



REPORT FOR ACTION

390-400 Woodsworth Road – Official Plan, Zoning By-law Amendment, Site Plan Control, and Rental Housing Demolition Applications - Appeal Report

Date: March 12, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 15- Don Valley West

Planning Application Number: 21 229471 NNY 15 OZ; 21 229475 NNY 15 SA; and 21 229478 NNY 15 RH

SUMMARY

The application proposes to amend the Official Plan and Zoning By-law to permit 8, 9, and 10-storey residential apartment buildings and three blocks of stacked, back-to-back townhouse units. The proposed development would have 603 residential units with a total gross floor area (GFA) of 47,729 square metres, and a floor space index of 2.26 times the lot area.

There are 80 rental townhouse units on the site, all of which would be demolished and are proposed to be replaced with new rental housing units within the new development. This proposal is also subject to a Rental Housing Demolition Application.

On December 18, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the *Planning Act*. The applicant has also appealed the Site Plan application due to Council not making a decision within the time frame prescribed in the *Planning Act*. A case management conference or hearing date has not been scheduled yet. It is anticipated that a procedural order would be established to determine the sequencing of the various appeals to resolve the Official Plan and Zoning amendment matters prior to the Site Plan Control matters.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the Ontario Land Tribunal hearing and oppose the applications in their current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

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

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current applications regarding the Official Plan and Zoning By-law Amendment and Site Plan Control appeals for the lands at 390-400 Woodsworth Road 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 the Ontario Land Tribunal to withhold the issuance of any final Order(s) until such time as:
 - a. the Ontario Land Tribunal has been advised by the City Solicitor that the final form and content of the draft Official Plan Amendment, draft Zoning By-law and site plan application are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b. the Ontario Land Tribunal has been advised by the City Solicitor that City Council has approved the Rental Housing Demolition Application No. 21 229478 NNY 15 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* and, should City Council authorize the demolition, that the applicant has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the City of Toronto Act securing the replacement of the existing rental dwelling units, including unit mix, size and rents, tenant assistance to mitigate hardship, and other rental related matters, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - c. the owner has, at the owner's sole expense:
 - i. confirmed sanitary, stormwater and water capacity for the development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - ii. submitted a Functional Servicing Report, Stormwater Management Report and Hydrogeological Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - iii. should the City accept Engineering Reports identifying that any upgrades or improvements to existing municipal infrastructure and/or new municipal infrastructure are required to support the development,

those upgrades and improvements shall be designed and financially secured by appropriate development agreement(s) as a condition of Site Plan approval, and be constructed and operational prior to the issuance of any building permits for any development on the lands, all at the Owner's sole expense, and all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Toronto Water and the City solicitor;

- iv. provided all necessary financial securities for transportation improvements in the area, including signal modifications and/or upgrades, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- v. made satisfactory arrangements to convey to the City any land dedications including road widening and site triangles, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- vi. submit a Transportation Demand Management plan (the "TDM") to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from the accepted TDM, be secured if required;
- vii. made arrangements to satisfy the parkland dedication requirement, in accordance with Section 42 of the *Planning Act*, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
- viii. made satisfactory arrangements to transfer the parkland, if deemed appropriate, to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management;
- ix. made arrangements, if deemed appropriate, for a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the

Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time;

- x. submit a revised Natural Heritage Impact Study (“NHIS”) and associated Landscape Plan which identifies and labels natural areas to be restored and enhanced via shading and notation, to the satisfaction of the Chief Planner and Executive Director, City Planning and that such matters arising from the accepted NHIS and Landscape Plan, including but not limited to planting enhancement and restoration within the natural heritage system, as well as establishment of appropriate buffers, be secured if required;
 - xi. a submit a pedestrian level wind study, to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

DECISION HISTORY

A Preliminary Report on the applications was adopted by North York Community Council on February 23, 2022, authorizing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report is available at the following link:

www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-198831.pdf

On December 18, 2023, the City received a Notice of Appeal to the Ontario Land Tribunal regarding the Official Plan and Zoning By-law Amendments, and Site Plan Control applications for 390-400 Woodsworth Road. The applicant appealed the applications due to the City’s failure to make a decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

SITE AND SURROUNDING AREA

Description: The site has an area of approximately 21,126 square metres and is irregular in shape with a frontage of 204.19 metres on Leslie Street, 222.2 metres on Woodsworth Road and 160.13 metres on Stubbs Drive. The site is generally

flat with an increasing grade from Leslie Street. The northwest corner of the site is hazard lands and encumbered with stormwater infrastructure.

Existing Uses: The subject site contains 80 residential townhouse units in seven buildings.

Surrounding land uses include:

North: There is a six-storey residential apartment building on the north side of Stubbs Drive at 44 Stubbs Drive.

East: On the east side of Leslie Street is a multi-unit single-storey industrial building with commercial uses.

South: Immediately south of the subject site are three two-storey detached dwellings at 145 to 149 Bannatyne Drive. Proposed Building C has a side-to-rear relationship with the detached dwellings.

West: A residential neighbourhood of two-storey detached dwellings is on the west side of Woodsworth Road.

THE APPLICATION

Height: 10-storey (35.3 metre), 9-storey (31.7 metre), and 8-storey (28.45 metre) residential apartment buildings plus 6.5 metre mechanical penthouses and four-storey (11.6 metre) townhouse units.

Gross Floor Area: Total gross floor area would be 47,729 square metres and a floor space index of 2.26 times the lot area.

Unit Count: The proposed 603 dwelling units include 21 studio units (3%), 273 one-bedroom units (45%), 178 two-bedroom units (30%), and 131 three-bedroom (22%) units.

Access, Loading, and Parking: Vehicular access to the site is proposed from Woodsworth Road and Stubbs Drive. A new 6.0 metre L-shaped private driveway will run north-south between the proposed apartment buildings and the stacked, back-to-back townhouses fronting on Woodsworth Road.

Parking is proposed to be provided in two levels of underground parking and accessed by a ramp from the new north/south private driveway. A total of 356 vehicle parking spaces would be provided to accommodate the proposed development. Of the 356 vehicular parking spaces provided, 324 spaces would be dedicated for residents and 32 spaces reserved for visitors. The proposal also includes 471 long-term and 53 short-term bicycle parking spaces, one Type 'G' and one Type 'C' loading spaces.

Privately-Owned Publicly Accessible Space (POPS): The proposal includes a 237 square metre POPS adjacent to the Leslie Street frontage between proposed Buildings B and C.

Additional Information: See Attachments 1-9 of this report for the Application Data sheet, Location Map, official plan and zoning maps, site plan, elevations, three dimensional representations of the project in context, and a floodplain map 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-details/?id=5014092&pid=401344>

Reasons for Applications

Official Plan - The applicant has applied to amend the Official Plan to permit 8, 9, and 10-storey residential buildings on lands that are currently designated *Neighbourhoods* which permits residential buildings with heights of up to four-storeys. The lands containing the 8, 9, and 10-storey residential buildings are proposed to be redesignated to *Apartment Neighbourhoods* and the lands containing the four-storey stacked, back-to-back townhouse units and the public park are proposed to be redesignated to *Neighbourhoods* with a Site and Area Specific Policy.

