

26-34 Nipigon Avenue – Official Plan Amendment and Zoning Amendment Applications – Decision Report – Refusal

Date: January 31, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 18 - Willowdale

Planning Application Number: *23 198805 NNY 18 OZ*

Related Rental Housing Demolition Application Number: *24 103481 NNY 18 RH*

SUMMARY

This application proposes to amend the Official Plan and Zoning By-law to permit a 50-storey (165.3 metres) mixed use building (the 'proposal') at 26-34 Nipigon Avenue (the 'subject lands'), as shown on Attachments 7 to 9B of this Report. The proposal contains 569 residential units and a residential gross floor area ('GFA') of 38,099.89 square metres, for an overall density of 17.0 times the area of the lot.

The proposal does not conform to the City's Official Plan, or the Council-adopted Yonge Street North Secondary Plan, which represents Council's vision for the area.

This Report reviews and recommends refusal of the Official Plan and Zoning By-law Amendment application, particularly as it relates to the height of the proposal; the proposed building massing and intensity; and the impact of the proposal on adjacent properties in the existing and planned context which may prevent an orderly development of the block. The recommendation for refusal is also based on inadequate soil volumes; unconfirmed servicing capacity; failure to provide adequate pedestrian connections, in the form of a mid-block connection to support active transportation; and failure to provide an adequate tenant assistance and relocation plan.

This report recommends refusal of the application to amend the Official Plan and Zoning By-law because the outstanding issues could not be resolved within the legislated timeline for decision of 120 days. If City Council does not make a decision within the legislated timeline, the City may be subject to a request to refund all or part of the application fees. The report also recommends that Staff work with the applicant to use mediation to resolve the outstanding issues.

RECOMMENDATIONS

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

1. City Council refuse the application for an Official Plan Amendment and Zoning By-law Amendment Applications (Application No. 23 198805 NNY 18 OZ) in its current form, for the lands municipally known as 26-34 Nipigon Avenue.
2. In the event the applications are appealed to the Ontario Land Tribunal, City Council, pursuant to subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act*, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official Plan Amendment and Zoning By-law Amendment applications, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor.
3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act* and the City Clerk shall provide notice to all prescribed persons or public bodies under subsections 22(8.2) and 34(11.0.0.2) of the *Planning Act*.
4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act*, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.
5. Should the Official Plan Amendment and Zoning By-law Amendment applications be resolved, and there is no appeal to the Ontario Land Tribunal or the appeal to the Ontario Land Tribunal has been withdrawn, City Council direct the Director, North York District, Community Planning to bring forward an Approval Report to North York Community Council for a statutory public meeting as required under the *Planning Act*.
6. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.
7. City Council direct the City Solicitor to request that, in the event of an appeal to the Ontario Land Tribunal, the Tribunal withhold its final order, until the following conditions are met:
 - a) the final form and content of the draft Official Plan Amendment and Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b) the owner has submitted revised architectural plans, and revised sun/shadow and wind studies reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;

c) the owner has submitted an updated and complete Toronto Green Standards Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning

d) the owner has addressed all outstanding issues raised by Urban Forestry and Tree Protection and Plan Review as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

e) the owner has satisfactorily addressed the matters in the Engineering and Construction Services Memorandum dated January 24, 2024, and any outstanding issues and requests arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Official Plan and Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services, and Chief Engineer and Executive Director, Engineering and Construction Services; and,

f) the owner has provided a legal undertaking to the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure the required Tenant Relocation and Assistance Plan pertaining to the four existing rental dwelling units and two rental dwelling rooms proposed to be demolished.

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. If City Council does not adopt the Recommendations contained in this Report, there may be financial implications to the City to the current budget year and in future years.

DECISION HISTORY

A pre-application consultation ('PAC') meeting was held on July 27, 2023. The Planning Application Checklist Package resulting from the PAC meeting is available [here](#). The Official Plan Amendment and Zoning By-law Amendment application for the subject lands was submitted on September 6, 2023, and was deemed "Complete" on December 14, 2023. A Preliminary Summary of the application is available [here](#). A Community Consultation Meeting was conducted on January 29, 2024. The Community Consultation Meeting is summarized in greater detail later in this Report.

