

## **4340 Bloor Street West – Zoning By-law Amendment Application – Request for Direction Report**

Date: November 8, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 - Etobicoke Centre

**Planning Application Number:** 20 222977 WET 02 OZ

### **SUMMARY**

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A Zoning By-law Amendment application was submitted for 4340 Bloor Street West on December 17, 2020 and was revised in February 2022 for a 13-storey apartment building (41.5 metres, excluding mechanical penthouse) on the western portion of the site and a four-storey apartment building (13.5 metres, excluding mechanical penthouse) on the eastern portion of the site. A total of 241 new residential units and 18,286 square metres of new gross floor area is proposed. Parking would be provided in a new garage below grade. The existing 15-storey apartment building (44.5 metres, excluding mechanical penthouse) with an estimated 8,765 square metres of gross floor area on the site, containing 86 rental units, will be maintained.

The applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) in April 2022 due to Council not making a decision within the prescribed time frames set out in the Planning Act. The first Case Management Conference (CMC) was conducted on September 29, 2022 (OLT Case No. OLT-22-003672). A 10-day hearing has been scheduled to start on June 5, 2023.

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**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal (OLT) in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 4340 Bloor Street West and to continue discussions with the applicant in an attempt to resolve outstanding issues.

2. In the event that the OLT allows the appeal, in whole or in part, City Council authorize the City Solicitor to request that the OLT withhold the issuance of any final Order(s) until such time as the OLT has been advised by the City Solicitor that:

a. the form and content of the Zoning By-law Amendment are to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning;

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

c. the owner has provided a revised Transportation Impact Study, including a multimodal safety study/operations assessment, to be reviewed and its recommendations implemented to the satisfaction of the General Manager, Transportation Services; and

d. the owner has submitted a revised Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services.

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

## **FINANCIAL IMPACT**

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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**

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Pre-application meetings were held in April 2019 and August 2020. The current application was submitted on December 17, 2020 and deemed complete on January 27, 2021. A Preliminary Report on the application was adopted by Etobicoke York

Community Council on May 17, 2021 (Item EY24.11). The Preliminary Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2021/ey/bgrd/backgroundfile-166327.pdf>

## **SITE AND SURROUNDING AREA**

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### **Site Description and Dimensions**

The site is approximately 10,059 square metres in size and is bounded by Bloor Street West to the south, Mill Road to the east, Millwood Junior School to the north, and Millwood Park to the west. The site is rectangular in shape with a lot frontage of 129 metres on Bloor Street West and a lot depth of 71 metres.

### **Current Use**

The site is currently occupied by a 15-storey, 86-unit, rental apartment building constructed in the 1960s.

### **Surrounding Uses**

North: Lands to the north are designated *Neighbourhoods* in the Official Plan and the property is bounded by Millwood Junior School and the Toronto Millwood YMCA Child Care Centre to the north. Further north is a low-rise residential area comprised of one- to two-storey detached dwellings.

West: Immediately west of the site is Millwood Park, the neighbourhood park for the surrounding Markland Wood community and contains a number of recreational facilities including two baseball diamonds, tennis courts, and a playground. Further to the west there is a 13-storey apartment building at 210 Markland Drive, and beyond that is the Markland Wood Golf Club, designated as *Parks*. The eastern edge of the Millwood Park is occupied by a large swale running along the boundary with the subject site.

East: The east side of the property fronts onto Mill Road, which connects from Bloor Street West to the Millwood Junior School. On the east side of Mill Road are one- and two-storey residential buildings designated *Neighbourhoods*.

South: The south side of the property fronts onto Bloor Street West. On the south side of Bloor Street West is the Markland Wood Plaza, designated as *Mixed Use Areas*. To the southwest are low-rise residential areas and to the southeast is the Saint Clement Catholic School, all designated as *Neighbourhoods*. Refer to Attachment 1 for the Location Map.

## **THE CURRENT APPLICATION**

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## **Proposed Uses**

The application proposes two new apartment buildings on the east and west portions of the site. The existing 15-storey apartment building would be maintained in between these two new buildings.

## **Height**

The proposed new western apartment building would be 13 storeys tall (41.5 metres excluding mechanical penthouse) with a four-storey podium (14.5 metres) to the north and west and an eight-storey (26.5 metres) component on southeast portion of the building. The proposed eastern apartment building is four storeys in height (13.5 metres excluding mechanical penthouse). The existing building is 15 storeys tall (49.5 metres including mechanical penthouse).

## **Density (Floor Space Index)**

The site would have a density of 2.7 times the area of the lot including the existing and proposed buildings.

## **Unit Breakdown**

There would be 241 new dwelling units, of which 144 would be one-bedroom units (60%), 74 would be two-bedroom units (31%), and 23 would be three-bedroom units (9%).

## **Access and Loading**

Vehicular access, as proposed, would continue to be provided from Bloor Street West into the site around an internal driveway providing access to the underground parking garage ramp, the loading space and the area for pick up and drop-off. The proposal would include one Type 'G' and two Type 'C' loading spaces.

## **Parking**

There would be 232 new vehicle parking spaces proposed for residents and 59 new vehicle parking spaces proposed for visitors. These would be in addition to the existing 89 vehicle parking spaces for residents and six vehicle parking spaces for for visitors.

There would be a total of 248 bicycle parking spaces provided for new and existing units.

## **Amenity Space**

The proposal would introduce 3.36 square metres indoor amenity space per new unit, and 2.69 square metres outdoor amenity space per new unit. In total, the application proposes 809 square metres of indoor amenity space and 650 square metres of outdoor amenity space, for both new and existing units.

## **Additional Information**

See Attachments 1, 2 and 3 of this report for a location map, three-dimensional representations of the project in context and a site plan of the proposal.

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=0Aw4GNLs4jzhHdusM%2Fap0g%3D%3D>

## **Reason for Application**

An application to amend the Zoning By-law 569-2013 would be required to amend the existing performance standards to facilitate the introduction of the new additional apartment buildings on the site.

## **Site Plan Control**

The proposal would be subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **POLICY CONSIDERATIONS**

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The site is designated as *Apartment Neighbourhoods* on Land Use Map 14 of the Official Plan. The lands are surrounded by *Neighbourhoods* to the north and east, *Mixed Use Areas* to the south and *Parks* to the west.

The site is subject to city-wide Zoning By-law 569-2013, which zones the site as Residential Apartment (RA) permitting the existing apartment building.

City-wide Urban Design Guidelines relevant for review of the proposal include: Avenues and Mid-Rise Buildings and Performance Standards and Addendum; Growing Up: Planning for Children in New Vertical Communities; Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

Additional Information on applicable policy can be found in Attachment 10.

## **COMMUNITY CONSULTATION**

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A Community Consultation Meeting had not yet been scheduled when this application was appealed.

Community comments and concerns were submitted to staff through the Application Information Centre, direct emails and through a meeting held by staff with approximately eight members of the Markland Wood Homeowner Association on March 31, 2022. The issues raised include concerns regarding:

- possible change of access to Mill Road;

- building setbacks, height and massing creating a negative impact on the neighbourhood;
- insufficient number of larger unit sizes;
- proposed tree removal;
- increased flooding risk; and
- pedestrian safety.

## **COMMENTS**

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The proposal has been reviewed against the *Planning Act*, Provincial Policy Statement (PPS), Growth Plan and Official Plan policies and urban design guidelines.

