

155 St Dennis Drive – Official Plan Amendment, Zoning By-law Amendment Applications – Decision Report – Refusal

Date: September 27, 2023
To: North York Community Council
From: Director, Community Planning, North District
Ward: 16 - Don Valley East

Planning Application Number: 23 118421 NNY 16 OZ
Related Application Number: 23 118484 NNY 16 SA

SUMMARY

On March 6, 2023, an Official Plan and Zoning By-law Amendment application was submitted to the City that proposes to partially redevelop the lands at 155 St. Dennis Drive with four (4) residential towers ranging in height between 42 to 56 storeys linked by a 2-storey base building. The development proposes 2,170 residential units, 135,413 square metres of residential gross floor area, and approximately 348 square metres of non-residential gross floor area. The application proposes that 5% of the residential gross floor area (approximately 6,771 square metres) would be allocated to affordable housing. The site has an overall area of 169,361 m², of which, the applicant proposes to develop 7,643m² of the site with residential towers, and the remainder of the lands, approximately 16 hectares, would be conveyed to a public agency as open space. A total of 405 vehicle parking spaces are proposed in 4 levels of underground parking. The application was deemed complete as of August 1, 2023.

The Official Plan Amendment seeks to redesignate 7,643 m² of the site to Apartment Neighbourhoods to facilitate the residential development, with the remaining 16 hectares of the site redesignated to Natural Areas.

The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Further, the proposal is not in keeping with the intent of the Official Plan, and does not represent good planning.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law based on primarily the following:

- The application is proposing residential development in an area that is not envisioned for growth in accordance with the urban structure, land use designations (parks and open space designation), servicing, natural heritage and hazard land policies of the PPS, Growth Plan and Official Plan.

RECOMMENDATIONS

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

1. City Council refuse the application for the Official Plan and Zoning By-law Amendment at 155 St. Dennis Drive.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Land Tribunal.

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 would 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>

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 subject site falls outside of, and is not part of, the Wynford Station MTSA boundary. The report can be found at the following link:

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

On June 15, 2022, City Council adopted, with amendments, Item PH34.1 - Our Plan Toronto: Final Environment and Climate Change Official Plan Policy Updates. Official Plan Amendment 583 (OPA 583) includes updated Official Plan policies related to the environment and climate change. OPA 583 is a component of the City's Growth Plan conformity exercise and the Municipal Comprehensive Review (MCR). OPA 583 amends the Official Plan for the City of Toronto with respect to the Environment and Climate Change Policies. OPA 583 is currently with the Province awaiting approval.

On September 27, 2022, staff held a formal pre-application consultation meeting (File No. 22 12555 NNY 16 PAC) with the applicant and their planning consultant. An application to redevelop the lands was submitted on March 6, 2023 and deemed complete as of August 1, 2023.

Staff held a Community Consultation Meeting for the application on May 3, 2023. The community consultation meeting is summarized in the Comments section of this Report.

SITE AND SURROUNDING AREA

Site Description and Dimensions: The subject site at 155 St. Dennis Drive is an irregularly shaped parcel of land on the south side of St. Dennis Drive. The subject site has an overall site area of approximately 169,361 square metres (16.94 ha) and includes the East Don River and its floodplain, and the valley lands associated with the East Don River. The entire site is located below top of bank, within the Toronto and Region Conservation Authority (TRCA) Regulated Area of the Don River watershed, within the Ravine and Natural Feature Protection Area, within the Natural Heritage System, and are Hazardous Lands as defined by the PPS.

Existing Use: The site is currently occupied by the Flemington Park Golf Course.

Surrounding uses include:

North: of the site is St. Dennis Drive. Further north are three residential buildings that front onto Eglinton Avenue East, that were built in the 1990's with heights of 28-storeys, 29-storeys, and 29-storeys.

East: of the site is a rail corridor and a portion of the East Don valley lands.

South: of the site is a hydro corridor. Further south is the East Don River and the East Don River valley lands.

West: of the site are three residential buildings, built in the 1970's, with heights of 19-storeys, 19-storeys, and 16-storeys, and townhouses.

THE APPLICATION

Description

Height: four (4) residential buildings having proposed heights of:

- Tower 1: 42-storeys (140.6 metres including 6 metre mechanical penthouse);
- Tower 2: 52-storeys (172.2 metres including 6 metre mechanical penthouse);
- Tower 3: 56-storeys (184.8 metres including 6 metre mechanical penthouse); and
- Tower 4: 49-storeys (163.8 metres including 6 metre mechanical penthouse).

Gross Floor Area: 135,413 square metres of residential gross floor area, and approximately 348 square metres of non-residential gross floor area (0.25% of overall gross floor area). The applicant proposes to provide 5% of the residential gross floor area (approximately 6,771 square metres) of gross floor area as affordable housing.

Density (FSI): The Official Plan states "Land below the top-of-bank, or other hazard lands, may not be used to calculate permissible density in the zoning by-law...". The subject site is entirely below top-of-bank, and as such, a density cannot be assigned to it. The density for the proposed area that will accommodate the residential development, and as shown on the applicants submitted plans, is 17.72 times the lot area.

