



REPORT FOR ACTION

131 Lyon Court and 836, 838 Roselawn Avenue – Zoning Amendment Application – Appeal Report

Date: March 3, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward 8: Eglinton-Lawrence

Planning Application Number: 21 235591 NNY 08 OZ

Related Applications: 21 235595 NNY 08 SA & 21 235748 NNY 08 RH

SUMMARY

On February 25, 2022, a complete application to amend the Zoning By-law (21 235591 NNY 08 OZ) was submitted to permit a 35-storey (111.40 metres, excluding mechanical penthouse) mixed-use building with 472 dwelling units and 397.5 square metres of retail uses at grade. A complete site plan control application in support of the same was submitted on November 9, 2021.

A separate Rental Housing Demolition application (21 235748 NNY 08 RH) has also been submitted which proposes to demolish the existing 53 rental dwelling units on the site and replace them in the new building.

On September 14, 2022, the applicant appealed the Zoning By-law amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame specified in the *Planning Act*. A Case Management Conference was held on February 23, 2023. Notice of the case management conference was provided to interested parties, resident and ratepayers associations, and external agencies.

A full hearing of this matter is scheduled to commence on March 11, 2024.

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 Zoning By-law Amendment appeal for the lands at 131 Lyon Court and 836, 838 Roselawn Avenue 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 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 advises the Tribunal that:

- a) the final form and content of the draft Zoning By-law amendment is 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) City Council has approved the Rental Housing Demolition Application (Application No. 21 235748 NNY 08 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 and, should City Council authorize the demolition, that the Applicant has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the City of Toronto Act securing the replacement of the existing rental dwelling units, including unit mix, size and rents, tenant assistance to mitigate hardship, and other rental related matters, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- e) 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;
- f) 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;

- g) the owner has, at its sole cost and expense facilitated the City undertaking a peer review of the submitted Noise and Vibration Assessment, and secured any recommended mitigation measures in the amending by-law, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- h) the owner has satisfactorily addressed the matters in the Engineering and Construction Services Memorandum dated January 24, 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 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, 2022, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of North York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY30.13>

Further, both North York Community Council and City Council at their respective meetings on February 23, 2022 and March 9, 2022, adopted a motion 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>

Glencairn Planning Study

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 were directed to coordinate active development applications with the study, and if such applications were to be appealed to the OLT, staff have been directed to appear before the OLT to oppose the application.

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>

Our Plan Toronto – Protected Major Transit Station Area Delineations

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 subject lands form an "L"-shaped site with an approximate area of 3223.2 square metres, a frontage on Roselawn Avenue that measures approximately 51.8 metres, and a frontage on Lyon Court that measures approximately 73.15 metres. The grading of the site is characterized as generally flat with relatively minor declining slope from the east towards the west of the site.

Existing Use(s): Two 4-storey apartment buildings and a 2-storey residential building with retail at-grade. The buildings contain a combined total of 53 rental units, all of which have affordable or mid-range rents. The site has driveway access onto both Lyon Court and Roselawn Avenue.

Surrounding uses include:

North: To the north of the site, is Lyon Court, a municipal road. Further north, on the south side of Ridelle Avenue, are two 18-storey apartment buildings with surface and underground parking, surrounded by open, landscaped space. On the north side of Ridelle Avenue, is a 2-storey utility-commercial building and a 1-storey house, and apartment buildings ranging in heights of 22 to 27 storeys that are set in open, landscaped setting.

East: To the east of the site, on both sides of Elm Ridge Drive, are existing apartment buildings ranging in heights of 9 to 18 storeys. 155 and 165 Elm Ridge Drive, are existing 1- and 2-storey buildings with approval for a 19-storey residential building. These areas are bounded to the east by Allen Road Expressway, a municipal road.

South: To the south of the site is Roselawn Avenue/Elm Ridge Drive, a municipal road. Further south are apartment buildings ranging in heights from 6 to 24 storeys, the York Beltline Trail and detached houses.

West: To the west of the site is Lyon Court, a municipal road; on the west side of Lyon Court, is an 18-storey apartment building with daycare, recreation, and commercial-retail uses, surrounded by landscaped, open space. Further west, is Marlee Avenue, a municipal road, and then predominantly detached houses, with industrial and utility uses along Roselawn Avenue, west of Marlee Avenue.

THE APPLICATION

Date of Complete Application: February 25, 2022

Description:

The Zoning By-law Amendment application proposes to redevelop the lands at 131 Lyon Court and 836, 838 Roselawn Avenue to permit a 35-storey mixed-use building with 33,011.7 square metres of residential gross floor area (GFA) and 397.5 square metres of commercial/retail GFA.

Height: 35 storeys (111.40 metres high, plus a 5.0 metre high mechanical penthouse).

Density (Floor Space Index): 10.36 times the site area.

Unit Count: 472 dwelling units, includes 8 studio (1.7%), 322 one-bedroom (68.2%), 98 two-bedroom (20.7%), and 44 three-bedroom (9.3%) units.

Residential Amenity: 949.5 square metres of indoor amenity space and 983.6 square metres of outdoor amenity space.

Access, Parking and Loading: 127 parking spaces (113 residential, 13 visitor, and 1 retail), and 473 bicycle parking spaces (425 long term and 48 short term).

At the north end of the site and off Lyon Court, access is proposed to a two-level underground garage, drop-off/pick-up layby, turnaround areas, and internalized Type 'G' and Type 'C' loading facilities.

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 Zoning By-laws No. 569-2013 and 1-83, to vary performance standards including but not limited to floor space index, building height, building setbacks, and parking space rates.

