



## STAFF REPORT ACTION REQUIRED

### 2, 4 and 6 Teagarden Court – Official Plan Amendment and Zoning By-law Amendment Applications – Request for Direction Report

Date: April 21, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Willowdale

**Planning Application Number:** 20 192585 NNY 18 OZ

**Notice of Complete Application Issued:** October 6, 2020

**Current Use on Site:** Vacant land currently under development for an eleven storey residential building

#### SUMMARY

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This application proposes a fourteen storey residential building with 136 residential units and a Floor Space Index (a "FSI") of 4.6 on the existing vacant site at 2, 4 and 6 Teagarden Court. The applicant has appealed the application to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision within the timeframe prescribed by the *Planning Act*. A Case Management Conference is scheduled for April 29, 2021.

This report reviews the application and recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application in its current form at the LPAT. It also seeks Council's direction on the application of Section 42 of the *Planning Act* with regards to parkland dedication.

#### RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal hearing to oppose the applicant's appeal respecting the Official Plan and Zoning By-law Amendment in their current form for the lands at 2, 4 and 6 Teagarden Court.

2. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of the final Order until such time as the Local Planning Appeal Tribunal is advised by the City Solicitor that:

- a) The proposed Official Plan and Zoning By-law amendments are in a form and content satisfactory to the Chief Planning and Executive Director, City Planning and the City Solicitor;
- b) A Section 37 Agreement has been executed and registered to secure Section 37 contributions and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local Ward Councillor;
- c) The applicant has addressed the outstanding engineering issues identified in the March 10, 2021 memorandum from the Manager, Development Engineering – North York.

3. Should the Local Planning Appeal Tribunal approve the application in some form, City Council direct the Director, Community Planning, North York District to secure cash-in-lieu of parkland dedication pursuant to Section 42 of the *Planning Act*.

4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to 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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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 (the "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.

The current application was filed on September 11, 2020 and North York Community Council considered a Preliminary Report from staff at its meeting of December 3, 2020. Community Council's decision, including the direction to secure on-site parkland under Section 42 of the Planning Act and a copy of the staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY20.13>

## **ISSUE BACKGROUND**

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### **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.

### **Site and Surrounding Area**

The site is a corner lot located on the west side of Bayview Avenue, north of Sheppard Avenue East at Teagarden Court. The site is a consolidation of three lots, each previously developed with a detached dwelling. They have since been demolished and the approved eleven-storey residential building is currently under construction on site and above grade.

The remainder of Teagarden Court, a short cul-de-sac, is developed on the north and west side with detached dwellings. To the south is the Church of the Incarnation and then a three-storey townhouse development. To the north is an eight-storey residential building and on the east side of Bayview Avenue is a fifteen storey residential building and Bayview Village Shopping centre.

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

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

The [Provincial Policy Statement \(2020\)](#) (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 is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

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

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan amends and replaces the previous 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 (a "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).

### **Planning for Major Transit Station Areas**

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 are planned for the prescribed densities.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of this Report.

### **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. 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>

The outcome of staff analysis and review of relevant policies are summarized in the Comments section of the Report.

## **Zoning**

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.

**Reasons for 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.

**Agency Circulation**

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

**Community Consultation**

A community consultation meeting is scheduled for May 12, 2021 in order to advise the public on the nature of the application and the status of the appeal.

**COMMENTS**

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**Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Both of these documents are wide ranging and apply to the entire province. The PPS identifies the Official Plan as the "most important vehicle" for implementation of the PPS and "for achieving comprehensive, integrated and long-term planning.

**Height and Density**

The built form policies of the Official Plan requires that new development will be located and organized to "fit" within its existing and/or planned context. It will be massed and designed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring existing and/or planned buildings.

The *Mixed Use Areas* land use designation requires development to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or a stepping down of heights.

The Sheppard East Subway Corridor Secondary Plan states that "it is intended that as densities are distributed within a comprehensive development area, the highest densities will generally be located closest to the subway nodes, and along the frontages of arterial roads and abutting Highway 401. Densities will be lowered toward stable residential areas".



