

**2 Gibbs Road
Zoning By-law Amendment Application – Final Report**

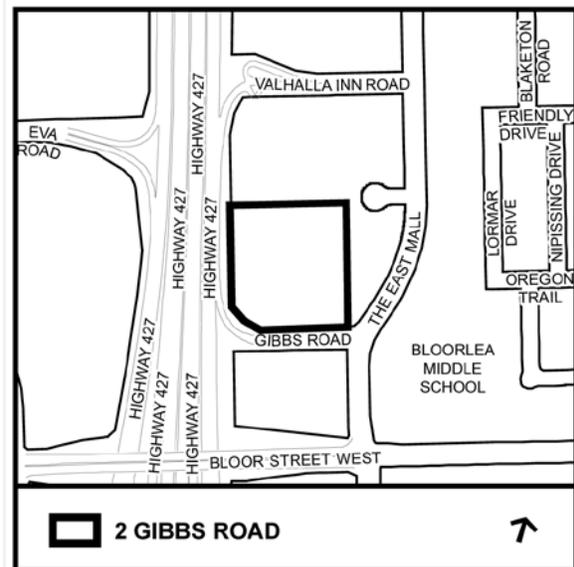
Date:	February 2, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	16 114845 WET 05 OZ

SUMMARY

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit a phased mixed use development at 2 Gibbs Road. The proposed development would contain 1,480 residential units (including 387 rental units) and a total of 1,730 parking spaces within a below and above grade garage. The proposed total gross floor area is 105,600 m², of which 6,800 m² would be comprised of non-residential uses. The development would have a Floor Space Index of 3.97 times the lot area.

Phase 1 of the development would consist of two 10-storey residential rental buildings with retail uses at grade on the eastern portion of the site, a playground area as a privately-owned publicly-accessible open space (POPS), a one way driveway at the eastern property limit, a new central private road accessed from Gibbs Road and one 31-storey residential condominium tower above a 4-storey podium containing eight at-grade residential units on the northwestern portion of the site.

Subsequent phases would include two residential condominium towers (43 and 37 storeys in height) above a 4-storey podium containing retail and office space and six at-grade residential units with a central garden (POPS) on the western portion of the site.



This report reviews and recommends approval of the application to amend the Zoning By-laws as set out in Attachments 7 and 8 to this report, which includes a recommended "H" Holding Symbol be applied to Phases 2 and 3 of the development with respect to site servicing.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code, as amended, for the lands at 2 Gibbs Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 7 to the report from the Director of Community Planning, Etobicoke York District dated February 2, 2017.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 2 Gibbs Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 8 to the report from the Director of Community Planning, Etobicoke York District dated February 2, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such agreement to be registered on title to the lands at 2 Gibbs Road, in a manner satisfactory to the City Solicitor to secure the following matters at the owner's expense:
 - a. Indexed cash contributions to be paid to the City, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
 - i. \$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, prior to the issuance of an above grade building permit (other than a building permit for a temporary sales structure) for development of the 31-storey tower in Phase 1;
 - ii. \$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, prior to the issuance of an above grade building permit for development of the 37-storey tower in Phase 2; and

- iii. \$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, prior to the issuance of an above grade building permit for development of the 43-storey tower in Phase 3.
- b. Require that the cash contributions referred to in Recommendation 4 a. i-iii above be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
- c. In the event the cash contributions referred to in Recommendation 4 a. i-iii above have not been used for the intended purpose within three 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 purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. 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.
 - ii. The owner shall provide, at its own expense, a minimum area of 1,400 m² of privately-owned publicly-accessible open space (POPS # 1) as a central garden and a minimum area of 600 m² of privately-owned publicly-accessible open 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, at 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.
 - iii. 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.

- iv. Through the Site Plan approval process, the owner shall submit a revised Transportation Impact Study to the satisfaction of the Ministry of Transportation.
- v. 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.
- vi. 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.
- vii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- viii. The owner shall notify NAV Canada a minimum of 10 days prior to the start of construction.
- ix. 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 below 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 Recommendation 4 d ix (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 below 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 Recommendation 4 d ix (c) above;
 - (e) Prior to the issuance of any below grade Building Permit, pay for all costs associated with increasing the traffic control 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 below 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 the Bloor Street West and The East Mall intersection;
 - (g) Prior to the issuance of any below 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 intersection; and
 - (h) Prior to the issuance of any below grade Building Permit, pay for all costs associated with increasing the northbound advance left-turn phase during the PM Peak Period at the Burnhamthorpe Road and The East Mall intersection.
- x. 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.
- xi. 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.

- xii. 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A number of pre-application consultation meetings and discussions were held with the applicant to discuss complete application submission requirements, as well as various issues related to the proposal. Key issues identified by Planning staff included: density; building heights; maintenance of a 45 degree angular plane from the rear property lines of abutting residential properties and from lands designated *Neighbourhoods*; shadow impacts from the towers on nearby residential properties and the Bloorlea Public School grounds; pedestrian and vehicular circulation; and the provision of privately-owned publicly-accessible open spaces (POPS). The application was submitted on February 9, 2016 and deemed complete on March 8, 2016.

A Preliminary Report on the proposal was considered by Etobicoke York Community Council on April 18, 2016. Community Council received the Preliminary Report, and authorized holding a community consultation meeting.

The Community Council decision and the Preliminary Report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY14.6>

ISSUE BACKGROUND

Proposal

This application seeks to amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit a phased mixed use development at 2 Gibbs Road. The proposed development would contain a total of 1,480 residential units within two 10-storey buildings (Building A and Building B) containing retail space and residential rental units on the eastern portion of the site and three residential condominium towers (Tower 1, Tower 2 and Tower 3) above a 4 storey podium containing retail and office space, and 14 at-grade residential units on the western portion of the site (see Attachment 1: Site Plan). The development would have 923 one bedroom

units, 407 two bedroom units and 150 three bedroom units. The total gross floor area of the proposal would be 105,600 m², of which 6,800 m² would be comprised of non-residential uses. The proposed overall density would be 3.97 times the area of the lot.

Vehicular access would be provided from Gibbs Road via a new central private road which would loop around the proposed central garden (POPS) and would traverse north-south through the site to connect to the private road that currently terminates at the south end of the adjacent 1 Valhalla Inn Road development to the north. The minimum width of the proposed central road would be 6.4 m and would have minimum sidewalk widths of 3 m. In addition, a new secondary 6 m one-way driveway is proposed along the eastern edge of the site for loading and servicing purposes for the proposed easterly buildings.

A total of 1,730 parking spaces (1,425 residential and 305 residential visitor/non-residential spaces) would be provided. A total of 1,142 bicycle parking spaces (1,111 residential bicycle spaces and 31 non-residential bicycle spaces) are proposed. There would be a total of 7 loading spaces on site.

The development would contain 2,960 m² of outdoor private amenity space and 2,960 m² of indoor private amenity space. In addition, a 1,500 m² central garden and a 640 m² playground area are proposed and would serve as privately-owned publicly-accessible open spaces (POPS). Further, the development would include a landscaped rooftop garden on top of the 4 storey podium connecting Towers 2 and 3, a pedestrian-orientated central street, a tree-lined pedestrian path along the eastern side of the site, a playground area, an integrated pedestrian path extending around the landscaped western frontage connecting to a dog walk area, a 2.1 m landscaped pedestrian walkway wrapping around the entire site connecting to the 1 Valhalla Inn Road residential development and new trees and soft landscaping at the southern edge adjacent to Gibbs Road.

Phase 1 of the development would consist of the new private central road, the proposed two 10-storey residential rental buildings (Building A and Building B) on the east side of the site, the easterly servicing driveway, the playground area (POPS #2), and the 31-storey residential condominium tower (Tower 1 with a height of 97 m) above a 4 storey podium with eight at-grade residential units on the northwestern portion of the site as well as parking above and below grade.

The two proposed 10-storey mixed use buildings would be 30 m in height and contain approximately 387 residential rental units. The buildings would be stepped down to 8, 7 and 6 storeys. There would be a large scale retail space (possible grocery store) within the first two storeys of the southern building (Building A) and a smaller retail space within the ground floor of the northern building (Building B). Building B would contain parking spaces (resident, visitor and retail) in 2½ underground levels as well as a portion of ground level parking. Outdoor private amenity space is proposed on landscaped terraces on the eastern side of both buildings and shared private amenity space is proposed in the southern building (Building A) accessed by a pedestrian bridge on the third storey. The open space outdoor play area (POPS #2) would be located at grade between the two buildings.

Subsequent phases of the development would include the proposed two residential towers (Tower 2 and Tower 3) on the western side of the site, the central garden (POPS #1), the dog run area and the western pedestrian path. Tower 2 would be 37 storeys (115 m) in height and Tower 3 would be 43 storeys (126.5 m) in height. The 4 storey podium base would contain office and retail space, the remaining six at-grade residential units, 2 levels of underground parking and 4 levels of above grade parking.

The proposed residential towers would have maximum floor plate sizes of 750 m². The towers would also have separation distances of 26.5 m between Tower 1 and Tower 2 and 33 m between Tower 2 and Tower 3.

The applicant submitted the original proposal on February 9, 2016. The following table provides a summary of the key changes between the original proposal and the current revised proposal described above:

Original Proposal Submitted on February 9, 2016	Current Revised Proposal Submitted on September 9, 2016
Three residential towers with heights of 31 storeys (97 m), 37 storeys (115 m), and 46 storeys (141 m).	Reduced the height of Tower 3 from 46 storeys (141 m in height) to 43 storeys (126.5 m in height).
Mechanical penthouse heights of 8.5 m for all towers.	Reduced the height of all the tower mechanical penthouses to 7 m.
5 storey podium height (15.5 m) below towers.	Reduced the height of the podium below towers to 4 storeys (13 m).
1,500 dwelling units.	Decreased the number of dwelling units to 1,480.
Gross Floor Area of 99,400 m ² and a Floor Space Index of 3.74 times the lot area.	Increased the overall Gross Floor Area to 105,600 m ² and a Floor Space Index of 3.97.
Non Residential Gross Floor Area of 6,400 m ² .	Increased the non-residential gross floor area to 6,800 m ² .
48 bachelor units, 1,000 one bedroom units, 362 two bedroom units and 90 three bedroom units.	Eliminated the bachelor units and increased the number of three bedroom units to 150.
A 5 level above grade parking structure and 1 level of below grade parking.	Reduced the 5 levels of above grade parking to 4 levels and increased the level of below grade parking from 1 to 2 levels.

Access to main parking garage accessed from new central private road.	Residential and commercial parking access re-located from the central road to the east driveway and north lane thereby reducing vehicular volumes on the central road, garden and main lobby areas.
The towers of the development penetrated the 45 degree angular plane into <i>Neighbourhoods</i> designated areas located east of The East Mall.	The towers no longer penetrate the 45 degree angular plane from the <i>Neighbourhoods</i> designated areas located east of The East Mall as the setback distance of the south tower (Tower 3) from the podium has been increased and additional upper level stepbacks were achieved on all towers.
Proposed driveway between the two 10-storey buildings on the west side of site.	Elimination of this driveway and addition of a new privately-owned publicly-accessible open space playground area (POPS#2) between the two 10-storey buildings.
Inbound easterly service driveway located 23.5 m from The East Mall.	Increased the distance of the inbound easterly service driveway to 27 m from The East Mall.
Central Garden (POPS #1) was 1,450 m ² .	Increased the size of the central garden (POPS#1) to 1,500 m ² .
Proposed 1.5 m ² of private indoor amenity space and 2.5 m ² outdoor private amenity space per unit.	Adjusted both indoor and outdoor amenity space to 2 m ² per unit.
Slope across the site (central road) was 6%.	Reduced the overall slope across the site to a maximum of 5%.

Refer to Attachment 1 for the proposed Site Plan and Attachments 2a - 2b for the proposed Building Elevations.

Tenure

The applicant advises there would be approximately 387 rental dwelling units within the proposed Building A and Building B and approximately 1,093 condominium dwelling units within the proposed Tower 1, Tower 2 and Tower 3 (Building C, including the 14 at-grade residential units).

Site and Surrounding Area

The site is located on the north side of Gibbs Road, north of the Bloor Street West and The East Mall intersection. The site previously contained a one-storey commercial/light industrial building and a surface parking lot, most recently used as a language school. The building was demolished and the site is largely vacant – except for a temporary sales centre for the 1 Valhalla Inn Road development.

The site is generally flat, square in shape and has a total area of approximately 2.6 ha. The south frontage, measuring 115 m, is the only frontage which borders a public street. The lot depth is approximately 171 m. The surrounding land uses are as follows:

North: The 1 Valhalla Inn Road residential development comprised of one 22-storey condominium tower, one 35-storey condominium tower, one 29-storey condominium tower, stacked townhouses and a new central private street which would connect to the new central private street proposed in the subject application.

East: An 8-storey residential apartment building with a surface parking lot and an outdoor pool at 340 The East Mall as well as 3-storey townhouses and 2-storey semi-detached dwellings on Formula Court. Beyond the East Mall are the grounds of the Bloorlea Middle School, containing a large open green space and a baseball diamond.

South: Gibbs Road, a collector road which transitions into the on ramp for Highway 427 and a 6-storey office building (the Valhalla Executive Centre) located on the south side of Gibbs Road.

West: Highway 427 access ramps leading from Gibbs Road and Valhalla Inn Road and Highway 427 beyond.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Mixed Use Areas* on Map 15- Land Use Plan (see Attachment 5). According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings. Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

Key development criteria for *Mixed Use Areas* include:

- creating a balance of high quality commercial, residential, institutional and open space uses;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing buildings to provide transition between areas of different development intensity and scale, to adequately limit shadow impacts on adjacent *Neighbourhoods*, and to frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight and comfortable wind conditions;
- providing an attractive, comfortable and safe pedestrian environment;
- providing indoor and outdoor recreation space for building residents;
- having access to schools, parks, community centres, libraries and childcare; and
- providing good site access, circulation and parking.

The development criteria within the *Mixed Use Areas* Policies are supplemented by additional development criteria outlined in the Built Form Policies in Section 3.1.2 of the Official Plan. The Built Form Policies 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. Further, the policies provide direction on matters related to site design and layout, provision of amenities, design of new streets and organization of access, parking and service areas.

The Official Plan Built Form policies (Section 3.1.3) set out development criteria for tall buildings. Tall buildings are to be comprised of three components: the base, the middle and the top. Each of these three components of tall buildings helps to support the location and design of tall buildings to fit harmoniously into the existing and planned context and serve as significant visual landmarks for the City. Tall building developments will also provide high quality, comfortable and usable publicly accessible open space areas.

