

**386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue – Official Plan and Zoning By-law Amendment Application – Request for Direction Report**

<b>Date:</b>	October 25, 2017
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 17 – Davenport
<b>Reference Number:</b>	15 238678 WET 17 OZ

**SUMMARY**

This application proposes the development of a largely residential development at 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue. The proposed building would be comprised of a 6 storey mid-rise component along Symington Avenue that steps up to 9 storeys and connects to a 24 storey tower element. Three storey grade-related townhouse units would be incorporated into the base of the tower element and would front onto the proposed new public park and outdoor amenity area. The portion of the building fronting Symington Avenue would comprise a 3-storey base element at the northern portion of the building, stepping up to 5 and 6 storeys at the southern portion of the site.

The total gross floor area of the proposed development would be approximately 26,675 m<sup>2</sup>, representing a density of approximately 3.5 times the lot area. There would be approximately 233 m<sup>2</sup> of non-residential gross floor area and 26,442 m<sup>2</sup> of residential gross floor area. The proposed non-residential uses would be located on the ground floor of the building fronting Symington Avenue and would be for retail uses.



A total of 355 residential units are proposed, consisting of 210 one-bedroom units (59%) and 145 two-bedroom units (41%).

Access to the loading and parking garage would be from Perth Avenue at the southern end of the site within the rail line setback area. A total of 379 parking spaces are proposed to service the development with 309 parking spaces for owner/occupants and 70 parking spaces for visitors. Parking for the proposed development would be located in a 3 level below grade garage. One Type G loading space is proposed and would be located at the south end of the site within the 30 metre rail line setback.

A total of 360 bicycle parking spaces would be provided, consisting of 340 resident spaces and 20 visitor spaces, at grade and on parking levels P1 and P3.

A total of approximately 303 m<sup>2</sup> of indoor amenity space (0.8 m<sup>2</sup> per unit) would be provided for the development. The indoor amenity space would be provided on the ground floor of the 9 storey element of the building at the south end of site.

A new public park is proposed at the north end of the subject site fronting both Kingsley Avenue and Perth Avenue. The park would be generally square in shape and would be approximately 1,667 m<sup>2</sup> in size.

The applicant has appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the OMB in opposition to the applicant's current development proposal. The report advises that discussions with the applicant are ongoing with a view to achieving revisions which address the issues outlined in this report and that OMB mediation sessions are scheduled for January 2018.

Planning staff oppose this application in its current form as it does not conform to the policies of the Official Plan and does not satisfactorily respond to applicable design guidelines. The proposed development does not fit within its existing and planned context or respect and reinforce the existing physical character of the area. Staff are of the opinion the current proposal constitutes an over-development of the site. Planning staff have been in discussions with the applicant about revising the proposal in an effort to develop a proposal that is more appropriate to its context.

## RECOMMENDATIONS

---

### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with Planning staff and any other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application for 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue in its current form,

- and retain such experts as the City Solicitor may determine are needed in support of the position outlined in this report.
2. City Council authorize City staff to continue negotiations with the applicant in order to come to an agreement on an appropriate built form and to secure appropriate Section 37 community benefits to the satisfaction of the Acting Chief Planner and Executive Director, City Planning.
  3. In the event that the OMB allows the appeal, in whole or in part, City Council direct the City Solicitor to request the OMB withhold its Order on the Official Plan and Zoning By-law Amendments until:
    - a) Draft Official Plan and Zoning By-law Amendments are submitted to the satisfaction of the Acting Chief Planner and Executive Director, City Planning and the City Solicitor.
    - b) The owner has entered into an Agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits to the satisfaction of the City Solicitor in consultation with City Planning staff and the Ward Councillor.
    - c) The owner has submitted to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.
    - d) The applicant has made arrangements to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services for the following transportation improvements/requirements: the road surface and municipal boulevards of Perth Avenue south of Kingsley Avenue shall be rehabilitated with new asphalt, curbs and sidewalks constructed to the appropriate municipal standards; Perth Avenue shall terminate at a turning circle designed according to the City's Development Infrastructure Policy and Standards (DIPS) Design Standard No. DIPS-5 in the vicinity of the south driveway access from the proposed development; and the above improvements shall be undertaken to the satisfaction of Transportation Services staff and at no cost to the municipality.
    - e) The owner has entered into a financially secured Development Agreement for the construction of all the transportation improvements listed in Recommendation 4d) above and any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing

Review and Traffic Impact Study accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.

- f) The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-100.
- g) City Council approves 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 (PFR). 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, PFR, 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment No. 231 to amend the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for *Employment Areas*. This amendment proposed to redesignate the properties known municipally as 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue from *Employment Areas* to *Neighbourhoods*.

Official Plan Amendment (OPA) No. 231 was approved, with minor modifications, by the Minister of Municipal Affairs and Housing on July 29, 2014. The Minister's decision was appealed to the Ontario Municipal Board (OMB). On June 22, 2015 the OMB issued an order partially approving OPA 231. The partial approval brings into effect the redesignation of sites from *Employment Areas* to other land use designations, as well as a number of other Official Plan policies. The property owner of 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue appealed OPA 231, including Site and Area Specific Policy No. 438, which requires residential uses at the subject site to be setback 30 metres from the abutting rail corridor to the south.

Planning and Growth Management Committee at its meeting of January 20, 2016 considered a Preliminary Report on the Official Plan and Zoning By-law Amendment application for the proposed development at 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue. Planning and Growth Management committee referred the item to the Chief Planner and Executive Director, City Planning for further discussion with the applicant, on the understanding that, in the event that a settlement is reached or the applicant withdraws its

appeal of Official Plan Amendment No. 231 so that the conversion of these employment lands adopted by Council at its meeting of December 2013 come into effect, in accordance with Chapter 27 of the Municipal Code and Council adopted guidelines, the Chief Planner and Executive Director, City Planning may submit a report on this application for consideration by the Etobicoke York Community Council. This decision of Planning and Growth Management Committee can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.4>

On April 1, 2016 the owner withdrew the appeal of OPA 231 as it related to 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue. The withdrawal of the appeal to OPA 231 for this site brought into force the *Neighbourhoods* designation, including Site and Area Specific Policy No. 438, which requires residential uses on the subject site to be setback 30 metres from the rail corridor.

The Preliminary Report outlining the initial application for the Official Plan and Zoning By-law Amendment was considered by Etobicoke York Community Council on May 10, 2016. The application proposed a mixed-use development comprised of two 17-storey apartment buildings and two townhouse blocks containing approximately 395 m<sup>2</sup> of non-residential gross floor area and 29,451m<sup>2</sup> of residential gross floor area, 372 residential units and 392 parking spaces. The Preliminary Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY14.9>

## **Ontario Municipal Board Appeal**

On May 2, 2017, the City Clerk received notification that the applicant had filed an appeal of the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. A Pre-Hearing Conference was held on September 19, 2017 where the Board scheduled mediation dates of January 18-19, 2018. A second Pre-Hearing Conference has been scheduled for April 4, 2018. A full hearing, if required, has been scheduled for October 22 to November 2, 2018.

## **ISSUE BACKGROUND**

### **Proposal**

The revised application proposes the development of a largely residential development at 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue. The proposed building would be comprised of a mid-rise component fronting Symington Avenue that would comprise a 3-storey base element at the northern portion of the building, stepping up to 5 and 6 storeys at the southern portion of the site (see Attachment 1: Site Plan, Attachment 2: East Elevation, Attachment 3: North Elevation, Attachment 4: South Elevation, Attachment 5: West Elevation, Attachment 6: 3D Massing Model Looking Northeast, Attachment 7: 3D Massing Model Looking Northwest, Attachment 8: 3D Massing Model Looking Southwest and Attachment 11: Application Data Sheet). The mid-rise component would step up to 9 storeys and connect to a 24 storey (74 metres including mechanical penthouse) tower element. Three storey grade-related townhouse units would be incorporated into the base of

the tower element and would front onto the proposed new public park and outdoor amenity area.

The total gross floor area of the proposed development would be approximately 26,675 m<sup>2</sup>, representing a density of approximately 3.5 times the lot area. There would be approximately 233 m<sup>2</sup> of non-residential gross floor area and 26,442 m<sup>2</sup> of residential gross floor area. The proposed non-residential uses would be located on the ground floor of the building fronting Symington Avenue and would be for retail uses.

A total of 355 residential units are proposed, consisting of 210 one-bedroom units (59%) and 145 two-bedroom units (41%).

The proposed building would be setback 30 metres from the CP rail corridor to the south.

Access to the loading and parking garage would be from Perth Avenue at the southern end of the site within the rail line setback area. A total of 379 parking spaces are proposed to service the development with 309 parking spaces for owner/occupants and 70 parking spaces for visitors. Parking for the proposed development would be located in a 3 level below grade garage. One Type G loading space is proposed and would be located at the south end of the site within the 30 metre rail line setback.

A total of 360 bicycle parking spaces would be provided, consisting of 340 resident spaces and 20 visitor spaces, at grade and on parking levels P1 and P3.

A total of approximately 303 m<sup>2</sup> of indoor amenity space (0.8 m<sup>2</sup> per unit) would be provided for the development. The indoor amenity space would be provided on the ground floor of the 9 storey element of the building at the south end of site. No information has been provided on the size of the outdoor amenity space proposed for the development.

A new public park is proposed at the north end of the subject site fronting both Kingsley Avenue and Perth Avenue. The park would be generally square in shape and would be approximately 1,667 m<sup>2</sup> in size. A pedestrian walkway is proposed at the south end of the park providing a mid-block connection between Perth Avenue and Symington Avenue, providing access to the park and to the development.

## **Site and Surrounding Area**

The site is located on the west side of Symington Avenue, just north of the Canadian Pacific Railway corridor, between Davenport Road and Dupont Street. The site is irregularly shaped, with frontages on Symington Avenue (approximately 78 metres), Kingsley Avenue (approximately 45 metres) and Perth Avenue (approximately 96 metres). The site area is approximately 7,679m<sup>2</sup>.

The site was previously used for industrial purposes and in 2009, the industrial buildings on the site were demolished. For the most part the site is vacant, with the exception of an area along the Perth Avenue frontage which is being used for outside storage of construction materials.

The site is flat, however the Symington Avenue frontage contains a retaining wall approximately 1.8 to 2.4 metres in height, as Symington Avenue slopes down toward the CP Rail overpass.

Surrounding land uses include:

North: To the north is a low rise neighbourhood that includes single detached and semi-detached buildings.

South: To the immediate south is the CP Rail corridor. To the south of the rail corridor is Symington Avenue Playground and a low rise residential neighbourhood.

East: To the immediate east and fronting Symington Avenue, north of Adrian Avenue, are two storey semi-detached homes. South of Adrian Avenue is a one to two storey commercial industrial building.