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 Zoning By-law Amendment application has been rendered.

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 is required to demolish the existing rental units on the subject site. An application (21 235748 NNY 08 RH) was submitted to demolish the existing 53 rental dwelling units on the site and replace them in the new building.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation: On Map 17 of the Official Plan, the site is designated *Apartment Neighbourhoods*.

Zoning: Under City of Toronto Zoning By-law No. 569-2013, the site is zoned Residential Apartment Commercial (RAC) with a maximum Floor Space Index ("FSI") of 2.5 times the site, and a maximum height of 24 metres and 8 storeys. Similarly, under Zoning By-law No. 1-83, the site is subject to the Residential Multiple (RM2) Zone.

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

COMMUNITY CONSULTATION

The application was appealed prior to a Community Consultation Meeting being held. A Community Consultation Meeting is scheduled to be held on March 28, 2023; comments and feedback from that meeting will be incorporated in any discussions with the applicant to address outstanding issues.

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), which are generally described below in Attachment 6. The proposal in its current form raises concerns relating to the City's role and responsibility in guiding growth in Strategic Growth Areas, as directed for in 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 35-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 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 density and built form 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 existing context of the area immediately surrounding the subject site is predominately "tower in the park" developments comprised of tall and mid-rise apartment buildings with ground floor-oriented retail, commercial, and community-related uses, placed in a generously landscaped setting, on large city blocks. This built context is reflective of the *Apartment Neighbourhoods*-designation. This immediate and adjacent context is at the southern end of the Glencairn subway station planning study. The existing built-form in the study area is characterized by predominantly single-family houses, low-rise walk-up apartment buildings and the 'tower-in-the-park' developments. Along Marlee Avenue are approved mid-rise, low-rise apartment and townhouse developments, and applications for tall and mid-rise developments.

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, scale, form, and pattern of development remains to be determined. The applicant has not demonstrated that the proposed building and public realm, with such height, massing, transition, and site organization, is appropriate at the subject site recognizing that such built form and public realm would set the built context for the immediate and adjacent areas of the subject site and impact the study. Also, the lack of additional land uses beyond residential and retail uses may be 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 be considered 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, appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form; and 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.

It is noted that the site is outside of and adjacent to the delineated MTSA of Eglinton West subway station and Cedarvale light rail transit station.

Land use

The subject site is located within the *Apartment Neighbourhoods* designation of the Official Plan. The proposed dwelling units and retail stores in a mixed use building form are expected in *Apartment Neighbourhoods*, however staff require more information regarding the internal configuration of the retail space, to ensure retail stores are small-scale. *Apartment Neighbourhoods* are considered physically stable and development within the same area will be consistent with this objective. Other key considerations include improving amenities, accommodating sensitive infill, where it can improve the quality of life and promote environmental sustainability. While *Apartment Neighbourhoods* are not areas of significant growth on a city-wide basis, there are sites containing one or more existing apartment buildings where compatible infill development may take place. This infill development may occur if various development criteria are met as discussed in the sections below. The proposal does not address a number of these criteria.

Growth is generally directed to areas known as the *Downtown, Centres and Avenues*. All of which are subject to further planning studies to consider growth in a comprehensive manner. Four land use designations distribute most of the increased jobs and population anticipated by the Official Plan's growth strategy: *Mixed Use Areas, Employment Areas, Regeneration Areas and Institutional Areas*. The site is not in any of these growth areas as specified in the Area Structure Plan and Land Use Designations, of the Official Plan.

Housing

This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one unit is rental housing, an application is required under Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant obtain a permit from the City allowing the demolition of the existing rental housing units. The City may impose conditions that must be satisfied before a demolition permit is issued.

The current application proposes replacement of all 53 existing rental dwelling units. Further matters to be resolved as part of the Rental Housing Demolition Application include ensuring the rental housing replacement is appropriate, including appropriate in size and an acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement rental units at similar rents and other assistance to lessen tenant hardship, including compensation and notice above and beyond requirements under the Residential Tenancies Act.

Should the OLT allow the appeals in whole or in part, City staff recommend that the City Solicitor request that the Tribunal withhold its final Order until it has been advised that City Council has dealt with the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006. Should the application be approved, a tenant consultation meeting would be held to review the impact of the proposal on tenants of the residential rental property.

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. As previously stated, the Official Plan includes various development criteria relating to compatible infill development on *Apartment Neighbourhoods*-designated sites with one or more existing apartment buildings. In this regard, the proposed development does not meet several key criteria required to ensure the improvement of existing site conditions, and as such the development does not conform to the Official Plan.

The Official Plan states that infill development in *Apartment Neighbourhoods* shall be compatible with the scale including height and massing of the existing apartment buildings on and adjacent to the site. Development will be located and massed to fit within the existing and planned context, and provide good transition in scale between

areas of different building heights and/or intensity. The proposed tall building with a height of 35-storeys is significantly out of scale with both adjacent and nearby tall buildings and does not provide a transition in scale between areas of different intensities and scale. The proposed building does not provide adequate setbacks, stepbacks, and other controls to transition in scale within and adjacent to the existing and planned contexts of the site.

Other issues include lack of information on balcony layout throughout the tower which has additional massing impacts and lack of grade-related dwelling units to animate the adjacent street throughout the day.

Sun and Shadow

The *Apartment Neighbourhoods* policies direct that development adequately limit shadow impacts on adjacent lower-scaled *Neighbourhoods*, outdoor amenity spaces, and landscaped open spaces. The Official Plan also directs that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

Wind

A pedestrian level wind study dated November 4, 2021 was submitted in support of the application. Staff have reviewed the study and have concerns including the lack of information on existing wind conditions during the Spring and Autumn seasons, and have noted wind impacts on public sidewalks, west lobby entrance, ground level and above-grade outdoor amenity spaces, and the outdoor play area on 145 Marlee Avenue property.

