

2-4, 6, 8, 10-12 Oakburn Crescent – Official Plan and Zoning By-law Amendment Application – Request for Direction Report

Date: March 25, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Willowdale - Ward 18

Planning Application Number: 21 185510 NNY 18 OZ

SUMMARY

On July 16, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit two 18-storey (57.5 metre) rental apartment buildings connected by a 2 to 6 storey base building. The proposed development has a total gross floor area (GFA) of 35,776 square metres resulting in a density of 4.51 times the area of the lot. The application was deemed complete on September 7, 2021.

On January 13, 2022, the applicant filed an appeal with the Ontario Land Tribunal ("OLT") on the application due to Council not making a decision within the 120-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 2-4, 6, 8 and 10-12 Oakburn Crescent and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

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

b) the owner has submitted the information necessary for the City Solicitor and the Chief Planner and Executive Director, City Planning to determine whether the owner has satisfied all of its obligations under the Section 37 Agreement between K&G Oakburn Apartments I Ltd., and the City, dated October 24, 2007 and registered on title to the lands on February 26, 2008;

c) the owner has submitted, and City Council has approved, a Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of the sixty-six existing rental dwelling units at 2-4, 6, 8, and 10-12 Oakburn Crescent, and the owner has entered into, and registered on title to the lands, a Section 111 Agreement with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision, including, if deemed necessary by Council:

i. the full replacement of any of the sixty-six (66) existing rental dwelling units on the lands that have not already been replaced at 105 Harrison Garden Boulevard;

ii. the rents, rental tenure, unit mix, and unit sizes of any replacement rental dwelling units that have not already been provided at 105 Harrison Garden Boulevard;

iii. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants of 2-4, 6, 8, and 10-12 Oakburn Crescent to return to a new or replacement rental unit on the lands at similar rents or a replacement rental unit at 105 Harrison Garden Boulevard at similar rents, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

iv. any other rental housing-related matters in conformity with Section 3.2.1 of the Official Plan and Chapter 667 of the Toronto Municipal Code.

d) the owner has addressed the major outstanding issues raised by Engineering and Construction Services as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

e) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; General Manager, Parks, Forestry and Recreation and the City Solicitor.

3. City Council authorizes the City Solicitor and City 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 pre-application consultation meeting was held on January 5, 2021 with the applicant to discuss the planning policy framework for the area and the complete application submission requirements. Staff raised concerns with the proposed height, massing, density, and relationship to the surrounding buildings.

The proposal is located within the Oakburn/Avonshire project which is a comprehensive, phased redevelopment of the Oakburn Crescent and Oakburn Place lands. The overall Avonshire project generally consists of five residential towers (21-22 storeys) and several townhouse blocks, for a total of 1,383 proposed residential units, and includes a reconfigured road network and the provision of a large central park. The subject application is the final block of this larger redevelopment project.

On September 25, 26 and 27, 2006, City Council adopted the recommendations of the Request for Direction Report of the Director, Community Planning, North York District, regarding the original comprehensive redevelopment application filed in 2005.

<https://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-17336.pdf>

At its meeting of February 5, 6, 7 and 8, 2007, City Council endorsed a settlement in relation to the proposed development of 1,195 new residential units, in the form of five residential apartment buildings (including a replacement rental building) and townhouses on the subject site. Council's direction concerning the settlement included a specific reference to permitting the one-storey garages that do not comply with an angular plane requirement for the northern part of the lands.

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-02-05-cc02-dd.pdf>

The site-specific Official Plan Amendment for the project was approved by the Ontario Municipal Board on February 28, 2007. The site-specific zoning, as well as the related draft plan of subdivision to create the road and lot pattern, was approved by the Board on November 1, 2007. Minor modifications to the zoning by-law were subsequently approved by the Board on July 7, 2008. Council has assigned By-law No. 867-2008(OMB).

At its meeting of December 11, 12 and 13, 2007, City Council approved the Residential Demolition Permit applications for the lands.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2007.NY11.19>

At its meeting of December 1, 2 and 3, 2008, City Council approved the Site Plan Control Application for the first phase of the development. This phase included the rental replacement building, two 21 storey condominium buildings and several blocks of townhouse units.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.NY20.42>

On March 24, 2011, the Committee of Adjustment approved Minor Variance Application A752/10NY. This application permitted an increase in the total permitted number of residential units from 1,195 to 1,383, with the additional units limited to Buildings C and D, and permitted changes to the building envelopes, setbacks, and base building heights for these buildings.

On January 29, 2021, the Planning and Housing Committee considered an Item on the City Planning Study Work Program. This item was amended to include direction as Recommendation 3 to initiate a focused review of the North York Centre Secondary Plan, including a review of the maximum densities permitted within the plan. The resolution can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH20.2>

A preliminary report was adopted by North York Community Council on November 23, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY28.11>

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located on the north side of Oakburn Crescent. The irregularly shaped site is approximately 0.79 hectares (1.96 acres) in size, with frontages along Oakburn Crescent on the east, west and southern property lines.

Existing Uses on Site: The site is currently occupied by six 3-storey rental apartment buildings containing a total of 66 rental dwelling units with one-storey detached garage structures at the rear along with surface parking.

Surrounding uses include:

North of the site are detached houses fronting onto Avondale Road;

East of Oakburn Crescent are lands owned by the Toronto District School Board and the Avondale Public School;

South of Oakburn Crescent are three-storey townhouses, Avonshire Park and an 18-storey apartment building; and

West of Oakburn Crescent are three-storey townhouses.

Refer to Attachment 1 for the Location Map.

THE APPLICATION

Description

Height: two 18-storey towers (57.6 metres, excluding mechanical penthouse) towers connected by a six-storey base building.

Density (Floor Space Index): 4.51 times the area of the lot.

Unit count: 452 dwelling units, of which 248 are one-bedroom units (54.8%), 159 are two-bedroom units (35.2%) and 45 are three-bedroom units (10%).

Parking: the development would include two levels of underground parking with a total of 262 vehicular parking spaces (217 resident and 45 visitor) and 340 bicycle parking spaces.

