# M TORONTO

# **REPORT FOR ACTION**

# 2600 Don Mills Road – Official Plan Amendment (Final Report) and Zoning By-law Amendment (Request for Directions Report)

Date: February 24, 2020 To: North York Community Council or City Council From: Director, Community Planning, North York District Wards: Ward 17 - Don Valley North

#### Planning Application Number: 17 260070 NNY 33 OZ

# SUMMARY

The application proposes to develop the site with a 33-storey infill residential building with a height of 102.35 metres plus mechanical penthouse that would contain 354 residential dwelling units, to the west of the existing 19-storey residential building. Fifteen, three to four-storey townhouses are proposed fronting onto Don Mills Road. An additional 15 three to four-storey stacked townhouse units are proposed at the south of the site, fronting onto a new public street. The existing 19-storey rental apartment building containing 226 units would be retained.

At the North York Community Council meeting on April 4, 2016, the applicant at 1650 Sheppard Avenue East was directed to develop a Context Plan for the lands bounded by Leith Hill Road to the north, Don Mills Road to the east, Sheppard Avenue East to the south, and St. Timothy's Catholic School to the west. The Context Plan is to address a number of matters including the provision of roads, parkland, open space, pedestrian linkages, and urban design and built form policies. The Block Context Plan Official Plan Amendment is before North York Community Council as part of the Request for Directions Report for 1650 Sheppard Avenue East (File No. 16 270525 NNY 33 OZ). The subject site is located within the boundary of the Block Context Plan.

The Zoning By-law amendment application has been appealed to the Local Planning Appeal Tribunal (LPAT) on the basis that the city failed to make a decision within the prescribed time period set out in the Planning Act. The LPAT has scheduled a 5-day hearing to commence May 11, 2020.

The revised Official Plan Amendment application has not been appealed to the LPAT. The Official Plan Amendment application proposes to amend Schedule 2: The Designation of Planned but Unbuilt Roads within the Official Plan by adding three new public streets in the block bound by Sheppard Avenue East, Don Mills Road, Leith Hill Road, and St. Timothy's Catholic School.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The proposal conforms with the Toronto Official Plan, particularly as it relates to Apartment Neighbourhoods development criteria policies and the site is within close proximity to higher order transit and provides a range of housing types. The proposal conforms to the Sheppard East Subway Corridor Secondary Plan policies including sections related to the development node, and implementation. The Context Plan, draft Urban Design Guidelines, and associated Official Plan Amendment establish a planning framework for this guadrant, including the location of a new public road network, the requirement for a centrally located public park, policies to guide built form structure and transition, the requirement for provision of community services and facilities or affordable housing on each site, and holding provisions to ensure sufficient infrastructure exists and is installed. The proposal provides an appropriate separation and transition to the existing neighbourhoods, provides a new public road, and contributes part of a public road through the site which contributes to a larger public network through the quadrant as well as lands towards a new, centrally located public park.

The proposed increase in height and density is subject to Section 37 of the *Planning Act.* The applicant has agreed to a contribution of \$2,700,000 for Section 37 benefits. Staff and the applicant are negotiating the allocation of the Section 37 contribution with the aim of securing the provision of a community service use on the site, but further discussion with various City Divisions is required. The applicant and City Staff will continue to work on the allocation of the contribution. Staff will report back to City Council regarding the Section 37 benefits secured for this site, if staff determine that it is necessary.

This report recommends that the City Solicitor, together with City Planning staff, and other appropriate city staff, attend the LPAT hearing in support of a settlement on the application based on the recommendations and comments contained within this report.

# RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt Official Plan Amendment 490 which amends Schedule 2: The Designation of Planned but Unbuilt Roads of the Official Plan, substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 to the report (February 24, 2020) from the Acting Director, Community Planning, North York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment, as may be required.

3. City Council direct the City Solicitor, and appropriate City staff to attend the Local Planning Appeal Tribunal in support of the Zoning By-law Amendment application subject to Recommendations 4 to 11 below.

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4. City Council direct the City Solicitor, and appropriate City Staff to continued discussions to resolve the outstanding matters related to the Section 37 contribution for the lands at 2600 Don Mills Road, and if necessary, attend the Local Planning Appeal Tribunal to support the appropriate allocation of Section 37 benefits as it relates to 2600 Don Mills Road.

5. City Council accept an on-site parkland dedication pursuant to Section 42 of the Planning Act having a minimum size of 1,221 square metres (the "Parkland Dedication"), with the exact location and configuration of the Parkland Dedication to be to the satisfaction of the General Manager, Parks, Forestry and Recreation as generally described in the report (February 24, 2020) from the Acting Director, Community Planning, North York District.

6. City Council direct that the Parkland Dedication will be secured through the Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation, including the following:

a. the owner's obligation to convey the Parkland Dedication and to design and construct base and above-base park improvements, on terms and conditions set out in the Section 37 Agreement;

b. the Parkland Dedication to be transferred to the City shall be free and clear, above and below grade, of all easements, encumbrances, and encroachments and in acceptable environmental condition and is to be conveyed to the City prior to the issuance of the first above-grade building permit, pursuant to the park policies set out in Section 3.2.3 of the Official Plan and to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor; and

c. the owner's obligation to coordinate with the owner of 1650 Sheppard Avenue East for the design, construction and completion of the base park, and if Recommendation 7 below is relied upon, above base park improvements for the combined parkland dedication between 2600 Don Mills Road and 1650 Sheppard Avenue East.

7. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the above base park improvements, should the owner elect to provide above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The owner will required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120-percent of the Parks and Recreation Development Charges payable for the development; and the letter of credit will be required prior to the issuance of the first above grade building permit.

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8. City Council instruct the City Solicitor to request that the Local Planning Appeal Tribunal withhold issuance of its Order on the Zoning By-law Amendment(s) until such a time as the Tribunal has been advised by the City Solicitor that:

a. the final form and content of the Zoning By-law Amendment(s) are satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services, and other appropriate Divisions, and amongst other matters includes:

i. securing the rental tenure of the existing rental units, securing of the needed improvements with no pass through of costs to tenants, a tenant communication plan, and a construction mitigation plan, together with other appropriate matters;

ii. securing the on-site parking ratios to the satisfaction of the General Manager, Transportation Services;

iii. securing a minimum of 10-percent of all new units in the proposed 33storey building as 3-bedroom units;

iv. securing the required Parkland Dedication, and related matters, described in Recommendations 5 through 7 above.; and

v. the requirement for appropriate matters, services, and facilities to be provided by the owner, at its expense, and pursuant to Section 37 of the Planning Act and other matters necessary to support development;

b. a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered on title to the lands to the satisfaction of the City Solicitor, securing the benefits and various matters required to support the development outlined in the report (February 24, 2020) from the Acting Director, Community Planning, North York District;

c. the owner has, at its sole expense:

i. submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

ii. secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering

Reports 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 and/or new infrastructure are required to support the development and such matters may be secured through the Draft Plan of Subdivision process satisfactory to the Chief Planner and Executive Director, City Planning, Chief Engineer and Executive Director, Engineering and Construction Services and City Solicitor;

iii. made satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;

 iv. submitted a revised Traffic Impact, Parking and Loading study acceptable to, and to the satisfaction of, the General Manager, Transportation Services and that such matters arising from such study, be secured if required;

v. provided revised sun/shadow and wind study for review and acceptance by the City Planning Division to the satisfaction of the Chief Planner and Executive Director, City Planning;

vi. submitted a Landscape Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning, and that such matters arising from the Landscape Plan, including but not limited to, public realm improvements, any privately owned publically-accessible spaces (POPS), including rights of support, easements, insurance where appropriate, will also be implemented through the Site Plan Approval and/or Draft Plan of Subdivision, where appropriate, and the details of terms and conditions relating to any potential POPS Areas and pedestrian connections, including indemnity and insurance requirements will be included in the Section 37 Agreement;

d. the owner, or jointly with the other owners on the Block constituting Leith Hill Road, Don Mills Road and Sheppard Avenue bounded by St. Timothy's School to the west in a manner satisfactory to the Chief Planner and Executive Director, City Planning, has submitted a Draft Plan of Subdivision for the lands, specifically the lands municipally known as 25 Leith Hill Road, 2600 Don Mills Road and 1650 Sheppard Avenue East, to implement the proposed development and redevelopment of the block and to secure matters such as lands to be conveyed to the City, new public streets, parkland dedication, and any required municipal infrastructure, as well as phasing of development on the Site (if necessary), to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services.

e. the Local Planning Appeal Tribunal (LPAT) has issued its decision with respect to Official Plan Amendment 476 (File No. 16 270525 NNY 33 OZ) associated with the property at 1650 Sheppard Avenue East which identifies the northwest quadrant of the Sheppard Avenue East and Don Mills Road intersection as a key development site having a maximum density of 3.99 times the lot area.

