



STAFF REPORT ACTION REQUIRED

23 Buckingham Street – Official Plan Amendment Application – Refusal Report

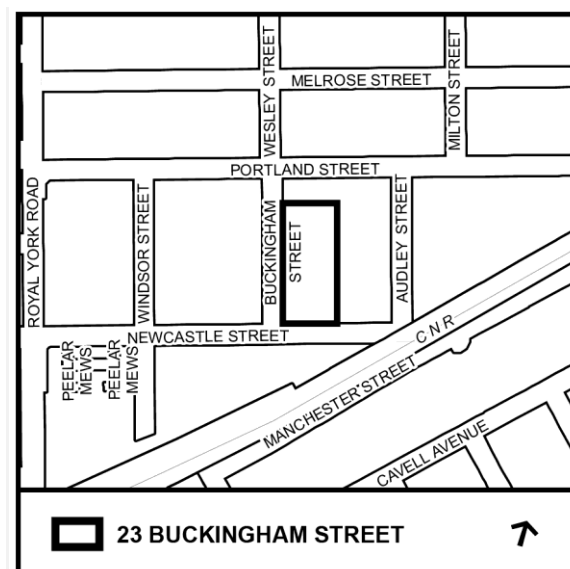
Date:	May 1, 2017
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	P:\2017\ClusterB\PLN\PGMC\PG17010 16 269378 WET 06 OZ

SUMMARY

This application proposes to amend the Official Plan to redesignate the site from *Regeneration Areas* to *Mixed Use Areas* to permit a mixed use phased development consisting of two buildings having a total of 53,199 m² of gross floor area, of which 1,476 m² would be for non-residential uses. The proposed buildings would have podium heights of 8-storeys along the Buckingham Street and Newcastle Street frontages and would have overall building heights of 24 and 28-storeys. The podiums would be in L-shaped and would be connected. The development would contain 578 residential units and a total of 605 vehicular parking spaces and 493 bicycle parking spaces.

This report reviews and recommends refusal of the application to amend the Official Plan.

The proposed development, in its current form, does not conform with the Official Plan policies and the recently approved and appealed Mimico-Judson Secondary Plan and is not consistent with the Mimico-Judson Urban Design Guidelines. The subject lands are designated *Regeneration Areas*. The Official Plan states that each *Regeneration Areas* requires a tailor-made planning framework and that development should not proceed prior to the approval of a Secondary Plan. As the Mimico-Judson



Secondary Plan is currently under appeal to the Ontario Municipal Board, the application is premature. In addition, the proposal represents over development of the site with density, massing and building heights that do not fit within its existing or planned context or limit their impacts on neighbouring properties.

It should be noted that this application was submitted in coordination with the lands municipally known as 25 Audley Street (File Number 16 269352 WET 06 OZ). These applications were filed by two separate and unrelated companies (1282555 Ontario Inc. and 1066266 Ontario Ltd.) and included the submission of a Detailed Block Plan for Block D of the Mimico-Judson Secondary Plan Area. A report on the application for 25 Audley Street has also been prepared for consideration by the Planning and Growth Management (PGM) Committee at its meeting of May 31, 2017.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council refuse the application for Official Plan Amendment at 23 Buckingham Street for the following reasons:
 - a. The proposal is inconsistent with the PPS;
 - b. The proposal conflicts with the Growth Plan for the Greater Golden Horseshoe;
 - c. The proposal does not conform with the City of Toronto Official Plan, including policies related to but not limited to Built Form and *Regeneration Areas* which state that a development framework for the area will be developed and that development should not proceed prior to approval of a Secondary Plan; and
 - d. The proposal does not conform with the Mimico-Judson Secondary Plan (OPA No. 331), adopted by City Council on June 7, 2016 and currently under appeal to the Ontario Municipal Board, and is not consistent with the Mimico-Judson Urban Design Guidelines. In particular, the application, in its current form, does not conform with the following matters:
 - The Secondary Plan envisions mid-rise buildings on the subject lands with heights ranging from 6 to 8-storeys (with a street wall height of 4-storeys) and up to 12-storeys, whereas the application proposes tall buildings having podium heights of 8-storeys (with a street wall height of 4-storeys) and overall heights of 24 and 28-storeys.
 - The Secondary Plan calls for a centralized public park to be located within Block D that should not be in shadow for seven continuous hours during the spring and summer equinoxes whereas the Block Plan identifies only five continuous hours of sunlight during the spring and summer equinoxes

on the dedicated parkland.

- The Secondary Plan requires a minimum of 0.5 FSI of non-residential gross floor area for tall buildings and 0.45 FSI for mid-rise buildings, whereas 0.2 FSI of non-residential gross floor area is proposed.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal that is in keeping with the Mimico-Judson Secondary Plan and Urban Design Guidelines.
 3. In the event that any development arising out of the subject application is approved, City Council require on-site parkland dedication be conveyed to the City pursuant to Section 42 of the *Planning Act*.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Etobicoke York Community Council

At its meeting of February 22, 2017, Etobicoke York Community Council considered a Request for Expanded Notice Radius Motion from Councillor Grimes (EY20.50), which requested that notice for a community consultation meeting in relation to the Official Plan Amendment application for 23 Buckingham Street, be given to landowners and residents within 400 metres of the site with the additional cost to be borne by the applicant. Etobicoke York Community Council adopted the motion at its meeting on February 22, 2017.

Decisions Pertaining to the Adopted and Appealed Mimico-Judson Secondary Plan and the Approved Urban Design Guidelines

At its meeting of December 16-18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) at the conclusion of the Municipal Comprehensive Review of Employment lands as part of the City's Five Year Official Plan Review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific Policies. Through the adoption of OPA 231, lands within the Mimico-Judson area were redesignated from *Employment Areas* to *Regeneration Areas*. Site and Area Specific Policies 433 and 434 were also approved for the lands to provide additional direction for future change; including 23 Buckingham Street.

On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the Ontario Municipal Board. The decision history on OPA 231 and the MMAH decision can be accessed at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

On June 22, 2015, the OMB issued an order partially approving OPA 231. The partial approval brought into effect the *Regeneration Areas* designation for the Mimico-Judson area, along with the associated Site and Area Specific Policies. The OMB Order partially approving OPA 231 can be accessed at this link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20\(June%202022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%202022%202015).pdf)

Mimico-Judson is one of seven areas redesignated to *Regeneration Areas* resulting from City Council's adoption of OPA 231. In advance of the Minister's decision on OPA 231, City Planning staff initiated six of the seven Regeneration Areas studies, including Mimico-Judson. At its meeting on August 25-28, 2014, City Council received a Regeneration Areas Studies Status Report from the Chief Planner and Executive Director, City Planning. The report summarized the work and consultation that had been completed and identified emerging issues for this study. The report also identified additional matters each Regeneration Areas study would address. This Status Report can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.17>

At its meeting of January 20, 2016, Planning and Growth Management (PGM) Committee considered a Directions Report dated October 28, 2015 from the Chief Planner and Executive Director, City Planning (Item PG9.2). This report presented the results of the Mimico-Judson Regeneration Area Study. PGM Committee recommended that staff distribute the draft Secondary Plan to the public, to be considered at a statutory public meeting to be held by PGM Committee on April 6, 2016. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.2>

At its meeting of April 6, 2016, Planning and Growth Management (PGM) Committee adjourned the public meeting for the Mimico-Judson Secondary Plan and Urban Design Guidelines until May 11, 2016 and directed the Chief Planner and Executive Director, City Planning to hold a community open house prior to that date. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG11.4>

At its meeting of May 11, 2016, Planning and Growth Management (PGM) Committee adopted the Mimico-Judson Secondary Plan and Urban Design Guidelines with amendments. The amendments included redesignating the lands south of Judson Street between Royal York Road and Willowbrook Road to *Mixed Use Areas* as described as Option 2 in the Urban Strategies Inc. report dated April, 2015, and

referenced in the Final Report dated March 16, 2016 from the Chief Planner and Executive Director, City Planning (PG11.4). The Committee amended the staff recommendations in part and requested that the Chief Planner continue to meet with affected landowners to resolve concerns with the Secondary Plan and report directly to City Council on any proposed amendments to address the concerns.

At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan (OPA 331) and Urban Design Guidelines, with the amendments noted above, as outlined in a Supplementary Report from the Chief Planner and Executive Director, City Planning dated June 6, 2016. With regards to the subject lands, the approval of this Secondary Plan provides for specific building heights and protection for the Grand Avenue Extension and the Mimico-Judson Greenway, as well as appropriate parkland dedication. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.8> and <http://www.toronto.ca/legdocs/bylaws/2016/law0532.pdf>

On June 29, 2017, Horosko Planning Law (on behalf of 1282555 Ontario Inc.) appealed the Mimico-Judson Secondary Plan. In addition to this appeal, 10 other appeals, for various matters, were also submitted to the Ontario Municipal Board.

Applications within the Secondary Plan Area

At its meeting of January 11, 2017, Planning and Growth Management (PGM) Committee adopted (with amendment to Recommendation No. 2) a Refusal Report dated December 9, 2016 from the Chief Planner and Executive Director, City Planning (Item PG17.5) for the Official Plan and Zoning By-law Amendment Application for 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street. These subject sites are located within the Secondary Plan Area (on the east side of Royal York Road). The amendment to Recommendation No. 2 included removing the word "more" from the recommendation so it reads "to continue discussions with the applicant to negotiate an appropriate development proposal that is in keeping with the Mimico-Judson Secondary Plan and Urban Design Guidelines". City Council adopted this item on January 31, 2017 without amendments and without debate to the modified wording of the recommendation. This decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG17.5>

Recommendation No.2, of this report, is consistent with the amendment adopted by City Council.

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan to redesignate the site from *Regeneration Areas* to *Mixed Use Areas* to permit a mixed use phased development at 23 Buckingham Street consisting of two new apartment buildings containing a total of 578

residential units (365 one-bedroom, 154 two-bedroom, and 59 three-bedroom) with commercial uses as grade. The total gross floor area of the proposal would be 53,199 m², of which 1,476 m² would be for non-residential uses, and would result in an overall density of 6.3 times the area of the lot. The proposed non-residential uses would have a density of 0.2 times the area of the lands.

The proposed development is identified on the plans as Blocks 1 and 2 (see Attachment 1: Detailed Block Plan). The remaining block (Block 3) is municipally known as 25 Audley Street and is being reviewed under File Number 16 269352 WET 06 OZ which contemplates a coordinated submission of a Detailed Block Plan for Block D of the Mimico-Judson Secondary Plan Area.