City Planning staff require the missing information in order to more accurately evaluate the wind impacts on the site and the adjacent public realm.

Public Realm and Open Spaces

The proposed public realm does not achieve the relevant policies of the Official Plan as informed by relevant Design Guidelines.

The adjacent and surrounding context is characterized by tall buildings placed in expansive landscaped open space with walkways interconnecting buildings and nearby streets. While the proposal provides landscaped open space in place of the limited on-site landscaped open space that currently exists, the Official Plan directs for improved quality landscaped open space through the creation of significant features and walkways where they did not previously exist.

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.

In accordance with [Chapter 415, Article III of the Toronto Municipal Code](#), the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit. Payment will be required prior to the issuance of said permit.

Parking

Transportation Services Staff has found that the proposed 127 parking spaces (including rental replacement, residents, visitors, and retail) is significantly deficient from the 544 parking spaces required by Zoning By-law no 569-2013 and is not acceptable. Staff reviewed the submitted parking study and found it is insufficient to justify the proposed parking supply. The study must be revised to provide a technical basis for their recommended blended resident and visitor parking rates and missing variable information in the conducted proxy site surveys.

In addition to the preceding, there are other site circulation and design matters identified in the Engineering and Construction Services (ECS) memo, dated January 24, 2022, which may impact the proposed site and underground organization, and the resulting performance standards. To date, the applicant has not satisfactorily addressed same.

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 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 24, 2022. These include but are not limited to provision of the data on roof drainage impacts on the combined sewer, sprinkler system confirmation, and construction type confirmation.

In the event that the OLT allows the appeal 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 Zoning By-law amendment.

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, the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the current proposal should be revised so that it is consistent with all of the policies of the PPS and conforms to and does not conflict with the policies of the Growth Plan (2020). Further, the current proposal does not conform with Toronto Official Plan or 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

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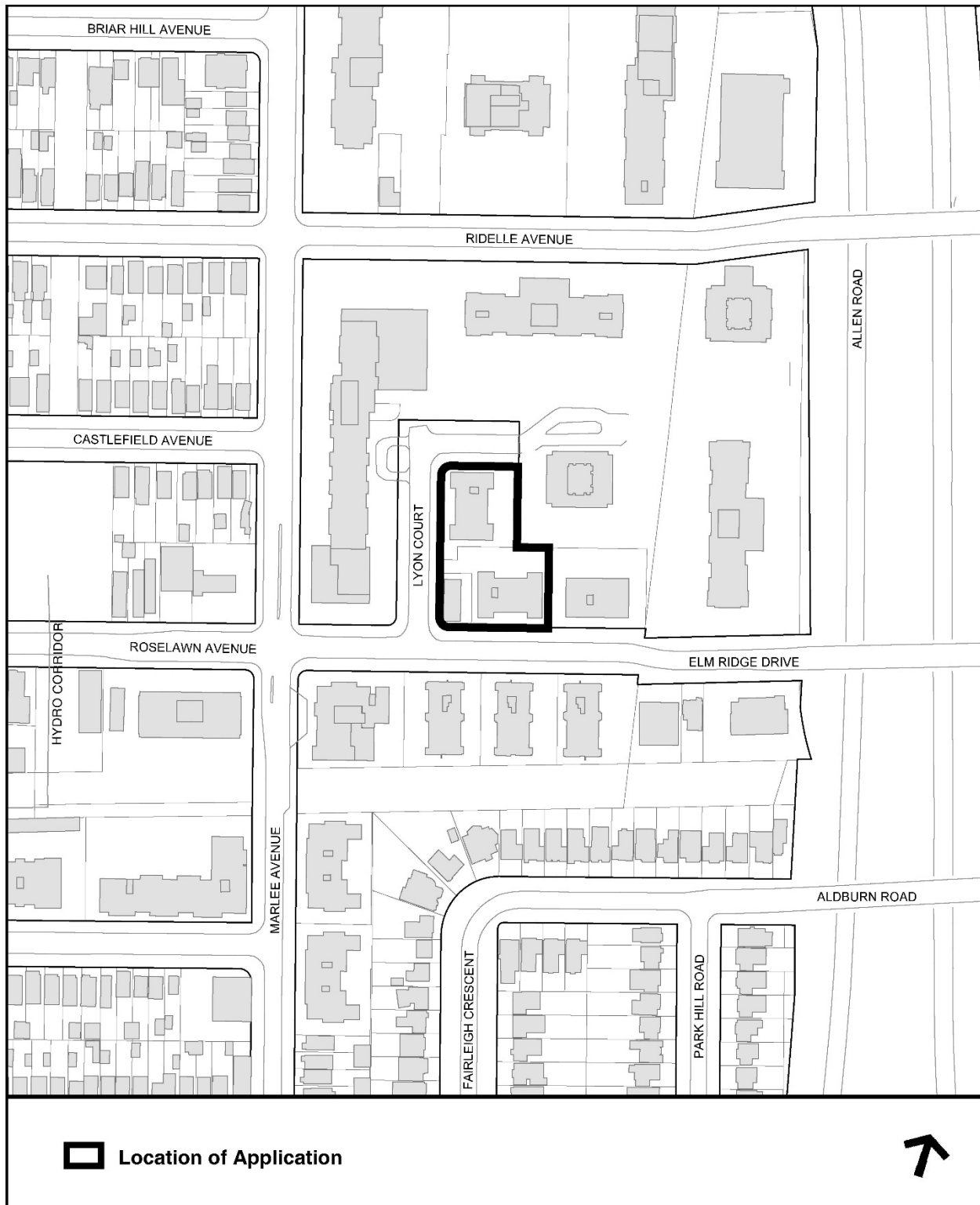
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David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context, looking southwest
Attachment 4: 3D Model of Proposal in Context, looking northeast
Attachment 5: Site Plan
Attachment 6: Policy Considerations
Attachment 7: Official Plan Map
Attachment 8: Zoning By-law no. 569-2013 Map
Attachment 9: Zoning By-law no. 1-83 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 131 LYON COURT Date Received: November 8, 2021

