TORONTO

REPORT FOR ACTION

5-15 Denarda Street – Official Plan Amendment and Zoning By-law Amendment Applications – Decision Report – Refusal

Date: October 26, 2023

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Ward 5 - York South-Weston

Planning Application Number: 23 174322 WET 05 OZ

SUMMARY

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law to permit a 44-storey building containing 509 dwelling units at 5-15 Denarda Street. The proposal does not have appropriate and supportable zoning standards, including the proposed tall building height, setbacks, tower stepbacks and resulting separation distances from neighbouring properties for the planned context of the block and the Mount Dennis area.

The proposed development is not consistent with the Provincial Policy Statement (2020), does not conform to the City's Official Plan, does not have appropriate regard for the Mount Dennis Secondary Plan, and does not meet the intent of the Tall Building Design Guidelines.

RECOMMENDATIONS

The Director, Community Planning, Etobicoke York District recommends that:

- 1. City Council refuse the applications for an Official Plan Amendment and Zoning Bylaw Amendment (Application No. 23 174322 WET 05 OZ) in their current form, for the lands municipally known as 5-15 Denarda Street.
- 2. In the event the applications are appealed to the Ontario Land Tribunal, City Council, pursuant to subsections 22(8.1) and 34(11.0.0.1) of the Planning Act, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official

Plan Amendment and Zoning By-law Amendment applications, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor.

- 3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsections 22(8.1) and 34(11.0.0.1) of the Planning Act and the City Clerk shall provide notice to all prescribed persons or public bodies under subsections 22(8.2) and 34(11.0.0.2) of the Planning Act.
- 4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsections 22(8.1) and 34(11.0.0.1) of the Planning Act, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials 75 days after the last day for filing a notice of appeal for these matters.
- 5. Should the Official Plan Amendment and Zoning By-law Amendment applications be resolved, and there is no appeal to the Ontario Land Tribunal or the appeal to the Ontario Land Tribunal has been withdrawn, City Council direct the Director, Community Planning, Etobicoke York to bring forward a Decision Report Approval to the Etobicoke York Community Council for a statutory public meeting as required under the Planning Act.
- 6. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years. If City Council does not adopt the recommendations contained in this report, there may be financial implications to the City to the current budget year and in future years.

DECISION HISTORY

On March 10, 2016, City Council directed City Planning staff to undertake a review of the current planning framework for the Mount Dennis area including built form, density, building heights and public realm. City Council directed staff to consult with the community, landowners and stakeholder groups, and to report back on the findings of the review and to provide recommendations for changes, if necessary, to the planning framework for the study area. The motion can be found here:

http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2016.EY12.30.

Status updates on the progress of the Picture Mount Dennis Planning Framework Study to Community Council and City Council are found here:

http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2018.EY32.21 http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2022.EY29.2.

On July 19, 2022, City Council adopted Official Plan Amendment (OPA) 571 including the Mount Dennis Secondary Plan. City Council directed staff to use the Mount Dennis Secondary Plan in the evaluation of all current and new development proposals within its boundaries and authorized that development may proceed by site-specific Zoning By-law Amendments that conform to the Mount Dennis Secondary Plan. City Council adopted OPA 571 through By-law 975-2022 and requested staff, through a next phase of work, to prepare a zoning by-law amendment, urban design guidelines, and a Community for All Action Plan (including an anti-displacement strategy), and to carry out related community engagement. The decision and By-law No. 975-2022 can be found here: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2022.EY33.11.

A pre-application consultation (PAC) meeting was held on April 12, 2023. The Planning Application Checklist Package resulting from the PAC meeting is available here: https://www.toronto.ca/city-government/planning-development/application-details/?id=5301693&pid=478172.

The current application was submitted on July 20, 2023 and deemed complete as of September 28, 2023. A Preliminary Summary of the application is available on the Application Information Centre: https://www.toronto.ca/city-government/planning-development/application-details/?id=5301693&pid=478172.. At the time of preparing this report a Community Consultation Meeting for the application was being scheduled. The response from the Community Consultation Meeting may be summarized in a supplementary report provided to City Council following the scheduled Community Consultation Meeting.

THE SITE

Description

The site is located on the east side of Denarda Street north of Weston Road. The site is rectangular in shape, with a lot area of 1,870 square metres, a lot frontage of 50 metres and a lot depth of 40 metres.