The subject lands are located within the Yonge Street North Secondary Plan ('YNSNP') area. The 'YNSNP was adopted by City Council at their meeting held on July 19, 2022,

as By-law 1016-2022 (being "OPA 615"). In its decision, City Council directed City staff to use the YSNSP in the evaluation of all ongoing and new development proposals within the plan area. City Council's decision and a copy of the report can be found at the following link: [Yonge Street North Planning Study - City-Initiated Official Plan Amendment - Final Report](#).

The YSNSP was subsequently appealed to the Ontario Land Tribunal ('OLT') by a number of landowners (Case No. OLT-22-004346). The status of the appeal to the YSNSP can be obtained at the following link: [OPA 615 - Yonge Street North Secondary Plan](#).

SITE AND SURROUNDING AREA CONTEXT

Description: The subject lands are rectangular in shape and are located on the north side of Nipigon Avenue, east of Yonge Street, and one lot depth south of Steeles Avenue East. The subject lands are approximately 2,276 square metres in area, and have approximately 60.7 metres of frontage on Nipigon Avenue.

Existing Use: The subject lands are currently developed with five detached dwellings containing nine dwelling units, including four rental units, and one licensed short-term rental unit. In addition, one owner occupied unit currently contains two dwelling rooms. All four of the rental units and the two dwelling rooms are currently occupied by tenants.

Surrounding Land Uses:

As shown on Attachment 2: 'Location Map' of this report, the following are the surrounding land uses:

- North: The TTC's Dumont Loop and detached dwellings are located to the north of the subject lands.
- South: Nipigon Avenue is located to the south of the subject lands, beyond that are detached dwellings.
- East: Detached dwellings are located to the east of the subject lands.
- West: Detached dwellings are located to the east of the subject lands.

PROPOSAL

Description: The application is seeking to amend the City of Toronto Official Plan and Zoning By-law to permit a 50-storey residential building.

Height: The proposed building height is 50-storeys, or 165.3 metres including the mechanical penthouse. The building includes a 3-storey base building, a 47-storey tower element and a 6.0 metre tall mechanical penthouse.

Density: The proposal has a density of 17 times the area of the lot.

Dwelling Units: The proposal includes 569 residential dwelling units: comprised of three studio units (1% of the total unit composition), 366 one-bedroom units (64% of the total unit composition), 143 two-bedroom units (25% of the total unit composition) and 37 three-bedroom units (10% of the total unit composition).

Access, Parking and Loading: Access to the subject lands is proposed from Nipigon Avenue via a 6.0 metre wide driveway. One Type 'C' loading space and one Type 'G' loading space are provided on site. The proposal includes three levels of underground parking with a total of 132 vehicle parking spaces including 98 resident parking spaces, 30 visitor parking spaces and 2 car-share spaces. An additional two parking spaces are provided at-grade for pick-up and drop-off.

Additional Information: Please see Attachment 1: 'Application Data Sheet'; Attachment 2: 'Location Map'; Attachment 3: 'Official Plan Land Use Map'; Attachment 4: 'Yonge Street North Secondary Plan Map 49-2 - Character Areas'; Attachment 5 - 'Yonge Street North Secondary Plan Map 49-3 - Public Realm'; and, Attachment 6- 'Existing Zoning By-law 569-2013 Map'.

Reasons for Application: An Official Plan Amendment application is required to redesignate the subject lands from *Neighbourhoods* to *Mixed Use Areas*. While the subject lands were redesignated *Mixed Use Areas* by the Council-adopted OPA 615, the plan remains under appeal. Amendments to the City-wide Zoning By-law 569-2013 are required to permit the proposed building form, height, massing and other performance standards.

