

**470, 490 and 530 Wilson Avenue - Zoning Amendment and Rental Housing Demolition and Conversion Applications - Request for Direction Report**

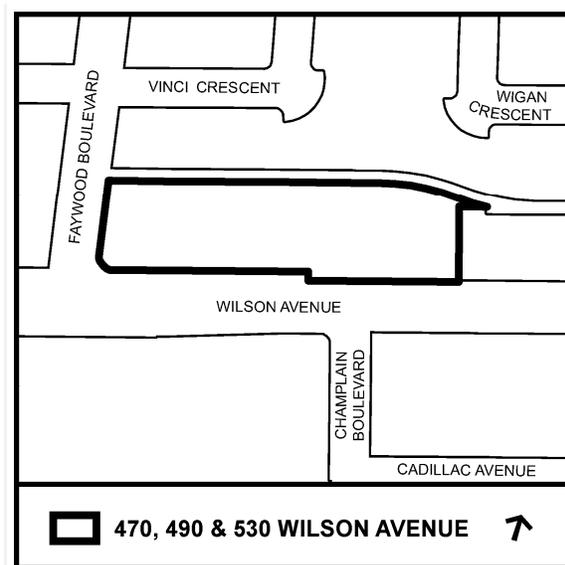
<b>Date:</b>	December 15, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 10 – York Centre
<b>Reference Number:</b>	16 270444 NNY 10 OZ

**SUMMARY**

This application proposes to amend the zoning by-law to permit a 13 storey condominium building (353 units), a 12 storey rental apartment building (158 units) and two 4.5 storey stacked back-to-back townhouse buildings (112 units) on the site located at 470, 490 and 530 Wilson Avenue. The proposed redevelopment includes a three level underground parking garage with a total of 559 parking spaces and 5 surface parking spaces. The proposal also includes the demolition of a four-storey commercial office building and two four-storey residential rental buildings that contain a total of 110 rental units. The applicant has also filed a Rental Housing Demolition application (File No. 16 270452 NNY 10 RH).

The owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision within the prescribed times frames set out in the *Planning Act*. A prehearing has been scheduled for February 16, 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 Ontario Municipal Board hearing



to oppose the application, as currently proposed by the applicant as staff have concerns with the development application in its current form, including lack of on-site parkland dedication, rental housing and office replacement, proposed height and density, built form, massing and proposed separation between the mid-rise buildings and stacked townhouses. This report also recommends that the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an effort to address the issues outlined in the report.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Zoning By-law Amendment application in its current form for the lands located at 470, 490 and 530 Wilson Avenue.
2. City staff continue discussions with the applicant to revise their proposal to address outstanding issues outlined in this report.
3. City Council defer making a decision on Rental Housing Demolition application (File No. 16 270452 NNY 10 RH) under Municipal Code, Chapter 667 pursuant to Section 111 of the City of Toronto Act, 2006 to demolish the 110 existing rental dwelling units at 470 and 490 Wilson Avenue and instruct staff to report on the Section 111 Application to North York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law Amendment appeal for the lands at 470, 490 and 530 Wilson Avenue.
4. In the event that any development arising out of the subject application is approved, City Council require on-site parkland dedication be conveyed to the City pursuant to Section 42 of the Planning Act.
5. Should the Ontario Municipal Board approve the application, City Council direct the City Solicitor to advise the Ontario Municipal Board that the Zoning By-law Amendment should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Acting Chief Planner and Executive Director, City Planning in consultation with the applicant and the Ward Councillor.
6. In the event that the Ontario Municipal Board allows the appeal of the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its Order(s) approving the application until such time as:
  - a. The Board has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the Acting Chief Planner and

City Solicitor including securing the replacement rental dwelling units and rents, tenant assistance and other rental related matters at least in conformity with Section 3.2.1.6 of the Official Plan and the owner has entered into and registered a Section 37 Agreement with the City incorporating such replacement rental dwelling units, rents, tenant assistance and other related rental matters and other Section 37 matters, all to the satisfaction of the City Solicitor; and

- b. City Council has dealt with application 16 270452 NNY 10 RH, under Chapter 667 of the Municipal Code pursuant to Section 111 of the City of Toronto Act to demolish 110 existing rental dwelling units at 470 and 490 Wilson Avenue.
7. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

An Avenue Study for the portion of Wilson Avenue from Bathurst Street in the east to Keele Street in the west, including the subject site, was completed in 2007 (Official Plan Amendment (OPA) No. 1). The purpose of Official Plan Amendment No. 1 was to reduce the right-of-way width of portions of Wilson Avenue from 36 metres to 33 metres. The eastern most portion of the subject lands is subject to the reduced right-of-way width provisions of OPA 1.

The study also resulted in the implementation of Zoning By-law No. 1147-2007 which changed the zoning of the site from C1 – General Commercial Zone to AV – MU – Avenues Mixed Use Zone. This zoning allows for residential, commercial and institutional uses, and a maximum height of 8 storeys and 24 metres with a density of 2 times the site area.

A preliminary report was prepared for the February 22, 2017 meeting of the North York Community Council. At this meeting North York Community Council adopted the staff recommendations and expanded the notice area for the community consultation meeting.

The Preliminary Report and Community Council Decision are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.29>.

## **ISSUE BACKGROUND**

### **Proposal**

The site currently contains two walk-up rental apartment buildings located at 470 and 490 Wilson Avenue with a total of 110 residential rental units. The property at 530 Wilson Avenue is currently occupied by a 4 storey office building.

The applicant is proposing to amend the zoning by-law to permit a 13 storey condominium apartment building (Building A) with 353 residential units, a 12 storey rental apartment building (Building B) with 158 residential units, and two stacked back-to-back townhouse buildings with a total of 112 residential units. The condominium and rental apartment buildings would be located along Wilson Avenue. The two stacked back-to-back townhouse buildings would be located at the rear of the site behind the proposed apartment buildings. There would be a courtyard located between the apartment buildings and the stacked townhouse buildings.

The proposal also includes 564 parking spaces (491 residential and 73 visitor spaces). All parking would be located in a three level underground parking garage with the exception of five surface parking spaces. Vehicular access to the site would be located on Wilson Avenue. The applicant is not proposing access to the site from the 6.1 metre unopened publicly-owned laneway immediately north of the site.

The demolition of the existing residential rental apartment buildings at 470 and 490 Wilson Avenue is required to facilitate the proposed development. All of the existing units are considered to have affordable rents. All rental units will be required to be replaced with units of similar type and size with similar rents. The applicant has filed a Rental Housing Demolition application and is proposing to replace the 110 residential rental units that currently exist on the site. The rental replacement units are proposed to be located in Building B.

### **Building A**

The proposed condominium apartment building would be rectangular in shape and located at the northeast corner of Faywood Boulevard and Wilson Avenue. It would have an overall height of 13 storeys (39.2 metres) including an internal mechanical penthouse. Building A would contain indoor residential amenity area as well as non-residential uses including retail, commercial, office and service uses on the ground floor. The outdoor amenity area would be located immediately north of the building in a ground-level courtyard. Pedestrian access to the non-residential uses would be from 3 entry points along Wilson Avenue. Pedestrian access for the residential lobby would be from Wilson Avenue with a secondary access on Faywood Boulevard.

### **Building B**

The proposed L-shaped residential rental apartment building would be located east of Building A and rise to a height of 12 storeys plus a mechanical penthouse (34.2 metres,

37.1 metres including mechanical penthouse). At the east end of the proposed building there would be a north-south oriented wing that steps down from 12 storeys to 9 and again to 6 storeys toward the rear of the site. Building B is proposed to include an amenity area for residents as well as non-residential uses on the ground floor. The outdoor amenity area would be located at ground level immediately north of the building with a separate amenity area east of the building. The applicant is proposing two pedestrian access points for the non-residential uses on Wilson Avenue. Pedestrian access to the residential lobby would also be from Wilson Avenue. There would be a 15.5 metre separation between Buildings A and B which would be used for a single common driveway access to/from Wilson Avenue. This driveway would provide access to the parking and loading areas for all components of the proposal including the condominium building, the rental building, the stacked townhouses and the retail uses.

### **Stacked Back-to-Back Townhouse Buildings**

The applicant is proposing two stacked back-to-back townhouse buildings at the rear of the site. The buildings would be 4.5 storeys in height (13.26 metres) including the access to the private rooftop amenity areas. They would be separated by a 3.53 metre walkway which would also contain exit stairs for the underground garage and short-term bicycle parking. Residential access to the stacked back-to-back townhouses would be from a walkway in the courtyard located within the site with access to Faywood Boulevard.

### **Affordable Housing**

The Planning Rational Report submitted in support of this development application indicates that the owner of the site is interested in providing at least 50 affordable home ownership units within the residential condominium building and the stacked back-to-back townhouses. The City’s Affordable Housing Office has been consulted and this initiative would be contingent on future program and funding availability. If the units are to be considered a community benefit, the purchase price of the units will be set at or below the Official Plan's Affordable Ownership Housing definition.

Further information about the proposal is provided below:

### **Overall Proposal**

Total Site Area	10,027 m <sup>2</sup>
Total Residential GFA	41,345 m <sup>2</sup>
Total Non-Residential GFA	669.3 m <sup>2</sup>
Floor Space Index	4.57 times the site area
Number of Underground Parking Levels	3
Total Number of Parking Spaces	564 (491 residential, 73 visitor) – shared between all buildings
Total Number of Bicycle Parking spaces	646
Total Number of Loading spaces	2
Total Indoor Amenity Area	1,231.3 m <sup>2</sup>
Total Outdoor Amenity Area	1,423 m <sup>2</sup>

## Individual Building Statistics

	Building A – 13 Storey Residential Condominium	Building B – 12 Storey Residential Rental	Stacked Back-to-Back Townhouses
Residential Gross Floor Area	20,376.7 m <sup>2</sup>	10,095 m <sup>2</sup>	10,874 m <sup>2</sup>
Non-residential Gross Floor Area	451.3 m <sup>2</sup>	218 m <sup>2</sup>	0
Height	13 storeys (39.2 m)	12 (37.1m)	4 storeys (13.26 m)
First Floor Height	4.5 m	4.5 m	NA
Building Dimensions	123 m east-west 15.14 m north-south	46.27 m east-west 33.94 m north-south	West Building 66.18 m east-west 17.17 m north-south  East Building 88.13 m east-west 17.17 m north-south
# of Residential Units	353 1 bdrm: 60 (17%) 2 bdrm: 292 (83%) studio : 1 (0.3%)	158 (110 would be rental replacement units) 1 bdrm: 93 (59%) 2 bdrm: 65 (41%)	112 2bdrm: 112 (100%)
Building setbacks to adjacent property lines	North: NA South: 0 East: NA West:1.5 – 3m (approximately)	North: NA South:1.44 East: 5.57 m West: NA	North: 1-1.5 m South: NA East: 32.25 m West: 2.68 – 5.25 m (approx.)
Distance from Curb to Building face at Ground level along Wilson Avenue	9.5 – 11 m (approx)	11 m approx	NA
Indoor Amenity Space	831 m <sup>2</sup>	399.6 m <sup>2</sup>	0
Outdoor Amenity Space	820 m <sup>2</sup>	603 m <sup>2</sup>	0

For additional project details refer to Attachment Nos. 1, 2a – 2i, and 5).