The Official Plan also contains several policies related to Healthy Neighbourhoods (Section 2.3.1), Public Realm (Section 3.1.1.5), Housing (Section 3.2.1), Community Services and Facilities (Section 3.2.2) and Toronto Economic Health (Section 3.5) that have been considered in the review of this application. The Policies in these sections require development to respect the character of the area, guide the development of public

spaces such as streets and sidewalks, encourage a full range of housing options regarding tenure and affordability, promote adequate community services/facilities and outline direction for a strong and diverse retail sector by promoting a wide range of shopping opportunities for local residents and employees.

The Official Plan is available at
http://www.toronto.ca/planning/official_plan/introduction/htm.

City-Wide Tall Building Design Guidelines

In May 2013, 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>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, in the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto. Key design tools to ensure that new tall buildings conform to the City design policies and address urban design matters are:

- providing fit and transition in scale by applying angular planes, minimum horizontal separation distances, and other building envelope controls such as stepping height limits, building setbacks and stepbacks, to transition from tall buildings down to lower-scale buildings for access to sunlight and sky views for surrounding streets, open spaces and neighbouring properties;
- ensuring that the scale of the base of the building is appropriate to adjacent streets and integrates with adjacent buildings;
- reducing the floor plate size of the middle of the tall building by creating "point towers" and creating an appropriate space between point towers to provide adequate privacy and light and to minimize any shadowing and uncomfortable wind conditions on the surrounding neighborhoods and streets; and
- designing the top of the tall buildings to contribute to the skyline character.

Mid-Rise Design Guidelines

Toronto City Council on July 6, 7, and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan with modifications. The study establishes a set of performance standards for new mid-rise buildings on Avenues in order to encourage the development of more well designed buildings. Although the

subject site is not located on an *Avenue*, the Mid-Rise Design Guidelines were used to inform the review of the proposed easterly buildings (Buildings A and B), particularly with respect to building heights, setbacks, 45 degree angular plane, the width of the adjacent public and internal streets and the shadow and massing impacts on the public and private streets and open spaces. The Guidelines can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>

Zoning

The site is subject to the former City of Etobicoke Zoning Code. The property is zoned Planned Commercial Preferred (CPP) (see Attachment 3, Zoning – Former City of Etobicoke Zoning Code). Permitted uses include neighbourhood stores, professional offices and restaurants, as well as specific institutional and public uses. Residential uses are not permitted.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law No. 569-2013, currently under appeal to the Ontario Municipal Board. Under this Zoning By-law, the site is zoned Commercial Residential (CR.04)(c0.4; r0.0) SS3 (x900)(x903), permitting a variety of uses such as a retail store, office and institutions (see Attachment 4, Zoning – City of Toronto Zoning By-law No. 569-2013). The site has a residential value of 0.0 (no residential density).

Site Plan Control

The proposed development is subject to Site Plan Control.

A Site Plan Control application for Phase 1 of the proposed development has been submitted and is currently being reviewed. A Site Plan Control application for the remainder of the site (subsequent phases) has not yet been submitted.

Reasons for Application

Amendments to City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code are required to permit the proposed mixed use development as it relates to the residential uses and building types. A site specific By-law is required to provide applicable performance standards such as height, density, setbacks and parking to facilitate the proposed development.

Community Consultation

A Community Consultation Meeting was held on June 27, 2016 at the Etobicoke Civic Centre with approximately 17 members of the public in attendance as well as City staff, Wards 3 and 5 Councillors, the applicant and their consulting team. In accordance with the direction of Etobicoke York Community Council through the consideration of the Preliminary Report, notice was sent to an expanded notice area of 250 metres.

The matters of concern identified by the community at the meeting and through written correspondence sent by area residents to Planning staff were:

- a) **Traffic** – the community (particularly the residents at the adjacent 1 Valhalla Inn Road residential development) expressed concerns over existing traffic congestion and the potential for increased traffic congestion associated with the proposed 1,500 new residential units. Some written correspondence was received with concern pertaining to the increase of density in the area due to the combination of the abutting recently constructed 1 Valhalla Inn Road residential development and the current proposal. One comment was made that the tower heights should be limited to 30 storeys to reduce traffic impacts.
- b) **Building Heights and Separation Distance** – the community (particularly the residents living on the abutting Formula Court) expressed concerns with the height of the proposed towers and believed these towers would result in significant shadow impacts on the properties on Formula Court. These residents also enquired as to what the separation distance was between the two proposed 10-storey buildings and the properties on Formula Court as these residents were concerned with shadow, privacy and overlook impacts on their properties.
- c) **Noise and Pollution Impacts** – the Ward 3 Councillor enquired as to how these issues would be addressed given the site abuts Highway 427 and is located within the flight path of Pearson International Airport.

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 Zoning By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the 2014 PPS. It would accommodate residential infill growth through intensification, supporting the policy objectives related to focusing growth in existing settlement areas. The proposal provides for a mix of uses, mix of housing types and appropriate densities. The proposal promotes compact, mixed-use development that incorporates compatible employment uses to support livable and healthy communities. It also supports efficient land use and reduces land consumption related to residential development.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In this case, Section 2.2.2 of the Growth Plan states that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification. The proposal represents intensification through redevelopment of an underutilized *Mixed Use Areas* lot in an existing built-up area. The proposal's compact and efficient form helps to optimize the utilization of existing services and infrastructure and reduces the need to convert rural land to urban uses. The site is also located adjacent to Highway 427, a major transportation corridor, and has access to public transit. Planning staff are of the opinion that the proposal conforms and does not conflict with the Growth Plan.

Land Use

The site is designated *Mixed Use Areas* on Map 15 of the Official Plan. *Mixed Use Areas* are expected to absorb much of the new retail, office, service employment and housing in Toronto, provided it is compatible with neighbouring uses and does not create undue impacts.

The general area is characterized by mid and high-rise residential and office buildings encircled by The East Mall, Bloor Street West and The West Mall along Highway 427. Planning staff are of the opinion that the proposed land uses are compatible with the existing land uses in the area, conforms to the land uses contemplated in the *Mixed Use Areas* designation, facilitates the overall intent of the *Mixed Use Areas* designation and supports the Built Form policies of the Official Plan.

This development would provide a total of 1,480 new residential units having a mix of unit sizes and tenure (including 387 residential rental units) within various built forms. Appropriately sized indoor and outdoor amenity areas would be provided within the development for the new residents.

A total of 6,800 m² of non-residential uses would be provided, such as retail (the applicant advises they intend to have a grocery store), service, commercial and office within the podiums of all buildings accessed from the new proposed central road which would connect to Gibbs Road to the south and to the road of the 1 Valhalla Inn Road residential development to the north. The proposed locations of the buildings, in conjunction with building stepbacks, would provide view corridors to the site's non-residential uses and open space areas (central garden and playground area) from The East Mall and Gibbs Road inviting the public into the site.

Planning staff are of the opinion the proposal would create an area where residents could live, work and shop. The proposed mix of land uses, building types, unit types (particularly the 150 three bedroom units which support larger families), tenure (including a significant number of rental dwelling units), integration of privately-owned publicly-accessible open spaces (POPS), landscape features, and the connection of this proposal to the adjacent existing residential development, fosters a sense of place and supports the visions and policies in the Official Plan with respect to healthy communities.

Density, Height and Massing

Planning staff have reviewed and evaluated the proposal for consistency with Official Plan policies, the City-wide Tall Building Design Guidelines and the Mid-Rise Design Guidelines. Staff also reviewed the Urban Design Guidelines created and submitted by the applicant pertaining to the built form of the proposed development.

Planning staff are of the opinion that the proposed development has been massed and designed to fit within the context provided by the Official Plan, the City-wide Tall Building Design Guidelines and the Mid-Rise Design Guidelines through:

- a range of building heights (10, 31, 37, and 43 storeys) and massing (FSI of 3.97) which would be an appropriate fit and scale for the existing and planned context of the area based on the design of the buildings which provides transition to adjacent properties through various stepbacks and setbacks, the surrounding building heights and densities (particularly the adjacent 1 Valhalla Inn Road residential development to the north with towers of 22, 29, and 35 storeys in height and an FSI of 3.2), and site adjacency to Highway 427;
- tall buildings with a well defined and appropriately scaled 4-storey podium base which frames the central open space;
- tall building orientation and design with slim tower plates of 750 m² which minimize shadow and wind impacts;
- tower separation distances greater than 25 m to allow for adequate privacy, sunlight, and protected skyline views and corridor views of the city;
- the introduction of landmark towers with an architectural form which contributes to the skyline character;
- towers which do not penetrate the 45 degree angular plane taken from The East Mall (*Neighbourhoods* designations east of The East Mall);
- two 10-storey mid rise buildings designed with various setbacks to be within the 45 degree angular plane taken from the rear lot line of the residential dwellings on Formula Court in order to minimize shadow and privacy impacts for those residential properties;
- design of the two 10-storey buildings with the stepping down of height towards the existing residential uses, including additional stepbacks along the northern and southern edges, as well as along the playground area;
- setbacks and stepbacks of all five buildings to create a variety in built form and reduce the perception of density; and
- enhancing the public realm as the proposal responds to nearby residential properties through transitions in height, locating main building entrances so that they are visible from Gibbs Road and The East Mall where possible, providing active ground floor uses and extending and improving the pedestrian environment.

Design Review Panel

The preliminary site design and massing was reviewed by the City's Design Review Panel on July 5, 2016, minutes of which are available at the following link:
<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202016/FINAL%20MINUTES%20July%205%202016%20combined.pdf>

The Panel commended the development for providing a strong mix of uses including purpose built rental, condominium, retail and office uses on site. The Panel requested a redesign of the proposal through the following: establishing appropriate massing (reducing the tower heights, especially the tallest tower and providing a density to be more in line with the adjacent 1 Valhalla Inn Road residential development); achieving a pedestrian focus to the public realm by reducing the degree of traffic around the central garden/lobby area and relocating the main parking garage access away from the central road; ensuring the sun is able to penetrate the interior courtyard; minimizing shadow impacts; providing a playground area for children (particularly in relation to the proposed rental buildings); and strengthening connections to existing parks and the surrounding neighbourhood.

Planning staff are satisfied the revised proposal achieves the above objectives. Other objectives outlined from the Design Review Panel with respect to tower design, shape and variety for an appealing skyline view will be further pursued through the Site Plan approval process.

Sun, Shadow and Wind

The applicant submitted a Shadow Study in February 2016 illustrating the impact of the proposed development on nearby properties designated *Neighbourhoods*. The shadow study illustrated minimal shadow impacts for most of the year, particularly during the summer months. In addition, the duration of shadow impact was less than 3 hours. However, some shadows were cast over designated *Neighbourhoods* areas located to the east of The East Mall as well as on the Bloorlea Middle School yard located to the east of The East Mall, especially during March and September in the evening hours. The Shadow Study noted that the existing 8-storey apartment building at 340 The East Mall and the Valhalla Executive Centre also cast shadows during this time over the Bloorlea Middle School yard.

Initially, Planning staff identified concern with respect to the shadows cast into the *Neighbourhoods* areas as well as the shadowing cast on the Bloorlea School yard, particularly that generated by the original proposed 46 storey tower (Tower 3). Further, staff had concern with the height, fit and transition of the original proposed towers as the towers penetrated the 45 degree angular plane into the *Neighbourhoods* on the east side of The East Mall.

The applicant submitted a revised shadow study in August 2016. The proposal was revised by reducing the height of Tower 3, re-shaping the design of the towers, and increasing the setback of Tower 3, which further reduced the shadow impacts on the *Neighbourhoods* area east of The East Mall as well as on the Bloorlea Middle School yard. Also, the revised proposal no longer penetrated the 45 degree angular plane into the lands designated *Neighbourhoods*. Given these modifications to the proposal, Planning staff are of the opinion the projected shadow impacts would be acceptable.

A pedestrian wind study dated February 3, 2016 by Gradient Wind Engineering Inc. was submitted in support of the application. Planning staff recommended the following

improvements be made to the proposal with respect to wind conditions: The dog walk area should be comfortable for standing all year; the central open space should be comfortable for sitting in 3 seasons; the lobby drop off areas should be comfortable for standing in 3 seasons and in the winter it should be comfortable for walking; and the amenity spaces on top of the podiums should be comfortable for sitting in 3 seasons.

The applicant submitted a Wind Mitigation Recommendation Letter dated November 4, 2016 as well as an updated Pedestrian Level Wind Study dated December 2, 2016 from Gradient Wind Engineering Inc. which proposed the incorporation of new wind mitigation measures to address staff concerns.

Based on the revised Pedestrian Wind Study and proposed wind mitigation measures, Planning staff will continue to work with the applicant to ensure that the wind conditions on site would be acceptable. Further design details of the vertical wind mitigation measures will be finalized and secured through the Site Plan process. The implementation of these measures is recommended in this report to be secured as a legal convenience in the Section 37 Agreement.

Light, View and Privacy

The City-wide Tall Building Design Guidelines recommend a separation distance of 25 metres between the exterior walls of towers (excluding balconies). The proposal includes a separation distance of 26.7 m between Tower 1 and Tower 2 and a separation distance of 33 m between Tower 2 and Tower 3. The Draft Zoning By-law Amendments require a minimum separation distance between the towers of 25 m.

Planning staff are of the opinion the proposed tower separation distances, slim floor plates of the towers at a maximum size of 750 m², the staggered tower orientation and tower setbacks/stepbacks would maximize sunlight penetration, preserve views and provide adequate privacy.

Noise

A Noise Impact Study dated December 22, 2015 and an Addendum Noise Impact Study Letter dated September 2, 2016 by J.E. Coulter Associates Limited was submitted by the applicant in support of the application. The predominant potential sources of transportation noise in this development would be Highway 427, The East Mall and aircraft to and from Pearson International Airport. However, the study determined that the proposed development would be located outside the lowest Noise Exposure Forecast for Pearson International Airport.

The sound levels generated by the proposed buildings would not impact the surrounding neighbourhood due to the relatively high existing ambient sound level from Highway 427. Similarly, the surrounding commercial and residential uses should not pose a noise concern to the proposal due to the relatively high ambient sound levels from the road traffic. Further, the development would not be expected to generate a noise impact on itself.

The study concluded it would be feasible to meet the City's noise guidelines with standard mitigation measures such as central air-conditioning, upgraded façade components, increased thickness of window and door glazing in select units, a perimeter barrier along the garden on top of the podium, and warning clauses in Purchase and Sale Agreements. The implementation of these measures would be secured as a legal convenience through the recommended Section 37 Agreement.

