

7-17 Nipigon Avenue – Official Plan Amendment and Zoning Amendment Applications – Decision Report – Refusal

Date: June 11, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 18 - Willowdale

Planning Application Number: 23 232536 NNY 18 OZ

Related Planning Application Number: 23 232941 NNY 18 SA

Related Rental Housing Demolition Application Number: 24 110419 NNY 18 RH

SUMMARY

This application proposes to amend the Official Plan and Zoning By-law to permit a 50-storey (170.15 metres) residential building (the "proposal") at 7-17 Nipigon Avenue (the "subject lands"), as shown on Attachments 7 to 9B of this Report. The proposal contains 620 residential units and a gross floor area ("GFA") of 39,544.85 square metres, for an overall density of 17.1 times the area of the lot.

The proposal is 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. 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; non-compliance with the Toronto Green Standard; and a failure to provide adequate pedestrian connections, in the form of a mid-block connection, to support active transportation.

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 a decision of 120 days. 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 Official Plan Amendment and Zoning By-law Amendment (File No. 23 232536 NNY 18 OZ) in their current form, for the lands municipally known as 7 - 17 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 application 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.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application consultation ("PAC") meeting was held on September 14, 2023. The Planning Application Checklist Package resulting from the PAC meeting is available [here](#). The current applications were submitted on December 5, 2023, and deemed complete on April 18, 2024. A Preliminary Summary of the application is available [here](#).

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 Official Plan Amendment 615 ("OPA 615")). In its decision, City Council directed City staff to use the YNSNP 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 YNSNP was subsequently appealed to the Ontario Land Tribunal ("OLT") by a number of landowners (Case No. OLT-22-004346). The status of the appeals to the YNSNP can be obtained at the following link: [OPA 615 - Yonge Street North Secondary Plan](#).

On March 25, 2022, the Planning and Housing Committee adopted a recommendation containing draft delineations of 57 Protected Major Transit Station Areas ("PMTSAs") and 40 Major Transit Station Areas ("MTSAs") across the City. The subject lands are located within the Yonge-Steeles PMTSA (SASP 760), which outlines the PMTSA boundary, minimum densities and permitted uses. SASP 760 has not yet been approved by the Minister of Municipal Affairs and Housing. A copy of the report and decision can be found at the following link: [Our Plan Toronto: Draft Major Transit Station Area Delineations - 57 Protected Major Transit Station Areas and 40 Major Transit Station Areas](#).

SITE AND SURROUNDING AREA CONTEXT

Description: The subject lands are rectangular in shape and are located on the south side of Nipigon Avenue, east of Yonge Street, and one block south of Steeles Avenue East. The subject lands are approximately 2313 square metres in area and have approximately 61.93 metres of frontage on Nipigon Avenue.

Existing Use: The subject lands are currently developed with five detached dwellings containing a total of six dwelling units, four of which are rental units.

Surrounding Land Uses:

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

- **North:** Nipigon Avenue, beyond which are residential uses in the form of detached dwellings.
- **South:** Detached dwellings are located to the south of the subject lands.
- **East:** Detached dwellings are located to the east of the subject lands.
- **West:** A low-rise medical office commercial building is directly abutting the subject lands to the west. Beyond which is an existing laneway, being the Lane

East Yonge South Steeles ('Ln E Yonge S Steeles', or the "laneway"), and beyond which are existing commercial plazas fronting onto Yonge Street.

PROPOSAL

Description: The applications are 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 170.15 metres including the mechanical penthouse. The building includes a 5-storey base building, a 45-storey tower element, and a 6.5 metre tall mechanical penthouse.

Density: The proposal has a density of 17.1 times the area of the lot.

Dwelling Units: The proposal includes 620 residential dwelling units, comprised of four studio units (less than 1% of the total unit composition), 457 one-bedroom units (74% of the total unit composition), 94 two-bedroom units (15% of the total unit composition) and 65 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 80 vehicle parking spaces including 42 resident parking spaces, 33 visitor parking spaces, 1 car-share space, and four parking spaces are provided at-grade for pick-up/drop-off.

Existing Rental Dwelling Units: The subject lands are currently occupied by five detached dwellings, containing a total of six dwelling units, four of which are rental units.

Tenant Relocation and Assistance Plan: A Tenant Relocation and Assistance Plan has been proposed, which would assist Eligible Tenants in finding and securing alternative accommodation and would include the following:

- at least six months notice before having to vacate their existing dwelling unit;
- financial compensation equal to three months' rent or an alternative unit acceptable to the tenant as required by the *Residential Tenancies Act*, 2006 ("RTA") when a tenant receives a notice of termination for the purpose of demolition;
- financial compensation above and beyond that required under the RTA in the form of rent gap assistance based on the current [Council-adopted approach](#);
- a moving allowance to cover expenses for moving into alternative accommodation;
- special needs compensation for applicable tenants to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- upon request, making a rental leasing agent available to provide tenants with a list of rental vacancies in the neighbourhood, coordinate referrals and references from the current landlord, and provide similar assistance commensurate with tenant needs.

Tenants who moved in after the Official Plan and Zoning By-law Amendment application was submitted on December 5, 2023 would receive six months' notice before having to vacate their existing dwelling unit and three months' rent as required under the RTA.

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
- Community Services and Facilities Study
- Energy Strategy Report
- Geotechnical Study
- Housing Issues Report
- Hydrogeological Report
- Noise Impact Study
- Pedestrian Level Wind Study
- Planning Rationale
- Public Consultation Strategy Report
- Sanitary Analysis Report
- Servicing Report
- Stormwater Management 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: www.toronto.ca/7NipigonAve

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 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. While the subject lands were redesignated *Mixed Use Areas* by the Council-adopted OPA 615, the plan remains under appeal.

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 OPA 615 which amended the Official Plan and created the YSNSP by By-law 1016-2022. On March 25, 2022, the Planning and Housing Committee adopted a recommendation delineating the Yonge-Steeles PMTSA, which generally (but not entirely) aligns with the YSNSP area, and which assigns minimum density targets for the PMTSA.

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 YSNSP area in order to support the planned higher order transit and to create an urban node.

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

Zoning

The subject lands are zoned Residential Detached Zone ("RD") (f12.0; a370) by Zoning By-law 569-2013, as shown on Attachment 6: 'Existing Zoning By-law 569-2013 Map' to this Report. The in-effect zoning permits residential uses in the form of detached dwellings.

Rental Housing Demolition and Conversion

This proposal involves the demolition of rental housing units. Under Chapter 667 of the City of Toronto Municipal Code, an applicant is required to obtain a Rental Housing Demolition Permit from the City to demolish existing rental housing units if the subject lands contain six or more residential units, of which at least one is rental housing. The City may impose conditions that must be satisfied prior to obtaining a demolition permit.

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.

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
- Guidelines for the Design and Management of Bicycle Parking Facilities
- Toronto Green Standard: Mid to High-Rise Residential & Non-Residential Version 4 (the "TGS")

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

Toronto Green Standard

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-Version 4 of the TGS.

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](#).

Site Plan Control

In order to implement the proposal, site plan approval is required prior to the issuance of any building permits.

A Site Plan Control application (File No. 23 232941 NNY 18 SA) was submitted to the City on December 5, 2023, and deemed complete on April 18, 2024. City Council has delegated the approval authority for Site Plan Control applications to the Chief Planner or their designate (designates being the four Directors of Community Planning in each district). On June 14, 2024, the Site Plan Control application was refused on the basis the associated plans and drawings do not comply with the in-effect zoning for the subject lands and proposes to impose land uses with performance standards that have not been established by the applicable zoning.

COMMENTS

Based on the issues highlighted below, Staff recommend that the applications be refused in their current form and that Staff work with the applicant to try to resolve the issues.

Provincial Policy Statement and Provincial Plans

The review of this proposal has considered the relevant matters of provincial interest set out in the *Planning Act*. The proposed Official Plan and Zoning By-law Amendment Applications 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 proposal 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 proposal.

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. Additionally, Policy 2.2.6 of the Growth Plan supports the development of affordable housing and a range of housing options to accommodate the needs of all household sizes and incomes. While Policy 2.2.4 notes that within *major transit station areas*, development will be supported by planning for a diverse mix of uses. The proposal should provide 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 permits municipalities 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.

