

25 Fisherville Road – Zoning By-law Amendment – Request for Interim Direction Report

Date: July 15, 2019

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 6 - York Centre

SUMMARY

This report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

This report responds to a motion adopted by North York Community Council at its meeting of June 25, 2019, as Item NY7.47. Community Council's decision may be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY7.47>

At the June 25, 2019 North York Community Council meeting, Councillor Pasternak moved a motion to direct Planning staff to report to the July 16 and 17, 2019 meeting of City Council with an Interim Request for Direction Report on the 25 Fisherville Road application and the revised proposal submitted by the applicant on June 21, 2019.

The current proposal maintains the existing 18-storey apartment and proposes a new 12-storey residential building, a 22-storey residential building, and two blocks of townhouses for a total of 425 new units. Staff are currently reviewing the revised proposal. The revised heights, building massing, and density outlined in this report may be supportable provided the required public infrastructure including public streets, municipal servicing infrastructure, public parks, and community facilities within the subject site and block are provided. On a preliminary basis, the revised proposal addresses several issues outlined in the February 12, 2019 Request for Interim Directions Report with a framework that could work with the necessary public infrastructure. The revised proposal appears to have addressed issues related to the compatibility of the infill proposed including the level of residential amenity; providing buildings & pedestrian entrances to public streets; and, it provides a framework of additional public streets, shared driveways, and new parkland & open spaces.

The revisions contained within the revised proposal help to implement the guiding principles of the Bathurst-Fisherville Block Study. The guiding principles were developed in consultation with the local community and are intended to inform the evaluation of development applications within the area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct staff to continue to negotiate with the applicant to resolve the outstanding issues detailed in this report and the Request for Interim Direction Report dated February 12, 2019 from the Director, Community Planning.
2. City Council direct staff to continue to review the application and report to the September 16, 2019 meeting of North York Community Council with a complete review of the revised proposal, and any subsequent further revisions to the proposal.
3. City Council direct the City Solicitor and appropriate staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held on January 11, 2018. The application was submitted on July 6, 2018 and deemed complete on September 14, 2018.

A Request for Interim Direction Report for the application was adopted by City Council at its February 26, 2019 meeting and can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.3>

At the June 25, 2019 North York Community Council adopted a motion requesting a further Request for Interim Directions Report be prepared and submitted directly to City Council at its meeting of July 16 and 17, 2019. The Motion and the Community Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY7.47>

Reports and Council decisions for neighbouring sites at 6040 Bathurst Street and 5 Fisherville Road and 6020 and 6030 Bathurst Street set out a study framework for a Block Study and identified the need to facilitate discussions with all landowners in the block to develop an appropriate Context Plan for the area, including the subject site.

The Request for Directions report for an application and appeal at 6040 Bathurst Street and 5 Fisherville Road, the site to the east of this application, was adopted at City Council at its April 24, 2018 meeting and can be found at the following links:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.3>
<https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-113331.pdf>

The Request for Directions report for an application and appeal at 6020 and 6030 Bathurst Street, also on the same block as this application, was adopted at City Council at its July 23, 2018 meeting and can be found at the following links:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.8>

Mediation sessions led by the Local Planning Appeal Tribunal related to the Block Study and appeals of applications at 6040 Bathurst Street and 5 Fisherville Road, and 6020 and 6030 Bathurst Street took place on May 1 and 2, and June 13, 2019. The applicants for 25 Fisherville Road participated in these mediation sessions in relation to the appeals of the adjacent applications and the broader Block Study in relation to this application.

ISSUE BACKGROUND

Bathurst-Fisherville Block Study

The Official Plan policies in the Healthy Neighbourhoods, Public Realm and Built Form sections set the basis for a block structure plan through key organizing elements such as public streets, parks and open space. This structure is needed to provide a framework to integrate public realm improvements, the built form context and potential intensification, particularly in *Apartment Neighbourhoods*. Staff determined that a comprehensive Block Context Plan for the entire block (see Attachment 1: Block Study Context) is necessary to address Official Plan policy objectives. The Block Context Plan framework is intended to be used for sites with multiple landowners, large sites over 1 hectare, sites with two or more buildings, on-site park dedication, and/or a new public street(s), and sites with a context of large open spaces and few public streets and parks including "Tower in the Park" Apartment Neighbourhoods sites. The study area for this Block Context Plan is shown in Attachment 1: Block Context Plan.

As part of the review of the development applications within the block, staff engaged with the landowners on an approach to the Block Study. The Block Study was introduced to the public and community at a meeting on August 8, 2018 and further discussed with the Guiding Principles at the community meeting for the 25 Fisherville Road application on April 10, 2019. Staff developed guiding principles to set the framework for the Bathurst-Fisherville Block Study and to inform the evaluation of the proposed development within the area:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/bathurst-fisherville-block-study/overview/>.

The seven guiding principles were informed by community feedback and key policy directions and presented to the applicants/landowners. The seven guiding principles are listed and described below:

1. Promote New and Improved Green Spaces

The focus area is characterized by 'towers in the park.' The existing buildings are 1960s slab high rise buildings surrounded by surface parking lots and un-programmed green space. The existing trees and green space are very important to neighbourhood residents. Site organization should be configured in such a manner and surface parking should be reduced to create new opportunities for a network of programmed and un-programmed green spaces including, but not limited to, parks, privately-owned publicly accessible spaces (POPS), green roofs, streetscaping and outdoor amenity areas. Programmed spaces may include amenities such as playgrounds, dog parks, benches, shade structures and drinking fountains.

2. Improve Mobility Options and Connectivity

The existing buildings are isolated from one another due to fencing and changes in grade. Connectivity and safety should be enhanced for pedestrians, cyclists and vehicles to provide options for mobility, including but not limited to, wider sidewalks, new bicycle infrastructure and pedestrian crossings. Existing and future traffic conditions should be analyzed.

3. Animate Bathurst Street

The existing buildings do not have a strong relationship to Bathurst Street. They are set back from the street, fenced and generally have only residential uses at grade. Bathurst Street itself has a substandard public realm. Bathurst Street should be animated with active land uses, new buildings that frame the street, new green spaces and an improved public realm that would facilitate improved mobility for all users.

