

2370 Finch Avenue West - Official Plan and Zoning By-law Amendment Application – Request for Interim Directions Report

Date: June 14, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Wards: Ward 7 – York West

Planning Application Number: 17 262422 WET 07 OZ

SUMMARY

This report responds to an application where staff are currently not in a position to provide a Final Report to City Council, but which could be appealed to the Local Planning Appeal Tribunal due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

The report sets out outstanding issues related to the application and makes an initial determination as to whether or not the application is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This application proposes to amend the City of Toronto Official Plan, former City of North York Zoning By-law No. 7625 and City of Toronto Zoning By-law No. 569-2013, to permit a mixed-use building comprised of 4 built form components of 15, 11, 8 and 7 storeys. A total of 268 residential units is proposed, of which 59 units would be used as a seniors retirement residence. A total of 530 m² of retail/commercial space is proposed on the ground floor of the building. The proposed development would have a Floor Space Index (FSI) of 5.53 times the area of the lot. One vehicular access from Finch Avenue West is proposed and the development would provide 281 vehicular and 184 bicycle parking spaces.

The proposed development is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017). Intensification and redevelopment is to be balanced with other applicable policies and criteria. In its current form, the proposal does not meet the criteria in Section 2 of the *Planning Act* and does not conform with the City's Official Plan or applicable guidelines.

Planning staff have identified concerns with the proposal described in this report with respect to building height, density, built form, massing, setbacks and its relationship to adjacent properties and the public realm. These issues and all additional matters that

arise through the development review process will need to be addressed prior to submission of a Final Report to City Council. While staff will continue to work with the applicant to address the issues, and due to the Community and City Council break, it is recommended that City Council direct the City Solicitor and appropriate City staff to attend and oppose the application in its current form should the application be appealed to the Local Planning Appeal Tribunal (LPAT) on the basis of City Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City staff to continue to review the application and work with the applicant to resolve the outstanding issues detailed in the report from the Director, Community Planning, Etobicoke York District, dated June 13, 2018.
2. City Council direct the City Solicitor and appropriate City staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of City Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.
3. In the event that the Local Planning Appeal Tribunal allows the appeal, in whole or in part, City Council direct the City Solicitor to request the LPAT withhold its final Order on the Official Plan and Zoning By-law Amendments until:
 - a) Draft Official Plan and Zoning By-law Amendments are submitted to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor; and
 - b) The owner has executed and registered an Agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held in March 2017. The current application was submitted on November 14, 2017. A Notification of Incomplete Application dated December 11, 2017 identified that an Archaeological Assessment Stage 1-2 Report was required for a complete application submission. An Archaeological Assessment Stage 1-2 Report was submitted and the application was deemed complete on January 12, 2018. The applicant has submitted an application to the LPAT for a Motion for

Directions regarding the date of the completeness of its Zoning By-law Amendment application pursuant to the *Planning Act*. A motion date has not been set yet.

A Preliminary Report on the application was adopted by Etobicoke York Community Council on February 21, 2018 authorizing staff to conduct a community consultation meeting. A community consultation meeting is anticipated for the third quarter 2018. The Preliminary Report can be accessed at this link:

<https://www.toronto.ca/legdocs/mmis/2018/ey/bgrd/backgroundfile-112336.pdf>

At its meeting of November 26-28, 2002, City Council adopted the Emery Village Secondary Plan (OPA 499). The goal of the Secondary Plan is to provide for a mixed use community at a maximum development density of 2.5 FSI. The Secondary Plan can be accessed at this link: <https://www1.toronto.ca/planning/26-emery-village.pdf>.

At its meeting of May 21-23, 2003, City Council adopted the Emery Village Zoning By-law No. 422-2003. This Zoning By-law establishes performance standards to implement the Emery Village Secondary Plan and zones the subject lands C5 (H2) which permits mixed use development subject to removal of the (H2) Holding Symbol provisions. Criteria for removal of the holding provisions are set out in this Zoning By-law. The By-law can be accessed at this link:

<http://www.toronto.ca/legdocs/bylaws/2003/law0422.pdf>.

ISSUE BACKGROUND

Proposal

The application proposes to amend the City of Toronto Official Plan, former City of North York Zoning By-law No. 7625 and City of Toronto Zoning By-law No. 569-2013 to permit a mixed-use development comprised of 4 built form components of 15, 11, 8 and 7 storeys (see Attachment 8: Site Plan and Attachments 9-12: Elevations and Massing). The proposed building would have two functional uses comprised of a residential condominium component having 209 units; and 59 units to be used as a seniors retirement residence. The proposal would have a total of 268 residential units and 21,235 m² of residential gross floor area. Retail/commercial uses are proposed on the ground floor, totalling a non-residential gross floor area of approximately 530 m². The total gross floor area of the development would be 21,765 m².

The proposed indoor amenity space would be 565 m² in total. The proposed outdoor amenity space would be 787 m² in total. Indoor amenity areas would be mainly located on the ground floor of the building. Additional outdoor amenity space would be located on terraces on the fourth floor and on the rooftop of the residential condominium component of the proposal. The proposed development would have a Floor Space Index (FSI) of 5.53 times the area of the lot.

The application proposes a variety of building setbacks and stepbacks. The proposed building would generally be built to the property lines on the west, north (along future Public Road 2A) and east. The proposed building would have a variety of setbacks

ranging from 10 to 17 metres from the east property line between the cantilevered portion of the building above the driveway and the seniors residential component at the rear of the building. Along the west property line, the building would be setback by approximately 6 metres between the residential condominium component of the building fronting Finch Avenue West and the seniors component. The residential condominium component of the building would be set back by approximately 1.7 metres from the south property line along Finch Avenue West.

The proposed building would step down from Finch Avenue West to future Public Road 2A from 15, 11, 8 to 7 storeys. Floors 2 to 4 would be built to the south property line along Finch Avenue West, with the 5th floor stepping back by 6.15 metres and floors 6 to 13 cantilevered above. The 14th and 15th floors would be stepped back by 6.15 metres and the mechanical penthouse would step back by 10.77 metres from Finch Avenue West.

For further statistical information, refer to the Application Data Sheet (Attachment 1 of this report).

Residential Condominium Component

The residential condominium component of the proposal would be primarily contained in the 11 and 15-storey portion at the front of the building and would contain 209 units ranging in size from 1 to 3 bedrooms and 16,834 m² of residential gross floor area. Approximately 412 m² of retail/commercial space is proposed on the ground floor of the building. A summary of the proposed residential units is as follows:

1 bedroom/1bedroom +den	2 bedroom/2 bedroom+den	3 bedroom	Total
112	79	18	209
53.6%	37.8%	8.6%	

The proposed building would transition from 8, 11 and 15 storeys in height from north to south, culminating in a height of 50.12 metres (15-storeys) along Finch Avenue West (see Attachment 12: Massing). A mechanical penthouse with an additional height of approximately 6.15 metres would be located above the building.

The retail/commercial space on the ground floor would have entrances fronting on Finch Avenue West. The main lobby, service areas, indoor and outdoor amenity areas would also be located on the ground floor. A rooftop outdoor amenity area would be provided on the 12th floor. This rooftop outdoor amenity area would be connected to the indoor amenity areas in the building. Approximately 428 m² of indoor amenity space and 586 m² of outdoor amenity space would be provided. A green roof approximately 609 m² in size is proposed on the 12th floor.

Seniors Residential Component

The seniors residential units would be contained in the 7 and 8-storey component at the rear of the building fronting on a future road known as Public Road 2A. The proposed building would have a height of 24 metres. This component of the proposal would

contain 59 units and 4,400 m² of residential gross floor area. Approximately 118 m² of retail/commercial space is proposed on the ground floor of this portion of the building. A summary of the proposed residential units is shown below:

1 bedroom/1bedroom +den	2 bedroom/2 bedroom+den	3 bedroom	Total
45	13	1	59
76.3%	22%	1.7%	

The main lobby, service areas, indoor and outdoor amenity areas would be located on the ground floor. Approximately 137 m² of indoor amenity space and 200 m² of outdoor amenity space would be provided.

The site currently has two vehicular accesses to Finch Avenue West. The development proposes a singular vehicular access to the site from Finch Avenue West by improving the existing driveway along the east property line. Portions of floors 1 to 3 of the residential condominium component would be cantilevered above the driveway. The existing westerly driveway would be closed. Vehicular access would also be provided via a new laneway to future Public Road 2A, when it is constructed. A future laneway is to be located north of the site, to provide public access to adjacent properties northeast of the subject lands (see Attachment 8: Site Plan).

Vehicular and bicycle parking would be provided in a 3-level underground parking garage. A total of 281 parking spaces would be provided, including 17 parking spaces for the retail/commercial uses. The entrance to the underground parking garage and loading space would be located between the residential condominium component and the seniors component, and would be accessed by the driveway along the east property line. A total of 184 bicycles parking spaces would be provided with 24 additional short-term spaces provided at grade. One shared type "G" loading space would be provided to service the proposed development.

Site and Surrounding Area

The site, currently occupied by a 1-storey drive-through car-wash facility, is located on the north side Finch Avenue West and west of Weston Road. The site is irregularly shaped, with frontages on Finch Avenue West (approximately 38 metres) and future Public Road 2A (approximately 24 metres). The site area is approximately 3,938 m² in size.