Application Number: 21 235591 NNY 08 OZ

Application Type: Rezoning

Project Description: Zoning By-law amendment application to allow a 35-storey mixed-use building with 472 residential units, of which 53 are rental replacement units, and comprising of a residential gross floor area of 33,011.70 square metres and a non-residential gross floor area of 397.50 square metres.

Applicant	Agent	Architect	Owner
WALKER NOTT DRAGICEVIC ASSOCIATES LIMITED		TURNER FLEISCHER ARCHITECTS INC.	2478443 ONTARIO LTD

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	RAC (d2.5)	Heritage Designation:	N
Height Limit (m):	24	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	3,223.2	Frontage (m):	51.8	Depth (m):	73.15
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,235.23		1,343.3	1,343.3
Residential GFA (sq m):	4,496.5		33,011.7	33,011.7
Non-Residential GFA (sq m):	139.35		397.5	397.5
Total GFA (sq m):	4,635.85		33,409.1	33,409.1
Height - Storeys:	4		35	35
Height - Metres:	12		111.4	111.4

Lot Coverage Ratio (%):	41.68	Floor Space Index:	10.36
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	32,848.9	162.8
Retail GFA:	397.5	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	53	53		53
Freehold:				
Condominium:			419	419
Other:				
Total Units:	53	53	419	472

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	8	322	98	44	
Total Units:	8	322	98	44	

Parking and Loading

Parking Spaces:	127	Bicycle Parking Spaces:	473	Loading Docks:	2
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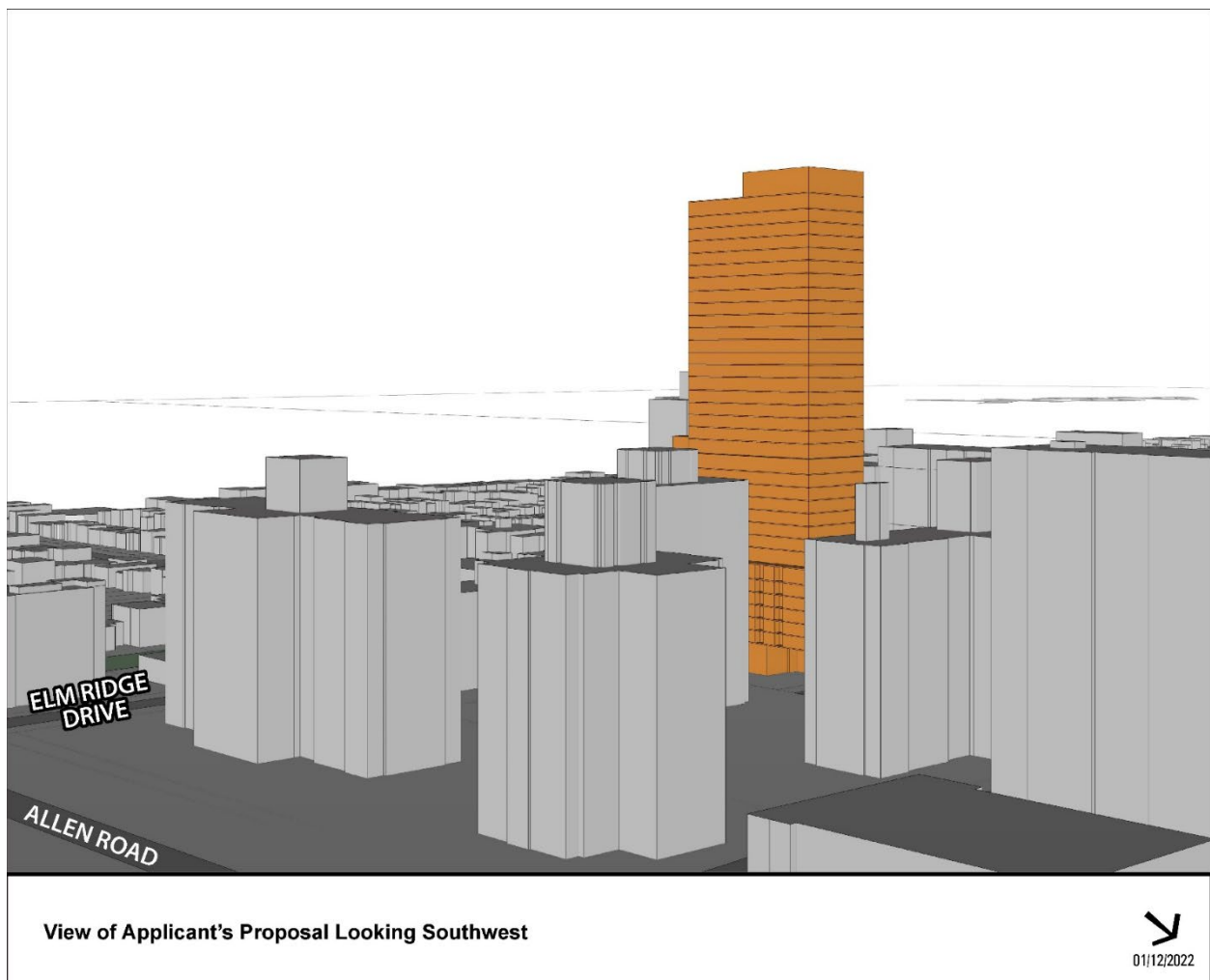
CONTACT:

Jason Xie, Planner

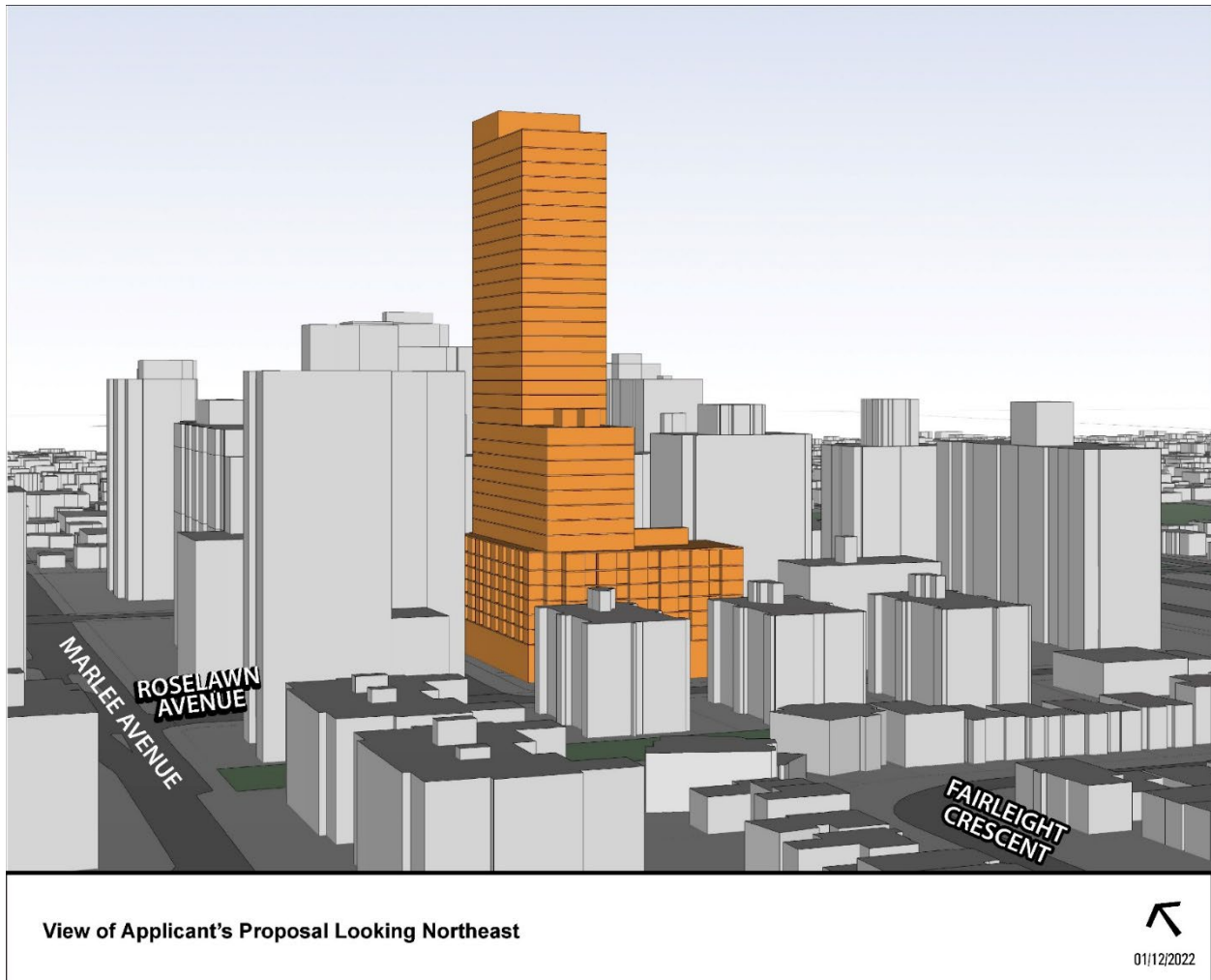
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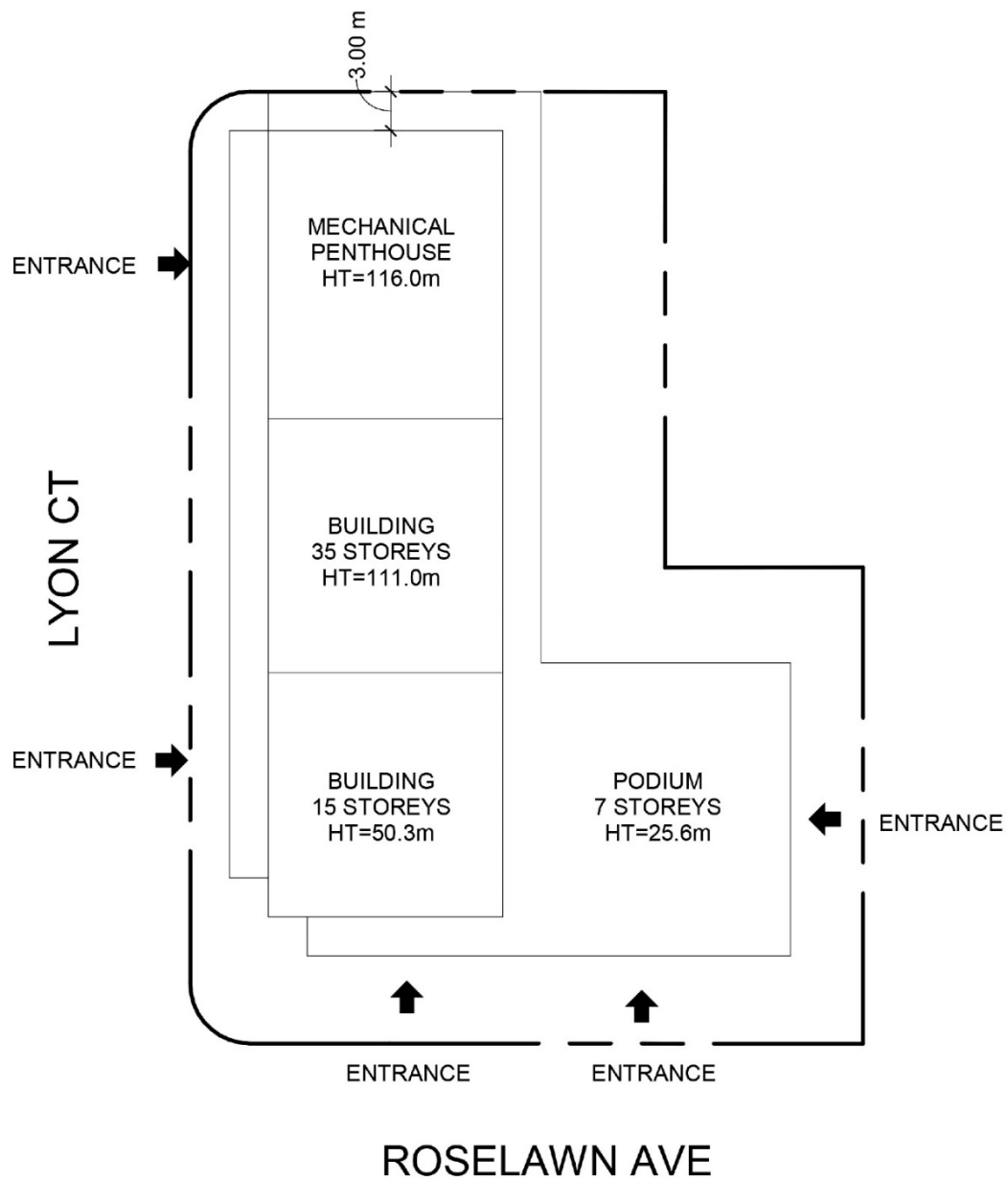
Attachment 3: 3D Model of Proposal in Context, looking southwest