4. Ensure Social Infrastructure to Support Existing and Future Residents

The existing community services + facilities are strained. In order to support an increase in density and population, opportunities should be sought to maintain, enhance and secure community services and facilities and to link where possible to capital planning and other funding tools. Affordable housing should also be explored.

5. Universal and Accessible Design

The demographics of the study area are changing. Young families with children are moving into the area that was previously occupied mostly by senior citizens. New and improved public spaces and amenities should be suitable for all ages and accommodate people of varied abilities. The draft Growing Up: Planning for Children in New Vertical Communities direct how new development can better function for larger households.

6. Provide Appropriate Transitions to Adjacent Uses

A fundamental principle of good planning and urban design is to ensure that new development will be appropriately designed and compatible with existing

development within, and in close proximity to the focus area. The areas surrounding the focus area are varied in their use and form, ranging from stable residential neighbourhoods, to the west, to high rise residential buildings to the north, east and south. New development should have suitable setbacks, separation distances and provide appropriate transition to existing adjacent uses.

7. Introduce High Quality Built Form and Design

Community character will be enhanced by the collective design of a diversity of new building types (townhouses, midrise buildings, tall buildings and so on) in the focus area. Building design is a contributing factor to the look and feel of the community as a whole. Site Plan Control for the new buildings, in combination with applicable guidelines, will ensure appropriate designs are created and implemented.

Staff analyzed existing open space, transportation networks (including cycling and pedestrian), and existing and proposed sun/shadow conditions. This analysis was shared with the public at community meetings for 6020/6030 Bathurst Street and 25 Fisherville Road. This study informed the development of the high level objectives and strategies to organizing development through a block structure connected by a public street, public parks and other open spaces, POPS and sidewalk connections in between sites, to the street network and to new open spaces. The key objectives developed through staff analysis, informed by community feedback regarding parks and open space were to achieve a new public street through the block and new public parks.

Revised Proposal

This section provides a review of issues since the preparation of the Request for Interim Directions Report, dated February 12, 2019. The balance of the issues and applicable policies remain as identified in that report. The February 12, 2019 Report is available at: <https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-126695.pdf>

Currently, there is an 18-storey apartment building on the subject site. The revised proposal is to permit a 12-storey residential building (Building A), a 22-storey residential building (Building B), and two blocks of townhouses in addition to maintaining the existing 18-storey apartment building (see Attachment 4: Site Plan). The revised proposal also contemplates one half of a new public street located along the eastern limit of the subject property which could form a potential street network through the block. The following table summarizes the key proposal statistics for the application as submitted and the revised proposal.

	First Submission- July 6, 2018	Revised Submission- June 20, 2019
Existing Units to be Retained	214 units	214 units
Proposed Units	458 units	425 units
Total Units (New and to Remain)	672 units	639 units

	First Submission- July 6, 2018	Revised Submission- June 20, 2019
Proposed Residential GFA	33,372 square metres	31,125 square metres
Total Residential GFA (New and to Remain)	55,279 square metres	53,033 square metres
Density (FSI)	3.65	3.50
Tower Height of New Tower	<p>Building A: 18 stories (58.7 metres including mechanical penthouse) with a 3-storey and 7-storey podium</p> <p>Building B: 18 stories (58.7 metres including mechanical penthouse) with a 2-storey and 3-storey podium</p>	<p>Building A: 12-storeys (42.7 metres, including the mechanical penthouse) with a 3-storey base</p> <p>Building B: 22-storeys (70.1 metres, including the mechanical penthouse) with a 4-storey base</p>
Townhouse Height	3 stories (9.5 metres)	3 stories (10.0 metres)
Proposed Residential Parking Supply	399 spaces	370
Proposed Visitor Parking Supply	87 spaces	84
Proposed Car Share Parking Supply	7 (1 car share space = 4 spaces)	7(1 car share space = 4 spaces)
Total Parking Supply	493 spaces (514 effective spaces with car share)	461 spaces (482 effective spaces with car share)
Loading Space	2 Type C and 1 Type G	1 Type B and 1 Type G
On-site Parkland Dedication	455 square metres	397 square metres
Privately-Owned Publicly Accessible Spaces (POPS)	0 square metres	248 square metres
Existing Indoor Amenity Space	0 square metres	0 square metres
Proposed Indoor Amenity Space	1,063 square metres	1,050 square metres

	First Submission- July 6, 2018	Revised Submission- June 20, 2019
Indoor Amenity Space (New and to Remain)	1,063 square metres	1,050 square metres
Existing Outdoor Amenity Space	632 square metres	632 square metres
Proposed Outdoor Amenity Space	1,069 square metres	1,310 square metres
Outdoor Amenity Space (New and to Remain)	1,701 square metres	1,310 square metres
Existing Landscaped Open Space	9,997 square metres	9,997 square metres
Proposed Landscaped Open Space	7,808 square metres	6,434 square metres

The revised proposal proposes to amend Zoning By-laws 569-2013 and 7625 at 25 Fisherville Road to permit the construction of a 22-storey residential apartment building with a 3 and 4-storey base at the northern limit of the site fronting onto Fisherville Road, a 12-storey residential apartment building with a 3-storey base towards the southern limit of the site fronting a potential future public road, and two blocks of 3-storey townhouse units located along the western limit of the site. The existing 18-storey residential apartment building which contains 214 rental units would be maintained. The proposed 22-storey building, 12-storey building, and townhouse blocks would have a total residential Gross Floor Area (GFA) of 31,125 square metres and add an additional 425 units for a total of 639 units. The existing and proposed buildings would have an overall Floor Space Index (FSI) of 3.5 times the lot area as calculated under Zoning By-law 569-2013.

The 4-storey base of the 22-storey building located at the northeastern limit of the subject site is setback 4.0 metres from both Fisherville Road and the proposed new public street. The 3-storey base of the 22-storey building which contains townhouse units is proposed to be setback 4.0 metres from Russfax Drive. The 3-storey base of the 12-storey building located towards the southern limit of the site is setback 4.0 metres from the proposed public street and setback 11.30 metres from the proposed public park. The rear walls of the proposed 3-storey townhouse blocks are setback 7.5 metres from the west property line, which abuts the rear lot line of the existing residential dwellings located to the west of the subject site.

