

**600 and 620 The East Mall - Zoning By-law Amendment  
Application - Request for Direction Report**

<b>Date:</b>	March 18, 2014
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 3 – Etobicoke Centre
<b>Reference Number:</b>	11 248053 WET 03 OZ

**SUMMARY**

The owner of the site at 600 and 620 The East Mall has appealed this Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time period prescribed under the *Planning Act*.

The purpose of this report is to seek City Council's direction for the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board in support of a settlement as outlined in this report. A hearing at the OMB has not yet been scheduled.

The site is currently developed with a single storey office building and an interconnected 4-storey office building, single storey commercial strip-plaza and single storey commercial building. This application proposes to amend the former Etobicoke Zoning Code to permit residential and commercial development on the site. The existing single storey office building, the 4-storey office building and the single storey retail strip-plaza would be demolished to accommodate the development proposal. Based on the revised application received on January 27, 2014 the proposed development is for two 24-storey (72.46 m) residential apartment buildings connected by a 6 to 8-storey



podium and one 11-storey (36 m) residential and office commercial building on the north half of the site. As well, an additional single storey 423 m<sup>2</sup> retail commercial building is proposed on the south half of the site. The proposed development would contain 902 residential units (61,400 m<sup>2</sup> of gross floor area) and a total of 6,800 m<sup>2</sup> of non-residential gross floor area for a total density of 3.0 times the area of the site.

The proposed development would implement the Official Plan with respect to providing for growth having a mix of uses in a *Mixed Use Areas* designation and would be consistent with the Provincial Policy Statement and conform to the Growth Plan. The proposed mixed use building and the proposed retail commercial building would improve and enhance the streetscape along The East Mall. The residential buildings would allow for intensification of the site without undue negative impacts on the surrounding neighbourhoods. The community benefits recommended to be secured would provide for improvements to a local public park (Capri Park) and to non-profit daycare centres operating in the area.

## RECOMMENDATIONS

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing on 600 and 620 The East Mall in support of a settlement to the appeal of the application as outlined in this report and in the Draft Zoning By-law Amendment included as Attachment 6 to this report.

City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

3. The City Solicitor request that the Ontario Municipal Board withhold its Order approving the Zoning By-law Amendment until:
  - a. The owner has submitted to the satisfaction of the Executive Director, Engineering and Construction Services an updated Functional Servicing and Stormwater Management Report.
  - b. The owner has submitted a cheque in the amount of \$33,000 as required by the Toronto Transit Commission for transit signal priority measures to mitigate delays to transit.
  - c. The owner has entered into an Agreement under Section 37 of the *Planning Act* to secure the following facilities, services and matters at the owners expense:

- i. A payment in the amount of \$1,200,000 (indexed from March 1, 2014 to the date of payment to reflect increases in the Non-Residential Construction Price Index), for the following:
    - A payment in the amount of no less than \$600,000 for improvements to Capri Park, including but not limited to improvements to accommodate additional recreation facilities such as basketball courts and a splash pad as well as improved park lighting, pedestrian walkways and landscaping.
    - A payment in the amount of no less than \$600,000 for capital improvements to existing non-profit childcare facilities in the area including but not limited to Capri Child Care Centre, Educare Kindergarten - Rathburn, and First Stage - Burnhamthorpe.
  - ii. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - 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.
    - The owner shall satisfy the requirements of the Toronto School Board regarding warning clauses and signage.
    - The owner shall construct and maintain the development in accordance with the Noise Impact Assessment Report prepared by J.E. Coulter Associates Limited dated July 21, 2011 and addendums dated March 28, 2012 and March 5, 2013 which identify a requirement for upgrades to the west, north and south facades (glazing and walls) of the two residential buildings and the mixed use building.
    - The owner shall be financially responsible for all costs to remove and relocate the existing pedestrian crossover along The East Mall at the northerly limit of the site to the satisfaction of the General Manager, Transportation Services.
    - The owner shall enter into a financially secured Development Agreement for the construction of any improvements to existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
4. City Council authorize the City Solicitor and any other City staff to take such actions as are necessary to give effect to the recommendations of this report.

## Financial Impact

There are no financial implications resulting from the adoption of this report.

## DECISION HISTORY

Etobicoke York Community Council adopted a Preliminary Report for the subject application at its September 16, 2011 meeting. The report provided background information on the proposal and recommended that a community consultation meeting be held, and that notice be given according to the regulations of the *Planning Act*. The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-40923.pdf>.

## ISSUE BACKGROUND

### Proposal

The site is currently developed with a single storey office building and an interconnected 4-storey office building, one-storey commercial strip-plaza and one-storey commercial building. The applicant's revised proposal would involve the retention of only the southernmost portion of the interconnected building on the site (Shoppers Drug Mart) and construction of four new buildings as follows and as illustrated in Attachment 1: Site Plan:

- Two 24-storey (72.46 m) residential apartment buildings (709 residential units) connected by a 6 to 8-storey podium in the northwest portion of the site along the Highway 427 corridor;
- A mixed use residential and commercial building (193 residential units and 4,190 m<sup>2</sup> commercial floorspace) along The East Mall stepping from 4-storeys (15.5 m) along the street, to 9-storeys (30 m), up to a maximum height of 11-storeys (36 m); and
- A 423 m<sup>2</sup> single storey retail commercial building at the southeast corner of the site near the intersection of The East Mall and Rathburn Road.

The proposed development, including the existing single storey commercial building to be retained, would contain 68,200 m<sup>2</sup> of gross floor area, of which 6,800 m<sup>2</sup> would be comprised of retail and office uses. The total gross floor area would equate to a Floor Space Index of approximately 3.0 times the area of the site. The 902 residential dwelling units are proposed to be comprised of 2 bachelor, 618 one-bedroom, 244 two-bedroom and 38 three-bedroom units.

A total of 1,804 m<sup>2</sup> of indoor amenity space is proposed for the residential development of which 1,229 m<sup>2</sup> would be located within the podium connecting the two 24-storey buildings and 575 m<sup>2</sup> would be located on the ground floor and fifth level of the mixed use building. A total of 1,804 m<sup>2</sup> of outdoor amenity area is proposed, comprised of the following three components: 674 m<sup>2</sup> at-grade landscaped garden between the two

residential buildings and the mixed use building; a 645 m<sup>2</sup> landscaped deck on the 2<sup>nd</sup> floor rooftop over the parking deck between the two residential buildings with direct access to the indoor amenity area in the podium; and a 485 m<sup>2</sup> outdoor area on the 5<sup>th</sup> floor of the mixed use building having direct access to the indoor amenity area.

The following table provides a comparative summary of the original proposal and the current revised submission:

	Residential GFA (m <sup>2</sup> )	Non-Residential GFA (m <sup>2</sup> )	Density	Residential Units	Residential Building Height (m)
Original Proposal (July 2011)	80,825	2,610	3.65	1,120	3 buildings (73.5 m each building including the mechanical penthouse)
Revised Proposal (January 2014)	61,400	6,800	3.0	902	2 buildings (72.46 m each building including the mechanical penthouse), 1 building 36 m

Access to the site is proposed via two driveways from The East Mall. Currently the site is accessed from two driveways along The East Mall frontage, one centrally located and the other located slightly to the north. The centrally located driveway would be retained and the northern driveway would be relocated closer to the north limit of the site. The northern driveway would serve the proposed residential and mixed use buildings only and the existing driveway is proposed to serve the existing and proposed retail commercial buildings on the south half of the site, as well as provide alternate servicing vehicle access for the residential and mixed use buildings.

A total of 1,193 vehicle and 700 bicycle parking spaces are proposed for the development in a combination of surface and underground spaces. The existing surface parking on the south half of the site would be retained and provide 111 parking spaces for the retail buildings. Vehicle and bicycle parking for the residential and mixed use buildings is proposed to primarily be accommodated within a 4-level underground parking garage accessed by a ramp at the north end of the site off the northern driveway. A total of 974 resident and visitor parking spaces, 53 office parking spaces and 151 resident bicycle parking spaces are proposed below grade. As well, a covered at-grade parking area is proposed between the two residential buildings that would accommodate 55 vehicle and 390 bicycle parking spaces. An additional 159 bicycle parking spaces would be provided at grade.

### Site and Surrounding Area

The site is located on the north side of Rathburn Road between Highway 427 and The East Mall. The site is approximately 2.3 ha in area and has a reverse "L" shape wrapping around the access ramp to Highway 427. The site has a frontage of approximately 300 m

on The East Mall and a depth of approximately 95 m on the southern half of the site and 139 m on the northern half of the site. The south and west boundaries of the site abut Ministry of Transportation lands associated with Highway 427.

The site is currently developed with commercial office and retail buildings and surface parking. The one-storey building located in the northwest corner of the site adjacent to Highway 427 is occupied by the George Hull Centre for family services, a provincially funded centre providing children's mental health services. The four-storey office portion of the interconnected building is partially vacant but the primary existing tenant is the Rathburn Medical Centre. The one-storey commercial strip-plaza portion of the interconnected building contains 11 units (partially vacant) and the one-storey retail commercial portion is occupied by Shoppers Drug Mart. The existing buildings on the site are surrounded by surface parking. Access to the site is from two driveways off The East Mall, one centrally located along the frontage and the other at the north end of the site.

