

5800 Yonge Street – Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Applications – Request for Direction Report

Date: January 31, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Willowdale - Ward 18

Planning Application Numbers: 20 110947 NNY 18 OZ and 20 110960 NNY 18 SB

SUMMARY

On January 31, 2020, an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted to permit the development of 34 and 37 storey residential towers on individual base buildings, and 37 and 44 storey residential towers linked by a 2 and 4 storey base building containing residential, retail and office uses. The application proposes to provide two new public streets: a portion of a north-south extension of Beecroft Road with a 26 metre wide right-of-way, and a new east-west street with a 20 metre wide right-of-way linking Yonge Street and the future Beecroft Road extension. The applicant is also proposing a new public park located on the west side of the future Beecroft Road which would be combined with the parkland dedication on the lands to the north to create a larger consolidated public park.

The applications propose a total gross floor area of 117,826.9 square metres (111,188.0 square metres of residential, 4,601.7 square metres of office, 1,255.6 square metres of retail, and 781.5 square metres of daycare) with a Floor Space Index of 3.6 times the area of the lot. The applications were deemed complete on February 25, 2020.

On August 31, 2021, the applicant filed an appeal with the Ontario Land Tribunal ("OLT") on the application due to Council not making a decision within the 120-day time frame in the Planning Act. The applicant's appeal letter advises the OLT that they will be requesting approval of a revised proposal which has not yet been submitted to the City for circulation and review by staff.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval appeals for the lands at 5800 Yonge Street and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Official Plan and Zoning By-law amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has addressed the outstanding issues raised by Engineering and Construction Services as they relate to the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications identified in the Memorandum dated April 6, 2020, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
 - d) the Conditions of Draft Plan Approval respecting the proposed Draft Plan of Subdivision are in a form and content acceptable to the Chief Planner and Executive Director, City Planning, prepared in consultation with the City Solicitor and appropriate City Divisions.
3. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the applicant of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the applicant of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
4. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision

FINANCIAL IMPACT

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

DECISION HISTORY

On October 8, 2013 City Council adopted a motion to request that prior to entering into any sales agreements for the subject site that Toronto Hydro collaborate with the Chief Planner and Executive Director, City Planning to create a comprehensive redevelopment land use concept plan for the site that is in keeping with the vision emerging in the Yonge Street North Planning Study. The motion can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM39.39>

On December 5, 2017 City Council deferred consideration of a motion requesting Council oppose the sale of the lands until a mechanism to ensure the Official Plan was complied with was in place to either the January 31, February 1 and 2, 2018 meeting of City Council, or a special meeting to be called by the Mayor. The decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM35.46>

On January 31, 2018 City Council adopted a motion directing the City Manager and the Chief Planner and Executive Director, City Planning to report to the March 26, 27 and 28, 2018 City Council meeting on measures in place to ensure Toronto Hydro will fulfill its commitments to comply with the North York Centre Secondary Plan with particular regard for the maximum density. The motion can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM36.1>

On March 26, 2018 City Council adopted Confidential Instructions to Staff from the City Solicitor and Acting Chief Planner and Executive Director, City Planning with respect to the site and ensuring Toronto Hydro's commitment to comply with the North York Centre Secondary Plan. City Council's decision and the non-confidential portion of the staff report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM38.34>

A preliminary report was referred back to staff for further consideration by North York Community Council on July 15, 2020. The decision of North York Community Council can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY16.5>

A revised preliminary report was adopted by North York Community Council on September 10, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of North York Community Council can be found here:

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located on the west side of Yonge Street approximately half way between Finch Avenue and Drewry Avenue. The irregular shaped site is approximately 3.27 hectares (8.09 acres) in size, with frontage on Yonge Street and Fairchild Avenue.

Existing Uses on Site: 5800 Yonge Street is the former offices of Toronto Hydro. The site is a one storey building constructed in 1965 containing 7,990 square metres of office space. An asphalt surface parking lot is located in the rear of the property. The building is currently being used as a short term shelter leased by the City of Toronto.

Surrounding uses include:

North of the site are approved developments at 8-28 Inez Court for a 10-storey and 32-storey tower connected by a 2-storey base building, and at 5858-5868 Yonge Street for a 32-storey tower with a 6-storey base building.

On the east side of Yonge Street is the former Newtonbrook Plaza site, which is currently being redeveloped as a mixed use development containing retail, residential and community centre spaces. The residential towers at the Newtonbrook site will be 34, 36 and 40 storeys in height.

South of the site are vacant lands owned by Ontario Hydro fronting Yonge Street, and a hydro substation behind it.

West of the site is Fairchild Avenue and a low rise residential neighbourhood of detached dwellings.

Refer to Attachment 1 for the Location Map.

THE APPLICATION

Description

The application as submitted to the City, and the revised proposal the applicant has indicated they are asking the OLT to approve, are summarized in the chart below.

	Original Submission to City - January 20, 2020 (see Attachment 5 for site plan submitted to City)	Applicant's Revised Plans Submitted to OLT dated November 10, 2021 (See Attachment 6 for site plan submitted to OLT)
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	Original Submission to City - January 20, 2020 (see Attachment 5 for site plan submitted to City)	Applicant's Revised Plans Submitted to OLT dated November 10, 2021 (See Attachment 6 for site plan submitted to OLT)
Density (Floor Space Index)	3.6	3.6
Gross Floor Area	117,826.9 square metres - 111,188.0 square metres of residential - 4,601.7 square metres of office - 1,255.6 square metres of retail - 781.5 square metres of daycare	117,566.6 square metres -105,840.5 square metres of residential -1,074.3 square metres of office -1,966.8 square metres of retail -1,382.8.5 square metres of daycare
Height	34-storey (109.25 metre) and 37-storey (118.25 metre) residential towers on individual 3-storey base buildings on the western portion of the site adjacent to Beecroft Road. 37-storey (117.25 metre) and 44-storey (141.25 metre) residential towers linked by a 2 and 4 storey base building containing residential, retail and office uses fronting onto Yonge Street.	Two 32-storey (102 metre) residential towers located on individual 8 storey base buildings on the western portion of the site adjacent to Beecroft Road. Two 32-storey (102 metre) residential towers linked by a 9 storey base building containing residential, retail and office uses fronting onto Yonge Street.
Unit count	1,496 dwelling units - 96 bachelor units (6.4%) - 715 one-bedroom units (47.8%) - 528 two-bedroom units (35.3%) - 157 three-bedroom units (10.5%)	1,563 dwelling units - 128 bachelor units (8.2%) - 830 one-bedroom units (53.1%) - 448 two-bedroom units (28.7%) - 157 three-bedroom units (10.0%)
Parking	1,638 vehicular parking spaces - 1,429 resident - 150 visitor - 59 Retail/Office/Daycare 1,156 bicycle parking spaces	1,604 vehicular parking spaces - 1,407 resident -156 visitor - 41 Retail/Office/Daycare - 1,186 bicycle parking spaces

	Original Submission to City - January 20, 2020 (see Attachment 5 for site plan submitted to City)	Applicant's Revised Plans Submitted to OLT dated November 10, 2021 (See Attachment 6 for site plan submitted to OLT)
Proposed Parkland Dedication	4,675 square metres	3,847.2 square metres
Phasing of Development	The two residential towers on the western portion would be constructed as Phase 1, with the two towers and base building on the eastern portion along Yonge Street as Phase 2.	The two towers and base building on the eastern portion of the site along Yonge Street are identified as Phase 1, with the two residential towers on the western portion identified as Phase 2.

