

2306 St. Clair Avenue West – Zoning By-law Amendment Application – Request for Directions Report

Date: June 25, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 11 - York South-Weston

Planning Application Number: 17 181466 WET 11 OZ

SUMMARY

The owner of the site at 2306 St. Clair Avenue West has appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A Pre-Hearing Conference of the LPAT has not been scheduled.

This application proposes to amend former City of Toronto Zoning By-law No. 438-86 to permit the construction of a 10-storey (30.3 metre in height, not including a 5 metre mechanical penthouse) mixed used building on a vacant site, formerly occupied by New York Pork, at 2306 St. Clair Avenue West. A total of 235 residential units are proposed with 384 m² of commercial space. Vehicular access is proposed from the public laneway to the north to the below grade parking. The tallest portion of the building would be located at the approximate centre of the site and the building would step down to four storeys to the north, adjacent to the public laneway, four storeys to the south adjacent to St. Clair Avenue West, and four and three storeys to the east adjacent to Symes Road. The proposed building would front both St. Clair Avenue West and Symes Road.

This report recommends that the City Solicitor, together with Planning staff, be directed to attend the LPAT hearing to settle the appeal of Zoning By-law Amendment Application Number 17 181466 WET 11 OZ at 2306 St. Clair Avenue West substantially in accordance with this report, provided the outstanding issues are resolved to the City's satisfaction.

The proposed development is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and has regard for matters of provincial interest in Section 2 of the *Planning Act*. The proposal also represents an appropriate and orderly development of the site that conforms to the Official Plan.

This report reviews and recommends settlement of the application to amend the Zoning By-law at the Local Planning Appeal Tribunal subject to mitigation to be undertaken at the applicant's expense and to be determined and confirmed by a peer review at the applicant's expense. This would be secured through the Site Plan control review process, should this application be approved.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with Planning staff and other appropriate staff to attend the Local Planning Appeal Tribunal (LPAT) hearing in support of the application to settle the appeal of Zoning By-law Amendment Application Number 17 181466 WET 11 OZ at 2306 St. Clair Avenue West, provided all outstanding issues are resolved to the City's satisfaction.
2. In the event that the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold its Order on the Zoning By-law Amendment until:
 - a. The owner has provided a draft Zoning By-law Amendment to the LPAT in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - b. The owner enters into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 2306 St. Clair Avenue West, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owners expense:
 - i. A cash contribution of \$800,000.00 to be paid to the City prior to the issuance of a first above-grade building permit, to be used towards local improvements within the vicinity of the site including parks, streetscape, cycling and pedestrian safety improvements;
 - ii. The cash contribution referred to in Part i) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential

Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment; and

- iii. In the event the cash contribution referred to in Part i) above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
- i. The owner shall provide a detailed noise study intended to address the design of the building façade and glazing construction to mitigate noise, including a peer review, all at the cost of the owner and to incorporate the recommendations in the site design.
 - ii. The owner shall include in all offers of purchase and sale warning clauses to advise building occupants of the potential noise and odour impacts from surrounding facilities in accordance with the requirements of the noise and odour studies.
 - iii. The owner shall include in all offers of purchase and sale warning clauses to advise building occupants that, despite best efforts, sufficient school accommodation may not be locally available and that students may have to be accommodated in schools outside the area until space within the area becomes available.
 - iv. Require the owner to provide an on-site dog off-leash amenity with proper disposal facilities for the building residents or dog relief station within the building.
 - v. Require the owner to design and construct upgraded streetscapes along the St. Clair Avenue West and Symes Road frontages of the site, providing a pedestrian walkway, upgraded pavement treatment and landscaping to be secured through the Site Plan Control review process.

- vi. Require the owner to convey to the City, at nominal cost, a 4.94 metre wide strip along the St. Clair Avenue West frontage abutting the site, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the owner until such time as said lands have been designed and dedicated for public highway purposes, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the City Solicitor.
- vii. As a condition of site plan approval and prior to the issuance of any permits, require a detailed construction management plan for the site.
- viii. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held on January 31, 2017. The current application was submitted on June 16, 2017 and deemed complete on June 29, 2017. A Preliminary Report on the application was adopted by Etobicoke York Community Council on August 10, 2017 authorizing staff to conduct a community consultation meeting. A copy of the Preliminary Report may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY24.3>

ISSUE BACKGROUND

Proposal

The application proposes to amend former City of Toronto Zoning By-law No.438-86 to permit a ten storey (30.3 m in height, not including a 5.0 m mechanical penthouse) mixed use building on the currently vacant site formerly occupied by New York Pork at

the northwest corner of Symes Road and St. Clair Avenue West. The proposed building is shaped like a backwards 'J' (see Attachment 5: Site Plan). The tallest portion of the building (the 10th storey) is proposed to be set back 6 m from the south and east building frontage, and set back 31 m from the public laneway to the north. The tallest portion of the building is proposed to be located on the southern half of the site stepping down to four storeys to the north, adjacent to the public laneway, four storeys to the south, adjacent to St. Clair Avenue West, four storeys to the east facing Symes Road in the southern portion of the site, and three storeys to the east facing Symes Road in the northern portion of the site.

The proposed development would contain a total of 235 residential units, of which 1 would be a studio, 117 (50%) would be one-bedroom, 93 (40%) would be two-bedroom and 24 (10%) would be three bedroom units. The total gross floor area of the building would be approximately 18,800 m² of which 384 m² would be commercial space located at grade fronting St. Clair Avenue West. The total gross floor area would represent a floor space index of 3.95 (3.87 residential and 0.08 commercial) times the area of the lot. The residential component of the building is currently proposed to be condominium in tenure.

A pick-up/drop-off loop is proposed to be located along the Symes Road frontage (the east side of the building) adjacent to the primary residential entrance. A pedestrian entrance that would connect to the main residential lobby would be located along the St. Clair Avenue West frontage. Two commercial units are proposed to be located at grade fronting St. Clair Avenue West: one of the commercial units (275 m²) would be in the southeast corner of the building at the intersection of St. Clair Avenue West and Symes Road; and the other commercial unit (109 m²) would be on the south side of the building. Outdoor amenity area (470 m²) is proposed to be at grade to the west side of the proposed building. This outdoor amenity space is proposed to be a combination of soft and hard landscaping and would contain a seating area and a landscaped area. Indoor amenity space (470 m²) is proposed to be located on the ground floor immediately adjacent to the outdoor amenity space and is proposed to include an indoor fitness studio, a party room and a children's play room.

A total of 217 (177 resident, 35 visitor and 5 commercial) vehicular parking spaces would be located in two underground levels, which would be accessed from the public laneway to the north of the site. The 35 visitor parking spaces and the 5 commercial spaces would be located on the P1 level, at the northeast corner of the building. Of the resident parking spaces, 65 would be located on the P1 level and 112 would be located on the P2 level. One 'Type-G' loading space is proposed to be located adjacent to the entrance to the underground parking and would have access from the public laneway to the north. There are 235 (211 resident and 24 visitor) bicycle parking spaces proposed. For additional project data, see Attachment 1: Project Data Sheet.

Site and Surrounding Area

The site is located at the northwest corner of St. Clair Avenue West and Symes Road, which is between Keele Street/ Weston Road and Runnymede Road (see Attachment 2: Location Map). The site is flat and irregularly-shaped, due to a curvilinear western boundary. The site was previously occupied by New York Pork, a meat processing plant, which ceased operations in 2006 due to a fire. The building was subsequently demolished in 2010 and the site has been vacant since. The site has a frontage of approximately 33 m. on St. Clair Avenue West and 82 m. on Symes Road and a total area of approximately 4,754 m².

Land uses surrounding the property include:

- North: To the north is a public laneway that provides access to garages for the two-storey semi-detached dwellings on the north side of the public laneway. These two storey semi-detached dwellings were constructed as part of the large residential subdivision to the east of the subject site. There is also a large noise wall that separates the subject site from the public laneway. This noise wall would be removed to enable the proposed vehicular access and loading area for the proposal.
- South: To the south are one and two-storey commercial buildings fronting the south side of St. Clair Avenue West, primarily occupied by automobile-related uses and Corsetti Meats to the southeast. Further south is a range of employment uses including Maple Leaf Foods on the south side of Ryding Avenue.
- East: To the east is a large residential subdivision that runs from Symes Road to Gunns Road and is comprised of two-storey semi-detached dwellings and Maple Clair Park. Further to the east (approximately 500 m.) is the St. Clair Streetcar Gunns Loop (terminus of the St. Clair Avenue streetcar), and further east will be the future St. Clair Metrolinx Station between Keele Street and Old Weston Road.
- West: To the west is a large automobile dealership (Ken Shaw Lexus Toyota). To the west of the automobile dealership is a co-operative housing development known as La Paz and beyond this are single and semi-detached residential dwellings some of which front St. Clair 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 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 storm water 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 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 to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform to 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 to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform to 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 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 St. Clair Avenue West Study for the segment between Keele Street / Weston Road and Scarlett Road as follows:

The subject lands are designated *Mixed Use Areas* on Map 14 and 17 - Land Use Plan (see Attachment 3: Official Plan Land Use Map). The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as utilities, parks and open spaces. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing".

