

**251 Manitoba Street – Official Plan and Zoning By-law Amendment Application – Request for Direction Report**

<b>Date:</b>	May 28, 2015
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	13 253075 WET 06 OZ

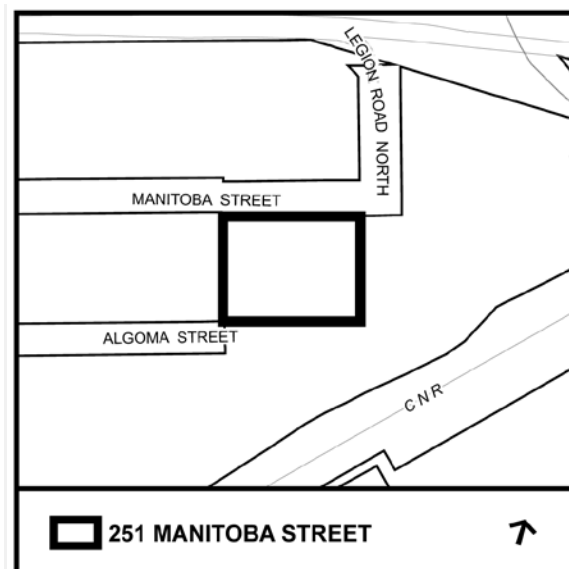
**SUMMARY**

The applicant has appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time period prescribed under the *Planning Act*. A Pre-Hearing Conference is scheduled for July 8, 2015, to set the parameters and the future date of the OMB hearing.

This application proposes to amend the Official Plan and Site Specific Zoning By-law Number 174-2003, to permit the redevelopment of the lands at 251 Manitoba Street (Parcel 'F') with a 48-storey mixed use building containing 548 apartment units and a total of 108 m<sup>2</sup> of ground floor retail space. The proposed development would have a 640 space, 4-level underground parking garage and a Floor Space Index of 4.8 times the area of the lot.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the application, as currently proposed by the applicant.

It is staff's opinion the proposal represents an over-development of the site. The proposed building height, density and increase in the dwelling unit count are not



in keeping with the planned vision for the former McGuinness Distillery industrial lands known as the 'Mystic Pointe' community.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application at 251 Manitoba Street (Application Number 13 253075 WET 06 OZ) in its current form.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal for these lands.
3. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold its Order approving the Official Plan and Zoning By-law Amendments until:
  - a. The owner submits, to the satisfaction of the Executive Director, Engineering and Construction Services, an updated Functional Servicing and Stormwater Management Report.
  - b. Arrangements have been made for the environmental remediation, design and partial construction of Legion Road North, at grade from south of Manitoba Street to the Canadian National Railway limit and ending in a cul-de-sac, subject to the owner submitting the Ministry of the Environment's Letter of Acknowledgement of filing the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O.Reg 153/04, as amended, all to the satisfaction of the Executive Director, Engineering and Construction Services.
  - c. The owner submits adequate information to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Executive Director Building and Chief Building Official to confirm that Official Plan Policy 3.4.23 has been satisfactorily addressed.
  - d. The owner agreeing to design and construct a 2.1 m wide municipal sidewalk along the south side of Manitoba Street to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
  - e. The owner submits a detailed wind tunnel or computational study complete with a statistical wind analysis to the satisfaction of the Director, Community Planning, Etobicoke York District.

- f. The owner enters into an Agreement under Section 37 of the *Planning Act* to secure the following facilities, services and matters at the owner's expense:
- i. An appropriate Section 37 community benefit contribution be made as discussed in this report.
  - ii. The following matters are also recommended to be secured for the development in the Section 37 Agreement as a legal convenience:
    - The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
    - The owner shall construct and maintain the development in accordance with the Noise and Vibration Impact Study, dated July 25, 2014, prepared by J.E. Coulter Associates Limited, which identifies that: warning clauses in offers of purchase and sale are required for all residential units; spandrel panels and non-functional through-the-wall grille assemblies along the south, east and west facades must be installed; and a minimum 1.8 m high solid acoustic screen, along the south limit, must be provided to protect the at-grade outdoor amenity area associated with the proposed development.
    - The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
    - The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
4. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final orders approving the Official Plan and Zoning By-law Amendments until such time as the City and the owner have presented to the Board draft by-laws for the Official Plan and Zoning By-law Amendments and the owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor, that includes provisions for the community benefits noted in Recommendation 3 above.

5. City Council direct City staff to prepare and submit an Official Plan Amendment for the City-owned lands to the west of the subject site (130 Algoma Street) to redesignate them from *Apartment Neighbourhoods* to *Parks and Open Space Areas*.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

The redevelopment of the former McGuinness Distillery site, known as the 'Mystic Pointe' community, was the subject of an Ontario Municipal Board (OMB) hearing in May 1992.

In October 1992, the OMB approved amendments to the Etobicoke Official Plan and Etobicoke Zoning Code permitting the construction of a phased development consisting of a total of 1,469 dwelling units and grade related retail uses. The OMB also approved the Site Plan for Phase 1 of the development, consisting of a maximum of 717 dwelling units in the form of apartment buildings and townhouses (see Attachment 5 – Site and Area Specific Policy 14).

Parcel	Non-Senior Units	Senior Units	Total Units	Total GFA (m <sup>2</sup> )	Maximum Lot Coverage	Height (storeys)
A (Oxford Street)	-	-	-	-	-	-
B (Phase 1)	298	-	298	31,460	44%	10
C (Phase 1)	-	152	152	12,200	45%	8
D (Phase 1)	267	-	267	29,240	80%	12
<b>Total</b>	<b>565</b>	<b>152</b>	<b>717</b>	<b>72,900</b>		
E and F (Phase 2)	752	-	752	77,320	44% – E 52% – F	18 – E 10 – F
<b>Grand Total in 'Mystic Pointe'</b>	<b>1,317</b>	<b>152</b>	<b>1,469</b>	<b>150,220</b>		

In February 2002, City Council approved modifications to the site-specific Official Plan policies (Site and Area Specific Policy 14) and site specific Zoning By-law to permit the reallocation of housing units from Phase 1 (Parcels 'B', 'C' and 'D') to Phase 2 (Parcels 'E' and 'F'). While Phase 1 had permission for 717 (565 non-senior and 152 senior) residential units, a total of 576 non-senior residential units were constructed. No senior residential units were constructed, leaving 141 residential units yet to be constructed. A total of 41 of these residential units were reallocated to Phase 2, thereby increasing unit permission on Parcels 'E' and 'F' from 752 to 793 units. The remaining 100 residential units were not allocated to this second phase of redevelopment.

As part of the modifications to the Official Plan policies (Site and Area Specific Policy 14) and site specific Zoning By-law, revisions to the total gross floor area, lot coverage and building heights were approved for Parcels 'E' and 'F', as well as reducing the parking ratio from 1.6 spaces per residential unit to 1.5 spaces per residential unit.

	OMB Approval in 1992	Modifications in 2002
Total GFA (Parcels 'E' and 'F')	77,320 m <sup>2</sup>	92,585 m <sup>2</sup>
Maximum Lot Coverage	44% - 'E' 52% - 'F'	69% - 'E' 50% - 'F'
Height (storeys)	18-storeys - 'E' 10-storeys - 'F'	28-storeys - 'E' 18-storeys - 'F'

In 2003, City Council enacted site specific Zoning By-law Number 174-2003, that amended the former City of Etobicoke Zoning Code. The lands were rezoned from R6-H (Sixth Density Residential Holding) to R6 (Sixth Density Residential) and permitted a total of 893 non-senior residential units on Parcels 'E' and 'F', a total of 152 non-senior residential units on Parcel 'C' and amending the total non-senior residential units from 1,317 to 1,469. This removed the requirement to construct senior residential units as part of the two-phased redevelopment of the parcels.

The City Council approved site specific By-law Number 174-2003 is available at: [www.toronto.ca/legdocs/2002/agendas/council/cc020213/.../cl033.pdf](http://www.toronto.ca/legdocs/2002/agendas/council/cc020213/.../cl033.pdf) and <http://www.toronto.ca/legdocs/bylaws/2003/law0174.pdf>.

On May 17, 2007 the Committee of Adjustment approved variances to site specific Zoning By-law Number 174-2003 for the construction of two 30-storey residential condominium apartment buildings at 155 and 165 Legion Road (application number A258/07EYK). The major modifications are outlined in the table below:

	By-law Number 174-2003	Committee of Adjustment
Total Units Permitted on Parcels 'E' and 'F'	893	977
Total Units Permitted in 'Mystic Pointe'	1,469 (non-senior)	1,593 (non-senior)
Maximum Lot Coverage on Parcel 'E'	69%	74.9%
Height (storeys) on Parcel 'E'	28-storeys	30-storeys

In addition to the approval for 155 and 165 Legion Road, an approval to construct a 4-storey, 152 unit stacked townhouse development on Parcel 'F' was also granted in May 2007 by the Committee of Adjustment (application number A259/07EYK).

The following table indicates the current statistics of the 'Mystic Pointe' community:

Parcel	Property Address	Number of Storeys	Number of Units
Parcel 'B'	176 Manitoba Street	3	8
Parcel 'B'	180 Manitoba Street	3	9
Parcel 'C'	210 Manitoba Street	3	11
Parcel 'C'	220 Manitoba Street	3	12
Parcel 'B'	190 Manitoba Street	10	104
Parcel 'B' & 'C'	200 Manitoba Street	12	207
Parcel 'D'	250 Manitoba Street	8	151
Parcel 'D'	300 Manitoba Street	4	82
Parcel 'E'	155 Legion Road	30	257
Parcel 'E'	165 Legion Road	30	372
Parcel 'E'	185 Legion Road	22	304

**1,517 Total**

On May 9, 2013, City Council enacted City-Wide Zoning By-law Number 569-2013 which is now under appeal to the Ontario Municipal Board. The subject site is zoned RA (Residential Apartment) (see Attachment 3 – Zoning). There is an exception (x21) that carries forward the site specific zoning provisions of the former amendments to the Etobicoke Zoning Code for these lands.