West: On the west side of Perth Avenue, is St. John the Evangelist Catholic Elementary School and the Ecole Elementaire Charles-Sauriol. Further northwest is Pelham Avenue Playground and a low rise residential neighbourhood that includes single detached and semi-detached buildings.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) 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 City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement 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.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) 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. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **OPA 231**

Official Plan Amendment No. 231 (OPA 231) was adopted by City Council on December 18, 2013 and contains new economic policies and new policies and designations for *Employment Areas* as part of the Official Plan and Municipal Comprehensive Reviews. OPA 231 was forwarded to the Minister of Municipal Affairs and Housing for approval on January 2, 2014 and on July 9, 2014, the Ministry issued a Notice of Decision approving OPA 231 with modifications, none of which directly affect the subject site. OPA 231 was appealed to the Ontario Municipal Board on behalf of numerous parties including the applicant. Portions of OPA 231 which were not in dispute were approved by the Ontario Municipal Board on June 22, 2015.

OPA 231 redesignated the block bounded by Symington Avenue, the CP Rail line, Perth Avenue and Kingsley Avenue (which includes the subject site) from *Employment Areas* to *Neighbourhoods*. The *Neighbourhoods* land use designation, among other matters, would limit the maximum building heights to four storeys on the subject site. As well, OPA 231



introduced Site and Area Specific Policy No. 438 (SASP 438) applying to the subject site, which states that “residential uses are permitted provided a 30 metre setback from the rail corridor property line is provided”.

## **Official Plan**

The site is designated by the City of Toronto Official Plan (Map 17) as *Neighbourhoods* (see Attachment 9). Symington Avenue is identified as a Major Street on Map 3 of the Official Plan and is identified as having a right-of-way of 20 metres.

*Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses including detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. The Official Plan sets out development criteria for *Neighbourhoods* to ensure that physical change to established neighbourhoods is sensitive, gradual and generally "fits" the existing character of the neighbourhood.

Chapter 2 of the Official Plan entitled Shaping the City contains principles for steering growth and change to some parts of the City, while protecting our neighbourhoods and green spaces from development pressures. *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas but not static. Section 2.3.1 recognizes that *Neighbourhoods* and *Apartment Neighbourhoods* will not stay frozen and that some physical change will occur as enhancements, additions and infill housing occurs on individual sites over time. Policy 1 of Section 2.3.1 of the Official Plan states that development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policy 3 of Section 2.3.1 of the Official Plan states intensification of lands adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impacts.

Policy 4.1.5 requires that new development in established *Neighbourhoods* respect and reinforce the existing physical character of the neighbourhood. Among other criteria, new development shall have particular regard to:

- patterns of streets, blocks and lanes, parks and public building sites;
- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s);
- setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open space;
- continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 further states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of a

neighbourhood. The policy states that the prevailing building type will be the predominant form of development in the neighbourhood and that some *Neighbourhoods* will have more than one prevailing building type.

As the size and configuration of the existing property varies from the local lot pattern, this infill proposal was also considered within the context of Policy 4.1.9 of the Official Plan. This policy requires the proposed development to be, among other things, appropriate for the site and compatible with nearby residential properties.

Section 3.1.2 Built Form stresses that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan. The Built Form policies emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing that will respect the character of the surrounding area. The policies require that new development:

- be located and organized to fit with its existing or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate main building entrances to be clearly visible from the public sidewalk;
- locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties;
- improve the safety and attractiveness of adjacent streets;
- consolidate and minimize the width of driveways and curb cuts across the public sidewalk;
- be massed and its exterior façade designed to fit harmoniously into its existing and planned context and limit its impact on neighbouring streets;
- mass new buildings to frame adjacent streets and open spaces in a manner that respects the existing street proportion;
- create appropriate compatibility in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- provide adequate light and privacy;
- adequately limit any resulting shadowing of, and uncomfortable wind conditions on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas;
- provide amenity space adjacent to streets and open spaces for pedestrians;
- co-ordinate landscape improvements in setbacks to create attractive transitions from the private to the public realms; and
- provide indoor and outdoor amenity space for residents.

The Official Plan's Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future

needs of residents. Policy 3.2.1(1) and Policy 3.2.1(2) state that new housing supply is encouraged through intensification and infill that is consistent with the Plan, in order to maintain and replenish the existing stock of housing.

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. Given the proposed increase in height and density, this development proposal would be subject to the Section 37 policies of the Official Plan.

The Official Plan includes policies for parkland acquisition as well as criteria for the location and configuration of parks. In addition, the Official Plan contains policies that discourage tree removal and promote increasing the tree canopy coverage in the City.

### **Official Plan Amendment No. 320**

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

The Minister of Municipal Affairs and Housing approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

### **Zoning**

The site is zoned I2 D2 by the former City of Toronto Zoning By-law No. By-law 438-86, as amended, with a maximum height of 14.0 metres. The I2 D2 zoning permits a wide range of non-residential uses, including industrial, warehousing and manufacturing uses, as well as a limited range of service commercial uses, with a maximum non-residential density of 2.0 times the area of the lot.

The site is subject to permissive exceptions in Sections 12(1)277 and 12(1)307. Section 12(1)277 permits the use of the site as a rubber products factory, while Section 12(1)307 permits the use of a building or structure on the site provided that the same purpose or purposes were permitted on the site on July 20, 1993 and the building or structure was lawfully on the site and lawfully used in whole or in part for the same purpose or purposes on July 20, 1993.

The site is also subject to restrictive exceptions in Sections 12(2)236 and 12(2)270. Section 12(2)236 prohibits any automobile related uses on the site, while Section 12(2)270 limits retail and service commercial uses on a lot to 1,800 m<sup>2</sup> in addition to the retail and service commercial floor area existing as of July 20, 1993, and limits the size of any individual retail or service commercial use to 8,000 m<sup>2</sup>.

The City-wide Zoning By-law No. 569- 2013, zones the site as E 2.0 (x301), with a maximum height of 14.0 metres (see Attachment 10). The E (Employment) zoning permits a range of non-residential uses, including manufacturing uses, offices, warehouses, service shops, artist studios, as well as resin, natural or synthetic rubber manufacturing. The E 2.0 zoning would allow a maximum density of 2.0 FSI.

Exception E 301 indicates that a drive through facility, vehicle fuel station, vehicle service shop, vehicle washing establishment, vehicle depot, vehicle repair shop and public parking are not permitted. The exception also indicates that Section 12(2)236 of Zoning By-law No. 438-86 prevails, as does Section 12(1)277 of Zoning By-law No. 438-86 as it applies to lands municipally known as 386 Symington Avenue. Zoning By-law No. 569-2013 is currently under appeal to the Ontario Municipal Board.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. An application for Site Plan approval has been submitted (Application No. 15 238680 WET 17 SA) and is being reviewed concurrently with the Official Plan and Zoning By-law Amendment application.

### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The City-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Mid-Rise Building Performance Standards**

With respect to the Mid-Rise Guidelines, City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan. This can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

In June 2016, City Council approved a Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines, which is targeted for the fourth quarter of 2017. City Council's decision can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7>

and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

## **Urban Design Guidelines – Infill Townhouses**

The Urban Design Guidelines for Infill Townhouses (2003) assist in the implementation of Official Plan policies with a focus on preserving and enhancing streetscapes, respecting and reinforcing the prevailing physical character of the surrounding context and mitigating the impact of new development on adjacent and nearby properties and the public realm. The Guidelines provide an evaluation framework for site design and built form matters to achieve high quality urban design outcomes for low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at:

[http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/).

A comprehensive update to the Infill Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines (draft August 2016) further clarify and expand upon the 2003 Council-approved Infill Townhouse Guidelines to address current policy directions and best practices for a broader range of multi-dwelling developments up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>.

Prior to presenting a finalized version of these Guidelines for City Council consideration and adoption, City staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of development applications.

The Urban Design Guidelines for Infill Townhouses were applied together with the draft Townhouse and Low-Rise Apartment Guidelines in the evaluation of the application.

## **Tree Preservation**

This 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 applicant has submitted an Arborist Report/Tree Preservation Plan, which is currently being reviewed by staff.

## **Tenure**

The applicant has advised that the proposed 355 residential units would be condominium. A Draft Plan of Condominium application will be required in the future, should this development be approved.

## **Reasons for the Application**

The Official Plan Amendment requested by the applicant is to change the Official Plan designation and current permissions for the site from *Neighbourhoods* to *Apartment Neighbourhoods* to permit the form and amount residential development proposed.

The proposed development will require an amendment to the former City of Toronto Zoning By-law No. 438-86, as well as to City-wide Zoning By-law No. 569-2013 to: permit the proposed residential uses; to increase the permitted height and density; and introduce

appropriate standards regarding parking, bicycle parking, loading and residential amenity space. Other areas of non-compliance may be identified through the zoning review currently being undertaken by Toronto Building staff.

## **Community Consultation**

A community consultation meeting was held on June 22, 2016 at 2054 Davenport Road (Community Room, Toronto Police Services 11 Division). Approximately 50 members of the public attended along with the Ward Councillor, the applicant, their consulting team and City staff. Issues raised were:

- height of the two towers;
- shadowing;
- loss of privacy;
- density and the number of residential units being proposed;
- building type and building material;
- proposed unit mix;
- need for family sized units in the proposed development;
- impact on the school system;
- the need for additional parks in the area;
- amount of parking proposed to serve the development;
- concern with the lack of on street parking in the area;
- consideration should be given to use of car share;
- consideration should be given to providing electric charging stations in the parking garage;
- vehicle access and the possible need for an additional access from Symington Avenue;
- increase in traffic;
- traffic infiltration through the neighbourhood;
- capacity issues with local TTC bus services;
- environmental issues with regards to previous industrial uses of lands;
- the potential of the proposal reflecting the train noise into the community;
- consideration should be given to providing a pedestrian bridge at the terminus of Perth Avenue;
- construction management plan; and
- how this proposal might benefit the community.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate recommendations.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both of these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. Policy 4.7 of the PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused. The proposal does not conform to the City of Toronto Official Plan in its current form and therefore is not consistent with the PPS.

### Land Use

Through OPA 231 these lands were redesignated to *Neighbourhoods* from *Employment Areas* which would facilitate the redevelopment of these lands for residential uses. At the time OPA 231 was being considered by City Council, there was no specific development proposal for these lands therefore a designation permitting a denser form of residential development was not considered through this review. The owner has since made this application which seeks to redesignate the lands to *Apartment Neighbourhoods*.

It is staff's position that additional development beyond what might be contemplated by the *Neighbourhoods* designation could be supported at this location, provided it is within a built form that provides an appropriate transition of scale, limits shadow and wind conditions, provides compatible physical relationships between the development and neighbourhood, creates a positive visual relationship to the street and minimizes any negative impacts in terms of parking and traffic. The proposed development would also need to address all policies of the Official Plan. In the current proposal the height, massing, scale and site layout fails to achieve the points noted above. However, a development which has building heights and setbacks more in keeping with the context of the block and its context could be considered for this site.

If a redesignation to *Apartment Neighbourhoods* is to be considered for this site, consideration must be given to the development criteria in the *Apartment Neighbourhoods* and Healthy Neighbourhood policies, supplemented by the additional development criteria in

the Official Plan's Built Form policies, including policies that specifically address tall buildings.

