

266 and 268 Royal York Road – Zoning By-law Amendment Application – Appeal Report

Date: October 25, 2023

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Wards: Ward 3 – Etobicoke-Lakeshore

Planning Application Number: 21 236250 WET 03 OZ

SUMMARY

A Zoning By-law Amendment application was submitted on November 9, 2021, later revised on September 8, 2022, together with an Official Plan Amendment (OPA) application submitted on September 22, 2022, to permit the development of 266 to 268 Royal York Road for a mixed-use building with 37-storey and 23-storey residential towers with at-grade retail uses within the eastern portion of the site, and a self-storage warehouse building, as a future phase of development, within the western portion of the site.

The OPA seeks to permit some components of the proposal, not including residential units or amenity spaces, on the *Core Employment Areas* portion of the site that support the mixed-use development within the *Mixed Use Areas* portion of the site. While both the Zoning By-law Amendment and OPA applications, submitted by the applicant, have been appealed, and are referred to in this report, Staff are only seeking direction on the Zoning By-law Amendment application at this time and expect that the OPA application will be withdrawn as it seeks to permit additional uses in *Core Employment Areas*, which is not authorized outside of a Municipal Comprehensive Review.

In addition to the OPA application, a Conversion Request was submitted on August 3, 2021 (No. 099) as part of the City's Municipal Comprehensive Review (MCR) process and considered under Section 26 of the *Planning Act*, where the Minister of Municipal Affairs and Housing is the approval authority. City Council adopted Official Plan Amendment 653, with Site and Area Specific Policy (SASP) 836, which is currently with the Ministry of Municipal Affairs and Housing for approval, and which relates to the subject site and seeks the same permissions in the Official Plan Amendment application. The Municipal Comprehensive Review was the appropriate venue to address amendments to the *Core Employment Areas*. In this case, neither the City nor

the Ontario Land Tribunal have further jurisdiction with respect to the Official Plan Amendment application.

A Preliminary Report on the Zoning By-law Amendment application was also adopted by the Planning and Housing Committee on May 31, 2022, directing staff to review the application concurrently and in the context of the MCR, should the proposal include any non-permitted uses within the *Core Employment Areas*.

On November 16, 2022, the applicant appealed the Zoning By-law Amendment to the OLT citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. On February 16, 2023, the applicant appealed the OPA to the OLT, also citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. In addition, the site is the subject of associated applications for Plan of Subdivision and Site Plan Control approval which have not been appealed.

Hearings have not been scheduled at this time.

This report recommends that the City Solicitor, together with appropriate City staff, attend Case Management Conferences and any future OLT hearing to oppose the application in its current form, and to continue discussions with the applicant to resolve outstanding issues specifically identified during the review of the Zoning By-law application.

RECOMMENDATIONS

The Director, Community Planning, Etobicoke York recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the appeal of the current Zoning By-law Amendment application for the lands at 266 and 268 Royal York Road, 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 Zoning By-law Amendment application appeal, in whole or in part, City Council authorize the City Solicitor to request that the Ontario Land Tribunal withhold the issuance of any final Order(s) until such time as the Ontario Land Tribunal has been advised by the City Solicitor that:

a. Official Plan Amendment 653, with SASP 836, as adopted by City Council, is approved by the Minister of Municipal Affairs and Housing;

b. The final form and content of the Zoning By-law Amendment are satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

c. The owner has provided a revised Functional Servicing and Stormwater Management Report, 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 proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

d. The owner has provided a revised Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services;

e. The owner has made arrangements with the City and has entered into the appropriate agreement for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the revised Functional Servicing and Stormwater Management Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and revised Traffic Impact Study accepted by the General Manager, Transportation Services;

f. The submitted Noise Impact Study, Vibration Impact Study, Rail Safety Report, Compatibility/ Migration Study have been peer reviewed by a third-party consultant retained by the City at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of the Zoning By-law Amendment application; and

g. 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 Amendments applications, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

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

4. In the event that the Ontario Land Tribunal allows the appeal, in whole or in part, City Council direct that the full on-site parkland dedication required pursuant to Section 42 of the Planning Act be provided on-site and be conveyed to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, and constructed to base park condition at no cost to the City, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.

5. In the event that the Ontario Land Tribunal allows the appeal, in whole or in part, and the owner elects to design and construct Above Base Park Improvements, City Council approve a Development Charges credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above

Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the Development Charges credit shall be in an amount that is the lesser of the cost to the owner for designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time-to-time.

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

Council authorized the commencement of the Municipal Comprehensive Review (MCR) and Growth Plan Conformity Exercise known as "Our Plan Toronto", on August 4, 2020. As part of the MCR, the City Planning received approximately 150 requests (some of which were City-initiated) to convert lands designated *Core Employment Areas* or *General Employment Areas* in the Official Plan for non-employment uses. The MCR and recommended Official Plan amendments are considered under Section 26 of the *Planning Act*, where the Minister of Municipal Affairs and Housing is the approval authority.

On August 3, 2021, the applicant submitted a Conversion Request to the City for 266 and 268 Royal York Road requesting to redesignate the western portion of the lands from *Core Employment Areas* to *Mixed Use Areas* to permit residential uses. At its meeting on March 25, 2022, the Planning and Housing Committee considered a Preliminary Assessment of the Conversion Request (No. 099) and authorized the Chief Planner and Executive Director, City Planning to use the Preliminary Assessment as the basis of consultation. The Committee decision and Preliminary Assessment is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.8>.

On July 5, 2023, Planning and Housing Committee held a Special Public Meeting for the Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review - Final Report. Shortly after, on July 19, 2023, Council adopted the recommendations with amendments. Chapter 7, Site and Area Specific Policies was amended by adding Site and Area Specific Policy No. 836, and the associated map, for the rear portion of the lands known municipally in 2022 as 266 and 268 Royal York Road. City Council authorized the Chief Planner and Executive Director, City Planning to seek approval of the Minister of Municipal Affairs and Housing for the Official Plan Amendment 653 (OPA 653) under Section 26 of the *Planning Act*. Ministerial Approval is currently pending. The City

Council decision is available at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.3#>.

A Preliminary Report on the Zoning By-law Amendment application was adopted by Planning and Housing Committee on May 31, 2022, authorizing staff to hold a Community Consultation Meeting, and directing staff to review the application concurrently and in the context of the MCR should the proposal include any non-permitted uses within the *Core Employment Areas*. The Planning and Housing Committee decision is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH34.12>.

On July 19, 2022, City Council approved Official Plan Amendment (OPA) 540, OPA 544, and OPA 570 with 115 MTTSA/Protected MTTSAs as part of the Growth Plan Conformity and Municipal Comprehensive Review. These OPAs have been submitted to the Province for approval, but no decision has been made at this time by the Minister of Municipal Affairs and Housing. The subject lands are located within the Mimico PMTTSA (Site and Area Specific Policy – SASP 692) as adopted by Council under OPA 570. The decision can be found at: [Agenda Item History - 2022.PH35.16 \(toronto.ca\)](#).

On September 12, 2022, the Minister notified the City that the time period for the Minister to decide on OPA 540, OPA 544, and OPA 570 had been suspended.

THE SITE

Description

The site is located on the west side of Royal York Road at its intersection with Stanley Avenue. The initial proposal included only 266 Royal York Road and was later expanded to also include 268 Royal York Road. The site is flat and irregular in shape with an area of 11,146 square metres, a frontage of approximately 70 metres along Royal York Road, a depth of approximately 101 metres on the north property line, and a depth of approximately 184 metres along the south property lines.

Existing Use

The site is currently occupied by a two-storey industrial building at 266 Royal York Road and a two-storey commercial building at 268 Royal York Road, bisected by a shared driveway providing access to on-site surface parking and the outdoor storage area at the rear of the properties.

Surrounding Land Uses

Immediately north of the site is an existing one-storey industrial building fronting onto Royal York Road (286 Royal York Road). Further north and west of the site is the Canadian National Railway (CNR) corridor, beyond which is Coronation Park fronting

Judson Street and Royal York Road.

Immediately south of the eastern portion of the site is a four-storey townhouse complex, with access from Drummond Street, and three detached residential buildings along Royal York Road. The area south of the western portion of the site contains outdoor storage uses, and industrial and commercial uses in primarily one-storey buildings, with access from Harold Street and Drummond Street.

