

**9 McKee Avenue and 18 and 22 Norton Avenue
Zoning and Site Plan Control Applications
Request for Direction Report**

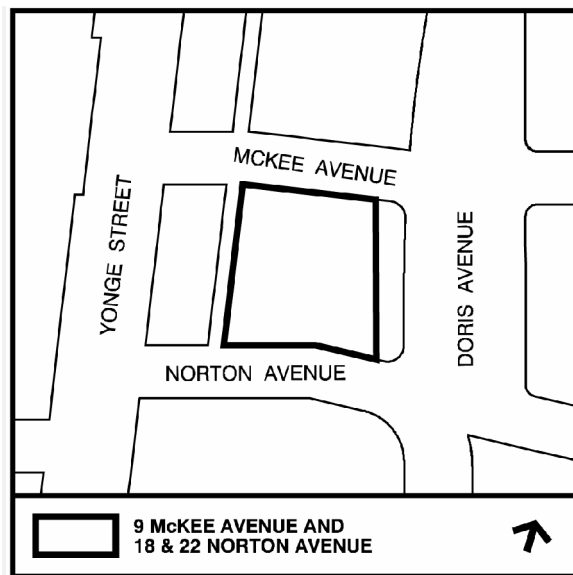
Date:	August 26, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 23 - Willowdale
Reference Number:	File Nos. 05 212030 NNY 23 OZ & 05 212034 NNY 23 SA

SUMMARY

The development applications were made on December 23, 2005 and are therefore not subject to the new provisions of the *Planning Act* and *City of Toronto Act, 2006*. The applications propose an 18-storey apartment building and 3-storey office building. These applications have been appealed to the Ontario Municipal Board and a hearing date has been set for October 2, 2008.

The proposed development of the site implements the policies of the North York Centre Secondary Plan. This report recommends that City Council direct City staff to appear before the Ontario Municipal Board in support of the applications in principle subject to any detailed revisions resulting from the last site plan submission.

Over the last two years the applicant and City have entered into discussions regarding the potential to expand the site through the applicant acquiring City-owned lands on the eastern edge of the property. During this time, the applicant submitted revised plans that amended the applications to include the City-owned lands. The plans were refined to meet City



policies and requirements. To date, the discussions with Real Estate Services have not been successful. The owner has now appealed to the OMB the applications only on the applicant's lands, however modifications have been made to the original applications to meet the City's requirements.

If between the signing of this report and the scheduled October 2, 2008 OMB hearing date City staff and the applicant can agree on the proposed terms of the applicant acquiring the adjacent City-owned land, then staff recommend attending the OMB Hearing in support of an adjournment.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. Support, in principle, the proposed Zoning Amendment for an 18-storey (61.4m) residential building and 3-storey office on the subject site, with a total maximum gross floor area of 15,909 m² including 2,561 m² for office use, and not exceeding the maximum base density and density incentives in conformity with the North York Centre Secondary Plan.
2. Support, in principle, the August 6, 2008 conceptual site plan (Attachments 1 and 2).
3. Authorize the City Solicitor and appropriate City Staff to appear at the Ontario Municipal Board in support of the position outlined in this report.
4. Authorize the City Solicitor to request that the Ontario Municipal Board withhold its Order until such time as:
 - a. an appropriate Zoning By-law Amendment is prepared to the satisfaction of the City Solicitor in consultation with the Chief Planner or his designate;
 - b. a Site Plan Approval Application based upon the August 6, 2008 conceptual site plan (Attachments 1 and 2) is finalized and the Owner has entered into a Site Plan Agreement to the satisfaction of the City Solicitor, in consultation with the Chief Planner or his designate, to include any appropriate conditions of approval; and
 - c. the Owner has entered into a Section 37 Agreement to the satisfaction of the City Solicitor, in consultation with the Chief Planner or his designate, to provide the facilities, services and/or matters as generally outlined below:

- i. the provision of 1.5 m² per unit indoor recreational amenity area;
 - ii. the provision of a minimum of 0.1 bicycle parking spaces for each dwelling unit, in an indoor, at-grade common bicycle room; and
 - iii. a monetary contribution toward the City's cost of land acquisition for the North York Centre Service Road and associated road network and buffer areas, and/or toward the cost of constructing and furnishing a public recreational centre or social facility serving the North York Centre, for the proposed density incentive of approximately 3,980 m². The Owner shall provide the monetary contribution in the form of a certified cheque, no later than 10 days from the date of the final approval of the site-specific zoning by-law for the project. The amount of the monetary contribution shall be equal to the market value of density in the North York Centre as recommended by the Director of Real Estate Services.
5. Authorize the City Solicitor to agree to an adjournment of the OMB hearing in the event that the applicant and City staff reach an agreement on the proposed disposition of the adjacent City-owned lands.
6. Authorize the City Solicitor and any appropriate City Staff to take actions as necessary to give effect to the recommendations of this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Preliminary Report for the original application for a proposed 17-storey residential and commercial development was received by City Council in April of 2006. A Community Consultation Meeting was held on May 31, 2006 at which the applicant presented an alternative concept site plan incorporating City-owned lands to the east that are remnant parcels from the Doris Avenue service road. The strip of land is approximately 637 m² in area with a depth of about 11 metres between the subject lands and Doris Avenue and extending 60 metres from Norton Avenue to McKee Avenue.

On September 25-28, 2006, City Council authorized the Executive Director, Facilities and Real Estate to have discussions with the applicant to see if they are interested in a possible land exchange. The applicant and City entered into discussions regarding the potential to exchange adjacent City-owned lands to the east for other parkland near the North York Centre. The application was also revised to incorporate the adjacent City-owned lands. While an improved site plan for the potentially expanded site has been developed, the real estate negotiations have not been successful. On March 20, 2008, the applicant appealed the zoning and Site Plan Control applications based on the applicant's lands to the Ontario Municipal Board.

ISSUE BACKGROUND

Proposal

The proposal is for a mixed residential/office building with a total gross floor area of 15,909 m² with 2,561 m² for office use. This results in a Floor Space Index of 4.95.

The residential portion of the proposal is located on the north and west portion of the site in an 18-storey (61.4m) tower. 160 residential units are proposed. The 3-storey office portion is located along Norton Avenue.

Pedestrian access to the office is from the Norton Avenue frontage, and to the residential lobby from the McKee Avenue frontage. Outdoor amenity area would be located at the north portion of the site adjacent to both the main residential entrance and indoor common lounge area, and on the south and west portion of the site adjacent to the office building entrance on Norton Avenue.

Vehicular access to the residential and office uses is proposed from McKee Avenue. Access from McKee Avenue is to a courtyard on the northeast corner of the site that serves as the drop-off and pick-up area for both residential and office uses, and access to underground parking for residents and employees. 171 parking spaces would be provided below-grade with 144 for the residential use and 20 for the office use. Vehicular access to loading and servicing is from the adjacent City-owned laneway to the west of the site.

The proposed site plan and south elevation are included in Attachments 1 and 2 and additional details for the proposal are included in the Application Data Sheet in Attachment 4.

Site and Surrounding Area

The site is bounded by McKee Avenue on the north and Norton Avenue on the south. To the west of the site is the City-owned lane that connects McKee and Norton Avenues and serves the buildings on the Yonge Street frontage, and to the east is City-owned land remnant from the construction of the Doris Avenue service road for North York Centre.