### **Planning Act**

City Planning staff have reviewed the application having regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

### **The Provincial Policy Statement (2020)**

City Planning staff have reviewed the current proposal against the policies of the PPS, as described in Attachment 10: Policy Considerations section in this report.

The PPS directs that long-term economic prosperity should be supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

City Planning staff have reviewed the current proposal against the policies of the Growth Plan, as described in Attachment 10: Policy Considerations section in this report.

The Growth Plan (2020) states that applying the policies of the plan will support the achievement of complete communities that: feature a diverse mix of land uses, including residential and employment uses; provide a diverse range and mix of housing options to accommodate people at all stages of life, and accommodate the needs of all household sizes and incomes; and provide for a more compact built form and a vibrant public realm. Growth Plan guiding principles include the principle to support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

### **Land Use**

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Considerations section of this report and Attachments 1 to 10.

The Official Plan directs that although significant growth is not intended within developed *Apartment Neighbourhoods* on a city-wide basis, compatible infill development may be permitted on a site within a developed *Apartment Neighbourhood* with one or more existing apartment buildings subject to development criteria listed in policy 4.2.3.

### **Density, Height and Massing**

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

The proposed heights proposed are considered acceptable by staff. The proposed heights are complementary with the existing 15-storey apartment building (44.5 metres including mechanical penthouse) on the site, the public school to the north, the low density residential developments to the east and the public park to the west. Further, the revised proposed heights minimize the visual and physical impacts on the public realm. The proposed setback achieves appropriate facing conditions with existing and future land uses and other development on neighbouring properties. The overall density would result in a total site Floor Space Index (FSI) of 2.7 (up from 0.87 currently), which is acceptable to staff.

### **Sun/Shadow**

The Official Plan requires that development in *Neighbourhoods Areas* locate and mass new buildings to frame the street-edge with good proportion and 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 building should be designed to limit shadow impacts on the public realm and surrounding properties. While the shadow study of the original application illustrated shadow impacts during the fall and spring equinoxes and the summer solstice, particularly on Millwood Junior School at 222 Mill Road at 9:18 am to 1:18 pm on March 21 and 9:18 am to 2:18 pm on September 21, the revised proposal received in February 2022 appropriately limits shadow on surrounding properties including Millwood Junior School.

### **Wind**

The applicant submitted a Pedestrian Level Wind Study prepared by SLR Consulting dated November 18, 2020 in support of the application. The study finds that wind safety criteria are met at all locations on and surrounding the development in both the existing and proposed configurations. However, recommendations are made for some areas, including at the southwest corner of the building. On the Level 7 amenity terrace, conditions are windier than desired and wind mitigation measures are recommended. Mitigation of wind impacts are best addressed through the building massing and articulation as secured during the rezoning process. A few significant changes were made in the February 2022 resubmission including reducing the height from 16 storeys to 13 storeys and increasing setbacks. The applicant submitted a letter prepared by SLR Consulting dated February 7, 2022 in support of the February 2022 resubmission. The letter states that wind conditions at the southwest corner of the building are

expected to be comfortable for leisurely walking in the winter, slightly calmer than the wind conditions presented in the original application.

Staff are satisfied with the findings of the study and additional wind tunnel testing, if needed, can be reviewed and finalized during site plan control application to confirm the efficacy of potential wind mitigation features.

## **Unit Mix**

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

Staff have reviewed the applicant's proposal and note the provision of 74 (31%) two-bedroom units and 23 (9%) three-bedroom units. While the proposal in its current form generally supports the two-bedroom unit mix objectives of the Growing Up Guidelines, the proposal does not meet the 10% unit mix objective for three-bedroom units. The provision of more three-bedroom units would contribute to accommodating a broad range of households, including families with children, and City Planning seeks a higher proportion of three-bedroom units.

Unit layout has not yet been confirmed by the applicant. Additional information on the proposed unit sizes, and unit layouts, including a table outlining unit sizes and size ranges by bedroom type, would enable staff to fully evaluate the application in the context of the Growing Up Guidelines to determine the proposal's adherence to these guidelines.

## **Housing**

The application is subject to policy 3.2.1.5 of the Official Plan requiring the existing 86 rental units to be secured for a period of at least 20 years, with no application for demolition or conversion to condominium or freehold ownership during that period. Further, the Housing Issues Report, prepared by Urban Strategies Inc., provided a list of recent improvements and lists several proposed improvements related to landscaping and outdoor areas (i.e., landscape enhancements, walkways, additional open space). The applicant will need to conduct a tenant survey to engage residents in the appropriate identification of improvements to the existing building. The February 2022 submission indicated that the tenant survey would be developed in due course and the applicant is required to coordinate with Housing Policy staff prior to administering the survey in order to ensure that it is consistent with the City's standard practices.

The owner will also be required to develop a construction mitigation plan and tenant communications strategy to mitigate the impacts of construction of the proposed development on existing residents.

## **Roadways**

A 0.40-metre wide land conveyance is required along the Bloor Street West frontage and a 2.53-metre wide land conveyance is required along the Mill Road frontage. The



applicant will be required to undertake these conveyances for both roadways as part of a future site plan control application for the subject site. All drawings must be revised with appropriate dimensions to identify lands being conveyed free and clear of encumbrances for both above and below grade.

## **Transportation**

The application proposes to redesign and move the existing Bloor Street West access further west and a service court in front of the existing building, which would also provide access to the underground parking and loading facilities. A Transportation Impact Study, prepared by EXP Services Inc. dated November 2020 and revised February 2022, was submitted in support of the application.

### **Right-of-Way Widths and Land Conveyances:**

A 0.40-metre wide land conveyance is required along the Bloor Street West frontage and a 2.53-metre wide land conveyance is required along the Mill Road frontage. The applicant will be required to provide these conveyances free and clear of encumbrances for both above and below grade.

### **Access and Loading:**

The Official Plan directs new development to locate and organize vehicle parking, access and loading to minimize their impacts on the public realm by limiting new and removing existing surface parking and vehicular access between the front face of the building and the public street or sidewalk. Staff have concerns with the access and service courts and seek to improve the pedestrian and public realm along the Bloor Street West frontage. Staff have requested a multimodal safety study/operations assessment for review.

A Type G loading space is proposed which would be accessed from the service court at the front of the building off Bloor Street West. Solid Waste Management Services and Transportation Services staff have requested additional information and revisions to the proposed loading area and manoeuvring diagrams.

### **Vehicular Parking and Bicycle Parking:**

The revised proposal would provide the minimum resident and visitor parking in accordance with the provisions of Zoning By-law 569-2013. Accessible parking spaces must be provided in accordance with the supply and dimensional requirements in Zoning By-law 569-2013 as amended by By-law 579-2017.

Staff accept the proposed rates for bicycle parking, however, long-term bicycle parking spaces should be no more than one level below or above grade. Access and egress to below grade secured long-term bicycle parking facilities to be provided primarily with bicycle parking stairs (shallow grade stairs with bicycle rails), bicycle ramps or dedicated bicycle elevators.