Additional Information

See attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal as submitted to the City. Attachment 6 of this report is the site plan as submitted to the OLT. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts. The above attachments are based on the original proposal submitted on January 20, 2020.

All plans and reports submitted to the City as part of the application can be found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=tyMWvCKFgl4Y00KBFCrArQ%3D%3D>

Reasons for Application

The Official Plan Amendment seeks to amend the North York Centre Secondary Plan to permit height and density in excess of what is permitted by the plan, as well as to permit the retail along Yonge Street to count as a density incentive in accordance with the plan. This Official Plan Amendment application is proposed because the proposed built form, height and density do not meet the North York Centre Secondary Plan.

The Zoning Amendment application proposes to amend Zoning By-law 7625 to vary performance standards including: building height, density, setbacks, and parking, among other areas of non-compliance.

The Draft Plan of Subdivision application would create blocks for the development parcels, new public streets and a new public park.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

POLICY CONSIDERATIONS

Official Plan Designation: The site is located within a *Centre* on the Urban Structure Plan shown on Map 2 of the Official Plan. The site is designated as *Mixed Use Areas* on Land Use Map 16 of the Official Plan.

North York Centre Secondary Plan: The site is designated as Mixed Use Area F in the North York Centre Secondary Plan (the "NYCSP").

Zoning:

Former City of North York Zoning By-law 7625

The former City of North York Zoning By-law 7625 zones the property as "O3" (Semi-Public Open Space). This zoning category permits any station, yard, building, park or parkway, operated or used by the various levels of Government, Agencies, Boards, Commissions, Institutions and Utilities.

Citywide Zoning By-law 569-2013

The site is not subject to Citywide Zoning By-law 569-2013 and the application does not propose to incorporate the site into it.

Additional information: Applicable policy documents can be found in Attachment 7.

COMMUNITY CONSULTATION

A Community Consultation meeting has not been held for this application. Based on discussions with the applicant, a meeting was not scheduled in the expectation that a revised submission which addressed some of the major issues identified in the Preliminary Report and discussions between staff and the applicant would be submitted. This submission was not received prior to the appeal being filed.

COMMENTS

The proposal has been reviewed against the Planning Act, the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Official Plan policies, planning studies and design guidelines.

Planning Act

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

Provincial Policy Statement (2020) and Growth Plan (2020)

Planning staff have reviewed the application as submitted to the City against the policies of the Provincial Policy Statement "PPS" and the "Growth Plan", as described in the Policy Considerations Section in this report. The revised proposal submitted to the OLT is being reviewed to determine if it is consistent with the PPS and in conformity with the Growth Plan insofar as achieving the policy objectives of complete communities, appropriate development standards, appropriate infrastructure to support growth, etc.

Land Use

The residential, office and commercial uses proposed align with the *Mixed Use Areas* designation. The application does not provide for complete office replacement in accordance with the provisions of OPA 231. Staff continue to recommend that the existing amount of office space within the building be replaced in line with the Official Plan policy.

Height and Density

The NYCSP permits amendments to increase height where it is necessary to provide desirable flexibility in built form, would have no appreciable impact on the residential amenity of properties in stable residential areas, and meets the urban design objectives of Section 5 of the NYCSP.

The application as submitted proposed towers of 34-storeys (109.25 metre), 37-storeys (118.25 metre), 37-storeys (117.25 metre) and 44-storeys (141.25 metre). The NYCSP permits a maximum height of 87 metres on the portion of the site where the towers are proposed. The tower floorplates generally met the 750 square metre gross construction area contained within the Tall Building Guidelines.

The revised application proposes four 32-storey (102 metre) tall towers. These towers are designed to the maximum height identified in the Restrictive Covenant registered when the property was sold by Toronto Hydro. The towers proposed in the plans submitted with the appeal at 32 storeys have gross construction area floor plates of 825 square metres, which do not comply with the 750 square metre gross construction area contained within the Tall Building Guidelines.

The range of tower heights contained in the original proposal which complied with the floor plate requirements of the Tall Building Guidelines represents a better overall built form on the site when compared to the revised concept with larger floor plates and four towers of equal height.

The applicant's submitted plans are proposing a total gross floor area of 3.6 times the area of the lands. The NYCSP permits a base density of 2.6 times the area of the lands, and permits an increase of up to 33 percent in exchange for the provision of density incentives outlined in the Secondary Plan. Including incentives, the NYCSP would permit a maximum density of 3.46 times the area of the lands. The applicant is relying on the density of 3.6 contained in the Restrictive Covenant as the maximum density to be allowed. While staff are not opposed to the slight increase in Floor Space Index

("FSI") from 3.46 to 3.6, this is subject to the provision of incentives in accordance with the NYCSP to account for the increase from the permitted base density of 2.6. To date, discussions with the applicant regarding the provision of incentives has included discussions about a potential over-dedication of parkland, a publicly owned daycare, publicly owned community facility space and a cash purchase of density in accordance with the provisions of the NYCSP. The application as currently submitted does not however provide incentives which comply with the plan or which would be acceptable to staff.

Built Form

Planning staff have reviewed the proposed built form, including the massing and transition, against the policies of the Official Plan, the North York Centre Secondary Plan and the Tall Building Design Guidelines.

The proposed building massing, including base building heights, tower stepbacks and tower floor plate size, is not acceptable and does not achieve the policy objectives of the Official Plan, the North York Centre Secondary Plan, or the Tall Building Design Guidelines.

With regard to base building heights, the NYCSP establishes a build-to-line where buildings are to be built at a consistent setback of approximately 4 metres from the property line to create a public boulevard 10 metres in width from the curb of the roadway. In order to create a pedestrian-scale condition along Yonge Street, the plan requires base buildings along Yonge Street within 10 metres of build-to-line to be constructed between 8 metres and 25 metres in height. The proposed base building height along Yonge Street is 9 storeys, which is equal to about 31 metres in height. In addition, the base buildings fronting onto the Beecroft Road extension and new east-west street should not exceed a height of 12 metres, as required in the NYCSP. The proposed base buildings facing the Beecroft extension and the new public road are 8 storeys, which are about 27.5 metres in height.

With regard to tower stepbacks, the proposed building tower features a 3 metre stepback from the base building or build-to-line along Yonge Street, where a minimum of 10 metre stepback is required for approximately two-thirds of the street frontage of the lot by the NYCSP.

The gross construction area (GCA) of the typical tower floor plate should not exceed 750 square metres, as recommended in the city wide Tall Building Design Guideline. The GCA of the tower floor plate for the proposed 4 towers on the plans submitted to the OLT is 825 square metres.

In addition, the proposed wrap-around balconies project into the required setbacks and stepbacks and add to the bulk of the massing. It is recommended to inset and break up the balconies to minimize the impacts on the public realm, particularly at the corners.

Public Realm and Site Organization

The application as submitted proposed three private driveways with accesses on Yonge Street, the Beecroft Road extension and the future east-west public street. The site also included a driveway loop located between the two western residential buildings. The access to Yonge Street and the internal at grade loop negatively impacted on the public realm by having vehicular access onto Yonge Street, and occupying surface space that could be used for landscaping and amenity space at grade on site.

The revised proposal as submitted to the OLT removed the private driveway access to Yonge Street, and the driveway loop between the two western residential buildings. Removing the driveway to Yonge Street allows for the provision of a consistent street wall along Yonge Street, and eliminates potential pedestrian conflicts from the driveway being located adjacent to a public park located on the site to the north. The removal of the on-site driveway loop has allowed for improvements to the proposed outdoor amenity areas at grade between the buildings along Yonge Street and a pedestrian connection from Yonge Street to the future park west of Beecroft Road through the office lobby in the shared base of the eastern building along Yonge Street. These changes in the plans submitted to the OLT are an improvement from the original application submitted to the City and are supported by staff.

