

4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue - OPA & Rezoning Applications - Preliminary Report

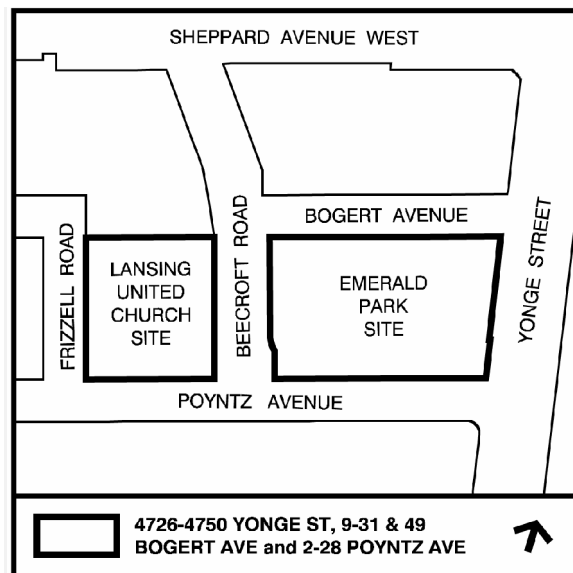
Date:	October 21, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	08 178556 NNY 23 OZ

SUMMARY

These applications were made on July 7, 2008 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The Official Plan and Zoning By-law Amendment applications propose to amend the North York Centre Secondary Plan and Zoning By-law 7625, as amended, to permit the comprehensive development of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue. The proposed mixed-use development (Emerald Park) would have a maximum gross floor area of 62,766 square metres and consist of two residential towers, 39 and 30-storeys in height, on a three-storey commercial podium (565 residential units and approximately 13,400 square metres of non-residential floor area).

The Lansing United Church site (49 Bogert Avenue) is included in the application in order to facilitate the transfer of the remaining residual density for those lands to the Emerald Park development. As well, the existing church building is to be renovated and expanded to provide



additional social facility space and the density incentives from the provision of this new space is proposed to be assigned to the Emerald Park development.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

It is intended that a community consultation meeting be scheduled by staff, in consultation with the Ward Councillor. A final report and public meeting under the *Planning Act* to consider these applications is targeted for the second quarter of 2009, provided that any required information is submitted in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On October 19, 2000, the Ontario Municipal Board approved modifications to OPA 447 and a Zoning By-law permitting two residential buildings, 25 and 22-storeys in height, consisting of 364 units and retail uses at grade. The density incentives included the provision of grade level shopping facilities and recreational facilities and density transfers from 36-40 Poyntz Avenue and the Lansing United Church site. Through the density transfers and density incentives, the application resulted in a maximum floor area of 33,086 square metres or approximately 7.85 FSI.

Site Specific Policy 12.20 in the City of Toronto Official Plan - North York Centre Secondary Plan and Zoning By-law 107-2001 (OMB) capture the OMB approval for the Premium Properties development proposal. It should be noted that the development did not proceed, rather a commercial parking lot has been operating on the site.

ISSUE BACKGROUND

Proposal

The Official Plan and Zoning By-law Amendment applications propose to amend the North York Centre Secondary Plan and Zoning By-law 7625 to permit the comprehensive development of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue. The proposed mixed-use development (Emerald Park) would have a maximum gross floor area of 62,766 square metres and consist of two residential towers, 39 and 30-storeys in height, on a three-storey commercial podium (565 residential units and approximately 13,400 square metres of non-residential floor area).

Servicing and vehicular access for the Emerald Park development would be provided from Bogert Avenue, together with the residential lobbies and ramps to the parking garage. Trucking would occur behind a wall on Bogert Avenue and the servicing court is hidden from view. A service court running the length of the building will provide distribution functions for the commercial uses, as well as provide for residential moving requirements.

The existing TTC pedestrian stairwell located at the front of the site on Yonge Street would be incorporated within the new building.

The applicant is proposing to convey, for road widening purposes, lands along the entire Poyntz Avenue and Bogert Avenue frontages. The lands along Poyntz Avenue are needed to complete the service road and new intersection at Yonge Street and Poyntz Avenue which is to line up with the Anndale Drive extension on the east side of Yonge Street, just south of Willowdale Plaza. There is a surplus strip of land on the east side of existing Beecroft Road allowance and an unused public laneway that the applicant is seeking to obtain from the City to complete the development block.

The Lansing United Church site (49 Bogert Avenue) is included in the application as the existing church building is to be renovated and expanded to provide additional social facility space and the density incentives from the provision of this new space is proposed to be assigned to the Emerald Park development. As well, the remaining density for those lands will be transferred to the Emerald Park development. Preliminary site plan drawings have been submitted for the church site. The church is currently proposing a 707.4 square metre non profit day care and approximately 1296 square metres of space for community meetings and community programs such as a clothing and food bank.

Site and Surrounding Area

The Emerald Park development site is bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue, municipally referred to as 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue. The Lansing United Church is located at the northwest corner of Beecroft Road and Poyntz Avenue, directly across from the Emerald Park development site.

Surrounding land uses are as follows:

- North: Albert Standing Park, Nestle office building and a commercial parking lot. The parking lot site has been approved for a 23-storey office building.
- South: Single detached dwellings and a gasoline station.
- East: Willowdale Shopping Plaza and office buildings and new high-rise apartment buildings.
- West: Single detached dwellings.

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.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The majority of the Emerald Park development site is designated *Mixed Use Area C* and subject to Site Specific Policy 12.20. The permitted uses in the *Mixed Use Area C* include commercial, institutional, residential, public parks and recreational uses.