Unit Count: 2,170 residential units (75 studio units (3%), 1,436 one-bedroom units (66%), 439 two-bedroom units (20%), and 220 three bedroom units (10%).

Vehicular Parking: 405 vehicle parking spaces (110 visitor, 288 resident, 7 car share) in four (4) levels of parking below grade.

Bicycle Parking: 2,397 bike parking spaces (434 short term, 1,953 long-term, 10 publicly accessible).

Other: Conveyance of the portion of the site to be redesignated to Natural Areas (16 hectares) to a public agency as public open space.

Reasons for Application

An Official Plan Amendment is required as the application proposes to redesignate the lands from Natural Areas and Parks - Other Open Space Areas to Apartment Neighbourhoods (approximately 7,643 m²) and the remainder as Natural Areas (approximately 16 hectares).

A Zoning By-law Amendment to amend Zoning By-law 569-2013, is required to change the zone category for the same portion of the lands, to permit the residential uses, and develop performance standards to implement the residential proposal, such as but not limited to: building heights; building setbacks; floor space index; gross floor area, amenity space and parking space requirements. The remainder of the lands would be zoned ON-Open Space.

Application Requirements

The following reports/studies were submitted in support of the application:

- Survey, Architectural Plans and Landscape Plans
- 3D Modelling
- Planning Rationale
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Public Consultation Strategy
- Community Services and Facilities Report
- Archaeological Assessment
- Arborist Report and Tree Preservation Plan
- Civil and Utilities Plan

- Subsurface Utility Engineering (SUE) Investigation
- Energy Strategy Report and Modelling
- Environmental Site Assessment Phase I
- Slope and Stability Study
- Erosion and Sediment Control Drawings
- Stormwater Management Report
- Geotechnical study
- Fluvial Geomorphological Assessment
- Hydrogeological Report
- Natural Heritage Impact Study
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Transportation Impact Study

The studies and plans are available on the Application Information Centre (AIC) via the following link:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application. The Toronto Region Conservation Authority is one of the City's commenting partners insofar as addressing Natural Hazard matters under provincial policy.

The lands are also subject to Ontario Regulation 166/06 (TRCA's regulated area) as they are located entirely below the valley slope associated with the East Don River (which includes the East Don River and its floodplain).

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

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

Official Plan

The Official Plan, Map 2- Urban Structure, identifies the site as being part of the Green Space System, and the Greenbelt River Valley Connections.

The subject site is entirely within the Natural Heritage System, as shown on Map 9 of the Official Plan. The Official Plan land use designation for the majority of the site is Parks - Other Open Space Areas (Map 20). A portion of the site, primarily along the Don East river and its floodplain, is designated Natural Areas.

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

Zoning

The subject site is zoned OG - Open Space - Golf Course under Zoning By-law 569-2013. The OG zoning category permits golf course, ambulance depot, fire hall, park, police station, public utility, and transportation use. Residential uses are not permitted in this zone category.

Site Plan Control

The lands and proposed development are subject to site plan control. A site plan control application has been submitted. The site plan control application was deemed complete as of August 1, 2023.

COMMENTS

Provincial Plans

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 (2020), conformity with the Growth Plan (2020) and the Greenbelt Plan. The policies of these plans have to be read in conjunction with one another. Staff find the proposal to be inconsistent with the PPS and does not conform with the Growth Plan for the following reasons:

Provincial Policy Statement

The PPS (Policy 1.1.3) directs growth to settlement area and provides direction for municipalities to identify appropriate locations for intensification and redevelopment (Policy 1.1.3.3). The proposed application is not consistent with this policy direction as the subject lands are not in an area that has been identified for growth by the City in accordance with the City's Official Plan. The City has not identified this area as an appropriate location for intensification and redevelopment as articulated by the PPS, given the various constraints of this site being located below top of bank, within the TRCA's Regulated Area of the Don River watershed, within the Ravine and Natural Feature Protection Area, within the Natural Heritage System, and within hazardous lands.

Policy 1.6.6.6 of the PPS contains policies regarding sewage, water and stormwater. The PPS identifies that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services. Policy 1.6.6.6 states that planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. At this time, staff have identified that the proposed site servicing does not comply with the servicing requirements for new developments and does not conform to the City standards. As such, consistency with the above PPS policy cannot be determined at this time.

The PPS includes policies for the wise use and management of resources, including the protection of natural features and areas for the long term (Policy 2.1.1); including Natural Heritage Resources. Policy 2.1.2 identifies that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. Policy 2.1.3 requires that Natural Heritage Systems shall be identified in Ecoregions 6E and 7E.

The proposed application is not consistent with these policies as the first principle of these policies is that the natural features and areas are to be protect for the long term.