Further improvements to the public realm are recommended such as designing the proposed private streets to meet the design objectives of public streets, providing enough space to allow for tree plantings on both sides of the proposed driveway and providing a landscaped buffer between the proposed walkway and the adjacent property to the north along the Beecroft Road Extension.

Preliminary street cross sections are required to evaluate the revised proposal.

Sun/Shadow

The Official Plan requires that development in *Mixed Use Areas* locate and mass new buildings to frame the street edge with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. The Official Plan also states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

The applicant has provided a shadow study dated January 24, 2020 illustrating the shadow impacts during the fall and spring equinoxes and the summer solstice. The study shows significant shadow impacts on the future park along Yonge Street to the north of the site and on Yonge Street after 11:18 am during the spring and fall equinoxes. Reducing the tower floor plate size, a reduction in base building height and adjustments to tower placements are recommended to minimize the shadow impacts onto these areas.

An updated shadow study is required to evaluate the revised proposal.

Wind

The applicant has also submitted a preliminary Pedestrian Level Wind Study prepared by Gradient Wind dated July 18, 2019 and an Addendum Letter dated November 25, 2019 in support of the application. The study finds undesirable wind conditions near the proposed daycare outdoor areas, sidewalk north of and interior to the site, north facing entrances and potential grade-level seating areas as well as the proposed outdoor amenity areas on Levels 3, 4 and 7. The wind conditions in these areas are to be improved through the provision of appropriate site organization, tower placement/stepbacks and other design measures. The Addendum Letter determined that the changes to the proposal made prior to submission of the application to the City of reducing tower heights and podium heights will produce marginally calmer wind conditions at grade over the study site. The Addendum Letter continued to recommend a similar wind mitigation strategy as outlined in the original report for the revised design.

An updated wind tunnel study is required to further evaluate the revised proposal and confirm any required built form adjustments required to address the wind conditions created by the proposal.

Transportation

Road Widening

There is no additional land required for Yonge Street. The requirement of a 33 metre wide right-of-way has been satisfied.

There is no additional land required for Fairchild Avenue. This road is not identified as a major street on Map 3 of the Official Plan and therefore no widening is required.

The applicant will need to provide 6.0 metre daylight triangles on the site at the intersection of Yonge Street and the new east-west public road and at the intersection of the Beecroft Road extension and new east-west public road. This will be conveyed through either the Draft Plan of Subdivision approval process or as a condition of Site Plan Approval.

New Public Roads

North-South Beecroft Road Extension

The extension of Beecroft Road north from Finch Avenue West to Drewry Avenue will provide a parallel route to Yonge Street between Drewry Avenue to Sheppard Avenue West. The section between Finch Avenue West and Drewry Avenue is currently being planned. Cycle tracks are planned as part of the cross-section, which will provide a safe cycling north-south route.

The applicant proposed in the application as submitted that during Phase 1 of the development, the Beecroft Road Extension would terminate into a temporary cul-de-sac prior to the completion of the Beecroft Road extension between the site and Drewry Avenue.

It is expected at this time that the construction of the full Beecroft Road Extension from Finch Avenue West to Drewry Avenue will be carried out by the City and proceed in

advance of the developments on this site to facilitate the commencement of the City Council approved Transform Yonge project. As part of any approval of the application, the conveyance of the 26 metre right-of-way for the Beecroft Road Extension will be required and will be secured through conditions in the plan of subdivision and section 37 agreement as a legal convenience.

New East-West Public Road

The planned future road link with a 20 metre wide right-of-way will provide an east-west connection between the Beecroft Road Extension and Yonge Street and will connect with the new Olympic Garden Drive being constructed as part of the approved redevelopment of Newtonbrook Plaza on the east side of Yonge Street. The new east-west street is proposed to be constructed as part of the first phase of development on the site through conditions in the plan of subdivision and section 37 agreement as a legal convenience.

This Road will provide an on-street cycling connection from the subject site and the Newtonbrook development to the future park located west of the Beecroft connection.

Traffic Impact

An Urban Transportations Considerations Report, dated January 2020 by BA Group, was submitted in support of the proposed development. The consultant estimates in this study the proposed development will generate approximately 335 and 175 two-way vehicle trips during the weekday morning and afternoon peak hours, respectively.

Transportation Services staff identified issues with the Trip Generation, Residential Trip Rate, Retail Trip Rate, Background Developments, access design, proposed signal timing changes and the multi-modal analysis/transportation demand management work. Prior to accepting the traffic impacts of the proposal, the report must be revised to address the above-noted issues which were identified in a April 6, 2020 memorandum from Engineering and Construction Services.

Driveway Access and Site Circulation

Vehicular access to the site is proposed to be provided via two-way driveway connections onto the north-south Beecroft Road extension and the new east-west public street. The application as submitted includes a third two-way access to Yonge Street, however the applicants have removed this proposed driveway in the plans submitted to the OLT with their appeal. The locations of the accesses to the Beecroft Road extension and the east-west public street are generally acceptable and the removal of the proposed access to Yonge Street reflects the comments made by staff requesting its removal. Additional comments related to site access, circulation and layout will be provided through a future Site Plan Control application.

Parking

The applicant is proposing a total of 1,638 parking spaces in a 4 level underground parking garage. A total of 209 non-residential (150 visitor and 59 commercial office/retail) parking spaces are proposed. A total of 1,429 residential parking spaces are proposed.

The Urban Transportation Considerations Report, dated January 2020 by BA Group has referenced the NYCSP parking requirements, however the rates used are not accurate. The residential rate is a minimum rate of 1.0 space per dwelling unit to a maximum rate with access to rapid transit at 1.2 spaces per dwelling unit. Mixed use projects allow for reductions from the residential rate. The parking standards are set out to encourage the use of public transit, however these rates are now outdated and a lower parking rate with a Transportation Demand Management Plan must be provided.

Transportation Services recommend that the applicant provide parking at the minimum rates for Zoning By-law 569-2013 Policy Area 3 (PA3) since these rates are more reflective of current and future projected demand and have been approved at similar sites in the area with close proximity to transit.

Further TDM measures such as the provision of a bike share station, car share spaces and car/bike membership for all units will improve the reduction of automobile use on site. Staff will continue to work with the applicant to ensure adequate TDM measures are provided.

Streetscape

The proposed streetscape design along Yonge Street includes a setback of approximately 10.5 metres from the curb to the proposed building face. The proposed building setback complies with the NYCSP requirements. Detailed design of the streetscape along Yonge Street, the Beecroft Road extension and new east-west public street and further comments on the proposed streetscape design will be provided during a future Site Plan Control application.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report and associated plans have been submitted as part of the application. The submitted reports indicate that a sanitary sewer upgrade on Yonge Street will be required to accommodate the development. Engineering and Construction Services staff has not agreed with the findings of these studies in their entirety, and the comments in the April 6, 2020 Engineering and Construction Services Memorandum will need to be addressed prior to any Official Plan Amendment or Zoning By-law for the site being enacted, should the OLT approve the application. Requiring these comments to be addressed should be requested as a condition of any approval granted by the OLT.

Open Space/Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through an on-site parkland dedication.

