

## **5799-5915 Yonge Street and 46 and 47 Averill Crescent – Official Plan Amendment and Zoning By-law Amendment Application – Decision Report – Approval**

Date: June 16, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

**Planning Application Number:** 25 134322 NNY 18 OZ

### **SUMMARY**

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This Report recommends approval of the Official Plan and Zoning By-law Amendment application to amend the Official Plan, as amended by OPA 208, North York Zoning By-law 7625, as amended by By-law 64-2021, and the Section 37 Agreement to expand the non-residential uses permitted above the second storey, and to change the requirement of 10,000 square metres of office gross floor area to 10,000 square metres of non-residential gross floor area at 5799-5915 Yonge Street and 46 and 47 Averill Crescent.

### **RECOMMENDATIONS**

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The Director, Community Planning North York District recommends that:

1. City Council amend the Official Plan, as amended by Official Plan Amendment Number 208, for the lands municipally known as 5799-5915 Yonge Street and 45 and 53 Cummer Avenue substantially in accordance with the draft Official Plan Amendment included as Attachment 4 to this Report.
2. City Council amend North York Zoning By-law 7625, as amended by By-law 64-2021, for the lands municipally known as 5799-5915 Yonge Street and 46 and 47 Averill Crescent substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this Report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.

4. City Council require the Owner to enter into an amending Agreement pursuant to Section 37 of the Planning Act to secure the 10,000 square metres of gross floor area for non-residential use on the site.

## **FINANCIAL IMPACT**

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The Development Review 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**

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In 2011, the owner of Newtonbrook Plaza submitted an Official Plan and Zoning By-law Amendment application to permit the redevelopment of the site to a high-density mixed use development. The owner appealed Council's failure to make a decision to the Ontario Municipal Board, now the Ontario Land Tribunal. The City and the owner settled the appeals at the City Council meeting of July 7, 2015. The settlement permitted the new mixed use project in three (3) development blocks with four (4) towers with heights of 37, 36, 34, 28 storeys, and a 7-storey building. The terms of the settlement as reflected in Site-Specific Zoning By-law 64-2021 (LPAT), amending the former City of North York By-law 7625, and OPA 208 included the construction of a community recreation facility. City Council's decision on the settlement can be found here: [Agenda Item History - 2015.NY7.37](#).

In 2019, the City initiated an Official Plan and Zoning By-law Amendment for this site to expand the community recreation facility in exchange for additional height and density permissions in Block 2, increasing the permitted heights from 28 and 37 storeys to 34 and 40 storeys. The application was approved by City Council at its meeting of December 16-18, 2020. The decision implemented site-specific Zoning By-law 75-2021, amending Site-Specific Zoning By-law 64-2021 (LPAT), and OPA 519, amending OPA 208. The City Council decision can be found here: [Agenda Item History - 2020.NY20.2](#).

## **THE SITE AND SURROUNDING LANDS**

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### **Description**

The site is located at the southeast corner of Yonge Street and Cummer Avenue and has a lot area of approximately 40,340 square metres. The site is currently occupied by the constructed Phase 1 of the project, which consists of 34-storey and 36-storey mixed use towers connected by a 9-storey shared podium. The site also includes a presentation centre with an associated surface parking lot located on the future Phase 3 block. Construction of Phases 2 and 3 of the project has not commenced. See Attachment 2 for the Location Map.

## **Surrounding Uses**

The site is surrounded by the following uses:

North: Low-rise mixed uses are located along Cummer Avenue. The site on the northeast corner of Yonge Street and Cummer Avenue has an OMB-approved development application for a high-rise mixed use development with four proposed towers (File No. 16 121334 NNY 24 OZ).

South: Mid- to high-rise mixed uses are located to the south of the subject site.

East: A low-rise residential neighbourhood is located to the east of the subject site.

West: The Willowdale Welcome Centre, a mid-rise residential building and an under-construction high-rise mixed use development are currently located on the west side of Yonge Street.

