

## **5995 to 5997 Yonge Street – Zoning By-law Amendment Application – Request for Direction Report**

Date: February 4, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Willowdale

**Planning Application Number:** 19 251072 NNY 18 OZ

### **SUMMARY**

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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 to 5997 Yonge Street to permit a forty storey mixed-use building with 443 residential units.

The applicant has appealed the application to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision within the timeframe prescribed in the *Planning Act*. A hearing has been scheduled to begin May 11, 2021.

This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the LPAT hearing in opposition to the application. It also recommends that staff continue to have discussions with the applicant in an effort to resolve the issues outlined in this report and to report back to City Council on the outcome as appropriate.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate staff, to oppose the application at the Local Planning Appeal Tribunal hearing.
2. Should the Local Planning Appeal Tribunal approve the zoning by-law amendment application, City Council authorize the City Solicitor to request that

the Local Planning Appeal Tribunal withhold its Order(s) approving the application until such time as:

- a. The Local Planning Appeal Tribunal has been advised by the City Solicitor that the proposed by-law amendments are in a form satisfactory to the City;
- b. Should the Local Planning Appeal Tribunal approve the application, City Council direct the City Solicitor to advise the Tribunal that the 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 in consultation with the applicant and the Ward Councillor.
- c. The City Solicitor confirms that the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planning and Executive Director, City Planning to secure the appropriate Section 37 matters;
- d. The City Solicitor confirms that the owner has addressed the outstanding issues identified in the memorandum dated January 8, 2020 from the Manager, Development Engineering, Engineering and Construction Services, including an updated Functional Servicing and Stormwater Management Report that addresses staff's concerns;
- e. the City Solicitor confirms that the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and Geohydrology Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing and Stormwater Management Report, and Geohydrology Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- f. the City Solicitor confirms that the implementation of the Functional Servicing and Stormwater Management Report and Geohydrology Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services; and

3. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant, in consultation with the Ward Councillor, to address the issues outlined in the report (February 4, 2021) from the Acting Director, Community Planning, North York District, and to report back to City Council on the outcome of those discussions, including proposed Section 37 contributions relating to any revised proposal, as appropriate.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

## **DECISION HISTORY**

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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>.

City Council, at its meeting of June 29, 2020 considered a report from the Chief Planner and Executive Director, City Planning on the Growth Plan Conformity and Municipal Comprehensive Review ("MCR") Work Plan. City Council adopted staff's recommendations including the recommended approach to the work, including the recommended phased Major Transit Station Area ("MTSA") Prioritization Approach. The staff report and City Council's direction is available at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>.

On February 5, 2020 North York Community Council considered a Preliminary Report from the Director, Community Planning on the subject application. Community Council did not adopt staff's recommendations but rather referred it back to staff "in order to provide the applicant with an opportunity to revise the application to address areas of concern, such as height and density". Staff were directed to report back to North York Community Council on the outcome of those discussions. The staff report and North York Community Council's decision is available at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY13.10>.

On December 3, 2020 North York Community Council considered a Status Report from the Acting Director, Community Planning which updated Community Council on discussions with the applicant and recommended holding a community consultation meeting. The staff report and Community Council's decision adopting staff recommendations is available at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY20.5>.

## **ISSUE BACKGROUND**

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### **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 and 334 bicycle parking spaces. The total gross floor area is 35,242 square metres which results in a Floor Space Index of 12.57.

See Attachment 1 of this report, for a three dimensional representation of the project in context, Attachment 3 for the proposed site plan and Attachment 7 for the Application Data Sheet containing additional information on the application.

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

<http://app.toronto.ca/AIC/index.do?folderRsn=ErU0voSwqHIRvh2q1X%2FdJA%3D%3D>.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans. The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a

planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019. This new plan replaced the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)"). The Growth Plan (2020) 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 (2020) 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 (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, 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/>

This application has been reviewed against the policies of the Official Plan, including the following:

### **Chapter 2 - Shaping the City**

Chapter 2 of the Official Plan contains principles for steering growth and change to some parts of the city, while protecting our neighbourhoods and green spaces from development pressures.

Section 2.2 Structuring Growth in the City of the Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with

redevelopment potential. Generally, growth areas in the City are locations where good transit access can be provided along bus and streetcar routes and at rapid transit stations.

*Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities. Such reurbanization is subject to the other policies in the Official Plan, including in particular the neighbourhood protection policies. There is no "one size fits all" program for reurbanizing these areas and the vision for each *Avenue* will be developed through a local *Avenue* study. These areas will change incrementally over time.