Policy 4.5.2 of the Official Plan includes criterion that directs the form and quality of development in this land use designation. It is the intent that development in *Mixed Use Areas* 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 the sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- 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 Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1.2) provide guidance for development in *Mixed Use Areas* that are adjacent or close to

Neighbourhoods. Policy 2.3.1.2 states that development within *Mixed Use Areas* that are adjacent to *Neighbourhoods* will:

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

The Healthy Neighbourhoods section of the Official Plan further states:

"At the boundary points between the neighbourhoods and the growth area, development in the mixed use area will have to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of adjacent residential area are not adversely affected".

Policy 3.1.1, Public Realm, promotes quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan 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.

In Policy 3.1.2, Built Form, the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street with a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Section 3.1.2, Built Form, further states that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that development must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façade fits within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

Section 3.4.21 requires appropriate design, buffering and/or separation between major facilities such as industries, and sensitive uses such as residences to prevent adverse effects from noise, vibration, and other contaminants, and to promote safety. To assist in identifying impacts and mitigation measures, the proponent may be required to prepare studies in accordance with guidelines, and the proponent will be responsible for implementing any required mitigation measures.

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided the development constitutes good planning, is consistent with the policies and objectives of the Plan and complies with the built form policies and all applicable neighbourhood protection policies of the Plan. The community benefit to be secured must bear a reasonable relationship to the increased height and/or density of the proposed development and have an appropriate geographic relationship with the proposed development.

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

Official Plan Amendment No.144

The St. Clair Avenue West Avenue Study for the segment between Keele Street / Weston Road and Scarlett Road resulted in Official Plan Amendment No. 144 (OPA 144) and implementing Avenue Zoning By-law Nos. 1169-2011 and 1170-2011. OPA 144 was enacted by City Council at its meeting of September 22, 2011 and was subsequently appealed to the Ontario Municipal Board (OMB) along with the implementing Avenue Zoning By-laws. An OMB decision dated August 16, 2016 ordered that OPA 144 and Avenue Zoning By-law No. 1169-2011 come into effect for lands to the west of Runnymede Road. A copy of OPA 144 (By-law No. 1168-2011) can be found at the following link: <http://www.toronto.ca/legdocs/bylaws/2011/law1168.pdf>.

A copy of Zoning By-law Nos. 1169-2011 and 1170-2011 can be found at the following links: <http://www.toronto.ca/legdocs/bylaws/2011/law1169.pdf>, <https://www.toronto.ca/legdocs/bylaws/2011/law1170.pdf>

As noted above, the Avenue Study was implemented by two Zoning By-laws, No. 1169-2011 for the lands west of Runnymede Road and Zoning By-law No. 1170-2011 for the lands east of Runnymede Road. The Zoning By-law 1170-2011 and OPA 144 for the lands east of Runnymede Road (where the subject site is located) remain under appeal.

The Official Plan designation remains *Mixed Use Areas*. OPA 144 did not include any site-specific Official Plan policies for the subject site. The built form direction is provided in the Avenue Zoning By-law which is discussed below.

Zoning

The subject site is currently zoned Industrial (I2D2) under former City of Toronto Zoning By-law No. 438-86 (see Attachment 4: Existing Zoning By-law Map). The I2D2 zoning permits a range of non-residential uses, including retail, workshops and studios, automobile-related uses, warehousing and manufacturing, but does not permit any residential uses. The I2D2 zoning permits a maximum non-residential gross floor area of 2.0 times area of the lot and a height of 14 m on the subject site.

As noted above, Avenue Zoning By-law No. 1170-2011, which was enacted to implement the vision expressed in OPA 144, remains under appeal at the Local Planning Appeal Tribunal (LPAT). If Zoning By-law No. 1170-2011 were to be enacted as adopted by City Council without modification by the LPAT, the subject site would be zoned Mixed Use (MCR) which would permit the residential and commercial uses being proposed. The MCR zoning would also permit a total density of 3.0 times the area of the lot (1.0 times commercial and 2.5 times residential) and a total height of 32 metres (plus mechanical equipment).

The subject site is not subject to City of Toronto Zoning By-law No. 569-2013, as the Avenue Zoning was implemented by City Council prior to By-law No. 569-2013 coming into effect.

St. Clair Avenue West Urban Design Guidelines

In order to implement OPA 144, area-specific urban design guidelines, known as the St. Clair Avenue West Design Guidelines (Keele Street/Weston Road to Scarlett Road), were developed and apply to this Avenue. The Guidelines state that they are to be read in conjunction with the urban design policies in the Official Plan, the Mid-Rise Guidelines, and the Toronto Streetscape Manual. These Guidelines can be viewed in Attachment 5 in the following report:

<http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-36365.pdf>

While the right-of-way width shown on Official Plan Map 3: Right-of-Way Widths Associated with Existing Major Streets for this portion of St. Clair Avenue West is 30 m, if adopted by the LPAT, Zoning By-law No. 1170-2011 would permit a building height of 32 metres (plus mechanical equipment) on the subject site. Therefore, the application

was reviewed against the Performance Standards contained within the Avenues and Mid-Rise Buildings Study and the Mid-Rise Building Performance Standards Addendum.

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and sky view, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. City Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://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.

Reasons for the Application

The proposed development is not permitted within the as-of-right I2 D2 zoning under former City of Toronto Zoning By-law No. 438-86.

Zoning By-law No. 1170-2011 proposed a MCR T3.0 C1.0 R2.5 Zone, which would permit mixed uses with three times coverage and one times coverage of the commercial component and a two and a half times coverage of the residential component, along with other standards relating to side yards, parking and heights. However, Zoning By-law No. 1170-2011 is not in effect as it remains under appeal at the LPAT.

Application Submission

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

- Planning and Urban Design Rationale, including a Community Services and Facilities review;

- Public Consultation Plan;
- Shadow Study;
- Urban Transportation Considerations;
- Roadway Traffic Noise Feasibility Assessment;
- Computer-Based Pedestrian Level Wind Study;
- Functional Servicing and Stormwater Management Report;
- Geohydrology Assessment;
- Geotechnical Investigation Report;
- Phase 1 Environmental Site Assessment;
- Tree Inventory and Preservation Plan Report;
- Toronto Green Standard Checklist;
- Odour Study;
- Noise Feasibility Study; and
- Energy Strategy Report.

A Notification of Complete Application was issued on June 29, 2017.

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 and to formulate appropriate Zoning By-law standards.

Community Consultation

A community consultation meeting scheduled by staff, in consultation with the Ward Councillor, was held on October 24th, 2017. Approximately 50 people attended. A petition dated November 11, 2017 was received. The petition was signed by 33 residents in opposition to the proposal. Comments and issues raised by the residents in attendance at the meeting, as well as comments received by Planning staff subsequent to the meeting (including those raised in the above noted petition) are noted as follows:

Density, Height and Massing:

Comments were received regarding: the height of the proposed building being too tall for the area context; privacy; density; setbacks; and building layout.

Sun, Shadow and Wind:

Concerns regarding sun, shadow and air circulation were related to the proposed height of the proposed project.

Traffic Impact and Parking:

Concerns were received regarding: the added traffic to be generated from this proposal; the existing congestion on St. Clair Avenue West being exacerbated by the additional traffic; perceived inadequate parking being proposed, particularly visitor parking; and the perceived inadequacy of the proposed bicycle parking.

Servicing:

Support for the proposed tri-sorter for this development was noted.

Employment Area Impact:

Concerns were received about: the economic impact on neighbouring businesses, particularly how traffic congestion may cause operational delays to nearby plant operations. There was a general support for the at grade commercial space, with some suggested uses including convenience store, bakery or day care.

COMMENTS

Provincial Policy Statement and Provincial Plans

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 as described in the Issue Background section of this report.

Staff have determined that the proposal is consistent with the PPS (2014), conforms to the Growth Plan (2017), and has regard for matters of provincial interest set out in Section 2 of the *Planning Act* as follows:

Relevant Matters of Provincial Interest

The proposed development has regard to relevant matters of Provincial Interest in Section 2 of the *Planning Act* such as: 2(p) the appropriate location of growth and development; 2(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and 2(r) the promotion of built form that, (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Official Plan establishes this area of St. Clair Avenue West as an Avenue and the Avenue Study, through OPA 144, establishes this as a mid-rise site. While still under appeal at the Local Planning Appeal Tribunal for the lands east of Runnymede Road, OPA 144 represents City Council's latest policy direction for this area of St. Clair Avenue West. The proposal conforms to the Official Plan policies and OPA 144 in its current form and represents a built form that is appropriately designed given the shape and constraints of the site.

