



REPORT FOR ACTION

386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue – Official Plan and Zoning By-law Amendment Application – Request for Direction Report

Date: June 4, 2021

To: Toronto and East York Community Council

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

Ward: 9 - Davenport

Planning Application Number: 15 238768 WET 17 OZ

SUMMARY

This application proposes to amend the City of Toronto Official Plan, Zoning By-law 438-86 and City-wide Zoning By-law 569-2013 to allow for the construction of a residential development at 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue. The application proposes a building with low-rise, mid-rise and tall building components, and consists of a 17-storey tower located at the south end of Perth Avenue, an 8-storey portion fronting onto Symington Avenue and a 4-storey portion along the east side of Perth Avenue and the south side of Kingsley Avenue. The development would have a maximum height of 60.3 metres, maximum gross floor area of 31,630 square metres, and a maximum density of 3.96 times the lot area. There are 375 proposed dwelling units, including 6 live-work units located at ground level facing Symington Avenue.

This application was originally submitted in October 2015 and appealed to the Local Planning Appeal Tribunal (LPAT) in May 2017. City Council accepted a settlement offer from the applicant in May 2018 (Item CC41.9). The settlement included community benefits under Section 37 of the Planning Act, which were further modified through a subsequent City Council decision in December 2018. The LPAT issued an interim order conditionally approving the settlement in December 2018.

The applicant has since proposed a further revised design that has been refined through discussions with staff over the past year. This report recommends that the City Solicitor, together with City Planning staff, and other appropriate City staff, attend the LPAT in support of the current resubmission, subject to the revisions described in Recommendation 1 of this report.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2020), and, with the recommended revisions, conforms with the Official Plan if the proposed Official Plan Amendment is approved.

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 (LPAT) hearing in support of the resubmitted and revised Official Plan Amendment and Zoning By-law Amendment applications (15 238768 WET 17 OZ), subject to the following revisions:

a) an Increase in width of the inset in the streetwall of the 4-storey building facing Perth Avenue from 3.9 metres to approximately 6 metres and/or a significant decrease in the height of the building behind the inset, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

b) relocation of the loading area to be accessed from the south end of Perth Avenue using the same vehicular access as the proposed parking garage, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

2. In the event that the 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 Order(s) on the Official Plan Amendment and Zoning By-law Amendment appeal until:

a) draft Zoning By-law Amendments and a draft Official Plan Amendment are provided in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning Division 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 the following community benefits that comprise those previously approved by City Council on December 4, 2018 (Item CC1.17), identified as (i), (ii) and (iv) below, an additional community benefit identified as (iii) below, and other matters including, but not limited to, (v) and (vi) below:

(i) a cash contribution of \$500,000.00 to the City to be paid to the Conseil Scolaire Viamonde (the French Language Public School Board) for capital improvements to the school's yard, soft landscaping, and repurposing existing paved areas to green space to be designed by the Conseil, and made accessible to the public, all in a manner that demonstrates community benefit with input from the Ward Councillor and the Perth Symington Kingsley Residents Association, with such payment to be made by the owner to the City prior to the earlier of: (a) the first above-grade building permit for the development; and, (b) one year from the date that the zoning by-law is in full force and effect, which funds shall be held by the City and, in turn, paid from the City to the Conseil subject to the Conseil entering into a community access agreement satisfactory to the Ward Councillor, in a form acceptable to the City Solicitor;

(ii) a cash contribution of \$250,000.00 to the City for local capital facilities in the vicinity, with such payment to be made prior to the first above-grade building permit;

(iii) a cash contribution of \$300,000.00 to the City for capital facilities and/or public realm improvements in the vicinity within Ward 9, with such payment to be made prior to the first above-grade building permit;

(iv) a new private laneway will be introduced along the rear portion of the neighbouring properties that front on Symington Avenue to the north of the mid-rise component of the development and to the south of Kingsley Avenue. The laneway will be subject to an easement for vehicular access in favour of these neighbouring Symington Properties;

(v) the payments required in items (ii) and (iii) above will be increased by upwards index in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made; and

(vi) In the event the cash contributions required in items (ii) and (iii) above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject property;

c) the conditions listed in Attachment 8 of this report are addressed to the satisfaction of the General Manager of Transportation Services and the Chief Engineer and Executive Director, Engineering & Construction Services; and

d) a peer review of the Rail Safety Assessment prepared by Hatch Engineering, dated March 24, 2021, has been completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

3. 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 outlining the initial application for the proposed Official Plan Amendment and Zoning By-law Amendments was considered by Etobicoke York Community Council on May 10, 2016. The application proposed a mixed-use development comprising two 17-storey apartment buildings and two townhouse blocks. The Preliminary Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY14.9>

On May 2, 2017, the City Clerk received notification that the applicant had filed an appeal of the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board (OMB), as it was known then, citing Council's failure to make a decision on the application within the prescribed timelines in the Planning Act.

A Request for Direction Report was brought forward to City Council on December 5-7, 2017, recommending opposition to the appealed development. The Request for Direction Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.9>

A Request for Direction Report was brought forward to City Council on May 22-24, 2018, recommending acceptance of a settlement at the LPAT. The Request for Direction Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC41.9>

On December 4, 2018, another Request for Direction Report was brought forward to City Council to seek instructions on revised Section 37 community benefits that formed part of the Council-approved settlement. The Request for Direction Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.17>

On December 21, 2018, the LPAT issued an interim Decision approving the settlement in principle, subject to conditions to be satisfied by the appellant before issuance of a final order.

PROPOSAL

The application proposes a 17-storey tower located at the south end of Perth Avenue, an 8-storey portion fronting onto Symington Avenue and a 4-storey portion along the east side of Perth Avenue and the south side of Kingsley Avenue. A single detached house is also proposed to front onto Kingsley Avenue. The maximum proposed height is 60.3 metres, the maximum gross floor area is 31,630 square metres and the maximum density is 3.96 times the lot area. (see Attachment 5: Site Plan, Attachment 6: Elevations, and Attachment 7: Architectural Renderings).

The application proposes 375 proposed dwelling units, including 6 live-work units located at ground level facing Symington Avenue, with a unit mix comprising 11 (3%) studio units, 238 (64%) one-bedroom units, 89 (24%) two-bedroom units and 37 (10%) three-bedroom units. In accordance with the Rail Safety Assessment, which is pending a peer review, the dwelling units will be appropriately protected from the adjacent CP rail corridor through a combination of horizontal and vertical separation and by a proposed crash wall adjacent to the rail corridor.

The proposed residential amenity space comprises 750 square metres of indoor amenity space (2.0 square metres per unit) and 750 square metres (2.0 square metres per unit) of outdoor amenity space. The outdoor space is located entirely on the fourth floor on the roof of the parking garage adjacent to the CP rail corridor. The indoor amenity space is primarily on the third floor and allows for a direct stairway and/or elevator connection to the outdoor amenity space on the fourth floor.

Access to the parking garage is proposed from Perth Avenue at the southern end of the site. A total of 185 parking spaces are proposed, including 148 spaces for residents and 37 spaces for visitors. The parking garage spans four levels from P1 up to the third floor. A new north-south private lane is proposed from Kingsley Avenue to the proposed loading area for one Type G loading space located at ground level on the north side of the base building. The private laneway will

provide new vehicular access to six existing two-storey semi-detached houses fronting onto Symington Avenue (i.e. 406-416 Symington Avenue).

A total of 376 bicycle parking spaces are proposed, consisting of 338 resident spaces and 38 visitor spaces, located at ground level and on parking level P1.

Compared to the previous settlement offer that was approved by City Council in May 2018, the current proposal has been revised to provide increased separation between the proposed tower and mid-rise component, less parking overall with more parking above grade, a relocated loading area, and a reconfigured low-rise component along Perth Avenue and Kingsley Avenue. Despite all the changes, the overall massing is similar to the previous proposal. The following table summarizes the key changes made in the resubmission compared to the previous settlement offer that was approved by City Council in May 2018 and approved in principle by the LPAT in December 2018.