*Neighbourhoods* are seen as being stable but not static. Policies in Section 2.3.1 Healthy Neighbourhoods require development in *Mixed Use Areas*, among others, that are adjacent to or close to *Neighbourhoods* to be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards those *Neighbourhoods*, and maintain adequate light and privacy for residents in those *Neighbourhoods*. New development in *Mixed Use Areas* should attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Official Plan Map 3 Right-of-Way Widths Associated with Existing Major Streets illustrates an anticipated right-of-way width of 33 metres for the Yonge Street frontage of the development site.

Map 4 - Higher Order Transit Corridors identifies the existing Finch subway station as part of the City's Higher Order Transit System and north of the station as a Transit Corridor. Map 5 - Surface Priority Network identifies Yonge Street as a Transit Priority Segment.

Section 2.4 of the Official Plan integrates transportation and land use planning at both the local and regional scales. Within the City, the Plan addresses the differing transportation demands between areas targeted for growth and those other parts of the City where little physical change is foreseen. The transportation policies, maps and schedules of the Plan make provision for the protection and development of the City's road, rapid transit and inter-regional networks.

### **Chapter 3 - Building A Successful City**

Chapter 3 of the Official Plan contains policies to guide growth in the city by integrating social, economic and environmental perspectives in decision making in order to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human and natural environments economic health and new communities. It complements the



policies in chapters 2 and 4 of the Official Plan by providing direction to matters that can improve everyday lives.

Section 3.1.1 contains policies with regards to the public realm and recognizes how important good design is in creating a great city. It encourages excellence in architecture, landscape and urban design while recognizing that city streets are significant public open spaces which connect people and places as well as supporting the development of sustainable, economically vibrant and complete communities.

Section 3.1.2 is the Built Form section of the Official Plan and contains policies to shape how future development can fit in, respect and improve on the character of the surrounding area. It recognizes that buildings have a civic responsibility to meet the needs of the people who live and work in the area and who will encounter the building in their daily lives in addition to future users of the building. Policies provide direction on how to ensure that buildings and their facades fit within their existing and/or planned context and acknowledges that each new building should promote and achieve the overall objectives of the Official Plan.

The Official Plan contains specific built form policies with regards to tall buildings in Section 3.1.3. These buildings come with larger civic responsibilities and obligations than other buildings and as such the ability to fit within the existing and/or planned context while limiting their local impacts is important. This section of focusses on the three separate elements of a tall building: the base, middle and top and identifies the need for each to meet key urban design considerations.

Official Plan Amendments 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review pursuant to Section 26 and Subsection 17(34) of the *Planning Act*. On September 11, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs replace Sections 3.1.1., 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design. While not in force at the time the application was submitted, this continuing evolution of urban design principles are useful in reviewing the application.

#### **Chapter 4 - Land Use Designations**

The application is located on lands shown as Mixed Use Areas on Land Use Map 16 of the Official Plan (see Attachment 4).

The site is designated *Mixed Use Areas* which is one of four designations identified in the Official Plan as providing opportunities for increased jobs and/or population. Underutilized lots within *Mixed Use Areas* have the potential to absorb much of the new housing growth expected in Toronto over the coming decades. While the *Mixed Use Areas* designation encourages intensification, the Plan recognizes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

*Mixed Use Areas* are made up a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan directs new development to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to existing and/or planned buildings. Further, development in *Mixed Use Areas* will locate and mass new buildings to provide appropriate transition towards areas of different intensity and scale.

The Official Plan establishes criteria for development in *Mixed Use Areas* that are intended to contribute to the quality of life. It is the intent that development will:

- Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Provide for new jobs and homes for Toronto's growing population on underutilized lands in areas such as designated *Mixed Use Areas*;
- Provide a transition between areas of different development intensity, particularly providing setbacks from and stepping-down of building heights towards lower scale *Neighbourhoods*;
- Locate and mass new buildings to minimize shadow impacts on adjacent *Neighbourhoods* during the spring and fall equinoxes;
- Locate and mass new buildings to 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 spaces;
- Provide an attractive, comfortable and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries, and childcare;
- Take advantage of nearby transit services;
- Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

## **Chapter 5: Implementation: Making Things Happen**

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1 and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 square metres and an increase in density of at least 1,500 square metres from the base zoning. Details of a Section 37 Agreement between the applicant and the City are determined, in conjunction with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

Policy 1 in Section 5.3.2 in Implementation Plans and Strategies for City-Building, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Applicable Design Guidelines are discussed further in this report.

### **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 unit 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 guidelines were used in the evaluation of this application:

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

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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.

