



STAFF REPORT ACTION REQUIRED

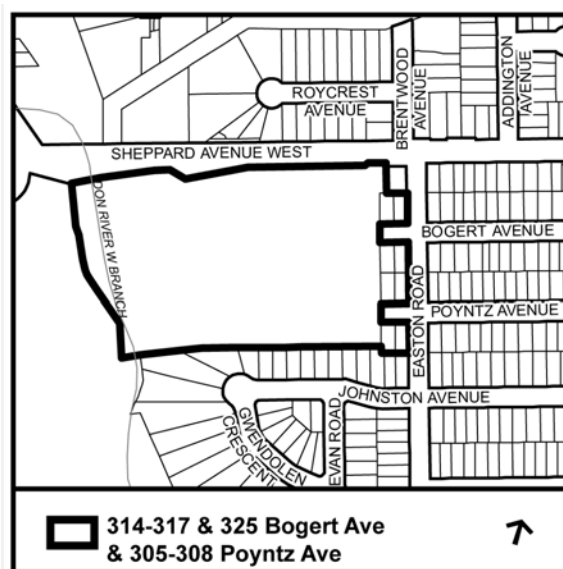
314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue - Official Plan Amendment and Zoning By-law Amendment and Rental Housing Demolition and Conversion Applications – Refusal Report

Date:	June 8, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	16 272001 NNY 23 OZ 17 139152 NNY 23 RH

SUMMARY

This application for Official Plan and Zoning By-law Amendment at 325 Bogert Avenue, 314-317 Bogert Avenue and 305-308 Poyntz Avenue proposes six residential towers, two blocks of stacked townhouses, a public park, and a public road. The demolition of 268 rental dwelling units representing seven of the ten existing rental apartment buildings and 8 single-detached houses is also proposed. The proposal includes a total of 1,765 dwelling units, including the retention of 147 existing rental units and the provision of 268 rental replacement units. A 3-storey addition is proposed above the retained rental buildings.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been filed (File No. 17 139152 NNY 23 RH) to permit the demolition of at least 268 existing rental dwelling units at 325 Bogert Avenue and 8 single-detached houses at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue.



Planning Policy Staff in Housing are currently reviewing the tenure and type of units located at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue. Additional rental units for demolition may be identified through site inspection.

This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-laws for the reasons outlined in this report, including: the proposal is of a scale, height and massing that does not fit with the existing or planned context; the proposal does not provide appropriate transition between areas of different intensity and scale, including adjacent *Neighbourhoods* ; the proposed stacked townhouses are not appropriate; and the housing strategy pursuant to the large site policy (3.2.1.9) has not been addressed.

Staff recommend that Council's decision on the application for Rental Housing Demolition and Conversion under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* be deferred, as the proposed development is not supportable by Planning staff. Council's decision under this statute is not appealable to the Ontario Municipal Board.

In the event the applicant appeals a refusal by City Council to the Ontario Municipal Board (OMB), this report also recommends that the City Solicitor and appropriate City staff be authorized to attend any OMB hearing in opposition to the proposal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Official Plan Amendment and Zoning By-law Amendment for the properties at 325 Bogert Ave, 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue for the reasons outlined in this report, including: the proposal is of a scale, height and massing that does not fit with the existing or planned context; the proposal does not provide appropriate transition between areas of different intensity and scale; the proposed stacked townhouses are not appropriate; and the housing strategy pursuant to the large site policy (3.2.1.9) has not been addressed.
2. City Council authorize the City Solicitor, together with City Planning staff and other appropriate City staff to attend the OMB to oppose the appeal of the Official Plan Amendment and Zoning By-law Amendment applications (Application No. 16 272001 NNY 23 OZ), should the applications be appealed.
3. City Council authorize the City Solicitor, in the event the application is appealed to the Ontario Municipal Board, to support the position that the development should not be approved without the provision of appropriate Section 37 community benefits.

4. City Council defer making a decision on Application No. 17 139152 NNY 23 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act* to demolish at least 268 existing rental dwelling units at 325 Bogert Avenue and an unconfirmed number of dwelling units (by tenure and type) at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue until such time as Zoning By-law and Official Plan amendment applications have been approved for the subject lands.
5. Should the application be appealed and approved in some form by the Ontario Municipal Board, City Council direct the City Solicitor to request the Ontario Municipal Board to:
 - a. withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeals for the subject lands until such time as the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning and the owner have provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, North York District and the City Solicitor, including requiring replacement rental dwelling units and rents, tenant assistance and any other rental related matters at least in conformity with sections 3.2.1.5 and 3.2.1.6 of the Official Plan, and the owner has entered into and registered on title to the lands, a Section 37 Agreement with the City incorporating such replacement rental dwelling units, rents, tenant assistance, any other rental related matters and other section 37 matters, all to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor; and
 - b. withhold the issuance of any Order(s) on the Official Plan Amendment and Zoning By-law Amendment appeals for the subject lands pending City Council dealing with the application No. 17 139152 NNY 23 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish at least 268 existing rental dwelling units at 325 Bogert Avenue and an unconfirmed number of dwelling units (by tenure and type) at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue
6. City Council authorize City Planning in consultation with the Ward Councillor, to secure appropriate services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner and Executive Director, City Planning, should the Official Plan Amendment and Zoning By-law Amendment applications be appealed and the appeals allowed in some form by the Ontario Municipal Board.
7. City Council authorize the City Solicitor, in the event the Official Plan Amendment and Zoning Bylaw Amendment applications are appealed and the appeals are allowed in some form by the Ontario Municipal Board, that the by-laws require replacement of any existing rental dwelling units to be demolished on the property, together with rents and tenant assistance and any other rental related matters, at least in conformity with sections 3.2.1.5 and 3.2.1.6 of the Official Plan in any redevelopment of the lands, and that the owner enter into and register one or more agreements to secure such matters, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A previous redevelopment proposal was submitted for this site in 1995 for 1,610 units and an FSI of 3.2. That proposal went through a lengthy review process, mediation and an Ontario Municipal Board hearing.

On March 15, 1999 North York Community Council adopted the recommendations in a Principles of Development Report from the Acting Director of Community Planning, North District, to establish principles of development for the Official Plan, Zoning Amendment, and Plan of Subdivision applications filed for 305-308 Poyntz Avenue, 314-317 and 325 Bogert Avenue. In that report, North York Community Council also adopted recommendations authorizing city officials to work with the applicant within the parameters established through the principles of development in response to the appeals filed by the applicant. See Attachment 6 – Principles of Development and the following link for the Principles Report:

<http://www.toronto.ca/legdocs/1999/agendas/council/cc/cc990413/ny3rpt/cl022.htm>.

City Council, at its meeting of September 28, 29, and 30, 1999, approved a settlement proposal for the applications. The key elements of this approval were a maximum FSI of 2.2, the replacement of 60% of the rental housing units to be demolished, a tenant relocation package, conveyance of 2.4 ha of valley land to the TRCA and pursuant to the parkland dedication requirements of s. 42 of the Planning Act, a new on-site park of 0.206 ha.

Council also approved a recommendation "that permanent structures be put in place to prevent any traffic infiltration from the new development into the stable Community prior to any occupancy of any of the new buildings; and that this condition form part of the development agreement; and that the final design be to the satisfaction of the Commissioner of Works and Emergency Services in consultation with the local councillors and community representatives."

This decision and background report can be found at the following link:

<http://www.toronto.ca/legdocs/1999/agendas/council/cc/cc990928/ny8rpt/cl017.htm>

In June 2000, the OMB issued a decision to approve redevelopment of the subject site for a total of 1,032 dwelling units, consisting of a mix of townhouses and apartment buildings up to 19 storeys in height at the west end of the site, stepping down to 10, 8 and 6 storeys to the east. Three storey townhouses were approved for the southern and eastern edges of the site. The approved concept also had a public street network through the site, including extensions of Bogert Avenue and Poyntz Avenue and a new north/south street connecting to Sheppard Avenue West. The OMB's decision included the demolition of all existing rental dwelling units on site and a new 0.206 hectare park. The OMB decision provided for the replacement of 60% of the existing rental dwelling units. The OMB decision withheld the issuance of any Order until the preconditions to the issuance had been met. While the Board Decision remains in place, the final Board Order has not yet been issued as the implementing Section 37 Agreement and by-laws were never finalized. See Attachment 7 - June 2000 OMB Decision – Conceptual Site Plan.

ISSUE BACKGROUND

Proposal

The new application for a proposed development on this site is for six new buildings located along the proposed Bogert Avenue extension, ranging in height from 21 to 27 storeys, with base buildings along the Sheppard Avenue frontage ranging in height from 8 to 12 storeys. The proposal also includes a three-storey addition above the three, four storey retained rental buildings at the south end of the site and two, three and half storey stacked townhouse blocks along the Easton Road frontage. A public park of 0.2045 ha in size, fronting on Bogert Avenue, Easton Road and Poyntz Avenue, is proposed. New commercial uses are proposed for the site as well along the Sheppard Avenue West frontage and along the new public street within the site. See Attachments 1, 2a-2d and 5- Site Plan, Elevations and Application Data Sheet.

In order to redevelop the site as proposed, seven of the ten existing, interconnected rental blocks are proposed to be demolished. The applicant proposes to demolish 268 of the 415 existing rental apartment dwelling units and the 8 single detached houses and is proposing to provide 268 replacement rental dwelling units on the site. The remaining 147 of the 415 existing rental apartment dwelling units located on the southern portion of the site would be retained. A total of 1,765 units, including 147 retained rental units are proposed. Of the 1,617 new units, 268 would be rental replacement dwelling units to be located on the site as follows; 92 units within a 3-storey addition to the retained rental buildings, 89 units in Tower 5 and 87 units in Tower 6. The other 1,348 new units would include a mix of market units in apartment towers and base building components and the 40 stacked townhouse units.

The site plan submitted is not consistent with the submitted elevation and roof plan drawings as it shows two buildings with heights of 29 and 33 storeys, so key elements of the proposal need to be clarified by the applicant. The proposed gross floor area is 166,061 square metres, which includes 2,812 square metres of commercial gross floor area on the ground and lower levels of the northerly buildings fronting Sheppard Avenue.

The current proposal includes an L-shaped new 20 m public street right-of-way that connects to Sheppard Avenue West and Bogert Avenue. The rest of the site relies on a private street and driveways for access and circulation. The private street extends south of the Bogert Avenue extension, is proposed to be 21.7 m wide with 5.6 m perpendicular visitor parking on both sides of the private street. Because this proposal retains the existing southern rental building, the current plans do not extend Poyntz Avenue into the site, unlike the 1999 proposal.

The proposal also illustrates a private pedestrian connection with controlled access into the ravine and a viewpoint to the ravine in between Towers 1 and 4.

Key Project Elements	Existing Site	OMB Decision 2000	Current Proposal
Site area	6.58 ha	6.58 ha	6.58 ha
Density (based on 4.052 ha table lands)	1.43	2.1	4.1

Unit Count	415	1032	1765 (including 148 retained)
Height limits	6 storeys	19 storeys (2)	21 (4) 25(1) 27(1) -86.80 m
Non-res GFA	0	0	2812.5 sq m (0.07 FSI)
Res. GFA	33,490 square metres	90,805 sq m (as identified in decision)	163,248 sq m (4.03 FSI)
Number of towers	0	2	6
Park size	n/a	.206 ha	.204 ha
Land use designations	<i>Apartment Neighbourhoods Neighbourhoods Parks and Open Space -Natural Heritage</i>	Residential Density 3 (RD-3) Valley Open Space (VOS) - former North York Official Plan	<i>Apartment Neighbourhoods Neighbourhoods Parks and Open Space - Natural Heritage and Parks</i>
Rental units to be demolished	n/a	416 (plus 8 detached houses)	268 (not including the 8 detached houses)
% Rental to be replaced	n/a	249 (60%)	268 (100%)
Rental units to be retained		0	148

Site and Surrounding Area

The site is currently developed with an existing apartment complex at 325 Bogert Avenue and 8 detached dwellings located at the western ends of Poyntz and Bogert Avenues, with frontage on Easton Road. The site is 6.58 hectares and includes approximately 2.5 hectares of ravine lands within a TRCA regulated area. These ravine lands include a treed area, which slopes down to the river and includes a portion of the river channel. The existing buildings have a total GFA of 33,490 square metres and an FSI of 1.43.

According to the Housing Issues Report provided by the applicant, the 268 existing rental dwelling units at 325 Bogert Avenue proposed to be demolished have the following unit mix and rent classification:

- 7 bachelor rental dwelling units with affordable rents;
- 124 one-bedroom rental dwelling units – 75 with affordable rents and 49 with mid-range rents;
- 110 two-bedroom rental dwelling units – 59 with affordable rents and 51 with mid-range rents;
- 19 three-bedroom rental dwelling units – rent classification unknown; and
- 8 four-bedroom rental dwelling units – rent classification unknown.

The Housing Issues Report also states that the 8 single detached houses located at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue contain 8 residential dwelling units, many of which have been used for residential rental purposes for several years. To date, Staff have not confirmed the tenure or number of residential dwelling units located within these residential properties with the applicant.

At the time of application, all but 2 of the 415 rental dwelling units at 325 Bogert Avenue were occupied.