### **Density, Height and Massing**

Staff are of the opinion the current proposal represents an over-development of this site. Staff have met with the applicant a number of times to review alternative development proposals and staff believe that the proposed density being sought cannot be appropriately massed on this site without negatively impacting the surrounding neighbourhood. The proposed density results in a building height and massing which is out of context for this area and would negatively impact the surrounding neighbourhood. It is staff's position that the total gross floor area for the site should be reduced to allow for a more appropriate building massing on the site.

In order to improve the transition to homes on Symington Avenue, consideration should be given to increasing the setback from the townhouse units. This could be achieved by eliminating the end townhouse unit on the northwest end of the site. This would also enhance the connection between the proposed private open space and the public park.

As noted, the Symington Avenue frontage of the site contains a retaining wall approximately 1.8 to 2.4 metres in height, as Symington Avenue slopes down toward the CP Rail overpass. The current proposal introduces retail uses along this frontage assisting in animating the frontage. Staff believe the applicant should consider, if possible, increasing the building frontage further south to provide better animation along Symington Avenue.

Staff are of the opinion the proposed 8 and 9 storey portion of the building is bulky with an elongated floor plate that casts shadows on the open space. Consideration should be given to reducing the mass of this portion of the building.

The updated City-wide Tall Buildings Design Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. Key design considerations in the guidelines relates to limiting the tower floor plate to 750m<sup>2</sup> and providing the three parts of the building, namely, the base (podium), middle (shaft) and top. The proposed floor plate of the tower portion of the building (for the 10<sup>th</sup> to 20<sup>th</sup> floors) would be 796m<sup>2</sup> which exceeds the 750 m<sup>2</sup> standard. In addition, as noted below the proposed 24 storey tower element cast significant shadows on in the surrounding neighbourhoods.

Staff note that although the current proposal is not supportable, a number of positive features that have resulted from the discussions with the applicant and these include: the provision of a public park fronting Kingsley Avenue and Perth Avenue; and the reduction in height for the building on Symington Avenue to six storeys and stepping the building down to 3 storeys at the north (however further consideration is required given shadowing to the neighbour to the north).



## **Sun and Shadow**

The Built Form policies of the Official Plan in Chapter 3.1.2.3e) state that new development must adequately limit any resulting shadowing of neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. In addition, Built Form Policy 3.1.2.3f) states that new development should minimize any additional shadowing on neighbouring parks as necessary to preserve their utility.

The applicant submitted shadow studies for the proposed development on March 21<sup>st</sup> /June 21<sup>st</sup> /September 21<sup>st</sup>. Due to the height and mass of the proposed building and the orientation of the proposed tower, shadows would be cast on the surrounding neighbourhoods throughout the day.

For the spring and fall morning period, shadows from the tower element of the development would be cast on the playground of the Ecole Elementaire Charles-Sauriol school site, on the residential properties on the north side of Kingsley Avenue and on the proposed public park. In addition, the midrise component of the development would cast shadows onto the proposed outdoor amenity area and the neighbouring property on Symington Avenue to the immediate north.

For the spring and fall afternoon period, shadows from the tower element of the development would cast shadows on the proposed public park, the proposed outdoor amenity area, the houses on the west side of Symington Avenue and later in the afternoon the residential neighbourhood on the east side of Symington Avenue.

For the summer morning period, shadows from the tower element of the development would be cast on the playground of the Ecole Elementaire Charles-Sauriol school site and on the proposed public park. For the afternoon period, shadows from the tower element of the development would cast shadows on the proposed public park, the proposed outdoor amenity area, and the rear yards of the houses on the west side of Symington Avenue.

The proposal in its current form does not conform to the above noted Official Plan policies. City staff are of the opinion that a reduction to the density and building heights, and revisions to the massing is required to minimize the above noted shadow impacts.

## **Wind**

A wind study is required by the City as part of a development application that seeks to develop a building higher than 6-storeys or 20 metres in height. The application included a pedestrian level wind study which indicates that the proposed development includes several positive design features for wind control (the podium, entrance location and landscaping) and as a result suitable wind conditions are expected at the main building entrance, retail entrances, sidewalks, walkways and most grade-level parks. The study noted that additional wind control measures can be considered to improve the wind conditions to appropriate levels at the main entrance, the townhome entrances on the north side of the tower, at the open park to the north and any potential outdoor amenity on the podium and roof top areas. The study also noted that wind tunnel tests could be conducted at a later design stage in

support of the Site Plan application to quantify these wind conditions and, if needed, to develop wind control solutions.

Should the development be approved, this additional wind testing would be required and any mitigation measures recommended in the study would be secured through the Site Plan approval process.

## **Amenity Space**

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. The above noted policy also states that each resident will have access to outdoor amenity spaces.

The development proposal includes both indoor and outdoor amenity space. The indoor amenity space is proposed as a multi-purpose room on the ground floor of the 9-storey element of the building at the south end of site. The total proposed indoor amenity space is 303 m<sup>2</sup>, or 0.8 m<sup>2</sup> per dwelling unit. This is lower than 2.0 m<sup>2</sup> for each dwelling unit, which is the minimum standard typically achieved in new significant apartment house developments. It is the opinion of staff that inadequate indoor amenity space is proposed.

The application does not include details of the area of the proposed outdoor amenity space. In addition, the location of the outdoor amenity space appears to be negatively impacted by building shadows and wind conditions. The typical minimum standard of 2.0 m<sup>2</sup> of outdoor amenity space for each dwelling unit should be achieved in new significant apartment house developments and should generally be adjacent to the indoor amenity space. The applicant will need to clarify the area of the outdoor amenity area being proposed.

Should the development be approved, the programming and landscaping details of the amenity areas would be secured through the Site Plan approval process.

## **Residential Unit Mix and Affordable Housing**

The application proposes a total of 355 residential units with a unit mix of 210 one-bedroom units (59%) and 145 two-bedroom units (41%).

The Official Plan's housing policies look to achieving a full range of housing to meet the current and future needs of residents, including affordable and mid-range rental dwelling units. To achieve these housing policies, the proposal should be revised to include larger residential dwellings suitable for a broader range of households, including families with children. City staff encourages the provision of 10% of the total number of dwelling units to be 3 bedrooms or more, whereas none are proposed. City staff will seek the provision of additional larger residential dwelling units suitable for a broader range of households, including families with children to support a full range of housing.

In addition, the applicant will be encouraged to consider to provision of purpose built rental units (affordable and midrange) within the development to support the Official Plan objectives of providing a full range of housing.

## **Traffic Impact**

In support of the revised rezoning application, the applicant submitted a reliance letter from NexTrans dated January 17, 2017, which updates the Traffic Impact Study prepared by NexTrans, dated September 23, 2015 for the previous submission. The reliance letter indicates that the revised proposal, for which the total number of residential units was reduced from 372 to 355 units, would generate 75 and 59 *peak-direction* trips during the morning and afternoon peak hours, respectively, a small reduction in vehicle trips compared with the previous submission.

Transportation Planning staff have indicated that the Traffic Impact Study does not comply with the *Guidelines for the Preparation of Transportation Impact Studies* (2013). Transportation Planning staff requires that Traffic Impact Study be revised in compliance with the Guidelines before it can be evaluated.

Transportation Services staff have indicated that a revised Traffic Impact Study must be provided that includes:

- i) An 'as-of-right' trip generation comparison must be provided;
- ii) The current Traffic Impact Study document does not provide any appendices that are referenced in the body of the Traffic Impact Study text, including raw count information for the 'existing' traffic intersection counts and the Synchro intersection analysis printouts for the 'existing,' 'future background,' and 'future total' analyses, which must be included in the Traffic Impact Study revision;
- iii) For ease of reference, all signal timing plans for the signalized intersections in the study area that were received from the City's Traffic Signal Control Centre must be provided; and
- iv) The applicant's retained transportation consultant must consult and satisfy the requirements of the Transportation Planning Section of City Planning. Specifically, the TIS must:
  - a) Justify the basis of the 2.0 percent growth rate used in the determination of the 'future background' traffic;
  - b) Confirm whether any other nearby development applications are to be considered in the 'future background' traffic;
  - c) Confirm the appropriateness of the selected ITE trip generation rate for the proposed mixed-use development;
  - e) Justify the 30 percent transit reduction used in the site trip generation referenced in Table 4.1;

- f) Justify the trip distribution used; and
- g) Confirm whether the study area is adequate for the subject development (i.e., whether any additional intersections ought to be considered in the traffic analysis).

## **Toronto Transit Commission**

A number of residents in the community raised concerns with the wait times for bus service along Symington Avenue. The application has been circulated to the Toronto Transit Commission for their review and comment. The TTC did not indicate any concerns with the proposed development or advise of any conditions to be included in any approval of the proposed development.

## **Parking**

In the submitted parking reliance letter, the transportation consultant proposes to provide residential parking according to the “Policy Area 4” category of By-law No. 569-2013.

The consultant determined that, based upon the current proposal for 210 one-bedroom units and 145 two-bedroom units, the parking requirements for the subject proposal based upon the “All Other Areas of the City” category of By-law No. 569-2013, which Transportation Services staff supports for this application, there would be a 26 parking space shortfall, compared with the proposed 379-space proposed parking supply, whereas, application of the “Policy Area 4” ratios recommended by the consultant results in a 26-space surplus.

The consultant recommends using the Policy Area 4 parking ratios based upon 2011 TTS data. Transportation Services staff cannot support this rationale as a sole means for justification for the use of the Policy Area 4 parking ratios in the subject application. The transportation consultant must justify the proposed parking ratios based upon acceptable parking utilisation surveys using applicable and similar proxy sites.

Unless the applicant provides acceptable proxy studies to justify the application of the “Policy Area 4” parking ratios, Transportation Services staff require that the proposal be revised to provide sufficient on-site parking to comply with Transportation Services' recommended parking ratios, based upon the “All Other Areas of the City” category of By-law No. 569-2013.

Transportation Services staff also note that the site plan and statistics appended to the transportation consultant's parking reliance letter indicates that 379 parking spaces are provided. However, the site plan and statistics included in the submission indicates that only 337 spaces are provided, less than described in the parking reliance letter. In addition, the statistics on both site plans indicate that six surface spaces are provided, whereas no surface parking spaces are illustrated on either site plan. The applicant is required to demonstrate consistency with proposed parking spaces in all submission materials, including drawings and studies.

The proposed ground floor commercial uses, which would have a maximum gross floor area of 233 m<sup>2</sup>, may be considered ancillary to the residential uses of the building and would not require dedicated parking.

The dimensions of drive aisles and parking spaces for the underground parking structure are not shown on the underground parking plans for the current submission. Standard and accessible parking spaces must be dimensioned on the underground plans according to the requirements of Chapter 200 of By-law No. 569-2013. Drive aisles shall provide a minimum width of 6.0 metres.

A total of six accessible parking spaces are shown on the underground parking levels (two such spaces within each of levels P1, P2 and P3). However, the site statistics indicate 12 "barrier-free" parking spaces, which is not consistent with the submitted plans. The number of accessible parking spaces provided for the site must comply with Section 200.15.10 of By-law No. 569-2013 and shall be dependent upon the total required parking spaces for the development. That is, a total of 11 parking spaces for the 405-space parking supply required under the "All Other Areas of the City" category of By-law No. 569-2013, which is supported by Transportation Services staff.