Chapter 3.0 - Protecting Public Health and Safety identifies that development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. The PPS defines hazardous lands as property or lands that could be unsafe for development due to naturally occurring processes. Section 3.1.1 of PPS requires that development be generally directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards and Policy 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

The PPS defines Hazard Lands as "...Along river stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits".

Erosion Hazard is defined as "loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined by using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance".

While the proposed development area, located south of the St. Dennis Drive right-of-way is located outside of the flood hazard, it is located on land below the furthest landward limit of the erosion hazard limit - the long term stable top of slope.

As such, it would meet the definition of Hazard Lands under the PPS.

The submission material that has been submitted by the applicant is offering that the lands are no longer Hazardous Lands given that the residential buildings will be located on what is coined a Paleo Terrace. The TRCA disagrees that these lands are now outside of the Hazardous lands and that the development site is safe to build on without risk to life or property from unstable slopes. The information provide also puts into question the issue of suitable safe access to the development site in the case of an emergency or for slope remedial works that would be required to address slope failures. The applicants proposed access points identified as part of the application may not be sufficient for emergency access or erosion access allowance to conduct necessary slope repair as per provincial guidelines. Access to St. Dennis Drive itself may be compromised during an erosion event and the regulatory floodlines may be exceeded depending on future storm events.

Accordingly, the proposed application is not consistent with the Section 3 policies in the PPS. The first principle of generally directing development outside of hazardous lands are not being fully considered and weighed appropriately.

The City's opinion is that there are sufficient areas outside of both hazardous lands and natural areas that can safely accommodate growth and intensification for the long term. This must be considered when applying the policies of the PPS in their entirety. The risk to public health and safety in this circumstance should prevail over the desire to add additional residential development in this location. This is also supported by Policy 1.1.1 c) which speaks to "avoiding development and land use patterns which may cause environmental and public health and safety concerns".

Growth Plan

A Place to Grow: Growth plan for the Greater Golden Horseshoe builds on the Provincial Policy Statement (PPS) to establish a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity.

The policies of the Growth Plan guide how land is developed, resources are managed and protected, and public dollars that are invested are based on a number of principles including, but not limited to: supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime; and protecting and enhancing natural heritage, hydrologic, and landform systems, features, and functions. Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change.

The proposed application does not conform to the policies in Section 2.1 and 2.2 of the Growth Plan. The population and employment forecasts contained in Schedule 3 of the Growth plan will be used for managing growth in the Greater Golden Horseshoe. The Growth Plan requires future development to be directed to Strategic Growth Areas such as Urban Growth Centres, major transit station areas, and other nodes and corridors identified by the municipality and to use the Schedule 3 forecasts to plan for future growth. The application is not located in one of these strategic growth areas identified by the City, and the lands are not required in order to achieve the population and employment forecasts in Schedule 3. Similar policy direction is also provided in the PPS in Section 1, including but not limited to Policies 1.1.2 and 1.1.3.3.

Also, in order to protect public safety and prevent other flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS policies. As noted above, the proposed development at 155 St. Dennis Drive is within hazard lands as defined by the PPS. The proposed residential development does not direct development away from hazardous areas, and is not consistent with the policies of the PPS.

The Growth Plan identifies that municipalities are required to incorporate the Natural Heritage System for the Growth Plan as an overlay in official plans, and municipalities will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas. The Growth Plan identifies that beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS, and may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS. The Official Plan contains policies related to the Natural Heritage System. The City's Official Plan identifies that the natural heritage system is important to the City, both within and beyond our boundaries, and needs to be protected for the long term which is consistent with the PPS and the Growth Plan direction.

Greenbelt Plan

The site is shown on Schedule 1 of the Greenbelt Plan (2017) as part of the Urban River Valley designation. This designation applies to lands within the main corridors of river valleys connecting the rest of the Greenbelt to the Great Lakes and inland lakes. The policies of Section 6 of the Greenbelt Plan only apply to publicly owned lands. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation.

Urban Structure and Land Use

The subject site is identified on Map 2, Urban Structure, as being part of the Green Space System, and the Greenbelt River Valley Connections. In addition, the subject site is entirely within the Natural Heritage System, as shown on Map 9 of the Official Plan. The Official Plan land use designation for the majority of the site is Parks - Other Open Space Areas. A portion of the site, primarily along the Don East river, is designated Natural Areas. The current land use designations generally prohibit development and do

not contemplate, nor do they permit, residential development. The applicant has applied to redesignate a portion of the lands to Apartment Neighborhoods in order to facilitate the residential development, with the remainder of the site redesignated to Natural Areas and conveyed to a public agency for public open space use.

The Official Plan guides growth in the City and identifies where growth should be focused. The areas for growth include Mixed Use Areas, Centres, Downtown and along Avenues, to name a few. Lands within the Natural Heritage System are not anticipated for growth. In addition, the City recently undertook its MCR review which delineated the MTSA boundaries as part of conforming to the provincial Growth Plan. The Growth Plan requires that MTSA's are delineated to "maximize the size of the area and number of potential transit users that are within walking distance of the station". The Official Plan must prioritize planning the MTSA's in a manner that implements the Growth Plan (including directing growth, protecting natural heritage and supporting Transit Oriented Development). The subject site does not form part of the Wynford MTSA as the MTSA target could be met without the redesignation of this site, and that appropriate locations for growth exist within the MTSA, in the areas designated Mixed Use Areas where growth is anticipated and expected.