The surrounding area includes:

North: Two storey medical office (307 Sheppard Avenue West) and single storey detached dwellings on the north side of Sheppard Avenue West;

South: Single detached dwellings fronting on to Johnston Avenue and Gwendolen Crescent;

East: Residential neighbourhood of single detached dwellings; and

West: Don River valley and Earl Bales Park, both part of the *Natural Heritage System*

The surrounding area's Official Plan designations include *Mixed Use Areas* as part of the *Avenues* structure, along Sheppard Avenue West, to the north and east, *Neighbourhoods* to the north and east; and *Parks and Open Spaces – Natural Areas* to the west.

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

The *Planning Act* and associated Provincial Policy Statement (2014) guide development in the Province. Under the *Planning Act*, Section 2 sets out matters of Provincial interest that shall be had regard to. These include:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (q) the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians; and
- (r) the promotion of built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place; and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

The Provincial Policy Statement is issued under Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2006) 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; providing housing options to meet the needs of people at any age; 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. Section 4.2.4 of the Growth Plan reads: "Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

Updates to the Growth Plan will take effect on July 1, 2017. The Growth Plan for the Greater Golden Horseshoe, 2017 was prepared and approved under the Places to Grow Act, 2005. Council decisions are to be consistent with the provincial plans and policy statements that are in effect on the date of their decision.

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

Official Plan

The Official Plan, on Map 16, designates the site as *Apartment Neighbourhoods*, *Neighbourhoods* and *Natural Areas*. See Attachment 4 – Official Plan. Most of the site is *Apartment Neighbourhoods*. The eastern portion of the site, currently developed with detached dwellings, and the southern portion of the site that borders on the existing *Neighbourhoods* to the south are designated *Neighbourhoods*. The western part of the site is designated *Natural Areas*.

Apartment Neighbourhoods are stable areas of the City and significant growth is generally not anticipated, however there may be opportunities for additional townhouses or apartments on underutilized sites. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The development criteria for *Apartment Neighbourhoods* (4.2.2) includes direction for new buildings to be located and massed to provide transition between areas of different intensity and scale; limiting shadow impacts on adjacent *Neighbourhoods*; and locating and massing new buildings to frame the edge of streets and maintain sunlight and comfortable wind conditions on adjacent streets, parks and open spaces.

Where there are opportunities for infill development on underutilized sites, policy 4.2.3 of the Plan sets out criteria to evaluate those situations which includes the need to provide good quality of life for both new and existing residents. These criteria include, but are not limited to, meeting the policies of 4.2.2, as well as direction regarding residential amenity; maintenance of sunlight, privacy and landscaped open space; and site organization for adequate sky views, safety and comfort.

The southern portion of the site is designated *Neighbourhoods*, which reflects the 2000 OMB approved direction for the site's redevelopment. This portion of the site is currently developed with a 4 storey apartment building comprising 148 rental dwelling units in three interconnected blocks, with a breezeway providing access into the site. In the 2000 OMB decision, this portion of the site was to be

redeveloped with 3 storey townhouses. *Neighbourhoods* are physically stable areas with lower scale residential buildings, such as detached and semi-detached houses, townhouses and interspersed walk-up apartments no higher than four storeys. Parks, home occupations, low scale institutions and small-scale retail are also permitted. The development criteria in *Neighbourhoods* speak to reinforcing and respecting the existing physical character of the neighbourhood (Policy 4.1.5). The *Neighbourhoods* policies permit apartment buildings legally constructed prior to the approval date of this Official Plan (Policy 4.1.4).

The *Parks and Open Space Areas - Natural Areas* designation (4.3.1) sets out criteria for development that will achieve protection and restoration of natural heritage features; providing public access and visibility, where possible; create connections and linkages for more continuous recreational corridors; and provide comfortable and safe pedestrian connections.

The *Parks and Open Space Areas - Natural Areas* designation is also supported by the Official Plan Policies on the Natural Environment (3.4) which state that future development shall be environmentally friendly, including the following principles:

- Protecting, restoring and enhancing the health and integrity of the natural ecosystem;
- Supporting biodiversity and targeting ecological improvements, in this case paying particular attention to ravines and associated biophysical processes;
- Protecting, improving, and creating natural linkages between the natural heritage system and other green spaces, and
- Increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. This part of the Sheppard Avenue West corridor is planned to have a future right-of-way width of 36 metres as shown on Map 3 of the Official Plan. Sheppard Avenue West is currently identified as both a Higher Order Transit Corridor on Map 4 and part of the Surface Transit Priority Network on Map 5 of the Official Plan. Bogert Avenue, Easton Avenue and Poyntz Avenue are local streets.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the city can fit harmoniously within the existing area. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the buildings and the use of setbacks and stepbacks of building mass. These policies also speak to the exterior façade of buildings to fit harmoniously into the existing and planned context, by incorporating design elements, their form, scale, proportion, pattern and materials that fit with the existing or emerging character of the area.

Environmental sustainability will be promoted in *Neighbourhoods* and *Apartment Neighbourhoods* by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for stormwater management and energy efficiency and programs for reducing waste and conserving water and energy (2.3.1.5). As well, 2.3.1.6 sets out that community and neighbourhood amenities will be enhanced where needed by:

- a) improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and streetcar services and other community services; and
- b) creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

The City's Housing Policies are found under Section 3.2.1 and encourage the provision of a full range of housing, in terms of form, tenure and affordability.

Policy 3.2.1.5 applies to this site and states that for significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- a) will secure as rental housing, the existing rental housing units which have affordable rents and mid-range; and
- b) may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this Plans, without pass-through of such costs in the rents to tenants.

Policy 3.2.1.6 also applies to this site and requires that new development resulting in the loss of six or more rental dwelling units with affordable or mid-range rents will not be approved unless the following are secured:

- a) at least the same number, size and type of rental housing dwelling units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- b) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- c) an acceptable tenant relocation and assistance plan addressing the right to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

The development site is 6.58 hectares in size. Policy 3.2.1.9 states that large residential developments, generally greater than 5 hectares in size, provide an opportunity to achieve a mix of housing in terms of types and affordability. In such developments, a minimum of 30 percent of the new housing units will be in forms other than single-detached and semi-detached houses and, where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable housing constructed on-site or the conveyance of land in the development to the City for the purpose of affordable housing, or, at the discretion of the City:

- a) with the agreement of the developer, affordable housing units constructed near the development site or elsewhere in the City;
- b) the conveyance of land to the City for the purpose of affordable housing near the proposed development site; or
- c) cash in lieu for the purpose of constructing affordable housing in or near the proposed development site.

Section 5.1.1 allows the City to approve height and/or density greater than permitted by the zoning by-law in return for facilities services and matters 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 application proposes an additional 46,000 square metres on the site and increases in height.

The Toronto Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, assists with implementing the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental dwelling units where there are six or more dwelling units, of which at least one comprises rental housing, without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental dwelling units where there is a related zoning by-law amendment application require a decision by City Council for Section 111 matters. Council may refuse an application or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where a zoning by-law amendment application triggers an application under Chapter 667 for rental demolition or conversion, frequently City Council considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

A Rental Housing Demolition and Conversion Application under Section 111 of the *City of Toronto Act* has been submitted to permit the demolition of the rental dwelling units at 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue. Further information is required from the applicant to confirm the total number of rental dwelling units on site.

As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants of the residential rental property and matters under the City's Rental Housing Demolition and Conversion By-law.

Official Plan Amendment 320

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

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

OPA 320 amends the *Apartment Neighbourhoods* policies to add emphasis on the need to provide improved amenity spaces for both existing and new residents as part of any infill development. Infill development should provide a good quality of life for both new and existing tenants and maintain sunlight and privacy for residential units.

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

The Minister's approval and modification can be found at

http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MMA%20Notice%20of%20Decision.OPA%20320.July%204_2016.pdf.

Sheppard Lansing Secondary Plan

The subject property is bordered on the northeast corner by a site in the Sheppard Avenue Commercial Area Secondary Plan (SACASP), which extends east along Sheppard Avenue West to Beecroft Road/Frizzell Road. This area is also designated as an *Avenue* on the Urban Structure Map – Map 2. Amendments to the Sheppard Avenue Commercial Area Secondary Plan (SACASP) were approved by Council on January 31, 2017 and have been appealed to the Ontario Municipal Board.

City Planning reviewed the permitted land uses, density and development standards within the western segment of the SACASP area (renamed the Sheppard Lansing Secondary Plan) located west of the North York Centre between Beecroft Avenue and Brentwood/Easton Avenues (Sheppard Lansing Area). Official Plan Amendment No. 367 updates the permissions for the Sheppard Lansing Secondary Plan, including policies to:

- Set out a vision and principles of development and redevelopment in the Sheppard Lansing Area;
- Amend the permitted land uses to permit retail and residential uses in a townhouse or apartment building form;
- Increase the permitted density for most of the properties from 1.0 times the coverage of the lot (FSI) to between 2.0 to 3.0 FSI;
- Increase the maximum building heights from 2 storeys (8.0 m) to 5-6 storeys for most of the Secondary Plan area;
- Removing some site-specific exceptions that are addressed by the proposed changes;
- Provide appropriate transition through a modified 45 degree angular plane and other policies; and
- Introduce public realm policies and connections for the pedestrian and cycling network.

Zoning

The subject site is comprised of two zones under the former City of North York Zoning By-law No. 7625. The majority of the site is zoned RM3, Multiple-Family Dwellings Third Density, which allows for a range of residential uses, including, apartment house dwelling and multiple attached dwelling. A maximum height of 9.2 m and 0.75 density are permitted in this zone. The properties that front Bogert Avenue and Poyntz Avenue are zoned R4, One-Family Detached Dwelling Fourth Density Zone, which only permits one-family detached dwellings and accessory buildings.

A small strip at the east end of the site is zoned C6 – Special Commercial Zone and at the west end a portion is zoned O1 – Open Space. See Attachment 3 – Zoning.

An amendment to the Zoning By-law was approved in principle by the OMB in June 2000. The OMB approved rezoning would rezone the site to RM3(6), with the exception of the valley lands and the proposed public park which would be rezoned to O1- Open Space.

The property is not subject to the provisions of the City of Toronto Zoning By-law No. 569-2013. This site is outside the boundaries subject to Schedule 'D' Airport Hazard Map in the former City of North York Zoning By-law 7625, which establishes the maximum permitted heights for buildings and structures around the former Downsview Airport. Applications are circulated to Bombardier and NAV CAN for review with respect to heights in relation to the airport operations.

Site Plan Control

A Site Plan Control application will be required for the proposed development but has not yet been submitted.

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 that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Mid-Rise Design Guidelines

City Planning conducted a study of the *Avenues* and mid-rise buildings and in 2010 City Council adopted the Performance Standards (section 3 of the Study) in the Avenues and Mid-Rise Building Study. At that time, Council provided City Planning with a series of directions to encourage the realization of the 'vision' of the Avenues more quickly, and to monitor the Performance Standards over a 2 year period.

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

Staff report for action – Refusal Report – 325 Bogert Avenue, 314-317 Bogert Avenue and 305-308 Poyntz Avenue

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-rise Building Performance Standards Addendum (April 20, 2016)
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Urban Design Guidelines for Infill Townhouses

The Urban Design Guidelines for Infill Townhouses (2006) articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes, adjacent properties and seamlessly integrating new development into the existing context. The Guidelines provide a framework for site design and built form to achieve good urban design and an appropriate scale and form of development for applications proposing low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at:

http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/

A comprehensive update to the Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the Council-approved 2006 Guidelines to reflect current trends and best practices for a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>. Prior to presenting a finalized version of these Guidelines for Council consideration and adoption, City Staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of Development Applications.

Reasons for Applications

The applications identify amendments to the Official Plan and Zoning By-law for the redevelopment proposal. City Planning has identified an additional Official Plan amendment required for the proposal.

The Official Plan Amendments identified by the applicant are to:

- to redesignate 315 and 317 Bogert Avenue and 306 and 308 Poyntz Avenue to *Parks and Open Space – Parks*;
- to permit 20 unit stacked townhouse blocks on each of the sites at 314 and 316 Bogert Ave and 305 and 307 Poyntz Ave which are designated *Neighbourhoods*; and
- to permit 2,850 square metres of retail, service and office uses on the *Apartment Neighbourhoods* portion of the site.

The application does not propose an amendment to Policy 3.2.1.9 which sets out affordable housing provisions for sites greater than 5 ha in size, nor does it discuss the applicability of this policy in the Planning Rationale or Housing Issues Report.

An amendment is required to North York Zoning By-law 7625, as amended, in order to permit an increase in the permitted height and density of the proposed towers. The zoning also needs to be amended to permit the proposed stacked townhouse dwelling type on the eastern portion of the site along the Easton Road frontage and may require amendments to other provisions as well. In addition, an amendment is required to permit the proposed grade-related commercial uses. The rezoning also proposes to amend development standards regarding recreation space, parking and other matters to be determined to reflect the proposal. The Zoning Bylaw Amendment also proposes to rezone the valley slope and the proposed park to O1 (Open Space).

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A Rental Housing Demolition and Conversion application is required to permit the demolition of the existing dwelling units per Municipal Code Chapter 667. Further information is required to confirm the final number of rental dwelling units on the site.

An application for Plan of Subdivision was not submitted and would be required for the new public street, public park and conveyance of ravine lands.