Accessible parking spaces must be clearly dimensioned on the plans according to Section 200.15.1 of By-law No. 569-2013. Signage for accessible parking spaces must be identified according to the provisions of Chapter 903 of the Toronto Municipal Code and must be explicitly labelled on revised underground parking drawings.

## **Bicycle Parking**

A total of 360 bicycle parking spaces would be provided, consisting of 340 resident spaces and 20 visitor spaces, at grade and on parking levels P1 and P3.

The minimum requirement for bicycle parking as per the Toronto Green Standard and the prevailing zoning by-law is 335 spaces (319 long term residential, 36 short term residential, 1 long term commercial, 3 short term commercial). The proposed quantity of bicycle spacing would be acceptable; however staff have concerns with the proposed location of these spaces. From the plans submitted, the location of all the proposed bicycle parking is not clear.

With regard to location of the bicycle parking spaces, By-law No. 569-2013 states the following: bicycle parking space for a dwelling unit in an apartment building or mixed-use building may be located; on the first storey of the building; on the second storey of the building; on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by bicycle parking spaces, until all required bicycle parking spaces have been provided.

Consideration should be given to alternate configurations for bicycle parking storage. The applicant should review the *Guidelines for Design and Management of Bicycle Parking Facilities* for additional information pertaining to bicycle parking opportunities.

The applicant should show all the proposed bicycle parking spaces and specify which bicycle parking spaces are long term and short term on the appropriate drawings. The manufacturer, model and specifications for all bicycle parking (stackers and/or lockers) must be provided to the City, and the manufacturer and model number must be also identified on the appropriate drawings.

## **Loading**

The Built Form policies of the Official Plan in Chapter 3.1.2. states that new development will locate and organize vehicle parking vehicle access, service areas and utilities to minimize their impact on the property and on the surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by integrating services and utility functions within buildings where possible. The applicant is proposing one Type 'G' loading space to the south of the proposed mid-rise building and the access to the underground parking garage. This loading space is unenclosed and is separate from the main building. Consideration should be given to enclosing and/or integrating this service function into the building.

The loading space must be dimensioned according to the specifications in By-law No. 569-2013. A truck tracking diagram must also be provided that illustrates that manoeuvres into and out of the loading space from/to the adjacent drive aisle for typical service vehicles can be accommodated.

Based upon the information provided, Solid Waste Management would provide bulk lift compacted garbage, recycling and organic collection services to the residential component of the development. Collection of waste materials from the residential portion would be in accordance with the "City of Toronto Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code.

Solid Waste Management staff have advised the non-residential portion of the development is ineligible for City of Toronto waste collection services and as such all garbage and recyclables would be collected privately. Appropriate loading/storage facilities located on private property are required and must meet all applicable by-laws and legislation including Chapter 841 of the Municipal Code.

Should the development be approved, the requirement of Solid Waste Management staff would be secured through the Site Plan approval process.

## **Access**

In the revised submission, vehicular access to the proposed development is proposed from a single driveway that extends from the south end of Perth Avenue. Perth Avenue currently dead ends at the rail corridor and as such Planning and Transportation Services staff require a revised design for Perth Avenue which includes the provision of a DIPS turning basin at the south end of Perth Avenue. It appears that the applicant is proposing to address this through the provision of a turning circle on private property which is not acceptable to staff and does

not conform to the Official Plan Public Realm Policy 3.1.1.17 which states "new streets should be public streets".

Transportation Services staff have indicated that the parking ramp from the internal drive aisle to the underground parking must provide a main ramp slope of no more than 15 percent, with 3.65 metre long transition areas at the top and bottom of the ramp with a slope of no more than 7.5 percent. The two-way ramp must provide a minimum width of 6.0 metres. These slopes and dimensions must be shown on the site plan and the underground parking plan for the P1 parking level.

The internal 6.0 metre wide parking ramps illustrated between each of the parking levels are designed for one-way traffic with a slope of 12 percent and no transition areas. This is unacceptable due to the possibility of vehicles "bottoming out" where the top of the ramp meets the level drive aisle. These parking ramps must be redesigned to illustrate a main ramp slope of no more than 15 percent, with 3.65 metre long transition areas at the top and bottom of the ramp with a slope of no more than 7.5 percent. A minimum width of 3.5 metres shall be provided for these one-way ramps.

For each of the proposed one-way ramps, appropriate "one-way arrow" and "do not enter" signs must be installed where the ramps meet the drive aisles for each level according to Book 5 of the Ontario Traffic Manual. This signage must be clearly illustrated on the underground parking plans.

## **Rail Safety**

The site abuts the Canadian Pacific Railway (CPR) corridor to the south (North Toronto Subdivision which is classified as a principle main line).

The standard requirements of rail companies (CNR/CPR/Metrolinx) are warning clauses to be included in offer and purchase agreements and a 30 metre setback from the rail right-of-way combined with a 2.5 metre high earthen berm topped by a 3.0 metre high acoustical fence to provide safety and mitigate the impact of the railway operation.

CPR has requested that a clause be inserted in all offers of purchase and sale or lease, to be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.

In addition, CPR has requested a warning clause be included in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations. Should the development be

approved, it would be proposed that the Section 37 Agreement include the above noted warning clauses.

Alternative measures such as a crash wall could be considered to the satisfaction of the City and CPR which may reduce minimum building setbacks. The specific mitigation measure would be assessed by the City's peer reviewer and CPR and secured as a condition of development.

As currently proposed, the development would meet the 30 metre setback requirement and it appears that it would also achieve the requirements for the berm and noise wall. Details of the berm and acoustical fence would be required to be submitted for assessment and approval. Should the development be approved, the details of the berm and acoustical fence would be reviewed and secured through the Site Plan approval process.

## **Servicing**

The applicant submitted a Functional Servicing Report prepared by Valdor Engineering Inc. (dated September 2015 and Revised February 2017). Engineering and Construction Services staff reviewed the report and determined that revisions are required to the study. Specific requirements were provided by Engineering and Construction Services staff in a memo dated April 13, 2017. This memo was provided to the applicant but to date no revisions have been submitted.

Should the development be approved, it is recommended that the OMB withhold the final order until the applicant has submitted to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.

## **Noise and Vibration Studies**

The applicant submitted both a Noise and Vibration Study in support of the proposed development. The City's standard practice is to have these studies peer reviewed. A peer review has not been undertaken at this point as there was no agreement on appropriate development for the site and the finding of these studies could change depending on the ultimate development approved for this site. A peer review of these studies will be undertaken once the final form of the development has been resolved.

The vibration study states that there would be no vibration impacts to any of the residential buildings on the development. CPR has reviewed this study and has advised that they agree with the findings and recommendations.

The noise study indicated that noise control measures would be required for portions of the building in the form of improved exterior windows, enhanced exterior wall construction and enhanced ventilation measures. The report assumed for the purposes of the noise impact study, there were no designated outdoor living areas that are readily accessible to residents of



the proposed building. Further clarification on this assumption is required as the site plan shows an outdoor court yard area that would be used as an amenity area for the residents.

In addition to the requirement for a peer review being undertaken for the noise and vibration studies, if the application is approved, a further review will be undertaken at the Site Plan approval stage, when detailed plans are available. The applicant would be required to have an acoustical consultant confirm that any mitigation required in the approved noise and vibration studies have been incorporated into the Site Plan approval and Building Permit drawings.

## **Trees**

The Arborist Report and Tree Preservation Plan submitted in support of this application indicates that the removal of 10 privately owned trees will be required. Urban Forestry staff noted that the Existing Tree Survey Plan shows one City tree to be preserved on the plan, however the tree inventory list indicates the tree is to be removed. Urban Forestry staff require a revision to the inventory list to indicate that the tree is to be preserved as well as a revised Arborist Report to show all tree protection measures for the subject tree, especially in regards to the removal of existing hard surface within the tree protection zone. In addition, Urban Forestry staff require a Tree Protection Security to ensure protection for the tree throughout the construction period. An Application to Injure Trees and applicable fee for permission to injure the subject tree would also be required due to potential impact to the tree in removing the asphalt area to replace with sod.

The applicant has been advised that removal of or injury to protected City and privately-owned trees may occur only upon receipt of a “Tree Removal/Injury Permit” issued by the General Manager of Parks, Forestry and Recreation and provided that building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of or injury to the trees involved.

The Landscape Plan shows 10 new trees proposed on the City road allowance and 9 new trees on private property. Urban Forestry staff have advised that the proposed trees would be acceptable.

Should the development be approved, Urban Forestry's requirements would be secured through the Site Plan approval process.

## **Parks**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the 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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest 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.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 4,733 m<sup>2</sup> or 62% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 619 m<sup>2</sup>.

The applicant proposes to satisfy the parks dedication requirement through a conveyance of a 1,667 m<sup>2</sup> public park, which represents an over dedication of 1,048 m<sup>2</sup>. It should be noted that the submission documents and plans are not consistent in regards to the area of the park, therefore the applicant would need confirm the area with fully dimensioned plans for the parkland to be conveyed. Should the development be approved, the over dedication of parkland would be secured in the Section 37 Agreement.

Parks, Forestry and Recreation staff have indicated, if the application is approved, they would be interested in securing the design and construction of the Above Base Park Improvements by the owner. There may be opportunities to use the Parks and Recreation component of the Development Charges for this work. Further discussion would be required if this is pursued. Should this be acceptable, City Council would be required to 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.

It is recommended that should the application be approved, that 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 (PFR). 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, 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.

In addition Parks, Forestry and Recreation staff have recommended that if this application is approved, that their standard conditions for the conveyance of parkland be included in the Section 37 Agreement.

### **School Board Requirements**

The Toronto District School Board has requested the proponent be required to erect Notice Signs and that warning clauses be included in all agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside of the immediate neighbourhood. Should the development be approved, these requirements would be included in the Section 37 Agreement.

There were no comments received from the Toronto Catholic District School.

The Council Scolaire Viamonde (French School Board) had requested they be kept informed of the application and that information related to the proposal be provided to them as one of their school sites (Ecole Elementaire Charles-Sauriol) is located just to west of the proposed development. The Council Scolaire Viamonde is a party at the Ontario Municipal Board Hearing.

### **Toronto Public Library**

The proposed development would be located approximately 500 metres from the Perth/Dupont Neighbourhood Library Branch at 1589 Dupont Street. The Toronto Public Library has indicated they have a capital project to relocate the existing branch to 299 Campbell Avenue. The new branch would be larger than the existing branch and would offer enhanced services that include increased seating and computer workstations, increased individual and group study space, increased collections and children's area, and a new program room equipped to provide modern technology. Toronto Public Library staff have indicated access to Section 37 funds from this development could be used to enhance spaces at the new library. Should the development be approved, this request could be included in the larger discussions related to the Section 37 benefits to be secured as part of any approvals of the application.

### **Environmental issues**

Given the previous industrial uses that operated on the site, any residential development would required to provide a Record of Site Condition prior to the issuance of a building permit. In addition, the applicant would be required to undertake a peer review process to ensure that any lands dedicated to the City for roads or parks purposes, are remediated to the residential standards, with these peer reviews conducted for the City and funded by the applicant.

