# M TORONTO

# **REPORT FOR ACTION**

# 123 Wynford Drive – Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: August 15, 2023 To: North York Community Council From: Director, Community Planning, North York District Ward: 16- Don Valley East

Planning Application Number: 22 184095 NNY 16 OZ & 22 184094 NNY 16 SA

# SUMMARY

On July 29, 2022, an Official Plan and Zoning By-law Amendment application was submitted to permit the redevelopment of the lands at 123 Wynford Drive with two residential towers having proposed heights of 55-storeys and 48-storeys. The proposed overall gross floor area would be 78,660 square metres, and a floor space index of 10.5 times the lot area. The application was deemed complete on August 4, 2022. A resubmission was submitted by the applicant on April 6, 2023.

On April 20, 2023, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame in the Planning Act. A Case Management Conference was held on August 10, 2023. A hearing date has not been scheduled yet.

At its meeting of July 19, 2023, City Council adopted a report to state its intention to designate the property at 123 Wynford Drive under Part IV, Section 29 of the Ontario Heritage Act.

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

# RECOMMENDATIONS

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 123 Wynford Drive 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 appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
- b) the owner has addressed all outstanding issues raised by Engineering and Construction Services in their memorandum dated May 23, 2023, or as may be updated, as they relate to the applications to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) the owner has at its sole expense provided a revised Traffic Impact Study, including acceptable Transportation Demand Measures (TDM), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning Division;
- d) the owner has at its sole expense provided a Functional Servicing Report and Stormwater Management Report, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;
- e) the owner at its sole expense has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;
- f) the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
- g) the owner has addressed all outstanding issues raised by Urban Forestry, Ravine and Natural Feature Protection, as per their memorandum dated June 5, 2023, and as may be updated, as they relate to the applications, to the satisfaction of the Supervisor, Tree Protection and Plan Review;
- h) the applicant has entered into a Heritage Easement Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor;

- i) the owner has submitted a revised Heritage Impact Assessment that includes a conservation strategy for the on-site heritage resource and landscape at 123 Wynford Drive, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- j) the owner has submitted a Heritage Permit application to alter the property at 123 Wynford Drive, in accordance with Section 33 of the Ontario Heritage Act, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- k) the owner has entered into a Heritage Easement Agreement with the City for the property at 123 Wynford Drive to the satisfaction of the Chief Planner and Executive Director, City Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor; and
- the owner has provided a detailed Conservation Plan for the subject heritage property, prepared by a qualified heritage consultant, that is substantially in accordance with the conservation strategy set out in the revised Heritage Impact Assessment, to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. City Council authorizes 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**

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/viewAgendaltemHistory.do?item=2020.PH14.4

On March 25, 2022, the Planning and Housing Committee approved for consultation 97 MTSA/PMTSAs, of which Wynford Station was identified as a MTSA with a proposed minimum density target of 200 people and jobs per hectare. The report can be found at the following link:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.7

City Council at its meeting of July 19, 2023, stated its intention to designate the property at 123 Wynford Drive under Part IV, Section 29 of the *Ontario Heritage Act*. The

decision can be found via the following link: <u>https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.10</u>

# SITE AND SURROUNDING AREA

**Site Description and Dimensions:** The site is located at 123 Wynford Drive. The rectangular site is 12,138 square metres in size, has a frontage of 76 metres on Wynford Drive, and a depth of 147 metres. The site slopes south from Wynford Drive with 4,673 square metres of the site located below top-of-bank.

**Existing Use:** Two-storey heritage building on the site is currently vacant. The site was previously used as a cultural centre (Noor Cultural Centre (2001-2021), and the Japanese Canadian Cultural Centre (1964-2001)).

#### Surrounding uses include:

North: of Wynford Drive is the McDonalds head office (1 McDonald Place). Further north of the site is a mix of office buildings and residential development in tower form.

East: of the site is a residential building consisting of two towers having heights of 25metres. Further east is a commercial retail plaza and residential development in tower form.

South: of the site is the Don Valley Hotel and a residential tower having a height of 34-storeys.

West: of the site is the Don Valley Parkway. Further west is the Aga Khan Cultural Centre and employment uses.

# THE APPLICATION

#### Description

The table below provides a summary of changes between the original submission and the most recent resubmission.