The proposal is in an appropriate location for development, supportive of current transit and future transit improvements along St. Clair Avenue West, and represents an appropriate built form that provides transition to the neighbourhood to the north and east, while also providing for commercial spaces on the main street that will contribute to encouraging a sense of place.

PPS (2014)

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. Policy 1.1.3.2 states that development shall make efficient use of land and resources, infrastructure and public service facilities; Policy 1.1.3.3 requires redevelopment to be directed to appropriate locations, Policy 1.1.3.4 states that appropriate development standards be promoted which facilitates redevelopment and compact form, while avoiding or mitigating risks to public health and safety; and Policy 1.1.3.6 states that new development should occur adjacent to existing built up areas in a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.2.6.1 of the PPS (2014) states major facilities and sensitive uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize the risk to public health and safety, and to ensure the long-term viability of major facilities. The proposal will be mitigating all identified adverse effects from noise and odour.

This proposal is located along the St. Clair Avenue West bus line, and is approximately 500 metres (considered a ten minute walk) to the St. Clair Avenue West Streetcar Gunns Loop (terminus of the St. Clair Avenue West streetcar). Also, further to the east is the proposed Metrolinx Station. The proposed ten storey mixed use building is in proximity to higher order transit, promotes intensification through a compact urban form, and provides opportunity for commercial space on St. Clair Avenue West. The proposal will include mitigation measures to address potential adverse impacts from noise and odour.

Growth Plan (2017)

In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design Official Plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of Official Plan policies and design guidelines including the Avenues and Mid-Rise Buildings Study and Performance Standards and the Townhouse and Low-Rise Apartment Guidelines.

The 2017 Growth Plan provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to

the local context, while still meeting the overriding provincial density objectives to support investments in transit. Municipalities will “identify the appropriate type and scale of development and transition of built form to adjacent areas” (Policy 2.2.2.4b).

The Growth Plan (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.

This site is located within an 'Avenue' which is designated for growth in the City's Official Plan. The proposal is further supported by public transit, and provides an appropriate built form and scale which transitions to adjacent uses. The proposal is providing a range of unit sizes including 10% three bedroom units providing opportunities for larger households to be accommodated.

Land Use

This application has been reviewed against the policies of the Official Plan as a whole including those described in the Issues Background section of this report, and the St. Clair Avenue West Avenue Study (OPA 144) policies as adopted by City Council. The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in singular use or mixed-use buildings which provide opportunities for residents to live, work and shop in the same area. The proposed ten-storey mixed use building would provide for both new housing and employment opportunities, which would be consistent with the land use provisions of the Official Plan and is consistent with the existing and the planned context for the subject property and the surrounding area.

Density, Height and Massing

This application has been reviewed against the policies of the Official Plan, the St. Clair Avenue West Avenue Study (OPA 144), the St. Clair Avenue West Urban Design Guidelines, and the Avenues and Mid-Rise Buildings Study and Performance Standards described in the Issue Background Section of this report.

The proposal is within the prescribed height, and is massed within the building envelope that was established through the Avenue study which resulted in OPA 144. Although the proposed density is above the threshold of the Avenue Zoning By-law No. 1170-2011, given the existing and planned context for the subject property and the surrounding area, the transit initiatives currently under construction in the area and the surrounding area, the proposal's built form, including the density, height and massing proposed by the applicant is appropriate and can be supported by staff.

The proposal has been designed so that the bulk of the massing of the building is in the southern half of the property, closest to St. Clair Avenue West. The building transitions by stepping down with terraces to the north. Terracing results in the building keeping

within a 45-degree angular plane from the adjacent residential property line, measured from the rear lot line at an elevation of 7.5 metres above the average elevation of the rear lot line.

At street level, the proposal has a 3 storey height on the north section fronting on Symes Road in order to fit into the surrounding neighbourhood. This northeast 3 storey portion is also designed to look and function like townhouses fronting on the street with direct access to the street and would provide an appropriate pedestrian scale.

Section 4.5 of the Official Plan sets out criteria to evaluate development within the *Mixed Use Areas* designation. All new development in *Mixed Use Areas* is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions and provide a transition between areas of different development intensity and scale. These objectives are addressed by ensuring that developments provide appropriate setbacks and/or stepping down of heights between areas of different development intensity and scale.

The proposed building provides for the 4.94 m right-of-way required setback along St. Clair Avenue West and would provide commercial entrances consistent with the rhythm of entrances in this area. The proposed building would be built to the western property line to maintain the continuous street wall along the St. Clair Avenue West frontage.

The proposed building would step back on the south and southeast facades of St. Clair Avenue West and Symes Road above the fourth, eighth, ninth and tenth storeys and setback from those property lines by 1.2 m, 3m, and 6m respectively to provide an appropriate pedestrian scale. The mechanical floor is stepped back into the centre of the site well within the 45 degree angular plane and is 15 m away from the St. Clair Avenue West property line, and 25 m away from the Symes Road property line.

Setbacks are varied along the western side of the building as the property line in this area is curved and while small portions of the building would be built to the western boundary, the majority of the units in the westerly portion of the building would be setback beyond 5.5 m from the lot line. The indoor amenity space would be located within this side of the building and provides the opportunity to add windows and balconies facing the amenity space. To address the Noise Study requirement discussed later in this report, the west elevation as shown on Attachment 9: West Elevation, shows part of the west façade without windows and balconies. This is a small part of the building that is directly adjacent to the property boundary. The proposed units in that part of the building would be designed such that all primary windows face north and south. The design of this exterior wall will be required to include an upgraded façade that would be secured through the Site Plan Control review process, should this development be approved. There is no impact to the design of the interior units as they would be similar in design to internal units that would have adjoining walls on either side. Approximately 17 units are included in this area of the

proposed building. The design of the end wall also protects for potential future development on the abutting Ken Shaw Motors site.

The Symes Road frontage of the building at the corner with the laneway in the northern part of the property would be setback three metres which is in keeping with the neighbourhood.

The rear of the building along the north (rear) property line would be setback 5.2 m from the property line. Step backs would be introduced above the fourth storey, and each level above steps back 2.2 metres at the 5th floor, and 3 m each additional floor until the tenth floor which is 22.4 m away from the north (rear) property line. The mechanical floor is setback 26 m from the north (rear) property line.

Planning staff are of the opinion that the proposed scale and massing of the building are appropriate for the site.

Sun, Shadow and Wind

Performance Standard #12 : Balconies and Projections in the 2016 Mid-Rise Building Performance Standards Addendum recommends that very minor exceptions to the angular planes be permitted only for balcony railings, provided that the minimum of 5 hours of sunlight is achieved and wide planters are installed at the balcony face. The Shadow Study submitted in support of the application indicates that the properties to the north would have shadow on the rear of the lots up until 11:18 a.m., after which there is no further shadow. The properties to the east would receive full sunlight until 3:18 p.m., after which shadow would begin to infiltrate the side yards. This indicates that 5 hours of sunlight would be achievable.

The requirement for wide planters at the rear of the balconies as required by Performance Standard #12 of the Mid-Rise Building Performance Standards Addendum would be secured through the Site Plan Control review process, should this development be approved. Staff are of the opinion that the building placement and design would reduce the shadow and wind impacts on the public realm and the adjacent low-rise residential areas as much as possible. It is the opinion of staff that the expected shadow and wind impacts are acceptable.

Housing

There are 24 (10%) proposed units with three bedrooms, and 93 (40%) proposed units with two bedrooms. This supports the objectives of the Growing Up Guidelines which states that a building should provide a minimum of 25% large units: 10% of the units should be three bedroom, and 15% of the units should be two bedroom units. The City's Official Plan housing policies, and the Growth Plan's growth management and housing policies direct that new development should accommodate a broad range of households

including families with children. It is the opinion of staff that the proposed development would achieve this direction.

Traffic Impact, Access and Parking

A Traffic Impact and Parking Assessment dated March 2018 and subsequent memo dated May 2018, were submitted for the development assessing the traffic impacts of the proposal. The study estimates the proposed development would generate approximately 35 new two-way trips during each of the AM and PM Peak hours, respectively. Given this estimate, the study concluded that the site would have minimal impacts on the adjacent road system. The Traffic Study is acceptable to Transportation Services staff.

A total of 217 parking spaces are proposed for the property consisting of 177 resident parking spaces, 35 visitor parking spaces and 5 commercial spaces. The consultant provided data based on a proxy site, and concluded that, based on the data obtained through the proxy, the residential parking rates for the proposal could be reduced to reflect the expected utilization of parking. The proposed 217 parking spaces would satisfy this requirement. The Traffic Impact and Parking Assessment has been reviewed by Transportation Services staff and found to be acceptable.

Details with respect to parking space design, layout and site circulation will be reviewed and secured through the Site Plan Control review process for this development, should it be approved.

