



39 Newcastle Street - Official Plan and Zoning By-law Amendment Application - Refusal Report

Date: October 23, 2017

To: Planning and Growth Management Committee

From: Acting Chief Planner and Executive Director, City Planning Division

Wards: 6

SUMMARY

This application proposes to amend the Official Plan and Zoning By-laws (under File No. 16 198950 WET 06 OZ) to permit a mixed use development proposal with three residential apartment buildings (22, 30 and 36-storeys) connected by a 4-storey podium having a total of 74,374 m² of gross floor area, of which 2,578 m² would be for non-residential (retail) uses. The development would contain approximately 833 residential units and a total of 589 vehicular parking spaces within a parking garage having two-levels underground and three-levels above ground. The original proposal included two residential apartment buildings (28 and 30-storeys) and a total of 606 residential units.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-laws for 39 Newcastle Street (see Attachment 1: Key Map).

The proposed development, in its current form, does not conform with the Official Plan policies and the recently approved and appealed Mimico-Judson Secondary Plan and is not consistent with the Mimico-Judson Urban Design Guidelines. The subject lands are designated *Regeneration Areas*. The Official Plan states that each *Regeneration Areas* requires a tailor-made planning framework and that development should not proceed prior to the approval of a Secondary Plan. As the Mimico-Judson Secondary Plan is currently under appeal to the Ontario Municipal Board, the application is premature. In addition, the proposal represents over development of the site with density, massing and building heights that do not fit within their existing or planned context or limit their impacts on neighbouring properties.

RECOMMENDATIONS

The Acting Chief Planner and Executive Director, City Planning recommends that:

1. City Council refuse the application for Official Plan and Zoning By-law Amendment at 39 Newcastle Street for the following reasons:
 - a. The proposal is inconsistent with the PPS;

- b. The proposal conflicts with the Growth Plan for the Greater Golden Horseshoe;
 - c. The proposal does not conform with the City of Toronto Official Plan, including policies related to but not limited to Built Form, Public Realm, Economic Revitalization and Land Use and *Regeneration Areas* which state that a development framework for the area will be developed and that development should not proceed prior to approval of a Secondary Plan; and
 - d. The proposal does not conform with the Mimico-Judson Secondary Plan (OPA No. 331), adopted by City Council on June 7, 2016 and currently under appeal to the Ontario Municipal Board, and is not consistent with the Mimico-Judson Urban Design Guidelines. In particular, the application, in its current form, does not conform with the following matters:
 - i. The Secondary Plan envisions two tall buildings on the subject lands with heights of up to 30-storeys (with a street wall height of 4-storeys), whereas the application proposes three tall buildings (with a street wall height of 4-storeys) having heights of 22, 30 and 36-storeys.
 - ii. The Secondary Plan envisions the Mimico-Judson Greenway (multi-use pedestrian and cycling trail) to be located along the south limits of the subject site, whereas the Greenway is proposed along the south side of Newcastle Street and east side of Windsor Street.
 - iii. The Secondary Plan requires a centralized public park to be located within Block D that would not be in shadow for seven continuous hours during the spring and summer equinoxes whereas the current proposal shadows Block D and only allows for five continuous hours of sunlight on the future parkland during the spring and summer equinoxes.
 - iv. The Secondary Plan requires a minimum of 0.5 FSI of non-residential gross floor area for tall buildings, whereas 0.3 FSI of non-residential gross floor area is proposed.
 - v. The Secondary Plan requires that any portion of a development containing residential and other sensitive land uses shall be setback a minimum of 30 m from the property line bordering the rail corridor to the south, whereas a setback of 22 m is being proposed.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal that is in keeping with the Mimico-Judson Secondary Plan and Urban Design Guidelines.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Planning and Growth Management Committee

At its meeting of October 17, 2016, the Planning and Growth Management Committee considered a Preliminary Report dated October 6, 2016 from the Chief Planner and Executive Director, City Planning Division (Item PG15.6), which provided preliminary information on the original application and sought the Committee's direction on the further processing of the application and on the community consultation process. Staff were also directed to review the application within the context of the approved but appealed Mimico-Judson Secondary Plan and approved Urban Design Guidelines. A copy of the Preliminary Report and decision of the PGM Committee can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG15.6>

Decisions Pertaining to the Adopted and Appealed Mimico-Judson Secondary Plan and the Approved Urban Design Guidelines

At its meeting of December 16-18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) at the conclusion of the Municipal Comprehensive Review of Employment lands as part of the City's Five Year Official Plan Review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific Policies. Through the adoption of OPA 231, lands within the Mimico-Judson area were redesignated from *Employment Areas* to *Regeneration Areas*. Site and Area Specific Policies 433 and 434 were also approved for the lands to provide additional direction for future change; including 39 Newcastle Street.

On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the Ontario Municipal Board. The decision history on OPA 231 and the MMAH decision can be accessed at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

On June 22, 2015, the OMB issued an order partially approving OPA 231. The partial approval brought into effect the *Regeneration Areas* designation for the Mimico-Judson area, along with the associated Site and Area Specific Policies. The OMB Order partially approving OPA 231 can be accessed at this link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20\(June%2022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%2022%202015).pdf)

Mimico-Judson is one of seven areas redesignated to *Regeneration Areas* resulting from City Council's adoption of OPA 231. In advance of the Minister's decision on OPA 231, City Planning staff initiated six of the seven *Regeneration Areas* studies, including Mimico-Judson. At its meeting on August 25-28, 2014, City Council received a Regeneration Areas Studies Status Report from the Chief Planner and Executive Director, City Planning. The report summarized the work and consultation that had been completed and identified emerging issues for this study. The report also identified additional matters each Regeneration Areas study would address. This Status Report can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.17>

At its meeting of January 20, 2016, Planning and Growth Management (PGM) Committee considered a Directions Report dated October 28, 2015 from the Chief Planner and Executive Director, City Planning (Item PG9.2). This report presented the results of the Mimico-Judson Regeneration Area Study. PGM Committee recommended that staff distribute the draft Secondary Plan to the public, to be considered at a statutory public meeting to be held by PGM Committee on April 6, 2016. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.2>

At its meeting of April 6, 2016, Planning and Growth Management (PGM) Committee adjourned the public meeting for the Mimico-Judson Secondary Plan and Urban Design Guidelines until May 11, 2016 and directed the Chief Planner and Executive Director, City Planning to hold a community open house prior to that date. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG11.4>

At its meeting of May 11, 2016, Planning and Growth Management (PGM) Committee adopted the Mimico-Judson Secondary Plan and Urban Design Guidelines with amendments. The amendments included redesignating the lands south of Judson Street between Royal York Road and Willowbrook Road to *Mixed Use Areas* as described as Option 2 in the Urban Strategies Inc. report dated April, 2015, and referenced in the Final Report dated March 16, 2016 from the Chief Planner and Executive Director, City Planning (PG11.4). The Committee amended the staff recommendations in part and requested that the Chief Planner continue to meet with affected landowners to resolve concerns with the Secondary Plan and report directly to City Council on any proposed amendments to address the concerns.

At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan (OPA 331) and Urban Design Guidelines, with the amendments noted above, as outlined in a Supplementary Report from the Chief Planner and Executive Director, City Planning dated June 6, 2016. With regards to the subject lands, the approval of this Secondary Plan provides for specific building heights and protection for the Grand Avenue Extension and the Mimico-Judson Greenway, as well as appropriate parkland dedication. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.8> and <http://www.toronto.ca/legdocs/bylaws/2016/law0532.pdf>

On July 4, 2016, McMillan LLP (on behalf of CIC Management Services Inc.) filed an appeal to the Ontario Municipal Board citing the approved Mimico-Judson Secondary Plan policies (4.6, 5.2, 6.2a and 6.4c) as they relate to the Mimico-Judson Greenway (including Map 35-2), timing of shadows on the new public park, and the metric height requirements for new buildings. In addition to this appeal, 10 other appeals, for various matters, were also submitted to the Ontario Municipal Board. This appeal is currently in mediation at the OMB.

Applications within the Secondary Plan Area

At its meeting of January 11, 2017, Planning and Growth Management (PGM) Committee adopted (with amendment to Recommendation No. 2) a Refusal Report dated December 9, 2016 from the Chief Planner and Executive Director, City Planning (Item PG17.5) for the Official Plan and Zoning By-law Amendment Application for 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street. These subject sites are located within the Secondary Plan Area (on the east side of Royal York Road). The amendment to Recommendation No. 2 included removing the word "more" from the recommendation so it reads "to continue discussions with the applicant to negotiate an appropriate development proposal that is in keeping with the Mimico-Judson Secondary Plan and Urban Design Guidelines". City Council adopted this item on January 31, 2017 without amendments and without debate to the modified wording of the recommendation. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG17.5>

At its meeting of July 4, 2017, Planning and Growth Management (PGM) Committee adopted (with the newly worded Recommendation 2) a Refusal Report dated May 1, 2017 from the Chief Planner and Executive Director, City Planning (Item PG21.7) for the Official Plan and Zoning By-law Amendment Application for 25 Audley Street. City Council adopted this item on July 4, 2017. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.7>

Also, at its meeting of July 4, 2017, Planning and Growth Management (PGM) Committee adopted (with the newly worded Recommendation 2) a Refusal Report dated May 1, 2017 from the Chief Planner and Executive Director, City Planning (Item PG21.8) for the Official Plan and Zoning By-law Amendment Application for 23 Buckingham Street. City Council adopted this item on July 4, 2017. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.8>

Recommendation No.2 of this report, is consistent with the amended refusal prepared for other sites within the Secondary Plan area and adopted by City Council.

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan and Zoning By-laws to permit a mixed use development at 39 Newcastle Street consisting of three residential apartment buildings containing a total of 833 residential units (460 one-bedroom, 288 two-bedroom, and 85 three-bedroom). The total gross floor area of the current proposal would be 74,374 m², of which 2,578 m² would be for non-residential (retail/commercial) uses, and would result in an overall density of 9.5 times the area of the lot. The proposed non-residential uses would represent a density of 0.3 times the area of the lot (see Attachment 2: Site Plan).

The original proposal, submitted in July 2016, proposed a mixed use development with approximately 606 residential units within two residential apartment buildings (28 and 30-storeys) connected by a 2-storey podium, stepping up to a 7-storey mid-rise component. The following table provides a comparison between the original submission and the applicant's current proposal.

	Original Proposal (July 2016)	Current Proposal (July 2017)
Building Height (excluding mechanical penthouse)		
Podium	2 to 7-storeys (14 to 29.4 m)	4-storeys (18.1 m)
Building 1	n/a	22-storeys (72.6 m)
Building 2	28-storeys (92.8 m)	30-storeys (96.2 m)
Building 3	30-storeys (98.7 m)	36-storeys (113.9 m)
Residential Units	606	833
One Bedroom	358 (59%)	460 (55%)
Two Bedroom	185 (31%)	288 (35%)
Three Bedroom	63 (10%)	85 (10%)
Residential Gross Floor Area	47,339 m ²	71,796 m ²
Non-residential Gross Floor Area	7,054 m ²	2,578 m ²
Floor Space Index	6.9	9.5
Vehicular Parking Spaces	983	589

The three residential apartment buildings would be connected by a continuous podium that would be 4-storeys (18.1 m) in height fronting both Newcastle Street and Windsor Street. The 22-storey tall building (72.6 m excluding the mechanical penthouse) would

be located at the northwest portion of the site, fronting Newcastle Street; the 30-storey tall building (96.2 m excluding the mechanical penthouse) would be located at the northeast portion of the site, also fronting Newcastle Street; and the 36-storey tall building (113.9 m excluding the mechanical penthouse) would be located at the southwest portion of the site, fronting Windsor Street. The three tall buildings are proposed to have a floor plate area no greater than 750 m² and a minimum separation distance of 25 m.

The proposed non-residential uses would be located on the ground floor within the podium of the building and would have a floor-to-ceiling height of 4.7 m. The original proposal for a large grocery store (on the second level) is no longer being pursued.

Vehicular access to the building would be provided by driveway entrances (6 m wide) at the northeast limit of the site, from Newcastle Street and at the southwest limit of the site, from Windsor Street. The driveway would be located within the ground level of the podium (providing a route connecting Newcastle Street and Windsor Street) and would lead to three lay-bys (drop-off/pick-up at the lobbies), two loading areas, vehicle and bicycle parking spaces and the entry ramps to the parking garages (below and above grade).