Land Use

The subject Official Plan and Zoning By-law Amendment Applications have been reviewed against Official Plan and YSNSP policy, as described within 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 of the Official Plan as amended by 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 proposal has been reviewed against the in-force policies in Chapter 3: 'Built Form' of the Official Plan, the YSNSP and the Tall Building Design Guidelines, as described in the Policy and Regulation Considerations Section of this 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 are located on the east side of Yonge Street, one block south of Steeles Avenue East, on the south side of Nipigon Avenue. 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 855 square metres, is larger than what is permitted by the YSNSP and the Tall Building Design Guidelines.

In accordance with Chapter 3: 'Built Form' of the Official Plan, the YSNSP and Tall Building Design Guidelines, development, including tall buildings, should have appropriate separation distances and setbacks from property lines to protect for privacy

within adjacent buildings and to maximize access to sunlight and open views of the sky from the public realm. A minimum setback of 12.5 meters from the tower portion on the subject lands to the adjacent property line should be provided to ensure appropriate separation between the subject lands and potential future built form. The proposed tower portion is only set back 6.5 metres from the east property line, and 10.5 metres from the west property line, negatively impacting future development on the abutting lands.

Further to the above, the proposed base building is set back four metres from the east property line, with units whose primary windows face east from Floors 2 to 5. The appropriate separation distance between base buildings with primary windows is 15 metres. The proposed four metre setback does not provide sufficient separation distance from the base building to potential future development to the east, at 19 Nipigon Avenue, and will cause issues with overlook and access to sunlight. The requested 7.5 metre setback should be provided along the east property line to create sufficient separation distance to future development on the abutting lands, and as part of the delivery of a pedestrian mid-block connection, discussed in greater detail later in this Report.

Along the west elevation of the base building, an inset area measuring 5.9 metres by 3.76 metres, to the property line is proposed which includes primary windows. In consideration of potential future development on the abutting lands to the west, at 5 Nipigon Avenue, the 3.76 metre setback to the primary windows is not sufficient, and will cause issues with overlook and access to sunlight. The inset area should be removed, and the base building extended to the west property line, or alternatively, a minimum of 5.5 metre setback to the property line should be provided from the inset area.

Policy 8.7 of the YSNSP and the Tall Building Guidelines direct that the base building height of all tall buildings be no greater than 80 percent of the adjacent right-of-way ("ROW") width. The proposed base building height, at 22 metres, exceeds 80 percent of the ROW width of Nipigon Avenue. The base building height does not respect the scale or the proportion of the adjacent street. The base building height should be revised to be a maximum height of 80 percent of the Nipigon ROW, which equates to 16 metres.

The Tall Building Design Guidelines recommend a minimum three metre tower step back from the base building along the street to respect and reinforce pedestrian scale and to minimize wind impacts at grade. The tower portion of the proposed building has a 1.5 metre tower step back from the base building along Nipigon Avenue; the tower step back is deficient and should be increased.

Public Realm and Site Organization

Improvements to the public realm and site organization can be achieved through the relocation of the utilitarian and servicing features of the proposed building. While Policy 5.32 of the YSNSP permits short-term visitor parking at grade, this Policy, as well as Policy 3.1.3.4 of the Official Plan and Policies 3.12 and 8.14 of the YSNSP encourage parking to be located behind the building; accordingly, the proposed pick-up/drop-off spaces located at grade, which are visible from Nipigon Avenue and have a negative

impact on the public realm, should be relocated away from the front yard and screened from views from the street and public realm.

In accordance with TGS requirements, the short-term bike parking spaces should be in a visible and publicly accessible location. The proposed short-term bike parking spaces located at the rear of the subject lands are not publicly accessible, and are situated away from the main building entrance.

Per Policy 8.12 of the YSNSP, active at-grade uses will be encouraged on the ground floor in *Mixed Use Areas*, consistent with Policy 2.2.4 of the Growth Plan. Active at-grade uses, such as retail, are encouraged along the frontage on Nipigon Avenue, and potentially fronting onto the pedestrian mid-block connection, which is discussed in greater detail below.

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 proposed mid-block connection in the YSNSP, it is the expectation of the City that applicants in the general location of the proposed mid-block connection 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, which is intended to have a total width of 15 metres comprised of a five-metre walkway with a five-metre landscape area on both sides of the walkway. This active transportation connection implements the YSNSP vision of enhancing active mobility connections and block permeability and is critical to accommodating future growth and achieving the policy outcomes of the PPS.

The mid-block connection envisioned by the YSNSP is generally located near the eastern edge of the subject lands; however, the proposal does not currently contemplate any contribution toward the mid-block connection. The proposal currently provides for a four metre setback from the east property line, which is insufficient to achieve half of the mid-block connection. Furthermore, the Block Context Plan submitted in support of the proposal contemplates a vacant property at 19 Nipigon Avenue, and located beyond that to the east, the mid-block connection. Should the development of the block proceed as proposed by the applicant's Block Context Plan, 19 Nipigon Avenue would be left undeveloped between the mid-block connection and the proposed development at 7-17 Nipigon Avenue. To achieve an orderly, efficient development of the block as envisioned by the YSNSP, the proposal will need to

provide half of the mid-block connection, equal to 7.5 metres wide, along the east property line.

Sun, Shadow, and Wind

The proposal has been reviewed against the Official Plan, the YSNSP and the 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 this proposal identifies wide shadows on Yonge Street in the morning during spring, summer and autumn seasons. The large and elongated tower floor plate also casts wide shadows on Steeles Avenue in the afternoon during spring, autumn and winter seasons. Consistent with Policy 8.8 of the YSNSP, a reduced tower floor plate and improved massing will help minimize and improve shadow impacts on the public realm.

The Pedestrian-level Wind Study submitted in support of this proposal identifies an overall increase in wind discomfort compared to the existing condition, as follows:

- Unsafe wind conditions are identified throughout the year at grade: at the northeast corner of the building; along the west façade adjacent to the building lobby; as well as on the northeast and northwest corner of the outdoor amenity space on Level 6;
- Uncomfortable wind conditions are identified along Nipigon Avenue to the east and west of the subject lands, as well as on the north side of Nipigon Avenue, in the spring, with uncomfortable wind conditions generally persisting in the winter;
- Uncomfortable wind conditions are identified within the outdoor amenity area on Level 6 in the spring, particularly along the west side and northeast corner of the building. These conditions generally remain uncomfortable throughout the year; and,
- Uncomfortable wind conditions are also identified on the abutting lands, including the rear yard of 5 Nipigon Avenue and 19 Nipigon Avenue.

Although wind conditions are improved under the future scenario, when conceptual developments surrounding the subject lands are constructed, it is not appropriate to rely on proposed development as wind mitigation measures. Modifications to the building massing, such as increased tower step backs, are required 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 proposal's amenity space meets the minimum area requirements.

However, as noted in the Sun, Shadow, and Wind section of this Report, the proposed outdoor amenity area on Level 6 has unsafe wind conditions across all seasons, and uncomfortable wind conditions in the spring; outdoor amenity spaces should be comfortable for sitting or standing in the spring, fall and summer seasons. The proposed mitigation measures, being wind screens and pergola structures, may not be sufficient and will impact the functionality of outdoor amenity spaces. Consistent with Policy 8.37 of the YSNSP, changes to the building massing should be explored to create usable outdoor amenity space.

The proposed outdoor amenity space on Level 26 is located underneath the tower portion of the building and has minimal access to sunlight. In addition, the outdoor amenity space on Level 26, on the north and south side of the building, are only 2.6 metres wide and may not be functional. Alternative locations should be explored to maximize sunlight access and ensure functionality of the space.

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, with 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 15.2% percent of units as two-bedroom units and 10.5% percent of units as three-bedroom units and therefore does not conform to Policy 6.1 of the YSNSP.

Further, the Council-adopted Growing Up Guidelines provides direction on the proportion and size of larger units recommended for new multi-unit residential developments. Guideline 3.0 of the Growing Up Guidelines states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, representing a diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality. The average sizes of the two- and three-bedroom units were not provided in the current submission. The applicant is asked to provide a mix of unit sizes across all unit types to help balance affordability with unit functionality to meet the needs of diverse households, including families with children.

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 proposal to reduce the single occupancy auto vehicle trips generated and encourage the use of active and sustainable transportation options. The applicant's TDM Plan does not meet the requirements of Policy 5.27 of the YSNSP, and is not currently acceptable to City staff. Improvements to the proposed TDM measures are required to meet the TGS and to ensure sustainable transportation choices are more effectively supported.

