

40, 42, 44, 46, and 48 Hendon Avenue – Official Plan and Zoning By-law Amendment Applications– Request for Direction Report

Date: December 14, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: Ward 18 - Willowdale

Planning Application Numbers: 19 109332 NNY 18 OZ & 19 264461 NNY 18 OZ

SUMMARY

These revised applications propose to amend the Official Plan and Zoning By-law (the "applications") to permit a six-storey residential apartment building at 40, 42, 44, 46, and 48 Hendon Avenue. The applicant has appealed both applications to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A case management conference was held by the LPAT on November 2, 2020 in which parties to the appeal were identified and the history of the applications were provided. A second case management conference is scheduled to commence on March 2, 2021. On September 18, 2020, the applicant submitted a revised proposal which is the subject of this report.

The revised six-storey building would have a height of 19.65 metres (plus 1.35 metres for the mechanical penthouse) and a gross floor area of 5,931 square metres, as calculated under the *North York Centre Secondary Plan's* definition of gross floor area ("GFA"). The proposed GFA would result in a floor space index (a "FSI") of 2.56 times the area of the lot. A total of 71 residential units are proposed, consisting of four two-storey townhouse units and 67 apartment units. A total of 44 parking spaces are proposed within an underground parking garage. The revisions made by the applicant are discussed in this report, however, the revisions have resulted in a taller and denser building than previously submitted that is not supportable for the reasons outlined in this report.

This report recommends that the City Solicitor, together with City Planning staff and other appropriate City staff, attend the LPAT hearing in opposition of the applications. In the opinion of Planning staff, the proposal does not conform to the Growth Plan for the Greater Golden Horseshoe (2020), is not consistent with the Provincial Policy Statement (2020), and does not conform to the Official Plan or the North York Centre Secondary Plan. Staff are recommending that discussions continue with the applicant to resolve the issues identified in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan and Zoning By-law amendment applications for 40, 42, 44, 46 and 48 Hendon Avenue in its current form for reasons set out in the report (December 14, 2020) from the Acting Director, Community Planning, North York District, as amended.

2. Should the Local Planning Appeal Tribunal approve the Official Plan and/or Zoning By-law amendment applications, City Council authorize the City Solicitor to request that the Local Planning Appeal Tribunal withhold its Order(s) approving the application(s) until such time as:

a. the Local Planning Appeal Tribunal has been advised by the City Solicitor that the form and content of the proposed Official Plan and Zoning By-law amendments are satisfactory to the City;

b. the City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning to secure the Section 37 matters;

c. the City Solicitor confirms that the owner has provided a Functional Servicing and Stormwater Management Report and a Hydrogeological Report, acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services; and

d. the City Solicitor confirms that the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing and Stormwater Management Report, and Hydrogeological Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

3. Should the Local Planning Appeal Tribunal approve the application, City Council direct the City Solicitor to advise the Tribunal that the Zoning By-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.

4. Should the Local Planning Appeal Tribunal approve the application, City Council approve a development charge credit against the Parks and Recreation component of

the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation (PF&R), 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.

5. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant, in consultation with the Ward Councillor, to address the issues outlined in the report from the Acting Director, Community Planning, North York District, and to report back to City Council on the outcome, including proposed Section 37 contributions relating to any revised proposal, as appropriate.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On January 28, 2019, the applicant submitted an application to amend Zoning By-law 7625 (Application No. 19 109332 NNY 18 OZ) to permit two three-storey back-to-back townhouse blocks consisting of a total of 20 dwelling units. This application was deemed complete on February 26, 2019. A Preliminary Report on the application was adopted by North York Community Council (Item NY5.7) on April 24, 2019 directing staff to conduct a community consultation meeting. A community consultation meeting was held on May 27, 2019 where the applicant and Planning staff presented members of the public with the details of the application. The Preliminary Report and Community Council's direction can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY5.7>

On December 23, 2019, the applicant submitted an application to amend the Official Plan (Application No. 19 264461 NNY 18 OZ) and a revised application to amend the Zoning By-law to permit a four-storey multi-unit residential building consisting of a total of 68 residential units. This application was deemed complete on January 29, 2020. A Preliminary Report on the Official Plan amendment and revised Zoning By-law amendment applications were adopted by North York Community Council (Item NY14.8) on March 12, 2020 directing staff to conduct a second community consultation meeting. The Preliminary Report and Community Council's direction is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY14.8>

On June 19, 2020 the applicant appealed the subject applications to the LPAT and cited the failure of the City of Toronto to make a decision within 120 days of the application's

submission for the reason for the appeal. A case management conference was held by the LPAT on November 2, 2020 in which parties to the appeal were identified and the history of the applications were provided. A second case management conference is scheduled to commence on March 2, 2021.

REVISED PROPOSAL

The applications have been further revised from those considered by North York Community at its meeting of April 24, 2019 and March 12, 2020. The height and density of the proposed building has increased and the applications now propose an on-site parkland dedication. Key statistics of each submission, including the revised proposal which is the subject of this report, are summarized in the table below:

	Original Zoning By-law Amendment Application- January 28, 2019	Revised Zoning By-law Amendment Application & Official Plan Amendment Application- December 23, 2019	Revised Zoning By-law & Official Plan Amendment Applications- September 18, 2020
Proposed Units	20 dwelling units	68 dwelling units	71 dwelling units
Proposed Residential GFA	3,968 square metres	5,295 square metres	5,931 square metres
Density (FSI)	1.71 times the lot area	2.29 times the lot area	2.56 times the lot area
Building Height	3-storeys and 11 metres	4-storeys and 12.86 metres	6-storeys and 19.65 metres
Building Setbacks	North: 3.8 metres- 5.9 metres South: 0.8 metres (Block B) to 3.05 metres (Block A) East: 1.55 metres- 3.7 metres West: 1.0- 4.05 metres	North: 8.03 metres- 16.0 metres South: 3.0 metres- 3.06 metres East: 1.38 metres- 14.76 metres West: 1.97 metres- 4.78 metres	North: 4.6 metres- 7.55 metres (at the ground floor) South: 3.0 metres East: 1.5 metres- 2.9 metres West: 4.5 metres to on-site parkland dedication
Proposed Parking Supply	20 resident spaces, 1 visitor space	39 resident spaces, 5 visitor spaces	38 resident spaces, 6 visitor spaces
Proposed Indoor Amenity Space	N/A	156.5 square metres	239 square metres
Proposed Outdoor Amenity Space	18.2 square metre- 30.2 square metre rooftop patio per unit	270 square metres	764 square metres

