

2600 Don Mills Road – Official Plan Amendment and Zoning By-law Amendment Applications – Request for Directions Report

Date: February 6, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 17 – Don Valley North

Planning Application Number: 17 260070 NNY 33 OZ

SUMMARY

This Report responds to the Zoning By-law Amendment application which has been appealed to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) due to the lack of a decision by City Council. This report also provides comments on the Official Plan Amendment application that has been submitted by the applicant, but has not been appealed to the Local Planning Tribunal (the "Tribunal").

The report sets out outstanding issues related to the applications and provides the opinion of City Planning that the application in its current form is not consistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017), and does not conform with the Official Plan.

The Zoning By-law Amendment application proposes a 39-storey residential rental building containing 364 units and a four-storey underground garage containing 329 parking spaces, at 2600 Don Mills Road. The existing 19-storey rental apartment building containing 149 units, located on the site, would be retained. Vehicular access to the proposed residential tower would be via a new east-west public street from Don Mills Road. The proposed new public street and a 1,345 m² public park are proposed at the southern property limit of the site.

The Official Plan Amendment is required in order to identify the site as a Key Development Area within the Sheppard East Subway Corridor Secondary Plan and to permit the proposed density of approximately 3.84 FSI on lands where a density has not been prescribed by the Plan.

This report recommends that the City Solicitor attend the LPAT hearing to oppose the application in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff to attend the Local Planning Appeal Tribunal hearing to oppose the Zoning By-law Amendment Application in its current form.
2. City Council direct the City Solicitor to oppose any appeal of the Official Plan Amendment application in its current form, if one is made based on City Council's failure to make a decision within the statutory timeframe set out in the Planning Act taking a position consistent with the planning analysis set out in this report and any further direction from the Chief Planner and Executive Director, City Planning.
3. City Council direct City Planning Staff to continue to work with the applicant to resolve the issues detailed in this report.
4. City Council require the owner to satisfy the on-site parkland dedication requirement through an on-site dedication of 640 square metres, with a cash-in-lieu dedication as per Section 415-26C of the Toronto Municipal Code for any on-site parkland dedication shortfall.
5. Should the owner agree to design and construct the Above Base Park Improvements to the new park, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry, and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the Owner of the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120 percent of the Parks and Recreation Development Charges payable for the development; and the letter of credit will be required prior to the issuance of the first above grade building permit.
6. In the event that the Local Planning Appeal Tribunal approves the applications in whole or part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal withhold its Order(s) approving the Official Plan Amendment and Zoning By-law Amendment(s) applicable to the subject lands until such time as the City Solicitor confirms that:
 - a. the final form and content of the draft Official Plan Amendment and Zoning By-law Amendment(s) are satisfactory to the City Solicitor, and the Chief Planner and Executive Director, City Planning Division, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services, and amongst other matters includes:
 - i. securing the rental tenure of the existing rental units, securing of the needed improvements, a tenant assistance plan, and a construction mitigation plan, together with other appropriate matters; and

ii. the requirement for appropriate matters, services, and facilities to be provided by the owner, at its expense, and pursuant to Section 37 of the Planning Act and other matters necessary to support development.

b. the Local Planning Appeal Tribunal has received confirmation from the City Solicitor that the Owner has at its expense:

i. provided a Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;

ii. designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing Report and Stormwater Management Report, Foundation Drainage Report, and Hydrogeological Review, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

iii. confirmation from the City Solicitor that the implementation of the Functional Servicing Report, Groundwater Report, Stormwater Management Report and Hydrogeological Report, including the Foundation Report, accepted by Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner, City Planning Division and the City Solicitor;

iv. should it be deemed necessary by the Chief Engineer and Executive Director, Engineering and Construction Services, the by-laws and the Section 37 agreement shall require the owner, at no cost to the City, prior to the issuance of any above grade permit for all or any part of the site, including for clarity, any conditional above-grade building permit, to design, financially secure, construct, and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Toronto Water, and the City Solicitor.

c. The owner has submitted a Plan of Subdivision Application and has received draft plan of subdivision approval in order to create the proposed new public road and a park block.

d. The Local Planning Appeal Tribunal has been advised by the City Solicitor that appropriate services, facilities, or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner and Executive Director, City Planning Division, in consultation with the local Ward Councillor, have been appropriately secured in the implementing Zoning By-laws and in a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor, that has been executed and register on titled to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application consultation meeting was held on January 19, 2017 with the applicant to discuss the planning policy framework for the area and the complete application submission requirements. Staff raised concerns with the proposed height, density, access, and relationship to the existing building and surrounding buildings. The requirement for undertaking a Context Plan as outlined in the Secondary Plan for development within key development areas in collaboration with abutting landowners was also discussed at the meeting.

A Preliminary Report on the applications was adopted by North York Community Council on February 21, 2018 authorizing staff to hold a community consultation meeting with an expanded notification area. The Community Council Decision and Staff Report are available via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY28.10>

The applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (now LPAT) on March 21, 2018 due to a lack of Council decision. A pre-hearing conference took place on November 22, 2018, at which a further pre-hearing conference was scheduled for June 4, 2018.

The Official Plan Amendment Application submitted with the Zoning By-law Amendment application has not been appealed to the Local Planning Appeal Tribunal, but could be appealed as of May 8, 2018.

ISSUE BACKGROUND

Proposal

The applications propose a 39-storey (119.9 metre) residential building located to the southwest of the existing 19-storey (58.25 metre) rental apartment building. The proposed tower is on land currently utilized as a surface parking lot for the existing building. The existing 19-storey rental apartment building would be retained as part of the proposal.

The applicant proposes a new east-west 18.5 metre wide public road off Don Mills Road that would provide access to the proposed new tower and in the future could be extended further west to connect with other public roads as they are constructed on adjacent lands within the overall block. An existing City-owned storm sewer and a six metre wide easement in favour of the City, currently located south of the existing apartment building would be relocated under the proposed east-west public road. In addition, there is an existing privately-owned sanitary sewer servicing several properties within the quadrant that is required to become a public sewer with repaired connections as part of any future development.

A public park of 1,345 square metres, on the subject site, is proposed to the south of the proposed residential tower. A private linear landscaped amenity area is also proposed on the north side of the new public road, measuring 1,002 square metres in area and featuring planters with trees, sodding and pedestrian walkways and stairs connecting the lower ground and ground levels of the proposed building.

The main pedestrian entrance to the proposed building is located on the southwest corner of the proposed building and accessed from the lower ground floor level, with access and across from the proposed east-west public road. An additional residential entrance is also proposed from the eastern side of the building on the ground floor level, which is accessed via a set of stairs from the proposed public road. The proposed building would be set back from the proposed public road to the lower ground and ground floor by 14.83 metres. The second floor then projects closer to the road with a setback of 2.73 metres. The tower then steps back to 10.15 metres from the road at the third floor and 14.75 metres above this.

The proposed four-storey underground garage would be used by residents of the proposed residential tower and accessed via the proposed east-west public road. The public road would also lead to the vehicular pick-up/drop-off area on the south side of the building. The existing two-storey underground garage would be retained for use by the existing residents and accessed via a ramp off Leith Hill Road. Servicing and loading areas for the new building would be consolidated and internalized.

Key Project Criteria

Project Criteria	Existing rental apartment building	Proposed residential rental tower	Totals
Height (metres)	58.25	119.9	
Gross Floor Area (square metres)	20,828	27,429	48,257
Density (FSI)	1.57	2.27	3.84
Residential Units	1 Bdr- 45 (20%)	1 Bdr- 140 (39%)	
Residential Units	2 Bdr- 163 (72%)	2 Bdr- 187 (51%)	
Residential Units	3 Bdr- 18 (8%)	3Bdr- 37 (10%)	
Residential Units	Total-226	Total- 364	590 units
Front Setback	32 metres	14.83 metres (from lobby to	

		proposed public street)	
East Setback	37 metres	80 metres	
West Setback	31 metres	3.7 metres	
North Setback	25.5 metres	3.5 metres	
South Setback	37 metres	16.5 metres	
Tower floorplate (square metres)		728 (Floors 3-39)	
Tower separation to existing on-site rental building		Ground to 3rd floor- 23m 3rd-39th floors- 25m	
Parking Spaces	192	329	521
Bicycle Parking	8	266	274

The breakdown of the amenity space is as follows:

Type of Amenity Space	Existing Apartment Building	Proposed Apartment Building
Existing Indoor Amenity Space	No existing indoor amenity space	
Existing Outdoor Amenity Space	Outdoor swimming pool and landscaped open space (to be removed)	
Proposed Indoor Amenity Space (square metres)	The indoor amenity space within the proposed building would be shared with the existing tenants.	824 sq.m (2.26 square metre per proposed unit) - Gym, swimming pool, two party rooms.
Proposed Outdoor Amenity Space	728 square metre amenity space on second floor (2.0 square metre per proposed unit) - 1,002 square metre private landscaped amenity area	

Refer to Attachments 6 through 8e for the Site Plan, Applicant's draft Context Plan, Rendering and Elevations, and Attachment 1 (Application Data Sheet) for the complete list of project statistics.

Site and Surrounding Area

The property is located on the west side of Don Mills Road, north of Sheppard Avenue East, within 100 metres of the Don Mills Road and Sheppard Avenue East intersection. The lot has an irregular shape with a frontage of 107 metres along Don Mills Road and approximately 77 metres on Leith Hill Road. The subject site has an area of 13,666 square metres.

The site is currently developed with a 19-storey residential apartment building containing 226 rental units, located centrally within the site, oriented towards Don Mills Road. Vehicular access is provided via a driveway off Leith Hill Road which leads to the underground parking garage. There is a surface parking lot on the west side of the

building, a drop-off on the east side between the building and Don Mills Road and an outdoor swimming pool adjacent to the southern property line. The southern portion of the site also features a landscaped open space.

The western and southern portions of the site slope downwards with grade differences of between approximately 2.5 and 4 metres. There are mature trees located in the large open areas on the site including the southwest portion and along the site's perimeter.

Surrounding land uses include:

North: On the northern side of Leith Hill Road are three apartment buildings located at 24 Leith Hill Road (16-storeys), 34 Leith Hill Road (11-storeys), and 35 Esterbrooke Avenue (16-storeys). These parcels feature landscaped open space areas and are designated *Apartment Neighbourhoods*.

West: The land immediately west of the site is occupied by a 15-storey apartment building at 25 Leith Hill Road, also designated *Apartment Neighbourhoods*. The building is set back between 20 and 71 metres from its south property line and this setback area contains surface parking, an outdoor swimming pool and landscaped open space. Further west is St. Timothy Church and the St. Timothy Catholic School, both of which are on lands designated *Neighbourhoods*.

