

## **12 to 24 Leith Hill Road – Official Plan and Zoning By-law Amendment Application – Refusal Report**

Date: February 1, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: 17 - Don Valley North

**Planning Application Number:** 18 125292 NNY 33 OZ

**Related Application Number:** 18 110887 NNY 33 RH

### **SUMMARY**

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This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-laws for the lands at 12 to 24 Leith Hill Road to permit three blocks of townhouse units, containing 48 dwelling units, at the western limit of the site, and an 11-storey residential building, proposed with 121 dwelling units, to the east of the existing 16-storey apartment building. The existing 16-storey apartment building, containing 221 dwelling units, and 2-storey block of townhouse units, containing a total of 6 townhouse units, at 12 to 24 Leith Hill Road are proposed to be retained as part of the application.

An application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has been filed to permit the demolition of one (1) existing 1-bedroom rental dwelling unit in the existing 16-storey apartment building. This application will be reviewed under delegated approval.

The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal sets out inappropriate development standards that do not allow for the orderly development of the lands. The proposal fails to conform with the policies of the City of Toronto Official Plan, including the Sheppard East Subway Corridor Secondary Plan, and does not appropriately respond to the Tall Building Guidelines, including inadequate setbacks, separation distances and scale of development.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for Official Plan Amendment and Zoning By-law Amendments at 12 to 24 Leith Hill Road for the reasons as set out in this report, from the Acting Director, Community Planning, North York District, dated February 1, 2021.

2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the LPAT.

3. In the event that the Local Planning Appeal Tribunal approves the applications in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal withhold its Order(s) approving the Official Plan and Zoning By-law Amendments applicable to the subject lands until such time as the City Solicitor confirms that:

a. the final form and content of the Official Plan Amendment(s) and 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;

b. a Section 37 Agreement securing facilities, services and matters 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;

c. the owner has, at the owner's 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 Review, including the Foundation Drainage 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;

iii. has made satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the

construction of new infrastructure or any improvements to the 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; and

v. secured, in one or more agreements, the following rental housing matters and improvements to the existing rental housing:

a. New indoor amenity space in the proposed building for new tenants, including a party room, fitness room and theatre room;

b. Outdoor amenity areas including improved landscape treatments, amenity and play areas and seating areas for all tenants; and

c. Outdoor bicycle parking spaces in front of the proposed 11-storey building for all tenants.

4. City Council authorize the City Solicitor and other City Staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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A pre-application consultation meeting was held on November 29, 2016 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, massing, density, access, and relationship to the existing building and surrounding buildings.

A Preliminary Report was before North York Community Council at its meeting of May 2, 2018 and was adopted with amendments. The report can be found via the following link:

## **PROPOSAL**

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The subject site at 12-24 Leith Hill Road is an irregularly shaped parcel of land, located on the north side of Leith Hill Road, west of Don Mills Road, having an overall lot area of approximately 14,293 square metres. Currently, the site contains a 16-storey residential apartment building, containing 221 dwelling units, which is set back from Leith Hill Road as well as a 2-storey townhouse building containing 6 dwelling units on the northwest edge of the site. The existing 16-storey apartment building has an overall building height of 43.4 metres, not including the mechanical penthouse. The existing density on the site is 1.54 times the lot area.

Vehicular access to the site is via a driveway from Leith Hill Road, which leads to the underground garage as well as to surface parking located to the east and west sides of the existing apartment building.

The applicant's proposal has been revised since the original 2018 application, but continues to propose infill buildings around the existing 16-storey apartment building. The existing 16-storey apartment building and six townhouse units on the north edge of the site would be retained as part of the proposal.

The applicant has reduced the originally proposed 12-storey building containing 159 dwelling units to an 11-storey residential building containing 121 dwelling units. The proposed 11-storey building continues to be located to the east of the existing 16-storey apartment building. The overall building height proposed for the 11-storey building is 37.7 metres measured from the ground floor, not including the mechanical penthouse. The 11-storey building is proposed to be comprised of 7 studio units, 68 1-bedroom units, 42 2-bedroom units, and 4 3-bedroom units for a total of 121 new dwelling units.

The ground floor of the proposed 11-storey building consists of the lobby, three residential dwelling units, indoor amenity space, long term bicycle parking spaces, garbage rooms and service rooms. The building would be set back 7.5 metres from the northern and eastern property lines. The separation distance between the existing 16-storey apartment building and the proposed 11-storey building ranges from 10 to 15 metres at grade to the 4th-storey, 17 metres at the 5th and 6th-storeys and 20 metres at the 7th through 11th-storeys. The proposed tower separation from the proposed 11-storey building and existing towers on adjacent properties to the north and east of the subject site are 47.9 metres and 21 metres respectively. The proposed 11-storey building will be accessed from a new private driveway off of Leith Hill Road.

The proposal also includes 3 blocks of stacked townhouses containing a total of 48 townhouse dwelling units at the western boundary of the site, fronting onto an existing private driveway accessed from Leith Hill Road. Thirty-six of the townhouse units are proposed to be 2 bedroom units, with the remaining twelve proposed as 1-bedroom

units. The townhouses are proposed to have an overall height of 4-storeys, with heights ranging from 11.1 to 11.75 metres, when measured from established grade.

Two areas of landscaped amenity space are proposed to the north and west of the existing 16-storey building, each proposing a children's play area. An indoor amenity space of 293 square metres is proposed at grade within the proposed 11-storey building. The existing 16-storey apartment building has recently constructed indoor amenity areas including a party room and gym on the ground floor.

A total of 354 parking spaces are proposed for both the existing and proposed buildings, to be accommodated at-grade (25 spaces), and within the underground garage (329 spaces), which would be expanded to accommodate the additional parking spaces. The parking spaces for the new townhouses would be located within the shared underground parking garage and surface parking area. Twenty-five surface parking spaces are proposed lining the two new private driveways proposed as part of the development.

A total of 154 bicycle parking spaces are proposed for the development with 16 spaces short-term spaces located at grade within the new 11-storey building and 138 long-term spaces to be located within the ground and P1 levels of the proposal. Sixteen visitor bicycle parking spaces are proposed to be located outdoors at grade.

The overall gross floor area for the lands is proposed to be 35,666.4 square metres, of which 22,060.4 square metres is existing gross floor area. The total density of the site is proposed to be 2.52 times the lot area.

### **Reasons for Application**

The Official Plan Amendment is proposing to identify the site as a Key Development Area within the Sheppard East Subway Corridor Secondary Plan with a proposed density of 2.52 FSI on lands where a density has not been prescribed by the Plan.

An amendment to the City of Toronto Zoning By-law 569-2013 and the former City of North York Zoning By-law 7625 is required to permit the proposed density and height, and development standards regarding gross floor area, setbacks, indoor and outdoor amenity space, parking and other matters.

A Rental Housing Demolition and Conversion application is required to permit the demolition of one (1) rental dwelling unit under Chapter 667 of the Toronto Municipal Code as the subject lands contain 6 or more dwelling units and at least one of which is a rental dwelling unit.

## **APPLICATION BACKGROUND**

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## **Application Submission Requirements**

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

- Planning Rationale Report;
- Housing Issues Report;
- Public Consultation Plan;
- Green Development Standards Checklist;
- Preliminary Pedestrian Level Wind Analysis;
- Transportation Study;
- Parking Study;
- Preliminary Geotechnical Investigation;
- Hydrogeological Assessment;
- Functional Servicing and Stormwater Management Report;
- Preliminary Noise and Vibration Impact Statement;
- Arborist Report; and
- Energy Strategy Report.

A Notification of Complete Application was issued on April 4, 2018.

The submitted plans and studies are available for download on the City's Application Information Centre (AIC) which can be accessed via the following link:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>.

## **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 proposal.

## **POLICY CONSIDERATIONS**

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### **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 (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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

The PPS is issued under Section 3 of the Planning Act and all decisions of 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 4.6 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 (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020),

establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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 a 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 (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

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 (2020) 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 plan for the prescribed densities.

## **Toronto Official Plan**

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.

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 be reviewed in the context of the Apartment Neighbourhoods policies in 4.2.2, 4.2.3, and 4.2.6.

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. 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.

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. 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 buildings 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.

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 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.

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

### **Official Plan Amendment 320**

The Local Planning Appeal Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized Apartment Neighbourhood sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

## **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 massing 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 on-site 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 kilometre.

Section 9(f) of the Secondary Plan states that the context plan may illustrate a phasing plan for developments. 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: <http://www1.toronto.ca/planning/9-sheppard-subway-east-corridor.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and designations and the Secondary Plan policies are summarized in the Comments section of the 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 RAC (Residential Apartment Commercial Zone) (f30.0; a1375; d1.5(x16)) (see Attachment 4a). The RAC zone permits dwelling units in an apartment building form as well as small scale commercial uses subject to specific conditions. The site is not subject to a maximum height on the Height Overlay Map, but 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. The exception also permits the townhouse building type on the site.

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 dwelling 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 metre for every 0.6 metre in additional height in excess of 11 metres.

## **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Tall Buildings Guidelines
- Avenues and Mid-rise Guidelines
- Townhouse and Low-rise Guidelines
- Bird Friendly Guidelines
- Growing Up: Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

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

## **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at:

<https://www.toronto.ca/city-government/planning-development/planningstudies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

### **Site Plan Control**

The proposal is subject to Site Plan Control. An application for Site Plan Control was made on September 15, 2020 (File No. 20 193786 NNY 17 SA).

### **Community Consultation**

A Community Consultation Meeting was held on June 20, 2018 at the St. Timothy Catholic School Gymnasium. Approximately 23 members of the public were in attendance. Issues raised at the meeting included: concerns with increased traffic volumes due to the development; existing flooding on site; construction management and dust mitigation; and issues with utilities within the existing apartment building.

