

# **1800-1818 St. Clair Avenue West and 383, 423 and 425 Old Weston Road - Official Plan and Zoning By-law Amendment Application - Final Report**

Date: February 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 9 - Davenport (Formerly Ward 17)

**Planning Application Number:** 18 135955 WET 17 OZ

## **SUMMARY**

---

This application seeks to amend the Official Plan and relevant Zoning By-laws (former City of Toronto Zoning By-law No. 438-86 as amended by By-law No. 815-2017 and City of Toronto Zoning By-law No. 569-2013 as amended by By-law No. 1050-2017) to permit the remediation and redevelopment of the site. The proposal includes six buildings comprised of an 11-storey (37 m in height, excluding the mechanical penthouse) mixed use building, with retail space at grade, on the St. Clair Avenue West frontage and five low-rise blocks of stacked 3.5-storey townhouses (between 10.5 m to 11.2 m in height, excluding the rooftop staircase enclosure) on the Old Weston Road lands. In addition, a new public park is proposed to have a total area of approximately 857 m<sup>2</sup>.

A total of 276 residential units are proposed, of which 96 are townhouse units and 180 are units within the proposed mixed use building. Of the 96 townhouse units, 20 affordable housing units would be provided in partnership with Habitat for Humanity. The proposed development would have a total gross floor area of 21,750 m<sup>2</sup>, of which 21,263 m<sup>2</sup> is proposed for residential use and 487 m<sup>2</sup> is proposed for commercial use. The proposed overall density represents a Floor Space Index of 2.1 times the area of the lands. Vehicular access is proposed from Old Weston Road to the west and Cloverdale Road to the east and a total of 218 parking spaces are proposed within a two-level underground parking garage.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017). The proposed development represents appropriate intensification along the frontages of St. Clair Avenue West and Old Weston Road. The proposed mixed use building and townhouses conform with the Official Plan policies and are generally consistent with the City's Tall Building Design Guidelines as well as the Infill Townhouse Guidelines. The proposed development fits within the existing and planned context and character of this neighbourhood.

The proposal addresses the sites location within the *Mixed Use Areas* (St. Clair Avenue West lands) and *Neighbourhoods* (Old Weston Road lands) designations of the Official Plan. It should also be noted that the southern portion of the site which fronts St. Clair Avenue West is on an *Avenue*. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law subject to conditions before introducing the necessary Bills to City Council for enactment. Provided the conditions are fulfilled, staff are of the opinion the proposed development is appropriate in this location.

## **RECOMMENDATIONS**

---

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 1800-1818 St. Clair Avenue West and 383, 423 and 425 Old Weston Road substantially in accordance with the Draft Official Plan Amendment attached as Attachment 5 to the report dated February 27, 2019, from the Director of Community Planning, Etobicoke York District.
2. City Council amend former City of Toronto Zoning By-law No. 438-86 as amended by By-law No. 815-2017 and City of Toronto Zoning By-law No. 569-2013 as amended by By-law No. 1050-2017, for the lands at 1800-1818 St. Clair Avenue West and 383, 423 and 425 Old Weston Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 6 to the report dated February 27, 2019, from the Director of Community Planning, Etobicoke York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Official Plan and Zoning By-law Amendments as may be required.
4. City Council classify the subject lands as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment and Climate Change Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning).
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 on-site public park with an approximate area of 857 m<sup>2</sup>, 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. City Council authorize the General Manager, Parks, Forestry and Recreation to accept the parkland dedication shortfall of a minimum of 691.56 m<sup>2</sup> to be paid by cash-in-lieu.

7. Before introducing the necessary Bills to City Council for enactment, the owner be required to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 1800-1818 St. Clair Avenue West and 383, 423 and 425 Old Weston Road, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense:

a. A cash contribution of \$400,000.00 to be directed to "The Treasurer, City of Toronto" 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 payment and to be used for local park, recreational facilities, or local area amenity improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

c. Prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E, the owner shall convey, in fee simple to Habitat for Humanity, a part of the site with a minimum area of 1,011 m<sup>2</sup> for the purpose of constructing 20 affordable housing units.

d. The owner shall provide, at its own expense, the design and construction of Above Base Park Improvements to the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to Recommendation 5 and in accordance with Recommendation 7.f. The conveyance of the parkland dedication shall be in environmental condition, satisfactory to the General Manager, Parks, Forestry and Recreation, in accordance with the City standards and would occur prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E.

e. Prior to the issuance of the first above grade building permit, the owner shall submit a cost estimate and plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Prior to the issuance of the first above grade building permit, the owner shall also 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 and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

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 privately owned public space, has been obtained from the Manager of Business Services, Parks, Forestry and Recreation. 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 and Recreation. The agreement must be secured prior to stockpiling of any soils or materials or use as an interim construction staging area on the parkland, after conveyance to the City. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.

The construction of the Base Park Improvements will be deferred to correspond with the completion of Above Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Recommendation 7.f.

f. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Recommendation 5. The owner is required to submit a design and cost estimate, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the lesser of the approved cost estimate for Above Base Park Improvements, and 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 for Blocks A to E, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Base Park Improvements and Above Base Park Improvements shall be completed prior to one year from the day the parkland is conveyed in fee simple to the City subject to extensions for seasonality satisfactory to Parks, Forestry and Recreation. Should the completion of the Base Park Improvements and Above Base Park Improvements not be completed prior to one year from the day the parkland is conveyed in fee simple to the City, Parks, Forestry and Recreation may draw from Letters of Credit in order to complete the park construction, subject to extensions satisfactory to Parks, Forestry and Recreation for seasonality.

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

i. The owner shall provide, at its own expense, an approximate area of 159 m<sup>2</sup> of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E. This POPS area is to be located fronting Old Weston Road, between the properties municipally known as 381 and 387 Old Weston Road. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.

ii. The owner shall, prior to the issuance of the first above grade building permit, register a Section 118 Restriction pursuant to the Land Titles Act, in priority, against title to the parcel of land to be conveyed in fee simple to the City for the purpose of the on-site parkland dedication, to the satisfaction of the City Solicitor, until such time that the lands are conveyed to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

iii. The owner shall design and reconstruct a 2.1 m wide municipal sidewalk along the frontage of Old Weston Road (measuring 69.3 m and 6.1 m) to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E.

iv. The owner shall grant easements to the City of Toronto for the purposes of the general public's access to the park over the portico, sidewalk and driveway, as part of the condominium approval process for Blocks A to E, subject to conditions satisfactory to the Director of Community Planning, Etobicoke York District, in consultation with the City Solicitor.

v. The owner shall construct and maintain the development in accordance with the accepted Electro Magnetic Field study to secure mitigation measures (if required) to the satisfaction of the Chief Medical Officer, Toronto Public Health.

vi. The owner shall construct and maintain the development in accordance with the accepted Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated November 23, 2018, to secure appropriate mitigation measures for noise control.

vii. 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 Management Committee, as further amended by City Council from time to time.

## **FINANCIAL IMPACT**

---

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

---

### **Decisions Pertaining to St. Clair Avenue West between Blackthorn Avenue/Spring Grove Avenue and Old Weston Road**

The St. Clair Avenue West Avenue Study was completed in 2009 with a Final Report and Statutory Public meeting held at the Planning and Growth Management Committee meeting of June 4, 2009. At that meeting, the Committee considered a report dated May 11, 2009 from the Chief Planner and Executive Director of City Planning (Item PG26.2) on the City Initiated Avenue Study for St. Clair Avenue West between Bathurst Street and Keele Street which included a thorough overview of the study process and draft Official Plan and Zoning By-law Amendments for the entirety of the Avenue. The item was adopted by the Committee without amendment. City Council considered this item at its meeting of August 5, 2009 and postponed consideration to the September 30, 2009 Council meeting. A Supplementary Report was provided and adopted. A copy of the Final Report, the recommendations of Planning and Growth Management Committee and the City Council decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.PG26.2>

At its meeting of October 27, 2009, City Council passed By-law No. 1102-2009 to adopt Official Plan Amendment No. 84 for the entirety of the Avenue and passed By-law No. 1103-2009 to amend former City of Toronto Zoning By-law No. 438-86 for the area of the Avenue east of Blackthorn/Spring Grove Avenues to Bathurst Street. Both of these By-laws were appealed to the Ontario Municipal Board. The appeal of By-law No. 1103-2009 was subsequently addressed with the Avenue zoning provisions coming into force east of Blackthorn/Spring Grove Avenues. The appeal of By-law No. 1102-2009 (OPA 84) was scoped to the area west of Blackthorn/Spring Grove Avenues to Old Weston Road allowing the policies for the remainder of the Avenue to the east to come into force and effect. The By-laws can be accessed at this link:

<http://www.toronto.ca/legdocs/bylaws/2009/law1102.pdf>

<http://www.toronto.ca/legdocs/bylaws/2009/law1103.pdf>

Additional decision history for OPA 84 may be found in the Information Report dated December 15, 2015 from the Director of Community Planning, Etobicoke York District (Item EY11.4) entitled City-Initiated St. Clair Avenue Study – Between Old Weston

Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment. This was considered by Etobicoke York Community Council at its meeting of January 19, 2016. The report can be accessed at this link:

<http://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-86927.pdf>

At its meeting on July 4-7, 2017, City Council considered a Member Motion (Item MM31.67) by Councillor Palacio that directed the Chief Planner and Executive Director, City Planning, to report back on a proposed by-law to amend Zoning By-law No. 569-2013, as amended, to remove the lands subject to Official Plan Amendment 84 located on St. Clair Avenue West between Blackthorn Avenue/Spring Grove Avenue and Old Weston Road from the By-law on the basis that they were the subject of an Avenue Study and met Transition Clause 2.1.3. A copy of the Member Motion and decision of City Council can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM31.67>

Also at its meeting on July 4-7, 2017, City Council adopted By-law No. 815-2017 amending former City of Toronto Zoning By-law No. 438-86 to implement the Avenue Zoning provisions as originally adopted by Planning and Growth Management Committee in 2009 for the lands fronting on St. Clair Avenue West between Old Weston Road and Blackthorn/Spring Grove Avenues. The By-law can be accessed at this link:

<http://www.toronto.ca/legdocs/bylaws/2017/law0815.pdf>

At its meeting of October 2, 2017, City Council considered a Final Report dated August 3, 2017 from the Chief Planner and Executive Director of City Planning (Item PG22.9) entitled City Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue - Zoning By-law Amendment. This report responded to the direction of City Council from its meeting of July 4-7, 2017 under Item MM31.67 noted above. The recommendation directed City Council to amend City of Toronto Zoning By-law No. 569-2013 to remove the lands fronting St. Clair Avenue West between Old Weston Road, Blackthorn Avenue and Spring Grove Avenue. A copy of the Final Report and decision of City Council can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.9>

### **Proceedings of Subject Application**

At its meeting of May 25-27, 2009, City Council considered a staff report dated April 22, 2009 from the Deputy City Manager and Chief Financial Officer, as well as from the Chief Corporate Officer (Item EX32.5) outlining the Principles of a Real Estate Strategy and Declaration of Surplus for Sale/Transfer or Turnover to Build Toronto. City Council declared a number of properties surplus (including 383, 423 and 425 Old Weston Road) with the intended method of disposal to be by way of a Transfer to Build Toronto (now CreateTO). A copy of the staff report and decision of City Council can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX32.5>

Currently, the lands municipally known as 383, 423 and 425 Old Weston Road are owned by the City of Toronto. The lands municipally known as 1800 St. Clair Avenue

West are owned by 172965 Canada Limited and McColl Frontenac Oil Company Limited (both controlled by Imperial Oil). The lands municipally known as 1818 St. Clair Avenue West are owned by Salvatore Vellone.

Diamond Corp. and Kilmer Brownfield Management Ltd., in partnership with Habitat for Humanity, are currently pursuing this Official Plan and Zoning By-law Amendment application seeking permission to demolish the abandoned buildings and to remediate and redevelop the entirety of the lands. All current property owners have provided written consent for this development application to proceed, with Diamond Corp. appointed as agent/applicant for this application.

In January 2015, pre-application consultation occurred with Community Planning, Transportation Services, the Affordable Housing Office and Councillor Palacio (formerly Ward 17 Councillor). As the applicant was preparing for submission, additional consultation meetings were held to provide assistance in defining the requirements for application submission. City staff held these meetings with the applicant on January 10, 2018 and February 6, 2018.

The application was submitted on March 28, 2018. A notice of complete application was issued on April 26, 2018.

At its meeting of June 26, 27, 28 and 29, 2018, City Council considered a Request for Interim Directions Report dated May 16, 2018 from the Director of Community Planning, Etobicoke York District (Item EY31.9). City Council directed City staff to streamline the project in accordance with the Open Door affordable housing policy. A copy of the Interim Directions Report and decision of City Council can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY31.9>

At its meeting of July 23, 2018, City Council considered a Member Motion (Item MM44.103) by Councillor Nunziata requesting the allocation of Section 42 cash-in-lieu monies from the development for the purpose of creating a Dog Off-Leash Area within S.A.D.R.A. Park or alternatively the Hydro Lands. A copy of the Member Motion and decision of City Council can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM44.103>

## **ISSUE BACKGROUND**

---

### **Proposal**

This application seeks to amend the Official Plan and Zoning By-laws to permit the remediation and redevelopment of this 1.1 ha site (which includes the consolidation of lands) with six buildings, comprised of an 11-storey (37 m in height, excluding the mechanical penthouse) mixed use building, with retail space at grade, and five low-rise buildings of stacked 3.5-storey townhouses (10.5 m to 11.2 m in height). The proposed development would be organized into six blocks. The proposed mixed use building (Block A) would be located on the south portion of the site, fronting St. Clair Avenue West. The five proposed townhouse buildings (Blocks B, C, D, E and F) would be located north of Block A, within the interior of the site, which is mostly enclosed by



properties fronting Cloverdale Road to the east and Old Weston Road to the west. Vehicular access would be shared by all proposed buildings, via a proposed driveway from Old Weston Road and an existing laneway from Cloverdale Road. A covered portico (walkway) would be located between the ground level retail space of the mixed use building and would provide direct access to the site from St. Clair Avenue West (see Attachment 7: Figure 7: Site Plan).

A total of 276 residential units are proposed. Within the mixed use building, on the southern portion of the site, a total of 180 units are proposed (80 one bedroom units and 100 two bedroom units). A total of 96 units are proposed within the stacked townhouses (16 two bedroom units and 80 three bedroom units). Of the 96 units, 20 units would be affordable three bedroom units developed by Habitat for Humanity (Block F). The proposed development would have a total gross floor area of 21,750 m<sup>2</sup>, of which 21,263 m<sup>2</sup> is proposed for residential use and 487 m<sup>2</sup> is proposed for commercial use. The proposed overall density represents a Floor Space Index of 2.1 times the area of the lands. Blocks A through to F are described in the chart below:

Building	Description	No. of Storeys/ Height Above Grade	Total Gross Floor Area	No. of Units
Block A	Proposed mixed use building, fronting St. Clair Avenue West, with retail proposed at-grade.	11-storeys (37 m, excluding mechanical penthouse)	11,750 m <sup>2</sup> (including 487 m <sup>2</sup> commercial space)	180
Block B	Proposed stacked townhouse located 19 m north of Block A and oriented east-west.	3.5-storeys (13.5 m, including the rooftop staircase enclosure)	1,755 m <sup>2</sup>	16
Block C	Proposed stacked townhouse located 16 m north of Block B and oriented east-west.	3.5-storeys (13.7 m, including the rooftop staircase enclosure)	1,755 m <sup>2</sup>	16
Block D	Proposed stacked townhouse located 14 m north of Block C and oriented east-west.	3.5-storeys (13.6 m, including the rooftop staircase enclosure)	1,755 m <sup>2</sup>	16
Block E	Proposed stacked townhouse located 14 m north of Block D and oriented east-west.	3.5-storeys (14.2 m, including the rooftop staircase enclosure)	2,779 m <sup>2</sup>	28

Building	Description	No. of Storeys/ Height Above Grade	Total Gross Floor Area	No. of Units
Block F	Proposed Habitat for Humanity affordable stacked townhouse located 19 m north of Block E, 12 m from S.A.D.R.A. linear park, and 2.1 m from the new public park to the east. Block F would be oriented east-west.	3.5-storeys (13.5 m, including the rooftop staircase enclosure)	1,955 m <sup>2</sup>	20

A total of 360 m<sup>2</sup> of indoor amenity space is proposed for the mixed use building, which would be provided in the form of private rooms. A total of 565 m<sup>2</sup> of outdoor amenity space is proposed, comprised of the following three components: 320 m<sup>2</sup> would be directly accessible from the indoor amenity space; 91 m<sup>2</sup> would be located between Block B and Block C; 69 m<sup>2</sup> would be located between Block C and Block D; and 85 m<sup>2</sup> located between Block D and Block E. It is proposed that all townhouse units would have access to private yards or rooftop terraces. In addition, a total of approximately 159 m<sup>2</sup> of privately-owned publicly-accessible space ("POPS") is proposed to be located fronting Old Weston Road (between the properties municipally known as 381 and 387 Old Weston Road) and would provide additional views and access to the site.

A total of 5,640.7 m<sup>2</sup> of landscaped open space is proposed, of which 1,906.5 m<sup>2</sup> would be soft landscaping, including 68 new trees, and 3,734.2 m<sup>2</sup> would be hard landscaping. Soft landscaping and tree planting is proposed along the edges of the site, as well as adjacent to the low-rise residential properties on Old Weston Road.

Vehicular access to the site would be provided via a 6 m wide private internal driveway accessed from Old Weston Road, as well as via the existing 3.6 m wide inbound public lane from Cloverdale Road. This new private driveway would accommodate: passenger pick-up and drop-off functions via two short-term parking spaces; an entrance to the proposed underground parking garage; access to one loading space; and provide for a fire route turn around area.

A total of 218 vehicular parking spaces (197 resident spaces, 16 resident visitor spaces and 5 retail spaces) are proposed within a two-level underground parking garage. The first level of this underground parking garage would extend to the limits underneath Block E (including a total of 136 parking spaces) and the second level would extend to the limits underneath a portion of Block C (including a total of 82 parking spaces). A total of 249 long-term bicycle parking spaces are proposed to be located on the first level of the underground parking garage. In addition, a total of 28 short-term bicycle parking spaces are also proposed.

A new public park with a total area of approximately 857 m<sup>2</sup> is proposed at the northeast corner of the site, with a 6.1 m frontage on Old Weston Road and a 20.9 m frontage

from the new private internal driveway. This new public park would be located to the north and east of Block F (Habitat for Humanity) and would be adjacent to S.A.D.R.A. Park (Hydro corridor).

See Attachment 1: Figure 1: Application Data Sheet; Attachment 7: Figure 7: Site Plan; and Attachment 8: Figure: 8 through to Attachment 14: Figure 14: Elevations.

The proposed mixed use building and townhouse units are currently intended to be condominium in tenure. Blocks A through to E, including the underground parking garage, would form a single condominium corporation and Block F (Habitat for Humanity) would constitute its own condominium corporation.

A number of revisions have been made to the original proposal, resulting from discussions with City staff. The following chart provides a comparative summary of the original proposal and the current revised submission:

	Original Submission (March 16, 2018)	Current Submission (December 4, 2018)
Total Residential Units	242	276
One Bedroom	74 (30%)	80 (29%)
Two Bedroom	153 (63%)	116 (42%)
Three Bedroom	15 (7%)	80 (29%)
Total Gross Floor Area	22,861 m <sup>2</sup>	21,750 m <sup>2</sup>
Floor Space Index	2.2 times the area of the lot	2.1 times the area of the lot
Parkland Dedication	No Dedication	approximately 857 m <sup>2</sup>
POPS	No POPS	approximately 159 m <sup>2</sup>
Indoor Amenity Space	276 m <sup>2</sup>	360 m <sup>2</sup>
Outdoor Amenity Space	No Space	565 m <sup>2</sup>
Landscaped Open Space	3,656 m <sup>2</sup>	5,640 m <sup>2</sup>

### Site and Surrounding Area

The site comprises a roughly rectangular parcel of land with an area of approximately 10,596 m<sup>2</sup> (1.1 hectares) through the land assembly of the north portion of the site

(approximately 8,239 m<sup>2</sup>) and the south portion of the site (approximately 2,357 m<sup>2</sup>). A City-owned lane connects the site to Cloverdale Road to the east (see Attachment 2: Figure 2: Location Map).