## **THE APPLICATION**

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### **Description**

The application seeks to expand the non-residential uses permitted on the site as a result of the challenges the owner is experiencing with the current office market. The application proposes to allow additional non-residential uses above the second storey throughout the site. There is dedicated space on floors 3 to 7 of the development to accommodate these non-residential uses. The application also proposes to modify an existing requirement for 10,000 square metres of office gross floor area to 10,000 square metres of non-residential gross floor area. These non-residential uses may include any of the office or retail/commercial uses as described below.

The office and retail/commercial uses currently permitted above the second storey of the development include:

- Business and professional offices, including banks and other financial institutions;
- Clinics;
- Health science research laboratories;
- Information processing centres or facilities;
- Professional medical offices.
- Accessory uses;
- Commercial galleries;
- Fitness centers; and
- Personal service shops.

The following retail/commercial uses are proposed to be permitted above the second storey in addition to the above office and retail/commercial uses already permitted:

- Car rental agencies;
- Clubs;
- Commercial schools;
- Commercial recreational facilities;
- Dry-cleaning and laundry collecting establishments;
- Pinball and video games arcades;
- Retail stores, including grocery, supermarkets, and pharmacies;
- Restaurants, including take-out;
- Service shops; and
- Studios.

A number of these uses are already permitted on the first and second storey of the development by existing site-specific Zoning By-law 64-2021(LPAT).

### **Density**

There is no new density proposed.

### **Residential Component**

There are no new residential units or gross floor area proposed.

### **Non-Residential Component**

There is no additional non-residential gross floor area proposed.

### **Access, Parking and Loading**

There are no proposed changes to the site access, parking or loading.

### **Additional Information**

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/5799YongeSt](http://www.toronto.ca/5799YongeSt).

### **Reasons for Application**

An amendment to the existing site-specific Official Plan Amendment Number 208 is required to alter the requirement of 10,000 square metres of “office” gross floor area to 10,000 square metres of “non-residential” gross floor area as required by policies 13.6(h)(ix) and 13.6(j). The proposed Zoning By-law Amendment is also required to amend site-specific Zoning By-law 64-2021(LPAT) to replace reference to 10,000 square metres gross floor area of “office” with “non-residential”, as well as to permit the proposed expanded range of non-residential uses above the second storey.

## **APPLICATION BACKGROUND**

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The current application was submitted on and deemed complete as of April 3, 2025, satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the Application Information Centre [www.toronto.ca/5799YongeSt](http://www.toronto.ca/5799YongeSt).

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Official Plan amendments and Zoning By-law amendments.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024), and shall conform to provincial plans.

### **Official Plan**

The [Official Plan](#) Urban Structure Map 2 identifies the site as *Centres*, and designates the site as *Mixed Use Areas*. See Attachment 2 of this Report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

### **Secondary Plan**

The [North York Centre Secondary Plan](#) Site Specific Policy 13.6, implemented through Official Plan Amendment 208, as amended by Official Plan Amendment 519, applies to the site. Policy 13.6 establishes the permissions for the four mixed use towers and the 7-storey building across the three blocks of the site. The policy sets the requirements for the new public road, new public park, a network of publicly accessible private streets, and a community facility. The policy outlines the permitted uses, and includes a series of urban design principles related to elements such as base building heights, building separation distances, floor plate tower design and tower heights.

The Secondary Plan is currently undergoing a comprehensive review, known as [North York at the Centre](#). As part of the North York at the Centre work program, a [Non-Residential Current Conditions and Projections report](#) has been prepared. The report offers an overview of North York Centre's economic landscape, including the retail and office space inventories, analysis of market performance and utilization, projections of future needs, and applicable non-residential land use policy frameworks.

## **Zoning**

The subject site is zoned RM6 (235) under North York Zoning By-law 7625, as implemented through site-specific Zoning By-laws 64-2021(LPAT) and 75-2021. The existing site-specific zoning permits a range of residential and non-residential uses, establishes maximum building heights, a maximum gross floor area, a maximum number of dwelling units, and other standards related to setbacks, parking, loading and amenity space. See Attachment 3 of this Report for the existing Zoning By-law Map.