Bicycle parking must be provided in accordance with the minimum City requirements outlined by Zoning By-law 569-2013, the TGS and the Guidelines for the Design and Management of Bicycle Parking Facilities. The proposal must be amended to:

- Locate the short-term bicycle parking in a highly visible and publicly accessible location, which is no greater than 30 metres from a pedestrian entrance to the building;
- Locate the long-term bicycle parking in a secure, controlled-access facility or purpose-built bicycle locker; and,
- Provide a minimum clearway of 1.8 metres for access paths/aisles to all proposed bicycle parking rooms/spaces.

Traffic Impact, Access, Parking

A Transportation Impact Study ("TIS") was submitted in support of the proposal, which concludes the proposed development will have a minor impact on the overall network. However, revisions are required to the TIS to address trip generation data; pick-up/drop-off; traffic volume; and include a Synchro and Sim Traffic analysis. Prior to accepting the traffic impacts of the proposal, the TIS must be revised to address the above-noted issues.

Vehicle, parking and servicing access to the subject lands is proposed by a private, full move driveway from Nipigon Avenue to the rear of the proposed building, which is permitted by Policy 3.13 of the YSNSP. Should the proposal be approved in whole or in part, the proposal will be subject to Site Plan Control, and additional comments relating to parking, access, loading and circulation will be provided at that time.

The proposal must be revised to include a minimum 2.1 metre wide, continuous public sidewalk along Nipigon Avenue, consistent with Policy 5.4 of the YSNSP. The sidewalk must be free of any encumbrances, including but not limited to utility poles, fire hydrants, bike rings, street furniture, specialized paving areas, landscaping, etc., and must be offset 0.5 metres from the property line, and 0.5 metres from any structures. The proposal includes short-term bicycle parking spaces located within the public boulevard space along the Nipigon Avenue frontage, which encroach into the 2.1 metre pedestrian clearway. The short-term bicycle parking spaces must be relocated out of the public right-of-way and out of the pedestrian clearway, and into the private property line.

Parking requirements for the proposal must be provided in accordance with Zoning By-law 569-2013, as amended by By-law 89-2022, which requires a minimum of 33 visitor parking spaces (at a rate of $2.0 + 0.05$ spaces/unit) to be provided for the proposal, to a maximum permitted parking supply of 652 spaces (at a rate ranging from 0.8 to 1.2 spaces/unit). Consistent with Policy 5.28 of the YSNSP, the proposed parking ratio, at 0.068 spaces per unit, must be justified within a Parking Justification Study, using policies of the YSNSP, and in consideration of the targeted auto mode share identified in the Yonge Street North Transportation Master Plan. In addition, a total of four pick-up/drop-off spaces have been included in the overall parking supply total; however, pick-up/drop-off spaces are not counted towards the parking supply number, and the site statistics for the proposal will need to be updated accordingly.

Should the proposal be approved in whole or in part, Solid Waste Management will provide front-end compacted garbage, recycling, and organic collection services for the proposal. Collection of waste materials will be in accordance with the City of Toronto requirements and is subject to the following conditions being met: all overhead doors must have a vertical clearance of 4.4 metres, a minimum width of four metres; and the proposal will require an internal garbage storage room that has a minimum area of 173.2 square metres, and include an additional 6.2 square metre household hazardous waste storage area.

Servicing

The submitted Functional Servicing Report does not reference the Municipal Infrastructure Agreement ("MIA") of the YSNP, specifically with respect to 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.

Should the proposal be approved in whole or in part, it is recommended that the subject lands be zoned with a Holding Symbol "(H)", which may be removed only after the following conditions have been fulfilled:

- The City receives and accepts a Functional Servicing Report demonstrating sufficient capacity exists to accommodate the proposal to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and,
- Should it be identified that upgrades or improvements to the existing municipal infrastructure, and/or new municipal services are required, those upgrades, improvements and/or services be designed, financially secured and constructed by appropriate development agreements and be operational prior to the removal of the "(H)" on the subject lands.

Rental Housing Demolition and Conversion By-law

A related Rental Housing Demolition application (File No. 24 110419 NNY 18 RH) has been submitted for the subject lands. Approval of this Rental Housing Demolition application is delegated to the Chief Planner as the application proposes to demolish less than six rental dwelling units. The Rental Housing Demolition application will only be approved by the Chief Planner if the subject Official Plan Amendment and Zoning By-law Amendment Applications are approved by Council.

In the event that the Official Plan Amendment and Zoning By-law Amendment Applications are appealed to the Ontario Land Tribunal, it is recommended the Tribunal withhold its final Order until the Rental Housing Demolition application has been approved by the City, and the owner has entered into a Section 111 agreement, under the *City of Toronto Act*, to secure any necessary rental housing matters, including the proposed tenant assistance plan, which has been reviewed by Staff and is consistent with Policy 3.2.1.12 of the Official Plan and the City's current practice.

Open Space/Parkland

The Official Plan contains policies to ensure Toronto's system of parks and open spaces are maintained, enhanced and expanded, and the City of Toronto Parkland Strategy ("PLS") 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 PLS, which highlights areas where the City will focus and prioritize parks planning and acquisitions. In addition, the subject lands are located within a "Priority Parkland Expansion Area" by Map 49-3: 'Public Realm' of the Council-adopted YSNP, see Attachment 5 to this Report. Given the future expected growth both on the subject lands and surrounding sites, the existing parkland will be further stressed if no new parks are created. The anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

Should the application approved in whole or in part, the parkland dedication requirements will be addressed at that time. The requirements may be satisfied through an off-site dedication that would expand an existing park or create a new park. The off-site dedication shall comply with Policy 3.2.3.8 of the Official Plan. The size and location of the off-site conveyance will be subject to the approval of the General Manager, Parks, Forestry & Recreation and will be subject to the 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 ("MCC 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 Policy 3.4.1 of the Official Plan, and the requirements of Performance Measure EC 1.1 - 'Tree Planting and Soil Volume' and EC 1.2 - 'Trees Along Street Frontages' of the TGS are not being met. The Soil Volume Plan submitted in support of the proposal contains insufficient soil depth and inconsistent soil volume data, and fails to increase the tree canopy and provide suitable growing environments for trees.

In addition, to accommodate temporary construction staging, tree removals are proposed which cannot be supported. Consideration needs to be given to amending the underground footprint design to reduce encroachment into the root zones of existing trees, which would result in tolerable injury as opposed to removal.

Compensation for tree removals is regulated by MCC 813, and requires tree planting or cash-in-lieu for the removal of any trees regulated by Article II (Trees on City Streets

By-law) and Article III (Private Tree Protection By-law). Based on the Landscape Plan submitted in support of the proposal, the following compensation for tree removals is required:

- Article II (Trees on City Streets By-law): seven trees required (whereas, only four trees are proposed); and
- Article III (Private Tree Protection By-law): 11 trees required (whereas, only five trees are proposed).

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 TGS. 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 registered Site Plan Agreement or Plan of Subdivision.

The applicant is required 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:

- AQ ("AC") 1.1 - 'Single-Occupant Vehicle Trips'
- AQ 1.2 - 'Electric Vehicle Infrastructure'
- AQ 2.2 - 'Long-term Bicycle Parking Location'
- AQ 2.3 - 'Short-term Bicycle Parking Location'
- AQ 2.4 - 'Electric Bicycle Infrastructure'
- AQ 2.6 - 'Publicly Accessible Bike Parking'
- AQ 3.2 - 'Sidewalk Space'
- EC 1.1 - 'Tree Planting Areas and Soil Volume'
- EC 1.2 - 'Trees Along Street Frontages'

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 childcare 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 proposal, a Community Services and Facilities Study was submitted, providing a brief summary of the child care and pupil yields from the Toronto District School Board and Toronto Catholic District School Board in the YSNSP area. The Study identifies a need for investment in additional child-care spaces in the area.

Community Consultation

City Planning staff will hold a virtual community consultation meeting ("CCM") on July 8, 2024. At the time of the writing of this Report, the CCM has not yet been held, and a summary of the discussion is not available. A supplemental report will be submitted following the CCM to summarize the comments received during the meeting.

