

40 Moccasin Trail and 50 Green Belt Drive - OMB

Date: March 21, 2017

To: City Council

From: City Solicitor

Wards: Ward 34

SUMMARY

The purpose of this report is to request further direction from City Council on the pending Ontario Municipal Board (OMB) hearing on the application for an Official Plan Amendment and Zoning By-law amendment at 40 Moccasin Trail and 50 Greenbelt Drive. A hearing has been scheduled for 10 days for the weeks of May 15 to the 19th, and 27th to the 31st

At its meeting of July 12, 2016, City Council directed the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the Official Plan Amendment and Zoning By-law Amendment applications respecting application 13 173059 NNY 34 OZ for 40 Moccasin Trail and 50 Green Belt Drive in their current form.

Planning staff continued discussions with the applicant and on February 3, 2017 and March 8, 2017 City Planning received revised drawings and a revised Functional Servicing Report for buildings of 8 and 4 storeys with a total of 294 units (194 condominium units and 67 rental replacement units and 33 market rental units) with a density of 2.65 and 2.1 times the lot area on the east and west blocks respectively.

A Rental Housing Demolition and Conversion Application (File no. 13 173075 NNY 34 RH), was submitted under Section 111 of the City of Toronto Act to demolish 83 rental housing units at 40 Moccasin Trail and 50-60 Greenbelt Drive pursuant to Chapter 667 of the Toronto Municipal Code and was reviewed concurrently with the Official Plan and Zoning By-law amendment applications. The City's decision on the Rental Demolition application is not subject to an appeal to the OMB.

Instructions are required for the upcoming OMB hearing on an urgent basis due to the timing of the hearing and the requirement for the exchange of witness statements and other matters in advance of the hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council instruct the City Solicitor and any appropriate staff to attend the Ontario Municipal Board Hearing for the Official Plan Amendment and Zoning By-law Amendment appeals for 40 Moccasin Trail and 50 Green Belt Drive, in support of the appeals as revised in accordance with the revised proposal filed with City Planning on February 3 and March 8, 2017, subject to the following conditions being addressed all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:

a) The Board Order for the official plan amendment and zoning by-law amendment appeals is to be withheld pending the following:

i. confirmation from the City Solicitor that the final form and content of the Official Plan Amendment and Zoning By-law Amendments, are satisfactory to the City Solicitor, the Chief Planner and Executive Director, City Planning and the Executive Director of Engineering and Construction Services and that they, amongst other matters, provide for the securing of the rental housing matters, including amongst other appropriate matters, rental housing replacement, securing of rents and tenant assistance;

ii. confirmation from the City Solicitor that the Owner has at its expense,

A. provided a Functional Servicing Report, Stormwater Management Report and Hydrogeological Report satisfactory to the Executive Director, Engineering and Construction Services and the General Manager of Transportation Services; and

B. designed and provided financial securities for, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing Report, Stormwater Management Report, and Hydrogeological Study, accepted by the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services;.

iii. the by-laws and the section 37 Agreement shall require the owner at no cost to the City to design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the

satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and the City Solicitor;

iv. the by-laws and the section 37 Agreement shall require that prior to the issuance of the earlier of any site plan approval or the issuance of any below grade permit for the site, the owner shall construct, complete and make operational any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services, the General Manager of Transportation Services and the City Solicitor;

v. confirmation from the City Solicitor that the implementation of the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report accepted by the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Executive Director of Engineering and Construction Services;

vi. confirmation from the City Solicitor that the owner has entered into an Agreement with the City pursuant to section 37 of the Planning Act, that is satisfactory to the Chief Planner and Executive Director, City Planning, the Executive Director of Engineering and Construction Services and the City Solicitor and that such Agreement has been registered to the satisfaction of the City Solicitor, such Agreement (and zoning by-law amendment) to include amongst other matters at the owners expense, the securing of the rental housing replacement, rents and tenant assistance, that the owner shall pay to the City prior to the first above grade building permit issuing for the site the sum of \$300,000.00, indexed from the date of the Board Decision issuing in accordance with City practice, such funds to be used by the City for capital improvements to Moccasin Trail Park in the vicinity of the site and the existing entrance to the park, and to be secured in the zoning by-law amendment and other matters referred to in the Recommendations and this report;

vii. confirmation from the City Solicitor that the City Council has made a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act to demolish the 83 existing residential rental dwelling units at 40 Moccasin Trail and 50-60 Green Belt Drive (file no. 13 173075 NNY 34 RH);

viii. confirmation from the City Solicitor that the conditions of the Toronto and Region Conservation Authority (TRCA) have been appropriately incorporated in the Zoning By-law Amendment in such other instruments, and secured in an appropriate agreement, to the satisfaction of the TRCA.

