



**35-39 Holmes Avenue - Official Plan Amendment,
Zoning Amendment Applications – Refusal Report**

Date: May 30, 2018
To: North York Community Council
From: Joe Nano, Director, Community Planning
Ward: 23 - Willowdale

Planning Application Number: 18 104519 NNY 23 OZ

SUMMARY

This application proposes an 18-storey residential building comprised of 154 residential units at 35, 37 and 39 Holmes Avenue. A gross floor area of 13,306 m² is proposed which would result in a density of 9 times the lot area. The proposed height of the building is 60.63 metres to the top of the mechanical penthouse. The proposed building would contain 153 parking spaces within a 3-level underground parking garage with driveway access from Holmes Avenue.

The proposed development is not consistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017), and does not conform to the policies of the Official Plan and North York Centre Secondary Plan. In addition, the proposed tower is incompatible with adjacent properties as it does not provide the minimum separation distances in accordance with the Tall Building Guidelines (2013).

This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning Bylaw in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications for the Official Plan Amendment and Zoning By-law Amendment at 35-39 Holmes Avenue for the following reasons:
 - a. the proposal is inconsistent with the PPS (2014)
 - b. the proposal fails to conform with the Growth Plan for the Greater Golden Horseshoe (2017)
 - c. the proposal does not conform to the Official Plan and the North York Centre Secondary Plan

- d. the proposal does not address Council-approved Tall Building Guidelines
- 2. City Council authorize the City Solicitor, together with appropriate staff to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the LPAT.
- 3. In the event that the Local Planning Appeal Tribunal (LPAT) allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Orders on the Official Plan Amendment and Zoning By-law Amendment appeal for the subject lands until such time as:
 - a. The LPAT has been advised by the City Solicitor that the proposed official plan amendment and zoning by-law amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and City Solicitor;
 - b. The City Solicitor confirms that the owner has provided a Functional Servicing Report, Stormwater Management Report, a Site Servicing Plan and a Hydrogeological Report, acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. The City Solicitor confirms that the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, Site Servicing Plan and Hydrogeological Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required;
 - d. The City Solicitor confirms that the implementation of the Functional Servicing Report, Stormwater Management Report, Site Servicing Plan and Hydrogeological Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services; and

- e. The City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning to secure the Section 37 matters.
4. The City Solicitor and appropriate staff, in consultation with the local Councillor, be authorized to continue discussions with the applicant to address the issues outlined in this report and should a resolution be arrived, to report back to City Council on the outcome, including proposed Section 37 contributions relating to any revised proposal, as appropriate.
5. City Council determine that, in the event that the proposal in some form is approved by the LPAT, City Council require an on-site parkland dedication of 238 m², pursuant to Section 42 of the Planning Act, be required to be conveyed to the City as described and set out in this report.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council on May 21, 22, and 23, 2002 approved By-law 744-2002 to permit a 28-storey residential building and three townhouses located at what is now known as 60-62 Byng Avenue. The redevelopment included the density permissions of 40, 42, 44, 48, 56, 60, and 62 Byng Avenue, 28 and 35 Holmes Avenue and 426, 430 and 434 Kenneth Avenue. The application utilized the full density permission assigned to 35 Holmes Avenue, which is a total of 897.5 m².

The final report is on the City's website at:

<https://www.toronto.ca/legdocs/2002/agendas/council/cc020521/ny5rpt/cl019.pdf>

Due to the inclusion of 35 Holmes Avenue in the above-mentioned rezoning application, 35 Holmes Avenue has zero as-of-right density. A vehicular easement on the west side of 35 Holmes Avenue, leads to the underground parking garage located on 60-62 Byng Avenue (Monet Condominium).

A pre-application meeting was held in September, 2017 with the applicant to discuss complete application submission requirements for a proposal to construct a 17-storey residential building with 147 residential units and a floor space index of 8.35 times the lot area. Staff identified concerns with the proposed density and scale of the building. Staff advised that a further lot consolidation would provide for a more comprehensive development at a density level that meet the

policies in the North York Centre Secondary Plan. Notwithstanding this advice, the applicant submitted an Official Plan amendment and Rezoning application for an 18-storey building at a density of 9 times the lot area.

ISSUE BACKGROUND

Proposal

The subject development site is a mid block land assembly comprised of three properties. The application proposes to amend the Official Plan and former City of North York Zoning By-law for 35 - 39 Holmes Avenue to permit an 18-storey residential building (height of 60.63 metres) with a total residential gross floor area of 13,306 m² and an overall density of 9 times the lot area. The building would contain 154 residential units with a unit mix containing 100, one-bedroom units and 54, two bedroom units.

The proposed tower floor plate would be 738 m² and gradually slims down to a floor plate of 519 m² by the 18th floor. At the street level, a three storey podium of 12 metres in height is proposed along Holmes Avenue with a 3.24 to 3.42 metre front yard setback. The tower is oriented toward the western portion of the site with a setback of 3.26 metres and 10.6 metres on Holmes Ave for the podium portion and the tower portion, respectively; a 14.46 metres setback from the west lot line; a 9.25 metres setback from the rear (south) line; and a 7.04 metres (podium) and 13.79 metres (tower) setback from the east lot line.

A total of 153 parking spaces would be provided in a 3-level underground garage which includes 15 visitor parking spaces and three car-share spaces. The garage ramp is located at the rear of the property. Vehicle access is proposed on the west side of the subject site, generally in the location of the existing driveway easement. The one access point from Holmes Avenue would have a six metre vehicular access that would be partially covered beneath the proposed building and would be shared with the existing residents at the Monet condominium located at 60-62 Byng Avenue. It is proposed that during construction, the existing driveway will be temporarily relocated to the east side of the subject site and then reinstated back to its existing location.

The proposed development provides a total of 635 m² of amenity space comprised of 308 m² of indoor amenity space and 327 m² of outdoor amenity space. A portion of the outdoor amenity space (151 m²) is proposed at-grade along the eastern portion of the site along with contiguous indoor amenity space (237m²) on the ground floor. An additional 177m² of outdoor amenity area and 71 m² of indoor amenity area are also provided on the 4th floor. Refer to Attachment No.1 Project data.

Site and Surrounding Area

The subject site is generally located within the southeast quadrant of Yonge Street and Finch Avenue East. It is located east of Doris Avenue, west of Kenneth Avenue on the south side of Holmes Avenue.

The subject site is generally rectangular in shape with an irregular lot depth as a result of the angle of Holmes Avenue. The lot frontage is approximately 46 metres and the lot depth ranges from 53 metres on the west side and 49 metres on the east side with a total lot area of 2,377 m².

The subject site has a flat topography and is comprised of three midblock lots: a single detached dwelling on 39 Holmes Avenue; a vacant lot on 37 Holmes Avenue; and an existing driveway easement on 35 Holmes Avenue that serves the residents living at 60-62 Byng Avenue.

The area predominantly contains a mix of residential land uses as follows:

North: 28 Holmes Avenue is owned by the city and is land required for the service road. Directly opposite to the subject site is one single detached dwelling and a new townhouse development at 50-52 Holmes Avenue that is currently under construction at the corner of Holmes and Kenneth Avenue.

East: A private driveway that provides rear access to the Monet Townhomes, which is comprised of 71, 3.5 storey condominium townhouses fronting Kenneth Avenue. Further east, the road on Holmes Avenue terminates into a cul-de-sac that prevents vehicle access past Kenneth Avenue which marks the eastern boundary of the North York Centre Secondary Plan. However, a pedestrian connection continues through to the low-rise neighbourhood within the Neighbourhoods designation.

South: The driveway easement on 35 Holmes Avenue wraps around at the rear, south side of the site and provides access to underground parking for the Monet condominium at 60-62 Byng Avenue. The Monet condominiums are comprised of a 28-storey building and three townhouses fronting Byng Avenue with outdoor amenity space abutting the subject site. On the south side of Byng Avenue, there is a 21-storey apartment building and a 4-storey stacked townhouse complex.

West: A single detached dwelling at 33 Holmes Avenue, and a triangle shaped city owned green space that is part of the linear park system along the service road, Doris Avenue. On the northwest corner of Doris and Holmes Avenue, there is a 28-storey, 310 unit apartment building.

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

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

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

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

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS.

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

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

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land,

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

The Growth Plan identifies a number of areas in the province as *urban growth centres*, one of which is North York Centre. *Urban growth centres* are regional focal points for accommodating population and employment growth. The *Growth Plan* states that "revitalization of these areas as meeting places, locations for cultural facilities, public institutions, and major services and transit hubs with the potential to become more vibrant, mixed-use, *transit-supportive* communities is particularly important.

As a focal area for investment and growth, the Growth Plan includes minimum density targets for urban growth centres, in the case of North York Centre a minimum of 400 residents and jobs combined per hectare.

Section 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve the minimum intensification target which will:

- a) encourage *intensification* generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and

- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

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

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

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

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

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and The North York Centre Secondary Plan, as follows:

The subject site is designated a *Centre* on Map 2 – Urban structure in the Official Plan. The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur. The Land Use, Map 16 in the Official Plan identifies the subject site as *Mixed Use Areas*.

The Plan outlines how growth is to be directed towards areas with supporting infrastructure and how development is to provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby

development. The Official Plan directs growth to the *Downtown*, the *Centres*, *Avenues*, and *Employment Districts*.