Community Consultation

A community consultation meeting was held on April 4, 2017 at St. Edward Catholic School. Approximately 175 people attended. The following issues were raised with respect to the subject application:

- Impact on the neighbourhood including, traffic infiltration, visitors parking on local streets, and loss of privacy;
- Transportation concerns include, relocation of the traffic light at Easton Rd, impact of traffic and congestion on quality of life, traffic impacts related to the extension of Bogert Ave into the proposed development, lack of measures to mitigate congestion, and more information required related to the Transportation Impact Study;
- Number of proposed parking spaces deters use of public transit;
- The proposed development should be consistent with the OMB decision permitting a maximum of 19 storeys, an FSI of 2.2 and a total of 1032 residential units;
- Removal/injury to trees on site;
- Impact of construction activities to the valley;
- Proposal does not respect the character of the adjacent stable residential neighbourhood and the existing 325 Bogert Avenue residents are an important component of the existing neighbourhood fabric
- Concerns with servicing and stormwater management as the area is susceptible to basement flooding;
- Integration of the retained rental building into the design of the proposed addition and new buildings;
- Impacts on tenants including, relocation, the duration of construction, and increases in rent; and
- Issues regarding the condition of existing buildings, including the building that is to be retained.

In addition to the key issues raised at the community consultation meeting, communications from area residents to City Planning have identified the following issues with the application:

- Change from OMB approved 1032 units to 1765 units;
- This is not an area targeted for higher density development unlike Yonge/Sheppard in North York Centre;
- Traffic impact on local streets;
- Impact on local services and infrastructure including schools, the Yonge subway, roads and sewer capacity;
- Potential for precedent from introduction of townhomes in the *Neighbourhood*;
- Tenant protection and assistance;
- Lack of affordable housing units;
- Impacts of glass towers near a natural area on bird migration;
- Proposed building materials and building design;

- Ravine access;
- Trail and cycling connections to larger networks;
- Support for community facilities for non-profit childcare, library and seniors services/residence; and
- Issues with property maintenance.

Communications also spoke to positive aspects of existing site including, proximity to natural areas, the number of birds, and balcony enclosures.

Tenant Consultation Meeting

A Tenant Consultation Meeting as required under the City's Rental Housing Demolition and Conversion By-law has not yet been held. Staff will notify all affected tenants when this meeting has been scheduled.

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 application submitted December 30, 2016:

- Planning and Urban Design Rationale (includes a Community Services and Facilities Study);
- Public Consultation Strategy;
- Draft Zoning By-law and Official Plan Amendments
- Toronto Green Standard Checklist;
- Phase 1 Environmental Site Assessment;
- Tree Inventory and Preservation Plan Report;
- Pedestrian Level Wind Preliminary Assessment;
- Shadow Study;
- Qualitative Pedestrian Level Wind Assessment;
- Functional Servicing Report and Stormwater Management Report; and
- Geotechnical Investigation

A Notice of Incomplete Application was issued February 3, 2017 as the following required studies were not provided:

- Transportation Studies (Transportation Impact, Traffic Operations, Parking and Loading);
- Housing Issues Report;
- Preliminary Geotechnical Investigation;
- Natural Heritage Impact Study.

These studies were submitted on March 22, 2017. As well the Pedestrian Level Wind Study did not meet the Development Guide Terms of Reference. The Pedestrian Level Wind Study was submitted April 11, 2017. The application was deemed complete as of April 11, 2017.

Establishing the stable top of bank is an important element in determining the appropriate building footprint when a proposal is adjacent to a ravine feature. In order to determine the location of the stable top of bank the applicant should provide a grading plan. While not a submission requirement of the Official Plan to constitute a complete application under the *Planning Act*, it is necessary in order to fully determine whether the proposed building footprint is appropriate and has been requested by Urban Forestry - Ravine and Natural Feature Protection in their comments dated February 28, 2017 and May 1, 2017. To date the applicant has not provided this information.

The submission did not include a Plan of Subdivision application and the RH application is incomplete for a number of reasons including additional information is needed to confirm unit mix and rent classifications; missing rent rolls; and additional analysis and detail as required by Policy 3.2.16 Demolition of Existing Rental Housing and 3.2.1.9 Large Residential Development.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS (2014) sets out in Policy 4.7 that "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans." As well, the PPS provides that planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas (1.1.3.3). The PPS also provides direction that there should be appropriate development standards to promote intensification (1.1.3.3) and healthy communities with public streets and spaces to be safe, meet the needs of pedestrians, and facilitate active transportation and community connectivity (1.5.1). In accordance with the PPS, the City of Toronto Official Plan identifies appropriate locations for intensification and redevelopment, and through its policies sets out appropriate standards for development of healthy communities. The level of intensification proposed is not consistent with the Official Plan and its implementation of the PPS.

The intensification policies of the Growth Plan (2006) detail municipal intensification strategies implemented through official plans (2.2.3.6) regarding where intensification will occur. The policies encourage *intensification* generally throughout the *built-up area* and recognize *urban growth centres*, *intensification corridors* and *major transit station areas* as a key focus for development to accommodate *intensification*. This proposal is not consistent with these policies as it is not in an *urban growth centres*, *intensification corridor* or *major transit station areas*.

Policy 2.2.3.7 sets out how *intensification areas* will be planned and designed to: provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places; support transit, walking and cycling for everyday activities; and achieve an appropriate transition of built form to adjacent areas. Intensification strategies are set out in the City of Toronto Official Plan policies and meet Growth Plan criteria, including urban design standards to create attractive, comfortable places and provide appropriate transition. This proposal does not provide appropriate transition of built form to adjacent areas.

Policy 2.2.5(1) of the Growth Plan (2006) sets out that *Major transit station areas* and *intensification corridors* will be designated in official plans and planned to achieve increased residential and employment densities that support and ensure the viability of existing and planned transit service levels and a mix of residential, office, institutional, and commercial development wherever appropriate. The City has identified its growth areas through land use designations for growth such as *Mixed Use Areas*, *Avenues* and *Centres* and these implement the Growth Plan policies. The applicant's rationale that this site is part of a "major transit station" and an "intensification corridor" as defined by the Growth Plan is not reflected in the Official Plan designations for the site. In addition, the 2017 Growth Plan (Schedule 5) does not show this area as within the *Urban Growth Centre* or as a *priority transit corridor* or existing *higher order transit*.

The applicant's analysis for this as a "major transit station area" is based on the Sheppard West subway extension as a funding priority. No supporting reference for the Sheppard West subway extension as a funding priority was provided in the applicant's Planning Rationale and this project is not being contemplated in Council's current plans for funded and un-funded transit priorities. Official Plan Policy 2.2.3.j identifies that the implementation of transit services in exclusive rights-of-way in the corridors identified on Map 4 will occur as priorities are established, funding becomes available and the Environmental Assessment review processes are completed.

The mobility hub policies of the RTP (Regional Transportation Plan) build on the overall policy framework established in the Growth Plan for the Greater Golden Horseshoe, particularly those related to major transit station areas. The Growth Plan defines major transit station areas as the area within a 500 m radius (10 minute walk) of any existing or planned higher order transit station within a settlement area or around a major bus depot in an urban core. The subject site is outside of the Major Transit Station Area as identified in the Growth Plan, given that it is located 1.25 km from Yonge and Sheppard Station. The RTP refers to local secondary plans and official plans for implementation (i.e. where to direct growth). The RTP acts as a guideline, whereas the City's Secondary Plans and Official Plan are statutory documents that regulate and govern land use policy, growth and development boundaries, and protect stable neighbourhoods.

This site does not meet the criteria as a growth area for significant additional intensification and is not consistent with the PPS and the Growth Plan.

Land Use

The proposed changes in land use policies and Official Plan designations for this redevelopment proposal are reviewed in context of provincial planning policies and other sections of the Official Plan. As well, the interpretation of these policies is informed by, amongst other provisions, policies 5.6.1.1 and 5.6.1.2 that the plan is more than a set of individual policies and is to be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The applicant's Planning Rationale notes the designation of the site as *Apartment Neighbourhoods* and *Neighbourhoods*. Their rationale questions whether there was any intent for the southern boundary of the *Apartment Neighbourhoods* designation to not follow the property line and relies on Policy 5.6.5 regarding designation boundaries to interpret that the entire site falls within the *Apartment Neighbourhoods* designation.

The re-designation of this portion of the site to *Apartment Neighbourhoods* is needed for the three storey addition to the existing four storey building, not because of a minor adjustment to the boundary as put forward by the applicant. Planning staff have reviewed this issue and how the appeal of the 2002 Toronto Official Plan was resolved on this site. The intent of the implementation of the new Official Plan (OMB decision Feb. 18, 2010) was to implement the June 2000 OMB decision for the site that approved in principle the development of proposed three and a half storey townhouses in this area, which are designated *Neighbourhoods*. The designation of *Parks and Open Space Areas – Natural Areas* for the valley lands, *Apartment Neighbourhoods* for the northern portion of the site and *Neighbourhoods* for the southern and eastern edges on Map 16 reflects the OMB decision with land use designations of the City of Toronto Official Plan.

As previously noted, the *Neighbourhoods* policies permit apartment buildings legally constructed prior to the approval date of the Official Plan (Policy 4.1.4), such as the existing apartment buildings on the subject site. However, the applicant's proposal to construct a three storey addition on top of the retained rental apartment blocks on the *Neighbourhoods* lands does not conform with the Official Plan which limits apartment buildings in *Neighbourhoods* to a height no higher than four storeys, and also raises issues of impact and transition to the *Neighbourhoods* to the south, which are discussed later in this report.

The application also proposes an Official Plan Amendment to permit townhouses and stacked townhouses in the *Neighbourhoods* designation for the two 20-unit, three and half storey stacked townhouse blocks on each of the sites at 314 and 316 Bogert Ave and 305 and 307 Poyntz Avenue. The June 2000 OMB decision permitted, in principle, townhouses on the portions of the site now designated *Neighbourhoods*. However, the criteria for development in *Neighbourhoods* (4.1.5) includes a requirement to respect and reinforce the existing physical character of the neighbourhood, including prevailing building type and patterns of rear and side yard setbacks. Stacked townhouses are not a prevailing building type in this neighbourhood. They also propose orienting the front yards of the stacked townhouses to the rear yards of the existing *Neighbourhoods* properties which is not keeping with the area character. There are concerns with the proposed stacked townhouses from a land use and development criteria perspective, as well as site organization.

The application proposes 2,850 square metres of retail, service and office uses on the *Apartment Neighbourhoods* portion of the site. While small-scale retail, service and office uses that serve the needs of area residents are permitted in *Apartment Neighbourhoods*, the proposal could be considered larger than small-scale retail, service and office uses, so a site-specific exception is proposed to permit the additional retail, service and office uses. Commercial uses along Sheppard Avenue West and some of the other public street frontages are considered appropriate in a proposal with appropriate building forms, scale and height.

The proposed redesignation of 315 and 317 Bogert Avenue and 306 and 308 Poyntz Avenue from *Neighbourhoods* to *Parks and Open Space – Parks* is consistent with the Official Plan designations and with the OMB decision. Comments about the amount of parkland required to be dedicated are detailed later in this report.

Policies regarding development in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* apply to the *Neighbourhoods* designated lands within and adjacent to the site. Policy 2.3.1.2 sets out the following criteria for relationships to *Neighbourhoods*:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Map 2- Urban Structure and Map 16- Land Use illustrate how the Official Plan objectives for growth will be directed to the *Centres*, *Avenues*, *Employment Areas* and the *Downtown*. The rationale for this includes protecting neighbourhoods, green spaces and natural heritage features from the effects of nearby development. This development does not meet objectives regarding sun, shadow, wind; provision of appropriate transition and other policies which inform evaluation of how levels of growth and intensification are integrated into the surrounding/existing context. This site is not designated *Mixed Use Areas* and is not located in a *Centre* or an *Avenue*. The scale of intensification proposed for this site does not reflect the level of intensification planned or previously approved which had been reviewed and negotiated to reflect built form, other policy objectives and the 1999 Principles of Development. Growth in the nearby area has been planned and built in the North York Centre (which is meeting growth targets).

Site Organization

The *Apartment Neighbourhoods* policies (4.2.2 and 4.2.3) and Public Realm policies (3.1.1) in the Official Plan provide direction on key elements regarding site organization and creation of a legible, accessible public realm. The public realm policies address principles to inform site organization, such as relationships between a public street network and creation of high quality public realm, which provides amenity such as view corridors, sky view and sunlight. These policies also include protecting the enjoyment of the valleys and ravines through ensuring that adjacent development, particularly building height and massing, will preserve harmonious views and vistas from the valley (3.1.3). As well, views from the public realm to prominent buildings, structures, landscapes and natural features are an important part of the form and image of the City (3.1.9). Policy 3.1.8 addresses the provision of scenic routes with public views of natural features and improving and creating new scenic routes or views. This policy framework for site organization informs City Planning's review of key elements such as the public street network, tower siting and organization, building setbacks, amenity space, block organization, ground floor uses and organizing elements of site circulation and access.

As part of the review and Council approval of a settlement concept for the previous applications, staff had Council direction for principles to inform the evaluation and concept for the site. The original guidelines for this site set out site organization principles to inform the site redevelopment. These principles provide a guideline for reviewing the site organization and inform the City's review of related issues. The principles include, but are not limited to, the following:

- a. Provide public access through the site and from Sheppard to the valley lands;
- b. Provide a public promenade adjacent to the top of slope that is accessible and broad;
- c. Preserve existing trees;

- d. For new buildings along Easton Rd, respect the setbacks, height and landscape character of residential homes on Easton Rd;
- e. For new buildings along the south property line, respect the setbacks, height and landscape character of residential homes on Johnston Avenue;
- f. Locate and organize buildings, ground floor uses and entrances to support public streets and open spaces;
- g. Mass buildings to define adjacent streets and open spaces in good proportion for pedestrian comfort;
- h. Mass buildings to minimize excessive shadowing and wind along streets and open spaces;
- i. Locate tallest buildings adjacent to the ravine lands providing transition down to the existing neighbourhood;
- j. Design buildings adjacent to the ravine lands as landmark buildings;
- k. Design the streetscape to provide pedestrian amenity and to extend the character of the existing local streets; and
- l. Organize servicing to minimize impact on streets and open space. Provide parking at the rear or in the underground.