East of Royal York Road is a predominantly two-storey residential neighbourhood. South of Stanley Avenue is the St. Leo's Roman Catholic Church.

West of the subject site is the CNR corridor and the rail yard that includes the GO Transit Willowbrook Rail Maintenance Facility and VIA Rail's Toronto Maintenance Centre.

THE APPLICATION

Proposed Use

The application proposes a mixed-use building with 37-storey and 23-storey residential towers (respectively 127 metres and 84 metres, including mechanical penthouses) on a seven-storey base (plus mezzanine level) with 635 square metres of at-grade retail uses, a 14,000 square metres and eight-storey self-storage warehouse building (29.3 metres, excluding rooftop mechanical) and a 1394 square metre public park. The mixed-use building would comprise of 52,361 square metres, of which 51,726 square metres would be residential.

Site Organization

The mixed-use residential towers and at-grade retail uses would be located within the *Mixed Use Areas* designated portion of the site as a first phase, and the self-storage warehouse building would be within the *Core Employment Areas* designated portion of the site, as a future phase of development.

The residential dwelling units, retail uses and self-storage warehouse building would all be accessed via the private driveway starting from Royal York Road. The parkland dedication would be accessed from Royal York Road and would follow the southern property line.

The mixed-use building is proposed to be set back zero metre from the boundary with the *Core Employment Areas* land and separated from the self-storage warehouse building by the proposed driveway, with parking, loading service, access and/or mechanical facilities to serve the uses on the *Mixed Use Areas* portion of the site if SASP 836 is approved by the Minister.

Density (Floor Space Index)

A total of 8.1 times the area of the lot for the *Mixed Use Areas* lands, and 3.0 times the area of the lot for the *Core Employment Areas* lands are proposed.

Units Breakdown

A total of 824 residential dwelling units, consisting of 613 studio and one-bedroom units (74.4 percent), 167 two-bedroom units (20.3 percent) and 44 three-bedroom units (5.3 percent) are proposed.

Access, Parking, and Loading

Vehicular and loading access to the proposed mixed-use building and the self-storage warehouse building would be via a new 7.1-metre-wide, T-shaped, shared driveway commencing at the intersection between Royal York Road and Stanley Avenue and extending to the rear of the site, splitting in two to run along the rear property line on the western edge of the site. Vehicles accessing the mixed-use building would travel over the *Core Employment Areas* lands. Pedestrian access to the self-storage warehouse building is proposed via a 2.1-metre-wide sidewalk abutting the proposed park.

A total of 200 vehicular parking spaces are proposed to serve the mixed-use building, consisting of 194 spaces within a two-level below grade parking garage for residential uses and six surface parking spaces for retail uses.

A total of 619 bicycle parking spaces are proposed for the mixed-use building, including 561 long-term spaces and 58 short-term spaces. One Type 'G' and one Type 'B' loading space are proposed to service the mixed-use building.

No parking and loading information relating to the self-storage warehouse building was provided with the application.

Road Widening Dedication

A 3.44-metre-wide road widening dedication is proposed along Royal York Road to achieve the Official Plan's planned 27-metre right-of-way width, totalling 241.7 square metres.

Amenity Space

A total of 1649 square metres of indoor amenity space (2.0 square metres per unit) and 1275 square metres of outdoor amenity space (1.55 square metres per unit) is proposed.

Public Parkland

On-site parkland dedication of 1394 square metres with a 15.9 metres frontage along Royal York Road is proposed south of the driveway.

Additional Information

See Attachment 1 to this report for the location map, Attachment 2 for the project data, Attachment 5 for the site plan, Attachments 6-9 for the elevations.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-details/?id=5022345&pid=568071>

The current proposal incorporates numerous revisions from the original application as summarized below:

- Site expanded to include the 268 Royal York Road property;
- Development phasing proposed with mixed-use building in the first phase and employment uses in a future phase;
- Private driveway entrance on Royal York Road revised to align with the Stanley Avenue intersection;
- Proposed 1394 square metre park on-site with 15.9 metres frontage on Royal York Road;
- Mixed-use building tower height increased from 36 storeys (121 metres, inclusive of the mechanical penthouse) to 37 storeys (127 metres, inclusive of the mechanical penthouse), and addition of a second 23-storey tower (84 metres, inclusive of the mechanical penthouse);
- Mixed-use building base building height reduced from 12 storeys (38.6 metres) to seven storeys (plus partial mezzanine level) (27.4 metres);
- Street wall height reduced from four to three storeys;
- Density reduced from 7.7 to 6.0 times the area of the lot;
- Retail Ground Floor Area (GFA) reduced from 869 square metres to 635 square metres;
- Unit count reduced from 826 to 824 units, with an increased proportion of two-bedroom units from 15 percent to 20.3 percent and reduced three-bedroom units from 10 percent to 5.3 percent;
- Amenity space ratio reduced from 4.0 to 3.5 square metres per unit;
- Parking count reduced from 414 to 200 parking spaces;
- Bicycle parking count reduced from 948 to 619 spaces;
- Self-storage warehouse building ground coverage reduced; and
- A 3.6-metre tall crash wall derailment protection feature was added along northwestern limits of the site.

Reasons for the Applications

The proposal requires an amendment to the Zoning By-law for an increase in density, and height, as well as site-specific provisions for setbacks, vehicle and bicycle parking to implement the mixed-use component of the development. In addition, an amendment is required to permit the proposed self-storage warehouse use within the employment component of the development.

The proposal requires an Official Plan Amendment as the Official Plan does not permit lands designated as *Core Employment Areas* to be used for vehicular and loading and service areas access and other building facilities that would serve (i.e., be ancillary to) the residential component of the proposed mixed-use building. The only way to amend this Official Plan to permit the proposed uses is through a Municipal Comprehensive Review.

City Council, in approving OPA 653, including the Land Conversion Request (No. 099) at 266-268 Royal York Road, permitted some uses of the proposed mixed-use development on the *Mixed Use Areas* portion of the site, to be located on the northern part of the *Core Employment Areas* lands. These permitted uses would include parking, loading, service, access and mechanical facilities, but would exclude residential units and amenity space. While this amendment is pending ministerial approval, Staff are directed by City Council to review the applications concurrently and in the context of the Municipal Comprehensive Review.

Draft Plan of Subdivision Application

A Draft Plan of Subdivision (DPS) application (File No. 21 236297 WET 03 SB) has been submitted, seeking to create six blocks. The DPS application is being reviewed concurrently with the Zoning By-law Amendment application.

Site Plan Control

A Site Plan Control application (File No. 21 252097 WET 03 SA) has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application.

Agency Circulation

The application together with the reports/studies submitted in support of the application have been circulated to all appropriate agencies and City Divisions. Responses received have been used to evaluate the application and to formulate appropriate standards.

POLICY CONSIDERATIONS

Provincial Land Use Policies

The application has been reviewed to determine its consistency with the Provincial

Policy Statement (2020) (PPS), conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. The PPS provides policy direction province-wide on land use planning and development to promote strong communities and economy, and a clean and healthy environment. The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region.

The *Planning Act* authorizes the Minister of Municipal Affairs and Housing (MMAH) to make a Minister Zoning Order (MZO) for regulating the use of land, buildings and structures anywhere in Ontario. The Mimico (315 & 327 Royal York Road and 39 Newcastle Street) MZO was made on April 8, 2022. While the subject site does not fall within the boundary of this MZO it forms a consideration of the planned context in which the application falls.

Official Plan

The site is subject has two Official Plan land use designations, with the easterly portion designated *Mixed Use Areas* and the westerly portion designated *Core Employment Areas*. See Attachment 3 to this report for the Official Plan Land Use Map.

The site is also within the area of the Council-adopted Mimico Protected Major Transit Station Area (PMTSA) (Site and Area Specific Policy 692). This PMTSA would permit a minimum density of 2.0 times the lot area for the portion of the site designated *Mixed Use Areas*, and 0.3 times the lot area for the portion of the site designated *Core Employment Areas*.

Zoning

The easterly portion of the site is zoned 'C' (Commercial) under the former City of Etobicoke Zoning Code, with a height limit of three storeys for a building with dwelling units above a commercial use. The yard requirements identify no front yard minimum, no side yard minimum unless the lot is adjacent to an 'R' (Residential) Zone, in which case, the minimum side yard shall be 0.9 metres, no rear yard minimum unless the lot is adjacent to an 'R' Zone, in which case, the minimum rear yard shall be 4.5 metres. The easterly portion of the site is not subject to city-wide Zoning By-law 569-2013 and the intention is to bring the site into the city-wide Zoning By-law.