The subject site is currently occupied by a two-storey industrial warehouse/office building (New Toronto Studios) and would be redeveloped (in two phases) to include two 8-storey (28 m) L-shaped podiums (that are connected) along the Buckingham Street and Newcastle Street frontages, each with a tower component rising to a height of 24 and 28-storeys (80 and 96 m including mechanical penthouses). The proposed 8-storey podiums would be setback 2 m from the west lot line (fronting Buckingham Street) and 2.8 m from the south lot line (fronting Newcastle Street) and would include two 1.5 m stepbacks (one on the fifth/sixth level and another on the seventh/eighth level). The 1,476 m² of non-residential floor area is proposed to be located within the base of the buildings fronting Buckingham Street, Newcastle Street and the new public park (see Attachment 2: Elevations).

Vehicular access to the buildings would be provided from a private driveway on Buckingham Street. This proposed private driveway would lead to the entrance of the proposed underground parking garage and loading space, would run along the southern limits of Block 2 and connect to the proposed abutting private driveway (at 25 Audley Street), and would provide an additional route connecting Buckingham Street and Portland Street.

A total of 605 vehicular parking spaces (519 resident parking spaces and 86 visitor parking spaces) would be provided on site within a three-level underground parking garage. A total of 493 bicycle parking spaces are also being proposed.

The outdoor amenity area for the residential portion of the development would be comprised of private outdoor landscaped courtyards, located along the eastern limits of the blocks, and would be accessed from the ground floor lobby and indoor amenity areas with the exception of Block 1 which would also be abutting the new public park.

The applicant was encouraged to submit a revised proposal to address the issues outlined in this report. No resubmission was received as of the date of this report.

Detailed Block Plan

A Detailed Block Plan for Block D of the Secondary Plan Area was submitted as part of the application. This Block Plan is bounded by Portland Street to the north, Newcastle

Street to the south, Audley Street to the east and Buckingham Street to the west. The Block Plan includes a 3-storey future development for 79 Portland Street and a development concept for the subject sites at 23 Buckingham Street (identified as Blocks 1 and 2 on the Plan) and 25 Audley Street (identified as Block 3 on the Plan). The development concept proposes three building layouts incorporating three towers above 8-storey podiums having total building heights of 24, 26 and 28-storeys, respectively.

Vehicular access to the buildings would be provided from two separate private driveways on Buckingham Street and on Portland Street. In addition, two separate underground parking garages (one 3 level and one 4 level) are being proposed for resident and visitor parking spaces as well as bicycle parking spaces. Outdoor amenity space would be provided between the proposed buildings and pedestrian and cycling pathways would extend throughout the subject sites. On site parkland is proposed at the south end of 25 Audley Street and along the eastern boundary of 23 Buckingham Street. In addition, it appears that the applicant is proposing that the new public park for the Secondary Plan Area be located at the southeast portion of Block D. Clarification on whether this is the intention would be required through detailed plans (including dimensions and area).

Site and Surrounding Area

The subject site is located south of Portland Street, north of the GO/Metrolinx Rail corridor, west of Grand Avenue, and east of Royal York Road with an area of approximately 8,492 m². Currently, the property is occupied by a two-storey industrial warehouse/office building (New Toronto Studios).

This site is rectangular in shape and occupies the northeast portion of Buckingham Street and Newcastle Street. The site is approximately 0.8 ha in area, and has an approximate frontage of 141 m on Buckingham Street and a depth of 60 m on Newcastle Street.

As part of the Mimico-Judson Secondary Plan, the property municipally known as 23 Buckingham Street is located at the southwest portion of Block D. In addition, lands municipally known as 1x Audley Street and 8 Newcastle Street, 25 Audley Street, and 79 Portland Street are also part of Block D. An Official Plan Amendment application for 25 Audley Street has been submitted in conjunction with this application, however, the remaining properties in Block D are not part of either development application (see Attachment 4: Map 35-3 Land Use Designations from the Mimico-Judson Secondary Plan).

Surrounding uses include:

North: Immediately north is a 1 to 2-storey industrial warehouse/office building currently occupied by Fancy Kids Wholesale Children's Fashion (municipally known as 79 Portland Street). Further north, across Portland Street, are detached and semi-detached dwellings (between 1 to 2-storeys in height).

South: Immediately to the south, across Newcastle Street, is an extension of the Mimico GO Station parking lot, with approximately 73 parking spaces and the

GO/Metrolinx rail corridor.

East: Immediately to the east, are vacant lands municipally known as 1x Audley Street and 8 Newcastle Street (currently owned by Freed Grand Park Developments Inc.) and 25 Audley Street (currently owned by 1066266 Ontario Ltd.). Further east, across Audley Street, are multiple properties located on one block comprised of 1 and 2-storey industrial warehouse/office buildings. Currently, Freed Grand Park Developments Inc. owns properties within this block municipally known as 2 and 10 Audley Street and 29, 31, 59 and 71 Portland Street. Also within the block are two additional properties (25 and 39 Portland Street) which are separately owned.

West: Immediately west, across Buckingham Street, are multiple properties occupied by single storey industrial buildings which forms Block A1 of the approved and appealed Mimico-Judson Secondary Plan. This Block would be the only block designated *Employment Areas* within the Secondary Plan Area.

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 PPS provides for efficient development and land use patterns that sustain the financial well-being of the Province and municipalities over the long term. Policy 1.1.1b) states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs. Policy 1.1.3.2a) states that land use patterns within settlement areas shall be based on densities and a mix of land uses which are transit-supportive, where transit is planned, exists or may be developed. Policy 1.1.3.3 states 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, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Further, Policy 1.1.3.5 states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The PPS also provides direction that healthy and livable communities are sustained by

promoting efficient land use and development patterns that facilitate economic growth and support the financial well-being of the Province and Municipalities over the long term. In particular, Policy 1.3.1 states that planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

Policy 4.7 states that the Official Plan is the most important vehicle for implementation of the Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through Official Plans. This policy states that Official Plans shall identify provincial interests and set out appropriate land use designations and policies. Further, Official Plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan employment policies promote economic development and competitiveness by providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs. 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.

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

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

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

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

The subject site is located beyond the 30 m separation distance for a main rail corridor. Should a more acceptable future application or resubmission be received, the owner would be required to submit a Noise and Vibration Study with the subsequent Zoning By-law Amendment and Site Plan Control applications, in order to address any impacts and identify any recommended mitigation measures.

Official Plan

The subject lands are designated *Regeneration Areas* (see Attachment 7: Official Plan). *Regeneration Areas* are unique areas of the City that present an opportunity to attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Official Plan's population and employment growth strategy and offer the opportunity to reintegrate underutilized areas of the City. The Official Plan states that each *Regeneration Areas* require a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study, and that development should not proceed prior to the approval of a Secondary Plan informed by that study.

Site and Area Specific Policy (SASP) 433 applies to the Judson Street area east of Royal York Road, including the subject lands. SASP 433 states that:

- Specific manufacturing uses (crude petroleum oil or coal refinery; ammunition, firearms or fireworks factory; concrete batching plant; primary processing of limestone or gypsum; and asphalt plant) are prohibited;
- Major retail developments with 6,000 m² or more of space are prohibited; and
- Employment uses are to be compatible with nearby residential uses.

SASP 433 also requires that a revitalization study be undertaken to provide additional direction for future change, by addressing the following:

- Improvements to vehicular access within the area for the movement of goods and employees;
- Public realm enhancements to reduce conflicts between pedestrians and vehicles;
- Provision of amenities within the area to create an attractive environment for existing and new employment uses; and
- Improved pedestrian and vehicular access to the Mimico GO Station, including strategies for parking and pick-up and drop-off.

The Healthy Neighbourhoods policies of the Official Plan identify the need for new neighbourhoods to provide a high quality of life and sense of community. Policy 2.3.1.2 requires that development in *Regeneration Areas*, amongst other land use designations that are close to lands designated *Neighbourhoods*, will be compatible with those neighbourhoods and provide a gradual transition of scale and density, maintain adequate light and privacy, and attenuate resulting traffic and parking impacts.

The Official Plan sets out policies for the Public Realm, and new streets, parks and open spaces establishing a framework for public open spaces which connect people and places

and support the development of sustainable, economically vibrant and complete communities. The Plan also directs that new parks and open spaces will be located and designed to connect and extend existing parks and open spaces, provide a setting for community life and provide appropriate space and layout for recreational needs. The Plan includes parkland acquisition strategies and requires that the effects of development on *Parks and Open Spaces* will be minimized as necessary.

The Built Form policies provide direction that new development is to be located and organized to fit with its existing or planned context, frame and support adjacent streets and open spaces while providing attractive and functional amenity in both indoor and outdoor spaces in new development.

Official Plan policies also establish that neighbourhoods should provide a full range of housing in terms of form, tenure and affordability and seek to ensure that adequate community services and facilities are provided in areas of growth by adding new parks and other amenities. The Economic Health policies identify that economic opportunities in the City will grow by managing growth and change in ways that guide development to parts of the City where it is most suitable, encouraging high quality architecture, urban design and urban infrastructure.

The Official Plan includes Public Realm policies, which state that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets (Policy 3.1.1.15).

Mimico-Judson Secondary Plan (OPA No. 331) and Urban Design Guidelines

The subject lands are located within the boundaries of the Mimico-Judson Secondary Plan. At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan, via OPA No. 331, and accompanying Urban Design Guidelines. There are 11 outstanding appeals of OPA No. 331 pending before the Ontario Municipal Board, including an appeal by the applicant.

Together, the Secondary Plan and Guidelines provide a framework to guide the revitalization of the Mimico-Judson Regeneration Area.

The Secondary Plan provides a development framework for continued and expanded employment opportunities as well as targeted opportunities to introduce residential uses and is based on four guiding principles:

1. Retain and expand businesses through land use certainty and flexible mixed use regeneration.
2. Unlock underutilized lands for transit supportive mixed use development.
3. Protect and support existing operations and future expansion opportunities at the Willowbrook Rail Maintenance Facility.
4. Foster a connected and complete community.

The Secondary Plan provides policy guidance to achieve a complete community where people could live, work and undertake activities of daily life within walking distance to higher order transit. The Plan includes policies related to Economic Revitalization, Public Realm, Built Form, and Liveability including the need for public realm improvements, a new public park and extensions to the local road network. The proposed new public park is one of many significant components of the Secondary Plan. In addition, the Design Guidelines provide detailed guidance for achieving the public realm and built form policies contained within the Secondary Plan.

The application was reviewed within the context of the Mimico-Judson Secondary Plan as this provided City Council's most current vision and policy direction for the subject site.

Zoning

The former City of Etobicoke Zoning Code zones the subject lands as I.C1 (Class 1 Industrial). The I.C1 zone permits a range of manufacturing, medical, institutional, commercial/recreational facilities, and retail sales. The proposed residential uses are not permitted in the Class 1 Industrial Zone.

The lands are subject to City-wide Zoning By-law No. 569-2013 and zoned Employment Industrial Zone (E1.0), permitting light industrial and other employment uses such as manufacturing, and warehouse and wholesaling uses. Additional uses include offices, eating establishments, retail services and accessory retail stores. The proposed residential uses are not permitted in an Employment Industrial Zone category (see Attachment 8: Zoning).