The current Official Plan and Zoning By-law Amendment application was submitted on October 18, 2013.

A Preliminary Report outlining this application was considered by Etobicoke York Community Council on February 25, 2014. The Preliminary Report can be viewed at: <http://www.toronto.ca/legdocs/mmis/2014/ey/bgrd/backgroundfile-66511.pdf>

On December 16, 2014, the solicitors representing the owner of the lands appealed the Zoning By-law Amendment component of the application to the OMB, citing Council's failure to make a decision within the time prescribed by the *Planning Act*.

On February 6, 2015, the solicitors representing the owner of the lands appealed the Official Plan Amendment component of the application to the OMB, citing Council's failure to adopt the requested amendment within the time prescribed by the *Planning Act*.

A Pre-Hearing Conference is scheduled for July 8, 2015, to set the parameters and the future date of the OMB hearing.

## ISSUE BACKGROUND

### Proposal

The application proposes a 48-storey (151 m) residential building (point tower) on a single-storey, U-shaped base building (see Attachment 1 – Site Plan and Attachments 2a

and 2b – Elevations). The subject site is referred to as Parcel 'F' in Site and Area Specific Policy 14 and is the final parcel for redevelopment in the 'Mystic Pointe' community.

The proposed development would contain approximately 38,225 m<sup>2</sup> of gross floor area, of which 108 m<sup>2</sup> would be for retail uses, resulting in a Floor Space Index of 4.8 times the area of the lot. A total of 548 residential dwelling units are proposed, comprised of 392 one-bedroom and 156 two-bedroom units. A total of 640 parking spaces (558 resident spaces and 82 resident visitor spaces) and 419 bicycle parking spaces would be provided within a 4-level underground parking garage (see Attachment 7 – Application Data Sheet).

As part of this proposal, a portion of the property along the south edge of the site would be dedicated as parkland and connect with the abutting public park (Parcel H) at grade, while allowing for an extension of the underground parking garage below this area (this would occur on what is the former Algoma Street road allowance).

The 108 m<sup>2</sup> of at-grade retail floor area is proposed to be located within the base of the building fronting Manitoba Street and the future extension of Legion Road North.

One vehicle access point from Manitoba Street is proposed, as the City will not allow access from the future Legion Road North extension due to traffic control measures and grade issues. This two-way driveway is proposed on the west edge of the site and would provide access to underground residential parking, residential visitor parking, loading facilities and bicycle parking. The main pedestrian entry to the residential lobby and retail area would also be located along Manitoba Street.

### **Site and Surrounding Area**

The subject site is located on the south side of Manitoba Street, south of the Gardiner Expressway, and north of Lake Shore Boulevard West. This site is rectangular in shape and occupies the southwest corner of Manitoba Street and Legion Road North. The site is approximately 0.8 ha in area, and has an approximate frontage of 94 m on Manitoba Street and a depth of 65 m along the future extension of Legion Road North.

This site was formerly part of the McGuinness Distillery industrial lands. In the mid-1960s, a one-storey building, used as a sales office for the distillery, occupied the subject site. Currently, the property is vacant and contains two large piles of fill material from construction activity by the previous owner/developer of adjacent lands.

Surrounding uses include:

North: Directly across Manitoba Street is a 4-storey, stepping to an 8-storey, residential building (Warehouse and Sky Lofts), municipally known as 250 - 300 Manitoba Street. Further north is the Gardiner Expressway.

South: Vacant City-owned lands (Parcel 'H') intended to be used for the expansion of Grand Avenue Park. Further south is the Canadian National Railway line.

East: To the east (Parcel 'E') are two 30-storey residential buildings (iLoft and California Condos) municipally known as 155 and 165 Legion Road and one 22-storey residential building (Tides Condos) municipally known as 185 Legion Road. Further east is the Mimico Creek Valley.

West: Vacant City-owned lands (former incinerator site) municipally known as 130 Algoma Street. Further west is a residential neighbourhood comprised of two-storey detached dwellings.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject site is designated *Apartment Neighbourhoods* on Map 15 - Land Use Plan in the Official Plan (see Attachment 4 – Official Plan). *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Plan includes criteria that direct the form and quality of development in this land use designation.

### ***Apartment Neighbourhoods* Policies**

The Official Plan states that *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development.

The development criteria in *Apartment Neighbourhoods*, as cited in Policies 4.2.2 and 4.2.3, include but are not limited to:



- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

### **Healthy Neighbourhood Policies**

The Healthy Neighbourhoods policies of the Official Plan (Policies 2.3.1.1 and 2.3.1.2) provide guidance for development in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.1 states that "development within *Neighbourhoods* and *Apartment Neighbourhoods* will...respect and reinforce the existing physical character of buildings, streetscapes and open space patterns".

Policy 2.3.1.2 identifies the following matters to be evaluated:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and

- c) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

### **Public Realm Policies**

The Official Plan includes Public Realm policies that guide the development of streets, sidewalks and boulevards.

- Policy 3.1.1.3 states that enjoyment of the valleys and ravines will be protected by ensuring that adjacent development, particularly building height and massing, will preserve harmonious views and vistas from the valley.
- Policy 3.1.1.6 sets out parameters that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians.

### **Built Form Policies**

The development criteria identified in the *Apartment Neighbourhoods* and Healthy Neighbourhoods policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including policies that specifically address tall buildings.

The Built Form policies, contained in Section 3.1.2 of the Official Plan emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Built Form policies identify the importance of urban design as a fundamental element of City building. They require that new development:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- be massed to define edges of streets, parks and open spaces;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

### **Tall Building Policies**

The Official Plan contains policies regarding tall buildings in the City (Policy 3.1.3). Tall buildings are identified as those whose heights are higher than the width of the adjacent road allowance. The Plan limits these buildings to parts of the *Downtown*, *Centres* and other areas of the City such as *Apartment Neighbourhoods*. The tall building policies address in more detail where they should be located, how the buildings should be designed and identifies other key urban design considerations when considering a tall building proposal. Policy 3.1.3 also states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to addressing specific built form characteristics, the policy states that proposals for Tall Buildings must clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

### **Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The City-wide Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

The Design Criteria provide policy direction for tall buildings on issues such as building placement and orientation, entrances, heritage conservation, massing of base buildings, setbacks, tower floor plates, separation distances, pedestrian realm considerations and sustainable design and transition. The guidelines ensure that tall buildings fit within their context and minimize their impacts. The guiding performance standards have been used in the review of the proposed tower on the site.

### **Site and Area Specific Policy 14**

Site and Area Specific Policy (SASP) 14 applies to the subject site and applies to the larger 'Mystic Pointe' community (see Attachment 5 – Site and Area Specific Policy 14).

SASP 14, subsection a) states that "up to 1,800 housing units may be developed with a maximum gross density of 2.5 times the lot area and 243 units per hectare".

SASP 14, subsection f) states that "the 'McGuinness' lands will be developed for a variety of housing forms, with accessory ground-related retail and service commercial uses, as well as community facilities and public parkland". It also states Parcels 'E' and 'F' shall have a maximum of 793 housing units. Parcel 'F' is limited to a maximum height of 18-storeys.

### **Park Lawn-Lakeshore Urban Design Guidelines**

The Park Lawn-Lakeshore Urban Design Guidelines apply to the subject site.

The Site Design criteria of these Guidelines state "buildings located at the easterly end of Manitoba and Algoma Streets will be sited and designed to enhance existing view corridors of downtown Toronto and vistas of the valleylands and beyond".

The Built Form criteria state that:

- buildings which have a height of 12 m (4-storeys) or greater will be defined by a base, shaft and cap;
- a "landmark" development will be permitted to a maximum height of 54 m at the east end of Manitoba Street provided that the existing view corridors and vistas are preserved; and
- massing of buildings will be articulated to provide visual interest to the tops of buildings along the Gardner Expressway, the valleyland and the park.

These Guidelines supplement the urban design policies of the Official Plan.

## **Zoning**

In 2007, the Committee of Adjustment approved variances to Site Specific Zoning By-law No. 174-2003. An increase to the total housing units (1,469 to 1,593 units) in 'Mystic Pointe' and an increase of units on Parcels 'E' and 'F' (893 to 977 units), was granted. In addition, Parcel 'F' is limited to a height of 18-storeys.

On May 9, 2013, City Council enacted City-Wide Zoning By-law No. 569-2013 which is now under appeal to the Ontario Municipal Board. The subject site is zoned RA (Residential Apartment) (see Attachment 3 – Zoning). There is an exception (x21) that carries forward the site specific zoning provisions of the former amendments to the Etobicoke Zoning Code for these lands.

## **Legion Road Extension**

Legion Road North is a planned arterial road that would extend to the south from Manitoba Street and connect to the existing Legion Road North south of the Canadian National Railway (CNR) corridor via a planned underpass. This planned extension would enable Legion Road North to operate as a higher order road and improve network connectivity.

The previous owner of the subject property had agreed to transfer the eastern portion of the property to the City as a public road from the existing Manitoba Street south to the CNR line. However, these lands are being held in escrow until such time as environmental contaminants that may exist in the lands are remediated to the satisfaction of the City. As the proposed underpass is not currently a funded City capital budget item, negotiations were held with the previous owner and City staff to: complete the environmental remediation of the lands to be transferred; complete the transfer to the City; and construct an at-grade cul de sac at the south terminus. Should the proposal be approved in some form by the Ontario Municipal Board, the owner should be required to

submit the Ministry of the Environment's Letter of Acknowledgement of filing the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O.Reg 153/04, as amended, to the Executive Director, Engineering and Construction Services.