Zoning By-law - An amendment is required to the City wide Zoning By-law 569-2013, as amended, to permit the height and density for the proposed 8, 9, and 10-storey residential buildings and the three blocks of stacked, back-to-back townhouse buildings. The Zoning By-law amendment is also required to implement performance standards such as maximum heights, minimum setbacks, minimum vehicular and bicycle parking, minimum loading, and other requirements.

Agency Circulation Outcomes

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

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted with the Official Plan and Zoning By-law amendment application and has also been appealed. The application for site plan control (file number 21 229475 NNY 15 SA) presently does not comply with the in-force zoning by-law.

It is anticipated that a procedural order would be established to determine the sequencing of the various appeals to resolve the Official Plan and Zoning amendment matters prior to the Site Plan Control matters.

Rental Housing Application

A Rental Housing and Demolition application is required because the subject site has six or more residential units of which at least one is rental. The applicant submitted Rental Housing and Demolition Application No. 21 229478 NNY 15 RH under Chapter 667 of the Toronto Municipal Code for the demolition of 80 existing rental housing units. This application is under review by staff.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

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

Official Plan

The land use designation for the site is *Neighbourhoods*. See Attachment 3 of this report for an excerpt of Land Use Map 19. The *Neighbourhoods* designation permits a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. Lower scale residential buildings in houses, duplexes, triplexes and various forms of townhouses as well as interspersed walk-up apartments with or without elevators that are four-storeys or less can be considered.

Section 3.4 of the Official Plan contains policies to address the Natural Environment to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment that will be environmentally friendly. Policy 3.4.1 b) states that changes to the built environment will be based on sustaining, restoring and enhancing the health and integrity of the natural ecosystem, supporting biodiversity in the City and targeting ecological improvements, paying particular attention to natural linkages between the natural heritage system and other green spaces. Policy 3.4.1 e) states that changes to the built environment will be based on reducing the risks to life, health, safety, property, and ecosystem health that are associated with flooding that may increase the risk associated with natural hazards. Policy 3.4.6 states that areas within the floodplain may only be used for activities that:

- Retain existing topography
- Protect, restore or improve existing natural features and functions
- Do not result in unacceptable risks to life or property, and
- Minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.

Policy 3.4.8 states that development will be set back from flooding, or other physical conditions that present a significant risk to life or property by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards (which includes the floodplain). Policy 3.4.10 states that hazard lands, may not be used to satisfy parkland dedication requirements.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

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

Zoning

The site is zoned RT(au220.0) in the City of Toronto Zoning By-law No. 569-2013, as amended. The RT(au220.0) zone permits a dwelling unit within a detached, semi-detached, or townhouse form. The zone also permits a wide range of recreational and institutional uses such as day nurseries, schools, libraries and places of worship. See Attachment 4 for the City of Toronto Zoning Map for By-law No. 569-2013.

The City's Zoning By-law No. 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

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

City-Wide Mid-Rise Performance Standards and Addendum;
 City-Wide Townhouse and Low-Rise Apartment Guidelines;
 Growing Up Guidelines for Children in Vertical Communities;
 Pet Friendly Design Guidelines for High Density Communities;
 Best Practices for Bird-Friendly Glass; and
 Toronto Accessibility Design Guidelines;

The City's Design Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>.

Toronto Green Standard

The Toronto Green Standard (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 can be found here: [Toronto Green Standard – City of Toronto](#).

COMMUNITY CONSULTATION

A Community Consultation meeting was hosted by City staff on April 5, 2022, via Webex, in conjunction with the Ward Councillor to discuss the proposal. Approximately 70 members of the public attended in addition to City staff and the applicant's representatives. Staff received feedback from the meeting and comments through the Application Information Centre.

During the meeting, residents asked questions and expressed concerns about:

- The proposed three mid-rise buildings fronting onto Leslie Street. Residents did not see the need to redevelop the existing townhouse site.
- The timing of the proposed demolition, when tenants would have to vacate their existing rental units, and the estimated length of time over which the proposed development would be constructed;
- The proposed replacement rental unit sizes;
- The amount of replacement units with balconies versus the existing condition;
- Seniority and the process for selecting and returning to a replacement rental unit;
- How and when the financial compensation provided under the City-approved Tenant Relocation and Assistance Plan would be administered to tenants;
- Whether the City has contingencies in place for construction delays;
- How the amount of tenant compensation, including the rent gap assistance, is calculated and whether it would be sufficient in supporting a tenant's interim housing cost; and
- The loss of parking and storage space.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff has reviewed the current

proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020).

Section 1.4 of the PPS outlines the Province's policies with respect to the provision of housing. Policy 1.4.3 states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet affordable housing needs of current and future residents. Section 2.2.6.2 in the Growth Plan reinforces the housing policies in the PPS by establishing that municipalities will support the achievement of complete communities by considering the range and mix of housing options and densities of the existing housing stock and planning to diversify their overall housing stock across the municipality. With the exception of the apartment building at 44 Stubbs Drive, the housing stock around 390-400 Woodsworth Drive is low density and homogeneous comprising of two-storey detached dwellings. The proposal contemplates increasing the range and mix of housing options by replacing existing rental townhouse units with replacement rental townhouse units, and adding new apartment units of various sizes.

Section 1.6.6.6 of the PPS states that planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services. The applicant has submitted technical information to support the proposed development including a Servicing and Stormwater Management Report. At this point none of the submitted technical studies have been determined to be satisfactory in order to address Section 1.6.6.6 of the PPS.

Section 3.0 of the PPS provides policies for protecting public health and safety. The PPS states that development shall be directed away from areas of natural hazards where there is an unacceptable risk to public health or safety or of property damage. Section 3.1.1 of the PPS speaks to natural hazards where development is generally directed to areas outside of hazard lands adjacent to river and stream systems which are impacted by flooding hazards. Policy 2.2.1.2 e) of the Growth Plan includes similar policy direction.

Policy 3.1.2 c) of the PPS 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 unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. The proposal contemplates a public park at the northwest portion of the site within a flooding hazard and portions of the townhouses within the 10 metre setback of a flooding hazard, which is not consistent with the policies in the PPS.

Section 4.6 states that the official plan is the most important vehicle for implementing the PPS. Official plans set out appropriate land use designations and policies which assist with the implementation of the PPS.

In summary, some level of redevelopment may be appropriate on this site, however the location of the proposed public park and portions of the townhouses are located in hazard lands and may pose a risk to public health and safety. As such, parts of the application are not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) until these matters, and other matters identified in the report can be appropriately addressed.

Land Use

The site is designated *Neighbourhoods* in the Official Plan which are physically stable areas consisting of detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses as well as interspersed walk-up apartments that are four-storeys or less. *Neighbourhoods* are not a growth designation but they are also not static. Limited growth can occur in *Neighbourhoods*. In this regard section 4.1.9 of the Official Plan states that in established *Neighbourhoods*, infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation will meet the development criteria outlined in the section. Policy 4.1.9 allows consideration of the proposal subject to the relevant policies in the Official Plan. This evaluation is also required in accordance with Policy 5.3.1.3 of the Official Plan which stipulates that amendments to the Official Plan that are not consistent with its general intent will be discouraged. Given that the existing townhouse development varies from the local lot patterns in terms of size, configuration and orientation fronting onto a major street, it would be appropriate to evaluate the proposed infill development using Policy 4.1.9 in the Official Plan.