## Site and Surrounding Area

The site is flat and rectangular in shape. It has a frontage of 199 metres on Wilson Avenue, a depth of 49.6 metres and a total area of 10,027 square metres. The site is

comprised of 3 properties including 470, 490 and 530 Wilson Avenue. The properties at 470 and 490 Wilson Avenue each contain a 4 storey residential rental apartment building. Each building contains 55 residential units for a total of 110 residential rental units on the site. All of the units are considered to have affordable rents. The property at 530 Wilson Avenue contains a 4 storey office building with 351 square metres of retail uses on the ground floor and 1,878 square metres of office uses above. All parking for the existing buildings is provided at grade and located generally along the north, east and west sides of the existing residential buildings and to the north and east of the existing office building.

North: There is a 6.1 m wide unopened city-owned lane extending across the entire north boundary of the subject lands. This unopened lane extends further east to Allingham Gardens and the primary surface of this lane is sod. Immediately to the north of the public lane is the rear lot line of single detached dwellings fronting on the south side of Vinci Crescent.

South: The site fronts onto Wilson Avenue. On the south side of Wilson Avenue is the Gramercy Park residential condominium building with commercial uses on the ground floor. The building is comprised of a 6 storey base building that rises to 9 storeys at the east end and 12 storeys at the west end of the site. The Champlain Apartments, a 5 storey residential building at 495 Wilson Avenue is located directly across from the central portion of the subject lands on the south side of Wilson Avenue.

East: Immediately to the east on Wilson Avenue is a 2 storey commercial building with front and rear yard surface parking areas. Adjacent to the commercial building are two, 3 storey walk-up apartments. Further to the east, at the northwest corner of Allingham Gardens and Wilson Avenue is an automotive repair and sales facility.

West: Faywood Boulevard is located along the west property line of the subject site. At the northwest corner of Wilson Avenue and Faywood Boulevard is a 3 storey apartment building.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) (2014) 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 City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement 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;
- Minimize 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.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (GGH) (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) 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. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff reviewed the proposed development for consistency with the Provincial Policy Statement (2014) and for conformity with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Official Plan**

The subject site is shown as an *Avenue* on Map 2 – Urban Structure of the Official Plan and within a *Mixed Use Areas* designation on Map 16 – Land Use Plan. The site is located immediately south of an area with a *Neighbourhoods* land use designation. See Attachment No. 3 – Official Plan.

## **Chapter 2 – Shaping the City**

### **Section 2.2.3 Avenues: Reurbanizing the Arterial Corridors**

The subject site is located on an *Avenue* on Map 2 – Urban Structure in the Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment.

A framework for change is to be tailored to the situation of each *Avenue* through a local Avenue Study that will contain a vision and implementation plan that will set out:

- investments in community improvements by public agencies or public/private partnerships including streetscape improvements, transportation improvements, parks and open spaces, and upgraded water or sewer infrastructure; and
- contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the *Avenue* which includes: permitted uses and maximum density and height limits; appropriate massing, scale, siting and organization of buildings; appropriate scale transitions to adjacent areas; and transit-supportive measures such as minimum development densities; maximum and minimum parking standards; and restrictions on auto-oriented retailing and services.

An Avenue Study for the portion of Wilson Avenue from Bathurst Street in the east to Keele Street in the west, including the subject site, was completed in 2007 (Official Plan Amendment 1 and By-law No. 1147-2007). The purpose of Official Plan Amendment 1 was to reduce the right-of-way width of portions of Wilson Avenue from 36 metres to 33 metres. The eastern most portion of the subject lands is subject to the reduced right-of-way width provisions of OPA 1.

The study also resulted in the implementation of Zoning By-law 1147-2007 which changed the zoning of the site from C1 – General Commercial Zone to AV – MU – Avenues Mixed Use Zone. This zoning allows for residential, commercial and institutional uses, and a maximum height of 8 storeys and 24 metres with a density of 2 times the site area.

### **Section 2.3.1 Healthy Neighbourhoods**

Section 2.3.1 of the Official Plan contains policies that specifically address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the

*Neighbourhoods* designation. Policies in this section require development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* to be:

- compatible with those *Neighbourhoods*;
- provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and
- maintain adequate light and privacy for residents in those *Neighbourhoods*.

### **Chapter 3 – Building a Successful City**

#### **Section 3.1.2 Built Form**

The Official Plan requires new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and limit impact on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan.

#### **Section 3.2.1 Housing**

The Official Plan policies address the need to preserve and increase the City’s supply of rental and affordable housing. The site of the proposed development contains 110 residential rental units. Policy 3.2.1.6 of the Official Plan states that new development, that would have the effect of removing six or more rental units, will not be approved unless the same number, size and type of rental housing units are replaced and maintained with similar rents. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship.

### **Chapter 4 – Land Use Designations**

#### **Section 4.5 Mixed Use Areas**

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to ensure they:

- provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;

- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;
- take advantage of nearby transit services;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents.

### **Official Plan Amendment 231**

OPA 231 was adopted by Council on December 18, 2013. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations and contains new policies with respect to office replacement in transit-rich areas. OPA 231 was approved by the Minister of Municipal Affairs and Housing on July 9, 2014 and portions of the amendment are under appeal at the Ontario Municipal Board. These include:

- **3.5.1 Policy 6:** "New office development will be promoted in *Mixed Use Areas and Regeneration Areas* in the *Downtown and Central Waterfront* and *Centres*, and all other *Mixed Use Areas, Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station. Secondary Plans and Site and Area Specific Policies may establish policies providing for minimum standards for commercial development within 500 metres of an existing or approved and funded subway, light rapid transit or GO station."
- **3.5.1 Policy 9:** "New development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the non-residential gross floor area used for office purposes where the property is located in a *Mixed Use Area* or *Regeneration Area* within:
  - a) the *Downtown* and *Central Waterfront*;
  - b) a *Centre*; or
  - c) 500 metres of an existing or an approved and funded subway, light rapid transit or GO train station.

Where site conditions and context do not permit an increase in non-residential office gross floor area on the same site, the required replacement of office floor space may be constructed on a second site, prior to or concurrent with the residential development. The second site will be within a *Mixed Use Area* or *Regeneration Area* in the *Downtown* and *Central Waterfront*; within a *Mixed Use Area* or *Employment Area* in the same *Centre*; or within 500 metres of the same existing or approved and funded subway, light rapid transit or GO train station."

Although not in full force and effect, OPA 231 represents Council's long-term land use planning policy direction. Council's direction is relevant but not determinative in terms of the Official Plan policy framework for this site.

The property at 530 Wilson Avenue is designated *Mixed Use Areas*, is within 500 metres of an existing TTC (Wilson) subway station, and accommodates existing office space over 1000 square metres.

As part of the City's ongoing Official Plan Five Year Review, 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 Neighbourhood* sites and to implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, which decision has been appealed in part. The OMB commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

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 Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link: [www.toronto.ca/OPreview/neighbourhoods](http://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 in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas* that are adjacent and close to *Neighbourhoods*. The new criteria address components in new development such as amenity and service areas, lighting and parking.

## **Zoning**

The subject site is zoned AV-MU Avenues Mixed Use Zone under the former City of North York Zoning By-law No. 7625. See Attachment No. 4 – Zoning By-law No. 7625. This zoning permits a variety of residential, commercial and institutional uses including apartment house dwellings, live work units, retail uses, service shops and a community centre. The maximum permitted height is 8 storeys and 24 metres and the maximum permitted density is 2 times the site area. The zoning also requires all buildings and structures to maintain a 45 degree angular plane from any lot line abutting an R – Residential zone. Where a public laneway abuts the site the laneway may be included for the purposes of establishing the 45 degree angular plane.

This site is not subject to City-wide Zoning By-law No. 569-2013.

## **Mid-Rise Building Performance Standards**

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the *Avenues* and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

The *Avenues* and Mid-Rise Buildings Study identifies a list of best practices, categorizes the *Avenues* based on historic, cultural and built form characteristics, establishes a set of Performance Standards for new mid-rise buildings and identifies areas where the Performance Standards should be applied.

The Performance Standards assist in the implementation of Official Plan policies for *Avenues* and *Mixed Use Areas*, ensuring among other matters, quality and comfortable streetscapes along the *Avenues*, which are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21; streetwall stepbacks, which mitigate the pedestrian perception of building height along the street; and an acceptable relationship between mid-rise buildings and the adjacent *Neighbourhoods* and *Parks and Open Space Areas*, which the Official Plan policies are explicit in their intent to protect through appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise development and are intended to respect Section 2.3.1 of the Official Plan.

## **Mid-Rise Building Performance Standards: Addendum**

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable.

Among other matters, the Addendum provides clarification regarding use of the Guidelines within Secondary Plan Areas, as well as specific land use and street frontage criteria which must be met prior to applying the Performance Standards to mid-rise proposals not located on an *Avenue*.

The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines. Refer to the Council Decision:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The Addendum was considered together with the Mid-Rise Building Performance Standards in the evaluation of the application.

## **Infill Townhouse Guidelines**

The Urban Design Guidelines for Infill Townhouses (2003) assist in the implementation of Official Plan policies with a focus on preserving and enhancing streetscapes, respecting and reinforcing the prevailing physical character of the surrounding context and mitigating the impact of new development on adjacent and nearby properties and the public realm. The Guidelines provide an evaluation framework for site design and built form matters to achieve high quality urban design outcomes for low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at: [http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/).

## **Urban Design Guidelines for Townhouses and Low-Rise Apartments**

A comprehensive update to the Infill Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines (draft August 2016) further clarify and expand upon the 2003 Council-approved Infill Townhouse Guidelines to address current policy directions and best practices for a broader range of multi-dwelling developments up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at: <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>.

City staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of development applications. Prior to presenting a finalized version of these Guidelines for City Council consideration and adoption, the Urban Design Guidelines for Infill Townhouses will be considered together with the draft Townhouse and Low-Rise Apartment Guidelines in the evaluation of this application.

## **Growing Up Draft Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing UP Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Draft Urban Design Guidelines were considered in the review of this proposal.

## **Site Plan Control**

The proposed development is subject to site plan control. An application for Site Plan Approval has not been submitted but will be required.

