

35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue - Official Plan and Zoning By-law Amendment and Rental Housing Demolition Applications - Request for Directions Report

Date: June 29, 2018
To: Etobicoke York Community Council
From: Director, Community Planning, Etobicoke York District
Ward: Ward 13 – Parkdale-High Park

Planning Application Number: 16 271597 WET 13 OZ and 16 271601 WET 13 RH

SUMMARY

This application proposes to develop purpose built rental dwelling units in four new apartment buildings containing a total of 1,031 dwelling units, and having proposed building heights of 39 storeys (117.5 metres, excluding mechanical) , 34 storeys (97.9 metres, excluding mechanical), 29 storeys (83.65 metres, excluding mechanical) and 8 storeys (23.5 metres, excluding mechanical), on the lands municipally known as 35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue (Attachment 2: Figure 2: Location Map).

To facilitate the new development, the proposal includes demolition of 25 rental dwelling units including 20 rental dwelling units in two existing blocks of rental townhouses and five rental units on the ground floors of two apartment buildings.

The lands currently include four rental apartment buildings which would be maintained, ranging in height from 15 storeys to 26 storeys, as well as 20 townhouses with a height of 2-storeys. The proposed development would add 1,031 new rental units to the existing 964 rental units to be retained for a total of 1,995 rental dwelling units. The proposal also includes 1,795 m² of non-residential floor space, which would result in a total floor area of approximately 151,300 m² . (Attachment 1 : Figure 1: Application Data Sheet)

To accommodate the proposed development, the following is proposed: 1,444 resident and visitor vehicle parking spaces; 1,217 bicycle parking spaces; 10 loading facilities; and a combined 2,400 m² of indoor and 4,000 m² of outdoor existing and proposed amenity space.

An application for Rental Housing Demolition has been submitted and is also under review concurrently with the Official Plan and Zoning By-law Amendment applications.

The Official Plan designates the subject lands as *Apartment Neighbourhoods*, which are considered to be physically stable areas and generally not intended for significant growth. The Official Plan directs that compatible infill development may be permitted subject to certain criteria but intensification of land adjacent to *Neighbourhoods* will be carefully controlled and any development within *Apartment Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in the *Apartment Neighbourhoods* area. The proposed development does not have regard for its context and does not respect and reinforce the existing physical character of buildings, streetscapes and open space patterns of the neighbourhood.

The proposal as submitted is not supportable as it is not consistent with the Provincial Policy Statement (2014), conflicts with the Growth Plan (2017), and does not comply with Official Plan policies. Furthermore, the proposal does not meet policies and development criteria set out in Site and Area Specific Policy 551 (adopted by City Council on June 26, 27 and 28, 2018) as developed from the Council-directed High Park Apartment Neighbourhood Area Character Study in which the applicant participated and which has been the subject of significant community consultation and evidence based analysis of the existing physical character of this *Apartment Neighbourhoods* area.

It is the opinion of staff that the proposal represents overdevelopment of the site, does not represent good planning and is not in the public interest.

The owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) (now the Local Planning Appeal Tribunal (LPAT)) citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A Prehearing Conference was held January 31, 2018 and a second Prehearing Conference has been scheduled for August 14, 2018.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the LPAT hearing in opposition to the appeal of the above application as outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with Planning staff and any other appropriate staff to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the applicant's appeal respecting the Official Plan Amendment and Zoning

By-law Amendment applications for the lands at 35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue, in its current form.

2. 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 to withhold its final Order on the Zoning By-law Amendment application until:
 - a) A draft Official Plan Amendment and Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) City Council has addressed the Rental Housing Demolition application under Chapter 667 of the Municipal Code pursuant to Section 111 of the City of Toronto Act 2006 to demolish the existing rental dwelling units on the subject lands; and the owner has agreed to provide an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - c) The owner has submitted a revised Natural Heritage Impact Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d) The owner has submitted a revised Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - e) The owner has submitted a revised Community Services and Facilities Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - f) The owner has submitted an extended Sun/Shadow Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - g) The owner has submitted a Preliminary Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - h) The owner has submitted a revised Traffic Impact Study to the satisfaction of the General Manager, Transportation Services;
 - i) The owner submits, to the satisfaction of the Chief Planner and Executive Director, City Planning, any revisions to the Noise Study as may be required through the peer review process that identifies all mitigation measures to be undertaken for this development, to be peer reviewed at the cost of the owner and to incorporate the recommendations in the site design; and,
 - j) The owner has entered into an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive

Director, City Planning for the purpose of securing appropriate community benefits to be based on the value of additional height and/or density beyond what is permitted by the current Zoning By-law to be registered on title to the lands at 35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue, and include community benefits that have been identified as being priorities for this area through the High Park Apartment Neighbourhood Area Character Study.

3. In the event the LPAT allows the appeal in whole or in part, City Council direct that the following matters also be secured in Section 37 Agreement for the development as a legal convenience:
 - a) The owner shall provide a 2.1 metre sidewalk along the each frontage abutting the site to be secured through the Site Plan Control review process.
 - b) Secure as rental housing the existing rental housing units which have affordable and mid-range rents.
 - c) Secure needed improvements to the existing rental apartment site, without pass through of costs to existing tenants, and securing access to new indoor and outdoor amenities for all on-site residents.
 - d) Secure a construction mitigation strategy and a communications plan to reduce impacts on remaining tenants.
 - e) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - f) The owner shall satisfy the requirements of the Toronto Transit Commission including moving the existing TTC stop on High Park Avenue at Glenlake Avenue, accommodating the TTC bus' accessibility ramps; provision of revised plans with setback requirements; warning clauses and other requirements as noted in the TTC comments along with identified payments.
 - g) A minimum of 10% of all units to be shown on the plans for the development as three-bedroom units.
 - h) The owner's agreement to provide an on-site dog relief area with proper disposal facilities for existing and new residents or a dog relief station within the building.
 - i) The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.

- j) The owner shall construct and maintain the development in accordance with the 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 Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of PG 23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
4. In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the LPAT to withhold its Order until the final size, location and configuration of parkland dedication matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation as well as apply the parkland conditions as further detailed in the comments from Parks Forestry and Recreation dated May 11, 2018 and as summarized in this report.
 5. In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
 6. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been two developments approved within the High Park Apartment Neighbourhood Area in the last 10 years, in addition to the subject application, currently under review.

In 2009, 20 Gothic Avenue was developed with an 8 storey building having 175 units and having a site density of 4.21 times the area of the lot.

In 2013, an application was submitted for 51-77 Quebec Avenue and 40-66 High Park Avenue. The application was revised from its original submission and approved by the Ontario Municipal Board. The approval resulted in the demolition of two existing townhouse blocks and the addition of two new 25 storey buildings, having a combined 528 new units and encompassing 39,300m² of gross floor area. This development's overall density is 4.28 FSI.

The City Council decision can be viewed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC55.12>

The corresponding staff report can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-72950.pdf>

This development has Site Plan Approval (File No. 16 115443 WET 13 SA) and is currently under construction.

A Zoning By-law Amendment application was also submitted in December 2016 that proposes an infill development of 768 purpose built rental dwelling units in two blocks of 3-storey townhouses, one 33-storey apartment building with a 3-storey base and another apartment building of 29-storeys with an 8-storey base on the lands municipally known as 111 Pacific Avenue, 255 Glenlake Avenue and 66 Oakmount Road (File No. 16 269597 WET 13 OZ). This application is currently under review. The following is the link to the Preliminary Report for this application:

<https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-102032.pdf>

A Request for Direction Report on this application is on the same agenda as this report.

A new application was submitted on June 5, 2018 that proposes an 11 storey apartment building containing 120 units on the lands municipally known as 299 Glenlake Avenue (File No. 18 172305 WET 13 OZ). The application is under review.

A pre-application meeting for the subject site was held on December 14, 2016. The application was submitted to the City and deemed complete on December 29, 2016.

On April 4, 2017, Etobicoke York Community Council adopted a Preliminary Report on the Zoning By-law Amendment application for this site. The report provided background information on the application, and recommended:

- That a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*;

- That staff be directed to undertake an area-based character study for the *Apartment Neighbourhoods* designated lands located north of Bloor Street West, west of Keele Street, south of Glenlake Avenue and east of Gothic Avenue with the anticipation that the study would result in a Site and Area Specific Policy (SASP) that would identify existing area characteristics, and provide guidance on appropriate infill opportunities and constraints. The study was not to include any lands fronting on Bloor Street West or any lands included in the Bloor West Village Avenue Study; and
- That staff be directed to report to Etobicoke York Community Council on the findings of the area-based character study and anticipated SASP no later than the second quarter of 2018, but prior to, or concurrent with, any Recommendation Report on any site-specific applications associated with individual development proposals in the study area.

The following is the link to this Preliminary Report:

<https://www.toronto.ca/legdocs/mmis/2017/ey/bqrd/backgroundfile-102029.pdf>

On June 26, 27, and 28, 2018 City Council adopted Official Plan Amendment 419 which includes SASP 551 based on the High Park Apartment Neighbourhood Area Character Study. The report provided an overview of the study process and findings as well as the Official Plan Amendment for the study area and can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY31.4>

A report on the High Park Apartment Neighbourhood Urban Design Guidelines is on the same agenda as this report. The draft Guidelines were posted online for community consultation prior to presenting the finalized version of these Guidelines to the July 4th, 2018 meeting of Etobicoke York Community Council for endorsement. These Guidelines are intended to implement the policy direction expressed in OPA 419 and provide appropriate built form and public space guidance while being respectful of the integrity of the surrounding context. The intent of the Guidelines is to provide clarity through more detailed direction on the desired outcomes for the design of streets, parks, open space, buildings, landscaping and vegetation in the High Park Apartment Neighbourhood and assist in the evaluation of all new and current development proposals falling within its boundaries. The draft Guidelines were available for community consultation on the City's website at this link:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/high-park-apartment-neighbourhood-area-character-study/>

ISSUE BACKGROUND

Proposal

The applicant has submitted an Official Plan and Zoning By-law Amendment application, as well as a Rental Housing Demolition application. The applicant proposes the demolition of two existing blocks of 2 storey rental townhouses (20 units) along with the elimination of four 2 bedroom rental dwelling units (3 units in 66 Pacific Avenue and 1 in 65 High Park Avenue) to facilitate the development of four new apartment buildings, having building heights of 39, 34, 29 and 8 storeys. The new buildings would be in addition to the four existing apartment buildings that are proposed to be retained. The redeveloped site would remove surface parking and reconfigure loading facilities and consolidate all site access into two through-driveways in the north and south quadrants of the lands. (see Attachment 5: Figure 5: Site Plan and Attachment 6: Figure 6: Elevations)

There are two apartment buildings proposed in the northern half of the lands, south of a through driveway that would connect High Park Avenue to Pacific Avenue.

Tower 'B' is proposed to front on High Park Avenue. This building would be located approximately 18 m south of the apartment building at 95 High Park Avenue, and 18 m north (to the base) of the apartment building at 66 High Park Avenue. The proposed building would be 29 storeys (83.65 m) in height, with a building base of 3 storeys (9.2 m in height) and an approximate floor plate area of 750 m². The building would accommodate 264 rental dwelling units.

Tower 'C' in the northern quadrant is proposed to front on Pacific Avenue and be located approximately 30 m south of the 30 storey building at 299 Glenlake Avenue, and 18.5 m north at the base; 25 m above the base, of the apartment building at 66 High Park Avenue. This proposed building would be 34 storeys (97.9 m) in height, with a building base of 3 storeys (9.2 m in height) and an approximate floor plate area of 750 m². The building would accommodate 318 rental dwelling units.

Tower 'A' is proposed to be sited in the southern half of the site fronting on High Park Avenue. The building would be 39 storeys (117.5 m) in height, with a building base of 4 storeys containing 1,795 m² of retail floor area on the first floor. The tower element of the building would be sited approximately 25 m north of 35 High Park Avenue and the base would be 20 m north of the 35 High Park. The tower element would be 26.5 m west of the building. The base sets back above the 2nd floor. The second floor of the base would have a height of 11 m, and the fourth floor of the base have a height of 17m. The tower element would begin at the fifth level 58 m south of the building at 66 High Park Avenue, with an approximate floor plate area of 750 m². The building base would only be 6 m away from 65 High Park Avenue on the first floor. The building would accommodate 375 rental dwelling units.

The Midrise building is proposed to be located in the southeast corner of the lands, fronting onto Pacific Avenue, 15 m south of the building at 66 Pacific Avenue and 30 m east of the building at 35 High Park Avenue. The building would have a height of 8 storeys (23.5 m) and accommodate 74 rental dwelling units.

The buildings to be maintained have a total floor area of approximately 69,826 m², with the proposed development adding approximately 81,474 m², which includes 1,795 m² of commercial floor area, for a total of 151,300 m² of floor area, or a Floor Space Index of 5.2 times the area of the lot. The retail component is described as a medium-scale retail.

