

## **65, 73, 75, 77, 81 McCormack Street – Official Plan Amendment and Zoning By-law Amendment Application – Appeal Report**

**Date:** March 19, 2024

**To:** Etobicoke York Community Council

**From:** Director, Community Planning, Etobicoke York District

**Wards:** Ward 5 – York South-Weston

**Planning Application Number:** 22 123884 WET 05 OZ

### **SUMMARY**

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On December 15, 2022, a combined Official Plan Amendment and Zoning By-law Amendment application was submitted to permit the development of two mixed-use buildings of 10 and 12 storeys each at 65-81 McCormack Street. The proposal would have a total gross floor area of approximately 21,465 square metres and consist of 263 residential dwelling units and 2,256 square metres of non-residential space.

This site was converted through the City's Municipal Comprehensive Review process from *General Employment Areas* to *Mixed Use Areas* through Official Plan Amendment (OPA) 591 and includes a new site and area specific policy (SASP) 437, which applies to the subject lands. OPA 591 was adopted by City Council on July 22, 2022 and received Ministerial approval on December 13, 2023. There is no appeal of the Minister's decision.

On December 19, 2023, the applicant appealed its Official Plan Amendment and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision on the application within the prescribed time frame set out in the *Planning Act*. A Case Management Conference has been scheduled for May 1, 2024.

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

### **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the current Official Plan Amendment and Zoning By-law Amendment application appeal for 65-81 McCormack Street, and to continue discussions with the applicant to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeal, in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order be withheld until such time as the City Solicitor advises that:

a. The form and content of the Official Plan Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. The form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

c. The owner has addressed all outstanding issues identified within the Engineering and Construction Services correspondence dated October 30, 2023, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;

d. The owner has submitted a revised Transportation Impact Study including all requested revisions identified within the Engineering and Construction Services correspondence, dated October 30, 2023, to the satisfaction of the General Manager, Transportation Services;

e. The owner has submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, and such report shall determine the stormwater run-off, sanitary flow and water supply demand resulting from the development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and/or any upgrades that may be required;

f. The owner has addressed all outstanding issues identified by the Toronto and Region Conservation Authority (TRCA) and the City Divisions, associated with sufficient setbacks to natural hazard lands at the rear of the property including the need for updated materials, including a Landscape Plan, Planting Plan, Erosion and Sediment Control Plan, Functional Servicing and Stormwater Management report, Geotechnical Study and Hydrological Assessment, to the satisfaction of the General Manager of Parks, Forestry and Recreation and Chief Planner and Executive Director, City Planning;

g. The owner has provided a Pedestrian Level Wind Study, in accordance with the City's Terms of Reference, with such report to be reviewed and recommendations implemented as part of the Zoning By-law and/or secured in a development agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;

h. The owner has submitted a Natural Heritage Impact Study, to be peer reviewed by a third-party consultant on behalf of the City, with recommendations to be implemented as part of the amending Official Plan policies and Zoning By-laws and/or secured in a development agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;

i. The owner has submitted an Electromagnetic Field (EMF) Management Plan to be peer reviewed at the owner's expense, with recommendations to be implemented to the satisfaction of the Chief Planner and Executive Director, City Planning;

j. The owner has satisfactorily addressed matters from the Urban Forestry, Tree Protection and Plan Review, in response to future submissions filed by the owner, and provided required materials, including a Public Utilities Plan and a Site Grading Plan, all to the satisfaction of the General Manager, Parks, Forestry and Recreation;

k. The owner has submitted a phasing plan to demonstrate, to the satisfaction of the Chief Planner and Executive Director of City Planning, how the required non-residential gross floor area will be achieved; and

l. The owner has made revisions to meet the Toronto Green Standard requirements to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. In the event that the Ontario Land Tribunal allows the appeal, in whole or in part, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as:

a. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study, 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, at no cost to the City, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager, Transportation Services;

b. The owner has entered into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing;

c. The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met; and

d. Submission of a Compatibility and Mitigation Study (including air quality and noise and vibration) to be peer reviewed at the owner's expense, with recommendations to be implemented to the satisfaction of the Chief Planner and Executive Director, City Planning.

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

## **FINANCIAL IMPACT**

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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**

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The subject site was included within Official Plan Amendment 591, to amend the City of Toronto Official Plan and redesignate the subject site from *General Employment Areas* to *Mixed Use Areas* through Official Plan Amendment (OPA) 591, and a new SASP 437, which applies to the subject site. OPA 591 was adopted by City Council on July 22, 2022 and received Ministerial approval on December 13, 2023. The City Council decision can be found at the following link: [Agenda Item History - 2022.PH35.15 \(toronto.ca\)](#).

The current application was received and deemed complete as of December 15, 2022. At the time of the private applications, the site was designated General Employment Areas.

## **THE SITE**

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## **Description and Existing Use**

The site is located on the south side of McCormack Street, with a frontage of approximately 94.5 metres, a lot area of approximately 6,472 square metres and is comprised of four properties which form a rectangular shaped lot. There is a slope from east to west and a steep slope to the south of the site, where it backs onto the Lavender Creek corridor (see Attachment 2: Location Map).

The site is currently occupied by a two-storey residential building, a one-storey building currently being used for residential purposes, as well as several single-storey commercial buildings with associated outdoor storage for automotive-related uses.

## **Surrounding Uses**

The site is in an area with existing employment and low-rise residential uses and there are three Class II industrial facilities within 300 metres of the site, including two meat packing facilities and a hide processor. The surrounding land uses include:

North: On the north side of McCormack Street is a low-rise residential neighbourhood comprising of detached and semi-detached dwellings.

West: To the west of the site are commercial and industrial uses including automotive repair shops, manufacturing and food processing uses. To the northwest of the site are Harwood Public School and Harwood Park.

South: The site backs onto the Lavender Creek Linear Park, within the Crosstown West hydro corridor. Further south are industrial uses within the *Core Employment Areas* designation. To the southeast is the Stock Yards Village, which comprises of retail and commercial uses.

East: Along McCormack Street a similar pattern of light industrial and commercial uses continues, with a place of worship at the end of the block. Further east are low-rise residential buildings and the intersection of McCormack Street with Weston Road. In addition, this site is located just outside the boundary of the St. Clair-Old Weston SmartTrack/GO Transit Station Protected Major Transit Station Area (PMTSA), as approved by Council and awaiting Ministerial decision.

## **PROPOSAL**

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### **Proposed Use**

The application proposes to permit two mixed-use buildings. Building A would be 10 storeys tall and Building B would be 12 storeys tall. Combined, there would be a total of 263 residential units (126 units in Building A; 137 units in Building B), and 2,256 square

metres of non-residential gross floor area, with a total of 21,465 square metres total gross floor area.

### **Height and Density**

The proposed 10-storey building would have a height of approximately 36 metres and the proposed 12-storey building would have a height of approximately 42 metres.

