

3415-3499 Weston Road – Official Plan and Zoning By-law Amendment, Lifting of the (H) Holding Symbol and Site Plan Control Applications – Request for Direction Report

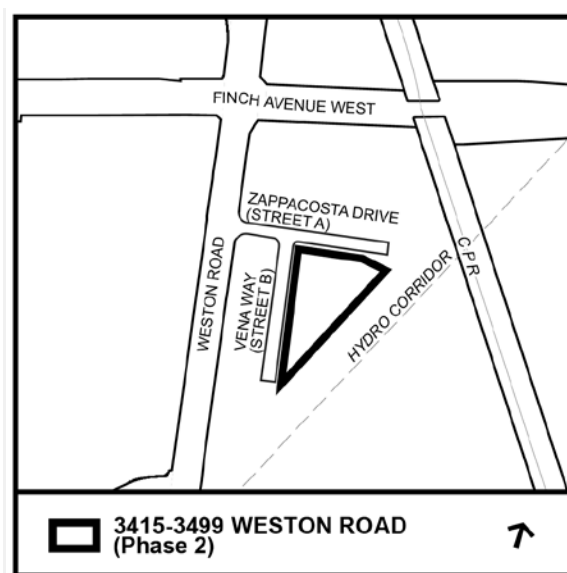
Date:	November 8, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 7 – York West
Reference Number:	15 266555 WET 07 OZ, 15 266570 WET 07 OZ and 17 157361 WET 07 SA

SUMMARY

The owner of the site at 3415 - 3499 Weston Road and 2345 Finch Avenue West has appealed the Official Plan and Zoning By-law Amendment, Lifting of the (H) Holding Symbol and Site Plan Control applications (File Numbers 15 266555 WET 07 OZ, 15 266570 WET 07 OZ and 17 157361 WET 07 SA) for these lands to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision on the applications within the time period prescribed under the *Planning Act*.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board in support of a revised proposal (received on March 17, 2017) as outlined in this report. A hearing date at the OMB has not yet been scheduled.

These applications are for Phase 2 of a four phased development comprised of 10 buildings, currently planned to contain approximately 1,717 residential units and 4,459 m² of commercial floor area (see



Attachment 1: Master Site Plan).

Based on the revised application received on March 17, 2017 the proposed Phase 2 development is for a total of 514 rental apartment units in two towers. The development would be comprised of a 30-storey (Building J) and a 26-storey (Building K) tower connected by a 3 to 4-storey podium. A total of 186 m² of non-residential space is proposed on the ground floor. This development would have a Floor Space Index of 7.0 times the area of the Phase 2 lands.

The proposed development would implement the Official Plan by providing for growth and a mix of uses in a *Mixed Use Areas* designation consistent with the Provincial Policy Statement and in conformity to the Growth Plan. The proposed mixed use rental apartment buildings would enhance the streetscape along the new public streets, Zappacosta Drive (Street A) and Vena Way (Street B). These residential buildings would allow for intensification of the site without undue negative impacts on the surrounding neighbourhoods. The proposed development would integrate well with the planned and existing built form context of the neighbourhood and would contribute towards implementing the vision of the Emery Village Secondary Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the OMB hearing on 3415-3499 Weston Road in support of the revised proposal outlined in this report.
2. In the event that the OMB allows the appeals, in whole or in part, City Council directs the City Solicitor to request that the OMB withhold its Order(s) approving the Official Plan and Zoning By-law Amendments until such time as the City Solicitor, in consultation with the Acting Chief Planner and Executive Director, City Planning and the owner has provided draft by-laws to the OMB in a form and content to the satisfaction of the Director, Community Planning, Etobicoke York District, and pending:
 - a. Confirmation from the City Solicitor that the owner has submitted to the General Manager of Transportation Services for review and acceptance, a Traffic Impact Study (TIS) addendum to confirm that any signal timing changes for the "future background" scenario must be modified accordingly and must be determined whether these timing changes also apply to the "future total" scenario. Also, this addendum must address whether the existing road network can support the proposed development and whether improvements to the existing road network are required.
 - b. Confirmation from the City Solicitor that the owner has submitted to the Chief Engineer and Executive Director, Engineering and Construction

Services for review and acceptance, a revised Functional Servicing Report to include the groundwater findings of the geohydrology assessment and confirm whether or not the receiving sewer system has the capacity to accommodate groundwater and the flows anticipated to be generated by the development.

- c. Confirmation from the City Solicitor that the owner has submitted an Environmental Noise and Vibration Impact Study addendum to be peer reviewed. This addendum would provide better quality images (used as figures) and details to interpret the findings of the study and determine the appropriate mitigation measures.
- d. Confirmation from the City Solicitor that the owner has entered into an Agreement under Section 37 of the *Planning Act* to secure the following facilities, services and matters at the owners expense:
 - i. Prior to the issuance of the first-above grade building permit, the owner shall pay to the City the sum of \$1,000,000.00 to be used in the Emery Village Secondary Plan Area and allocated towards:
 - a. the construction of the First Nations Park;
 - b. parks and open space improvements;
 - c. significant corner and gateway features along Finch Avenue West;
 - d. path(s) through the abutting hydro corridor to Emery Village Collegiate Institute; and
 - e. potential pedestrian connections (bridges).
 - ii. The above noted cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.
 - iii. In the event the cash contribution noted in Recommendation 2.d.i. has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.
 - iv. The owner shall undertake any ultimately-approved traffic control signal timing adjustments and additional phases, including any

hardware modifications, required at the Finch Avenue West/Weston Road signalised intersection to facilitate forecast traffic to Phase 2 of the subject development, which shall be completed to the satisfaction of the General Manager of Transportation Services.

- v. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- The owner shall provide, at its own expense, a minimum of approximately 2,500 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public as part of Phase 3 and/or Phase 4 of the development. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - The owner shall provide 4,000 square feet (2,000 square feet at nominal rent and 2,000 square feet at market rent) of indoor Community Space for an Alternative Community Use as outlined in the Consent Agreement registered on title on June 15, 2009, as instrument number AT2094299. An additional 1,000 square feet of Community Space shall also be provided at nominal rent. All 5,000 square feet of the Community Space is to be contiguous and provided on the ground level of Building K.
 - The owner make satisfactory arrangements with Engineering and Construction Services staff and enter into the appropriate financially secured development agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.
 - The owner shall construct and maintain the development in accordance with the accepted Environmental Noise and Vibration Impact Study addendum to secure appropriate

mitigation measures.

- The owner shall construct and maintain the development in accordance with the accepted Electromagnetic Interference Survey prepared by Brosz Technical Services dated March 20, 2017 and the assessment/EMF management plan to secure mitigation measures.
 - The owner shall design and construct a 1.7 m wide municipal sidewalk along the south side of Zappacosta Drive (Street A) and the east side of Vena Way (Street B), all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City. In addition, a pedestrian access to the hydro corridor (to later connect with path(s) to Emery Village Collegiate Institute) shall be provided.
 - The owner shall provide, prior to the issuance of the first above grade building permit, a public art contribution in accordance with the City's Percent for Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands to be paid at time of first building permit. Public Art shall be implemented as per the 2005 Public Art Plan and be in keeping with the Emery Village Heritage and Cultural Plan (BIA's Heritage Interpretation Plan).
 - The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
 - The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
3. In the event the OMB allows the appeals, in whole or in part, City Council direct the City Solicitor to request that the OMB withhold its Order on the Site Plan Control application pending the following matters being addressed:
- a. The Conditions of Site Plan Approval being finalized to the satisfaction of the Acting Chief Planner and Executive Director, City Planning; and

- b. The owner entering into and registering a Site Plan Agreement pursuant to Section 114 of the *City of Toronto Act, 2006* with such Agreement to include the Conditions of Site Plan Approval.
4. City Council authorize the City Solicitor and other City staff to take such actions as are required to implement the above recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of November 26-28, 2002, City Council adopted the Emery Village Secondary Plan (OPA 499). The goal of the Secondary Plan is to provide for a mixed use community in the area at a maximum development density of 2.5 FSI. The Secondary Plan can be accessed at this link:

<https://www1.toronto.ca/planning/26-emery-village.pdf>

At its meeting of May 21-23, 2003, City Council adopted the Emery Village Zoning By-law No. 422-2003. This zoning by-law establishes performance standards to implement the Emery Village Secondary Plan and zones the subject lands C5 (H3) which permits mixed use development subject to removal of the (H3) Holding Symbol provision. Criteria for removal of the holding provisions are set out in this zoning by-law. The By-law can be accessed at this link:

<http://www.toronto.ca/legdocs/bylaws/2003/law0422.pdf>

City Council has approved amendments to the Official Plan and the former City of North York Zoning By-law No. 7625 which permitted, among other matters, a four phased development at the southeast corner of Finch Avenue West and Weston Road (municipally known as 2345 Finch Avenue West and 3415-3499 Weston Road, the former Finch Weston Mall). The permitted development would comprise 10 buildings containing approximately 1,717 residential units and 4,459 m² of commercial floor area (see Attachment 1: Master Site Plan).

At its meeting of June 23, 2008, City Council adopted By-law No. 642-2008 removing the holding provisions for Phase 1. Phase 1 of the development is currently under construction and consists of two 10-storey residential towers and a 28-storey residential tower. There are 664 residential units and 1,232 m² of commercial uses in Phase 1. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.MM22.19>

An application for consent to sever the properties at 2345 Finch Avenue West and 3415-3499 Weston Road into separate lots and create various easements/rights-of-ways was approved by the Committee of Adjustment (under File Number B75/07EYK) at its meeting of August 23, 2007. As a condition of the approval of the application, the owner was required to enter into a Consent Agreement. The Consent Agreement as amended (Registered as AT2094299, AT3507040 and AT3784949A) secured, among other

matters: the public roads; community space within Phase 2; public art; a heritage/culture contribution; provision of a clock tower in Phase 3; and financial contributions towards community facilities.

An application for minor variance (request for reduced vehicular parking spaces) for the Phase 1 lands at 2345 Finch Avenue West and 3415 Weston Road was approved by the Committee of Adjustment (under File Number A308/15EYK) at its meeting of June 18, 2015. As a condition of the approval of the application, the following conditions were fulfilled to the satisfaction of Traffic Planning, Right of Way Management: (i) the assisted housing component of Phase 1 shall provide tenant parking to comply with the minimum PA4 parking requirements contained in Zoning By-law 569-2013; (ii) the rental apartment building in Phase 1 shall provide tenant parking at a minimum ratio of 0.90 stalls per dwelling unit; (iii) visitor parking for both the assisted housing and rental buildings shall be provided at a minimum ratio of 0.10 stalls per dwelling unit; and (iv) all visitor and retail parking shall be shared in an arrangement to be documented in the Site Plan Control Agreement for Phase 1 lands.