Site Specific Policy 12.20 also assigns a maximum density of 4.5 times the lot area plus available density incentives and density transfers. The policy also states a zoning by-law for these lands may permit other exclusions from Gross Floor Area, including grade level shopping facilities and may permit an aggregate Gross Floor Area, including exemptions, incentives and transfers, that exceeds the maximum permitted density of 4.5 times the lot area by more than 33 per cent.

There are also provisions related to road requirements and conveyance for road purposes for the North York Centre Service Road. Non-accessory portions of a private commercial parking lot, facility or structure may be permitted, subject to the North York Centre Parking Policy.

The northeast corner of the site at Yonge Street and Bogert Avenue is designated *Mixed Use Area A*. The permitted uses in *Mixed Use Area A* include commercial, institutional, public parks and recreational uses, and transit terminals. Residential uses are not permitted. No site specific policies currently apply to this portion of the site.

The Lansing United Church site located on the west side of Beecroft Road is designated *Mixed Use Area D*. The permitted uses in *Mixed Use Area D* include institutional uses that are not predominantly offices, residential, public parks and recreational uses. Site Specific Policy 12.7 in the North York Centre Secondary Plan permits the transfer of 3 times the unused density from the site to lands located on the east side of Beecroft Road.

Zoning

The lands are covered by Zoning By-law 7625 of the former City of North York.

Site Specific Zoning By-law 107-2001(OMB), which was approved by the OMB for the previous Premium Properties application, covers most of the subject lands, except for the Yonge Street portion which retained its General Commercial - C1 zoning.

By-law 107-2001(OMB) permits two residential buildings, 25 and 22-storeys in height, 364 units in total, subject to certain development standards, and allows density incentives for the provision of grade level shopping facilities and recreational facilities. The By-law also permits density transfers from 36-40 Poyntz Avenue and 49 Bogert Avenue - Lansing United Church. A total of 3.0 FSI density was transferred from these two properties located on the west side of Beecroft Road to the Premium Properties site located on the east side of Beecroft Road, leaving a maximum 1,534 square metres on the 36-40 Poyntz Avenue property and a maximum 1,528 square metres of gross floor area on the church lands for residential development purposes.

Site Plan Control

Both the Emerald Park development and the proposed redevelopment of the Lansing United Church lands are subject to Site Plan Control Approval.

Site Plan Control Approval applications have not yet been formally submitted, although a comprehensive set of drawings and supporting documents were provided with the subject Official Plan Amendment and Rezoning applications. Site Plan Control Approval applications will be required and will be reported on concurrently with the final Report on the Official Plan Amendment and Zoning By-law Amendment applications.

Tree Preservation

Urban Forestry staff will have to review the development plans for each site to determine the impact on any existing mature trees. The owner will be required to obtain the necessary permits prior to removing any trees having a diameter of thirty (30) centimeters or more measured at one and four-tenths (1.4) metres above ground level, pursuant to Tree Protection By-law No. 780-2004.

Reasons for the Application

The applicant has proposed site specific amendments to the North York Centre Secondary Plan and Zoning By-law 7625.

The Official Plan Amendment application is requesting

- To permit the building height to be in excess of the maximum permitted 100 metres, so as to achieve contemporary built form objectives for this prominent site. The 39-storey building on Yonge Street would have a maximum height of 142 metres while the 30-storey building would have a maximum height of 113 metres. It should be noted that the proposed building heights include mechanical penthouses and architectural finials.
- To amend Site Specific Policy 12.7 in order to permit the transfer of all the remaining residual density from the Lansing United Church site to the Emerald Park project. This policy permits a maximum 3.0 FSI to be transferred to the east side of Beecroft Road.
- To allow the additional density from Site Specific Policy 12.20, which permits an aggregate Gross Floor Area, including exemptions, incentives and transfers, to exceed the maximum density of 4.5 times the lot area by more than 33 percent, to be distributed over the entire block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue, including the *Mixed Use Area A* portion of the site. This proposal facilitates a development with a significant portion of the density being assigned to the building on Yonge Street. Currently Site Specific Policy 12.20 only applies to the *Mixed Use Area C* lands on the western portion of the site.

- To allow for the mix of employment and residential density throughout the entire site.
- To permit private outdoor amenity space on the roof of the commercial podium rather than at grade.

The site specific Zoning By-law Amendment would implement the proposed OPA and permit the transfer of the residual density from the Lansing United Church lands to the Emerald Park development site. The By-law would also establish the permitted uses and the development standards for each development site.

COMMENTS

Issues to be Resolved

The following issues, and any other issues identified through the application review process, will need to be addressed and resolved.

- Conformity with Official Plan policies;
- Consistency with the Provincial Policy Statement 2005 and conformity with the Growth Plan of the Greater Golden Horseshoe;
- Appropriate height, density and built form for the Emerald Park development;
- Appropriate siting of the proposed addition to the Lansing United Church building that addresses Beecroft Road, Poyntz Avenue and Albert Standing Park and reduces the number of surface parking spaces;
- Submission of a Site Plan Control Approval application, prior to any approvals of the subject Official Plan and Zoning By-law Amendment applications;
- Impact on community services and social facilities;
- Securing new social facility space on the Lansing United Church site for the benefit of the community;
- Parkland requirements;
- Surplusing and sale of the city owned lane-way and the Beecroft Road allowance lands to the applicant;

- Conveyance of the required road widenings on Bogert Avenue and Poyntz Avenue to the City. The widenings on Poyntz Avenue are needed to construct an intersection at Yonge Street that would line up with the proposed Anndale Road extension on the east side of Yonge Street, south of the Willowdale Plaza lands.

Staff will also be encouraging the applicant to review sustainable development opportunities by utilizing the Toronto Green Development Standards, adopted by City Council in July 2006.

