



**STAFF REPORT
ACTION REQUIRED**

1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street - Official Plan and Zoning By-law Amendment Application – Refusal Report

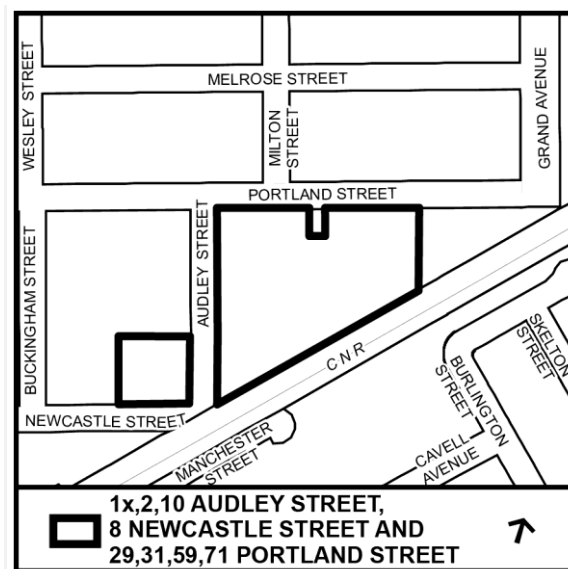
Date:	December 9, 2016
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	P:\2016\ClusterB\PLN\PGMC\PG16155 16 168925 WET 06 OZ

SUMMARY

This application proposes to amend the Official Plan and Zoning By-laws to permit a phased multi-block mixed use development consisting of five residential buildings having a total of 123,653 m² of gross floor area, of which 952 m² would be for non-residential uses. The proposed buildings would range in height from 6 to 8-storeys along Portland Street; 12-storeys located internal to the subject site, along Audley Street and along the southern property line; and have tall buildings with heights of 16, 23, 25 and 32-storeys oriented towards the southern portion of the lands. The development would contain approximately 1,824 residential units and a total of 1,049 vehicular parking spaces and 1,278 bicycle parking spaces.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-laws.

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.

RECOMMENDATIONS

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

1. City Council refuse the application for Official Plan and Zoning By-law Amendments at 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland 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, Public Realm, and Parks and Open Spaces 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 and having a maximum 4-storey street wall, whereas five tall buildings are proposed with heights of 12, 16, 23, 25 and 32-storeys and a street wall height of 6 to 8-storeys.
 - The Secondary Plan calls for the provision of a new public street and multi-use trail (Grand Avenue Extension and Mimico-Judson Greenway) along the southern portion of the lands whereas only private driveways and pathways are proposed.
 - The Secondary Plan calls for a centralized public park to be located within Block D on the lands whereas a 15 m wide linear park is proposed along the rail corridor (and within the 30 m railway safety mitigation area) at the southern portion of Block E.

- 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 0.08 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 more 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

City Council

At its meeting of October 5-7, 2016, City Council considered a Members Motion from Councillor Grimes (MM21.26), which requested that notice for a community consultation meeting in relation to the Official Plan and Zoning By-law application for 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street, be given to landowners and residents within 400 metres of the site with the additional cost to be borne by the applicant. City Council adopted the motion at its meeting on October 5-7, 2016.

Planning and Growth Management Committee

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 PG15.7), which provided preliminary information on the application and sought the Committee's direction on the further processing of the application and on the community consultation process. Staff was 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.PG15.7>

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 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland 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 July 4, 2016, Overland LLP (on behalf of Freed Grand Park Developments 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.

Toronto Preservation Board and Etobicoke York Community Council

At its meeting of September 28, 2016, the Toronto Preservation Board considered a Report dated September 27, 2016 from the Chief Planner and Executive Director, City Planning Division (Item PB17.14), which recommended designating the property at 1x Audley Street (The Schindler Company of Canada Ltd. building) under Part IV, Section 29 of the Ontario Heritage Act and including the property on the City of Toronto's Heritage Register. This report can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB17.14>

Toronto Preservation Board adopted the recommendations, however, the applicant acted on their demolition permit that was issued on September 12, 2016. Under Provincial Legislation, the Chief Building Official cannot withhold the issuance of a demolition permit if the application complies with applicable law. For a permit to be denied, a building must be listed on the City's Heritage Registry or have a Heritage designation. At

the time the permit was issued for the demolition of the existing buildings, the building at 1x Audley Street was not listed or designated and City Council had not yet approved an intention to designate.

At its meeting of October 13, 2016, Etobicoke York Community Council referred this Item (EY17.2) to the Chief Planner and Executive Director, City Planning, with a request that staff work with the Ward Councillor and the property owner on the future of the (saved) building tower feature on this property.

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan and Zoning By-laws to permit a mixed use development at 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street consisting of five new apartment buildings containing a total of 1,824 residential units (178 bachelor, 1,035 one-bedroom, 469 two-bedroom, and 142 three-bedroom). The total gross floor area of the proposal would be 123,653 m², of which 952 m² would be for non-residential uses, and would result in an overall density of 5.5 times the area of the lot. The proposed non-residential uses would have a density of 0.08 times the area of the lands.

The proposed development would be organized into two blocks (east and west) and would be constructed in phases. The east block (bounded by Portland Street to the north, the GO Transit/Metrolinx rail corridor to the south, and Audley Street to the west) would be subdivided into 4 Parcels (Buildings A, B, and C and D) each containing one residential building. The west block (Building F) located at the southwest corner of Audley Street and Newcastle Street would contain one mixed use building. Detailed development statistics are set out in the table below. Please see Attachment 1: Site Plan and Attachment 2: Elevations.

	Building A	Building B	Building C and D	Building F
Block	East	East	East	West
Height	6 to 16-storeys (21.5 to 57 m)	6, 12 to 23- storeys (21.5, 41.1 and 81.6 m)	6 to 8-storeys (21.5 to 27.5 m) 12 to 25-storeys (44.6 to 87.6 m)	12 to 32-storeys (49 to 110.8 m)
Residential Units	150	420	752	502
Bachelor	29 units	52 units	64 units	33 units
One Bedroom	71 units	210 units	434 units	320 units
Two Bedroom	33 units	118 units	210 units	108 units
Three Bedroom	17 units	40 units	44 units	41 units
Residential Gross Floor Area	9,456 m ²	27,350 m ²	50,182 m ²	35,712 m ²

Non-Residential Gross Floor Area	0 m ²	0 m ²	0 m ²	952 m ²
Indoor Amenity Area	422 m ²	682 m ²	1,547 m ²	1,084 m ²

The proposed buildings on the east block would be oriented in a north-south direction. Building A would be located on the eastern portion of the block and would have a height of 6-storeys (21.5 m) along the Portland Street frontage rising to a height of 16-storeys (57 m including mechanical penthouse). Buildings B, C and D would be interconnected buildings each having various heights. Building B would be centrally located on the lands with podium heights of 6-storeys (21.5 m) and 12-storeys (41.1 m) along the Portland Street frontage rising to a height of 23-storeys (81.6 m including mechanical penthouse). Building C and D would be located on the western portion of the block and would include 4 residential buildings connected by enclosed glass corridors. Building C, proposed on the northern half of the block, would include two interconnected buildings each with a 6-storey (21.5 m) podium height along the Portland Street frontage and would step up to 8-storeys (27.5 m) in height. Building D, proposed on the southern half of the block, would include an additional two interconnected buildings each with a 12-storey (46.6 m including mechanical penthouse) height. The western building would also contain a tower component having a maximum height of 25-storeys (87.6 m including mechanical penthouse).

The proposed mixed use building (Building F) would comprise two interconnected buildings each of 12-storeys (49 m including mechanical penthouse) in height, with the western building also having a 20-storey tower component for a total height of 32-storeys (110.8 m including mechanical penthouse). The proposed non-residential uses (retail units) would be located on the ground floor and along the frontages of Audley Street and Newcastle Street.

Vehicular access to the blocks would be provided from Portland Street, Audley Street and a private driveway. This proposed private driveway would have a width of 6.5 m, would run along the eastern and southern limits of the east block, and would provide an additional route connecting Portland Street and Audley Street. Access to Building A and Building B would be provided by a private driveway from Portland Street and access to Buildings C, D and F would be provided by additional private driveways from Audley Street. All three proposed private driveways would lead to entrances to the proposed underground parking garages and loading spaces.