An amendment to the Zoning By-laws would be required to permit the proposed residential uses but does not form part of this current application.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan approval has not been submitted.

City-Wide Tall Building Design Guidelines

In May 2013, City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The City-wide Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Mid-Rise Buildings Performance Standards

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used 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.

Among other matters, the Addendum provides clarification regarding use of the Guidelines within Secondary Plan Areas, as well as specific land use and street frontage criteria which must be met prior to applying the Performance Standards to mid-rise proposals not located on an Avenue.

The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines.

Refer to the Council Decision:

<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>.

The Addendum has been considered together with the Mid-Rise Building Performance Standards in the evaluation of the application.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant submitted a Stage 1 and 2 Archaeological Assessment Report that concludes that no archaeological resources were encountered and no further study is required.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An inspection by staff has confirmed that there are existing city and private trees located on and adjacent to the subject site. The Context Plan appears to show several trees proposed on the city road allowance along Audley Street and Portland Street. The owner would be required to submit an Arborist Report and Tree Preservation Plan, a Landscape Plan, Planting details and a Tree Planting Security to be addressed through the review of the subsequent Zoning By-law Amendment and Site Plan Control applications.

Tenure

The applicant advises that the 578 new residential units would be condominium.

Reasons for the Application

An amendment to the Official Plan is required to redesignate the site from *Regeneration Areas* to *Mixed Use Areas*.

The proposed development:

- Does not conform with the Official Plan policies for *Regeneration Areas* which state that a development framework for the area will be developed and that development should not proceed prior to approval of a Secondary Plan; and
- Does not conform with the Mimico-Judson Secondary Plan, adopted by City Council and currently under appeal to the Ontario Municipal Board, and is not consistent with the Mimico-Judson Urban Design Guidelines. In particular, the application, in its current form, does not conform with the following policies in the Secondary Plan: Economic Revitalization (percentage of non-residential uses); Public Realm Improvements (pedestrian priority area); Built Form and Liveability (building heights and casting shadows onto the new centralized public park).

Community Consultation

At its meeting of February 22, 2017, Etobicoke York Community Council considered a Request for Expanded Notice Radius Motion from Councillor Grimes (EY20.50), which requested that notice for a community consultation meeting in relation to the Official Plan Amendment application for 23 Buckingham Street, be given to landowners and residents within 400 metres of the site with the additional cost to be borne by the applicant. Etobicoke York Community Council adopted the motion at its meeting on February 22, 2017.

A community consultation meeting is scheduled to be held on June 7, 2017 at St. Leo Catholic School at 165 Stanley Avenue. The area residents and other interested parties, Ward Councillor, the applicant, their consulting team and City staff will be in attendance at this meeting.

It should be noted this community consultation will be a joint meeting including discussions regarding the Official Plan Amendment application (File Number 16 269352 WET 06 OZ) for the lands municipally known as 25 Audley Street. Both applications were filed by separate and unrelated companies which contemplate a coordinated and complete submission of a Concept Plan for Block D of the approved and appealed Mimico-Judson Secondary Plan.

Agency Circulation

This application was circulated to all appropriate agencies and City Divisions in conjunction with File Number 16 269352 WET 06 OZ (25 Audley Street). Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment within existing settlement areas. New development is to have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service

facilities. Policy 1.1.3.3 of the PPS refers to planning authorities identifying appropriate locations and promoting opportunities for intensification and redevelopment and Policy 1.1.3.4 refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

The PPS identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within a *Regeneration Areas* designation, which is to provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form.

The planned vision for the subject lands, as sited in the recently approved but appealed Mimico-Judson Secondary Plan, allows for mid-rise buildings with provisions for a specified minimum gross floor area for non-residential uses, public realm improvements as well as requiring land dedication for a new public park.

The proposed development is comprised of two tall residential buildings with a 0.2 Floor Space Index of non-residential uses and on-site parkland dedication. The proposal does not provide for an appropriate built form, lacks the minimum required gross floor area for non-residential uses as well as increased building setbacks and does not meet the policy regarding number of hours of sunlight on the new public park, as set out by the Secondary Plan.

As outlined in greater detail below, the proposal represents an inappropriate scale of intensification at a location where a more moderate built form has been identified to better fit the existing and planned context. The proposed development does not conform to the Toronto Official Plan and the Mimico-Judson Secondary Plan, and is therefore inconsistent with the PPS.

The Growth Plan requires municipalities through their Official Plans to identify intensification areas, encourage intensification generally in the built-up area and identify the appropriate type and scale of development in these areas. It also requires all intensification areas be planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places and to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.3.6 and 2.2.3.7). Further, it requires promoting economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. The proposal for two tall residential buildings is not in keeping with the planned context and does not provide an appropriate type and scale of development, including the required building setbacks and stepbacks. The proposal also lacks the total required non-residential uses despite the direction to promote economic development. As a result, the proposal does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The applicant is proposing to amend the Official Plan by redesignating the subject sites from *Regeneration Areas* to *Mixed Use Areas* to permit a mix of residential and non-

residential uses. The Official Plan states that each *Regeneration Areas* requires a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study, and that development should not proceed prior to the approval of a Secondary Plan informed by that study.

At its meeting of June 7, 2016, City Council adopted the Mimico-Judson Secondary Plan (OPA No. 331). The Secondary Plan, plans for a complete community and among other matters regulates building heights and setbacks and minimum non-residential uses as well as contemplates the provisions of appropriate parkland dedication for a new public park. The Secondary Plan provides a new vision and policy direction for the site and redesignates the subject lands from *Regeneration Areas* to *Mixed Use Areas*. The Secondary Plan also provides a framework for employment and residential uses to achieve a balance between compatible land uses that creates a dynamic place to live, work, learn and play.

Although the applicant is proposing to redesignate the subject lands from *Regeneration Areas* to *Mixed Use Areas*, reflective of the Secondary Plan objective, the proposal fails to achieve an appropriate balance of residential and non-residential uses, Built Form, and Public Realm and Livability improvements. As the Mimico-Judson Secondary Plan is currently under appeal to the Ontario Municipal Board, the application is premature as there is no certainty as to how the Secondary Plan may be amended through the OMB appeal process or whether Council's vision for these sites will remain unchanged.

Built Form

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Official Plan Policy 3.1.2.3 c) further refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. Further, Policy 3.1.2.4 requires that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. Tall Building Design Guideline 1.3 expands on this by referring to fit and compatibility and an appropriate transition from tall buildings to lower-scale buildings.

In addition, the Official Plan Building New Neighbourhoods Policy 3.3.3 require that new neighbourhoods will be carefully integrated into the surrounding fabric of the City.

They will have:

- a) good access to transit and good connections to the surrounding streets and open spaces;
- b) uses and building scales that are compatible with surrounding development;
- c) community services and parks that fit within the wider system; and
- d) a housing mix that contributes to a full range of housing.

The Official Plan Healthy Neighbourhoods Policy 2.3.1.3 require that intensification of

land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an *Avenue Study*, or area based study. In this case, the Mimico-Judson Secondary Plan is currently under appeal to the Ontario Municipal Board.

The proposed development includes 8-storey (28 m) podiums along the Buckingham Street and Portland Street frontages and would have two tower components rising to a height of 24 and 28-storeys (80 and 96 m including mechanical penthouses). The proposed street wall height would be 8-storeys and include two 1.5 m stepbacks above the fourth storey (at the fifth/sixth and seventh/eighth levels). The lands subject to this application have not been identified as a tall building site. The proposed orientation of the building would be situated parallel to the public streets however the design of the street wall height, including appropriate stepbacks, should have regard for the low scale buildings within the existing neighbourhood.

The proposal does not provide for an appropriate transition in scale between the proposed buildings and the existing lower scale buildings and neighbourhoods surrounding the site. The proposed building heights should respect the existing street proportions which have a right-of-way width of 27 m. The proposal would result in unacceptable shadow and view impacts in addition to overwhelming massing.

The proposal does not conform to the Built Form policies of the Official Plan as it relates to appropriate building heights, massing and scale for the area and does not fit within its existing and planned context.

Conformity with the Mimico-Judson Secondary Plan (OPA No. 331)

The Mimico-Judson Secondary Plan is the result of a *Regeneration Areas* study completed for the area. The Secondary Plan provides a development framework for continued and expanded employment opportunities as well targeted opportunities to introduce residential uses.

To ensure the area remains a viable place for businesses to locate and operate, the Plan requires that a minimum Gross Floor Area of employment uses be required in all new development within *Mixed Use Areas* based on the proposed building type as a function of Floor Space Index (FSI) (Policy 1.1).

The Secondary Plan includes a Vision for the area and policies and objectives regarding Land Use, Economic Revitalization, Public Realm, Movement, Built Form, Livability, Environmental and Implementation.

The Secondary Plan, under Policy 1.2, promotes a vision for the area that identifies the following (see Attachment 3 - Map 35-2 Structure Plan):

- Anchors (Christ Church Cemetery and Coronation Park, Mimico GO Station, Willowbrook Rail Maintenance Facility and a new public park) which are fixed elements that any plans for change need to consider and strengthen.

The Secondary Plan, under Policy 2.8, specifies that to achieve transition and provide for compatibility between lands designated *Employment Areas* and lands designated *Mixed Use Areas* (see Attachment 4 – Map 35-3 Land Use Designations), development that includes residential or other sensitive land uses is subject to the following development criteria:

- a) The submission of technical and environmental studies that demonstrate that the proposed residential or sensitive use is compatible with operating or permitted employment uses within Blocks A1 and A2; and
- b) The costs of any compatibility studies and mitigation measures shall be borne by the developer of the new residential or other sensitive land uses.

The Implementation of the Secondary Plan specifies that in the absence of a Site and Area Specific Policy or Zoning By-law Amendment addressing Blocks within the Secondary Plan Areas as a whole, proponents for redevelopment in Blocks C, D and E shall be required to submit Detailed Block Plans envisioning the development of the entire block regardless of future development ownership patterns (as cited under Policy 9.2).

Policy 9.3 states that landowners are encouraged to collaborate on the preparation and submission of the required Detailed Block Plans which will be reviewed for conformity with the policies of this Secondary Plan and supporting documents including the Mimico-Judson Urban Design Guidelines and other applicable City of Toronto Urban Design Guidelines.

Policy 9.4 states that the Detailed Block Plan required in Policy 9.2 will illustrate one or more options for acceptable built form of development within the Block, including on lands that are not subject to the application.

Policy 9.6 states that the Detailed Block Plan for Block D will include:

- a) The location and size of the public park block;
- b) Location and size of lands for the Grand Avenue Extension, if lands from Block D are required;
- c) Location and amount of uses that support the economic function of the Secondary Plan Area, including appropriate drawings such as shadow studies;
- d) The provision of acceptable building height, massing and articulation in accordance with Map 35-6 (see Attachment 6 – Map 35-6 Built Form Typology);
- e) Consolidated loading and access to minimize curb cuts and interruptions in the public realm;
- f) Location and amount of affordable housing and non-residential uses; and
- g) Block-wide municipal servicing assessment report.