The northern portion of the site, being 383, 423 and 425 Old Weston Road, is owned by the City of Toronto. City Council declared the site surplus and authorized its transfer to Build Toronto (now CreateTO) at its meeting of May 25-27, 2009. This portion of the site, and the two single-storey buildings within it, is now vacant, but was formerly occupied by various City divisions including Toronto Water and Purchasing, Materials and Management.

The southern portion of the site, being 1800-1818 St. Clair Avenue West, comprises two properties. The easterly part of the site, 1800 St. Clair Avenue West, is owned by 172965 Canada Limited and McColl Frontenac Oil Company Limited (both controlled by Imperial Oil) and is currently vacant, but previously operated as a gasoline station for approximately 55 years and subsequently requires remediation. The westerly part of the site, 1818 St. Clair Avenue West, is owned by Salvatore Vellone and has operated as a vehicle sales outlet for approximately 68 years.

The entire site is considered a brownfield site and will require remediation prior to redevelopment in accordance with provincial regulations (O. Reg. 153/04, as amended).

Land uses surrounding the site are as follows:

North: Directly adjacent to the north is a hydro corridor occupied by S.A.D.R.A. Park with low-rise residential development extending further north.

South: The site is bounded by St. Clair Avenue West to the south. Across St. Clair Avenue West are two sites currently under Site Plan Control applications for 72 unit and 261 unit residential apartment buildings at 1771 St. Clair Avenue West (File No. 16 133568 WET 17 SA) and 1779-1791 St. Clair Avenue West (File No. 17 122730 WET 17 SA), respectively.

East: Directly east of the northern portion of the site are the rear yards of properties fronting Cloverdale Road, beyond which further low-rise residential development extends eastwards. Directly east of the St. Clair Avenue West frontage, is the College Street Church of God place of worship, beyond which are a range of commercial and cultural uses fronting St. Clair Avenue West.

West: Immediately adjacent to the west are residential properties fronting Old Weston Road. Across Old Weston Road is the Toronto West Flea Market and the proposed site of the St. Clair - Old Weston Road SmartTrack station. The northwest corner of Old Weston Road and St. Clair Avenue West is occupied by Heydon House, a three-storey red brick heritage building originally built as a hotel but now in use as apartments with retail at-grade.

## **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 "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 is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

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".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote

compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- 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 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 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 is provided by City Council shall also conform with the Growth Plan.

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 is provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with the Growth Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this report.

## Toronto Official Plan, Official Plan Policies and Planning Studies

The southern portion of the site which fronts St. Clair Avenue West is designated *Mixed Use Areas* and is on an Avenue on Map 2 of the Official Plan and is subject to Site and Area Specific Policy 326 (OPA 84). The rest of the site, to the north, is designated *Neighbourhoods*. Both designations can be found on Map 17 - Land Use Plan (see Attachment 3: Figure 3: Official Plan Land Use Map).

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

Chapter 2: Shaping the City  
Chapter 3: Building a Successful City  
Chapter 4: Land Use Designations

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

### Chapter 2 - Shaping the City

#### *Section 2.1 Building a More Liveable Urban Region:*

The Official Plan contains principles for steering growth and change to some parts of the City, while protecting our neighbourhoods and green spaces from development pressures.

#### *Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation:*

The Official Plan states that future growth within Toronto will be steered to areas that are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 (Urban Structure) of the Official Plan. Map 2 identifies that the southern portion of the site, fronting St. Clair Avenue West, is on an Avenue. Further, this portion of St. Clair Avenue West is identified on Map 4 (Higher Order Transit Corridors) and Map 5 (Surface Transit Priority Network).

#### *Section 2.2.3 Avenues: Reurbanizing Arterial Corridors:*

The Official Plan states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. There is no "one size fits all" program for reurbanizing the *Avenues*. A framework for change will be tailored to the situation of each Avenue through a local Avenue Study that will involve local residents, businesses and other stakeholders for each Avenue.

Site and Area Specific Policy 326 (refer to the following link <https://www.toronto.ca/wp-content/uploads/2017/11/9832-city-planning-official-plan-chapter-7-saps.pdf>) in Chapter 7 of the Official Plan reflects the conclusions of the Avenue Study for this portion of St. Clair Avenue West, which was completed by the City in 2009 and adopted by Council as OPA 84. It promotes a vision for change on St. Clair Avenue West that encourages

“an intensified, transit-oriented urban environment which promotes a vibrant pedestrian realm and experience”. This goal will be achieved through the implementation of the area specific zoning by-law and Urban Design Guidelines. Site and Area Specific Policy 326 also seeks to prevent the destabilization of lands designated *Neighbourhoods* and their character from encroachment by mixed use developments (for "Area A" lands) by:

- Securing a minimum standard of open space, distance and sky view from nearby lands designated *Neighbourhoods* and the 7 to 9 storey (24 to 30 metres) developments on the lands identified on Map A;
- Significantly minimizing shadow impacts of development on nearby lands designated *Neighbourhoods*;
- Providing a visible, soft-landscaped delineation between mixed use developments with frontage on St. Clair Avenue West and nearby lands designated *Neighbourhoods*;
- Creating rear lanes where servicing, loading, and vehicle access will be located for all new developments with frontage on St. Clair Avenue West; and
- Where sufficient lands exist, providing additional temporary commercial parking to service the lands identified on Map A.

#### *Section 2.3.1 Healthy Neighbourhoods:*

Policy 2.3.1.1 states that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable areas. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Policy 2.3.1.2 states that developments within *Mixed Use Areas*... that are adjacent to *Neighbourhoods* will:

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

Policy 2.3.1.3 states that intensification of land adjacent to neighbourhoods will be carefully controlled so the neighbourhoods are protected from negative impact.

### Chapter 3 - Building a Successful City

This chapter contains principles to guide the City's growth by integrating social, economic and environmental perspectives in decision making to create complete communities.



### *Section 3.1.1 The Public Realm:*

The Official Plan contains policies which promote quality architecture, landscape and urban design and construction that ensure that new development enhances the quality of the public realm. The public realm policies 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 architecture, landscape architecture and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible.

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Policy 3.1.1.14 states that design measures which promote pedestrian safety and security will be applied to streetscapes, parks, other public and private open spaces, and all new and renovated buildings. In addition, Policy 3.1.1.19 states that new parks and open spaces will be located and designed to:

- a) connect and extend, wherever possible, to existing parks, natural areas, and other open spaces...;
- b) provide a comfortable setting for community events as well as individual use;
- c) provide appropriate space and layout for recreational needs, including forms of productive recreation such as community gardening; and
- d) emphasize and improve unique aspects of the community's natural and human-made heritage.

### *Section 3.1.2 Built Form:*

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings. Policy 3.1.2.5 states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection such as canopies and awnings;
- d) landscaped open space within the development site;
- e) landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked auto; and
- f) public art, where the developer agrees to provide this, to make the building and its open spaces more attractive and interesting.

Further, Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

*Section 3.2.1 Housing:*

The Official Plan states that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The City's quality of life, economic competitiveness, social cohesion, as well as its balance and diversity depend on it. Addressing many of the City's housing challenges will require working in partnership with the other levels of government as well as private and non-profit sectors. We must be positioned to take advantage of key opportunities...to encourage new affordable and social housing production. Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents.

*Section 3.2.3 Parks and Open Spaces:*

The Official Plan identifies that the City's *Green Space System*, made up of parks and open spaces, the natural heritage system and a variety of privately managed but publicly accessible spaces, is an integral part of our quality of life and social well-being.

Policy 3.2.3.1 states that Toronto's system of parks and open spaces will continue to be a necessary element of city-building as the City grows and changes. Maintaining, enhancing and expanding the system requires the following actions:

- a) adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks;
- b) designing high quality parks and their amenities to promote user comfort, safety, accessibility and year-round use and to enhance the experience of "place", providing experiential and educational opportunities to interact with the natural world;
- c) protecting access to existing publicly accessible open spaces, as well as expanding the system of open spaces and developing open space linkages; and

d) promoting and using private open space and recreation facilities, including areas suitable for community or allotment gardening, to supplement the City's parks, facilities and amenities.

Policy 3.2.3.2 states that parkland acquisition strategies, including decisions about whether to accept parkland or cash as a condition of development, will take into account a range of factors.

Further, Policy 3.2.3.8 states that the location and configuration of land to be conveyed should:

- a) be free of encumbrances unless approved by Council;
- b) be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park;
- c) be of a usable shape, topography and size that reflects its intended uses;
- d) be consolidated or linked with an existing or proposed park or green space or natural heritage system where possible; and
- e) meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

#### Chapter 4 - Land Use Designations

The subject lands are designated *Neighbourhoods* (northern portion of the site) and *Mixed Use Areas* (southern portion of the site) on Map 17 of the Official Plan.

*Neighbourhoods* are considered physically stable areas comprised of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses, as well as interspersed walk-up apartment buildings with or without elevators that are four storeys or less. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Development in *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing physical character by respecting and reinforcing the general physical patterns in the neighbourhood.

Policy 4.1.5 sets out development criteria in established *Neighbourhoods*, providing that development will respect and reinforce the existing physical character of each geographic neighbourhood, in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) prevailing location, design and elevations relative to the grade of driveways and garages;
- f) prevailing setbacks of buildings from the street or streets;

- g) prevailing patterns of rear and side yard setbacks and landscaped open space;
- h) continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- i) conservation of heritage buildings, structures and landscapes.