Amenity Space: the applicant is proposing a total of 1,808 square metre of amenity space, 904 metres of outdoor amenity space and 904 square metres of indoor amenity space

Additional Information

See attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<http://app.toronto.ca/AIC/index.do?folderRsn=f1f412GvJWJYbEzIAVFUGA%3D%3D>

Reasons for Application

The Official Plan Amendment is required to amend the North York Centre Secondary Plan to permit the proposed height and density; increase the number of units permitted under the existing site specific policy; to exempt the site from providing density incentives in accordance with the Secondary Plan; and to exempt the site from the transition policies of the Secondary Plan.

An amendment to the former City of North York Zoning By-law 7625 is required to permit the proposed density and height, and to provide development standards regarding gross floor area, setbacks, indoor and outdoor amenity space, parking, and other matters.

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* is required to permit the demolition of the 66 existing rental dwelling units on the lands.

Site Plan Control

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

POLICY CONSIDERATIONS

Official Plan Designation: The site designated as *Mixed Use Areas* on Land Use Map 16 of the Official Plan. The site is located within a Centre as identified on Map 2 of the Official Plan. The site is located within the North York Centre Secondary Plan (the "NYCSP"). The site is subject to Site Specific Provision 17 of the North York Centre Secondary Plan.

Zoning:

Former City of North York Zoning By-law 7625

The former City of North York Zoning By-law 7625 zones the property as Multiple-Family Dwellings Sixth Density Exception 176 - RM6(176). This zone permits apartment house dwellings and uses accessory thereto including accessory private recreational uses; multiple attached dwellings; and parks. The zone permits a maximum floor area of 6,915.5 square metres and a maximum height of 3 storeys and 11.0 metres on the site.

Citywide Zoning By-law 569-2013

The site is not subject to Citywide Zoning By-law 569-2013 and the application does not propose to incorporate the site into it.

Additional information: on applicable policy documents can be found in Attachment 6.

COMMUNITY CONSULTATION

A Virtual Community Consultation meeting was hosted by City Staff on November 17, 2021 to discuss the proposal. Approximately 66 people were in attendance, as well as the Ward Councillor. Following a presentation by City Staff and the Applicant the following issues were raised by the community:

- Why is the developer not building what was approved as part of the previous application;
- Height of the proposal;
- Traffic generated as a result of the proposed development;
- Shadow impacts on the surrounding neighbours;
- Impact of the proposal on local schools;
- Insufficient provision of parkland in the surrounding area;
- What will happen to the current tenants;

- Will the project provide affordable units; and,
- Appropriateness of the proposed parking supply.

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Planning Act

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

Provincial Policy Statement (2020)

Planning staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section in this report and find the proposal is generally consistent with the PPS. A City Council decision to oppose the current proposal given the non-conformity with the Official Plan as described below is also consistent with the PPS.

Growth Plan (2020)

Planning staff have reviewed the current proposal against the policies of the Growth Plan, as described in the Policy Considerations Section in this report and find the proposal generally conforms with the Growth Plan. A City Council decision to oppose the current proposal given the non-conformity to the Official Plan as described below conforms with the Growth Plan.

Land Use

The residential uses proposed at 2-4, 6, 8 and 10-12 Oakburn Crescent align with the *Mixed Use Areas* designation.

Density

The application is proposing a GFA of 35,776 square metres, for a density of 4.51 times the area of the lands subject to the application. The site was a part of a previous comprehensive redevelopment of a larger block, which was largely completed, with the exception of the subject site. The implementing By-law for the block including the subject site permits a maximum Gross Floor Area of 6,915.5 square metres or a density of 0.87 times the lot area on the lands subject to this application. This density is based upon the previous application calculating density across the entire block, which allowed for density to be transferred from the subject site to the lands to the south where taller buildings could be achieved without impacting the stable residential area to the north of the subject site.

Regardless of how the density is calculated, either on a site specific basis, or within the larger block, the current proposal greatly exceeds the maximum base permission of 2.0

times the lot area, or 2.66 times the lot area if Density Incentives in accordance with the NYCSP are provided. Staff are of the opinion that the proposed increase, regardless of how it is calculated would constitute overdevelopment of the site when reviewed along with the transition policies to the stable residential areas.

Built Form

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan and Urban Design Guidelines, as well as other relevant design guidelines.

Height and Transition

Elements of the proposal are too tall and do not achieve the policies of the Official Plan, the policies of the NYCSP, or the intent of the Tall Buildings Guidelines.

The proposed building does not provide a good transition in scale from the proposed tall buildings to the low rise *Neighbourhoods* to the north. The Official Plan and NYCSP include policies regarding transition to *Neighbourhoods*. The northern property boundary of the subject site is the boundary between lands designated *Mixed Use Areas* within the NYCSP and lands designated *Neighbourhoods* outside the NYCSP. The proposal as currently submitted including angular planes, stepping height limits, setbacks, stepbacks and separation distance from the northern properties does not provide a good transition in scale to the *Neighbourhoods*.

Massing

The proposed building massing, including setbacks and stepbacks, is not acceptable and does not achieve the policies of the Official Plan, the policies of the NYCSP or the intent of Tall Buildings Guidelines.

The proposed building setbacks, streetwall heights and stepbacks as well as proposed balcony locations along Oakburn Crescent are not acceptable. They do not frame Oakburn Crescent with good street proportion, open views of the sky from the public realm nor fit with the existing character.

Sun/Shadow

The Official Plan requires that development in *Mixed Use Areas* locate and mass new buildings to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. The Official Plan also states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties. NYCSP requires that access to sunlight is not significantly reduced in residential areas outside of North York Centre boundary, as well as along public streets and public open spaces in the Centre.

The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes and the summer solstice. The shadow study identifies significant and unacceptable shadow impacts on the neighbourhood to the north

generated by the proposal. A reduction in height and revisions to the massing would reduce the shadow the proposed building casts on the above noted area.

Wind

The applicant has also submitted a Pedestrian Level Wind Study prepared by RWDI dated June 3, 2021 in support of the application. The study finds that the wind conditions at grade on and around the proposed development are generally acceptable, being suitable for sitting in the public realm and amenity spaces. The report however identifies that balconies and terraces above the mid portion of the development have the potential to be uncomfortable in the summer, and are at risk of exceeding the wind safety criteria. As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final order until such time as the City advises that a wind tunnel study has been submitted and any building envelope changes to address the findings are made to the satisfaction of the Chief Planner and Executive Director, City Planning.

