

51 Drewry Avenue and 8 to 28 Inez Court – Official Plan Amendment and Zoning By-law Amendment Application – Request for Directions

Date: May 3, 2022
To: City Council
From: City Solicitor
Ward: 18 - Willowdale

Planning Application Number: 08 145788 NNY 23 OZ

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation that affects the City of Toronto. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

This application proposes to amend the Official Plan and former City of North York Zoning By-law 7625 for the property at 51 Drewry Avenue and 8 to 28 Inez Court (the Site) to permit a 10 storey (32.15 metre) and 32 storey (97.65 metre) residential building connected via a 2 storey podium (the Development), a new north/south 26 metre wide public road parallel to Yonge Street (the Beecroft Road Extension), and a new 7,534 square metre public park (collectively, the 2014 Settlement Proposal).

The application and related appeals are subject to a lengthy history, dating back to 2008. In November, 2011, Yolanda Flanders Developments Inc. and 2242148 Ontario Limited (the Owner) filed appeals to the Ontario Municipal Board, now known as the Ontario Land Tribunal (OLT or Tribunal). On April 1, 2014, City Council by its adoption of Item [CC50.5](#), endorsed the 2014 Settlement Proposal in principle and required the Owner to submit a revised rezoning application to the City in order to implement the proposed settlement. The application then went dormant for a number of years. On August 27, 2021, the Owner filed revised plans for City staff to review, generally consistent with the 2014 Settlement Proposal. The City Solicitor requires further direction in respect of the implementation of the settlement of the appeals.

This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the OLT hearing generally in support of the 2014 Settlement Proposal, subject to further implementation details as set out herein.

City Planning, Engineering and Construction Services, Transportation Services, and Parks, Forestry and Recreation staff have been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council confirm its endorsement of the Development as contemplated in the 2014 Settlement Proposal, as generally shown on the Plans dated April 21, 2022 in Attachments 2 (West Elevation) and 3 (Site Plan) to the May 3, 2022 report from the City Solicitor, subject to the recommendations set out below.
2. City Council authorize the City Solicitor and appropriate City Staff to support the 2014 Settlement Proposal at the Ontario Land Tribunal.
3. City Council direct the City Solicitor to secure the capital facilities referred to below in an agreement pursuant to Section 37 of the Planning Act, which agreement or agreements shall be registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor. The Owner, at the Owner's expense and in accordance with, and subject to, the agreements referred to above, shall provide for or fund the following facilities on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
 - a. the community benefits and density incentives recommended to be secured in the Section 37 Agreement are as follows:
 - (i) Upon Tribunal approval of the zoning by-law amendment or as soon as possible thereafter, and in any event, prior to or concurrent with the sale of part of Inez Court shown as Part 10 on Plan 66R-32549 (the Inez Court Bulb Lands), the Owner shall convey to the City, the lands identified as Parts 3, 4, 5, 15, 16 and 17 on Plan 66R-32549 (the Parkland Dedication Lands, all parts shown on Attachment 4), comprising an area of 7,534.00 square metres for parks purposes, of which 5,374.49 square metres shall be over-contribution, additional to the statutorily required parkland dedication of 2,159.51 square metres required by Section 42(3) of the *Planning Act*. The Parkland Dedication Lands shall be free and clear, above and below grade, of all easements and encumbrances, in an environmental and base park condition acceptable to the General Manager, Parks, Forestry & Recreation;
 - (ii) Concurrent with the conveyance of the Parkland Dedication Lands to the City, the Owner shall provide to the City funding for the design and construction of park improvements in the sum of \$250,000.00, indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01 or its

successor) calculated from the date of final approval of the zoning by-law amendment to the date of payment;

(iii) Upon Tribunal approval of the zoning by-law amendment or as soon as possible thereafter, and in any event, prior to or concurrent with the sale of the Inez Court Bulb Lands (Part 10), the Owner shall convey, at no cost to the City, the lands identified as Parts 1, 2, 6, 8, 9, 13, 14, 18, 19 and 21 on Plan 66R-32549 (the Beecroft Extension Lands), comprising an area of 3,590.4 square metres, for future service road purposes. All Parts shown on Attachment 4. The Beecroft Extension Lands shall be free and clear of all encumbrances both above and below grade (unless such encumbrances are agreed to by Transportation Services) and shall meet the environmental requirements of the Council approved ECS Directive titled "Environmental Site Assessment for Land conveyances". In the event that Part 20 on Plan 66R-32549 is stopped up and closed prior to the dedication of the Beecroft Extension Lands as public highway, the conveyance of the Beecroft Extension Lands shall be subject to a temporary access easement in favour of the adjacent development lands, to expire upon dedication of the Beecroft Extension Lands as public highway on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor;