APPLICATION BACKGROUND

Application Requirements

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

- Arborist Report
- Block Context Plan
- Energy Strategy Report
- Environmental Site Assessment - Phase 1
- Geotechnical Study
- Housing Issues Report
- Hydrogeological Report
- Noise Impact Study
- Pedestrian Level Wind Study
- Planning Rationale, including a scoped Community Services and Facilities Study
- Public Consultation Strategy Report
- Servicing Report
- Sun/Shadow Study
- Transportation Impact Study

The submitted materials, including the reports listed above are available on the City's Application Information Centre at: <http://www.toronto.ca/26NipigonAve>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate City Divisions and agencies. Responses received have been used to assist in the evaluation of this application.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

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

City of Toronto Official Plan

The subject lands are presently designated *Neighbourhoods* by Map 16 of the City of Toronto Official Plan (the 'Official Plan'), as shown on Attachment 3: 'Official Plan Land Use Map' of this Report. The Official Plan establishes that *Neighbourhoods* shall be physically stable areas made-up of low-rise residential uses. The proposal is not in conformity with the in-effect Official Plan policies.

The subject lands require a redesignation to the *Mixed Use Areas* designation; *Mixed Use Areas* are made up of a broad range of residential, commercial, and institutional uses, in single use or mixed use buildings, and are planned to accommodate the City's growing population in a way that respects the surrounding area context, as established by the respective secondary plans and zoning by-laws, and by transportation infrastructure.

The Official Plan can be found here: [Official Plan – City of Toronto](#), and should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Yonge Street North Secondary Plan

City Council, at its meeting on July 19, 2022, adopted Official Plan Amendment 615 ('OPA 615') which amended the Official Plan and created the YSNSP by By-law 1016-2022.

The Council-adopted YSNSP establishes a new planning framework for the area generally bounded by Steeles Avenue to the north, Willowdale Avenue to the east, Cummer and Drewry Avenues to the south, and Lariviere Road to the west. The YSNSP provides policy direction for growth and redevelopment that encourages the creation of a complete and transit-oriented community. This includes, but is not limited to, policy

direction related to area structure; the public realm; parks and open spaces; transportation and mobility; housing; community services and facilities; and built form. Following Council's adoption of the YSNSP, OPA 615 was appealed by a number of area landowners, and remains under appeal.

Although OPA 615 and the YSNSP are currently under appeal, the plan represents Council's vision for the Yonge Street North area and in its decision to adopt OPA 615, City Council directed City Staff to use the plan in the evaluation of all development proposals in the YSNSP area. The Comments section of this Report, which can be found below, evaluates the proposal in the context of the YSNSP.

The subject lands are designated *Mixed Use Areas* by the Official Plan as amended by OPA 615 and are located within the "Steeles Transit Station Area" character area in the YSNSP, as shown on Attachment 4: 'Yonge Street North Secondary Plan Map 49-2 - Character Areas' of this Report. The Steeles Transit Station Area character area is the primary area for intensification, and will have the greatest heights and most intense built form within the Secondary Plan area in order to support the higher order transit station and create an urban node.

OPA 615, including the YSNSP, can be found here: [Yonge Street North Planning Study – City of Toronto](#).

Zoning

The majority of the subject lands (being 26, 32 and 34 Nipigon Avenue) are zoned Residential Detached ('RD') Zone (f12.0; a370) under Zoning By-law 569-2013; while 28 and 30 Nipigon Avenue are zoned RD Zone (f12.0; a370)(x217), as shown on Attachment 6: 'Existing Zoning By-law 569-2013 Map' to this Report. The in-effect zoning of the subject lands permits residential uses in the form of detached dwellings. Additionally, Exception 217, applicable to 28 and 30 Nipigon Avenue, permits a nursing home use.

Design Guidelines

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

- Tall Building Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities Guidelines (the 'Growing Up Guidelines')
- Pet Friendly Design Guidelines for High Density Communities
- Toronto Green Standard: Mid to High-Rise Residential & Non-Residential Version 4

A listing of the City's design guidelines are available here: [Design Guidelines – City of Toronto](#).

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. The TGS for Mid to High-Rise Residential & Non-Residential Version 4 can be found here: [Mid to High-Rise Residential & Non-Residential Version 4 – City of Toronto](#).

Rental Housing Demolition and Conversion By-law

A related Rental Housing Demolition application (File No. 24 103481 NNY 18 RH) is required as this application involves the demolition of a total of nine dwelling units, four of which are rental housing units, and two of which are rental dwelling rooms.