### **Growing Up: Planning for Children in New Vertical Communities**

In July 2020, Toronto City Council adopted the Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future City-wide and area based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

## **Pet-Friendly Guidelines**

The objective of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Guidelines support all residents, pet-owners and non pet-owners alike, by encouraging design in new development that demonstrates a consideration for pets, as well as the impacts that they have on our parks, open spaces and the environment.

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).

## **COMMENTS**

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

The PPS and the Growth Plan are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area and availability of infrastructure and public service facilities to meet projected needs.

Both the PPS and the Growth Plan identify official plans as the tool to implement the broad policy goals of building complete communities, identify the appropriate mix of uses and efficient land use and development patterns to support sustainability by promoting strong, livable, healthy, and resilient communities. Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.6 states that "the official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans." While not policy, the preamble provides additional guidance by stating that "official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas".

The Official Plan identifies areas of the city which are intended for growth and others which are intended for stability. While the lands are designated *Mixed Use* Areas in the Official Plan, that does not equate to unlimited density or heights. The preamble to Section 4.5 of the Official Plan notes that "not all *Mixed Use*

Areas will experience the same scale or intensity of development....Development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than in the *Centres*.

The proposed development would have a height of forty storeys (126.9 metres) and a Floor Space Index ("FSI") of 12.8. The subject site is almost a block north of the North York Centre Urban Growth Area which is designated as a *Centre* in the Official Plan. A recent LPAT settlement, as amended, on the south side of Cummer Avenue within the *Centre* has a maximum height of 124 storeys and a FSI of approximately 4.14. The applicant's proposal is proposing a higher height and density than what is recently approved in the Urban Growth Centre to the south. As heights and densities in the *Centres* are generally greater than along the *Avenues* and the subject property will not contain a future subway station unlike the site within the *Centre*, the height and density should be reduced to reflect the difference in context and location.

### **Built Form, Planned and Built Context**

Staff have identified a number of concerns with the proposed built form and massing including the need to provide appropriate transition to the lands designated *Neighbourhoods* to the east and north. As identified in the Issues List provided in advance of the hearing, there are also concerns with how the proposed development does not conform with both the Built Form policies of the Official Plan and the Built Form – Tall Buildings policies of the Official Plan with regard to building height, transition and massing.

Regarding height and transition, the Built Form policies of the Official Plan state that development should be massed to fit harmoniously into its existing and/or planned context and should provide appropriate transitions in scale to neighbouring existing and/or planned buildings. The proposed tall building does not provide an appropriate transition to the north on Yonge Street and to the lands designated *Neighbourhoods* to the east and north. Furthermore, the submitted elevation and section drawings did not show the height in metres. The eight storey base building height raises concerns on how it frames and respects the scale and proportion of Yonge Street, Wedgewood Drive and the adjacent context.

The proposed tall building floor plate, along with the fourteen storey wider floor plate along Wedgewood Drive exceed the maximum 750 square metre floor plate requirement in the Tall Building Design Guidelines. Additionally, balconies are proposed to wrap around the corners of the tall building, creating additional mass to the building which are also discouraged in the Tall Building Design Guidelines.

The built form and massing of the building should also be revised in order to minimize the shadowing impacts of the building on the lands designated

*Neighbourhoods* to the east and improve wind conditions on the surrounding public realm and proposed outdoor roof top amenity space.

### **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 subway into York Region. While not in-force policy, the City put significant work into developing the draft guidelines for the public's consideration and do help provide some guidance.

The draft policies identify the site as being within the "Mixed Use Area A – Cummer & Steeles Station Areas" with a maximum FSI of 3.75 and a maximum height of 125 metres. Providing density incentives contained in the draft policies would allow a development with a FSI of up to 5.0. The proposed FSI of 12.8 is significantly greater than what is contemplated in the draft Secondary Plan.

In addition to the subject site, an additional application has been filed for other lands within this block, which is important given its proximity to the planned subway station at Cummer/Drewry Avenue (file nos. 16 121334 NNY24 OZ and 16156153 NNY 24 OZ). It is important to consider how the applications interact and create a long-term plan for the overall block. Staff are considering how the two development applications "fit" and how the sites relate to each other given the different locational attributes to the future planned subway station.

### **TTC Line 1 Subway 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 subway from Finch Station north to Richmond Hill, with six new proposed stations including one at Cummer/Drewry.

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.

The Planning rationale, in the discussion surrounding the appropriateness of the proposed intensification, identifies the site as being within a Major Transit Station Area ("MTSA") due to its proximity to the future Cummer/Drewry Station. The site is not located within a MTSA, those are something that may only be delineated through a MCR and the City has not yet delineated this area. While it may be the case that when the City undertakes this exercise it will be included, the policies related to MTSA's are not applicable at this time. As discussed in the Decision History section of this report, City Council have endorsed the Chief Planner's

recommended work plan regarding Growth Plan conformity, including work surrounding the identification of MTSAs.