The westerly portion of the site is zoned E 1.0 (x54) [Employment Industrial] under city-wide Zoning By-law 569-2013. Regulation 60.20.20.10(1) permits 'warehouse' uses in this location. 'Self-storage warehouse' use is not listed under the permitted or conditioned uses under Chapter 60 Employment Industrial. The permitted maximum height of a building with office uses is 20 metres, and there is no maximum height for other permitted uses. Clause 60.20.40.70 identifies minimum setbacks requirements as follows: front and side yard setback of three metres, and rear yard setback of 7.5

metres. Regulation 60.20.40.70(4) identifies the required minimum building setback from a lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category as 15.0 metres.

Under Regulation 60.20.80.20(1) a parking space that is not in a building or structure must be at least 0.5 metres from a lot line.

See Attachment 4 to this report for the Existing Zoning By-law Map.

Design Guidelines

The following design guidelines are relevant for the review of the proposal: Tall Building Design Guidelines; Mid-rise Building Performance Standards and Addendum; Growing Up: Planning for Children in New Vertical Communities; Retail Design Manual; POPS Guidelines and Pet Friendly Design Guidelines for High Density Communities. Design guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>.

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments 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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>.

COMMUNITY CONSULTATION

A Preliminary Report was prepared for the Zoning By-law Amendment Application and presented to the Planning and Housing Committee on May 31, 2022. Staff was directed to schedule a Community Consultation Meeting (CCM); however, the application was appealed to the OLT before a CCM could be held.

COMMENTS

Provincial Framework

Review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff have also reviewed the current proposal for consistency with the Provincial Policy Statement (PPS), and conformity with the Growth Plan. The application in its current form is inconsistent with the PPS (2020) and does not conform to the Growth Plan (2020).

Land Use

The Official Plan identifies *Mixed Use Areas* as being made up of a broad range of residential, commercial and institutional uses, in single use or mixed-use buildings, as well as parks and open spaces and utilities. *Mixed Use Areas* should provide new jobs and homes on underutilized lands. In doing so, Official Plan Policy 4.5.2 requires development to locate and mass new buildings creating a transition between areas of different development intensity and scale, by providing appropriate setbacks and/or stepping down of heights, to frame the edges of streets with good proportion, and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces, as well as limit shadow impact on *Neighbourhoods Areas*. The Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1.3) further add that development in *Mixed Use Areas*, adjacent or close to *Neighbourhoods Areas*, are to be compatible with these designations to minimize impacts.

Permitted uses within *Core Employment Areas* are intended for economic activities, and include, among other uses, warehousing and storage. Residential uses are prohibited on such designated lands. Furthermore, the Official Plan does not currently permit lands designated as *Core Employment Areas* to be used for components ancillary to residential uses, including vehicular and bike parking spaces, loading and service areas, and access to the parking spaces, loading and service areas, as is currently proposed. Official Plan Policy 4.6.7 requires that buffers be provided, where appropriate, to mitigate adverse effects on sensitive land uses, such as residential, contained on *Mixed Use Areas*. Staff therefore do not currently support the land use location and site and building arrangement proposed within parts of the *Core Employment Areas* designation.

Staff have identified several issues and do not find that the proposal, in its current form, fits within the existing and planned context. The site is located on Royal York Road, close to predominately low-rise buildings including four-storey stacked townhouses abutting to the south (rezoned as Fourth Density Residential), St. Leo's Catholic Church, which is a listed Heritage Building and a low-rise residential community on the east side of Royal York Road designated as *Neighbourhoods Areas* in the Official Plan. It is recognized that part of the site is designated as *Mixed Use Areas* and the site is near the Mimico GO Transit Station. However, the site is not within the boundaries of the Mimico-Judson Secondary Plan or MZO where the greatest intensity and scale of development is expected in support of the Mimico GO Transit Station. The proposal does not demonstrate an appropriate fit and transition in scale with respect to the urban structure of the area and the lower scale of the existing and planned context surrounding the site, as required under the Official Plan.

Built Form

The Official Plan's land use policies are supplemented by Built Form policies in Section 3.1.3. The Built Form policies emphasize the importance of ensuring that new

development is located, organized and massed to fit with its existing and planned context, promote comfortable and safe conditions for pedestrians, and support adjacent streets, lanes, parks, open spaces with improvements, expansion and active use of the public realm. The privacy within adjacent buildings should be protected by providing appropriate setbacks and separation distances from neighbouring properties and adjacent building walls containing windows. The proposed built form shall also preserve access to direct sunlight and daylight on the public realm.

City Planning staff have reviewed the proposed tall building form, including height, massing and transition, against the policies of the Official Plan, as well as relevant design guidelines, and have identified several issues. Concerns include the proposed building height, massing, setbacks, step backs, and tower floorplate size.

Building Height, Massing and Design

The current proposal includes two tall towers; a 37-storey building (Tower A), with a floorplate of 823 square metres, and a 23-storey building (Tower B), with a floorplate of 800 square metres. The overall height and massing of the proposal should be reduced to better fit within the existing and planned context, demonstrate good transition in scale to the Royal York Road neighbourhood and surrounding public realm and maintain access to sunlight and sky view for surrounding streets, parks, and properties.

The three-storey street wall, at approximately 15 metres in height, along with the additional floors above, creates an overall base building of seven storeys (plus a partial mezzanine level) with an approximate height of 27 metres. The base building height is considered acceptable as the wider step back at the third storey and the one-to-one proportion of the building with the right-of-way width of Royal York Road help maintain good street proportion and transition to the lower-scale development. However, the proposed base building height along the park should be revised to create an appropriately scaled built form that frames the park with good proportion and improves the transition between the public realm and the physical and visual impact of the tower elements, to align with the policies of the Official Plan. Furthermore, no projecting balconies should be planned within the main street wall facing Royal York Road and building projections should not encroach into the public right-of-way.

The proposed 5.5-metre setback from the north property line is insufficient for the extensive length and height of the base building and should be increased through building placement and upper floor setbacks, maintaining appropriate access to daylight, and limit issues with shadowing, overlook and privacy to future development on the site to the north. Staff also have concerns with the proposed separation of dwelling unit windows in the northeast corner of the site. Similarly, the terrace planned for levels four to seven, which extends close to the north property boundary, is a privacy and safety concern.

The proposed separation of Tower A from the north property line is insufficient and

needs to be increased to meet the Official Plan policies and standards set out in the Tall Building Design Guidelines.

The proposed floorplate area for Towers A and B exceeds the Tall Building Design Guideline standards and should be reduced to align with the guidelines and policy objectives of the Official Plan.

Presently, a zero setback condition is planned between the *Core Employment Areas* and mixed-use building located on the *Mixed Use Areas*, with a shared vehicular and pedestrian access supporting the two functions. Staff have concerns with portions of the residential development facing the building within the *Core Employment Areas* land and activity related to the self-storage warehouse occurring without appropriate separation distance to residential units. Appropriate separation is also not provided between the proposed storage building within the *Core Employment Areas* and the existing townhouse development to the east.

Overall, the proposed separation between the self-storage warehouse building, the residential development and adjacent residential properties does not provide an appropriate buffer as required under the Official Plan to mitigate impacts on *Mixed Use Areas*. The lack of information provided regarding the proposed height and number of storeys of the self-storage warehouse building is of concern and must be provided to determine appropriate zoning standards for separation distance, buffering and transition between differing uses. City staff will review and provide comments on the self-storage warehouse building once appropriate details are provided.

The proposed tower step backs (including balconies) from the face of the base building are insufficient along the park to the south and towards the rear (west) that interfaces with the *Core Employment Area* lands and should be increased to align with the Official Plan policies and the Tall Building Design Guidelines, including to reinforce a pedestrian scale, support good proportion with the public realm and improve microclimatic comfort. The location of the parkland within the development is such that it has limited public street frontage. The street frontage of the park is recommended to be maximized to allow for greater visibility and accessibility.