The applicant is proposing a height and density which is out of keeping with the overall hierarchy of built form surrounding Bayview subway station. The Secondary Plan assigns the greatest density along Sheppard Avenue East and the east side of Bayview Avenue. Given the existing context of the area, therefore, the proposed height and density do not "fit" within the existing and/or planned context and do not provide an appropriate transition in height to the existing residential buildings to the north and west.

### **Parkland**

When Community Council considered the Preliminary Report, the Director, Community Planning, was directed to require an on-site parkland dedication in accordance with Section 42 of the *Planning Act*.

Given that the approved eleven-storey building is under construction on the site, there is not sufficient land remaining to provide an appropriate parkland dedication on-site. As such, staff recommend that if the LPAT decides to approve the application in some form that staff require cash-in-lieu of a dedication in accordance with Section 42 of the *Planning Act*.

### **Residential Amenity**

An increase in the number of units has also led to a reduced amount of indoor amenity being provided. The current site-specific zoning by-law requires a minimum of three square metres of indoor amenity area for each residential unit or 336 square metres. The current application proposes 336 square metres of indoor amenity space.

While the application proposes to substantially increase the amount of units, and therefore residents, the applicant is not proposing any additional indoor amenity space. Residential amenity is related to the number of units as the need for amenity space increases with the number of residents. It is not appropriate to increase the number of residents while not also proportionally increasing the amount of amenity to serve the building.

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

The intent of the Growing Up Guidelines is to ensure that a range of unit types and sizes are provided as part of a new development, including larger family sized units. The Guidelines recommend that a minimum of twenty-five percent of a building's units are large units: ten percent as three-bedroom units and fifteen percent as two bedroom units.

While the proposed number of two-bedroom units exceeds the amount recommended, the proposal does not include any three-bedroom units. A proposal of this size should provide a range of housing options, including larger units for families. The proposed unit mix is not appropriate and smaller units should be combined to provide for three-bedroom units.

**Conclusion**

For the reasons above, staff recommend that City Council direct the City Solicitor and appropriate staff to attend the Local Planning Appeal Tribunal in opposition to the application.

**CONTACT**

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**SIGNATURE**

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Acting Director, Community Planning,  
North York District

**ATTACHMENTS**

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Attachment 1: 3D Model of Proposal in Context