A total of 1,049 vehicular parking spaces (867 resident parking spaces and 182 visitor parking spaces) would be provided on site within 3 three-level underground parking garages. Buildings A and B would share a total of 384 vehicular parking spaces within a consolidated underground parking garage, accessible from Portland Street. Buildings C and D would also have a consolidated underground parking garage (accessed from Audley Street) that would contain a total of 466 vehicular parking spaces. The underground parking garage for Building F would be accessible from Audley Street and would contain a total of 199 vehicular parking spaces.

The outdoor amenity area for the residential portion of the development would comprise separate components. Linear outdoor landscaped publically accessible amenity areas would be located between Buildings A and B and between Buildings B, C and D. These areas would each be approximately 17 m in width and would provide a connection to the proposed private road and the Mimico-Judson Greenway, an element of the Mimico-Judson Secondary Plan which envisions a pedestrian and cycling multi-use trail connection approximately 15 m in width between Ourland Park and Grand Avenue Park. The portion of the Mimico-Judson Greenway that would front the southern limit of the east block is proposed to be conveyed to the City as parkland. Private outdoor landscaped courtyards would be provided between the interconnected buildings for Buildings B, C and D and would be accessed from the lobbies and ground floor units.

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

Site and Surrounding Area

The subject lands are comprised of multiple properties located on two blocks, have a combined area of approximately 2.23 hectares (5.5 acres) and are currently occupied by 1 and 2-storey industrial warehouse/office buildings, which would be demolished. These lands are located north of the GO/Metrolinx Rail corridor, south of Portland Street, west of Grand Avenue, and east of Royal York Road with an area of approximately 18,739 m² for the east block and 3,607 m² for the west block.

Freed Grand Park Developments Inc. is the owner of the subject lands. As part of the Mimico-Judson Secondary Plan, the property municipally known as 1x Audley Street and 8 Newcastle Street is located at the southeast corner of Block D and the properties municipally known as 2 and 10 Audley Street and 29, 31, 59 and 71 Portland Street make up the majority of Block E. In addition, lands municipally known as 25 and 39 Portland Street are also part of Block E, however, are not part of this development application (see Attachment 4: Map 35-3 Land Use Designations from the Mimico-Judson Secondary Plan).

A one-storey industrial building at the northwest corner of Audley Street and Newcastle Street (1x Audley Street) was built by the Augustine Automatic Rotary Engine Company of Canada. This company was a leader in technological innovations and was featured in Canadian Machinery magazine in 1917. The building was later owned by the Schindler Company of Canada which produced fishing line. The company's painted logo remained on the south building face and three vertical chimney elements formed distinctive parts of the local skyline. This building had been identified in the Mimicio-Judson Urban Design Guidelines as having "Heritage Potential", however, the applicant acted on their demolition permit that was issued on September 12, 2016. At its meeting of October 13, 2016, Etobicoke York Community Council referred a staff report seeking a historic designation of this building (EY17.2) to the Chief Planner and Executive Director, City Planning, with a request that staff work with the Ward Councillor and the property owner on the future of the (saved) building tower feature on this property.

Surrounding uses include:

North: Immediately north of the east block is Portland Street. Across Portland Street are detached and semi-detached dwellings (between 1 to 2-storeys in height). Immediately north of the west block (southwest corner of Portland Street and Audley Street) is a vacant lot.

South: Immediately to the south of both blocks is the GO/Metrolinx rail corridor. Further south are detached and semi-detached dwellings, and walk-up apartment buildings (between 1 to 3-storeys in height).

East: Immediately east of the east block is a one-storey warehouse building, municipally known as 25 Portland Street. Further east is the GO/Metrolinx rail corridor located northeast towards the Gardiner Expressway. At the northeast corner of Portland Street and Grand Avenue is Grand Avenue Park.

West: Immediately west of the west block is a 1 to 2-storey industrial warehouse/office building currently occupied by New Toronto Studios.

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.

Official Plan

The subject lands are designated *Regeneration Areas* (see Attachment 5: 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* 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.

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 on new streets, parks and open spaces establishing a framework for new streets to be public streets designed to provide connections with adjacent neighbourhoods in a connected grid of streets. New streets should provide access and address for new development, create adequate space for all pedestrians, cyclists, vehicles, utilities and landscaping. 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 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. The Official Plan also provides for the identification and evaluation of properties with potential heritage value to determine if their cultural heritage value is such that it should be included on the City's Heritage Register.

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).

These design objectives are set out in the Council approved Development Infrastructure Policy and Standards.

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 proposed Grand Avenue Extension and Mimico Judson Greenway are 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 sites.

Development Infrastructure Policy and Standards (DIPS)

City Council adopted Development Infrastructure Policy and Standards (DIPS) recommend criteria for the approval and design of both new public and private streets. DIPS criteria for the approval and design of private streets (mews) give effect to the Official Plan's policy of permitting appropriate exceptions to the general policy that all new streets should be public streets. DIPS reflect the City's design objectives for new streets and include policies generated through consultation between various City divisions, the public and members of the development community.

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 (with the exception of 71 Portland Street) 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 6: Zoning).

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 will be 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 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. A Tree Inventory and Preservation Plan Report was submitted with the application and was reviewed by City staff. This report indicates that a total of 15 trees are required to be removed to accommodate the proposed development. Of the 15 trees, only one is a privately-owned tree, which is in fair condition and has a diameter at breast height of 30 cm or greater. The owner would be required to address any outstanding tree protection and injury mitigation issues identified through the review of the subsequent Site Plan Control application.

Tenure

The applicant advises that the 1,824 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: Built Form (building heights); Economic Revitalization (percentage of non-residential uses); Movement and Public Realm (Grand Avenue Extension and Mimico-Judson Greenway); and Liveability (appropriate parkland dedication for the new centralized public park and larger family sized units).

In addition, an amendment to the Zoning By-laws is required to permit the proposed residential use and establish the appropriate development standards.

The proposed development:

- Does not conform with the former City of Etobicoke Zoning Code which does not permit residential uses on the site; and
- Does not conform with City-wide Zoning By-law No. 569-2013 which does not permit residential uses on the site.

Community Consultation

A community consultation meeting was held on October 23, 2016 at St. Leo's Catholic School. Approximately 85 members of the public attended along with the Ward Councillor, the applicant, their consulting team and City staff.

The community was generally supportive of new development and residential uses on the site, but had the following comments noted at the meeting and provided in subsequent written communications:

- Major concern with the proposed development not conforming to the recently approved Mimico-Judson Secondary Plan and Urban Design Guidelines;
- Major concern with the proposed building heights of 12 to 32-storeys (these heights are beyond the heights permitted in the Secondary Plan and there is no rationalization to go higher);
- Major concern with shadow impacts on surrounding buildings and residential neighbourhoods;
- Major concern with the density of the development and the excessive number of proposed residential units that has the potential to create additional traffic in the area (cumulative effect of all new development in Mimico-Judson);

- Major concern with the lack of parking spaces being proposed for the development;
- Major concern with further traffic impacts on the existing road network, in particular on Royal York Road, Portland Street and Newcastle Street;
- Concern that there are not enough public streets in the neighbourhood;
- Concern that the vehicle access to the development is problematic and could result in traffic conflicts, particularly on Portland Street and Audley Street;
- Concern with the proposed site layout and linear design of the buildings that could result in increased noise levels on the lands south of the rail lines;
- Concern that there is no space for community services and facilities;
- Request the need for a study on how much capacity the GO Station;
- Request the need for improved public transit in the Mimico-Judson community (more TTC buses); and
- Request for clarification on the process and resources of an appeal and the Ontario Municipal Board Hearing.

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. 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, the requirement for a new public road and multi-purpose trail (Grand Avenue Extension and Mimico-Judson Greenway) and public realm improvements to support and create opportunities to connect important destinations internal and external to the Secondary Plan Area, as well as requiring land dedication for a new public park.

The proposed development is comprised of five tall residential buildings with a 0.08 Floor Space Index of non-residential uses, a private driveway and pathways and a linear park along the rail corridor. The proposal does not provide for an appropriate built form, lacks the minimum required gross floor area for non-residential uses and does not include a new public road or trail (the Grand Avenue Extension and the Mimico-Judson Greenway) or a suitable 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 five tall residential buildings is not in keeping with the planned context and does not provide an appropriate type and scale of development. 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 minimum non-residential uses, and contemplates the provisions of the Grand Avenue Extension, Mimico-Judson Greenway and 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 Open Space 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 3.1.2.1 a) further refers to locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk and Policy 3.1.2.3 c) refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. Further, Policy 3.1.2.4 require 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 proposed development includes five tall buildings with heights of 12 to 32-storeys (41.1 to 110.8 m) and a street wall height of 6 to 8-storeys (21.5 to 27.5 m). The lands subject to this application have not been identified as tall building sites. This is reflective of the 27 m right-of-way width requirement. The proposed orientation of the buildings is not situated parallel to the public streets and do not create or contribute to the continuous street walls that currently exist. The design of the street wall height should have regard for the low scale buildings within the existing neighbourhood. In addition, the proposal fails to achieve building entrances that are oriented to and accessed from a public sidewalk.