The surrounding land uses are as follows:

North: One-storey commercial office building beyond which The East Mall curves and runs parallel to Highway 427.

South: Across Rathburn Road is a City park, Capri Park, which has a grass open space area and a playground facility.

West: Highway 427 with associated off-ramp.

East: Two-storey townhouse development extending between Robinglade Drive and The East Mall operated by Toronto Community Housing Corporation.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The subject property is designated *Mixed Use Areas* on Map 14 - Land Use Plan of the Official Plan. Land Use designations surrounding the site include *Apartment Neighbourhoods* to the north and northeast as well as west across Highway 427 and *Neighbourhoods* to the east and southeast. Capri Park to the south is designated *Parks*.

The *Mixed Use Areas* designation provides for a broad range of commercial, residential, institutional and recreational uses, in single or mixed use buildings. It is one of four designations identified in the Official Plan as providing opportunities for increased jobs and/or population.

The development criteria in *Mixed Use Areas*, as cited in Policy 4.5.2, include but are not limited to providing an attractive, comfortable and safe pedestrian environment and locating and massing new buildings to:

- provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly to lower scale *Neighbourhoods*;
- adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide good site access and circulation and an adequate supply of parking for residents and visitors.

Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. The Healthy Neighbourhoods policies in Chapter 2 (Policy 2.3.1.2) identify that development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Policy 2.3.1.6 also states that community and neighbourhood amenities will be enhanced where needed by:

- a) improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and streetcar services and other community services; and
- b) creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment.

The development criteria in the *Mixed Use Areas* and *Healthy Neighbourhood* policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including policies that specifically address tall buildings. The Built Form policies, contained in Section 3.1.2 of the Official Plan, emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. They require that new development:

- be located and organized to fit with its existing and/or planned context;
- locate and organize vehicle parking, vehicular access, service areas and utilities in such a way as to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact on neighbouring streets, parks, open spaces and properties by:
  - a) massing new buildings to frame adjacent streets and open spaces in a manner that respects the existing and/or planned street proportion; and
  - b) creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces.
- be massed to define edges of streets, parks and open spaces;
- provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians; and
- provide indoor and outdoor amenity space for residents.

The Plan contains policies regarding tall buildings in the City (Policy 3.1.3). The tall building policies address in more detail where they should be located, how the buildings should be designed and identifies other key urban design considerations when considering a tall building proposal. In addition to addressing specific built form characteristics, the policy states that proposals for tall buildings must clearly demonstrate how they relate to the existing and planned context, take into account their relationship



with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

### **Criteria for Design of Tall Building Proposals**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>. The Design Criteria provide policy direction for tall buildings on issues such as building placement and orientation, entrances, massing of base buildings, setbacks, tower floor plates, separation distances, pedestrian realm considerations and sustainable design and transition. The guidelines ensure that tall buildings fit within their context and minimize their impacts. The guiding performance standards have been used in the review of the proposed new tall buildings on the site.

### **Zoning**

The subject property is zoned CPP (Planned Commercial Preferred Zone) in the former City of Etobicoke Zoning Code (see Attachment 3: Zoning). Permitted uses include a range of commercial and office uses. This zoning limits the commercial floor area to a maximum of 40% of the lot area and requires a minimum building setback distance of 15 m from any street line. Residential uses are not permitted in the CPP zone.

On May 9, 2013, City Council enacted a new city-wide Zoning By-law 569-2013 which is now under appeal to the Ontario Municipal Board. A transition protocol identifies categories and types of properties that are not included in the new Zoning By-law which includes lands within a Secondary Plan area, governed by an area based Zoning By-law, and/or subject to a complete development application. This site was subject to a complete development application at the time the new Zoning By-law was enacted and is, therefore, exempt from the new Zoning By-law.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. An application in this regard has not yet been submitted.

### **Reasons for Application**

A Zoning By-law Amendment application to the former City of Etobicoke Zoning Code is required to permit residential uses on the site, and to establish appropriate development standards for the proposed residential uses and additional commercial development proposed for the site.

### **Community Consultation**

A Community Consultation Meeting on the original proposal was held on December 7, 2011 at the Etobicoke Civic Centre. Approximately 100 members of the public, the

Ward Councillor, the applicant and City Planning staff were in attendance. Three written communications were received from the public after the meeting.

Comments noted at the meeting included:

- A concern that 24-storeys was too tall, would result in excessive development for the site, create an undesirable precedent for the area, and could result in shadow, privacy and overlook impacts;
- A concern that the existing community services in the area would be impacted by the additional residents of the development;
- A desire for additional retail space along The East Mall;
- A desire for the creation of a community gathering place;
- A concern that the retention of the Shoppers Drug Mart on the site limits development opportunity on the site; and
- A desire for improved on-site pedestrian safety due to the existing commercial uses.

These comments are addressed later in this report.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

The site is located at the north limit of the *Apartment Neighbourhoods* and *Mixed Use Areas* designated lands along the Highway 427 corridor. Sites in these areas are typically developed with apartment buildings and commercial uses. In recent years commercial sites have been the subject of redevelopment applications to introduce new residential buildings and many of these sites are under construction. The subject site is developed with commercial uses but is somewhat distinct from the other sites in that the site has frontage on both Highway 427 and The East Mall. This location and configuration presents opportunities to retain commercial uses on the site to serve the area and requires on-site transition in building height, scale and massing to appropriately address and respond to the different characteristics of the highway to the west and an established residential community to the east.

Staff are of the opinion the revised proposal provides for an appropriate mix of residential and commercial uses on the site and an appropriate transition in building height, scale and massing over the site as required by the Official Plan. The revised proposal is supportable.

## **Provincial Policy Statement (PPS)**

The Provincial Policy Statement (PPS) identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within a *Mixed Use Areas* designation, which is appropriate for intensification and redevelopment.

Policy 1.1.3.4 of the PPS refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. The revised proposal supports intensification policy objectives by focussing growth in existing settlement areas. The proposed development provides for the efficient use of land and utilization of existing services and infrastructure, and therefore, is consistent with the PPS.

## **Growth Plan**

The Growth Plan requires that a significant portion of new population and employment growth be directed to built-up areas of the community through intensification. The Growth Plan requires all intensification areas to be planned and designed to achieve an appropriate transition of built form to adjacent areas (Policy 2.2.3.7f).

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposed development is of a compact and efficient form that incorporates an appropriate transition in the height and scale of built form to adjacent areas. The proposal would make efficient use of land and would provide new housing with a range of unit sizes and commercial uses to serve the surrounding neighbourhood.

## **Land Use**

The proposed development would implement the objective of the *Mixed Use Areas* designation of the Official Plan to provide for a range of uses in single or mixed use buildings. The revised proposal would introduce residential uses to the site and maintain commercial office and retail uses through the retention of one of the existing retail buildings and the construction of new retail and office space.

In terms of new residential uses, this development would provide a total of 902 new residential units having mix of unit sizes. Indoor and outdoor amenity areas would be provided within the new development for the new residents.

The existing office and commercial floor space on the site totals approximately 9,500 m<sup>2</sup>. However, approximately half (4,700 m<sup>2</sup>) of this space is vacant. Through the community consultation process, area residents expressed an interest in retaining commercial and business uses on the site. The revised proposal responds to this and proposes 6,800 m<sup>2</sup> of non-residential gross floor area, of which approximately 3,500 m<sup>2</sup> would be in the form of office commercial space on the first two floors of the mixed use building fronting The East Mall and the remainder would be the retained retail commercial building (Shoppers Drug Mart) and the proposed new retail building near the intersection of The East Mall and Rathburn Road.

## **Density, Height, Massing and Built Form**

The proposed development would introduce residential uses and provide commercial space within one mixed use building fronting The East Mall and two freestanding buildings (one internal to the site and one along The East Mall). The revised proposal would also provide for a transition in building height, massing and scale from west (Highway 427) to east (The East Mall).

The two 24-storey residential buildings would be located in the northwest portion of the site with the tower portions setback between 55 to 95 m respectively from the property line at The East Mall. The mixed use building would be located along The East Mall with heights stepped from 4-storeys (15 m) at The East Mall, to 9-storeys (30 m) and then to a maximum height of 11-storeys (36 m) at a distance of approximately 13 m from The East Mall property line. The scale of the mixed-use building and the 4-storey height along The East Mall frontage provides for a compatible physical relationship with the street and the existing development across the street.

The towers are located 25 m apart and would be setback 12.5 m from the north lot line in accordance with the City's Tall Building Design Guidelines. A 14 m setback from the west and southwest lot line would be provided in accordance with Ministry of Transportation highway setback requirements.

The towers are connected by a podium which ranges in height from 6 to 8-storeys. The podium heights provide noise mitigation for the outdoor amenity area which is centrally located atop the parking deck. The distance between the north and south portions of the podium is approximately 18 m and the 6-storey height of the south podium would provide noise mitigation from Highway 427 and also allow for sunlight into the outdoor amenity area.

The location of the two 24-storey towers, one at the west side of the site oriented north-south along Highway 427 and the other along the southwest side of the site oriented east-west would provide appropriate light, view and privacy conditions for the proposed residential units. The proposed heights of the two 24-storey buildings are in keeping with recent developments along the Highway 427 corridor and are within the allowable height limits (72.46 m) associated with the Airport Zoning Regulations imposed by the Greater Toronto Airport Authority. The ground floor of these buildings is proposed to be designed with a central lobby area serving both buildings and facing the outdoor landscaped amenity area.