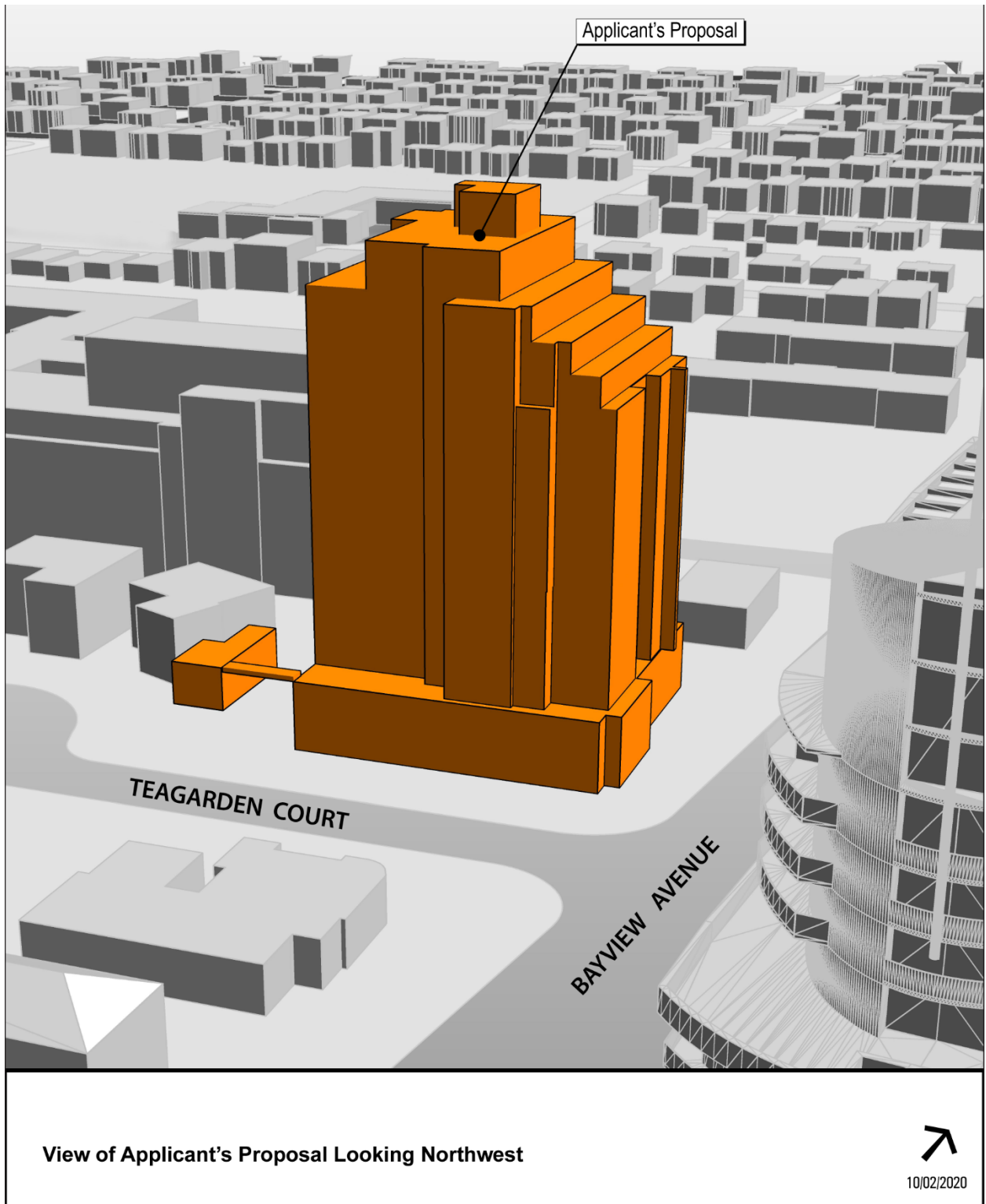
Attachment 2: Location Map

Attachment 3: Site Plan