Further, Metrolinx is re-evaluating the project scope of the extension which may include adding or removing stations. Reliance upon a station that is part of a project which is under review is not sufficient justification for the level of intensification proposed.

### **Growing Up Guidelines**

The City's Growing Up: Planning for Children in New Vertical Communities guidelines are rooted in the Official Plan's vision to create an attractive and safe city where people of all ages and abilities can enjoy a good quality of life. It recognizes that every new mid-rise and tall building is in itself a new community of residents that becomes integrated within an existing community. The design of new buildings needs to consider the needs of families in all stages to ensure residents can remain in their communities.

One element of ensuring that new buildings can become a complete community is by ensuring that they provide a range of unit types to address different needs of future residents. Providing a critical mass of large units can create a sense of community and address the needs of larger families. The proposal would provide a range of unit types as follows:

- studio units (2%)
- 1-bedroom units (24%)
- 1-bedroom plus den (29%)
- 2-bedroom units (27%)
- 2-bedroom plus den (11%)
- 3-bedroom units (7%)

The Guidelines suggest that a building should provide a minimum of twenty-five percent of the units a large units, with ten percent of the total number as three-bedroom units. The amount of three-bedroom units should be increased in order to ensure that the overall mixture of units provides an appropriate range of housing options.

The Guidelines also require a certain number of the two- and three-bedroom units to meet a minimum size requirement to ensure they are large enough to support families. The applicant's submitted information does not indicate whether the two- and three-bedroom units meet the recommended minimum unit sizes of 87 and 100 square metres respectfully.



## **Community Services and Facilities**

The City's Official Plan Policy 2.3.1.6 identifies that community and neighbourhood amenities will be enhanced where needed by improving and expanding facilities, creating new facilities and adapting existing services to changes in the needs of the neighbourhood. Section 3.2.2 of the Official Plan calls for adequate and equitable access to community services and local institutions, and sets out a policy framework that, among other things, encourages the inclusion of community service facilities as part of private development.

Children's Services has identified Ward 18 as high priority for capital investment, meaning that only 20 to 29 percent of children 0-4 years in the area can be served by licensed child care. As of February 2019, there were 29 child care facilities operating in Willowdale and six new facilities planned or under construction for a total capacity of 2,920 licensed child care spaces.

Based on 2018 development pipeline data, anywhere from six to eight additional child care facilities may be required over the next fifteen years, or one new facility every two years, to support growth. The six new facilities planned or under construction will likely address some near term demand. However, the supply and demand for child care facilities will need to be monitored to ensure the number of licensed spaces keeps pace with growth.

There are approximately 35 human service agencies located in Willowdale serving residents both locally and city-wide. Their programs and services range from newcomer settlement and language services, supports for persons with disabilities, seniors services, family and counselling services, as well as youth education. A survey of these agencies undertaken in early 2019 found that the capacity and demand for services varied by organization and client groups. Services reporting high demand included adult day programs and services delivered in specific languages (e.g. Farsi).

Should the LPAT choose to approve this application in some form, it is recommended that the City Solicitor ask the Tribunal to withhold its final Order until such time as appropriate community benefits are secured through Section 37 of the *Planning Act* as discussed below.

## **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*. Should the LPAT approve the development application, it is critical to ensure that appropriate community benefits are secured to support the community in the long-term. As such, the LPAT should withhold its final Order until an appropriate Section 37 benefits package has been agreed upon.

### **Infrastructure/Servicing Capacity**

As part of the submitted materials, the applicant submitted engineering reports and drawings which were reviewed by staff. Engineering and Construction Services provided comments in their memorandum of January 8, 2020 which identified the need for additional information and changes including an updated Functional Servicing and Stormwater Management Report.

Should the LPAT decide to approve the proposal, it is appropriate for the final Order to be held until such time as staff have identified that sufficient servicing can be put in place to service the development.

### **Tree Preservation**

As part of the application the applicant is proposing to plant ten trees within the City road allowance, the deposit for which will be secured through the Site Plan Approval process, if the application is approved in some form.

The application proposes removal of three trees and injuring one more. These will require a permit and planting seven trees on private property. The applicant is proposing an adequate number of replacement trees which will be secured through the Site Plan Approval process, if the application is approved in some form.

### **Schools**

The submitted application materials were circulated to the four public boards. The Toronto Catholic District School Board ("TCDSB") has indicated that the local elementary school is operating at capacity and cannot accommodate additional schools from the development. Sufficient space does exist within the local secondary TCDSB schools.