9. City Council direct that the following matters be addressed through the Site Plan Approval process:

a. should any mitigation measures be required resulting from the review of the sun/shadow and wind study, those mitigation measures will be secured within the Site Plan Control Agreement;

b. prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning Division, the General Manager, Transportation Services, and Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the Toronto Catholic District School Board and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, including matters related to the construction of streets or infrastructure, and any other matters requested by the Chief Planner and Executive Director, City Planning, and City Solicitor and such general obligations, to be secured in the section 37 agreement; and

c. the owner shall convey the required right-of-way widening of 1.44 metres along Leith Hill Road to the City, including any required environmental assessments, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

10. City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act as follows:

a. a community benefit contribution with a value of no less than two million seven hundred thousand (\$2,700,00.00) dollars, whereby the allocation of which will be negotiated with the owner and appropriate City divisions, including the local councillor; b. should the community benefit contribution be directed to an on-site community facility, authorize the City Solicitor, and appropriate City staff, to obtain an interest in land, whether a stratified conveyance or leasehold interest, or otherwise acceptable arrangement in consultation with the Director, Real Estate Services, to implement the on-site community benefit facility, and where such a facility may involve other operating divisions, that the implementation of such a facility be consistent with City guidelines for such a facility;

c. the amount of funds allocated towards a community benefit referred to in Recommendation 10.a. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135, or its successor, calculated from the date of the Agreement to the date of payment;

d. in the event the amount of funds allocated towards a community benefit referred to in Recommendation 10.a. above cannot be directed for the determined purpose within five years of the amending Zoning By-law coming into full force and effect, the amount of funds allocated towards a community benefit may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;

11. City Council direct that the following matters are also to be secured in the Section 37 Agreement as matters required to support the development of the lands, including:

a. the owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;

b. prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan and Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning and thereafter the owner shall implement such strategy;

c. the owner shall continue to provide and maintain the 226 existing rental dwelling units in the existing apartment building at 2600 Don Mills Road as rental housing, together with the new and retained associated facilities and amenities of the existing apartment building, for a period of at least 20 years commencing from the date of the Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

d. The owner shall provide, repair, operate and/or maintain at its sole expense, improvements for tenants of the existing apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate, including, but not limited to the following:

i. 1,259 square metres of new indoor amenity space in the new 33-storey residential building, which may include but not be limited to an indoor swimming pool, exercise spaces, a pet spa and multi-purpose spaces for use by tenants of the existing apartment building and new building, to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval;

ii. 360 square metres of programmed outdoor amenity areas on the site, including but not limited to outdoor seating and BBQs, a dog run to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval;

iii. A renovated two-storey lobby in the existing apartment building to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval. This renovated lobby for the existing apartment building shall be provided prior to issuance of the first above-grade building permit for the new 33-storey residential building;

iv. A new indoor recycling/bulk and organics storage area in the existing apartment building to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval; and

v. New indoor bicycle parking spaces and new outdoor bicycle parking spaces for tenants of the existing apartment building;

e. the owner shall provide, repair, operate and/or maintain, at its sole expense, additional improvements informed by the results of a tenant survey, to be identified and designed to the satisfaction of the Chief Planner and Executive Director, City Planning, prior to Site Plan Approval;

f. the owner shall provide tenants of the existing apartment building with access to all indoor and outdoor amenities within and adjacent to the proposed buildings on the site at no extra charge to the tenants and with no pass-through cost to tenants of the existing building. Access and the use of these amenities shall be on the same terms and conditions as any other resident in the new buildings;

g. the owner shall provide and maintain 147 indoor vehicle parking spaces, to be made available to tenants of the existing apartment building. The owner shall provide tenants of the existing apartment building who rented or had access to a vehicle parking space prior to the Zoning By-law Amendment coming into force and effect with the first priority to rent of one of these 147 indoor vehicle parking spaces;

h. the costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, new indoor and outdoor amenity spaces in the new 33-storey residential building and improvements and costs to facilitate the development of the proposed buildings, as described above, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;

i. the owner agrees to implement the required mitigation measures from the accepted Wind Study, Parking and Traffic Impact Study, and Landscape Plan, through the Site Plan approval process for the Site to the satisfaction of the Chief Planner and Executive Director, City Planning; and

j. the owner shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning.

12. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement City Council's decision.

#### **FINANCIAL IMPACT**

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

#### **DECISION HISTORY**

A pre-application consultation meeting was held on January 19, 2017 with the applicant to discuss the planning policy framework for the area and the complete application submission requirements. Staff raised concerns with the proposed height, density, access, and relationship to the existing building and surrounding buildings. The requirement for undertaking a Context Plan as outlined in the Secondary Plan for development within key development areas in collaboration with abutting landowners was also discussed at the meeting.

A Preliminary Report on the applications was adopted by North York Community Council on February 21, 2018 authorizing staff to hold a community consultation meeting with an expanded notification area. The Community Council Decision and Staff Report are available via the following link:

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http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY28.10

The applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (now LPAT) on March 21, 2018 due to a lack of Council decision.

A Request for Directions Report on the original 39-storey proposal was adopted by North York Community Council on February 14, 2019 authorizing staff to oppose the application in its current form, but continue to work with the applicant to resolve the outstanding matters identified in the report. The Community Council Decision and Staff Report are available via the following link:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.5

#### Local Planning Appeal Tribunals Appeals

A pre-hearing conference took place on November 22, 2018, at which a further prehearing conference on June 4, 2018.

LPAT-assisted mediation took place on January 10, 11, 18 and March 5, 27, and 28, 2019. The LPAT has scheduled a 5-day hearing commencing on May 11, 2020.

The Official Plan Amendment Application submitted with the Zoning By-law Amendment application has not been appealed to the Local Planning Appeal Tribunal.

# PROPOSAL

The revised applications propose a 33-storey (102.35 metre) residential building located to the west of the existing 19-storey (58.25 metre) rental apartment building. The proposed tower is on land currently utilized as a surface parking lot for the existing building. The applicant proposes to provide 15, three to four-storey townhouse units along the Don Mills Road frontage, along with another 15, three to four-storey townhouse units along the southern limit of the site, fronting onto the new public street. A total of 384 new dwelling units are proposed for the site. The existing 19-storey rental apartment building containing 226 dwelling units would be retained as part of the proposal.

The proposed 33-storey building would have a gross floor area of 24,254 square metres. The proposed townhouse units would have a proposed gross floor area of 2,089 square metres. The existing 19-storey residential building has a gross floor area of 20,828 square metres. Overall, the gross floor area for the site, including the existing 19-storey residential building will be 47,836 square metres which results in the subject site having an overall site density of 3.48 times the lot area.

A total of 290 vehicular parking spaces are proposed in 4 levels of underground parking. Two hundred and ninety bicycle parking spaces will also be provided as part of the proposal. Servicing and loading areas for the new building would be consolidated and internalized. The proposal includes the creation of a new public road network through the site and the larger quadrant with three new public streets proposed. Access to the new infill development will be from the new public road network.

A public park of 1,221 square metres, on the subject site, is proposed to the south of the 33-storey residential tower, on the south side of the new east-west street. An outdoor courtyard will be provided on the site, located to the east of the existing 19-storey apartment building.

The following table provides a comparison between the original November 2017 application and the January 2020 resubmission.

	Existing building	Original Submission November 2017	Revised submission June 2019	
	Existing 19-storey building	39-storey tower	33-storey tower	Town- houses
Lot area	13,666	13,666	13,762	
Height (m)	58.25	119.9	102.35	12
Gross Floor Area (m2)	20,828	27,429	27,008	2,089
Total Gross Floor Area (existing and proposed)	20,828	48,257	47,836	
Density (FSI)	1.52	2.27	1.96	
Total Density (includes existing 19-storey building)		3.53	3.48	
Unit Count				
Studio	0	0	86	0
1 bedroom	45	140	157	20
2 bedroom	163	187	73	10
3 Bedroom	18	37	38	0
Total Number of units	226	364	354	30

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	Existing building	Original Submission November 2017	Revised submission June 2019	
	Existing 19-storey building	39-storey tower	33-storey tower	Town- houses
Parking Spaces	147	329	290	

The site statistics are available in Attachment 1: Application Data Sheet. The site plan drawing and building elevations are available in Attachments 6 through 7d attached to this report.

#### **Reasons for Application**

An Official Plan Amendment is required in order to identify the site as a Key Development Area within the Sheppard East Subway Corridor Secondary Plan and to permit the proposed density of approximately 3.48 FSI on lands where a density has not been prescribed by the Plan. The LPAT consolidated this site with the Official Plan Amendment appeal for 1650 Sheppard Avenue East (File No.16 270525 NNY 33 OZ). The Official Plan Amendment proposes to make the entire quadrant a Key Development Site and assign a density of 3.99 times the lot area for each individual site. The applicant for 2600 Don Mills Road has submitted a revised Official Plan Amendment to Schedule 2: The Designation of Planned but Unbuilt Roads within the Official Plan by adding three new public streets in the block bound by Sheppard Avenue East, Don Mills Road, Leith Hill Road, and St. Timothy's Catholic School. The draft Official Plan Amendment is contained in Attachment 5.

The proposed development also requires an amendment to the City of Toronto Zoning By-law 569-2013 and the former City of North York Zoning By-law 7625 to permit the proposed density and height. Appropriate development standards regarding gross floor area, setbacks, indoor and outdoor amenity space, parking and other matters would be established through a site specific exception, should the proposed development be approved in whole or in part.

#### Site and Surrounding Area

The property is located on the west side of Don Mills Road, north of Sheppard Avenue East, within 100 metres of the Don Mills Road and Sheppard Avenue East intersection. The lot has an irregular shape with a frontage of 107 metres along Don Mills Road and approximately 77 metres on Leith Hill Road. The subject site has an area of 13,666 square metres.

The site is currently developed with a 19-storey residential apartment building containing 226 rental units, located centrally within the site, oriented towards Don Mills Road. Vehicular access is provided via a driveway off Leith Hill Road which leads to the underground parking garage. There is a surface parking lot on the west side of the

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building, a drop-off on the east side between the building and Don Mills Road and an outdoor swimming pool adjacent to the southern property line. The southern portion of the site also features a landscaped open space.

The western and southern portions of the site slope downwards with grade differences of between approximately 2.5 and 4 metres. There are mature trees located in the large open areas on the site including the southwest portion and along the site's perimeter.