The mixed use building fronting The East Mall is proposed to have three active frontages. The East Mall frontage would be the 4-storey base condition with retail and office space on the ground and second levels respectively. The retail spaces would have building entrances accessible from the municipal sidewalk along to The East Mall and provide an improved relationship to the street. An office lobby is proposed along The East Mall frontage at the south corner of the building adjacent to the driveway. The west side of the building would face the proposed outdoor landscaped amenity area within the site. This frontage is proposed to be the primary residential entrance with a lobby area flanked by ground floor indoor amenity space. The north elevation of the building is proposed to have ground floor indoor amenity space with access from both the lobby and from the exterior of the building. The proposed scale, height and massing of this building which ranges in height from 4 to 11-storeys would provide an appropriately scaled edge condition to The East Mall, which has a 20 m right-of-way width. The proposed setback from The East Mall also provides an opportunity for an enhanced streetscape, public realm and pedestrian perception zone.

The introduction of a new retail commercial building at the southeast corner of the site near the intersection of Rathurburn Road and The East Mall is desirable. This proposed retail commercial building would be located along and frame the street and provide direct access to the street thereby improving the connectivity of the site. As part of the redevelopment of the site, the public boulevard would also be enhanced. Development around this intersection is low scale in character, being single detached dwellings and park space. The height and scale of the proposed retail building is appropriate for this context.

The proposed development would result in a density of approximately 3.0 times the area of the lot. The proposed height, density and massing of the revised proposal are in accordance with the Official Plan.

### **Sun, Shadow and Wind**

A shadow study was submitted with the original application and updated to illustrate the extent of shadowing that would result from the revised proposal.

The shadow study shows that the revised proposal would not impact the townhouses located across The East Mall until 3:18 pm in March and September. The houses beyond the townhouses and to the southeast of the site would not be impacted by shadow until 5:18 pm in March and September and until 6:18 pm in June. These impacts are considered to be minimal and acceptable. The proposed development would have no shadow impact on Capri Park.

The revised proposal incorporates refinements to the podium of the two 24-storey buildings. A Wind Assessment Study will be required to be submitted with the Site Plan Control application. Should that Study identify the need for further refinements to the podium design for the two 24-storey buildings, this will be addressed through the site plan approval process.

### **Streetscape**

The proposed development would provide an upgraded streetscape treatment along The East Mall through the introduction of buildings along the street edge, commercial uses with direct frontage and access onto the street and an improved landscaped treatment including boulevard trees and a widened sidewalk. As such, the proposed development will revitalize this section of The East Mall streetscape.

### **Landscape Open Space and Amenity Space**

As noted above, the proposed residential development would incorporate 1,804 m<sup>2</sup> of indoor amenity space and 1,804 m<sup>2</sup> of outdoor amenity space which equates to 2 m<sup>2</sup> of indoor and outdoor amenity space for each proposed residential unit. As well, the indoor and outdoor amenity areas would be located and designed to provide direct access between these areas. The residential amenity space is acceptable and the 2 m<sup>2</sup> per unit requirement is included in the proposed Draft Zoning By-law Amendment included as Attachment 6 to this report.

The revised proposal identifies the at-grade on-site outdoor amenity area as a combination of hard and soft landscaping elements integrated with the driveway access and internal walkways. The final design of this space would be secured through the site plan approval process. As well, the final design of The East Mall streetscape, the design of the access to the retail commercial spaces and the public boulevard would be secured through the site plan approval process.

### **Site Access, Circulation, Loading and Parking**

The applicant submitted an Urban Transportation Considerations Study Addendum dated January 2014, prepared by BA Group, in support of this proposal.

The existing centrally located driveway along The East Mall is proposed to be retained and to serve as the main access for the two retail commercial buildings and as a servicing access for the two residential towers and the mixed use building. The proposed relocated northern driveway would serve as the access for the residential and mixed-use buildings. There would be no vehicular connection between the north and south portions of the site. The on-site pedestrian connection between the residential and mixed use buildings and the two retail commercial buildings would be finalized through the site plan approval process. Transportation Services staff advise they are satisfied with the location of the driveways and their proposed function and operations.

The Urban Transportation Considerations Study submitted by the applicant proposes parking for the development in accordance with the requirements of the former City of Etobicoke Zoning Code for non-residential uses and City Wide Zoning By-law 569-2013 for residential uses. Based on these requirements, the revised proposal would require a total of 1,127 parking spaces on-site and the applicant is proposing a total of 1,193 parking spaces of which 1,029 would be for residential and visitor parking and 164 for non-residential uses. Transportation Services staff concur with the proposed parking supply. The Draft Zoning By-law Amendment included as Attachment 6 to this report incorporates these parking supply requirements.

Transportation Services staff also advise the applicant should be financially responsible for removal and relocation of the pedestrian crossover along The East Mall to accommodate the proposed relocation of the northern driveway. It is recommended this requirement be secured through the Section 37 Agreement to be registered on title.

### **Toronto Transit Commission (TTC)**

The Toronto Transit Commission (TTC) provides bus service 7 days a week on two existing bus routes with weather protected bus stops at The East Mall/Rathburn Road intersection. These routes include Route 111 The East Mall operating between Eglinton Avenue West and Kipling Subway Station and Route 48 Rathburn Road operating between Mill Road and Royal York Subway Station, both of which are on the Bloor-Danforth Subway Line.

As a condition of approval to the Zoning By-law Amendment application, the TTC requires that \$33,000 be provided to meet the requirement for transit signal priority

measures to mitigate delays to transit. This report recommends that the City Solicitor request the Ontario Municipal Board to withhold its Order approving the Zoning By-law until this requirement is secured.

### **Highway 427 Environmental Assessment**

The Ministry of Transportation (MTO) completed an Environmental Assessment (EA) and Preliminary Design Study for Highway 427 from the Queen Elizabeth Way (QEW) to Highway 401 to address existing operational and design deficiencies.

The existing Highway 427 and Rathburn Road interchange adjacent to the subject site is a circular ramp. The EA identifies a redesign of this interchange into a diamond configuration. For the subject site, the potential effect of this redesign is that a small land expropriation may be required from the site and a portion of the existing MTO lands may become surplus. The timing for the reconfiguration of this interchange has not been determined. The reconfiguration of the Rathburn Road ramp and any impacts or opportunities it presents for the subject site would be evaluated when MTO advances this work.

### **Servicing**

The applicant submitted a revised Functional Servicing Report on January 16, 2014. The report determined there is adequate sanitary sewer capacity to accommodate the proposed development, subject to an upgrade to a section of the sanitary sewer on Newcross Drive.

Engineering and Construction Services staff are in discussions with the applicant regarding the proposed approach to this upgrade. This report recommends that the City Solicitor request the Ontario Municipal Board to withhold its Order approving the Zoning By-law until this matter is resolved to the satisfaction of the Executive Director, Engineering and Construction Services.

Final sanitary sewer management designs would be addressed through the site plan approval process.

### **Noise**

The applicant submitted an initial Noise Impact Study Report on July 2011 and two addendums dated March 2012 and March 2013 to reflect revisions to the proposal.

The Study identifies that the major source of noise affecting the site is the transportation noise from Highway 427. The Study identifies a requirement for upgrades to the west, north and south facades (glazing and walls) of the proposed two residential buildings and the mixed-use building in order to comply with the Ministry of the Environment (MOE) criteria for indoor sound levels. It is recommended that this requirement be secured through the Section 37 Agreement to be registered on title.

### **Tree Preservation and Planting**

City of Toronto By-laws provide for the protection of trees situated on both private and City property. The Arborist Report and Tree Preservation Plan submitted in support of the application indicates there are a total of 16 trees on site, none of which are City owned and regulated under the City's Street Tree By-law. One of the 16 trees is regulated and located on private property within 6 m of the subject site. This tree would be clear of the proposed construction and would not be disturbed during development. The Arborist Report also indicates that there are no affected trees on the City road allowance adjacent to the subject site.

The remaining 15 regulated trees are privately owned and located on the subject site. These trees are protected under the City's Tree Preservation By-law, 5 of which are intended to be preserved. The remaining 10 regulated trees are in conflict with the proposed development and are proposed to be removed. Urban Forestry staff have reviewed the plans and indicated that a permit is required to destroy these 10 trees in accordance with Chapter 331 of the City of Toronto Municipal Code.

Urban Forestry staff have also advised that the owner will be required to plant new 'large growing shade' trees at a three to one ratio on both public and private lands. The applicant is proposing the planting of numerous trees on the public boulevard and on the site. The number and location of trees on-site and on the public boulevard would be finalized through the site plan approval process.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area with 1.57 to 2.99 ha of local parkland per 1,000 people on Map 8B/C of the Official Plan. This represents the second highest quintile of parkland provision. The site is also in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

The application proposes 902 residential units and 6,800 m<sup>2</sup> of non-residential space with a net site area of 2.3 ha. At the alternative rate of 0.4 ha per 300 units, as specified in By-law 1020-2010, the parkland dedication requirement would equal 1.25 ha or 55% of the proportionate residential area. The By-law also states for sites with an area between 1 to 5 ha in size, a maximum cap of 15% is applied to the residential portion and a maximum cap of 2% for the non-residential portion. The proposed development would be subject to a cash-in-lieu cap of 15% of the value of the development site, therefore, a minimum on-site parkland dedication of 3,423.6 m<sup>2</sup> (15%) of the total area of the lot would be required.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu payment as West Dean Park South, Wellesworth Park and Capri Park are located in close proximity to the subject site. Parks, Forestry and Recreation staff advise this proposal is acceptable. The actual amount of cash-in-lieu to be paid would be determined by the Facilities and Real Estate Division at the time of issuance of the building permit.