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

Conclusions:

It is recommended that a community consultation meeting be scheduled by staff, in consultation with the Ward Councillor, to receive public comments on the Official Plan Amendment and Zoning By-law Amendment applications. The issues indicated above, and any other issues identified through the review process, will need to be resolved prior to presentation of a final Report to North York Community Council.

CONTACT

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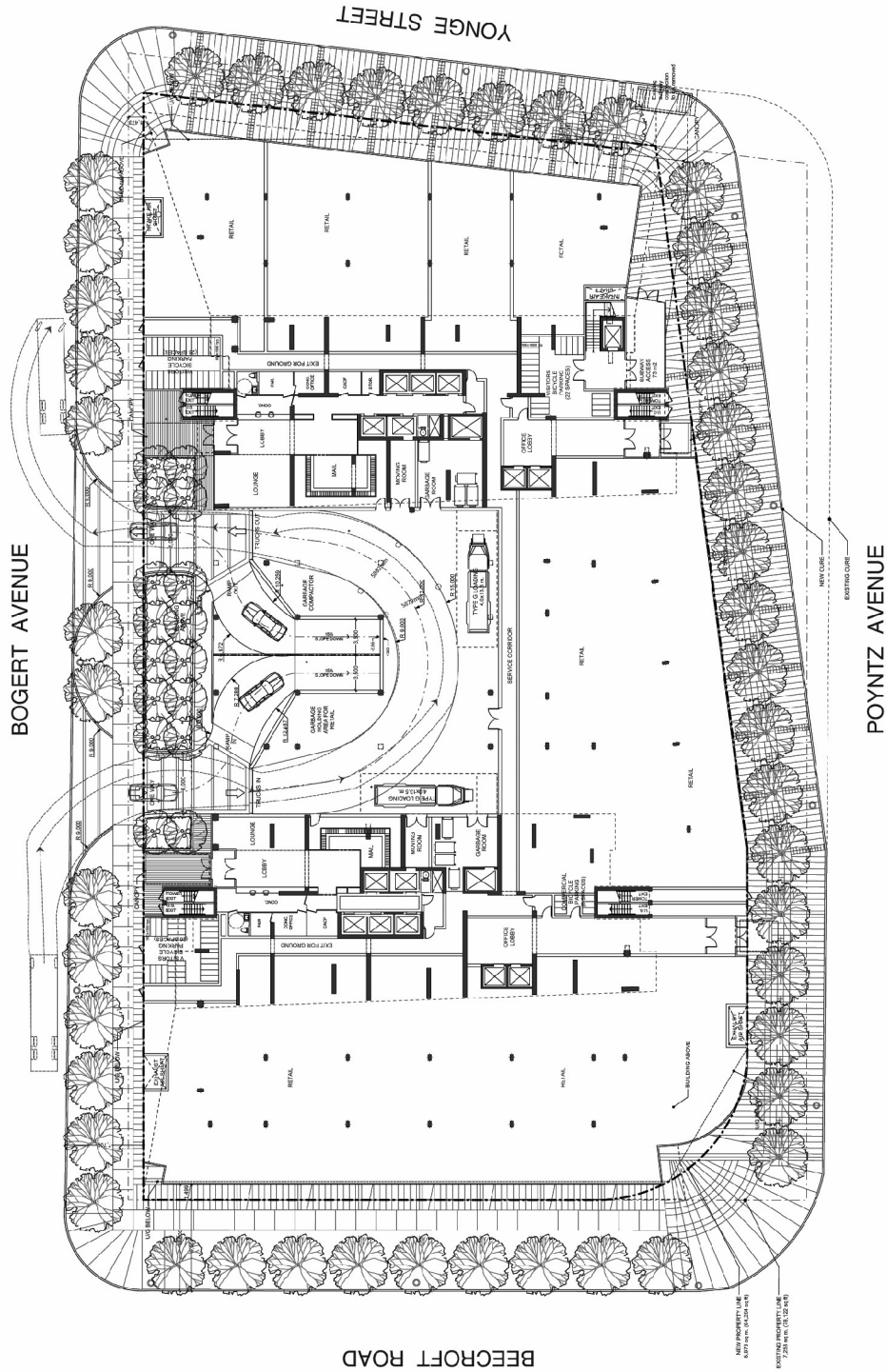
SIGNATURE

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

ATTACHMENTS

Attachment 1: Ground Floor Plan – Emerald Park
Attachment 2: East Elevation – East Building – Emerald Park
Attachment 3: West Elevation – West Building – Emerald Park
Attachment 4: South Elevation – Emerald Park
Attachment 5: North Elevation – Emerald Park
Attachment 6: Site Plan – Lansing United Church
Attachment 7: South and West Elevations – Lansing United Church
Attachment 8: North and East Elevations – Lansing United Church
Attachment 9: North York Centre Secondary Plan Map 8-3 – Land Use Areas
Attachment 10: Zoning
Attachment 11: Application Data Sheet