## **Office Space Needs Study**

The [Office Space Needs Study](#) was undertaken to analyze current office market conditions, understand the benefits and risks of converting office space to alternative uses, and explore policy options that would balance office needs in the short-term and long-term, while ensuring the City's economic role remains competitive and resilient.

## **PUBLIC ENGAGEMENT**

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### **Community Consultation**

On May 20, 2025, an in-person community consultation meeting took place at Cummer Avenue United Church. Approximately 70 members of the community attended the meeting. Comments and concerns raised at the meeting about the current application included:

- Concern regarding the need for office uses, including medical offices, in the neighbourhood;
- Requests for the types of businesses that were located in the previous Newtonbrook Plaza to be incorporated into the new development; and
- Questions and comments about the impact to parking and traffic.

In addition to the comments and concerns about the current application, members of the community raised a number of other concerns with the approved development, unrelated to the application to expand the non-residential uses. These concerns included the following:

- Concern about the developer maintaining an access path through the development site to connect to the residential neighbourhood to Yonge Street;
- Questions and concerns about the timing of the grocery store opening;
- Concern about the timing of the on-site public park conveyance;
- Concern about the state of the construction site, particularly the neglect to maintain and up-keep the site conditions, which has an unsightly visual impact to the community; and
- Concern about a lack of landscaping and greenery.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have an opportunity to hear the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **COMMENTS**

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### **Provincial Planning Statement**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the PPS (2024). Staff find the proposal consistent with the PPS (2024) as it continues to facilitate a complete community consisting of a range of uses across the site.

### **Official Plan Policies and Design Guidelines**

This application has been reviewed against the Official Plan policies, Secondary Plan policies and planning studies described in the Policy and Regulation Considerations Section of this Report.

### **Land Use**

The existing Official Plan policy currently permits residential, retail, commercial, office, institutional, parks and recreational uses across the site. The proposed Zoning By-law Amendment to allow for retail and commercial uses above the second floor conforms with the Official Plan and is supported by City staff.

The application proposes to permit both office and retail/commercial uses, dedicating at least 10,000 square metres of gross floor area toward either an employment or employment-generating use. In light of the office market challenges documented in studies such as the Non-Residential Current Conditions and Projections report and Office Space Needs Study described in the Policy and Regulation Considerations section of this report, the proposal to add flexibility for retail/commercial uses while maintaining the office use permissions is supported by City staff, particularly given that the space will remain non-residential.

Ultimately, there is no change in land use or office conversion proposed. The site continues to permit a range of residential and non-residential uses, and the 10,000 square metres of gross floor area that was intended to be allocated toward office space as part of the original application will be retained as non-residential gross floor area.

## **Servicing**

The applicant submitted a Functional Servicing Addendum to demonstrate that the proposed expansion of non-residential uses would not impact the site servicing. Development Engineering staff accept the findings of the submitted study and are satisfied that the site can continue to be adequately serviced.

## **Traffic Impact, Parking, Bicycle Parking and Loading**

The applicant submitted an Urban Transportation Considerations Update to demonstrate that the proposed expansion of non-residential uses would not adversely impact traffic volumes, and to confirm that the approved parking, bicycle parking and loading spaces could still adequately serve the development. The report concludes that the proposal does not necessitate changes to the previously approved vehicle parking, bicycle parking or loading requirements, and does not generate a significant volume of new trips in the peak hour. Transportation Review staff accept the findings of the submitted study.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