## **Tree Preservation**

The applicant has submitted an arborist report indicating the proposed development will require the removal of 17 City-owned trees and 4 privately owned trees with a diameter of 30 cm or more and subject to the Private Tree By-law. Tree Preservation and

Landscape Plans have been submitted with the application and circulated to the City's Urban Forestry staff for review.

## **Rental Housing**

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 cannot be appealed to the Ontario Municipal Board.

## **Reasons for the Application**

The Zoning By-law Amendment application is required to increase the maximum permitted building height from 8 storeys and 24 metres to 13 storeys and 39.2 metres, to increase the maximum permitted density from 2 times the area of the site to 4.57 times the area of the site and to establish the appropriate development standards.

The applicant has submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units as the subject lands contain more than six residential rental units.

## **Community Consultation**

Staff held a community consultation meeting on June 15, 2017 to present the applicant's proposal to the public. The community meeting was attended by the local Councillor and his staff, the developer and their consulting team, City Planning staff and approximately 100 members of the public. The members of the community were predominantly opposed to the proposal and raised a number of concerns. These concerns include:

- the proposed buildings are too tall and too dense;
- the proposed development would generate too much traffic in an already congested area;

- the proposed mid-rise buildings are not massed appropriately – this location is a different context than on the south side of Wilson Avenue;
- overlook, privacy, sky view and shadowing concerns for the residents living north of the subject property;
- school capacity of the area schools;
- an Avenue Study was completed in 2007 recommending 8 storeys with a density of 2 times the site area – the applicant should stay within those parameters;
- lack of park space in the Tippet Road and Wilson Avenue area;
- many questions regarding the rental housing replacement and assistance; and
- a handful of residents were in support of the application.

On August 17, 2017, the applicant held a tenant information session with the tenants of 470 and 490 Wilson Avenue. The local Councillor, his staff, and City Planning staff were also in attendance. This meeting was organized as many of the questions from the community consultation meeting were rental housing related. At this meeting the discussion revolved around the timing of the application and approvals, notice to vacate the existing rental buildings, compensation and the tenant relocation and assistance plan, the right to return to the new rental building, expected rents, the replacement units sizes and types, features and amenities of the building and parking.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluation of the application.

## **COMMENTS**

### **Wilson Avenue Study**

On October 23, 2007, the Wilson Avenue *Avenue* Study was approved by City Council and brought forward new policies, regulations and implementation strategies to achieve, over time, the revitalization of Wilson Avenue. The goal of the study is to encourage a street-oriented, mixed use pattern of development that promotes transit and pedestrian use and streetscape improvements to Wilson Avenue.

The study resulted in an amendment to the City's Official Plan, an amendment to the former City of North York Zoning By-law, and an accompanying Wilson Avenue Streetscape Study Final Design Report.

As a result of the study, a determination was made that the currently required maximum 36 metre wide right-of-way for Wilson Avenue had significant implications for redevelopment potential. An Official Plan Amendment was required to recognize that for some segments of Wilson Avenue, a maximum 33 metre wide right-of-way was sufficient.

An amendment to the former City of North York Official Plan proposed a “Mixed Use” designation on specific properties at the intersections of Bathurst Street and Keele Street

with Wilson Avenue to permit redevelopment of up to a maximum of 2.5 FSI and 10 storeys to recognize these significant intersections. For the remainder of the study area, the North York Official Plan designation is "Arterial Corridor Area" (ACA) which provides for mixed use development and development densities of 2.0 FSI subject to confirmation of infrastructure capacity, minimum lot frontage, urban design criteria and site plan control approval.

Amendments to the City of North York Zoning By-law No. 7625 were also required to: redefine uses; create building envelopes that are close to the Wilson Avenue right-of-way; establish maximum building heights of 3, 6, 8 and 10 storeys along the Avenue; establish development densities that are consistent with the Avenues vision; reduce parking requirements for residential uses; and, incorporate provisions to protect adjacent residential zones.

The Streetscape Study addressed more than four kilometres of public right-of-way within the study area, including the roadway and the sidewalks, boulevard and curbs on either side. It established streetscape and design elements that will enhance the visual quality of the street, pedestrian amenities and the liveability of neighbourhoods along Wilson Avenue. The implementation of the recommended streetscape and design elements will also establish Wilson Avenue as an important edge street to Parc Downsview Park and a principal route for access to the Park.

The Study was undertaken in three parts: a review of past studies; a block by block inventory of existing conditions and identification of potential solutions; and a block by block recommended streetscape condition, with an illustrated interim condition and a target condition.

A transportation analysis was completed by iTrans Consulting for the Wilson Avenue Study, which focused on modelling the operational impacts of increased development along Wilson Avenue to isolate key areas of impact. Where impacts were identified, the analysis recommends mitigation options within the existing right-of-way, including the introduction of traffic signals, changes to signal timing and the introduction of dedicated turn lanes at major intersections. The analysis also examined zoning scenarios that would represent development to 2.0 Floor Space Index (FSI) along Wilson Avenue, increasing to 2.5 FSI at the intersections of Keele Street, Ancaster Road and Bathurst Street.

City staff used this transportation analysis in part to assist in the evaluation of the existing and designated right-of-way width of Wilson Avenue between Keele Street and Bathurst Street to determine an appropriate width for Wilson Avenue. The city's goals for intensification, efficient traffic movements and urban design for main streets all impact the right-of-way width evaluation.

The vision for Wilson Avenue was completed after extensive study that included an Official Plan Amendment, a Zoning By-law Amendment, a Streetscape Study and a Transportation Analysis.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.7 states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans." Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. An Avenue Study for the portion of Wilson Avenue from Bathurst Street in the east to Keele Street in the west, including the subject site was completed in 2007 (Official Plan Amendment No. 1 and By-law No. 1147-2007). The purpose of Official Plan Amendment No. 1 was to reduce the right-of-way width of portions of Wilson Avenue from 36 metres to 33 metres. The study also resulted in the implementation of Zoning By-law No. 1147-2007 which changed the zoning of the site from C1 – General Commercial Zone to AV – MU – Avenues Mixed Use Zone. This zoning allows for residential, commercial and institutional uses to a maximum height of 8 storeys and 24 metres with a density of 2 times the site area. This zoning was implemented following an extensive review of the area and the resulting built form implements the *Avenues*, *Healthy Neighbourhoods*, *Built Form* and *Mixed Use Areas* policies of the City's Official Plan.

Section 1.3.1 of the PPS states that "planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed-use development that incorporate compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary infrastructure is provided to support current and projected needs."

The applicant's existing site currently supports over 1,000 square metres of office that is located within 500 metres to the Wilson Subway Station. Council approved policy is to

replace this office use within the proposed redevelopment to support the above PPS and OPA 231 policies.

This area of Wilson Avenue has had an extensive review through the Avenue Study that implemented supportable heights and densities for the site along Wilson Avenue. The applicant has not demonstrated that the additional height and density is appropriate and aligned with the vision of the Wilson Avenue study. The Official Plan is the guide which implements the Provincial Policy Statement. Staff are of the opinion that the proposed level of development is considered an over-development of the site and does not conform to the policies of the City's Official Plan; it also does not propose to replace the existing office uses on site, therefore making the proposed development application not consistent with the Provincial Policy Statement (2014).

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe. Section 5.2.4 Growth Forecasts, Policy 5 states that "within delineated built-up areas, municipalities may plan for development beyond the horizon of this Plan for strategic growth areas that are delineated in official plans and subject to minimum targets, provided that:

- a) integrated planning for infrastructure and public service facilities would ensure that the development does not exceed existing or planned capacity;
- b) the type and scale of built form for the development would be contextually appropriate; and
- c) the development would support the achievement of complete communities, including a diverse mix of land uses and sufficient open space.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. Official plans provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the Downtown, Centres, Avenues and Employment Areas. An Avenue Study for this portion of Wilson Avenue has been completed and the implementing zoning by-law permits a maximum height of 8 storeys and 24 metres with a density of 2 times the site area. The applicant's development proposal exceeds these targets with the tallest proposed building being 13 storeys in height (39.2 metres) and an overall floor space index of 4.57 times the site area. Although intensification is encouraged on this site, the proposal in its current form is an over-development of the site, does not comply with the Wilson Avenue Study, and the scale of built form for the proposed development is not contextually appropriate.

The proposed development would also not support the achievement of a complete community, including a diverse mix of land uses, as the proposal does not provide sufficient open space, including on-site parkland and the replacement of the existing office uses.

Staff are of the opinion that the proposed development application does not conform to, and conflicts with, the Growth Plan for the greater Golden Horseshoe (2017).

### **Overall Site Organization**

The proposal is comprised of two mid-rise buildings fronting onto Wilson Avenue and two stacked back-to-back townhouse blocks located in behind, and north of the two mid-rise buildings. Building A and the stacked townhouses located to the north are separated by an approximately 14 metre wide outdoor amenity area. Building B and the stacked townhouses to the north are separated by an approximately 12 metre wide outdoor amenity area and children's play area. The proposed separation distance is not appropriate due to the scale of the mid-rise buildings at 12 and 13 storeys in relation to the 4.5 storey stacked back-to-back townhouses. The proposed spacing distances between the two housing forms and the proposed organization of the site leads to unacceptable shadow impacts on the exterior amenity area and the children's play area. Further, proposed Building A includes an approximately 3 metre overhang above the eighth storey and proposed Building B includes an approximately 2 metre overhang above the ninth storey. These proposed overhangs further worsen the separation distances between the two housing forms and further increase the shadow, privacy, overlook and sky view impacts.

The orientation of the stacked back-to-back townhouses on the site do not have any direct visibility or direct access to Wilson Avenue. The site organization creates a building behind a building condition which is unacceptable.

The proposed development application needs to incorporate an on-site parkland dedication, needs to create a better separation distance between the two housing forms to allow for sunlight into the proposed outdoor amenity area, and needs to provide direct visibility to the stacked townhouses from Wilson Avenue. The applicant should also explore with the City an additional site access from the unopened rear public lane to service the proposed development. These issues are discussed in the remainder of the report.

### **Building Height, Massing and Transition**

The applicant is proposing a 13 storey condominium building, a 12 storey rental apartment building and two 4.5 storey stacked townhouse buildings on the site. The planned context on the south side of Wilson Avenue within the Tippett Road Regeneration Area is evolving in accordance with a recently approved Site and Area Specific Policy (No. 387) and Official Plan Amendment No. 309. However, on the north side of Wilson Avenue, save and except the subject property, the existing context for the most part is small walk up rental apartment buildings with heights of 3 storeys and 2 storey commercial at grade with residential above. The planned context was formed during the Wilson Avenue Study and resulted in an implementing zoning by-law that permits 8 storeys and 24 metres in height. The subject property is also bound on the north side by a stable, low rise, single-detached dwelling neighbourhood. The City's Official Plan has many policies for proposed developments located on *Avenues* within

*Mixed Use Areas* and adjacent to *Neighbourhoods* to assist in their appropriate transition to established *Neighbourhoods*.

