

2, 4 and 6 Teagarden Court – Official Plan Amendment and Zoning By-law Amendment Applications – Preliminary Report

Date: November 13, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 18 - Willowdale

Planning Application Number: 20 192585 NNY 18 OZ

Notice of Complete Application Issued: October 6, 2020

Current Use on Site: Vacant land currently approved for an eleven storey residential building

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 2, 4 and 6 Teagarden Court to permit a fourteen storey residential building with 136 residential units and a Floor Space Index of 4.6 on the existing vacant site. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 2, 4 and 6 Teagarden Court together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

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

The site was the subject of an application to amend the Official Plan and zoning by-law (File No. 11 328717 NNY 23 OZ) to permit a fourteen storey residential building with a new public park at 10 Teagarden Court. The application was appealed to the Ontario Municipal Board (OMB) (Case No. PL170176), now the Local Planning Appeal Tribunal, due to Council's lack of a decision within the timeframe prescribed in the Planning Act. The applicant subsequently amended the application and submitted a "with prejudice" settlement offer for an eleven storey residential building with 112 residential units, 132 parking spaces and no public park at 10 Teagarden Court but rather pay cash-in-lieu for parkland. City staff wrote a Request for Directions Report on the revised proposal which was considered by City Council at its meeting of November 7, 2017. Following the finalization of the staff report, the applicant made a further, "without prejudice" revision of their settlement offer which amended the amount of Section 37 funds being offered and was accepted by City Council. Council's decision, staff's report and the "without prejudice" revision may be found on the City's website:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC34.11>

The OMB considered the amended application and approved it February 9, 2018. The decision may be found here: <http://www.omb.gov.on.ca/e-decisions/pl170176-Feb-09-2018.pdf>. A Final Order was issued August 17, 2018 after the applicant addressed the conditions contained in the February 9, 2018 decision.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan and zoning by-law for the property at 2, 4 and 6 Teagarden Court to permit a fourteen storey residential building with rooftop amenity space, 136 dwellings units and a gross floor area of approximately 9650 square metres or a density of 4.6 times the area of the lot. A total of 132 vehicular parking spaces are proposed. The site would have its vehicular access from Teagarden Court.

The application is intended to amend the previously approved eleven storey residential building discussed in the Decision History section of this report.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

The Growth Plan (2020) 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 comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is designated *Mixed Use Areas* on Map 16 of the Official Plan. Mixed Use Areas are made up of a wide range of commercial, residential and institutional uses in single or mixed use buildings.

The subject lands are also within a 'key development area' of the Sheppard East Subway Corridor Secondary Plan. The 'Bayview Node' provides policies for transit-supportive development including specific policies for the area north and west of the Bayview/ Sheppard Avenue West intersection identified as the "Teagarden Court/Mallingham Court/Clairtrell Road Area".

The Sheppard East Subway Corridor Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9-SheppardEast.pdf>

The Secondary Plan also requires 'Context Plans' to be prepared, and in 2005 the 'Clairtrell Area Context Plan' was completed as a general development guideline for the area. The Context Plan: illustrates a development structure with an open space and east-west mid-block pedestrian connection from Teagarden Court to Clairtrell Road;

includes guidelines for Bayview Avenue and local streetscape; guides the organization of private and public open space and amenity areas; illustrates how a range of generalized building types, massing and heights should be organized and designed; and describes how parking and servicing should be addressed. The Clairtrell Area Context Plan builds on the area-specific objectives and requirements of the Secondary Plan and is intended to provide general development guidelines for Clairtrell Area's potential redevelopment. The Clairtrell Area Context Plan is available here: <https://www.toronto.ca/wp-content/uploads/2017/08/8db3-Clairtrell-Area-Context-Plan.pdf>

As discussed in the Decision History section of this report, the site is subject to an approved Official Plan Amendment. Official Plan Amendment 431 permits a maximum density of 3.99 times the area of the lot and is available here: <https://www.toronto.ca/legdocs/bylaws/2018/law1337.pdf>

Zoning By-laws

The site is zoned RM6(251) under former City of North York Zoning By-law 7625 which permits residential apartment buildings. Site Specific Exception 251 is a result of the 2018 approval discussed above in the Decision History section of this report. The exception permits a maximum gross floor area of 8354 square metres, 112 dwelling units and a maximum height of eleven storeys.