The site organization and public realm objectives were implemented in June 2000 OMB approval through: the extension of the public street network through the site; a new public park; a publicly accessible walkway along the ravine edge with a conceptual trail connection; and amenity and open space organized in relation to the ravine setback and public streets.

Section 4.2.3 of the Official Plan speaks to permitting compatible infill development on a site with an existing apartment, while providing a good quality of life for both new and existing residents. The emerging policy direction for *Apartment Neighbourhoods* in OPA 320 (4.2.4 and 4.2.5) address issues including site organization, provision of grade related units, and to provide privacy, areas of landscaped open space, and more detailed provisions to maintain adequate sunlight to units, on outdoor amenity spaces and on open spaces, for both new and existing residents. These policies are currently under appeal.

The site organization and public realm of the current proposal is not consistent with the Official Plan *Apartment Neighbourhood* and Public Realm objectives, the 1999 Principles of Development or the emerging policy framework (OPA 320). The direction of the principles approved in 1999 generally reflects the current Official Plan policies, and provide a more site specific response and direction on certain issues.

Public Street Network

The OMB approved concept had a public street network throughout the site, including extensions of Bogert Avenue and Poyntz Avenue and a new north/south street connecting to Sheppard Avenue West. This achieved the 1999 Principles of Development and reflects current Official Plan policy objectives for a public street network (3.1.1.17). Private streets, where appropriate, should integrate into the public realm and meet the design objectives for new streets (3.1.1.17). The proposed private street does not meet these objectives as it provides a sub-standard sidewalk width, is dominated by surface parking and does not reflect a Complete Streets approach. It terminates in a loading and servicing court with additional surface parking. This organization of the site and built form creates a condition for the proposed new residential lobby entrance which does not meet Built Form Policy 3.1.2. b regarding the location of building entrances that are visible and directly accessible from the public sidewalk.

However, it is noted that to implement the previously approved street network all or part of the rental building at the south end of the site would have to be demolished and the rental units replaced, which is not currently proposed.

Building Siting and Organization

The current proposed tower configuration placing towers in a straight line, with no building setbacks to the new street and minimal tower stepbacks creates a wall of massing and shadow along the public extension of Bogert Avenue greatly impacting the public realm in terms of sunlight, skyview and pedestrian comfort. Alternate tower siting could maximize skyview, daylighting and privacy. As well, alternate massing and building forms are needed, in particular along the prominent landscape feature of the Don Valley ravine edge, to enhance view corridors to the ravine, reduce shadows and to act as landmark buildings at the ravine edge. Larger setbacks from the street and greater stepbacks of towers from base buildings along the east-west extension of Bogert Avenue are needed to improve pedestrian comfort, including mitigation of scale from the street and enhance view corridors to the ravine.

The retention of the existing rental building, comprising of three interconnected blocks, would result in potentially less tenant displacement and disruption. However, there are some building siting and organization issues with its retention, including the lack of public street address, treatment of rear yard parking and loss of opportunities for increased public visibility of the ravine.

Building Setbacks

The organization of building placement and associated building setbacks shape how new development frames and supports adjacent streets and open spaces (3.1.2.1). Sidewalks and boulevards are to be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians (3.1.6). A minimum 3 m building setback would be recommended for all buildings along the Bogert Avenue extension and the proposed private street; instead of the current proposed 0 m. In particular, greater building setbacks of 5 m along the east-west portion of the Bogert Avenue extension would enhance the prominent view corridor to the Don Valley ravine.

Policy 3.1.5 requires new development to provide amenity for adjacent streets and open spaces for pedestrians by providing weather protection; coordinated landscape improvements to create safe and attractive transitions from the private to public realms; and street furniture. Increased setbacks for both the stacked townhouses and towers are also needed to reflect the residential setbacks along Bogert Avenue in the *Neighbourhood*. The existing context consists of detached houses with large landscape setbacks that enhance the public realm. The setbacks within this development need to reflect this local context and provide space through greater setbacks for landscape improvements to the street, such as landscape buffers to grade-related units and spacious pedestrian walkways alongside canopies for weather and wind protection.

Ground Floor Uses

Ground floor uses are to enhance the safety, amenity and animation of adjacent streets and open spaces (4.2.2 g). The main entrances to Tower 1 and Tower 4 currently do not face Bogert Ave for public access and address. There are additional opportunities to animate Bogert Avenue with a variety of ground floor uses. The rental replacement entrance in Tower 3 is currently located near the servicing area with access from a private driveway; this does not provide public access and an address that are clearly visible and directly accessible from the public sidewalk (3.1.2.1.b). As well, the ground floor

uses adjacent to the proposed park are not appropriate. Currently, the driveway and loading area are proposed adjacent to the proposed public park.

Natural Features

The Public Realm policies of the Official Plan recognize the role of natural features in site organization and recommend preserving and creating scenic routes with views of natural features. The current design privatizes the ravine edge with individual unit terraces and needs to be redesigned to allow all tenants and residents to enjoy the natural feature. An 8-10 m building setback from the required ravine 10 m setback limit would accommodate a formal, publicly accessible ravine promenade as intended in the OMB approved concept and set out in Policy 3.1.8, which addresses the provision of scenic routes with public views of natural features and improving and creating new scenic routes or views. Connections to the promenade should be spacious, designed and well lit to provide safe, comfortable access to the promenade. The impact of any walkway adjacent to the ravine edge would require further review from Ravine and Natural Feature Protection, but an additional setback could potentially accommodate a walkway and the required setback.

Density, Height, Massing

The building heights and massing and resulting density are not consistent with the planned and built context. The planned context of this site allows infill development on a *Apartment Neighborhoods* site at the corner of an *Avenues* designation, adjacent to stable *Neighborhoods* on three sides and well outside the North York Growth Centre. The policy framework does not support the proposed height, massing and density. The evaluation of the proposal with tools such as angular planes and with other development criteria supports revised density and heights consistent with the previous approval of 19 stories and 2.2 FSI.

Policy 4.2.2 directs that new buildings will be located and massed to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*. The Tall Buildings Guidelines policies regarding fit and transition in scale (1.3) also reinforce this policy by ensuring tall buildings fit within the existing and planned context and provide an appropriate transition in scale. Policy 1.3.a. speaks to the application of angular planes, stepping down of height, setbacks and stepbacks to maintain transition to lower scale buildings and to maintain access to sunlight and skyview for surrounding streets, parks and neighbouring properties.

The OMB approval provided transition from the west end of the site towards the neighbourhoods to the east and south, through the heights and built form type stepping down from 19 storey towers to 8 storey midrise buildings to 3 storey base buildings and townhouses. At the west end there were two 19 storey buildings with base buildings stepping down to 10, 6, and 4 storeys. East of the new north-south public street were 8 storey midrise buildings with varying base heights between 3 and 6 storeys. The southern and eastern edges of the site were approved with 3 storey townhouses. This massing and built form, which addressed the principles in Attachment 6, resulted in a density of 2.2. FSI.

The current proposal does not provide appropriate transition through stepping down in height to lower scale development and *Neighbourhoods*. The current proposal has a seven storey building on the southern boundary, adjacent to and within *Neighbourhoods*. The previous proposal had three storey townhouses along the southern boundary. There are six towers over 21 storeys, with heights up to 27 storeys, according to the Roof Plan – A210. The three towers in the north row are all 21 storeys with no

transition in height from west to east, towards the *Neighbourhoods*. The three towers in south row step from 27 storeys to 21 storeys from west to east, and do not provide adequate transition. Compared to the OMB approval, there are major differences in height, transition and built form types and the current proposal is not appropriate. The proposed density is 4.1 FSI (based on the applicant's site area of 4.052 ha).

In addition to the use of an angular plane in the Tall Buildings Guidelines, a 45 degree angular plane is a tool used in the Mid-Rise Design Guidelines and secondary plans, including the SACASP and the new Sheppard Lansing Secondary Plan, to measure and establish appropriate transition to surrounding lower scale areas. The lower scale areas around the subject site include the *Neighborhoods* to the north, east and at the southern end of the site. Relevant Mid-Rise Design Guideline performance standards for this site also include street proportion, front angular plane, rear angular plane and separation distances. These performance standards are used as part of the review and evaluation of this proposal because this site is adjacent to the *Avenues* designation in the SACASP/Sheppard Lansing Plan, the original approval was more mid-rise in form and the emerging direction for buildings fronting Sheppard Avenue West promote a modest midrise form.

To analyze the height, massing and transition of the current proposal, the applicant measured the 45 degree angular plane from the north side of Sheppard Avenue West, the east side of Easton Road, and the rear property lines of the properties on the north side of Johnston Avenue. In 1999, measurements were taken from similar locations, using the relevant property line measurement point. For current applications, City Planning measures the 45 degree angular plane from boundaries to *Neighbourhoods*, *Parks and Open Spaces* and the southern property line of an *Avenue*. Using these boundaries as the point of measurement is consistent with how the 45 degree angular plane is applied in the Midrise Guidelines between *Mixed Use Areas* and in other Secondary Plans. The appropriate measurements for this application use different points of measurement than the applicant because of updated policies and interpretations, including *Neighbourhoods* designations on the site.

The measurement of the 45 degree angular plane from the eastern *Neighborhoods* boundary should be at the current *Neighborhoods* designation from the west property line of the new public park and 316 Bogert Avenue. The application of this angular plane measurement would result in midrise development with a height of approximately 8 storeys with a 3-4 storey base building, instead of the 21 storeys proposed for Towers 3 and 6, and provides a stepping down in height towards the *Neighborhoods* as intended in current Official Plan policies regarding transition and in the previous approval, which had 8 storey buildings in this general area.

The southern 45 degree angular plane measurement should follow the *Neighbourhoods* boundary within the site, which is in line with the extension of the south property line of Poyntz Avenue. The application of this angular plane measurement would result in removal of the addition proposed above the existing rental buildings and a reduction in height for Towers 4 and 5.

The application of a front angular plane is used to support transition of scale, sunlight access, pedestrian comfort and an appropriate street wall height. This standard is based on principles in the Tall Buildings Guidelines (1.3 Fit and Transition and Scale; Figure 4) which intend for tall buildings to fit within the planned context, ensuring appropriate transition in scale to lower scale buildings. There is an updated planned context of 5-6 storeys along Sheppard Avenue West in the recently Council approved Sheppard Lansing plan. The front angular plane would relate to this planned context and would be taken from

Sheppard Avenue West, resulting in moving the tall buildings away from the street, allowing for tall building transition to a lower scale planned context of Sheppard Avenue. As well, the OMB approved plan (Attachment 7) has a 3 storey base building along Sheppard Avenue West (which is closer to the 2 storey SACASP context).

The application of the front 45 degree angular plane taken at a height 80% of the right-of-way along the Sheppard Avenue West frontage is further defined in the Midrise Guidelines to support sunlight access and pedestrian comfort, including the creation of an appropriate street wall height. The applicant's analysis also includes this measurement. In order to achieve appropriate sunlight access, the building heights of Tower 1 and 2 should comply with a 45 degree Sheppard Avenue West front angular plane.

Shadow impacts are also studied to evaluate the building height and massing, and negative impact are a result of too much density on the site and highlights issues of height and massing. The current six tower, tall building configuration and massing creates unacceptable shadow impact at the spring fall equinox on adjacent *Neighborhoods*, public streets, public parks and the ravine. This is discussed in more detail in Sun, Shadow and Wind.

Heights are subject to review by NAV Canada and Bombardier with respect to the Downsview Airport. Currently no issue has been identified by NAV Canada and Bombardier, however it needs to be confirmed that the building heights are inclusive of mechanical and/or antennas.

The Tall Building Guidelines directions regarding floor plate size and base building heights have not been appropriately addressed. The appropriate floor plate size in the Guidelines is 750m². The current proposed tower floor plate for all six towers at 841m² causes increased shadow impact on the surrounding area.

Appropriate separation distances between midrise buildings and towers need to be addressed as set out in the Mid-Rise Guidelines. The 11m separation distances proposed between Tower 1 and 2 and the 10 and 8 storey buildings facing Sheppard Ave are inappropriate in providing adequate privacy between dwelling units. 11 m is more in keeping with a relationship between midrise buildings. A minimum 15 – 20 m separation distance should be provided between midrise and tall buildings, based on direction in the Midrise Guidelines.

Appropriate base building heights are also an element of the Tall Buildings Guidelines. Base building heights of approximately 4 storeys are recommended on a local street of 20 m to provide proportion and comfort to the street. Sheppard Avenue West has a greater right-of-way width and the current proposed base building is 8 and 10 storeys in height. A maximum 5 to 6 storey street wall framing Sheppard Ave West would complement the adjacent property at 307 Sheppard Avenue West and the build out considered for the update to the Sheppard Avenue Commercial Area Secondary Plan (approved as the Sheppard Lansing Secondary Plan).

More appropriate base building heights to the Don Valley Ravine should also be considered. The maximum 6 storey base building along Sheppard Ave could wrap along the Don Valley ravine edge for a lower scale base building that does not create a wall of massing to the ravine, allowing for an infiltration of light and birds into the site. Lowered base building heights should also improve uncomfortable wind conditions on the outdoor rooftop amenity space.