Policy 2 of Section 2.3.1 of the Official Plan, Healthy Neighbourhoods states that "developments in *Mixed Use Areas*, *Regeneration Areas* and *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 this 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*."

Policy 3 of the Built Form policies in Section 3.1.2 of the Official Plan states that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) providing for adequate light and privacy;
- e) 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; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility."

In addition to the policies outlined above, the City's Official Plan has transition policies within the *Mixed Use Areas* section of the Plan. Section 4.5, Policy 2 c), d) and e) state that "in *Mixed Use Areas* development will:

- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;

- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes; and
- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces."

The proposed mid-rise buildings along Wilson Avenue are too tall and Building A is too long. Building A is massed with approximately 131 metres of frontage along Wilson Avenue. The frontage of the site is 199 metres. Building A occupies almost 66% of the frontage, while Building B occupies approximately 51.4 metres or approximately 26% of the frontage of the site. There is a 14 metre wide separation distance between the two proposed mid-rise buildings to allow for vehicular servicing of the site. The applicant needs to re-design Building A to provide a more appropriate massing along Wilson Avenue and to allow for adequate light and to limit shadowing on the outdoor amenity areas located to the north. The re-design of Building A should also provide better visibility to the proposed stacked townhouses at the rear of the site from Wilson Avenue.

The combination of the proposed height of the mid-rise buildings and the stacked back-to-back townhouses in close proximity results in unacceptable shadowing of the site. In addition, the proposed increase in height from 8 storeys to 13 and 12 storeys will create a precedent along Wilson Avenue for sites designated *Mixed Use Areas* that are adjacent to *Neighbourhoods*. These proposed heights and density increases have not been studied from an infrastructure perspective and would have implications on the local transportation and servicing infrastructure along Wilson Avenue.

### **Proposed Density**

Policy 3.1.2.1 (Built Form) of the City's Official plan states that "new development will be located and organized to fit with its existing and/or planned context." The applicant's proposed density for the development does not appropriately respond to the Wilson Avenue Study and the implementing Zoning By-law No. 1147-2007. The recommended density for this site resulting from the Wilson Avenue Study was 2 times the site area. This was the result of an extensive Avenue study, which included a transportation analysis that focused on modelling the operational impacts of increased development along Wilson Avenue. In the applicant's planning rationale, the planning consultant identifies two sites (The Station & Gramercy Park) on the south side of Wilson Avenue that were subject to the same study but were able to achieve additional height and density through a zoning by-law amendment application process. The existing and planned context of these two properties is much different than the subject property. These properties back onto properties also designated *Mixed Use Areas*. The subject property is located immediately to the south of an adjacent *Neighbourhoods* designation and the City's Official Plan contains policies on how development on a *Mixed Use Areas* site transition to a stable *Neighbourhood* including the use of setbacks, step-backs and angular planes.

The proposed development and the amount of density proposed does not appropriately align with the Wilson Avenue Study and the existing and planned context. As stated earlier, a transportation analysis that focused on modelling the operational impacts of increased development along Wilson Avenue was completed as part of the Wilson Avenue Study. The applicant's proposed additional density would set a precedent for other sites along Wilson Avenue and would have implications on the local transportation and servicing infrastructure along Wilson Avenue. The applicant has not comprehensively demonstrated the impact of the additional cumulative density along Wilson Avenue on the area infrastructure.

### **Mid-Rise Guidelines**

The *Avenues* policies in the Official Plan are intended to assist the City to direct growth to key main streets and areas with existing infrastructure while protecting the character and stability of the existing adjacent neighbourhoods. New development along *Avenues*, designated *Mixed Use Areas*, are generally envisioned to be mid-rise where the building is no taller than the width of the right-of-way (Wilson Avenue right-of-way is 33 metres) as recommended in the Mid-Rise Performance Standards. The ability to realize the maximum height is tempered by 45 degree angular planes applied to the front of the site and the rear of the site as well as the existing and planned context. Not all sites on *Avenues* will be able to achieve the maximum height, as some properties are physically constrained.

The proposal does not provide an acceptable relationship between the proposed mid-rise buildings and the adjacent *Neighbourhoods* to the north. The Mid-Rise Building Performance Standards provide guidance regarding appropriate building heights and transition between midrise buildings and *Neighbourhoods* through the use of angular planes. These angular planes are applied to both the front and rear of the site to ensure appropriately scaled mid-rise buildings along the *Avenues* that are responsive to their existing and planned context by creating vibrant pedestrian scaled streets and providing a gradual transition between midrise buildings and adjacent *Neighbourhoods* to limit shadow impacts and minimize privacy and overlook issues.

Midrise Building Performance Standard 1: Maximum Allowable Height states that the maximum allowable height of buildings on the *Avenues* will be no taller than the width of the *Avenue* right-of-way, up to a maximum mid-rise height of 11 storeys (36 metres). The right-of-way adjacent to Building A is 36 metres. Building A is 13 storeys, or 39.2 metres in height, including the mechanical penthouse. The right-of-way adjacent to Building B is 33 metres. Building B is 12 storeys, or 37.1 metres in height, including the mechanical penthouse. Both proposed mid-rise buildings do not meet this guideline as both buildings are taller than the adjacent right-of-way.

Midrise Building Performance Standard 4A: Front Façade: Angular Plane states that an angular plane will be taken from a height to 80% of the right-of-way width and subsequent storeys must fit within a 45-degree angular plane from this point in order to achieve a minimum of 5-hours of sunlight onto the Avenue sidewalks from March 21<sup>st</sup> to September 21<sup>st</sup>. The proposed midrise buildings do not meet this guideline as the front

angular plane intrudes through the 13<sup>th</sup> storey of proposed Building A and through the 12<sup>th</sup> storey of proposed Building B.

Midrise Building Performance Standard 4B: Front Façade: Pedestrian Perception Step-back states that pedestrian perception step-backs on buildings taller than 23 metres should be required to mitigate the perception of height and create buildings at the street that are of a comfortable scale for pedestrians. While the applicant's proposed midrise buildings show step-backs at the 9<sup>th</sup> and 10<sup>th</sup> storeys, Planning staff requires an additional step-back between grade and the 9<sup>th</sup> and 10<sup>th</sup> storeys of the midrise buildings to create a comfortable scaled building for pedestrians along Wilson Avenue.

Midrise Building Performance Standard 6: Corner Sites: Heights and Angular Planes state that on corner sites, the front angular plane and heights that apply to the Avenue frontage will also apply to the secondary street frontage. There is an intrusion of the angular plane into the 13<sup>th</sup> storey of proposed Building A. The applicant should re-design this building to meet the corner site angular plane guidelines to ensure that the building height and massing has minimal visual impact on Faywood Boulevard. An additional step-back should also be provided between the grade and the 10<sup>th</sup> storey of this midrise building along Faywood Boulevard.

Midrise Building Performance Standard 7A: Minimum Sidewalk Zones states that midrise buildings may be required to be set back at grade to provide a minimum sidewalk zone. Right-of-ways greater than 30 metres should provide a minimum sidewalk dimension of 6.0 metres. While the applicant may partially meet this requirement at present, the Toronto Transit Commission requires a minimum 3.3 metre wide queue jump lane across the entire frontage of the site. There is also a 3.4 metre road widening required on the eastern portion of the frontage. The applicant must provide increased setbacks at grade from their property line to the proposed midrise buildings along Wilson Avenue and Faywood Boulevard to meet this guideline and allow for tree planting and landscaping on private property.

Midrise Building Performance Standard 9: Building Width: Maximum Width states that where midrise building frontages are more than 60 metres in width, building massing should be articulated or "broken up" to ensure that facades are not overly long along the public streetscape. Long facades at grade provide less interest and variation at the pedestrian level and at the upper storeys, long, continuous facades prevent sunlight access and sky views to the street. The site has a frontage of 199 metres on Wilson Avenue, and proposed Building A is 131 metres wide. Proposed Building A does not meet this guideline and the building length along Wilson Avenue should be reduced.

City Planning is not supportive of the relationship between the proposed development and the adjacent *Neighbourhoods* area to the north. Appropriate transition should be provided to the *Neighbourhoods* designation. Modifications and reductions to the proposed height of the mid-rise buildings, massing and width of Building A, and overall density are required to meet the transition policies in Sections 2.3.1, 3.1.2 and 4.5 of the

Official Plan. The proposal in its current form is not consistent with the Official Plan and the Avenues and Mid-Rise Building Guidelines.

### **Sun/Shadow Impacts**

The Toronto Official Plan specifies that development in *Mixed Use Areas* will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. A shadow study was submitted and reviewed by City Planning staff. Staff examined the potential for shadow impacts on the single detached dwellings located to the north, primarily fronting Vinci Crescent.

For the spring and fall equinoxes, the majority of the shadow impact is during the morning hours from approximately 9:18am to 11:18am on the rear yards of the single-detached dwellings fronting onto Vinci Crescent. However, there is considerable shadow impact on the proposed stacked townhouses, the outdoor amenity area and the children's play area throughout the day. This shadow impact is not acceptable.

### **Townhouse and Low-Rise Apartment Guidelines**

The development application proposes two stacked back-to-back townhouse blocks that are 4.5 storeys in height (13.26 metres) for a total of 112 residential units. The residential units located on the fourth floor include an outdoor rooftop amenity area. While the proposed stacked townhouse units lie beneath the 45-degree angular plane, there is a potential impact on privacy, overlook and sky view from the roof top amenity areas on the rear yards of the single detached dwelling units fronting onto Vinci Crescent. In addition to this impact, the proposed stacked townhouses spacing distance between the mid-rise buildings fronting onto Wilson Avenue is unacceptable as they do not have any direct visibility or access to Wilson Avenue. The proposed site organization creates a building behind a building condition which is also unacceptable.

The design of the pedestrian entrances for the stacked back-to-back townhouses are not acceptable. There is a common pedestrian corridor which is approximately 13.5 metres long in a north-south direction that services six separate entry points to each of the dwelling units. This long common corridor creates an unsafe situation for future residents and it also proposes a poor pedestrian relationship with the outdoor amenity area and children's play area.

### **Office Replacement**

OPA 231 was adopted by Council on December 18, 2013. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations and contains new policies with respect to office replacement in transit-rich areas. OPA 231 was approved by the Minister of Municipal Affairs and Housing on July 9, 2014 and portions of the amendment are under appeal at the Ontario Municipal Board. These include:

- **3.5.1 Policy 6:** "New office development will be promoted in *Mixed Use Areas and Regeneration Areas* in the *Downtown and Central Waterfront* and *Centres*, and all other *Mixed Use Areas, Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO stations."
- **3.5.1 Policy 9:** "New development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the non-residential gross floor area used for office purposes where the property is located in a *Mixed Use Area* or *Regeneration Area* within:
  - a) the *Downtown* and *Central Waterfront*;
  - b) a *Centre*; or
  - c) 500 metres of an existing or an approved and funded subway, light rapid transit or GO train station.