	Original Submission – July 2022	Revised Submission – April 2023
Site Area - Gross	12,138 m <sup>2</sup>	12,138 m <sup>2</sup>
Ravine land	4,674 m <sup>2</sup>	4,674 m <sup>2</sup>
Site Area- Net	7,464 m <sup>2</sup>	7,462 m <sup>2</sup>
Gross Floor Area – Non- Residential	0 m <sup>2</sup>	313 m <sup>2</sup>

	Original Submission – July 2022	Revised Submission – April 2023	
Gross Floor Area- Residential	78,660 m <sup>2</sup>	73,706 m <sup>2</sup>	
Total Gross Floor Area	78,660 m <sup>2</sup>	74,019 m <sup>2</sup>	
Density (net)	10.5x	9.9x	
Tower A Height	55-storeys (175 metres, excluding 6 metre mechanical penthouse)	55-storeys (175 metres, excluding 6 metre mechanical penthouse)	
Tower B Height	48-storeys (150 metres, excluding 6 metre mechanical penthouse)	48-storeys (150 metres, excluding 6 metre mechanical penthouse)	
Overall Unit Count	1,128 dwelling units	1,126 dwelling units	
Studio dwelling units	0 units (0%)	53 units (5%)	
One-bedroom dwelling units	660 units (59%)	702 units (62%)	
Two-bedroom dwelling units	321 units (28%)	228 units (20%)	
Three-bedroom dwelling units	147 units (13%)	143 units (13%)	
Vehicular Parking	463 parking spaces (351 residential, 112 visitor)	455 parking spaces (345 residential, 110 visitor/non-residential)	
Bicycle Parking	1,159 bicycle parking spaces total (1,035 long term spaces, 124 short term spaces)	1,148 bicycle parking spaces total (1,027 long term spaces, 124 short term spaces)	

# 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.

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-informationcentre/

### **Reasons for Application**

The Official Plan Amendment Application is proposed to permit relief to Policy 3.4.8 of the Official Plan as it relates to the 10-metre buffer setback from the stable top-of-bank.

The Zoning By-law Amendment Application proposes to amend Zoning By-laws 7625 and to vary performance standards including, but not limited to: permitting the residential uses; building height; building setbacks; floor space index; amenity space and parking space requirements, and bring the site into By-law 569-2013. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

#### Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application (File No. 22 184094 NNY 16 SA) has been submitted. The Site Plan Control application has not been appealed to the OLT.

# POLICY CONSIDERATIONS

**Official Plan Designation:** The majority of the site is designated Mixed Use Areas. The southern portion of the site is designated Natural Areas and Other Open Spaces in the Official Plan.

**Zoning:** The site is not subject to Zoning By-law 569-2013. The site is zoned Industrial-Office Business Park Zone (MO(13)) and Open Space (O1) in Zoning By-law 7625. Residential uses are not permitted under the current zoning categories.

# **COMMUNITY CONSULTATION**

A Virtual Community Consultation Meeting was hosted by City staff on February 21, 2023. Approximately 160 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were submitted and/or raised:

- Concerns with the proposed impact of the new development on the heritage building on site.
- Concerns with proposed building height in relation to the buildings directly adjacent to the site.
- Concerns with impact of new development on existing traffic levels.
- Concerns regarding the removal of trees as a part of this development.
- Sun, shadow and wind impacts of the proposal on the surrounding area.
- Questions regarding the ability to repurpose the existing building.

- Questions regarding infrastructure capacity with all the new development proposed for this area.
- Questions regarding what public realm improvements would be made for the area.
- Questions regarding project timing and construction commencement.

# COMMENTS

#### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

The PPS requires planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing and planned infrastructure and public service facilities to meet projected needs. These locations and areas are to be identified in the official plan and zoning by-laws in accordance with policies of the PPS. The Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. The policies encourage a range and mix of housing options to serve all sizes, incomes, and ages of households.

Elements of the proposal are not consistent with the PPS and do not conform with the Growth Plan. The proposal is not consistent with PPS policies and does not conform to Growth Plan policies relating to cultural heritage, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

#### Heritage Impact

Heritage Planning staff have reviewed the submitted Heritage Impact Assessment prepared by ERA Architects Inc and staff does not support the proposed development in its current form. As proposed, the development does not conserve the cultural heritage value or heritage attributes of the property and is not consistent with provincial policy or the City's Official Plan. Staff continue to seek alternatives to the proposal that conserve the cultural heritage values, attributes and character of the property, consistent with the heritage planning policy framework. The Statement of Significance for the property identifies "The scale, form and massing of the two-storey building on a rectangular plan with exposed basement level on the west, south and east sides" as one of the many significant heritage attributes of the property.

In the event that the OLT allow the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised Heritage Impact Assessment that includes a conservation strategy for the on-site heritage resource and landscape for the site.