(iv) Prior to issuance of the first above grade building permit for the development, the Owner shall provide to the City a monetary contribution toward the cost of acquiring lands for the North York Centre Service Road and associated road network and buffer areas, acquiring or improving parkland serving the North York Centre area, or constructing and furnishing a public recreational centre or social facility serving the North York Centre area, in an amount equal to \$1,506.95 per square metre for up to 3,854.47 square metres of additional gross floor area, for a total amount of up to \$5,808,494.00, indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01 or its successor) calculated from the date of final approval of the zoning by-law amendment to the date of payment;

(v) two bicycle rooms located on the ground floor with direct access from the outside, collectively containing a minimum of 55 bicycle parking spaces;

(vi) a minimum of 1.5 square metres per dwelling unit of private indoor recreational amenity area.

b. The following are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

(i) prior to the issuance of the first above grade building permit, the Owner shall make a cash contribution to the Toronto Transit Commission (TTC),

in the amount of \$35,000.00, for the installation of signal priority in the vicinity of the Site, indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01 or its successor) calculated from the date of final approval of the zoning by-law amendment to the date of payment;

(ii) prior to condominium registration, the Owner shall provide a pre-loaded PRESTO card with funds in the amount of \$50 to each unit as part of the Transportation Demand Management strategy/information package;

(iii) the Owner shall design and provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and Geohydrology Report to support the development prior to the issuance of the Notice of Approval Conditions, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing and Stormwater Management Report, and Geohydrology Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and

(iv) provisions for the extension to the window for the Development Charges reduction addressed below in Recommendations 5 and 6; provisions to waive the right-of-way occupancy fees for construction staging from the Beecroft Extension Lands addressed below in Recommendation 7, and provisions for the Owner to construct the Beecroft Extension and related requirements addressed below in Recommendation 8 of the Request for Direction Report from the City Solicitor, dated, May 3, 2022 may also be included in the Section 37 Agreement as a legal convenience at the discretion of the parties.

4. City Council authorize the City Solicitor to request that the Ontario Land Tribunal issue an Order containing the following:

a. the final form and content of the draft Official Plan and Zoning By-law Amendments to the satisfaction of the Owner, the City Solicitor and the Chief Planner and Executive Director, City Planning; and

b. direction that the applicable community benefits and other matters in support of the development identified above in Recommendation 3 of the Request for Direction Report from the City Solicitor, dated, May 3, 2022, are to be secured in a Section 37 Agreement executed by the Owner and the City and registered on title to the Site, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

5. City Council direct that in connection with the early conveyance of the Parkland Dedication Lands and the Beecroft Extension Lands to the City, relief be provided from the 60 month time limit set out in Article 415-7C(1) of the City's Municipal Code (Development Charge By-law) in order to facilitate the early demolition of the twenty-one (21) single detached dwellings on the lands and the associated early conveyance of the Parkland Dedication Lands and the Beecroft Extension Lands to the City. Such relief shall be contingent on the Parkland Dedication Lands and the Beecroft Extension Lands having been conveyed to the City as soon as possible after the approval of the zoning by-law amendment, and shall expire upon the later of fifteen (15) years from the issuance of the demolition permits for the twenty-one (21) dwelling units, or ten (10) years from completion and dedication of the Beecroft Road Extension service road adjacent to the Development lands.

6. City Council authorize the City Solicitor to enter into an agreement(s) with the Owner that the Development Charges payable for the ultimate development on the subject property will be reduced by an amount calculated by multiplying twenty one (21) single detached dwellings (being the number of dwelling units required to be demolished to facilitate the redevelopment) by the Development Charge rate in effect for single detached dwellings at the time of building permit issuance for the redevelopment, and subject to the conditions set out above in Recommendation 5 of the Request for Direction Report from the City Solicitor, dated, May 3, 2022.

7. City Council direct that in consideration for and contingent on the early conveyance of the Beecroft Extension Lands to the City, the Owner be permitted to occupy the easternmost northbound lane and adjacent boulevard of the Beecroft Extension Lands in order to facilitate the staging of construction of the Development, and that any right-of-way occupancy fees that would otherwise be payable under Chapter 441 of the City's Municipal Code be waived for a maximum of three (3) years, commencing at any time within a ten (10) year period following the completion and dedication of the Beecroft Extension Lands. Any such occupancy will be subject to the requirements of Chapter 743 of the City's Municipal Code, including the requirement to submit an application and obtain a right-of-way occupancy permit, a traffic management plan (including provision for maintained pedestrian and cycling access), and any other requirements such as insurance, security, indemnification, to the satisfaction of the General Manager, Transportation Services. In the event the Owner wishes to occupy the Beecroft Extension Lands to facilitate the staging of construction of the Development prior to their dedication as public highway, the requirements of Chapter 743 will not apply, but the Owner shall enter into a license agreement with the City to occupy the lands for nominal consideration for a maximum of three (3) years, on terms and conditions satisfactory to the Executive Director, Corporate Real Estate Management and in a form satisfactory to the City Solicitor.