The 3,216 square metre site is currently occupied by a vacant parking lot, and two single-storey buildings that were previously used as a Toronto Hydro substation and an automotive repair shop. Surrounding uses include:

- North: a 16-storey residential condominium on the north side of McKee Avenue;
- South: a 15-storey commercial/office building at the southeast corner of Yonge Street and Norton Avenue and a 16-storey residential apartment at the southwest corner of Doris and Norton Avenues;
- East: City-owned land, and further east a low density residential area across Doris Avenue; and

West: a City-owned laneway, as well as one and two storey commercial and office uses fronting on Yonge Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

Official Plan

On July 6, 2006, the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into full force and effect, including the North York Centre Secondary Plan. The applications will be subject to the New City of Toronto Official Plan. The City of Toronto Official Plan designates the site *Mixed Use Area 'G'* within the North York Centre Secondary Plan. This designation permits buildings containing 100% residential uses. Commercial uses are also permitted but are not to exceed 20% of the total gross floor area or to be located in the Uptown Buffer Area that provides the separation between the Centre and the adjacent stable low density residential areas.

The Secondary Plan permits heights to a maximum of 70% of the horizontal distance from the Relevant Residential Property Line. A small northwest portion of the site has a height limit of 87 metres.

A density of 3.75 times the lot area is permitted on the site with the ability for density incentive increases up to 33% of the permitted density, or up to 4.99 times the lot area. The list of available density incentives includes the ability to secure a monetary contribution toward the City's provision of lands for the Service Road or construction of a public recreational centre or social facility. The Secondary Plan also supports comprehensive development that does not preclude the overall objectives of the Plan from being achieved in the balance of the city block in the future.

The Secondary Plan's urban design and built form policies guide how the scale of base buildings are to relate and be set back from the street, and provide an attractive and secure pedestrian environment.

Zoning

The site is zoned R4 permitting single detached dwellings and the associated development standards including setbacks, lot coverage, floor area, and building height.

Site Plan Control

The applicant is seeking concurrent Site Plan Control Approval which has also been appealed to the OMB. This report recommends that City Council support in principle the

August 6, 2008 conceptual site plan (Attachments 1 and 2) and that the OMB withhold its Zoning Order pending finalization of the Site Plan Approval Application and Site Plan Agreement, including those site plan matters as generally outlined in this report.

Reasons for the Application

The existing R4 zoning does not permit the proposed office and residential apartment uses and related standards, and an amendment is required develop appropriate zoning standards for the proposed 18-storey mixed-use project.

Community Consultation

A Community Consultation meeting was held at the McKee Public School on May 31, 2006. Approximately 15 members of the public attended along with City staff, the applicant and their representatives, and Ward Councillor. The meeting included a presentation on the proposal and also an alternative that incorporated City-owned lands to the east. Questions and comments were received from the public at the meeting and also in writing about matters including:

- access to the site and underground parking;
- amount and location of parking;
- existing trees to be retained or removed;
- the City's ability to maintain the Doris Avenue lands, versus privately-owned landscaped open space; and
- location, orientation and extent of the residential and commercial uses at grade.

These comments have been considered in the review of this application.

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate recommendations.

COMMENTS

The December 23, 2005 application included only those lands owned by the applicant. Subsequent to discussions regarding the expansion of the subject lands, a revised application including the adjacent City lands was submitted and refined. This led to plans being submitted in December 2007 that largely addressed all major issues raised through the review process.

As the land negotiations have not resulted in a mutually satisfactory arrangement, the original application on those lands owned by the applicant was appealed to the OMB. Concept plans (Attachments 1 and 2) for the subject lands (not including adjacent City-owned property) were received on August 6, 2008. The concept plans largely reflect the December 2007 plans for the site, however, the office component previously located on the City-owned lands was shifted to the western edge of the property. The reduced land

area resulted in a reduced gross floor area and a reduced building height (from 21 to 18 storeys).

While the concept plans submitted on August 6, 2008 largely reflect the December 2007 submission, a full detailed and revised site plan submission has not yet been received. For this reason, Staff recommends that the proposed zoning by-law and site plan be supported in principle subject to a final site plan submission and review process to implement the August 6, 2008 concept plans.

