



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**OMB Hearing on Planning Appeal - 525 Wilson Avenue
and 9 Tippet Road – Official Plan and Zoning By-law
Amendment Applications**

Date:	February 10, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 10 – York Centre
Reason for Confidential Information:	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding potential litigation.
Reference Number:	

SUMMARY

This report is to advise Council about the revised development proposal and seek instructions for a pre-hearing before the Ontario Municipal Board, for March 16, 2015 regarding 9 Tippet Road, Toronto.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report; and
2. Council authorize the public release of the recommendations contained in Confidential Attachment 1, if adopted. All other information contained in Confidential Attachment 1 is to remain confidential.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

525 Wilson Avenue and 9 Tippet Road

A rezoning application was submitted in October 2006 for a development site which consisted of both 525 Wilson Avenue and 9 Tippet Road. The application was approved by City Council on September 26-27, 2007. The applicant appealed a condition of the approval to the Ontario Municipal Board (OMB), which subsequently approved the rezoning in December 2008.

The OMB approved proposal amends the Zoning By-law to permit a mixed use building on the north portion of the site at 525 Wilson Avenue fronting Wilson Avenue and located within the Wilson Avenue *Avenues* study area. The approved proposal consisted of commercial uses and two-storey live/work units on the ground floor and 498 residential units above. The building would have heights of 6-storeys along Wilson Avenue, a 9-storey wing to the east and a 12-storey portion along Tippet Road. In April 2010, an application was approved by the Committee of Adjustment to vary aspects of the parking requirements and allow 512 dwelling units. This development known as "Gramercy Park" is completed, the condominium plan is registered and the building is occupied.

A 5-storey, 21.6 metre high office building with grade related commercial uses was approved for the south portion of the site at 9 Tippet Road to be served by both surface parking and a single level of underground parking. The office component would be 11,161m² and the commercial component would be 240m². A total of 233 parking spaces were proposed for the office building with 128 of those spaces being provided at grade.

The two buildings would be separated by a common driveway from Tippet Road serving as the drop-off/pick-up area for both buildings. The proposal would have an overall gross floor area of 55,845 m² with an overall density of 2.5 times the lot area.

The proposal was expected to be developed in phases with the first phase consisting of the mixed-use building fronting Wilson Avenue and the second phase consisting of the office building at 9 Tippet Road. The second phase office component was not constructed and applications to amend the City's Official Plan and Zoning By-law 7625 for the former City of North York were submitted on August 11, 2011 to permit a residential development through the conversion of employment lands for the lands known as 9 Tippet Road.

9 Tippet Road

The amendments would enable a residential development with 443 dwelling units having a gross floor area of 37,790 m². The building would have various heights and is proposed to wrap the western property line (Tippet Road) at 14 storeys, the southern property line at 7-storeys, the eastern property line at 11-storeys and be connected along the northern

property line with a 2-storey amenity wing. Access to the site would be from a driveway off Tippet Road and all parking would be provided in a 2 level underground garage containing 465 vehicular parking spaces, including 66 spaces dedicated for visitors.

A Preliminary Report was prepared for these applications dated October 21, 2011 and considered by Planning and Growth Management Committee on November 8, 2011. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2011/pg/bgrd/backgroundfile-41960.pdf>

Proposal

The most recent proposal for 9 Tippet Road is for a residential development with 498 dwelling units having a gross floor area of 42,946 m² and an overall site density of 4.67 times the area of the lot. The development would contain 18 bachelor units, 330 one-bedroom units, 132 two-bedroom units and 18 three-bedroom units.

The building would wrap the western property line (Tippet Road) at 17 storeys (47.81m) stepping back above the 16th storey and then the 10th storey, the southern property line at 7-storeys, the eastern property line at 11-storeys (28.31m) and stepping back above the 10th and 9th storeys and be connected along the northern property line with a 2-storey lobby-amenity wing. A central outdoor courtyard would be located in the middle of these building wings.

The proposed building would include both indoor and outdoor amenity areas of 747m² and 1,240m² respectively. These amenity areas would be located within the 2-storey lobby-amenity wing and the central courtyard.

The main entrance to the development would be located off the common driveway and proposed is a pathway connection to Tippet Road. All ground floor units would have direct access either onto Tippet Road, a private pathway along the east property line, the interior courtyard area, or a proposed public pathway along the south property line.

The proposed building and the building at 525 Wilson Avenue would share a common driveway access straddling the property line from Tippet Road. The building would have a separate drop-off and pick-up area along with separate loading and underground garage entrance located at the northeast end of the site. All parking would be provided within a two level underground garage containing 455 parking spaces with 75 spaces being dedicated for visitors.