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, and pick-up/drop-off parking;
- Contribution to half the mid-block connection;
- The inclusion of at-grade, non-residential gross floor area along Nipigon Avenue;
- The provision of adequately sized two- and three- bedroom units;
- Tree planting and soil volume requirements;
- Improvements to the proposed TDM measures;
- Justification for the proposed parking rates;
- Functional servicing concerns, including upgrades to municipal infrastructure; and
- Compliance with Tier 1 of the TGS.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan, the Official Plan, and the Council-adopted YSNSP. The proposal is not consistent with the PPS and does not conform with the Growth Plan. Further, the proposal does not conform with the Official Plan, and fails to implement the vision of the Council-adopted YSNSP. 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.

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: 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 (Northeast View)

Attachment 9B: 3D Proposal in Context (Southwest View)

Attachment 1: Application Data Sheet

Municipal Address: 7 NIPIGON AVE Date Received: December 4, 2023

Application Number: 23 232536 NNY 18 OZ

Application Type: OPA & Rezoning

Project Description: The applicants are seeking to permit a 50-storey residential building with a 5-storey podium, containing 620 units on the subject lands. The proposal has a gross floor area of approximately 39,545 square metres and a density of 17.1 times the area of the lot. The proposal contains 3-levels of underground parking, containing 80 parking spaces, including 16 accessible parking spaces, as well as 466 bicycle parking spaces. A total of 2,480.00 square metres of indoor and outdoor amenity area is proposed.

Applicant	Agent	Architect	Owner
TODD TRUELLE			TING-KEE CHOI

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: N

Zoning: Residential Detached (RD) Zone (f12.0; a370) Heritage Designation: N

Height Limit (m): 10 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,313 Frontage (m): 74 Depth (m): 38

	Existing	Retained	Proposed	Total
Building Data				
Ground Floor Area (sq m):			1,214	1,214
Residential GFA (sq m):	588	0	39,545	39,545
Non-Residential GFA (sq m):				

Total GFA (sq m):	588	0	39,545	39,545
Height - Storeys:	1-2	0	50	50
Height - Metres:			170.15	170.15

Lot Coverage Ratio (%)	52.5	Floor Space Index:	17.1
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	39,389	156
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	4	0		
Freehold:				
Condominium:			620	620
Other:				
Total Units:			620	620

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	4	457	94	65	
Total Units:	4	457	94	65	

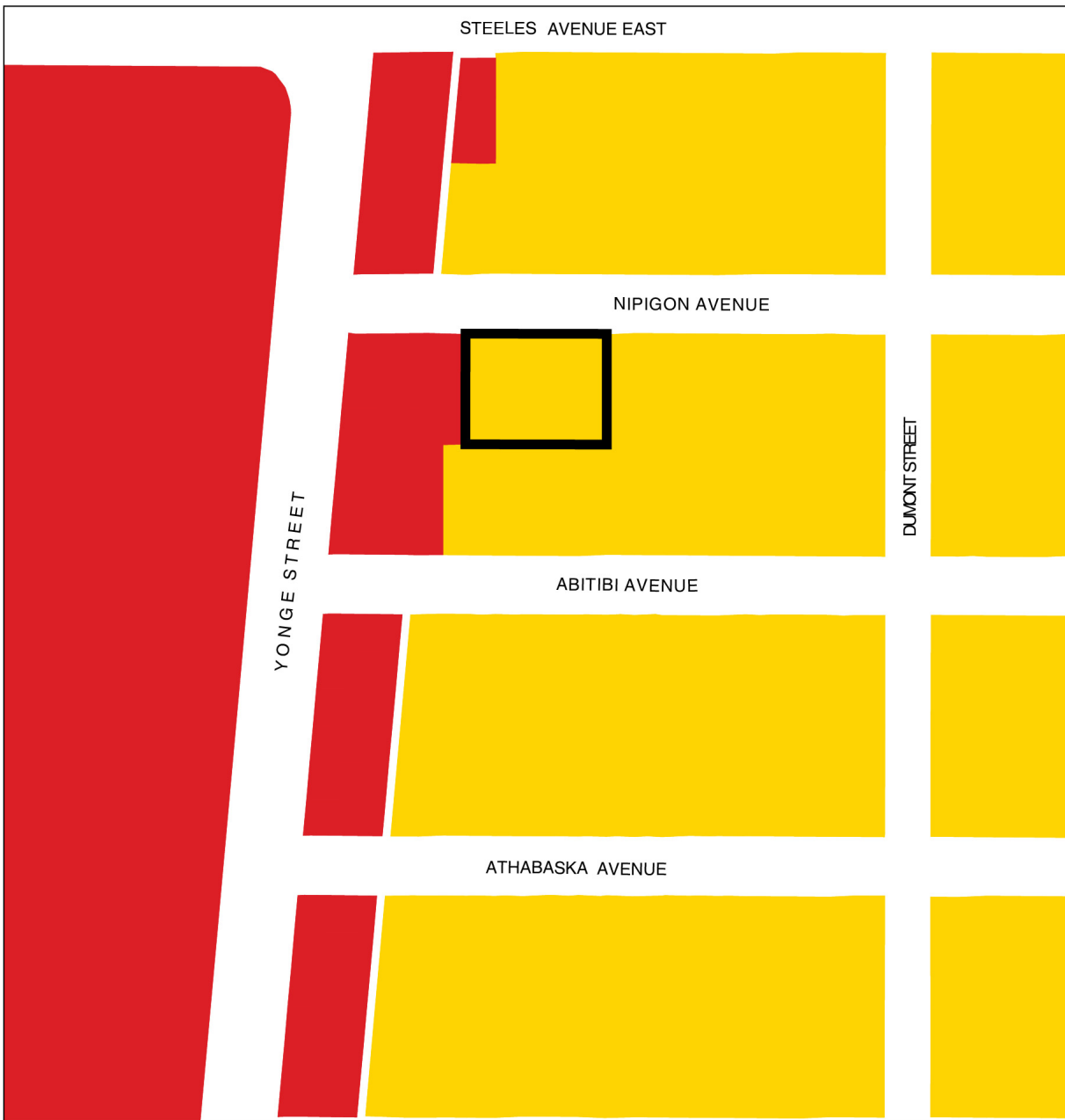
Parking and Loading

Parking Spaces:	80	Bicycle Parking Spaces:	466	Loading Docks:	2
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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



