

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

Date: August 23, 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

North York Community Council deferred consideration of the Refusal Report item to the May 21, 2021 meeting of North York Community Council (Item 22.5), and later to September 13, 2021 North York Community Council, and directed that the Acting Director, Community Planning, North York District, in consultation with the local Councillor, continue discussions with the owner of 12 to 24 Leith Hill Road towards achieving an amended development application.

This report is to be received for information and provides an update on the status and outcome of the discussions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council receive this report for information.

REVISED PROPOSAL

The applicant submitted revised architectural plans to the City Planning Division for review as per Community Council direction on June 1, 2021. The revised drawings are available on the City's Application Information Centre website, and contained within Attachments 1 through 5 to this report.

The revised architectural plans now proposes a 9-storey infill building east of the existing 16-storey apartment building. The revised building height is proposed at 31.1 metres, plus a 6.75m mechanical penthouse, resulting in an overall building height of 37.85 metres. The number of dwelling units within the 9-storey building has also been reduced from the previous 121 dwelling units to 112 dwelling units. The townhouse configuration has not changed as part of the June 2021 submission. The applicant

continues to propose 48 townhouse units, contained within 3 blocks at the western limit of the subject site. The table below provides a comparison between the submissions:

	September 2020 submission	June 2021 submission
Gross Floor Area- new development proposed	13,606 square metres	12,922.4 square metres
Gross Floor Area- overall development (existing and proposed)	35,357 square metres	34,982.8 square metres
Floor Space Index	2.52	2.45
Building Height- storeys	11-storeys	9-storeys
Building Height- metres	37.7 metres	31.1 metres
Number of Dwelling Units- infill building - Total	121	112
Number of Dwelling Units- Studio	7 (5.8%)	7 (6.3%)
Number of Dwelling Units- 1 bedroom	68 (56.2%)	62 (55.4%)
Number of Dwelling Units- 2 bedroom	42 (34.7%)	39 (34.8%)
Number of Dwelling Units- 3 bedroom	4 (3.3%)	4 (3.6%)
Number of dwelling units- Townhouses- total	48	48
Number of townhouse units- 1 bedroom	12 (25%)	12 (25%)
Number of townhouse units- 2 bedroom	36 (75%)	36 (75%)
Number of townhouse units- 3 bedroom	0 (0%)	0 (0%)
Indoor Amenity Space	292.9 square metres	292.9 square metres

	September 2020 submission	June 2021 submission
Outdoor Amenity Space	1,264.10 square metres	1,264.10 square metres
Vehicular Parking Spaces - new spaces	151	144
Vehicular Parking Spaces-total	366	359
Bicycle Parking Spaces	154	154

COMMENTS

Official Plan Amendment

Staff continue to be of the opinion that 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 modified proposal for a 9-storey building to the east of the existing 16-storey rental apartment building resulting in a reduced FSI of 2.45 times the lot area, continues to result in a proposal that is not supportable in its current form, and thus the Official Plan Amendment should not be supported.

Height, Massing, and Setbacks

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. Staff identified in the February Refusal report that "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".

Since the time of that report the applicant submitted a revised proposal which reduces the height of the infill building from 11-storeys to 9-storeys. The overall building height has been reduced from 37.7 metres to 31.1 metres, or approximately 6.5 metres overall. Although staff recognize that the applicant has reduced the overall building height, staff

continue to be of the opinion that the proposed building height remains problematic. As the building is greater in height than the width of Leith Hill Road and defined as a tall building.

The siting of the 9-storey building has not changed since the previous submission and continues to propose reduced separation distances between buildings and reduced building setbacks to property lines, than those that are required for tall buildings. Staff continue to be of the opinion that this condition would be able to be replicated on adjacent sites, which would result in new infill tall buildings with inappropriate separation distance and setbacks to property lines. Given the proximity to the existing buildings, and the location interior to the lot, the proposed building, even at the reduced height of 9-storeys, exceeds what could be considered an appropriate height on this site and therefore does not provide an appropriate fit. A building having a maximum height of 6-storeys, or 20-metres, would be more appropriate in this location with the proposed separation distances and setbacks.

Staff continue to be of the opinion that the proposed infill building is not appropriate nor supportable in its current form.

Housing Issues

The applicant has not modified their proposed unit count significantly, and continues to propose a minimal number of new family sized units. The applicant proposes 4 (3.6%) three-bedroom units within the new 9-storey building, and zero 3-bedroom units within the proposed townhouse blocks. The amount of 3-bedroom units does not adequately support 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 applicant's revised proposal has not increased the number of family sized units and does not adequately address these objectives and cannot be supported.

Servicing

The applicant submitted revised Functional Servicing Reports as part of their resubmission. Engineering and Construction Services have had an opportunity to review the revised Reports and have identified that a number of revisions and clarifications are required. As such, the reports have not been submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water.

