

225 Birmingham Street – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Final Report

Date: November 28, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 03 - Etobicoke - Lakeshore

Planning Application Numbers: 16 118661 Wet 06 OZ and 16 118656 WET 06 SB

SUMMARY

The Zoning By-law Amendment application proposes to amend both the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 to permit a 200 unit stacked townhouse development and a 2-storey non-residential building containing 557 m² of non-residential gross floor area. The application proposes a 2,729 m² public park along the east property line that would front onto a new Twelfth Street extension. The proposal would facilitate the construction of the Twelfth Street extension between its current northerly terminus to Birmingham Street, which would improve connectivity within the surrounding area. An application for Draft Plan of Subdivision approval is required to create the new public street, the public park block and the development block for the townhouses.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The proposal is consistent with the policies of the *Mixed Use Areas* and *Apartment Neighbourhoods* designations applying to the site, as well as other relevant policies pertaining to built form, public realm and transportation. The proposal respects and reinforces the existing built form context of the surrounding area.

This report reviews and recommends approval of the application to amend the Zoning By-law and also advises that the Chief Planner may approve the Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code for the lands at 225 Birmingham Street substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 225 Birmingham Street substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
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* as follows:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall provide a cash contribution of \$3,000,000.00 towards the relocation of the cenotaph currently located at 150 Eighth Street; improvements to the Franklin Horner Community Centre; and park improvements within Ward 3 in the vicinity of the site, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of the payment;
 - b. In the event the cash contribution referred to in 4(a) above has not been used for the intended purposes within three (3) years of the By-laws coming into force and effect, the cash contribution 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 Ward 3; and
 - c. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Noise Feasibility Study by a third party peer reviewer retained by the City of Toronto, but paid by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's noise consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
 - ii. prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Air Quality Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive

Director, City Planning, and provide certification from the applicant's air quality consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval; and

iii. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.

iv. The owner shall construct the retail, office and service commercial building in 'Block A' identified on both Schedule B and Diagram 4 of the attached Draft Zoning By-law Amendments prior to or in conjunction with the construction of the residential uses in Area 'B' identified on Schedule B and Diagram 4 of the attached Draft Zoning By-law Amendments.

5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

6. Prior to introducing the necessary Bills to City Council for enactment, City Council require the owner to:

a. Submit a revised Functional Servicing Report to the satisfaction of the Executive Director of Engineering and Construction Services.

b. Enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services.

c. Provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681-10.

7. City Council require that within the lands municipally known as 225 Birmingham Street in the year 2019, no person shall use any land or erect or use any building or structure unless the following provisions are complied with:

- a. All new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
- b. All water mains and sanitary sewers and appropriate appurtenances, have been installed and are operational.

8. That in accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated on Attachment No.10 subject to:

- a. The conditions as generally listed in Attachment No. 8 which, except as otherwise noted, must be fulfilled prior final approval and the release of the Plan of Subdivision for registration; and
- b. Any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem appropriate to address matters arising from the on-going technical review of this development.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment No. 231 (OPA 231) with respect to the economic health policies, designation and mapping for *Employment Areas* following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The City's decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

The Minister approved the majority of OPA 231 with some modifications in July 2014. The Local Planning Appeal Tribunal (LPAT) received a total of 178 appeals to OPA 231, including an appeal by the former owners of 225 Birmingham Street, Berry Plastics Corporation, on July 29, 2014. The LPAT has issued two Orders partially approving OPA 231. The December 2016 Order brought into force the *Core and General Employment Areas* designations, except for sites under appeal and particular uses that remain contested. LPAT Decisions can be accessed via this link:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

On June 15, 2016, Planning and Growth Management Committee considered a Preliminary Report for the Zoning By-law Amendment and Draft Plan of Subdivision applications for 225 Birmingham Street, dated May 16, 2016, from the Chief Planner and Executive Director, City Planning Division. The applications sought to develop the site with 226 stacked townhouse residential units. The Preliminary Report can be accessed via this link:

<https://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-93897.pdf>

At its meeting on June 26, 2018, City Council adopted recommendations in a Report For Action and associated Confidential Attachments, dated June 14, 2018, from the City Solicitor to accept a Without Prejudice Offer to settle site-specific OPA 231 Appeal 61, regarding the lands at 225 Birmingham Street. The Report can be accessed via this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC43.14>

On February 1, 2019, the LPAT issued its final Order redesignating the site from *Core Employment Areas* to *Mixed Use Areas* and *Apartment Neighbourhoods* for the portion of the site located between the west property line and the new Twelfth Street public road extension and *Parks and Open Space Areas* for the portion of the site east of the proposed road extension through Site and Area Specific Policy No. 554. The LPAT Decision can be accessed via this link:

<http://www.omb.gov.on.ca/e-decisions/pl140860-Jul-30-2019.pdf>

ISSUE BACKGROUND

Proposal

The proposed development consists of 200 residential units in 11 stacked back-to-back townhouse blocks and a non-residential building above a one level underground parking garage. The townhouse blocks would have an overall height of 11.76 m and would have an outdoor patio on the roof level. The proposed non-residential building located at the southwest corner of Birmingham Street and the new Twelfth Street extension would have a height of 9.7 m. The development would have a total gross floor area of 21,074 m², of which 20,516 m² would be residential gross floor area and 557 m² would be non-residential gross floor area, resulting in a density of 1.34 times the area of the lot. The proposed development would contain 200 residential units, of which 118 would be two-bedroom units and 82 would be three-bedroom units.

Two of the eleven stacked townhouse blocks and the proposed non-residential building would front Birmingham Street, two blocks would front the new Twelfth Street extension, and the remaining blocks would front two proposed private roads. The application is proposing the introduction of an east/west private road that would connect the new Twelfth Street extension to a proposed north/south private road. The north/south private road would be accessible from Birmingham Street and would stretch south along the site terminating at a proposed a loading space and the access to the underground parking garage.

The application proposes to extend Twelfth Street from its current terminus at Garnett Janes Road north to Birmingham Street. The extension would have a right-of-way width of 18.5 m and be designed according to the City's Development Infrastructure Policy and Standards (DIPS). The width of the proposed private roads would be 8.6 m, which would allow sufficient space for vehicular movement and 22 on-street visitor parking spaces. The proposal would introduce 2.1 m sidewalks along the west side of the north/south private road, the north side of the east/west private street, along both sides of the proposed Twelfth Street extension and along the south side of the Birmingham Street frontage.

A public park of 2,729 m² is proposed along the east property line and would have a frontage on three public streets. The proposed development would maximize soft landscaped space by providing front yard setbacks of 3 m to 3.3 m along both proposed private roads, 2.5 m along the Birmingham Street frontage, 3.3 m along the new Twelfth Street extension and 5 m setbacks from the west property line. An outdoor amenity space of approximately 380 m² in size is proposed at the intersection of the two private roads for the residents of the development.

The townhouse blocks located along the west side of the development would be setback 5 m from the west property line and would step back to fit within a 45-degree angular plane taken from the abutting *Neighbourhoods* designated lands. The proposal has been revised to eliminate balconies along the west elevation of the townhouse blocks located along the west side of the development, with the exclusion of the northernmost townhouse block. The stacked townhouse blocks would be separated 12 m from each other with the exception of one townhouse block that contains below-grade units which would be separated 15 m from the nearest townhouse block to the north.

Vehicular access to the development is proposed via the north/south private road and from the Twelfth Street extension. All residential vehicular parking spaces would be located within a one-level below-grade parking garage. A total of 236 vehicular parking spaces would be provided, of which 200 would be residential parking spaces, 30 would be visitor parking spaces, and 6 would be commercial parking spaces. A total of 150 bicycle parking spaces would also be provided.

Site and Surrounding Area

The subject site is approximately 2.02 ha in size and its topography is relatively flat. The site has a frontage of approximately 169 m on Birmingham Street and is approximately 136 m deep on the western half and 99 m deep on the eastern half. The former 2-storey industrial building on the property has been demolished.

The surrounding land uses include:

North: Immediately north of the site across Birmingham Street is a large parcel of industrial land which also fronts New Toronto Street that is occupied by a 1-storey

building which houses a courier service company. To the northwest of the subject site, west of Thirteenth Street are one storey commercial buildings.

South: There is a 13-storey residential building and 2 blocks of townhouses immediately south of the site. Further south are townhouse blocks fronting Lake Shore Boulevard West.

West: A mix of 1 and 2-storey single-detached and semi-detached houses fronting Fourteenth Street.

East: A mix of high-rise residential buildings and townhouse blocks, and located to the southeast of the site is Lakeshore Village Park.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be

consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that: "The Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act*, all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Site and Area Specific Policy No. 554

Site and Area Specific Policy No. 554 was approved through a modification to OPA 231 by the Local Planning Appeal Tribunal to convert the subject site from *Employment Areas* to *Mixed Use Areas* for the portion of the site that fronts onto Birmingham Street between the west property line and the new Twelfth Street public road extension, and redesignate the south remaining portion of the site to *Apartment Neighbourhoods*. East of the proposed public road extension the site was redesignated to *Parks and Open Space Areas*.

The site is subject to the policies of *Mixed Use Areas*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* Official Plan designations on Official Plan Map 15 – Land Use Plan.

Mixed Use Areas

The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. However, not all *Mixed Use Areas* will experience the same scale or intensity of development".

Mixed Use Areas Policy 4.5.2 includes criteria that directs the form and quality of development in this land use designation. Development in *Mixed Use Areas* will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown and Central Waterfront, Centres, Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) Locate and mass buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- g) Have access to schools, parks, community centres, libraries and childcare;
and
- i) Provide good site access and circulation and an adequate supply of parking for residents for visitors.

Apartment Neighbourhoods

Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of the area residents. There may be opportunities for additional development on underutilized sites, either townhouses or apartments.

Policy 4.2.2 of the Official Plan provides direction for development in *Apartment Neighbourhoods*. Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower scale *Neighbourhoods*;
- b) Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- f) Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Parks and Open Space Areas

The *Parks and Open Space Areas* designation is primarily used to provide public parks and recreational opportunities. Development is generally prohibited within *Parks and Open Spaces Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. The Official Plan includes criteria for development within this designation, requiring any development to:

- a) Protect, enhance or restore trees, vegetation and other natural heritage features and maintain or improve connectivity between natural heritage features;
- b) Preserve or improve public visibility and access, except where access will damage sensitive natural heritage features or areas, or unreasonably restrict private property rights;
- c) Maintain, and where possible create linkages between parks and open spaces to create continuous recreational corridors;

- d) Maintain or expand the size and improve the usability of publically owned *Parks and Open Space Areas* for public parks, recreational and cultural purposes;
- e) Respect the physical form, design, character and function of *Parks and Open Space Areas*; and
- f) Provide comfortable and safe pedestrian conditions.

Public Realm and Built Form

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy; and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is zoned Employment Industrial Zone (E1.0 x54) under City-wide Zoning By-law No. 569-2013. A wide range of commercial and industrial uses are permitted within this zone.

The site is zoned Industrial Class 2 (I.C2) in the former City of Etobicoke Zoning Code. Similar to Zoning By-law No. 569-2013, a wide range of commercial and industrial uses are permitted including manufacturing, institutional, commercial/recreational facilities and limited ancillary retails. The proposed residential use is not permitted under either Zoning By-law.

DESIGN GUIDELINES

Urban Design Guidelines for Infill Townhouses

The City of Toronto Urban Design Guidelines for Infill Townhouses articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes and adjacent properties and integrating new development into existing neighbourhoods. The Guidelines provide a framework for site design and built form to achieve liveable spaces with an appropriate scale and form of development by detailing how new development should be organized to fit within the existing context and minimize local impacts. The Guidelines also speak to the important role of streetscapes in improving the quality and safety of the public street experience for pedestrians, cyclists and motorists. The Guidelines can be viewed at: <https://web.toronto.ca/city-government/planning-development/official-plan-guidelines/designguidelines/infill-townhouses/>.

Townhouse and Low-Rise Apartment Guidelines

A comprehensive update of the Townhouse Guidelines is underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the City Council approved 2006 Guidelines to reflect a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2018/01/964c-townhouse-low-rise-guidelines-02-2017.pdf>.

Prior to presenting a finalized version of these Guidelines for Council adoption, staff are refining and consulting upon the draft Guidelines, in part through their use during the review of development applications.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at: <https://www.toronto.ca/city-government/planningdevelopment/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities>

Site Plan Control

An associated Site Plan Control application was submitted and reviewed concurrently with the Zoning By-law Amendment and Draft Plan of Subdivision applications. It continues to be assessed by City staff to ensure compliance with the Zoning By-law Amendment and Plan of Subdivision.

Draft Plan of Subdivision

The proposed Conditions of Draft Plan of Subdivision Approval (see Attachment No. 8) would secure the public road and park and create a separate development block for the townhouses, as well as the technical requirements of the development.

Reasons for the Applications

Amendments to the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 are required to permit the proposed residential use and to establish appropriate development standards for the proposal. The Draft Plan of Subdivision application is required to create the development block, new public street and park.