Surrounding land uses are as follows:

North: Immediately north of the subject lands, would be the location of a new future Public Road 2A. The areas north of future Public Road 2A are mainly employment areas occupied by low-rise buildings. Emery Yard, a Parks, Forestry and Recreation Yard, is located north of the site.

South: Finch Avenue West is located immediately south of the subject property, with a mix of commercial and residential uses located south of Finch Avenue. A 13-storey apartment building with at-grade retail is located directly across the subject property

immediately south of Finch Avenue West. Three apartment buildings are located further south between Finch Avenue West and Lanyard Road. Lindylou Park is located west of the apartment buildings with a neighbourhood comprising detached and semi-detached dwellings located further west.

East: Immediately east of the subject lands are two, 1-storey restaurants with drive-through facilities. A 5-storey mixed use building is located further east and a 1-storey bank and gas station are located on the northeast corner of Finch Avenue West and Weston Road.

West: A 1-storey building containing a restaurant is located immediately west of the subject property. A ravine system and retail/commercial uses contained in 1 to 2 storey buildings are located further west on the north side of Finch Avenue West.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City staff to City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe (GGH) region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of the staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and the Emery Village Secondary Plan as follows:

The subject property is located within an *Avenue* on the Urban Structure Map (Map 2) and is designated *Mixed Use Areas* (Map 13) in the City of Toronto Official Plan (see Attachment 3: Official Plan Land Use Map). The lands are also located within the Emery Village Secondary Plan and are designated *Mixed Use Areas C1* (see Attachment 4: Emery Village Secondary Plan – Land Use Map). *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Emery Village Secondary Plan supports street related retail and service commercial uses with residential uses above along the Finch Avenue West and Weston Road frontages.

The Secondary Plan provides for buildings generally ranging in height from 8 storeys up to 12 storeys at the intersection of Finch Avenue West and Weston Road and a maximum density of 2.5 times the lot area, exclusive of any incentives outlined in Policy 3.5 of the Secondary Plan. Policy 3.5 of the Secondary Plan provides for density incentives in exchange for the provision of community benefits in the form of specific uses and facilities within the *Mixed Use Areas*. The Secondary Plan states that subject to the density and height incentives policies of Section 3.5 of the Plan being fulfilled in *Mixed Use Areas 'C1'*, building heights will generally range from 2 to 18 storeys in height, with a maximum density of 2.97 times the lot area.

Mixed Use Areas Policies

The Official Plan criteria to evaluate development in *Mixed Use Areas* is set out in Policy 4.5.2, which states that in *Mixed Use Areas* development will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the Downtown, the Central Waterfront, Centres, Avenues and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;

- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- g) Have access to schools, parks, community centres, libraries and childcare;
- h) Take advantage of nearby transit services;
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The proposed development will be evaluated for consistency with these development criteria and as well as other relevant sections of the Official Plan.

Avenues: Reurbanizing Arterial Corridors

Section 2.2.3 of the Official Plan states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The framework for new development on each Avenue will be established through an Avenues Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. Development applications on *Avenues* prior to an Avenue Study are required to be accompanied by an Avenue Segment Study. Avenue Segment Studies, generally discuss the implications for the portion of the *Avenue* resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development on the Avenue.

In this instance, the Emery Village Secondary Plan provides a framework for new development in the area. The Secondary Plan calls for new development applications to include a Development Plan that provides a context for co-ordinated incremental development that assists in evaluating the conformity of the proposed development with the relevant provisions of the Secondary Plan. The Development Plan is similar to an Avenue Segment Study. The applicant submitted an Avenue Segment Study in support of this application.

Public Realm

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

Built Form Policies

The Built Form policies, contained in Section 3.1.2 of the Official Plan, emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. They require that new development:

- Be located and organized to fit with its existing and/or planned context;
- Frame and support adjacent streets, parks and open spaces;
- Locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- Be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- Be massed to define edges of streets, parks and open spaces;
- Provide amenity for adjacent streets and open spaces for pedestrians; and
- Provide indoor and outdoor amenity space for residents.

Tall Building Policies

The Official Plan contains policies pertaining to tall buildings in the City. Tall buildings are described as those buildings having heights that are greater than the width of the adjacent road allowance. The tall building policies address where such buildings should be located, how the buildings should be designed and other key urban design considerations when a tall building is proposed as part of a development.

The Plan generally limits tall buildings to parts of the Downtown, Centres and other areas of the City, where such buildings are permitted by a Secondary Plan, an area specific policy, a comprehensive Zoning By-law, site specific policies or a site-specific Zoning By-law. Policy 3.1.3 also states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. To ensure that tall buildings fit within their existing and/or planned context, the following built form principles should be applied:

1. Tall buildings should be designed to consist of three parts, carefully integrated into a single whole:

- a) base building – provide definition and support at an appropriate scale for adjacent streets, parks and open spaces, integrate with adjacent buildings, minimize the impact of parking and servicing uses;
- b) middle (shaft) – design the floor plate size and shape with appropriate dimensions for the site, locate and orient it on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of Policy 3.1.3; and
- c) top – design the top of tall buildings to contribute to the skyline character and integrate rooftop mechanical systems into the design.

2. Tall building proposals will address key urban design considerations, including:

- a) Meeting the built form principles of the Plan;
- b) Demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- c) Demonstrating how the proposed building and site design relate to the existing and/or planned context;
- d) Taking into account the relationship of the site to topography and other tall buildings;
- e) Providing high quality, comfortable and usable publicly accessible open space areas; and
- f) Meeting the other goals and objectives of the Plan.

Housing

The Official Plan's Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents. Policy 3.2.1(1) and Policy 3.2.1(2) state that new housing supply is encouraged through intensification and infill that is consistent with the Plan, in order to maintain and replenish the existing stock of housing.

Emery Village Secondary Plan

The development criteria in the *Mixed Use Areas* and the above noted Built Form policies are supplemented by additional development criteria in the Emery Village Secondary Plan. Section 4.2, Built Form Principles of the Emery Village Secondary Plan, states that new development will incorporate the following principles:

- (a) Buildings will define and form edges along streets, parks and open spaces and public squares. If located on a corner site, buildings should be located to define both adjacent streets and to give prominence to the corner;
- (b) Buildings should be sited and organized at-grade to enhance and support streets, open spaces and pedestrian routes. Grade-related retail and service commercial uses, street oriented residential units and entrance lobbies are encouraged in these building faces to provide for safe, animated streets and open spaces. Building entrances are to be located on road frontages, visible and accessible from the public or common use sidewalk;
- (c) Landscaping, public art and architectural features are intended to add visual interest and are encouraged at locations identified as a Gateway Feature on Map 26-2 - Structure Plan. Gateway features located on private lands may be secured through the development process;
- (d) Loading and service areas associated with buildings should not face or be located adjacent to parkland or be located adjacent to Finch Avenue or Weston Road. The use of shared lanes, driveways and courts within the block is encouraged. Access from local streets and service lanes is preferred;
- (e) The consolidation of vehicular access points will be encouraged in order to maximize the efficiency of traffic movement and promote a safer pedestrian environment;
- (f) Parking structures above grade are discouraged adjacent to Finch Avenue, Weston Road and Toryork Road;
- (g) New underground parking entrances or exits onto Finch Avenue or Weston Road are discouraged. Wherever possible, vehicular access to these structures will be from local roads and preferably at the side or rear of buildings fronting onto Finch Avenue or Weston Road;
- (h) Surface parking is discouraged in any front or side yard adjacent to Finch Avenue, Weston Road and Toryork Road;
- (i) Parking facilities and spaces will, wherever possible, be provided underground or within a structure. Surface parking will be limited in order to maximize the extent of landscaped open space;
- (j) Buildings should be massed to provide adequate street and open space definition, to define urban spaces with good proportion and to provide access to sunlight and sky views; and
- (k) Where appropriate, sun/shadow studies and wind tests will be required for developments in order to ensure that impacts on the pedestrian environment and adjacent properties are acceptable.

The portions of Section 4.3, Physical Amenity of the Emery Village Secondary Plan, that are applicable to this application include:

- 4.3.1 Streetscape improvements that promote a healthy and vibrant pedestrian environment are encouraged in the public rights-of-way and adjacent privately owned lands. Co-ordinated improvements to sidewalks and boulevards, including decorative paving, a landscaped centre median, street trees, street furniture and transit shelters are to be implemented for the portion of Finch Avenue between the CP Rail line and Lindylou Park.
- 4.3.3 The setback for new buildings along Finch Avenue will be sufficient to accommodate streetscape initiatives of the City.

- 4.3.4 The reduction of the effect of wind on pedestrian areas through building design and the provision of remedial elements, such as landscaping, screens, sheltered walkways and canopies is encouraged.
- 4.3.5 Landscaping should be carefully integrated with on-site surface parking. On-site parking should be arranged so that it does not impede pedestrian movement within or between developments.
- 4.3.6 All utilities and associated works will, wherever possible, be located underground.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of the staff analysis and review of the Provincial Policy Statement, the Growth Plan and Official Plan policies and designations, including the Emery Village Secondary Plan are summarized in the Comments section of this report.

