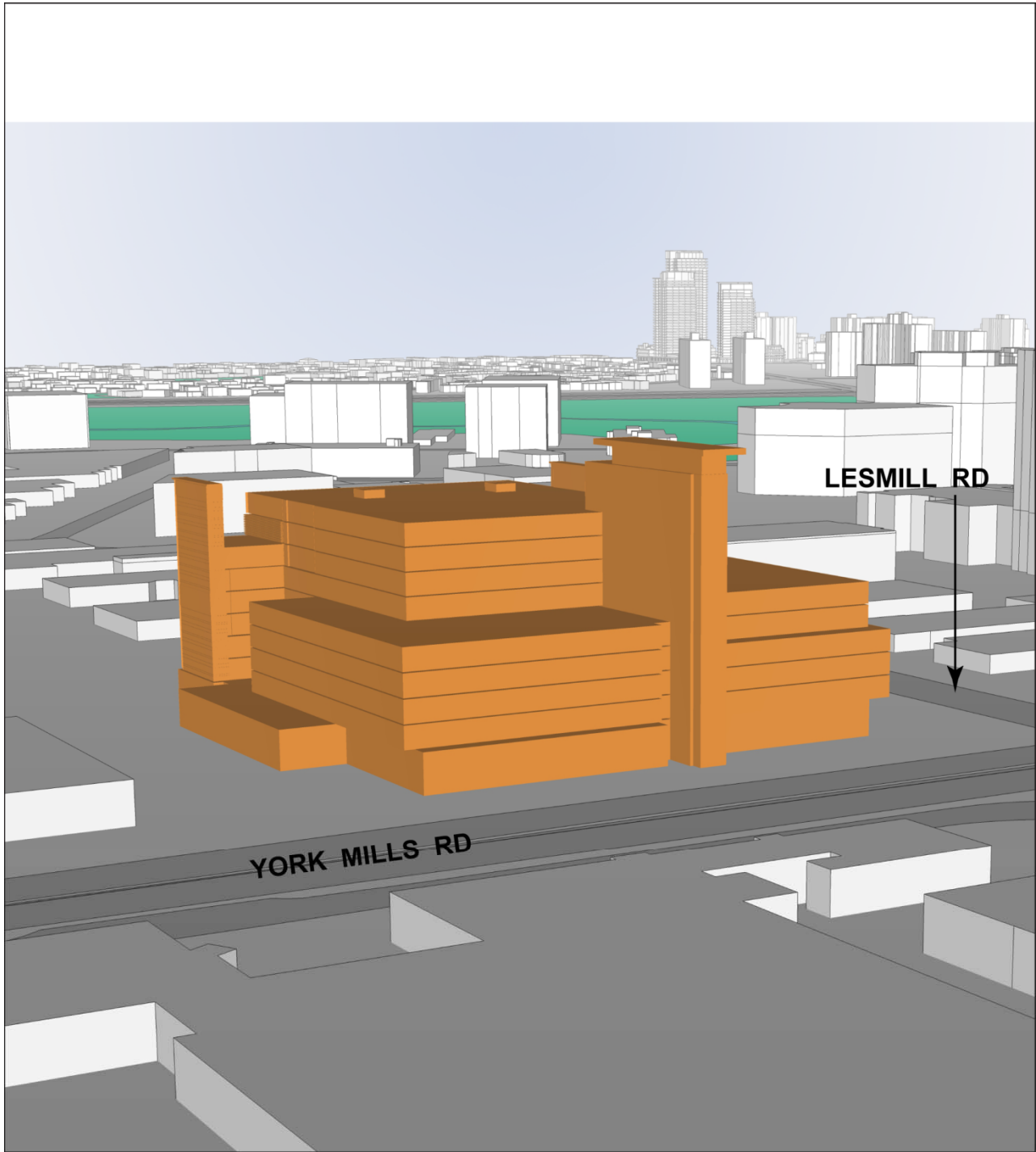
Attachment 3: Site Plan

Attachment 4a: East Elevation

Attachment 4b: South Elevations