Land Use

The proposed residential and office uses conform to the North York Centre Secondary Plan. The proposed commercial floor area is 16% of the total gross floor area and is under the maximum permission of 20%. The office use would be located outside of the North York Centre North Buffer Area where commercial uses are not permitted adjacent to stable residential neighbourhoods. The proposed office use is a positive contribution to the supply of non-residential uses in North York Centre.

The site is bounded by City-owned land and forms a logical block for development of the proposed uses. Development of this portion of the block would enable properties fronting on Yonge Street to continue using the existing lane, and enable logical consolidation and redevelopment of the remainder of the block at some point in the future in conformity with the Secondary Plan.

Density, Height, Massing

The proposed density of 4.95 Floor Space Index (FSI) is within the maximum achievable under the density incentives of the Secondary Plan (133% times the base density of 3.75 FSI). The density incentives would be secured through a Section 37 Agreement that includes:

- private indoor recreational space at a rate of 1.5 m² per unit;
- an indoor, at-grade common bicycle room at a rate of 0.1 spaces per unit; and
- a monetary contribution towards the City's cost of:
 - land acquisition for the North York Centre Service Road and associated road network; and/or
 - constructing and furnishing a public recreational centre or social facility serving the North York Centre.

In terms of building height, the 18-storey, 61.4 metre tall building is below both the 70% angular plane and 87 metre height limits in the Secondary Plan.

The top portion of the building and floor plate are articulated to break down the mass of the building and enhance skyline character, and the tall portion is oriented north-south to minimize shadow impacts. The base building includes entrances and canopies that meet the street and sidewalk to support pedestrian access and create comfortable wind conditions. In June of 2006 Council approved the Tall Buildings Guidelines for use in reviewing tall building applications. The proposal conforms to the Tall Buildings Guideline.

Site Circulation, Access and Parking

The courtyard at the northeast corner of the site provides efficient vehicular movement for the office and residential drop-off, as well as access to underground parking proposed to provide 171 parking spaces. Access to the loading/servicing area is from the existing adjacent laneway and is separated from the residential and office entrances.

At some point in the future the City could potentially determine to close or sell the laneway to the west. To accommodate and protect for this possibility the building has been set back from the laneway to enable access to the loading/servicing area to be provided entirely within a 4.5 metre wide driveway on the subject lands. This potential future laneway on the site should be identified on the approved plans and secured in the site plan agreement. This potential future laneway is to be landscaped adjacent to both Norton and McKee Avenues.

Traffic

A Traffic Impact Study had been submitted and reviewed in conjunction with a previous submission and was accepted by Transportation Services staff.

The applicant has submitted an updated Traffic Certification in support of the revised development project, detailing the proposal with respect to the required criteria outlined in the North York Centre Secondary Plan, Section 4.8.1. Transportation Services staff agree with the conclusion that the total vehicle trips generated by the development will not significantly contribute to a reduction in the level of service of adjacent roadways/intersections.

Based on Transportation Services' review, the impacts of these trips can be accommodated on the existing road network. The application also conforms to the North York Centre parking policy and provides an acceptable site layout. Based on the foregoing, Transportation Services can accept the Traffic Certification for the revised zoning application. A further detailed submission will be required as part of the site plan review and approval.

Servicing

The site servicing and grading plans, stormwater management report, and waste and recycling collection facilities for the site that included the City-owned lands have all been reviewed and accepted. Minor revisions or addendums to these plans and reports will be needed to reflect the reduced site area prior to final site plan approval.

Streetscape, Landscaping and Private Amenity Space

The proposal includes the conveyance of a 1.44 metre widening across the Norton Avenue frontage. The conveyance will be secured prior to final site plan approval. New 2.0 metre sidewalks (and financial securities for the work) will be required along both the Norton and McKee Avenue frontages.

Landscape plans including the private amenity area were provided for the larger site but have not yet been resubmitted for the August 6, 2008 concepts plans. These plans are to be revised and reviewed to reflect the smaller site. Appropriate outdoor recreational space in conformity with the Secondary Plan policy of 1.5 m² per dwelling unit and for the non-residential component will be included in the site-specific Zoning By-law and landscape details, and will be secured prior to final site plan approval. As well, landscape improvements to the adjacent City-owned lands to the east will also be finalized in the site plan.