Attachment 1: Ground Floor Plan – Emerald Park



Emerald Park - Ground Floor Plan
 Applicant's Submitted Drawing

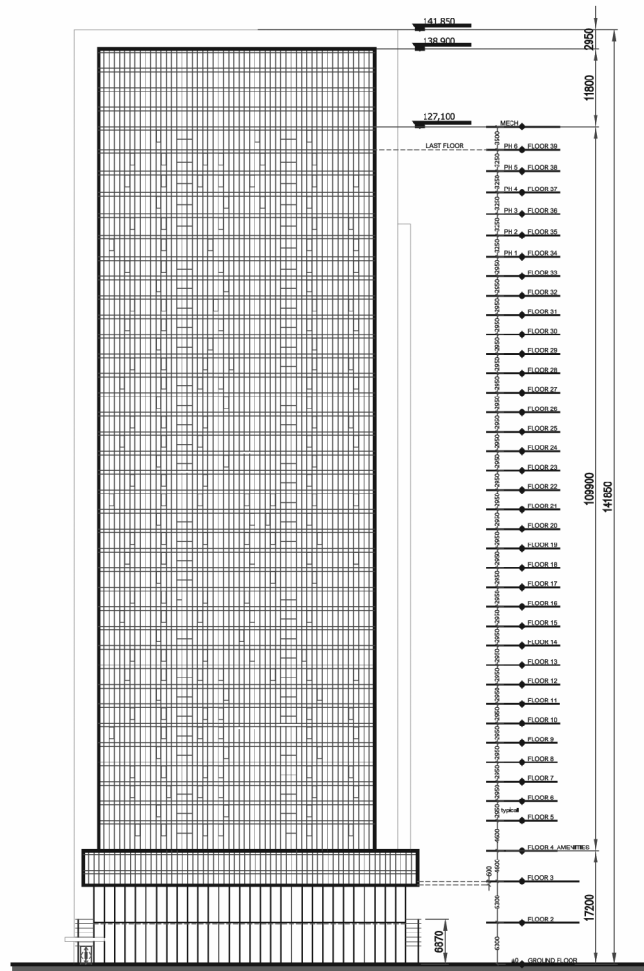
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4726-4750 Yonge Street, 9-31 Bogert Avenue
 and 2-28 Poyntz Avenue

File # 08_178556

Attachment 2: East Elevation – East Building – Emerald Park



East Elevation (East Building)

Emerald Park - Elevations

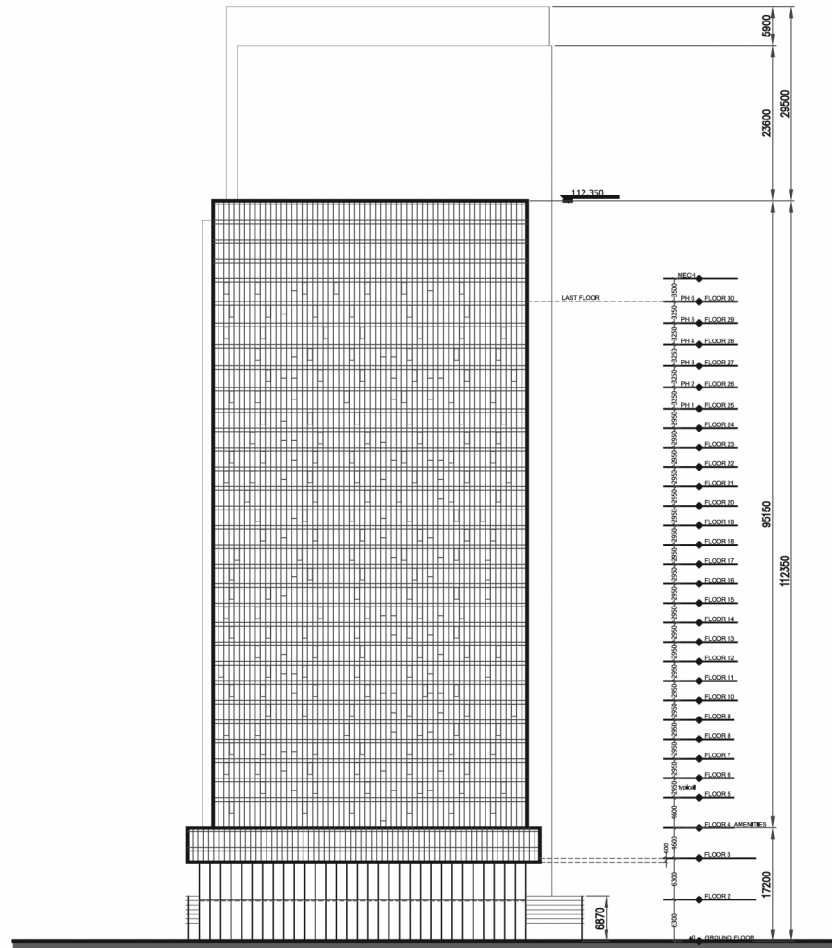
Applicant's Submitted Drawing

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**4726-4750 Yonge Street, 9-31 Bogert Avenue
and 2-28 Poyntz Avenue**

File # 08_178556

Attachment 3: West Elevation – West Building – Emerald Park



West Elevation (West Building)