Applications Submission

The following reports/studies were submitted in support of the applications:

- Arborist Report
- Architectural Plans
- Civil and Utilities Plan
- Draft Zoning By-laws
- Geotechnical Study
- Toronto Green Standards Checklist
- Hydrogeological Report
- Planning Rationale
- Noise Feasibility Study
- Servicing Report
- Survey Plan
- Functional Servicing Report
- Site Photometric Study
- Transportation Impact Study
- Landscape and Lighting Plan
- Archaeological Assessment
- Draft Plan of Subdivision
- Energy Efficiency Design Summary
- Air Quality Study
- Hydrant Flow Test

The material/studies listed above can be accessed via the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation

The applications together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to

assist in evaluating the applications and to formulate appropriate Zoning By-law standards and conditions of Draft Plan of Subdivision approval.

Community Consultation

Planning staff hosted a community consultation meeting on September 28, 2016 at The Assembly Hall to discuss the proposal. The meeting was attended by approximately 60 members of the public.

Planning staff presented the policy framework and an overview of the application review process.

Comments and issues raised by the residents in attendance at the meeting as well as comments received by Planning staff subsequent to the meeting, are summarized as follows:

- Potential traffic and parking impacts on adjacent streets;
- Contamination of the site and the need for an environmental assessment;
- Pedestrian safety in relation to the Twelfth Street extension;
- Duration of construction and its potential impacts on existing streets and sidewalks;
- Concerns regarding basement units;
- The location of the proposed loading space;
- Potential overlook impacts on the rear yards of the adjacent dwellings fronting Fourteenth Street;
- Built form and massing concerns;
- The need to provide mixed-use opportunities on site;
- Concerns relating to the lack of proposed landscaping;
- Noise impacts from the employment uses on the north side of Birmingham Street;
- Concerns relating to extending Twelfth Street to Birmingham Street and whether the new intersection would become signalized;
- Concerns regarding the unit mix and tenure; and
- Concerns regarding existing infrastructure capacity.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, PPS (2014) and the Growth Plan (2019).

Planning Act

It is staff's opinion that the proposed development has regard for the relevant matters of provincial interest, including: the orderly development of safe and healthy communities;

the adequate provision of a full range of housing; the appropriate location of growth and development; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Policy Statement (2014)

The PPS (2014) provides policy direction on matters of provincial interest related to land use planning and development. City Council's decisions are required to be consistent with the PPS.

Policy 1.1.3.2 of the PPS (2014) directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which are planned or available; and are transit supportive and support active transportation. Furthermore, Policy 1.1.3.3 states that planning authorities identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 1.4.3 of the PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit.

Policy 4.7, Implementation and Interpretation, of the PPS states that the municipal Official Plan is "the most important vehicle for implementation" of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans".

Policy 4.8 states that zoning and development permit by-laws are important for implementation of the PPS. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their Official Plans and the PPS.

This proposal is consistent with the PPS and addresses all the above noted policies, as it is contextually appropriate intensification that makes efficient use of a currently vacant parcel of land and existing services. The proposal achieves the Official Plan objective as it provides a mix of residential unit sizes and introduces a compact built form that is reflective of the surrounding built form context.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan supports intensification within built-up urban areas and focuses on accommodating forecasted growth in "complete communities", designed to meet people's needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing to accommodate a range of incomes and household sizes.

Policy 2.2.1.4.c) of the Growth Plan states that applying the policies of the Growth Plan will support the achievement of complete communities that provide a diverse range and mix of housing options, including second units and affordable housing to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, and providing a pedestrian-friendly environment in an area with convenient access to local stores and businesses, public service facilities such as parks, and existing public transportation. The proposed development would also assist in diversifying the mix and range of housing options for residents in the neighbourhood and provide new residential units in a location that will support the existing community infrastructure, public open spaces and public transportation.

Land Use

The site is designated both *Mixed Use Areas* and *Apartment Neighbourhoods* and zoned Employment Industrial and Industrial Class 2. The *Mixed Use Areas* and *Apartment Neighbourhoods* designations permit both the residential and retail uses being proposed. The zoning does not permit residential uses. However, the site is surrounded on the east, south and west by residential uses and by allowing residential uses on the site could address future compatibility issues related to the currently permitted industrial uses and the surrounding sensitive uses.

Height, Massing and Site Organization

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background section of this report.

The Official Plan's Built Form policies direct new development to be designed to fit within its existing and/or planned context, frame and support adjacent streets, parks and open spaces, and limit its impact on neighbouring streets, parks and properties.

The introduction of stacked townhouses on this site would not have a negative impact on the surrounding area, as the site is adjacent to residential uses and would be compatible and consistent with the existing context south, east and west of the site.

The stacked townhouse blocks would be 4-storeys, or 11.76 m in height, including the mechanical equipment. To the west of the site along Fourteenth Street are 1-2 storey detached dwellings, to the south along Thirteenth Street are 4-storey townhouses and a 12-storey apartment building and a 4-storey building, 3-storey townhouses and a 13-storey apartment building exist to the west. The proposed height is appropriate for the site as it fits within the existing context of the area. The proposed stacked townhouse blocks would be setback 5 m from the western property line and stepped back to fit within a 45 degree angular plane taken from the nearest *Neighbourhoods* designated lands to the west. Balconies are not permitted along the west elevation of the townhouse blocks adjacent to the *Neighbourhoods* designated lands to limit any potential overlook or privacy impacts on the abutting rear yards.

The proposed two private roads that would serve the development are designed according to the City of Toronto DIPS standards and incorporate a paved width of 8.6 m and a 2.1 m sidewalk at specific locations. The Twelfth Street public street extension would also be designed according to DIPS standards and would have an 18.5 m right-of-way width. The townhouse blocks would frame Birmingham Street, the Twelfth Street extension and the private roads, and would have a front yard setbacks of 2.5 m, 3.3 m and 3 m to 4.2 m, respectively. The front yard setbacks from the public sidewalk would accommodate a front stoop and landscaping. The proposed setbacks are generally consistent with the front yard setbacks of the existing context.

The proposed stacked townhouse blocks would have a separation distance of 12 m, with the exception of the one block that would contain below-grade units which would have a separation distance of 15 m to the nearest townhouse block to the north. A central open space of 380 m² would provide a common outdoor amenity area for the development and provide a gathering space and play area for residents. The mailboxes and bicycle parking storage structure would be located within this central open space.

The 2-storey non-residential building would be located at the southwest corner of Birmingham Street and Twelfth Street and has been designed to be compatible with the townhouse blocks. The public park of 2,729 m² continues to be proposed as per the original submission. The new public park would have frontage on three public streets and create a transition and a buffer from the existing residential units immediately east of the site and a link to Lakeshore Village Park located to the south, which would complement and enlarge the existing parks and open space system within the area.

Staff are of the opinion that the proposed height, massing and layout of the proposal are appropriate and fits within the surrounding built form context.

Noise Impact and Air Quality Studies

The Official Plan requires that development adjacent to or nearby *Employment Areas* or transportation corridors will be appropriately designed, buffered and or separated from both industries or transportation sources as necessary to mitigate any adverse impacts of these sources on the new development and vice versa. Provincial regulations require

compliance with the Ministry of the Environment and Climate Change (MOECC) noise guidelines and air quality guidelines (D-6).

New provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate previous related guidelines. Among other matters, the guidelines provide advice on sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act*. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions.

The MOECC sets concentration limits that are protective of human health and the environment. Emissions of air contaminants is regulated under Ontario Regulation 419/05, as amended.

Potential land use compatibility issues that could arise between the proposal and the existing surrounding land uses was a significant consideration in evaluating the subject application. The subject site is adjacent to lands designated *Core Employment Areas* to the north and in close proximity to the GO train corridor. When reviewing the appropriateness of the proposal given this existing context, Planning staff required the submission of both noise and air quality assessments by the owner to demonstrate that any potential land use compatibility issues could be addressed.

The applicant has submitted a Noise Feasibility and Air Quality Study and both studies are currently being reviewed by a third-party consultant retained by the City of Toronto. The purpose of the peer review is to ensure that the proposal will be appropriately designed and appropriate materials are incorporated to minimize any land use compatibility issues and that recommended mitigation measures and recommendations are included in the design of the development. All the recommended mitigation and design measures would be secured in the Site Plan Agreement, where appropriate. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner will be required to complete the peer review process of both the submitted Noise Feasibility and Air Quality Studies and ensure all the required mitigation measures are shown and illustrated on the necessary plans.

Sun and Shadow

Shadow studies provide an analysis of the shadow impacts created by a proposed development on neighbouring streets, parks and open spaces, privately managed publicly accessible spaces and other properties. Shadow studies are required for development applications over 20 m in height. The proposed development would have an overall building height of 11.8 m, and as such a shadow study was not required.

Traffic Impact, Access and Parking

A Traffic Impact Study (TIS) was submitted in support of the proposal. The study concluded that both the projected residential and commercial traffic generated by the proposal could be supported by the existing road network and would have minimal

impacts on the area. Transportation Services staff have reviewed the TIS and concur with its findings.

The proposed development includes the Twelfth Street public road extension from its current northerly terminus to Birmingham Street. The proposed extension would have an 18.5 m right-of-way width which matches with the right-of-way width of the existing portion of Twelfth Street. The application proposes to provide new public sidewalks of 2.1 m north along the Birmingham Street frontage and along both sides of the Twelfth Street extension.

Vehicular access to the site, the underground parking garage and the Type 'G' loading space would be accessible from both the north/south and east/west private roads, which would have access from Birmingham Street and the Twelfth Street extension, respectively. A total of 200 residential vehicular parking spaces, 30 visitors spaces and 6 commercial spaces would be provided. Transportation Services staff are of the opinion the proposed number of vehicular parking spaces are adequate to serve the proposal. Transportation Services staff recommend that vehicular parking for the proposed development be provided according to Table 200.5.10.1 of City of Toronto Zoning By-law No. 569-2013 based upon the "Parking Policy Area of PA (4)" category and that one shared-use Type 'G' on-site loading space be provided for both residential and non-residential uses.

Streetscape

The Official Plan requires that new development enhance the existing streetscape by massing new development to define the edges of streets with good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms.

The design of the proposal would result in an attractive, pedestrian-oriented streetscape with the inclusion of new 2.1 m sidewalks along the Birmingham Street frontage, the east and west sides of the Twelfth Street extension, as well as along the two proposed private roads. The townhouse blocks would be setback to allow for sufficient space for both landscaping and new tree plantings.

Planning staff are of the opinion that the proposed site organization and layout is appropriate. The proposal would create high-quality, landscaped, pedestrian oriented streetscapes along the adjacent public streets and proposed private roads.

Servicing

Engineering and Construction Services staff require clarification and additional material to be provided in regards to the submitted Functional Servicing Report to determine whether any upgrades to the municipal infrastructure are required to support the development. As such, it is recommended that prior to the enactment of the Bills, the

owner be required to submit a revised Functional Servicing Report to the satisfaction of the Executive Director of Engineering and Construction Services.

Environmental Issues

Given the previous industrial use on the site, the applicant must provide a Record of Site Condition prior to the issuance of a building permit. In addition, a standard peer review process will be undertaken as a condition of Draft Plan of Subdivision approval to ensure that any lands dedicated to the City are appropriately remediated.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The applications are for a Zoning By-law Amendment and Draft Plan of Subdivision to facilitate the development of 200 stacked townhouse units and a commercial building having 557 m² of non-residential gross floor area.

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 would be 2,667 m² or 19.8 % 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 residential uses while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement for the proposal is 2,817.47 m² (14.6% of the development site).

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The applicant is proposing an on-site parkland dedication of 2,729 m² (14.2%) of the development site located at the east end of the site fronting the proposed Twelfth Street extension. The proposal represents an under dedication of 88.4 m². The size, shape and location of the proposed park is acceptable, however, the shortfall would have to be paid in the form of cash-in-lieu.

Parks, Forestry and Recreation staff have determined that it would be appropriate for the owner to implement above base improvements for the proposed public park. As such, it is recommended that City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements, such improvements must be to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Tree By-law) and III (Private Trees By-law). The applicant is proposing to preserve 16 and remove 3 City-owned trees and also remove 6 protected private trees. The Landscape Plan proposes 19 new trees within the City's road allowance and 103 trees on private property. The number and location of new trees will be secured through the Site Plan review process.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured in the Draft Zoning By-law Amendment, Draft Plan of Subdivision and through the Site Plan review process.

Local Schools

The Toronto District School Board (TDSB) has advised that a signification impact on local schools is not anticipated, and there would be sufficient space at local schools to accommodate students anticipated from the proposed development. The local schools are Twentieth Street Junior School, Second Street Junior Middle School and Lakeshore Collegiate Institute. The Toronto Catholic District School Board (TCDSB) has advised that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students from the proposed development. Notwithstanding this, TCDSB has no objections to the applications or conditions for their approval.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. A cash contribution of \$3,000,000.00 towards the relocation of the cenotaph currently located at 150 Eighth Street, improvements to the Franklin Horner

Community Centre and/or park improvements within Ward 3 in the vicinity of the site.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Noise Feasibility Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's noise consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
2. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Air Quality Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's air quality consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval; and
3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.
4. The owner shall construct the retail, office and service commercial building in 'Block A' identified on both Schedule B and Diagram 4 of the attached Draft Zoning By-law Amendments prior to or in conjunction with the construction of the residential uses in Area 'B' identified on Schedule B and Diagram 4 of the attached Draft Zoning By-law Amendments.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), the Toronto Official Plan and all relevant urban design guidelines.

Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the *Mixed Use Areas*, *Apartment Neighbourhoods* and Built Form policies. Staff worked with the applicant to resolve built form, public realm and landscaping concerns, as well as to secure the parkland dedication, a new public road and Section 37 contributions. Staff recommend

that City Council approve the Zoning By-law Amendment application subject to the conditions noted in the staff recommendations.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Figure 1: Application Data Sheet
- Attachment 2: Figure 2: Location Map
- Attachment 3: Figure 3: Official Plan Land Use Map
- Attachment 4: Figure 4: Existing Etobicoke Zoning Code By-law Map
- Attachment 5: Figure 5: Existing Zoning By-law No. 569-2013 By-law Map
- Attachment 6: Draft Zoning By-law Amendment, Former City of Etobicoke Zoning Code
- Attachment 7: Draft Zoning By-law Amendment, City of Toronto Zoning By-law No. 569-2013
- Attachment 8: Conditions of Draft Plan of Subdivision Approval

Applicant Submitted Drawings

- Attachment 9: Figure 6: Site Plan
- Attachment 10: Figure 7: Draft Plan of Subdivision
- Attachment 11: Figure 8: Elevations

Attachment 1: Figure 1: Application Data Sheet

Municipal Address: 225 Birmingham Street **Date Received:** February 19, 2016

Application Number: 16 118661 WET 06 OZ and
16 118656 WET 06 SB

Application Type: Zoning By-law Amendment and Draft Plan of Subdivision

Project Description: The rezoning application is to permit a 200 unit stacked townhouse development within 11 blocks and a non-residential building above a shared underground parking structure. The Draft Plan of Subdivision application is required to create the public road, park and development block for the townhouses.

Applicant	Agent	Architect	Owner
Sherman Brown 5075 Yonge Street Toronto, Ontario M2N 6C6		Turner Fleischer 67 Lesmill Road Toronto, Ontario M3B 27B	Menkes 225 Birmingham Inc. 4711 Yonge Street Toronto, Ontario M2N 7S4

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Apartment Neighbourhoods and Parks and Open Space	Site Specific Provision:	SASP No. 554
Zoning:	IC. 2 & E1	Heritage Designation:	NO
Height Limit (m):	-	Site Plan Control Area:	YES

PROJECT INFORMATION

Site Area (sq m): 20,275 Frontage (m): 169 Depth (m): 99 -136

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			5,489	5,489
Residential GFA (sq m):			20,516	20,516
Non-Residential GFA (sq m):			557	557
Total GFA (sq m):			21,074	21,074
Height - Storeys:			4	4
Height - Metres:			11.76	11.76

Lot Coverage Ratio (%): 27.07 Floor Space Index: 1.34

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	20,516	
Retail GFA:	557	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			200	200
Other:				
Total Units:			200	200

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				118	82
Total Units:				118	82

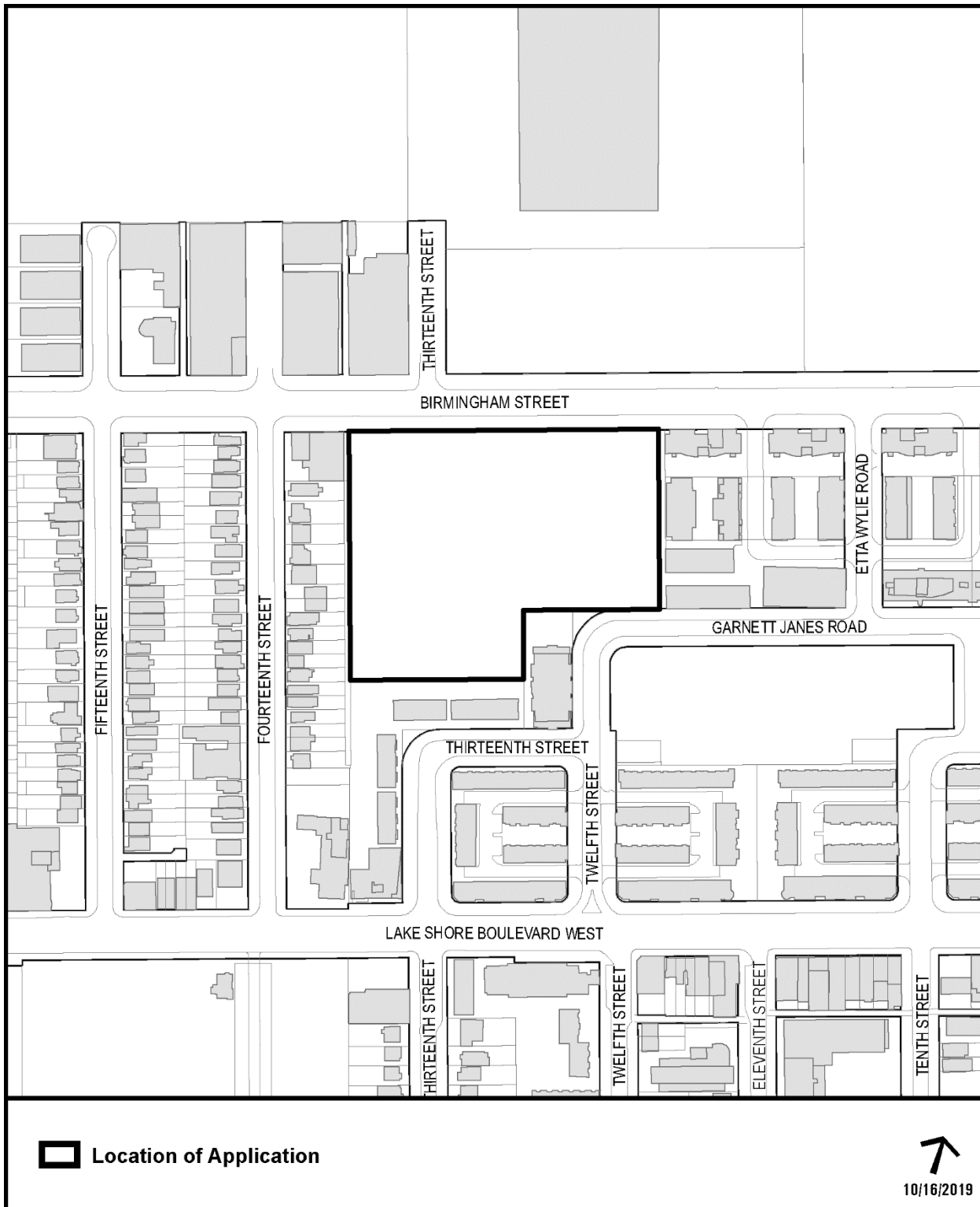
Parking and Loading

Parking Spaces: 236 Bicycle Parking Spaces: 150 Loading Space: 1

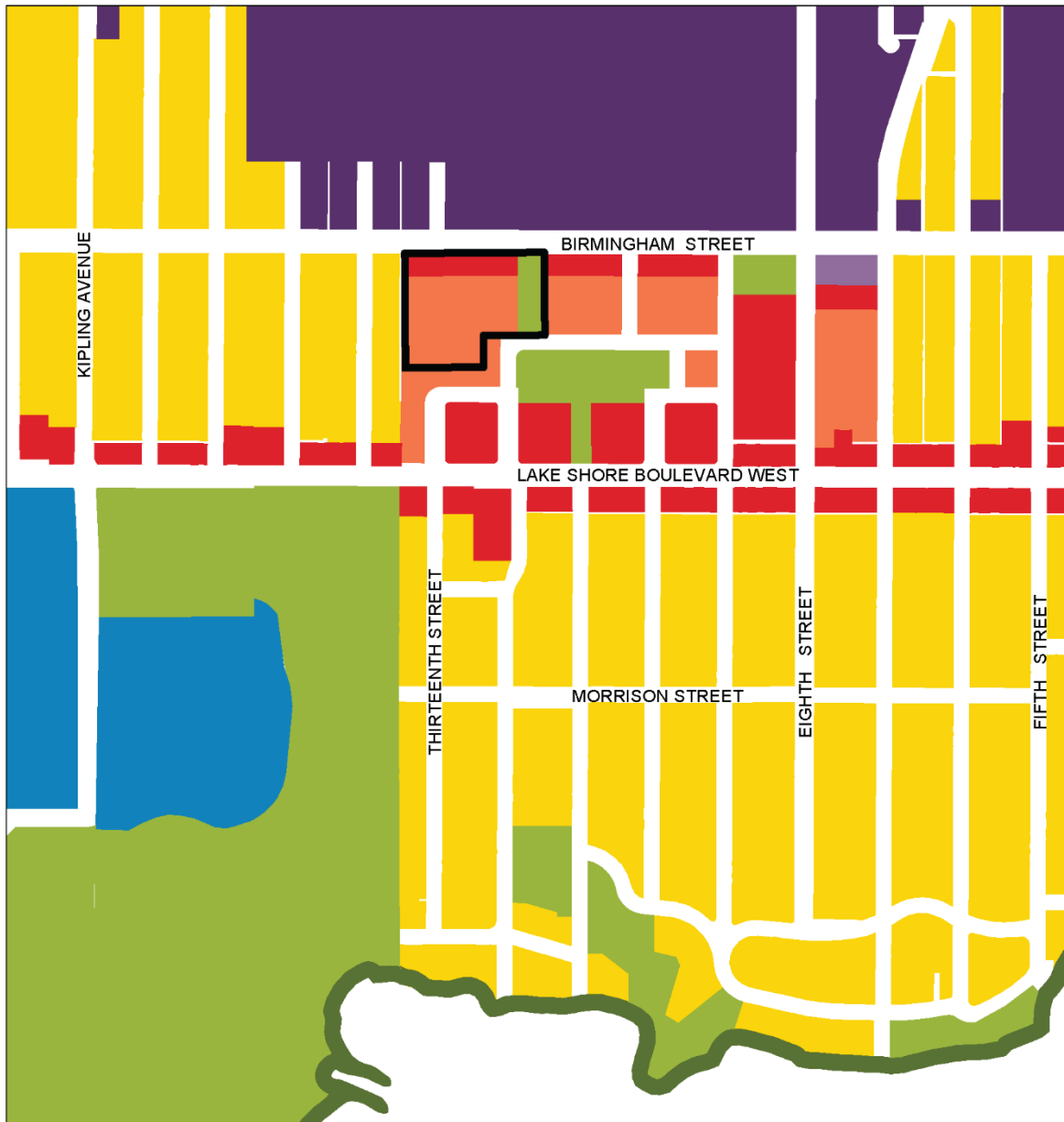
CONTACT:

Jennifer Renaud, Senior Planner, Community Planning
416-394-2608
Jennifer.Renaud@toronto.ca