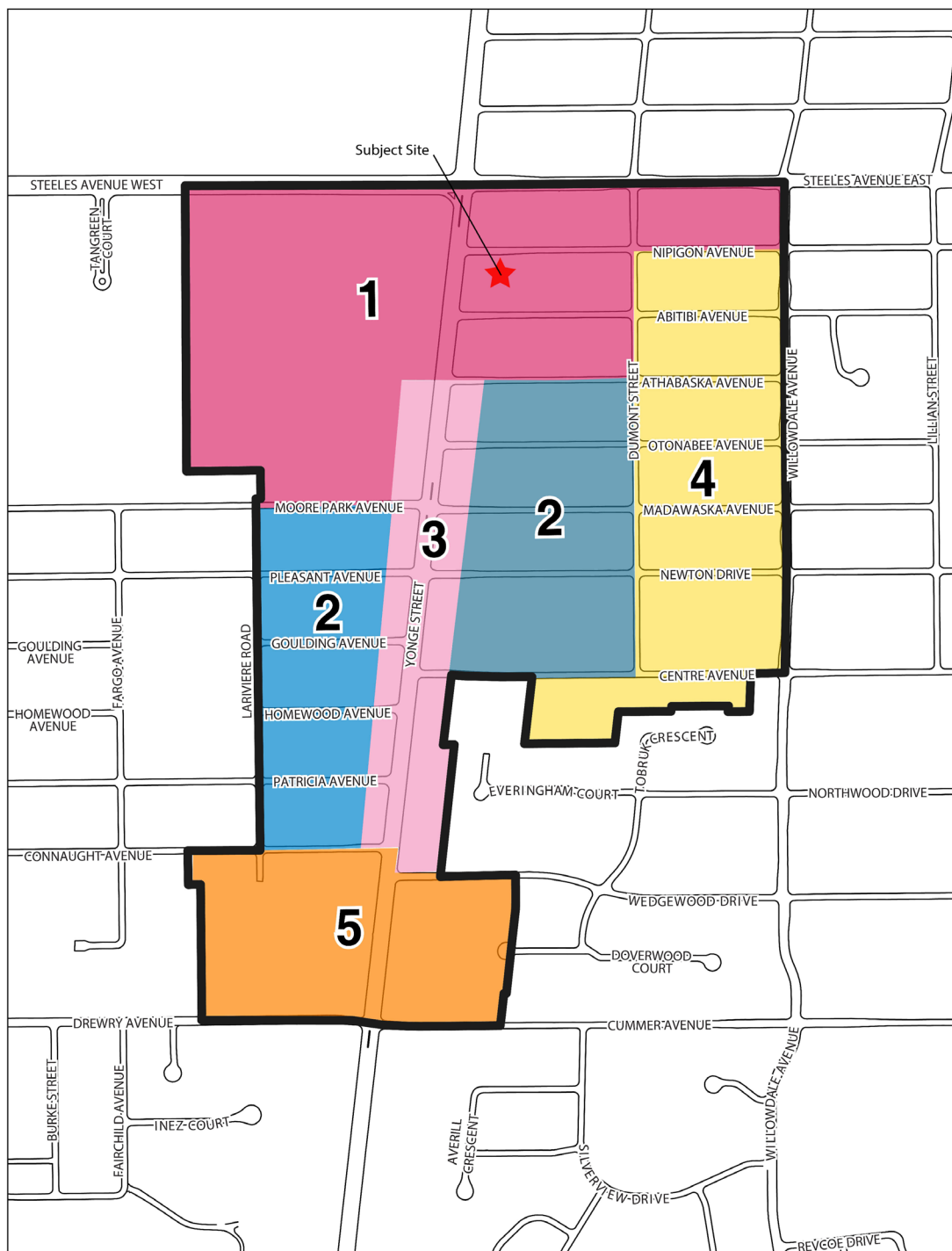
Official Plan Land Use Map #16

7 Nipigon Avenue
File # 23 232536 NNY 18 0Z



Not to Scale
Extracted: 12/11/2023

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

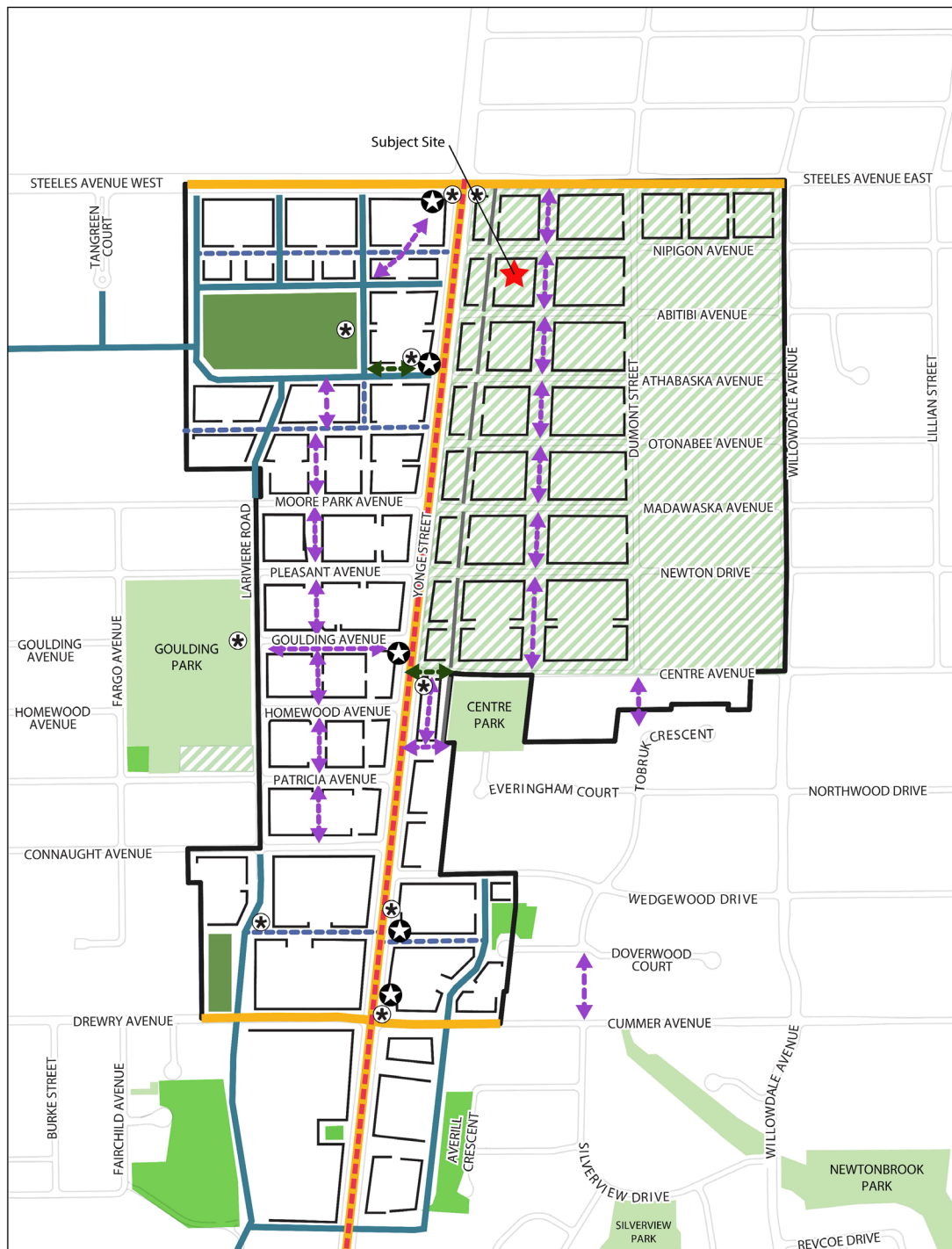


Yonge Street North Secondary Plan
MAP 49-2 Character Areas

- | | |
|-----------------------------------|----------------------------|
| Yonge Street North Secondary Plan | 4 Neighbourhoods |
| 1 Steeles Transit Station Area | 5 Yonge Cummer/Drewry Node |
| 2 Mid-Rise East | |
| 2 Mid-Rise West | |
| 3 Yonge Main Street | |

Not to Scale
June 2022

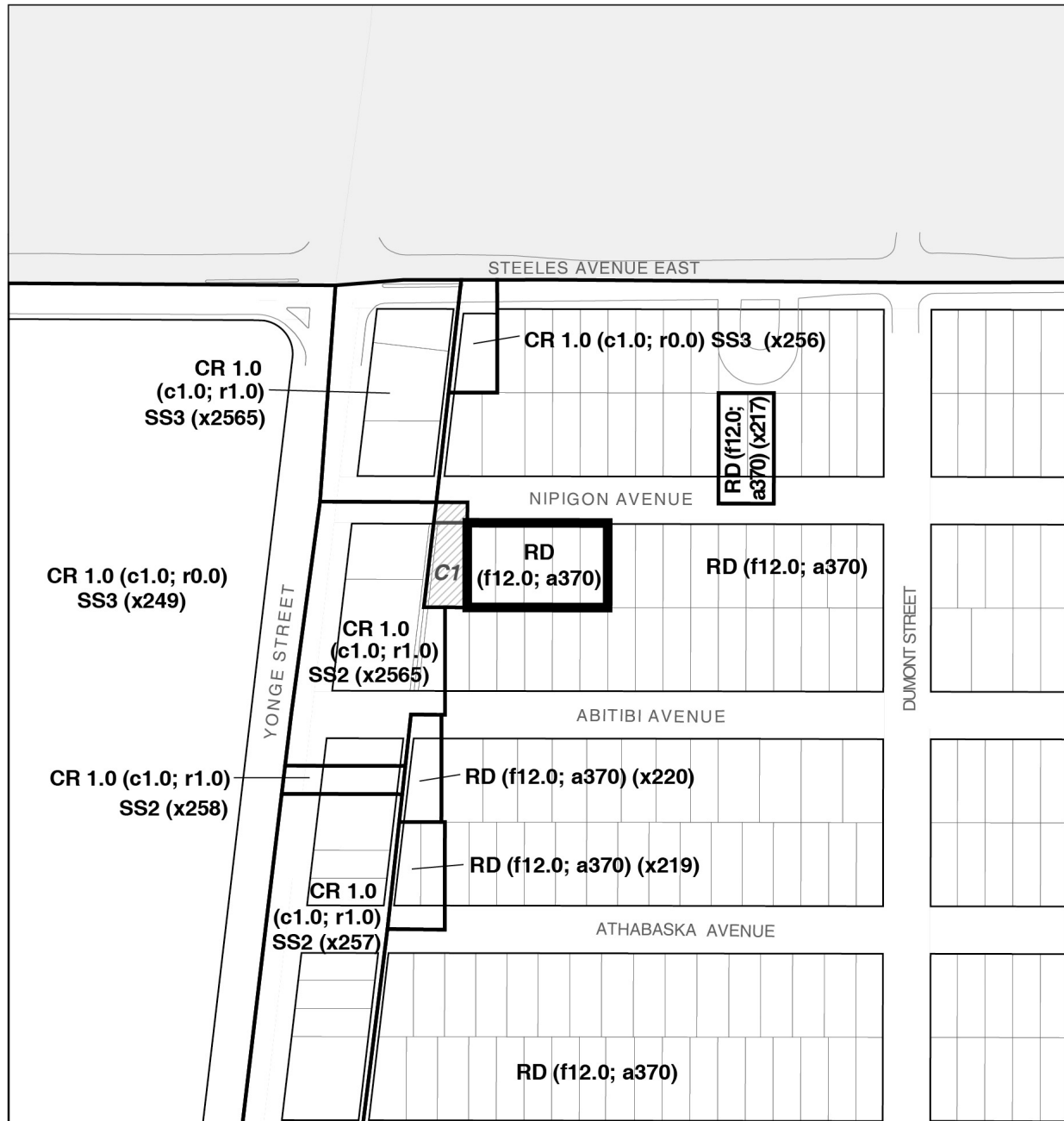
Attachment 5: Yonge Street North Secondary Plan Map 49-3: 'Public Realm'