A total of 235 bicycle spaces would be provided in accordance with the required standards for bicycle parking. It is the opinion of Transportation Planning staff that the proposed supply of bicycle parking spaces is acceptable. The layout and design of the bicycle parking would be further reviewed and secured through the Site Plan Control review process for this development.

The site is proposed to be served by one outbound only driveway onto Symes Road and one inbound only access from the public laneway to the north of the property. For the purposes of the Zoning By-law Amendment application, the locations of the proposed driveways are acceptable to Transportation Services staff. The Symes Road driveway has been revised to align with the road/laneway immediately opposite on the east side of Symes Road, which is also acceptable to Transportation Services staff.

Road Widening

The proposal is located just west of the terminus of the St. Clair Avenue streetcar line which currently terminates at the Gunns Loop. As part of the St. Clair Avenue West Transit Environmental Assessment, City Council directed staff to protect for the future westerly extension of streetcar operations from their current terminus at Scarlett Road. The TTC right of way is protected through the Official Plan requirement for a 30 metre

right of way along St. Clair Avenue West. As such, by requiring the 4.94m widening along the St. Clair Avenue West frontage of this property, the future right-of-way requirements would be secured. The widening will be conveyed to the City through the Site Plan Control review process, should this development be approved. No widening is required on the Symes Road frontage or the public laneway.

Streetscape

Sidewalks along St. Clair Avenue West and along Symes Road abutting the property frontages are to be designed according to City of Toronto Design Standards and are to be satisfactory to the Transportation Services Division.

The applicant will be required to submit landscape plans that illustrate the installation of street trees/shrubs, walkways, bike parking and other elements along the St. Clair Avenue West and Symes Road boulevards. The suitability of all elements within the subject boulevards would be reviewed through the Site Plan Control review process.

Servicing

A Functional Servicing Report submitted by the applicant and has been received by Engineering and Construction Services staff who confirm there is adequate existing municipal infrastructure to service the development.

Odour

The applicant submitted an odour assessment prepared by Gradient Wind in support of the application. The submitted odour study identified two sources of odor emissions with the potential to impact the subject site: 1) Ken Shaw Motors Ltd.; and 2) Maple Leaf Foods Inc. All other nearby industrial facilities were found to be negligible sources of odor emissions and/or the subject site was beyond the potential area of influence of these industrial activities. For odours from Ken Shaw Motors it was found that odours from the paint spray booths would be acceptable at the subject site. For odours from Maple Leaf Foods Inc., modelling analysis indicated that odour concentrations are not expected to negatively impact the site.

A peer review was undertaken to confirm the findings. The peer reviewer concluded that the approach taken by Gradient Wind was acceptable, but recommended a site visit be undertaken since there was no information in the report to suggest one was done. The peer reviewer also recommended that information about Maple Leaf Foods be included. Further, the peer reviewer noted that the conclusion that various receptors at the development would not be negatively impacted by the sources is reasonable based on the information, however the odour consultant should provide a recommendation on whether or not the residents of the development should be warned about potential odour impact and instructed on how to register odour complaints.

Economic Development staff concur with the peer reviewer findings and recommend that the applicant be required to identify appropriate mitigation measures (including warning clauses) that are to be undertaken at the applicant's expense to ensure any negative impacts or costs are not incurred by local industries, and that these warning clauses be concurred with the peer reviewer.

As a result of the peer review and to ensure negative impacts or costs are not incurred by the local industry, it is recommended that the Section 37 Agreement secure the owners agreement to attach a warning clause to purchase and sale agreements to advise building occupants of the potential odour impacts from surrounding facilities. Details of this warning clause would be finalized through the Site Plan Control review process and may include the following:

"Purchasers/tenants are advised that due to the proximity of the adjacent industrial and commercial facilities, odours from these facilities may at times be detectable."

Noise

The applicant submitted two noise studies focussing on different noise sources in support of the application dated June 6, 2017 and December 5, 2017 respectively. The first noise assessment investigated noise levels from roadway traffic, while the second noise assessment addressed the nearby rail line and nearby industries. It was concluded that noise due to traffic can be effectively attenuated to acceptable levels. Neighbouring Industrial (Stationary) Sources of sound were assessed separately from traffic as required by MOECC. The sites with significant stationary sources of sound include: CP Lambton Yard where shunting and switching occurs; CMP Meats/Corsetti Meat Packers/Dominion Meat Packers; Ken Shaw Motors; Bairrada Churrasqueira Grill; Maple Leaf Foods; and Other Commercial Facilities and Industries. The study concluded that additional mitigation measures would be required to address noise from nearby rail and industries particularly the facades of the building having exposure to St. Clair Avenue West and the CP Railway Line.

The City undertook a peer review to confirm the findings. The following mitigation measures were recommended by the applicant and confirmed through the peer review process:

- The use of masonry cladding systems and windows with an STC rating of 34;
- The use of central air conditioning which would allow occupants to keep their windows closed;
- The use of warning clauses on Lease, Purchase and Sale Agreements to advise that the presence of arterial roadway noise emissions may be noticeable and to address potential sound level excesses from nearby commercial/light industrial facilities and CP Lambton rail yard;
- Provide noise screening for the ground floor outdoor amenity area in the form of an acoustic barrier 2.2m in height;

- Upgraded glazing and construction would be required so that indoor sound levels comply;
- To address the sound level from the adjacent Ken Shaw Motors dealership, part of the northwest facades directly adjacent to the site should not have windows;
- The floor plan for the westerly units be reversed to locate only kitchens along the south façade of those units;
- That parapet walls of varying heights be installed on the balconies to provide mitigation at the windows to address the stationary noise sources. The site plan and building permit plans should incorporate this mitigation measure;
- Prior to the issuance of building permits, the architectural drawings should be reviewed and written confirmation should be provided to the City of Toronto by the proponent's acoustical engineer that the required mitigation as outlined in the approved detailed Noise Report has been incorporated into the design of the building;
- Prior to occupancy, the proponent's acoustical engineer should inspect the as-built building to ensure that all the required mitigation has been installed and provide written confirmation to the City of Toronto that all the required mitigation has been installed in accordance with the approved plans; and
- A further detailed noise study would be required when detailed floor plans and elevations are available to refine the building façade and glazing construction. This will be required through the Site Plan Control review process.

Through the Site Plan Control review process, additional information will be required through updated Noise and Odour studies based on the detailed site plan submission. A peer review process would be undertaken at that time to determine recommended mitigation measures. The peer review process would be at the applicant's expense.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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 middle quintile of the current provision of parkland and 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 applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential nature of this proposal is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication would be appraised by Real Estate Services staff. Payment would be required prior to the issuance of the first above grade building permit.

Given the current rise in dog population, especially within condominium towers, the applicant should 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. This would be secured through the Site Plan Control review process.

This site is 200 m away from Runnymede Park, which contains George Bell Arena, soccer and baseball playing fields, and 400 m away from Henrietta Park, which contains play equipment and pathways.

If the owner of the property enters into a Section 37 Agreement with the City as part of this development application, Parks, Forestry and Recreation staff are of the opinion that funds should be directed towards parks and facilities within the local area.

Tree Preservation

The proposal would involve the removal of one City-owned tree. Urban Forestry staff would require an application and fees for the removal of that tree. If approved, the applicant would be required to pay the appraised value of that tree. The proposal also calls for nine new trees on the City's road allowance and ten new trees on the land owner's site. The applicant would be required to submit a tree planting deposit to ensure the planting and survival of the nine new City trees.

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. Performance measures for the Tier 1 development features related to automobile infrastructure, cycling infrastructure and storage, collection and recycling would be secured through the Zoning By-law Amendment. The other applicable measures would be secured through the Site Plan Control review process.

Toronto District School Board

The Toronto District School Board (TDSB) provided comments through the application review process regarding projected accommodation levels for the local middle and secondary schools in the area. The TDSB is requesting the owner to erect and

maintain warning signs at points of ingress and egress to the site prior to issuance of any building permit and to include warning clauses in all offers of purchase and sale, as a result of the cumulative impact from all the development within the schools' attendance area. The TDSB has provided the following wording to be used for the signs with contact information to be added when constructed:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available".

The warning clause to be included in all offers of purchase and sale would include the following wording with contact information to be added when included in the agreements:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area".

The signs and warning clauses would be secured through the Site Plan Control review process.