Existing Use

The site is currently occupied by six detached houses. Based on the applicant's submission, a total of nine dwelling units, including four rental units exist on site. The submission states that seven of these units are owner occupied while one house (5 Denarda Street) contains a total of four rental housing units. All four rental units are currently vacant. Staff have not yet conducted a site visit to confirm existing conditions and affidavits demonstrating the tenure of the residential units have not been submitted.

PROPOSAL

The application proposes to amend the Official Plan and Zoning By-law to permit the development of a 44-storey residential building comprised of a 38-storey tower with a six-storey base on the east side of Denarda Street at the properties addressed as 5-15 Denarda Street (see Attachment 2 for Location Map and Attachment 5 for the Site Plan). The height of the proposed tower would be approximately 151.1 metres (including mechanical penthouse). A mix of unit types and sizes are proposed, including 37 (7.3%) studio units, 304 (59.7%) one-bedroom units, 111 (21.8%) two-bedroom units, and 57 (11.2%) three-bedroom units, for a total of 509 dwelling units. The proposed development consists of a total of 30,491 square metres of residential gross floor area (GFA), resulting in a density of 16.3 times the area of the lot, based on a site area of 1,870 square metres.

Vehicular access is proposed via a driveway on Denarda Street leading to three short-term pick-up and drop-off parking spaces and a ramp to the two-level underground parking garage, where 38 visitor parking spaces, including two accessible spaces, and one car share space would be provided. Residential parking spaces are not included in the proposal. One Type G and one Type C loading spaces are proposed. A total of 459 long-term bicycle parking spaces and 52 short-term bicycle parking spaces would be provided.

A total of 1,051 square metres of indoor amenity space and 985 square metres of outdoor amenity space is proposed, for a combined rate of four square metres per unit. Indoor amenity space would be located on the level one mezzanine and on level seven. Outdoor amenity space would be located at-grade and at a terrace on the seventh floor. The at-grade outdoor amenity area would include a 333-square metre pet amenity area.

Reasons for Application

The proposal requires an amendment to the Official Plan to exempt the site from Site and Area Specific Policy 39 and to redesignate the site to *Mixed Use Areas*. The proposal also requires amendment to the city-wide Zoning By-law 569-2013 to permit the proposed height and number of dwelling units and revise other development standards as necessary to reflect the proposal.

APPLICATION BACKGROUND

Application Requirements

The materials and studies submitted in support of the application can be found by visiting the <u>Application Information Centre</u>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY AND REGULATION CONSIDERATIONS

Provincial Land Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

Official Plan

The land use designation for the site is *Neighbourhoods*. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: https://www.toronto.ca/city-government/planning-development/official-plan-quidelines/official-plan/.

Secondary Plan

The site is located in the Mount Dennis Secondary Plan Area. The Mount Dennis Secondary Plan was adopted on July 19, 2022 and provides a framework for the area to grow as an inclusive complete community that is shaped through diversity, affordability and cultural heritage. The Secondary Plan sets the policy framework to assist in the implementation of the urban structure and growth management objectives of the City. The Mount Dennis Secondary Plan identifies the site as within *District 5: Mixed-Use Growth* which will accommodate the majority of new growth in the Plan Area. Priorities for new development will include the provision of new public spaces, residential density to support the Weston Road main street, and may hold potential as a possible location for a post-secondary campus or satellite facility.

Staff note that although the Mount Dennis Secondary Plan has been appealed to the Ontario Land Tribunal (OLT), staff have been directed by Council to use the Mount Dennis Secondary Plan in the evaluation of all current and new development proposals within its boundaries and Council has authorized that development may proceed by site-specific Zoning By-law Amendments that conform to the Mount Dennis Secondary Plan.

The Mount Dennis Secondary Plan can be found here: By-law 975-2022 (toronto.ca).

