

529-543 Marlee Avenue and 805-819 Glencairn Avenue Official Plan Amendment and Zoning Amendment Application – Appeal Report

Date: January 9, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 8 - Eglinton-Lawrence

Planning Application: 21 221282 NNY 08 OZ

Related Applications: 21 243814 NNY 08 SA; 22 177701 NNY 08 CD

SUMMARY

On November 29, 2021, a complete application to amend the Official Plan and Zoning By-laws (21 221282 NNY 08 OZ) were submitted to permit a 28 storey (89.35 metres excluding mechanical penthouse) mixed-use building with 306 residential dwelling units and retail uses at grade (224.50 square metres). The proposal also includes a road widening of Marlee Avenue and an on-site parkland dedication. A complete site plan control application in support of the same was submitted on December 1, 2021.

On May 27, 2022, the applicant appealed the Official Plan and Zoning By-law amendment applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 90-day and 120-day time frames specified in the *Planning Act*. A first Case Management Conference took place on August 31, 2022, and a second one has been scheduled for January 10, 2023.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 529-543 Marlee Avenue and 805-819 Glencairn Avenue.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor has advised the Tribunal that:

- a) the final form and content of the draft Official Plan Amendment and Zoning By-law amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b) the owner has submitted architectural plans reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) the owner has submitted a revised pedestrian level wind study, including the identification of any required mitigation measures to be secured in the zoning by-law amendment and through the site plan control process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- d) if there are any affected rental housing units and/or dwelling rooms with existing tenants, that the owner has submitted a tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor in accordance with Official Plan Policy 3.2.1.12;
- e) if a Rental Housing Demolition Application is necessary, that City Council, or the Chief Planner and Executive Director, City Planning where authorized to do so, has authorized the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, as applicable;
- f) the owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- g) the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
- h) the owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated January 5, 2022, and any outstanding issues arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and Chief Engineer and Executive Director, Engineering and Construction Services; and,
- i) the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services,

and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering & Construction Services for Work on the City's Right-of-Way.

3. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues, including but not limited to those outlined in this report.

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

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A Preliminary Report was adopted by North York Community Council on February 23, 2021, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY30.14>

North York Community Council and City Council at their respective meetings on February 23, 2022 and March 9, 2022, adopted a motion from the Councillor of Ward 8 (Eglinton-Lawrence), which directed the Chief Planner and Executive Director, City Planning to prepare a work plan and draft terms of reference for a planning study of an area generally within 800 metres of the Glencairn Subway Station in support of the City's municipal comprehensive review. Staff were directed to report back to North York Community Council on study timing, study area, and components, by June 2022.

The minutes of this item at the North York Community Council meeting and City Council meeting can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY30.42>

At its meeting on June 28, 2022, North York Community Council adopted a staff report and recommendations for the Glencairn Subway Station planning study. The staff report set out the timelines, study area, and terms of reference. The staff report also stated that the purpose of the study is to launch the necessary planning study in order to meet the density targets specified in the Growth Plan (2020).

The recommendations directed staff to engage a consultant team to undertake the planning study, and upon conclusion of the study bring forward planning instruments, where appropriate, to implement the findings. Furthermore, City Planning staff are directed to coordinate active development applications with the study, and if such applications are appealed to the OLT and staff have been directed to appear before the

OLT to oppose the application, that staff inform the City's position with any study findings at the time.

The minutes of this item at the Community Council meeting and the staff report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY33.25>

Further, at its meeting on July 19-22, 2022, City Council adopted a staff report and recommended Official Plan Amendments ("OPA"), as part of the Municipal Comprehensive Review ("MCR") to conform with the Growth Plan (2020). The Growth Plan (2020) requires municipalities to delineate areas around higher order transit stations or Major Transit Station Areas ("MTSA"), and implement policies to achieve minimum population and job density targets for each MTSA. The City's conformity exercise has delineated 115 MTSA's, of which a subset has been designated to allow inclusionary zoning; this subset of MTSA's are known as Protected Major Transit Station Areas ("PMTSA").

The adopted OPAs add a new Chapter 8 to the Official Plan, which contain Site and Area Specific Policies ("SASP") for 115 MTSA's and PMTSA's. The SASPs delineate the boundaries of each MTSA and PMTSA, and set out minimum densities by parcel or block, necessary to achieve the population and job density targets of the Growth Plan (2020). These OPAs are now before the Minister of Municipal Affairs and Housing for final approval. Furthermore, the final report advises that a total of seven MTSA and PMTSA Station Areas require additional study before staff can bring forward OPAs that would set out appropriate densities and other MTSA- or PMTSA-related policies. In this regard, Glencairn subway station area was identified as being below the minimum requirement of 200 people and jobs per hectare as prescribed by the Growth Plan (2020) and requiring additional study.

The minutes of this item at the City Council meeting and the staff report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH35.16>

SITE AND SURROUNDING AREA

Description: The site is generally rectangular in shape and has an approximate area of 3,054.57 square metres, with an approximate frontage of 77.14 metres on Glencairn Avenue. The site has an approximate frontage of 39.65 metres on Marlee Avenue. The site is generally flat with a minor slope downward towards the southeast corner.

Existing Use(s): A 1-storey commercial-retail building with surface parking in the front and five 1-storey detached houses.

Surrounding uses include:

North: To the north of the site, is the Glencairn Avenue, a municipal road. Further north is a two-storey residential-above-retail building with surface parking at the northeast corner of Marlee Avenue and Glencairn Avenue, and detached houses fronting onto Glencairn Avenue.

East: To the east of the site are detached houses; further east is the Hillmount Avenue right-of-way, Glencairn subway station, and Allen Road Expressway.

South: To the south of the site is a 2-storey commercial retail building with surface parking, and a two-storey residential-above-retail building, both at the northeast corner of Hillmount Avenue and Marlee Avenue. Also to the south are detached houses and further south is the Hillmount Avenue right-of-way.

West: To the west of the site, is Marlee Avenue right-of-way. Further west are an under-construction 10-storey mixed use building on the southeast corner of Marlee Avenue and Glencairn Avenue, a 3-storey residential-above-retail building with surface parking on the northwest corner of the Marlee Avenue and Glencairn Avenue.

THE APPLICATION

Description

The Official Plan and Zoning By-law Amendment application proposes to redevelop the lands at 529-543 Marlee Avenue, 805-819 Glencairn Avenue to permit a 28-storey mixed-use building with 21,692.75 square metres of residential gross floor area (GFA) and 224.5 square metres of commercial/retail GFA.