A total of 589 vehicular parking spaces (429 resident parking spaces, 105 visitor parking spaces, 40 non-residential parking spaces and 15 car-sharing parking spaces) would be provided on-site within a parking garage (having two-levels underground and three-levels above ground). In addition, a total of 640 bicycle parking spaces (626 resident parking spaces and 14 non-residential parking spaces) would also be provided on-site.

The outdoor amenity area for the residential portion of the development would be provided on the roof of the proposed 4-storey podium, directly accessible from a proposed indoor amenity area. Private balconies or terraces would be provided for the majority of the residential units. A multi-use trail (Mimico-Judson Greenway) area is proposed to be located along both the Newcastle Street and Windsor Street frontages instead of running along the south limits of the site, as envisioned by the Mimico-Judson Secondary Plan.

Site and Surrounding Area

The subject site is located at the southeast corner of Newcastle Street and Windsor Street, north of the GO/Metrolinx Rail corridor, south of Portland Street, east of Royal York Road, and west of Grand Avenue. This site is irregular in shape and is approximately 0.79 hectares (1.9 acres) in area with an approximate frontage of 120.6 m on Newcastle Street and 96.3 m on Windsor Street.

The site is relatively flat and is currently occupied by a surface parking lot and gravel staging area for storage bins and containers for the development project 'On the GO Mimico' (315 and 327 Royal York Road). As part of the Mimico-Judson Secondary Plan, this site is located within the 'Mimico Triangle' which is in the eastern portion of the Mimico-Judson Regeneration Area. The entirety of this site is located in Block C (see Attachment 5: Map 35-3 Land Use Designations from the Mimico-Judson Secondary Plan).

Surrounding uses include:

- North: Immediately to the north are 1 and 2-storey commercial buildings, with the exception of one single storey residential dwelling. North of Portland Street are detached and semi-detached dwellings (2-storeys in height), walk-up apartments and a public school (George R. Gauld Junior School).
- South: Immediately to the south is an extension of the Mimico GO Station parking lot, with approximately 73 parking spaces and a rail corridor. Further south of the GO/Metrolinx Rail corridor is a 7-storey apartment building (Toronto Community Housing Corporation), a two-storey mixed use building (Blue Goose Tavern) and detached and semi-detached dwellings (2-storeys in height).
- East: Immediately to the east is a temporary parking lot for the Mimico GO Station (owned by Metrolinx). This parking lot contains approximately 79 parking spaces. Further east, north of the GO/Metrolinx Rail, are 1 and 2-storey industrial warehouse/office buildings. Currently, a mixed use redevelopment is being proposed, through an Official Plan and Zoning By-law Amendment application, at 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street.
- West: Immediately west, across Windsor Street, are four townhouse blocks (4-storeys in height). Immediately south of these townhouse units is a cemetery associated with Christ Church St. James. Further south of this cemetery is the construction site for a redevelopment project ('On the GO Mimico') which was adopted by City Council on February 7, 2011 (By-laws No. 244-2011 and 245-2011) and the Mimico GO Station.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking storm water management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

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

Federation of Canadian Municipalities - Rail Proximity Guidelines (FCM-RAC)

The FCM-RAC Guidelines were issued in 2013 to provide a consistent approach to the design of buildings in proximity to rail corridors. The guidelines provide for standard mitigation measures of separation distance (300 metres for a rail yard and 30 metres for a main corridor) and safety features.

If standard measures cannot be achieved, a viability assessment must be prepared to evaluate any proposed development in terms of its potential for noise, vibration and safety hazard impact from adjacent rail infrastructure.

Official Plan

The subject lands are designated *Regeneration Areas* (see Attachment 8: Official Plan). *Regeneration Areas* are unique areas of the City that present an opportunity to attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Official Plan's population and employment growth strategy and offer the opportunity to reintegrate underutilized areas of the City. The Official Plan

states that each *Regeneration Areas* requires a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study, and that development should not proceed prior to the approval of a Secondary Plan informed by that study.

Site and Area Specific Policy (SASP) 433 applies to the Judson Street area east of Royal York Road, including the subject lands. SASP 433 states that:

- Specific manufacturing uses (crude petroleum oil or coal refinery; ammunition, firearms or fireworks factory; concrete batching plant; primary processing of limestone or gypsum; and asphalt plant) are prohibited; and
- Major retail developments with 6,000 m² or more of space are prohibited; and Employment uses are to be compatible with nearby residential uses.

SASP 433 also requires that a revitalization study be undertaken to provide additional direction for future change, by addressing the following:

- Improvements to vehicular access within the area for the movement of goods and employees;
- Public realm enhancements to reduce conflicts between pedestrians and vehicles;
- Provision of amenities within the area to create an attractive environment for existing and new employment uses; and
- Improved pedestrian and vehicular access to the Mimico GO Station, including strategies for parking and pick-up and drop-off.

In addition to the *Regeneration Areas* policies and SASP 433 and 434, additional Official Plan policies were considered as part of the Mimico-Judson Regeneration Area Study.

The Healthy Neighbourhoods policies of the Official Plan identify the need for new neighbourhoods to provide a high quality of life and sense of community. Policy 2.3.1.2 requires that development in *Regeneration Areas*, amongst other land use designations that are close to lands designated *Neighbourhoods*, will be compatible with those neighbourhoods and provide a gradual transition of scale and density, maintain adequate light and privacy, and attenuate resulting traffic and parking impacts.

The Built Form policies provide direction that new development is to be located and organized to fit with its existing or planned context, frame and support adjacent streets and open spaces while providing attractive and functional amenity in both indoor and outdoor spaces in new development.

Official Plan policies also establish that neighbourhoods should provide a full range of housing in terms of form, tenure and affordability and seek to ensure that adequate community services and facilities are provided in areas of growth by adding new parks and other amenities. The Economic Health policies identify that economic opportunities in the City will grow by managing growth and change in ways that guide development to parts of the City where it is most suitable, encouraging high quality architecture, urban design and urban infrastructure.

The Official Plan directs that new parks and open spaces will be located and designed to connect and extend existing parks and open spaces, provide a setting for community life and provide appropriate space and layout for recreational needs.

The Regeneration Areas Studies Status Report received by City Council in 2014 identified the following as matters to be addressed. The recommended Mimico-Judson Secondary Plan and Urban Design Guidelines, considered and approved by City Council in June 2016, addressed these matters as outlined in the report:

- Policies to ensure there is a net gain of employment or employment gross floor area as well as any residential redevelopment;
- A streets and blocks plan;
- A greening strategy and parks and open space plan;
- A public realm improvement strategy to improve streets, sidewalks and boulevards;
- An affordable housing strategy;
- A community services strategy;
- Environmental policies to guide the clean-up of lands and policies for staging;
- Buffering from rail corridors and industry or phasing of redevelopment;
- Transportation policies that encourage walking and transit, particularly direct and safe pedestrian routes to the rapid transit station; and
- The scale of development and transition to adjacent areas.

Mimico-Judson Secondary Plan and Urban Design Guidelines

The subject lands are located within the boundaries of the Mimico-Judson Secondary Plan. At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan, via OPA No. 331, and accompanying Urban Design Guidelines. There are 11 outstanding appeals of OPA No. 331 pending before the Ontario Municipal Board, including an appeal by the applicant for the subject lands.

Together, the Secondary Plan and Guidelines provide a framework to guide the revitalization of the Mimico-Judson Regeneration Area.

The Secondary Plan provides a development framework for continued and expanded employment opportunities as well as targeted opportunities to introduce residential uses and is based on four guiding principles:

1. Retain and expand businesses through land use certainty and flexible mixed use regeneration.
2. Unlock underutilized lands for transit supportive mixed use development.
3. Protect and support existing operations and future expansion opportunities at the Willowbrook Rail Maintenance Facility.
4. Foster a connected and complete community.

The Secondary Plan provides policy guidance to achieve a complete community where people could live, work and undertake activities of daily life within walking distance to higher order transit. The Plan includes policies related to Economic Revitalization, Built Form and Liveability including the need for a new public park and extensions to the local

road network. The proposed new public park is one of many significant components of the Secondary Plan. In addition, the Design Guidelines provide detailed guidance for achieving the public realm and built form policies contained within the Secondary Plan.

The application was reviewed within the context of the Mimico-Judson Secondary Plan as this provided City Council's most current vision and policy direction for the subject site.

Zoning

The former City of Etobicoke Zoning Code zones the subject lands as I.C1 (Class 1 Industrial). The I.C1 zone permits a range of manufacturing, medical, institutional, commercial/recreational facilities and retail sales. The proposed residential uses are not permitted in the Class 1 Industrial Zone.

The lands are subject to City-wide Zoning By-law No. 569-2013 and zoned Employment Industrial Zone (E1.0), permitting light industrial and other employment uses such as manufacturing, and warehouse and wholesaling uses. Additional uses include offices, eating establishment, retail service and accessory retail store. The proposed residential uses are not permitted in the Employment Industrial Zone category (see Attachment 9: Zoning).

Site Plan Control

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

City-Wide Tall Building Design Guidelines

In May 2013, 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>

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.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. A Tree Inventory Report was submitted with the application and is currently under review by City staff. This report indicates that a total of 4 trees are required to be removed to accommodate the proposed development. Of the 4 trees, only one is a privately-owned tree, which is in fair condition and has a diameter at breast height of 30 cm or greater. The owner would be required to address any

outstanding tree protection and injury mitigation issues identified through the review of the application.

Tenure

The applicant advises that the 833 new residential units would be condominium.

Reasons for the Application

An amendment to the Official Plan is required to redesignate the site from *Regeneration Areas* to *Mixed Use Areas*.

The proposed development:

- Does not conform with the Official Plan policies for *Regeneration Areas* which state that a development framework for the area will be developed and that development should not proceed prior to approval of a Secondary Plan; and
- Does not conform with the Mimico-Judson Secondary Plan, adopted by City Council and currently under appeal to the Ontario Municipal Board, and is not consistent with the Mimico-Judson Urban Design Guidelines. In particular, the application, in its current form, does not conform with the following policies in the Secondary Plan: Land Use (Railway Safety); Economic Revitalization (percentage of non-residential uses); Public Realm and Movement (location of the Mimico-Judson Greenway) and Built Form (number of tall buildings, building heights and seven continuous hours of sunlight for the new public park).

In addition, an amendment to the Zoning By-laws is required to permit the proposed residential use and establish the appropriate development standards.

The proposed development:

- Does not conform with the former City of Etobicoke Zoning Code which does not permit residential uses on the site; and
Does not conform with City-wide Zoning By-law No. 569-2013 which does not permit residential uses on the site.

Community Consultation

A community consultation meeting (for the original proposal with two tall buildings) was held on November 23, 2016 at St. Leo's Catholic School. Approximately 30 members of the public attended along with the Ward Councillor, the applicant, their consulting team and City staff.

The community was generally supportive of new development and residential uses on the site, but had the following comments noted at the meeting and provided in subsequent written communications:

- Concern that the proposed development does not conform to the recently approved Mimico-Judson Secondary Plan and Urban Design Guidelines (including podium and building heights as well as the location of the proposed Greenway);

- Concern with the proposed podium height of 2 to 7-storeys, as well as the increase of the total building heights of the proposed 28 and 30-storey tall buildings;
- Concern with shadow impacts on surrounding buildings and residential neighbourhoods;
- Concern with the density of the development and the number of proposed residential units that has the potential to create additional traffic in the area (cumulative effect of all new development in Mimico-Judson);
- Major concern with further traffic impacts on the existing road network, in particular on Royal York Road, Windsor Street and Newcastle Street;
- Major concern that there are not enough public streets in the neighbourhood;
- Concern that no space was provided within the development for community services and facilities;
- Request for a study on how much capacity the GO Station can accommodate; and
- Request for improved public transit in the Mimico-Judson community (more TTC buses).

An additional community consultation meeting, to present the current submission for three tall buildings, is scheduled to be held on December 5, 2017 at St. Leo Catholic School at 165 Stanley Avenue. The area residents and other interested parties, Ward Councillor, the applicant, their consulting team and City staff will be in attendance at this meeting. A Supplementary Report, on the findings of this meeting, will be before City Council at the beginning of Q1 2018.

Agency Circulation

The application (original and current proposal) was circulated to all appropriate agencies and City Divisions. Responses received to the current proposal, have been used to assist in evaluating the application.