Yonge Street North Secondary Plan MAP 49-3 Public Realm



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



Zoning By-law 569-2013

7 Nipigon Avenue

File # 23 232536 NNY 18 0Z



Location of Application

RD
CR

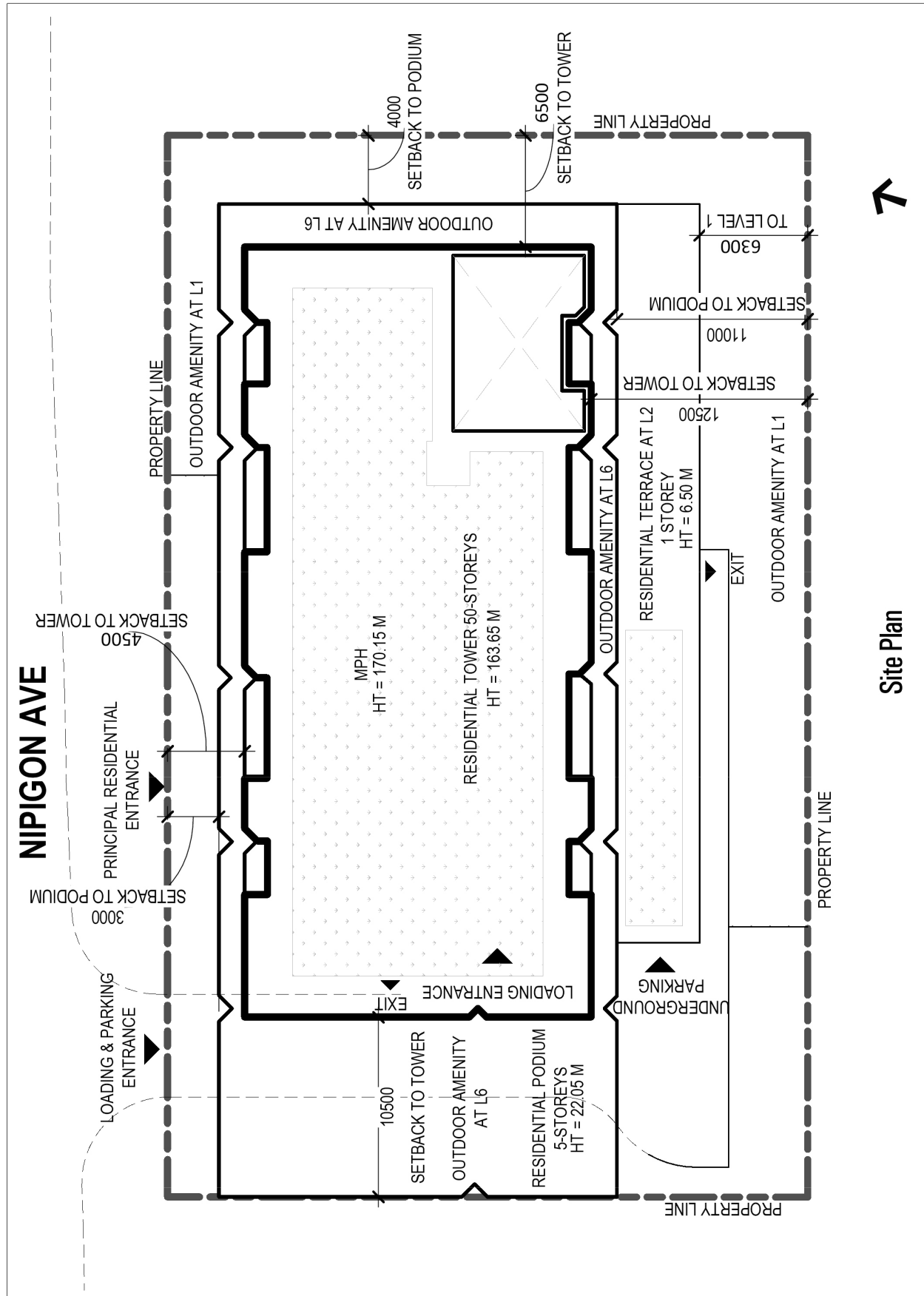
Residential Detached
Commercial Residential



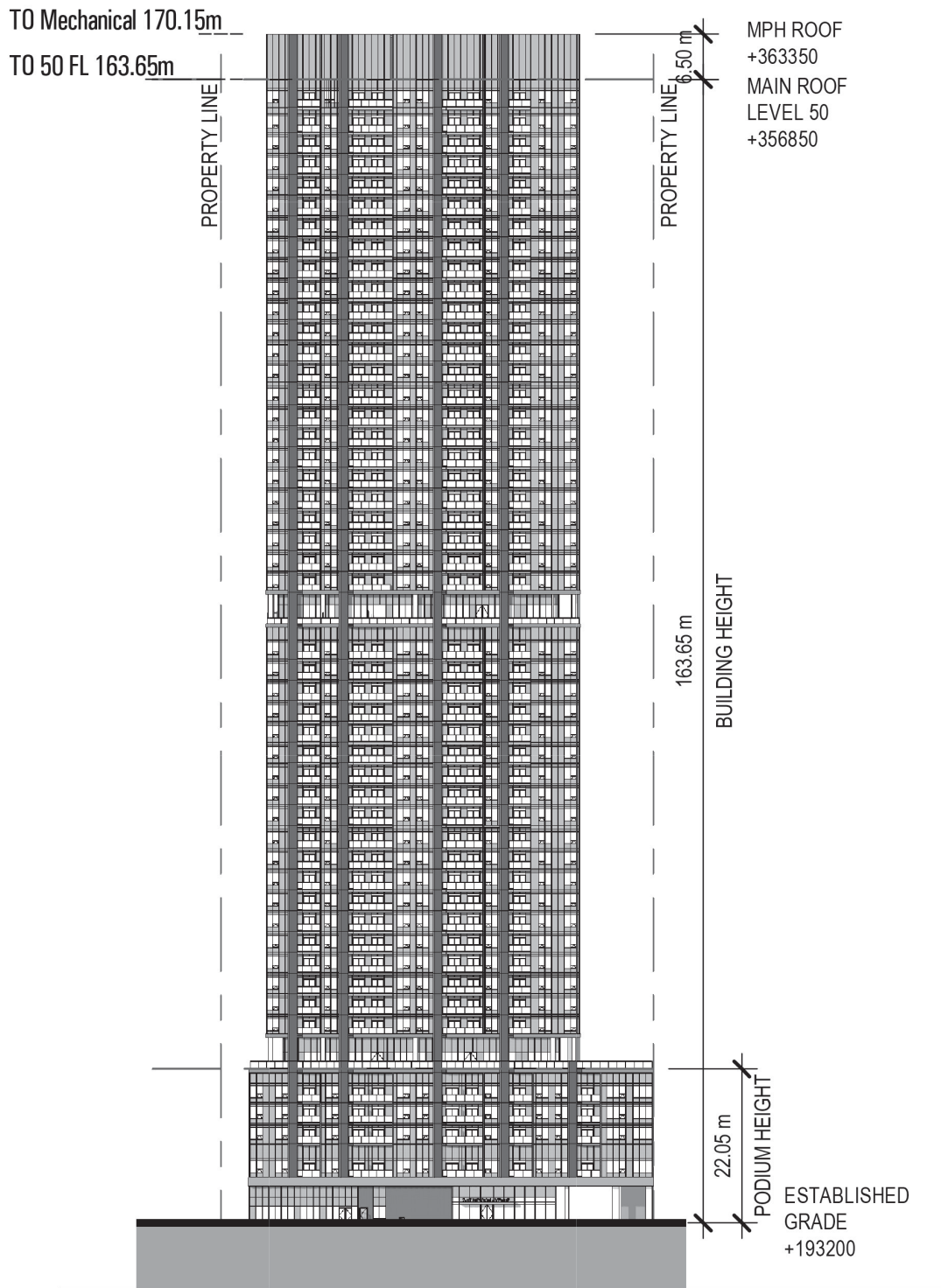
See Former City of North York By-law No. 7625
C1 General Commercial Zone