Sun, Shadow, Wind

The Official Plan's Public Realm, Built Form and *Apartment Neighbourhoods* policies all support creating a comfortable pedestrian environment; limiting shadow and wind impacts on neighbouring streets, properties, parks and open spaces; and maintaining sunlight and sky view. The applicant submitted a shadow analysis as part of the December 30, 2016 submission and the Pedestrian Level Wind Study was received April 11, 2017.

As noted in the site organization discussion, the current tower configuration placing towers in two straight lines creates a wall-like affect of massing and shadow along the public road extension of Bogert Avenue with impacts on sunlight, skyview and pedestrian comfort in the public realm.

The current tower configuration, site organization and massing results in windy, walking only pedestrian comfort conditions along the east/west section of the Bogert Avenue extension in the winter and spring months. This is not acceptable for a new public street. Building configuration, building setback and building stepbacks along the east/west street should provide a greater minimum pedestrian comfort condition for spring, rather than the current pedestrian comfort level of 'walking' along the east-west portion of Bogert Avenue. Around building entrances and the urban outlook plaza between Tower 1 and Tower 4 the current comfort levels are for 'walking' only. The walkway between Tower 4 and the existing rental residential building and private terraces of the existing rental are currently windy and uncomfortable and potentially dangerous for pedestrians in the shoulder seasons as set out in page 10 of the Pedestrian Level Wind Study.

The tall building configuration and massing has unacceptable shadow impacts at the spring fall equinox on *Neighborhoods*, public streets, public parks and the ravine. The current six tower configuration and massing creates a wall of shadow that negatively impacts pedestrian comfort, sunlight access and sky-view on the new public street and park, Sheppard Avenue West, Easton Road, Bogert Avenue, Poyntz Avenue, the ravine, and *Neighborhoods* to the north and east of the proposal. Currently the proposed shadow impact of the proposal is:

- 9 hours on the new public street from 9:18 am to 6:18 pm;
- 7 hours on Sheppard Ave from 9:18 am to 3:18 pm;
- 3 hours on Neighborhoods to the North from 9:18 am to 12:18 pm;
- 5 hours on Neighborhoods to the East from 1:18 pm to 6:18 pm;
- 4 hours on the new public park from 2:18 pm to 6:18 pm;
- 2 hours on the ravine from 9:18 am to 11:18 am; and
- 3 hours on Bogert Ave after 3:18pm, 1 hour on Poyntz Ave at 6:18 pm.

Although, additional shadow analysis would be needed to compare the existing conditions to the current proposal, the shadows cast on the surrounding public realm and *Neighbourhoods* are unacceptable for the area context.

The concept in the August 1999 staff report, which is similar to the OMB approval, illustrated shadow study diagrams, every two hours from 10 a.m. to 4 p.m. on September 21st. The comparison of the previous shadow impacts to those shown in the current proposal's shadow study shows the following high level trends and impacts:

- Increased shadow extension into the *Neighbourhoods* to the north and east for longer periods of time for the current proposal;
- Increased number of hours of shadow impact on Sheppard Avenue West, Bogert Avenue and Poyntz Avenue for the current proposal;
- The previous proposal provides more opportunities for more breaks in the wall of shadows cast by the current proposal; and
- Potentially similar shadow impacts for both proposals on the new public street and ravine.

For more accurate comparisons more detailed analysis will be needed.

Based on Official Plan policies and related guidelines, the tall buildings' height and massing should provide for:

- Minimal shadow impact on the *Neighborhoods*;
- Minimum 5 hours sunlight on Sheppard Avenue West boulevard;
- Minimum 5 hours sunlight on the new public street; and
- Creation of fingers of sunlight between buildings to allow penetration of light into the public realm, avoiding walls of shadow.

The current proposal's height, massing and scale needs to be significantly reduced to reflect current Official Plan policies and to align with the previous June 2000 OMB approval in order to limit shadow impacts on the surrounding public realm and *Neighbourhoods*.

Tenure and Rental Housing

The development site contains a total of 415 rental apartment dwelling units located at 325 Bogert Avenue and at least 8 residential dwelling units within the single-detached houses located at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue. The applicant proposes to demolish 268 of the 415 existing rental apartment dwelling units and the 8 single detached houses and provide 268 replacement rental dwelling units on the site. 147 of the 415 existing rental apartment dwelling units located on the southern portion of the site would be retained.

Intensification of Existing Rental Apartment Sites

Policy 3.2.1.5 of the Official Plan applies as the scale and size of the proposed development would be considered significant new development of an existing rental apartment site. The details of the applicant's proposal for the purposes of complying with Policy 3.2.1.5 of the Official Plan have not been fully resolved. Outstanding matters include securing all existing rental dwelling units with affordable and mid-range rents, securing improvements or renovations to the retained rental apartment buildings, and an acceptable Tenant Consultation Plan and Construction Mitigation Strategy.

In the event of an appeal to the Ontario Municipal Board, Staff will continue to work with the applicant to resolve outstanding matters to the satisfaction of the Chief Planner and in accordance with Policy 5.1.1.5 of the Official Plan. All of which would be secured in any by-law amendments and through one or more agreements with the City pursuant to Section 37 of the *Planning Act*.

Demolition of Existing Rental Dwelling Units

A permit under Section 111 of the *City of Toronto Act* and Chapter 667 of the Municipal Code is required as the applicant proposes to demolish six or more residential dwelling units of which at least one is used for residential rental purposes.

Policy 3.2.1.6 of the Official Plan applies as the proposed development would result in the loss of six or more rental dwelling units with affordable and mid-range rents and because City Council has not determined that the supply and availability of rental housing in the City has returned to a healthy state.

To date, the total number of rental dwelling units proposed to be demolished has not been confirmed. Staff require additional information on the eight single-detached houses at 314, 315, 316 and 317 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue. The applicant has also not provided floor plans for the replacement rental dwelling units or an acceptable Tenant Relocation and Assistance Plan.

Conditions of any Zoning By-law Amendment approval would include requiring the full replacement of any existing rental dwelling units to be demolished (same number, size and type) with rents similar to those in effect at the time of application and the provision of an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner. All of which would be secured in any by-law amendments and through one or more agreements with the City pursuant to Section 37 of the *Planning Act*, in the event the Board were to allow the appeal in whole or in part.

Large Residential Developments

Policy 3.2.1.9 of the Official Plan applies to the proposed development as the development site is approximately 6.58 hectares, comprised of 4.05 hectares of existing residential development and 2.53 hectares of valley lands.

Large residential developments site provide an opportunity to achieve a mix of housing in terms of types and affordability. On large sites where an increase in density and/or height is proposed, the policies of the Official Plan provide for 20 percent of the additional residential units to be affordable housing. The Housing Issues Report submitted by the applicant does not address policy 3.2.1.9 or provide information on how the policy would be satisfied.

The proposal contemplates the demolition of 268 rental units in the existing rental apartment complex at 325 Bogert Avenue and replacing them with 268 rental replacement units and the retention of the remaining 147 existing rental units, as well as the demolition of 8 detached dwellings.

Other unresolved rental housing issues include securing the affordable and mid-range rental dwelling units within the existing apartment buildings; evaluating the impacts on existing tenants; review of rental replacement units and tenant relocation proposal; and identification and securing of improvements and/or renovations to the existing rental building.

The emerging policy direction for *Apartment Neighbourhoods* in the proposed policy 4.2.4 also speak to issues such as providing existing residents access to community benefits; maintain or replace and improve indoor and outdoor residential amenities on the site; and provide renovations and retrofits wherever necessary to extend the life of the existing buildings to be retained.

Community Service and Facilities

The Community Service and Facilities Study (CS&F), provided as an appendix to the applicant's Planning and Urban Design Rationale, notes that the subject site is located in the Lansing-Westgate neighbourhood which has grown substantially by 24.5% since 2001. With the estimated residential growth identified to be approximately 8,683 new residents, additional growth will continue to occur in the Study Area given its accessibility to public transit/regional transit and highways, shopping and community services and facilities. This level of growth projected for the area will require a full range of growth-related community services and facilities to serve the increased resident and worker population.

Based on City Planning's review of the applicant's CS&F Study along with feedback provided by City Divisions and Boards, the projected growth for the area has resulted in an increased demand for CS&F. The proposal does not identify potential community benefits. However, the following CS&F priorities may be considered as appropriate Section 37 community benefits:

- Secure a new licensed non-profit child care facility within the proposed development (minimum 62 spaces, approximately 634 square metres of interior space and 346 square metres of adjoining outdoor space located on the ground floor); and/or
- Contributions towards capital improvements to local library and/or recreational facilities.

As the proposal is not considered good planning, staff have not determined or negotiated a Section 37 benefits package. Currently the applicant has only identified the potential compensation for over-dedication of parkland, based on their calculations, as a potential Section 37 matter.

Streetscape and Pedestrian Network

Policy 3.1.16 sets out design criteria for new public streets and Policy 3.1.17 notes that private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets.

The extension of the public street network into the site is proposed to have a 20 m right-of-way and the private street is proposed to have a width of 21.7 m, with 5.6 m on each side for perpendicular surface visitor parking. This street should read as a public street with parallel parking, where appropriate, and the remaining surface parking relocated to the underground garage.

The pedestrian network within the site needs to better reflect City objectives. A continuous, comfortable and accessible pedestrian network should be provided through the site. The sidewalk widths on the private street are proposed to be 1.8 m which does not meet minimum sidewalk widths of 2.1m.

The original approval contemplated pedestrian linkages to the valley lands, although the design was never finalized. Currently the plans show private, controlled access. Public access along the ravine edge, allowing accessibility for all users needs to be provided. However, the location and siting, including its relation to the 10 m buffer from the stable top of bank, would be subject to review by Ravine and Natural Features Protection and TRCA. The opportunity for connections to the ravine trail in Earl Bales Park would be subject to Ravine and Natural Features Protection review.

A conveyance ranging from 4.59 m to 7.94 m is required along the Sheppard Avenue West frontage for the future right-of-way 36 m as set out in the Official Plan.

Traffic Impact, Access, Parking

The Urban Transportation Considerations Report was submitted to City Planning on March 22, 2017 and has been reviewed by Transportation Services and Transportation Planning.

Transportation Impact

The transportation assessment prepared by the applicant's consultant to support the proposed development provided incomplete information regarding the impact of proposed development to the existing street network, pedestrian and cycling facilities, and transit supporting infrastructures. Key issues are:

- The transportation assessment shall provide demand for pedestrians (including transit) and cycling from the background area and site developments, including site traffic. Quality of service for all modes of transportation shall be reflected in area transportation needs assessment.
- Safety impact and negative impact on active transportation as a result of new development should be identified and mitigation measures should be proposed as part of intersection and street segment analysis;
- The proposal should look at ways to reduce vehicle parking demand and provide facilities for travel demand measures. The proposed TDM plan is an insufficient strategy to manage large residential development proposed under current plan. The applicant needs to submit a comprehensive TDM and smart/innovative parking management plan to support a vehicle reduction strategy for the entire site; and
- The applicant's consultant has recommended that a northbound right-turn lane be added at the Bathurst Street / Sheppard Avenue West intersection to accommodate future background traffic. Additional information is needed for Transportation Services to review this analysis to support this recommendation.
- Transportation Services has identified concerns that the trip generation rate applied may not be appropriate given the subject site is further away from the nearest subway station compared to the proxy sites suggested by the consultant.

Site Access and Street Network

The applicant proposes a street network and site access scenarios with access from the existing public street network. There are outstanding issues with the proposed access and network. The applicant's consultant reviewed three alternative scenarios to provide access from Sheppard Avenue West. There are concerns with all of the proposed alternative scenarios, including relocation of an existing traffic signal or introduction of new traffic signal in close proximity to existing one at Easton Road. The current concepts provide poor and narrower pedestrian facilities, lack of cycling facilities and streetscaping.

The applicant's consultant concludes that "it is considered that the net new traffic generated by the proposed can be appropriately accommodated on the area street network during the peak period of activity." However, City staff have not accepted this conclusion as there are still outstanding issues, including those noted above. Site traffic could be filtered through Easton Road, which is a collector road. There are concerns with permitting left-turns from the new public road extension to Sheppard Avenue West.

The current proposal is for Poyntz Avenue to connect to site's private driveway similar to its existing condition. This proposed configuration of Poyntz Avenue is not acceptable to Transportation Services.

As noted earlier, the OMB approved concept also had a public street network through the site, including extensions of Bogert Avenue and Poyntz Avenue and a new north/south street connecting to Sheppard Avenue West. This achieved the 1999 Principles of Development and reflects current policy directions for a public street network (3.1.1.17 and 2.2.3.h). There was community concern with the previous proposal regarding the extension of Poyntz Avenue and this was reflected in Council's recommendations in 1999. To implement the previously approved street network the rental building at the south end of the site would have to be demolished and the rental units replaced.

Loading

A total of five Type C and four Type G loading spaces are proposed which does not satisfy the by-law requirement. The consultant must provide justification to support the proposed loading supply or comply with the minimum loading requirement.

Transportation Services advises that additional comments with respect to access, location and layout of the proposed parking facilities, ingress/egress, and other site plan issues, will be provided during the Site Plan Review Process.

