

33-51 Walsh Avenue and 2717-2745 Weston Road – Zoning By-law Amendment and Site Plan Control Applications – Appeal Report

Date: March 17, 2024

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Ward 7 – Humber River-Black Creek

Planning Application Numbers: 22 207468 WET 07 OZ and 22 207467 WET 07 SA

SUMMARY

On September 22, 2022, applications for Zoning By-law Amendment and Site Plan Control approval were submitted to permit the construction of a mixed-use development with six towers with building heights ranging from 14 to 40 storeys, a public park at the corner of Walsh Avenue and Weston Road, in addition to 766 square metres of retail space at the base of the buildings proposed to front Weston Road. A total of 2,452 residential units are proposed.

On November 14, 2023, the applicant appealed the applications to the Ontario Land Tribunal ("OLT") due to Council's failure to make a decision within the timeframe prescribed under the *Planning Act*. A Case Management Conference occurred on February 6, 2024. A second Case Management Conference will occur on May 16, 2024 and a three week hearing has been scheduled to commence on February 3, 2025.

This report recommends that the City Solicitor, together with the appropriate City staff, attend the OLT hearing and oppose the applications in their current form, and to continue discussions with the applicant to resolve any outstanding issues.

RECOMMENDATIONS

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

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Ontario Land Tribunal in opposition to the subject Zoning By-law Amendment in its current form for the lands at for 33-51 Walsh Avenue and 2717-2745 Weston Road.
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues including but not limited to those outlined in this report.

3. If the Ontario Land Tribunal allows the subject appeals, in whole or part, City Council instruct the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the Ontario Land Tribunal has been advised by the City Solicitor that:

a) The final form and content of the draft Zoning By-law Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

b) The owner has addressed all outstanding issues identified within the Engineering and Construction Services Part I – Re-zoning Application correspondence, dated November 22, 2023, or as revised, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

c) The owner has submitted a Functional Servicing and Stormwater Management Report to determine the stormwater runoff, sanitary flow and water supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

d) The owner has submitted a revised Traffic Impact Study to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director of Engineering and Construction Services and the Chief Planner and Executive Director, City Planning.

e) Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing and Stormwater Management Report and/or the Transportation Impact Study, City Council direct the City Solicitor and appropriate City staff to request that a Holding Provision be included in the final form of the site-specific Zoning By-law Amendment and the Holding Provision not to be lifted until such a time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager, Transportation Services.

f) The owner has submitted a revised Hydrological Assessment Report, and Hydrological Review Summary Form, Servicing Report Groundwater Summary Form and Foundation Drainage Summary Form to determine the quality and quantity of groundwater that may be required to be discharged to the City sewage works as a result to of a proposed development and comply with Foundation drainage policy and guidelines to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager, Toronto Water.

g) The owner has addressed all transportation related issues identified in Section A1.1 of the memorandum from Engineering and Construction Services, dated November 22, 2023, to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director of Engineering and Construction Services.

h) The owner has addressed all outstanding issues identified in the Toronto Transit Commission memorandum, dated October 11, 2022, to the satisfaction of the Chief Executive Officer, Toronto Transit Commission, the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning.

i) The owner has submitted revised Landscape and Planting Plans to the satisfaction of the General Manager, Parks, Forestry and Recreation.

j) The owner has provided an on-site parkland dedication in a size, location and configuration that is to the satisfaction of the General Manager, Parks, Forestry and Recreation.

k) The owner has submitted an Energy Strategy Report to the satisfaction of the Executive Director, Environment and Climate Division.

l) The submitted Air Quality and Land Use Compatibility Assessment, and Transportation Noise and Vibration Assessment, both dated August 31, 2022 and authored by Gradient Wind Engineers and Scientists, have been peer reviewed by a third-party consultant retained by the City at the owner's expense to confirm there are no negative impacts on the proposed development or surrounding uses, and the owner agrees to implement any necessary air quality, noise, vibration or land use compatibility control measures and recommendations identified through the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

m) The owner has submitted a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. City Council approve the acceptance of a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the applicant of the above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; and the development charge credit shall be in an amount that is the lesser of the cost to the applicant of designing and constructing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation and the Parks and Recreation component of the development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time-to-time.

5. City Council authorized the City Solicitor and other appropriate 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 Pre-application Consultation (PAC) meeting was held on August 3, 2022. The current application was submitted on September 22, 2022 and deemed complete on October 14, 2022.

Staff conducted a Community Consultation Meeting for the application on October 4, 2023 after an in-person community meeting hosted by the Ward Councillor on December 13, 2022. Community consultation is summarized in the Comments section of this report.

THE SITE AND SURROUNDING AREA

Description:

The site is the consolidation of 13 parcels of land located at the southeast corner of Weston Road and Walsh Avenue. The site is irregularly-shaped and bounded by Walsh Avenue to the north, Wilson Avenue to the east, Highway 401 to the south, and Weston Road to the west, and is approximately 2.44 hectares in size with a frontage of 205 metres on Walsh Avenue and 168 metres on Weston Road.

Existing Uses:

The site is currently vacant.

Surrounding Uses:

North: Immediately to the north, across Walsh Avenue, are residential detached dwellings. Located at the northeast corner of Walsh Avenue and Weston Road is a one-storey U-Haul retail building and beyond is a two-storey low-rise apartment building fronting Weston Road.

South: Highway 401 and the Ministry of Transportation lands.

East: The termination of Wilson Avenue, and automotive dealership and repair uses.

West: Beyond Weston Road is the Humber River and Pine Point Public Park.

THE APPLICATION

This application proposes to construct a mixed-use development with six towers with building heights ranging from 14 to 40 storeys, a public park at the corner of Walsh Avenue and Weston Road, in addition to 766 square metres of retail space at the base

of the buildings proposed to front Weston Road. The table below identifies the details of the proposal.

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| Building Heights (exclusive of mechanical penthouse) | |
| Building A | 14 storeys, 51 m |
| Building B | 23 storeys, 78 m |
| Building C | 21 storeys, 72 m |
| Building D | 25 storeys, 86 m |
| Building E | 40 storeys, 129 m |
| Building F | 30 storeys, 98 m |
| Total Number of Residential Units | 2,542 |
| % of studio units | 0.5 |
| % of one-bedroom units | 66 |
| % of two-bedroom units | 22 |
| % of three-bedroom units | 11.5 |
| Total Gross Floor Area (GFA) | 166,553 m ² |
| Residential GFA | 165,767 m ² |
| Non-Residential GFA | 766 m ² |
| Gross Floor Space Index | 6.81 |
| Net Floor Space Index | 7.04 |
| Total Number of Vehicular Parking Spaces | 1,316 |
| Residential Parking Spaces | 1,054 |
| Non-residential Parking Spaces | 246 |
| Visitors Parking Spaces | 16 |
| Total Bicycle Parking Spaces | 1,840 |
| Residential Long-Term Parking Spaces | 1,668 |
| Residential Short-Term Parking Spaces | 172 |
| Proposed Parkland | 2,479 m ² |
| Indoor Amenity Space | 4,632 m ² (2.01 m ² /per unit) |
| Outdoor Amenity Space | 5,061 m ² (2.06 m ² /per unit) |

Additional Information

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

www.toronto.ca/33WalshAve.

Reasons for Application

The proposal requires amendments to both city-wide Zoning By-law 569-2013 and former City of North York Zoning By-law 7625 in order to increase the maximum permitted building heights and floor space index, increase in the total number of

residential units and revise other development standards necessary to reflect the proposal.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control was submitted on September 22, 2022 and was also appealed to the Ontario Land Tribunal concurrently with the subject Zoning By-law amendment application.

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 (2020), and shall conform to Provincial plans, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The application has been reviewed against the policies of the City's Official Plan. The site is designated *Apartment Neighbourhoods* on Map 13 of the Official Plan. *Apartment Neighbourhoods* are stable areas of the city where significant growth is not anticipated on a city-wide basis, but opportunities exist for additional compatible infill.

On larger sites that have the opportunity for more than one new building, a framework of additional public streets, shared driveways, new parkland and shared open space may be required to create infill development that meets the objectives of the Official Plan.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>. See Attachment 2 of this report for the Official Plan Land Use Map.

Site and Area Specific Policy 67

SASP 67 applies to the site and requires any new development to provide both public art and retail uses along the site's Weston Road frontage.

See Attachment 5 of this report for the Site and Area Specific Policy 67 Map.

Zoning

The subject site is zoned Residential Apartment Zone (RA) under Zoning By-law 569-2013, and Exception 220 applies to the site.