East: Fairview Mall is located on the east side of Don Mills Road opposite the subject property. A multi-level parking structure and bus terminal connected to the Don Mills subway station occupy the northeast corner of the Don Mills Road/Sheppard Avenue East intersection. In addition, a four-storey medical office building and Toronto District Public Library branch are located to the north of the mall. The entire mall site is designated *Mixed Use Areas*.

South: Abutting the site to the south is an existing ESSO gas station and convenience store located at 2500 Don Mills Road. A car wash is located on the west side of the property. These lands are designated *Mixed Use Areas*.

To the southwest of the subject site is 1650 Sheppard Avenue East which is occupied by a 15-storey apartment building with surface parking, and driveway access from Sheppard Avenue East and designated *Apartment Neighbourhoods* in the Official Plan. There is currently an Official Plan and Zoning By-law Amendment application (file no. 16 270525 NNY 33 OZ) for a 35-storey residential tower and three-storey above-grade parking structure fronting Sheppard Avenue East, on this site. The Zoning By-law Amendment and Official Plan Amendment applications for 1650 Sheppard Avenue East have been appealed to the LPAT. The geographic scope of the Official Plan Amendment application for 1650 Sheppard Avenue East was expanded by the Tribunal to include 2600 Don Mills Road, 2500 Don Mills Road, and 25 Leith Hill Road.

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

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the

Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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 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 builds upon the policy foundation provided by the PPS 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.

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.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017).

Toronto Official Plan

The subject site is designated *Apartment Neighbourhoods* on Map 19, Land Use, in the City of Toronto Official Plan (see Attachment 2). *Apartment Neighbourhoods* are considered physically stable areas of the City made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of the area residents. Generally, significant growth is not anticipated in *Apartment Neighbourhoods*, however the Official Plan states that

there may be opportunities for sites with underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents.

Healthy Neighbourhoods

The Healthy Neighbourhoods policies of the Official Plan (Section 2.3.1) require new development within *Mixed Use Areas and Apartment Neighbourhoods* to provide a gradual transition of scale and density to adjacent neighbourhoods. This may be achieved through maintaining adequate light and privacy and the stepping down of buildings towards stable areas of the city including the neighbourhoods located to the west and northwest.

Public Realm

The public realm policies in section 3.1.1 of the Official Plan place emphasis on the importance of good design in creating a great city. The Official Plan promotes new development that enhances the quality of the public realm including, streets, sidewalks, parks, public spaces and the buildings that frame and define these spaces.

Built Form

Section 3.1.2 of the Official Plan identifies the importance of urban design as a fundamental element of city building and contains built form policies intended to minimize the impacts of new development and guide the form of new buildings to fit within the existing and planned context of the neighbourhood and the City. These policies require new development to:

- be located and organized to fit with its existing and/or planned context. Development will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual view to these spaces;
- 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, parks and open spaces;
- be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties;
- 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; and
- provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Tall Buildings

Tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure tall buildings fit within their existing and/or planned context and limit local impacts, there are additional built form principles that apply to the location and design of

tall buildings. These built form policy principles are found in Section 3.1.3.1 of the Official Plan and include:

- a) tall buildings should be designed to consist of three parts, carefully integrated into a single whole:
- base building- provide definition and support at an appropriate scale for adjacent streets, and minimize the impact of parking and servicing uses;
 - middle- design the floor plate size and shape with appropriate dimensions for the site, and locate and orient it on the site and in relationship to the base building and adjacent buildings; and
 - top- design should contribute to the skyline character and integrate roof top mechanical systems into the design.

Policy 3.1.3.2 of the Official Plan details key urban design considerations including:

- a) meeting the built form principles of the Official Plan;
- 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;
- d) taking into account the relationship of the site to topography and other tall buildings; and
- e) providing high quality, comfortable and usable publicly accessible open space areas.

Housing

Section 3.2.1 of the Official Plan requires a full range of housing, in terms of form, tenure and affordability across the City and within neighbourhoods, to be provided and maintained to meet the current and future needs of residents. A full range includes housing such as: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Policy 3.2.1.5 requires significant new development on sites containing six or more rental units where existing rental units will be kept in the new development to:

- a) secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- b) secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of the Official Plan without passing on these costs to the tenants.

Building New Neighbourhoods

Section 3.3 of the Official plan speaks to the need for a comprehensive planning framework when developing new neighbourhoods. The Plan identifies that new neighbourhoods must function as communities, not just housing. The Plan identifies that new neighbourhoods will have a comprehensive planning framework that reflects

the Plan's city-wide goals as well as the local context, that they will be viable as communities, and that they will be carefully integrated into the surrounding fabric of the City, the pattern of streets, development blocks, open spaces and other infrastructure.

Apartment Neighbourhoods

Apartment Neighbourhoods policies in Chapter 4 (Policy 4.2.2) state that development in *Apartment Neighbourhoods* should contribute to the quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

Policy 4.2.3 states that compatible infill development within developed *Apartment Neighbourhoods* may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings, while providing good quality of life for both the new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

- a) meet the development criteria set out in Section 4.2.2 for apartments (as above);
- b) maintain an appropriate level of residential amenity on the site;
- c) provide existing residents with access to the community benefits where additional heights and/or density is permitted and community benefits are provided pursuant to Section 5.1.1;
- d) maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- e) organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- f) front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g) provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h) preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- i) consolidate loading, servicing and delivery facilities; and
- j) preserve or provide adequate alternative on-site recreational space for residents.

Section 37

Section 5.1.1 of the Official Plan allows the City to approve height and/or density increases greater than permitted by the Zoning By-law pursuant to Section 37 of the Planning Act for developments which exceed 10,000 square metres and increase the permitted density by at least 1,500 square metres and/or significantly increase the permitted height. This section authorizes the City to contemplate increases in height and density in return for community benefits. This proposal is in excess of 10,000 square metres and proposes an increase in height and density.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs and Housing approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. On June 26, 2018, through City Council Item CC43.15 and on July 23, 2018 through City Council Item C44.10, City Council adopted recommendations which would allow for the settlement of the appeals to OPA 320.

OPA 320 amends the *Apartment Neighbourhoods* policies to add emphasis on the need for improved amenity spaces for both existing and new residents as part of any infill development. Infill development should provide a good quality of life for both new and existing tenants and maintain sunlight and privacy for residential units.

The Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5>

Sheppard East Subway Corridor Secondary Plan

The site is subject to the Sheppard East Subway Corridor Secondary Plan as set out in Chapter 6, Section 9 of the Official Plan. The site is located within the Don Mills Node of the Secondary Plan on Map 9-2 (Attachment 3), which focuses new development on the Mixed Use Areas designations north of Sheppard Avenue East and other lands relating to Sheppard Avenue East and the Don Mills subway station. Comprehensive re-development is promoted in the 'key development areas' to prevent piece-meal development.

The Secondary Plan objectives include requiring compatible transitions in density, height and scale between development nodes and stable residential areas and generally locating the highest densities closest to the rapid transit stations and to a lesser extent along arterial road frontages. The Secondary Plan seeks to shape the

height and mass of development to a pedestrian scale by framing the street with buildings at a size roughly equivalent to the street width.

The Secondary Plan also contains Urban Design Principles which are intended to generally guide future development and are to be included in the detailed consideration of developments in key development areas designated Mixed Use Areas. The principles relate to streets and blocks, setbacks, heights, massing, pedestrian connections and comfort and public art. Section 6 of the Secondary Plan speaks to public parkland and private open space. The Secondary Plan requires that parkland dedication in the form of land or cash-in-lieu will be required for each development.

The Sheppard East Subway Corridor Secondary Plan is available on the City's website at: www1.toronto.ca/planning/9-sheppard-subway-east-corridor.pdf

Context Plan

The implementation section of the Secondary Plan requires context plans in Key Development Areas in the Sheppard East Subway Corridor. The Secondary Plan identifies that context plans may be required for the entire block on which the development is located, including its relationship to adjacent streets, open space and development sites, as part of rezoning applications. The purpose of the context plan is to: a) provide a context for co-ordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site; b) to assist in evaluating the conformity of the proposed development with the relevant provisions of this Secondary Plan, including the conceptual parks plan; and c) to provide a framework within which streetscape initiatives of the City will be developed and implementation mechanisms identified. As the applicant is seeking to amend the Secondary Plan to include the subject site as a Key Development Area, the submission of a context plan is required.

The Context Plan will be required to be developed by the applicant in consultation with the City, Ward Councillor, local residents, adjacent communities, and adjacent landowners, to establish a general planning framework as to how this area can be developed, for consideration by the City. The Context Plan will apply to the lands bounded by Leith Hill Road to the north, Don Mills Road to the east, Sheppard Avenue East to the south, and St. Timothy Catholic School to the west. The Plan should address public and private roads, the location of parks and other open spaces, urban design and built form, building layout, siting, massing, and pedestrian linkages.

Zoning

The subject property is currently subject to two Zoning By-laws. Under the City-wide Zoning By-law 569-2013, the property is zoned RA (Residential Apartment Zone) (f30.0; a1375; d1.5) (see Attachment 5). The RA zone permits dwelling units in an apartment building form. The site is subject to a maximum 35% lot coverage on the Lot Coverage Overlay Map, as well as the same building setback provisions specified by By-law 7625. The maximum permitted density is 1.5 FSI.

Under the former City of North York Zoning By-law 7625, the property is zoned RM6 (Multiple Family Dwellings Sixth Density Zone) (see Attachment 4). The RM6 zone permits detached dwellings, semi-detached dwellings, apartment house dwellings, multiple attached dwellings and nursing homes. The maximum permitted density is 1.5 FSI and the maximum lot coverage is 35%. Although there is no specified maximum height, the RM6 zone requires buildings in excess of 11 metres in height to be set back from each lot line not less than the setbacks set out in Section 20-A.2.4 (Yard Setbacks) plus 0.3 metres for every 0.6 metres in additional height in excess of 11 metres.

City-Wide Tall Building Design Guidelines

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

Section 1.3 of the Guidelines states that tall buildings should fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space. This can be achieved by applying angular planes, minimum horizontal separation distances and other building envelope controls. Tall buildings should respect the scale of the local context.

Furthermore, Section 3.1.1 (d) provides that where the adjacent context is lower-scale and not anticipated to change, a transition should be provided down to the neighbouring buildings.

With regard to building design, Section 3.2.1 recommends a floorplate of 750 metres or less and Section 3.2.2 recommends a tower stepback of at least 3 metres from the base building. In addition, tall buildings should be set back at least 12.5 metres from the side and rear property lines to limit their impact on the adjacent properties. In addition to a minimum separation distance of 25 metres between towers, the Guidelines recommend that towers should be further shaped, placed and articulated to increase the actual and perceived distances between adjacent building elevations.

