

5170 Yonge Street - Rezoning Application - Preliminary Report

Date:	December 12, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	08 213938 NNY 23 OZ

SUMMARY

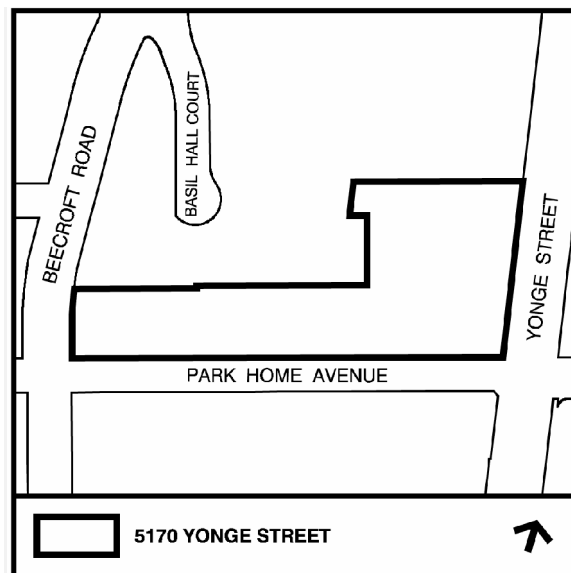
This application was made on October 17, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend Zoning By-law 7625 as amended to permit the development of two 42-storey (125 metre) residential towers on a 5-storey podium. The proposed development would have a maximum gross floor area of 93,781.96 square metres and consist of 937 residential units.

The proposed rezoning would implement the Official Plan Amendment that was granted by the Ontario Municipal Board on July 2, 2008.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application 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 this application is targeted for the third 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 under the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On July 2, 2008, the Ontario Municipal Board (OMB) granted an amendment to the North York Centre Secondary Plan which redesignated the subject lands from *Mixed Use Area A* and *Mixed Use Area B* to *Mixed Use Area C* in order to permit a maximum 100% residential development on the site having a maximum height of 125 metres; and redesignated the southeast corner of the site from *Mixed Use Area A* to *Parks and Open Space Area*. Certain amendments to the site specific policy were also approved. A copy of the Official Plan Amendment before the OMB is attached as “Attachment 7”.

ISSUE BACKGROUND

Proposal

The application proposes to amend Zoning By-law 7625 of the former City of North York to permit a residential development at the northwest corner of Yonge Street and Park Home Avenue. The development would consist of two 42-storey (125 metre) residential towers on a 5-storey podium. The proposed development would have a maximum gross floor area of 93,781.96 square metres and contain 937 residential units. The towers would contain 832 units with the remaining units located within the podium, including 12 live-work townhouse units. A total of 1,466.6 square metres of retail space would be provided within the podium portion of the development.

Servicing and vehicular access would be provided from a new L-shaped driveway connecting Yonge Street and Park Home Avenue. A total of 1,105 parking spaces are proposed within a 5-level underground parking garage, with 27 parking spaces allocated to the Gibson House. A below grade pedestrian access is to be provided that would connect to the North York Centre subway station on the southside of Park Home Avenue.

As shown on Attachment 1 and in the Table below, the applicant is proposing to convey two portions of their lands to the City for parks purposes. This would include an area of 1,327.1 square metres at the southeast corner of the site where the Rose Garden lands are situated and an area of 2,594.7 square metres at the west end of the site fronting Beecroft Road. A total of 3,606.5 square metres of the site is to remain as a surface park as part of the existing 999 year lease agreement with the City. Based on the plans submitted with the Rezoning application, the surface park would have a parking garage beneath it and would also incorporate a driveway ramp to Park Home Avenue, a vent shaft and garage exit stairs.

Indoor and outdoor amenity space is being proposed. Approximately 1,980 square metres of private indoor space is proposed. The outdoor amenity space for the proposed development would be located on the roof of the podium (346.05 square metres in area) and within the adjacent publicly accessible surface park (3,606.5 square metres in area) which would continue to be leased by the City.

	Area (sq.m.)	Total (sq.m.)
Parkland to be conveyed to the City		3,921.8
- southeast corner of the site near the Rose Garden - fronting Yonge Street	1,327.1	
- west end of the site - fronting Beecroft Road	2,594.7	
Surface Park to remain under lease by the City (fronting Park Home Avenue) – the applicant is also proposing to use this area for outdoor amenity space for the subject development	3,606.5	3,606.5
Total (sq.m.)		7,528.3

Site and Surrounding Area

The proposed development site is located at the northwest corner of Yonge Street and Park Home Avenue and extends to Beecroft Road on the west. The site is irregular in shape. It is currently developed with a parking lot and open space uses that include the privately owned and publicly accessible ‘Rose Garden’.

The block bounded by Yonge Street to the east, Ellerslie Avenue to the north, Beecroft Road to the west and Park Home Avenue to the south, currently consists of the following:

- One-storey commercial retail buildings fronting Yonge Street;
- The Gibson House Museum;
- Yonge Hearts Child Care;
- A 19-storey condominium building - Peninsula Place;
- Two rental apartment buildings - Park Willow Developments; and
- the subject lands which consists of the Rose Garden, Gibson Park and a commercial parking lot.

In addition to the subject lands, identified as Site 1 below, there are other current and pending development applications within this block. The location of these sites are listed below and shown on “Attachment 8”.

Site 1

5170 Yonge Street (Menkes Gibson Square) - the subject Rezoning application.

Site 2

5182-5218 Yonge St. (Sam-Sor)

Official Plan Amendment and Rezoning applications have been submitted to permit a 28-storey residential building on a 3-storey commercial podium containing retail and recreation uses. The applications are currently on hold and are expected to be revised by the owner to reflect a new development proposal.

Site 3

5220-5254 Yonge Street

The applicant for these lands has advised staff that development applications are forthcoming for a mixed-use development on the site consisting of a residential tower and a hotel on a commercial podium.

Site 4

55-65 Ellerslie Avenue (Park Willow Developments)

Rezoning and Site Plan Control Approval applications were submitted in 2004 to permit a third residential building of 18-storeys where the pool and tennis courts are situated. City staff are waiting for additional information from the applicant before further processing the applications.

