

290 Old Weston Road – Official Plan Amendment and Zoning Amendment Applications – Request for Direction Report

Date: April 29, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 9 - Davenport

Planning Application Number: 20 169194 STE 09 OZ

SUMMARY

This application proposes to allow a 29-storey mixed-use building, including a 4 to 6-storey base building, with 277 dwelling units and 4,643 square metres of commercial office space. The site, currently vacant with no existing buildings, was formerly used for a dry cleaning facility (Cadet Cleaners).

This application was appealed to the Local Planning Appeal Tribunal (LPAT) in December 2020. Staff do not support the proposal in its current form. The proposed development is consistent with some but not all of the Provincial Policy Statement (2020), conforms with some but not all of the Growth Plan for the Greater Golden Horseshoe (2020) and is inconsistent with the Official Plan.

This report recommends that the City Solicitor, together with City Planning staff, and other appropriate City staff, attend the LPAT in opposition to the current proposal. Staff are also recommending that discussions with the appellant and other stakeholders continue, including consultation through the Keele St. Clair Local Area Study and the Municipal Comprehensive Review of the Official Plan, to determine an acceptable land use framework and built form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan Amendment and Zoning By-law Amendment applications (20 169194 STE 09 OZ) in their current form.

2. City Council direct City Staff to continue discussions with the applicant and other stakeholders in an attempt to resolve the outstanding matters as identified in this report and identified through the current Keele St. Clair Local Area Study and/or the current Municipal Comprehensive Review of the Official Plan.

3. In the event that the Local Planning Appeal Tribunal (LPAT) allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Orders on the Official Plan Amendment and Zoning By-law Amendment appeal until:

a. draft Official Plan and Zoning By-law Amendments are provided in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. the owner has entered into a Section 37 agreement with the City that has been executed, and registered on title to the property all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor securing such community benefits to be provided in accordance with Section 37 of the Planning Act, as well as other matters;

c. the owner has submitted a revised Functional Servicing Report, Storm Water Management Report and Hydrogeological Investigation (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; and

d. the design and the provision of financial securities is provided 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.

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

FINANCIAL IMPACT

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

DECISION HISTORY

A [Preliminary Report](#) on the applications was adopted by Toronto and East York Community Council on November 10, 2020, authorizing staff to conduct a community consultation meeting with an expanded notification area.

On October 15, 2019, Planning and Housing Committee directed staff to "prioritize the study of the Keele - St. Clair area including lands around McCormack Street" as part of the current Municipal Comprehensive Review and Growth Plan conformity exercise, with consideration for the potential new Smart Track / GO station in this area. This prioritized study, named the "Keele-St. Clair Local Area Study", commenced in late 2020 and is expected to be completed in 2021. The subject site is within the study area. Additional consultation took place with the applicant in April 2021 as part of this study.

PROPOSAL

This application proposes to amend the Official Plan by amending Site and Area Specific Policy 441 that applies to 290 Old Weston Road, which currently allows for "light employment and residential uses", to specify that a mixed-use tall building is permitted on the site, while maintaining the General Employment Area designation. The proposed zoning by-law amendment is to rezone the property from Employment (E) to Commercial-Residential (CR) with site-specific height, massing, and parking provisions.

The proposed development is a 29-storey (99 metres including mechanical penthouse) mixed-use building, including a 4 to 6-storey base building, with 4,643 square metres of office space and 277 dwelling units (see Attachment 6: Site Plan and Attachment 7: Elevations). On-site parkland with an area of 540 square metres is also proposed. The gross floor area is 23,509 square metres, resulting in a gross floor space index (FSI) of 3.4 times the lot area and a net FSI of 5.4 once the proposed parkland and future public right-of-way is excluded from the lot area. A total of 157 parking spaces are proposed, including 126 spaces for residential occupants, 21 spaces for residential visitors, and 10 spaces for the office space. A total of 323 bicycle parking spaces are proposed.

The proposed vehicular access would initially be from a private driveway from Old Weston Road at the north end of the site. Through the implementation of the St. Clair Avenue West Transportation Master Plan, Davenport Road will be extended northwest through the subject site, creating new public street frontage and vehicular access for the proposed development.

Detailed project information is found in Attachment 8: Project Data sheet and on the City's Application Information Centre at:
<http://app.toronto.ca/AIC/index.do?folderRsn=mXmi5EnvFDEVVbaSCAJeVg%3D%3D>

See Attachment 3 of this report for a three dimensional representation of the project in context.

Site and Surrounding Area

The subject site has an area of 6,920 square metres with 56 metres of frontage on Old Weston Road that is divided into 3 disjointed frontages (see Attachment 1: Location Map). The site, now vacant with no buildings, was most recently used for a dry cleaning facility (Cadet Cleaners).

The Metrolinx-Kitchener and CP rail corridor abuts the west side of the site. The east side is largely adjacent to two-storey houses that are on both sides of Old Weston Road. The north side abuts a large site, 1799 St Clair Avenue West, occupied by large one-storey building currently used by Delta Bingo, which faces St. Clair Avenue West to the north.

Reasons for Application

The proposed Official Plan Amendment does not propose a change in permitted uses on the subject lands. Rather, it intends to clarify the intensity of residential uses permitted on the subject lands by specifying that a mixed-use tall building is a permitted building typology. The proposed rezoning is primarily required to allow residential uses, increase the maximum density from an FSI of 1.0 to 5.4, and increase the maximum height from 23 to 99 metres.

APPLICATION BACKGROUND

Pre-application consultation meetings were held with the applicant on June 24, 2019, and November 25, 2019. The current application was submitted on July 17, 2020, and deemed complete as of August 26, 2020. The community consultation meeting was held as a virtual meeting on November 19, 2020. The application was appealed in December 2020.

Application Submission Requirements

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

- Planning and Urban Design Rationale Report
- Public Consultation Strategy
- Shadow Study
- Arborist Report Tree Preservation Plan
- Pedestrian Level Wind Study

- Derailment Protection Plan and Report
- Stage I Archaeological Assessment
- Energy Efficiency Report
- Toronto Green Standard Checklist and Site Statistics
- Phase 1 Environmental Site Assessment
- Air Quality Study
- Noise Impact Study
- Vibration Report
- Servicing Report
- Stormwater Management Report
- Geotechnical Study
- Hydrogeological Report

The above studies and other application materials submitted by the applicant are available at the Application Information Centre (AIC) <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 application and to advise the applicant of required revisions to satisfy the staff comments.

Community Consultation

Community feedback on the proposed development was received at the community consultation meeting held on November 19, 2020, as well as through phone calls and emails with local residents both before and after the meeting. Approximately 22 people attended the meeting. The following concerns were raised by local residents at the meeting or through phone calls and emails:

- too tall and out of character with the surrounding 2-storey houses;
- excessive shadow impact on streets and nearby properties;
- too much residential use for an Employment Area;
- proposed park is of insufficient size and is in an undesirable location;
- provide space for small-scale retail shops and services;
- affordable housing should be provided;
- excessive traffic congestion;
- new development will use the existing on-street parking spaces;
- provide a natural heritage corridor for wildlife;
- existing trees should be preserved;
- vibration impact on nearby houses from construction; and
- air quality hazard from local industries.

In addition to the community feedback provided directly to the City, the following feedback was collected by the applicant during two on-site consultation meetings held by the applicant on October 14, 2020 and November 14, 2020, and through subsequent door-to-door canvassing by the applicant.

- "Petition in Support of Planning Application for 290 Old Weston Road", signed by 79 local property owners and occupants in October/November 2020 who "vehemently support the Proposed Official Plan Amendment and Zoning By-law Amendment to allow a 29-storey mixed-use building with 277 dwelling units."
- Letter of support from property owner and business operator.

POLICY CONSIDERATIONS

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

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

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City 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 City 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 City 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 interrelationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of City 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 City 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) (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 (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 City 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 City 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 requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

The subject site is approximately 300 metres south of a planned Metrolinx/GO station at 2-80 Union Street.