Zoning

The property is subject to City of Toronto Zoning By-law No. 569-2013 and former City of North York Zoning By-law No. 7625 (see Attachment 5: Existing Zoning By-law Map).

The City of Toronto Zoning By-law No. 569-2013 zones the subject lands “Commercial Residential CR 2.5 (c1.0; r2.5) SS2 (x211)”. Under exception 211, the site is subject to City of Toronto Zoning By-laws 518-2003, 422-2003, and 5-2005, which are amendments to former City of North York Zoning By-law No. 7625. The subject lands are zoned Mixed Use Commercial Zone [C5(H2)] under the former City of North York Zoning By-law No. 7625 and are subject to holding provisions that must be satisfied prior to development (see Attachment 7: C5 (H2) Zoning Provisions).

Design Guidelines

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The City-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

Avenues and Mid-Rise Building Study and Performance Standards

City Council, in July 2010, requested that staff use the Mid-Rise Building Performance Standards in the evaluation of mid-rise development proposals on the *Avenues*. The vision for the *Avenues* is one of animated sidewalks and buildings that frame the street, with heights that are proportionate to the right-of-way widths and transition to *Neighbourhoods*.

The Mid-Rise Guidelines set minimum performance standards guided by the objective to create healthy, liveable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines.

The Mid-Rise Building Performance Standards Addendum (April 20, 2016) can be accessed at: www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has yet to be submitted.

Tenure

The applicant has advised that the proposed 209 residential units contained in the 11 and 15 storey component of the proposal would be residential condominium units. The 59 units contained in the 6 and 8 storey component would be a seniors residential facility with unknown tenure.

Higher Order Transit

The subject site is located along the planned Finch West Light Rail Transit (LRT) line. Phase One of the Finch West LRT is fully funded and currently being delivered by Metrolinx, extending from Keele Street (connecting to the Toronto-York Spadina Subway Extension) to Humber College.

The LRT is planned to open for service in 2021. In addition, the City's Official Plan identifies the potential for a future GO Station on the Bolton corridor within proximity to the subject site. Metrolinx currently does not operate GO service within the Bolton corridor and this is viewed as a long term initiative that is being protected through the development review process. Metrolinx has made no commitments with respect to the timing for GO Rail service to Bolton.

Reasons for the Application

The proposal requires an amendment to the Official Plan to permit the height and density of the proposed development.

A Zoning By-law Amendment is required to lift the Holding (H) provisions and amend the zoning standards to facilitate the proposal and permit, among other matters, the

form of building, type, height and density of the proposed development. Other areas of non-compliance may be identified through the ongoing review of the application.

Application Submission

The following reports/studies were submitted in support of the application:

Planning Justification Report (including Urban Design Brief and Public Consultation Strategy);
Architectural Plans (Site Plan, Floor Plans, Elevations, Sections and Massing);
Plan of Survey;
Site Grading Plan;
Tree Preservation Plan;
Landscape Plan and Details;
Draft Zoning By-law Amendment;
Draft Official Plan Amendment;
Community Services and Facilities Study;
Architectural Control Guidelines;
Green Development Standard Checklist and Statistics Template;
Energy Efficiency and Strategy Report;
Sun/Shadow Study;
Pedestrian Level Wind Study;
Transportation Impact Study;
Phase One Environmental Site Assessment;
Functional Servicing and Stormwater Management Report;
Arborist/ Tree Preservation Plan;
Noise Feasibility Assessment;
Avenue Segment Review;
Archaeological Assessment Stage 1-2 Report; and
Geotechnical Investigation.

All material submitted in support of the application is available at the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

Community consultation helps to inform City Council in respect of the exercise of its authority to make a decision with regard to the planning application. The community consultation meeting is anticipated to take place in the third quarter 2018.

COMMENTS

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* establishes a list of provincial interests that approval authorities, including the City of Toronto, shall have regard for when carrying out their responsibilities under the *Planning Act*.

The proposal, in its current form does not have regard to Section 2 h) which speaks to the orderly development of safe and healthy communities; Section r) which speaks to the promotion of built form that: (i) is well designed, (ii) encourages a sense of place and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and Section j) which speak to the adequate provision of a full range of housing, including affordable housing and the promotion of built form that: (i) is well-designed; (ii) encourages a sense of place.

These provincial interests and others are further articulated through Provincial Policy Statements that are released from time to time and through other area-specific Provincial Plans, such as the Growth Plan. The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan.

Provincial Policy Statement, 2014

Staff have determined that the proposal in its current form is not consistent with the PPS for the following reasons:

Policy 1.1.1.d indicates healthy, livable and safe communities are sustained by avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent to or close to settlement areas.

Policy 1.1.3.3 provides that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 4.7 of the PPS states the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area. The proposal in its current form does not meet these overall policy outcomes of the PPS as further articulated by the City's Official Plan. This is outlined in detail later in this report.

The City of Toronto Official Plan policies, aligned with the Emery Village Secondary Plan policies, direct growth by accommodating for an appropriate range of height and density with a mix of uses to meet long-term needs. While the Official Plan designates this area as an opportunity for redevelopment, the Emery Village Secondary Plan is descriptive in the type of built form that is envisioned for the area around Finch Avenue

West and Weston Road, and how it would relate to its existing context. The current proposal does not comply with these policies, therefore is not consistent with the PPS to the extent that it does not comply with the municipal direction for growth.

Growth Plan for the Greater Golden Horseshoe, 2017

Staff have determined that the proposal in its current form does not conform with the Growth Plan For the Greater Golden Horseshoe for the following reasons:

Policy 2.2.1.1 of the Growth Plan speaks to the population and employment forecasts contained in Schedule 3 to be used for planning and managing growth.

The site is located within a built-up area boundary as identified in the Growth Plan, where a share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2031. The City is presently on track to meet these overall 2031 Growth Plan forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

This single application is not required for the City to meet the density targets. The proposal must be considered in the context of the other policies in the Growth Plan, the Official Plan, the Emery Village Secondary Plan, Zoning By-laws and Guidelines and should not be rationalized on the basis of density targets provided in the Growth Plan.

Policies 2.2.2.4(a), (b), (d) and (f) of the Growth Plan speak to delineated built-up areas and states that all municipalities will develop a strategy to achieve the minimum intensification targets and intensification throughout delineated built-up areas, which will:

- a) Encourage intensification generally to achieve the desired urban structure;
- b) Identify the appropriate type and scale of development and transition of built form to adjacent areas;
- d) Ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and
- f) Be implemented through Official Plan policies and designations, updated zoning and other supporting documents.

The proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the minimum density targets through the City of Toronto Official Plan and in conjunction with the Emery Village Secondary Plan which provides a greater level of detail and specificity on matters such as built form, massing and scale of development within this area. These policies are further informed by the existing Zoning By-law and the City's Tall Buildings Guidelines.

The Emery Village Secondary Plan permits a maximum density of 2.5 times the lot area for the subject property, whereas the application proposes a density of 5.53 times the lot area. The proposal in its current form does not represent an appropriate scale of development as set out in the City's Official Plan, Emery Village Secondary Plan and Guidelines and as such does not achieve the desired urban structure as contemplated in the Growth Plan.

Land Use

This proposal provides for a mix of residential and retail uses. The proposed mix of uses is in keeping with the Official Plan *Mixed Use Areas* and the *Mixed Use Areas C1* designation in the Emery Village Secondary Plan.

While the uses are permitted, the application fails to meet many key policies within the Official Plan, Emery Village Secondary Plan and City Council adopted Urban Design Guidelines as discussed below.

Height, Massing and Density

The existing planning policy framework and area context was analyzed in respect to the proposal's height, density and massing. The Official Plan recognizes *Mixed Used Areas* as areas where growth is anticipated. The Official Plan establishes the parameters of the City's planning framework by stipulating not all *Mixed Use Areas* will experience the same scale or intensity of development.

The Emery Village Secondary Plan provides a framework for development that encourages a village-like, street oriented, mixed-use pattern of development that promotes transit, pedestrian use, cycling and improvements to the area's streetscape and significant open space system. The site is located in one of the four quadrants defined by the Finch Avenue West and Weston Road intersection and the Secondary Plan permits building heights ranging between 8 and 12 storeys and a maximum density of 2.5 times the lot area. Certain density and height incentive policies are structured within the Secondary Plan, which would allow for a development in *Mixed Use Area C1* to have building heights ranging from 2 to 18-storeys with a maximum density of 2.97 times the lot area. However these incentives are not applicable to this proposal as none of the required community benefits are being provided.

The Mid-Rise Building Performance standards speak to a maximum allowable height of buildings being no taller than the width of the Right-of-Way, which in this case is 36 metres for Finch Avenue West and would allow for an 11-storey building.

With respect to building height, the proposal contemplates a 15-storey building that steps down in height, as it moves north, to 11-storeys, 8-storeys and 7-storeys. The tallest portion of the building fronts on Finch Avenue West. The overall height of the building is greater than that contemplated and permitted in the Secondary Plan. Planning staff will continue to work with the applicant in revising the height of the proposal to maintain the policy direction of the Emery Village Secondary Plan.