	Original Zoning By-law Amendment Application- January 28, 2019	Revised Zoning By-law Amendment Application & Official Plan Amendment Application- December 23, 2019	Revised Zoning By-law & Official Plan Amendment Applications- September 18, 2020
On-Site Parkland Dedication	0 square metres	0 square metres	232 square metres
Land to be Dedicated to the City for future Build Out of Cul-de-Sac	223.8 square metres	N/A- Application to amend Secondary Plan mapping	N/A- Application to amend Secondary Plan mapping

The subject applications have, through three submissions, varied in form, height, and density. The current applications propose a six-storey (19.65 metres) residential apartment building that has taken the form of a mid-rise building with stepbacks at the third and sixth levels. The revised six-storey residential building proposes 71 residential units. The breakdown of the proposed units, includes:

Unit Type	Number of Units	Percentage of Total Units
Three-bedrooms	5 (includes 4 townhouse units and 1 apartment unit)	7%
Two-bedrooms	24 units	34%
One-Bedroom	41 units	58%
Bachelor	1 unit	1%

Of the proposed 71 residential units, four units are two-storey townhouse units with direct access at-grade and would front the on-site parkland dedication. These units would abut the site driveway and would have no direct connection to the interior of the proposed residential building. The main building entrance for the remainder of the units, would be located off Hendon Avenue, just east of the proposed site driveway. In addition to the grade-related units that front the on-site parkland dedication, the units within the main building that front Hendon Avenue also have direct access at-grade.

Vehicular access is proposed off Hendon Avenue and would be located between the two-storey townhouse units and the remainder of the proposed residential building. The proposed driveway is 7.2 metres wide and would lead to three at-grade parking spaces, a Type 'B' loading space, and the ramp to access the underground parking garage

which contains 44 vehicular parking spaces and 52 long-term bicycle parking spaces. The building's massing would be built over the site driveway and loading space at the third storey, partially enclosing this servicing area. The revised applications would also protect for a 6.0 metre corner rounding at the south-east limit of the site, where Hendon Avenue would meet the future Greenview Avenue which is an extension of the Beecroft service road.

The revised proposal includes a 232 square metre on-site parkland dedication located towards the western limit of the site which would act as an extension to the existing Hendon Park which abuts the subject site to both the north and the west. The proposed parkland dedication would extend for the depth of the subject site (approximately 33 metres) and the width of the dedication would be 9.0 metres on Hendon Avenue and narrow to 4.8 metres at the northern property line.

The revised applications propose 239 square metres of indoor amenity space, which according to the site statistics consists of a lounge on the ground floor and a gym and social space on the sixth floor. The revised applications also propose 764 square metres of outdoor amenity space, which according to the site statistics consists of walkways on the ground floor and a rooftop terrace on the sixth floor. In addition to the amenity space proposed, each unit would have a private balcony that ranges in size.

POLICY CONSIDERATIONS

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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

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

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

The Growth Plan (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the report.

Provincial Plans

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.

Toronto Official Plan

The subject site falls within a *Centre* as illustrated on Map 2 Urban Structure of the Official Plan. The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur.

The Official Plan provides a framework for how growth is to be directed towards areas with supporting infrastructure and how development is to provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby development. The Official Plan largely directs growth in the *Downtown*, the *Centres*, *Avenues*, and *Employment Areas*.

Policy 2.2.2.1 of the Official Plan identifies that each *Centre* will have a Secondary Plan that will set out the location, mix, and intensity of land uses that support transit-based growth and meet certain objectives that will, amongst other matters:

- a) achieve a minimum combined gross density target of 400 jobs and residents per hectare for each *Centre* which delineates the boundaries of the urban growth centres for the purposes of the Growth Plan;
- b) set out local goals and a development framework consistent with this Plan;
- c) establish policies for managing change and creating vibrant transit-based mixed use *Centres* tailored to the individual circumstances of each location, taking into account the *Centre's* relationship to *Downtown* and the rest of the City;
- j) set out the location, mix and intensity of land uses within the *Centre*;
- l) support the potential growth within the *Centre* and protect adjacent *Neighbourhoods* from encroachment of larger scale development by:
 - i) establishing firm boundaries for the development area;
 - ii) ensuring an appropriate transition in scale and intensity of activity from within the *Centre* to surrounding *Neighbourhoods*; and
 - iii) connecting the *Centre* with the surrounding City fabric through parks, trails, bikeways, roads and transit routes.

The role of the Secondary Plan is to provide a more detailed planning framework to help implement these policy directions and other Official Plan objectives.

The Official Plan designates the subject site as *Mixed Use Areas* on Map 16. *Mixed Use Areas* provide for a broad range of uses. Development in these areas will provide a balance of high quality commercial, residential, and institutional uses. These uses should reduce automobile dependency and meet the needs of the local community. It is expected that *Mixed Use Areas* will absorb a large amount of the expected growth within the City, however, not all areas will experience the same scale or intensity of development. The Official Plan also contains policies respecting built form, transportation, and the public realm.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the City can fit harmoniously within the existing area. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and sky view from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the buildings and the use of setbacks and stepbacks of building mass.

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

North York Centre Secondary Plan

The subject site is within the *North York Centre Secondary Plan* (the "NYCSP"). The *North York Centre* is intended to be multi-use in character, containing a wide range of uses including office, retail, service, institutional, hotel, entertainment, residential and open spaces. A broad variety of uses and facilities will increase the diversity, vitality, and interest of the *North York Centre*.