Planning for Employment Areas

The Growth Plan (2020) states that the conversion of lands within employment areas that are Provincially Significant Employment Zones (PSEZs) to non-employment uses may be permitted only through a municipal comprehensive review, provided that certain conversion tests are met. For additional information on the City's Growth Plan (2020) conformity exercise and Municipal Comprehensive Review, please refer to the recommended work plan report at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>.

The proposed residential use does not require an employment land conversion even though it is designated General Employment Areas in the Official Plan because Site and Area Specific Policy No. 441 already permits residential uses on the subject site.

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 and competitive employment areas while protecting existing neighbourhoods from excessive negative impact are applicable to the proposed application. The City of

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

The subject site is within an Employment Area as shown on Map 2 - Urban Structure of the Official Plan. Section 2.2.4 - Employment Areas: Supporting Business and Employment Growth provides policies for the intended function of Employment Areas, including Policy 2.2.4(5) that provides policies regarding land use compatibility between non-residential uses in Employment Areas and nearby residential uses.

Official Plan Section 3.1.1 - Public Realm was recently updated by Official Plan Amendment (OPA) 479, which was approved by the Ministry of Municipal Affairs and Housing (MMAH) on September 11, 2020. The updated policies provide direction for expanding the network of public streets, open spaces, paths and other publicly accessible spaces. Policy 3.1.1(18) provides design criteria for parks and open spaces. Policies 3.1.1(19) and (20) provide design criteria for new Privately Owned Publicly-Accessible Spaces (POPS).

OPA 480, also approved by the MMAH on September 11, 2020, updates the policies in Section 3.1.2 Built Form to provide more detailed direction on how a new development should respond to the existing and planned context and provide "good transition in scale between areas of different building heights." Section 3.1.3 Built Form - Building Types was updated to provide new policies for the design of mid-rise buildings and updated policies for tall buildings.

The site is designated General Employment Areas on Land Use Map 17 (see Attachment 4: Official Plan Map). Policy 4.6(3) specifies that General Employment Areas, which is both the existing and proposed land use designation, "are places for business and economic activities generally located on the peripheries of Employment Areas" which allow for a wide range of non-residential uses including restaurants, retail and service uses.

Site and Area Specific Policies Nos. 234 and 441 both apply to the subject site, which respectively specify that "autobody repair shops are not permitted" and that "light employment and residential uses are permitted." The residential permission is contrary to the other applicable policies for a General Employment Area including those referenced above.

As part of the current Municipal Comprehensive Review of the Official Plan and Growth Plan conformity exercise, the Keele-St. Clair Local Area Study, is a prioritized local study area considering a potential new Smart Track / GO station to be located at 2-80 Union Street, north of St. Clair Avenue West. The subject site is located within the study area and therefore the proposed development is being reviewed in the context of the ongoing study.

The outcome of staff analysis and review of relevant Official Plan policies and designations and Site and Area Specific Policies are summarized in the Comments section of the Report.

Zoning

The site is zoned Employment Industrial (E1.0 (x288)) under By-law 569-2013 (see Attachment 5: Zoning By-law Map). This zone permits a wide range of industrial and other non-residential uses, including the proposed office use, but does not permit any residential uses. The current zoning limits density to a maximum of 1.0 times the lot area (FSI 1.0) and specifies a maximum height of 23 metres. The by-law also provides several standards regarding parking and loading space requirements, bicycle parking, and landscaping.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

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

- Tall Building Design Guidelines
- Complete Streets Guidelines
- Urban Design Guidelines for Privately Owned Publicly-Accessible Spaces (POPS)
- Growing UP: Planning for Children in New Vertical Communities
- Pet-Friendly Design Guidelines for High Density Communities

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

Site Plan Control

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

COMMENTS

The following comments apply to issues raised through the application review and consultation process and potentially may be resolved through the LPAT appeal process. The comments are supported by provincial policies, Official Plan policies, and City guidelines. Changes to the proposed planning framework and the proposed development will likely be required to address these comments to staff's satisfaction.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with some but not all of the policies in the PPS and conforms with some but not all of the policies in the Growth Plan for the reasons described in the following sections.

Land Use

This application has been reviewed against the applicable provincial and Official Plan policies and informed by the ongoing Keele-St. Clair Local Area Study. PPS Policy 1.3.1(a) requires the City to "promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long-term needs."

Because Site and Area Specific Policy (SASP) 441 allows for residential use on the subject site, despite the General Employment Area designation that otherwise prohibits residential use, the proposed residential use does not represent an employment land conversion. Although Site and Area Specific Policy (SASP) 441 allows residential use, the determination of an appropriate mix of residential and non-residential use should be informed by other Official Plan policies. Policy 2.2.4(2) indicates that Employment Areas are "exclusively for business and economic activities", which is reflected in Policy 4.6(3) that applies to General Employment Areas. The proposed amount of non-residential (i.e. office) space of 4,643 square metres represents approximately 20% of the total proposed gross floor area. This mix of uses is more reflective of a Mixed Use Areas designation.

The applicable Employment Areas policies in the Official Plan, including those described above, are consistent with and serve to implement Growth Plan Policy 2.2.5(3) that directs retail and office uses "to locations that support active transportation and have existing or planned transit," such as the subject site.

Through the Keele-St. Clair Local Area Study and the associated MCR process, but not the proposed Official Plan Amendment, the applicant has suggested that a Mixed Use Areas designation is appropriate for the subject site.

The suggested redesignation to Mixed Use Areas is considered an employment land conversion because it would potentially reduce the types of employment uses permitted on the subject site, even though residential uses are already permitted by SASP 441. The suitability of this land use redesignation will be determined through the Keele-St. Clair Local Area Study that will inform the MCR. If a Mixed Use Area designation is deemed appropriate, the proposed amount of non-residential space may then be appropriate.

The addition of some small-scale retail space should be considered by the applicant. Local retail space contributes to a complete community and was mentioned as a desirable use in the community feedback.

Regarding the orphaned land on the south side of the planned Davenport Road extension, it may not be feasible to provide adequate safety measures to protect sensitive uses on these lands from the rail corridor. If adequate protection cannot be provided, the lands are only suitable for non-residential uses that are not considered sensitive uses as determined through a Rail Safety and Risk Assessment.

Density, Height, Massing

The proposed height and massing was assessed largely by applying the criteria for new development provided in Sections 3.1.2 Built Form, 3.1.3 Built Form - Building Types, and 4.6 Employment Areas. The Tall Building Design Guidelines were also applied to help determine appropriate development standards.

The proposed height does not provide sufficient transition to the adjacent Neighbourhood, which applies to the existing adjacent houses and the houses on the east side of Old Weston Road. The combination of shadow impact and overall contrast in scale relative to the small two-storey houses on Old Weston Road causes excessive negative impact on the Neighbourhood.

This finding has regard for PPS Policy 1.1.3.3 that requires the City to "identify appropriate locations" for transit-supportive development. Official Plan Policy 3.1.2(6) requires new development to "provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts." Policy 4.6(6) states that "development will contribute to the creation of competitive, attractive, highly functional Employment Areas by: (k) providing a buffer and/or mitigating adverse effects, where appropriate, to Neighbourhoods", among other criteria.

The proposed development must also provide an appropriate relationship with the existing adjacent properties on the west side of Old Weston Road by maintaining appropriate setbacks, privacy, access to sunlight and comfortable wind conditions. This can be achieved by providing low-scale base building massing and articulation and by adding new rear access for those houses between the subject site and Old Weston Road that would help integrate them into the block while creating opportunity for those properties to develop laneway/garden suites facing the proposed development.

Sun, Shadow, Wind

A sun/shadow study was submitted by the applicant, which examines shadow impact, particularly during the spring and fall equinoxes. The study shows shadow impact on parts of Old Weston Road and Ford Street in the mid to late afternoon and shows shadow impact of 2 hours or greater during this period on approximately 23 houses on Old Weston Road and Ford Street located to the east and northeast of the subject site.