Rental Housing Issues

On February 28, 2007, the Ontario Municipal Board (OMB) approved Amendment No. 580 to the Official Plan to permit the redevelopment of the lands at 1-12 Oakburn Crescent and 14-40 Oakburn Place. The approved development required the demolition of 26 three-storey rental apartment buildings containing 284 rental units.

The former Official Plan Amendment (OPA) and Zoning By-law Amendment (OPA) applications for 1-12 Oakburn Crescent and 14-40 Oakburn Place were submitted prior to the proclamation of the *City of Toronto Act, 2006*, under which the City has the authority to regulate the demolition and conversion of residential rental properties. Consequently, a Rental Demolition Application was not required for the site. However, the City did negotiate full replacement of 284 rental units through the Council-endorsed settlement on the OPA and ZBA appeals. The replacement rental units were secured through a Section 37 agreement that was registered on title to the lands.

As of the date of this report, all of the lands to the south of Oakburn Crescent, which previously contained 20 three-storey rental apartment buildings, have been redeveloped with four high-rise condominium apartment buildings and associated grade-related condominium townhouse units, as well as one high-rise rental apartment building which contains the 284 replacement rental units (105 Harrison Garden Boulevard). The lands on the north side of Oakburn Crescent, which have not been re-developed and are the subject of the current applications, are occupied by the six remaining low-rise, rental apartment buildings, which collectively contain 66 rental dwelling units. According to the applicant's Housing Issues Report, 64 of the existing rental units were occupied at the time of application.

The residential demolition permits authorizing the demolition of the six remaining apartment buildings were issued on March 10, 2008 and have since expired. Accordingly, the applicant is required to re-apply to the City to demolish the existing buildings, which remain occupied by tenants. Since the remaining buildings collectively contain 66 rental dwelling units, both Chapters 667 and 363 of the Toronto Municipal

Code apply to the current proposal and the applicant is required to apply for a Rental Housing Demolition permit and residential demolition permits, both of which will require approval by City Council.

The applicant has been notified of the need to submit a Rental Housing Demolition application to permit the demolition of the 66 existing rental units, as well as rent rolls and occupancy information for the 284 replacement rental units at 105 Harrison Garden Boulevard. The latter would assist City Planning staff in ascertaining whether the applicant has satisfied its rental replacement obligations of the former OPA and ZBA application (as required under the Section 37 agreement registered on title to the lands) and, consequently, whether the existing 66 rental units would require replacement in the proposed development. As of the date of this report, none of the above information has been received by the City despite several requests by City Planning staff. As such, these matters will be addressed as part of the future OLT process.

Notwithstanding the above, should the OLT issue an interim Order approving the current OPA and ZBA application in any form, the Tribunal will be requested to withhold its final Order until the applicant has submitted the information necessary for the City to confirm that the owner has fulfilled its rental replacement obligations and City Council has approved a Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code to permit the demolition of the 66 existing rental units. In the event of approval of such Rental Housing Demolition application, any required replacement rental units, the rents for any required replacement units, and a tenant relocation and assistance plan to mitigate hardship for existing residents would need to be secured through one or more agreements with the City, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, to the satisfaction of the City Solicitor and Chief Planner.

Transportation

Traffic Impact,

In support of the application a Transportation Impact Study prepared by BA Group dated June 23, 2021 has been submitted. Given the estimated site trips and by analyzing the signalized and unsignalized intersections in the study area, the consultant concludes that the proposed development can be accommodated without a need for intersection improvements. Despite this conclusion, prior to accepting the submitted study's findings, staff have determined that revisions or additional information are required to conduct a complete review of the application.

Driveway Access and Site Circulation

Based on the submitted materials, access to the site will be provided by one entrance driveway to the underground parking lot from Oakburn Crescent, on the west side of the site, which will respectively function with inbound and outbound movements. A two-way drive-through drive aisle is provided on-site which connects the entrance driveway. A driveway on the east side of the site off Oakburn Crescent is provided for loading vehicles only. Loading vehicles will also access the west side of the site from the west driveway.

In general Transportation Services accepts this site access arrangement. This proposal will require a site plan application and additional comments on the proposed site access arrangement, including access design requirements will be provided at that time.

Parking

Proposed is a total of 262 vehicle parking spaces (217 resident and 45 visitor spaces). Site Specific Zoning By-law 867-2008 requires 451 vehicle parking spaces (406 resident and 45 visitor).

In order to justify the proposed parking rate, the Applicant's transportation consultant provided information regarding approved residential rates for six proxy sites. Based on the average of the proxy site surveys, the transportation consultant recommends a blended resident parking rate of 0.48 spaces/unit for residents and a visitor rate of 0.1 spaces/unit. However, the Transportation Impact Study does not include the unit mix for all sites being considered, nor does it provide information regarding the number of vacant units during the parking demand utilization studies. As a result, staff cannot determine if the proxy sites represent an appropriate comparison.

Streetscape

In accordance with the Public Realm and Built Form policies of the Official Plan, appropriate building setbacks from Oakburn Crescent should be provided to be in keeping with the context, allow for soft landscaping for tree plantings and preserve existing mature trees along the streets.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the Site. Engineering and Construction Services have not accepted the findings of these reports, and requires that reports which accurately determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development. Should it be determined that there is not sufficient capacity, this will be a matter addressed as part of the OLT process and if determined appropriate, the applicants would be required to enter into an appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure required to support the development if it is approved.

As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final order until such time as the City advises that the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment has been received.

Open Space/Parkland

At the North York Community Council meeting on November 23, 2021 (NY 28.11), a motion was passed directing staff to "secure an on-site parkland dedication to satisfy the owner's parkland requirement pursuant to Section 42 of the Planning Act, to the satisfaction of the General Manager, Parks, Forestry and Recreation."

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Applicant is required to satisfy the parkland dedication requirement through on-site parkland dedication. The residential component of this proposal is subject to a cap of 10% parkland dedication. In total, the parkland dedication requirement is 792.76 square metres. The park location and configuration are to be determined based on future discussions between the applicant and the Parks Development Unit, and shall comply with Policy 3.2.3.8 of the Toronto Official Plan.