Parkland

Parks staff has indicated that parkland will be secured through a certified cheque that will be held until an appropriate location for an off-site dedication can be identified and acquired. The location of the parkland will be at the discretion of the General Manager of Parks, Forestry and Recreation in consultation with the local Councillor. The amount of the certified cheque will be determined by the Real Estate Services Section of Facilities and Real Estate prior to issuance of the first building permit.

Tree Preservation

The Arborist Report and Planting Plan have been reviewed by Urban Forestry for the larger site and were found to be acceptable. The report and plans will need to be adjusted for the smaller site and prior to final site plan approval. Protective measures and signage as well as tree protection security deposits will be secured for existing and new City street trees.

Toronto Green Development Standard

The applicant has been encouraged to incorporate elements of the City's Green Development Standard into the site plan.

Development Charges

The development charges for this project are estimated to be \$793,600.00. The actual charge is assessed and collected upon issuance of the building permit.

CONCLUSIONS

This report recommends that City Council support in principle the proposed Zoning Amendment and conceptual site plan. Any Board Order approving the proposed zoning or site plan applications should be withheld pending the submission and acceptance of a detailed site plan and associated Site Plan and Section 37 agreements.

In addition, in the event that prior to commencement of the OMB Hearing, the applicant and City reach an agreement on the proposed disposition of the adjacent City-owned lands, Staff will agree to an adjournment of the OMB hearing.

CONTACT

Robert Gibson, Senior Planner
Tel. No. (416) 395-7059
Fax No. (416) 395-7155
E-mail: rgibson@toronto.ca

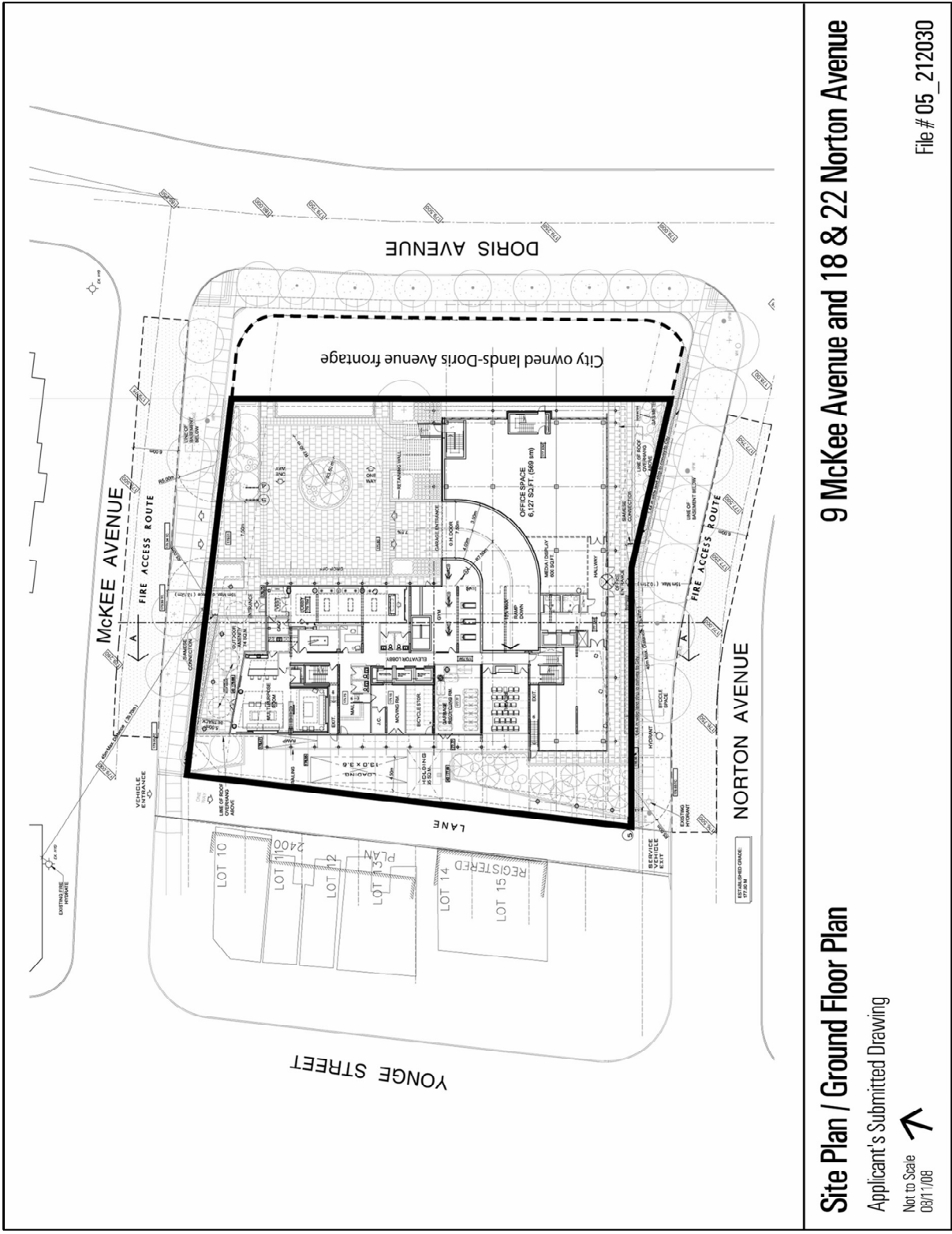
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Conceptual Site Plan
Attachment 2: Conceptual Elevation - South
Attachment 3: Zoning Map
Attachment 4: Application Data Sheet