Site Specific Exception 251 is available here: <https://www.toronto.ca/legdocs/bylaws/2018/law1338.pdf>

The site is not subject to City of Toronto Zoning By-law 569-2013.

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Clairtrell Area Context Plan
- Growing Up: Planning for Children in New Vertical Communities
- Bird Friendly Guidelines

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

The application is required as the proposal intends to increase the height and density currently permitted in the Official Plan and site specific zoning by-law and the amount of amenity space required.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

The PPS and the Growth Plan are high-level and broad reaching policy documents. The City is a development area and infill is encouraged under these policies. However, the direction of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Policy 1.1.1.(g) of the PPS requires that the necessary infrastructure and public service facilities are, or will be, available to meet current and projected needs. Policy 1.1.3.2(b) requires land use patterns to have densities which are appropriate for the infrastructure and public service facilities which are planned or available and avoid the need for the unjustified and/or uneconomical expansion. Further, Policy 1.1.3.3 requires planning authorities to identify appropriate locations for intensification where it can be accommodated, taking into account the availability of suitable existing or planned infrastructure and public service facilities. 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.

Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.6 states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

Policy 2.2.2.3(f) of the Growth Plan states that the strategy to achieve the minimum intensification target is to be implemented through a municipality's Official Plan policies and designations. Policy 2.2.2.2 stipulates that until the next *municipal comprehensive review* is approved and in effect, the annual minimum intensification target contained in the municipality's Official Plan that is approved and in effect as of July 1, 2017 will continue to apply. Policy 5.2.4.3 says that the population and employment forecasts contained in Official Plans that were approved and in effect on August 28, 2020 apply to all planning matters. The City is on pace to exceed its population targets and additional density, beyond those contemplated by the Secondary Plan, this site is not needed in order to achieve those targets.

Staff are reviewing the application for consistency with the PPS and whether it conforms, or does not conflict, with the Growth Plan.

Official Plan Conformity

The Sheppard East Subway Corridor Secondary Plan provides, amongst other things, a policy framework to guide growth in proximity to Bayview Subway Station. It states that development will be transit supportive with the highest densities generally located closest to the rapid transit stations and to a lesser extent along arterial road frontages. Development is intended to provide a transition in height and density between the higher density mixed use areas and existing designated stable residential areas which are to be protected and retained and densities will be lowered toward stable residential areas. Within the Bayview Node within the Secondary Plan, the policies require that development be sensitive to the remaining lands within the key development area and their existing uses and built forms.

The site is subject to a site specific exception in the Secondary Plan which permits a maximum Floor Space Index of 3.99 times the area of the lot while the application is proposing a Floor Space Index of 4.6 times the area of the lot. The base density for that part of the Secondary Plan is 3.0 and the proposed density would be the highest within the Bayview Node.

Built Form, Planned and Built Context

Staff will review the proposed built form and assess the suitability of the proposed height and massing and other built form impacts as they relate to the City's Official Plan policies and the City's Design Guidelines, including the Clairtrell Area Context Plan. The Built Form policies of Chapter 3 of the Official Plan require that new development be massed to fit harmoniously into its existing and/or planned context.

As part of a complete application the applicant has submitted a sun/shadow study and a pedestrian level wind study. Staff will review the impacts identified in the studies as part of the review of the application.

Residential Amenity Area

The applicant is proposing less indoor and outdoor amenity areas which are smaller than that of the originally approved eleven storey residential building. The proposed building has twenty-four more dwelling units than that approved by the LPAT but provides less amenity space, both indoors and outdoors. Staff are reviewing the amount of proposed amenity space to determine whether the amount proposed is appropriate.

Housing

The City's Growing Up: Planning for Children in New Vertical Communities Guidelines speak to the collective responsibility to address quality of life for children and youth in vertical communities. This includes ensuring a diversity of housing sizes to accommodate larger households, including multi-generational households with seniors.

The proposed development consists of seventy-two one bedroom units and sixty-four two bedroom units with no three bedroom units proposed. Staff will work with the applicant to ensure a range of unit types and sizes are provided.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

As part of a complete application, the applicant has submitted a Community Services and Facilities Study which is under review by staff. Staff will review the study to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

As part of the previous application, the site specific zoning by-law requires that prior to the issuance of the first above grade permit for all or any part of the Lands, the owner shall pay to the City a cash contribution of \$550,000 to be allocated to capital improvements for area parks with such amount to be indexed upwardly.

Given the previous Section 37 contribution secured for an eleven storey building, staff will review the application to determine what additional Section 37 contributions may be appropriate for the larger building being proposed.

Infrastructure/Servicing Capacity

As part of a complete application the applicant has submitted a transportation study addendum and engineering studies including a sanitary capacity analysis and functional servicing report. Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are

voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. Staff will review the TGS Checklist for compliance with the Tier 1 performance measures

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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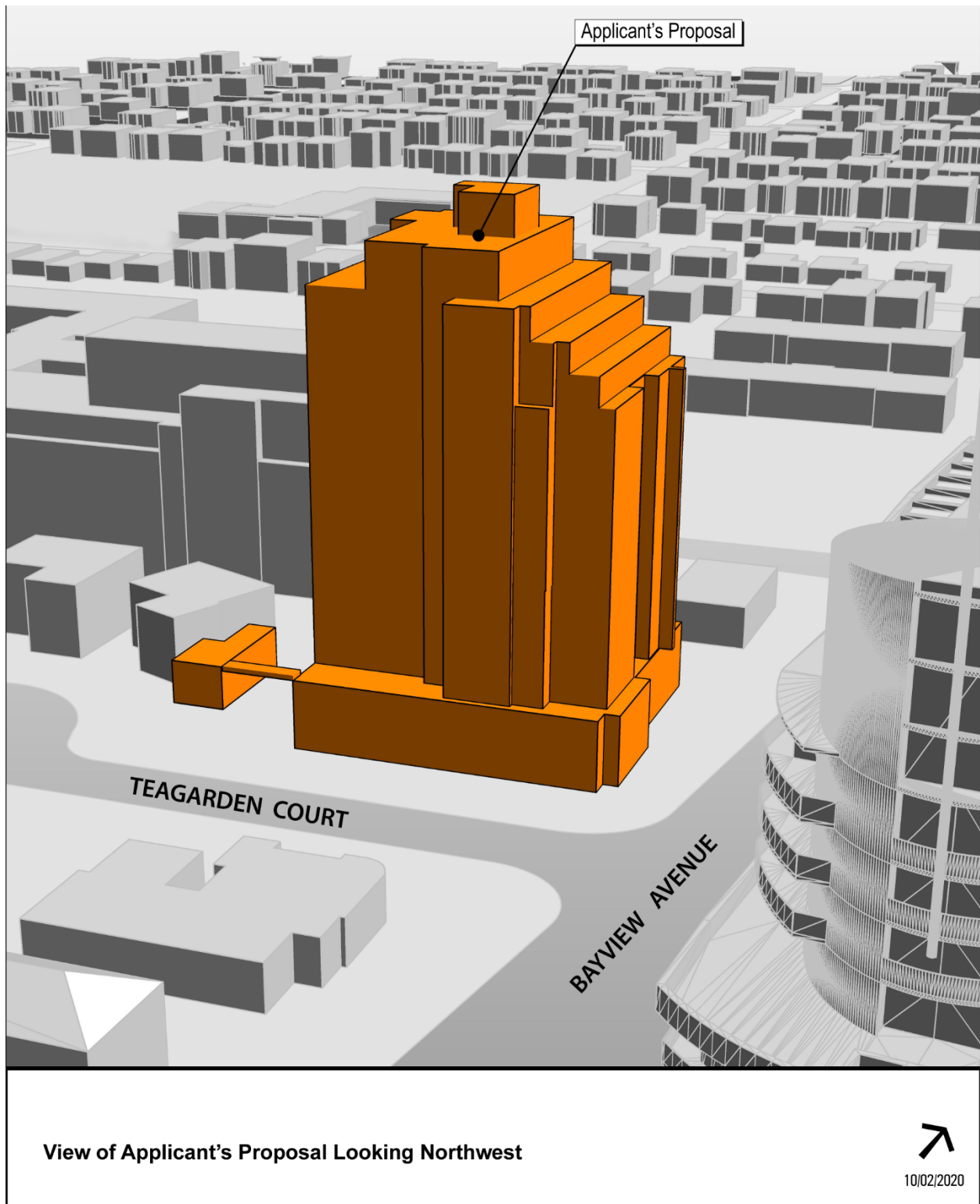
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John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

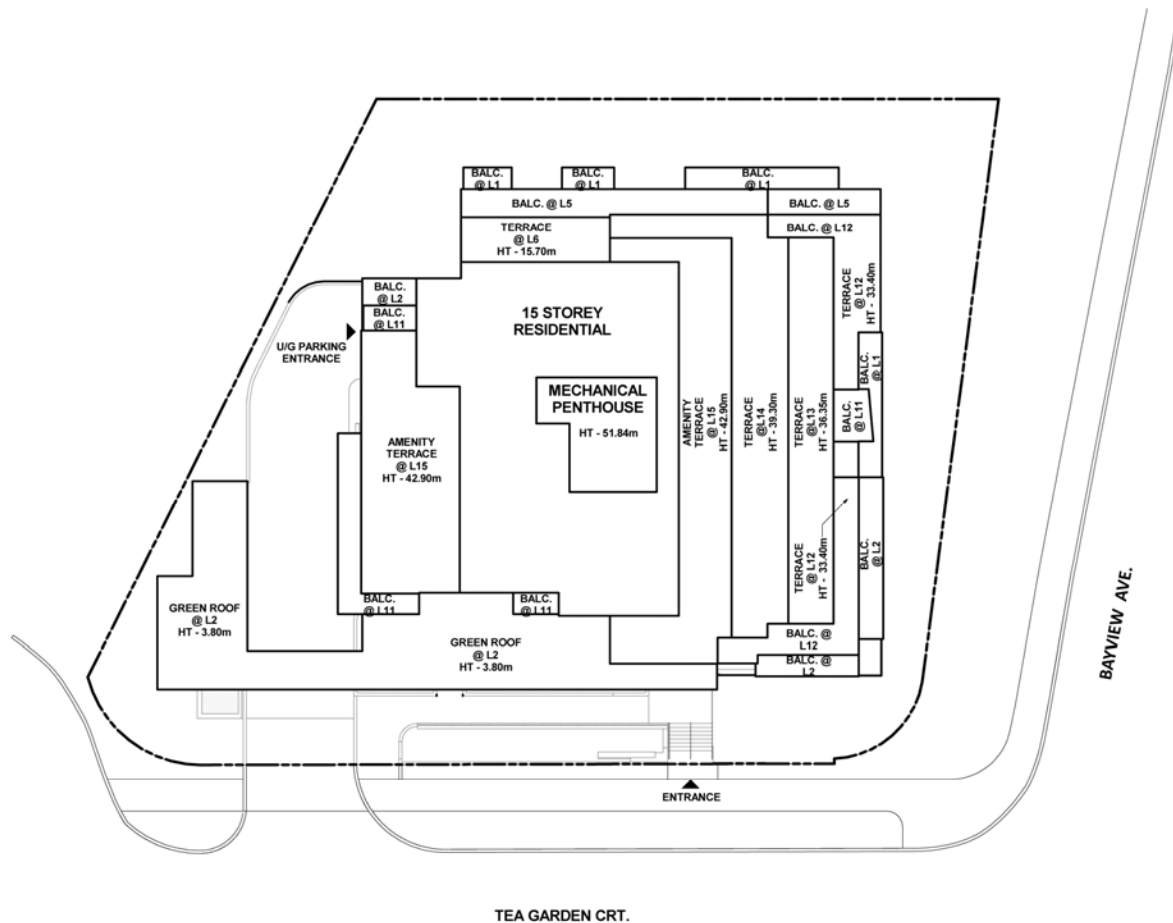
Attachment 1: 3D Model of Proposal in Context
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: Official Plan Map

Attachment 1: 3D Model of Proposal in Context



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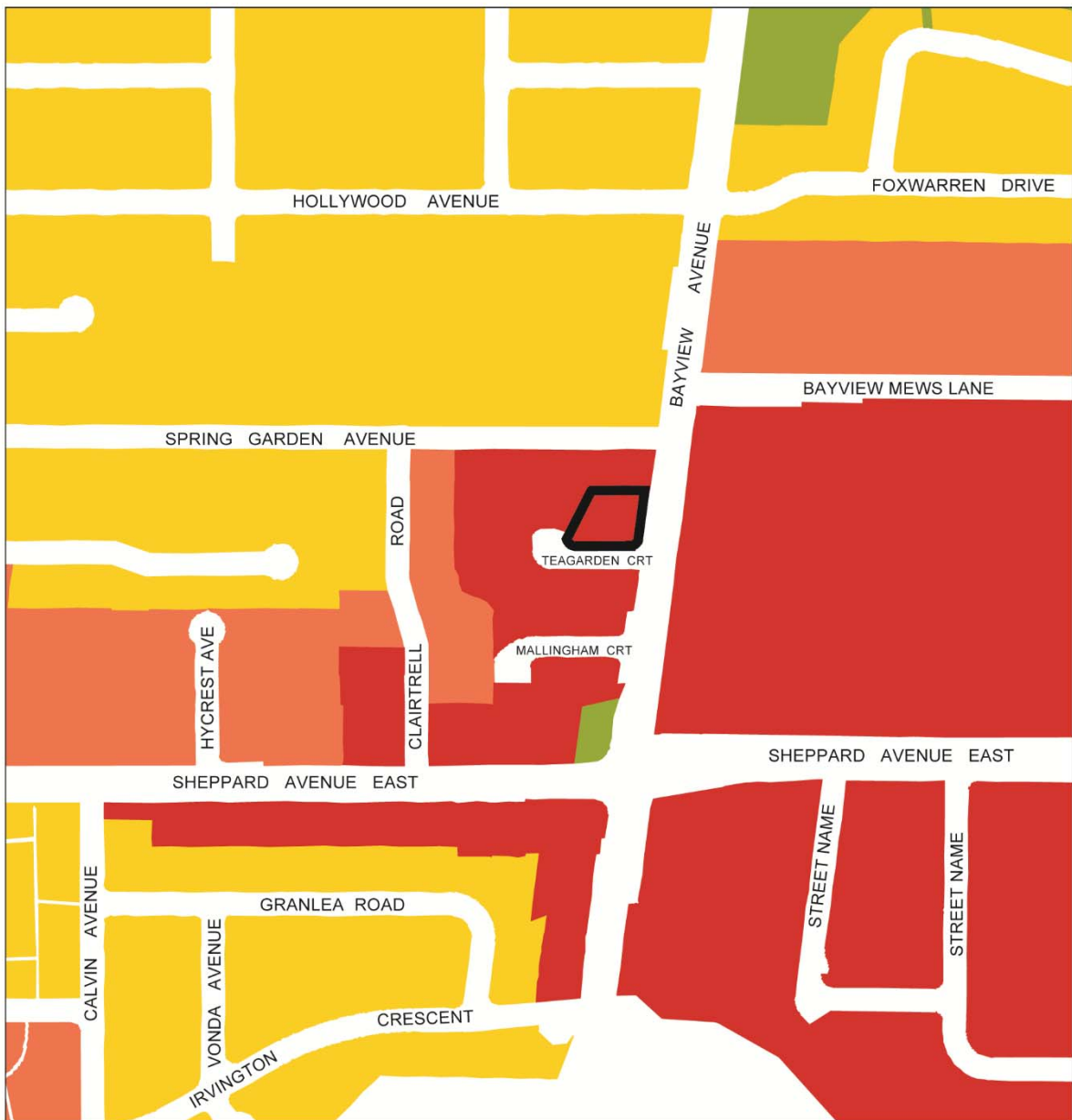
Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map



Address

Official Plan Land Use Map #16

File # 20 192585 NNY 18 02



Not to Scale
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