The revised proposal provides 1,050 square metres of indoor amenity space (1.64 square metres per unit) and 1,310 square metres (2.05 square metres per unit) of outdoor amenity space for a combined 2,360 square metres of new amenity space. The proposed indoor amenity space will be located in each of the proposed apartment buildings and within a new one-storey addition to the existing building. The proposed outdoor amenity space is spread throughout the subject site and would be made accessible by a series of pedestrian walkways internal to the site and a sidewalk

adjacent to a potential future public road. The amenity spaces will be required to be accessible to all residents of both the existing building and the new buildings.

The revised proposal includes an on-site parkland dedication at the southern limit of the subject site. The proposed public park has an area of 397 square metres and fronts a proposed public street. The on-site parkland dedication is proposed to be supplemented through the provision of Privately-Owned Publicly Accessible Spaces (POPS) and a possible over-dedication of on-site parkland. The proposed POPS has an area of 248 square metres and abuts the northern limit of the proposed public park. The other potential POPS or additional on-site parkland has an area of 133 square metres and abuts the western limit of the proposed public park.

Parking for the existing and proposed buildings is located almost entirely within an underground garage that is accessed by two parking ramps that are integrated into the building massing of the proposed Building A and Building B. There are a total of 461 parking spaces proposed to serve the existing and proposed residential units, of which 370 spaces are dedicated to residents and 84 spaces are dedicated to visitors. An additional 7 car-share spaces are proposed for an effective parking supply of 482 spaces.

The revised proposal provides for a portion of a new public street on the eastern edge of the property which could potentially form a future road network through the block. The revised proposal also proposes to close the existing vehicular access off Fisherville Road. The application would also close and consolidate the two accesses from Russfax Drive into a single access off Russfax Drive. This consolidated driveway would provide access to a pick-up and drop-off area for the existing building and the underground parking garage. There are two new vehicular accesses proposed off a potential future public street along the eastern limit of the subject site. These driveways would provide access to pick-up and drop-off areas for the proposed Buildings A and B, the underground parking garage and servicing area. The revised proposal also improves pedestrian amenities through the provision of a series of pedestrian walkways through the site that connect the existing and proposed apartment buildings and townhouse blocks to the proposed public street, public park, Russfax Drive, and Fisherville Road.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Following City Council's consideration of the Request for Interim Directions Report, dated February 12, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017 (the "Growth Plan (2017)").

The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of

minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater 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.

The Growth Plan (2019) builds upon the policy foundation provided by the Provincial Policy Statement (2014) ("PPS") and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe ("GGH"). The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Community Consultation

City Planning, Parks, and Transportation Planning staff in consultation with the Ward Councillor hosted a community consultation meeting on April 10, 2019 at Rockford Public School, where approximately 50 members of the public attended. Staff presented an update to the Bathurst-Fisherville Block Study (see Attachment 1: Block Study Context), the policy framework and overview of the proposal. The applicant then presented the development proposal for 25 Fisherville Road, as submitted.

As part of the Block Study update, staff presented seven guiding principles which were informed by community feedback and set out the framework for the Block Study and to guide future development within the area. The guiding principles and further information related to the Block Study and active development applications within the block can be found at the Bathurst-Fisherville Block Study webpage at the following link:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/bathurst-fisherville-block-study/overview/>.

Members of the public provided comments and raised concerns related to both the Bathurst-Fisherville Block Study and the development proposal at 25 Fisherville Road. The following is a summary of the comments and concerns raised:

- Loss of existing green space as a result of development within the block;
- How can green space be made available for public use, not just for residents of the block;
- Green space needs to be programmed and designed to accommodate seniors within the area;
- The availability of community services and amenities and the ability of existing services to accommodate the proposed level of intensification;
- The existing road network and transit system cannot accommodate any additional density in the area;
- A comprehensive review of the traffic impacts is required for all the developments proposed within the block;
- The existing infrastructure does not have the capacity to accommodate the proposed level of intensification;
- Concern that existing tenants will incur costs and increased rents as a result of the proposed developments;
- Concern about shadow impacts of the proposed development and how this will be assessed; and
- Improvements should be made to the existing area before considering new development.

Staff have worked with the applicant to address the comments and concerns raised by members of the public. Staff are of the opinion that the revised application begins to address some of the comments and concerns identified by both staff and members of the public. Staff are continuing to work with the applicant to address outstanding issues. The advancement of the Block Study and staff's request for public infrastructure will further address a number of the comments and concerns raised in relation to the redevelopment of the block including the provision of on-site parkland and community facilities on the site and the block.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff are reviewing and evaluating the revised proposal against the Growth Plan (2019). The revised proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

The following sections of the Growth Plan (2019) have carried forward from the Growth Plan (2017) and continue to apply to the consideration of the revised proposal:

- Achieving complete communities that improve social equity and overall quality of life (2.2.1.4.b).
- Expanding convenient access to active transportation, public service facilities and an appropriate supply of safe, publicly accessible open spaces, parks and other recreational facilities (2.2.1.4 d) supported through enhanced pedestrian and cycling connections, appropriately sized and located parks and usable, comfortable open spaces.
- Policy 3.2.8 Public Service Facilities - Planning for public service facilities, land use planning and investment in public service facilities will be co-ordinated to implement the Growth Plan.

Staff are currently conducting a review in accordance with the PPS and Growth Plan (2019) and will report back to North York Community Council at its meeting on September 16, 2019 and/or City Council at its meeting on October 2, 2019 on consistency with the PPS and conformity with the Growth Plan (2019).

Land Use

The City of Toronto's Official Plan designates the subject site as *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are recognized as stable areas of the City where there may be opportunities for additional townhouses or apartments on underutilized sites. The revised proposal in conjunction with appropriate public infrastructure, could provide for a compatible infill development within the Bathurst-Fisherville area. The proposed level of infill development and the associated density can only be appropriately supported through the provision of necessary public infrastructure.

