

406 - 410 Keele Street – Official Plan and Zoning By-law Amendment Application – Request for Directions Report

Date: May 2, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 4 - Parkdale-High Park

Planning Application Number: 17 196943 WET 13 OZ

SUMMARY

The owner of the properties municipally known as 406-410 Keele Street has appealed the Official Plan and Zoning By-law Amendment application for these lands to the Local Planning Appeal Tribunal ("LPAT") citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. There have been three Pre-Hearing Conferences held regarding this application. An additional Pre-Hearing Conference is scheduled for August 2, 2019, and a Hearing has been scheduled for November 18-29, 2019.

The application proposes to amend the Official Plan, City of Toronto Zoning By-law No. 569-2013 and former City of Toronto Zoning By-law No. 438-86, to permit the construction of a 5-storey (including mezzanine level above the ground floor) residential building containing 30 dwelling units at 406-410 Keele Street. The site density would be 2.98 times the area of the lot. The proposed building would front on both Keele Street and Vine Avenue. Vehicular access is proposed from Vine Avenue to a below ground parking garage. There would be rooftop access to private amenity space through rooftop stairway enclosures. As well, clerestories are proposed on the rooftop (a clerestory is similar to a skylight, except the window is located on a portion of wall that rises above the rooftop to allow light into the space below).

Since the last Pre-Hearing Conference at the LPAT, the applicant has significantly revised the application. Based on the revised submission, this report recommends that the City Solicitor, together with City Planning staff, be directed to attend the LPAT hearing on August 2, 2019, to settle the appeal of the Official Plan and Zoning By-law Amendment application, substantially in accordance with the Recommendations set out in this report.

As revised, the proposed development is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017), and has regard for matters of provincial interest in Section 2 of the *Planning Act*. The proposal also represents an appropriate and orderly development of the site that conforms to many policies of the Official Plan.

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 ("LPAT") hearing in support of the revised application, and to settle the appeal of the application to amend the Official Plan and Zoning By-laws at 406-410 Keele Street, provided all outstanding issues are resolved to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
2. In the event the LPAT allows the appeal, in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until:
 - a. Draft Official Plan and Zoning By-law Amendments are provided in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. A revised shadow study that identifies the conditions based on the revised proposal has been submitted to the satisfaction of the Chief Planner and Executive Director City Planning;
 - c. A revised Transportation Impact Study (TIS) that addresses the matters identified by Transportation Services staff has been submitted to the satisfaction of the General Manager, Transportation Services;
 - d. The applicant either revises the parking plans to meet the minimum requirements of the PA4 provisions of Zoning By-law No. 569-2013 or submits a revised Parking Assessment, along with any required revised plans, which justifies the parking being proposed to the satisfaction of the General Manager, Transportation Services;
 - e. The applicant addresses all Toronto Water requirements to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- f. The applicant revises the Toronto Green Standard Checklist to the satisfaction of the Chief Planner and Executive Director, City Planning to ensure there is adequate vehicle parking and cycling infrastructure on the site and the provision for the storage and collection of recycling and organic waste; and
- g. A Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued based on plans and including pre-approval conditions to implement the proposed development to the satisfaction of the Chief Planner and Executive Director, City Planning, including, but not limited to, the following:
 - i) A revised the Landscape Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with Urban Forestry staff;
 - ii) Warning Clauses to the satisfaction of the Toronto District School Board and Toronto Lands Corporation staff;
 - iii) Warning Clauses to the satisfaction of Metrolinx staff;
 - iv) Warning Clauses to the satisfaction of CP Rail staff;
 - v) The location, design and materiality of all noise mitigation measures recommended by the final noise study to the satisfaction of the Chief Planner and Executive Director, City Planning, such as noise barriers to ensure no negative impacts on the public realm, positioned away from the perimeter of main building walls, and green roofs within the perimeter located between noise barriers and main building walls; and
 - vi) A Construction Management Plan to the satisfaction the Chief Engineer and Executive Director, Engineering and Construction Services.
3. City Council direct the City Solicitor and appropriate City staff to attend the LPAT to oppose the application if the matters in Recommendation 2 are not resolved to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 13, 2014 Etobicoke York Community Council nominated several areas, including the Junction, for consideration as a Heritage Conservation District (HCD). Community Council directed Planning staff to review the nominations against the criteria for the determination of cultural heritage value and bring forward study authorization reports and consider the prioritization of those areas that meet the criteria. The decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY33.39>

On March 31, 2015, City Council prioritized seven HCD studies to be initiated in 2015 and 2016. West Queen West, Kensington Market and the Distillery District were to be studied as potential HCDs in 2015 and Baby Point, Bloor West Village, Cabbagetown Southwest and Casa Loma were to be studied as potential HCDs in 2016. The remaining eight districts, including the Junction, were determined to have medium priority, and will be reviewed in the next prioritization analysis. The decision is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.8>

Proceedings of the Subject Application

Two pre-application meetings were held on November 30, 2016 and March 30, 2017 for the subject lands. The original application was submitted and deemed complete on July 12, 2017. A Preliminary Report on the application was adopted by Etobicoke York Community Council on October 17, 2017 authorizing staff to conduct a community consultation meeting with an expanded notification area. A copy of the Preliminary Report may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY25.4>

On November 10, 2017 and January 9, 2018 the applicant appealed the Zoning By-law Amendment and the Official Plan Amendment aspects of the application respectively, to the Ontario Municipal Board citing City Council's failure to make a decision within the timelines prescribed by the *Planning Act*. On April 3, 2018, amendments to the *Planning Act* came into force and the Ontario Municipal Board was continued as the Local Planning Appeal Tribunal ("LPAT"). The Appeals will be heard by the LPAT.

On July 3, 2018, the LPAT held a Pre-Hearing Conference to identify parties and participants, and schedule further proceedings. At the July 3, 2018 Pre-Hearing, the LPAT ordered the parties to prepare a Procedural Order and an Issues List for a second Pre-Hearing Conference on August 31, 2018 at which time the LPAT would schedule a hearing.

On July 23, 2018 City Council adopted a confidential report from the City Solicitor which provided an update to City Council on the status of the appeals and sought instructions

for the August 31, 2018 Pre-Hearing Conference and subsequent LPAT hearing. A copy of the report can be found here:

<https://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-118824.pdf>

The proposal was revised and resubmitted for circulation in November 2018. Subsequently another resubmission was made for recirculation in March 2019 and forms the basis for the information contained in this report.

A third LPAT Pre-Hearing Conference took place on March 5, 2019, at which time the parties advised LPAT that the applicant provided the City with a new submission and the City needed time to review the submission and seek further instructions from City Council. Accordingly, the LPAT set a further LPAT Pre-Hearing Conference for August 2, 2019. If Council instructs staff to support a settlement, this Pre-Hearing Conference would be converted into a settlement hearing and the existing hearing dates would be vacated from the LPAT's calendar.

ISSUE BACKGROUND

Revised Proposal

The original application proposed to amend the Official Plan and Zoning By-laws to permit a six-storey apartment building on lands that are currently occupied by a used car sales lot and an illuminated billboard display sign. This original proposal contained gross floor area within the rooftop stair enclosure area.

The revised proposal eliminates the gross floor area on the sixth floor, and continues to include a mezzanine level which is considered a storey, resulting in a 5-storey building. The revised proposal now includes rooftop stairway enclosures without interior gross floor area beyond the stairs that would provide access to the roof. Rooftop clerestories still pop up above the roof as well. The proposed building would have a maximum building height of 14.04 m (excluding the mechanical penthouse, rooftop stairway enclosures and clerestories), a total floor area of 4,222 m² and a density of 2.98 times the area of the lot.

A total of 30 dwelling units are proposed, of which there would be 4 one-bedroom units, 15 two-bedroom units and 11 three-bedroom units (see Attachment 1 – Application Data Sheet). The ground floor area is designed to accommodate live/work units along the Keele Street frontage. The 7 at-grade dwelling units fronting Keele Street and Vine Avenue would have individual access from the street and from within the building. The remaining units would be accessible from within the building only. All the dwelling units would be multi-level, with the grade-related units spanning up to 3 floors with private amenity area in the form of private rooftop terraces.

The applicant is proposing 60 m² of indoor residential amenity space that would be directly connected to 189 m² of outdoor residential amenity space in the southwest rear

portion of the property. The indoor amenity space would comprise a common room with a kitchen, connected to an outdoor amenity terrace leading to landscaped outdoor space comprised of hardscaping, softscaping and an area reserved for a landscape feature.

Vehicular access to the building’s single level underground parking garage is proposed via Vine Avenue (see Attachment 5 – Site Plan). A total of 30 vehicular parking spaces (26 resident and 4 visitor parking spaces), 3 tandem spaces and 32 bicycle parking spaces (27 resident and 5 visitor spaces) are proposed to serve this development. This building would not require a loading space because it is not a requirement for buildings containing 30 dwelling units or less. The applicant will be required to secure curbside garbage pickup.

The table below provides a comparative summary of the original proposal and the current revised submission. The revisions have led to a reduced gross floor area, resulting in a lower FSI. The proposal now includes interior amenity space and increased exterior amenity space. The revised proposal also provides for more parking.