The city-wide Tall Building Design Guidelines are available at:
www.toronto.ca/planning/tallbuildingdesign.htm

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The draft Growing Up Guidelines are available at:

Site Plan Control

The proposed development is subject to Site Plan Approval. An application for site plan control has not yet been submitted by the applicant.

Draft Plan of Subdivision

A Draft Plan of Subdivision will be required for the subject lands to implement the Block Plan for this area and to convey the public streets and public park. An application for Draft Plan of Subdivision has not yet been submitted by the applicant.

Reasons for Application

An Official Plan Amendment is required in order to identify the site as a Key Development Area within the Sheppard East Subway Corridor Secondary Plan and to permit the proposed density of approximately 3.84 FSI on lands where a density has not been prescribed by the Plan.

The proposed development also requires an amendment to the City of Toronto Zoning By-law 569-2013 and the former City of North York Zoning By-law 7625 to permit the proposed density and height. Appropriate development standards regarding gross floor area, setbacks, indoor and outdoor amenity space, parking and other matters would be established through a site specific exception, should the proposed development be approved in whole or in part.

Application Submission

The following reports/studies were submitted with the application:

- Planning Report;
- Housing Issues Report;
- Community Services and Facilities Report;
- Preliminary Pedestrian Level Wind Assessment;
- Functional Servicing Report;
- Stormwater Management Report;
- Traffic Impact, Parking and Loading Study;
- Shadow study;
- Geotechnical Investigation;
- Hydrogeological Report;
- Phase 1 Environmental Site Assessment;
- Arborist/Tree Preservation Report; and
- Toronto Green Development Standards Checklist.

A Notification of Complete Application was issued on November 15, 2017.

The studies and plans are available on the City's Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

A Community Consultation Meeting was held on March 8, 2018 at St. Timothy Catholic School. Approximately 40 members of the public were in attendance.

A Community Consultation Meeting dealing with the emerging Block Context Plan for this site, in addition to the lands at 1650 Sheppard Avenue East, 2500 Don Mills Road, and 25 Leith Hill Road was held on November 29, 2018. The Community Consultation Meeting was hosted by Community Planning staff and consisted of a presentation which included presenting the landowners proposed Context Plan shown in Attachment 7, then an Open House at which residents could review presentation boards and ask one-on-one questions. Approximately 25 members of the public were in attendance at the meeting. Issues raised at the meeting by attendees included the following:

- The proposal was too dense and there are too many *dwelling* units proposed;
- The proposed building heights are too high;
- Concerns about infrastructure capacity and if sufficient capacity exists to accommodate the development;
- Concerns were raised about the ability of nearby schools to accommodate children from this development; and
- Concerns that development will increase traffic, traffic congestion, and cut-through traffic through the block.

Local Planning Appeal Tribunal Hearing

The applicant is a party to the Local Planning Appeal Tribunal Hearing for 1650 Sheppard Avenue East (LPAT File No.PL170649). The LPAT set aside 4 days for mediation - January 10, 11, 18, 2019 and March 5, 2019. Five days have been set aside for a hearing commencing March 25, 2019 for that application. The emerging Block Context Plan forms part of the LPAT mediation, which includes the lands at 2600 Don Mills Road.

A second Prehearing date for the Zoning By-law Amendment appeal for 2600 Don Mills Road has been set for June 4, 2019.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching policy documents. The PPS

provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong communities, wise use and management of resources, and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the Planning Act, to be consistent with the PPS.

The PPS and the Growth Plan encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for the implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. Policy 4.7 of the PPS identifies the Official Plan as being the most important vehicle for implementing the PPS.

The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies. The City's Official Plan contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock and protects the character of the area consistent with the direction of the PPS. The Site is subject to the Sheppard East Corridor Secondary Plan, Chapter 6 of the City's Official Plan. Under Policy 5.6.6 to the extent of any conflict, the Policies in Chapter 6 prevail over the City's Official Plan. The Secondary Plan is specific as to where and how development is to occur within the Secondary Plan area. The Secondary Plan for the area directs growth along Sheppard Avenue East and Mixed Use Areas, however the subject site is not within an area identified as a key development site.

The PPS in Policy 1.1.3.7 also states that Planning authorities shall establish and implement phasing policies to ensure: a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

The Implementation Section of the Sheppard Avenue East Corridor Secondary Plan identifies that in the key development areas, context plans may be required for the entire block on which the development is located, including its relationship to adjacent streets, open space and development sites, as part of rezoning applications. The purpose of the context plan is to:

a) provide a context for co-ordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site;

b) to assist in evaluating the conformity of the proposed development with the relevant provisions of this Secondary Plan, including the conceptual parks plan; and

c) to provide a framework within which streetscape initiatives of the City will be developed and implementation mechanisms identified.

Currently, there is no City adopted Context Plan for the subject site or block. The City is currently working with the applicant of this site, along with adjacent property owners on a Block Context Plan. The Secondary Plan currently does not contemplate the level of intensification proposed. The City is in the midst of an Area Block Study to determine if the intensification levels proposed are appropriate. The Block Context Plan will become the manner in which to organize the block. Until the Context Plan has been established for this block, the proposal is not consistent with Policy 1.1.3.7 of the PPS. The Context Plan will ensure that the entire block promotes efficient development and land use patterns, the orderly development of the block, and the appropriate location for growth and development on the block and within the Sheppard Corridor.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation. The Growth Plan strives, among other goals, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The Growth Plan identifies that municipalities are obligated to undertake integrated planning to manage forecasted growth to the horizon of the Growth Plan which provides direction for urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact urban form. Complete communities are identified by the Growth Plan, Policy 2.2.1.4 as places such as mixed-use neighbourhoods that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living. Complete communities are age-friendly, and may take different shapes and forms appropriate to their contexts. The creation of a walkable neighbourhood that is characterized by a well-connected network of streets, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along public streets that encourages active transportation is required for this site. Compact built forms within complete communities can be achieved at different densities, heights, and building typologies that take the planned local context into account. The growth areas at the intersection of Don Mills Road and Sheppard Avenue East have been identified by the Secondary Plan for this area. Should intensification for the site be deemed appropriate it should be designed in a manner to ensure the achievement of a complete community. In order to ensure that the site and the block as a whole develop as a complete community in a compact urban form, the context plan is required to be completed, and until such time as the context plan has been completed and approved by Council, the proposal is considered premature.

The Growth Plan establishes the requirement that an integrated approach to land use and infrastructure planning consider municipal built form and public realm policies. The Growth Plan also recognizes the importance of implementing urban design Official Plan

policies in order to ensure development of a high quality, an attractive and vibrant public realm, including public open spaces, and compact built form. Development should, amongst other matters, be attractive, functional and fit the local context, support pedestrian activity, and facilitate transit use. The built form and public realm for this site and block should promote a sense of place and ensure development of a compact complete community. This can be better achieved through the context plan, not by the development of the subject property as a singular site.

While it is acknowledged that some intensification is anticipated in this location, due to the proposed massing, building height and organization of the site, in addition to the lack of a comprehensive context plan for the block, the proposal does not represent an appropriate intensification for this site. The proposal in its current form consists of development that is greater than what has occurred on sites that are identified as Key Development Sites in the Secondary Plan. The proposal is not consistent with the way in which the Official Plan comprehensively implements the Growth Plan for the Greater Golden Horseshoe.

Official Plan Amendment

The subject site is located in an *Apartment Neighbourhoods* designation where some modest infill development is anticipated. Most of Toronto's existing apartment buildings are located within built up *Apartment Neighbourhoods* which are stable areas where only limited infill development is anticipated. The applicant's proposal for a 39-storey building to the southwest of the existing 19-storey rental apartment building resulting in an FSI of 3.84 times the site, in an *Apartment Neighbourhoods* designation surrounded by buildings ranging in height from 15 to 19 storeys (and an approximate FSI of 1.48 to 1.56) is not appropriate in its current form. The proposal does not conform to the Official Plan designation of *Apartment Neighbourhoods*, including the development criteria contained in Section 4.2.2, and is not consistent with the way in which the Official Plan implements the Provincial Policy Statement.

The site is subject to the Sheppard East Subway Corridor Secondary Plan as set out in Chapter 6, Section 9 of the Official Plan. The site is located within the Don Mills Node of the Secondary Plan on Map 9-2 (Attachment 3), which focuses new development on the Mixed Use Areas designations north of Sheppard Avenue East and other lands relating to Sheppard Avenue East and the Don Mills subway station. Comprehensive re-development is promoted in the 'key development areas' to prevent piece-meal development. The applicant is seeking an amendment to the Secondary Plan in order to make this site a "key development site". The proposal cannot be supported in its current form. The Official Plan Amendment can only be accomplished through the Context Plan Study that is currently underway.

Context Plan

The implementation policy of the Secondary Plan requires a Context Plan for Key Development Areas in the Sheppard East Subway Corridor to ensure co-ordinated incremental development in conformity with the Secondary Plan. Context Plans are required for comprehensive development and, given the submission of an Official Plan Amendment application to identify the site as a Key Development Area, the applicant is

required to submit a Context Plan. This process has been initiated in conjunction with this application.

At the North York Community Council meeting on April 4, 2016, the applicant for 1650 Sheppard Avenue East was directed to develop a Context Plan for the lands bounded by Leith Hill Road to the north, Don Mills Road to the east, Sheppard Avenue East to the south, and St. Timothy Catholic School to the west for the City's review. At the North York Community Council meeting of February 21, 2018, the applicant for 2600 Don Mills road was directed to develop a Context Plan in collaboration with area landowners. The Context Plan is currently being developed by the applicant and adjacent landowners, with input from City staff, the Ward Councillor, local residents, and adjacent communities, to establish a general planning framework as to how this area can be developed for consideration by the City. The subject site is located within the boundaries of the context plan.

The Context Plan is intended to address matters such as the provision of public and private roads, parkland and open space, pedestrian linkages, urban design and built form, and the provision of community services and facilities. The outcome of this process will have direct implications for the site in relation to other development parcels in the context plan and determine building typologies, building placement, site organization, public realm, massing and built form, on the subject site and the three adjacent sites that form the block. It is anticipated that this will result in revisions to the proposal at 2600 Don Mills Road. The context plan will require phasing to ensure the provision of appropriate infrastructure at each stage.

The priorities identified by Planning staff with regards to the urban structure of the north-west quadrant Context Plan include:

- Introduction of new public street networks including public east/west and north/south streets to alleviate the existing limited access to the properties within the block and to provide public street frontage to future buildings in the block, and the new public park;
- Realign the storm sewer in an east/west direction and align this with future public streets;
- Increase the sanitary sewer infrastructure to ensure public, individual connections for all properties;
- Locate an unencumbered public park in a centralized location with the ability to expand as properties are redeveloped, and maximizing views to the west;
- Provide appropriate community facilities to serve existing and future residents;
- Phasing to facilitate incremental growth, with each phase ensuring adequate infrastructure;
- Reducing surface parking and surface driveways and replacing with landscaped open space to accommodate new development;
- Provide different building typologies and housing options including affordable housing; and
- Ensuring a built form which respects the existing context.