Attachment 5: Official Plan Map

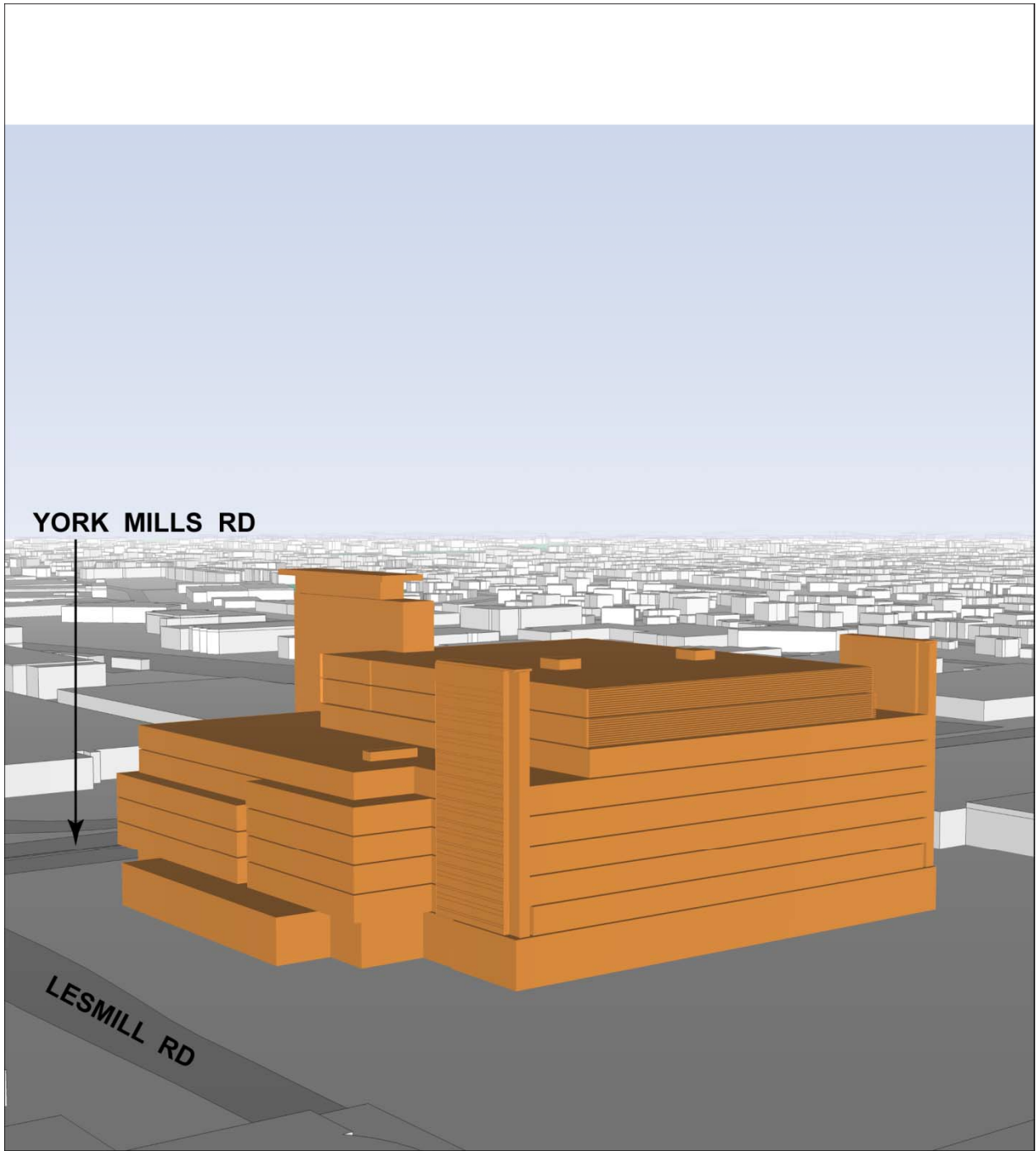
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking North-east