Each *Centre* will have a Secondary Plan that will set out the location, mix and intensity of land uses that support transit-based growth and meet certain objectives that will, amongst other matters:

- a) achieve a minimum combined gross density target of 400 jobs and residents per hectare for each *Centre* which delineates the boundaries of the urban growth centres for the purposes of the Growth Plan;
 - b) set out local goals and a development framework consistent with this Plan;
 - c) establish policies for managing change and creating vibrant transit-based mixed use *Centres* tailored to the individual circumstances of each location, taking into account the *Centre's* relationship to *Downtown* and the rest of the City;
- j) set out the location, mix and intensity of land uses within the *Centre*; and
- l) support the potential growth within the *Centre* and protect adjacent Neighbourhoods from encroachment of larger scale development by:
- i. establishing firm boundaries for the development area and ensuring an appropriate transition in scale and intensity of activity from within the *Centre* to surrounding *Neighbourhoods*; and
 - ii. connecting the *Centre* with the surrounding City fabric through parks, trails, bikeways, roads and transit routes.

The role of the Secondary Plan is to provide a more detailed planning framework to help implement these policy directions and other Official Plan objectives.

Mixed Use Areas are intended to include a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Not all *Mixed Uses Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur *Downtown*, particularly in the financial district. The *Centres* will develop at differing scales and densities, set out in their respective Secondary Plans and zoning bylaw.

Development in *Mixed Use Areas* is required to:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependence and meets the needs of the local community;
- be located and massed to provide a transition between areas of different development intensity and scale;
- 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 space;

- provide attractive and safe pedestrian environments and take advantage of nearby transit services;
- have access to schools, parks, community centres, libraries, and child care;
- take advantage of nearby transit services
- provide good site access and circulation and an adequate supply of parking for both residents and visitors;
- locate and screen service areas, ramps, and garbage storage in developments to minimize the impact on adjacent streets and residents; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential building.

Chapter Two of the Official Plan contains principles for steering growth and change to some parts of the city, while protecting our neighbourhoods and green spaces from development pressures. Growth will be directed to the *Centres, Avenues, Employment Areas* and the *Downtown*, as shown on Map 2 of the Official Plan.

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

In addition to the policies identified above, tall buildings will be located to ensure access to sky views for the proposed and future uses. New development will provide public amenity and adequate amenity for its residents of the new development, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

North York Centre Secondary Plan

The subject site is located within the North York Centre “North” within the North York Centre Secondary Plan and designated *Mixed Use Area H* which permits: institutional uses that are not predominantly offices, residential, public parks and

recreational uses. In addition, the east portion (39 Holmes Avenue) of the subject site is delineated within the North York Centre "North" Buffer Area shown on Map 8-5 of the Secondary Plan.

Policy 2.2.1 states it is generally intended that the North York Centre "North" will be a predominantly residential area, but with a significant commercial node in the vicinity of the Finch Station focused primarily on the intersection of Yonge Street and Finch Avenue. This is the primary node within the North York Centre "North", as well as the focus of non-residential activity and is considered a secondary node within the context of the North York Centre.

The properties are subject to two height maximums: the eastern portion of the site (39 Holmes Avenue) is within the Buffer Area, and has a height of lesser of 15 metres or 4 storeys. The western portion of the subject site (35 and 37 Holmes Avenue) has a height maximum of 70% Horizontal Distance from Relevant Residential Property Line or the equivalent of 35% angular plane.

A Buffer Area generally consists of a lands that are within 75 metres of the Relevant Residential Property Line, as shown on Map 8-5. The use and form of development in the Buffer Area, the interface between North York Centre and adjoining *Neighbourhoods*, should create a well defined boundary and facilitate a stable buffer area and transition from the surrounding residential neighbourhoods to the North York Centre "North". The lands within the North York Centre "North", adjacent to the adjoining residential neighbourhoods, are intended to establish a clearly defined edge, generally with the provision of low-rise residential uses or landscaped open space. The interface between the North York Centre and the adjoining residential neighbourhoods will develop in a manner to minimize adverse impacts and to respect the character of the stable residential areas.

In accordance with the density policies, a maximum density of 2.6 times the lot area is permitted as-of-right, plus, any available density incentives up to an additional 33% of the total gross floor area or a total maximum potential density of 3.46 times the lot area for all three lots, although, currently there is zero density available for 35 Holmes Avenue as per site specific By-law 744-2002 which fully utilized all available density at 35 Holmes Avenue for the redevelopment of 60-62 Byng Avenue.

Policy 1.4 states, that the population of the North York Centre is dependent on fulfillment of the policies of this Secondary Plan and the provision of the necessary infrastructure required to support development.

Policy 1.10 states that density limits and distribution within the North York Centre are intended to be strictly maintained to ensure that appropriate redevelopment takes place; redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time including sewerage, roads and

public transportation; and the built form of redevelopment is compatible with the abutting stable residential community.

Amendments to this Secondary Plan as identified in Policy 1.13, states any general change in the boundaries, densities or heights in the North York Centre "South" or of the North York Centre "North" will be preceded by a comprehensive review of the Secondary Plan. In other words, comprehensive reviews and substantial amendments to the Secondary Plan will be addressed by general, rather than site-specific, review. Ad hoc, site-specific amendments that are not consistent with basic principles of the Secondary Plan or that create uncertainty will be discouraged.

In considering proposed site-specific amendments to the Secondary Plan, Policy 1.14 states, the City will be satisfied that the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of the Secondary Plan dealing with boundaries, land use, density, height or built form. However, the numeric limits contained in the Secondary Plan with respect to density, and the limits respecting height, will nonetheless be considered to be absolute.

The North York Centre Secondary Plan also contains policies related to Transportation, Urban Design, Park and Open Space, amongst others, which apply to the subject proposal.

The North York Centre Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/8fe9-cp-official-plan-SP-8-North-York-Centre.pdf>

Zoning

The subject lands are currently zoned "One Family Detached Dwelling Fourth Density Zone (R4)" in the former City of North York Zoning By-law No. 7625. This zone permits single detached dwellings and accessory buildings. The minimum lot frontage is 15 metres and the minimum lot area is 550 m². Other zoning provisions include, but are not limited to, maximum building height of 2-storeys and 8.8 metres, minimum front yard setback of 7.5 metres, minimum rear yard setback of 9.5 metres, and maximum dwelling length of 16.8 metres. The subject site is exempted from the City of Toronto Zoning By-law 569-2013.

A portion of the subject site namely, 35 Holmes Avenue, is subject to the Site Specific Zoning Bylaw 744-2002. Through this site-specific bylaw, the density of 897.5 m² associated with 35 Holmes Avenue has been fully utilized through the redevelopment 60-62 Byng Avenue. Therefore, maximum gross floor area permissions of 897.5 m² for 35 Holmes Avenue is not available for this proposal.

City-Wide Tall Building Design Guidelines

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

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, in the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

In considering whether to permit a tall building on a site-by-site basis, many other planning issues must first be taken into account, including, but not limited to, the site context and availability of adequate infrastructure, public transit, parks, community and cultural services and facilities, schools, and child care facilities. If it is determined that a tall building is supportable, and represents "good planning," these Guidelines will then apply.

Site Plan Control

This proposal is subject to the Site Plan Control By-law. An application for Site Plan Control Approval has not been filed.

Reasons for Application

An amendment to the Official Plan is required to permit the proposed density and scale that exceeds the maximum limits set out in the North York Centre Secondary Plan.

An amendment to the Zoning By-law 7625 is required to permit: the use of a residential apartment building, permissions for the proposed height, density and setbacks, and to develop appropriate development standards for the proposed development.

Application Submission

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

- Planning Rationale
- Public Consultation Plan
- Community Services and Facilities Study
- Landscape Plans
- Sun and Shadow Study
- Pedestrian Wind Assessment
- 3-D Massing Model
- Arborist Report
- Tree Preservation Plan
- Toronto Green Standard Version 2.0 Checklist
- Energy Strategy letter
- Environmental Site Assessment
- Transportation Impact Study
- Functional and Stormwater Management Report
- Geotechnical Investigation
- Hydrogeological Assessment
- Draft Official Plan and Zoning By-law Amendments

All reports/studies for the application is available at the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre> ./]

A Notification of Complete Application was issued to the applicant indicating that the application met the complete application submission requirements of the *Planning Act* and the Official Plan as of March 13, 2018

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Official Plan amendments *and* Zoning By-law standards.

COMMENTS

This application has been reviewed against the Provincial Policy Statement and the Growth Plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole

Provincial Policy Statement and Provincial Plans

Staff have concluded that the proposal is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017) for the following reasons:

While this proposal attempts to conform to the Provincial Policies and the Official Plan growth strategies, which steers population growth to built up settlement areas through intensification that support active transportation, the proposal is inconsistent with the PPS.

In particular, PPS, Policy 1.6 states that Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impact from climate change while accommodating projected needs. Planning for infrastructure, electricity generation facilities and transmission and distribution systems and public service facilities shall be coordinated and integrated with land use planning so that they are: available to meet current and projected needs.

As the Official Plan, through the North York Centre Secondary Plan, is the most important vehicle for implementing the Provincial Policy Statement, land use planning in the North York Centre has been closely integrated with infrastructure including transportation capacity. Policy 4.3 of the Secondary Plan states that development within the Plan area is to be managed "within the existing and planned transportation system" discussed in Section 4.2 of the Secondary Plan. The Long Range Development Levels in the Secondary Plan are as follows:

	North York Centre North	North York Centre South	Total
Residential GFA	1,550,000 m ²	1,665,098 m ²	3,215,098 m ²
Non-residential GFA	540,000 m ²	1,356,586 m ²	1,896,586 m ²
Total	2,090,000 m ²	3,021,684 m ²	5,111,684 m ²

The NYCSP policies state that no zoning by-law or holding by-law may be enacted that would permit the gross floor areas in the Secondary Plan from being exceeded. As NYCSP land use planning integrates infrastructure capacity through land use and density designations, the proposed density that represents more than triple the density permission in the North York Centre Secondary Plan is not consistent with the PPS. PPS policy 1.2.1 states that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards. As North York Centre Secondary Plan is the most comprehensive and long-term land use planning vehicle in implementing the PPS, the proposed

development is not in keeping with the comprehensive long-range management of infrastructure that supports the anticipated growth within North York Centre.