### **Toronto Green Standard**

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Tier 1 performance measures include reducing the urban heat island effect through pavement and roofing materials to lower ambient surface temperature, protecting and enhancing tree growth and the use of native plant species to encourage biodiversity and providing stormwater retention and water quality measures through the requirement of an acceptable stormwater management report.

Should the development be approved, the Draft Zoning By-law Amendments would secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and Storage and Collection of Recycling and Organic

Waste. Other applicable TGS performance measures would be secured through the Site Plan approval process, should the application be approved.

### **Section 37**

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Detailed discussions regarding Section 37 benefits between the applicant and the City have not occurred as there was no agreement on appropriate development for the site. Planning staff intend to continue discussions with the applicant to resolve outstanding issues including the provision of Section 37 contributions that would include securing the provision of the over dedication of parkland, provision of affordable housing and other matters identified in the discussions between staff, the Ward Councillor and the applicant. In addition, the required warning clauses and other transportation and servicing matters required to support the development are proposed to be secured in the Section 37 Agreement.

This report recommends that if the Ontario Municipal Board approves this application, that in accordance with 5.1.1 of the Official Plan, community benefits should be provided under Section 37 of the *Planning Act* as determined through consultation with the Ward Councillor's office.

### **Conclusion**

The current proposal does not conform to Official Plan policies relating to massing and built form, shadowing and transition. As currently proposed, the development is out of scale and character for the planned and existing built form context and represents an overdevelopment of this site.

Additional development beyond what might be contemplated by the *Neighbourhoods* designation could be supported at this location, provided it is within a built form that provides an appropriate transition of scale, limits shadow and wind conditions, provides compatible physical relationships between the development and the surrounding neighbourhood, creates a positive visual relationship to the street and minimizes any negative impacts in terms of parking and traffic. The current height, scale and site layout fails to achieve this, however, a development which has building heights and setbacks respecting the context of the block and surrounding neighbourhood could be considered for this site. For the reasons outlined in this report, it is recommended that staff be directed to attend the Ontario Municipal Board hearing to oppose the appeal of the current Official Plan and Zoning By-law Amendment application and continue discussions with the applicant aimed at developing an appropriate development proposal for these lands.

### **CONTACT**

Gregory Byrne, Senior Planner  
Tel. No. (416) 394-8238  
Fax No. (416) 394-6063  
E-mail: greg.byrne@toronto.ca

## **SIGNATURE**

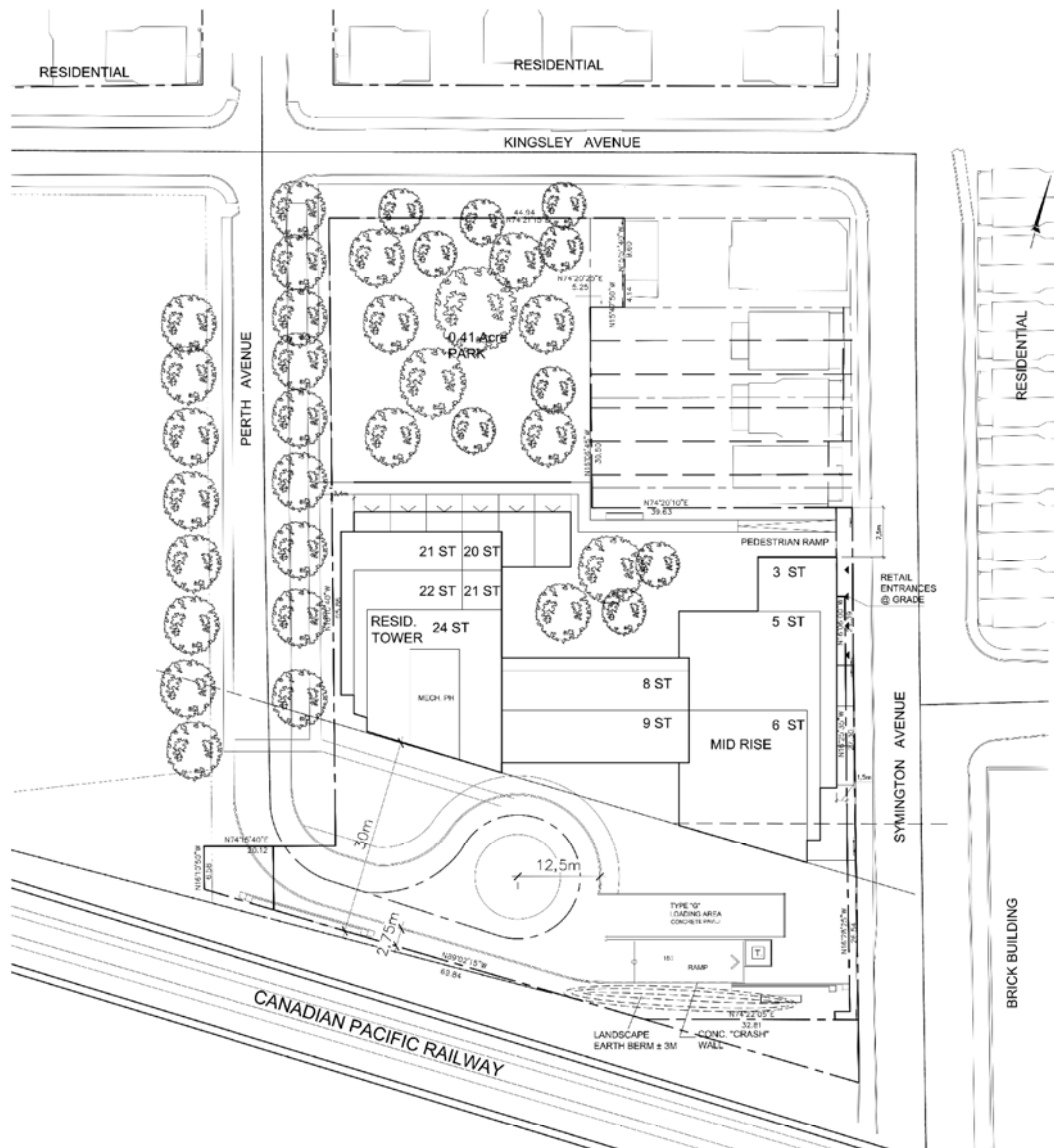
---

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

## **ATTACHMENTS**

Attachment 1:	Site Plan
Attachment 2:	East Elevation
Attachment 3:	North Elevation
Attachment 4:	South Elevation
Attachment 5:	West Elevation
Attachment 6:	3D Massing Model Looking Northeast
Attachment 7:	3D Massing Model Looking Northwest
Attachment 8:	3D Massing Model Looking Southwest
Attachment 9:	Official Plan
Attachment 10:	Zoning
Attachment 11	Application Data Sheet

## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

Not to Scale  
09/21/17

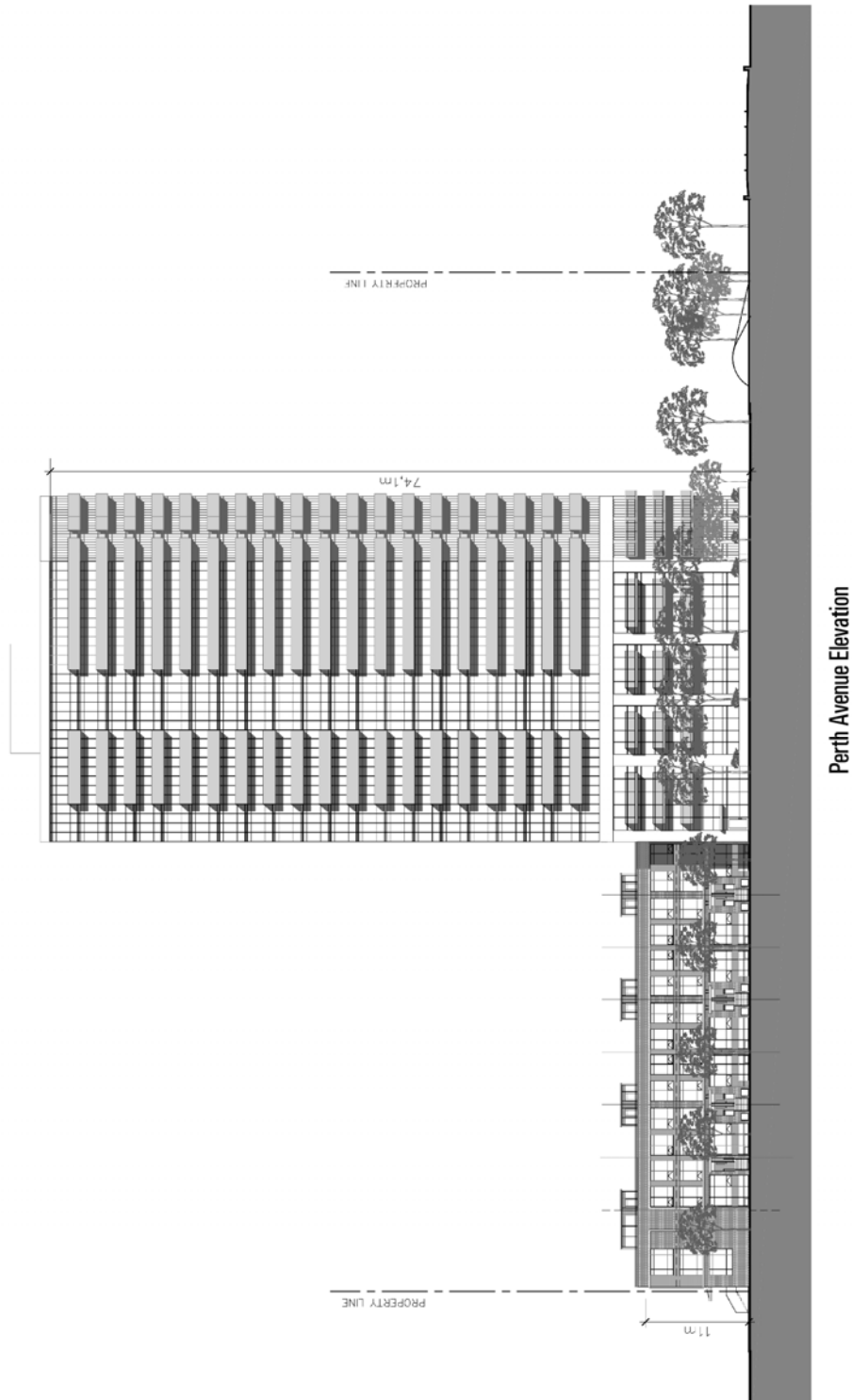


386-394 Symington Avenue

485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 0Z

## Attachment 2: East Elevation



### Elevations

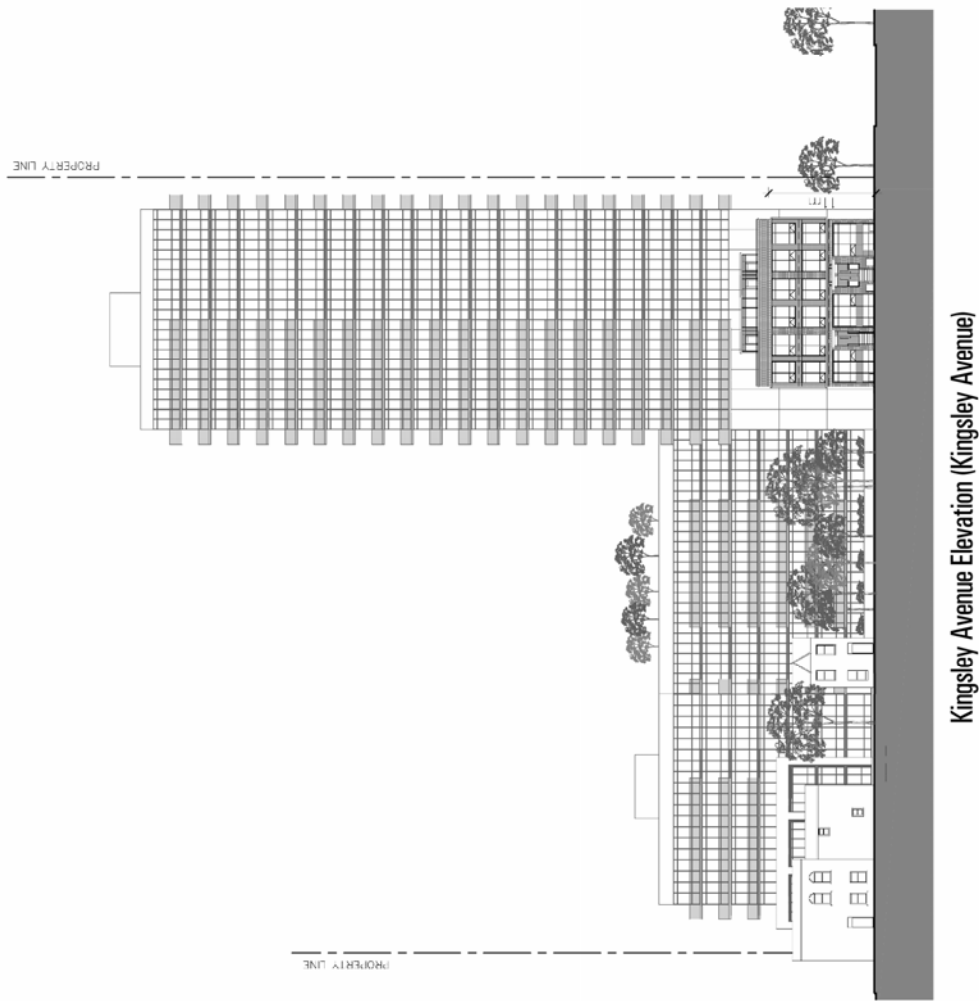
Applicant's Submitted Drawing

Not to Scale  
09/21/17

386-394 Symington Avenue  
485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 02

Attachment 3: North Elevation



Kingsley Avenue Elevation (Kingsley Avenue)

Elevations

Applicant's Submitted Drawing

Not to Scale  
09/21/17

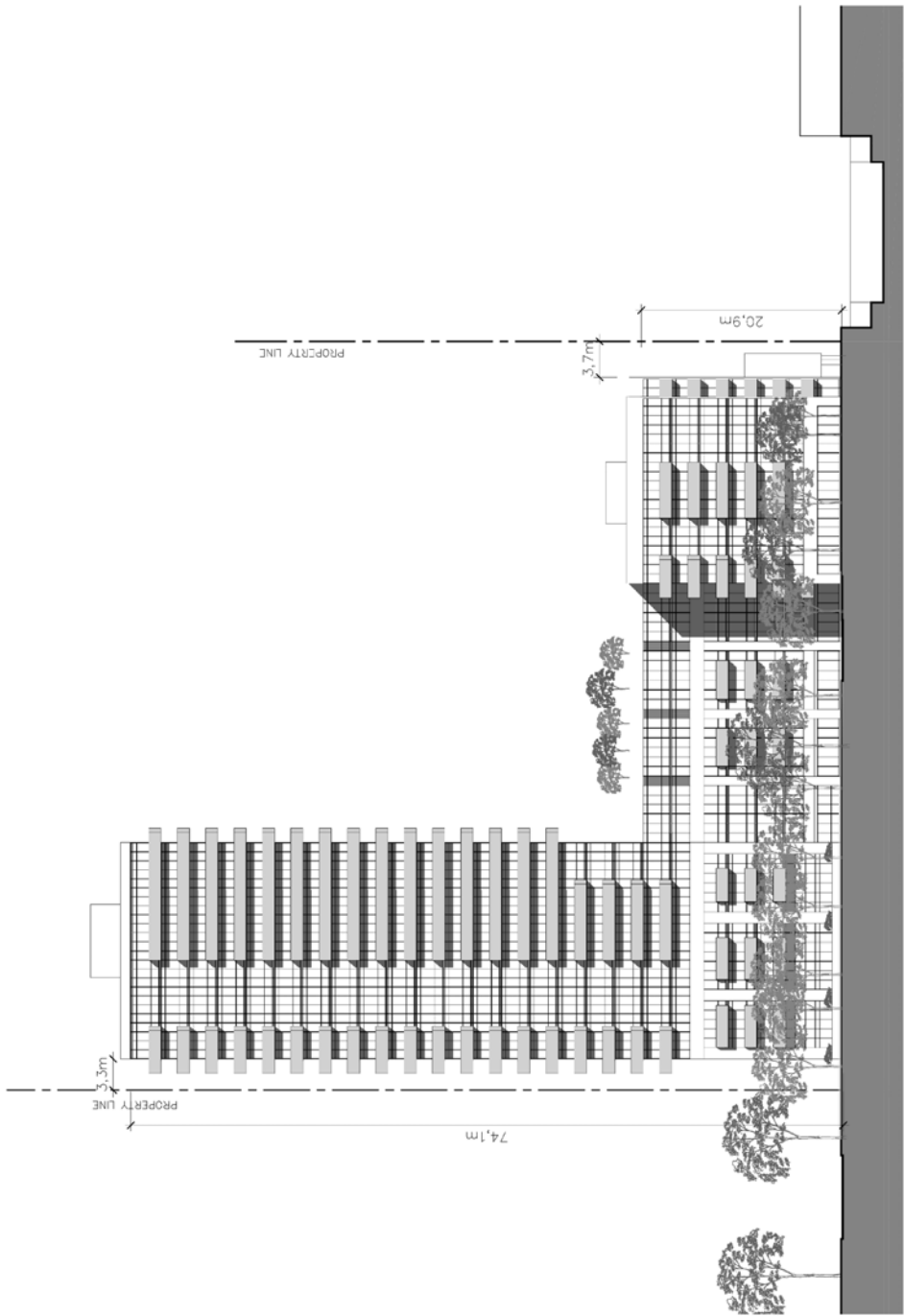
386-394 Symington Avenue

485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 0Z



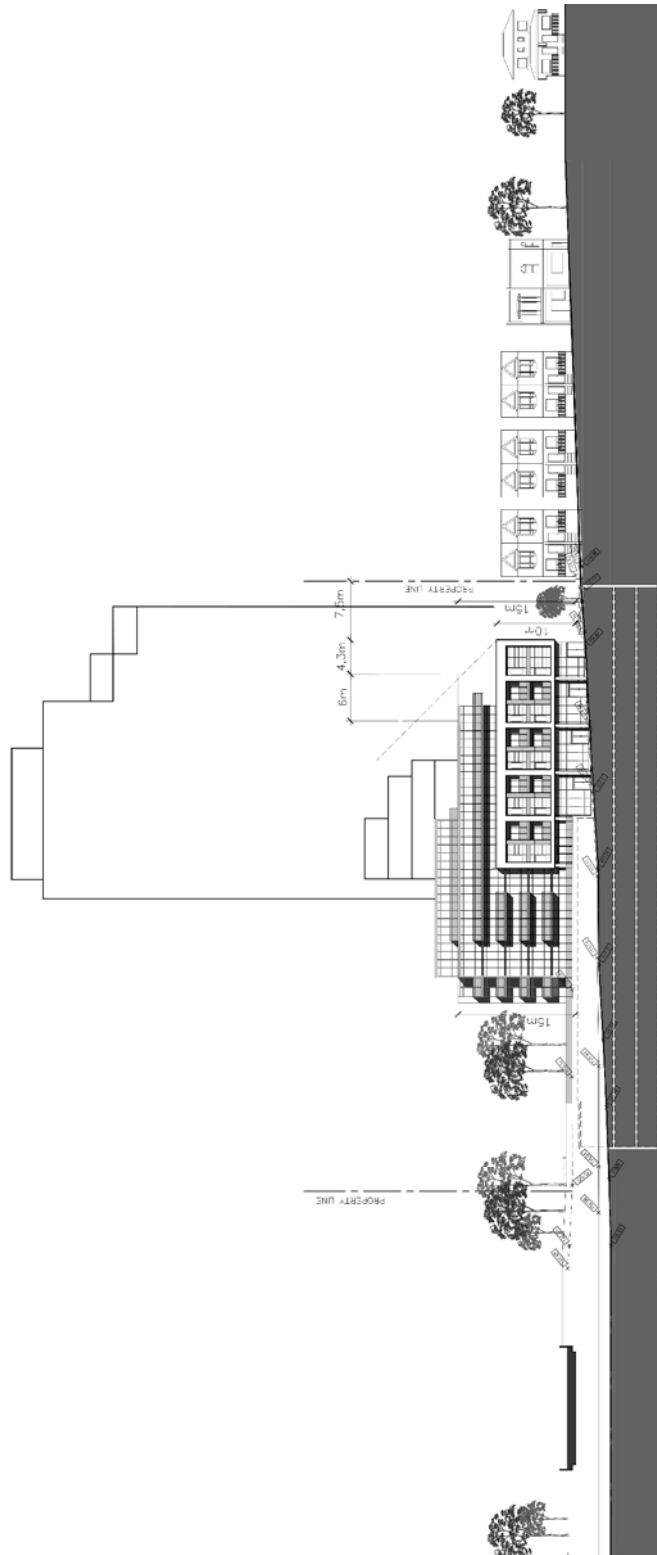
Attachment 4: South Elevation



South Elevation

<b>Elevations</b>	<b>386-394 Symington Avenue</b>
<b>Applicant's Submitted Drawing</b>	<b>485 Perth Avenue &amp; 17 Kingsley Avenue</b>
<small>Not to Scale</small>	<small>File # 15 238678 WET 17 02</small>
<small>09/21/17</small>	