With respect to the proposal's massing, the proposed building is set back 1.7 metres from Finch Avenue West, at the ground floor, the building then cantilevers back out with a 0.2 metres setback to the 4th floor. At the 5th storey, the building is stepped back from the property line by 3.3 metres and 4.38 metres from the 6th to 13th floors before increasing the step back to 5.38 metres for the 14th and 15th floors. The Mid-Rise Building Performance Standards speak to providing an angular plane at the front of the building that would allow for 5-hours of sunlight onto the Avenue sidewalks from March 21 to September 21. The Standards also address the need for "pedestrian perception" step-backs in order to mitigate the perception of height and create comfortable pedestrian conditions.

The building front wall condition outlined above does not provide adequate setbacks to accommodate an appropriate streetscape design to support the proposed development and meet the public realm policies of the Emery Village Secondary Plan. The building frontages along both Finch Avenue West and the future street at the rear of the site, do not achieve good street proportion to provide adequate access to sunlight and sky views from the public realm. The lack of appropriate building set backs and stepbacks creates a large and imposing street wall condition that is not consistent with the vision for a village-like, street oriented pattern of development in this area as envisioned by the Secondary Plan.

The building has a length of approximately 109 metres, one-third of which is at a height greater than contemplated in the Secondary Plan. Along the east property line, the proposed building has a setback of 0.3 metres for the 4-storey base building. The setback above the 4th floor is approximately 10 metres. Along the west property line, the setback is 0.2 metres for the 4-storey base building. The remainder of the building is setback 1.7 metres to the 8th floor, 3.8 metres to the 13th floor and 6 metres to the 15th floor.

The Official Plan Built Form Policies require new development to provide appropriate transition in scale to neighbouring existing and/or planned buildings and to provide for adequate light and privacy. The proposed floorplate dimensions, building orientation and the minimal setbacks of the building are not in keeping with the built form policies of the Official Plan and deviate from the Tall Building Guidelines and the Mid-Rise Building Performance Standards. Additionally, the setbacks do not provide an adequate separation distance to allow for the adjacent sites to redevelop and meet the required overall minimum separation distance between tall buildings. The proposed west side setbacks are particularly constrained and have the potential to limit the development potential on the adjacent site, which is contradictory to the Secondary Plan, and the applicant's own Avenue Segment Study.

The extensive driveway network in conjunction with the building length also limits the ability to maximize the amount of landscaped open space, which is directed in the Secondary Plan.

Planning staff will continue to work with the applicant to revise the setbacks and massing of the proposal to address the built form issues and to maintain the policy direction of the Official Plan and Guidelines.

With respect to density, the Emery Village Secondary Plan permits a maximum density on this site of 2.5 times the lot area. The proposed density is 5.53 times the lot area. The most recent development approvals located in the immediate area have approved densities ranging between 1.0 times the lot area to 3.46 times the lot area. The proposed density exceeds those approvals, and the Secondary Plan permission, that forms part of the existing and planned context.

Density is a direct reflection of the height and massing of a building in relation to the lot area. As outlined above, there are some significant concerns with the height and massing of the proposed building. Should these issues be revised to address the outlined concerns and to better reflect the Official Plan and Secondary Plan policies including related Guidelines, the density could be decreased.

The cumulative effect of the proposed heights, scale of the building, massing, inadequate setbacks, stepbacks and lack of appropriate transition, results in a density that exceeds the existing and planned context and a built form that is inappropriate for this property. Planning staff will continue to work with the applicant to revise the heights and massing, and resulting density, of the proposal to address outstanding built form issues and maintain the policy direction of the Secondary Plan and address the applicable performance standards.

Site Layout

At the rear of the site is a proposed lane extension as well as a future public road, as outlined in the Emery Village Secondary Plan. The proposed driveway access is from Finch Avenue West providing access to loading and the underground garage to the west. The driveway terminates at the north end of the site in a turn-around/drop-off.

The Secondary Plan states that the consolidation of vehicular access points will be encouraged in order to maximize the efficiency of traffic movement and promote a safer pedestrian environment and that access from local streets and service lanes is preferred. It also outlines that buildings should be sited and organized at-grade to enhance and support streets, open spaces and pedestrian routes. The proposal should be altered to accommodate future access from the public lane or future road. This would also allow for a significant increase in landscaped open space which would help to achieve the Secondary Plan policies.

Planning staff will continue to work with the applicant to address the site layout issues outlined above.

Sun, Shadow and Wind

A Sun/Shadow Study was submitted in support of the proposal, showing net-new shadows on the surrounding properties and the public realm resulting from the proposal's massing during the 21st of March/September and June.

The study shows the proposal will cast shadows on the public realm on the north side of Finch Avenue West at 5:18 pm to 6:18 pm on June 21 and at 6:18 pm on March and September 21. The study also shows the proposal will cast shadows on a future public

road, and sidewalks, at 9:18 am to 2:18 pm on March and September 21, and 9:18 am to 12:18 pm on June 21. Shadows will also be cast on the future extension of a public lane, and sidewalks, at 12:18 pm to 6:18 pm on March and September 21 and 1:18 pm to 6:18 pm on June 21. There will also be a shadow cast on the area designated by the Official Plan as *Natural Areas* at 9:18 am on June 21.

The proposal will also cast shadow on the adjacent site to the west from 9:18 am to 11:18 am on March and September 21, and 9:18 am to 11:18 am on June 21. Shadow will also be cast on the adjacent property to the east from 2:18 pm to 4:18 pm when the shadow then extends to additional properties to the east from 4:18 pm to 6:18 pm on March and September 21. On June 21 the shadows are cast to the adjacent properties to the east from 3:18 pm to 6:18 pm. Staff are of the opinion these net new shadows are unacceptable.

Policy 3.1.2.3 (e) of the Official Plan states new development should be massed to limit shadowing on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Policy 4.2 (k) of the Emery Village Secondary Plan states that where appropriate, sun/shadow studies and wind tests will be required for development in order to ensure that impacts on the pedestrian environment and adjacent properties are acceptable.

With respect to wind, the proposal is showing some elevated localized pedestrian level conditions which are of concern for the sidewalks on Finch Avenue West and the future public street. These concerns could be addressed and mitigated through modifications to the building massing and articulation.

Planning staff will continue to work with the applicant to reduce shadow impacts and reduce net-new shadows and mitigate wind impacts.

Traffic Impact, Access and Parking

Access to the site is proposed from a driveway at the east end of the site with underground access and loading under the building to the west of the driveway. Transportation Services staff requested revisions to the supporting reports and plans. A final determination on potential transportation impacts and/or required improvements has not yet been reached.

Road Widening

The submitted plans illustrate the limits of a proposed 8-metre wide future public lane straddling the site's north property limit. The future public lane was identified in the Emery Village Transportation Master Plan (TMP) as one of the options to improve localized circulation and access to land parcels in the northwest quadrant of the Emery Village area. The TMP further noted that local links are development driven and may be implemented in conjunction with developments. The site plan shows a 4-metre wide strip of the subject property being dedicated to the City for a future public lane widening. Further details regarding the mechanics of the land conveyances will be identified and pursued through any future site plan application for the project.

Streetscape

The Official Plan Public Realm policies address the importance of beautiful, comfortable, safe and accessible streets, parks and open spaces. Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. The Emery Village Secondary Plan states that setbacks for new buildings along Finch Avenue West will be sufficient to accommodate streetscape initiatives of the City and that new buildings should be massed to provide adequate street and open space definition, to define urban spaces with good proportion and to provide access to sunlight and sky views.

The proposed building has a setback along Finch Avenue West of 1.7 metres with the above floors cantilevered over the setback. The building should have an increased setback to allow for adequate landscaping, street trees, bicycle parking and other elements that enhance the streetscape and public realm.

Planning staff will continue to work with the applicant to address the lack of coordinated streetscape and sufficient space.

Servicing

Engineering and Construction Services staff require additional information to review. No determination has been made on whether adequate servicing capacity exists or if improvements to infrastructure is required to support the proposed development.

Housing Issues

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan for the Greater Golden Horseshoe, 2017 also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.4 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

The Council-adopted *Growing Up: Planning for Children in New Vertical Communities* draft urban design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

As currently proposed, less than 10% of all units have three or more bedrooms. This does not adequately support the objectives of the Growing Up guidelines, the City's Official Plan housing policies, or the Growth Plan's growth management and housing policies to accommodate a broad range of households within new development, including families with children.

Planning staff will continue to work with the applicant to address this matter.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second 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.

Parks, Forestry and Recreation staff advise that in accordance with Chapter 415, Article III of the Toronto Municipal Code, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential nature of this proposal is subject to a 10% parkland dedication. The non-residential nature of this proposal is subject to a 2% parkland dedication.

Given the current rise in dog population, especially within condominium towers, the owner is expected to provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building. This would alleviate some of the pressure on the existing neighbourhood parks.

If the owner of the property enters into a Section 37 Agreement with the City as part of this development application, Parks staff advise funds could be directed towards the area parks and facilities in consultation with the Ward Councillor.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant has submitted a Stage 1 Archaeological Assessment for review.

Heritage Preservation Services Staff have concluded there are no further archaeological concerns regarding the subject property.