COMMENTS

The applicant was encouraged to make modifications to the original proposal to address the issues outlined in the Preliminary Report and Divisional comments. The original proposal was more in keeping with the Mimico-Judson Secondary Plan as well as the Urban Design Guidelines with the exception of required revisions to the heights of the podium and buildings and the location of the Mimico-Judson Greenway. No revisions to address these issues were undertaken. Instead, the applicant submitted the current proposal for three tall buildings including increased building heights and residential units, reduced non-residential gross floor area and vehicular parking spaces. This proposal also fails to achieve the appropriate setback for railway safety or reduce shadowing on Block D (the location of the future public park).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment within existing settlement areas. New development is to have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public

service facilities. Policy 1.1.3.3 of the PPS refers to planning authorities identifying appropriate locations and promoting opportunities for intensification and redevelopment and Policy 1.1.3.4 refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

The PPS identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within a *Regeneration Areas* designation, which is to provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form.

The planned vision for the subject lands, as articulated in the recently approved but appealed Mimico-Judson Secondary Plan, allows for two tall buildings (up to 30-storeys) with provisions for a required minimum gross floor area for non-residential uses, the requirement for a multi-purpose trail (Mimico-Judson Greenway) and public realm improvements to support and create opportunities to connect important destinations internal and external to the Secondary Plan Area, as well as requiring land dedication (through cash-in-lieu) for a new public park.

The applicant's current proposal is comprised of three tall residential buildings (22, 30 and 36-storeys) with a 0.3 Floor Space Index of non-residential uses and the multi-use trail in a different location than envisioned. The proposal does not provide for an appropriate built form, lacks the minimum required gross floor area for non-residential uses and does not meet the policy regarding increased cycling safety (separated bicycle lanes, sharrows, signed routes and off-street multi-use trails such as the Mimico-Judson Greenway) and number of hours of sunlight onto the new public park, as set out by the Secondary Plan.

As outlined in greater detail below, the proposal represents an inappropriate scale of development at a location where a more moderate built form has been identified to better fit the existing and planned context. The proposed development does not conform to the Toronto Official Plan and the Mimico-Judson Secondary Plan, and is therefore inconsistent with the PPS.

The Growth Plan requires municipalities through their Official Plans to identify intensification areas, encourage intensification generally in the built-up area and identify the appropriate type and scale of development in these areas. It also requires all intensification areas be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places and to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.1 and 2.2.2). Further, planning will be prioritized for *major transit station areas* on *priority transit corridors*, including zoning in a manner that implements the policies of this Plan. *Major transit station areas* on *priority transit corridors* or subway lines will be planned for a minimum density target of 150 residents and jobs combined per hectare for those that are served by the GO Transit rail network (Policy 2.2.4). In addition, it requires promoting economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses (Policy 2.2.5).

The current proposal for three tall residential buildings with increased building heights and density is not in keeping with the planned context and does not provide an appropriate type and scale of development. The current proposal also lacks the minimum required non-residential uses despite the direction to promote economic development. As a result, the proposal does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The applicant is proposing to amend the Official Plan by redesignating the subject site from *Regeneration Areas* to *Mixed Use Areas* to permit a mix of residential and non-residential uses. The Official Plan states that each *Regeneration Areas* requires a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study, and that development should not proceed prior to the approval of a Secondary Plan informed by that study.

At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan (OPA No. 331). The Secondary Plan plans for a complete community and among other matters regulates building heights and minimum non-residential uses, and contemplates the provision of the Mimico-Judson Greenway and appropriate parkland dedication for a new public park. The Secondary Plan provides a new vision and policy direction for the site and redesignates the subject lands from *Regeneration Areas* to *Mixed Use Areas*. The Secondary Plan also provides a framework for employment and residential uses to achieve a balance between compatible land uses that creates a dynamic place to live, work, learn and play.

Although the applicant is proposing to redesignate the subject lands from *Regeneration Areas* to *Mixed Use Areas*, reflective of the Secondary Plan objective, the proposal fails to achieve an appropriate balance of residential and non-residential uses, and fails to implement the Built Form, Public Realm and Movement improvements envisioned for the area and Block C. As the Mimico-Judson Secondary Plan is currently under appeal to the Ontario Municipal Board, the application is premature as the Secondary Plan may be amended through the OMB appeal process or Council's vision for this area and site will remain unchanged. It should be noted that the Mimico-Judson *Regeneration Areas* Study looked at the area holistically, which is preferred to making planning decisions in areas of change on a site by site basis.

Built Form

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; d) refers to providing for adequate light and privacy; and f) refers to minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks.

Policy 3.1.2.2 requires that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets by:

- c) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk.

Further, Policy 3.1.2.4 requires that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Tall Building policies and guidelines expand on this by referring to fit and compatibility and an appropriate transition from tall buildings to lower-scale buildings. Policy 3.1.3.2 identifies key urban design considerations including:

- b) demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- c) demonstrating how the proposed building and site design relate to the existing and/or planned context; and
- d) taking into account the relationship of the site to topography and other tall buildings.

In addition, the Official Plan Building New Neighbourhoods Policy 3.3.3 requires that new neighbourhoods will be carefully integrated into the surrounding fabric of the City. They will have:

- a) good access to transit and good connections to the surrounding streets and open spaces;
- b) uses and building scales that are compatible with surrounding development;
- c) community services and parks that fit within the wider system; and
- d) a housing mix that contributes to a full range of housing.

The Official Plan Healthy Neighbourhoods Policy 2.3.1.3 requires that intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhoods* or *Apartment Neighbourhoods* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an Avenue Study, or area based study. In this case, the Mimico-Judson Secondary Plan is currently under appeal to the Ontario Municipal Board.

The proposed development includes a 4-storey (18.1 m) podium along the Newcastle Street and Windsor Street frontages and would have three tall buildings at heights of 22, 30 and 36-storeys (72.6 m, 96.2 m, 113.9 m excluding mechanical penthouses). The proposed street wall height would be 4-storeys and include one 7 m stepback above the second storey. The lands subject to this application have not been identified as a site for three tall buildings.

Public Realm

Chapter 3 of the Official Plan contains a number of policies related to building a successful city that improves quality of life. The Public Realm policies guide the development of streets, sidewalks and boulevards.

Policy 3.1.1.5 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. New and existing City streets will incorporate a Complete Street approach and be designed to perform their diverse roles by, but not limited to:

- d) providing building access and address, as well as amenities such as view corridors, sky view and sunlight.

Policy 3.1.1.6 states that the design of sidewalks and boulevards should provide safe, attractive, interesting and comfortable spaces for pedestrians. In addition, Policy 3.1.1.14 states that design measures which promote pedestrian safety and security will be applied to streetscapes, parks, other public and private open spaces, and all new and renovated buildings.

Further, Policy 3.1.1.19 states that new parks and open spaces will be located and designed to, but not limited to:

- a) connect and extend, wherever possible, to existing parks, natural areas, and other open spaces such as school yards; and
- b) provide a comfortable setting for community events as well as individual use.

The applicant is proposing the multi-use trail to be located along Newcastle Street and Windsor Street. This trail would be crossing over private driveways and public streets which could create potential pedestrian and cyclist conflicts. The trail is also proposed in a location (Newcastle and Windsor Streets) that could impact and/or be impacted by employment uses located along its route. In addition, the proposed development would cast shadows onto the trail, creating an inappropriate condition.

The proposal fails to achieve a connected and direct access through and beyond the Secondary Plan Area (including to the Mimico GO Station and existing parks and open spaces).

Conformity with the Mimico-Judson Secondary Plan (OPA No. 331)

The Mimico-Judson Secondary Plan is the result of a *Regeneration Areas* study completed for the area. The Secondary Plan provides a development framework for continued and expanded employment opportunities as well targeted opportunities to introduce residential uses.

To ensure the area remains a viable place for businesses to locate and operate, the Plan requires that a minimum Gross Floor Area of employment uses be required in all new development within *Mixed Use Areas based on the* proposed building type as a function of Floor Space Index (FSI) (Policy 1.1).

The Secondary Plan includes a Vision for the area and policies and objectives regarding Land Use, Economic Revitalization, Public Realm, Movement, Built Form, Livability, Environmental and Implementation.

The Secondary Plan, under Policy 1.2, promotes a vision for the area that identifies the following (see Attachment 4: Map 35-2 Structure Plan from the Mimico-Judson Secondary Plan):

- Anchors (Christ Church Cemetery and Coronation Park, Mimico GO Station, Willowbrook Rail Maintenance Facility and a new public park) which are fixed elements that any plans for change need to consider and strengthen; and
- Connectors (Grand Avenue Extension, Mimico-Judson Greenway and Pedestrian/Cyclist Overpass) which would provide physical links between places that are not directly connected to each other.

The Implementation of the Secondary Plan specifies that in the absence of a Site and Area Specific Policy or Zoning By-law Amendment addressing Blocks within the Secondary Plan Areas as a whole, proponents for redevelopment in Blocks C, D and E shall be required to submit Detailed Block Plans envisioning the development of the entire block regardless of future development ownership patterns (as cited under Policy 9.2).

Policy 9.3 states that landowners are encouraged to collaborate on the preparation and submission of the required Detailed Block Plans which will be reviewed for conformity with the policies of this Secondary Plan and supporting documents including the Mimico-Judson Urban Design Guidelines and other applicable City of Toronto Urban Design Guidelines.

Policy 9.4 states that the Detailed Block Plan required in Policy 9.2 will illustrate one or more options for acceptable built form of development within the Block, including on lands that are not subject to the application.

Policy 9.5 states that the Detailed Block Plan for Block C will include:

- a) the location of lands for the Mimico-Judson Greenway;
- b) location and amount of uses that support the economic function of the Secondary Plan Area;
- c) the provision of acceptable building height, massing and articulation in accordance with Map 35-6, including appropriate drawings such as shadow studies;
- d) consolidated loading and access to minimize curb cuts and interruptions in the public realm;
- e) location and amount of affordable housing and non-residential uses; and
- f) block-wide municipal servicing assessment report.

Policy 9.8 states the Detailed Block Plans will be considered by City staff. Site and Area Specific Policies will be recommended to City Council for each Block as Official Plan Amendments to the Secondary Plan.

This Zoning By-law Amendment application included the submission of a Detailed Block Plan for Block C of the Mimico-Judson Secondary Plan Area.

The applicant's current proposal fails to implement both the policies and Structure Plan of the Secondary Plan and is contrary to the vision outlined which provides for appropriate built form (two tall buildings that are no higher than 30-storeys), specific percentages for non-residential uses, the protection for a connected and direct multi-use trail (the Mimico-Judson Greenway), as well as seven hours of continuous sunlight onto the new public park.

The proposal for three tall buildings casts more shadows within its own block and onto existing buildings as well as lacks appropriate sky views and through block views. The proposal for less non-residential uses fails to achieve a balance to preserve the economic revitalization of the Secondary Plan area. Further, the Greenway, proposed along Newcastle and Windsor Streets rather than the envisioned location along the rail corridor, would cause potential pedestrian/cyclist conflicts on public streets and/or be impacted by adjacent employment uses.

Land Use

Railway safety requires that any portion of a development containing residential and other sensitive land uses (as defined by the Provincial Policy Statement, 2014) shall be setback a minimum of 30 m from the property line bordering the rail corridor to the south and provide appropriate mitigation and safety features to implement the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC) Guidelines for New Development in Proximity to Railway Operations (Policy 2.10 of the Mimico-Judson Secondary Plan).

The standard residential setback for buildings immediately adjacent to GO Transit rail corridors is 30 m, measured from the mutual property line to the closest sensitive use.

In this instance, the applicant's revised proposal would not be immediately adjacent to the rail corridor, however, since the intervening property is occupied by the GO Transit Mimico GO Station parking lot, the subject lands would continue to have direct exposure to the active rail corridor and therefore, the setback remains a relevant consideration. This setback issue relates primarily to the active rail corridor and as such the measurement of the setback from the edge of the active corridor (north side of the northern-most track) would be appropriate.

The applicant's revised proposal, containing residential and other sensitive land uses attempts to satisfy the setback requirement as a combination of horizontal and vertical distances (22 m and 8 m) from the first residential unit located on the second floor of Building 3 (at the southwest limits of the subject lands). Policy 2.10 of the Mimico-Judson Secondary Plan does not provide consideration of vertical distances in this context, therefore, the appropriate separation distance for a main rail corridor is not being achieved. Metrolinx has also raised this as a potential issue to be addressed and remains outstanding.