Original Application - January 20, 2020

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 19,947 square metres or 79.82 percent of the site area. However, for sites that are 1 to 5 hectares in

size, a cap of 15 percent of the development site is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the required parkland dedication is 3,778.17 square metres. The proposed parkland dedication by the applicant is 4,675 square metres

A further 6,030 square metres of land identified by the applicant as "Open Space" is located immediately to the south of the parkland dedication and is available as a potential over-dedication of parkland as a Density Incentive in accordance with the provisions of the North York Centre Secondary Plan.

Plans submitted to OLT - November 10, 2021

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 20,840 square metres or 81.7 percent of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15 percent of the development site is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the required parkland dedication is 3,847.2 square metres, which is equal to the amount of parkland that the applicant has proposed (3,847.2 square metres).

A further 7,382.9 square metres of land identified by the applicant as "Open Space" is located immediately to the south of the parkland dedication and is available as a potential over-dedication of parkland as a Density Incentive in accordance with the provisions of the North York Centre Secondary Plan.

Toronto Green Standard

The Applicant is required to meet Tier 1 of the Toronto Green Standard ("TGS") that is in effect at the time of a site plan application and provide enhanced bird friendly window treatments. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. TGS performance measures for the will be further secured through the future site plan approval process.

Toronto District School Board

The Toronto District School Board ("TDSB") has determined that there is insufficient capacity at the local elementary school to accommodate students anticipated from this development. The locally assigned school is RJ Lang Elementary & Middle School.

This application is located in a community experiencing significant residential intensification and population growth that is presenting accommodation challenges at local schools. Toronto Lands Corporation and TDSB staff will continue to monitor residential development in this community to understand the cumulative impact on local schools and to determine where prospective students will attend school.

The status of local school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools.

Toronto Catholic District School Board

The Toronto Catholic District School Board ("TCDSB") has determined that the local elementary school is operating at capacity and cannot accommodate additional students from the development as proposed. Sufficient space exists within the local secondary schools to accommodate additional students. Under the Education Development Charges (EDC) By-Law No. 194, as amended, the TCDSB is eligible to levy EDC's in this area (CE13) towards the acquisition of 2.5 acres of land or alternate accommodation opportunities for an elementary school.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. Further, the North York Centre Secondary Plan provides for Density Incentives for proposals to achieve up to 33 percent in increased density above the base density permitted by the Secondary Plan.

Density Incentives have been discussed with the applicant as part of the review of the application's proposed density. An agreement on the incentives to be provided had not been reached prior to the application being appealed. Should this proposal be approved in some form by the OLT, City Planning staff recommends that staff be authorized to negotiate an appropriate agreement for Density Incentives and Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Further Issues

City Planning received a revised proposal on November 15, 2021 which has been discussed in this report. This proposal is what the applicant is requesting the OLT to approve. The revised proposal has not been formally submitted to the City to be circulated to various City divisions and agencies for full review and comment. City staff may continue to identify further issues or supplement the reasons provided in this report. Staff will report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the NYCSP and Urban Design Guidelines, as well as applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan, the North York Centre Secondary Plan, or the Tall Building Guidelines. There also remain outstanding issues including confirming capacity of municipal services, adequacy of public service facilities, wind impact, shadow mitigation and traffic impact.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

Stephen Gardiner, Senior Planner
Tel. No. 416-392-5460
E-mail: Stephen.Gardiner@toronto.ca

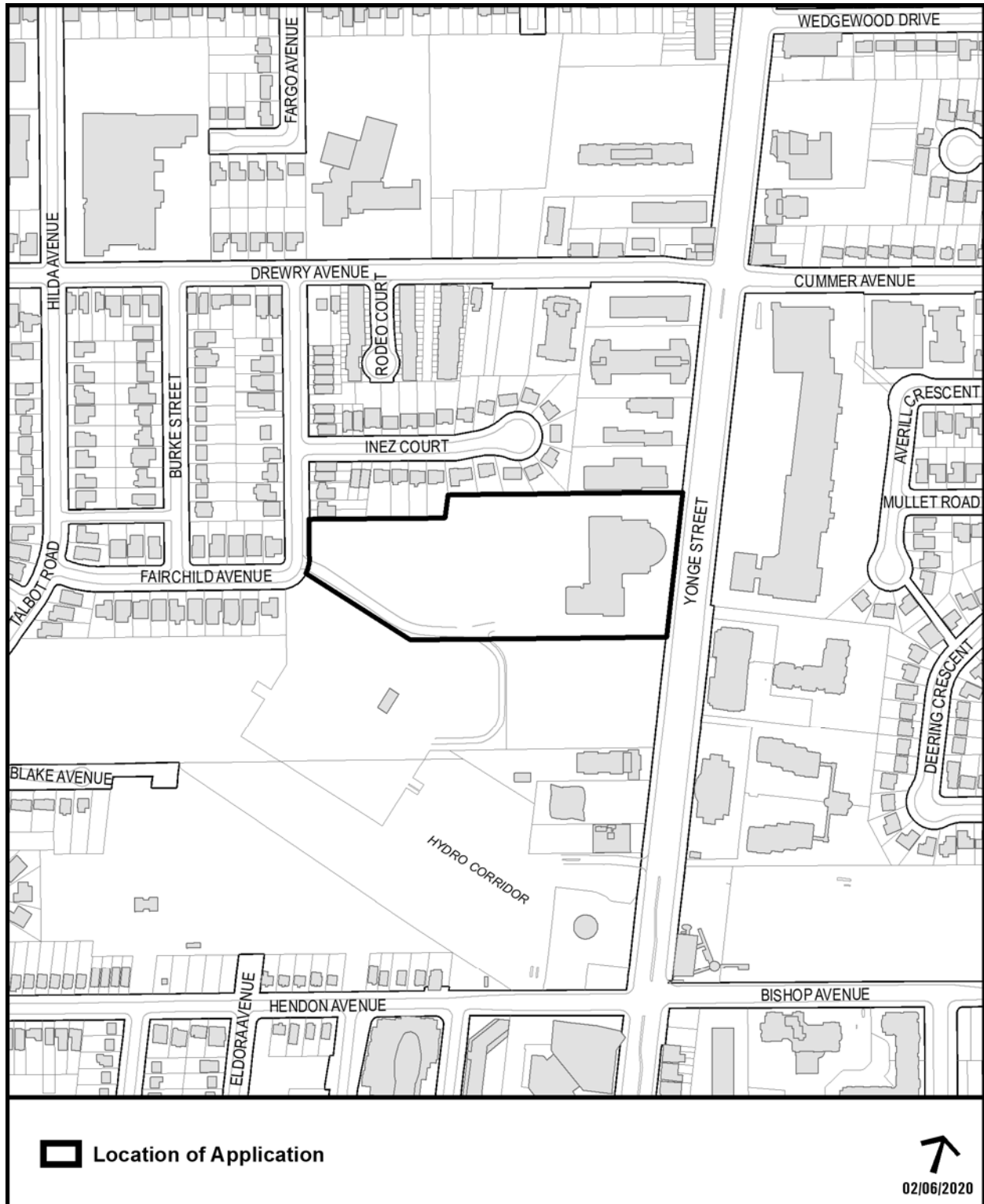
SIGNATURE

David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Northwest
Attachment 4: 3D Model of Proposal in Context Looking Southeast
Attachment 5: Site Plan as Submitted to City
Attachment 6: Site Plan as Submitted to Ontario Land Tribunal
Attachment 7: Policy Considerations
Attachment 8: Official Plan Land Use Map
Attachment 9: North York Centre Secondary Plan Density Map
Attachment 10: North York Centre Secondary Plan Height Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 5800 YONGE ST Date Received: January 31, 2020

Application Number: 20 110947 NNY 18 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Application for Official Plan and Zoning By-law Amendment to permit four mixed use towers of 34, 37, 38 and 44 storeys containing 1,496 dwelling units, with a density of 3.6 times the site area, or a gross floor area of 117,827 square metres (111,188 square metres residential, 6,639 square metres non-residential). A new 4,675 square metre public park, day care centre and new public streets are also proposed.