Where site conditions and context do not permit an increase in non-residential office gross floor area on the same site, the required replacement of office floor space may be constructed on a second site, prior to or concurrent with the residential development. The second site will be within a *Mixed Use Area* or *Regeneration Area* in the *Downtown* and *Central Waterfront*; within a *Mixed Use Area* or *Employment Area* in the same *Centre*; or within 500 metres of the same existing or approved and funded subway, light rapid transit or GO train station."

Although not in full force and effect, OPA 231 represents Council's long-term land use planning policy direction. Council's direction is relevant but not determinative in terms of the Official Plan policy framework for this site.

The property at 530 Wilson Avenue is designated *Mixed Use Areas*, is within 500 metres of Wilson TTC subway station, and accommodates existing office space totaling over 1,000 square metres. At least 1,878 square metres of existing office space is required to be replaced. No office space replacement is proposed which is unacceptable to planning staff.

### **Rental Housing Replacement**

Based on information submitted by the applicant and confirmed through a site visit, the existing site contains a total of 110 rental dwelling units with affordable rents (55 units in each building), comprised of 20 studio, 60 one-bedroom, and 30 two-bedroom units.

The applicant has proposed to demolish the existing rental units and replace them in the proposed new rental apartment building on the site. Such new development and resulting demolition will not be approved unless Section 3.2.1.6 of the Official Plan is adhered to. This policy states that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental housing units, will not be approved unless certain conditions are met: all

of the rental housing units have rents that exceed mid-range rents, or in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. If these exceptions do not apply, then, in cases where planning approvals other than site plan are sought, the following are secured:

- at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is 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 units at similar rents, and other assistance to lessen the hardship.

The applicant hosted a meeting with tenants on August 17, 2017. Tenants raised concerns about the right to return process, challenges with finding affordable alternative accommodation during construction, and being able to afford the rents in the replacement units.

The details of the applicant's rental replacement proposal and Tenant Relocation and Assistance Plan have not been finalized. Outstanding matters are, but not limited to, the sizes of the replacement rental units and details with respect to the tenant relocation and assistance plan. Should the outstanding issues in this report be resolved, staff will continue to work with the applicant to resolve the outstanding rental replacement matters, all of which will be to the satisfaction of the Acting Chief Planner and secured through one or more agreements with the City. City Council should defer making a decision on Rental Housing Demolition application (File No. 16 270452 NNY 10 RH) under Municipal Code, Chapter 667 pursuant to Section 111 of the City of Toronto Act, 2006 to demolish the 110 existing rental dwelling units at 470 and 490 Wilson Avenue and instruct staff to report on the Section 111 Application to North York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law Amendment appeal for the lands at 470, 490 and 530 Wilson Avenue.

### **Tree Preservation**

There are 41 trees on the subject properties. Seventeen City trees and four permit-sized private trees would require removal to facilitate the proposed construction. The applicant has submitted an arborist report, tree preservation and landscape plans which have been reviewed by Urban Forestry staff. Urban Forestry staff require submission of a revised landscape plan showing private replanting trees at a minimum 6 metres apart, City replanting trees at a minimum of 8 metres apart, and to include some revised tree species.

### **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.

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 a parkland acquisition 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 8,307 square metres or 84% 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 1,486 square metres or 14.8% of the net site area.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The unencumbered park is to be located at the northeast corner of Faywood Boulevard and Wilson Avenue. Further discussion is required pertaining to the specific configuration and location of the on-site dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the City's Official Plan.

No on-site parkland dedication has been proposed which is unacceptable to the City.

### **Unit Mix**

Proposed Building A would contain 1 studio, 60 one-bedroom and 292 two-bedroom. Proposed Building B would contain 93 one-bedroom and 65 two-bedroom units, and the proposed stacked townhouses would contain 112 two-bedroom units. No three-bedroom units are proposed in this development application. Section 3.2.1 of the City's Official Plan states that "a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents." Planning staff have a significant concern with the applicant's proposal not containing any three-bedroom units. The Growing Up Draft Urban Design Guidelines require at least 10% of the units to be 3-bedroom units or larger. The buildings should also have a family friendly design.

### **Traffic Impact**

The applicant's transportation consultant, BA Group, prepared a Transportation Impact Study (TIS) for the proposed development application. The transportation consultant estimates in this study that the proposed development will generate approximately 150 and 155 two-way trips during the morning and afternoon peak hours, respectively.

Existing uses generate in the order of 35 and 40 two-way trips during the morning and afternoon peak hours, respectively. Thus, net new site traffic will be in the order of 115 two-way trips during the morning and afternoon peak hours. Given these additional estimated trips, the consultant concludes that site traffic will have a small impact on the overall intersection operations at Wilson Avenue/Wilson Heights Boulevard/Tippett Road in the morning and afternoon peak hours.

As part of the report's assessment, a new signalized intersection is proposed at the intersection of Wilson Avenue and Champlain Boulevard, with the site driveway. Transportation Services supports the proposed traffic signal location, however they require a traffic signal warrant to be prepared and submitted as part of the application.

Transportation Services also requires details, such as but not limited to, the submission of a functional road drawing which illustrates the proposed new signalized intersection at Wilson Avenue and Champlain Boulevard and the site access driveway. They also require a plan to illustrate the provision for a queue jump lane (minimum width of 3.3 metres) across the frontage of the site from Faywood Boulevard to the west side of the proposed traffic signal at Champlain Boulevard.

The applicant should also explore a secondary access with the City for the proposed development through the unopened City-owned lane to the north of the development parcels. Currently the City owns the unopened public lane which extends east to Allingham Gardens. Public lanes can be used to provide access to developments for vehicles, cyclists and pedestrians.

### **Servicing and Stormwater Management**

The applicant has submitted a Functional Servicing, Stormwater Management Report, Geotechnical Investigation, and a Hydrogeological Review with their development application. Engineering and Construction Services staff have reviewed the reports and associated plans and requires revisions and additional information to address outstanding requirements with respect to, but not limited to sanitary sewer capacity analyses to support the development proposal.

### **School Capacity**

At the community consultation meeting, residents expressed their concern with regards to lack of Toronto District School Board (TDSB) capacity in the area to serve this development.

Upon review of this application the Toronto District School Board has indicated that projected accommodation levels at local schools warrant the use of warning clauses on site and in agreements of purchase and sale, as a result of the cumulative impact arising from all development in the schools' attendance areas.

The TDSB has also indicated that 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 the proposed development will not displace existing

students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at schools across the TDSB. At this time, the schools anticipated to serve this development are unknown.

The Toronto Catholic District School Board (TCDSB) was also circulated the application but did not provide any comments with regards to capacity issues.

## **Toronto Green Standard**

City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. The applicant is required to meet Tier 1 of the TGS.

Some of the TGS performances measures that the development application is proposing to provide are bicycle parking rates at Tier 2 standards, green roofs, and designing the building to achieve at least 15% energy efficiency improvement over the current Ontario Building Code.

## **Section 37**

Section 37 of the Planning Act allows the City to grant a height and/or density increase that is greater than the zoning by-law would otherwise permit in return for community benefits. Section 37 may be used for development with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height.

Under the current proposal Section 37 policies would apply as the development contemplates a total gross floor area of 42,014.3 square metres and a maximum building height of 13 storeys or 39.2 metres to the top of the mechanical penthouse.

Since the proposal is not considered appropriate in its current form, and does not constitute good planning, discussions with the applicant about the nature and amount of community benefits have not taken place. In the event that the Ontario Municipal Board approves the proposed development, this report recommends that the Ontario Municipal Board not approve the zoning by-law without the provisions of such community benefits as may be considered appropriate in the opinion of the Acting Chief Planner in consultation with the applicant and the Ward Councillor. Should the proposal be improved to address the issues in this report, City staff will undertake discussions with the applicant regarding appropriate Section 37 community benefits.

## **Conclusion**

Staff are of the opinion that the proposed development application is not consistent with the Provincial Policy Statement (2014) and does not conform, and conflicts with the Growth Plan for the Greater Golden Horseshoe (2017). The proposal in its current form is not consistent with the City's Official Plan and the vision established through the Wilson Avenue Study. It is also not meeting a number of Council approved design guidelines. The proposal, as appealed to the Ontario Municipal Board is considered an overdevelopment of the site. It has limited regard for the single detached community to

the north in terms of transition, shadow impact, overlook, privacy, and reduced sky view. The proposed site organization with the stacked back-to-back townhouses in close proximity to the midrise buildings along Wilson Avenue is unacceptable in terms of building separation, shadowing on-site, and proposed midrise Building A is too long. The proposal also does not provide the required on-site parkland dedication or office space replacement. In addition, the details of the applicant's rental replacement proposal and Tenant Relocation and Assistance Plan have not been finalized. For these reasons, the proposal does not represent good planning. The application should be opposed at the Ontario Municipal Board in its current form.

## **CONTACT**

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Deanna Chorney, Senior Planner  
Tel. No. (416) 392-5092  
Fax No. (416) 392-3851  
E-mail: Deanna.Chorney@toronto.ca

