

5995-5997 Yonge Street – Zoning By-law Amendment Application – Preliminary Report

Date: January 20, 2020

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 18 - Willowdale

Planning Application Number: 19 251072 NNY 18 OZ

Current Use(s) on Site: Vacant lands used for automobile storage

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 5995-5997 Yonge Street. 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 5995-5997 Yonge Street 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 June 2011, North York Community Council adopted a report summarizing and initiating the 'Yonge Street North Planning Study' in the context of increasing development pressures and the appropriateness of current and potential future

amendments to Official Plan policies and designations. The subject lands are within the study area for the Yonge Street North Planning Study.

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

Council's direction can be found at

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

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. Additional information on the study and draft implementation plan is available on the study website: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/yonge-street-north-planning-study/>.

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

On February 26, 2016 an application was filed to amend the Official Plan and zoning by-law for the lands at 5925-5931, 5935A, 5945-5949, 5959, 5995 and 5997 Yonge Street, 11 to 25 Wedgewood Drive, 1 to 8 Doverwood Court, and 42 to 54 Cummer Avenue (file nos. 16 121334 NNY 24 OZ and 16 156153 NNY 24 OZ). The Official Plan amendment application covers a number of lots, includes the subject lands, and proposes 25, 29, 31 and 43 storeys on the lands owned by that applicant. The Official Plan amendment is to change the land use designation of some of the lot from *Neighbourhoods* to *Mixed Use Areas*. The applications have been appealed to the Local Planning Appeal Tribunal (case no. PL110316).

More information on these applications is available at

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-103193.pdf>.

ISSUE BACKGROUND

Application Description

This application proposes to amend former City of North York Zoning By-law 7659 and City of Toronto Zoning By-law 569-2013 for the property at 5995-5997 Yonge Street to permit a forty storey mixed-use building with a height of 126.9 metres. The ground floor would contain non-residential uses totaling 619 square metres with residential on the floors above. A total of 443 residential units are proposed with 174 parking spaces proposed on three levels underground. The total gross floor area is 35,242 square metres which results in a Floor Space Index of 12.8.

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 and Attachment 3 for the proposed site plan.

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 (2019) 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and

- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

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 an *Avenue* on Map 2 of the Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and employment opportunities. Development on *Avenues* are subject to the policies of the Official Plan, "including in particular the neighbourhood protection policies". Yonge Street has a planned right-of-way width of thirty-three metres along the frontage of the subject lands.

On Map 16 - Land Use Plan the site is designated *Mixed Use Areas*. *Mixed Use Areas* are expected to absorb most of the increase in retail, office and service employment as well as much of the new housing. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single or mixed use buildings.

Yonge Street North Planning Study

In 2014 City Planning staff issued a draft implementation plan for the Yonge Street North Planning Study for public review. The draft policies outline the vision for the study area in anticipation of the extension of the TTC's Line 1 into York Region.

The draft policies proposed to designate 5995-5997 Yonge Street as "Mixed Use Area A - Cummer & Steeles Transit Station Areas" with a maximum Floor Space Index ("FSI") of 3.75 and a maximum height of 125 metres. A maximum FSI of 5.0 is permitted subject to the applicant meeting the draft Density Incentive policies.

The draft Implementation Plan has not been adopted by City Council and has no formal status.

More information on the study is available at <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/yonge-street-north-planning-study/>

Zoning By-laws

The site is subject to former City of North York Zoning By-law 7625 which zones the site General Commercial Zone (C1). This zone allows for a range of residential, commercial and institutional uses. It also permits residential uses which are permitted in the R5 and RM5 zones subject to meeting the requirements of that zone. Apartment buildings are permitted in the RM5 zone with a maximum lot coverage of thirty-five percent and a maximum height of 11.5 metres. A maximum gross floor area equal to one times the area of the lot is permitted.

The site is also subject to City of Toronto Zoning By-law 569-2013 which zones the site Commercial Residential: CR 1.0 (c1.0; r1.0) SS3 (x260). Apartment buildings are permitted with a maximum combined FSI of 1.0 with a maximum height of three storeys or 10.5 metres. A minimum rear yard setback of 7.5 metres from the east (rear) lot line is required and the building should not penetrate a forty-five degree angular plane drawn from the east (rear) lot line from a height of 7.5 metres. Exception 260 requires a minimum of 1.5 parking spaces per units and 0.25 parking spaces per unit for visitors.