In an effort to provide a full range of housing options across the city, the City of Toronto has embarked on the Expanding Housing Options in *Neighbourhoods* Initiative (EHON). One of the initiatives currently underway is the Major Streets study, which looks to examine opportunities to add permissions for townhouses and small scale apartment buildings along the City's major streets, as identified on Map 3 of the Official Plan, to expand housing opportunities along the edges of Toronto's low rise *Neighbourhoods*. Leslie Street is identified as a major street on Map 3 of the Official Plan.

The Proposals Report for Major Streets was endorsed for public consultation in September 2023 to continue consultation on the draft Official Plan Amendment and proposed zoning by-law framework. EHON is currently being reviewed and staff will continue to evaluate the proposed land use in accordance with the official plan policies and be informed by the most recent information from EHON. The EHON study indicates that heights beyond four-storeys as currently permitted in the *Neighbourhoods* designation have been considered for properties adjacent to Leslie Street

Hazard Lands

Hazard Lands are areas which because of their susceptibility to flooding or unstable slopes or soils will be hazardous to life and property if developed. The floodplain is the area adjoining a watercourse which may be subject to flooding hazards. Although there are no natural surface waters on the subject site (a stretch of the watercourse has been piped underground), there is a surfaced watercourse to the north and west (separated by Stubbs Drive and Woodsworth Road). Despite the watercourse being piped, the associated floodplain extends onto the northwest corner of the subject site and is regulated by the Toronto and Region Conservation Authority (TRCA). The submitted Official Plan Amendment proposes a *Neighbourhoods* designation for the hazard lands proposed for parkland dedication, which would not be appropriate.

As noted above in the PPS, development shall generally be directed away from hazardous lands and development shall not be permitted within areas that are rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of development and the natural hazard. Attachment 9 – Floodplain, is a site plan from the Natural Heritage Impact Study submitted by the applicant but the City generally uses Official Plan and screening maps to determine if properties are in the Natural Heritage System, floodplain, TRCA regulated area, et cetera. These limits can be refined by TRCA, or site specific technical study to the City's satisfaction. Policy 3.4.8 c) of the Official Plan states that development will be set back at least 10 metres, or more if warranted by the severity of existing or potential natural hazards other locations where flooding or other physical conditions present a significant risk to life or property. Several of the proposed townhouse buildings are immediately adjacent to the 10 metre setback from the floodplain, associated development (paved walkways, patios, et cetera) encroach within the 10 metre setback. A revised NHIS is required to determine the appropriateness of the location of the townhouses and associated walkways in relation to the floodplain and 10 metre setback, and to address the issue of safe access and egress.

Policy 3.4.10 in the Official Plan states that hazard lands may not be used to calculate permissible density in the zoning by-law or used to satisfy parkland dedication requirements. Areas within the floodplain may only be use for the following activities:

- Retain existing topography
- Protect, restore or improve existing natural features and functions
- Do not result in unacceptable risks to life or property, and
- Minimize the need to mitigate and remediate floods, erosion and damage to the natural ecosystem.

The proposed public park is not permitted in the floodplain.

Ravines and Natural Feature Protection/Natural Heritage System

The northwest portion of the site is subject to provisions of the Ravine and Natural Feature Protection by-law and is located in the Natural Heritage System as indicated on Map 9 of the Official Plan. Lands within the Natural Heritage System are generally required to be retained, protected, buffered and/or enhanced. Accordingly, the applicant submitted a Natural Heritage Impact Study (NHIS) recommending the northwest corner of the property be restored and enhanced with planting. This recommendation conflicts with the use of the lands for parkland dedication. In the event the OLT approves the proposed development, staff recommend that any approval be subject to a revised Natural Heritage Impact Study and associated Landscape Plan demonstrating retention, protection, buffering and enhancement in the Natural Heritage System in accordance with policies in section 3.4 of the City's Plan.

Toronto and Region Conservation Authority

The northwestern portion of the site is located within the Toronto and Region Conservation Authority (TRCA) regulated area and a permit is required for the proposed development. The site and landscape plans show development associated with the proposed Block D stacked, back-to-back townhouses as being within the 10-metre setback from the regulatory floodplain. The stacked, back-to-back townhouses must be located entirely outside of the 10-metre buffer. Section 3.4.8 of the official plan states that development will be set back from the floodplain by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards.

Further, TRCA advises that dewatering during construction may be required and has the potential to impact the existing watercourse northwest of the subject site. TRCA requires confirmation that any dewatering will not impact the watercourse. TRCA has also advised that the lands within the natural system including the 10-metre buffer must be designated as open space – natural areas and zoned accordingly. In the event the OLT allows the appeal in whole or in part, staff recommend that the Tribunal withhold its final Order pending the final form and content of the Official Plan and Zoning By-law Amendment.

Parkland

In the context of a rapidly growing city, the importance of public parkland being available to enhance and expand the amount of park spaces provided to residents and visitors alike becomes ever more relevant. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded.

The parkland dedication requirement is 2,113 square metres and shall be fulfilled in compliance with Policy 3.2.3.8 of the Toronto Official Plan. The submitted architectural and landscape plans demonstrates that an on-site parkland dedication of 2,118.5 square metres, in a triangular shape, at the intersection of Woodsworth Road and Stubbs Drive has been proposed.

The location of the proposed parkland is in an area identified in Chapter 658 of the Toronto Municipal Code, Ravine and Natural Feature Protection and is also within the Natural Heritage System, as identified in the Toronto Official Plan. As such, the proposed parkland is considered “Environmental Lands,” as defined in Chapter 415, Article III of the Toronto Municipal Code, which cannot be conveyed to the City to satisfy parkland dedication requirements. Moreover, the proposed parkland dedication is encumbered with a stormwater management easement and associated sewer infrastructure. The applicant’s proposed parkland dedication is not acceptable to the Parks Development Section and alternative parkland dedication arrangements must be provided.

Alternate parkland dedication on site would have impacts on site organization, building location and the overall development concept that would require further evaluation.

In the event the OLT allows the appeal in whole or in part, staff recommend that the Tribunal withhold its final Order until the Owner has made arrangements to satisfy the parkland dedication requirement, in accordance with Section 42 of the *Planning Act*, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

Height and Massing

The application proposes a mid-rise building typology on the Leslie Street frontage. Should it be determined that the proposed land use is appropriate in accordance with Section 4.1.9 of the official plan, staff will evaluate the proposal in part using the City-wide Mid-Rise Performance Standards and Addendum. The Mid-Rise Guidelines stipulate a maximum height established by a 1:1 ratio with the planned right-of-way on which the property fronts. Map 3 in the Official Plan indicates Leslie Street to have a planned right-of-way of 30 metres. The height of proposed Building A (10-storey) does not meet the 1:1 ratio with the Leslie Street right-of-way and is therefore excessive. See Attachments 6 and 7 for elevations of the proposed buildings.