Emerald Park - Elevations

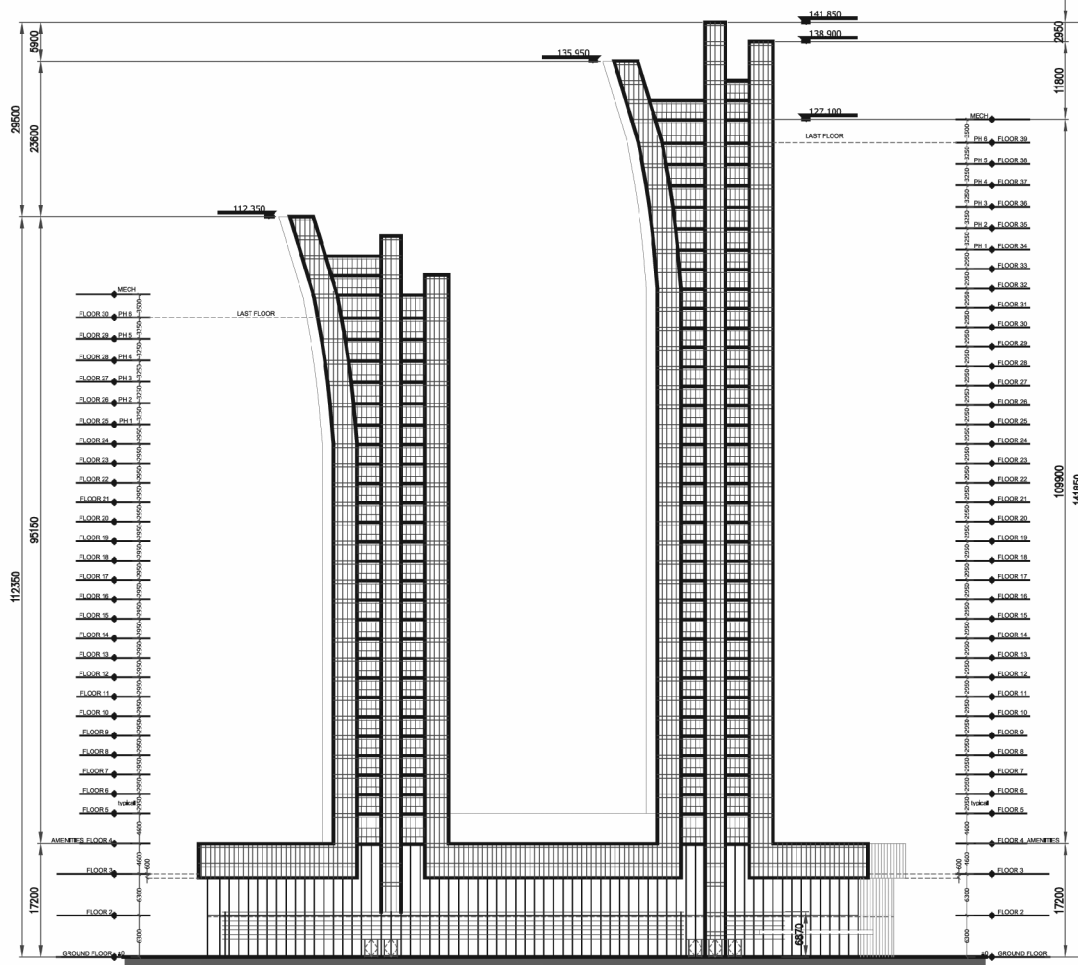
Applicant's Submitted Drawing

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10/21/2008

**4726-4750 Yonge Street, 9-31 Bogert Avenue
and 2-28 Poyntz Avenue**

File # 08_178556

Attachment 4: South Elevation – Emerald Park



South Elevation

Emerald Park - Elevations

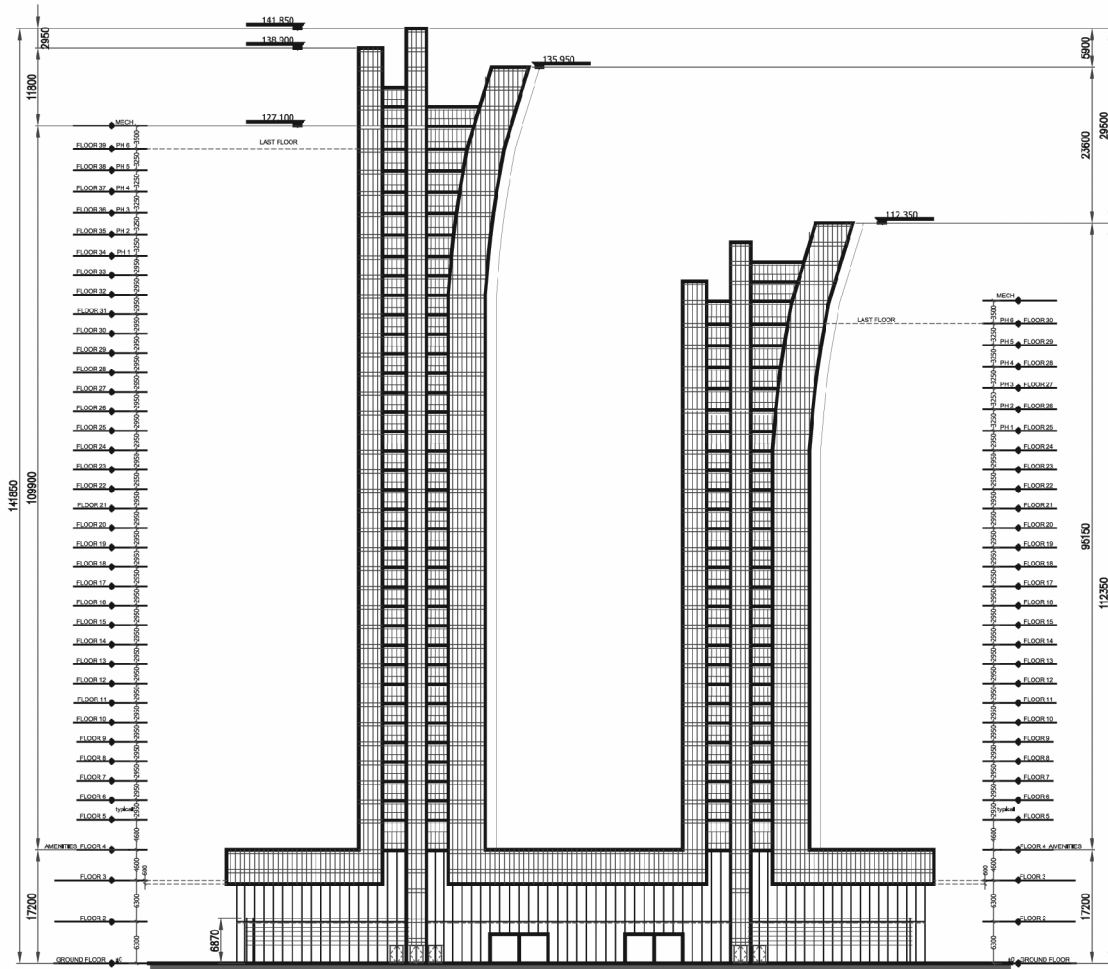
Applicant's Submitted Drawing

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10/21/2008

4726-4750 Yonge Street, 9-31 Bogert Avenue