Servicing

Engineering and Construction Services has identified that additional sanitary sewer analysis is required, such as drainage plans, flow sheets and hydraulic analysis. This analysis is needed to identify: required improvements to the existing sanitary sewer system needed to serve the development, up to the trunk connection point; to provide for peak sanitary flows generated by this development and any extraneous wet weather flow; and to take into account any other known developments which are to be served by the same sanitary sewer system. The site is located within chronic basement flooding area 25. The Hydrogeological Assessment and Preliminary Geotechnical Investigation are still under review by Development Engineering – Engineering Construction Services. Further analysis by the applicant is also required regarding the scale of the proposed development and whether any necessary infrastructure improvements need to be secured for this proposal.

Open Space/Parkland

The southwest quadrant of Sheppard Avenue and Yonge Street is serviced by three local parks. The two closest parks to the development site are Gwendolyn Park and Franklin Park. Gwendolyn Park is 1.35 hectares in size, programmed with tennis courts and a baseball diamond and is approximately 820 m from the development site. Franklin Park is 0.35 hectares and is located approximately 950 m from the site. The park contains a playground and seating. Both local parks have limited programming within them and are required to service the population in this entire quadrant. The development pressures on the neighborhood continue to increase, thereby putting additional pressures on the existing park infrastructure. The current practice for an appropriate walking distance to a local park is 500 m. Currently, there is not a local park within the recommended walking distance of this site.

The proposal is to rezone and redesignate the lands including a proposed local park through the Official Plan Amendment and Zoning Bylaw Amendment applications. The applicant has calculated that the required dedication is 1778.5 m², and that their proposed park of 2,045 m² would require compensation for the over-dedication of parkland.

The Development Applications Unit of the Parks, Forestry and Recreation Division has reviewed the applicant's proposal and has a different calculation of the required parkland dedication requirement. Parks staff also provided comments on the location of the proposed park and development impacts on the proposed open space.

Applicability of Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

Parkland Dedication Requirements

This proposal is for 6 new residential towers (21-27 storeys), 8-10 storey bases with street related commercial on Sheppard Avenue West, an extension of Bogert Avenue and a public park. The proposal includes 1,765 units, of which 1,617 are proposed and 148 which are existing.

For sites that are not within a Parkland Priority Acquisition Area, the residential use is subject to a 5% parkland dedication while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 3,064 m² of the net site area.

To determine the net site area for the purposes of calculating the parkland dedication, the land associated with the extension of Bogert Avenue and the road widening on Sheppard Avenue East were estimated to be 3,840 m². Clarification of this area is required from the applicant to confirm the calculations.

Proposal for Dedication of Parkland

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication of 3,064 m². The proposal currently includes a 2,060 m² park. Parks, Forestry and Recreation requires the full parkland dedication be conveyed on-site.

The location of the park as currently identified is acceptable to City staff as it has good visibility and frontage on Easton Avenue, Bogert Avenue and Poyntz Avenue. A further expansion of this area to meet the parkland dedication will be needed. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan.

Park Siting and Layout

The Development Applications Unit of the Parks, Forestry and Recreation Division has reviewed the site plan for the proposal and have concerns with the loading area and garage entry located adjacent to the park. This is not an appropriate location for the loading area and garage entry because of the unattractive view and potential safety and noise concerns. This issue is also discussed in relation to other issues in this report and does not meet Official Plan objectives regarding the location of servicing and its impact on adjacent parks and open spaces (3.1.2.2).

The proposed park location is consistent with the June 2000 OMB decision; however, the size does not represent the full required parkland dedication. The park layout concept included in the site plan is

conceptual at this stage and should only be used for demonstration purposes. The park would be designed through consultation with the local Councillor and community.

Natural Heritage, Ravines and Environment

A portion of the site is located within the *Green Space System* on Map 2 – Urban Structure and *Natural Heritage System* on Map 9 – Natural Heritage, and is designated *Parks and Open Space - Natural Areas*. Official Plan Policies for the natural environment (3.4) policies provide a framework for review of this proposal, together with other regulations such as Ravine and Natural Feature Protection By-law, Street Tree Protection By-law and Private Tree By-law. This area is subject to review by TRCA and Ravine Natural Features Protection (RNFP). A scoped Natural Heritage Impact Study was submitted to City Planning on March 22, 2017.

It is proposed that the 2.523 ha of valleylands (located below top of bank) be dedicated to TRCA, as was previously approved by the OMB. (The OMB decision refers to 2.4 ha).

The evaluation of natural heritage impacts, securing improvements to natural areas, establishing the 10m setback from top of bank and TRCA review are part of the policy and regulatory framework and review for these areas. Policy 3.4.8 of the Official Plan requires development to be set back from the top-of-bank of valleys, ravines and bluffs by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards. A 10 metre vegetated buffer from the greater of the staked natural feature or the projected long term stable slope crest is indicated on applicant's proposal. However, to confirm the easterly development limits TRCA engineering staff need complete a review of the preliminary geotechnical investigation as it relates to the projected Long Term Stable Slope Crest Line. This will be completed now that payment it has been received from the applicant for TRCA review fees.

RNFP have identified a number of outstanding items for the application. These items are needed in order to assess the proposal and its impacts in relation to the valley lands and ravine. As well, the applicant's drawings have erroneously labeled the valley land of the subject property as Earl Bales Park. RNFP also require that the Limit of Disturbance (LOD) is clearly noted on the Tree Protection Plan, Site Plan, Grading Plan, and Landscape Plan. The LOD is defined as the boundary within which construction, materials storage, grading, landscaping and related activities shall occur. The LOD is required to be located outside of the 10m buffer and could have impacts related to any public access along the ravine edge.

RNFP's review of the proposed plans indicates that there is new development inside the 10 m buffer and this is not acceptable to RNFP. The current drawings illustrate the presence of trail access into the ravine and private terraces. RNFP does not support the implementation of a walkway or trail through the woodland/valley. While the previous approval contemplated some form of trail access, the details and design were not finalized. Whether a walkway could be provided appropriately along the edge of the ravine, outside of the required buffers and LOD, has not been determined.

There are other studies that TRCA will need to review, such as the hydrogeological assessment, natural heritage impact study, and storm water management report. Technical comments from these studies may also influence the development concept, including placement of buildings, pedestrian circulation and site organization.

In keeping with Official Plan Policies on the Natural Environment, RNFP would require improvements to natural environment areas on site through measures such as ravine stewardship or tree planting. There should be consideration for providing adequate planting microsites within the protected area. Through further review RNFP would require the owner to undertake or implement additional natural environment improvement measures.

Conclusion

This proposal represents an over development of the site which is not identified as an area of significant growth in the Official Plan and is not consistent with the PPS and the Growth Plan. The proposal's scale of intensification and built form is not consistent with Official Plan policies regarding a transition of scale and density through the stepping down of buildings towards lower scale *Neighbourhoods*. The proposal is of a scale, height and massing that does not fit with the existing or planned context. The proposed massing and scale of buildings do not maintain sunlight, would create uncomfortable wind conditions on site and create negative shadow impacts on adjacent *Neighbourhoods* and the public realm. The organization of the private street, setbacks and other aspects of site organization are not appropriate and do not enhance the public realm. The proposed stacked townhouses do not meet the Official Plan land use policies, development criteria or site organization objectives. The housing strategy pursuant to the large site policy (3.2.1.9) has not been addressed.

Additional information and review is needed of the Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to determine servicing capacity and whether any upgrades or improvements to municipal infrastructure need to be secured.

Staff recommend that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code, pursuant to Section 111 of the *City of Toronto Act*, be deferred for 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue.

CONTACT

Allison Meistrich, Senior Planner
Tel. No. (416) 395-7127
Fax No. (416) 395-7155
E-mail: allison.meistrich@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

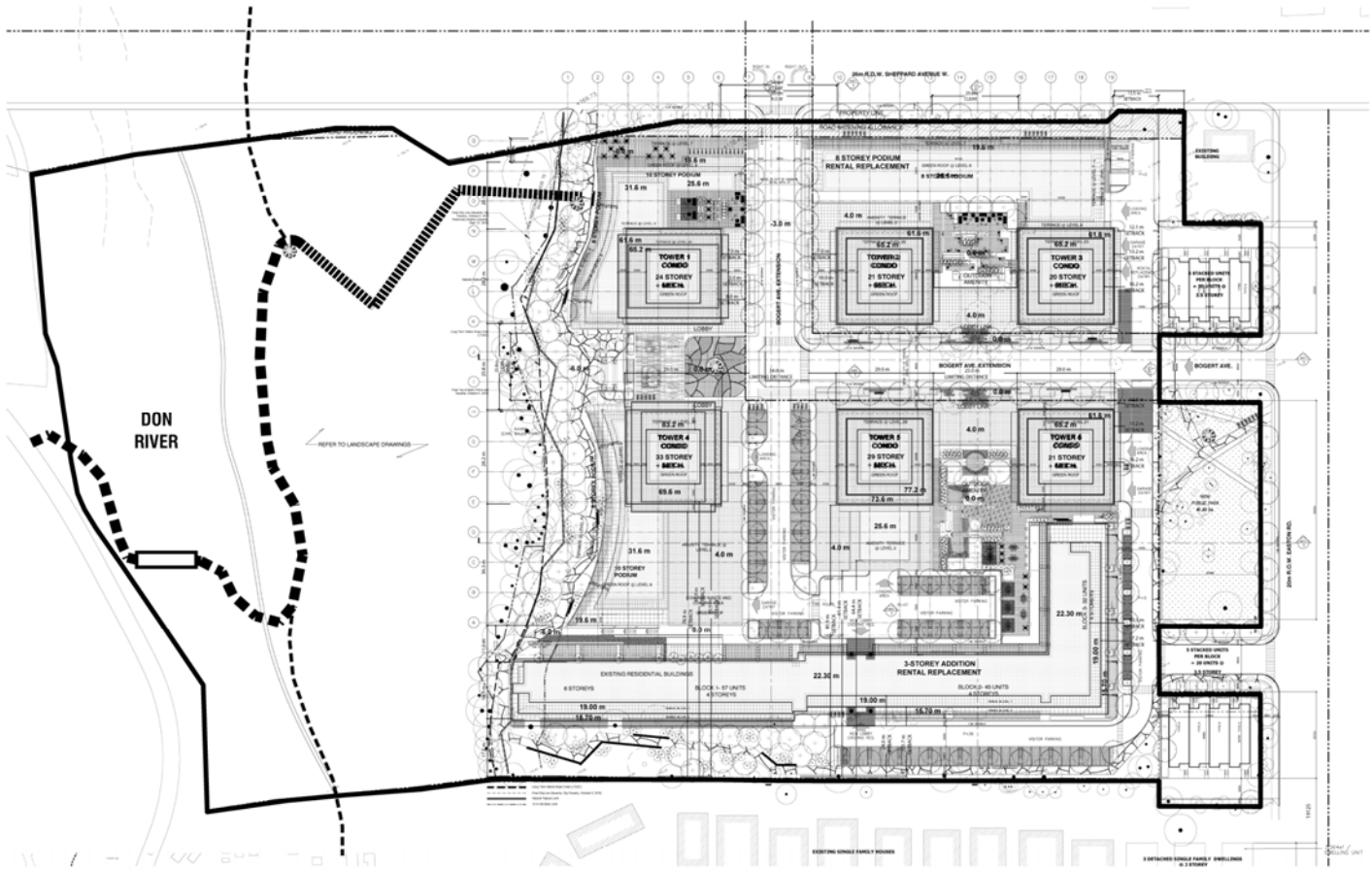
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: West Elevation
Attachment 2b: East Elevation

Staff report for action – Refusal Report – 325 Bogert Avenue, 314-317 Bogert Avenue and 305-308 Poyntz Avenue

Attachment 2c: North Elevation
Attachment 2d: South Elevation
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: 1999 Principles of Development
Attachment 7: June 2000 OMB Decision – Conceptual Site Plan