Considering the existing context, and considering the emerging built form direction in the current Keele-St. Clair Local Area Study, this shadow impact, in combination with overall impact of contrasting scales of development, is deemed excessive and inappropriate. This cumulative impact is inconsistent with Official Plan Policy 3.1.3(1)(d) that requires an appropriate transition to lower-scaled uses and Policy 3.1.3(10)(b) that requires a tower to limit shadow impact on the public realm and surrounding properties.

A Pedestrian Level Wind Study was submitted by the applicant, which models the existing and projected wind conditions for pedestrians throughout the year at various locations on and around the subject site and determines relative levels of comfort for each location. The projected wind impact is excessive since the proposed development

will cause uncomfortable and/or unsafe conditions in several locations for approximately half the year. The creation of uncomfortable or unsafe pedestrian conditions is generally unacceptable. An updated wind study that incorporates appropriate wind mitigation measures is required. The wind mitigation strategy should not rely on a berm if it will need to be removed for the Davenport Road extension.

Traffic Impact, Access, Parking

Staff reviewed the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

The study estimates the proposed development will generate approximately 117 and 102 two-way vehicle trips during the AM and PM peak hour periods, respectively. Transportation Services generally agrees with the study's conclusion that the new traffic generated by the proposed development will have minimal impact on the overall operation of nearby intersections.

The proposed vehicular access at the north end of the frontage on Old Weston Road is generally at an appropriate location. Through the Keele-St. Clair Local Area Study, a shared private driveway, public lane and/or walkway that can also provide access to the adjacent property to the north (i.e. Delta Bingo), and is partially located on the adjacent property to the north, is being contemplated.

Staff have advised that the proposed surface parking lot should be eliminated. All parking should be located underground, except for layby parking on private property, in order to maximize landscaped open space. This is consistent with Growth Plan Policy 2.2.3(4) that states "surface parking will be minimized."

Servicing

Staff reviewed the submitted servicing reports, the purpose of which is intended to evaluate the effects of a proposed change in land use or development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed change in land use or development.

Staff require additional information and revisions to the submitted Functional Servicing Report, Stormwater Management Report and Hydrogeological Investigation to complete their review and determine if there is sufficient capacity in the City's servicing infrastructure.

Parks and Public Open Space

Parkland provision in the vicinity of the site is relatively low. Official Plan Map 8B - Local Parkland Provision indicates the local area has 0.0-0.42 hectares of parkland per 1000 people, which represents the lowest quintile of parkland provision in the City.

The proposed development includes on-site parkland dedication to satisfy the City's parkland dedication requirements. The proposed location and dimensions of the proposed parkland were assessed using Official Plan Policy 3.2.3(2), which provides criteria and considerations to determine if on-site parkland dedication is appropriate and if so, how it should be configured, designed and programmed. The planned future condition for the Davenport Road extension and the ongoing evaluation of parks and the public realm as part of the Keele-St. Clair Local Area Study also informed the evaluation.

Staff advised that the proposed on-site parkland should be relocated to the northwest corner of Old Weston Road and the planned extension of Davenport Road. This location is more prominently located with more street frontage and will allow for a larger contiguous public open space when combined with remnant parcels from the lands being acquired for the Davenport Road extension and with on-site lands on the south side of the proposed building that would be suitable as a privately owned, publicly-accessible space (POPS). This location will also contribute to a more coordinated landscaping strategy of public open spaces that connect with publicly accessible walkways and laneways, in accordance with PPS Policy 1.5.1(a) that promotes active transportation and community connectivity.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process.

A Stage 1 Archaeological Assessment was submitted by the applicant and reviewed by staff. The assessment finds that there is "no potential for the presence of significant pre-contact or Euro-Canadian archaeological resources that may be impacted by site preparation or construction activities necessitated by the proposed redevelopment."

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

An Arborist Report and Tree Preservation Plan have been submitted and are currently under review by staff. The report indicates there are a total of 29 private trees on site or within 6 metres of the site, of which 25 are proposed to be removed to accommodate the proposed development. Of those 25 trees, 12 trees are protected by the Private Tree By-law since they have a trunk diameter at breast height of 30 centimetres or greater. Urban Forestry will determine the suitability of removing some or all of these trees through further review of the proposed rezoing, the Site Plan Control process, and an Application to Injure or Remove Trees.

Toronto Green Standard

City 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.

A TGS Checklist has been submitted, which indicates the proposed development will comply with the Tier 1 performance measures. Through the site plan approval process staff will encourage the applicant to achieve Tier 2 or higher should the proposal advance in some form.

Community Services and Facilities

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

The Planning Rationale Report submitted by the applicant includes a CS&F section that will help inform a larger staff-led CS&F Study that is underway as part of the Keele-St. Clair Local Area Study. The study will help identify new or expanded services or facilities needed to serve the proposed development and other planned developments.

St. Clair Avenue West Transportation Master Plan

The proposed development has been designed to accommodate a future extension of Davenport Road in accordance with the St. Clair Avenue West Transportation Master

Plan. The Master Plan shows that Davenport Road will be extended northwest from Old Weston Road, through the subject site, north over St. Clair Avenue West and merge with Union Street adjacent to the planned Metrolinx/GO station at 2-80 Union Street.

Rail Safety

The applicant has submitted a Derailment Protection Report and Plan that recommends rail safety measures in the form of an earth berm on the lands planned for the Davenport Road extension. The applicant needs to provide an updated report and plan that details required rail safety measures after the construction of the Davenport Road extension, which would necessitate the removal of the proposed earth berm. This requirement is supported by Section 2(h) of the Planning Act regarding the orderly development of safe and healthy communities and PPS Policy 1.1.3.4 regarding public health and safety.

Section 37

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

The proposed rezoning would be subject to Section 37 community benefits because the proposed height and density exceed the thresholds specified in Official Plan Policy 5.1.1(4). The valuation and allocation of community benefits has not yet been determined.

Other Matters

The owner of the subject site has appealed Official Plan Amendment (OPA) 320 to the Local Planning Appeal Tribunal (LPAT) on a site-specific basis. City Council adopted OPA 320 in 2015 as part of the Five Year Review of the Official Plan and amended the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies. OPA 320 was appealed by 57 appellants. In 2018 the LPAT brought the OPA 320 policies into force, except with regard to those lands that remain subject to site-specific appeals, including the subject site. The applicant should clarify its concerns regarding OPA 320 that amended policies in the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods sections of the Official Plan.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with some but not all of the PPS (2020) and conforms with some but not all of the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to the proposed mix of uses and

appropriate transition to an adjacent low-rise Neighbourhood. The proposal does not represent good planning and is not in the public

interest. Staff recommend that Council authorize staff to oppose the application in its current form through the LPAT appeal process and continue discussions with the applicant in an effort to revise the application to address the issues described in this Report.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