The development would have an overall density of 3.32 times the area of the site.

### **Unit Breakdown**

The proposed 263 dwelling units include 171 (65%) one-bedroom units, 67 (25%) two-bedroom units and 25 (9.5%) three-bedroom units.

### **Access, Parking and Loading**

Vehicular access for the site would consolidate the existing accesses from McCormack Street into one shared driveway leading to an internal driveway aisle between the two buildings which also would provide access to the two-storey underground shared parking garage and loading spaces for each building. Access to the shared underground garage would be built into the base of Building B. A drop-off and pick-up area for each building is proposed within the internal driveway area.

The shared underground parking garage would contain 149 residential occupant parking spaces, 39 residential visitor parking spaces and 22 parking spaces for the proposed non-residential uses, for a total of 210 parking spaces.

A total of 291 bicycle parking spaces are proposed, of which 252 would be reserved for residential occupant use, 27 would be for residential visitor use, five for long-term non-residential use and seven for short-term non-residential use.

Two combination Type G/ Type B loading spaces are proposed on the site, one for each building.

### **Amenity Space**

Four square metres per unit of amenity space is proposed based on two square metres per unit of indoor and outdoor amenity space for a combined total of 1,052 square metres of amenity space within the proposed development. This includes 252 square metres of indoor amenity and 251 square metres of outdoor amenity for Building A; and 274 square metres of indoor and 274 square metres of outdoor amenity for Building B.

The proposed outdoor amenity space is located within the internal courtyard between the two buildings and connects to the indoor amenity space provided within each

building on the ground floor. Additional indoor amenity space is also located on the mezzanine level of each building.

### **Additional Information**

See Attachments 1-6 of this report for an Application Data Sheet, Location map, Official Plan map, Zoning By-law map, Site Plan and Elevations for additional information. Detailed project information including all plans and reports submitted as part of this application can be found on the City Application Information Centre website [here](#).

### **Reasons for Application**

The Official Plan Amendment and Zoning By-law Amendment application proposes to amend the Official Plan and the Zoning By-law 569-2013 to permit the proposed development and introduce site-specific performance standards. Zoning standards that need to be amended include permitted use, building height, building setbacks and floor space index. At the time of application, the site was designated *General Employment Areas*. The site has subsequently been converted to Mixed Use Areas, along with a new SASP 437.

### **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

## **POLICY CONSIDERATIONS**

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### **Provincial Land Use Policies**

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

### **Official Plan**

The site was recently re-designated from *General Employment Areas* to *Mixed Use Areas* through the City's Municipal Comprehensive Review in Official Plan Amendment (OPA) 591 (see Attachment 3: Official Plan Land Use Map), along with a new SASP 437 which applies to the subject lands.

SASP 437 requires that redevelopment provides a minimum non-residential gross floor area equivalent to one times the site area, excluding lands conveyed to the City or other public body for new parks, open spaces, natural areas, streets and/or lanes, or fifteen percent of the total gross floor area of the proposed development, whichever is less. SASP 437 also directs that retail and personal service uses will comprise a maximum of

49 percent of the non-residential gross floor area. A phasing plan is required to demonstrate how the non-residential gross floor area will be incorporated into the development.

SASP 437 also requires considerations to the impacts of the development on the public realm, including: limiting street wall heights at two to four storeys, limiting building height to fit within a 45-degree angular plane measured at 80 percent of the public right-of-way, restricting shadow impacts on existing parks and open space and confirming compatibility with residential and sensitive land uses to the north of the site, as well as the industrial uses to the south of the site. SASP 437 further requires the provision of a minimum amount of affordable housing, either 10 percent of the total new residential gross floor area as affordable ownership housing or seven percent of the total new residential gross floor area as affordable rental housing, in the case of a condominium development. If a purpose-built rental development is proposed after 2025, a minimum of five percent of the total new residential gross floor area will be secured as affordable rental housing.

Official Plan Policy 3.4.1(e) states that, to support strong communities a competitive economy and a high quality of life, public city-building activities and changes to the built environment, will be environmentally friendly, based on reducing the risk to life, health, safety, property and ecosystem health that are associated with unstable slopes and erosion lands and must consider the potential impact of climate change that may increase the risk associated with natural hazards. Policy 3.4.9 states that alternations of the existing slope of a valley, ravine, or bluff for the purpose of accommodating development will not be permitted.

The site is adjacent to the Natural Heritage System (NHS) identified in Map 9 of the Official Plan and is also adjacent to lands with a *Natural Areas* designation. Where development is proposed within or adjacent to the NHS, policies within section 3.4 of the Official Plan generally require a Natural Heritage Impact Study (NHIS) to assess potential development impacts on the natural environment and identify mitigation measures and/or improvements to the natural system, features and functions, taking into account consequences for buffer areas. Policy 3.4.8 requires a minimum 10-metre development setback from the greater of the long-term stable top of slope or top of bank. Upon review of the NHIS and associated materials, an appropriate vegetative buffer from the dripline may also be required to reduce negative impacts and improve the natural environment. The site is also subject to the Ravine and Natural Features Protection By-law and is within the Toronto and Region Conservation Authority Regulated Area.

Toronto Official Plan policies can be found [here](#).



## **Zoning**

The site is zoned Employment Industrial zone E (E1.0) in the city-wide Zoning By-law 596-2013. A range of commercial, institutional, and industrial uses, including most manufacturing uses, are permitted within the E zone and residential uses are not permitted. Zoning By-law 569-2013 can be found [here](#).

## **Design Guidelines**

The following design guidelines are relevant in the consideration of the proposal:

- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings; and
- Toronto Accessibility Design Guidelines.

Design guidelines can be found [here](#).

## **Toronto Green Standard**

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found [here](#).

## **COMMUNITY CONSULTATION**

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A Community Consultation Meeting on this application has not been held. Email correspondence from the public has been received and is generally in support of the transition of this site from employment lands to mixed-use areas and the provision of housing in the community.

## **COMMENTS**

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### **Provincial Framework**

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). The proposal is not consistent with the PPS policies concerning matters such as, but not limited to, accommodating an appropriate affordable and market-based range and mix of residential types, avoiding development and land use patterns which may cause environmental or public health and safety concerns and implementing appropriate development standards which facilitate intensification and redevelopment while avoiding or mitigating risks to public health and safety. Section 3.1 of the PPS speaks to natural hazards where development is discouraged. Policy 3.1.2 c) 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. Utilizing the portion of the site identified as hazard area for public parkland is not consistent with the PPS. The proposal does not conform to Growth Plan policies, including but not limited to, policies speaking to the protection and enhancement of natural heritage, hydrologic and landform systems, and supporting a range and mix of housing options, including affordable housing.

Additionally, the proposal has not demonstrated compatibility with nearby employment uses, as required by PPS (2020) and Growth Plan (2020) policies.