### **Transportation Demand Management:**

Transportation Planning accepts the Transportation Demand Management measures proposed in principle and requests that, at site plan control, an appropriate financial contribution be secured for the capital funding of two Toronto Public Bike Share docking

stations to be located within the public right-of-way, in a location off-site to be determined in consultation with the Toronto Parking Authority and Ward Councillor;

In the event that the application is approved in principle at the OLT, Transportation Services recommends that the City request that the OLT withholds its final Order until such time as the Transportation Impact Study is revised to the satisfaction of the General Manager of Transportation Services.

### **Servicing and Stormwater Management**

Site Servicing and Stormwater Management Reports, prepared by EXP, dated November 19, 2020 and revised January 31, 2022, and associated plans were submitted in support of the proposal. Engineering and Construction Services staff reviewed these materials and have noted several required revisions through the development review process.

A revised Functional Servicing Report is required to be submitted to Engineering and Construction Services for review and acceptance, to 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 proposal. Further, the applicant would also be required to make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure to support the development in accordance with an accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.

In the event that the application is approved in principle at the OLT, Engineering and Construction Services recommend that the City request that the OLT withholds its final Order until such time as the City confirms water, sanitary and stormwater capacity that there are Holding provisions applied to the Zoning By-law amendment to secure these required revisions and agreements.

### **Open Space/Parkland**

The subject lands are in an area with below average provision of parkland per person. Parks staff have identified that in accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant would be required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The residential nature of this proposal means that the site would be subject to a cap of 15% parkland dedication. The value of the cash-in-lieu of parkland dedication is to be appraised through Real Estate Services and payment would be required prior to the issuance of the first above grade building permit.

### **Tree Preservation**

An Arborist Report, prepared by Central Tree Care Ltd., dated November 18, 2020 and revised on February 8, 2022, was submitted by the applicant in support of the application. The applicant is proposing the removal of 21 protected privately-owned

trees and seven City-owned mature trees fronting onto Mill Road. Urban Forestry reviewed the Arborist Report and requested revisions and additional information. The Tree Protection and Plan Review requires the applicant to meet the City's Toronto Green Standard (TGS) ecology requirements and replanting requirements under the City of Toronto's Tree By-laws. The current proposal shows less than 25% of the required replacement trees are being proposed (i.e., only 14 trees proposed versus 57 trees required). In principal, Urban Forestry does not object to the development of the subject lands, however, Urban Forestry does not support development proposals that require the removal of a significant number of healthy mature trees while restricting replanting opportunities for large-growing shade trees as part of the development. Urban Forestry is not in the position to support the proposed Zoning By-law Amendment application at this time until the application for tree removal/injury is submitted for processing and tree planting issues are resolved.

### **Toronto Green Standard**

The applicant is required to meet Tier 1 of the Toronto Green Standard (TGS) that is in effect at the time of site plan control application. The applicant is proposing 36% of the soil volume that is required to be met with the mandatory Tier 1 of the TGS. 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 measures such as bicycle parking are to be secured in the Zoning By-law should the application be approved. The applicant should provide 25% of the parking spaces with electric vehicle supply equipment (EVSE). Other TGS performance measures for the proposed development would be further secured through the future site plan control review process.

### **School Boards**

The Toronto Catholic District School Board (TCDSB) will require proof of notification signage and clauses to be included in conditions of approval for the proposal due to student accommodation concerns in the area.

The Toronto Lands Corporation in consultation with the Toronto District School Board (TDSB) identified three key concerns with the proposal: shadow and wind impacts; vehicular site access; and demolition and construction impacts.

The TDSB was initially concerned with new shadow and the wind impacts on the schools' outdoor play area, but more recently noted that the revised built form in the latest (February 2020) proposal has reduced the shadow impact and adequately limited uncomfortable wind conditions in the school's play area.

The TDSB preference for vehicular access is along Bloor Street West rather than off Mill Road to avoid conflict with school operations and protect the safety of the school community.

The TDSB and TCDSB requested a construction management plan to ensure that there are no risks to the health and safety of students, staff and the school community.

## **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 meet guideline recommendations for three-bedroom units, transportation concerns with the Bloor Street West access require resolution and concerns remain regarding mature tree removal and replacement. 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.

## **CONTACT**

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## **SIGNATURE**

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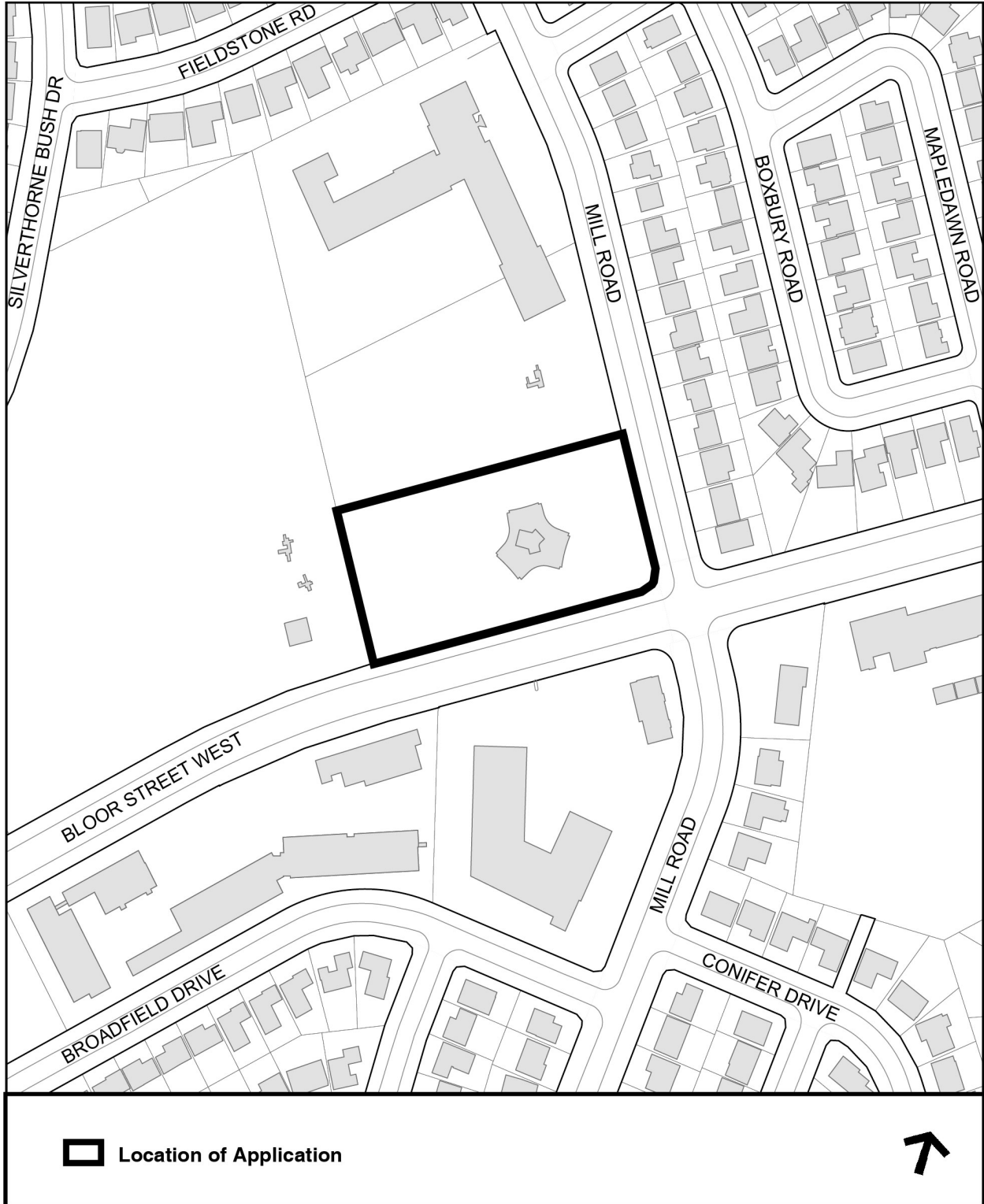
Michael Mizzi, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