The proposed height of Building A is 10-storeys, Building B is 8-storeys, and Building C is 8-storeys along Leslie Street. Although the site is relatively flat, the entire site is elevated from Leslie Street and Building A should more appropriately transition down in height to transition to the surrounding context. The Official Plan states that buildings are to be located and massed to provide a transition through appropriate setbacks and/or a stepping down of heights

towards lower scale *Neighbourhoods*, and for buildings to be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*.

These will be matters will continue to be evaluated.

Wind

Staff reviewed the Pedestrian Level Wind Study prepared by RWDI dated August 8, 2023. The wind study identifies areas of concern relating to pedestrian comfort and safety. Modifications to the building massing and plan are required to ensure safe and comfortable wind conditions. The massing of the proposed development does not provide appropriate wind conditions on the public realm including along the Leslie Street sidewalk.

The proposed development massing does not provide comfortable wind conditions during the wintertime between Buildings A, and B and between Buildings B, and C where POPS and amenity areas are located. The condition should be comfortable for standing in the winter season. In the event the OLT allows the appeal in whole or in part, staff recommend that the Tribunal withhold its final Order until a satisfactory pedestrian level wind study has been provided.

Indoor/Outdoor 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 2.0 square metres for each dwelling unit is outdoor amenity space.

The submitted plans indicates a total of 2,410 square metres of residential amenity space, comprised of 1,046 square metres of indoor amenity space (1.73 square metres per unit) and 1,364 square metres of outdoor amenity space (2.26 square metres per unit). The proposal has insufficient indoor amenity space and exceeds the By-law requirement with respect to outdoor amenity space.

There is 1,260 square metres of outdoor amenity space proposed to be located between Buildings A and B and 104 square metres on the west side of Building C. Indoor amenity space is located at the ground level of the apartment buildings accordingly:

- Building A = 534 square metres;
- Building B = 304.7 square metres; and
- Building C = 207.5 square metres.

The plans also indicate a 237 square metre Privately-Owned Publicly Accessible Space (POPS) between Buildings B and C. Official Plan Policies 3.2.3 d) and e) speak to improving upon the quality of landscaped open space and outdoor

amenity space for new and existing residents. Staff are supportive of the POPS in the proposed development.

Servicing

Engineering and Construction Services staff have reviewed the technical support material submitted with the application. The Servicing and Stormwater Management Report by Counterpoint Engineering dated August 2023, is not acceptable in its current form. Clarification, additional information, and other changes are required by staff to provide a fulsome review of the report. Relevant information, such as an updated hydrogeological investigation are also required. In the event the OLT allows the appeal in whole or in part, staff recommend that the Tribunal withhold its final Order pending confirmation of sufficient capacity for sanitary, water, groundwater management, and stormwater management all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services, and financial securities to secure any require service upgrades if necessary. This recommendation is required to ensure conformity with policy 1.6.6.6 of the PPS.

Traffic Impact

The applicant's transportation consultant, BA Group, submitted an updated Urban Transportation Considerations report, dated August 2023. The report estimates that the project will generate approximately 105 and 130 new two-way vehicle trips (215 and 265 net-new two-way person trips) during the a.m. and p.m. peak hours, respectively. The consultant concludes that site traffic can be accommodated with minimal impact on the adjacent street network. Transportation Services staff generally accept this conclusion.

A strong Transportation Demand Management (TDM) plan is required for this site to encourage sustainable transportation options, support the proposed vehicular parking supply, address any site related vehicular traffic issues, and satisfy the requirements in the Toronto Green Standard.

In the event that the OLT allows the appeal in whole or in part, staff recommend that the final Order should be withheld pending confirmation that the owner has submitted a revised Transportation Demand Management Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured if required.

Rental Housing Demolition and Conversion By-law

This application involves the demolition of 80 rental dwelling units. Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of

rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to mitigate hardship.

In accordance with the Official Plan, the applicant is proposing to demolish and replace all 80 existing rental dwelling units. The eight (8) existing two-bedroom units and seventy-two (72) existing three-bedroom units are all proposed to be replaced with new three-bedroom units.

Other matters to be resolved include the development of an appropriate tenant relocation and assistance plan, for eligible tenants addressing the right to return to occupy a replacement rental unit at similar rents and other assistance to lessen tenant hardship.

In the event the OLT allows the appeal in whole or in part, staff recommend that the Tribunal withhold its final Order until City Council has approved the Rental Housing Demolition application and secured an appropriate replacement rental housing and tenant relocation and assistance plan in a Section 111 agreement.

Prior to a decision by City Council on the Rental Housing Demolition application, a tenant consultation meeting will be held to review the impact of the proposal on the tenants of the residential rental property.

Urban Forestry

The applicant's forestry consultant has submitted an arborist report, a tree inventory and preservation plan, and a soil volume plan that have been reviewed by Urban Forestry staff. The proposal contemplates removing the entirety of the tree canopy on the Leslie Street frontage that includes seventy-nine (79) trees, of which 39 are protected under the city's tree protection by-laws. Urban Forestry has determined that the proposed development does not satisfy the policies outlined in policies 3.1.3.1, 3.1.3.13, and 3.4.1 in the Official Plan as well as the City of Toronto's overall goal to increase tree canopy cover to 40%. Urban Forestry does not support the proposed development in its current form.

Toronto Green Standard

Council has adopted the four-tier 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. 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.

Staff have reviewed the proposed development for compliance with the TGS and have determined that the following performance standards have not been met:

- SW 1.3 – Bulky Waste
- SW 1.4 Enhanced waste collection and sorting
- AQ 1.3 Electric vehicle infrastructure
- AQ 3.2 Sidewalk Space
- WQ 1.1 Erosion and sediment control
- WQ 2.1 – Stormwater retention and reuse
- WQ3.1 – Total Suspended Solids
- WQ 4.1 – Drought-tolerant landscapes

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan, and associated guidelines. Staff are of the opinion that the proposal, in its current form, is not consistent with the PPS (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Further, the proposal, does not conform with the Official Plan, particularly as it relates to the height, massing, provision of an unencumbered public park, and adequately addressing the hazard lands.