Attachment 1: Conceptual Site Plan



9 McKee Avenue and 18 & 22 Norton Avenue

Site Plan / Ground Floor Plan

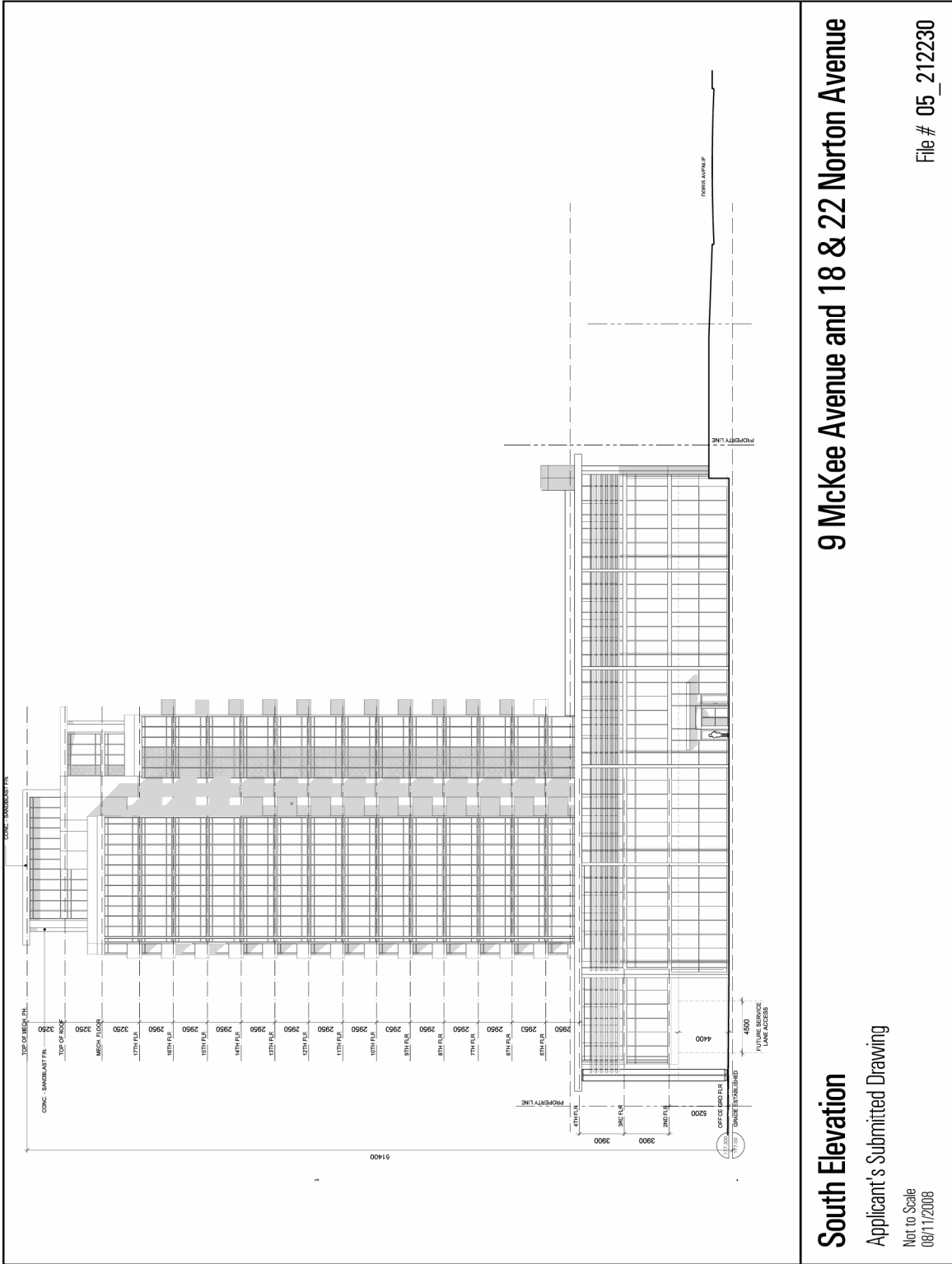
Applicant's Submitted Drawing

Not to Scale
08/11/08



File # 05 212030

Attachment 2: Conceptual Elevation – South



9 McKee Avenue and 18 & 22 Norton Avenue

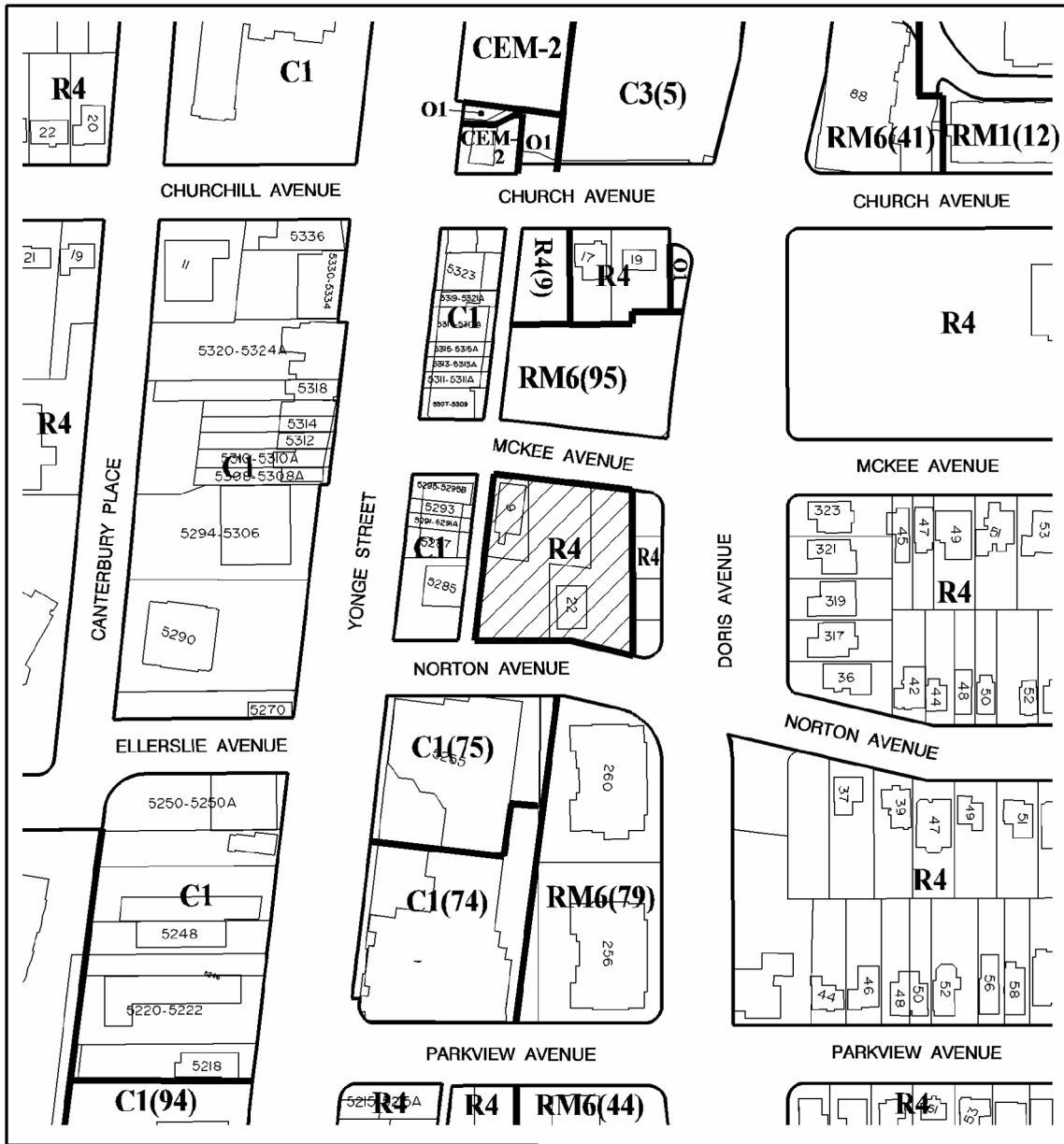
South Elevation

Applicant's Submitted Drawing

Not to Scale
08/11/2008

File # 05_212230

Attachment 3: Zoning Map



Toronto City Planning Division
Zoning

9 McKee Avenue and 18 & 22 Norton Avenue

File # 05_212030

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- C1 General Commercial Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- O1 Open Space Zone