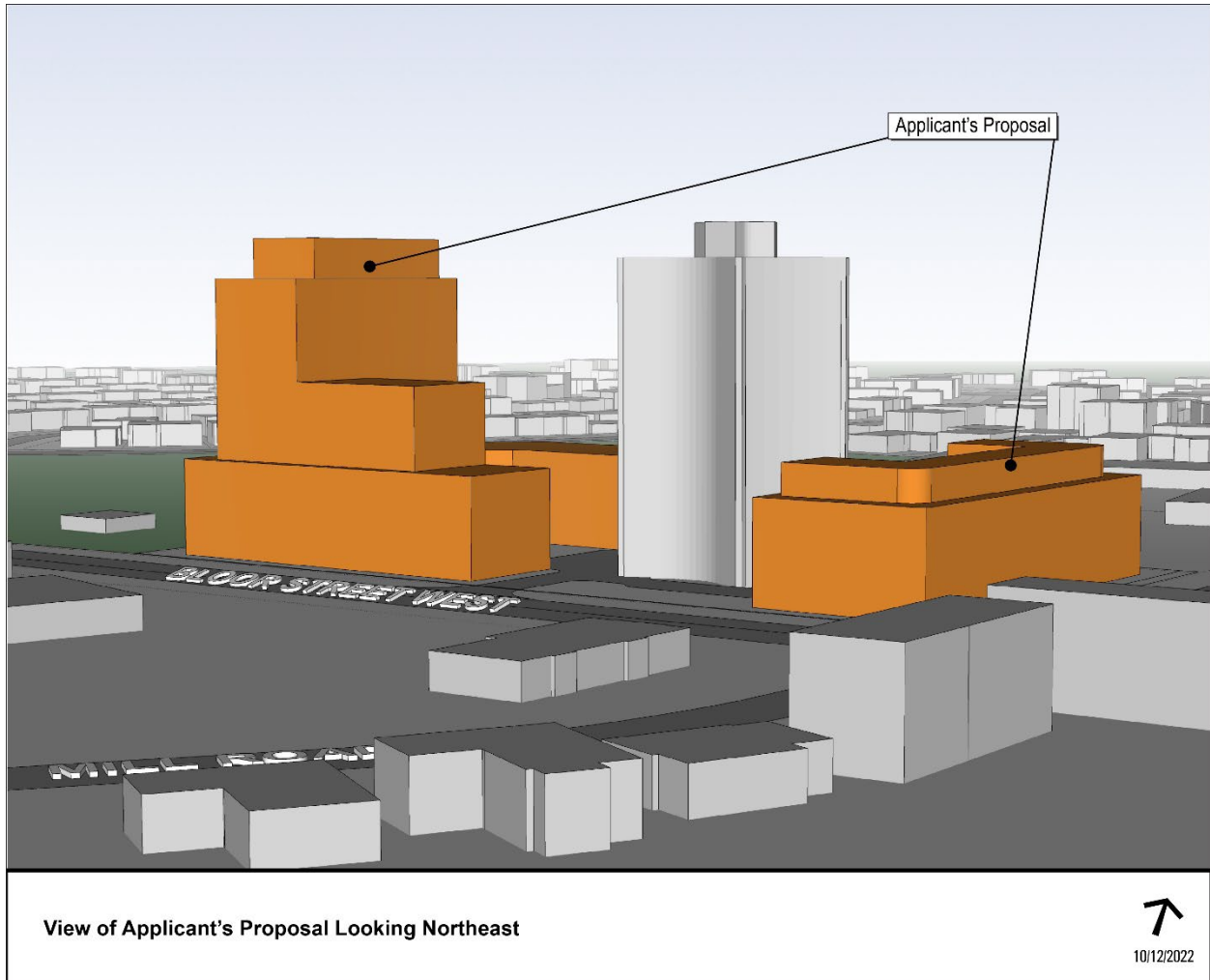
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Attachment 1: Location Map  
Attachment 2a: 3D Model of Proposal in Context Looking Northeast  
Attachment 2b: 3D Model of Proposal in Context Looking Southwest  
Attachment 3: Site Plan  
Attachment 4: South Elevation  
Attachment 5: West Elevation  
Attachment 6: North Elevation  
Attachment 7: East Elevation  
Attachment 8: Official Plan Map  
Attachment 9: Zoning By-law Map  
Attachment 10: Policy Considerations