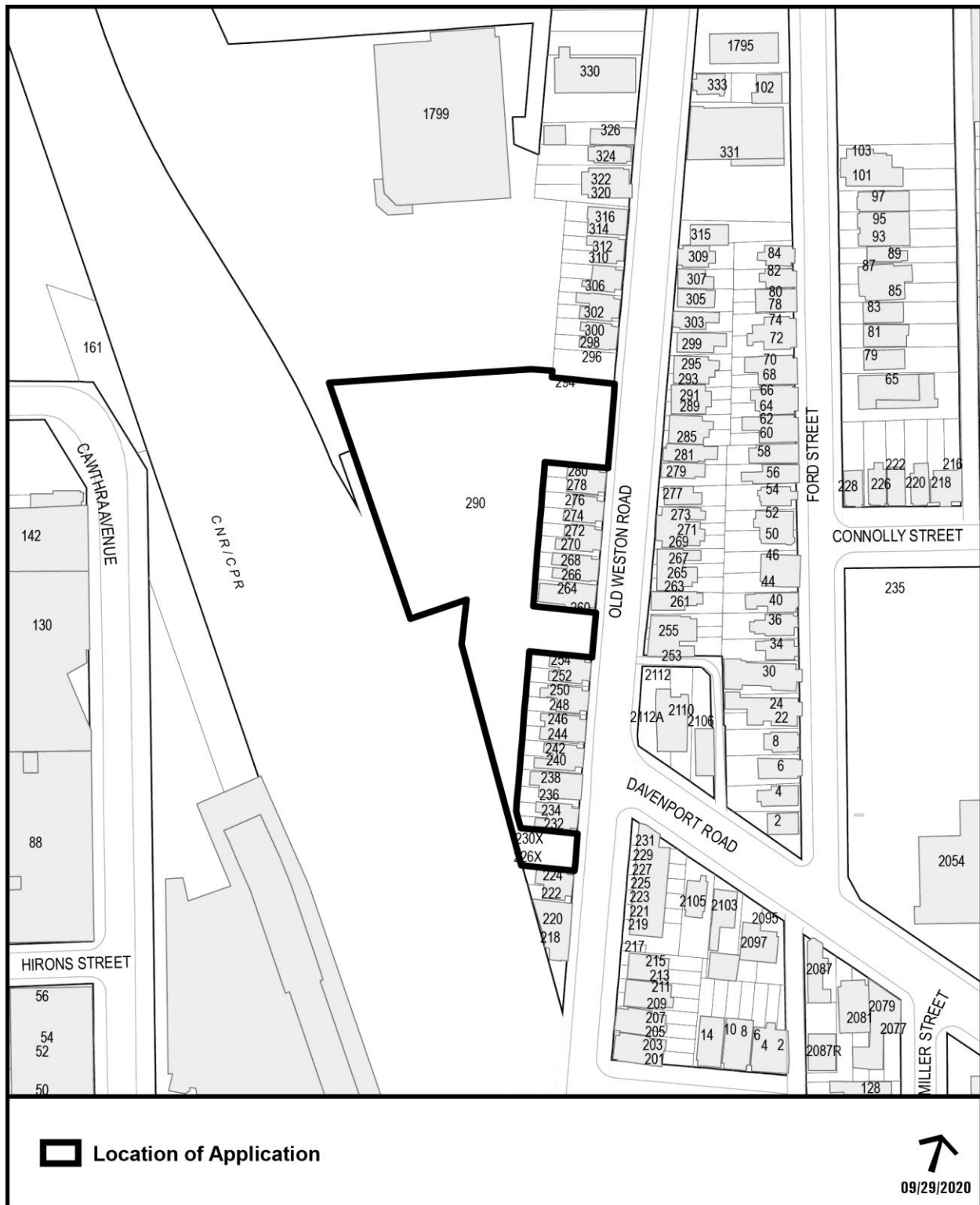
City of Toronto Data/Drawings

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context
Attachment 4: Official Plan Land Use Map
Attachment 5: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 6: Site Plan
Attachment 7: Elevations
Attachment 8: Pedestrian Perspective Rendering

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 290 OLD WESTON ROAD Date Received: July 17, 2020
 Application Number: 20 169194 STE 09 OZ
 Application Type: OPA / Rezoning, OPA & Rezoning
 Project Description: Proposal for a 29-storey mixed-use building, with a 23-storey tower element atop a 6-storey podium. This redevelopment would result in a total gross floor area of 23,509 square metres, including 4,643 square metres of employment office space and 277 residential units, resulting in a total floor space index of 3.4 times the area of the lot.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		TACT Architecture Inc.	I2 DEVELOPMENTS (OLD WESTON) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	SASP 441, SASP 234
Zoning:	E1.0 (x288)	Heritage Designation:	N
Height Limit (m):	23	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	6,920	Frontage (m):	56	Depth (m):
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			1,412	1,412
Residential GFA (sq. m):			18,866	18,866
Non-Residential GFA (sq. m):			4,643	4,643
Total GFA (sq. m):			23,509	23,509
Height - Storeys:			29	29
Height - Metres:			99	99

Lot Coverage Ratio (%)	20.41	Floor Space Index:	3.4 gross / 5.4 net
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Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	18,866	
Retail GFA:		
Office GFA:	4,643	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			277	277
Other:				
Total Units:			277	277

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		18	187	48	24
Total Units:		18	187	48	24