Exception 220 refers to Section 64.20-A (6) of the former City of North York Zoning By-law as prevailing. The site is zoned Multiple Family Dwellings Zone (RM6), Exception 60 in the former North York Zoning By-law 7625. Exception 60 applies to the site and refers to a 1981 Council decision, which permits:

- A mixed-use development with a maximum gross floor area of 55,724 square metres.
- A total of 562 residential units.
- Four three-storey multiple attached dwellings along Walsh Avenue.
- A one-storey commercial building at the corner of Walsh Avenue and Weston Road.
- Four 11-storey apartment house dwellings at the rear of the lot.
- An 18-storey apartment building at the corner of Weston Road and the Highway 401 off-ramp.

See Attachment 4 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Mid-Rise Buildings Performance Standards and Addendum;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Retail Design Manual;
- Streetscape Manual;
- Development Infrastructure Policy and Standards (DIPS);
- Toronto Accessibility Design Guidelines; and
- Complete Streets Guidelines.

Toronto Green Standard (TGS)

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

Development Infrastructure Policy and Standards

The Development Infrastructure Policy and Standards (DIPS) provides the City's policies and standards for public local residential streets and private street. DIPS applies to new public local and private streets that are created for residential developments.

COMMUNITY CONSULTATION

On December 13, 2022, the Ward Councillor hosted an in-person community meeting to discuss the application with the local residents. Both City Planning staff and the applicant attended the meeting to provide information on the proposal and to answer questions.

Thereafter, City Planning staff hosted an in-person Community Consultation Meeting (CCM) on October 4, 2023 at St. Basil-the-Great College School. In accordance with the

direction provided by the Ward Councillor, the notification area for this CCM was expanded with notice of the proposed development sent to properties over a one kilometer radius from the subject site.

At the meeting, City Planning staff presented the planning policy framework and an overview the application review process, and the applicant presented their development proposal. The key issues and comments from the community consultations and in subsequent communications with City Planning staff are summarized as follows:

- The level of intensification proposed on the subject site does not fit within the context of the immediate area;
- Built form concerns related to the proposed height, tower floor plate sizes and separation distances;
- Concerns related to the size and location of the proposed parkland dedication;
- Concerns with the number of proposed units and subsequent increased traffic volumes along both the surrounding arterial and local roads;
- Concerns related to the projected traffic and trip generations from the new development;
- Concerns with the total number of residential units proposed and questions about the proposed tenure and affordability of new units;
- Impacts on the public infrastructure serving the surrounding low-rise residential area;
- Concerns about the safety of motorists and pedestrians;
- Concerns about noise impacts on the future and existing residents due to the location of the flight path;
- Comments related the lack of non-residential uses;
- Safety concerns related to introducing 2,452 new residential units to the area;
- Questions related to anticipated construction timelines and impacts from construction; and
- The lack of new community facilities in the area, including schools and community centres/services.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find that the proposal is inconsistent with the PPS and does not conform with the Growth Plan for the following reasons:

Policy 1.6.6.1 of the PPS directs that growth should be accommodated in a manner that promotes the efficient use and optimization of existing municipal sewage services and that servicing, and land use considerations are integrated throughout all stages of the planning process. It has not yet been demonstrated that the proposed development can be accommodated by existing municipal services. Further information is required to be submitted to the City for review to determine if there is capacity to support the proposed development.

Policy 2.2.1.4 d) of the Growth Plan directs that complete communities should expand access to safe, comfortable, and convenient use of active transportation. The policy also directs that complete communities should provide a supply of safe, publicly accessible open space, parks, trails and other recreational facilities, and a vibrant public realm with public open spaces. Policy 1.5.1 a) of the PPS directs that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction, and facilitate active transportation and community connectivity. Although not currently contemplated by the application, there are opportunities to meet the above-noted policies by relocating the public park, providing a new public street, and providing the required public art, all of which would contribute to creating a place for civic life, a vibrant public realm and a safe, comfortable and pleasant environment for pedestrian activity, as discussed further in the report.

Policy 1.6.9.1 a) of the PSS requires the protection of the long-term operation and economic role of vicinity airports. Policy 1.6.9.2 c) directs that airports shall be protected from incompatible land uses and development by discouraging land uses which may cause a potential aviation safety hazard. As discussed further in the report, both NavCanada and the Greater Toronto Airport Authority have advised that the proposed heights of Building E and F will result in significant safety concerns and negatively impact the operations of Lester B. Pearson International Airport's Runway 06L and 06R.

Ministry of Transportation

Under the authority of the Public Transportation and Highway Improvement Act, the Ministry of Transportation must review and issue permits for any development within their permit control area. The Ministry of Transportation (MTO) is a commenting agency on all development applications adjacent to or in close proximity to any of the 400 series highways. The site is located within the MTO permit control area due to its adjacency to Highway 401. The MTO was circulated on this application, however, comments have not been provided.

Greater Toronto Airport Authority and NavCanada

The site is under one of the Lester B. Pearson International Airport flight paths and is subject to Federal airport zoning regulations, which require the review of the Greater Toronto Airport Authority (GTAA) and NavCanada. Both NavCanada and GTAA have reviewed the development application to assess whether there would be any impacts on the operation of the Lester B. Pearson International Airport runways and flight paths.

The site is located in an area influenced by the International Civil Aviation Organization (ICAO) Type A surface for departures from Pearson's Runway 06L and 06R. The ICAO Type A surface is an operational surface. Any intrusions through its flight path impacts commercial aircraft operations especially in the event of take-off emergencies. These obstacles, as identified on airline flight plans, have the effect of altering flight plans by forcing pilots to reduce aircraft's weight in order to have sufficient take-off distance to safely clear obstacles. As such, preventing any additional new obstacles within the

identified flight path is a priority for airlines from both a safety and commercial perspective.

According to GTAA, the surface height limit at this location ranges from approximately 239.8 metres to 243.5 metres above sea level. The proposed heights of Buildings E and F penetrate the nominal Type A surface as follows:

Tower E: 37.7 metres for Runway 06L and 34.2 metres for Runway 06R.
Tower F: 7.0 metres for Runway and 3.2 metres for Runway 06R.

NavCanada and GTAA have concerns with Buildings E and F as the proposed heights penetrate the flight path height restrictions. NavCanada have advised that the proposed heights will have a negative impact on the published instrument flight procedures at Toronto Lester B. Person International Airport. To stay clear of the instrument flight procedures, NavCanada is requiring the proposed building heights and construction equipment remain below 730 feet (approximately 222 metres) above sea level.

Land Use

From a use perspective, the proposal for a mixed-use development is consistent with the land use provisions of the Official Plan and Site and Area Specific Policy 67, and is appropriate for the site and is considered to be overdevelopment.

To encourage walkability and support the development of a complete community, additional at-grade retail space should be provided along the Walsh Avenue frontage. The existing community lacks retail uses within a reasonable walking distance, and as such additional retail space within the proposed development would be advantageous for future residents.

The site is designated *Apartment Neighbourhoods* where compatible infill development is supported by Official Plan policy. However, the proposed four buildings with six towers containing 2,452 residential units and 166,553 square metres of gross floor area is too intense for the subject site.

Site and Area Specific Policy 67 requires any new development to provide public art located on the Weston Road frontage. Currently, no public art is proposed within the development.

The application fails to satisfy the policy directives in Site and Area Specific Policy 67, and is not consistent with the objectives of the Official Plan.

Height, Massing and Site Organization

The subject site has great potential to create a well-connected complete community and improve the street frontage along Walsh Avenue and Weston Road. However, these goals are currently not realized in the application. The proposal focuses on maximizing the density of the site without consideration for elements that will contribute to a high quality public realm and a built form that appropriately responds to its surrounding existing and planned context.

The site is not designated as a growth area in the Official Plan, is not located on an Avenue or in a Centre, and is not within a Major Transit Station Area. Rather, the site is designated *Apartment Neighbourhoods* where significant growth is not anticipated. The proposed built form and site organization do not comply with the Official Plan policies and are inconsistent with the direction of the Tall Building Design Guidelines.

Building Height

The proposed development consists of six tall buildings. Tall buildings are generally defined as buildings with heights greater than the width of the adjacent street right-of-way or the wider of two streets if located at an intersection. All the proposed buildings, including Building A at 14 storeys or 51 metres, are considered to be tall buildings, as their proposed heights exceed the width of Walsh Avenue's 36-metre right-of-way.

The site is designated *Apartment Neighbourhoods* where compatible infill may be permitted but significant growth is not anticipated. New development must be conceived not only in terms of the individual building site and program, but also in terms of how the site and buildings fit within the existing and/or planned context of the neighbourhood. New development must be evaluated on its relationship with the heights and massing of other buildings in its surrounding context. The intent of this analysis is to ensure that the proposed building heights and scale fit harmoniously with its existing and planned context.