Sun and Shadow Impact

A Sun/Shadow Study, prepared by IBI Group reflecting the proposal was submitted in support of the application. The proposed building massing and heights display negative shadow impacts on the Royal York Road *Neighbourhood Areas*, surrounding properties and the public realm.

Reduced building heights and revised massing, including but not limited to changes necessary to address the issues outlined above, are required to limit shadow impact.

A revised Sun/Shadow study would be required should the design of the building be

significantly altered from the proposal in its current form.

Wind Impact

A Pedestrian Level Wind Study, prepared by SLR Consulting Inc., dated August 19, 2022, reflecting the proposal, was submitted in support of the application. The study currently identifies uncomfortable conditions due to winds channelling between buildings, including the area between Tower A and the self-storage warehouse building with a corner acceleration at Tower A. Similarly, all areas such as the outdoor amenity at level eight, where wind safety criteria exceed the recommended levels, require mitigation through changes to building siting, massing and articulation as a preferred approach to provide permanent resolution. The applicant should also improve comfort conditions within the park, so areas are suitable for sitting.

A revised Pedestrian Level Wind Study would be required should the design of the building be significantly altered from the proposal in its current form.

Unit Mix

A total of 824 residential units are proposed, consisting of 159 studio units (19.3 percent), 454 one-bedroom units (55.1 percent), 148 two-bedroom units (20.3 percent), and 44 three-bedroom units (5.3 percent), comprising 51,726 square metres of residential gross floor area.

The policy direction of the Official Plan, to provide a full range of housing, together with the Growing Up: Planning for Children in New Vertical Communities (Growing Up Guidelines) objectives to provide an appropriate mix of larger units, are not being met. Specifically, the mix of larger units of ten percent three-bedroom units within new developments is not achieved with only 5.3 percent three-bedroom units proposed. The applicant has not provided a summary of average unit sizes. The proposed unit sizes should be consistent with the Growing Up Guidelines.

Amenity Space

Amenity space for the mixed-use building residents is proposed on levels one and eight at a rate that does not meet the minimum requirement of four square metres of amenity space per dwelling unit. A total of 1649 square metres of indoor amenity space (2.0 square metres per unit) is proposed along with 1275 square metres of outdoor amenity space (1.55 square metres per unit). The proposed outdoor amenity space does not meet the requirement and should be increased. The outdoor amenity space is to be located with good access to sunlight and comfortable wind conditions, as required under the Official Plan.

The Pedestrian Level Wind Study indicates that the outdoor amenity on level eight has conditions suitable only for walking during summer and uncomfortable during spring and

autumn for most of the area. Wind mitigation measures should be incorporated within the zoning by-law provisions to achieve conditions comfortable for sitting during most of the year and covering larger portions of the amenity space.

The proposal should allocate a portion of the amenity space for children, as well as for pet amenities. For a development of this scale (200 units or more), space allocated to an outdoor pet relief area, an outdoor off-leash (dog run or play area) area and a pet wash area should be provided.

Detailed design of the amenity space, including provisions for households with children (Growing Up Guidelines) and pets (Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings) will be reviewed and secured through the Site Plan Control review process.

Public Realm

The building is set back 4.6 metres from the Royal York Road property line (inclusive of a 3.44-metre right-of-way conveyance), resulting in at least a six metres setback from building face to curb. Landscape plans submitted in support of the application show new street trees, planter beds and bike lane within the public realm adjacent to the subject site.

At this stage, revisions are required to specify the location of the gas main, utilities and service connections in appropriate plans and elevations. These should be located away from the public realm and/or integrated within the building massing and landscape design with details advanced further through the Site Plan Control application. Trees, plantings and other landscape features must be coordinated with existing and proposed utilities.

Parkland Dedication

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. According to the City of Toronto Parkland Strategy 2022 draft update to the Strategy's methodology, the development site is currently in an area with 4-12 square metres of parkland per person, which is below the city-wide average provision of 28 square metres of parkland per person. Given the future expected growth, both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

The alternative rate of one hectare per 600 units, as specified in the parkland dedication requirement, is 13,733 square metres or 127.5 percent of the site area. However, for sites that are less than five hectares in size, a cap of 10 percent of the development site is applied to the residential use while the non-residential use is subject to a two percent

parkland dedication. In total, the parkland dedication requirement is 1080 square metres.

This report recommends that City Council accept the on-site parkland dedication free and clear of all easements, encumbrances, and encroachments, including underground parking. The on-site parkland dedication shall comply with Policy 3.2.3.8 of the Official Plan.

Tree Preservation

A Tree Inventory and Preservation Plan, prepared by Kuntz Forestry Consulting Inc., dated August 4, 2022, and associated plans were submitted in support of the application. The applicant is proposing the removal of 42 trees on and within six metres of the subject site. A total of 23 of these trees are privately-owned trees and one is located within the City's road allowance.

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. Urban Forestry has identified a number of concerns and additional information required prior to approval of the Zoning By-law Amendment application.

Right-of-way Widening

To satisfy the Official Plan requirement of a 27-metre right-of-way for this segment of Royal York Road a 3.44 metres road widening is required along the Royal York Road frontage of the property. There are above-grade canopy encroachments proposed into the 3.44 metres-wide conveyance along the Royal York Road frontage. The site plan illustrates an "L3 canopy" which overhangs into the lands to be conveyed. This issue must be addressed prior to approval of the Zoning By-law Amendment application.

Transportation Impacts

The applicant submitted a Transportation Impact Study and Traffic Operations Assessment report prepared by LEA Consulting, dated September 2, 2022, in support of the proposal. The report centres around the mixed-use building and consequently, the review from Transportation Services has centred around that element of the site.

Transportation Services staff identified several concerns, issues and additional information required prior to approval of the Zoning By-law Amendment application including the following:

- The proposed zoning by-law provisions must be amended to explicitly reflect Transportation Services' recommended minimum parking ratios requirements for both resident and visitor parking. Transportation Services can support a minimum resident parking ratio of 0.40 spaces per unit and a minimum visitor parking ratio of

0.10 spaces per unit based on the supporting information provided. Should the applicant propose a lower parking ratio, Transportation Services require that supporting evidence (such as proxy surveys) be provided;

- If the calculation of the minimum number of vehicular parking spaces required by this by-law results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space;
- A minimum of one parking space per 100 square metres of gross floor area shall be provided for the retail uses of the subject development;
- Revision to the traffic analysis in line with Transportation Services' methodology and to incorporate updated signal timings at Royal York Road and Mimico Avenue and at Royal York Road and Judson Street, additional signalized intersection at Royal York Road and Newcastle Street and include a description of the functionality of any proposed small car parking spaces;
- Revisions to plans to include dimensions of accessible parking spaces, drive aisle, vertical clearance and provision of road improvements;
- Inconsistencies/ typographical errors should be corrected, and figures used for the basis of the trip generation assessment confirmed; and
- A revised Transportation Demand Management (TDM). Transportation Planning staff request information as to how the applicant proposes to secure TDM measures items at no cost to the City of Toronto. Revised drawings illustrating the direct shared pedestrian and cycling connections are also required.

Driveway Access and Circulation

A new 7.1-metre-wide site driveway is proposed to the centre of the site frontage with Royal York Road and is almost aligned with Stanley Avenue on the east side of Royal York Road. The driveway continues westward to the portion of the development lands at the rear of the site where it narrows to a width of 6.5 metres and intersects a six-metre-wide north-south driveway.

At present, insufficient information has been provided to demonstrate that the required vertical clearance of the cantilevered sections of the proposed building would be achieved and can adequately accommodate all service vehicles that will access the site. For the cantilevered building sections, that are above the main 7.1-metre-wide driveway and the cantilevered section at the driveway at the rear with loading and underground access, the site plan and the ground floor plan must be revised to demonstrate that the vertical clearance underneath the cantilevered sections ensures good site access and circulation, as required under the Official Plan.

For the south end of the north-south driveway, staff have identified several issues and request that the proposal be revised to provide a suitable hammerhead or turnaround area, to allow vehicles to turn around and exit the dead-end area in a forward direction.

Loading and Servicing

For the proposed residential units, one Type 'G' loading space and one Type 'C' loading space are required. For the 635 square metres retail use, one Type 'B' loading space is required. The application proposes that the courier-type vehicle, that would normally use the Type 'C' loading space, could use the Type 'B' loading space.