Tree Preservation

An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant. Urban Forestry has reviewed the Arborist Report and Tree Preservation Removal Plan and requested revisions and additional information as outlined in the Memorandum from Urban Forestry dated October 6, 2021.

The Applicant proposes to remove 19 privately-owned subject site trees regulated by the Private Tree By-law. Urban Forestry does not support the proposed removal of healthy privately owned trees to allow for the construction of the development where no effort has been taken to preserve healthy trees on site.

Additionally, Urban Forestry has noted that the concepts, plans and drawings submitted appear to show soil volumes which would not be compliant with the City's Green Standards.

Toronto Green Standard

The Applicant is required to meet Tier 1 of the TGS that is in effect at the time of site plan application and provide enhanced bird friendly window treatments. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. TGS performance measures for the will be further secured through the future site plan approval process.

Toronto District School Board

The Toronto District School Board (TDSB) has determined that there is sufficient capacity at the local elementary school to accommodate students anticipated from this development. The TDSB has determined that there is insufficient capacity at the local secondary school to accommodate students anticipated from this development. The local secondary school is Earl Haig Secondary School.

This application is located in a community experiencing significant residential intensification and population growth that is presenting accommodation challenges at local schools. TLC and TDSB staff will continue to monitor residential development in

this community to understand the cumulative impact on local schools and to determine where prospective students will attend school.

The status of local school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act.

The provision of Density Incentives in accordance with the NYCSP were not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the OLT, the applicant should be required to provide a Section 37 Contribution in accordance with the *Planning Act* requirements in force at the time of approval.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, as well as applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan, the NYCSP, or the Tall Building Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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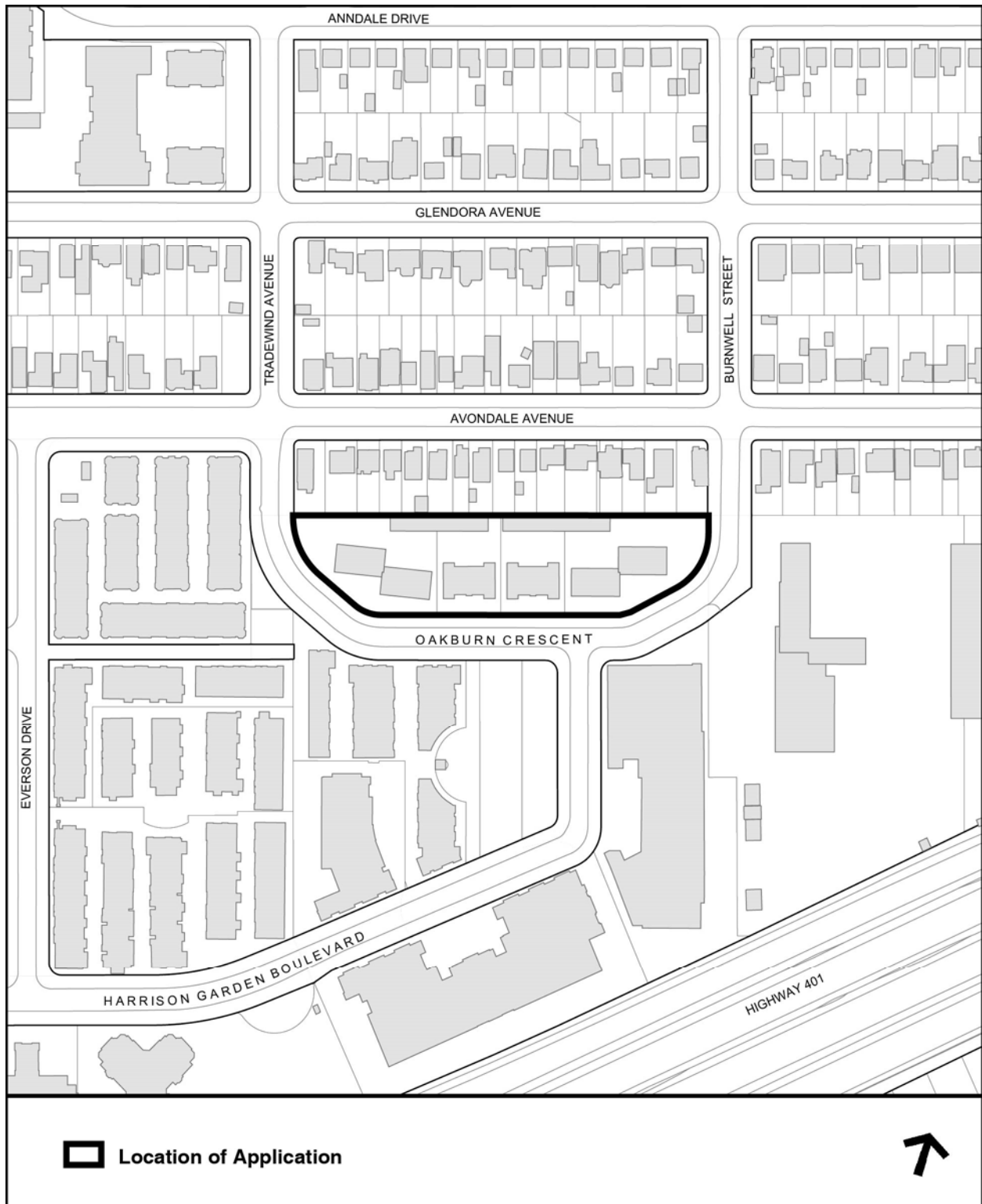
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David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Northwest
Attachment 4: 3D Model of Proposal in Context Looking Southeast
Attachment 5: Site Plan
Attachment 6: Policy Considerations
Attachment 7: Official Plan Land Use Map
Attachment 8: North York Centre Secondary Plan Density Map
Attachment 9: North York Centre Secondary Plan Height Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 2-4, 6, 8 10-12 OAKBURN CRES **Date Received:** July 16, 2021

Application Number: 21 185510 NNY 18 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official Plan and Zoning By Law Amendment application to permit the proposal for two residential rental buildings of 18 storeys in height, connected by a proposed 2 to 6 storey podium. A total of 452 rental residential units are proposed. The proposed development would have a total gross floor area of 35,776 square metres, which would bring the overall density on the Oakburn Lands to 3.26 times the area of the lot.