Further, Policy 4.1.9 states that infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:

- a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- b) provide adequate privacy, sunlight and skyviews for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- c) front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as utilities, parks and open spaces. 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. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Policy 4.5.2 sets out development criteria in *Mixed Use Areas*, noting that development 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...*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 new buildings to provide a transition between areas of different development intensity and scale...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;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

## **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: [www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

## **Zoning**

The proposed mixed use building would be located on the St. Clair Avenue West frontage of the site which is zoned Mixed Commercial Residential (MCR) T5.0 C2.0 R4.0 with a height limit of 24 m, or 7-storeys. The properties within this area were removed from City of Toronto Zoning By-law No. 569-2013 by By-law No. 1050-2017 and brought into the Avenue Zoning By-law. These properties are subject to former City of Toronto Zoning By-law No. 438-86 as amended by Zoning By-law No. 815-2017.

The proposed townhouse component of the site is subject to both former City of Toronto Zoning By-law No. 438-86 and City of Toronto Zoning By-law No. 569-2013. For most of the site, both By-laws permit a wide range of residential uses, including townhouses and low-rise apartments, at a density of 0.6 times the area of the lot and a maximum height of 10 m. A portion of the site, is zoned Residential (R) and the remaining portion,

adjacent to the Hydro lands, is zoned 'OR' or Open Space - Recreation Zone (see Attachment 4: Figure 4: Existing Zoning By-law Map).

### **City-Wide Tall Buildings Design Guidelines**

City Council has adopted City-wide Tall Buildings Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

### **Avenues and Mid-Rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the Guidelines is here:

[https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/.](https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/)

City Council also adopted a revised Mid-Rise Buildings Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Buildings Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Buildings Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and [http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf.](http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf)

### **Townhouse and Low-Rise Apartment Guidelines**

City Council adopted City-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

[https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/.](https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/)

### **Growing Up: Planning for Children in New Vertical Communities**

In July 2017, Toronto City Council adopted the Growing Up Draft 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 Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines were considered in the review of this proposal.

### **St. Clair West Avenue Study**

The St. Clair Avenue West Avenue Study was completed in 2009. A Statutory Public meeting was held at the Planning and Growth Management Committee meeting of June 4, 2009 in relation to the proposed Official Plan Amendment and related Zoning By-law Amendment. City Council considered the item at their meeting of August 5, 2009 and postponed consideration to the September 30, 2009 Council meeting. The resulting Official Plan Amendment (OPA 84, By-law No. 1102-2009) that was adopted by City Council included the whole of the Avenue Study area between Old Weston Road and Bathurst Street, however, the Bills to implement the Avenue zoning only included the area of the Avenue east of Blackthorn/Spring Grove Avenues (By-law No. 1103-2009). The zoning for the westerly part of the Avenue between Old Weston Road and Blackthorn/Spring Grove Avenue did not proceed at that time due to concerns expressed by an existing industrial operator, National Rubber Technologies.

Both Official Plan Amendment No. 84 and Avenue Zoning By-law No. 1103-2009 were appealed to the Ontario Municipal Board (OMB). The appeal to OPA 84 was subsequently scoped to the section of St. Clair Avenue West between Old Weston Road and Blackthorn/Spring Grove Avenues and ultimately withdrawn. OPA 84 and Zoning By-law No. 1103-2009 are now in force and effect.

With OPA 84 in force and effect, Etobicoke York Community Council directed City Planning staff to complete the zoning process. By-law No. 815-2017 (which amends former City of Toronto Zoning By-law No. 438-86 in accordance with OPA 84 policies) as well as the 2009 City Council direction was adopted by City Council on July 7, 2017.

Despite the 2009 Council decision respecting the Avenue, the lands between Old Weston Road and Blackthorn/Spring Grove Avenues were inadvertently included in City of Toronto Zoning By-law No. 569-2013. The provisions of City of Toronto Zoning By-law No. 569-2013 as they apply to the subject lands, prevent the zoning permissions provided for by By-law No. 815-2017 to operate as intended. As such, staff recommended that the lands be removed from City of Toronto Zoning By-law No. 569-2013.

The removal of the subject lands from City of Toronto Zoning By-law No. 569-2013 is consistent with the approach taken across the City on all Avenues that have undergone an Avenue Study and resulted in area specific Official Plan and Zoning By-law Amendments and accords with the Council adopted Transition Policies relating to Secondary Plan areas and City of Toronto Zoning By-law No. 569-2013.

It should be noted that as part of the St. Clair West Avenue Study, the notion of "Enhancement Zones" was developed in order to address the limitation of very shallow properties on a wide right-of-way. The revitalization of the *Avenues* does not depend on the use of Enhancement Zones but they can be considered as one potential tool to

encourage mid-rise buildings in constrained areas. In this case, an Enhancement Zone (including the properties municipally known as 16 Cloverdale Road and 373 Old Weston Road) was considered desirable and beneficial. Given the existing condition of a shallow lot on a wide right-of-way width at 1800-1818 St. Clair Avenue West, the redevelopment would be required to provide a 7.5 m setback and a 45 degree angular plane measured from a height of 10.5 m above the rear setback line as well as meet all the Performance Standards, including rear transition to *Neighbourhoods*.

### **St. Clair Avenue West Area Transportation Master Plan**

The City of Toronto is examining potential solutions to improve transportation options in the area around St. Clair Avenue West between Keele Street and Old Weston Road. The TMP Project Team is working closely with City Planning and Metrolinx to coordinate SmartTrack station planning and the Regional Express Rail (RER) initiative proposing connections and access for the potential new St. Clair SmartTrack station in addition to potential improvements to the St. Clair Avenue West bridge, new rail crossings and potential road extensions. The potential widening of St. Clair Avenue West may result in land conveyances impacting some of the sites fronting the Avenue, particularly on the south side of St. Clair Avenue West.

### **Habitat for Humanity**

Habitat for Humanity Greater Toronto Area (GTA) is a non-profit developer which provides affordable ownership housing for working, lower income families. Habitat GTA has entered into a partnership with Diamond Corp. and Kilmer Brownfield Management Limited to incorporate 20 affordable ownership units within stacked townhouse Block F as part of the proposed development. These affordable units would each contain three bedrooms and would constitute its own condominium corporation. Further, these 20 affordable ownership units would be secured in the Section 37 Agreement as a legal convenience, should this application be approved.

### **Site Plan Control**

The proposed development is subject to a Site Plan Control application. An application in this regard was submitted on December 18, 2018. The submission materials have been circulated to all appropriate agencies and City Divisions and is currently under review.

### **Reasons for Application**

An Official Plan Amendment is required to clarify the policy framework governing the proposed underground parking garage which would run below and serve both the *Mixed Use Areas* and *Neighbourhoods* land use designations. Site and Area Specific Policy No. 563 would allow parking, loading, service area, and access to these areas as well as other building facilities and services associated with the mixed use development in the *Neighbourhoods*, but not above grade buildings (see Attachment 5: Figure 5: Draft Official Plan Amendment). This would ensure that no additional *Mixed Use Areas* type of development would occur on the *Neighbourhoods* lands in the future through the submission of either a revised rezoning or minor variance application.



The proposed development requires amendments to former City of Toronto Zoning By-law No. 438-86, as amended by By-law No. 815-2017, and City of Toronto Zoning By-law No. 569-2013, as amended. The amendments are required to permit residential uses on the north portion of the site (particularly the portion zoned 'OR'), to increase the permitted height along the south portion of the site, and to revise other development standards as necessary to accommodate the proposal.

### **Application Submission**

A complete application was submitted on March 28, 2018. A Notification of Complete Application was issued on April 26, 2018.

The following reports/studies were submitted with the application:

- Planning Rationale;
- Community Services and Facilities Study;
- Public Consultation Strategy Report;
- Toronto Green Development Standard Checklist and Statistics;
- Environmental Noise Feasibility Study;
- Energy Strategy Report;
- Qualitative Pedestrian Level Wind Assessment;
- Environmental Noise Feasibility Study;
- Streetcar Vibration Study;
- Urban Transportation Considerations Report;
- Geotechnical Report;
- Functional Servicing and Stormwater Management Report (Phase 1);
- Summary of Phase One and Two Environmental Conditions;
- Hydrogeological Assessment;
- Arborist Report;
- Sun/Shadow Study; and
- Stage 1 Archaeological Assessment.

The above reports/studies can all be found at the following link:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4345095&isCofASearch=false&isTlabSearch=false>

### **Agency Circulation**

The application 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 application and to formulate appropriate Official Plan amendments and Zoning By-law standards.

### **Community Consultation**

The applicant submitted a Public Consultation Strategy Report prepared by Gladki Planning Associates dated March 16, 2018, as part of the complete application submission requirements. The strategy outlined the applicant's intent to engage with the

community, City staff, relevant agencies, the Ward Councillor and all interested stakeholders throughout the planning process.

A community consultation meeting was held on July 9, 2018 at 1369 St. Clair Avenue West (Joseph J. Piccininni Community Centre). Approximately 10 members of the public attended along with staff from the Ward Councillor's office, the applicant, their consulting team and City staff. These members inquired about the timing of the development; number and tenure of the affordable units; and the consideration/desire for a splash pad in the public park.

## COMMENTS

---

In response to City staff concerns, the applicant revised the proposal. As a result, the massing at the rear of the mixed use building has been reduced at the second to seventh, ninth and tenth levels; the site has been reconfigured (rotating proposed townhouse blocks to be parallel to other blocks) to reduce the number of 1 to 2 bedroom units and increase the number of 3 bedroom units; and an on-site parkland dedication (approximately 857 m<sup>2</sup>) and a POPS area (approximately 159 m<sup>2</sup>) has been achieved. Through design changes, the applicant has addressed substantive issues that were previously raised with regard to the relationship, separation and transitions to the adjacent low-scale residential properties to the north.

### **Planning Act, Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the *Planning Act*, PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

Policy documents including the PPS, the Growth Plan and the City's Official Plan must be read in their entirety and relevant policies must be applied to each situation. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including: (j) the adequate provision of a full range of housing, including affordable housing; (p) the appropriate location of growth and development; (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. The proposed development does have regard to relevant matters of Provincial interest in Section 2 of the *Planning Act*.

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.

Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, promotes healthy, liveable and safe communities by supporting efficient development and land use patterns, accommodating an appropriate range and mix of residential, employment and other uses to meet long-term needs, promoting cost-effective development patterns and standards to minimize land consumption and servicing costs and promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate. This proposal would result in both a variety of residential unit types (ranging from one to three bedroom units) and commercial uses within a mixed use building that uses existing services within an existing built-up area, and represents an efficient land use pattern that minimizes land consumption.

Policy 1.1.3.3 states planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate project needs. This proposal is on a *brownfield site* which would achieve intensification and redevelopment along the *Avenues* and provide a mix of uses.

Policy 1.4.3 states planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market* area by: (a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low* and *moderate income households*. This proposal would result in 20 affordable housing units in partnership with Habitat for Humanity.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard, as the proposed land use and density results in a built form that supports an efficient use of land and existing transit infrastructure.

The Growth Plan contains policies about how land is to be developed, resources are to be managed and protected and public dollars are to be invested. Sections 1.2.1 and 2.2.1 direct municipalities to support the creation of complete communities that provide: a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; to develop mixed use, transit-supportive, pedestrian-friendly urban environments; and to plan for more resilient, low carbon communities. The proposal conforms to the Growth Plan (2017) which states that population growth will be accommodated by directing new growth to built up areas of the community through intensification and making efficient use of land and existing services and infrastructure, including proximity to public and active transportation.

## **Land Use**

This application has been reviewed against the Official Plan policies and planning studies described in the Issue Background section of this report as well as the policies of the Toronto Official Plan as a whole.

The subject lands are designated *Mixed Use Areas* (southern portion of the site) and *Neighbourhoods* (northern portion of the site) in the Official Plan and is identified as an Avenue along the St. Clair Avenue West frontage. Planning staff are of the opinion that the development proposal conforms to both land use designations and the associated development criteria.

Policy 4.1.9 sets out criteria for infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods*. The existing lot pattern within this block is not uniform in relation to other neighbouring blocks. The existing northern portion of the site (fronting Old Weston Road) is irregularly shaped and has been occupied by non-residential uses. The southern portion of the site (fronting St. Clair Avenue West) is shallow in depth, on a wide right-of-way width, with Enhancement Zones that create an opportunity for an appropriately scaled development having adequate separation distances between varying scales of development.

The proposed mixed use building (with retail space at-grade) would be appropriate at this location and would be compatible with the planned context of this area, particularly as it relates to the approved mixed use developments directly across St. Clair Avenue West. The proposed commercial component of the mixed use building, along with street entrances/portico, would add to the vibrancy of the site and would contribute to animating the St. Clair Avenue West frontage.

The proposed low-rise stacked townhouse blocks would fit within the existing low scale residential buildings which take the form of two-storey semi-detached and detached dwellings and would be in keeping with the intended vision of the lands for residential uses. In addition, the proposal would provide 20 affordable housing units developed by Habitat for Humanity.

Further, the proposal is within the vicinity of an extensive parkland system and trail system (hydro corridor occupied by S.A.D.R.A. Park), nearby community facilities and schools, public transit, and neighbourhood shops and services. The proposed new public park would connect into this existing park and create additional outdoor space to be used by the new residents and their visitors, as well as the general public.

In this specific case, staff are of the opinion there is an opportunity for redevelopment of this site that would accommodate an appropriately scaled, modest built form that would enhance the existing neighbourhood. As such, staff are recommending the requested Official Plan Amendment be approved.

## **Density, Height, Massing and Site Layout**

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

The proposed development would have a total gross floor area of 21,750 m<sup>2</sup>, of which 21,263 m<sup>2</sup> is proposed for residential use and 487 m<sup>2</sup> is proposed for commercial use. The proposed floor area represents a Floor Space Index of 2.1 times the area of the lands.

The Zoning By-law limits the heights to 24 m (MCR Zone) and 10 m (R Zone) and the density to 0.6 times the area of the lot (R Zone). The proposed building height of 37 m (excluding the mechanical penthouse) for the proposed mixed use building and 10.5 m to 11.2 m (excluding the rooftop staircase enclosure) for the proposed townhouses, exceeds the current permissions of the Zoning By-law. The proposed density of the townhouses on the north portion of the site also exceeds the current permissions of the Zoning By-law.

The Official Plan identifies the southern portion of the site as a location for possible intensification. The proposed built form and massing of the buildings are designed to ensure the increase in density on the site would be deployed in a sensitive and appropriate manner. The proposed transition in heights, shallow building depths, generous setbacks (for all buildings) and various stepbacks (particularly for the mixed use building) achieves this purpose.

A recurring policy within the Official Plan and an important consideration during the review of the proposal is to locate and mass buildings so as to minimize their impacts on adjacent *Neighbourhoods* designated lands. The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan state that development in *Mixed Use Areas* will provide a transition of scale and density through setbacks from adjacent *Neighbourhoods*. Further, the Built Form policies under Section 3.1.2 of the Official Plan also require new development to create appropriate transition in scale to neighbouring existing and planned buildings. In addition, *Mixed Use Areas* Policy 4.5.2(c) states that new development is to be located and massed to provide transition between areas of different development intensity and scale, through means such as setbacks and stepping down of heights to lower-scale neighbourhoods.

Appropriately scaled mid-rise building heights are limited by the size of the adjacent *Avenues* public right-of-way width with an additional height allowance of 5 m for mechanical structures provided they do not penetrate the required angular plane setbacks. In this location, St. Clair Avenue West Avenue has a right-of-way width of 30 m. However, through potential widenings along the south side of St. Clair Avenue West, as part of the Transportation Master Plan and the new St. Clair SmartTrack station, this segment would increase to a width measuring approximately 36.45 m. It should be noted that the widest right-of-way width, measuring approximately 40.90 m, would be at the proposed underpass structure of the rail corridor.

In this case, the proposed mixed use building would have a total height of 37 m with a reduced floorplate on the 6th and 7th levels and further reduced floorplates stepping from the 8th to the 11th levels. A mechanical penthouse, on a reduced floorplate from the top level, would have a height of 3.5 m. Further, the proposed townhouses would be 3.5-storeys, with a height of 10.5 m to 11.2 m with an additional 3 m for the rooftop staircase enclosure.

Through the review of this application, Planning staff identified a number of built form concerns with respect to scale, setbacks and stepbacks, particularly as it relates to the proposed mixed use building and the relationship to the proposed townhouses. It should be noted that the redevelopment of the site in its entirety must also be compatible with the existing lower-scale neighbourhood. The revised proposal includes a number of revisions to the proposed mixed use building and the reorientation of the proposed townhouse buildings, that have achieved the following (see Attachment 6: Figure 6: Draft Zoning By-law Amendment)

- A minimum separation distance of 19 m between the proposed mixed use building and the proposed townhouse Block B;
- A minimum stepback, fronting St. Clair Avenue West, of 1.5 m at the 6th and 7th levels and a further stepback of 1.5 m at the 8th to 11th levels;
- A minimum stepback, facing the proposed townhouses, of 1.2 m at the 6th level, and further stepbacks of 1.5 m at the 7th to 10th levels and 6.2 m at the 11th level;
- A minimum stepback of 1.2 m at the 6th and 7th levels, a further stepback of 4.8 m at the 8th to 10th levels, and up to 16.2 m on the 11th level, from the adjacent site to the east (municipally known as 1780 St. Clair Avenue West);
- A minimum stepback of 5.5 m at the 8th to 11th levels, from the adjacent site to the west (municipally known as 1820-1822 St. Clair Avenue West);
- Various stepbacks at the northeast and northwest corners of the proposed mixed use building;
- All townhouse blocks would be oriented east-west;
- A minimum setback of 6 m for Blocks B, C and D from the west lot line (the rear yards of residential dwellings fronting Old Weston Road);
- A minimum setback of 3 m for Blocks E and F from Old Weston Road;
- A minimum setback of 10.5 m for Blocks B to E from the east lot line (the rear yards of residential dwellings fronting Cloverdale Road); and
- A minimum setback of 2.1 m to the east and 12 m to the north of the new public park for Block F.

The proposed heights, setbacks and stepbacks would provide for an appropriate transition to the adjacent properties and surrounding area within their existing and planned context. The proposed mixed use building has been designed to relate to the existing built environment as well as to integrate well with the emerging vision for the area through the development of the St. Clair SmartTrack station and the increased right-of-way widths. In addition, the increased stepbacks, particularly at the northeastern corner of the building would achieve a massing that protects the adjacent residential properties and provide a scale and character that is appropriate. Further, the east-west orientation of the proposed townhouse blocks as well as the generous setbacks between the blocks and the rear yards of the existing residential dwellings would minimize impacts and achieve a comfortable condition.

The redevelopment of the site has been designed to place the main building entrance of the retail space and covered portico (fronting St. Clair Avenue West) as well as the open space (POPS fronting Old Weston Road) directly visible and accessible from the public sidewalks. This would give prominence to the street level for active ground floor

uses with views and provide access through the site and to adjacent open spaces (S.A.D.R.A. Park).

Staff are of the opinion the proposed built form would provide for overall building heights, massing and scale that is appropriate for the site and would conform to the relevant Built Form policies of the Official Plan and meets the overall intent and purpose of the *Avenues* policies. It should also be noted that the proposed development (particularly the mixed use building) would protect the architectural integrity of Heydon House (a 3-storey red brick heritage building located at the northwest corner of Old Weston Road and St. Clair Avenue West) and incorporate similar architectural elements that would enhance the view terminus (particularly from Ford Street) to this prominent intersection. The final design would be secured through the Site Plan review process, should this application be approved.

### **Design Review Panel**

The final site design and massing was reviewed by the City's Design Review Panel on November 1, 2018, minutes for which are available online at the following link:

<https://www.toronto.ca/wp-content/uploads/2019/02/93fc-UrbanDesign-DesignReviewPanel-MtgMinutes-01Nov2018.pdf>

The Panel noted the vision for redevelopment was appropriate within the existing and future context of this neighbourhood and were of the opinion that the project was moving in a "great direction". The applicant would further pursue achieving the objectives of the Panel's commentary through the Site Plan review process, should this application be approved.