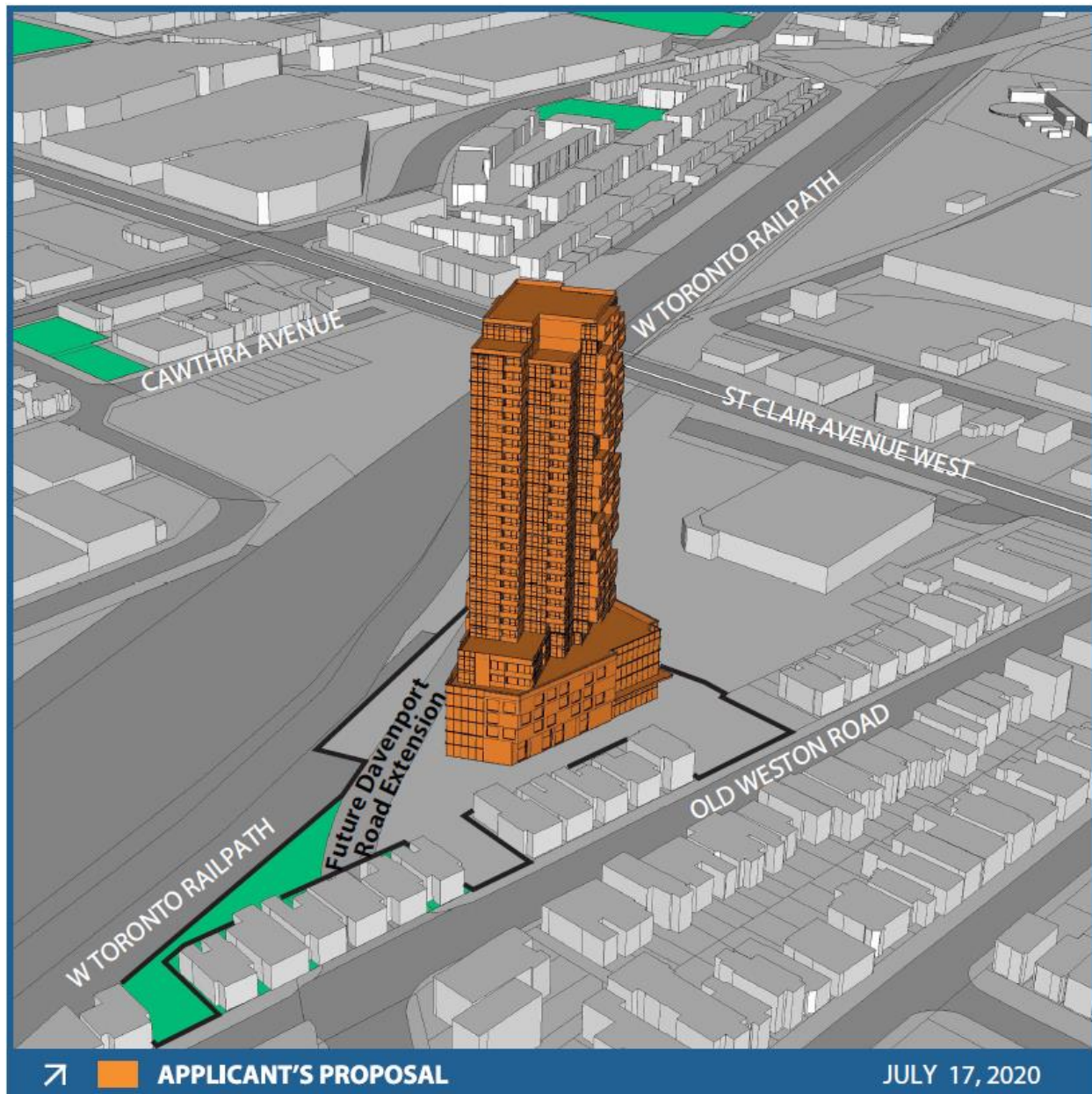
Parking and Loading

Parking Spaces:	157	Bicycle Parking Spaces:	323	Loading Docks:	2
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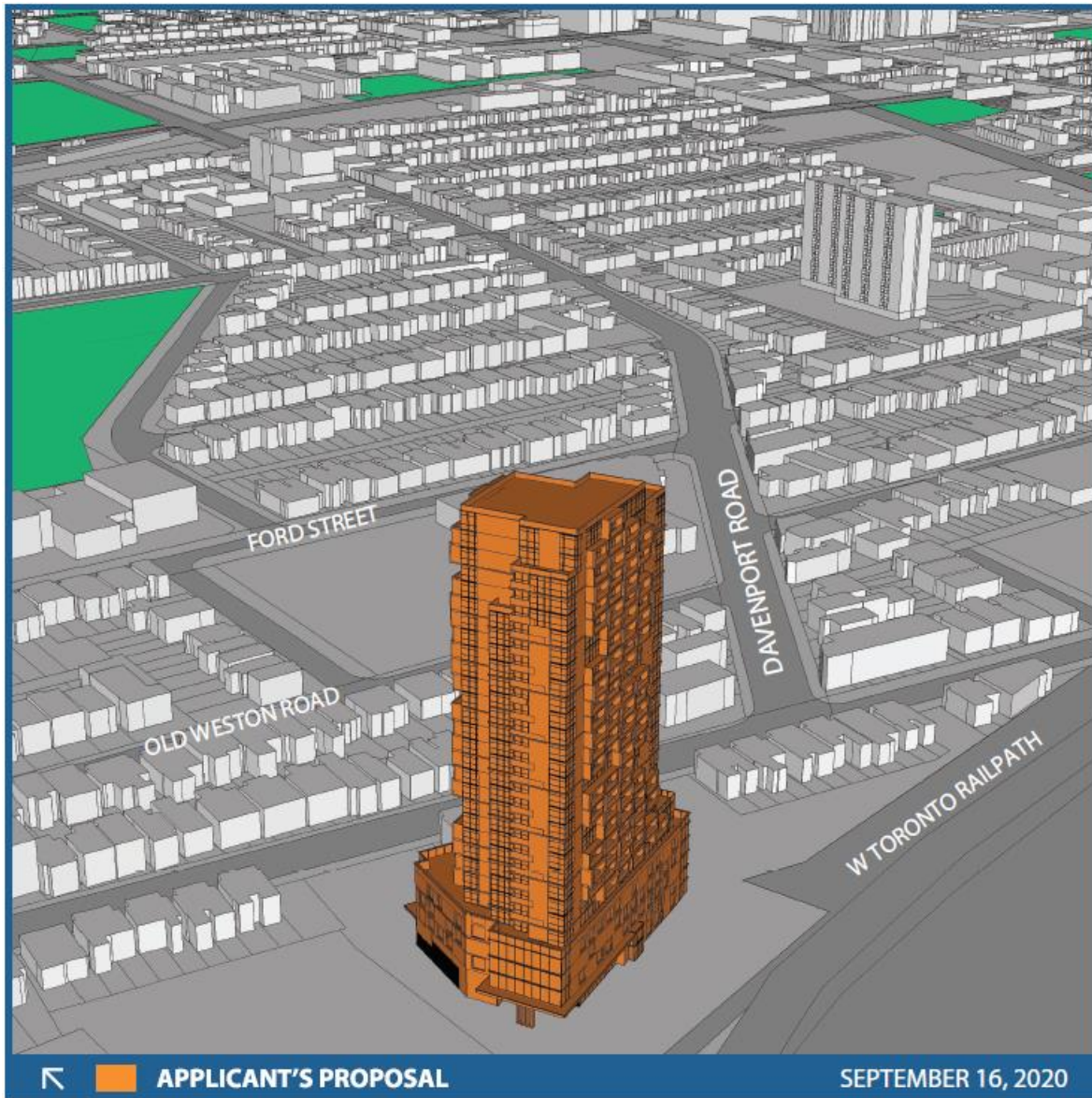
CONTACT:

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416-392-1791
Thomas.Rees@toronto.ca

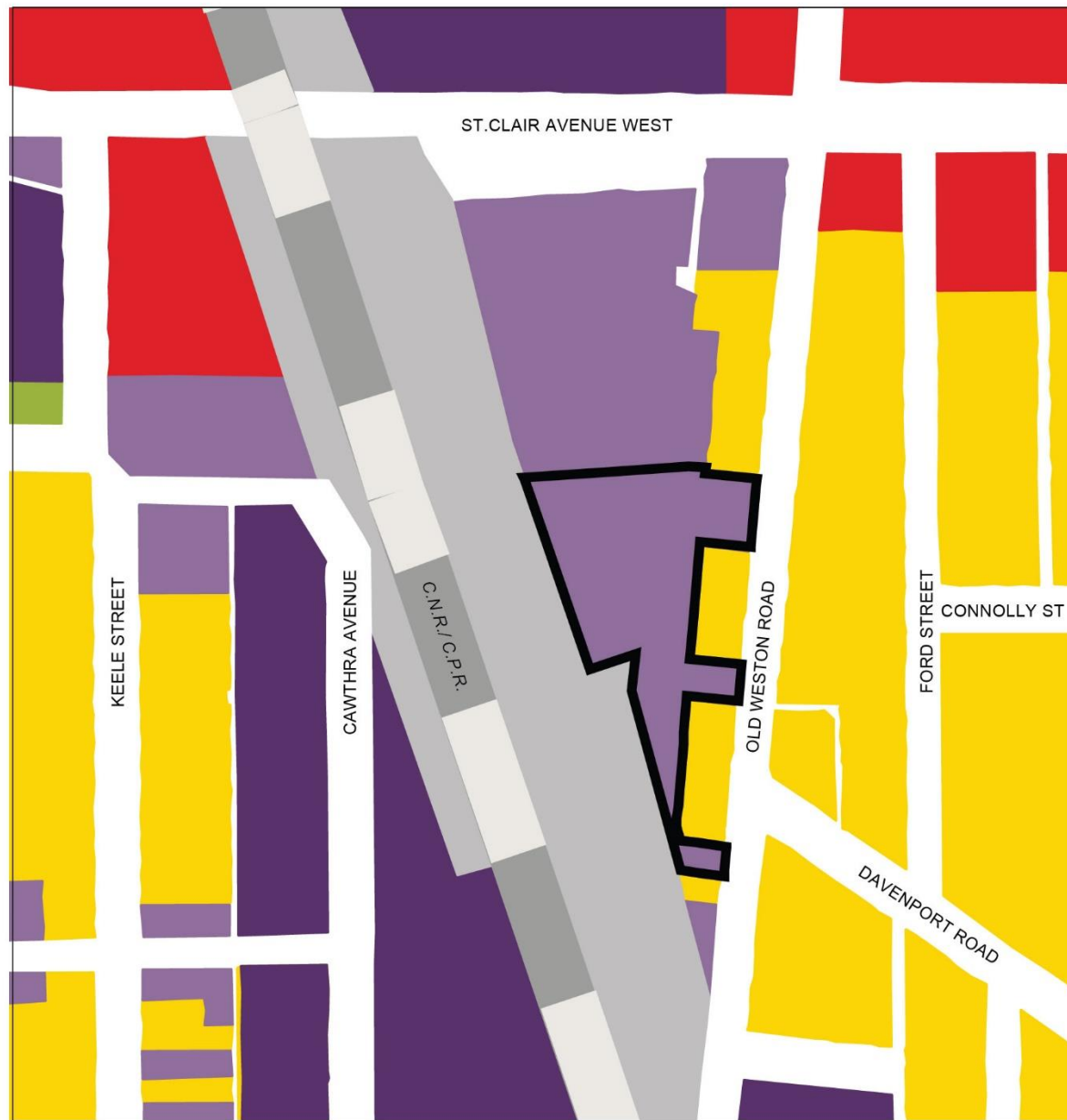
Attachment 3a: 3D Model of Proposal in Context - looking northwest