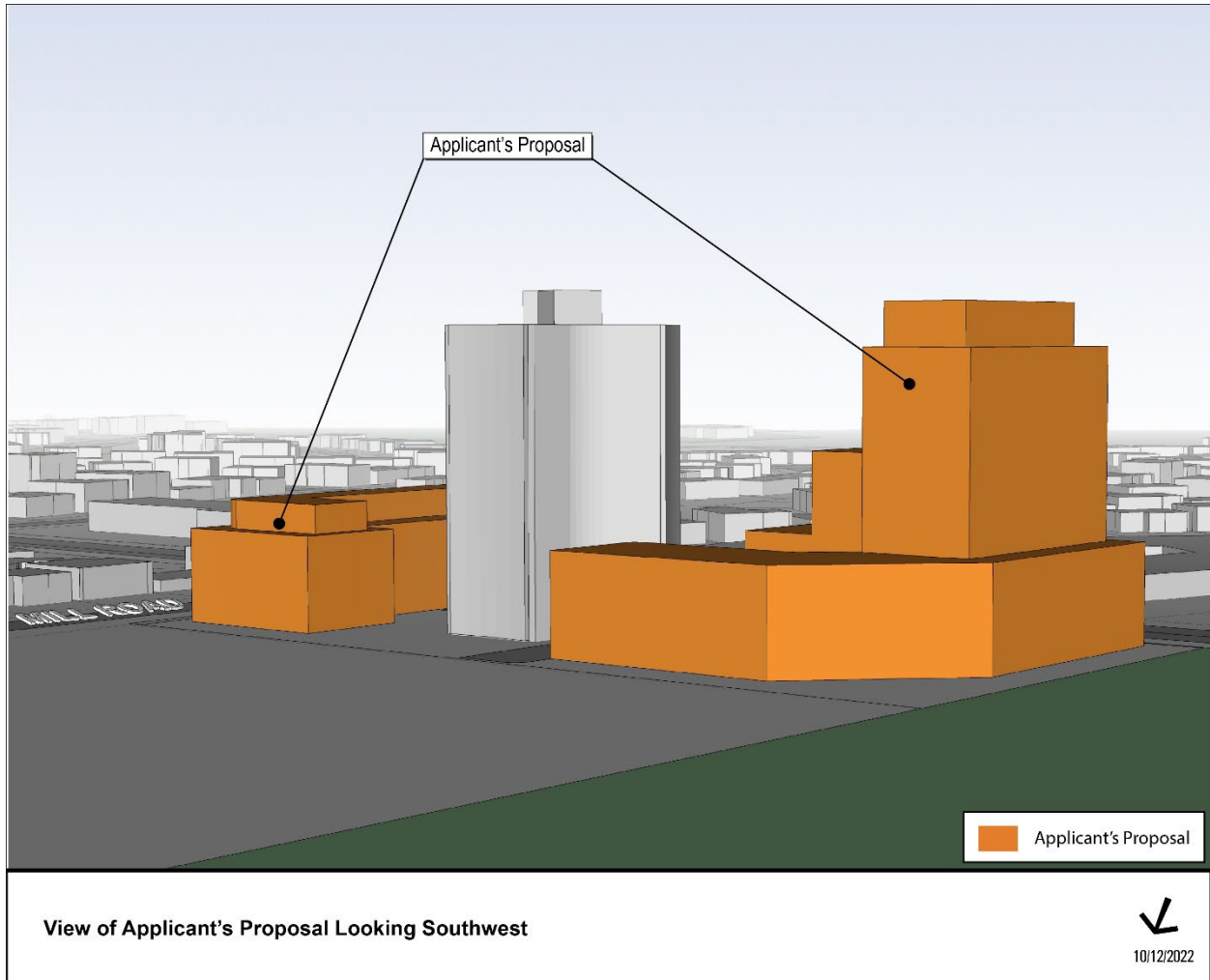
Attachment 1: Location Map



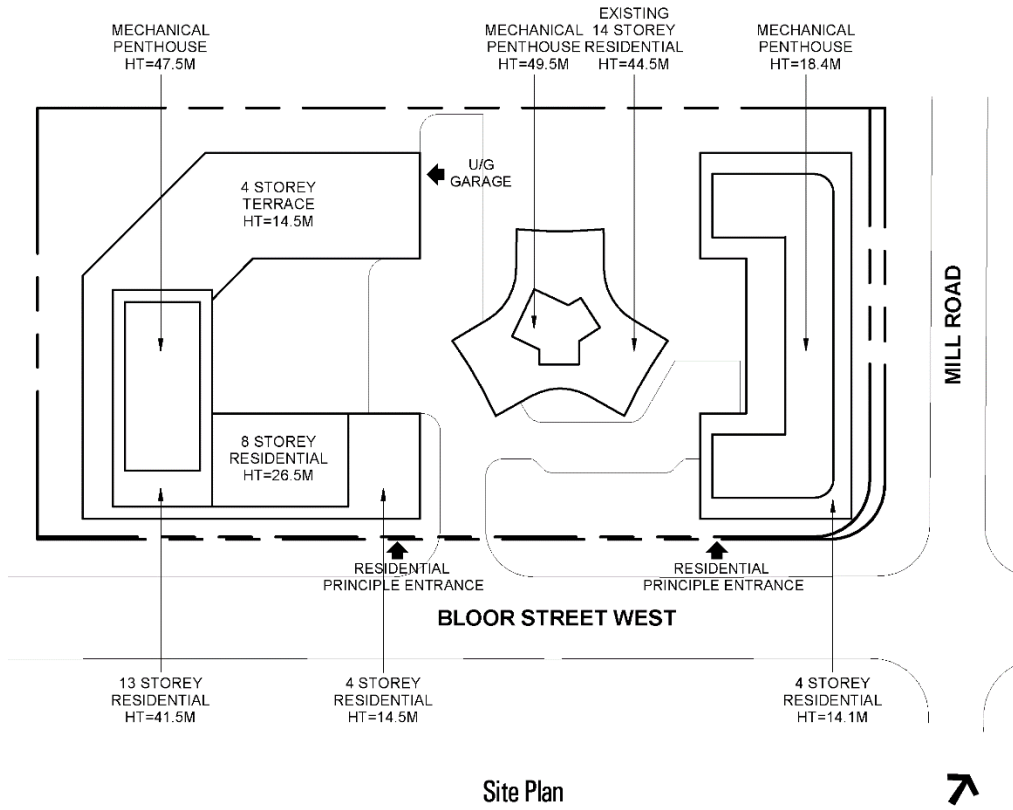
Attachment 2a: 3D Model of Proposal in Context Looking Northeast