At its meeting of November 27, 2012 City Council directed staff to undertake a Comprehensive Transportation Masterplan for the Park Lawn Road/Lake Shore Boulevard West area, given the announcement by Mondelez Canada that it would close the Mr. Christie plant in the third quarter of 2013. Public Works and Infrastructure Committee received a report from staff outlining the scope of work and budget for this initiative in September 2013. This study will review, among other things, the potential for an additional GO station in the Park Lawn area and improvements to the local road network, including the Legion Road connection, which would help relieve traffic operational issues in the area. Staff have begun working on this study and expect to be in a position to retain outside consulting services in the third quarter of 2015. This document can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW25.8>

### **Consolidation of Grand Avenue Park and Lands on the East Side of Grand Avenue between Manitoba and Algoma Streets, formerly known as 130 Algoma Street**

On May 8, 2012, City Council approved, in principle, the consolidation of City-owned lands comprising the former Mimico Incinerator Site, the former Mimico Sewage Treatment Plant Site, the existing Grand Avenue Park (shown as Parts 1 to 3 respectively on Sketch No. PMC-99-007, as presented in Attachment 6) together with a portion of the Algoma Street road allowance (east of Grand Avenue) for sports purposes. These lands have been capped and seeded and are currently operated as public parkland.

Consultation with the 'Mystic Pointe' community regarding the design of this district park is anticipated to occur in the fourth quarter of 2015.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. An application for Site Plan approval has not been submitted.

### **Tree Preservation**

City of Toronto By-laws provide for the protection of trees situated on both private and City property. A Tree Inventory and Preservation Plan has been submitted with the application. This plan indicates that there are 16 City owned trees proposed to be removed. A permit would be required, should this application be approved.

### **Archaeological Assessment**

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant has submitted a Stage 1

Archaeological Assessment Report. The submitted report concludes that no archaeological resources were encountered and no further study is required.

## **Tenure**

The applicant advises that the 548 new residential units would be condominium.

## **Reasons for Application**

Amendments to the Official Plan and Zoning By-law are required for the proposed redevelopment of the subject site. The proposed development is in excess of the permitted height, density and dwelling unit count as provided for by Site and Area Specific Policy 14 (SASP 14) and site specific Zoning By-law No. 174-2003.

Residential development is provided to a maximum gross density of 2.7 times the lot area, whereas the proposal is seeking a gross density of 4.8 times the lot area. Up to 1,800 housing units are provided for in SASP 14. Given that 1,517 units have been constructed to date, the current proposal for 548 units exceeds the total maximum residential permission by 257 units.

In 2007, the Committee of Adjustment approved variances to site specific Zoning By-law No. 174-2003. An increase to the total housing units (1,469 to 1,593 units) in 'Mystic Pointe' and an increase of units on Parcels 'E' and 'F' (893 to 977 units), was granted. Given 1,517 units have been developed to date, the current proposal for 548 units exceeds the total maximum 1,593 unit permission by 472 units. To date, there have been 933 units constructed on Parcel 'E', the current proposal for 548 units exceeds the total maximum 977 unit permission by 504 units.

Parcel 'F' is limited to a height of 18-storeys. The 48-storey proposal exceeds the maximum height by 30-storeys.

## **Community Consultation**

A community consultation meeting was held on May 5, 2014 at the Polish Alliance of Canada Hall. Approximately 130 members of the public attended along with the Ward Councillor, the applicant, their consulting team and City staff.

Following the community consultation meeting, Councillor Grimes established a working group comprised of members elected to the Mystic Pointe Condominium Boards, Mystic Pointe residents and representatives of the Humber Bay Shores Condominium Association, Mimico Resident's Association, and the Mimico Village Business Improvement Area. The purpose of the working group was to identify possible solutions to the issues raised by the community concerning the proposed development, in particular: building height; density; massing; building type; setbacks; separation distances; shadow impacts; light, view and privacy; site servicing and access; environment; traffic; and Grand Avenue Park.

On February 5, 2015 and April 20, 2015, Planning staff attended meetings organized by the Mystic Pointe and Area Residents Association to provide information regarding the

process of the current development application for Parcel 'F' and the appeals before the Ontario Municipal Board. Residents reiterated their concerns with respect to the proposed 48-storey residential building; the overall issues in the 'Mystic Pointe' community; and the future design of Grand Avenue Park.

A summary of the comments received from the community is presented in Attachment 8.

### **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within an *Apartment Neighbourhoods* designation, which states that significant growth is generally not intended however compatible infill development may be permitted subject to ensuring that development is contextually appropriate, suitable existing infrastructure and public service facilities are available to meet projected growth and providing good quality of life for both new and existing residents.

Policy 1.1.3.4 of the PPS refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. As outlined in greater detail below, the proposal represents an inappropriate scale of intensification at a location where a more moderate built form would better fit the existing and planned context. The proposed development therefore, is inconsistent with the PPS.

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification. The Growth Plan outlines that through their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification. The City's Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*. The subject site is not located within one of these areas. The Growth Plan also requires all intensification areas to be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places (Policy 2.2.3.7 c) and to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.3.7 f).

The proposed 48-storey building is not in keeping with the character of buildings within the block and does not provide an appropriate transition of built form to Manitoba Street and Legion Road North. As a result, the proposal does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

## **Density, Height and Massing**

The site is designated *Apartment Neighbourhoods* by the Official Plan. These areas are considered stable and significant growth in these areas is not anticipated, however, compatible infill development may be permitted subject to certain criteria. As such, any infill development on this site must meet the criteria and objectives set out for development in *Apartment Neighbourhoods*, the Built Form Policies of the Official Plan, Site and Area Specific Policy 14, the Park Lawn-Lakeshore Urban Design Guidelines and the City's Tall Building Design Guidelines.

The proposed development should respect and reinforce the existing physical character of buildings in its immediate context.

The height of the building is proposed at 48-storeys (158.45 m at its highest, including the 7 m high mechanical penthouse). Staff are of the opinion that the proposed building is too tall and that the height should be reduced to be more in keeping with the planned vision for the 'Mystic Pointe' community which provides for an appropriate transition to Manitoba Street and Legion Road North. Site and Area Specific Policy 14 sets out a height limit of 18-storeys for the subject site (Parcel 'F') which provides for a height transition between the existing development at Parcel 'E' (155, 165 and 185 Legion Road) which includes two 30-storey buildings and one 22-storey building, and the low rise residential area along Grand Avenue.

The design of the proposed one-storey podium, measuring only 7 m high, should have regard for the 3-storey townhouses and the 3 to 4-storey podiums of the existing buildings within the immediate neighbourhood. The point tower, measuring 145 m high, would be situated at the northwest corner of this podium and would result in floorplate areas varying in size and greater than 750 m<sup>2</sup>. This condition would result in unacceptable shadow, wind and view impacts in addition to overwhelming massing. The proposal does not fit the planned context as envisioned in the Park Lawn-Lakeshore Urban Design Guidelines and the Tall Building Design Guidelines.

The proposed building which would front Manitoba Street has the opportunity to provide for two active street frontages. Currently, the Manitoba Street frontage would be the active one-storey base condition with retail space on the ground level (located at the northeast corner of the site). This retail space would have a building entrance accessible from the proposed municipal sidewalk along Manitoba Street. However, there is opportunity to provide for an improved street frontage relationship along Legion Road North. Staff are of the opinion that a re-examination of the allocation/disposition of uses along the Manitoba Street and Legion Road North street frontages is required to achieve similar massing and functionality that would fit within the existing neighbourhood context.

Staff will continue to discuss with the applicant an opportunity to reduce the overall building height; to increase the height of the base portion of the building; and to improve



the massing and functionality of the building. Staff will also continue discussions aimed at minimizing the impact of shadowing on existing buildings, amenity areas and Grand Avenue Park and to provide an appropriate transition to the lower scale development along Manitoba Street.

### **Built Form and Transitions**

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Official Plan Policy 3.1.2.3 c) further refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. Tall Building Design Guideline 1.3 expands on this by referring to fit and compatibility and an appropriate transition from tall buildings to lower-scale buildings.

The proposed 48-storey tower would not comply with the City's Official Plan policies or the Tall Building Design Guidelines in a number of ways. The proposed podium and point tower (including tower placement and oversized floorplates) does not meet the criteria requiring the provision of an appropriate transition in scale between the proposed building and lower scale buildings, the public realm and open spaces.

### **Landscape Open Space and Amenity Space**

The development proposal includes both indoor and outdoor amenity space. The indoor amenity space is proposed on the ground floor of the proposed building. The total proposed indoor amenity space is 1,176 m<sup>2</sup> (comprised of a lobby/atrium at grade flanking the proposed retail space) which equates to 2.1 m<sup>2</sup> per dwelling unit. Outdoor amenity space is proposed in the amount of 2,538 m<sup>2</sup>, which equates to 4.6 m<sup>2</sup> per dwelling unit. The new units would also have balconies or terraces, however, the proposed building does not provide for indoor amenity area for communal uses. It is staff's opinion that the type of private indoor amenity space proposed for this development is insufficient.

The final design of the Manitoba Street and Legion Road North streetscapes; the design of the access to the retail commercial space; and the public boulevard would be secured through the Site Plan Approval process, should the application be approved.

### **Sun and Shadow**

There are a number of Official Plan policies which address appropriate sun and shadow impacts. Policy 3.1.2.3 e) refers to providing adequate light and limiting shadows on streets, properties and open spaces. Policy 2.3.2.1 a), further refers to improving, preserving and enhancing the *Green Space System* by improving the enjoyment of lands under public ownership.

Development Criteria in the *Apartment Neighbourhoods* designation, Official Plan Policy 4.2.3 a), refers to locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks and/or stepping down of heights towards lower-scale *Neighbourhoods*. The lands to the north and to the west of the subject site are designated *Apartment Neighbourhoods* and *Neighbourhoods*.