City Council at its meeting of July 19, 2023 stated its intention to designate the property at 123 Wynford Drive under Part IV, Section 29 of the *Ontario Heritage Act*. The decision can be found via the following link: <u>https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.10</u>

#### Built Form, Height, Massing and Density

The built form policies of the Official Plan speak to the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure that each new building promotes and achieves the overall objectives of the Official Plan. Planning staff have reviewed the proposed built form against the policies of the Official Plan, and relevant design guidelines. Planning staff have concerns with the proposed built form in relation the site as well as the surrounding context.

The character of the area is that of generous greenspaces between the curb and the building face. Staff recognize that the proposal is more urban in scope, however fitting within the existing context should be considered. Staff have concerns with Building B, proposed building setbacks, relationship of the towers to the ravine, as well as how the public realm elements fit within the broader area and a future public realm framework for the area.

The existing residential building heights in the area range in height from 21-storeys to 37-storeys, with two mid-rise buildings having heights of 6-storeys and 9-storeys. Recent OLT approvals for the area have resulted in new development having heights ranging between the mid-forties and mid-fifties with the tallest buildings abutting the Wynford LRT station. Staff recognize that the existing context is that of a tall building community but are of the opinion that heights as currently proposed should be reduced to be in keeping with the recent OLT approvals for height hierarchy.

As noted in the Heritage Impact section above, the applicant's proposal in its current form does not conserve the heritage resource on the site. Staff continue to seek alternatives to the proposal that conserve the cultural heritage values, attributes and character of the property, consistent with the heritage planning policy framework. Staff are unable to support Tower B as currently proposed.

The density proposed by the application is 9.9x the lot area. Although the density is in keeping with recent OLT approvals in the area, due to the site constraints, primarily the ravine regulation limit and the heritage building, the density for the subject site should be reduced.

The proposed height, massing and density represents significant intensification of the site and the proposal in its current form requires significant revisions.

#### Sun and Shadow

The shadow studies demonstrate that the heights proposed by this development results in shadowing impacts on the public streets, open spaces, and the Apartment Neighbourhood to the east. The built form modifications identified in this report would provide more acceptable shadows.

#### Wind

The wind impacts resulting from the proposal are not acceptable and do not meet the policies of the Official Plan and the intent of the Tall Buildings Guidelines.

A Pedestrian Level Wind Study was prepared by RDWI in July 2022 and submitted to the City. The study identifies that during the spring and fall relatively higher wind speeds are expected on and around the site. Uncomfortable conditions are expected between Buildings A and B and across the parking lot to the east of Building B. In the winter, increased wind speeds and uncomfortable conditions are predicted at numerous grade-level locations. The study reveals that the safety criteria for wind is exceeded at 13 locations on the site at grade, 3 locations on the outdoor amenity area of Building A, one location on the outdoor amenity area of Building B, and 2 new locations at grade at the adjacent property to the east (133 and 135 Wynford Drive).

An addendum was prepared by RDWI in March 2023 which identifies that the consultants are examining revised building massing scenarios with introduction of wind mitigation measures, and once a satisfactory design has been reached a final assessment and revised report will be submitted. The full report has not be submitted to the City at the timing of writing of this report.

### Public Realm and Street Design

In accordance with the Public Realm and Built Form policies of the Official Plan, appropriate building setbacks and active uses at grade should be provided along Wynford Drive. The applicant is required to provide a 3.44 metre road widening along Wynford Drive which has been illustrated on revised plans. Staff have concerns with the public realm as currently proposed and recommend that a greater setback be provided at grade along Wynford Drive to be more in keeping with the existing public realm context of the area. Also, the applicant must demonstrate on the Site Plan that the space for future cycling facilities is protected where trees and hard infrastructure (poles/utilities/ transit shelters) should not be in conflict with future cycle tracks and curbs should be moved to appropriate locations.

# Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and have been reviewed by Engineering and Construction Services and require revisions. These reports will allow City staff to evaluate the effects of the development on the City's municipal servicing infrastructure and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development.

In the event that the OLT allows the appeals 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.

# Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu.

#### Natural Heritage System

The subject site contains natural heritage features and a portion of the site is within the natural heritage system as shown on Map 9 of the Official Plan. The lands are within a Toronto and Region Conservation Authority (TRCA) regulated area. Staff have reviewed the proposal against the Natural Environment, the Parks and Open Space Areas policies of the Plans, as well as the Provincial policies. Staff have concerns with the proposal as it relates to the lands located below top-of-bank and the proposed setback from these lands. Additional information and revised studies and plans are required from the applicant to appropriately assess any impacts on the natural heritage system.