At the northwest of the development site, a loading area is provided with a Type 'G' loading space and a Type 'B' loading space, consistent with the minimum length and width dimensions for these respective loading spaces. Transportation Services concur with this recommendation.

Rail Safety

The application is accompanied by a Rail Safety Report prepared by JSW dated August 31, 2022, and Derailment Protection Plan prepared by JSW, dated August 31, 2022. At a later stage, and should an application be supported, City staff will need to retain a third-party consultant to undertake a peer review of this study, at a cost to the applicant.

In the meantime, staff note that on September 19, 2022, and as part of the Conversion Request, CN Rail wrote to advise of its concerns. Both the Willowbrook Rail Yard and VIA Rail's Toronto Maintenance Centre are maintenance facilities which operate everyday, 24 hours per day. These facilities are important to the economy. As such, the current and future operations of these facilities need to be protected from encroachment by sensitive land uses as per Provincial policy. Furthermore, while speeds may be lower in yards, rail yards have the greatest noise and vibration of all rail typologies due to more intensive and frequent operations. The operations create noise, vibration and air quality impacts that would be impactful to the proposed residential uses if permitted.

Servicing and Stormwater Management

Functional Servicing and Stormwater Management Report, prepared by RVA, dated August 31, 2022, and associated plans were submitted as part of the application. Engineering and Construction Services staff have reviewed the submitted materials and have identified a number of amendments to the report and revisions to plans, inconsistencies between reports and plans, to be corrected, as well as clarifications and additional information to be provided.

In the event that the OLT allows the appeal, in whole or in part, the final Order should be withheld pending the confirmation, under a pre-condition, that the Functional Servicing and Stormwater Management Report has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and it is demonstrated that the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required.

Noise and Vibration

The applicant submitted a Noise Impact Study and Vibration Impact Study prepared by Hatch Engineering, dated August 28, 2022, to determine potential noise and vibration impacts on the proposed development and compliance with Provincial regulations and guidelines. At a later stage, and should an application be supported, City staff will need to retain a third-party consultant to undertake a peer review of this study, at a cost to the applicant.

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. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to revise their proposal to meet the requirements of Tier 1 of the TGS. City staff cannot currently support the Zoning By-law Amendment because aspects of the plan/concept for the site are inconsistent with parts of the City's Official Plan and Council's objectives concerning tree canopy cover. City staff also encourages the applicant to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Archaeological Assessment

An Archaeological Assessment Report and Letter of Reliance prepared by ASI, dated September 4, 2019, were submitted in support of the application. City staff have reviewed the report and concur with the conclusions that there are no further archaeological concerns regarding the subject property.

School Boards

The Toronto Catholic District School Board (TCDSB) notes that the development falls within the fixed attendance boundary of St. Leo Catholic School. The closest Secondary schools serving this area are Bishop Allen Academy and Bishop Marrocco/Thomas Merton Catholic Secondary School. TCDSB indicated that their projections for local area schools surrounding this development proposal remain consistent. The TCDSB will continue to monitor development growth in this area as it relates to cumulative impact on local schools.

The Toronto Lands Corporation (TLC) in consultation with the Toronto District School Board (TDSB) has determined that based on the proposal, a significant impact is not anticipated on local school accommodation. The local schools are John English Junior Middle School and Lakeshore Collegiate Institute. TLC notes that the proposed

development is near Mimico Adult Centre/Rec Room Childcare, municipally located at 255 Royal York Road. Therefore, TLC requests that the applicant/developer take all precautions to ensure that there are no risks to the health and safety of students, staff and the childcare users because of construction/demolition activity.

CONCLUSION

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff have determined that the proposal is inconsistent with the PPS (2020) and does not conform with the Growth Plan (2020). Furthermore, the proposal is not in keeping with the intent of the Official Plan, particularly with regards to the provision of ancillary residential uses within *Core Employment Areas*, nor with the built form policies as the proposal does not provide an appropriate relationship with and a suitable transition to adjacent *Neighbourhoods Areas*, creates an unsuitable site organization resulting from insufficient separation distances and setbacks between uses, unsatisfactory parkland location, as well as inappropriate site access and circulation.

Incomplete information has been provided for the self-storage warehouse component and at present, the placement of buildings and resulting setback between the self-storage warehouse building and the surrounding context is considered insufficient and must be addressed.

In its current form, the proposal does not represent good planning and is not in the public interest.

Development on this site could be supported, should the related OPA 653 receive ministerial approval and should it resolve the noted issues outlined above.

This report recommends that the City Solicitor, together with appropriate City staff, attend the Case Management Conference and any future OLT hearing to oppose the applications in their current form and to continue discussions with the applicant to resolve outstanding issues specifically identified as part of the Zoning By-law Amendment application.

CONTACT

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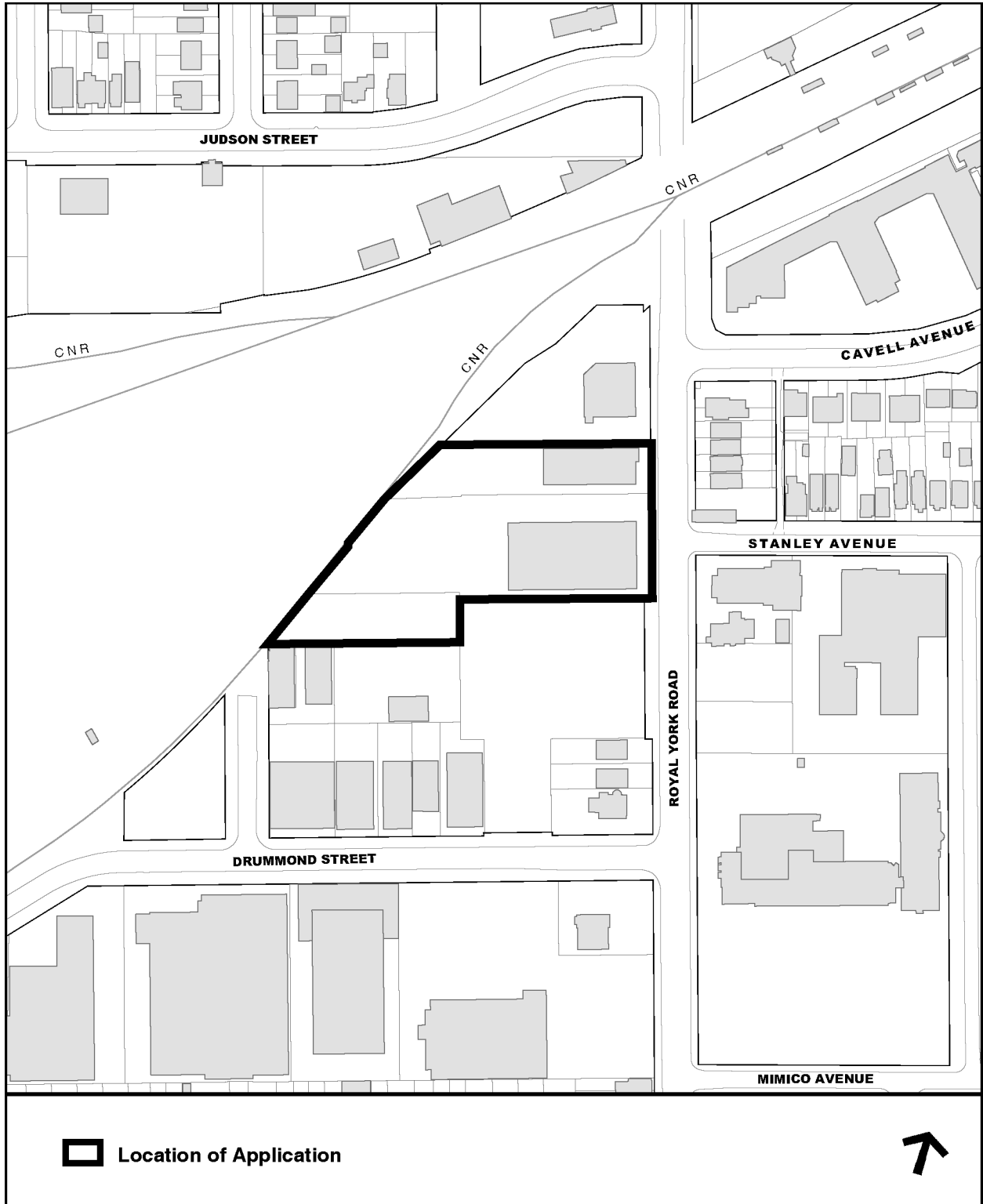
SIGNATURE

Michael Mizzi
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Site Plan
Attachment 6: East Elevation
Attachment 7: South Elevation
Attachment 8: West Elevation
Attachment 9: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 266 - 268 Royal York Road Date Received: November 9, 2021

Application Number: 21 236250 WET 03 OZ,
22 207193 WET 03 OZ

Application Type: OPA / Rezoning

Project Description: Official Plan and Zoning By-law Amendment applications to permit a mixed-use development with 37-storey and 23-storey towers and a three-level below grade parking garage as an initial phase, a multi-storey self-storage warehouse building as a future phase, and a 1394 square metres public park.