Policy 3.2.1.12 of the Official Plan states that new development that has the effect of removing all or part of a private building or related group of buildings and would result in the loss of one or more rental units or dwelling rooms, will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

Given the proposal requires the demolition of four existing rental dwelling units and two rental dwelling rooms, Policy 3.2.1.12 of the Official Plan applies and the applicant is required to provide an acceptable tenant relocation and assistance plan. As of the date of this report, the applicant has not yet provided an appropriate tenant relocation and assistance plan.

Site Plan Control

In order to implement the proposal, site plan approval is required prior to the issuance of any building permits. A corresponding Site Plan Control application has been filed for the subject lands (File No. 23 212767 NNY 18 SA), as shown on Attachment 7: 'Site Plan' to this Report. The application does not presently comply with the in-force zoning by-law.

COMMENTS

Based on the issues identified below, Staff recommend that the application be refused accordingly.

Provincial Policy Statement and Provincial Plans

The review of this application has considered the relevant matters of provincial interest set out in the *Planning Act*. The proposed Official Plan and Zoning By-law Amendment have been reviewed for consistency with the PPS and conformity with the Growth Plan.

Policy 1.5.1.b) of the PPS advocates for healthy, active communities, and promotes a full range and equitable distribution of publicly accessible settings for recreation, including public spaces, open space areas, and trails and linkages. The City is requesting the applicant incorporate a portion of a new, pedestrian mid-block connection on the subject lands, which would be in alignment with this objective of the PPS. This is discussed in greater detail later in this Report.

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 infrastructure capacity to support the proposed development.

The Growth Plan builds on the PPS to establish a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equity. Policy 2.2.1.4 c) 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. There is opportunity for the proposal to accommodate a more diverse range of unit types and sizes, as described in greater detail later in this Report.

Section 2.2.1.4 d) directs that complete communities should expand convenient access to safe, comfortable, and convenient use of active transportation. The Growth Plan 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. As previously noted, there is an opportunity to incorporate a new, pedestrian mid-block connection on the subject lands, which includes a multi-use trail component, which is not currently contemplated by the application.

Policy 4.6 of the PPS describes the official plan as being the most important vehicle for the implementation of provincial policy; wherein comprehensive, integrated and long-term planning is best achieved through official plans. The Growth Plan, through Policy 5.2.5 establishes that the minimum intensification targets of the Growth Plan be planned for and implemented through local official plans and secondary plans; this policy also establishes municipalities are able to implement urban design and site design official plan policies and other supporting documents that direct the development of a high-quality public realm and compact built form. Given OPA 615 continues to be under appeal, and the in-effect land use designation for the subject lands is *Neighbourhoods*, the proposal is not implementing the Official Plan, and is therefore inconsistent with the PPS. The proposal is not implementing the secondary policy with respect to built form and the public realm, and is therefore not in conformity with the Growth Plan.

Land Use

This Official Plan and Zoning By-law Amendment application has been reviewed against Official Plan and YSNSP policy, as described in the Policy and Regulation Considerations section of this Report.

The proposal does not conform with the in-effect *Neighbourhoods* policies of the Official Plan. A redesignation of the subject lands from *Neighbourhoods* to *Mixed Use Areas* is required in order to permit a tall building with residential uses. While, the proposal is consistent with the *Mixed Use Areas* land use designation by the Official Plan as

amended by OPA 615, as shown on Schedule 1 to OPA 615, OPA 615 remains under appeal and is not in full force and effect.

The redesignation of the subject lands to *Mixed Use Areas* by OPA 615 was part of a set of policies to guide how growth should occur and how the redesignation should be implemented. The subject lands are located within the Steeles Transit Station Area; the YSNSP directs that in the Steeles Transit Station Area, development will plan for a diverse mix of uses to support existing and planned transit. The proposal is in conformity with the land use criteria of the Steeles Transit Station Area.

While the transit-supportive use is permitted in the Steeles Transit Station Area, other criteria for development in the Steeles Transit Station Area are not met by the proposal. The area structure, built form, public realm, and transportation and mobility components are not implemented in a manner that aligns with how the YSNSP directs the growth to occur.