Once the Context Plan has been further developed with the input of all parties, and brought out to the community for further consultation, it will be further reviewed by City

Staff who will report to North York Community Council with their recommendations. The Context Plan will be used as an implementation tool to guide the review of current and future planning applications in the quadrant.

The Context Plan will be brought forward to the community for consultation in Q1 2019. It is expected that the Context Plan will form part of a Site and Area Specific Policy in the Sheppard East Subway Corridor Secondary Plan. It is the intention of City Planning staff to report to North York Community Council and City Council in the spring of 2019 regarding the Context Plan for the entire block.

Site Organization

The subject property is a 1.36 hectare site in a block that is located at the south west corner of Don Mills Road and Leith Hill Road.

The proposed residential building would be located to the west of the existing building. The applicant proposes a new 18.5 metre wide east-west public street at the southern limit of the subject site which would allow the new building to front on a public street and have access and address on a municipal street. A public street on this site is required as part of the structural components of the block's emerging Context Plan.

In order to meet the Official Plan objectives, new streets proposed within the block should be public streets that are designed and laid out as part of a network that would improve the block's connectivity, provide access and addresses for new development, and create adequate space for pedestrians, bicycles, and landscaping, as well as transit, vehicles, utilities and utility maintenance.

As part of the Context Plan study, City staff have requested an unencumbered north-south public road dedication connecting Sheppard Avenue East to Leith Hill Road with an 18.5 metre wide right-of-way which would connect with the applicants proposed public road that runs east-west connecting to Don Mills Road. In order to achieve public roads on the Block, the east-west storm sewer and City easement would need to be realigned to allow a public road to be located above and to create additional space on the site to allow for redevelopment to occur.

A public park of 1,345 square metre is proposed to the south of the proposed residential tower. The park is located in a manner which allows for the future expansion of the public park as adjacent lands develop. A private linear landscaped amenity area is also proposed on the north side of the new public road, measuring 1,002 square metre in area and featuring planters with trees, sodding and pedestrian walkways and stairs connecting the lower ground and ground levels of the proposed building. The private linear space is intended to function as a future POPs. The size, configuration and location of the public park will be reviewed as part of the Context Plan to the satisfaction of the General Manager Parks, Forestry and Recreation.

The context plan will allow for overall site improvements including the removal of surface parking areas, the provision of new servicing, providing space for new building typologies such as townhouses which frame and support the street, and improved site landscaping.

Density and Height

The Sheppard East Subway Corridor Secondary Plan encourages that development be transit supportive with the highest densities generally located closest to the rapid transit stations, and to a lesser extent along arterial road frontages. The Secondary Plan does not prescribe specific heights for development parcels along the Sheppard Avenue East corridor, however the policy does state that the highest densities and heights be directed to locations along Highway 401 and locations closest to the subway nodes, and to a lesser extent along the arterial roads.

The existing context immediate to the site consists of a 19-storey apartment building on the subject site, a 15-storey apartment building on the adjacent parcel to the west of the site, a 15-storey apartment building to the southeast of the site and a single-storey gas station south of the site. The surrounding apartment buildings in the wider area are generally between 15 and 19-storeys in height. At the southeast corner of the Don Mills Road and Sheppard Avenue intersection is the context planned Parkway Forest development where the highest building is 36-storeys. This building is directly adjacent to the subway station. The proposed 39-storey building is more than twice the height of the neighbouring building, is located interior to the lot, and is not surrounded by similar-sized buildings.

Map 9.2 of the Secondary Plan sets out maximum densities in the designated Key Development Areas between 1.5 and 3.99 FSI. The maximum densities are located immediately at the major intersections and nodes, including the Parkway Forest development where the density is 3.99 FSI. While the subject site is located within the Don Mills Node, it is not directly at the intersection nor is it identified as a key development site. The 39-storey building does not fit within the height of its immediate context. It is significantly taller than the buildings at Parkway Forest, an area identified as a key development site, and more dense than all of the existing buildings at the northwest quadrant of the intersection. In addition, the proposed tower floorplate is approximately 900 m² which exceeds the maximum floorplate size of 750 square metres as prescribed by the Tall Buildings Guidelines, which results in added bulkiness to the building massing.

In addition, a minimum distance of 25 metres to a tower is recommended in the Tall Building Guidelines to achieve acceptable distance separation and to provide for sunlight and privacy. The applicant does propose to provide a 25 metre setback between the 3rd and 39th floors and the existing tower. The Tall Buildings Guidelines also require that a 12.5 metre setback be provided to property lines. The applicant is proposing setbacks that range between 3.5 to 3.7 metres to the north and west property lines. Given the siting of the building and its location interior to the lot and adjacent to other development sites, an improved building siting and relationship between the buildings is required, including a greater separation distance to adjacent property lines. The podium massing does not frame the new public street in good proportion, and the building massing as it relates to the relationship and compatibility with future streets, parks, open space and surrounding existing and future developments requires further resolution.

The proposed 39-storey building does not fit harmoniously within the existing context or planned context, and does not reflect the scale and proportion of the site and adjacent sites. The proposed height is considered an overdevelopment of the site and would set a precedent for nearby lands. A residential development with a reduced height in keeping with developments in the nearby area would be more in keeping with the Official Plan goal of ensuring compatibility with the existing context. The proposed development and Zoning By-law Amendments, in their current form do not conform with the City's Official Plan.

Transition

The Built Form policies within the Official Plan stress the importance of new development fitting harmoniously into its existing and/or planned context and limiting its impacts on neighbouring streets, parks, open spaces and properties. The Official Plan identifies the need to consider new development not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. The Official Plan also identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings.

The Tall Building Design Guidelines provide that when a tall building is proposed on a site surrounded by other tall buildings of consistent height, the height and scale of the proposed tower should relate to the existing context. The surrounding residential buildings range in height from 15 to 19-storeys. The proposed tower is 39-storeys in height; more than twice the height of the existing building on site and does not relate to the existing context. There is an opportunity to provide various building typologies on the site, including townhouses and other forms of low rise apartments. Given the proximity to the existing buildings, nearby *Neighbourhoods* designated lands, and the location interior to the lot, the proposed building exceeds what could be considered an appropriate height on this site and therefore does not provide an appropriate fit and transition.

Sun, Shadow and Wind

The applicant has submitted a shadow study as part of the application submission requirements. The applicant's proposal casts a long shadow, which impacts both the Neighbourhoods to the northwest and west, as well as the open space associated with the building at 25 Leith Hill Road during the morning hours of the spring/summer equinox. During the equinoxes there would also be shadows cast on the place of worship grounds to the west. Although some intensification on the site may be appropriate, the current height and massing of the 39-storey building does not adequately limit shadowing on neighbouring streets, properties and open spaces. In addition, the height of the building base creates negative shadow and wind conditions on site.

As part of the Context Plan study, a composite shadow study is required to assess the cumulative impact of the proposal and the surrounding proposed buildings on the block as a whole and on the surrounding lands.

Traffic Impact, Access, Parking

Through the Context Plan study and as part of the structure of the future block, staff have requested an internal new public road network to alleviate the pressure on the Don Mills/Sheppard intersection and to provide an additional means of access and frontage on a public road for the four properties in anticipation of additional buildings and the proposed park.

Further work needs to be undertaken to determine the viability of a signalized intersection at the western entrance to the block from Sheppard Avenue East. Revisions are required to refine the design of the future right-of-way on this site, including improving the pedestrian and cycling environment, the removal of surface parking areas, limiting curb cuts, increasing landscaping, and reducing the impact of parking and loading areas.

Traffic Impact

Both community consultation meetings generated a number of questions and comments about existing traffic conditions in the vicinity, as well as the traffic impact of the proposed development. Particular concern was expressed about the traffic volumes in the vicinity of the site during rush hour, especially around the Don Mills Road/Sheppard Avenue East intersection.

A Traffic Impact, Parking, and Loading Study prepared by WSP Canada, dated October 2017, was submitted as part of the application. The consultant estimates in this study that the proposed development will generate approximately 85 and 101 two-way trips during the AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system and future public road network through the site.

Transportation Services staff have reviewed the Traffic study and have identified the need for a master plan for the site (and adjacent sites) which includes a north-south road connection between the subject site and 25 Leith Hill Road extending from the proposed east-west public road.

The context plan will require a comprehensive traffic study to assess the impact of all development proposed on the block and the surrounding lands.

Parking

The existing apartment building has 261 parking spaces for residents and visitors. As part of the site's redevelopment a total of 69 parking spaces (58 outdoor and 11 indoor parking spaces) will be removed. Therefore, a total of 192 spaces are proposed to service the existing apartment building. The proposed residential building is proposed to provide a total of 329 parking spaces, including 36 visitor spaces and 293 resident spaces, in a four level underground garage, with some at-grade spaces.

The required parking supply for the proposed residential building is 339 parking spaces and the proposed 322 parking spaces does not satisfy the parking requirements for the site. However, staff will be encouraging TDM measures to support the lower parking rate.

Loading

Engineering and Construction Services staff have indicated that one Type G loading space is required for the project. The total number of residential units on the site, both existing and proposed, trigger the requirement for an additional Type C loading space as well. However, given the amount of at-grade parking and turnaround area, Transportation Services can accept a consolidated loading arrangement. The drawings note the provision of one Type G loading space, located within the proposed building's northeast quadrant, to be accessed via the existing driveway connection with Leith Hill Road. Transportation Services staff have indicated that they accept this configuration. Transportation Services staff have indicated that the loading configuration will be reviewed in further detail upon the receipt of a site plan control application.

Road Widening

According to the City's Official Plan, Leith Hill Road is identified as a 23 metre wide right-of-way at this location. In order to achieve the right-of-way width identified in the Official Plan, the applicant will be required to convey a 1.44 metre wide strip of land along the northerly portion of the site along Leith Hill Road.

Housing Issues

There is opportunity for the proposal to address the need for affordable housing in line with the Official Plan objectives and the Growth Plan for the Greater Golden Horseshoe 2017. The Growth Plan supports the achievement of complete communities that feature a diverse mix of land uses and provide a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes.

The City has housing objectives to accommodate within new development a broad range of households (including families with children). Generally, the City seeks to secure a minimum of 10% of the proposed additional units having three or more bedrooms. The applicant is proposing to provide 37 three-bedroom units in the 39-storey tower (approximately 10%) in addition to the existing 18 three-bedroom units in the rental building (8%).