8. City Council direct that, in the event the Owner wishes to construct the Beecroft Road Extension within the Site (from Drewry to the south limit of its property) prior to the awarding of a contract by the City for construction of the Beecroft Road Extension, that the Owner be permitted to construct the Beecroft Road Extension within the Site, provided that they have first made satisfactory arrangements with Engineering and Construction Services and have entered into the appropriate agreement(s) with the City for the design and construction of the Beecroft Road Extension, to the satisfaction of the

Chief Engineer and Executive Director, Engineering and Construction Services, including the necessary municipal infrastructure to service the site from Drewry Avenue to the south limit of the Site, which may include any necessary upgrades to existing servicing within Drewry Avenue.

9. City Council direct that the parkland dedication required pursuant to Section 42 of the *Planning Act* in connection with the Development shall be fulfilled by virtue of the conveyance of the Parkland Dedication Lands to the City as secured in the above Recommendation 3. a. (i) of the Request for Direction Report from the City Solicitor dated May 3, 2022. In the event that the Owner submits a new application seeking additional density and/or unit permissions for the net development site in the future, the parkland dedication requirement will be determined in accordance with the applicable parkland dedication rates at that time, as applied to that net site. If this occurs, the statutorily required Parkland Dedication Lands outlined above in Recommendation 3.a.(i) that have already been conveyed to the City (but none of the over-contribution) may be counted towards the fulfillment, in whole or in part, of the future parkland dedication requirements for the net development site at that time.

10. City Council direct that, prior to undertaking the base park conditioning, which must be completed prior to conveyance of the Parkland Dedication Lands, the Owner shall submit a cost estimate and any necessary plans including working drawings, specifications, and landscape plans showing the scope and detail of the work for the base park conditioning, for review and approval by the General Manager, PFR. The Owner shall post an irrevocable Letter of Credit in the amount of 120 percent of the value of the base park conditioning to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with base park conditioning.

11. City Council Council direct that Confidential Attachment 1 remain confidential as it contains advice that is subject to solicitor client privilege.

12. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to City Council's decision.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

Applications were first submitted by a previous owner for a portion of the development site in April, 2008 in order to permit a 23 storey apartment building with 274 units at 51 Drewry Avenue and 18, 20-28 Inez Court. North York Community Council considered a preliminary report on the original proposal on October 7, 2008:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.NY19.21>

In March, 2010, the City was advised that the Owner had acquired the original site, and that a modified proposal would be forthcoming. On November 10, 2011, a revised Request for Directions Report - 51 Drewry Ave & 8-28 Inez Crt

proposal incorporating additional lands and seeking approval for 57 townhouses and 483 high-rise apartment units on the Site was submitted by the Owner.

Both the original application and the November 2011 revised proposal included a portion of the Inez Court road allowance, the Inez Court Bulb Lands, which is owned by the City. On February 6 and 7, 2012, City Council directed City Planning staff to advise the applicant to remove the City-owned lands from its application and not to continue to process the application:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY12.61>

The applications were appealed in 2011 and a number of pre-hearing conferences took place throughout 2012 and 2013. At issue in the pre-hearing conferences were the completeness of the applications; the disposition of Inez Court; the prospective phasing of the hearing; and parkland dedication matters.

On December 3 and 4, 2012, the City brought a Motion to Dismiss the appeals given Council's position with respect to the inclusion of the Inez Court right-of-way. The City's motion was denied.

At its meeting on June 11, 12 and 13, 2013, City Council authorised City Planning staff to process the applications once the applicant had submitted all outstanding supporting information, for the purposes of participating in the Ontario Municipal Board hearing, and reiterated its position that it did not consent to the inclusion of the City-owned public right-of-way Inez Court as part of the development application:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CC36.2>

Without prejudice settlement discussions took place in 2013 and early 2014, and on April 1, 2014, City Council endorsed the April 2014 Settlement Proposal as set out in Attachments 2, 2a and 2b to the report from the City Solicitor, dated March 25, 2014. City Council also directed the Director, Community Planning, North York District to bring forward a Preliminary Report on the proposed Official Plan Amendment to amend the Section 37 and Parkland Dedication policies of the North York Centre Secondary Plan. The report from the City Solicitor and the Council's direction is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC50.5>

The application then went dormant for a number of years, with no steps taken by the Owner to advance it with the City. On August 27, 2021, the Owner filed the revised plans for City staff to review, generally consistent with the 2014 Settlement Proposal.