As detailed in this Report, other policies of the YSNSP are not being appropriately implemented by the proposal as required to support the proposed redesignation.

The YSNSP policies are to be read as a whole and with the policies of the Official Plan to understand its comprehensive and integrative intent as a policy framework. Allowing a change in land use for a 50 storey building without meeting these other policies is not good planning and undermines the policy intent of both the Secondary Plan and Official Plan.

Height, Massing and Built Form

This application has been reviewed against the YSNSP and the Tall Building Design Guidelines, as described in the Policy and Regulation Considerations Section of the Report. Policy 2.6 of the YSNSP directs that the greatest heights and densities will be located at the southwest corner of the Yonge Street and Steeles Avenue intersection and will generally step down as development moves away from the intersection to the south, east and west. Policy 8.17 further directs that the tallest buildings will be 50-storeys, located at the intersection, and will step down in height by an approximate five storey difference away from the intersection to provide a visible distinction in height.

The subject lands located on the east side of Yonge Street, in the first block south of Steeles Avenue East and close to the easterly edge of the block near Dumont Street. Given that the greatest heights in the Yonge North area are to be located at the southwest corner of the intersection of Yonge Street and Steeles Avenue, and be a maximum of 50 storeys, the proposed 50-storey building is too tall for the subject lands. The proposal does not establish a visible transition in height moving away from the intersection and does not align with the vision or policies objectives of the YSNSP.

The YSNSP and the Tall Building Design Guidelines direct that tower floor plates should be 750 square metres in gross constructable area or less to avoid casting long shadows and blocking views of the sky from the public realm. The proposed tower floor plate size, at 812 square metres is larger than what is permitted by the YSNSP and the Tall Building Design Guidelines.

Public Realm and Site Organization

In accordance with the YSNSP and Tall Building Design Guidelines, tall buildings should have a minimum separation distance of 25 metres, requiring a setback of 12.5 meters from each property line to accommodate potential tall buildings on adjacent sites; the proposed tower portion is only set back 5.5 metres from the east property line.

The proposal includes an enclosed parking ramp structure set back one metre from the north property line, and 1.5 metres from the east property line. The proposed setbacks do not leave sufficient space for soft landscaping and plantings, create maintenance access issues, and do not provide adequate transition to neighbouring properties. The overall size of the proposed building footprint leaves insufficient space on the subject lands for landscaped areas, as well as at-grade outdoor amenity space.

The proposed surface parking and loading area on the west side of the proposal contributes to an excessive amount of paving. Policy 8.14 of the YSNSP encourages the placement of parking either underground or behind the building. A more favorable alternative would involve replacing the proposed parking area with additional landscaping and a designated drop-off area.

The proposed front yard setback and front yard do not support good public realm and streetscape design. As a result, the proposed size and configuration of the outdoor amenity area within the front yard may not be functional. An increased front yard setback would give prominence to the front entrance, and create room for additional landscaping, an entrance feature, and pedestrian amenities, such as seating. Consideration should be given to increasing the front yard setback and expanding the outdoor amenity area further west.

Block Context

The YSNSP envisions a new, north-south pedestrian mid-block connection (the 'mid-block connection') extending through the blocks on the east side of Yonge Street, spanning from Steeles Avenue East in the north to Centre Park in the south. The mid-block connection is conceptually shown on Attachment 5 - 'Yonge Street North Secondary Plan Map 49-3 - Public Realm' to this Report. Policy 3.35 of the YSNSP directs that the mid-block connection will be comprised of a multi-use walkway, as well as five metres of landscaped space on both sides of the walkway. The policy encourages ground floor units with direct pedestrian accesses to the mid-block connection.

In order to implement the mid-block connection proposed in the YSNSP, it is the expectation of the City that applicants in the general location of the proposed mid-block connection will contribute land toward the mid-block connection through the development application process. Applications on either side of the proposed mid-block connection will contribute 7.5 metres, as a side yard setback, to create the mid-block connection.