In accordance with Official Plan policies 3.2.1.5 and 4.2.3, when significant new development is proposed on sites containing six or more rental units where existing rental units will be kept in the new development, improvements will be sought to the existing rental housing. The only proposed improvements to the existing building include indoor amenity space in the new building and it has not been confirmed if there will be shared access to the indoor amenities in the proposed building. Housing staff will encourage further improvements be made, and in accordance with Housing Policy 3.2.1.5, these improvements should be secured with no pass-through of costs to the

tenants. It has also not been confirmed if the applicant agrees to enter into an agreement to secure all of the dwelling units within the existing apartment building as rental housing. This confirmation will be sought by City Planning as part of any ongoing discussions. A tenant meeting is required as part of the application process and has not yet occurred.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

This application is for a residential tower with 364 new dwelling units having a residential gross floor area of 28,253 square metres. A new public road will be dedicated to the City, including a cul-de-sac. Lands to the south of the cul-de-sac and the 18.5 m road are proposed as a public park block in the southwest corner of the site. The total lands to be conveyed for public road purposes is approximately 1855.69 square metres.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 4,853.3 square metres or 41.5% of the site area. However, as the site includes an existing building which is to be maintained, the parkland dedication requirement is applied to a pro-rated portion of the site area, reflecting the extent of the new development. Further, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use. In total, the parkland dedication requirement is 640 square metres or 10% of the net site area.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The proposed public park as shown in the plans is acceptable in the southwest portion of the site abutting the cul-de-sac and 18.5 m public roadway to the north of the park. The proposed public park south of the public road is about 1202.6 square metres and in an acceptable location and configuration. Any changes to the size of required public right-of-way road conveyances will impact the net site area subject to parkland dedication and will change the size of the parkland dedication requirement.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance

measures are secured on site plan drawings, Zoning By-laws, and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the site specific zoning by-law and through the Site Plan Control application.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Policy 3.2.2.1 emphasizes the need to ensure that an appropriate range of community services and facilities and local institutions are provided in areas of major or incremental physical growth. This policy also recognizes the need to preserve, improve and expand CS&F and local institutions in established neighbourhoods that are under served. Policies 3.2.2.5 and 3.2.2.7 direct that CS&F Strategies be development for large sites that are experiencing major growth or change, along with the submission of a funding strategy and that CS&F be integrated as part of private development. The implementation of community facilities are identified in Policies 5.1.1, 5.1.2, and 5.1.3 of the Official Plan which states that the City has tools to create new parks, open space and community infrastructure for the additional residents and workers that growth brings. These tools include: alternative parkland dedication standards, height and density incentive policies secured through Section 37, and holding provisions to ensure that community infrastructure is in place prior to development or conditions are met.

At its meeting on November 7,8 & 9, 2017, City Council adopted the Parks and Recreation Facilities Master Plan 2019-2038 (Facilities Master Plan) reinforcing the City's commitment to providing high quality parks and recreation facilities for all residents. The Plan commits to building new recreation facilities and renewing current assets to meet demand, and making the most of current facilities while finding new and creative ways of providing services including partnerships with other Divisions, institutions and developers.

In March 2008, City Planning completed the Don Mills and Sheppard CS&F Facility Needs Assessment. In response to increased growth occurring along the Corridor, 3 sub-areas with specific CS&F priorities were identified. These sub-areas were Don Mills North (Oriole), Don Mills South (Parkway Forest) and Leslie/Sheppard (Sheppard

Corridor). This Study was triggered as a result of a residential intensification proposal at 100 Parkway Forest Drive for 2,200 units (Don Mills/Sheppard Sub-area). The proposed development is located within the Don Mills North (Oriole) Sub Area. Priorities for this Sub-Area include: additional child care facilities; additional community agency space; and facility improvements to the Oriole Community Centre.

Staff have reviewed the applicant's Community Services and Facilities Study, and have identified the following CS&F priorities for consideration in the review of the application:

- Securing community agency space for non-profit locally-based human service organizations to run a wide range of programs and/or services including day nurseries;
- Financial contributions towards facility improvements to the Fairview District Branch Library; and/or
- Financial contributions towards improvements to parks and recreation facilities that are located in and serve residents in the local Ward.

CS&F priorities are eligible for consideration as Section 37 benefits. Staff will meet with the applicant and the Ward Councillor to discuss appropriate Section 37 contributions as appropriate for this application.

An updated CS&F assessment for the Context Area is required to confirm the appropriate CS&F priorities for this area.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the Planning Act. As the application is seeking a significant increase in height and density, a Section 37 contribution would be warranted if this application were approved in some form.

To date, staff have not had any substantive discussions with the applicant or local Councillor regarding a Section 37 contribution due to the outstanding issues discussed in this report. In the event that the Tribunal considers granting additional density and/or height beyond that which is permitted by the zoning by-laws, the City Solicitor will request that the Tribunal withhold any order to allow the owner and the City an opportunity to discuss and settle on appropriate Section 37 provisions for any zoning by-law amendment and to allow a Section 37 agreement to be entered into and registered. City staff recommend that the LPAT not approve any official plan and zoning by-law amendments without the provision of Section 37 community benefits as are appropriate to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the applicant and the local councillor.

Conclusion

The Zoning By-law Amendment, in its current form is considered an overdevelopment of the site that is not consistent with the Official Plan policies. The proposed site layout is not appropriate for the orderly development of the lands. New public streets are

desirable on site to provide addresses for new developments, and connections with adjacent sites and neighbourhoods. There is a need for the removal of surface parking in order to make space for grade related housing, higher quality landscaping and amenity for existing and future residents of the block. The proposal's height, scale, setbacks and site organization are not appropriate, and the proposed built form does not adequately address the existing and planned context and does not provide an appropriate relationship with or transition to the abutting *Neighbourhoods*.

In addition to the reasons outlined in this report, the proposal, including the proposed Zoning By-law Amendments and proposed Official Plan Amendment, are not consistent with the PPS and do not conform with, as the case may be with the Growth Plan.

While a residential development is a permissible use for these lands, the desire to achieve residential intensification through redevelopment on the site must be balanced with a respect for the built form and character of the community in the surrounding *Neighbourhoods* and *Apartment Neighbourhoods*. In order to facilitate an appropriate level of development on these lands, a Context Plan study is currently underway that will be presented to North York Community Council and City Council, which will address the organization and structure for development in this Block.

It is recommended that City Council authorize the City Solicitor and appropriate staff to attend any Local Planning Appeal Tribunal hearing in opposition to the application in its current form . It is also recommended that City Council direct staff to continue discussions with the applicant to address the issues raised in this report, including an appropriate Section 37 contribution for a revised proposal.

CONTACT

Marian Prejel
Senior Planner, North York District
Email: Marian.Prejel@toronto.ca
Tel: 416-392-9337

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Official Plan Map

Attachment 3: Sheppard Avenue East Corridor Secondary Plan Map

Attachment 4: Zoning By-law 7625 Map

Attachment 5: Zoning By-law 569-2013 Map

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: Landowners Proposed Context Plan

Attachment 8a: East Elevation

Attachment 8b: North Elevation

Attachment 8c: South Elevation

Attachment 8d: West Elevation

Attachment 8e: Rendering

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	17 260070 NNY 33 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 9, 2017

Municipal Address: 2600 DON MILLS RD
 Location Description: PLAN M992 BLK NN PT RP R2755 PART 1 TO PART 5 **GRID N3302
 Project Description: Application to amend the Official Plan, Sheppard East Subway Corridor Secondary Plan and Zoning By-law to permit a 39-storey residential tower containing 364 residential units, including the provision of 521 underground parking spaces for the existing and proposed buildings on site; outdoor amenity space and a public park. The proposed density (Floor Space Index) is 3.53 FSI. The existing 19-storey rental apartment building would be retained and the proposed tower would be accessed via a new road off Don Mills Road.

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP			HUNTERS LODGE APTS INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood Zoning:	Site Specific Provision:	Historical Status:
	RAC (f30.0; a1375; d1.5)		
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	13666	Height:	Storeys:	39
Frontage (m):	0		Metres:	119.9
Depth (m):	0			
Total Ground Floor Area (sq. m):	1998			Total
Total Residential GFA (sq. m):	52478		Parking Spaces:	521
Total Non-Residential GFA (sq. m):	0		Loading Docks:	1
Total GFA (sq. m):	52478			
Lot Coverage Ratio (%):	14.6			
Floor Space Index:	3.84			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	52478	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	185	Office GFA (sq. m):	0	0
2 Bedroom:	350	Industrial GFA (sq. m):	0	0
3 + Bedroom:	55	Institutional/Other GFA (sq. m):	0	0
Total Units:	590			