Tall Building Design Guideline 1.3 refers to limiting shadows on adjacent streets and open spaces and is expanded on by Guideline 1.4 which seeks to protect access to sunlight (shadow impacts) and sky views within the surrounding context. These City policies and guidelines emphasize the need to locate and mass new buildings to limit shadow impacts.

Shadowing impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. In the case of a park, shadows affect both passive and active park uses. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks as well as the time of year and angle of the sun.

A Shadow Study was submitted illustrating the extent of shadowing that would result from the proposed development for March, June and September 21. The study did not include results for December 21. The study shows, for all times of the year, the amount of sunlight on the townhomes, surrounding buildings and amenity spaces (including public spaces around and on roof tops of buildings), Grand Avenue Park and valleylands would be reduced as a result of the proposal. At certain times in March and September, the proposed tower would cast a shadow across a portion of Park Lawn Road and the Gardiner Expressway and onto the lands located north of the 'Mystic Pointe' community.

The proposed development does not comply with the relevant Official Plan policies and Tall Building Design Guidelines as the proposed development would create unacceptable shadowing on the abutting lands in the 'Mystic Pointe' community.

Staff will continue discussions with the applicant aimed at modifying the building heights and massing to minimize shadow impacts on the townhomes, buildings, private amenity areas, the public realm, Grand Avenue Park and valleylands.

## **Wind**

The applicant submitted a qualitative pedestrian level wind assessment for the proposal. The wind study identifies minor increases to local wind speeds, as compared to existing conditions. The study also states that there would be modest reductions in pedestrian comfort as a result of increased of wind gusts at ground level.

A more precise quantitative evaluation identifying comfort and snow drifting would require a detailed wind tunnel or computational study complete with a statistical wind analysis to appropriately assess the wind impacts of the proposed development. The development of this site should be designed to ensure that comfortable wind conditions are maintained on the streets and public spaces around buildings. It has yet to be demonstrated that the proposed building will not have a negative impact on the site, surrounding properties and sidewalks.

## **Noise**

The applicant submitted an initial Noise and Vibration Impact Study, dated July 25, 2014, prepared by J.E. Coulter Associates Limited, in support of this proposal.

The Study identified that the major sources of noise affecting the site are the CN Rail traffic to the south and transportation noise from the Gardiner Expressway to the north. The Study identified the need to install spandrel panels and non-functional through-the-wall grille assemblies along the south, east and west facades of the proposed residential building in order to comply with the Ministry of the Environment (MOE) criteria for indoor sound levels. Warning clauses in offers of purchase and sale were also recommended for all residential units. The study further indicates that a minimum 1.8 m high solid acoustic screen, along the south limit, will be required to protect the at-grade outdoor amenity area associated with the proposed development. It is recommended that these requirements be secured through the Section 37 Agreement to be registered on title, as a legal convenience, should the application be approved.

Regarding the potential vibration impact from the CN railway, no vibration mitigation is recommended. In this case, previous measured vibration results at the adjacent condominium (165 Legion Road), which has a shorter setback, showed no noticeable vibration impacts from the railway.

A further review would be undertaken at the Site Plan Approval process, once detailed plans were available. The review would be peer reviewed by an acoustical consultant to confirm the architectural sound isolation requirements would ensure compliance with the City of Toronto noise by-laws and MOE Guidelines.

## **Traffic Impact and Access**

The applicant submitted an Urban Transportation Considerations Study, dated December 18, 2013, prepared by BA Group, in support of this proposal.

This study estimated that the proposed 548 unit condominium apartment building would generate in the order of 135 and 140 two-way trips in the weekday morning and afternoon peak hours, respectively. The study concluded the traffic generated by this development could be accommodated on the existing road network.

Transportation Services staff concur with the findings of the Urban Transportation Considerations Study and advise no road widening or road improvements are required along Manitoba Street.

One two-way driveway proposed on the west edge of the site, from Manitoba Street, would provide access to underground residential parking, residential visitor and retail parking, loading facilities and bicycle parking. Transportation Services staff advise they are not satisfied with the location of the driveway as proposed. A revision to align the proposed driveway with the existing driveway on the opposite (north) side of Manitoba Street will be required, should the application be approved. The revised driveway

alignment would be reviewed in detail through the Site Plan Approval process for this proposal, should the application be approved.

The applicant is proposing one Type 'G' loading space and one Type 'C' loading space (on the west side of the site) to serve the residential and non-residential uses on site. The proposed loading areas will be configured to provide for the manoeuvring needs of City of Toronto garbage collection vehicles and other single unit trucks. Engineering and Construction Services staff advise the number of loading spaces is acceptable, however, a truck tracking plan to illustrate on-site turning/manoeuvring would be secured through the Site Plan Approval process, should the application be approved.

In addition to the above, on May 13, 2014, Etobicoke York Community Council directed Traffic Operations staff to undertake a review of vehicular speeds and on-street parking along Manitoba Street between Grand Avenue and Legion Road North to determine if traffic calming measures and revisions to existing on-street parking regulations are warranted. Manitoba Street is classified as a Local Road with a statutory speed limit of 40 km/h and a typical daily vehicle volume of less than 2,500 vehicles. This study recorded 24-hour volumes of 3,117 and 3,003 vehicles respectively on Manitoba Street between Grand Avenue and Legion Road on April 23 and 24, 2014.

### **Vehicular Parking**

The Urban Transportation Considerations Study submitted by the applicant proposes parking for the development in accordance with the requirements of City-Wide Zoning By-law No. 569-2013 for residential uses. According to Zoning By-law No. 569-2013, parking spaces are not required for retail uses with less than 200 m<sup>2</sup> of gross floor area. On this basis, the proposed parking to be provided would be at the following minimum ratios:

- 392 one-bedroom dwelling units at 0.9 space per dwelling unit = 353 spaces
- 156 two-bedroom dwelling units at 1.0 space per dwelling unit = 156 spaces
- 548 dwelling units (total) at 0.20 visitor space per dwelling unit = 110 spaces

Total vehicle parking required for the proposed building = 619 spaces

The current proposal provides a total of 640 parking spaces (558 residents and 82 resident visitor) proposed within a 4-level underground parking garage, which satisfies the above total parking supply requirement. However, the allocation of residential and visitor parking for the proposed residential building must satisfy the minimum parking ratios noted above.

The parking space design and layout and vehicular site circulation would be reviewed in detail through the Site Plan Approval process, should the application be approved.

### **Bicycle Parking**

The Toronto Green Standard and Zoning By-law requires bicycle parking in accordance with the following:

- Residential occupant parking – 548 units at 0.68 spaces per unit = 373 spaces
- Residential visitor parking – 548 units at 0.07 spaces per unit = 39 spaces
- Retail occupant parking – 108 m<sup>2</sup> at 0.13 spaces per 100 m<sup>2</sup> = 1 space
- Retail visitor parking – 108 m<sup>2</sup> at 3 plus 0.25 spaces per 100 m<sup>2</sup> = 4 spaces

Total bicycle parking required = 417 spaces

The information submitted by the applicant note 419 bicycle parking spaces. Bicycle parking shown on the plans are as follows: 230 occupant parking spaces, 82 visitor parking spaces, and 9 retail occupant/visitor parking spaces shown on the ground floor by the building entrance, and 99 occupant parking spaces on P1 underground level. This represents sufficient bicycle parking spaces to meet the Toronto Green Standard and Zoning By-law requirements.

As with vehicle parking, the location and design of bicycle parking would be addressed through the Site Plan Approval process for this proposal, should the application be approved.

### **Public Sidewalks**

A municipal sidewalk currently does not exist along the south side of Manitoba Street, adjacent to the subject site. The owner is required to design and construct at their expense a 2.1 m wide sidewalk along the Manitoba Street frontage.

The provision of a public sidewalk along the south side of Manitoba Street would also encourage and provide opportunities for a range of alternative transportation modes to this site and beyond, improving the walkability of the community and creating improved connections to sites north, east and west from the subject site. In addition, the public sidewalk would play an important role in animating both frontages for this development and the future public frontage of Grand Avenue Park, upon completion.

The required public sidewalk would be reviewed and secured through the Site Plan Approval process for this proposal, should the application be approved.

### **Servicing**

The applicant submitted a Functional Servicing Report (FSR) on December 23, 2013, prepared by Cole Engineering, in support of this proposal.

Engineering and Construction Services staff have reviewed the FSR to determine whether the existing watermain on Manitoba Street can adequately accommodate the proposed development. It has been determined that further analysis is required. Staff have advised the applicant to use specific flow rates for analyzing existing system flows. The Functional Servicing Report must be revised and re-submitted to Engineering and Construction Services staff for review and acceptance. The revised report would also determine whether the municipal sanitary sewer system can support the proposed

development and whether upgrades or improvements to the existing municipal infrastructure are required. In the event the Ontario Municipal Board allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the Board to withhold its Order until this matter is resolved to the satisfaction of the Executive Director, Engineering and Construction Services.

The applicant has indicated in the servicing report that the development will be designed in accordance with the Toronto Wet Weather Flow Masterplan guidelines. The servicing report also includes preliminary discussions on how these stormwater management requirements will be accommodated for the proposed development (e.g. through the provision of an underground tank for landscape irrigation; green roofs; and increased topsoil depth in landscaped areas to further enhance evapotranspiration and infiltration). The final stormwater management designs would be addressed through the Site Plan Approval process for this proposal, should the application be approved.

## **Environmental**

Policy 3.4.23 (The Natural Environment) of the Official Plan states that prior to "development occurring on known or potentially contaminated sites, or on sites on or within 500 m of a known or suspected former waste disposal site, potential adverse impacts must be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented".