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 do not respect the existing street proportions and the point towers would result in floor plate areas varying in size greater than 750 m². This condition would result in unacceptable shadow, wind 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.

Public Realm

Chapter 3 of the Official Plan contains a number of policies related to building a successful city that improves quality of life. The Public Realm policies guide the development of streets, sidewalks and boulevards.

- Policy 3.1.1.5 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities.
- Policy 3.1.1.6 states that the design of sidewalks and boulevards should provide safe, attractive, interesting and comfortable spaces for pedestrians.
- Policy 3.1.1.16 states new streets will be designed to:
 - (a) provide connections with adjacent neighbourhoods;
 - (b) promote a connected grid of streets that offers safe and convenient travel options;
 - (c) extend sight lines and view corridors;
 - (d) divide larger sites into smaller development blocks;
 - (e) provide access and addresses for new development;
 - (f) allow the public to freely enter without obstruction;
 - (g) implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses with the right-of-way;
 - (h) improve the visibility, access and prominence of unique natural and human-made features; and
 - (i) provide access for emergency vehicles.
- Policy 3.1.1.17 encourages "new streets should be public streets" while Policy 3.1.1.18.b) promotes "street oriented development with buildings fronting onto street...edges".

The proposal, which contemplates five residential buildings containing a total of 1,824 new residential units on approximately 2.23 hectares of land, does not provide for a public street or other public connections through the site. Four of the proposed buildings are located on one large development parcel (18,739 m² in size) which includes one private driveway and private pathways between the buildings. The proposal fails to provide connections with adjacent neighbourhoods, streets and open spaces and does not allow for the larger development parcel to be divided into smaller development blocks.

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; and
- Connectors (Grand Avenue Extension, Mimico-Judson Greenway and Pedestrian/Cyclist Overpass) which would provide physical links between places that are not directly connected to each other.

The applicant's proposal fails to implement both the policies and Structure Plan and is contrary to the vision outlined which provides for appropriate building form (mid-rise buildings), specific percentages for non-residential uses, the protection for a new public street and a multi-use trail (the Grand Avenue Extension and the Mimico-Judson Greenway), as well as appropriate parkland dedication for a new public park.

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 tall buildings with a non-residential Floor Space Index equal to 0.08 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.

An Employment Generation Study prepared by Urban Metrics Inc. dated January 2016 was submitted in support of this proposal. This study was submitted in 'draft' form. Staff requested that the applicant submit a 'final' version of this study for review. To date, the applicant has not submitted a 'final' version of this study for review.

Public Realm and Movement

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. The Grand Avenue Extension and Mimico-Judson Greenway are major components of the public realm and play a large role in achieving several goals of the Secondary Plan.

The Movement Strategy for the Secondary Plan Area is based on the opportunities to utilize higher order transit and improve the Secondary Plan Area's integration with neighbouring communities. The Movement Strategy provides for the introduction of the Grand Avenue Extension along with the Mimico-Judson Greenway, which will extend the local road network and provide for important pedestrian/cycling connections across Royal York Road.

Policy 4.2 to 4.4 of the Secondary Plan specifies that the Grand Avenue Extension is a key connector that will extend the public street from its existing terminus at Portland Street to Audley Street. This public street extension will have a right-of-way width of 27 m and will run parallel to, and be wholly located within the required setback from the rail corridor. The Grand Avenue Extension will achieve a more integrated public street network within this Secondary Plan Area, provide additional public street frontage for Block E, and create direct and safe pedestrian access to the Mimico GO Station from the nearby residential community to the east.

Policy 4.5 to 4.7 of the Secondary Plan specifies that the Mimico-Judson Greenway is a key connector that will provide a dedicated, direct and safe multi-use trail for pedestrians and cyclists with integrated landscape features and will link to existing/new parks and open spaces in the surrounding community. This Greenway will be located within the

required setback from the rail corridor, east of Royal York Road, and on the south side of Judson Street, west of Royal York Road.

The applicant is proposing a private driveway and private pathways. This proposed private driveway would have a width of 6.5 m, would run along the eastern and southern limits of the east block, and would provide an additional route connecting Portland Street and Audley Street. The proposed private driveway and pathways do not meet the objective of the policy to provide the Connectors (ie. Grand Avenue Extension and the Mimico-Judson Greenway) that would achieve physical links between places that are not directly connected to each other. As a result, the proposal does not conform to the Public Realm and Movement policies of the Mimico-Judson Secondary Plan as the proposed development does not provide for or achieve the space required for the Connectors planned for this area.

Built Form

The Secondary Plan 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.

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 (16.5 m) in height; mid-rise buildings are buildings no less than 5-storeys (16.5 m) and no more than 12-storeys (37.5 m) in height; and tall buildings are buildings no less than 13-storeys (40.5 m) and no more than 30-storeys (91.5 m) in height.

In addition, Policy 6.5 provides that development should:

- a) provide a consistent 4-storey street wall;
- b) incorporate a setback above the fourth storey along all public streets; and
- c) be located entirely within a 45-degree angular plane measured from all property lines abutting streets beginning at 16 m above grade measured at the property line abutting the street.

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 setbacks should be consistent with the following criteria:

- 5 m on Portland Street;
- 3 m on Audley Street;
- 12.5 m from the internal property lines to tower shaft at Building 'F';
- 7.5 m from the property line associated with 39 Portland Street; and
- 12 m from the east property line to ensure a 6 m roadway, 2 m landscape strips on either side of the road and a 2 m walkway on the east side of the road (to allow access to the Mimico-Judson Greenway).

The proposed buildings do not achieve the appropriate separation distances nor the setback requirements, as specified above. The Mimico-Judson Urban Design Guidelines contemplated one interruption to the street wall to create a mid-block connection and a view corridor to the Mimico-Judson Greenway (at Milton Street) and another interruption for vehicular access. The proposed four interruptions in the street wall is a departure from this approach.

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. While the applicant is proposing 25% of all units to be two-bedroom units, the proposal is only including 7% of the units as three-bedrooms. Therefore, the proposal does not conform with the housing policies of the Secondary Plan.

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 1,824 new residential units in the area, does not provide for or identify space within the development for additional Community Services and Facilities or provide for the required unit mix.

Open Space/Parkland

The Official Plan contains policies to ensure the 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 lowest 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 1,824 residential units and 925 m² of non-residential space on the subject lands of approximately 2.23 ha. At the alternative rate of 0.4 ha per 300 units, the parkland dedication requirement is 2,432 m² or 110% of the proportionate residential area. By-law 1020-2010 states that for sites that are 1 to 5 ha in size, a cap of 15% (for residential use) and 2% (for non-residential use) is applied to both portions. Therefore, the total parkland dedication would be 0.33 ha or 14.9% of the net site area.

The applicant is not proposing to provide an appropriate amount of on-site parkland dedication, for the new public park, as part of the current proposal. Ideally, the portion of the development site, located within Block D of the Secondary Plan and municipally known as 1x Audley Street and 8 Newcastle Street, would be the total area required for parkland dedication based on the dedication policies under the Official Plan.

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 2.10), that any portion of a development containing residential and other sensitive land uses (as defined by the PPS) shall be setback a minimum of 30 m from the property line bordering the rail corridor to the south, and provide appropriate mitigation and safety features.

The applicant is proposing a 15 m wide linear park along the rail corridor and within the 30 m railway safety mitigation area at the southern portion of Block E of the Secondary Plan Area. The proposed configuration and location of this open space is not acceptable to staff because programming and public access would be limited and the land could be encumbered with any required rail migration such as berms, crash walls and acoustic walls. As the park could be considered a sensitive land use, it should not be located in an area that may experience adverse effects as set out by the PPS. The City will not accept this proposed parkland as a conveyance to the City.