Engineering and Construction Services staff have cautioned 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 either of those future applications be required for the site as the development was reviewed as a single parcel of land under one ownership.

Traffic

The latest submission includes a response letter from the applicant's traffic consultant R.J. Burnside. The applicant's consultant noted that the June 2021 submission has decreased in the total number of dwelling units from 169 to 160 overall. As a result, the conclusions of the previously submitted TIS are still acceptable to Transportation Services.

Parking

The applicant's consultant, R.J. Burnside & Associates Ltd. submitted a revised Transportation Addendum 3 (dated June 10, 2021) in support of the reduced unit count and an overall lower parking supply. Given the site context, Transportation Services have indicated that they will accept application of Policy Area 3 rates. Engineering and Construction Services staff have identified that parking must be provided in accordance with Zoning By-law No. 569-2013, Policy Area 3, and as such a minimum of 270 spaces are required for this site.

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. 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 not being able to be resolved.

In the event that the application is appealed and the Ontario Land Tribunal (OLT) 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 OLT 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 applicant's revisions to the proposal have not adequately addressed staff concerns. Staff continue to not support the development proposal for the reasons as set out in this report and for the reasons as set out in the report, from the Acting Director, Community Planning, North York District, dated February 1, 2021. Staff recommend that City Council receive this report for information.

CONTACT

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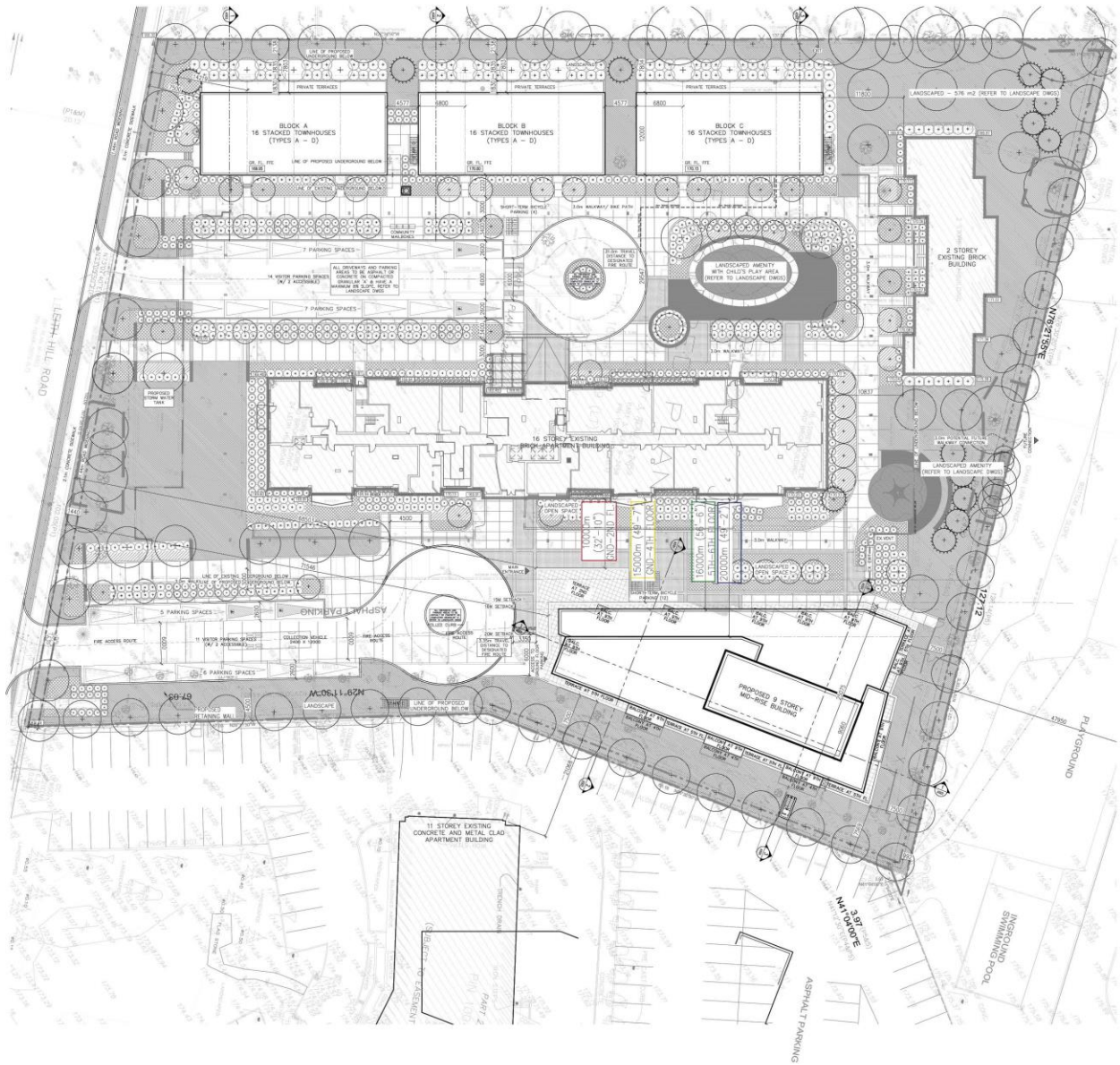
John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