Height: 28 storeys (89.35 metres high, plus a 5 metre high mechanical penthouse).

Density (Floor Space Index): 7.18 times the gross lot area and 8.97 times the net lot area

Unit Count: a total of 306 dwelling units comprised of 2 live-work units (0.6%), 199 1-bedroom units (65%), 81 2-bedroom units (26.5%) and 24 3-bedroom units (7.8%).

Residential Amenity: 612 square metres of indoor amenity space and 612 square metres of outdoor amenity space.

Access, Parking and Loading: There are proposed a 153 and 31 residential and visitor parking spaces, respectively, and 276 and 31 long term and short term bicycle parking spaces, respectively.

One driveway access is proposed via Glencairn Avenue leading to an underground ramp and an at-grade Type G loading space. This driveway is proposed to extend onto the abutting lands to the south as a future driveway.

Parks and Open Spaces: A 475.24 square metre parkland is proposed on-site along the Marlee frontage.

Road Widening Dedication: A 3.44 metre wide strip of land is to be conveyed to the City to widen Marlee Avenue.

Additional Information

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

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-information-centre/>

Reasons for Application

The application proposes to amend the Official Plan to redesignate the lands at 805 and 807 Glencairn Avenue from *Neighbourhoods* to *Mixed Use Areas*, to allow a 28-storey mixed use building. The application also proposes to amend Zoning By-laws No. 569-2013 and 7625, to vary performance standards including but not limited to permitted uses, number of dwelling units, gross floor area and floor space index, lot coverage, building height, rear angular plane, and building setbacks.

The proposal is also subject to Site Plan Control, which examines the design and technical aspects of a proposed development to ensure it is compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. The Site Plan application has not been appealed and is presently held in abeyance until such time as a decision on the appeal for the OPA and ZBLA application has been rendered.

POLICY CONSIDERATIONS

Official Plan Designation: On Map 17 of the Official Plan, the site is designated *Mixed Use Areas* and *Neighbourhoods*.

Zoning: Under City of Toronto Zoning By-law no. 569-2013, the site is zoned Commercial Residential (CR) and Residential Detached (RD) to implement the Official Plan land use designations noted above. Similarly, under Zoning By-law no. 7625, the site is subject to the General Commercial (C1) Zone and the One-Family Detached Dwelling Sixth Density (R6) Zone.

Additional information on the Official Plan and the Zoning By-law and applicable policy documents can be found in Attachment 6.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on April 25, 2022. Members of the public and the Office of the Ward Councillor participated, resulting in the following comments on the proposed development:

- question about widening Glencairn right-of-way to justify the scale and height of the proposal;

- questions and concerns with traffic impacts from this development and future developments, given the existing condition of Marlee Avenue being only a two-lane street, rush hour waiting times at nearby intersections, and side streets being used as thoroughfares;
- question about how the planned bicycle lane along Marlee Avenue will be impacted by the proposal;
- concerns with the proposal's ability to meet its own parking demand without affecting the parking amenity along residential streets in the area;
- Marlee Avenue needs to feel like a main street, and the parkland dedication should be off-site;
- concerns with the programming of the parkland;
- concern about the proposal affecting the development ability of other properties within the block;
- negative opinion of the proposed height;
- concerns with the size and density of the development, and the resultant shadows;
- concerns with fit and transition with the neighbourhood context of older and low-rise built form;
- concerns with the lack of community facilities and services like daycares and schools to accommodate population increase from this proposal;
- question about how the proposal will preserve existing mature trees in the site;
- support for more housing options;
- concerns with the proposed carbon footprint produced by the proposal;
- concerns with predicted outcome from the appeal process; and,
- questions about the application's place with the planning study being initiated for the MTSA conformity exercise and with comments that the proposal should not proceed until the study is completed.

COMMENTS

Provincial Planning Framework

Planning staff have reviewed the application submitted to the City against the policies of the Provincial Policy Statement ("PPS") (2020) and the Growth Plan (2020), as described in the Policy Considerations Section in this report. The proposal in its current form is not in conformity with the Growth Plan.

The Growth Plan includes policies which suggests that the implementation and achievement of these policies are to be undertaken on a comprehensive basis by the municipality. This would include developing a strategy to achieve minimum intensification targets, identifying Strategic Growth Areas (which includes Major Transit Station Areas), identify the appropriate type and scale of development in these areas; and ensure the lands are zoned and development is designed in a manner that supports the achievement of complete communities. This would be undertaken as part of the municipality's municipal comprehensive review (MCR) exercise.

While this exercise is being undertaken, it is also recognized that there may be development proposals that are submitted within these areas that need to be evaluated based on their impact on the broader comprehensive planning exercise.

The proposed application for a 28 storey building would impact and to an extent set the context ahead of the City's ongoing exercise. As such the proposal needs to be carefully considered in advance of such study given the Growth Plan's policy direction that the municipality should through the MCR exercise consider the local context in the implementation of the Growth Plan policies. The proposal itself is proposing specific land use changes, density and built form that is not yet supported by the City's ongoing planning exercise. Further, it is also relying on the fact that the lands are within a major transit station area as justification for the proposed land use and density changes, yet, the Growth Plan specifically directs that it will be the municipality that will delineate these boundaries and identify the appropriate type and scale of development within these areas, including transition of built form to adjacent areas. This too, will be addressed through the City's ongoing planning exercise.

As noted above, the City is currently initiating a study for the area that surrounds the Glencairn subway station and is part of the City's Municipal Comprehensive Review under the Growth Plan. Glencairn subway station is one of the transit stations that will be identified as an MTSA with a boundary delineated and minimum densities, including land use changes established as part of the study. The study is intended to look at the area comprehensively and determine the appropriate level of intensification and redevelopment within this area and ensure that other supporting elements such as infrastructure, public service facilities and development standards are in place to support this future community.