Attachment 1: Site Plan



Site Plan

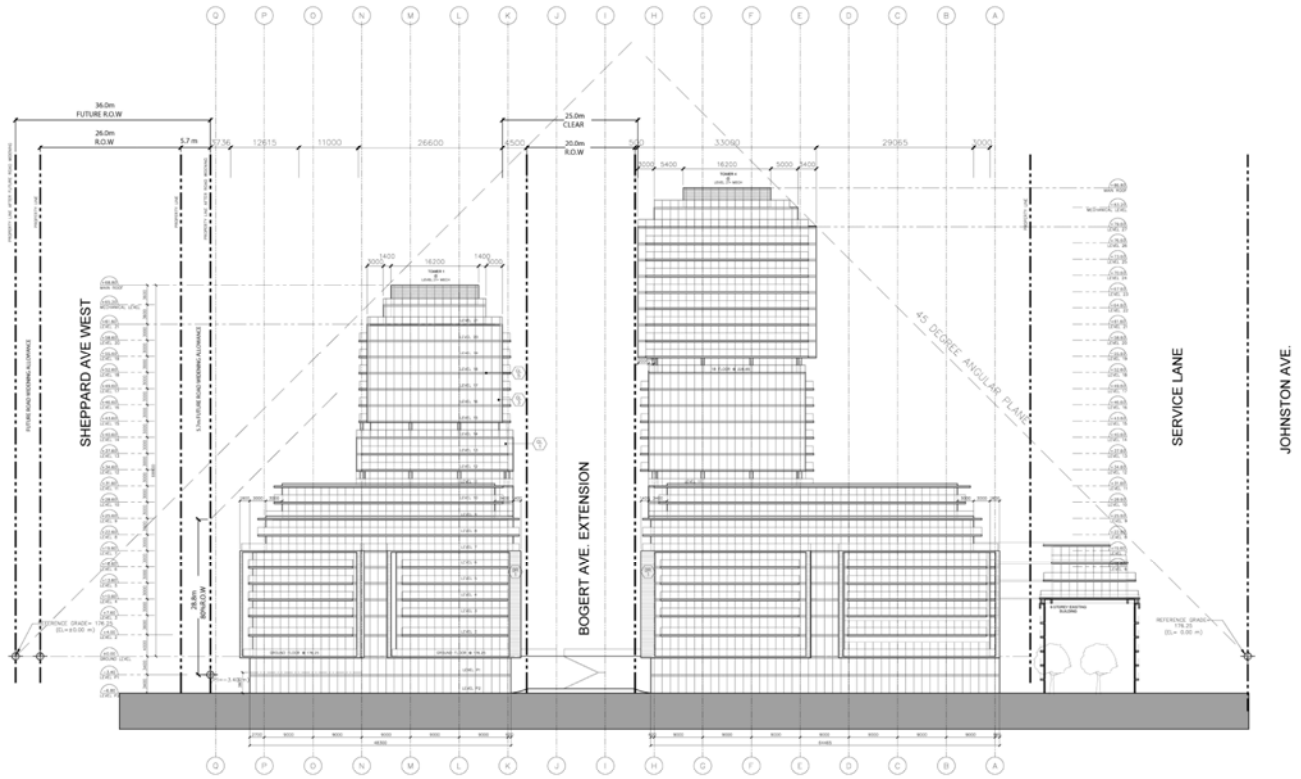
Applicant's Submitted Drawing

Not to Scale
03/23/2017

325 Bogert Ave, 314-317 Bogert Ave & 306-308 Poyntz Ave

File # 16 272001 NNY 23 0Z

Attachment 2a: West Elevation



West Elevations

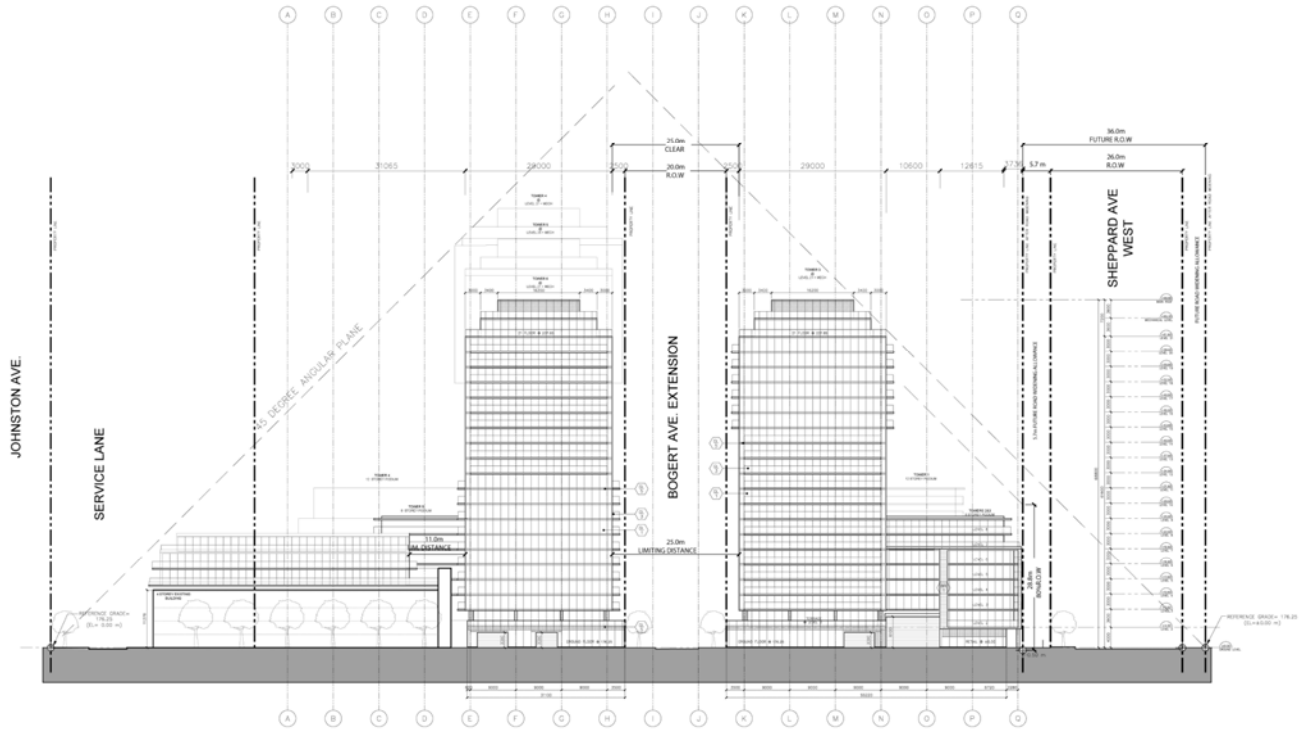
325 Bogert Ave, 314-317 Bogert Ave & 305-308 Poyntz Ave

Applicant's Submitted Drawing

Not to Scale
03/23/2017

File # 16 272001 NNY 23 02

Attachment 2b: East Elevation



East Elevations

Applicant's Submitted Drawing

Not to Scale
03/23/2017

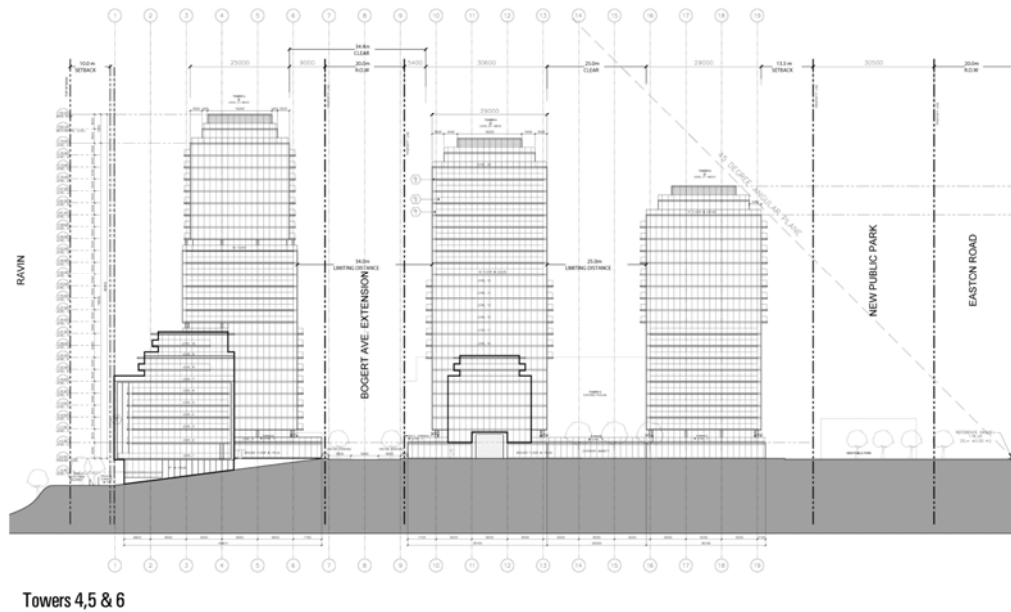
325 Bogert Ave, 314-317 Bogert Ave & 305-308 Poyntz Ave

File # 16 272001 NNY 23 02

Architectural elevation drawing of the proposed 10-story building at the intersection of Easton Road and Bogert Avenue. The drawing shows the building's facade with a grid system (1-19 horizontally, 1-10 vertically). Key features include a 45-degree angular plane, a 100m setback, and a 10m clear height. The building is labeled "Bogert Ave Extension" and "Easton Road". The drawing includes dimensions for setbacks, clearances, and building height.