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

As noted previously, the OMB granted an amendment to the North York Centre Secondary Plan that would permit a residential development on the site. The Official Plan Amendment redesignated the portions of the site to *Mixed Use Area C* in order to permit a maximum 100% residential development having a maximum height of 125 metres; and redesignated the southeast corner of the site from *Mixed Use Area A* to *Parks and Open Space Area*. Certain amendments to the site specific policy were also approved. A copy of the Official Plan Amendment before the OMB is attached as "Attachment 7".

The North York Centre Secondary Plan also includes policies related to Transportation, Environment and Urban Design, Parks and Open Space, among others, which will apply to the subject proposal.

Zoning

On February 20, 1992, the Ontario Municipal Board approved a site specific Zoning By-law Amendment (By-law 31237) for this site. The by-law, which amended the former City of North York Zoning By-law 7625, zoned portions of the site for open space purposes and residential uses, and permitted a maximum 113,695 square metres of commercial floor area in two office buildings, 27-storeys and 31-storeys in height, at the northwest corner of Yonge Street and Park Home Avenue. Of the total permitted commercial floor area, 63,701 square metres were a result of gross floor area transferred to the site from lands to be used for roads, road widenings, local open space buffer lands, Gibson Park and the Gibson House.

Reasons for the Application

The Zoning By-law Amendment application has been submitted to implement the Official Plan Amendment approved in principle by the Ontario Municipal Board. Generally, the Zoning By-law amendment would permit residential uses on the site and establish site-specific development standards for the proposed residential development.

Site Plan Control

A Site Plan Control Approval application has not yet been submitted. Site Plan Control Approval will be required and will be reported concurrently with the final Report on the Zoning By-law Amendment application.

Tree Preservation

Urban Forestry staff will have to review the development plans to determine the impact on any existing mature trees. The owner will be required to obtain the necessary permits prior to removing any trees.

COMMENTS

Issues to be Resolved

The following issues will need to be addressed and resolved.

- Conformity with Official Plan Policies;
- Conformity with North York Centre Secondary Plan policies, including:
 - a) the Environment and Urban Design policies related to public realm and built form and to the heritage objectives for development in the vicinity of Gibson House; and
 - b) the Parks and Open Space policies, including the requirement for common outdoor space for non-residential development and private recreational space for residential development, subject to certain criteria as outlined in the North York Centre Secondary Plan;
- Submission of all of the necessary supporting information for the subject application for review and comment by the applicable departments and agencies;
- Submission of a Site Plan Control Approval application, prior to any approvals of the subject Zoning By-law Amendment application;
- As appropriate, review and amend all applicable agreements that apply to the subject lands, including the provision of parks and open spaces; and
- Conveyance of parkland to the satisfaction of the City.

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

Additional issues may be identified through the review of the application, department and 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 Zoning By-law Amendment application. 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

Mark Chlon, MCIP RPP
Senior Planner, Community Planning
North York District
Tel. No. 416-395-7137
Fax No. 416-395-7155
E-mail: mchlon@toronto.ca

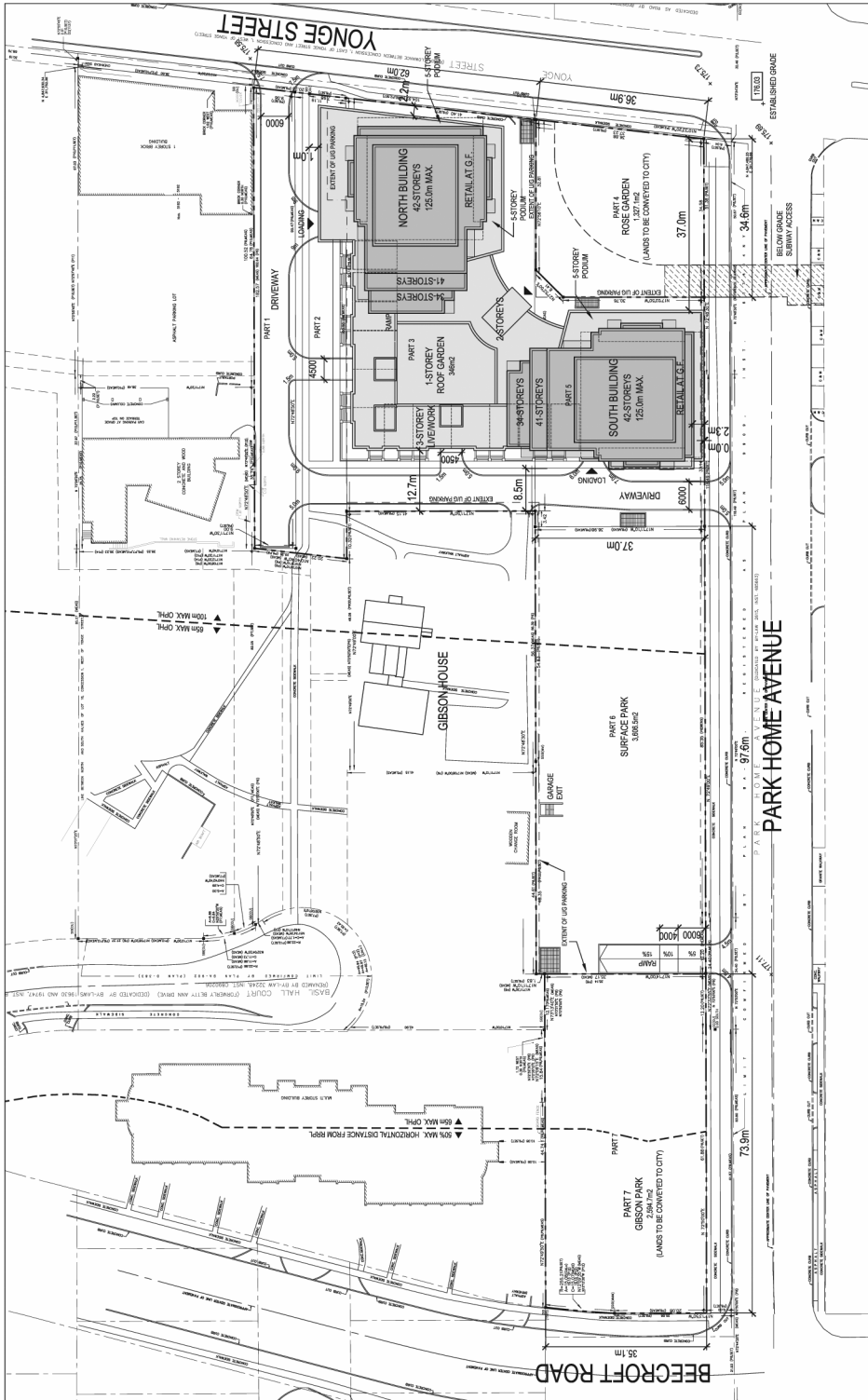
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 3: North Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Official Plan Amendment before the OMB
Attachment 8: Current and Pending Development Application Sites
Attachment 9: Application Data Sheet