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

Section 4.5, Policy 2.d) of the Official Plan states that development within *Mixed Use Areas* are to locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Policy 2.e) further states that development should be located and massed to frame the edges of street and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant submitted a Shadow Study prepared by Giannone Petricone Associates dated November 23, 2017 and two addendums dated March 16, 2018 and August 31, 2018 to reflect revisions to the proposal. This updated study illustrates the incremental shadow impacts during March 21<sup>st</sup> and September 21<sup>st</sup> (Spring and Fall Equinoxes), June 21<sup>st</sup> (Summer Solstice) and December 21<sup>st</sup>. The following has been identified for the proposed 11-storey mixed use building:

- In March/September, between 9:18 a.m. and 11:18 a.m., the proposed building would cast shadows on a portion of the neighbouring *Neighbourhoods* designated lands that front Old Weston Road. These shadows would move throughout the three hours and would be completely within the site by 12:18 p.m.

- In March/September, by 12:18 p.m., the proposed building would cast shadows within the site and also onto the front and side yards of Block B, as well as within the rear yard of the neighbouring *Neighbourhoods* designated lands municipally known as 16 Cloverdale Road. These shadows move by the hour and are completely removed from the rear yard of 16 Cloverdale Road by 5:18 p.m. It should be noted that the existing tree in the rear yard of 16 Cloverdale Road is tall enough that its canopy would remain in sunlight.
- In June, between 10:18 a.m. and 4:18 p.m., the proposed building would not cast shadows on the neighbouring *Neighbourhoods* designated lands fronting Old Weston Road and Cloverdale Road. In fact, the shadows would not extend beyond the "as-of-right" massing limits for the development.

Planning staff have assessed the proposed development (particularly as it relates to the proposed 11-storey mixed use building) and are of the opinion that the projected shadow impacts would be acceptable.

In addition to the study listed above, the applicant submitted a Pedestrian Level Wind Assessment prepared by Gradient Wind Engineering Inc. dated March 16, 2018 and one addendum dated November 23, 2018 to reflect revisions to the proposal. The following has been identified:

- Wind conditions along surrounding sidewalks, driveways, transit stops, private landscape areas and building access points are expected to be suitable for the anticipated uses throughout the year, without the requirement for mitigation measures.
- Outdoor amenity areas between Blocks A, B, C, D and E would be exposed to limited prominent easterly and westerly winds moving through the site due to the low-rise massing of the townhouse blocks. These amenity areas would be suitable for sitting throughout late spring to early autumn, and comfortable for standing during the remaining seasons. This is considered to be an appropriate condition.
- The proposed parkland dedication to the east of Block F is expected to be comfortable for sitting throughout the spring, summer and autumn, without the requirement for mitigation measures.
- The proposed outdoor amenity space, between Blocks B and C, would be somewhat windier due to reduced protection from the buildings. This space is expected to be comfortable for sitting during the summer season, and for standing during the remaining seasons. This is considered to be an appropriate condition given the intended use of this space.
- The proposed development would result in similar or somewhat calmer wind conditions within the existing private rear yards adjacent to the development.

Planning staff are satisfied with the wind conditions that would result from the proposed development, subject to further assessment during the Site Plan review process, should this application be approved.



## Site Access, Circulation and Parking

The applicant submitted an Urban Transportation Considerations Report prepared by BA Group Inc. dated March, 2018 and two Urban Transportation Considerations Update(s) dated August 31, 2018 and November 23, 2018 to reflect revisions to the proposal.

The site is proposed to be served via a 6 m wide private internal driveway accessed from Old Weston Road, as well as via the existing 3.6 m inbound public lane from Cloverdale Road.

The Urban Transportation Considerations Update concluded that the site-generated vehicular traffic from the 276 unit proposal would generate 39 and 47 two-way trips during the morning and afternoon peak hours which would be a net increase of 3 and 4 two-way trips when compared with the vehicle trips generated by the previous 256 unit proposal. The trip rate was based on proxy surveys undertaken at developments at 60 Heintzman Street and 1375 Dupont Street. Transportation Services staff accept the methodology used to develop the trip rates used to assess this proposal and concur that the proposal can be adequately accommodated on the local area road network. It should be noted that no mitigation measures are required.

The Urban Transportation Considerations Update proposed parking for the development in accordance with the requirements of the City of Toronto Zoning By-law No. 569-2013 (applying exception No. 1584), for the residential and non-residential uses under Section 900.11.10(2). Based on these requirements, the revised proposal would require a total of 203 parking spaces on-site, of which 126 spaces would be for the mixed use building (115 for residents and 11 for resident visitor) and 77 spaces for the stacked townhouses (72 for residents and 5 for resident visitor). The proposed parking spaces would be provided at the following minimum ratios.

### *Requirement for the Mixed Use Building:*

- 80 one-bedroom units at 0.5 vehicular parking spaces per dwelling unit = 40
- 100 two-bedroom units at 0.75 vehicular parking spaces per dwelling unit = 75
- A total of 180 units at 0.06 vehicular visitor parking spaces per dwelling unit = 11
- Note: no parking is required for the retail use

### *Requirement for the Stacked Townhouses:*

- 16 two-bedroom units at 0.75 vehicular parking spaces per dwelling unit = 12
- 80 three-bedroom units at 0.75 vehicular parking spaces per dwelling unit = 60
- A total of 96 units at 0.06 vehicular visitor parking spaces per dwelling unit = 5

The applicant is proposing a total of 218 parking spaces, within an underground parking garage, of which 213 spaces would be for the residential use (including 16 visitor parking spaces) and 5 spaces would be for the retail use.

In addition, the applicant is proposing one Type 'G' loading space, to service the development, measuring a minimum of 13 m long, 4 m wide, and would have a vertical clearance of 6.1 m.

Further, the Toronto Green Standard and City of Toronto Zoning By-law No. 569-2013 require bicycle parking, for the residential use, in accordance with the following:

- Residential occupant parking (long-term) - 276 units at 0.9 spaces per unit = 248
- Residential visitor parking (short-term) - 276 units at 0.07 spaces per unit = 19

Total bicycle parking required = 267 spaces

The information submitted by the applicant indicates a total of 277 bicycle parking spaces would be provided (249 spaces within the underground parking garage and 28 spaces at-grade). This represents sufficient bicycle parking spaces to meet the Toronto Green Standard and Zoning By-law requirements.

Transportation Services staff concur with the proposed vehicular/bicycle parking and loading supply. The Draft Zoning By-law Amendment, included as Attachment 6 to this report, incorporates these vehicular/bicycle parking and loading space requirements. The final detailed review of the underground parking layout and the configuration of the loading space, as well as appropriate truck circulation supporting this configuration, would be secured through the Site Plan review process, should this application be approved.

### **Road and Public Lane Widening**

The Official Plan requirement of a 30 m right-of-way width for this segment of St. Clair Avenue West and a 20 m right-of-way width for this segment of Old Weston Road has been satisfied, therefore, property conveyances are not required along these frontages as part of the proposed development.

As part of the St. Clair Avenue West Area Transportation Master Plan, including the potential new St. Clair SmartTrack station, widening of St. Clair Avenue West may result in land conveyances impacting some of the sites fronting this Avenue (particularly on the south side of St. Clair Avenue West). Through these potential widenings, this segment of St. Clair Avenue West would have a new right-of-way width measuring approximately 36.45 m. It should be noted that the widest right-of-way width measuring approximately 40.90 m would be at the proposed underpass structure of the rail corridor.

A 3.66 m public lane is located along the easterly rear portion of 1800 St. Clair Avenue West, accessed from Cloverdale Road. In previous comments, City staff indicated that a 1.67 m lane widening would be required along the rear of this property in order to satisfy the requirement of a 6 m wide public lane right-of-way width. Upon further review, it was determined that this conveyance would effectively reduce the width of the private driveway access to the underground parking garage, which would impede simultaneous two-way traffic access at the 90-degree bend in the proposed private driveway at the top of the ramp entering the underground parking garage. It was therefore determined a redesign of the public lane was a more appropriate solution.

As such, City staff no longer require a 1.67 m wide conveyance at the south edge of this public lane and the access will be resolved through a redesign of this public lane. This would be secured through the Site Plan review process, should this application be approved.

### **Public Sidewalks and Streetscape**

A municipal sidewalk currently extends along the St. Clair Avenue West frontage (measuring 2.5 m wide) and along the Old Weston Road frontage (only measuring 1.6 m wide) of the site. The owner would be required to design and reconstruct, at their own expense, a new public sidewalk along the Old Weston Road frontage measuring a minimum of 2.1 m wide. The provision of a reconstructed public sidewalk along this frontage would encourage and provide opportunities for a range of alternative transportation modes to the site and beyond, improving the walkability of the community and creating improved connections, as well as animate the proposed POPS frontage for this development.

The proposed development would also provide an upgraded streetscape treatment along both the St. Clair Avenue West and Old Weston Road frontages through the introduction of buildings along the street edge, commercial uses with direct access onto the street (St. Clair Avenue West), and an improved landscaped treatment (hard and soft landscape elements) including boulevard trees.

It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure the obligation to design and reconstruct a 2.1 m wide municipal sidewalk along the frontage of Old Weston Road (measuring 69.3 m and 6.1 m). Further, the final design of the public sidewalk and streetscape treatment would be secured through the Site Plan review process, should this application be approved.

### **Servicing**

The applicant submitted a Functional Servicing Report prepared by Lithos Group Inc. dated March, 2018 and two addendums dated August, 2018 and November, 2018 to reflect revisions to the proposal. Following a number of revisions, staff are now satisfied that municipal water, sanitary and storm sewer systems can support the proposed development.

The report determined that in order to accommodate the proposed development, five (5) separate sanitary and water connections would be provided as follows:

- One (1) for the retail use of Block A;
- One (1) for the residential use of Block A;
- One (1) for Blocks B, C, D and E;
- One (1) for Block F (Habitat for Humanity); and
- One (1) for the new public park.