Tree Preservation

This application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application proposes to preserve 3 City-owned trees and 3 protected private trees. The application also proposes to remove 1 City-owned tree and 1 protected private tree. The applicant has submitted an Arborist Report/Tree Preservation Plan, which is currently under review by staff. Additionally, the applicant is required to submit a revised Arborist Report.

Urban Forestry staff are not in a position to support the proposed application at this time until the tree removal/injury application and revised Arborist Report and Landscape Plan are submitted for further review and comments.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Planning staff will continue discussions with the applicant to meet Tier 1, and on the possibility of achieving Tier 2 of the TGS.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services and Facilities Report in support of its application. Planning staff have concluded there are two areas for consideration should community benefits be forthcoming through this application: facility upgrades and maintaining a state of good repair for the existing community centres; and consideration for expanding on affordable human services space.

Section 37

The proposal at its current height, massing, and density would be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits have not yet been discussed as staff are of the opinion the proposal in its current form does not represent good planning. However, should this proposal be approved in some form by the LPAT, Planning staff recommend that staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Conclusion

The proposal has been reviewed against the policies of the *Planning Act*, the PPS (2014), the Growth Plan (2017), the Toronto Official Plan and the Emery Village Secondary Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and conflicts with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, the Emery Village Secondary Plan and does not address the planning framework articulated in applicable urban design guidelines.

Planning staff are not in support of the proposal in its current form, and it does not represent good planning. The proposed built form represents overdevelopment of the site and there are outstanding issues with respect to building height, massing, density and transition. Additionally, some circulated agencies require revisions to supporting reports and plans to finalize their review of the proposal, particularly related to servicing and transportation impacts.

Staff recommend that City Council direct City staff to continue to negotiate with the applicant to attempt to resolve the outstanding issues detailed in this report. It is also recommended that City Council direct the City Solicitor, and appropriate City staff, to attend and oppose the application in its current form should the application be appealed to the LPAT on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

CONTACT

Emily Rossini, Senior Planner, Tel. No.416-394-2615, E-mail:Emily.Rossini@toronto.ca

SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Emery Village Secondary Plan - Land Use Areas
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Height Map
- Attachment 7: C5 (H2) Zoning Provisions

Applicant Submitted Drawings

Attachment 8: Site Plan

Attachment 9: North and South Elevations

Attachment 10: West Elevation

Attachment 11: East Elevation

Attachment 12: Massing

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	17 262422 WET 07 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 14, 2017

Municipal Address: 2370 FINCH AVENUE WEST
 Location Description: PLAN 5936 E PT BLK 26 **GRID W0702
 Project Description: Amendments to the Emery Village Secondary Plan and Zoning By-law for a 15-storey mixed use condominium building and an 8-storey mixed use seniors building.

Applicant:	Agent:	Architect:	Owner:
WESTON CONSULTING		WESTON CONSULTING	HS4 FINCH INVESTMENTS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Emery Village Secondary Plan
Zoning:	CR 2.5 (c1.0; r2.5) SS2 (x211)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3938	Height:	Storeys:	15
Frontage (m):	38.1		Metres:	50.12
Depth (m):	100			
Total Ground Floor Area (sq. m):	2562			Total
Total Residential GFA (sq. m):	21235		Parking Spaces:	281
Total Non-Residential GFA (sq. m):	530		Loading Docks	1
Total GFA (sq. m):	21765			
Lot Coverage Ratio (%):	65.1			
Floor Space Index:	5.53			

DWELLING UNITS

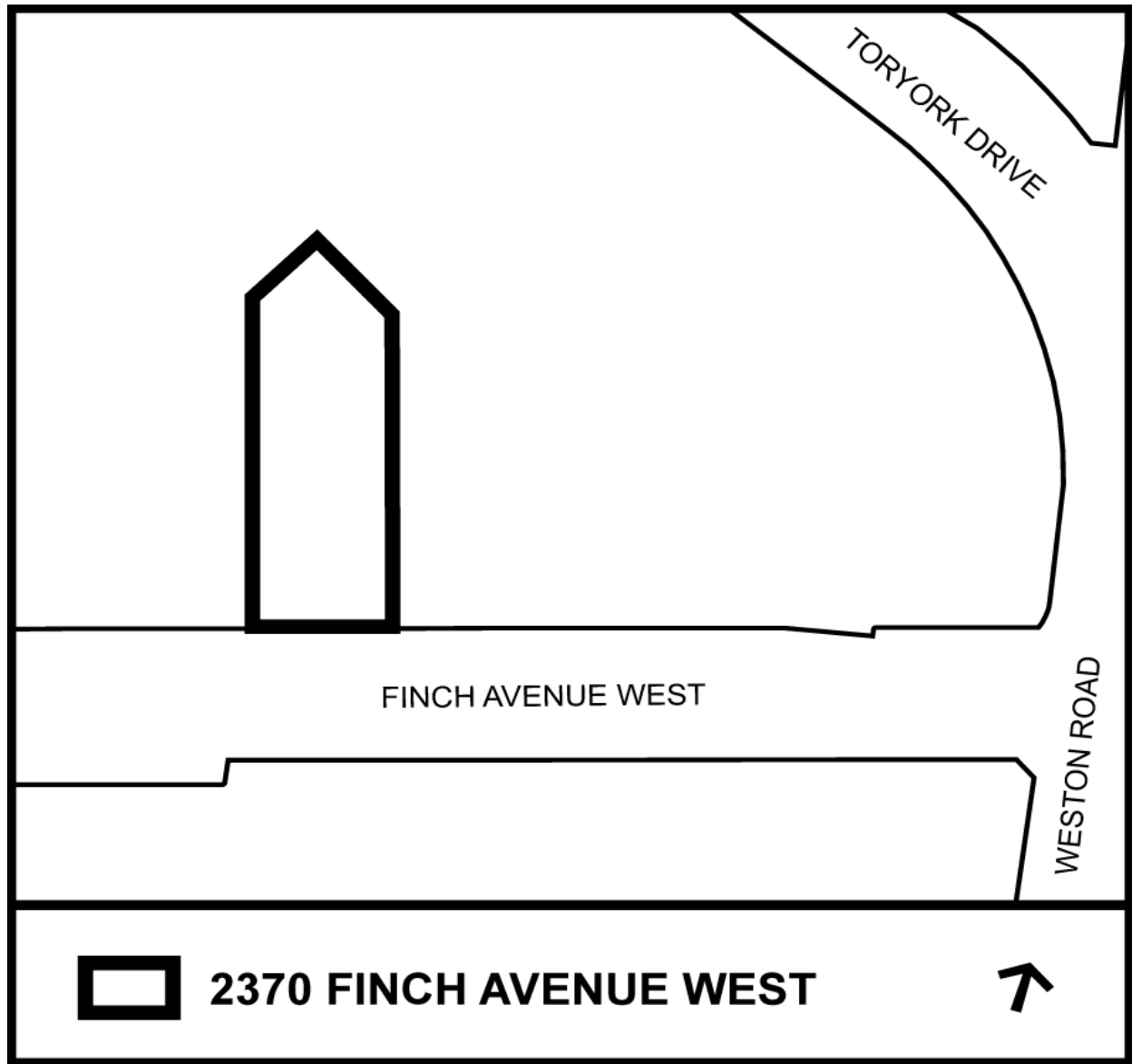
Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	157
2 Bedroom:	92
3 + Bedroom:	19
Total Units:	268

FLOOR AREA BREAKDOWN (upon project completion)