Surrounding land uses include:

North: On the northern side of Leith Hill Road are three apartment buildings located at 24 Leith Hill Road (16-storeys), 34 Leith Hill Road (11-storeys), and 35 Esterbrooke Avenue (16-storeys). These parcels feature landscaped open space areas and are designated *Apartment Neighbourhoods*.

West: The property immediately west of the site is occupied by a 15-storey apartment building at 25 Leith Hill Road, also designated *Apartment Neighbourhoods*. The building is set back between 20 and 71 metres from its south property line and this setback area contains surface parking, an outdoor swimming pool and landscaped open space. Further west is St. Timothy Church and the St. Timothy's Catholic School, both of which are on lands designated *Neighbourhoods*.

East: Fairview Mall is located on the east side of Don Mills Road opposite the subject property. A multi-level parking structure and bus terminal connected to the Don Mills subway station occupy the northeast corner of the Don Mills Road/Sheppard Avenue East intersection. In addition, a four-storey medical office building and Toronto District Public Library branch are located to the north of the mall. The entire mall site is designated *Mixed Use Areas*.

South: Abutting the site to the south is an existing ESSO gas station and convenience store located at 2500 Don Mills Road. A car wash is located on the west side of the property. These lands are designated *Mixed Use Areas*.

To the southwest of the subject site is 1650 Sheppard Avenue East which is occupied by a 15-storey apartment building with surface parking, and driveway access from Sheppard Avenue East and designated *Apartment Neighbourhoods* in the Official Plan. There is currently an Official Plan and Zoning By-law Amendment application (file no. 16 270525 NNY 33 OZ) proposing a 31-storey residential tower west of the existing 15storey building and townhouse block adjacent to Sheppard Avenue East, on this site. The Zoning By-law Amendment and Official Plan Amendment applications for 1650 Sheppard Avenue East have been appealed to the LPAT. The geographic scope of the Official Plan Amendment application for 1650 Sheppard Avenue East was expanded by the Tribunal to include 2600 Don Mills Road, 2500 Don Mills Road, and 25 Leith Hill Road.

# **APPLICATION BACKGROUND**

#### **Application Submission Requirements**

The following reports/studies were submitted with the application:

- Planning Report;
- Housing Issues Report;
- Community Services and Facilities Report;
- Preliminary Pedestrian Level Wind Assessment;
- Functional Servicing Report;
- Stormwater Management Report;
- Traffic Impact, Parking and Loading Study;
- Shadow study;
- Geotechnical Investigation;
- Hydrogeological Report;
- Phase 1 Environmental Site Assessment;
- Arborist/Tree Preservation Report; and
- Toronto Green Development Standards Checklist.

A Notification of Complete Application was issued on November 15, 2017.

The studies and plans are available on the City's Application Information Centre (AIC) <u>https://www.toronto.ca/city-government/planning-development/application-information-centre</u>

# **Agency Circulation Outcomes**

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.

#### **Statutory Public Meeting Comments**

In making its decision with regard to the Official Plan Amendment application, Council has been given had an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

# **POLICY CONSIDERATIONS**

#### **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.

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.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") provides policy direction provincewide 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 interrelationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

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

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

#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal

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comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of these Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance unless doing so would not conform with any policies of the Plans.

All decisions of Council in respect to 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 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 (2019). The outcome of staff analysis and review are summarized in the comments section of this Report.

#### **Toronto Official Plan**

The subject site is located along Don Mills Road shown as *Avenues* on Map 2 of the Official Plan. *Avenues* are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The Plan recognizes that the *Avenues* will be transformed incrementally, that each is different, and that there is no one size fits all approach to reurbanizing them.

The subject site is designated *Apartment Neighbourhoods* on Land Use Map 19 of the Official Plan (see Attachment 3a). *Apartment Neighbourhoods* are considered physically stable areas of the City, made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses within the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*, however this designation is distinguished from low-rise *Neighbourhoods* because a greater scale of building is permitted and different scale-related criteria are needed to guide development.

Significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

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- meet the development criteria set out in Section 4.2.2 for apartments;
- maintain an appropriate level of residential amenity on the site;
- provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Official Plan;
- maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- organize development on site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- consolidate loading, servicing and delivery facilities; and
- preserve or provide adequate alternative on-site recreational space for residents.

Policy 4.2.2 of the Official Plan sets out a number of development criteria in *Apartment Neighbourhoods* and requires development to contribute to the quality of life by:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing setbacks from, and/or stepping down of heights towards lower scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*; and
- locating and massing new buildings to front onto and provide pedestrian entrances on an adjacent public street, to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

New development is also to include sufficient off-street vehicle and bicycle parking for both residents and visitors; locate and screen service areas, ramps and garbage storage to minimize impact on adjacent streets and residences; and provide indoor and outdoor recreation space for residents.

Section 2.2 (3) (h) of the Official Plan envisions the City's transportation network being maintained and developed to support the growth by ensuring new streets:

- are provided in consideration of surrounding land uses;
- contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes and users throughout the City; and

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• act as fundamental organizing elements of the City's physical structure.

Section 2.3.1 of the Official Plan's Healthy Neighbourhoods policies states that *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policies in this section require development in *Mixed Use Areas, Regeneration Areas and Apartment Neighbourhoods* 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*.

Policy 2.3.1.7 states that community and neighbourhood amenities will be enhanced where needed by: improving and expanding existing parks, recreational facilities, libraries, local institutions, local bus and streetcar services and other community services; and creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

The public realm policies are contained within Section 3.1.1 of the Official Plan. As per Policy 3.1.1.17, new streets should be public streets. Policy 3.1.1.16 provides that new streets will be designed to:

- provide connections with adjacent neighbourhoods;
- promote a connected grid of streets that offers safe and convenient travel options;
- extend sight lines and view corridors;
- divide larger sites into smaller development blocks;
- provide access and addresses for new development;
- allow the public to freely enter without obstruction;
- implement the Complete Streets Approach to develop a street network that balances the needs and priorities of the various users and uses within a right of way;
- improve the visibility, access and prominence of unique natural and human made features; and
- provide access for emergency vehicles.

Policy 3.1.1.19 of the Official Plan states that new parks and opens spaces will be located and designed to:

- connect and extend, where possible, to existing parks, natural areas, and other open spaces such as school yards;
- provide a comfortable setting for community events as well as individual use; and
- provide appropriate space and layout for recreational needs, including forms of productive recreation such as community gardening.

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Section 3.1.2 (Built Form) identifies the importance of urban design as a fundamental element of city building and contains built form policies intended to minimize the impacts of new development and guide the form of new buildings to fit within the context of the neighbourhood and the City. These policies guide new development to be located and organized to fit within its existing and/or planned context; and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual view to these spaces. This includes locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk, in accordance with Policy 3.1.2.1(b).

Policy 3.1.2.4 states that taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. Policy 3.1.2.5 identifies that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. In addition, every significant new multi-residential development will provide indoor and outdoor amenity space for residents of the new development.

The Built Form policies in Section 3.1.3 of the Official Plan identify the importance of tall buildings. Tall building are only one form of intensification and are desirable in the right places but don't belong everywhere. Policy 3.1.3.2 contains principles to ensure that tall buildings fit within their existing and/or planned context and limit local impacts. The principles include:

- demonstrating how the proposed building and site design contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site topography and other tall buildings; and
- providing high quality, comfortable and usable publically accessible open space areas.

Official Plan Policy 3.2.1.5 provides that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development: will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and may secure any needed improvements to the existing rental housing without pass-through of costs to the tenants.

Official Plan Policy 3.2.3 prescribes the City's objectives regarding parks and open space, including adding new parks and amenities; designing high quality parks and their amenities to promote user comfort, safety and accessibility and year-round use; and protecting access to existing publicly accessible open spaces. It further states that parkland dedication is preferred to a dedication of cash-in-lieu in order to maximize opportunities to obtain parkland.

Section 3.3 of the Official plan speaks to the need for a comprehensive planning framework when developing new neighbourhoods. The Plan identifies that new neighbourhoods must function as communities, not just housing. The Plan identifies

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that new neighbourhoods will have a comprehensive planning framework that reflects the Plan's city-wide goals as well as the local context, that they will be viable as communities, and that they will be carefully integrated into the surrounding fabric of the City, the pattern of streets, development blocks, open spaces and other infrastructure.

Section 5.1.1 of the Official Plan contains Section 37 policies that authorize the City to pass zoning by-laws involving increases in the height and/or density otherwise permitted by the Zoning By-law, in return for the provision of community benefits, such as additional parkland, community or childcare facilities and transit improvements.

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

#### Sheppard East Subway Corridor Secondary Plan

The site is subject to the Sheppard East Subway Corridor Secondary Plan as set out in Chapter 6, Section 9 of the Official Plan. The site is located within the Don Mills Node of the Secondary Plan as indicated on Map 9-2 (Attachment 3b) which focuses new development on the *Mixed Use Areas* designations north of Sheppard Avenue East and other lands relating to Sheppard Avenue East and the Don Mills subway station. Comprehensive re-development is promoted in the 'key development areas' to prevent piece-meal development.

The Secondary Plan's urban design objectives include requiring compatible transitions in density, height and scale between development nodes and stable residential areas and generally locating the highest densities closest to the rapid transit stations and to a lesser extent along arterial road frontages. The Secondary Plan also seeks to shape the height and mass of development to a pedestrian scale by framing the street with buildings at a size roughly equivalent to the street width. Building height and massing should also minimize excessive shadowing, wind or snow drifting effects within blocks, along streets and within open space areas.

Section 6 of the Secondary Plan states that the City will maximize its opportunities to provide a combination of public and private open space and recreational facilities onsite in order to meet the needs of the present and future community residents. In addition to satisfying the parkland demand on-site, it is the objective of the Secondary Plan to satisfy parkland needs generally within a walking distance of 0.8 kilometres.

Section 9(f) of the Secondary Plan states that the policies of the Secondary Plan identifies that a phasing plan for developments may be illustrated. Holding (H) policies and Holding (H) zones may be used as a mechanism to ensure that large developments proceed in step with infrastructure and services.

The Sheppard East Subway Corridor Secondary Plan is available on the City's website at: <u>http://www1.toronto.ca/planning/9-sheppard-subway-east-corridor.pdf</u>

#### **Context Plan**

The implementation section of the Secondary Plan requires context plans in Key Development Areas in the Sheppard East Subway Corridor. The Secondary Plan identifies that context plans may be required for the entire block on which the development is located, including its relationship to adjacent streets, open space and development sites, as part of rezoning applications. The purpose of the context plan is to:

a) provide a context for co-ordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site;

b) to assist in evaluating the conformity of the proposed development with the relevant provisions of this Secondary Plan, including the conceptual parks plan; and

c) to provide a framework within which streetscape initiatives of the City will be developed and implementation mechanisms identified.

As the applicant is seeking to amend the Secondary Plan to include the subject site as a Key Development Area, the submission of a context plan was required. This requirement is addressed through the Request for Directions Report on 1650 Sheppard Avenue East that is being considered at the same time as this report.

# Zoning

The subject property is currently subject to two Zoning By-laws. Under the City-wide Zoning By-law 569-2013, the property is zoned RA (Residential Apartment Zone) (f30.0; a1375; d1.5) (see Attachment 4a). The RA zone permits dwelling units in an apartment building form. The site is subject to a maximum 35% lot coverage on the Lot Coverage Overlay Map, as well as the same building setback provisions specified by By-law 7625. The maximum permitted density is 1.5 FSI.

Under the former City of North York Zoning By-law 7625, the property is zoned RM6 (Multiple Family Dwellings Sixth Density Zone) (see Attachment 4b). The RM6 zone permits detached dwellings, semi-detached dwellings, apartment house dwellings, multiple attached dwellings and nursing homes. The maximum permitted density is 1.5 FSI and the maximum lot coverage is 35%. Although there is no specified maximum height, the RM6 zone requires buildings in excess of 11 metres in height to be set back from each lot line not less than the setbacks set out in Section 20-A.2.4 (Yard Setbacks) plus 0.3 metres for every 0.6 metres in additional height in excess of 11 metres.

#### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize local impacts.

Section 1.3 of the Guidelines states that tall buildings should fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space. This can be achieved by applying angular planes, minimum horizontal separation distances and other building envelope controls. Tall buildings should respect the scale of the local context.

Furthermore, Section 3.1.1 (d) provides that where the adjacent context is lower-scale and not anticipated to change, a transition should be provided down to the neighbouring buildings.

With regard to building design, Section 3.2.1 recommends a floorplate of 750 square metres or less and Section 3.2.2 recommends a tower stepback of at least 3 metres from the base building. In addition, tall buildings should be set back at least 12.5 metres from the side and rear property lines to limit their impact on the adjacent properties. In addition to a minimum separation distance of 25 metres between towers, the Guidelines recommend that towers should be further shaped, placed and articulated to increase the actual and perceived distances between adjacent building elevations.

The city-wide Tall Building Design Guidelines are available at: <a href="http://www.toronto.ca/planning/tallbuildingdesign.htm">www.toronto.ca/planning/tallbuildingdesign.htm</a>

#### Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Draft Growing Up 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 Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The draft Growing Up Guidelines are available at: <u>www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities</u>

#### Site Plan Control

The proposed development is subject to Site Plan Approval. An application for site plan control has not yet been submitted by the applicant.

#### **Draft Plan of Subdivision**

A Draft Plan of Subdivision will be required to create the development blocks, to create the proposed public road network, and the consolidated park block for the Block Context Plan area. An application for Draft Plan of Subdivision has not yet been submitted by the applicants.

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#### **Community Consultation**

A Community Consultation Meeting was held on March 8, 2018 at St. Timothy's Catholic School. Approximately 40 members of the public were in attendance.

A Community Consultation Meeting dealing with the emerging Block Context Plan for this site, in addition to the lands at 1650 Sheppard Avenue East, 2500 Don Mills Road, and 25 Leith Hill Road was held on November 29, 2018. The Community Consultation Meeting was hosted by Community Planning staff and consisted of a presentation which included presenting a draft of the landowners proposed Context Plan, then an Open House at which residents could review presentation boards and ask one-on-one questions. Approximately 25 members of the public were in attendance at the meeting. Issues raised at the meeting by attendees included the following:

- The proposal was too dense and there are too many dwelling units proposed;
- The proposed building heights are too high;
- Concerns about infrastructure capacity and if sufficient capacity exists to accommodate the development;
- Concerns were raised about the ability of nearby schools to accommodate children from this development; and
- Concerns that development will increase traffic, traffic congestion, and cutthrough traffic through the block.

City Planning staff hosted an Open House at Oriole Community Centre on January 23, 2020 to provide an update on the Block Context Plan and present the draft Official Plan Amendments. Approximately 25 members of the public were in attendance. Comments received at the meeting included:

- Concerns with new road network and increased traffic cutting through the Block and close to buildings;
- Left turns from proposed Street B and the impact on traffic on Don Mills Road;
- Questions about how the road will be designed, grades, and if it will be a City road;
- Separation distance between buildings was not sufficent;
- Impact of new population on existing services;
- Number of new units being added to the larger Block;
- Impact of construction on neighbourhood such as noise, dust, influx of trucks and traffic;
- Construction timing;
- Tenure of buildings; and
- Support for redevelopment and larger Block Plan will make the area better and more animated, similar to the Parkway Forest redevelopment.

These issues are addressed in the comments section below.

# COMMENTS

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

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. The PPS speaks to sustaining the health, livability, and safety of communities, and that land use should accommodate an appropriate range and mix of uses to meet long-term needs. Development which may cause environmental or public health and safety concerns are to be avoided. The PPS goes on to say that development that conserves biodiversity and considers the impacts of a changing climate should be promoted. The revised proposal forms part of a larger community, with a co-ordinated approach to the block development. The implementation of the new proposed road network allows for safer movement of pedestrians and cyclist through the block and offers alternate modes of travel to the traditional car based movements. The applicant's revised proposal is consistent with the PPS in that it promotes efficient development and land use patterns by introducing a public road network and new pedestrian connections, a new public park, in addition to a range of building typologies and tenures.

Policy 1.1.3.3 requires planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing and planned infrastructure and public service facilities to meet projected needs. These locations and areas are to be identified in the official plan and zoning by-laws in accordance with policies 4.7 and 4.8 of the PPS. The applicant's revised proposal are on lands designated *Apartment Neighbourhoods* in the Official Plan. The revised proposal is an appropriate scale, and in close proximity to higher order transit (Sheppard Subway). In addition, the proposed building heights and massing are consistent with the existing and planned built form of the area and can be accommodated on the site with minimal impacts upon the surrounding lands subject to implementing key elements such as public streets and municipal infrastructure to accommodate the proposed development.

The PPS and the Growth Plan encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. The City through its Official Plan has identified that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for residents. The subject site is located along Don Mills Road, an *Avenue*, where growth is anticipated and directed. The Official Plan Amendment for the larger Block Context Plan seeks to make this site a Key Development Area in the Secondary Plan, with policies to guide development of the larger block. As part of the redevelopment of the Block, public streets and municipal infrastructure will be provided to support the proposed development. The proposed residential infill buildings on the subject site are appropriate and is consistent with the policies of the PPS.

# A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

Policy 1.2.1 of the Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. The policies encourage a range and mix of housing options to serve all sizes, incomes, and ages of households.

Policy 2.2.1.4 of the Growth Plan states that its policies are to be applied to support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life; and ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Compact built forms within complete communities can be achieved at different densities, heights, and building typologies that take the planned local context into account. The proposed infill development, with a mix of unit types and tenures, along with the retention of the existing 19-storey rental building meets the objectives of the policies as it contributes to creating a complete community in this area, with built forms that are compatible with the surrounding area, as well as providing a range and mix of housing options.

The Growth Plan states that complete communities provide a diverse range and mix of housing options to accommodate households of all sizes and incomes. Policy 2.2.6.3 identifies that to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The proposed development will provides additional housing typologies and tenures in this neighbourhood, and will include a range of dwelling types and sizes, as well as the provision of a number of affordable rental units, which conform with the Growth Plan policies.

Policy 2.2.1.4 (d) of the Growth Plan states that complete communities will expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation. The proposed Official Plan Amendment and Block Context Plan introduce a new public road system, as well as improved public realm and pedestrian connections which will allow for safer use of active transportation through the site, the larger community, and to nearby higher order transit.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, and providing a pedestrian-friendly environment in an area with convenient access to local stores and businesses, public service facilities, and existing public transportation. However, it is important that intensification is also supported with infrastructure, not just with hard infrastructure, such as public streets and municipal infrastructure, but also with "soft" infrastructure, such as community facilities to support the anticipated population from a proposed development. While the applicant has agreed to a Section 37 benefit value, the allocation and distribution of the benefit is equally important to establishing the key community service facilities contemplated by both the PPS and Growth Plan, as well as the City's Official Plan.

#### **Block Context Plan**

The implementation policy of the Secondary Plan requires a Context Plan for Key Development Areas in the Sheppard East Subway Corridor to ensure co-ordinated incremental development in conformity with the Secondary Plan. Given the submission of an Official Plan Amendment application to identify the site as a Key Development Area a Context Plan was required for a comprehensive development. The priorities identified by Planning staff with regards to the structure of the quadrant and what the Context Plan should examine included:

- Introduction of public east/west and north/south streets to alleviate the existing restricted access to the properties within the block;
- Realigning the storm sewer in an east/west direction and align this with future public streets;
- Increasing the sanitary sewer infrastructure to ensure public, individual connections for all properties;
- Locating an unencumbered public park in a centralized location, maximizing views to the west; and
- Providing appropriate community facilities.

A Block Context Plan was developed by the applicant at 1650 Sheppard Avenue East and the adjacent landowners, with input from the Ward Councillor, local residents, and adjacent communities. The boundaries for the lands bounded by Leith Hill Road to the north, Don Mills Road to the east, Sheppard Avenue East to the south, and St. Timothy Catholic School to the west. The Block Context Plan diagram (Attachment 8) illustrates the structure, organization, building typologies, building placement and built form on the subject site and the three adjacent sites that form the larger context block. The Block Context Plan and associated Official Plan Amendment for the larger Block Context Plan establish a general planning framework for this quadrant, including the location of a new public road network, the requirement for a centrally located public park, policies to guide built form structure and transition, the requirement for the provision of community services and facilities or affordable housing on each site, holding provisions to ensure sufficient infrastructure exists and is installed, as well as the requirement for accompanying urban design guidelines.

Staff will finalize the preparation of the Sheppard-Don Mills-Leith Hill Block Context Plan Urban Design Guidelines, to supplement the Official Plan Amendment, as shown in draft form attached to this Report. The Urban Design Guidelines will be used to provide direction for reviewing development applications on the lands subject to the Official Plan Amendment. The Sheppard-Don Mills-Leith Hill Block Context Plan Urban Design Guidelines will provide direction for public realm improvements that promote a healthy and vibrant pedestrian environment, including streetscape improvements and enhanced open spaces. Such improvements will occur incrementally and will be considered through new development on each individual development site. The Urban Design Guidelines will be brought forward to Council for adoption, in final form, after the Local Planning Appeal Tribunal approves the Official Plan Amendment for the larger block.

Staff have worked with the applicant, in consultation with the other landowners, as part of the Block Context Plan for the larger quadrant and the Official Plan Amendment for the Block Context Plan. The Block Context Plan diagram illustrates the structure, organization, building typologies, building placement and built form on the subject site and the three adjacent sites that form the larger context block. The Block Context Plan and associated Official Plan Amendment establish a general planning framework for this quadrant, including the location of a new public road network, the requirement for a centrally located public park, policies to guide built form structure and transition, the requirement for provision of community services and facilities or affordable housing on each site, holding provisions to ensure sufficient infrastructure exists and is installed, as well as the requirement for accompanying urban design guidelines. Staff are of the opinion that the applicant's revised proposal aligns with the policy directions contained within the Official Plan Amendment (see Request For Directions Report- 1650 Sheppard Avenue East- File No 16 270525 NNY 33 OZ).

#### Site Organization and Building Location

The subject property is in a block that is bounded by Don Mills Road to the east, Leith Hill Road to the north, Sheppard Avenue East to the south and St. Timothy's Catholic School to the west. There are no north-south running public streets between Leith Hill Road and Sheppard Avenue East, which acts as an access barrier for vehicles and pedestrians. The original submission proposed a new tower to the west of the existing 19-storey building, accessed from a private driveway.

Built form Policy 3.1.2 of the Official Plan requires that new development be located and organized to fit with its existing and/or planned context. It should frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and causal views to these spaces. Vehicle parking and vehicular access should be located to minimize their impact on the property and surrounding properties. Since the time of the 2019 Request for Direction Report, the applicant has revised their proposal to include a new public road through this site which connects to the road network for the larger block.

The proposed 33-storey residential tower would be located to the west of the existing building and would front onto two new public streets. The creation of a new road network allows for the two residential towers to each have an address on a public street, as well as provide an access and address for the building. Staff have worked with the applicant to ensure that the new 33-storey tower will be designed so that it frames the edges of the new streets, as well as provides an appropriate interface with the new public park. The applicant also proposes to provide two townhouse blocks, one fronting Don Mills Road, and the other fronting onto the new proposed public street. The proposed location of the townhouse blocks are well organized and provide sufficient separation distances to new and existing buildings.

The Sheppard East Subway Corridor Secondary Plan encourages an increase in housing within 500 metres of a subway station, which includes this site. Intensification 2600 Don Mills Road - Official Plan Amendment (Final Report) and Zoning By-law Amendment (Request for Directions Report) Page 28 of 58

has to be supported by community services, physical infrastructure, has to be able to fit on the sites, and also an opportunity to achieve some net benefits of reinvestment and improvement in the buildings to be retained. Staff have reviewed the applicant's revised proposal to ensure the siting and overall site organization meets the policies of the Official Plan. Staff will secure the site organization matters in the site specific Zoning By-law, including the amount of amenity space, the number of parking spaces, setbacks, and open space provisions. Staff will secure additional design details such as landscape, paving details, and building materials as part of the future Site Plan Control Application. The new public street network will be secured via a plan of subdivision.

#### Land Use

The subject site is designated *Apartment Neighbourhoods* in the Official Plan. The Official Plan identifies that opportunities exist for additional townhouses or apartments on underutilized sites, including new rental housing on some lands designated *Apartment Neighbourhoods*. The Official Plan sets out criteria to evaluate these situations, and also identifies that on larger sites, infill opportunities may require planning for new and extended public realm including new streets or shared driveways, and may require preserving significant existing landscape and recreation features as part of integrating older apartments with new development in a manner that improves the quality of life for all existing and future residents.

The applicant proposes improvements, with no pass-through of costs to tenants of the existing rental building including the provision of new indoor and outdoor amenity space, improvements to the existing 19-storey building lobby, and the provision of new bicycle parking areas, and access to all new amenities on the site to the existing tenants.

The subject site forms part of a larger Block Context Plan, consisting of predominantly residential land uses, in which, staff have been able to secure a new public street network and a new centrally located public park. Staff have worked with the applicant and adjacent property owners and established policies which apply to all the lands within the Block to guide development. The proposed development adequately addresses the development criteria in the *Apartment Neighbourhoods* designation.

# Density

Map 9.2 of the Sheppard East Subway Corridor Secondary Plan sets out maximum densities in the designated Key Development Areas ranging between 1.5 and 3.99 FSI. The maximum densities are located immediately at the major intersections and nodes, including the Parkway Forest development where the density is 3.99 FSI.

An Official Plan Amendment to the Secondary Plan has been made for the larger Block Context Plan, and includes the subject site at 2600 Don Mills Road. The purpose of the Official Plan Amendment is to make the entire block a Key Development Area on Schedule 1 of the Secondary Plan. The Official Plan Amendment also assigns each site a maximum density of 3.99 times the lot area, subject to policies that guide development of the block and individual sites. The proposed Official Plan Amendment is appropriate and allows for the creation of a complete community with a variety of built form typologies.

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The applicant's revised proposal seeks an overall site density of 3.48 time the lot area. Staff are of the opinion that the proposed density area is appropriate for this site as it is less than the 3.99 times the lot area proposed by the draft Official Plan Amendment.

#### Height, Massing and Separation Distance

The Secondary Plan does not prescribe specific heights for development parcels along the Sheppard Avenue East corridor, however the objectives of the plan state that the highest densities and heights are directed to locations along Highway 401 and locations closest to the subway nodes, and to a lesser extent along the arterial roads. The increase in height and density at this location and in the larger Block Context Plan area will allow for additional housing in close proximity to the subway station.

The development policies within the draft Official Plan Amendment for the quadrant seek to ensure that appropriate transition occurs across the entire Block Context Plan, with the tallest building heights located closest to the Don Mills Road and the Sheppard Avenue East intersection, with a transition in height downwards moving north, west, and northwest across the Block. In addition, the Secondary Plan identifies that the scale and massing of buildings adjacent to St. Timothy's Catholic School and the adjacent *Neighbourhoods designation* will have regard for the lower density character of these areas. Staff are of the opinion that the revised policies within the proposed Official Plan Amendment are appropriate and provide guidance for the development and build out of heights for the Block as a Key Development area.

The applicant has revised their plans since the time of the original submission, reducing the building height from 39-storeys to 33-storeys, and reducing the overall proposed density from 3.53 times the lot area to 3.48 times the lot area. The proposed 33-storey building has been revised since the original submission and is now proposed to have a 4-storey base, with a 3-metre stepback, above which the tower begins. The proposed 33-storey building also proposes a tower floorplate of 750 square meters. In addition, the proposed 33-storey infill tower will be setback 25 metres from the existing 19-storey residential building, as required by the Tall Building Guidelines.

The Tall Building Design Guidelines provide that when a tall building is proposed on a site surrounded by other tall buildings of consistent height, the height and scale of the proposed tower should relate to the existing context. The surrounding residential buildings range in height from 15 to 19-storeys. The proposed tower height at 2600 Don Mills Road has been reduced from 39-storeyes to 33-storeys in height, and is in keeping with the policies of the Block Context Plan Official Plan Amendment, that identifies that heights will decrease as buildings move north, northwest and west. In addition, staff have worked with the property owners through the Block Context Plan work to ensure that buildings are sited in a manner that ensures that sufficient space between buildings exists, as well as ensuring that the base of the buildings has a positive relationship to the new public realm. The revised proposal is consistent with the emerging policies for the larger Block, and is appropriate for this site.