The site has been previously zoned to accommodate four three-storey townhouses along Walsh Avenue, a one-storey commercial building at the corner of Weston Road and Walsh Avenue, four 11-storey buildings at the rear of the lot and an 18-storey building at the southwest corner of the site. This application is proposing six towers with building heights ranging between 14 to 40 storeys and overall heights of 51 to 129 metres, which is a significant departure from its as-of-right permissions. While the surrounding context is dominated by low scale built form, there are two clusters of taller buildings with building heights in the range of 20 to 27 storeys that are located within a one kilometre radius of the site, south of Highway 401 fronting Weston Road and at Albion Road and Armel Street.

Both the Official Plan and Tall Building Design Guidelines limit the maximum building heights through the requirement to transition down to adjacent lands designated *Neighbourhoods*. The Tall Building Design Guidelines call for the application of a 45-degree angular plane as a measure of good transition in scale from tall building developments down to lower scale areas, such as stable residential neighbourhoods. The submitted section and elevation drawings indicate that the proposed buildings encroach into the angular plane.

The proposed building heights are also inconsistent with the Official Plan Built Form policies, which directs new development to fit in, respect and improve the character of the surrounding area. The building heights of up to 40 storeys on the subject site are not appropriate as these tall buildings do not reflect the existing or planned context and fail to provide transition to ensure they are consistent and fit within the surrounding neighbourhood. The intense development proposed does not promote a compatible

physical relationship with the surrounding sites and is inconsistent with the *Apartment Neighbourhoods* policies.

Massing

The Tall Building Design Guidelines provide for a maximum tower floor plate size of 750 square metres, in order to limit the visual impact of tall buildings, including shadow impacts, through a compact floor plates. The size and shape of the tower floor plate works together with the height and placement of the tower to determine the overall three-dimensional massing of a tall building and the impact it poses on the site, surrounding streets, parks, open spaces, and adjacent properties. The application is proposing a floor plate size above the base buildings of 1,208 square metres for Building A and 800 square metres for the other five buildings.

Section 3.2.1 of the Tall Building Design Guidelines also states that any increase in tower floor plate size requires greater tower separation, setbacks and/or stepbacks proportionate to the increase in building size to mitigate resultant winds, sky-view and shadow impacts on the surrounding streets, parks, open spaces and properties. For a larger floor plate, the widest dimension of the tower floor plate is used to determine adequate tower setbacks and separation. The widest dimension of the Building A tower floor plate as proposed is 46.5 metres and the widest dimension of the tower floor plates of the other five building as proposed are between 36.5 and 39 metres. The application is proposing tower separation distances between 20 to 31 metres.

The Tall Building Design Guidelines require a minimum separation distance between towers on the same site of 25 metres, measured from the exterior walls of the buildings. However, and in addition, the guidelines direct that where the existing context is characterized by tower separation distances greater than 25 metres, separation distances in keeping with the more generous spacing established by the context are to be achieved. The two existing tall building clusters in close proximity to the site, have separation distances that range between approximately 25 to 49 metres. The application fails to achieve the minimum 25-metre separation distance between Buildings A to F and D to A, which propose a separation distance of 20 metres and 23 metres, respectively. As discussed above, the application also fails to provide greater tower separation distances to address the increased tower floor plates proposed.

To summarize, the proposed tower floor plates are oversized and the separation distances fail to achieve the minimum separation distances appropriate to the proposed buildings, site and context.

Site Organization

Vehicular access to the site is by way of two driveways, one from Walsh Avenue and the other from Wilson Avenue. The access points lead to a series of proposed driveways that stretch throughout the site providing access to the central vehicular turning circle, the underground garage and servicing areas for each building. The site layout results in "buildings behind buildings" with no public street frontage or access and allows for vehicles to be brought further into the site than is desirable. The site layout

also results in a significant amount of hardscaping on the site and creates numerous points of potential conflict between vehicles and pedestrians.

The proposed site layout should be reorganized by extending the existing terminus of Wilson Avenue at the southeast corner of the site to provide a L-shaped public street to connect to Walsh Avenue and divide the site into two development blocks.

A new public street at this location is essential to supporting the objectives of the Official Plan as it would:

- Improve vehicular access within the site;
- Provide addresses and direct access from the public street for all proposed buildings;
- Create a place for civic life and a safe, comfortable, and pleasant environment for pedestrian activity, and contribute to the liveability of the new community; and
- Divide the current large site into two smaller development parcels.

Currently, Buildings B and F are located away from public street frontages. This does not comply with the Public Realm and Built Form Official Plan policies and results in an inefficient site layout. The introduction of a new public street will assist in siting the proposed buildings, allowing all primary building entrances to have public frontage. The public street will provide access for all users to each building and eliminate the need for the number of proposed driveways and the turning circle all of which increase hard surfaces and do not support a Complete Streets approach. The new public street would be designed in accordance with the City's Development Infrastructure Policy and Standards Minor Local Residential Streets specifications.

The siting of the buildings will play a critical role in establishing a built form and public realm that respects and improves the character of the surrounding areas while creating a sense of place for the proposed development. A clearly defined street frontage with a well-proportioned continuous streetwall will provide scale and definition to the streets and civic spaces. A continuous mid-rise built form along Walsh Avenue is more appropriate than tall buildings to provide a massing that is more compatible with the existing low-rise built form to the north and maximizes access to the sunlight on the opposite sidewalk. The current configuration of the Weston Road and Walsh Avenue intersection presents as a vehicular-oriented setting without clear defined corners. The proposed development provides an opportunity to bring an urban edge to anchor the southeast corner of the intersection with a landmark building.

The application is proposing an on-site public park located at the northwest corner of the site at the intersection of Weston Road and Walsh Avenue. The proposed location is not ideal as it is not well-connected to the abutting Neighbourhoods, would experience negative shadow and wind impacts and is adjacent to a busy vehicular intersection. The proposed on-site parkland should be relocated to the far east corner of the site, ensuring frontage on Walsh and Wilson Avenues and the recommended new public street extension.

The site should be organized to maximize the expansion of the public realm, ensure pedestrian priority, promote high quality space for resident amenity, improve the siting

of the proposed buildings, and reduce the extent of hard surfaces and area devoted to vehicular movement.

Sun and Shadow

The Official Plan policies and Tall Building Design Guidelines require development to minimize shadow impacts on adjacent sensitive land uses.

The applicant submitted a Shadow Study for March, June, September and December 21st illustrating new shadows resulting from the proposed development. The results of the spring and fall shadow studies indicate morning shadows on the lands designated Natural Areas to the west of Weston Road and afternoon shadowing on the public realm and residential neighbourhood to the north of the site. The majority of the proposed parkland dedication would be in shadow between 9:18 a.m. to 2:18 p.m. Furthermore, the proposed outdoor amenity spaces would be shadowed for most of the day.

In accordance with the Tall Building Built Form Official Plan policies, the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties. The Official Plan Built Form policies require development including or adjacent to parks or open spaces to provide good transition in scale to these spaces to provide access to direct sunlight and daylight. The Official Plan also speaks to outdoor amenity spaces having access to daylight and direct sunlight. Furthermore, the *Apartment Neighbourhoods* policies require development to locate and mass new buildings to adequately limit shadow impacts on adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes. Reduced building scale and heights, increased separation distances and stepbacks, reduced floor plates, and site organizational improvements will contribute to minimizing the shadow impacts.

Pedestrian Level Wind Study

The applicant submitted a Pedestrian Level Wind Study, prepared by RWDI in support of the proposal. Staff have concerns with the extent of the proposed wind conditions within the proposed parkland dedication lands, at the building entrances of Buildings B and F and at the rear of Building A. The wind study also identified uncomfortable wind conditions along the Walsh Avenue public realm in front of the neighbouring property to the east. The report attributes the uncomfortable wind conditions at building entrances of Buildings B and F to winds downwashing off the towers.

The proposal would create uncomfortable wind conditions during all four seasons and exceed comfort and safety expectations during the winter.

Road Widening

A road widening of 4.9 metres along the Walsh Avenue frontage is required to satisfy the 36-metre right-of-way Official Plan requirement.

Traffic Impact

The applicant's transportation consultant, BA Group, submitted a Transportation Impact Study (TIS), dated September 13, 2022, in support of the proposal.

The TIS projected that the proposal would generate approximately 615 and 635 two-way trips during the morning and afternoon peak hours, respectively.