There are 988 existing rental dwelling units on the subject lands, with 25 proposed to be demolished, and 1,031 new rental dwelling units proposed, for a total of 1,995 dwelling units. The number of parking spaces proposed to accommodate the total number of units is 1,444 vehicular parking spaces and 1,217 bicycle parking spaces. The amount of amenity area proposed is 2,400 m² of indoor and 4,000 m² of outdoor amenity area (see Attachment 1: Figure 1: Application Data Sheet).

A summary of the proposed and existing mix of rental units is as follows:

Apartment Unit Mix	Proposed (%)	Total [Proposed + Existing] (%)
Bachelor	66 (6.4%)	144 (7.2%)
1 Bedroom	465 (45.1%)	1,069 (53.6%)
2 Bedroom	453 (43.9%)	685 (34.3%)
3+ Bedroom	47 (4.6%)	97 (4.9%)
Total	1,031	1,995

Site and Surrounding Area

The lands are relatively flat and rectangular in shape, with an approximate area of 30,665 m² (proposed to be 29,208 m² after a proposed lot adjustment with 299 Glenlake Avenue) and approximate frontages of 200 m on Pacific Avenue, 320 m on High Park Avenue and a lot width of approximately 110 m.

The lands are generously landscaped and are developed with: four apartment buildings containing 964 rental units, which are being proposed to be maintained with four rental units eliminated; two blocks of rental townhouses (20 units) proposed to be demolished, surface parking; indoor and outdoor swimming pools; and below-grade parking.

The following chart illustrates the existing buildings on the site:

Building	Height	Floor Area (m²)	No. Units
35 High Park	26 storeys	14,638	201
65 High Park	22 storeys	22,858	319
95 High Park	15 storeys	15,690	217
66 Pacific	16 storeys	16,640	227
41-63 High Park	(Proposed to be Demolished)		12
102-116 Pacific	(Proposed to be Demolished)		8
Total		69,826	988

According to the Housing Issues Report submitted by the applicant, four (4) of the 25 rental dwelling units proposed to be demolished have mid-range rents at the time of application. The remaining 21 rental dwelling units have high-end rents. The Housing Issues Report also states that a majority of the existing rental dwelling units that would be retained on site have mid-range rents. At the time of application, approximately 30 of the existing rental dwelling units were vacant.

The surrounding area is described below:

- North: To the north of Glenlake Avenue are *Neighbourhoods* designated properties containing 2- and 3-storey dwellings. The existing 30 storey building located at the southwest corner of Pacific Avenue and Glenlake Avenue, abutting the subject lands, do not form part of the lands subject to these applications.
- South: The lands abutting to the south are City-owned lands and contain a tennis court and open space, with the Bloor-Danforth subway located below. To the south are 2- and 3-storey grade related dwellings and a 3-storey apartment building, with High Park located on the south side of Bloor Street West.
- West: On the block on the west side of High Park Avenue are four apartment buildings (Grenadier Square) having heights ranging from 19 and 21 storeys and as noted previously, there is an OMB approval for two additional apartment buildings up to 25 storeys in height each which are currently under construction. South west of the site 2 to 4 storey grade related homes, apartment buildings, and retail shops fronting onto Bloor Street.

East: On the block on the east side of Pacific Avenue are lands that are the subject of a proposed development currently under review (File No. 16 269597 WET 13 OZ), which proposes an infill development of purpose built rental dwelling units comprised of two blocks of 3-storey townhouses, one 33-storey apartment building with a 3-storey base and another apartment building of 29 storeys with an 8-storey base. Currently, the lands east of Pacific Avenue are developed with four apartment buildings ranging in heights from 12 to 23 storeys and south east of the site is a recently constructed 14-storey building municipally known as 1830 Bloor Street 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 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 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. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and 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 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. The lands are designated *Apartment Neighbourhoods* on Map 18 – Land Use Plan in the Official Plan (see Attachment 3: Figure 3: Official Plan). *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Plan includes criteria that direct the form and quality of development in this land use designation.

Healthy Neighbourhood Policies

Healthy Neighbourhoods Policy 2.3.1.1 states that "*Neighbourhoods and Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods and Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas".

The Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1.2) identify that development in *Apartment Neighbourhoods* that are adjacent or close 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 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*.

Also cited in the Healthy Neighbourhoods is Policy 2.3.1.3, which permits City Council to determine whether an area based study is required. This Policy states:

“Intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that *Neighbourhoods* are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an Avenue Study, or area based study” .

Apartment Neighbourhoods Policies

The Official Plan criteria to evaluate development in *Apartment Neighbourhoods* is set out in Policy 4.2.2 and Policy 4.2.3.

Policy 4.2.2 states that: "Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) Locating and massing 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 setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b) Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) Locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and

- h) Providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities".

Policy 4.2.3 states that: "Infill development that may be permitted on a site containing an existing apartment building will:

- a) Meet the development criteria set out in Section 4.2.2 for apartments;
- b) Maintain an appropriate level of residential amenity on the site;
- c) Provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Plan;
- d) Maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- e) Organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- f) Front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g) Provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h) Consolidate loading, servicing and delivery facilities; and
- i) Preserve or provide adequate alternative on-site recreational space for residents".

Chapter 3 - Built Form Policies

The development criteria in the *Apartment Neighbourhoods* and *Healthy Neighbourhoods* policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including policies that specifically address tall buildings.

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 regarding tall buildings in the City (Policy 3.1.3). Tall buildings are identified as those whose heights are greater than the width of the adjacent road allowance. The Plan limits these buildings to parts of the *Downtown*, *Centres* and other areas of the City such as *Apartment Neighbourhoods*. The tall building policies address in more detail where these buildings should be located, how the buildings should be designed and identifies other key urban design considerations when considering a tall building proposal. Policy 3.1.3 also states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to addressing specific built form characteristics, the policy states that proposals for Tall Buildings must clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Heritage Policies

The in-force heritage conservation policies in Section 3.1.5 of the Official Plan require consideration to be given to the conservation and maintenance of heritage buildings. Developments adjacent to a property on the Heritage Register need to respect the scale, character and form of the heritage buildings and landscapes. The property at 70 High Park Avenue, which is located on the west side of High Park Avenue, across the street from the subject site, is designated as a heritage property by the City under Part IV of the *Ontario Heritage Act*.

Natural Heritage Policies

The natural heritage policies in Section 3.4 of the Official Plan require all development in or near the natural heritage system to be evaluated to assess the development's impact on the natural heritage system and identify measures to mitigate negative impacts on and/or improve the natural heritage system.

Parkland Acquisition and Tree Preservation Policies

The Official Plan includes policies for parkland acquisition as well as criteria for the location and configuration of parks. In addition, the Official Plan contains policies that discourage tree removal and promote increasing the tree canopy coverage in the City.

Housing Policies

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Policy 3.2.1.5 states that, significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- a) will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- b) may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this plan, without pass-through of such costs in rents to tenants. Staff will review this application for compliance with these and all other relevant policies of the Official Plan.

Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

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 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent City Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

OPA 320 helps to implement the City's Tower Renewal Program by promoting the renewal and retrofitting of older apartment buildings, and by encouraging fruit and vegetable gardens on underutilized portions of *Apartment Neighbourhoods* sites.

High Park Apartment Neighbourhood Area Official Plan Amendment 419 (Site and Area Specific Policy 551)

The site is within the High Park Apartment Neighbourhood Area OPA 419, SASP 551. The link to OPA 419 can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY31.4>

SASP 551 is based on the findings of the High Park Apartment Neighbourhood Area Character Study which involved extensive community consultation. The purpose of the High Park Apartment Neighbourhood Area Character Study was to evaluate existing area characteristics, and identify appropriate principles, policies and guidelines to guide change and compatible infill development in the area. On June 26, 27, and 28, 2018, SASP 551 was approved by City Council, and City Council directed staff to use OPA 419, SASP 551 in the evaluation of all new and current development proposals located within its boundaries.

Changes and appropriate infill opportunities in this area must be sensitive to and enhance the High Park apartment neighbourhood area character. SASP 551 identifies the area character and augments the Official Plan's policies with area specific policy direction for the natural environment, public realm, open space, built form, site servicing, transportation and community facilities. The intent of SASP 551 is to supplement the development criteria within Section 4.2 of the Official Plan for the High Park Apartment Neighbourhood.

Policies within SASP 551 are to be read as a whole and with the policies of the Official Plan. All relevant policies are to be applied to each development proposal and where there is a conflict between a policy of SASP 551 and a policy of the Official Plan, it is the intent of OPA 419, that SASP 551 policies prevail. SASP 551 is also to be read in conjunction with the High Park Apartment Neighbourhood Urban Design Guidelines.

The outcome of the staff analysis and review of relevant Official Plan policies and designations and the Site and Area Specific Policy planning studies noted above, are summarized in the Comments section of this report.

Zoning

The lands are zoned R2 Z0.6 on the northern portion of the lands and R2 Z2.0 on the southern portion under the former City of Toronto Zoning By-law No. 438-86. These zones permit a range of residential uses including detached and semi-detached houses, duplexes, townhouses, triplexes and apartment buildings to a maximum building height of 10 m and a maximum density of 0.6 times the area of the lot on the northern portion and 2.0 times on the southern portion.

The lands are also zoned R (d 0.6) (x737) on the northern portion and R (d2.0) (x334) on the southern portion by the City-wide Zoning By-law No. 569-2013, which also permits a wide range of residential building typologies to maximum densities equal to those in By-law No. 438-86 and the same maximum building height of 10 m. The zone also permits certain non-residential uses subject to use qualifiers (see Attachment 4: Figure 4: Zoning).

The lands are also subject to Prevailing By-law Nos. 20623 and 188-71, which are the original By-laws that generally represent the existing development on the lands.

Rental Housing Demolition By-law

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On December 29, 2016, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

A tenant information meeting was held on January 25, 2018 with tenants whose units are proposed to be demolished. The applicant representatives were in attendance and presented the development application. The purpose of the meeting was to share information about the demolition proposal and the likely future process. Tenants also shared feedback which mostly related to the provision of alternative accommodation while they wait for their rental unit to be replaced. Tenants were concerned with being able to find alternative accommodation at similar rents within the area.

As per Chapter 667-14, a formal tenant consultation meeting is yet to be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111. It is anticipated that the tenant consultation meeting would be held after the Planning Tribunal decision, should it approve some form of development.

Design Guidelines

High Park Apartment Neighbourhood Urban Design Guidelines

The High Park Apartment Neighbourhood Urban Design Guidelines are posted online for further community consultation. Prior to presenting a finalized version of these Guidelines for City Council adoption, staff are refining and consulting upon the draft Guidelines. The final draft of these Guidelines are on the agenda for the July 4th, 2018 meeting Etobicoke York Community Council prior to going to City Council for endorsement. These Guidelines are intended to implement the policy direction expressed in OPA 419 and provide appropriate built form and public space guidance while being respectful of the integrity of the surrounding context. The intent of the Guidelines is to provide clarity through more detailed direction on the desired outcomes for the design of streets, parks, open space, buildings, landscaping and vegetation in the High Park Apartment Neighbourhood. The Guidelines will also assist in the evaluation of all new and current development proposals in the High Park Apartment Neighbourhood. The staff report on these Guidelines can be found at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY31.4>

City-Wide Tall Building Design Guidelines

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

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 stepbacks, 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. Its 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>.

Urban Design Guidelines for Infill Townhouses

The City of Toronto Urban Design Guidelines for Infill Townhouses articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes and adjacent properties and integrating new development into existing neighbourhoods. The Guidelines provide a framework for site design and built form to achieve liveable spaces with an appropriate scale and form of development by detailing how new development should be organized to fit within the existing context and minimize local impacts. The Guidelines also speak to the important role of streetscapes in improving the quality and safety of the public street experience for pedestrians, cyclists and motorists. They can be viewed at: <https://web.toronto.ca/city-government/planning-development/official-plan-guidelines/designguidelines/infill-townhouses/>.

Townhouse and Low-Rise Apartment Guidelines

A comprehensive update of the Townhouse Guidelines is underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the City Council approved 2006 Guidelines to reflect a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/01/964c-townhouse-low-rise-guidelines-02-2017.pdf>.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan approval has yet to be submitted.

Reasons for the Application

An application to amend the Official Plan is required to address the amount of non-residential (1,795 m²) floor area proposed in an *Apartment Neighbourhoods* land use designation, where small-scale local retail uses are envisioned.

The application to amend the Zoning By-law is required to permit new development on the lands currently zoned for the existing development. The site specific zoning that applies to the lands does not permit any development beyond the existing development on the site. A Zoning By-law Amendment is required to permit the proposed new buildings, building heights and overall site density, as well as address other applicable zoning standards such as parking requirements and building setbacks.