Attachment 1: Site Plan



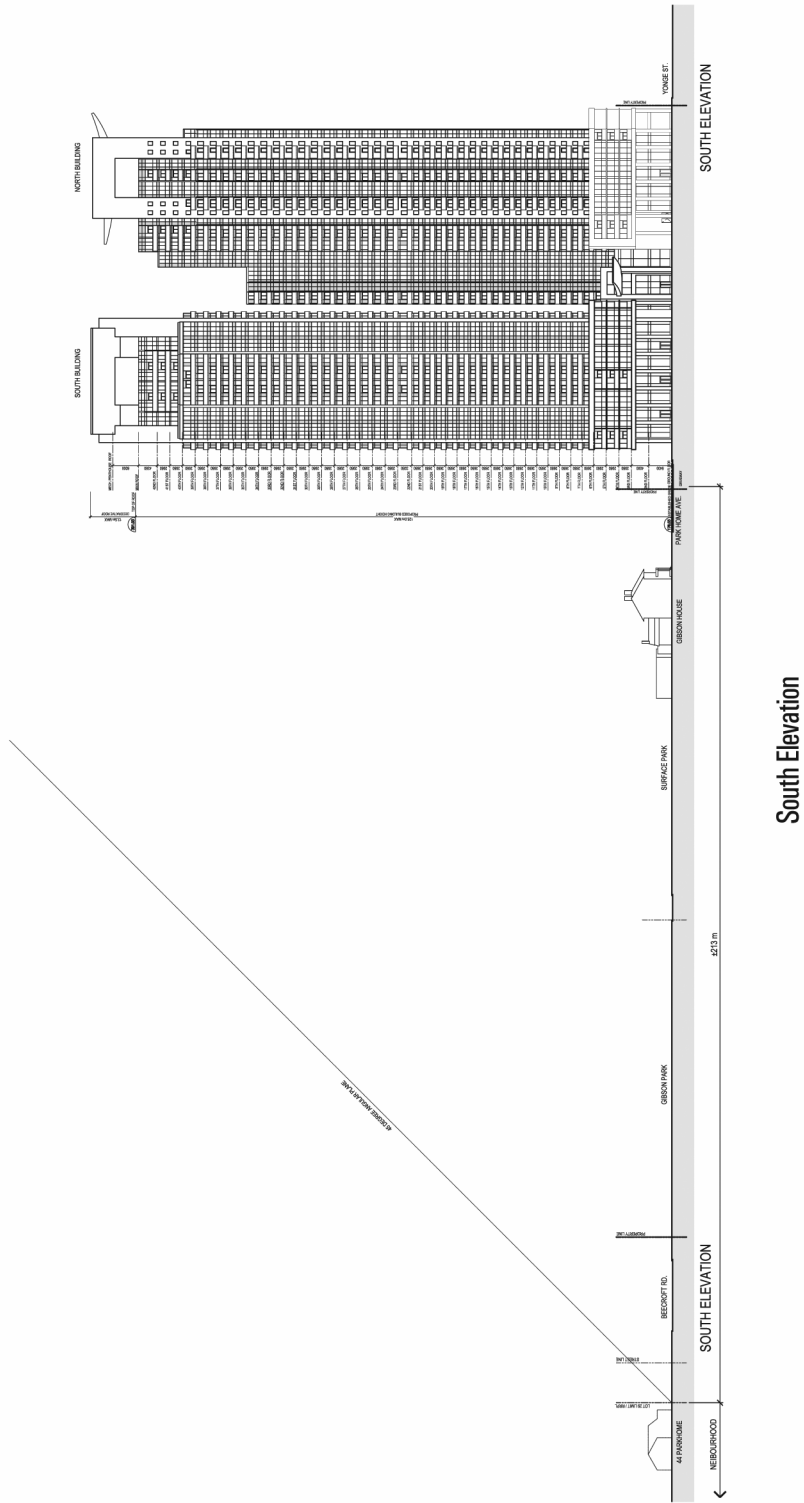
5170 Yonge Street

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 10/16/2008

File # 08_213938

Attachment 2: Elevations



South Elevation

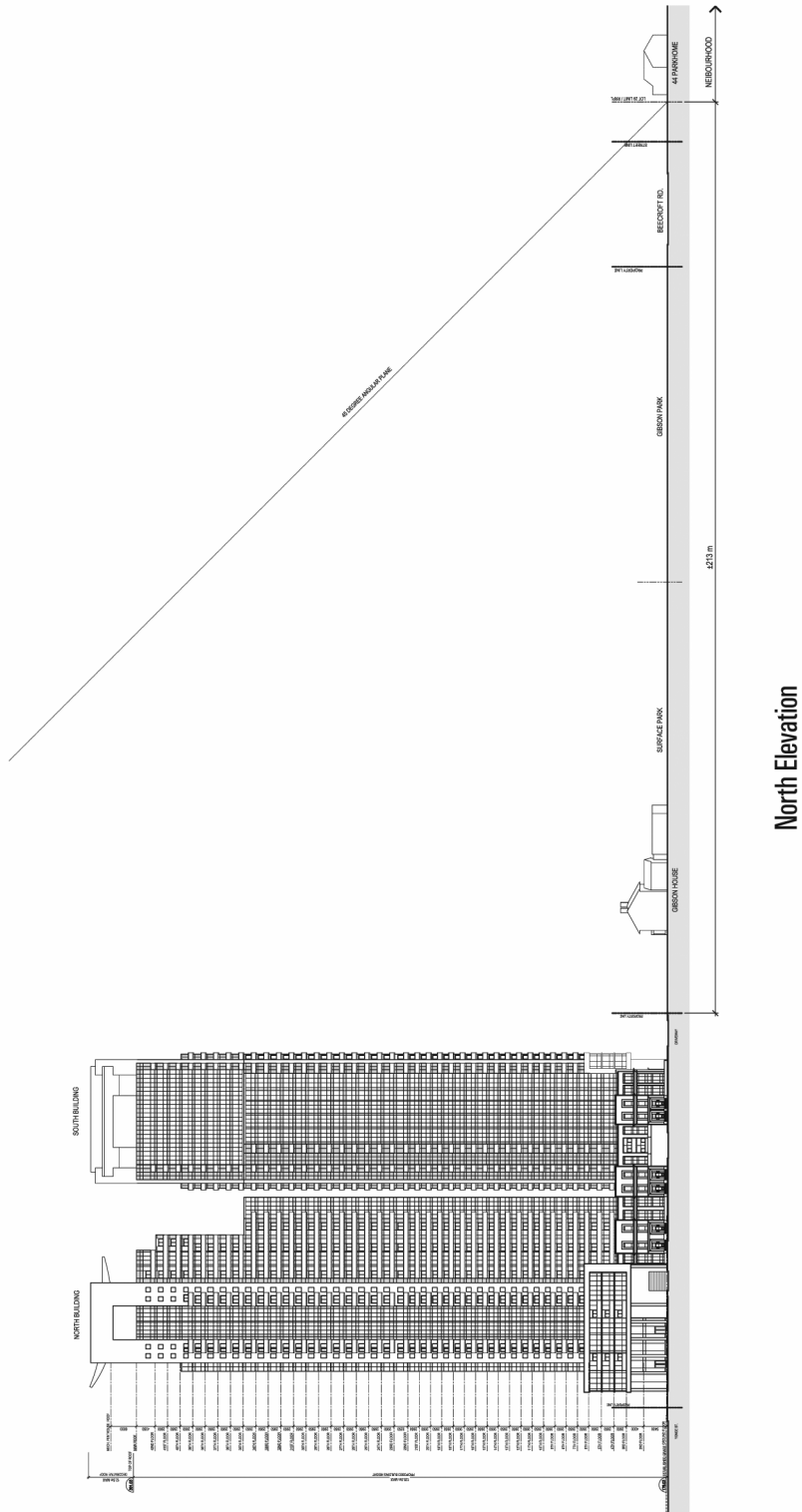
Elevations
5170 Yonge Street

Applicant's Submitted Drawing