The built context of the area immediately surrounding the subject site is predominately low rise and mid-rise in nature reflective of the *Mixed Use Areas* and *Neighbourhoods* designation. An area within a radius of generally 800 metres from Glencairn subway station, has built form that varies from single-family houses and low-rise walkup apartment buildings, and then existing tall buildings located further south in an area bounded by Marlee Avenue, Ridelle Avenue, Elm Ridge Drive, and Roselawn Avenue. These different built forms reflect the historical development of the study area over the decades. In this regard, the planned context of the Glencairn subway station area, which includes the immediate context of the subject site, is yet to be refined through the Glencairn Subway Station Study. While intensification is envisioned for the Study area, the land use, type, form and pattern of development remains to be determined. The applicant has yet to demonstrate that a predominantly residential tall building is appropriate at the subject site recognizing that a tall building would set the built context for the immediate area of the subject site, and impact the study. Also, the lack additional land uses beyond residential and non-residential uses is also an issue given that the Growth Plan speaks to both planning for people and jobs and the fact that major office uses are to be directed to major transit station areas, and should not be precluded from this site at this time

Similar policy direction is also provided under the PPS where Planning authorities shall identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock and areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to

accommodate projected needs. Further, Planning Authorities shall establish and implement minimum targets for intensification and redevelopment within built up areas, based on local circumstances.

The achievement of these policy directions will be better understood on a comprehensive basis through the City's ongoing planning exercise.

Land Use

For the portion of the site designated *Mixed Use Areas*, the proposed land uses are generally in conformity with the Official Plan, however, the application has not demonstrated how the proposal conforms to other policies, including the removal and replacement of the existing commercial-retail gross floor area and the appropriateness of live-work units.

In addition, the proposal to place commercial uses at this time along Glencairn frontage is not consistent with the *Neighbourhoods*-designated Glencairn streetscape that is east of the site, to Hillmount Avenue/Glen Park Avenue, which is predominately residential in nature, nor is the parkland along the Marlee frontage consistent with *Mixed Use Areas*-designated Marlee streetscape between Glen Park Avenue to just south of Stayner Avenue, which is predominately commercial in nature.

City Planning staff have reviewed the proposed land use re-designation from *Neighbourhoods* to *Mixed Use Areas*, against the policies of the Official Plan, as well as the relevant design guidelines. *Neighbourhoods* are considered physically stable and development within same will respect and reinforce the existing character of buildings, streetscapes and open space patterns in the area. Furthermore, growth is generally directed to the Downtown, Centres and Avenues, all of which are subject to further planning studies to consider growth in a comprehensive manner. Staff notes that the subject site is located both within *Neighbourhoods* and within the planning study area for the Glencairn Subway Station whereupon staff will be undertaking the required work to comprehensively consider growth in the area commencing in 2023. The expectation of the study will be to set the planned context for the study area, through the preparation and approval of planning instruments. The application at this time precedes such work.

The applicant submitted a block context analysis report in support of the proposed re-designation. The report detailed a development scenario and a rationale, where parcels and blocks nearest Glencairn subway station would be suitable for tall buildings, with lessening densities and heights on the west side of Marlee Avenue between Glen Park Avenue and Roselawn Avenue. The development scenario also suggests that parcels and blocks on the east side of the Allen Road Expressway would be suitable for low to mid-rise intensification. The report projects that the development scenario would accommodate a population of 10,568 people and 466 jobs; the report did not comment on the removal and displacement of existing residents, businesses, and jobs in the study area. The degree and distribution of change suggested by the development scenario would typically require a planning study to comprehensively evaluate significant changes to land use designations and built forms, and address matters such as but not limited to coordinated servicing and transportation infrastructure, community services and facilities, and public realm improvements.

In this regard, the application has not demonstrated how the proposal conforms to the existing Official Plan policies, including the appropriateness of the redesignation and the impacts on the planned and built contexts of the surrounding area, most notably, changing the established stable and low-rise character to a character of significantly greater intensity and variety of uses, with the balance of uses in question, and the effect of the proposal on adjacent *Neighbourhoods*-designated lands.

Built Form and Site Organization

Planning staff have reviewed the proposed site organization and built form, including height, massing and transition-in-scale, against the policies of the Official Plan and relevant design guidelines.

The built form of the proposed building does not conform with the relevant policies of the Official Plan, and supported by relevant Design Guidelines. The proposed building is too tall at a base building height of 6-storeys and an overall height of 28-storeys. Further, the proposed building does not provide adequate setbacks, stepbacks, balcony articulation, siting and other controls to transition in scale within and adjacent to the existing and planned contexts of the site. In particular, the proposed building does not provide an appropriate transition to the adjacent *Neighbourhoods*. The proposal does not respond appropriately to adjacent built form and public realm patterns.

Other issues include organization within the building, including the proposed staging of the private driveway for a future driveway connection to the south. This configuration may be inappropriate without further study of development on a block-wide and area-wide basis.

Sun and Shadow

As a result of the height of the proposal, shadows are cast on multiple adjacent city blocks during the Spring and Autumn equinoxes, including:

- public sidewalks and front yards of *Neighbourhoods*-designated lands on the north and south sides of Glen Park Avenue, west of Marlee Avenue, at 9:18a.m.;
- *Neighbourhoods*-designated lands on south side of Glen Park Avenue, west of Marlee Avenue, between 9:18a.m. and 10:18a.m.,
- *Neighbourhoods*-designated lands on south side of Glen Park Avenue, east of Marlee Avenue, between 12:18p.m. and 2:18p.m.,
- *Neighbourhoods*-designated lands on the north side of Glencairn Avenue, east of Marlee Avenue, from 11:18a.m. to 2:18p.m.

Additionally the proposal cast shadows on the northern part of the proposed on-site park, during the Spring and Autumn equinoxes from at least 9:18 a.m. to 11:18 a.m. The proposal should be modified to adequately limit shadows, in line with shadows of the existing and planned context of the aforementioned adjacent city blocks.

Public Realm

The proposed public realm does not achieve the relevant policies of the Official Plan, as informed by relevant Design Guidelines. The public realm objectives include but are not limited to publicly-accessible setbacks consistent with setbacks of adjacent properties and the animation of Marlee Avenue and Glencairn Avenue.

Parkland

The City of Toronto Parkland Strategy 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 Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 12-28 square metres of parkland per person, which is less than the city-wide average provision of 28 square metres of parkland per person (2016). Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parkland to serve the future population.