At its meeting of April 5, 2016, Etobicoke York Community Council deferred consideration of a Preliminary Report (titled Preliminary Report - 3415-3499 Weston Road (Phase 2) - Official Plan and Zoning By-law Amendment and Lifting of the (H) Holding Symbol Applications) dated March 8, 2016 from the Director of Community Planning, Etobicoke York District (Item EY13.5) to its meeting of May 10, 2016. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY13.5>

At its meeting of May 10, 2016, the Etobicoke York Community Council considered the above Preliminary Report (for the Phase 2 lands) dated March 8, 2016 from the Director of Community Planning, Etobicoke York District (Item EY14.11), which provided preliminary information on the subject applications and sought Community Council's direction on the further processing of the applications and on the community consultation process. Community Council amended the recommendation in the report by deleting Recommendations No. 1 and 2 that directed staff to schedule a community consultation meeting together with the Ward Councillor and that notice be given to landowners and residents within 120 m of the site. A copy of the Preliminary Report and decision of Community Council can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY14.11>

At its meeting of June 14, 2016, Etobicoke York Community Council considered a Request to Re-open Item "Preliminary Report - 3415-3499 Weston Road (Phase 2) - Official Plan and Zoning By-law Amendment and Lifting of the (H) Holding Symbol Applications" from Councillor Mammoliti (EY15.69), which requested that Planning staff be directed to schedule a community consultation meeting, to be held at the September 7, 2016 meeting of the Etobicoke York Community Council, and that notice be given to landowners and residents within 120 m of the site. This request and decision

of Community Council can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY15.69>

On April 13, 2017, the solicitors representing the owner of the lands appealed the Official Plan and Zoning By-law Amendment application (File Number 15 266570 WET 07 OZ) to the OMB, citing Council's failure to adopt the requested amendments within the time prescribed by the *Planning Act*.

In addition, on April 13, 2017, the solicitors representing the owner of the lands appealed the Lifting of the (H) Holding Symbol application (File Number 15 266555 WET 07 OZ) to the OMB, citing Council's failure to make a decision within the time prescribed by the *Planning Act*.

Further, on July 25, 2017, the solicitors representing the owner of the lands appealed the Site Plan Control application (File Number 17 157361 WET 07 SA) to the OMB, citing Council's failure to make a decision within the time prescribed by the *Planning Act*.

A Pre-Hearing Conference, to establish the parameters and the future date of the OMB hearing, has not yet been scheduled.

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan and Zoning By-law to redevelop the Phase 2 lands with a mixed use development. A revised proposal was submitted on March 17, 2017 and proposed increased building heights, reduced podium heights, as well as a reduction to the number of residential units (see table below). The applicant's revised proposal would include a total of 514 rental apartment units, comprised of 310 one-bedroom (60%), 152 two-bedroom (30%), and 52 three-bedroom (10%), with non-residential uses (community space) at grade. The total gross floor area of the proposal would be 45,931 m², of which 186 m² would be for non-residential uses (Community Space), and would result in an overall density of 7.0 times the area of the Phase 2 lands.

The subject site is immediately east of the Phase 1 lands and is currently vacant. The applications propose a two tower rental development consisting of a 30-storey (Building J - 91.6 m including mechanical penthouse) tower and a 26-storey (Building K - 80.9 m including mechanical penthouse) tower connected by a 3 to 4-storey podium (10.1 m to 12 m). Building J would front onto Vena Way (Street B) and Building K would front onto Zappacosta Drive (Street A). In addition, the 186 m² of non-residential floor area (Community Space) is proposed to be located within the base of Building K at the southeast corner of Zappacosta Drive and Vena Way (see Attachment 2: Site Plan – Phase 2 Lands, Attachment 3: Elevations and Attachment 8: Application Data Sheet).

The tower portions of Buildings J and K would be separated by a minimum of 26 m and the buildings would be setback approximately 3 m from the property line (along Streets A

and B). A three-storey above grade parking garage is proposed to be screened along Streets A and B by residential units, community space, amenity space and the buildings lobbies at the ground floor level.

The table below provides a comparative summary of the original proposal and the current revised submission.

	Original Proposal (December 2015)	Revised Proposal (March 2017)
Residential GFA (m ²)	46,046 m ²	45,745 m ²
Density	7.0	7.0
Residential Units	540	514
One Bedroom	332 (62%)	310 (60%)
Two Bedroom	201 (37%)	152 (30%)
Three Bedroom	7 (1%)	52 (10%)
Residential Building Height (m)	Podiums 8 to 10-storeys (25 to 31 m)	Podiums 3 to 4-storeys (10.1 to 12 m)
Building K	Towers 22-storeys (66 m)	Towers 26-storeys (80.9 m)
Building J	27-storeys (89 m)	30-storeys (91.6 m)

A total of 606 vehicular parking spaces (431 resident parking spaces, 51 visitor parking spaces, 8 resident car share parking spaces which equates to 32 parking spaces and 92 parking spaces for Phase 1) would be provided within a parking garage including two-levels underground (189 parking spaces) and three-levels above ground (417 parking spaces). The parking garage would be accessed from Vena Way (Street B), between the two buildings. An interim surface parking lot is proposed on the Phase 3 and 4 lands. The interim parking area would contain a total of 112 parking spaces, of which 20 spaces are proposed to service the Phase 2 development and the remaining 92 spaces are proposed to service the Phase 1 development.

A total of 521 bicycle parking spaces would be provided, consisting of 470 occupant parking spaces and 51 visitor parking spaces. The majority of the bicycle parking spaces would be located within the parking garage on the ground floor level, with 30 at-grade bicycle parking spaces provided along Streets A and B.

Two Type G loading spaces are proposed to service the development. One Type G loading space is proposed in Building K at the eastern end of the building, accessible from Zappacosta Drive (Street A) and a second Type G loading space would be provided in Building K at the southern end of the building, accessible from Vena Way (Street B).

It should be noted that the proposed development would be setback a minimum of 85 m from the nearby Canadian Pacific Railway (CPR) right-of-way and a minimum of 7.5 m from the abutting Hydro One Corridor.

The proposed development also includes approximately 186 m² of non-residential space (Community Space) which was negotiated during the Phase 1 development. Under the Consent Agreement (registered on June 15, 2009) the following applies:

- The City may require that the Community Space be used for a specified community organization or community service other than a daycare (the "Alternate Community Use"), as long as the Alternate Community Use is consistent with the planned function and character of the development and has been approved by the owner, with such approval not to be unreasonably withheld.
- The Alternate Community Space shall be leased for nominal rent, but the Alternate Community Use shall be solely responsible for the costs of furnishing and outfitting the Community Space, the operating costs of the facility, any utility costs attributable to the Community Space and the reasonable share of common area costs (related to facilities, including but not limited to the lobby, that may be shared between the Community Space and the rest of that phase of development) attributable to the Community Space.

Site and Surrounding Area

The site is located on the east side of Weston Road, south of Finch Avenue West and west of the Canadian Pacific Railway corridor with an area of approximately 6,524 m² (0.65 ha). This site was previously used for commercial purposes and the commercial buildings on the site have been demolished.

The Phase 2 lot is flat and is irregularly shaped, with an approximate frontage of 94 m on Zappacosta Drive (Street A) and approximately 124 m on Vena Way (Street B) (see Attachment 2: Site Plan – Phase 2 Lands).

Surrounding land uses include:

North: Immediately to the north is a vacant parcel of land that is the Phase 3 and Phase 4 lands of the development which have zoning permissions for mixed use development with building heights ranging from 8 to 12-storeys. Further north, across Finch Avenue West, is a gas station and single storey commercial/industrial buildings.

South: Immediately to the south is a Hydro One Corridor. Further south of the corridor is Emery Village Collegiate Institute.

East: Immediately to the east is the Hydro One Corridor. Further east of the Hydro One Corridor, is the CPR corridor, as well as industrial buildings fronting on Arrow Road.

West: Immediately to the west is Phase 1 of the development, which is currently under construction and will contain 634 residential units with 1,232 m² of commercial space and have building heights ranging from 10 to 28-storeys. Further west, across Weston Road are low rise commercial plazas with surface parking adjacent to the street. In September 2015, City Council adopted an Official Plan and Zoning By-law Amendment to permit the redevelopment of 3406-3434 Weston Road, which is located on the west side of Weston Road directly opposite the Phase 1 lands, with a 12-storey mixed-use building, with approximately 270 residential condominium units and 688 m² of at-grade retail space. Further west are apartment buildings ranging in height from 14 to 28-storeys.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) (PPS) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The 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) (The Growth Plan) 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.

Federation of Canadian Municipalities - Rail Proximity Guidelines (FCM-RAC)

The FCM-RAC Guidelines were issued in 2013 to provide a consistent approach to the design of buildings in proximity to rail corridors. The guidelines provide for standard mitigation measures of separation distance (300 m for a rail yard and 30 m for a main corridor) and safety features.

If standard measures cannot be achieved, a viability assessment must be prepared to evaluate any proposed development in terms of its potential for noise, vibration and safety hazard impact from adjacent rail infrastructure.

The subject site is located beyond the 30 m separation distance from a rail corridor. The owner has submitted a Noise and Vibration Study with the Zoning By-law Amendment and Site Plan Control applications, in order to address any impacts and identify any recommended mitigation measures. This study is currently undergoing a peer review process.

Official Plan

The lands are designated *Mixed Use Areas* in the Official Plan (see Attachment 4: Official Plan) and are located within the Emery Village Secondary Plan designated as *Mixed Use Areas 'A'*. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Secondary Plan provides for buildings generally ranging in height from 8-storeys up to 12-storeys at the intersection of Finch Avenue West and Weston Road and adjacent to

the Hydro One Corridor and a maximum density of 2.5 times the entire site area (including Phases 1, 2, 3 and 4), exclusive of any incentives outlined in Policy 3.5 of the Secondary Plan. Policy 3.5 of the Secondary Plan provides for density incentives in exchange for the provision of community benefits in the form of specific uses and facilities within the *Mixed Use Areas*.

Mixed Use Areas Policies

The Official Plan criteria to evaluate development in *Mixed Use Areas* is set out in Policy 4.5.2. which states that in *Mixed Use Areas* development will:

- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) provide an attractive, comfortable and safe pedestrian environment;
- g) have access to schools, parks, community centres, libraries, and childcare;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Avenues: Reurbanizing Arterial Corridors

The site is located on an *Avenue*, as shown on Map 2 - Urban Structure of the Official Plan. Section 2.2.3 of the Plan states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

Built Form Policies

The Built Form policies, contained in Section 3.1.2 of the Official Plan, 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 and transition in scale that will respect the character of the surrounding area.

The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. They require that new development:

- Be located and organized to fit with its existing and/or planned context;
- Frame and support adjacent streets, parks and open spaces;
- Locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- Be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- Be massed to define edges of streets, parks and open spaces;
- Provide amenity for adjacent streets and open spaces for pedestrians; and
- Provide indoor and outdoor amenity space for residents.

Emery Village Secondary Plan

The development criteria in the *Mixed Use Areas* and the above noted Built Form policies are supplemented by additional development criteria in the Emery Village Secondary Plan. Section 4.2, Built Form Principles of the Emery Village Secondary Plan, states that new development will incorporate the following principles:

- (a) buildings will define and form edges along streets, parks and open spaces and public squares. If located on a corner site, buildings should be located to define both adjacent streets and to give prominence to the corner;
- (b) buildings should be sited and organized at-grade to enhance and support streets, open spaces and pedestrian routes. Grade-related retail and service commercial uses, street oriented residential units and entrance lobbies are encouraged in these building faces to provide for safe, animated streets and open spaces. Building entrances are to be located on road frontages, visible and accessible from the public or common use sidewalk;
- (c) landscaping, public art and architectural features are intended to add visual interest and are encouraged at locations identified as a Gateway Feature on Map 26-2 - Structure Plan. Gateway features located on private lands may be secured through the development process;
- (d) loading and service areas associated with buildings should not face or be located adjacent to parkland or be located adjacent to Finch Avenue or Weston Road. The use of shared lanes, driveways and courts within the block is encouraged. Access from local streets and service lanes is preferred;
- (e) the consolidation of vehicular access points will be encouraged in order to maximize the efficiency of traffic movement and promote a safer pedestrian environment;

- (f) parking structures above grade are discouraged adjacent to Finch Avenue, Weston Road and Toryork Road;
- (g) new underground parking entrances or exits onto Finch Avenue or Weston Road are discouraged. Wherever possible, vehicular access to these structures will be from local roads and preferably at the side or rear of buildings fronting onto Finch Avenue or Weston Road;
- (h) surface parking is discouraged in any front or side yard adjacent to Finch Avenue, Weston Road and Toryork Road;
- (i) parking facilities and spaces will, wherever possible, be provided underground or within a structure. Surface parking will be limited in order to maximize the extent of landscaped open space;
- (j) buildings should be massed to provide adequate street and open space definition, to define urban spaces with good proportion and to provide access to sunlight and sky views; and
- (k) where appropriate, sun/shadow studies and wind tests will be required for developments in order to ensure that impacts on the pedestrian environment and adjacent properties are acceptable.