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 included a CS&F review in their Planning and Urban Design Rationale in support of the application. This review concluded that: the current demands on community services and facilities may not be significantly impacted; there was space for additional students to be enrolled in local schools; and there is a lack of childcare spaces for toddlers and very few spaces available for infants and pre-school age children. The review concluded that in their opinion, the community services and facilities could accommodate the proposed development and residential population. Although the study noted there currently was space for additional students in local schools, the TDSB has requested that warning clauses be provided to address future forecasted accommodation levels.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. The application exceeds the 10,000m² threshold of the Official Plan by 8,800m². The application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. The Owner enters into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 2306 St. Clair Avenue West, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owners expense:
 - i. A cash contribution of \$800,000.00 to be paid to the City prior to the issuance of a first above-grade building permit, to be used towards local improvements within the vicinity of the site including parks, streetscape, cycling and pedestrian safety improvements;
 - ii. The cash contribution referred to in Part i) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment; and
 - iii. In the event the cash contribution referred to in Part i) above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
- i. The owner shall provide a detailed noise study intended to address the design of the building façade and glazing construction to mitigate noise, including a peer review, all at the cost of the owner and to incorporate the recommendations in the site design.
 - ii. The owner shall include in all offers of purchase and sale warning clauses to advise building occupants of the potential noise and odour impacts from surrounding facilities in accordance with the requirements of the noise and odour studies.
 - iii. The owner shall include in all offers of purchase and sale warning clauses to advise building occupants that, despite best efforts, sufficient school accommodation may not be locally available and that students may have to be accommodated in schools outside the area until space within the area becomes available.
 - iv. Require the owner to provide an on-site dog off-leash amenity with proper disposal facilities for the building residents or dog relief station within the building.
 - v. Require the owner to design and construct upgraded streetscapes along the St. Clair Avenue West and Symes Road frontages of the site, providing a pedestrian walkway, upgraded pavement treatment and landscaping to be secured through the Site Plan Control review process.
 - vi. Require the owner to convey to the City, at nominal cost, a 4.94 metre wide strip along the St. Clair Avenue West frontage abutting the site, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the owner until such time as said lands have been designed and dedicated for public highway purposes, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the City Solicitor.
 - vii. As a condition of site plan approval and prior to the issuance of any permits, require a detailed construction management plan for the site.
 - viii. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through

the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the matters of Provincial Interest in the *Planning Act*, the Toronto Official Plan, Official Plan Amendment No.144, and the St. Clair Avenue West Urban Design Guidelines and the Mid-Rise Building Performance Standards. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan. Staff worked with the applicant and the community to address and resolve the key concerns including: building height; massing; shadow; traffic and unit distribution. The proposal would provide family-size dwelling units compatible with the surrounding context. Staff recommend that City Council direct staff to attend the Local Planning Appeal Tribunal hearing in support of Zoning By-law Amendment application No. 17181466 WET 11 SA, provided the outstanding matters noted in this report are resolved to the City's satisfaction.

CONTACT

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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: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 5: Site Plan
- Attachment 6: North Elevations
- Attachment 7: South Elevation
- Attachment 8: East Elevation
- Attachment 9: West Elevation

APPLICATION DATA SHEET

Municipal Address: 2306 ST. CLAIR AVE W **Date Received:** June 16, 2017

Application Number: 17 181466 WET 11 OZ

Application Type: Rezoning

Project Description: Proposed Zoning By-law Amendment to permit the construction of a 10-storey mixed use building with 235 residential units. The total GFA would be 18,800 m², which includes 384 m² of commercial space at grade.

Applicant	Agent	Architect	Owner
BOUSFIELDS 3 Church Street Toronto, ON M5E 1M2			KINGCREST INVESTMENTS LTD 2414 Major Mackenzie Drive, P.O. Box 96584 Toronto, ON L6A 1W5

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	I2D2 (438-86)	Heritage Designation:	N/A
Height Limit (m):	14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m): 4,754 Frontage (m): 33 Depth (m): 82

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			1,935	1,935
Residential GFA (sq. m):			18,416	18,416
Non-Residential GFA (sq. m):			384	384
Total GFA (sq. m):			18,800	18,800
Height - Storeys:			10	10
Height - Metres:			30	30

Lot Coverage Ratio (%): 40.7 Floor Space Index: 3.95

Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	18,416	
Retail GFA:	384	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			235	235
Other:				
Total Units:			235	235