Staff have determined that a parkland dedication of 289 square metres is required. While the on-site parkland dedication proposed in the application is 475 square metres in area, it is not an appropriate location and configuration, and the setback from the proposed building is also inadequate. The parkland has an east-west width of 12 metres from the lot line abutting Marlee Avenue (after the Marlee road widening is accounted for), and a setback of only 1.5 metres from the adjacent building face at grade. The parkland also abuts a 6.0 metre long by 6.0 metre wide above-ground transformer, which is not a complementary use to locate adjacent to parkland. In its proposed location, the northern part of the parkland would be shadowed by the proposed building during the Spring and Autumn equinoxes from at least 9:18 a.m. to 11:18 a.m. Staff have determined that parkland of this shape, size, and narrow width, would be difficult to program. Moreover, the proposed parkland does not continue the pattern of building frontages on adjacent street blocks that frame and define Marlee Avenue, a major street with local commercial-retail uses on both sides. Staff do not support the proposed parkland configuration.

Staff would accept the conveyance of lands that are off-site that would expand an existing park or create a new park, as the required parkland dedication for this site. The off-site dedication should comply with Policy 3.2.3.8 of the Official Plan. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation ("PF&R") and would be subject to PF&R's conditions for conveyance of parkland prior to the issuance of the First Above Grade Building Permit.

Off-site parkland in the vicinity of this development site that expands an existing park, especially opportunities to expand access into Wenderly Park, would meet the City's parkland objectives.

Tree Preservation

The applicant has submitted an Arborist Report and Tree Protection and Removal Plan, in support of the application. PF&R staff objects to the removal of a significant Silver maple tree located on the site near the southeast corner. Further, the proposed on-site soil volumes are significantly deficient and would not meet the Toronto Green Standard requirement.

Transportation

Staff have determined that in order meet the requirements of Policy 5 in Section 2.2 of the Official Plan, the following must be conveyed to achieve the following Official Plan objectives:

- a 3.44 metre wide strip of land adjacent to Marlee Avenue in order to satisfy the planned right-of-way width requirement of 27 metres for Marlee Avenue shown on Map 3 of the Official Plan; and,
- a 6.0 metre corner rounding at the northeast corner of the site.

Should the OLT allow the appeal in whole or in part, staff will continue to work with the applicant to ensure the proposal has addressed all the matters detailed in the Engineering and Construction Services memorandum dated January 5, 2022.

Travel Demand Management (TDM)

Travel Demand Management (TDM) measures are aimed at encouraging people to take fewer and shorter single occupancy vehicle trips to reduce congestion.

Appropriate TDM measures have not been proposed for this development based on the Official Plan policies and Toronto Green Standard v3 requirements.

In the event that the OLT allows the appealed application appeal in whole or in part, the final Order should be withheld pending the submission of a revised Travel Demand Management Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured if required through the implementing zoning by-law amendment and Site Plan approval.

Servicing and Stormwater Management

Engineering and Construction Services staff have reviewed the submitted materials which include the Functional Servicing and Stormwater Management Report. Staff require revisions as outlined in the memorandum from Engineering and Construction Services dated January 5, 2022. These include but are not limited to provision of the missing Hydrological Review Summary, missing updated hydrant flow test, missing hydraulic watermain analysis, missing information on known/approved developments in the submitted sanitary capacity analysis, development analysis of municipal system capacity and any proposed groundwater discharge. It has been noted that sanitary sewer upgrades are required in order to support this development. Toronto Water had

planned on replacing/upgrading the system at Viewmount Park as part of a capital project and this development cannot proceed in advance of said upgrades. These issues may be raised as part of the OLT hearing.

In the event that the OLT allows the appealed application in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Official Plan Amendment and/or Zoning By-law amendment.

Housing

Staff have previously requested additional information during the course of the application process to determine if any existing rental units or dwelling rooms would be lost due to the proposal. To date, this information has not been provided by the applicant.

In the event that the OLT allows the appealed application in whole or in part, the final Order should be withheld pending confirmation of compliance with Official Plan policy 3.2.1.12, and if there are any affected rental housing units and/or dwelling rooms with existing tenants, the owner has submitted a tenant relocation and assistance plan, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor in accordance with Official Plan Policy 3.2.1.12.

If there are at least six dwelling units, at least one of which was a rental dwelling unit, then a Rental Housing Demolition Application would be necessary. In this case, in the event that the OLT allows the appealed application in whole or in part, the final Order should be withheld pending City Council, or the Chief Planner and Executive Director, City Planning where authorized to do so, authorizing the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, as applicable.

Unit Size and Mix

The proposed building contains two-bedroom and three-bedroom dwelling units that do not satisfy the larger unit mix and unit size objectives of the Growing Up Guidelines.

The submitted pedestrian level wind study by Theakston Environmental, dated August 27, 2021, categorizes its findings of existing and proposed wind conditions into two periods (May to October, and November to April) rather than four seasons; City Planning staff require the study to be revised to categorize and analyze existing and proposed wind conditions into four seasons, such that City Planning staff may more accurately evaluate the wind impacts on the site and adjacent public realm.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community

Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies. The current proposal does not conform with the Toronto Official Plan and does not meet the intent of the relevant Design Guidelines.

This report recommends that City Council direct the City Solicitor, with appropriate staff, to 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