Attachment 2: Official Plan Map



Extract from Official Plan

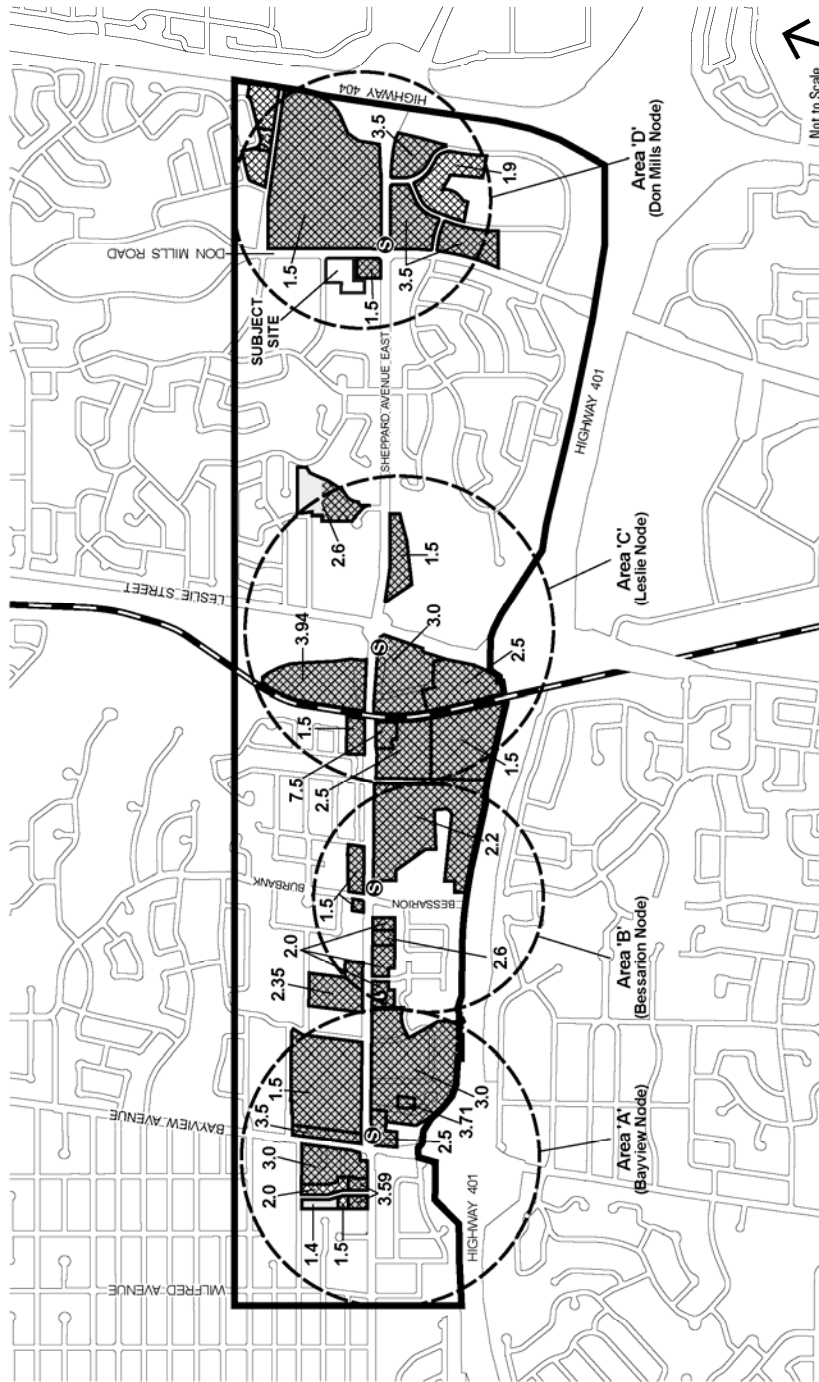
2600 Don Mills Road

File # 17 260070 NNY 33 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |

↑
Not to Scale
11/14/2017

Attachment 3: Sheppard Avenue East Corridor Secondary Plan Map



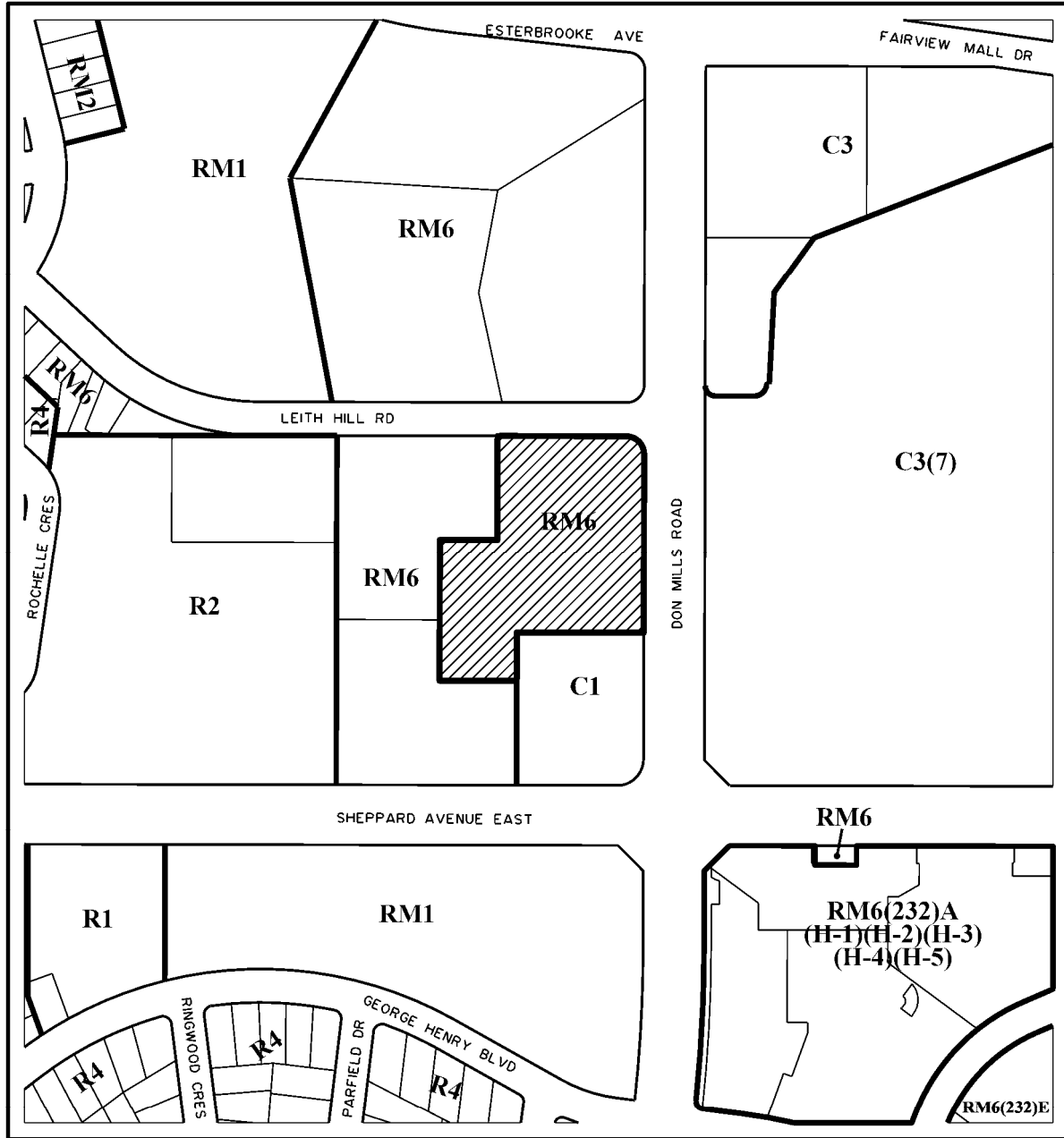
Sheppard East Subway Corridor Secondary Plan

MAP 9-2 Key Development Areas

- | | | | |
|--|--------------------------|-----|--------------------------|
| | Secondary Plan Boundary | | Parks & Open Space Areas |
| | Neighbourhoods | | Parks |
| | Apartment Neighbourhoods | 1.5 | Density |
| | Mixed Use Areas | | Subway Station |

November 2015

Attachment 4: Zoning By-law 7625 Map



Zoning By-Law No. 7625

2600 Don Mills Road

File # 17 260070 NNY 33 0Z



Location of Application

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone

- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

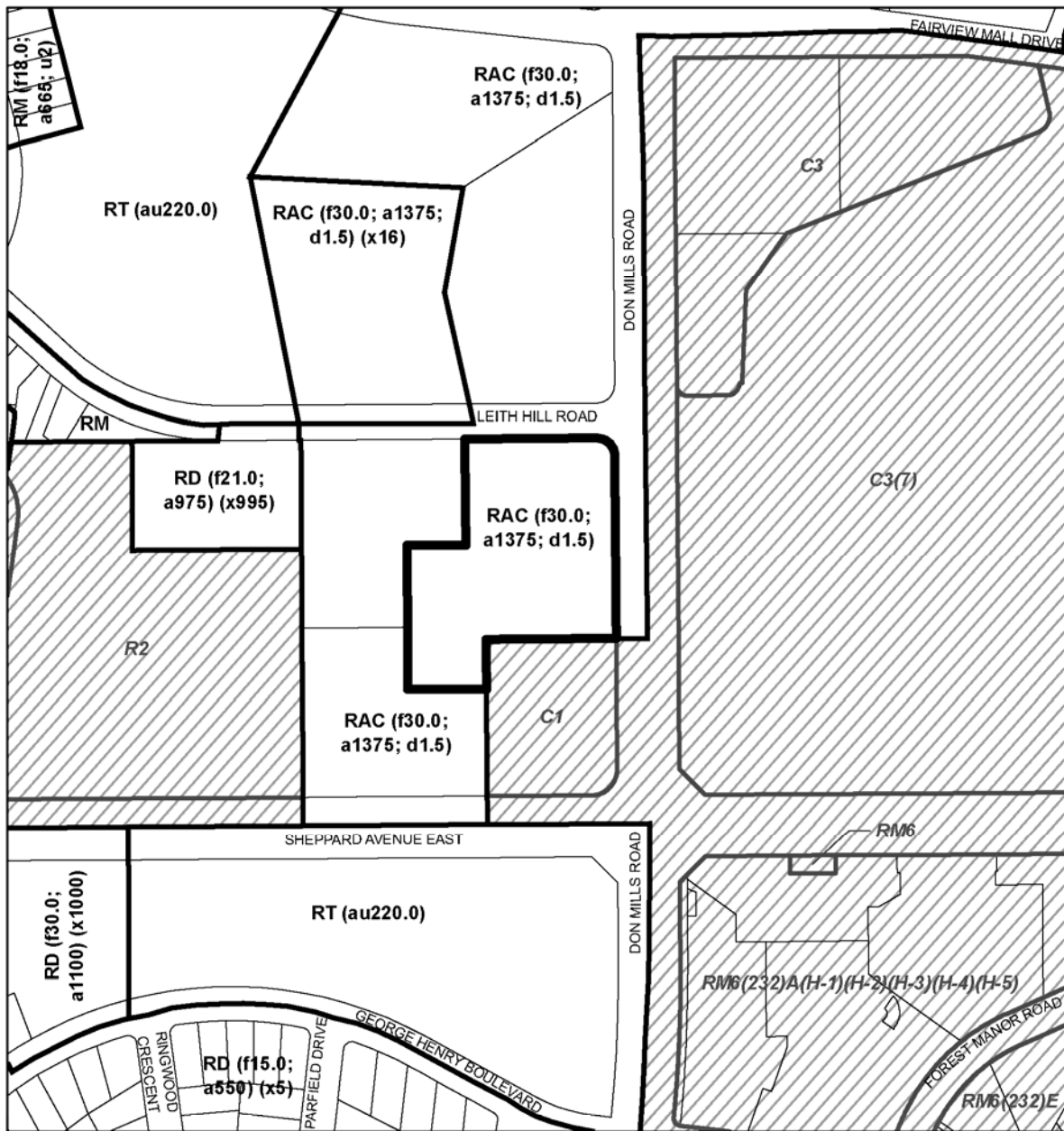
- C1 General Commercial Zone
- C3 District Shopping Centre Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 11/14/2017