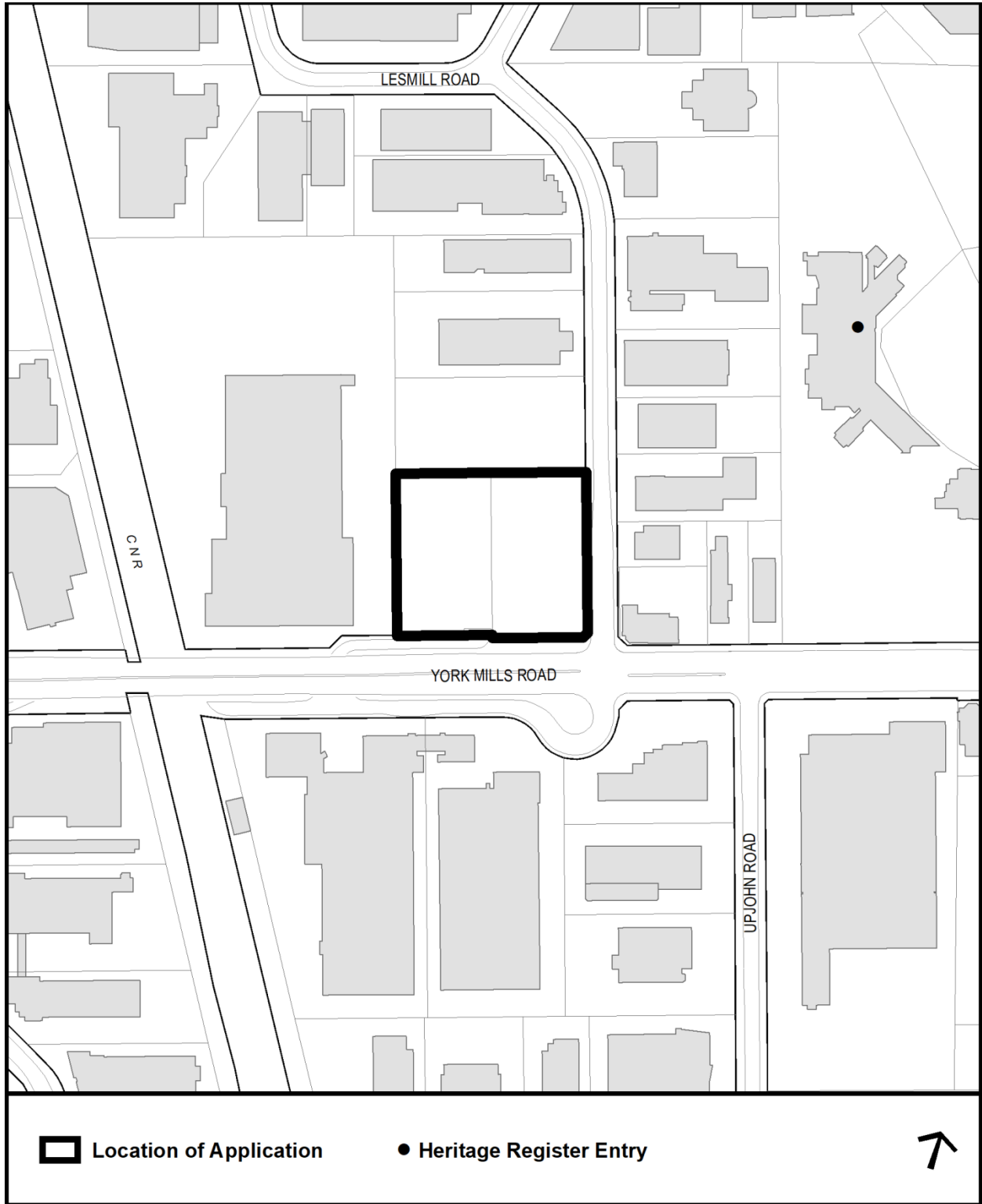
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