Jason Xie, Planner
Tel. No. (416) 338-3004
E-mail: Jason.Xie@toronto.ca

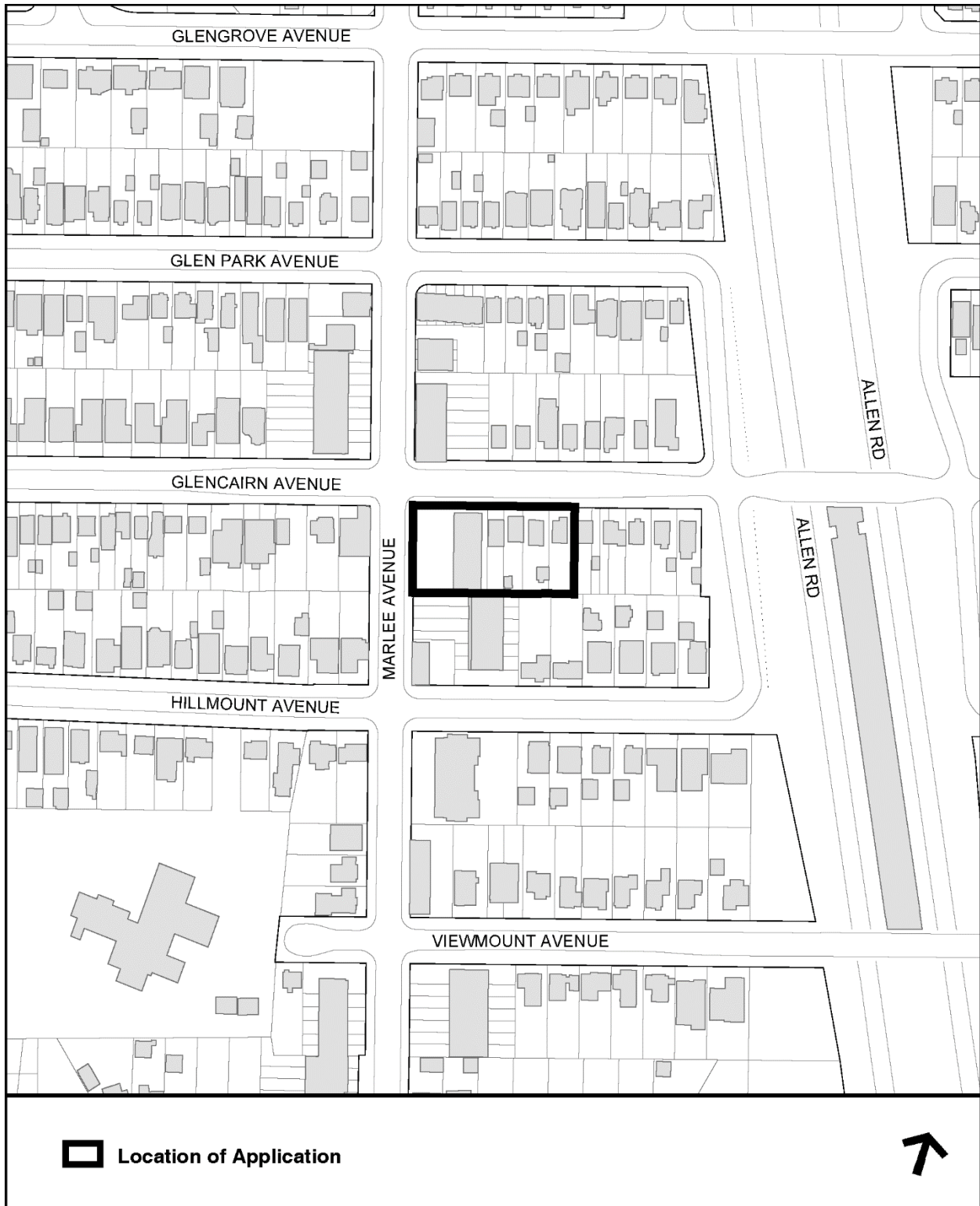
SIGNATURE

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

ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: 3D Model of Proposal in Context Looking Northwest
- Attachment 4: 3D Model of Proposal in Context Looking Southeast
- Attachment 5: Site Plan
- Attachment 6: Policy Considerations
- Attachment 7: Official Plan Land Use Map
- Attachment 8: Zoning By-law no. 569-2013 Map
- Attachment 9: Zoning By-law no. 7625 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 805-819 GLENCAIRN AVE, 529-543 MARLEE AVE Date Received: October 4, 2021

Application Number: 21 221282 NNY 08 OZ

Application Type: OPA & Rezoning

Project Description: Proposed amendments to the Official Plan and the Zoning By-law, to allow a 28-storey mixed-use building with 306 dwelling units, comprised of residential gross floor area of 21,692.75 square metres, non-residential gross floor area of 224.5 square metres (retail space at grade), 184 resident and visitor parking spaces, 307 bicycle parking spaces, and the conveyance of an on-site linear park

Full addresses please

Applicant	Agent	Architect	Owner
RYAN GUETTER			2720433 ONTARIO LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Neighbourhoods CR 1.0 (c1.0; r1.0) SS3; RD (f12.0; a370)	Site Specific Provision: N
Zoning:		Heritage Designation: N
Height Limit (m):	10.5	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 3,054.57 Frontage (m): 39.65 Depth (m): 77.14

Complete the all the GFA and height data for the existing building

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,684.10	1,684.10
Residential GFA (sq m):			21,692.75	21,692.75
Non-Residential GFA (sq m):			224.50	224.50
Total GFA (sq m):			21,917.25	21,917.25
Height - Storeys:	1		28	28
Height - Metres:	3		89.35	89.35

Ground Floor Lot Coverage Ratio (%): 55.13 Floor Space Index: 7.18

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	21,492.75	200.00
Retail GFA:	224.50	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	3			
Freehold:				
Condominium:				
Other:			306	306
Total Units:	3		306	306

Total Residential Units by Size

	Rooms	Live-work	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	2		199	81	24
Total Units:	2		199	81	24

Parking and Loading

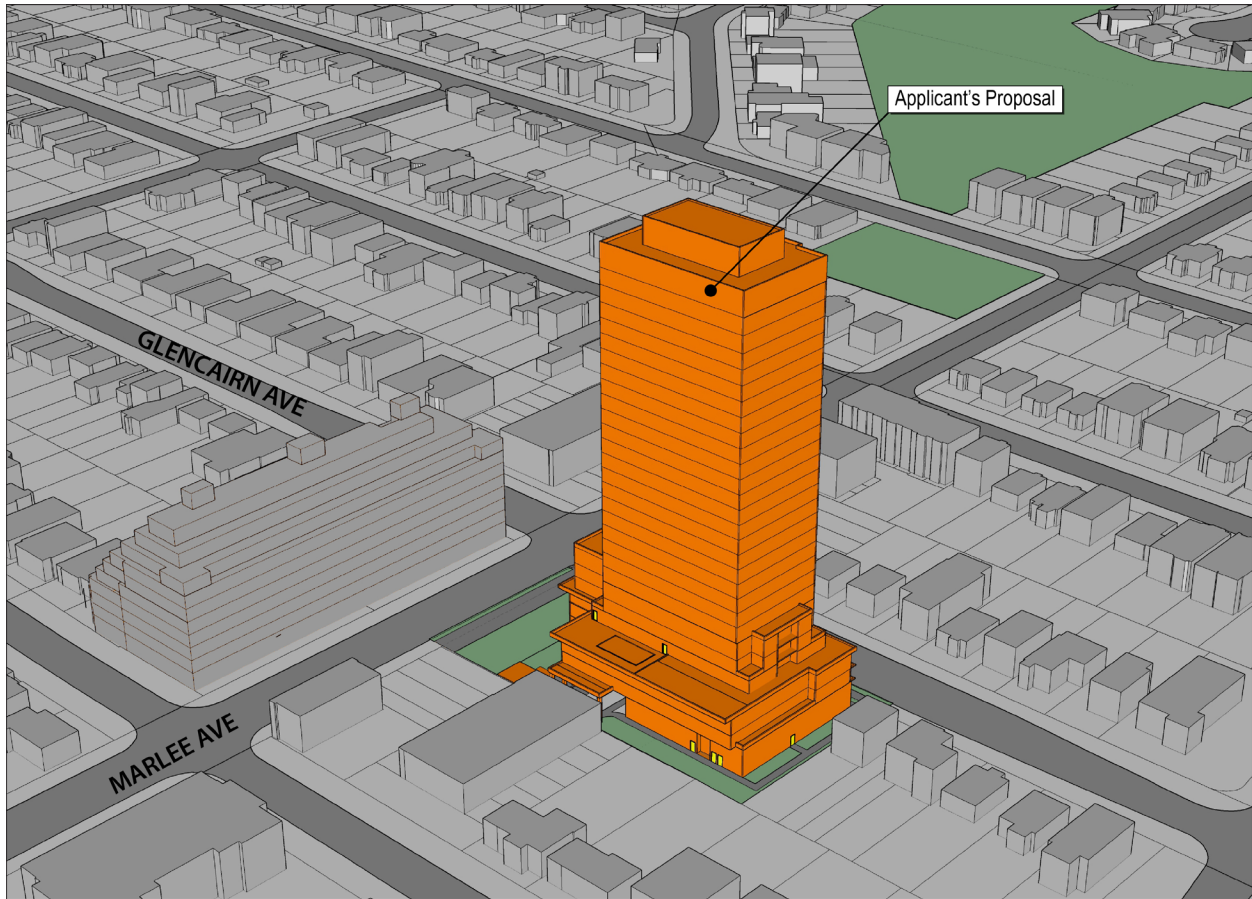
Parking Spaces:	184	Bicycle Parking Spaces:	307	Loading Docks:	1
-----------------	-----	-------------------------	-----	----------------	---