The subject site is located in the *North York Centre North* area which is generally intended to be a predominantly residential area but with a significant commercial node in the vicinity of the Toronto Transit Commission's (the "TTC") Finch Station at Finch Avenue and Yonge Street. It is intended that street oriented commercial uses and other uses contributing to the animation of the street should be located on lands abutting arterial roads. Open space, recreational and community related uses such as schools, places of worship, day nurseries and other social facilities should be located throughout *North York Centre North*. Residential areas (including their various components such as homes, schools and parks) which are not within the boundaries of the *North York Centre*, and are therefore outside the redevelopment areas proposed by the NYCSP, are considered to be stable residential areas. The stability of these residential areas is to be maintained and enhanced in accordance with established Official Plan policies for those areas.

Map 8-4 of the NYCSP identifies the subject site as being within the *Mixed Use Area H* designation. This designation permits institutional uses that are not predominantly offices, residential, public parks, and recreational uses.

Within the NYCSP, it is intended that there is a variation in maximum permitted densities, with the highest densities served well by rapid transit. The southern portion of the *North York Centre North* will develop at lower densities than the areas better served by transit. Policy 1.10 outlines the intent of the NYCSP is to strictly maintain the distribution of densities assigned to ensure that:

- a) appropriate redevelopment takes place;
- b) redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation; and
- c) the built form of redevelopment is compatible with the abutting stable residential community.

The NYCSP permits the subject site a maximum density of 1.5 times the lot area. The NYCSP contains policies which permit additional density through the form of density incentives of no more than 33 percent of the maximum permitted density subject to the provision of specific uses and facilities or a monetary contribution towards the cost of constructing and furnishing the same facilities at another location serving the *North York Centre*. Policy 3.2(b)(i) of the NYCSP states that in no event will the City approve a development proposal that exceeds this limit.

In order to implement the goals and objectives of the NYCSP it establishes maximum building heights, in particular to:

- a) protect stable residential areas adjacent to the *North York Centre*;
- b) provide for appropriate transitions in height between the highest intensity areas along Yonge Street and the residential communities outside the *Centre*;
- c) encourage the highest intensity developments along Yonge Street and in the vicinity of the subway stations, with the highest buildings along Yonge Street in the *North York Centre South*, generally north of Sheppard Avenue and near the Highway 401 interchange on the east side of Yonge Street; and
- d) achieve a comfortable human scale and sense of spatial enclosure along the primary streets in the *Centre*.

Map 8-8a Maximum Height Limits of the NYCSP permits a maximum height of 3-storeys and 11 metres for the properties at 42, 44, 46, and 48 Hendon Avenue and a maximum height of 70% the horizontal distance from the relevant residential property line (the "RRPL") for the property at 40 Hendon Avenue.

Site-specific amendments to the height permissions in the NYCSP are discouraged. Policy 1.13 and 1.14 address amendments to the NYCSP. General changes in the boundaries, densities or heights of the *North York Centre North* will be preceded by a comprehensive review of the NYCSP, or of a major portion of the Plan. The NYCSP discourages ad hoc, site-specific amendments that are not consistent with basic principles of the NYCSP or that create uncertainty. The NYCSP, through Policy 1.14, states that the numeric limits in the Plan "with respect to density, and the limits respecting height, will nonetheless be considered to be absolute". In considering proposed site-specific amendments to the NYCSP, the City will be satisfied that the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of the NYCSP dealing with boundaries, land use, density, height or built form. In dealing with such site-specific amendments, the City will further be satisfied that the traffic certification requirements of the NYCSP are satisfied and that the amendments do not adversely impact stable residential areas.

Map 8-11 of the NYCSP illustrates the *North York Centre North* service road and associated road network and buffer areas which shows Hendon Avenue terminating in a cul-de-sac at Greenview Avenue. The build-out of the cul-de-sac, as shown on Map 8-11, would require land from the subject site to be conveyed to the City. The NYCSP identifies that the City will use its available powers in order to acquire lands identified as being required for the implementation of the *North York Centre South* and *North York Centre North* service roads and associated buffer areas, for further buffering and or improvements to the local street system that are designed to prevent traffic infiltration. The NYCSP, through the associated buffer areas, intends to separate local roads in nearby residential neighbourhoods from the service road. This is intended to be achieved by terminating these local roads in a cul-de-sac, or looped, to eliminate intersections with the service road.

Policy 4.6 of the NYCSP addresses Parking Management which identifies that the supply of parking in the *North York Centre* will be strictly regulated so as to attain an overall average auto driver modal split of no more than 33 percent (in the p.m. peak hour) for all new development in the *Centre*. The NYCSP states that no zoning by-law may be enacted that allows any new development to proceed with a parking supply that is not demonstrated to be consistent with achievement of the overall average auto modal split value. Parking is to be provided in accordance with the parking policy contained in Appendix 1 of the NYCSP.

The NYCSP also includes urban design policies and guidelines to help shape the character of new development and of public spaces. These policies support the development of an attractive and vibrant pedestrian environment, address the provision and evaluation of sun and shadow on public streets, address wind conditions, and improve pedestrian and cycling connections in the *North York Centre*.

The *North York Centre* Secondary Plan can be found here:

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

Zoning

The subject site is zoned One-Family Detached Dwelling Sixth Density Zone (R6) in the former City of North York Zoning By-law 7625. This zone only permits detached residential dwellings and accessory uses. The City of Toronto Zoning By-law No. 569-2013 does not apply to the subject site.

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Site Plan Control

An application for Site Plan Control under Section 114 of the City of Toronto Act and Section 41 of the *Planning Act* is required, however, an application has not yet been submitted.