### **Land Use**

Although the proposed uses are permitted in the newly re-designated *Mixed Use Areas*, the proposal in its current form does not provide sufficient setbacks to natural hazard lands at the rear of the property or the dripline, as staked by TRCA. Official Plan policy 3.4.1(e) directs that changes to the built environment should reduce the risks to life, health, safety and property through maintaining ecosystem health and preventing risks associated with unstable slopes, erosion, and considering the impacts of climate change on existing natural hazards. Official Plan policy 3.4.8 specifically directs development to be set back at least 10 metres or more from existing or potential natural hazards, such as the top-of-bank and toe-of-slope of valleys and ravines. The proposed development currently encroaches into the required 10-metre setback to the delineated physical top of bank and associated dripline of vegetation contiguous with the valley. The Long Term Stable Top of Slope is unknown at this time, and will need to be determined as per the studies required by the TRCA. The appropriateness of the proposed dripline setback should be discussed in the NHIS and will be assessed by the City's natural heritage consultants and City staff as part of the NHIS peer review. Lands within the 10-metre buffer from the greatest combined extent of the top of bank and Long Term Stable Top of Slope are to be re-designated to Natural Areas in the Official Plan and zoned ON in the Zoning By-law and may be conveyed to public ownership. Pending review of NHIS and associated materials, the dripline buffer may also be a determinant in the extent of the lands requested for redesignation.

The proposed mixed-use buildings, although permitted within the land use designation of the site, would be adjacent to existing employment uses, and within close proximity to *Core Employment Areas*, less than 100 metres to the south, some of which may be incompatible with the proposed residential uses. Ensuring compatibility of land uses in the vicinity of Employment Lands is required by Official Plan policy 2.2.4.5. A Land Use Compatibility and Mitigation Study was submitted in support of the proposed application, however, the study has not yet been peer reviewed, as per Official Plan policy 2.2.4.7, to assess the appropriateness of the proposed development and mitigation strategies.

The current proposal does not meet the requirements outlined in SASP 437. The minimum required amounts of non-residential GFA and affordable housing are not being achieved. The types of non-residential uses to be provided are unclear, and a phasing plan was not provided. The required street wall height, building height and compatibility with residential and sensitive uses to the north of the site are not being achieved.

The proposal is not conforming to the natural environment policies of the Official Plan, and has not demonstrated conformity with SASP 437. Additionally, a redesign of the site would be required to reflect the revised limit of development respecting the Long Term Stable Top of Slope and associated 10-metre buffer and dripline to the rear of the site, and this 10-metre buffer is to be included within a *Natural Areas* Official Plan designation, and ON Zone within the Zoning By-law. Additionally, the proposal has not demonstrated compatibility with the surrounding employment uses.

### **Height and Massing**

This application is proposing two mid-rise, mixed-use buildings with heights ranging from 10 to 12 storeys along McCormack Street, which has a right-of-way (ROW) width of approximately 20 metres. On the north side of McCormack Street, directly across from the subject site, the lands are designated as *Neighbourhoods* and consist of low-rise detached and semi-detached residential development, as well as a public park. While the proposed mixed-use, mid-rise development is generally permitted on the subject lands, the proposal must have regard for appropriate transition to the low-rise character of the *Neighbourhoods* and *Open Space* lands, in conformity with Official Plan policies, as well as SASP 437, which direct that development along this street frontage should provide low-rise streetwall heights and the massing of upper floors should stepback to provide comfortable pedestrian conditions and perception of height, as well as appropriate transition towards the low-rise areas, parks, and open space to the north.

The proposed development heights, at 10 storeys (36 metres) and 12 storeys (42 metres), may be acceptable on these lands given the deeper lot size and Local Area Study analysis, however, the resulting SASP 437 specifically sets out performance measures to ensure proposed building heights and massing above a typical 1:1 mid-rise scale would fit within the existing and planned context, provide good transition and maximize sunlight access on the public realm. The proposed building heights and massing do not fit within the 45-degree angular plane taken at 80% of the ROW at the property line as required by SASP 437, which results in shadow impacts on the north sidewalks during the spring and fall. The proposed building heights and massing also cast new morning shadows at the southwest corner of Harwood Park at 10:18 a.m. during the spring and fall equinoxes which conflicts with the policy directions. The building massing, including the mechanical penthouse, should be aligned with appropriate setbacks and stepbacks at upper floors to reduce shadow impacts, maximize sunlight, and provide a well-proportioned mid-rise building as required by the Official Plan, Guidelines and planned context for the area.

The proposed streetwall heights along McCormack Street range from two to six storeys and are taller at many sections along the street than the maximum height of four storeys as permitted in SASP 437. The proposed streetwall heights are not reflective of the existing and planned context and should be adjusted to provide a compatible fit and transition to the existing low-rise context north of McCormack Street and to create an appropriate street proportion and pedestrian scale.

The proposed buildings are not aligned to the street nor with the sidewalk level and are setback from the street edge ranging between 6.3 to 9.5 metres. The buildings should include streetwalls that are generally aligned parallel to McCormack Street and be sited closer to the street frontage and sidewalk grades, while maintaining an appropriately landscaped front yard condition that supports tree planting, barrier-free pedestrian access to all shared and publicly accessible building entrances and active marketing space to support the proposed non-residential uses at grade.

### **Sun and Shadow**

The Sun and Shadow Study provided with the application does not demonstrate compliance with the Official Plan, SASP 437 and the Mid-Rise Building Performance Standards as described above. The SASP requires that no new net shadow is cast on Harwood Park and the Harwood Public school yard from 10:18 a.m. to 4:18 p.m. on March 21st and September 21st. Fitting the building massing within a 45-degree angular plane measured at 80% of the ROW, as also required by SASP 437, would achieve five continuous hours of sunlight on the sidewalk on the opposite side of the street in accordance with the Mid-rise Building Performance Standards.

### **Wind Impacts**

A Pedestrian Level Wind Study is required but was not provided with this application, therefore, the application cannot be assessed to determine whether the proposed development would generate unsafe or uncomfortable wind conditions for pedestrians and what, if any, mitigation strategies would be required.

### **Traffic Impact, Access, Parking**

A Transportation Impact Study (TIS), prepared by NexTrans Consulting Engineers, dated January 5, 2022, was submitted in support of the application. Revisions to the TIS and architectural drawings are required as outlined in the Engineering and Construction Services memorandum dated October 30, 2023. Additional information is required, including clarification of the nature of the proposed non-residential use.

Site access is proposed through a consolidated driveway from McCormack Street to an internal drive aisle which also provides access to the underground parking garage, at-grade loading facilities, bicycle parking within the underground parking garage, and two pick-up and drop-off areas, one adjacent to each building.

One combined Type G/ Type B loading space is proposed for each building, which is not sufficient. The proposal must be revised to provide one Type G and one Type C loading space for each building, for a total of two Type G and two Type C loading spaces on the site.