This report recommends that City Council direct the City Solicitor, with appropriate staff to attend the Ontario Land Tribunal in opposition to the Application in its current form and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Zoning By-law Map 569-2013
Attachment 5: Site Plan
Attachment 6: Leslie Street Elevation
Attachment 7: Stubbs Drive Elevation
Attachment 8a: 3D Rendering - Southwest
Attachment 8b: 3D Rendering – Northeast
Attachment 9 - Floodplain

Attachment 1: Application Data Sheet

Municipal Address: 390-400 WOODSWORTH ROAD
 Date Received: October 22, 2021

Application Numbers: 21 229471 NNY 15 OZ; 21 229475 NNY 15 SA and 21 229478 NNY 15 RH

Application Type: OPA / Rezoning, Site Plan Control, and Rental Housing Demolition

Project Description: Official Plan and Zoning By-law amendment application to permit 8, 9, and 10-storey residential apartment buildings and three blocks of stacked back-to-back townhouse units. A Rental Housing Demolition application has been submitted to demolish 24 existing quad buildings containing 80 rental units. The proposed development would have a total of 603 residential units. The total gross floor area will be 47,729 square metres. The proposal includes 356 vehicular parking spaces on two levels of underground parking, a private north/south driveway and a public park at the corner of Woodsworth Road and Stubbs Drive.

| Applicant | Agent | Architect | Owner |
|---|---|---|--|
| BOUSFIELDS INC 3 Church St, suite 200. Toronto, ON M5E 1M2 | BOUSFIELDS INC 3 Church St, suite 200. Toronto, ON M5E 1M2 | TACT 660R College St., Toronto, ON M6G 1B8 | Plaza Partners Inc. 10 Wanless Ave, Toronto, ON M4N 1V6 |

EXISTING PLANNING CONTROLS

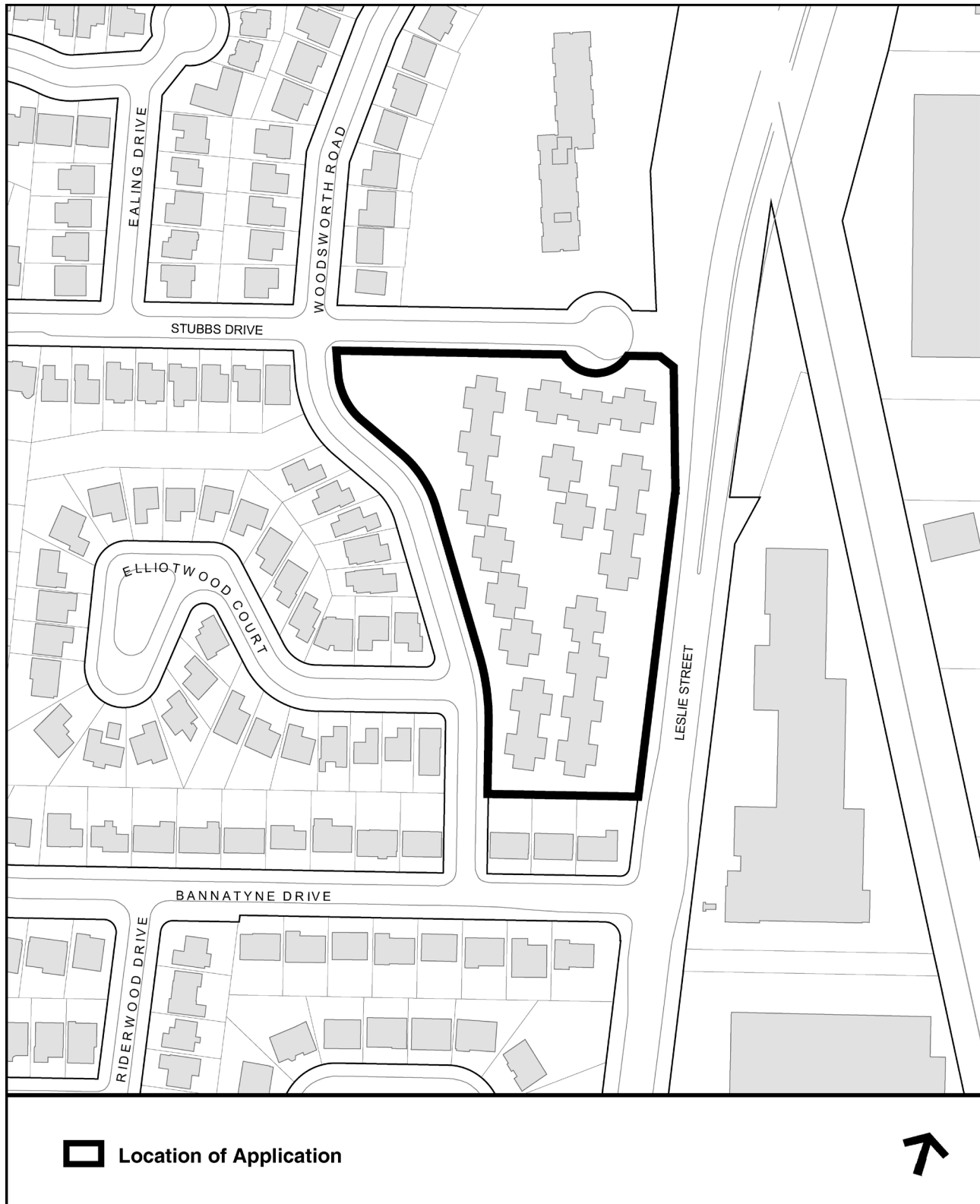
| | | |
|----------------------------|---------------|---------------------------|
| Official Plan Designation: | Neighbourhood | Site Specific Provision: |
| Zoning: | RT (au220.0) | Heritage Designation: N |
| Height Limit (m): | 10.5 | Site Plan Control Area: Y |

PROJECT INFORMATION

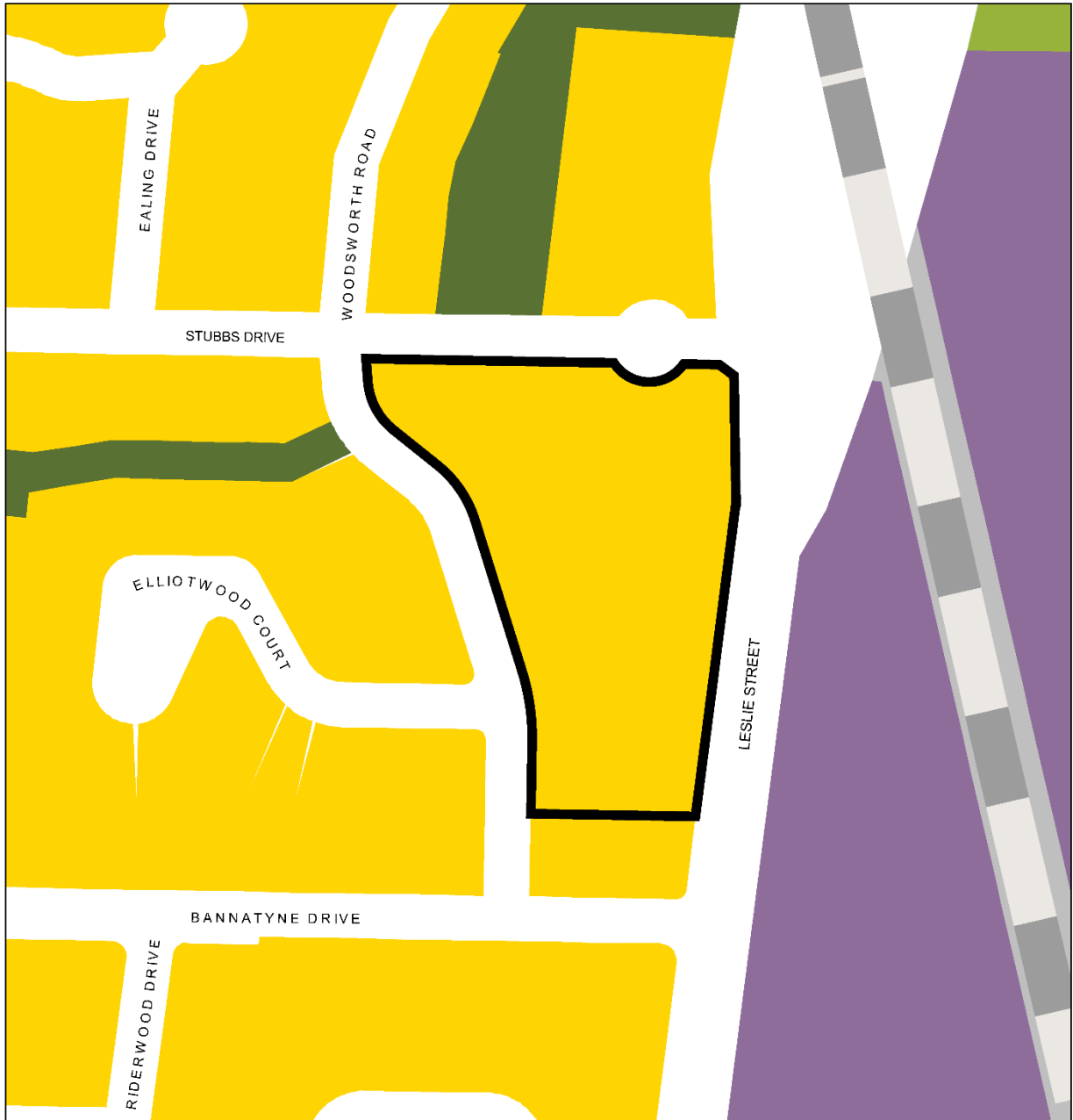
Site Area (sq m): 21,126 Frontage (m): 204.2 Depth (m): 222.2