	ORIGINAL SUBMISSION (JULY 12, 2017)	CURRENT SUBMISSION (MARCH 1, 2019)	CHANGE JULY 2017 TO MARCH 2019
LOT AREA	1,418 m ² .	1,418 m ² .	-----
GROSS FLOOR AREA	Res: 4,545 m ² . Non-res: 0 m ² . Total: 4,545 m ² .	Res: 4,222 m ² . Non-res: 0 m ² . Total: 4,222 m ² .	Res: - 323 m ² . Non-res: 0 m ² . Total: - 323 m ² .
OVERALL DENSITY	3.20 FSI	2.98 FSI	- 0.22 FSI
BUILDING HEIGHT	16.8 m	14.04 m	- 2.76 m
DWELLING UNITS	1-bedroom: 2 2-bedroom: 12 3-bedroom: 16 Total: 30	1-bedroom: 4 2-bedroom: 15 3-bedroom: 11 Total: 30	1-bedroom: +2 2-bedroom: +3 3-bedroom: -5 Total: ----
VEHICLE PARKING SPACES	Resident: 22 Visitor: 4 Total: 26	Resident: 26+(3) tandem Visitor: 4 Total: 30+(3) tandem	Resident:+4+(3) tandem Visitor: ----- Total: +4+(3)

	ORIGINAL SUBMISSION (JULY 12, 2017)	CURRENT SUBMISSION (MARCH 1, 2019)	CHANGE JULY 2017 TO MARCH 2019
BICYCLE PARKING SPACES	Resident:27 Visitor: 5 Total: 32	Resident: 27 Visitor: 5 Total: 32	-----
LOADING SPACES	Not required	Not required	-----
AMENITY SPACES	Indoor: 0 m ² . (0 m ² /unit) Outdoor:159 m ² . (5.3 m ² /unit)	Indoor: 60 m ² . (2 m ² /unit) Outdoor:189 m ² . (6.3 m ² /unit)	Indoor: +60 m ² . (2 m ² /unit) Outdoor: +30.14 m ² . (+1.01 m ² /unit)

Site and Surrounding Area

The lands are located at the southwest corner of the Keele Street and Vine Avenue intersection, north of Dundas Street West and south of Junction Road. The lands are generally flat, having an area of 1,418 m², with lot depths of approximately 38 metres along the north lot line (Vine Avenue), 49 m along the south lot line (abutting the Toronto Parking Authority parking lot), approximately 30 m for the west lot line (rear), and 34 m along Keele Street. The portion of the lands municipally known as 406 Keele Street is presently occupied by a used car sales lot, and the portion of the lands municipally known as 410 Keele Street is presently used for an illuminated billboard display sign.

Surrounding land uses include:

North: Vine Avenue with 2-storey warehouse buildings and other non-residential buildings including permissions for a grocery store in an existing warehouse building. Further north is the Canadian Pacific Rail corridor.

South: A Toronto Parking Authority (TPA) parking lot, followed by Jackson Place (public lane), and 2- and 3-storey mixed use buildings on Keele Street to Dundas Street West. The Campbell Block, located at 2856 Dundas Street West, is a listed property under the *Heritage Act*, and 2854 Dundas Street West is designated under the *Heritage Act*. These two heritage resources frame the north intersection of Dundas Street West and Keele Street.

East: Keele Street, with mixed use buildings ranging in heights from 11 to 25-storeys with ground floor retail uses fronting Keele Street, a gas station, and 2- and 3-storey mixed use buildings south along Keele Street to Dundas Street West.

West: 2-storey converted industrial buildings along Jackson Place, and 2- and 3-storey detached, semi-detached and townhouses along the south side of Vine Avenue.

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 City 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 City 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 City 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 City 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. City 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 City 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 City 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). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

The subject lands are designated *Neighbourhoods* in the City's Official Plan. This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 - Shaping the City

Section 2.3.1 Healthy Neighbourhoods: The Official Plan states that *Neighbourhoods* are low rise and low density residential areas that are considered physically stable areas and development is required to be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City

Section 3.1.2 Built Form: The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets.

New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.1.5 Heritage Conservation: The Official Plan states that "new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it".

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Section 3.4.21 requires appropriate design, buffering and/or separation between major facilities such as industries, and sensitive uses such as residences to prevent adverse effects from noise, vibration, and other contaminants, and to promote safety. To assist in identifying impacts and mitigation measures, the proponent may be required to prepare studies in accordance with guidelines, and the proponent will be responsible for implementing any required mitigation measures.

Chapter 4 - Land Use Designations

Section 4.1.1 *Neighbourhoods*: The subject lands are designated *Neighbourhoods* on Map 17 of the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than 4-storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The stability of our *Neighbourhoods* physical character is one of the keys to Toronto's success. Physical changes to our established neighbourhoods must be sensitive, gradual and "fit" the existing physical character. To ensure development in established *Neighbourhoods* will respect and reinforce the existing physical character, policy 4.1.5 of the Official Plan states that any proposal shall have regard for specific criteria:

- a) Patterns of streets, blocks and lanes, parks and public buildings sites;
- b) Prevailing size and configuration lots;
- c) Prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- d) Prevailing building type(s);
- e) Prevailing location, design and elevations relative to the grade of driveways and garages;
- f) Prevailing setbacks of buildings from the street or streets;
- g) Prevailing patterns of rear and side yard setbacks and landscaped open space;

- h) Continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- i) Conservation of heritage buildings, structures and landscapes.

A geographic neighbourhood for the purpose of this policy is delineated by considering the context within the *Neighbourhood* in proximity to a proposed development, including: zoning, prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 4.1.6 in order to recognize the potential for a more intense form of development along major streets to the extent permitted by the Plan.

Policy 4.1.5 goes on to state that lots fronting onto a major street, and flanking lots to the depth of the fronting lands, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the neighbourhood due to characteristics such as:

- Different lot configurations;
- Better access to public transit;
- Adjacency to developments with varying heights, massing and scale; or
- Direct exposure to greater volumes of traffic on adjacent and nearby streets.

In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development on such lots to the extent permitted by the Plan.

Policy 4.1.6 states that where a more intense form of development than the prevailing building type has been approved on a major street in a *Neighbourhood*, it will not be considered when reviewing prevailing building type(s) in the assessment of development proposals in the interior of the *Neighbourhood*.

Policy 4.1.7 states that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of the Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhoods* is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhoods*.

Policy 4.1.9 states in established *Neighbourhoods* infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:

- a) Have heights, massing and scale that are respectful of those permitted by the zoning for adjacent and nearby residential properties, while taking into account the existing form of development on the infill property;

- b) Have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
- c) Provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- d) Front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- e) Provide safe, accessible pedestrian walkways from public streets; and
- f) Locate and screen and wherever possible enclose, service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.

Chapter 5 - Implementation: Making Things Happen

Section 5.3.1: The Official Plan Guides City Actions: The Official Plan notes that when considering a site specific amendment to the Plan, Council must be satisfied that any development permitted under an amendment to the Plan, is compatible with its physical context and will not affect nearby *Neighbourhoods* in a manner contrary to the neighbourhood policies of the Plan.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of this report.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The lands are zoned Industrial (I1D2) by former City of Toronto Zoning By-law No. 438-86. This zoning permits a wide range of non-residential uses, including Manufacturing and Related Uses, Industrial Workshops, Warehousing and Storage, Automobile Related Uses, Community Services and Facilities, among others. Residential uses are not permitted.

The maximum density permitted in this zone is 2 times the area of the lot, to a maximum building height of 14 m.

The lands are left in a grey tone in the City-wide Zoning By-law No. 569-2013, indicating that they are not part of that by-law, and a reference to Zoning By-law No. 438-86 is provided within the grey tone. The City's Zoning By-law No. 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

This application has been reviewed against the following Urban Design Guidelines:

Townhouse and Low-rise Apartment Guidelines

City Council adopted City-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Draft Urban Design Guidelines (draft Growing Up Guidelines), and directed City Planning staff to apply the draft Growing Up Guidelines in the evaluation of new and under review multi-unit residential development proposals. The objective of the draft Growing Up Guidelines is for developments to deliver tangible outcomes to increase the liveability of larger households, including families with children at the neighbourhood, building and unit scale. These draft Growing Up Guidelines were considered in the review of this proposal.

Site Plan Control

The proposed development is subject to Site Plan Control approval. To date, an application in this regard has yet to be submitted.

Reasons for Application

A site specific amendment to the Official Plan is required as the proposal is taller than the 4 storey maximum identified in Section 4.1.1. of the *Neighbourhoods* policies.

A site specific amendment to Zoning By-law No. 438-86 is required because the proposal does not comply with the existing performance standards which are for uses within the I1D2 zone. A site specific amendment to Zoning By-law No. 569-2013 is required to include the site in the new City-wide Zoning By-law. The zoning by-law amendments are required to: establish appropriate development standards and zones for the proposal, bringing this property into alignment with the Official Plan's *Neighbourhoods* designation.

Application Submission

A complete application was submitted on July 12, 2017.