Considering the proximity of significant transit infrastructure, more specifically the TTC Dumont bus loop located directly north of the subject lands, establishing a mid-block connection along the west property creates a natural alignment with the bus loop, and implements the YSNSP vision of enhancing active mobility connections and block permeability. The proposal should include provisions to contribute half of this mid-block connection, equal to 7.5 metres. Active transportation connections are envisioned in the secondary plan in order to accommodate future growth and also achieve the policy outcomes of the PPS.

The proposal does not currently contemplate any contribution toward the mid-block connection.

Sun, Shadow, Wind

This application has been reviewed against the Official Plan and YSNSP policies, and Tall Building Design Guidelines as described in the Policy and Regulation Considerations Section of the Report with respect to sun, shadow and wind impacts.

The Shadow Study submitted in support of the proposal identifies shadowing on the dwellings located east of the subject lands, across Dumont Street. The shadow impacts are most prevalent in the early afternoons in the spring and fall seasons. A reduced building height, increased setbacks and step-backs, and improved massing should be explored to minimize shadow impacts.

The Pedestrian-level Wind Study submitted in support of the proposal identifies uncomfortable wind conditions, particularly at the ground floor and the terraced outdoor amenity spaces. Uncomfortable wind conditions are identified at the southwest corner of the site, in front of the building lobby along Nipigon Avenue in the spring and winter seasons. Uncomfortable wind conditions are also identified in both the outdoor amenity terraces; on Level 2, on the north-east corner particularly during the spring, creating walking conditions that are only favourable in the winter. On Level 4, there are unsafe wind conditions identified throughout the year, and uncomfortable wind conditions in the spring and winter. These wind conditions also have an undesirable impact on the neighbouring properties.

Outdoor amenity spaces are required to be comfortable for sitting in the spring, fall and summer seasons. The proposed mitigation measures, including raised wind screens, are not sufficient in creating usable amenity areas. Modifications to the building massing and/or building elements are recommended to ensure comfortable and desirable wind conditions.

Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit, of which at least 2.0 square metres for each dwelling unit is for indoor amenity space and at least 40 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space. The application proposes amenity spaces which meet the minimum area requirements.

As noted above in the Sun, Shadow, Wind section of this Report, the proposed outdoor amenity area on Level 4 has unsafe wind conditions across various seasons. The amenity area on Level 2 is almost fully in shade throughout the day. Modifications, such as relocation and/or redesign, to the outdoor amenity areas are recommended to maximize sunlight access and comfortable wind conditions.

In accordance with the Pet Friendly Design Guidelines for High Density Communities, it is recommended the applicant provide pet amenities, including a pet relief area, pet wash station and outdoor off-leash area, as part of the proposal.

Housing Unit Mix and Size

In order to achieve a balanced mix of residential unit types and sizes, the YSNSP requires that a minimum of 40 percent of units be a combination of two- and three-bedroom units, including a minimum of 15 percent as two-bedroom units, a minimum 10 percent as three-bedroom units, and an additional 15 percent of units being a combination of two- and three-bedroom units. The application proposes 25.1% percent of units as two-bedroom units and 10.0% percent of units as three-bedroom units.

The average unit size of the proposed two-bedroom units is approximately 70 square metres (750 square feet), and average unit size of the three-bedroom units is approximately 85 square metres (920 square feet). In accordance with the Growing Up Guidelines, the average unit size of a two-bedroom unit should be 90 square metres (969 square feet), and the average size of a three-bedroom unit should be 106 square metres (1140 square feet). Modifications to the unit sizes for the two- and three-bedroom units consistent with the Growing Up Guidelines are recommended.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded.

The City of Toronto Parkland Strategy ('PLS') is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the subject lands are currently in an area with 0 - 4 square metres of parkland per person, which is well below the City-wide average provision of 28 square metres of parkland per person. The subject lands are also within an "Areas of Parkland Need" per Figure 18 of the 2022 draft Parkland Strategy, which highlights areas where the City will focus and prioritize parks planning and acquisitions.

In addition, the subject lands are located with a "Priority Parkland Expansion Area" by Map 49-3 "Public Realm" of the Council-adopted YSNSP, see Attachment 5 to this Report..