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 park would be located on what is identified as Block D in the Mimico-Judson Secondary Plan. This location accords with the provisions of the Official Plan and provides maximum access through public street frontage, the ability to expand the park through future development on this block and the shape and size of the area 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'.

The proposal does not conform to the policies of the Official Plan and fails to achieve appropriate parkland dedication within the intended location, as required by the Secondary Plan.

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 and south of the subject lands are designated *Neighbourhoods*, while the lands to the east (Grand Avenue Park) are designated *Parks and Open Space Areas*.

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

- a) Not cast any shadows onto the park block location in Block D for seven continuous hours during the spring and fall equinoxes; and
- 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. In the case of a park, shadows affect both passive and active park uses. 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 Architects Alliance dated June 4, 2016 was submitted in support of this proposal. The study illustrates the extent of shadowing that would result from the proposed development for March, June, September and December 21. The study shows, for all times of the year, that the proposed development would not provide seven hours of continuous daylight without casting a shadow onto Block D and there would be shadows cast on lands designated *Neighbourhoods* between the hours of 10:00 a.m. and 5:00 p.m. during the spring and fall equinoxes.

The proposed development does not comply with the relevant policies of the Official Plan, the Secondary Plan policies and the Tall Building Design Guidelines as the proposed development would create unacceptable shadowing on adjacent lands designated *Neighbourhoods* and on Block D (where the new park is envisioned to be located) as well as on the subject lands and surrounding amenity spaces (including public space - streets and sidewalks). In fact, the proposed development itself would be in shadow for the majority of the day creating an unfavourable condition for the new residents.

Wind

A Pedestrian Wind Assessment prepared by Novus Environmental dated July 5, 2016 was submitted in support of this proposal.

The Mimico-Judson Urban Design Guidelines outline design features that could enhance the manner in which a new building would address the streets and open spaces. These design features include: active elevations and entrances; building setbacks and stepbacks; and naturalized landscaping. The successful application of these design features is intended to result in comfortable sidewalks, courtyards and enhancements to parks and other open spaces. Key goals and objectives seek to maximize access to sunlight and comfortable pedestrian level wind conditions for employees and residents.

The study identified that the proposed configuration of the buildings would cause uncomfortable wind conditions in various areas of the site and on the surrounding streets during the winter season. These areas include between Building C/D and F (along Audley Street), as well as at the northwest and southwest corners of Building F.

In this instance, mitigation measures, including massing changes, have been recommended. The study also states that additional analysis and testing would be required to confirm the efficacy of changes to the overall design.

The Mimico-Judson Secondary Plan allows for tall buildings on the site municipally known as 39 Newcastle Street. Currently, there is a development application at 39 Newcastle Street that is being reviewed by staff. This development was not included in the applicant's study and would be required to determine the wind effects onto neighbouring sites.

Noise and Vibration

A Noise and Vibration Study prepared by Novus Environmental dated July 4, 2016 was submitted in support of this proposal.

The study identified that the predominant source of transportation noise affecting the subject lands is from the GO Lakeshore West Line and the CN Oakville subdivision. In addition, the transportation vibration impacts would be from the rail lines.

The study identified the need for acoustical upgrades to the façade walls and windows in order to comply with the Ministry of the Environment (MOE) criteria for indoor sound levels. Also, a number of transportation Warning Clauses (for the residential units and the rooftop outdoor amenity areas) to be registered on Title and included in agreements of purchase and sale was also recommended. In addition, a number of units within the development would require mandatory central air conditioning.

No significant noise sources were identified during the site visit by Novus personnel. The Willowbrook GO maintenance facility, VIA maintenance yard, and ML Ready Mix Plant were found to be inaudible throughout the subject lands.

Regarding the potential vibration impact from the rail lines, the study concluded that no vibration mitigation is recommended.

Metrolinx staff have reviewed this study and noted that sound levels were used for diesel locomotives and rail cars. Rail car noise levels were applied to predict noise impacts from the electric trains. Metrolinx staff does not accept this analytical approach and has recommended that an updated analysis be submitted to GO Transit for their review and consideration.

A peer review of the Noise and Vibration Study was not undertaken given the number of policy issues associated with the proposal and its lack of conformity with the Official Plan and Mimico-Judson Secondary Plan.

Should a more acceptable future application or resubmission be received, a peer review would be warranted to confirm the architectural sound isolation requirements and compliance with the City of Toronto noise by-laws and MOE Guidelines.

Other Issues

- A Traffic Impact Study prepared by Lea Consulting Inc. dated July 2016 was submitted and circulated to Transportation Services staff for review. Comments related to the study remain outstanding. It should be noted, staff finds it unacceptable that a proposal of this magnitude is not including a new public street.
- A Functional Servicing Report (FSR) prepared by Counterpoint Engineering dated June 3, 2016 and a Geohydrology Discharge Letter prepared by McClymont & Rak Engineers Inc. dated June 6, 2016 were submitted in support of this

proposal. Engineering and Construction Services staff have reviewed the above materials and have indicated that further analysis is required as set out in their memorandum dated August 29, 2016.

- A Phase One Environmental Site Assessment and a Preliminary Phase Two Environmental Site Assessment (ESA) prepared by McClymont & Rak Engineers Inc. dated June 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.

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 Official Plan sets out policies on Built Form, Public Realm (new public streets) and Parks and Open Spaces amongst others in order to provide direction for new development.

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 heights and densities. A key objective of the Secondary Plan is to ensure that the evolution of the neighbourhood is supported with hard and soft infrastructure and integrated into the surrounding fabric by providing for much needed connections to the Mimico GO Station for areas that lie beyond the boundaries of the Secondary Plan area, and public realm improvements.

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, Movement, Built Form and Livability.

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. It should be noted that the excessive building heights and minimal separation distances between

buildings would also create an inappropriate living environment for existing and new residents related to shadowing and adequate light and privacy.

Finally, should this application be approved in any form, a parkland conveyance pursuant to Section 42 should be required. The location of the proposed park is not acceptable.

It is recommended that this Official Plan and Zoning By-law Amendment application be refused.