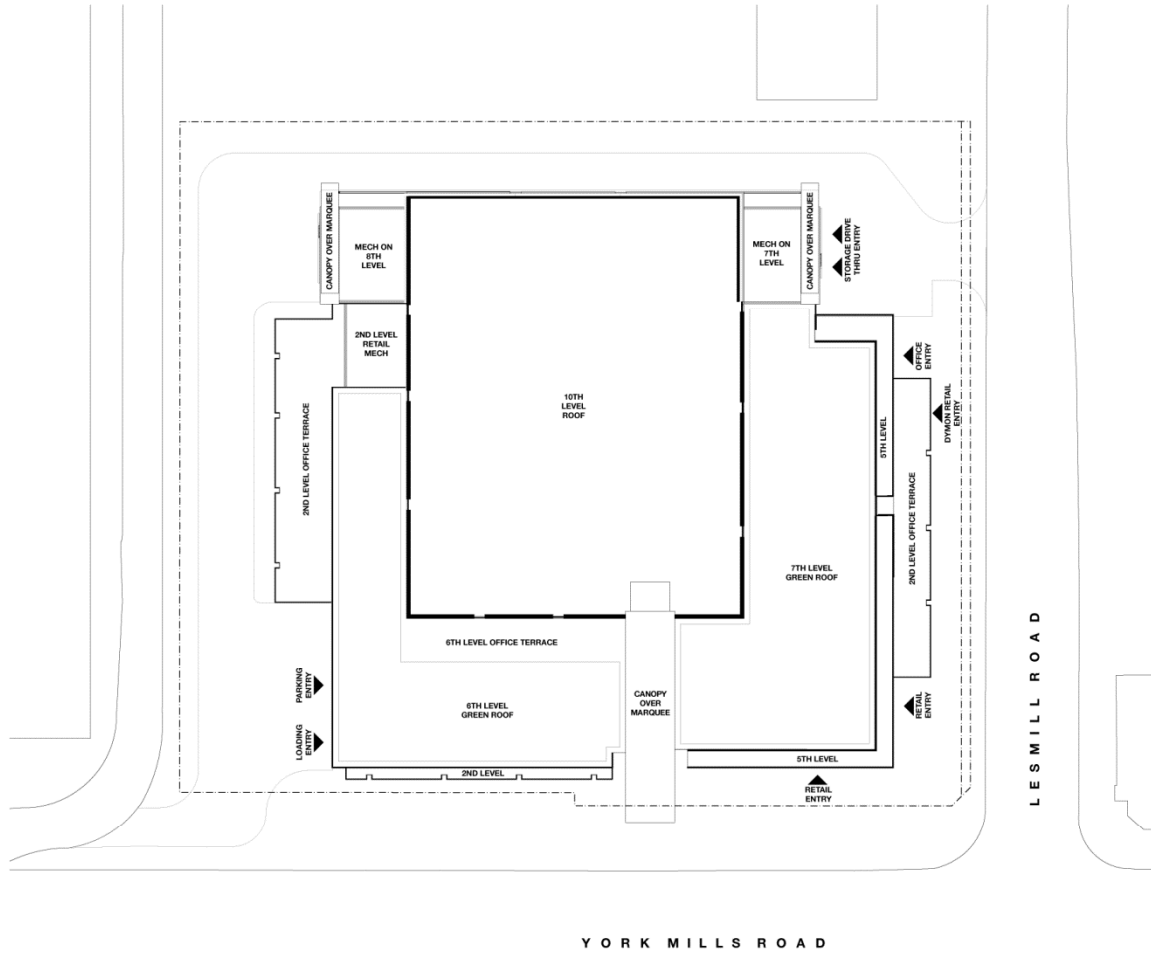
View of Applicant's Proposal Looking South-west