Not to Scale
10/16/2008

File # 08_213938

Attachment 3: Elevations



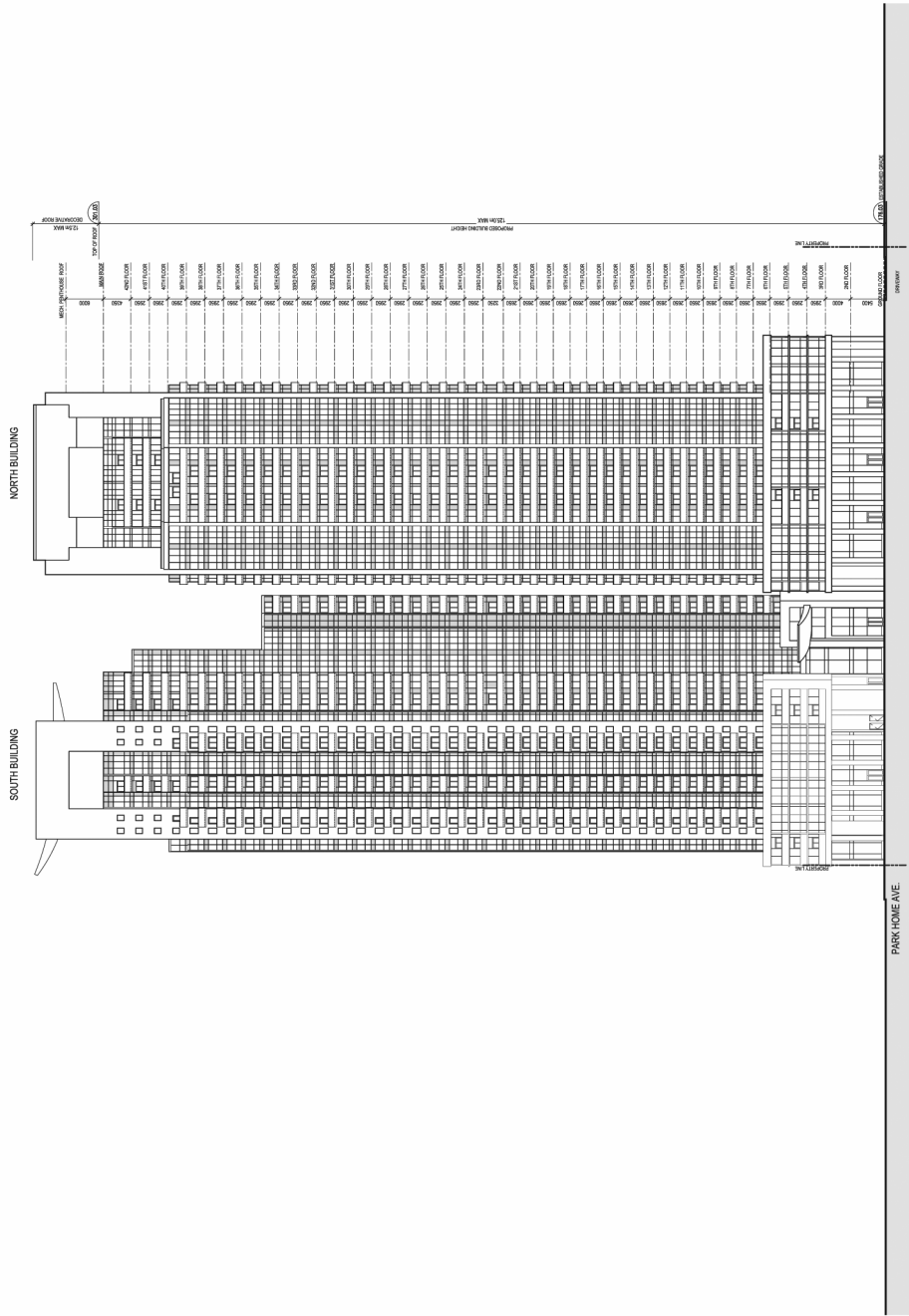
5170 Yonge Street

File # 08_213938

Elevations
 Applicant's Submitted Drawing

Not to Scale
 10/16/2008

Attachment 4: Elevations



East Elevation

Elevations

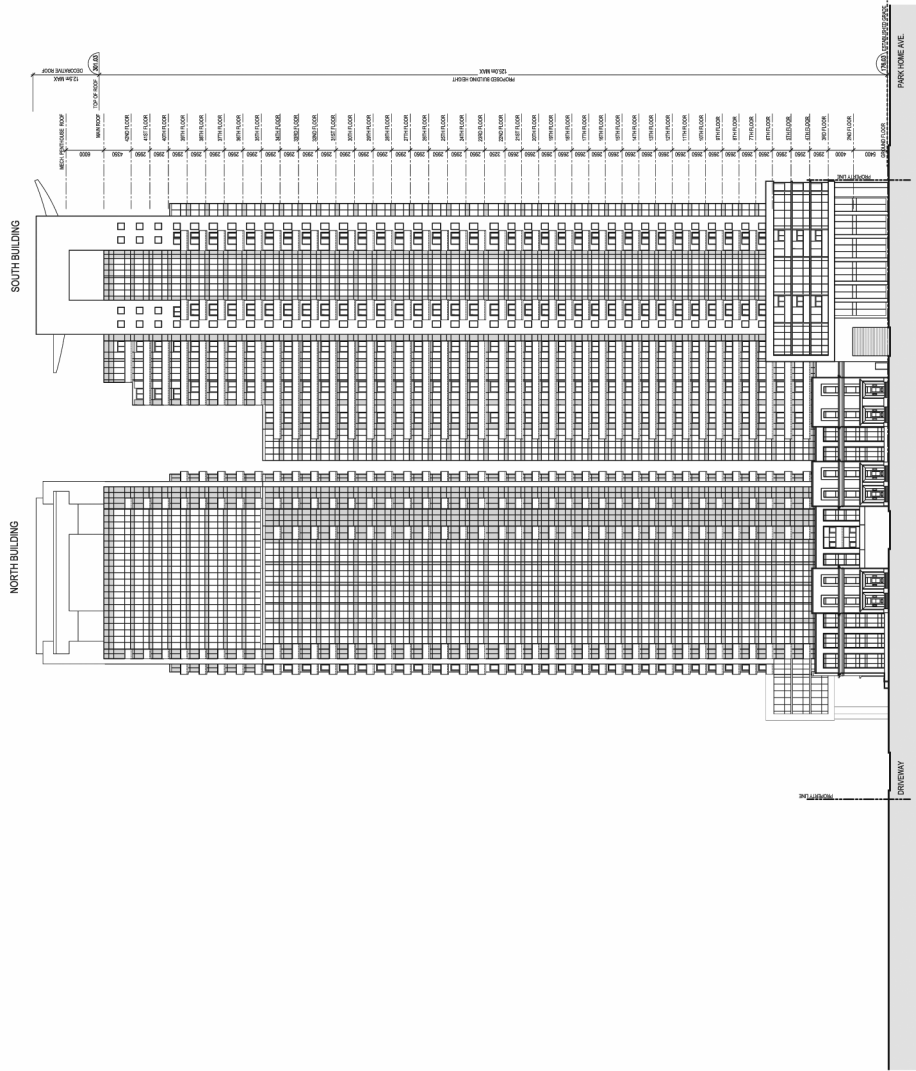