Section 2.1 of the Official Plan identifies that the City will work with neighbouring municipalities, the Province of Ontario and Metrolinx to address mutual challenges and to implement the Provincial framework for dealing with growth across the GTA which: protects, enhances and restores the region's system of green spaces and natural heritage features and functions and the natural corridors that connect these features, recognizes the role of river valleys that connect the Greenbelt to Lake Ontario and protects the region's prime agricultural land. OPA 583, which is not in force yet, adds a policy to Section 2.1 that recognizes the role of river valleys that connect the Greenbelt to Lake Ontario and protects the region's prime agricultural land. The subject site is part of the Green Space System and the Greenbelt River Valley Connections on the Urban Structure map, which recognizes the Provincial policy direction that natural features and areas should be protected and maintained for the long term, and that growth should be directed away from these areas.

Section 4.3 of the Plan contains the development criteria for the Parks and Open Space Areas land use designation. The Plan identifies that Parks and Open Space Areas are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a Green Space System in Toronto. Development is generally prohibited within Parks and Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. Staff are of the opinion that residential development at this site would be contrary to the Parks and Open Space Areas policies.

Policy 4.3.7 states that Parks and Open Space Areas that are privately owned are not necessarily open to the general public nor intended to be purchased by the City. If an application is made to develop such lands and the City or a public agency does not wish to purchase them to extend the public open space system, the application will be considered on the basis of its consistency with the policies of this Plan. The applicants proposal is two-fold. It involves the development of a portion of the site to allow for four

residential towers, while conveying the remainder of the site to a public agency. Although the conveyance of these lands to a public agency (such as the TRCA) would meet the Plan objectives of improving and adding to the Green Space System, staff are required to balance the merits of the proposal as a whole, against the policy direction contained within the PPS, Growth Plan, and the Official Plan. The overarching policy direction in all three documents is that development not be permitted within the natural heritage system and/or hazard lands. When reviewed on the basis of consistency with the policies of the Official Plan, the proposal is not consistent with its policies. It is the opinion of staff that it would be inappropriate to facilitate residential development of a site, in an area where growth is not anticipated nor directed by the policies. Permitting residential development within a valley corridor, below top-of-bank, and within hazard lands, in exchange for the 16 hectares of land is not consistent with policy direction.

Natural Heritage

Section 3.4 of the Official Plan - Natural Environment - identifies that the natural heritage system is important to the City, both within and beyond our boundaries, and needs to be protected for the long term. It is made up of areas where protecting, restoring and enhancing the natural features and functions should have high priority in our city building decisions. The Plan identifies the need for careful assessment of the impacts of new development in areas near the natural heritage system. The proposed development is entirely within the natural heritage system, as identified on Map 9 of the Official Plan. The Official Plan states "Protecting Toronto's natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect".

Policy 3.4.6 of the Official Plan identifies that areas within the floodplain may only be used for activities that: a) retain existing topography; b) protect, restore or improve existing natural features and functions; c) do not result in unacceptable risks to life or property; and d) minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem. The subject site is located within hazardous lands and contains a flood hazard and slope erosion hazards which are considered natural hazards as defined in the PPS and described in Section 3.1 of the PPS. In addition to the PPS definition of hazardous lands, the Official Plan identifies that "Hazard Lands are areas which because of their susceptibility to flooding or unstable slopes or soils, will be hazardous to life and property if developed, and the floodplain is the area adjoining a watercourse which has been or may be subject to flooding hazards". As noted in this report, while the residential development is located outside of the flood hazard, it is located on land below the erosion hazard (long term stable top of slope). Staff, including the TRCA staff, have identified that the development of these lands has the potential for unacceptable risks to both life and property.

Further, Policy 3.4.8 of the Official Plan states that development will be set back from the following locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards: a) the top-of-bank of valleys, ravines and bluffs; b) toe-of-slope of valleys, ravines and bluffs; c) other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property; and d) other locations near the shoreline which may be hazardous if developed because of flooding, erosion or dynamic beach processes. The entire

subject site is located entirely below top-of-bank, is located on land below the furthest landward limit of the erosion hazard limit (long term stable top of slope), and is located below the toe-of-slope.

Aside from the residential buildings not achieving a 10 metre setback from the top of bank, it also does not achieve a minimum 10 metre setback requirement from the toe of slope. Three of the four proposed residential towers do not meet the minimum required setback, as outlined by the Official Plan, but are instead proposed to be setback from toe-of-slope by only 6 metres both above and below grade. Regardless of the setback from the toe of slope, the residential buildings will continue to be within the erosion hazard and below the top of bank.