Policy 9.8 states the Detailed Block Plans will be considered by City staff. Site and Area Specific Policies will be recommended to City Council for each Block as Official Plan Amendments to this Secondary Plan.

This Official Plan Amendment application was submitted in coordination with the lands municipally known as 25 Audley Street (File Number 16 269352 WET 06 OZ). These applications were filed by two separate and unrelated companies (1282555 Ontario Inc. and 1066266 Ontario Ltd.) and included the submission of a Detailed Block Plan for Block D of the Mimico-Judson Secondary Plan Area.

The applicant's proposal fails to implement the policies related to appropriate building form (mid-rise buildings), public realm improvements and specific percentages for non-residential uses. Although the applicant is achieving appropriate parkland dedication for a new public park on Block D, reflective of the Secondary Plan objective, further clarification with respect to the proposed location and size of the public park block would be required including an assessment of potential impacts from the proposed development and its built form.

Economic Revitalization

The economic revitalization strategy, contained in the Secondary Plan, builds on the extensive work undertaken as part of the Municipal Comprehensive Review of employment lands and provides area specific policies that are intended to attract new investment and retain existing businesses within the Secondary Plan Area. Development is to be consistent with the vision of revitalizing the Secondary Plan Area's economic function and promoting new employment opportunities, while protecting existing business operations, as cited under Policy 3.1.

Policy 3.3 of the Secondary Plan states that development of residential uses on lands within Blocks designated *Mixed Use Areas* will require the provision of a minimum gross floor area of non-residential uses that support the economic function of the Secondary Plan Area, based on the type of building proposed as follows:

- a) 0.50 FSI for tall buildings (greater than 12-storeys).
- b) 0.45 FSI for mid-rise buildings (5 to 12-storeys).
- c) 0.15 FSI for townhouses or low rise buildings (up to and including 4-storeys).

Further, Policy 3.4 specifies that the minimum required gross floor area of non-residential uses that support the economic function of the Secondary Plan Area shall be built prior to, or concurrent with, the associated new residential development.

The Secondary Plan designates the subject lands *Mixed Use Areas* and sets out the maximum building height to be no taller than 12-storeys (mid-rise building). The Secondary Plan requires midrise buildings to have a non-residential Floor Space Index equal to 0.45 times the area of the lot. The applicant is proposing a tall building with a non-residential Floor Space Index equal to 0.2 times the area of the lot, whereas the Secondary Plan requires tall buildings to have a non-residential Floor Space Index equal

to 0.5 times the area of the lot. This does not meet the objective of Policy 3.3, and therefore does not conform with the Secondary Plan. It should be noted that the applicant has not submitted an Employment Generation Study in support of the proposed reduction to the required non-residential Floor Space Index.

Public Realm Improvements

The public realm, identified in the Secondary Plan, is made up of streets, parks and other publicly owned and publicly accessible private lands. The public realm policies support a number of key place making objectives and create opportunities to connect important destinations internal and external to the Secondary Plan Area.

Policy 4.8 to 4.10 specifies that the Mimico-Judson Urban Design Guidelines will establish a context for coordinated development within the Secondary Plan Area and provide guidance for development to support the Public Realm Policies. Uses that provide amenities for future and existing employees are encouraged throughout the Secondary Plan Area to create an attractive work environment and to support the existing employment function. New development and public realm improvements will prioritize pedestrian movements throughout the Secondary Plan Area to ensure safety and minimize conflicts between pedestrians and vehicles, while ensuring that goods and movement continue to be facilitated.

Policy 4.11 specifies that pedestrian priority areas will be created through increased building setbacks, additional landscaping and signage and are intended to direct pedestrian activity to the *Mixed Use Areas* designated side of the street. To minimize pedestrian conflict with employment activity on lands designated as Employment Areas, Pedestrian Priority Areas are identified on Map 35-5 Movement Strategy (see Attachment 5) and apply to the following blocks:

- a) West side of Windsor Street between Portland Street and the Mimico GO Station;
- b) East side of Buckingham Street between Portland Street and Newcastle Street;
and
- c) South side of Newcastle Street between Windsor Street and Buckingham Street.

The western boundary of the site, having frontage on Buckingham Street, has been identified as a Pedestrian Priority Area. The Mimico-Judson Urban Design Guidelines provide design details of each Pedestrian Priority Area and require a building setback of 4 m along Buckingham Street, whereas the applicant is proposing only 2 m. As a result, the proposal fails to achieve the Public Realm Improvement to minimize pedestrian conflict with employment activity on lands designated as *Employment Areas*.

Built Form

The Secondary Plan provides that infill redevelopment opportunities will take various built forms based on their location with the Secondary Plan Area and surrounding context. The Secondary Plan further provides that new development should define the street edges, parks and open spaces, and should ensure that the scale and form will

respect the scale of the existing neighbourhoods and achieve compatibility with the permitted employment uses in the Secondary Plan Area.

The Secondary Plan, under Policy 6.1 specifies that development within the Secondary Plan Area shall be constructed no taller than the maximum building heights illustrated on the following map (see Attachment 6 - Map 35-6 Built Form Typology).

Policy 6.3 specifies that building heights and scale are to be organized generally with mid-rise buildings located east of Royal York Road, with the exception of Block C south of Newcastle Street adjacent to the previously approved tall building (On the GO Mimico); and lower heights along street edges, particularly on the south side of Portland Street.

Policy 6.4 provides that, for the purposes of the Secondary Plan, and given the unique area context, low-rise buildings are buildings no taller than 4-storeys (approximately 13.5 m) in height; mid-rise buildings are buildings no less than 5-storeys (approximately 16.5 m) and no more than 12-storeys (approximately 37.5 m) in height; and tall buildings are buildings no less than 13-storeys (approximately 40.5 m) and no more than 30-storeys (approximately 91.5 m) in height.

In addition, Policy 6.5 provides that development should:

- a) provide a consistent 4-storey street wall; and
- b) incorporate a stepback above the fourth storey along all public streets.

In addition, the recommended Mimico-Judson Urban Design Guidelines set out additional design guidance that would allow new development to build on the strengths of the Secondary Plan Area, and relate to its industrial character as well as the green spaces throughout the area. For example, the separation distance for midrise buildings is 15 m and 25 m for tall buildings. Further, building stepbacks should be 2 m (at the fifth/sixth level) to 5 m (at the seventh/eighth level) and building setbacks should be consistent with the following criteria:

- 4 m on Buckingham Street
- 3 m on Audley Street and Newcastle Street

The proposed buildings would have a separation distance of 10 m (to the abutting proposed building at 25 Audley Street) and would be setback 2 m from Buckingham Street and 2.8 m from Audley Street with two 1.5 m stepbacks on the fifth/sixth and seventh/eighth level of the 8-storey podium. This does not achieve the appropriate separation distance (between Block 2 and Block 3) nor the setback and stepback requirements, as specified above.

The proposal for building heights that are taller than what is envisioned for the area creates an inappropriate transition in scale to the existing lower scale buildings and fails

to achieve a built form that fits the planned context as specified in the Secondary Plan and the accompanying Mimico-Judson Urban Design Guidelines.

Livability

The Secondary Plan states new residential development in *Mixed Use Areas* should provide a residential unit mix. Policy 7.1 of the Secondary Plan states that new residential development will provide 25% or more of the units built as two-bedroom units or larger, including 10% of the total units built as three-bedroom units or larger. The current proposal, as submitted, conforms to these requirements.

The Secondary Plan indicates that there are opportunities to provide additional community services and facilities to support and meet the needs of residents and employees. Policy 7.4 outlines the Community Services and Facilities priorities for the Secondary Plan Area and surrounding community, which include the following: pre-school programs; senior day programs; and farmers' markets.

The proposal, which contemplates 578 new residential units in the area, does not provide for or identify space within the development for additional Community Services and Facilities. As part of a future Zoning By-law Amendment application, further consideration will be required for the provision of Community Services and Facilities.

Open Space/Parkland

The Official Plan contains policies to ensure Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 ha of parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant proposes 578 residential units and 1,476 m² of non-residential space on the subject lands of approximately 0.8 ha. At the alternative rate of 0.4 ha per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 7,707 m² or 91% of the site area. However, By-law 1020-2010 states that for sites that are less than 1 ha in size, a cap of 10% (for residential use) and 2% (for non-residential use) is applied to both portions. Therefore, the total parkland dedication would be 830 m² or 9.8% of the net site area.

The Mimico Judson Secondary Plan, under Policy 7.8, states that a new public park is required to serve future and existing residents and employees within the Secondary Plan Area, act as a focal point of the neighbourhood, and should be located to allow for easy access to the Mimico-Judson Greenway. Policies 7.9 through 7.11 specify the new park is to be located within Block D and have frontage on a minimum of two public streets in a highly visible and accessible location; be of a size and shape that will achieve a centrally located "Neighbourhood Park"; and assist in creating connections between private and public open spaces within the Secondary Plan Area. Policy 7.12 provided that for developments in Block D, the dedication of land for the public park will be the

priority over a dedication through cash-in-lieu.

The Plan further requires (Policy 6.2(a)), that development within the Secondary Plan Area shall not cast any shadows onto the park block location in Block D for seven continuous hours during the spring and fall equinoxes.

Should any application be approved for these lands, the applicant would be required to satisfy the parkland dedication requirement through an on-site dedication. The applicant is proposing to provide an appropriate amount of on-site parkland dedication (857.89 m²) along the east limits of the subject site, for the new public park, as part of the current proposal. Based on the Detailed Block Plan, it appears the applicant is proposing that the new public park, for the Secondary Plan Area, be located at the southeast portion of Block D. Clarification on whether this is the intention would be required through detailed plans (including dimensions and area). In addition, the proposed configuration and location of this open space would require further discussion.

This location conforms with the provisions of the Official Plan and Secondary Plan policies and provides maximum access through public street frontage, the ability to expand the park through future development on this block, as well as the shape and size allows for significant programming opportunities.

The land would be conveyed to the City and would meet the requirements set out in Section 3.2.3.8 of the Official Plan which states that the location and configuration of land to be conveyed should:

- a) be free of encumbrances unless approved by Council;
- b) be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park;
- c) be of a usable shape, topography and size that reflects its intended use;
- d) be consolidated or linked with an existing or proposed park or green space or natural heritage system where possible; and
- e) meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

The exact location and size of the park, within Block D, would be determined to the satisfaction of the General Manager, Parks, Forestry and Recreation and additional conditions would be provided. For example, Parks staff are interested in securing the design and construction, by the owner, of 'Above Base Park Improvements'.

It should be noted that City Planning could consider and support parkland at the southeast portion of Block D (of the Secondary Plan) which would be comprised of a combination of Section 42 parkland dedications from applications for lands municipally known as 1x Audley Street and 8 Newcastle Street (currently owned by Freed Grand Park Development Inc. and as part of File Number 16 168925 WET 06 OZ), 25 Audley Street (currently owned by 1066266 Ontario Ltd. and as part of File Number 16 269352 WET 06 OZ), and 23 Buckingham Street (as part of this application). However, this location

would be subject to all parties providing the required parkland dedication to the satisfaction of the City of Toronto.

Although an appropriate on-site parkland dedication could be achieved on Block D, as required by the Secondary Plan, the proposed building heights (for all three applications cited above) would cast shadows on the proposed parkland such that there would not be seven hours of continuous sunlight on the park (as required by Policy 6.2). This condition is not acceptable as it fails to conform to the shadow policy.

Further, Policy 3.2.3.2b) requires parkland acquisition strategies that take into account parkland characteristics and quality and Policy 3.2.3.3 states that the effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

A revision to the proposed building heights may improve the shadow condition on the proposed new public park. Further shadow studies should be submitted for review and consideration once the proposed heights have been revised.

Sun and Shadow

Policy 3.1.2.3 of the Official Plan requires that new development be massed to adequately limit any resulting shadowing of neighbouring streets, properties and open spaces and to minimize any additional shadowing on neighbouring parks as necessary to preserve their utility. Further, Policy 4.5(2)(d) requires buildings to be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. The lands directly to the north of the subject lands are designated *Neighbourhoods*.

In addition, Policy 6.2 of the Secondary Plan states that development shall:

- b) Not cast any shadows on lands designated *Neighbourhoods* between the hours of 10:00 a.m. and 5:00 p.m. during the spring and fall equinoxes.

Further, Tall Building Design Guideline 1.3 refers to limiting shadows on adjacent streets and open spaces and is expanded by Guideline 1.4 which seeks to protect access to sunlight (shadow impacts) and sky views with the surrounding context. These City policies and guidelines emphasize the need to locate and mass new buildings to limit shadow impacts.

Shadow impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks, as well as the time of year and angle of the sun.

A Shadow Study prepared by Michael Spaziani Architect Inc. dated December 20, 2016 was submitted in support of this proposal. The study illustrates the extent of shadowing that would result from the proposed development for March and September 21 equinoxes. The study shows, for these times of the year, that the proposed development

would cast shadows on lands designated *Neighbourhoods* between the hours of 9:18 a.m. to 12:18 p.m.

The proposed development does not comply with the relevant policies of the Official Plan, the Secondary Plan policy and the Tall Building Design Guidelines as the proposed development would create unacceptable shadowing on adjacent lands designated *Neighbourhoods* as well as on the subject lands and surrounding amenity spaces (including public streets and sidewalks).

Other Issues

- A Traffic Impact Study prepared by Nextrans Consulting Inc. dated December 2016 was submitted and circulated to Transportation Services staff for review. Comments related to the study remain outstanding.
- A Functional Servicing and Preliminary Stormwater Management Report prepared by C.F. Crozier and Associates Inc. dated December 2016 was submitted in support of this proposal. Engineering and Construction Services staff have reviewed the above material and have indicated that further analysis is required as set out in their memorandum dated February 8, 2017.
- A Phase One Environmental Site Assessment (ESA) prepared by MBN Environmental Engineering Inc. dated December 21, 2016 was submitted in support of this proposal. Should any application be approved for these lands, further investigation in support of a Risk Assessment (RA) would be required to be conducted in order to facilitate the filing of a Record of Site Condition (RSC). It should be noted that an RSC cannot be filed for the subject lands without additional investigation and remedial actions or without an RA being conducted.
- A Pedestrian Wind Assessment has yet to be submitted in support of this proposal. Should a more acceptable future application or resubmission be received, analysis and testing would be required to confirm the wind conditions and recommend mitigation measures (building configuration and massing).

CONCLUSION

The proposed application has been reviewed against the current in force Official Plan policies and the policies of the Mimico-Judson Secondary Plan, adopted by City Council via Official Plan Amendment No. 331, but currently under appeal to the Ontario Municipal Board.

The Official Plan states that each *Regeneration Areas* requires a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study, and that development should not proceed prior to the approval of a Secondary Plan informed by that study.

The Mimico-Judson Secondary Plan provides a policy framework to guide the revitalization of the area and create a place that supports and protects the continued

employment function of the area while providing for appropriate building heights and densities. The proposed application does not adequately respond to the vision and policy framework outlined in the Council-approved Mimico-Judson Secondary Plan and accompanying approved Urban Design Guidelines. This proposed development does not conform to the policies of the Secondary Plan as it relates to Economic Revitalization, Public Realm Improvements, Built Form and Livability. As the Mimico-Judson Secondary Plan is currently under appeal to the Ontario Municipal Board, the application is premature as there is no development framework approved for the area.

The proposed scheme does not conform to the Official Plan or have appropriate regard for the adjacent existing low density areas in terms of the proposed density, scale, massing and building heights. It would not fit harmoniously into the existing and planned context and does not limit impacts onto the neighbouring properties.

Finally, should this application be approved in any form, a parkland conveyance pursuant to Section 42 should be required. The location and size of the new public park requires further clarification and consideration.

It is recommended that this Official Plan Amendment application be refused.

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SIGNATURE

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Chief Planner and Executive Director, City Planning Division

ATTACHMENTS

Attachment 1: Detailed Block Plan

Attachment 2: Elevations

Attachment 3: Map 35-2 Structure Plan from the Mimico-Judson Secondary Plan

Attachment 4: Map 35-3 Land Use Designations from the Mimico-Judson Secondary Plan

Attachment 5: Map 35-5 Movement Strategy from the Mimico-Judson Secondary Plan

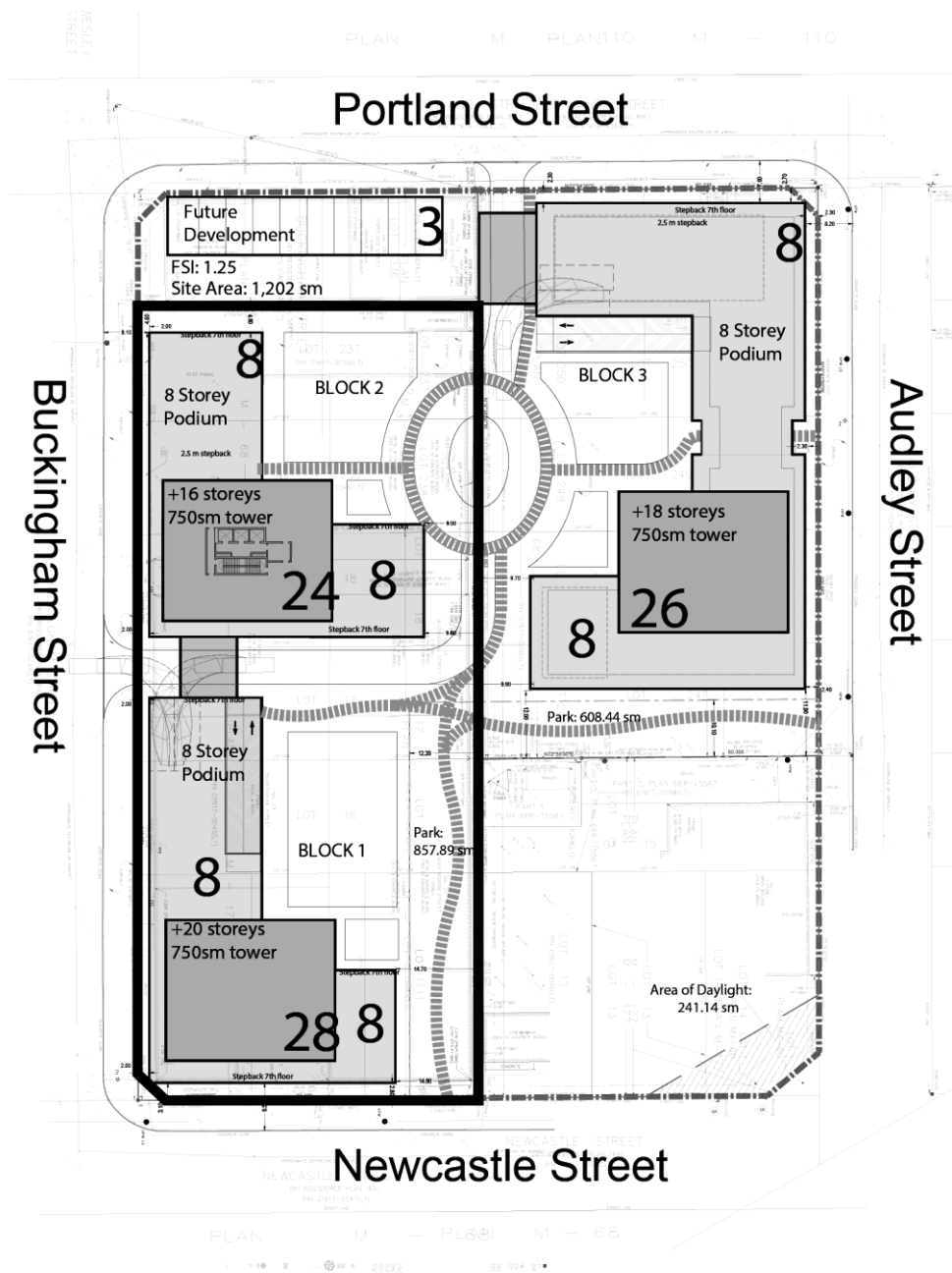
Attachment 6: Map 35-6 Built Form Typology from the Mimico-Judson Secondary Plan

Attachment 7: Official Plan

Attachment 8: Zoning

Attachment 9: Application Data Sheet

Attachment 1: Detailed Block Plan



Detailed Block Plan

23 Buckingham Street

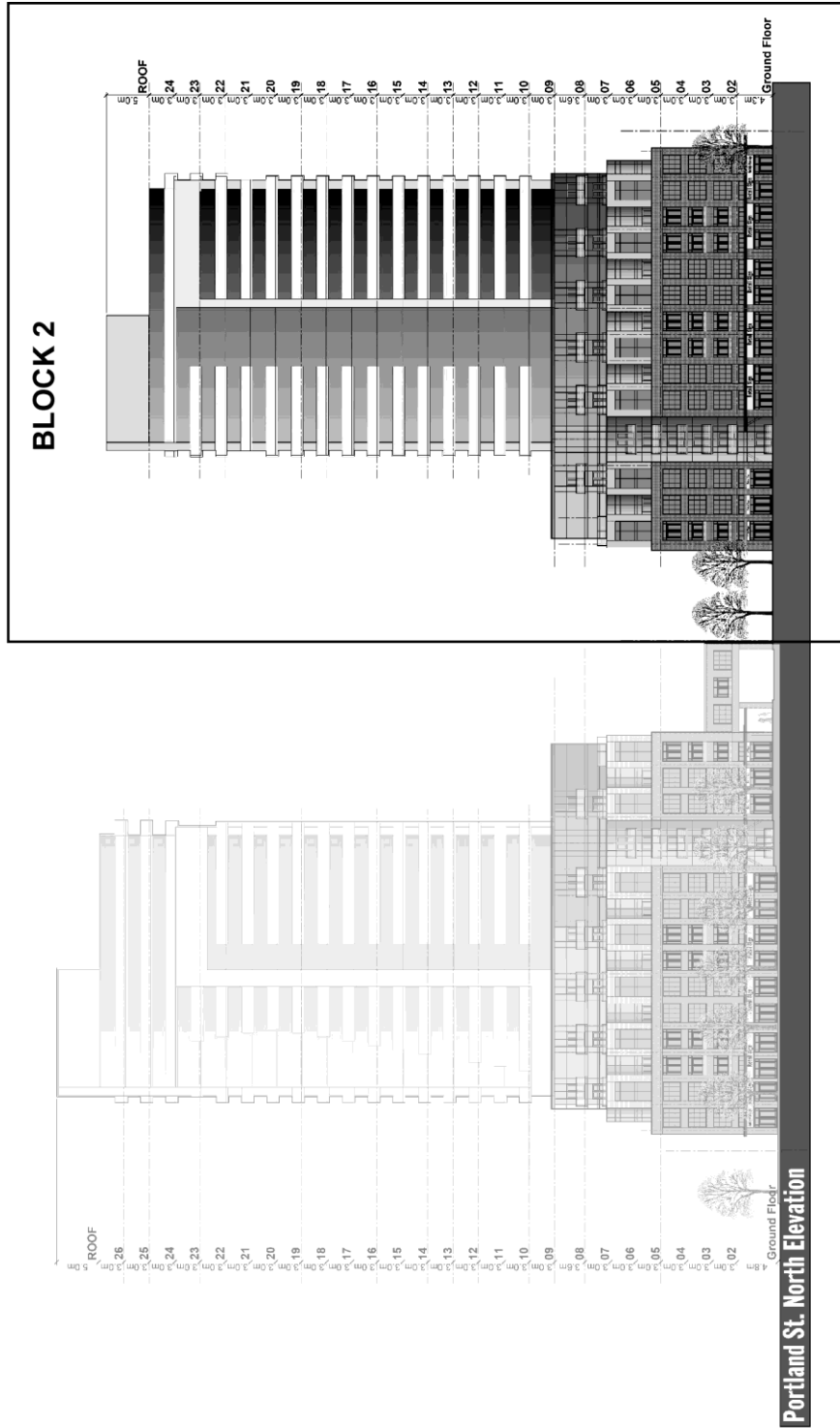
Applicant's Submitted Drawing

Not to Scale
04/07/17



File # 16 269378 WET 06 02

Attachment 2: Elevations



North Elevation

Applicant's Submitted Drawing

Not to Scale
04/07/17

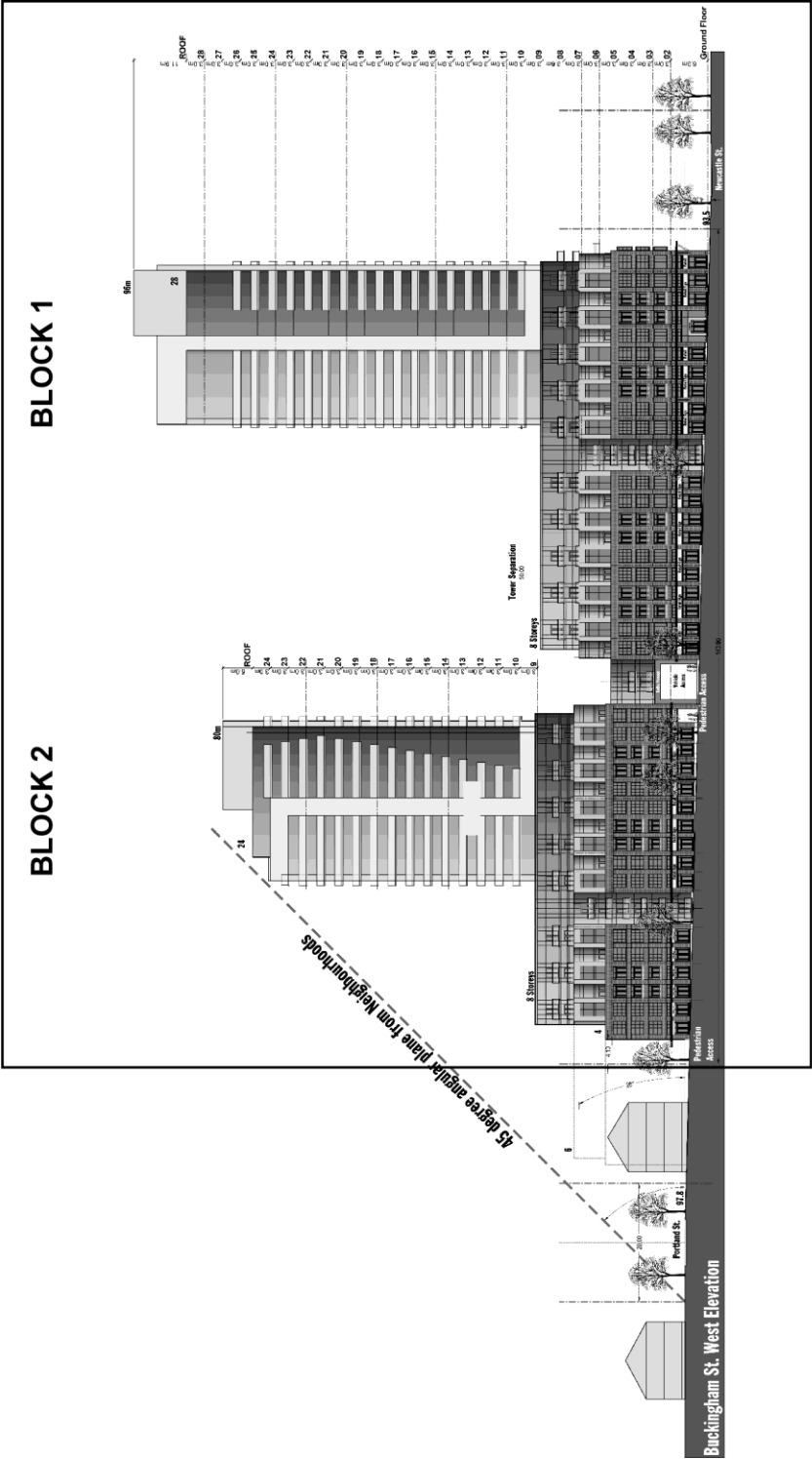
23 Buckingham Street

File # 16 269378 WET 06 02



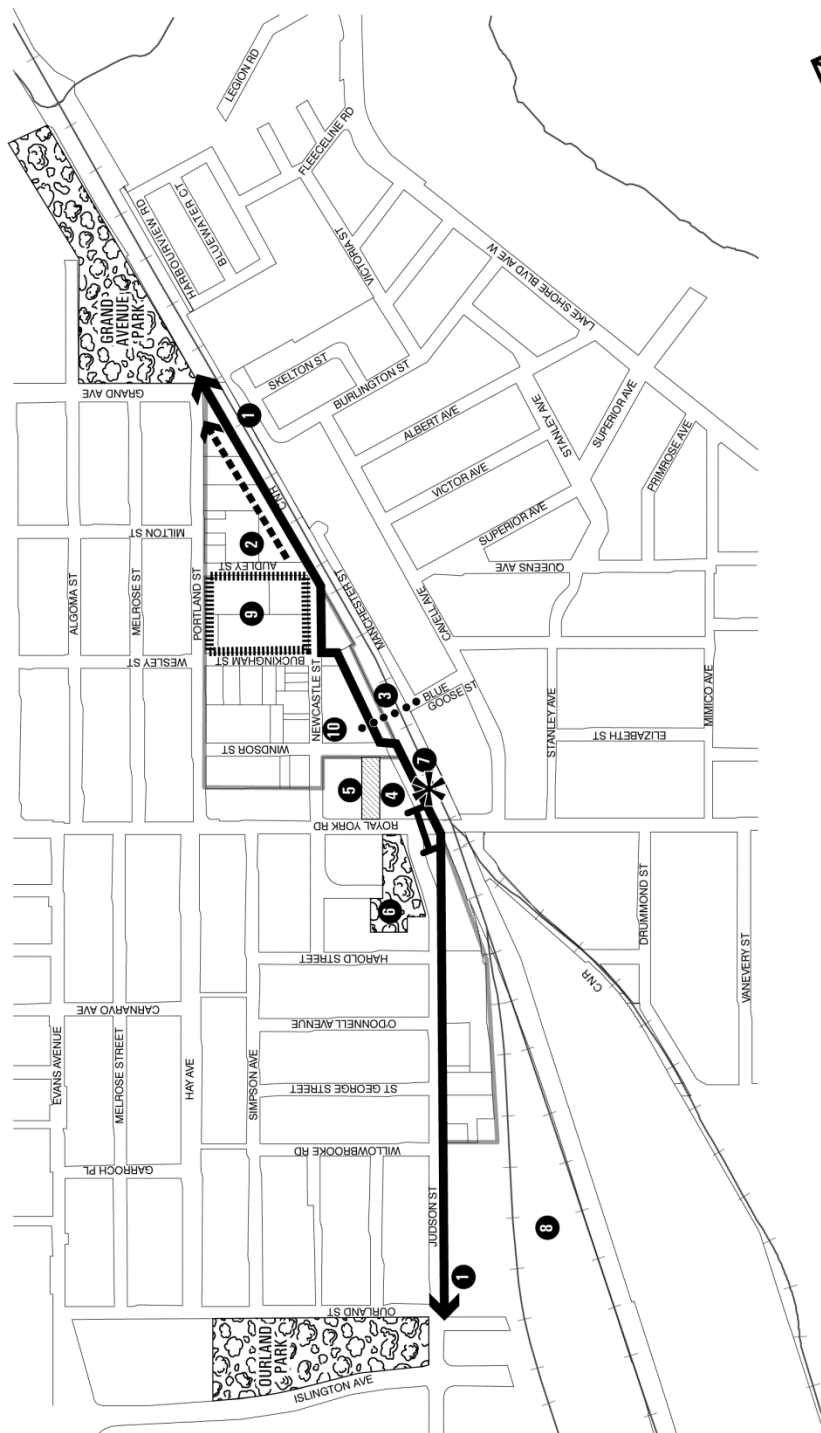
South Elevation
 Applicant's Submitted Drawing
 Not to Scale
 04/07/17

23 Buckingham Street
 File # 16 269378 WET 06 02



West Elevation
23 Buckingham Street
 Applicant's Submitted Drawing
 Not to Scale
 04/07/17
 File # 16 269378 WET 06 02

Attachment 3: Map 35-2 Structure Plan from the Mimico-Judson Secondary Plan



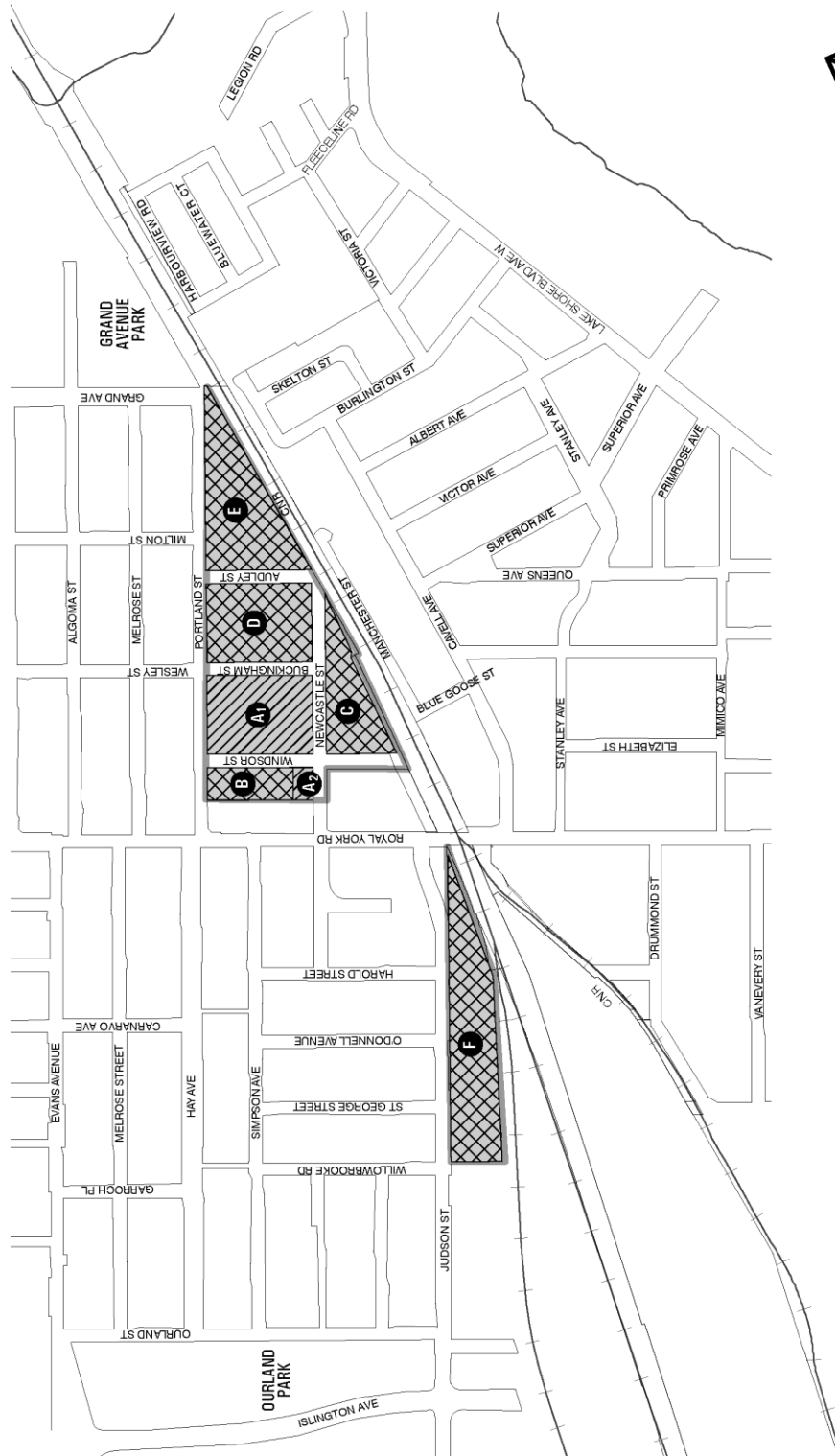
Not to Scale

Toronto Mimico - Judson Secondary Plan MAP 35-2 Structure Plan

- | | | |
|---|--|--|
| <p>Secondary Plan Boundary</p> <p>1 Mimico-Judson Greenway</p> <p>2 Grand Avenue Extension</p> <p>3 GO Pedestrian Underpass</p> | <p>4 Pedestrian / Cycle Overpass</p> <p>5 Cemetery</p> <p>6 Existing Parks</p> | <p>7 Mimico GO Station</p> <p>8 Willowbrook Yard</p> <p>9 Future park to be located within this area</p> |
|---|--|--|

October 2015

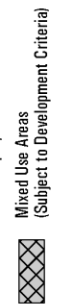
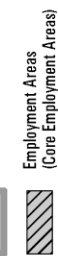
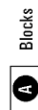
Attachment 4: Map 35-3 **Land Use Designations from the Mimico-Judson Secondary Plan**



Mimico - Judson Secondary Plan

MAP 35-3 Land Use Designations

NOTE: MAP 35-2 prevails over MAP 35-3 which may impact location of uses.



October 2015

The map shows a residential area with a proposed development site highlighted by a dashed line. The site is located on the east side of Burlington St, between Royal York Rd and the intersection with Albert St. The map includes the following streets:

- North-South Streets:** Royal York Rd, Burlington St, Albert St, Victor Ave, Superior Ave, Queens Ave, Blue Goose St, Capelee Ave, Newcastle St, Audley St, Portland St, Wesley St, Westley St, Melrose St, Algonia St, Milton St, Grand Ave, Leeson Rd, Fleck Ave, Victoria St, Skelton St, Manches St, Newcastle St, Windsor St, Buckingham St, Audley St, Portland St, Wesley St, Westley St, Melrose St, Algonia St, Milton St, Grand Ave.
- East-West Streets:** Royal York Rd, Burlington St, Albert St, Victor Ave, Superior Ave, Queens Ave, Blue Goose St, Capelee Ave, Newcastle St, Audley St, Portland St, Wesley St, Westley St, Melrose St, Algonia St, Milton St, Grand Ave.
- Other Streets:** Evans Avenue, Melrose Street, Garroch Pl, Hay Ave, Simpson Ave, Willowbrook Rd, St George Street, O'Donnell Avenue, Harold Street, Judson St, Ourland St, Islington Ave, Drummond St, Mimico Ave, Elizabeth St, Stanley Ave, Waverly St, Cns.

A callout box labeled "SEE INSET" points to a specific area on the map, likely indicating a detailed view of the proposed development site.

Toronto

Mimico - Judson Secondary Plan

Secondary Plan Boundary

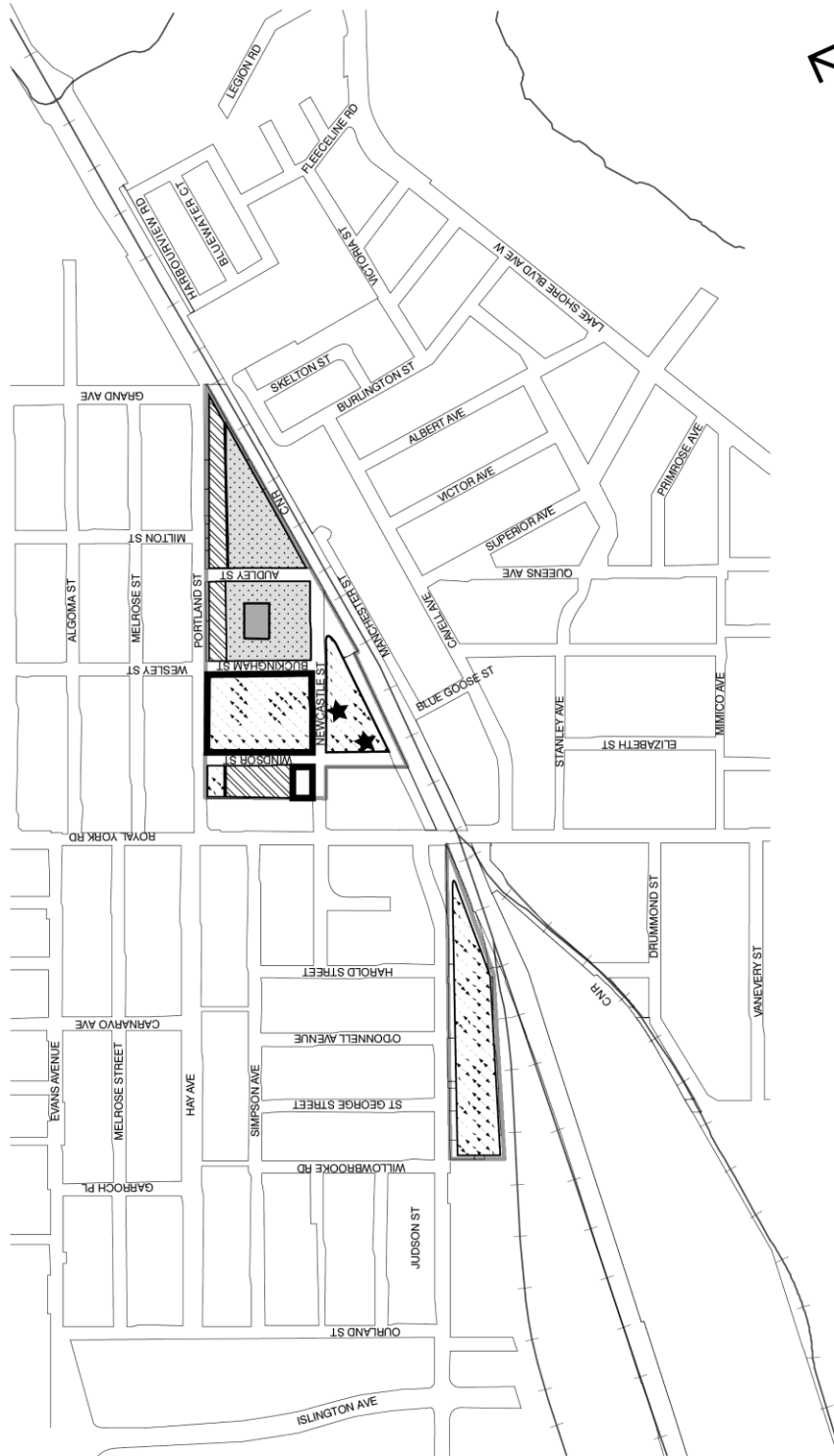
Cycling Lanes
(Mixed and Separated Lane)

Pedestrian Priority

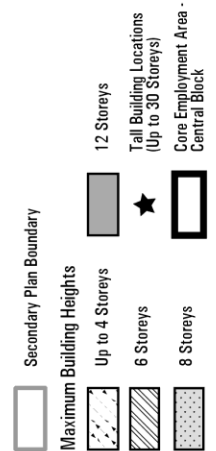
Loading and Goods Movement Priority

October 2015

Attachment 6: Map 35-6 Built Form Typology from the Mimico-Judson Secondary Plan



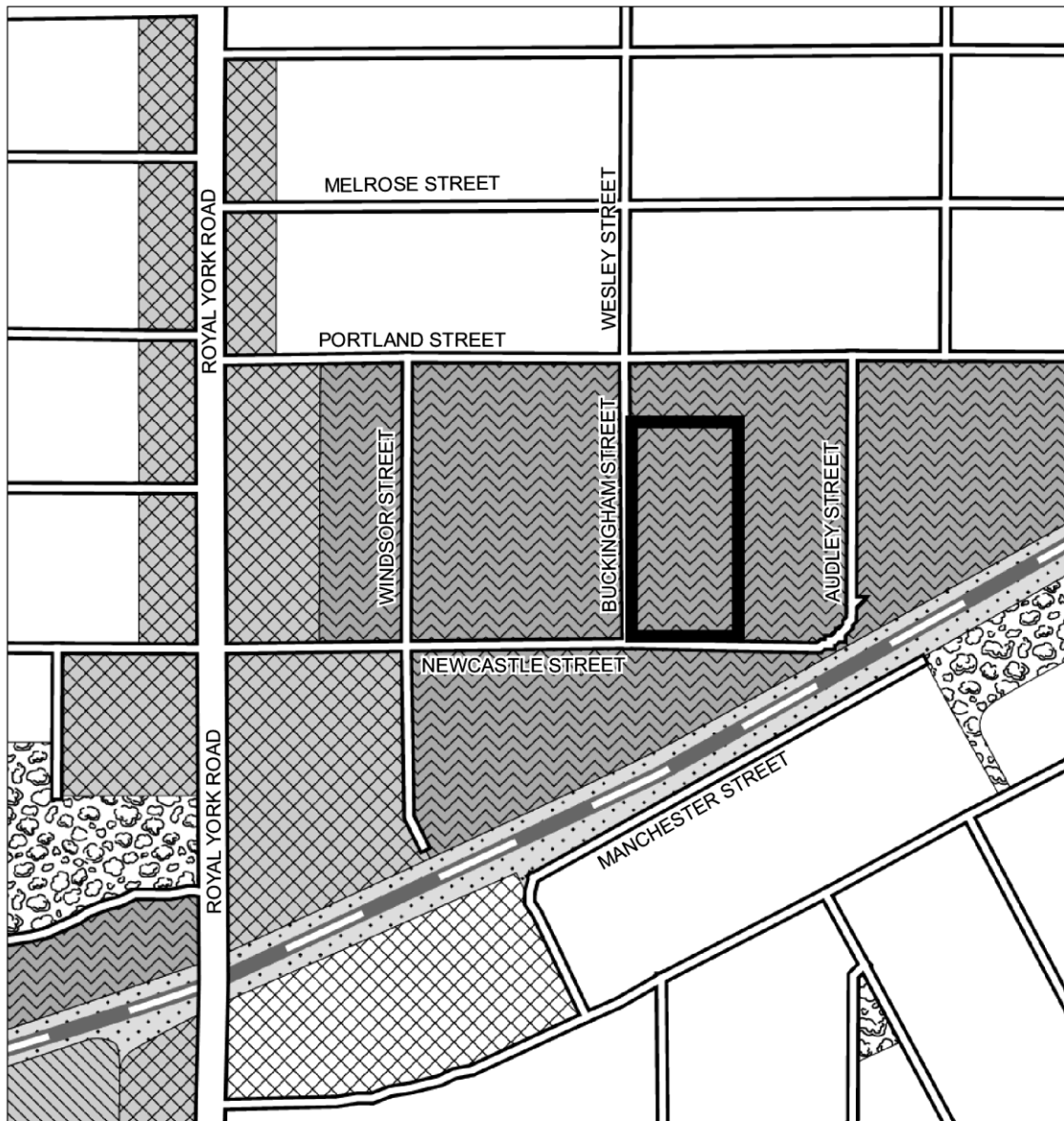
Mimico - Judson Secondary Plan MAP 35-6 Built Form Typology



NOTE: MAP 35-2 prevails over MAP 35-6 which may impact achievable built form.

October 2015

Attachment 7: Official Plan



Toronto City Planning
Extract from Official Plan

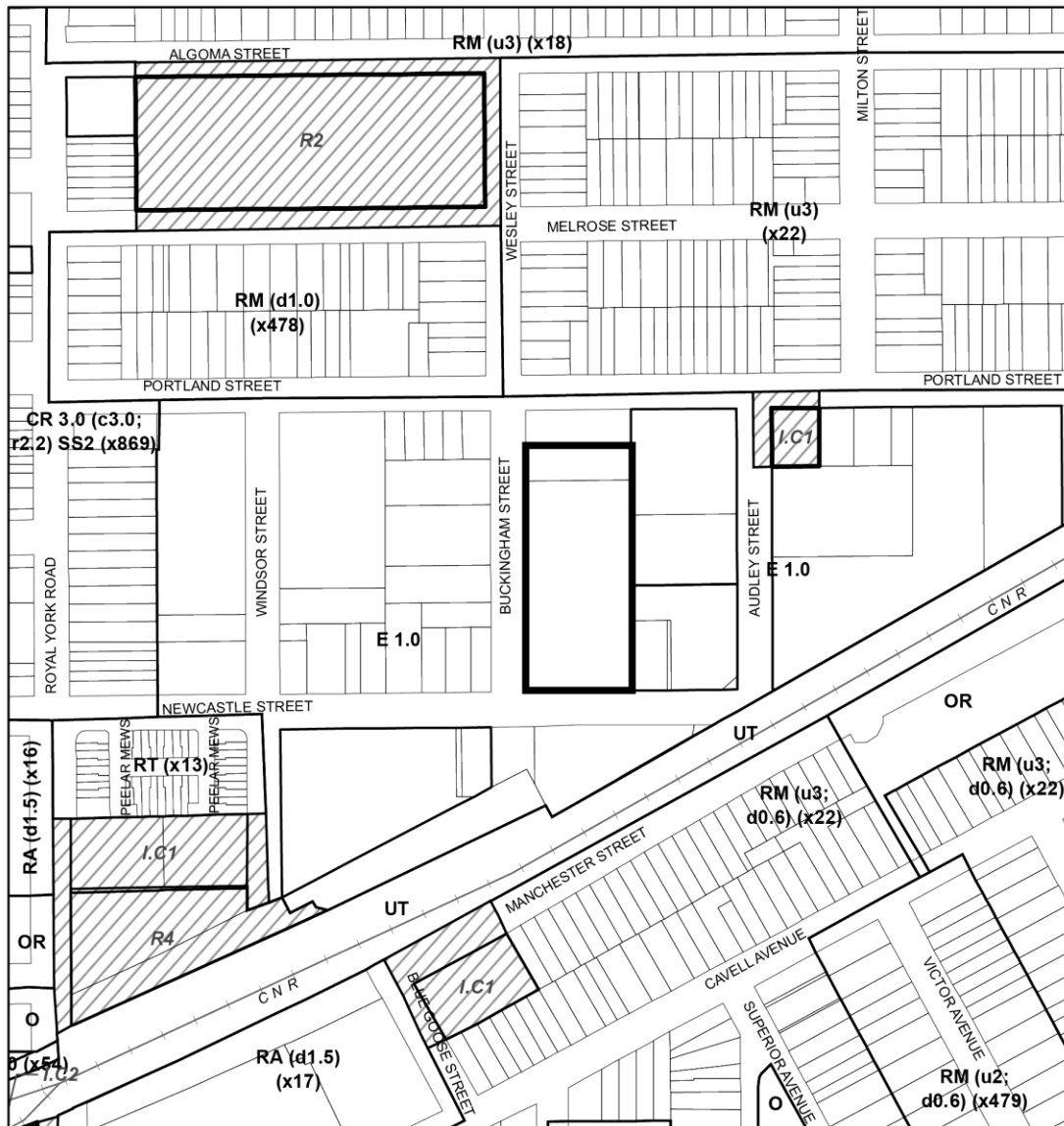
23 Buckingham Street

File # 16 269378 WET 06 02



↑
Not to Scale
04/10/2017

Attachment 8: Zoning



Zoning

23 Buckingham Street

File # 16 269378 WET 06 02



Location of Application

RT	Residential Townhouse	E	Employment Industrial
RM	Residential Multiple	O	Open Space
RA	Residential Apartment	OR	Open Space Recreation
CR	Commercial Residential	UT	Utility and Transportation



See Former City of Etobicoke By-Law No. 11,737

R2 Second Density Residential Zone

R4 Fourth Density Residential Zone

I.C1 Class 1 Industrial Zone

See Former City of Etobicoke (Mimico) By-Law No. 1930

I.C1 Class 1 Industrial Zone

I.C2 Class 2 Industrial Zone



Not to Scale
Extracted: 04/06/2017

Attachment 9: Application Data Sheet

Application Type:	Official Plan Amendment	Application Number:	16 269378 WET 06 OZ
Details:	OPA	Application Date:	December 21, 2016

Municipal Address:	23 Buckingham Street (Blocks 1 and 2)
Location Description:	PLAN M68 LOTS 237 & 238 PLAN M177 LOTS 9-11 16-18 **GRID W0607
Project Description:	The proposal is to amend the Official Plan to redesignate the site from <i>Regeneration Areas</i> to <i>Mixed Use Areas</i> to permit a mixed use development consisting of two new apartment buildings with a total of 53,199 m ² of gross floor area, of which 1,476 m ² would be for non-residential uses. The development would contain approximately 578 apartment units and a total of 605 parking spaces.

Applicant:	Agent:	Architect:	Owner/Beneficial Owner:
MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING	MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING	MICHAEL SPAZIANI ARCHITECT INC.	1282555 Ontario Inc.

PLANNING CONTROLS

Official Plan Designation:	<i>Regeneration Areas</i>	Site Specific Provision:	SASP 433 and 434
Zoning:	I.C1, E1.0	Historical Status:	
Height Limit (m):	18 to 24 (6 to 8-storeys)	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	8,492	Height:	Storeys:	8, 24, 28
Frontage (m):	141		Metres:	28 m, 80 m, 96 m
Depth (m):	60			
Total Ground Floor Area (sq. m):	3522			Total
Total Residential GFA (sq. m):	51,723		Parking Spaces:	605
Total Non-Residential GFA (sq. m):	1,476		Loading Docks	1
Total GFA (sq. m):	53,199			
Lot Coverage Ratio (%):	42			
Floor Space Index:	6.3			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	51,723	0
Bachelor:	0	Retail GFA (sq. m):	1,476	0
1 Bedroom:	365	Office GFA (sq. m):	0	0
2 Bedroom:	154	Industrial GFA (sq. m):	0	0
3 + Bedroom:	59	Institutional/Other GFA (sq. m):	0	0
Total Units:	578			

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