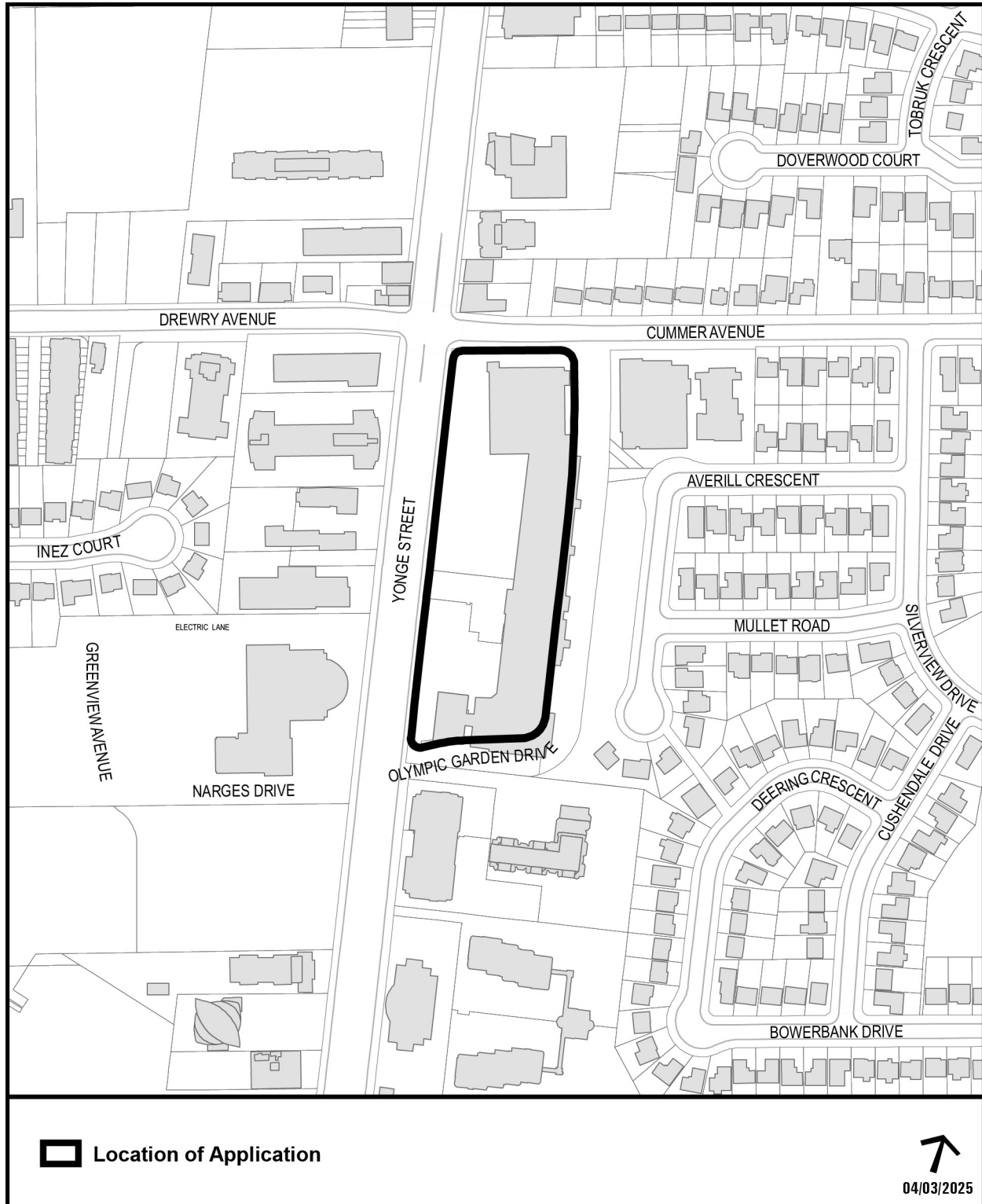
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### **City of Toronto Information/Drawings**