Applicant's Submitted Drawing

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5170 Yonge Street

File # 08_213938

Attachment 5: Elevations



West Elevation

5170 Yonge Street

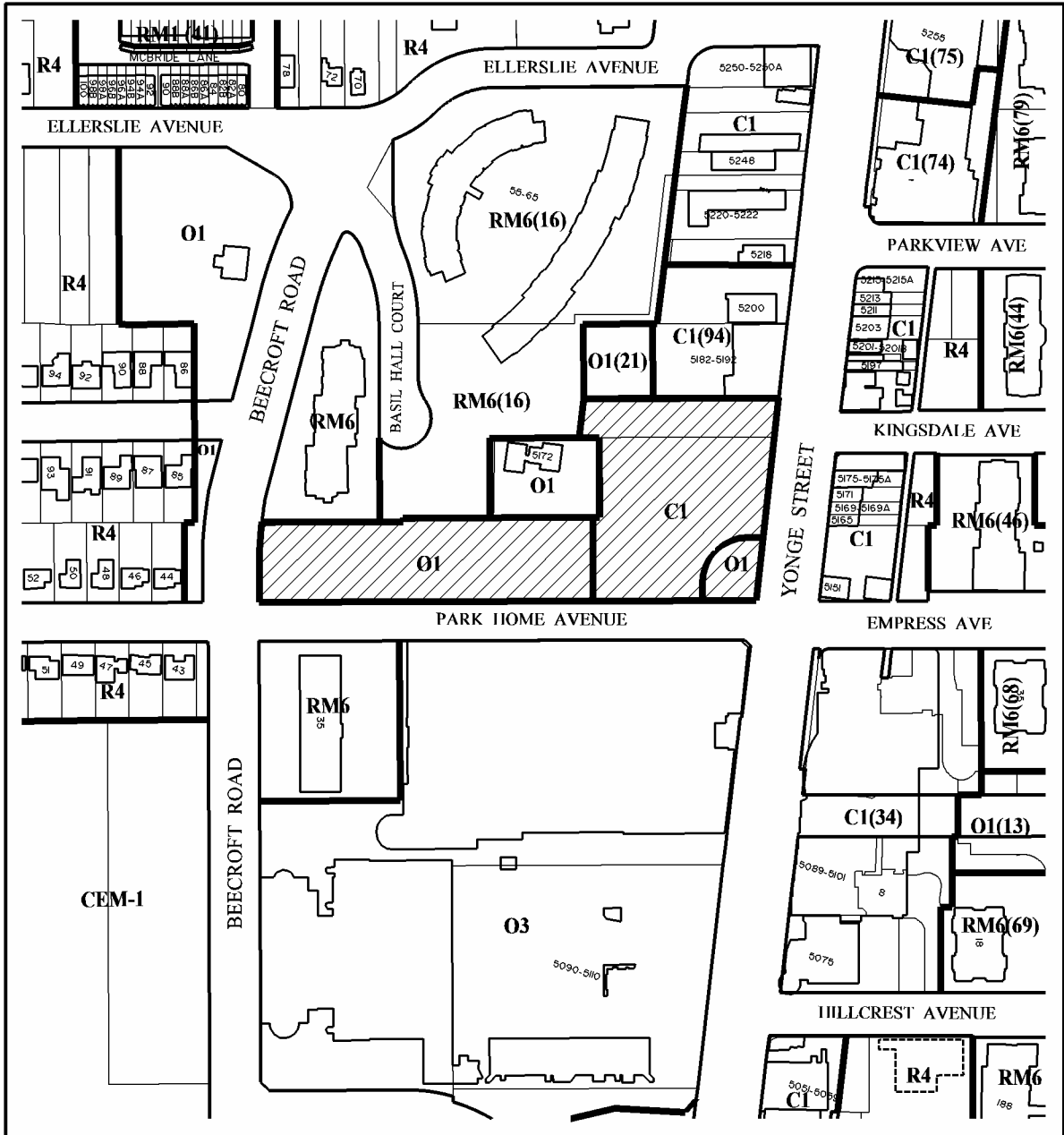
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Elevations