The following reports/studies were submitted in support of the application:

- Project Data Sheet
- Survey Plans
- Architectural Plans
- Landscape and Lighting Plans
- Planning Rationale
- Sun/Shadow Study
- Toronto Green Standard Checklist
- Noise Impact Study
- Heritage Impact Study
- Parking Study
- Transportation Impact Study
- Servicing Report
- Geotechnical Study
- Geohydrology Assessment
- Phase One ESA
- Public Consultation Strategy
- Arborist Report

The current proposal is available for review at the Application Information Centre (AIC) website: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation

The application together with the applicable reports noted above, were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate potential Official Plan amendment and Zoning By-law standards.

Community Consultation

The applicant submitted a Public Consultation Strategy prepared by Bousefields Inc. dated July 12, 2017, as part of the Complete Application submission requirements. The strategy outlined the applicant's intent to engage with the community, City staff and the Ward Councillor throughout the planning process.

A Community Consultation Meeting was held on November 30, 2017 at the West Toronto Baptist Church and approximately 30 members of the public attended.

Following presentations from the Ward Councillor, City staff and the Applicant's team, a number of issues and concerns were discussed including:

- Building height, density and setback impacts on the neighbourhood to the west;
- Concern that the proposal may create a precedent in the neighbourhood leading to further applications to amend the zoning of the neighbourhood to a higher density;
- Concern that the architectural style is not in keeping with the nearby heritage buildings such as the Campbell Block and the heritage character of the future Heritage Conservation District for the Junction;
- Concern with how the proposed live/work style units would blend with the existing Junction Main Street;
- Traffic concerns relating to additional traffic infiltration; impacts on the Vine Avenue / Keele Street intersection; and potential accidents;
- Inquired whether this development had considered consolidating with the Green P parking lot lands immediately to the south. Concerns were expressed that the City should not remove parking without replacing it with alternative parking; and
- Concern with the removal of green space.

The Junction Heritage Conservation District (HCD) Board, while acknowledging that the existing site may not have direct heritage significance, was concerned that the development does not respect the prevailing architectural character of the neighbourhood (the site was once the location of the historic Subway Hotel) and that the development should conform to the prevailing heritage character streetscapes to ensure the integrity of the future HCD. Further the Junction HCD Board: would prefer green roofs instead of rooftop patios; are concerned that the inset balconies are not in keeping with the existing heritage character of the Junction; and would prefer the subject site be segmented into two development parts with the residential portion providing a continuation of the Vine Avenue streetscape with semi-detached or row-houses, and the Keele Street portion providing a streetscape of mixed use, fine grained retail shops with apartments or art studios above.

Emails were also submitted by area residents which identified similar concerns as well as concerns about loss of views and impacts on property values.

COMMENTS

Provincial Policy Statement and Provincial Plans

The revised proposal has been reviewed and evaluated against the *Planning Act*, PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

Staff have determined that the revised proposal has regard for matters of provincial interest identified in the *Planning Act*, is consistent with the PPS and conforms with the Growth Plan as follows:

Relevant Matters of Provincial Interest

The proposed development has regard for matters of provincial interest in Section 2 of the *Planning Act* including: 2(j) the adequate provision of a full range of housing; 2(p) the appropriate location of growth and development; 2(q) the promotion of development that is designed to be sustainable, to support transit and to be oriented to pedestrians; and 2(r) the promotion of built form that is well-designed.

The revised development would provide for a mix of housing units that would exceed the draft Growing Up Guidelines of 25% 2 bedroom units and 10% 3 bedroom units.

The revised proposed development would also result in a well-designed built form, at a height of 5 storeys and 14 m (19.5 m including the mechanical penthouse and stairway enclosures on the roof), that would provide setbacks from the street above the second floor along Keele Street, open space within the block and appropriate transition to the abutting *Neighbourhoods* to the west.

PPS (2014)

Section 1.1 of the PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit. The proposal would result in a range of residential unit types, would use existing services within an existing built-up area, and represents an efficient land use pattern that minimizes land consumption.

Policy 1.2.6.1 of the PPS (2014) states major facilities and sensitive uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize the risk to public health and safety, and to ensure the long-term viability of major facilities. This proposal is within 300 m of the Canadian Pacific Railway

(CP Rail) Galt Subdivision (Principal main line) right-of-way and within 1,000 m of the West Toronto Yard (a shunting facility). Metrolinx runs the Milton GO Service along this nearby rail corridor. Noise impacts from these sources were examined and the proposal will include mitigation measures to address potential adverse impacts.

Policy 1.6.7.4 of the PPS (2014) promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in that the proposed land use and density provide a built form that supports an efficient use of land and existing transit infrastructure.

Policy 2.6.1 states "significant built heritage resources and significant cultural heritage landscapes shall be conserved". Policy 2.6.3 states that "Planning Authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved". The subject site is not adjacent to any heritage properties. The applicant's Heritage Impact Study (July 5, 2017, and updated November 1, 2018), concluded there would be no negative impacts to nearby heritage buildings. The study also noted that the Junction Heritage Conservation District Study has not yet commenced.

Growth Plan (2017)

The Growth Plan contains policies about how land is to be developed, resources are to be managed and protected and public dollars are to be invested. Sections 1.2.1 and 2.2.1 direct municipalities to support the creation of complete communities that provide: a diverse range of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; to develop mixed-use, transit-supportive, pedestrian-friendly urban environments; and to plan for more resilient, low-carbon communities. The proposal conforms to the Growth Plan by directing growth to appropriate settlement areas, and making efficient use of land and existing services and infrastructure, including proximity to public and active transportation.

Land Use

The revised application proposes that the Official Plan be amended to permit a 5-storey residential development on lands that are designated *Neighbourhoods* and currently occupied by a used car sales lot and an illuminated billboard display sign. The Official Plan Amendment does not represent a change in land use, but would permit an additional floor on a building having frontage on a major street. Planning staff are of the opinion this proposal is consistent with many Official Plan policies.

An objective of the Official Plan is to create healthy neighbourhoods. Where reinvestment through redevelopment is contemplated, the key is to ensure that new development respects the existing physical character of the area, demonstrates an appropriate transition in height and scale to lower scale development and serves to reinforce the stability of the neighbourhood.

The proposed residential use has been reviewed against the Official Plan policies described in the Issue Background section of this report, as well as the policies of the Toronto Official Plan as a whole and the appropriateness of the proposal for the site. The *Neighbourhoods* designation in the Official Plan allows for a range of residential uses up to four stories in height. A 5-storey residential building is appropriate in this instance as this site is fronting on a major street (Keele Street) with transit, is adjacent to non-residential uses to the north, a commercial parking lot to the south, mixed use higher density development across Keele Street to the east and the site depth and building design provides for appropriate transition in height and scale to the neighbourhood abutting to the west.

Planning Staff are of the opinion the revised proposal would not create a precedent for any future development to the west as Official Plan Policy 4.1.6 states that more intense forms of development on major streets in *Neighbourhoods* will not be considered when reviewing applications in the interior of the *Neighbourhood*.

Planning staff are of the opinion the applicant's request for an Official Plan Amendment is appropriate within the planning context of the immediate area. The proposed residential apartment building would result in residential uses on the site in a built form that is appropriate and in closer compliance with the Official Plan than the current commercial uses on the site.

Density, Height and Massing

The density, height and massing of the revised proposal for the lands has been reviewed against the Official Plan policies and Urban Design Guidelines described in the Issue Background section of the report.

The Built Form policies of the Official Plan encourage new development to support adjacent streets, parks and open spaces. These policies seek to locate and mass new buildings to frame the edges of streets with good proportion and maintain sunlight and comfortable wind conditions to provide an attractive, comfortable and safe pedestrian environment.

When determining and assessing appropriate heights and densities, many factors are considered, including: context of the development; lot sizes and configuration; proximity to major transit facilities; impacts on neighbouring properties; and other site specific factors. Planning staff are of the opinion a 5-storey residential building is supportable at this location if designed appropriately.

The site is located on a major street (Map 3 of the Official Plan) with transit. The revised 5-storey proposal represents an acceptable built form with good proportion on Keele Street, while achieving appropriate transition to the adjacent *Neighbourhoods* to the west. To provide this transition, the apartment building would step back above the fourth floor with plantings to respect privacy along the westerly flankages, would be set back from the adjoining lot line and would provide a building depth that is equal to the as of right zoning permission for residential uses along Vine Avenue. The proposed amenity and landscape area in the southwest corner of the site is also consistent with the open space pattern of the abutting neighbourhood. The Vine Avenue frontage of the building would provide a similar front yard setback as the nearby residential properties immediately west of the site. The stacked 2-storey units and individual entrances along the street frontage also integrate well with the rhythm of semi-detached dwellings and townhouses along Vine Avenue.

The proposed building height is 14.04 m (excluding mechanical penthouse, stairway enclosures and clerestory pop-ups), whereas Zoning By-law No. 438-86 permits 14 m. Further, the current zoning limits the density to 2 times the area of the lot, while the proposed density is 2.98 times the area of the lot. Planning staff are of the opinion these proposed revisions are appropriate as the built form would be compatible with the area and many of the City's Urban Design guidelines would be met.

Sun and Shadow

The revised proposal has been reviewed against the Official Plan policies and Urban Design Guidelines addressing sun and shadow impacts described in the Issue Background section of this report.