CONTACT

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E-mail: ssalati@toronto.ca

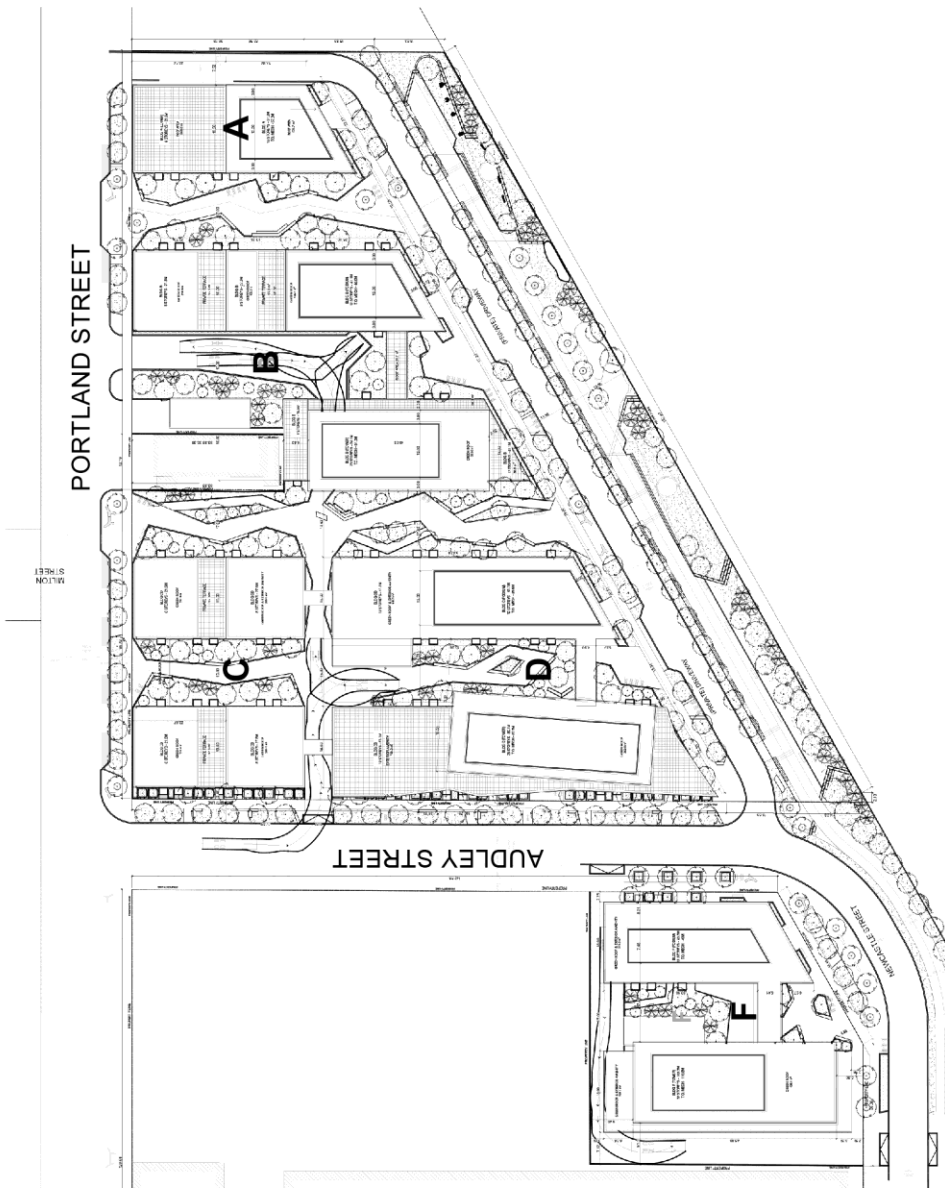
SIGNATURE

Jennifer Keesmaat, M.E.S., MCIP, RPP
Chief Planner and Executive Director, City Planning Division

ATTACHMENTS

Attachment 1: Site 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: Official Plan
Attachment 6: Zoning
Attachment 7: Application Data Sheet

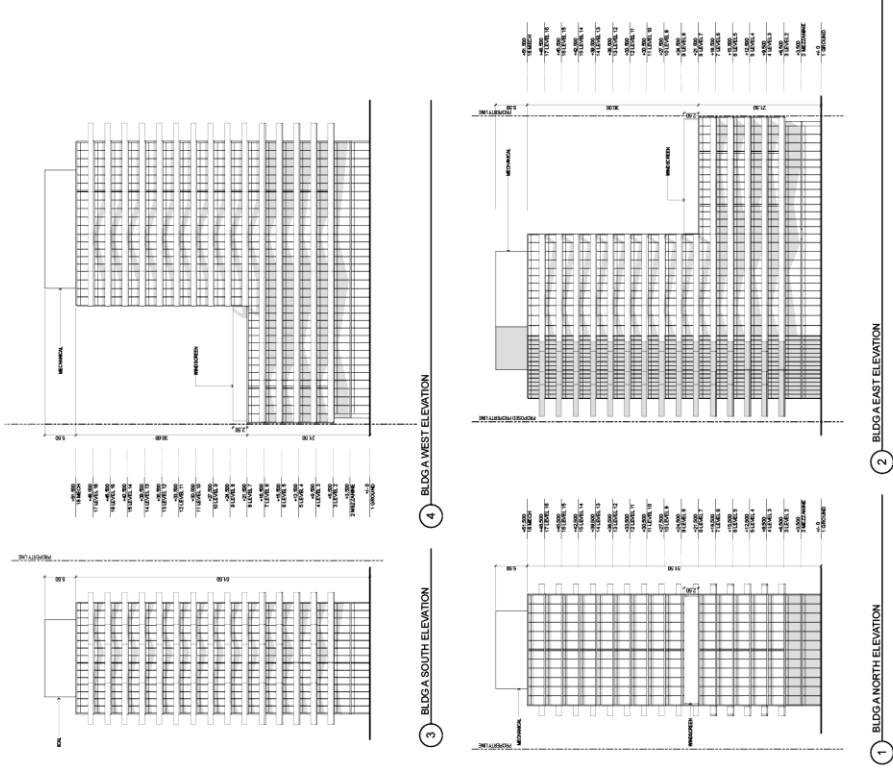
Attachment 1: Site Plan



Site Plan
Applicant's Submitted Drawing
Not to Scale
07/26/16

**1x, 2, 10 Audley Street, 8 Newcastle Street
and 29, 31, 59, 71 Portland Street**
File # 16 168925 WET 06 0Z

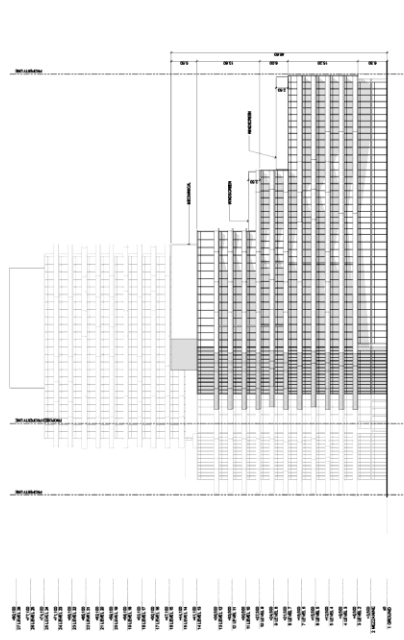
Attachment 2: Elevations



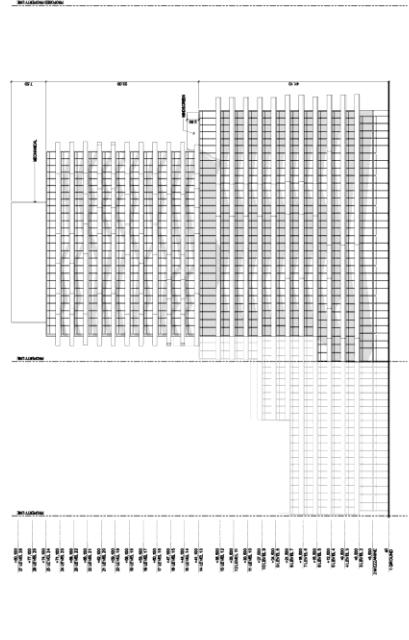
Building A Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 07/26/16

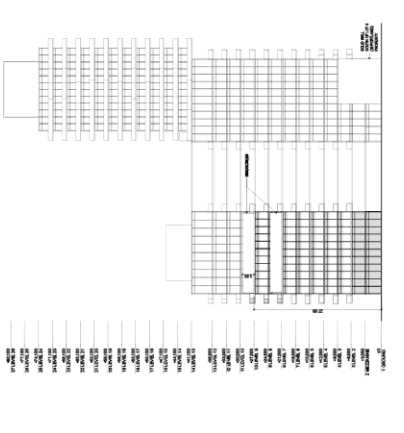
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 and 29, 31, 59, 71 Portland Street**
 File # 16 168925 WET 06 0Z