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|--------|
| Ground Floor Area (sq m): | | | | |
| Residential GFA (sq m): | 108.4 | | 47,729 | 47,729 |
| Non-Residential GFA (sq m): | | | | |

Attachment 2: Location Map









Attachment 3: Official Plan Map



Official Plan Land Use Map #19

390-400 Woodsworth Road

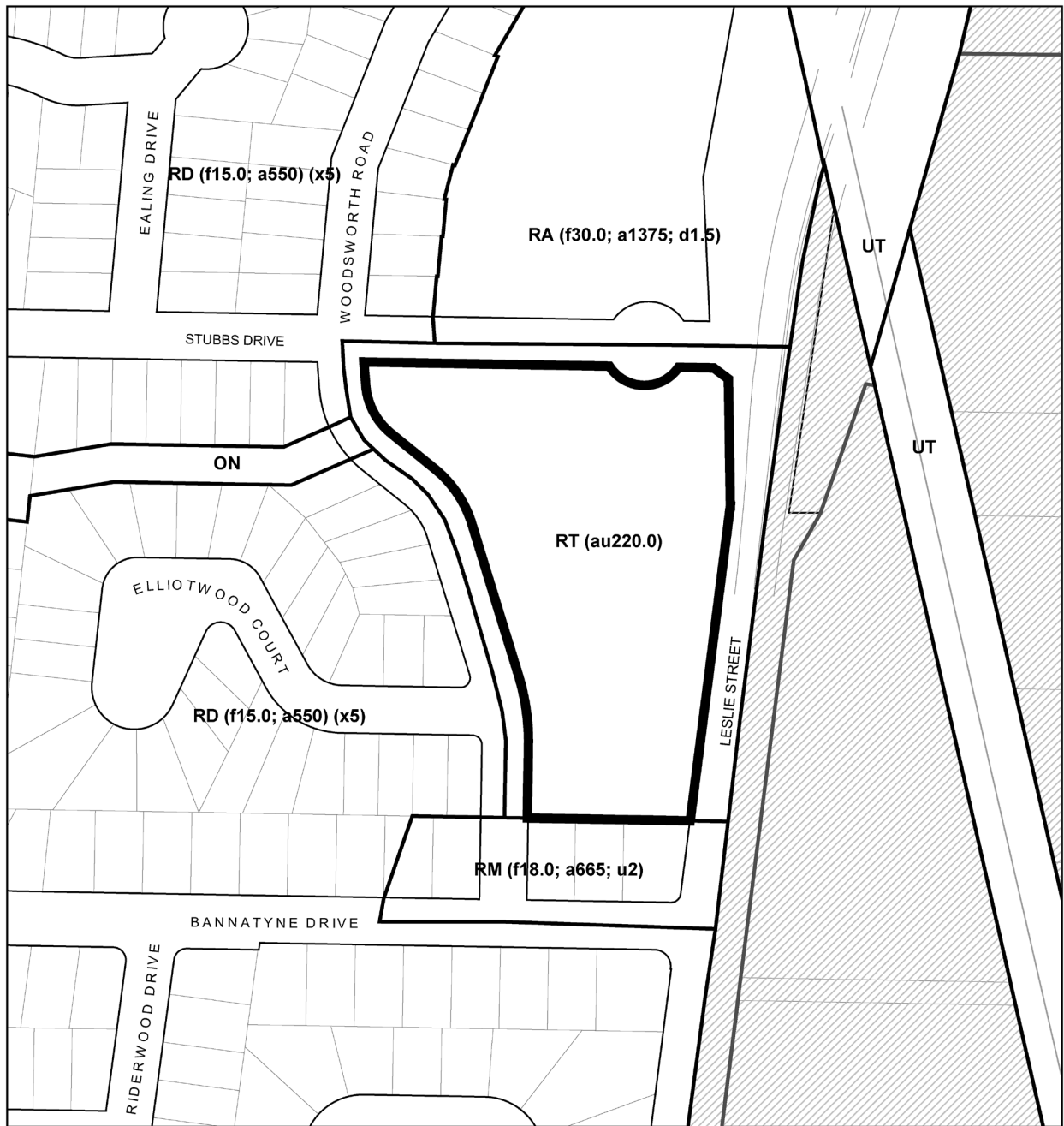
File # 21 229471 NNY 15 0Z

- | | |
|---|--|
|  Location of Application |  Utility Corridors |
|  Neighbourhoods |  General Employment Areas |
|  Natural Areas | |
|  Other Open Space Areas | |



Not to Scale
Extracted: 10/25/2021

Attachment 4: Zoning By-law 569-2013



Zoning By-law 569-2013

390-400 Woodsworth Road

File # 21 229471 NNY 15 0Z

-  Location of Application
- RD** Residential Detached
- RT** Residential Townhouse
- RM** Residential Multiple
- RA** Residential Apartment
- ON** Open Space Natural
- UT** Utility and Transportation

-  See Former City of North York By-law No. 7625
- MC** Industrial-Commercial Zone
- MO** Industrial-Office Business Park Zone