Given the future expected growth both on the subject lands and surrounding neighbourhood, the existing parkland will be further stressed if no new parks are

created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

Should the application receive a positive decision in the future, the parkland dedication requirements will be addressed at that time; the requirements may be satisfied through the conveyance of lands off-site that would expand an existing park or create a new park as the required parkland dedication. The off-site dedication is to comply with Policy 3.2.3.8 of the Official Plan and Toronto Municipal Code Chapter 415-26 (C).

The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation, and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the First Above Grade Building Permit.

Tree Preservation

The proposal has been evaluated against Chapter 3 of the Official Plan, Performance Measure Ecology ('EC') 1.1 - 'Tree Planting and Soil Volume' of the TGS, and the City of Toronto Municipal Code, Chapter 813 Article II (Trees on City Streets By-law) and Article III (Private Tree Protection By-law).

Upon review of the proposal, it has been determined the proposed front, side and rear yard setbacks restrict the development from providing adequate tree planting and soil volume, which are core objectives of the Official Plan, the TGS, and the Private Tree Protection By-law. The City's right-of-way is being fully utilized for tree planting, but the TGS EC 1.1 requirement is not satisfied. Creating space for additional tree planting on the subject lands is the only solution to bring the tree planting count and soil volume into compliance. Should the applicant be approved in some form, the applicant is required to provide a minimum of 12 new trees as compensation to replace the 4 private trees proposed for removal, along with a minimum soil volume of 414 cubic metres.

Toronto Green Standard

In 2010, Council adopted the four-tier TGS program to establish sustainable design and performance requirements for new private and City-owned 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. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant has indicated they intend to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

The proposal is failing to achieve the following Tier 1 Performance Measures of the TGS:

- SW 1.1 – Waste Collection and Sorting

- SW 1.2 – Waste Storage Space
- SW 1.3 – Bulky Waste
- SW 1.4 – Enhanced Waste Collection & Sorting
- AQ 1.1 – Single-Occupant Auto Vehicle Trips
- AQ 1.3 – Electric Vehicle Infrastructure
- AQ 3.2 – Sidewalk Space
- WQ 1.1 – Erosion & Sediment Control
- EC 1.1 - Tree Planting and Soil Volume
- EC 2.2 - On-site Landscaping, Native and Plants
- E.C 2.3 - Green and Cool Roofs

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

The YSNSP identifies the following community service and facilities priorities in Section 7.2:

- New non-profit licensed child care facilities;
- New and enhanced park-based amenities, such as a splashpad, sports courts and sports fields;
- New public library branch, including partnerships and co-location opportunities with other city agencies;
- Newtonbrook Community Recreation Centre;
- Space for non-profit community-based organizations that are eligible for the City's Community Space Tenancy Policy; and,
- Long-term care facilities in partnership with Provincial agencies.

In support of the proposed development, a scoped Community Services and Facilities Study was submitted, providing a brief summary of the development activity, child care and pupil yields in the YSNSP area. The following growth-related community services and facilities needs and priorities have been identified in the area of the proposed development in:

- Investment in priority/need for additional child-care spaces in the area; and,
- Investment in priority/need for new and enhanced park-based amenities, such as a splashpad, sports courts and sports fields as well as other priorities identified for the North York Area noted in the Parks, Forestry and Recreation Facilities Master Plan.

Transportation and Mobility

In accordance with the policies of the Official Plan, the YSNSP, the TGS, and Guidelines for the Preparation of Transportation Impact Studies (2013), the applicant must identify the appropriate travel demand management ('TDM') programs/measures to be implemented for the proposed development to reduce the single occupancy auto vehicle trips generated and encourage the use of active and sustainable transportation options. The applicant's TDM Plan is not currently acceptable to City staff; improvements to the proposed TDM measures are required to ensure sustainable transportation choices are more effectively supported.

It is noted that bicycle parking has been provided in accordance with the minimum City requirements. In the context of TDM and promoting active and sustainable transportation options, strong consideration should be given to providing additional long and short-term bicycle parking spaces on site.

Traffic Impact

A Transportation Impact Study ('TIS') was submitted in support of the proposal. While the findings of the TIS conclude that the proposed development will have a minor impact on the overall network, revisions are required to address trip generation data; traffic volume; queue percentiles; storage areas; and potential mitigation measures. Prior to accepting the traffic impacts of the proposal, the TIS must be revised to address the above-noted issues.