## **COMMENTS**

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

The Provincial Policy Statement (2020) (the PPS), and the Growth Plan for the Greater Golden Horseshoe (2020) are high-level and broad reaching policy documents. The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key policy objectives include: building strong communities, wise use and management of resources, and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the Planning Act, to be consistent with the PPS.

The PPS and the Growth Plan (2020) 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. Within this framework, Policy 4.6 of the PPS recognizes that the Official Plan is the most important vehicle for the implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies. The City's Official Plan contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock and protects the character of the area consistent with the direction of the PPS.

The Site is subject to the Sheppard East Corridor Secondary Plan, Chapter 6 of the City's Official Plan. Under Policy 5.6.6 to the extent of any conflict, the Policies in Chapter 6 prevail over the City's Official Plan. The Secondary Plan is specific as to where and how development is to occur within the Secondary Plan area. The PPS also directs coordinated planning and appropriate levels of intensification. The Sheppard East Corridor Secondary Plan provides specific direction and intent that development take place along Sheppard Avenue East and the Mixed Use Areas as focus for growth. The structural intent of the Secondary Plan is to direct growth to appropriate locations as identified in the Plan and in the Goals and Objectives of the Secondary Plan. The proposed amendment to identify the site as a key development site to permit an increased level of intensification is not consistent with the PPS or the Secondary Plan's goals and objectives to coordinate and direct growth.

Section 1.1.3.3. of the Provincial Policy Statement stipulates that Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Through its Official Plan, the City has identified Downtown, Centres, Avenues and Employment Districts as growth areas where significant intensity is appropriate. The subject site is located in an Apartment Neighbourhoods designation where some modest infill development is anticipated. Most of Toronto's existing apartment buildings are located within built up Apartment Neighbourhoods which are stable areas where only limited infill development is anticipated. The applicant's proposal for an 11-storey building on the eastern portion of the site and for three blocks of 4-storey townhouses on the west portion of the site is not an appropriate location for intensification as it does not meet other applicable Official Plan policies as discussed in subsequent sections of this report.

The Growth Plan (2020) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation. The Growth Plan strives, among other goals, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The Growth Plan identifies that municipalities are obligated to undertake integrated planning to manage forecasted growth to the horizon of the Growth Plan which provides direction for urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact urban form. Complete communities are identified by the Growth Plan (Policy 2.2.1.4) as places such as mixed-use neighbourhoods that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living. Complete communities are age-friendly, and may take different shapes and forms appropriate to their contexts. The creation of a walkable

neighbourhood that is characterized by a well-connected network of streets, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along public streets that encourages active transportation is required for this site.

The Growth Plan also directs growth to urban growth centres, major transit station areas, brownfield sites and greyfields to provide a key focus for transit and infrastructure investments to support future growth. This site is located within a 10 minute walk of the Don Mills Subway Station. While it is acknowledged that some intensification is anticipated in this location on lands designated Apartment Neighbourhoods, due to the proposed massing and organization of the site, the proposal does not represent an appropriate scale of intensification for this site. The proposal does not conform to the Official Plan. The proposal does not conform to the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan Amendment**

The subject site is located in an Apartment Neighbourhoods designation (Attachment 3a). Most of Toronto's existing apartment buildings are located within built up Apartment Neighbourhoods which are stable areas where only limited infill development is anticipated.

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 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 Sheppard East Subway Corridor Secondary Plan encourages that development be transit supportive with the highest densities generally located closest to the rapid transit stations, and to a lesser extent along arterial road frontages. The Secondary Plan does not prescribe specific heights for development parcels along the Sheppard Avenue East corridor, however the policy does state that the highest densities and heights be directed to locations along Highway 401 and locations closest to the subway nodes, and to a lesser extent along the arterial roads.

The Official Plan Amendment to identify this site on its own as a "key development site" is not appropriate and is piece-meal development. Any consideration to identify this site as a "key development site" should be done comprehensively with other abutting properties to ensure for an appropriate street, block, parks and open spaces plan, and to ensure built form policies and guidelines can be achieved including appropriate setbacks, building separation distances, and acceptable shadow impacts.

The applicant's proposal for an 11-storey building to the east of the existing 16-storey rental apartment building resulting in an FSI of 2.52 times the lot area, which is massed in a manner that results in a proposal that is not supportable in its current form.

The applicant is seeking an amendment to the Secondary Plan in order to make this site a "key development site". Staff are of the opinion that the proposal cannot be supported in its current form, and thus the Official Plan Amendment should not be supported.

### **Building Siting, Massing and Setbacks**

The Official Plan identifies that tall buildings are typically buildings whose height is greater than the width of the adjacent right-of-way. The applicant is proposing an 11-storey building, with an overall building height of 37.7 metres, which is almost as tall as the existing 16-storey building, which has an overall building height of 43.4 metres. Additionally, the proposed building height is greater than the right-of-way width of Leith Hill Road, which has a right-of-way width of 23 metres. Based on the noted, this building is considered to be a tall building in its current form.

The Tall Building Design Guidelines prescribes minimum tower building separation distances with setbacks of 12.5 metres or greater which are required from the side or rear property lines, in order to achieve a building separation of a minimum of 25 metres. A minimum distance of 25 metres between towers is recommended in the Tall Building Guidelines to achieve acceptable distance separation and to provide for sunlight and privacy. The proposed setbacks for the 11-storey building are 7.5 metres from the north and east property lines. The proposed 11-storey building is set back 10 metres at grade from the existing 16-storey residential building, where the principal windows for existing tenants are located. As the 11-storey building increases in height, separation distances to the existing 16-storey building increase, but they do not increase sufficiently enough to meet the intent of the tall buildings policies of the Official Plan. The proposed setbacks of the 11-storey building are not adequate and do not ensure a compatible development between tall buildings. Given the siting of the 11-storey building and its location interior to the lot and adjacent to other development sites, an improved building siting and relationship between the buildings is required, including a greater separation distance to adjacent property lines. The 11-storey building does not frame the site in good proportion, and the building massing as it relates to the relationship and compatibility with existing buildings, proposed landscaped areas, and surrounding existing developments is not supportable.

The Built Form policies within the Official Plan emphasize the importance of new development fitting harmoniously into its existing and/or planned context and limiting its impacts on neighbouring streets, parks, open spaces and properties. The Official Plan identifies the need to consider new development not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. The Official Plan also identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and



visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings. A reduced height of the infill development south of the existing 16-storey residential building would better achieve the Official Plan goal of ensuring compatibility with the existing context. The proposed development and Zoning By-law Amendments, in their current form do not conform with the City's Official Plan and cannot be supported by staff.

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 siting of this building with reduced separation distances between property lines creates a condition that can be replicated on adjacent sites, creating a tall building with inappropriate separation distance and setbacks to property lines. There is an opportunity to provide various building typologies on the site, including townhouses and other forms of low to mid-rise apartments. Given the proximity to the existing buildings, and the location interior to the lot, the proposed building exceeds what could be considered an appropriate height on this site and therefore does not provide an appropriate fit and transition.

The proposed 4-storey townhouse blocks are located adjacent to the Neighbourhoods designated lands to the west. Staff are of the opinion that the proposed infill townhouse blocks are appropriate as they provide a transition between the land uses, and are compatible with the existing 2-storey townhouse units that currently exist on the subject lands. Staff have reviewed the organization of the proposed townhouse blocks. The proposed townhouse blocks are located 29.5 metres from the existing 16-storey residential building, and 7.8 metres from the west property line. Staff do not have any concerns with the proposed location or siting of the townhouse blocks.

### **Sun, Shadow, Wind**

The applicant has submitted a shadow study as part of the application submission requirements. The applicant's proposal casts a shadow, which impacts both the Apartment Neighbourhoods to the northwest and east, an outdoor daycare play area immediately north of the site, as well as the existing residential units on the site. Staff are of the opinion that a reduction in building height of the 11-storey building would mitigate the shadow impacts of the proposal.

The applicant submitted a Preliminary Pedestrian Level Wind Analysis as part of their application. The analysis measured pedestrian level wind and gust velocities in thirty locations. The analysis concluded that the levels are within the safety criteria and most are within the comfort criteria for wind analysis. The report identifies that mitigation may be required in the outdoor amenity areas which will be incorporated into the proposed developments massing and landscape design.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 23 metre right-of-way for this segment of Leith Hill Road a 1.44 metre road widening dedication along the Leith Hill Road frontage of the subject site would be required to be conveyed to the City.

## **Traffic Impact**

A Transportation Impact Study (TIS), was submitted in support of the original 12-storey, 159 unit development. The findings within the 2017 TIS estimate that the development would have generated approximately 45 and 49 two-way trips during the AM and PM peak hours, respectively. The trip generation rates used were based on the existing site traffic generation. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements. Transportation Services accepted the methodology of the study and its conclusions.

The proposal has decreased in size since the original submission, with the total number of new dwelling units decreasing from 223 to 169 overall. As such, the conclusions of the previously submitted TIS are still acceptable to Transportation Services.

## **Parking**

The parking requirements for the project are governed by the applicable parking provisions contained in the former North York 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. As a result, Transportation Services requires that parking for this project be provided in accordance with Zoning By-law No. 569-2013. The applicant is proposing to provide a total of 354 parking spaces for residents and visitors as part of this proposal. Given the site context, Transportation Services has indicated that they will accept application of Policy Area 3 rates for this development proposal.

Transportation Services has also indicated that they will require the proposed parking to be provided in accordance with the requirements of the Toronto Green Standards. This includes the provision for electric vehicle infrastructure/roughed-in conduits for every parking space over the minimum. As such, the site is required to provide (and illustrate on the site plans) a total of 24 electric vehicle spaces.

The applicant is proposing to provide a total of 154 bicycle parking spaces as part of the proposal. A total of 16 visitor bicycle parking spaces are proposed to be provided outdoors at grade. A total of 138 bicycle parking spaces for residents are proposed, of which, 47 will be located within the ground floor of the proposed 11-storey building, and

91 are proposed to be located within the P1 level of the underground parking garage. Staff recommend that the applicant examine opportunities to increase the amount of bicycle parking racks and long term bicycle storage near the proposed townhouse blocks, and closer to the entrances of the existing townhouse and 16-storey rental building.