In connection with the request to permanently close a portion of Inez Court to facilitate the development proposal, Transportation Services submitted the following report to April 20, 2022 North York Community Council:

<https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-223828.pdf>

In connection with the demolition application for the existing twenty-one (21) detached dwellings, the Chief Building Official has been directed to report to the May 11 and 12, Request for Directions Report - 51 Drewry Ave & 8-28 Inez Crt

2022 meeting of City Council on the demolition applications for 51 Drewry Avenue and 8 to 28 Inez Court:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY31.42>

PROPOSAL

This application proposes to amend the North York Centre Secondary Plan (the "NYCSP") and former City of North York Zoning By-law 7625 for the property at 51 Drewry Avenue and 8 to 28 Inez Court to permit a ten (10) storey and thirty-two (32) storey residential building connected via a two (2) storey podium with a total of 551 dwelling units, a total gross floor area of 41,191.96 square metres and an overall Floor Space Index (FSI) of 2.29 times the site area.

A total of 648 parking spaces, including 55 visitor parking spaces, are proposed in four levels of below grade parking and 431 bicycle parking spaces are proposed, all accessed from the Beecroft Road Extension.

A 7,535.40 square metre public parkland dedication is proposed on the west side of the Beecroft Road Extension.

See Attachment 2 of this report for the proposed west elevation of the project and Attachment 3 for the proposed site plan. See Attachment 4 for RPlan 66R-32549.

Site and Surrounding Area

The Site consists of lands known municipally as 51 Drewry Avenue and 8-28 Inez Court. The Site is currently occupied by 21 detached dwellings along Inez Court and one existing one and a half storey detached dwelling at 51 Drewry Avenue. See Attachment 1 - Location Map.

North: Existing apartment buildings and commercial plaza at the southwest corner of Drewry Avenue and Yonge Street.

South: Parking lot of the Toronto Hydro building located on Yonge Street, subject to Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision Applications (File 20 110947 NNY 18 OZ & 20 110960 NNY 18 SB) to permit four mixed use towers. Further south is a Hydro Corridor and the west parking lot for the Finch Subway Station.

East: OLT approval and currently under construction to permit a 32-storey mixed-use building containing 408 residential dwelling units, a new car dealership with a total area of 3,763 square metres, and a new 734 square metre public park with a total FSI of 4.67 times the site area (File 16 109561 NNY 23 OZ).

West: Townhouses along Rodeo Court, Drewry Secondary School and RJ Lang Elementary School located west of Fairchild Avenue north of Drewry Avenue as well as a French Separate Secondary School east of Fairchild Avenue.

Development Site - Acquisition by the Owner of the Inez Court Bulb Lands

The development application includes the Inez Court Bulb Lands, being approximately 1334.1 square metres of the Inez Court public right-of-way. Accordingly, the Owner has requested Transportation Services to permanently close a portion of Inez Court to facilitate the development proposal. Transportation Services is in the process of processing the request and it is the subject of a separate report:

<https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-223828.pdf>

The portion of Inez Court consisting of the Inez Court Bulb Lands and lands to the west that will be incorporated into future parkland with the Parkland Dedication Lands will be required to be declared surplus, stopped up and closed by by-law. The Owner must make arrangements to purchase the Inez Court Bulb Lands, subject to the necessary steps being taken by the City to authorize the close and sale of this portion of Inez Court. City Staff are seeking separate authorities to (i) stop up and close the Inez Court lands, and (ii) enter into an agreement of purchase and sale to sell the Inez Court Bulb Lands to the Owner at fair market value.

The City's sale of the Inez Court Bulb Lands to the Owner will be contingent on the City obtaining the timely conveyance of the Parkland Dedication Lands and the Beecroft Extension Lands from the Owner.

Changes since the 2014 Settlement Proposal

The proposal is substantially the same as the 2014 Settlement Proposal. The main changes since 2014 are in respect of implementation details and not in respect of the substance of the development proposal or the zoning and Official Plan amendments sought.

In 2014, the parties anticipated that the Ontario Municipal Board appeals would be withdrawn and that a revised application would be submitted to the City for approval by City Council. Presently, staff are seeking direction to support the 2014 Settlement Proposal at the OLT without requiring the appeals to be withdrawn.

Given that the Owner's timing to advance construction of the proposed development is unknown, and in order to facilitate the City's plans to construct the Beecroft Road Extension and to support the timely provision of parkland in the North York Centre, the City has requested that the Owner advance the timing for the conveyance of the Beecroft Extension Lands and the Parkland Dedication Lands. Rather than being required to be conveyed to the City prior to the first above grade building permit for the development, it is proposed that these lands be conveyed to the City upon final approval of the Zoning By-law Amendment, or as soon as possible thereafter, and in any event, prior to or concurrent with the conveyance of the Inez Court Bulb Lands to the Owner.