Block A would be connected to the combined sewer on St. Clair Avenue West, Blocks B, C, D and E would be connected to the combined sewer on Old Weston Road and Block F and the new public park would be connected to the combined trunk sewer on

Old Weston Road. The water connections would also be connected to the existing watermains on St. Clair Avenue West and Old Weston Road.

The Functional Servicing Report has been reviewed and is generally accepted by Engineering and Construction Services staff. The detailed Stormwater Management, Site Servicing and Grading Plans would be secured through the Site Plan review process, should this application be approved.

### **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 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest 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 applicant proposes 276 residential units and a total of 487 m<sup>2</sup> of non-residential space on a site area of approximately 1.1 ha. For sites that are 1 to 5 ha in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. Therefore, the total parkland dedication required is 1,548.56 m<sup>2</sup>.

The applicant proposes to partially satisfy the parkland dedication requirement by on-site dedication of an approximate area of 857 m<sup>2</sup>. The remainder of the parkland dedication requirement of a minimum of 691.56 m<sup>2</sup> would be paid by cash-in-lieu. Parks, Forestry and Recreation staff advise this is appropriate for the parkland dedication requirement associated with this development. It is recommended that City Council authorize the General Manager, Parks, Forestry and Recreation to accept the parkland dedication shortfall of a minimum of 691.56 m<sup>2</sup> to be paid by cash-in-lieu.

In order to secure the on-site dedication of an approximate area of 857 m<sup>2</sup> for a new public park, the owner agrees to register, prior to the issuance of the first above grade building permit and in a form satisfactory to the City Solicitor, a Section 118 Restriction pursuant to the Land Titles Act that will prohibit the transfer or any interest in or charge of the approximate 857 m<sup>2</sup> lands without written consent from the General Manager of Parks, Forestry and Recreation.

Parks staff are interested in securing the design and construction (by the owner) of Base Park Improvements and Above Base Park Improvements. There may be opportunities to use the Parks and Recreation component of the Development Charges for the Above Base Park Improvements work.

It is therefore 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 to the on-site public park with an approximate area of 857 m<sup>2</sup> to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner is required to submit a design and

cost estimate, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the lesser of the approved cost estimate for Above Base Park Improvements, and 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 for Blocks A to E, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

It is also recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure the Section 118 Restriction registration and the design and construction of Base Park Improvements and Above Base Park Improvements at the owner's expense. Further, the owner will be required to grant easements to the City of Toronto for the purposes of the general public's access to the park over the portico, sidewalk and driveway, as part of the condominium approval process for Blocks A to E.

### **Privately-Owned Publicly Accessible Open Space (POPS)**

Privately-owned publicly accessible open space (POPS) of approximately 159 m<sup>2</sup> is proposed, fronting Old Weston Road. This proposed POPS would be located between the residential properties municipally known as 381 and 387 Old Weston Road. Staff are of the opinion the proposed POPS would be a positive element of the proposal. It would provide opportunity for public realm enhancements and additional outdoor amenity space for the use of new residents as well as for visitors to the site and existing residents in the community. It should be noted that this POPS would be near the outdoor amenity spaces and provide clear views through the site.

It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure this proposed POPS area. Further, staff recommend that the POPS be secured in the Draft Zoning By-law Amendment, included as Attachment 6 in this report, and its final design be secured through the Site Plan review process, should this application be approved.

### **Tree Preservation**

City of Toronto By-laws provide for the protection of trees situated on both private and City property. Urban Forestry staff reviewed the application with respect to the City Street Tree By-law and the Private Tree By-law, Municipal Code Chapter 813, Trees, Articles II and III.

An Arborist Report (Tree Protection & Plan Review) prepared by Central Tree Care Ltd. dated November 23, 2018, was submitted in support of the revised application. This report indicates that the proposed development would require removal and/or injury of at least six (6) protected privately-owned trees. It should be noted that the proposed development proposes to preserve eight (8) City-owned trees and six (6) protected privately-owned trees. The Landscape Layout Plan shows several trees (approximately 68 new trees) proposed on private property, however, due to restrictions/limitations, no new trees would be installed on the City road allowance.

Urban Forestry staff do not object to the proposed development and Zoning By-law Amendment, in principle, on the understanding that the applicant would be required to plant new large growing shade trees at a three to one ratio on the private lands. Where tree planting to replace trees to be removed is not physically possible on-site, the General Manager of Parks, Forestry and Recreation may accept cash-in-lieu payment in an amount equal to 120% of the cost of replanting and maintaining the trees for a period of two years. The current charge for each tree is \$583, however, is subject to change. The number and location of trees on-site would be finalized through the Site Plan review process, should this application be approved including the illustration of a sufficient number of proposed trees to meet the Toronto Green Standard (TGS) requirements.

### **Toronto Green Standard**

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 have been secured through the Zoning By-law process by ensuring there is adequate vehicle parking and cycling infrastructure on the site alongside provision for the storage and collection of recycling and organic waste.

Other applicable TGS performance measures would be secured through the Site Plan review process, should this application be approved.

### **Archaeological Assessment**

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant submitted a Stage 1 Archaeological Assessment Report prepared by A.M. Archaeological Associates dated June 9, 2017, in support of the application. This report concludes that no archaeological resources were encountered and no further study is required. Heritage Preservation Services staff have reviewed this assessment and have no objection to the proposed development.

### **Environment**

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

A Summary of Phase One and Two Environmental Conditions prepared by Stantec Consulting Ltd. dated February 16, 2018, was submitted in support of the application.

The following has been identified:

- The current owner of the northern portion of the site (municipally known as 383-423 Old Weston Road) is the City of Toronto. Former occupants included Toronto Water Works and The City of Toronto Purchasing and Supply. The buildings were formerly used as an office, garage and storage facility.
- The current owner of the southern portion of the site (municipally known as 1800 St. Clair Avenue West) is 172965 Canada Limited and McColl-Frontenac Oil Company Limited (entities controlled by Imperial Oil). This portion of the site contained a gasoline station and functioned as a gasoline retail outlet, which was in operation for approximately 55 years.
- The current owner of the remaining southern portion of the site (municipally known as 1818 St. Clair Avenue West) is Mr. Salvatore Vellone. This portion of the site was used as a vehicle sales operation for approximately 68 years.

Should this application be approved, this study must be peer reviewed, at no cost to the City, during the time the Record of Site Condition has been filed. The peer review commences upon receiving the required fees from the owner. Additional information may be required by the peer reviewer, upon the completion of the first review.

### **Public Health**

An Electro Magnetic Field study prepared by The Taylor Group dated November 17, 2017 was submitted for the proposal as a hydro corridor abuts the north limits of the site. This study indicates that "the magnetic field within the hydro right-of-way showed no increase above the background indicating either the main hydro lines are no longer in use or configured to cancel out the magnetic field, which has been done very successfully".

In keeping with the City of Toronto's Prudent Avoidance Policy, in order to reduce childhood exposure to electromagnetic fields in and adjacent to hydro corridors (with transmission lines), an Electro Magnetic Field (EMF) Management Plan is required to be submitted and reviewed by Toronto Public Health staff. This plan would outline the no-to-low-cost EMF exposure reduction measures that could be implemented and/or incorporated into the development to minimize the increase in early average exposure to EMF for young children.

It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure the reduction measures (if required) to the satisfaction of the Chief Medical Officer, Toronto Public Health.

### **Noise and Vibration**

The applicant submitted an initial Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated March 16, 2018 and one addendum dated November 23, 2018 to reflect revisions to the proposal. This study identifies that the following stationary noise sources are of potential concern:

- College Custom Concrete (municipally known as 30 Townsley Road) which is a concrete batch plant operation. The facility receives raw product in the form of cement powder and other aggregates, mixes the materials to produce concrete, and ships the material via concrete truck. It appears the facility owns its own fleet of trucks which are parked on the site during the nighttime hours. The noise source of concern is truck traffic on the site, as well as a front end loader that moves raw product on the site. The assessment predicts that there would be sound level excesses (over the Class 1 guideline limits) during the daytime hours (7:00 a.m. to 7:00 p.m.) and minor sound level excesses (over the Class 1 guideline limits) during the evening/nighttime hours (7:00 p.m. to 6:00 a.m.).
- Home Depot Store #7013 (municipally known as 2121 St. Clair Avenue West). The noise source of concern is impulse noise that would occur during unloading of trucks at the loading docks. The impulse noise occurs when forklifts enter and exit the truck trailers by driving over the metal dock leveller. Deliveries were assumed to occur at any time at the Home Depot. The Home Depot is a substantial distance from the site (approximately 500 m away), therefore, the noise emissions from the rooftop mechanical equipment were considered to be insignificant.

This study identifies noise control requirements such as central air conditioning for all residential units as well as upgrades to the facades (windows and exterior walls) of the proposed mixed use building and townhouse blocks in order to comply with the Ministry of the Environment and Climate Change (MOECC) criteria for indoor sound levels. It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to secure the mitigation measures for noise control. The final design and applicable warning clauses would be secured through the Site Plan review process, should this application be approved.

In addition, this study recommends that this site be deemed Class 4 to address noise from the neighbouring stationary sources. NPC-300 is a Provincial Guideline published in 2013 that provides guidance for the appropriate control of sources of noise emissions to the environment. It is not determinative planning policy for land use planning decisions.

The purpose of the NPC-300 is as follows:

- To provide sound level limits that are applied by the MOECC to stationary sources, such as industrial and commercial establishments and auxiliary transportation facilities;
- To provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act*;
- To provide sound level limits that may be incorporated into noise control by-laws, which may be developed by municipalities; and
- To provide sound level limits that may be applied under the provisions of the *Aggregate Resources Act*.



NPC-300 classifies noise sensitive receptors by area. The four classes of receptors are as follows:

- Class 1 – Urban Areas
- Class 2 – Suburban/Semi-Rural Areas
- Class 3 – Rural Areas
- Class 4 – Infill areas

Depending on the receptor area classification, different Guideline sound limits apply. The Class 4 classification was introduced by the Ministry in 2013. It is intended to allow for infill and redevelopment in proximity to existing stationary sources of noise, such as industry, while still protecting residences from undue noise. It should be noted that a Class 4 area is defined as "an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- Is an area intended for development with new noise sensitive land use(s) that are not yet built;
- Is in proximity to existing lawfully established stationary sources; and
- Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process".