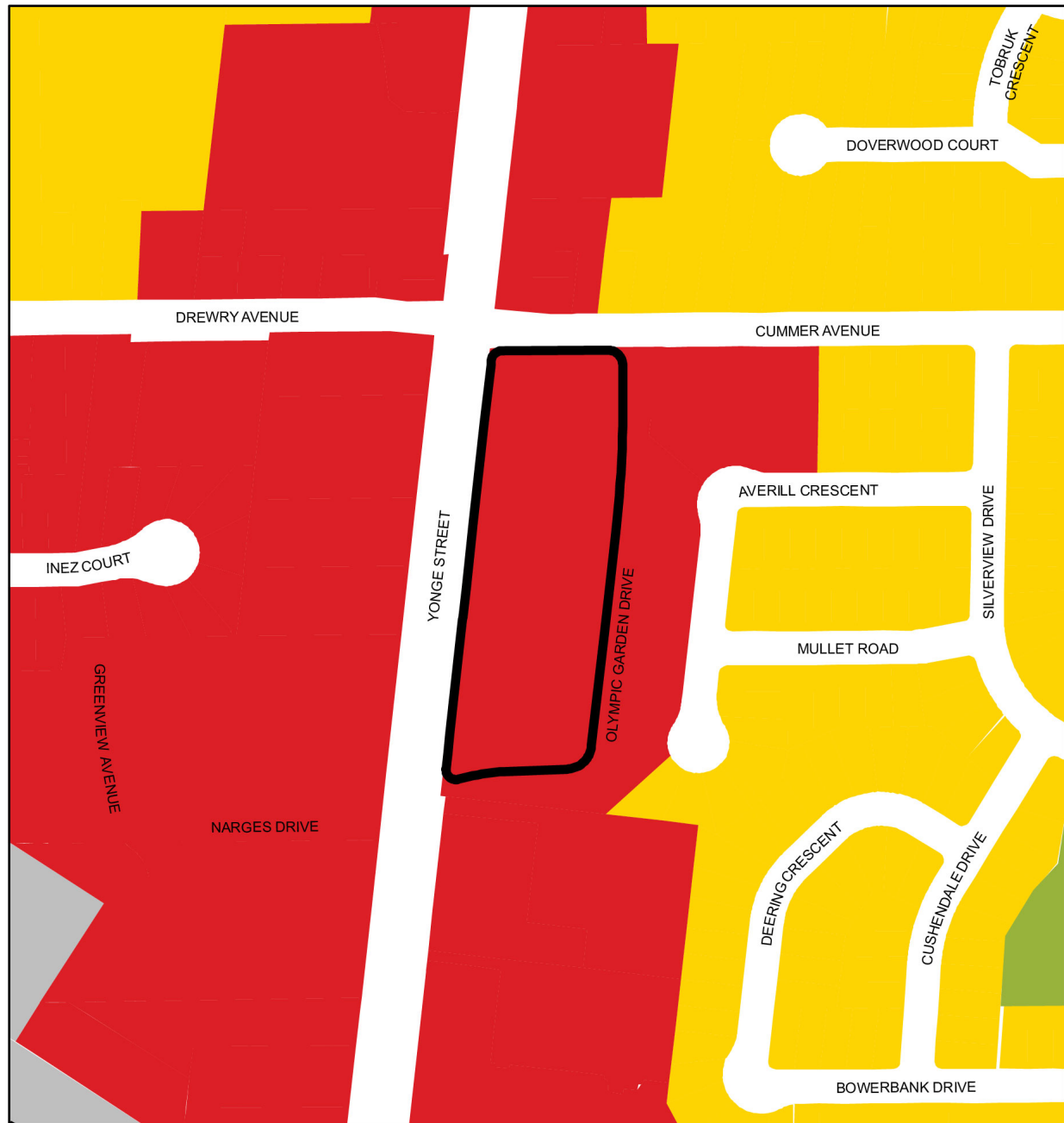
- Attachment 1: Location Map
- Attachment 2: Official Plan Land Use Map
- Attachment 3: Existing Zoning Established through Site-Specific Zoning By-law 64-2021 (LPAT)
- Attachment 4: Draft Official Plan Amendment
- Attachment 5: Draft Zoning By-law Amendment