Comments were not received from the Toronto District School Board ("TDSB"), the French Catholic School Board or the French School Board. However, as part of the Community Services and Facilities review for the North York Centre area, TDSB advised that elementary schools located within Willowdale are, or will be, facing accommodation pressures through 2027. In the spring of 2018, the TDSB received Provincial funding for an addition at Hollywood Public School. The

Board is currently exploring the potential for a three classroom expansion of McKee Public School. In its most recent Long Term Program and Accommodation Strategy 2019 – 2028, the Board's work plan also includes a number of boundary change studies and a grade change study to be undertaken in the coming years to help balance enrollment in the area.

The TCDSB recently completed some capital projects in the area that will increase capacities at the elementary and secondary levels. However, the Board has advised that they continue to anticipate significant enrollment pressure.

### **Vehicular and Bicycle Parking**

The applicant is proposing 174 vehicular parking spaces for the proposed development. Based on the City's Zoning By-law 569-2013 Policy Area 3 requirements, the development proposal is required to provide a total of 402 parking spaces. In their memo January 10, 2020 Transportation Services indicated that they "cannot accept the proposed parking provisions" and that the submitted Transportation Demand Management plan "does not sufficiently propose alternate modes of transportation or commit any resources to securing a future modal shift".

The applicant has indicated that the Toronto Green Standard requires a total of thirty-two short term and 302 long term bicycling parking spaces which the application provides.

### **Loading**

The applicant is proposing one Type G and one Type C loading space in accordance with the requirements of By-law 569-2013 and Transportation Services accepted the proposed loading supply.

### **Parkland**

Parks are essential to making Toronto an attractive place to live, work, and visit. They offer a broad range of outdoor leisure and recreation opportunities, transportation routes, and places for residents to interact with nature and with each other. Public parks and open spaces perform a variety of critical functions that improve and maintain our city's health including helping mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 5,906.7 square metres or 214.49 percent of the site area. However, for sites that

are less than one hectare in size, a cap of ten percent of the development site is applied to the residential use while the non-residential use is subject to a two percent parkland dedication. In total, the parkland dedication requirement is 276 square metres.

As per the Toronto Municipal Code Chapter 415-26 C, Parks, Forestry & Recreation would accept the conveyance of lands off-site, but within approximately 800 metres of the applicant's site, that would expand an existing park or create a new park as the required parkland dedication. This is appropriate when considering the comprehensive redevelopment of the block and the other large development proposed. The development at 5959 Yonge Street (mentioned in the Decision History section above) is proposing an on-site parkland dedication and an expansion of this parkland through an off-site dedication is most appropriate. This would contribute to the creation of a public park of an appropriate size that would serve the large influx of residents proposed for this block through the two applications. With the number of residents contemplated for this quadrant of the Yonge Street and Cummer/Drewry Avenue intersection, new public parkland is needed.

## **Conclusion**

Staff have reviewed the application and have serious concerns with regards to the proposal, including but not limited to the density, height and built form proposed. As identified in the Issues List issued by the LPAT in its decision of January 8, 2021 and discussed above, the following concerns which remain outstanding include:

- Whether the proposal conforms to and does not conflict with the Growth Plan (2020);
- Whether the proposed development is consistent with the PPS;
- Conformity with the City's Official Plan, including the policies discussed in this report;
- Whether the applicant has adequately addressed the larger context and examined its implications for the segment of the *Avenue*;
- Having appropriate regard for the draft Yonge Street North Secondary Plan (2014);
- Whether the proposed development has appropriate regard for the applicable city design guidelines, including the Tall Building Guidelines and the Growing Up Guidelines;
- Whether the proposed development takes into consideration of the comprehensive redevelopment of the block as a whole;
- Parkland dedication;
- Whether the proposed building setbacks and stepbacks are appropriate;
- Appropriate Section 37 benefits.

As currently contemplated, the application to amend the zoning by-laws is not appropriate. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council direct the City Solicitor, together with appropriate staff, to attend the LPAT hearing in opposition to the proposal.

In an effort to try and resolve the outstanding issues discussed in the body of this report, it is recommended that City Council direct staff to continue discussions with the applicant in advance of the hearing and report back to City Council on those discussions, if appropriate.