The Growth Plan also provides growth and intensification strategies in Urban Growth Centres in which the subject site is located. Section 2.2.2.4 instructs that Urban Growth Centres will be planned to achieve, by 2031 or earlier, a minimum density target of: a) 400 residents and jobs combined per hectare for each of the urban growth centres in the City of Toronto.

Urban Growth Centres are key areas for population and employment growth as per the PPS and Growth Plan policies (2.2.3.1d) and the Official Plan policies (2.2.2.2a). Policies contained within the North York Centre Secondary Plan (NYCSP) are based on the Official Plan's minimum gross density targets of 400 jobs and residents per hectare for each *Centre*, which delineated the boundaries of the Urban Growth Centre for the purposes of the Growth Plan.

The North York Centre Secondary Plan has supported and successfully implemented redevelopment and growth around transit stations. The plan already encourages a substantial amount of residential and non-residential density and the North York Centre has exceeded its minimum density targets. By 2011, North York Centre had reached 455 people and jobs per hectare and by 2016, an estimated 523 jobs and people per hectare.

A substantial amount of residential and commercial density remains available to construct in the *Centres*. Although the residential and commercial targets of the *Centre* are minimums, there is no compelling rationale to significantly increase the maximum residential density permissions on the subject site in light of the evident success of the Plan.

NYCSP Policy 1.10 states that density limits and distribution within the North York Centre are intended to be strictly maintained to ensure that, amongst others: a) appropriate redevelopment takes place; and b) redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation. The proposed density request is an overextension of the density permissions contemplated in the North York Secondary Plan, and creates unnecessary density pressures that could overextend its demands on the existing infrastructure and public service facilities that was not intended for by this Plan. Provincial Policy 4.7 states that the most important vehicle for implementation of the Provincial Policy Statement is through the Official Plan, which is grounded on comprehensive, integrated and long-term planning policies, and should not be significantly changed by ad-hoc site specific amendments that are not consistent with the basic principles of the Plan.

A priority for managing growth in the City is the establishment of vibrant transit-supportive mixed use *Centres*. The Official Plan reinforces the objectives of the PPS and Growth Plan, as it recognize the importance of locating jobs and

residents close to rapid transit because of the limited capacity of the regional road network to support growth and to support the existing public investment in transit.

Provincial Policy 1.1.3.3 requires that planning authorities identify appropriate locations for intensification and redevelopment where it can be accommodated taking into consideration existing building stock or areas. The City of Toronto Official Plan has responded by establishing areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies. Importantly, the North York Centre Secondary Plan.

The subject site is located within 500 metres of Finch Subway Station that make up one of the three subways along the Yonge Street corridor in North York Centre. Development in close proximity to the subway line stations should be transit-supportive that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. Growth Plan policies 2.2.4.3a, provides for density targets in close proximity to subway lines of a minimum of 200 residents and jobs combined per hectare, in which North York Centre has successfully reached and exceeded as mentioned above. The proposal could easily develop within the policy framework of the plan and would still add substantial density within the proximity of Finch Station. Although the proposal is within a Urban Growth Centre and in close proximity to a subway station along a transit corridor, the proposal is in excess of the appropriate scale of development that can be sufficiently supported within the existing land use planning framework and planned infrastructure capacity.

Furthermore, the Growth Plan encourage optimizing the use of existing urban land supply and infrastructure needs to support growth through compact built form as per Growth Policy 2.2.1 and 5.2.5 3. As a result of the assembly of three residential lots for this proposal on Holmes Avenue, a remnant piece of land will be created that will be the sole single family residential lot within the subject site block. This proposal will significantly limit the redevelopment potential of 33 Holmes Avenue. This orphan lot is not an efficient use of land that is within a growth area and in close proximity of the transit corridor. Provincial Policies discourage such inefficiencies, and it is contrary to the compact built form and efficient use of land objectives of the Growth Plan. Compact built form encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure, which is expected for in strategic growth areas, such as where the subject site is located.

The City of Toronto uses the provincial policies 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 PPS and "conform" with the Growth Plan for the Greater Golden Horseshoe (2017). In summary, staff

conclude the proposal is not consistent with the PPS (2014) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017).

Official Plan

The site is designated *Mixed Use Areas* in the Official Plan. It is intended that *Mixed Use Areas* achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. *Mixed Use Areas* are to be areas where residents will be able to live, work, and shop in the same areas, or even in the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development. The proposed land use in the form of a high-rise residential building is supported by the *Mixed Use Areas* designation. However, the scale of development for this mixed-uses areas has been established through specific density maximums in the NYCSP. The proposal is out of scale with the existing and planned context as envisioned through the Plan. Generally, the highest densities are planned for blocks adjacent to Yonge Street and Highway 401 and areas well served by rapid transit. As the subject site is located at the edge of the North York Centre "North", this area will be demarcated as clearly as possible from the stable residential area and distinguished by physical features that visually mark the boundary and serve a buffering function through parks, open spaces and low-scale residential buildings.

North York Centre Secondary Plan

The role of the North York Centre Secondary Plan is to provide a more detailed planning framework to help implement the Official Plan objectives. The application proposes amendments at a density and scale that are not permitted, nor contemplated by the Centre Plan.

It is intended that distribution of densities assigned in the *North York Centre* will be strictly maintained to ensure that:

- a) appropriate redevelopment takes place;
- b) redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation; and
- c) the built form of redevelopment is compatible with the abutting stable residential community.

The densities of the North York Centre including the density incentives were designed based on the available infrastructure and what would be required in the future to maintain a viable mixed-use centre. The proposed density of 9 times the area of the lot is in excess of the permitted 2.6 FSI, which is more than triple the

NYCSP density maximum. The NYCSP's numeric limits contained in the Secondary Plan with respect to density, and the limits respecting height, are considered to be absolute. NYCSP Policy 1.10 and 1.11 states, that the distribution of density will be strictly maintained to ensure that redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewage, roads and public transportation.

While sections 1.13 and 1.14 of the NYCSP address the criteria for amendments to the Secondary Plan, any general change in the boundaries, densities or heights will be preceded by a comprehensive review of the Secondary Plan, or of a major portion of the Plan. In absence of a comprehensive review of the Secondary Plan and the applicant's inability to demonstrate the cumulative impact on infrastructure on similar soft sites in the Centre at the proposed density increase, the proposed density of 9 times the lot area is not justifiable nor supportable.

Furthermore, NYCSP discourages substantial ad hoc, site-specific amendments that are not consistent with basic principles of the Secondary Plan or that create uncertainty. Site-specific amendments will be considered if "the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of the Secondary Plan dealing with boundaries, land use, density, height or built form. This proposal represents a substantial ad-hoc site-specific amendment that is not "minor in nature and local in scope".

Through the Site Specific Zoning Bylaw 744-2002, the density of 898 m² assigned to 35 Holmes Avenue was fully utilized through the redevelopment of the adjacent south property containing a 28 storey residential tower. The proposal is requesting the maximum density limit of 2.6 times the lot area be applied twice within the same block, which is a misuse of the density permissions. Density has a direct impact on infrastructure and transportation capacity, and this proposal creates undo development pressure for the site and block that is not appropriate nor supportable.

Section 3.2 sets out density policies and states the City will not approve a development that:

- exceeds the amount of actual floor space that can reasonably be accommodated in conformity with applicable policies of the Secondary Plan; and
- exceeds the maximum permitted gross floor area as set out in Section 3.2(a) by more than 33 per cent through density incentives and density transfers combined as set out in Sections 3.3 and 3.4, except where and to the extent specifically provided for in Figure 3.3.1.

Eligible density incentives in the NYCSP include: bicycle parking, public recreational centre, social facility, private recreational use accessory to a residential use and places of worship amongst others. Thus, the site allows for a

density of up to 3.56 FSI with density incentive permissions. The proposal does not include density incentives in its proposed density calculations and there is no rationale or strategy of incentives for the significant excess density proposed above the limits permitted in the NYCSP. There is no framework or mechanism to approve the proposed FSI of 9 times the lot area within the current plan's approach.

Height

The subject site straddles two separate height zones under the height maximums contained in the NYCSP: the western portion, 35 and 37 Holmes Avenue are located within the maximum height of 70% Horizontal Distance from the Relevant Residential Property Line and represents an angular plane of 35 degrees. The eastern portion of the site, 39 Holmes Avenue is within the "Buffer Area" with a height limit of 15 metres or four storeys, whichever is lesser.

In the North York Centre "North", a "Buffer Area" generally consists of land within 75 metres of the closest property line of detached or semi-detached dwellings outside the boundaries of the North York Centre "North" as identified on Map 8-5. These areas are the interface between North York Centre and adjoining neighbourhoods. The use and form of development is intended to establish a clearly defined edge, generally with provision of low-rise residential uses or landscaped open space.

The proposed building complies with both the height maximum limits: the angular plane of 70% horizontal distance from 35 and 37 Holmes Avenue to the closest property lines of detached dwellings outside the boundaries of the North York Centre "North"; and the portion of the proposed building that lies within the Buffer Area (39 Holmes Avenue). Although the proposed height of the building has met the height limits within the Buffer Area, the intent of the Buffer Area is to provide low-rise residential uses or landscape open space. The placement of the podium portion of the tower within the Buffer Area alters the intent of the NYCSP and ultimately creates less transition protection within the buffer area. In this case, the proposal provides less tower and open space setbacks in relationship to the buffer area and abutting townhouses that would normally be executed in a low-rise residential development.