The portions of Section 4.3, Physical Amenity of the Emery Village Secondary Plan, that are applicable to this application include:

- 4.3.1 Streetscape improvements that promote a healthy and vibrant pedestrian environment are encouraged in the public rights-of-way and adjacent privately owned lands. Co-ordinated improvements to sidewalks and boulevards, including decorative paving, a landscaped centre median, street trees, street furniture and transit shelters are to be implemented for the portion of Weston Road between Finch Avenue and Lanyard Road.
- 4.3.3 The setback for new buildings along Weston Road will be sufficient to accommodate streetscape initiatives of the City.
- 4.3.4 The reduction of the effect of wind on pedestrian areas through building design and the provision of remedial elements, such as landscaping, screens, sheltered walkways and canopies is encouraged.
- 4.3.5 Landscaping should be carefully integrated with on-site surface parking. On-site parking should be arranged so that it does not impede pedestrian movement within or between developments.
- 4.3.6 All utilities and associated works will, wherever possible, be located underground.

Utility Corridors Policies

Utility Corridors mainly consist of rail and hydro rights-of-way. These linear corridors are a defining element of the landscape fabric of the City and many of these corridors also serve important local functions as parkland, sport fields, pedestrian and cycling trails

and transit facilities. These corridors should be protected for future public transit routes and linear parks and trails.

Section 4.4.1 states that *Utility Corridors* are hydro and rail corridors primarily used for the movement and transmission of energy, information, people and goods. Section 4.4.2 states that hydro corridors are used primarily for the transmission of energy. They may also be used for secondary purposes such as parks, pedestrian and bicycle trails, agriculture, parking lots, open storage, essential public services, stormwater management ponds, public transit facilities and garden centres with temporary buildings. Secondary uses in hydro corridors will:

- a) be compatible with the primary use of the corridor and the existing and proposed use of adjacent lands in terms of environmental hazard, visual impacts, grading and site drainage;
- b) protect for potential road and public transit corridors, where appropriate; and
- c) protect for an open space corridor link to develop or extend pedestrian or bicycle trails, where appropriate.

Further, Section 4.4.5 states that where appropriate, development or redevelopment on lands nearby or adjacent to *Utility Corridors* will:

- a) protect for access to any potential bicycle and pedestrian trail or park and open spaces, and provide access where such a recreation facility exists; and
- b) screen and secure the property edge through such measures as setbacks, fencing, site grading, berms, landscaping, building treatment and construction techniques.

City-Wide Tall Buildings Design Guidelines

In May 2013, Toronto City Council adopted the updated City-wide Tall Buildings Design Guidelines and directed City 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>

Zoning

In accordance with the established protocol, the lands were excluded from the City-wide Zoning By-law No. 569-2013 as the lands were covered by the site specific zoning for Emery Village. As such, the former City of North York Zoning By-law No. 7625 continues to apply to the lands.

The site is zoned Mixed Use Commercial Zone C5(H3). This zone permits residential and commercial uses. The maximum Floor Space Index permitted is 2.5. The subject site falls within two height limit areas. The southeast portion of the site (and the majority of the site) permits a maximum building height of 12-storeys and 35 m and requires a minimum building height of 8-storeys and 23.6 m. The northwest portion of the site has

a maximum building height of 8-storeys and 23.6 m and requires a minimum building height of 3-storeys and 9.6 m (see Attachment 5: Zoning and Attachment 6: Height Map).

The property is also subject to a (H) Holding Symbol. Section 27(11)(a)(iii) of Zoning By-law No. 7625 requires the owner to fulfill a series of conditions prior to the use of the lot or the erection or use of any building or structure for any purpose except as permitted in the by-law. Upon fulfillment of the conditions, the (H) Holding Symbol can be lifted, in whole or in part as set out in the existing Zoning By-law (see Attachment 7: C5(H3) Zoning Provisions).

Site Plan Control

The property is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with the Official Plan and Zoning By-law Amendment application, as well as the Lifting of the (H) Holding Symbol application.

The solicitors representing the owner of the lands have appealed the Official Plan and Zoning By-law Amendment application, Lifting of the (H) Holding Symbol and Site Plan Control applications (File Numbers 15 266555 WET 07 OZ, 15 266570 WET 07 OZ and 17 157361 WET 07 SA) to the OMB, citing Council's failure to adopt the requested amendments and/or make a decision within the time prescribed by the *Planning Act*. A Pre-Hearing Conference has not yet been scheduled.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant submitted a Stage 1 Archaeological Assessment Report that concludes that no archaeological resources were encountered and no further study is required.

Tenure

The applicant has advised that the proposed 514 residential units would be rental units.

Higher Order Transit

The subject site is located adjacent to the planned Finch West Light Rail Transit (LRT) line. Phase 1 of the Finch West LRT is fully funded and currently being delivered by Metrolinx, extending from Keele Street (connecting to the Toronto-York Spadina Subway Extension) to Humber College. The LRT is planned to open for service in 2022.

In addition, the City's Official Plan identifies the potential for a future GO Station on the Bolton corridor within proximity to the subject site. Metrolinx currently does not operate GO service within the Bolton corridor and this is viewed as a long term initiative that is being protected for through the development review process. Metrolinx has made no commitments with respect to the timing for GO rail service to Bolton.

Reasons for the Applications

The proposal requires an amendment to the Official Plan to permit the height and density

of the proposed development.

A Zoning By-law Amendment is required to permit the form, type, height and density of residential development proposed. Other areas of non-compliance may be identified through the zoning review currently being undertaken by Toronto Building staff.

A lifting of the (H) Holding Symbol application is also required to permit a development which exceeds 5,000 m² in gross floor area.

Community Consultation

A Community Consultation Meeting was held on September 7, 2016 at the meeting of Etobicoke York Community Council. The applicant and City Planning staff were in attendance. No one from the public attended the meeting, therefore, no issues were raised regarding the proposed development of the Phase 2 lands.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment within existing settlement areas. New development is to have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Policy 1.1.3.3 of the PPS refers to planning authorities identifying appropriate locations and promoting opportunities for intensification and redevelopment and Policy 1.1.3.4 refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. The proposal supports intensification policy objectives by focussing growth in existing settlement areas. The proposed development provides for the efficient use of land and utilization of existing services and infrastructure and is located in an area identified for growth.

The Growth Plan requires municipalities through their Official Plans to identify intensification areas, encourage intensification generally in the built-up area and identify the appropriate type and scale of development in these areas. It also requires all intensification areas be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places and to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.3.6 and 2.2.3.7). The proposed development is of a compact and efficient form that incorporates an appropriate transition in the height and scale of built form to adjacent areas. The proposal would make efficient use of land and would provide new rental housing with a range of unit sizes and non-residential uses to serve the surrounding neighbourhood.

Staff are of the opinion that the proposed development application is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

Land Use

The lands are designated *Mixed Use Areas* in the Official Plan and are located within the Emery Village Secondary Plan as *Mixed Use Areas 'A'*. Staff are of the opinion the proposed development conforms to the *Mixed Use Areas* designation and its development criteria, and is supportive of the Built Form policies within the Official Plan and Secondary Plan.

In terms of new residential uses, this development would provide a total of 514 new rental units having a mix of unit sizes. Appropriately sized indoor and outdoor amenity areas would be provided within the new development for the new tenants and secured through the Site Plan approval process.

In addition, the proposal would include approximately 186 m² of non-residential space in the form of community space on the ground level (corner unit fronting Zappacosta Drive (Street A) and Vena Way (Street B)).

The proposal contributes to the development of the Emery Village community as envisioned by the Secondary Plan.

Density, Height and Massing

The applicant's revised proposal would introduce more family size rental units than originally proposed and would provide community space (within the podium of the apartment buildings). The proposal would also provide for a transition in building height, massing and scale from the Phase 3 and 4 lands to the north, the Hydro One Corridor to the east and the Phase 1 lands to the west.

The proposal includes a 30-storey (Building J - 91.6 m including mechanical penthouse) tower and a 26-storey (Building K - 80.9 m including mechanical penthouse) tower. The towers would be located in the southwest (Building J) and northeast (Building K) portions of the site and would be located 26 m apart, in accordance with the City's Tall Building Design Guidelines.

The towers would be connected by a podium ranging in height from 3 to 4-storeys (10.1 m to 12 m) and be setback a minimum of 3 m from the property lines along Zappacosta Drive and Vena Way and 7.5 m from the hydro corridor. The proposed podium would include an above grade parking garage which would be screened along Zappacosta Drive and Vena Way by 3-storey residential units, community space, indoor and outdoor amenity space centrally located atop the parking deck, as well as the buildings lobbies and community space at the ground floor level. This podium would define and form edges along the streets and give prominence to the corner. The proposed setback from the new public streets provides an opportunity for an enhanced streetscape, public realm

and pedestrian routes. In addition, the podium would provide direct access to the streets from individual units contributing to a safe and animated public realm. As part of the redevelopment of this site, the public boulevard would also be enhanced.

The applicant's revised proposal would result in a density of approximately 7.0 times the area of the Phase 2 lands and would represent approximately 2.0 times the area of the entire site (see Attachment 1: Master Site Plan) which equates to the approximate density envisioned for the site. Overall, the height, massing and scale of the podium and towers would provide for a compatible physical relationship with the new public streets and the development across both streets, particularly as it relates to the Phase 1 lands and the future development of Phases 3 and 4.

Landscape Open Space and Amenity Space

The development proposal includes both indoor and outdoor amenity space. This amenity space would be located on the fourth level of the proposed podium. The total proposed indoor amenity space is 1,028 m² (which equates to 2 m² per rental unit) and would be located in Building K. Outdoor amenity space would also be proposed in the amount of 1,028 m² (which equates to 2 m² per rental unit) and would be located on the roof top of the podium, having direct access to the proposed indoor amenity space. The new units would also have balconies or terraces. It is staff's opinion that both the indoor and outdoor amenity space proposed for this development is appropriate.

Sun and Shadow

The applicant provided a shadow study illustrating the shadow movements associated with the proposed podium and towers during the spring and fall equinoxes. This redevelopment would introduce some additional shadowing impacts on the surrounding properties designated *Mixed Use Areas* and *Apartment Neighbourhoods*, as well as on the proposed street and rail network and Hydro One Corridor.

A considerable portion of this shadowing falls within the subject site, however, also onto the front, rear and side yards of the existing buildings located west of this site, and across Weston Road, at 9:18 a.m. in March, June and September. The shadow study shows that the proposal would not impact the buildings located east (across the rail corridor and hydro corridor) until 5:18 p.m. in March and September and until 6:18 p.m. in June. Planning staff are of the opinion the projected shadow impacts are acceptable. In addition, shadow impacts are reduced on public streets as a result of lower podium heights.