Attachment 2b: 3D Model of Proposal in Context Looking Southwest

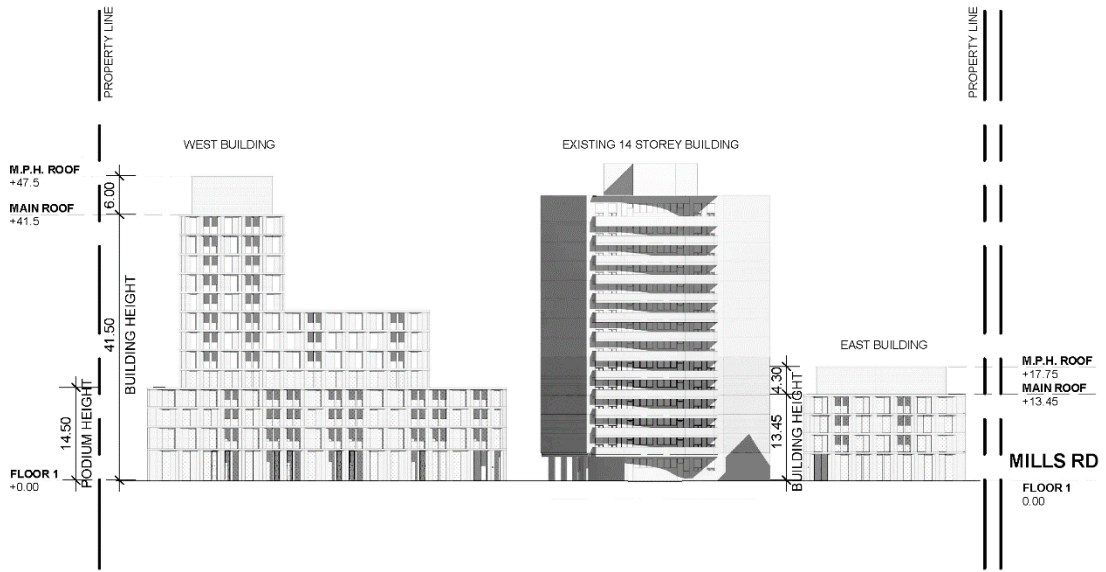


Attachment 3: Site Plan



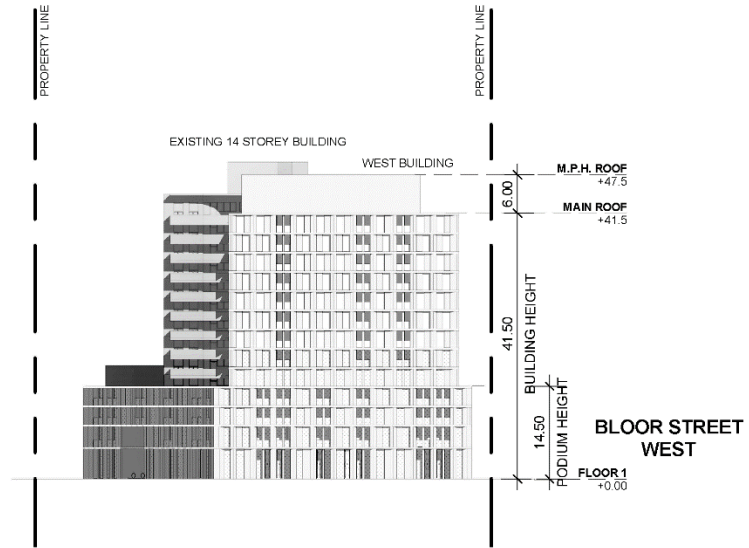


# Attachment 4: South Elevation



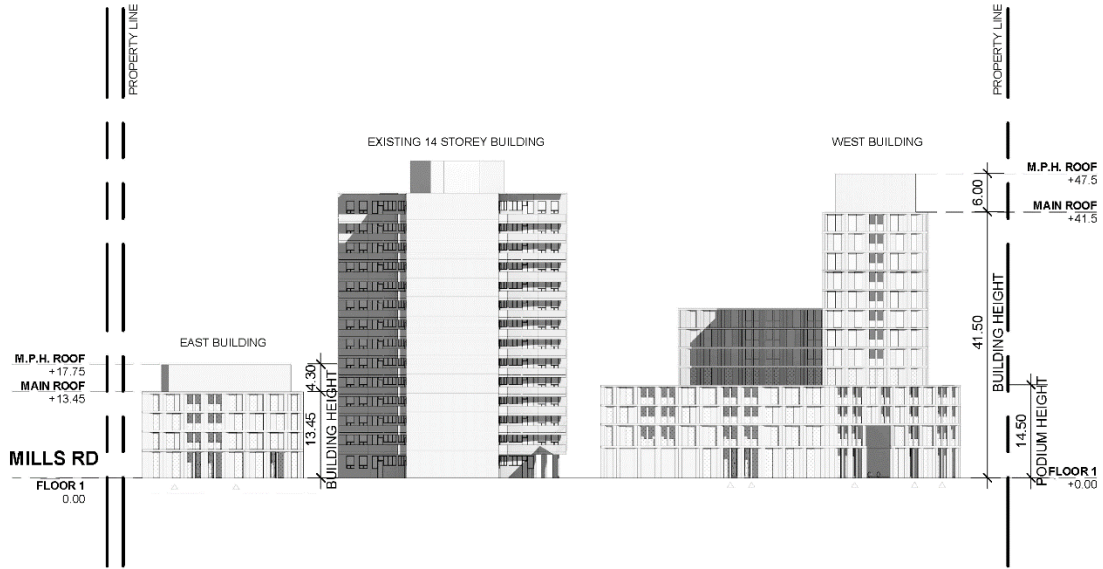
South Elevation

# Attachment 5: West Elevation



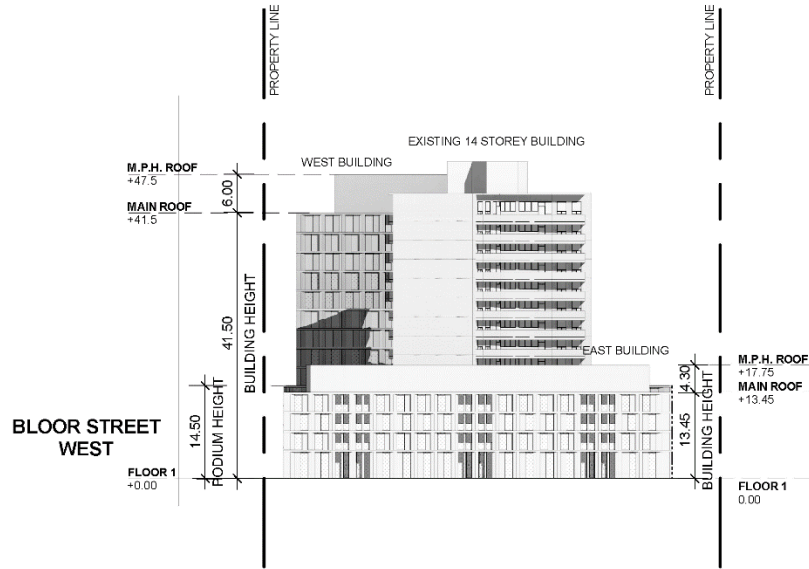
West Elevation

Attachment 6: North Elevation



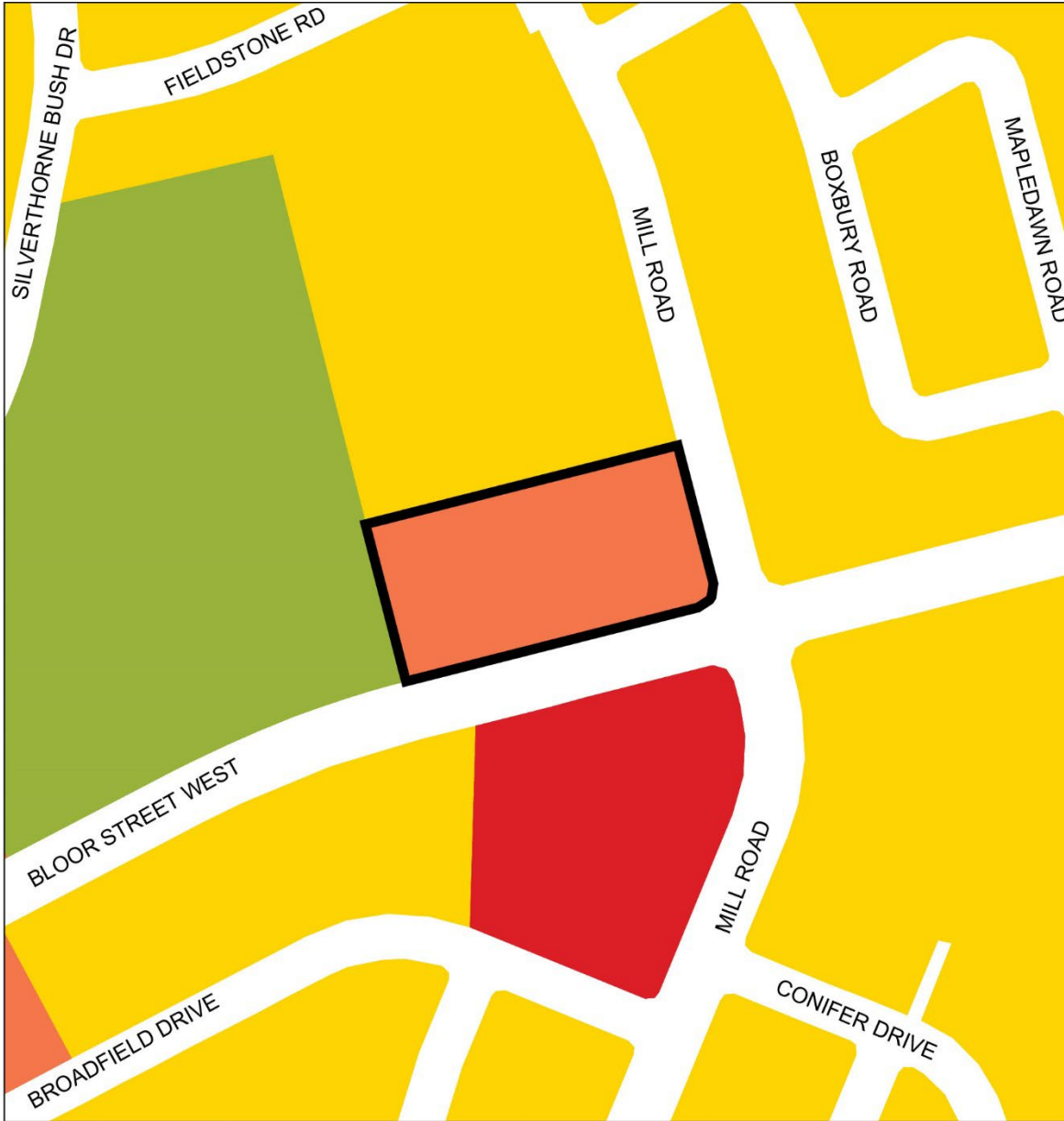
North Elevation

# Attachment 7: East Elevation



East Elevation

Attachment 8: Official Plan Map



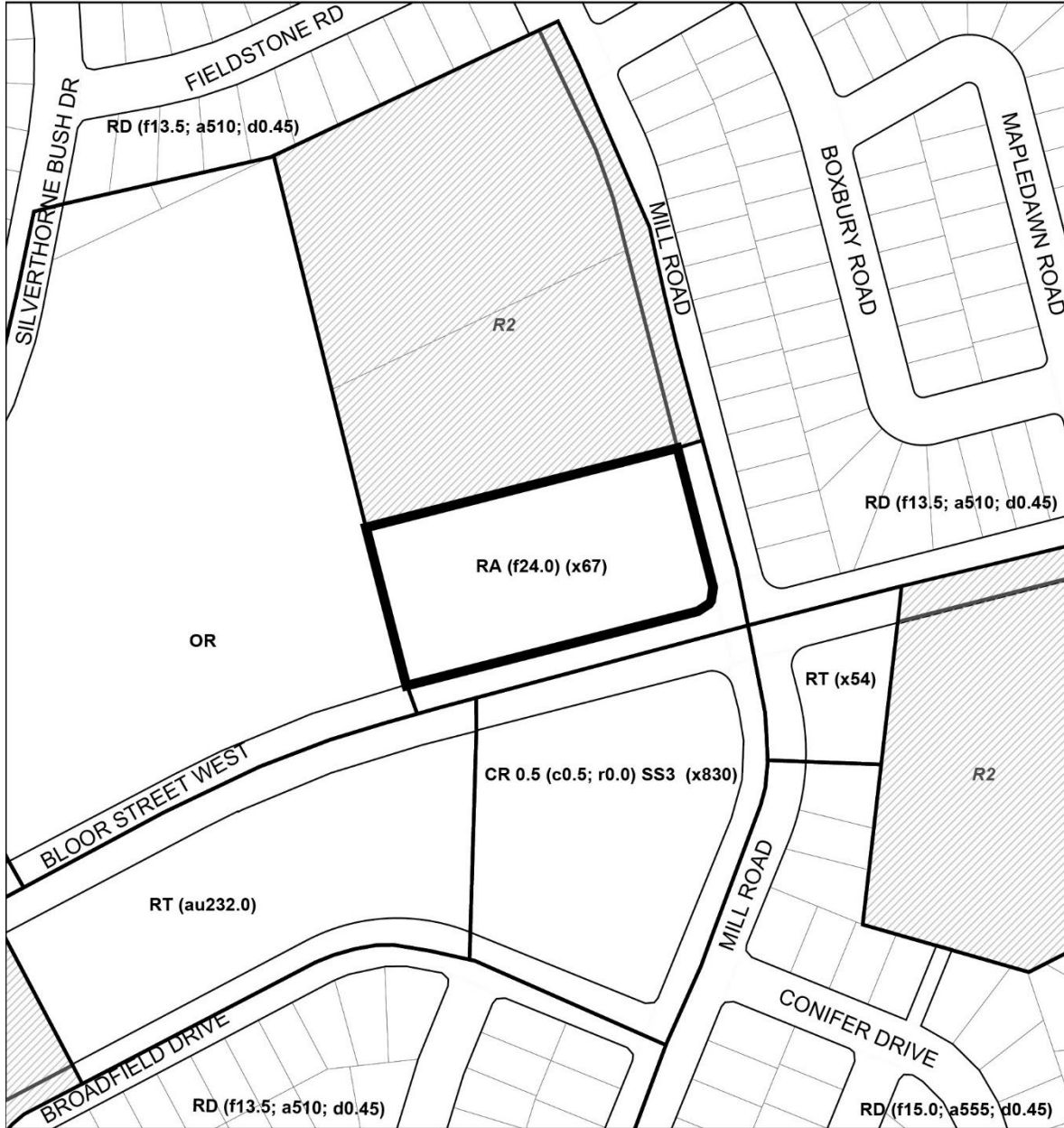
Official Plan Land Use Map #14

4340 Bloor Street West  
File # 20 222977 WET 02 0Z



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Not to Scale  
Extracted: 02/09/2021

Attachment 9: Zoning By-law Map




Zoning By-law 569-2013

4340 Bloor Street West

File # 20 222977 WET 02 0Z

-  Location of Application
- RD** Residential Detached
- RT** Residential Townhouse
- RA** Residential Apartment
- CR** Commercial Residential
- OR** Open Space Recreation

-  See Former City of Etobicoke By-Law No. 11,737
- R2** Second Density Residential Zone
- R4** Fourth Density Residential Zone

  
Not to Scale  
Extracted: 02/09/2021

## Attachment 10: Policy Considerations

### **The Planning Act**

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regarding carrying out its responsibilities under the Act. These include: the protection of ecological systems, including natural areas, features and functions; the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the protection of public health and safety; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; the promotion of built form that, is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **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 plan control review.

### **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; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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

The PPS is issued under Section 3 of the Planning Act, and all decisions of 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 provincial 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 to 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 to 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) ("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) 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).