## **Community Services and Facilities**

The applicant submitted a Community Services and Facilities Inventory with the application which has been reviewed by City Planning staff.

The site is in close proximity to Capri Park, West Dean Park and Wellesworth Park. There are no City of Toronto community centres near the site, but Toronto Community Housing operates the Burnhamthorpe/427 Community Centre within the development across the street from the site. This community centre includes a swimming pool and basketball court. As well, this centre includes a satellite office of the Rexdale Community Health Centre which offers after-school childcare and seniors programs to local residents.

The Inventory also identified the area is experiencing accommodation issues with respect to schools and child care facilities.

## **School Boards**

The Toronto District School Board (TDSB) advises that currently there is insufficient space at the local schools to accommodate students that are anticipated from this development and others in the area. Children from new development will not displace existing students at local schools. The Toronto Catholic School Board (TCSB) has not provided comment.

The TDSB has requested the proponent be required to erect Notice Signs and that warning clauses be included in all purchases, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside the immediate neighbourhood. It is recommended that the warning clause requirements be secured through the Section 37 Agreement to be registered on title.

As part of the site plan approval process, both the TDSB and TCSB are circulated for review and updated comments regarding school capacity.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Tier 1 performance measures include reducing the urban heat island effect through pavement and roofing materials to lower ambient surface temperature, protecting and enhancing tree growth and the use of native plant species to encourage biodiversity and stormwater retention and water quality

measures through the requirement of an acceptable stormwater management report. It is recommended these Tier 1 requirements be secured through the Section 37 Agreement to be registered on title.

The site specific zoning by-law would secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures would be secured through the site plan approval process. The applicant has indicated they will pursue Tier 2 of the TGS which would include possible refunds against Development Charges payable for the development.

### **Section 37**

The application proposes a significant increase in height and density for the site. The Official Plan provides for the provision of Section 37 contributions where an increase in height and density is proposed. Staff are of the opinion that the revised proposal is supportable and implements the policies of the Official Plan. City Planning staff have consulted with the Ward Councillor regarding possible community benefits to be secured under Section 37 of the *Planning Act*.

Based on consultation with the Ward Councillor, a review of the Community Services and Facilities Inventory submitted by the applicant and further communication with providers in the area, it is recommended that Section 37 benefits be secured for capital improvements to Capri Park and also for existing non-profit childcare facilities in the area including but not limited to Capri Child Care Centre, Educare Kindergarten-Rathburn and First Stage-Burnhamthorpe.

The applicant has agreed to a contribution of \$1,200,000 for these community benefits. It is recommended this contribution be secured through the Section 37 Agreement to be registered on title and included in the Draft Zoning By-law Amendment included as Attachment 6 to this report.

### **Conclusion**

The revised proposal conforms to the Official Plan policies relating to growth and development in *Mixed Use Areas*. The development would result in a mix of uses on the site and the height, scale and massing of buildings would achieve an appropriate on-site transition and fit with the surrounding local context. The scale and character of the development are appropriate for the existing and planned context for the area and represents an appropriate level of intensification.

It is recommended that staff be directed to attend the OMB hearing to support a settlement of the applicant's appeal of this Zoning By-law Amendment application for 600 and 620 The East Mall on the basis of the recommendations of this report and the Draft Zoning By-law Amendment included as Attachment 6 to this report.

## **CONTACT**

Sabrina Salatino, Planner  
Tel. No. (416) 394-8025  
Fax No. (416) 394-6063  
E-mail: [ssalati@toronto.ca](mailto:ssalati@toronto.ca)

## **SIGNATURE**

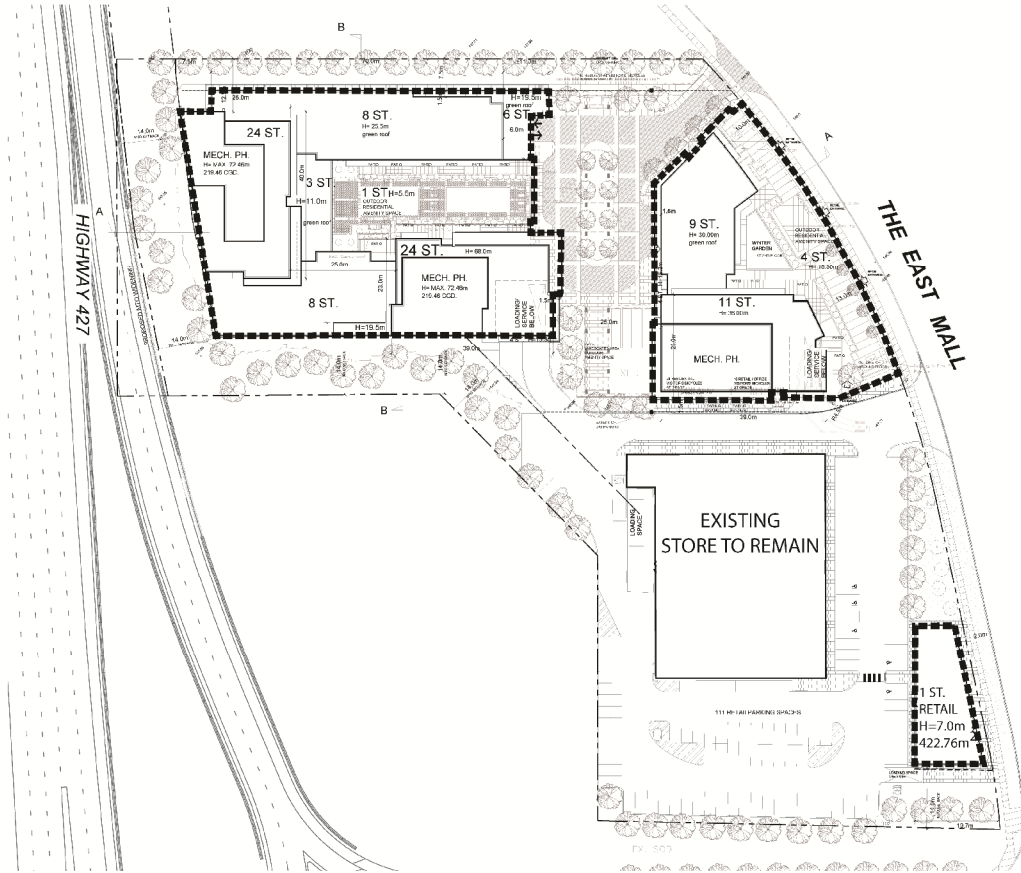
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a,b,c,d: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale

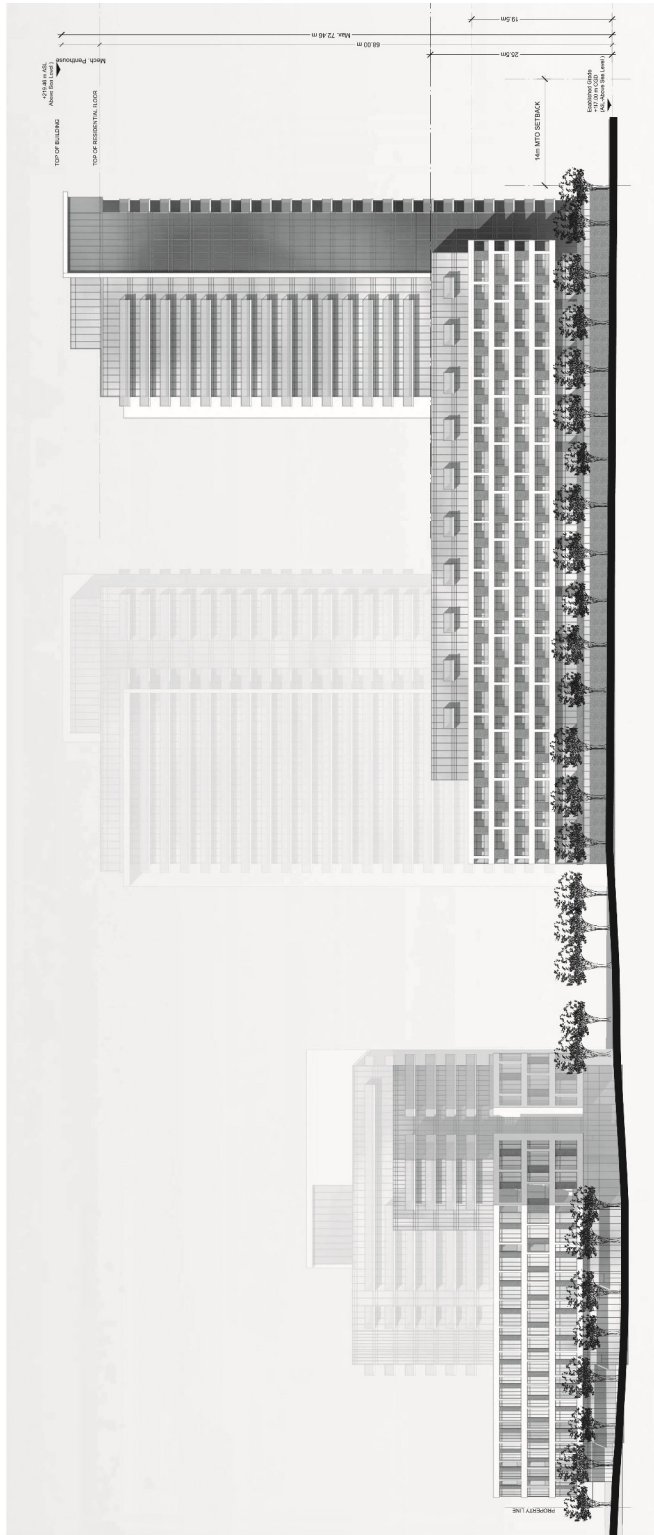
09/07/11



600 & 620 The East Mall

File # 11 248053 WET 03 OZ

**Attachment 2a: Elevations**



North Elevation

**600 & 620 The East Mall**

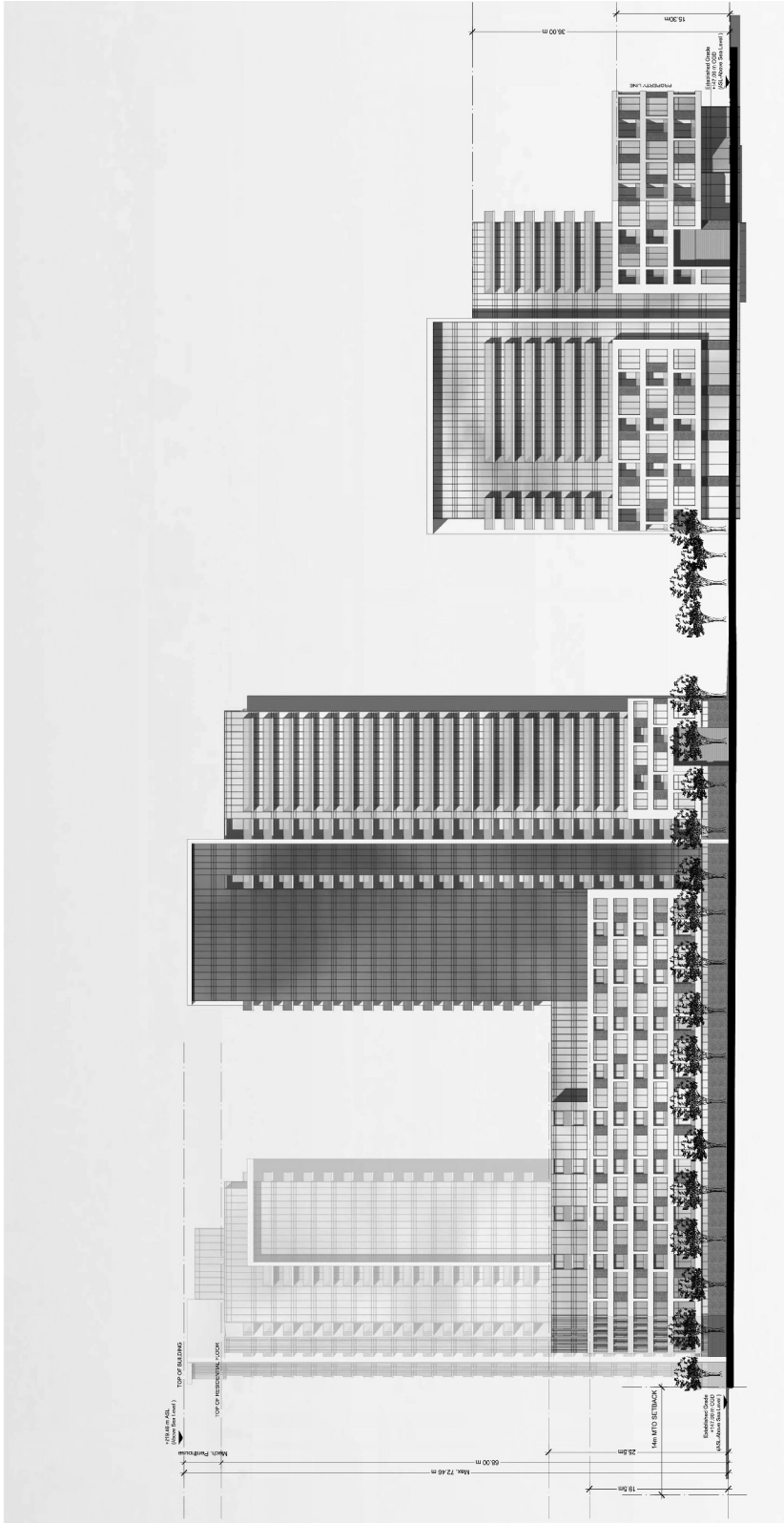
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
02/26/2014

File # 11 248053 WET 03 0Z

**Attachment 2b: Elevations**



South Elevation

**600 & 620 The East Mall**

**Elevations**

Applicant's Submitted Drawing

Not to Scale

02/13/2014

File # 11 248053 WET 03 0Z

**Attachment 2c: Elevations**



East Elevation

**600 & 620 The East Mall**

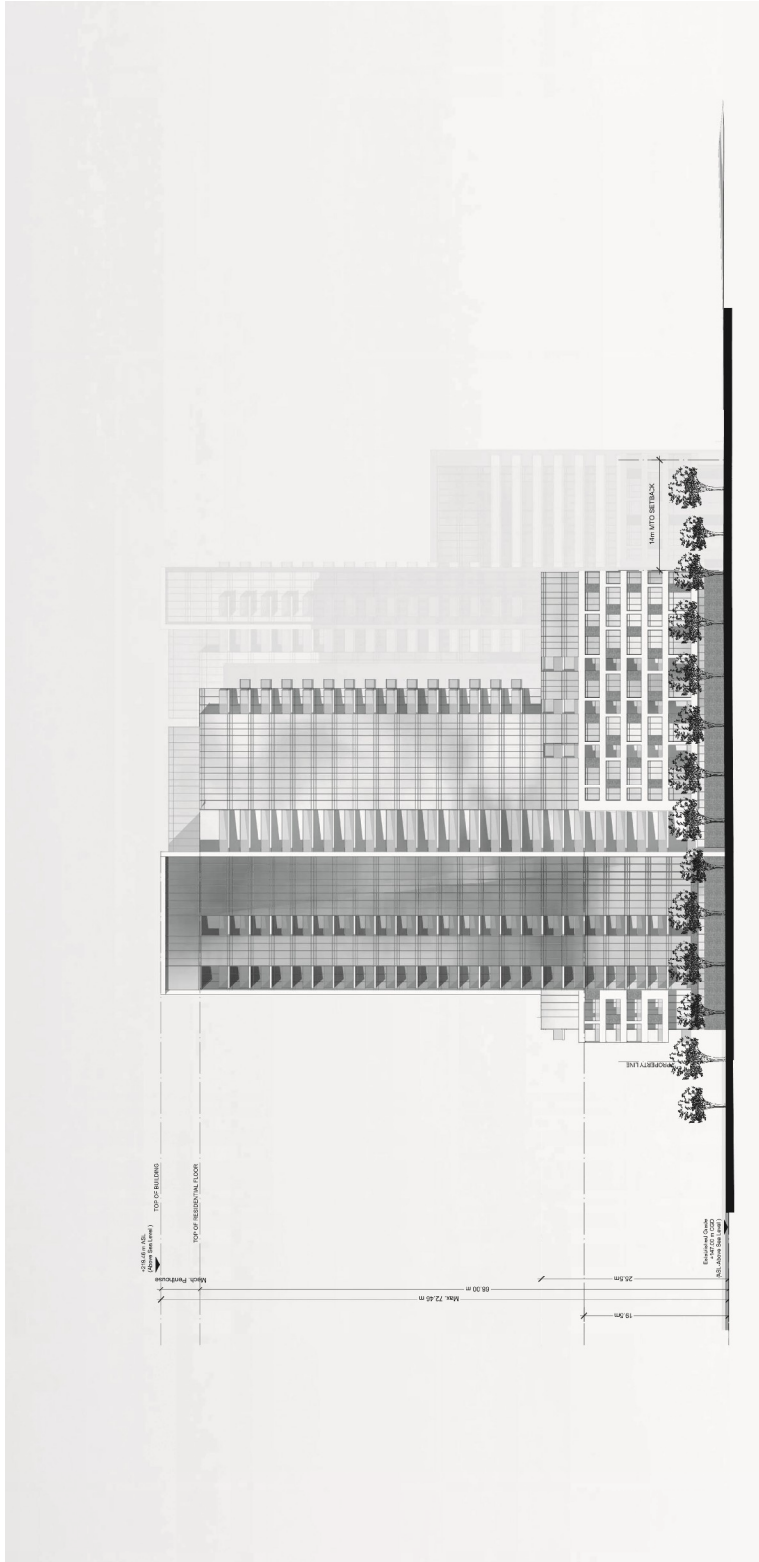
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
02/26/2014