Traffic Impact, Site Access, Circulation and Loading

The applicant submitted an Updated Transportation Impact Study prepared by LEA Consulting Limited dated May 2017, in support of this proposal.

This study estimated that the proposed 514 rental apartment units would generate approximately 141 and 155 two-way trips in the weekday morning and afternoon peak hours, respectively.

Transportation Services staff have reviewed the study and are not satisfied with its future total traffic signalised and unsignalized assessments. The applicant has been advised to provide proposed signal timing modifications for the Finch Avenue West and Weston Road signalized intersection that comply with the minimum pedestrian 'walk' and 'flashing don't walk' times of the City's *Pedestrian Timing at Signalised Intersections* report and the City's Synchro guidelines. The revised report must address whether the existing road network can support the proposed development and whether improvements to the existing road network are required. The applicant has been requested to submit a revised study, which reflects the above requirements for further review, consideration and acceptance by Transportation Services staff.

A two-way driveway proposed on the central portion of the site, from Vena Way, would provide access to ground level residential and visitor parking (for both towers), the loading facility and bicycle parking (for Building J). An additional two-way driveway proposed at the turning basin of Vena Way would provide access to the underground residential parking and residential visitor parking (for both towers). Further, a two-way driveway proposed at the turning basin of Zappacosta Drive would provide access to the loading facility and bicycle parking (for Building K). Transportation Services staff advise that detailed site plan comments regarding driveway access, associated signing requirements and site circulation would be reviewed through the Site Plan approval process for this proposal, should the Official Plan and Zoning By-law Amendment applications be approved.

The applicant is proposing two Type G loading spaces (one for Building J and one for Building K) to serve the residential and non-residential uses on site. The proposed loading areas will be configured to provide for the manoeuvring needs of City of Toronto garbage collection vehicles and other single unit trucks. Engineering and Construction Services staff advise the number of loading spaces is acceptable, however, a truck tracking plan to illustrate on-site turning/manoeuvring would be secured through the Site Plan approval process, should the applications be approved.

This report recommends that the City Solicitor request the Ontario Municipal Board to withhold its Order approving the Official Plan and Zoning By-law Amendments until a Traffic Impact Study (TIS) addendum is reviewed and accepted by the General Manager of Transportation Services. This TIS is required to confirm that any signal timing changes for the "future background" scenario must be modified accordingly and must be determined whether these timing changes also apply to the "future total" scenario. Also, this addendum must address whether the existing road network can support the proposed development and whether improvements to the existing road network are required.

Vehicular Parking

The Updated Transportation Impact Study submitted by the applicant proposes parking for the development in accordance with the requirements of the Site Specific By-law 422-2003 (which amends North York Zoning By-law No. 7625). The applicant proposes to provide vehicular parking according to the minimum rental parking ratios in the

Committee of Adjustment decision (File Number A308/15EYK) dated June 18, 2015, which was calculated for the parking requirements of the 'market rental' component of the Phase One development. On this basis, parking must be provided at the following minimum ratios:

- 514 rental residential units at 0.9 space per rental unit = 463 spaces
- 514 rental residential units at 0.1 visitor space per rental unit = 51 spaces

Total vehicle parking required for the proposed buildings = 514 spaces.

A total of 606 vehicular parking spaces (431 resident parking spaces, 51 visitor parking spaces, 8 resident car-share parking spaces which equates to 32 parking spaces and 92 parking spaces for Phase 1) would be provided within a parking garage including two-levels underground (189 parking spaces) and three-levels above ground (417 parking spaces). An interim surface parking lot is proposed on the Phase 3 and 4 lands. The interim parking area would contain a total of 112 parking spaces, of which 20 spaces are proposed to service the Phase 2 development and the remaining 92 spaces are proposed to service the Phase 1 development.

Access to the Phase 1 parking spaces (92 parking spaces) would be provided via a below-grade connection through the parking garage and under the new public road (Vena Way). Below-grade easements have been secured to provide access for the Phase 1 lands through the garage of the Phase 2 lands for vehicular parking purposes.

The proposal provides for 8 car-share parking spaces at-grade in the parking garage. These spaces qualify for a maximum parking reduction of 32 parking spaces, based upon the *Parking Standards Review* undertaken for the City by IBI Group in March, 2009. Based on the parking space reduction of 32 spaces, the proposed 431 resident parking spaces (for Phase Two) would satisfy the resident parking supply requirements approved by the Committee of Adjustment under File Number A308/15EYK which requires a total of 0.9 parking spaces per residential unit.

Transportation Services staff accepts the car-share parking space reduction, however, as a condition of Site Plan approval, the applicant would be required to submit documentation (to the satisfaction of Transportation Services staff) confirming that a car-share provider has been secured, including the terms under which the car-share service is being provided to the site. It should be noted that a lack of a car-share agreement for the car-share spaces would result in the parking supply being non-compliant with the resident parking supply requirements (parking space ratio of 0.9 spaces per unit) approved under File Number A308/15EYK.

Further, the proposal includes community space (186 m²) located on the ground level. This use would be considered ancillary to the proposed residential use and therefore does not require a separate on-site parking allocation.

The parking space design and layout and vehicular site circulation would be reviewed and secured through the Site Plan approval process for this proposal, should the Official Plan and Zoning By-law Amendment applications be approved.

Bicycle Parking

Zoning By-law No. 569-2013 requires bicycle parking to be provided in accordance with the following ratios:

- Occupant parking – 514 rental units at 0.75 spaces per unit = 386 spaces
- Visitor parking – 514 rental units at 0.07 spaces per unit = 36 spaces

Total bicycle parking required = 422 spaces.

The information submitted by the applicant notes 521 bicycle parking spaces are to be provided as part of the proposal. Bicycle parking shown on the plans are as follows: 470 occupant parking spaces and 51 visitor parking spaces shown on the ground floor. This represents sufficient bicycle parking spaces to meet the Zoning By-law requirements.

The location and design of the bicycle parking spaces would be secured through the Site Plan approval process for this proposal, should the Official Plan and Zoning By-law Amendment applications be approved.

Public Sidewalks

A municipal sidewalk currently does not exist along the new public streets (Zappacosta Drive and Vena Way), adjacent to the subject site. The owner is required to design and construct at their expense a 1.7 m wide sidewalk along the frontages of both Zappacosta Drive and Vena Way. In addition, a pedestrian access through this development to EmeryVillage Collegiate Institute (to the south of this site) would be required.

The provision of a public sidewalk along these public streets would provide opportunities for pedestrian access to this site and beyond, improving the walkability of the community and creating improved connections to properties north and west of the subject site. In addition, the public sidewalk would play an important role in animating both frontages for this development and the future public frontage of Phases 3 and 4, upon completion. The required public sidewalk as well as the pedestrian access would be reviewed and secured through the Site Plan approval process for this proposal, should the Official Plan and Zoning By-law Amendment applications be approved.

Servicing

A Functional Servicing and Stormwater Management Report (FSR) prepared by Cole Engineering dated May 2017 and a Geohydrology Assessment prepared by McClymont & Rak Engineers Inc. dated June 2016 were submitted in support of this proposal.

The Functional Servicing and Stormwater Management Report determined that the existing watermain and storm sewers (on the new public streets) and the existing sanitary drainage (on Weston Road) can support the proposed development without the need for

external upgrades or retrofits. This report has been reviewed and is generally accepted by Engineering and Construction Services staff. Additional detailed review will occur through the Site Plan approval process for this proposal, should the Official Plan and Zoning By-law Amendment applications be approved.

Engineering and Construction Services staff have reviewed the Geohydrology Assessment and have indicated that the FSR should be revised to include the groundwater findings of the geohydrology assessment and confirm whether or not the receiving sewer system has the capacity to accommodate groundwater and the flows anticipated to be generated by the development on the site.

In the event the Ontario Municipal Board allows the appeals in whole or in part, it is recommended that City Council direct the City Solicitor to request the Board to withhold its Order until this matter is resolved to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Open Space/Parkland

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 Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The subject lands (Phase 2) have a net area of 0.65 ha and the entire Master Plan site (Phases 1, 2, 3 and 4) has a net area of just under 5 hectares in size. The development is subject to the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code. The parkland dedication, for sites that are 1 to 5 hectares in size, is capped at 15% of the development site applied to the residential use.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu payment. Parks, Forestry and Recreation staff advise this is acceptable. The actual amount of cash-in-lieu to be paid will be determined by Facilities and Real Estate staff at the time of issuance of building permit, should the applications be approved.

Tree Preservation

These applications are 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). These City of Toronto By-laws provide for the protection of trees situated on both private and City property. A Tree Survey submitted in support of the applications indicates that there are no City-owned trees adjacent to the site or protected private trees on the site. This survey has been reviewed and is generally accepted by Urban Forestry staff.

The applicant is proposing the planting of 19 new trees on the city road allowance along the new public streets (Zappacosta Drive and Vena Way). Urban Forestry staff confirms

that the proposed Landscape Plan is acceptable. Urban Forestry requires a Tree Planting Security to ensure the planning and maintenance of the trees to be planted. This security would be finalized through the Site Plan approval process for this proposal, should the Official Plan and Zoning By-law Amendment applications be approved.

Wind

A Microclimatic Analysis prepared by Theakston Environmental dated April 24, 2017 was submitted to support the proposal. This wind study identifies minor increases to local wind speeds, as compared to existing conditions. The study also states that there would be modest reductions in pedestrian comfort as a result of increased wind gusts at the ground level, however, pedestrian wind comfort is achieved for the intended use. Should the applications be approved, additional detailed review to ensure that comfortable wind conditions are maintained on the streets and public spaces around buildings will occur through the Site Plan approval process for this proposal.

Noise

An Environmental Noise and Vibration Impact Study prepared by dBA Acoustical Consultants Inc. dated October 2016 was submitted for the proposal.

The Study identifies that the major source of noise affecting the site is the transportation noise from Weston Road and Finch Avenue West as well as the train noise from the CP rail line (east of the site). The Study recommends registering warning clauses regarding the CP rail line and providing ventilation (central air conditioning) as well as upgrades to the building facades (double-glazed windows and walls) of the proposed two residential buildings to comply with the Ministry of the Environment and Climate change criteria for indoor sound levels (specifically for living rooms and bedrooms).

A peer review (at the cost of the applicant) of this study was undertaken by SS Wilson Associates Consulting Engineers, on behalf of the City, to assess the identified noise and vibration impacts and the required mitigation measures. This consultant has evaluated the acoustic analysis and has determined that an addendum to this study is required. The addendum is to provide better quality images/details (used as figures) to interpret the findings of the study and determine the appropriate mitigation measures.

In the event the Ontario Municipal Board allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the Board to withhold its Order until this matter is resolved to the satisfaction of the Director of Toronto Public Health. Also, it is recommended that the mitigation measures be secured as a matter of legal convenience in the Section 37 Agreement.

Public Health

A Electromagnetic Interference Survey prepared by Brosz Technical Services dated March 20, 2017 was submitted for the proposal as a hydro corridor abuts the south and east limits of the subject site.

In keeping with the City of Toronto's Prudent Avoidance Policy, in order to reduce childhood exposure to electromagnetic fields in and adjacent to hydro corridors (with transmission lines), Toronto Public Health staff have reviewed the report and have requested that an assessment/EMF management plan be submitted for further review. This plan would outline the low or no-cost measures that could be implemented and/or incorporated into the development to minimize the increase in early average exposure to EMF for young children.