File # 16 272001 NNY 23 0Z

Attachment 2d: South Elevations



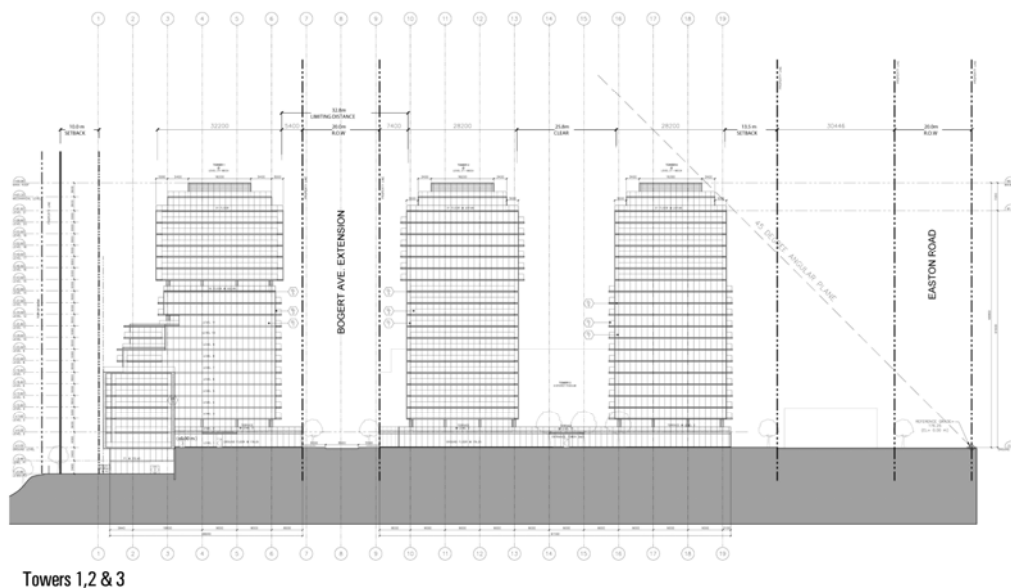
South Elevations

Applicant's Submitted Drawing

Not to Scale
03/23/2017

325 Bogert Ave, 314-317 Bogert Ave & 305-308 Poyntz Ave

File # 16 272001 NNY 23 0Z



South Elevations

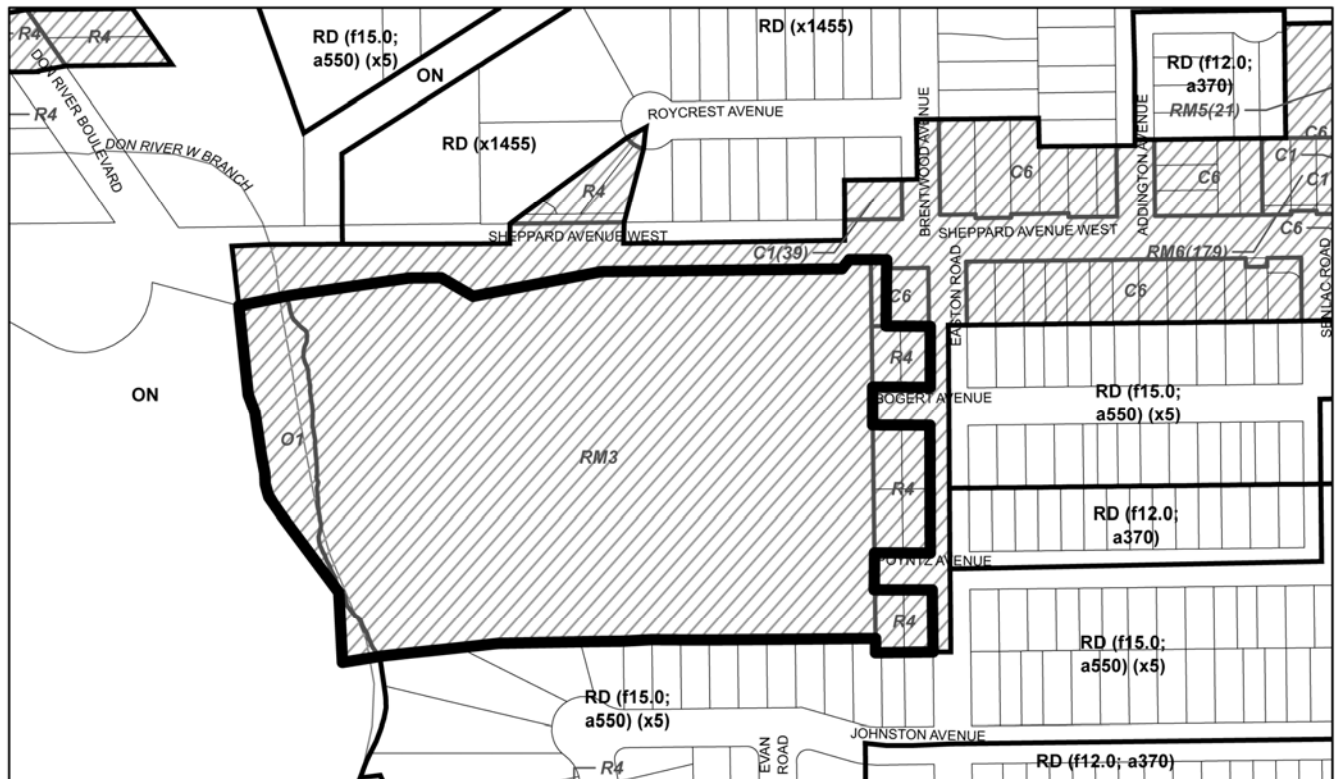
Applicant's Submitted Drawing

Not to Scale
03/23/2017

325 Bogert Ave, 314-317 Bogert Ave & 305-308 Poyntz Ave

File # 16 272001 NNY 23 0Z

Attachment 3: Zoning



Zoning By-Law No. 569-2013

325 Bogert Ave, 314-317 Bogert Ave & 305-308 Poyntz Ave

File # 17 272001 NNY 23 02



Location of Application

RD Residential Detached ON Open Space Natural



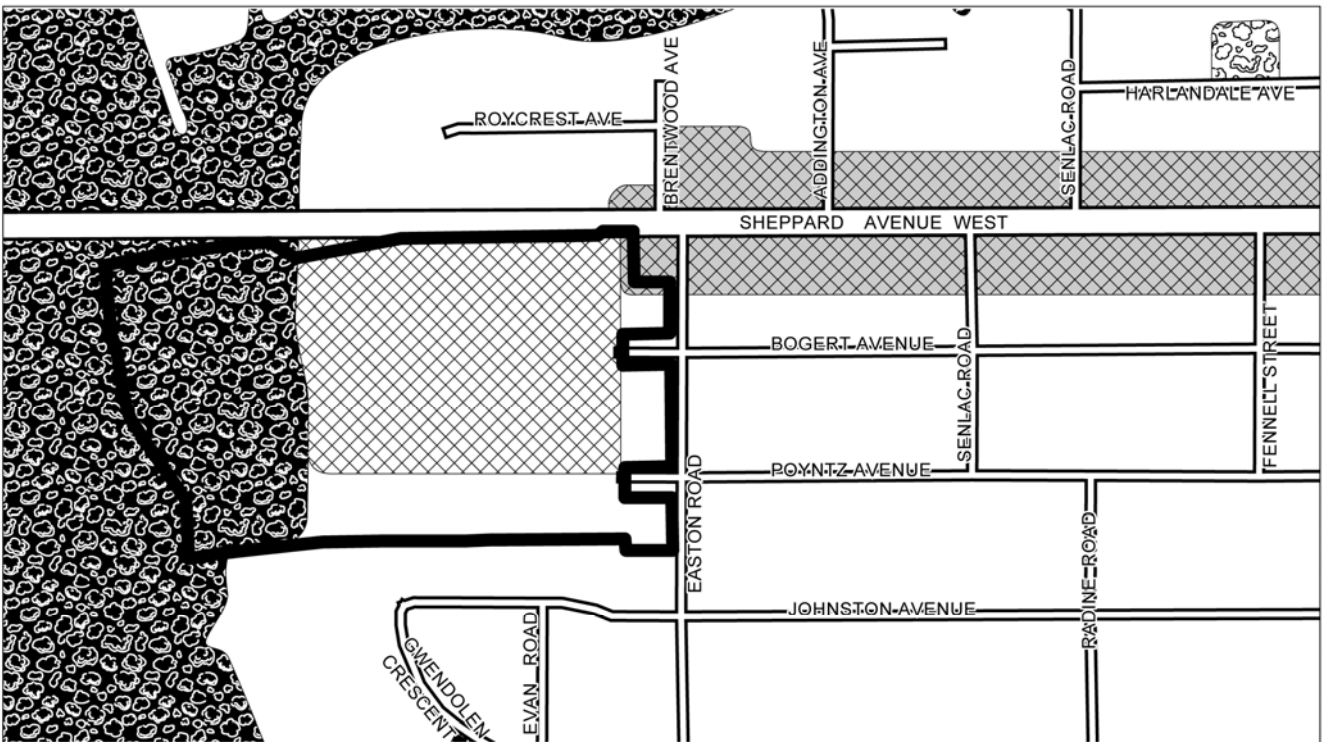
See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone
 RM3 Multiple-Family Dwellings Third Density Zone
 RM5 Multiple-Family Dwellings Fifth Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone
 C1 General Commercial Zone
 C6 Special Commercial Area Zone



Not to Scale
 Extracted: 03/23/2017

Attachment 4: Official Plan



Extract from Official Plan

325 Bogert Ave, 314-317 Bogert Ave & 305-308 Poyntz Ave

File # 16 272001 NNY 23 02



Not to Scale
03/23/2017

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 272001 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 30, 2016
Municipal Address:	325 BOGERT AVE		
Location Description:	**GRID N2305		
Project Description:	Redevelopment of site with 6 new residential towers (21-27 storeys), 8-10 storey base buildings with street related commercial on Sheppard Avenue West, extension of Bogert Avenue and a public park. Proposed demolition of seven of ten existing rental blocks and 8 detached dwellings. Proposed retention of 148 rental units and 269 rental replacement units. A 3-storey addition is proposed above the retained rental building. Two 20 unit stacked townhouse buildings are proposed on the two blocks that are currently detached dwellings. 1,840 parking spaces are proposed, with 80 surface and 1,760 below grade.		

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC			567485 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods, Apartment Neighbourhoods, Natural Areas	Site Specific Provision:
Zoning:	RM3, C6 and O1	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION (based on applicant's project data)

Site Area (sq. m):	41,137.09	Height:	Storeys:	27
Frontage (m):	189.1		Metres:	86.8
Depth (m):	195			
Total Ground Floor Area (sq. m):	9520.5			Total
Total Residential GFA (sq. m):	163248.5		Parking Spaces:	1840
Total Non-Residential GFA (sq. m):	2812.5		Loading Docks	8
Total GFA (sq. m):	166061.0			
Lot Coverage Ratio (%):	23.1			
Floor Space Index:	4.04			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	163248.5	0
Bachelor:	8	Retail GFA (sq. m):	2812.5	0
1 Bedroom:	901	Office GFA (sq. m):	0	0
2 Bedroom:	519	Industrial GFA (sq. m):	0	0
3 + Bedroom:	189	Institutional/Other GFA (sq. m):	0	0
Total Units:	1765			

CONTACT:	PLANNER NAME:	Allison Meistrich, Senior Planner
	TELEPHONE:	(416) 395-7127

Attachment 6: 1999 Principles of Development

Principles of Development

UDOZ-95-19 & UDSB-1224 - Greatwise Developments Corporation

Development of the lands at 305-308 Poyntz Avenue and 314-317 & 325 Bogert Avenue be evaluated further on the basis of the following Principles of Development:

Land Use

- a) There should be a full replacement of the existing 416 rental apartments with units of similar types, size and level of affordability in accordance with City policy. Regard should be had to the particular considerations which describe the rental housing needs of the existing residents described in Appendix A4 to this report.
- b) The final design for development should satisfy the criteria of the Official Plan Part C.4 Housing Policies, Section 5: Criteria to Guide Redesignation of Residential Lands to Higher Density and Section 4.2: General Development Criteria more particularly described on the attached Appendix A3.
- c) Intensification should be coordinated to achieve the following:
 - (1) Buildings fronting onto Sheppard should relate to the built form considerations of the Sheppard Avenue Commercial Area as described in Part D.4 of the Official Plan for the pedestrian scale and step back to greater heights in accordance with criteria (o).
 - (2) Redevelopment should be sensitive to the physical character of adjacent existing low density neighbourhood, with the provision of an adequate transition area to the existing single family houses to the south and east.
- d) There should be no adverse impact on existing community services, transportation facilities and municipal services in the area.
- e) Lands below the crest of the valley slope should be conveyed to the Toronto and Region Conservation Authority but not accepted for the purposes of satisfying parkland dedication requirements.
- f) A minimum of 1.5 m² of private indoor recreational space per residential dwelling unit, and a minimum of 1.5 m² of private outdoor recreational space per residential dwelling unit should be provided for the new development.

Site Organization

- g) If it forms part of the final design for development, the community centre and/or dedicated public parkland should be located in a manner that enhances its public prominence.
- h) Buildings, above and below grade, should have an 10 metre setback from crest of the valley slope and location of the crest to be determined to the satisfaction of the City and the Toronto and Region Conservation Authority.
- i) Public access to the valley lands should be provided through the site and from Sheppard Avenue.
- j) A public promenade with views of the valley should be built adjacent to the top of the slope with connections to Poyntz, Bogert and Sheppard Avenues and the Don Valley trail system. Poyntz and Bogert Avenues should continue through the site providing both visual and physical access to the valley lands.
- k) Existing trees on the site should be, where possible, preserved and incorporated into the street and open space design.

Built Form

- l) New buildings facing Easton Avenue will respect the setbacks, height and landscape character of the existing houses on the east side.
- m) New buildings along the south property line will respect the setbacks, height and landscape of the existing houses south of the site.
- n) Buildings should be located and organized to define and support public streets and open spaces and all buildings will front onto an existing or proposed public street.
- o) The first building site after crossing the bridge along Sheppard Avenue from the west is a significant landmark site. The building massing and landscape at this site should celebrate this important transition point where Sheppard Avenue crosses the Don River.
- p) The streetscape treatment of the new streets should provide pedestrian amenity and should extend the character of the existing local streets in order to integrate the site with the neighbourhood.
- q) Service access and parking ramps should be organized in a manner that minimizes their impact on streets and open spaces. Parking should be provided at the rear of buildings or in underground garages.

- r) Buildings on new blocks should be massed in a manner that defines the adjacent streets and open spaces with an appropriate scale and to provide good pedestrian comfort.
- s) Building heights and massing should minimize excessive shadowing, wind or snow drifting effects within the block, along the streets and within open space areas, in keeping with the Pedestrian Comfort Guidelines in the Official Plan. The wind conditions in outdoor areas of this development should be compatible with outdoor activity. This should be determined by a wind study, which should be required for this development, as outlined in the Pedestrian Comfort Guidelines in the Official Plan.
- t) The tallest buildings should be located adjacent to the largest open spaces, being Sheppard Avenue West and the valley.

Transportation Issues

- u) A transportation study should be provided to address the traffic impact associated with the development on the existing local and arterial road network.
- v) A parking assessment should be undertaken to address issues relating to parking supply, surface and structure parking layout, ramp grades and other matters.
- w) Public roads should be secured through the plan of subdivision process. A new north-south public road west of Easton Avenue should be provided, with connections to the proposed Poyntz and Bogert Avenue extensions to provide an additional access opportunity to the site.

Density Consideration:

- x) The final determination of an appropriate distribution of density on the site should be dependent upon a final consideration of the feasibility of development and the site organization, built form and transportation considerations described above and detailed further in the urban design criteria of Part C.4 of the Official Plan.

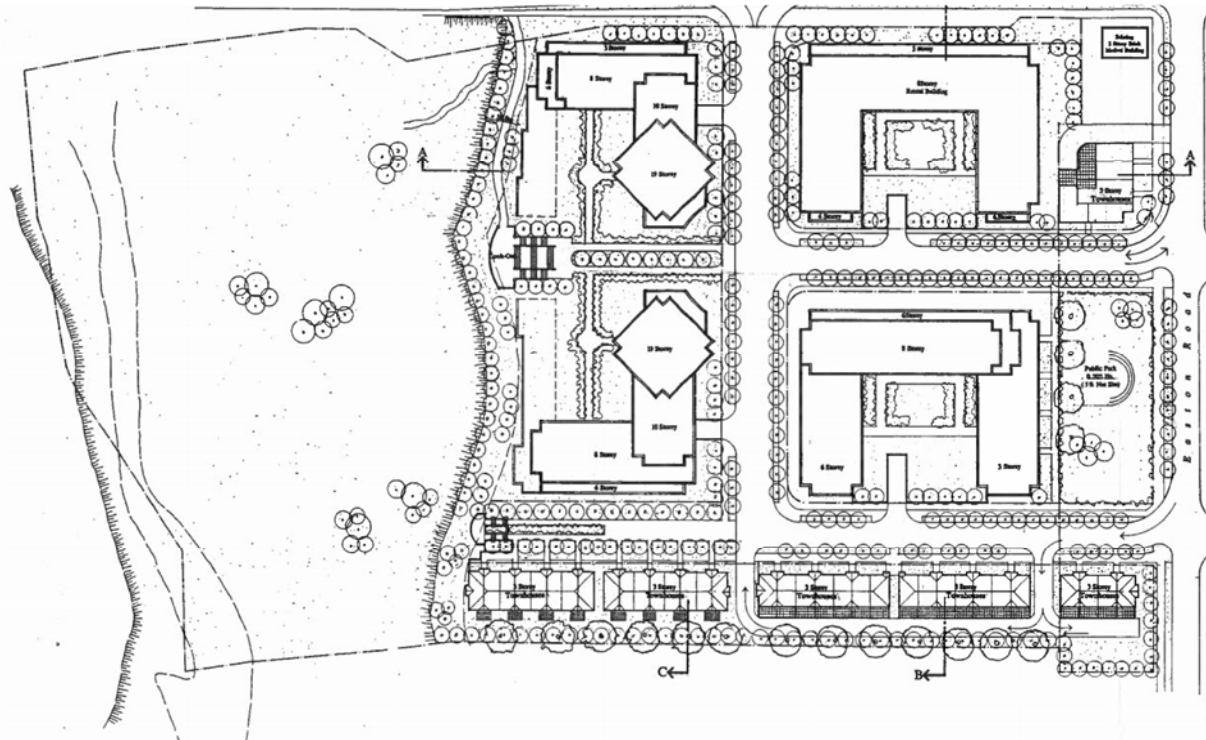
Community Consultation:

- y) Upon finalization of revised plans, massing, design details and transportation impacts should be discussed in a public forum as part of a program of community consultation.

Tenant Issues:

- z) The applicant should submit an acceptable rehousing strategy consistent with the replacement of the 416 rental apartment units.

Attachment 7: June 2000 OMB Decision – Conceptual Site Plan



June 2000 OMB Decision - Conceptual Site Plan

Applicant's Submitted Drawing

Not to Scale
06/02/2017

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& 305-308 Poyntz Ave

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