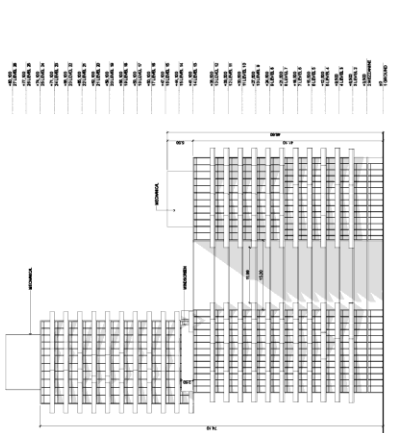
1 - BUILDING NORTH ELEVATION



2 - BUILDING EAST ELEVATION



3 - BUILDING SOUTH ELEVATION



4 - BUILDING WEST ELEVATION

Building B Elevation

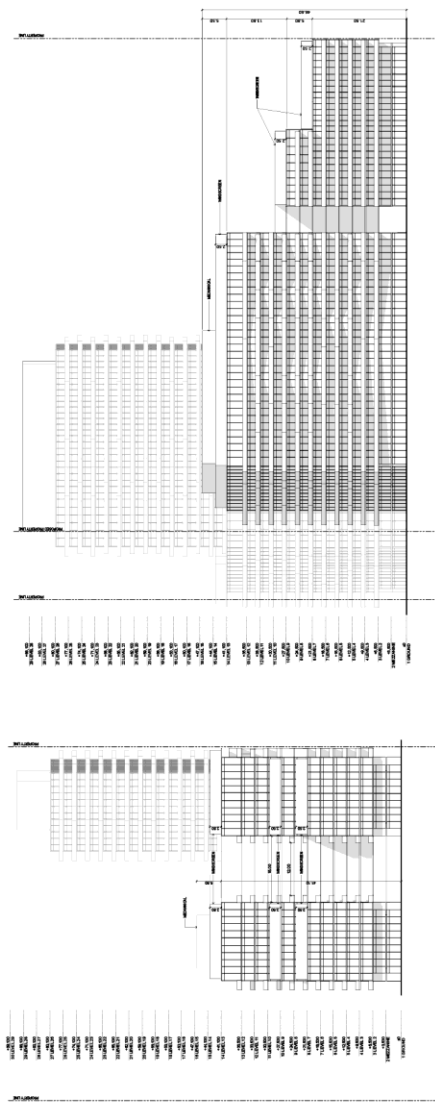
Elevations

Applicant's Submitted Drawing

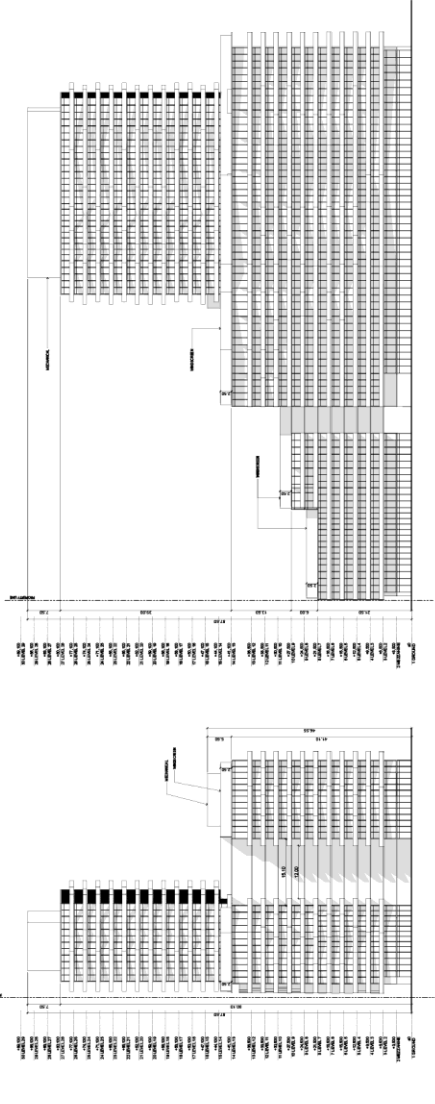
Not to Scale
07/26/16

1x,2,10 Audley Street, 8 Newcastle Street
and 29,31,59,71 Portland Street

File # 16 168925 WET 06 02



1. BUILDING NORTH ELEVATION
2. BUILDING EAST ELEVATION
3. BUILDING WEST ELEVATION

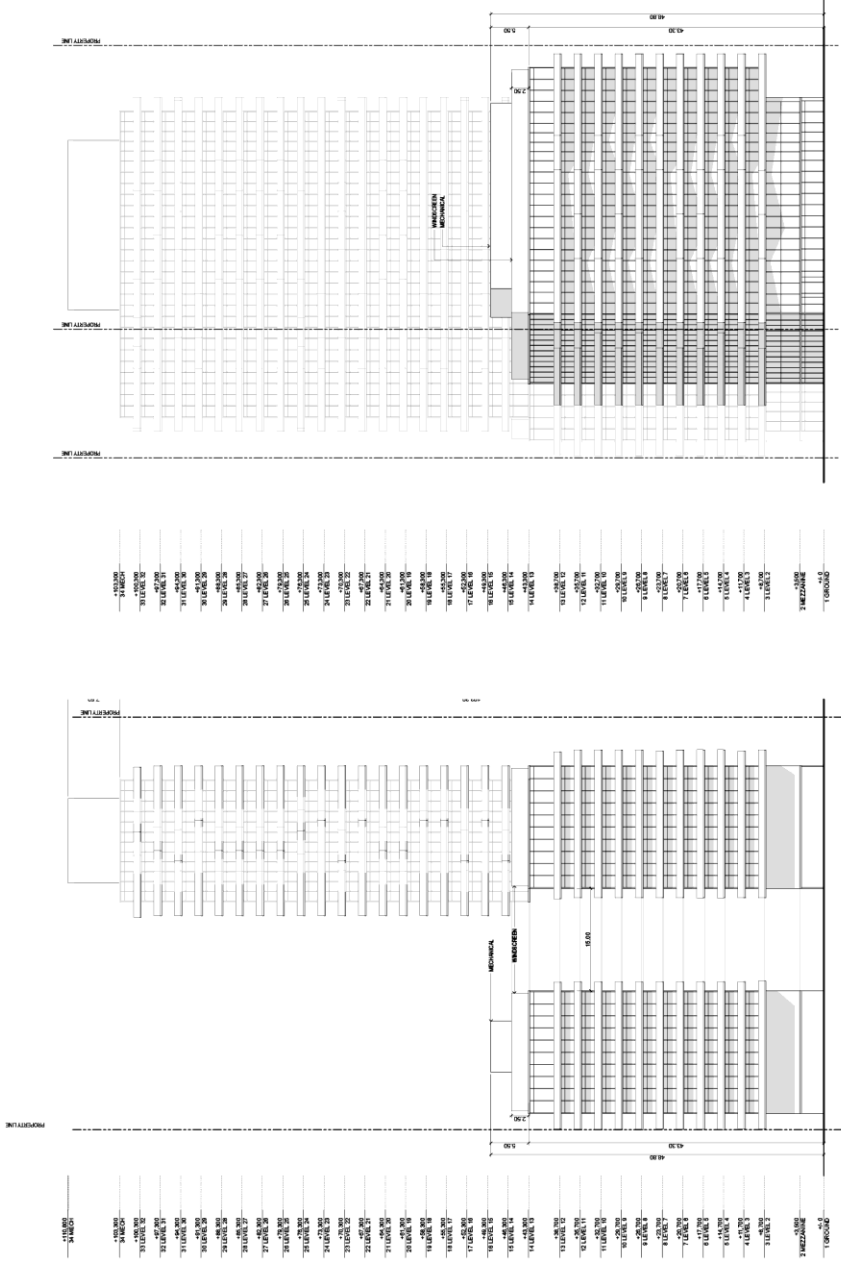


4. BUILDING SOUTH ELEVATION
5. BUILDING WEST ELEVATION

Building C & D Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 07/26/16

**1x, 2, 10 Audley Street, 8 Newcastle Street
 and 29, 31, 59, 71 Portland Street**
 File # 16 168925 WET 06 0Z

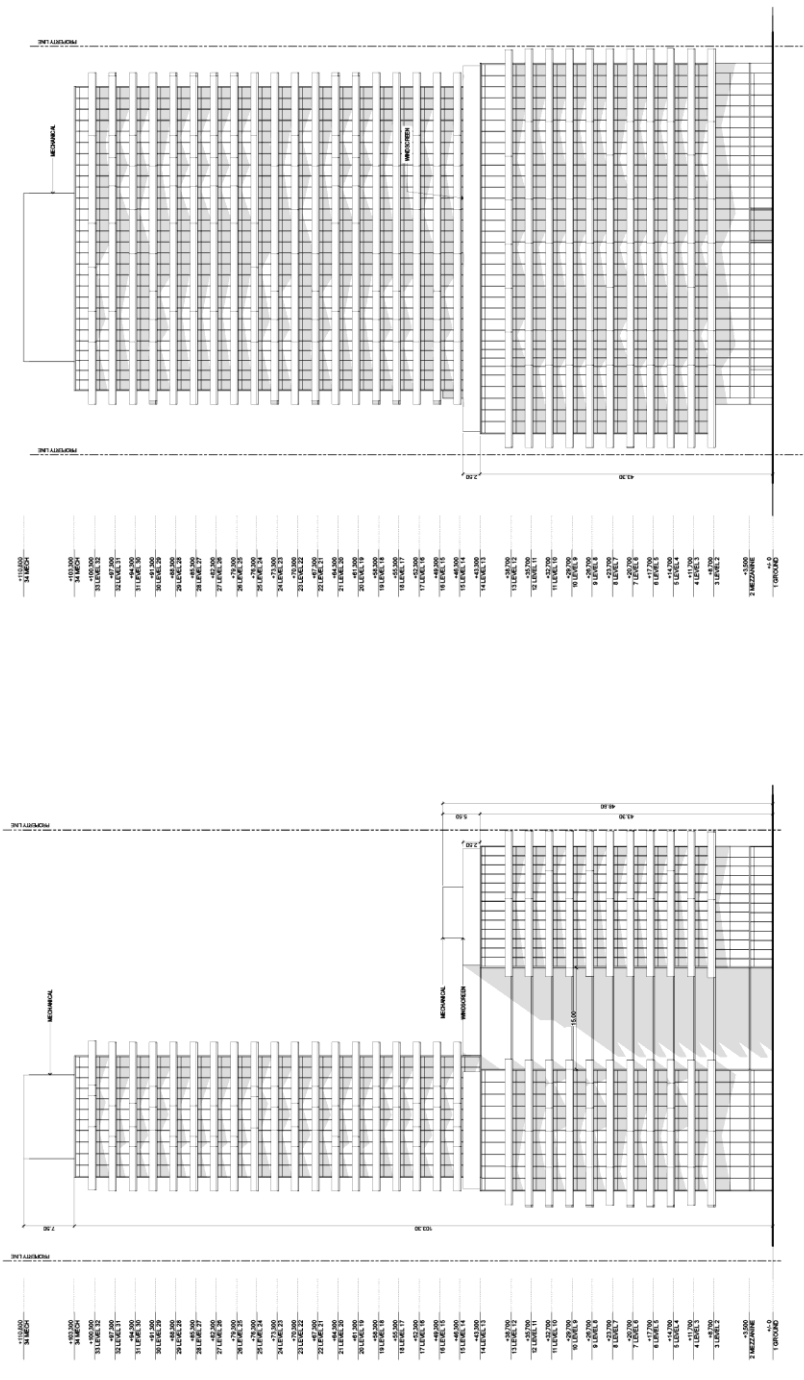


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 07/26/16

Building F Elevation

**1x,2,10 Audley Street, 8 Newcastle Street
 and 29,31,59,71 Portland Street**

File # 16 168925 WET 06 0Z