In addition, structures that are required to access the site, such as stairs and ramps, are located entirely within the required toe of slope setback. The siting of the residential development, and setbacks as currently proposed by the applicant can not be supported as it is inconsistent with this policy.

Policy 3.4.10 specifies that land below the top-of-bank, or other hazard lands, may not be used to calculate permissible density in the zoning by-law. As the site is entirely below top-of-bank any zoning by-law amendment to allow for the proposed development would be inconsistent with this policy. As this site is not a site identified for growth, staff are opposed to amending this policy in order to facilitate development of this site.

Policy 3.4.11 states that development is generally not permitted in the natural heritage system illustrated on Map 9. The underlying land use designation does not provide for development, and further reinforces the natural heritage policies of the plan. The redesignation of these lands would be contrary to the policies of the Plan as this site is not a site identified for growth, nor is it a site that is appropriate for growth.

The policy direction throughout the Official Plan, as well as throughout provincial policy, is that the open space and natural heritage system features and functions should be maintained, protected, restored, and enhanced over the long term and should have high priority in city building decisions. The proposed redesignation of the lands at 155 St. Dennis Drive to allow for residential uses is inconsistent with provincial policy and the policies of the Official Plan.

Land Conveyance

The applicant has indicated in their Planning Rationale that as part of the application, they were going to "donate 95% of the land (equivalent to approximately 40 acres (16 ha)) as open space for public use". The Planning Rationale also identifies that " The details of the ownership and management of the new public Open Space are intended to be resolved through the development application approvals process. Discussions will be undertaken with the City of Toronto, Toronto and Region Conservation Authority (TRCA), and Traditional Territory and Rights Holders to understand possible land ownership and stewardship... The new public Open Space is intended to be accessible to all public users and be programmed based on input from the community". Due to the

policy issues identified in this report, staff have not advanced discussions regarding the conveyance of the 16 hectares of land for open space.

Servicing

Engineering and Construction Services (ECS) has had an opportunity to review the documents submitted by the applicant to support their application. ECS has identified that the proposed site servicing does not comply with the servicing requirements for new developments and does not conform to the City standards. In addition, the submitted Functional Servicing Report is not satisfactory in its current form to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

Through the TRCA review, the TRCA has identified that post development drainage areas associated with the development will discharge directly into the valley. Sufficient information has not been provided by the applicant to demonstrate runoff collection that will not result in erosion of the valley wall. The TRCA has also identified that infrastructure and access to the site is located within a slope erosion hazard. The location of infrastructure and site access within the slope erosion hazard presents issues for safety and access to the site and can not be supported.

Built Form

Staff have reviewed the proposed built form as part of the application review. Due to the policy issues associated with this application, and staff not supporting the proposed Official Plan and Zoning By-law amendment application, staff have not provided built form comments as part of this report.

Affordable Housing

The applicant has proposed to provide 5% of the residential gross floor area (approximately 6,771 square metres) as area allocated to affordable housing units. Although staff are supportive of the provision of affordable housing units as part of any development proposal, staff can not support any residential development on this site, including the provision of affordable housing, as per the reasons outlined in this report.

Archaeological Assessment

A Stage 1&2 Archaeological Assessment prepared by Parslow Heritage Consultancy Inc, was submitted as part of the application. The Stage 1 research concluded that the site retains high potential for archaeological finds due to the site characteristics. As such, a Stage 2 pit survey was done in August 2022 by the consultant. No artifacts were observed during the Stage 2 assessment. The report identifies that the development portion of the site no longer retains any cultural heritage value or interest and is free from further archaeological concerns.

The study does conclude that further archaeological potential exists for the remainder of the site, and further assessment is recommended. Heritage Preservation Services staff

have reviewed the Stage 1&2 Archaeological Assessment and agree with the conclusions of the report.

Site Plan Control Application

The applicant has submitted a Site Plan Control application concurrently with their Official Plan and Zoning By-law Amendment application. The proposed Site Plan Control application requires an Official Plan Amendment to permit the land use, and an in-effect Zoning By-law to implement the proposed development. As the Official Plan Amendment and Zoning By-law Amendment have not been approved, the Site Plan Control application for the proposal is premature at this time and can not be implemented.

Community Consultation

A virtual Community Consultation Meeting was held on May 3, 2022. Approximately 60 members of the public were in attendance. Following presentations by City Planning and the applicant, the following questions and comments were raised by attendees:

- What the TRCA regulated area is, and how flood mitigation would work with this proposal.
- Concerns with permitting buildings within the ravine, and how doing so may negatively impact the ravine.
- Why residential buildings are proposed to be placed in the ravine while there are a significant number of developments proposed in the surrounding area.
- Concerns that the surrounding roads are very steep and narrow, and access to and from the site will be challenging.
- Questions regarding the actual distance and accessibility to the LRT, as well as the slope of the road/sidewalk from the entrance of the buildings to the LRT station.
- Concerns about capacity of Eglinton LRT.
- Questions regarding future plans to widen St. Dennis Drive to accommodate the additional traffic caused by this proposal.
- Concerns that not enough parking spaces are being provided as part of this proposal.
- Questions regarding the types of connections are being provided for pedestrians and cyclists from this development.
- How many affordable housing units proposed as part of this proposal.
- Concerns that the proposal does not consider the need for additional schools in the area.
- Why the City or Province has not purchased the property to keep it as open space/ravine.
- Who will be responsible for the maintenance of the proposed open space.