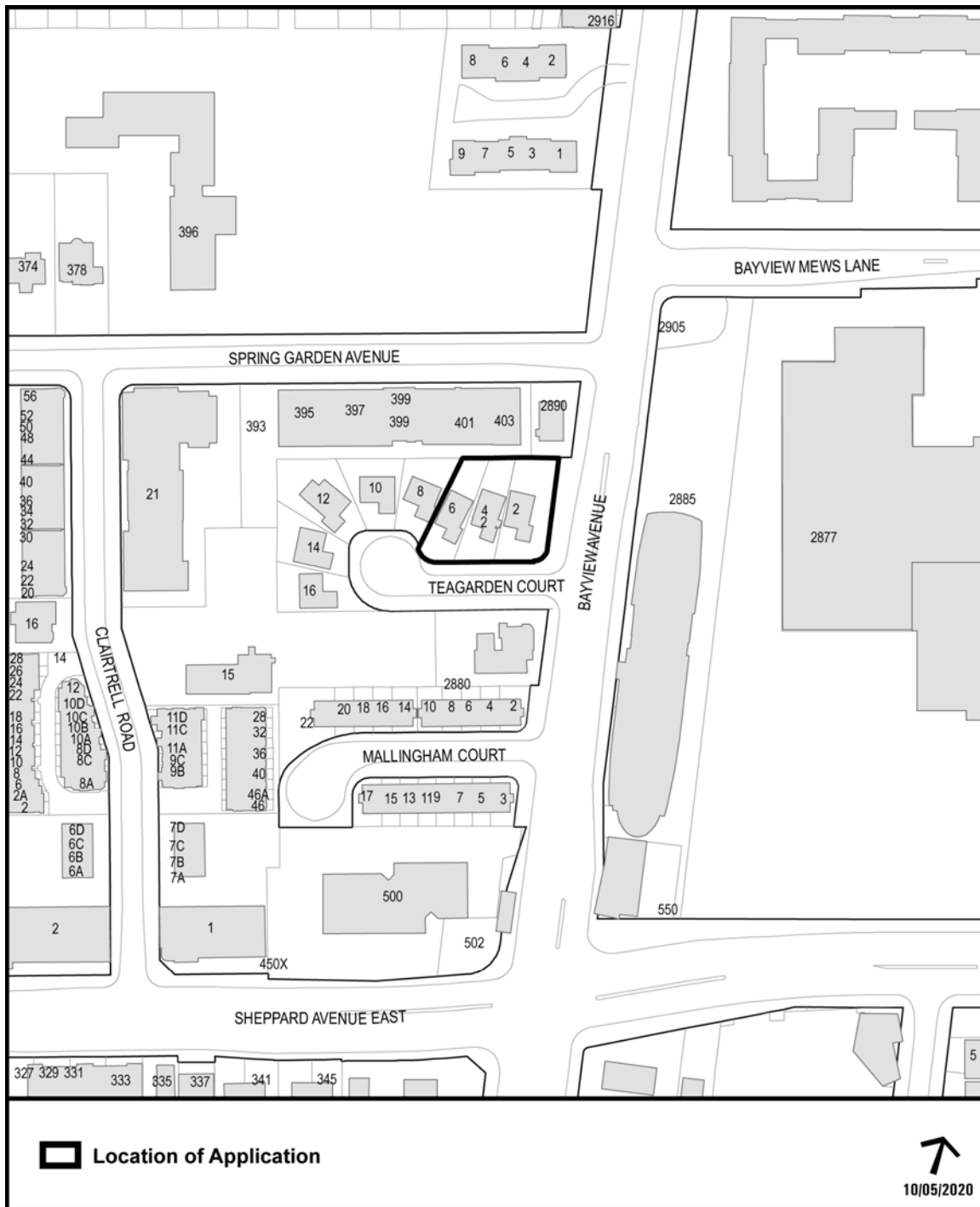
Attachment 4: Official Plan Map

Attachment 5: Sheppard East Subway Corridor Secondary Plan