In the event the Ontario Municipal Board allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the Board to withhold its Order until this matter is resolved to the satisfaction of the Director, Toronto Public Health. Also, it is recommended that the mitigation measures be secured through the Section 37 Agreement to be registered on title, should the Official Plan and Zoning By-law Amendment applications be approved.

School Board Requirement

The Toronto District School Board (TDSB) advises that currently there is insufficient space at the local elementary and middle schools to accommodate students that are anticipated from this development and others in the area. Children from new development are not to displace existing students at local schools.

TDSB staff have requested the proponent be required to erect Notice Signs and that warning clauses be included in all purchases, 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 the immediate neighbourhood. It is recommended that the warning clause requirements be secured through the Section 37 Agreement to be registered on title, should the Official Plan and Zoning By-law Amendment applications be approved.

No comments were received by the Toronto Catholic School Board (TCSB).

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.

The Zoning By-law Amendment 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 Official Plan and Zoning By-law Amendment applications be approved.

Section 37

The application proposes a significant increase in height and density for the site. The Official Plan provides for the provision of Section 37 contributions where an increase in height and density is proposed. Staff are of the opinion that the proposal is supportable and implements the policies of the Official Plan. City Planning staff have consulted with the Ward Councillor regarding possible community benefits to be secured under Section 37 of the *Planning Act* and in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and addressing the planning issues associated with the development.

It is recommended that the owner be required to enter into an Agreement under Section 37 of the *Planning Act* to secure the following facilities, services and matters at the owners expense:

1. a. Prior to the issuance of the first-above grade building permit, the owner shall pay to the City the sum of \$1,000,000.00 to be used in the Emery Village Secondary Plan Area and allocated towards:
 - i. the construction of the First Nations Park;
 - ii. parks and open space improvements;
 - iii. significant corner and gateway features along Finch Avenue West;
 - iv. path(s) through the abutting hydro corridor to Emery Village Collegiate Institute; and
 - v. potential pedestrian connections (bridges).
- b. The above noted cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.
- c. In the event the cash contribution noted in Recommendation 1.a. has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the

purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

- d. The owner shall undertake any ultimately-approved traffic control signal timing adjustments and additional phases, including any hardware modifications, required at the Finch Avenue West/Weston Road signalised intersection to facilitate forecast traffic to Phase 2 of the subject development, which shall be completed to the satisfaction of the General Manager of Transportation Services.
2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- a. The owner shall provide, at its own expense, a minimum of approximately 2,500 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public as part of Phase 3 and/or Phase 4 of the development. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - b. The owner shall provide 4,000 square feet (2,000 square feet at nominal rent and 2,000 square feet at market rent) of indoor Community Space for an Alternative Community Use as outlined in the Consent Agreement registered on title on June 15, 2009, as instrument number AT2094299. An additional 1,000 square feet of Community Space shall also be provided at nominal rent. All 5,000 square feet of the Community Space is to be contiguous and provided on the ground level of Building K.
 - c. The owner make satisfactory arrangements with Engineering and Construction Services staff and enter into the appropriate financially secured development agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.
 - d. The owner shall construct and maintain the development in accordance with the accepted Environmental Noise and Vibration Impact Study addendum to secure appropriate mitigation measures.
 - e. The owner shall construct and maintain the development in accordance with the accepted Electromagnetic Interference Survey prepared by Brosz

Technical Services dated March 20, 2017 and the assessment/EMF management plan to secure mitigation measures.

- f. The owner shall design and construct a 1.7 m wide municipal sidewalk along the south side of Zappacosta Drive (Street A) and the east side of Vena Way (Street B), all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City. In addition, a pedestrian access to the hydro corridor (to later connect with path(s) to Emery Village Collegiate Institute) shall be provided.
- g. The owner shall provide, prior to the issuance of the first above grade building permit, a public art contribution in accordance with the City's Percent for Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands to be paid at time of first building permit. Public Art shall be implemented as per the 2005 Public Art Plan and be in keeping with the Emery Village Heritage and Cultural Plan (BIA's Heritage Interpretation Plan).
- h. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
- i. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.

Modification to the "H" Holding Symbol Requirements

The site is zoned Mixed Commercial C5(H3) and, as such, is subject to a Holding 'H' Symbol. Section 27(11)(a)(iii) of the former City of North York Zoning By-law No. 7625 requires the owner to fulfill a number of conditions prior to the use of the lot or the erection or use any building or structure for any purpose except as permitted in the By-law (see Attachment 7: C5(H3) Zoning Provisions).

The owner is requesting that Section 27(11)(a)(iii)(B), (C) and (D) be deleted as they have been fulfilled or are no longer required. These sections relate to the submission of an environmental assessment report, soil investigation report and a preliminary engineering report for the lands. The environmental assessment and soil investigation reports are currently only required by Engineering and Construction Services staff if there is a conveyance of land to the City for road purposes. Staff have advised there is no requirement for road widening or conveyance of land for road purposes for this proposal and therefore these studies are not required by the Chief Engineer and Executive Director, Engineering and Construction Services.

As noted above, the applicant has submitted a Functional Servicing Report which concludes there is sufficient storm sewer, sanitary sewer and watermain capacities to

adequately service the proposed development which satisfies the requirement for a preliminary engineering report.

As these specific holding provisions have been satisfied or are no longer required, it is recommended that Section 27(11)(a)(iii)(B), (C) and (D) be deleted from the C5(H3) zoning in the former City of North York Zoning By-law No. 7625 for the Phase 2 lands. However, Sections 27(11)(a)(iii)(A) and (E) will continue to apply as these sections were not addressed in this application. Prior to development of this site (for Phase 3 and Phase 4), the owner will be required to make an application to lift the Holding 'H' Symbol and demonstrate the remaining provisions have been fulfilled.

Conclusion

The proposed development would integrate well with the planned and existing built form context of the neighbourhood and would contribute towards implementing the vision of the Emery Village Secondary Plan. Staff are of the opinion the current proposed building heights, scale and site layout achieves a compatible physical relationship between existing development in the surrounding neighbourhood, particularly as it relates to the Phase 1 lands. The proposal conforms to the built form policies of the Official Plan and represents an appropriate level of intensification for the site.

Staff are therefore recommending that City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to support the proposed revised development and appeals of the Official Plan and Zoning By-law Amendment, Lifting of the (H) Holding Symbol and Site Plan Control applications as outlined in this report.

This report also recommends that the staff attempt to secure appropriate services, facilities or matters including a public art contribution pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Ontario Municipal Board.

CONTACT

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Fax No. (416) 394-6063
E-mail: Sabrina.Salatino@toronto.ca

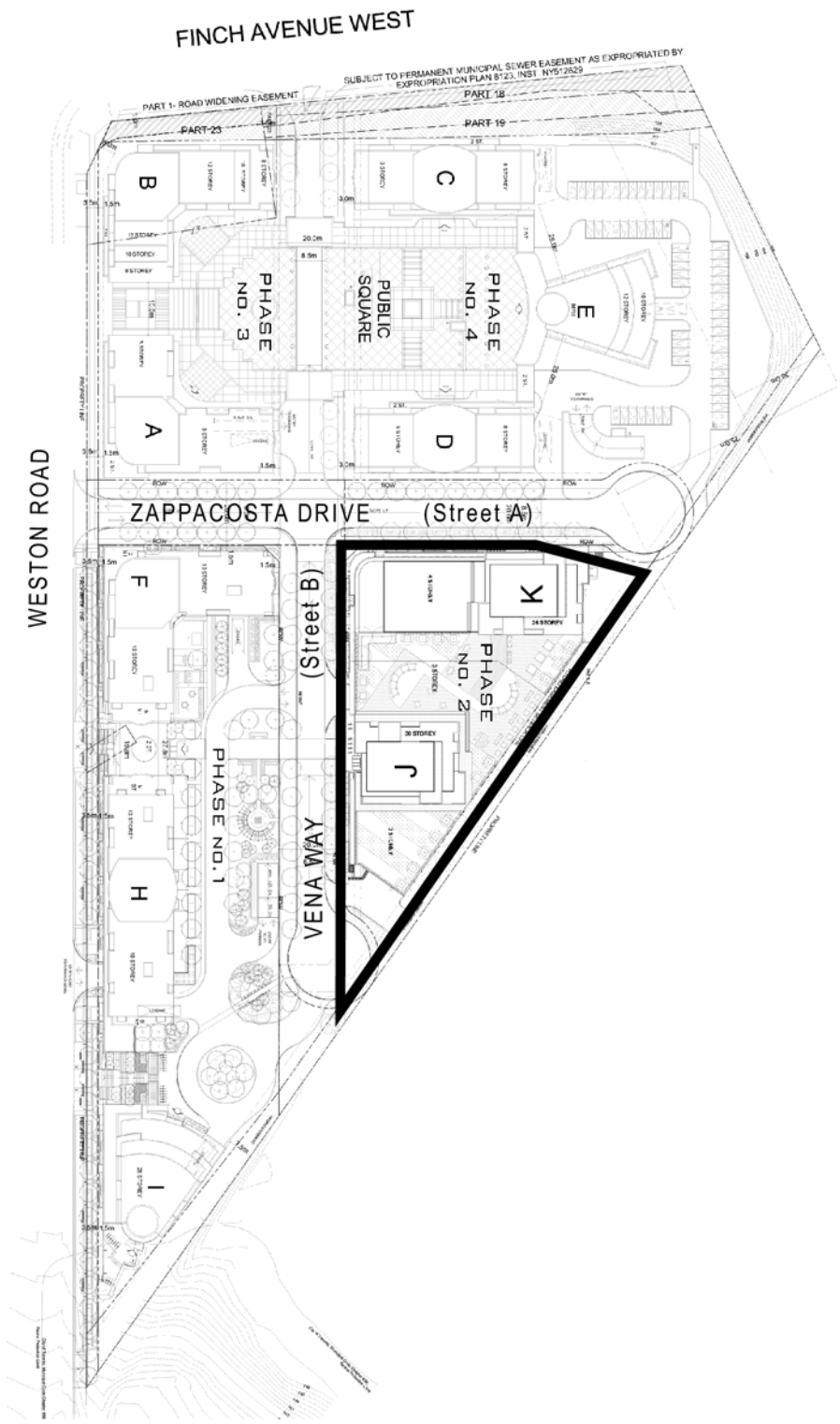
SIGNATURE

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

ATTACHMENTS

- Attachment 1: Master Site Plan
- Attachment 2: Site Plan (Phase 2 Lands)
- Attachment 3: Elevations
- Attachment 4: Official Plan
- Attachment 5: Zoning
- Attachment 6: Height Map
- Attachment 7: C5(H3) Zoning Provisions
- Attachment 8: Application Data Sheet