Attachment 3b: 3D Model of Proposal in Context - looking southeast



Attachment 4: Official Plan Map

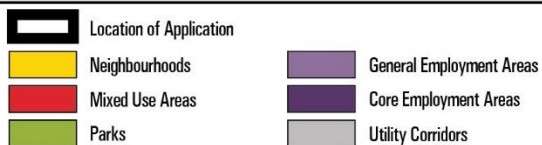


Toronto

Official Plan Land Use Map #17

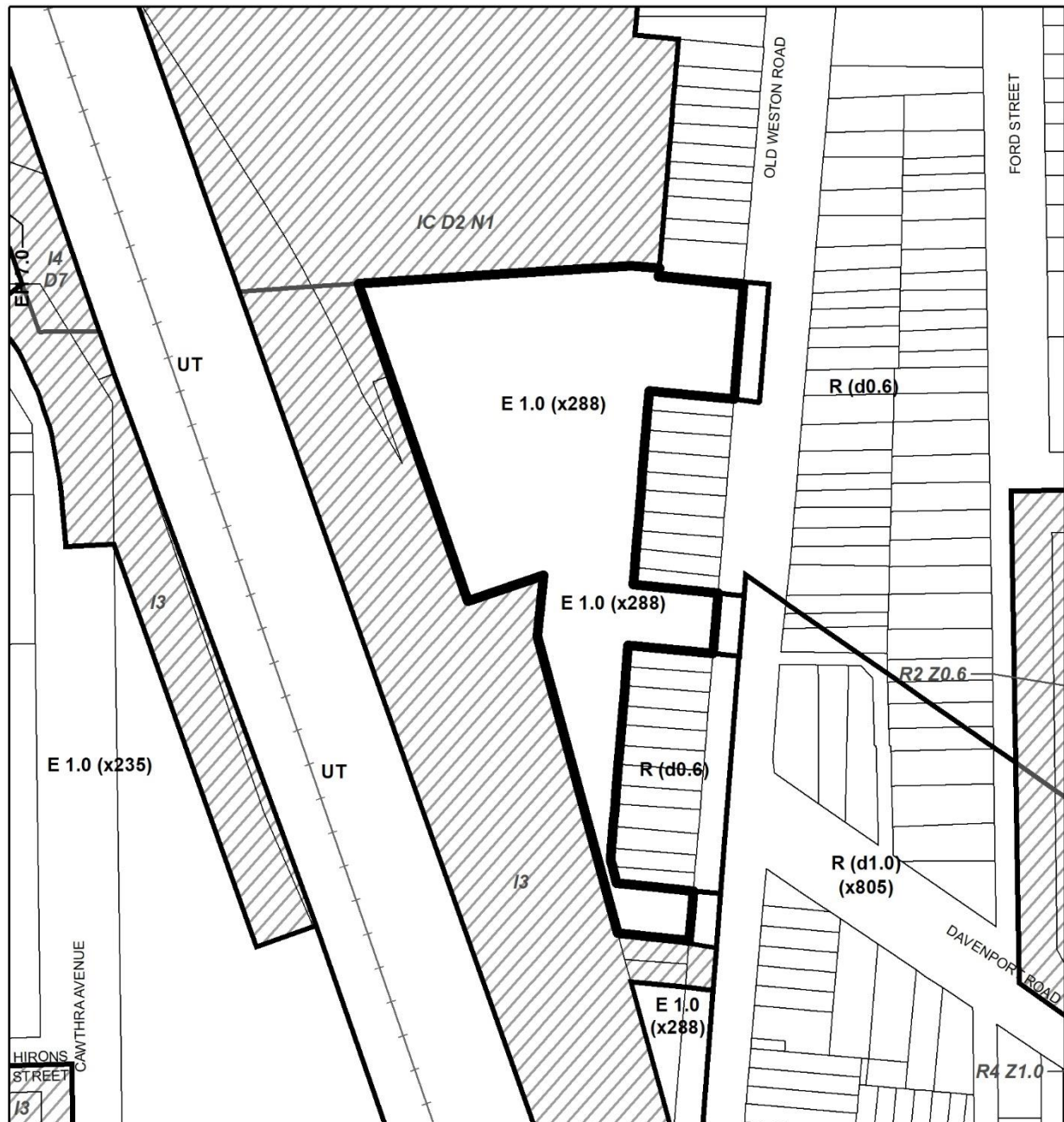
290 Old Weston Road

File # 20 169194 STE 09 0Z




 Not to Scale
 09/29/2020

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

290 Old Weston Road

File # 20 169194 STE 09 02



Location of Application

R Residential
E Employment Industrial
EH Employment Heavy Industrial
UT Utility and Transportation



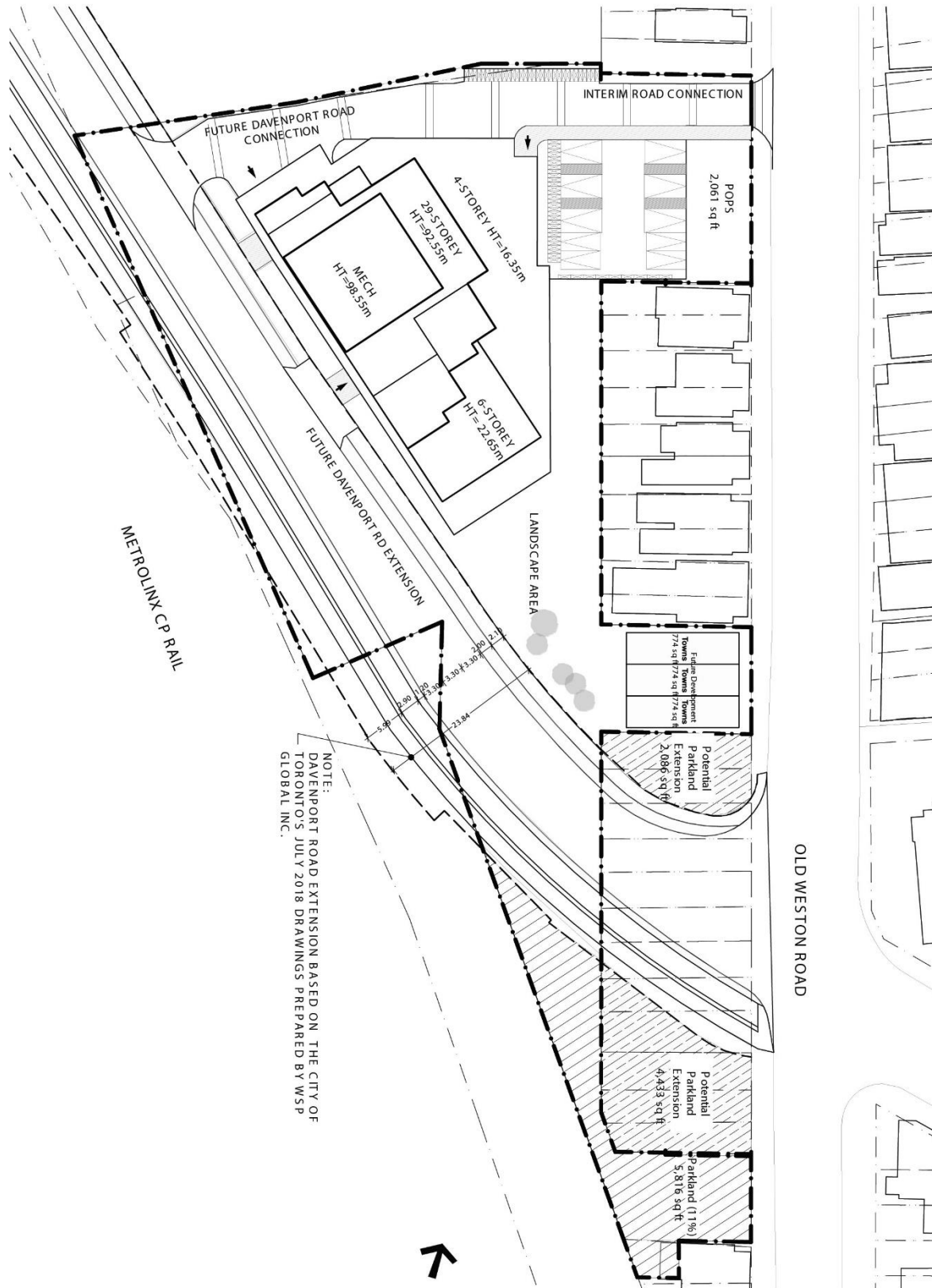
See Former City of Toronto By-law No. 438-86