Attachment 2: Figure 2: Location Map



Attachment 3: Figure 3: Official Plan Land Use Map



Official Plan Land Use Map #15

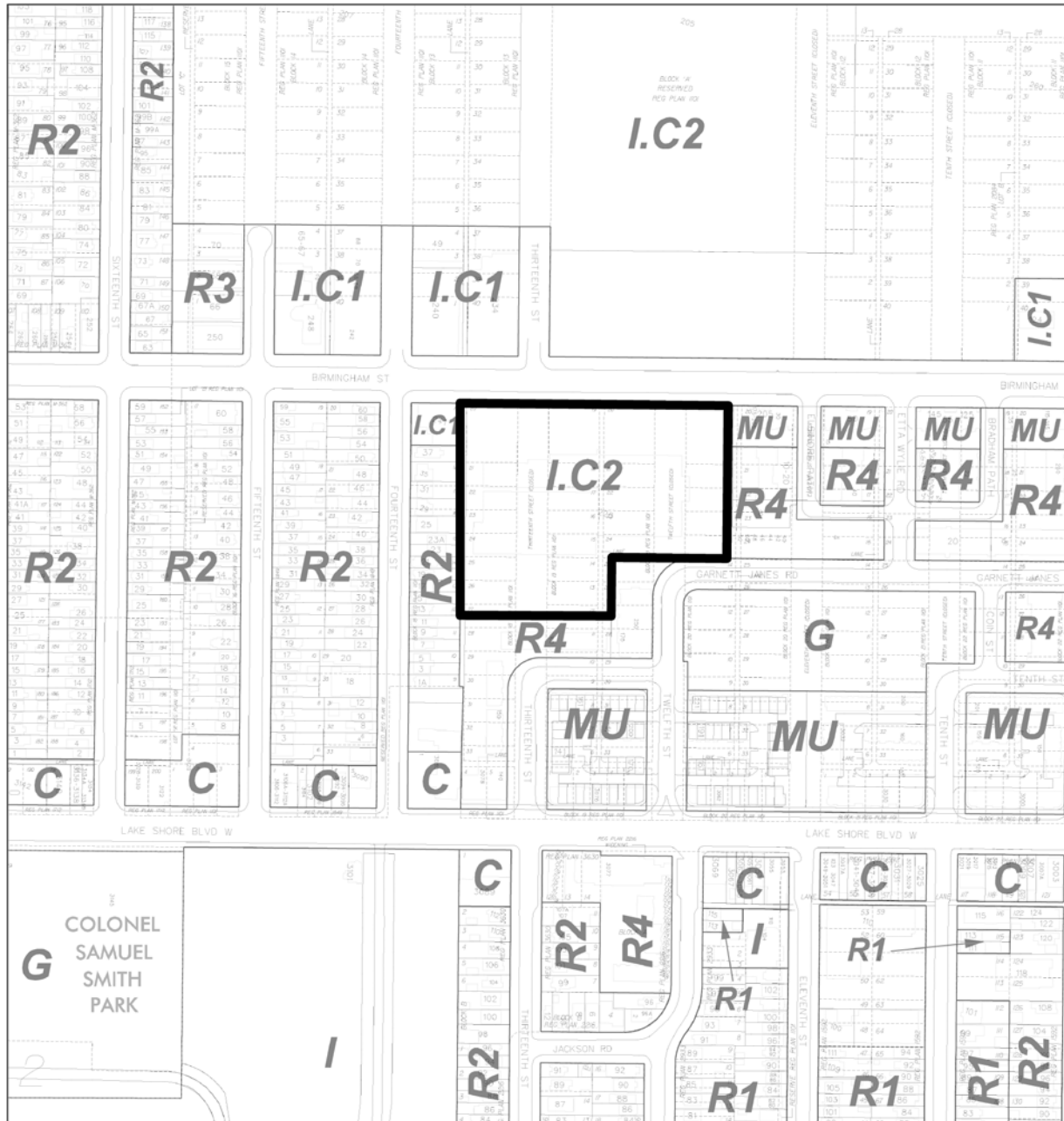
225 Birmingham Street

File # 16 118661 WET 06 OZ & 16 118656 WET 06 SB

- | | | |
|--|--|--|
|  Location of Application |  Parks & Open Space Areas |  Institutional Areas |
|  Neighbourhoods |  Natural Areas |  General Employment Areas |
|  Apartment Neighbourhoods |  Parks |  Core Employment Areas |
|  Mixed Use Areas | | |


Not to Scale
10/18/2019

Attachment 4: Figure 4: Existing Etobicoke Zoning Code By-law Map



TORONTO City Planning

225 Birmingham Street

Former Etobicoke Zoning

File # 16 118661 WET 05 0Z, 16 118656 WET 06 SB

Site Location

- R1** First Density Residential
- R2** Second Density Residential
- R3** Third Density Residential
- R4** Fourth Density Residential

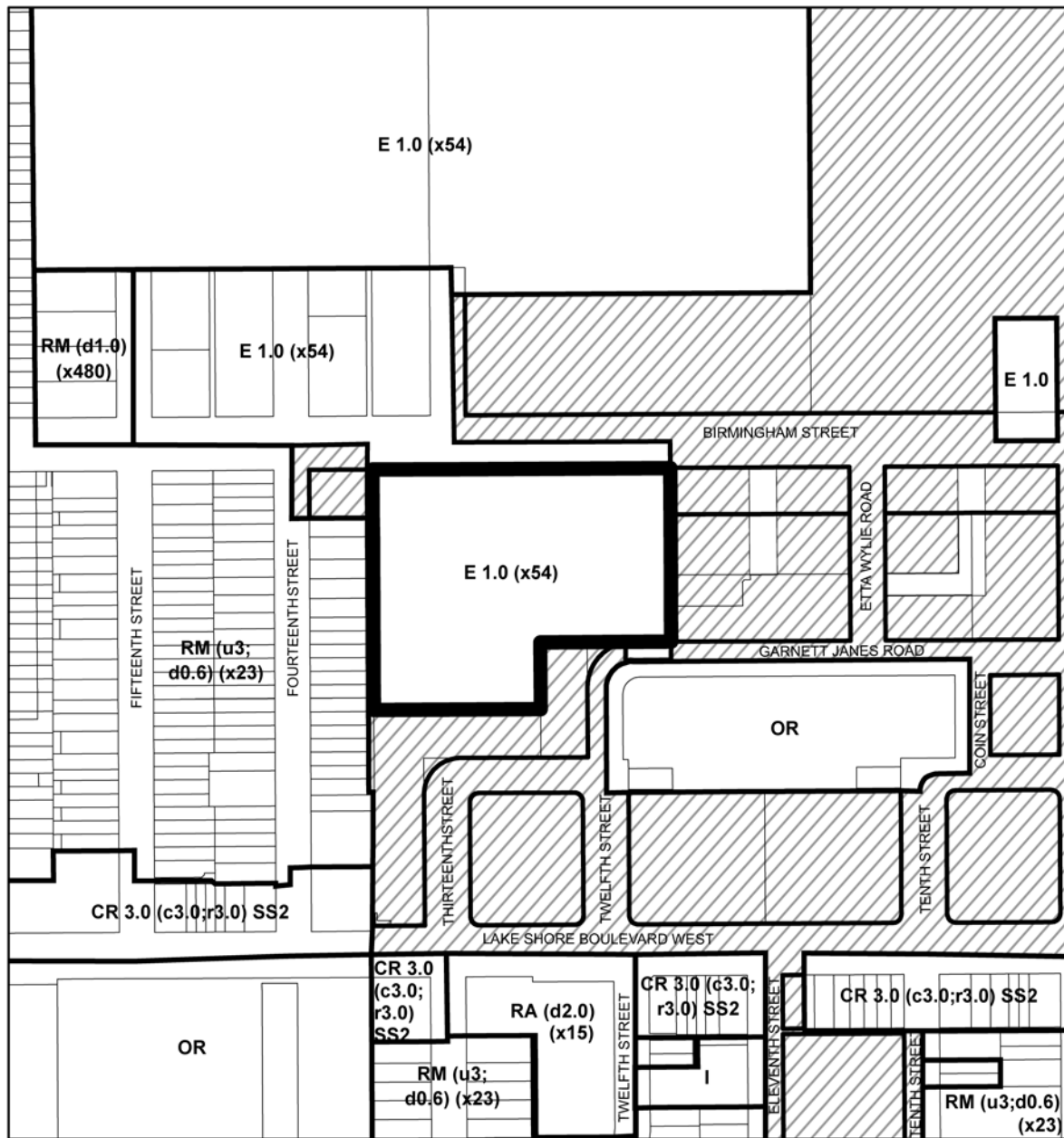
- C** Commercial
- CPP** Planned Commercial Preferred
- I.C1** Industrial Class 1
- I.C2** Industrial Class 2

- MU** Mixed Use
- I** Industrial
- G** Greenbelt



Not to Scale
04/01/16

Attachment 5: Figure 5: Existing Zoning By-law No. 569-2013 By-law Map



Zoning By-law 569-2013

225 Birmingham Street

File # 16 118661 WET 05 0Z, 16 118656 WET 06 SB

Location of Application

See Former City of Etobicoke (New Toronto) By-law No. 2215

- | | |
|--------------------------|---------------------------|
| RD Residential Detached | CR Commercial Residential |
| RM Residential Multiple | E Employment Industrial |
| RA Residential Apartment | I Institutional |
| | OR Open Space Recreation |

Not to Scale
10/29/2019

Attachment 6: Draft Zoning By-law Amendment, Former City of Etobicoke Zoning Code

Authority: Toronto and East York Community Council Item EY11.1, as adopted by City of Toronto Council on December , 2019

CITY OF TORONTO

Bill

BY-LAW XXXX-2019

To amend Chapters 304, 350 and 352 of the Zoning Code with respect to certain lands located on the south side of Birmingham Street east of Fourteenth Street, municipally known in the year 2019 as 225 Birmingham Street

Whereas the matters herein set out are in conformity with the Official Plan Amendment 58-97;

The Council of the City of Toronto enacts:

1. That the Zoning Map referred to in Section 350-7, Article II of the Zoning Code, and originally attached to the Town of New Toronto By-law No. 2215, be and the same is hereby amended by changing the classification of the lands located in the former Town of New Toronto as described in Schedule A annexed hereto from Class 2 Industrial (I.C2) to Residential, Fourth Density (R4) and Parks District (G).
2. For the purposes of this By-law, **town house dwelling units** shall be defined as multiple dwellings consisting of a series of attached dwelling units with at least one dwelling unit entirely or partially above another, and each dwelling unit having a separate entrance directly from outside.
3. For the purposes of this By-law, a **home occupation** is permitted and shall be defined as meaning a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator
4. For the purposes of this by-law, **grade** shall mean the Canadian Geodetic Datum elevation of 89.00 metres for Block A and 89.96 metres for all other areas shown on Schedule B.
5. For the purposes of this by-law, in addition to the exclusions identified in the definition of residential and non-residential gross floor area as defined in the Etobicoke Zoning Code, the following shall also be excluded from the calculation of gross floor area:
 - (a) parking and loading;
 - (b) total area of all floors below **grade**;
 - (c) required loading spaces at or above **grade**
 - (d) garbage shafts;

- (e) parking ramp;
- (f) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (g) mechanical penthouse; and
- (h) covered entrance and exit stairwells to floors below grade and in the buildings.

6. Notwithstanding Chapter 350 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the zone R4 lands as described in Schedule A attached hereto:

- (a) **Home Occupations** shall be permitted on the ground floor of **dwelling units** facing Birmingham Street.
- (b) **town house dwelling units** shall be permitted and all uses listed in 350-38 shall be permitted within Block “A”;
- (c) The maximum permitted total **gross floor area** is 23,000 square metres;
- (d) The maximum permitted **residential gross floor area** is 22,000 square metres;
- (e) The minimum required **non-residential gross floor area** is 557 square metres and shall be located within Block “A”;
- (f) A maximum of 200 **town house dwelling units** shall be permitted;
- (g) The permitted maximum height for non-residential buildings is the height in metres specified by the number following the symbol HT on Schedule B.
- (h) The permitted maximum height for residential buildings is the height in metres specified by the number following the symbol HT and the permitted maximum number of **storeys** is the numerical value following the symbol ST on Schedule B.
- (i) The **lot line** abutting Birmingham Street shall be deemed as the **front lot line**;
- (j) Measurements of required building setbacks and **landscaped open space** shall be from either a private or public street line, and shall not be affected by required corner roundings for a public road and horizontal curves along a private street;
- (k) No portion of a **building** or **structure** erected or used above **grade** may encroach into a required building setback identified within the heavy lines on Schedule B or **landscaped open space** indicated by the heavy lines by Schedule B of By-law XXXX-2019, with the exception of the following shall be permitted to encroach a maximum of 3 metres, but shall, at no time, project onto City property:

cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, pillars, pergolas, trellises, terraces, bay windows, window sills,

planters, ventilation shafts, guardrails, balustrades, railings, porches, sunken patios, stairs, covered stairs, stair enclosures including but not limited to the stairs associated with an entrance or exit from an underground garage, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and window washing equipment hydro meter, gas meter, low wall, retaining wall, paths, any architectural features; and signs;

(l) Despite (k) above, accessory structures, including entrance and exit stairs, enclosed stairs, bicycle storage, ventilation shafts and mail rooms, shall be located outside of the heavy lines shown on Schedule B;

(m) The following projections may encroach above the maximum building height as identified in (g) and (h), by a maximum of 3 metres:

Privacy screens, outdoor furniture, eaves, canopies, parapets, chimneys, vents, stacks, roof access hatches cornices, light fixtures, ornamental elements, art and landscape features, architectural flutes, pillars, pergolas, trellises, terraces, bay windows, window sills, planters, ventilation shafts, enclosed mechanical equipment and roof access, guardrails, balustrades, railings, porches, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings, and window washing equipment, mechanical equipment, covered stairs, elevator overruns, balustrades, underground garage ramps, landscape and public art features, trellises, wheel chair ramps, elements or structures of the roof of the building used for outside or open air recreation, partitions dividing outdoor recreation and amenity areas, wind mitigation and safety screens, noise mitigation, screens, lightning rods, green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns, and any architectural features;

(n) The maximum combined building coverage shall not exceed 40 percent of the total land area, exclusive of those provisions included within 6(k) of this By-law;

(o) A minimum of 45 percent of the **lot** shall be **landscaped open space**;

(p) **Parking spaces** shall be provided at a minimum rate of 1.0 per **dwelling unit** for residential use and 0.15 per **dwelling unit** for visitor use;

(q) **Parking spaces** shall be provided at a minimum rate of 1.0 per 100 square metres of non-residential **gross floor area**;

(r) For the purposes of this By-law, a **parking space** shall have the following minimum dimensions:

(i) length of 5.6 metres;

(ii) width of 2.6 metres;

