

Authority: MM27.64, by Councillor Justin J. Di Ciano, seconded by Councillor Mark Grimes, as adopted by City of Toronto Council on March 28 and 29, 2017 and Etobicoke York Community Council Item EY20.4, adopted as amended, by City of Toronto Council on March 9, 2017

## CITY OF TORONTO

### BY-LAW 321-2017

#### **To amend Chapter 324 of the former City of Etobicoke Zoning Code with respect to the lands municipally known as 2 Gibbs Road.**

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the Etobicoke Zoning Code as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule A attached to this By-law.
2. Despite Sections 320-18, 320-23(A) through (G), 320-24.9, 320-24.10, 320-79, 320-80, 320-82, 320-83, 320-105(A), and 320-106 through the Etobicoke Zoning Code, the following provisions shall apply to the lands described in Schedule A attached. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

3. The provisions of the Zoning Map referred to in Section 320-5 of the Zoning Code shall apply to the lands in Schedule B designated as Planned Commercial Preferred (CPP), unless inconsistent with the provisions of this By-Law in which case this By-law prevails.
4. The words highlighted in bold type in this by-law have the meaning provided in Section 304-3 **Definitions** of the Etobicoke Zoning Code, unless inconsistent with the provisions of this by-law. For the purposes of this by-law, the following definitions will also apply:
  - "Amenity Space" means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities;
  - "Angular Plane" means an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal;
  - "Bicycle Parking Space" means an area used for parking or storing a bicycle;
  - "Floor Plate Area" means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure;
  - "Grocery" means a store that sells food and household related non-food products, such as clothing and pharmacy goods;
  - "Indoor Amenity Area" means a common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes;
  - "Outdoor Amenity Area" means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes;
  - "Main Wall" means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area;
  - "Office Use" means Office Business or Office Professional use which excludes a medical office and that is located within the non-residential floor area of the site;
  - "Restaurant Use" includes use permissions for **Restaurant, Restaurant –convenience, Restaurant Standard, Restaurant – Take Out**; and
  - "Temporary Sales Office" shall mean a temporary building, structure, facility or trailer used for the purpose of the sale of dwelling units.
5. In addition to the permitted uses in Section 320-105 of the Zoning Code, the following uses are permitted on the Lands described in Schedule A:
  - (A) **apartment building**;
  - (B) **retail store**; and
  - (C) temporary sales office.
6. A Temporary Sales Office shall be exempt from the development standards outlined in Chapter 320 of the Etobicoke Zoning Code.

7. The height of a **building** or **structure** is measured as the vertical distance between grade, which is Canadian Geodetic Datum elevation of 134.2 metres, and the highest point of the **building** or **structure**, except for those elements prescribed in section 8 below.
8. No portion of any **building** or **structure** on the lands, excluding parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, mechanical penthouse, roof top stair enclosures, elevated pedestrian bridge, landscaping and elements of a green roof is to have a height greater than the height in metres specified by the number following the HT symbol as shown on Schedule C of this by-law.
9. Any equipment or **structures** used for the functional operation of the **building**, including mechanical penthouse, may have a maximum permitted height of 7 metres.
10. Any portion of a **building** above a height of 30 metres must not exceed a floor plate area of 750 square metres on the development site.
11. Any portion of a **building** above a height of 30 metres must be separated by a minimum distance of 25 metres from all other portions of **buildings** which are above a height of 30 metres.
12. The maximum permitted **gross floor area** of all **buildings** and **structures** on the lands is 105,600 square metres; and
  - (A) the **gross floor area** of **buildings** or **structures** occupied by residential uses must not exceed 100,000 square metres.
  - (B) the **gross floor area** of **buildings** and **structures** occupied by non-residential uses must not exceed 7,500 square metres, excluding the area occupied by a parking garage.
13. A minimum of 10 percent of the total **dwelling units** on the site must be provided as three bedroom units.
14. Amenity space must be provided in accordance with the following:
  - (A) a minimum of 4 square metres per **dwelling unit** of amenity space shall be provided;
  - (B) a minimum of 2 square metres per **dwelling unit** of indoor amenity space shall be provided;
  - (C) a minimum of 2 square metres per **dwelling unit** of outdoor amenity space shall be provided.
  - (D) at least 40.0 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space; and
  - (E) no more than 25 percent of the outdoor component may be a green roof.
15. The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Schedule C of this by-law, except that:

- (A) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, roof top stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, elevated pedestrian bridge, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Schedule C of this by-law, provided that in no case will any portion of the building or structure extend closer than 14m to the Highway 427 right-of-way.
- 16.** A **building** or **structure** must be at least 5.5 metres from a lot line abutting Gibbs Road.
- 17.** **Buildings** subject to a Stepback Area, as indicated on Schedule D, require a stepback be provided as **follows**:
- (A) in Stepback Area 1, at a height of 10 metres, the main wall of a **building** must be setback at a minimum distance of 1.5 metres from the interior face of the main wall below;
- (B) in Stepback Area 2, at a height of 10 metres, the main wall of a **building** must be setback at a minimum distance of 2 metres from the interior face of the main wall below;
- (C) in Stepback Area 3, at a height of 10 metres, the main wall of a **building** must be setback at a minimum distance of 3 metres from the interior face of the main wall below; and
- (D) in Stepback Area 4, the portion of a **building** above 26 metres must be setback at a minimum distance of 2 metres from the interior face of the main wall below.
- 18.** No portion of a **building**, excluding those features listed in section 8. above, may penetrate a 45-degree angular plane projected over the lot from the eastern side lot line, commencing at an elevation of 48 metres above grade as calculated using the method identified in Schedule E attached.
- 19.** **Parking spaces** must be provided and maintained at the following rates:
- (A) 0.8 **parking spaces** for each bachelor **dwelling unit**;
- (B) 0.9 **parking spaces** for each one-bedroom **dwelling unit**;
- (C) 1.0 **parking spaces** for each two-bedroom **dwelling unit**;
- (D) 1.2 **parking spaces** for each three-bedroom **dwelling unit**;
- (E) 0.15 **parking spaces** for each **dwelling unit** for the purpose of visitor parking;
- (F) 1.5 **parking spaces** for every 100 square metres of **gross floor area** dedicated to office use;
- (G) 2.5 **parking spaces** for every 100 square metres of **gross floor area** dedicated to grocery use.

For restaurant use:

- i. No **parking spaces** are required where the **gross floor area** is less than 200 square metres;
- ii. 3 **parking spaces** are required for every 100 square metres of **gross floor area**, where the **gross floor area** is less than 500 square metres but greater than 200 square metres; and
- iii. 5 **parking spaces** are required for every 100 square metres of **gross floor area**, where the **gross floor area** is greater than 500 square metres; and

For retail stores:

- i. No **parking spaces** are required where the **gross floor area** is less than 200 square metres; and
- ii. 1.5 **parking spaces** for every 100 square metres of **gross floor area**, where the **gross floor area** is less than 10,000 square metres but greater than 200 square metres.

20. Despite the above, **parking spaces** required for non-residential uses may be provided on a shared basis.
21. For **parking spaces** adjacent to interior building walls, the minimum width must be 2.9 metres, the minimum length must be 5.6 metres, and the minimum vertical clearance must be 2.0 metres.
22. For **parking spaces** not adjacent to interior building walls, the minimum width must be 2.6 metres, the minimum length must be 5.6 metres and the minimum vertical clearance must be 2.0 metres.
23. Bicycle parking spaces must be provided at the rate of 0.75 for each **dwelling unit** to a maximum of 1,111 bicycle parking spaces. An additional 31 bicycle parking spaces will be provided for non-residential uses.
24. The minimum dimension of a bicycle parking space is:
  - (A) minimum length of 1.8 metres;
  - (B) minimum width of 0.6 metres; and
  - (C) minimum vertical clearance from the ground of 1.9 metres.
25. The minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
  - (A) minimum length or vertical clearance of 1.9 metres;
  - (B) minimum width of 0.6 metres; and
  - (C) minimum horizontal clearance from the wall of 1.2 metres.

26. A minimum of seven **loading spaces** must be provided as follows:
- (A) a minimum of 3 **loading spaces** must be provided with the dimensions of 17 metres in length, 3.5 metres in height, and 4.4 metres in vertical clearance;
  - (B) a minimum of 2 **loading spaces** must be provided at the dimensions of 11 metres in length, 3.5 metres in height, and 4 metres in vertical clearance; and
  - (C) a minimum of 2 **loading spaces** must be provided at the dimensions of 6 metres in length, 4 metres in height, and 6.1 metres in vertical clearance.
27. The lands zoned with the (H) symbol delineated by heavy lines on Schedule B attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of [date of by-law passing] until the (H) symbol has been removed. An amending by-law to remove the (H) symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of City Solicitor, the Director, Community Planning, Etobicoke York District and the Executive Director, Engineering and Construction Services, and Council:
- (A) The execution and registration of a development agreement between the Owner of the Lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development; and
  - (B) The receipt of all necessary approvals for the infrastructure required in Section 27 (A) of this By-law.
28. Section 37 Provisions
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule B and Schedule C in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
  - (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.
29. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
30. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development.

- 31.** Chapter 324, Site Specific, of the Etobicoke Zoning Code is amended to include reference to this by-law by adding the following Section 324-1 Table of Site Specific By-laws:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
321-2017 March 29, 2017	Lands located south of the Valhalla Inn Road Residential development; west of 340 The East Mall, north of Gibbs Road, East of Highway 427, municipally known as 2 Gibbs Road	To permit the development of a mixed-use development with 1,480 residential units and 6,800 square metres of non-residential uses

Enacted and passed on March 29, 2017.