The applicant has submitted an application for a Rental Demolition Permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of 25 existing rental dwelling units as the subject lands contain six or more residential units, of which at least one is rental.

Application Submission

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

- A Rental Housing Demolition and Conversion Application and Screening Form;
- Planning and Urban Design Rationale Report (includes Community Services & Facilities Study);
- Block Study;
- Sun/Shadow Study;
- Housing Issues Report;
- Transportation Impact Study;
- Noise Impact and Vibration Feasibility Study;
- Servicing and Stormwater Management Report;
- Pedestrian Level Wind Assessment;
- Arborist Tree Preservation Report and Tree Inventory and Preservation Plans;
- Toronto Green Standard Checklist;
- Architectural Plans, Perspective Drawings and Building Mass Model;
- Landscape and Lighting Plans;
- Archeological Assessment;
- Heritage Impact Statement

- Hydrogeological Opinion Letter; and
- Natural Heritage Impact Study
- Rental Housing Screening Form
- Project data sheet
- Draft Zoning By-law Amendments
- Draft Official Plan Amendment.

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

The applicant hosted to informal community consultation events prior to making the formal application submission to the City. A community consultation hosted by the City took place on May 18, 2017. Approximately 144 people attended. Comments and issues raised by the attendees, as well as comments received by Planning staff subsequent to the meeting, have been organized in themes and are summarized below.

Density, Height and Massing:

Concerns were raised regarding: the density of the proposal being too high and the level of intensification being out of balance with the existing community; the proposed towers were too tall for the neighbourhood context; the number of towers should be reduced; the proposed separation distance between buildings are too small; and the opinions on the townhouses were inconsistent, where some commenters wanted more townhouses and others didn't want any townhouses as they took up green space.

Sun, Shadow and Wind:

Many comments identified concerns with: loss of sunlight and sky view; shadow impacts on existing and proposed properties; concerns over new wind and noise tunnels being created; and that wind effects were already making it difficult for people to walk in the neighbourhood.

Traffic Impact and Parking:

Several comments were directed at the issues related to parking in the immediate area. Comments identified: street parking is at capacity; the loss of surface parking for community care workers; traffic impacts, specifically as they relate to the existing streets not being built for the type and number of vehicles that would be using them; the impact of the proposed retail on the traffic in the area; and the impacts of the added traffic on the safety of pedestrians, cyclists and dogs.

Infrastructure and Servicing:

Concerns were raised with: the impacts of the development on municipal services; the impacts on TTC services such as the bus on High Park and the subway; need to consider cumulative impacts; and additional pedestrians on narrow sidewalks.

Community Services and Schools:

There were concerns with: community services ability to accommodate the additional population; schools being over capacity and unable to accommodate more children; need for more daycares; and over capacity of existing libraries.

Loss of Trees, Green Space and Outdoor Amenity:

Concerns were noted about: the loss of trees and green space and that the replacement of trees was inadequate; loss of amenities such as the BBQs and swimming pools; and impacts on wildlife.

Construction Impacts:

There were concerns noted regarding: construction and the impacts on air quality; effectiveness of phasing construction as a mitigation measure; cumulative impacts of multiple construction projects in the area; and the concern that construction would result in decreased property values.

Health:

Several comments were received regarding concerns for public health with respect to: impacts on young children living in high density; impacts on the quality of life from noise, air quality and light impacts; increased stress from the construction; potential safety hazards from buildings being too close to each other; and the effect of losing green space and how that will directly affect health.

Tenant consultation:

The applicant conducted a survey to all residents at 35 High Park, which closed on March 19, 2018. The applicant has submitted the results of the survey to City Planning. The purpose of the survey was to seek feedback on potential improvements to the rental building site should the development be approved. Residents were informed that the information collected would be used to inform the application review process. There were a total of 248 survey participants, 25 per cent of all tenants. Common feedback received included:

- Improvements sought to waste management to address the existing outdoor storage and lack of indoor access to recycling and green waste receptacles
- Improve accessibility for people reduced mobility and people with strollers, particularly improving accessibility to existing lobbies, laundry and garage
- Introduce common room spaces for tenant use, including rooms for entertaining and flexible offices
- More secure bike storage with additional spaces for bikes

- Access to a free gym
- Introduce a package delivery room
- Replacing single glazed windows to improve thermal insulation and reduce noise transfer.
- Investigate air conditioning to units.
- Improve existing ventilation to reduce dampness, odors and noise transfer between units
- Improving security in the basements
- General improvements to address cosmetic issues within:
 - Laundry rooms and introduce more machines and seating
 - Elevators, including addressing operational performance
 - Lobbies
 - Stairwells
 - Hallways.

Tenant consultation with tenants whose rental units is proposed to be demolished is addressed separately in this report, above under 'rental housing demolition by-law'.

Other:

Other comments included concerns about: past OMB decisions; appearance of the neighbourhood; proposed amenities were not satisfactory; guideline documents were outdated; and existing towers should be replaced.

A Statutory Public Meeting under the *Planning Act* to consider this application did not take place. The application was appealed prior to one being scheduled.

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 not consistent with the PPS and does not conform with the Growth Plan as follows:

PPS (2014) Policy 1.1.3.3 directs municipalities to identify appropriate locations for intensification and redevelopment, and PPS (2014) Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensifications, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Similarly, Growth Plan (2017) Policy 2.2.2.4b) directs the identification of the appropriate type and scale of development and transition of built form to adjacent areas,

and Policy 2.2.2.4f) directs that these policies be implemented through Official Plan policies and designations and other supporting documents.

Policy 2.3.1.1 of the Official Plan states that *Apartment Neighbourhoods* are considered to be physically stable areas, and directs that development within this designation will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns.

The City's Official Plan policy 2.3.1.2 requires that development proposals in *Apartment Neighbourhoods* be compatible with adjacent neighbourhoods, provide gradual transition in scale and density, maintain adequate light and attenuate resulting traffic and parking impacts on neighbouring streets. Development criteria and infill development criteria in Sections 4.2.2 and 4.2.3 of the Official Plan support the policy direction of Official Plan Policy 2.3.1.2.

The proposed development is not consistent with PPS Policy 1.1.3.3 and 1.1.3.4 and does not conform with Policies 2.2.2.4.b) and 2.2.2.4f) of the Growth Plan and is not in keeping with Official Plan Policy 2.3.1.2 as:

- It does not represent an appropriate scale of development for the surrounding area;
- The inappropriate heights would contribute to increase in shadow on the public realm and adjacent *Neighbourhoods*; and
- Increases risks of traffic and parking impacts on adjacent streets.

The proposed development also does not have regard to Provincial Interest 2r of the *Planning Act* that identifies the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal is not consistent with the PPS (2014) policy 1.7.1.d which states that "long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes".

The area character has been defined through the High Park Apartment Neighbourhood Area Character Study. The application proposes a streetwall environment that is not in keeping with the area character.

PPS (2014) Policy 1.1.1b) directs provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. Further, 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.

The proposal is not consistent and does not conform to these provincial policies as it does not provide for an appropriate range in housing as the unit distribution is primarily 1 bedroom units or less (over 50 percent). Less than 5 percent of the proposed units are 3 bedroom units providing the potential to accommodate larger households. The proposal provides proportionately less 3 bedroom units than the existing proportion in the existing buildings.

The proposal's planning rationale centres around the notion that this belongs to an 'intensification area' and is located within two 'Major Transit Station Areas' (MTSAs).

The Growth Plan 2017 contains policies pertaining to population and employment densities that should be planned for in MTSAs along priority transit corridors or subway lines. MTSA's are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those established by the Growth Plan.

As part of the next MCR, the Province has set out a number of requirements, including, MTSA density, Urban Growth Centre density, Employment Area density, and others.

The Ministry's draft guidance document can be accessed at this link:

http://www.placestogrow.ca/images/pdfs/MCR/en/draft_guidance_the_municipal_comprehensive_review_process_EN.pdf

The High Park Apartment Neighbourhood was planned to be transit supportive when it was originally built. Based on 2016 Census data, it is estimated that the High Park Apartment Neighbourhood Area has achieved a population density of 434 residents per hectare. It should also be noted that the High Park Apartment Neighbourhood area is not within a growth area as defined by the City's Official Plan. The City's Official Plan provides specific direction stating that "Growth will be directed to *Centres, Avenues, Employment Areas* and the *Downtown*"(Official Plan Policy 2.2.2). Significant growth is generally not intended within *Apartment Neighbourhoods*, however compatible infill development may be permitted provided it has sufficient underutilized space to accommodate one or more buildings while providing for good quality of life for both new and old residents.

Land Use

The Official Plan designates the subject lands *Apartment Neighbourhoods*, which are considered by the Official Plan to be physically stable areas and generally not intended for significant growth. Among many relevant policies in the Plan, Policy 2.3.1.1 directs that development within *Apartment Neighbourhoods* will respect and reinforce the

existing physical character of buildings, streetscapes and open space patterns in the *Apartment Neighbourhoods* area. Policy 2.3.1.2 requires that development be compatible with adjoining *Neighbourhoods*, provide gradual transition of scale and density, through stepping down of buildings and setbacks, maintain adequate light and privacy for residents, and attenuate resulting traffic and parking impacts on adjacent streets.

Although the High Park Apartment Neighbourhood Study was not master planned, there was a deliberate staging of development from east to west through site by site rezoning in order to ensure complete and comprehensive development to the greatest extent possible while providing densities that were supportive of the subway. The area was developed with towers arranged to maximize light, ventilation, views and privacy through their off-set and perpendicular orientations combined with generous distances between buildings.

Although the proposal is requesting residential land uses contemplated under the *Apartment Neighbourhoods* designation, the proposal does not have regard for the existing context and does not respect and reinforce the existing physical character of built form, heights, massing, design and building orientation, streetscapes and open space patterns of the neighbourhood.

The proposal is also requesting medium scale retail uses, which is not provided for in the *Apartment Neighbourhood* designation and requires an Official Plan Amendment. The *Apartment Neighbourhood* designation does provide for retail uses, but they are intended to be small-scale to serve the needs of area residents. Section 4.2 provides general policies to help guide what is considered appropriate density, height and massing.

The size of the retail being requested is out of character for the neighbourhood. The material submitted in support of the application does not provide enough information to understand impact on this neighbourhood. A retail impact study would be necessary to further assess impact. Suitable terms of reference would need to be established in consultation with City Planning staff.

Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order in any approval of the Official Plan Amendment and Zoning By-law Amendment applications until this material is submitted to the satisfaction of the Chief Planner and Executive Director.

Density, Height and Massing

Density, height and massing in this application have been reviewed against the Official Plan policies and OPA 419, SASP 551 policies described in the Issue Background section of this report. Although the subject site may be able to accommodate some sensitive infill development, the location, scale, height, form and intensity of buildings in

the current proposal is not consistent with Official Plan policies and City Guidelines and does not adequately respect and reinforce the existing physical character of the area and represents an overdevelopment of the site.

Density

The Official Plan does not include a density limit for the subject lands. The Official Plan explains that density "will be assessed on the basis of the Plan's policies" and that "Where there are no height and density limits in the Official Plan, density limits of the area zoning that implements the Plan will be a benchmark for assessment of those aspects of the planned context".

The zoning application is requesting a gross floor area equivalent to a density of 5.2. This density exceeds:

- The current underlying zoning permissions of Zoning By-law Nos. 438-86 and 569-2013 of a maximum of 2.0 times the area of the lot on the southern half of this lot and 0.6 times the area of the lot on the northern half;
- The site specific zoning exceptions which provide for development of up to 2.4 times the area of the lot;
- The overall density for the High Park Apartment Neighbourhood Area as a whole of approximately 3.01 times the area of the lot (based on the High Park Apartment Neighbourhood Area Character Study information); and,
- The approved density of the applications submitted in the last 10 years:
 - 4.21 FSI for 20 Gothic Avenue; and
 - 4.28 FSI for 51-77 Quebec Avenue and 40-66 High Park Avenue.

The proposal exceeds the overall density of the area by about 2.2 times the area of the lot, and exceed the recent approvals by about 1.0 times the area of the lot. As directed by the Official Plan, the area context should be used as a benchmark, therefore the density should be lower and more in keeping with the density ranges within the area.

Although the SASP 551 also does not provide a density limit, all the development criteria applied together shape infill that is compatible and sensitive to the existing character of the area.

Height

The Official Plan does not include a height limit for the subject lands. Similar to the density section above, the Official Plan (explanatory sidebar note) explains that height "will be assessed on the basis of the Plan's policies" and that "Where there are no height and density limits in the Official Plan, density limits of the area zoning that implements the Plan will be a benchmark for assessment of those aspects of the planned context". Furthermore, Policy 3.1.3.2 directs that tall building proposals will contribute to and reinforce the overall City structure, relate to the existing and/or

planned context and account for the relationship to topography and to other tall buildings.