In consideration for the early conveyances, the Owner has requested relief from the 60 month time limit set out in Article 415-7C(1) of the City's Municipal Code for a reduction

in DCs payable attributable to the early demolition of the twenty-one (21) existing dwelling units on the lands. The Owner has also sought a three (3) year waiver of right-of-way occupancy fees in order to stage future construction from lands being conveyed to the City at no cost, as well as an acknowledgement from the City that the early conveyance of the Parkland Dedication Lands may be counted towards future Section 42 parkland requirements, in the event the Owner seeks additional density on the lands in the future. Staff are supportive of these requests, which can be secured in the Section 37 Agreement as a legal convenience, provided that the early conveyances are secured and the Beecroft Extension Lands and Parkland Dedication Lands are conveyed to the City upon approval of the Zoning By-law Amendment or as soon as possible thereafter.

The Development proposal requires that the Owner acquire the Inez Court Bulb Lands from the City in order to complete the net development site. The 2014 Settlement contemplated that the Inez Court Bulb Lands would be closed and conveyed to Yolanda Flanders in accordance with the City's standard terms and conditions on land conveyances for development purposes in Ward 23 (now Ward 18) (eg. Emerald Park project at Poyntz and Yonge, File 08 178556 NNY 23 OZ) constraining the height and density of the development to that approved by City Council. While the closure of the existing Inez Court right-of-way is the subject of a separate report (Item NY31.32), and the sale of the Inez Court Bulb Lands will be processed separately subject to the requisite authorities, the City is no longer contemplating that the height and density be constrained by the terms of the land conveyance and the Owner could seek further height permissions on the net development site in the future.

Reasons for Application

The application to amend the Official Plan is required as the proposed height is in excess of what the NYCSP permits. The proposed Official Plan Amendment also permits elements of the first five storeys of the building taller than 12 metres to be set back a minimum 1.5 metres from the service road frontage and adds a site specific policy to Map 8-13 of the North York Centre Secondary Plan.

The application to amend the Zoning By-law is required in order to create performance standards that would facilitate the proposed Development.

APPLICATION BACKGROUND

Application Materials

The following reports/studies were submitted in support of the August, 2021 resubmission of the application:

- Arborist Report
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Energy Efficiency Report
- Energy Modelling

- Environmental Impact Phase One
- Environmental Impact Phase Two
- Geotechnical Study
- Hydrogeological Study
- Archaeological Assessment
- Pedestrian Level Wind Study
- Servicing Report
- Sun/Shadow Study
- Survey Plans
- Topographical Survey
- Transportation Impact Study

Detailed project information and the submitted materials are found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=ekBdJviXRGDN3sN9GUw4nA%3D%3D>

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 related appeals and in preparing this report in consultation with City Planning.

Site Plan Control

The application is subject to Site Plan Control and an application has been filed (see Site Plan Application File 08 145795 NNY 23 SA) and is being reviewed concurrently with the application to amend the Official Plan and zoning by-law. It is not under appeal.

PLANNING COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2020) ("PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") are high-level and broad reaching documents. The City is a development area, the site is within an *urban growth centre* and infill is encouraged under these policies. Intensification and redevelopment is to be provided in areas that take into account the existing building stock and availability of infrastructure and public service facilities that meet projected needs. Both the PPS and Growth Plan identify official plans as the way to implement the broad policy goals of building complete communities, appropriate mix of uses and efficient land use and development patterns to support sustainability by promoting strong, livable, healthy and resilient communities.

The Growth Plan, in Policy 2.2.2.3, directs municipalities to develop a strategy to meet the minimum intensification target and intensification in delineated built up areas. This

strategy is to include identifying "the appropriate type and scale of development in *strategic growth areas* and transition of built form to adjacent areas". The City has identified an appropriate land use mix, height and density for the site and the surrounding area through the NYCSP. The only Official Plan amendment proposed is with respect to height. Site specific amendments with respect to height are discouraged by the NYCSP but are permitted when certain conditions have been met.

The proposed development intensifies lands within an *urban growth centre* and within close proximity of a subway station; it also supports and improves the local infrastructure (Beecroft Road extension). This proposal is consistent with the PPS and conforms to the Growth Plan as it promotes residential intensification through the efficient use of land to meet the long-term housing needs of a *urban growth centre*. The proposal contributes to creating a complete community.