## **SIGNATURE**

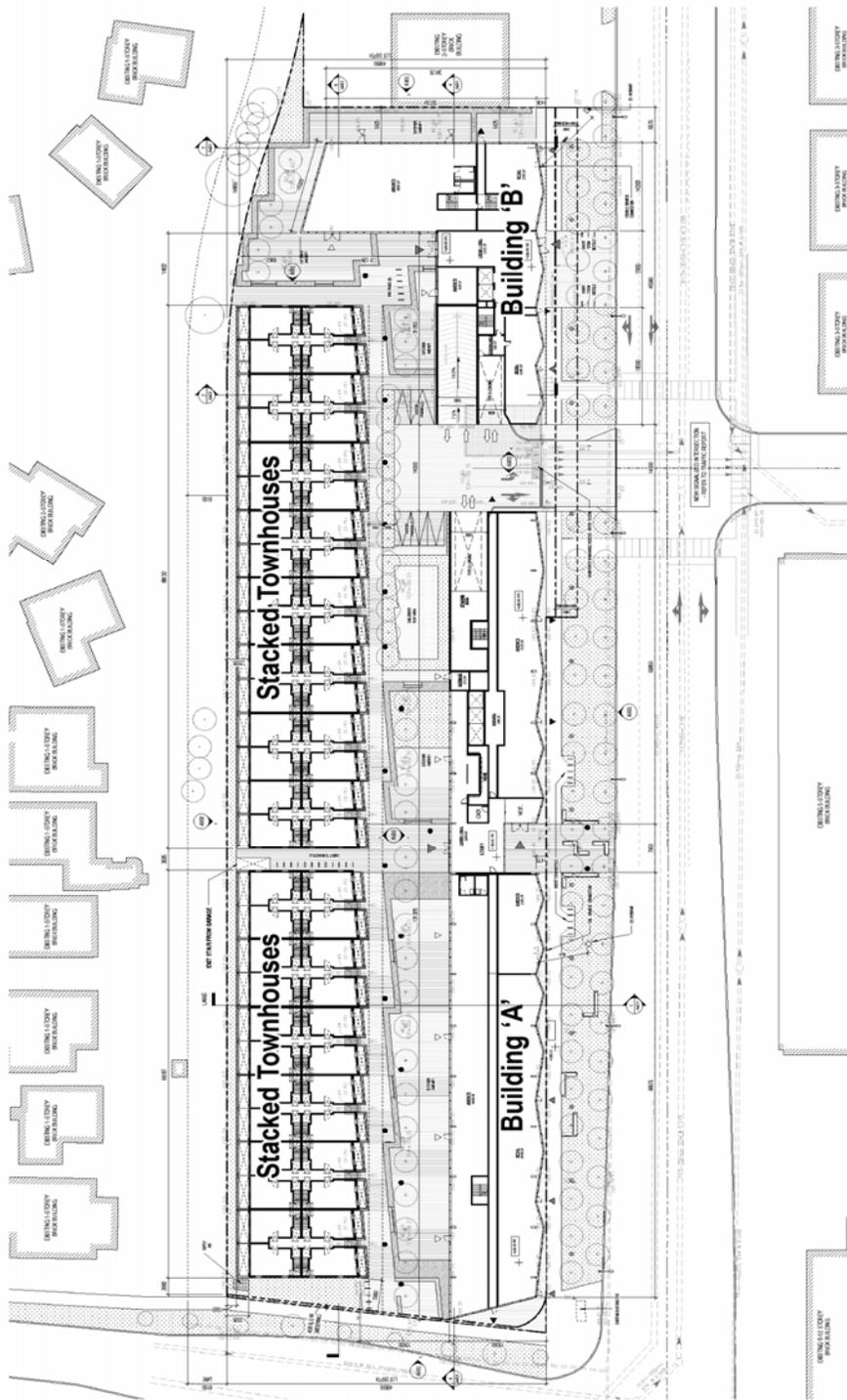
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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevations – Buildings A and B  
Attachment 2b: South Elevations Buildings A and B  
Attachment 2c: East Elevation Building A  
Attachment 2d: West Elevation – Building A  
Attachment 2e: East Elevation – Building B  
Attachment 2f: West Elevation – Building B  
Attachment 2g: North Elevations – Stacked Townhouses and Building B  
Attachment 2h: South Elevations – Stacked Townhouses  
Attachment 2i: East Elevation – Stacked Townhouses  
Attachment 3: Official Plan  
Attachment 4: Zoning By-law No. 7625  
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