(iii) vertical clearance of 2.0 metres; and,

- (iv) the minimum width in (ii) must be increased by 0.3 metres for each side of the **parking space** that is obstructed according to (s) below.
 - (s) The side of a **parking space** is obstructed if any part of fixed object such as a wall, column, bollard, fence or pipe is situated:
 - (i) Within 0.3 metres of the side of the **parking space**, measured at right angles, and,
 - (ii) More than 1.0 metre from the front or rear of the **parking space**.
 - (t) A minimum of four accessible vehicle **parking spaces** must be provided on the lot. For the purposes of this By-law, the accessible **parking spaces** shall have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) width of 3.9 metres; and,
 - (iii) vertical clearance of 2.1 metres.
 - (u) The minimum **parking spaces** for residential visitors and non-residential visitors may be shared;
 - (v) A minimum of 1.9 square metres of **outdoor amenity** space per **dwelling unit** shall be in a location adjoining or directly accessible to the residential buildings on the lot. For the purposes of this By-law, **outdoor amenity** shall mean outdoor space on a lot that is communal or available for use by the occupants of a building on a lot for recreational or social activities.
 - (w) The townhouse blocks must fit within a 45 degree **angular plane** measured from the western property line. For the purposes of this by-law an **angular plane** means an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.
 - (x) For the area identified as Area “A” on Schedule B, no balconies and terraces are permitted on the west facing elevation of a **building** or **structure** located along the western **lot line**. All balconies and terraces above the first floor must be a minimum of 11.0 metres from the western **lot line**;
7. None of the above By-law and Zoning Code standards shall prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale or initial leasing of **dwelling units** for a period not to exceed 3 years from the date of this by-law coming into full force and effect.
8. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

9. Despite any existing or future severance, partition or division of the **lot**, the provisions of this By-law shall apply to the lot as well as the buildings and structures on the **lot**.
10. Chapter 352, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Table 352-1 of Site Specific By-laws:

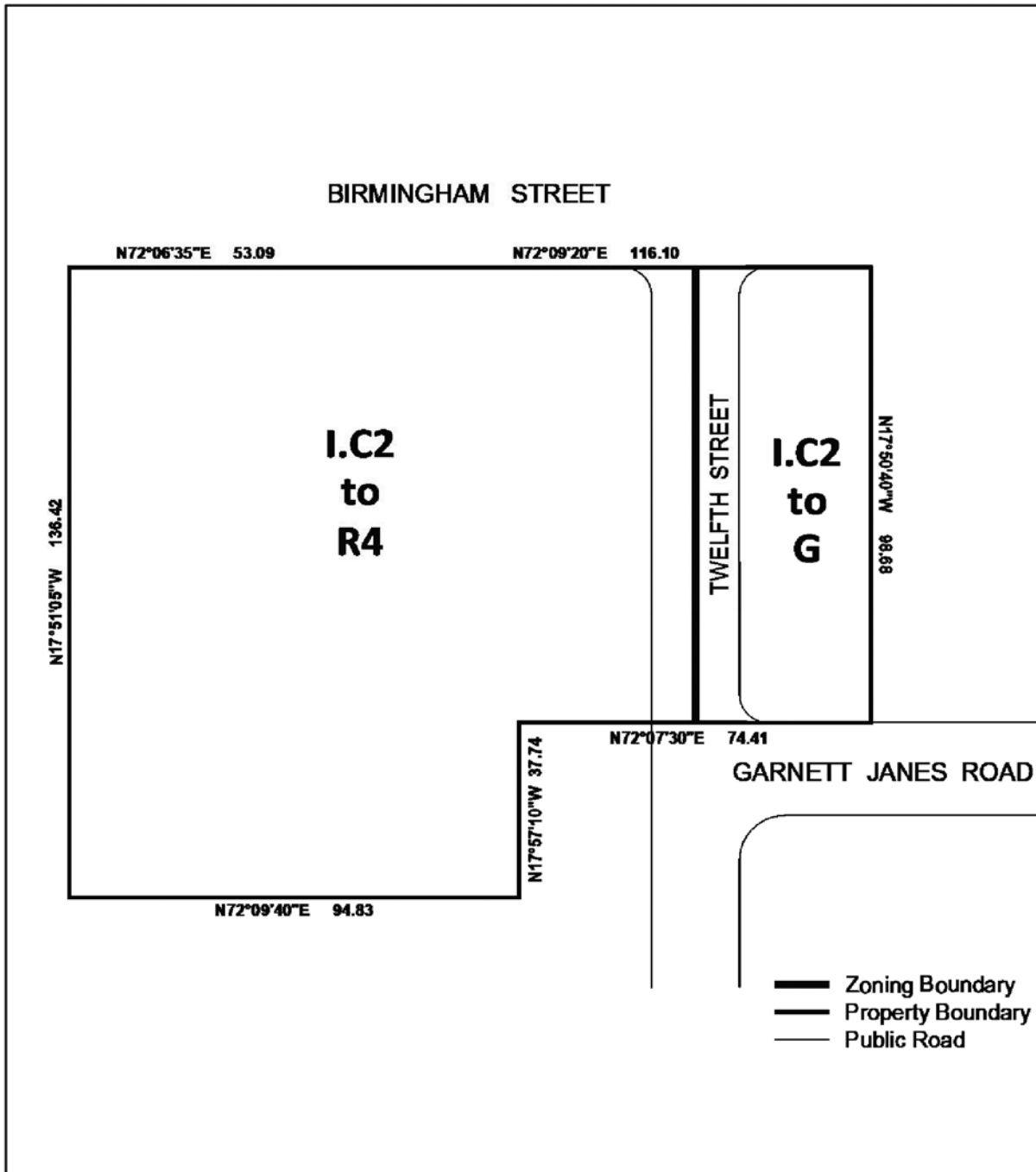
BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXXX-2019 _____, 2019	Lands located on the south side of Birmingham Street, east of Fourteenth Street known as 225 Birmingham Street.	To rezone the lands from Class 2 Industrial (IC2) to Fourth Density Residential (R4) and Parks District (G) to permit 200 dwelling units, subject to site specific development standards.

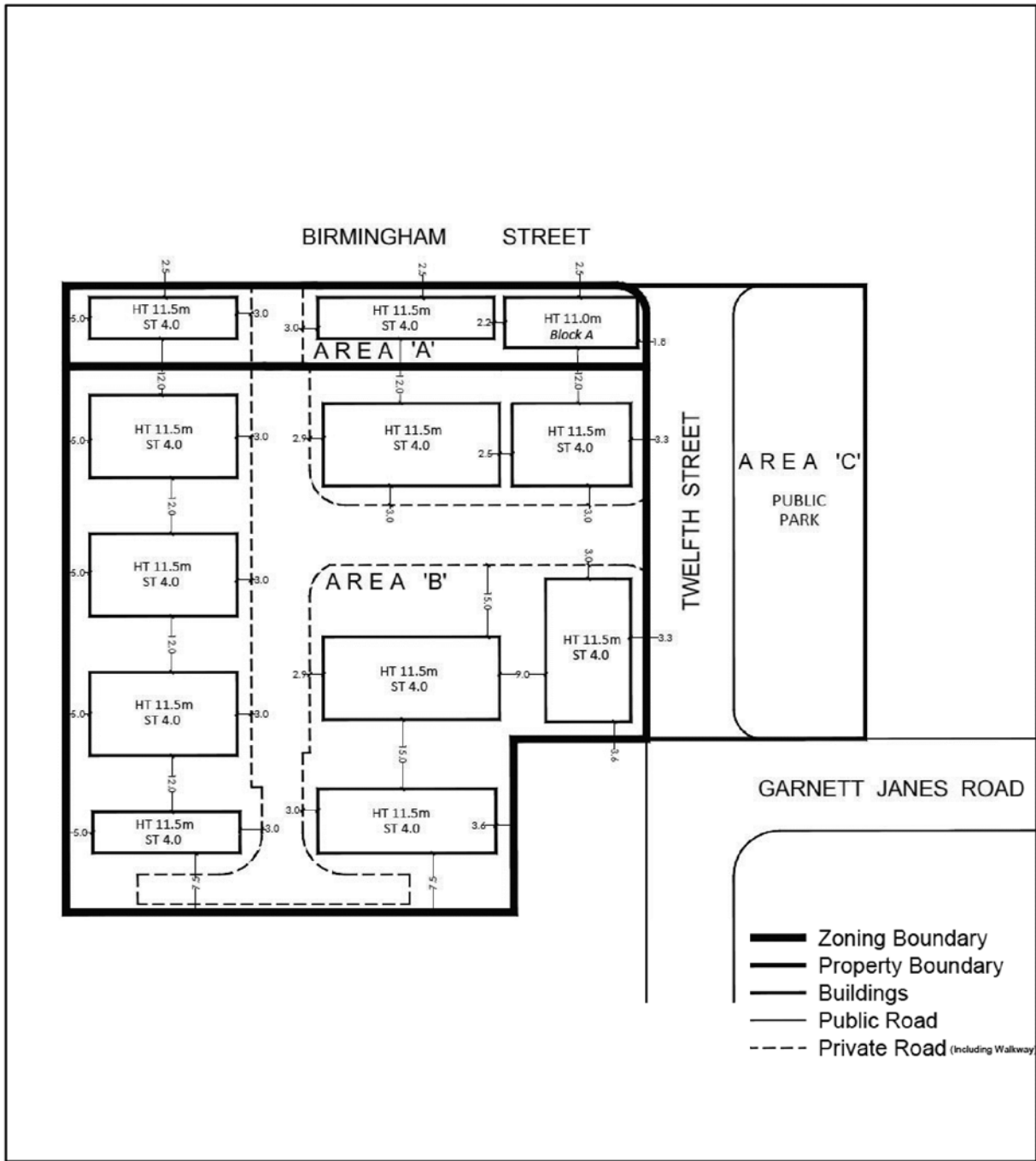
Enacted and passed on _____, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





Schedule 1

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 A 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. A cash contribution of \$3,000,000.00 towards the relocation of the cenotaph currently located at 150 Eighth Street, improvements to the Franklin Horner Community Centre and/or park improvements within Ward 3 in the vicinity of the site.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Noise Feasibility Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's noise consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
2. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Air Quality Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's air quality consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time;
4. The owner shall construct the retail, office and service commercial building in 'Block A' identified on Schedule B of this By-law prior to or in conjunction with the construction of the residential uses in Area 'B' identified on Schedule B of this By-law.

Attachment 7: Draft Zoning By-law Amendment, City of Toronto Zoning By-law No. 569-2013

Authority: Toronto and East York Community Council Item EY11.1, as adopted by City of Toronto Council on December , 2019

CITY OF TORONTO

BY-LAW No. XXXX-2019

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 225 Birmingham Street.

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 pursuant to Section 39 of the Planning Act, the Council of the City of Toronto may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-law; and

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

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 and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 RT (d1.5) (x208) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for a portion of the lands subject to this By-law, to 40 as shown on Diagram 3 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 208 so that it reads:

(208) Exception RT 208

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

Site Specific Provisions:

- (A) For the purposes of this exception, the **lot line** abutting Birmingham Street is the **front lot line**;
- (B) Despite regulation 10.60.40.40(1), the permitted maximum total **gross floor area** of all **buildings** and **structures** is 23,000 square metres;
- (C) Despite regulation 10.60.40.40(1), the permitted maximum **gross floor area** for residential uses is 22,000 square metres;
- (D) The required minimum **gross floor area** for non-residential uses is 557 square metres and must be located within Block 'A' on Diagram 4 attached to By-law [**Clerks to insert number**];
- (E) Despite regulation 10.60.20.40(1), an **apartment building** is a permitted **residential building** type;
- (F) The maximum number of **apartment** and **townhouse dwelling units** is 200;
- (G) Regulation 5.10.30.1(2) does not apply;
- (H) Despite the uses listed in clause 10.60.20.20, **Home Occupation** and all uses permitted in clause 40.10.20.10 are permitted within the **non-residential building** within Area "A";
- (I) Measurements of required **building setbacks** and **landscaping** must be from either a private or public **street** line, and must not be affected by required corner roundings for a public road and horizontal curves along a private street;
- (J) Despite clauses 10.60.40.70 and 10.60.40.80, the required minimum **building setbacks** and separation distances are shown in metres on Diagram 4 attached to By-law [**Clerks to insert number**];
- (K) Despite (J) above, and regulations 10.5.40.60(1), and (3)(A)(i)(ii), the following are permitted to encroach into the required minimum **building setback** or **landscaping**, by a maximum of 3 metres, but at no time shall be permitted to project into City property:
 - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural flutes, pillars, pergolas, trellises, terraces, bay windows, window sills, planters, ventilation shafts, guardrails, balustrades, railings, porches, sunken patios, stairs, covered stairs, stair enclosures including but not limited to the stairs associated with an entrance or exit from an underground garage, landscape stairs, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and window washing equipment hydro meter, gas meter, low wall, retaining wall, paths, any architectural features, and signs;

- (L) Despite (K) above, **ancillary structures**, including entrance and exit stairs, enclosed bicycle storage, ventilation shafts and mailrooms shall be located outside of the heavy lines indicated as **buildings** on Diagram 4 attached to By-law [Clerks to insert number];
- (M) For the area identified as Area “B”, no west oriented balconies and terraces are permitted on the west facing elevation of a **buildings** or **structures** located along the western **lot line**, and all balconies and terraces above the first floor must be a minimum of 11.0m from the western **lot line**;
- (N) For the purposes of this exception, front **main wall** is the **main wall** where the main entrance of the **dwelling unit** is located;
- (O) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 89.00 metres for Block "A" and 89.96 metres for all other areas on Diagram 4 attached to By-law [Clerks to insert number];
- (P) Despite regulations 10.60.40.10(1) and (2), for any **buildings** or **structures** on the **lot**, the permitted maximum height is the height in metres specified by the number following the symbol HT and the permitted maximum number of **storeys** is the numerical value following the symbol ST on Diagram 4 of By-law [Clerks to insert number];
- (Q) Despite (P) above, and regulation 10.5.40.10(2), (3), and (4), the following are permitted to exceed the permitted maximum **building** height, by a maximum of 3 metres:
- (i) eaves, canopies, parapets, chimneys, vents, stacks, roof access hatches, cornices, light fixtures, ornamental elements, art and landscape features, architectural flutes, pillars, pergolas, trellises, terraces, bay windows, window sills, planters, enclosed mechanical equipment and roof access, ventilation shafts, guardrails, balustrades, railings, porches, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings, window washing equipment, cornices, stairs, mechanical equipment, covered stairs, elevator overruns, awnings, balustrades, underground garage ramps, landscape and public art features, wheel chair ramps, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, elevator overruns, screens, window washing equipment, lightning rods, landscape and green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns, and any architectural features;
- (R) For the purposes of this exception, enclosed roof accesses and mechanical equipment are not a **storey**;
- (S) Regulations 10.5.80.1(2) and 10.5.80.10(6) do not apply.