Official Plan/North York Centre Secondary Plan

The Owner is seeking a greater height than what is permitted in the NYCSP. Section 5.4.2 of the NYCSP states that "site-specific amendments to the height limits shown on Map 8-8 are discouraged. When considering an application for such an amendment, the City will be satisfied that the contemplated increase in height:

- a) is necessary to provide for desirable flexibility in built form;
- b) would have no appreciable impact on the residential amenity of properties within the stable residential defined in Section 1.17 of the NYCSP; and
- c) meets the urban design objectives of Section 5 of the NYCSP, where upon the provision of Section 1.14 will be deemed to be satisfied".

The NYCSP permits a maximum height of 35 metres above grade for the lands on the north side of the Inez Court cul-de-sac and a height of 87 metres above grade for the lands on the south side of the Inez Court cul-de-sac.

The northerly tower complies with the NYCSP as it is 10 storeys or 35 metres in height. The southerly tower is 32 storeys or 100 metres in height. This proposed building exceeds the height permissions by 13 metres. Buildings in the immediate context range in height from 32 storeys to 40 storeys and a proposal to the south on this development at 5800 Yonge Street with four buildings that range in height from 34 to 44 storeys. The proposed tower heights respond appropriately to the planned and built context. The floor plate of the 10-storey tower is proposed at 929 square metres and the floor plate of the 32-storey building is 880 square metres. Although larger than that permitted in the Tall Building Guidelines, there is a context in the North York Centre with minimum tower separations with larger floor plates. The proposed 29 metres tower separation exceeds the building separation requirements in the Tall Building Guidelines.

With regards to the maximum density permitted on a site, the Secondary Plan also allows for some flexibility by allowing applicants to increase the density beyond that shown on Map 8-6 and 8-7 of the Plan. Section 3.3 provides for Density Incentives

above the maximum densities permitted, to a maximum of thirty-three (33) percent, providing opportunities to achieve greater densities. The base density permitted on the Beecroft Extension and Parkland Dedication lands is 1.5 times FSI. The base density for the net development site is 2.0 times FSI.

The proposed density complies with the maximum density limits of the NYCSP. The Secondary Plan permits a maximum gross floor area of 41,191.96 square metres resulting in a FSI of 2.29 including density incentives, which is consistent with what is proposed.

Link to the City's Official Plan:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Link to the North York Centre Secondary Plan:

<https://www.toronto.ca/wp-content/uploads/2017/11/8fe9-cp-official-plan-SP-8-North-York-Centre.pdf>

Policy considerations are addressed in more detail in **Attachment 5**.

Open Space/Parkland

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organizations, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The City of Toronto Parkland Strategy is a twenty (20) year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with more than 28 square metres of parkland per person, which is comparable to the city-wide average provision of 28 square metres of parkland per person (2016). Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

Proposal for Dedication of Parkland

As adopted by City Council on April 1, 2014 (Item [CC50.5](#)), the applicant is required to satisfy the parkland dedication requirement through the conveyance of a 2,159.51 square metre dedication west of the new north-south public road. This parkland dedication is to be supplemented by a 5,374.4 square metre over-conveyance of parkland, which qualifies as a Section 37 Density Incentive in the NYCSP.

As outlined in the 2014 Settlement Proposal approved by City Council, all density attributable to the additional parkland is to be included in the density allocated to the applicant's land located east of the new north-south public road. The total parkland to be conveyed to the City is 7,534 square metres.

The 2014 Settlement Proposal approved by City Council in April, 2014 also outlined the following with regards to the parkland dedication:

5.2 All parkland (both dedicated and contributed) is to be conveyed for nominal consideration in accordance with the City's standard conditions, modified to provide that the resulting enlarged Fairchild Parkette (including the existing portion already owned by the City) is to be designed, landscaped and equipped in accordance with the City's specifications.

5.3 The associated expenses to be borne by Yolanda Flanders are to include not only the standard costs related to land conveyance, environmental review and any required remediation, plus base park conditioning, but also the extra costs of additional park improvements to be specified by the City up to a maximum of \$250,000, which amount is to include all design costs associated with the park. Any park improvement costs beyond \$250,000 are to be credited against or taken from the parks component of the development charges applicable to the development, the latter if the City elects to assume responsibility for this task.

The architectural plans submitted with the application demonstrate that a parkland dedication has been proposed to the west of the Beecroft Road Extension, which is of an acceptable location and configuration, and is in keeping with City Council's decision. The on-site parkland dedication of 7,534 square metres is an acceptable size.