The height of the proposed tower buildings are 39 storeys (117.5 m) for Tower A, 29 storeys (83.65 m) for Tower B, and 34 storeys (97.9 m) for Tower C.

By contrast the existing buildings on site are:

- 95 High Park Avenue at 15 storeys (42.3 m);
- 65 High Park Avenue at 22 storeys (61.7 m);
- 66 Pacific Avenue at 16 storeys (45 m); and
- 35 High Park at 26 storeys (72.4 m).

The towers within this Apartment Neighbourhood are:

- 299 Glenlake Avenue at 30 storeys (81 m, excluding mechanical penthouse);
- 51-77 Quebec Avenue and 40-66 High Park Avenue with two towers at 25 storeys (72.4 m); and
- 70 High Park Avenue at 20 storeys (approximately 63 m).

The proposed towers are range from 3 to 36.5 metres taller than the tallest tower (299 Glenlake Avenue) in the area. As directed by the Official Plan, the area context and the *Apartment Neighbourhood's* planned function within the overall City structure, should be used as a benchmark, therefore the height of the proposed towers should be lower in order to be in keeping with the height ranges within the area.

The Tall Building Guidelines suggest that "where the existing context is characterized by tower separation distances greater than 25 metres, provide tower setbacks and separation distances in keeping with the more generous spacing established by the context". The High Park Apartment Neighbourhood Area Character Study recommended that a 35 metre distance separation.

Within the recently approved 51 Quebec development application, the two approved towers are separated from the existing towers approximately 33 m to 41m face to face and approximately 28.5m to 33m measured from side to face.

Although the proposed towers do provide 10 setbacks from the streets, the proposed towers do not provide separation distances in keeping with the context of the area. Tower B has a proposed separation distance of 23 m from 65 High Park Avenue, 18 m from 95 High Park Avenue, and 25 m from Tower C. Similarly, Tower C has a separation distance of 25 m from Tower B, 25 m from 65 High Park, and 30 m from 299 Glenlake. Tower A provides a separation distance of 25 m from 35 High Park Avenue, 27 m from 66 Pacific Avenue, and 58 m from 65 High Park Avenue. Inadequate separation distances between Towers B and C, and the lack of space to provide more

space, deem the locations of Towers B and C unfit for towers. Lower scale built forms should be considered for these locations instead of towers. Consideration would need to be made to locate Tower A in a manner that provides for more spacing to 35 High Park, and 66 Pacific, while providing for a minimum of 35 m from 65 High Park.

SASP 551 requires that all development criteria be used to establish appropriate building heights, meaning a specific height may not be achievable if other development criteria are not achieved. If achievable, the SASP 551 defines the maximum building height to be 81 m and 30 storeys in height, as this height corresponds to the tallest building of the High Park Apartment Neighbourhood area. There must be no penetrations into the angular plane, and the angular plane is to be measured from the nearest property line of a property designated *Neighbourhoods*; there are separation distances required between towers; there are setbacks from property lines required; and there are maximum floorplates permitted.

Evaluating the proposed towers against the SASP 551 criteria reveals that:

- All proposed point towers exceed the maximum height limit of 81 m.
- The SASP requires a 35 m separation distance from other tall buildings. The proposed tower 'C' meets the distance separation criteria from 65 High Park, but does not meet the criteria from 35 High Park, and does not meet the criteria from 66 Pacific, but possibly could meet this criterion if the proposed building was moved and elongated to have a 35 m length instead of the 30.5 m length. Proposed Towers 'B' and 'C' do not meet this criterion, nor could they as there is not enough space to move the buildings. The proposed northern tower does not meet the separation distance criteria.
- The SASP provides for a maximum tower floor plate of 750m². All proposed point towers meet this floorplate limit.
- All towers meet the 10 m setback from the street property line required of the SASP.
- Base building at Tower 'A' exceed the height limit of a base building. The 1st floor is almost double height. There are 4 storeys, but with the double height, the effect is that of a building base equivalent to 5 storeys which would not meet the SASP requirements.

The proposed towers in their current location do not meet required separation distances and they all exceed the height limits of the SASP 551.

Massing

Official Plan Built Form policy 3.1.2.3 requires new development to be massed and its exterior façade to be designed to fit harmoniously into its existing context, and to limit its impact on neighbouring streets, parks, and open spaces, by massing new buildings to frame streets in a manner that respects the existing street proportion, and by creating appropriate transitions in scale to neighbouring existing and/or planned buildings, providing adequate light and privacy, adequately limiting any resulting shadowing of,

and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Policy 3.1.2.4 further directs that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The existing property is comprised of three buildings with elongated floorplates, two townhouse blocks and one point tower. The tall buildings with elongated floorplates have been offset from each other with generous setbacks from the streets, and separation distances from each other. The point tower at 35 High Park is also offset from 66 Pacific and the townhouse block along High Park Avenue.

The proposal does not provide similar separation distances and does not offset tall buildings from each other. Of concern are the direct front-to-front and front-to-side facing relationships, and the very small building separation distances created by the placement of Tower B and Tower C. These two towers also create shadowing conditions, particularly on 299 Glenlake, diminished of sky views and uncomfortable wind.

The floorplate size of the base building for Tower A is excessive for and the proportion of the base to tower does not fit within the context. The height of the base building is also excessive for 1 storey and this first floor height is out of context with a height that is more than double the size found in the neighbourhood.

The SASP would also require Towers B and C to be physically separated by 35 m from each other and all other existing buildings to ensure sky view, minimizing shadow impacts and adequate light and privacy between buildings. The distance separation between Tower A and 66 Pacific Avenue to the east would also not meet the requirement of the SASP 551. The height and longest length of the building base of Tower A would not meet the requirements of the SASP which limits the height of a building base to be no greater than 10.5m plus one storey and base length not greater than 65m. The podium of Tower A is only 5m from the street property line, and only 6 metres away from 65 High Park Avenue, while the SASP would require a setback of 6m from the street property line, and 15m away from 65 High Park Avenue.

Sun, Shadow and Wind

The applicant's (March and September) equinox shadow impact indicates that there would be new shadows from Building B and C extending into the *Neighbourhoods* lands and on the private open space to the northwest and on the east and south side of 95 High Park Avenue at 9:18 a.m. to after 10:18 a.m. The shadows would then fall on the private open space and the south, west and then east side of 95 High Park Avenue and south and west side of 299 Glenlake Road until approximately 3:18 p.m. clearing 299 Glenlake Road after 4:18 p.m. After 1:18 p.m. the proposed shadows also begin to fall

pm the east side of Pacific Avenue including the private open space and then the south side of 255 Glenlake Road, and the west side of 111 Pacific Avenue. The shadows move progressively further east stretching east of Oakmount Road after 4:18 p.m.

At 9:18 a.m. proposed Building A would cast shadows on the new tower (currently under construction) and private open space on the west side of High Park Avenue until 12:18 p.m. The shadow then moves further north to shadow the west end of 65 High Park Avenue and proposed Building B until after 2:18 p.m. when it moves further east to shadow the private open space both on site and to the east, extending across Pacific Avenue. The shadow touches the west side of 111 Pacific Avenue at 3:18 p.m. after which the shadow extends further east to include the west side of 66 Oakmount Road.

The June 21st shadow impact illustrates a similar pattern as the equinox shadow impacts. At 9:18 a.m. the shadows reach to the west across the private open space and the west side of the buildings in Grenadier Square until after 11:18 a.m. after which they move on to the subject site and the south side of 95 High Park Avenue. There are shadow impacts on the south side of both 95 High Park Avenue and 299 Glenlake Road through to 2:18 p.m. after which they move further east to shadow the private open space on the east side of Pacific Avenue including the north end of 111 Pacific Avenue.

The shadow study demonstrates that the bands of sunlight through the original buildings both on site and adjacent to the site to the north, east and west would be blocked in some locations and significantly minimized in other locations by the proposed development through the spring, summer and fall. This would result in the majority of the area being in shadow from either the existing or the proposed buildings for at least half the day for most of the year. The shadow study does not take into consideration the shadows cast by the proposed development to the east (File No. 16 69597 WET 13 OZ) which, when considered collectively, would shadow the majority of the area for most of the day and for most of the year.

The City's Sunlight and Shadow Cumulative Analysis done as part of the High Park Apartment Neighbourhood Area Character Study indicates the location of Tower A and its podium currently receives between 2 to 7 hours of sunlight during the equinox, and 4 to 10 hours of sunlight during the summer solstice. The neighbouring open spaces and public realm currently receive between 2 and 7 hours of sunlight during the equinoxes and 4 and 10 hours of sunlight during the summer. The Heritage Building at 70 High Park Avenue currently receives between 2 and 5 hours of sunlight during the equinoxes and 2 and 7 hours of sunlight during the summer solstice.

Similarly this Analysis shows the location of Towers B and C currently receive between 2 to 5 hours of sunlight during the equinox, and 4 to 10 hours of sunlight during the summer solstice. The neighbouring open spaces and public realm currently receive between 2 and 7 hours of sunlight during the equinoxes and 4 and 10 hours of sunlight during the summer.

The proposed tall buildings would be on some of the sunniest spots of this neighbourhood. The impact to the neighbourhood would mean the loss of those sunny areas, and incremental shadowing of areas near the new buildings.

Policy 4.2.2 of the Official Plan directs that new buildings are to be located and be massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during spring and fall equinoxes, and to be located and massed to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Policy 3.1.2.3 requires appropriate transitions in scale to the neighbouring and existing buildings, providing adequate light and privacy, and adequately limiting any resulting shadowing of, and uncomfortable wind conditions on neighbouring streets, properties and open space.

Evaluating the proposal against the SASP 551 criteria reveals that:

- SASP requires no net new shadow on Lithuania Park, and the proposal would comply with this requirement.
- SASP requires that outdoor amenity spaces have access to sunlight (policy 4c)i). The High Park Apartment Neighbourhood Urban Design Guidelines provide more guidance on required sunlight.
- SASP requires comfortable wind conditions in the outdoor amenity areas (policy 4c)vii). The High Park Apartment Neighbourhood Urban Design Guidelines provide more guidance on comfortable wind conditions.

Given the existing and planned context for the subject property and the surrounding area, it is staff's opinion the proposed height and locations of the buildings is inappropriate for the site and would create significant shadow impacts on the on-site private amenity space, the public realm, the existing apartment buildings and the surrounding low-rise dwellings, including these in the *Neighbourhoods* area.

Official Plan Policy 3.1.2.3 requires appropriate transitions in scale to the neighbouring and existing buildings, providing adequate light and privacy, and limiting shadow and uncomfortable wind conditions. SASP 551 requires comfortable wind, conditions in the outdoor amenity areas.

The Pedestrian Wind Assessment submitted in support of the application indicates that overall wind conditions would be comfortable for sitting or standing in the summer and for strolling or walking in the winter. However, winter windy days would result in uncomfortable conditions, and windy activity on terraces and amenity areas on Levels 2 to 4 of Tower A are expected to be higher than desired for passive activities owing to elevation and exposure of these areas to prevailing winds. The assessment identifies the use of coniferous trees around windy areas, and entrances, and recessing

entrances from the main façade to make doorways more comfortable, and other wind control suggestions for amenity areas.

Given the existing and planned context for the subject property and the surrounding area, changes would be needed to reduce the windy conditions for pedestrians, on entrances, and outdoor amenity space.

Staff suggest that due to the large size of the site and proposed substantial increase in building heights, the Wind Assessment used should be replaced with a Pedestrian Wind Study following the Toronto Development Guide "Pedestrian Level Wind Terms of Reference". Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order in any approval of the Zoning By-law Amendment application until this material is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning.

Traffic Impact, Access and Parking

The applicant's studies indicate the trip rates for the proposed 1031 residential units and a 1345 square metre grocery store with an additional 450 square metre ancillary retail area will result in approximately 160 and 175 two way vehicular trips during the AM and PM Peak Hours. Prior to accepting these traffic impacts, Transportation Services staff requires additional information: Revisions are required to: the study horizon year to reflect the selection of an alternate horizon year that matches the anticipated build-out of the project; Multiple horizon years may be required if the development consists of multiple phases; A weekend trip generation analysis must be provided; A trip generation analysis for as-of-right development and must reflect the worst case scenario including documentation detailing methodology and assumptions; A traffic infiltration assessment to the anticipated levels of traffic infiltration into the adjacent stable residential neighbourhood including measures to mitigate must be identified. Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order on any approval of the Zoning By-law Amendment application until this material is submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

SASP 551 requires a review of additional traffic related matters, such as traffic safety issues, detailed driveway assessments, detailed analysis of future transit riders, a transportation demand management plan, and a detailed assessment of existing parking utilization rates. This additional information would be reviewed and confirmed by City staff.