## Attachment 5: West Elevation

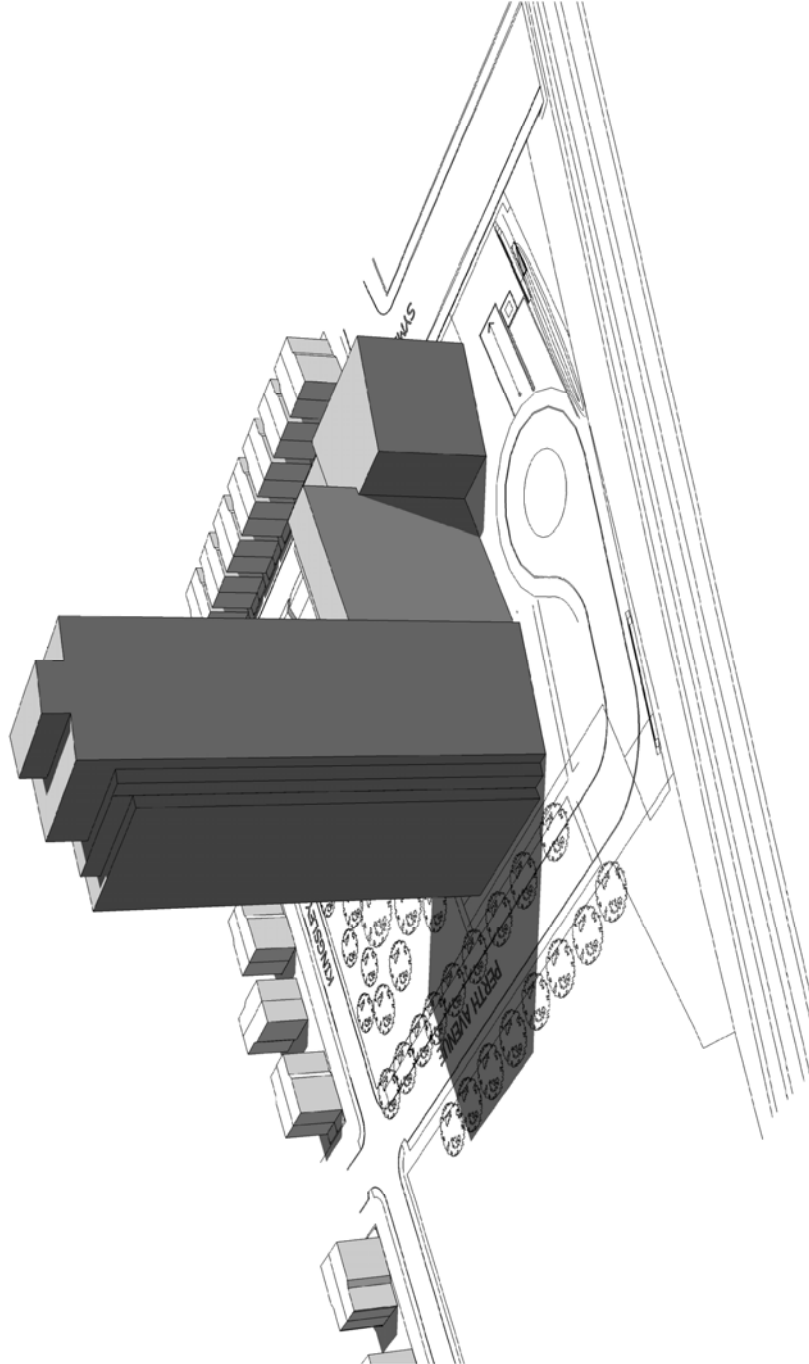


Symington Avenue Elevation

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 09/21/17

**386-394 Symington Avenue**  
**485 Perth Avenue & 17 Kingsley Avenue**  
 File # 15 238678 WET 17 0Z

## Attachment 6: 3D Massing Model Looking Northeast



**3D Massing 1 - Model Looking Northeast**

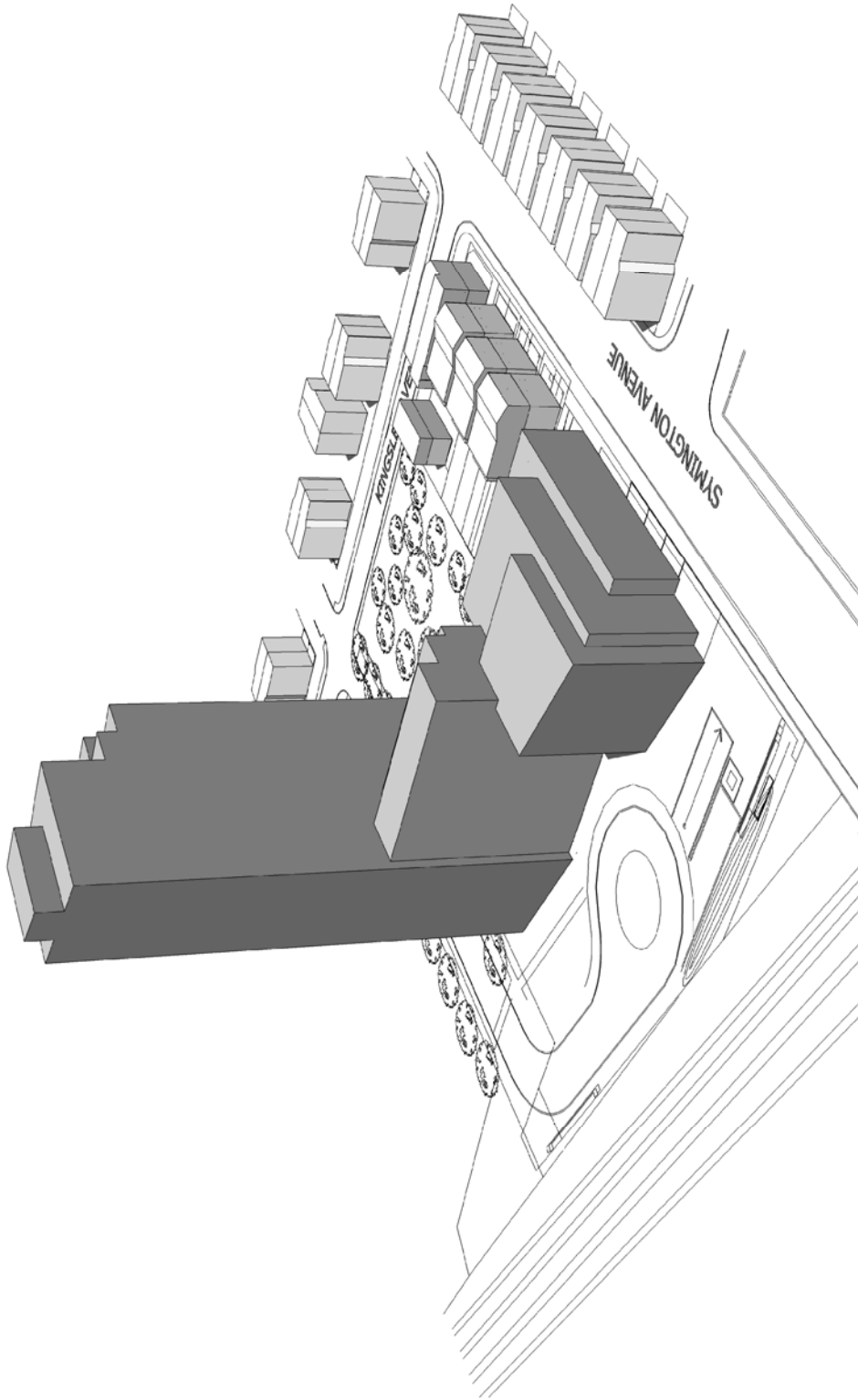
Applicant's Submitted Drawing

Not to Scale  
09/21/17

**386-394 Symington Avenue  
485 Perth Avenue & 17 Kingsley Avenue**

File # 15 238678 WET 17 02

## Attachment 7: 3D Massing Model Looking Northwest



### 3D Massing 2 - Model looking Northwest

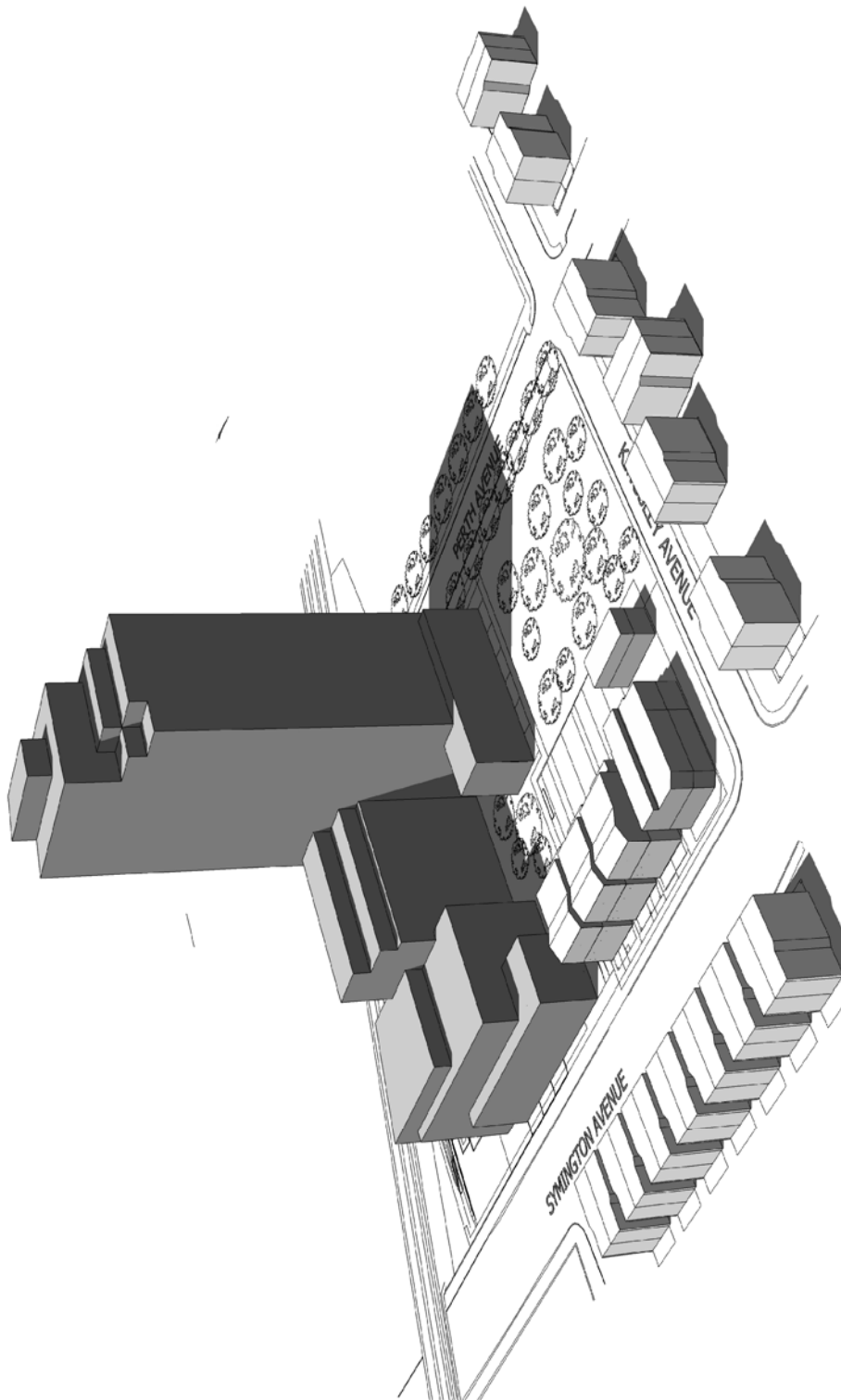
Applicant's Submitted Drawing

Not to Scale  
09/21/17

386-394 Symington Avenue  
485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 02