File # 11 248053 WET 03 0Z

**Attachment 2d: Elevations**



West Elevation

**600 & 620 The East Mall**

File # 11 248053 WET 03 0Z

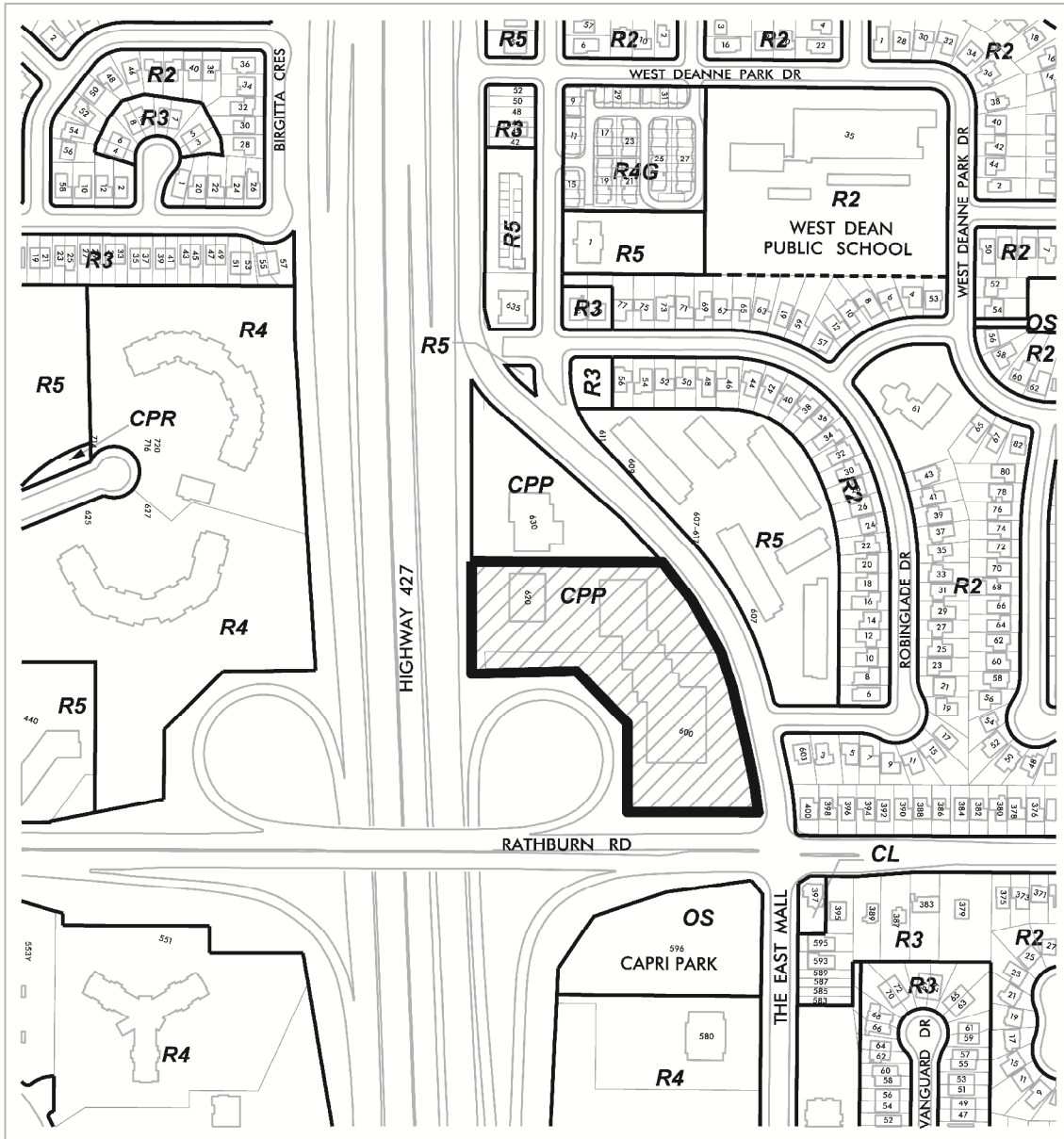
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
02/26/2014



### Attachment 3: Zoning



**600 & 620 The East Mall**  
 File # 11 248053 WET 03 0Z

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| R2 Residential Second Density        | R5 Residential Fifth Density     |
| R3 Residential Third Density         | OS Public Open Space             |
| R4 Residential Fourth Density        | CPR Commercial Planned Regional  |
| R4G Residential Fourth Density Group | CPP Commercial Planned Preferred |

Not to Scale  
 Zoning By-law 11,737 as amended  
 Extracted 02/27/2014




**Attachment 4: Official Plan**



**TORONTO** City Planning  
**Official Plan**

**600 & 620 The East Mall**

File # 11 248053 WET 03 02

- |  |  |
|--|--|
|  Site Location            |  Parks & Open Space Areas |
|  Neighbourhoods           |  Parks                    |
|  Apartment Neighbourhoods |  |
|  Mixed Use Areas          |  |

↑  
 Not to Scale  
 02/13/2014

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	11 248053 WET 03 OZ
Details	Rezoning, Standard	Application Date:	July 28, 2011

Municipal Address: 600 and 620 THE EAST MALL

Location Description: CON 2 FTH PT LOT 12 \*\*GRID W0302

Project Description: To amend the former Etobicoke Zoning Code to permit a total of 902 units within two 24-storey residential apartment buildings connected by a 6 and 8-storey podium and one 11-storey mixed residential and office commercial building stepping down to 9 and 4-storeys, all on the north half of the site. A new 423 m<sup>2</sup> retail commercial building is proposed on the south half of the site and the existing single storey retail commercial building (Shoppers Drug Mart) would be retained.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
KIM KOVAR	GREG JONES	PAGE & STEELE	LANTERRA EAST MALL LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CPP	Historical Status:
Height Limit (m):		Site Plan Control Area: Yes

### PROJECT INFORMATION

Site Area (sq. m):	22824	Height:	Storeys:	24
Frontage (m):	300		Metres:	72.46
Depth (m):	95 (min), 139 (max)			
Total Ground Floor Area (sq. m):	7209			<b>Total</b>
Total Residential GFA (sq. m):	61400		Parking Spaces:	1193
Total Non-Residential GFA (sq. m):	6800		Loading Docks	7
Total GFA (sq. m):	68200			
Lot Coverage Ratio (%):	31.6			
Floor Space Index:	3.0			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:		Residential GFA (sq. m):	61400
Bachelor:	2	Retail GFA (sq. m):	3300
1 Bedroom:	618	Office GFA (sq. m):	3500
2 Bedroom:	244	Industrial GFA (sq. m):	0
3 + Bedroom:	38	Institutional/Other GFA (sq. m):	0
Total Units:	902		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Sabrina Salatino, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8025</b>

## Attachment 6: Draft Zoning By-law Amendment

### CITY OF TORONTO

#### BY-LAW No. \_\_\_\_\_-2014

#### To amend Chapters 304, 320 and 324 of the Zoning Code of the former City of Etobicoke with respect to lands municipally known as 600 and 620 The East Mall

**Whereas** Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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

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

**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 or 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 matter as are set out in the by-law;

**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, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

**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 Former City of 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.

1. That the Zoning Map referred to in Section 320-5, Article II of the former City of Etobicoke Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be, and the same hereby is, amended by changing the classification of the lands as described in Schedule 'A' attached hereto from Planned Commercial Preferred (CPP) to Sixth Density Residential (R6) provided the following provisions shall apply to the development of the (R6) lands identified in Schedule 'A'.

2. Notwithstanding Sections 320-18, 320-19, 320-23, 320-39, 320-40, 320-41, 320-42, 320-45, 320-52, 320-76 and 320-77 of the former City of Etobicoke Zoning Code, the following development standards shall apply to the (R6) lands described in Schedule 'A' attached hereto.

3. Definitions

The provisions of Section 304-3 Definitions of the former City of Etobicoke Zoning Code shall apply unless inconsistent with the provisions of this By-law.

For the purposes of this By-law the following definitions shall apply:

"Administrative Office" – shall mean an establishment where persons are employed in the management, direction and conduct of a business related to a manufacturing and/or warehousing facility on the same site or in the immediate area and such office facility is ancillary to the manufacturing warehousing operation.

"Bicycle Parking Space" – shall mean an area used for parking or storing a bicycle.

"Building Envelope" – shall mean the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B', attached hereto.

"Commercial School" – shall mean an educational establishment operated for remuneration and may include dancing schools, music schools, golf schools, business schools, trade schools, and similar establishments.

"Community Centre" – shall mean premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A club is not a community centre.

"Day Nursery" – shall mean premises providing temporary care or guidance for more than five children, for a continuous period not exceeding twenty-four hours and regulated by under the Day Nurseries Act, R.S.O. 1990, c.D.2, as amended. A recreational program operated by or for the City is not a day nursery.

"Established Grade" – shall mean 147.0 metres Canadian Geodetic Datum.

"Fitness Club" – shall mean an establishment used for the purpose of a gymnasium, sauna, swimming-pool and other sports-related recreational activities and services.