Applicant Submitted Drawings

- Attachment 1: Site Plan
- Attachment 2: North Elevation- 9-storey Building
- Attachment 3: South Elevation- 9-storey Building
- Attachment 4: West Elevation- 9-storey Building
- Attachment 5: East Elevation- 9-storey Building

Attachment 1: Site Plan



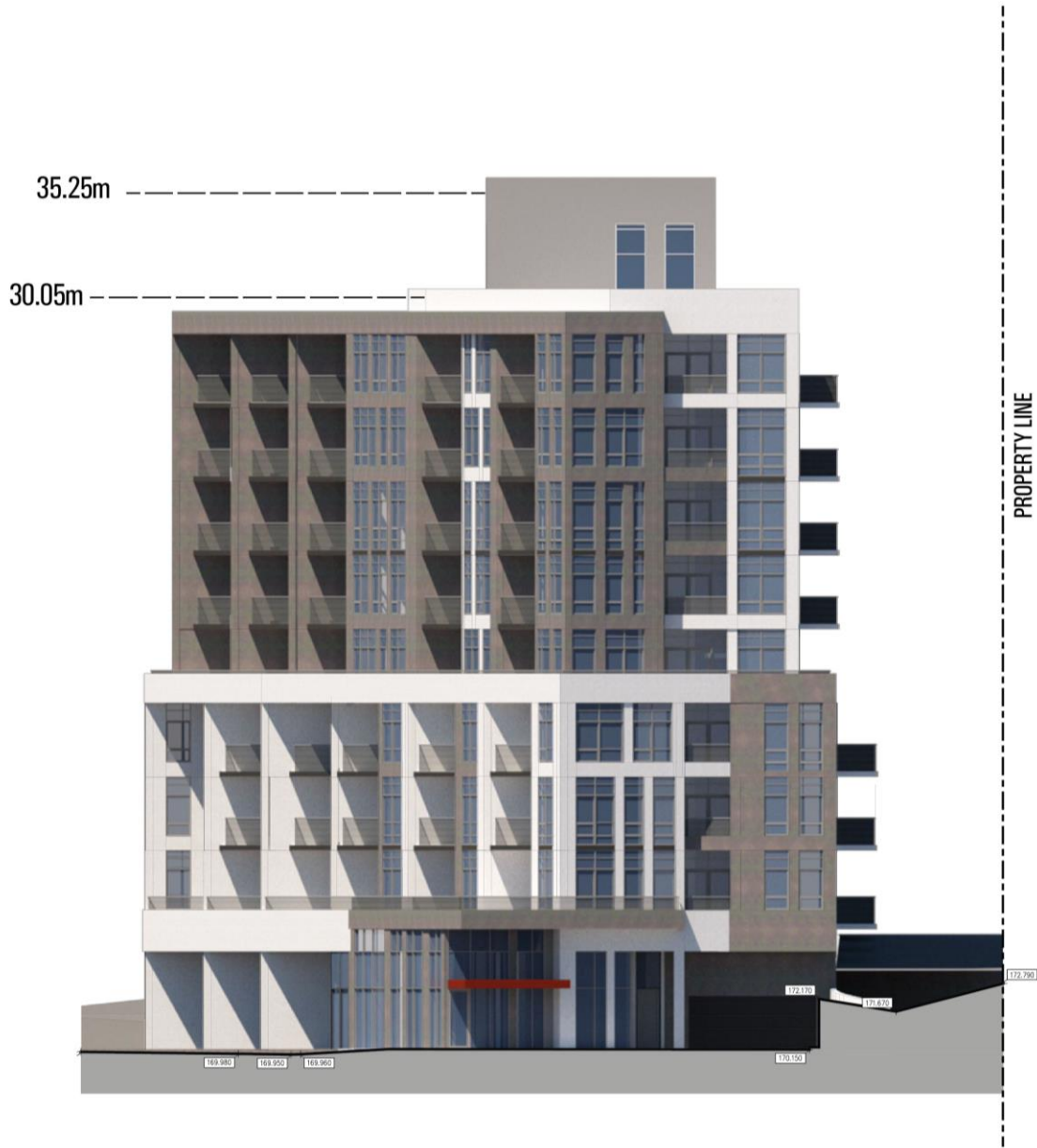
Site Plan →

Attachment 2: North Elevation- 9-storey Building



North Elevation

Attachment 3: South Elevation- 9-storey Building



South Elevation

Attachment 4: West Elevation- 9-storey Building



West Elevation

Attachment 5: East Elevation- 9-storey Building



East Elevation