The City's 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 guideline(s) will be used in the evaluation of this application:

- Tall Building Guidelines
- Bird Friendly Guidelines
- Accessible Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities

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 (file no. 19251094 NNY 18 SA) and is being reviewed concurrently with the application to amend the zoning by-law.

COMMENTS

Reasons for the Application

The application to amend the zoning by-law is required to allow for the proposed building including the proposed height and density, as well as to amend performance standards to accommodate the proposed development.

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:

Avenue Segment Study

The applicant has submitted an Avenue Segment Study for the area on Yonge Street between Cummer/Drewry Avenues and Madawaska/Moore Park Avenues. The study concludes that there are thirteen sites within the study area which have potential for redevelopment (often referred to as "soft sites"). According to the report, development of these sites would generate a total of 3300 new residential units in buildings which range between eight and forty-one storeys and having FSIs between 3.0 and 10.5 times their lot area. If these "soft sites" develop over a twenty year period, the segment study estimates it would result in an additional 55 to 75 peak hour trips per year which the road network is anticipated to be able to accommodate.

Staff are reviewing the submitted study, including whether the appropriate "soft sites" have been identified. Staff are concerned that some of the densities attributed to the "soft sites" are well above those contemplated by the draft Yonge Street North implementation plan which suggests densities ranging between 3.0 and 3.75 FSI.

Built Form, Planned and Built Context

Staff are assessing the proposed built form, including the building height and massing, against the Tall Building and Growing Up Guidelines as well as conformity with the Avenues, Built Form and Public Realm policies of the Official Plan. On a preliminary basis, issues of concern include:

- Demonstrating how the proposed building and site design relate to the existing and/or planned context, including the proposed density and scale of development;
- Demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- Whether the size of the proposed base building is too large, including the height;
- Massing new development to define edges of streets, park and open spaces at good proportion;
- The adverse impacts to the adjacent lands designated *Neighbourhoods* including the lack of transition towards it;
- The proposed 0 metre setback from the east property line;
- Whether the proposal would set an unacceptable precedent for the form and scale of reurbanization of the *Avenue*;

- Being served by adequate parks, community services, water and sewers and transportation facilities;
- Demonstrating how the building affects the future development of the block on Yonge Street between Cummer Avenue and Wedgewood Drive; and
- The shadowing impacts on the adjacent lots and the public sidewalk.

Yonge Street North Planning Study

In 2014 City Planning staff issued a draft implementation plan for the Yonge Street North Planning Study for public review. The draft policies outline the vision for the study area in anticipation of the extension of the TTC's Line 1 into York Region. Staff are working to advance the study and expect to report to City Council by the end of 2020 on recommended Official Plan policies.

The application will be reviewed concurrently with the study.

TTC Line 1 Extension

As described in the 2009 environmental assessment for the Yonge Subway Extension (YSE), the project is a 6.8 kilometre extension of Line 1 Yonge-University from Finch Station north to Richmond Hill, with six new proposed stations at: Cummer/Drewry, Steeles, Clark, Royal Orchard, Langstaff/Longbridge and Richmond Hill Centre.

As of August 10, 2019, when Ontario Regulation 248/191 came into law, the YSE is now the sole responsibility of Metrolinx, along with the Ontario Line and the Line 2 East Extension, as stated in the Getting Ontario Moving Act, which received Royal Assent on June 6, 2019.

Metrolinx is currently re-evaluating the project scope which may result in changes from what was previously approved, such as the elimination of some stations, changes to the horizontal and/or vertical alignment, and changes to the size/location of bus terminals.

In accordance with a Preliminary Agreement with the Province, that is currently being finalized, the City of Toronto and the Toronto Transit Commission will continue to be involved in the project. The Preliminary Agreement, which is expected to be completed by the end of the first quarter of 2020, will reflect and formalize the terms of the agreement approved by Council in October 2019 (EX9.1, Toronto-Ontario Transit Update). At that same meeting, City Council reiterated the City's requirement that the Ontario Line (formerly the Relief line) be operational before the YSE.

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 applicant has indicated that there are six trees on site, all of which are planned to be removed. The applicant has submitted an Arborist Report and Tree Preservation and Removal Plan which is currently under review by City staff.