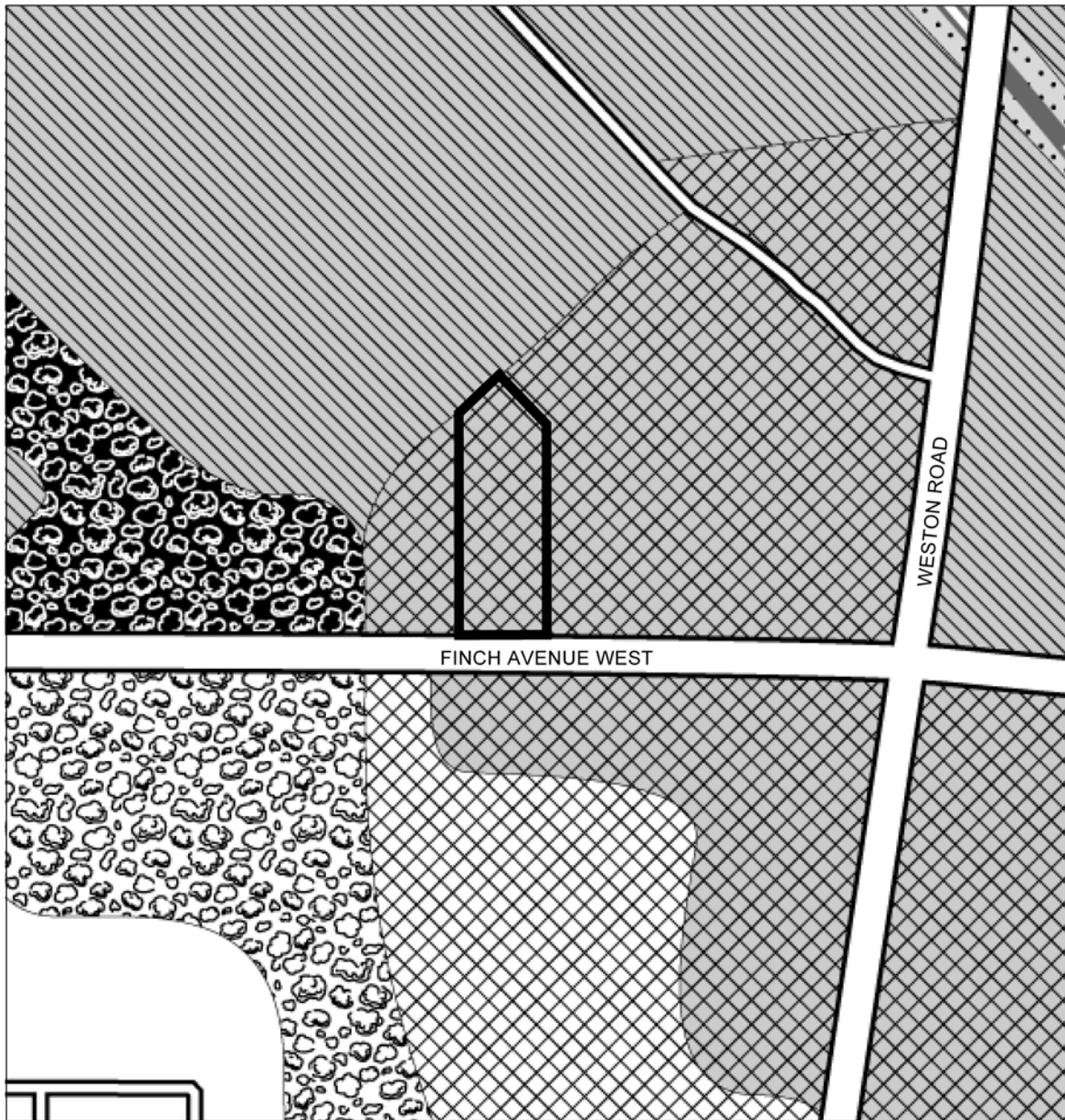
	Above Grade	Below Grade
Residential GFA (sq. m):	21235	0
Retail GFA (sq. m):	530	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Emily Rossini, Senior Planner
	TELEPHONE:	416-394-2615

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



TORONTO
 Extract from Official Plan

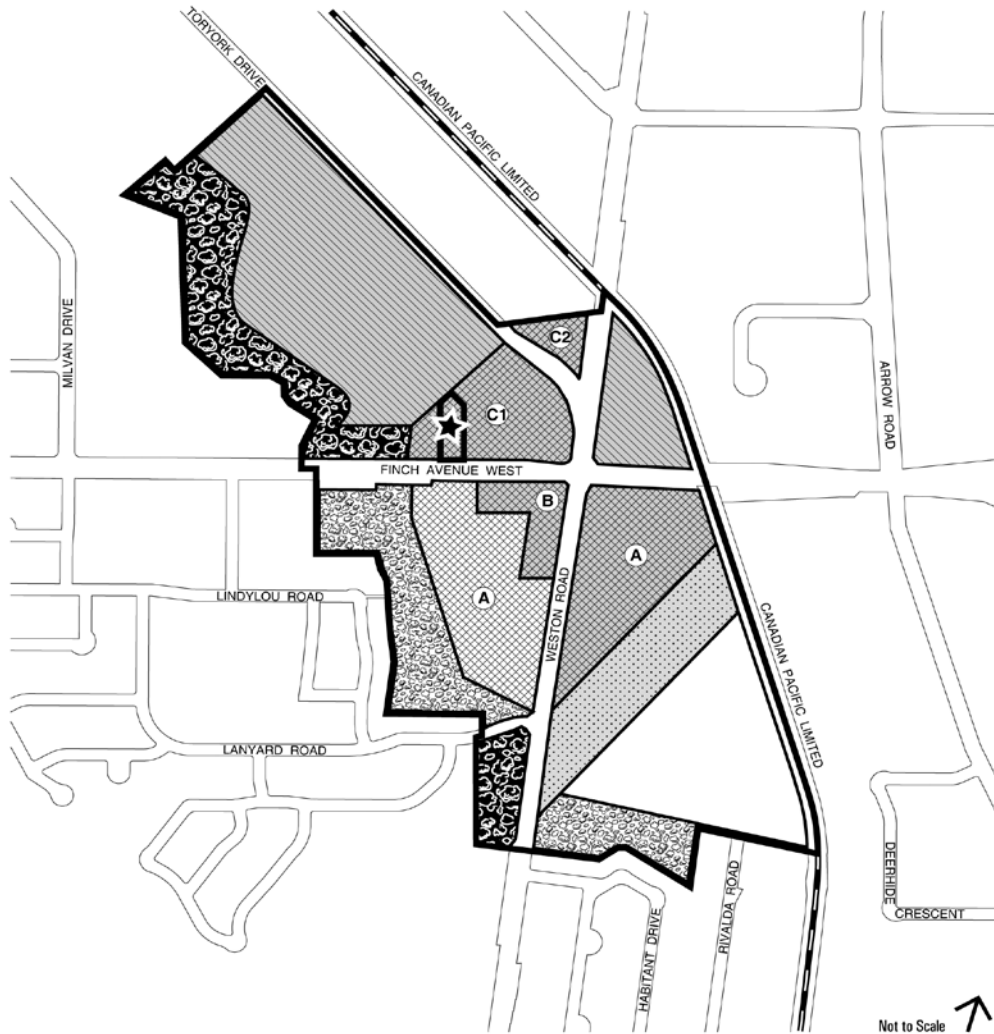
2370 Finch Avenue West

File # 17 262422 WET 07 0Z

Site Location	Natural Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Parks	Employment Areas	
Apartment Neighbourhoods			
Mixed Use Areas			

↑
 Not to Scale
 01/10/2018

Attachment 4: Emery Village Secondary Plan - Land Use Areas

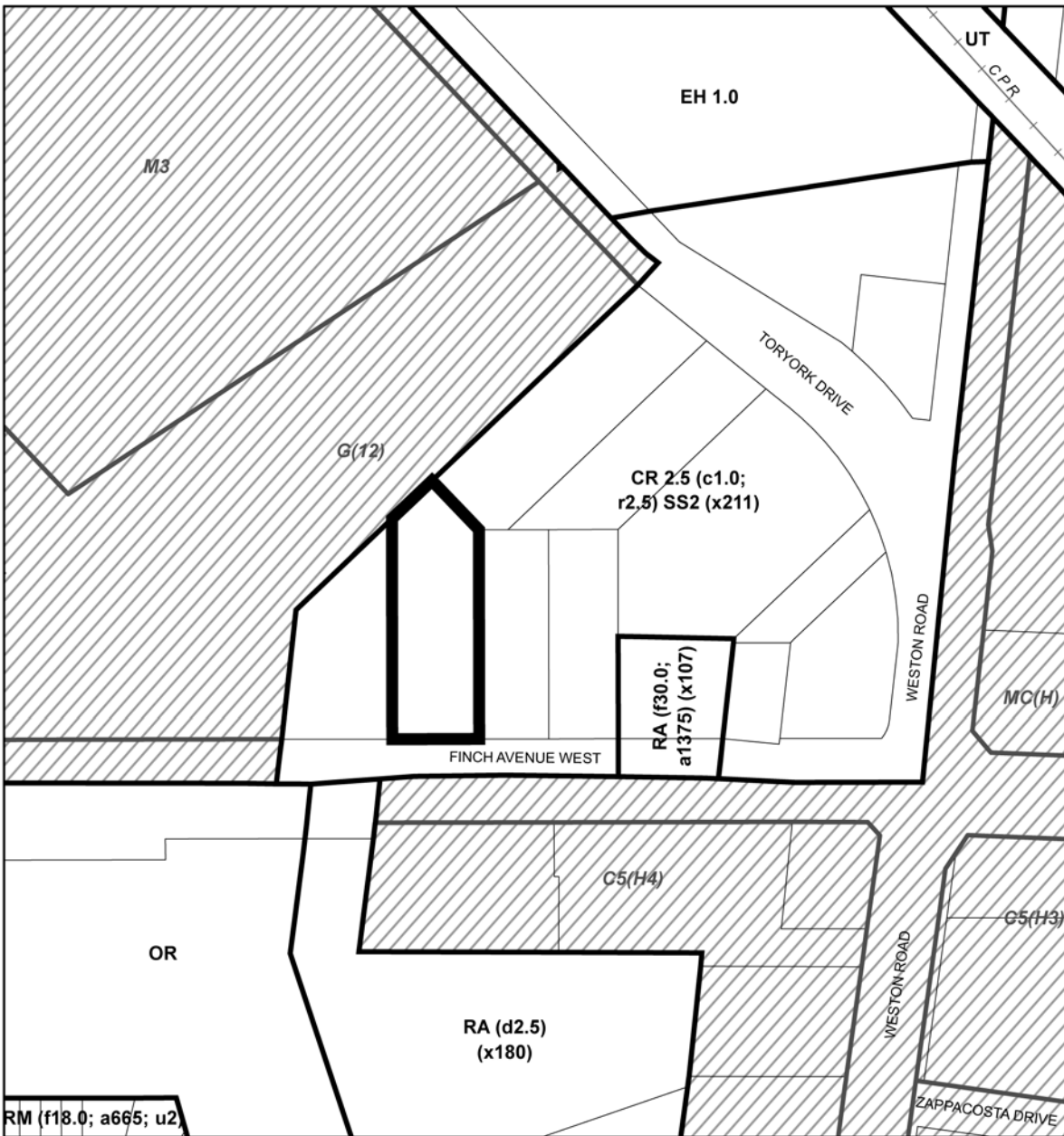


Emery Village Secondary Plan
MAP 26-1 Land Use Areas

- | | | |
|---|---------------------|-------------------------|
| Secondary Plan Boundary | Institutional Areas | Location of Application |
| Apartment Neighbourhoods | Employment Areas | |
| Mixed Use Areas | Utility Corridors | |
| Parks and Open Space Areas - Park | | |
| Parks and Open Space Areas - Natural Area | | |