### **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 PPS recognizes the Official Plan as the most important document for its implementation. The Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

Toronto Official Plan policies may be found here:

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

The current application is designated as *Apartment Neighbourhoods* on Map 14 – Land Use Plan of the Official Plan (see Attachment 5: Official Plan Land Use Map).



## **Chapter 2 - Shaping the City**

Policy 2.3.2 states *Apartment Neighbourhoods* are residential areas with taller buildings and higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Section 4.2.2 and other relevant sections of the Official Plan. While *Apartment Neighbourhoods* are not areas of significant growth on a city-wide basis, there are sites containing one or more existing apartment building(s) where compatible infill development may take place. This compatible infill development may take place where there is sufficient space on a site to accommodate additional buildings or building additions while providing a good quality of life for both new and existing residents and improving site conditions by maintaining or substantially replacing and improving indoor and outdoor amenity space; improving landscaped open space; maintaining adequate sunlight and privacy for residential units; and adequately limiting shadowing on outdoor amenity space and landscaped open space.

Policy 2.3.1 of the Official Plan provides that developments in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*;
- e) locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*; and
- f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

## **Chapter 3 - Building a Successful City**

City Official Plan Amendments ("OPA") 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. On September 21, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form, and built form types. While not in force at the time the application was submitted, understanding this continuing evolution of urban design principles is relevant to the review of the application.