Applicant	Agent	Architect	Owner
K & G OAKBURN APARTMENTS II LTD	PETER SMITH, BOUSFIELDS INC.	KIRKOR ARCHITECTS AND PLANNERS	K & G OAKBURN APARTMENTS II LTD

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Y

Zoning: RM6(176) Heritage Designation: N

Height Limit (m): 11 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 7,928 Frontage (m): 198 Depth (m): 45

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,380	0	4,862	4,862
Residential GFA (sq m):	7,139	0	35,776	35,776
Non-Residential GFA (sq m):				
Total GFA (sq m):	7,139	0	35,776	35,776
Height - Storeys:	3		18	18
Height - Metres:	9		58	58
Lot Coverage Ratio (%):	61.33		Floor Space Index:	4.51

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	34,930	846
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	66	0	452	452
Freehold:	0	0	0	0
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	66	0	452	452

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:			0	0	0
Proposed:			248	159	45
Total Units:			248	159	45

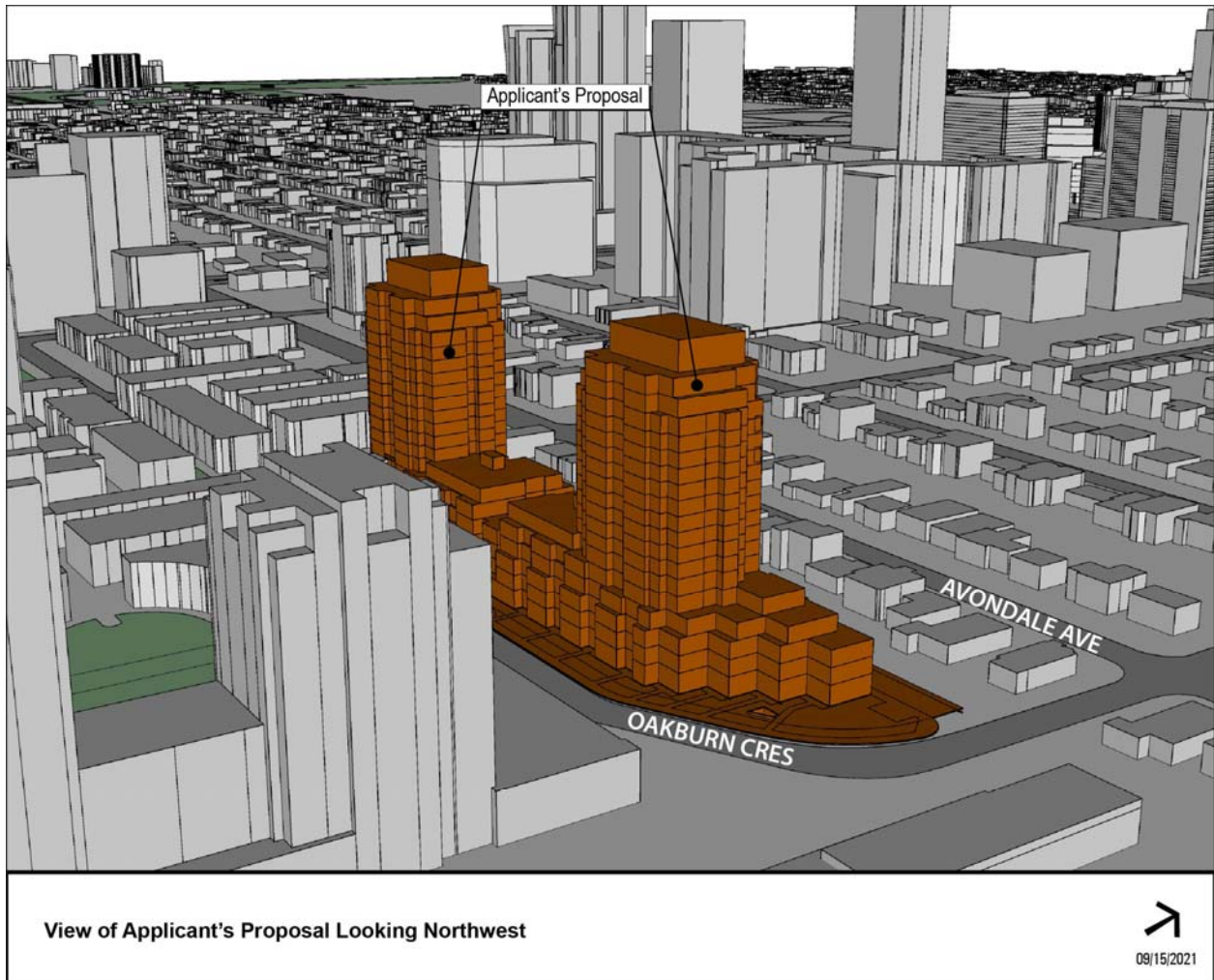