## **CONTACT**

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## **SIGNATURE**

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Al Rezoski, Acting Director  
Community Planning, North York District

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of Proposal in Context Looking East

Attachment 2: Location Map

Attachment 3: Site Plan

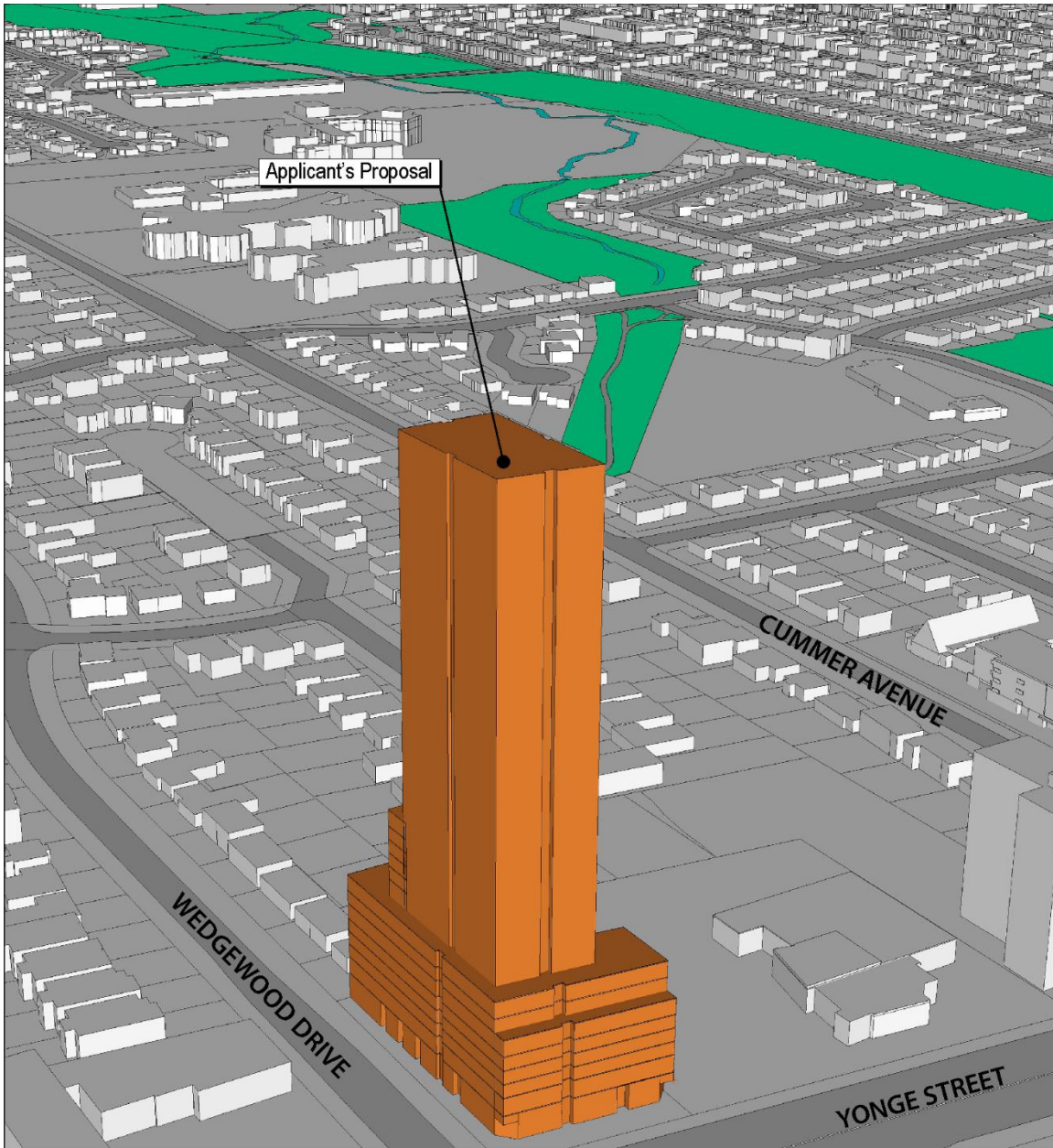
Attachment 4: Official Plan Map

Attachment 5: Zoning By-law 569-2013

Attachment 6: Zoning By-law 7625

Attachment 7: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context Looking East