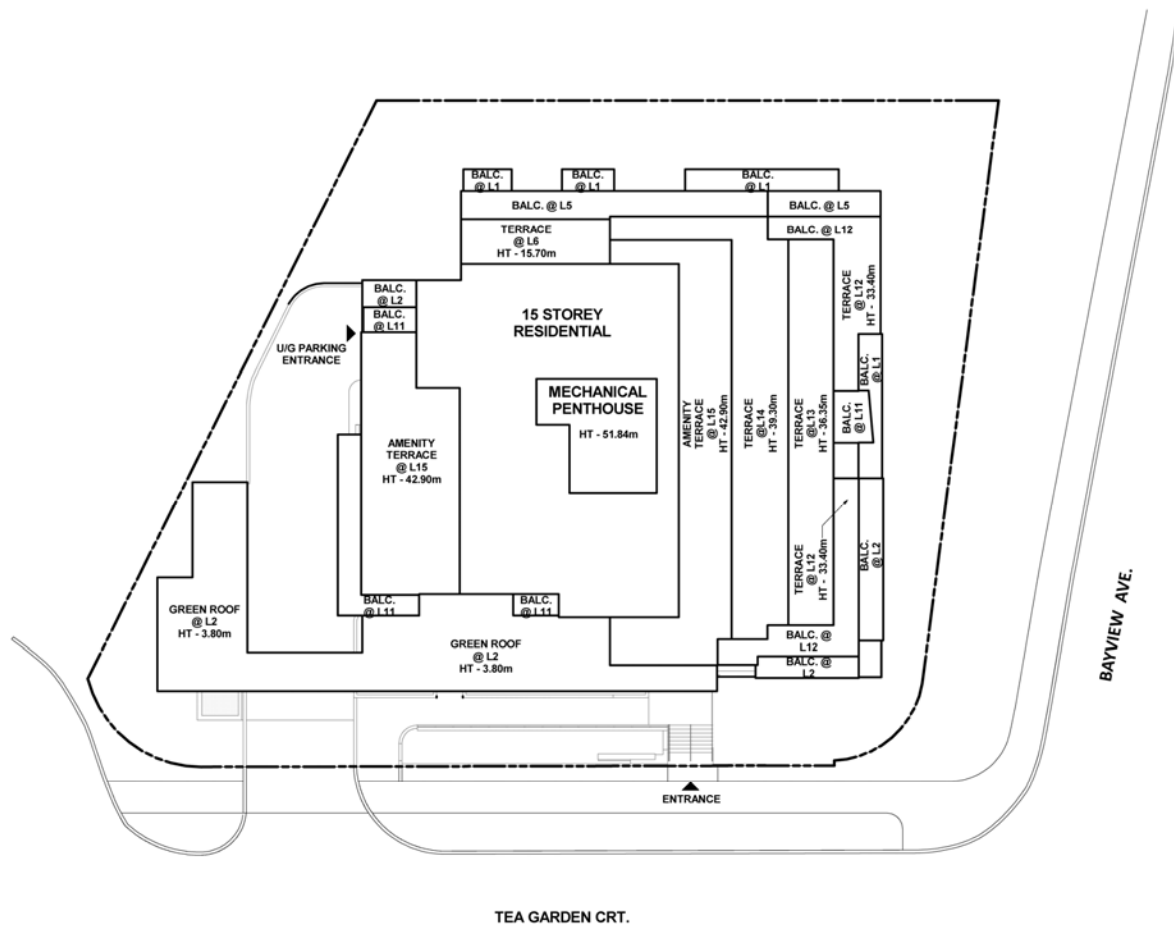
## Attachment 1: 3D Model of Proposal in Context