Vibration

The applicant submitted a letter from J.E. Coulter Associates Limited (Consulting Engineering in Acoustics, Noise and Vibration) dated December 22, 2015 outlining that there would be no vibration impacts on the subject site from Highway 427.

Traffic

The applicant submitted an updated Traffic Impact Study (TIS) dated September 2016 by LEA Consulting Limited in support of the application to address various concerns by City staff, the Ministry of Transportation (MTO) and the public from the Community Consultation meeting held on June 27, 2016. The updated TIS makes the following key conclusions:

- At full build out, the proposed development is expected to generate an estimated 451 net new network vehicle trips during the weekday A.M. peak hour and 593 net new vehicle trips during the weekday P.M. peak hour.
- For comparison purposes, the consultant provided trip generation estimates for an as-of-right development scenario containing 1,000 m² of restaurant uses, 92,984 m² of office uses and 12,783 m² of retail uses. This as-of-right development scenario would be expected to generate approximately 1,253 and 1,612 net two-way trips during the AM and PM peak hours, respectively. These estimated trips would be approximately three times higher than the trips expected to be generated by the proposed development.
- The incremental impact of the proposed development would be generally minimal in comparison to existing and future background conditions.
- A transit capacity assessment was undertaken and determined that one additional bus would be required for Route 49 Bloor West, and up to 3 new buses would be required for Route 111 The East Mall due to potential future transit trips generated by the development.
- The proposed traffic signal at Gibbs Road and The East Mall is warranted based on Justification No. 2 of the Ontario Traffic Manual (Delay to Cross Traffic). This signal should be coordinated with the existing signal at Bloor Street West and The East Mall to maximize vehicular progression along the corridor.

- Future traffic volumes (which include traffic volumes associated with the proposed development) can be accommodated on the adjacent road network subject to the following:

Gibbs Road/The East Mall Intersection

- Installation of a new traffic signal, which will have the same cycle length during the peak periods as the Bloor Street West/The East Mall traffic signal (110 and 105 seconds during the AM and PM Peak Periods, respectively).
- Modifications to Gibbs Road (west of The East Mall) to include dedicated eastbound left and right turn lanes and lay-by parking spaces on the north side.

Valhalla Inn Road/The East Mall Intersection

- Increasing the signal cycle length to 110 and 105 seconds during the AM and PM Peak Periods, respectively.

Bloor Street West/The East Mall Intersection

- Introducing a southbound left-turn advance phase, and increasing the eastbound left-turn advance phase during the AM Peak Period.
- Extension of the east-west through phase during the PM Peak Period.

Burnhamthorpe Road/The East Mall Intersection

- Increasing the northbound advance left-turn phase during the PM Peak Period.

Transportation Services staff have reviewed the information provided by the applicant, and advise the traffic impacts of the proposal would be acceptable subject to the following conditions:

1. The proponent be required pay for all costs associated with the recommended road improvements in the TIS Update report, to the satisfaction of the General Manager of Transportation Services;
2. The proponent be required to submit, for review and approval, all necessary drawings and documentation associated with the proposed traffic signal at Gibbs Road and The East Mall in accordance with the Transportation Services Directive for Development Related Traffic Signal Installations; and
3. The proponent be required to submit, for review and approval, a full-size functional plan in metric units for the proposed changes along Gibbs Road, to the satisfaction of the General Manager of Transportation Services.

The above conditions have been incorporated into the recommendations of this report.

Site Access, Circulation and Parking

Vehicular access to the site would be provided from two locations on Gibbs Road (including a proposed easterly inbound service driveway). Vehicles would also access the site from an internal driveway connection with the existing development to the north that has direct access from Valhalla Inn Road.

Transportation Services staff advise the location of the proposed access driveways, and their intended access arrangements are acceptable. The design of the driveways would be finalized through the Site Plan review process.

A total of 1,730 parking spaces are proposed for the project, consisting of 1,425 resident spaces and 305 shared non-residential/residential visitor spaces. All parking spaces would be located within above and below-grade parking structures.

The proposed parking rates are largely consistent with Toronto Zoning By-law No. 569-2013, except for the proposed reduced visitor parking rate of 0.15 spaces per unit as opposed to the 0.2 spaces per unit standard rate.

Transportation Services staff advise they accept the proposed parking spaces/rates of this application as the application proposes the same parking rates as the approved Minor Variance Decision #A163/12EYK for the adjacent 1 Valhalla Inn Road residential development to the north, subject to the additional provision that the required residential visitor spaces be available at all times. Further, Transportation Services staff have no objection to the locating of residential visitor, office and grocery store spaces in a common parking area.

Transportation Services staff would also accept the office and grocery store parking rates noted in Zoning By-law 569-2013 for "All other areas of the City" for this proposal. These standards are included in the attached Draft Zoning By-law Amendments.

A detailed review of the layout of the proposed parking supply, including access, will be undertaken through the Site Plan review process.

Loading

The applicant is proposing a total of 7 at-grade loading spaces to service the development, consisting of 3 Type G, 2 Type B and 2 Type C spaces. Typically, the provision of a Type A loading space for the proposed grocery store use is required. However, the applicant submitted a letter from LEA Consulting dated December 20, 2016 indicating that the project has been designed to accommodate only the trucks that would use a Type G and Type B loading space and trucks associated with a Type A loading spaces would be prohibited. The consultant also noted that the proposed loading space supply would satisfy the By-law requirements. On this basis, the proposed loading space supply is acceptable to Transportation Services staff. Additional requirements would be stipulated through the Site Plan review process for this project to ensure the proposed loading space supply would function adequately and would not result in loading activity occurring on the abutting public roads.

Toronto Transit Commission

Toronto Transit Commission (TTC) staff have reviewed the revised Transportation Impact Study and the transit capacity assessment submitted by the applicant. TTC staff have advised that delays to the existing bus routes (111 The East Mall) are anticipated as a result of the proposed development. To mitigate delays, TTC staff require that the owner provide a \$140,000 cash contribution to implement transit signal priority measures at the proposed traffic signal at The East Mall and Gibbs Road, as well as four existing signalized intersections near the site on the affected bus route.

TTC staff also require that the existing northbound and southbound transit stops be relocated to a nearside stop at the new signalized intersection. TTC staff require that the owner cover the design and cost of relocating these two existing transit stops and associated street furniture located north of Gibbs Road opposite 340 The East Mall to the new signalized intersection at The East Mall/Gibbs Road. In addition, to improve commuter experience, Planning staff recommend that the owner design and pay for two new transit shelters to complement the relocated transit stops at the The East Mall and Gibbs Road intersection.

This report recommends the above measures be secured as a legal convenience in the Section 37 Agreement.

Servicing

The applicant submitted a detailed Functional Servicing and Stormwater Management Report which was reviewed by Development Engineering and Construction Services staff. It was determined there is adequate servicing capacity for Phase 1 of the development. However, the applicant is required to demonstrate adequate servicing capacity through flow monitoring on the existing municipal sanitary system for Phases 2 and 3 of the development. Therefore, Planning staff are recommending through the Draft Zoning By-laws that a "H" (Holding Symbol) be applied to Phases 2 and 3 of the development. To remove the "H", the Draft Zoning By-law stipulates that satisfactory arrangements must be made with the Executive Director of Development Engineering and Construction Services, including any necessary agreements with the City for the design and construction of improvements to the municipal infrastructure (if necessary).

Greater Toronto Airport Authority and Nav Canada

The Greater Toronto Airport Authority (GTAA) and Nav Canada have advised they have no objections to the proposed building heights. However, Nav Canada has requested that the owner notify NAV Canada a minimum of 10 days prior to the start of construction. This report recommends that a condition in this regard be secured as a legal convenience in the Section 37 Agreement.

Ministry of Transportation

The Ministry of Transportation (MTO) requires that any new buildings/structures above and below ground, and any other features such as fire routes, loading docks, driveways, municipally assumed/private roads and/or servicing must be setback 14 m from the Highway 427 right-of-way. Only surplus parking is permitted within the 14 m setback. The required 14 m setback is included in the proposed Draft Zoning By-law Amendments. The MTO requires the applicant to obtain a permit(s) prior to any construction and for all signs visible to the highway. MTO permits can only be applied for once the Site Plan Control application is approved.

In this case, the MTO will permit the proposed dog walk area and pedestrian walkway located within the 14 m MTO required setback on the following conditions:

- The dog walk area is only acceptable if it is deemed non-essential (labelled “non-essential” on the Site Plan) and the developer can provide a letter stating that should Highway 427 be expanded and land is required through expropriation, the developer or condominium corporation will not be compensated for the loss of the dog walk area;
- The walkway is not the primary pedestrian walkway and is not essential for the functionality of the site;
- The pedestrian walkway is labelled as “non-essential” on the Site Plan;
- The developer provide a letter stating that should Highway 427 be expanded and land is required through expropriation, the developer or condominium corporation will not be compensated for the loss of the pedestrian walkway;
- The pedestrian walkway be setback a minimum of 3 m from the Highway 427 property line; and
- Upon the establishment of the condominium corporation(s), notify the condominium corporations of the potential of losing the pedestrian walkway and dog walk area.

Also, MTO staff have advised there is an existing Preliminary Design Report (PDR) that recommended closing the Gibbs Road ramp to Highway 427, however there is no timing for the closure and it is unlikely the ramp will be closed in the foreseeable future.

MTO staff have advised that the locations of the proposed buildings are acceptable. However, MTO staff advised they have minor traffic/transportation concerns based on the applicant's submitted Transportation Impact Study. MTO staff have advised these concerns are minor and can be addressed through the Site Plan approval process.

Public Realm

The Public Realm policies of the Official Plan (Section 3.1.1) recognize that a well-designed public realm is developed by creating comfortable, inviting, safe and accessible streets, parks and open spaces which are vital elements in creating a vibrant city. The application proposes a range of public realm amenities, landscaping and open spaces for the new residents as well as the general public.

The proposed central garden (POPS #1) and the playground area (POPS#2) as shown on Attachment 1 to this report enhance the public realm and would serve as privately-owned publicly-accessible open spaces (POPS). It is recommended these areas be secured as a legal convenience in the Section 37 Agreement.

The introduction of a new publicly accessible, shared interior street and pedestrian network would contribute to a highly walkable environment that would be safe and attractive for all modes of transportation through generously scaled sidewalks, seating, trees, planters and on street parking.

The proposed built form, landscaping and circulation pattern would create a pedestrian friendly environment through the site. Pedestrian entrances located along Gibbs Road would provide direct and barrier free access. Animated ground floor uses would present an active and inviting condition along Gibbs Road which would encourage the public to engage with the site. At the base of the proposed shared central road and along Gibbs Road, the tower and two 10-storey building podiums are cantilevered to provide additional sidewalk space and to allow increased visibility into the site from Gibbs Road and The East Mall while providing weather protection for pedestrians. This cantilevered design also promotes sidewalk related retail uses such as cafés which would further activate the public realm.

Planning staff are of the opinion the proposed application would improve the public realm and create a vibrant mixed-used development. Planning staff are satisfied with the proposed 2 m² per unit of required private amenity space and the proposed landscaping, open space and public realm features. Further design of the proposed shared streets, open spaces, landscaping, improvements to existing streetscapes, and streetscape in relation to the proposed signalization of the Gibbs Road and The East Mall intersection will be reviewed through the subsequent Site Plan applications.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan illustrates the level of local parkland service across the City, calculated on the basis of hectares of local parkland per 1,000 people. The site is in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people and is in the middle quintile of current provision of parkland. The site is also in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 19,733 m² or 79% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 3,763 m² or 14.2% of the site area.

Parks, Forestry and Recreation staff recommend that the applicant be required to satisfy the parkland dedication requirement through an on-site dedication and that the park should be located at the southeast corner of the site with frontage on Gibbs Road just east of the proposed main entrance to the site.

To the east of the site, on the east side of The East Mall is East Mall Park (0.7 km walking distance). The park is 3.22 hectares in size and includes junior and senior playgrounds, tennis courts and the Memorial Tree Garden. Recent upgrades include the construction of a splash pad and improvements to play equipment. The ability to provide further amenities and programming to East Mall Park is limited due to the existence of the Memorial Tree Garden. Other parks in proximity to the site are Smithwood Park (1.2 km walking distance) and Cronin Park (1.3 km walking distance).

Parks, Forestry and Recreation staff have identified the area surrounding the site as a major change area where low 'local' parkland provision exists. Major change is envisioned with a population growth rate projected between 15% to 50%. Significant opportunities to acquire parkland through Parkland Dedication exist given the high probability of future development.

A 3,763 m² parkland dedication represents a significant contribution from an individual development application. The new park would serve the area by providing an opportunity for active recreation programming including, but not limited to outdoor leisure skating, skateboarding and/or basketball. The new parkland could also provide a space for public formal gatherings such as a piazza, performance stage or amphitheatre.

The area's status of current provision of parkland does not include the development proposal which would include 1,480 residential units. In addition, a recent condominium development registered in 2016 on Valhalla Inn Road includes 620 residential units.

The additional units at a projected population of 2.2 persons per unit would generate a population increase of 4,620 in this Local Parkland Assessment Cell (LPAC). This would lower the provision of local parkland to 0.61 ha per 1,000 people, resulting in a drop to the second lowest quintile. Should, in the future, an additional 3,110 residential units be built in this area, the provision of local parkland would drop to the lowest quintile, based on no additional local parkland being acquired.

Parks, Forestry and Recreation staff are of the opinion that the size and shape of this potential park would address local amenity gaps and serve the population west of The

East Mall with junior/senior playgrounds and centrally located, publicly accessible gathering spaces.

Planning staff are of the opinion that in this instance, the parkland dedication should be satisfied through cash-in-lieu payment rather than an on-site park dedication.

The application proposes two privately-owned publicly-accessible open spaces (POPS) on site (a large central garden and a playground area) which would serve the new residents as well as the general public. In addition, the development proposes numerous landscaping/green features and public realm enhancements such as the pedestrian pathway which loops around the perimeter of the site, roof top gardens/terraces, a landscaped new central road, dog walk area, improvements to the Gibbs Road frontage, and the planting of approximately 167 trees on site. Further, should Council approve the recommendations of this report, a portion of the Section 37 community benefits (\$1,000,000) would be directed toward improvements to The East Mall Park/public art.

Moreover, the requirement for a public park on site would alter the proposal and result in the elimination of the proposed rental buildings which would contain approximately 387 rental units. Planning staff are of the opinion that the inclusion of new purpose built rental buildings supports the Housing Policies of the Official Plan through providing a mix of tenure, variety of housing options and potential affordability which is much needed in the city.

