

2, 4 & 6 Teagarden Court - Official Plan and Zoning Amendment Applications - Settlement Offer

Date: October 23, 2017
To: City Council
From: City Solicitor
Wards: Ward 23 - Willowdale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The Official Plan and Zoning Bylaw Amendment applications filed with the City sought permission for a 14-storey residential apartment building at 2-6 Teagarden Court with a new public park at 10 Teagarden Court. The lot known as 8 Teagarden Court was not part of the application. That application proposed a total gross floor area of 10,979 square metres with 144 parking spaces below grade. Including 10 Teagarden Court, the application had a site area of 2,716 square metres which resulted in a Floor Space Index (FSI) of approximately 4 times the area of the lot. Not including the lands at 10 Teagarden Court, the proposal had an FSI of 5.25 times the area of the lot.

The applicant appealed its applications on February 25, 2017. The first prehearing conference was held at the Ontario Municipal Board on August 3, 2017. A second prehearing conference is scheduled for January 10, 2018.

On October 23, 2017 the City received the with prejudice settlement offer attached hereto as Attachment 1 (the "Offer"). The Offer proposes one 11-storey building with 112 residential units as illustrated in the plans attached hereto as Attachment 2. 10 Teagarden Court is no longer part of the proposal and there is no proposed parkland dedication (rather the owner would pay cash in lieu of parkland). The Offer will expire at the end of the City Council meeting scheduled to commence on November 7, 2017.

The City Solicitor requires further direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1.
2. If the confidential recommendation(s) contained in Confidential Attachment 1 are adopted, that City Council authorize the public release of the confidential recommendation(s) contained in Confidential Attachment 1, but that the balance of Confidential Attachment 1 remain confidential.

FINANCIAL IMPACT

There is no financial impact arising from the Confidential Recommendations.

DECISION HISTORY

A Preliminary Report from the Director, Community Planning, North York District, dated February 29, 2012 was considered by North York Community Council on March 20, 2012. Community Council referred the matter back to staff for clarification regarding the proposed parkland dedication and further examination of built form options. The Community Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY14.23>

A further Status Report from the Director, Community Planning, North District, dated October 17, 2012 was considered by North York Community Council on November 6, 2012. Community Council, among other matters, directed staff to process the revised application and continue to address issues raised in the Preliminary Report. The decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY20.27>

COMMENTS

Background

The applicant appealed its applications for Official Plan and Zoning Bylaw Amendments on February 25, 2017. The first prehearing conference was held at the Ontario Municipal Board on August 3, 2017. A second prehearing conference is scheduled for January 10, 2018.

2, 4 & 6 Teagarden Court - Official Plan and Zoning Bylaw Amendments - Settlement Offer

The Offer

On October 23, 2017 the City received the Offer that expires at the end of the City Council meeting scheduled to commence on November 7, 2017. The following chart compares the initial proposal to the proposal set out in the Offer:

| | Initial Proposal (2011) | Settlement Offer |
|--------------------------------------|--------------------------------|--------------------------------|
| Properties | 2, 4, 6 & 10 Teagarden Crt | 2, 4 & 6 Teagarden Crt |
| Building Height | 14 storeys (44 metres) | 11 storeys (38.55 metres) |
| Number of Residential Dwelling Units | 144 | 112 |
| Dwelling Unit Mix | 1 bedroom: 91 2 bedroom: 52 | 1 bedroom: 62 2 bedroom: 50 |
| Floor Space Index (GFA) | 5.25 (10,979 m2) | 3.99 (8354 m2) |
| Private Amenity Area (m2) | Indoor: 478 Outdoor: 276.5 | Indoor: 407 Outdoor: 237 |
| Vehicle Parking | Resident: 130 Visitor: 14 | Resident: 115 Visitor: 17 |
| Bicycle Parking | 108 spaces | 85 spaces |
| Parkland Dedication | Yes – 10 Teagarden Court | No (cash-in-lieu) |

The Offer includes a section 37 benefit of \$188,860.49.

Further, the Offer specifies that, should the Offer be accepted by the City, the final approval of the Official Plan Amendment and Zoning Bylaw by the Ontario Municipal Board would be contingent on the execution and registration of a section 37 agreement and the acceptance of a functional service report by the City. The parties would endeavour to finalize the final form of instruments prior to the January prehearing conference.