View of Applicant's Proposal Looking East

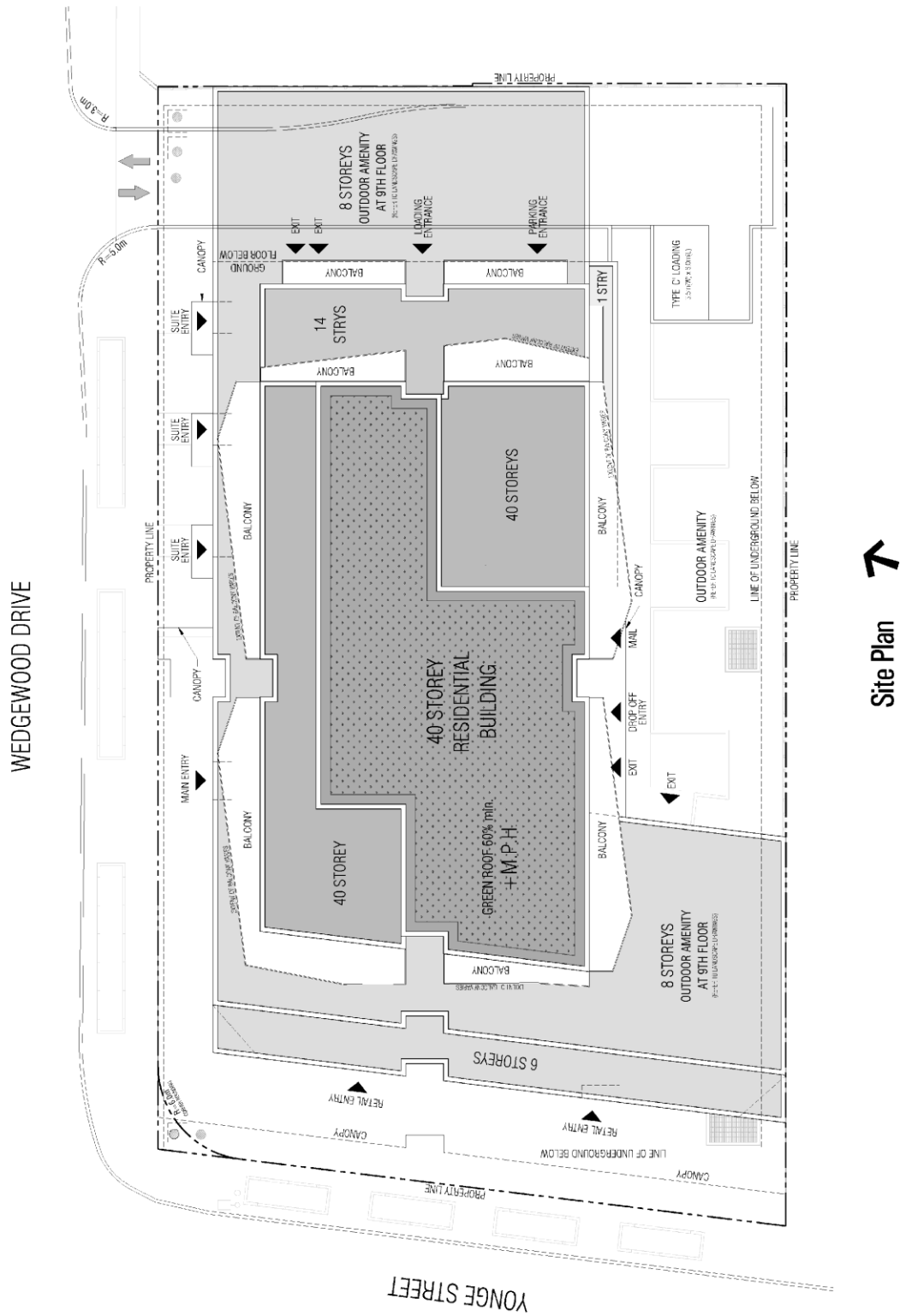



12/09/2019

Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan 








Attachment 4: Official Plan Map



5995 & 5997 Yonge Street

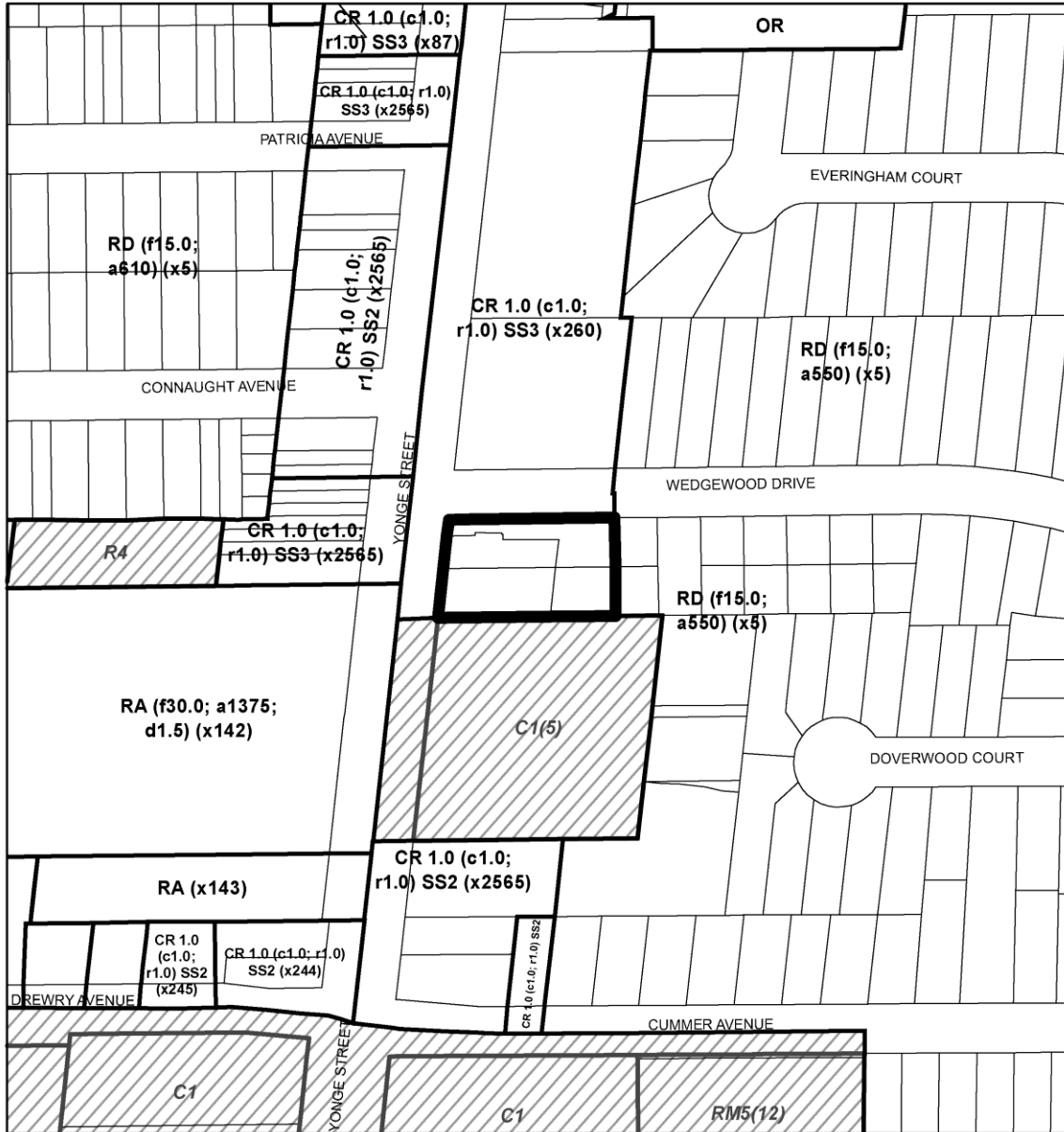
Official Plan Land Use Map #16

File # 19 251072 NNY 18 0Z

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

  
Not to Scale  
11/25/2019

Attachment 5: Zoning By-law 569-2013



Zoning By-law 569-2013

5995 & 5997 Yonge Street

File # 19 251072 NNY 18 0Z

Location of Application

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

See Former City of North York By-law No. 7625

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

Not to Scale  
Extracted: 11/25/2019


Attachment 6: Zoning By-law 7625



Zoning By-law 7625


5995 & 5997 Yonge Street

File # 19 251072 NNY 18 0Z

 Location of Application

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

**RM6** Multiple-Family Dwellings Sixth Density Zone  
**C1** General Commercial Zone  
**O1** Open Space Zone

  
 Not to Scale  
 Extracted: 11/25/2019

Attachment 7: Application Data Sheet

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