Planning staff are of the opinion that in this instance, an on-site parkland dedication would not be the preferred option given the site's proximity to existing parks and open spaces, recent and planned investment/upgrades via Section 37 benefits to the existing parks and open spaces in the area (including the additional proposed Section 37 funds for the nearby East Mall Park though this development), the adequate private indoor and outdoor amenity space proposed on site for residents, the proposed POPS on site for residents and the public, the ample landscape features proposed and the potential loss of significant purpose built residential rental units.

Therefore, Planning staff are recommending the parkland dedication should be satisfied through cash-in-lieu payment rather than an on-site park dedication. The actual amount of cash-in-lieu would be determined by Facilities and Real Estate staff at the time of issuance of building permit.

Environment

Policy 3.4.23 (The Natural Environment) of the Official Plan states that prior to "development occurring on known or potentially contaminated sites...potential adverse impacts must be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented".

The site was historically used for agricultural purposes until at least 1956 and subsequently housed a light industrial/commercial building with associated parking lot. A

Record of Site Condition would be required for the re-development of the site for residential purposes.

The applicant submitted a Phase 1 Environmental Site Assessment (ESA), dated October 1, 2015, prepared by Terraprobe Inc. Based on this review, it was determined that a Record of Site Condition cannot be filed based upon a Phase 1 ESA alone. Therefore, a Phase 2 ESA would be required to investigate issues of potential environmental concerns that have been identified on the site and which may have created negative impacts to the environmental condition of the site. The Phase 2 Environmental Assessment would be reviewed through the Site Plan application process.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. The submitted Tree Protection and Removal Plan and Arborist Report indicate that three City-owned trees and four private protected trees on the site would require removal to accommodate the proposal. Four private trees on the adjacent private property would be preserved. An "Application for Permit to Destroy Privately Owned Trees" and applicable fees has been submitted for permission to remove the seven trees in question. A permit has been issued for the four private trees due to the proposed Presentation Centre location; however approval for the City-owned trees has not been granted.

The submitted Landscape Plan shows approximately 167 new trees to be provided on private property and 20 new trees to be provided on the City road allowance, including 10 trees fronting the adjacent property. Urban Forestry staff confirm that the proposed trees are acceptable. Further, Urban Forestry staff advise that special requirements are required for any landscaped open space areas over any underground structure, including parking structures, where tree planting is proposed for the purpose of growing large shade trees.

Community Services and Facilities

The Official Plan policies with respect to Healthy Neighbourhoods seek to enhance community and neighbourhood amenities where needed. The applicant submitted a Community Services and Facilities Study in support of the application. The study identified the following:

- Two (2) of the four (4) Toronto District School Board (TDSB) Elementary Schools have capacity for new students and 3 of the 4 TDSB Secondary Schools have capacity for new students. Further, 1 of the 6 Toronto District Catholic School Board (TDCSB) Elementary Schools has capacity for new students, while both TDCSB Secondary Schools are presently over capacity.
- Both the TDSB and the TCDSB will need to monitor the pupils generated by the development to ensure additional students can be accommodated by the two school boards.

- The local Eatonville Public Library is one of the busiest branches in the City and the Toronto Public Library staff advise that interactive space for children aged 6 to 12 as well as parking area improvements are needed in this branch.
- The proposed development will generate the need for 65 additional child care spaces. Thus, there may be need for an additional daycare centre to accommodate these additional daycare spaces generated by the development.

The attached Draft Zoning By-laws do not preclude the accommodation of a daycare facility as part of the proposed development.

School Board Requirement

Although, the Community Services and Facilities Study indicates there is student capacity at both the Toronto District School Board (TDSB) and the Toronto District Catholic School Board (TDCSB), the TDSB advises that currently there is insufficient space at the local elementary and middle schools to accommodate students anticipated from this development and others in the area. Children from the proposed development would not displace existing students at local schools. The TDSB has requested that as a condition of approval, the proponent enter into an agreement to erect and maintain signs on the site advising that sufficient accommodation might not be locally available for all students. The signs shall be to the Board's specifications and be erected prior to registration or the issuance of any building permit. The TDSB also requested warning clauses in all offers of purchase and sale of residential units advising of the inability to accommodate students locally and on busing procedures. These requirements are proposed to be secured in the Section 37 Agreement and subsequent Site Plan Agreement(s), should the application be approved.

The Toronto Catholic District School Board (TCDSB) has advised that St. Elizabeth Catholic School (JK-8), Michael Power/St. Joseph Catholic Secondary School and Bishop Allen Catholic Secondary School (9-12) are all oversubscribed at this time and are forecasted to remain oversubscribed well into the future. The TCDSB advises the scale of development will have repercussions for the eventual phasing of any accommodation plans to adequately serve students and occupancy will need to be monitored to effectively manage any changes arising from occupancy and household formation. As such, the TCDSB requests to remain on the circulation list regarding any revisions to this development.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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. This report recommends that this requirement be secured as a legal convenience in the Section 37 Agreement.

Community Consultation Comments

Regarding the comments received at the June 27, 2016 Community Consultation Meeting previously noted in this report, the application process resulted in the following:

- a) **Traffic** – Transportation Services staff have reviewed the transportation and traffic material (including the revised TIS) submitted by the applicant. The revised TIS concludes there would be minimal traffic impact generated from the proposed development on the surrounding area and Transportation Services staff concur. Transportation Services staff concur with the findings that the existing road network and proposed new central private road and proposed easterly one-way servicing driveway on the site could support the proposed development, subject to various transportation improvements noted earlier in this report.

With respect to parking, Transportation Service staff also conclude that the proposed supply of parking spaces would satisfy the anticipated parking demand of future residents, visitors and patrons subject to the required residential visitor parking be available at all times. These conditions are included in the Draft Zoning By-law Amendments.

The community expressed some concern regarding the proposed 1,500 new residential dwelling units predominantly with respect to perceived increased traffic in the area. The application was revised to decrease the number of residential dwelling units from 1,500 to 1,480 as well re-designing the buildings to limit the massing through various setbacks, stepbacks, and angular planes. The applicant submitted a revised Traffic Impact Study as noted above which demonstrated how an as-of-right development would generate significantly more traffic than the proposed development. Given the density of the existing developments in the area, the planned context for the area and the location adjacent to a major transportation corridor (Highway 427), Planning staff are of the opinion the proposed density is appropriate in conjunction with the transportation measures and improvements required by Transportation Services staff.

Regarding resident concerns of internal traffic congestion on the site, the proposal includes the following measures: the main parking garage entrances would be located away from the central lobby/garden area; a one-way easterly driveway would serve most of the parking, loading and servicing traffic and thus would disperse traffic away from the site's proposed central road and main lobby/central garden; 7 loading spaces would be provided; 305 non-residential parking spaces would be provided; 1,142 bicycle parking spaces would be provided; and the proposal's enhanced public realm presents opportunities for alternate modes of transportation.

Further, the connection of the proposed central road through the site with the 1 Valhalla Inn Road development to the north was envisioned within the design of the 1 Valhalla Inn Road development. This connection would provide an alternate transportation route which would serve to disperse/balance out traffic, activate the public realm by integrating mixed uses along the street, provide opportunities to access open spaces and enjoy increased landscaping/trees, and promote alternative modes of transportation such as transit, walking and cycling. Overall, it would aid the environment and create a stable mixed use community with a range of transportation options that would allow the public to live, work, shop and play in the area thereby reducing the need for automobile use over time.

- b) ***Building Heights and Separation Distance***– The application was revised to address concerns of building height in the current submission by the following measures: reduced the height of Tower 3 from 46 storeys to 43 storeys; decreased the height of all the mechanical penthouses on the towers from 8.5 m to 7 m; reduced the 5-storey podium height of the towers to 4-storeys; increased the setback of Tower 3 from the podium and altered the tower designs with various stepbacks as to not penetrate the 45 degree angular plane taken from the neighbourhood east of The East Mal; and designed slim tower floor plates with a maximum size of 750 m². These revisions would reduce the height/massing on site and serve as mitigation measures to decrease effects of height such as shadow, wind and privacy/overlook impacts.

The applicant's submitted shadow study illustrated that the proposal would cast some shadow on the Formula Court properties, however much of these shadows would also be attributed to the surrounding existing developments in the area (particularly from the 1 Valhalla Inn Road residential development). Although the residential lots on Formula Court are designated *Mixed Use Areas* (not *Neighbourhoods*), and are not subject to the 45 degree angular plane policy guidelines, the proposed two 10-storey buildings are designed with various stepbacks so as to not penetrate a 45 degree angular plane taken from the rear lot lines of the lots on Formula Court to minimize shadow and overlook impacts on these residential lots. Further, a minimum separation distance of 17.5 m between the proposed 10-storey buildings and the residential properties on Formula Court, as well as the proposed planting of numerous trees would reduce privacy/overlook impacts. As such, Planning staff are of the opinion the level of shadow generated would be acceptable and the separation distances would be appropriate.

- c) ***Noise and Pollution Impacts*** - The Noise Impact Study submitted by the applicant determined that noise mitigation measures would be necessary in relation to the proposed towers. However, it would be possible to meet the City's noise guidelines by implementing standard mitigation measures as previously outlined in the report. The applicant also submitted documentation demonstrating that no vibration impacts would be perceived from Highway 427 on the proposed development. Regarding contaminated site assessment, a Phase 2 Environmental Assessment will be reviewed during the Site Plan approval process. In addition,

the applicant is required to meet Tier 1 of the Toronto Green Standard which seeks to improve environmental considerations like air quality. The application also proposes various green components such as green roofs, open space areas and the planting of approximately 167 trees which aid in combatting pollution impacts. Moreover, the surrounding area includes existing and recently constructed residential developments that also abut Highway 427 as do many residential developments in the City. Planning staff are of the opinion that this proposed intensification on a *Mixed Use Areas* designated property along a major transportation corridor is appropriate.

Section 37

Section 37 of the *Planning Act* authorizes a municipality, with appropriate approved Official Plan Policies to pass by-laws increasing the height or density otherwise permitted by a Zoning By-law in return for the provision of community benefits by the applicant.

The provision of appropriate community benefits have been discussed with the Ward Councillor and the applicant has agreed to provide benefits. It is recommended that this be secured in a Section 37 Agreement to be registered on title prior to introducing the necessary Bills to City Council for enactment. The site is within the catchment area of the future YMCA/Community Centre facility and park proposed on the Westwood Theatre lands in the Six Points area, which would serve and benefit the residents within the surrounding community as well as new residents in the proposed development. As such, Planning staff are recommending a portion of the Section 37 Community Benefits be allocated in this regard. These benefits include:

- A. Indexed cash contributions to be paid to the City, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
 - i. \$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, prior to the issuance of an above grade building permit (other than a building permit for a temporary sales structure) for development of the 31-storey tower in Phase 1;
 - ii. \$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, prior to the issuance of an above grade building permit for development of the 37-storey tower in Phase 2; and
 - iii. \$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, prior to the issuance of an above grade building permit for development of the 43-storey tower in Phase 3.

Require that the above cash contributions be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

In the event the above cash contributions have not been used for the intended purpose within three 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 purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

- B. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. 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.
 - ii. The owner shall provide, at its own expense, a minimum area of 1,400 m² of privately-owned publicly-accessible open space (POPS # 1) as a central garden and a minimum area of 600 m² of privately-owned publicly-accessible open 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, at 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.
 - iii. 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.
 - iv. Through the Site Plan approval process, the owner shall submit a revised Transportation Impact Study to the satisfaction of the Ministry of Transportation.
 - v. 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.

- vi. 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.
- vii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- viii. The owner shall notify NAV Canada a minimum of 10 days prior to the start of construction.
- ix. 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 below 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 Recommendation B ix (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 below 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 Recommendation B ix (c) above;
 - (e) Prior to the issuance of any below grade Building Permit, pay for all costs associated with increasing the traffic

control 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 below 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 the Bloor Street West and The East Mall intersection;
 - (g) Prior to the issuance of any below 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 intersection; and
 - (h) Prior to the issuance of any below grade Building Permit, pay for all costs associated with increasing the northbound advance left-turn phase during the PM Peak Period at the Burnhamthorpe Road and The East Mall intersection.
- x. 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.
- xi. 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.
- xii. 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.

Conclusion

Staff are recommending that the application to amend the Zoning By-laws be approved by City Council. The proposed amendments to the Zoning By-laws are appropriate and represent good planning. The proposed development would be in conformity and would be consistent with Provincial and City policies, including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Toronto Official Plan.

Planning staff are of the opinion that the proposed development would achieve an appropriate on-site transition and fit within the surrounding context given the design of the proposal, the site's location abutting Highway 427 and the other existing building heights and densities in the surrounding area.

The proposal would create a mixed use development containing residential, commercial retail and office uses within a variety of building types which would introduce new housing, employment and commercial opportunities. The proposal would also provide a significant number of new purpose built residential rental units which is a key policy objective of the City. Further, the proposal would enhance the public realm by providing various landscaping features, open space areas for residents/public visitors and connections to the adjacent 1 Valhalla Inn Road residential development. Parking, access, servicing (subject to a "H" Holding Symbol for Phases 2 and 3) and circulation have also been adequately addressed. Overall, the proposed development would promote social cohesion, make a positive contribution to the area and create a complete community.