The abutting lands to the west and southwest of the subject site were a former City incinerator (130 Algoma Street) and sewage treatment plant (14 Algoma Street). The applicant has submitted the following studies: Phase I Environmental Site Assessment, dated May 21, 2014, prepared by CCI Group; Recommended Risk Management Measures for 14 Algoma Street, dated September 10, 2012, prepared by Terrapex Environmental Ltd; and Revised Risk Assessment for 14 Algoma Street, dated September 14, 2012, prepared by NovaTox Inc. These studies must be peer reviewed, at no cost of the City. Additional information may be required by the peer reviewer, upon the completion of the first review.

In the event the Ontario Municipal Board allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor request the Ontario Municipal Board to withhold its final Order, until the owner provides adequate information to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Executive Director Building and Chief Building Official to confirm that Official Plan Policy 3.4.23 has been satisfactorily addressed.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57-2.99 of parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area.

The application proposes 548 residential units and 108 m<sup>2</sup> of commercial space on a site area of approximately 0.8 ha. At the alternative rate of 0.4 ha per 300 units, the parkland dedication requirement would equal 0.73 ha or 93% of the proportionate residential area. By-law 1020-2010 states that for sites less than 1 ha in size, a minimum of 5% to a cap of 10% (for residential use) and 2% (for non-residential use) is applied to both portions. Therefore the total parkland dedication would be 0.079 ha.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu payment. Parks, Forestry and Recreation staff advise this is appropriate as the parkland dedication associated with the development would be too small to create a serviceable park. In addition, the subject site is abutting an existing park (Grand Avenue Park). The actual amount of cash-in-lieu to be paid will be determined by Facilities and Real Estate Division staff at the time of issuance of the building permit, should the application be approved.

### **School Board Requirement**

The Toronto District School Board has requested the proponent be required to erect Notice Signs and that warning clauses be included in all purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside of the immediate neighbourhood. These requirements would be included in the Section 37 Agreement, should the application be approved.

There were no comments received from the Toronto Catholic District School Board.

### **Toronto Green Standard**

The application was submitted in October 2013 and is subject to the Toronto Green Standard. Any subsequent Site Plan Control applications must comply with the Toronto Green Standard, with the exception of those standards secured through any zoning approved by the Ontario Municipal Board. The applicant will be required to complete and submit the Toronto Green Standard checklist through the Site Plan Approval process for this proposal, should the application be approved.

### **Section 37**

Given the proposed increase in height and density, this development proposal would be subject to the Section 37 policies of the Official Plan. Discussions regarding Section 37 benefits between the applicant and the City did not occur as there was no agreement on an appropriate form and scale of development for the site.

Planning staff intend to continue discussions with the applicant to resolve the outstanding issues identified in this report, which, if successful, would then lead to discussions on the provision of appropriate Section 37 contributions. However, since the application has been appealed to the Ontario Municipal Board, it is necessary to address Section 37

contributions in the event the Ontario Municipal Board approves the proposed development.

This report recommends that if the Ontario Municipal Board approves this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan, community benefits should be provided under Section 37 of the *Planning Act* as determined through consultation with the Ward Councillor's office which identified the following community needs: capital improvements to Grand Avenue Park; Mimico Creek Trail; and/or a Public Art contribution in the 'Mystic Pointe' community.

### **City Owned Lands to be Re-designated**

The lands known municipally as 130 Algoma Street are located immediately west of the subject site and are designated *Apartment Neighbourhoods* on Map 15 - Land Use Plan in the Official Plan (see Attachment 4 – Official Plan). In 2012, these lands were consolidated with City-owned lands comprising the former Mimico Incinerator Site and Mimico Sewage Treatment Plant Site and Grand Avenue Park (see Attachment 6 - Sketch No. PMC-99-007).

Through the review of this Official Plan and Zoning By-law Amendment application, it became apparent it would be appropriate to redesignate these lands to reflect their long term use as parkland. It is therefore recommended that City Council direct City staff to prepare and submit an Official Plan Amendment for the City owned lands to the west of the subject site (130 Algoma Street) to redesignate them from *Apartment Neighbourhoods* to *Parks and Open Space Areas*.

### **Conclusions**

The current proposal for a 48-storey tower on the subject site is not appropriate as the development is out of scale and character with the planned and existing built form context of the 'Mystic Pointe' community. The proposal represents an over intensification of development on this site.

The proposed building would also negatively impact and shadow the adjacent *Apartment Neighbourhoods* designated lands. This would create an unacceptable condition that would not conform to the Official Plan with respect to providing for an appropriate built form and transition.

Development on this site could be supported, should it provide an appropriate transition of scale, limit shadowing and provide compatible physical relationships between existing development in the surrounding neighbourhood. Staff are of the opinion the current proposed tower height, scale and site layout fails to achieve this.

It is therefore recommended that City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application in its current form.



It is also recommend that City staff be directed to continue discussions with the applicant aimed at developing an appropriate development proposal for these lands.

This report also recommends that the City Solicitor attempt to secure appropriate services, facilities or matters including a public art contribution pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Ontario Municipal Board.

## **CONTACT**

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## **SIGNATURE**

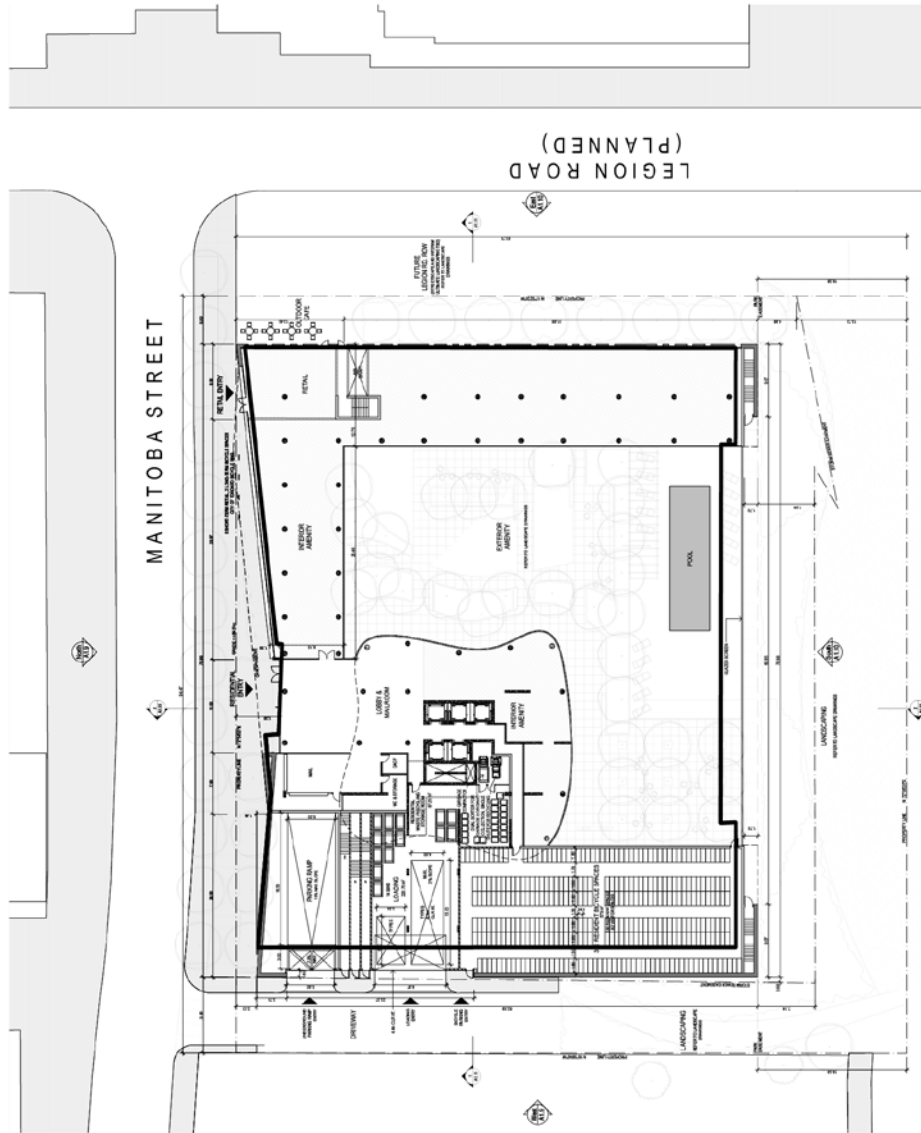
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North and West Elevations  
Attachment 2b: South and East Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Site and Area Specific Policy 14  
Attachment 6: Sketch No. PMC-99-007  
Attachment 7: Application Data Sheet  
Attachment 8: Community Comments