Attachment 5: Zoning By-law 569-2013 Map



Zoning By-Law No. 569-2013

2600 Don Mills Road

File # 17 260070 NNY 33 0Z

Location of Application

RD Residential Detached RT Residential Townhouse
 RM Residential Multiple



See Former City of North York By-Law No. 7625

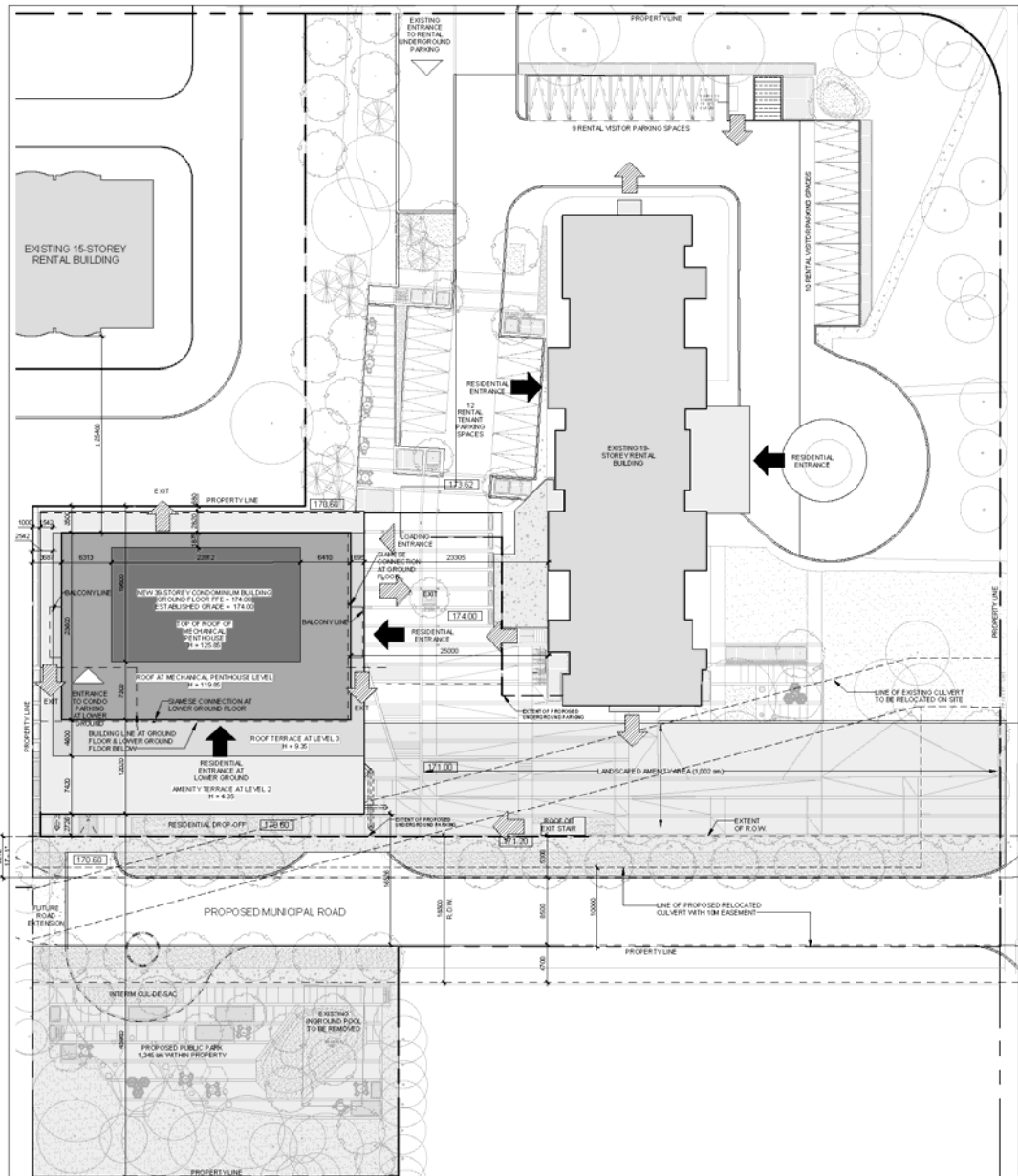
R2 One-Family Detached Dwelling Second Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone
 C1 General Commercial Zone
 C3 District Shopping Centre Zone