Official Plan

This site is identified as *Employment Districts* on Map 2 (Urban Structure Map) of the Official Plan. This map and the associated policies in Chapter 2 of the Plan set out a policy framework and strategy for managing Toronto's growth. In keeping with the relevant policies, lands within *Employment Districts* are identified as locations targeted

for future growth to meet the Plan's employment goals. It is a key policy directive of the Official Plan to protect and promote *Employment Districts* in order to:

- a) maintain and grow the City's tax base;
- b) attract new and expand existing employment clusters that are key to Toronto's competitive advantage;
- c) develop quality *Employment Districts* that are globally competitive locations for national and international business and offer a wide choice of sites for new business;
- d) nurture Toronto's diverse economic base;
- e) provide a good overall balance between population and employment growth by creating job opportunities for Toronto residents;
- f) provide a range of employment opportunities for Toronto residents that can be reached by means other than the private automobile; and
- g) create and sustain well-paid, stable and fulfilling employment opportunities for all Torontonians.

The subject site is designated *Employment Areas* on Map 16 (Land Use Map) of the Official Plan. Lands designated *Employment Areas* are intended for a wide range of employment uses including offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

Municipal Comprehensive Review

The Municipal Comprehensive Review looks specifically at the City's designated areas of employment and how the Official plan policies and designations are working. The Provincial Growth Plan requires the City to address specific criteria if it wants to consider changing the land use permissions for designated areas of employment. Since the City's 5 year Review of the Official Plan includes a review of policies and designations for employment lands, it is an appropriate opportunity to undertake the Municipal Comprehensive Review at the same time.

OPA 231 (Employment Lands Review)

At its meeting on December 16-18, 2013, City Council adopted Official Plan Amendment (OPA) 231, which amended the official plan policies for economic health, employment lands and designations. At its meeting, Council also considered 146 requests to convert employment lands to introduce additional uses beyond the permitted employment uses.

In addition to the conversion requests, Council redesignated seven areas across the city as Regeneration Areas. The decision document can be accessed at this link:

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

Staff identified a number of matters that each Regeneration Area Study should address to ensure a comprehensive planning approach was undertaken.

Site and Area Specific Policy 387 of OPA 231 relates to the Tippet Road Regeneration Study Area. The study area is generally bounded by Wilson Heights Boulevard, Wilson Avenue, Champlain Boulevard, Highway 401 and Allen Road. All lands are located within Ward 10 – York Centre

The policy requires that a framework for new development on the lands will be set out either a Secondary Plan or a Site and Area Specific Policy to address the matters that are identified in Section 4.7.2 (Regeneration Areas) of the Official Plan and include the following:

- Streets, pedestrian/cycling connections, blocks, densities and building heights;
- A requirement that 50 percent or greater of the gross floor on lands in Parcel "A" be used for non-residential purposes;
- A requirement that development in Parcel "B" that includes residential units also increase the non-residential gross floor area in Parcel "B" ; and
- A land use buffer to appropriately separate residential and sensitive non-residential uses from Highway 401, the Highway 401/William R. Allen Road expressway interchange and the William R. Allen Road expressway, and the design of residential units and buildings containing sensitive non-residential uses to mitigate noise and vibration from the highways."

The current Employment Areas land use designation provides for a variety of employment related uses, whereas the Regeneration Areas designation provides for a broad mix of uses which could include residential land uses.

The appellant has appealed Official Plan Amendment 231 and a Pre-hearing is scheduled for March 12, 2015. The Pre-hearing for the site specific appeal for which the Settlement Offer has been submitted is scheduled for March 16, 2015.

Status of the Emerging Tippet Road Area Regeneration Study

The Tippet Road Area Regeneration Study is currently underway but is not finished. The study will provide a development framework for the 12.2 hectare area and include a street and block layout, the location of new parks, open space and pedestrian/cycling connections, building heights and densities, built form transition to the neighbourhood to the east, the provision of employment space within the study area and active ground floor uses.

The initial Study kick-off meeting was held on June 10, 2013. In the fall of 2013 two working group meetings were held out of which came a set of principles for redevelopment of the lands, "6 Big Moves". These are the principles:

Create New Streets and Blocks

- Provide high-quality streetscapes complemented by generously-scaled landscaped setbacks;
- Provide a connected network of public and/or private streets to provide access and address to development in large blocks promoting active transportation;
- Avoid dead ends and cul-de-sacs, incorporate "loop street" connections;
- Create mid-block pedestrian and cycling connections;
- Identify locations for pedestrian crossings;
- Include cycling connection and infrastructure integration such as trip-end facilities (i.e. bicycle parking); and
- Share service lanes or courtyards with adjacent development where possible.

Focus on Parks

- Create new parks centrally located within the new development area to create neighborhood focus and encourage active transportation;
- Consolidate parkland dedication/contributions to allow for neighborhood park and function,;
- Provide generous park frontage on public streets, providing access and visibility into park;
- Configure park to maximize programming options for various uses;
- Program park to include playgrounds, passive-use areas, off-leash dog runs, active recreational facilities, flexible use playing fields; and
- Expand the existing Champlain Parkette to increase street frontage, improve visibility, safety, and comfort.

East-West Pedestrian /Cycling Connections

- Achieve high quality public connector through provision of street furniture, lighting and landscaping to create a comfortable and inviting walking environment;
- Connect parks, amenities, and other private/public open spaces to create a network throughout neighborhood;

Special Places – Tippet Promenade, Allen & Mud Creek Pathway

- Achieve high quality public connector through provision of street furniture, lighting and landscaping to create a comfortable and inviting walking environment;
- Connect parks, amenities, and other private/public open spaces to create a network throughout neighborhood; and

- Connect Mud Creek Pathway with east-west pedestrian/cycling connections, new public streets and Champlain Parkette to Wilson Avenue.