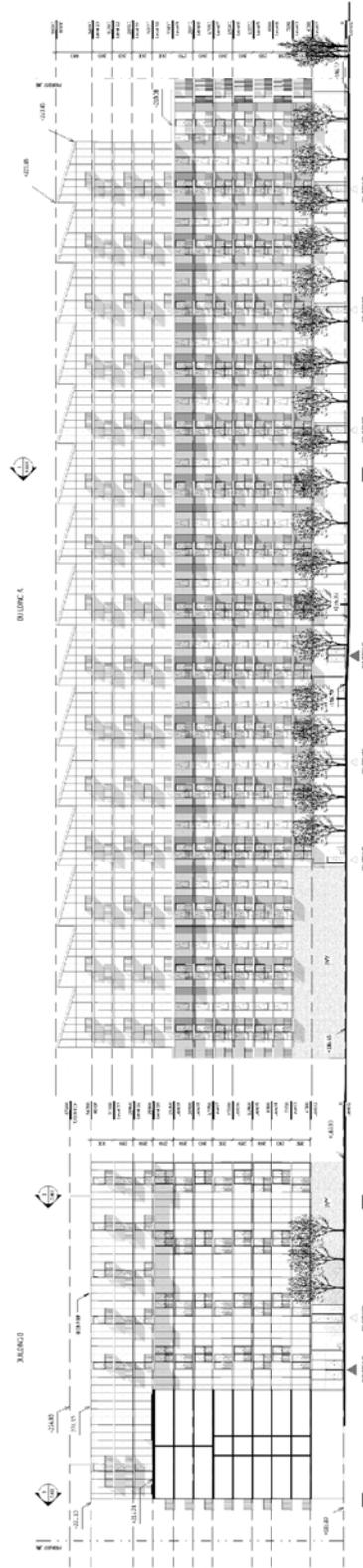
470, 490 & 530 Wilson Avenue

Site Plan  
Applicant's Submitted Drawing

Not to Scale  
01/10/2017

File # 16 270444 NNY 10 0Z

**Attachment 2a: North Elevations – Buildings A and B**



North Elevation - Buildings A + B

**Elevations**

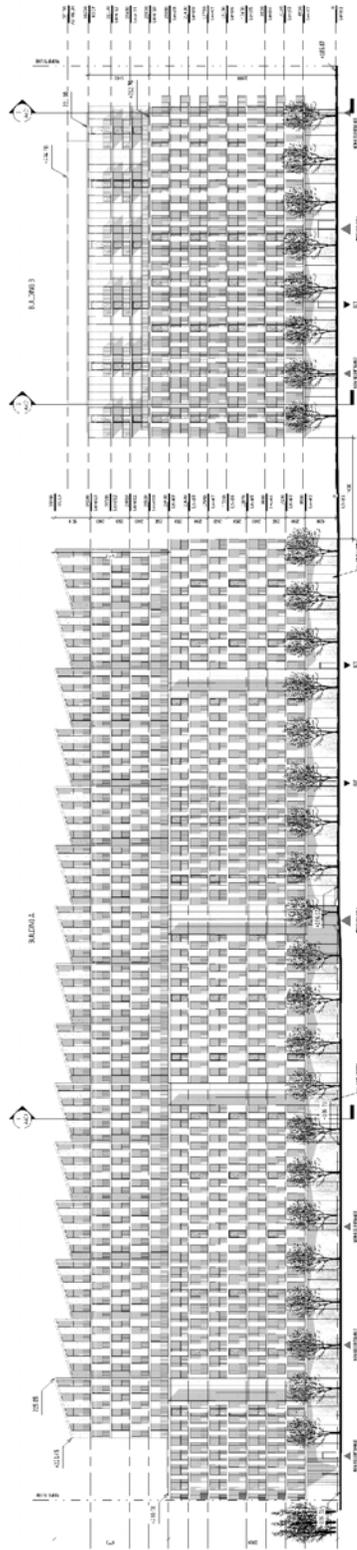
Applicant's Submitted Drawing

Not to Scale  
01/10/2017

**470, 490, 530 Wilson Avenue**

File # 16 270444 NNY 10 0Z

**Attachment 2b: South Elevations – Buildings A and B**



South Elevation - Buildings A + B

**Elevations**

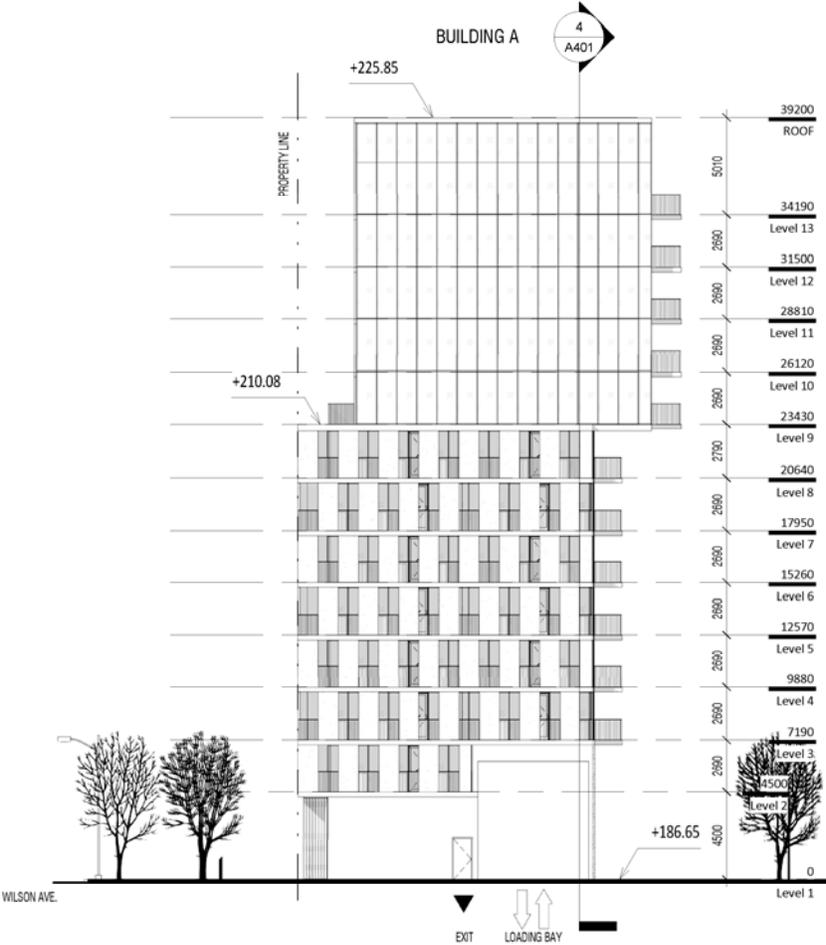
Applicant's Submitted Drawing

Not to Scale  
01/10/2017

**470, 490, 530 Wilson Avenue**

File # 16 270444 NNY 10 0Z

**Attachment 2c: East Elevation – Building A**



East Elevation - Building A

**Elevations**

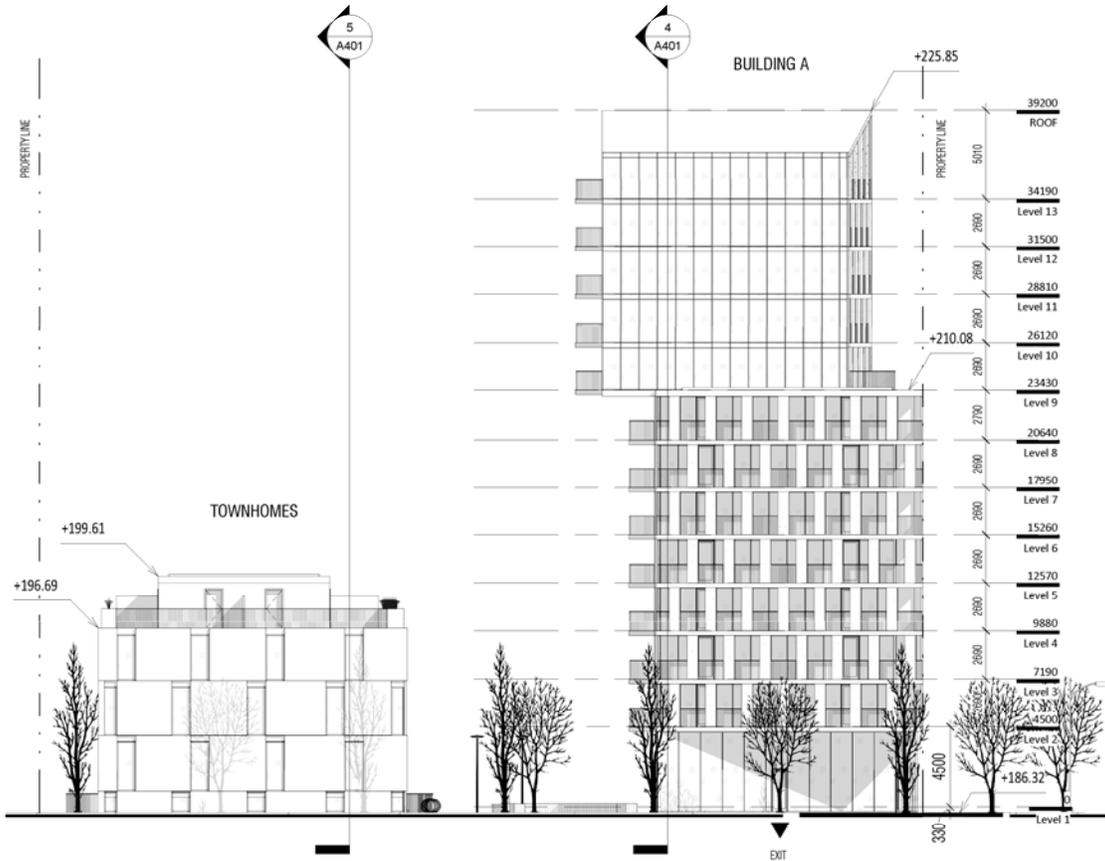
**470, 490, 530 Wilson Avenue**

Applicant's Submitted Drawing

Not to Scale  
01/10/2017

File # 16 270444 NNY 10 0Z

## Attachment 2d: West Elevation – Building A



West Elevation - Building A

### Elevations

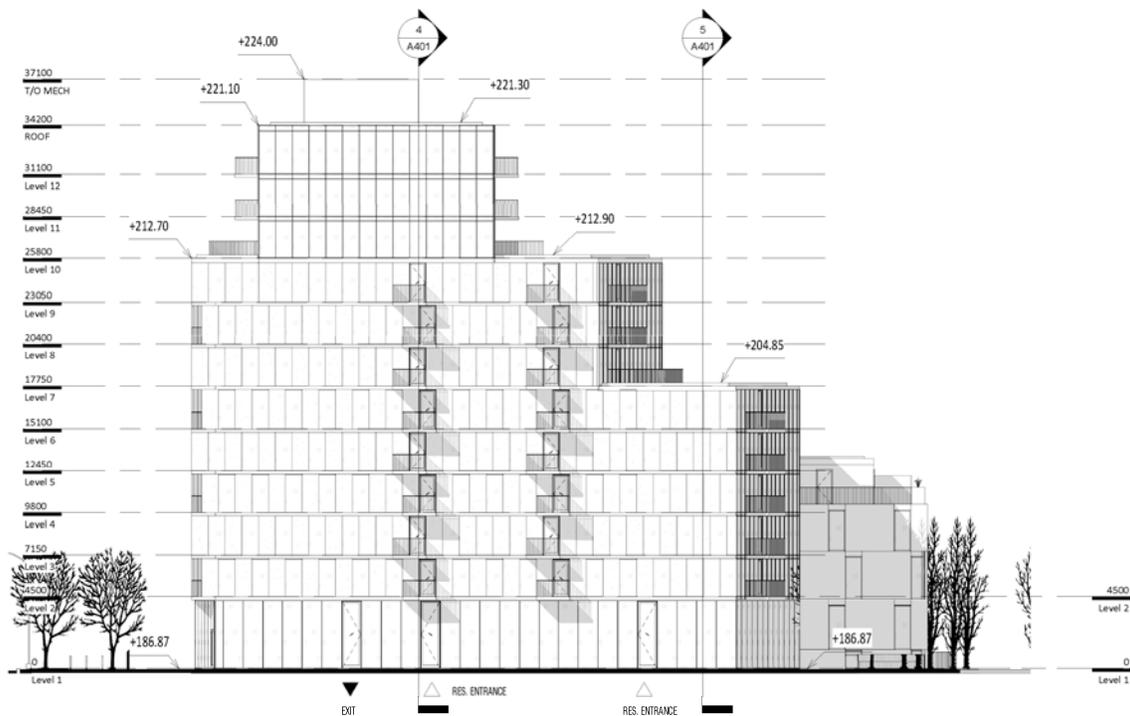
470, 490, 530 Wilson Avenue

Applicant's Submitted Drawing

Not to Scale  
01/10/2017

File # 16 270444 NNY 10 0Z

**Attachment 2e: East Elevation – Building B**



East Elevation - Building B

**Elevations**

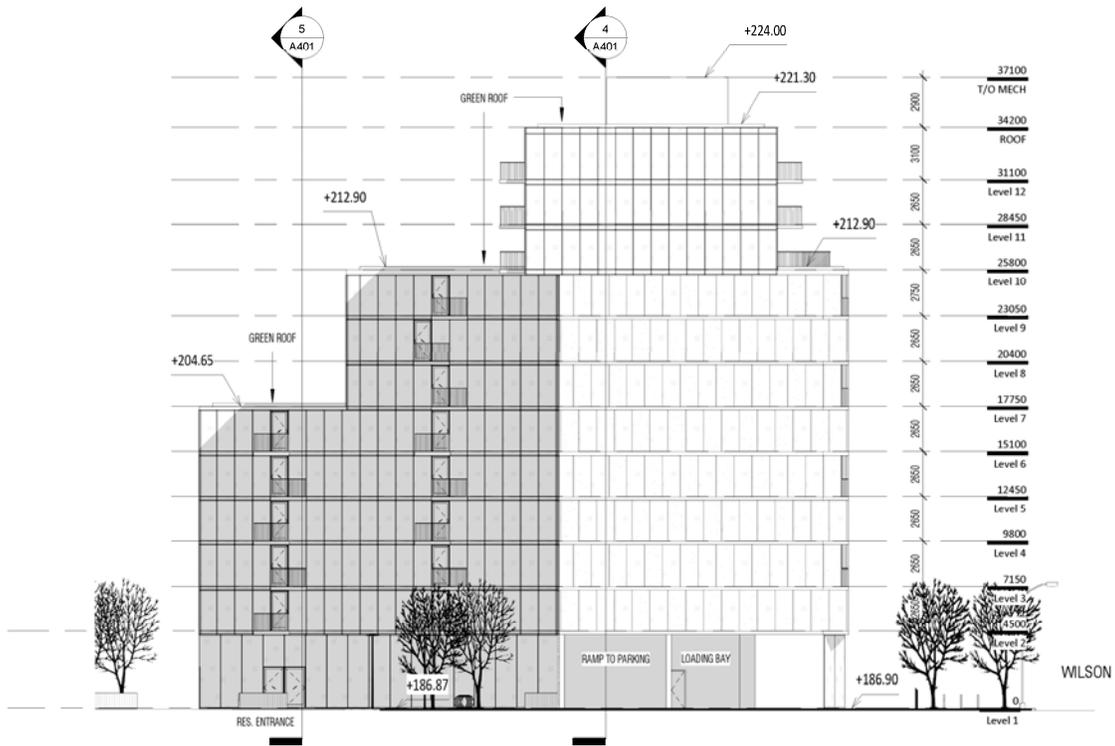
**470, 490, 530 Wilson Avenue**

Applicant's Submitted Drawing

Not to Scale  
01/10/2017

File # 16 270444 NNY 10 OZ

## Attachment 2f: West Elevation – Building B



West Elevation - Building B

### Elevations

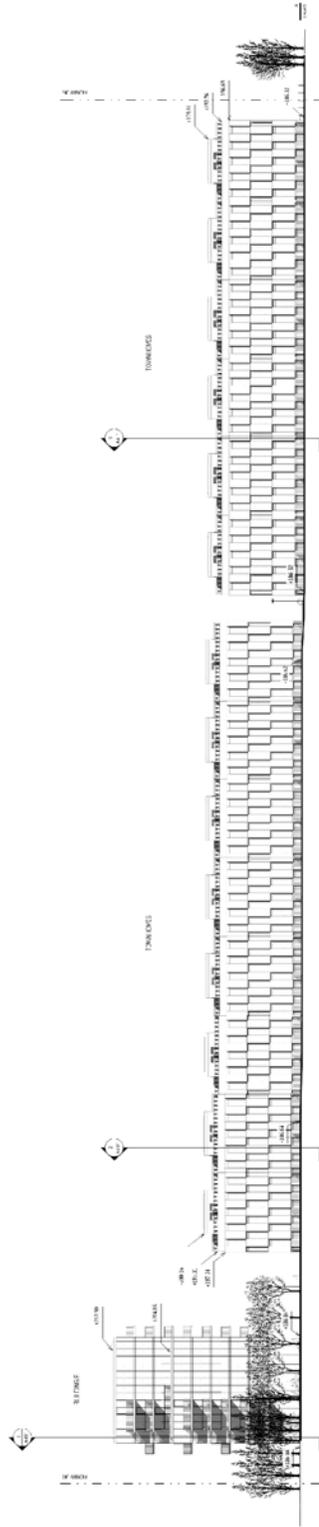
470, 490, 530 Wilson Avenue

Applicant's Submitted Drawing

Not to Scale  
01/10/2017

File # 16 270444 NNY 10 OZ

**Attachment 2g: North Elevations – Stacked Townhouses and Building B**



North Elevation - Towns + Building B

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**Elevations**

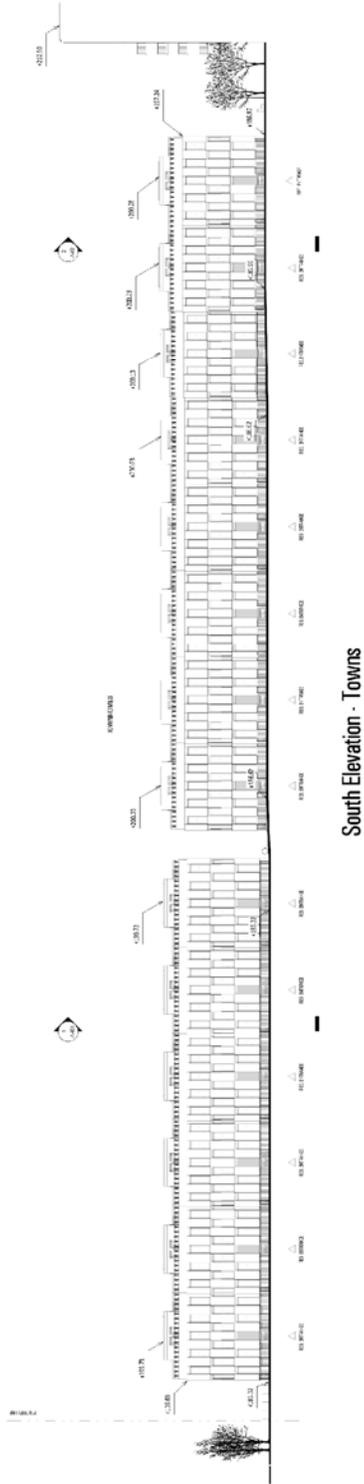
Applicant's Submitted Drawing

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01/10/2017

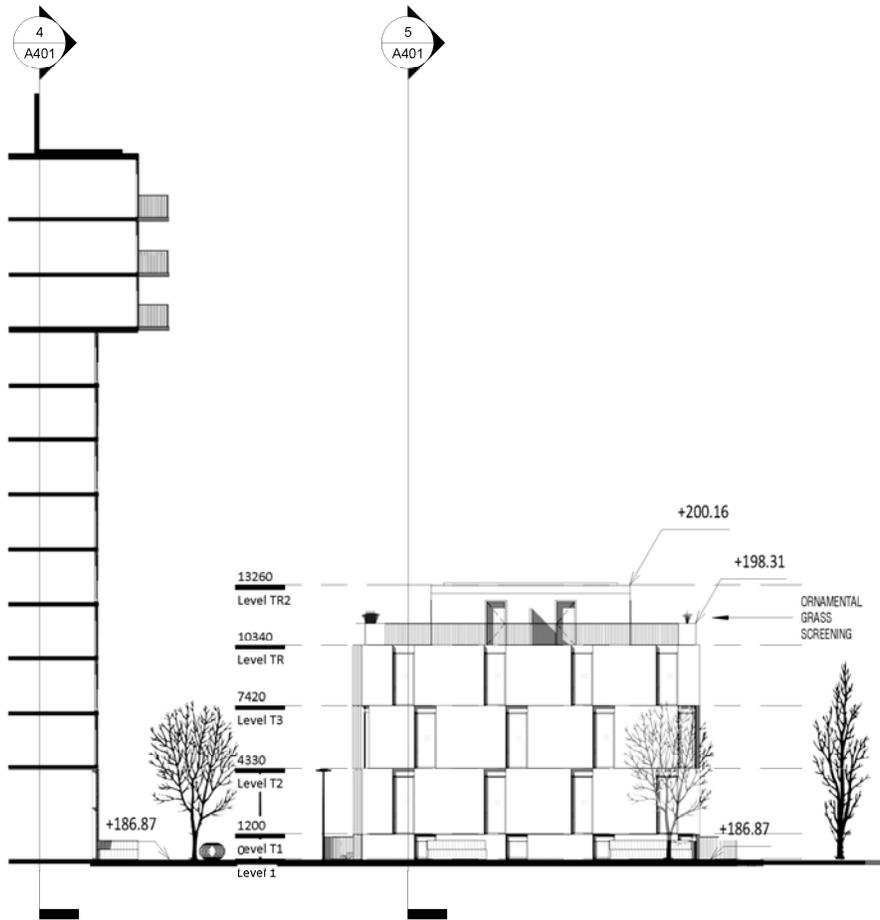
**470, 490, 530 Wilson Avenue**

File # 16 270444 NNY 10 0Z

Attachment 2h: South Elevations – Stacked Townhouses



**Attachment 2i: East Elevations – Stacked Townhouses**



East Elevation - Towns

**Elevations**

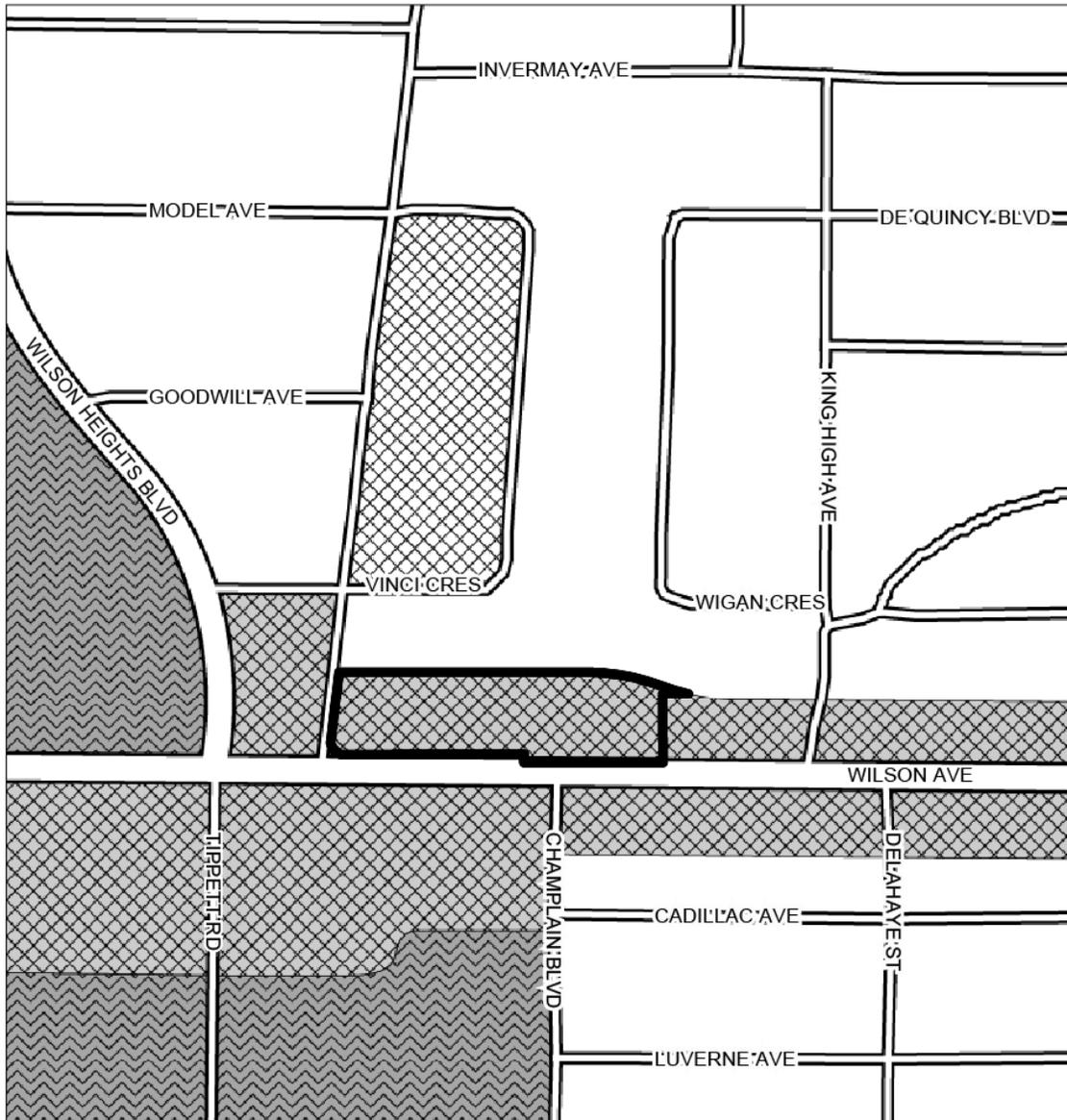
**470, 490, 530 Wilson Avenue**

Applicant's Submitted Drawing

Not to Scale  
01/10/2017

File # 16 270444 NNY 10 OZ

### Attachment 3: Official Plan



**TORONTO**  
 Extract from Official Plan

470, 490, 530 Wilson Avenue

File # 16 270444 NNY 10 0Z