Francis Nunziata,  
Speaker

Uli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule B and Schedule C in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) The height and density of development permitted by this By-law is subject to the owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* as follows:
  - (A) Prior to issuance of an above grade building permit (other than building permit for a temporary sales office for construction) for development of the 31-storey tower in Phase 1, the owner shall submit an indexed cash contribution in the amount of \$1,000,000 to be directed in consultation with the Ward Councillor toward the future YMCA/Community Centre facility or the Westwood Park to be located on the Westwood Theatre Lands, or local park improvements. Such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
  - (B) Prior to the issuance of an above grade building permit for development of the 37-storey tower in Phase 2, the owner shall submit an indexed cash contribution in the amount of \$2,000,000 to be directed in consultation with the Ward Councillor toward the future YMCA/Community Centre facility or the Westwood Park to be located on the Westwood Theatre Lands. Such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made; and
  - (C) Prior to the issuance of an above grade building permit for development of the 43-storey tower in Phase 3, the owner shall submit an indexed cash contribution in the amount of \$1,000,000 to be directed in consultation with the Ward Councillor toward the East Mall Park, other local parks and/or Public Art in the vicinity of the development. Such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) The cash contributions identified in '1(A), 1(B), and 1(C)' above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.



- (3) In the event the cash contributions referred to in '1(A), 1(B), and 1(C)' above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (4) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- (A) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
  - (B) The owner shall provide, at its own expense, a minimum area of 1,400 square metres of privately-owned publicly-accessible space (POPS #1) as a central garden and a minimum area of 600 square metres of privately-owned publicly-accessible space (POPS #2) as a playground area with public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, as its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days a year;
  - (C) The owner shall obtain a permit(s) from the Ministry of Transportation prior to any construction and for all signs visible to Highway 427. MTO permits can only be applied for once the Site Plan Control Application is approved;
  - (D) Through the Site Plan approval process, the owner shall submit a revised Transportation Impact Study to the satisfaction of the Ministry of Transportation;
  - (E) Through the Site Plan approval process, the owner shall implement the wind control measures identified in the Wind Mitigation Recommendation Letter dated November 4, 2016 and the updated Pedestrian Level Wind Study dated December 2, 2016 from Gradient Wind Engineering Inc. to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (F) Through the Site Plan approval process, the owner shall implement the noise control measures and recommendations identified in the Noise Impact Study dated December 22, 2015 and the Addendum Noise Impact Study letter dated September 2, 2016 by J.E. Coulter Associates Limited to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (G) The owner shall notify NAV Canada a minimum of 10 days prior to the start of construction;

- (H) The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues;
- (I) The proponent be required to undertake the following, to the satisfaction of the General Manager of Transportation Services, at no cost to the City:
  - a) Prior to Site Plan Control Approval, submit for review and approval, all necessary drawings and documentation associated with the proposed traffic control signal at Gibbs Road and The East Mall in accordance with the Transportation Services Directive for Development Related Traffic Signal Installations;
  - b) Prior to the issuance of any above grade Building Permit, pay for all costs associated with installation of the proposed traffic control signal at Gibbs Road and The East Mall, as per the approved drawings and documentation required under Condition I(a) above;
  - c) Prior to Site Plan Control Approval, submit for review and approval, a full-size pavement marking and signing plan (in metric units) for the proposed changes along Gibbs Road, west of The East Mall;
  - d) Prior to the issuance of any above grade Building Permit, pay for all costs associated with implementing the proposed modifications to Gibbs Road, west of The East Mall, as per the approved pavement marking and signing plan required under Condition I(c) above;
  - e) Prior to the issuance of any above grade Building Permit, pay for all costs associated with increasing the traffic signal cycle length at Valhalla Inn Road and The East Mall to 110 and 105 seconds during the AM and PM Peak Periods, respectively;
  - f) Prior to the issuance of any above grade Building Permit, pay for all costs associated with implementing a southbound left-turn advance phase, and increasing the eastbound left-turn advance phase during the AM Peak Period at Bloor Street West and The East Mall intersection;
  - g) Prior to the issuance of any above grade Building Permit, pay for all costs associated with extending the east-west signal through phase during the PM Peak Period at the Bloor Street West and The East Mall; and
  - h) Prior to the issuance of any above grade Building Permit, pay for all costs associated with increasing the northbound advance left-turn phase during the PM Peak Period at Burnhamthorpe Road and The East Mall intersection;
  - i) Prior to Site Plan Control Approval, the owner shall provide the City with a certified cheque in the amount of \$140,000 to be used to implement

signal priority for Toronto Transit Commission (TTC) buses at existing signalized intersections and at the proposed signalized intersection of The East Mall and Gibbs Road to the satisfaction of the Chief Executive Officer of the Toronto Transit Commission and the Executive Director, Engineering and Construction Services;

- (J) Prior to Site Plan Control Approval and at no cost to the City or the TTC, the owner shall design and pay for the relocation of two existing transit stops and street furniture located north of Gibbs Road opposite 340 The East Mall to new locations in The East Mall and Gibbs Roads intersection to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Executive Officer of the Toronto Transit Commission; and
- (K) Prior to Site Plan Control Approval and at no cost to the City or the TTC, the owner shall design and pay for two new transit shelters adjacent to the two relocated transit stops in The East Mall and Gibbs Roads intersection to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Executive Officer of the Toronto Transit Commission.