## Attachment 1: Location Map



## Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map # 16

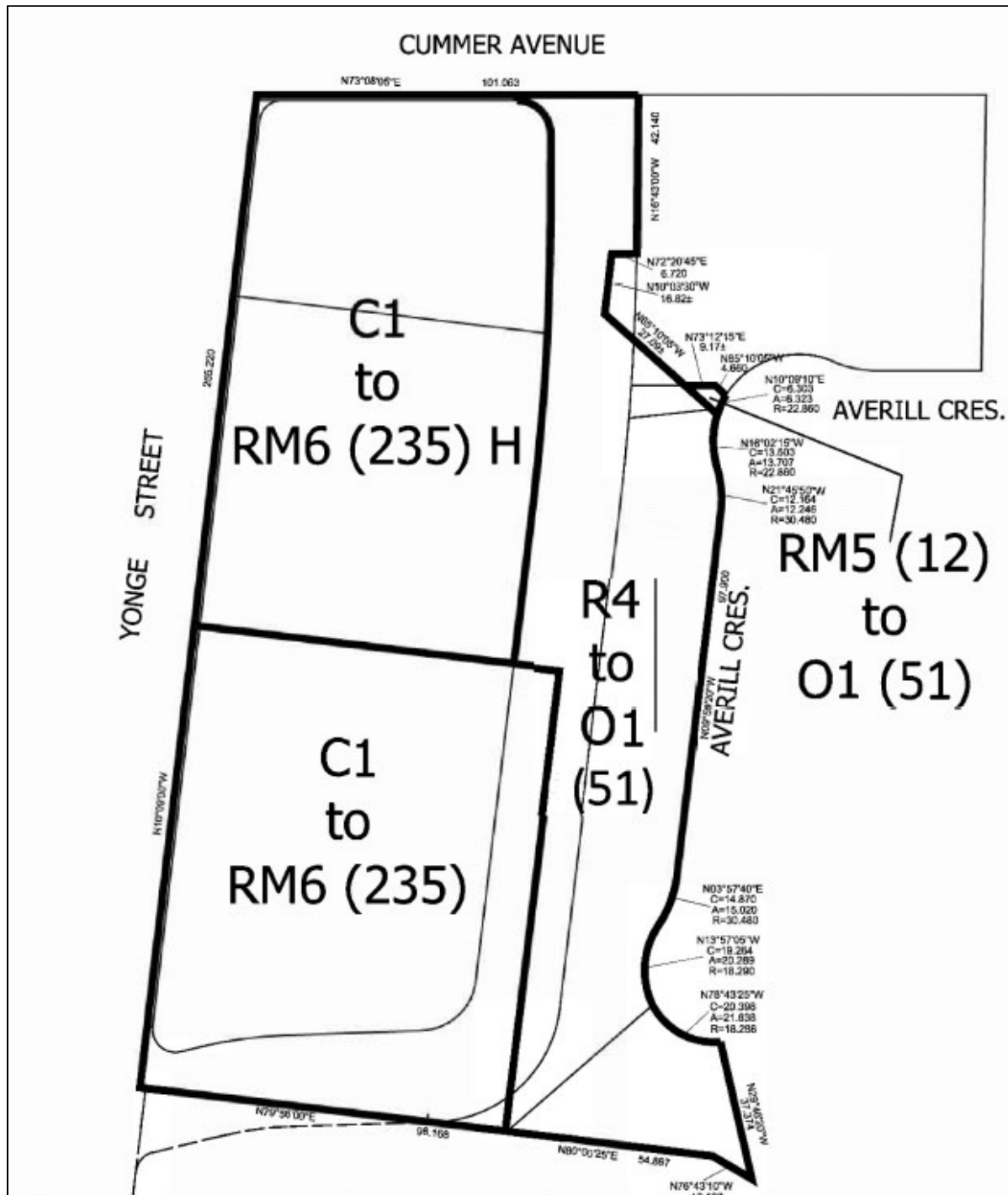
5799-5915 Yonge Street

File # 25 134322 NNY 18 0Z



Not to Scale  
Extracted: 04/03/2025

Attachment 3: Existing Zoning Established through Site-Specific Zoning By-law 64-2021 (LPAT)



**CITY OF TORONTO**

**BY-LAW [Clerks to insert By-law number]**

**To adopt Amendment XXX to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2024 as 5799-5915 Yonge Street, and 45 and 53 Cummer Avenue.**

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment XXX to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on [Clerks to insert date].