- (T) Despite regulation 200.5.10.1(1), **parking spaces** must be provided at a minimum rate of:
- (i) 1.0 per **dwelling unit** for residential use;
 - (ii) 0.15 per **dwelling unit** for visitor use; and
 - (iii) 1.0 per 100 square metres of non-residential **gross floor area**.
- (U) The minimum **parking spaces** for residential visitors and non-residential visitors may be shared;
- (V) Despite clause 200.15.1, an accessible parking space must have the following minimum dimensions:
- (i) Length of 5.6 metres;
 - (ii) Width of 3.9 metres; and,
 - (iii) Vertical clearance of 2.1 metres.
- (W) Despite article 230.5.10, **bicycle parking spaces** for residential uses must be provided at a minimum rate of:
- (i) 0.68 per **dwelling unit** for “long-term” **bicycle parking space**; and
 - (ii) 0.07 per **dwelling unit** for “short-term” **bicycle parking space**.
- (X) Despite regulation 230.5.1.10(4), a “long-term” and “short-term” **bicycle parking space** must comply with the following:
- (i) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) Where the bicycles are to be parked in a bicycle stacker, has horizontal dimensions of at least 0.4 metres by 1.8 metres and has a vertical dimension for each bicycle parking space of at least 1.2 metres.
- (Y) Despite regulation 230.10.1.20(1), a “long term” **bicycle parking space** may be located in a storage locker;
- (Z) Despite regulation 230.5.1.10(10), a “long-term” and “short-term” **bicycle parking space** may be provided in a **stacked bicycle parking space**;

- (AA) Regulation 230.10.1.20(2) does not apply;
- (BB) Despite regulation 200.15.10(1), a minimum of four accessible **parking spaces** must be provided on the **lot**;
- (CC) Regulation 200.15.1.5(1) does not apply;
- (DD) Despite article 220.5.10, a minimum of one Type “G” **loading space** must be provided on the **lot** and must be available for the use of the residential and non-residential uses;
- (EE) Despite regulations 10.5.50.10(1)(C)(D) and 10.5.50.10(3) and 10.5.50.10(4) and (5), a minimum of 45 percent of the **lot** must be **landscaping**;
- (FF) A minimum of 1.9 square metres of outdoor **amenity space** per **dwelling unit** must be located in a location adjoining or directly accessible to the residential buildings on the lot;

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Section 39 Provisions

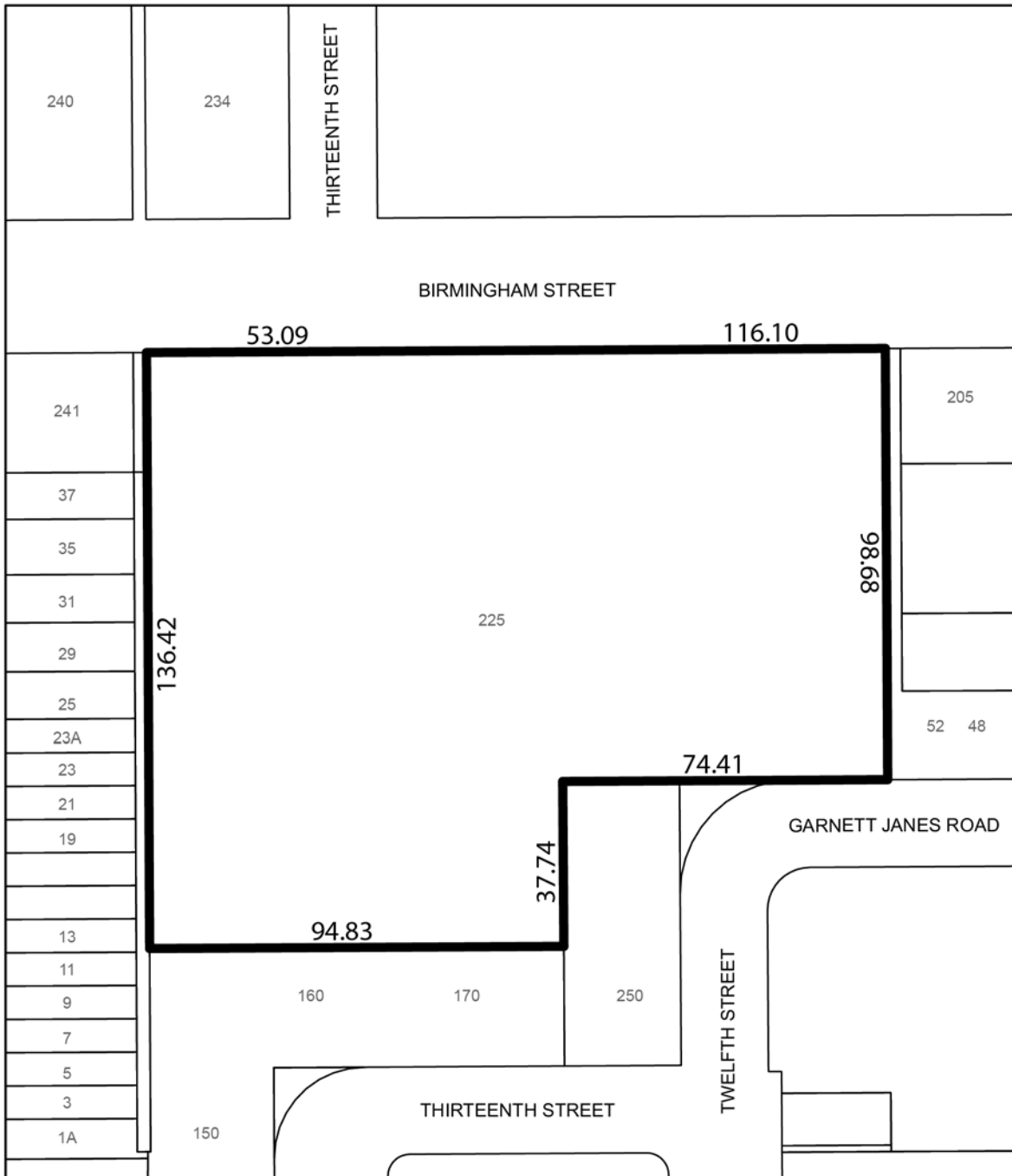
None of the provisions of By-law No. 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale or initial leasing of **dwelling units** for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

Enacted and passed on , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk


(Seal of the City)

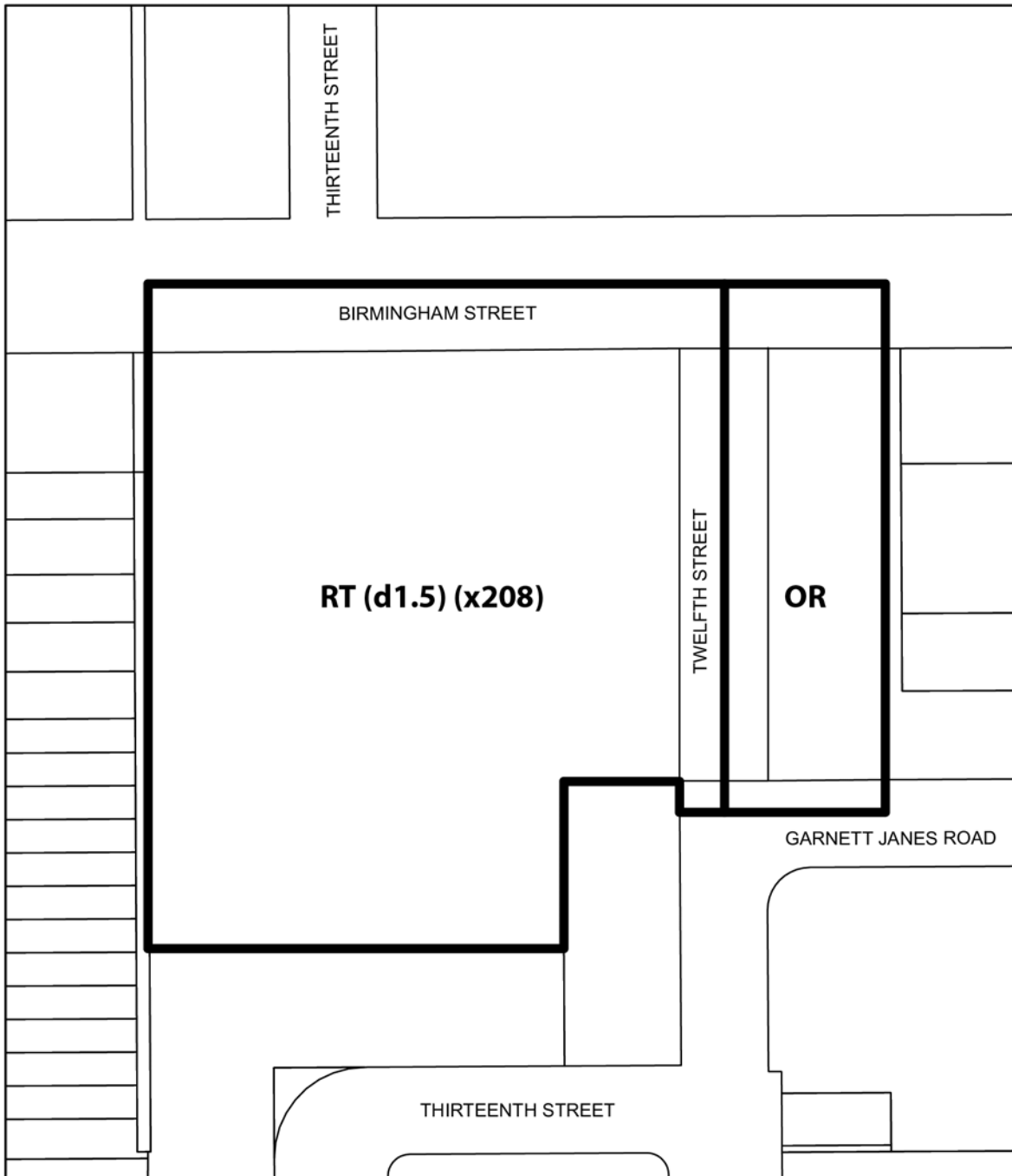


Toronto
Diagram 1

225 Birmingham Street

File # 16 118661 WET 06 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 11/27/2019