R2 Residential District
R4 Residential District
I3 Industrial District
I4 Industrial District
IC Industrial District

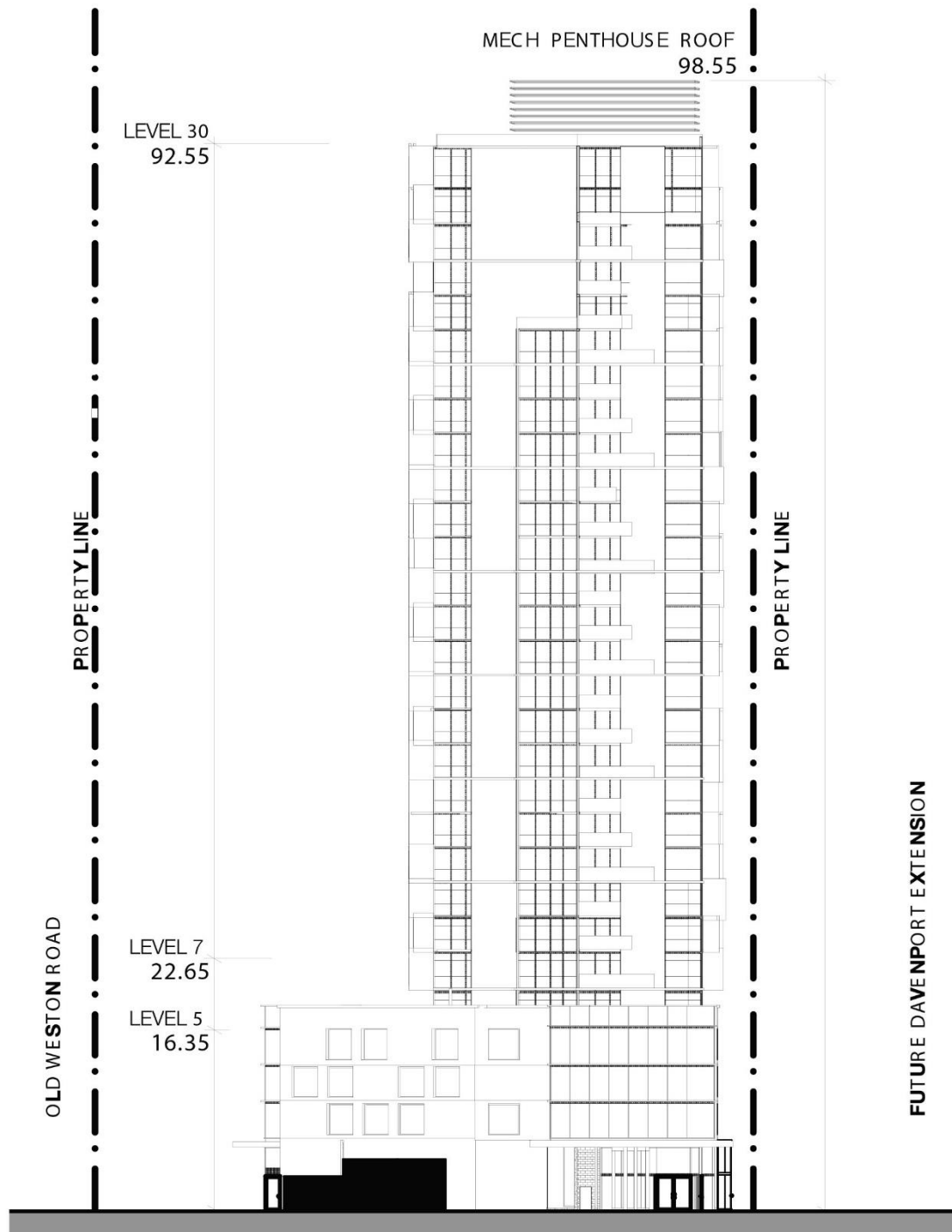


Not to Scale
Extracted: 09/28/2020

Attachment 6: Site Plan

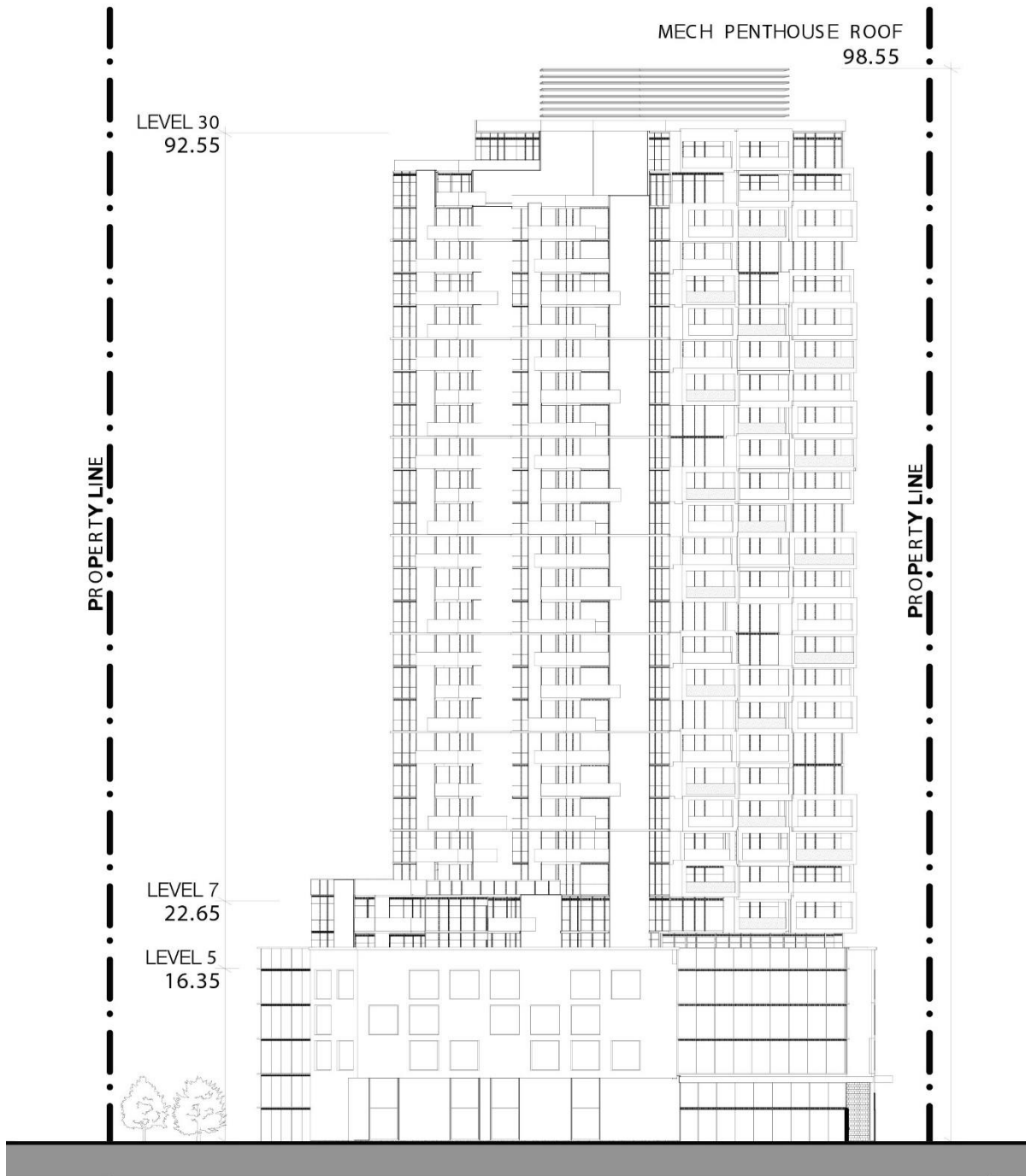


Attachment 7a: North Elevation