Applicant's Submitted Drawing

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10/16/2008

Attachment 6: Zoning



5170 Yonge Street
File # 08_213938

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category
- O1 Open Space Zone
- O3 Semi-Public Open Space Zone
- Cem-1 General Cemetery Zone



Not to Scale
Zoning By-law 7625
Extracted 12/08/08

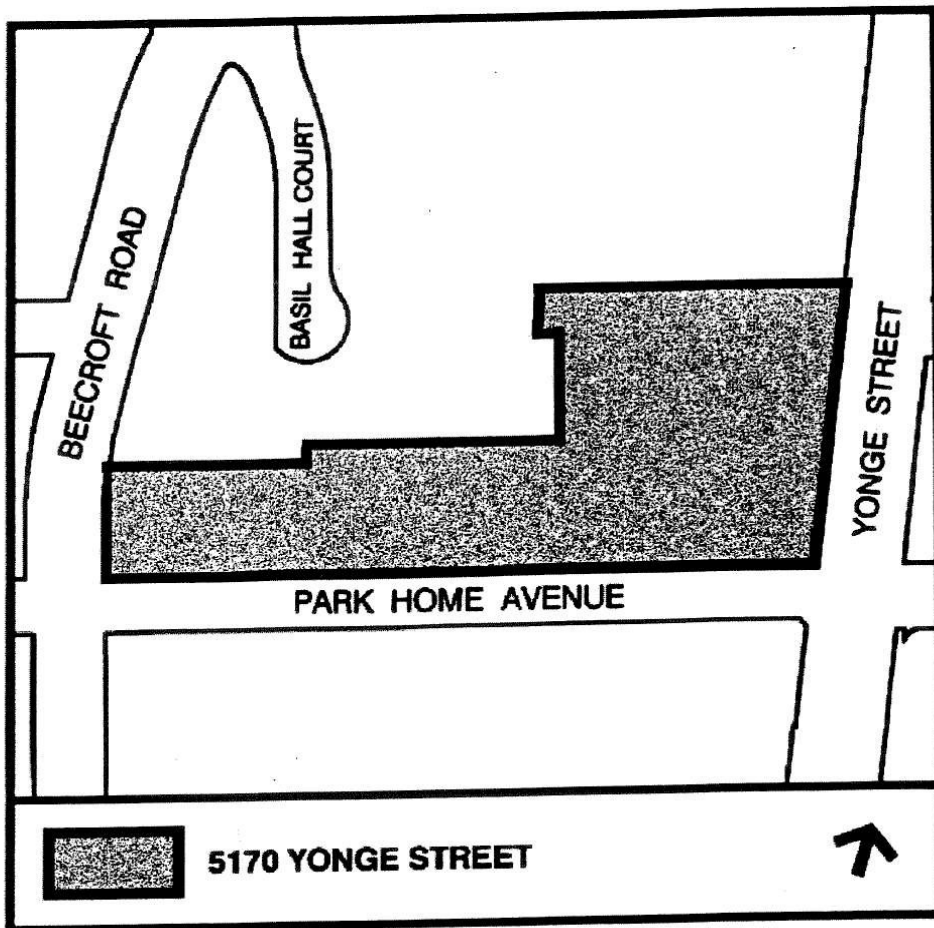
Attachment 7: Official Plan Amendment before the OMB

ATTACHMENT 1

**PREFACE AND EXPLANATORY NOTES
TO AMENDMENT NO. _____
TO THE OFFICIAL PLAN FOR THE
CITY OF TORONTO**

LANDS AFFECTED BY THIS AMENDMENT

This amendment concerns lands within the North York Centre, located at the northwest corner of Yonge Street and Park Home Avenue, known as Gibson Square and identified on the following map.



Lands at the Northwest Corner of Yonge Street and Park Home Avenue

EFFECT OF THE AMENDMENT

The subject lands are currently designated *Parks and Open Space*, *Mixed Use Area A* and *Mixed Use Area B* in the North York Centre Secondary Plan (Section 8 of the Toronto Official Plan). The *Parks and Open Space* designation, which applies to the westerly portion of the site, permits public parks and recreational uses, and a below grade parking structure. The *Mixed Use Area A* designation, which applies to the easterly portion of the site, permits commercial uses, institutional uses, public parks and recreational uses, and transit terminals but not residential uses. The *Mixed Use Area B* designation, which applies to lands immediately to the north, abutting the *Mixed Use Area A* lands, permits commercial uses, institutional uses, public parks and recreational uses, and residential uses to a maximum of 50% of the total permitted gross floor area. Development on the lands designated *Mixed Use Area A* and *Mixed Use Area B* is subject to a height limit of 100 metres above grade. These lands are also subject to site specific policies contained in Section 12.8 of the North York Centre Secondary Plan.

The effect of this amendment would be to modify the foregoing land use permissions in the following respects:

1. The amount of parkland would be increased by applying the *Parks and Open Space* designation to a rectangular parcel of land of minimum area 1,200 m², at the southeast corner of the site, abutting Yonge Street and Park Home Avenue.
2. The *Mixed Use Area A* and *Mixed Use Area B* designations would be replaced by the *Mixed Use Area C* designation, which designation would permit commercial uses, institutional uses, public parks and recreational uses, and residential uses without percentage limitation.
3. The target numbers specified in Figure 4.3.1, "Long Range Development Levels" would be adjusted to reflect the new *Mixed Use Area C* designation as well as a decrease in the amount of floorspace.
4. The height limit governing development on the *Mixed Use Area C* lands would be raised from 100 metres to 125 metres above grade.
5. The site specific policies contained in Section 12.8 would be amended to disallow underground parking in specified portions of the *Parks and Open Space* lands and to eliminate obsolete references to a Tea Garden and related spaces.