The report analyzed vehicular operations for the surrounding area intersections under future total traffic volumes. Split signal optimization was recommended for the Albion Road and ramp to Weston Road southbound, Weston Road and Highway 401 westbound off-ramp, northbound Weston Road and Albion Road/Walsh Avenue, and Walsh Avenue and Matthew Gate/Kelvin Avenue. Even with split signal optimization the northbound Weston Road and Albion Road/Walsh Avenue intersection would continue to operate over capacity under projected conditions. Transportation Services requires future mitigation measures to be provided to ensure that this intersection does not experience significant delays due to the proposed development.

In addition to the conclusions of the submitted TIS, Transportation Services requires revisions to the study to ensure that the proposal addresses the following:

Background Traffic Conditions:

The TIS background development was determined by examining a Transportation Impact Study completed for a gas station development at 1900 Wilson Avenue in 2018. Transportation Services requires the TIS to be revised to include background analysis from development proposed after 2018.

Traffic Volume Counts:

Existing traffic volume counts were collected on April 20, 2022, during the peak morning and afternoon hours. Transportation Services requires the counts to be collected on more than one date, as such the TIS needs to be revised to include counts from a minimum of two days, excluding weekends.

Queuing Analysis:

The TIS is to be revised to include queuing analysis conducted by a qualified transportation consultant for the proposed Walsh Avenue access to determine whether the queuing on Walsh Avenue will not occur in peak hours as a result of vehicles attempting to enter and exist the proposed development.

In the case that the site organization is revised to accommodate the proposed public road, the TIS would need to be updated to reflect the new access arrangement.

Vehicular and Bicycle Parking

The applicant is required to provide parking for the proposed development based on the supply and dimensional requirements of Zoning By-law 569-2013, as amended by Zoning By-law 89-2022. Zoning By-law 89-2022 applies to all applications received from February 3, 2022, onwards and eliminates most minimum parking rate requirements while establishing maximum parking rate requirements for all land use types.

The application is proposing a total of 1,316 vehicular parking spaces within a three-storey below-grade garage expanding below the entirety of the site, except for the proposed public park and the 14-metre MTO setback from the rear property line. Of the proposed 1,316 vehicular parking spaces, 1,054 spaces would be residential, 246 would be visitor spaces and 16 would be retail spaces.

The proposed parking rates meet the minimum and maximum requirements of the Zoning By-laws. If the number of proposed vehicular parking spaces were reduced to accommodate the requested public road, the proposal would continue to meet the minimum Zoning By-law vehicular parking requirements. All the proposed vehicular parking spaces, including the accessible spaces, must comply with the applicable dimensional requirements as specified by Zoning By-law 569-2013.

The applicant is proposing to reduce the required bicycle parking rate to provide 0.63 long-term spaces and 0.07 short-term spaces per each unit. Transportation Planning Staff require the bicycle parking standards to meet the Zoning By-law 569-2013 requirements and do not support the proposed reduction in bicycle parking.

Loading

The proposed development would provide six loading spaces, which would consist of two Type 'B', one Type 'C' and three Type 'G' loading spaces. Transportation Services accepts the dimensions and number of the loading spaces proposed. However, a number of the proposed loading spaces are located in areas that would conflict with other vehicles accessing or exiting the underground garage, the pick-up and drop-off activities within the proposed motor court, and within the Wilson Avenue right-of-way. Transportation Services requires the applicant to submit acceptable vehicle maneuvering diagrams to demonstrate that vehicles can exit the proposed loading spaces in a forward motion onto the Wilson Avenue right-of-way and proposed motor court. Revisions to the Transportation Impact Study are necessary to ensure that the loading spaces on the site can operate safely without any conflicts.

Servicing

As per the memo from Engineering and Construction Services, dated November 22, 2023, the applicant is required to provide a revised Functional Servicing Report. The Functional Servicing Report is required to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there will be adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

A satisfactory Functional Servicing Report is required to determine support for the proposed development.

Housing Issues

The Growing Up Guidelines: Planning for Children in New Vertical Communities Design Guidelines recommend that all new mid and tall building developments should provide a minimum of 15% of two-bedroom units and 10% of three-bedroom units. The

guidelines also provide ideal unit sizes for the larger units, which is a range between 87-90 square metres for two-bedroom units and 100-106 square metres for three bedroom units. The residential unit sizes recommended by the Growing Up Guidelines represent an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The application is proposing a total of 2,452 residential units, of which 0.5% would be studio units, 66% would be one-bedroom units, 22% would be two-bedroom units and 11.5% would be three-bedroom units. This proposed unit mix supports the objectives of the Growing Up Guidelines, Official Plan Housing policies, and the Growth Plan housing policies to accommodate a broad of households in new developments. The applicant has not provided sufficient information related to the sizes of the proposed units to demonstrate that the proposal satisfies the size guidelines of the Growing Up Guidelines.

Toronto Transit Commission (TTC)

There is an existing TTC bus stop located on Weston Road at Walsh Avenues on the western frontage of the site. In addition to retaining this existing bus stop, the TTC is requiring the applicant to provide adequate unobstructed space to operate the accessible ramps, and to accommodate TTC standards and articulated buses.

TTC is also requiring adequate room to operate accessible buses and to accommodate standards at the existing bus stop located on Walsh Avenue at Weston Road on the north frontage of the site. Additional space at this bus stop is required to accommodate high passenger volumes and the installation of a bus shelter.

Parkland

In accordance with Section 42 of the Planning Act, the applicable alternative rate for on-site parkland dedication is one hectare per 600 net residential units to a cap of 10 percent of the development site as the site is less than five hectares, with the non-residential uses subject to a 2% parkland dedication. The total parkland dedication requirement is 2,435 square metres.

The owner is required to satisfy the parkland dedication requirement through an on-site dedication. The owner is proposing an on-site, triangular-shaped parkland dedication of 2,478 square metres. The size of the parkland dedication is acceptable, however, the location of the park as currently proposed by the owner at the corner of Walsh Avenue and Weston Road is not acceptable. The park block is to be relocated to the furthest east portion of the development site and is to have frontage on both Walsh and Wilson Avenues. The park shall comply with Parks and Open Space Official Plan Policy 3.2.3.8.

Furthermore, the proposed 3.5-metre building setback from the park boundary is not acceptable as the minimum setback between park boundaries and an adjacent building face is five metres.

Public Art

Section 3.4 of the Official Plan encourages the inclusion of public art in all significant private sector developments across the City. Site and Area Specific Official Plan Policy 67 applies to the subject site and requires public art to be located on the Weston Road frontage. The application fails to provide the required public art.

Land Use Compatibility/Mitigation - Noise Impact and Air Quality Studies

The Official Plan requires that development adjacent to or nearby Employment Areas or transportation corridors will be appropriately designed, buffered and or separated from both industries or transportation sources as necessary to mitigate any adverse impacts of these sources to new development and vice versa. The Official Plan requires a Land Use Compatibility and Mitigation Report, containing Noise Impact and Air Quality Studies to be submitted as part of any development application in close proximity to Employment Areas. Provincial regulations require compliance with both the Ministry of Environment and Climate Change (MOECC) noise and air quality guidelines.

The applicant submitted an Air Quality and Land Use Compatibility Assessment and a Transportation Noise and Vibration Assessment both authored by Gradient Wind Engineers and Scientists and dated August 31, 2022. The submitted studies are currently being reviewed by a third-party consultant retained by the City to ensure that the proposal incorporates the appropriate materials and mitigation measures to minimize any air quality, noise and vibration or land use compatibility issues.

Tree Preservation

City by-laws provide for the protection of trees situated on both private and City property. There are a total of 69 regulated trees on the site and within the adjacent public City and the Ministry of Transportation rights-of-way, of which two City-owned trees along Walsh Avenue and a grouping of approximately 40 small Siberian Elm trees located within the Weston Road City road allowance are proposed to be removed. The two privately-owned trees located along the southern boundary of the site and the existing trees located within the Ministry of Transportation right-of-way are proposed to be preserved.

CONCLUSION

The proposed development in its current form is not consistent with the PPS (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Further, the proposal does not conform with the Site and Area Specific Policy 67 and the Official Plan, particularly as it relates to the proposed amount of intensification with an *Apartment Neighbourhoods* designation, built form, parkland dedication, and the public realm. The proposal also results in negative impacts on the operation of the Lester B. Pearson International Airport.

This report recommends that 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 to resolve outstanding issues.