### **Loading**

The loading space supply requirements for the project are governed by the provisions contained in the City of Toronto Zoning By-law No. 569-2013. The drawings note the provision of one Type G space as part of the proposed 11-storey building. Transportation Services has indicated acceptance of the loading space.

### **Site Servicing and Stormwater Management**

Engineering and Construction has indicated that the various engineering reports, such as the Functional Servicing and Stormwater Management Report, require revisions as they are not satisfactory to Engineering and Construction Services. Staff caution that the site organization would be required to be significantly revised should the applicant have any intent to apply to sever the lands or request for condominium application on any part of the lands. The proposed servicing connections and site organization would not be supportable should the either of those future applications be required for the site as the development was reviewed as a single parcel of land under one ownership.

### **Housing Issues**

The applicant proposes to add 121 new residential units in a 11-storey building at the eastern portion of the site and 48 townhouse units on the western boundary of the site. The existing 221-unit, 16-storey residential rental building will be retained. An existing active outdoor pool would be removed to facilitate the development.

Policy 3.2.1.5 (a) of the Official Plan requires significant new development on sites containing six or more rental units to secure as rental housing, the existing rental units which have affordable and mid-range rents. All rental dwelling units in the existing 16-storey building have either affordable or mid-range rents. The Housing Issues Report confirms that all existing rental housing units would have their rental tenure secured for at least 20 years.

Policy 3.2.1.5 (b) of the Official Plan requires the identification and securing of needed improvements to the existing rental housing, without pass through of costs to tenants. The Housing Issues Report dated March 2018 identifies and proposes the following as improvements to the existing rental housing:

- New indoor amenity space in the proposed building for new tenants, including a party room, fitness room and theatre room

- Outdoor amenity areas including improved landscape treatments, amenity and play areas and seating areas for all tenants
- Outdoor bicycle parking spaces in front of the proposed 11-storey building for all tenants.

The applicant has confirmed that the new indoor amenity spaces in the proposed 11-storey building would be accessible to the tenants of the existing apartment building and townhouse units. As well, the applicant has confirmed that the costs of improvements undertaken to the existing building and new proposed improvements and amenities would not be passed through to the tenants, such as through rent increases. Additional improvements should be secured, including accessibility-related improvements to the existing building.

In the event the application is appealed and a decision is made by the Tribunal to approve the Official Plan and Zoning By-law Amendments, the above rental housing matters would need to be secured through one or more agreements with the City and registered on title to the land in a manner satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning.

Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan (2020) also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.4 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units in new multi-unit residential developments.

Staff have reviewed the applicant's proposal and have indicated that the provision of 8 (2%) three-bedroom units between the 11-storey building and the 48 townhouse units, does not adequately supports the unit mix objectives of the Growing Up guidelines, which identifies a requirement of 10% of units in new development should be 3-bedroom or larger, the Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate a broad range of households, including families with children within new developments. The applicants proposal in its current form does not adequately address these objectives and cannot be supported.

In addition, the Growing Up guidelines, identify that that two-bedroom units should range in size from 87-90 square metres and three-bedroom units should range in size from 100-106 square metres. The applicant has not indicated the average unit size for 2 and 3-bedroom units on their plans. At this time, staff are unable to determine if the proposal meet the minimum size requirements as prescribed by the Growing Up guidelines.

## **Rental Housing Demolition and Conversion By-law**

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

As per Chapter 667-12, the Chief Planner and Executive Director, City Planning, is authorized to approve an application under Chapter 667 where the combined number of existing rental units affected by the proposed demolition or conversion and any previous demolition or conversion activities within the preceding five-year period is less than six and the proposed demolition or conversion will not reduce the number of rental units to less than six. Unlike Planning Act applications, decisions made under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On January 29, 2018, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code to demolish one occupied one-bedroom rental dwelling unit and replace it with one two-bedroom rental unit. On March 14, 2019, building permits were issued to convert the one-bedroom unit to a two-bedroom unit, replace storage areas and locker rooms with three new dwelling units, and create a new games room and gym on the ground floor of the existing 16-storey building. These building permits were issued before a decision was made on the Rental Housing Demolition Application. The applicant has indicated the tenant of the one affected rental unit received 4 months' rent compensation to move out of the existing rental building in 2018.

Although the existing rental unit has already been converted to a two-bedroom unit, a decision on the Rental Housing Demolition application remains outstanding. The Rental Housing Demolition application will be considered under delegated authority to the Chief Planner and Executive Director, City Planning, after a decision is made on the Official Plan and Zoning By-law Amendment applications. Through the review of this Rental Housing Demolition application, staff will work with the applicant to require an appropriate tenant relocation and assistance plan for the one tenant household affected by the application, which may include a moving allowance and additional months' rent. This tenant relocation and assistance plan may be secured through one or more agreements with the City and registered on title to the land in a manner satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning.

## **Open Space/Parkland**

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 hectare 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.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the residential component of this proposal is subject to a cap of 15% parkland dedication.

As set out in the Toronto Municipal Code Chapter 415-26 C, in lieu of an on-site dedication, Parks, Forestry & Recreation will accept the conveyance of lands off-site, but within approximately 1000 metres (1 km) of the applicant's site, that would expand an existing park. Specifically, in this case, opportunities to enhance the visibility and accessibility of Dallington Park and Lescon Park should be prioritized.

The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

### **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 28 percent tree canopy coverage to 40 percent. 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 applicant submitted an Tree Inventory and Preservation Plan as part of their application. The Tree Inventory and Preservation Plan identifies that the new development would result in the removal 30 trees on private property to facilitate the construction of the development, as the trees are within the footprint of the proposed buildings. Urban Forestry has indicated that there are four healthy mature trees located near the north east corner of the site. Urban Forestry would like to see the four trees retained as they provide a natural buffer for the adjacent property to the east. It is recommended that the plans, arborist report, and tree protection plan should be revised and resubmitted for review in order for these trees to be retained.

Under the provision 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. A permit fee will be required. Urban Forestry has advised that that removal of any by-law protected trees may occur only upon receipt of a "Tree Removal Permit" issued by the General Manager of Parks, Forestry and

Recreation upon receipt of the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of the trees involved.

### **Amenity Space**

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

The subject site currently features an open space to the west of the existing apartment building and an outdoor pool to east of the existing apartment building which would be removed as part of this application. The application proposes 1,264 square metres of outdoor amenity space for the entire site and 292.9 square metres of indoor amenity space within the 11-storey building. The outdoor amenity space meets the minimum requirement of 2 square metres per unit (338 square metres) for the new infill 11-storey building and townhouse development. The proposed indoor amenity space does not meet the minimum requirement of 2 square metres per unit (292 square metres) for the new infill 11-storey building and townhouse development. The proposed amount of indoor amenity space is not acceptable and should be increased.

The applicant has renovated the ground floor spaces within the existing 16-storey building and has provided new amenity spaces including a party room, gym, and study/library for the use of the existing tenants on-site. These renovations are part of the Rental Housing demolition application.

For a building with more than 20 units, pet amenity should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size. No details about the amount of space dedicated to pets, facilities for the disposal of pet waste, or the location of pet wash facilities have been provided. An indoor pet washing station is recommended. Given the current rise in dog-owning populations, the applicant is strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs in accordance with the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

### **Community Services Assessment**

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible 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. The proposal is subject to Section 37 contributions. Any contributions secured should be directed to CS&F priorities in the area.

### **School Boards**

The application was circulated to the both the Toronto Catholic District School Board (TCDSB) and the Toronto District School Board (TDSB).

The TCDSB have identified that projections for local schools surrounding the subject site and development proposal remain consistent. The TCDSB has requested that they be involved in the construction management plan for the proposal, as well as receiving proof of notification signage on the site. In addition, the TCDSB have requested that warning clauses be included within any agreements of purchase and sale of the proposal.

The TDSB have also reviewed the proposal and have indicated that the projected accommodation levels at local schools warrant the use of warning clauses in agreements of purchases and sale, as a result of the cumulative impact arising from all development in the school's attendance area. The TDSB have indicated that they will continue to monitor residential development in this community to understand the cumulative impact on local schools. The TDSB has requested that the status of school accommodation be conveyed to potential purchasers, and communicated to the existing community to inform them that children from new development will not be displace existing students at local schools.

### **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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site specific Zoning By-law, should this application be approved by the LPAT.



Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

### **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. The Official Plan identifies that Section 37 may be used for development with more than 10,000 square metres of gross floor area. The applicant is proposing new density of 13,296.7 square metres which qualifies the development for Section 37 contributions. To date, staff have not had any substantive discussions with the applicant or local Councillor regarding a Section 37 contribution due to the outstanding issues discussed in this report.

In the event that the application is appealed and the Tribunal considers granting additional density and/or height beyond that which is permitted by the zoning by-laws, it is recommended that City Solicitor request that the Tribunal withhold any order to allow the owner and the City an opportunity to discuss and settle on appropriate Section 37 provisions for any zoning by-law amendment and to allow a Section 37 agreement to be entered into and registered.

City staff recommend that the LPAT not approve any Official Plan and Zoning By-law amendments without the provision of Section 37 community benefits as are appropriate to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the applicant and the local councillor.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Sheppard Avenue East Subway Corridor Secondary Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform with the Growth Plan (2020) as it sets out inappropriate development standards that does not allow for the orderly development of lands. Further, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to development within Apartment Neighbourhoods as it does not appropriately respond to the Official Plan Built Form policies and the Tall Buildings Guidelines with respect to tower setbacks and separation distances. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application.