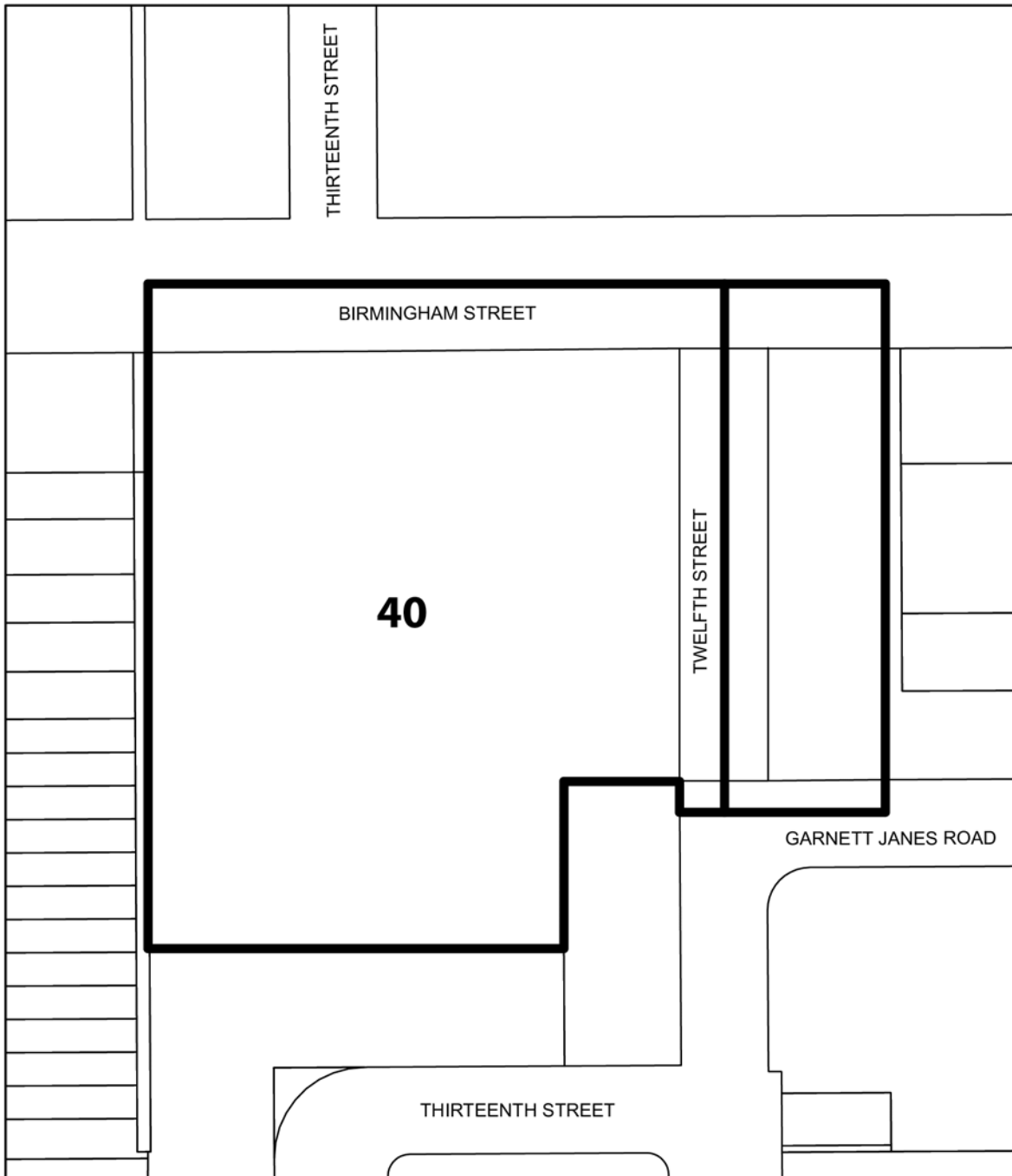


Toronto
 Diagram 2

225 Birmingham Street

File # 16 118661 WET 06 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 11/27/2019

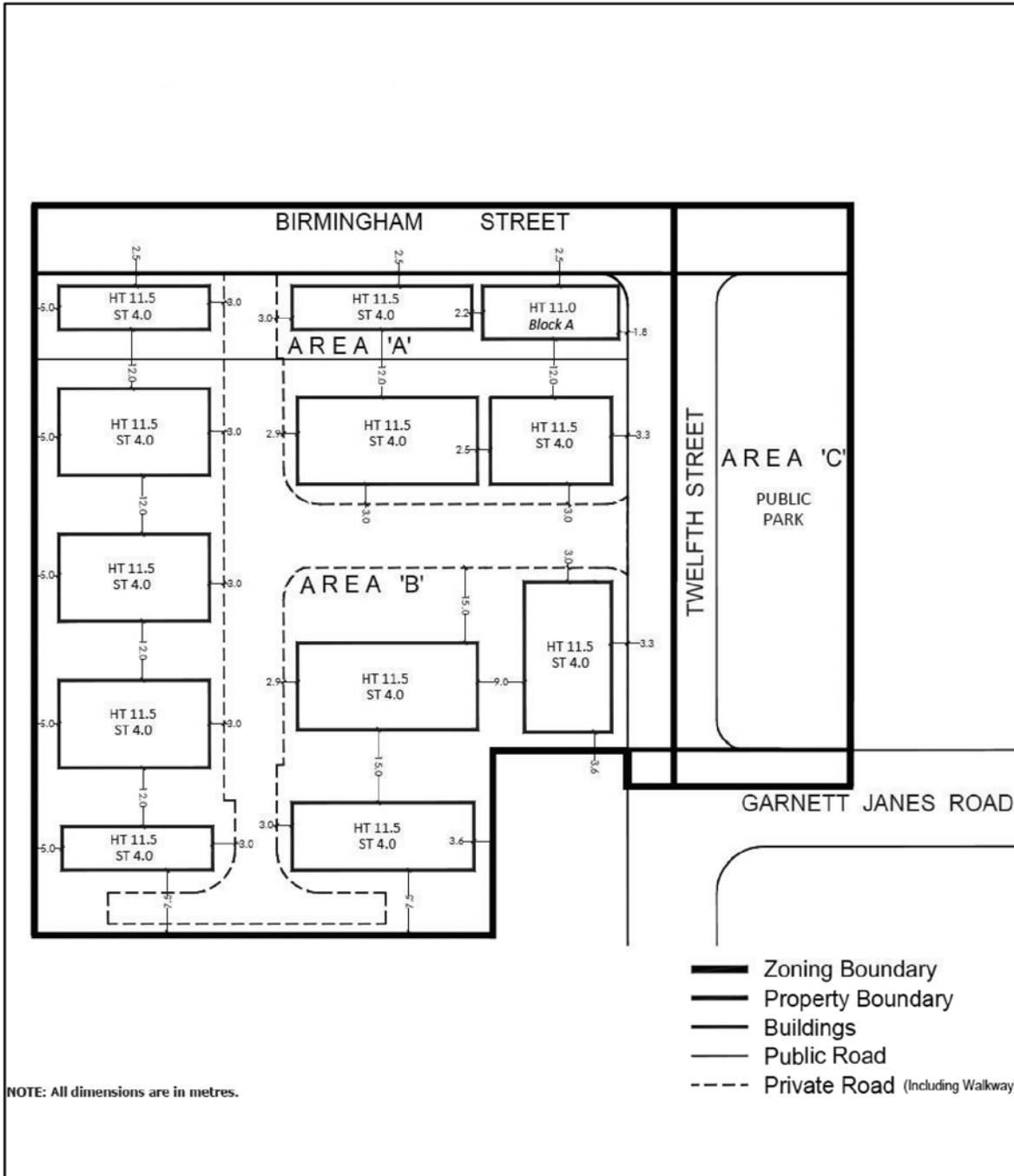


Toronto
Diagram 3

225 Birmingham Street

File # 16 118661 WET 06 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 11/27/2019



TORONTO
Diagram 4

225 Birmingham Street

File # 16 118661 WET 06 02

↑
City of Toronto By-law 569-2013
Not to Scale
11/27/2019

Schedule 1

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 1 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. A cash contribution of \$3,000,000.00 towards the relocation of the cenotaph currently located at 150 Eighth Street, improvements to the Franklin Horner Community Centre and/or park improvements within Ward 3 in the vicinity of the site.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Noise Feasibility Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's noise consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
2. Prior to the issuance of Notice of Approval Conditions for the concurrent Site Plan Control application, the owner shall complete a peer review of the submitted Air Quality Study by a third party peer reviewer retained by the City of Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the applicant's air quality consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;
3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time; and
4. The owner shall construct the retail, office and service commercial building in 'Block A' identified on Diagram 4 of this By-law prior to or in conjunction with the construction of the residential uses in Area 'B' identified on Diagram 4 of this By-law.

Attachment 8: Conditions of Draft Plan of Subdivision Approval

Standard Conditions

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein (required in most cases to secure the construction of the provision of municipal services, parkland, planning issues related to warning clauses etc.).
2. The Owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to Section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
4. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.

Engineering and Construction Services

5. The Owner shall enter into the City's standard Subdivision Agreement and satisfy all pre-registration conditions.
6. The Owner is required to prepare all documents and to convey to the City, at nominal cost, the proposed 18.5 metres right-of-way public road, Street A, shown on the approved Draft Plan of the Subdivision, in fee simple, such lands to be free and clear of all physical and title encumbrances, to the satisfaction of the Engineering and Construction Services and Transportation Services Division in consultation with the City Solicitor.
7. Street A on the Draft Plan of Subdivision shall be dedicated to the City as a public road and must be designed and constructed as a fully serviced 18.5 metres wide public road allowance conforming to City of Toronto Drawing No. DIPS-2B with a minimum 1.8 metre wide concrete sidewalk along both sides of the street.
8. The Owner is required to submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior or depositing it in the Land Registry Office. The Reference Plan should:

(a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);

(b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and

(c) show the co-ordinate values of the main corners of the subject lands in a schedule on face of the plan.

9. The Owner is required to pay all costs for preparation and registration of Reference Plan(s).

10. Surface and below-grade encroachments are not permitted within the right-of-way limits of Birmingham Street, Garnett Janes Road, and the proposed public road.

11. The Owner is required to conduct environmental site assessments for the lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

12. The Owner agrees to pay all costs associated with the City retaining a third-party peer reviewer and submit a certified cheque payable to the City of Toronto in the amount of Eight Thousand Dollars (\$8,000.00) as a deposit towards the cost of the peer review, and to make further deposits in the specific amount as required by the City from time to time, all to the satisfaction of the Executive Director of Engineering and Construction Services.

13. Prior to the registration of the Plan of Subdivision or Release for Construction of Services, the Owner agrees to submit environmental assessment reports and a Remedial Action Plan (RAP) to the City; and further receive the City's peer review concurrence, pertaining to all lands conveyed to the City, in fee simple and as easements interests, both internal and external to the subdivision lands.

14. The Owner is required to apply storm water management techniques in development of this subdivision to the satisfaction of Engineering and Construction Services.

15. The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the Executive Director of Engineering and Construction Services, and that existing drainage patterns on adjacent properties shall not be altered.

16. The Owner shall submit a detail engineering design drawings and detailed cost estimates for the proposed road and services. The Owner shall design the proposed public road to City of Toronto Standard DIPS-2B, 18.5 metres right-of-way, minimum 9.0 m radii at all horizontal curves.

17. The Owner shall submit a detailed pavement marking and signage plan including signage cost, pavement markings, and any other costs deemed necessary by

Transportation Services, prior to the registration and execution of the Subdivision Agreement.

18. The Owner is required to pay engineering and inspection fees in accordance with the terms and conditions of the City's standard Subdivision Agreement.

19. The Owner is required to submit financial security in accordance with the terms of the standard Subdivision Agreement.

20. Prior to the registration of the Plan of Subdivision, the Owner shall make satisfactory arrangements with THESL and THESI for the provision of the electrical distribution system and street lighting, respectively, to service the Plan of Subdivision.

Written confirmation from THESL and THESI that said arrangements have been made with respect to the installation of the electrical distribution system and street lighting, respectively, for the Plan of Subdivision, including the provision of any financial requirements set out in any agreement with THESL and THESI shall be provided.

21. Prior to acceptance of the engineering drawings, the Owner must provide a composite utility plan illustrating the location and spacing of proposed utilities and street trees, signed off by utility companies and City Urban Forestry Division.

22. The Owner shall obtain/verify the municipal addresses that will be required for the purpose of setting up the water account with Toronto Water when an application is made for the proposed sewer and or/water service connections (as applicable).

23. The Owner shall initiate the street naming process so that all public streets, private access roads and private walkways shall be named to facilitate access to the unit front these streets, road and walkways.

24. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.

Parks, Forestry & Recreation

25. As per [Toronto Municipal Code Chapter 415-28](#), prior to the issuance of the first above grade building permit, the Owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation.

26. The Owner will be required to convey the 0.27 ha (2,729.1 m²) portion of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.

27. The Owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

28. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the Ontario Building Code Act, 1992. Parks, Forestry and Recreation staff advises that the applicant must design the building to achieve Ontario Building Code setbacks related to fire separation on their own site on the portions of the building that abut the park. A 5 metre setback will apply to any building located next to the Park or, the required setbacks which meet the Ontario Building Code for fire separation, whichever is greater. Prior to the issuance of any above grade building permit, the applicant will be required to demonstrate adequately that the Ontario Building Code requirements have been achieved to the satisfaction of the General Manager, Parks, Forestry & Recreation.

29. Prior to conveying the parkland to the City, the Owner must:

a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in Ontario Regulation 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with Ontario Regulation 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, Engineering & Construction Services and copy to the General Manager, Parks Forestry & Recreation. (see the [Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City](#) under the *Planning Act* adopted by City Council on February 10 and 11, 2015);

b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);

c. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states:

i. In the opinion of the Qualified Person:

A) It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

B) To the extent that the opinion in 28(c) (i) (A) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

d. Land to be conveyed to the City meets either:

i. The applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in Ontario Regulation 153/04) for the most environmentally sensitive adjacent land use; or

ii. The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

30. The Qualified Person's statement, referenced in condition 28(a) above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in Ontario Regulation 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with Ontario Regulation 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with Ontario Regulation 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

31. For conveyance of lands requiring a Record of Site Condition:

a. File the Record of Site Condition on the Ontario Environmental Site Registry; and

b. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the Record of Site Condition has been prepared and filed in accordance with Ontario Regulation 153/04, as amended, to the Executive Director, Engineering & Construction Services and to the General Manager, Parks Forestry & Recreation.