The proposed parking supply is 1,114, and 859 spaces less than Site Specific By-law 188-71 and Zoning By-law 569-2013, respectively. In order to justify the parking supply deficiency for the project, the applicant's consultants provided a documentation which is acceptable to Transportation Services staff. The overall parking requirement would be 1436 consisting of 1257 residential spaces and 161 visitor spaces and 18 retail spaces.

Accessibility parking would have to be provided in accordance with Section 200.15 of the Zoning by-law 569-2013.

The SASP 551 would limit surface parking spaces and would not include above grade parking structure with the exception of bicycle parking facilities.

Vehicular access to the lands is proposed to be re-configured and re-arranged. The locations are generally acceptable to Transportation Services staff. Additional comments related to driveway access design, and site circulation requirements, ramp slope requirements, and other items will be provided at site plan stage.

SASP 551 would require limiting the use of vehicular driveways, between the front face of a building and public street or sidewalk. There is one such existing driveway condition in front of 95 High Park Avenue, that is not proposed to be changed through this application.

The SASP 551 would also require cycling infrastructure for residents of existing buildings in addition to the requirements for new buildings.

Streetscape

Transportation Services staff identified that sidewalks should be widened to 2.1m and would be required as part of a potential development at the applicant's cost. Streetscape improvements that would add street furniture would be reviewed and secured through the Site Plan reviews process.

SASP 551 provides policy guidance for future streetscape and public realm improvements in the area and also identified that sidewalks in this area should be widened to better accommodate pedestrian and accessibility requirements, and provides additional policies related to the future transformation of High Park Avenue into a Grande Promenade.

Servicing

A revised Functional Servicing Report is required to address matters such as Water Servicing, Combined Sewer Capacity Assessment, Storm Servicing, Storm Drainage and Stormwater Management, Groundwater and various other miscellaneous matters. Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order on any approval of the Zoning By-law Amendment application until this material is submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

The SASP 551 would also require cycling infrastructure for residents of existing buildings in addition to the requirements for new buildings, a designated on-site dog relief facility for use by new and existing residents would need to be provided, and

SASP 551 would also encourage the incorporation of an appropriate number of on-site storage areas for mobility devices, strollers and other similar equipment.

Housing Issues

A Housing Issues Report was submitted with the applications. The proposal would demolish and replace 25 rental dwelling units. All other existing rental dwellings units would be retained.

In accordance with Official Plan Policy 3.2.1.5, the application has proposed to secure the rental units with affordable or mid-range rents, being 737 of 977 units proposed to be retained. The applicant has proposed that no application to demolish or convert these rental units would be made for a period of at least 20 years.

Official Plan Policy 3.2.1.5 also seeks the securing of needed improvements to the existing rental buildings. The application has confirmed that capital improvements will be provided. A description of these improvements is yet to be provided. The applicant has consulted with existing tenants via a tenant survey, as discussed in this report, above under 'community consultation'. Staff expect that the applicant should directly respond to tenant feedback with proposed improvements, contributing to the identification of needed improvements to the rental housing complex.

A construction mitigation and tenant communications strategy will also need to be developed to address adverse impacts on tenants who remain during the construction phase. Tenant feedback should also be used to develop this plan.

Official Plan Policy 3.2.1.6 requires the replacement of demolished rental housing units in terms of size, bedroom type and number. The applicant has proposed to replace all units by number and type. A detailed proposal addressing rental replacement size and location within the development has not yet been provided. The applicant will need to provide furnished floor plans of the units demonstrating an appropriate replacement in terms of layout.

Official Plan Policy 3.2.1.6 also requires an acceptable tenant relocation and assistance plan to address tenant impacts. The applicant has agreed to provide tenant relocation and assistance to all eligible tenants, addressing their right to return to replacement units at similar rents, and mitigating tenant hardship associated with the demolition proposal. A detailed plan is yet to be developed, in consultation with City Planning and to the satisfaction of the Chief Planner.

Policy 5.i) of SASP 551 would require a minimum of 25% of all new dwelling units to be two bedroom units and a minimum of 10% of all new dwelling units to be three bedroom units.

In addition to the Growth Plan and Official Plan, policies encouraging a mix of housing types and unit sizes, the Draft Growing Up Urban Design Guidelines addresses the provision of larger units to better accommodate families through guidelines for 10% three bedroom units and 15% two bedroom units. The proposal does not provide a minimum of 10% three bedroom units. At the unit scale, two and three-bedroom units would ideally be 969 square feet and 1140 square feet, respectively, to support larger households, including families with children. Detailed unit floor plans have not been submitted. A critical mass of larger units should be primarily located in lower portions of the building, ideally with direct outdoor access. In the current proposal there are 16 townhouse units proposed (approximately 120 m² each) on the upper floors of the podium of proposed Tower 1, 8 townhouses at the base of the proposed midrise 6 townhouse units at the base of Tower C, 7 townhouse units at the base of Tower B, as well as 3-bedroom units included in the buildings' upper floors.

Staff are recommending that the following matters be secured through the Section 37 Agreement as a matter of legal convenience including: secure as rental housing the existing rental housing units which have affordable and mid-range rents; secure needed improvements to the existing rental apartment site, without pass through of costs to existing tenants; securing access to new indoor and outdoor amenities for all on-site residents; secure a construction mitigation strategy and a communications plan to reduce impacts on remaining tenants; and require a minimum of 10% of all new dwelling units be three bedroom units.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act*, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner and Executive Director, City Planning.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On December 29, 2016, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. As per Chapter 667-14, a tenant consultation meeting was held on January 25, 2018 to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

Great West Life Realty advisors sent a survey to all residents at 35 High Park on March 19, 2018. The purpose was to seek feedback on potential improvements to the rental building site. Residents were informed that the information collected would be used to inform the application review process. There was a total of 248 survey participants, 25 per cent of all tenants. The applicant prepared a high level summary of the survey.

The City also examined the results of the social pinpoint survey [undertaken online between December 15, 2017 and January 23, 2018] under the heading 'Tenant Amenities' for the 35 High Park Site.

Based on tenant feedback from the above surveys, a number of additional improvements should be considered as part of the application review process and should be given consideration by the applicant in, including:

- a. Shadow effects should be reduced as much as possible within the subject site to on-site outdoor amenity areas and private balconies.
- b. Tennis courts should be reinstated (as planned).
- c. The proposed indoor pool should have elements which provide outdoor amenity, such as large opening doors, retractable roof etc. The replacement pool(s) should have more space and furniture available for lounging.
- d. Upgrades to the Athletic Club building and facilities.
- e. A plan to mitigate construction effect on tenants.
- f. The provision of short term car parks for guests of tenants.
- g. The programming of indoor and outdoor space should directly relate to tenant feedback such as providing space for private events and entertainment.
- h. Improve elevators.
- i. Replace windows.
- j. Incorporate waste management within a centralised location which is located in a manner to reduce visual and odour effects, such as locating waste management with a basement or a new building.
- k. Long-term and short-term bike storage located in a secure, safe and easily accessible space.
- l. Upgrades to lobby, hallways and laundry rooms.

Rental housing matters which require consideration through the application review and consultation process are as follows, and are outstanding since:

- Securing the replacement of 25 rental dwelling units by legal agreement in terms of size, type and rental tenure.

- Developing an acceptable tenant relocation and assistance plan to mitigate tenant hardship, secure the right for existing tenants to return at similar rents and securing affordable and mid-range rents for non-returning initial tenants.
- Securing rental tenure, by legal agreement, for retained rental dwelling units with affordable and mid-range affordable rents, which encompasses all units.
- Identifying and securing, by legal agreement, needed improvements and repairs to the existing rental housing buildings.
- Developing a tenant construction effects mitigation and communications plan.

To address the outstanding requirements for rental housing staff recommend, 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 to withhold its final Order on the Zoning By-law Amendment application until City Council has dealt with the Rental Housing Demolition application under Chapter 667 of the Municipal Code pursuant to Section 111 of the City of Toronto Act 2006 to demolish the existing rental dwelling units on the subject lands; and the owner has agreed to provide an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner and Executive Director, City Planning

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.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 13,747 m² or 47% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 4336.2 m² or 15% of the net site area. The new GFA proposed would represent a total of 53% the total GFA on the site, therefore the parkland dedication should reflect that proportion.

The Parkland dedication will be equal to 15% of the net area of land covered by the infill portion of this property only.

This development application proposes to satisfy Parkland Dedication requirements through a cash in lieu payment. Parks Forestry and Recreation (PFR) has recently acquired 21 High Park Ave for the purposes of a public park. Therefore PFR requires

that the entire parkland dedication be satisfied through the dedication of land on-site adjacent to 21 High Park Avenue

PFR prefers that the park be located at the southern edge of the property hence expanding the current Public Park at 21 High Park Avenue Benefits of this location include, not limited to:

- More hours of sunlight;
- Increased public road frontage;
- Improved access for residents of existing buildings;
- Potential for expansion through future development applications on neighboring properties.

The final size, location and configuration of the parkland dedication will be subject to the satisfaction of the General Manager of Parks, Forestry and Recreation. Any change in the proposed unit count or net site area for the site may alter the total parkland dedication requirement.

Parks is interested in securing the design and construction, by the Owner, of Above Base Park Improvements. There may be opportunities to use the Parks and Recreation component of the Development Charges for this work. Further discussion is required.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the LPAT to withhold its Order until the final size, location and configuration of parkland dedication matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation as well as apply the parkland conditions as further detailed in the comments from Parks Forestry and Recreation dated May 11, 2018 summarized below:

1. Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Parkland Dedication

2. Prior to the issuance of the first above grade building permit, the Owner shall convey a portion of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical

obstructions and easements, encumbrances and encroachments and to pay for the costs of the preparation and registration of all relevant documents all to the satisfaction of the General Manager of Parks, Forestry and Recreation. The Owner shall provide to the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland. The conveyances to the City may be subject to a 15 metre limiting distance restriction if required.

Environmental Assessment

3. Prior to conveying the parkland to the City, the Owner must carry out all environmental obligations including:
 - peer review at the cost of the owner
 - insurance and indemnification
 - Environmental Site Assessments in accordance with the requirements for a Record of Site Condition
 - with such conveyances to be free and clear of encumbrances all at the cost of the owner and to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the Chief Engineer and Executive Director, Engineering and Construction Services.

Park Construction

Base Park Improvements

4. The Owner, at their expense, will be responsible for the base construction and installation of the parkland and all Base Park Improvements including, prior to the issuance of the first above grade building permit, a cost estimate and any necessary plans for the Base Park Improvements, an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
5. The construction of the Base Park Improvements to each park block shall be completed within one year after the issuance of the first above grade building permit including addressing such matters as Park Occupation Permit (POP). Temporary Fencing will be required and the owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed to the satisfaction of the General Manager, Parks, Forestry and Recreation

Parkland Grading and Drainage

6. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland and provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

Credit against DC's for Above Base Park Improvements

Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the parks and Recreation component of the Development charges, the following condition applies:

7. The Owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a letter of credit equal to 120% of the approved cost estimate. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

Above Base Park Improvements

8. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PFR.
9. Prior to the issuance of the first above grade building permit for the development of the site, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, PFR.
10. The owner shall be required to guarantee such work and associated materials and provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified

In addition, Parks, Forestry and Recreation staff advised that 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 requests to be involved in the negotiations. Funds directed towards the area parks and facilities within the Ward should form part of the benefits package.

Private Open Space

SASP 551 requires sites that contain one of more apartment buildings greater than 4 storeys:

- Provide 65% open space; the open space proposed is 62%.
- Contain a maximum of 35% coverage; the coverage proposed is 38%.
- Maximum building frontage along each street property line is not to exceed two thirds:
 - The building frontage on High Park Avenue would exceed the maximum.
 - The building frontage on Glenlake Avenue would not exceed the maximum.
 - The building frontage on Pacific Avenue would not exceed the maximum.

Outdoor Amenity

SASP 551 would require 2m² per dwelling unit (new and existing) for all proposed and existing buildings containing 20 or more dwelling units; the application is proposing 2.00m² of outdoor amenity (4000m²) which meets this requirement.

Natural Heritage Protection

The site is located near High Park and its Area Natural and Scientific Interest, Environmentally Significant Area. The applicant submitted a Natural Heritage Impact Study by Ages Consultants Limited that concludes the development would have no impact on High Park and that the proposal meets all the applicable standards, particularly the TGS Tier 1 standards as well as the applicable Provincial and City policies. The report concludes that the proposal would result in improvements to stormwater management on the site which is currently untreated.

The consultant's analysis was conducted prior to the results from the Bloor West Village Avenue Study Natural Heritage Impact Study and prior to results from the Addendum done for the High Park Apartment Neighbourhood Area Character Study. There are new natural heritage provisions in the SASP and these provisions would need to be addressed. Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order on any approval of the Zoning By-law Amendment application until this material is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning.