Public infrastructure, such as public streets, municipal servicing infrastructure, parks, and community facilities provide a structure to organize pedestrian connections, other open spaces, built form, and inform appropriate massing/relationships. This key objective is integrated into the *Apartment Neighbourhoods* policies. Policy 4.2.3 of the Official Plan states that "compatible infill development may be permitted on a site within a developed *Apartment Neighbourhood* with one or more existing apartment buildings" if improvements are made to existing site conditions. The revised proposal provides for additional rental units, new indoor and outdoor amenity, improved landscape open space, parking ramps integrated within the building, minimizes curb cuts, new and improved green space and pedestrian amenities, and building improvements to the

existing buildings which would improve existing site conditions and the quality of life for new and existing residents.

The revised proposal proposes entirely residential GFA, however, the *Apartment Neighbourhoods* policies of the Official Plan permit small-scale retail, service and office uses that serve the needs of the area residents. The Healthy Neighbourhoods policies of the Official Plan identify that "small-scale commercial, community and institutional uses are encouraged at grade in apartment buildings and on apartment properties on major streets shown on Map 3 in Neighbourhoods and *Apartment Neighbourhoods*, to better serve area residents, particularly in areas where residents do not have convenient walking access to a wide range of goods, services and community facilities." While not currently proposed, staff encourage and would support the provision of small-scale non-residential uses on this site permitted in the Residential Apartment Commercial (RAC) zone of Zoning By-law 569-2013. Such uses would be appropriate within the base of Building B which fronts onto Fisherville Road.

The revised proposal identifies that the proposed new residential units will be rental units. Policy 3.2.1.1 of the Official Plan identifies that "a full range of housing, in terms of form, tenure, and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents." The Official Plan also identifies that new housing supply will be encouraged through intensification and infill. Although the revised proposal contributes to the City's rental housing supply through the provision of rental apartment and townhouse units through appropriate infill development, staff are of the opinion that new affordable rental housing should be provided on the subject site. The Housing Issues Reports submitted by the applicant as part of the original proposal has not confirmed that all 419 existing rental housing units would have their rental tenure secured by legal agreement for at least 20 years, without application for demolition or conversion in that time. The applicant is to confirm that the existing rental units will be secured.

Density, Height, Massing

On *Apartment Neighbourhood* sites, such as the subject property, the Official Plan contemplates compatible infill development, which includes apartment buildings. The current density on 25 Fisherville Road is 1.5 times the lot area and the proposed density would be 3.5 times the lot area. In the context of the overall Block Study, if the required public infrastructure including: new public streets, public parks, and community facilities are provided, the proposed density may be considered appropriate provided the transportation and servicing review that is to be completed is satisfactory to the City.

The new built form, however, must appropriately be massed, provide appropriate setbacks for landscaping and pedestrian connections, and transition to the adjacent stable residential *Neighbourhoods* (see Attachment 7a and 7b: Massing Model).

Policy 4.2.2 a requires development in *Apartment Neighbourhoods* to contribute to quality of life by 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*. The revised proposal

has reduced the height of Building A at the southern limit of the site from 18-storeys to 12-storeys. The height of the proposed Building B at the northern limit of the site has been increased from 18-storeys to 22-storeys. The proposed Building A now complies with a 45-degree angular plane, taken from the western property line, and provides an appropriate transition to the stable residential *Neighbourhood* to the west of the subject site. The majority of Building B now complies with the angular plane, however some revisions to the upper storeys are still required to meet the angular plane requirement and to provide an appropriate transition to *Neighbourhood* to the west of the subject site (see Attachment 6: Building B Section). The revised proposal provides townhouse units in two blocks at the southwest corner of the site, and as part of an extended base building for Building B at the northwest corner of the site. The townhouse units satisfy the angular plane requirement, however, further review of their siting is required in order to assess the proposed front yards of the townhouse units that front Russfax Drive.

The massing models provided by the applicant as part of the revised proposal illustrates balconies on the corners of both the proposed new apartment buildings that appear to be contiguous and wrap around the building. This balcony arrangement can increase the physical and visual appearance of the building mass and could contribute to greater shadow impacts. In order for the balcony arrangement to be consistent with the direction of Section 3.2.5 of the Tall Building Guidelines, the applicant is to confirm the arrangement of the proposed balconies and remove any wrap-around balconies.

The settlement plans do not identify the tower floor plates proposed, however both buildings would be considered tall buildings in relation to the right-of-way widths of the streets in which the proposed apartment buildings front. The Tall Building Guidelines permit a maximum floor plate of 750 square metres. Confirmation that the tower floor plates are consistent with the general direction of the Tall Building Guidelines is required as part of the assessment of the revised submission.

The development criteria for Apartment Neighbourhoods Policy 4.2.2 c requires development in the *Apartment Neighbourhoods* to contribute to quality of life by 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. A wind study is to be provided by the applicant so staff can assess the impacts of wind from the proposed development on adjacent streets, parks, and open spaces. The configuration and heights of the base buildings may require further refinement in order to address the results of the wind study.

Staff are currently assessing the setbacks of the proposed apartment buildings and townhouses to the existing streets, potential future public street, proposed public park, and existing buildings. As it relates to the separation of infill development to existing buildings, Policy 4.2.3.c requires infill development in *Apartment Neighbourhoods* provide separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy. The revised proposal proposes a 21 metre separation distance between proposed Building B and the existing apartment building. Staff are assessing the appropriateness of the proposed 21 metre separation distance, as the Tall Building Guidelines require a minimum 25 metre separation distance between buildings. Staff will continue to work with the applicant to ensure the proposed

townhouses are appropriately setback from Russfax Drive and Fisherville Road and Building A and B are appropriately setback from the potential future public street.

Staff are currently reviewing the height, density, and massing of the revised proposal against the policies of the Official Plan. Public infrastructure and further refinements to massing are required to support the development as outlined in the Block Study principles in order to realize the proposed height and density.

Parks and Open Spaces

The revised proposal provides for an on-site parkland dedication of 397 square metres at the southern limit of the subject site. The applicant has proposed the on-site dedication with frontage on a proposed public street, which is of an acceptable size, location and configuration to staff, and satisfies the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan. The Owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation prior to the issuance of the first above grade building permit. The parkland dedication in the location proposed will necessitate the provision of a public road to the satisfaction of the City.