and 2-28 Poyntz Avenue

File # 08_178556

Attachment 5: North Elevation – Emerald Park



North Elevation

Emerald Park - Elevations

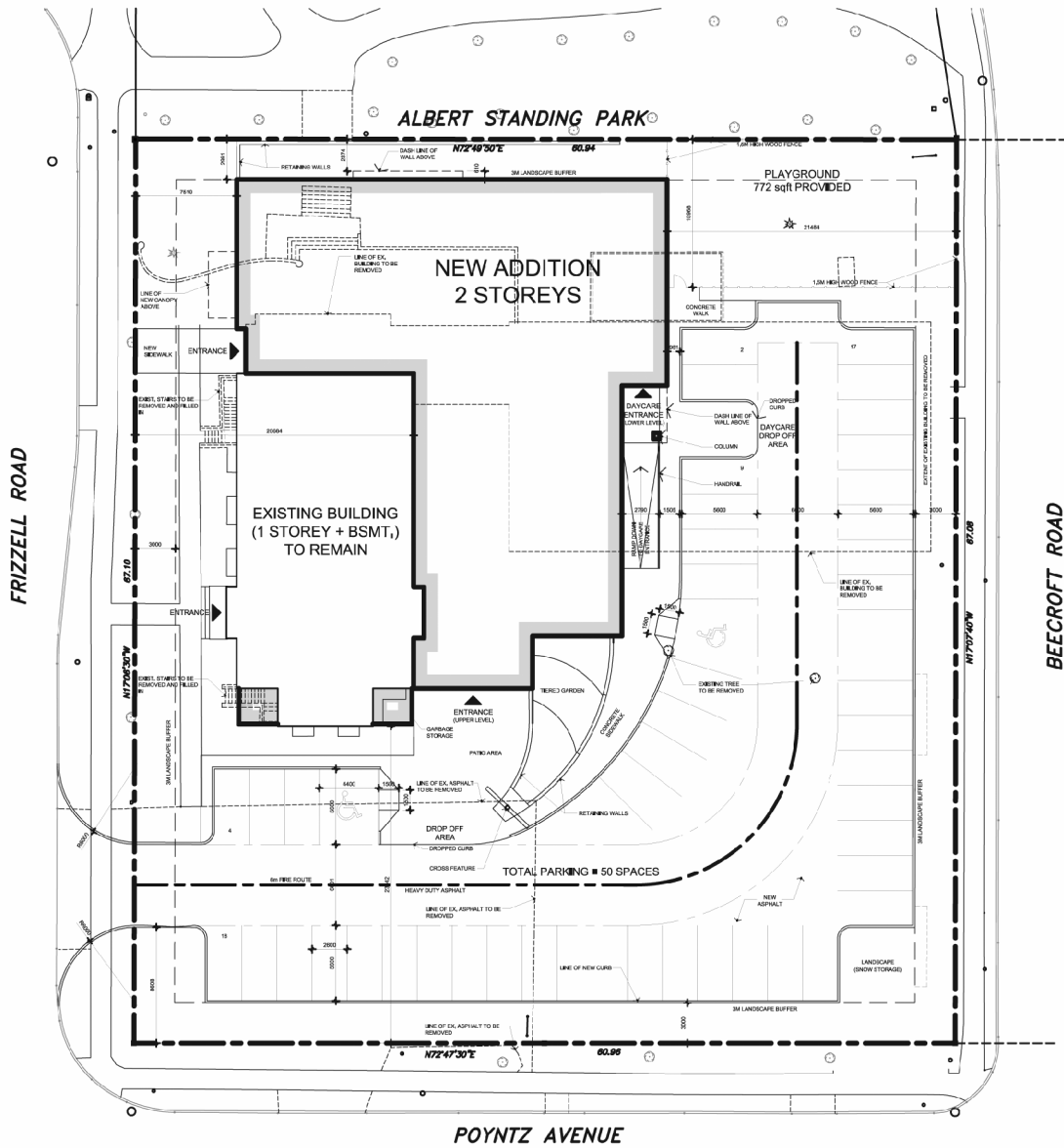
Applicant's Submitted Drawing

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10/21/2008

4726-4750 Yonge Street, 9-31 Bogert Avenue
and 2-28 Poyntz Avenue

File # 08_178556

Attachment 6: Site Plan – Lansing United Church



Lansing United Church - Site Plan

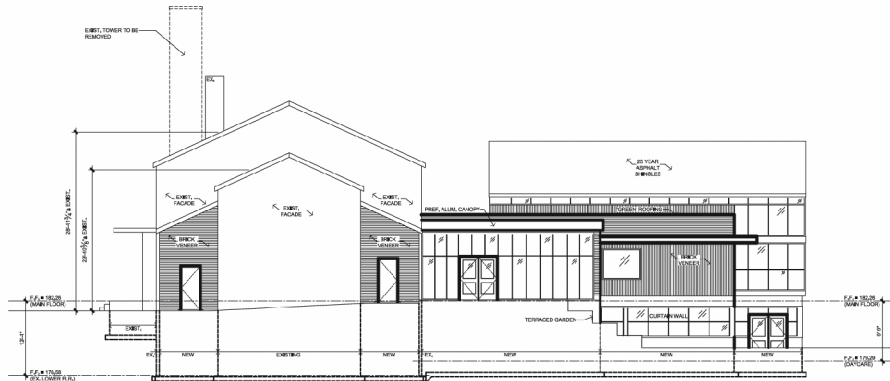
49 Bogert Avenue