	May 2018 Settlement Proposal	Current Proposal
Maximum height	16 storeys / 57.1 metres	17 storeys / 60.3 metres
Maximum gross floor area	24,105 sq. metres	31,235 sq. metres
Maximum density	3.2	3.96
Number of dwelling units	322	375
Minimum parking	377 (310 resident spaces, 64 visitor spaces and 3 car share spaces)	185 (148 resident spaces and 37 visitor spaces)
Commercial uses	150 sq. metres of commercial/retail space facing Symington Avenue	No commercial/retail space. 6 live-work units (289 sq. metres) facing Symington Avenue.

Detailed project information is found in Attachment 2: Project Data Sheet and on the City's Application Information Centre at:
<http://app.toronto.ca/AIC/index.do?folderRsn=UafBN8qE6TRjZPd4fw3xSg%3D%3D>

Site and Surrounding Area

The site is located on the west side of Symington Avenue, adjacent to the north side of the Canadian Pacific (CP) rail corridor, between Davenport Road and Dupont Street. The site is irregularly shaped, with frontages on Symington Avenue (approximately 78 metres), Kingsley Avenue (approximately 45 metres) and Perth Avenue (approximately 96 metres). The site area is 7,679 square metres.

The site was previously used for industrial purposes and in 2009, the industrial buildings on the site were demolished. The site is currently vacant with the exception of a one-storey sales centre and surface parking lot located at the north end of the site adjacent to Kingsley Avenue.

The site is flat, however the Symington Avenue frontage contains a retaining wall approximately 1.8 to 2.4 metres in height, as Symington Avenue slopes down toward the underpass below the CP rail corridor.

Surrounding land uses include:

North: Low rise neighbourhood that includes single detached and semi-detached buildings.

South: CP rail corridor. South of the rail corridor is Symington Avenue Playground and a low rise residential neighbourhood.

East: Two storey semi-detached homes fronting Symington Avenue, north of Adrian Avenue. South of Adrian Avenue is a two-storey commercial industrial building.

West: St. John the Evangelist Catholic Elementary School and the Ecole Elementaire Charles-Sauriol. Further northwest is Pelham Avenue Playground and a low rise residential neighbourhood that includes single detached and semi-detached buildings.

Reasons for Application

The proposed Official Plan Amendment to redesignate the site from Neighbourhoods to Apartment Neighbourhoods is required to allow residential uses greater than 4 storeys.

The proposed rezoning is required to permit the proposed residential uses, increase the permitted height and density, and introduce appropriate standards regarding parking, bicycle parking, loading and residential amenity space. Other site-specific provisions will also be applied through the proposed Zoning By-law Amendment.

APPLICATION BACKGROUND

A pre-application consultation meeting was held with the applicant on March 26, 2015, to discuss complete application submission requirements. The application was submitted on October 16, 2015, deemed complete as of November 18, 2015, and appealed to the OMB (now the LPAT) by the applicant on May 2, 2017. Since the appeal, in effort to reach a settlement, the application has been resubmitted seven times to address staff and agency comments.

Application Submission Requirements

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

- Planning and Urban Design Rationale
- Community Services and Facilities Review
- Sun/Shadow Study
- Pedestrian Level Wind Study
- Arborist Report
- Transportation Impact Study
- Noise Impact Study
- Vibration Study
- Rail Safety Assessment
- Functional Servicing Report
- Hydrogeological Report
- Geotechnical Report
- Phase 1 and 2 Environmental Site Assessment Update
- Toronto Green Standard Checklist

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 identifying necessary revisions.

Community Consultation

A community consultation meeting was held on June 22, 2016 at 2054 Davenport Road (Community Room, Toronto Police Services 11 Division). Approximately 50 members of the public attended along with the Ward Councillor, the applicant, their consulting team and City staff. Issues were raised regarding building height, density, shadow and privacy impact, increased traffic, on-street parking

availability, and TTC service, among other matters. A detailed description of the community feedback is provided in the staff report: 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue – Official Plan and Zoning By-law Amendment Application – Request for Direction Report, dated October 25, 2017, available through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.9>

A second community consultation meeting was held as an online virtual meeting on November 24, 2020, where a revised development proposal that has since been further refined was presented to the community. Approximately 25 people attended the meeting. Comments and concerns were raised regarding traffic impact, the proposed reduction in parking, transit service on local bus routes, the number of family-sized units, the potential for rental and/or affordable units, and servicing activity on the proposed private laneway.

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).

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/>.

Chapter 2 of the Official Plan entitled Shaping the City contains principles for steering growth and change to some parts of the City, while protecting our neighbourhoods and green spaces from development pressures. Neighbourhoods and Apartment Neighbourhoods are considered to be physically

stable areas but not static. Section 2.3.1 recognizes that Neighbourhoods and Apartment Neighbourhoods will allow for some physical change to occur as enhancements, additions and infill housing on individual sites over time. Policy 1 of Section 2.3.1 of the Official Plan states that development within Neighbourhoods and 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 3 of Section 2.3.1 of the Official Plan states intensification of lands adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impacts.

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.

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 Neighbourhoods on Land Use Map 17 (see Attachment 3). Symington Avenue is identified as a Major Street on Map 3 of the Official Plan and is identified as having a right-of-way of 20 metres.

Neighbourhoods are physically stable areas providing for a variety of lower scale residential uses including detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Policy 4.1.5 requires that new development in established Neighbourhoods respect and reinforce the existing physical character of the neighbourhood.

As the size and configuration of the existing property varies from the local lot pattern, this proposal was also considered within the context of Policy 4.1.9 of the Official Plan. This policy requires the proposed development to be, among other things, appropriate for the site and compatible with nearby residential properties.

Policy 5.1.1 of the Official Plan allows for community benefits to be provided where an increase in height and/or density is being granted for a proposed development, in accordance with Section 37 of the Planning Act. Given the

proposed increase in height and density, this development proposal is subject to the Section 37 policies of the Official Plan.

The outcome of staff analysis and review of relevant Official Plan policies and designations are described in the Comments section of this Report.

Zoning

Zoning By-law 569- 2013 zones the site as Employment Industrial (E 2.0 (x301)), with a maximum height of 14.0 metres (see Attachment 4). The E zone permits a range of non-residential uses, including manufacturing uses, offices, warehouses, service shops, and other industrial uses. The maximum density (i.e. floor space index (FSI)) is a gross floor area that is 2.0 times the lot area.

Exception E 301 indicates that a drive through facility, vehicle fuel station, vehicle service shop, vehicle washing establishment, vehicle depot, vehicle repair shop and public parking are not permitted. The exception also indicates that Section 12(2)236 of Zoning By-law No. 438-86 prevails, as does Section 12(1)277 of Zoning By-law No. 438-86 as it applies to lands municipally known as 386 Symington Avenue.

Zoning By-law 569-2013 is available at: <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
- Mid-Rise Building Performance Standards
- Low-rise 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 been submitted and is under review.

COMMENTS

The following comments are informed by the City's review and community consultation process and are supported by provincial policies, Official Plan policies and City guidelines. These comments only address the proposed changes to the development compared to the previous proposal approved by City Council in May 2018 (Council-approved proposal).

Provincial Policy Statement and Provincial Plans

The proposed changes to the Council-approved proposal have been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the policies in the PPS and conforms with policies in the Growth Plan. The proposal represents an appropriate level of intensification within a Built-Up Area and achieves appropriate transition of built form to adjacent areas, as described in the Density, Height, Massing section below.

Land Use

The current proposal includes 6 live-work units (289 square metres) on the ground floor facing Symington Avenue, which will be approximately 2 to 3 metres higher than the sidewalk at this location as the sidewalk descends below the CP rail corridor. The Council-approved proposal included 150 square metres of commercial/retail space in a similar location facing Symington Avenue instead of the currently proposed live-work units.

The proposed change is appropriate considering there is no existing commercial/retail use on Symington Avenue in the vicinity north of the CP rail corridor and considering the street has a predominantly residential character. Retail space at this location may not be desirable for tenants considering that the large difference in grade between the sidewalk and the ground floor of the proposed building would negatively affect visibility and access to the retail space.