Staff are of the opinion that the proposed revised height of 33-storeys, or 102.35 metres, is appropriate for this site. The building massing complies with the guidelines of 2600 Don Mills Road - Official Plan Amendment (Final Report) and Zoning By-law Amendment (Request for Directions Report) Page 30 of 58

the City's Tall Buildings Guidelines, and ensures that the necessary separation distance is provided to ensure that the building provides a positive contribution to the site and larger block, as well as to the new public realm envisioned for the quadrant.

#### Sun and Shadow

Policy 4.4.2 (b) and (c) of the Sheppard East Subway Corridor Plan speaks to new buildings and shadowing. Policy 4.4.2 (b) identifies that building height and massing should minimize excessive shadowing, wind or snow drifting effects within blocks, along streets and within open spaces. Policy 4.4.2 (c) identifies that development will respond sensitively to the nearby low density residential uses and minimize the adverse impact of built form on homes.

The applicant submitted a sun/shadow study with their original submission. The sun/shadow study revealed that the applicant's proposal at 39-storeys cast a long shadow, which impacted both the *Neighbourhoods* to the northwest and west, as well as the existing open space associated with the building at 25 Leith Hill Road during the morning hours of the spring/summer equinox. The 39-storey building did not adequately limit shadowing on neighbouring streets, properties and open spaces.

The applicant submitted revised shadow studies for the 33-storey building. A preliminary review of the revised shadow studies reveal that the proposed 33-storey building casts limited shadow on the St. Timothy's Church lands and the adjacent *Neighbourhood* at 9:18, and continues to shadow the lands designated *Neighbourhoods* on the north side of Leith Hill Road for an additional hour, moving off those lands by 11:18 am in March and September. On June 21st, the proposed 33-storey building does not cast as long a shadow during the morning hours, and has no impacts on the lands designated *Neighbourhoods* with the exception of shadow that will be cast on St. Timothy's Church at 9:18 am, moving off the St. Timothy's Church lands by 10:18 am. The morning shadows cast by the proposed 33-storey tower are acceptable. The afternoon shadows do not impact the low density neighbourhood, nor do they cast shadow on the proposed new park that is centrally located within the quadrant. Staff are generally satisfied with the overall building heights and locations for the revised proposal.

#### Wind Impacts

A preliminary pedestrian level wind study was submitted as part of the applicants original submission. That study found that wind conditions on and around the 2600 Don Mills Road site, once developed with the 39-storey tower would cause a theoretical increase in downwash to the pedestrian level. The wind consultant found that the downwash would be minor, and is not likely to influence pedestrian comfort conditions. The consultant identified that the wind conditions could be mitigated through design measures.

A revised wind study was not submitted for the 33-storey proposal. A detailed Pedestrian Level Wind Study will be required as part of the Site Plan Control application. That study will require a wind tunnel analysis with additional sensor areas, within and beyond the site to provide a fulsome review of potential wind conditions as

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well as necessary mitigation measures that will be implemented through detailed building and site design.

#### **Public Realm**

Development within the larger Block Context Plan will be defined by a series of new public realm elements, including new public streets, a new public park, and new pedestrian and bicycle connections (see Attachment 8 of this report, and see Request For Directions Report- 1650 Sheppard Avenue East- File No 16 270525 NNY 33 OZ). The four existing large blocks of land that make up the Block Context Plan will be reconfigured for the new public streets that will bisect the Block. The new public street system will be required to provide additional vehicle, bicycle, and pedestrian connections from the neighbourhood to Sheppard Avenue East, Don Mills Road, and Leith Hill Road.

The purpose of the new public street network is to provide for vehicular, pedestrian and bicycle connections into and through the Block, and creating permeability through the block to the neighbouring community. All new public streets will be designed in accordance with the City's design standards. The new public streets are described as follows:

Street 'A' establishes a north-south connection on the western portion of the Block from Sheppard Avenue East to a new east-west public street. As illustrated on Attachment 5, the right-of-way width is 15.0 metres, and will include two lanes for vehicular traffic in each direction, a sidewalk on the east side of the road surface, and soft landscaped boulevards on either side. The width of the Street 'A' right-of-way may be expanded in the future to include a public sidewalk on the west side of the road surface and a wider landscaped boulevard on lands that presently form part of St. Timothy's Catholic Elementary School.

Street 'B' is a new east-west public street that extends from the western extent of the Block, connecting into Street 'A' and extending east to Don Mills Road. The right-of-way width is proposed to be 18.5 metres and will include two lanes for vehicular traffic in each direction, sidewalks on both sides of the road surface, and a soft landscaped boulevard.

Street 'C' is a north-south public street that will connect from the mid-portion of Street 'B' to Leith Hill Road. Street 'C' will have a right-of-way width of 18.5 metres and will include two lanes for vehicular traffic in each direction, sidewalks on both sides of the road surface, and a soft landscaped boulevard.

The applicant for 2600 Don Mills Road submitted a revised draft Official Plan Amendment which seeks to amend Schedule 2: The Designation of Planned but Unbuilt Roads within the Official Plan by adding three new public streets in the block bound by Sheppard Avenue East, Don Mills Road, Leith Hill Road, and St. Timothy's Catholic School. Staff are supportive of the Official Plan Amendment contained in Attachment 5 and recommend that City Council approve the proposed Official Plan Amendment. In addition to the new public road network, Leith Hill Road is identified as a 23 metre wide right-of-way at this location. In order to achieve this width, the conveyance of a 1.44 metre wide strip of land is required along the northerly portion of the site. The applicant is required to revise their plans to identify the conveyance and ensure that the lands to be conveyed for road widening purposes are unencumbered. The land conveyance will be shown on the Site Specific Zoning By-law, and staff will ensure that no buildings are located within the lands to be conveyed to the City for road widening purposes.

#### **Pedestrian Connections**

A network of new pedestrian connections will provide access into and through the Block Context Plan, along portions of the new public streets as well as publicly-accessible, privately-owned connections through each of the properties within the larger Block. Where appropriate, pedestrian connections may feature a soft landscape buffer to provide a visual distinction between the publicly-accessible spaces and the private realm. The pedestrian connections are intended to flank the edges of the new public streets. Less formal routes will provide connections through the various development sites within the Block in order to provide greater permeability through the site, through landscaped open areas, between buildings, and connecting entrances and amenities.

Pedestrian walkways form an integrated system linking the existing Block Context Plan to the larger neighbourhood, services and facilities, as well as to transit. New pedestrian linkages are intended to join the existing buildings and the new development proposed within the Block in order to provide connections to the existing TTC station at the northeast corner of Don Mills Road and Sheppard Avenue East and other public transit, as well as to provide connections to the new centrally located public park.

There are opportunities on the site to provide public realm improvements as well as pedestrian connections. The applicant's plans identify a landscape courtyard to the east of the existing apartment building. Detailed landscape plans have not been submitted for review at this time by the applicant.

#### **Traffic and Parking**

The applicant is proposing to provide one new access driveway to serve the existing 19storey residential buildings at 2600 Don Mills Road. The driveway will be at the western portion of the site, accessed from proposed Street C, which connects to Leith Hill Road. The driveway will provide access to the underground parking garages that will serve the existing and new buildings.

The applicant submitted a Traffic Impact, Parking and Loading Study (TIS), dated October 2017 in support of the original development proposal. The consultant estimated that the proposed 39-storey development will generate approximately 85 and 101 two-way trips during the AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed 39-storey development can be accommodated by the adjacent street system and future public road network through the site.

The existing apartment building has 261 parking spaces for residents and visitors. As part of the site's redevelopment a total of 114 parking spaces will be removed. Therefore, a total of 147 spaces are proposed to service the existing 19-storey apartment building.

The parking requirements for the project are governed by the applicable parking provisions contained in the former City of North York general Zoning By-law No. 7625. However, Zoning By-law 569-2013 was developed by City staff in order to update the parking requirements for developments. The parking provisions contained in this By-law have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of North York general Zoning By-law. Typically, Zoning By-law 569-2013 for Policy Area 3, as defined in the By-law would apply. If applied, a total of 326 parking spaces would be required, of which, 288 parking spaces will be required for the residential units and 38 visitor parking spaces required.

The on-site parking supply for the proposed 33-storey building and townhouse units does not satisfy the requirements above. Staff recognize that a reduced parking rate may be accepted due to the sites location in close proximity to the Sheppard Subway line and are generally supportive of this approach. Although the applicant did not submit a revised Traffic Impact, Parking and Loading study with their revised application for a 33-storey building, planning staff will note that a comprehensive transportation impact study was conducted for the Block Context Plan to justify the 3.99 density for the proposed Official Plan Amendment, which also supports the identified street network.

The proposal requires a total of 1 Type-C and 1 Type-G loading spaces The applicant's proposal provides 1 Type G loading space. Transportation Services has indicated that a consolidated loading arrangement could be accepted on the site. The applicant will be required to modify their plans to show the consolidated loading space.

In order for staff to support reduced parking for this development, the owner must submit an acceptable Transportation Demand Management (TDM) plan for review and acceptance by Transportation Services as well as Transportation Planning. Staff recommend that the LPAT hold its order until such time as the applicant has provided an updated Traffic Impact, Parking and Loading Study (TIS) for the site, and the General Manager, Transportation Services has reviewed and accepted the study. Given the context of this proposal and the site location, parking for the proposed development will most likely be provided at a reduced rate. Staff will secure the parking ratios in the site specific zoning by-law.