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

## **AMENDMENT XXX TO THE OFFICIAL PLAN**

### **LANDS LOCATED AT THE SOUTHEAST CORNER OF YONGE STREET AND CUMMER AVENUE, MUNICIPALLY KNOWN AS 5799 TO 5915 YONGE STREET AND 45 AND 53 CUMMER AVENUE**

The Official Plan of the City of Toronto is amended as follows:

Chapter 6, Secondary Plans, 8. North York Centre Secondary Plan, Section 13.6, North York Centre North Site Specific Policies, as amended by OPA 208, is amended as follows:

#### Clause 1

Subsection 2(h)(ix) is deleted and replaced with the following:

2(h)(ix) "a minimum of 10,000 square metres of gross floor area to be used for non-residential and ancillary uses";

Subsection 2(j) is deleted and replaced with the following:

2(j) "Despite any other provision of the Plan and this Secondary Plan, provided that at least 10,000 square metres of gross floor area for non-residential and ancillary uses is provided on the lands, all such gross floor area will be exempted from the calculation of any increase in density that may apply to the third and most northerly phase of development in, future pursuant to subsection (h)."

**CITY OF TORONTO**  
**BY-LAW [Clerks to insert By-law number]**

**To amend Zoning By-law 64-2021(LPAT), being a by-law to amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2024 as 5799-5915 Yonge Street (Newtonbrook Plaza), and 46 and 47 Averill Crescent.**

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended; and

The Council of the City of Toronto enacts:

1. Section 64.20-A of By-law 64-2021(LPAT), Subsection 64.20-A(235)RM6(235) Item 5, titled “PERMITTED USES” is amended by deleting iii. Retail and Service Commercial Uses, and replacing it as follows:

*iii. Retail and Service Commercial Uses*

Provided that any such use is located below established grade the following retail and commercial uses shall be permitted:

- A. accessory uses;
- B. car rental agencies;
- C. car share services;
- D. car washes – provided they are fully enclosed within a building or structure;
- E. commercial parking garage;
- F. retail stores, including grocery stores, supermarkets and pharmacies;
- G. studios; and
- H. theatres.

Provided that any such use is located on the first or second floor of any building the following retail and commercial uses shall be permitted:

- I. accessory uses;
- J. art galleries;

- K. automatic teller machines;
- L. bakeries;
- M. car rental agencies;
- N. car share services;
- O. commercial galleries;
- P. dry-cleaning and laundry collecting establishments;
- Q. fitness centers;
- R. cafes;
- S. outdoor patio;
- T. personal service shops;
- U. restaurants including take-out;
- V. retail branches of banks and other financial institutions;
- W. retail stores, including grocery, supermarkets and pharmacies;
- X. studios; and
- Y. theatres.

Provided that any such use is located above the second floor of any building the following retail and commercial uses shall be permitted:

- Z. accessory uses;
- AA. car rental agencies;
- BB. clubs
- CC. commercial galleries;
- DD. commercial schools;
- EE. commercial recreational facilities;
- FF. dry-cleaning and laundry collecting establishments;
- GG. fitness centers;
- HH. personal service shops;
- II. pinball and video games arcades;
- JJ. retail stores, including grocery, supermarkets and pharmacies;
- KK. restaurants, including take-out;
- LL. service shops; and
- MM. studios.

2. Section 64.20-A of By-law 64-2021(LPAT), Subsection 64.20-A(235)RM6(235), Item 10, titled "INCREASED DENSITY" is amended by deleting the sentence in

Subsection 10.A.1 “a minimum of 10,000 square metres of gross floor area devoted to office uses, as follows:” and replacing it with:

“1. a minimum of 10,000 square metres of gross floor area devoted to non-residential uses, as follows:”

Enacted and passed on [Clerks to insert date].

Frances Nunziata,  
Speaker

John D. Elvidge  
City Clerk

(Seal of the City)