The proposed shared underground parking garage would contain 149 residential occupant parking spaces, 39 residential visitor parking spaces and 22 parking spaces for the proposed non-residential uses, for a total of 210 parking spaces. While the residential and non-residential parking rates are acceptable, the proposed number of visitor parking spaces exceeds the maximum permitted under the new parking standards by-law 89-2022 by nine parking spaces. The proposed number of visitor parking spaces should be revised to 30 spaces to satisfy the requirements of the by-law.

The proposed supply of accessible parking spaces is deficient. The by-law requires a minimum of 10 accessible parking spaces, whereas only seven accessible parking spaces are provided.

The applicant is encouraged to provide two to three car share spaces to support the reduction of single-occupant vehicle trips generated by the development.

A total of 291 bicycle parking spaces are proposed, of which 252 would be reserved for residential occupant use, 27 would be for residential visitor use, five for long-term non-residential use and seven for short-term non-residential use. The proposed supply of bicycle parking spaces is insufficient; revisions are required to increase the bicycle parking supply to 53 spaces for residential visitors and eight spaces for short-term non-residential use to meet the requirements of the by-law.

### **Streetscape and Accessibility**

The proposed 2.1-metre-wide unobstructed sidewalk along McCormack Street will improve the existing condition along the current south side of McCormack Street. However, the proposed sidewalk does not appropriately interface with the proposed building and curb cut for the driveway entrance. Revisions are required to provide a continuous walkway across the curb cut and to provide barrier-free access to main building entrances from the public sidewalk.

The proposed pedestrian connection from McCormack Street to Lavender Creek along the west side of the site features grade changes which would create a challenge for users with accessibility needs. To align with policy directions and the Toronto Accessibility Design Guidelines, the proposed site grading, landscape and building design requires revision to ensure barrier-free access and paths of travel are provided for all users along the pedestrian connection proposed to the west of the building.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans prepared by Counterpoint Engineering, dated January 2022, was submitted in support of the proposal. In correspondence dated October 30, 2023, Engineering and Construction Services staff stated that further information and revisions to the report would be required to accurately determine stormwater runoff, sanitary flow and water supply demand resulting from this development and determine whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

## **Housing Issues**

SASP 437 requires that any new development on the subject site will provide affordable housing, either at least 10% of units as affordable ownership units; or at least 7% of the new residential GFA as affordable rental housing. The proposal does not currently speak to the provision of affordable housing on site.

## **Unit Mix**

The proposed development will provide 67 two-bedroom (25%) residential units and 25 (less than 10%) three-bedroom units. The Growing Up Guidelines recommend a minimum of 25% two- and three-bedroom units within a new development, of which a minimum of 15% should be two-bedroom units and 10% three-bedroom units. Although the proposal provides the combined rate of larger units, at least one more three-bedroom unit should be provided to meet the Growing Up Guidelines' direction.

## **Toronto Transit Commission**

In correspondence dated March 14, 2023, Toronto Transit Commission staff advised that a Wheel-Trans vehicle should be able to enter and exit the site and requested a vehicle manoeuvring diagram to demonstrate adequate space to manoeuvre such a vehicle. Where a Wheel-Trans vehicle cannot be accommodated on the site, alternatives are to be provided.

## **Parkland**

In accordance with Section 42 of the *Planning Act*, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

## **Privately Owned Publicly-Accessible Open Space (POPS)**

In accordance with the Official Plan, Privately Owned Publicly-Accessible Spaces (POPS) are spaces that contribute to the public realm, but remain privately owned and maintained. POPS do not replace the need for new public parks and open spaces. The provision of a publicly accessible mid-block connection from Harwood Park to Lavender Creek Trail is in line with the Official Plan, and SASP 437 policies and would contribute positively to the public realm in the vicinity of the development. Staff recommend that these lands be secured as a POPS, or be provided with a public easement for the purposes of retaining an open space connection between Harwood Park and the trail system to the south of the site.

## **Ravine and Natural Heritage Protection**

Lands to the rear of the site fall within the Toronto and Region Conservation Authority (TRCA) Regulated Area, as the site is adjacent to, and falls within the Lavender Creek valley corridor part of the Humber River watershed. A portion of the lands also fall within the City's Ravine and Natural Features Protections (RNFP) area. A permit is required from the TRCA prior to any development or site alteration taking place, and a permit is required from RNFP prior to any tree removals within the regulated lands.

TRCA staff have reviewed the current proposal and recommend deferral of the application until such time as the limits of development have been determined for the site. The Long-Term Stable Top of Slope is unknown and needs to be determined through a geotechnical study. The proposed buildings encroach into the required 10-metre setback from the delineated physical Top of Bank. An additional three-metre structural setback beyond the required 10-metre setback to Long Term Stable Top of Slope, once determined would also be required, both for above ground and below ground structures.

In addition to the required geotechnical study, further information and revisions are required to the Functional Servicing and Stormwater Management Report to satisfy TRCA requirements. An Erosion and Sediment Control Plan is required and has not yet been submitted. Additional plans and information are also required to complete RNFP review of the application, including a revised Tree Protection Plan and Landscape/Planting Plan.

A Natural Heritage Impact Study (NHIS), prepared by Dillon Consulting, dated February 2022, was submitted in support of the application. This study requires a peer review to assess the proposed impacts to the Natural Heritage System and recommend appropriate mitigation and/or enhancement. As noted in the report, the development is proposed within 10-metres of the dripline staked by TRCA. The City's natural heritage consultants will conduct a peer review of the NHIS and associated submission materials.

Once the Long-Term Stable Top of Slope and associated buffer (minimum 10 metres) are determined and the minimum buffer requirements from the dripline are confirmed, staff recommend these lands be redesignated to *Natural Areas* within the Official Plan and be zoned ON (Open Space - Natural) in city-wide Zoning By-law to protect them for the long term. The hazard lands and associated buffer may be conveyed to public ownership. A three-metre structural buffer for lands above and below ground will be required to the new open space block or lot line if hazard lands and the associated 10-metre buffer are conveyed to public ownership.

### **Land Use Compatibility and Mitigation, including Air Quality and Noise**

The proposed development is within proximity to lands designated *Core Employment Areas and General Employment Areas* and are within the area of influence of fifty-nine industrial facilities. A Land Use Compatibility study addressing air quality, dust and odour, prepared by SLR Consulting, dated April 2022; a Land Use Compatibility Study addressing air quality and noise impacts, dated June 2021 and prepared by RWDI Consulting; and a Noise and Vibration Impact Study, prepared by RWDI Consulting, dated February 2022, were submitted in support of the application. These studies will require peer reviews.

### **Electromagnetic Field**

An Electromagnetic Interference (EMI) Survey, prepared by Brosz Technical Services Inc., dated November 4 2021, was submitted in support of the application. This document will require a peer review.

### **Tree Preservation**

An Arborist Report and Tree Protection Plan, prepared by Urban Forest Innovations Inc., dated December 2021, was submitted in support of the application. However, a Public Utility Plan and Grading Plan was not provided with the application, and as such, Urban Forestry Staff have been unable to review the proposed development. Additional information is required in order to complete the review.

### **Toronto Green Standard**

The proposed development is required to meet Tier 1 of the Toronto Green Standard (TGS) Version 4 and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net zero emissions by 2050 or sooner. TGS measures such as bicycle parking and soil volume would need to be secured in the Zoning By-law amendment process. Other applicable TGS performance measures would be secured through the Site Plan Control review process, should the application be approved. Revisions and additional information, including a Soil Volume Plan and Green Roof Plans are required to complete the review of TGS requirements.



## **School Boards**

Both the Toronto Catholic District School Board (TCDSB) and the Toronto District School Board (TDSB) noted that there is sufficient capacity at local schools to accommodate students from the proposed development.

## **CONCLUSION**

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As currently proposed, the application does not have regard for matters of Provincial Interest, is inconsistent with the PPS (2020), does not conform with the Growth Plan (2020), does not conform to the Official Plan, and does not meet the intent of the applicable design guidelines.

In its current form, the application has not demonstrated that the proposed development is within the limit of the policy framework, and the setbacks, building placement and massing of the proposal are not in keeping with the existing and planned context.

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

## **CONTACT**

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Rabia Ahmed, Planner, Community Planning  
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E-mail: [Rabia.Ahmed@toronto.ca](mailto:Rabia.Ahmed@toronto.ca)

## **SIGNATURE**

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Michael Mizzi, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

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### **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

## **Applicant Submitted Drawings**

Attachment 5: Site Plan

Attachment 6a: North Elevation

Attachment 6b: South Elevation

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 65 McCormack Street Date Received: December 15, 2022

Application Number: 22 123884 WET 05 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposed development of 10- and 12-storey buildings containing 263 units which will include approximately 21,465 square metres of gross floor area, comprised of approximately 19,209 square metres of residential space, and 2,256 square metres of non-residential space.

Applicant	Architect	Owner
Michael Bissett Bousfields Inc. 3 Church Street, Suite 200 Toronto, ON., M5E 1M2	TACT Architecture Inc. 660R College Street, (Rear Lane), Toronto, ON., M6G 1B8	Fernando Matos Greenline Renovations Plus 240 Rockcliffe Court Toronto, ON., M6N 5G6

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	SASP 437
Zoning:	Employment Industrial Zone E1.0	Heritage Designation:	Y
Height Limit (m):	N/A	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	6,472	Frontage (m):	95	Depth (m):	Varies, 66.2 to 70
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,750	2,750
Residential GFA (sq m):			19,209	19,209
Non-Residential GFA (sq m):			2,256	2,256
Total GFA (sq m):			21,465	21,465

Height - Storeys: 10 and 12 10 and 12  
 Height - Metres: 36 and 42 36 and 38

Lot Coverage Ratio 42.49 Floor Space Index: 3.32  
 (%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)  
 Residential GFA: 19,209  
 Retail GFA: 2,256  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			263	263
Other:	2	0		
Total Units:	2	0	263	263

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			171	67	25
Total Units:			171	67	25

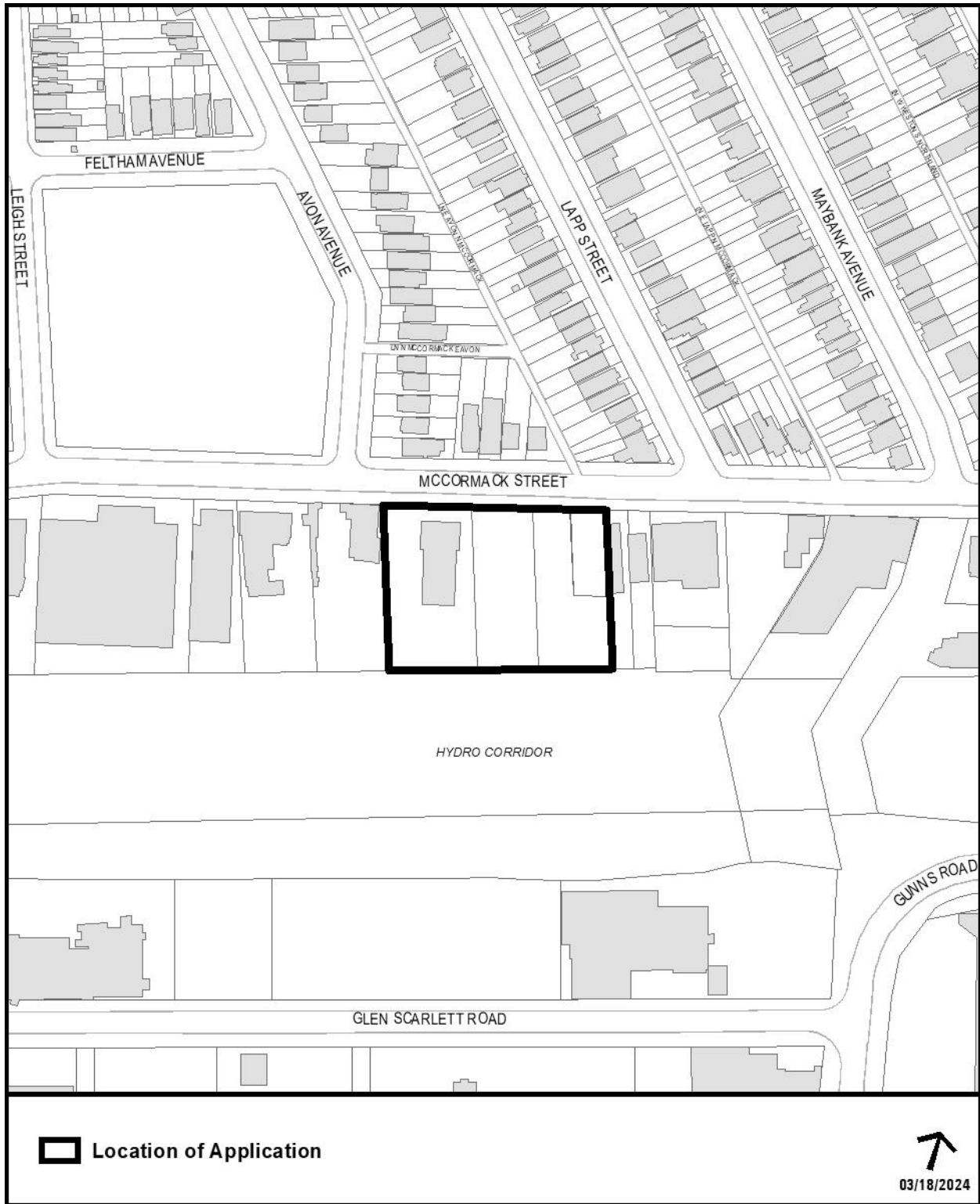
Parking and Loading

Parking Spaces: 210 Bicycle Parking Spaces: 291 Loading Docks: 2

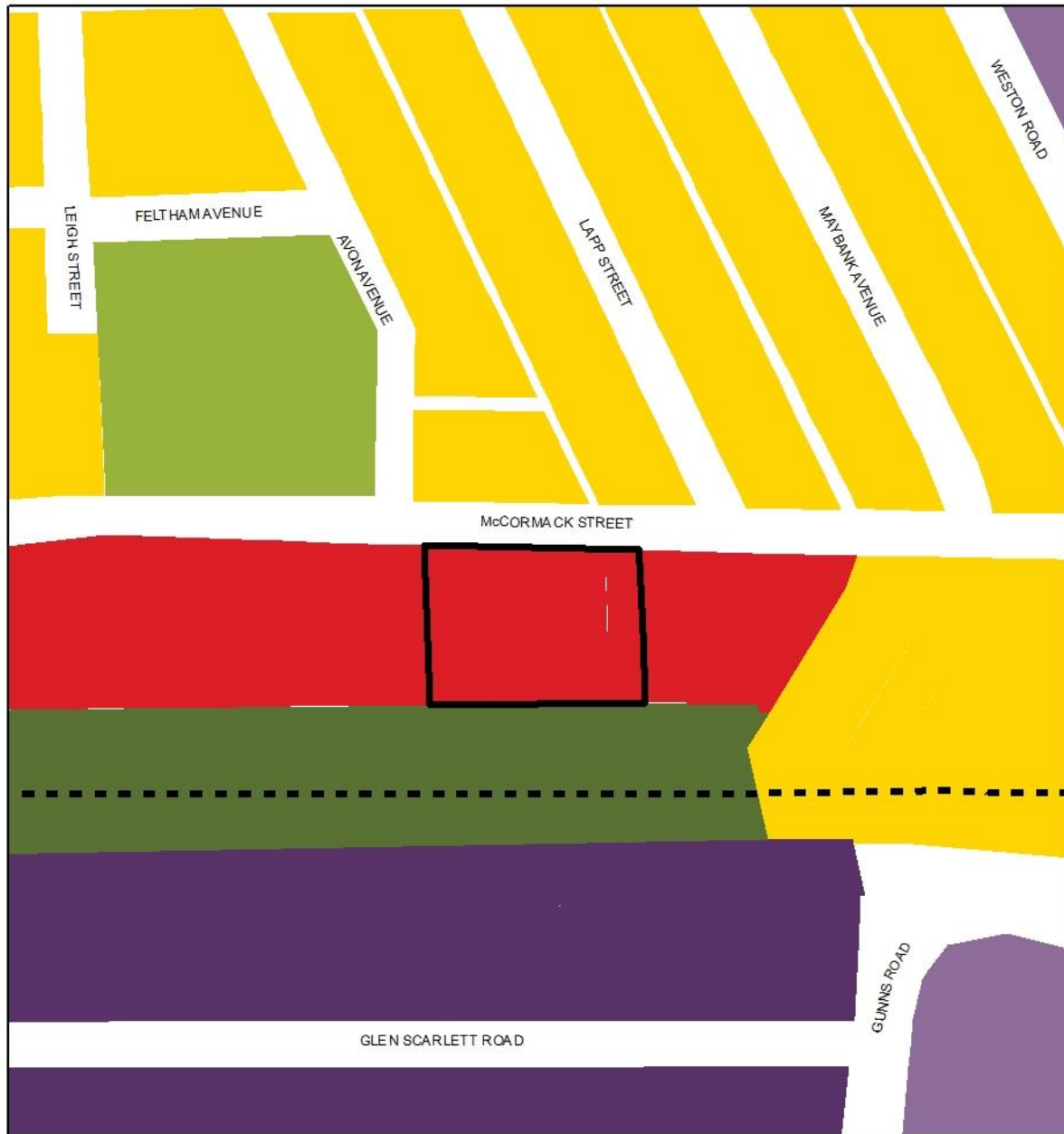
CONTACT:

Rabia Ahmed, Planner, Community Planning  
 416-392-2821  
 Rabia.Ahmed@toronto.ca

## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map # 17

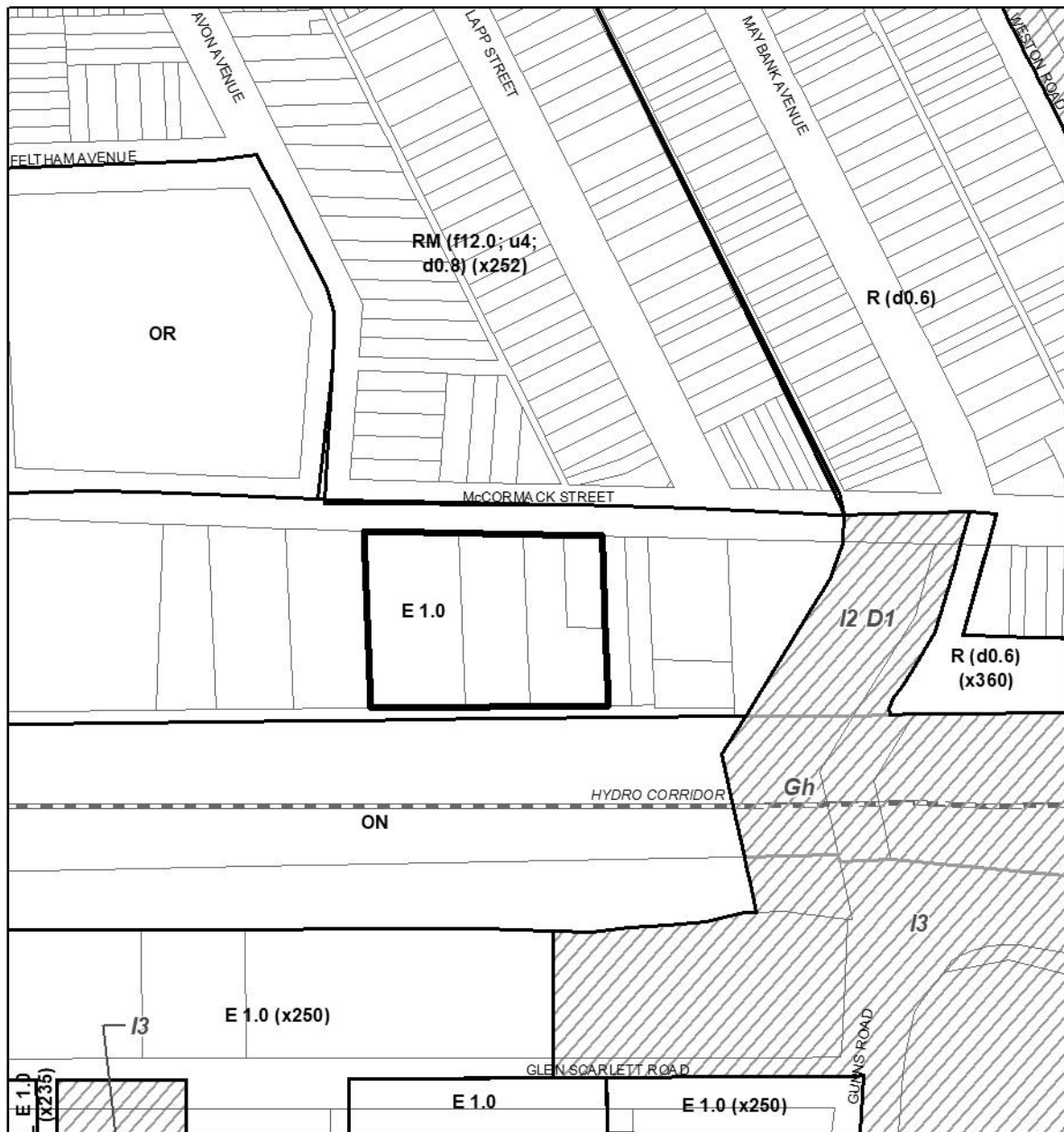
65-81 MCCORMACK ST

File # 22 123884 WET 05 02

- Location of Application
- Neighbourhoods
- Natural Areas
- General Employment Areas
- Mixed Use Areas
- Parks
- Core Employment Areas

↑  
Not to Scale  
Extracted: 03/18/2024

# Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

65-81 MCCORMACK ST

File # 22 123884 WET 05 0Z

Location of Application

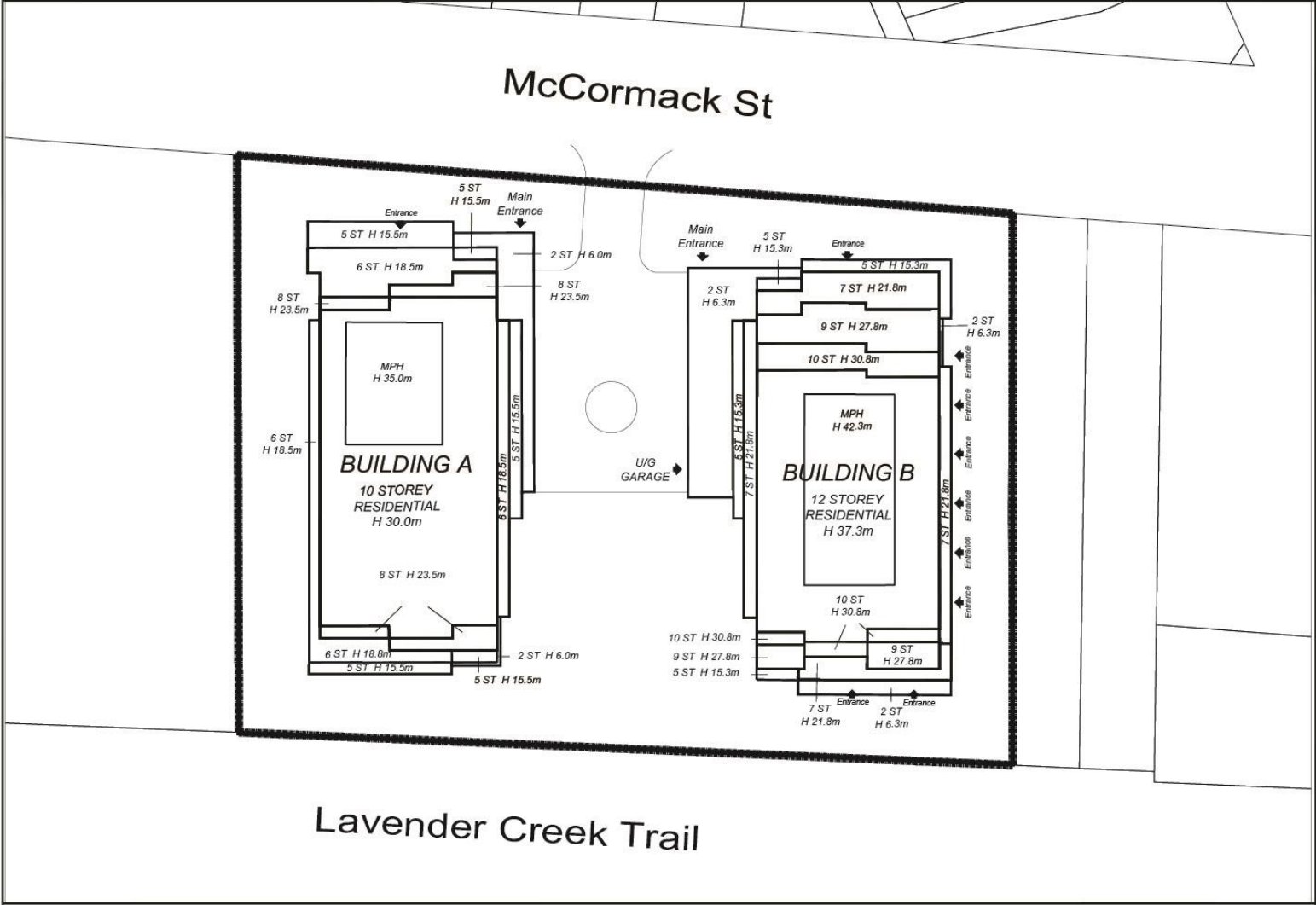
R Residential  
 RM Residential Multiple  
 E Employment Industrial  
 ON Open Space Natural  
 OR Open Space Recreation

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

I2 Industrial District  
 I3 Industrial District  
 IC Industrial District  
 Gh Parks District



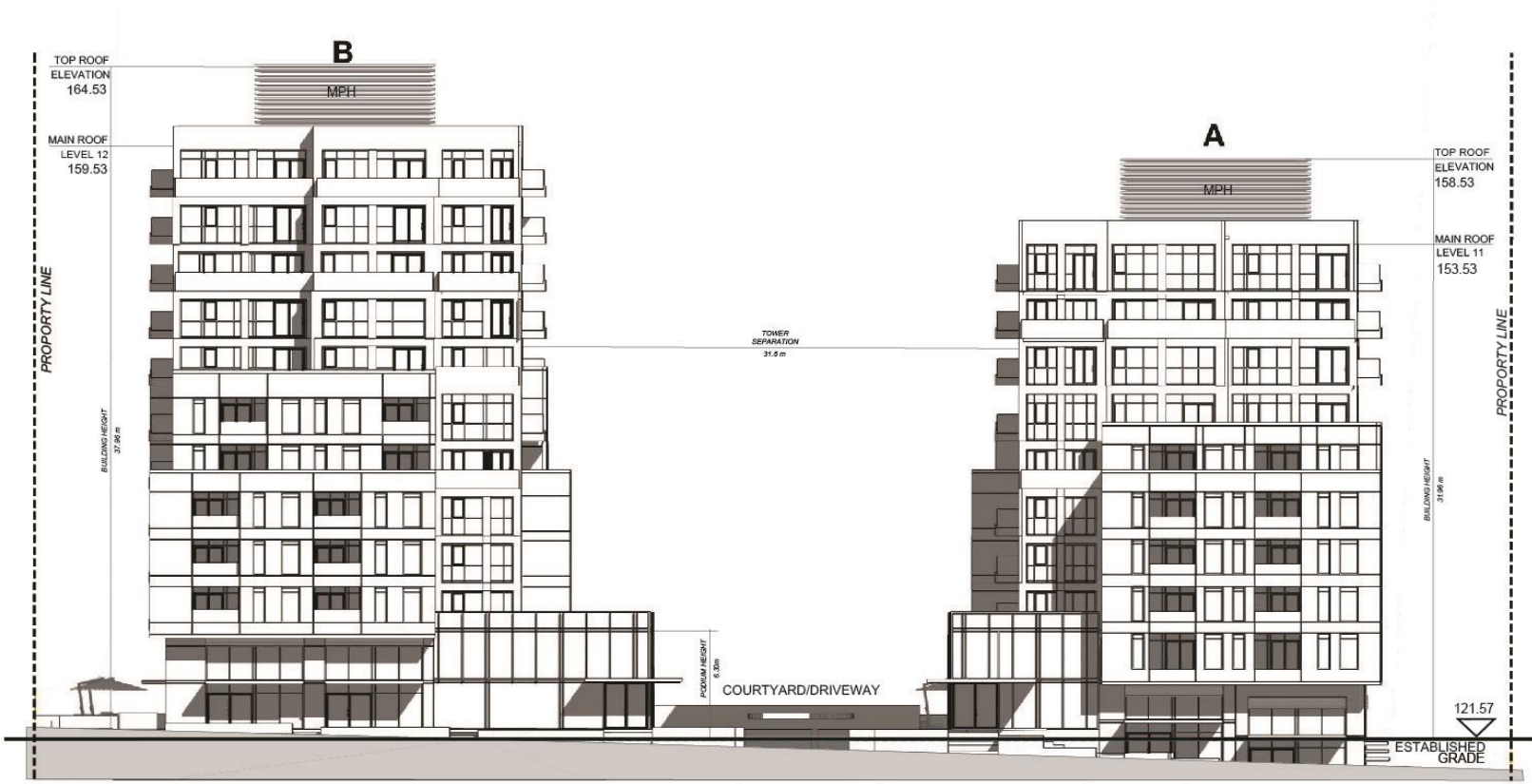
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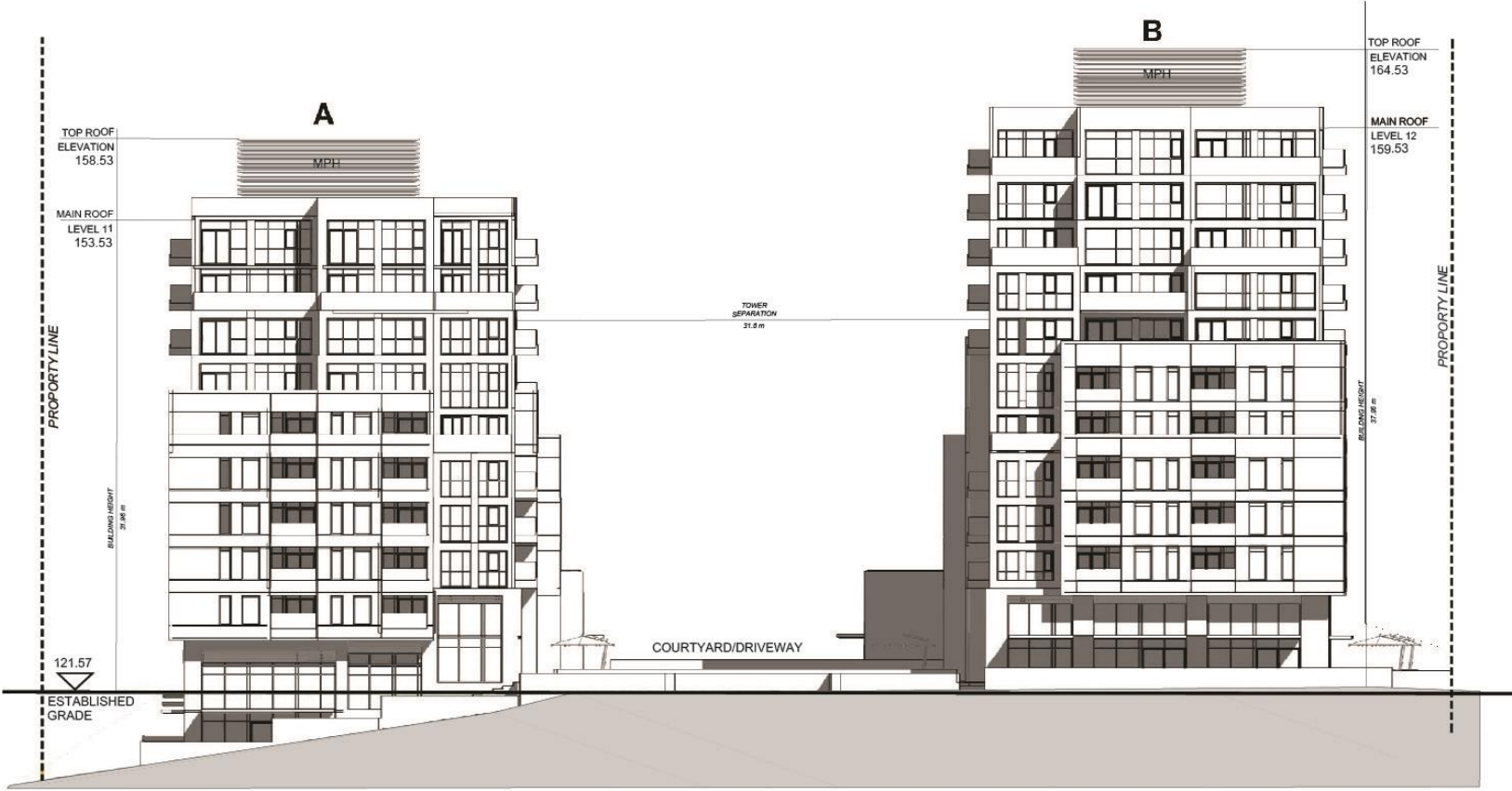
Site Plan







North Elevation



South Elevation