Not to Scale
 Extracted: 11/14/2017

Attachment 6: Site Plan

Leith Hill Road



Don Mills Road

Site Plan

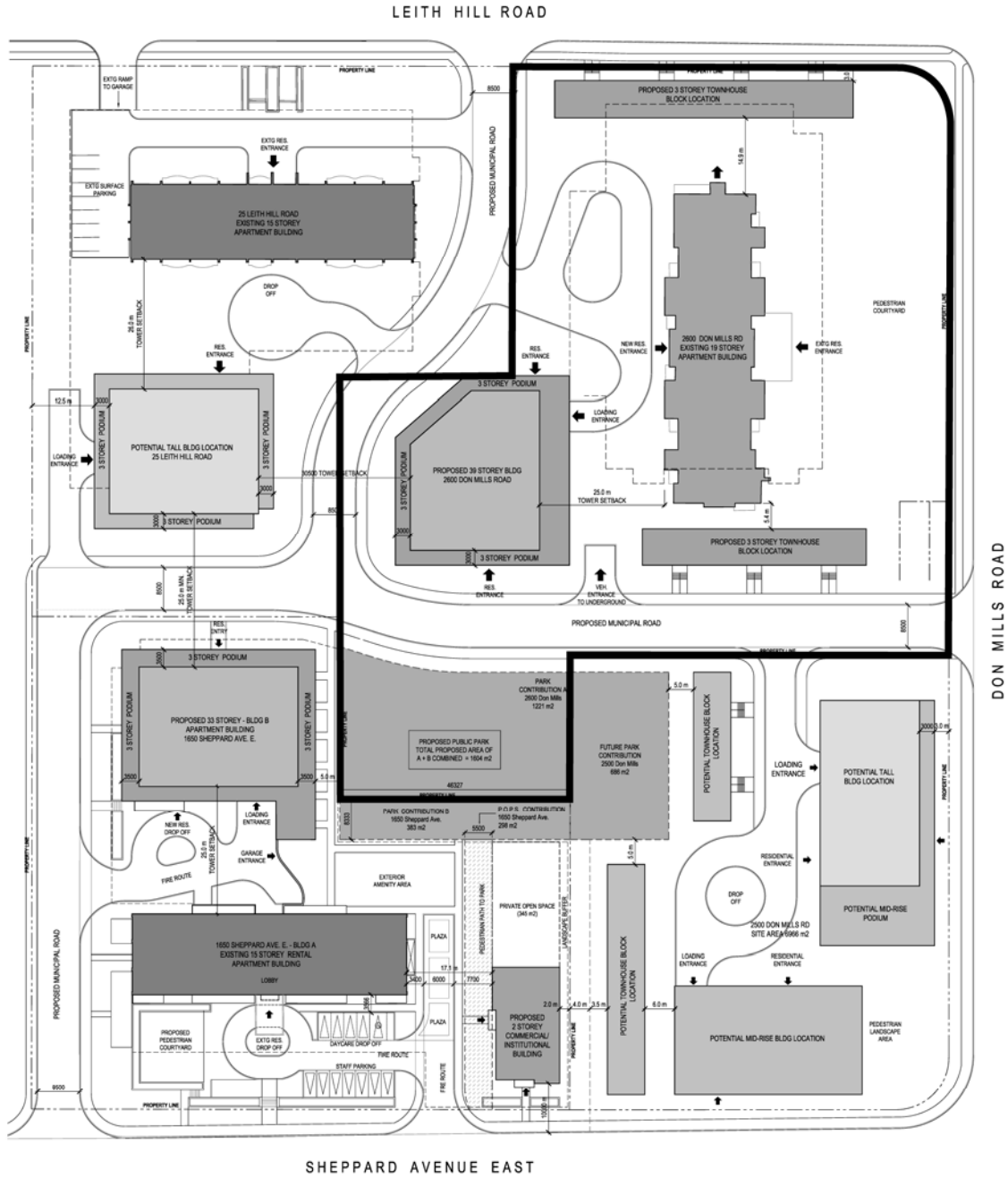
2600 Don Mills Road

Applicant's Submitted Drawing

Not to Scale 
11/15/2017

File # 17 260070 NNY 33 0Z

Attachment 7: Landowners Proposed Context Plan



Context Plan

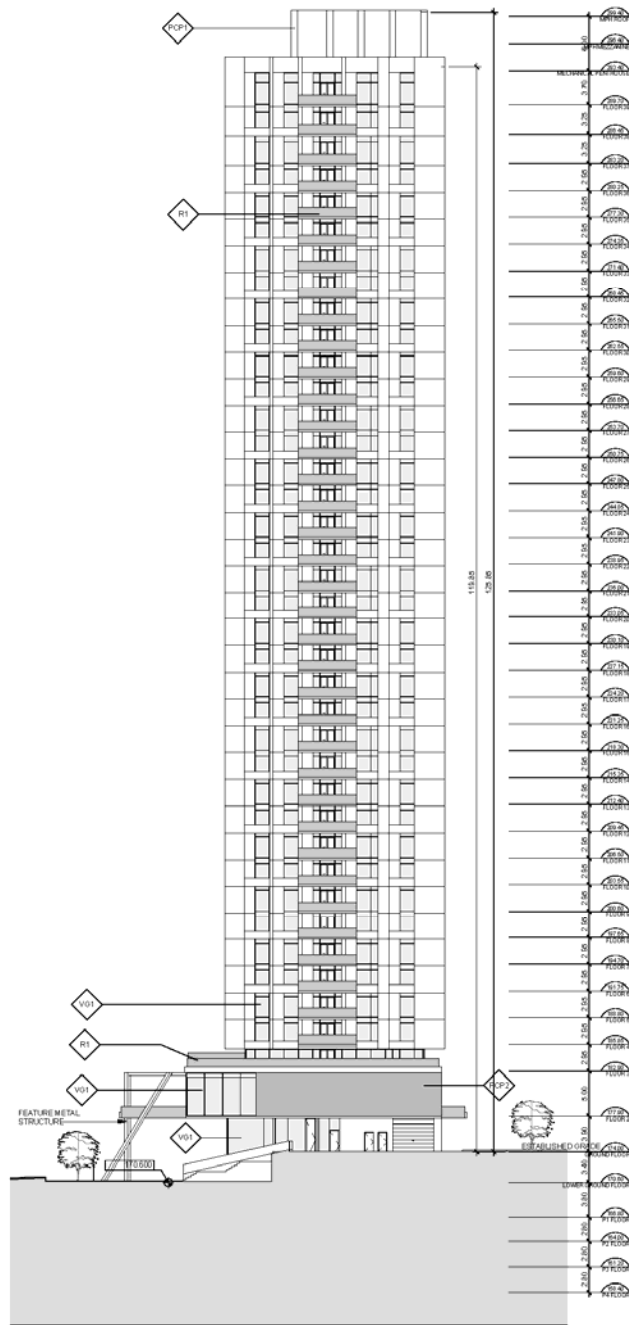
2600 Don Mills Road

Applicant's Submitted Drawing

Not to Scale
01/23/2019

File # 17 260070 NNY 33 0Z

Attachment 8a: East Elevation



East Elevation

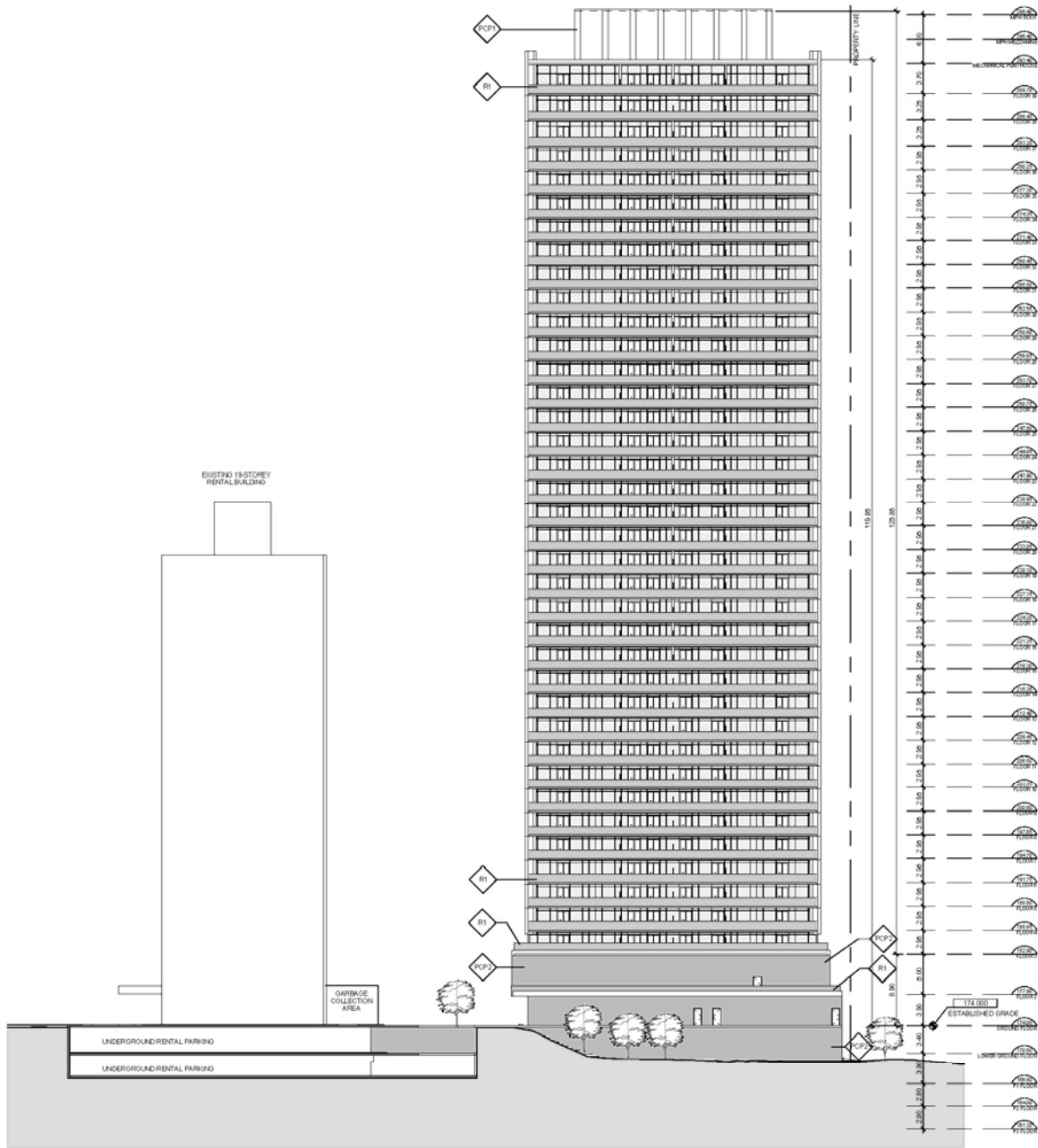
Applicant's Submitted Drawing

Not to Scale
11/15/2017

2600 Don Mills Road

File # 17 260070 NNY 33 0Z

Attachment 8b: North Elevation



North Elevation

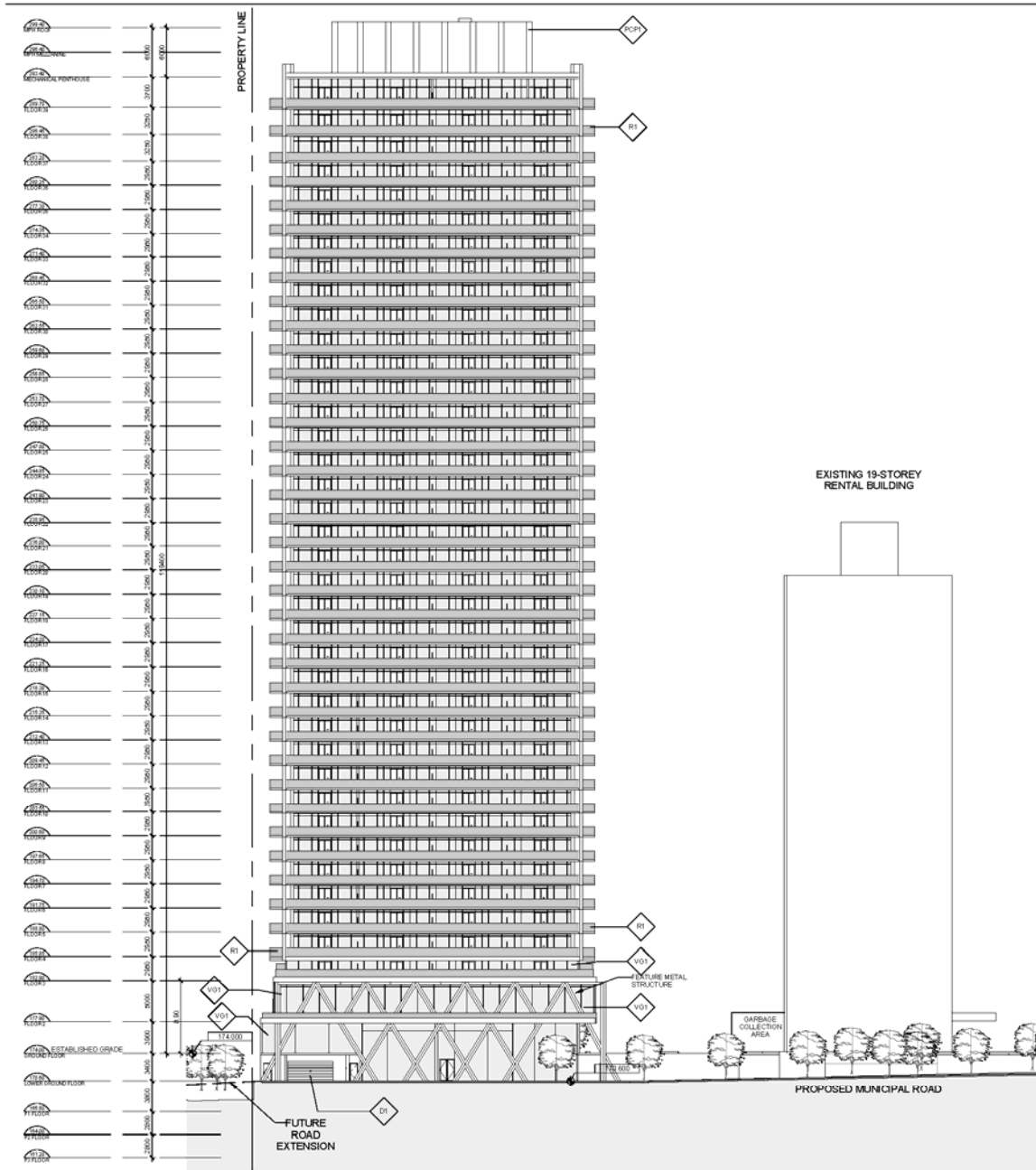
2600 Don Mills Road

Applicant's Submitted Drawing

Not to Scale
11/15/2017

File # 17 260070 NNY 33 0Z

Attachment 8c: South Elevation



South Elevation

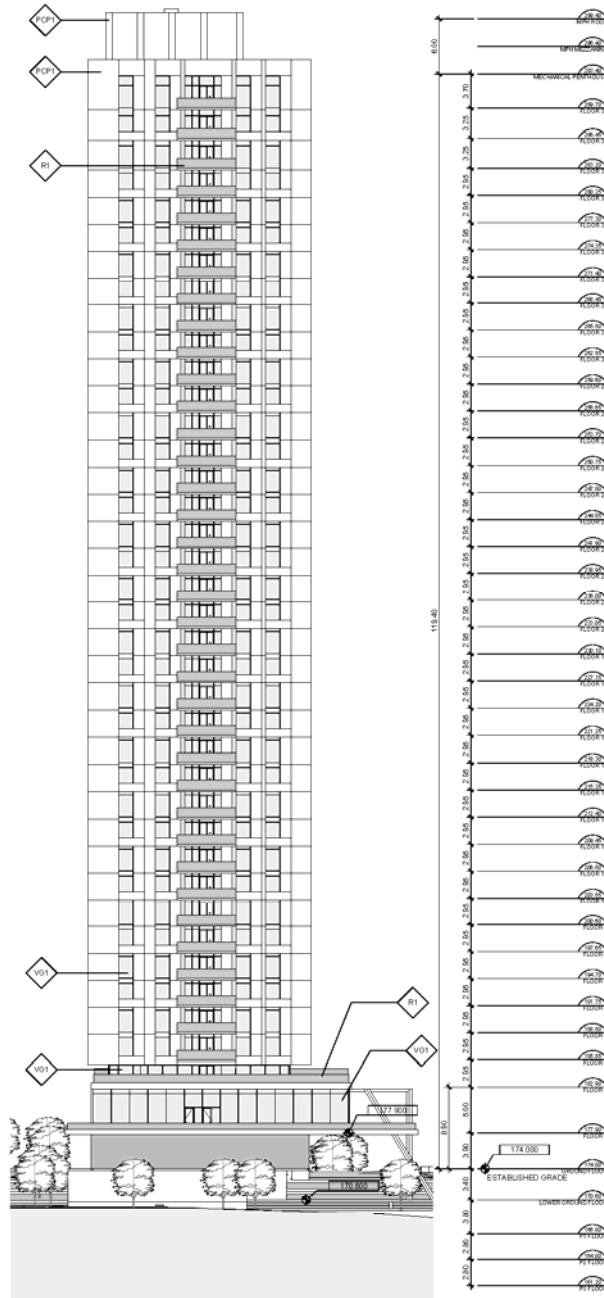
2600 Don Mills Road

Applicant's Submitted Drawing

Not to Scale
11/15/2017

File # 17 260070 NNY 33 OZ

Attachment 8d: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
11/15/2017

2600 Don Mills Road

File # 17 260070 NNY 33 OZ

Attachment 8e: Rendering



View looking east from proposed new road

Rendering

Applicant's Submitted Drawing

Not to Scale
11/15/2017 

2600 Don Mills Road

File # 17 260070 NNY 33 OZ