Site and Surrounding Area

The site of the proposed development at 2, 4 and 6 Teagarden Court is currently occupied by 3 detached houses. The roughly square lot has dimensions of approximately forty-four metres fronting on Bayview Avenue and fifty-four metres

fronting on Teagarden Court. The site slopes approximately five metres down from the southwest corner of the site towards the northeast.

Land uses surrounding the sites are:

North: an approved but not yet built eight storey, 172-unit residential apartment development on the south side of Spring Garden Avenue and a single detached house on the southwest corner of Spring Garden Avenue and Bayview Avenue.

South: Church of the Incarnation across Teagarden Court and townhouses on Mallingham Court.

East: a fifteen storey residential apartment building and Bayview Village Shopping Centre across Bayview Avenue.

West: detached dwellings on Teagarden Court.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the lands Mixed Use Areas providing for a broad range of residential, commercial and institutional uses in single use or mixed use buildings. Mixed Use Areas are to provide for most of the City's future population and employment growth in areas well-served by transit, and the policies provide criteria that support development including the transition from lower scale Neighbourhoods to areas of higher scale and intensity.

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 skyview 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.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The proposal has a Gross Floor Area of 24,375 square metres and proposes a height beyond what is permitted.

The Official Plan is available at www.toronto.ca/planning/official_plan/introduction.htm.

Sheppard East Subway Corridor Secondary Plan

The subject lands are within a 'key development area' of the Sheppard East Subway Corridor Secondary Plan. The 'Bayview Node' provides policies for transit-supportive development including specific policies for the area north and west of the Bayview/Sheppard Avenue West intersection identified as the "Teagarden Court/Mallingham Court/Clairtrell Road Area". Among other matters, the policies support primarily residential uses, assign a density of three times the lot area plus density incentives, and encourage comprehensive land assemblies that achieve the planned density and prevent piecemeal development.

The Secondary Plan also requires 'Context Plans' to be prepared, and in 2005 the 'Clairtrell Area Context Plan' was completed as a general development guideline for the area. The Context Plan illustrates a development structure with an open space and east-west mid-block pedestrian connection from Teagarden Court to Clairtrell Road; includes guidelines for the Bayview Avenue and local streetscape; guides the organization of private and public open space and amenity areas; illustrates how a range of generalized building types, massing and heights should be organized and designed; and describes how parking and servicing should be addressed.

Clairtrell Area Context Plan

The Sheppard East Subway Corridor Secondary Plan indicates that development is to be subject to an approved 'Context Plan' for blocks within key development areas. The Clairtrell Area Context Plan is a general development guideline for the area and provides a framework for evaluating development applications on such matters as: structure of streets, parks and open space; building massing and height; parking and servicing; and transportation demand management. The Context Plan encourages the Secondary Plan's density objectives to be achieved through comprehensive development.

The Context Plan encourages residential buildings with landscaped private open spaces to face and connect to the Clairtrell Road and Spring Garden Avenue street edge and sidewalks. Pedestrian/vehicle conflicts are to be minimized through reductions in driveway curb cuts, and at the west end of Teagarden Court the Plan conceptually

identifies a pedestrian connection from Clairtrell Road to the subway through a publicly accessible mid-block 'Pedestrian Link'.

In terms of building massing and height, the Context Plan outlines generalized building types and heights in storeys and metres. Mid-rise buildings are to frame the streets and open spaces, include lobbies and amenity areas and grade related residential units that support the adjacent public realm.

The Context Plan guidelines support parking lots and service areas that have limited visual impact on the public realm and reduced conflicts with pedestrian circulation. The plan encourages maximizing soft landscaped areas, for example through underground parking, reduced curb cuts, and shared parking and servicing areas. Transportation Demand Management tools such as bicycle parking are encouraged to support transit-riding households.

Zoning

The lands are subject to former City of North York Zoning By-law 76254 and are zoned One Family Detached Dwelling Fourth Density Zone (R4) which permits only single detached dwellings. This zone allows for detached dwellings and recreational and institutional buildings.

The lands are not subject to City of Toronto Zoning By-law 569-2013. By-law 569-2013 is available on the City's website at www.toronto.ca/zoning.

CONTACT

Abbie Moscovich, Solicitor, Tel. No. 416-392-6905 Fax No. 416-397-5624 E-mail: Abbie.Moscovich@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Attachment 1 - Settlement Offer
Attachment 2 - Settlement Plans
Confidential Attachment 1 - Report from the City Solicitor