PUBLIC MEETINGS

A statutory public meeting to consider this amendment application was held by North York Community Council on _____ after written notice of such meeting had been sent to all persons assessed in respect of land and to all tenants within 120 metres of the subject lands. It was North York Community Council's decision to _____.

A meeting to consider the matter was held by Council of the City of Toronto on _____.

On _____, Council enacted By-law No. _____.

AMENDMENT NO. _____
TO THE OFFICIAL PLAN FOR THE
CITY OF TORONTO

The following text and maps constitute Amendment No. _____ to the Official Plan for the City of Toronto.

Clause 1

Map 8-3 of the North York Centre Secondary Plan, titled "North York Centre South Land Use Areas", is amended in accordance with Map Schedule '1' attached.

Clause 2

Map 8-8c of the North York Centre Secondary Plan, titled "Maximum Height Limits", is amended in accordance with Map Schedule '2' attached.

Clause 3

Figure 4.3.1 (Long Range Development Levels) of the North York Centre Secondary Plan is amended to decrease the North York Centre South Non-Residential Gross Floor Area (and relevant totals) by 113,695 m² and to increase the North York Centre South Residential Gross Floor Area (and relevant totals) by 93,686 m².

Clause 4

Section 12.8 of the North York Centre Secondary Plan, is amended as follows:

1. The reference to "*Mixed Use Area A*" in the first paragraph is replaced with "*Mixed Use Area C*".

2. The second paragraph is replaced with the following:

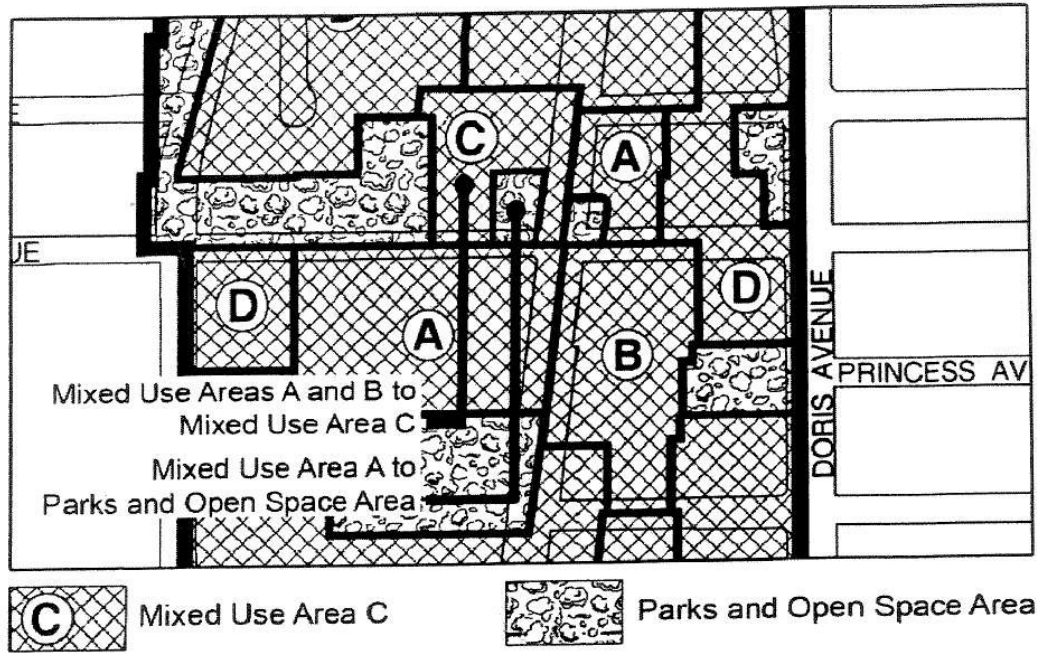
"The *Parks and Open Space* lands at the western end of the site, east of the Downtown Service Road, of minimum area 6,200 m², shall develop as a City park. Those lands beneath the surface of the City park more than 70 metres and less than 180 metres east of the western property line may be used for an underground parking structure associated with development on the *Mixed Area C* lands. However, use of the lands at grade will be limited to those uses permitted within a *Parks and Open Space Areas* designation together with vehicular access to the below grade parking structure."

3. The third paragraph is replaced with the following:

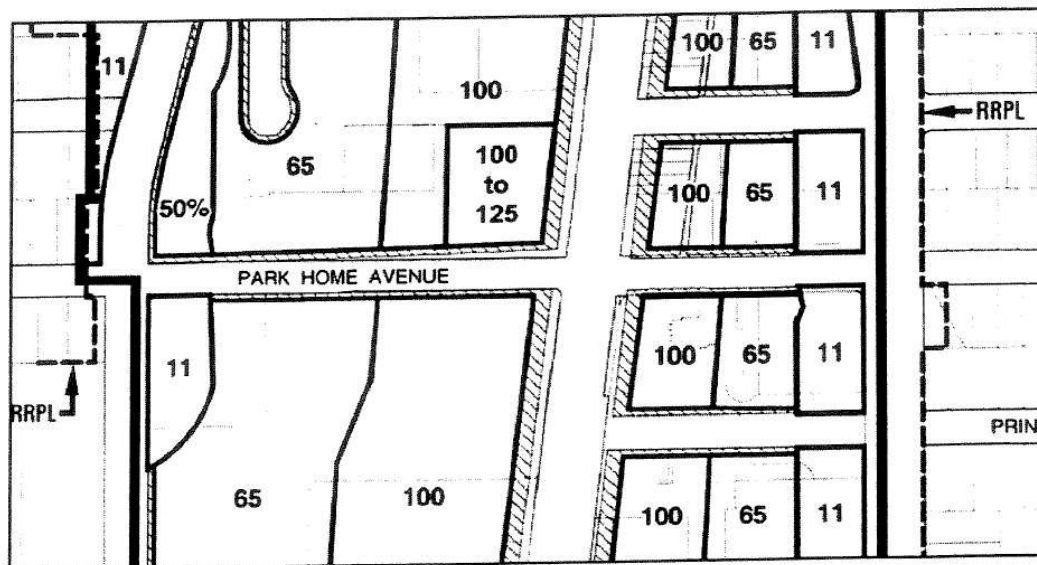
"The *Parks and Open Space* lands at the eastern end of the site, at the corner of Yonge Street and Park Home Avenue, of minimum area 1,200 m², shall develop as a City park. Those lands beneath the surface of the City park more than 25 metres west of the

eastern property line may be used for an underground pedestrian connection linking the development on the *Mixed Use Area C* lands to the North York Centre transit terminal, through the development located on the south side of Park Home Avenue."