Applicant	Agent	Architect	Owner
Bishop Stuart 5400 Yonge Street Toronto, ON, M2N 5R5	Bishop Stuart 5400 Yonge Street Toronto, ON, M2N 5R5	IBI Group 55 St. Clair Avenue West Toronto, ON, M4V 1N5	Royal York Mimico Developments Limited 268 Royal York Road, Toronto, ON, M8V 2V9

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas/ Core Employment Areas Site Specific Provision: N

Zoning: Commercial/ Employment Industrial Heritage Designation: N

Height Limit (m): Commercial Zone: 3 storeys for dwelling units above a commercial use Employment Industrial: 20 metres for office use. No limit for other uses. Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 11,146 Frontage (m): 70.10 Depth (m): 163

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1010.79	1010.79

Residential GFA (sq m):		51,726	51,726
Non-Residential GFA (sq m):	3298	14,635	14,635
Total GFA (sq m):	3298	66,361	66,361
Height - Storeys:	2	37	37
Height - Metres:	10	127	127

Lot Coverage Ratio (%): 43 (Mixed Use Areas only) Floor Space Index: 6.0

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	51,726	
Retail GFA:	635	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	14,000	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			824	824
Other:				
Total Units:			824	824

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		159	454	167	44
Total Units:		159	454	167	44

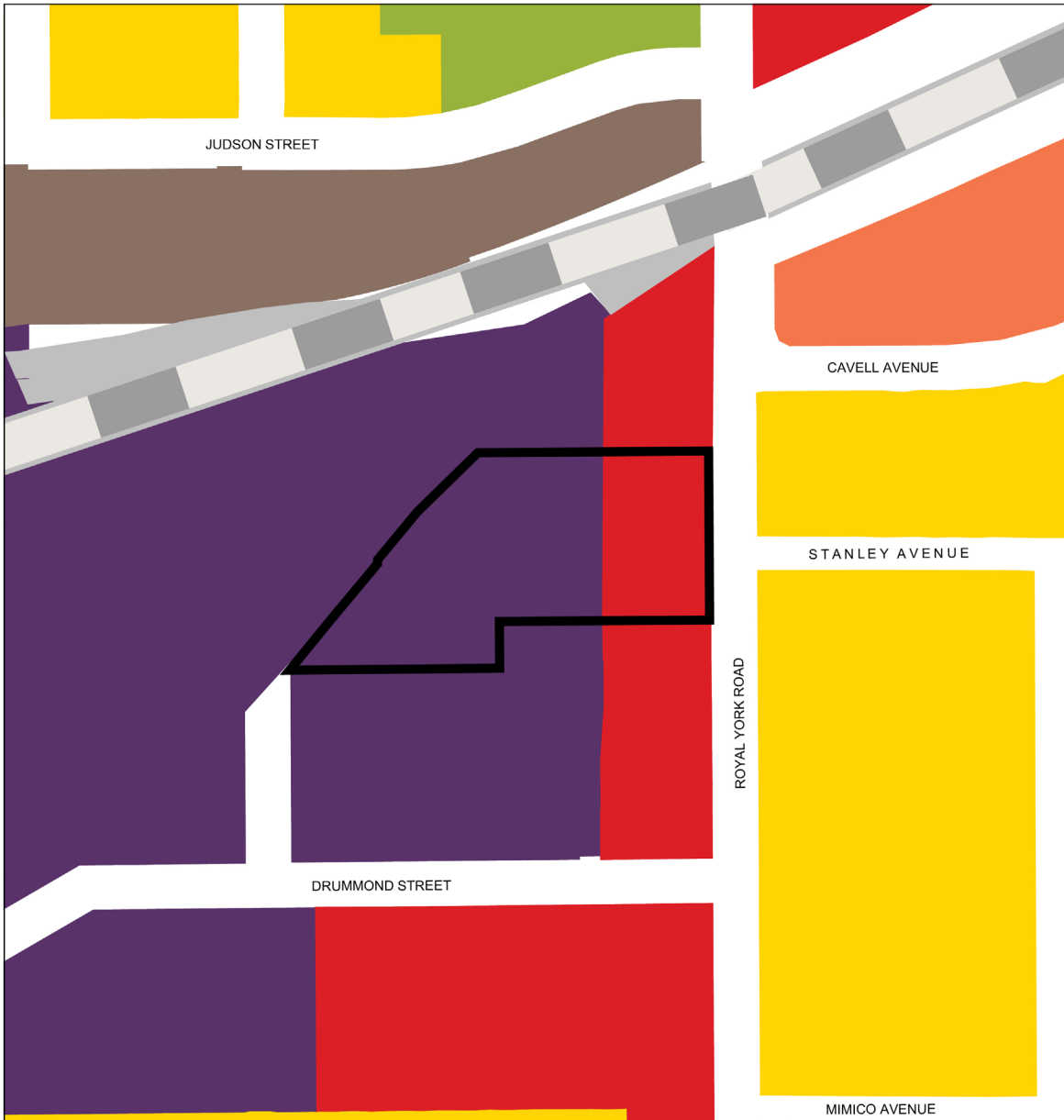
Parking and Loading

Parking Spaces: 200 Bicycle Parking Spaces: 619 Loading Docks: 2

CONTACT:

Giulia Acuto, Senior Planner
416-392-4781
Giulia.Acuto@toronto.ca

Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map #15

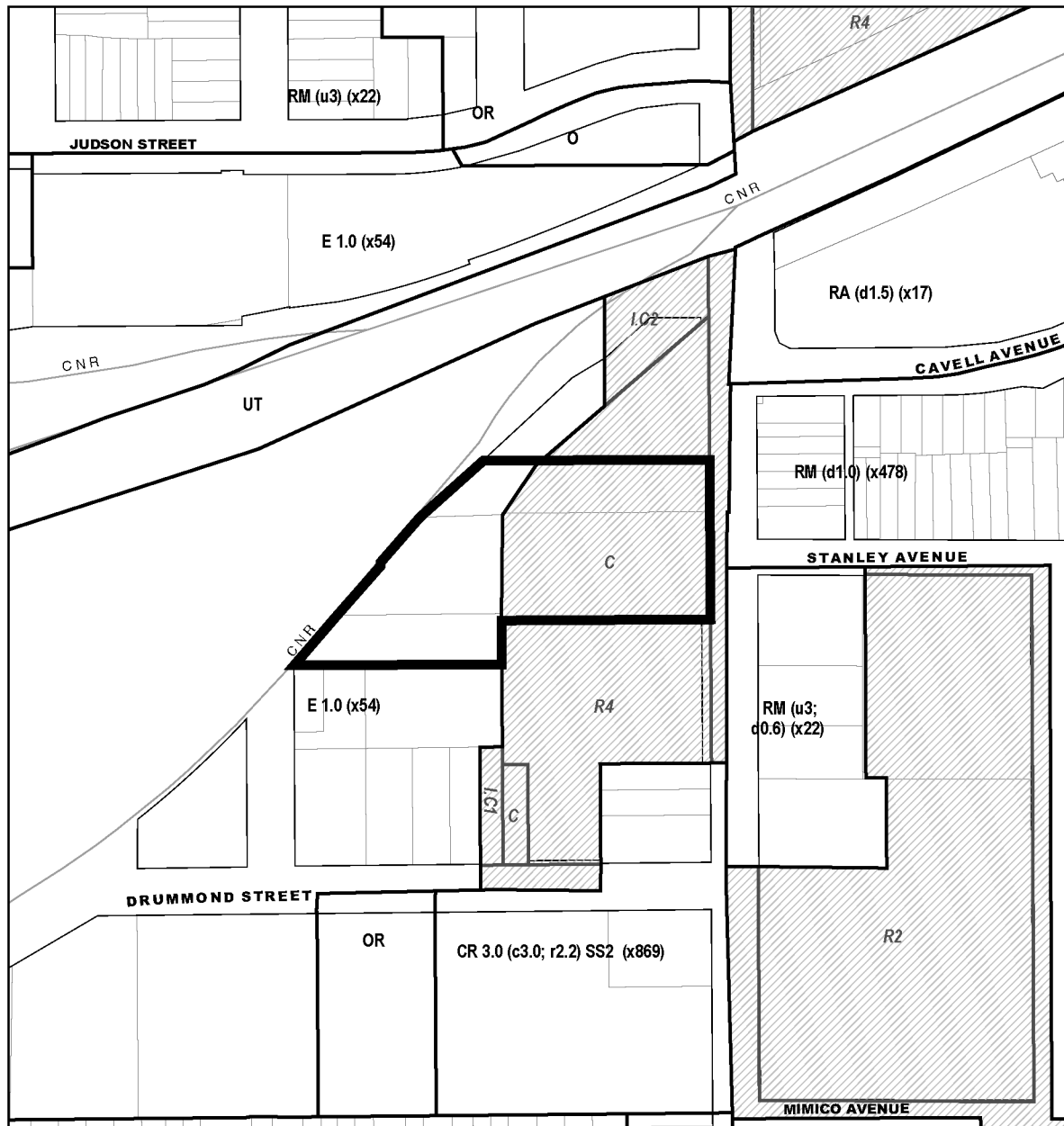
266 - 268 Royal York Road

File # 21 236250 WET 03 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks
-  Regeneration Areas
-  Utility Corridors
-  Core Employment Areas


 Not to Scale
 Extracted: 11/15/2021

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013


266 - 268 Royal York Road

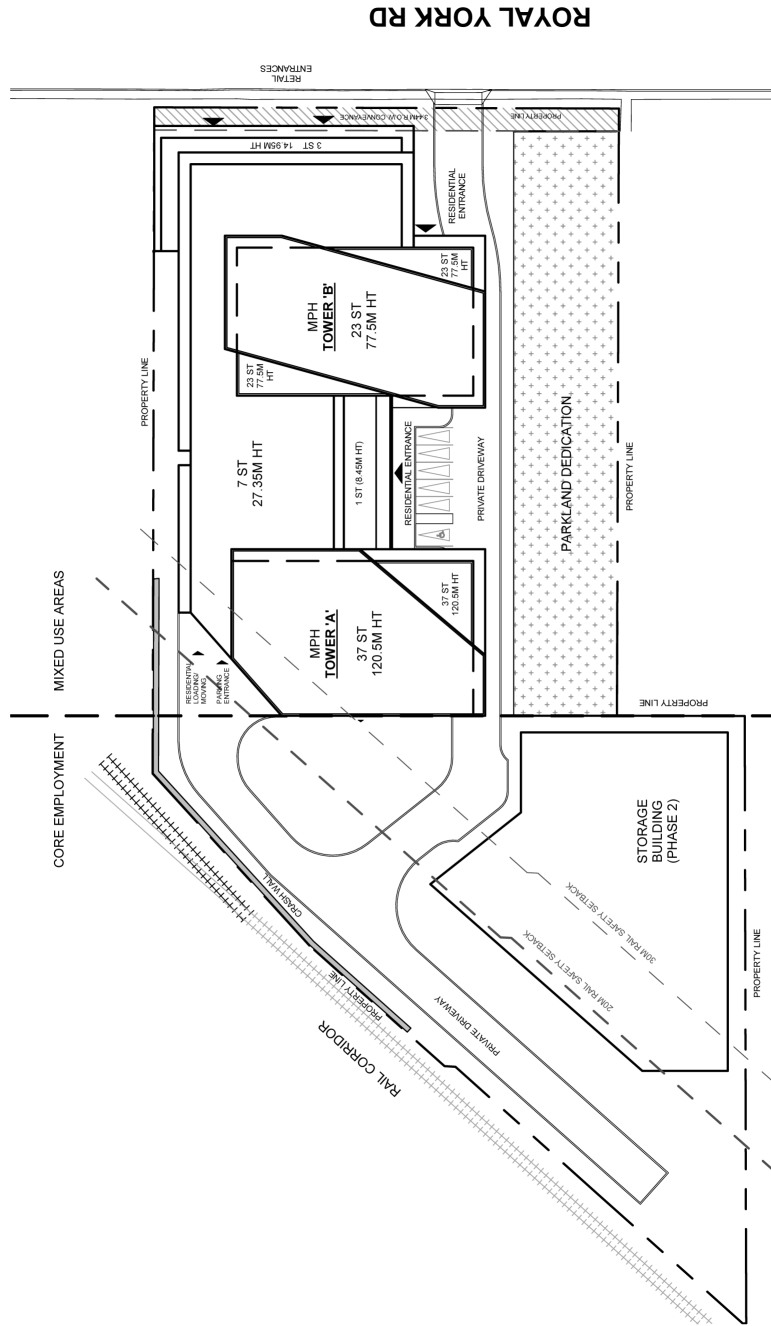
File # 21 236250 WET 03 0Z

-  Location of Application
- RM** Residential Multiple
- RA** Residential Apartment
- CR** Commercial Residential
- E** Employment Industrial
- O** Open Space
- OR** Open Space Recreation

UT Utility and Transportation

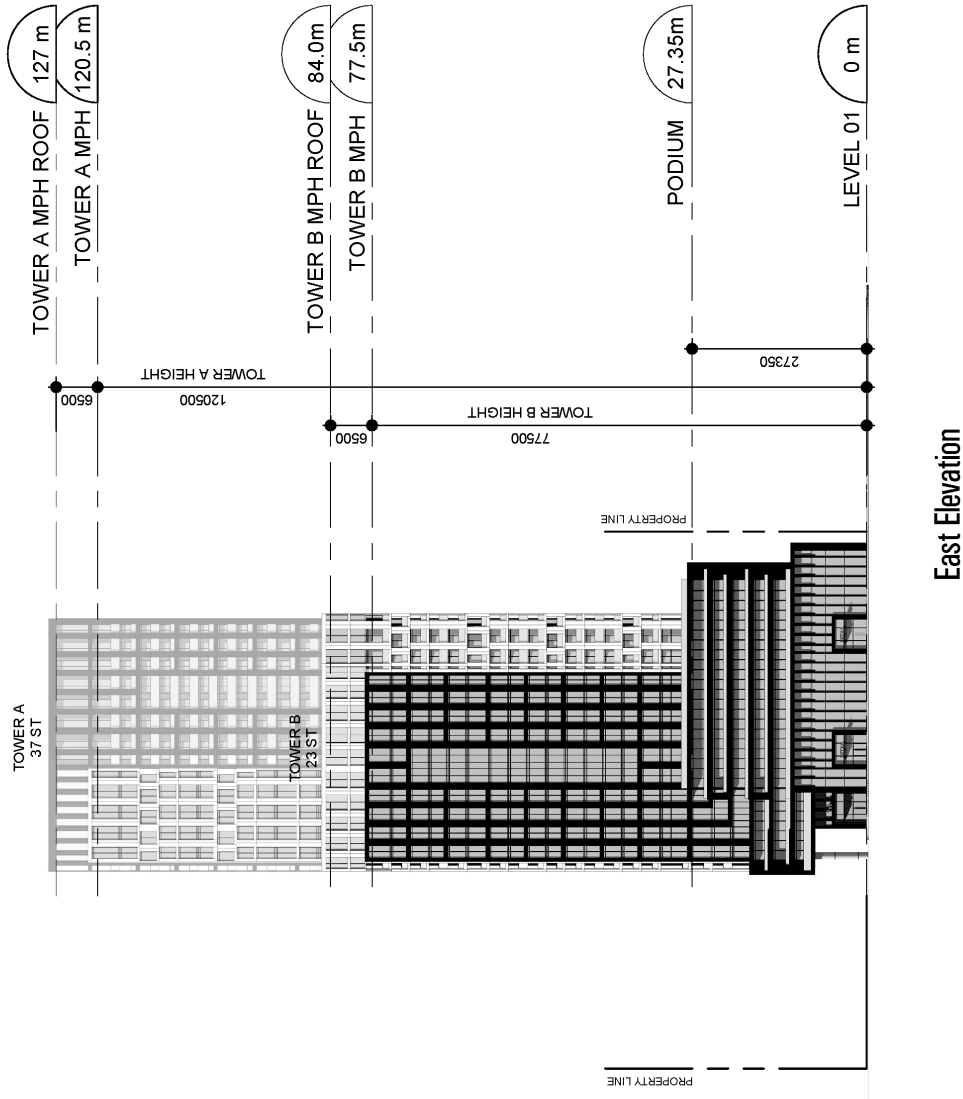
-  See Former City of Etobicoke By-Law No. 11,737
- R4** Fourth Density Residential Zone
- R2** Residential 1, 2, & 3 Family
- R4** Residential Multiple
- C** Commercial
- I.C1** Class 1 Industrial Zone
- I.C2** Class 2 Industrial Zone