Applicant	Agent	Architect	Owner
HAMID GHADAKI, TIMES GROUP	TONY VOLPENTESTA, BOUSFIELDS INC	RUDY WALLMAN, WALLMAN ARCHITECTS	TIMES 5800 INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N

Zoning: O3 Heritage Designation: N

Height Limit (m): None Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 32,762 Frontage (m): 121.96 Depth (m): 311.99

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	3,850	0	6,894	6,894
Residential GFA (sq m):	0	0	111,188	111,188
Non-Residential GFA (sq m):	8,250	0	6,639	6,639
Total GFA (sq m):	8,250	0	117,827	117,827
Height - Storeys:	2		44	44
Height - Metres:	9		141	141

Lot Coverage Ratio (%) 21.04 Floor Space Index: 3.6

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	108,470	2,718

Retail GFA:	1,256
Office GFA:	4,602
Industrial GFA:	0
Institutional/Other GFA:	782

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	0	0
Condominium:	0	0	1,496	1,496
Other:	0	0	0	0
Total Units:	0	0	1,496	1,496

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	96	715	528	157	
Total Units:	96	715	528	157	

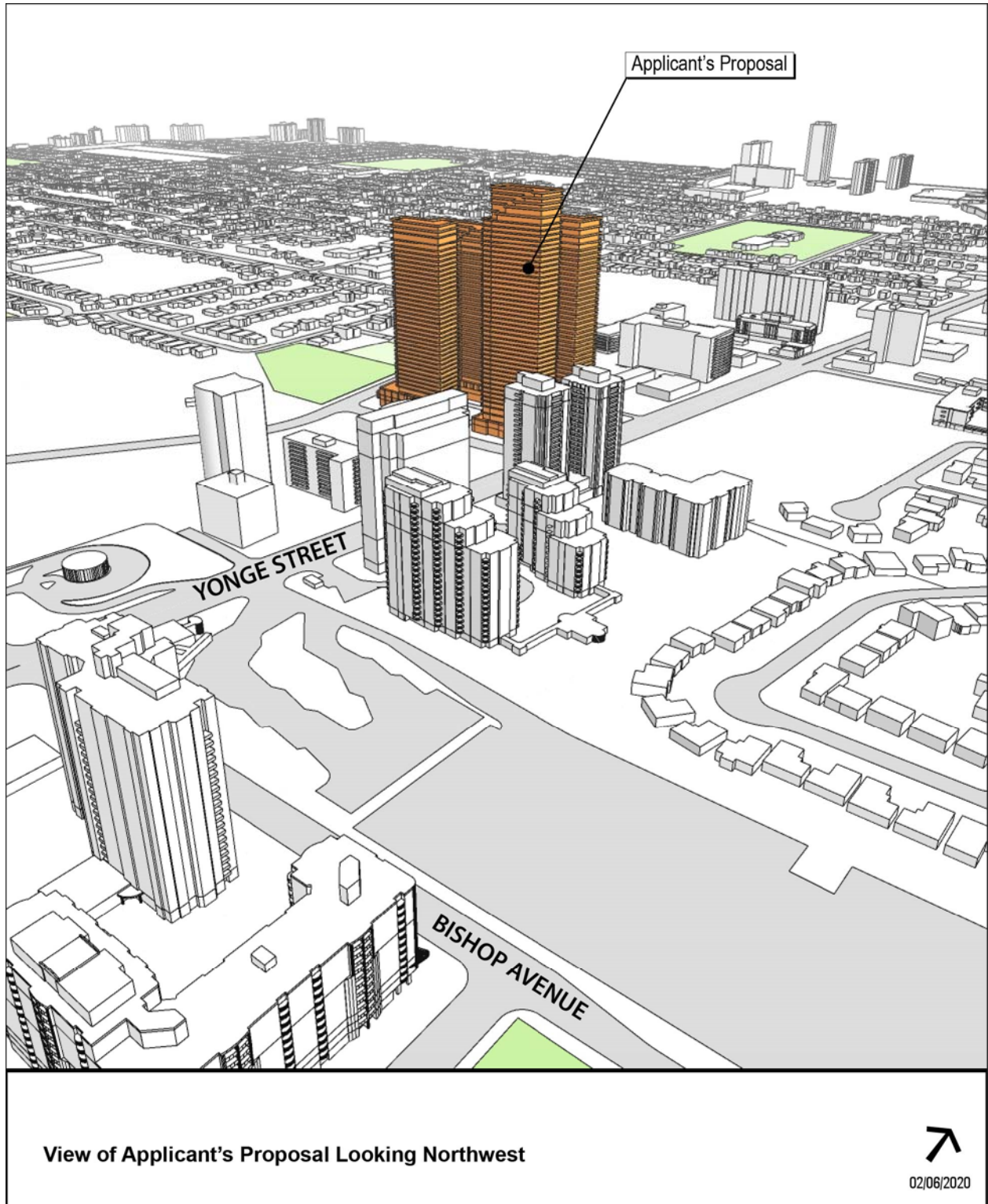
Parking and Loading

Parking Spaces:	1,638	Bicycle Parking Spaces:	1,156	Loading Docks:	6
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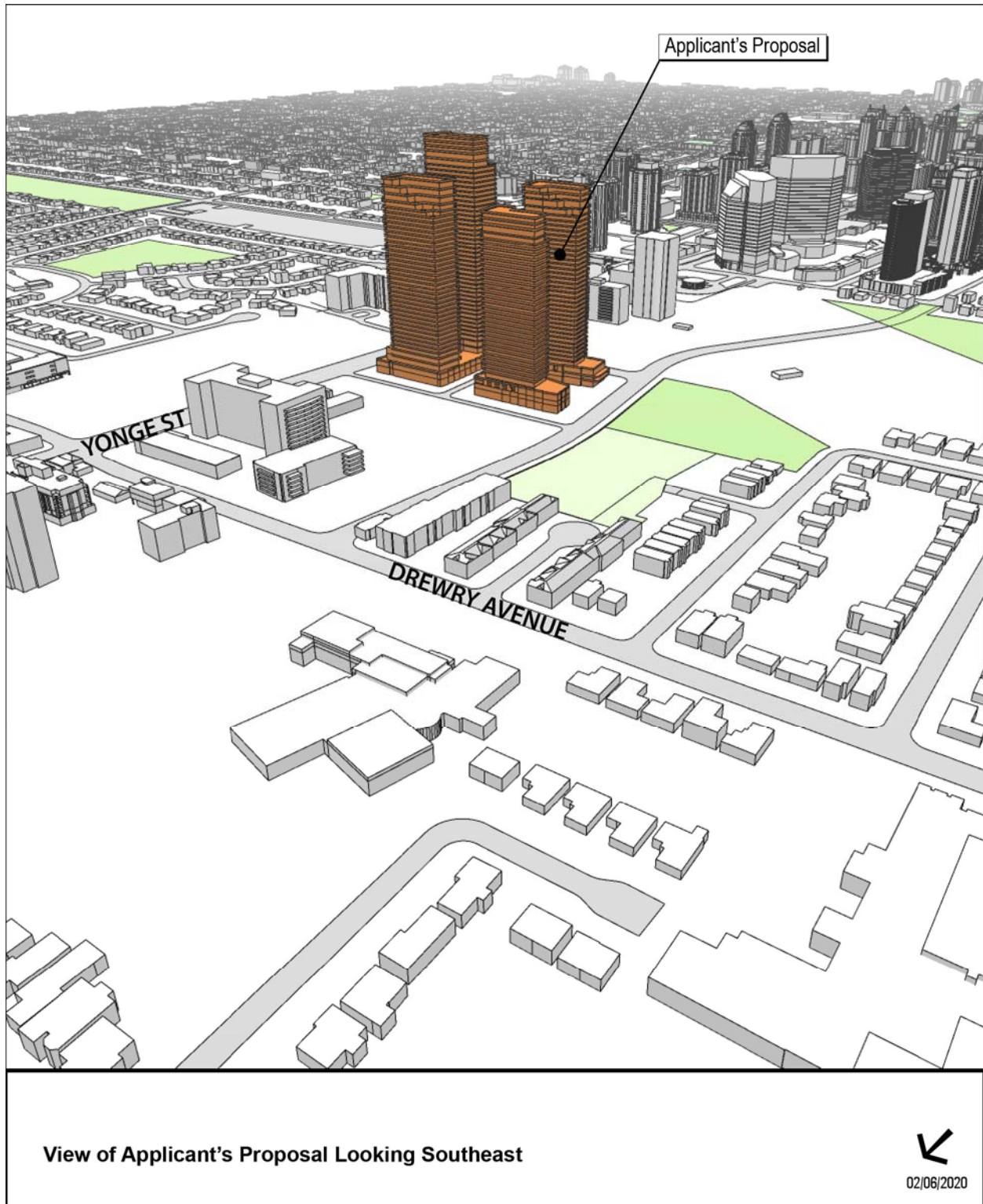
CONTACT:

Stephen Gardiner, Senior Planner, Community Planning
(416) 392-5460
Stephen.Gardiner@toronto.ca

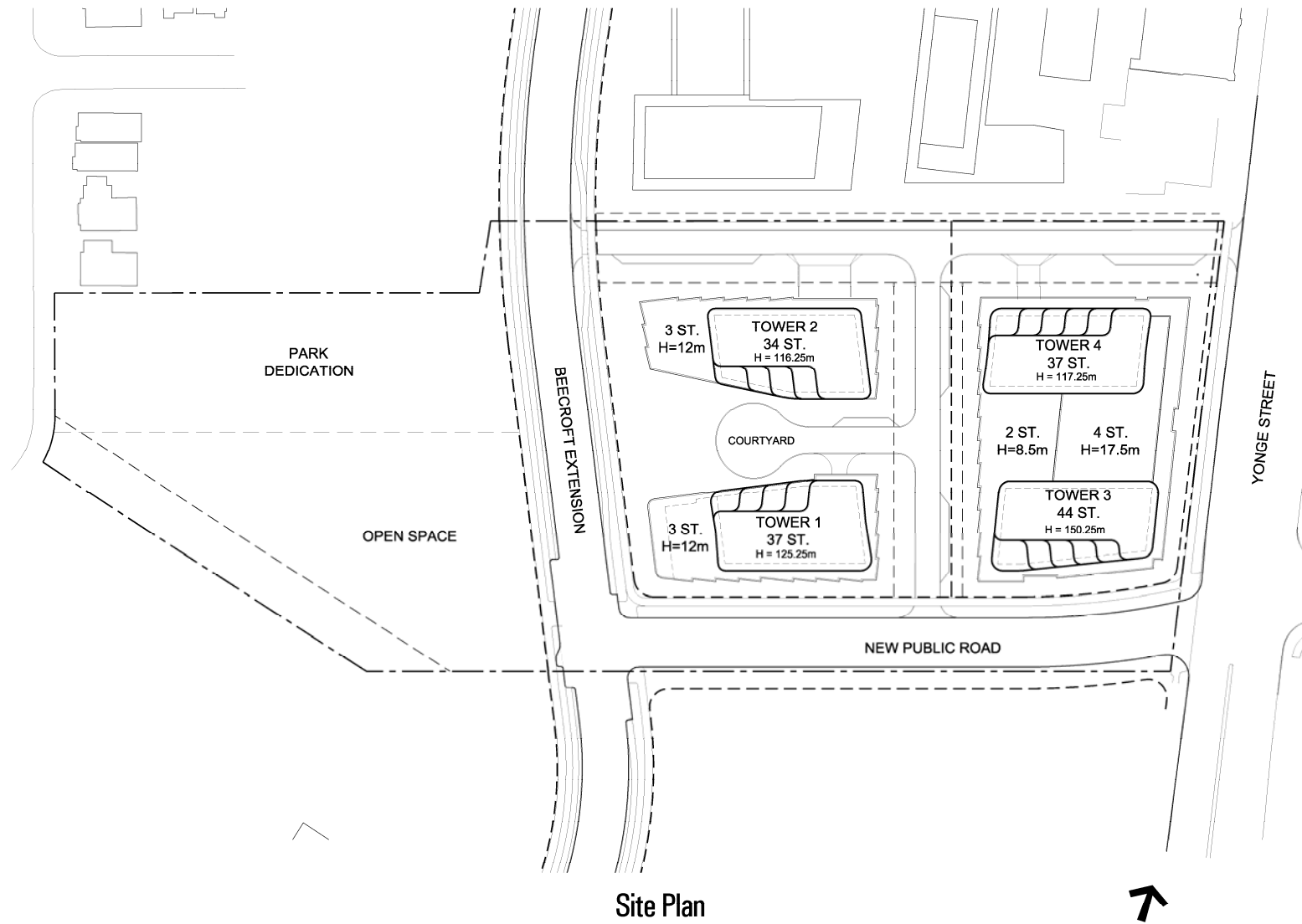
Attachment 3: 3D Model of Proposal in Context Looking Northwest