June 2006

Attachment 5: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

2370 Finch Avenue West

File # 17 262422 WET 07 02

Location of Application

RM Residential Multiple
RA Residential Apartment
CR Commercial Residential
EH Employment Heavy Industrial
OR Open Space Recreation
UT Utility and Transportation

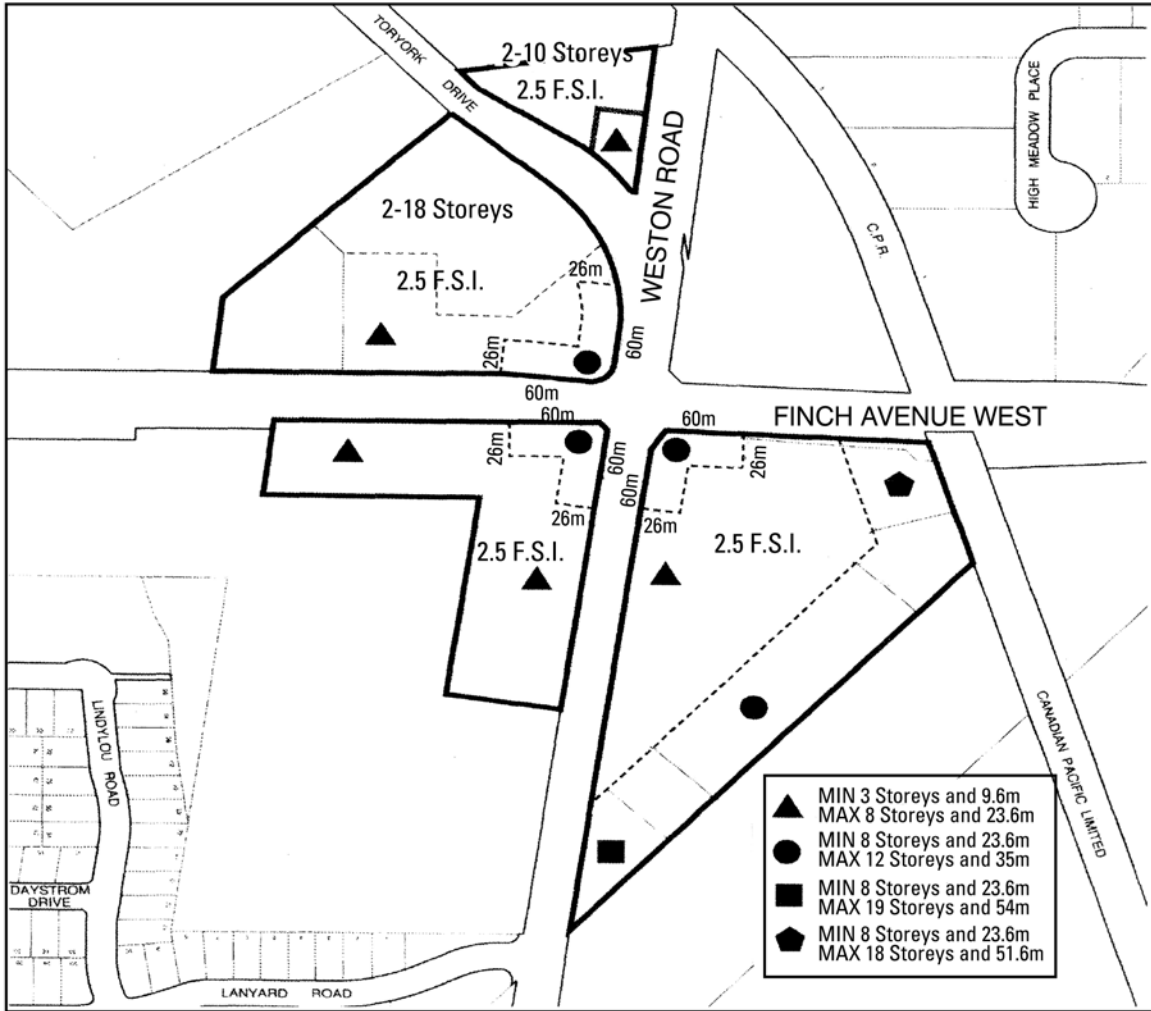
See Former City of North York By-Law No. 7625

C5 Mixed Use Commercial Zone
M3 Industrial Zone Three
MC Industrial-Commercial Zone
G Greenbelt Zone



Not to Scale
 Extracted: 01/10/2018

Attachment 6: Height Map Map



Height Map - Schedule C5
of Former City of North York Zoning By-Law No.7625

2370 Finch Avenue West

Not to Scale
01/10/2018



File # 17 262422 WET 07 0Z

Attachment 7: C5 (H2) Zoning Provisions

Section 27(10)(a) of the Former City of North York Zoning By-law No. 7625

"On those lands subject to an "H" as illustrated on Schedule "1", no person shall use any lot or erect or use any building or structure for the purposes except as permitted in this by-law. Upon fulfilment of the following conditions on terms satisfactory to the City of Toronto, the "H" prefix shall be lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands:

(ii) For those lands shown on Schedule "1" as C5(H2)

(A) Development that exceeds 5,000 m² in gross floor area, shall submit a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services demonstrating that the following criteria have been met:

(i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;

(ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;

(iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and

The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.

(B) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.

(C) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.

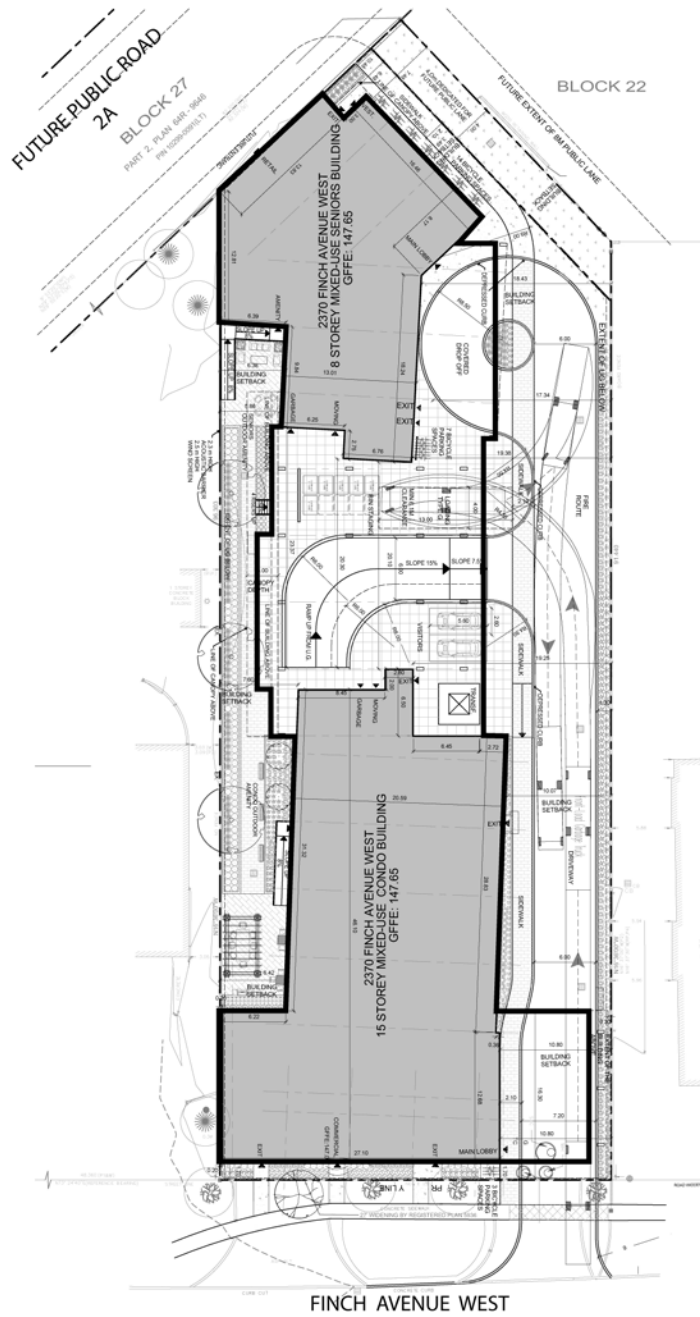
(D) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.