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:		1	117	93	24

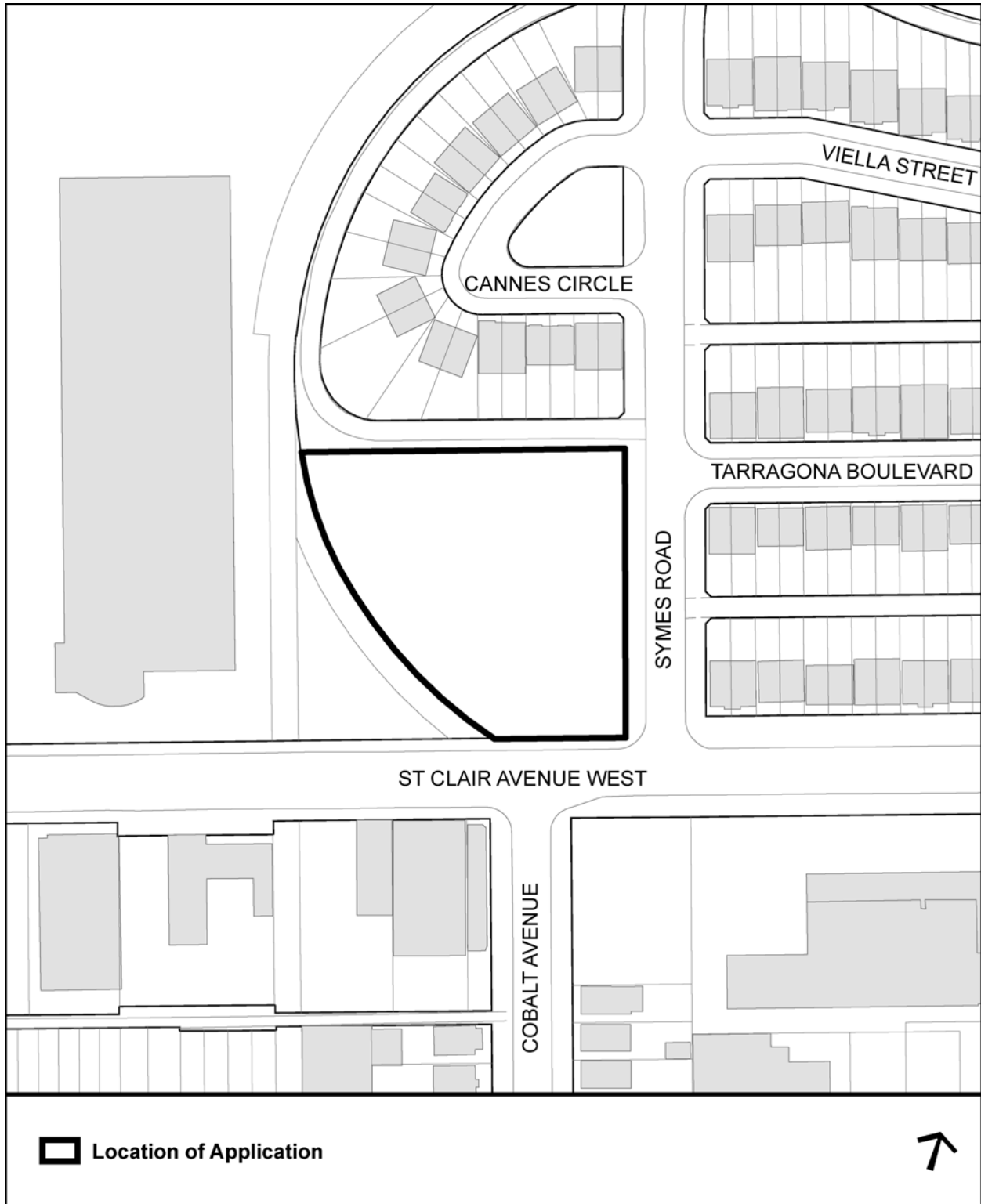
Parking and Loading

Parking Spaces: 217 Bicycle Parking Spaces: 235 Loading Docks: 1

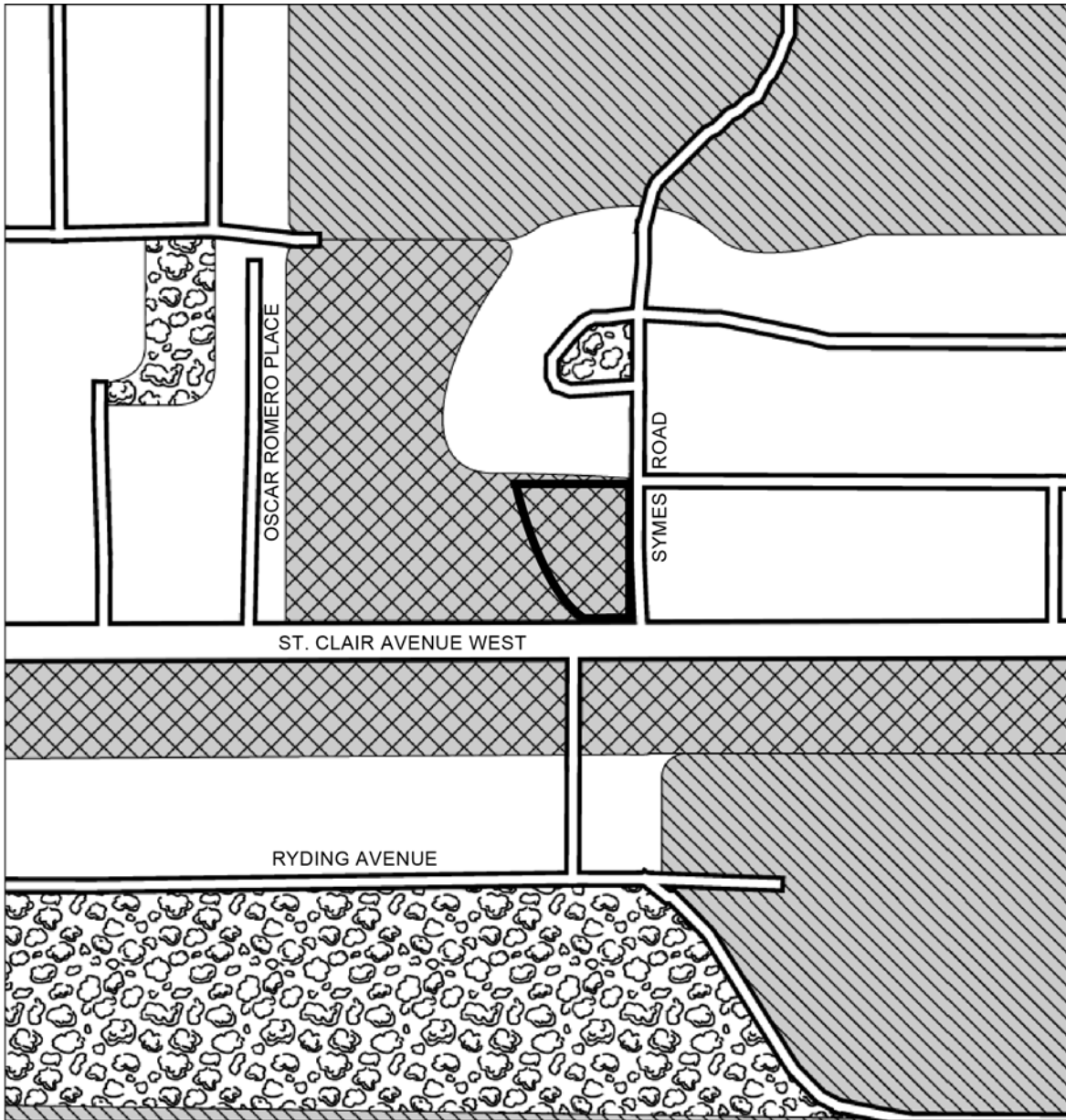
CONTACT:

Elisabeth Silva Stewart, Planner
(416) 394-6006
Elisabeth.SilvaStewart@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Extract from Official Plan

