



REPORT FOR ACTION

39 Newcastle Street - Official Plan and Zoning By-law Amendment Application - Supplementary Report

Date: November 6, 2017

To: Planning and Growth Management Committee

From: Acting Chief Planner and Executive Director, City Planning Division

Wards: 6

SUMMARY

A Refusal Report, dated October 23, 2017, on the Official Plan and Zoning By-law Amendment application for 39 Newcastle Street has been prepared for consideration by Planning and Growth Management Committee at its meeting on November 15, 2017. On October 30, 2017, McMillan LLP (on behalf of CIC Management Services Inc.) filed an appeal (for the current proposal) to the Ontario Municipal Board citing Council's failure to make a decision within the time period prescribed under the *Planning Act*.

This report recommends that Recommendation No.1 contained in the October 23, 2017 Refusal Report be modified to reflect the appropriate action required for this appeal and seeks City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the application. No modifications are required to Recommendation No. 2 in the Refusal Report.

The application proposes to amend the Official Plan and Zoning By-laws (under File No. 16 198950 WET 06 OZ) to permit a mixed use development comprised of three residential apartment towers (22, 30 and 36-storeys) connected by a 4-storey podium having a total of 74,374 m² of gross floor area, of which 2,578 m² would be for non-residential (retail) uses. The development would contain approximately 833 residential units and a total of 589 vehicular parking spaces within a parking garage having two-levels underground and three-levels above ground.

The applicant's original proposal (submitted on July 29, 2016) included two residential apartment towers (28 and 30-storeys) and a total of 606 residential units and 983 vehicular parking spaces.

RECOMMENDATIONS

The Acting Chief Planner and Executive Director, City Planning recommends that Recommendation No. 1 of the October 23, 2017 Refusal Report from the Director of Community Planning, Etobicoke York District, regarding the Official Plan and Zoning By-law Amendment application for 39 Newcastle Street be deleted and replaced with the following:

1. City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application at 39 Newcastle Street (under File No. 16 198950 WET 06 OZ), in its current form, 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, Public Realm, Economic Revitalization and Land Use 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:
 - i. The Secondary Plan envisions two tall buildings on the subject lands with heights of up to 30-storeys (with a street wall height of 4-storeys), whereas the application proposes three tall towers (with a street wall height of 4-storeys) having heights of 22, 30 and 36-storeys.
 - ii. The Secondary Plan envisions the Mimico-Judson Greenway (multi-use pedestrian and cycling trail) to be located along the south limits of the subject site, whereas the Greenway is proposed along the south side of Newcastle Street and east side of Windsor Street.
 - iii. The Secondary Plan requires a centralized public park to be located within Block D that would not be in shadow for seven continuous hours during the spring and summer equinoxes,

whereas the current proposal shadows Block D and only allows for five continuous hours of sunlight on the future parkland during the spring and summer equinoxes.

- iv. The Secondary Plan requires a minimum of 0.5 FSI of non-residential gross floor area for tall buildings, whereas 0.3 FSI of non-residential gross floor area is proposed.
- v. The Secondary Plan requires that any portion of a development containing residential and other sensitive land uses shall be setback a minimum of 30 m from the property line bordering the rail corridor to the south, whereas a setback of 22 m is being proposed.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of October 17, 2016, the Planning and Growth Management Committee considered a Preliminary Report dated October 6, 2016 from the Chief Planner and Executive Director, City Planning Division (Item PG15.6), which provided preliminary information on the original application and sought the Committee's direction on the further processing of the application and on the community consultation process. Staff were also directed to review the application within the context of the approved but appealed Mimico-Judson Secondary Plan and approved Urban Design Guidelines. A copy of the Preliminary Report and decision of the PGM Committee can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG15.6>

Planning staff have prepared a report titled "39 Newcastle Street - Official Plan and Zoning By-law Amendment Application - Refusal Report" (dated October 23, 2017) to be considered by the Planning and Growth Management Committee at its meeting on November 15, 2017.

COMMENTS

Planning staff remain of the opinion that the applicant's current proposal 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.

City staff are seeking City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application in its current form and 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.

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SIGNATURE

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