In addition to the on-site parkland dedication, a Privately-Owned Publicly Accessible Open Space (POPS) of approximately 248 square metres is proposed. In addition, a second POPS or an additional on-site parkland of 133 square metres is identified on the site plan. The proposed POPS that abuts the northern limit of the proposed public park is located above the proposed underground parking structure and therefore cannot be conveyed as parkland, however it is sited and will be designed to function as an extension of the proposed public park. Staff consider the proposed POPS to be a positive element of the proposal. It will provide for an extension of the proposed on-site parkland dedication for the site. The proposed public park and POPS will be accessed through a series of pedestrian walkways throughout the subject site which also provides connections to Russfax Drive, Fisherville Road, and a potential future street network through the block.

Through the provision of POPS, the revised proposal increases access to privately owned lands which enhances the City's green space system as directed in Policy 2.3.2.1 of the Official Plan. Staff recommend that the POPS be secured in the Section 37 Agreement as a legal convenience and its final design be secured through the Site Plan Control approval process.

Transportation

In order to better serve the needs of existing and future residents and to help manage the proposed level of intensification, the revised proposal provides a portion of a public street that could potentially form a future street network through the site and block in which the site is located. A public street network through the site and block would play a critical role in consolidating curb cuts and accesses to improve pedestrian safety and the streetscape, providing site access and address for the proposed Building A and proposed public park as per the policy direction of the Official Plan, facilitating the provision of municipal service connections to new development and minimize alterations to existing services, improving pedestrian access through the site, to the new park, and

to nearby transit, shops, and services on Bathurst Street, providing the opportunity for a potential new signalized intersection at Bathurst Street.

The applicant is to provide a Transportation Demand Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning to assist in the facilitation of a more efficient transportation network within the Bathurst-Fisherville area. The applicant is to also provide an updated Traffic Impact Study to the satisfaction of the General Manager, Transportation Services.

Servicing

The applicant has not yet provided updated engineering reports to reflect the revised proposal and to address staff's previous comments. The applicant is required to submit a Functional Servicing and Stormwater Management Report and a Hydrogeological Review to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. Should the revised engineering reports identify that servicing upgrades are required, they will be the responsibility of the Owner.

Housing Issues

Both the Official Plan and the Growth Plan (2019) provide directions to provide and maintain a full range of housing to meet the needs of current and future residents, to support the development of affordable housing, and a range of housing to accommodate the needs of all household sizes and incomes. The application is proposing two new rental apartment buildings and two blocks of rental townhouses, which increases the supply of rental housing.

The proposal for a total of 144 (22.5%) two-bedroom units and 83 (13.0%) three-bedroom units meets the unit mix objectives of the draft Growing Up Guidelines to accommodate a broad range of households, including families with children.

Policy 3.2.1.5(a) of the Official Plan requires the City secure existing rental units that have affordable and mid-range rents. The Housing Issues Report provided by the applicant in support of the application has not confirmed that all 214 existing rental units would have their rental tenure secured by legal agreement. The applicant must confirm the above to conform with this requirement.

Policy 3.2.1.5(b) seeks the identification and securing of needed improvements and repairs, without pass through of costs to tenants. The Housing Issues Report has not confirmed that the costs of the improvements would not be passed through to the existing tenants within the existing units, such as through rent increases. The applicant must confirm the above to conform with this requirement.

The applicant has proposed 1,050 square metres of indoor amenity space and 1,310 square metres of outdoor amenity space as part of the revised proposal. These amenity spaces will be required to be accessible to all residents of both the existing building and the new buildings.

Additional improvements are needed to be included or confirmed, to satisfy the policy requirements of the Official Plan:

- a. Bicycle parking, secure indoor and short term visitor spaces
- b. Confirming that waste management will be centralised, moving all garbage storage indoors within one of the new buildings;
- c. Providing recycling and kitchen waste drop off within the existing building; and
- d. Introducing push button automatic door openers for common doors and a clothes folding table which is universally accessible within the laundry room.

The above improvements should be confirmed by the applicant to conform with the policies of the Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning.

A tenant construction mitigation and communications plan will be required to reduce adverse effects on tenants. This plan must be secured as part of the conditions of approval and may be completed through the Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.

As noted earlier in this report, some new affordable housing units should also be provided on-site.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. The subject application is subject to the Official Plan policies for the provision of community benefits in exchange for the proposed increases in height and density. Should staff be satisfied with a further revised proposal, staff will be requiring the applicant provide an appropriate Section 37 public benefits package which could include affordable rental housing units on-site, an over-dedication of on-site parkland, or other priorities including area park improvements.

Conclusion

Staff are currently reviewing the revised proposal against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. This review is ongoing, however, on a preliminary basis, subject to the application providing the required public infrastructure and benefits to support the proposed height and density and with further massing refinements, the proposal may be supportable upon completion of the review. Because of the City Council meeting schedule and ongoing Local Planning Appeal Tribunal appeals on adjacent applications, Staff were requested by North York Community Council to provide this update report directly to City Council on the revised proposal.

Staff recommend that City Council direct City Staff to continue to work with the applicant to resolve the outstanding issues detailed in this report and the February 12, 2019 Request for Interim Direction Report and that City Council direct the City Solicitor, and appropriate City Staff, to attend and oppose the application in its current form should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe.

Staff also recommend that City Council direct City Staff to report back with a complete review of the application to the September 16, 2019 North York Community Council and/or the October 2, 2019 City Council meeting, as appropriate.

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SIGNATURE

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Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