 Not to Scale
 Extracted: 11/15/2021

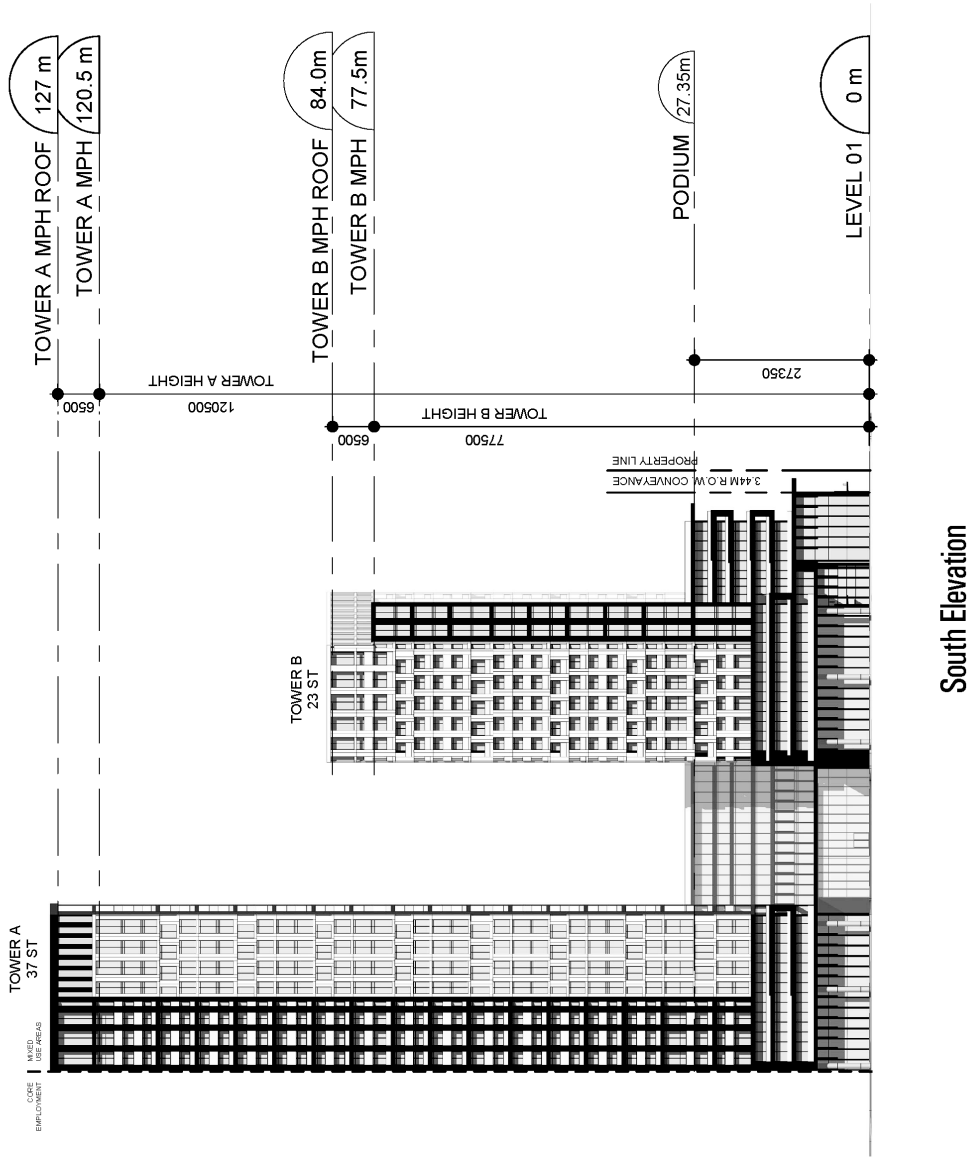


Site Plan

Attachment 6: East Elevation

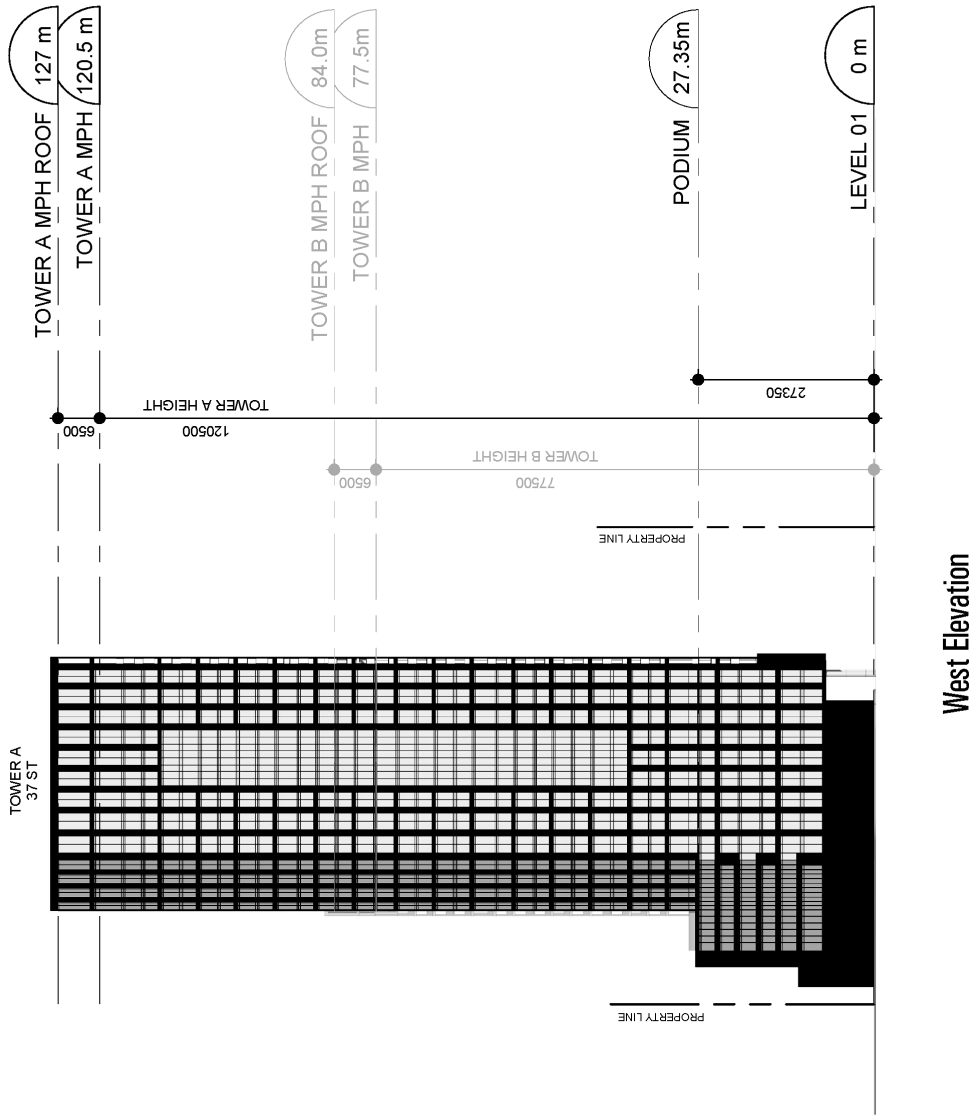


Attachment 7: South Elevation



South Elevation

Attachment 8: West Elevation



West Elevation

Attachment 9: North Elevation