Archaeological Assessment

The field review as part of this archaeological assessment determined that the entire subject property has been heavily altered, and that the site has no remaining archaeological potential. This leads to the conclusion that the site may redevelop and no further archaeological assessment would be required.

The Heritage Preservation Services staff accept the findings that the proposal will not adversely impact any nearby cultural heritage resources.

Heritage Impact Study

The development site is adjacent to 70 High Park Avenue which is a Part IV designated heritage property. The Heritage Impact Study concludes that 70 High Park Avenue is located in a high-rise apartment neighbourhood and the Church building itself has been highly modified. There are no in-force Heritage Conservation Districts in the vicinity of the Site and as such, the consultant's opinion is that a full Heritage Impact Assessment with respect to the Church as a cultural heritage resource is not necessary as part of this development application.

The Heritage Preservation Services staff accept the findings that the proposal will not adversely impact any nearby cultural heritage resources.

Tree Preservation

The Arborist Report indicates that the development proposes to protect 49 City-owned trees, injure 1 protected private tree and 4 City-owned trees, and remove 70 protected private trees and 16 City-owned trees.

A Landscape Concept Plan was not provided, however, it appears that the proposed site plan shows the locations for approximately 200 trees on private property, and 22 trees on City road allowance. A number of the private trees are ornamental/small growing trees and would not be acceptable as replacement trees and do not meet the Toronto Green Standard Guidelines. A Landscape Concept Plan is required and must show consideration for planting additional trees to address the intent of the City's Official Plan and showing details as specified by Urban Forestry. Urban Forestry has additional requirements for those trees planted over underground structures, including parking structures which would need to be adhered to.

Urban Forestry requires a minimum of 3 new trees on private property to compensate for every protected private tree approved for removal. New trees in the city road allowance cannot contribute to the number of trees to be replaced on private property.

Where tree planting to replace trees to be removed is not physically possible on the site, the General Manager of Parks, Forestry and Recreation may accept payment in lieu.

The applicant is to submit a Tree Planting Security in the amount of \$583.00 per tree to ensure planting and maintenance for new trees to be planted on the city road allowance.

The following will be required if the application is approved:

- A Tree Protection Security to ensure protection of each of the City owned trees;
- An application to injure or destroy trees and applicable fees for permission for trees that conflict with the development, however, submitting an application does not guarantee that a permit will be issued; and

- Payment for the Appraised Tree Value for the city-owned trees would be required for trees proposed removed.
- Removal of or injury to protected trees may only occur after the City issues a Tree Removal/Injury Permit by the General Manager of Parks, Forestry and Recreation.

Urban Forestry does not object to the development of these lands, but does not support developments that require the removal of a significant number of healthy trees while restricting replanting opportunities on the site. Since there is a consultation process for application for tree removal and there is a lack of a Landscape Plan, Urban Forestry would not be in a position to support the proposed application for the rezoning until all outstanding issues are resolved. All requirements and related approval process of the City's Tree By-laws must be completed prior to Community Planning's Final Rezoning to Community/City Council.

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 that will be secured through Zoning By-law process include Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

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. 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.

A CS&F Study was submitted as part of the complete application. Although the subject application proposes a significant amount of additional residential density (based on the applicant' submission, the subject application represents 43% of the projected population), the CS& F study concludes that the area *"has sufficient community services and facilities to accommodate the future residential population resulting from the proposed development"*. The submission only partially addressed the City's CS&F Study requirements identified in the Toronto Development Guide Terms of Reference. A number of deficiencies with the applicant's study have been identified including:

- demographic profile area is not consistent with the CS&F catchment areas;
- there is inadequate information to support conclusions;
- does not take into account that the active review of school accommodations in the area suggests enrollment and accommodation pressures are anticipated to continue over the next two decades;
- estimates that the proposed development will generate demand for 81 child care spaces, yet does not adequately address where they will be accommodated;
- does not address the Toronto Public Library's ability to serve additional population resulting from proposed growth;
- doesn't address whether there are existing needs or available capacity to support future growth at city-run recreation centres; and,
- does not provide an assessment of existing capacity of human service organizations.

Revisions are needed to address these deficiencies.

A CS&F Strategy was developed for the area bounded by Roncesvalles Avenue and the CNR/ CPR rail line to the east and north, Humber River to the west and Lake Ontario to the south as part of the Bloor West Village Avenue Study. The resulting CS&F Strategy recommendations include possible community benefits and improvements.

The SASP 551 encourages the provision of space that is eligible for the City's Community Space Tenancy Policy, partnerships to support the improvement, provision and expansion of community service facilities, and the incorporation of schools and community service facilities into new and/or existing buildings.

Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order in any approval of the Zoning By-law Amendment application until the identified deficiencies in the CS&F study are addressed and submitted to the satisfaction of the Chief Planner and Executive Director.

School Capacity

Toronto District School Board (TDSB):

The Toronto District School Board (TDSB) has 7 elementary schools in this area of which 5 are over capacity. There are also 4 secondary schools of which Humberstone Collegiate Institute is over capacity. The Toronto Catholic District School Board (TCDSB) has 3 elementary schools in this area of which only St. Cecilia Catholic Elementary School is over capacity. There are also three secondary schools and only Bishop Allen Secondary School is over capacity at 215% and would be required to accommodate additional students using portables.

The TDSB advised that due to the projected accommodation levels at the local schools, warning clauses on site and in agreements of purchase and sale are warranted. The status of local school accommodation should be conveyed to potential purchasers as well as communicated to the existing community to inform them that children from new development will not displace existing students.

The school board also requested that as a condition of approval, the applicant/ developer enter into an agreement to erect and maintain signs advising that 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 school board also requested the applicant/developer agree in the Servicing and/or Development agreement, or in a separate agreement between the School Board and the Developer, to include a warning clause in all offers of purchase and sale of residential uses that warns that "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". These requirements would be included in the Section 37 Agreement, should the application be approved.

Toronto Catholic District School Board (TCDSB):

The TCDSB have concerns with accommodation pressures arising from higher anticipated student yield, as students may not be able to be accommodated in permanent facilities at their catchment area elementary school. The TCDSB will consider all future options for accommodating students including undertaking pupil accommodation reviews and/or boundary reviews to better balance enrolment in the immediate area.

TDSB and TCDSB have identified through the High Park Apartment Neighbourhood Area Character Study process, that they are open to investigating potential partnership opportunities as they arise, which may address future accommodation concerns, including the identification of possible locations for small scale schools.

Noise

A Noise Study was submitted as part of the proposal. A peer review is required at the expense of the applicant to ensure appropriate mitigation measures are identified and implemented. Mitigation would also be at the owner's expense. At times, further noise studies, and peer reviews may also be required.

Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order in any approval of the Zoning By-law Amendment application until the Peer Review and mitigation measures are identified to the satisfaction of the Chief Planner and Executive Director.

Toronto Transit Commission

The Toronto Transit Commission (TTC) requests that as part of this application process, the existing TTC stop on High Park Avenue at Glenlake Avenue be moved, and the a concrete platform 16 m by 2.4 m from the curb be provided that accommodates the TTC bus' accessibility ramps. The TTC also requests that no new trees be planted within 2.4 m of the edge of the road for a distance of 20 metres of the approach to the transit stop for visibility and safety reasons.

The TTC also requires: revised plans that show the centreline of the TTC tunnel and the distance from the tunnel wall; zoning amendment conditions that include setback requirements and warning clauses; and that the TTC must be informed if borehole testing is required that may affect TTC infrastructure. Staff are recommending that these matters be secured through the Section 37 Agreement as a matter of legal convenience.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are determined, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

The Official Plan and City Council's approved Section 37 protocol includes a test that requires that the proposed development represent good planning and meet a minimum

size requirement of 10,000 m² and an increase in density of at least 1,500 m². The proposed development, at 113,100 m² and increase in density of 58,939 m², meets the size and threshold requirements.

No fulsome discussions were held regarding Section 37 community benefits given that the proposal does not represent good planning in its current form and as the planning issues have not been fully resolved.

Staff are recommending that City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order in any approval of the Zoning By-law Amendment application that considers additional density and/or height beyond what is permitted by the current Zoning By-law, until the City has secured the appropriate community benefits to the satisfaction of the Chief Planner and Executive Director, Community Planning in consultation with the Ward Councillor, and such benefits should be secured through a site specific Zoning By-law Amendment and in further detail through a Section 37 Agreement.

Through preliminary consultation with the Ward Councillor and City Divisions and agencies, and through the High Park Apartment Neighbourhood SASP 551, the following community benefits have been identified as being priorities for this area:

1. Acquisition, improvements and expansions to local parks
2. Improvements to the public realm including public pathways and connections including improvements to transform High Park Avenue into a Grande Promenade.
3. Other improvements to the public realm and public pathways and connections;
4. Establishment of new or expansions to existing non-profit community services and facilities, including community service program space;
5. Improvements to existing local community centres;
6. Non-profit childcare facilities;
7. Affordable housing;
8. Public art; and
9. Meeting space for community groups.

In the event the LPAT allows the appeal in whole or in part, staff recommend that City Council direct that the following matters also be secured in Section 37 Agreement for the development as a legal convenience:

- a) The owner shall provide a 2.1 metre sidewalk along the each frontage abutting the site to be secured through the Site Plan Control review process.
- b) Secure as rental housing the existing rental housing units which have affordable and mid-range rents.

- c) Secure needed improvements to the existing rental apartment site, without pass through of costs to existing tenants, and securing access to new indoor and outdoor amenities for all on-site residents.
- d) Secure a construction mitigation strategy and a communications plan to reduce impacts on remaining tenants.
- e) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- f) The owner shall satisfy the requirements of the Toronto Transit Commission including moving the existing TTC stop on High Park Avenue at Glenlake Avenue, accommodating the TTC bus' accessibility ramps; provision of revised plans with setback requirements; warning clauses and other requirements as noted in the TTC comments along with identified payments.
- g) A minimum of 10% of all units to be shown on the plans for the development as three-bedroom units.
- h) The owner's agreement to provide an on-site dog relief area with proper disposal facilities for existing and new residents or a dog relief station within the building.
- i) The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
- j) The owner shall construct and maintain the development in accordance with the 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 Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of PG 23.9 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 Toronto Official Plan, OPA 419 and SASP 551.

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, particularly as it relates to density, transition, compatibility, built form and unit mix. In addition, a number of technical and

development matters have not been resolved including: Housing, Urban Forestry, Transportation Services, Noise Study, Functional Servicing, and Parks Requirements.

Staff are of the opinion that the proposal as submitted is not supportable and represents overdevelopment of the site. It does not have regard for its context and does not respect and reinforce the existing physical character of buildings, streetscapes and open space patterns of the neighbourhood. It does not comply with the Official Plan, specifically the Built Form policies and the *Apartment Neighbourhoods* designation policies regarding infill development. The proposal is not consistent with the development criteria or overall policies of City Council adopted Site and Area Specific Policy 551 that resulted from the High Park Apartment Neighbourhood Character Study in which the applicant participated and which was the subject of significant study and consultation.