Economic Revitalization

The economic revitalization strategy, contained in the Secondary Plan, builds on the extensive work undertaken as part of the Municipal Comprehensive Review of

employment lands and provides area specific policies that are intended to attract new investment and retain existing businesses within the Secondary Plan Area. Development is to be consistent with the vision of revitalizing the Secondary Plan Area's economic function and promoting new employment opportunities, while protecting existing business operations, as cited under Policy 3.1.

Policy 3.3 of the Secondary Plan states that development of residential uses on lands within Blocks designated *Mixed Use Areas* will require the provision of a minimum gross floor area of non-residential uses that support the economic function of the Secondary Plan Area, based on the type of building proposed as follows:

- a) 0.50 FSI for tall buildings (greater than 12-storeys).
- b) 0.45 FSI for mid-rise buildings (5 to 12-storeys).
- c) 0.15 FSI for townhouses or low rise buildings (up to and including 4-storeys).

Further, Policy 3.4 specifies that the minimum required gross floor area of non-residential uses that support the economic function of the Secondary Plan Area shall be built prior to, or concurrent with, the associated new residential development.

The Secondary Plan designates the subject lands *Mixed Use Areas* and establishes the maximum building heights to be no taller than 30-storeys (tall buildings). The Secondary Plan requires tall buildings to have a non-residential Floor Space Index equal to 0.50 times the area of the lot. The applicant is proposing three tall buildings with a non-residential Floor Space Index equal to 0.30 times the area of the lot. This does not meet the requirement of Policy 3.3, and therefore does not conform with the Secondary Plan. It should be noted that the applicant has not submitted an Employment Generation Study in support of the proposed reduction to the required non-residential Floor Space Index.

Public Realm and Movement

The public realm, identified in the Secondary Plan, is made up of streets, parks and other publicly owned and publicly accessible private lands. The public realm policies support a number of key place making objectives and create opportunities to connect important destinations internal and external to the Secondary Plan Area. The Mimico-Judson Greenway (4 m wide multi-use trail) is a major component of the public realm and plays a large role in achieving several goals of the Secondary Plan.

The Movement Strategy for the Secondary Plan Area is based on the opportunities to utilize higher order transit and improve the Secondary Plan Area's integration with neighbouring communities. The Movement Strategy provides for the introduction of the Mimico-Judson Greenway, which will provide for important pedestrian/cycling connections through the Secondary Plan Area and across Royal York Road.

Policies 4.5 to 4.7 of the Secondary Plan specifies that the Mimico-Judson Greenway is a key connector that will provide a dedicated, direct and safe multi-use trail for pedestrians and cyclists with integrated landscape features and will link to existing/new parks and open spaces in the surrounding community. This Greenway will be located

within the required setback from the rail corridor, east of Royal York Road, and on the south side of Judson Street, west of Royal York Road.

Policy 4.11 specifies that pedestrian priority areas will be created through increased building setbacks, additional landscaping and signage and are intended to direct pedestrian activity to the *Mixed Use Areas* designated side of the street. To minimize pedestrian conflict with employment activity on lands designated as *Employment Areas*, Pedestrian Priority Areas are identified on Map 35-5 Movement Strategy (see Attachment 6: Map 35-5 Movement Strategy From the Mimico-Judson Secondary Plan) and apply to the following blocks:

- a) West side of Windsor Street between Portland Street and the Mimico GO Station;
- b) East side of Buckingham Street between Portland Street and Newcastle Street; and
- c) South side of Newcastle Street between Windsor Street and Buckingham Street.

The applicant is proposing to provide the 4 m wide Mimico-Judson Greenway, however, in a different location than envisioned in the Secondary Plan. The applicant's proposed Mimico-Judson Greenway would run along the western and northern limits of Block C being Newcastle Street and Windsor Street. The proposed location of the Greenway does not meet the objective of the policy to provide Connectors (i.e. the Mimico-Judson Greenway) that would achieve physical links between places that are not directly connected to each other. As a result, the proposal does not conform to the Public Realm and Movement policies of the Mimico-Judson Secondary Plan.

In addition, the current proposal includes a vehicular driveway at the southwest limit of the site, from Windsor Street, whereas the Mimico-Judson Urban Design Guidelines encourages no vehicular interruptions (at the south end of Windsor Street) to the boulevard in order to support the pedestrian priority area and treatment.

Built Form

The Secondary Plan provides that infill redevelopment opportunities will take various built forms based on their location within the Secondary Plan Area and surrounding context. The Secondary Plan provides that new development should define the street edges, parks and open spaces, and should ensure that the scale and form will respect the scale of the existing neighbourhoods and achieve compatibility with the permitted employment uses in the Secondary Plan Area.

The Secondary Plan, under Policy 6.1 specifies that development within the Secondary Plan Area shall be constructed no taller than the maximum building heights illustrated on the following map (see Attachment 7 - Map 35-6 Built Form Typology from the Mimico-Judson Secondary Plan).

Policy 6.3 specifies that building heights and scale are to be organized generally with mid-rise buildings located east of Royal York Road, with the exception of Block C south of Newcastle Street adjacent to the previously approved tall building ('On the GO

Mimico'); and lower heights along street edges, particularly on the south side of Portland Street.

Policy 6.4 provides that, for the purposes of the Secondary Plan, and given the unique area context, low-rise buildings are buildings no taller than 4-storeys (16.5 m) in height; mid-rise buildings are buildings no less than 5-storeys (16.5 m) and no more than 12-storeys (37.5 m) in height; and tall buildings are buildings no less than 13-storeys (40.5 m) and no more than 30-storeys (91.5 m) in height.

Policy 6.5 provides that development should:

- a) provide a consistent 4-storey street wall;
- b) incorporate a stepback above the fourth storey along all public streets; and
- c) be located entirely within a 45-degree angular plane measured from all property lines abutting streets beginning at 16 m above grade measured at the property line abutting the street.

However, Policy 6.6 specifies that only on Block C, tall buildings may pierce the angular plane for a portion of the street frontage.

In addition, the recommended Mimico-Judson Urban Design Guidelines set out additional design guidance that would allow new development to build on the strengths of the Secondary Plan Area, and relate to its industrial character as well as the green spaces throughout the area. For example, the separation distance for tall buildings is 25 m. Further, building setbacks should be consistent with the following criteria:

- 4 m on Newcastle Street;
- 5 m on Windsor Street; and
- 3 m from the edge of the podium along property line to the tower portion.

The current proposal, as submitted, conforms to the requirements stated above including maintaining a 4-storey street wall, appropriate stepbacks and setbacks and minimum separation distance of 25 m for tall buildings.

On the subject site, the Secondary Plan envisions two tall buildings with building heights up to 30-storeys (91.5 m) high. The applicant's current proposal for one additional tall building (for a total of three tall buildings) with building heights of 22, 30 and 36-storeys (72.6, 96.2 and 113.9 m) high, is much taller than what is envisioned for the area. The scale of development fails to achieve a built form that fits the planned context as specified in the Secondary Plan and the accompanying Mimico-Judson Urban Design Guidelines which would result in inappropriate sky views and shadow impacts.

Livability

The Secondary Plan states new residential development in *Mixed Use Areas should* provide a residential unit mix. Policy 7.1 of the Secondary Plan states that new residential development will provide 25% or more of the units built as two-bedroom units or larger, including 10% of the total units built as three-bedroom units or larger. The current proposal, as submitted, conforms to these requirements.

The Secondary Plan indicates that there are opportunities to provide additional community services and facilities to support and meet the needs of residents and employees. Policy 7.4 outlines the Community Services and Facilities priorities for the Secondary Plan Area and surrounding community, which include the following: pre-school programs; senior day programs; and farmers' markets.

The proposal, which contemplates 833 new residential units in the area, does not provide for or identify space within the development for additional Community Services and Facilities. Further consideration would be required for the provision of Community Services and Facilities.

Open Space/Parkland

The Official Plan contains policies to ensure 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 0.80 to 1.56 ha of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant's current proposal includes 833 residential units and 2,578 m² of non-residential space on the subject lands of approximate 0.79 ha. At the alternative rate of 0.4 ha per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 11,107 m² or 146% of the site area. However, By-law 1020-2010 states that for sites that are less than 1 ha in size, 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 767 m² or 9.7% of the net site area.

The Mimico Judson Secondary Plan, under Policy 7.8, states that a new public park is required to serve future and existing residents and employees within the Secondary Plan Area, act as a focal point of the neighbourhood, and should be located to allow for easy access to the Mimico-Judson Greenway. Policies 7.9 through 7.11 specify the new park is to be located within Block D and have frontage on a minimum of two public streets in a highly visible and accessible location; be of a size and shape that will achieve a centrally located "Neighbourhood Park"; and assist in creating connections between private and public open spaces within the Secondary Plan Area. Policy 7.13 specifies that proponents who are seeking to develop on lands within the Secondary Plan Area outside of Block D are encouraged to secure off-site parkland dedication within Block D.

In this case, a dedication of 767 m² would be required on Block C. An off-site parkland dedication is encouraged on Block D, however, should this not be possible, the applicant would be required to satisfy the parkland dedication either through on-site dedication or cash-in-lieu at Council's direction. An on-site dedication would require a revision to the proposal.

Policy 3.2.3.2b) of the Official Plan, requires parkland acquisition strategies that take into account parkland characteristics and quality. In addition, Policy 3.2.3.3 states that the effects of development from adjacent properties, including additional shadows,

noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

Further, Policy 6.2 of the Secondary Plan requires that new development not cast any shadows onto the future public park on Block D for seven continuous hours during the spring and fall equinoxes. The proposed building heights would cast shadows on the proposed parkland such that there would not be seven hours of continuous sunlight on the park. This condition is not acceptable.

A revision to the current proposal (eliminate one tall building and reduce building heights) may improve the shadow condition on the new public park. Further shadow studies would be required to demonstrate this.

Sun and Shadow

Policy 3.1.2.3 of the Official Plan requires that new development be massed to adequately limit any resulting shadowing of neighbouring streets, properties and open spaces and to minimize any additional shadowing on neighbouring parks as necessary to preserve their utility. Further, Policy 4.5(2)(d) requires buildings to be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. The lands directly to the south of the subject lands (across the rail corridor) are designated *Neighbourhoods*.

In addition, Policy 6.2 of the Secondary Plan states that development shall:

- a) Not cast any shadows onto the park block location in Block D for seven continuous hours during the spring and fall equinoxes; and
- b) Not cast any shadows on lands designated *Neighbourhoods* between the hours of 10:00 a.m. and 5:00 p.m. during the spring and fall equinoxes.

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 with the surrounding context. These City policies and guidelines emphasize the need to locate and mass new buildings to limit shadow impacts.

Shadow impacts are important as they affect thermal comfort (enjoyment) of being outside and the provisions 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, number of buildings and building heights and setbacks, as well as the time of year and angle of the sun.

A study was submitted illustrating the extent of shadowing that would result from the proposed development for March, June, September and December 21. The study shows, for all times of the year, that the proposed development does not provide seven hours of continuous daylight without casting a shadow onto Block D (location of the new public park) and there would be shadows cast on lands designated *Neighbourhoods* between the hours of 10:00 a.m. and 5:00 p.m. during the spring and fall equinoxes.

The proposed development does not comply with the relevant policies of the Official Plan, the Secondary Plan policies and the Tall Building Design Guidelines as the proposed development would create unacceptable shadows on the lands designated *Neighbourhoods* and on Block D (lands the new park is envisioned to be located) as well as on the subject lands and surrounding amenity spaces (including public space - streets and sidewalks). In fact, the proposed development would be in shadow for the majority of the day creating an uncomfortable condition for the existing and new residents.

Wind

A Pedestrian Wind Assessment prepared by Novus Environmental dated June 29, 2017 was submitted in support of the current proposal.

The Mimico-Judson Secondary Plan identifies the public realm to be made up of streets, parks and other publicly owned and publicly accessible private lands. In addition, new development and public realm improvements will prioritize pedestrian movements throughout the Secondary Plan Area. The Mimico-Judson Urban Design Guidelines outline design features that could enhance the manner in which a new building would address the streets and open spaces. These design features include: active elevations and entrances; building setbacks and stepbacks; and naturalized landscaping. The successful application of these design features is intended to result in comfortable sidewalks, courtyards and enhancements to parks and other open spaces. Key goals and objectives seek to maximize access to sunlight and comfortable pedestrian level wind conditions for employees and residents.