## Attachment 2: Location Map



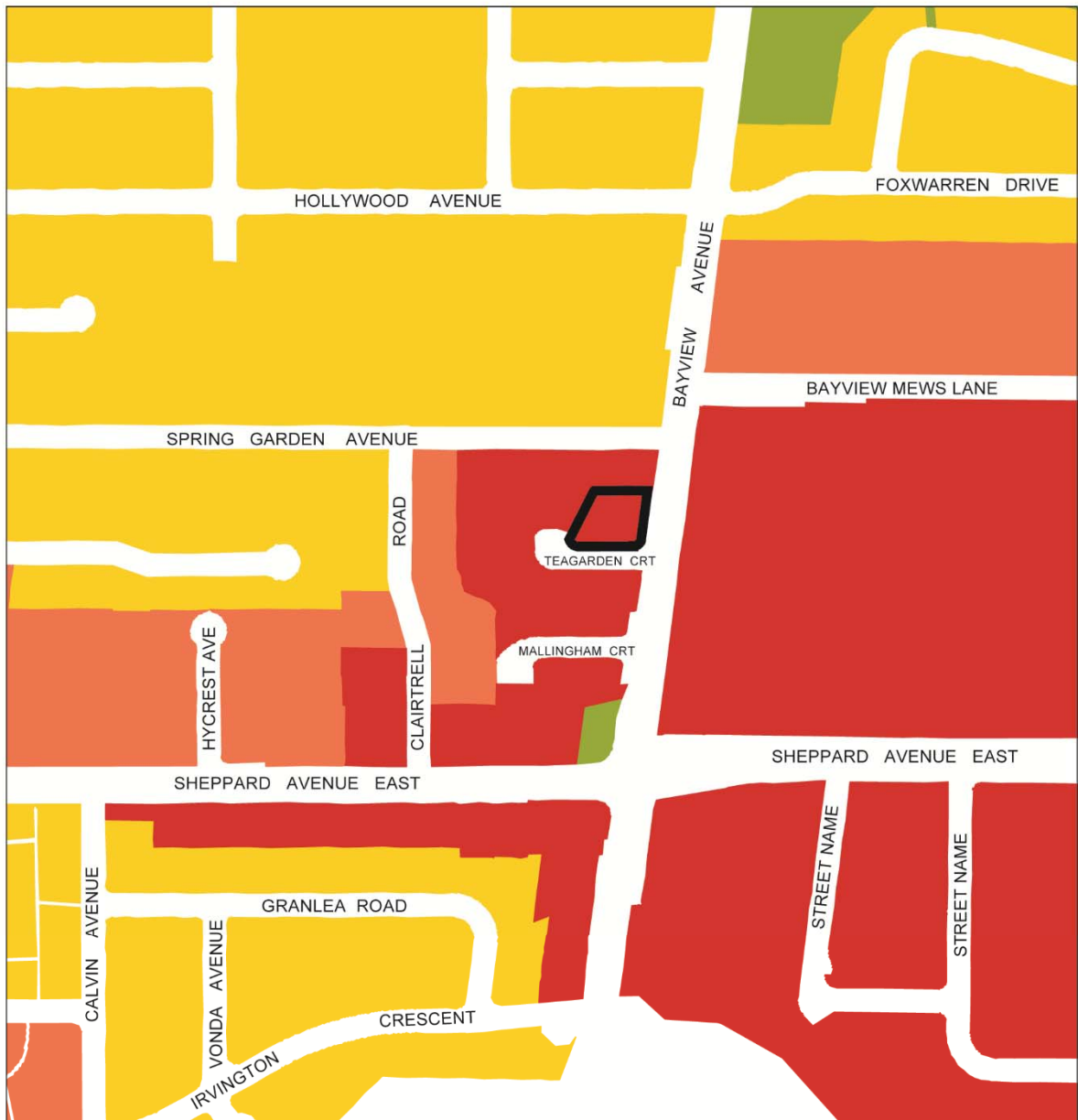
# Attachment 3: Site Plan



Site Plan








## Attachment 4: Official Plan Map



Address

### Official Plan Land Use Map #16

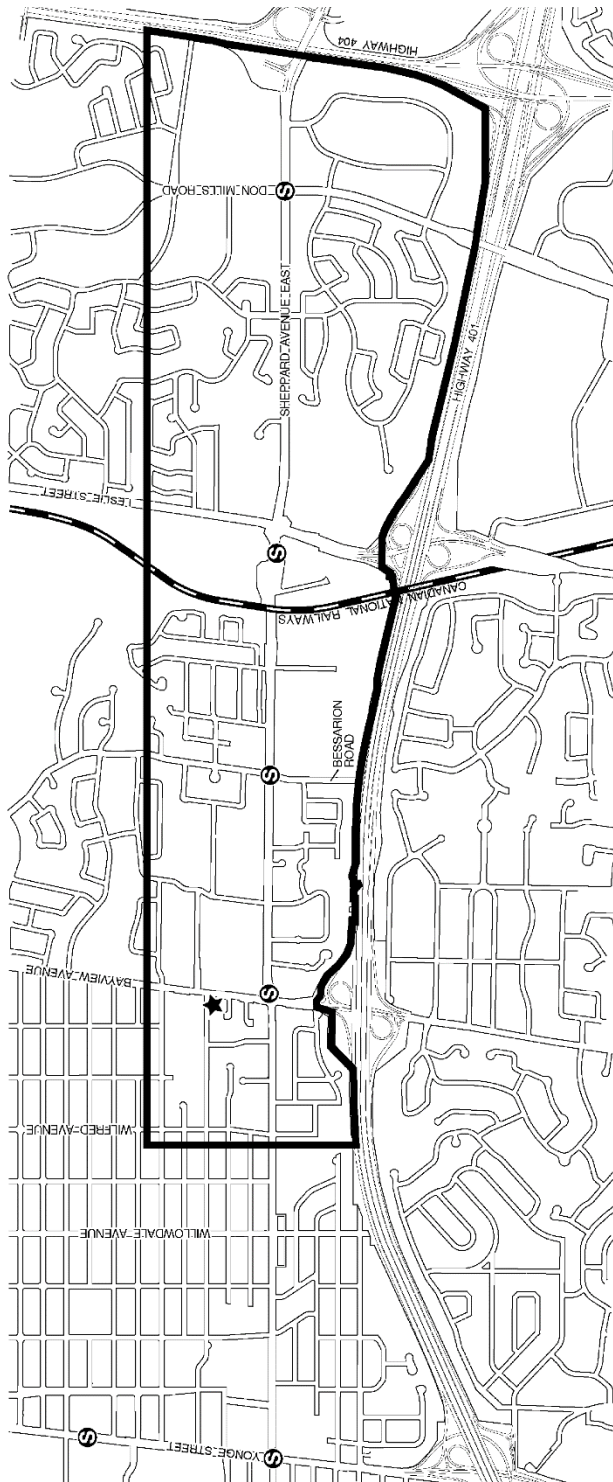
File # 20 192585 NNY 18 02

	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Parks
	Apartment Neighbourhoods		
	Mixed Use Areas		