"Government Uses" – shall mean the use of land, buildings or structures by civic, religious, educational, charitable, fraternal, social or recreational societies, agencies, boards or committees, so long as the activity is not conducted for a profit, and any business uses is accessory to the main use.

"Green Roof" – shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.

"Gross Floor Area" – shall have the same meaning as the former City of Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; unenclosed balconies; Indoor Amenity Areas up to 2 square metres per unit; and areas above or below grade devoted to parking, storage, loading and bicycle parking.

"Height" – shall mean the vertical distance between Established Grade of the *Lands* which is defined as 147.0 metres Canadian Geodetic Datum and the highest point of the building except that the following may exceed the maximum permitted height, as specified on Schedule 'B', by:

- (i) 4.46 metres for Tower A and Tower B and 6.0 metres for the remaining Structures for equipment used for the functional operation of a building such as mechanical and ventilation equipment, electrical, or utility equipment, window washing equipment, elevator overruns, lightning rods, and structures or parts of the building such as enclosed stairwells, roof access, maintenance of equipment storage, and telecommunications equipment.

"Indoor Amenity Area" – shall mean indoor space in a building that is communal and is provided for use by the occupants of a building and their guests, on the *Lands* for recreational or social activities.

"Lands" – shall mean the parcel of land outlined by heavy lines in Schedule 'A', attached hereto.

"Mechanical Floor Area" – shall mean a room or enclosed area, including its enclosing walls, within a building or structure above or below Grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building.

"Minor Projections" – shall mean minor building elements which may project from the main wall of a building into required setbacks beyond the Building Envelope, including architectural elements, parapets, landscape features, elements of a Green Roof, roof eaves, window sills, lights, vents, railings and guard rails, cornices, doors, canopies, balustrades, terraces and balconies, and exterior stairs, to a maximum projection of 1.5 metres, provided that in no case shall any building element project into the 14 metre setback from the Ministry of Transportation property abutting the *Lands* on the west and south sides.

"Outdoor Amenity Area" – shall mean outdoor space on the *Lands* located at grade or on a landscaped roof of a building that is communal and is provided for the use of occupants of the building and their guests for recreational or social activities.

"Personal Service Shop" – shall mean premises used to provide personal grooming services or for the cleaning or care of apparel.

"Retail Service" – shall mean premises in which photocopying, printing, postal, or courier services are sold or provided.

"Retail Store" – shall mean premises in which goods or commodities are sold, rented or leased.

"Showroom" – shall mean a building or portion of a building where samples or patterns are displayed and orders taken for goods, wares and merchandise for future delivery.

"Structure" – shall mean anything that is erected, built or constructed of one or more parts joined together. A vehicle is not a structure.

"Temporary Sales Office" – shall mean a building, structure, facility or trailer on the *Lands* used for the purpose of the sale of dwelling units to be erected on the *Lands*.

#### 4. Permitted Uses

No building or structure shall be erected or used on the *Lands*, except for the following uses:

- (a) Apartment Buildings;
- (b) Business, professional and administrative offices, retail stores, retail services, personal service shops, day nurseries, government uses, take-out restaurants, standard restaurants and convenience restaurants, community centres, fitness clubs, institutional uses, medical offices/clinics, commercial schools, studios, and showrooms shall be permitted up to the fourth storey within the mixed use building fronting The East Mall and within the two freestanding single storey buildings as shown on Schedule 'B', attached hereto;
- (c) Accessory Uses and Structures, including any of the Accessory Structures permitted under Section 320.76F of the Zoning Code;
- (d) A temporary sales office for the purpose of marketing and sales of units related to the Apartment Buildings shall be permitted and shall be exempt from all development standards listed in this By-law and the Zoning Code.

**5. Gross Floor Area**

The maximum total Gross Floor Area permitted on the *Lands* shall be 68,200 m<sup>2</sup>, of which a maximum of 6,800 m<sup>2</sup> shall be permitted for non-residential uses.

**6. Maximum Density**

The maximum total Floor Space Index (FSI) permitted on the *Lands* shall be 3.0.

**7. Number of Units**

A maximum of 902 residential units shall be permitted on the *Lands*.

**8. Maximum Height**

(a) The maximum building Heights permitted on the *Lands* shall be shown following the letter H as shown on Schedule 'B', attached hereto, except that the items identified in subsections 3(g)(i) of this By-law may exceed the permitted Heights shown on Schedule 'B' by 4.46 metres (Tower A and Tower B) and 6.0 metres (remaining Structures) respectively.

(b) Notwithstanding the foregoing clause, no part of any building or structure including the items identified in subsections 3(g)(i) of this By-law on the *Lands* shall be located above an elevation of 219.46 metres Canadian Geodetic Datum.

**9. Setbacks /Floor Plate Restrictions/Building Envelope**

Notwithstanding the provisions of this By-law:

(a) No portion of a building or structure within the *Lands* shall be located other than within the Building Envelope as shown on Schedule 'B', attached hereto.

(b) The maximum Floor Plate Area for each tower element shall be as shown on Schedule 'B', attached hereto.

(c) Any portion of a building or structure which is located below the finished exterior ground level measured immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure, provided that in no case shall any portion of any building or structure, above or below Grade, project into the 14 metre setback from the Ministry of Transportation property abutting the *Lands*.



- (d) In no case shall any portion of any building or structure project into the 14 metre setback from the Ministry of Transportation property abutting the *Lands* on the west and south sides.

Minor projections shall not be permitted to encroach beyond the property lines of the lot but shall be permitted to project beyond the building envelope except that no minor projections shall be permitted within the 14 metre Ministry of Toronto setback shown on Schedule 'B', attached hereto.

## 10. Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18 of the former City of Etobicoke Zoning Code, the following requirements shall apply to the *Lands*:

- (a) Vehicle parking for residential uses shall be provided on the *Lands* at a minimum ratio of:
  - (i) 0.8 parking spaces for each bachelor dwelling unit;  
0.9 parking spaces for each one bedroom dwelling unit;  
1.0 parking spaces for each two bedroom dwelling unit; and  
1.2 parking spaces for each dwelling unit having three or more bedrooms.
  - (ii) A minimum of 0.2 parking spaces per residential dwelling unit shall be provided for the exclusive use of visitors.
- (b) Vehicle parking for non-residential uses shall be provided on the *Lands* at a minimum ratio of 1.5 parking spaces per 100 m<sup>2</sup> of Gross Floor Area.
- (c) A minimum of one parking space for every 100 parking spaces, or part thereof, shall be provided on the *Lands* for use by the physically disabled.
- (d) Loading spaces shall be provided on the *Lands* as follows:
  - (i) A minimum of two loading spaces with dimensions of 13 metres in length by 4.0 metres in width and a vertical clearance of 6.1 metres to serve the residential use, one of which shall also serve the uses permitted by s. 4(b) of this By-law.
  - (ii) A minimum of two loading spaces, one with dimensions of 11 metres in length by 3.5 metres in width and a vertical clearance of 4.0 metres and the second with dimensions of 9 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres to serve the uses permitted by s.4(b) of this By-law.
  - (iii) A minimum of one loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres

to serve the uses permitted by s.4(b) of this By-law and by the residential uses. Should the non-residential Gross Floor Area of office uses exceed 2,000 m<sup>2</sup>, a second loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres shall also be provided.

- (e) Bicycle parking spaces shall be provided on the *Lands* as follows:
  - (i) Long term bicycle parking spaces will be provided at a ratio of 0.68 parking spaces per dwelling unit. Short term bicycle parking spaces will be provided at a ratio of 0.07 parking spaces per dwelling unit.
  - (ii) Long term bicycle parking spaces for non-residential uses will be provided at a minimum ratio of 0.13 parking spaces per 100 m<sup>2</sup> of Gross Floor Area. Short term bicycle parking spaces for non-residential uses will be provided at a minimum ratio of 0.15 parking spaces per 100 m<sup>2</sup> of office space and 0.25 parking spaces per 100 m<sup>2</sup> of retail space.

## 11. Amenity Space Requirements

The following amenity space requirements shall apply to the *Lands*:

- (a) a minimum 2.0 m<sup>2</sup> per dwelling unit of Indoor Amenity Space shall be provided; and
- (b) a minimum of 2.0 m<sup>2</sup> per residential dwelling unit of Outdoor Amenity Space shall be provided, of which a minimum of 40 m<sup>2</sup> shall be directly adjoining and accessible to Indoor Amenity Space.

## 12. (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *Lands* contemplated herein is permitted in return for the *owner's* election to provide at the *owner's* expense, the facilities, services and matters set out in Schedule 'C' hereof 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 *lot*, to the satisfaction of the City Solicitor and registered on title to the *Lands*.

- (b) Where Schedule 'C' 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.
- (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 'C' are satisfied.