1 BLDG F SOUTH ELEVATION

2 BLDG F WEST ELEVATION

Building F Elevation

Elevations

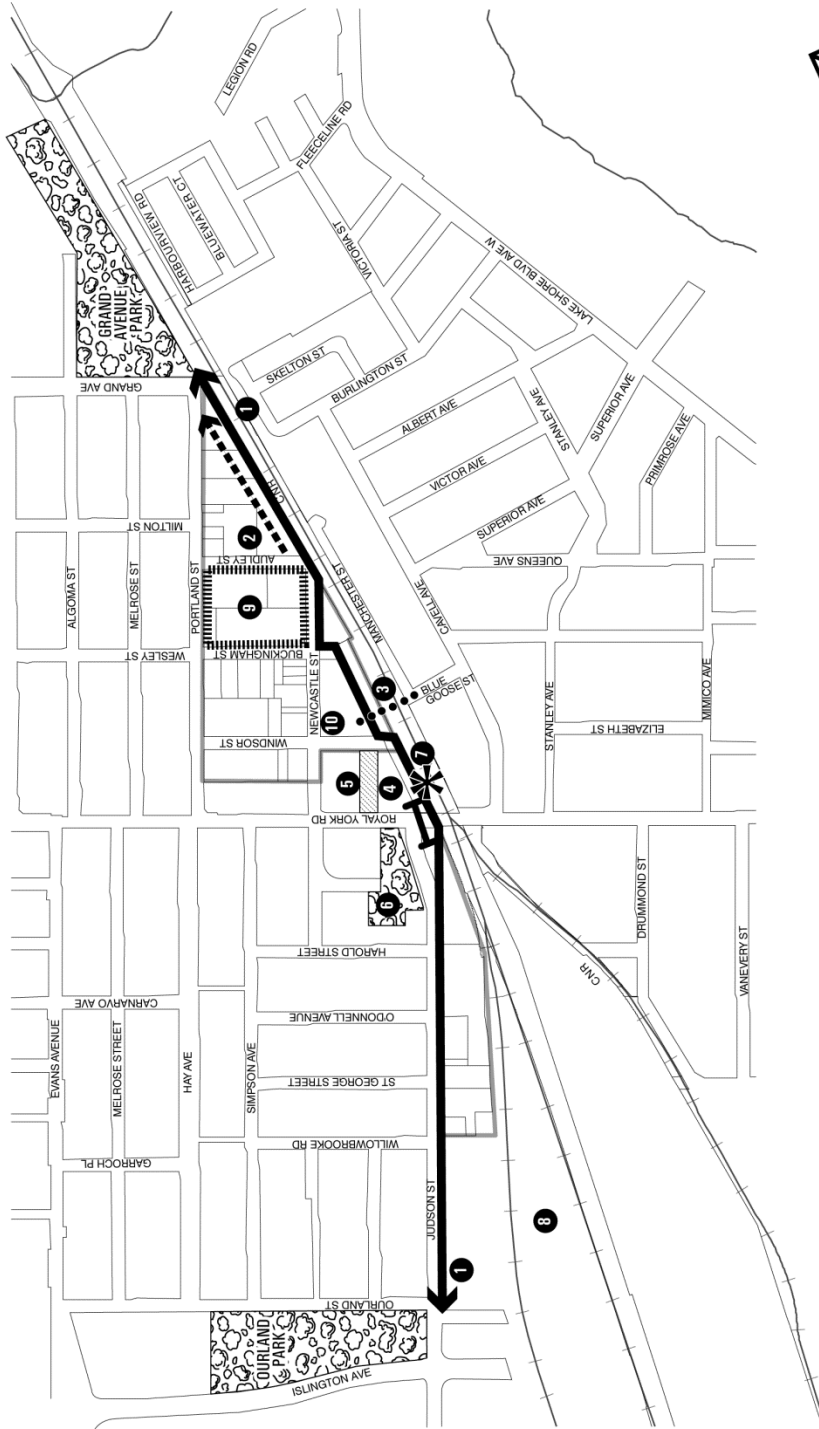
Applicant's Submitted Drawing

Not to Scale
07/26/16

1x,2,10 Audley Street, 8 Newcastle Street
and 29,31,59,71 Portland Street

File # 16 168925 WET 06 0Z

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



Mimico - Judson Secondary Plan
MAP 35-2 Structure Plan



- | | | | |
|--|-----------------------------|--|--|
| | Secondary Plan Boundary | | Mimico GO Station |
| | Mimico-Judson Greenway | | Willowbrook Yard |
| | Grand Avenue Extension | | Future park to be located within this area |
| | GO Pedestrian Underpass | | Existing Parks |
| | Pedestrian / Cycle Overpass | | Cemetery |
| | Cemetery | | Future park to be located within this area |
| | Existing Parks | | |

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

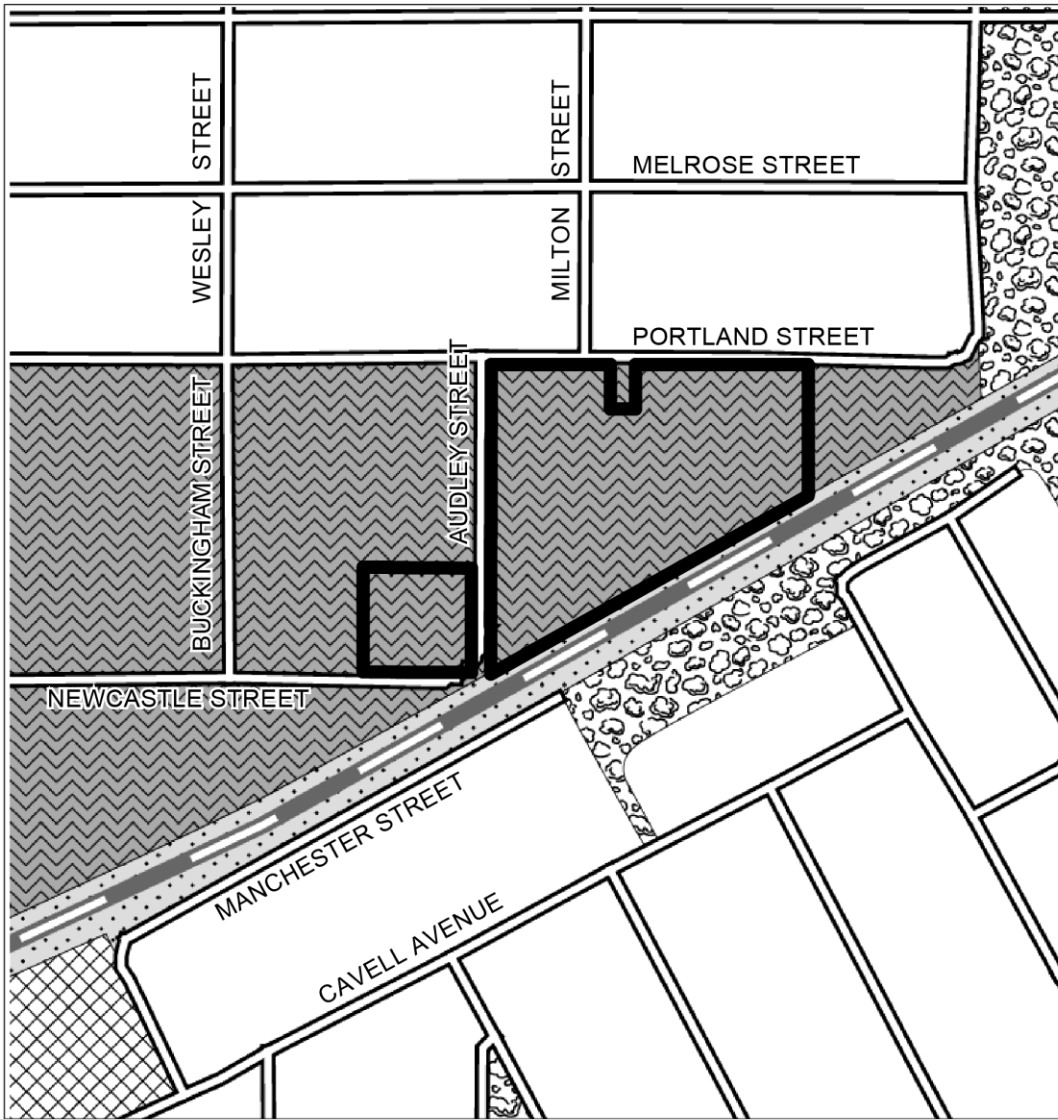
- Secondary Plan Boundary
- Employment Areas
(Core Employment Areas)
- Mixed Use Areas
(Subject to Development Criteria)