Density and Massing

The proposed base of the building is parallel to Holmes Avenue with a front yard setback of 3.26 metres. The main front entrance is recessed approximately 6.90 metres from Holmes Avenue, however a direct pedestrian connection to the public sidewalk is provided.

The tower is articulated through the incorporation of various step-ins and step-outs and the incorporation of balconies to achieve a series of horizontal articulations and has a tower floor plate of 738 square metres. A 5 metre

screened mechanical penthouse is proposed atop the tower at a total height of 60.63 metres.

Access to parking, loading and the site serving area are located at the rear, which minimizes views from the public realm, however the maneuverability of the site servicing area encumbers the driveway that serves the proposed building and the Monet Condominium, which is not appropriate.

In considering whether to permit a tall building on a site-by-site basis, many other planning issues must first be taken into account, including, but not limited to, the site context and availability of adequate infrastructure, public transit, parks, community and cultural services and facilities, schools, and child care facilities. If it is determined that a tall building is supportable, and represents "good planning," the Tall Building Guidelines will then apply.

As already identified that the proposed building is not supportable at the requested density, the proposed building cannot adequately meet the performance standards of the Tall Building guidelines. The guidelines minimum tower setbacks aid in identifying the feasibility of the site dimensions to accommodate a tall building. In reviewing the proposal against the performance standards, the minimum tower setbacks adequately meet the minimum setbacks to the east and west property line, however, the rear yard setback of 12.5 metres is not provided. The proposed tower setback at the rear is 9.24 metres in which six metres of this setback is occupied by a driveway and a vehicle ramp. The proposed driveway and vehicle ramp is proposed to the rear lot line and provides no setback or landscape buffer for the surrounding properties which is inappropriate.

The construction of tall buildings on sites that are too small to accommodate the minimum tower setbacks and site organization results in negative impacts on the public realm, accessibility, neighbouring properties, the living and working conditions for building occupants, and the overall livability of the City.

In its current form, the site area at the proposed gross floor area cannot feasibility apply the minimum tower setback and proper site organization, and the resulting density increase request is not supportable.

Site Servicing

Policy 1.14 states that the numeric limits contained in the Secondary Plan with respect to density, and the limits respecting height, are considered to be absolute. It is intended that distribution of densities assigned in the *North York Centre* will be strictly maintained to ensure that amongst others:

- appropriate redevelopment takes place

- redevelopment does not exceed the capacity of the physical infrastructure as improved from time to time, including sewerage, roads and public transportation

The application is proposing a density level that exceeds the permissions of North York Centre Secondary Plan which could have impacts on servicing capacity.

A Functional Servicing and Stormwater Management Report and Site Servicing Plan prepared by Crozier Consulting Engineers, dated January 2018 and January 5, 2018 respectively, have been submitted and reviewed by Engineering and Construction Services. The reports and plan are incomplete and not acceptable in their current form. Additional information and revisions are required in accordance with Engineering and Construction Services memo dated March 16, 2018, to identify the required infrastructure upgrades and demonstrate that the proposal can be adequately serviced and supported by the existing infrastructure and proposed servicing strategy.

Policy 8.14 of the NYCSP addresses current capacity constraints that exist within the sewer system. In order to ensure that development does not exceed interim capacity allocations, any application for rezoning may be refused as premature if it cannot be demonstrated that the needed capacity in the sewer infrastructure can be provided upon occupancy.

Furthermore, the applicant has not undertaken analysis to demonstrate what the cumulative impact at the proposed density would have on servicing infrastructure should similar soft sites in the NYCSP develop at a similar level as proposed by this application. There are currently several other applications proposing densities at a similar scale (triple the allowable density).

Traffic Impact, Access, Parking

The applicant has submitted a Transportation Impact Study, prepared by LEA Consulting Ltd., and dated January, 2018, to support the zoning bylaw amendment application. The Study did not include a Transportation Demand Management report, which is required for review by Transportation Planning. In addition, the report requires resubmission to address insufficient information related to the parking supply and determination of municipal infrastructure upgrades required to support this development.

Based on the submission, and in accordance with North York Centre Secondary Plan parking provisions, the overall parking supply does not meet minimum requirements as outlined in the Zoning By-law by a shortfall of six spaces. In its current form, the proposal is not acceptable. The proposal should include three car share spaces and four small car parking spaces. Transportation Services only accepts parking spaces that have a minimum length of 5.6 metres.

In addition the Study estimates that the project will generate approximately 37 two-way trips during the a.m. and p.m. peak hours, respectively. Given the scale of the proposed building, a dedicated on-site pick-up/drop-off area is required on site, or some additional illustration indicating how the proposed facilities will accommodate pick up/drop-off activity on-site.

Policy 1.11 of the NYCSP addresses transit modal split and the capacity of infrastructure. It establishes a principal objective of the Secondary Plan to work towards reducing the reliance on the use of the automobile and attaining a high transit modal split, consistent with the *North York Centre* Parking Policy, and to ensure that development levels do not exceed the capacity of the infrastructure serving the *North York Centre*.

Furthermore, the applicant has not undertaken analysis to demonstrate what the cumulative impact at the proposed density would have on transportation infrastructure should similar soft sites in the NYCSP develop at a similar level as proposed by this application. There are currently several other applications proposing densities at a similar scale (triple the allowable density).

Parkland

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

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 2,053 m² or 127% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 238 m². The applicant is required to satisfy the parkland requirement through an on-site dedication of 238 m². A further discussion is required pertaining to the specific configuration and location of the on-site parkland dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 of the Official Plan.

North York Centre Secondary Plan open space policies recognizes that parks serve a variety of purposes. It includes parks serving the entire City, community parks serving the active and passive recreational needs of persons living and working in the Centre, parkettes or linear parks providing recreational, linking, and buffering functions, as well as public and private areas. It is recognized that additional parkland and open space are needed to serve the employment and residential growth provided for by the Secondary Plan.

Growing Up Draft Urban Design Guidelines

With respect to the residential uses contained in the proposal, a range of unit sizes is proposed including 100 (69.94%) 1-bedroom units and 54 units (35.06%) two bedroom units.

Although the Guideline recommends a critical mass of larger two and three bedroom units, the proposal does not provide 3-bedroom units. The Growing Up Draft Urban Design Guidelines help implement the Official Plan's housing policies (Section 3.2.1), and the Growth Plan (2017) growth management and housing policies (Policy 2.2.1.4) to accommodate within new development a broad range of households, including families with children. More detailed plans and some 3-bedroom units will be required to assess the actual unit sizes to address the Growing Up Draft Urban Design Guidelines.

Toronto Green Standards

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

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning bylaw for Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

The applicant is required to meet Tier 1 of the TGS. If the Zoning By-law Amendment application is appealed to the Local Planning Appeal Tribunal (LPAT) and the LPAT ultimately approves an increase in height and/or density, the site specific zoning by-law could secure development standards in compliance with Tier 1 of the TGS. TGS performance measures may also be secured through the Site Plan Control process.

Community Services Assessment

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant has submitted a Community Services and Facilities (CS&F) Study, prepared by Walker, Nott, Dragicevic Associated Limited. The report fails to provide a full assessment of the current capacity of each sector to respond to the proposed growth in the Centre. The report concludes that "the proposed development can be accommodated by the existing and planned community services and facilities within the study area and through appropriate program development of agencies or departments responsible for the respective facilities and services." Findings from the Study highlight the significant growth that continues to occur within the NYCSP area, as highlighted in Section 3.0 Recent Development Activity. This level of growth projected for the NYCSP area will require a full range of growth-related community services and facilities to serve the increased resident and worker population.

The applicant has not identified any improvements to the Community Services and Facilities on the site or in the area. Planning staff have identified potential improvements to Community Services and Facilities as follows:

- Secure an on-site social facility at-grade to provide for a non-profit child care facility or a multi-purpose community facility for human services agencies to run locally-based programs and/or services; and/or
- Secure financial contributions towards improvements to the local community facilities that serve the proposed development, including: the Mitchell Community Centre; Douglas Snow Aquatic Centre; or the North York Central Library.

Given that planning staff do not support the development in its current form, discussions with regard to community services and facilities has not progressed.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan and North York Centre Secondary Plan.

Provincial Policy Statement Section 4.7 recognizes and acknowledges that the most important method of implementing the policies is a municipality's Official Plan, which guides the method of intensification and where it should be focused. *Mixed Use Areas* are expected to accommodate a significant share of residential population and employment growth.

The North York Centre Secondary Plan, which contains more detailed local development policies to guide growth and change, has been successful in meeting larger policy goals to encourage a substantial amount of density near transit stations and has exceeded its minimum density targets. While this site is appropriate for residential intensification, staff are of the opinion a more comprehensive plan can be achieved through the acquisition of additional land with a building mass and density that meets the North York Centre Secondary Plan policies. Acquiring additional land can make it possible to support a tall building that is deficient in the following areas: site servicing manoeuvrability, on-site parkland dedication requirement, minimum tower setback and open space and landscape buffers that can mitigate unnecessary negative impacts on surrounding properties while providing a well-defined boundary and stable buffer area for the interface between the North York Centre and low-rise Residential Neighbourhood.

The assembly of three single family detached lots, in which one of the lots does not have any available density, is unsuitable to support a tall building at a density of 9 times the area of the lot. There is no rationale or density incentive strategy proposed for the significant excess in density and the proposal places unnecessary development pressures on the existing infrastructure and public services. This level of intensification constitutes overdevelopment and is not in keeping with the objectives of the Official Plan and North York Centre Secondary Plan.

Furthermore, should this proposal be approved, this development would severely limit the redevelopment potential of the adjacent lot, 33 Holmes Avenue, resulting in an orphaned lot within a growth centre in close proximity to a major subway station, which is an inefficient use of land and contrary to the compact built form provincial policy objectives.