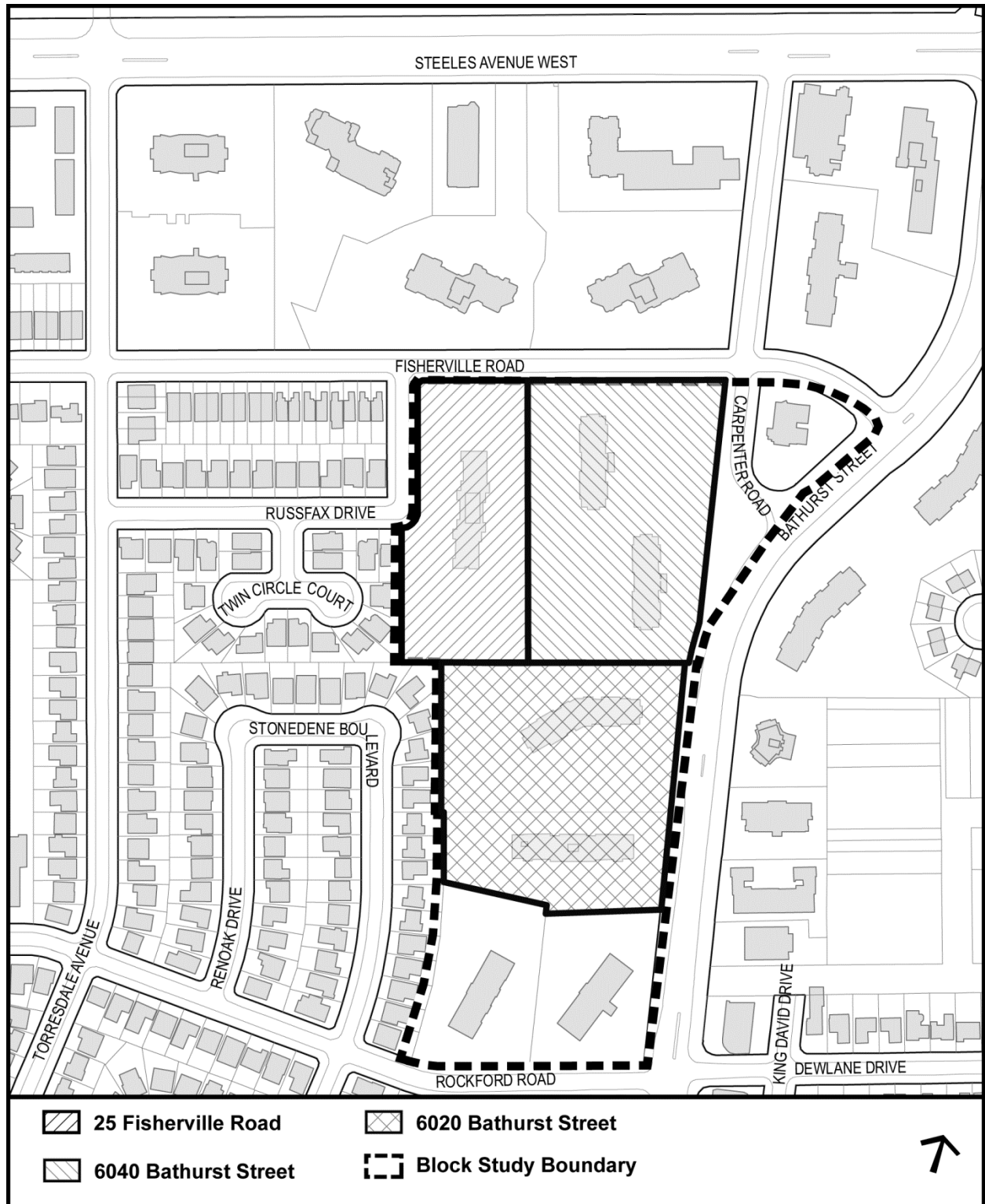
City of Toronto Data/Drawings

Attachment 1: Block Study Context
Attachment 2: Official Plan Land Use Map
Attachment 3: Existing Zoning By-law Map