Housing

The applicant is proposing to provide a unit mix as follows:

- studio units (2%)
- 1-bedroom units (23%)
- 1-bedroom plus den (29%)
- 2-bedroom units (27%)
- 2-bedroom plus den (11%)
- 3-bedroom units (7%)

The Growing Up Guidelines suggest a minimum of ten percent of the units should be 3-bedroom and recommend unit sizes for each type. Staff will review the proposed unit mixture and unit sizes.

Archaeological Assessment

As part of the application the applicant has submitted a Stage 2 Archaeological Assessment report. The report states that no archaeological resources were encountered and concludes that no further archaeological assessment of the site is required. Staff are reviewing the report.

Community Services and Facilities

Community Services and Facilities ("CS&F") are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff have recently completed a review of community services and facilities in the area and have identified a number of existing and emerging needs including improvements to local Toronto Public Library branches, replacing/expanding community agency space along the Yonge Street corridor and monitoring the demand for licensed child care spaces.

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 practice to secure community benefits in a Section 37 Agreement

which is then registered on title, when development thresholds established in the Official Plan are met.

As the proposal is more than 10,000 square metres and exceeds the density permissions in the zoning by-law by more than 1500 square metres, the proposal is subject to Section 37 of the *Planning Act*.

Infrastructure/Servicing Capacity

As part of the application, a Functional Servicing and Stormwater Management Report was submitted. Staff are concerned with the cumulative impact on servicing in this areaw given the proposed density and density identified in the Avenue Segment Study for the "soft sites". City staff are reviewing the submitted report and its conclusions.

The applicant is proposing a reduced parking rate while meeting the required bicycling parking requirements. In support of this the applicant has submitted a Urban Transportation Considerations report which concludes that "the proposed parking provision is reasonable and appropriate". Staff are reviewing the submitted report.

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 on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant has indicated that they intend to meet Tier 1 of the TGS. Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

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

CONTACT

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SIGNATURE

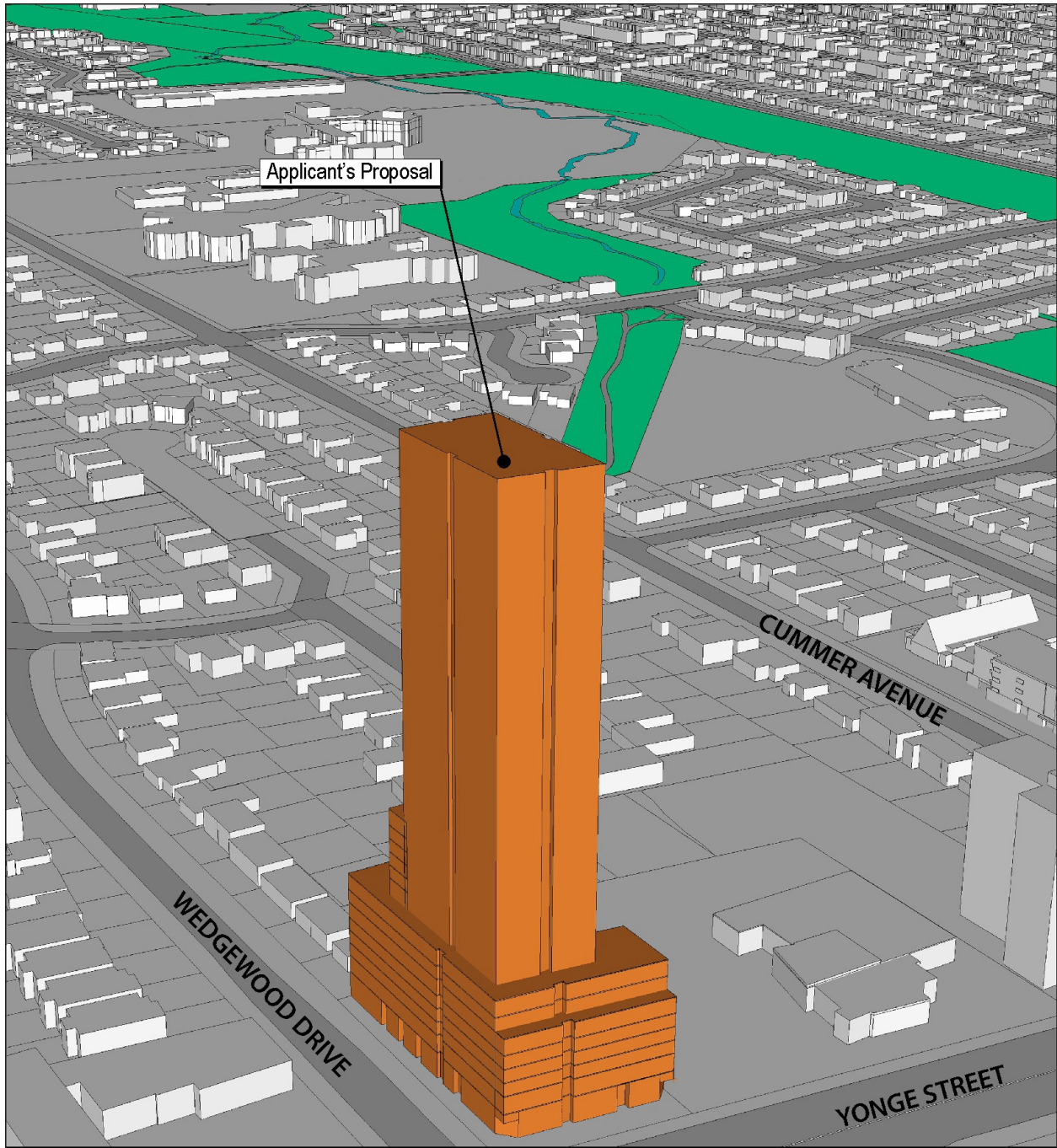
Giulio Cescato, MCIP, RPP, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: Official Plan Map