In considering the proposed site-specific amendments to this Secondary Plan, Policy 1.14 states the City will be satisfied that the proposed amendment is minor in nature and local in scope, and that it does not materially alter provisions of this Secondary Plan dealing with boundaries, land use, density, height or built form. The proposed FSI of 9 times the area of the lot is more than triple the amount of gross floor area permitted in the North York Centre Secondary Plan and represents a density increase that significantly alters the provision of the NYCSP, creating a precedent for similar sized sites in the NYCSP.

The application to amend the Official Plan and Zoning by-law are not supportable. The proposal is not consistent with the Provincial Policy Statement (2014) and does not conform to the Growth Plan for the Greater Golden

Horseshoe (2017). The proposal does not meet the Official Plan and North York Centre Secondary Plan, including the development criteria for the *Mixed Use Areas* land use designation.

CONTACT

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Fax No. (416) 395-7155
E-mail: Jenny.Choi@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: North York Centre Secondary Plan, Map 8-5
Attachment 6: North York Centre Secondary Plan, Map 8-7
Attachment 7: North York Centre Secondary Plan, Map 8-8b
Attachment 8: North Elevation
Attachment 9: South Elevation
Attachment 10: East Elevation
Attachment 11: West Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	18 104519 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	January 12, 2018

Municipal Address: 35 HOLMES AVE
 Location Description: PLAN 2282 LOT 65 & PT LOT 66 **GRID N2303
 Project Description: 18 storey residential building with a 3-level underground parking garage.

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICEVIC ASSOC LTD		WALKER NOTT DRAGICEVIC ASSOC LTD	HOLMES AVENUE LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Y
Zoning:	RM6(114), R4	Historical Status:	
Height Limit (m):	70% from RRPL	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2376.4	Height:	Storeys:	18
Frontage (m):	46.01		Metres:	60.63
Depth (m):	52.67			
Total Ground Floor Area (sq. m):	694.9			Total
Total Residential GFA (sq. m):	13301.1		Parking Spaces:	153
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	13301.1			
Lot Coverage Ratio (%):	29.2			
Floor Space Index:	9 x lot area			

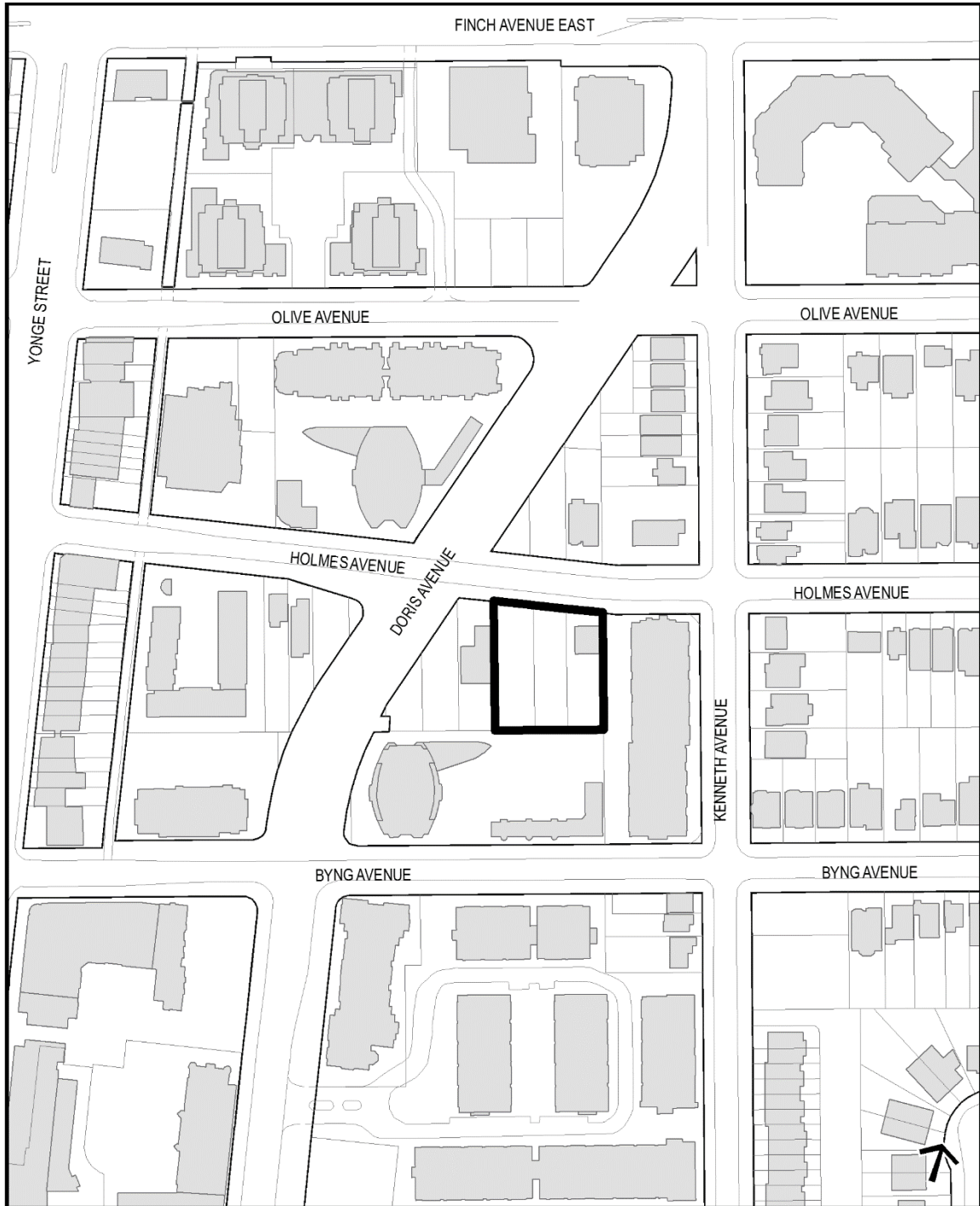
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

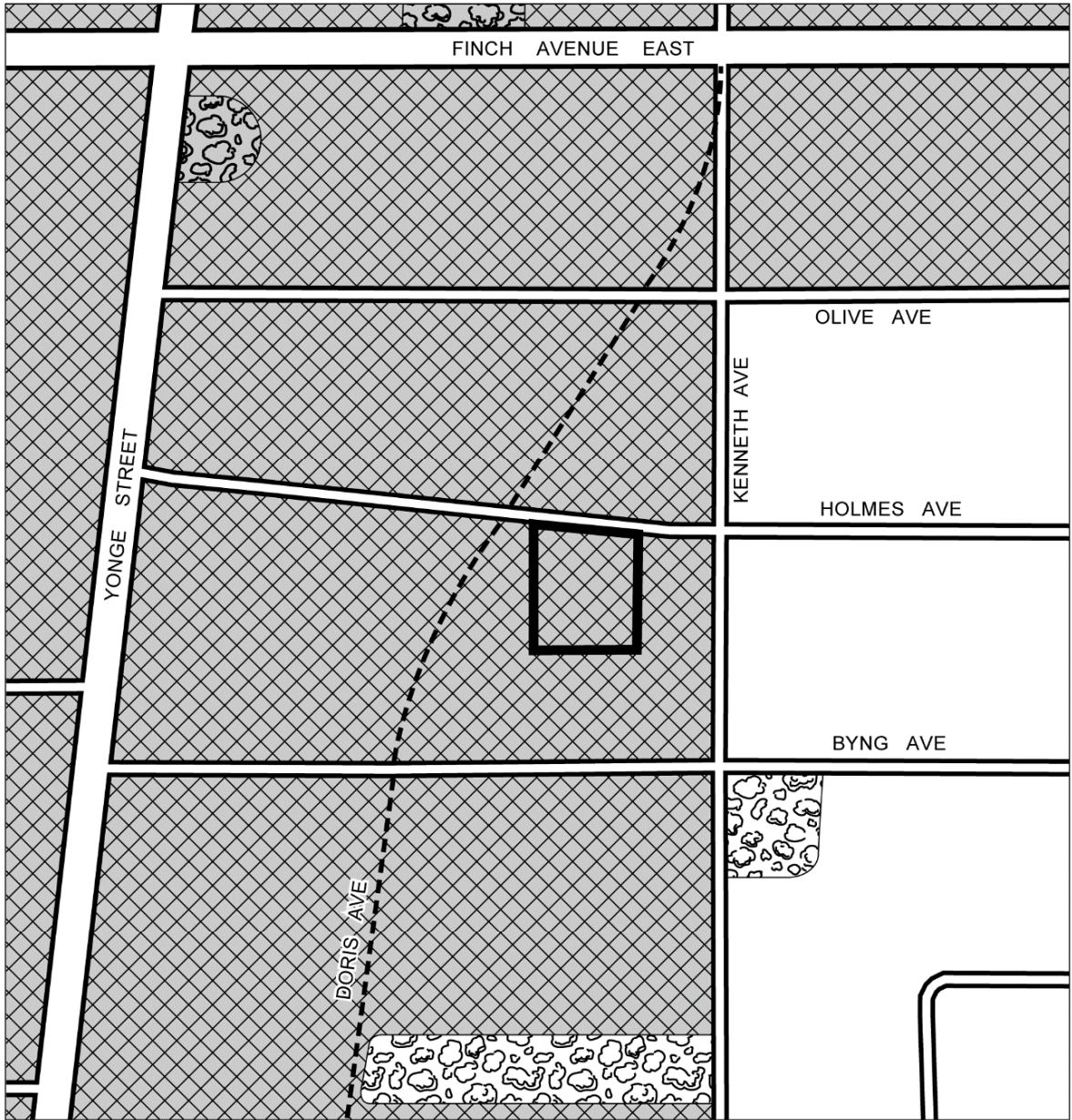
		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	13301.1
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	100	Office GFA (sq. m):	0
2 Bedroom:	54	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	154		