#### Housing

There is opportunity for the proposal to address the need for affordable housing in line with the Official Plan policies and the Growth Plan for the Greater Golden Horseshoe 2019. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.4 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

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The applicant proposes to add 354 new residential units in a 33-storey building at the southwest portion of the site, 15-units of townhouses on the northeastern portion of the site, and 15-units of townhouses on the southern portion of the site. The existing 226-unit, 19-storey residential rental building will be maintained.

Policy 3.2.1.5 (a) of the Official Plan requires the securing of existing rental units which have affordable and mid-range rents. All rental dwelling units in the existing 19-storey rental apartment building have either affordable or mid-range rents. The Housing Issues Report dated November 2017 confirms that, and as a condition of development approval, the owner will be required to enter into an agreement to secure the rental tenure of all existing rental housing units within the existing building. Staff will secure the rental tenure, through the Section 37 Agreement and Schedule 1 of the Zoning Bylaw, for the existing 226 retained rental dwelling units with affordable and mid-range affordable rents, which encompasses all units, for at least 20 years commencing from the date of the enactment of the amending by-laws.

Policy 3.2.1.5 (b) of the Official Plan seeks to secure needed improvements to the existing rental housing, without pass through of costs to tenants. The applicant has proposed the following improvements, with no pass-through of costs to tenants of the existing rental building:

- 1,259 square metres of new indoor amenity space in the new 33-storey residential building, which may include but not be limited to an indoor swimming pool, exercise spaces, a pet spa and multi-purpose spaces for use by tenants of the existing apartment building;
- 360 square metres of programmed outdoor amenity areas on the site, including but not limited to outdoor seating and BBQs, and a dog run;
- A renovated two-storey lobby in the existing apartment building;
- A new indoor recycling/bulk and organics storage area in the existing apartment building; and
- New indoor bicycle parking spaces and new outdoor bicycle parking spaces for tenants of the existing apartment building.

The Housing Issues Report dated November 2017 has identified that tenants of the existing apartment building will have access and use of all indoor amenity spaces located within the new 33-storey residential building and all outdoor amenity space located on the site, with no pass through of costs to tenants of the existing apartment building.

City Planning Staff have requested the applicant undertake a tenant survey for tenants of the existing apartment building to identify potential additional improvements to the existing rental housing. City Planning Staff will work with the applicant on the form of the survey. The survey results will help inform additional improvements to the site. These matters will be secured within the Section 37 Agreement for legal convenience.

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Staff will work with the applicant to develop an appropriate Tenant Communication Plan and Construction Mitigation Strategy for existing tenants at 2600 Don Mills Road, which will be a condition of approval of the Site Plan application.

City staff are satisfied that the proposed improvements and renovations to the site and existing building, additional improvements to be informed by the results of the tenant survey, and the securing of the existing units as rental, conforms to Official Plan Policy 3.2.1.5.

The City has housing objectives to accommodate within new development a broad range of households (including families with children). Generally, the City seeks to secure that a minimum of 10% of units within new multi-residential mid-rise and tall building developments have three or more bedrooms. The applicant is proposing to provide 38 three-bedroom units in the 33-storey tower (approximately 11%) in addition to the existing 18 three-bedroom units in the existing apartment building (8%). No three-bedroom units are proposed in the stacked townhouses. Staff recommend securing in the Zoning By-law that a minimum of 10% of units in the proposed 33-storey residential building be provided as three-bedroom units.

#### **Amenity Space**

The applicant is required to provide 2 square metres of indoor and outdoor amenity space per unit on the site. The applicant is proposing to provide 1,259 square metres of indoor amenity space for the site. The proposed amount of amenity space exceeds the required 1,220 square metres required for the overall site (existing and new dwelling units combined). The proposed indoor amenity space will be entirely located within the new 33-storey building, and will be provided as follows:

- 268 square metres will be provided on the ground floor as a large flex space/party room, and a pet spa;
- 251 square metres will be provided on the second floor as study rooms, theatre room, dining room, and guest suites;
- 438 square metres will be provided on the third floor and will consist of an indoor pool, steam room, and associated change areas, as well as a games room; and
- 302 square metres will be provided on the fourth floor for a gym and yoga/flexible play area.

The applicant has indicated to Planning Staff that all existing and new tenants will have access to the indoor amenity areas within the 33-storey building. Staff will secure the access within the Section 37 Agreement as a matter of legal convenience and the proposed amenity space on the site will be secured in the zoning by-law amendment.

An existing courtyard to the east of the building has an approximate area of 1,430 square metres will be secured by staff as the outdoor amenity area for the site. Staff will

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work with the applicant with regards to design details for this area, and will secure plantings, paving, and seating for the area as part of the Site Plan Control application.

# **Open Space/Parkland**

The Secondary Plan identifies that the City will maximize its opportunities to provide a combination of public and private open space and recreation facilities on-site to meet present and future community needs. The Secondary Plan also identifies that the City will endeavour to acquire land in an effort to keep pace with development. Through the Block Context Plan work, staff have been able to secure a new public park with a minimum area of 1,604 square metres which will be located in the central portion of the Block, fronting onto the new east-west public street (see Attachment 8). The land area dedication requirement for each of the four parcels within the Block Context Plan is determined and secured on a site-specific basis as part of the development approvals process. Each landowner from 1650 Sheppard Avenue East and 2600 Don Mills Road will contribute to the park block through their development applications. As applications come in for 25 Leith Hill Road and 2500 Don Mills Road, land will be contributed towards the park as part of the future applications. The expansion of the parkland will occur in a manner that increases the new public park's size and usability, including additional amenities into the existing neighbourhood for the benefit of existing and future residents.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland 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 4,853 square metres or 41.5% of the net 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. The existing retained building and its immediately associated lands are not subject to a parkland dedication requirement.

To satisfy the parkland dedication requirement, the applicant has proposed a 1,221 square metre on-site dedication at the southern limit of the development site to be consolidated with the parkland dedication of the proposed redevelopment of the 1650 Sheppard Avenue East property to the southwest. The conditions for parkland dedication and conveyance will be secured in the Section 37 Agreement. Parks, Forestry and Recreation is interested in securing the design and construction, by the owner, of Above Base Park Improvements. There may be opportunities to apply the Parks and Recreation component of the Development Charges towards this work. Further discussions with the applicant are required to determine if the applicant wishes to proceed with the above-base improvements.

#### **Tree Preservation**

Toronto's urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment. The City's Official Plan recommends policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing tree canopy coverage. As such, the planting of large growing shade trees on both public and private lands should be an important objective for all development projects. The early co-ordination of utilities and other infrastructure elements with the soil volume and air space required to permit the growth of large growing trees is particularly important. The conditions for tree planting must be considered integral to the design, planning, and construction of projects.

There are no City owned trees involved with this application. The applicant is proposing 14 new City trees for the proposed right-of-way. Urban Forestry is satisfied with the spacing of the trees, and will provide further comments during the Plan of Subdivision and Site Plan Control applications.

The development proposed the removal and injury of 28 privately-owned trees. Twentyfour trees located on the subject site requiring a permit to injure or destroy trees. The Arborist Report also identifies four other boundary/neighbour trees located at the rear of 25 Leith Hill Road requiring removal. Under the provisions of Section 813-16 (B) of the City of Toronto Municipal Code, Chapter 813, Trees, Article III, the subject trees meet the criteria for protection under the City of Toronto's Private Tree By-law. Urban Forestry requires the submission of a complete Application to Injure or Destroy Trees on Private Property.

#### **Toronto Green Standard**

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS and has proposed performance measures including high-albedo surface materials, green roof, water efficient plant material for at least 50% of the landscaped areas, native planting species, and a tri-sorter recycling system. These matters will be secured through the Site Plan Control application.

#### **Community Services Assessment**

In March 2008, City Planning completed the Don Mills and Sheppard CS&F Facility Needs Assessment. In response to increased growth occurring along the Corridor, 3 sub-areas with specific CS&F priorities were identified. These sub-areas were Don Mills North (Oriole), Don Mills South (Parkway Forest) and Leslie/Sheppard (Sheppard Corridor). This Study was triggered as a result of a residential intensification proposal at 100 Parkway Forest Drive for 2,200 units (Don Mills/Sheppard Sub-area). The

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proposed development is located within the Don Mills North (Oriole) Sub Area. Priorities for this Sub-Area include: additional child care facilities; additional community agency space; and facility improvements to the Oriole Community Centre. To date, not all these priorities have been fully addressed and thus, have not kept pace with the significant growth that has and is continuing to occur along the Sheppard Corridor.

The following CS&F priorities were identified for consideration in the review of the application are: Securing community agency space for non-profit locally-based human service organizations to run a wide range of programs and/or services; Financial contributions towards facility improvements to the Fairview District Branch Library; and/or Financial contributions towards parks and recreation facilities that are located in and serve residents in the local community. Subsequent assessments of the area done by the City have also identified the continued need to expand the number of non-profit child spaces in the area.

The draft Official Plan Amendment policies contain direction that each site within the Block Context Plan must provide affordable housing and/or community services as part of development. Staff will work with all landowners of the Block Context Plan to secure non-profit child care facilities within the larger Block to address the Community Services Assessment for the area. As discussed in the subsequent Section 37 section of this report, the applicant is proposing to provide affordable units in the new 31-storey building, as well as a financial contribution towards community services and facilities in the area.

## Schools

The Toronto Catholic District School Board (TCDSB) has concerns with the proposal due to the close proximity of the development. The School Board's concerns include, but are not limited to, traffic/circulation, shadow, noise, wind and grading impacts, The School Board will continue to be an active participant in the Block Context Plan discussions and are also a participant in the LPAT process.

## Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The proposed increase in gross floor area is subject to Section 37. The applicant has agreed to a contribution of \$2,700,000 for Section 37 benefits. Staff and the applicant are negotiating the provision of a community service use on the site, but further discussion with various City Divisions is required prior to finalization of the benefit. The applicant and Staff will continue to work on the allocation of the contribution. If further reporting is required, staff will report back to City Council regarding the Section 37 benefits secured for this site.

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

a. a community benefit contribution with a value of no less than two million seven hundred thousand (\$2,700,00.00) dollars, whereby the allocation of which will be negotiated with the owner and appropriate City divisions, including the local councillor;

b. should the financial contribution be directed to an on-site community facility, City Council authorize the City Solicitor, and appropriate City officials, to obtain an interest in land, whether a stratified conveyance or leasehold interest, or otherwise acceptable arrangement in consultation with the Director, Real Estate Services, to implement the on-site community benefit facility, and where such a facility may involve other operating divisions, that the implementation of such a facility be consistent with City guidelines for such a facility;

c. the amount of funds allocated towards a community benefit shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135, or its successor, calculated from the date of the Agreement to the date of payment;

d. in the event the amount of funds allocated towards a community benefit cannot be directed for the determined purpose within five years of the amending Zoning By-law coming into full force and effect, the amount of funds allocated towards a community benefit may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;

The following matters are also to be secured in the Section 37 Agreement as matters required to support the development of the lands, including:

a. that the Owner construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;

b. prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning and thereafter the owner shall implement such strategy;

c. the owner shall continue to provide and maintain the 226 existing rental dwelling units in the existing apartment building at 2600 Don Mills Road as rental housing, together with the new and retained associated facilities and amenities of

the existing apartment building, for a period of at least 20 years commencing from the date of the Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

d. The owner shall provide, repair, operate and/or maintain at its sole expense, improvements for tenants of the existing apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate, including but not limited to the following:

i. 1,259 square metres of new indoor amenity space in the new 33-storey residential building, which may include but not be limited to an indoor swimming pool, exercise spaces, a pet spa and multi-purpose spaces for use by tenants of the existing apartment building and new building, to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval;

ii. 360 square metres of programmed outdoor amenity areas on the site, including but not limited to outdoor seating and BBQs, a dog run to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval;

iii. A renovated two-storey lobby in the existing apartment building to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval. This renovated lobby for the existing apartment building shall be provided prior to issuance of the first above-grade building permit for the new 33-storey residential building;

iv. A new indoor recycling/bulk and organics storage area in the existing apartment building to be designed to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to Site Plan Approval; and

v. New indoor bicycle parking spaces and new outdoor bicycle parking spaces for tenants of the existing apartment building;

e. The owner shall provide, repair, operate and/or maintain, at its sole expense, additional improvements informed by the results of a tenant survey, to be identified and designed to the satisfaction of the Chief Planner and Executive Director, City Plan, prior to Site Plan Approval;

f. The owner shall provide tenants of the existing apartment building with access to all indoor and outdoor amenities within and adjacent to the proposed buildings on the site at no extra charge to the tenants and with no pass-through cost to tenants of the existing building. Access and the use of these amenities shall be on the same terms and conditions as any other resident in the new buildings; g. The owner shall provide and maintain 147 indoor vehicle parking spaces, to be made available to tenants of the existing apartment building. The owner shall provide tenants of the existing apartment building who rented or had access to a vehicle parking space prior to the Zoning By-law Amendment coming into force and effect with the first priority to rent of one of these 147 indoor vehicle parking spaces;

h. The costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, new indoor and outdoor amenity spaces in the new 33-storey residential building and improvements and costs to facilitate the development of the proposed buildings, as described above, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;

i. The owners agrees to implement the required mitigation measures from the accepted Wind Study, Parking and Traffic Impact Study, and Landscape Plan, through the Site Plan approval process for the Site to the satisfaction of the Chief Planner and Executive Director, City Planning; and

j. the Owner shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning.

#### Conclusion

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The proposal also conforms with the Toronto Official Plan. The proposal conforms to the Sheppard East Subway Corridor Secondary Plan policies including sections related to the development node, and implementation. The Block Context Plan, draft Urban Design Guidelines, and associated Official Plan Amendment establish a planning framework for this quadrant, including the location of a new public street network, the requirement for a centrally located public park, policies to guide built form structure and transition, the requirement for provision of community services and facilities or affordable housing on each site, and holding provisions to ensure sufficient infrastructure exists and is installed. The proposal provides an appropriate separation and transition to the existing neighbourhoods, a new public street network through the quadrant, as well as lands towards a new, centrally located public park.

The proposed increase in height and density is subject to Section 37. The applicant has agreed to a contribution of \$2,700,000 for Section 37 benefits. Staff and the applicant are negotiating the provision of a community service use on the site, but further 2600 Don Mills Road - Official Plan Amendment (Final Report) and Zoning By-law Amendment (Request for Directions Report) Page 42 of 58

discussion with various City Divisions is required prior to finalization of the benefit. The applicant and City Staff will continue to work on the allocation of the contribution. If further reporting is required, staff will report back to City Council regarding the Section 37 benefits secured for this site.

This report recommends that the City Solicitor, together with City Planning staff, and other appropriate city staff, attend the LPAT hearing in support of a settlement on the application based on the recommendations and comments contained within this report

## CONTACT

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## SIGNATURE

Giulio Cescato, MCIP RPP, Acting Director Community Planning, North York District

# ATTACHMENTS

#### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet Attachment 2: Location Map Attachment 3a: Official Plan Land Use Map Attachment 3b: Sheppard East Subway Corridor Secondary Plan Attachment 4a: Existing Zoning By-law Map 569-2013 Attachment 4b: Existing Zoning By-law Map 7625 Attachment 5: Draft Official Plan Amendment

#### **Applicant Submitted Drawings**

Attachment 6: Site Plan Attachment 7a: North Elevation Attachment 7b: East Elevation Attachment 7c: South Elevation Attachment 7d: West Elevation Attachment 8: Block Context Plan

# Attachment 1: Application Data Sheet

·		2600 DON MILLS RD		Date Receive		d: November 9, 2017			
Application Type:	Application Number:17 260070 NNY 33 OZApplication Type:OPA / Rezoning, OPA & Rezoning								
Project Description:	Application to amend the Official Plan, Sheppard East Subway Corridor Secondary								
	Plan and Zoning By-law to permit a 33-storey residential tower containing 364								
	residential units, including the provision of 521 underground parking spaces for the existing and proposed buildings on site; outdoor amenity space and a public park.								
Applicant						Owner			
Applicant	Agent		F	Architect					
GOLDBERG GROUP HUNTER LODGE APTS INC   EXISTING PLANNING CONTROLS HUNTER LODGE APTS INC									
Official Plan Designati	ion: Ap	Apartment Neighbourhood			Site Specific Provision:				
•					Heritage De Site Plan Co	Designation: Control Area:			
Site Area (sq m):	13,762	E Frontage (m):			: 77 De		(m):	107	
Building Data		Existing	R	Retained		Proposed		Total	
Ground Floor Area (so	դ m)։	1,086		1,086		2,164		3,250	
Residential GFA (sq m):		20,828		20,828		26,456		47,284	
Non-Residential GFA (sq m):						552		552	
Total GFA (sq m):		20,828	2	0,828		27,008		47,836	
Height - Storeys:		19		19		33		33	
Height - Metres:		58		58		102		102	
Lot Coverage Ratio (%):		23.62		Floor Space Index		dex: 3.4	18		
Floor Area Breakdown		Above Grade (sq m)		Below Grade (s		le (sq m)			
Residential GFA:		46,403		881					
Institutional/Other GFA Residential Units by T		z Existing	Retain	ed	Pror	posed	То	tal	
Rental:	onaro	226 226				Toposed		226	
Condominium:					384		384		
Total Units:		226 226		384				)	
Total Residential Units by Size									
Roo	oms	Bachelor	1 E	Bedroom	2	Bedroom	3.	+ Bedroom	
Retained:			45		10	63	1	3	
Proposed:		86	177	7	8	3	3	3	
Total Units:		86		222		246		56	
Parking and Loading								4	
Parking Spaces: 437 Bicycle Parking Spaces: 290 Loading Docks: 1									

# Attachment 2: Location Map





Attachment 3a: Official Plan Land Use Map







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Attachment 4b: Existing Zoning By-law Map 7625

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Attachment 5: Draft Official Plan Amendment

CITY OF TORONTO Bill XXX BY-LAW XXX -2020

To adopt Amendment 490 to the Official Plan for the City of Toronto respecting the lands municipally known in the year 2019 as 1650 Sheppard Avenue East, 2500 Don Mills Road, 2600 Don Mills Road and 25 Leith Hill Road

Whereas authority is given to Council under sections 17 and 22 of the Planning Act, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 490 to the Official Plan is adopted pursuant to the Planning Act, as amended.

Enacted and passed on , 2020.

Frances Nunziata, Speaker

Ulli S. Watkiss, City Clerk

(Seal of the City)

# AMENDMENT NO. 490 TO THE OFFICIAL PLAN

# LANDS MUNICIPALLY KNOWN IN THE YEAR 2019 AS 1650 SHEPPARD AVENUE EAST, 2500 DON MILLS ROAD, 2600 DON MILLS ROAD AND 25 LEITH HILL ROAD

The Official Plan of the City of Toronto is amended as follows:

1. Schedule 2: The Designation of Planned but Unbuilt Roads is amended by adding the following roads, as shown in Schedule '1':

Street Name	From	То
New Link A	Sheppard Avenue East	New Link B
New Link B	New Link A	Don Mills Road
New Link C	New Link B	Leith Hill Road







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# North Elevation

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# East Elevation

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# South Elevation

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# West Elevation

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