2. City Council defer making a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act to demolish

the 83 existing residential rental dwelling units at 40 Moccasin Trail and 50-60 Green Belt Drive (file no. 13 173075 NNY 34 RH), until such time as the Ontario Municipal Board issues a decision in principle on the Official Plan and Zoning By-law amendment appeals and a report on the Residential Rental Demolition and Conversion Application comes before North York Community Council for a decision by City Council.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of July 12-15, 2016, City Council directed the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the Official Plan Amendment and Zoning By-law Amendment applications respecting application 13 173059 NNY 34 OZ for 40 Moccasin Trail and 50 Green Belt Drive in their current form, as recommended by the Director, Community Planning, North York District in the May 27, 2016 Request for Direction Report.

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-93802.pdf>

COMMENTS

This report has been prepared in consultation with the Chief Planner and Executive Director, City Planning and the Executive Director of Engineering and Construction Services.

City Planning Comments and Analysis:

The following are comments and analysis provided by City Planning on the revised application:

On February 3, 2017 and March 8, 2017 City Planning received revised drawings and a revised Functional Servicing Report from the Goldberg Group on behalf of its client, H-M Apartment Moccasin Inc., the owner of the site. The following highlights what Planning Staff consider critical revisions in the February 2017 submission:

East Block

	Original Submission (2013)	June/November 2015	February 2017
Number of buildings	1 (T-Shaped)	1 (U-Shaped)	1 (L-Shaped)
Height	10 storeys (36 m)	10 storeys (36 m)	8 storeys (28 m)
Density (FSI)	4.03	3.17	2.65
Gross Floor Area	N/A	20,832 m ²	17,013m ²
Number of units	240	234	194
Height Along Green Belt Drive	10 storeys along the rear of the site closest to the ravine, stepping down to 8 storeys.	10 storeys along the rear, stepping down to 9 and 7 storeys.	8 storeys with a four storey base building.
Height Along Moccasin Trail & Nob Lane	8 storeys stepping down to 4 storeys.	7 storeys stepping down to 4 storeys.	6 storeys stepping down to 4 storeys.
Driveway Access	From Green Belt Drive and Nob Lane.	From Green Belt Drive only.	Driveway access, loading and drop off redesigned and relocated to easterly side of the site and accessed from Green Belt Drive only.

	Original Submission (2013)	June/November 2015	February 2017
Parking	329 parking spaces (275 resident and 48 visitor spaces) in 4 levels of underground parking. 1 visitor and 1 car share space above ground.	283 parking spaces (236 resident and 47 visitor spaces) are proposed in 4 levels of underground parking. Two surface visitor parking spaces.	224 parking spaces (185 resident and 39 visitor spaces) are proposed in 3 levels of underground parking. 5 temporary lay-by parking spaces on Green Belt Drive.
Amenity	N/A	468m ² (Indoor) or 2m ² / unit 468m ² (Outdoor) or 2m ² /unit	388m ² (Indoor) or 2m ² / unit 388m ² (Outdoor) 2m ² / unit

West Block

	Original Submission (2013)	June/November 2015	February 2016
Number of buildings	2	2	1
Height	4 storeys (14m + 5.0m mechanical)	4 storeys (14m + 5.0m mechanical)	4 storeys 14.5m + 5.0 m mechanical penthouse.
Density (FSI)	2.16	1.95	2.1
Gross Floor Area	6,730 m ²	6,413 m ²	9,930 m ²
Number of units	61 rental replacement 23 condominium	68 rental replacement 23 condominium	67 rental replacement 33 market rental Total: 100 units

	Original Submission (2013)	June/November 2015	February 2016
Driveway Access	Moccasin Trail	Moccasin	Green Belt Drive
Parking	76 + 23	84+ 32	123
Amenity	122m ² or 1.45m ² /unit 300m ² or 3.6m ² /unit	136m ² or 1.45m ² /unit 300m ² or 3.3m ² /unit	200m ² (Indoor) or 2m ² /unit 200m ² (Outdoor) or 2m ² /unit

East Block

The overall height of the proposed East Building, exclusive of mechanical penthouse, has been reduced from 10 storeys (36 metres) to 8 storeys (28 metres). The building layout on the east block has been revised to orient the building mass along Green Belt Drive and Nob Lane, resulting in an increased setback from the north elevation of the building to the ravine. The plans have also been revised to provide for a 10 metre buffer area from the long term stable top of bank with the exception of a 45m² area for loading. The applicant has proposed an additional buffer area of 80m² as a 'land swap' for the 45m² loading area. This land swap has been deemed acceptable to the Toronto Regional Conservation Authority.