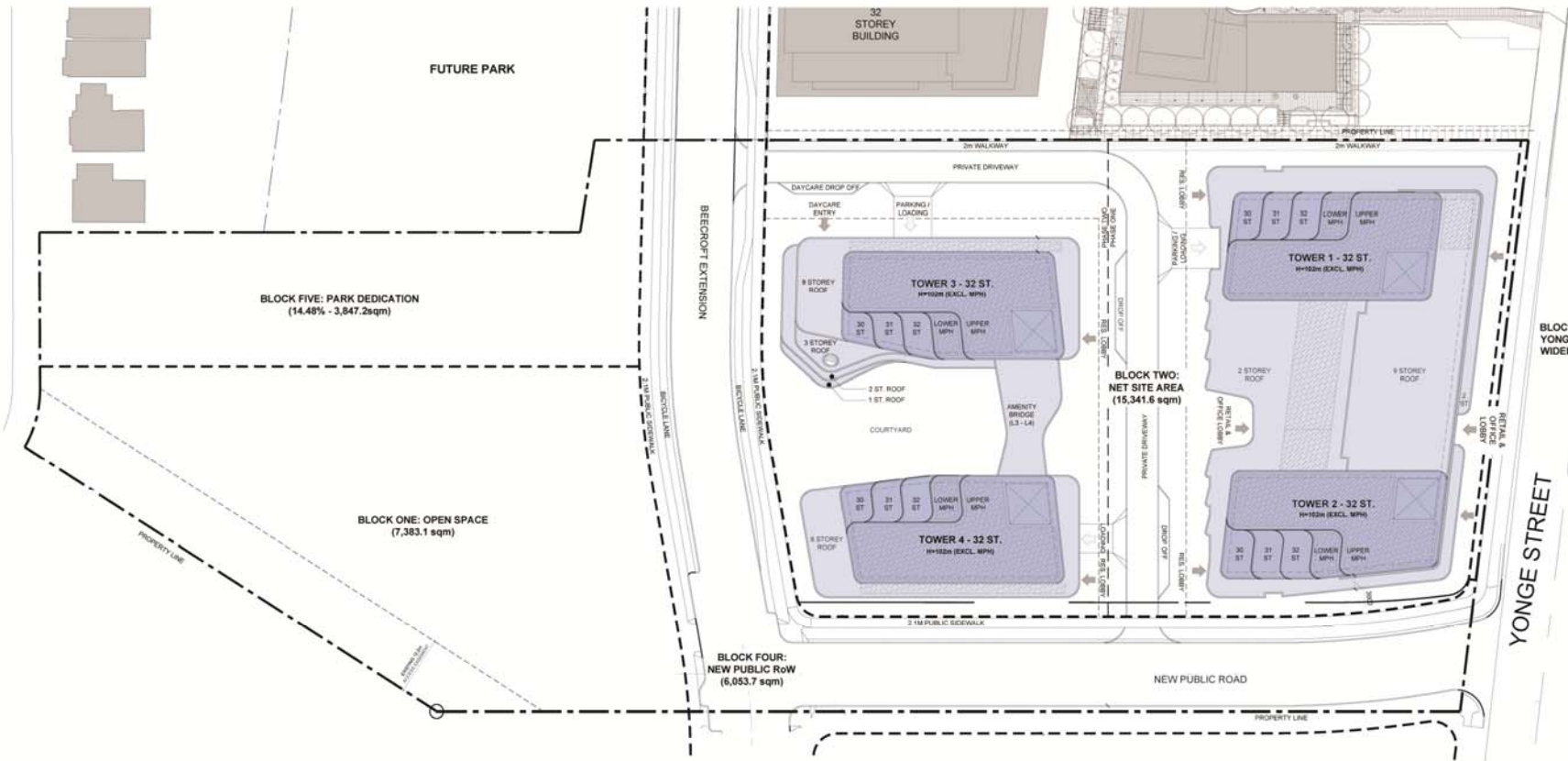
Attachment 4: 3D Model of Proposal in Context Looking Southeast



Attachment 5: Site Plan as submitted to City



Attachment 6: Site Plan as submitted to Ontario Land Tribunal



Site Plan



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 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:

- encouraging a sense of place, by promoting well-designed built form;
- 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;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and
- conserving significant built heritage resources and significant heritage landscapes.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships 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 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."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial 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 August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. 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.

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, and better connected 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;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving Cultural Heritage Resources in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The Growth Plan (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Official Plan

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, built form, public realm, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also 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 of community benefits in the form of capital facilities.

The site is designated *Mixed Use Areas* as shown on Land Use Map 16. See Attachment 8 of this report for the Official Land Use Map.

North York Centre Secondary Plan

The subject site is also located within the North York Centre Secondary Plan (NYCSP) and is designated Mixed Use Area F which permits commercial, institutional, residential, public parks and recreational uses, and transit terminals. The NYCSP permits a floor space index of 2.6 times the lot area, however, density incentives of no more than 33 percent of the base density may be permitted subject to the provision of specific uses and facilities in accordance with the Plan. For the subject site, a maximum floor space index of 3.46 including the 33 percent increase for the provision of incentives is permitted. See Attachment 9 of this report for the NYCSP density map. The NYCSP permits a maximum height of 87 metres above grade for the site. See Attachment 10 of this report for the NYCSP height map.

Yonge Street North Planning Study

The City initiated the Yonge Street North Planning Study in June of 2011 and the subject site is located within the study area. On November 13, 2013, City Council referred the study back to staff for further review and requested City Planning consult with residents on a Draft Implementation Plan for the area of Yonge Street North. A

Draft Implementation Plan was released for consultation with the community in 2014. The Secondary Plan and the Draft Implementation Plan currently have no legislative status. Staff held a community consultation meeting on May 22, 2019 to re-launch the study given the gap in time since the previous consultation, and obtain feedback from the community on the work undertaken for the study. The Draft Implementation Plan considered alternative densities for sites within the study area, including the subject site which have not been reported to City Council for consideration. Staff are working on the study and will be presenting a final report and draft Official Plan Policies to City Council. A date for this report has not been scheduled as public consultations on the study have been delayed by the state of emergency.

Official Plan Amendments 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020 the Minister of Municipal Affairs and Housing Issued Notices of Decision approving Official Plan Amendments ("OPAs") 479 and 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. 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, which respond to Council's direction to amend the urban design policies of the Official Plan.

The applications for this site were submitted prior to the approval of OPA 470 and OPA 480 and has therefore been reviewed in the context of the previously approved sections of the Official Plan as well as OPA 479 and OPA 480.

City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-laws

Former City of North York Zoning By-law 7625

The subject site is zoned Semi-Public Open Space Zone (O3) under the former City of North York Zoning By-law 7625. This zone permits any station, yard, building, park or parkway, operated or used by the various levels of Government, Agencies, Boards, Commissions, Institutions and Utilities. The zone requires any building to be set back a minimum distance from any lot line equal to the height of the building or structure.

Citywide Zoning By-law 569-2013

The site is not subject to Citywide Zoning By-law 569-2013. The site is not proposed to be incorporated into the By-law through this application.

Design Guidelines

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

- City-Wide Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Complete Streets Guidelines;

- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Design Guidelines for Privately Owned Publicly-Accessible Space; and
- Bird-Friendly Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

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. The link to the guidelines may be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated 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.

The link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose 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 link to the guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application.

TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>

To support the application of the TGS standards related to Bird Collision Deterrence and Light Pollution, the City also relies on the Bird-Friendly Guidelines, through the Bird-Friendly Glass and Best Practices for Effective Lighting documents. The link to these documents may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>