The shadow study that was submitted was for the original 16.8 m in height proposal. The applicant is required to submit a revised shadow study for review that identifies the conditions based on the revised proposal. Although the shadow study submitted for the original proposal indicated some shadowing of the neighbouring properties to the west in the morning hours, Planning staff anticipate the changes made to the depth of the building from Vine Avenue, as well as the top floor step back from the building edge on the west side, would result in minimal, if any, shadow impacts from the proposed building onto neighbouring properties to the west. In addition, it is anticipated the rear yards of these neighbouring properties would continue to receive the same amount of sunlight they currently receive.

The original shadow study indicated that during the Spring and Fall equinoxes, shadows would be cast on the Vine Avenue public realm in the morning and move towards the Keele Street public realm for the afternoon. By the evening, the shadow would reach across the street to the east side of the Keele Street right-of-way. Although an updated shadow study is required to accurately evaluate the shadow impacts on the Vine Avenue and Keele Street public realm, it is anticipated that the shadow impacts on

these areas has not changed from the shadow study submitted in support of the original proposal.

Planning staff are of the opinion that the shadow impacts on neighbouring streets and properties are likely to be limited, some of which are anticipated to be eliminated, and that neighbouring properties are likely to have adequate sunlight.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until a revised shadow study that identifies the conditions based on the revised proposal has been submitted to the satisfaction of the Chief Planner and Executive Director, City Planning.

Overlook and Privacy

To address concerns that a 5-storey, multi-unit building may result in a loss of privacy for the residents in the dwellings to the west, the first four floors of the westerly façade of the building closest to the property line would have no windows. The top floor on the westerly façade would also be set back and planter boxes would be installed along the edge of the upper level and roof top terraces to mitigate privacy concerns.

Traffic Impact, Access and Parking

A Traffic Impact Study (TIS) and a Parking Justification Study (PJS), prepared by Nexttrans dated June, 2017 and October 2018 respectively, were submitted by the applicant's transportation consultant. The TIS report estimates that the proposed development would generate few two-way trips during peak hours (approximately 8 trips in the morning and 7 trips in the afternoon). The applicant's study concludes there would be minimal traffic impacts on the adjacent road system from this proposal. Transportation Services staff have reviewed the conclusions of the revised TIS and concur with these findings.

Vehicular access to the development is proposed via Vine Avenue adjacent to the west lot line. Transportation Services staff have indicated that additional site plan information is required to be provided in a revised TIS which would identify:

- Whether the existing hydro pole with two attached regulatory signs would be affected by the access;
- The proposed length of the flat surface area before the down slope on the access ramp;
- The passenger pick-up and drop-off area to clarify sight distance sufficiency; and
- How traffic flow will be controlled to accommodate two vehicles travelling in opposite directions.

The revised application proposes a total of 30 parking spaces (26 parking spaces for residents and 4 parking spaces for visitors) in a single level underground garage. In addition, 3 tandem parking spaces to serve owners requiring 2 spaces are included in

the revised proposal. Of the 26 proposed parking spaces for residents, 2 spaces are identified as 'small car' spaces and 4 spaces are identified as 'stacker spaces' (which would provide parking for a total of 8 vehicles). Transportation Services staff will not count the 3 tandem parking spaces in the required parking supply. Transportation Services staff will also not count the 2 smaller car spaces without additional information on their dimensions to determine if they meet City standards. Further, Transportation Services staff require information on the specifications of the proposed stackers and the space required for turning radii to also evaluate whether the City would accept them as contributing to the required parking supply.

The TIS recommended that Policy Area 4 (PA4) parking rates from Zoning By-law No. 569-2013 be applied to the proposal. Transportation Services staff have no objection to using this rate since the site is adjacent to a PA4 area. However, Transportation Services staff note the revised proposal would be required to provide 28 parking spaces for residents and 4 parking spaces for visitors under the PA4 rate. This would result in a shortfall of 4 parking spaces with the revised proposal. Additionally, this shortfall assumes the stacker parking spaces would be acceptable to the City. If they are not acceptable, there could be a shortfall of 8 parking spaces.

Transportation Services staff advise that either revisions to the plans are required to reflect the PA4 rates, or a revised Parking Assessment with revisions to the parking level plans are required. A revised Parking Assessment would have to address the parking deficiency, vehicular turning diagrams, required space dimensions, and specifically provide:

- Detailed information demonstrating how the proposed stacker parking spaces operate with the proposed physical separation between visitor parking and residential parking spaces within the parking garage, including the introduction of a warning signal system to alert drivers and pedestrians; and
- Vehicular turning movement diagrams to justify the proposed locations of the 8 stacker parking spaces, including grading/flat surface information.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments, until:

- The applicant either revises the parking plans to meet the minimum requirements of the PA4 provisions of Zoning By-law No. 569-2013 or submits a revised Parking Assessment, along with any required revised plans, which justifies the parking being proposed to the satisfaction of the General Manager of Transportation Services; and
- The applicant submits a revised TIS to address matters identified by Transportation Services to the satisfaction of the General Manager, Transportation Services.

The proposed building would provide 32 bicycle parking spaces (27 long term spaces for residents and 5 short term spaces for visitors). Transportation Planning staff are satisfied with the proposed bicycle parking supply.

A loading space is not required in residential buildings with 30 dwelling units or less. Since this building would have 30 dwelling units, no loading space is required. However, Transportation Services staff require information on how moving and delivery activities are proposed to be accommodated.

Streetscape

The Official Plan requires that attention be given to the streetscape by ensuring these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms. The Official Plan also requires that new development enhance the existing streetscape by providing massing to define the edges of streets with good proportion.

The revised proposal incorporates a high level of design at the ground plane that should create an attractive and functional streetscape along the Vine Avenue and Keele Street frontages. Seven units would have individual entrances from either Vine Avenue or Keele Street. Each of these units would have raised planters and recessed entrances, which would help define individual units, and provide opportunities for soft landscaping and an improved streetscape. The front entrance for the remaining units would be located on Vine Avenue and provide access to the lobby elevator, bike and storage lockers, and stairways to the upper floors. The building's setback from Vine Avenue and the individual residence entrances would be similar to the existing residences west of the proposal providing continuity to the Vine Avenue streetscape.

Sidewalks shown on plans illustrate 1.5 m widths. However, in order to comply with City standards, the site plan drawings must be revised to show the provision of new concrete sidewalks along the development street frontages that have a minimum width of 2.1 m (exclusive of any utilities, streetscape elements, patio/furniture zones, street curbs, etc.). This would be secured through the future Site Plan Control review process.

Planning staff are of the opinion the proposed organization and layout of the site is appropriate and would result in a high-quality, pedestrian-oriented streetscape, and that the revised proposal represents an improvement to the street from the current situation.

Servicing

The applicant submitted a Functional Servicing and Stormwater Management Report prepared by Fabian Papa & Partners, (dated July 2017 and revised November 2018) in support of the proposal. While the water supply, sanitary and storm components are satisfactory, Engineering and Construction Services staff have advised that the applicant is required to address Toronto Water (EM&P) comments regarding

groundwater. The applicant is required to comply with the Sewer Use By-law and obtain all approvals/permits from Toronto Water for any proposed temporary or permanent discharge of groundwater into municipal sewer systems and watercourses.

The applicant is responsible for complying with all the applicable Provincial requirements and obtaining the necessary approvals and/or permits from the Ministry of the Environment, Conservation and Parks (MECP), with regard to any proposed dewatering.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until the applicant addresses all Toronto Water requirements to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Heritage Impact and Conservation Strategy

A Heritage Impact Assessment prepared by ERA (dated July 2017 and revised November 2018), was submitted to evaluate the impact of the proposal on the heritage resources located at 2854 and 2856 Dundas Street West. The property at 2854 Dundas Street West is designated under By-law 1989-0597. The property at 2856 Dundas Street West is listed on the City of Toronto's Heritage Register. The report concluded the development site does not have cultural heritage value as described in Ontario Regulation 9/06 and is not a candidate for designation under Part IV of the *Ontario Heritage Act*. The report further concluded the proposal would have no impacts on adjacent heritage resources, and would have minimal visual impact.

Correspondence from the Junction HCD Board requested that misinformation in the Heritage Impact Assessment be corrected as follows:

- Credit regarding the Junction HCD should be given to the Junction HCD Board instead of the West Toronto Junction Historical Society; and
- While the full boundary of the HCD as envisioned by the nomination committee and community partners is not yet known at this time, the phase one heritage study boundaries were defined and approved by City Council in January, 2018.

Although the City has authorized a Heritage Conservation District study for the Junction, work on this study has not yet commenced.

Heritage Preservation Services staff reviewed the submissions and have no comments.

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 quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication would be appraised by Real Estate Services staff. The appraisal would be conducted upon the submission of an application for the first above ground building permit and be valid for six months. Payment would be required prior to the issuance of this permit.

Given the current rise in dog-owning populations, the applicant will be encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs. This would help alleviate pressure on neighbourhood parks. It should be noted the site is approximately a 500 m walk to Baird Park (a 9,831 m² park) which contains a dog off leash area, playground and wading pool.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

The Arborist Report prepared by Amy Turner Landscape (dated June 2017), indicates that a total of 13 trees are located on the site, on the City's road allowance and on a neighbouring property.