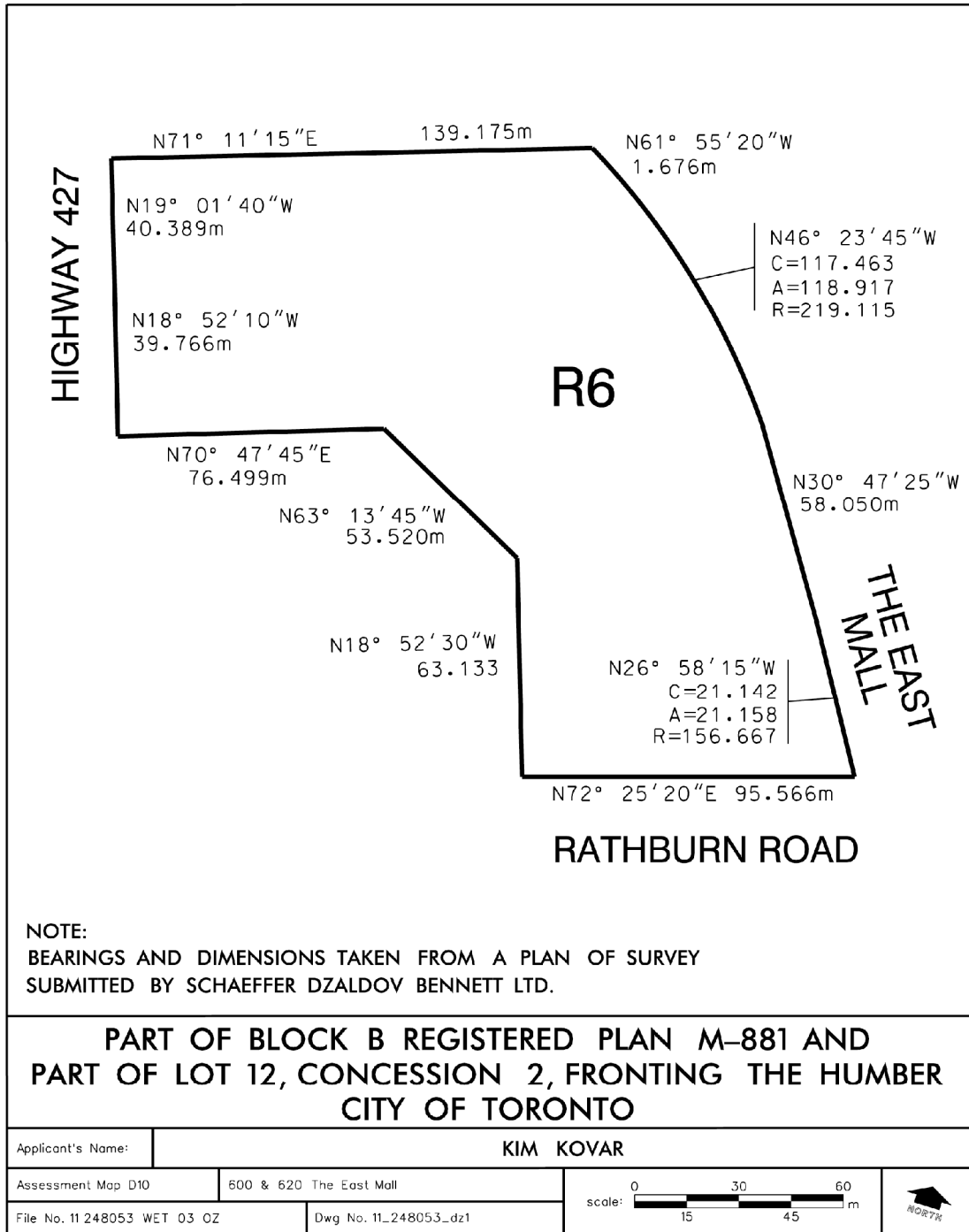
13. Where the provisions of this By-law conflict with the provisions of the Zoning Code, the provisions of this By-law shall apply.
14. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
15. Notwithstanding any severance, partition or division of the *Lands*, the provisions of this By-law shall continue to apply to the whole of the *Lands* as if no severance, partition or division occurred.

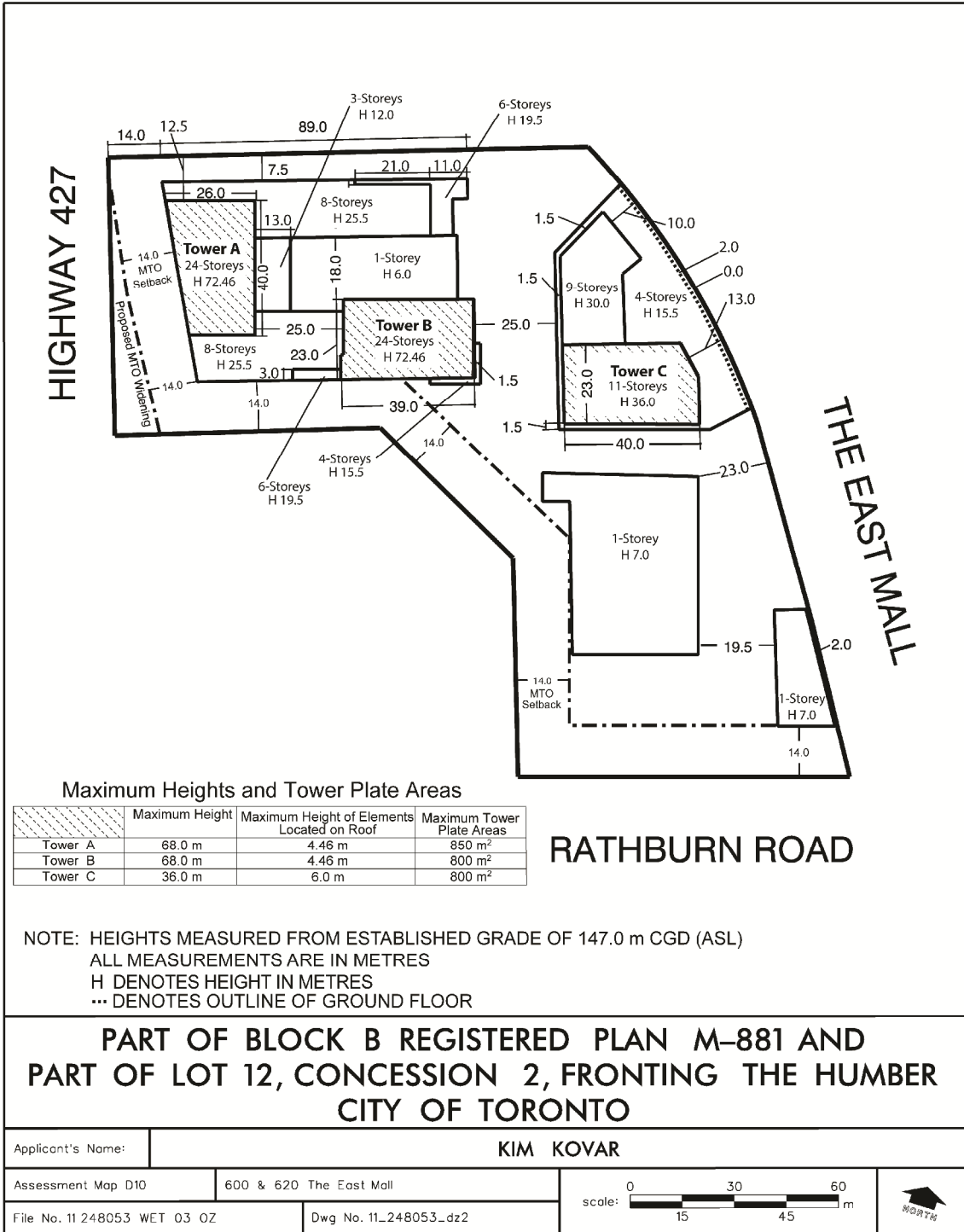
BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
____-2014	Lands municipally known as 600 and 620 The East Mall.	To rezone 600 and 620 The East Mall from Planned Commercial Preferred Zone (CPP) to Residential Sixth Density Zone (R6) subject to site specific permitted uses and development standards.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk





## Schedule 'C'

### 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 *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

- (1) prior to issuance of a foundation permit the *owner* shall pay to the City the sum of an indexed cash contribution of \$1,200,000, prior to the issuance of the foundation permit, to be allocated generally as follows:
  - i. A payment in the amount of no less than \$600,000 for improvements to Capri Park, including but not limited to improvements to accommodate additional recreation facilities such as basketball courts and a splash pad as well as improved park lighting, pedestrian walkways and landscaping.
  - ii. A payment in the amount of no less than \$600,000 for capital improvements to existing non-profit childcare facilities in the area including but not limited to Capri Child Care Centre, Educare Kindergarten – Rathburn, and First Stage - Burnhamthorpe.
- (2) prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development Details”).
- (3) the *owner* shall incorporate in the construction of the development and there after maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (4) the *owner* shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage.
- (5) the *owner* shall construct and maintain the development in accordance with recommendation from the Noise Impact Assessment Report prepared by J.E. Coulter Associates Limited dated July 21, 2011 and addendums dated March 28, 2012 and March 5, 2013 which identify a requirement for upgrades to the west, north and south facades (glazing and walls) of the two residential buildings and the mixed use building.

- (6) the *owner* shall be financially responsible for all costs to remove and relocate the existing pedestrian crossover along The East mall at the northerly limit of the site by the City's Traffic Plant Installation and Maintenance Unit.
- (7) the *owner* shall enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
- (8) 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 held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.
- (9) the *owner* of the *lot* shall enter into and register on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.
- (10) in the event the cash contribution(s) referred to in Section(s) (1) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.