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Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan

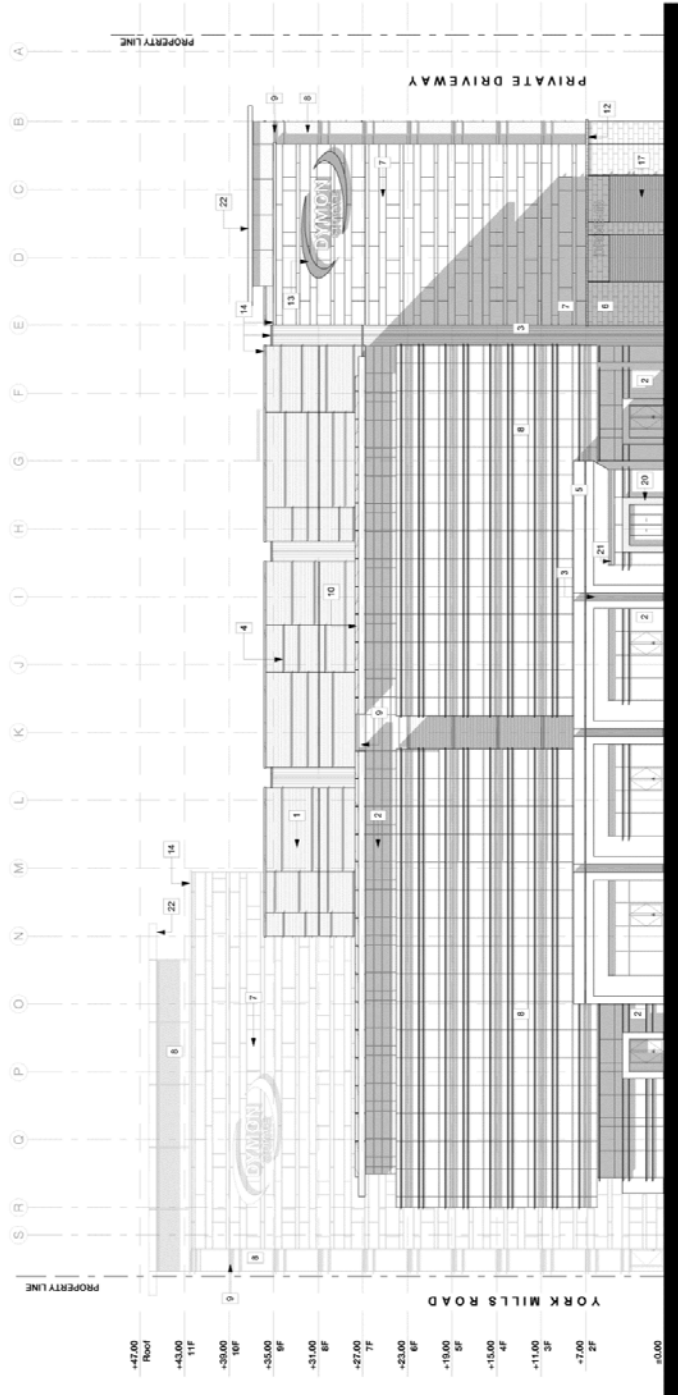
Applicant's Submitted Drawing

Not to Scale 

850 - 858 York Mills Rd.

File # 18 270584 NNY 16 0Z

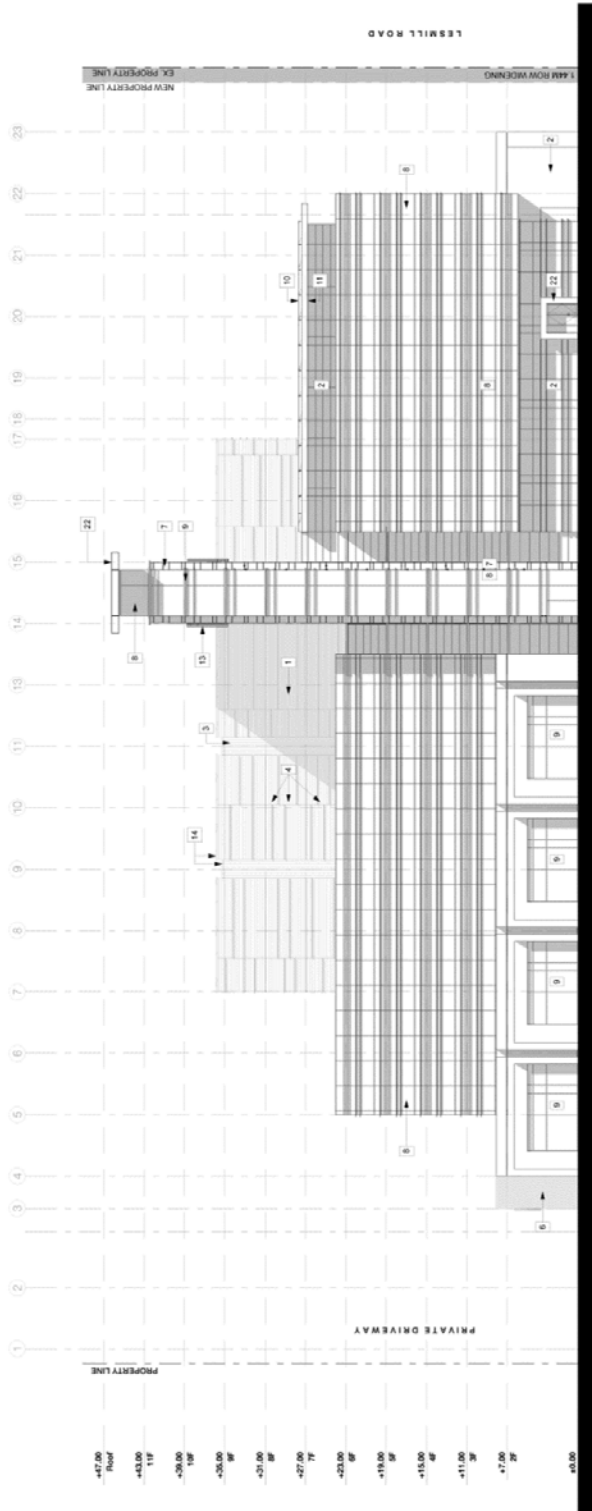
Attachment 4a: East Elevation



850 - 858 York Mills Rd.