Community Consultation

Further to North York Community Council's direction on April 24, 2019, City Planning staff held a community consultation meeting on May 27, 2019 at St. Antoine Daniel Catholic School. The proposal presented at this meeting contemplated 20 townhouse units with a height of three-storeys and 11 metres and a FSI of 1.71 times the lot area. In addition to City Planning staff, the meeting was attended by a representative of the Councillor's office, the applicant, and seven members of the public. Comments and concerns raised at the meeting included the following:

- Not permitting or limiting the proposed development in order to expand Hendon Park within the limits of the subject site;
- Incorporating affordable and/or rental housing as part of the development;
- Concern with impacts of future construction;
- Improving pedestrian accessibility on Hendon Avenue by providing sidewalks on both sides of the street; and
- Concern over the Secondary Plan's direction to terminate Hendon Avenue into a cul-de-sac at Greenview, there is concern that it will cause further traffic as a result of not having enough through streets.

As a result of the ongoing COVID-19 pandemic, staff were limited in their ability to conduct a second community consultation meeting as per North York Community Council's direction on March 12, 2020. The appeal of the subject applications to the Local Planning Tribunal may impact staff's ability to consult prior to the second case management conference scheduled to commence on March 2, 2021, however, staff will make best efforts to co-ordinate further consultation.

Reasons for the Application

The application to amend the Official Plan is required as the proposal does not meet the policies of the *North York Centre* Secondary Plan. The application seeks to amend a number of policies including the maximum permitted height and density, they also seek to amend Map 8-11 *North York Centre* North Service Road, which shows Hendon Avenue terminating in a cul-de-sac at Greenview Avenue, and the applications do not satisfy the minimum parking requirements and have not demonstrated the overall average auto modal split value has been achieved.

The application to amend the Zoning By-law is required to permit the residential apartment building and to develop the appropriate development standards for the proposal.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS and the Growth Plan are high-level and broad reaching provincial policy documents. The City of Toronto is a development area and the subject site is within an *urban growth centre* where infill is encouraged under these policies, however, both the PPS and the Growth Plan state that planning authorities are responsible for identifying 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.

Both the PPS and the Growth Plan identify official plans as the tool to implement the broad policy goals of building complete communities, identify the appropriate mix of uses and efficient land use, and development patterns to support sustainability by promoting strong, livable, healthy, and resilient communities. Provincial policies that support and require implementation through official plans include:

- Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.6 states "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." In addition, the preamble of the PPS states "official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas."
- Policy 2.2.2.3.f states that municipalities are to develop a strategy to achieve the minimum intensification targets and intensification through delineated built-up areas, which will identify the appropriate type and scale of development in strategic growth areas (which includes urban growth centres) and transition of built form to adjacent areas and "be implemented through official plan policies and designation, updated zoning and other supporting documents." Through the adoption of the City's Official Plan and subsequently, the NYCSP, the City has fulfilled this requirement and has identified the appropriate type and scale of development through the policies of these Plans.
- The Growth Plan also states, through Policy 5.2.5.6 that in planning to achieve the minimum intensification and density targets of the Growth Plan, "municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form." The City has developed these policies through both the Official Plan and Secondary Plan and supporting documents like the Mid-Rise Building Performance Standards.

As a result of the proposed density and height exceeding the scale of development identified in the implementing policies, which includes the Official Plan, Secondary Plan, and supporting design guidelines, the proposed development is not consistent with the PPS and does not conform to the Growth Plan.

Urban growth centres are key areas for population and employment growth as per the PPS, Growth Plan, and Official Plan policies. Policies contained within the NYCSP have led to the achievement of the Official Plan's minimum gross density targets of 400 residents and jobs per hectare for urban growth centres in the City of Toronto, as delineated in the Growth Plan. The NYCSP has supported and successfully implemented redevelopment and growth around transit stations. The NYCSP, in its current form, encourages a substantial amount of residential and non-residential density within the urban growth centre.

Site Organization

The revised applications incorporate changes to the site organization. The site organization of the first submission of the Zoning By-law Amendment application proposed a cul-de-sac that would see 223.8 square metres of land conveyed to the City in order to build out the cul-de-sac that is illustrated in Map 8-11 of the *NYCSP*. The cul-de-sac option was removed as part of the applicant's second submission to the City. The third submission, which is the subject of this report, does not dedicate land for the future build out of the cul-de-sac and proposes a portion of the building within lands that would be required to be conveyed to the City to build out the cul-de-sac illustrated in the *NYCSP*.

The revised site organization now provides for an on-site public parkland dedication along the subject site's western limit. This on-site parkland concept was not included in the applicant's first two submissions to the City. The on-site parkland dedication conceptualized in the revised applications would be 232 square metres in size and would expand the existing Hendon Park. The proposed townhouse units would be setback 4.5 metres from the eastern limit of the park expansion and the site driveway is proposed to be located just east of the townhouse units off Hendon Avenue and is approximately 13 metres from the proposed park.

Density and Height

The *NYCSP* provides a more detailed planning framework to implement the objectives of the PPS, Growth Plan, and Official Plan. The subject application proposes a height and density in excess of what is contemplated for this site.

The site-specific amendments to height and density requested by the applicant are discouraged by the Secondary Plan. When an application to amend the height provisions is made, the City will be satisfied that the increase in height:

- a) is necessary to provide for desirable flexibility in built form;
- b) would have no appreciable impact on the residential amenity of properties within the stable residential area as defined in Section 1.17 of the *NYCSP*; and
- c) meet the urban design objectives of the *NYCSP*.

The application proposes a height of six-storeys and 19.65 metres, whereas the Plan permits a maximum height of three-storeys and 11 metres for the properties at 42, 44,

46, and 48 Hendon Avenue and a maximum height of 70% the horizontal distance from the RRPL for the property at 40 Hendon Avenue.

As it relates to the maximum permitted density, the NYCSP states in Policy 3.2(b), that the City will in no event approve a development proposal that:

- (i) exceeds the amount of actual floor space that can reasonably be accommodate in conformity with applicable policies of this Secondary Plan; and
- (ii) exceeds the maximum permitted gross floor area as set out in Section 3.2(a) by more than 33 percent through density incentives and density transfers as set out in Section 3.3 and 3.4, except where and to the extent specifically provided for in Figure 3.3.1.

Through the provision of density incentives, the NYCSP allows for some flexibility on the maximum permitted density by allowing applicants to increase the density beyond what is show on Maps 8-6 and 8-7 of the Secondary Plan. While Policy 3.3 of the NYCSP provides for density incentives above the maximum permitted densities, Section 3.2 of the NYCSP limits the incentive to a maximum of 33 percent.

The application proposes a density of 2.56 times the lot area, whereas the permitted density is 1.5 times the lot area plus incentives, to a maximum of 2.0 times the lot area. The NYCSP's limitation on densities is intended to ensure the distribution of densities in the *Centre* is strictly maintained and:

- a) appropriate redevelopment takes place;
- b) redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation; and
- c) the built form of redevelopment is compatible with the abutting stable residential community.

The additional height has resulted in a density that exceeds the maximum permitted density in the NYCSP and it has not been demonstrated the additional height is necessary to provide built form flexibility. The NYCSP through Policy 5.4.2 states nothing will be interpreted or applied so as to encourage, facilitate, or justify any increase in density beyond that identified in the Plan. The policies of the NYCSP do not allow additional height as a reason for additional density beyond the permissions of the Plan.

Through Policies 1.13 and 1.14, the NYCSP requires a comprehensive review of the Secondary Plan, or of a major portion of the Plan, before any general changes to the boundaries, densities, or height will be made. In considering site-specific amendments, "the numeric limits contained in this Secondary Plan with respect to density, and the limits respecting height, will nonetheless be considered to be absolute."

Parking and Loading

The revised proposal contemplates a parking rate that is below that of the *North York Centre* Vehicle Parking Policy which requires a minimum of 1.0 parking space per dwelling unit for residential uses and 0.1 parking space per dwelling unit for visitors. The revised application proposes a total of 44 parking spaces, which includes 38 resident and 6 visitor spaces within an underground garage.

While the *North York Centre* Vehicle Parking Policy is applicable to this site, the NYCSP identifies that "no zoning by-law may be enacted that allows any new development to proceed with a parking supply that is not demonstrated to be consistent with achievement of the overall average auto modal split value." Transportation Services staff have recognized that the parking requirements within Zoning By-law 569-2013 provides an update to the parking requirements for new developments since they were more recently developed by City staff and typically based on more recent information. Due to the site's proximity to transit, Transportation Services staff have applied the parking rates contained within Policy Area 3. The updated site parking requirements are:

Use	No. of Units	Minimum Parking Rate	Minimum No. of Spaces Required
Residential Townhouse	4	1.0 space per unit	4
Apartment (Bachelor)	1	0.6 spaces per unit	1
Apartment (1-bedroom)	41	0.7 spaces per unit	28
Apartment (2-bedroom)	24	0.9 spaces per unit	21
Apartment (3-bedroom)	1	1.0 space per unit	1
Visitor- Townhouse	4	0.2 spaces per unit	1
Visitor- Apartment	67	0.1 spaces per unit	6
Subtotal Residents			55
Subtotal Visitor			7
Grand Total			62

The proposed parking supply falls short of the further reduced parking spaces by 18 spaces. Transportation Services staff have noted additional parking demand information is required in the form of a higher parking ratio as well as a travel demand management plan and parking study that assesses parking supply within other sites within the *North York Centre*. A travel demand management plan is required by both Official Plan Policy 2.4.2 and the Toronto Green Standard with an aim at encouraging fewer and shorter vehicle trips to reduce congestion, energy consumption, and pollution. According to the Official Plan, travel demand management puts the emphasis on changing travel behaviour and "is most effective when supported by complementary actions in the key

areas of land use planning and public transit improvements." It should be noted that the subject site is within 500 metres of the TTC's Line 1 Finch Station.

The application proposes one Type 'B' loading space that is incorporated within the building massing and would be located on the ground floor between the townhouse units and the residential apartment building. Similarly to the parking requirements, the site is subject to the loading space requirements of Zoning By-law 7625, whereas Transportation Services staff require that the proposal comply with the loading space requirements of Zoning By-law 569-2013 since they are based on more recent information. Zoning By-law 569-2013 requires one Type 'G' loading space which is a larger loading space than the Type 'B' that is currently proposed. The vehicle manoeuvring diagrams that illustrate the movements of a truck reversing out of the loading space was found to not be acceptable because the swept path conflicts with a pedestrian walkway towards the northern limit of the site. The loading space is to be reconfigured in a manner that ensures all vehicle movements do not conflict with pedestrian amenities and trucks exit the site in a forward motion.

Transportation

The application to amend the Official Plan proposes an amendment to Map 8-11 *North York Centre North Service Road*, which shows Hendon Avenue terminating in a cul-de-sac at Greenview Avenue. The build-out of the cul-de-sac, as shown on Map 8- 11, would require land from the subject site to be conveyed to the City.

The amendment to Map 8-11 proposes to maintain Hendon Avenue in its existing condition as a through street continuing eastwards to Yonge Street. According to the NYCSP, the *North York Centre North* is intended to be encircled by a four lane collector road (an extension of the *North York Centre South Service Road*) which will provide access to development in the *North York Centre North* and relieve traffic pressure on Yonge Street and Finch Avenue. This four lane road is shown on Map 8-11 of the NYCSP. It is intended that local roads in nearby residential neighbourhoods be separated from the Service Road. To achieve this, the NYCSP suggests local roads be terminated in cul-de-sacs, or looped, to eliminate intersections with the Service Road. Policy 8.7(c) of the NYCSP goes on to state, "in all cases, road construction within the *North York Centre North* will be in accordance with the Environmental Study Report (the "ESR") for the "*North York Centre North Service Road and Associated Road Network*" as approved by the Minister of Environment and Energy on December 14, 1993."