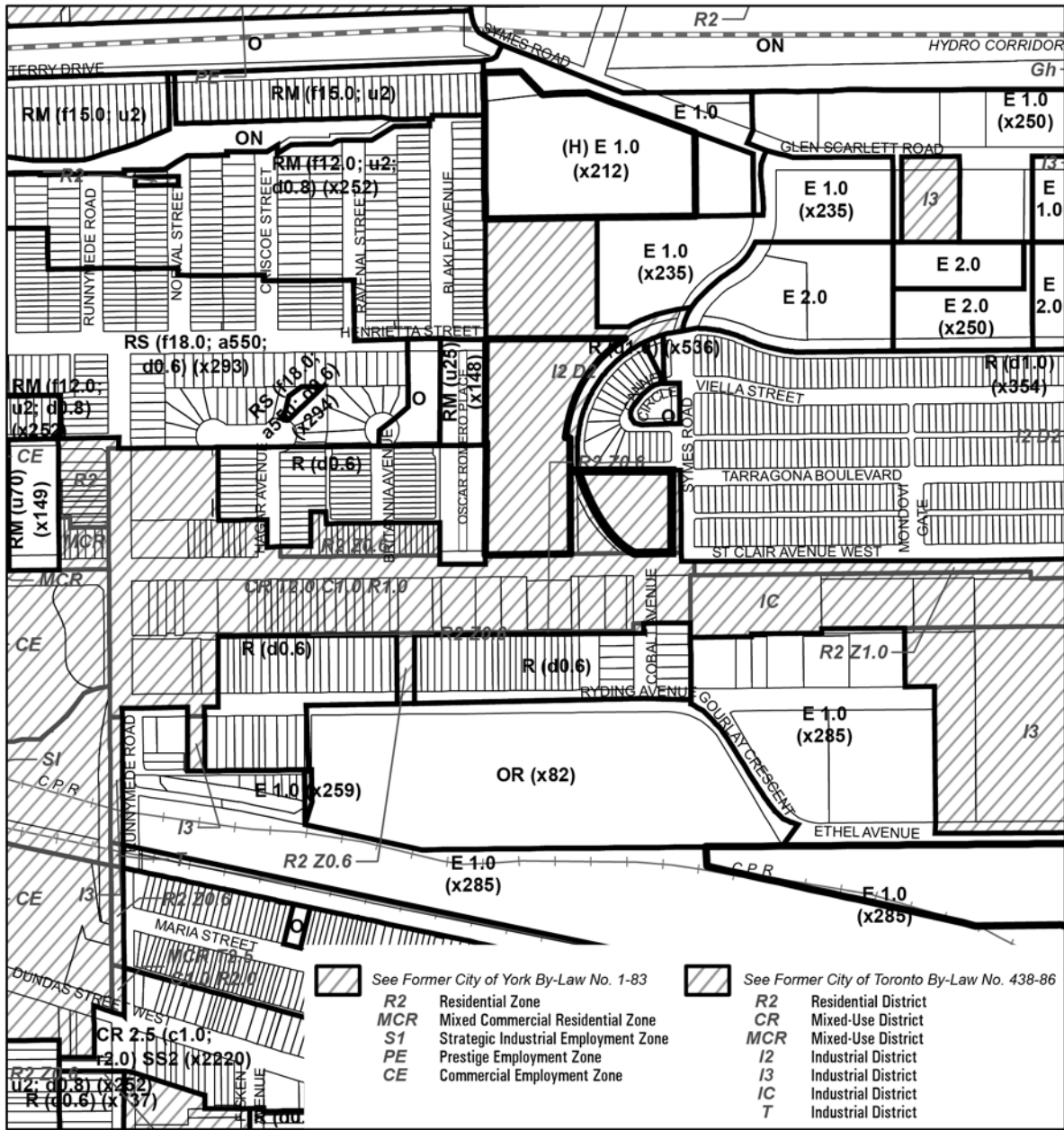
2306 St. Clair Avenue West

File # 17 181466 WET 11 OZ



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Not to Scale
06/36/2017

Attachment 4: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

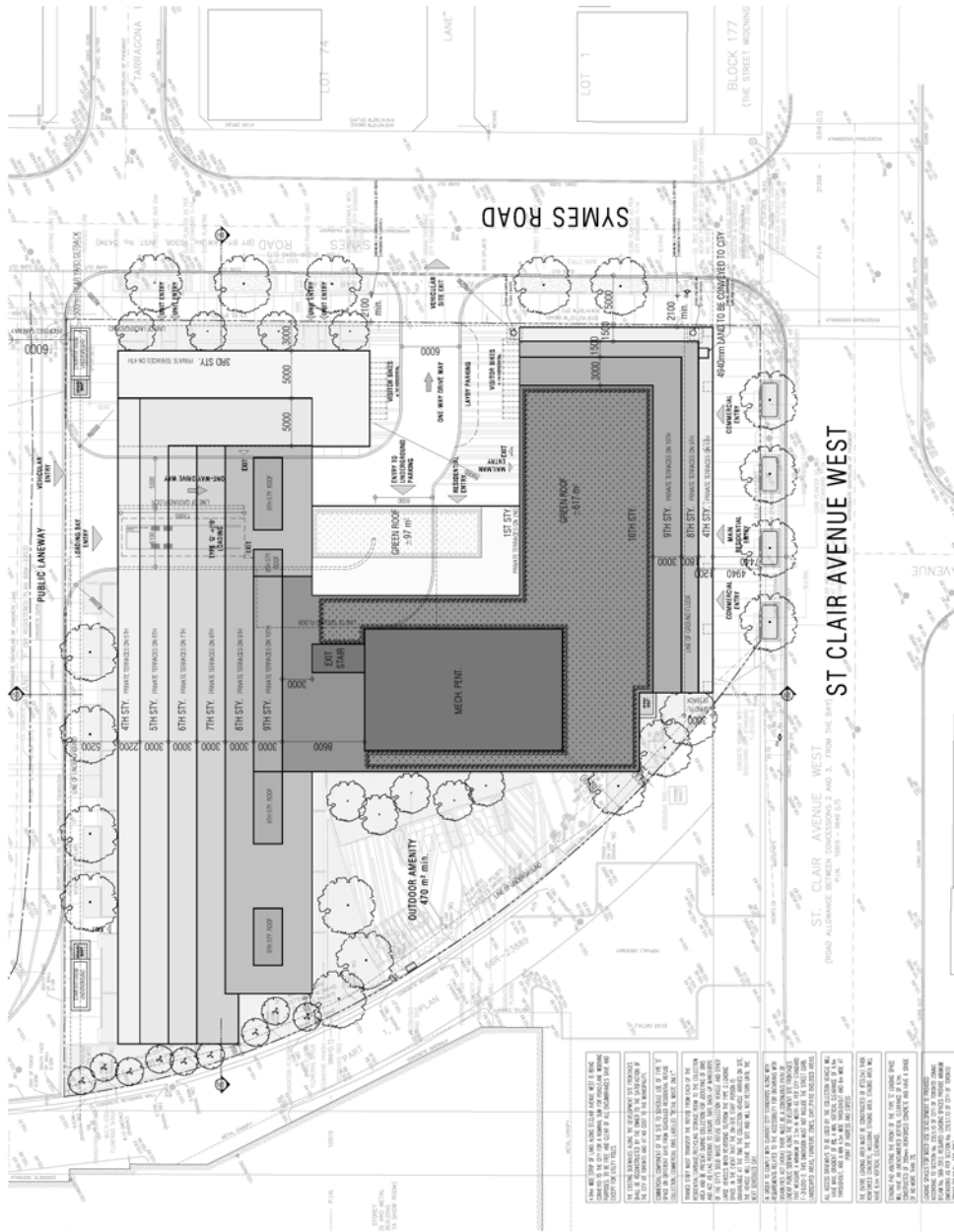
2306 St. Clair Avenue West

File # 17 181466 WET 11 0Z

Location of Application

- | | |
|------------------------------|-------------------------------|
| R Residential | E Employment Industrial |
| RS Residential Semi-Detached | O Open Space |
| RM Residential Multiple | ON Open Space Natural |
| CR Commercial Residential | OR Open Space Recreation |
| | UT Utility and Transportation |

↑
Not to Scale
Extracted: 06/23/2017



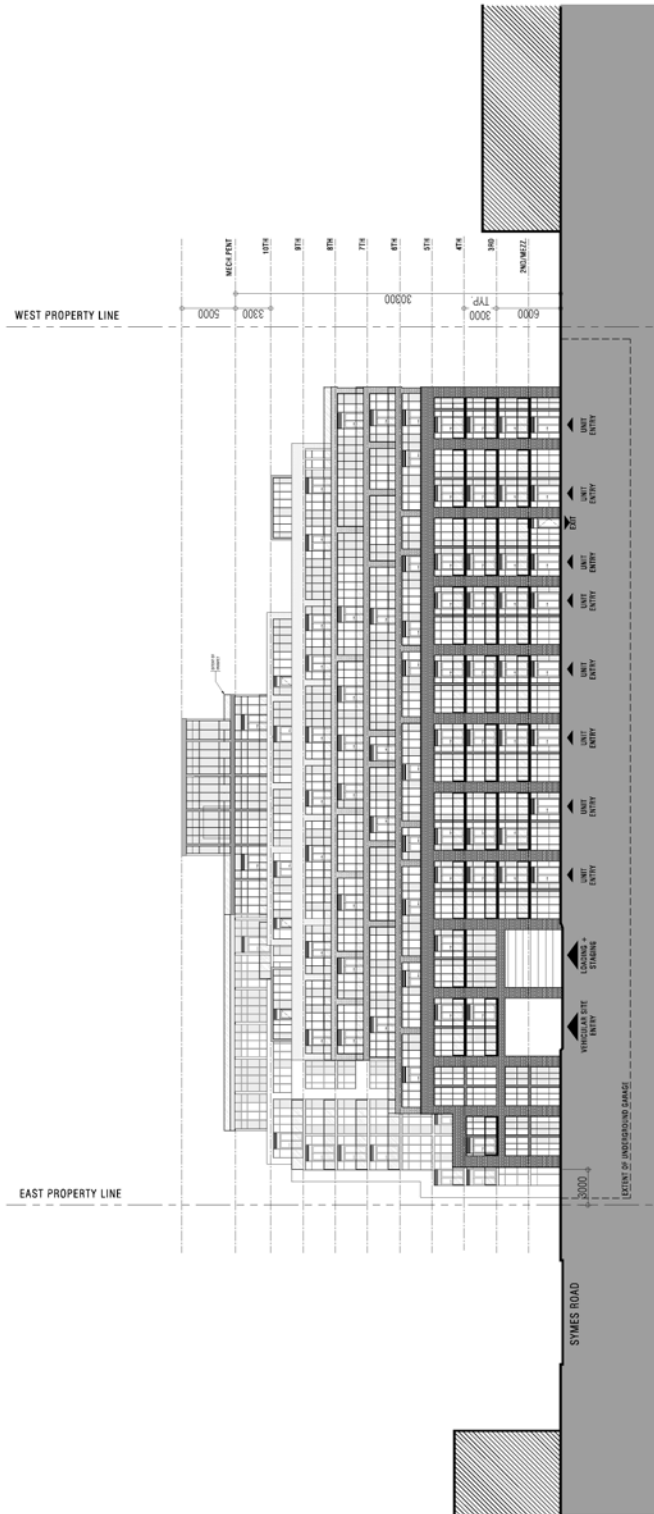
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2306 St. Clair Avenue West

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 06/06/2018

File # 17 181466 WET 11 0Z

Attachment 6: North Elevation



North Elevation

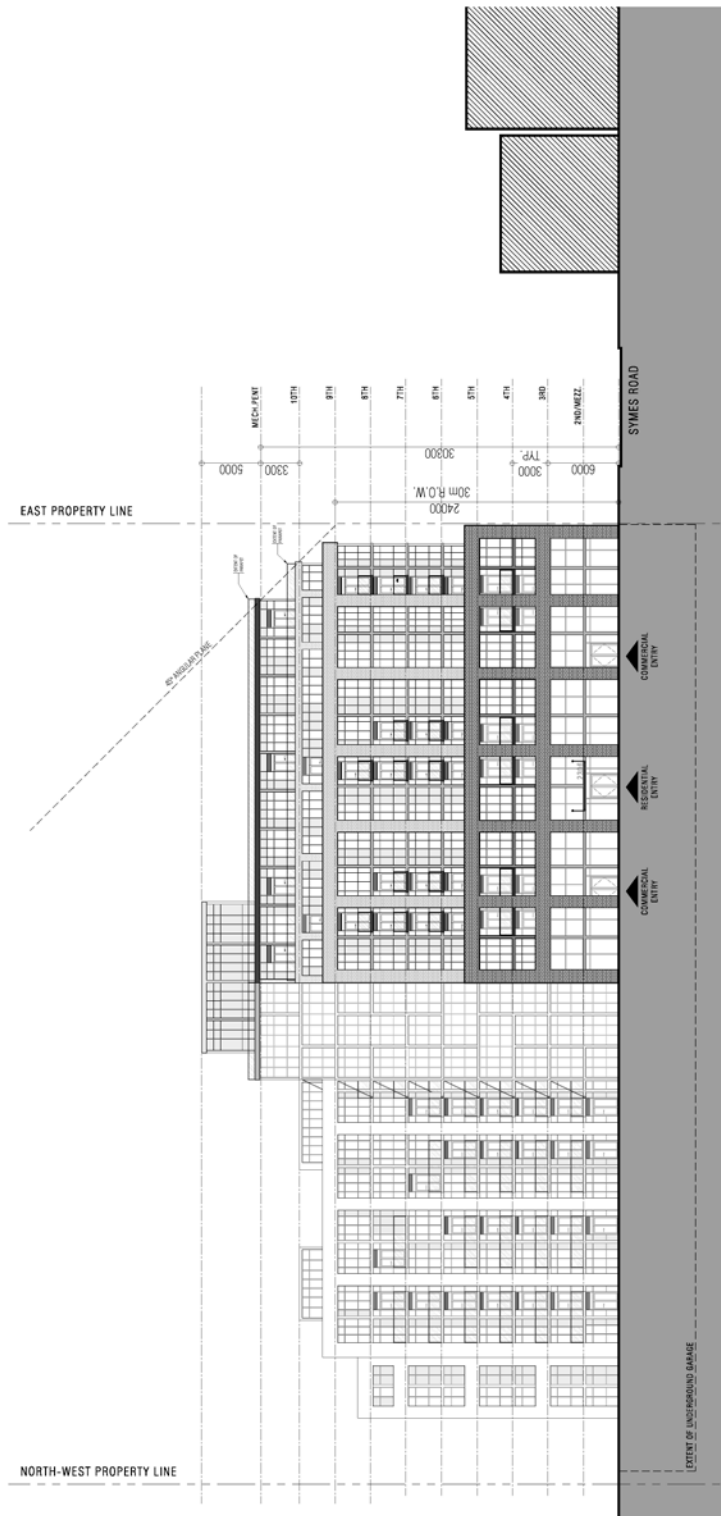
Applicant's Submitted Drawing

Not to Scale
06/06/2018

2306 St. Clair Avenue West

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Attachment 7: South Elevation