CONTACT: **PLANNER NAME:** **Jenny Choi, Planner**
TELEPHONE: **(416) 395-0108**

Attachment 2: Location Map









Attachment 3: Official Plan Land Use Map



TORONTO
 Extract from Official Plan

35-39 Holmes Avenue

File # 18 104519 NNY 23 0Z

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



Not to Scale
 02/27/2018

Attachment 4: Existing Zoning By-law Map



Zoning By-law No. 7625

35-39 Holmes Avenue

File # 18 104519 NNY 23 0Z

 Location of Application

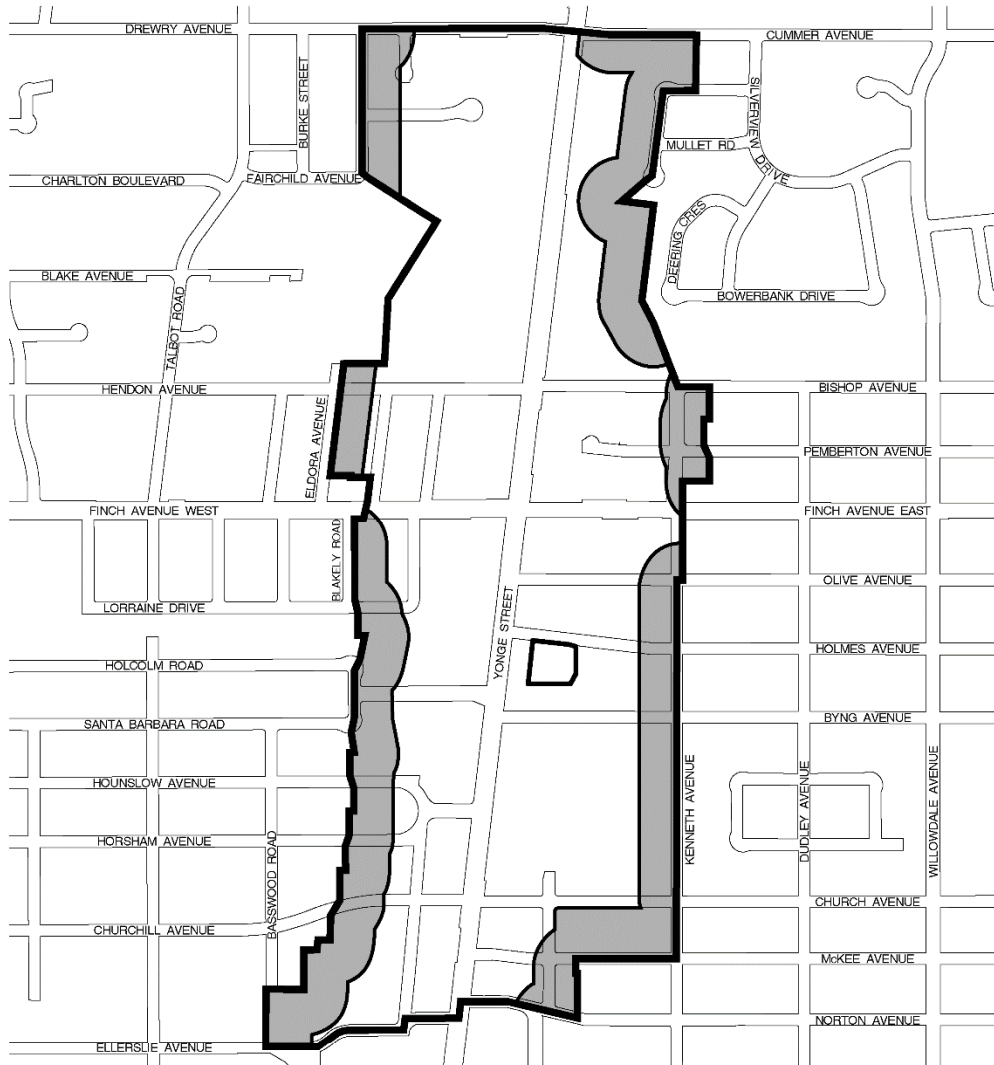
R4 One-Family Detached Dwelling Fourth Density Zone
RM1 Multiple-Family Dwellings First Density Zone
RM2 Multiple-Family Dwellings Second Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone
C3 District Shopping Centre Zone
O1 Open Space Zone






Not to Scale
 Extracted: 03/12/2018

Attachment 5: North York Centre Secondary Plan, Map 8-5



North York Centre Secondary Plan

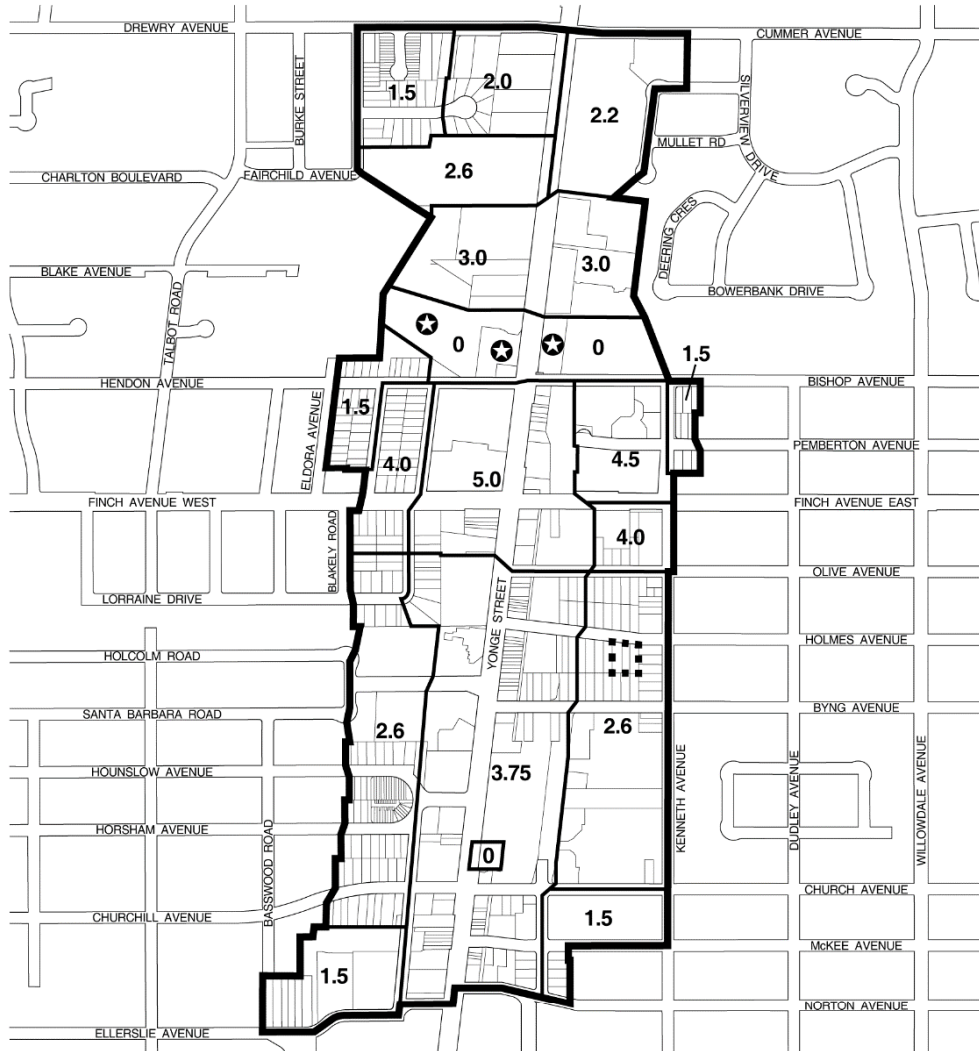
MAP 8-5 North York Centre North Buffer Area