Attachment 4: 3D Model of Proposal in Context, looking northeast



Attachment 5: Site Plan



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 and the provision of municipal services and facilities.

The Official Plan contains policies related to building complete communities, heritage

preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The site is designated *Apartment Neighbourhoods* as shown on Map 17; 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, the site is zoned Residential Apartment Commercial (RAC) with a maximum Floor Space Index ("FSI") is 2.5 times the site, and a maximum height of 24 metres and 8 storeys. The RAC zone permits dwelling units in apartment buildings, and a limited range of residential, commercial, and community-related uses.

Under Zoning By-law no. 1-83, the site is subject to the Residential Multiple (RM2) 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

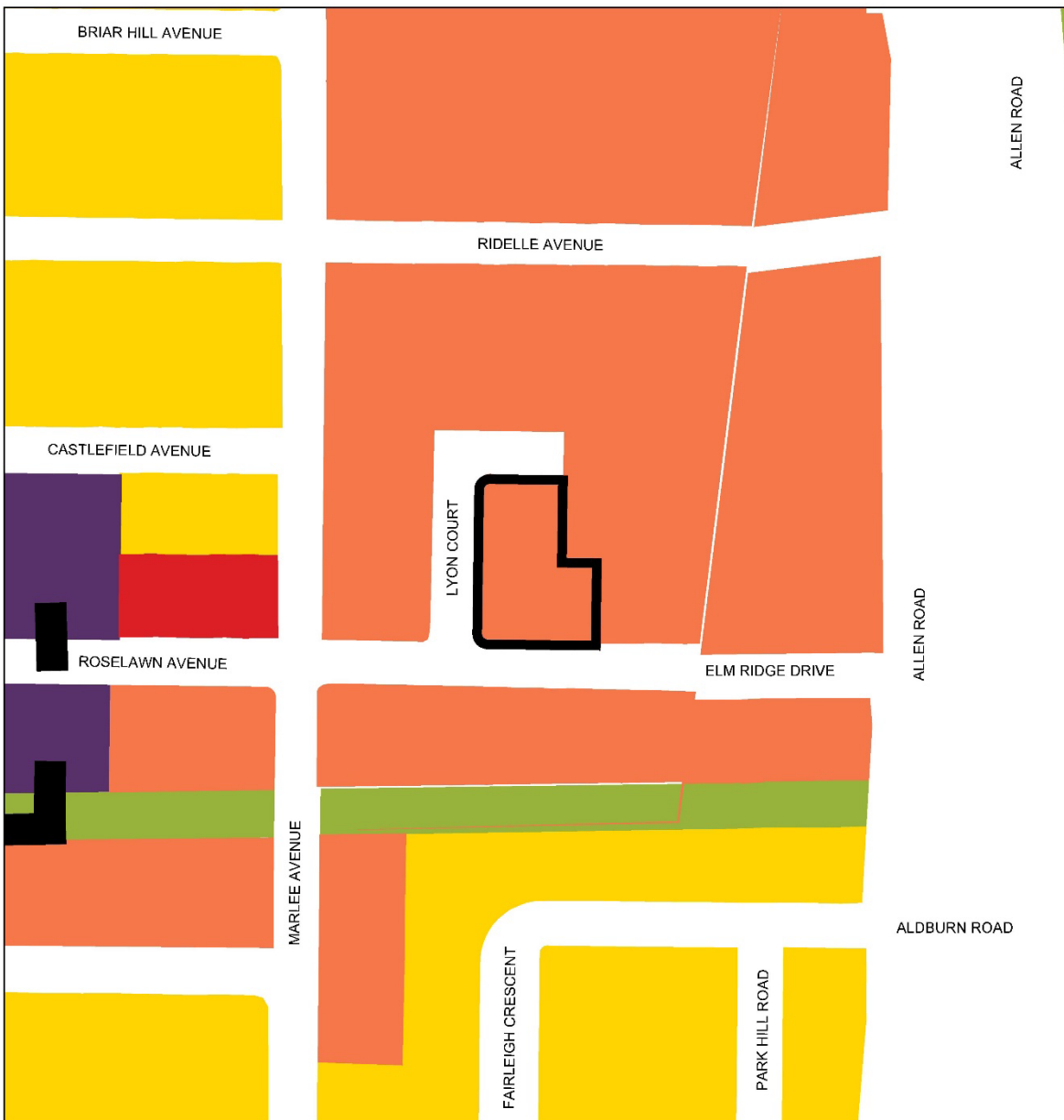
On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices 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/>