Mount Dennis Protected Major Transit Station Area

In June 2020, City Planning initiated a Growth Plan Conformity exercise and Municipal Comprehensive Review, which included the delineation of approximately 180 potential Major Transit Station Areas and Protected Major Transit Station Areas (MTSAs and PMTSAs) to meet provincial minimum intensification requirements. The subject site is in the Draft Site and Area Specific Policy 671 Mount Dennis PMTSA Area associated with the Future Mount Dennis station located near the intersection of Eglinton Avenue West and Weston Road. This preliminary draft PMTSA boundary was presented to City Council in July of 2022 and identified as requiring further consultation. The Picture Mount Dennis Framework study final report recommended a minimum population and employment target of 160 residents and jobs combined per hectare for the future Mount Dennis PMTSA area.

Site and Area Specific Policies 39 and 53

The site is subject to Site and Area Specific Policy 39 (SASP 39) and Site and Area Specific Policy 53 (SASP 53). SASP 39 applies to lands bounded by Ray Avenue, Denarda Street, Oxford Drive and Locust Street and provides for low to medium-rise buildings subject to suitable land assembly. SASP 53 applies to the Mount Dennis Area defined as being bounded by Rutherford Avenue in the north, the rail corridor to the east, Bushey Avenue to the south and Fergy Brown Park to the west. Staff note that the Mount Dennis Area defined by SASP 53 does not correspond directly to the Mount Dennis Secondary Plan, which covers a larger area. SASP 53 provides that development concept plans may be required to assess the appropriate assembly of land and comprehensiveness of a development proposal within a block. The policy directs that the assembly will be comprehensive enough to allow for a distribution of density, uses and massing that is both internally functional and externally compatible, and does not preclude workable and compatible redevelopment of the rest of the block or block face intended for redevelopment.

Zoning

The site is zoned Residential Multiple RM (f12.0; u2; d0.8) (x252) under Zoning By-law 569-2013. The Residential Multiple u2 zoning category permits detached, semi-detached and duplex dwelling units, a municipal shelter or a park. See Attachment 4 of this report for the existing Zoning By-law Map. Site specific provision 252 requires that a minimum lot frontage of eight metres would be provided for a detached dwelling unit.

Urban Design Guidelines

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

- Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;

- Pet Friendly Design Guidelines for High Density Communities;
- Streetscape Manual; and,
- Complete Streets Guidelines.

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.

Site Plan Control

The application would be subject to Site Plan Control once zoning permissions are in place. A Site Plan Control application was submitted and deemed complete as of August 14, 2023, however, it was refused on October 13, 2023 (file number 23 174343 WET 05 SA) because the associated plans and drawings do not comply with the ineffect zoning.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find the proposal to be inconsistent with the PPS but does conform with the Growth Plan

Land Use

The proposed amendment to redesignate the site from *Neighbourhoods* to *Mixed Use Areas* is appropriate and consistent with the Mount Dennis Secondary Plan designation for the site.

Building Height, Massing and Placement

The proposed development site is appropriate to accommodate a tall building, however, the proposed base building and tower height, building massing, including setbacks, stepbacks, and separation distances to neighbouring properties, as well as the proposed transition to surrounding existing and planned lower-scale areas, is not acceptable and does not achieve the policies of the Official Plan, the policy direction of the Mount Dennis Secondary Plan, or the Tall Building Design Guidelines.

Located approximately 800 metres from the Mount Dennis Station and higher order transit hub, the proposed development is near the periphery of the designated growth area and in close proximity to low-rise *Neighbourhoods* and lower-scale *Mixed Use Areas*. The proposed 44-storey tower does not provide an appropriate transition in scale given its location within the planned context. The proposed height does not fit with the planned context including the east-west transition in scale from the station height peak area, which includes planned and approved tall buildings between 45 and 48 storeys, to the surrounding low-scale areas to the west, as well as the north-south transition from the railway corridor down to Weston Road. The proposed six-storey base building is also too tall within the existing and planned context and should be lowered to approximately four storeys to maintain good street proportion and reinforce a pedestrian scale.

The proposed base building setbacks, including 2.2 metres to 3.1 metres from the south lot line and 4.8 metres to 5.9 metres from the north lot line, as well as the proposed tower setbacks, including 10 metres to 11.1 metres from the north lot line, 7.2 metres to 13.7 metres from the east lot line, and 4.2 metres to 5 metres from the south lot line present concerns related to access to daylight and privacy for neighbouring properties and negatively impact the development potential of neighbouring sites and a comprehensively planned outcome for future development within the block. The proposed 1.5 metre tower stepback along the street frontage is not sufficient to distinguish the streetwall and base building from the tower along Denarda Street.