File # 18 270584 NNY 16 0Z

East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 01/28/2019



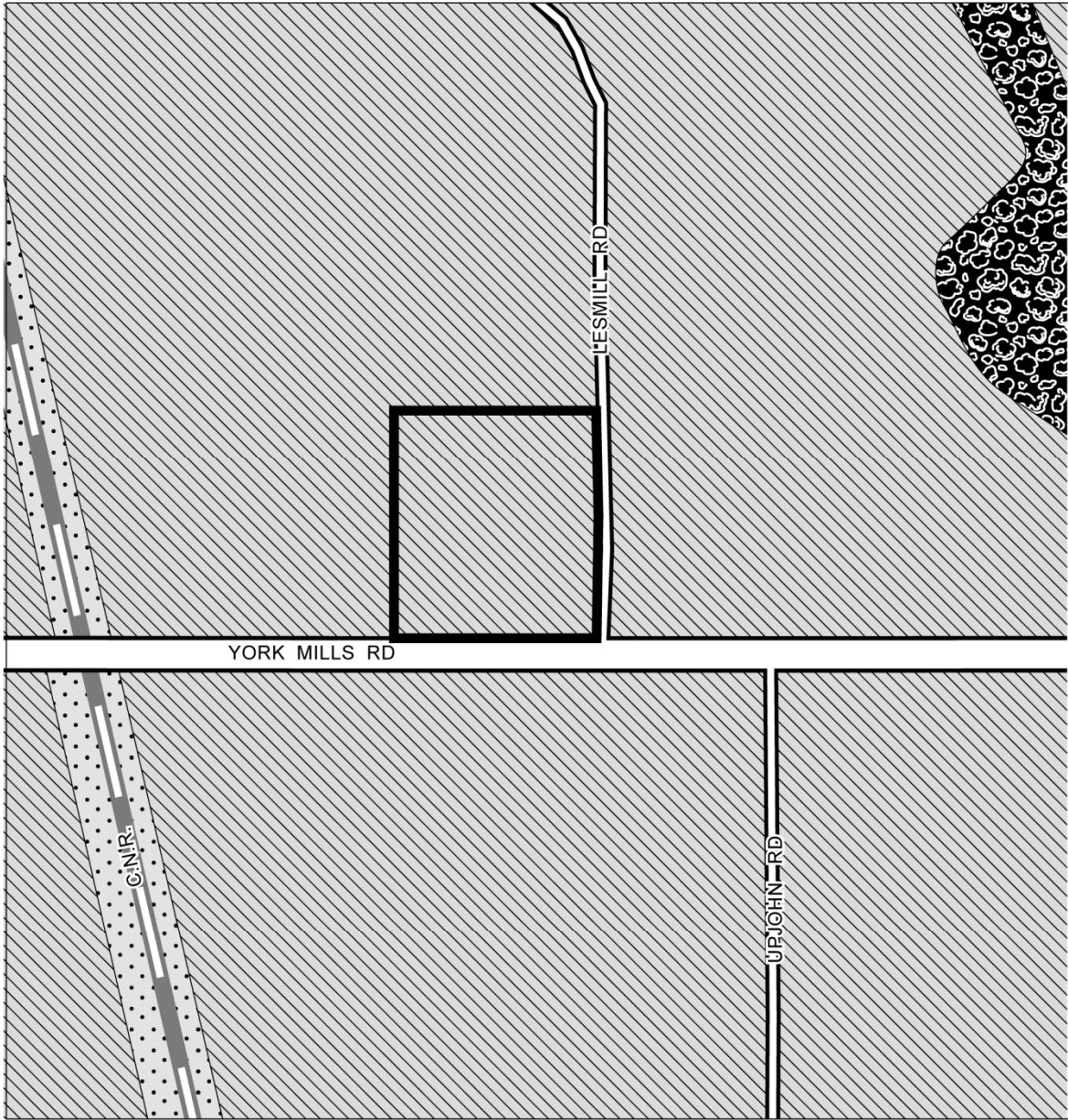
850 - 858 York Mills Rd.

South Elevation
Applicant's Submitted Drawing

Not to Scale
01/28/2019

File # 18 270584 NNY 16 0Z

Attachment 5: Official Plan Map



TORONTO
Official Plan Land Use Map #19

850 - 858 York Mills Rd.

File # 18 270584 NNY 16 0Z

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|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Employment Areas | |


 Not to Scale
 01/11/2019