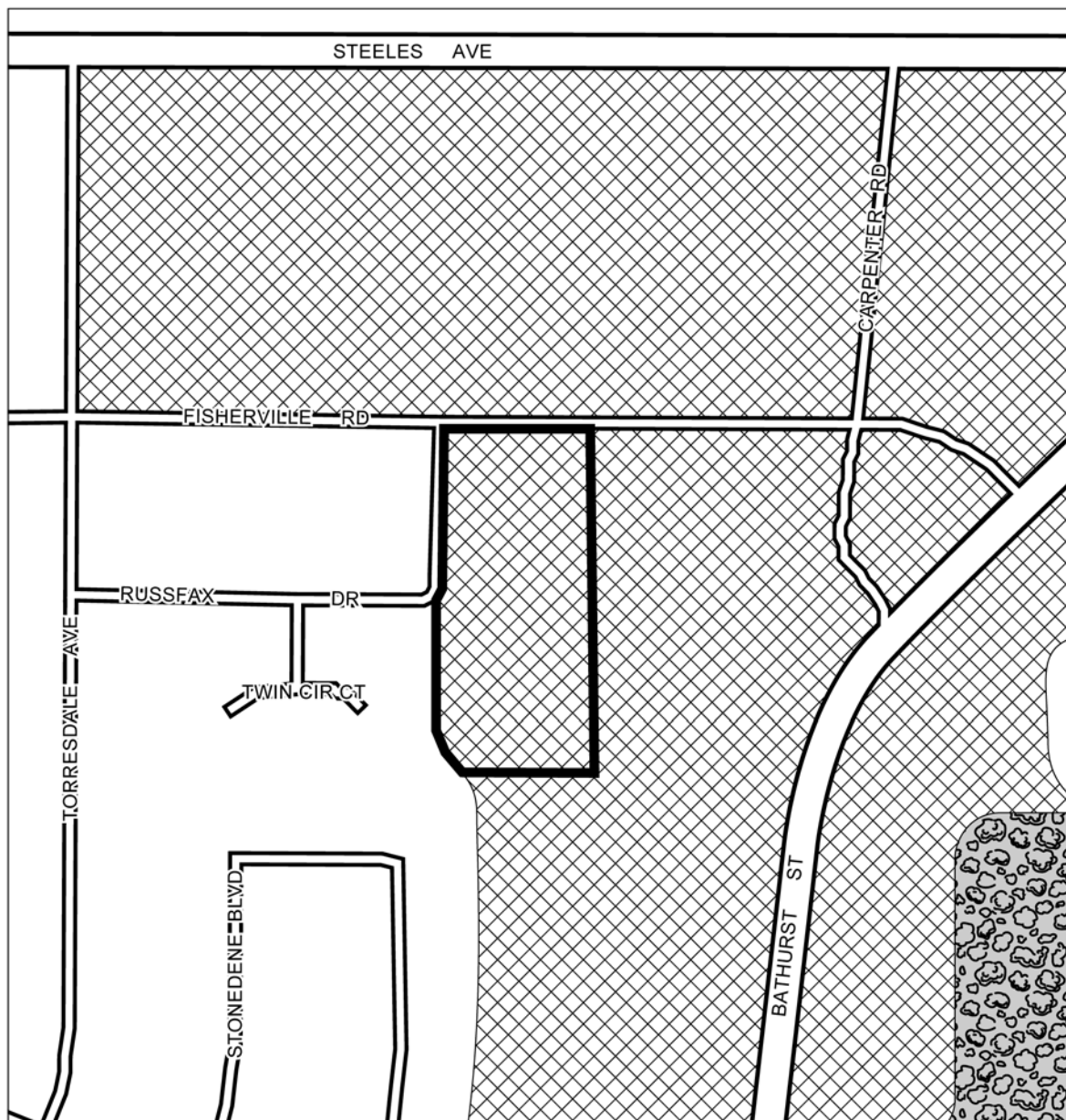
Applicant Submitted Drawings

Attachment 4: Site Plan
Attachment 5: Building A Section
Attachment 6: Building B Section
Attachment 7a & 7b: Massing Model

Attachment 1: Block Study Context



Attachment 2: Official Plan Land Use Map








Official Plan Land Use Map #16

Note: This map was extracted from the July 2015 Land Use Plan. For current information refer to the February 2019 data.

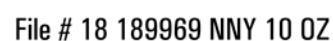
25 Fisherville Road

File # 18 189969 NNY 10 02

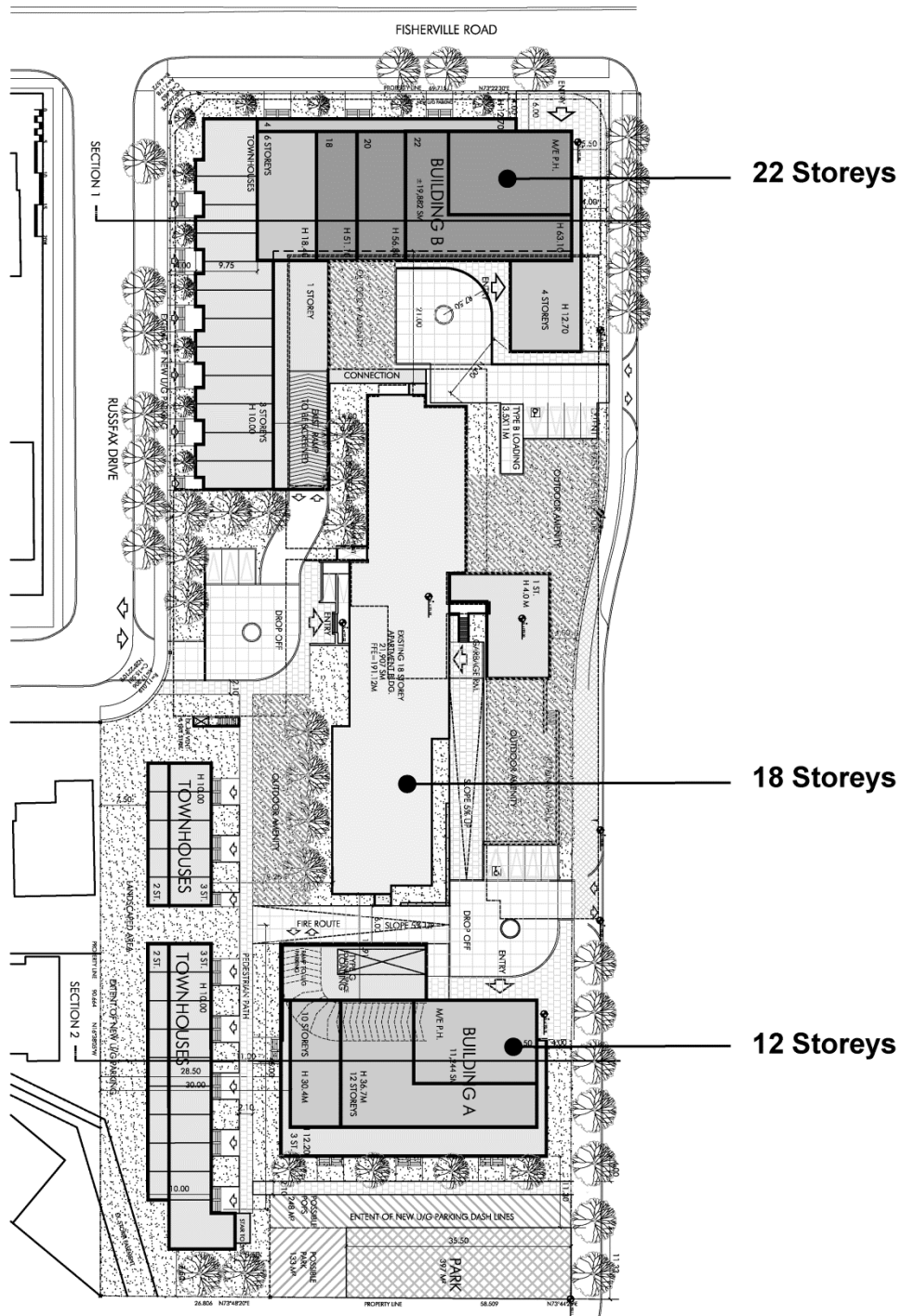
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	Neighbourhoods		Other Open Space Areas
	Apartment Neighbourhoods		