Density, Height, Massing

The proposed changes to the height and massing were 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 4.2 Apartment Neighbourhoods. The Tall Building Design Guidelines, Mid-rise Performance Standards, and Townhouse & Low-Rise Apartment Guidelines were applied to the tower, mid-rise, and low-rise portions of the building respectively.

With respect to the existing and planned context, the proposed changes have a negligible and/or positive impact on the public realm and surrounding properties. The proposed height of the mid-rise portion facing Symington Avenue has been increased from 7 storeys (24 metres) to 8 storeys (25.5 metres), excluding

mechanical penthouse, and the front yard setback has been increased from approximately 4 to 5 metres. The proposed tower has been shifted closer to Perth Avenue and further from houses in the existing *Neighbourhood*. The proposed low-rise portion along Perth Avenue and Kingsley Avenue is maintained at 4 storeys in a similar location, except that the portion facing Kingsley Avenue was previously in a separate building with a 7.5-metre separation from the main building to the south.

Compared to the Council-approved proposal, the proposed increase in density is largely due to the proposed relocation of most of the parking garage from below grade to above grade, where it becomes recognized as part of the gross floor area as defined by Zoning By-law 569-213. Above-grade parking is typically inappropriate in new development. However, considering the context of the adjacent CP rail corridor that limits sensitive uses on the southern portion of the site, and considering the parking garage is well screened with more active residential uses facing Perth Avenue and most of Symington Avenue, the proposed above-grade parking is acceptable in this instance.

The proposed separation between the tower and mid-rise portion of the building has been substantially increased. This represents a significant improvement by providing more sky view from the public realm, more sunlight on the rear yards of the adjacent houses along Symington Avenue, and more light and/or privacy for future residents of the proposed development. Compared to the Council-approved proposal, the separation distance has been increased from 10.5 metres to 16.7 metres.

The proposed low-rise streetwall facing Perth Avenue spans 68 metres, whereas the Council-approved proposal had a 7.5-metre break along this street wall. To address Low-rise Apartment Guideline 3(g), which indicates that breaks should generally be provided every 36 metres, the current proposal has a deep inset near the mid-point of the streetwall with a width of 3.9 metres. This creates the impression of a building separation that helps break up the massing and provides a visual cue to help orient pedestrians. Considering the proposed 3.9-metre width of the inset generally matches the width of the proposed vertical articulation, and considering there is no change in height at the location of the inset, it does not provide a sufficient break in the massing. As such, staff recommend that the width of the inset be increased to approximately 6 metres and/or the height of the building be noticeably decreased at this location to help emphasize the break in the streetwall (see Recommendation 1a).

Sun, Shadow

The proposed shadow impact is consistent 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.

Compared to the Council-approved proposal, the proposed 1.5-metre increase in height of the mid-rise portion of the building, from 24 to 25.5 metres (excluding mechanical penthouse), will not have a significant shadow impact on the public realm or surrounding properties in the Neighbourhood. The proposal will reduce shadow impact on the adjacent houses to the north along Symington Avenue by providing greater separation between the tower and mid-rise portion of the building, while maintaining appropriate transition through four building step-backs facing north on the upper floors of the mid-rise portion.

The proposed increase in tower height from 57.1 metres to 60.3 metres (including mechanical penthouse) will not create additional shadow impact on any houses along Symington Avenue because the tower has been shifted approximately 5 metres west. The additional shadow impact on the school yard on the west side of Perth Avenue is considered minor and acceptable in this instance.

Traffic Impact, Access, Parking

Compared to the Council-approved proposal, the current proposal will result in a lower traffic impact on the surrounding streets because the number of parking spaces has been reduced from 377 to 185. The proposed parking supply of 185 spaces represents 0.5 spaces per dwelling unit, which is comparable to other new residential development in the vicinity and is considered acceptable by staff.

The proposed loading area for one Type G loading space has been relocated to be accessed from the south end of the proposed private laneway. The proposed private laneway will provide new rear access to the adjacent properties on Symington Avenue. Although the proposed new location is functionally adequate, it is not preferred by staff because it requires previously planned outdoor amenity space located at ground level to be relocated to the roof of the parking garage where it cannot provide any public benefit as publicly accessible open space.

The proposed new location of the loading space also requires a second vehicular access point whereas the Council-approved proposal only had one vehicular access at the south end of Perth Avenue that served both the parking garage and loading area. Staff recommend that access to the loading area should be changed to be accessed from the vehicular entrance to the parking garage on Perth Street and the parking garage be reconfigured as necessary to accommodate the relocated loading area (see Recommendation 1b).

Rail Safety

The applicant has submitted an updated Rail Safety Assessment, prepared by Hatch Engineering for the current proposal because the site is adjacent to the CP rail corridor, which represents a potential safety hazard for sensitive uses. The

Rail Safety Assessment provides recommendations to provide appropriate safety measures to protect sensitive uses, including all dwelling units, within the proposed development. The Assessment recommends a crash wall integrated into the south wall of the proposed building and recommends a combination of horizontal and vertical separation for all dwelling units from the rail corridor. The proposal incorporates the recommended safety measures.

The Rail Safety Assessment is subject to a peer review that remains outstanding. Staff recommend that Council request that the LPAT withhold their final Order until the peer review is completed.

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 revised development has additional gross floor area largely due to additional above-grade parking that was previously proposed below-grade where it was excluded from the gross floor area measurement. The applicant has agreed to contribute an additional \$300,000.00 for community benefits in addition to the community benefits that were previously secured through the original settlement as detailed in Public Attachment 1 of the staff report entitled "386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue - Official Plan and Zoning By-law Amendment Applications - Request for Further Direction", dated November 9, 2018, which was adopted by City Council on December 4, 2018 ([Item CC.17](#)).

The Section 37 community benefits as listed in recommendation 2b of this report are summarized as follows:

- A cash contribution of \$500,000.00 to the City to be paid to the Conseil Scolaire Viamonde (the French Language Public School Board) for capital improvements to the school's yard;
- A cash contribution of \$250,000.00 to the City for local capital facilities in the vicinity;
- a cash contribution of \$300,000.00 to the City for capital facilities and/or public realm improvements in the vicinity within Ward 9; and
- a new private laneway will be introduced along the rear portion of the neighbouring properties that front onto Symington Avenue to the north of the mid-rise component and to the south of Kingsley Avenue. The laneway will be subject to an easement for vehicular access in favour of these neighbouring properties fronting onto Symington Avenue.

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 the PPS (2020) and conforms with the Growth Plan (2020). Further, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to appropriate transition to an adjacent low-rise Neighbourhood. Despite the overall acceptability of the proposal, staff are seeking two revisions to the proposed design, as referenced in Recommendation 1a and 1b of this report, to further improve the design as experienced from the public realm, as a condition of City Council supporting the proposal.