Parking and Loading

Parking Spaces:	262	Bicycle Parking Spaces:	340	Loading Docks:	2
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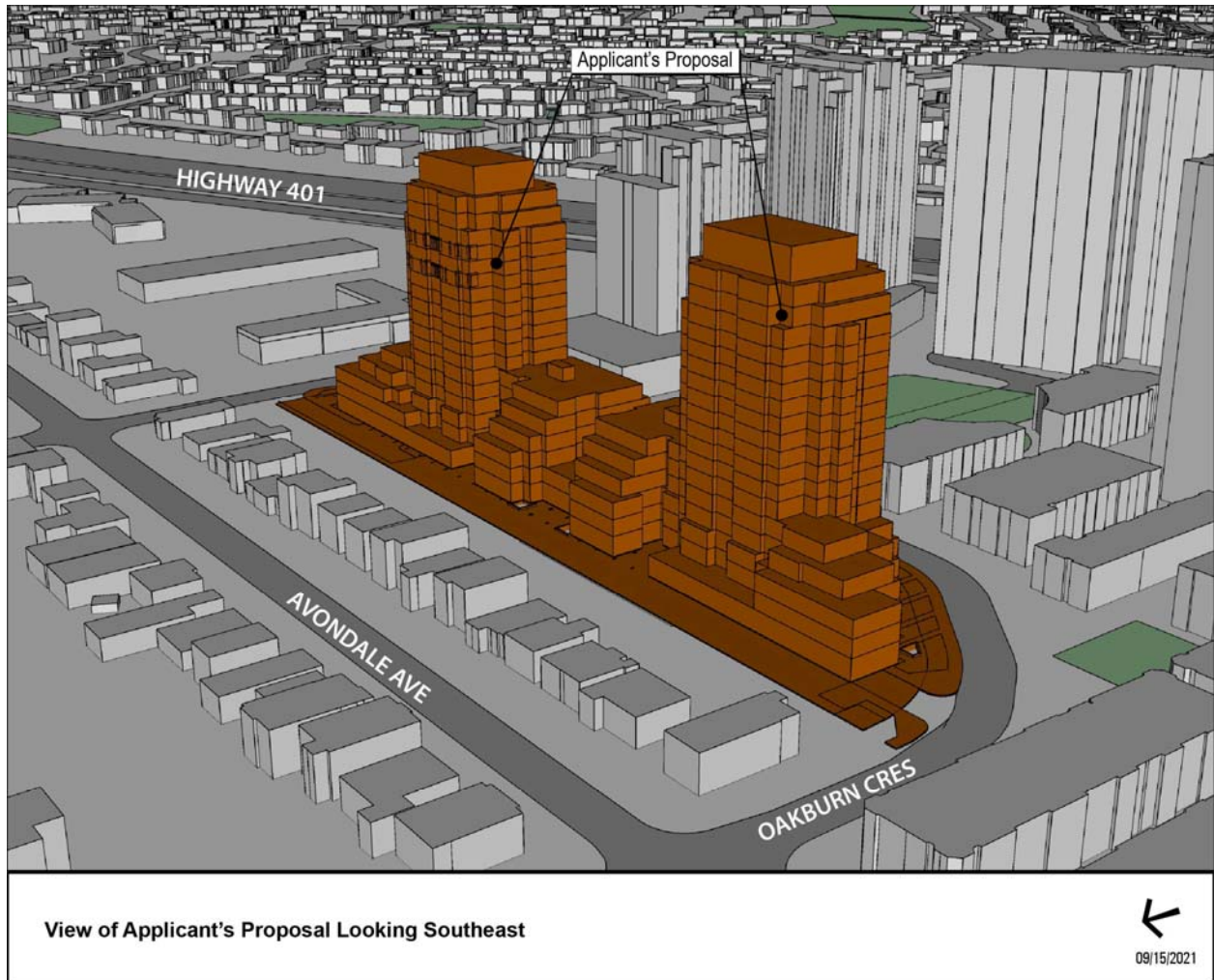
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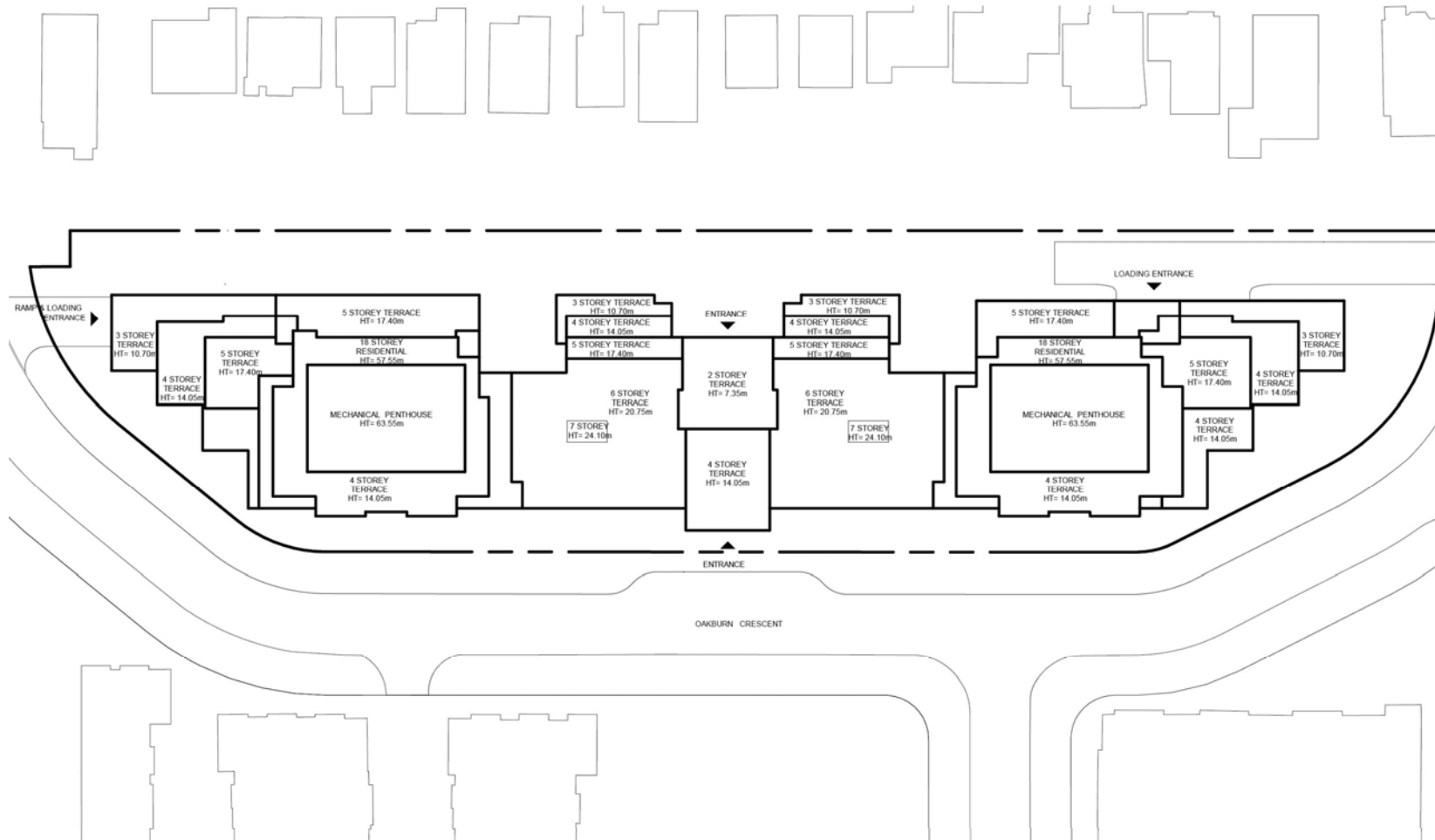
Attachment 3: 3D Model of Proposal in Context Looking Northwest



Attachment 4: 3D Model of Proposal in Context Looking Southeast



Attachment 5: Site Plan



Site Plan



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

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

The Provincial Policy Statement (2020)

The 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:

- encouraging a sense of place, by promoting well-designed built form;
- 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;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and
- conserving significant built heritage resources and significant heritage landscapes.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS 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."