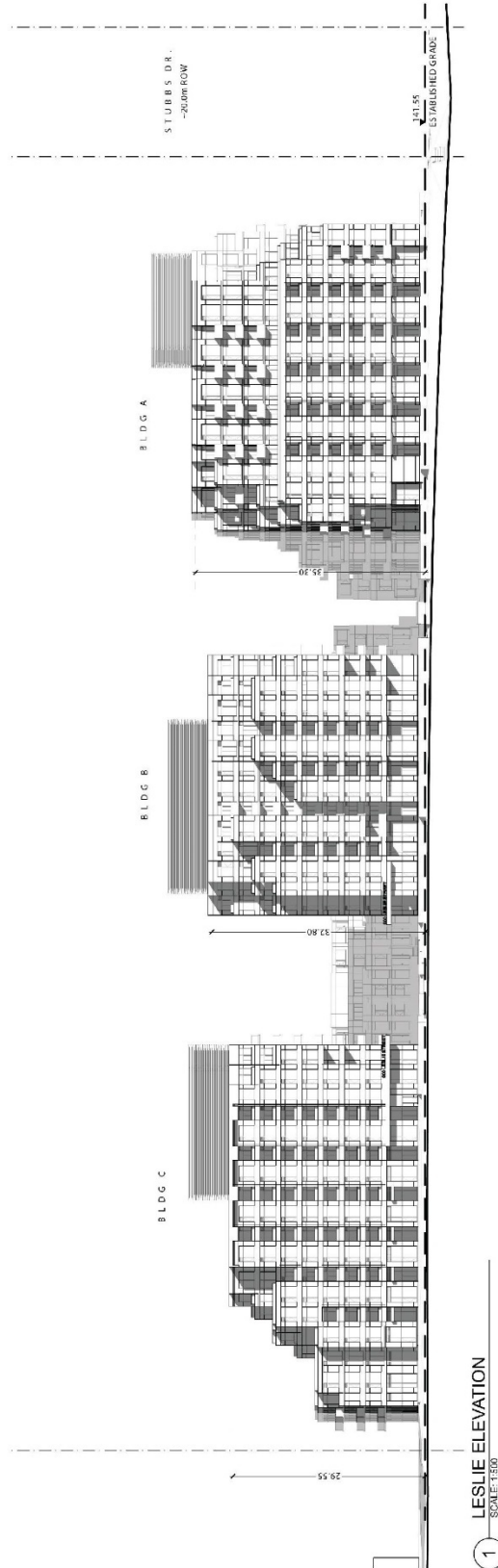
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Extracted: 10/25/2021