CONTACT

Nicole Ivanov, Planner
Tel. No. (416) 394-8227
Fax No. (416-394-6063
E-mail: nivanov@toronto.ca

SIGNATURE

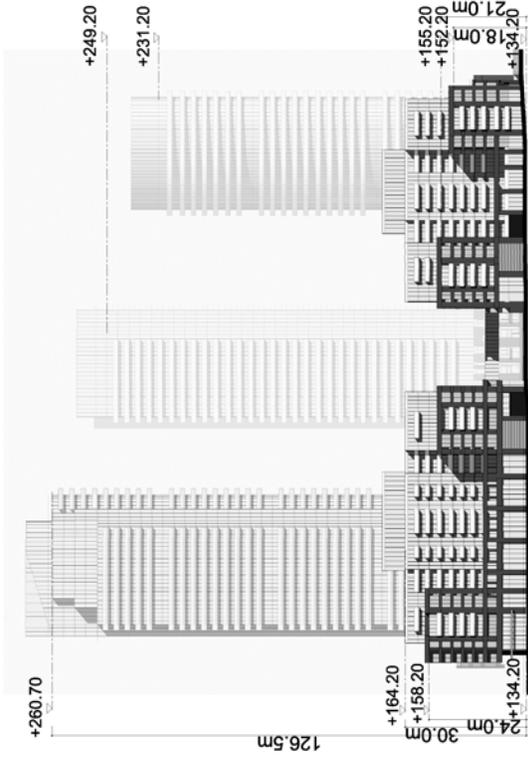
Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

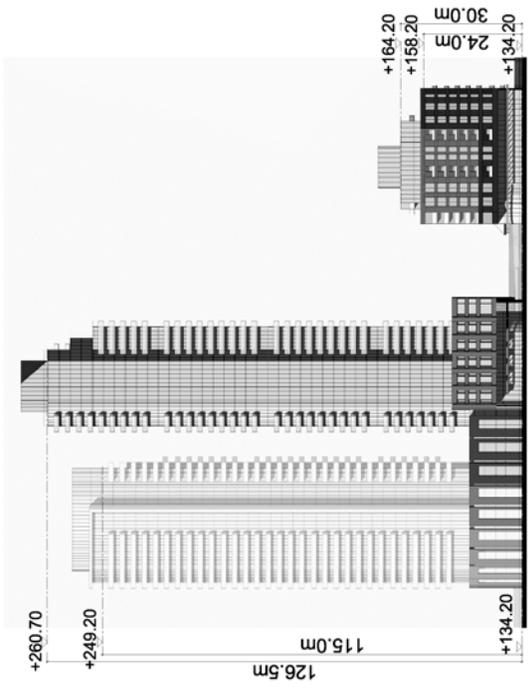
Attachment 1: Site Plan
Attachment 2a: South and East Elevations

- Attachment 2b: North and West Elevations
- Attachment 3: Official Plan
- Attachment 4: Zoning (Former City of Etobicoke Zoning Code)
- Attachment 5: Zoning (City of Toronto Zoning By-law No. 569-2013)
- Attachment 6: Application Data Sheet
- Attachment 7: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)
- Attachment 8: Draft Zoning By-law Amendment (City of Toronto Zoning By-law No. 569-2013)

Attachment 2a: South and East Elevations



SOUTH ELEVATION



EAST ELEVATION

NOTE: BUILDING HEIGHTS MEASURED FROM AVERAGE GRADE 134.20m
CANADIAN GEODETIC DATUM

2 Gibbs Road

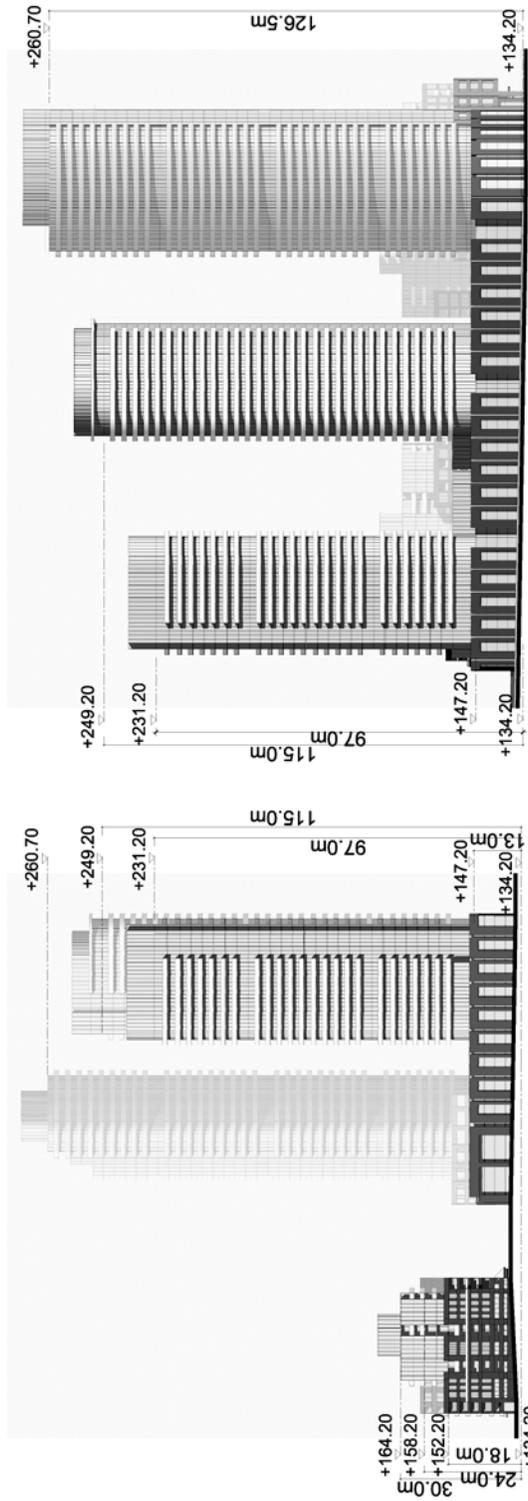
File # 16 114845 WET 05 0Z

South and East Elevations

Applicant's Submitted Drawing

Not to Scale
01/04/17

Attachment 2b: North and West Elevations



WEST ELEVATION

NORTH ELEVATION

NOTE: BUILDING HEIGHTS MEASURED FROM AVERAGE GRADE 134.20m CANADIAN GEODETIC DATUM

North and West Elevations

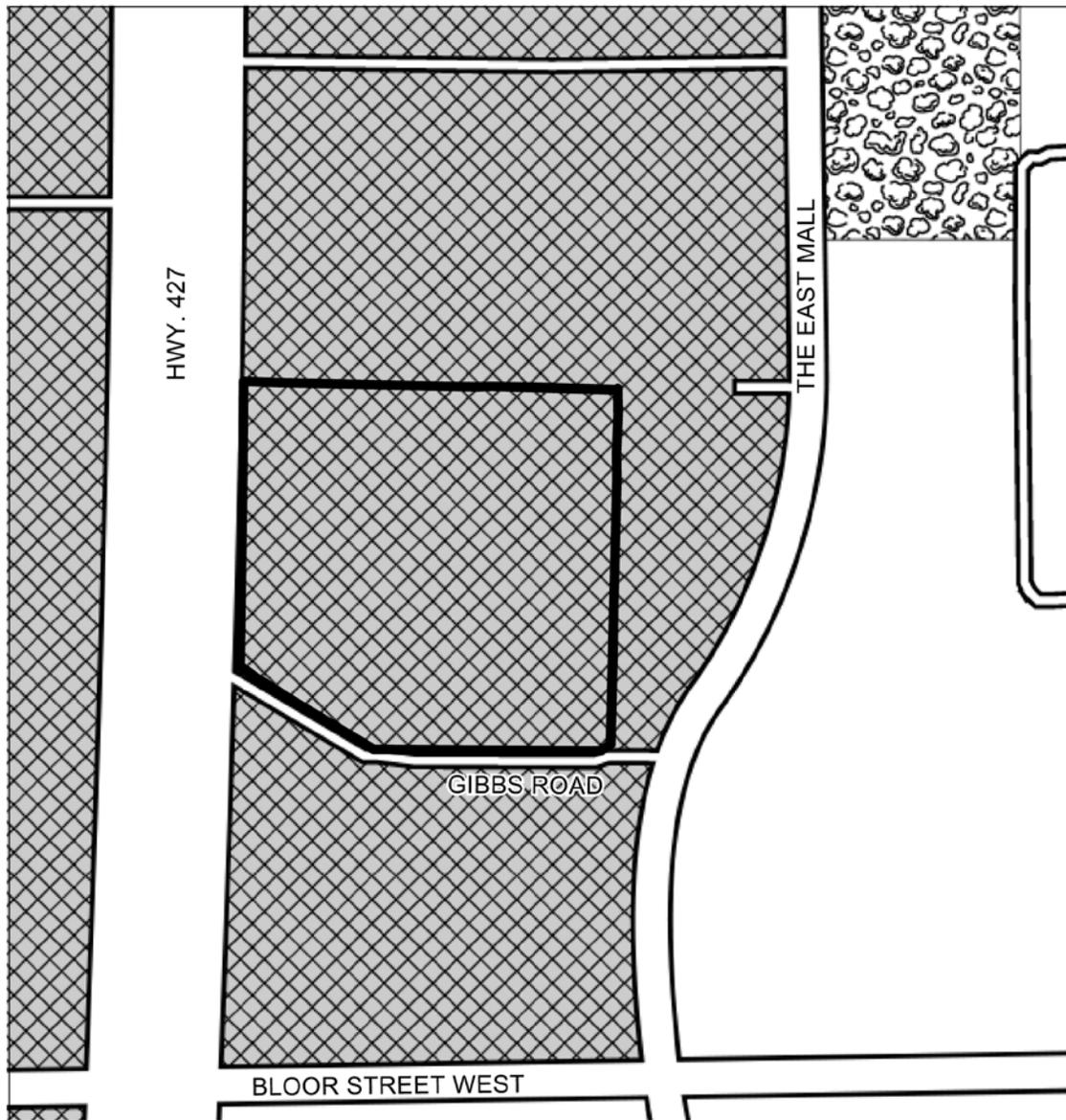
2 Gibbs Road

Applicant's Submitted Drawing

Not to Scale
01/04/17

File # 16 114845 WET 05 0Z

Attachment 3: Official Plan



TORONTO City Planning
Official Plan

2 Gibbs Road

File # 16 114845 WET 05 0Z

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


 Not to Scale
 03/23/16

Attachment 4: Zoning (Former City of Etobicoke Zoning Code)



2 Gibbs Road

File # 16 114845 WET 05 0Z

- Site Location
- R2** Second Density Residential
- R3** Third Density Residential
- R4G** Fourth Density Residential
- R5** Fifth Density Residential
- CPP** Planned Commercial Preferred

↑
Not to Scale
01/09/2017

Attachment 5: Zoning (City of Toronto Zoning By-law No. 569-2013)



Zoning By-Law No. 569-2013

2 Gibbs Road

File # 16 114845 WET 05 02

Location of Application

RD Residential Detached
RT Residential Townhouse
RM Residential Multiple

RA Residential Apartment
CR Commercial Residential
OR Open Space Recreation
UT Utility and Transportation



See Former City of Etobicoke By-Law No. 11,737

R2 Second Density Residential
R4 Fourth Density Residential
CPP Planned Commercial Preferred



Not to Scale
Extracted: 04/01/2016

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	16 114845 WET 05 OZ
Details	Rezoning, Standard	Application Date:	February 9, 2016

Municipal Address: 2 GIBBS ROAD

Location Description: PLAN M1046 BLK F PLAN M955 PT BLK B RP R3999 PARTS 8-11 **GRID W0501

Project Description: To amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit a phased mixed use development consisting of two 10-storey buildings with residential rental units and retail space; and 3 residential apartment condominium towers (43, 37 and 31 storeys in height) above a 4-storey podium with retail and office space, and 14 at-grade residential units. The development would contain a total of 1,480 residential units and a gross floor area of 105,600 m², of which 6,800 m² would be comprised of non-residential uses. A new private road, 2 privately-owned publicly-accessible (POPS) open space areas and below and above grade parking are proposed.

Applicant:	Agent:	Architect:	Owner:
EDILCAN DEVELOPMENT			2235037 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CPP and CR	Historical Status:	
Height Limit (m):	CPP – None CR - 11 m (non residential)	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	26,567	Height:	Storeys:	31, 37 and 43
Frontage (m):	115		Metres:	97 m, 115 m, and 126.5 m
Depth (m):	171.27			
Total Ground Floor Area (sq. m):	12,740			Total
Total Residential GFA (sq. m):	98,800		Parking Spaces:	1,730
Total Non-Residential GFA (sq. m):	6,800		Loading Docks	7
Total GFA (sq. m):	105,600			
Lot Coverage Ratio (%):	0.48			
Floor Space Index:	3.97			

DWELLING UNITS

Tenure Type:	Condo and Rental
Rooms:	
Bachelor:	0
1 Bedroom:	923
2 Bedroom:	407
3 + Bedroom:	150
Total Units:	1,480

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	98,800	0
Retail GFA (sq. m):	3,300	0
Office GFA (sq. m):	3,500	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Nicole Ivanov, Planner, Community Planning, (416) 394-8227

**Attachment 7: Draft Zoning By-law Amendment
(Former City of Etobicoke Zoning Code)**

Authority: Etobicoke York Community Council Item XX as adopted by
City of Toronto Council on XX, 2016

Bill No. ~

CITY OF TORONTO

BY-LAW No. XXX-2016

**To amend Chapters 324 of the 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*;

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 hereto. 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.**

"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**
 - (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 m.
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% 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% 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;
 - (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.
- (H) 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 1111 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.
- (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 hereby amended to include reference to this by-law by adding the following Section 324-1 Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
2016-XX 2016-XX-XX	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 m ² of non-residential uses.

ENACTED AND PASSED this __ day of _____, 2016.