- Cem-2 Restricted Cemetery Zone



Not to Scale
 Zoning By-law 7625
 Extracted 03/03/06

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	05 212030 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	December 23, 2005

Municipal Address: 9 MCKEE AVE, 18 and 22 NORTON AVE, TORONTO ON
 Location Description: PLAN 2400 LOTS 39 & 40 **GRID N2303
 Project Description: 18-storey residential apartment and 3-storey office building.

PLANNING CONTROLS

Official Plan Designation:	MU G	Site Specific Provision:	
Zoning:	R4	Historical Status:	
Height Limit (m):	87 m & 70 % RRPL	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3,215.9	Height:	Storeys:	18	
Frontage (m):	56.7		Metres:	61.4	
Depth (m):	58.1				
Total Ground Floor Area (sq. m):	1,498				Total
Total Residential GFA (sq. m):	13,348.2		Parking Spaces:	171	
Total Non-Residential GFA (sq. m):	2,561		Loading Docks	1	
Total GFA (sq. m):	15,909.2				
Lot Coverage Ratio (%):	46.58				
Floor Space Index:	4.95				

DWELLING UNITS

Tenure Type:	TBD
Rooms:	0
Bachelor:	0
1 Bedroom:	52
2 Bedroom:	75
3 + Bedroom:	16
Total Units:	160

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	13,348.02	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	2,561	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Rob Gibson, Senior Planner
TELEPHONE: (416) 395-7059