Other Issues

Further information and clarifications are required from the applicant as it relates to stormwater runoff and servicing. Additional issues may arise from the review of this

information and may result in impacts on the natural heritage features associated with the subject site.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Greenbelt Plan (2017) and the Official Plan.

Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform with the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Official Plan with respect to Urban Structure, Land Use and particularly as it relates to the natural heritage and natural hazard policies. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Site Plan
- Attachment 6: 3D Rendering - Northwest
- Attachment 7: 3D Rendering - Southeast

Attachment 1: Application Data Sheet

Municipal Address: 155 ST DENNIS DR Date Received: February 28, 2023

Application Number: 23 118421 NNY 16 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: The proposed development consists of four (4) residential towers ranging between 42 to 56 storeys in height, linked by a 2-storey base building. The proposed development would contain 2,170 residential units, 135,413 square metres of residential uses, and approximately 348 square metres of non-residential space. In addition, a total of 405 vehicle parking spaces and 2,397 bicycle parking spaces are proposed

Applicant	Agent	Architect	Owner
DON VALLEY TRAILS PARK HOLDINGS INC	URBAN STRATEGIES	HARIRI PONTARINI ARCHITECTS	1007454 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Other Open Spaces	Site Specific Provision:	N
Zoning:	OG	Heritage Designation:	N
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 169,361 Frontage (m): 780 Depth (m): 401

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	260		2,612	2,612
Residential GFA (sq m):			135,413	135,413
Non-Residential GFA (sq m):	260		348	348
Total GFA (sq m):	260		135,761	135,761
Height - Storeys:	1		56	56
Height - Metres:			179	179

Lot Coverage Ratio (%): 1.54 Floor Space Index: 0.8

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	135,413	
Retail GFA:		

Office GFA:

Industrial GFA:

Institutional/Other GFA: 348

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			2,170	2,170
Other:				
Total Units:			2,170	2,170

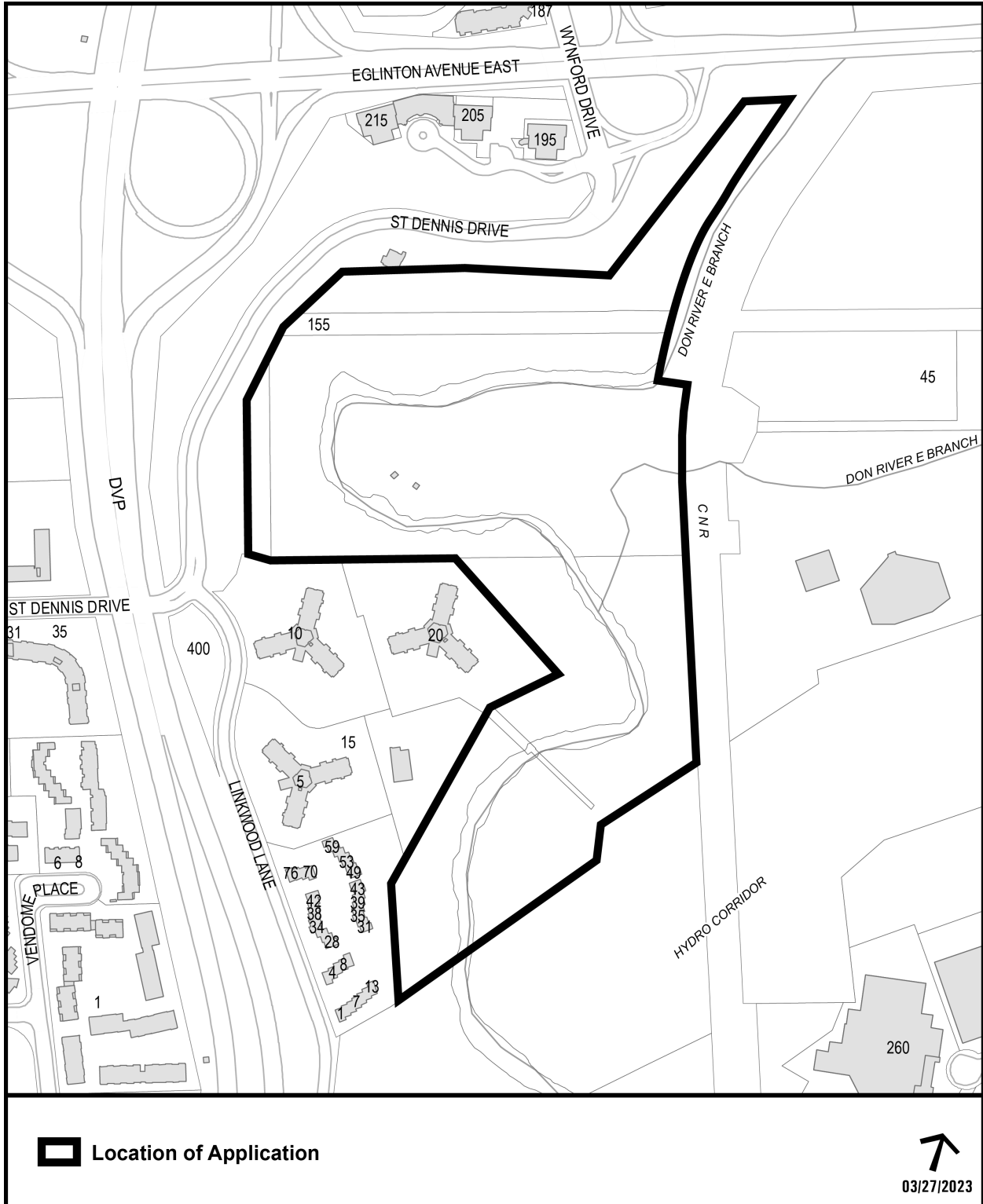
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		75	1,436	439	220
Total Units:		75	1,436	439	220