**Attachment 1: Site Plan**



**251 Manitoba Street**

File # 13 253075 WET 06 02

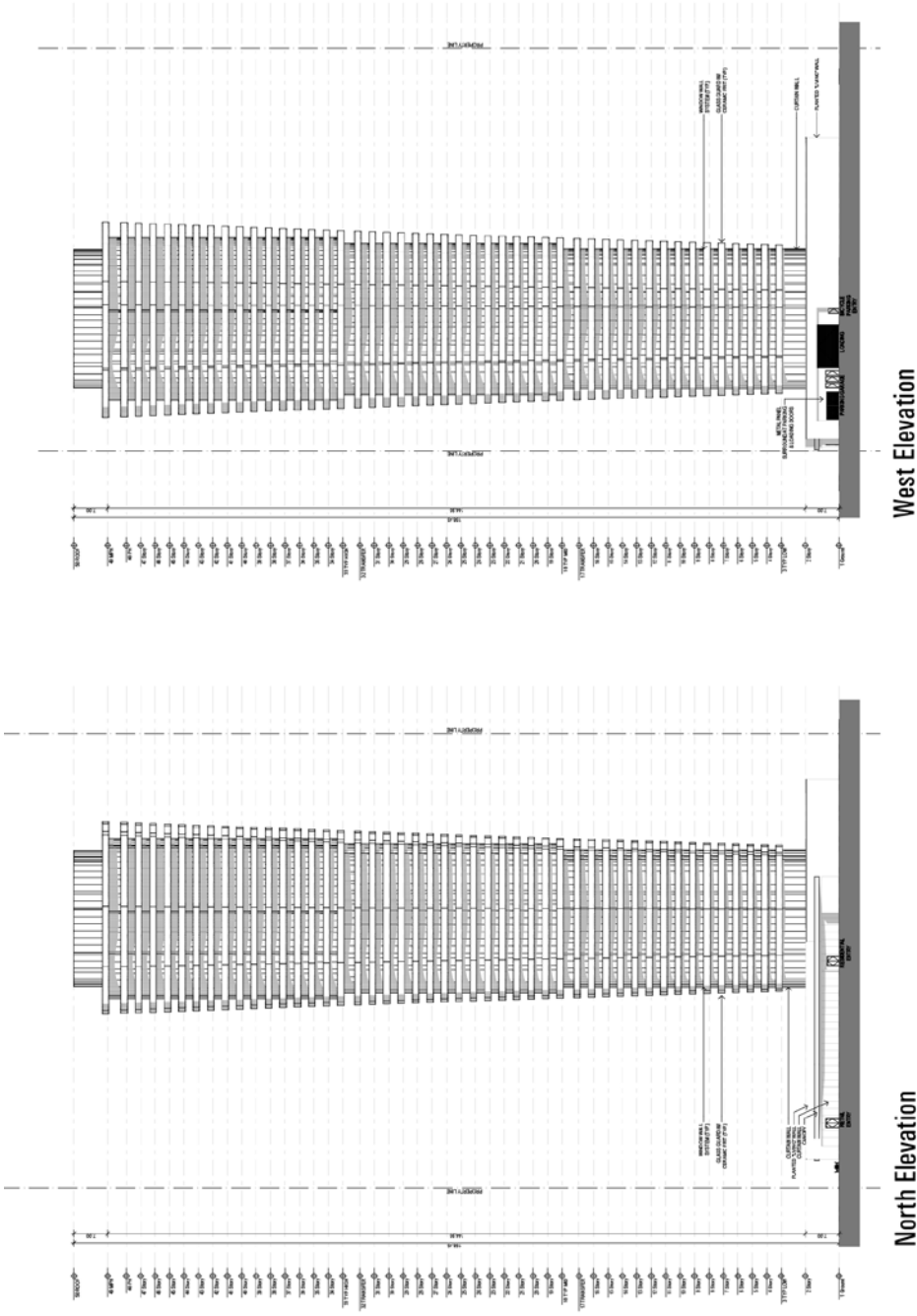
**Site Plan**

Applicant's Submitted Drawing

Not to Scale  
01/15/14



Attachment 2a: North and West Elevations



251 Manitoba Street

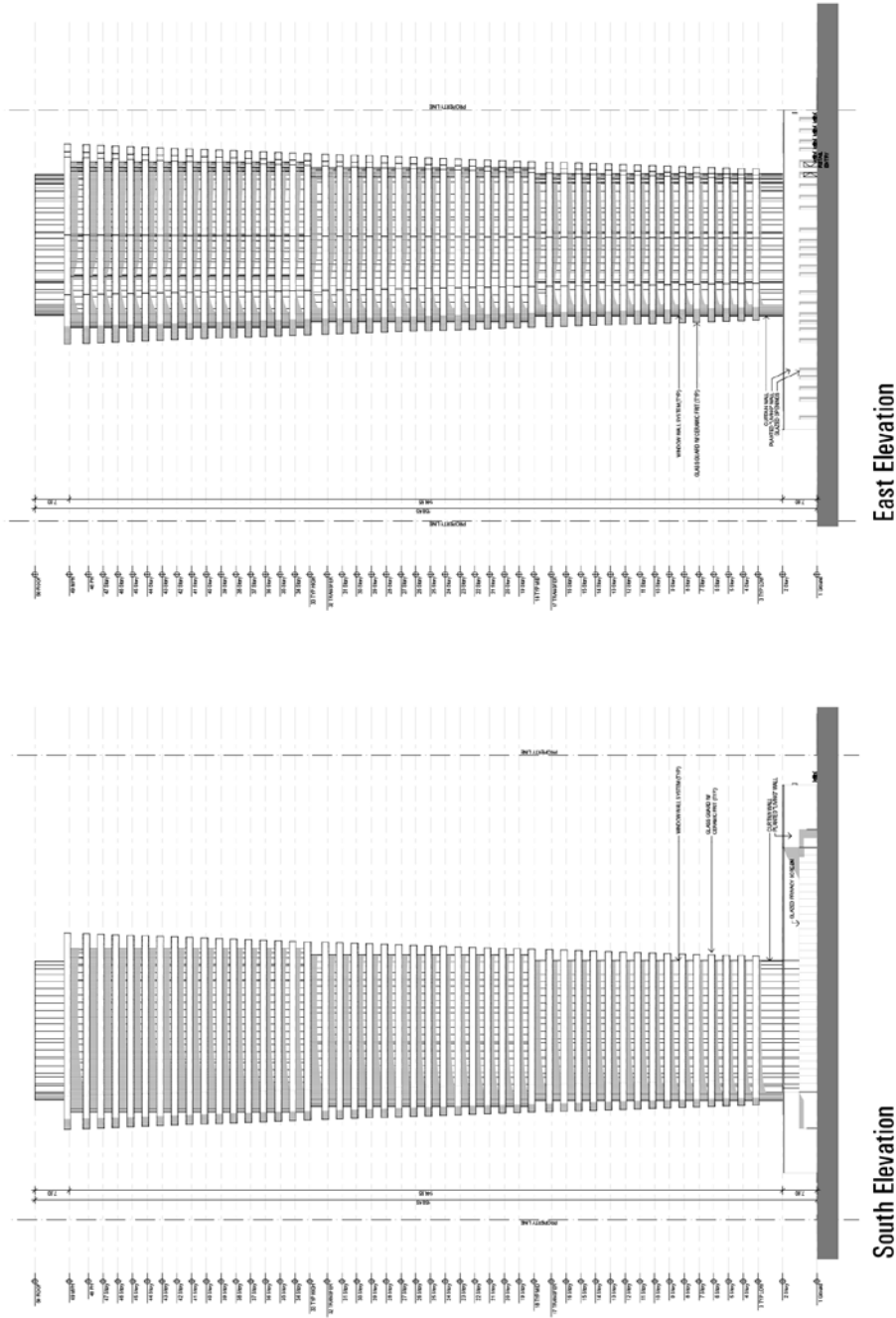
File # 13 253075 WET 06 02

Elevations

Applicant's Submitted Drawing

Not to Scale  
01/15/14

**Attachment 2b: South and East Elevations**



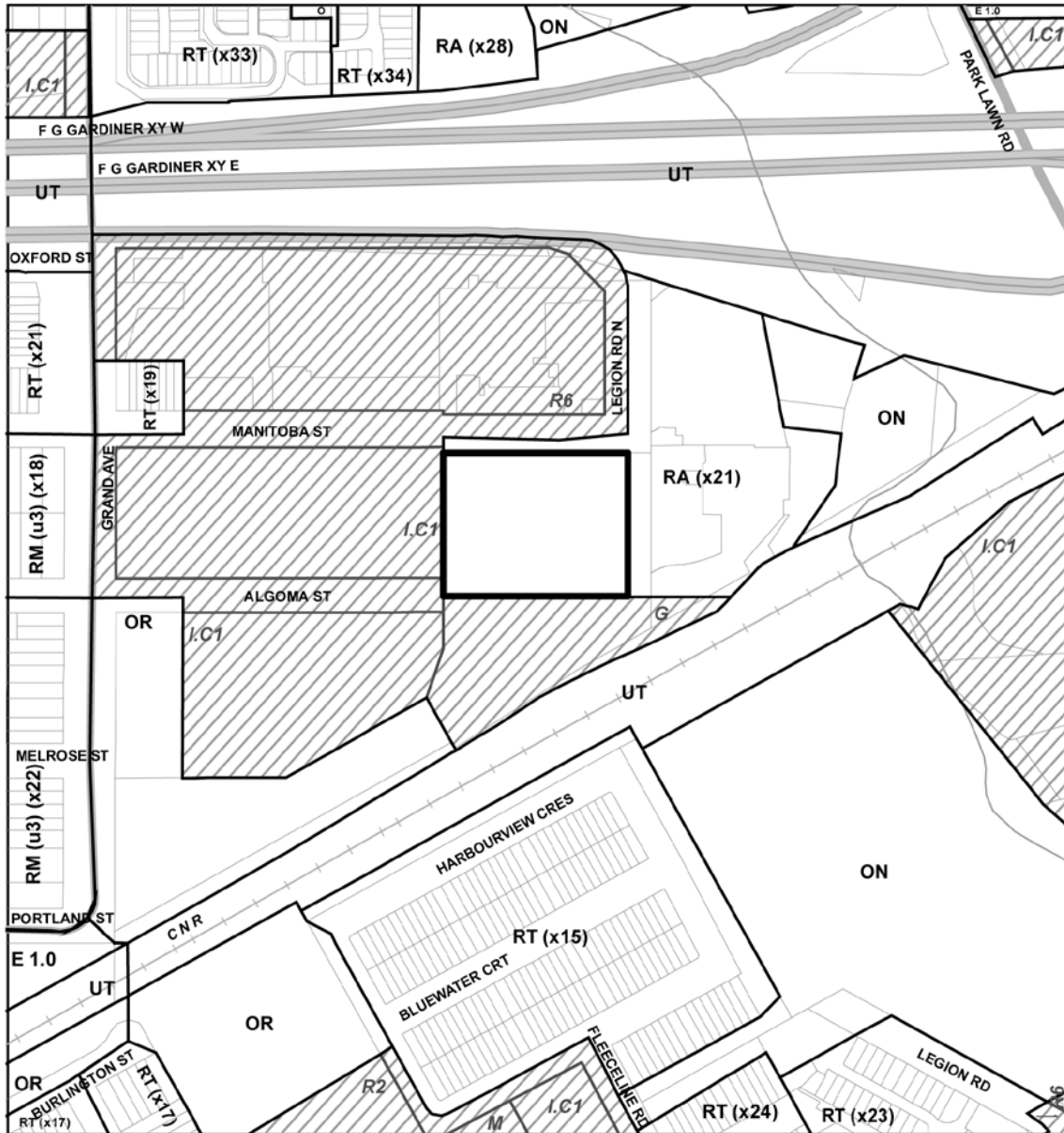
**251 Manitoba Street**

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 01/15/14

File # 13 253075 WET 06 02



### Attachment 3: Zoning



**TORONTO** City Planning  
**Zoning By-law 569-2013**

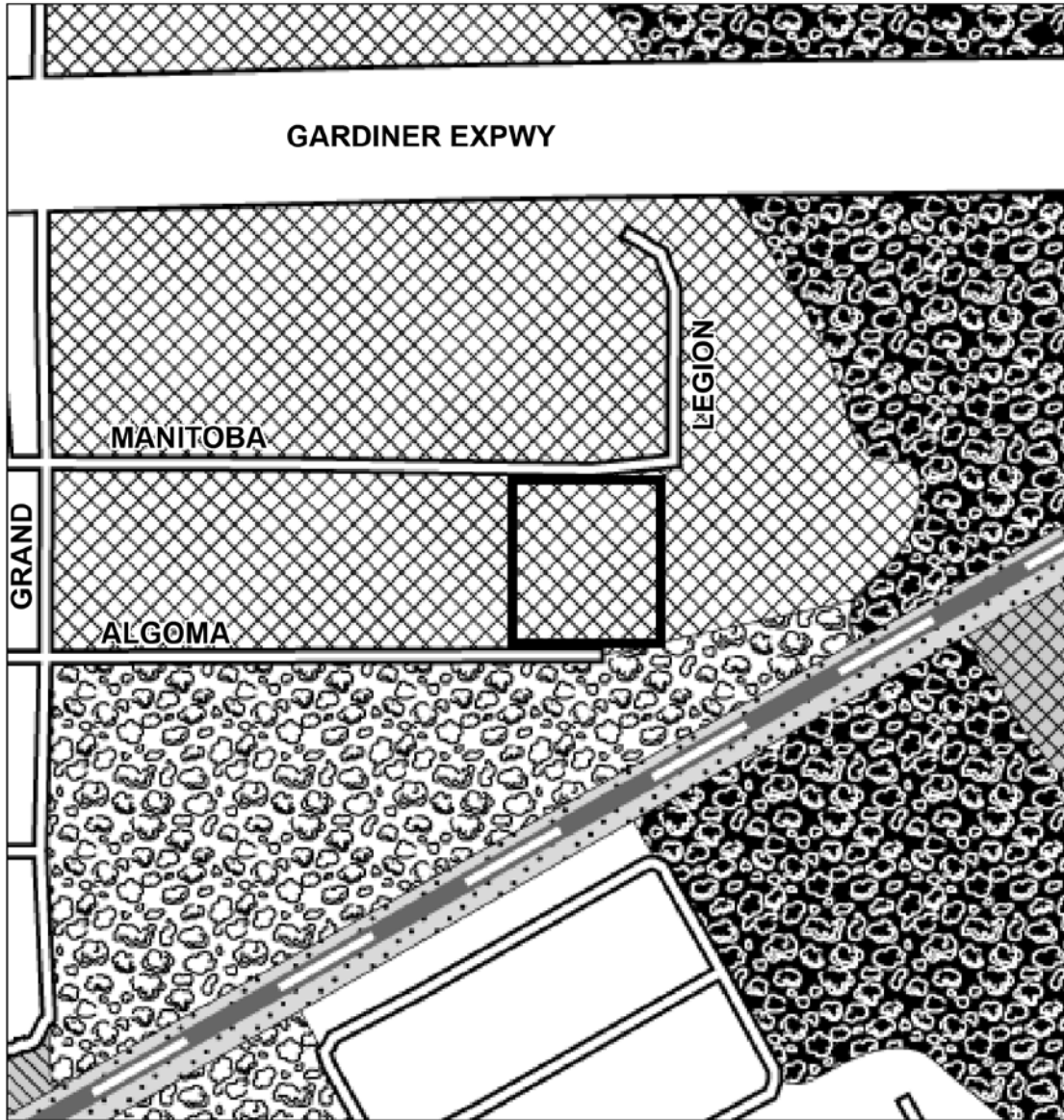