2306 St. Clair Avenue West

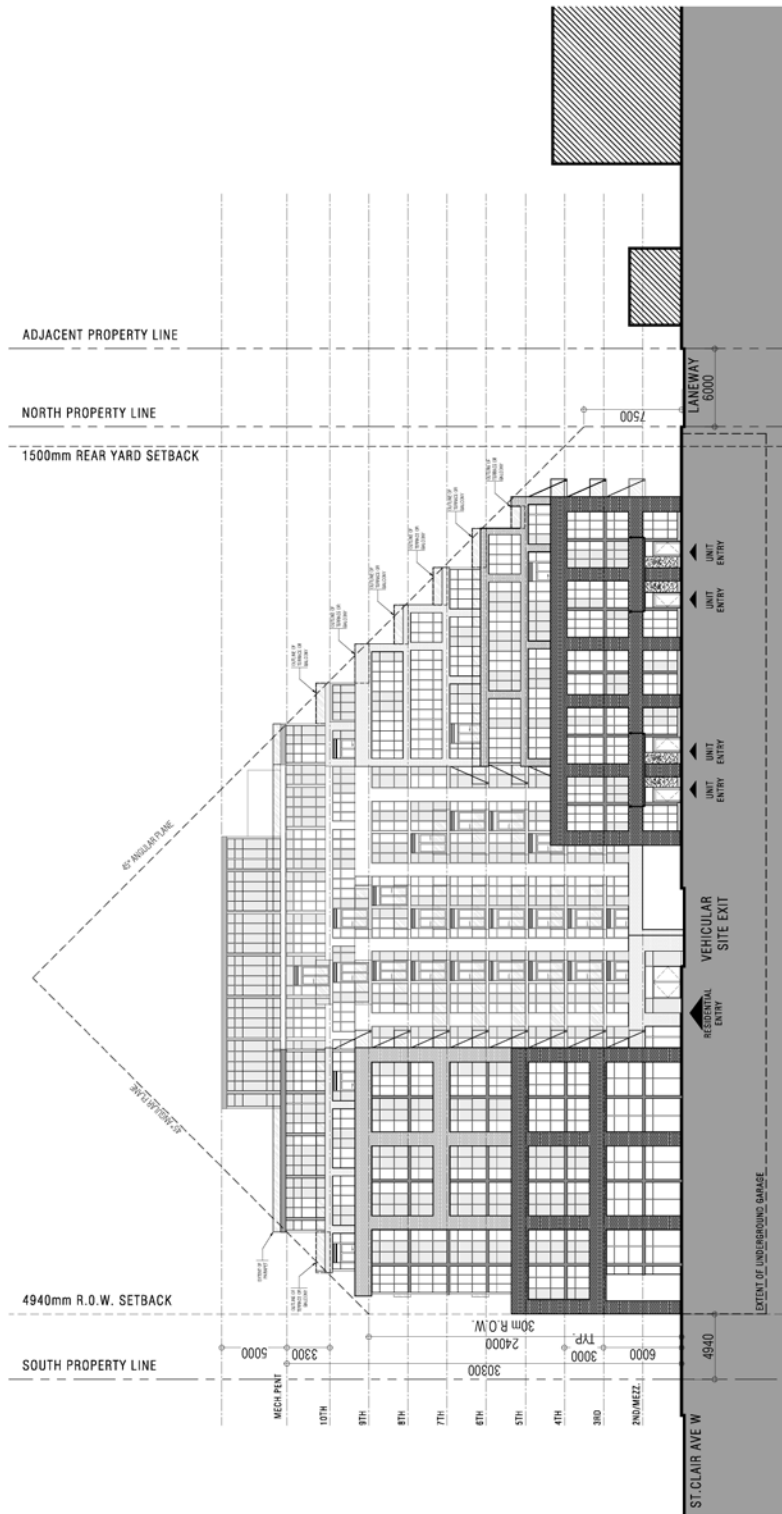
South Elevation

Applicant's Submitted Drawing

Not to Scale
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File # 17 181466 WET 11 02

Attachment 8: East Elevation



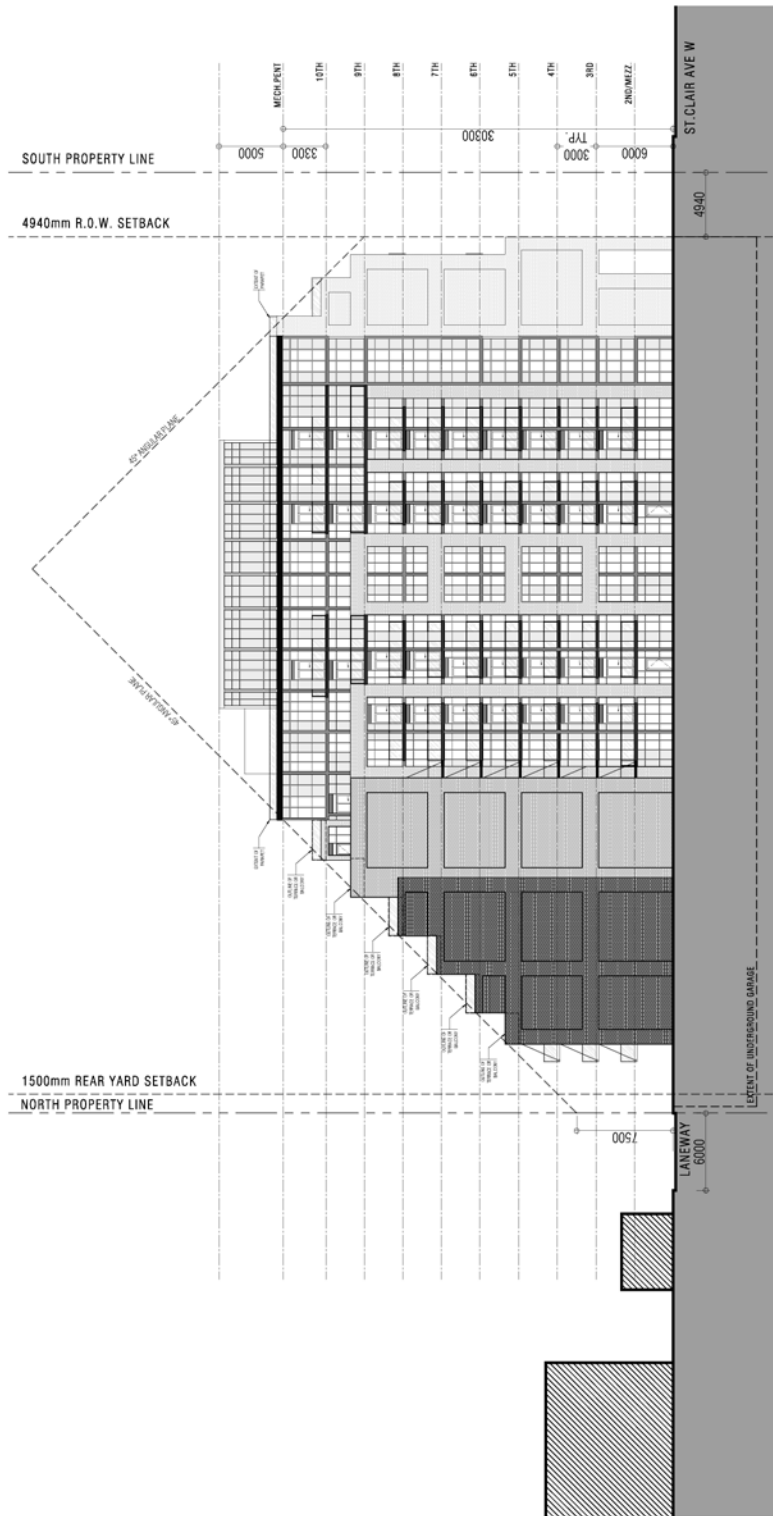
2306 St. Clair Avenue West

East Elevation
 Applicant's Submitted Drawing

File # 17 181466 WET 11 0Z

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 06/06/2018

Attachment 9: West Elevation



2306 St. Clair Avenue West

West Elevation
 Applicant's Submitted Drawing

File # 17 181466 WET 11 02

Not to Scale
 06/06/2018