Parking and Loading

Parking Spaces: 405 Bicycle Parking Spaces: 2,397 Loading Docks: 3

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



155 St Dennis Drive

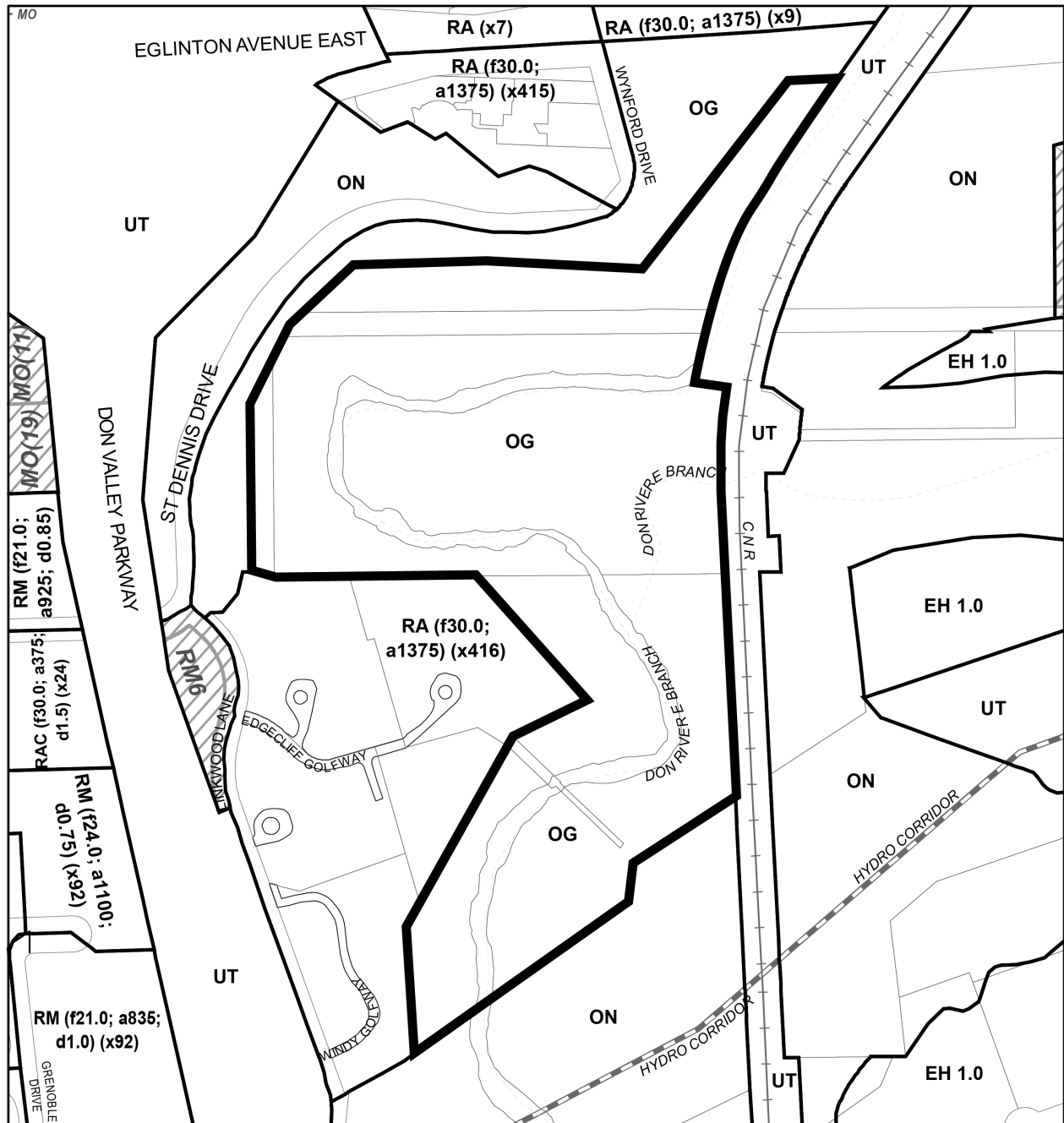
Official Plan Land Use Map #20

File # 23 118421 NNY 16 0Z



↑
Not to Scale
03/27/2023

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

155 St Dennis Drive

File # 23 118421 NNY 16 0Z



Location of Application

- RM** Residential Multiple