### **Public Realm**

Section 3.1.1, The Public Realm, states that the public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is

invited into. Policy 3.1.1.2 requires the public realm to provide the organizing framework and setting for development; foster complete, well-connected walkable communities and employment areas that meet the daily needs of people and support a mix of activities; support active transportation and public transit use; provide a comfortable, attractive and vibrant, safe and accessible setting for civic life and daily social interaction; contribute to the identity and physical character of the city and its neighbourhoods; provide opportunities for passive and active recreation; be functional and fit within a larger network; and contribute to the city's climate resilience. Policy 3.1.1.3 provides that the City, together with its partners, will seek opportunities to expand and enhance the public realm.

Policy 3.1.1.13 requires sidewalks to be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities. Further, Policy 3.1.1.14 requires that design measures which promote pedestrian safety and security will be applied to streetscapes, lanes, parks, other public and private open spaces, and all new and renovated buildings.

Policy 3.1.1.16 states the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved.

Policy 3.1.1.17 requires access and enjoyment of the natural features of the city, such as ravines and valley lands, will be enhanced and protected by: improving physical and visual access from adjacent public streets, parks and open spaces and designing these into a comprehensive public realm network; ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access, views and vistas between these natural features and the public realm; providing for public access along, into and through these natural open spaces, where appropriate; and minimizing shadows on natural features to preserve their utility and ecological health.

Policy 3.1.1.18 requires new open spaces to be located and designed to: connect and extend, wherever possible, to existing parks, natural areas, and other open spaces such as school yards; consider opportunities for future expansion of the park or open space onto adjacent sites with redevelopment potential; provide a comfortable setting with wind and sunlight conditions that promote use and enjoyment of the space for community events and by users of all ages and abilities; provide appropriate spaces for a variety of active and passive recreation, as well as productive recreation such as community gardening; and emphasize and improve unique aspects of the community's identity and character, including natural and human-made heritage.

### **Built Form**

Section 3.1.2, Built Form, is based on principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 requires development be located and organized to fit with its existing and planned context. Development is to frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development. Policy 3.1.2.2 prioritizes the provision of accessible open space in locations that have access to direct sunlight and daylight and Policy 3.1.2.3 requires development to protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.4 requires that development locate and organize vehicle parking and vehicular access, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties. Policy 3.1.2.5 requires development to be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and stepping back building mass and reducing building foot-prints above the streetwall height.

Policy 3.1.2.6 requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Policies 3.1.2.7 and 3.1.2.8 require transition in scale to be provided within the development site and be measured from shared and adjacent properties lines and where development includes, or is adjacent to, a park or open space, the buildings should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight or daylight.

Policies 3.1.2.9 and 3.1.2.10 require the design of new building facades visible from the public realm to consider the scale, proportion, materiality and rhythm of the façade and development to promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional.

Policies 3.1.2.11, 3.1.2.12 and 3.1.2.13 encourage new indoor and outdoor amenity spaces be provided in multi-unit residential development, and that it be high quality, well designed and consider the needs of all ages and abilities over time and throughout the year. Outdoor amenity spaces should be located above grade, have access to daylight, direct access to sunlight, provide comfortable wind, shadow and noise conditions, be located away from and physically separated from loading and servicing areas, have generous well designed landscaped areas to offer privacy and an interface with the public realm, accommodate mature trees and promote use in all seasons.

Section 3.1.3, Built Form - Building Types, states that there are three scales of building types. The built form relationships and design of these building types is informed by citywide urban design guidelines that help to ensure the appropriate form and fit with the existing and planned context. Mid-rise buildings are a transit supportive form of

development that provides a level of intensification at a scale between low-rise and tall building forms. Mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front. In Toronto, where streets vary in width from 16.5 metres to over 40 metres, mid-rise buildings may vary in height between four and 11 storeys for residential uses, or fewer for office uses, dependent on the adjacent right-of-way width. Mid-rise buildings help establish and reinforce an urban environment through a development form that is repeatable, moderate in scale, has good, predictable street proportion, allows for access to midday sunlight in the spring and autumn, has open views to the sky from the street, and that can support high quality, accessible open spaces in the block. Mid-rise buildings provide good transition in scale that has predictable impacts on adjacent low-scale uses.

Policy 3.1.3.4 requires mid-rise buildings to be designed to have heights generally no greater than the width of the right-of-way that it fronts onto; maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs. Further policy 3.1.3.5 states that mid-rise buildings on corner sites with different right-of-way widths will have building heights along each street edge that relate to their corresponding right-of-way width, and policy 3.1.3.6 states that mid-rise buildings on deep sites should be designed to provide and frame accessible and well-proportioned open spaces that have access to sunlight and daylight.

## **Housing**

Policy 3.2.1.1 states that a full range of housing in terms of form, tenure and affordability, across the city and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents.

Policy 3.2.1.5 states that significant new development on sites containing six or more rental units, where the existing rental units will be kept in the new development, will secure as rental housing, the existing rental housing units which have affordable and mid-range rents, and should secure needed improvements and renovations to the existing rental housing without pass-through of such costs to tenants.

## **Chapter 4 Land Use designations**

*Apartment Neighbourhoods* Section 4.2 of the Official Plan indicates that the *Apartment Neighbourhoods* designation provides for a range of rental apartment and condominium buildings uses and provides criteria to direct the form and quality of development. The Official Plan states that "*Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. While built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is not anticipated on a city-wide basis, opportunities exist for additional townhouses or apartments on underutilized sites, including new rental housing." On larger sites, infill opportunities in *Apartment Neighbourhoods* may require planning for new and extended public realm including new streets or shared driveways, and may require preserving significant existing landscape and recreation features as part of integrating older apartments with new development in a manner that improves the quality of life for all.

Policy 4.2.2 includes criterion that directs the form and quality of development in this land use designation. It is the intent that development in *Apartment Neighbourhoods* will:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

### **Zoning By-laws**

The site is zoned Residential Apartment (RA) (f24.9) (x67) under City-wide Zoning By-law 569-2013. See Attachment 6: Zoning By-law Map. The RA zone permits a range of residential uses as well as compatible uses such as nursing home, place of worship and retail store. An apartment building is a permitted use in a RA zone. The maximum height permitted is 14 metres and the maximum lot coverage is 40% and the minimum lot frontage is 24.9 metres. The site is also subject to the former City of Etobicoke Zoning Code, which has the same height and lot coverage provisions for the site as the RA zoning provisions in Zoning By-law 569-2013. The site is zoned R4 Fourth Density Residential Zone according to the former City of Etobicoke Zoning Code which allows a variety of residential uses.

The City-wide Zoning By-law No. 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

### **Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step-backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

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

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and  
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

### **Low-Rise Building Design Guidelines**

On March 26, 2018, City Council adopted the Townhouse and Low-Rise Apartment Guidelines. The Guidelines are intended to help implement the policies in the Official Plan by achieving the appropriate design for current and new townhouse and low-rise apartment development applications. The link to the guidelines can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

### **Growing Up: Planning for Children in New Vertical Communities**

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Growing Up Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building, and unit scale. These guidelines indicate that a building should provide a minimum 25 percent large units of which 10 percent should be three-bedroom units, and 15 percent should be two-bedroom units. The guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

### **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 guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>