Planning and Transportation Services staff are continuing to assess the appropriateness of the proposed amendment in co-ordination with the ongoing work related to the extension of Beecroft Road north of Finch Avenue West. Staff are also analyzing the road classification of Hendon Avenue and whether an amendment to the ESR for the *North York Centre North Service Road and Associated Road Network* is required to facilitate the proposed amendment to the street network.

North York Centre Secondary Plan Density Incentives

Section 10.5 of the NYCSP requires, as a condition of approval, the entering into an agreement concerning the transfer of density prescribed in Policy 3.4 and the provision

of matters qualifying for incentives described in Policy 3.3 of the Secondary Plan. As per Policy 10.5 of the Secondary Plan, Official Plan policy is not to be interpreted as encouraging site specific amendments that exceed the height and density of the prevailing *North York Centre* Secondary Plan.

The NYCSP contains density incentives for the provision of specific uses and facilities, similar to that of Section 37 benefits. This incentive would permit a density, of no more than 33 percent, greater than would be otherwise permitted in accordance with the density limits on Maps 8-6 and 8-7. These incentives, as outlined in Policy 3.3 and Figure 3.3.1 of the NYCSP, include matters such as bicycle parking, provision of a public recreation centre or social facility, street-related retail, and provision of service roads.

The proposed density at 2.56 times the area of the lot is greater than that permitted by the increases permitted by Policy 3.3 of the NYCSP and a Section 37 agreement is therefore an appropriate mechanism to secure benefits for the density in excess of what would be achieved through this policy. Policy 3.3(c) of the NYCSP allows the City to secure a monetary contribution equal to the market value of the gross floor area obtained. The NYCSP identifies monetary contributions may go towards the cost of constructing and furnishing public recreation centres and social facilities, the cost of acquiring land necessary for the completion of the Service Roads identified in Policy 8.6 and 8.7 of the NYCSP, and associated road network and buffer areas.

Conclusion

The subject applications have been reviewed against the policies of the Provincial Policy Statement (2020), the Growth Plan (2020), the Official Plan, and the *North York Centre* Secondary Plan.

Both the PPS and the Growth Plan identify official plans as the tool to implement the broad policy goals of building complete communities, identify the appropriate mix of uses and efficient land use, and development patterns to support sustainability by promoting strong, livable, healthy, and resilient communities. Through the targets established in the Official Plan, and subsequently the NYCSP, a strategy for intensification and meeting the minimum density targets has been established. The NYCSP provides more detailed local development policies to guide growth within the urban growth centre and to date, has been successful in satisfying broader policy goals to encourage a substantial amount of density in close proximity to transit stations and has exceeded the minimum targets established in the Growth Plan. While the subject site is appropriate for residential development, the proposal exceeds the maximum permitted density and height allowed by the NYCSP. Staff are of the opinion that through modifications to the built form, the proposed density can be brought down to comply with the policy direction of the NYCSP.

The applications to amend the Official Plan and Zoning By-law, in its current form, is not supportable. The proposal is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not meet the Official Plan and *North York Centre* Secondary Plan policies, particularly related to the height and density. Staff recommend that Council direct the City Solicitor, together with the appropriate City staff, to attend the LPAT hearing in opposition of the applications. Staff also recommend City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant, in consultation with the Local Councillor, to address the issues outlined in this report.

CONTACT

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SIGNATURE

John Andreevski, Acting Director
Community Planning, North 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: North and South Elevation
Attachment 7: East and West Elevation

APPLICATION DATA SHEET

Municipal Address: 40, 42, 44, 46 & 48 HENDON AVENUE
Date Received: December 23, 2019
Application Number: 19 264461 NNY 18 OZ & 19 109332 NNY 18 OZ
Application Type: OPA / Rezoning

Project Description: The revised re-zoning and Official Plan amendment applications propose a 6-storey (19.65 m) residential building consisting of 4 two-storey grade-related townhouse units and 67 apartment units, for a total of 71 units. A total of 5,931 square metres of residential GFA is proposed, equating to a FSI of 2.56 times the lot area.

The revised applications propose a 232 square metre on-site parkland dedication along the western limit of the site. Site access is proposed via a 7.2 metre wide driveway off Hendon Ave which leads to the loading area and ramp to the underground garage. A total of 44 parking spaces are proposed within one level of underground parking.

Applicant	Agent	Architect	Owner
WESTON CONSULTING, 201 Millway Avenue, Unit 19 Vaughan, ON L4K 5K8	WESTON CONSULTING, 201 Millway Avenue, Unit 19 Vaughan, ON L4K 5K8	HB Design, 101 Duncan Mill Road, Unit 210 Toronto, ON M3B 1Z3	40-44-48 HENDON INC., 27 Wilket Road Toronto, ON M2L 1N7

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	R6	Heritage Designation:	N
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	2,317	Frontage (m):	70	Depth (m):	34
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,348	1,348
Residential GFA (sq m):	710		5,931	5,931
Non-Residential GFA (sq m):				
Total GFA (sq m):	710		5,931	5,931
Height - Storeys:	1		6	6
Height - Metres:	4		20	20
Lot Coverage Ratio (%):	58.19		Floor Space Index:	2.56

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	5,931	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	5			
Condominium:			71	71
Other:				
Total Units:	5		71	71

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		1	41	24	5
Total Units:		1	41	24	5