Built Form Transition in Scale

- All buildings are to adhere to the appropriate built form guidelines;
- Townhouses will provide transition to the *Neighbourhood* east of Champlain Avenue;
- Townhouses should be grade-related, have appropriate landscaped setbacks;
- Mid-rise guidelines are to apply beyond 'Avenue' portion of the regeneration area;
- Taller buildings should be strategically located along the western portion of the regeneration area; and
- Units with below-grade entrance/access to exterior are not permitted.

Active Ground Floors

- Provide active grade-related uses;
- Locate service, loading, and other back-of-house functions away from public streets, parks and open spaces;
- Provide active grade-related uses; and
- Locate service, loading, and other back-of-house functions away from public streets, parks and open spaces.

Based on these principles and the feedback received at the earlier working group meetings and meetings with the landowners, City Planning staff brought forward two illustrative concept plans at the June 9, 2014 meeting to solicit ideas on development within the Regeneration Study Area. The two plans presented to the areas stakeholders (both residents and major landowners) illustrated street and block patterns, pedestrian connections and open space locations, and built form transition to the neighbourhood to the east. The schemes are attached as Figure 1 and Figure 2.

Street and blocks pattern

The two concept plans that were taken to the community in June 2014 are the same in terms of general street layout. Direct access to the existing subway station entrance on the west side of Tippet Road is provided by a new public street running in an east-west direction from Tippet Road. South of this, appropriately-sized development blocks are created from larger blocks of land accessed by private driveways designed to look and act like public streets with sidewalks, street lights, street trees etc. In the centre of each of the new blocks is a large open space with driveways or streets at the perimeter. The open space could be composed of either Parks or Privately Owned Publicly Accessible Spaces or a combination of them. An accessible landscaped pedestrian walkway is proposed along the edge of the Highway 401/Allen Road complementing the public park network and providing pedestrian access to Wilson Avenue and the subway station.

East of Tippet Road, two new public streets are proposed, one from Champlain Avenue and one from Tippet Road. As shown, these provide improved pedestrian and bicycle movement between the Wilson Tippet area and the neighbourhood to the east and improve access to the existing Champlain Parkette. These streets are shown bulbed, but could be opened to allow vehicular access between Champlain Avenue and Tippet Road. Proper traffic management would be required to open these two streets and minimize impacts to the existing neighbourhood. On the proposed site, a partial street right-of-way would be necessary which could be used as a landscaped pedestrian pathway providing a short term pedestrian/cycling connection while protecting for a future street right-of-way until the lot to the south redevelops and contributes to the street. When redevelopment on the east side of the large block located between Champlain Avenue and Tippet Road occurs, new streets and shared driveways would provide access through this block.

Pedestrian access on the east side of the development parcel along the historic Mud Creek and along the shared drop-off driveway at the north of the subject development site are proposed to contribute to the pedestrian network through this huge block.

The conceptual street and block pattern illustrates good urban design, with streets and blocks lining up with each other and provides a network that encourages walking and transit, and particularly, direct and comfortable pedestrian and cycling facilities from both the existing neighbourhood and new neighbourhood to the entrance of the Wilson Subway station.

A Greening Strategy and Parks and Open Space Plan

One of the concept plans that was presented to the community in June 2014 shows a parkland scheme that would rely on on-site parkland dedication for each individual block as development proceeds (Confetti plan - See Figure 1). The other concept plan shows a significantly-sized consolidated park block on each of the west and east sides of Tippet Road (Consolidated plan - See Figure 2).

A Public Realm Improvement Strategy to improve streets, sidewalks and boulevards

A public realm master plan will be a product of the Tippet Road Area Regeneration Study when the study is completed. When a preferred option for the concept plan is endorsed by City Council, staff will be in a position to move forward to complete a public realm improvement strategy for the Study Area. As individual sites develop, a standard requirement of Site Plan Control Approval is the streetscape improvements in the boulevard adjacent to the subject development.

Traffic and Servicing Analysis

The City Planning Division requires the submission of detailed Transportation Assessment and Servicing information to determine the potential development capacity of the entire Study Area. This requirement has been flagged from the early days of the

Study and the major landowners comprising Build Toronto, Shiplake Management and Malibu (Appellant) were requested to submit comprehensive servicing and transportation information to the City as background information to the Tippet Road Area Regeneration Study. This information is crucial to the determination of the 3 dimensional aspect of the study area including densities and units counts.

Densities and building heights

Building height in this neighbourhood is determined in part by the requirements of Bombardier who operate the former military airport on the Downsview lands. As noted above, The City has requested comprehensive information from the major landowners regarding transportation and servicing in order to determine the appropriate densities for individual developments. City Planning staff require this information to determine densities for the Study Area.

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Schemes – Figure 1 and Figure 2
Attachment 1 – Confidential Information – 525 Wilson Avenue and 9 Tippet Road –
Ontario Municipal Board Appeal.