### **CONTACT**

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E-mail: [Marian.Prejel@toronto.ca](mailto:Marian.Prejel@toronto.ca)

## **SIGNATURE**

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Al Rezoski, AICP  
Acting Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **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 Map  
Attachment 4a: Existing Zoning By-law 7625 Map  
Attachment 4b: Existing Zoning By-law 569-2013 Map

### **Applicant Submitted Drawings**

Attachment 5: Site Plan  
Attachment 6a: 3D Perspective Drawing Looking Northwest  
Attachment 6b: 3D Perspective Drawing Looking Southeast  
Attachment 7a: North Elevation (11-storey building)  
Attachment 7b: East Elevation (11-storey building)  
Attachment 7c: South Elevation (11-storey building)  
Attachment 7d: West Elevation (11-storey building)  
Attachment 8a: East Elevation (Townhouse Block A)  
Attachment 8b: South Elevation (Townhouse Block A)  
Attachment 8c: West Elevation (Townhouse Block A)  
Attachment 9a: East Elevation (Townhouse Block B)  
Attachment 9b: West Elevation (Townhouse Block B)  
Attachment 10a: North Elevation (Townhouse Block C)  
Attachment 10b: East Elevation (Townhouse Block C)  
Attachment 10c: West Elevation (Townhouse Block C)

## Attachment 1: Application Data Sheet

Municipal Address: 12-24 LEITH HILL RD Date Received: September 15, 2020

Application Number: 18 125292 NNY 33 OZ and 20  
193786 NNY 17 SA

Application Type: Official Plan Amendment, Zoning By-law Amendment, Site Plan Control

Project Description: Existing 16-storey rental apartment building and 6 townhouses on the site will be retained. Proposal for a new 11-storey residential building and 48 townhouse units.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP 2098 Avenue Road Toronto, ON M5M 4A8	GOLDBERG GROUP 2098 Avenue Road Toronto, ON M5M 4A8	Architecture unfolded 368 Dufferin Street Toronto, ON M6K 1Z8	IMH 12-24 LEITH HILL LTD

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	RAC (f30.0; a1375; d1.5) (x16)	Heritage Designation:	N
Height Limit (m):	n/a	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 14,293 Frontage (m): 102 Depth (m): 140

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,699	1,699	2,600	4,300
Residential GFA (sq m):	22,060	22,060	13,297	35,357
Non-Residential GFA (sq m):				
Total GFA (sq m):	22,060	22,060	13,297	35,357
Height - Storeys:	16	16	11	16
Height - Metres:	44	44	38	44

Lot Coverage Ratio (%): 30.4 Floor Space Index: 2.52

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	35,357	

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	227	227	169	396
Freehold:				
Condominium:				
Other:				
Total Units:	227	227	169	396

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		1	66	123	37
Proposed:		7	80	78	4
Total Units:		8	146	201	41

Parking and Loading

Parking Spaces: 354      Bicycle Parking Spaces: 154      Loading Docks: 1

Contact:

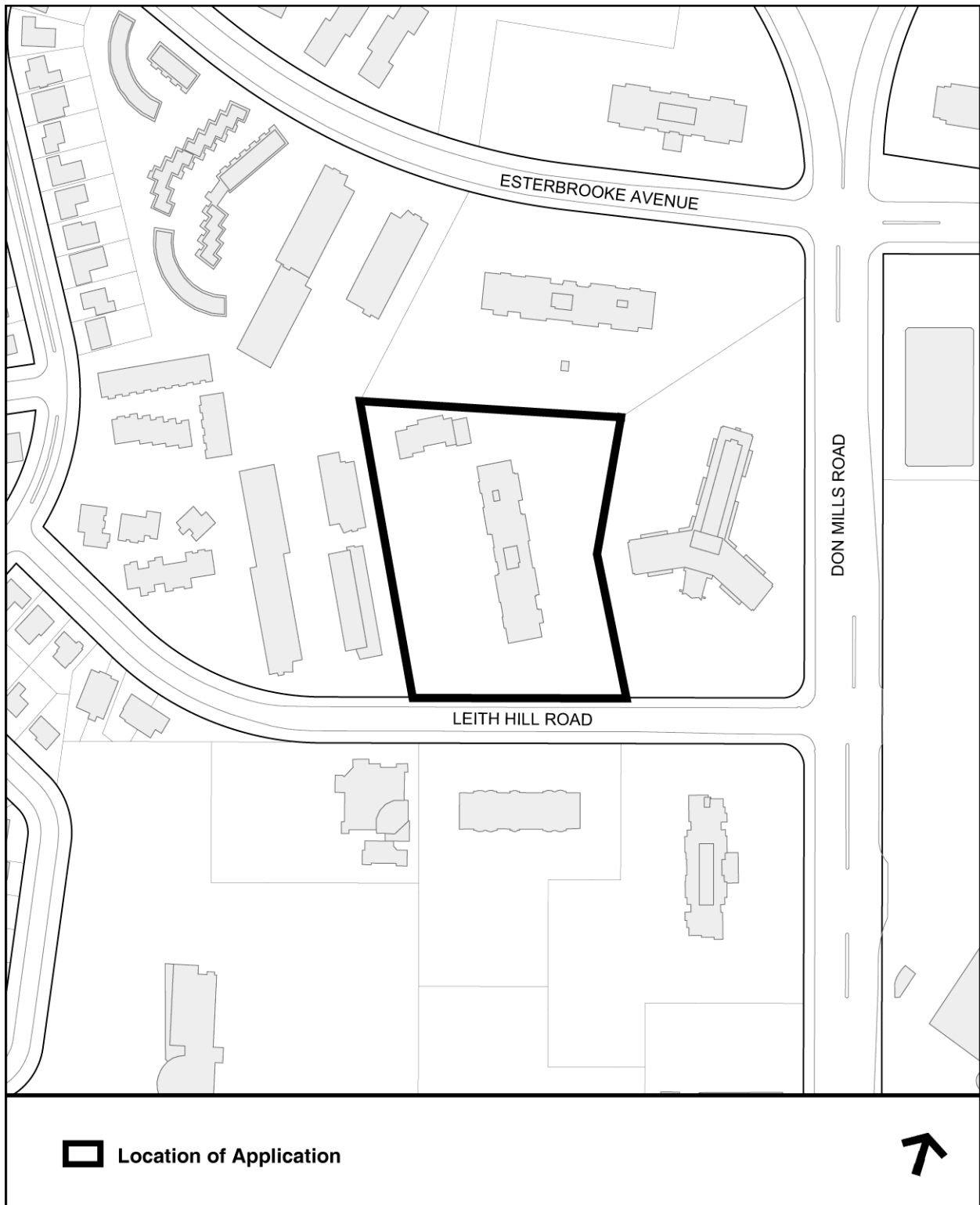
Marian Prejel

Senior Planner

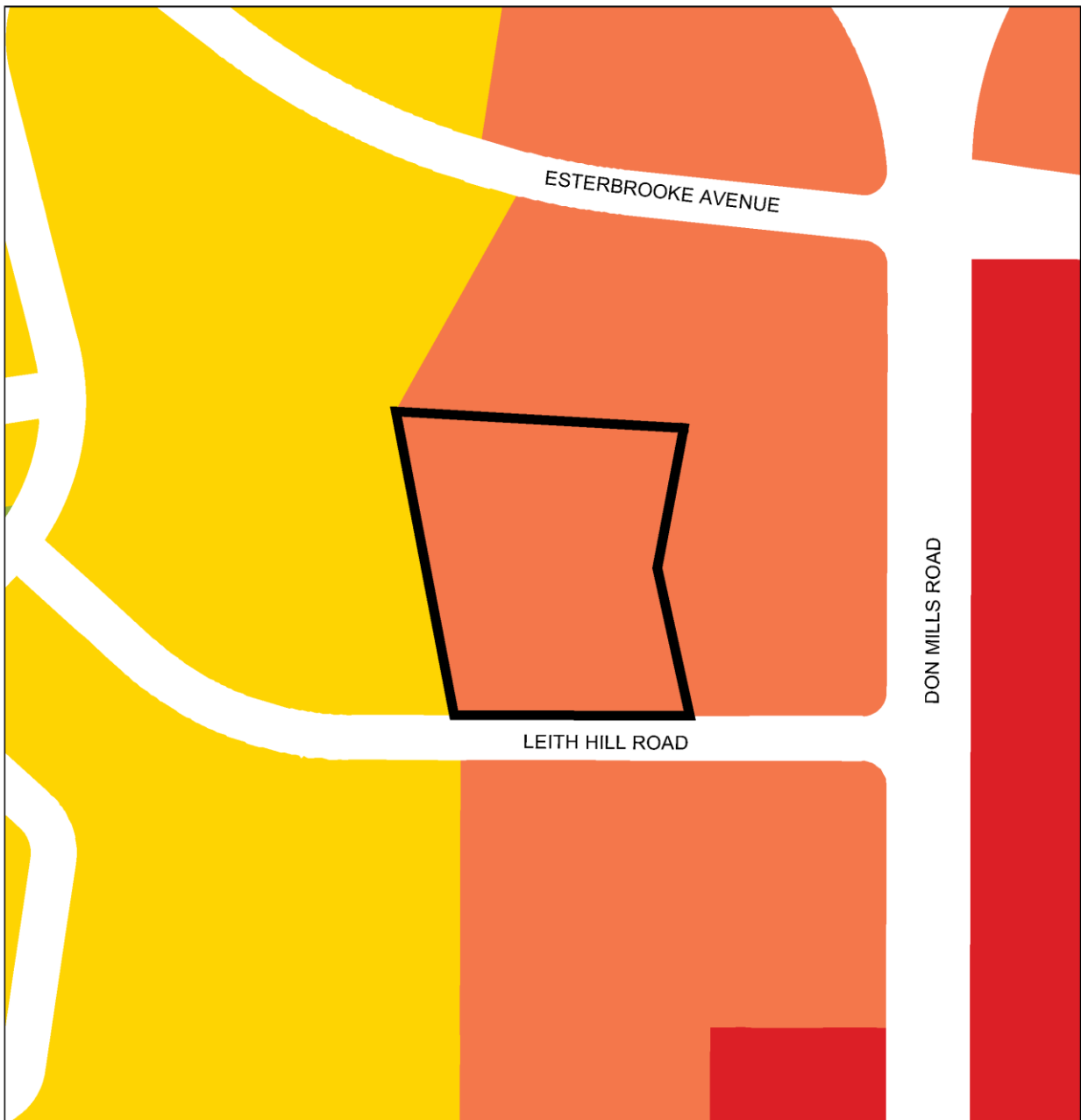
Tel: 416-392-9337

Email: Marian.Prejel@toronto.ca

## Attachment 2: Location Map








Attachment 3a: Official Plan Land Use Map



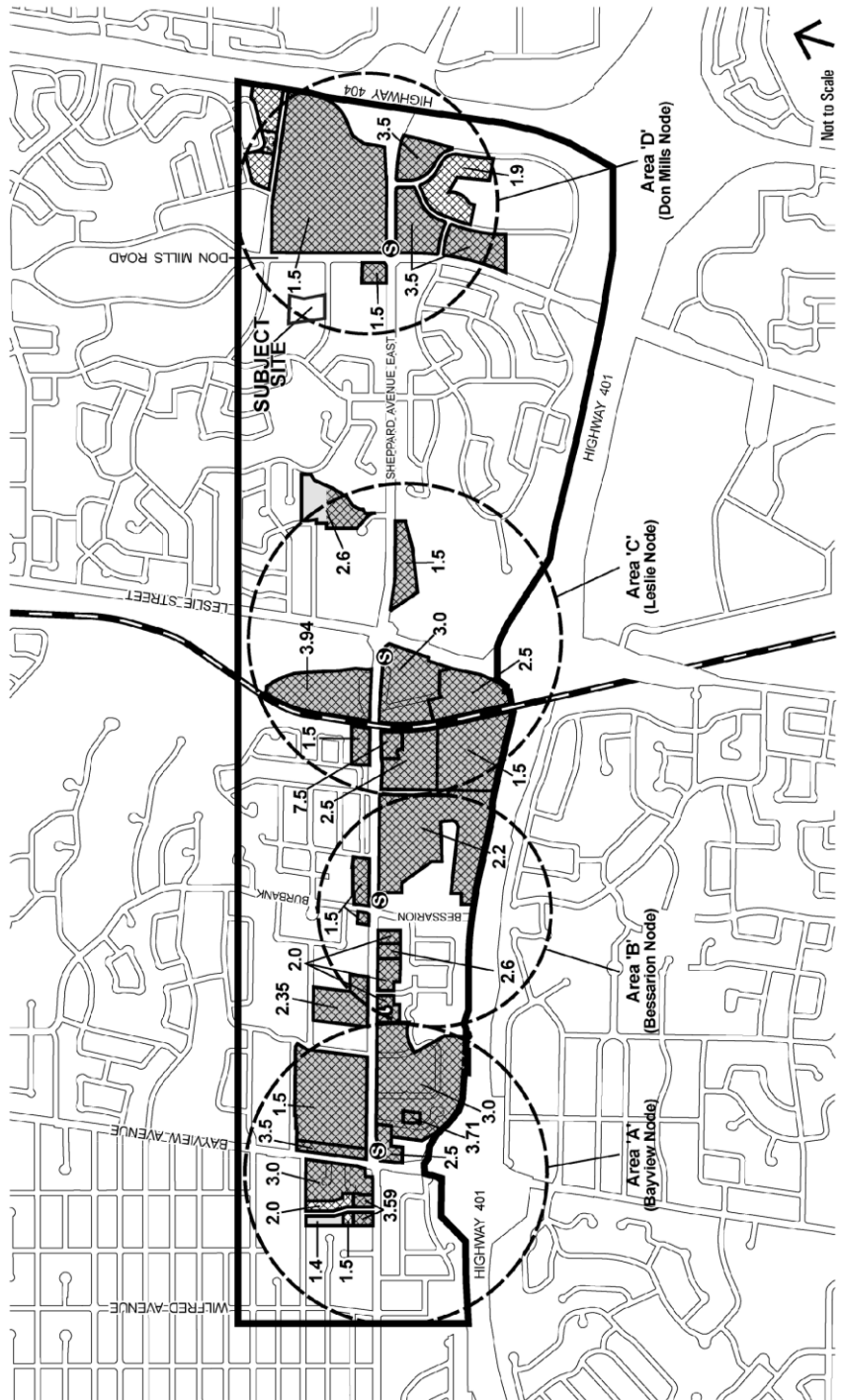
Official Plan Land Use Map #19

12-24 Leith Hill Road  
File # 18 125292 NNY 33 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas

  
Not to Scale  
Extracted: 01/12/2021

# Attachment 3b: Sheppard East Subway Corridor Secondary Plan Map



## Sheppard East Subway Corridor Secondary Plan MAP 9-2 Key Development Areas



November 2015

Attachment 4a: Existing Zoning By-law 7625 Map



Zoning By-law No. 7625

12 - 24 Leith Hill Road

File # 18 125292 NNY 33 0Z

Location of Application

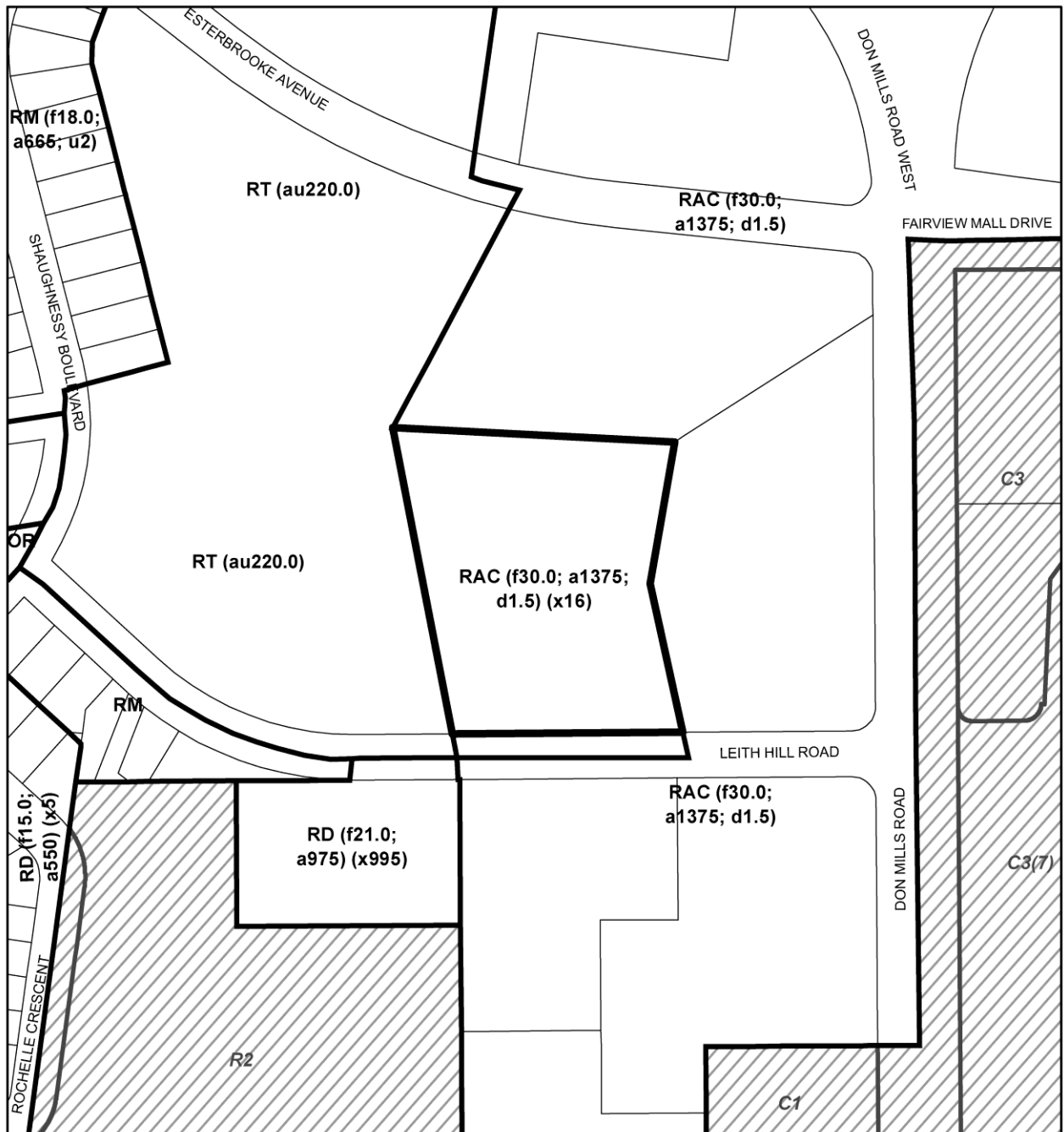
- |  |   |
|--|---|
| <b>R2</b> One-Family Detached Dwelling Second Density Zone | <b>RM6</b> Multiple-Family Dwellings Sixth Density Zone |
| <b>R4</b> One-Family Detached Dwelling Fourth Density Zone | <b>C1</b> General Commercial Zone                       |
| <b>RM1</b> Multiple-Family Dwellings First Density Zone    | <b>C3</b> District Shopping Centre Zone                 |
| <b>RM2</b> Multiple-Family Dwellings Second Density Zone   | <b>O1</b> Open Space Zone                               |