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Regeneration Areas

↑  
 Not to Scale  
 12/06/2017

### Attachment 4: Zoning By-law No. 7625



Zoning By-Law No. 569-2013

470, 490, 530 Wilson Avenue

File # 16 270444 NNY 10 02



Location of Application

RD Residential Detached  
RM Residential Multiple

EL Employment Light Industrial



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

RM6 Multiple-Family Dwellings Sixth Density Zone  
AV-MU Avenue Mixed Use  
M2 Industrial Zone Two



Not to Scale  
Extracted: 01/10/2017

## Attachment 5: Application Data Sheet

Application Type	Zoning By-law Amendment	Application Number:	16 270444 NNY 10 OZ
Details	Rezoning, Standard	Application Date:	December 23, 2016
Municipal Address:	470, 490 and 530 WILSON AVENUE		
Location Description:	PLAN 4117 E PT BLK A **GRID N1004		
Project Description:	Proposal for a 13-storey condominium building (353 units), a 12-storey rental apartment building (158 units) and two stacked townhouse buildings (112 units). The proposed redevelopment includes 5 surface parking spaces and a three level underground parking garage with 559 parking spaces. The proposal also includes the demolition of a four-storey commercial office building and two four-storey residential rental buildings that contain a total of 110 rental units.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
COLLECDEV INC., 20 EGLINTON AVENUE WEST, SUITE 301, TORONTO ON M4R 1K8	COLLECDEV INC., 20 EGLINTON AVENUE WEST, SUITE 301, TORONTO ON M4R 1K8	GH3, 55 OSSINGTON AVENUE, SUITE 100, TORONTO ON M6J 2Y9	2186836 ONTARIO INC., 1020 LAWRENCE AVE W. SUITE 301, TORONTO ON M6A 1C8

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Yes
Zoning:	AV-MU	Historical Status:	No
Height Limit (m):	24 Metres	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	10,027	Height:	Storeys:	13
Frontage (m):	199		Metres:	39.2
Depth (m):	49.6			
Total Ground Floor Area (sq. m):	5,898.25			<b>Total</b>
Total Residential GFA (sq. m):	39,760.7		Parking Spaces:	586
Total Non-Residential GFA (sq. m):	669.3		Loading Docks	2
Total GFA (sq. m):	40,430			
Lot Coverage Ratio (%):	58.8			
Floor Space Index:	4.57			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Rental, Condo		
Rooms:	0	Residential GFA (sq. m):	41,345
Studio:	1 (0.2%)	Retail GFA (sq. m):	669.3
1 Bedroom:	153 (25%)	Office GFA (sq. m):	0
2 Bedroom:	469 (75%)	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	662		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Perry Korouyenis, Senior Planner</b>
	<b>TELEPHONE/EMAIL:</b>	<b>416-395-7110/Perry.Korouyenis@toronto.ca</b>