The Parkland Dedication Lands are now contemplated to be conveyed to the City upon approval of the Zoning By-law Amendment, or as soon as possible thereafter, and in any event, prior to or concurrent with the conveyance of the Inez Court Bulb Lands to the Owner. The Parkland Dedication Lands must be conveyed in acceptable Base Park and environmental condition, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Base park condition shall include:

- Demolition, removal, and disposal of all existing materials, buildings, foundations, and associated servicing;
- Grading (inclusive of 300 millimetres depth topsoil, where lands have been environmentally risk assessed in accordance with MECP regulations, the required depth profile of the environmental soil / soft cap will be 1.5 metres of engineered fill compacted to 95 percent SPD and certified by the consulting engineer)
- Sodding #1 nursery grade;
- Sanitary and Storm service connections with manholes at streetline; and

- Water connections (minimum 50 millimetres to the street line including backflow preventers, shut off valves, water metre and chamber).

Base park improvements that will not be the responsibility of the Owner in this case include: a standard park sign, street trees along public roadways, electrical connections and fencing.

The working drawings provided by the Owner to the City must be prepared by a qualified landscape architect, and will be reviewed and approved by the City's Landscape Architecture Unit in Parks, Forestry & Recreation.

Concurrent with the conveyance of the Parkland Dedication Lands to the City, the Owner is required to provide the City a cash contribution in the amount of two hundred and fifty thousand dollars (\$250,000.00), which shall be used to fund the design and build out of the Parkland Dedication Lands, which may include base or above base park improvements.

New Public Road - Beecroft Road Extension

The road structure within the North York Centre is based on a network of arterial, minor arterial, collector and local roads with Yonge Street, Sheppard Avenue and Finch Avenue as arterial roads forming the primary routes for vehicular traffic. The Service Roads as identified in the relevant Environmental Study Reports function as collector roads and are intended generally to carry traffic originating in or destined for the North York Centre North or the North York Centre South. The minor arterial and other collector roads connect with the greater regional network while the local roads within the North York Centre will provide a fine grained access grid.

The North York Centre requires the implementation of the Service Roads to support the full development of the Centre as designated. These roads are intended to provide capacity to the road network, as well as vehicular circulation and access to developments in the Centre. The Service Roads and associated network are also intended to separate North York Centre traffic from traffic related to surrounding residential neighbourhoods to the greatest extent practical.

The City will be responsible for the construction of the North York Centre South and North York Centre North Service Roads in functional sections, or any extensions or widenings of existing portions as related development proceeds or, if necessary, prior to such development should such need be demonstrated. In no case will a site specific zoning by-law allowing a development to proceed be enacted until the City has acquired, or secured binding commitments to acquire, the lands required for the functional section of the Service Road that is relevant to a particular development.

The functional section of the Service Roads related to a particular development refers to the segment (or segments) that, according to the result of the traffic certification (Section 4.8 of the NYCSP) is required to support the development; or through the review by the City using the monitoring program.

As part of 2014 Settlement Proposal, the Owner is required to convey the Beecroft Extension Lands (the portion of the North York Centre North Service Road within the Site) to the City. The City has requested, and the Owner has agreed, that the Beecroft Extension Lands will be conveyed to the City upon approval of the Zoning By-law Amendment, or as soon as possible thereafter. This will facilitate the City proceeding with the construction of the Beecroft Extension, which is presently anticipated to commence in 2024. The lands shall be free and clear of all encumbrances both above and below grade (unless such encumbrances agreed to by Transportation Services) and shall meet the environmental requirements of the Council approved ECS Directive titled "Environmental Site Assessment for Land conveyances". The conveyance of the Beecroft Extension Lands may be subject to a temporary access easement in favour of the adjacent Development Site, to expire upon dedication of the Beecroft Extension Lands as public highway in order to facilitate access to the net development site until such time as the Beecroft Extension is constructed and dedicated as a public highway. This possible easement shall be subject to Recommendation 3 a. iii. to this report from City Solicitor (May 3, 2022).

In the event that the construction of the Development precedes the construction by the City of the Beecroft Extension, and the Owner is ready to commence construction prior to the City having awarded a contract for the construction of the Beecroft Extension, the Owner will be permitted to construct the Beecroft Extension adjacent to the net development site, provided that they have first made satisfactory arrangements with Engineering and Construction Services and have entered into the appropriate agreement(s) with the City for its design and construction, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. This would also require ensuring there is necessary municipal infrastructure in place to service the Development from Drewry Avenue to the southern limit of the site, which may include any necessary upgrades to existing servicing within Drewry Avenue.

In consideration for the early conveyance of the Beecroft Extension Lands to the City, the Owner has requested that they be permitted to stage construction from one northbound lane and the adjacent boulevard, and that the associated right-of-way occupancy fees be waived for a period of up to three (3) years, to commence within a ten (10) year window from when the Beecroft Extension is dedicated as a public highway.