Not to Scale  
Extracted: 01/12/2021



# Attachment 4b: Existing Zoning By-law 569-2013 Map



Zoning By-law No. 569-2013

12 - 24 Leith Hill Road

File # 18 125292 NNY 33 0Z



Location of Application

**RD** Residential Detached  
**RT** Residential Townhouse

**RM** Residential Multiple  
**RAC** Residential Apartment Commercial  
**OR** Open Space Recreation



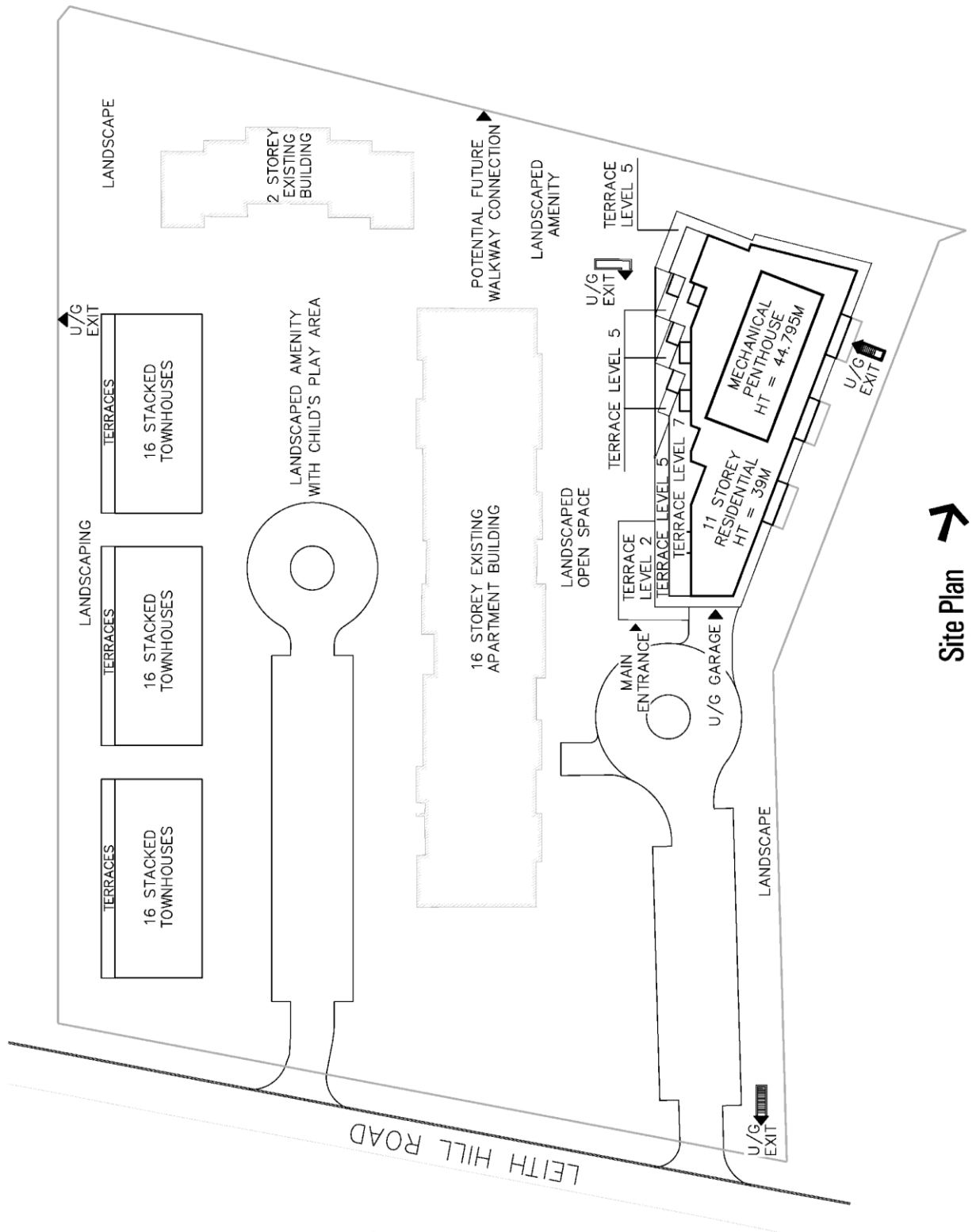
See Former City of North York By-Law No. 7625

**R2** One-Family Detached Dwelling Second Density Zone  
**C1** General Commercial Zone  
**C3** District Shopping Centre Zone