CONTACT

Thomas Rees, Senior Planner, Community Planning
Tel. No.: 416-392-1791
E-mail: Thomas.Rees@toronto.ca

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: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings:

Attachment 5: Site Plan

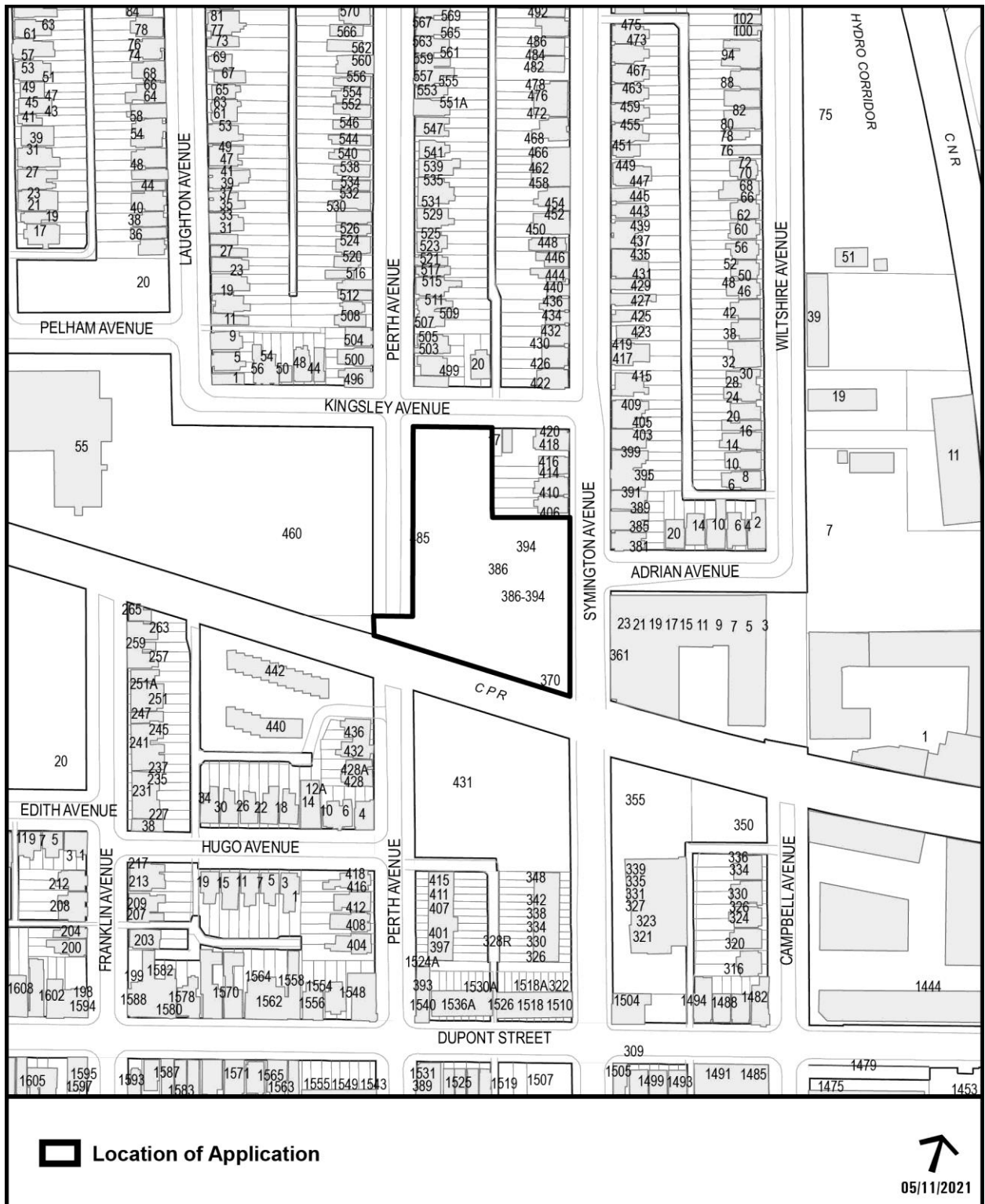
Attachment 6: Elevations

Attachment 7: Architectural Renderings

Other Attachments:

Attachment 8: Engineering & Construction Services Conditions of Zoning By-Law Amendment

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 386-394 SYMINGTON AVE
Date Received: October 16, 2015
Application Number: 15 238678 WET 17 OZ
Application Type: Official Plan Amendment and Rezoning
Project Description: Proposal for a 17-storey mixed-use development having a residential gross floor area of 31,235.0 square metres. A total of 375 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
LIMEN DEVELOPMENTS LTD		TACT	THE SYMINGTON HOLDINGS LTD.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Section 12(1) 27 and 307 Section 12(2) 236 and 270
Zoning:	E2.0 (x301)	Heritage Designation:	N
Height Limit (m):	20	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	7,888	Frontage (m):	78	Depth (m):	96
-------------------	-------	---------------	----	------------	----

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			5,518	5,518
Residential GFA (sq m):			31,235	31,235
Non-Residential GFA (sq m):				
Total GFA (sq m):			31,235	31,235
Height - Storeys:			17	17
Height - Metres:			54	54

Lot Coverage Ratio (%):	69.94	Floor Space Index:	3.96
-------------------------	-------	--------------------	------

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	31,235	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			375	375
Other:				
Total Units:			375	375

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		11	238	89	37
Total Units:		11	238	89	37

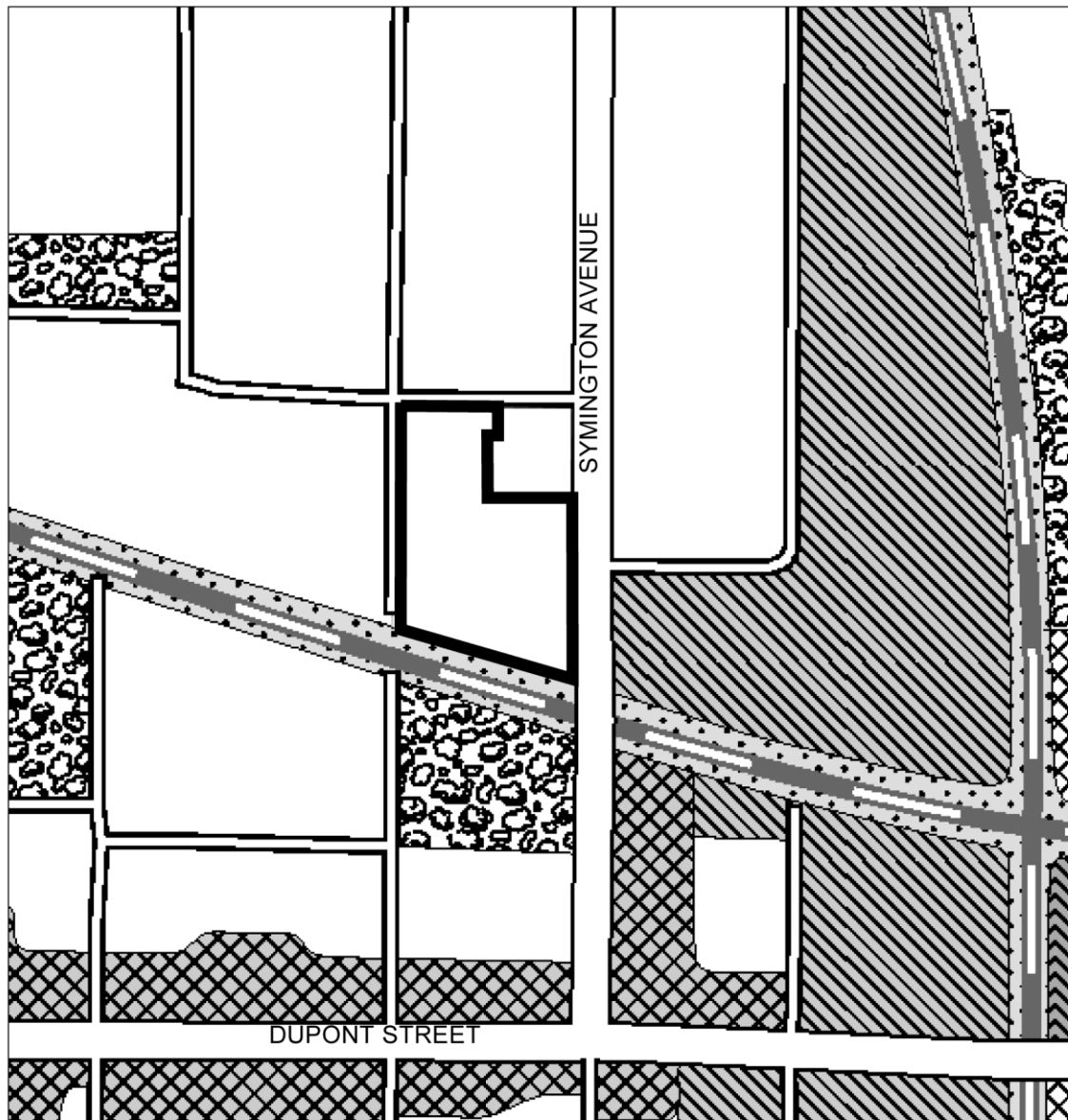
Parking and Loading

Parking Spaces: 185 Bicycle Parking Spaces: 376 Loading Docks: 1

CONTACT:

Thomas Rees, Senior Planner, Community Planning
416-392-1791
Thomas.Rees@toronto.ca

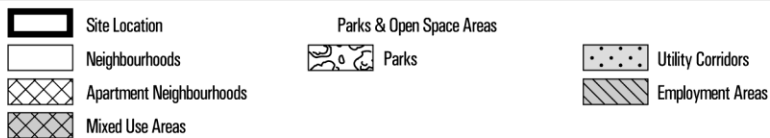
Attachment 3: Official Plan Map



Toronto City Planning
Official Plan

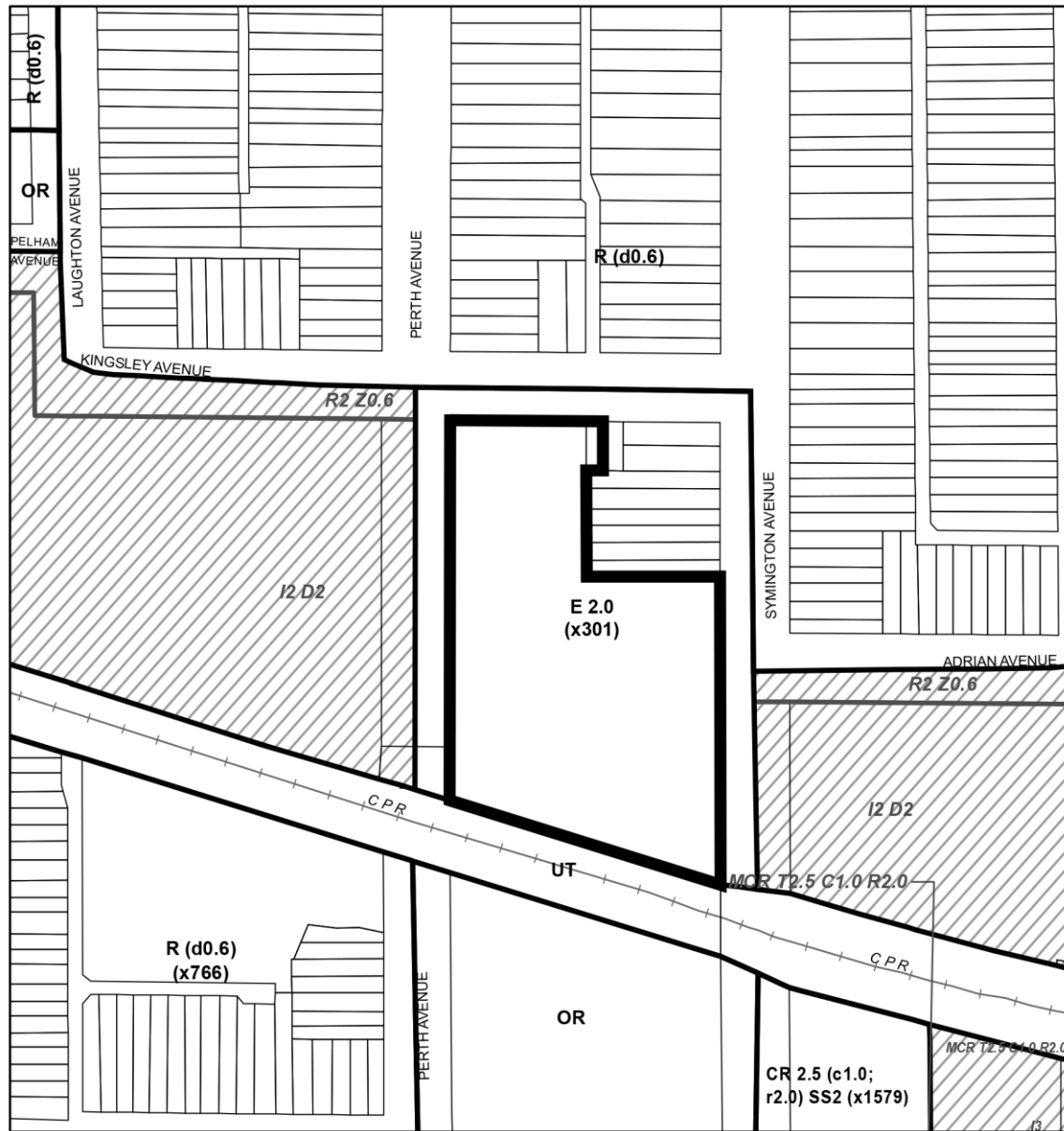
386-394 Symington Avenue
485 Perth Avenue & 17 Kingsley Avenue