Servicing

The submitted Functional Servicing Report does not reference the Municipal Infrastructure Agreement ('MIA') of the YSNSP, specifically with respect the required upgrade to municipal infrastructure. A section referencing the MIA, including the necessary upgrades to municipal infrastructure to support development in the area, including costing and timelines for the upgrades, is required. As a result of the missing and incomplete analysis, support for the proposal cannot be provided at this stage in accordance with Section 1.6.6.1 of the PPS, as noted above.

Rental Housing Demolition

A related Rental Housing Demolition application was submitted as this application involves the demolition of a total of nine dwelling units, four of which are rental housing units.

Policy 3.2.1.12 of the Official Plan states that new development that has the effect of removing all or part of a private building or related group of buildings and would result in the loss of one or more rental units or dwelling rooms, will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

Since the proposed development would require the demolition of four existing rental dwelling units and two rental dwelling rooms, Policy 3.2.1.12 of the Official Plan applies to this proposal and the applicant is required to provide an acceptable tenant relocation

and assistance plan to lessen hardship for existing tenants. As of the date of this report, the applicant has not yet agreed to provide an appropriate tenant relocation and assistance plan.

Community Consultation

City Planning staff hosted a virtual community consultation meeting ('CCM') on January 29, 2024, which was attended by approximately 41 people, including the local ward councillor.

At the CCM, Community Planning staff provided an overview of the site context, the in-effect and proposed policy framework, as well as an overview of the application review process; the applicant gave a presentation on the subject development proposal. Comments and questions raised at the CCM were generally focused on the following:

- Concerns about proposed unit mix, and how it is not supportive of families;
- Concerns about the proposed unit sizes, and how the sizes are too small to accommodate families;
- Concerns about the lack of ground-floor retail, and the general lack of future retail in similar types of developments occurring in the surrounding area;
- Questions about the location of the mid-block connection for the block in context to the subject lands;
- Concerns about shadow impacts;
- Concerns about the development potential for other properties on the block as a result of the proposal;
- Concerns about whether the proposed number of parking spaces is sufficient;
- Concerns about the traffic issues that may be caused as a result of this development and other similar developments occurring in the area;
- Questions about the completion of the sidewalk network, and the required connections to parks and schools; and,
- Questions about the timing of construction.

The issues raised through CCM have been considered as part of the review of this application and the recommendation of this Report.

Summary of Issues to be Resolved

Based on the concerns articulated throughout this Report, the following is a summary that includes, but is not limited to, the high-level issues to be resolved by the applicant:

- Height, massing and intensity of the proposal and fit of the proposal within the existing and planned context;
- Setbacks and separation distances, including relationships to, and impacts on, adjacent properties;
- Impacts to the public realm and adjacent properties, including shadow and wind;
- Contribution to half the mid-block connection;
- Tree planting and soil volume requirements;
- Compliance with Tier 1 of the TGS;

- Functional servicing concerns, including upgrades to municipal infrastructure; and,
- Rental housing demolition.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan, the Official Plan, and the Council-adopted Yonge Street North Secondary Plan. The proposal does not conform with the Official Plan, and fails to implement the vision of the Council-adopted YSNP. For the reasons outlined in this report, City staff cannot support the proposal in its current form and recommend Council refuse the application. Staff also recommend Council utilize the dispute resolution mechanisms under the *Planning Act*, in an attempt to resolve the issues generally outlined in this Report with the application in its current form.

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Yonge Street North Secondary Plan Map 49-2 - Character Areas

Attachment 5: Yonge Street North Secondary Plan Map 49-3 - Public Realm

Attachment 6: Existing Zoning By-law 569-2013 Map

Applicant Submitted Drawings

Attachment 7: Site Plan
Attachment 8A: North Elevation
Attachment 8B: East Elevation
Attachment 8C: South Elevation
Attachment 8D: West Elevation
Attachment 9A: 3D Proposal in Context (Southeast View)
Attachment 9B: 3D Proposal in Context (Southwest View)