Of these trees, 1 City-owned tree and 1 protected private tree on the neighbouring property (municipally known as 11 Vine Avenue), would require an application to Injure or Destroy Trees as proposed work for this development would occur within the tree protection zone. A Tree Protection Zone Security deposit, with the amount to be determined would also be required for the City-owned tree.

The proposal would require removing the remaining 11 trees (9 City-owned and 2 protected private trees). An application to Injure or Destroy Trees and the applicable fees for permission to remove trees would be required.

Overall, the applicant would be required to submit a tree planting deposit to ensure the planting and survival of 9 new City trees. In addition, Urban Forestry staff would require the planting of 6 new trees to replace the 2 private trees proposed for removal. If tree planting is not physically possible, the General Manager of Parks, Forestry and Recreation may accept cash in lieu payments equal to 120 percent of the cost of

replanting and maintaining trees for 2 years, and the current charge is \$583.00. Urban Forestry staff also require a Tree Planting Security for all trees planted on the City road allowance currently costing \$583.00 each tree.

Urban Forestry staff do not object to this proposal, however due to the public consultation process required in the above noted applications, Urban Forestry staff are not in a position to support the application until all applications for tree removal have been submitted and all the above noted issues are addressed.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until a Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued which includes a revised Landscape Plan to the satisfaction of Urban Forestry staff.

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, and include higher levels of performance with financial incentives. Tier 1 performance measures are secured on the site plan drawings and through a Site Plan Agreement.

The proposal is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features that would be secured through the Zoning By-law process include adequate vehicle parking and cycling infrastructure on the site and the provision for the storage and collection of recycling and organic waste. Other applicable TGS performance measures would be secured through the site plan review process, should this application be approved. It should be noted that revisions are required to the Toronto Green Standard checklist in order to reflect the revised proposal.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until the applicant revises the Toronto Green Standard Checklist to the satisfaction of the Chief Planner and Executive Director, City Planning ensuring there is adequate vehicle parking and cycling infrastructure on the site and the provision for the storage and collection of recycling and organic waste.

Toronto District School Board and Toronto Lands Corporation

This proposal is located within a community experiencing significant residential growth that is presenting accommodation challenges for the Toronto District School Board (TDSB) particularly at Annette Street Junior School and Senior Public School and Humberstone Collegiate Institute. Both the TDSB and Toronto Lands Corporation (TLC)

provided comments on this proposal and requested that the applicant enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For more information regarding designated school(s), please call (416) 394-7526."

These signs are to be erected prior to the issuance of any building permit.

Further, the TDSB and TLC requires the inclusion of the following condition of approval:

"The owner agrees in the Servicing/Development/Site Plan and/or Section 37 Agreement to include the following warning clauses in all offers of purchase and sale and/or lease/rental agreements of residential units (prior to registration/approval of the plan and for a period of ten (10) years following registration/approval), that:

Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be available in the neighbourhood school(s) for all students anticipated from the development area. Students may be accommodated in school facilities outside the neighbourhood or students may later be transferred to other school facilities. For information regarding designated school(s), please call (416) 394-7526.

Purchasers agree that for the purpose of transportation to school, if busing is provided by the Toronto District School Board in accordance with the TDSB's busing policy, students will not be bused from their home to the second facility, but will meet the bus at designated locations in or outside of the area."

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until a Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued to the satisfaction of the Chief Planner and Executive Director, City Planning which will include warning clauses to the satisfaction of TDSB and TLC staff.

Noise

The applicant submitted a noise study prepared by Gradient Wind Engineering Inc. (dated July 2017) and Gradient Wind Engineers & Scientists (dated March 2019 as revised), focussing on noise sources. These reports were peer reviewed (at the cost of the applicant) by S. S. Wilson Associates Consulting Engineers and the peer reviewer confirmed the following findings and suggested mitigation measures.

Noise levels at the site due to roadway and railway traffic are expected to range from 49 to 71 dBA during the daytime period and from 41 to 65 dBA during the night time period. The highest noise levels are expected to occur on the east façade, which is nearest and most exposed to Keele Street.

The noise study concludes that:

- Upgraded building components, including STC rated glazing elements and exterior walls, would be required where noise levels would exceed 65 dBA.
- The development would also require air conditioning, which would allow occupants to keep windows closed and maintain a comfortable living environment.
- Building occupants should be advised of potential noise influences on the site from the surrounding roadway, railway, rail yard, rooftop equipment, and music venues through warning clauses to be placed on purchase, sale, and lease agreements, stating:

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic and rail traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Toronto and the Ministry of Environment, Conservation and Parks.

This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Toronto and the Ministry of the Environment, Conservation and Parks.

Purchasers/tenants are advised that due to the proximity of the adjacent commercial facilities, and music venues, noise from these sources may at times be audible."

- As noise levels at the rooftop terraces adjacent to Keele Street would be expected to exceed 60 dBA without the consideration of screening effects of a parapet, a noise barrier containing no openings, 2 m high with a density of 2 kilograms per square metre would be required to reduce the noise level to acceptable levels on rooftop terraces.
- Mechanical equipment would also need to be reviewed by a qualified acoustical consultant during a more detailed design phase.
- Warning clauses required by CP and Metrolinx would also need to be included.

Planning staff are concerned that the proposed location of the noise mitigating privacy screens and guardrails would be highly visible from the surrounding public realm. The placement, design and materiality of noise barriers for the proposed outdoor terraces and any other areas identified through the noise study will be reviewed to ensure that potential negative impacts, (i.e. visual clutter, non-cohesive building design, additional shadowing, reduced access to daylight and sky view, etc.) are adequately addressed. The impact of these barriers, and the potential to provide a green roof around the building perimeter to enhance the environmental sustainability of the proposed development, will be addressed through a future Site Plan Control application for the development.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until a Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued which includes all noise mitigation measures recommended by the final noise study. The placement, design and materiality of mitigation measures such as noise barriers are to ensure no negative impacts on the public realm, noise barriers are to be positioned away from the perimeter of the main building walls, and green roofs are to be provided within the perimeter located between noise barriers and main building walls.

Nearby Music Venues

There are two music venues within 120 m of the subject site: Junction Music Hall and La Rev. In an effort to preserve Toronto's musical culture and economy, and in accordance with the Toronto Music Strategy, Film and Entertainment Industries, Economic Development and Culture staff requested the applicant:

- Measure sound levels at the property line closest to the music venues during hours the music venues are operating to monitor the impact of DB levels emanating from the operation of the venues (including associated nightlife activity).
- Consider sound mitigation measures including adaptations to walls and windows as well as proactive site design features such as location of balconies and bedrooms to reduce the chance of future conflict between residents of the new development and the pre-existing nearby music venue(s).
- Acknowledge and agree to advisory clauses with respect to the proposed development, and include warning clauses in all offers of purchase and sale, as well as appropriate condominium documents, addressing the potential for noise and vibration from the nearby music venue(s).

According to the applicant's noise study, the consultant visited both music venues on February 21, 2019 and observed that music was not audible outside of the buildings. The stage at Junction Music Hall is located in the basement of the building, providing a large buffer for noise. No music was being played at La Rev, however it was observed

that the stage is located at the far south side of the building, away from the proposed development. Furthermore, the stage at La Rev is much smaller than the stage at Junction Music Hall. As such, noise impacts from these venues are not expected to be audible at the development property. The consultant also noted that music venues are not considered under NPC-300 requirements.

The noise study recommends mitigation measures to attenuate ambient noise in the area. Despite the noise study findings on the specific music venues, the noise consultant recommended a warning clause be included in the agreements of purchase and sale addressing various noise sources, including music venues.

Toronto Police

Toronto Police have raised concerns regarding with the possible need to limit southbound traffic on Keele Street during construction of the proposed building as the intersection of Keele Street and Dundas Street West is very busy. Toronto Police request that measures be taken to ensure continuing smooth vehicular and pedestrian traffic flow through this area during construction.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until a Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued which includes a Construction Management Plan to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services .

Canadian Pacific Railway

Although the site is more than 75 m away from the Canadian Pacific Railway (CP Rail) Galt Subdivision (Principal main line) right-of-way, and would exceed the requirement for a 30 m setback from the rail corridor, the site is within 300 m of this corridor and within 1,000 m of the West Toronto Yard. CP Rail staff are concerned about residential development adjacent to or near its rights-of-way, and in close proximity to the West Toronto Yard as residential land use is not compatible with railway operations due to the continuous rail activities including 24 hour a day outdoor operations at the shunting yard.

CP Rail staff require that the applicant complete a noise and vibration study to ensure that the proposal meets NPC requirements and Ministry of Environment, Conservation and Park's Class III Industrial Facilities D-6 Guidelines. CP Rail staff also requested warning clauses be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of:

- The existence of CP Rail's operating right-of-way;

- The possibility of alterations including the possibility that CP Rail may expand its operations, which expansion may affect the living environment of the residents notwithstanding mitigation measures to attenuate noise and vibration; and
- That CP Rail would not be responsible for complaints or claims arising from the use of its facilities and/or operations.

The applicant's noise and vibration consultant noted that because the site is beyond 75 m from the CP Rail line, a vibration study is not required. The following warning clause was recommended:

“Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way and yard located within 300 meters from the land subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way. This may include shunting of trains, breaking and accelerating, whistle tests, switching operations and idling of locomotives, which may affect the living environment of purchasers/tenants.”

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-laws Amendments until a Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued which includes warning clauses to the satisfaction of CP Rail staff.

Metrolinx

Metrolinx staff advised that the railway traffic volumes contemplated in the assessment did not include GO rail service and that the noise study needed to be updated to include the GO rail traffic. Metrolinx staff also requested the following warning clause be inserted in all development agreements, offers to purchase, and agreements of purchase and sale or lease of each dwelling unit within 300 metres of the railway right-of-way:

“Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest operate commuter transit service within 300 metres from the land which is the subject hereof. In addition to the current use of these lands, there may be alterations to or expansions of the rail facilities on such lands in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating

measures in the design of the development and individual dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

The noise consultant updated the study to include the GO rail service and recommended a revised version of the warning statement as follows:

“Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

Metrolinx staff also require that the owners grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwellings in favour of Metrolinx.

This report recommends that the City Solicitor request the LPAT to withhold its final Order on the Official Plan and Zoning By-law Amendments until a Notice of Approval Conditions (NOAC) for the future Site Plan Control application has been issued which includes warning clauses to the satisfaction of Metrolinx staff.

Section 37

The application is not subject to Section 37 contributions as the development does not exceed the minimum 10,000 m² of gross floor area required to qualify for these contributions under Policy 5.1.1.4 of the Official Plan.

Conclusion

The revised proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan and against the Townhouse and Low-rise Apartment Guidelines and the Growing Up: Planning for Children in New Vertical Communities Draft Urban Design Guidelines. Staff are of the opinion that the revised proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the revised proposal is in keeping with many of the policies of the Toronto Official Plan. Staff worked with the applicant and the community to address and resolve the following key concerns including: density; height; massing; open space; appropriate transition to the *Neighbourhoods* to the west; overlook; parking; amenity

space; and sufficient streetscape. The revised proposal would provide for the redevelopment of an underutilized site with a 5 storey residential building that would be more in keeping with the direction of the Official Plan than the current use as a used car sales lot and illuminated billboard display sign. It is therefore recommended that City Council direct staff to attend the Local Planning Appeal Tribunal hearing in support of the revised Official Plan and Zoning By-Law Amendment application (No. 17 196943 WET 13 OZ), provided that the outstanding matters noted in this report are resolved to the City's satisfaction.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6: Elevations

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 406-410 KEELE ST Date Received: July 12, 2017

Application Number: 17 196943 WET 13 OZ

Application Type: OPA & Rezoning

Project Description: An Official Plan and Zoning By-law Amendment application to permit the development of a 5-storey residential building containing 30 dwelling units.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC	BOUSFIELDS INC		406-410 KEELE DEVELOPMENTS LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: NO

Zoning: I1 D2 Heritage Designation: NO

Height Limit (m): 14 Site Plan Control Area: YES

PROJECT INFORMATION

Site Area (sq m): 1,418 Frontage (m): 35 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			608	608
Residential GFA (sq m):			4,222	4,222
Non-Residential GFA (sq m):				
Total GFA (sq m):			4,222	4,222
Height - Storeys:			5	5
Height - Metres:			14	14.041

Lot Coverage Ratio (%) 42.9 Floor Space Index: 2.98

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	4,222	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			30	30
Other:				
Total Units:			30	30

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:			4	15	11

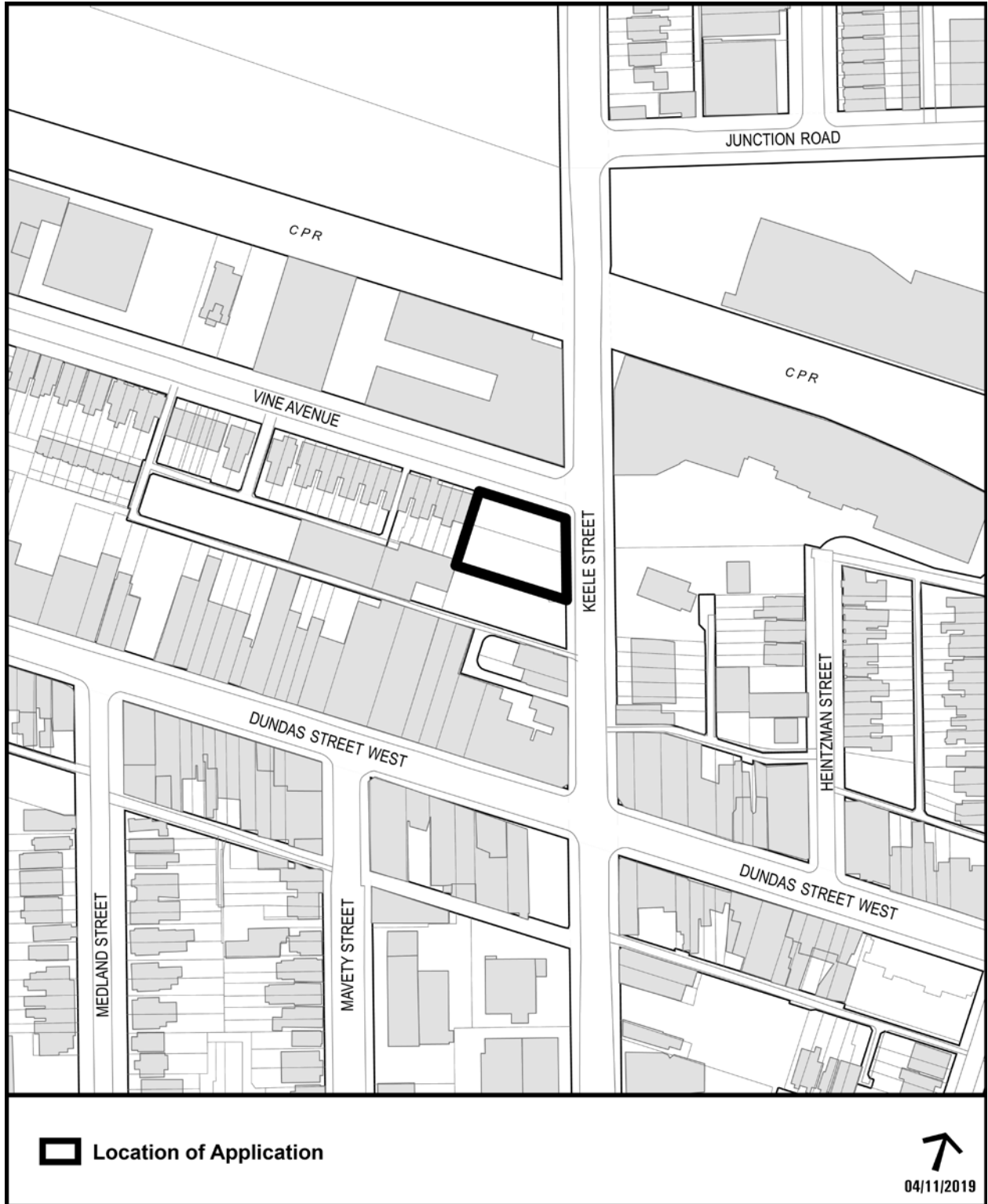
Parking and Loading

Parking Spaces:	30	Bicycle Parking Spaces:	32	Loading Docks:	0
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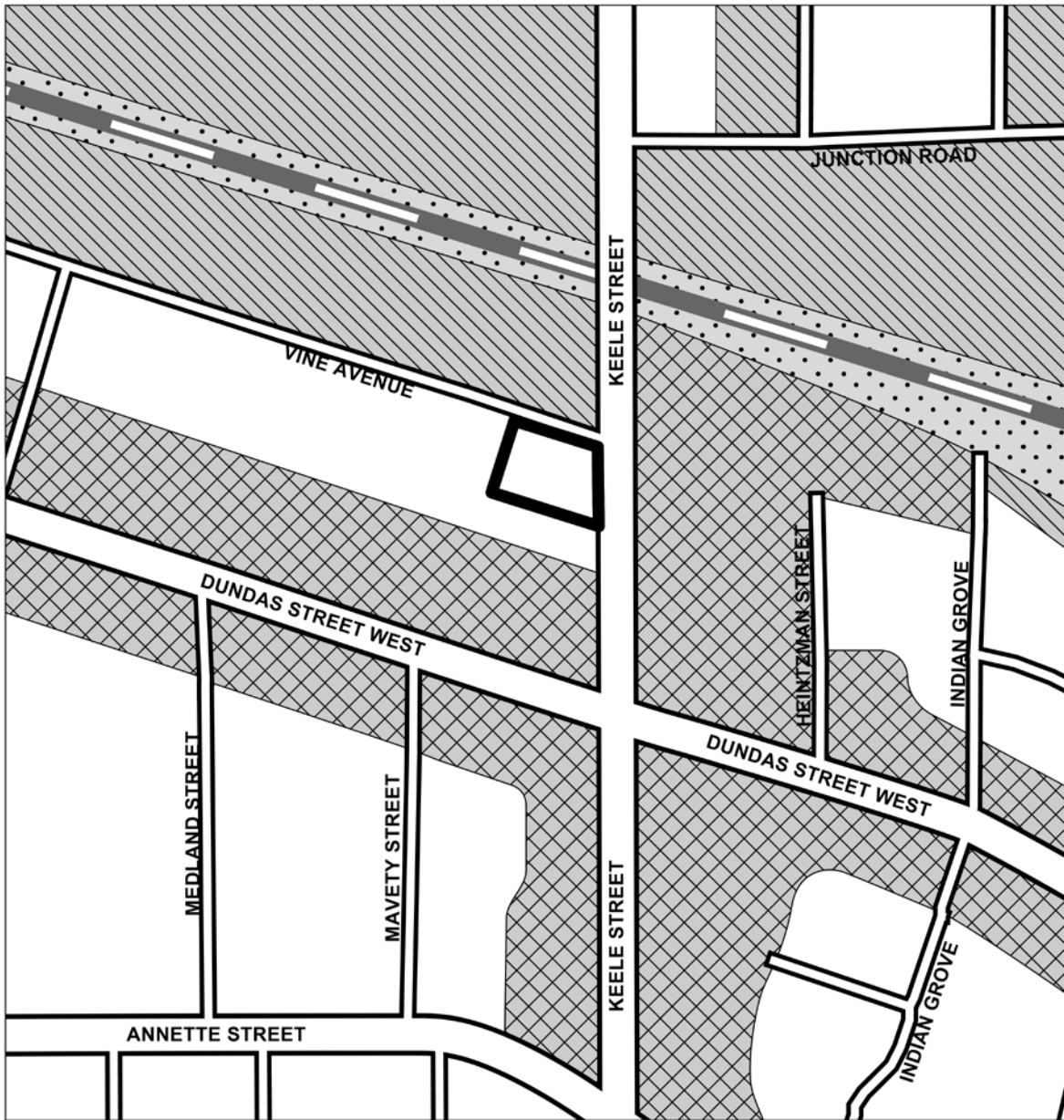
CONTACT:

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(416) 394-6006
Elisabeth.SilvaStewart@toronto.ca

Attachment 2: Location Map





Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

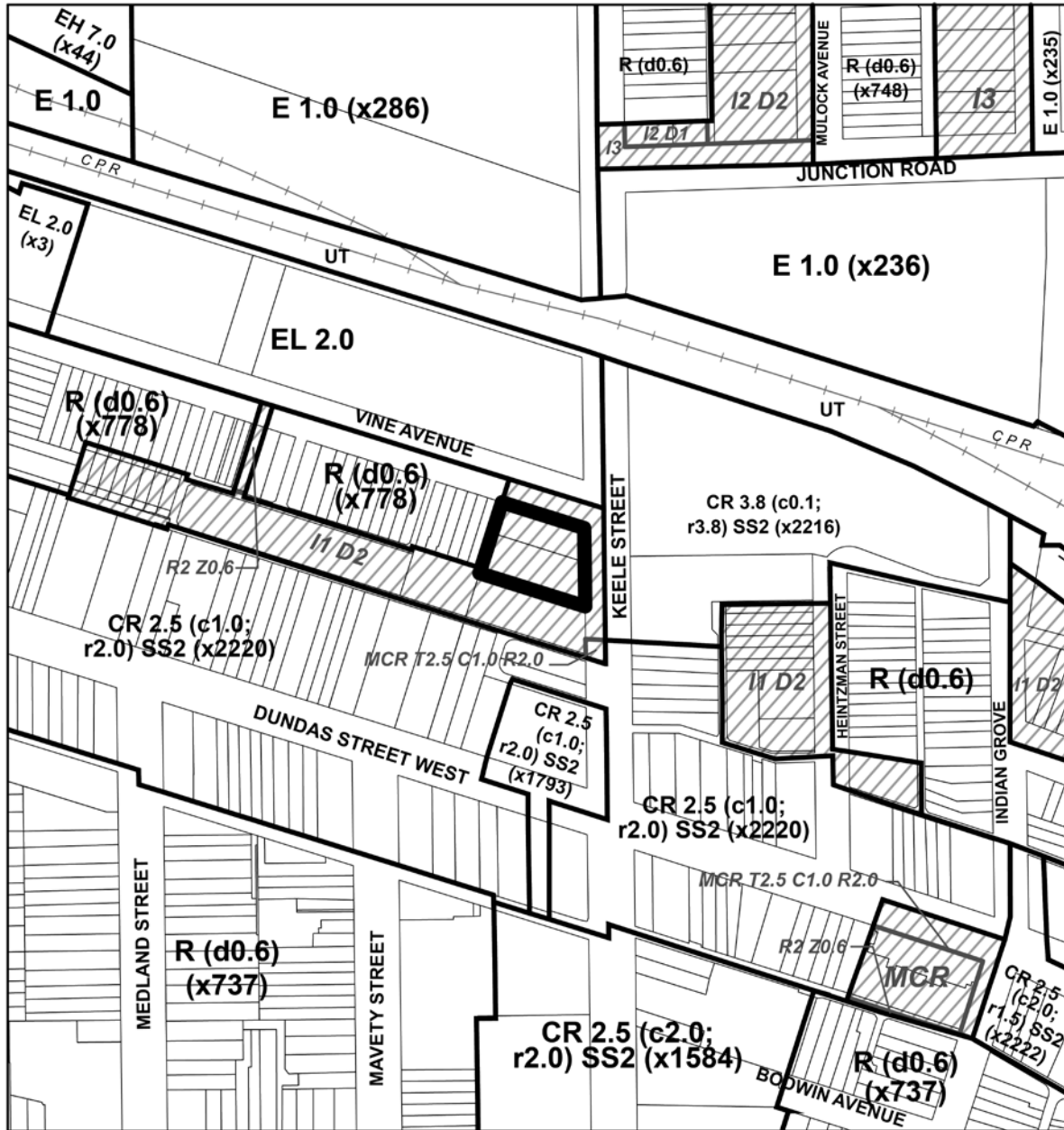
406 - 410 Keele Street

File # 17 196943 WET 13 0Z

-  Location of Application
-  Neighbourhoods
-  Employment Areas
-  Mixed Use Areas
-  Utility Corridors


Not to Scale
04/11/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law No.569-2013

406 - 410 Keele Street

File # 17 196943 WET 13 0Z

Location of Application

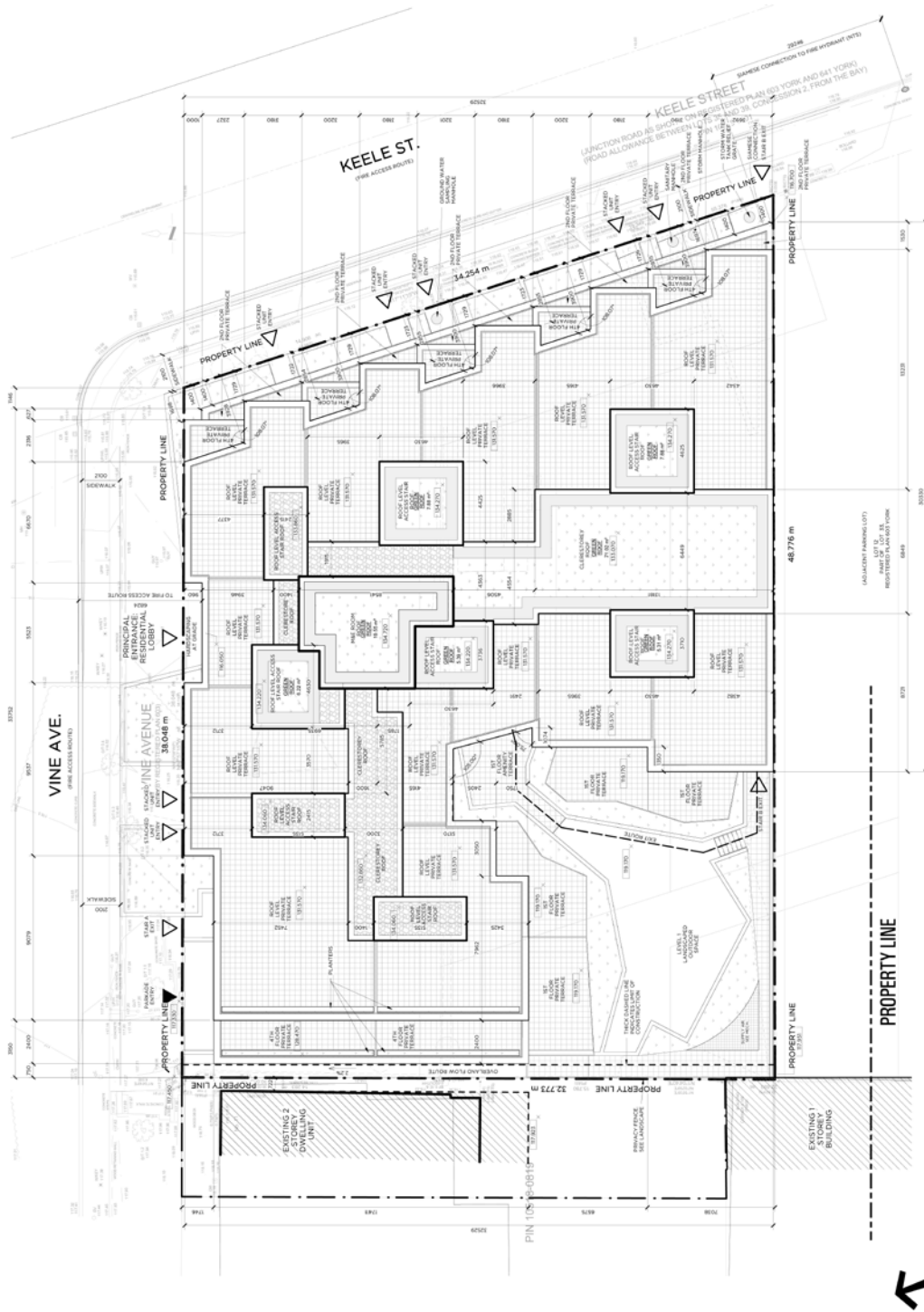
R Residential
 CR Commercial Residential
 EL Employment Light Industrial
 E Employment Industrial
 EH Employment Heavy Industrial
 UT Utility and Transportation