File # 15 238678 WET 17 02



↑
Not to Scale
11/24/15

Attachment 4: Zoning By-law Map



Zoning By-Law No. 569-2013

**386-394 Symington Avenue
485 Perth Avenue & 17 Kingsley Avenue
File # 15 238678 WET 17 02**



Location of Application

R
CR

Residential
Commercial Residential

E
OR
UT

Employment Industrial
Open Space Recreation
Utility and Transportation



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

R2
I2
I3

Residential District
Industrial District
Industrial District

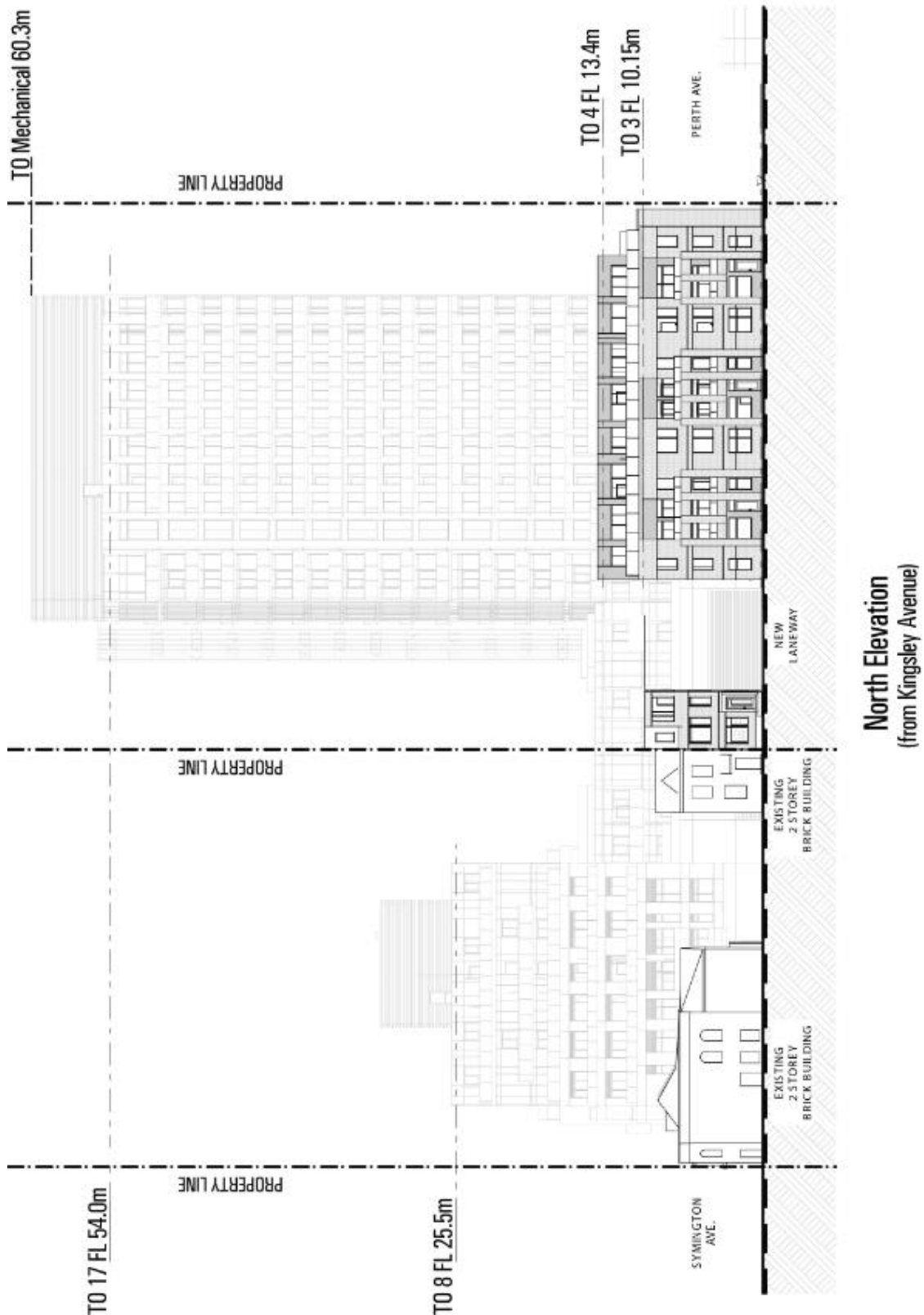


Not to Scale
Extracted: 11/20/2015

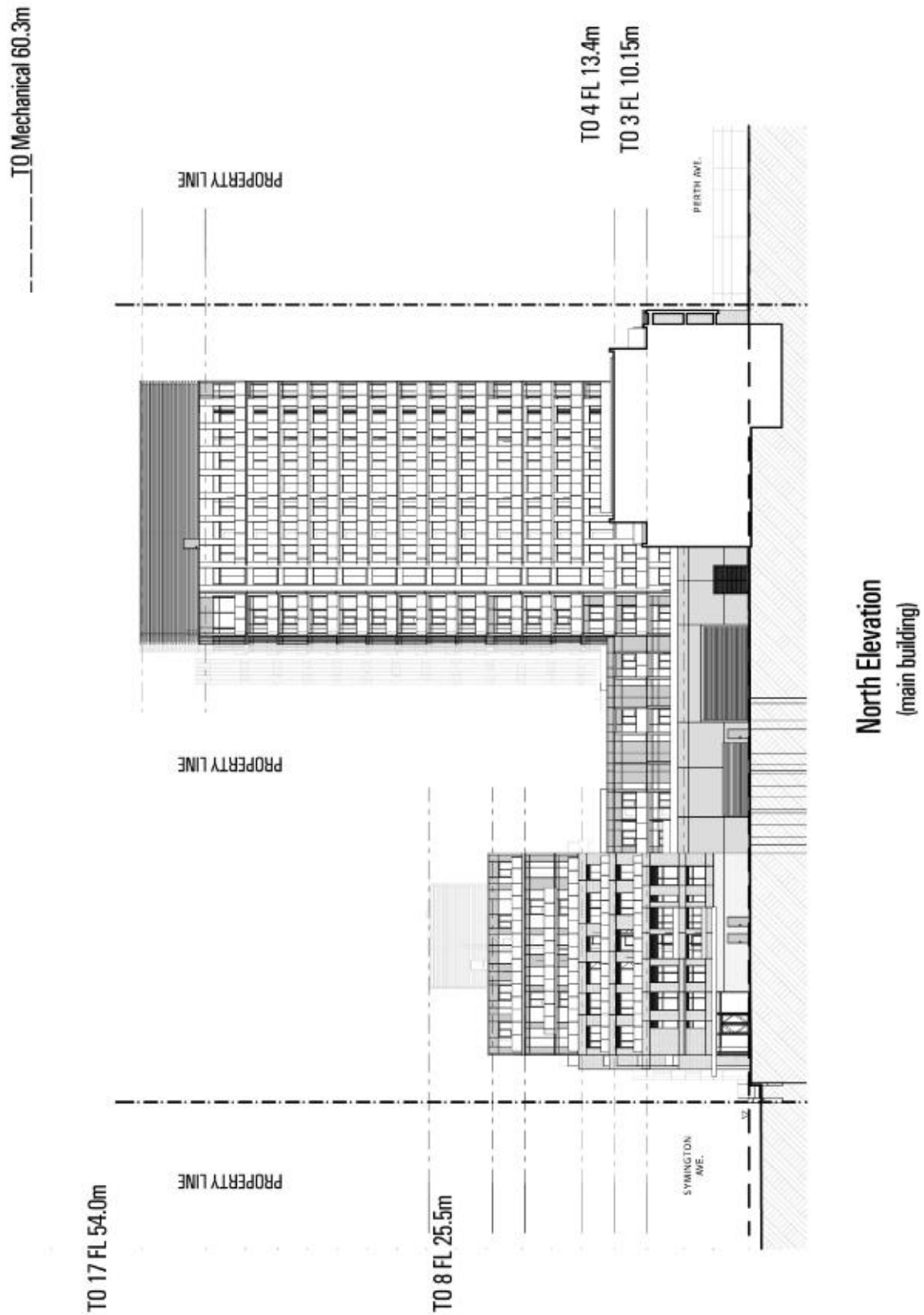
Report for action – Request for Direction - 386-394 Symington Avenue
V.01/11



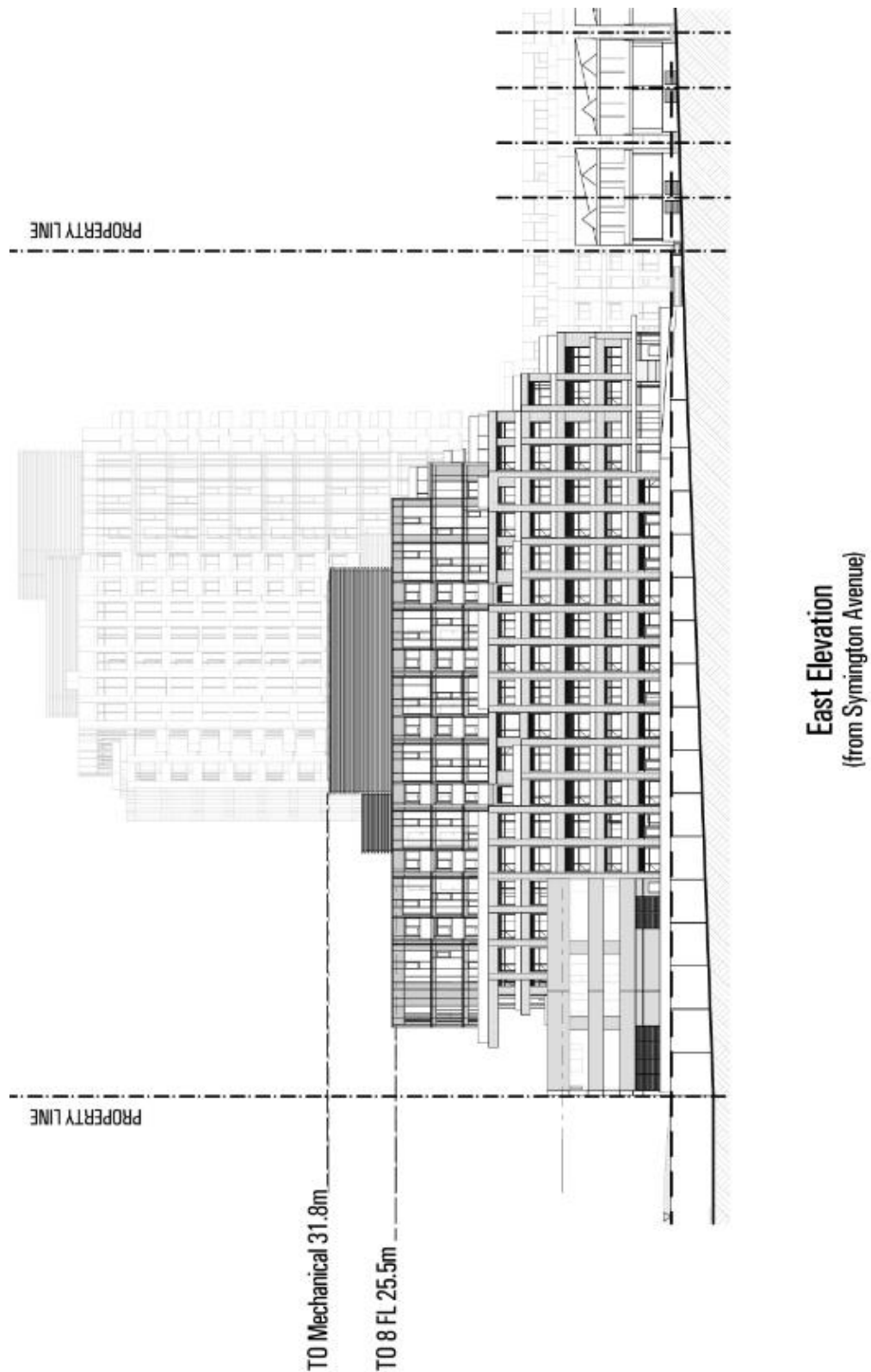
Attachment 6a: North Elevation (facing Kingsley Avenue)