The Gross Floor Area for East Building has been reduced from 20,832m² to 17,013m² resulting in a reduction in density from 2.72 to 2.27 times the area of the lot. On a net site basis, excluding lands below the top of bank, the density has been reduced from 3.17 to 2.65 times the area of the lot.

The building steps down from 8 to 7 storeys, and then from 6 to 4 storeys, along Nob Lane and Moccasin Trail. The portion of the building fronting onto Nob Lane steps from 4 storeys up to 6 storeys with a setback of 4.8 metres at the north-west portion of the site. A step back of 6.5 metres has been provided to the 6th storey. A four storey base building has been introduced along Green Belt Drive facing the four storey townhouses on the south side of Green Belt Drive.

These base buildings, overall building heights reductions and increased setbacks have addressed concerns relating to compatibility with the existing street context and transition to abutting properties. The building now more closely integrates with its surrounding including the lands within the ravine.

The access, loading and drop off has been redesigned and relocated to the easterly side of the site and the existing bulb along Green Belt Drive has been revised to provide an elbow condition. The area removed as roadway, and the open space associated with its removal, together with the adjacent open space to the east, are City owned lands. The lands could be programmed as a future publicly accessible space at a later

date. These changes help to improve the streetscape and enhance opportunities for pedestrian activity around the site.

West Block

The revised plans now propose one rental building, with no condominium units, on the west site. The overall building height of this 4-storey building is 14.5 metres including a 5.0 metre mechanical penthouse. The applicant has demonstrated that the building satisfies a 45 degree angular plane to the adjacent Neighbourhoods.

The gross floor area on the west block has been increased from 9,211m² to 9,930m² resulting in an increase in FSI from 1.95 to 2.1. The rental replacement units comprise 67 units, comprising: 12 one-bedrooms, 32 two-bedroom units, 8 two bedroom units and 1 three-bedroom unit. The total rental replacement gross floor area proposed is 5,229m².

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thirty-three (33) market rental units are also proposed within the building for a total of 100 units in the west building.

The one way southbound service access along the west side of the building joining Moccasin Trail to Green Belt Drive has been removed. Driveway access to the underground parking ramp and loading area has been integrated within the building, and will be from Green Belt Drive only from the south-west corner of the building. Garbage and loading areas have been incorporated within the west end of the building adjacent to Green Belt Drive.

The May 27, 2016 Request for Direction Report outlined a number of deficiencies with respect to the proposal including land use, building transition to Neighbourhoods, site organization, setbacks including setbacks from the 10 metre buffer area and long term stable top of bank, rental replacement, height, massing, shadowing, outdoor amenity, and servicing issues. The revised plans submitted by the applicant adequately address the issues raised in the May 27th, 2016 report.

Rental Housing Demolition and Conversion By-law

Section 3.2.1 of the Official Plan addresses the need for the City to provide for a full range of housing in terms of form, tenure and affordability within neighbourhoods. This full range includes affordable rental housing to meet current and future needs of residents. Section 3.2.1.6 provides that when six or more residential rental units are proposed to be demolished, that if any of the units are affordable or mid-range, that all of the units must be replaced with rental units of at least the same size and type and with rents similar to those in effect at the time of the redevelopment application.

The applicant originally applied to amend Section 3.2.1.6 of the Official Plan to permit the replacement of the 83 existing units with 61 units, and to modify the mix of unit types the effect of which would be to eliminate bachelor units in lieu of providing some three bedroom units. The current plans show a replacement of 67 residential rental units

comprising 89% of the original gross floor area on the site. Some of the two and three bedroom replacement units proposed would include one interior bedroom, resulting in 12 units each with a bedroom that would not have a window on an exterior wall, whereas currently all bedrooms in the 83 existing units have a window on an exterior wall.

The buildings at the time of application had 24 units with midrange rents, with the remainder being affordable units. The building with the rental replacement units also proposes 33 new market rental units, which will have high-end rents, for a total of 100 residential rental units to be secured on the site.

The existing and proposed units and unit mix for the proposed four-storey replacement building are summarized in the two tables below.

Table X: Summary of Units to be Demolished at Green Belt and Moccasin

Summary of existing unit rents in June 2013 vs. City of Toronto rent thresholds for last year occupied					
Type	Sizes m2	Unit #s	Affordable	Mid-range	High-end
Bachelor	42.5	17	16	1	0
1 bed	57.7	17	8	9	0
2 bed	85.0	49	35	14	0
		83	59	24	0

Table X: Green Belt Moccasin– Proposed Unit mix and Rents

Type	Sizes m2	Unit #s	Affordable	Mid-range	High-end
Bachelor	0	0	0	0	0
1 bedroom	54.4-63.3	12	12	0	4
1 bedroom + interior bedroom (2Bi)	74.3-78.9	8	0	8	26
2 bedroom	67.4-85.5	38	26	12	3
2 bedroom + interior bedroom (3Bi)	94.3-109.6	4	0	4	0
3 bedroom	98.9-122.6	5	4	1	0
			42	25	33

The reduction in the number of secured-rent rental units proposed to be replaced from the existing 83 units to 67 replacement units results in 89% of the previous GFA being secured rental housing at affordable and midrange rents.