The proposal does not represent good planning and is not in the public interest. Staff recommend that City Council authorize the City Solicitor, together with Planning staff and any other appropriate staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the Zoning By-law Amendment application for the lands at 35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue, in its current form.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Figure 1: Application Data Sheet

Attachment 2: Figure 2: Location Map

Attachment 3: Figure 3: Official Plan Land Use Map

Attachment 4: Figure 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Figure 5: Site Plan

Attachment 6: Figure 6: Elevations

APPLICATION DATA SHEET

Municipal Address: 35 HIGH PARK AVE **Date Received:** December 29, 2016

Application Number: 16 271597 WET 13 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: The proposed development would maintain the existing four rental buildings on the lands, except for five dwelling units, while proposing to demolish two blocks of existing townhouses comprised of 20 total units, to accommodate four new rental buildings with 1,031 dwelling units at proposed building heights of 39, 34, 29 and 8 stories

Applicant	Agent	Architect	Owner
JASON PARK			1213763 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	By - law 20623 and 188-71
Zoning:	R2Zo.6 and Z2.o	Heritage Designation:	
Height Limit (m):		Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq m): 30,665 Frontage (m): 320 Depth (m): 200

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	4,110	4,110	6,780	10,890
Residential GFA (sq m):	69,826	69,826	79,679	149,505
Non-Residential GFA (sq m):			1,795	1,795
Total GFA (sq m):	69,826	69,826	81,474	151,300
Height - Storeys:			39	39
Height - Metres:			117	117

Lot Coverage Ratio (%): 35 Floor Space Index: 4.93

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	149,505	
Retail GFA:	1,795	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:				
Other:				
Total Units:		964	1,031	1,995

Total Residential Units by Size					
	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		66	465	453	47
Total Units:		66	465	453	47

Parking and Loading

Parking Spaces: 1,444 Bicycle Parking Spaces: 1217 Loading Docks: 10

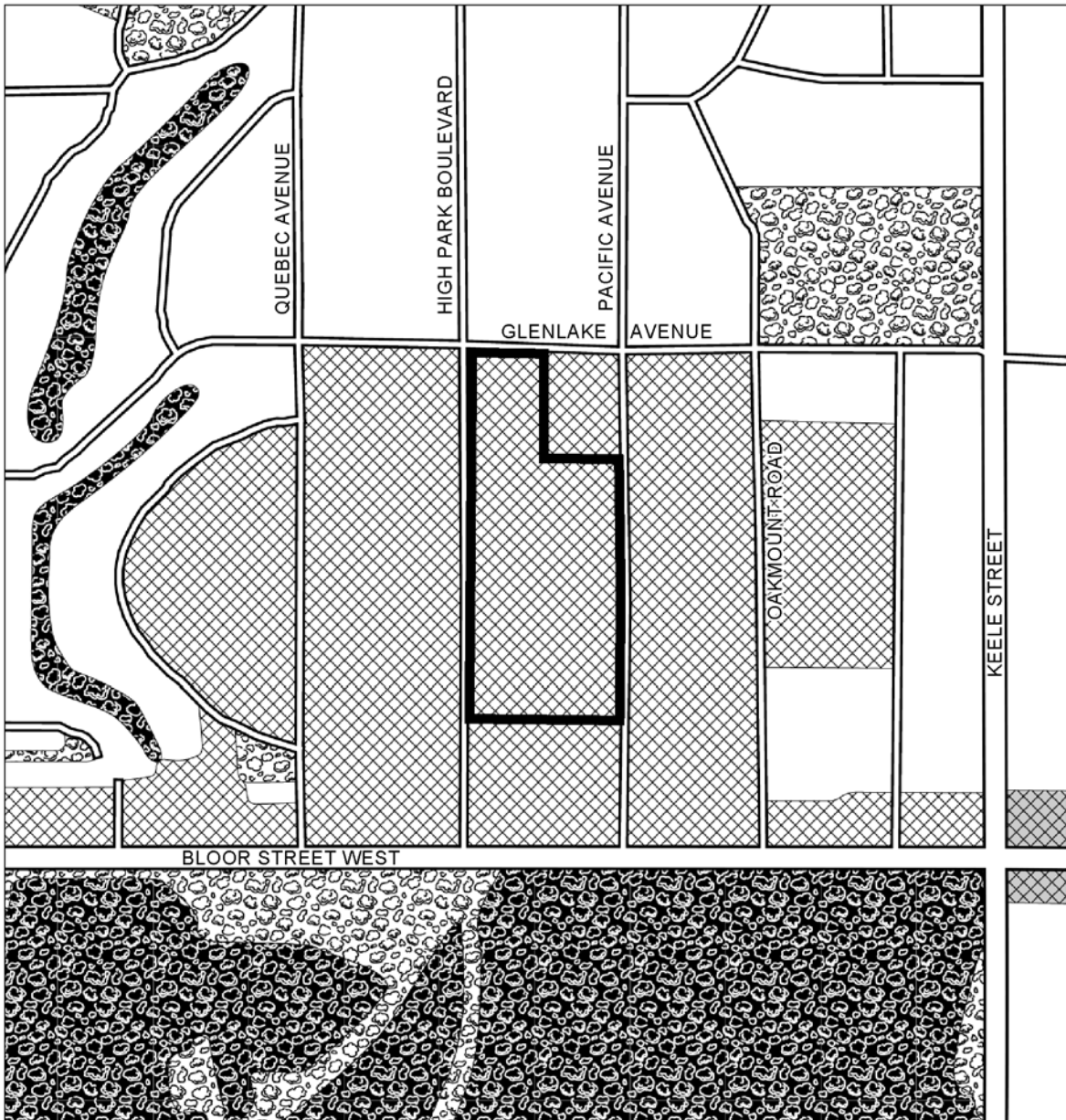
CONTACT:

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

Attachment 2: Figure 2: Location Map









Attachment 3: Figure 3: Official Plan Land Use Map



TORONTO City Planning
 Extract from Official Plan

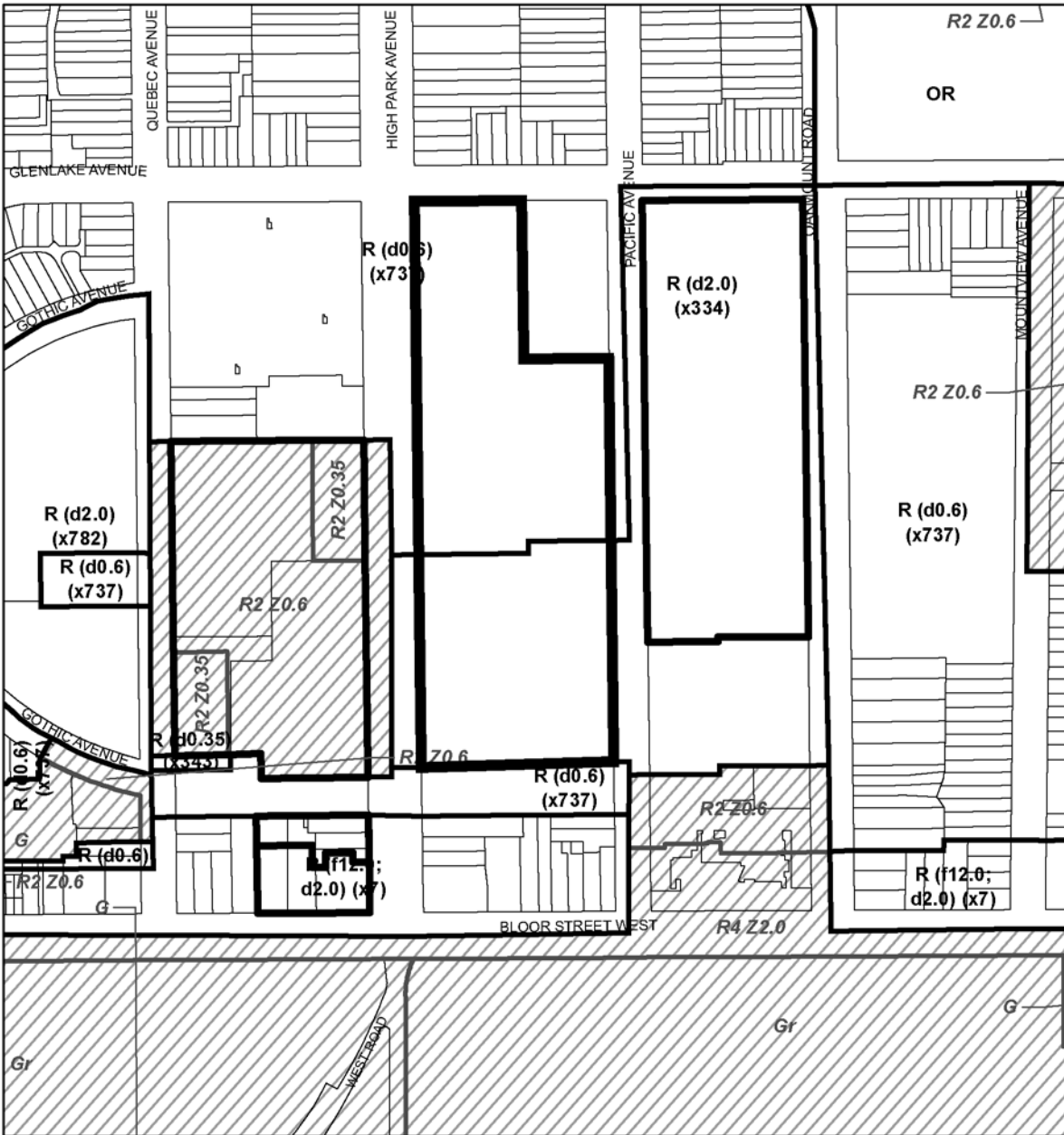
35, 41-63, 65 and 95 High Park Avenue and
 102-166 Pacific Avenue

File # 16 271597 WET 13 0Z

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Parks |
|  Mixed Use Areas | |

↑
 Not to Scale
 03/06/2017

Attachment 4: Figure 4: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

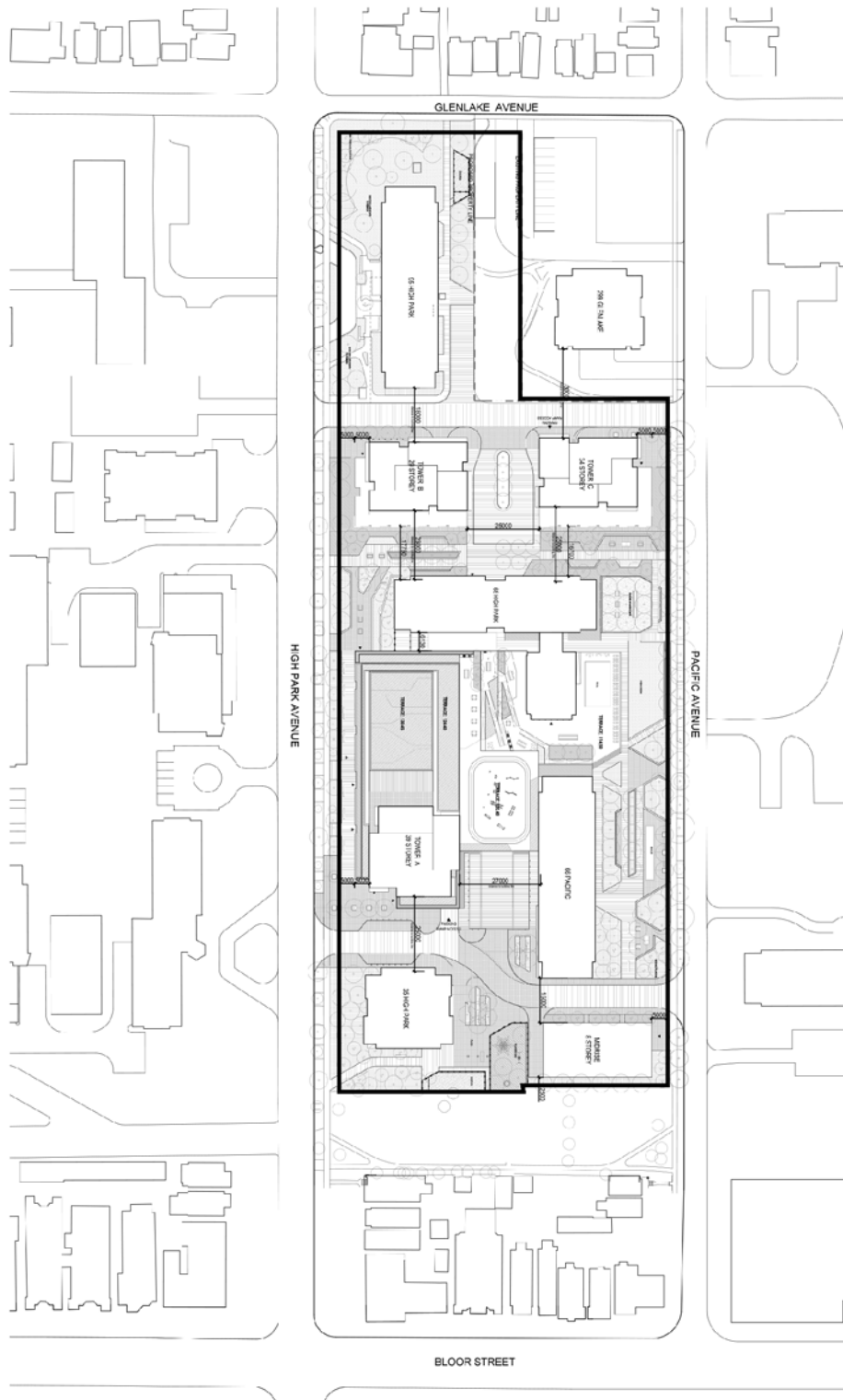
35, 41-63, 65 and 95 High Park Avenue and
102-166 Pacific Avenue
File # 16 271597 WET 13 0Z

Location of Application
R Residential OR Open Space Recreation

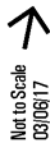
See Former City of Toronto By-Law No. 438-86
R2 Residential District
R4 Residential District
G Parks District
Gr Parks District