32. The Owner, at their expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following:

a. Demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;

b. Grading inclusive of 300mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with MOECC regulations, the required depth profile of the environmental soil / soft cap will be 1.5 m of engineered fill compacted to 95% SPD and certified by the consulting engineer;

i. In the case of a risk-assessed site, all materials brought on site shall comply with the site-specific standards outlined in the Certificate of Property Use. In the case where no risk assessment of the site was required, all materials brought on site shall comply with the Ontario Regulation 153/04 Table 3 RPI standards;

c. Sodding #1 nursery grade;

d. Fencing, where deemed necessary;

- e. Sanitary and storm service connections with manholes at street line;
- f. Water and electrical service connections; (minimum water: 50mm to the street line including backflow preventers, shut off valves, water metre and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (100 Amp service) ;
- g. Street trees along all public road allowances abutting City-owned parkland; and
- h. Standard park sign (separate certified cheque required).

33. All work is to be completed to the satisfaction of the General Manager, Park Forestry & Recreation.

34. Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks Forestry & Recreation.

35. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

36. The construction of the Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks Forestry & Recreation when determining a revised delivery date for the park block.

37. Should the Owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit from Parks Forestry & Recreation's Planning, Design and Development section. The Park Occupation Permit will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks Forestry & Recreation. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

38. Prior to conveyance of the parkland, the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

39. The Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, Parks Forestry & Recreation.

40. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

41. Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the parks and Recreation component of the Development charges, the following condition applies:

a. The Owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks Forestry & Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks Forestry & Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, Parks Forestry & Recreation, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

42. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks Forestry & Recreation. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, Parks Forestry & Recreation.

43. Prior to the issuance of the first above grade building permit for the development of the site, the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, Parks Forestry & Recreation.

44. The construction of Above Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks Forestry & Recreation when determining a revised delivery date for the park block.

45. Should the Owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain a Park Occupation Permit from Parks Forestry & Recreation's Park Supervisor for that Ward. The Park Occupation Permit will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks Forestry & Recreation. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

46. The Owner, upon satisfactory completion of the construction and installation of the Base Park Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying

that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PF&R be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

47. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry & Recreation.

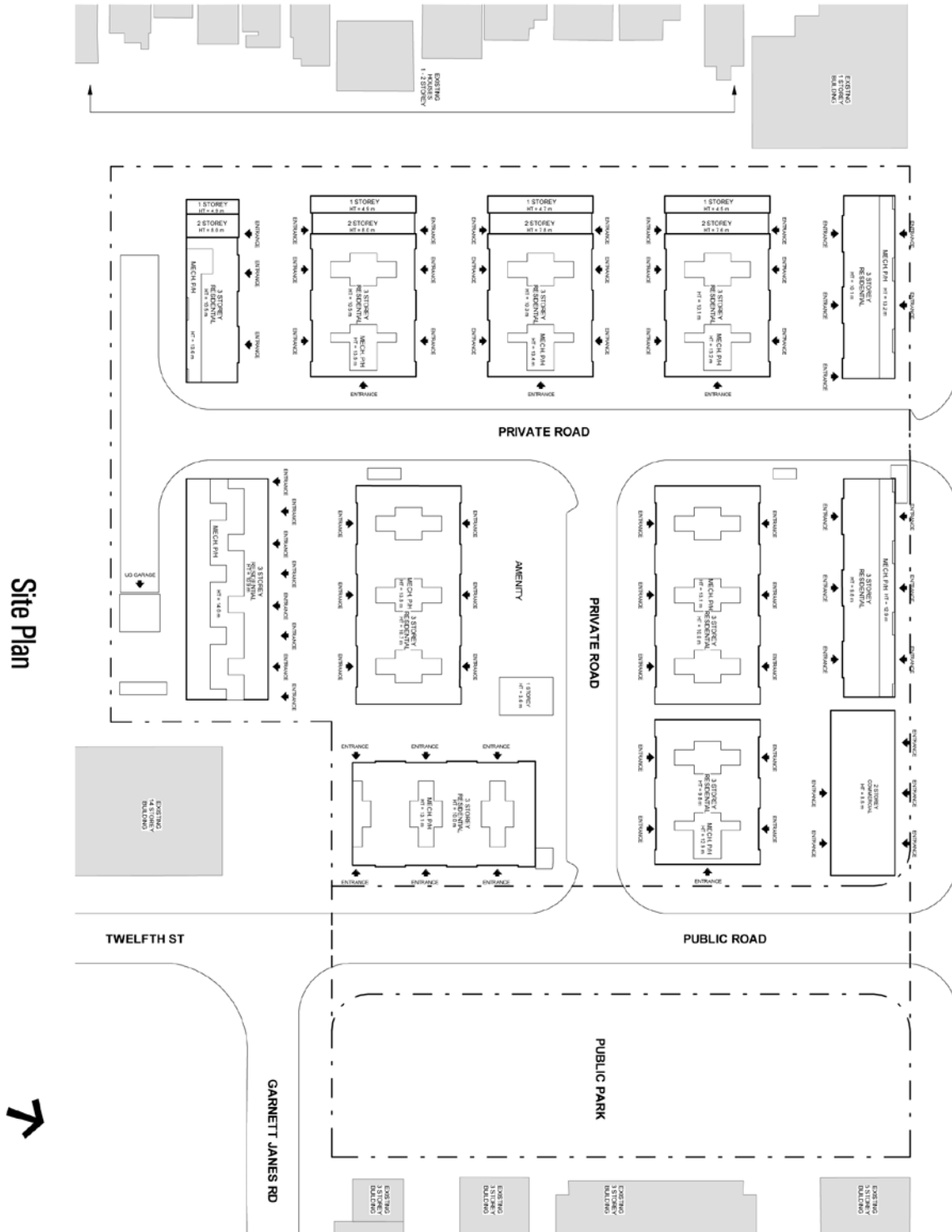
48. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PF&R. A complete set of "as built" plans shall be provided electronically on CD in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets full size bond hard copy the General Manager, Parks, Forestry & Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

49. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry & Recreation.

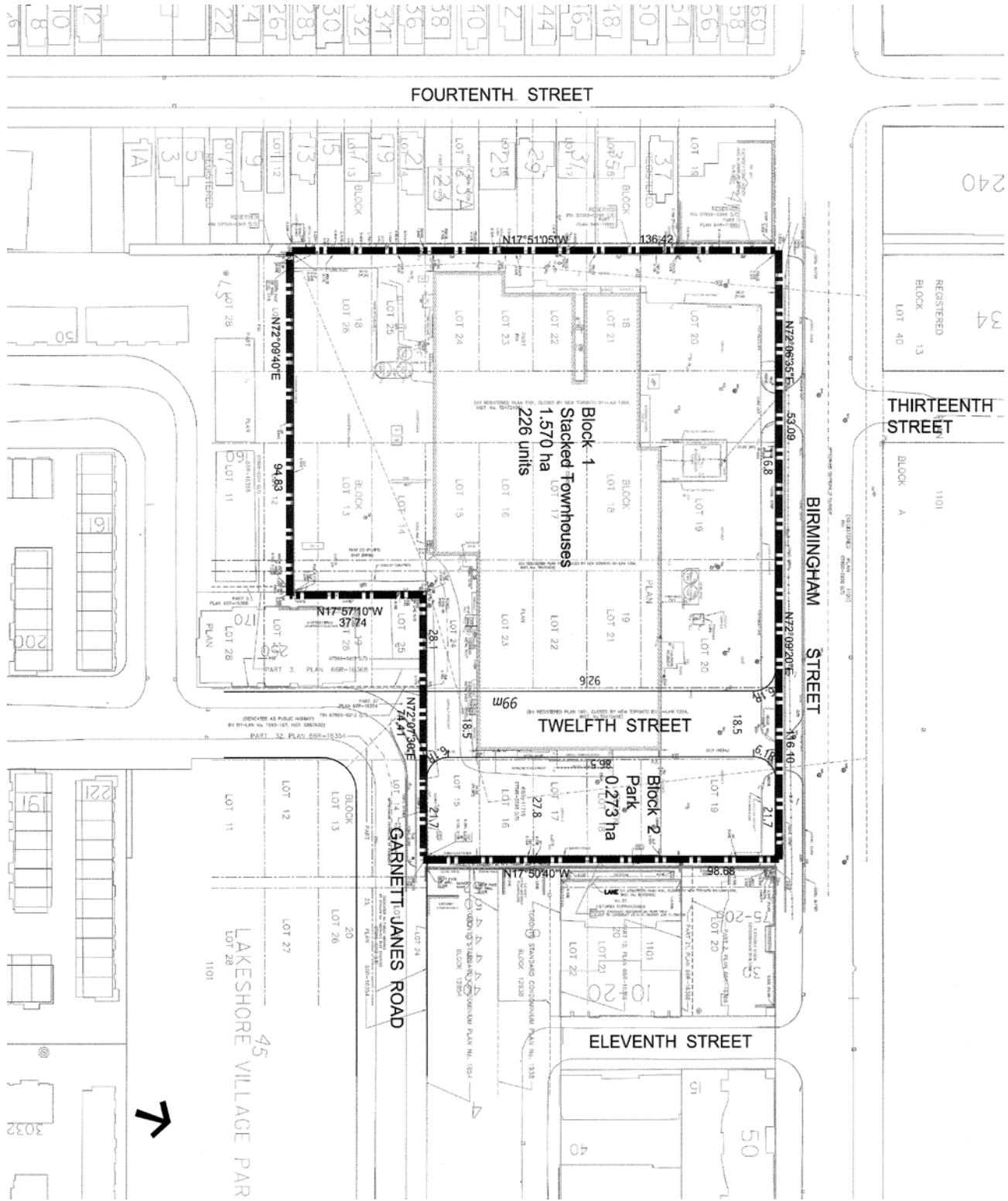
50. The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless an agreement, other than a Park Occupation Permit, has been obtained from the Manager of Business Services – Christina Iacovino, 416-392-8578. The agreement, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, Parks, Forestry & Recreation. The agreement must be secured prior to the issuance of any shoring and excavation permits. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.

51. The Owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The Owner will be required to provide an RSC after the staging period, prior to conveyance. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, PF&R. The Owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.

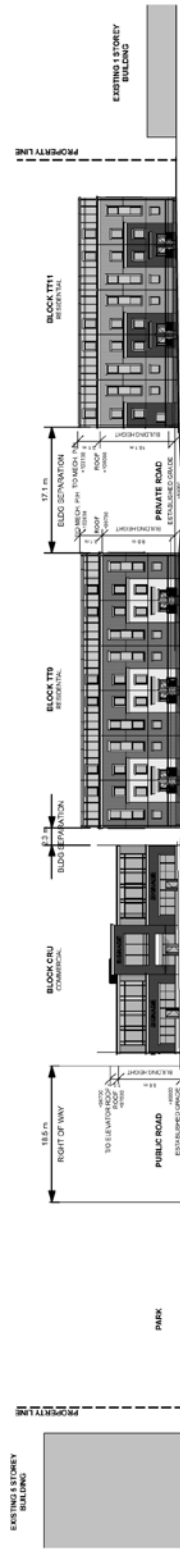
Attachment 9: Figure 6: Site Plan



Attachment 10: Figure 7: Draft Plan of Subdivision

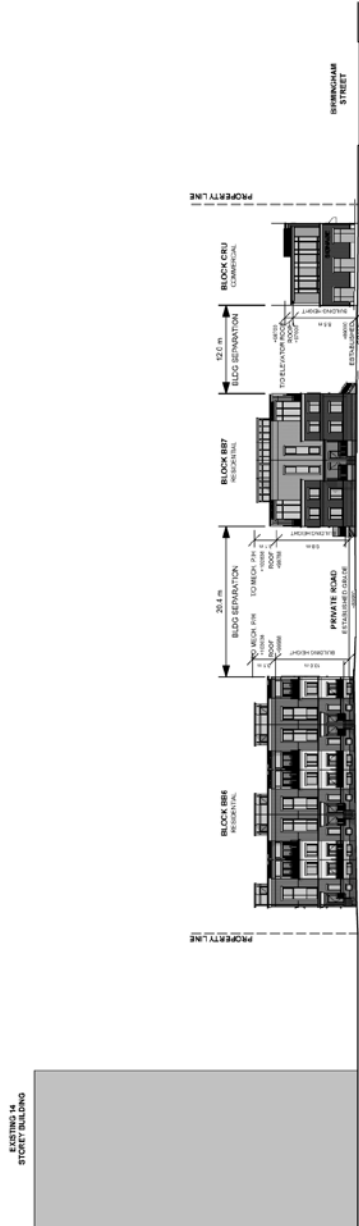


Attachment 11: Figure 8: Elevations



Birmingham Street Elevation

Birmingham Street Elevation



Twelfth Street Elevation

Twelfth Street Elevation