ULLI S. WATKISS

City Clerk

(Corporate Seal)

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.
 - (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 m² of privately-owned publicly-accessible space (POPS #1) as a central garden and a minimum area of 600 m² 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 below 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 below 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 below 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 below 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 below grade Building Permit, pay for all costs associated with extending the east-west signal through phase

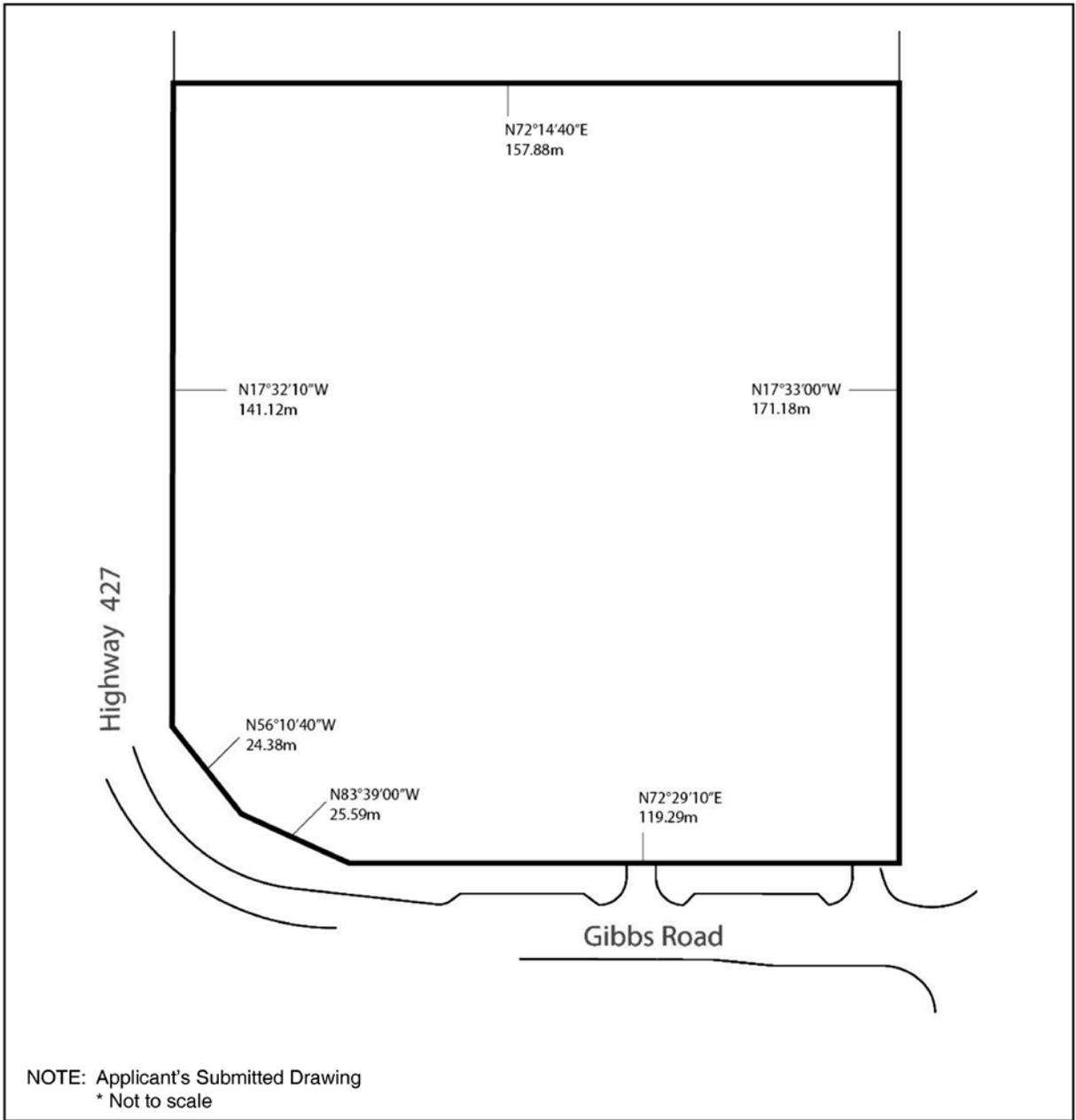
during the PM Peak Period at the Bloor Street West and The East Mall; and

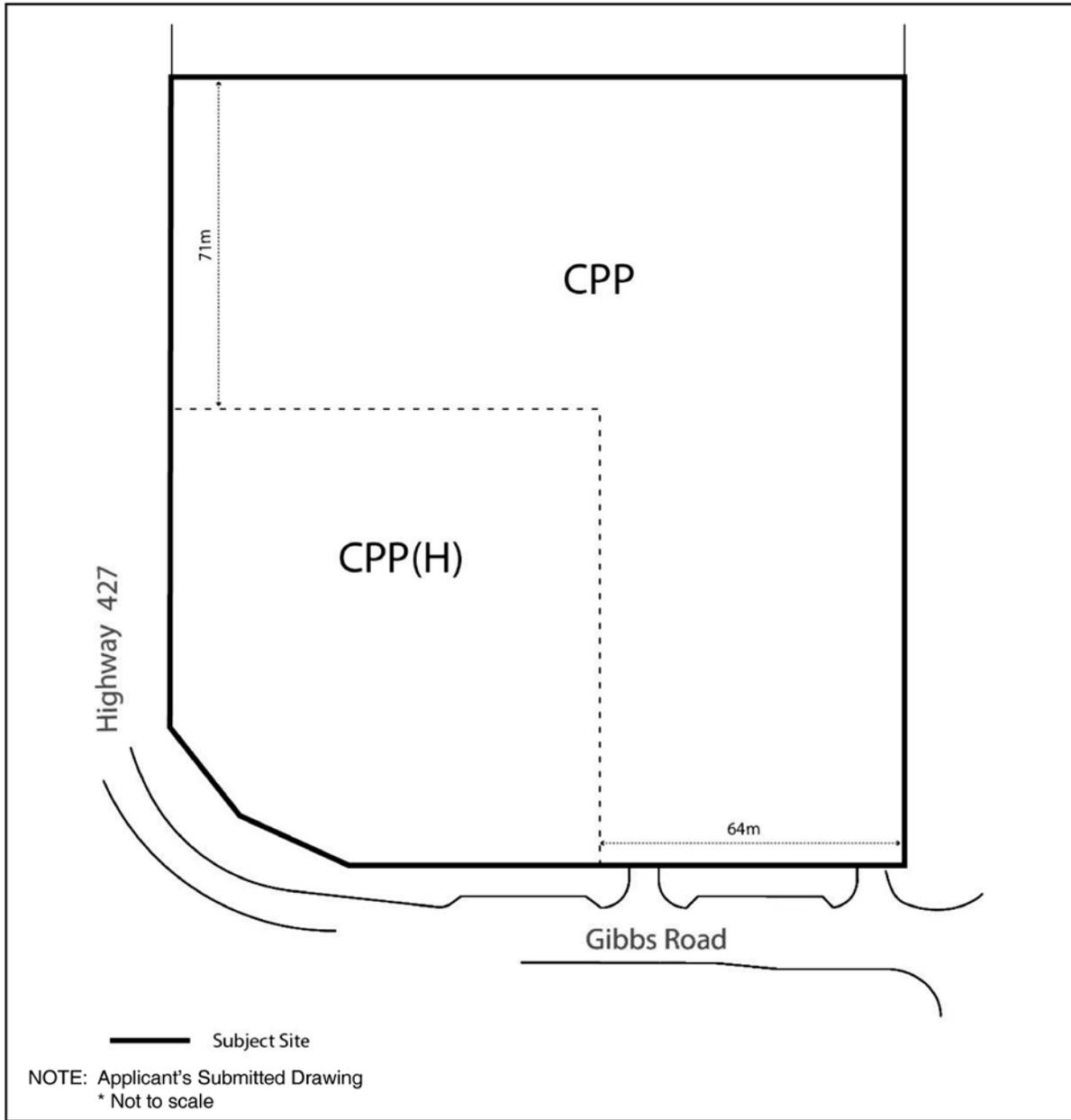
- h) Prior to the issuance of any below grade Building Permit, pay for all costs associated with increasing the northbound advance left- turn phase during the PM Peak Period at Burnhamthorpe Road and The East Mall intersection.

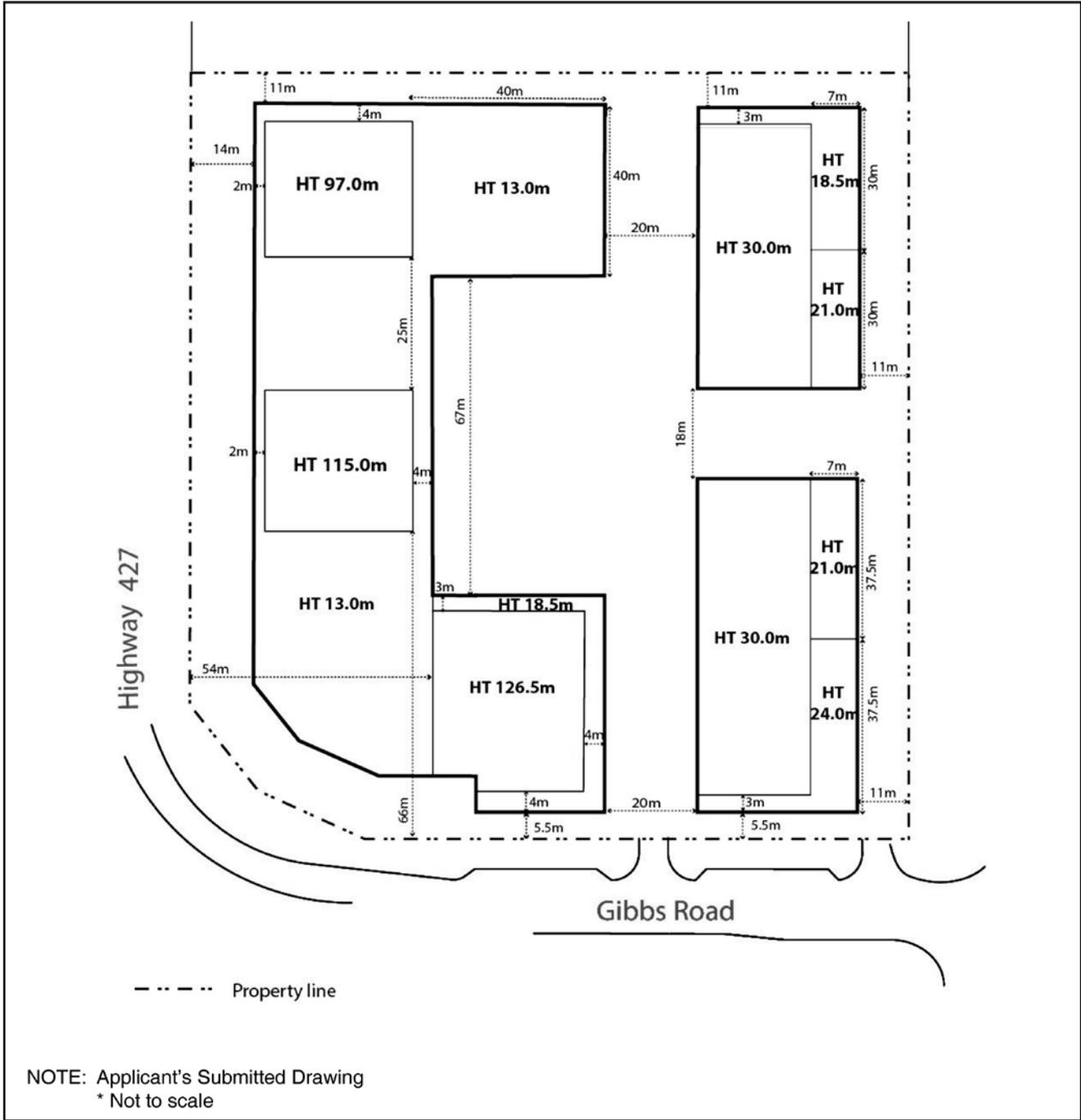
- j. Prior to Site Plan Control Approval, the owner shall provide the City with a certified cheque in the amount of \$140,000 to be used to implement signal priority for Toronto Transit Commission (TTC) buses at existing signalized intersections and at the proposed signalized intersection of The East 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.

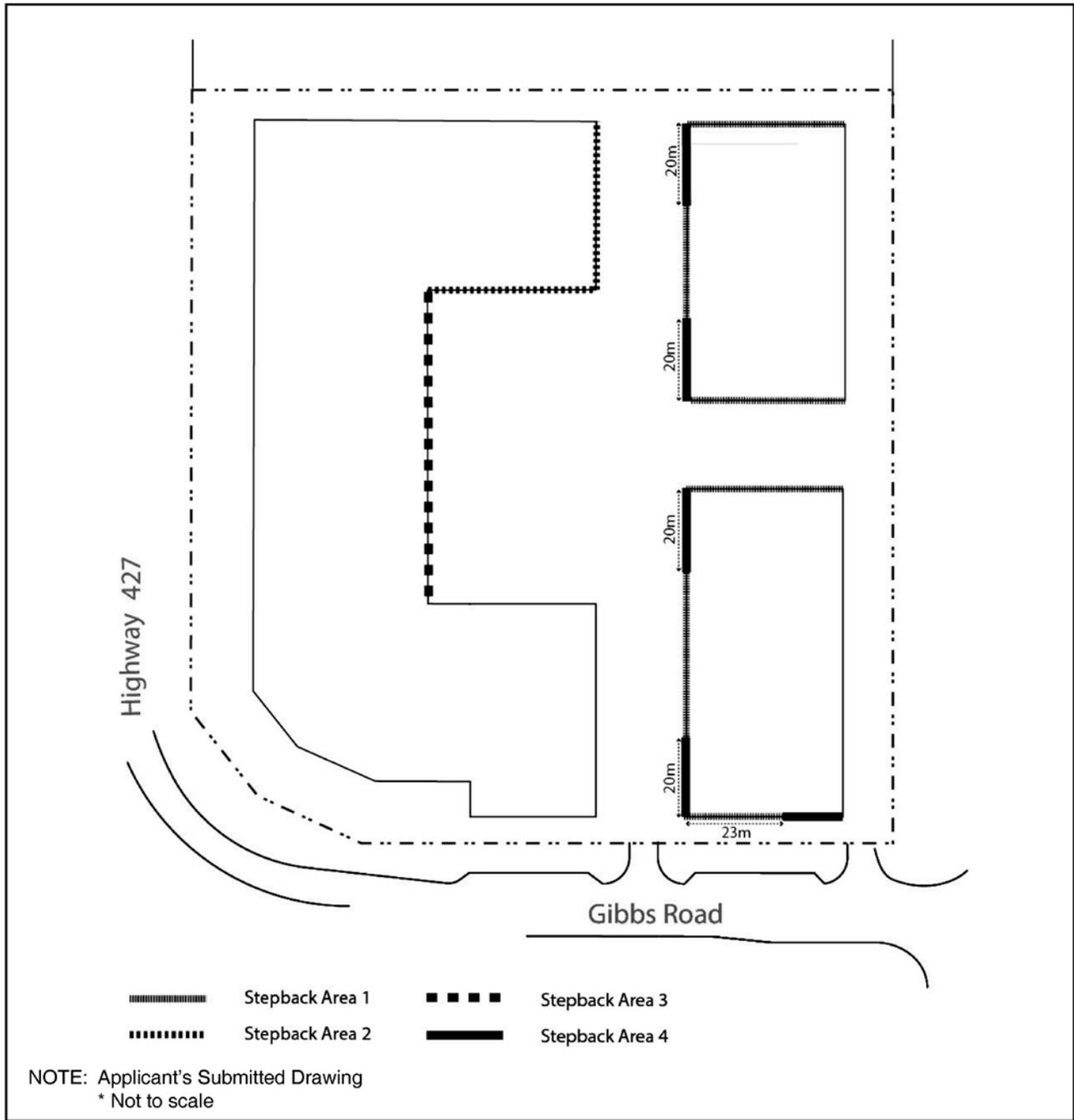
- k. Prior to Site Plan Control Approval and at no cost to the City or the TTC, the owner shall design and pay for the relocation of two existing transit stops and street furniture located north of Gibbs Road opposite 340 The East Mall to new locations in The East Mall and Gibbs Roads intersection to 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.