CONTACT:

Jason Xie, Planner
416-338-3004

Jason.Xie@toronto.ca

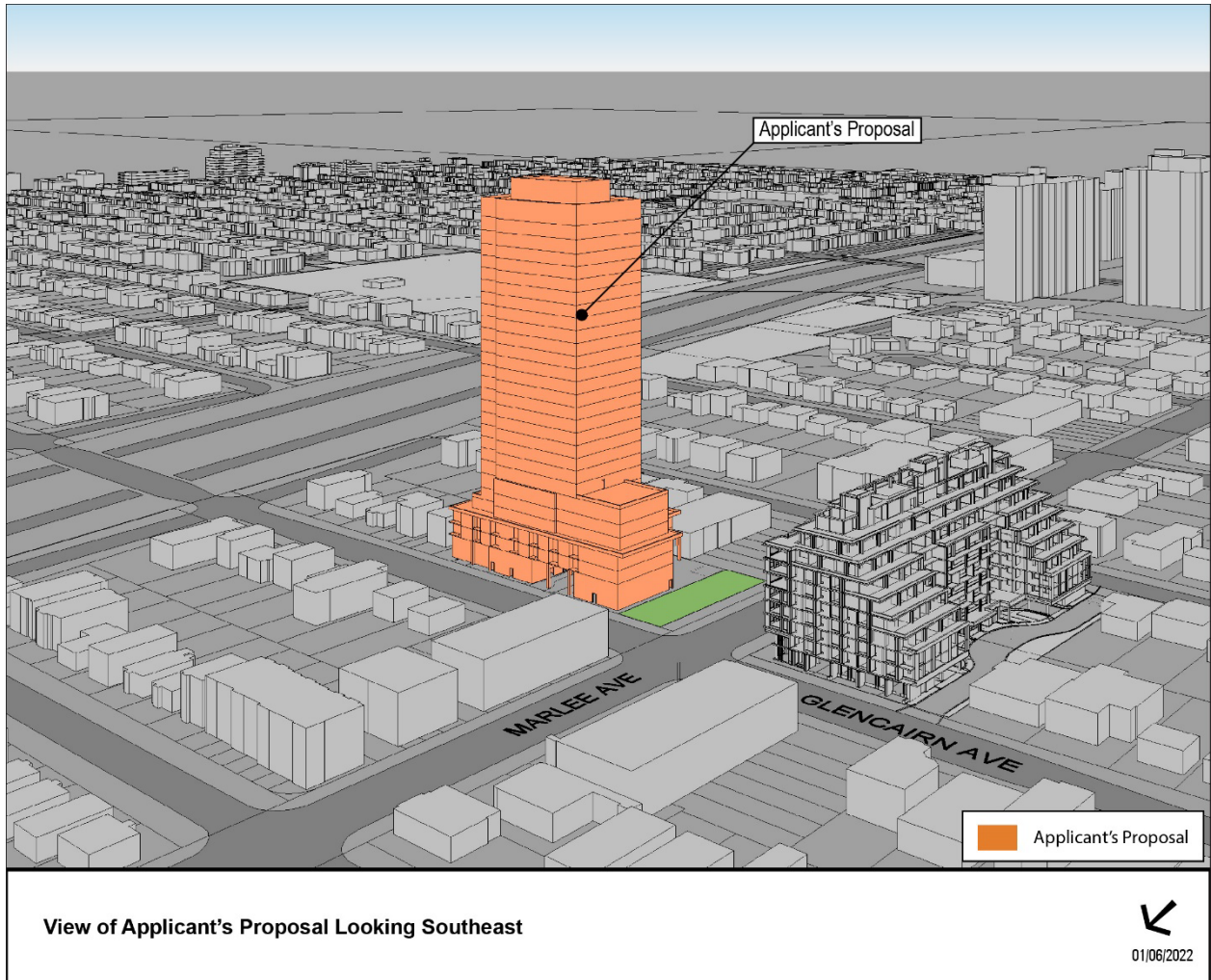
Attachment 3: 3D Model of Proposal in Context Looking Northwest