CONTACT

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E-mail: Jennifer.Renaud@toronto.ca

SIGNATURE

Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke 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 and Area Specific Policy 67 Map

Applicant Submitted Drawings

Attachment 6: Site Plan
Attachment 7: North Elevation
Attachment 8: South Elevation
Attachment 9: West Elevation
Attachment 10: East Elevation
Attachment 11: 3D Perspective of Proposal Looking Northeast
Attachment 12: 3D Perspective of Proposal Looking Southwest
Attachment 13: 3D Perspective of Proposal Looking Northwest
Attachment 14: 3D Perspective of Proposal Looking Southeast

Attachment 1: Application Data Sheet

Municipal Address: 33-51 Walsh Avenue and 2717-2745 Weston Road Date Received: September 22, 2022

Application Number: 22 207468 WET 07 OZ & 22 207467 WET 07 SA

Application Type: OPA / Rezoning, Rezoning & SPA/ Site Plan

Project Description: This application proposes to construct a mixed-use development with six towers with building heights ranging from 14 to 40 storeys. The application is also proposing a public park at the corner of Walsh Avenue and Weston Road, in addition to 766 square metres of retail space at the base of the buildings proposed to front Weston Road. A total of 2,452 residential units are proposed.

| Applicant | Agent | Architect | Owner |
|---|--|---|---|
| Weston Consulting 201 Millway Avenue, Unit 19, Vaughan, Ontario, L4K 5K8 | Overland LLP 5255 Yonge Street Suite 1101, Toronto Ontario, M2N 6P4 | Graziani & Corazza Architects 8400 Jane Street Vaughan, Ontario L4K 4L8 | Westchester Limited 3700 Steeles Avenue, Suite 800 Vaughan, Ontario L4L 8M9 |

EXISTING PLANNING CONTROLS

| | | | |
|----------------------------|---|--------------------------|---------|
| Official Plan Designation: | Apartment Neighbourhoods RA - Exception 220 | Site Specific Provision: | SASP 67 |
| Zoning: | | Heritage Designation: | No |
| Height Limit (m): | 3 to 18 storeys | Site Plan Control Area: | Yes |

PROJECT INFORMATION

Site Area (ha): 2.44 Frontage (m): 205 Depth (m): 168

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|-----------|-----------|
| Ground Floor Area (sq m): | | | 3,900 | 3,900 |
| Residential GFA (sq m): | | | 165,767 | 166,767 |
| Non-Residential GFA (sq m): | | | 766 | 766 |
| Total GFA (sq m): | | | 166,533 | 167,533 |
| Height - Storeys: | | | 14 to 40 | 14 to 40 |
| Height - Metres: | | | 51 to 129 | 51 to 129 |

Lot Coverage Ratio (%): 17.38 Gross Floor Space Index: 7.47

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA: 166,767
 Retail GFA: 766
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|-------|
| Rental: | | | | |
| Freehold: | | | | |
| Condominium: | | | 2,452 | 2,452 |
| Other: | | | | |
| Total Units: | | | 2,452 | 2,452 |

Total Residential Units by Size

| | Rooms | Studio | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|--------------|-------|--------|-----------|-----------|------------|
| Retained: | | | | | |
| Proposed: | | 11 | 1,621 | 539 | 281 |
| Total Units: | | 11 | 1,621 | 539 | 281 |