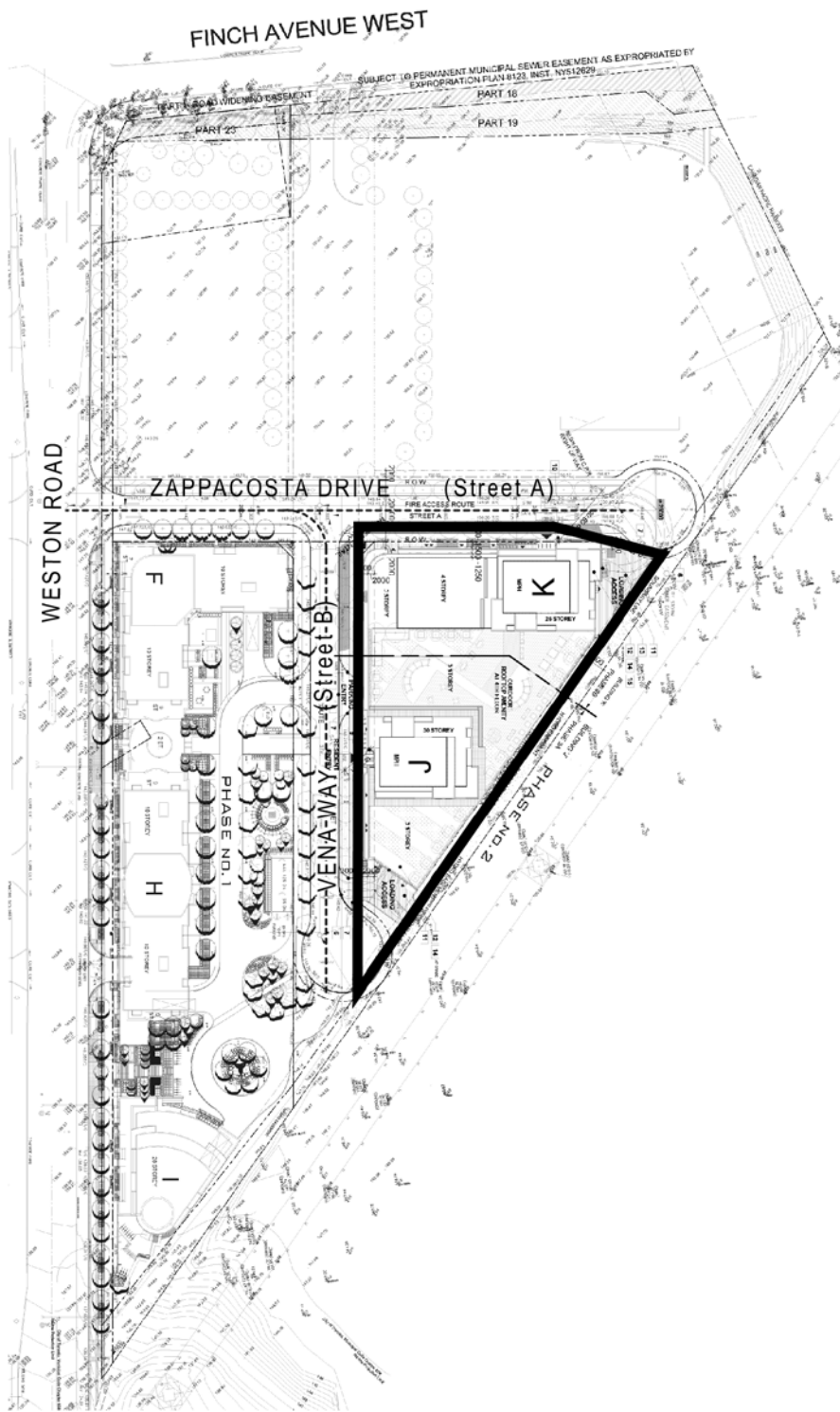
Attachment 1: Master Site Plan



Master Site Plan
Applicant's Submitted Drawing
Not to Scale
06/14/2017

**3415-3499 Weston Road
(Phase 2)**
File # 15 266555 WET 07 0Z, 15 266570 WET 07 0Z

Attachment 2: Site Plan (Phase 2 Lands)