Not to Scale  
10/02/2020

# Attachment 5: Sheppard East Subway Corridor Secondary Plan



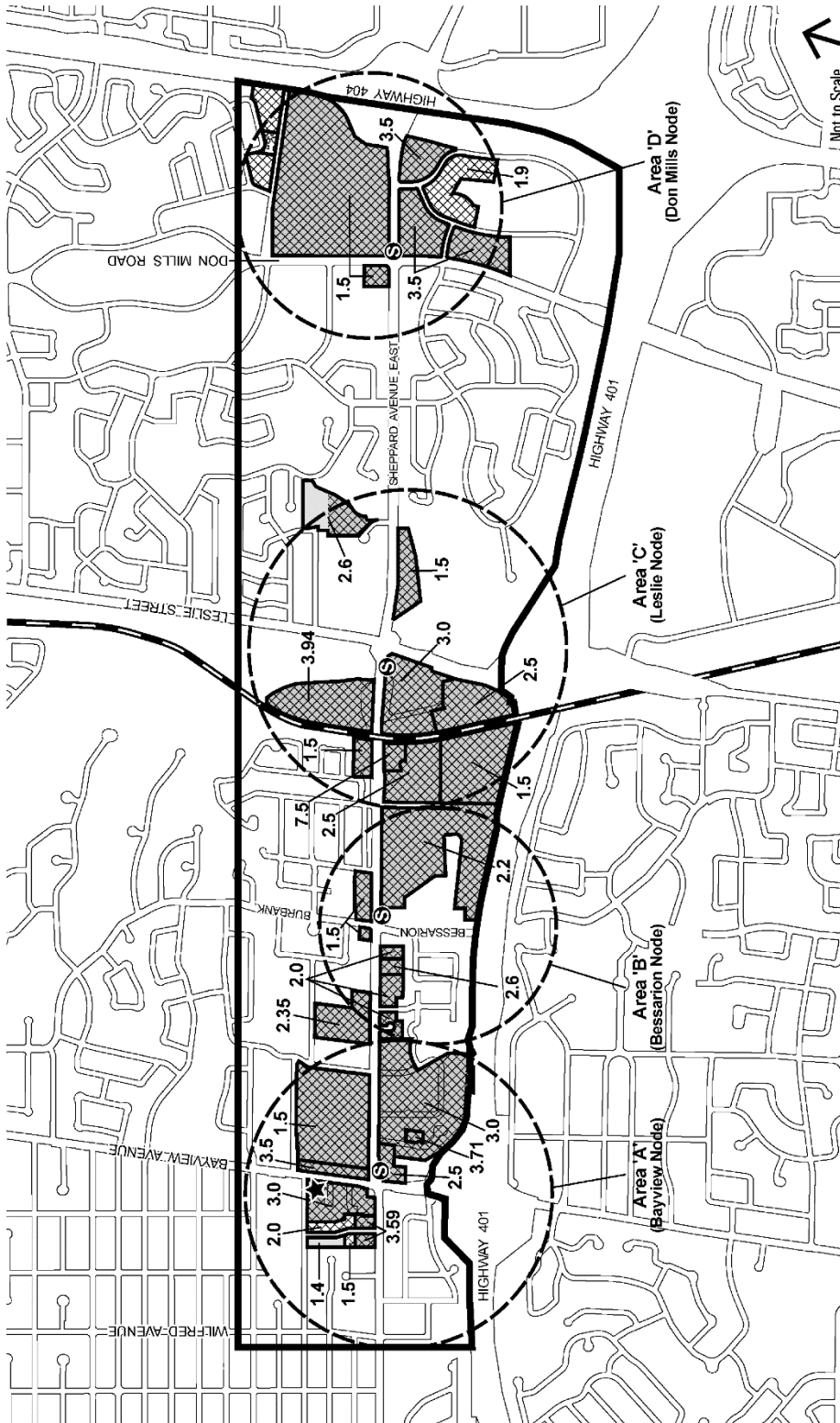
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## Sheppard East Subway Corridor Secondary Plan MAP 9-1 Urban Structure