The study identified that the proposed three tall buildings would cause uncomfortable wind conditions in various areas of the site and on the surrounding streets (Newcastle Street and Windsor Street) during the winter season. These areas include the northeast, northwest and southwest corners of the development at grade. In addition, wind safety criterion would not be met at the fourth level (including outdoor amenity space, balconies and/or terraces).

In this instance, mitigation measures, including increased tall building setbacks from the podium edge, have been recommended. The study also states that additional analysis and testing would be required to confirm the efficacy of changes to the overall design.

Noise and Vibration

A Noise and Vibration Study prepared by Novus Environmental dated July 28, 2017 was submitted in support of the applicant's current proposal.

The study identified that the predominant source of transportation noise affecting the subject lands is from the GO Lakeshore West Line, CN Oakville subdivision, Royal York Road, Windsor Street and Newcastle Street. In addition, the transportation vibration impacts would be from the rail lines.

The study identified the need for acoustical upgrades to the façade walls and windows in order to comply with the Ministry of the Environment (MOE) criteria for indoor sound levels. Also, a number of transportation Warning Clauses (for the residential units/terraces and the rooftop outdoor amenity areas) to be registered on Title and

included in agreements of purchase and sale was also recommended. In addition, a number of units within the development would require mandatory central air conditioning.

Regarding the potential vibration impact from the rail lines, the study concluded that no vibration mitigation is recommended.

Metrolinx has reviewed the Noise and Vibration Studies prepared by Novus Environmental dated June 28, 2016 and July 28, 2017, submitted in support of the original and current development proposals. Metrolinx submitted comments regarding the original proposal in November 2016 which identified concerns with the original study. These comments, with responses from Novus, are presented in Appendix D of the revised study for the current proposal. Metrolinx has identified that the original concerns still have not been addressed. Specifically, the assumptions regarding stationary noise sources, including the Willowbrook yard, as well as idling trains at Mimico station, are not valid. No further updates to the analysis have been completed or submitted for review.

Further, it should be noted that circumstances in the area have changed since the study (dated June 28, 2016) was completed. For example, the development at 327 Royal York Road ('On the GO Mimico') which was anticipated to screen some noise for the subject tall buildings, has gone into receivership and the future of the project is uncertain. Overall, the conclusions regarding noise levels, as presented in the reports, are not reliable and should be revisited.

Metrolinx has stated that the extent of the evaluation of vibration impacts on the proposed development is not adequate. In particular, only one nighttime reading was taken. Overall, the conclusions regarding vibration levels are also not reliable and should be revisited.

Both the transportation noise and vibration impacts are further exacerbated by the proposed increase in building heights, as well as the third tall building included as part of the applicant's current proposal.

A peer review of the Noise and Vibration Study dated July 28, 2017 was not undertaken given the number of policy issues associated with the current proposal and its lack of conformity with the Official Plan and Mimico-Judson Secondary Plan.

Should a more acceptable future application or resubmission be received, a peer review would be warranted to confirm the architectural sound isolation requirements and compliance with the City of Toronto noise by-laws and MOE Guidelines.

Other Issues

- A Traffic Impact Study Update prepared by NextTrans Consulting Inc. dated July 2017 was submitted and circulated to Transportation Services staff for review. Comments related to the study remain outstanding. This Study Update was also circulated to Metrolinx staff for review. Currently, Metrolinx has their primary access driveway from Windsor Street. In addition, private driveways (from Windsor Street) are also proposed at 39 Newcastle Street and the future development at 327 Royal York Road ('On the GO Mimico') which could create potential traffic impacts on

Windsor Street. Metrolinx has raised concern with the analysis that has been completed at the intersection of Windsor Street and Newcastle Street. The results indicate that this intersection would operate at acceptable levels, however, the analysis did not include the afternoon traffic when a train arrives at the station.

- A Site Servicing Assessment (Revision 2) prepared by Counterpoint Engineering dated June 22, 2017, a Hydrogeological Study prepared by WSP/ASL Consultants Limited dated December 18, 2015, and a Geotechnical Study prepared by SPL dated September 1, 2015 was submitted in support of the original and/or current proposal. Engineering and Construction Services staff have reviewed the above materials and have indicated that further analysis is required as set out in their memorandum dated August 25, 2017.
- A Phase One Environmental Site Assessment (ESA) prepared by SPL dated December 11, 2015 was submitted in support of the original proposal. Should any application be approved for these lands, further investigation in support of a Risk Assessment (RA) would be required to be conducted in order to facilitate the filing of a Record of Site Condition (RSC). It should be noted that an RSC cannot be filed for the subject lands without additional investigation and remedial actions or without an RA being conducted.
- Metrolinx has identified a number of requirements and considerations should a more acceptable future application or resubmission be received (see Attachment 10: Requirements and Considerations from Metrolinx). A key consideration would be the requirement for an appropriate setback of 30 m from the rail corridor and for additional building setbacks to ensure there is sufficient separation from any future development on the Metrolinx lands.

CONCLUSION

The proposed application has been reviewed against the current in force Official Plan policies and the policies of the Mimico-Judson Secondary Plan, adopted by City Council via Official Plan Amendment No. 331, but currently under appeal to the Ontario Municipal Board.

The Official Plan states that each *Regeneration Areas* requires a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study, and that development should not proceed prior to the approval of a Secondary Plan informed by that study. The Official Plan sets out policies on Built Form and Public Realm amongst others in order to provide direction for new development.

The Mimico-Judson Secondary Plan provides a policy framework to guide the revitalization of the area and create a place that supports and protects the continued employment function of the area while providing for appropriate heights and densities. A key objective of the Secondary Plan is to ensure that the evolution of the neighbourhood is supported with hard and soft infrastructure and integrated into the

surrounding fabric by providing for much needed connections to the Mimico GO Station for areas that lie beyond the boundaries of the Secondary Plan Area.

The applicant's current proposal does not adequately respond to the vision and policy framework outlined in the Council-approved Mimico-Judson Secondary Plan and accompanying approved Urban Design Guidelines. The proposed development does not conform to the policies of the Secondary Plan as it relates to Land Use, Economic Revitalization, Public Realm and Movement and Built Form.

It should be noted that the proposal for a third tall building on-site and the excessive building heights would create an inappropriate living environment (related to shadowing and adequate light and privacy) for existing and new residents.

Finally, should this application be approved in any form, the Mimico-Judson Greenway should be secured through an easement registered on title. The location of the proposed Greenway is not acceptable.

It is recommended that this Official Plan and Zoning By-law Amendment application be refused.

CONTACT

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SIGNATURE

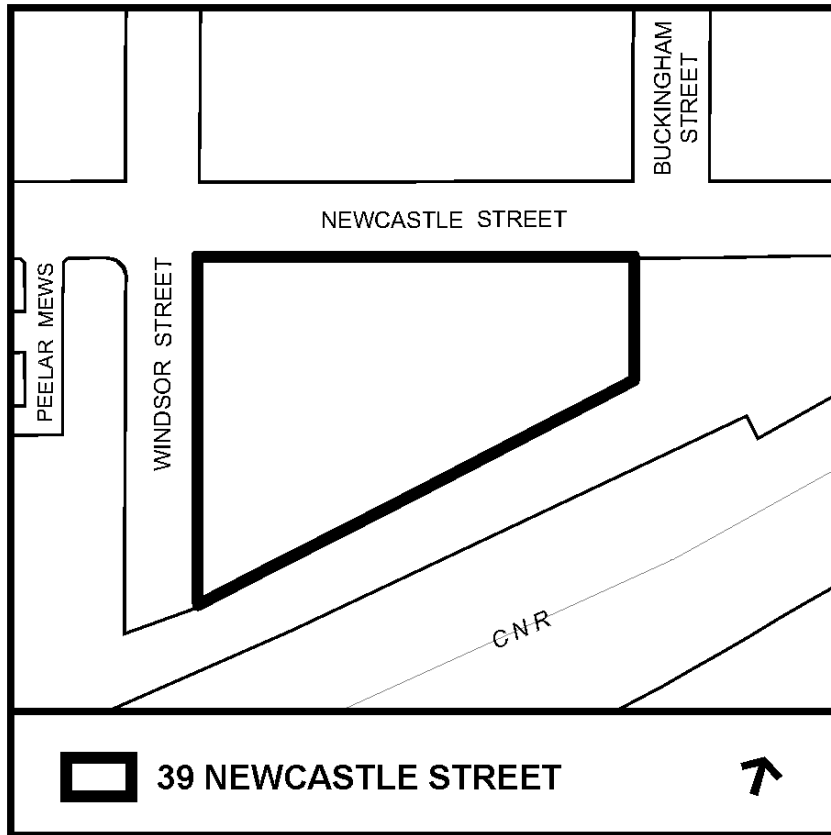
Gregg Lintern, MCIP, RPP
Acting Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

- Attachment 1: Key Map
- Attachment 2: Site Plan
- Attachment 3: Elevations
- Attachment 4: Map 35-2 Structure Plan From the Mimico-Judson Secondary Plan
- Attachment 5: Map 35-3 Land Use Designations From the Mimico-Judson Secondary Plan
- Attachment 6: Map 35-5 Movement Strategy From the Mimico-Judson Secondary Plan

- Attachment 7: Map 35-6 Built Form Typology From the Mimico-Judson Secondary Plan
- Attachment 8: Official Plan
- Attachment 9: Zoning
- Attachment 10: Requirements and Considerations from Metrolinx
- Attachment 11: Application Data Sheet