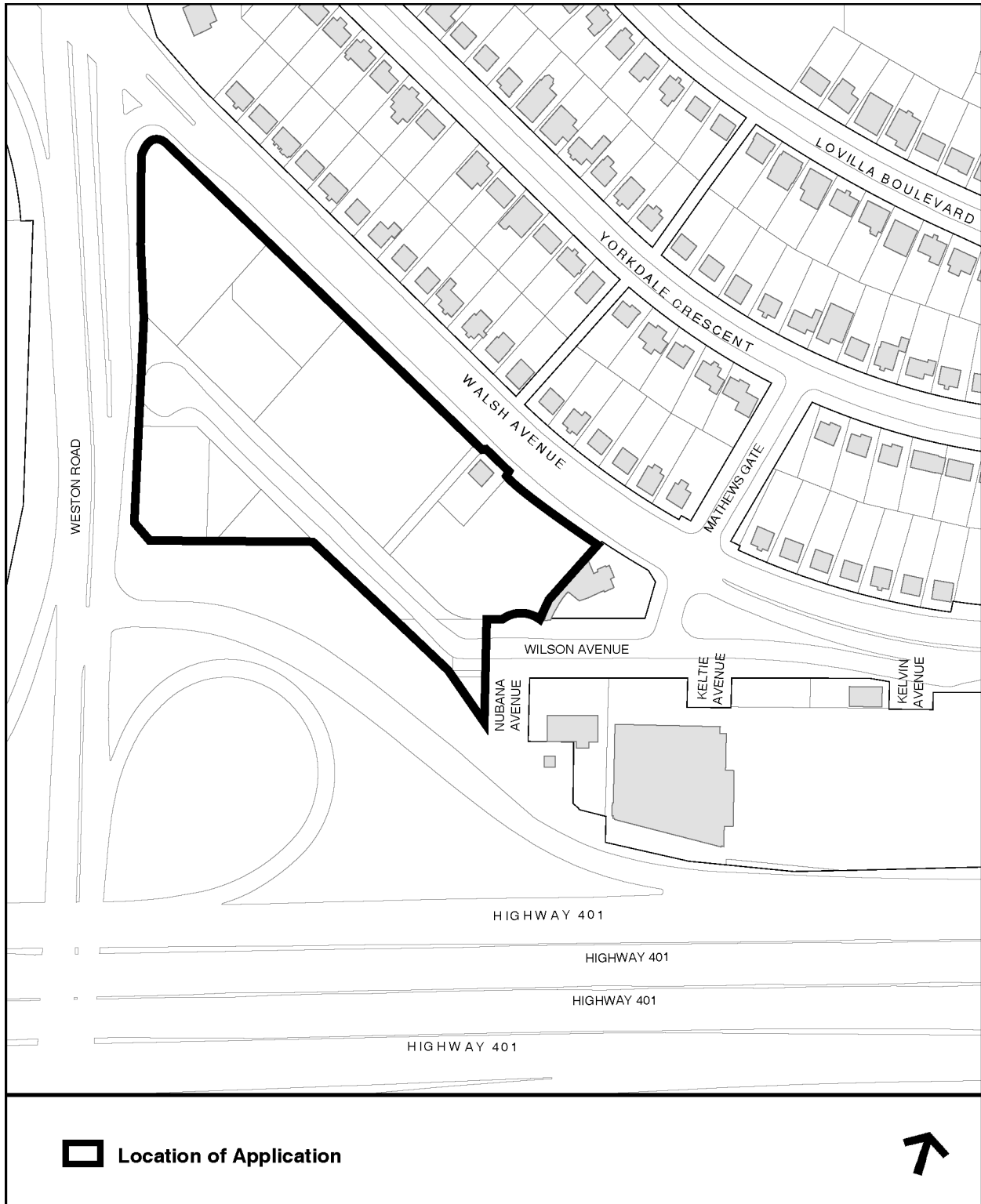
Parking and Loading

Parking Spaces: 1,316 Bicycle Parking Spaces: 1840 Loading Docks: 6

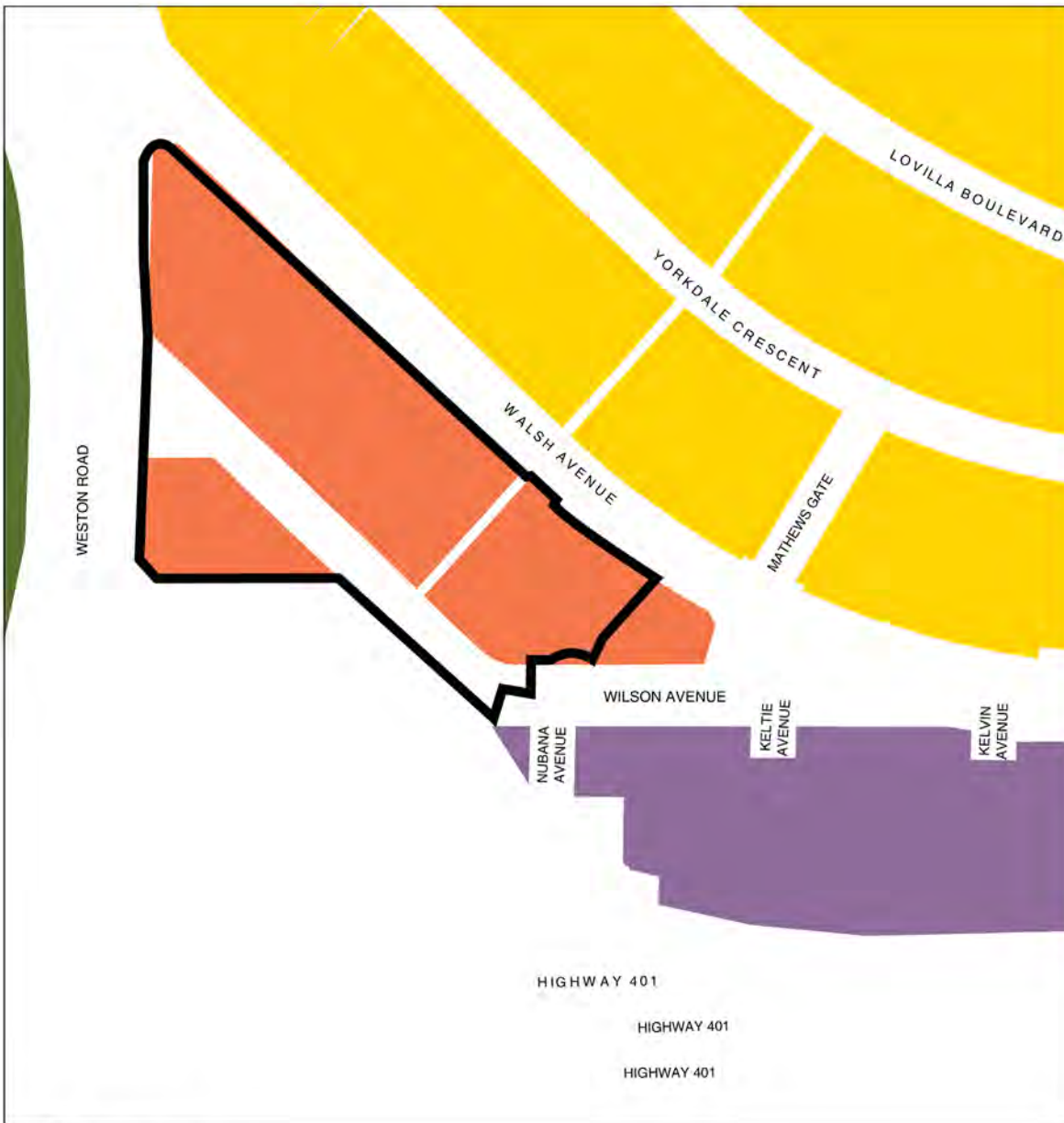
CONTACT:

Jennifer Renaud, Senior Planner
 416-394-2608
 Jennifer.Renaud@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



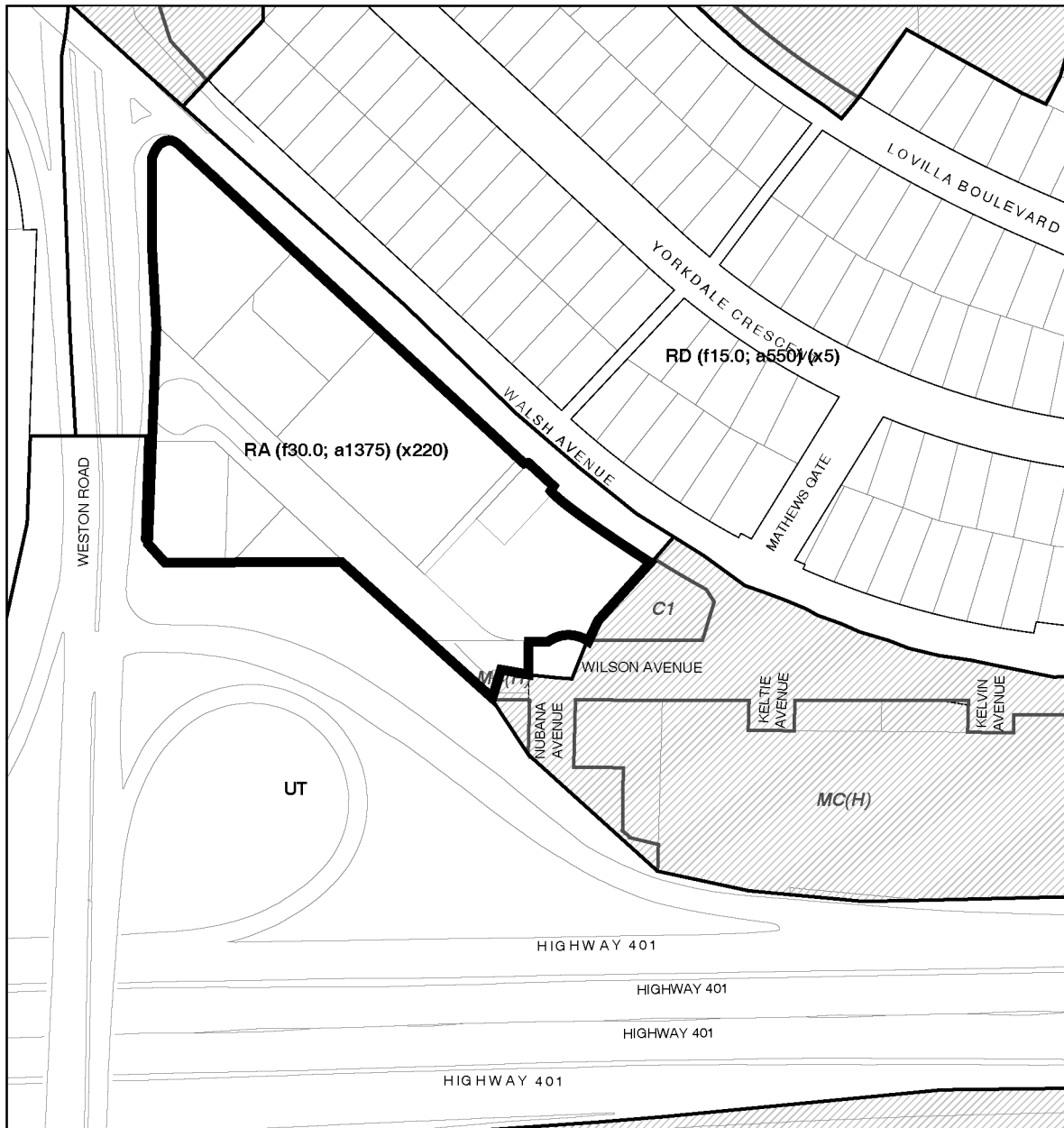
Official Plan Land Use Map #13

File # 22 207468 WET 07 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Natural Areas
- General Employment Areas

Not to Scale
Extracted: 09/26/2022

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

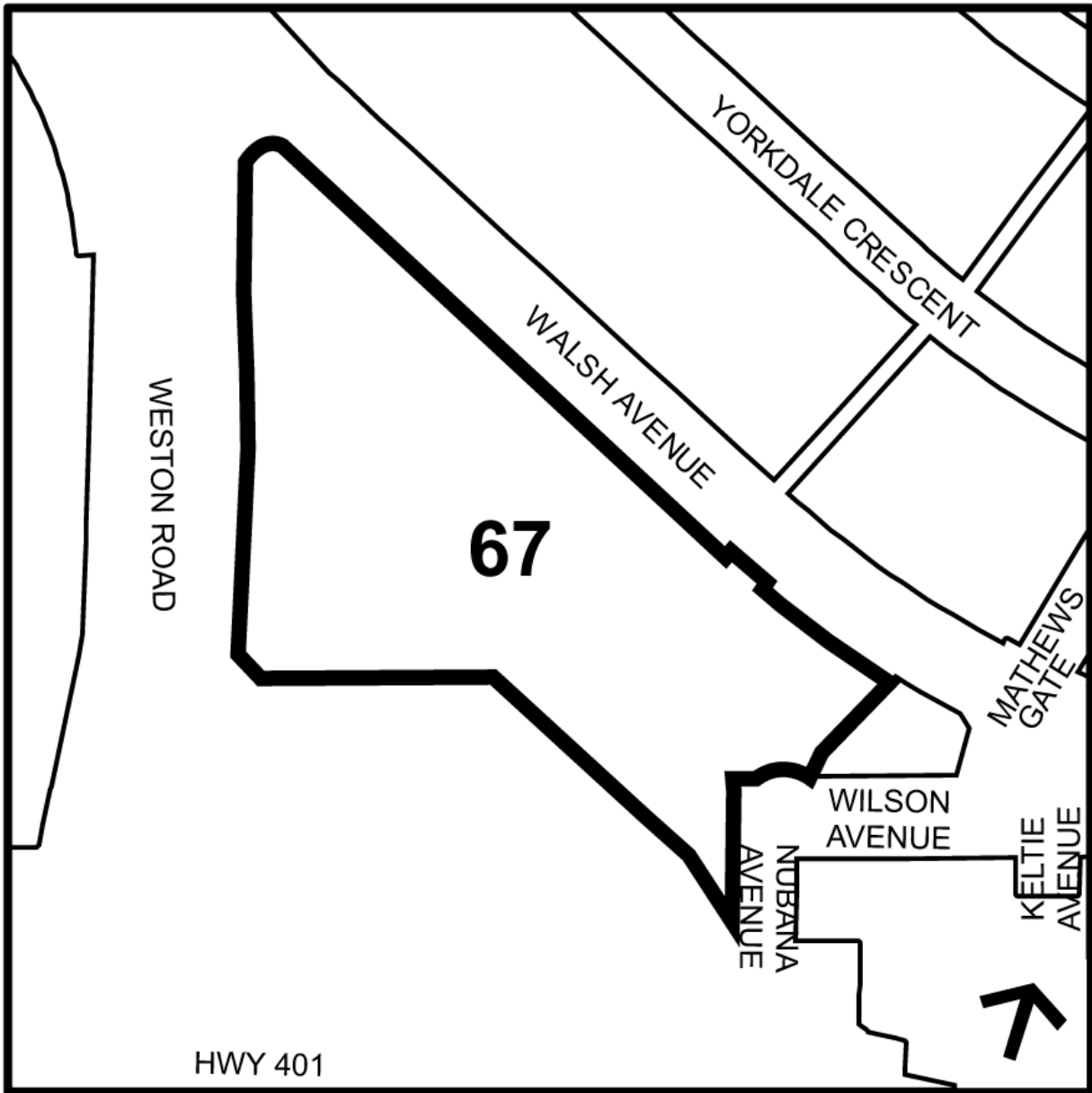
**33-51 Walsh Avenue and
2717-2745 Weston Road**
File # 22 207468 WET 07 0Z