- Secondary Plan Boundary
- S Subway Station
- ★ Location of Application

June 2006



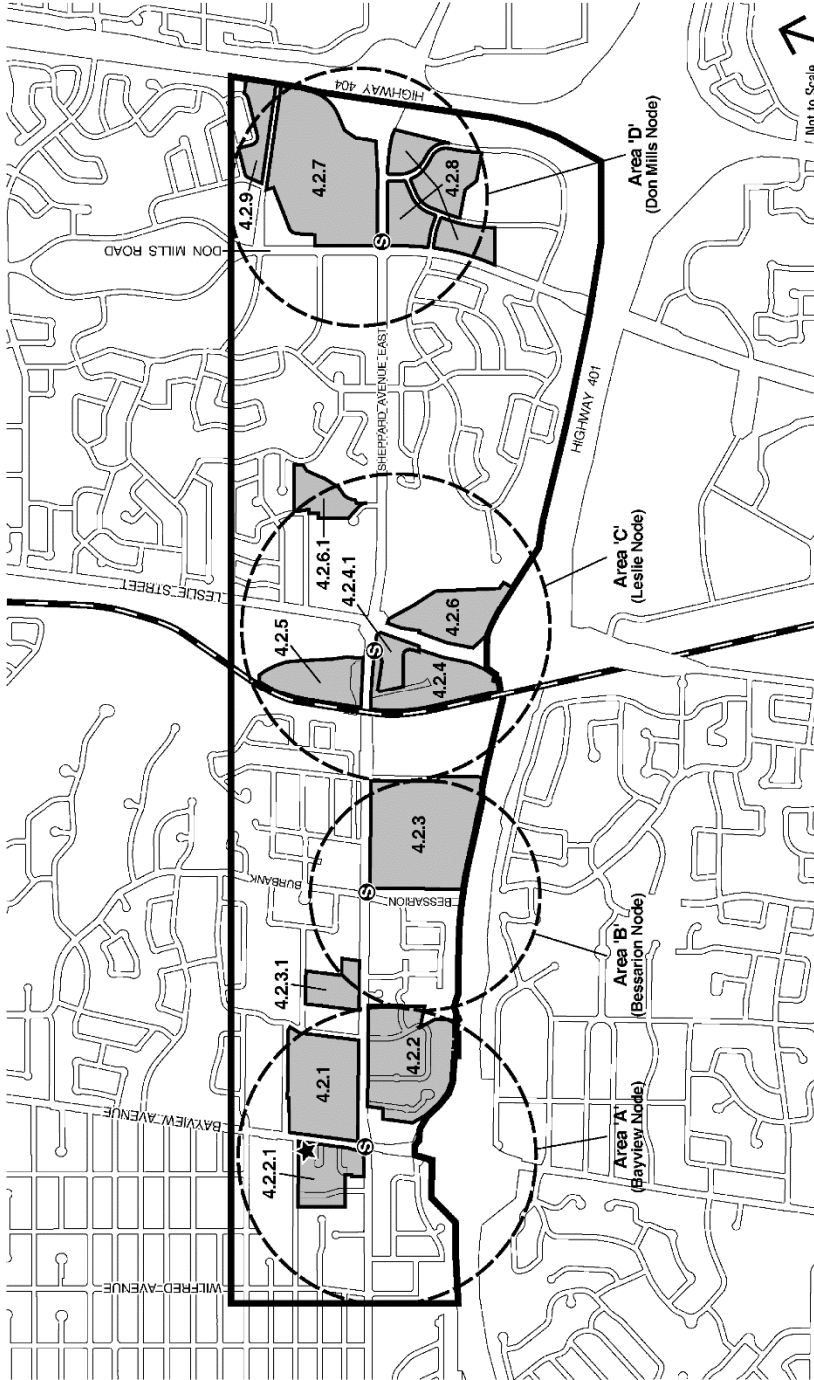
## Sheppard East Subway Corridor Secondary Plan

MAP 9-2 Key Development Areas

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks & Open Space Areas
- Parks
- Density
- Subway Station
- Location of Application

November 2015





## Sheppard East Subway Corridor Secondary Plan

### MAP 9.3 Specific Development Policies

- Secondary Plan Boundary
- Specific Development Policy Areas
- Subway Station
- Location of Application

November 2015