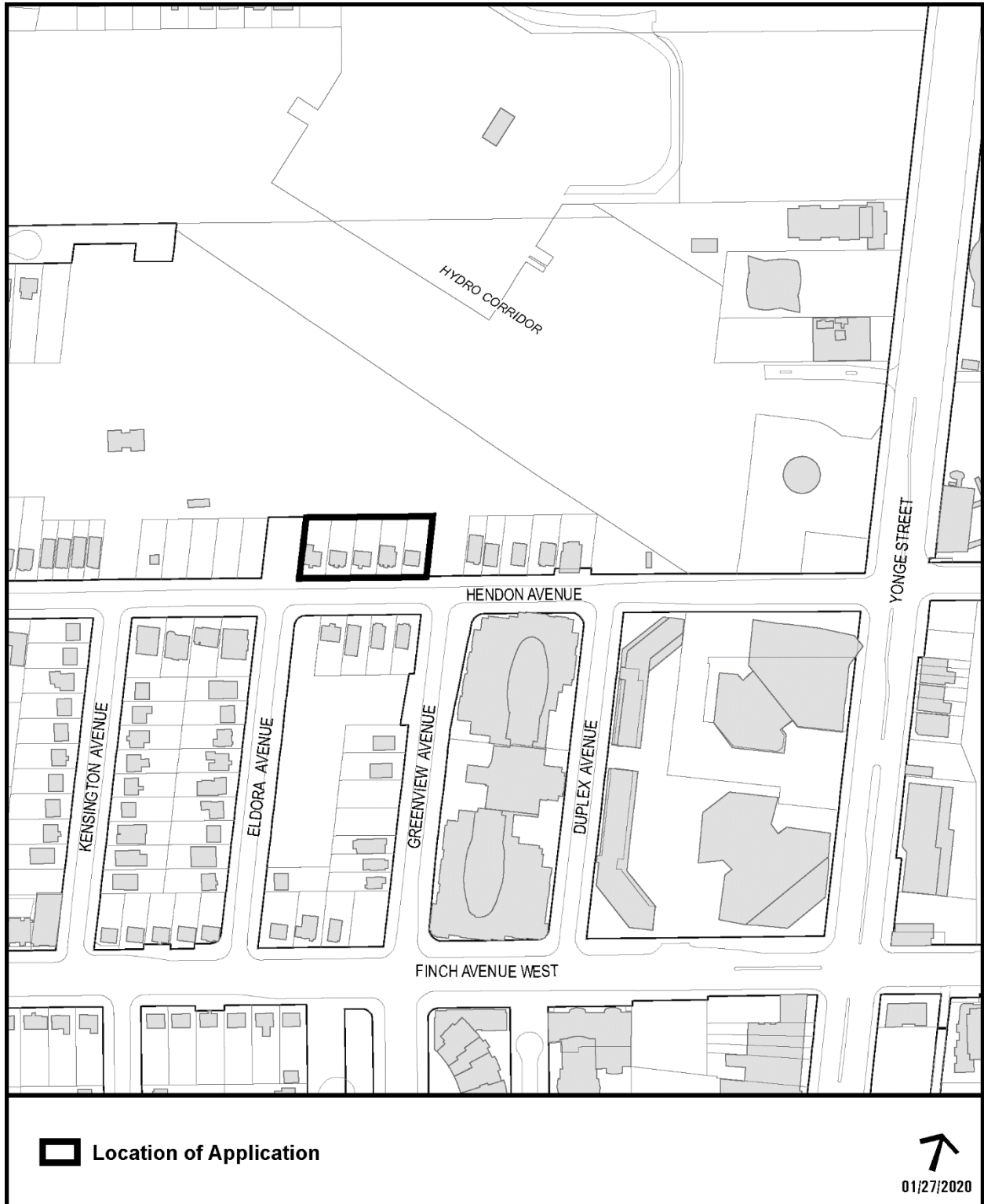
Parking and Loading

Parking Spaces: 44 Bicycle Parking Spaces: 66 Loading Docks: 1

CONTACT:

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Victoria.Fusz@toronto.ca

Attachment 2: Location Map










Attachment 3: Official Plan Land Use Map



40 - 48 Hendon Avenue

Official Plan Land Use Map #16

File # 19 264461 NNY 18 0Z

- | | |
|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Mixed Use Areas |  Other Open Space Areas |
| |  Utility Corridors |