**3415-3499 Weston Road
(Phase 2)**

File # 15 266555 WET 07 0Z, 15 266570 WET 07 0Z

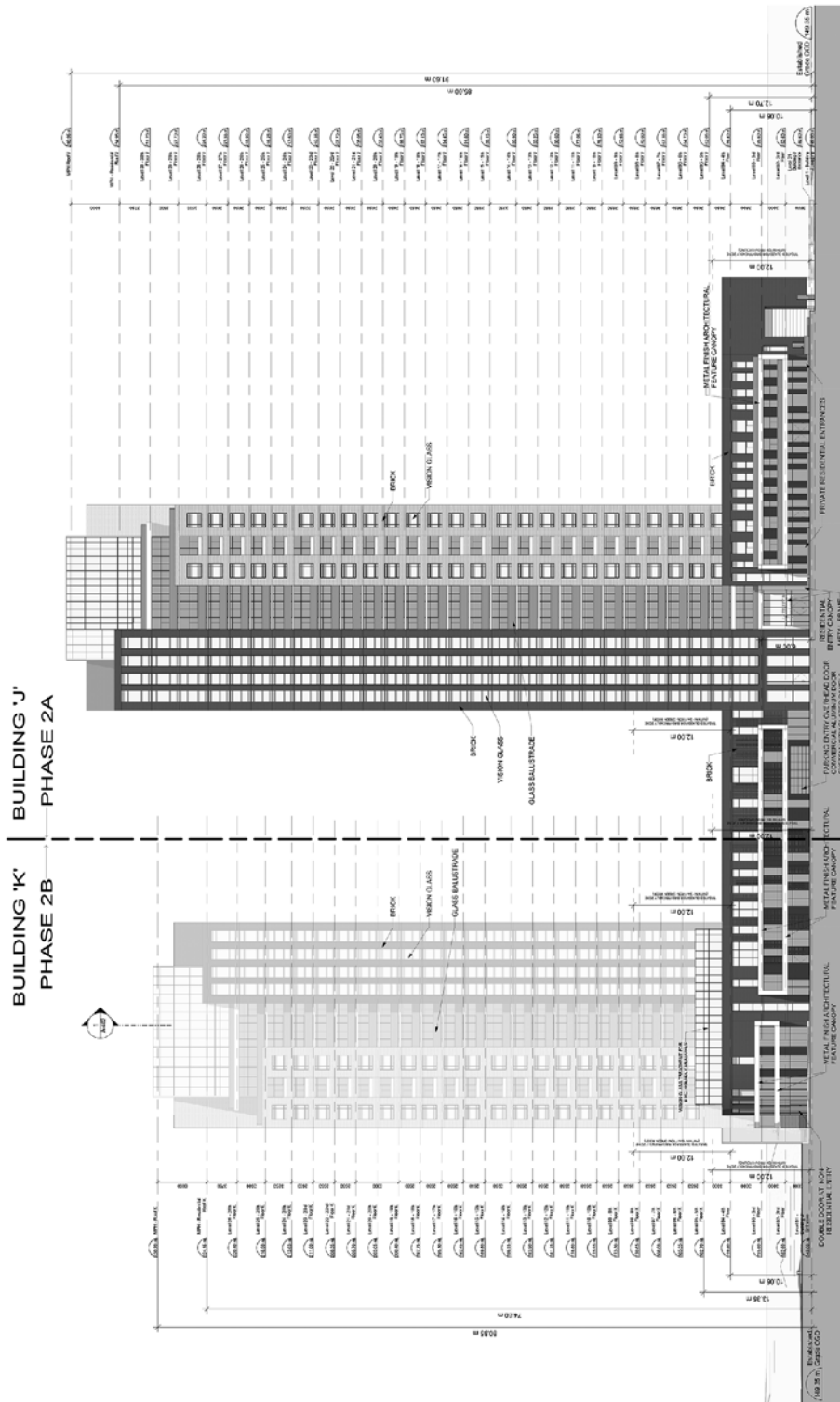
Site Plan

Applicant's Submitted Drawing

Not to Scale
06/14/2017



Staff Report for Action – Request for Direction – 3415-3499 Weston Road



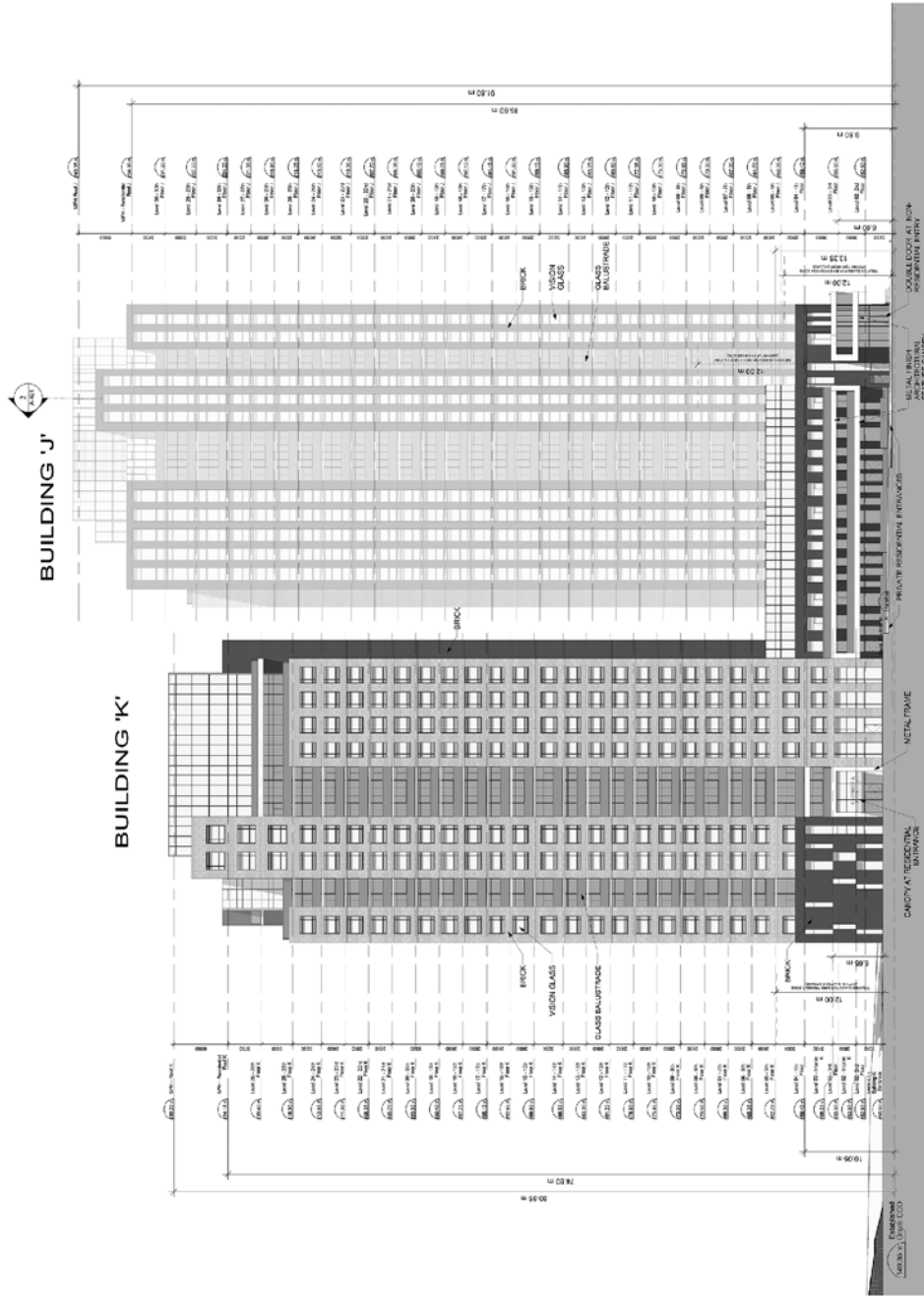
Elevations

Applicant's Submitted Drawing

Not to Scale
06/14/2017

**3415-3499 Weston Road
(Phase 2)**

File # 15 266555 WET 07 0Z, 15 266570 WET 07 0Z



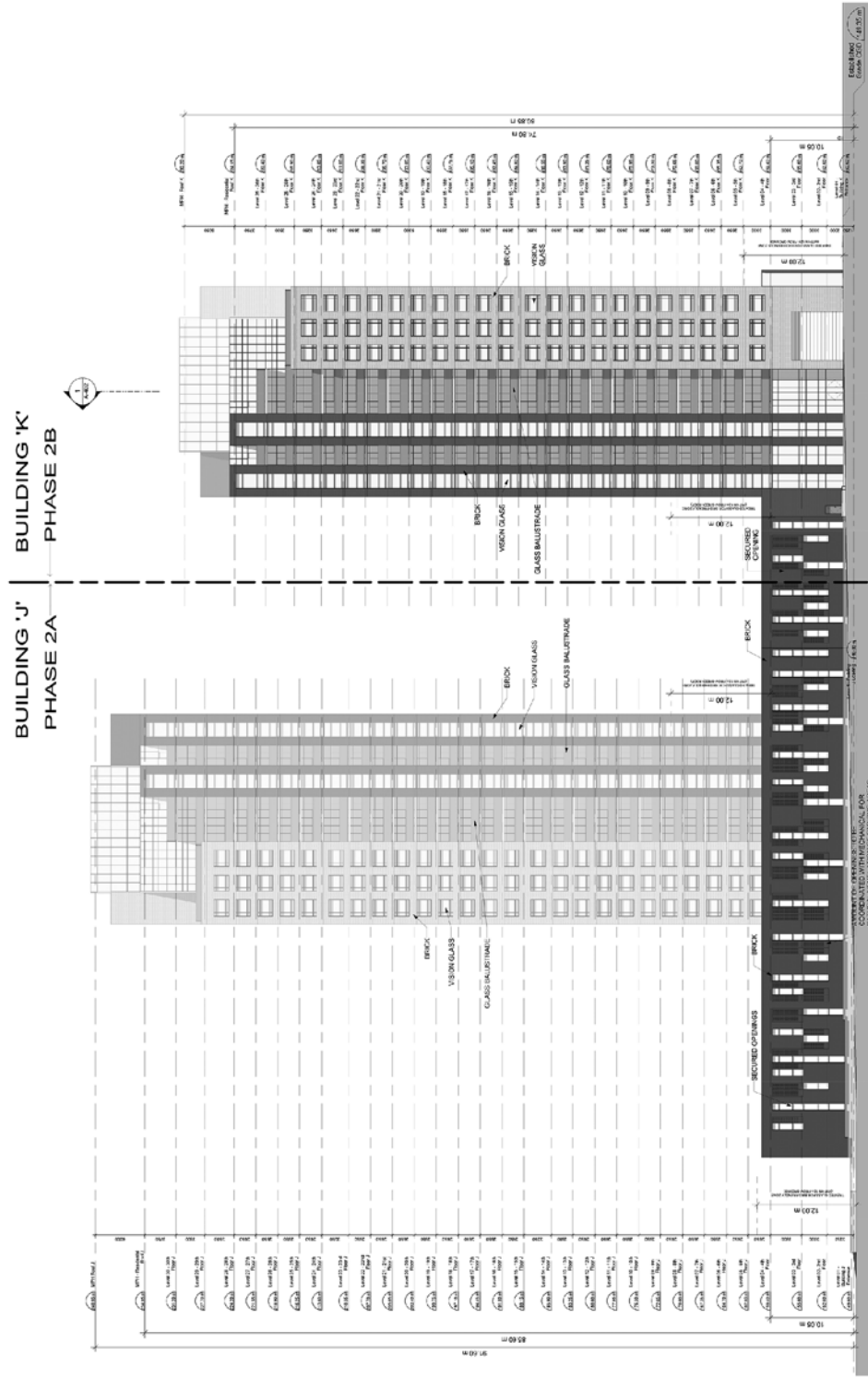
Elevations

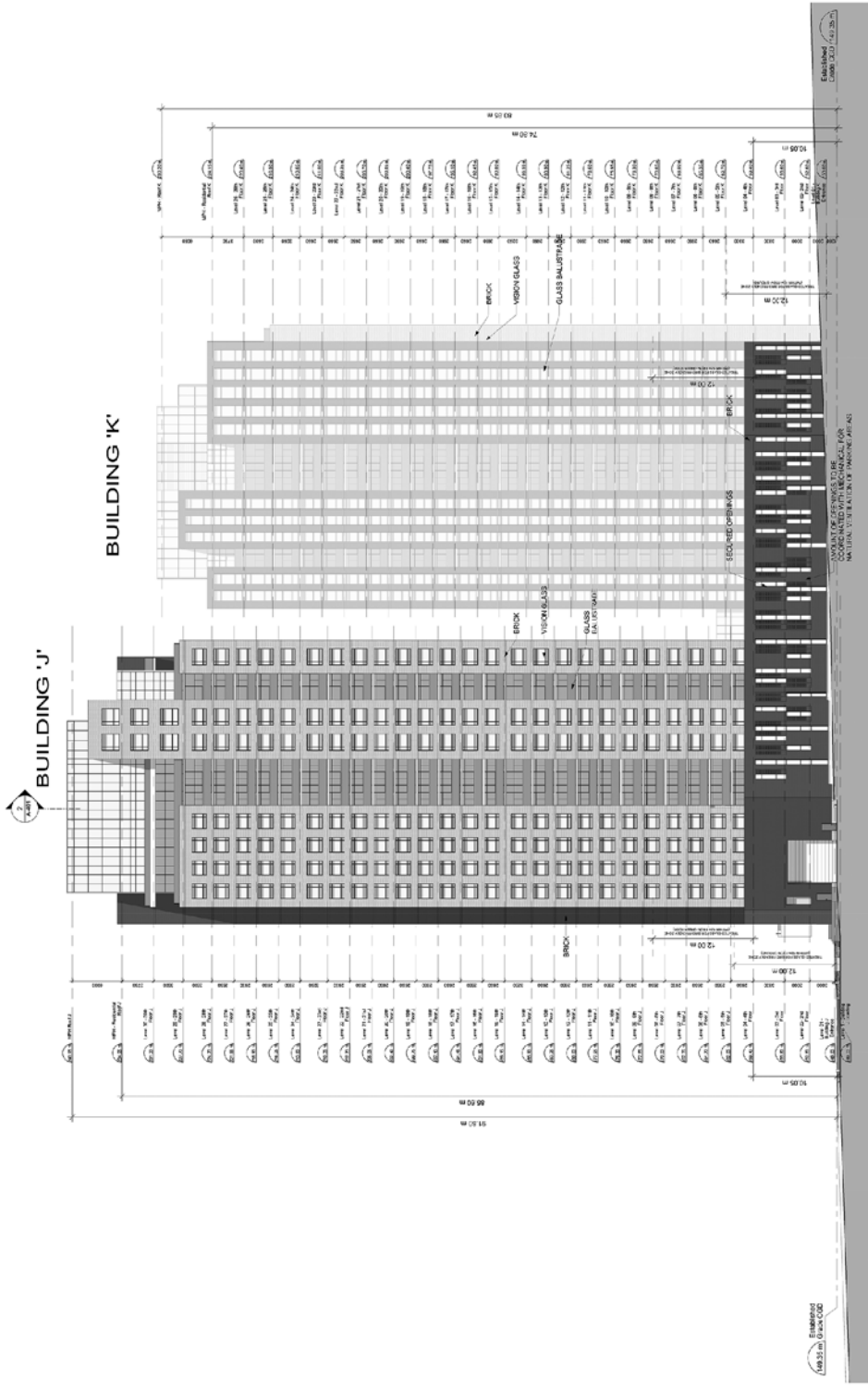
Applicant's Submitted Drawing

Not to Scale
06/14/2017

3415-3499 Weston Road
(Phase 2)

File # 15 266555 WET 07 0Z, 15 266570 WET 07 0Z



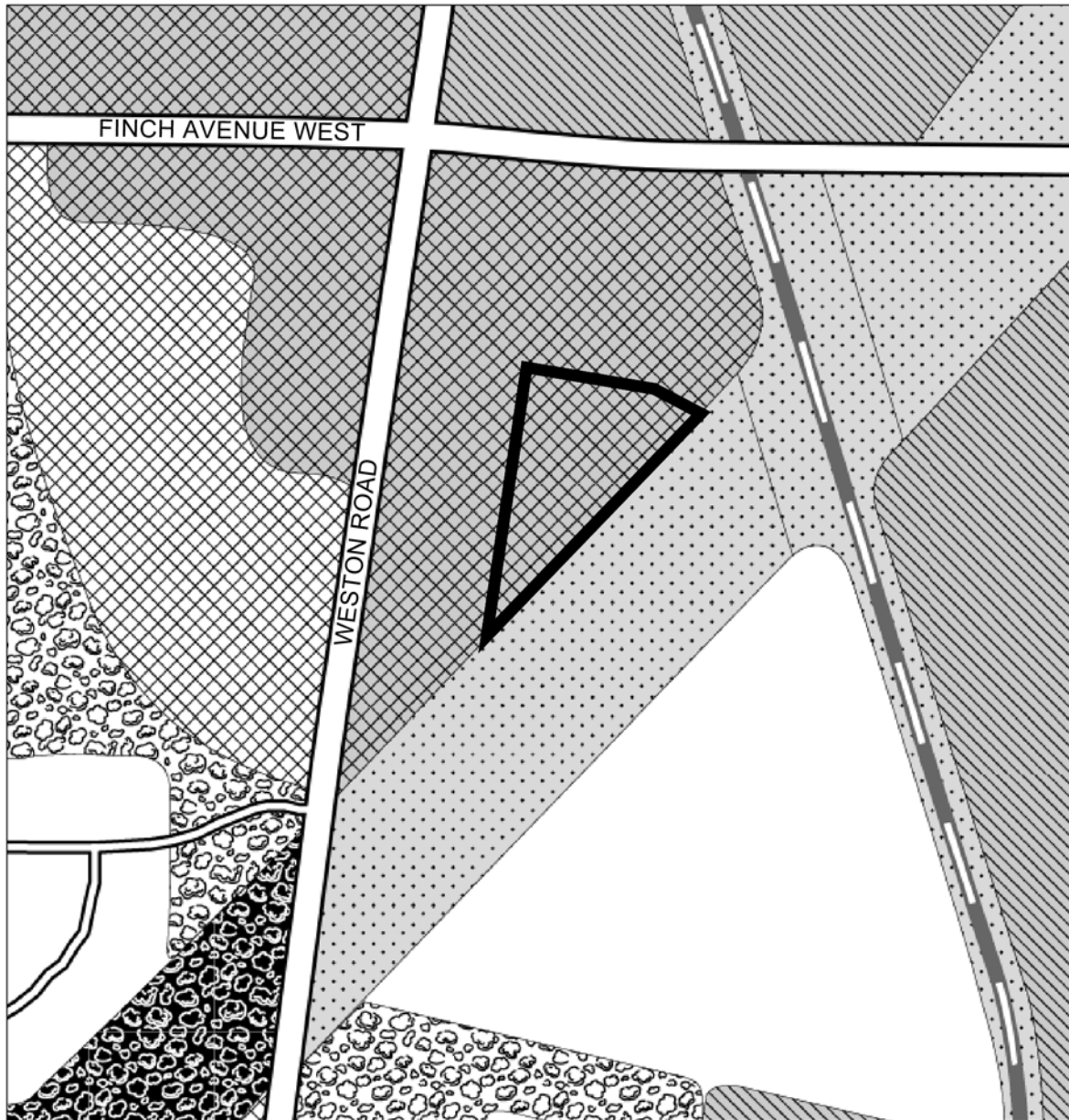


Elevations
Applicant's Submitted Drawing
Not to Scale
06/14/2017

3415-3499 Weston Road
(Phase 2)