**Attachment 8: 3D Massing Model Looking Southwest**



**3D Massing 3 - Model looking Southwest**

Applicant's Submitted Drawing

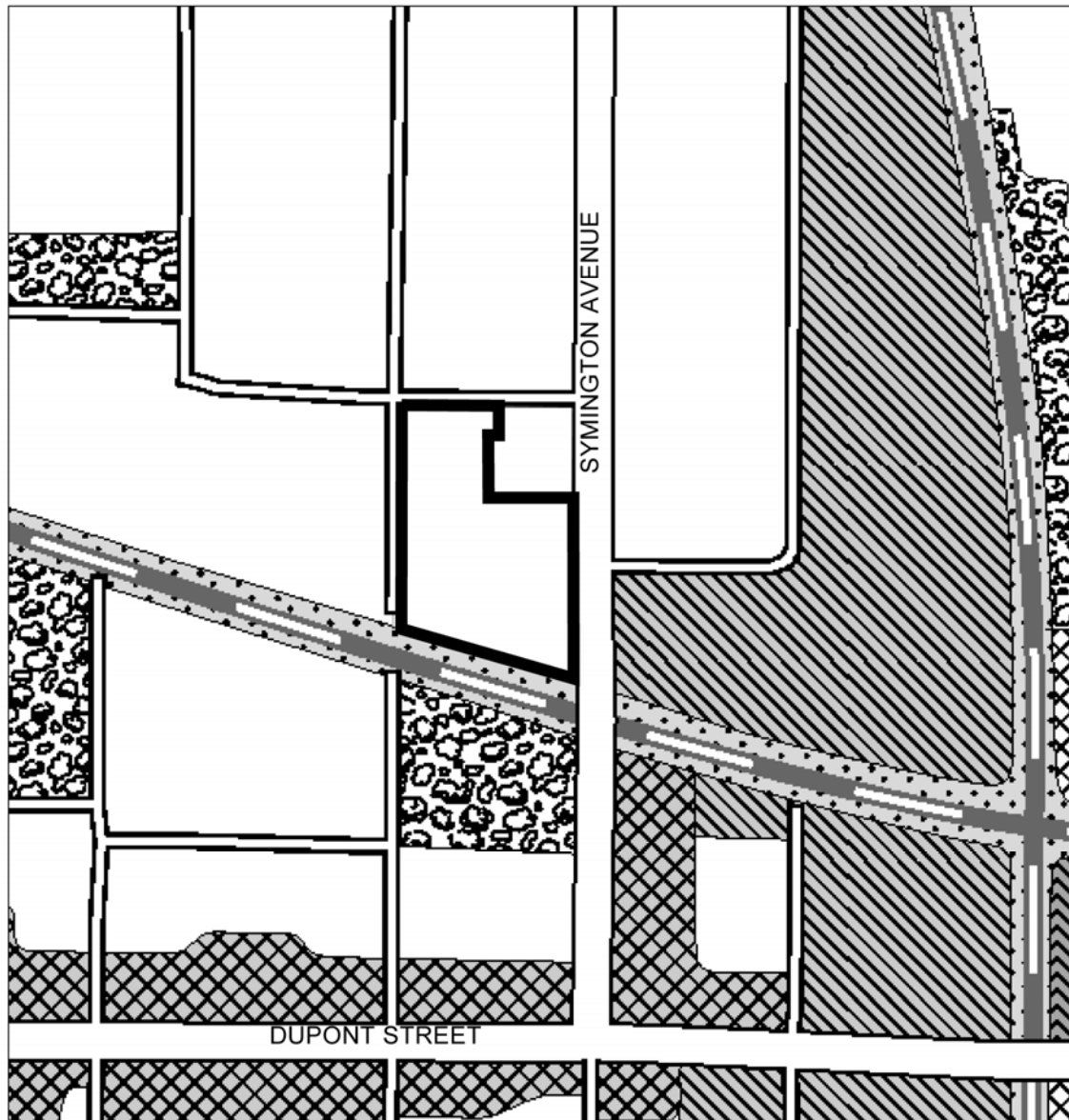
Not to Scale  
09/21/17

386-394 Symington Avenue

485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 02

## Attachment 9: Official Plan



**Toronto** City Planning  
Official Plan

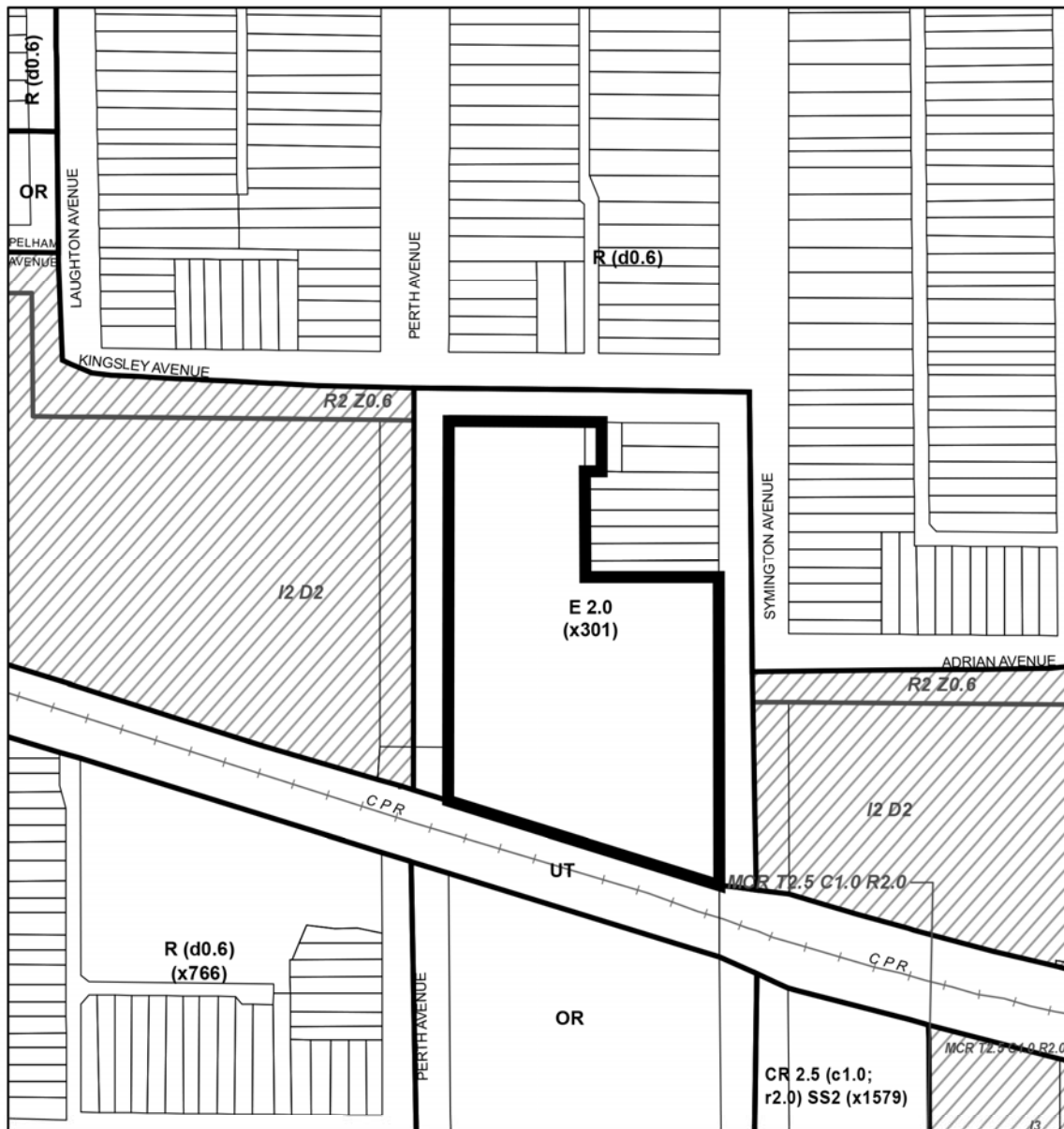
386-394 Symington Avenue  
485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 02

	Site Location		Parks & Open Space Areas		Utility Corridors
	Neighbourhoods		Parks		Employment Areas
	Apartment Neighbourhoods				
	Mixed Use Areas				

↑  
Not to Scale  
11/24/15

## Attachment 10: Zoning



Zoning By-Law No. 569-2013

386-394 Symington Avenue  
485 Perth Avenue & 17 Kingsley Avenue  
File # 15 238678 WET 17 0Z



Location of Application

R Residential  
CR Commercial Residential  
E Employment Industrial  
OR Open Space Recreation  
UT Utility and Transportation



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

R2 Residential District  
I2 Industrial District  
I3 Industrial District



Not to Scale  
Extracted: 11/20/2015

## Attachment 11: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 238678 WET 17 OZ
Details	OPA & Rezoning, Standard	Application Date:	October 16, 2015
Municipal Address:	386-394 SYMINGTON AVENUE, 485 PERTH AVENUE and 17 KINGSLEY AVENUE		
Location Description:	YORK CON 2 FTB PT LOT 33 AND PLAN 771 LOTS 1 TO 3 AND 14 TO 20 PT LOTS 4 AND 7 **GRID W1706		
Project Description:	The proposal is for a mixed use building containing 355 residential units and 233 m <sup>2</sup> of non-residential uses. The proposed building would be comprised of a 6 storey mid-rise component along Symington Avenue that steps up to 9 storeys and connects to a 24 storey tower element. Three storey grade-related townhouse units would be incorporated into the base of the tower element and would front onto the proposed new public park and outdoor amenity area.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
YYZED PROJECT MANAGEMENT 8888 Keele Street, Unit 1 Toronto, Ontario L4K 2N2			THE SYMINGTON HOLDINGS LTD. 72 Ashwarren Road Toronto, Ontario M3J 1Z6

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Section 12(1)277 and 307 Section 12 (2) 236 and 270
Zoning:	I2 D2	Historical Status:	N/A
Height Limit (m):	14.0	Site Plan Control Area:	YES

### PROJECT INFORMATION

Site Area (sq. m):	7,678.6	Height:	Storeys:	24
Frontage (m):	Varies		Metres:	74
Depth (m):	Varies			
Total Ground Floor Area (sq. m):	Not Provided			<b>Total</b>
Total Residential GFA (sq. m):	26,442		Parking Spaces:	379
Total Non-Residential GFA (sq. m):	233		Loading Docks	1
Total GFA (sq. m):	26,675			
Lot Coverage Ratio (%):	Not Provided			
Floor Space Index:	3.5			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:		Residential GFA (sq. m):	26,442	0
Bachelor:	0 (0%)	Retail GFA (sq. m):	233	0
1 Bedroom:	210 (59%)	Office GFA (sq. m):	0	0
2 Bedroom:	145 (41%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0 (0%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	355			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Gregory Byrne, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8238</b>