Attachment 5: Site Plan



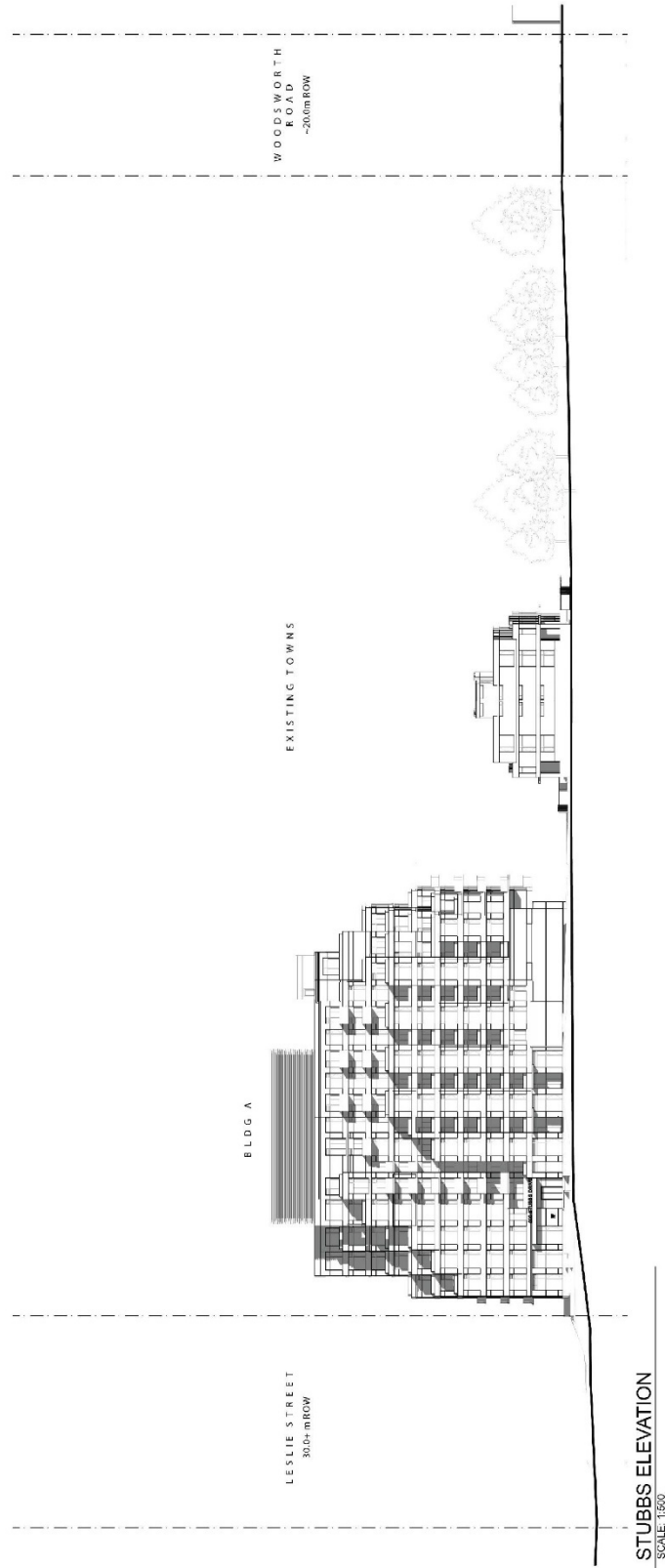
Site Plan ←

Attachment 6: Leslie Street Elevation



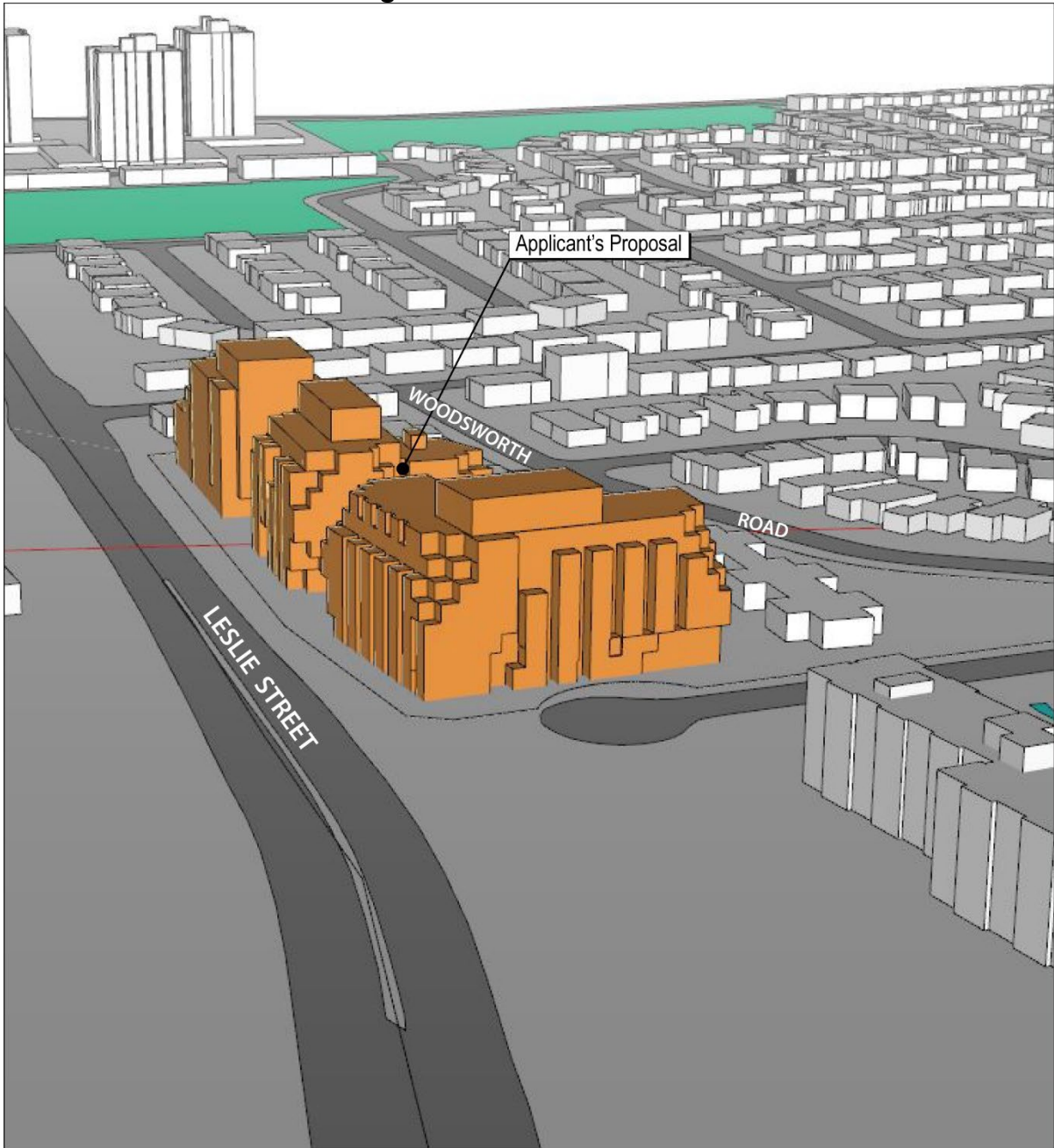
Leslie Elevation

Attachment 7: Stubbs Drive Elevation



Stubbs Elevation

Attachment 8a: 3D Rendering - Southwest

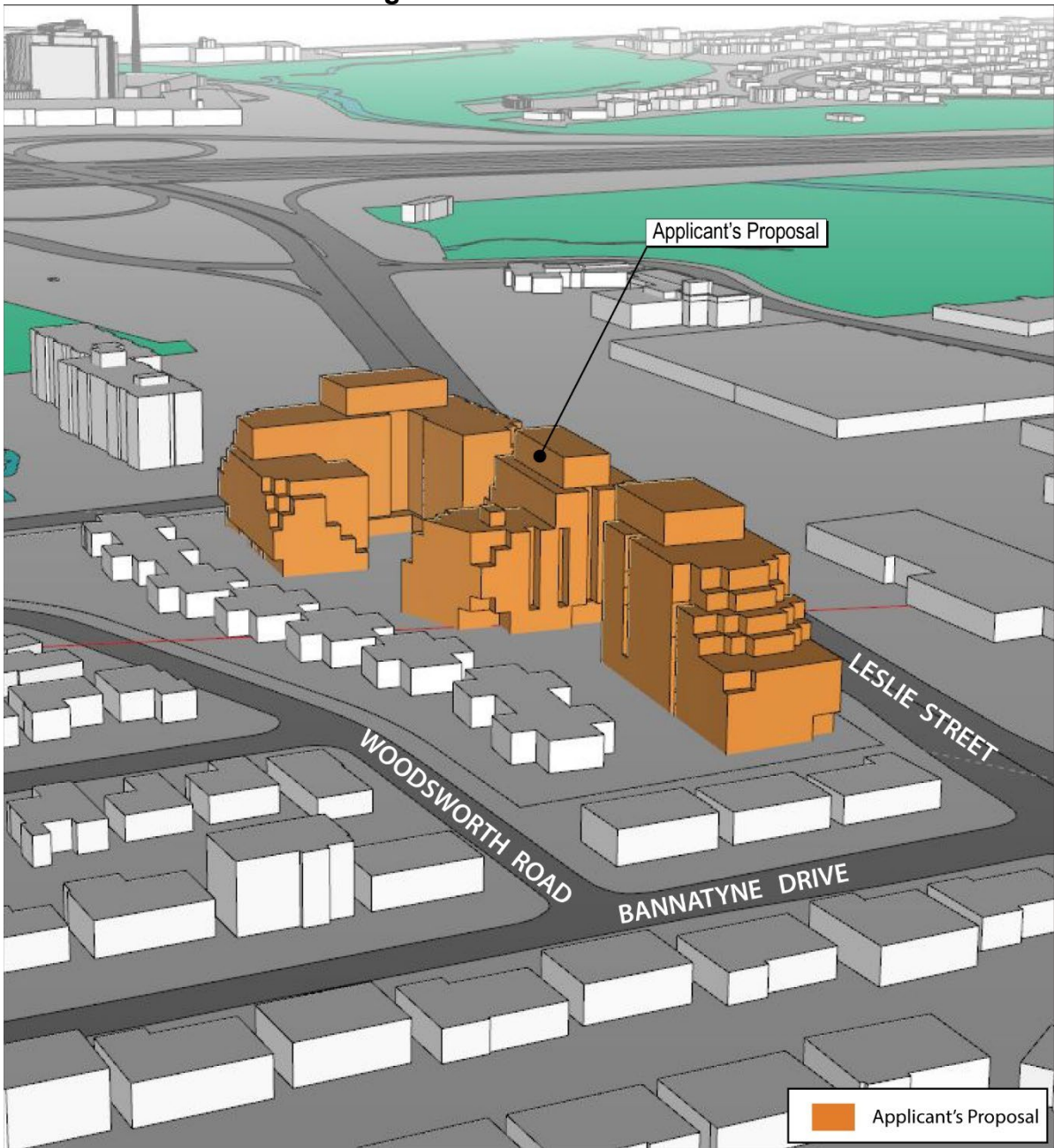


View of Applicant's Proposal Looking Southwest



11/24/2021

Attachment 8b: 3D Rendering – Northeast



View of Applicant's Proposal Looking Northeast



11/24/2021

Attachment 9: Floodplain



| Legend | |
|--------|--|
| | Subject Property |
| | Natural Heritage System (City of Toronto 2019) |
| | Ecological Communities |
| | Floodline TRCA |
| | Floodplain (SCS 2023) |
| | Floodplain + 6 m |
| | Floodplain + 10 m |
| | Piped Watercourse |
| | Watercourse (MNR 2020) |
| | Existing Development |
| | Proposed Development |

| Code | Other Communities |
|------|-------------------|
| ANT | Anthropogenic |

Proposed Development