See Former City of Toronto By-Law No. 438-86

R2 Residential District
 MCR Mixed-Use District
 I1 Industrial District
 I2 Industrial District
 I3 Industrial District

Not to Scale
 Extracted: 04/11/2019

Attachment 5: Site Plan

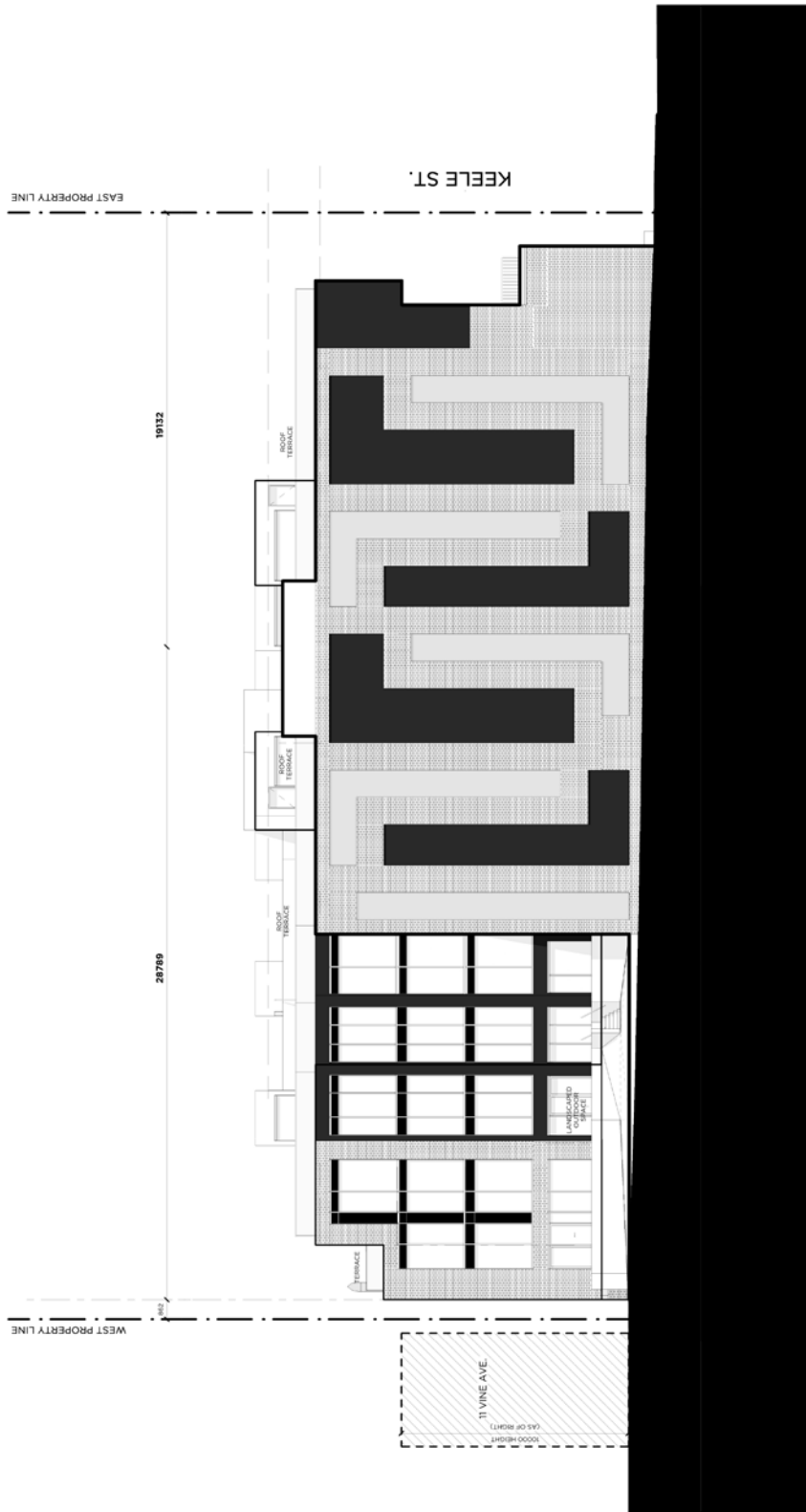


Attachment 6 : Elevations

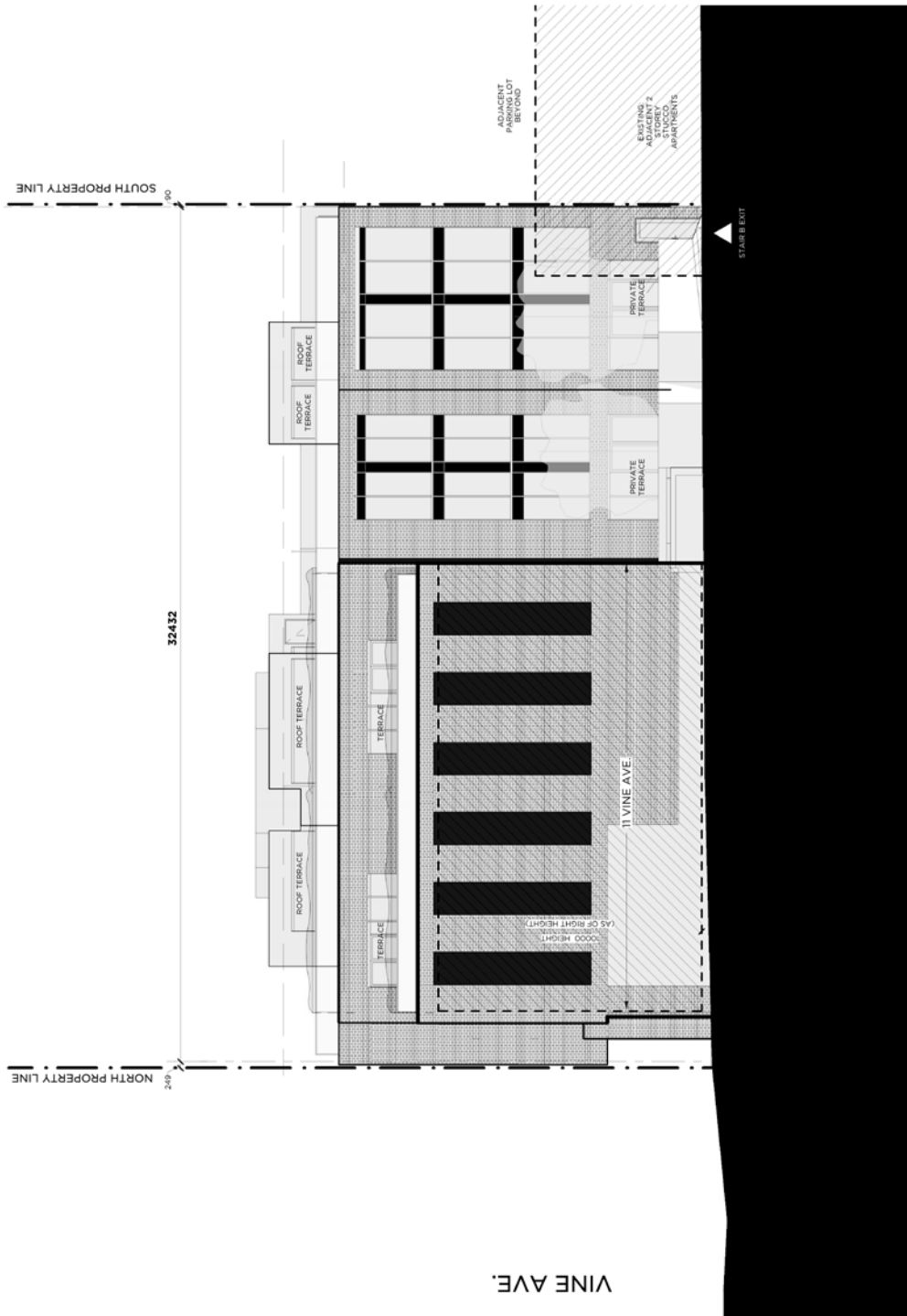


North Elevation





South Elevation



West Elevation