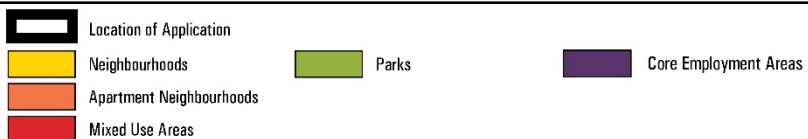
Attachment 7: Official Plan Map



Official Plan Land Use Map #17

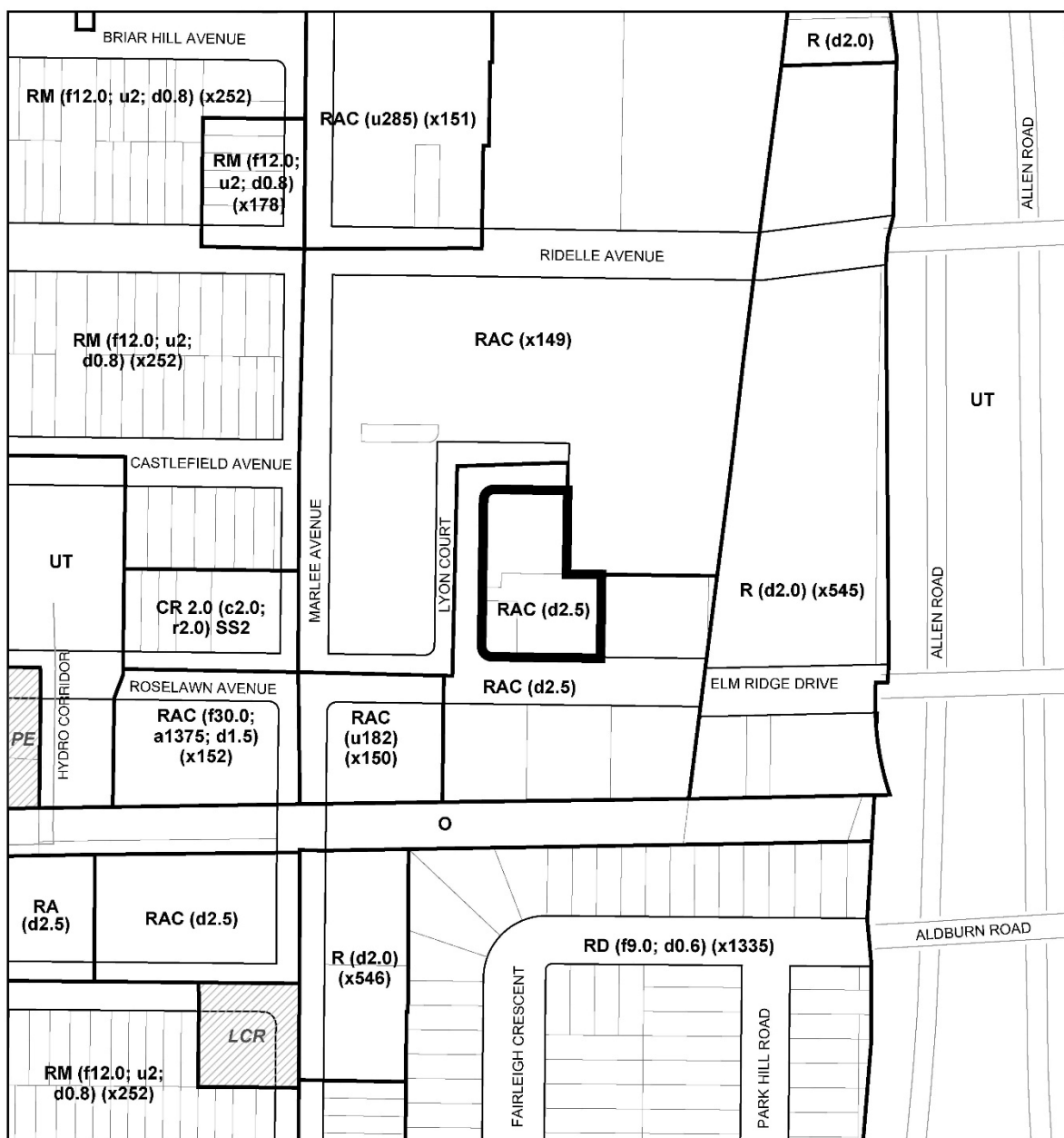
131 Lyon Court, 836 & 838 Roselawn Avenue