View of Applicant's Proposal Looking Northwest

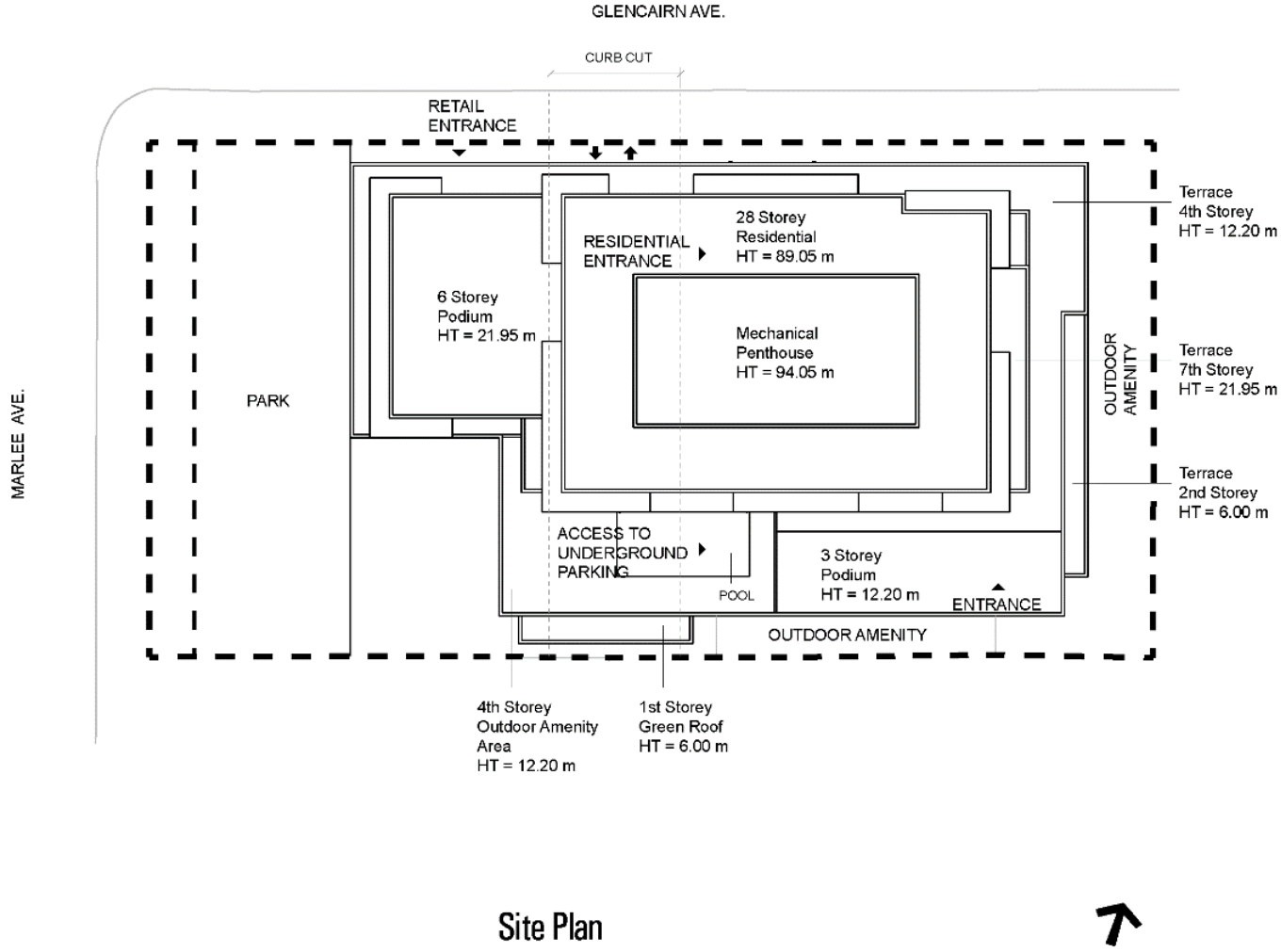
↗
01/06/2022

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



Attachment 5: Site Plan

Proposed Residential Development
The Dylan



Attachment 6: Policy Considerations

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

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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 but not limited to:

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

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development application, in advance of the next MCR. These policies include but are not limited to:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

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

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority

transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

In June 2020, the City Planning Division initiated the Growth Plan Conformity and Municipal Comprehensive Review ("MCR"), which includes the delineation of approximately 180 potential Major Transit Station Areas (MTSAs) to meet Provincial minimum intensification requirements. A subset of MTSAs will be identified as Protected Major Transit Station Areas (PMTSAs), where the Council-approved inclusionary zoning policy framework can be implemented. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

At its meeting on July 19-22, 2022, City Council adopted a final staff report and recommended Official Plan Amendments (OPA 540, OPA 544, OPA 570 and OPA 575), which would add a new Chapter 8 to the Official Plan pursuant to Sections 16(15) and 26 of the Planning Act. Chapter 8 of the Official Plan would contain Site and Area Specific Policies ("SASP") which delineate the boundary, minimum densities, and uses for each of 115 MTSAs and PMTSAs, as well as an additional policy for each PMTSA, specifying minimum Floor Space Index or number of units, at the block-level. These OPAs will now be submitted to the Minister of Municipal Affairs and Housing for final approval. Furthermore, the final report also advises that 7 Station Areas, will require additional study before staff bring forward OPAs that categorize each as a MTSA or PMTSA, and set out appropriate area-specific densities and other policies. The report identifies Glencairn subway station area as belonging to this group of Station Areas.

The minutes of this item at the City Council meeting and the staff report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH35.16>

Toronto Official Plan

The City of Toronto Official Plan (the "Official Plan") is a comprehensive policy document that guides development in the City, providing direction for:

- managing the size, location, and built form compatibility of different land uses, particularly in stable neighbourhoods,
- limiting impacts from new development on adjacent and surrounding areas, including impacts relating to sun, shadow, wind, noise, vibration, privacy, and nuisance;
- providing municipal services and facilities;
- providing an improved public realm, that is sensitively framed by development;
- expanding City-owned parkland in contextually appropriate locations;
- providing high-quality private amenity spaces in multi-unit developments.
- Reducing automobile dependence and actively pursuing alternative transportation modes.

The Official Plan also contains policies related to heritage preservation, tree preservation and expansion, rental demolition and replacement, and environmental stewardship.

The site is split between two designations as shown on Land Use Map 17, that is Mixed Use Areas on 529-543 Marlee Avenue and 811-819 Glencairn Avenue, and Neighbourhoods on 805-807 Glencairn Avenue. See Attachment 7 of this report for the Official Plan Land Use Map.