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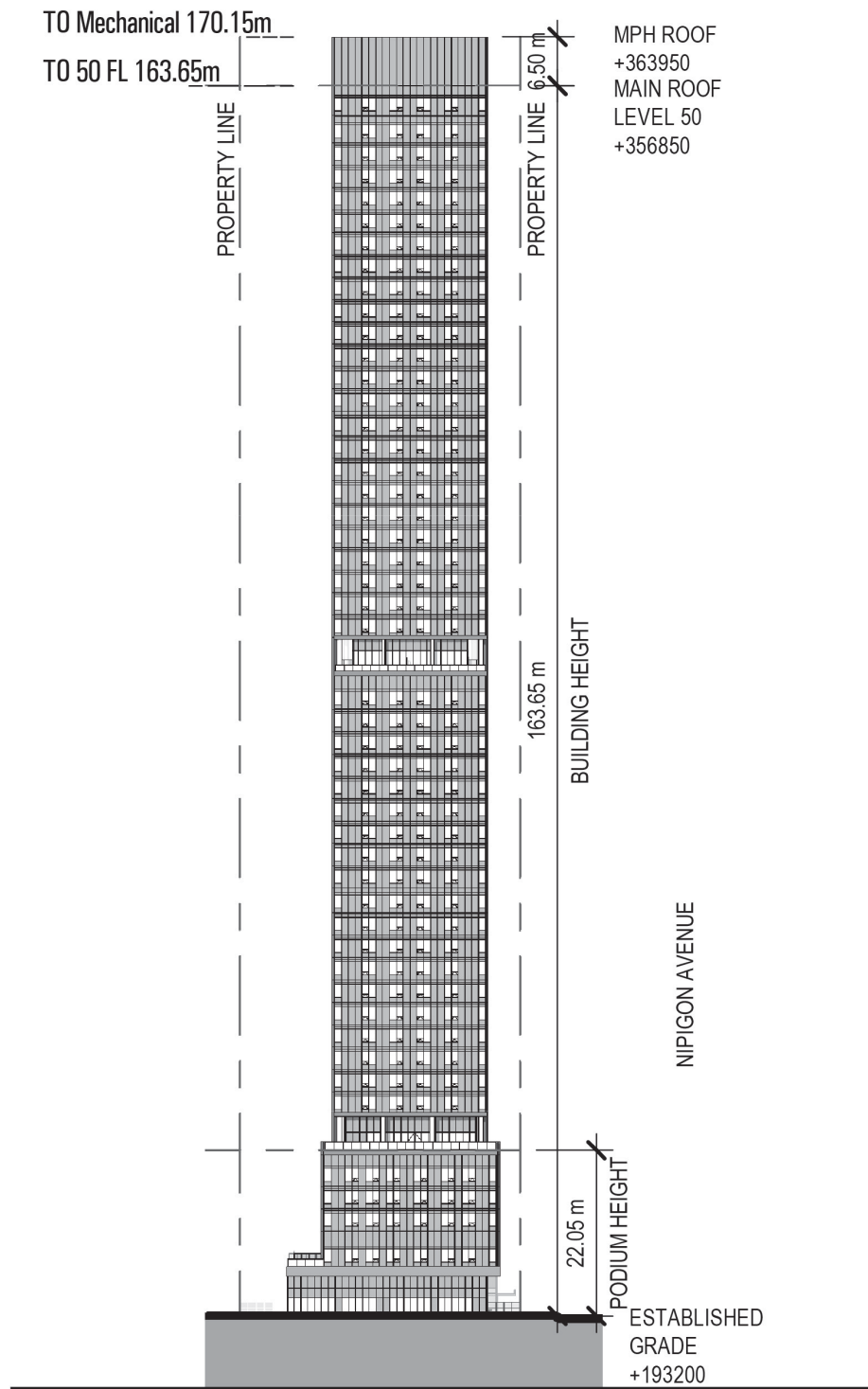