Applicant's Submitted Drawing

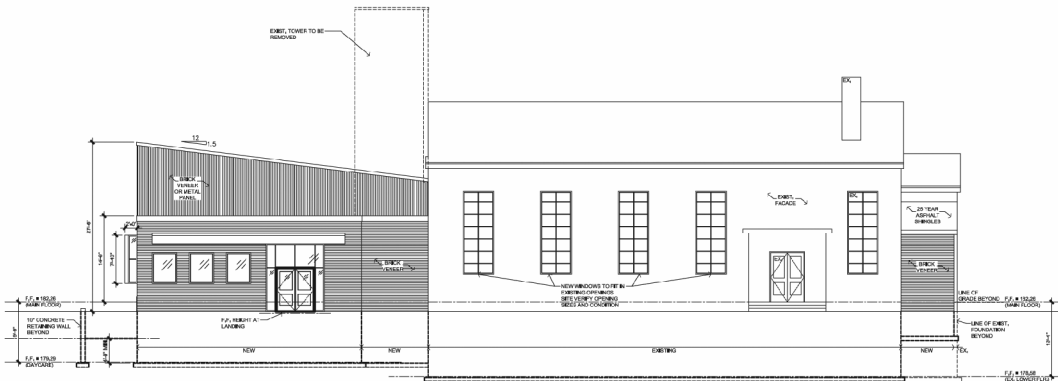
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Attachment 7: South and West Elevations – Lansing United Church



South Elevation



West Elevation

Lansing United Church - Elevations

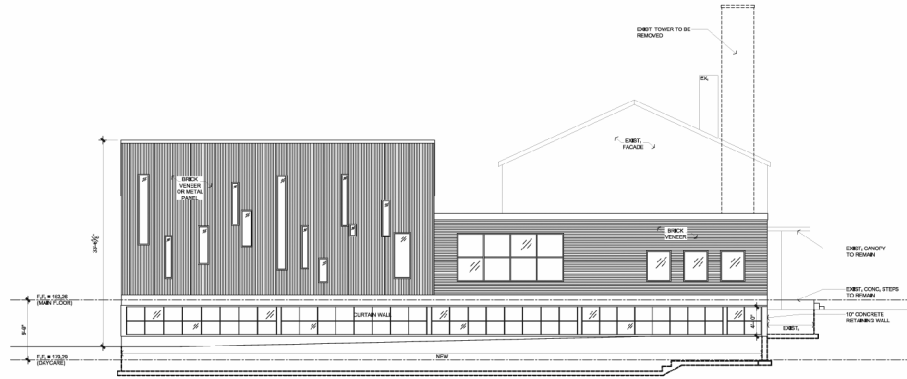
49 Bogert Avenue

Applicant's Submitted Drawing

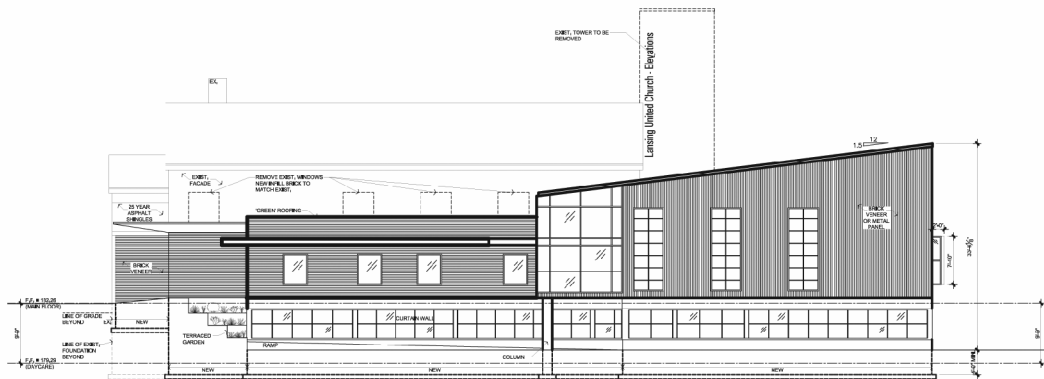
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Attachment 8: North and East Elevations – Lansing United Church