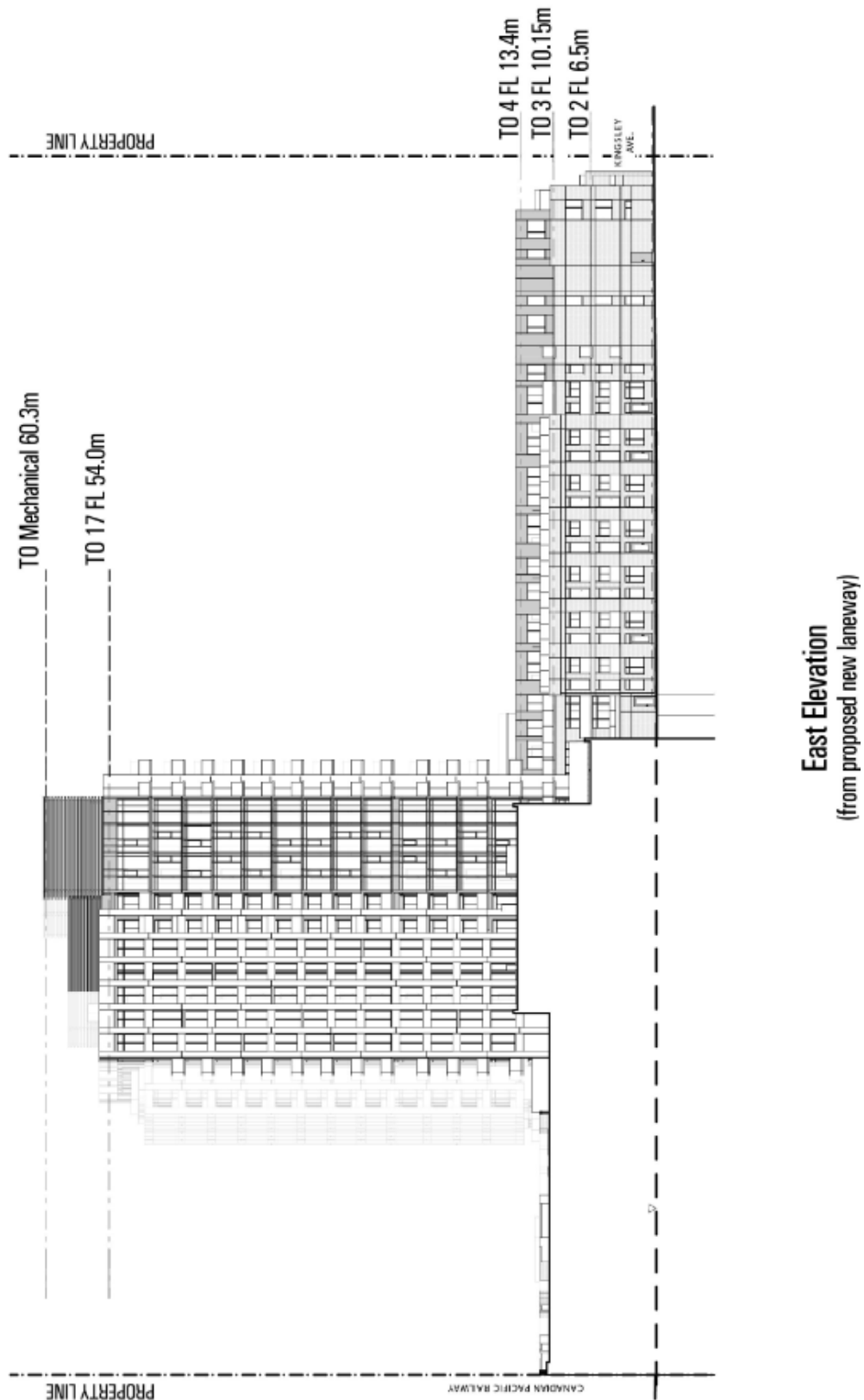
Attachment 6b: North Elevation (tower and mid-rise)



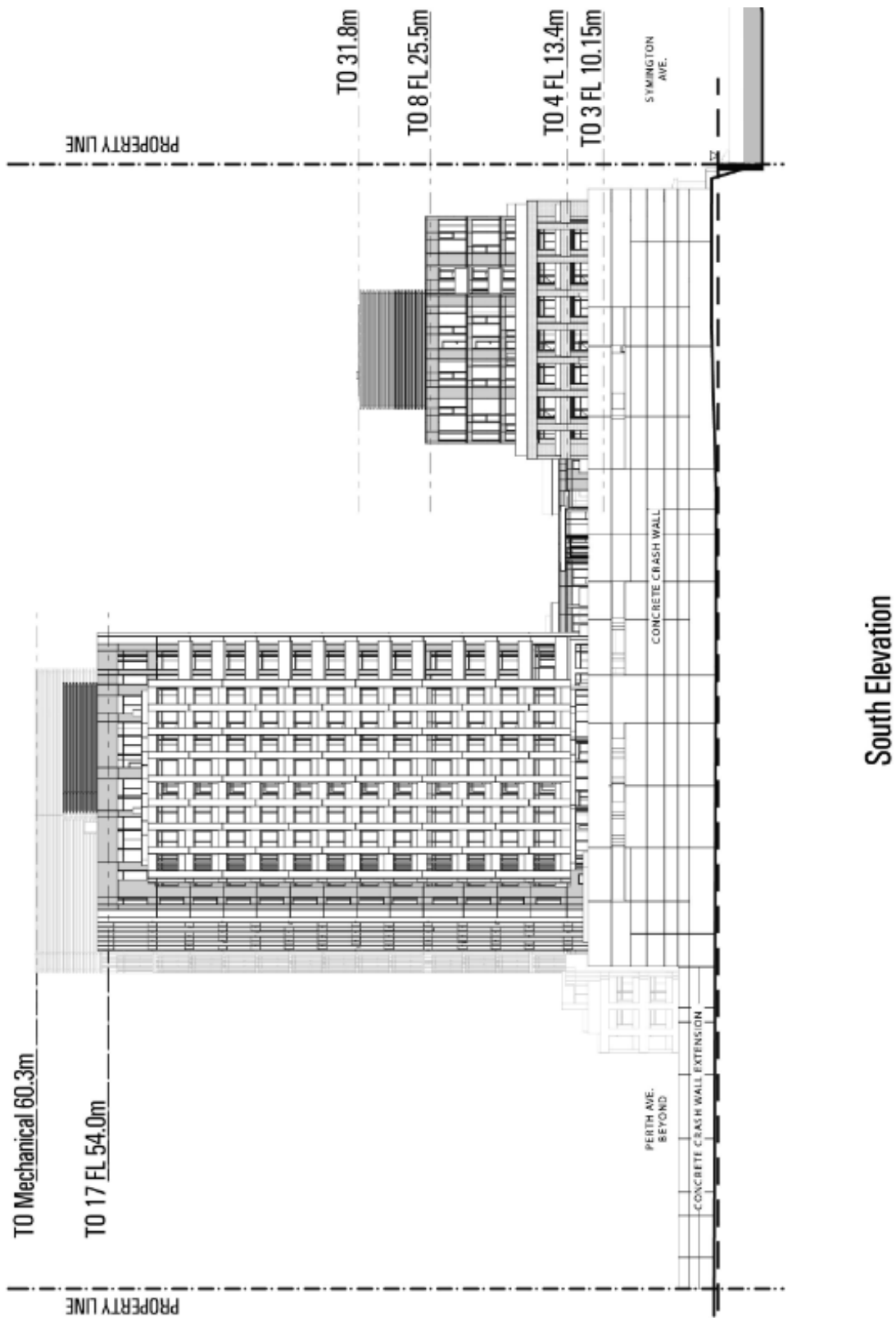
Attachment 6c: East Elevation (facing Symington Avenue)