- RA** Residential Apartment
- RAC** Residential Apartment Commercial
- EH** Employment Heavy Industrial
- ON** Open Space Natural

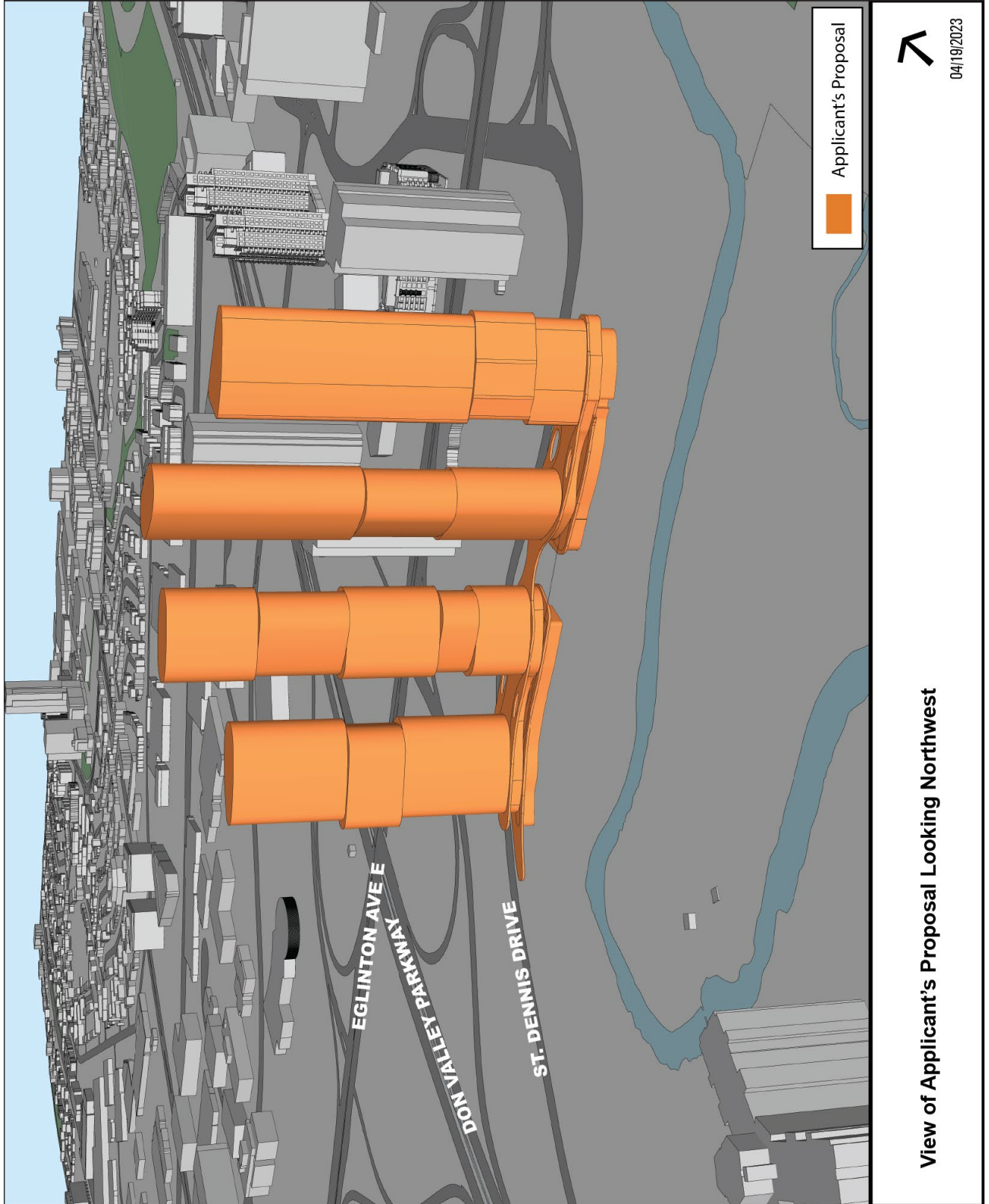
- OG** Open Space Golf Course
- UT** Utility and Transportation



See Former City of North York By-law No. 7625
RM6 Multiple-Family Dwellings Sixth Density Zone
MO Industrial-Office Business Park Zone



Not to Scale
 Extracted: 03/27/2023



Attachment 7: 3D Rendering - Southeast