Blocks

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

October 2015

Attachment 5: Official Plan



TORONTO City Planning
Official Plan

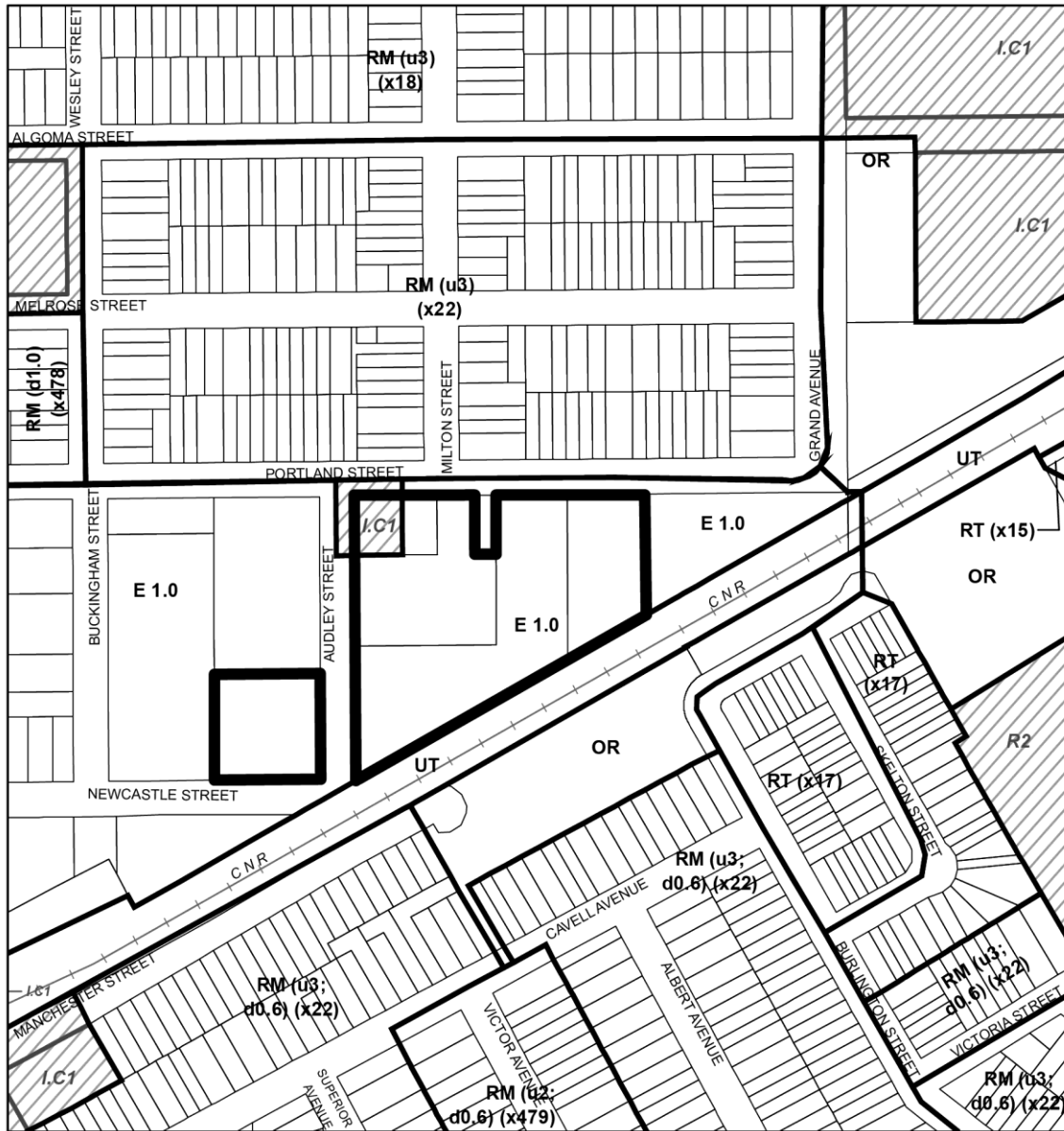
**1x,2,10 Audley Street, 8 Newcastle Street
 and 29,31,59,71 Portland Street**

File # 16 168925 WET 06 0Z



Not to Scale
 07/27/16

Attachment 6: Zoning



Zoning By-Law No. 569-2013

**1x, 2 & 10 Audley, 8 Newcastle Street
and 29, 31, 59 & 71 Portland Street**
File # 16 168925 WET 06 02

Location of Application

RT Residential Townhouse	E Employment Industrial
RM Residential Multiple	OR Open Space Recreation
	UT Utility and Transportation

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

R2 Residential 1, 2, & 3 Family
I.C1 Class 1 Industrial



Not to Scale
Extracted: 07/25/2016

Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 168925 WET 06 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 6, 2016

Municipal Address: 1x, 2 and 10 Audley Street, 8 Newcastle Street, and 29, 31, 59 and 71 Portland Street

Location Description: PLAN M68 PT LOTS 265 to 259; LOTS 254 & 255 PT LOTS 252 & 256; LOT 260 PT LOT 261; and PT LOT 252 & 253

Project Description: The proposal includes a multi-block mixed use development consisting of five residential apartment buildings with a total of 123,653 m² of gross floor area, of which 952 m² would be for non-residential uses. The development would contain approximately 1,824 residential units and a total of 1,049 parking spaces.

Applicant:	Agent:	Architect:	Owner/Beneficial Owner:
FREED GRAND PARK DEVELOPMENTS INC.	FREED GRAND PARK DEVELOPMENTS INC.	ARCHITECTS ALLIANCE	FREED GRAND PARK DEVELOPMENTS INC.

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	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):	22,346	Height:	Storeys:	6, 8, 12, 16, 23, 25, 32
Frontage (m):	60.2, 68.3, 85.5		Metres:	21.5, 27.5, 46.6, 57, 81.6, 87.6, 110.8
Depth (m):	60.5, 68.4, 160.5			
Total Ground Floor Area (sq. m):	8,405			Total
Total Residential GFA (sq. m):	122,701		Parking Spaces:	1,049
Total Non-Residential GFA (sq. m):	952		Loading Docks	4
Total GFA (sq. m):	123,653			
Lot Coverage Ratio (%):	43			
Floor Space Index:	5.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:		Residential GFA (sq. m):	122,701
Bachelor:	178	Retail GFA (sq. m):	952
1 Bedroom:	1,035	Office GFA (sq. m):	0
2 Bedroom:	469	Industrial GFA (sq. m):	0
3 + Bedroom:	142	Institutional/Other GFA (sq. m):	0
Total Units:	1,824		

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