Zoning By-laws

Under City of Toronto Zoning By-law no. 569-2013 (See Attachment 8), the site is split between two zones: Commercial Residential (CR) with a height limit of 10.5 metres and 3 storeys and a maximum permitted gross floor area of 1.0 times the lot area; and Residential Detached (RD) with a height limit of 10.0 metres and 2 storeys. The CR zone allows broad range of residential and commercial uses, and the RD zone allows dwelling units in a detached house and a number of community-related uses.

Under Zoning By-law no. 7625, the site is subject to the General Commercial (C1) Zone and the One-Family Detached Dwelling Sixth Density (R6) Zone.

See Attachments 8 and 9, for the applicable map excerpts of both Zoning By-laws.

The City's Zoning By-law 569-2013 can be found at:

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

City-Wide Tall Building Design Guidelines

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

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

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the final Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the guidelines in the evaluation of new multi-unit residential development proposal. 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. The Growing Up Guidelines can be found at:

<https://www.toronto.ca/city-government/planning-development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

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

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide pet amenities for high density residential communities. The Pet Friendly Design Guidelines can be found at: <https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The Retail Design Manual can be found here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Application for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Application must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0: new application submitted on or after May 1, 2018 and before May 1, 2022. Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-3/mid-to-high-rise-residential-all-non-residential-version-3/>

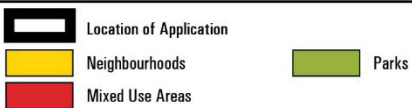
Attachment 7: Official Plan Land Use Map



Official Plan Land Use Map #17

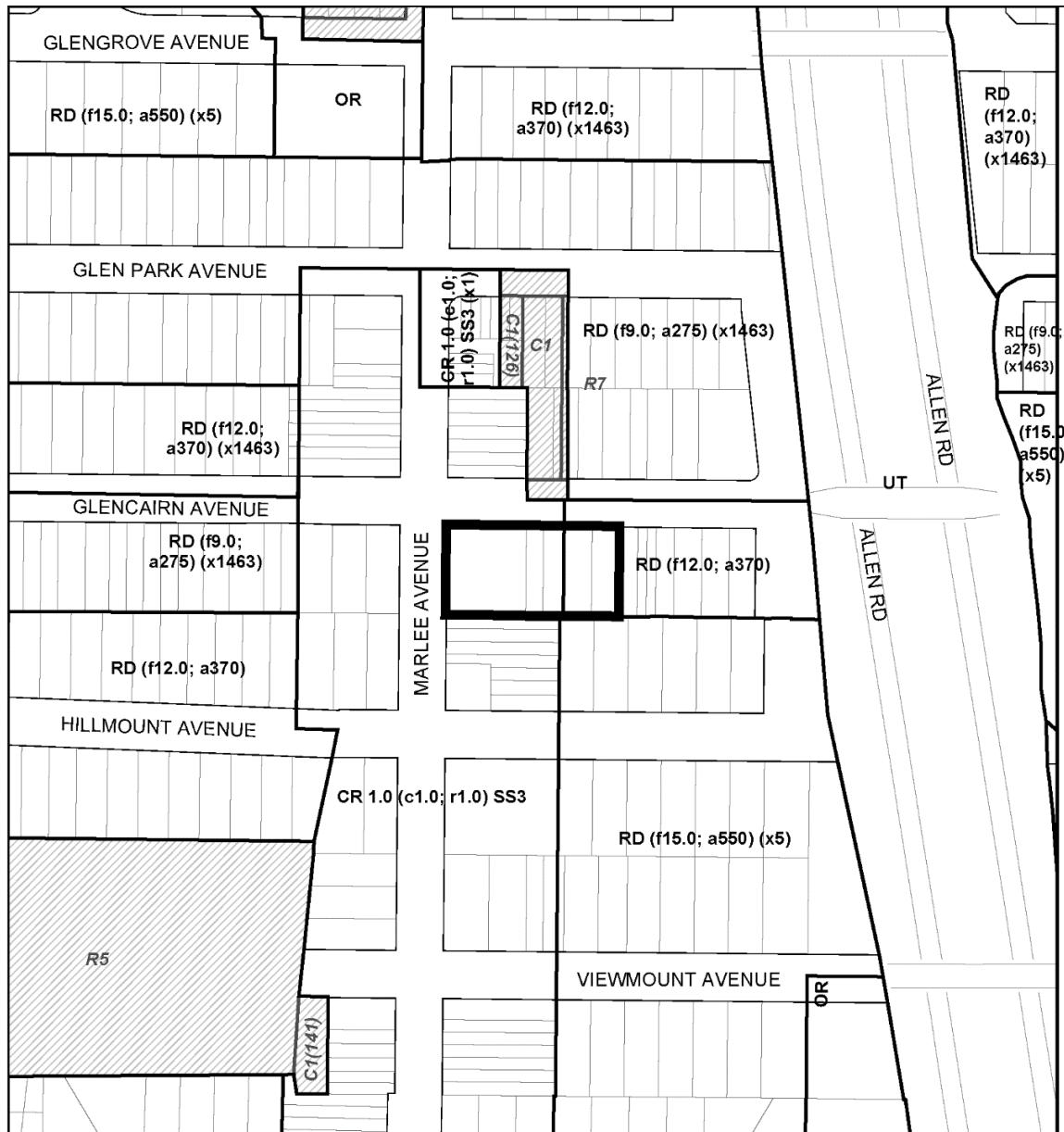
805, 807, 811, 813 Glencairn Ave & 543 Marlee Avenue

File # 21 221282 NNY 08 0Z



Not to Scale
 Extracted: 10/12/2021

Attachment 8: Zoning By-law no. 569-2013 Map




805, 807, 811, 813 Glencairn Ave & 543 Marlee Avenue

Zoning By-law 569-2013

File # 21 221282 NNY 08 0Z

-  Location of Application
- RD** Residential Detached
- CR** Commercial Residential
- OR** Open Space Recreation
- UT** Utility and Transportation

-  See Former City of North York By-law No. 7625
- R5** One-Family Detached Dwelling Fifth Density Zone
- R6** One-Family Detached Dwelling Sixth Density Zone
- R7** One-Family Detached Dwelling Seventh Density Zone
- C1** General Commercial Zone

Not to Scale
Extracted: 10/12/2021

Attachment 9: Zoning By-law no. 7625 Map



805, 807, 811, 813 Glencairn Ave & 543 Marlee Avenue

Zoning By-law 7625

File # 21 221282 NNY 08 0Z



Location of Application

- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- C1 General Commercial Zone
- O1 Open Space Zone



Not to Scale
Extracted: 10/12/2021