Attachment 6d: East Elevation (from proposed private lane)

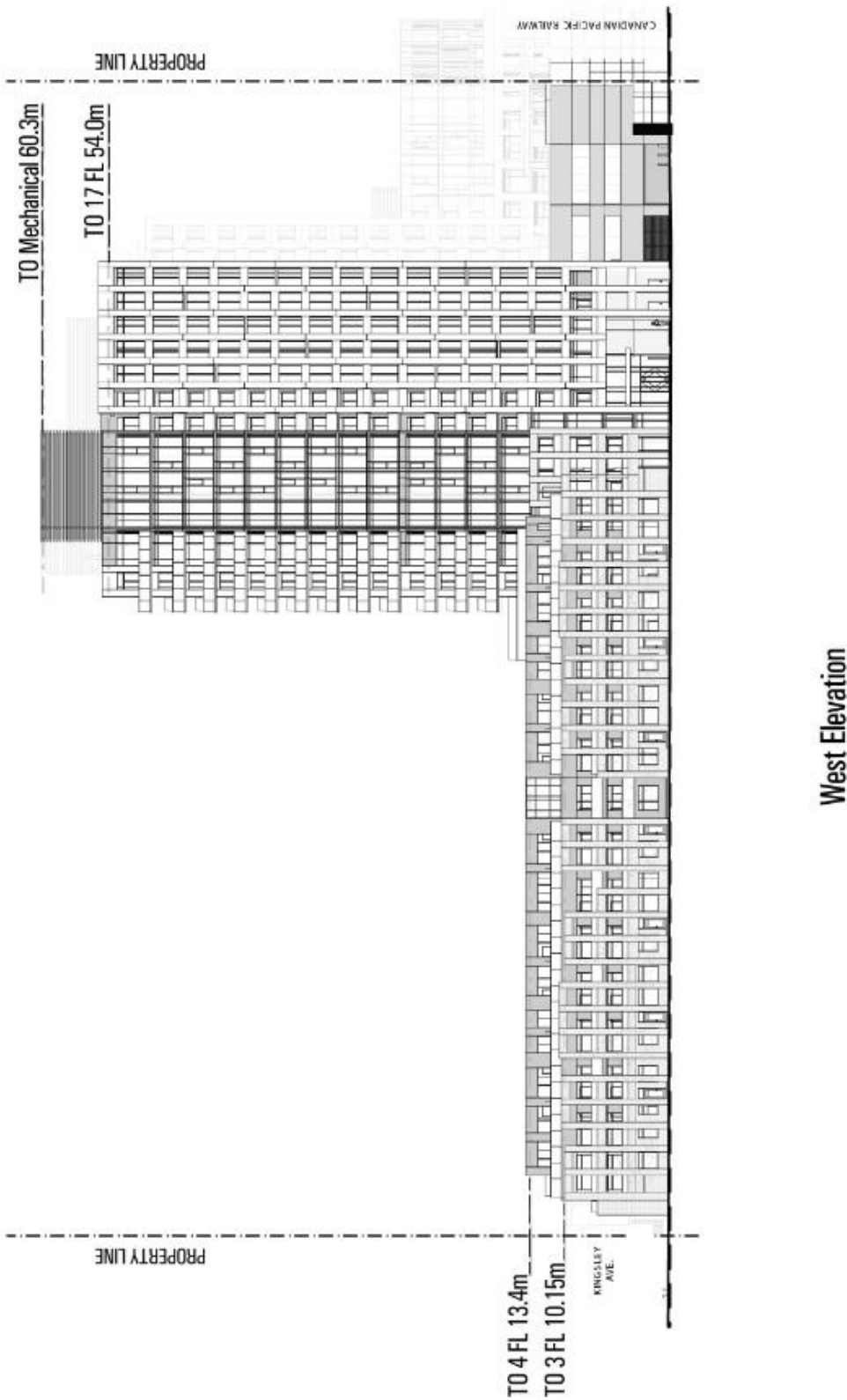


Attachment 6e: South Elevation



South Elevation

Attachment 6f: West Elevation



Attachment 7a: Architectural Rendering – Looking Northeast



View of Applicant's Proposal Looking Northeast



Attachment 7b: Architectural Rendering – Looking Southwest



View of Applicant's Proposal Looking Southwest



05/12/2021

Attachment 8: Engineering & Construction Services Conditions for Zoning By-law Amendment

The City will request the LPAT to withhold its Order on the Official Plan Amendment and Zoning B-law Amendment until the following conditions are satisfied:

1. Standard perpendicular and parallel parking spaces shall be dimensioned according to the requirements of Chapter 200 of By-law No. 569-2013 or otherwise to the satisfaction of the General Manager, Transportation Services.
2. Accessible parking spaces shall be provided according to Section 200.15.15.4(3) of By-law No. 579-2017 (i.e.: a minimum of 4 accessible parking spaces plus 1 accessible parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces must be provided). These spaces shall be included in the supply of parking spaces calculated for by-law purposes.
3. Dimensions of each accessible parking space shall be according to Section 200.15.15.4 (1) of By-law No. 579-2017; i.e., length of 5.6 metres, width of 3.9 metres, and vertical clearance of 2.1 metres. These spaces shall be located as per Section 200.15.15.4 (2) of By-law No. 579-2017, or otherwise to the satisfaction of the General Manager, Transportation Services.
4. A minimum vertical clearance of 2.1 metres must be provided for the underground parking garage.
5. The proposed residential development requires one Type 'G' loading space, which measures 13.0 metres in length and 4.0 metres in width, and is provided with a vertical clearance of 6.1 metres.
6. Building setbacks, including underground parking structures and overhangs, shall be measured from the right-of-way limits of the abutting public roads.
7. The applicant shall enter an appropriate agreement(s) with the City that contains the following transportation and engineering improvements/requirements:
 - The road surface and municipal boulevards of Perth Avenue south of Kingsley Avenue shall be rehabilitated with new asphalt, curbs and sidewalks constructed to the appropriate municipal standards;
 - Perth Avenue shall terminate at a turning circle designed according to the City's Development Infrastructure Policy and Standards (DIPS) Design Standard No. DIPS-5 in the vicinity of the south driveway access from the proposed development;
 - The proposed private lane that is accessed from Kingsley Avenue shall be subject to an easement for vehicular access in favour of the neighbouring

properties that front on Symington Avenue to the north of the subject development and to the south of Kingsley Avenue;

- The applicant shall be responsible for any mitigating measures on the area road network that are required to address the effects of vehicular trips generated by this proposal; and
- The installation of all new storm and sanitary sewers within Perth Avenue

8. The above improvements shall be undertaken to the satisfaction of Transportation Services and Engineering and Construction Services and at no cost to the municipality.

9. Submit to the Executive Director of Engineering and Construction Services for review and acceptance, prior to approval of the rezoning application, a Site Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;

10. Enter into a financially secured Development Agreement for the construction of all the improvements listed in 7 above and any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing Review and Traffic Impact Study accepted by the Executive Director of Engineering and Construction Services;

11. Provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-10.

12. No person shall obtain any above grade building permit unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) All sanitary and storm sewers and appropriate appurtenances on Perth Avenue have been installed and are operational.

(b) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway.