

## 3374 Keele Street – Zoning Amendment Application – Appeal Report

Date: January 9, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 6 – York Centre

**Planning Application:** 20 228056 NNY 06 OZ

### SUMMARY

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On December 10, 2020, an application to amend the Zoning By-law was submitted to permit the construction of a 12-storey (37.90 metres plus 5 metres mechanical penthouse) residential building containing 158 dwelling units with condominium tenure. The application was deemed complete on December 15, 2020.

On March 21, 2023, a revised Zoning By-law Amendment application was received. This application proposes to redevelop the lands with a 29-storey residential building containing 296 dwelling units and an approximate gross floor area of 20,761 square metres or 8.2 FSI.

On August 14, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (“OLT”) due to Council not making a decision within the 90 day time frame specified in the *Planning Act* (the “Appeals”). A Case Management Conference (“CMC”) was held on November 14, 2023. The OLT has directed the parties to finalize a Procedural Order with Issues List for the second CMC by February 13, 2024.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the OLT hearing in opposition to the proposal in its current form, but to continue discussions with the applicant to try to resolve the issues in advance of the hearing, and to request that the Ontario Land Tribunal withhold its final Order approving the Zoning By-law Amendment until the outstanding issues have been resolved, and certain other pre-approval conditions have been met.

### RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend at the Ontario Land Tribunal hearing in opposition to the proposal in its current form,

and to continue discussions with the applicant to address outstanding issues in advance of the hearing, including but not limited to those outlined in this report.

2. In the event the Tribunal allows the appeals, in whole or in part, City Council authorize the City Solicitor to request the Ontario Land Tribunal withhold its final Order approving the Zoning By-law Amendment until such time as the City Solicitor confirms 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, which amongst other matters must include a holding (H) provision to address municipal servicing;
  - b) the owner has satisfactorily addressed matters from Engineering and Construction Services as contained in the Engineering and Construction Services Memorandum dated May 16, 2023, or any outstanding issues raised by Engineering and Construction Services, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - c) the owner has satisfactorily addressed matters from Tree Protection and Plan Review, Urban Forestry Memorandum dated May 15, 2023, or any outstanding issues raised by Urban Forestry, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry & Recreation.
  - d) The owner has satisfactorily addressed matters from Engineering and Construction Services Memorandum dated May 16, 2023, or any outstanding issues raised by Engineering and Construction Services, arising from the ongoing technical review (including provisions of acceptable reports and studies), as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;
  - e) The owner has made satisfactory arrangements with Engineering and Construction Services and enter into the appropriate financially secured agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services; and

- f) The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10.
3. City Council authorize the City Solicitor and 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.

## **SITE AND SURROUNDING AREA**

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**Description:** The site is rectangular in shape and is located north of Sheppard Avenue West, on the west side of Keele Street, and is municipally known as 3374 Keele Street. The site is 2,526 square metres in size and has frontage of approximately 55.5 metres along Keele Street and is approximately 45.7 metres deep.

The site is designated *Mixed Use Areas* in the City's Official Plan. The site is presently vacant.

A site designated *Apartment Neighbourhoods* partially wraps the site to the north and west, and contains a 10-storey apartment building. To the south are lands designated *Mixed Use Areas* containing a low-rise commercial plaza. To the east is Keele Street, which has a planned right-of-way width of 36 metres in the Official Plan. To the east, across Keele Street, is the "William Baker District" within the Downsview Area Secondary Plan. The lands within this District are designated *Mixed Use Areas*, *Apartment Neighbourhoods*, *Parks* and *Natural Areas*. The subject site is also located along an identified *Avenue* in the Official Plan.

## **THE APPLICATION**

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The original development application proposed a 12-storey residential building containing 12,018 square metres of residential gross floor area (GFA), which represented a floor space index (FSI) of 4.76 times the lot area. The proposal included two levels of underground parking with 107 vehicular parking spaces and 182 bicycle parking spaces. Parking within the two level underground parking garage would be accessed via an on-site driveway that leads directly to Keele Street. One Type-G loading space was proposed and would also be accessed from the driveway.

On March 21, 2023, a revised submission was received which proposes to redevelop the lands with a 29-storey building with 296 residential units and an approximate gross floor area of 20,761 square metres or 8.2 FSI. Parking is proposed within a three level underground parking garage containing 149 parking spaces and 224 bicycle parking

spaces. One Type-G loading space is also proposed and would be accessed from the driveway to Keele Street. Additional details about the application are in the table below:

## Description

	<b>3374 Keele Street</b>
Height:	29 storeys (90.95 metres high, plus a 6.5 metre high mechanical penthouse)
Gross Floor Area: Residential GFA	20,761 square metres 20,761 square metres
Density (Floor Space Index):	8.2
Unit Count: 1-bedroom 2-bedroom 3-bedroom	296 180 (61%) 86 (29%) 30 (10%)
Vehicle Parking Spaces (residential:visitor):	298 (254:44)
Bicycle Parking Spaces (long-term:short-term):	224 (203:21)
Amenity Space (total):  Outdoor amenity space  Indoor amenity space	1,275 square metres (4.3 square metres per dwelling unit)  614 square metres (2.07 square metres per dwelling unit)  661 square metres (2.23 square metres per dwelling unit)

See Attachments 1-3 of this report for a location map, Application Data Sheet and a site plan of the proposal. The Application Data Sheet contains additional details on the

proposal including: site area and dimensions, floor area, unit breakdowns, and parking counts.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

### **Reasons for Application**

The application to amend the Zoning By-law is required to permit the use and to establish performance standards such as, but not limited to, building height, floor space index, and parking.

### **SITE PLAN CONTROL APPLICATION**

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

### **POLICY CONSIDERATIONS**

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**Official Plan Designation:** The current application is located on lands shown as *Avenues* on Map 2 of the Official Plan and *Mixed Use Areas* on Map 16.

**Zoning:** The site is zoned C1 (52) (General Commercial Zones) in the former City of North York By-law 7625 and CR 1.0 (c1.0; r0.0) Standard Set 3 (x229) (Commercial-Residential) in City-wide Zoning By-law 569-2013. These zones permit a range of commercial and residential uses, including office and retail uses among other commercial uses, dwelling units within an apartment building and mixed-use buildings. The site has a maximum permitted height of 10.5 metres and 3 storeys and a permitted floor space index of 1.0. However, the site-specific exception applicable to the site limits the applicable use to only a gas station and accessory uses such as the servicing of motor vehicles and a retail store (to a maximum of 110 square metres).

Additional information on the Official Plan and the Zoning By-law can be found in Attachment 4-5.

### **COMMUNITY CONSULTATION**

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A virtual Community Consultation Meeting for the original proposal was hosted by City staff on October 7, 2021. Members of the public and the Ward Councillor participated, resulting in comments regarding the lack of affordable housing units, both ownership and rental.

### **COMMENTS**

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#### **Provincial Planning Framework**

Planning staff's review of this application has had regard for the relevant matters of provincial interest as set out in the Planning Act. The revised proposal for a 29-storey

residential building was reviewed for consistency against the policies of the Provincial Policy Statement (“PPS”) (2020) and the Growth Plan (2020).

The site is located within a Strategic Growth Area and is proposed to be redeveloped in a manner that increases housing options as required by the Growth Plan. However, the proposed development is not consistent with certain policies of the PPS and does not conform to certain policies of the Growth Plan.

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. Staff has noted that the proposal is not permitted to connect to Sheppard Avenue West. An alternative design solution has not been proffered by the applicant to address this matter. Additional PPS policies will be further identified through the OLT process.

Policy 2.2.1.4d) of the Growth Plan directs that complete communities should expand convenient 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 spaces, parks, trails, and other recreational facilities, and provide a vibrant public realm with public open spaces. The location of the site provides an opportunity to meet the above-noted policies by incorporating publicly accessible open space in the form of a mid-block connection to assist in accessing Brookwell Park, which is not currently contemplated by the application.

Policy 2.2.1.4c) of the Growth Plan directs that a diverse range and mix of housing options, including residential units and affordable housing, should be provided to support the achievement of complete communities. The proposed development should explore incorporating affordable housing units within the proposed development.

### **Land Use, Height and Density**

The subject lands are designated *Mixed Use Areas* by Map 16 of the City’s Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Keele Street is identified as an *Avenue* on Map 2 – Urban Structure of the City’s Official Plan. *Avenues* are where reurbanization is expected and encouraged to occur to generate new housing and job opportunities while improving the look of the street, shopping opportunities, transit and the pedestrian environment.

Amongst others, the *Avenues* policies in the Official Plan direct for an Avenue Segment Study for developments prior to an Avenue Study to ensure that such a proposal will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. In this regard, the Avenue

Segment Study Addendum Letter provided in the revised submission suggests that the proposed FSI's for Soft Sites 1 – 4 range from 4.38 to 6.15, whereas for the subject site, the proposed FSI is 8.2. The Avenue Segment study needs to demonstrate similar development on the Soft Sites as is being proposed on the subject site and whether the cumulative impacts of the proposed development and the Soft Sites can be supported by the available infrastructure and the implications of the proposal for this portion of Keele Street. To date, the submitted Addendum Letter has not demonstrated this satisfactorily that the Avenues policies have been met.

Further, staff notes that the *Mixed Use Areas* is intended to be made up of a broad range of residential, commercial and institutional uses. The proposal should be revised to provide for at-grade commercial uses to meet the objectives of the Plan.

### **Built Form, Massing and Design**

Planning staff have reviewed the proposed site organization and built form, including height, massing and transition-in-scale, against the policies of the Official Plan and relevant design guidelines.

The Official Plan policies direct that a tall building is to have a base, tower and a top. The proposed design for the base building height is 28 metres, which exceeds the street wall height of 24 metres and should be accordingly reduced. Additionally, the 8<sup>th</sup> to 9<sup>th</sup> floor has a proposed floor plate that is greater than 750 square metres (>1,000 square metres) and contributes to this larger base massing. These two floors are only setback 7 to 7.5 metres from the north, south and west lot lines, whereas a tower should be setback a minimum of 12.5 metres to achieve appropriate separation distance.

### **Green Spaces and Natural Heritage Features**

Policy 2.2.2 (i) from the City's Official Plan states that growth will be directed to the Centres, Avenues, Employment Areas and the Downtown as shown on Map 2 in order to protect neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

Policy 3.2.3.3 states that the effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

As stated earlier in the report, the subject site is across the street from a significant natural heritage feature (William Baker Woodlot) and green space and the revised proposal could be further revised to a lower building height to assist in mitigating impacts on this important natural feature in the City.

### **Wind, Sun and Shadow**

This application has been reviewed against the Official Plan and Secondary Plan policies and design guidelines described in this Report.

The applicant has submitted a Shadow Study for the proposal illustrating existing shadows along with new shadows resulting from the proposed and surrounding

developments. The results of the shadow study demonstrate that the tower portion of the proposal has significant shadow impacts on the William Baker Woodlot across the street through most of the year. A reduced building height, increased setbacks and step-backs, and/or other massing improvements may help to minimize shadow impacts.

A Pedestrian Level Wind Study, prepared by Gradient Wind Engineers & Scientists, concluded that the future wind conditions at all grade-level pedestrian wind-sensitive areas within and surrounding the study site will be generally acceptable for pedestrian use except for important areas such as the outdoor amenity areas located in the west. These areas are uncomfortable and have been identified as appropriate only for 'standing' in the spring, summer and fall seasons. These should be mitigated by addressing the built-form and massing.

### **Public Realm**

Brookwell Park is located to the west of the proposed development. Opportunities to foster a well-connected community should be pursued in order to foster an appropriate public realm. Given the proposed change to built form in the latest submission, staff recommends an east-west publicly accessible mid-block connection along the south side of the property limit of the subject property. The City will work with the school board and/or the adjacent property at 3390 Keele Street to extend this connection so that residents can easily access Brookwell Park from Keele Street.

### **Amenity Space**

A total of 1,275 square metres of amenity space is proposed, which includes 661 square metres of indoor space and 614 square metres of outdoor space. This complies with the requirements of Zoning By-law 569-2013.

### **Tree Preservation**

The applicant has submitted an Arborist Report, Tree Protection Plan, and Landscape Planting Plan in support of the application. PF&R staff advise that the applicant needs to provide Landscape/Section/Detail drawing(s) for each unique soil volume area.

The application is required to meet Version 3 of the Toronto Green Standard and has not met the tree planting areas and soil volume standard (EC1.1) and the trees along street frontages standard (EC1.2).

### **Servicing and Stormwater Management**

Engineering and Construction Services staff have reviewed the submitted materials and note that there is presently no municipal sanitary or combined sewer adjacent to the subject site. The applicant has proposed to service the development by way of an extension of the existing municipal sewer from Sheppard Avenue, which under existing conditions drains to an existing private sewer, before outletting to a municipal system. Staff has concerns with the proposed design which relies on private services. The availability of servicing will be a matter that will need to be addressed as part of the OLT appeal.



An alternate design solution is required to the satisfaction of the City. Where such a design solution is achieved, staff would require a holding provision to ensure the implementation of same, including any required agreements and compliance to Sewers By-law Chapter 681.10.

### **Other Matters**

The lands are within the Airport Zoning Regulations for Downsview Airport. The applicant is to contact Transport Canada to determine any applicable aviation regulations in place that may impact the proposed building height.

Toronto Hydro has indicated there are existing overhead primary and secondary conductors in proximity to the subject lands and a minimum 3.2 metre horizontal and 4.6 metre vertical building clearance is to be maintained. The applicant is to demonstrate that the proposed building setbacks and stepbacks addresses these comments.

Further, site plan related comments raised in the ECS, Forestry and TTC memos could have implications for the at-grade site design and circulation. These comments should be further considered where it has implications for the zoning by-law amendment.

### **Further Issues**

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies.

This report recommends that City Council direct the City Solicitor, with appropriate staff, to attend the OLT in opposition to the Application in their current forms and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

## **CONTACT**

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## **SIGNATURE**

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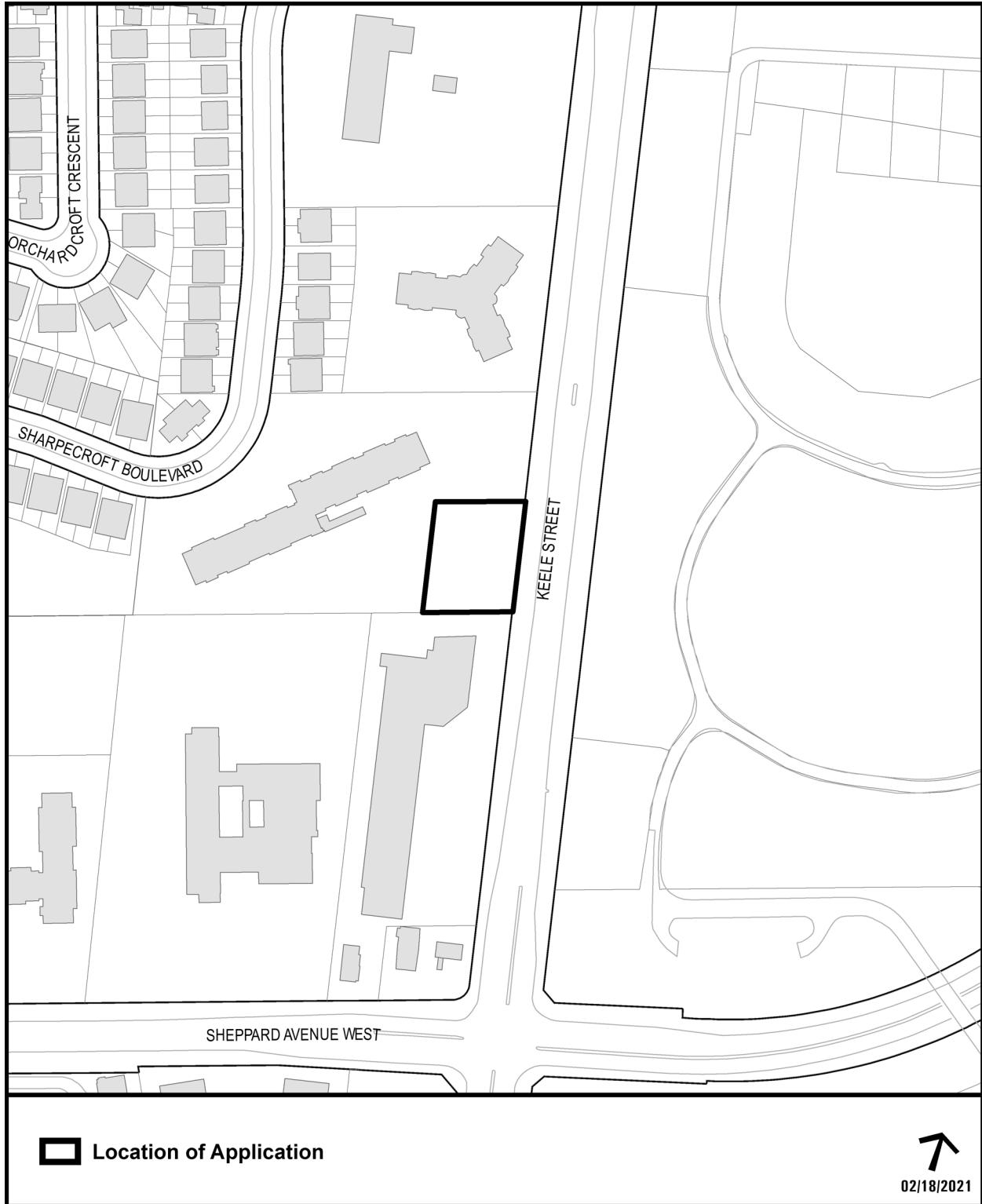
David Sit, MCIP, RPP  
Director, Community Planning  
North York District

## **ATTACHMENTS**

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- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Site Plan
- Attachment 4: Official Plan Land Use Map
- Attachment 5: Zoning By-law no. 569-2013 Map

# Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 3374 KEELE ST      Date Received:      December 10, 2020

Application Number:      20 228056 NNY 06 OZ

Application Type:      Rezoning

**Project Description:** Revised proposal for a 29-storey residential building with 296 residential units and a gross floor area of 20,761 square metres or 8.2 FSI. The proposed 29-storey residential building contains an 8-storey podium with a 21-storey tower on top. The proposed 296 residential units are comprised of 180 one-bedroom units (61%), 86 two-bedroom units (29%), and 30 three-bedroom units (10%). The revised proposal provides 1,275 square metres of indoor and outdoor amenity space, which consists of 661 square metres of indoor space and 614 square metres of outdoor space. There are 149 parking spaces being proposed within an underground parking garage, which are comprised of 119 residential and 30 visitor parking spaces. A total of 224 bicycle spaces are also proposed consisting of 203 long-term and 21 short-term parking spaces. One Type-G loading space is proposed on the ground floor.

Applicant	Agent	Architect	Owner
MHBC Planning		Kirkor Architects	1240967 ONTARIO INC.

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas      Site Specific Provision:      NO

Zoning:      CR 1.0 (c1.0; r0.0) SS3 (x229)      Heritage Designation:      NO

Height Limit (m):      10.5      Site Plan Control Area:      Y

### PROJECT INFORMATION

Site Area (sq m):      2,526      Frontage (m):      56      Depth (m):      46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,274	1,274
Residential GFA (sq m):			20,761	20,761
Non-Residential GFA (sq m):			0	0
Total GFA (sq m):			20,761	20,761
Height - Storeys:			29	29
Height - Metres:			91	91

Lot Coverage Ratio (%):      50.44      Floor Space Index:      8.22

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	20,761	N/A
Retail GFA:	0	N/A
Office GFA:	0	N/A
Industrial GFA:	0	N/A
Institutional/Other GFA:	0	N/A

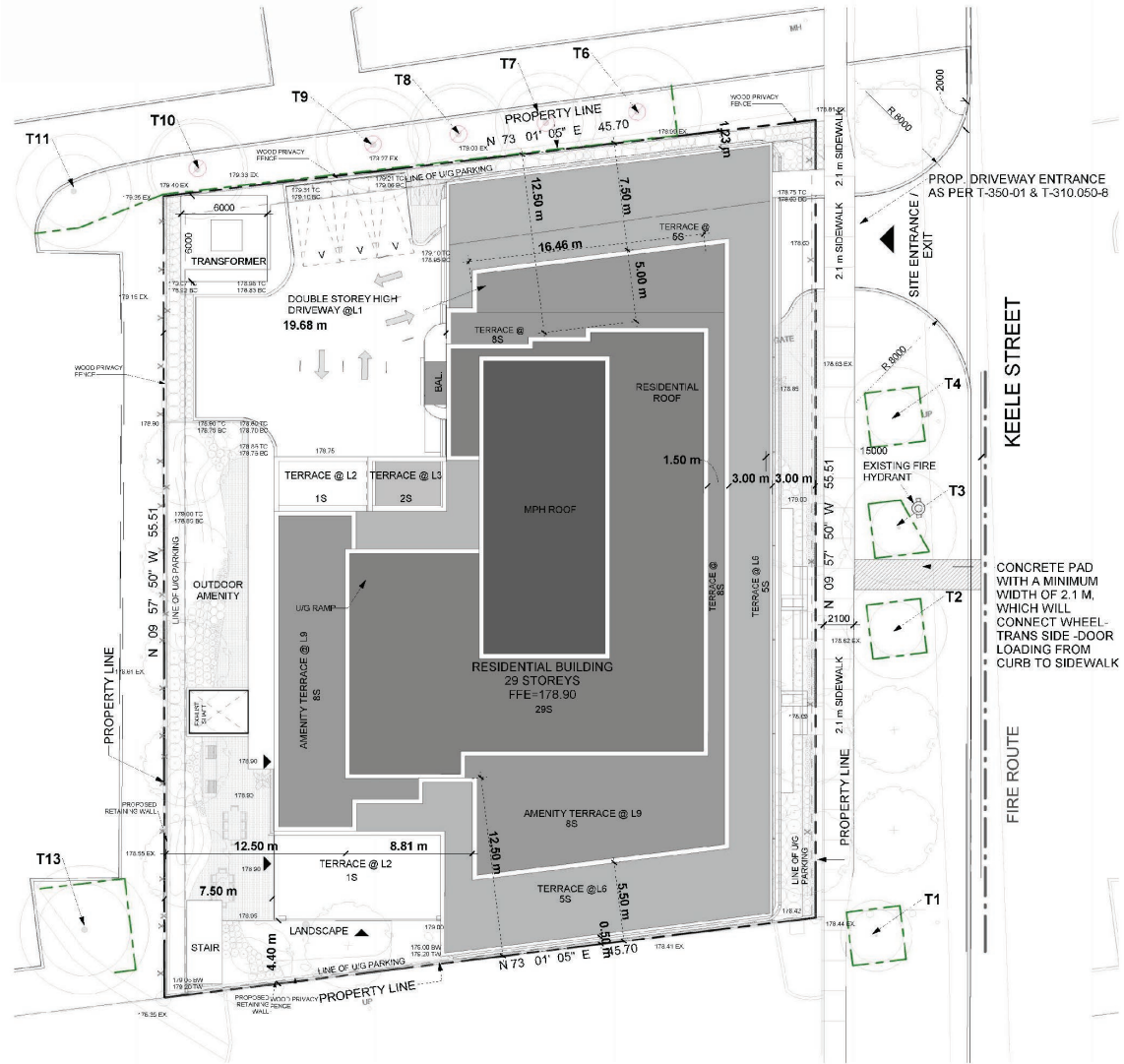
Residential Units		Retained	Proposed	Total
by Tenure	Existing			
Rental:				
Freehold:				
Condominium:		296	296	
Other:				
Total Units:		296	296	

Total Residential Units by Size				
Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:				
Proposed:		180	86	30
Total Units:		180	86	30

Parking and Loading  
 Parking Spaces: 149    Bicycle Parking Spaces: 224    Loading Docks: 1

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# Attachment 3: Site Plan



Site Plan










**Attachment 4: Official Plan Land Use Map**



3374 Keele Street

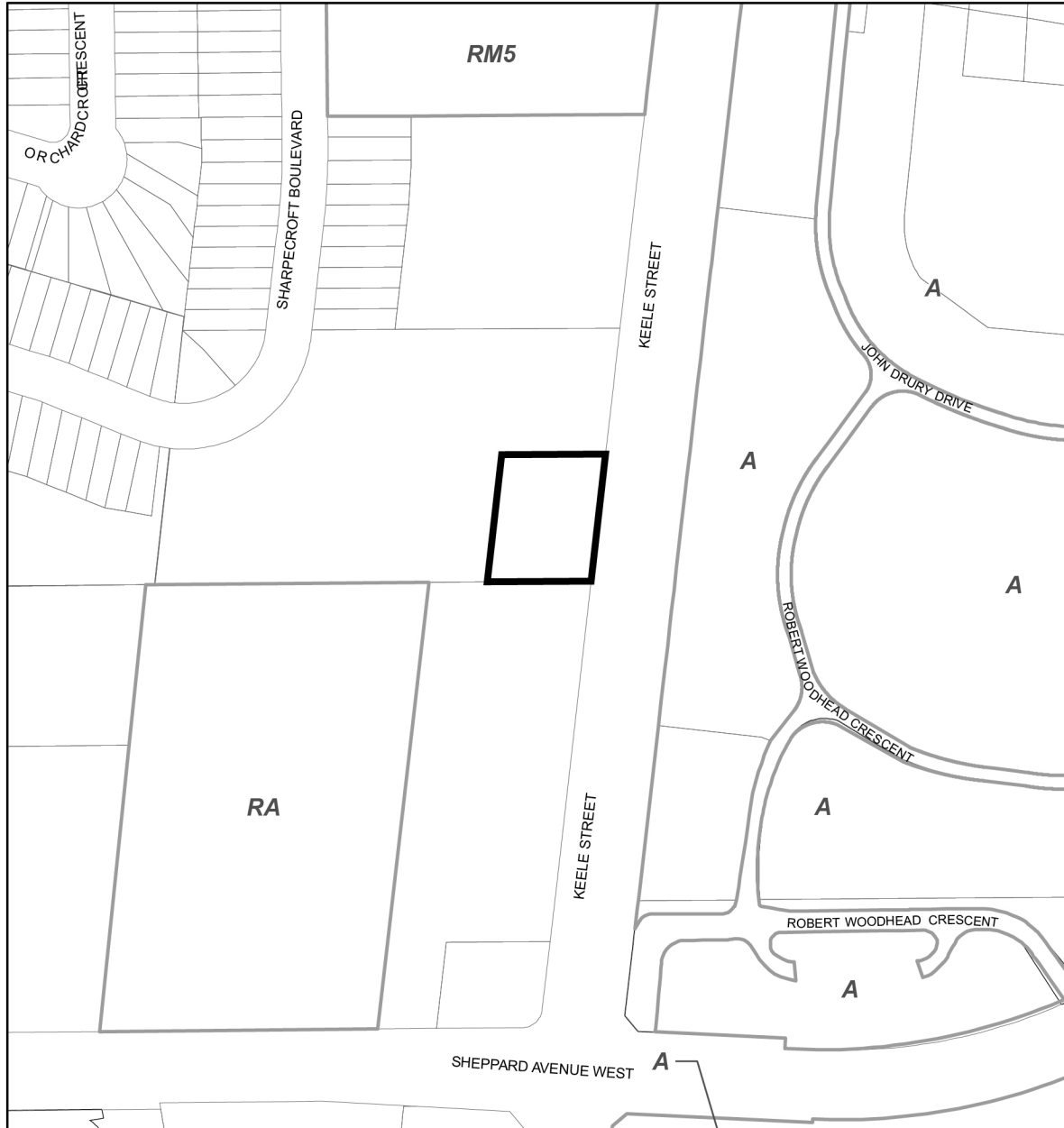
**Official Plan Land Use Map #16**

File # 20 228056 NNY 06 0Z

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

↑  
Not to Scale  
02/18/2021


**Attachment 5: Zoning By-law No. 569-2013 Map**



**Zoning By-law 569-2013**

**3374 Keele Street**

**File # 20 228056 NNY 06 0Z**

 Location of Application

See Former City of North York By-law No. 7625  
**RA** Suburban Residential Zone  
**RM5** Multiple-Family Dwellings Fifth Density Zone  
**A** Airport Hazard Area Zone



Not to Scale  
 Extracted: 01/09/2024