**251 Manitoba Street**

File # 13 253075 WET 06 0Z

 Location of Application	 See Former Zoning City of Etobicoke V131
RT Residential Townhouse	I.C.1 Industrial Class 1
RM Residential Multiple	R2 Residential Second Density
RA Residential Apartment	R6 Residential Sixth Density
E Employment Industrial	M Industrial
ON Open Space Natural	G Greenbelt
OR Open Space Recreation	
UT Utility and Transportation	

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 Extracted 01/15/2014

Attachment 4: Official Plan



**TORONTO** City Planning  
**Official Plan**

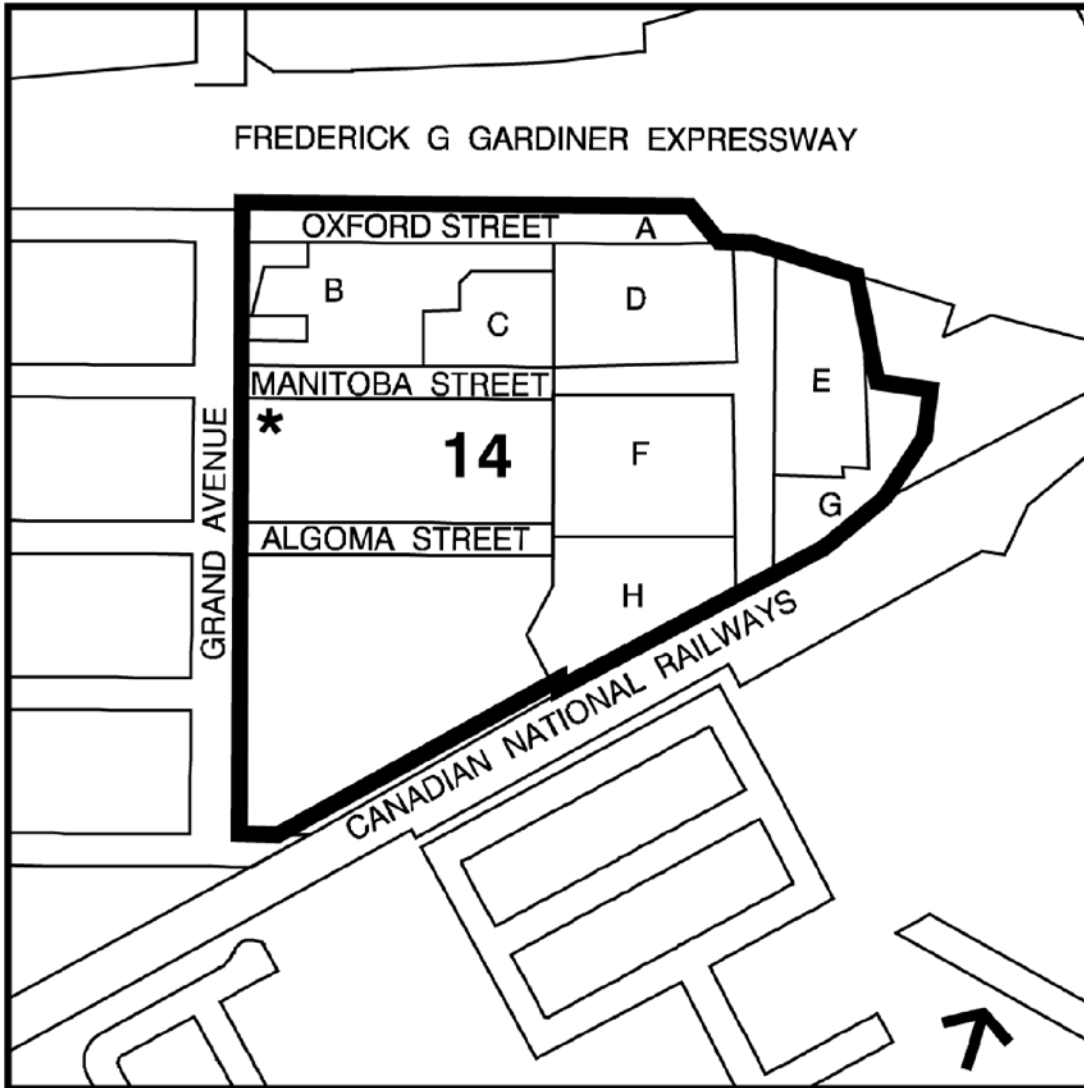
251 Manitoba Street

File # 13 253075 WET 06 0Z



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Attachment 5: Site and Area Specific Policy 14