Sun and Shadow

The Official Plan requires development to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The Plan further requires tall building proposals to limit shadows on the public realm and surrounding properties, and development in *Mixed Use Areas* is to adequately limit shadow impacts on adjacent *Neighbourhoods*. The Shadow Study prepared by Giannone Petricone Associates dated July 7, 2023 shows shadows cast during the spring and fall equinoxes between 9:18 a.m. and 11:18 a.m. on Ray Avenue, Bartonville Avenue East, and Victoria Boulevard and properties to the west and north, including *Neighbourhoods* properties and the Ray Triangle, which is identified as a potential future Park in the Mount Dennis Secondary Plan. The proposal would have limited shadow impact on the Ray Triangle on June 21st. There are concerns with the shadow impact resulting from the proposed development in its current form.

Traffic Impact, Access, Parking

A Transportation Impact Study (TIS) has been submitted for the site and was reviewed by Transportation Services and Transportation Planning. Although a zero residential parking supply would satisfy the minimum requirement of the zoning by-law, no justification was provided in the TIS to support zero residential parking spaces other than the reference to general policies to promote alternative modes of transportation.

The TIS would need to consider parking impacts, particularly implications of the proposed parking supply on parking demand in nearby *Neighbourhoods*. The requirement of accessible parking supply is also not satisfied. The short-term bicycle parking requirement is not satisfied. The applicant intends to enter into a payment-in-lieu agreement.

If the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Transportation Services regarding the Transportation Impact Study to the satisfaction of the General Manager, Transportation Services.

Streetscape

The application proposes to remove all street trees along Denarda Street and move the sidewalk to the space where the street trees currently exist. Staff do not support removing the two by-law-protected City Street trees and strongly recommend that the applicant provides tree planting along Denarda Street..

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are reviewed by Engineering and Construction Services.

In the event that the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services to their satisfaction and make satisfactory arrangements for any upgrades to municipal infrastructure as identified in the accepted servicing report.

Rental Housing Demolition

A related Rental Housing Demolition application (23 177051 WET 05 RH) has been submitted as this application involves the demolition of a total of nine dwelling units, four of which are rental housing units.

Policy 3.2.1.12 of the Official Plan states that new development that has the effect of removing all or part of a private building or related group of buildings and would result in the loss of one or more rental units or dwelling rooms, will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

Since the proposed development would require the demolition of four existing rental dwelling units, Policy 3.2.1.12 of the Official Plan applies to this proposal and the applicant is required to provide an acceptable tenant relocation and assistance plan to lessen hardship for any tenants that occupied rental units at the time of application.

Open Space/Parkland

The City of Toronto Parkland Strategy (PLS) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the development site is currently in an area with approximately 28 square metres of parkland per person, which is comparable to the city-wide average provision of 28 square metres of parkland per person (2022).

An off-site parkland dedication of 37 square metres at 1 Denarda St is being proposed. Parks Development will not accept the conveyance of this property in fulfillment of the parkland dedication requirement for the application. The parkland dedication that would remain for 5-15 Denarda St of 150 square metres is proposed to be fulfilled through cash-in-lieu. In accordance with Section 42 of the Planning Act, the owner is required to satisfy the full parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, Toronto Municipal Code Chapter 415-28 requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

An alternative off-site parkland dedication that is satisfactory to both Parks Development and the applicant may be discussed in the future.

Tree Preservation

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

Urban Forestry staff are reviewing the proposed development application and find that the proposed streetscape changes are not acceptable as presented. The application must comply with Tier 1: Ecology elements of the Toronto Green Standard (TGS), Version 4. As proposed, the applicant does not provide adequate soil volume and space for tree planting on-site to meet TGS Version 4.0 standards.

Urban Forestry requires that the applicant provides an Application to Injure or Remove Trees to review tree removal prior to the passing of a zoning by-law amendment. If the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time an Application to Injure or Remove Trees has been submitted by the owner and accepted by the General Manager of Parks, Forestry and Recreation.

Toronto Green Standard

The applicant is required to meet 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 2040 or sooner. Some performance measures for the Tier 1 development features would be secured through the zoning by-law amendment.