File # 15 266555 WET 07 0Z, 15 266570 WET 07 0Z

Attachment 4: Official Plan



Toronto City Planning
Official Plan

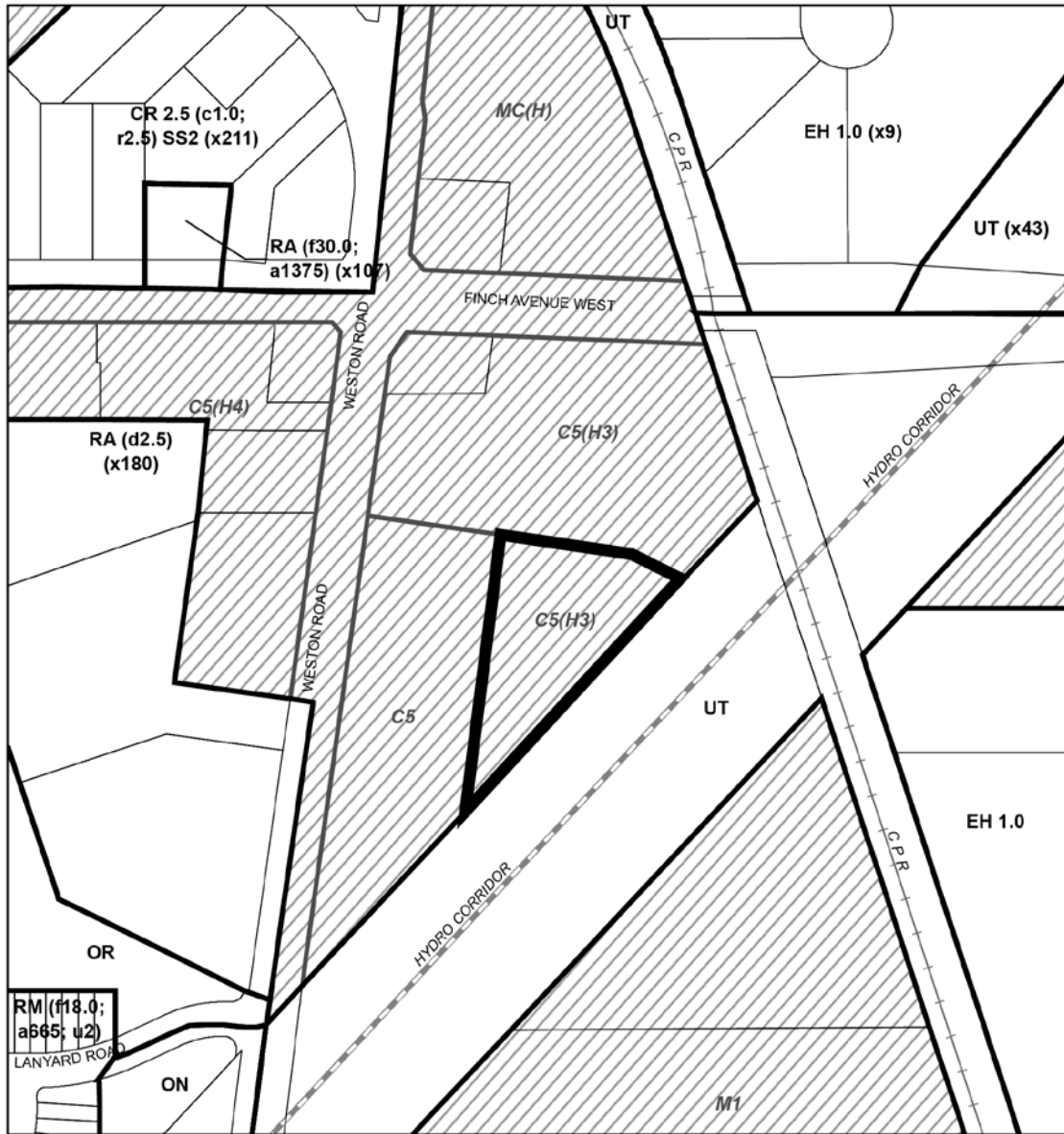
3415-3499 Weston Road

File # 15 266570 WET 07 OZ. 15 266555 WET 07 OZ

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

↑
Not to Scale
01/14/16

Attachment 5: Zoning



Toronto City Planning
Zoning

3415-3499 Weston Road (Phase 2)

File # 15 266555 WET 07 0Z, 15 266570 WET 07 0Z

Location of Application

RM Residential Multiple
RA Residential Apartment
CR Commercial Residential

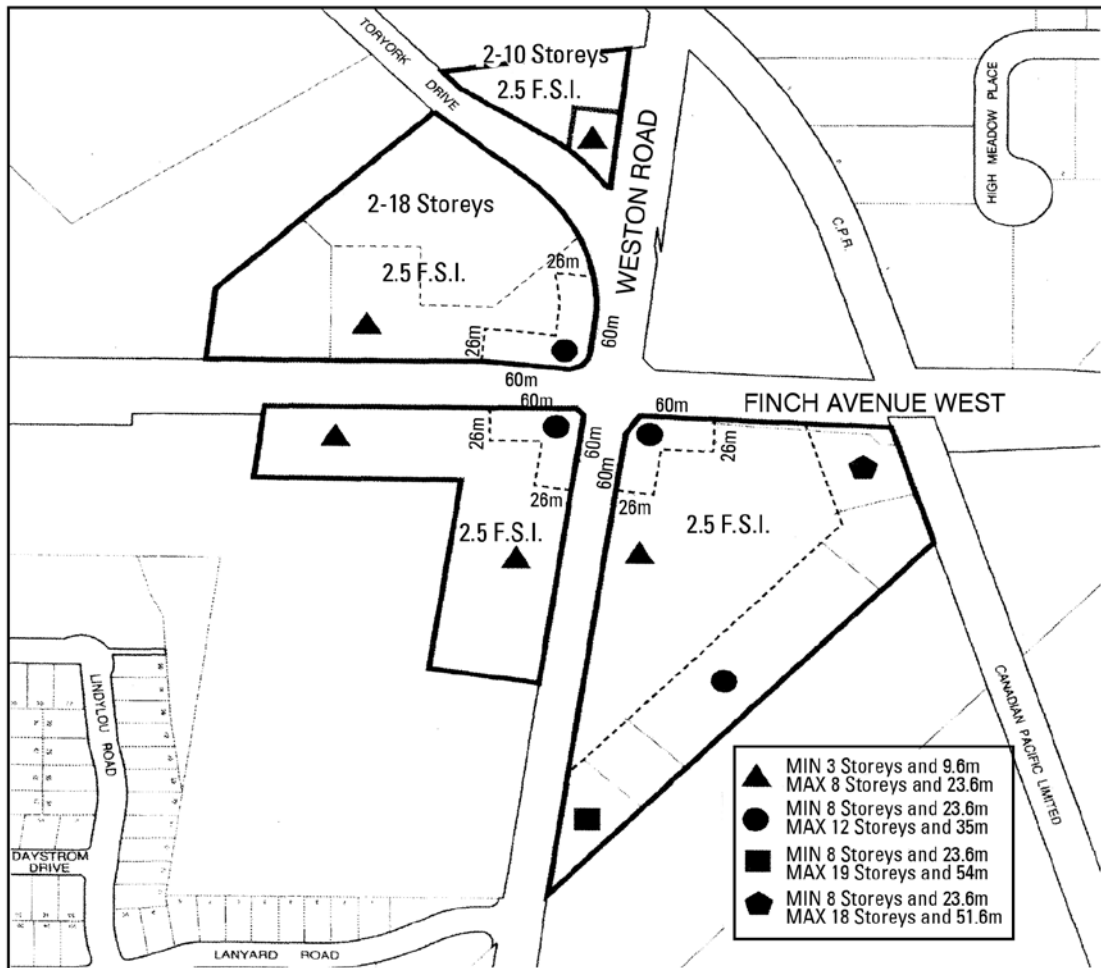
EH Employment Heavy Industrial
ON Open Space Natural
OR Open Space Recreation
UT Utility and Transportation

See Former City of North York By-Law No. 7625

G Greenbelt Zone
C5 Mixed Use Commercial Zone
M1 Industrial Zone One
MC Industrial-Commercial Zone

Not to Scale
Extracted: 01/11/2016

Attachment 6: Height Map



Height Map - Schedule C5
of Former City of North York Zoning By-Law No.7625

3415 - 3499 Weston Road
(Phase 2)

Not to Scale
02/19/2016

File # 15 266555 WET 07 02
File # 15 266570 WET 07 02

Attachment 7: C5(H3) Zoning Provisions

Section 27(11)(a) of the Former City of North York Zoning By-law No. 7625

"On those lands subject to an "H" as illustrated on Schedule "1", no person shall use any lot or erect or use any building or structure for the purposes except as permitted in this by-law. Upon fulfilment of the following conditions on terms satisfactory to the City of Toronto, the "H" prefix shall be lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands:

(iii) For those lands shown on Schedule "1" as C5(H3)

- (A) Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads and addressing the planning and design process for establishing public roads, and for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:
 - (i) the site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) the development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise, dust and fumes for nearby residential communities;
 - (iii) the development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
 - (iv) the traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (B) For public roads, submission of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services addressing the construction of public roads and any below grade infrastructure.
- (C) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, a Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.

- (D) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.
- (F) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - (i) the proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) the location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) protection and enhancement of significant views and landscape focal points;
 - (iv) the general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) the location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
 - (vi) possible phasing of development and new infrastructure including roads, parks and open spaces.”

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 266570 WET 07 OZ
Details	OPA & Rezoning, Standard	Application Date:	15266555 WET 07 OZ December 17, 2015

Municipal Address: 3415 - 3499 WESTON ROAD (PHASE 2)

Location Description: CON 5 WY PT LOT 20 **GRID W0705

Project Description: The applications propose an Official Plan and Zoning By-law Amendment and to lift the (H) Holding Symbol to permit a total of 514 rental apartment units in two towers. The development would be comprised of a 30-storey (Building J) tower and a 26-storey (Building K) tower connected by a 3 to 4-storey podium. A total of 186 m² of non-residential space is proposed on the ground floor. This development would have a Floor Space Index of 7.0 times the area of the lot.

Applicant:	Agent:	Architect:	Owner:
Medallion Developments Inc.	Bousfields Inc.	IBI Group Architects Inc.	Weston Road Ltd.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	C5(H3)	Historical Status:	N/A
Height Limit (m):	35 m (12-storeys)	Site Plan Control Area:	YES

PROJECT INFORMATION

Site Area (sq. m):	6,524	Height:	Storeys:	3, 4, 26 and 30
Frontage (m):	94		Metres:	10.1, 12, 80.9 and 91.6
Depth (m):	124			
Total Ground Floor Area (sq. m):	5,172			Total
Total Residential GFA (sq. m):	45,745		Parking Spaces:	606
Total Non-Residential GFA (sq. m):	186		Loading Docks	2
Total GFA (sq. m):	45,931			
Lot Coverage Ratio (%):	10			
Floor Space Index:	7.0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	45,745	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	310 (60%)	Office GFA (sq. m):	0	0
2 Bedroom:	152 (30%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	52 (10%)	Institutional/Other GFA (sq. m):	186	0
Total Units:	514			

CONTACT:	PLANNER NAME:	Sabrina Salatino, Planner
	TELEPHONE:	(416) 394-8025