Attachment 8A: North Elevation



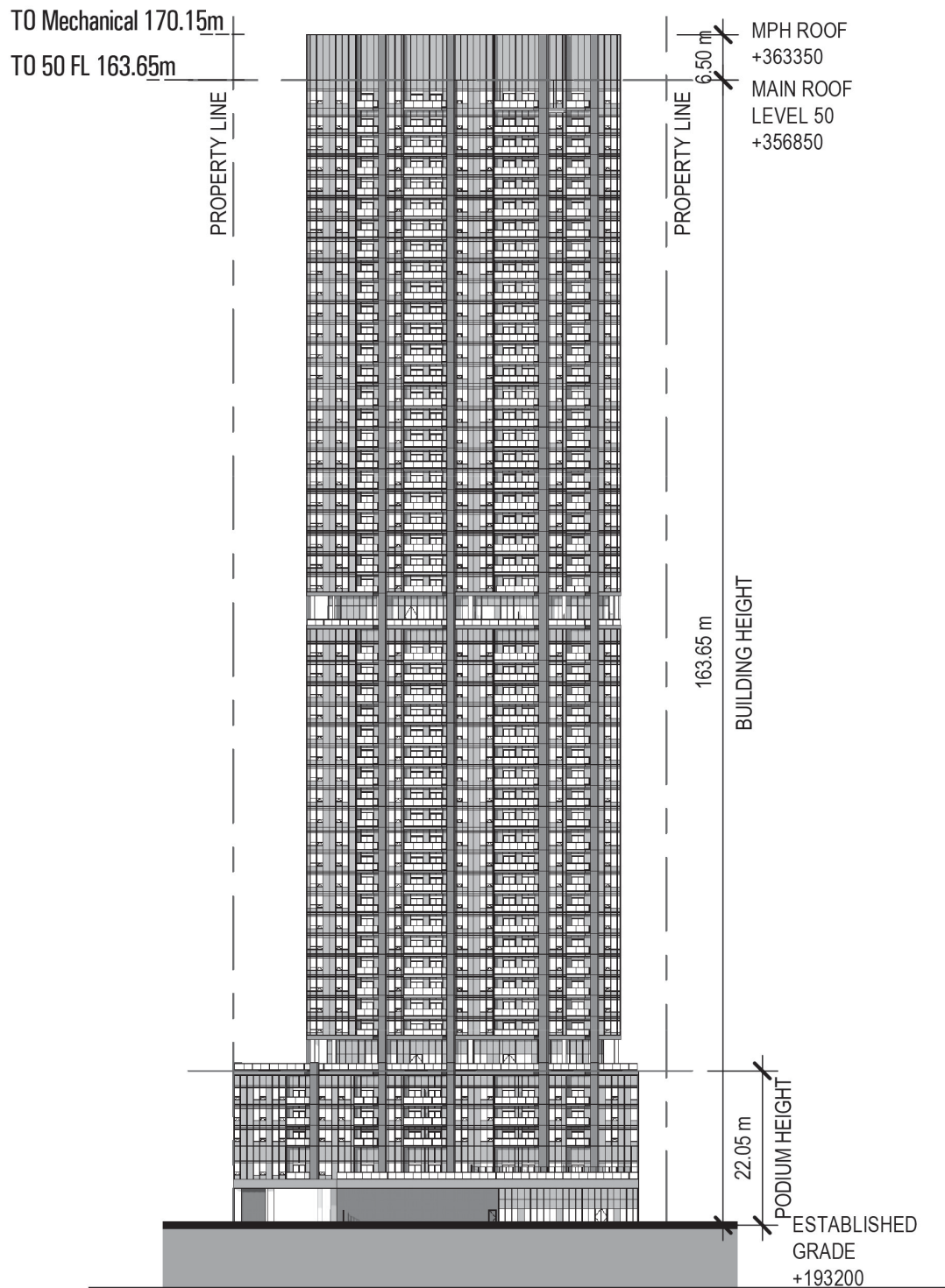
North Elevation

Attachment 8B: East Elevation



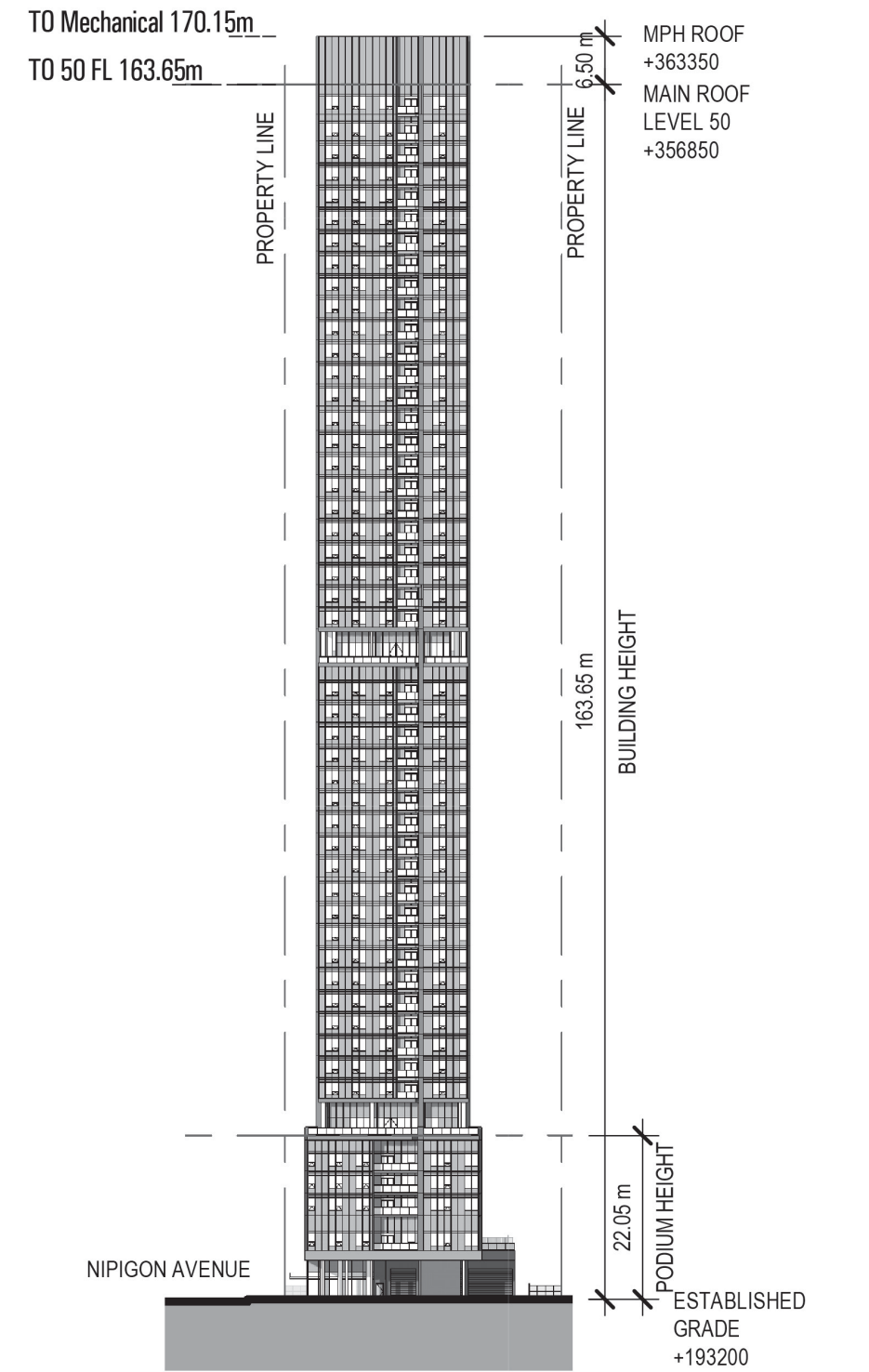
East Elevation

Attachment 8C: South Elevation



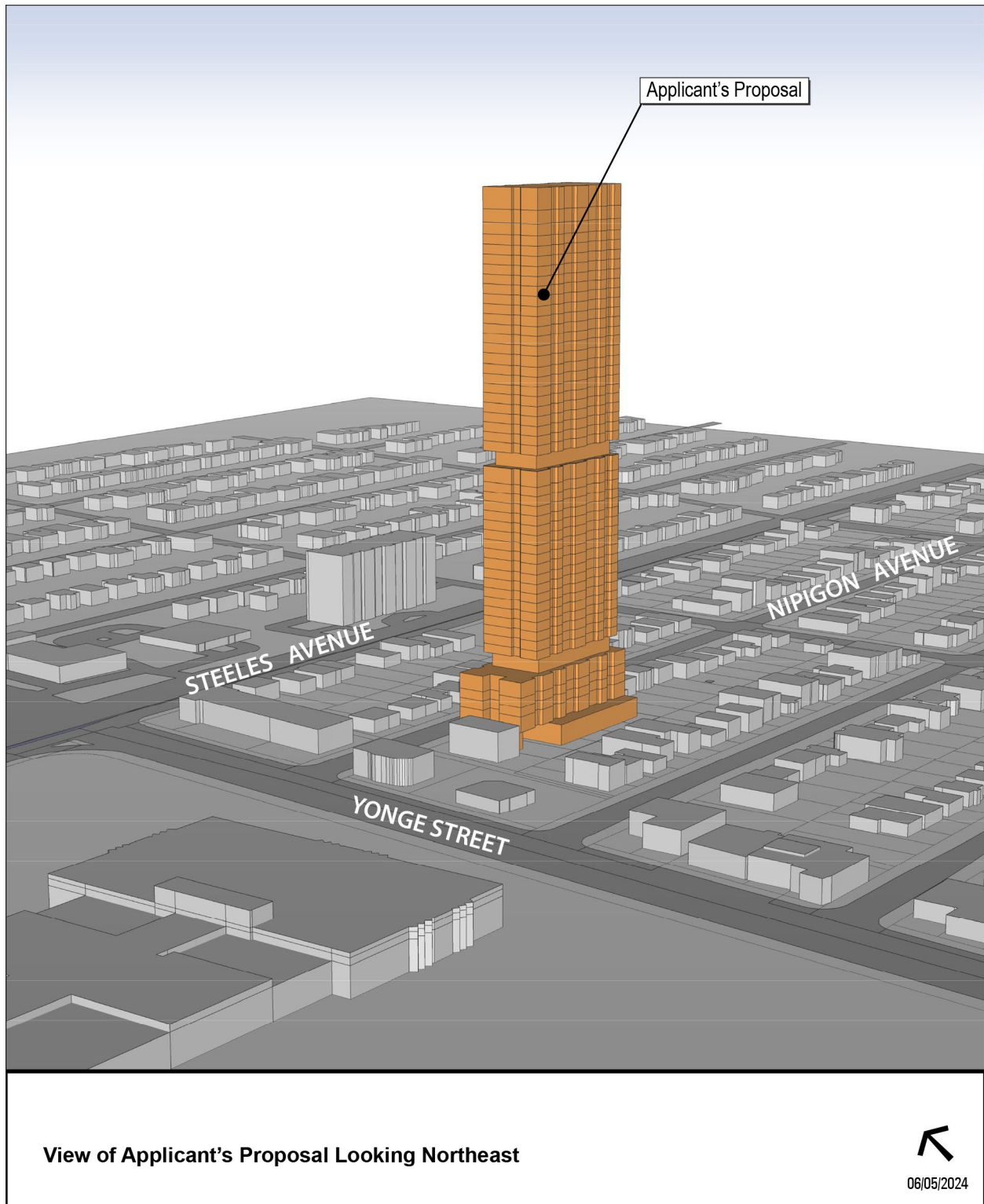
South Elevation

Attachment 8D: West Elevation



West Elevation

Attachment 9A: 3D Proposal in Context (Northeast View)



Attachment 9B: 3D Proposal in Context (Southwest View)