Site and Area Specific Policy 14

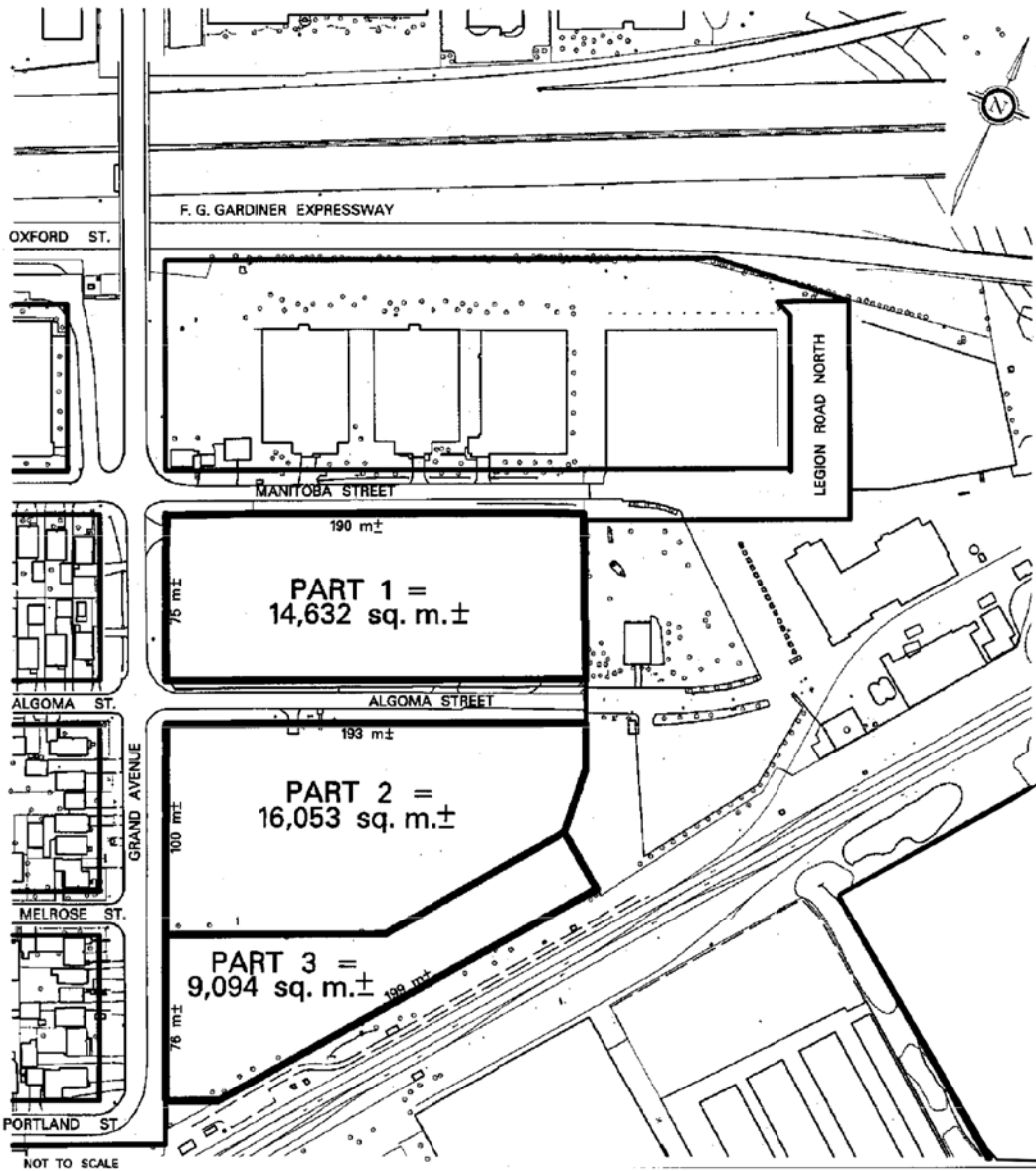
251 Manitoba Street

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01/20/14



File # 13 253075 WET 06 0Z

Attachment 6: Sketch No. PMC-99-007



Sketch PMC-99-007

251 Manitoba Street

Applicant's Submitted Drawing

Not to Scale  
05/11/2015

File # 13 253075 WET 06 0Z



## Attachment 7: Application Data Sheet

Application Type	Official Plan & Zoning By-law Amendment	Application Number:	13 253075 WET 06 OZ
Details	OPA & Rezoning, Standard	Application Date:	October 18, 2013
Municipal Address:	251 MANITOBA STREET		
Location Description:	PLAN M137 LOTS 186 TO 191 PT LOTS 175 TO 182 228 TO 237 PT MELROSE ST PT ALGOMA ST PT PINE ST PT MANITOBA ST RP 66R17447 PARTS 35 TO 37 39 **GRID W0607		
Project Description:	Proposed amendments to the Official Plan and Zoning By-law to permit the development of a 48-storey mixed use building containing 548 residential units and 108 m <sup>2</sup> of retail space. A 640 space, 4-level underground parking garage is also proposed.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
HUNTER & ASSOCIATES LTD	CRAIG HUNTER	ARCHITECTS ALLIANCE	ETABBEY HOLDINGS INC

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	SASP 14 & ZBL 174-2003
Zoning:	R6/RA (x21)	Historical Status:	
Height Limit:	18-storeys	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	7909	Height:	Storeys:	48
Frontage (m):	94		Metres:	151
Depth (m):	65 (min)			
Total Ground Floor Area (sq. m):	3011			<b>Total</b>
Total Residential GFA (sq. m):	38117		Parking Spaces:	640
Total Non-Residential GFA (sq. m):	108		Loading Docks	2
Total GFA (sq. m):	38225			
Lot Coverage Ratio (%):	38			
Floor Space Index:	4.8			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	
Bachelor:	0
1 Bedroom:	392
2 Bedroom:	156
3 + Bedroom:	0
Total Units:	548

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	38117	0
Retail GFA (sq. m):	108	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Sabrina Salatino, Planner</b>
	<b>TELEPHONE:</b>	<b>416-394-8025</b>

## **Attachment 8: Community Comments**

### Land Use

- Need more retail and community amenities (commercial units including a green grocer); and
- too many condominium units in the area (cumulative effect of all waterfront projects).

### Transportation/Traffic

- Existing traffic problems on Manitoba Street and Legion Road will be exacerbated by the new development on Parcel 'F';
- existing traffic congestion on Manitoba Street exacerbated by on-street parking as there are not enough resident parking spaces within the existing underground garages of the surrounding apartment buildings;
- concerned that extending Legion Road North would make traffic worst, however, keeping Algoma Street open would help control the flow of traffic on the surrounding streets;
- concern regarding the study conducted by BA Group using out-dated data as the towers at Park Lawn Road and Lake Shore Boulevard West are currently under construction, therefore, residents have yet to move in;
- request to upgrade the intersection located at the Legion Road and the reverse ramp as the stop sign for traffic moving north and turning east creates a back up of vehicles along Legion Road and blocks the entrance to the parking garage at 155, 165 and 185 Legion Road;
- request for traffic calming measures along Manitoba Street because of speeding concerns (reduced pedestrian safety);
- request to widen Manitoba street to accommodate parking on both sides of the street;
- concerned with the proposed driveway on Parcel 'F' aligning with the existing ingress and egress movement from the development directly across Manitoba Street, therefore, does this warrant for signal lights at this location;
- request to upgrade the intersection at Legion Road and Manitoba Street with a crosswalk;
- existing apartment buildings on Legion Road do not provide for drop off and a turn around area on their site, therefore, ensure Parcel 'F' provides for an area on-site in order to reduce the number of congestion on Legion Road and Manitoba Street caused by mail deliveries and etc.;
- concern that the move in area at 155 and 165 Legion Road is at the rear of their building, thus, moving trucks are parking on Legion Road and causing traffic congestion and reduced pedestrian safety ;
- concern that density in 'Mystic Pointe' was premised on the Mimico GO Station moving to Park Lawn Road, however, there are no plans for the Mimico GO Station to relocate; and
- request the need for improved public transit in 'Mystic Pointe' community.

### Built Form

- Major concern with the proposed building height of 48-storeys (this height is beyond the height permitted in the policy and by-law);
- residents feel that there is no rationalization to go higher than existing buildings;
- size of building is not suitable for 'Mystic Pointe' and would tower over adjacent buildings (more than 30-storeys taller than the permitted height for Parcel 'F');
- request for the proposal to incorporate a taller base;
- significant concern regarding wind tunnels and views to the lake, thus this development will increase the concern; and
- townhouses were proposed and approved by Committee of Adjustment on Parcel 'F' and residents bought units in the towers on Parcel 'E' with the notion that townhouses would be built on Parcel 'F' and no other buildings would block their views.

### Shadows

- Major concern with shadow impacts on surrounding townhouses and apartment buildings in 'Mystic Pointe' community, mainly to the existing indoor and outdoor amenity areas on these sites (for example, the green roof at 250 and 300 Manitoba Street and the pool at 185 Legion Road).

### Other

- Major concern that 'Mystic Pointe' community has been a "fail";
- residents want leadership to bring back the "community feel" that has been lost;
- concerned with an overall decrease in quality of life;
- concerned that both appeals (failure to make a decision and to adopt the requested amendment within the time prescribed by the *Planning Act*) to the Ontario Municipal Board were premature;
- need more family sized units;
- major concern regarding the existing soil contamination on the former incinerator and sewage plant lands, eventually the lands to be developed as Grand Avenue Park;
- request for a time frame for the removal and clearing of the contaminated soil on the subject site (tired of seeing the dirt piles on these lands);
- request for clarification on the impact onto the sewer system;
- major concern that the infrastructure cannot handle the proposed intensification of density on the subject site as there are current electrical power failures from the newly developed lands in 'Mystic Pointe' community;
- request for a Gateway feature into 'Mystic Pointe' community (for example, centre median on Manitoba Street and a landmark on Legion Road);
- request for beautification in 'Mystic Pointe' community by adding treed sidewalks along the south side of Manitoba Street; street lights; and street furniture;
- major concern regarding Grand Avenue Park as a district use, whereas, residents would prefer a local park (no sport lights and late games);

- concern with the process for the future development of Grand Avenue Park as residents have yet to be notified of a community meeting regarding design of this park; and
- concern with the wooden fence along Gardiner (it is an eye sore).