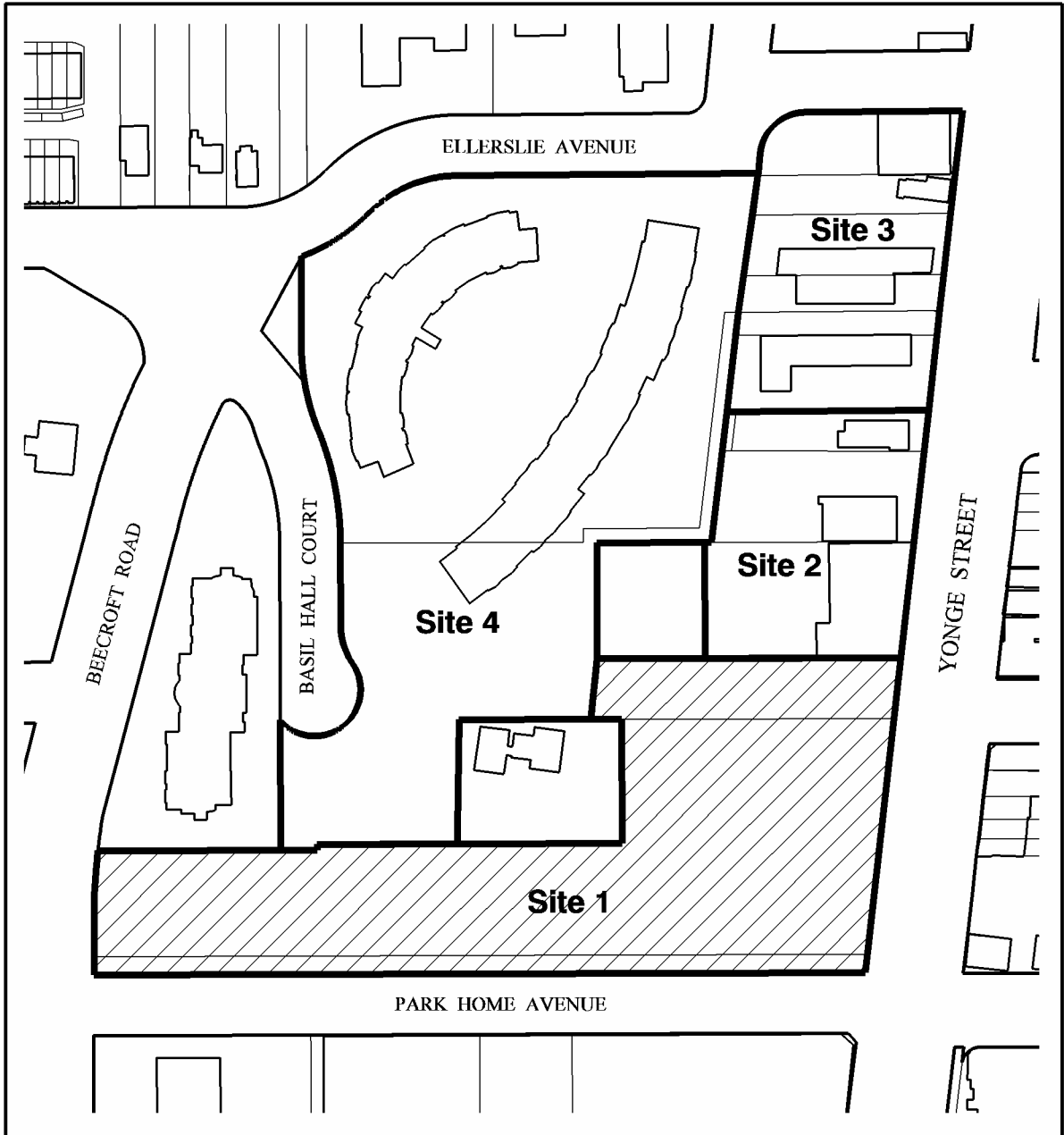
Map Schedule '1' to Schedule 'A'



Map Schedule '2' to Schedule 'A'



Attachment 8: Current and Pending Development Application Sites



Current and Pending Development Application Sites

5170 Yonge Street

File # 08_213938



Not to Scale

Extracted 01/22/2008

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	08 213938 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	October 17, 2008

Municipal Address: 5170 YONGE ST

Location Description: RP 66R16102 PARTS 1 TO 34 RP 64R12937 PARTS 37 TO 51 PARTS 54 TO 80 (EVEN NO'S) RP 66R16436 PART 1 **GRID N2302

Project Description: Application for an Amendment to the Zoning By-Law for the former city of North York pursuant to Section 34(10) of the Planning Act as it relates to the lands municipally known as 5170 Yonge Street, which lands are located at the northwest corner of Yonge Street and Park Home Avenue in the former City of North York.

Applicant:	Agent:	Architect:	Owner:
Adam J. Brown, Solicitor SHERMAN BROWN DRYER KAROL	Adam J. Brown	Rafael+Bigauskas	MENKES GIBSON SQUARE INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area C	Site Specific Provision:	12.8
Zoning:	C1 & O1	Historical Status:	
Height Limit (m):	Maximum 125	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	15038.1	Height:	Storeys:	42
Frontage (m):	104.95		Metres:	125
Depth (m):	0			
Total Ground Floor Area (sq. m):	4230.3			Total
Total Residential GFA (sq. m):	91807.56		Parking Spaces:	1105
Total Non-Residential GFA (sq. m):	1974.4		Loading Docks	2
Total GFA (sq. m):	93781.96			
Lot Coverage Ratio (%):	28.1			
Floor Space Index:	6.24			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	87747.12
Bachelor:	0	Retail GFA (sq. m):	1466.6
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	58.8
Total Units:	937		253