-  Location of Application
-  Secondary Plan Boundary
-  Buffer Area



June 2006

Attachment 6: North York Centre Secondary Plan, Map 8-7



North York Centre Secondary Plan

35 - 39 Holmes Avenue

MAP 8-7 North York Centre North Density Limits

File # 18 104519 NNY 23 02

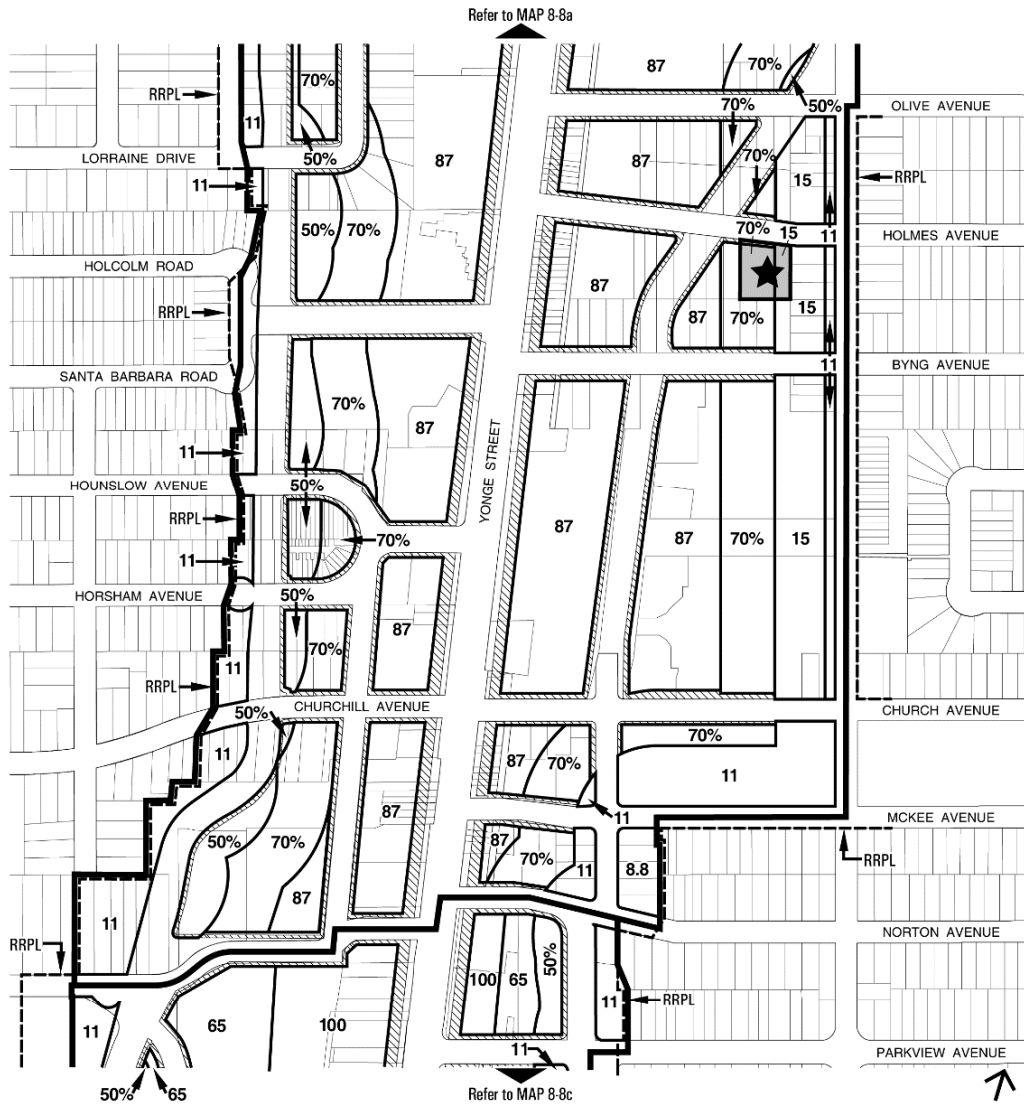
- ■ ■ ■ Subject Property
- Secondary Plan Boundary
- ★ Density can only be assigned to these lands pursuant to the Official Plan, North York Centre Secondary Plan, Section 3 or Section 13

Note: Density Limits are exclusive of density incentives and transfers



June 2006

Attachment 7: North York Centre Secondary Plan, Map 8-8b



North York Centre Secondary Plan

35 - 39 Holmes Avenue

MAP 8-8b Maximum Height Limits

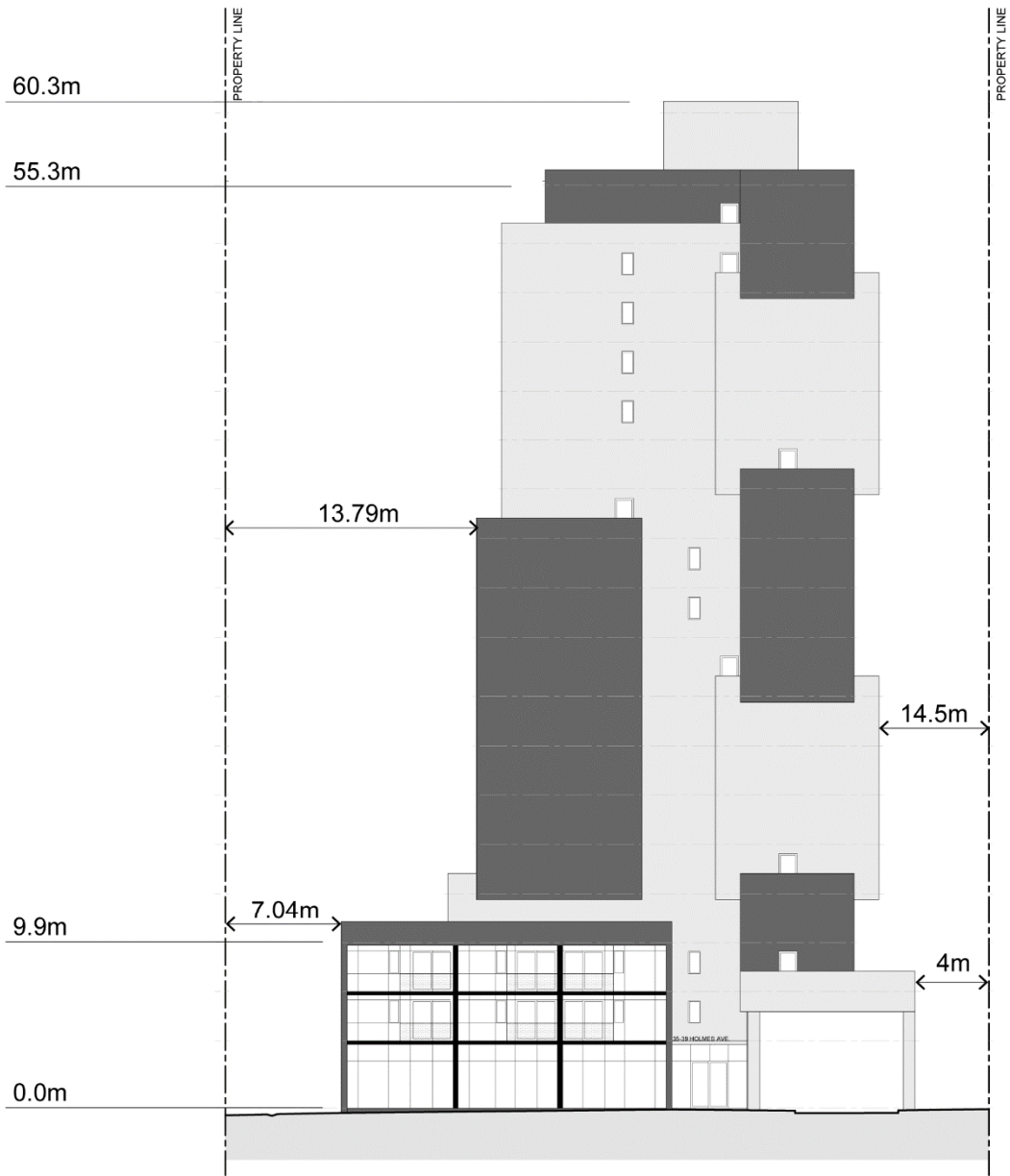
File # 18 104519 NNY 23 0Z

- ★ Subject Site
- Secondary Plan Boundary
- 8.8 The Lesser of 8.8m or 2 Storeys
- 11 The Lesser of 11m or 3 Storeys
- 15 The Lesser of 15m or 4 Storeys
- 65 Maximum 65m Above Grade
- 87 Maximum 87m Above Grade
- 100 Maximum 100m Above Grade
- 50% Maximum 50% Horizontal Distance from RRPL
- 70% Maximum 70% Horizontal Distance from RRPL
- ▨ Street Facade Limit as per Section 5.3 of this Secondary Plan
- Relevant Residential Property Line (RRPL)