Not to Scale
12/12/2018



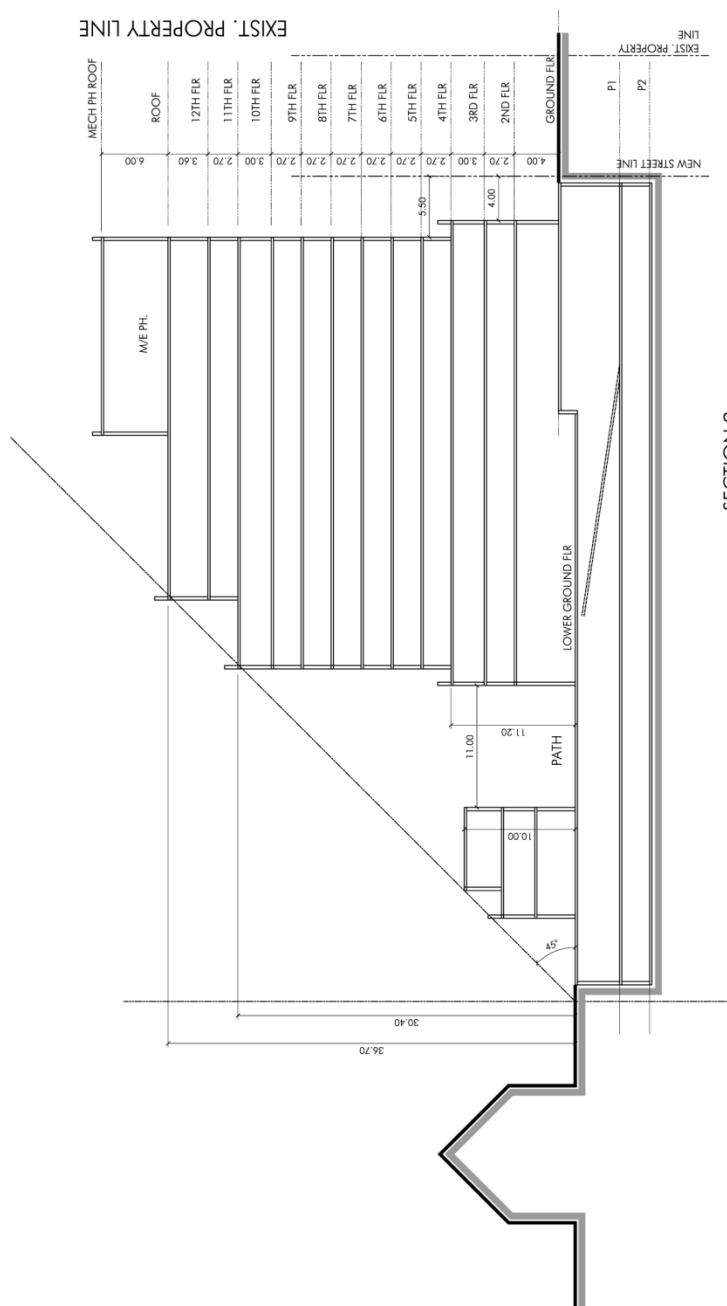
Attachment 4: Site Plan



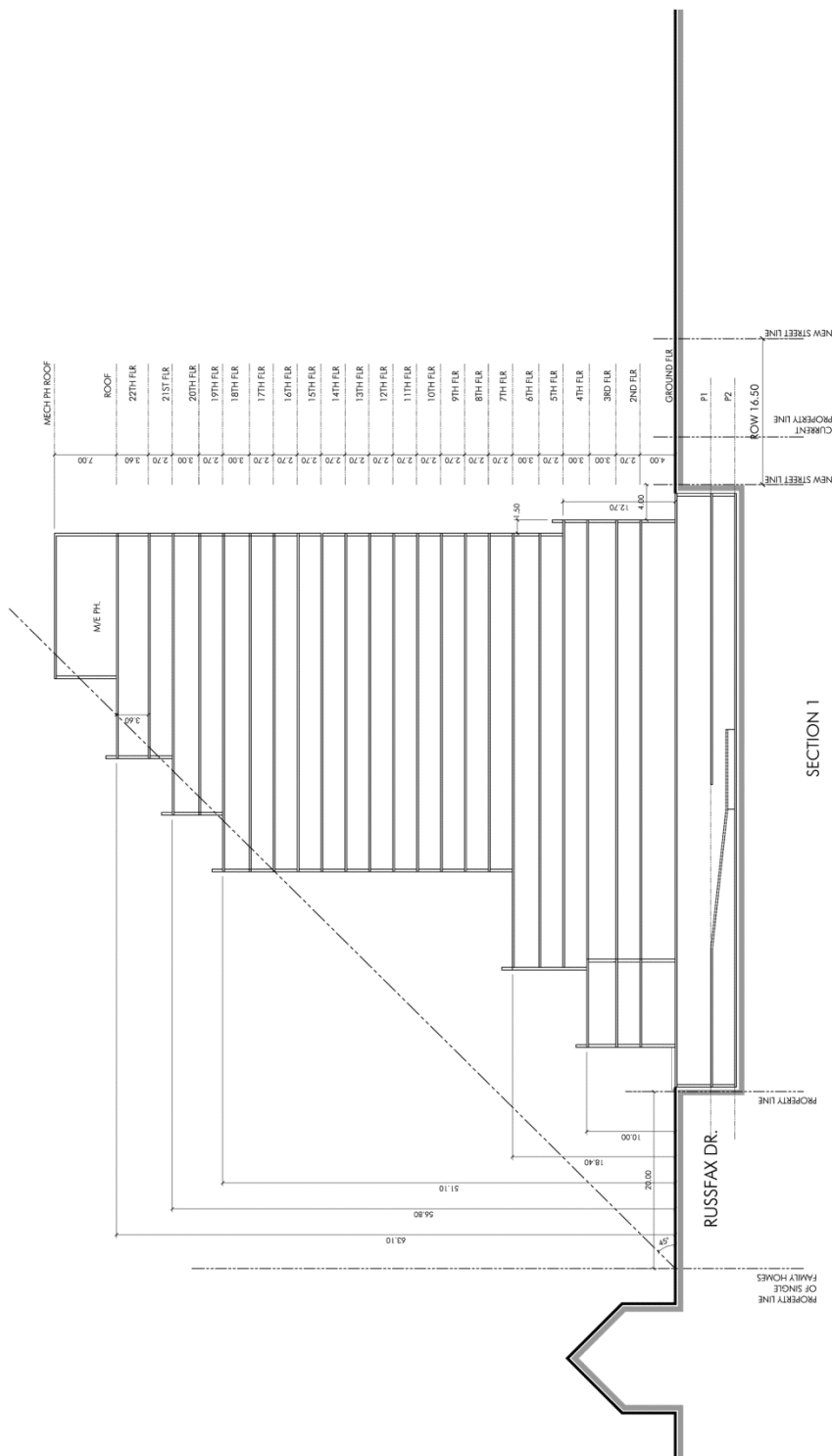
Site Plan



Building A



Staff Report for Action - Request for Interim Direction Report - 25 Fisherville Road



Building B

Attachment 7a: Massing Model