Summary of Issues to be Resolved

The following are the issues to be resolved; additional issues may be identified in future:

- Height, scale, and massing of the development and fit of the development within the existing and planned context;
- Setbacks and separation distances, including relationships to, and impacts on, adjacent properties;
- Parkland dedication;
- Demolition of rental housing;
- Parking;
- Streetscape design and tree preservation; and
- Soil volume

CONCLUSION

Staff recommend that Council refuse the applications.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Decision Report - Refusal - 5-15 Denarda Street

Applicant Submitted Drawings Attachment 5: Site Plan

Attachment 6a: North Elevation Attachment 6b: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 5-15 DENARDA ST Date Received: July 14, 2023

Application Number: 23 174322 WET 05 OZ

Application Type: OPA & Rezoning

Project Description: Proposed development of a 44-storey residential building

comprised of a 38-storey tower on a six-storey base building fronting the east side of Denarda Street. The development consists of a total of 30,491 square metres of residential gross floor area (GFA), resulting in a density of 16.3 times the area of the lot (based on a site area of 1,870 square metres). The proposed building contains a total of 509 dwelling units in a

range of unit types.

Applicant Architect Owner

Courtney Heron-Monk Giannone Petricone KingSett Denarda Holdings

Associate, Bousfields Inc. Associates Inc. Architects Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: Policy no. 39 &

53 (SASP 39;

SASP 53)

Zoning: RM (f12.0; u2; d0.8) (x252) Heritage Designation: N/A

Height Limit (m): 11.0 Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 1,870 Frontage (m): 50 Depth (m): 40

Building Data Retained **Proposed** Total Existing Ground Floor Area (sq m): 467 621 621 Residential GFA (sq m): 800 30,491 30,491 Non-Residential GFA (sq m): 30,491 30,491 Total GFA (sq m): 2 44 44 Height - Storeys: Height - Metres: 151.1 151.1

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Lot Coverage Ratio

(%):

33.21

Floor Space Index: 16.3

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 27,163 3,328

Retail GFA: Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			509	509
Other:				
Total Units:			509	509

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		37	304	111	57
Total Units:		37	304	111	57

Parking and Loading

Parking Spaces: 28 Bicycle Parking Spaces: 459 Loading Docks: 2

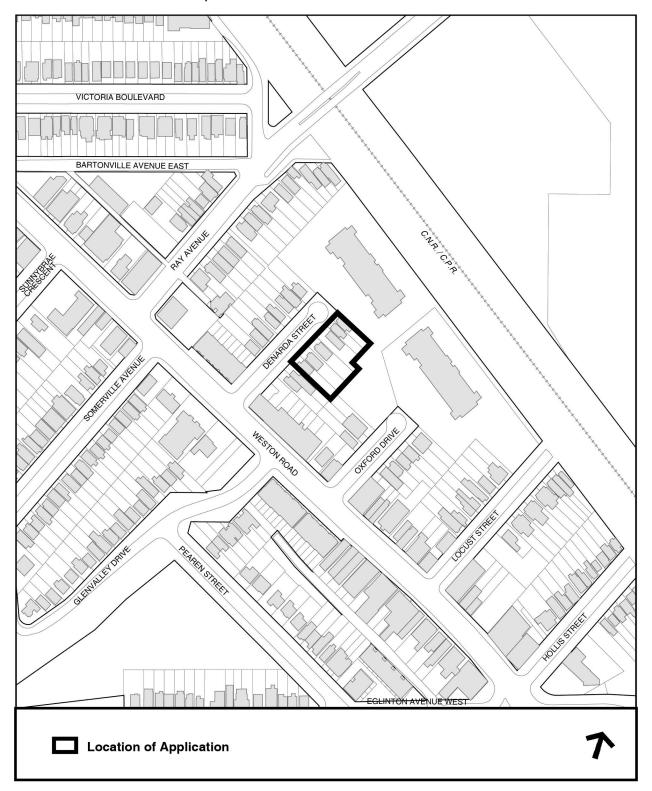
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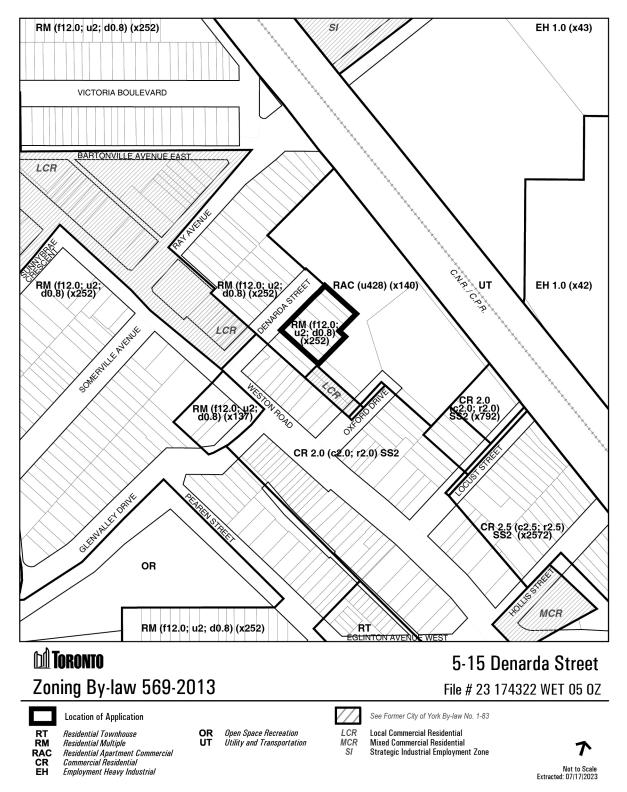
Attachment 2: Location Map