Not to Scale
01/27/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 7625

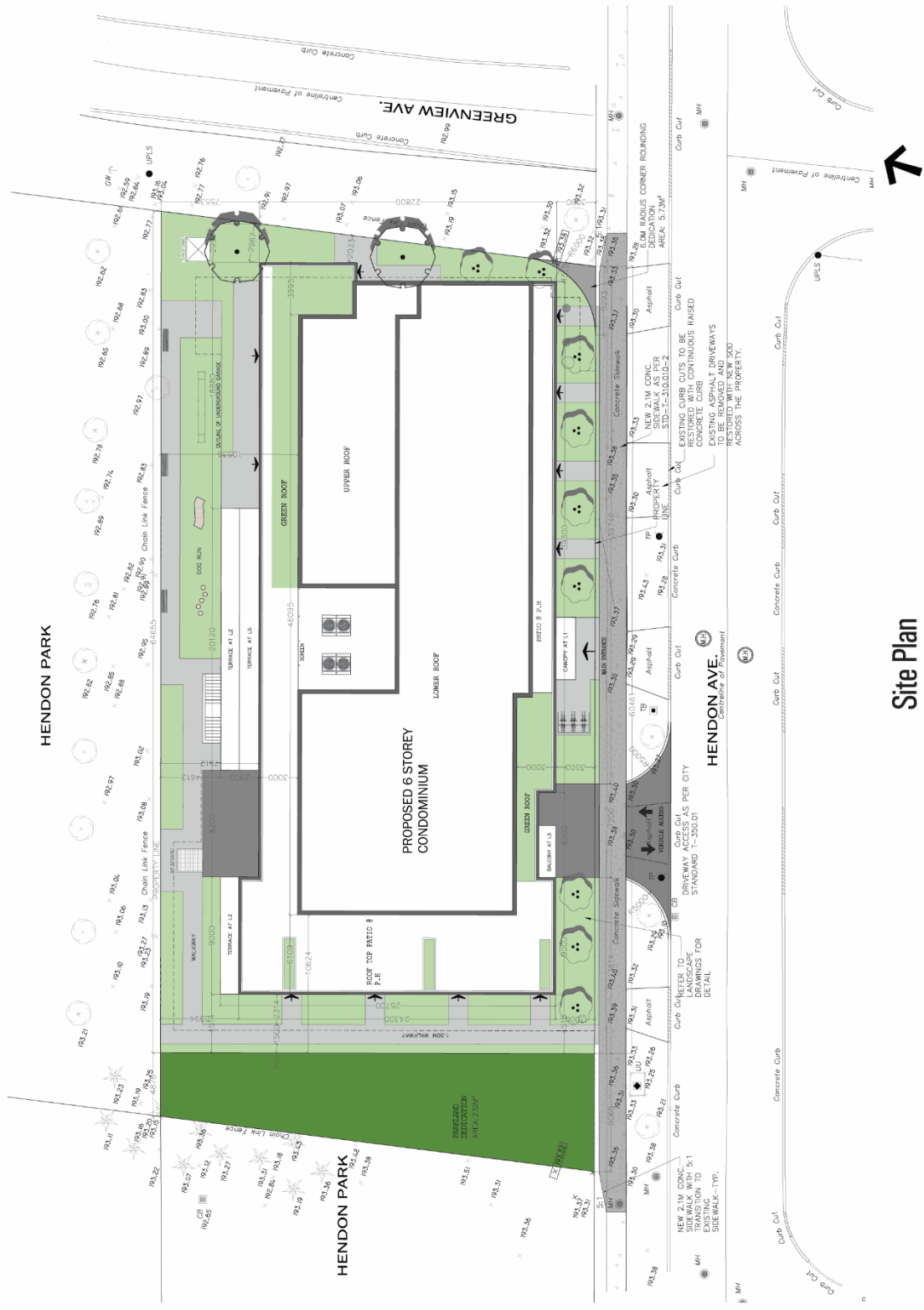
40-48 Hendon Avenue

File # 19 109332 NNY 18 0Z

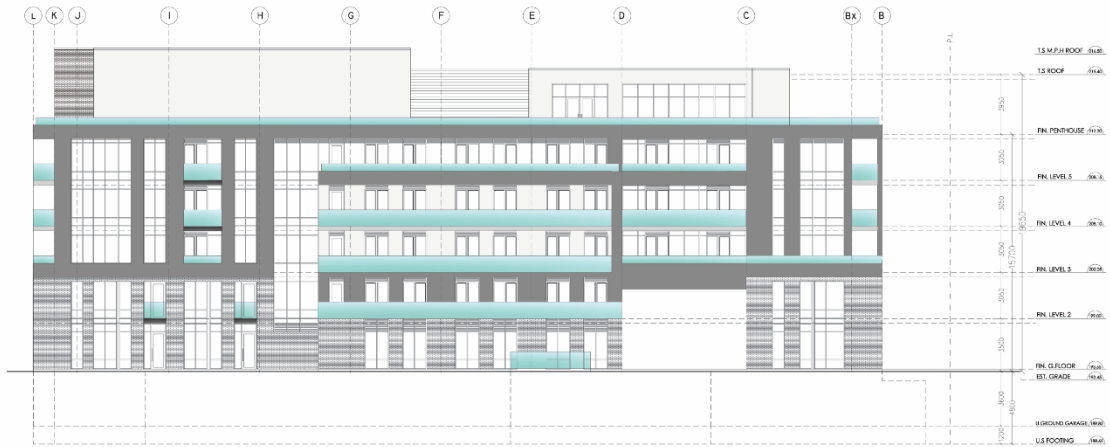
Location of Application

- | | | | |
|-----|---|-----|---|
| R4 | One-Family Detached Dwelling Fourth Density Zone | RM4 | Multiple-Family Dwellings Fourth Density Zone |
| R6 | One-Family Detached Dwelling Sixth Density Zone | RM6 | Multiple-Family Dwellings Sixth Density Zone |
| R7 | One-Family Detached Dwelling Seventh Density Zone | C1 | General Commercial Zone |
| RM1 | Multiple-Family Dwellings First Density Zone | O1 | Open Space Zone |
| | | O3 | Semi-Public Open Space Zone |

Not to Scale
Extracted: 05/27/2019



Attachment 6: North and South Elevation

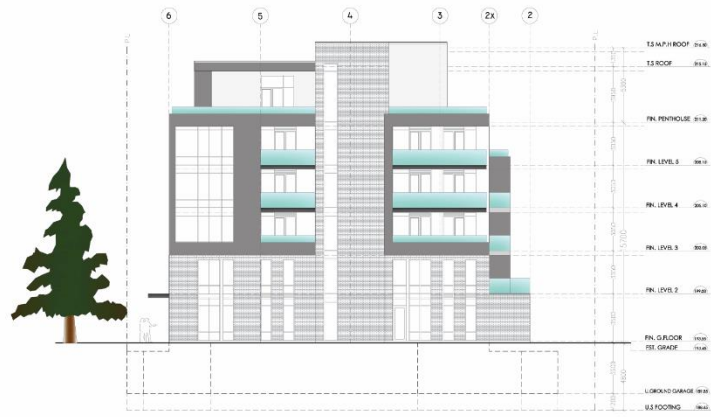


North Elevation

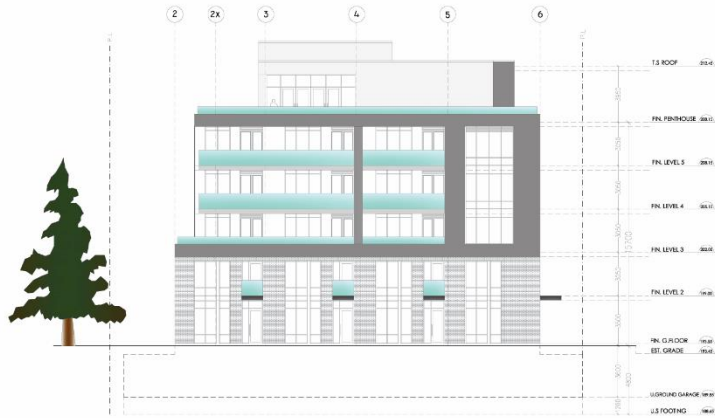


South Elevation

Attachment 7: East and West Elevation



East Elevation



West Elevation