Growing Up: Planning for Children in New Vertical Communities

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

Infrastructure/Service Capacity

As part of the submitted materials, the Owner submitted engineering reports and drawings which were reviewed by staff. Engineering and Construction Services provided comments in their memorandum of November 5, 2021, which identified the

need for additional information and changes including an updated Functional Servicing and Stormwater Management Report. Prior to issuance of a Notice of Approval Conditions for site plan approval, the Owner will be required to provide an acceptable Functional Servicing and Stormwater Management Report, and will be required to design and provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and Geohydrology Report 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 are required to support the development. This requirement will be secured in the Section 37 Agreement as a legal convenience.

In the event construction of the Development precedes construction of the Beecroft Road Extension, the Owner will have to make made satisfactory arrangements with Engineering and Construction Services and have entered into the appropriate agreement(s) with the City for the design and construction of any necessary municipal infrastructure to service the site from Drewry Avenue to the south limit of the Site, which may include any necessary upgrades to existing servicing within Drewry Avenue.

Community Benefits and Density Incentives

The NYCSP contains density incentives for the provision of specific uses and facilities. Providing density incentives in accordance with the NYCSP would permit a density greater than would otherwise be permitted in accordance with Maps 8-6 and 8-7. Section 10.5 of the NYCSP requires an applicant to enter into an agreement under Section 37 of the *Planning Act* concerning the transfer of density and for the provision of matters qualifying for incentives as described in Section 3.3 of the Secondary Plan. These incentives, outlined in Policy 3.3, include things such as bicycle parking, pedestrian connections to a transit terminal, common amenity area and street related retail, or if facilities are not provided, the additional density may be purchased in accordance with the Plan. The proposal is seeking to exceed the base density, and the additional density will be required to be provided via incentive uses/floor areas or through the purchase of the density in accordance with the North York Centre Secondary Plan policies.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- (i) two bicycle rooms located on the ground floor with direct access from the outside, collectively containing a minimum of 55 bicycle parking spaces;
- (ii) a minimum of 1.50 square metres per dwelling unit of private indoor recreational amenity area;
- (iii) a monetary contribution toward the cost of acquiring lands for the North York Centre Service Road and associated road network and buffer areas, acquiring or improving parkland serving the North York Centre area, or constructing and furnishing a public recreational centre or social facility serving the North York Centre area, the amount of which shall be equal to the market value, based on

the land value of density in the North York Centre, for a maximum of 3,854.47 square metres of gross floor area;

(iv) conveyance, at no cost to the City, of the lands identified as Parts 3, 4, 5, 15, 16 and 17 on Plan 66R-32549, comprising an area of 7,534.00 square metres for parks purposes, of which 5,374.49 square metres shall be an over-contribution, additional to the parkland dedication of 2,159.51 square metres required by Section 42(3) of the *Planning Act*, plus funding for or implementation of such improvements thereto and to abutting parkland as may be specified by the City up to a maximum of \$250,000 including all design costs associated with the park; and

(v) conveyance, at no cost to the City, of the lands identified as Parts 1, 2, 6, 8, 9, 13, 14, 18, 19 and 21, comprising an area of 3,590.40 square metres, for service road purposes.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

(i) Prior to the issuance of the first above grade building permit, the Owner shall make an indexed cash contribution to the Toronto Transit Commission (TTC), in the amount of \$35,000.00, for the installation of signal priority in the vicinity of the Site;

(ii) Prior to condominium registration, the Owner shall provide a pre-loaded PRESTO card with funds in the amount of \$50 to each unit as part of the TDM strategy/information package; and

(iii) The owner shall design and provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and Geohydrology Report 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 are required to support the development, according to the Functional Servicing and Stormwater Management Report, and Geohydrology Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan, the Official Plan and North York Centre Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS and does not conflict with the Growth Plan. The proposal is also in keeping with the intent of the Official Plan and the North York Centre Secondary Plan. It meets the residential intensification expectations for an *urban growth centre* and promotes the efficient use of land, resources, infrastructure and public services, and supports the use of public transit.

Staff have worked with the Owner to provide a high-quality built form that responds to the existing and future planned context. The proposal also provides for the Beecroft Road extension and a large public park dedication, in excess of what is required pursuant to Section 42 of the *Planning Act*. Staff recommend that Council support approval of the application at the OLT, subject to implementation details set out herein.

CONTACT

Sarah O'Connor, Solicitor, Tel. (416) 397-5378, E-mail: Sarah.OConnor@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1: Location Map
Public Attachment 2: West Elevation
Public Attachment 3: Site Plan
Public Attachment 4: RPlan 66R-32549
Public Attachment 5: Policy Considerations

Confidential Attachment 1- Confidential advice from the City Solicitor