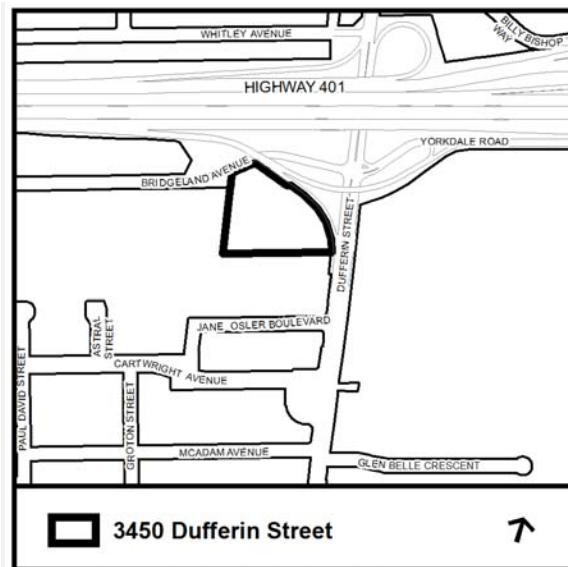


**3450 Dufferin Street - Official Plan Amendment, Zoning Amendment and Draft Plan of Subdivision Applications – Request for Directions Report**

<b>Date:</b>	March 15, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 15 – Eglinton-Lawrence
<b>Reference Number:</b>	16 216502 NNY 15 OZ & 16 216508 NNY 15 SB

**SUMMARY**

This application proposes to amend the Official Plan and Zoning By-law at 3450 Dufferin Street to permit three mixed-use buildings of 37, 33 and 29-storeys including hotel and restaurant uses. The buildings would be connected by 15, 6, 3, 2 and 1-storey base building elements and 2-storey townhouses. This proposal includes 255 hotel rooms, 1,044 residential units and a public park. The total gross floor area of the development is 84,466m<sup>2</sup>, including 67,539m<sup>2</sup> of residential and 16, 926m<sup>2</sup> of non-residential gross floor area. The development would have a Floor Space Index (FSI) of 4.1.



The owner appealed the Zoning By-law Amendment application on January 6, 2017 and the Official Plan Amendment on March 7, 2017 to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*.

This site is located within the Dufferin Street Secondary Plan Area, which is under appeal, as well as Official Plan Amendment 294 (OPA 294) at the OMB. The applicant is one of

the appellants and has requested that the appeal of this application be consolidated with their appeal of the Dufferin Street Secondary Plan and OPA 294. A second Pre-Hearing Conference on the appeals to the Dufferin Street Secondary Plan (OPA 294) has been scheduled for May 23, 2017.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City Staff, to attend the Ontario Municipal Board hearing to oppose the applications, as currently proposed by the applicant.

Planning staff have considered the applications within the context of the in force policy framework, including the Official Plan policies. In addition, the Council approved Dufferin Street Secondary Plan, including the Council endorsed Urban Design Guidelines, Transportation Master Plan and Infrastructure Master Plan, have been considered. Planning staff do not support the proposed Official Plan Amendment and Zoning By-law Amendment applications for the reasons outlined in this report. The proposed built form does not meet the Healthy Neighbourhoods, Built Form, *Neighbourhoods*, or *Mixed Use Areas* policies of the Official Plan. The built form does not respect or enhance the scale, character and form of the site and Block in accordance with the Council-endorsed built form policies for the Dufferin Street Secondary Plan. Further, the built form does not meet or maintain the intent of the Tall Buildings Guidelines.

## **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Official Plan and Zoning By-law Amendment applications in their current form.
2. City staff continue discussions with the applicant to revise their proposal to address outstanding issues outlined in this report.
3. Should the Ontario Municipal Board approve the applications, City Council direct the City Solicitor to advise the Ontario Municipal Board that the Official Plan Amendment and Zoning By-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner and Executive Director, City Planning in consultation with the applicant and the Ward Councillor.
4. In the event that the Ontario Municipal Board allows the appeal of the Official Plan and Zoning By-law Amendment applications in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its Order(s) approving the applications until such time as:

- a. The Board has been advised by the City Solicitor that the proposed Official Plan Amendment and Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor.
- b. The City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning to secure community benefits pursuant to Section 37 of the Planning Act.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Dufferin Street Secondary Plan (Official Plan Amendment 294), Urban Design Guidelines, and the City staff report with recommendations was considered at the November 10th, 2015 North York Community Council and recommended for adoption with amendments. On December 9, 2015, City Council adopted OPA #294 and Urban Design Guidelines without amendments. See:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY10.42>

By-law 1351-2015 implementing OPA 294 has been appealed to the Ontario Municipal Board. The applicant is one of the appellants and has requested that the appeal of their site specific applications be consolidated with their appeal of the Dufferin Street Secondary Plan and OPA 294. A second Pre-Hearing Conference on the appeals to the Dufferin Street Secondary Plan (OPA 294) has been scheduled for May 23, 2017.

The subject applications to amend the Official Plan and Zoning By-law, and the application for Draft Plan of Subdivision, were received by City Planning on September 1, 2016.

## **Pre-Application Consultation**

Pre-application consultation meetings were held with the applicant most recently on May 3<sup>rd</sup>, 2016 to discuss complete application submission requirements. Issues raised at the May 3<sup>rd</sup> meeting related to the proposed park location, park encumbrance, the proposed height, massing, density, phasing, access, servicing of the development, the character of residential buildings along Highway 401, the proximity of the proposed sensitive use (residential) to industries with Certificates of Approval from the Ministry of the Environment (95 Bridgeland Avenue – Tyco Safety Products) and distance separation requirements, and the potential reconfiguration of the Highway 401 east-bound off-ramp to Dufferin Street.

## ISSUE BACKGROUND

### Proposal

The applicant is proposing to amend the Official Plan to create a policy framework to permit the redevelopment of the site with three mixed-use buildings of 37, 33, and 29 storeys. Overall the development would have a floor space index (FSI) of 4.1, a total gross floor area of 84,466 m<sup>2</sup>, including 16, 926m<sup>2</sup> of non-residential gross floor area, and a total of 1,044 units. The existing 372 room hotel would be demolished and replaced with a new hotel with 255 rooms.

The Draft Plan of Subdivision proposes the creation of a new twenty-three (23) metre public road (Street A) extending along the entire westerly property line in a north-south direction, connecting to Bridgeland Avenue to the north and culminating at the southerly property line in a cul-de-sac. The cul-de-sac could potentially extend south and then east through 3400 Dufferin Street (existing Honda car dealership) as a future dedication to the City if the car dealership redevelops and also dedicates a twenty-three metre right-of-way to the City.

The Draft Plan of Subdivision also proposes to subdivide the subject lands to allow for the creation of seven blocks (see Attachment 2). Block 1 (1.5521 hectares) is proposed for commercial/residential uses. Block 2 is proposed as a 0.1802 hectare park and Block 3 is proposed as underground parking situated below Block 2 (the park). Block 4 is proposed to accommodate the area of the cul-de-sac that encroaches onto the proposed public park (Block 2). Blocks 6-7 are proposed as 0.30 metre reserves. Block 5 (Street A) is proposed as a 23 metre street along the westerly boundary of the property, as described above.

The mixed-use development on the subject site proposes the introduction of sensitive uses, including residential on Block 1 and a 0.1802 hectare public park on Block 2, adjacent to an existing *Employment Area*. Underground parking is proposed under both the proposed public park and 23 metre public right-of-way (Street A).

An 18.5 metre private driveway is proposed to connect to Street A and provide access to the three mixed use buildings. The private driveway would curve around the northerly frontage of the public park and connect to Dufferin Street to the east by way of an existing right-of-way (mutual access easement) over the car dealership to the south (3400 Dufferin Street).

#### Block 1

Block 1 is proposed as a 1.56 hectare block containing Buildings A, B, C and D. The buildings would be connected by base building elements that range from 1 to 3 storeys.

The height to the top of the 3-storey base building would be 10.5 metres stepping down to 2 storeys (6.5 metres). One storey and 15 storey building elements are proposed as part of Building A. The base building would be set back a minimum of 14.0 metres from the Highway 401 eastbound off-ramp to Dufferin Street. The minimum setback for all buildings and structures adjacent to Highway 401 would be 14 metres. Tower separation distances of 35 and 37 metres are proposed between Buildings A and B, and B and C, respectively.

## **Building A**

Building A would be located on the north-westerly portion of the site and is proposed as a mixed-use building with a height of 37 storeys (122.35 metres including mechanical) with a 15-storey base building. The tower, which would be oriented toward Bridgeland Avenue and Highway 401, steps down to a 15 storey base building along the south façade. Restaurant uses are proposed on the ground and second floors of the building, with hotel uses occupying floors 3 to 15, with a total of 255 hotel rooms. Residential uses are proposed on floors 16 to 37 of the tower element, for a total of 257 units. The residential unit types would be as follows:

- 214 one bedroom plus den; and
- 43 two-bedroom.

A separation distance of 23 metres is proposed from Building A to the adjacent *Employment Area* to the west. Setbacks are proposed at grade as follows: 3 metres from Bridgeland Avenue, 3 metres from the proposed new north-south public street (Street A) and 14 metres from the Dufferin Street Highway 401 off-ramp.

The building is considered a ‘tall building’ with a base, tower and top. The building would have a total gross floor area of 33,151 m<sup>2</sup>. The hotel and retail (restaurant) component would have a gross floor area of 16,584 m<sup>2</sup> and 342 m<sup>2</sup> respectively, and the residential component would be 16,021m<sup>2</sup>.

The ground floor would have a height of 6.5 metres. A small portion of the two storey base building would take its address from Bridgeland Avenue, and the new public street (Street A). A stepback of 12 metres would be provided at level three. The hotel would have two separate entrances on the east and west sides of the building, with a separate residential entrance on the south side of the 3-storey base building accessed by an internal driveway. The hotel would also have its own separate elevators to floor 15.

Outdoor amenity would be provided on the roof of the proposed 15-storey base building. A total of 386m<sup>2</sup> of indoor amenity and 443 m<sup>2</sup> of outdoor amenity is proposed on the 16<sup>th</sup> floor for the residential component only.

## **Building B**

Building B would be located between Buildings A and C, and is proposed as a 33-storey residential building (108.55 metres including mechanical) with a base, tower and top. A

three storey base building would connect buildings A, B and C and take its address from the proposed private street. Building B would contain 352 residential units including 3 two-storey townhouse units. The residential unit types would be as follows:

- 104 one bedroom;
- 183 one bedroom plus den;
- 56 two bedroom;
- 6 three bedroom; and
- 3 townhouse units.

The tall portion of the proposed building would connect to a 6 storey element on the south façade (25.9 metres including mechanical) noted as ‘Building D’ on the Site Plan (see Attachment 1). Building B is considered a ‘tall building’ and as proposed, would have a gross floor area of 22,661 m<sup>2</sup>. The ground floor height of the six-storey portion would be approximately 3.5 metres and would be oriented to the private street to the south. The tower element would be set back approximately 14 metres from the north property line (Dufferin Street Highway 401 off-ramp). The townhouse units would be integrated in the base along the south side of the building overlooking semi-private courtyards. The townhouse units would take their access from an internal corridor or a private sidewalk.

### **Building D**

Building D would be attached to south façade of building B and would take its address from a private street. Building D is proposed as a 25.9 metre, 6 storey residential building containing 82 residential units and six (6), two-storey townhouse units with a gross floor area of 5,601m<sup>2</sup>. The townhouse units would be integrated in the base along the east, south and west sides of the building fronting the private road and overlooking semi-private courtyards. The townhouse units would take their access from an internal corridor or a private service court. The residential unit types would be as follows:

- 4 studio;
- 24 one bedroom;
- 28 one bedroom plus den;
- 12 two bedroom;
- 8 three bedroom; and
- 6 townhouse units.

Both Buildings B and D would be accessed by the proposed private street and a private driveway. Indoor amenity for Buildings B and D is proposed on the third and fourth floors of Building B (235m<sup>2</sup>). An additional 791m<sup>2</sup> of indoor amenity space is proposed to be shared between Buildings B and C located on the 3<sup>rd</sup> storey of the three-storey base building which links the buildings. Approximately 272m<sup>2</sup> of outdoor amenity is proposed on part of the roof of Building D accessed only through Building B and 270 m<sup>2</sup> on a portion of roof above the 3<sup>rd</sup> storey between Buildings A and B (see Attachment 1).

### **Building C**

Building C is proposed as a 29-storey residential building with 353 residential units including 15 townhouse units and would take its address from a private service court. The building is considered a ‘tall building’ and would have a base, tower and top, and a total gross floor area of 23,053m<sup>2</sup>. The residential unit types would be as follows:

- 27 studio;
- 82 one bedroom;
- 108 one bedroom plus den;
- 98 two bedroom;
- 23 three bedroom; and
- 15 townhouse units.

The townhouse units would take their access from a private sidewalk. Building C is proposed to be setback 9.5 metres from the south property line and 17.5 metres from the Highway 401 east bound off-ramp to Dufferin Street. Indoor amenity is proposed on the fourth floor.

Parking would be provided above grade and in three and half levels of underground parking. A total of 1,290 parking spaces would be provided on site, with 869 spaces for the use of residents, 156 spaces for visitors, 255 spaces for the hotel, and 10 spaces for the restaurant. The underground parking lot would be accessed from buildings B and C. A total of 794 bicycle parking spaces are proposed for the subject site including 78 short term spaces and 716 long term spaces.

	<b>Proposed</b>	<b>Existing</b>
<b>Site Area</b>	20,560m <sup>2</sup>	20,560m <sup>2</sup>
<b>Residential Gross Floor Area</b>	67,539 m <sup>2</sup>	N/A
<b>Non-Residential Gross Floor Area (Hotel &amp; Restaurant)</b>	16,584m <sup>2</sup> (hotel) 342 m <sup>2</sup> (restaurant uses)	21,035 m <sup>2</sup>
<b>Total Gross Floor Area</b>	84,465 m <sup>2</sup>	21,035 m <sup>2</sup>
<b>Gross Density</b>	4.1	1.02
<b>Height (including mechanical)</b>	Building A: 37 storeys, 122.35 metres Building B: 33 storeys, 108.55 metres Building C: 29 storeys, 99.45 metres Building D: 6 storeys, 25.8 metres	Existing hotel: 12-storeys, 32m (top of roof) +223.17 metres ASL; 37.5 metres top of mechanical
<b>Residential Units</b>	Studio: 31 units (3%) 1-bedroom: 210 units (20.1%) 1-bedroom and den: 533 (51.1%) 2-bedroom: 209 units (3.5%) 3-bedroom: 37 units (3.5%)	N/A

	Townhouses: 24 units (2.3%) <b>Total: 1,044 units</b>	
<b>Indoor Amenity Area</b>	1,566 m <sup>2</sup> (1.5m <sup>2</sup> /unit)	4,476m <sup>2</sup>
<b>Outdoor Amenity Area</b>	1,648m <sup>2</sup> (1.6m <sup>2</sup> /unit)	N/A
<b>Hotel Rooms</b>	255 rooms	372 rooms
<b>Vehicle parking spaces</b>	1,290	460
<b>Bicycle parking spaces</b>	794	N/A

### Blocks 2 and 3

The draft plan of subdivision proposes a stratified public park of 1,802m<sup>2</sup> (Block 2) along the west side of the property, abutting the proposed new public road (Street A). Below grade parking (Block 3) is proposed under the public street and park. A 0.15 hectare block (Block 4) is proposed to accommodate part of the cul-de-sac. Blocks 5-7 are proposed as 0.3m reserves (see Attachment 2: Draft Plan of Subdivision).

### **Site and Surrounding Area**

The site is approximately 2.0 hectares and is located on the west side of Dufferin Street, south of Highway 401 and Bridgeland Avenue. Access to the site from Dufferin Street is via a gated/mutual access easement over the car dealership to the south (3400 Dufferin Street). The subject site is irregular in shape and has approximately 43 metres of frontage on the south side of Bridgeland Avenue, approximately 213 metres abutting the Highway 401 eastbound off-ramp to Dufferin Street, 115 metres in depth along the west property line and 50 metres along the south property line. The site is currently developed with a 12 storey, 21,035m<sup>2</sup> hotel (Holiday Inn) consisting of approximately 372 rooms and 460 surface parking spaces. The building is 32 metres in height (37.5m to the rooftop mechanical) or 223 metres above sea level. The applicant has advised that the hotel has approximately 4,476m<sup>2</sup> of amenity on the ground floor. The hotel is proposed to be demolished with the future proposed development.

Abutting uses include:

**North:** Immediately abutting the site to the north and north-east is the Highway 401 eastbound exit to Dufferin Street. To the north-west are 1 to 2-storey industrial/light industrial uses.

**East:** on the east side of Dufferin Street is the Yorkdale Shopping Centre, a regional shopping destination, which has been subject to recent expansions to the east and west facades.



**South:** 3400 Dufferin Street (automotive dealership) zoned industrial commercial (MC(H)) in the former City of North York By-law 7625. This site also forms part of Block 1 in the Dufferin Street Secondary Plan (see Attachment 11). Further south is a stable residential *Neighbourhood* of predominantly low-rise single-detached dwellings.

**West:** immediately to the west, 55 Bridgeland Avenue, 2-storey industrial building, designated *Employment Areas* and zoned industrial commercial (MC(H)) in the former City of North York By-law 7625. This property is subject to a site plan application. Further west are other industrial and ancillary commercial uses ranging from one to three storeys in height. Tyco Safety Products is located at 95 Bridgeland Avenue and is zoned MC(30)(H).

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

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

Policy 1.1.1 of the PPS states that healthy, liveable and safe communities should be sustained by promoting efficient development and land use patterns, accommodate an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

Policies 1.1.3.4, 1.1.3.5 and 1.1.3.6 also state that appropriate development standards should be promoted which facilitate intensification, and should be based on local conditions. New development should be a compact form, while avoiding or mitigating risks to public health and safety.

The PPS directs that an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents are provided, and that targets are set for establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.

The PPS (Policy 1.5.1) speaks to promoting healthy and active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity and planning for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parkland, public spaces, open space areas, trails and linkages.

Policy 1.6.7.3 of the PPS directs that, as part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved. A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Policy 1.1.1(c) of the PPS also provides direction that healthy and livable communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. This includes planning for sensitive land uses to be appropriately designed, buffered and/or separated from major facilities such as airports and transportation corridors, to mitigate adverse effects from odour, noise and other contaminants, minimize risks to public health and safety, and to ensure the long-term viability of major facilities.

City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is located on an *Avenue* and is designated *Mixed use Areas* in the Official Plan (Attachment 10). It is also located in the Dufferin Street Secondary Plan area (Attachment 11).

## ***Avenues* Policies**

The growth management strategy for the City steers growth and change to some parts of the City, while protecting neighbourhoods and green spaces from development pressures. *Avenues* are considered 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. The Plan recognizes that the *Avenues* will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them. Reurbanization of the *Avenues* is subject to the policies of the Official Plan, including in particular the neighbourhood protection policies.

Section 2.2.3.1 of the Official Plan provides that reurbanizing the *Avenues* will be achieved through the preparation of Avenue Studies for strategic mixed use segments. Section 2.2.3.3 of the Official Plan provides for development on an Avenue prior to an Avenue Study subject to certain requirements. As development prior to an Avenue Study

which is not consistent with the Secondary Plan has the potential to set a precedent for the intensity, form and scale of reurbanization, in addition to addressing the policies of the Plan for *Mixed Use Areas*, Section 2.2.3.3 requires that proponents of proposals also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

Further, the Plan provides that development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review. For development within a Mixed Use Area that precedes an Avenue Study, Section 2.2.3.3c) outlines requirements that must be satisfied in addition to all other policies of the Plan including in particular the neighbourhood protection policies. The City has undertaken an Avenue Study for Dufferin Street resulting in the Dufferin Street Secondary Plan and the study area included the subject site. The Dufferin Street Secondary Plan has been completed, adopted by City Council, and appealed to the Ontario Municipal Board.

### **Healthy Neighbourhoods Policies**

The Healthy Neighbourhoods policies of the Official Plan (2.3.1) identify the need for new neighbourhoods to provide a high quality of life and sense of community. The Official Plan sets out policies on new streets, parks and open spaces establishing a framework for new streets to be public streets designed to provide connections with adjacent neighbourhoods in a connected grid of streets. The Plan also directs that new parks and open spaces will be located and designed to connect and extend existing parks and open spaces, provide a setting for community life and provide appropriate space and layout for recreational needs.

The Official Plan recognizes that established neighbourhoods can benefit from directing growth to areas such as the *Avenue* with improved services, amenities and other enhancements while preserving the shape and feel of the neighbourhood. At the boundary points between the neighbourhoods and the growth areas, development in the *Mixed Use Areas* will have to demonstrate a transition in height, scale and intensity to ensure that the stability and general amenity of the adjacent residential area are not adversely affected. To protect neighbourhoods and limit development impacts Section 2.3.1.2 provides that development in *Mixed Use Areas* that are adjacent or close to Neighbourhoods will:

- be compatible with the Neighbourhood;
- provide a gradual transition of scale and density;
- maintain adequate light and privacy for residents; and
- attenuate resulting traffic and parking impacts.

The Dufferin Street Secondary Plan Official Plan Amendment and Urban Design Guidelines, were adopted by City Council on December 9, 2015. By-law 1351-2015 implementing OPA 294 has been appealed to the Ontario Municipal Board by seven landowners including the landowner of the subject site.

Section 2.3.1.6a) and b) directs that community and neighbourhood amenities will be enhanced where needed by: improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and streetcar services and other community services; and creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

A Community Services and Facilities Strategy (CS&F) was developed as part of the Dufferin Street Secondary Plan framework to guide growth. The CS&F Strategy recommends investment in local community services and facilities priorities to support existing communities and keep pace with future growth within the Secondary Plan area. These community services and facilities priorities have been included in the Council approved Secondary Plan in Section 10.3.

### **Public Realm and Built Form Policies**

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

These public spaces draw people together, creating strong social bonds at the neighbourhood, city and regional level. Public Realm policies recognize that City streets are significant public open spaces which connect people and places and support the development of sustainable, economic vibrant and complete communities. Public Realm policies require that sidewalks and boulevards be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians and that new streets be designed to:

- provide connections with adjacent neighbourhoods;
- divide larger sites into smaller development blocks;
- provide access and addresses for new development;
- create adequate space for pedestrians, cyclists, vehicles, utilities and landscaping;
- allow the public to freely enter without obstruction; and
- new streets should be public streets and private streets, where they are appropriate, and designed to integrate into the public realm and meet the objectives for new streets.

The Official Plan policies in Section 3.1.1.18 also directs that new city blocks and development lots within them be designed to have an appropriate size and configuration for the proposed land use and scale of development, intended form of buildings and open space, promotes street oriented development fronting onto street and park edges, and allows for incremental, phased development.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area.

As a result, the built form policies of Section 3.1.2. seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by:

- massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion;
- creating appropriate transitions in scale to neighbouring or existing planned buildings;
- providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties;
- locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- providing ground floor uses that have views into and access to adjacent streets, parks and open spaces;
- co-ordinated landscape improvements in setbacks to create attractive transitions from private to public realms and other open spaces within the development site; and
- indoor and outdoor amenity space for residents.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.2 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

### **Parks and Open Spaces**

New parks and open spaces will be located and designed to provide a comfortable setting for community events as well as individual use, provide appropriate space and layout for recreational needs and front onto a street for good visibility, access and safety. Section 3.2.3.8 of the Official Plan speaks to criteria for lands to be conveyed for new parks and their location and configuration. In particular, this Section of the Plan notes that land should be free of encumbrances unless approved by Council.

### ***Mixed Use Areas and Employment Areas Policies***

The Official Plan designates the site, on Map 16, as *Mixed Use Areas*. 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 are permitted within the *Mixed Use Areas* designation.

Development in these areas will provide a balance of high quality commercial, residential and institutional uses. These uses should reduce automobile dependency and meet the needs of the local community. It is expected that *Mixed Use Areas* will absorb a large amount of the expected growth within the city, however not all areas will experience the same scale or intensity of development. The Official Plan provides development criteria

in *Mixed Use Areas* which include: providing a transition between areas of different development intensity and scale; locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*; providing an attractive, comfortable and safe pedestrian environment; providing good site access and circulation, and an adequate supply of parking for residents and visitors; and providing indoor and outdoor recreation space for building residents.

Official Plan Amendment 231 (OPA 231) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the Ontario Municipal Board. The adjacent lands are designated *Employment Areas (Core Employment)* on Map 14 in OPA 231, and are not subject to a site or area specific appeal to OPA 231. Although not in full force and effect, OPA 231 represents Council's long term land use planning policy direction for the lands.

Section 4.6 of the Official Plan states that, '*Employment Areas* are places of business and economic activities vital to Toronto's economy and future economic prospects'. Uses permitted in *Core Employment Areas* are set out in Policy 4.6.1 and include all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems and vertical agriculture. Policies in Section 2.2.4.6 of the Official Plan state that development which is adjacent to these areas need to be appropriately designed, buffered and/or separated from industries to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security.

In addition to land use designations and development criteria, the Official Plan policies address significant intensification and compatibility of development with adjacent or nearby *Apartment Neighbourhoods* and *Neighbourhoods*. In Chapter 2 of the Official Plan, Policy 2.3.1.2 sets out considerations for intensification, including providing gradual transition of scale and density through stepping down of height and setbacks from *Neighbourhoods* and maintaining adequate light and privacy for residents in *Neighbourhoods*.

In addition to the above, the proposed application will be reviewed within the context of Policy 3 of Section 5.3.1 of the Official Plan, which discourages amendments to the Official Plan that are not consistent with its general intent. Any development permitted under an amendment to this Plan is to be compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of this Plan.

### **New Neighbourhoods Policies**

The 'New Neighbourhoods' policies of the Official Plan (Section 3.3) provide guidance once a decision has been made to develop an area as a new neighbourhood. New Neighbourhoods should reflect city-wide goals as well as the local context and should be viable as communities. They should provide a mix of uses and a range of building types

and a full range of housing; building scale that is compatible with the surrounding development; a fine grain of interconnected streets and pedestrian routes that define development blocks; high quality parks and open spaces; community services and facilities to support development and meet the needs of the community, and good access to transit.

## **Transportation and Servicing Policies**

Chapter 2 of the Official Plan also speaks to the integration of land use and transportation, stating that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network. These networks are required to provide direct and clearly understood travel routes for all transportation modes and users throughout the City, and act as a fundamental organizing element of the City's physical structure.

Section 2.2.2 of the Official Plan identifies five areas that can best accommodate growth including the *Downtown, Central Waterfront, Centres, Avenues* and *Employment Areas*. The Official Plan directs growth to these areas in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, improves surface and groundwater quality, concentrates jobs and people in areas well served by transit, promotes mixed-use development and offers opportunities for people to be affordably housed, to increase opportunities for social interaction, living close to work and to encourage walking and cycling, and protects neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

Policies in Section 2.2.3 of the Official Plan speak, among other matters, to: ensuring streets are not closed to public use and stay within the public realm where they provide present and future access for vehicles, pedestrians and bicycles, space for utilities and services, building address, view corridors and sight lights (2.2.3.f), support the implementation of measures for the long-term protection of 400-series highways and those major roads that play a vital role in the City's freight distribution system (2.2.3.e).

Section 2.2.4 requires new development on lands adjacent to existing or planned transportation corridors and facilities to be compatible with, and supportive of, the long-term purposes of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities.

Transportation policies of Section 2.4 of the Official Plan speak to active forms of transportation being encouraged by integrating and giving full consideration to pedestrian and cycling infrastructure in the design of all streets, neighbourhoods, major destinations, transit facilities and mobility hubs throughout the City. New development may be required to conduct a Transportation Impact Study (TIS) where the TIS will identify the demands and impacts of new development, and identify transportation improvements, a Travel Demand Management (TDM) strategy and/or other mitigating measures to accommodate travel generated by the development. Implementation of TDM measures to

reduce auto dependency and rush-hour congestion in the road and transit networks can be achieved by actively pursuing measures which will: increase the proportion of trips made by walking, cycling, and transit; increase the average automobile occupancy rate; and shift travel times from peak to off-peak periods.

Sections 2.4.12.e) and f) of the Official Plan speak to the need to work with other orders of government to develop a multi-modal strategy for the safe, efficient and environmentally sustainable movement of goods within the GTHA including strategies to identify infrastructure needs and policies for the improved management and more effective use of 400-series highways.

Section 2.2.5 speaks to the City's water, wastewater and stormwater management infrastructure being maintained and developed by providing adequate facilities to support new development and encouraging and implementing measures which reduce wastewater and stormwater flows, in accordance with best management practices developed by the City for this purpose.

### **Community Services and Facilities and Section 37 Policies**

Policies in Section 3.2.2, Community Services and Facilities, encourage the provision and expansion of community services facilities in all significant private sector development across the City through development incentives and public initiatives, and to ensure a range of CS&F and local institutions are provided in areas of incremental growth. The Official Plan encourages the inclusion of public art in all significant private sector developments across the City. Art is a public benefit to be enjoyed and experienced by residents and visitors throughout the city. The Official Plan provides for the use of Section 37 of the Planning Act to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the Planning Act for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The proposal is in excess of 63,905 square metres of the permitted gross floor area.

The Toronto Official Plan is available on the City's website at:  
[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **Dufferin Street Secondary Plan**

At its meeting of December 9 and 10, 2015 City Council adopted the Dufferin Street Secondary Plan (OPA 294). OPA 294 has been appealed to the Ontario Municipal Board. The subject site is within the Secondary Plan area and the applicant is one of the appellants of the OPA 294.



City Council directed staff to use the Dufferin Street Secondary Plan in the evaluation of all current and new development proposals falling within its boundaries. City Council also adopted the Dufferin Street Urban Design Guidelines and endorsed the Transportation Master Plan and Infrastructure and Stormwater Master Plan. Council directed staff to use these documents in the review of current and new development proposals. Although not in full force and effect for the subject lands, OPA 294 represents Council's long term vision and policy direction for the lands within the Secondary Plan Area. City staff considered these policies and applied them during the evaluation of the subject application.

The Secondary Plan policies require a comprehensive implementation approach that will encourage development at a manageable pace and ensure that financing is in place for the infrastructure necessary to support development. The development control framework will also strategically connect the implementation plans, guidelines and strategies.

The Secondary Plan establishes a comprehensive planning framework for development and intensification. The Secondary Plan requires comprehensive planning for Large Blocks, including Block 1, where this application is located, that would be evaluated on the basis of a Block Master Plan. The Secondary Plan identifies the planning tools that will be used to review development proposals on Large Blocks.

The purpose of the Block Master Plan is to ensure that development is planned comprehensively, that necessary investment is made in infrastructure, streets, parks, facilities and the public realm, and that development proceeds in an orderly manner fitting together to create a comfortable, defined and supported public realm. The Block Master Plan will encompass all the lands of these blocks and the approved Plan will be adopted by City Council concurrent with the adoption of an implementing Zoning By-law to ensure that zoning standards are appropriate. Upon adoption by City Council, the Block Master Plan will be appended to the Urban Design Guidelines to guide future development within the portion of the Block that is not subject to the implementing Zoning By-law.

To permit residential or mixed use development on Large Blocks, the Secondary Plan requires appropriate mechanisms, such as concurrent applications for draft Plan of Subdivision, to ensure zoning standards are appropriate for the configuration of the land parcels, and that the land parcels facilitate development consistent with the intent and objectives of the Secondary Plan and in accordance with the Block Master Plans approved by City Council. Appendix 2 of the Secondary Plan includes additional complete application materials and information as part of a Draft Plan of Subdivision application including: a Functional Servicing Report identifying infrastructure within the Block and outside of the Block in the Secondary Plan Area that may be required to support development; a description of the phasing of construction within the Block, including the phasing of key infrastructure; and an infrastructure costing analysis.

The Secondary Plan includes a vision and site specific policies to guide growth on Large Blocks. The Secondary Plan identified the subject site as part of Block 1 (see Attachment

11), which is a "Large Block", and has site specific policies. Block 1 shares its borders with mainly *Neighbourhoods* to the south and *Employment Areas* to the west. The Block also shares its borders with Highway 401 and Bridgeland Avenue to the north, and Dufferin Street to the east. Despite these edges on public streets, Block 1 has limited frontage on existing public streets. The subject site is located in the northerly half of Block 1.

The vision for this Large Block includes a network of new local public streets and blocks, and a new public park as a focal point for a mixed use community. Development will be sensitively designed, stepped down in height, and set back to provide transition to adjacent and nearby *Neighbourhoods*, and be appropriately separated from *Employment Areas*. A landscape gateway feature will mark a sense of arrival into the Secondary Plan Area from Highway 401 and from the north. Block master planning between land owners will ensure comprehensive and coordinated redevelopment.

The overall maximum density for Block 1 is a Floor Space Index of 2.5 (see Attachment 20). The subject site is identified as being appropriate for tall buildings, and mid-rise and low-rise forms for transition in scale to the *Neighbourhoods* to the south.

The Secondary Plan contains policies which contemplate development adjacent to areas designated *Employment Areas*. Policy 3.2.4 states that sensitive uses such as residential development, parks and community facilities should be designed and constructed to mitigate noise, traffic, odours or other contaminants from industry in nearby *Employment Areas*. Section 3.6 of the Secondary Plan deals with separation distances for properties which abut *Employment Areas*.

Provincial guidelines (Ontario Ministry of the Environment's Land Use Compatibility (Schedule D) Guidelines) require minimum separation distances between industrial and sensitive uses to minimize conflicts that may affect industrial operation and reduce the impact of these operations on residents. The Secondary Plan sets out a minimum 20 metre separation distance from development of sensitive uses in the *Mixed Use Areas* to any *Employment Areas* to ensure the continued function of existing and future employment uses in the City's *Employment Area*, and to ensure new development does not affect any Environmental Compliance Certificates of industries and their renewal, and minimize complaints of adverse effects that could potentially change industrial operations or restrict operating hours.

The 20 metre separation distance set out in the Secondary Plan could include roads, fencing, open spaces, parking lots, laneways, surface or below grade parking, private driveways or a combination of these uses. The implementation of the Ministry of the Environment 'D' series guidelines for compatibility between sensitive uses and industry, and any successor guidelines, may require greater separation distances.

The Secondary Plan envisions landscape gateways marking a sense of arrival for visitors heading toward Yorkdale Shopping Centre or to downtown destinations. Landscape gateways are intended to establish a green vegetated entrance through setbacks on Blocks

1 identified in the Greening Plan (Attachment 13). Any proposed landscaping within the 14 metre setback to the Highway 401 ramps would require further discussion with the Ministry of Transportation.

The Secondary Plan also lays out a network of roads, parks, and pedestrian and cycle connections throughout the area (see Attachments 14, 15 and 16). It further states that a minimum of ten percent of the residential units should be three or more bedrooms and indicates priorities for Section 37 benefits.

The City developed a Transportation Master Plan and Infrastructure Master Plan for the Dufferin Street Secondary Plan to address transportation and infrastructure needs in the areas adjacent to Dufferin Street between Highway 401 and Lawrence Avenue West. City Council endorsed these Plans at its meeting of December 9 and 10, 2015. Council directed staff to use these documents in the review of current and new development proposals. The Secondary Plan, the Urban Design Guidelines, the Transportation Master Plan and the Infrastructure and Stormwater Master Plan can be found on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY10.42>

The Secondary Plan has been appealed to the Ontario Municipal Board. A second pre-hearing has been scheduled for May 23<sup>rd</sup>, 2017. A four week hearing is scheduled on October 10<sup>th</sup>, 2017.

## **Zoning**

The site is zoned MC(35)(H) by former City of North York Zoning By-law 7625 (see Attachment 8). The MC zone is an industrial-commercial zone which allows for a wide range of uses including office, retail and manufacturing and hotels. The maximum Floor Space Index permitted in a MC zone is 1.0 except that retail uses may be limited in size. On a site zoned MC with a holding provision, retail store, personal service shop or office shall not exceed the lesser of a Floor Space Index of 0.5 or a combined total gross floor area of 5,000 square metres.

The holding provision of the by-law may be lifted to permit greater retail sizes provided certain criteria are fulfilled. In order to lift the hold an applicant must submit a transportation impact study which demonstrates that sufficient transportation capacity is available to accommodate the additional traffic generated by the development and that it would not result in an unacceptable arterial road service level.

The site is also subject to Exception 35. This exception limits the maximum gross floor area of a hotel to 21,190 square metres. The site is not subject to the new City of Toronto Zoning By-law 569-2013.

Schedule "D" to By-law 7625 also applies to the site. Schedule "D" is the Airport Hazard Map and limits heights on certain lands near the flight path for Downsview Airport. The Schedule limits the height on the subject lands to 45.72 metres (See Attachment 9).

## Site Plan Control

An application for Site Plan Control will be required however no application has been filed.

## Dufferin Street Urban Design Guidelines

At its meeting of December 9 and 10, 2015 City Council adopted the Dufferin Street Secondary Plan. In addition to the Secondary Plan, Council also adopted the Dufferin Street Urban Design Guidelines and directed staff to use the guidelines in the evaluation of all new and current development proposals and public initiatives.

The Guidelines outline the vision for the area and outline eight guiding principles which all development in the Secondary Plan area should attain. The guiding principles are:

- 1) Make Dufferin Street a Place
- 2) Protect Adjacent *Neighbourhoods* and *Employment Areas*
- 3) Create Quality Public Spaces and Parks
- 4) Create a Green, Safe and Attractive Place
- 5) Redevelop and Integrate Appropriate Land Uses with Supporting Infrastructure
- 6) Improve Mobility and Balance Movement Priorities
- 7) Encourage a Rich and Varied Urban Form
- 8) Improve Community Services and Facilities through Redevelopment.

These guiding principles establish a context for coordinated development and should be used as a tool to ensure appropriate development that is consistent with the Official Plan, Secondary Plan and area specific zoning by-law. The Guidelines include specific direction with regards to the subject site.

Block 1 shares its borders with a *Neighbourhood* to the south, *Employment Areas* to the west, Highway 401 and Bridgeland Avenue to the north, and Dufferin Street to the east. Despite these edges on public streets, Block 1 has limited street frontage on Bridgeland Avenue only. The vision for this Large Block includes a network of new local public streets and blocks, and a new public park as a focal point for a mixed use community. Development will be sensitively designed, stepped down in height, and set back to provide transition to adjacent and nearby *Neighbourhoods*, and be appropriately separated from *Employment Areas*. A landscape gateway feature will mark a sense of arrival into the Secondary Plan Area from Highway 401 and from the north. Block master planning between land owners will ensure comprehensive and coordinated redevelopment.

## City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building 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 impact and have regard to building location and organization, massing and pedestrian amenity. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

## **Green Roof By-law**

On May 26, 2009 City Council adopted the Green Roof By-law (By-law 583-2009). The By-law requires new buildings to provide a green roof if a new residential development has a gross floor area of 2,000m<sup>2</sup> or greater and a height of greater than six storeys. The applicant is providing a total of 1,000m<sup>2</sup> of green roof on the roof of the 15 storey element of Building A, and on the roof of Building D. The Green Roof By-law requires, for buildings 20,000m<sup>2</sup> or greater, 60% coverage of the available roof space. A Green Roof Statistics template has not been provided on the subject plans.

## **Reasons for the Application**

The applicant has filed the application to amend the Official Plan to create a Site and Area Specific Policy for the site as an alternative to the secondary plan policies adopted by City Council at its meeting of December 9 and 10, 2015. The submitted draft Official Plan Amendment would permit:

- Four buildings, to a maximum height of 37 storeys, and a maximum total gross density of 4.10 FSI.
- A maximum of 67,600 square metres of residential gross floor area and a maximum of 17,000 square metres of non-residential gross floor area, comprised of hotel and restaurant uses.
- Creating a public park encumbered by underground parking.
- The size of the public park will be based on 15% of the net site area for the residential portion of the mixed-use development and 2% of the net site area for the non-residential portion and will not include the area used for a public road on the west side of the lands and the setback area from the Dufferin Street off-ramp required by the Ministry of Transportation Ontario.

The application to amend the zoning by-law is required to permit the proposed development. While the proposed hotel, park and restaurant uses are permitted, the proposal requires amendments for the residential use, building height, density, coverage, massing and location of the buildings.

## **Community Consultation**

Staff held a community consultation meeting on February 8, 2017 to present the proposal to the public. Approximately 90 members of the public attended. The members of the community were predominantly opposed to the proposal and raised a number of concerns.

The proposed building heights of 37, 33 and 29 storeys, the scale of the development and resultant density were of significant concern with residents, who described the proposal as too high, too dense and not appropriate. Members of the public raised concerns that the proposal did not provide appropriate transition to the existing low rise context to the south, nor did it respect the planned context, with respect to both height and density. Others noted that it did not respect the vision for Block 1 in the Council approved Dufferin Street Secondary Plan and that it was even higher than the existing 29 storey buildings (Treviso) approved at the north-east corner of Dufferin Street and Lawrence Avenue West. It was felt that the proposed building heights, densities and scale would set a negative precedent for other large sites identified in the Secondary Plan.

Concerns were raised with regard to additional vehicular traffic generated by the development and its impact on the existing street network, including the appropriateness of relying on a one-way easement to provide access to Dufferin Street. The residents noted that traffic was a significant issue on Dufferin Street, notably with the traffic generated by Yorkdale Shopping Centre. Community members indicated that the proposed development and resultant traffic would exacerbate the existing congestion in the area. Some residents noted that the development should take into consideration the additional impact added vehicular traffic would have on transit service and potential delays to service.

Residents also voiced concerns with respect to through traffic in the *Neighbourhoods* to the south, light infiltration, privacy and overlook into living areas and backyards of properties on Jane Ostler Boulevard.

Concerns were raised with respect to phasing of the existing hotel use and the potential impact to employees while the new hotel was being constructed in Building A. Other concerns were raised with respect to the proposed building heights and its impact on Bombardier and its operations at Downsview Airport if they needed to modify their flights paths.

The community raised concerns with respect to the capacity of existing infrastructure to accommodate the development.

Members of the public also raised concerns with proposed underground parking that encumbered the public park. It was felt that locating parking under the park would limit soil volumes and the ability to grow large mature trees in this area. Concerns were raised with the lack of connectivity from the existing community to the south to the proposed park. They also noted that, in advance of development on the Honda dealership site (3400 Dufferin Street) the south end of the park would face a blank wall and feel unsafe.

Lastly, residents raised concerns with respect to the capacity of existing social infrastructure to accommodate the resultant population from the proposed development and the lack of community services proposed with the development. Specifically, residents noted that some local schools were over capacity and that they would not be able to accommodate the increase in the child age population.

## **Agency Circulation**

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

## **Application Submission**

The following reports/studies were submitted with the Official Plan and Zoning Amendment applications:

- a. Planning Rationale
- b. Draft Official Plan and Draft Zoning By-law Amendments
- c. Site Servicing and Stage 1 Stormwater Management Report
- d. Environmental Site Assessment
- e. Geotechnical study
- f. Urban Transportation Study
- g. Sun/Shadow Study
- h. Noise and Vibrations Study
- i. Pedestrian Level Wind Study
- j. Functional Servicing and Stormwater Management Report
- k. Toronto Green Standard Checklist
- l. Tree Inventory and Arborist Report.

The following additional reports/studies were submitted with the Draft Plan of Subdivision application:

- Draft Plan of Subdivision
- Hydrogeology Report.

A Notification of Complete Application was issued on September 8<sup>th</sup>, 2016 for the Official Plan and Zoning By-law Amendment Applications and on December 1, 2016 for the Draft Plan of Subdivision application.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

## **Comments**

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

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that

take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS.

The City of Toronto Official Plan and associated Secondary Plans are based on projected needs and identify a land use structure of areas where intensification is appropriate. The Official Plan directs redevelopment to areas that take the existing building stock into account and where infrastructure and services exist and will be provided.

The Official Plan and the Council adopted Dufferin Street Secondary Plan contain clear, reasonable and attainable policies that protect provincial interest and direct development and intensification to suitable areas. In this area intensification is promoted through development that respects and reinforces the existing and planned context that include tall buildings along Highway 401 on the west side of Dufferin Street and mid-rise buildings further south along Dufferin Street and is premised on a Block Master Plan process that, among other matters, would ensure an appropriate distribution of density up to a maximum FSI of 2.5 across all of Block 1.

The proposal does not conform to the in-force policies of the Official Plan and the Council approved Dufferin Street Secondary Plan, and is not consistent with the way that either would implement the Provincial Policy Statement. The proposal, therefore, cannot be supported.

In this case, the City recently completed the Dufferin Street Secondary Plan which was adopted by City Council in advance of the submission of the subject development. The proposal does not conform to the Official Plan as outlined in this report and is not consistent with the way in which the Official Plan implements the Provincial Policy Statement. The proposal, therefore, is not consistent with the PPS and cannot be supported in its current form. The proposal is also not consistent with Council's recently adopted Secondary Plan for this site and is not consistent with the way in which the Official Plan implements the Provincial Policy Statement.

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. The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. Official plans provide clear,



reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the Downtown, Centres, Avenues and Employment Districts. Although intensification is encouraged on this site, the proposal in its current form does not comply with Official Plan policies related to matters such as: built form, scale, compatibility and neighbourhood fit. The scale of development does not achieve an appropriate transition of built form to the existing and planned context.

Additionally, the Secondary Plan identifies the site as a Tall Building Area, where taller built form can be accommodated. The proposed development involves heights of 37, 33 and 29 storeys with an overall FSI of 4.1. These heights, massing and density represent significant intensification and overdevelopment of the lands. The scale of intensification and built form proposed is not anticipated in the Secondary Plan or appropriate and will negatively impact the Transportation and Infrastructure Master Plans for the Secondary Plan Area. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan for the Greater Golden Horseshoe. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe.

## **Land Use**

The site is designated Mixed Use Areas on Map 17 in the City's Official Plan. Within *Mixed Use Areas* a broad range of uses are encouraged, providing opportunities to live, work and shop within the same areas. *Mixed Use Areas* are anticipated to accommodate growth with new service, employment and residential uses all locating in a manner that is appropriate to their surrounding contexts, with adequate transportation and infrastructure servicing. The application proposes a mixed-use building with retail and residential uses. The *Mixed Use Areas* designation on the site provides for these uses.

The applicant has submitted a draft Plan of Subdivision which proposes to create blocks that will accommodate sensitive uses. While the residential, retail, hotel and park uses are appropriate in *Mixed Use Areas*, the site abuts lands designated *Core Employment Areas* in OPA 231. While OPA 231 is under appeal, policies in Section 2.2.4.6 and 3.4.21 of the Official Plan state that development which is adjacent to areas of employment and major facilities such as airports, transportation infrastructure and sensitive land uses, need to be appropriately designed, buffered and/or separated from industries to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security. To assist in identifying impacts and mitigative measures, studies are required to support the proposed introduction of sensitive land uses. Implementation of any mitigation measures are the responsibility of the proponent.

Additionally, the Dufferin Street Secondary Plan identifies that sensitive uses, including residential development, parks and community facilities, are anticipated as the Secondary Plan Area redevelops, and will be designed and constructed to mitigate noise, traffic, odours or other contaminants from nearby industry in *Employment Areas*. It also

envisions that development in Block 1 will be sensitively designed, appropriately buffered and appropriately separated from *Employment Areas*.

The Secondary Plan requires that for properties that propose new residential and other sensitive lands uses adjacent to, or near to *Employment Areas*, a minimum setback of 20.0 metres will be provided between any building containing sensitive land uses and the *Employment Areas* designation to act as a buffer and minimize adverse impacts. This setback is intended to be a minimum. The October 26, 2015 staff report notes that:

*The word 'minimum' has been added to the required 20m separation distance in policy 3.6.2 in Schedule II, to ensure consistency with the Ministry of the Environment's Series D Guidelines, which may require additional separation distances between impactful industry in Employment Areas to any proposed sensitive uses than the Secondary Plan [minimum]requirement of 20m.*

The report also sets out that the words 'near to' were included in policy 3.6.1, as sensitive uses may also be impactful to (or impacted by) nearby industry without necessarily being adjacent to it. The Secondary Plan requires that the costs of studies and any required mitigation measures shall be borne by the developer of the new residential or other sensitive land uses adjacent or near to *Employment Areas*.

A Noise and Vibration Study was submitted with the application. Additional studies related to Air Quality and compatibility with the Downsview Airport have not been submitted and will be required to demonstrate that the proposed development is appropriately designed, buffered and/or separated from industries as necessary to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security.

This minimum 20.0 metre setback would be achieved by the provision of the 23 metre north-south public road. However, further information is required through an Air Quality study to determine if a greater separation distance would be required to the *Employment Areas* and classes of industry that may require greater separation distances than the minimum prescribed in the Secondary Plan.

## **Block Master Plan**

The Official Plan's New Neighbourhoods policies (Section 3.3) direct that new neighbourhoods will have a comprehensive planning framework reflecting the Plan's city-wide goals as well as the local context, and that New Neighbourhoods will be carefully integrated into the surrounding fabric of the City. Public Realm policies (Section 3.1.1) in the Plan state that new streets are designed to provide connections with adjacent neighbourhoods, divide larger sites into smaller development blocks, and provide access and addresses for new development.

The Dufferin Street Secondary Plan proposes a network of new and existing streets that will, along with the parks and open space system, form the physical structure of new

mixed use development in the Secondary Plan area and provide improved connectivity and circulation for vehicles, pedestrians and bicycles. Attachment 14 illustrates the network of new local public streets to facilitate movement and accessibility through the study area.

The Dufferin Street Secondary Plan recommends a new twenty-three (23) metre wide north-south public street, extending south from Bridgeland Avenue, along the west side of the subject site as shown on Attachment 14. This street would be the northern segment of a north-south connection extending south from Bridgeland Avenue to the south-westerly corner of Block 1 (3400 Dufferin Street). The Dufferin Street Secondary Plan also recommends a twenty-three (23) metre wide east-west public street, extending east from the south end of the twenty-three (23) metre wide north-south public street, along the south side of the Honda dealership, connecting to Dufferin Street. A curvilinear road would provide access and address to the interior parcels.

The obligation from the applicant would be the north half of the twenty-three (23) metre north-south new public street and half of a 20 metre curvilinear street. These streets would serve to divide Block 1 into smaller development blocks and provide public access and address to future development parcels on the site, and together with the new local streets on the future development site to the south, would provide a connected grid of streets for travel options and public access and address to all the proposed buildings on the development block.

The twenty-three (23) metre street right-of-way allows for appropriate amounts of space in the boulevards to permit the growth of large canopy street trees to create comfortable streets for pedestrians to walk, opportunities for on-street parking to serve retail activity and future park activities and programming. Access to the proposed development should be taken off new local public streets to provide buildings with a public address and ensure pedestrian comfort and safety on these streets.

The applicant submitted a conceptual Block Plan that illustrates midrise and townhouse forms and two new streets (one public and one private street) on the site to the south (Honda dealership - 3400 Dufferin Street). The Block Plan illustrates public Street A continuing south into the car dealership lands, once the site redevelops, and then turning eastwards and connecting to Dufferin Street. The Block Plan also illustrates a public park and the private 18.5 metre wide street. Also proposed in the applicant's conceptual Block Plan is the extension southward of the 18.5 metre wide curvilinear street, which would ultimately connect with the east-west public road. The public road configuration is consistent with the Dufferin Street Transportation Master Plan with the exception of the curvilinear 18.5 metre wide private road.

Policies 3.1.3 and 7.2.1 of the Secondary Plan direct that Large Blocks will be divided into smaller scaled land parcels with a fine grain of local public streets to ensure a high level of permeability for public circulation and to encourage an appropriate scale of development for those blocks. The layout and pattern of new local public streets is illustrated on the Public Streets Plan (see Attachment 14). The exact location, alignment

and design of each new street will be refined through the review and approval of the respective Block Master Plan and individual plans of subdivision adopted by City Council.

The Secondary Plan encourages major landowners within the boundaries of Large Blocks to collaborate in the development of Block Master Plans and the preparation of development applications for lands within the Block. The applicant's Block Master Plan provides no details on the size of the park, potential building heights and distribution of density at full build out of Block 1. The Block Master Plan does not include information on whether existing infrastructure can accommodate the overall density (see Attachment 3: Block Master Plan).

The proposed site organization, specifically its overall connectivity, require further development to ensure that the new public streets, private streets, park block and development blocks allow for a comprehensive development with appropriate linkages to integrate the site into its surrounding context, including the provision of connections that support the planned pedestrian and cycling network.

Staff want to ensure that the current phase of development does not preclude future development phases and the ultimate comprehensive build out of Block 1. City staff have requested that the proposal and submitted Block Plan be revised to properly articulate the above matters, including matters set out in Section 11.13.2 of the Secondary Plan which include: demonstration of an appropriate network of public roads, pedestrian and cycling routes, appropriate building location and organization, appropriate massing, heights and distribution of density on the block; the location of public and private open spaces, parking facilities and vehicular access, and phasing of development and infrastructure for Block 1.

### **Site Organization and Connectivity**

The site is isolated and located adjacent to *Employment Areas* with limited frontage and access on Bridgeland Avenue. The site is also accessed from a private driveway (easement) that receives access from Dufferin Street across the abutting car dealership to the south (3400 Dufferin Street).

Building A is proposed to have public frontage on both Bridgeland Avenue and the new proposed north-south public Street A. The new public park is located east of Street A, south of Buildings A, B, C and D. The proposal includes a curvilinear private road that extends east connecting into an east-west private driveway that runs parallel to the south property line in between the subject site and the existing automotive dealership at 3400 Dufferin Street. This private street network is proposed to ultimately connect to the existing easement of 3400 Dufferin Street and to that site's signalized intersection at Dufferin Street.

There is a one-way mutual access easement in place between the subject property and the abutting property to south (3400 Dufferin Street) that allows for access to the subject

property; however, access is controlled by way of a controlled access gate. Pedestrian access from Dufferin Street is also gated. The applicant has indicated that the mutual access easement over the 3400 Dufferin Street lands is in perpetuity. It is unclear, with development as currently proposed, whether service vehicles, automobiles, pedestrians and cyclists would have uncontrolled access to Dufferin Street via this existing access easement. Access from Dufferin Street should be provided by way of ungated access to facilitate free movement through the site.

The applicant's proposal anticipates that this north-south segment of the public road would ultimately be built if and when the car dealership lands to the south are developed. As proposed in the applicant's conceptual Block Plan (see Attachment 3) the new north-south public Street A would continue south through the car dealership site to the south end of the site as a 23 metre right-of-way and then east along the south property line to connect to Dufferin Street. The new public road network would provide frontage, access and street address to lands within the abutting site.

Official Plan policies provide for main building entrances to face public streets with direct access to a public sidewalk. The vision of the built form organization for Block 1 in the Secondary Plan and Dufferin Street Urban Design Guidelines illustrates tall buildings framing the park and street edge, providing public address for the tall buildings. The demonstration model in the Secondary Plan also illustrates the bases of the tall buildings at 4 to 6 storeys, in good proportion to the street for pedestrian comfort. Servicing is envisioned at the rear of the site, away from the public realm.

The current built form organization places the tall buildings and building entrances away from the public realm against the MTO setback and Highway 401 off-ramp, with the main address for the towers off of a private service court rather than the public realm, organizing servicing within the middle of a private service court and organizing servicing within the middle of the built form complex. The tall buildings should frame the street with entrances that have direct access and address from a public street.

The subject site is isolated and needs to be connected and integrated with its surrounding context. The site is also a large block that requires a network of new public streets that meets the intent of the in-force Official Plan and the Dufferin Street Secondary Plan. The site should be reorganized to address the location of vehicular accesses and building entrances as they relate to the required new public streets.

Staff recommends redesigning the servicing and drop-off organization along the rear or against the MTO setback, repositioning the front entrance of the tall buildings toward the public realm, preferably a public street. Staff recommend that the 18.5 metre wide private street instead be a public street. Retail is encouraged at grade to provide services for the new neighbourhood as well as to provide active uses along the curvilinear street and public park frontage to promote walkable, active and safe spaces.

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

Density is a measure of the level of intensity that arises from the built form, massing and height of a development. The subject site has the potential to accommodate a greater scale of development provided planning policies relating to built form, community services and facilities, transportation and servicing infrastructure are appropriately addressed.

The Dufferin Street Secondary Plan sets out a density distribution that is an outcome of the Consultant's Study results and appropriately distributes built form, height and residential units across the proposed Secondary Plan area. The densities for the Secondary Plan area vary from 0.5 to 3.5 FSI. On the subject site, the Secondary Plan specifies a maximum density of 2.5 (see Attachment 20). The applicant has proposed a density of 4.1 times the lot area.

As stated in the July 21, 2014 Status Report for the Dufferin Street Avenue Study, 'maximum densities in the plan were developed based on testing and analysis of appropriate land use and built form, the hierarchy of built form anticipated within the *Avenues* designation and other Official Plan growth areas, traffic, existing precedents, airport height restrictions and context'. The maximum densities (see Attachment 20) in the Secondary Plan reflect this in-depth, comprehensive analysis and significantly exceeding them is not appropriate. Approval of an Official Plan Amendment to permit the proposed development would have a negative impact on traffic and services as well as set a precedent for the Dufferin Street Secondary Plan Area.

While re-investment in this area is desirable, any redevelopment of the site must be carefully considered within the existing and planned context of the surrounding area. Planning staff have serious concerns about the scale, height and massing of the proposal. The application has been filed to amend the City of Toronto Official Plan to create a new development framework for the site. The City has recently completed a comprehensive review of this segment of Dufferin Street and developed the Secondary Plan to ensure that future intensification of the area will create a complete community and will result in appropriate built form, servicing and traffic impacts on the area.

The proposal is inconsistent with the Secondary Plan in a number of ways, including heights, massing and maximum permitted density. The applicant is proposing buildings of 37, 33, and 29 storeys which are considered to be 'tall buildings' and subject to the City's Tall Building Guidelines. The Secondary Plan permits tall buildings at the north and south end of the Secondary Plan boundaries as identified on the Building Type Areas plan (Attachment 19) and Policy 3.7.1.5.

While Policy 5.2 of the Secondary Plan states that the areas identified for tall buildings are also intended for the highest density, Policies 3.7, 9.1 and 11.8 note that tall buildings will:

- have appropriately scaled base buildings and tower heights and locations that will transition in scale and buffer lower scale development in *Neighbourhoods* and *Employment Areas*;

- be sensitively designed, stepped down in height and set back to provide transition to adjacent and nearby *Neighbourhoods*;
- be appropriately separated from *Employment Areas*; and
- will have appropriate and meaningful regard for all Council adopted urban design guidelines, including those that address specific building types such as tall buildings.

The highest heights at the 'nodes', or gateway locations are in the northern end of the Dufferin Street Secondary Plan area adjacent to Highway 401 on Block 1 (14 storeys or 45 metres), and at the south end, at Lawrence Avenue West (20 storeys or 65 metres) on the north-west corner, west of the existing 'Treviso' tall building development (Attachment 19). Base buildings of tall buildings are recommended to be no more than 6-storeys or 20 metres in height.

The demonstration plan for the Secondary Plan, and the Urban Design Guidelines, recommended building heights of up to approximately 14 or 15 storeys (45 metres) on Block 1, including a number of performance measures related to separation distances, setbacks, stepbacks, and angular planes, and the application of the appropriate Council approved urban design guidelines. Maximum building heights for the study area are generally in accordance with height limits in the Airport Hazard Map. The proposed buildings should respond more appropriately to the City's Tall Building Design Guidelines and Council approved direction in the Official Plan and Secondary Plan for tall buildings on this site.

While the 6 storey midrise buildings frame the street and park edge, they do not provide a 1-to-1 relationship with the street right-of-way. If the 18.5 metre private street were increased to a 20 metre right of way it would achieve this objective. Additionally, the height of the proposed 15 storey hotel does not provide a 1-to-1 relationship with the adjacent public right-of-way (Street A), which is proposed as 23 metres. The 15 storey base building creates a street wall condition that overwhelms the proportion to the new 23 metre public street to the west, as well as the 18.5 metre private street to the south.

Staff are of the opinion that the proposed building heights are inappropriate and the proposed building massing could be improved. As a result of the proposed built form, the site density is significantly higher than densities elsewhere in the community. The proposal reflects a density that is typically assigned to subway-related development elsewhere in North York. Subway station locations are an appropriate location for higher density development and density should diminish as distance from a subway station increases. The subject site is not on a subway line and is a considerable distance from the Yorkdale Subway Station. Staff are of the opinion the proposal is an overdevelopment of this site.

### **Sun and Shadow**

Section 4.2.2(b) & (c) of the Official Plan requires that: new development in *Mixed Use Areas* be located and massed so as to adequately limit shadow impacts on properties in

adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The shadow study submitted with the application illustrates shadow impact on the *Neighbourhood* north of Highway 401 at 9:18 a.m., and shadow impact on Dufferin Street for 4 hours from 2:18 p.m. to 6:18 p.m. resulting in a loss of sunlight for these areas. Building heights should be reduced to remove shadow impact on the *Neighbourhoods* and reduce shadow impact on the Dufferin Street public realm.

City staff have concerns about the shadow impacts of this proposal. A redesign of Building C with a front 45 degree angular plane taken from Dufferin Street to accommodate a five hour window of sunlight on the *Avenue* will help reduce shadowing and make Dufferin Street a place that is comfortable and vibrant for pedestrians. Although intensification on the block is appropriate and planned for in the Secondary Plan, the proposed height and massing of the buildings does not adequately limit shadowing on neighbouring streets, properties and open spaces.

### **Pedestrian Comfort/Wind Study**

A Pedestrian Level Wind Preliminary Impact Assessment by BLWTL Consulting, dated June 13, 2016 was submitted with the application. The study summarized that higher ground level wind activity will occur along the north side of the buildings in the setback area between the buildings and the Highway 401 off-ramp to Dufferin Street.

The wind study identified areas in need of improvement and mitigation measures for the proposed development. Some areas of the top of podium roof terraces would require mitigation as they are anticipated to have uncomfortable winds. Strategies for mitigation require higher railings to provide shielding, strategically placed trees or shrubbery to disrupt and absorb winds or planted gardens to minimize or prevent public access. The study indicates that tree plantings at grade level throughout the site, including around the proposed park, will add comfort to these areas by absorbing wind in the late spring and early fall. The planting of evergreens are recommended.

The tall buildings should respond more appropriately to the City's Tall Building Design Guidelines and revised to ensure appropriate setbacks from base buildings are provided. Greater step backs of the tall buildings from base building elements would also help address wind impact.

### **Downsview Airport and Toronto Pearson Height Limits**

The applicant is proposing a maximum structure of 122.35 metres above established grade. NAV Canada has advised that a structure of this height would exceed the maximum height specified for hi-rise buildings which are to be located approximately 15 kilometres from the Toronto Pearson Terminal Surveillance Radar. They have also noted



concerns regarding the impact of the above structure height on the instrument procedures at Downsview Airport. NAV Canada has requested additional information related to all proposed structures, including ground elevations and heights above ground level.

### **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 Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition area, as per Chapter 415, Article III of the Toronto Municipal Code.

The Secondary Plan indicates that on-site parkland dedication is required within Block 1 and identifies the appropriate location for it. The public park should be centrally located to the east of the proposed public street (Street A) and have frontage on at least two public streets. The Secondary Plan anticipates that a public street and public park may be extended through the future development of the parcel immediately south of the subject site.

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 13,920m<sup>2</sup> or 84.74% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% 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 2,546.41m<sup>2</sup> or 12.39% of the net site area.

The site is located in a parkland priority area. The Secondary Plan, Section 3.3.4 and 9.1.4 require the applicant to satisfy and convey the full parkland requirement on-site for 3450 Dufferin Street.

The applicant is also proposing that the area associated with the 14 metre required MTO setback area be deducted from the site area and used as a deduction towards the required parkland dedication of 2,546.41m<sup>2</sup>. The applicant is currently proposing a park block in the draft Plan of Subdivision measuring 1,802m<sup>2</sup>. The Ministry has advised that the 14 metre setback is meant to protect for future Highway 401 improvements and/or expansions and, at this time, the land is not required for expropriation. This deduction is not appropriate. City staff have requested that the proposal be amended to show on-site parkland that is free of encumbrances below and above grade and to provide the full required dedication of 2,546.41m<sup>2</sup> as an on-site parkland parcel.

Permitting parking for the development beneath the park is not appropriate and unacceptable to the City. The proposed park configuration is not consistent with the policies set out in 3.2.3.8 of the Official Plan. Policy 3.2.3.8a in particular states that parkland conveyed to the City should be free of encumbrances unless approved by

Council. City staff have requested that the park meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan.

While the west side of the park provides access and visibility from a public street, the eastern edge of the park abuts a private road and the southern edge abuts the automotive dealership site to the south. Further development both at a Block Master Plan and site specific basis is required to ensure that the parkland conveyance for Block 1 is sufficiently visible and accessible from adjacent public streets to promote the safe use of the planned park. City staff have requested that the park meet the requirements set out in Policy 8 of Section 3.2.3.8b of the Official Plan.

City staff are interested in securing the design and construction, by the owner, of above base park improvements. There may be opportunities to use the parks and recreation component of the development charges for this work. Further discussion with Parks staff is required. Should this be agreeable, Council could 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.

The Secondary Plan envisions a landmark landscape gateway area near Highway 401, on the green spaces between the 401 ramps, extending to the subject site's Dufferin Street frontage, which could include special planted features, landmark signage, and public art. Further development of the 14 metre MTO setback as a landscape gateway area, in coordination with the Ministry, is required.

## **Transportation and Servicing Infrastructure**

The City of Toronto completed a comprehensive Transportation Master Plan (TMP) and Infrastructure Master Plan (IMP) 2015 to address transportation and infrastructure needs in the areas adjacent to Dufferin Street between Highway 401 and Lawrence Avenue West. The TMP and IMP are in accordance with Phases 1 and 2 of the Municipal Class Environmental Assessment process and complements the Dufferin Street Secondary Plan, which recommended a preferred land use and built form scenario for this stretch of Dufferin Street. The TMP and IMP set out recommended phasing and future environmental assessment work to support a preferred solution identified through this analysis. The Project File has been completed and was placed on public record for a 30-day review period starting January 29, 2015 and ending February 27, 2015. The Notice of Completion can be accessed below:

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/D/Dufferin%20St%20Avenue/Dufferin%20Street%20Avenue%20Study%20-%20Notice%20of%20Completion.pdf>

The Transportation Master Plan sets out a road network and includes policies that focus on active transportation, transit needs and a range of travel choices that encourage a balanced mobility network and sustainable travel behaviour. Staff have requested the

applicant submit a revised transportation study that includes a comprehensive review of active transportation and transit user infrastructure. This includes an existing conditions facility review, data analysis and a comprehensive review of the Official Plan and the Secondary Plan policies.

### *Access and Site Circulation*

Vehicular access to the site is proposed via a new public road with a 23 metre wide right-of-way along the western edge of the site and an 18.5 metre wide private road. The public road (Street A) would connect with Bridgeland Avenue at the north end and culminate in a cul-de-sac at the southern end of the site. The cul-de-sac needs to be revised and designed to City standards.

Vehicular access and loading for the buildings would be provided via Street A and the existing/proposed private road network. There is an existing connection and one-way easement extending south over 3400 Dufferin Street (Honda car dealership) that is used to access the subject site via Dufferin Street. The applicant's transportation report shows site trips using the existing access easement (through the car dealership) to access the site.

Policies in Section 2.2.3 of the Official Plan speak, among other matters, to ensuring streets are not closed to public use and stay within the public realm where they provide present and future access for vehicles, pedestrians and bicycles, space for utilities and services, building address, view corridors and sight lines (2.2.3.f). City staff do not support the proposal to use the existing one-way gated access easement (driveway) over the 3400 Dufferin Street property for access to the subject site.

Additionally, the Dufferin Street TMP was premised on the implementation of a new public street network for Block 1 that provided a direct connection to Dufferin Street. The applicant's transportation report has not demonstrated how the easement access can be removed in the long term to realize the Secondary Plan vision for a network of public streets that provide safe and accessible connections for all modes of travel. Until the full implementation of the public street network for Block 1 is realized, the proposed development would rely on public street access to Bridgeland Avenue for vehicular movement. Although full moves are permitted to and from the site from Bridgeland Avenue, access to the site is currently un-signalized.

The applicant's transportation report has not demonstrated how the development can be supported by access to Bridgeland Avenue only, prior to the implementation of the full public street network envisioned in the Secondary Plan and Dufferin Street TMP.

### *Transportation Multi-Modal System Analysis*

The Provincial Policy Statement, 2014 (Policy 1.6.7.3) speaks to multi-modal transportation, connectivity among transportation systems and maintaining modes and improving connections between key locations (Policy 1.6.7.3). The transportation study included an initial assessment to support the policies in the Official Plan and Secondary

Plan, however further refinement is required to appropriately assess the travel behaviour of transit users, pedestrians and cyclists as part of the multi-modal system analysis and Travel Demand Management Plan. The transportation assessment should develop trips for all modes and assess the impact on infrastructure as a result of the subject site development.

The applicant submitted a transportation study as part of their application submission. City staff have significant concerns with the assumptions and approach in the analysis. The additional density and growth proposed is in excess of what the Secondary Plan permits (2.5 times the area for all of Block 1) and would create an incremental transportation impact to the study area. The applicant has not demonstrated how the incremental change would impact the transportation network as it relates to the entire Secondary Plan area and the Transportation Master Plan.

### *Vehicle Parking*

A total of 1,290 parking spaces are proposed in three and a half levels of underground parking and some surface parking. The site would have 869 residential parking spaces, 156 visitor spaces, 255 spaces for the hotel and 10 spaces for the restaurant use.

The parking requirements for the project are governed by the applicable parking provisions contained in the former City of North York Zoning By-law No. 7625. However, Zoning By-law 569- 2013 was developed by City staff in order to update the parking requirements for developments. The parking provisions contained in this By-law have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of North York general Zoning By-law. As a result, parking for this project should be provided in accordance with Zoning By-law 569-2013 for Policy Area 4, as defined in the By-law. The applicant has proposed a site specific rate for the hotel use.

## **Development Engineering**

Section 2.2.5 of the Official Plan speaks to the City's water, wastewater and stormwater management infrastructure being maintained and developed by providing adequate facilities to support new development and encouraging and implementing measures which reduce wastewater and stormwater flows, in accordance with best management practices developed by the City for this purpose.

Engineering and Construction Services staff have identified a number of issues with the submitted materials including whether the existing municipal infrastructure can support the proposed development without the need for external upgrades or retrofits.

The applicant is required to address the outstanding issues from Development Engineering dated December 9, 2016 and February 2, 2017 and resubmit for review and acceptance to the satisfaction of the Executive Director of Engineering and Construction Services.

## **Draft Plan of Subdivision**

The draft plan of subdivision proposes a stratified public park of 1,802m<sup>2</sup> (Block 2) along the west side of the property, abutting the proposed new public road (Street A). Below grade parking is proposed under the park. City staff have concerns with the Draft Plan of Subdivision and do not believe it is consistent with Section 51 of the Planning Act, does not conform with the Official Plan, does not provide for the orderly development of the lands, nor does it propose appropriate utilities and City services. Draft Plan of Subdivision approval would be premature in advance of addressing the issues identified in this report.

## **Amenity Space**

The applicant's plans indicate that a total of 1,566m<sup>2</sup> of indoor amenity space would be provided and a total of 1,648m<sup>2</sup> of outdoor amenity space would be provided for residents of this project. The total amenity space provided would be a ratio of 1.5m<sup>2</sup> per residential dwelling unit for indoor amenity space and 1.6m<sup>2</sup> per residential unit for outdoor amenity space.

A minimum of 2 square metres of indoor amenity space and outdoor amenity space are required which would be a minimum of 2,088 square metres of indoor amenity area and 2,088 square metres of outdoor amenity area based on the proposed 1,044 residential units. Discussions respecting the amount, design and utility of the amenity spaces will be undertaken with the applicant.

## **Affordable and Family Sized Housing**

The introduction of residential uses provided for in the Secondary Plan area requires additional community services and facilities to service a growing population. Community services and facilities which were identified through the Community Services and Facilities Study as priority for community benefits through Section 37 contributions with new development should be provided in the new community in a timely fashion. The housing policies in the Official Plan Secondary Plan reflect a desire for a new community with a range of housing opportunities in terms of tenure and affordability.

To ensure the provision of housing suitable for larger households, including families with children, the Secondary Plan encourages development of larger units with at least 2 and 3 bedrooms at a minimum size of 100 square metres. At a minimum, 10% of all residential units in new developments, excluding any replacement rental housing units required, shall be built to contain 3 or more bedrooms. Development of new affordable and mid-range rental housing, and new affordable ownership housing is also encouraged with new residential development to contribute to the full range of housing and that these units be provided of the same type and size as market development.

The applicant is proposing to provide 3.5% of the proposed units as three-bedroom units within the development. While 2.3% of the proposed built form mix is proposed as townhouse units attached to the base of the two buildings, it is unclear from the plans provided by the applicant what the bedroom mix is in these units. Affordable housing is not being proposed as part of the development tenure.

### **Section 37**

Section 37 of the Planning Act enables the City to pass a zoning by-law to grant a height and/or a density increase for a proposal that is greater than the zoning by-law would otherwise permit in return for community benefits. Section 37 may be used for development with more than 10,000 m<sup>2</sup> of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 m<sup>2</sup> and/or significantly increases the permitted height.

Under the current proposal Section 37 policies would apply as the development contemplates a total gross floor area of 84,465 m<sup>2</sup> and a maximum building height of 122.35 metres to the top of the mechanical or 37 storeys. In comparison, former North York Zoning By-law 7625, as amended by site specific zoning MC(35)(H), would permit approximately 21,190 square metres of gross floor area and a maximum building height of 45.72 metres.

Since the proposal is not considered appropriate in its current form, discussions with the applicant about the nature and amount of community benefits have not taken place. In the event that the OMB approves the proposed development, this report recommends that the OMB not approve the zoning by-law without the provisions of such community benefits as are appropriate in the opinion of the Chief Planner in consultation with the applicant and the Ward Councillor. Should the proposal be improved to address the issues in this report, City staff will undertake discussions with the applicant regarding appropriate Section 37 community benefits.

### **Other Agency Comments**

#### **Ministry of Transportation (MTO)**

Section 2.2.4 of the Official Plan requires new development on lands adjacent to existing or planned transportation corridors and facilities to be compatible with, and supportive of, the long-term purposes of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities.

Sections 2.4.12.e) and f) of the Official Plan speaks to the need to work with other levels of government to develop a multi-modal strategy for the safe, efficient and environmentally sustainable movement of goods within the GTHA including strategies to identify infrastructure needs and policies for the improved management and more effective use of 400-series highways.

The Ontario Ministry of Transportation (MTO) is currently undertaking a Class Environmental Assessment for Provincial Transportation Facilities (Class EA) for improvements to the Bridgeland Avenue/Dufferin Street and Yorkdale Road interchange. The study is classified as a 'Group B' project under the MTO's Class EA process. The new intersection improvements include:

- Realignment of Yorkdale Road and Bridgeland Avenue to the north including a new signalized intersection with Dufferin Street;
- Realignment of the Highway 401 eastbound off-ramp to Yorkdale Road to the north and a new two span bridge over Dufferin Street. The new bridge will have a slightly wider cross-section;
- New traffic signals at the Highway 401 eastbound off-ramp to Yorkdale Road; and
- Reconstruction of the existing pavement on Dufferin Street within the MTO's ROW.

MTO has raised concerns with the density of the proposed development (4.1 FSI), the number of additional inbound trips to the site, and its potential impact on the transportation system network and conceptual road network of the Dufferin Street Secondary Plan. MTO has also expressed their concerns with maintaining the existing easement to the subject site across 3400 Dufferin Street (Honda car dealership) to facilitate inbound trips. Specifically, MTO has noted their concerns with the significant delays/queuing on the Highway 401 east bound off-ramp to Dufferin Street that would result with the trips generated by the higher intensity land use and their need to access the site from Dufferin Street. The Ministry has asked that, until such time development occurs on the Honda site, and the proposed public street network contemplated in the Transportation Master Plan connecting Bridgeland Avenue to Dufferin Street is approved and built, access to the subject site be limited to Bridgeland Avenue only.

City staff have encouraged the applicant to work with the MTO staff and City Staff to explore opportunities to maximize the site frontage on Dufferin Street through the refinement of the east-bound off-ramp design.

## **Schools**

The Toronto District School Board has advised there is insufficient space at the local schools to accommodate students anticipated from the proposed development. They advise that students from the new development will not displace existing students at local schools and that alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. The School Board indicates that at this time, the schools anticipated to serve the development are unknown. The School Board has requested that as a condition of approval, the applicant enter into an agreement to put up signs on site advising that students may be accommodated outside the area until space in local schools becomes available and also include warning clauses in all offers of purchase and sale of residential units, to the effect that students may be accommodated in facilities outside the area and policies on busing.

The Toronto Catholic District School Board has not provided any comments.

## **Conclusion**

The applicant's proposed Official Plan amendment, which is an alternative to the recently adopted Dufferin Street Secondary Plan, proposes changes that are a significant departure from the Secondary Plan. The applicant has appealed the Secondary Plan on the basis of the policies assigned to the site. The height and density for Block 1, as directed in the Council approved Secondary Plan, was determined through a comprehensive review of the entire area and an analysis of all factors including servicing and transportation. The applicant is proposing heights and a site density significantly higher than envisioned for all of Block 1 in the Secondary Plan.

The proposed development constitutes overdevelopment of the site and does not respect the existing and/or planned context. Tall buildings on this site must be massed with appropriate tower setbacks with base buildings that respect the planned street proportion, properly addresses and enhances the public realm along the public streets and public parks. The development does not provide adequate site access and hard and soft infrastructure to support the new development.

The applicant's proposal does not represent good planning. The proposed Official Plan Amendment and Zoning By-law Amendment are not in keeping with the policies of the current Official Plan and Council approved Secondary Plan and is not consistent with the way that either would implement the Provincial Policy Statement. Further, the proposal is not consistent with the way in which the Official Plan implements the Growth Plan of the Greater Golden Horseshoe.

## **CONTACT**

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## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

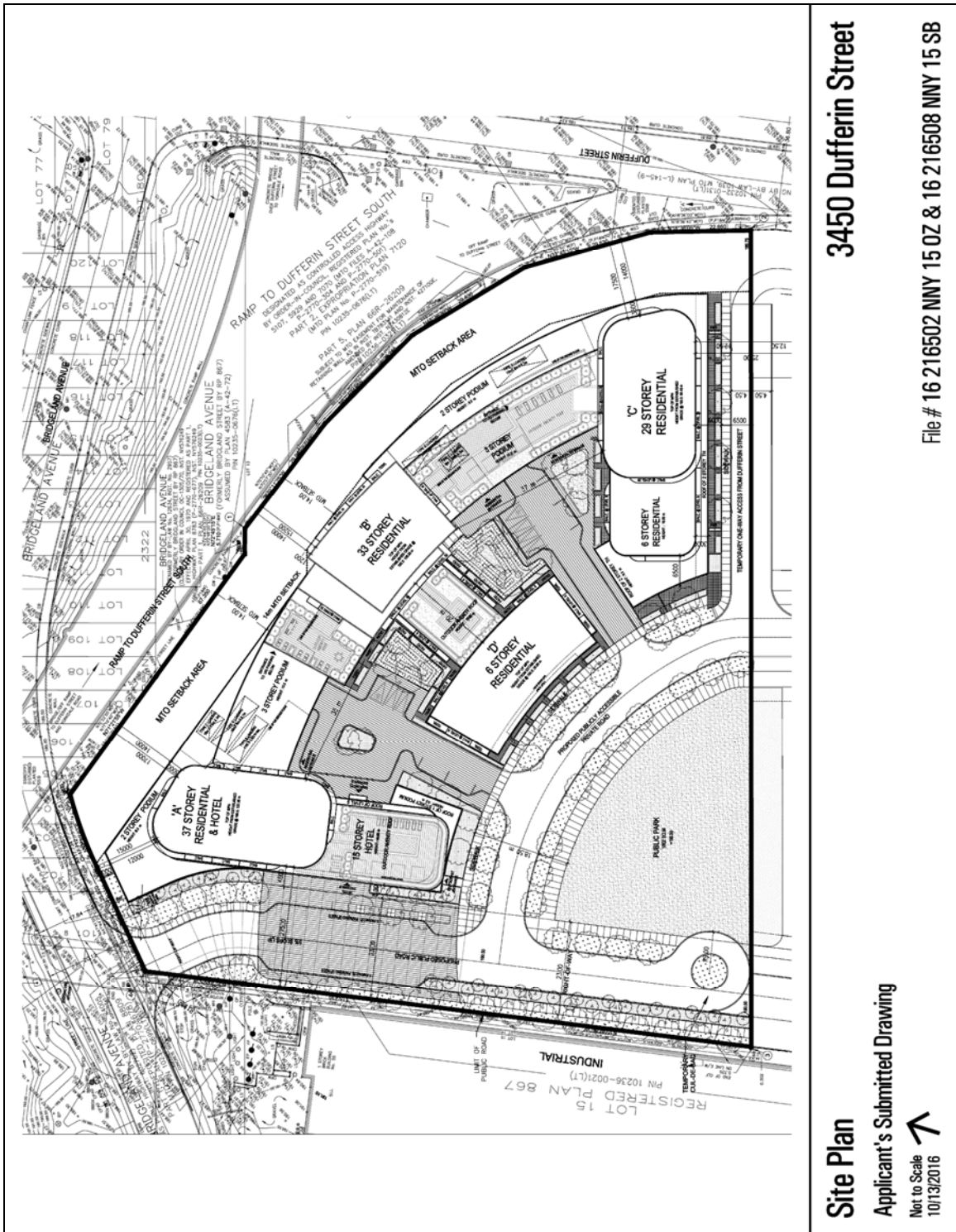
## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Draft Plan of Subdivision  
Attachment 3: Block Master Plan

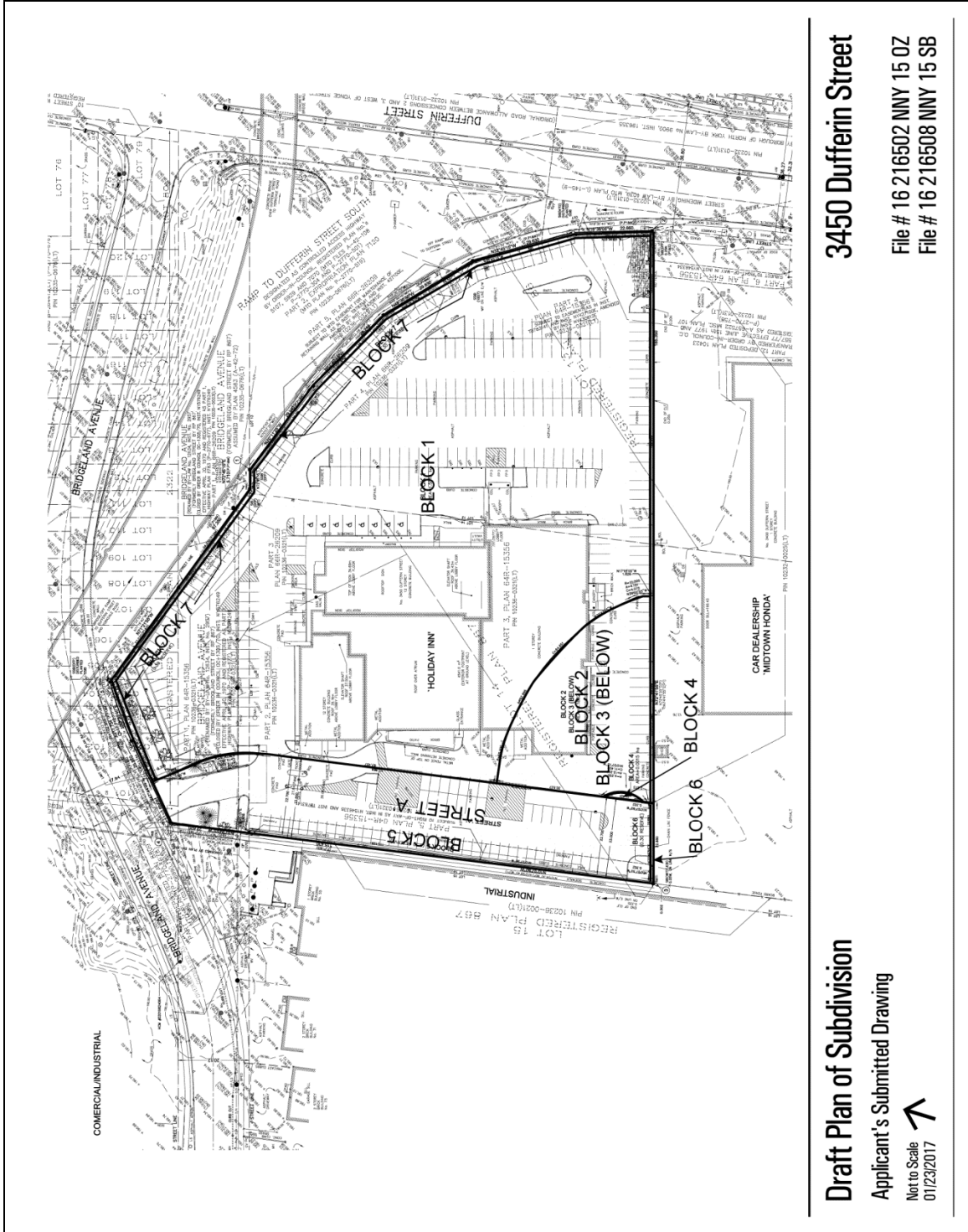


- Attachment 4: East Elevation
- Attachment 5: North Elevation
- Attachment 6: South Elevation
- Attachment 7: West Elevation
- Attachment 8: Zoning By-law
- Attachment 9: Schedule D – Airport Hazard Map
- Attachment 10: Official Plan – Land Use Map
- Attachment 11: Dufferin Street Secondary Plan – Specific Block Policies Plan
- Attachment 12: Dufferin Street Secondary Plan – Structure Plan
- Attachment 13: Dufferin Street Secondary Plan – Greening Plan
- Attachment 14: Dufferin Street Secondary Plan – Public Streets Plan
- Attachment 15: Dufferin Street Secondary Plan – Pedestrian Connections
- Attachment 16: Dufferin Street Secondary Plan – Cycling Connections
- Attachment 17: Dufferin Street Secondary Plan – Priority Retail Areas
- Attachment 18: Dufferin Street Secondary Plan – Minimum Setback Plan
- Attachment 19: Dufferin Street Secondary Plan – Building Type Areas
- Attachment 20: Dufferin Street Secondary Plan – Maximum Density

Attachment 1: Site Plan



**Attachment 2: Draft Plan of Subdivision**



**3450 Dufferin Street**

File # 16 216502 NNY 15 0Z  
 File # 16 216508 NNY 15 SB

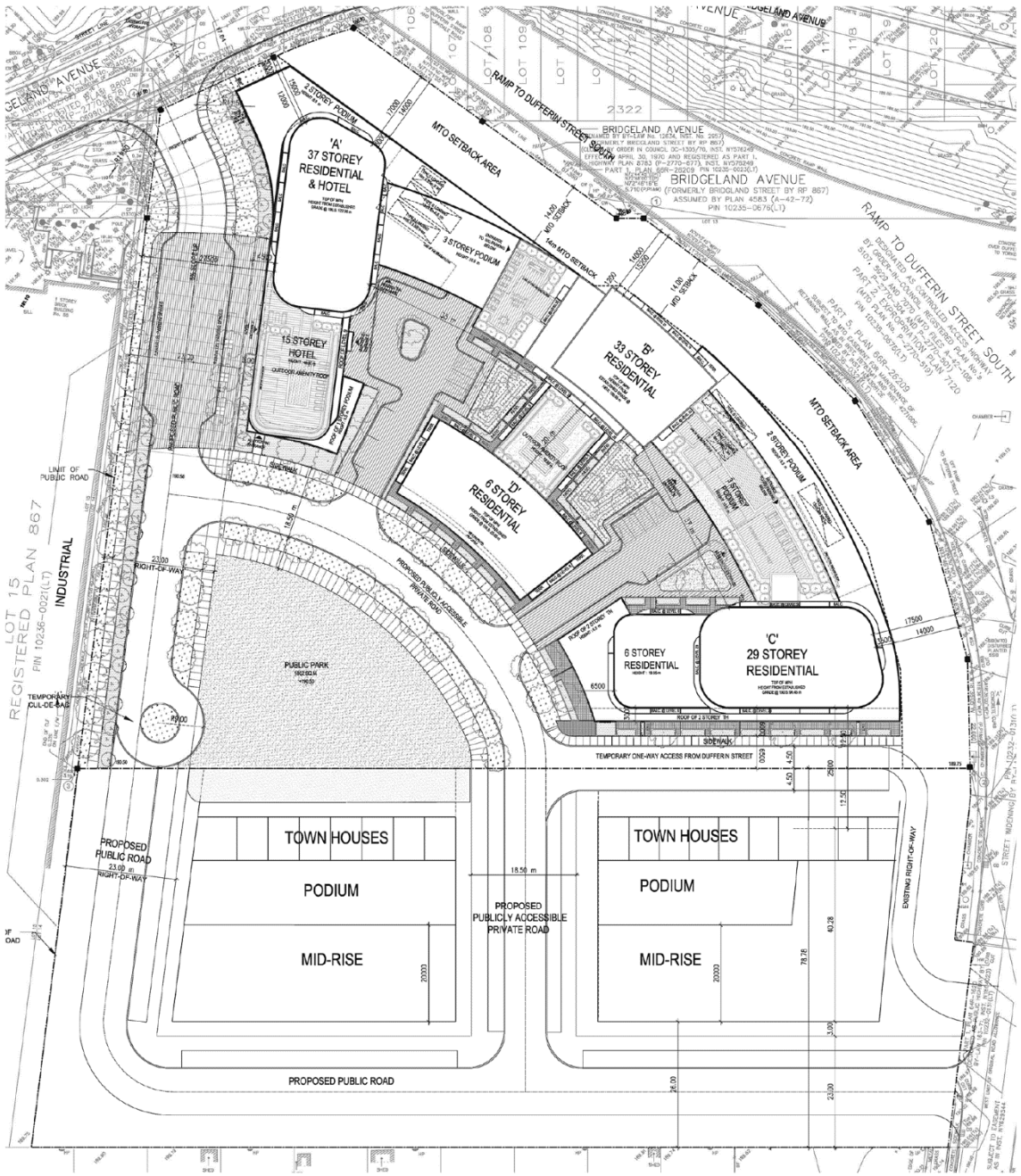
**Draft Plan of Subdivision**

Applicant's Submitted Drawing

Not to Scale  
 01/23/2017



### Attachment 3: Block Master Plan



## Block Master Plan

Applicant's Submitted Drawing

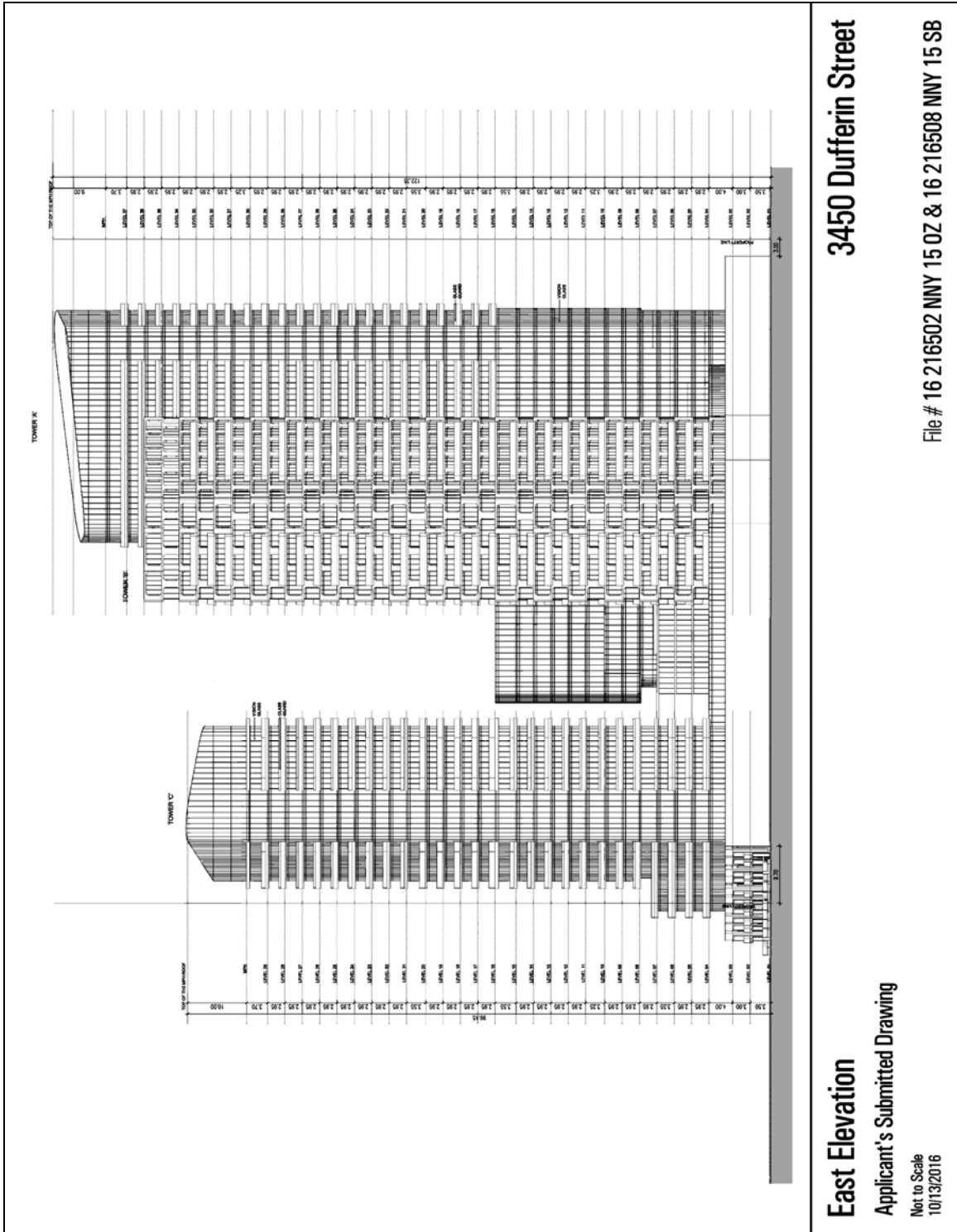
Not to Scale   
01/23/2017

## 3450 Dufferin Street

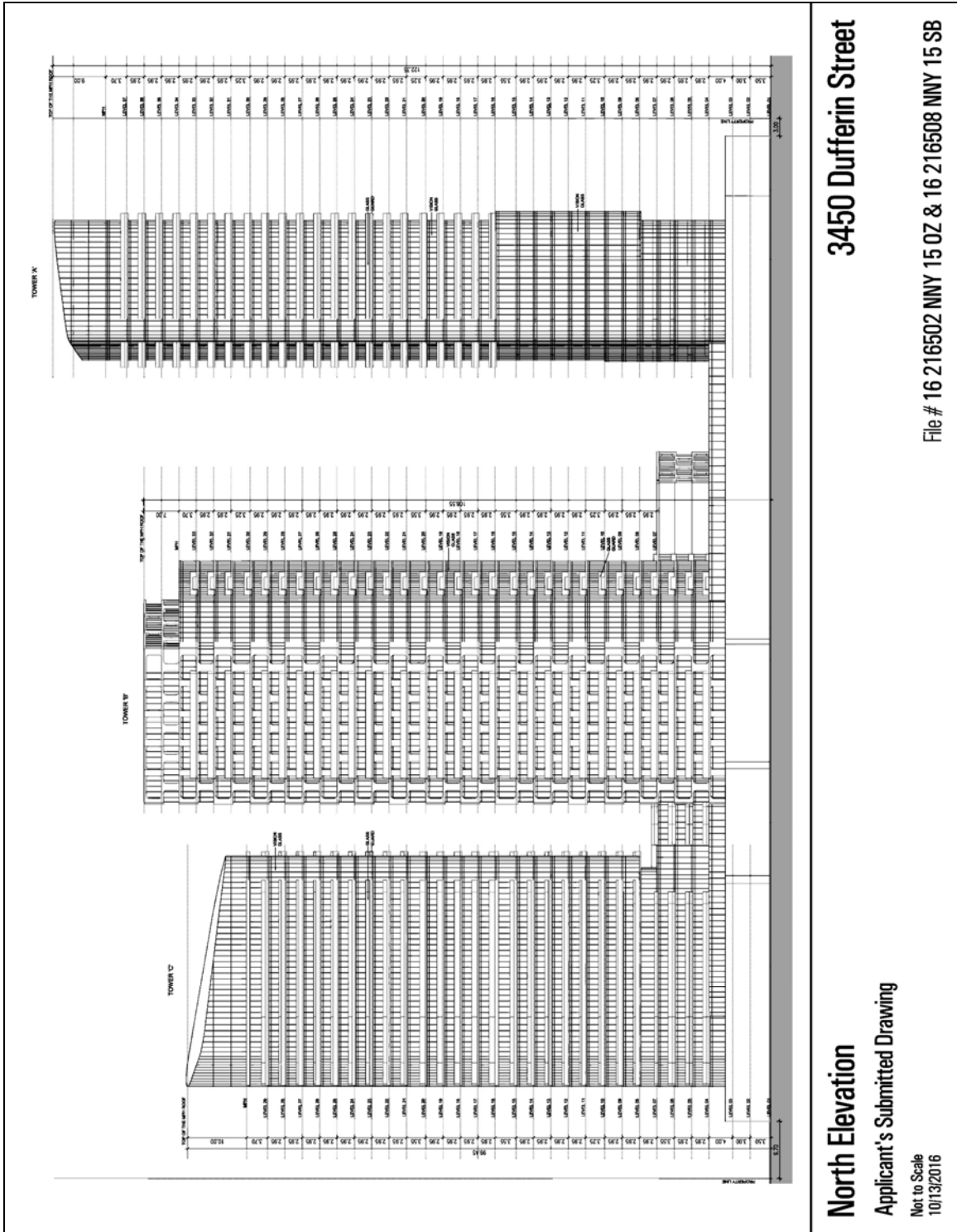
File # 16 216502 NNY 15 0Z

File # 16 216508 NNY 15 SB

### Attachment 4: East Elevation



# Attachment 5: North Elevation

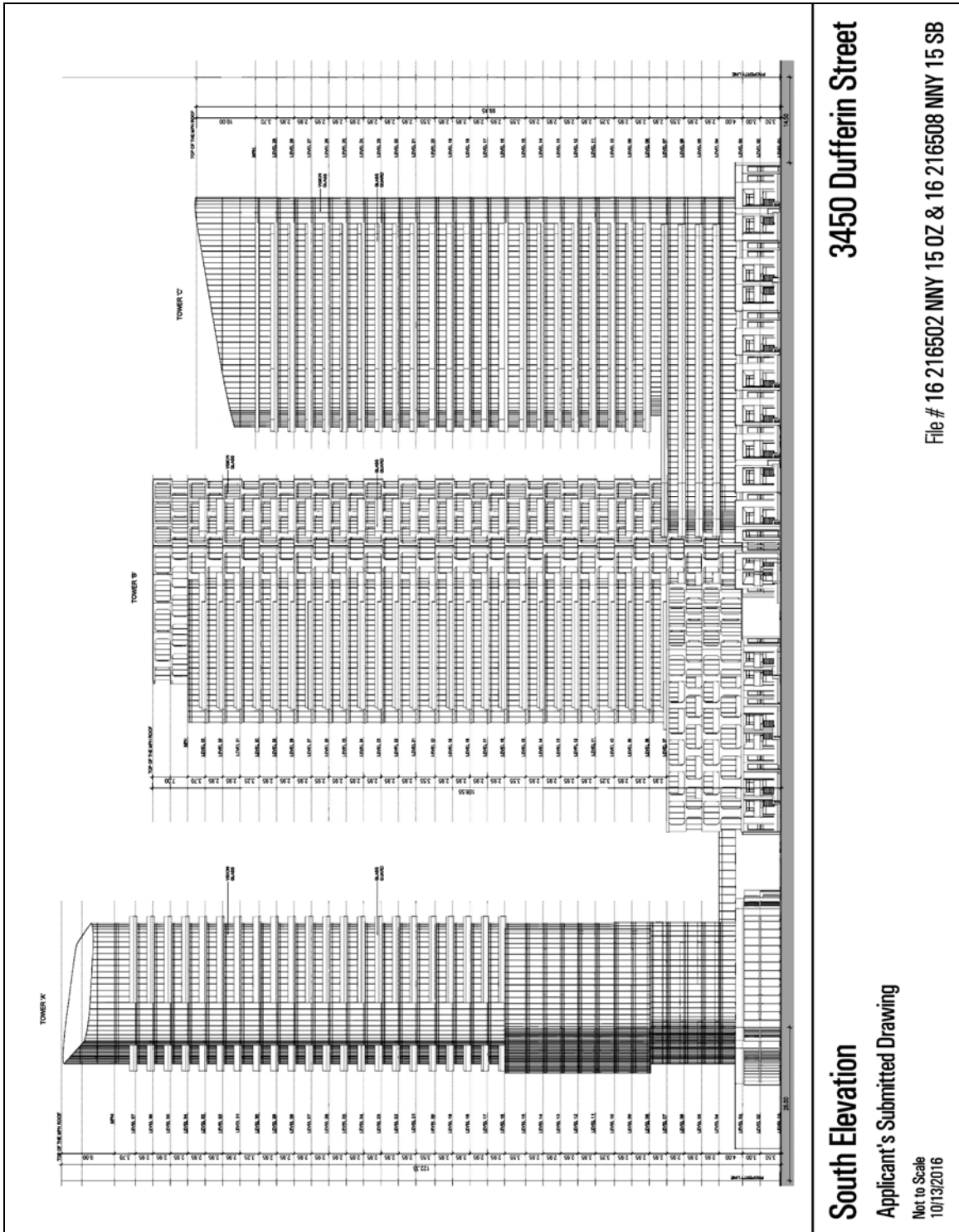


**North Elevation**  
 Applicant's Submitted Drawing  
 Not to Scale  
 10/13/2016

**3450 Dufferin Street**

File # 16 216502 NNY 15 0Z & 16 216508 NNY 15 SB

# Attachment 6: South Elevation

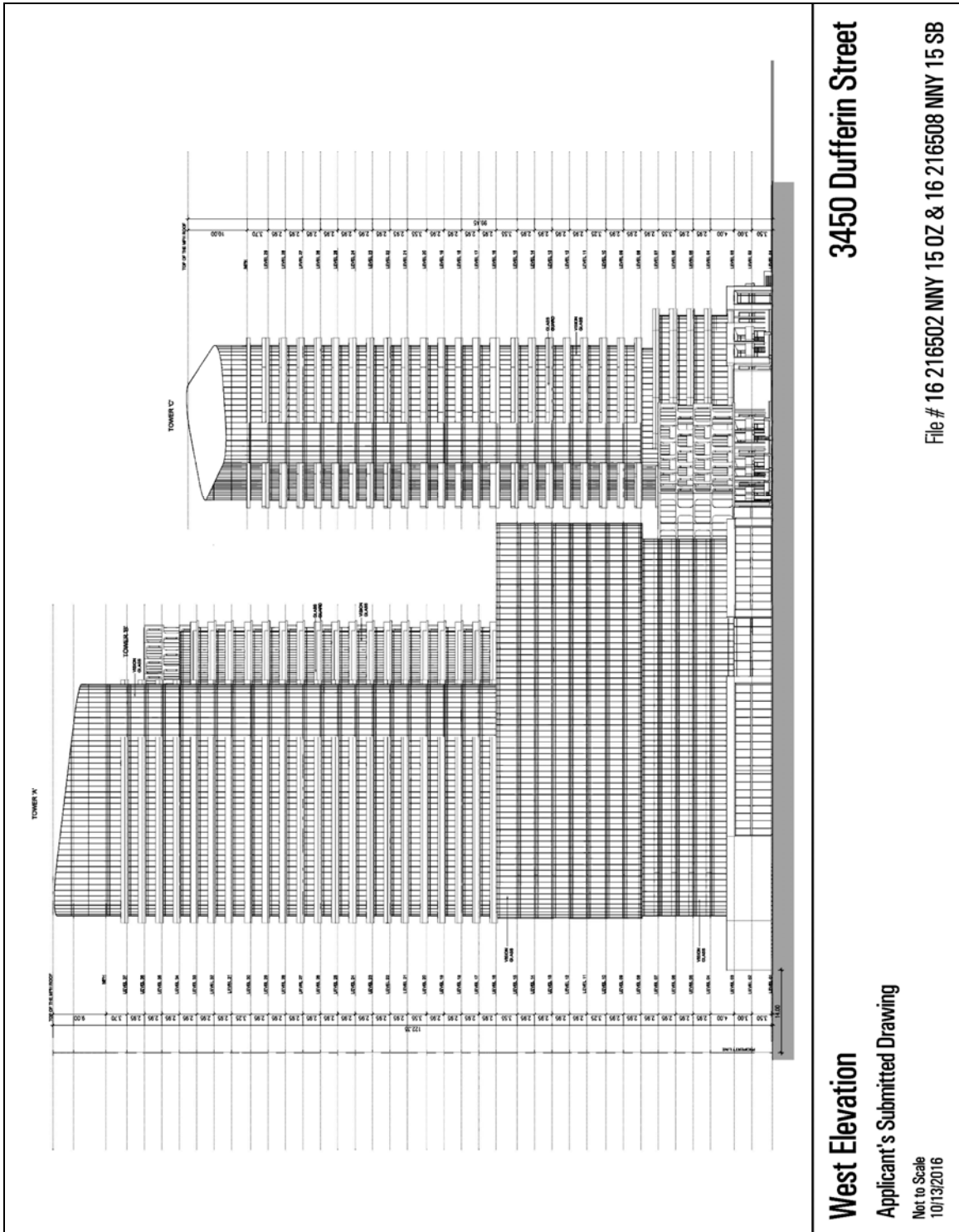


3450 Dufferin Street

**South Elevation**  
 Applicant's Submitted Drawing  
 Not to Scale  
 10/13/2016

File # 16 216502 NNY 15 0Z & 16 216508 NNY 15 SB

Attachment 7: West Elevation



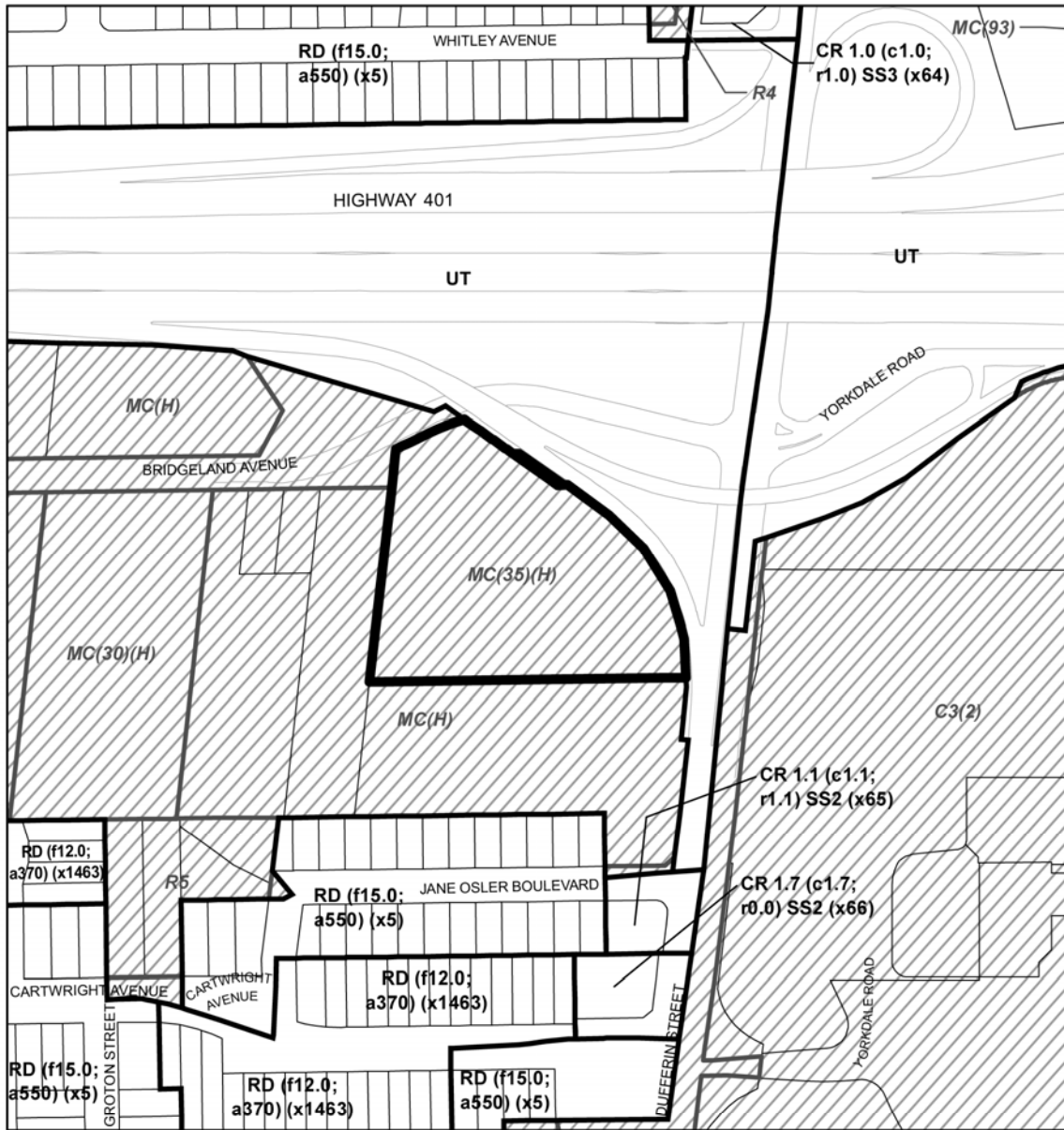
3450 Dufferin Street

West Elevation  
 Applicant's Submitted Drawing  
 Not to Scale  
 10/13/2016

File # 16 216502 NNY 15 0Z & 16 216508 NNY 15 SB



## Attachment 8: Zoning



**Zoning By-Law No. 569-2013**

**File # 16 216502 NNY 15 OZ & 16 216508 NNY 15 SB**

**3450 Dufferin Street**

Location of Application

**RD** Residential Detached

**CR** Commercial Residential  
**UT** Utility and Transportation

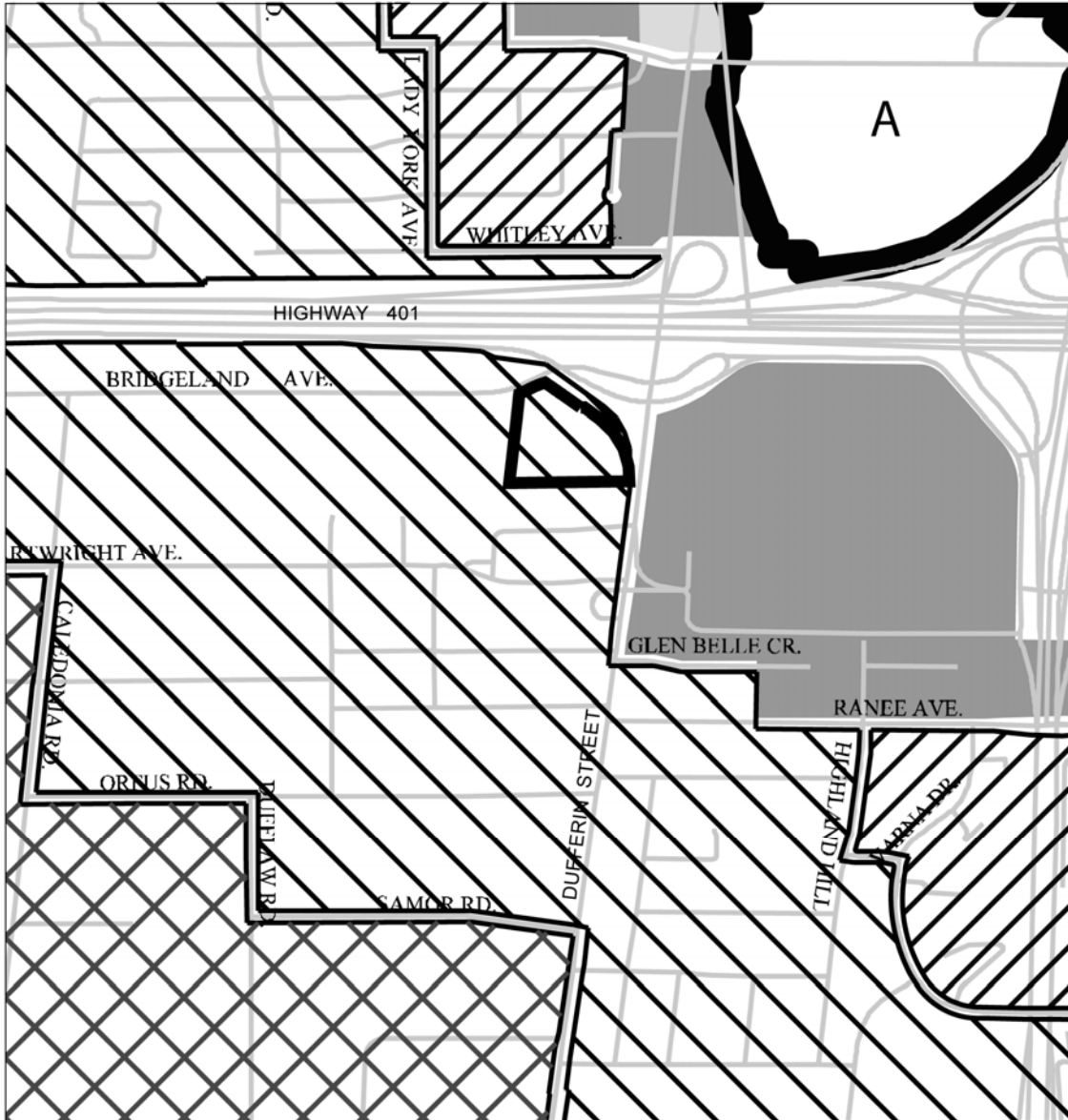
See Former City of North York By-Law No. 7625

**R4** One-Family Detached Dwelling Fourth Density Zone  
**R5** One-Family Detached Dwelling Fifth Density Zone  
**C3** District Shopping Centre Zone  
**MC** Industrial-Commercial Zone



Not to Scale  
Extracted: 10/12/2016

## Attachment 9: Schedule D – Airport Hazard Map



Extract from Schedule D - Airport Hazard Map

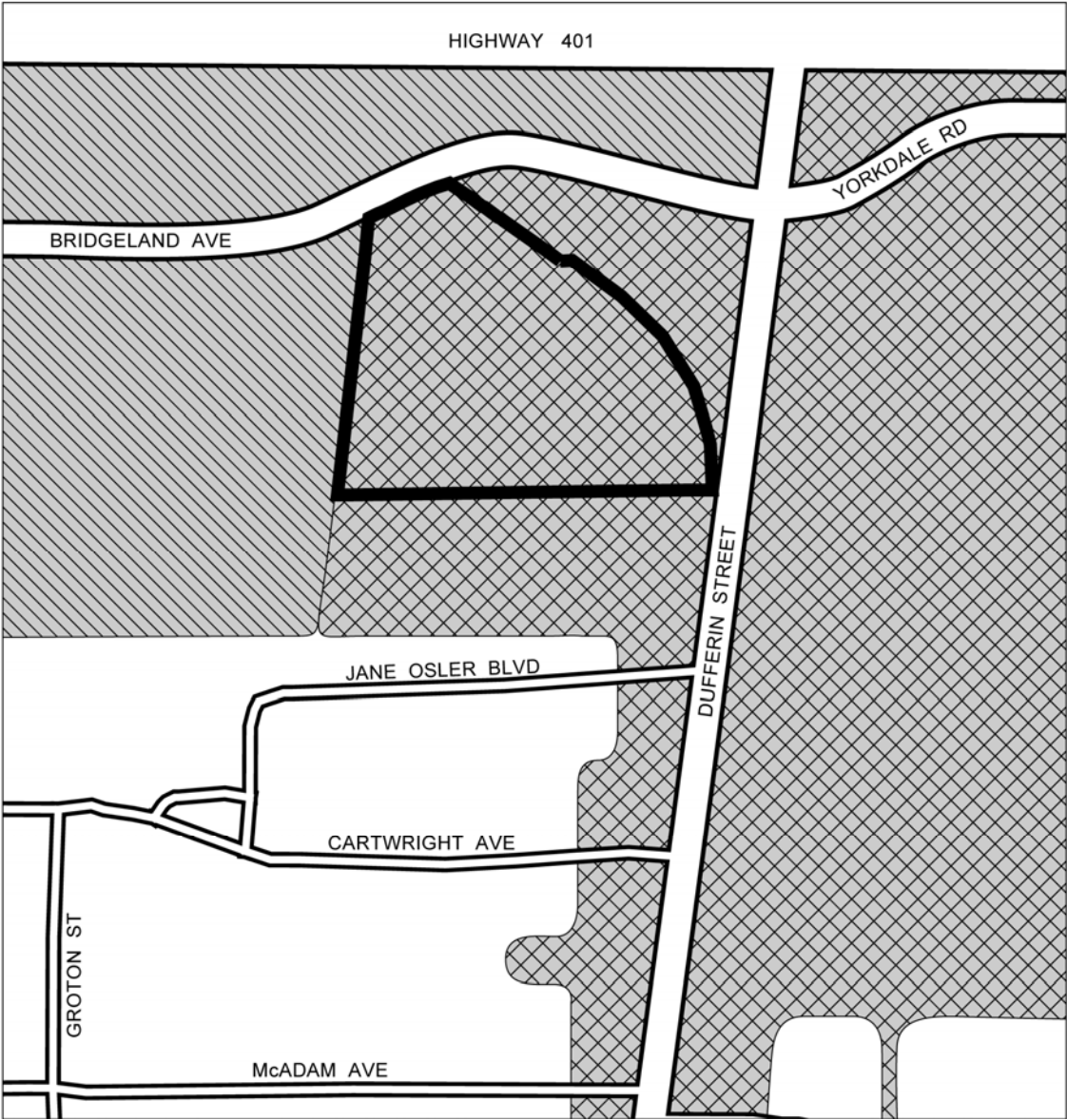
3450 Dufferin Street

File # 16 216502 NNY 15 0Z & 16 216508 NNY 15 SB

	Site Location		Downsview Airport Boundary
	Maximum Structure Height 15.24m		Maximum Structure Height 45.72m
	Maximum Structure Height 30.48m		Maximum Structure Height 60.96m

  
 Not to Scale  
 10/20/2016

Attachment 10: Official Plan – Land Use Map



**TORONTO**  
 Extract from Official Plan

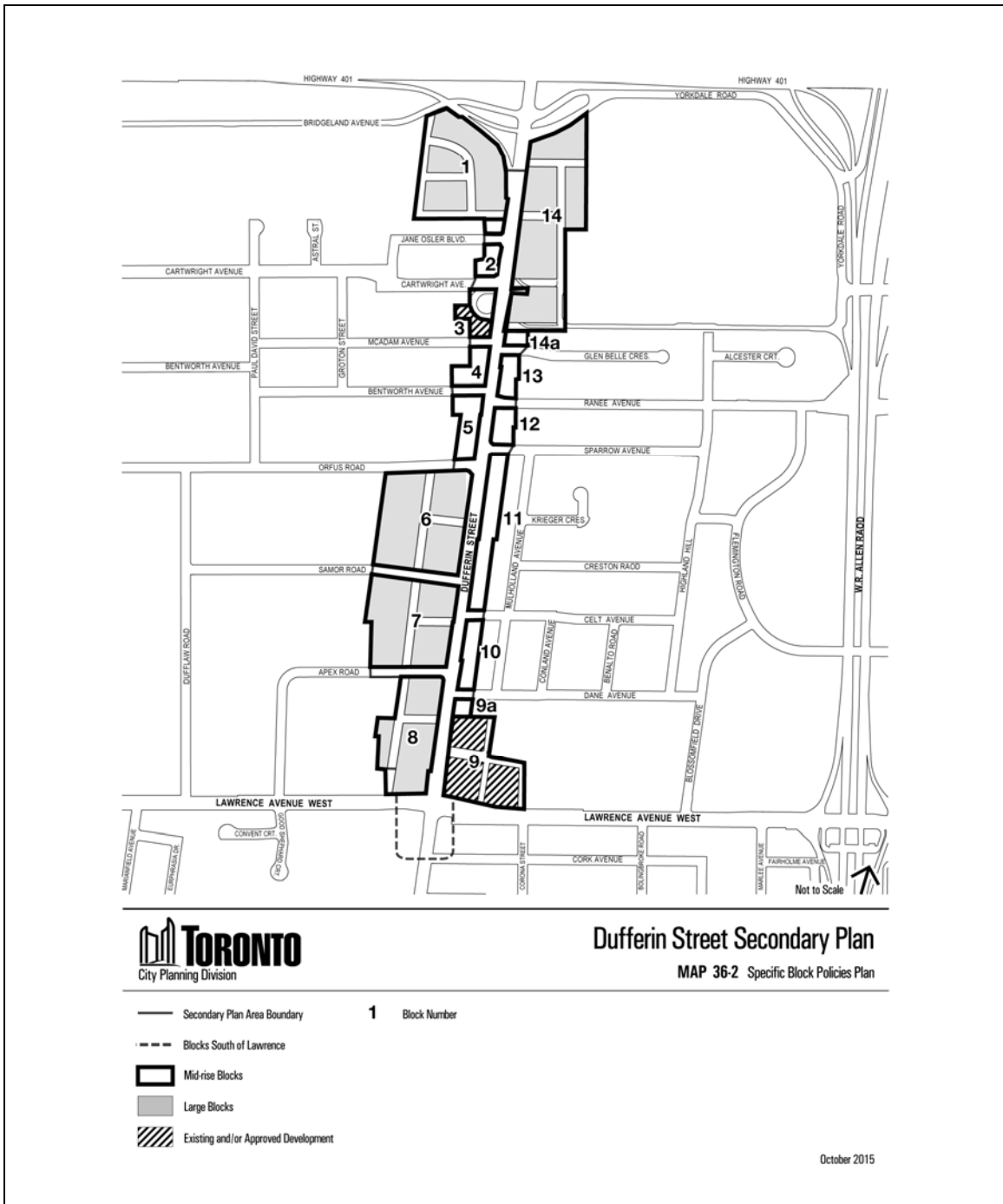
3450 Dufferin Street

File # 16 216502 NNY 15 OZ & 16 216508 NNY 15 SB

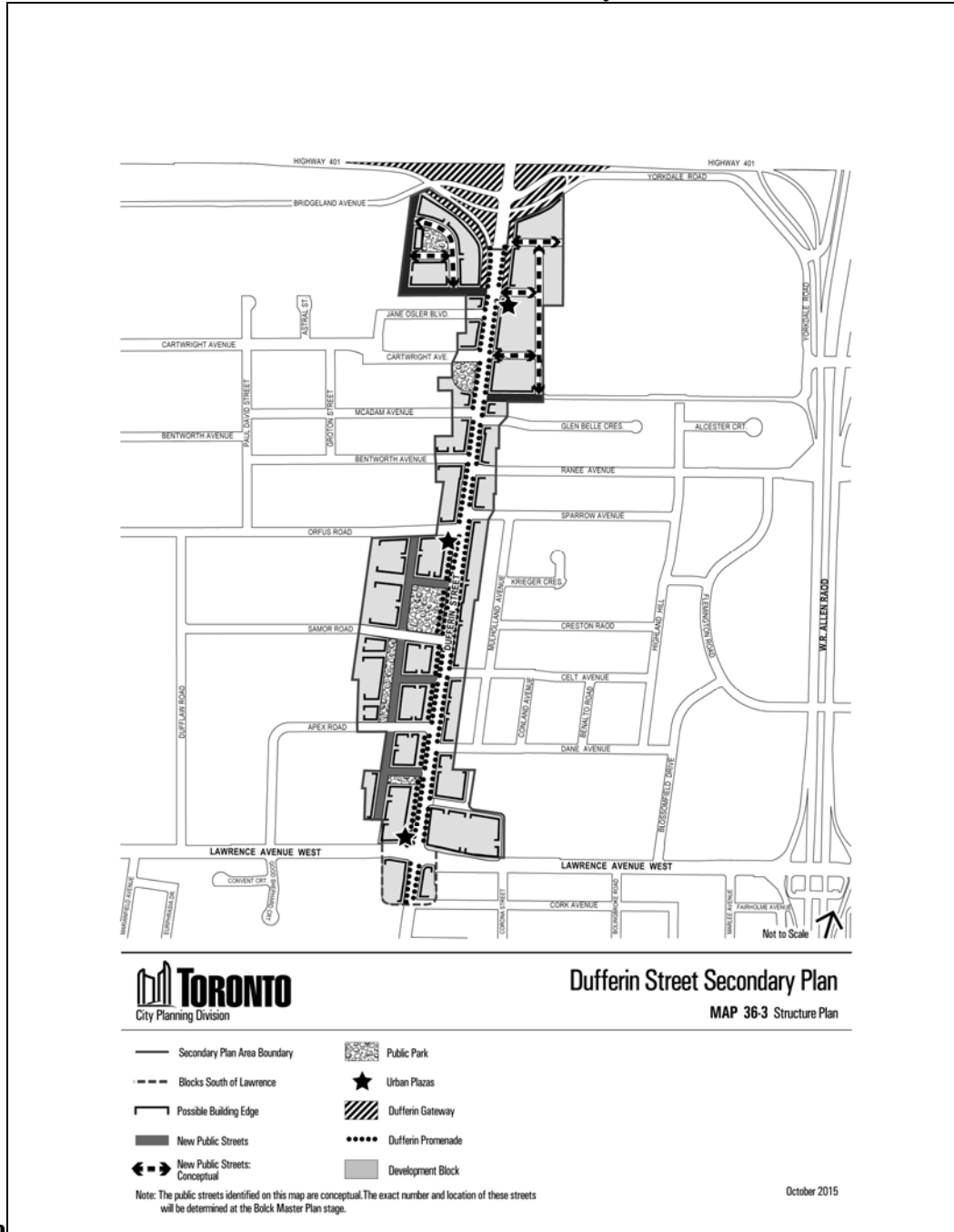
-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Employment Areas

  
 Not to Scale  
 10/17/2016

## Attachment 11: Dufferin Street Secondary Plan – Specific Block Policies Plan



## Attachment 12: Dufferin Street Secondary Plan – Structure



Plan

# Attachment 13: Dufferin Street Secondary Plan - Greening Plan



# Attachment 14: Dufferin Street Secondary Plan - Public Streets Plan



# Attachment 15: Dufferin Street Secondary Plan - Pedestrian Connections



## Dufferin Street Secondary Plan

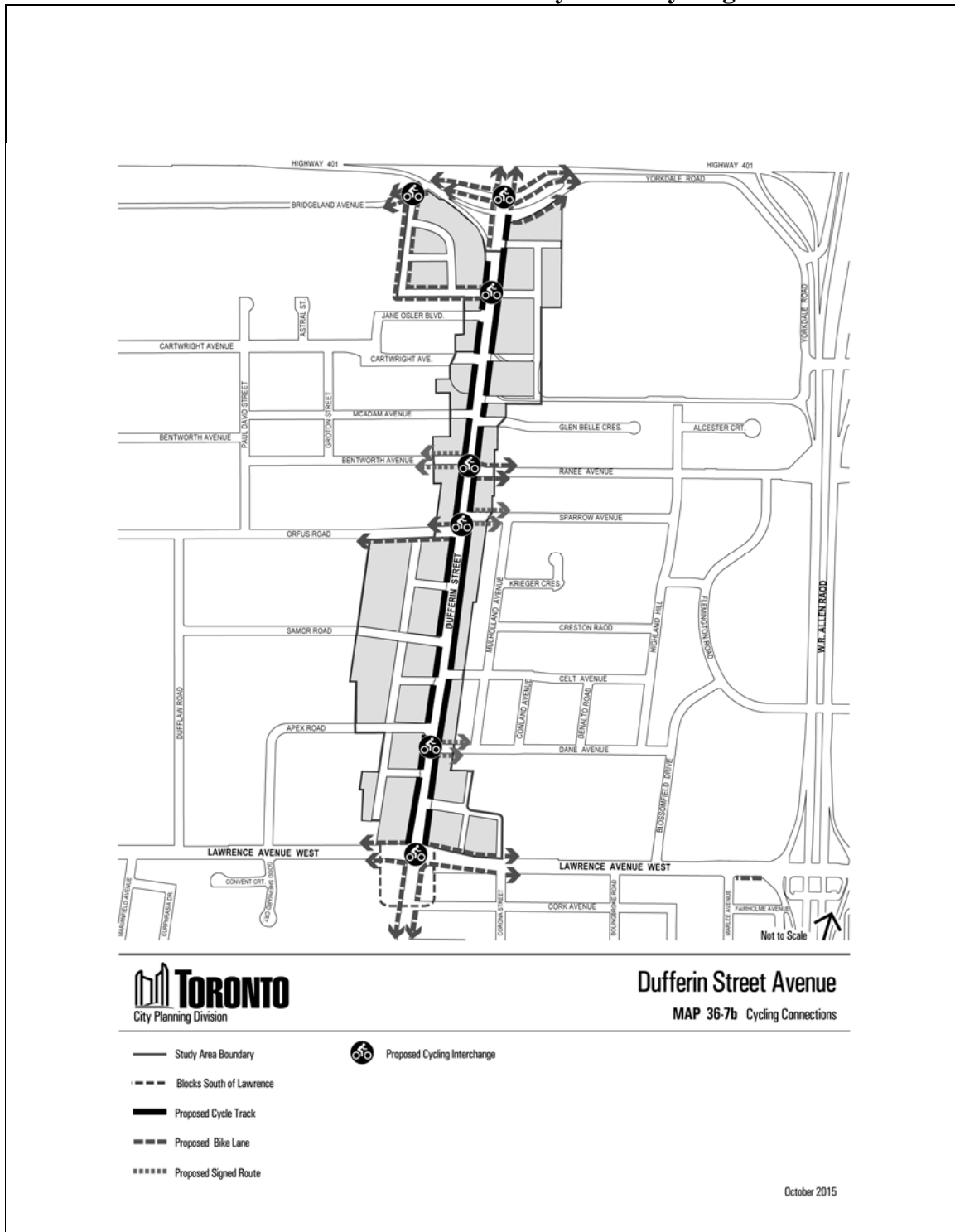
MAP 36-7a Pedestrian Connections

- Secondary Plan Area Boundary
- - - Blocks South of Lawrence
- Pedestrian Routes
- ← → New Pedestrian Routes Conceptual
- Signalized Intersection - Existing
- ⊗ Signalized Intersection - Proposed
- ⊙ High Order Pedestrian Zones

October 2015



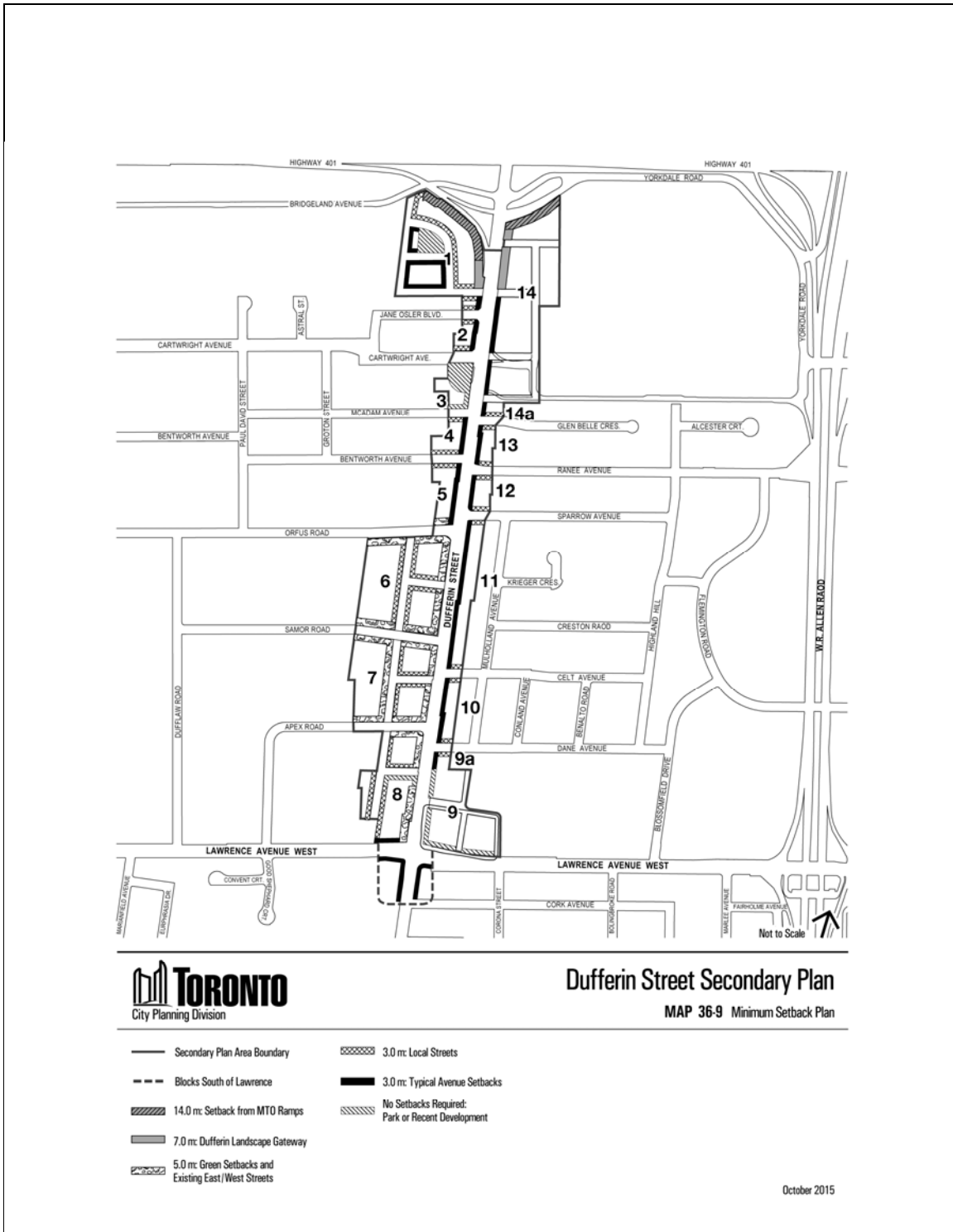
## Attachment 16: Dufferin Street Secondary Plan - Cycling Connections



## Attachment 17: Dufferin Street Secondary Plan - Priority Retail Areas



## Attachment 18: Dufferin Street Secondary Plan - Minimum Setback Plan



## Attachment 19: Dufferin Street Secondary Plan - Building Type Areas



# Attachment 20: Dufferin Street Secondary Plan - Maximum Density



**Attachment 20: Application Data Sheet**

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 216502 NNY 15 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 1, 2016
Municipal Address:	3450 DUFFERIN ST		
Location Description:	PLAN 867 PT LOTS 13 AND 14 PLAN 2322 PT LOTS 101 TO 108 PT CLSD RD RP 64R15356 PARTS 1 TO 5 **GRID N1501		
Project Description:	A mixed-use development consisting: a 37 storey hotel/residential building at the northwest portion of the subject site, stepping down to 15 storeys (Building A); a 33 storey residential building (Building B) connected to a 6 storey residential building (Building D) to the southeast of Building A; and a 29 storey residential building that steps down to a 6 storey base building and further to 2 storey townhouses (Building C).		

<b>Applicant:</b>	<b>Agent:</b>	<b>Owner:</b>
AIRD AND BERLIS		3450 DUFFERIN YORKDALE HOLDINGS INC

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	21,190m <sup>2</sup> for hotel uses
Zoning:	MC(35)(H)	Historical Status:	N/A
Height Limit (m):	45.72 (Schedule D)	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area (sq. m):	20,544	Height:	Storeys:	37
Frontage (m):	43		Metres:	122
Depth (m):	115m			
Total Ground Floor Area (sq. m):	6,963.8			<b>Total</b>
Total Residential GFA (sq. m):	67,539		Parking Spaces:	1,290
Total Non-Residential GFA (sq. m):	16,926		Loading Docks	6
Total GFA (sq. m):	84,465			
Lot Coverage Ratio (%):	33.9			
Floor Space Index:	4.11			

**DWELLING UNITS**

Tenure Type:	Condo
Rooms:	0
Bachelor:	31
1 Bedroom:	743
2 Bedroom:	209
3 + Bedroom:	61
Total Units:	1044

**FLOOR AREA BREAKDOWN** (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	67539	0
Retail GFA (sq. m):	342	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	16584	0

**CONTACT: PLANNER NAME: Andria Sallese, Senior Planner**  
**TELEPHONE (416) 395-7166**