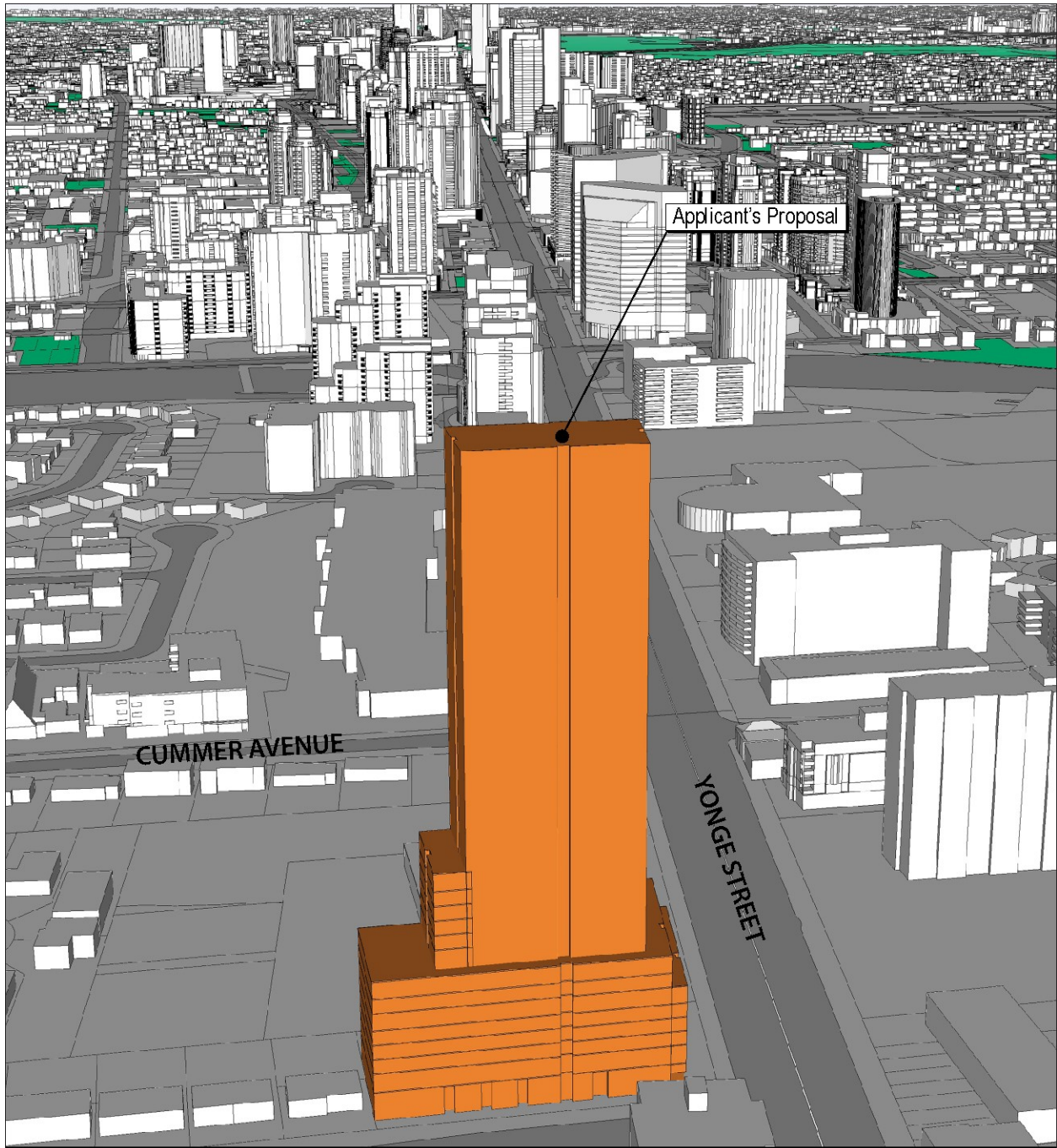
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking East