June 2007

Attachment 8: North Elevation



North Elevation

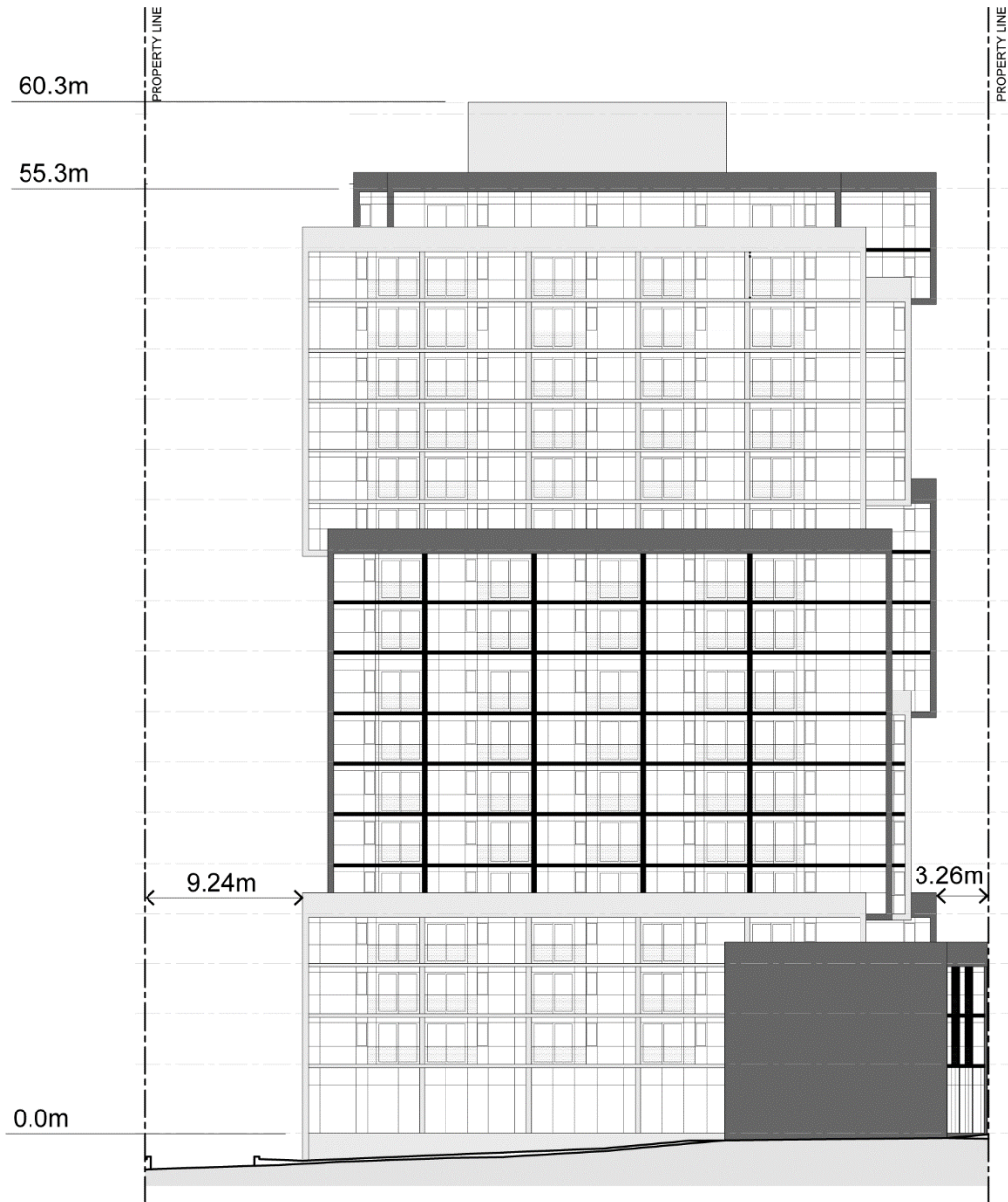
35-39 Holmes Avenue

Applicant's Submitted Drawing

Not to Scale
05/23/2018

File # 18 104519 NNY 23 0Z

Attachment 9: South Elevation



East Elevation

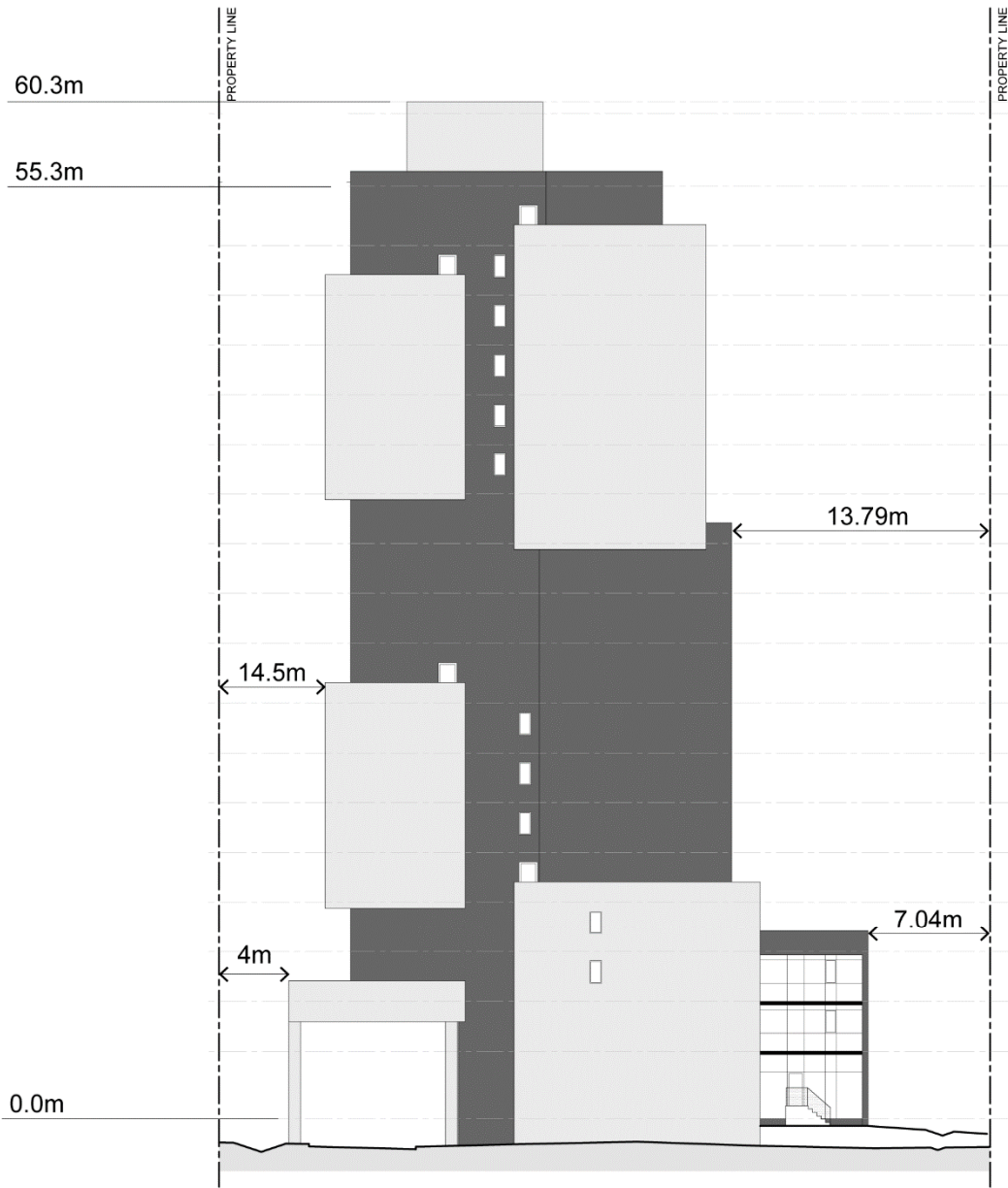
35-39 Holmes Avenue

Applicant's Submitted Drawing

Not to Scale
05/23/2018

File # 18 104519 NNY 23 0Z

Attachment 10: East Elevation



South Elevation

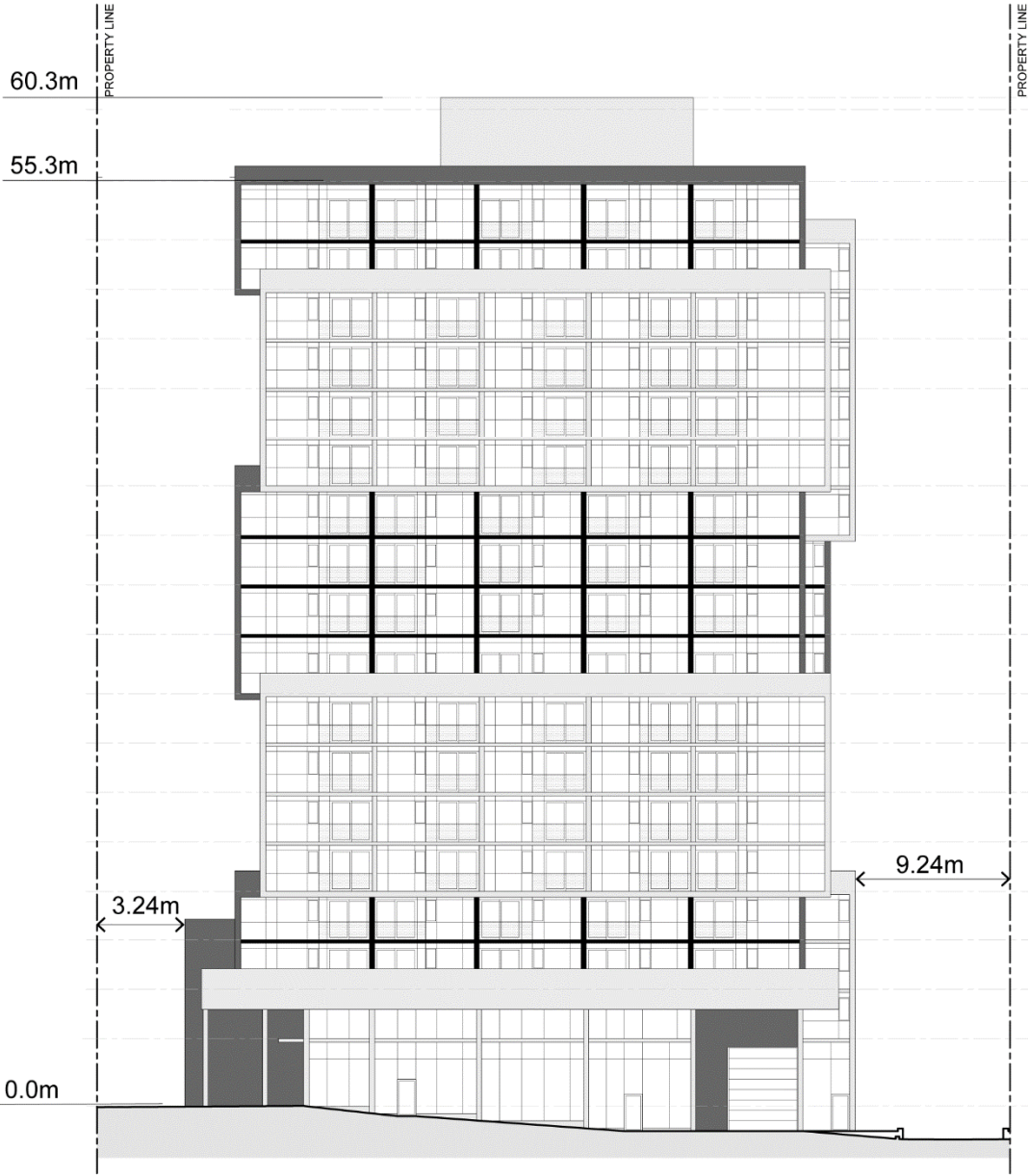
35-39 Holmes Avenue

Applicant's Submitted Drawing

Not to Scale
05/23/2018

File # 18 104519 NNY 23 0Z

Attachment 11: West Elevation



West Elevation

35-39 Holmes Avenue

Applicant's Submitted Drawing

Not to Scale
05/23/2018

File # 18 104519 NNY 23 0Z