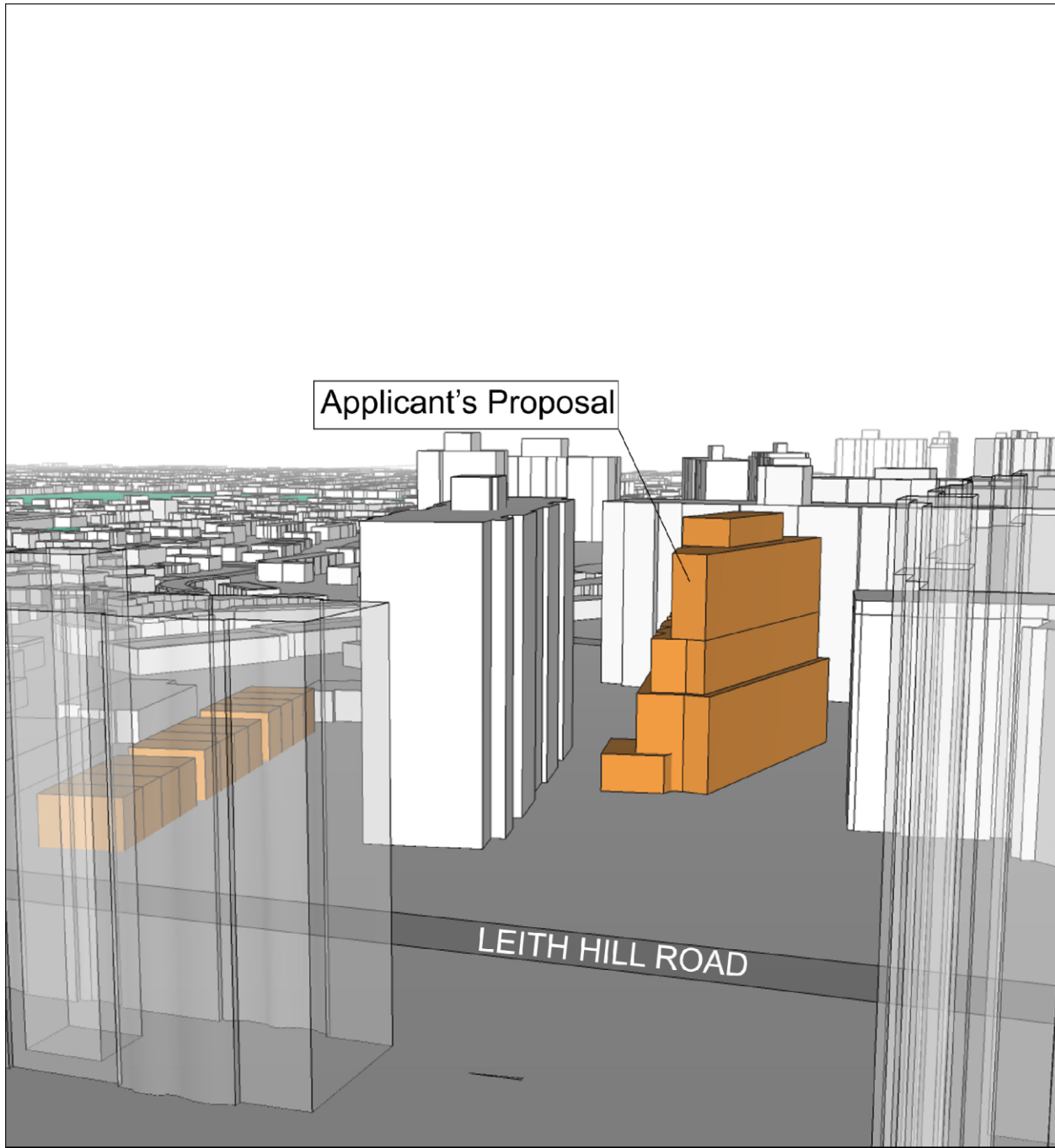
Not to Scale  
Extracted: 01/12/2021

# Attachment 5: Site Plan



Site Plan →

**Attachment 6a: 3D Perspective Drawing Looking Northwest**

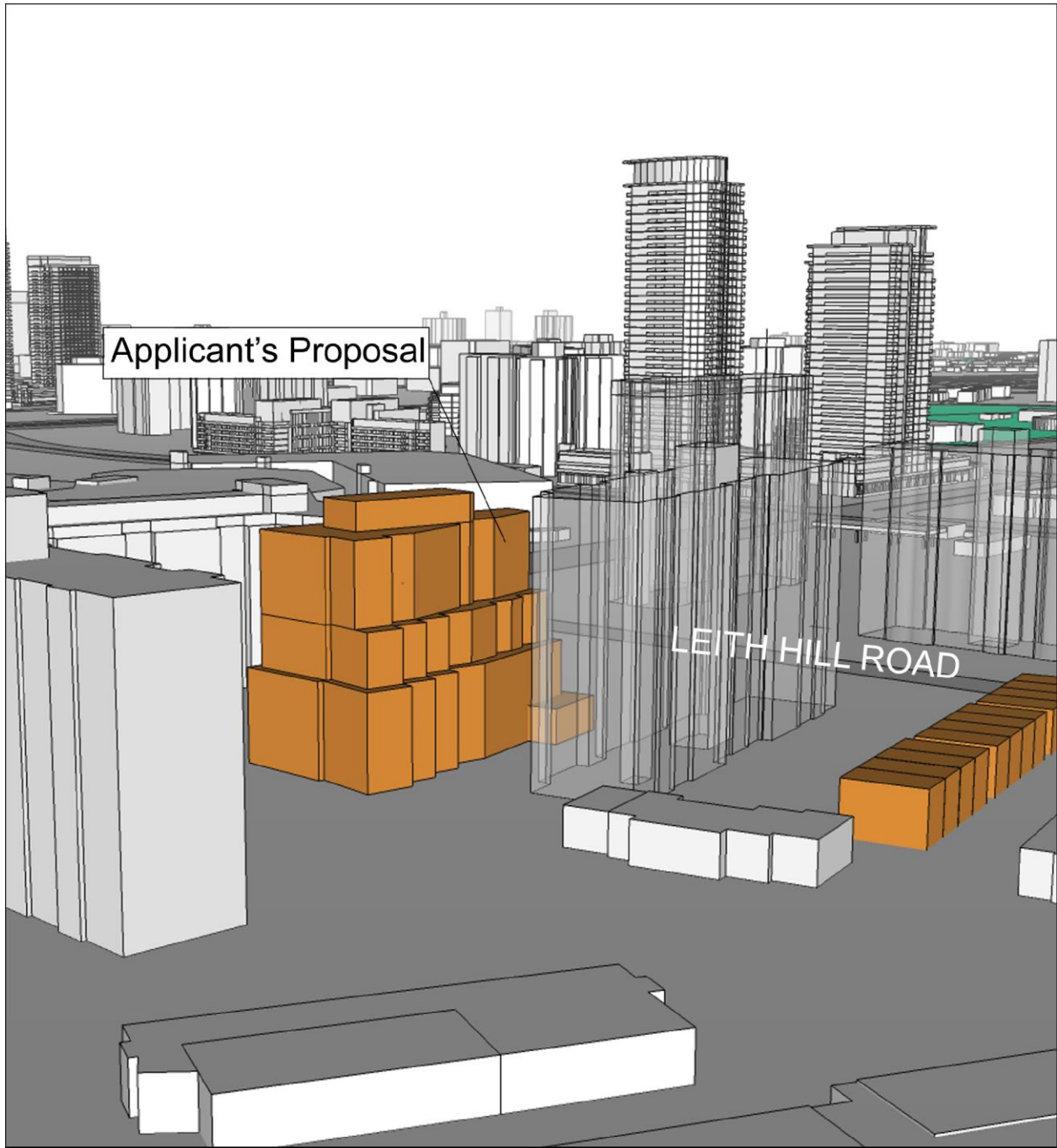


**View of Applicant's Proposal Looking Northwest**



01/15/2021

**Attachment 6b: 3D Perspective Drawing Looking Southeast**

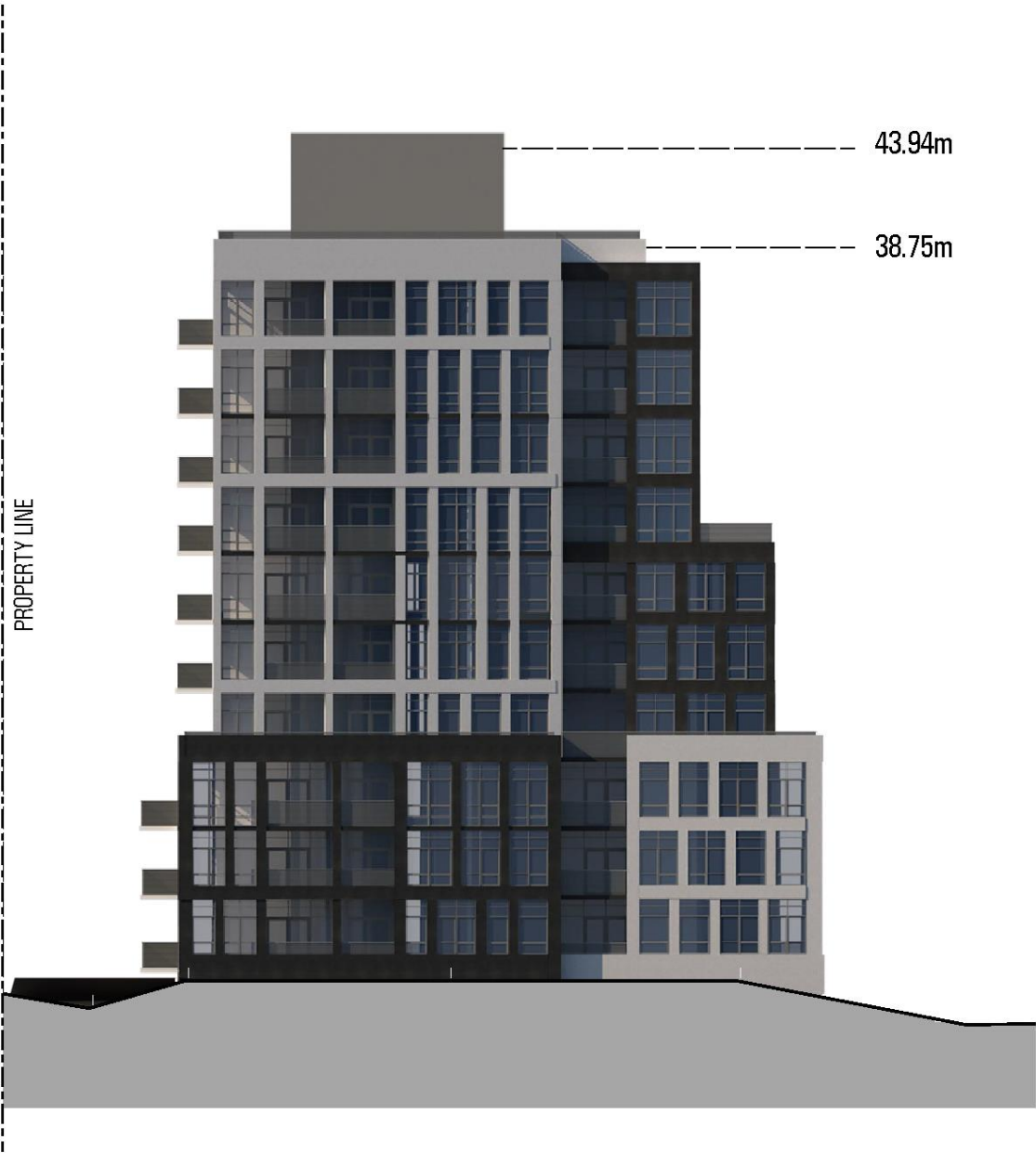


**View of Applicant's Proposal Looking Southeast**



01/15/2021

Attachment 7a: North Elevation (11-storey building)



North Elevation

**Attachment 7b: East Elevation (11-storey building)**



East Elevation

**Attachment 7c: South Elevation (11-storey building)**



**South Elevation**



Attachment 7d: West Elevation (11-storey building)



West Elevation

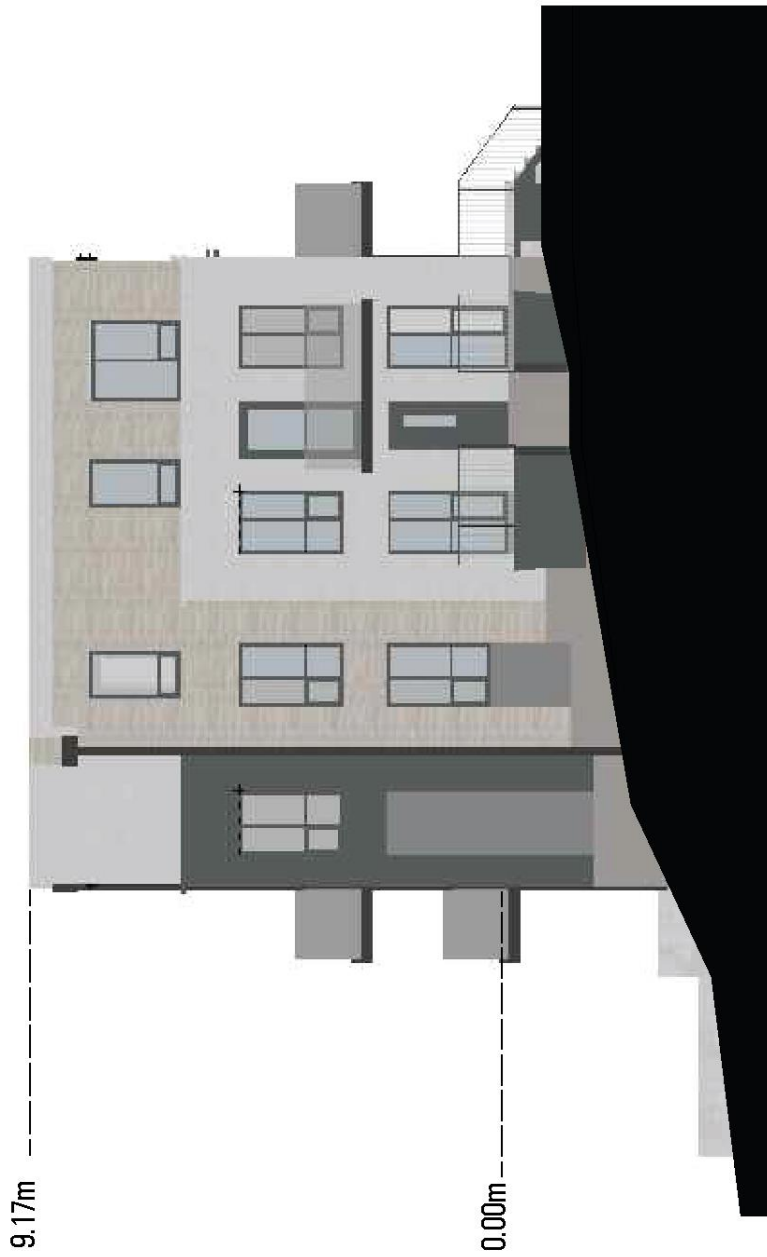


Attachment 8a: East Elevation (Townhouse Block A)