YONGWOOD LTD 3700 Steeles Avenue West, Suite 800 Vaughan, ON L4L 8M9			YONGWOOD LTD 3700 Steeles Avenue West, Suite 800 Vaughan, ON L4L 8M9

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 1.0 (c1.0; r1.0) SS3 (x260)	Heritage Designation:	N
Height Limit (m):	10.5	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq m): 2,803                      Frontage (m): 40                      Depth (m): 72

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			1,500	<b>1,500</b>
Residential GFA (sq m):			34,623	<b>34,623</b>
Non-Residential GFA (sq m):			619	<b>619</b>
<b>Total GFA (sq m):</b>			<b>35,242</b>	<b>35,242</b>
Height - Storeys:			40	<b>40</b>
Height - Metres:			133	<b>133</b>

Lot Coverage Ratio (%): 53.51                      Floor Space Index: 12.57

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	34,563	60
Retail GFA:	619	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			443	<b>443</b>
Other:				
<b>Total Units:</b>			<b>443</b>	<b>443</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		10	232	169	32
<b>Total Units:</b>		<b>10</b>	<b>232</b>	<b>169</b>	<b>32</b>

**Parking and Loading**

Parking Spaces: 174      Bicycle Parking Spaces: 334      Loading Docks: 2

Contact:  
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