Not to Scale
Extracted: 03/07/2017

Attachment 5: Figure 5: Site Plan

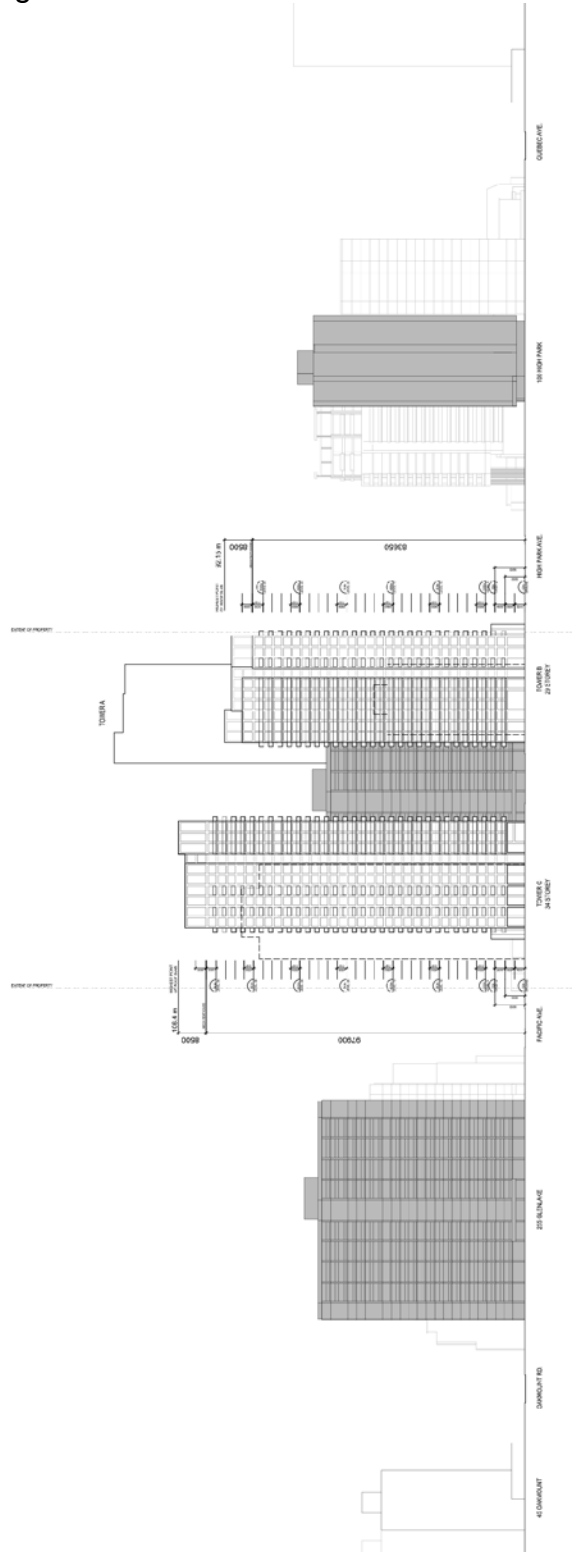


Site Plan
Applicant's Submitted Drawing
Not to Scale
03/06/17



**35, 41-63, 65 and 95 High Park Avenue and
102-166 Pacific Avenue**
File # 16 271597 MET 13 0Z

Attachment 6: Figure 6: Elevations

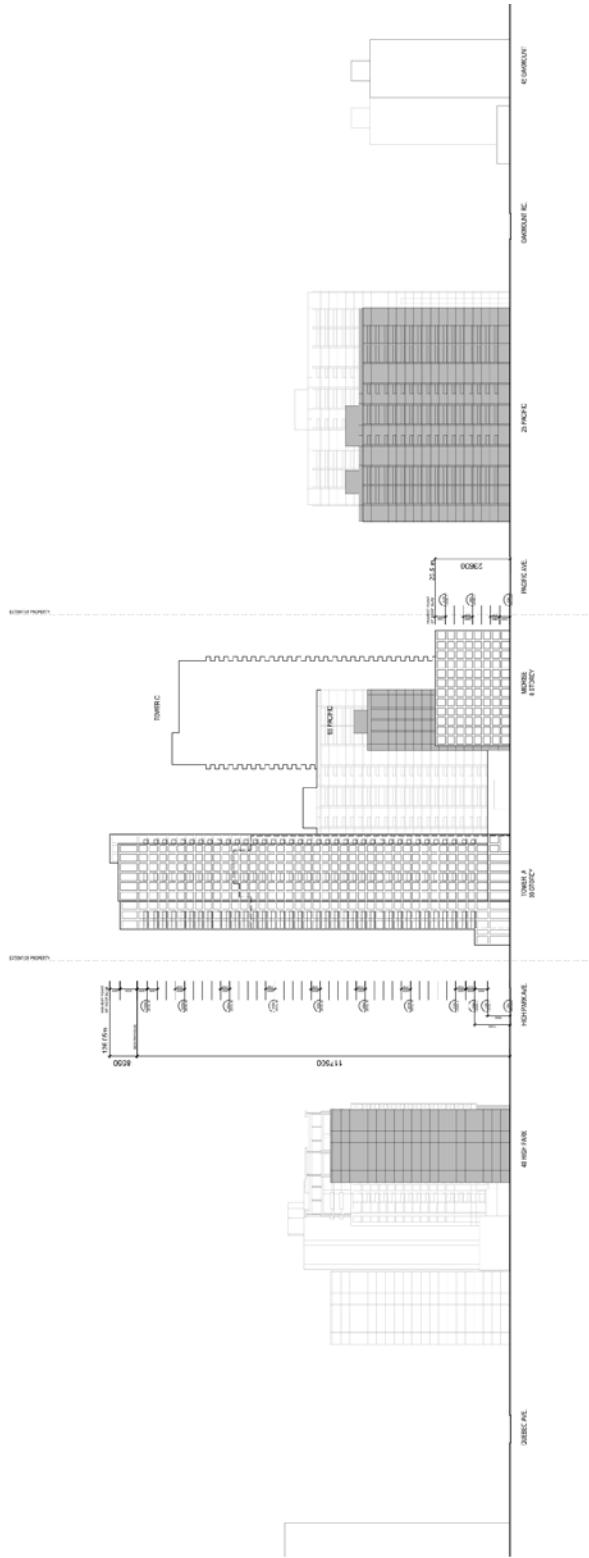


North Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
03/06/17

Elevations
Applicant's Submitted Drawing
Not to Scale
03/06/17

**35, 41-63, 65 and 95 High Park Avenue and
102-166 Pacific Avenue**
File # 16 271597 WET 13 0Z



South Elevation

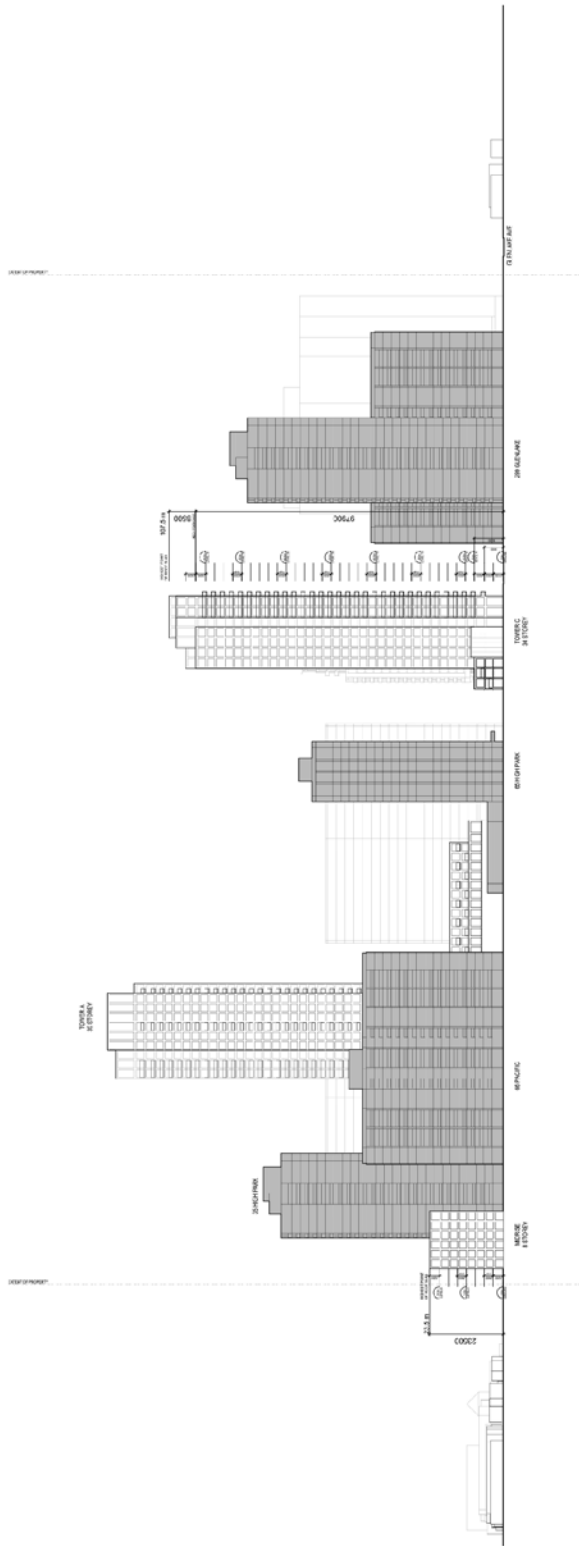
Elevations

Applicant's Submitted Drawing

Not to Scale
03/06/17

**35, 41-63, 65 and 95 High Park Avenue and
102-166 Pacific Avenue**

File # 16 271597 WET 13 0Z



West Elevation

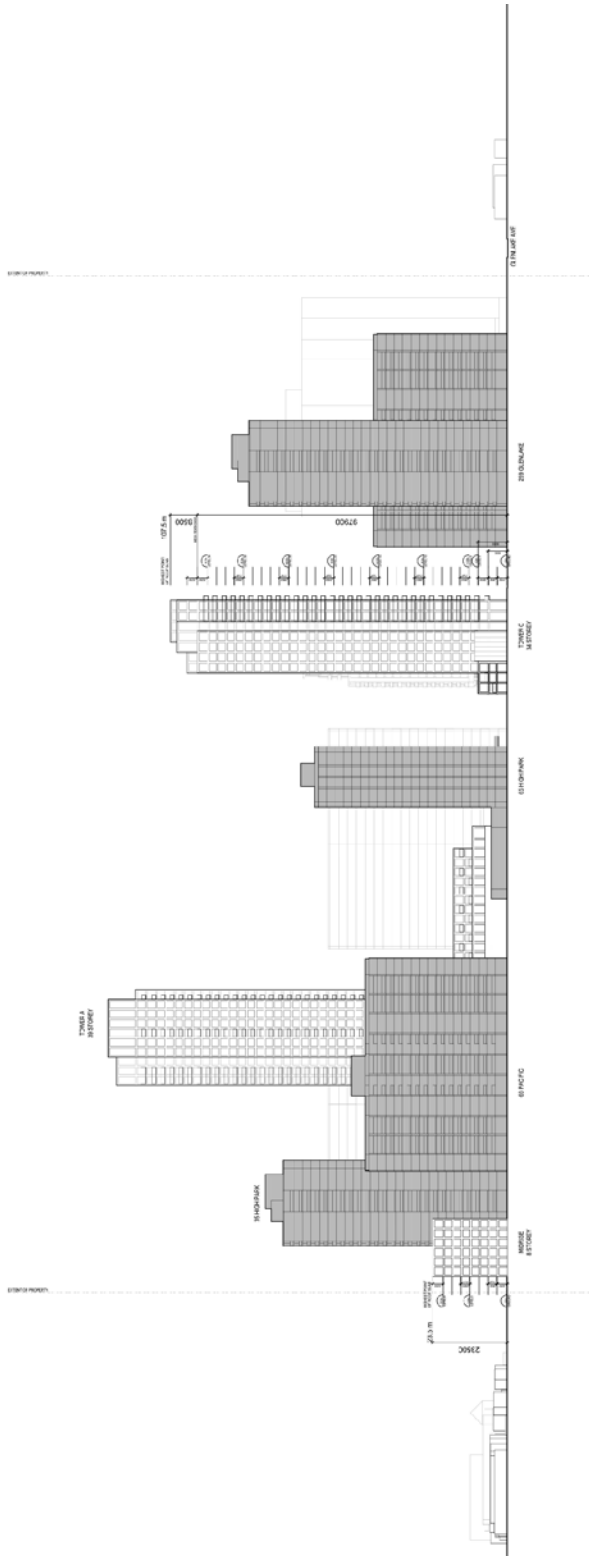
Elevations

Applicant's Submitted Drawing

Not to Scale
03/06/17

**35, 41-63, 65 and 95 High Park Avenue and
102-166 Pacific Avenue**

File # 16 271597 WET 13 0Z



East Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
03/06/17

**35, 41-63, 65 and 95 High Park Avenue and
102-166 Pacific Avenue**

File # 16 271597 WET 13 0Z