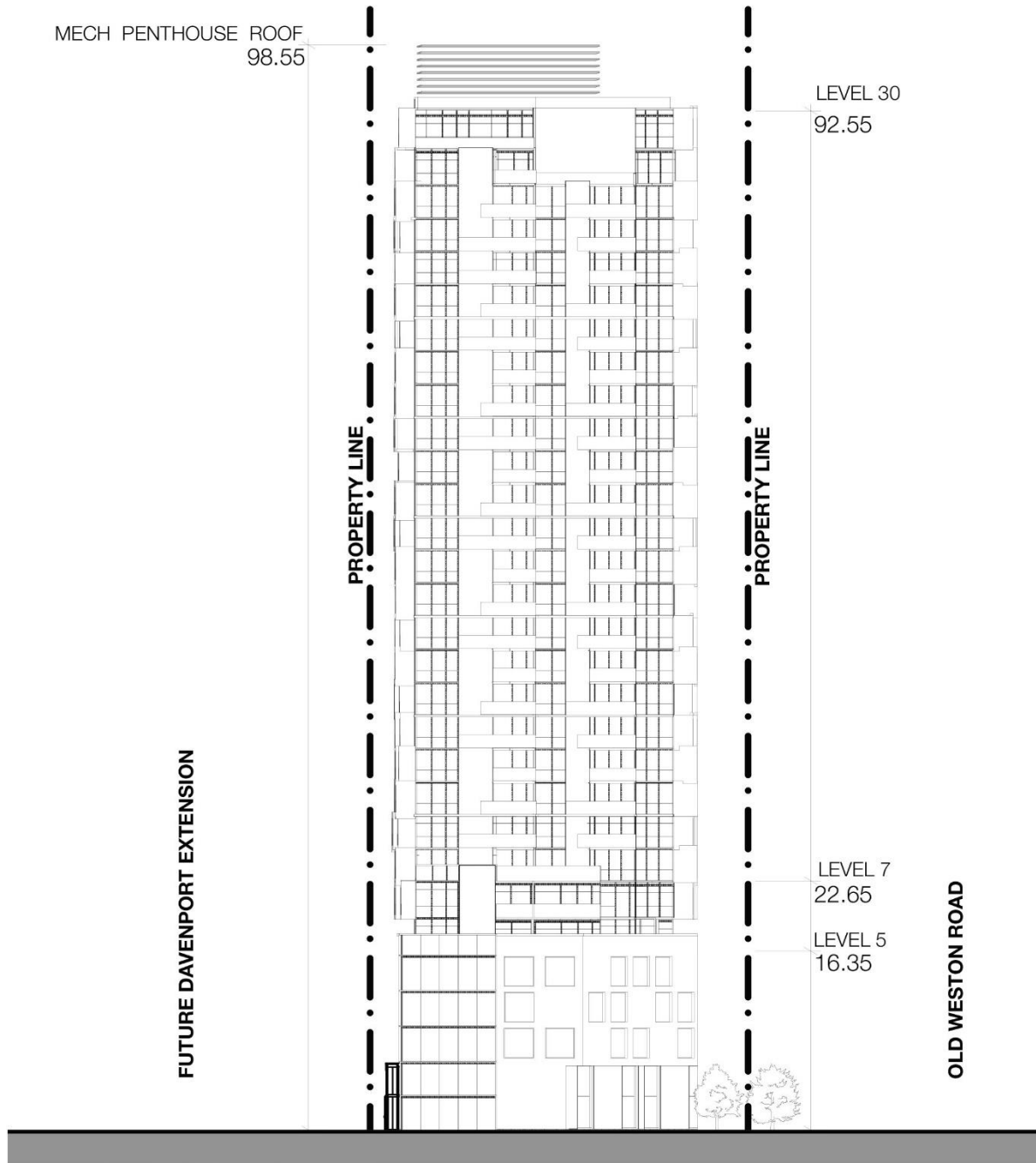
North Elevation

Attachment 7b: East Elevation



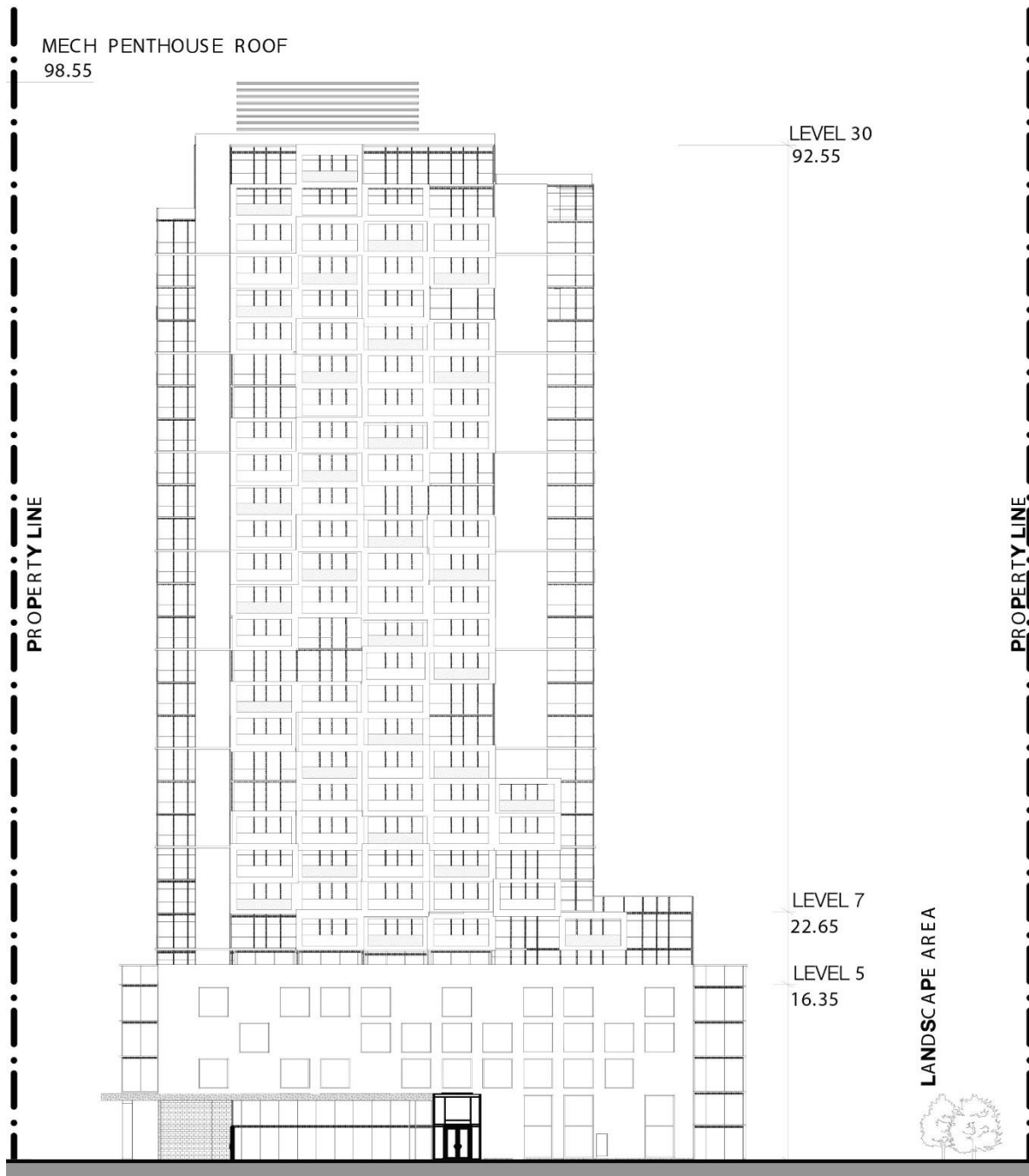
East Elevation

Attachment 7c: South Elevation



South Elevation

Attachment 7d: West Elevation



West Elevation

Attachment 8: Pedestrian Perspective Looking Southeast