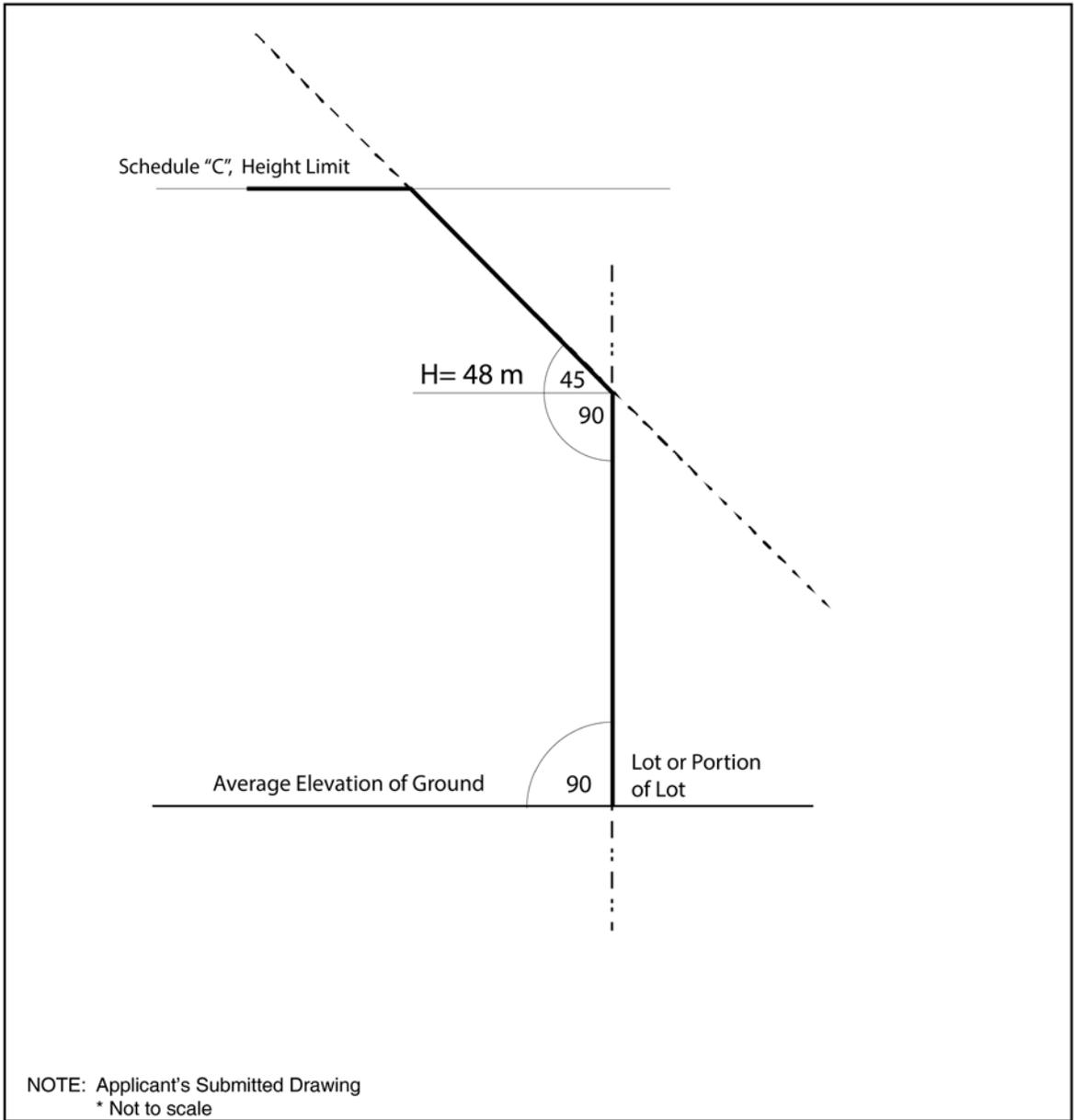
- l. Prior to Site Plan Control Approval and at no cost to the City or the TTC, the owner shall design and pay for two new transit shelters adjacent to the two relocated transit stops in The East Mall and Gibbs Roads intersection to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Executive Officer of the Toronto Transit Commission.











TORONTO City Planning
Schedule E - Angular Plane

2 Gibbs Road

File # 16 114845 WET 05 0Z



Not to Scale
01/31/2017

**Attachment 8: Draft Zoning By-law Amendment
(City of Toronto Zoning By-law No. 569-2013)**

Authority: Etobicoke York Community Council Item {##}, as adopted by City of Toronto Council on {DAY, YEAR}

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 2 Gibbs Road.

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; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held 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 use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains 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 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 By-law No. 569-2013 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; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this by-law have the meaning provided in Zoning By-law No. 569-2013 Chapter 800 – Definitions. For the purposes of this by-law, the following definitions will also apply:

“Floor plate area” – means the gross horizontal floor area of a single floor measured from all the exterior walls of a building or structure.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 4.0 (c0.3; r3.8) SS3 (xXXX) as shown on Diagram 2 attached to this by-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number XXX so that it reads:

(900) Exception CR [XXX]

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws, and Prevailing Section:

Site Specific Provisions:

- (A) On 2 Gibbs Road as shown on Diagram 2, none of the provision of Clauses and Regulations 30.5.40.10(4), 40.10.40.1(1), 40.10.40.1(3), 40.10.40.10(3), 40.10.40.60.1(B), 40.10.40.60(9), 40.10.40.70.3(D), 40.10.40.80.2(A), 40.10.50.10 (2), 40.10.90.10(1), 40.10.100.10.1 (C), Table 200.5.10.1, 220.5.10.1(1) through (5) of Zoning By-law No, 569 - 2013 apply to prevent the erection or use of a building or structure, addition or enlargement permitted by (B) to (Q) below;
- (B) 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 (C) below;
- (C) No portion of any **building** or **structure** on the lands, excluding parapets, guard rails, railings and dividers, roof top stair enclosures, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, mechanical penthouse, 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 Diagram 3 of this by-law;

- (D) Any equipment or **structures** used for the functional operation of the **building**, including mechanical penthouse, may have a maximum permitted height of 7 m.
- (E) The maximum permitted gross floor area of all buildings and structures on the lands is 105,600 square metres; and
 - i. the **gross floor area** of **buildings** or **structures** occupied by residential uses must not exceed 100,000 square metres, excluding the area occupied by unenclosed balconies and enclosed pedestrian walkways.
 - ii. 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**.
- (F) A minimum of 10% of the total dwelling units on site must be provided as three bedroom units.
- (G) 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.
- (H) The portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 3 of this by-law, except that:
 - i. 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, roof top stair enclosures, 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 Diagram 3 of this by-law, provided that in no case will building elements extend closer than 14 m to the Highway 427 right-of-way.
- (I) 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.
- (J) A **building** or **structure** must be at least 5.5 metres from a lot line abutting Gibbs Road.
- (K) Any **buildings** subject to a Stepback Area, as indicated on Diagram 4, require a stepback be provided as follows:
 - i. 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;

- ii. 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;
 - iii. 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;
 - iv. 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.
- (L) No portion of a **building**, excluding those features listed in (C) 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 Diagram 5 attached.
- (M) A **Temporary Sales Office** shall be exempt from the development standards outlined in Zoning By-law No. 569-2013.
- (N) **Parking spaces** must be provided and maintained at the following rates:
- i. 0.8 **parking spaces** for each bachelor **dwelling unit**;
 - ii. 0.9 **parking spaces** for each one-bedroom **dwelling unit**;
 - iii. 1.0 **parking spaces** for each two-bedroom **dwelling unit**;
 - iv. 1.2 **parking spaces** for each three-bedroom **dwelling unit**;
 - v. 0.15 **parking spaces** for each **dwelling unit** for the purpose of visitor parking
- (O) Parking spaces required for the purpose of residential visitor parking must be provided at an occupancy rate of 100% at all times.
- (P) For parking spaces adjacent to interior building walls, the minimum width must be 2.9 metres, the minimum length must be 5.6 meters, and the minimum vertical clearance must be 2.0 metres.
- (Q) 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 minimum vertical clearance must be 2.0 metres.
- (R) A minimum of seven **loading spaces** must be provided as follows:
- i. A minimum of 3 Type G **loading spaces**;
 - ii. A minimum of 2 Type B **loading spaces**; and
 - iii. A minimum of 2 Type C **loading spaces**,

5. Holding Provisions

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 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.
- i. 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
 - ii. The receipt of all necessary approvals for the infrastructure required, as described in (i) above.

6. 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 Diagram 2 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.
- (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.

Prevailing By-Laws and Prevailing Sections (None Apply)

Enacted and passed on month {##, 20##.}

Name,

Speaker,

(Seal of the City)

Ulli S. Watkiss,
City Clerk

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 Diagram 2 and Diagram 3 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.
 - (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 m² of privately-owned publicly-accessible space (POPS #1) as a central garden and a minimum area of 600 m² 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 in 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 below 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 below 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 below 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 below 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 below grade Building Permit, pay for all costs associated with extending the east-west signal through phase

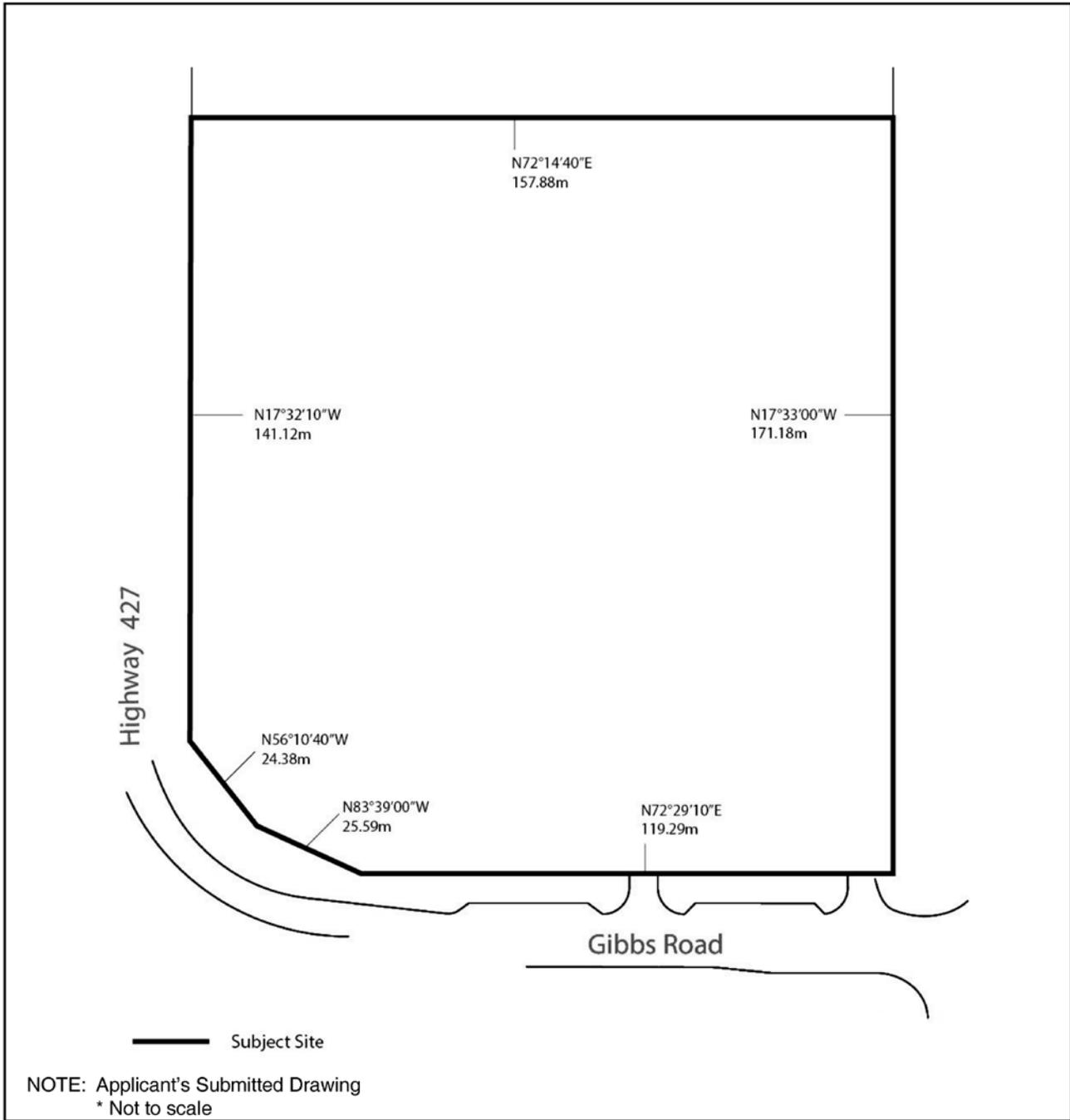
during the PM Peak Period at the Bloor Street West and The East Mall; and

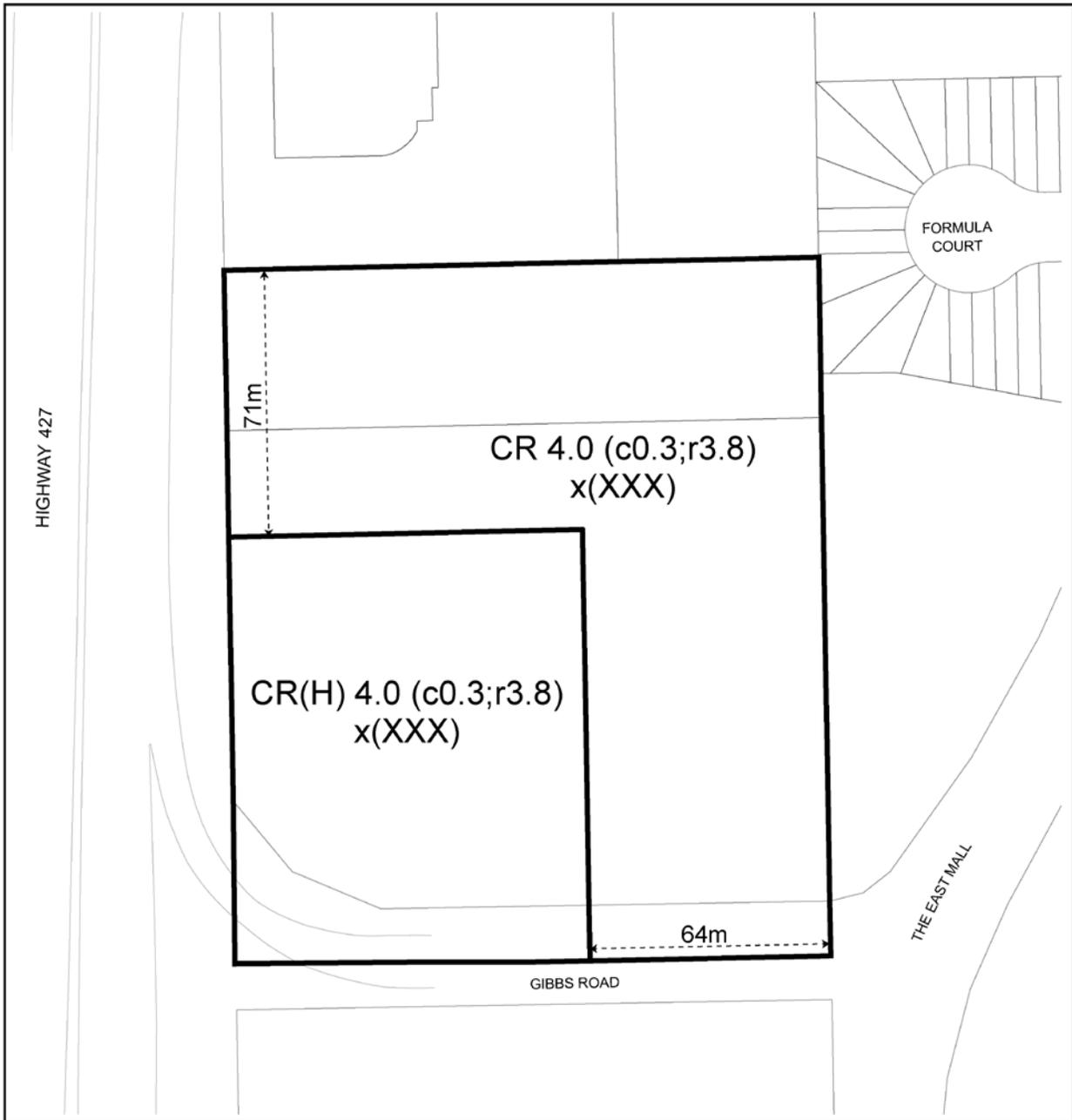
- h) Prior to the issuance of any below grade Building Permit, pay for all costs associated with increasing the northbound advance left-turn phase during the PM Peak Period at Burnhamthorpe Road and The East Mall intersection.