-  Location of Application
- RD** Residential Detached
- RA** Residential Apartment
- ON** Open Space / Natural
- UT** Utility and Transportation

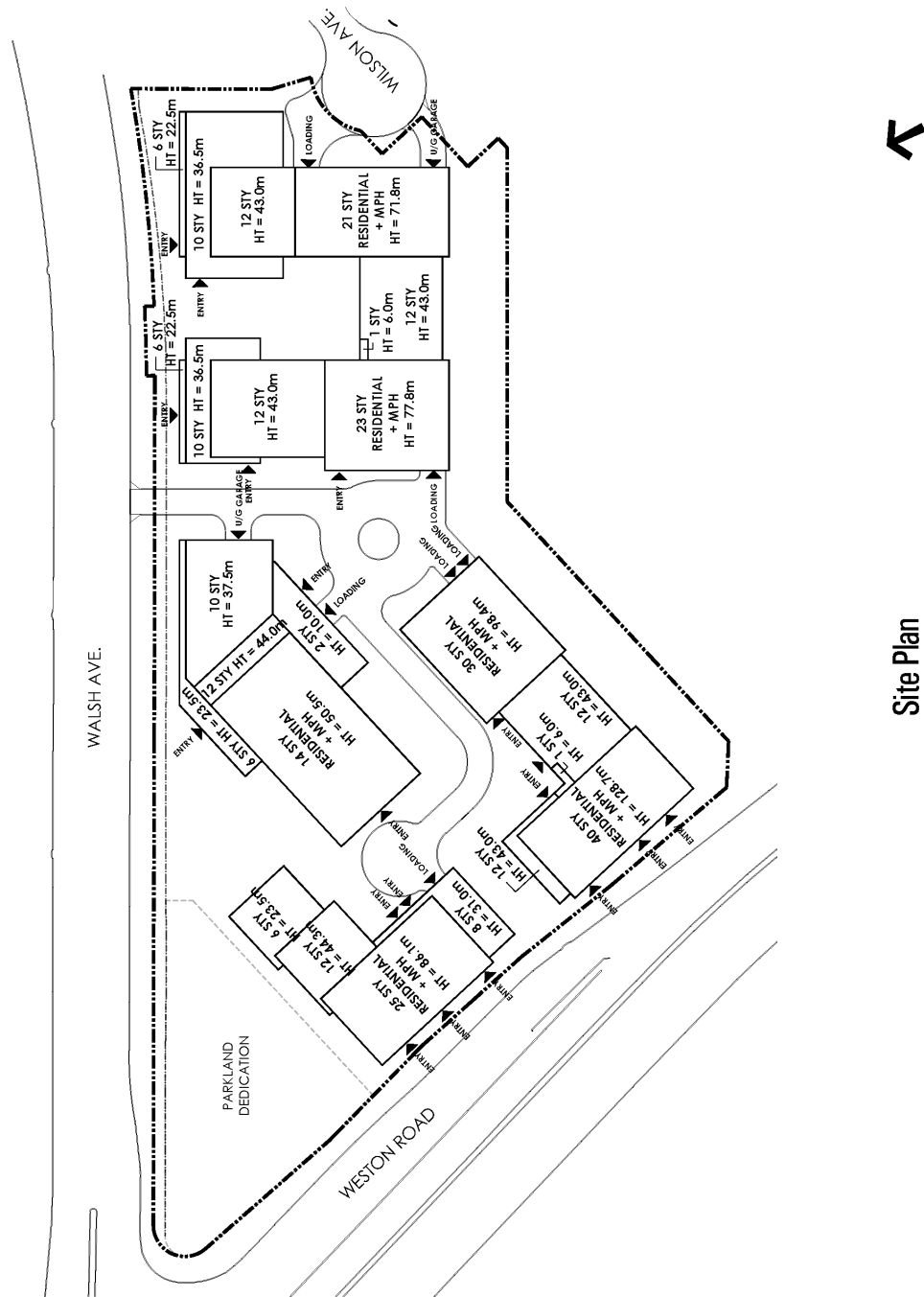
-  See Former City of North York By-law No. 7625
- R5** One-Family Detached Dwelling Fifth Density Zone
- C1** General Commercial Zone
- MC** Industrial-Commercial Zone