File # 21 235591 NNY 08 0Z



Not to Scale
Extracted: 01/10/2022

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



Zoning By-law 569-2013

131 Lyon Court, 836 & 838 Roselawn Avenue

File # 21 235591 NNY 08 02



Location of Application

R Residential
RD Residential Detached
RM Residential Multiple
RA Residential Apartment
RAC Residential Apartment Commercial
CR Commercial Residential

O Open Space
UT Utility and Transportation

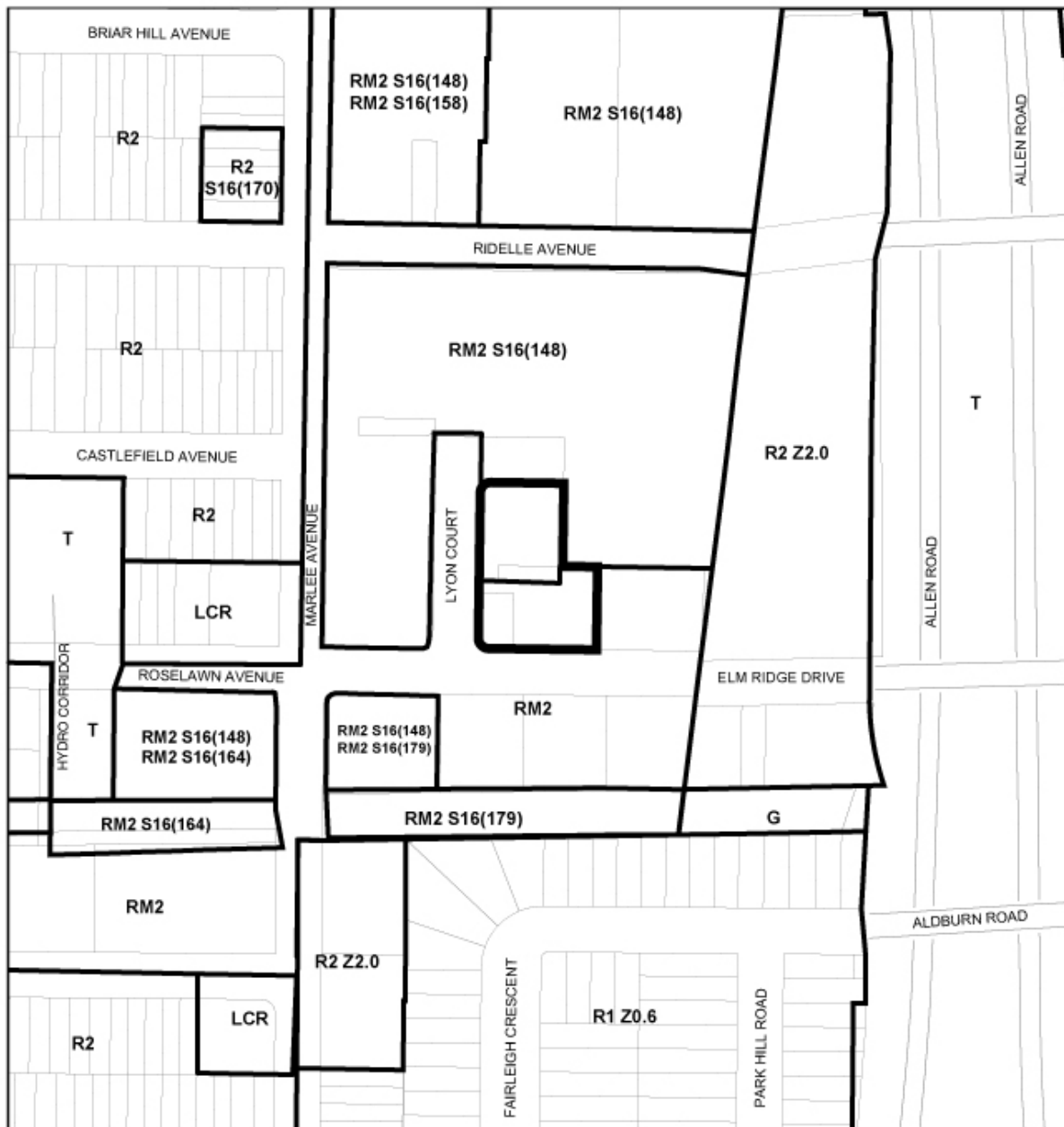


See Former City of York By-law No. 1-83
LCR Local Commercial Residential
PE Prestige Employment Zone



Not to Scale
 Extracted 01/10/2022

Attachment 9: Zoning By-law no. 1-83 Map



Zoning By-law 1-83

131 Lyon Court, 836 & 838 Roselawn Avenue

File # 21 235591 NNY 08 02



Location of Application

See Former York Zoning By-law 1-83

R2 Residential District
T Industrial District
RM2 Residential Multiple Zone
LCR Local Commercial Zone

See Former City of Toronto By-law No. 438-86

R2 Residential District
T Industrial District
G Parks District



Not to Scale
Extracted: 01/12/2022