North Elevation



East Elevation

Lansing United Church - Elevations

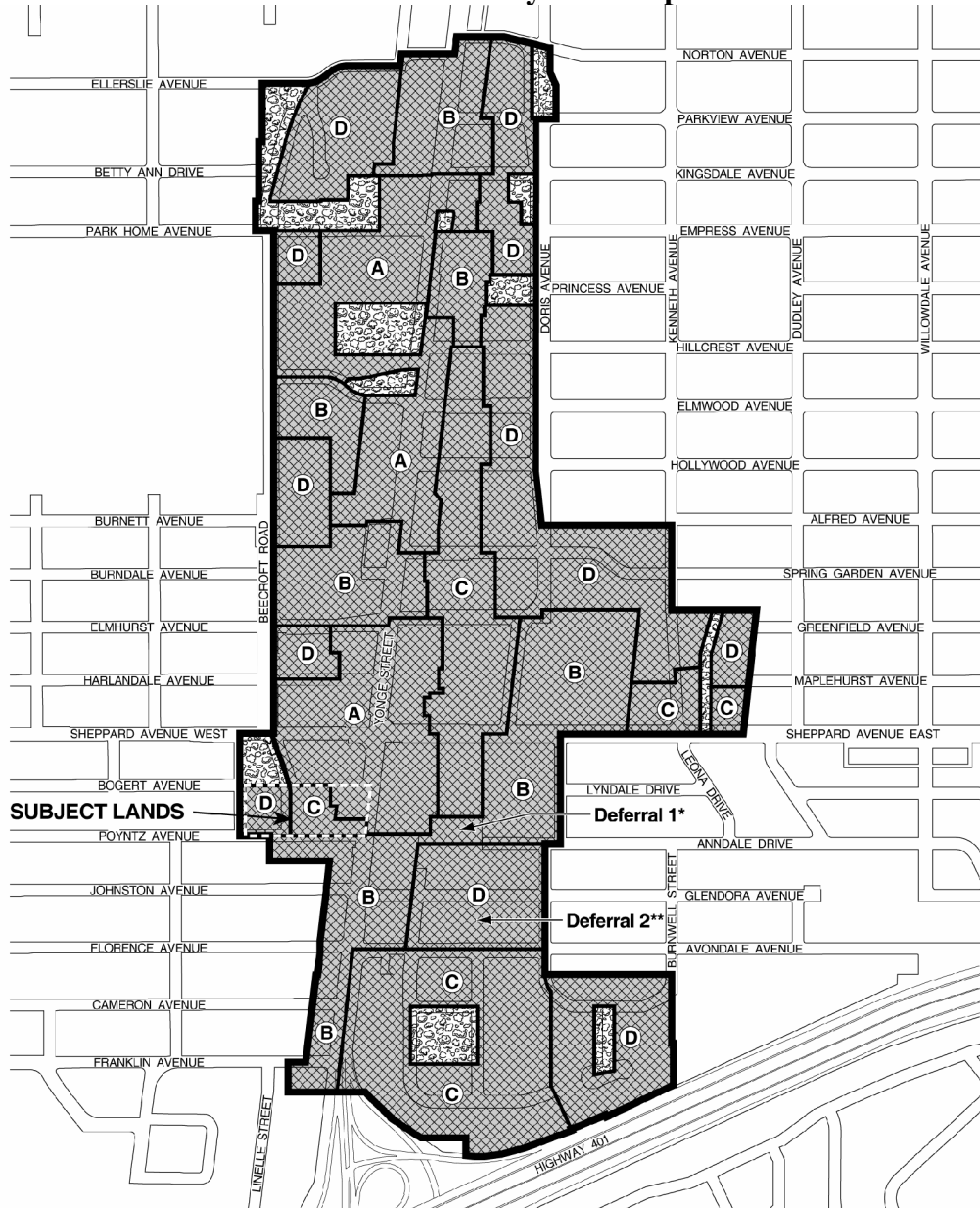
49 Bogert Avenue

Applicant's Submitted Drawing

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File # 08_178556

Attachment 9: North York Centre Secondary Plan Map 8-3 – Land Use Areas

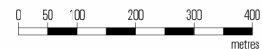


North York Centre Secondary Plan

MAP 8-3 North York Centre South Land Use Areas

-  Secondary Plan Boundary
-  Mixed Use Areas
 - Area A - 0% Residential Use
 - Area B - Maximum 50% Residential Use
 - Area C - Maximum 100% Residential Use
 - Area D - Maximum 100% Residential Use
-  Parks and Open Space Areas

*Deferral 1 No decision made by Ministry on lands identified as Deferral 1
 **Deferral 2 Lands identified as Deferral 2 have not yet received approval from the OMB



June 2006

Attachment 10: Zoning



**4726-4750 Yonge Street, 9-31 & 49 Bogert Avenue
and 2-28 Poyntz Avenue**
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- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- C6 Special Commercial Area Zone
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 08/14/2008

Attachment 11: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	08 178556 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	July 7, 2008 Revised October 17, 2008

Municipal Address: 4726-4750 Yonge St, 9-31 Bogert Ave., 2-28 Poyntz Ave. and 49 Bogert Ave

Location Description: PLAN 1743 LOTS 754 & 755 **GRID N2305

Project Description: The proposed mixed-use development (Emerald Park) would have a maximum gross floor area of 62,766 square metres and consist of two residential towers, 39 and 30-storeys in height, on a three-storey commercial podium (565 residential units and approximately 13,400 square metres of non-residential floor area). As well, the existing Lansing United Church building is to be renovated and expanded to provide additional social facility space.

Applicant:	Agent:	Architect:	Owner:
JANE PEPINO	Andrea Gabor, Urban Strategies	Roy Varacalli	EMERALD PARK INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific By-law:	By-law 7625 as amended by By-law 107-2001(OMB)
Zoning:	Emerald Park site C1, RM6(103) Lansing United Church R4 (59) and R4 (60)	Historical Status:	
Height Limit (m):	100 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION (REFLECTS THE PROPOSED EMERALD PARK MIXED-USE PROJECT)

Existing Site Area (sq. m):	6,626.20	Height:	Storeys:	30 and 39
Proposed Gross Site Area (sq.m.)	7,008			
Proposed Net Site Area (sq.m.)	5,965			
Frontage (m):	51		Metres:	113 and 142
Depth (m):	109			
Total Ground Floor Area (sq. m):	5,183			Total
Total Residential GFA (sq. m):	46,189		Parking Spaces:	877
Total Non-Residential GFA (sq. m):	13,413		Loading Docks	2
Total Max GFA (sq. m):	62,766.5			
Floor Space Index:	8.95			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	46,189	0
Bachelor:	0	Retail GFA (sq. m):	3,186	0
1 Bedroom:	240	Office/Commercial GFA (sq. m):	10,227	0
2 Bedroom:	316	Industrial GFA (sq. m):	0	0
Total Units:	556	Institutional/Other GFA (sq. m):	0	0