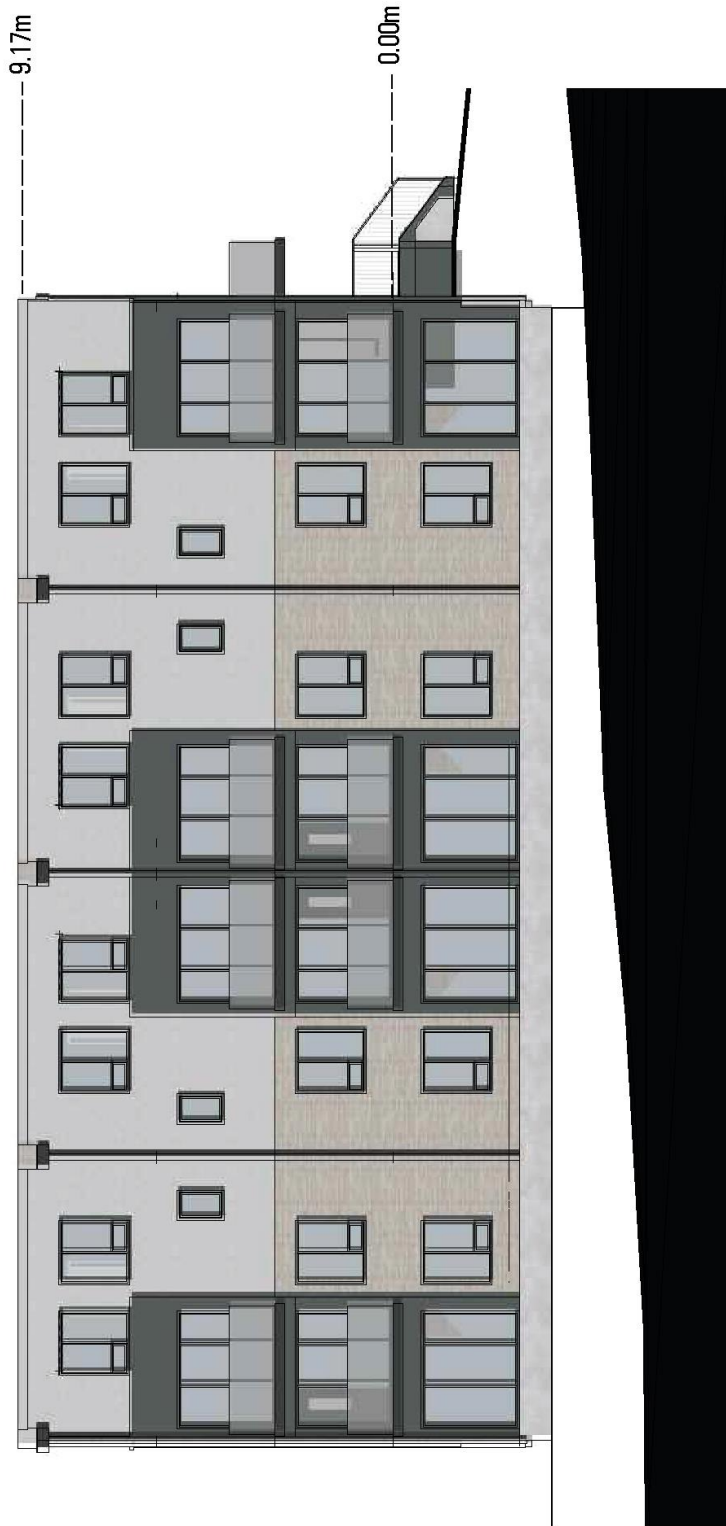
Block A - East Elevation

Attachment 8b: South Elevation (Townhouse Block A)



Block A - South Elevation

# Attachment 8c: West Elevation (Townhouse Block A)

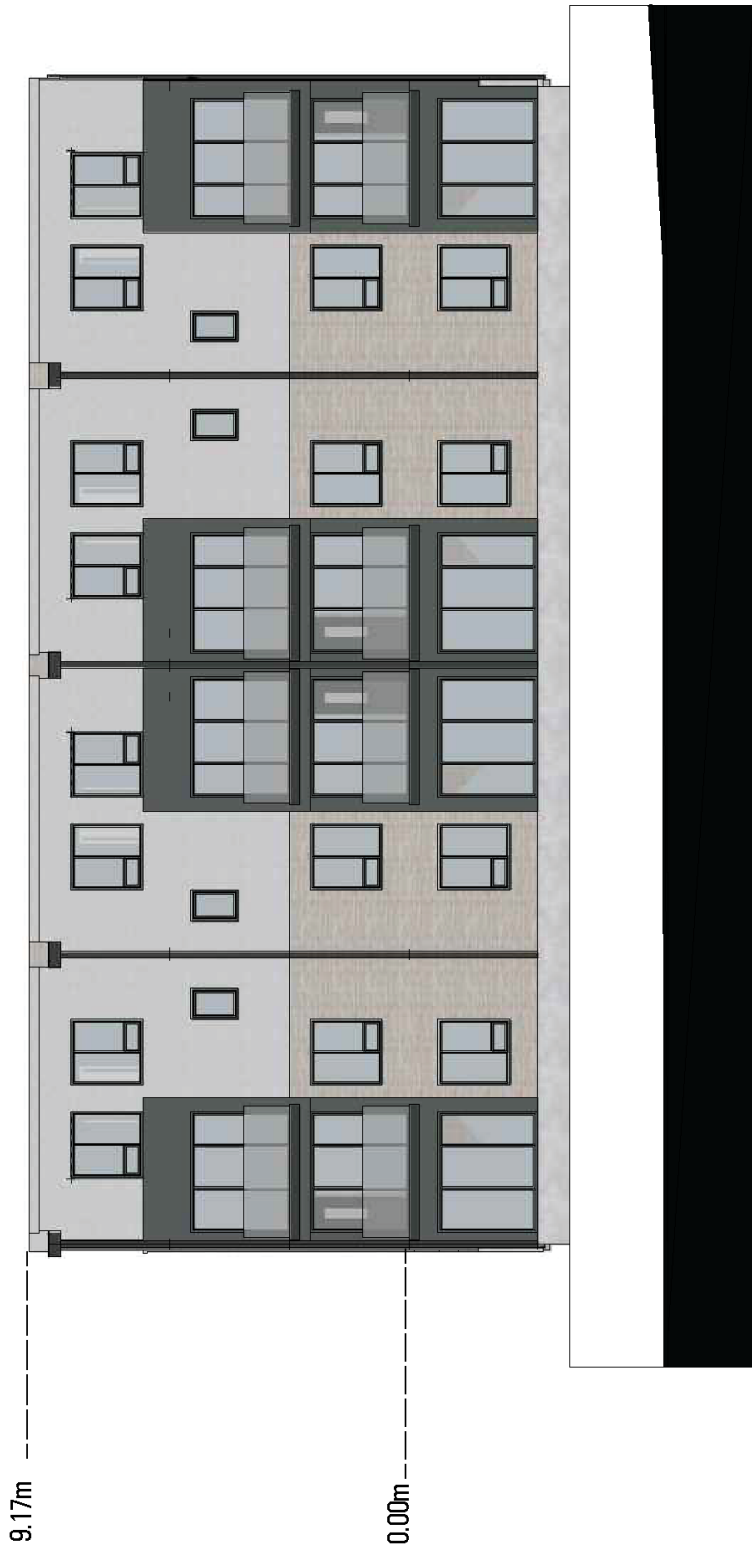


Attachment 9a: East Elevation (Townhouse Block B)



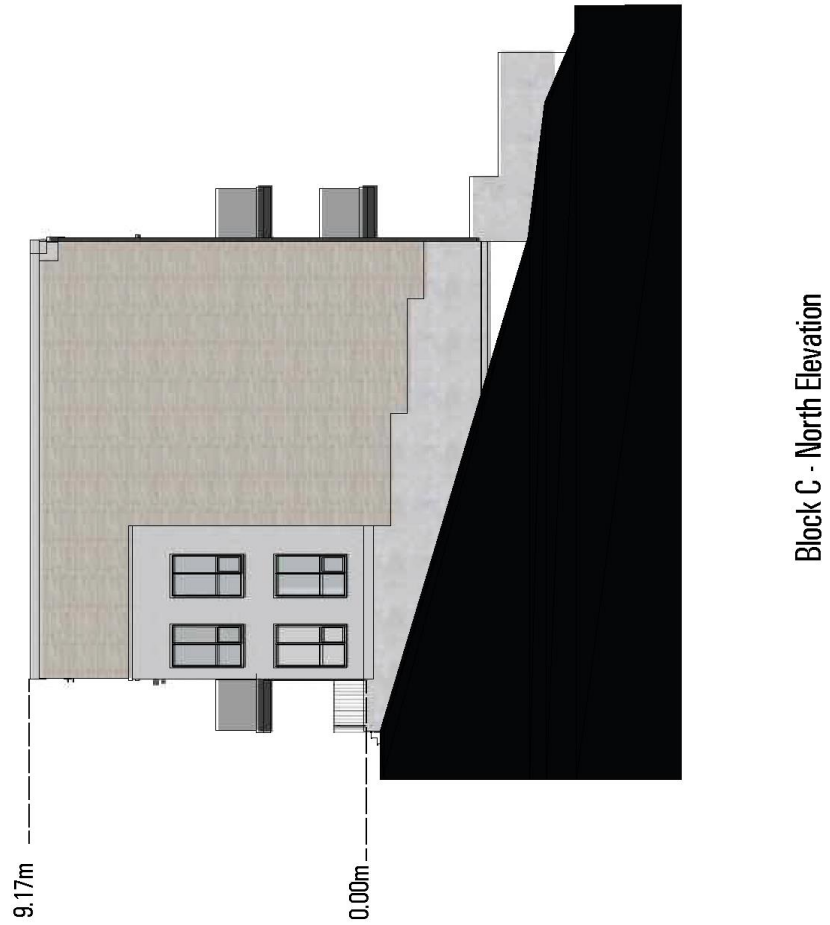
Block B - East Elevation

# Attachment 9b: West Elevation (Townhouse Block B)



Block B - West Elevation

Attachment 10a: North Elevation (Townhouse Block C)



Attachment 10b: East Elevation (Townhouse Block C)



Attachment 10c: West Elevation (Townhouse Block C)