Attachment 1: Key Map



Attachment 2: Site Plan



39 Newcastle Street

File # 16 198950 WET 06 02

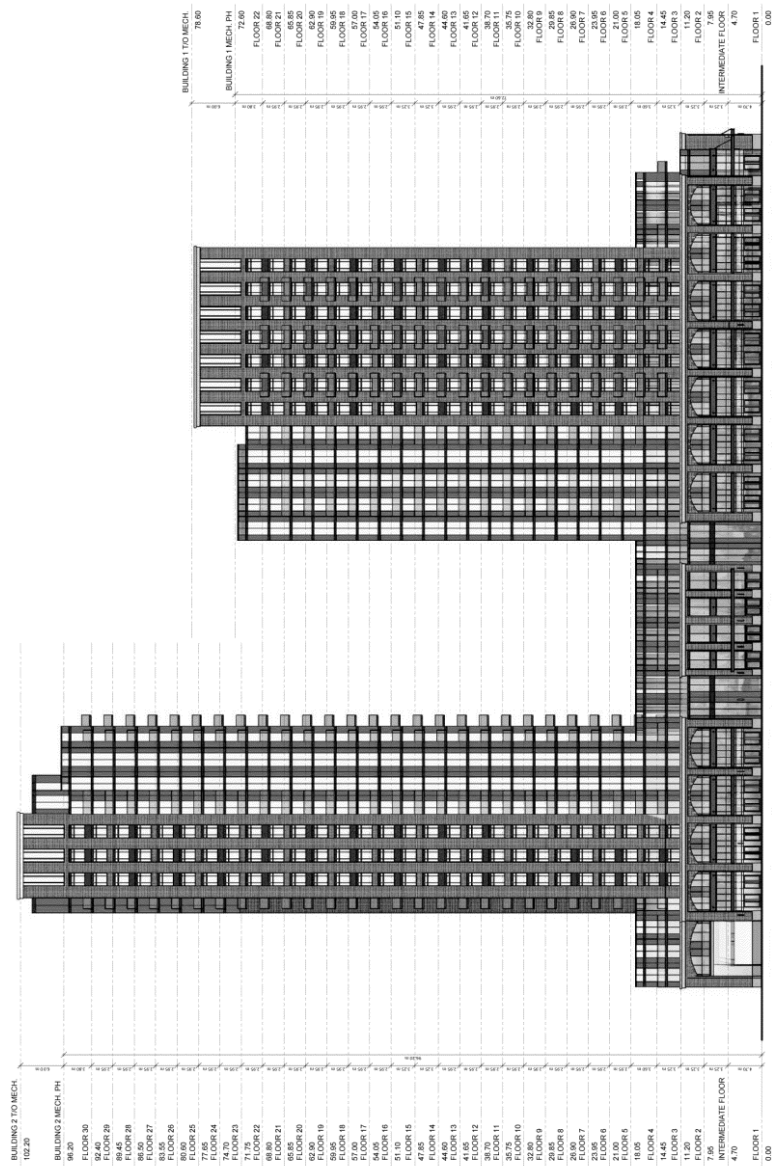
Site Plan

Applicant's Submitted Drawing

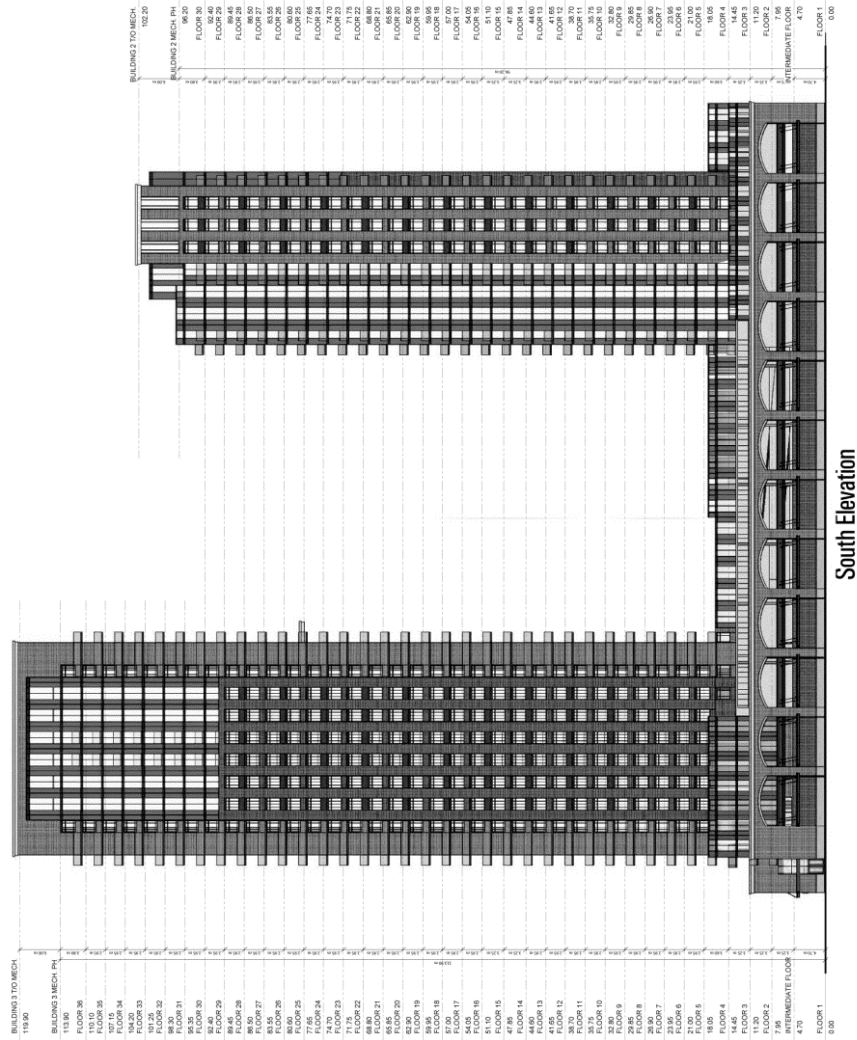
Not to Scale
10/05/2017



Attachment 3: Elevations



North Elevation (along Newcastle Street)