Provincial 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.

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 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 Council shall also be consistent with the PPS and conform with Provincial 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 was an amendment to the 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;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving Cultural Heritage Resources in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Official Plan

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, built form, public realm, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also 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 of community benefits in the form of capital facilities.

The site is designated *Mixed Use Areas* as shown on Land Use Map 16. See Attachment 7 of this report for the Official Land Use Map.

North York Centre Secondary Plan

The subject site is also located within the North York Centre Secondary Plan ("NYCSP") and is designated *Mixed Use Area D* which permits institutional uses that are not predominantly offices, residential, public parks and recreational uses. The site is also subject to Site Specific Provision 17 of the Secondary Plan. The NYCSP permits a Floor Space Index ("FSI") of 2.0 times the area of the lands for the subject site, however, density incentives of no more than 33 percent of the base density may be permitted subject to the provision of specific uses and facilities in accordance with the Plan. For the subject site, a maximum FSI of 2.66 (which includes the 33 percent increase for the provision of incentives), is permitted.

Policy 1.17 of the NYCSP addresses the relationship of developments within the Secondary Plan to Stable Residential Areas outside of the Plan. The Secondary Plan states that the stability of these residential areas is to be maintained and enhanced in accordance with established Official Plan policies for those areas. Section 5.3 of the

NYCSP contains Built Form Policies for the Secondary Plan and Policies 5.3.6 a), b), c), d) and e) are applicable to the site and address the interface between the North York Centre and Adjoining Neighbourhoods. The Secondary Plan states that the use and form of development in the North York Centre should create a well defined boundary and facilitate a stable buffer from the surrounding residential neighbourhoods. Further the plan states that the interface between the North York Centre and the adjoining residential neighbourhoods will develop in a manner to minimise adverse impacts and to respect the character of the stable residential areas.

See Attachment 8 of this report for the NYCSP density map. The NYCSP permits a maximum height of 87 metres above grade for the site. See Attachment 9 of this report for the NYCSP height map.

Zoning By-laws

Former City of North York Zoning By-law 7625

The subject site is zoned Multiple-Family Dwellings Sixth Density Exception 176 - RM6(176) under the former City of North York Zoning By-law 7625. This zone permits apartment house dwellings and uses accessory thereto including accessory private recreational uses; multiple attached dwellings; and parks. The zone permits a maximum floor area of 6,915.5 square metres and a maximum height of 3 storeys and 11.0 metres on the site.

Citywide Zoning By-law 569-2013

The site is not subject to Citywide Zoning By-law 569-2013. The site is not proposed to be incorporated into the By-law through this application.

Urban Forestry/Environment

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

Design Guidelines

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

- Tall Building Design Guidelines;
- Streetscape Manual;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings; and,
- Bird-Friendly Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development Applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines may be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bqrd/backgroundfile-57177.pdf>.

Streetscape Manual

City Council has adopted Streetscape Manual and directed Planning staff to use these Guidelines as the standard in the design and reconstruction of City Streets. The Manual is a reference tool developed to guide the design, construction and maintenance of sidewalk and boulevard improvements on Toronto's arterial road network and emphasizes design quality and amenity in the pedestrian realm and provides specifications for paving, trees, medians, lighting and street furniture. The link to the manual may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/streetscape-manual/>

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The link to the guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

Toronto Green Standard

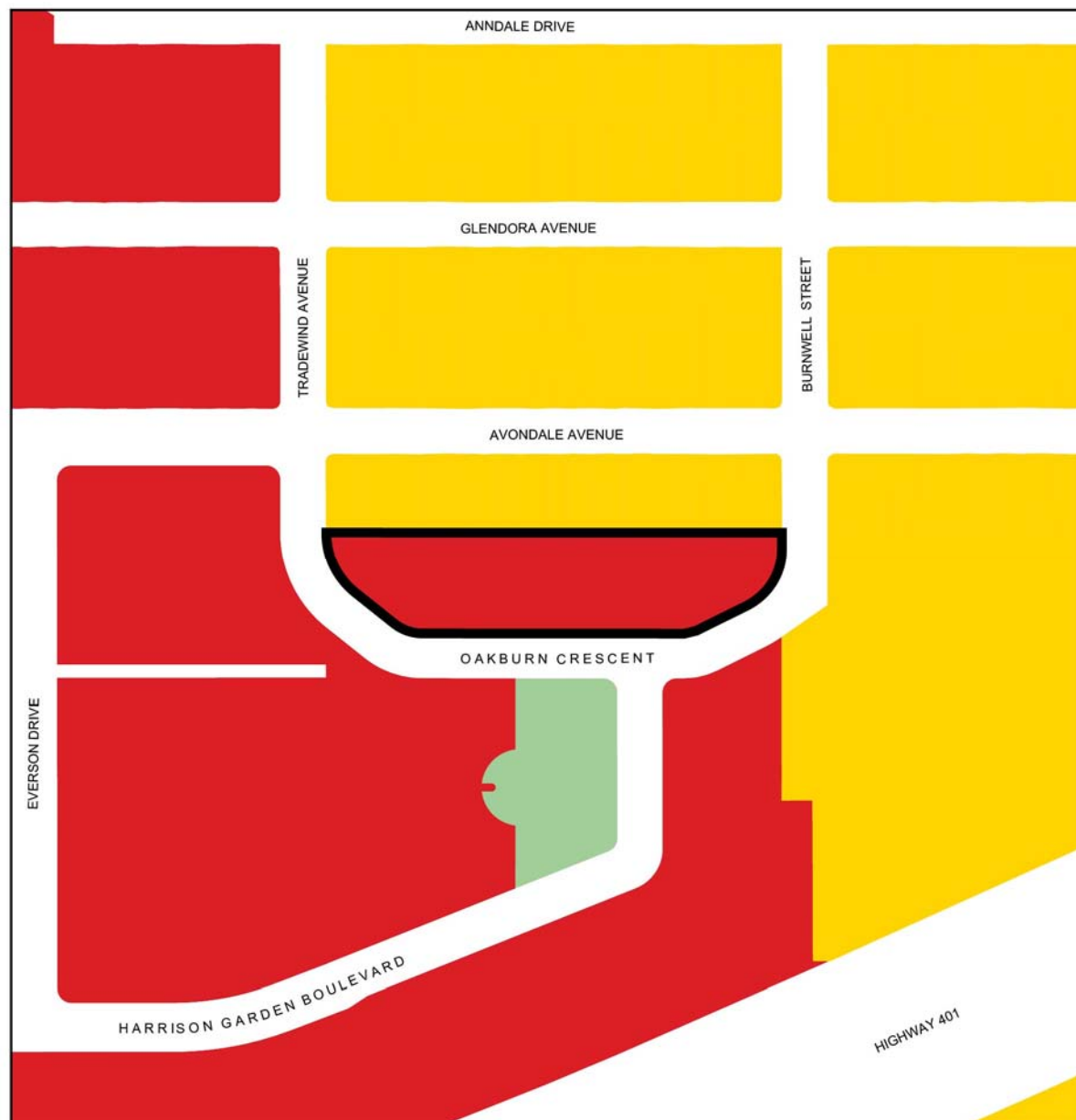
Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and

demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application.

TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>

To support the application of the TGS standards related to Bird Collision Deterrence and Light Pollution, the City also relies on the Bird-Friendly Guidelines, through the Bird-Friendly Glass and Best Practices for Effective Lighting documents. The link to these documents may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>

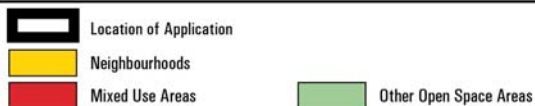
Attachment 7: Official Plan Land Use Map




Official Plan Land Use Map #16

2-4, 6, 8, 10-12 Oakburn Crescent

File # 21 185510 NNY 18 0Z

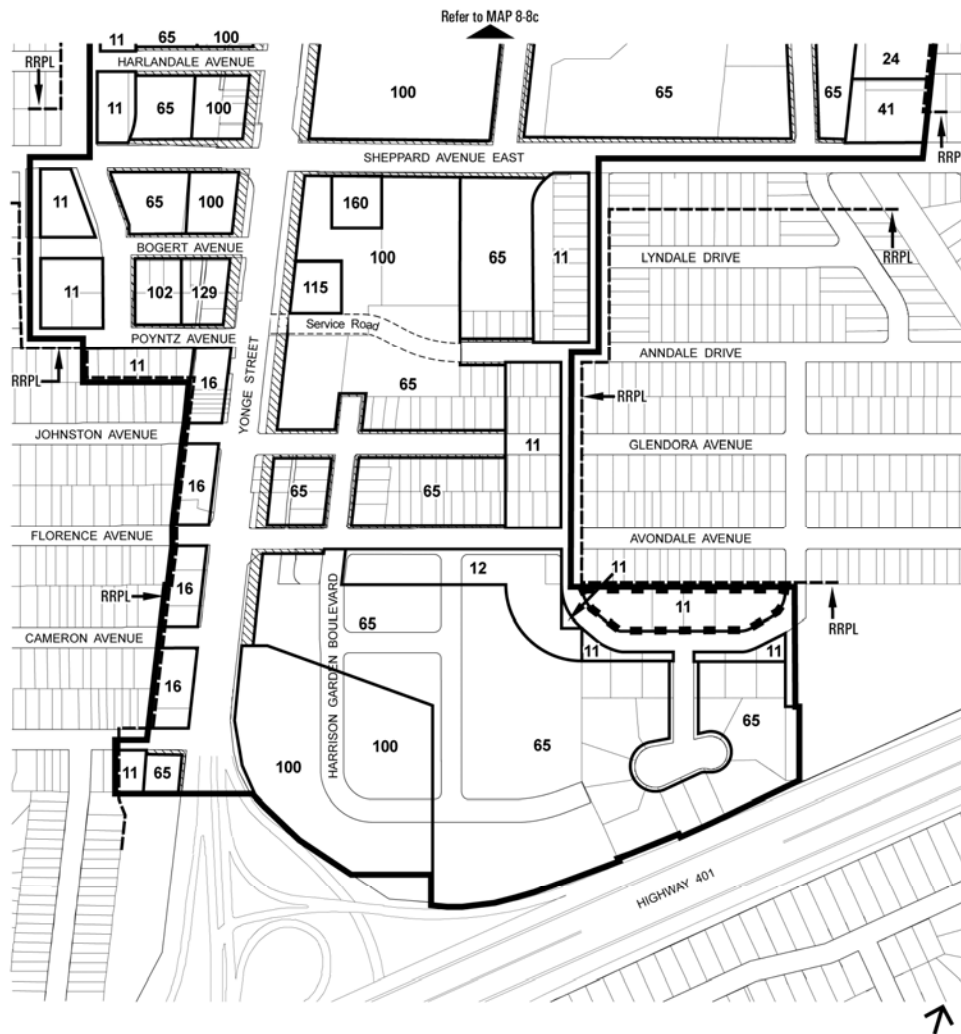



 Not to Scale
 Extracted: 07/19/2021

Attachment 8: North York Centre Secondary Plan Density Map



Attachment 9: North York Centre Secondary Plan Height Map



North York Centre Secondary Plan

MAP 8-8d Maximum Height Limits

- Secondary Plan Boundary**
- 11** The Lesser of 11m or 3 Storeys
- 12** The Lesser of 12m or 4 Storeys
- 16** The Lesser of 16m or 4 Storeys
- 24** The Lesser of 24m or 7 Storeys

- 41** The Lesser of 41m or 13 Storeys
- 65** Maximum 65m Above Grade
- 100** Maximum 100m Above Grade
- Street Facade Limit as per Section 5.3 of this Secondary Plan
- Relevant Residential Property Line (RRPL)

Location of Application



November 2015