(E) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:

(i) The proposed massing of buildings, building heights, setbacks and distribution of density;

- (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
- (iii) Protection and enhancement of significant views and landscape focal points;
- (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
- (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
- (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.

Attachment 8: Site Plan



Site Plan

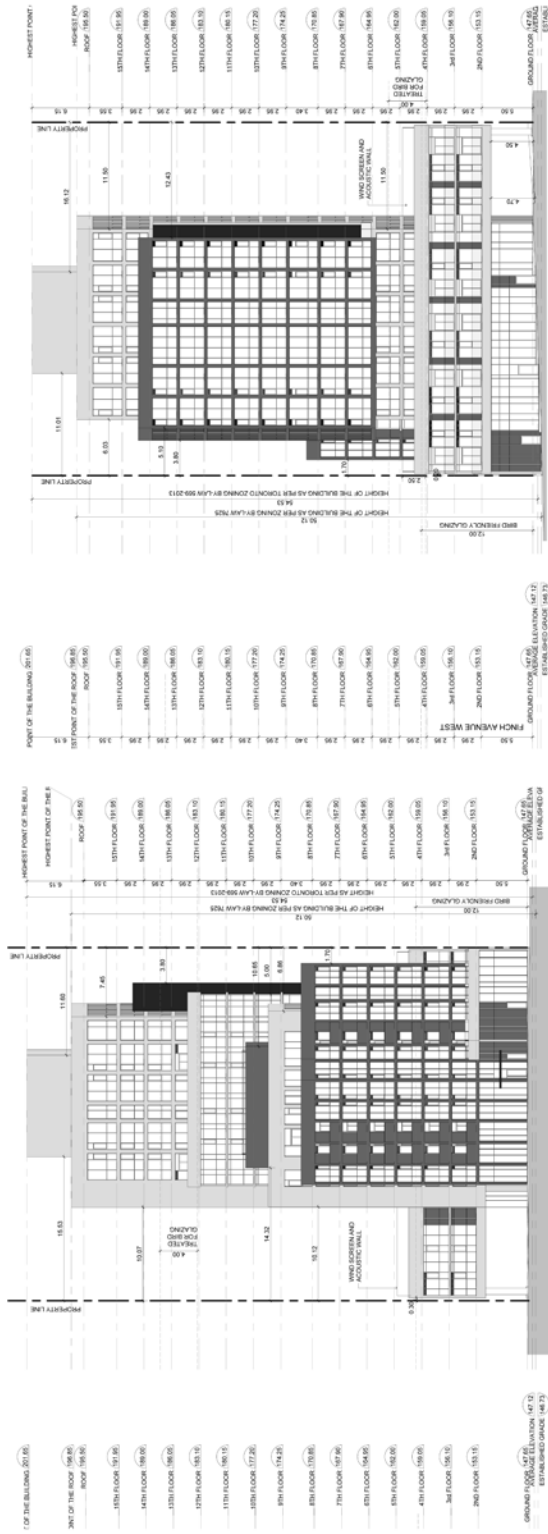
Applicant's Submitted Drawing

Not to Scale
01/10/2018



2370 Finch Avenue West

File # 17 262422 WET 07 0Z



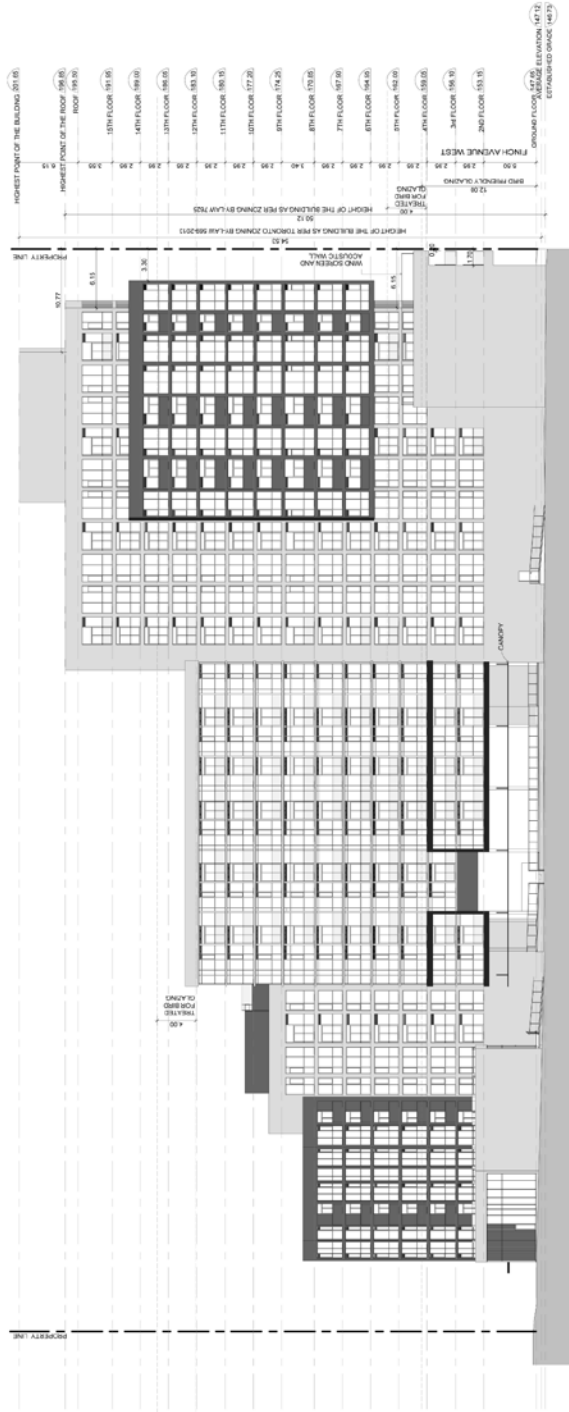
South Elevation

North Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 01/10/2018

2370 Finch Avenue West

File # 17 262422 WET 07 02



West Elevation

2370 Finch Avenue West

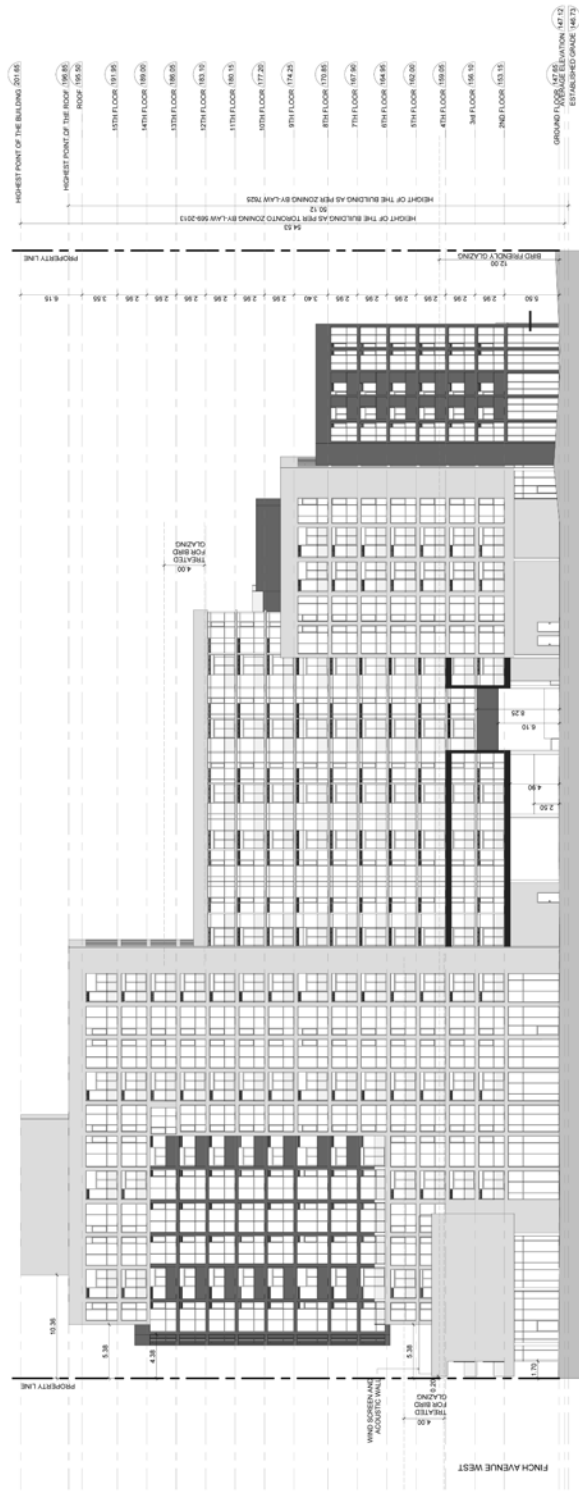
Elevations

Applicant's Submitted Drawing

Not to Scale
01/10/2018

File # 17 262422 WET 07 0Z

Attachment 11: East Elevations



East Elevation

2370 Finch Avenue West

Elevations
Applicant's Submitted Drawing

Not to Scale
01/10/2018

File # 17 262422 WET 07 02

Attachment 12: Massing



View looking northwest



View looking southwest

Perspective Views

Applicant's Submitted Drawing

01/10/2018

2370 Finch Avenue West

File # 17 262422 WET 07 0Z