Not to Scale
Extracted: 09/26/2022

Attachment 5: Site and Area Specific Policy 67 Map

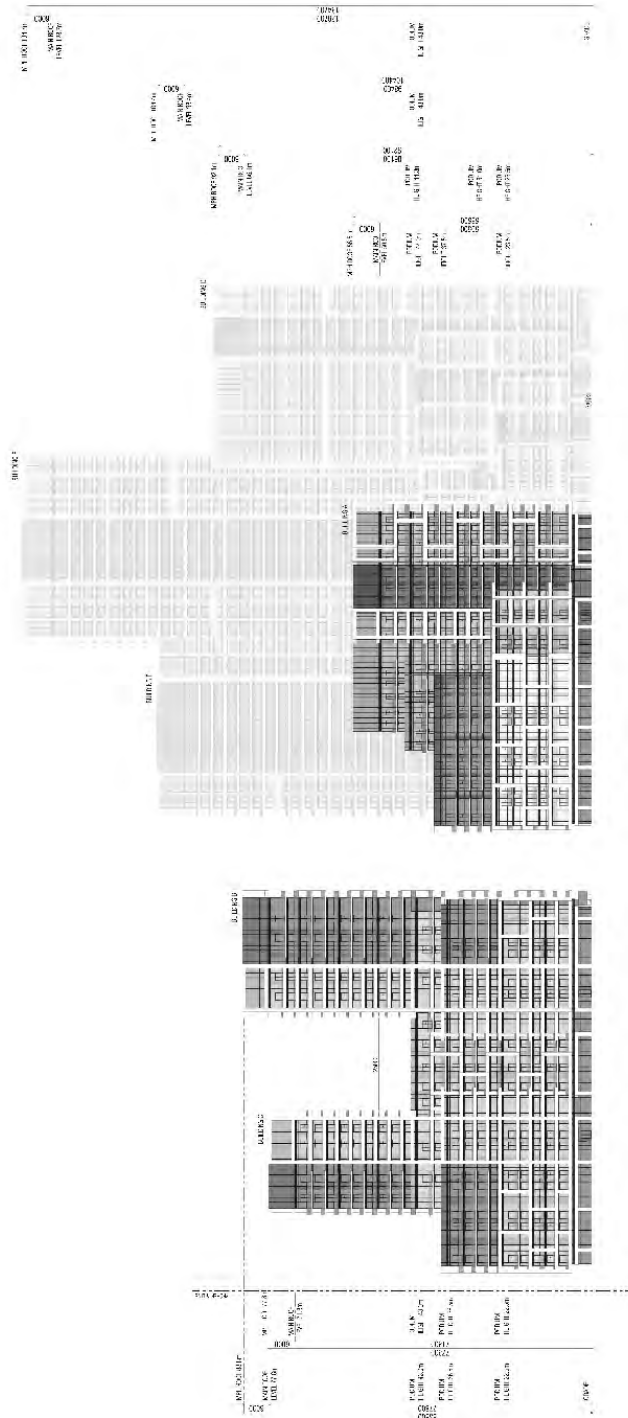


Attachment 6: Site Plan Drawing



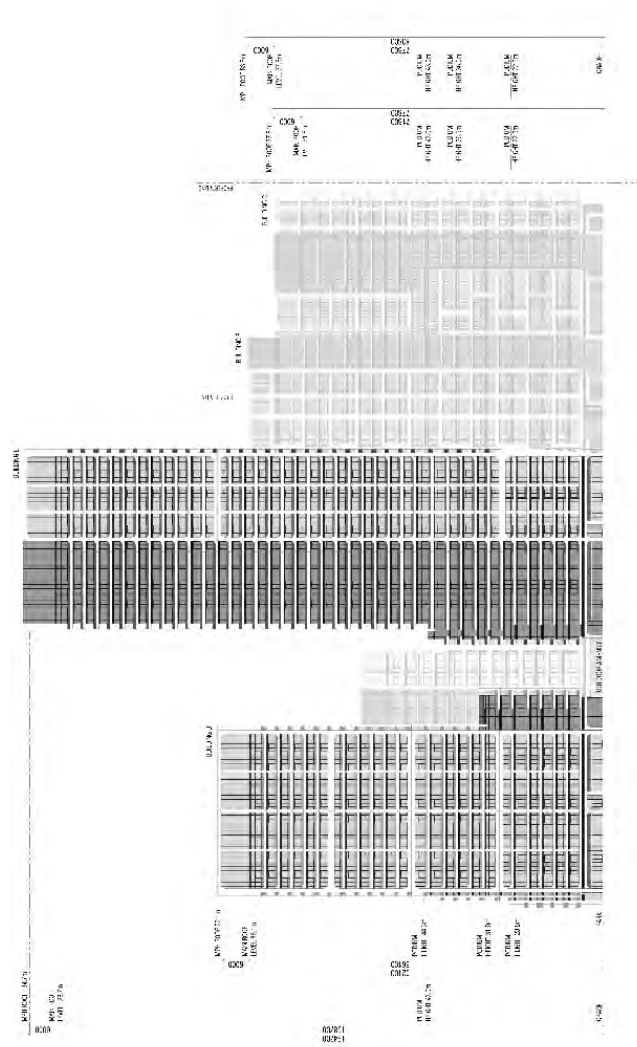
Site Plan

Attachment 7: North Elevation



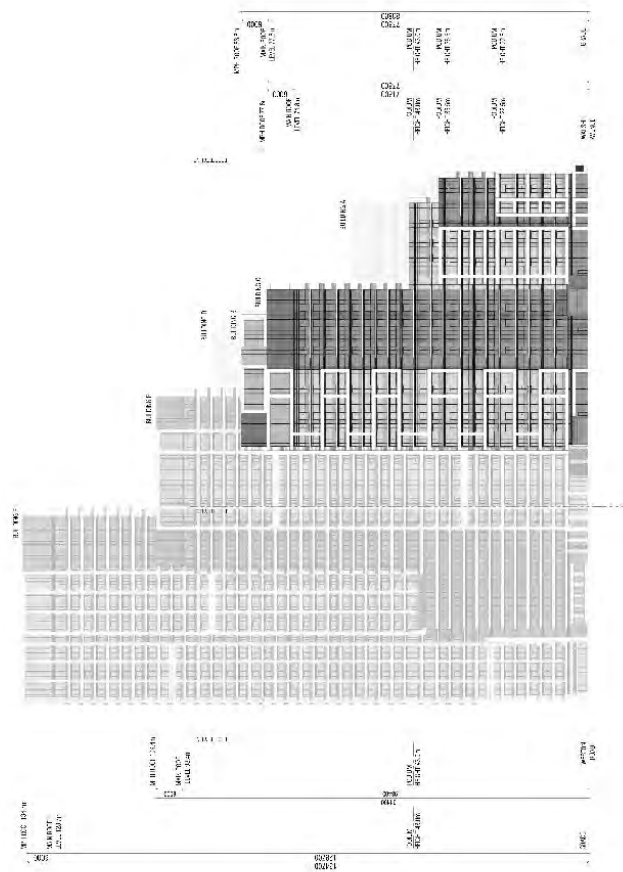
North Elevation

Attachment 9: West Elevation



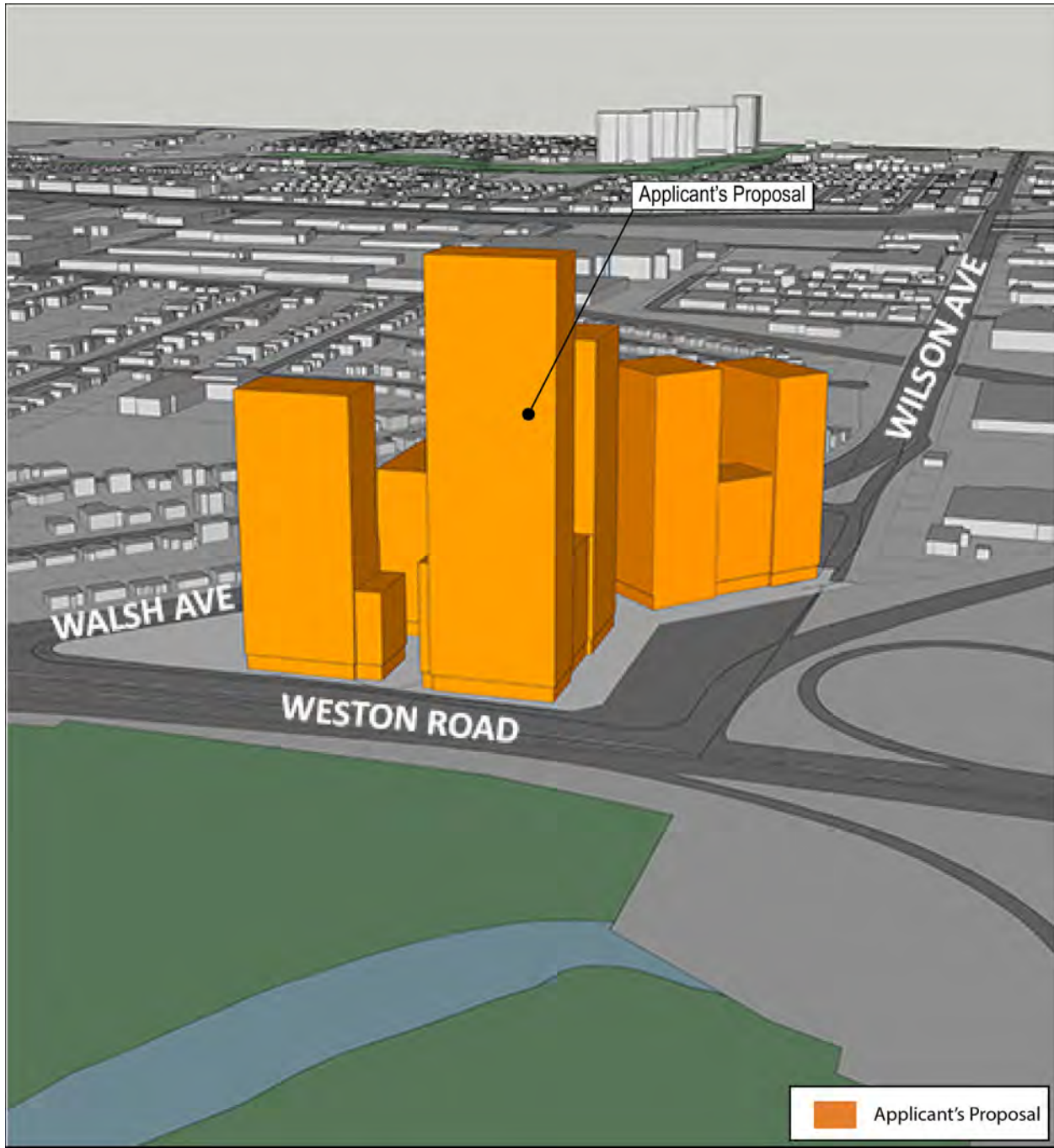
West Elevation

Attachment 10: East Elevation



East Elevation

Attachment 11: 3D Perspective of Proposal Looking Northeast



View of Applicant's Proposal Looking Northeast



03/082023

Attachment 12: 3D Perspective of Proposal Looking Southwest



View of Applicant's Proposal Looking Southwest


03/08/2023

Attachment 13: 3D Perspective of Proposal Looking Northwest



View of Applicant's Proposal Looking Northwest


03/082023

Attachment 14: 3D Perspective of Proposal Looking Southeast



View of Applicant's Proposal Looking Southeast

03/08/2023