In the event that the OLT allows the appeals in whole or in part, the final Order should be withheld pending confirmation the owner has addressed all outstanding issues raised by Urban Forestry, Ravine and Natural Feature Protection.

#### Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The application is proposing a total of 4.66 square metres of combined amenity space per dwelling unit (5,252.83 square metres). The proposal meets the minimum indoor and outdoor requirement for amenity space as per the Zoning By-law.

#### Parking, Loading, and Transportation Demand Management (TDM)

A total of 455 vehicle parking spaces are proposed in a 5-level below-grade parking garage, accessed from Wynford Drive. Loading is proposed to be shared between the two buildings. The development proposes to provide one type-G and one type-B loading space. Transportation Planning staff are assessing a revised Transportation Impact Study to determine the appropriateness of the parking and loading.

A TDM plan was included as part of the applicant's Transportation Impact Study. However, additional information is required in order for staff to assess the appropriateness of the proposed TDM Plan.

In the event that the OLT allows appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised Transportation Impact Study, including a TDM 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.

#### **Further Issues**

City Planning continues to receive additional information regarding this application as the 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. Planning 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 application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal is not consistent with PPS policies and does not conform to Growth Plan policies relating to cultural heritage, natural heritage, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

# CONTACT

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# 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 Southwest Attachment 4: 3D Model of Proposal in Context Looking Northeast Attachment 5: Site Plan Attachment 6: Official Plan Land Use Map Attachment 7: Zoning By-law Map 7625 Attachment 8: Zoning By-Map 569-2013





# Attachment 2: Application Data Sheet

Municipal Address:	123 WYNFORD DR	Date Receive	ed: Ju	ly 29, 2022	
Application Number:	22 184095 NNY 16 OZ				
Application Type:	OPA / Rezoning, OPA & Rezoning				
Project Description:	Proposed two residential towers of 55 and 48 storeys with 1126 residential units. A portion of the existing listed heritage building (Japanese Canadian Cultural Centre) will be preserved. A total of 74,019 square metres of GFA is proposed (FSI 9.9). 463 parking spaces are proposed.				
Applicant	Agent	Architect	O	wner	
GOLDBERG GROUP	GOLDBERG GROUP	KIRKOR ARCH and MORiYAMA TESHIMA ARCHITECTS		23 WYNFORD INC	
EXISTING PLANNING COM	ITROLS				
Official Plan Designation:	Mixed Use Areas	Site Specific P	rovision:		
Zoning:	MO(13)	Heritage Desig	nation:	Y	
Height Limit (m):		Site Plan Contr	rol Area:	Y	
PROJECT INFORMATION					
Site Area (sq m): 12,1	38 Frontage	(m): 76	Dep	oth (m): 147	
Building Data	Existing	Retained	Proposed	Total	
Ground Floor Area (sq m):			2,307	2,307	
Residential GFA (sq m):			73,706	73,706	
Non-Residential GFA (sq m	): 541		313	313	
Total GFA (sq m):	541		74,019	74,019	
Height - Storeys:	2		55	55	
Height - Metres:			175	175	
Lot Coverage Ratio (%):	19	Floor Space I	Index:	9.9	
Floor Area Breakdown	Above Grade (sq m)	Below Gra	ade (sq m)		
Residential GFA:	73,241	465			
Retail GFA:	313				
Office GFA:					

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	E	xisting	Retained	Propo	osed	Total	
Rental:							
Freehold:							
Condominium:				1,126		1,126	
Other:							
Total Units:				1,126		1,126	
Total Residential Units by Size							
R	ooms	Bachelor	1 Bedroom	2 B	edroom	3+ Bec	lroom
Retained:							
Proposed:		53	702	228	3	143	
Total Units:		53	702	228	3	143	
Parking and Loading	]						
Parking Spaces:	455	Bicycle Parkin	g Spaces:	1,148	Loading Do	cks:	2



# Attachment 3: 3D Model of Proposal in Context Looking Southwest



# Attachment 4: 3D Model of Proposal in Context Looking Northeast

Attachment 5: Site Plan

WYNFORD DRIVE





General Employment Areas

#### Attachment 6: Official Plan Land Use Map

Natural Areas

Other Open Space Areas

Apartment Neighbourhoods

Mixed Use Areas

Not to Scale Extracted: 08/02/2022

Attachment 7: Zoning By-law Map 7625



Multiple-Family Dwellings Sixth Density Zone General Commercial Zone Industrial-Office Business Park Zone Open Space Zone

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