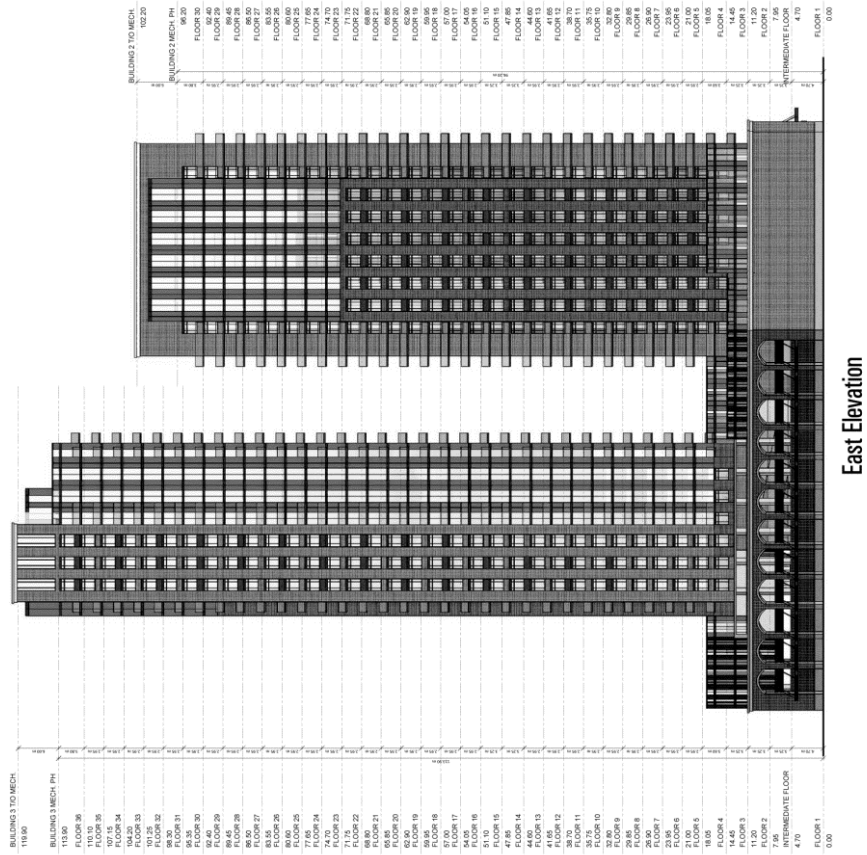


South Elevation

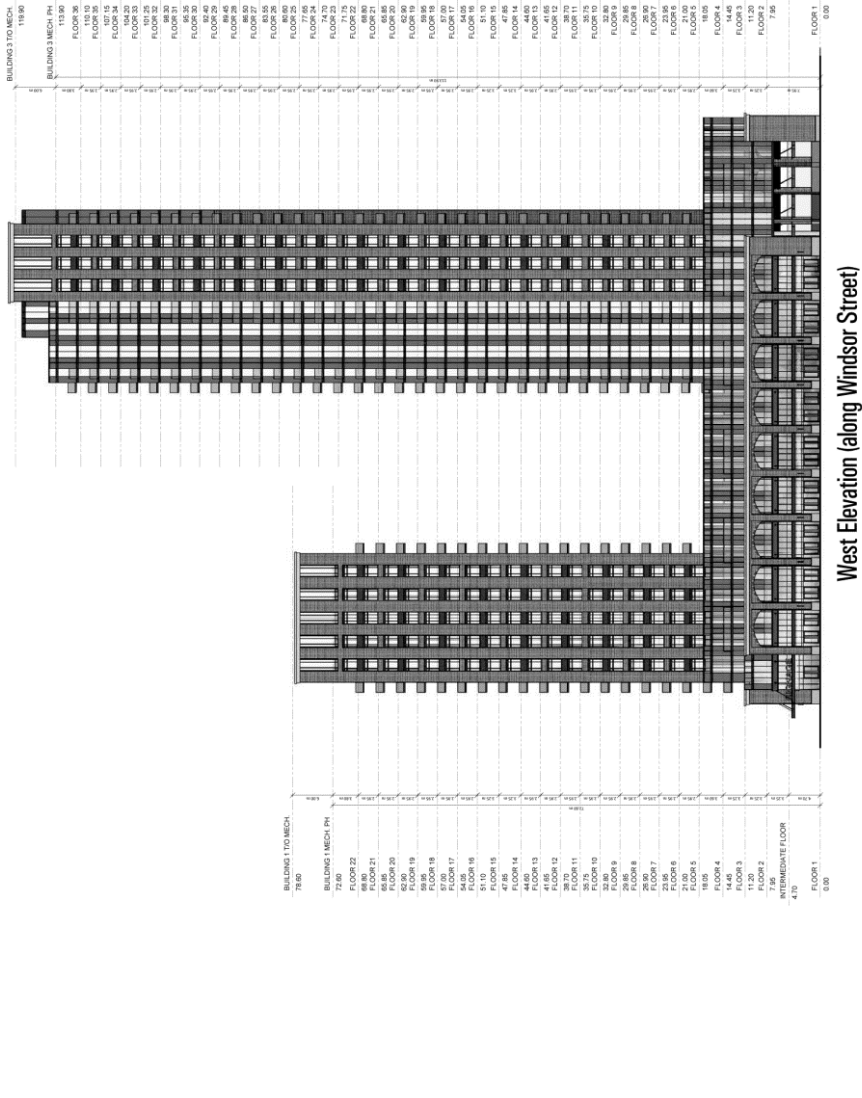
39 Newcastle Street

Elevations
Applicant's Submitted Drawing
Not to Scale
10/05/2017

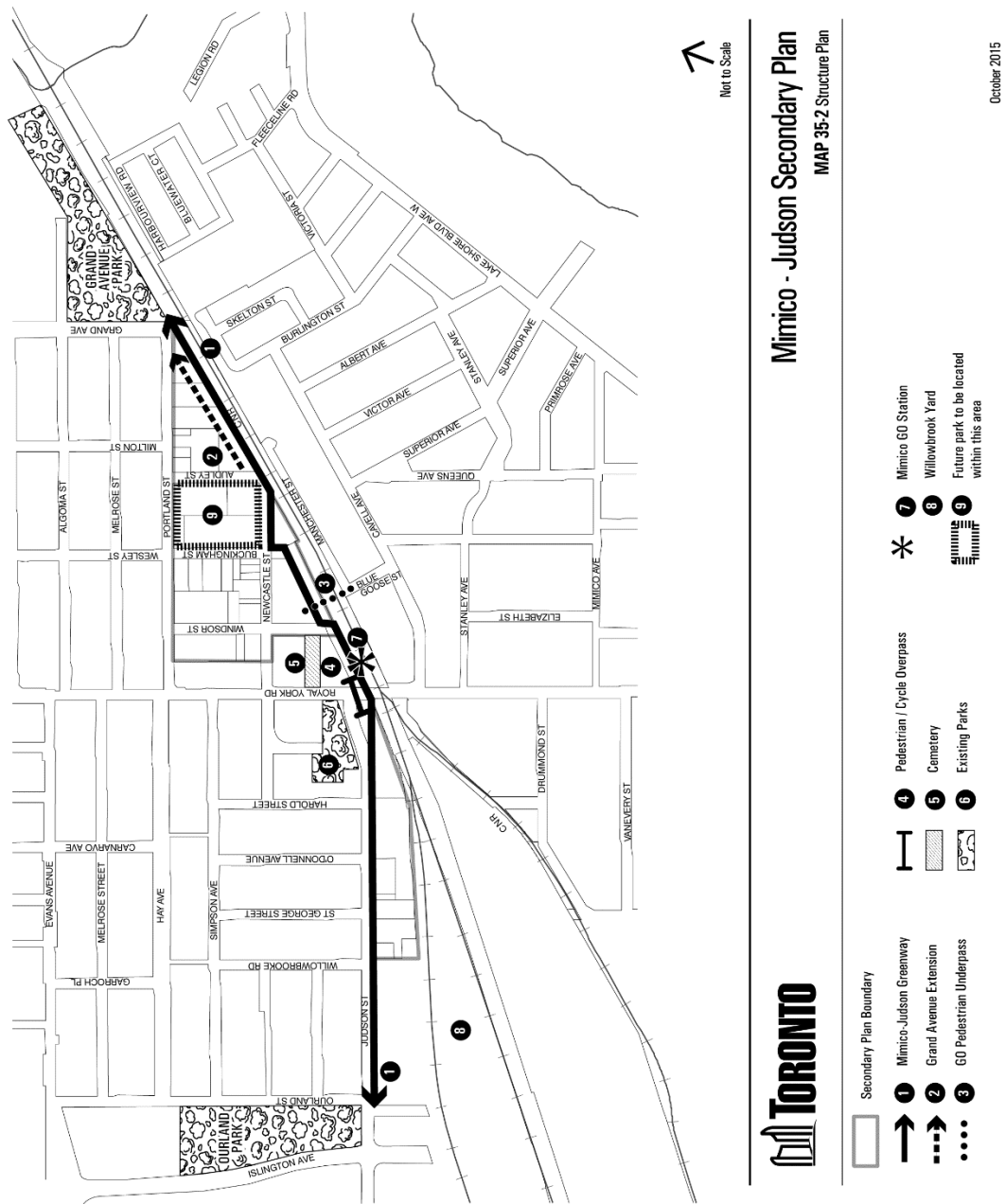
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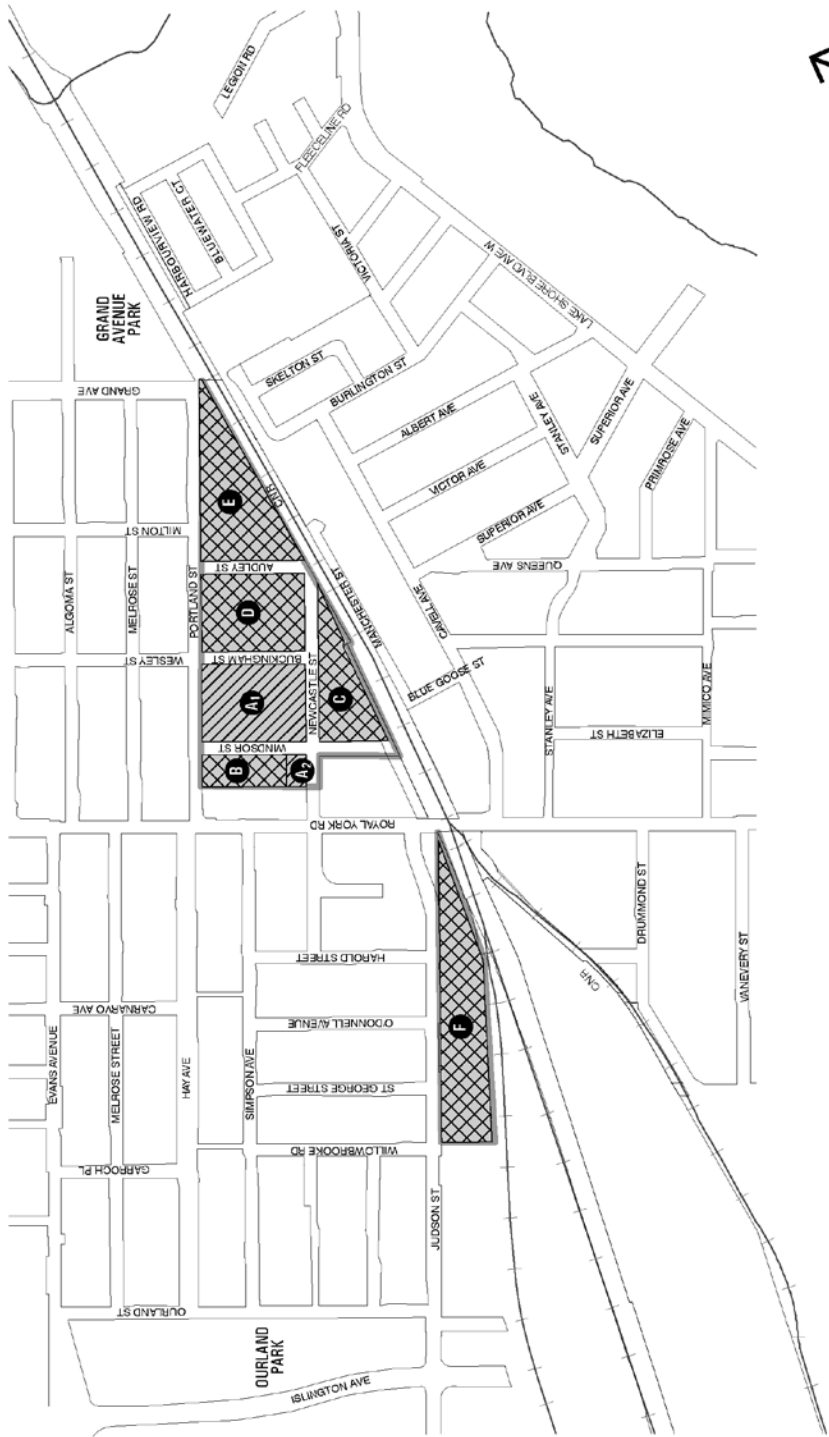
East Elevation



Attachment 4: Map 35-2 Structure Plan From the Mimico-Judson Secondary Plan



Attachment 5: Map 35-3 Land Use Designations From the Mimico-Judson Secondary Plan



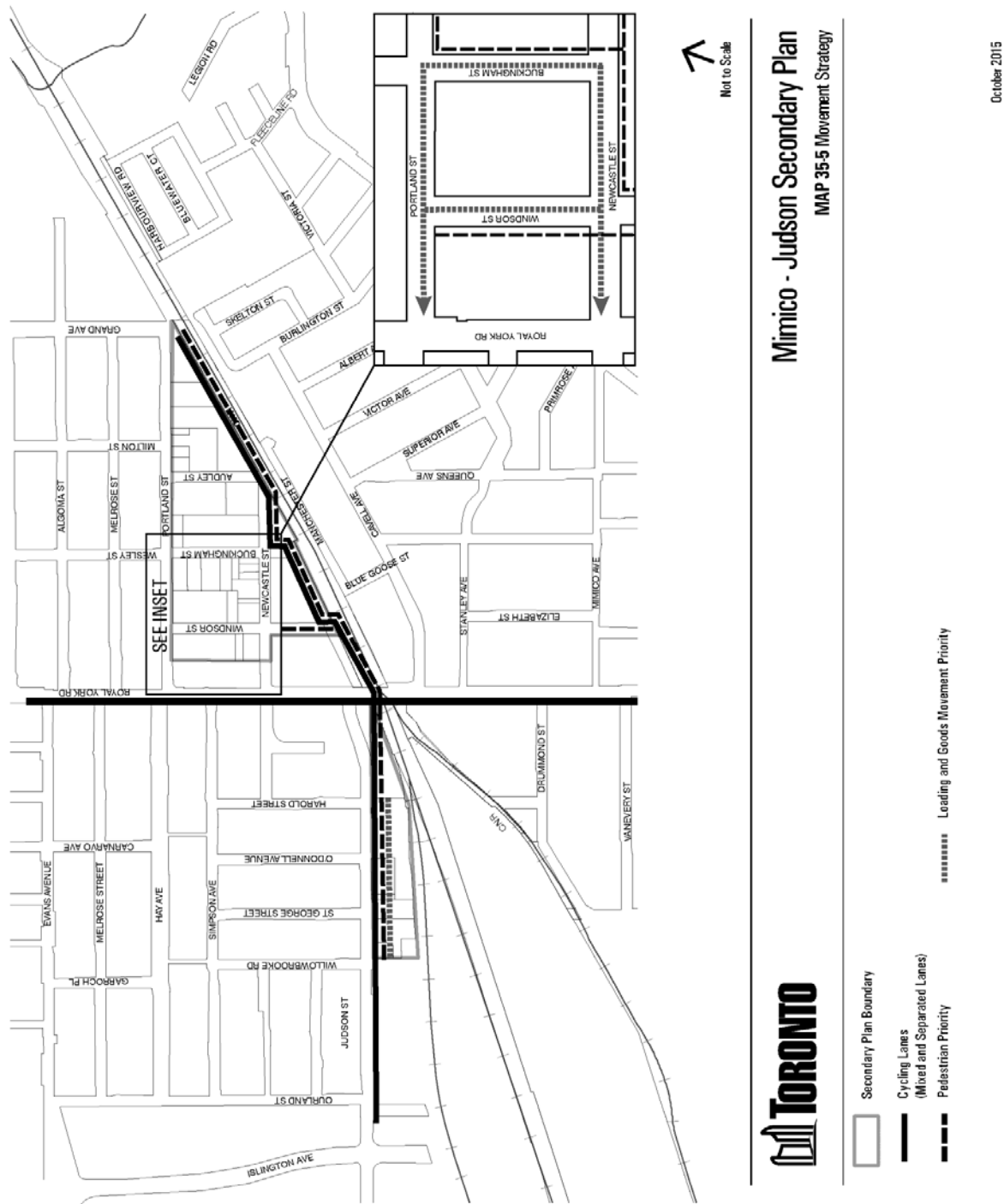
Toronto **Mimico - Judson Secondary Plan**
MAP 35-3 Land Use Designations

- Secondary Plan Boundary
- Employment Areas (Core Employment Areas)
- Mixed Use Areas (Subject to Development Criteria)
- Blocks

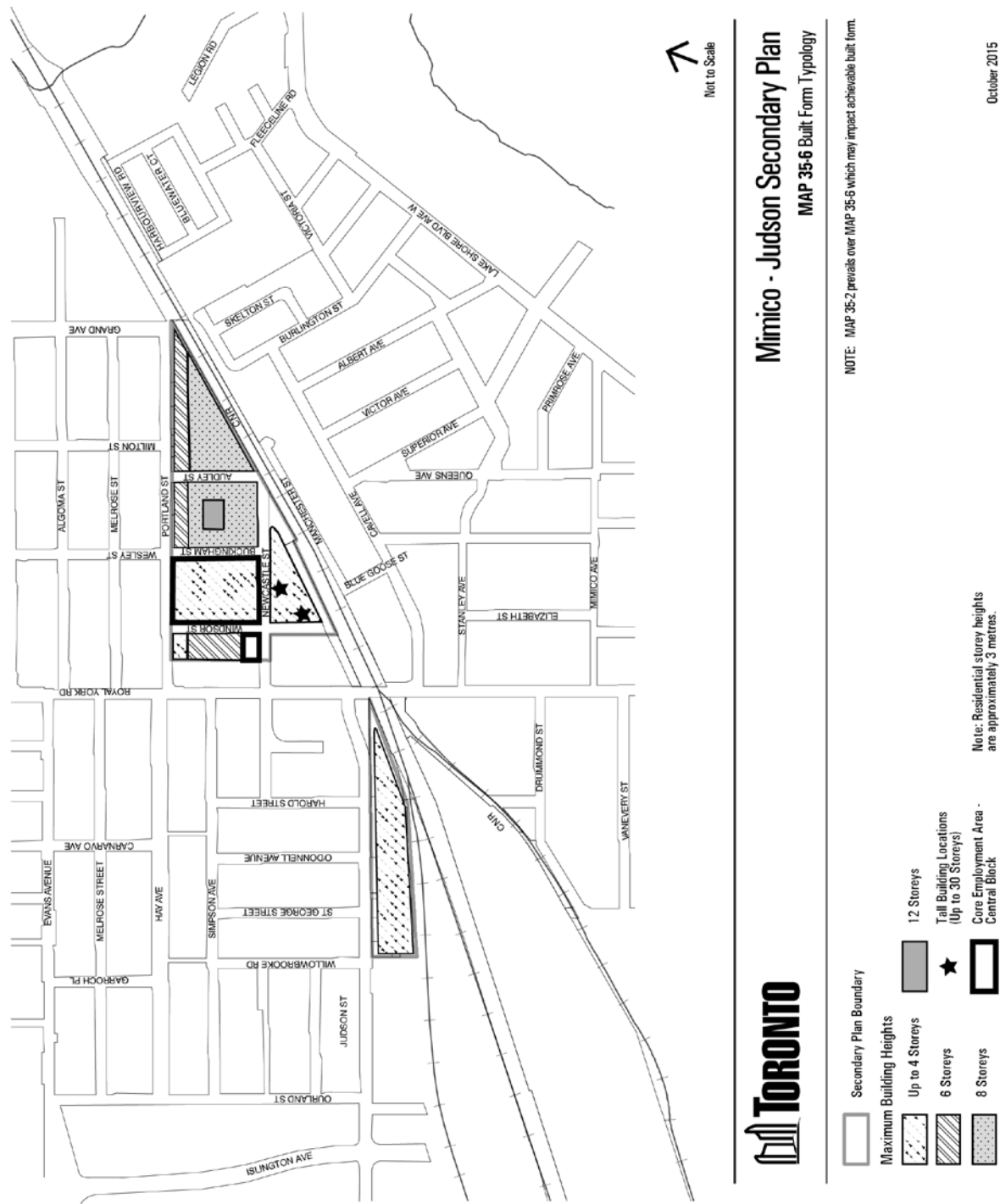
NOTE: MAP 35-2 prevails over MAP 35-3 which may impact location of uses.