12/09/2019

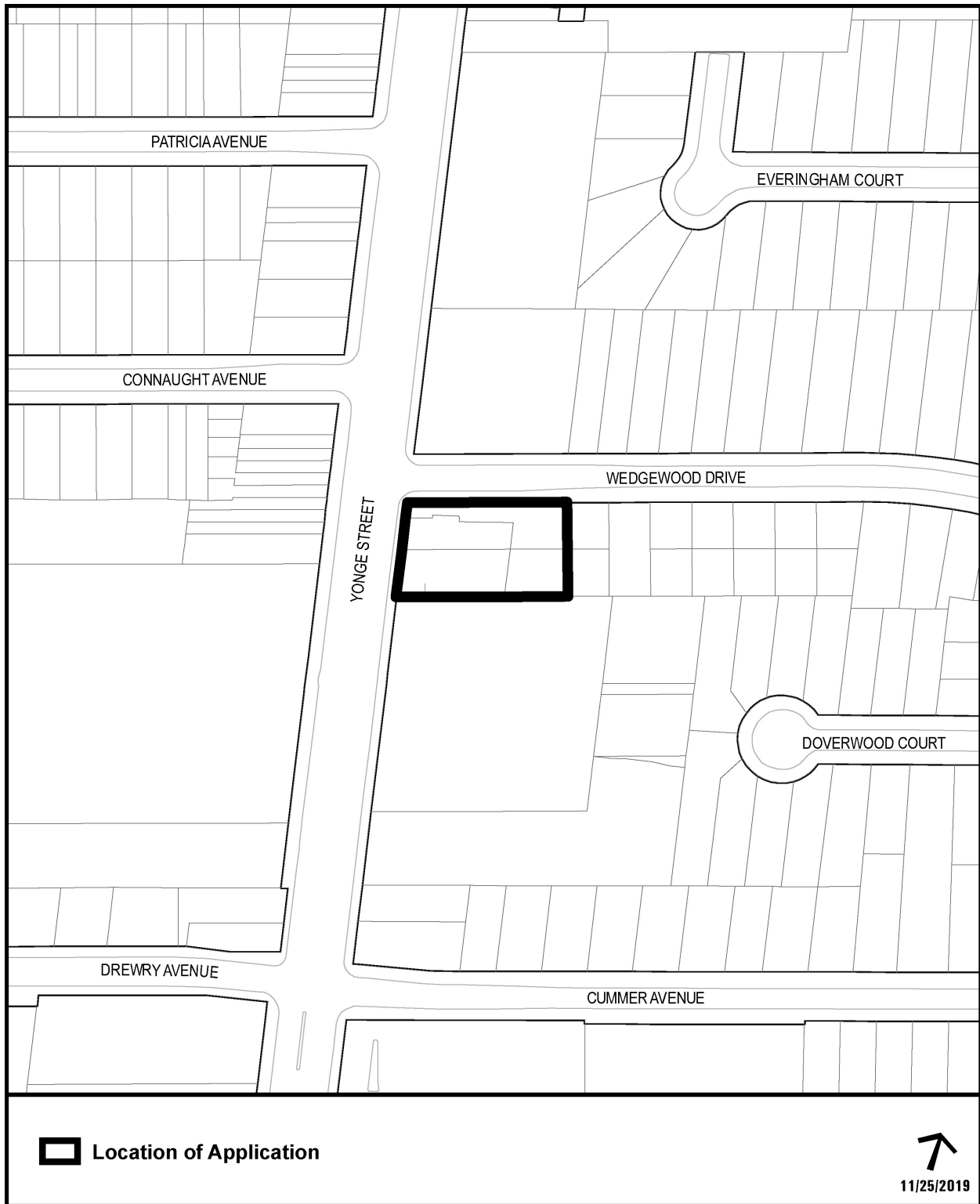


View of Applicant's Proposal Looking South

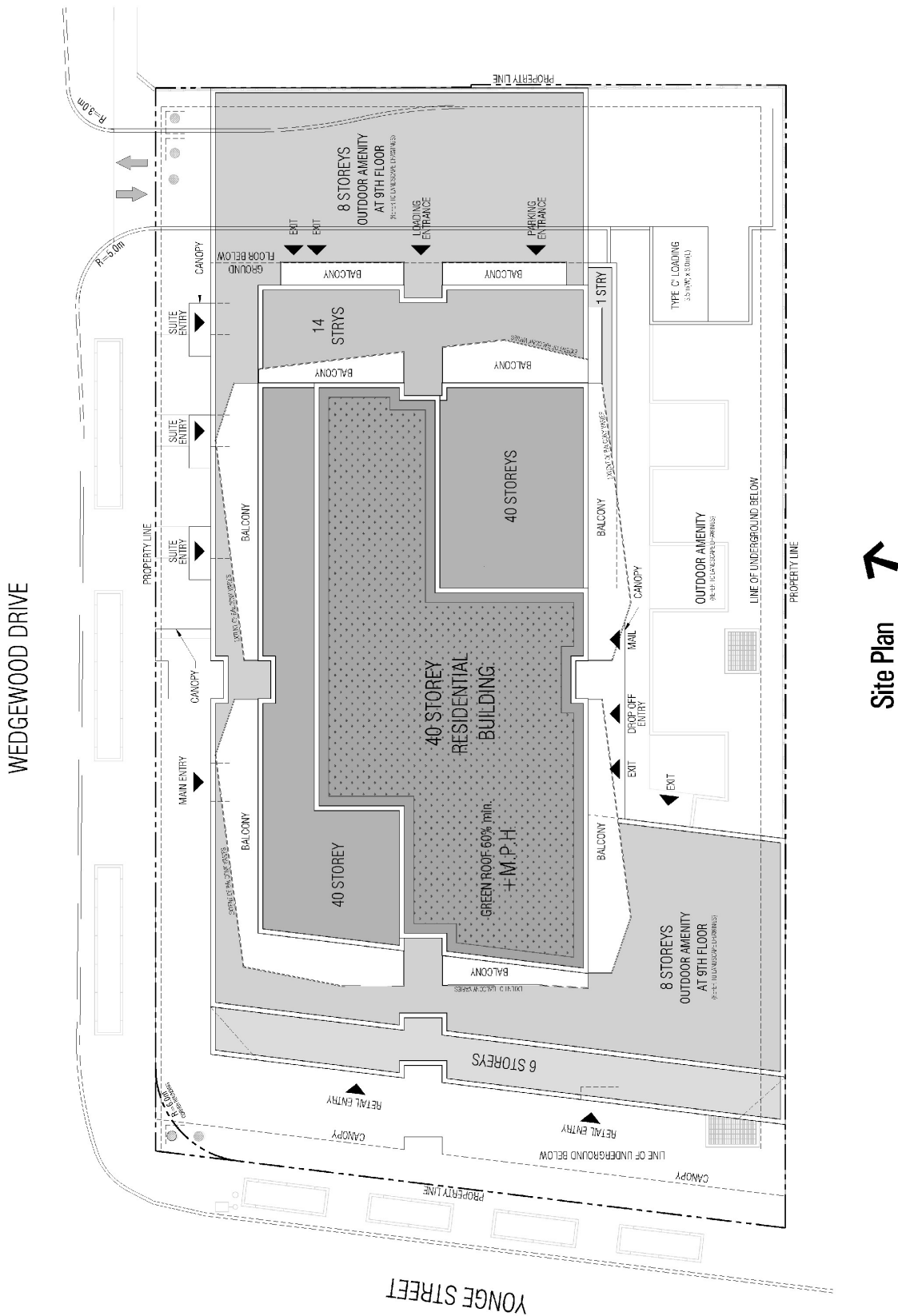


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Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan 

Attachment 4: Official Plan Map



5995 & 5997 Yonge Street

Official Plan Land Use Map #16

File # 19 251072 NNY 18 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks


Not to Scale
11/25/2019