Attachment 8: Official Plan Land Use Map



5800 Yonge Street

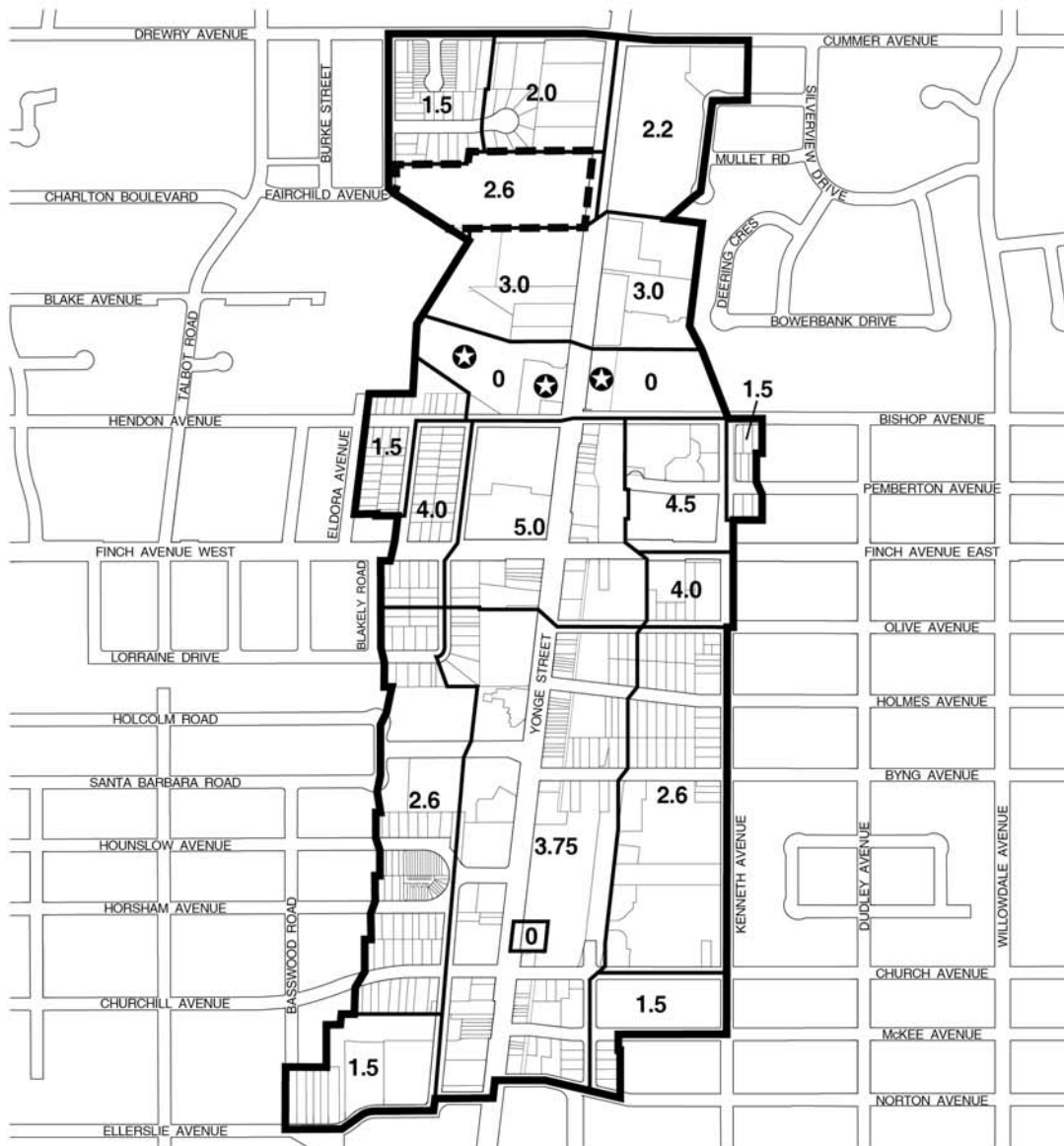
Official Plan Land Use Map #16

File # 20 110947 NNY 18 0Z




 Not to Scale
 02/06/2020

Attachment 9: North York Centre Secondary Plan Density Map



North York Centre Secondary Plan

MAP 8-7 North York Centre North Density Limits

— Secondary Plan Boundary

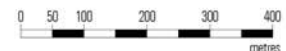


Density can only be assigned to these lands pursuant to the Official Plan, North York Centre Secondary Plan, Section 3 or Section 13

Note: Density Limits are exclusive of density incentives and transfers

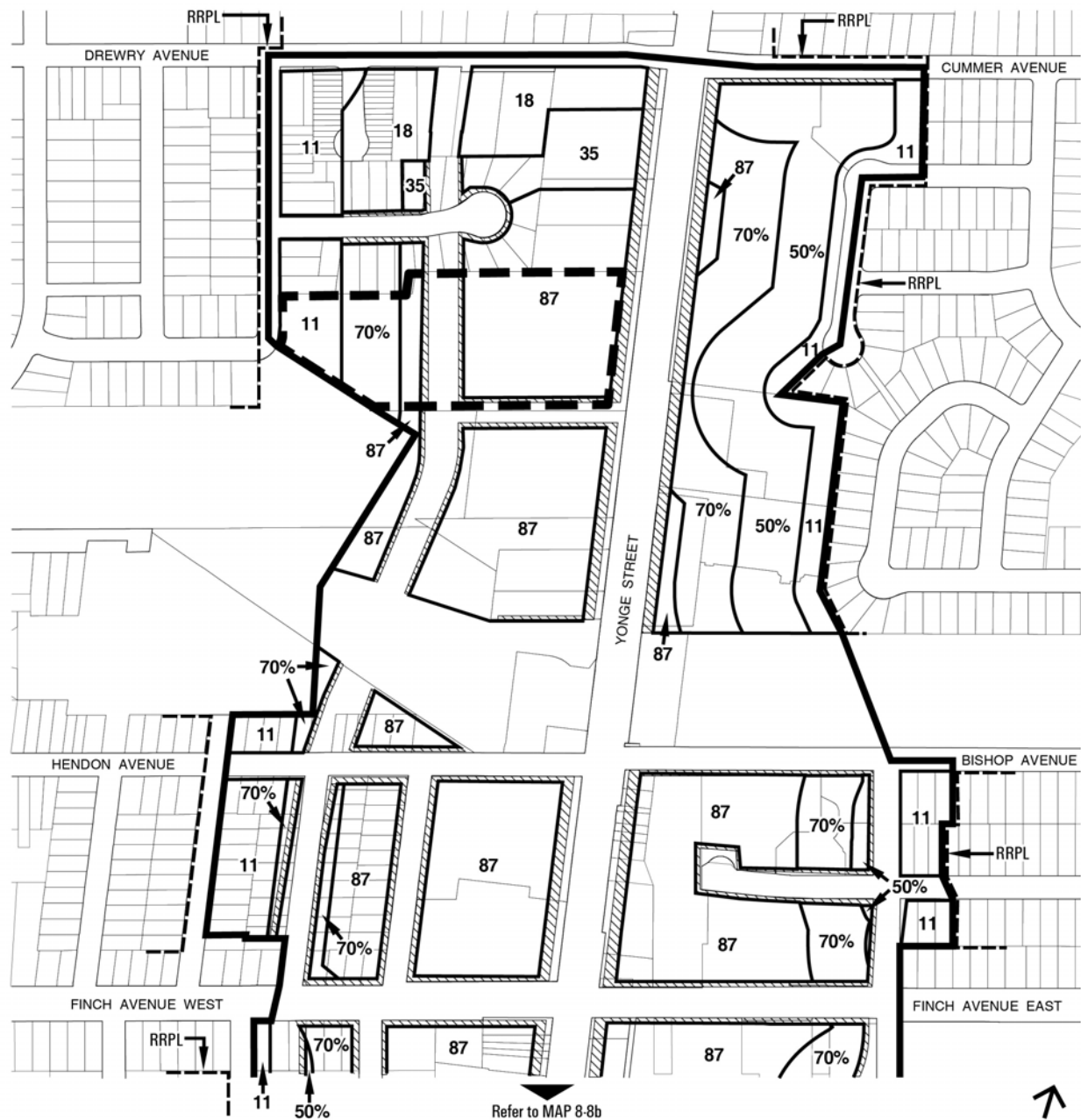


Location of Application



June 2006

Attachment 10: North York Centre Secondary Plan Height Map



North York Centre Secondary Plan

MAP 8-8a Maximum Height Limits

- | | |
|---------------------------------|---------------------------------------------------------------|
| Secondary Plan Boundary | Maximum 50% Horizontal Distance from RRPL |
| The Lesser of 11m or 3 Storeys | Maximum 70% Horizontal Distance from RRPL |
| The Lesser of 18m or 6 Storeys | Street Facade Limit as per Section 5.3 of this Secondary Plan |
| The Lesser of 35m or 12 Storeys | Relevant Residential Property Line (RRPL) |
| Maximum 87m Above Grade | Location of Application |



June 2006