October 2015

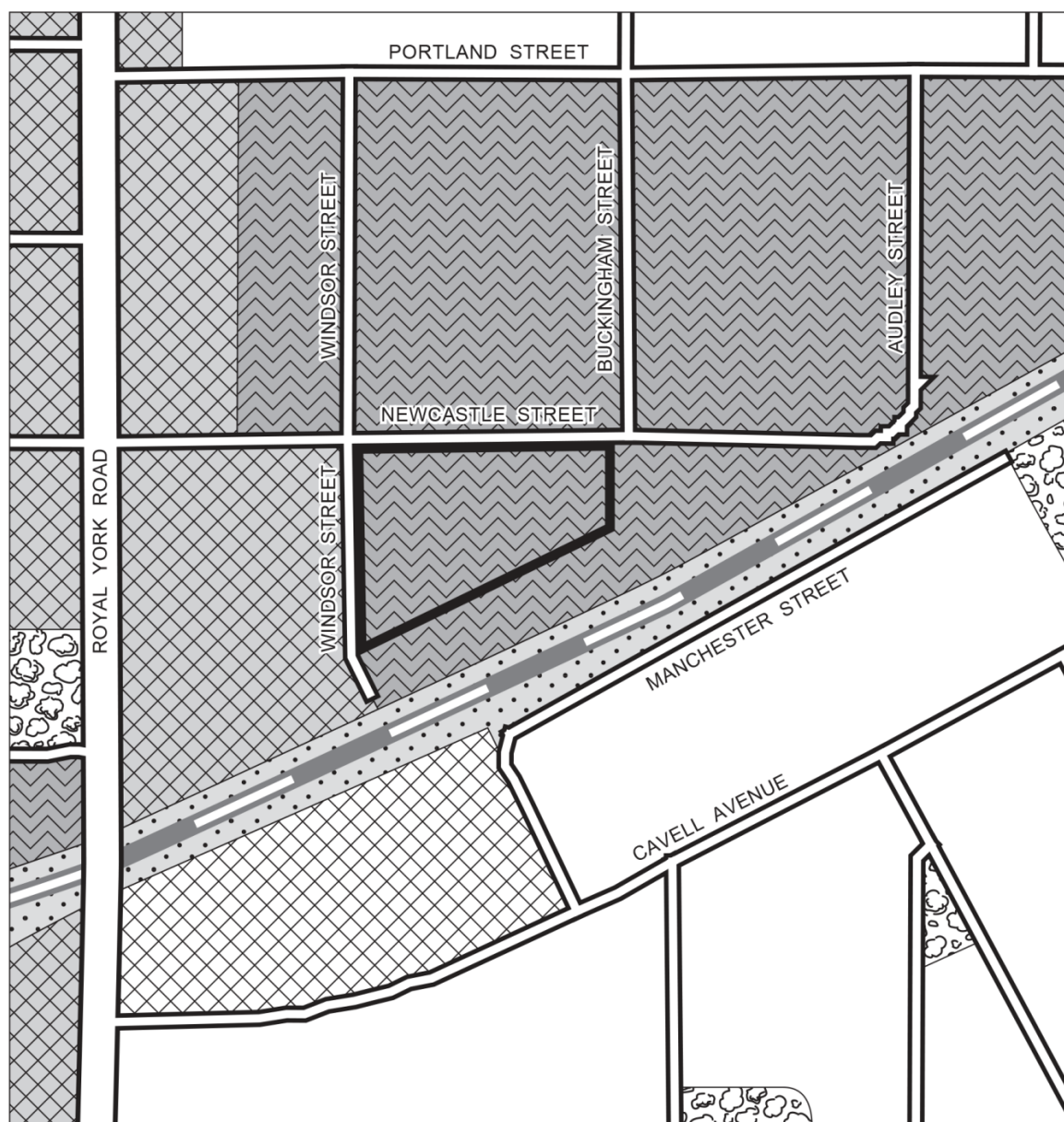
Attachment 6: Map 35-5 Movement Strategy From the Mimico-Judson Secondary Plan



Attachment 7: Map 35-6
Built Form Typology From the Mimico-Judson Secondary Plan



Attachment 8: Official Plan



TORONTO
Extract from Official Plan

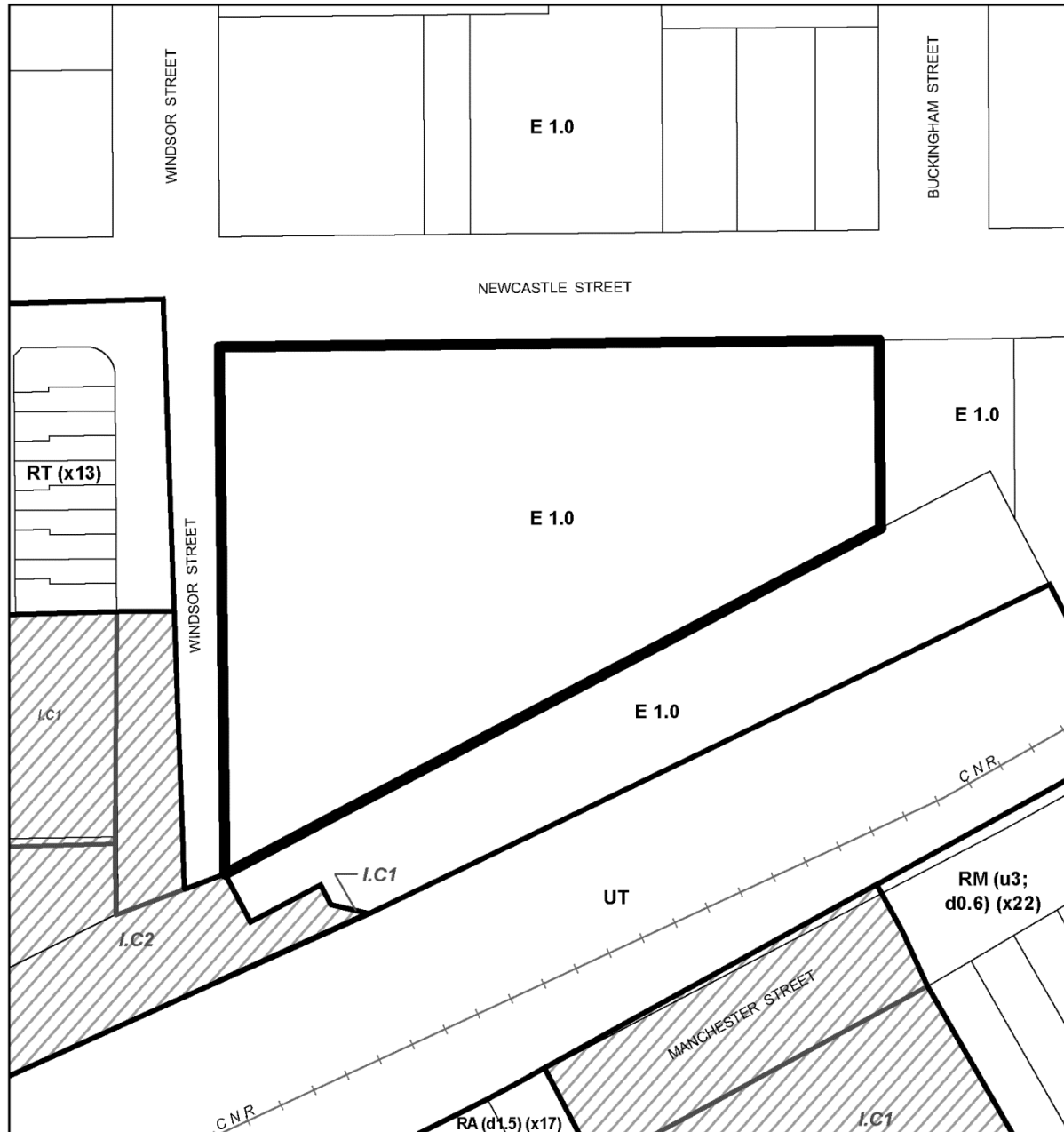
39 Newcastle Street

File # 16 198950 WET 06 02

	Site Location		Parks & Open Space Areas		Regeneration Areas
	Neighbourhoods		Parks		Utility Corridors
	Apartment Neighbourhoods				
	Mixed Use Areas				

↑
Not to Scale
08/08/2016

Attachment 9: Zoning



Zoning By-Law No. 569-2013

39 Newcastle Street

File # 16 198950 WET 06 02



Location of Application

RT Residential Townhouse
RM Residential Multiple

RA Residential Apartment
E Employment Industrial
UT Utility and Transportation



See Former City of Etobicoke (Mimico) By-Law No. 1930

I.C1 Class 1 Industrial
I.C2 Class 2 Industrial



Not to Scale
Extracted: 08/08/2016

Attachment 10: Requirements and Considerations from Metrolinx

1. Metrolinx warning clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease for each dwelling unit with the development. It should be noted that Metrolinx is currently in the process of developing a warning clause specifically applicable to the lands within the Mimico-Judson (and specifically Willowbrook yard) area. This warning clause will be provided to the City once it is available.
2. A crash wall (as identified on the current Site Plan) would be incorporated into the structure (along the south limits of the subject lands) adjacent to the Metrolinx lands. Metrolinx has requested for GO Transit's Third Party consultant (AECOM) to review and approve the proposed crash wall.
3. Any proposed alterations to the existing drainage pattern affecting the adjacent Metrolinx lands must receive prior concurrence from Metrolinx and be substantiated by a drainage report to the satisfaction of Metrolinx.
4. The Owner shall enter into an agreement with Metrolinx stipulating how applicable concerns would be addressed (including an environment easement for operational emissions, a tieback agreement if the building shoring includes tiebacks that extend into the Metrolinx lands and a crane swing agreement if the crane boom would enter Metrolinx airspace). There would be cost and time implications associated with the tieback and crane swing agreements, therefore, it is advisable to adjust the proposed construction approach accordingly so that these agreements would not be required.
5. Metrolinx is committed to supporting transit-oriented development projects on or in close proximity to GO Transit Station properties and as part of that process there is an interest in ensuring that development on those properties remains feasible. In addition, Metrolinx is developing plans to reconfigure Mimico station, including construction of a new station building and pedestrian tunnels. While the scope of the work and scheduling for the project has yet to be finalized, there is potential that co-ordination between the two projects would be necessary.

ATTACHMENT 11: APPLICATION DATA SHEET

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 198950 WET 06 OZ
Details	OPA & Rezoning, Standard	Application Date:	July 29, 2016

Municipal Address: 39 NEWCASTLE STREET

Location Description: PLAN M177 LOTS 1 TO 6 AND 8 AND PART OF LANE **GRID W0607

Project Description: Proposed amendments to the Official Plan and Zoning By-laws to permit a mixed use development within three residential apartment buildings (22, 30 and 36-storeys) connected by a 4-storey podium. A total of 833 residential units and 74,374 m² of gross floor area is proposed of which 2,578 m² is for non-residential (retail) uses. A total of 589 vehicular parking spaces would be provided within a parking garage having two-levels underground and three-levels above ground.

Applicant:	Agent:	Architect:	Owner:
CIC MANAGEMENT SERVICES INC	CIC MANAGEMENT SERVICES INC	TURNER FLEISCHER	CIC MANAGEMENT SERVICES INC

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	SASP 433 and 434
Zoning:	I.C1, E1.0	Historical Status:	
Height Limit (m):	16.5 and 91.5 (4-storey podium and up to 30-storeys), as per Secondary Plan	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	7,891	Height:	Storeys:	4, 22, 30 and 36-storeys
Frontage (m):	120.6		Metres:	18.1, 72.6, 96.2 and 113.9
Depth (m):	96.3			
Total Ground Floor Area (sq. m):	3,480			Total
Total Residential GFA (sq. m):	72,287		Parking Spaces:	589
Total Non-Residential GFA (sq. m):	2,578		Loading Docks	2
Total GFA (sq. m):	74,374			
Lot Coverage Ratio (%):	0			
Floor Space Index:	9.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	72,287	0
Bachelor:	0	Retail GFA (sq. m):	2,578	0
1 Bedroom:	460	Office GFA (sq. m):	0	0
2 Bedroom:	288	Industrial GFA (sq. m):	0	0
3 + Bedroom:	85	Institutional/Other GFA (sq. m):	0	0
Total Units:	833			

CONTACT:	PLANNER NAME:	Sabrina Salatino, Planner
	TELEPHONE:	(416) 394-8025