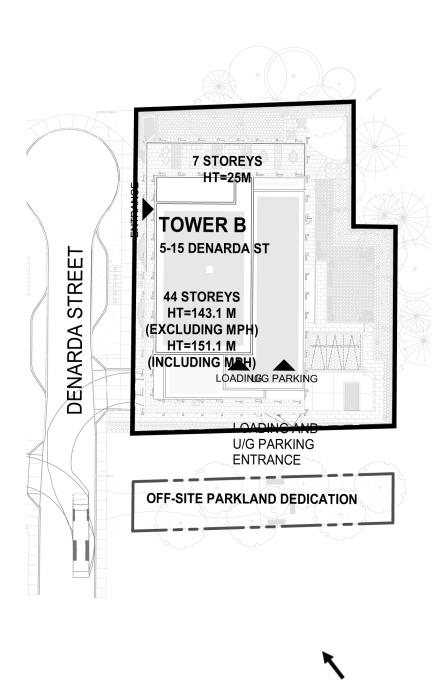


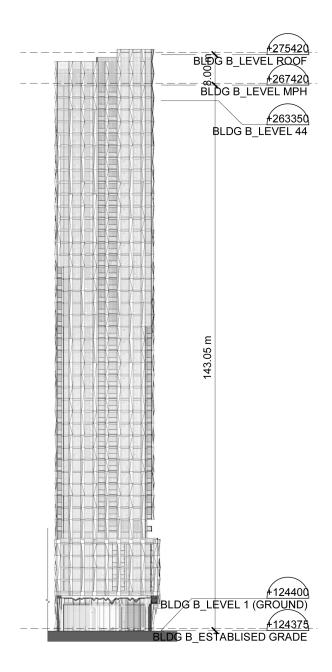
Attachment 3: Official Plan Land Use Map



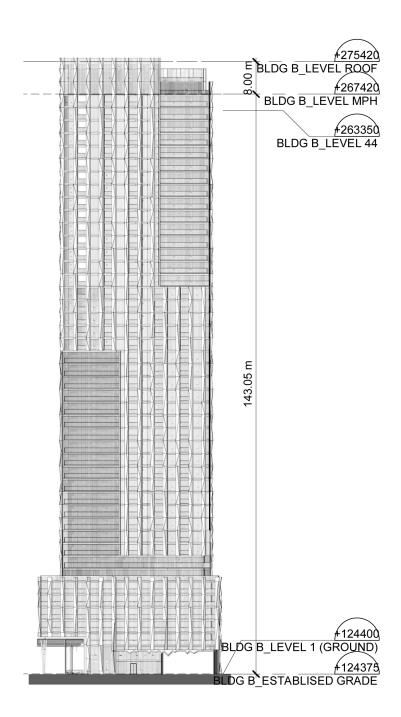
Attachment 4: Existing Zoning By-law Map







North Elevation



West Elevation