At the time of application 29% of the units were midrange and 71% were affordable, the current proposal will result in the new building having a mix of 25% of the units being mid-range and 42% of the units being affordable, as a result of including the additional 33 new high-end rental units. The replacement proposal of new affordable and mid-

range three-bedroom units and additional two-bedroom market rental units, as well as a variety of sizes and configurations will provide additional housing choices to households in this neighbourhood, including barrier-free rental units in a variety of unit types and rents.

The decision on the rental housing matters under Section 111 and the conditions of any residential rental demolition permit should be deferred until such time as a final decision has been made regarding the change of use, height, density and massing under the Planning Act at the OMB.

As the matters of rental replacement are a typical condition of the Section 111 permit, it will also be recommended to the Board that the order of the Board be withheld on the Official Plan and the Zoning By-law amendments until Council has made a decision on the conditions of the Section 111 permit, which will inform the final form of those amendments.

Engineering and Construction Services

The May 27, 2016 Request for Directions Report dated noted that Engineering and Construction Services staff had concerns respecting a number of issues, including: additional information required to complete the sanitary sewer analysis; confirmation of water pressures and flows adequate to service the development; the buildings' expected sanitary demand and domestic water demand, and issues related to foundation drains and groundwater. A revised Functional Servicing Report was received recently in March, 2017 and as such Engineering staff have not had sufficient time to review the revised material and provide comment. A hydrogeology report is also required and has yet to be submitted.

Although the revised plans do not deal directly with the servicing issues as outlined in the May 27, 2016 Request for Directions Report, City Planning is in a position to support the Settlement Offer provided that the servicing issues are satisfactorily addressed prior to the issuance of any Board Order and secured all as set out in the recommendations of this report, the satisfaction of the Executive Director, Engineering and Construction Services, and the General Manager of Transportation Services. Should revisions to the proposed by-laws for the site be required resulting from the finalization of the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report all satisfactory to the Executive Director, Engineering and Construction Services and the General Manager of Transportation Services, the recommendations to this report address and provide for such circumstance; The City Solicitor will request that the Ontario Municipal Board withhold its final order with respect to the Official Plan and Zoning Amendments until such time as servicing matters have been satisfactorily addressed as set out in the recommendations to this report.

TRCA

The north and east portion of the east parcel is located adjacent to the valley and is located within the limits of the ravine control by-law and within the Toronto and Region

Conservation Authority Regulation Area. Development within this area requires a permit from the TRCA. Under the Ravine By-law, a permit is required to injure or destroy a tree, to place or dump fill, or to alter the grade of the land. The TRCA are satisfied with the proposed Official Plan Amendment and Zoning By-law Amendment applications and have requested that all of the lands below the Long Term Stable Top of Bank and within the 10 metre setback of the Long Term Stable Top of Bank be placed in an open space or hazard zoning category, and that the owner agree to convey to the TRCA for a nominal sum all of the lands identified above, for open space and valley land purposes. The building location is generally acceptable to the TRCA, although they will have additional approval requirements at the site plan stage.

Community Consultation

A fourth working group meeting was held on January 12, 2017 at the Don Mills Public Library and the proposed revisions were presented. At this meeting the working group also provided input on potential community benefits related to Moccasin Trail park. Planning staff advise the proposed revisions were well received.

A Tenant Consultation on the rental housing matters was held March 2, 2017 with the remaining tenants of the building. Tenant concerns will be more fully discussed in a report to Council regarding the Section 111 permit under Chapter 667 for the demolition of the 83 existing rental dwelling units.

Conclusion

Planning Staff advise they have reviewed the revised applications against the policies of the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the Toronto Official Plan and that subject to the conditions in the recommendations, they are of the opinion that the proposal is consistent with and/or maintains the intent of the policy framework.

Planning staff have no objections to the proposed changes provided that the site can be adequately serviced, and that the owner pay for and construct any improvements to existing municipal infrastructure to the satisfaction of the Executive Director of Engineering and Construction Services Division to support the development proposed by the applicant.

For all of the reasons set out above, it is recommended by the City Solicitor that the revised proposal as set out in the Recommendations and body of this report be supported at the Ontario Municipal Board.

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SIGNATURE

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