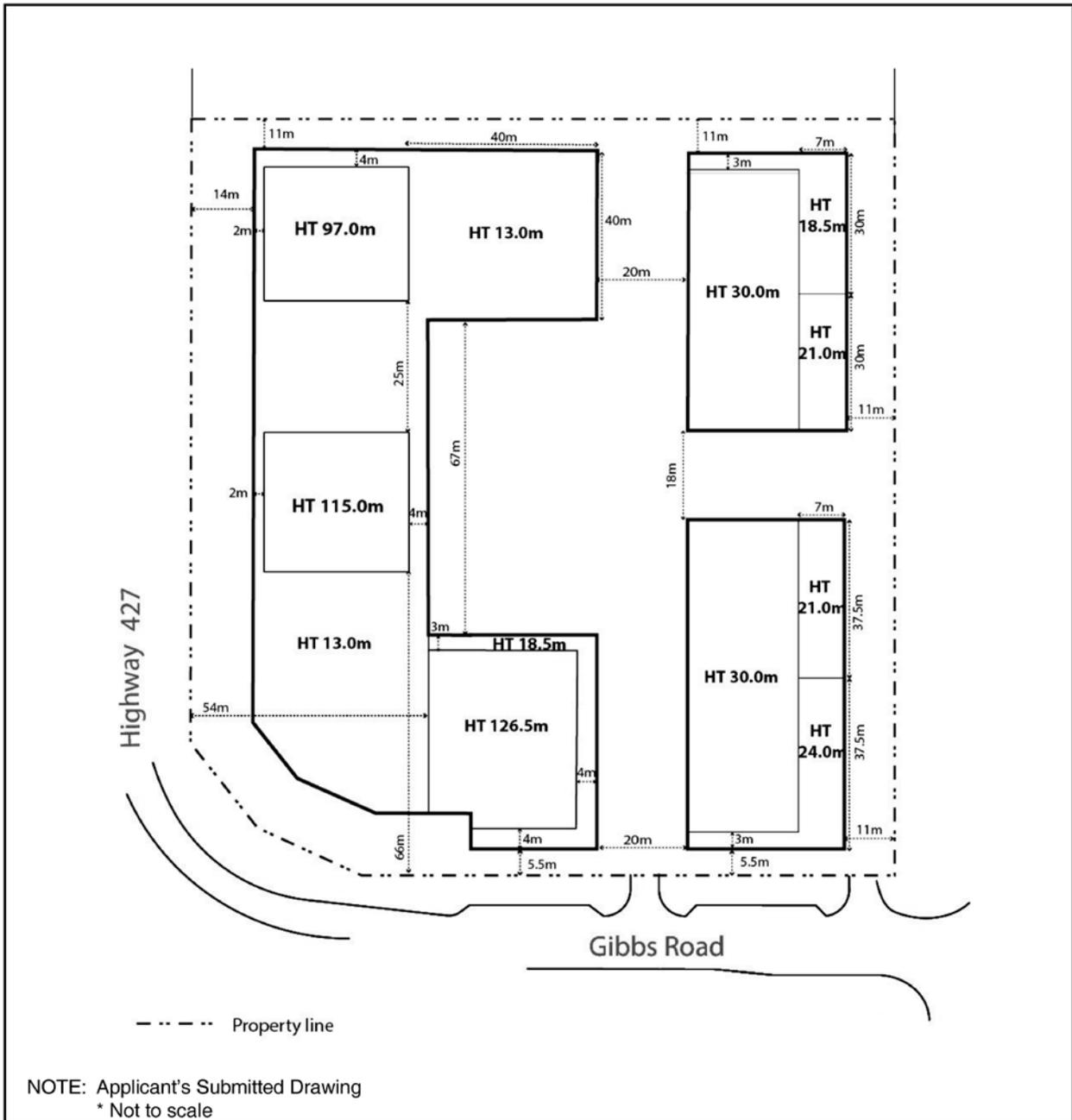
- j. Prior to Site Plan Control Approval, the owner shall provide the City with a certified cheque in the amount of \$140,000 to be used to implement signal priority for Toronto Transit Commission (TTC) buses at existing signalized intersections and at the proposed signalized intersection of The East 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.

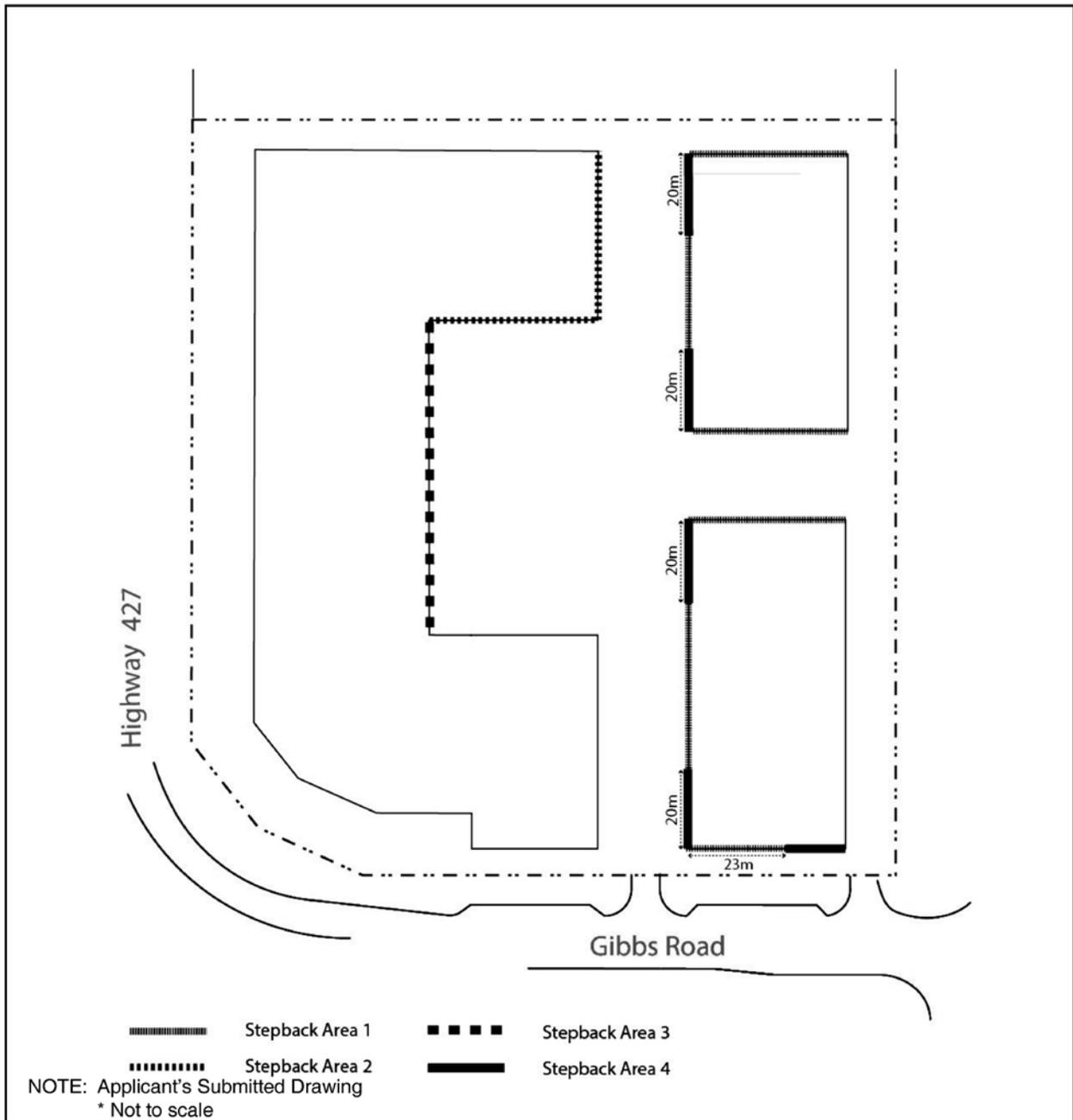
- k. Prior to Site Plan Control Approval and at no cost to the City or the TTC, the owner shall design and pay for the relocation of two existing transit stops and street furniture located north of Gibbs Road opposite 340 The East Mall to new locations in The East Mall and Gibbs Roads intersection to 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.

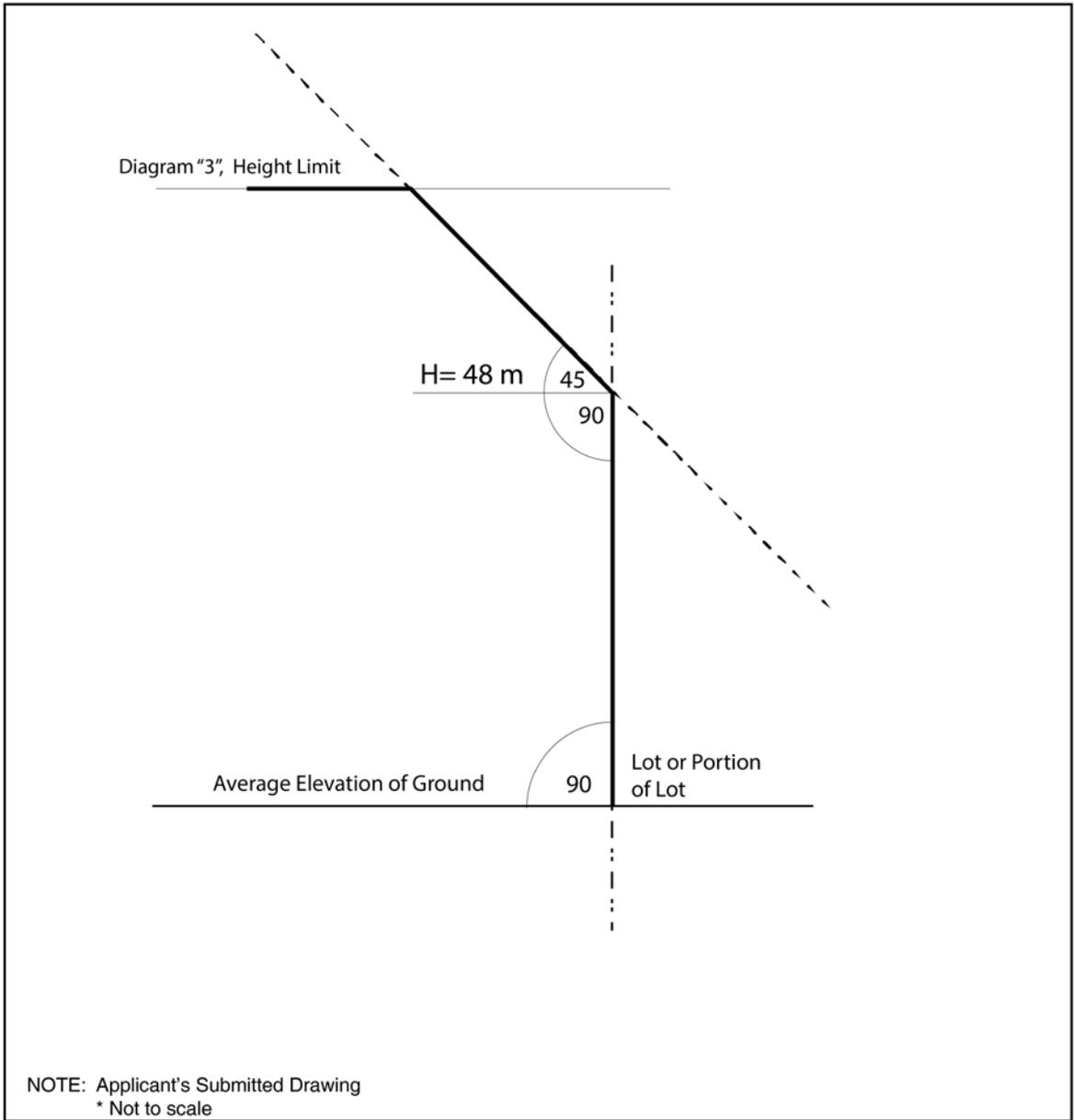
- l. Prior to Site Plan Control Approval and at no cost to the City or the TTC, the owner shall design and pay for two new transit shelters adjacent to the two relocated transit stops in The East Mall and Gibbs Roads intersection to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Executive Officer of the Toronto Transit Commission.











TORONTO City Planning
Diagram 5 - Angular Plane

2 Gibbs Road

File # 16 114845 WET 05 0Z



Not to Scale
01/31/2017