Class 4 allows for somewhat higher noise levels at residential receptors than would be permitted within a Class 1 area. Class 4 alleviates some of the burden from the proximate noise-generating industry making it is easier for industry to remain in compliance with Ministry requirements while also allowing municipalities to achieve sensitive land use redevelopment goals in accordance with its land use policies in proximity to industrial uses.

The predicted sound levels are less than the Class 4 minimum exclusion limits at all locations, therefore, no physical mitigation would be required. It is recommended that City Council classify the subject lands as a Class 4 Noise Area.

The applicant also submitted a Streetcar Vibration Study prepared by Valcoustics Canada Ltd. dated March 16, 2018 and one addendum dated November 23, 2018 to reflect revisions to the proposal. This study identifies that the only source of ground-borne vibration affecting the site is from the Toronto Transit Commission (TTC) streetcar movements on St. Clair Avenue West. The ground-borne vibration, due to the streetcar movements, were measured to be below the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC) vibration guideline limits at the proposed building, fronting St. Clair Avenue West (Block A). It was therefore determined that mitigation measures are not required for this proposed development.

The above studies have been peer reviewed (at the cost of the applicant) by Jade Acoustics Inc. and the peer reviewer concurs with the findings of the studies and the required mitigation measures, however, further review would be required through the Site Plan approval process, should this application be approved.

## **Air Quality**

The applicant submitted a Land Use Compatibility Assessment prepared by RWDI Consulting Engineers & Scientists dated October 16, 2018, in support of the application. This consultant was retained to conduct an air quality assessment for the proposed development. The purpose of this study was to assess the impact of adjacent and nearby properties that may be a source of pollutants, dust and/or odour on the proposed development. Overall, this study investigated compatibility of the existing land uses up to 1,000 m (1 km) from the site.

The site is surrounded by Commercial Residential, Residential, Employment Industrial and Open Space land uses. Various industries (Collosus Auto Collision, Consolidated Bottle Corporation, College Concrete Supply and National Rubber Technologies) have been operating in this neighbourhood for many years and historically in close proximity to existing residential uses.

MOECC Guideline D-6 is intended to be used for land use planning in order to minimize impacts due to encroachment of sensitive land uses and industrial land uses on each other. The minimum separation distance set out for this matter is between 70 m and 300 m, depending on the Class of the existing industry.

All the industries within the study area are located further from the proposed development site than the minimum recommended separation distances set out in Guideline D-6. In addition, these industries are presently functioning with residential uses in closer proximity than the proposed development. This report concludes these industries are compatible with the proposed development and mitigation measures are not required for this proposed development.

## **School Boards**

The Toronto District School Board (TDSB) advises that currently there is sufficient space at the local schools to accommodate students that are anticipated from this development and others in the area. These local schools include General Mercer Junior Public School, Carlton Village Junior & Senior Public School, and Oakwood Collegiate Institute. The impact from this development is insufficient to require any warning clauses, which would normally be requested, however, the Board reserves the right to change this status at any time without further notice. If the status is to change, measures could be secured through the Site Plan review process. The Toronto Catholic School Board (TCSB) has not provided comment.

## **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 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.

Policy 5.1.1.6 of the Official Plan states that Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under the provisions of the *Planning Act* or the *Development Charges Act* or other statute, including, but not limited to:

- (e) parkland, and/or park improvements; and
- (i) purpose built rental housing with mid-range or affordable rents, land for affordable housing, affordable ownership housing, or, at the discretion of the owner, cash-in-lieu of affordable rental or ownership units or land.

The provision of appropriate community benefits has been discussed with the Ward Councillor and the applicant has agreed to provide appropriate benefits.

Staff are recommending that before introducing the necessary Bills to City Council for enactment, the owner be required to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 1800-1818 St. Clair Avenue West and 383, 423 and 425 Old Weston Road, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense:

- a. A cash contribution of \$400,000.00 to be directed to "The Treasurer, City of Toronto" 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 payment and to be used for local park, recreational facilities, or local area amenity improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- b. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- c. Prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E, the owner shall convey, in fee simple to Habitat for Humanity, a part of the site with a minimum area of 1,011 m<sup>2</sup> for the purpose of constructing 20 affordable housing units.
- d. The owner shall provide, at its own expense, the design and construction of Above Base Park Improvements to the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to City Council approving a development charge credit for these works and in accordance with Clause f. below. The conveyance of the parkland dedication shall be in environmental condition, satisfactory to the General Manager, Parks,

Forestry and Recreation, in accordance with the City standards and would occur prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E.

e. Prior to the issuance of the first above grade building permit, the owner shall submit a cost estimate and plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Prior to the issuance of the first above grade building permit, the owner shall also 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 and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

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 privately owned public space, has been obtained from the Manager of Business Services, Parks, Forestry and Recreation. 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 and Recreation. The agreement must be secured prior to stockpiling of any soils or materials or use as an interim construction staging area on the parkland, after conveyance to the City. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.

The construction of the Base Park Improvements will be deferred to correspond with the completion of Above Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Recommendation 7.f.

f. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Recommendation 5. The owner is required to submit a design and cost estimate, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the lesser of the approved cost estimate for Above Base Park Improvements, and 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 for Blocks A to E, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Base Park Improvements and Above Base Park Improvements shall be completed prior to one year from the day the parkland is conveyed in fee simple to the City subject to extensions for seasonality satisfactory to Parks, Forestry and Recreation. Should the completion of the Base Park Improvements and Above Base Park Improvements

not be completed prior to one year from the day the parkland is conveyed in fee simple to the City, Parks, Forestry and Recreation may draw from Letters of Credit in order to complete the park construction, subject to extensions satisfactory to Parks, Forestry and Recreation for seasonality.

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

i. The owner shall provide, at its own expense, an approximate area of 159 m<sup>2</sup> of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E. This POPS area is to be located fronting Old Weston Road, between the properties municipally known as 381 and 387 Old Weston Road. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.

ii. The owner shall, prior to the issuance of the first above grade building permit, register a Section 118 Restriction pursuant to the Land Titles Act, in priority, against title to the parcel of land to be conveyed in fee simple to the City for the purpose of the on-site parkland dedication, to the satisfaction of the City Solicitor, until such time that the lands are conveyed to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

iii. The owner shall design and reconstruct a 2.1 m wide municipal sidewalk along the frontage of Old Weston Road (measuring 69.3 m and 6.1 m) to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E.

iv. The owner shall grant easements to the City of Toronto for the purposes of the general public's access to the park over the portico, sidewalk and driveway, as part of the condominium approval process for Blocks A to E, subject to conditions satisfactory to the Director of Community Planning, Etobicoke York District, in consultation with the City Solicitor.

v. The owner shall construct and maintain the development in accordance with the accepted Electro Magnetic Field study to secure mitigation

measures (if required) to the satisfaction of the Chief Medical Officer, Toronto Public Health.

vi. The owner shall construct and maintain the development in accordance with the accepted Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated November 23, 2018, to secure appropriate mitigation measures for noise control.

vii. 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 Management Committee, as further amended by City Council from time to time.

## Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the Healthy Neighbourhoods, *Mixed Use Areas, Avenues, Built Form* and Public Realm policies. Staff worked with the applicant to address and resolve the following key concerns: orientation of buildings, massing, transition to adjacent *Neighbourhoods*, appropriate parkland dedication, and increases in family-size units and open space areas. In addition, the proposal would provide 20 affordable housing units developed by Habitat for Humanity.

Staff are recommending that City Council support approval of this application, subject to the recommendations outlined in this report.

## CONTACT

---

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

## 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 Zoning By-law Map

Attachment 5: Figure 5: Draft Official Plan Amendment

Attachment 6: Figure 6: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

Attachment 7: Figure 7: Site Plan

Attachment 8: Figure 8: Elevations (Block A - East and North)

Attachment 9: Figure 9: Elevations (Block B - West and South)

Attachment 10: Figure 10: Elevations (Block B)

Attachment 11: Figure 11: Elevations (Block C)

Attachment 12: Figure 12: Elevations (Block D)

Attachment 13: Figure 13: Elevations (Block E)

Attachment 14: Figure 14: Elevations (Block F)

Attachment 1: Figure 1: Application Data Sheet

**Municipal Address:** 1800-1818 St. Clair Ave West and 383, 423 and 425 Old Weston Road  
**Date Received:** March 28, 2018

**Application Number:** 18 135955 WET 17 OZ

**Application Type:** OPA / Rezoning, OPA & Rezoning

**Project Description:** Application to develop six new buildings, including five low-rise blocks of stacked 3.5-storey townhouses, and a proposed 11-storey mixed use building with retail space at grade fronting St. Clair Avenue West. A total of 276 residential units are proposed, of which 96 would be townhouse units and 180 would be apartment units. 20 of the 96 townhouse units would be developed as affordable ownership by Habitat for Humanity Greater Toronto Area.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
DIAMOND CORP.		GIANNONE PETRICONE ASSOCIATES	MULTIPLE

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	MCR T5.0 C2.0 R4.0/R(d0.6)/ OR	Heritage Designation:	No
Height Limit (m):	24/10	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area (sq m): 10,596                      Frontage (m): 135                      Depth (m):

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			4,099	<b>4,099</b>
Residential GFA (sq m):			21,263	<b>21,263</b>
Non-Residential GFA (sq m):			487	<b>487</b>



<b>Total GFA (sq m):</b>	<b>21,750</b>	<b>21,750</b>
Height - Storeys:	11	11
Height - Metres:	37	37

Lot Coverage Ratio (%) : 38.68                      Floor Space Index: 2.1

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	21,263	
Retail GFA:	487	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			256	<b>256</b>
Other: affordable condo			20	<b>20</b>
<b>Total Units:</b>			<b>276</b>	<b>276</b>

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:			80	116	80
<b>Total Units:</b>			<b>80</b>	<b>116</b>	<b>80</b>

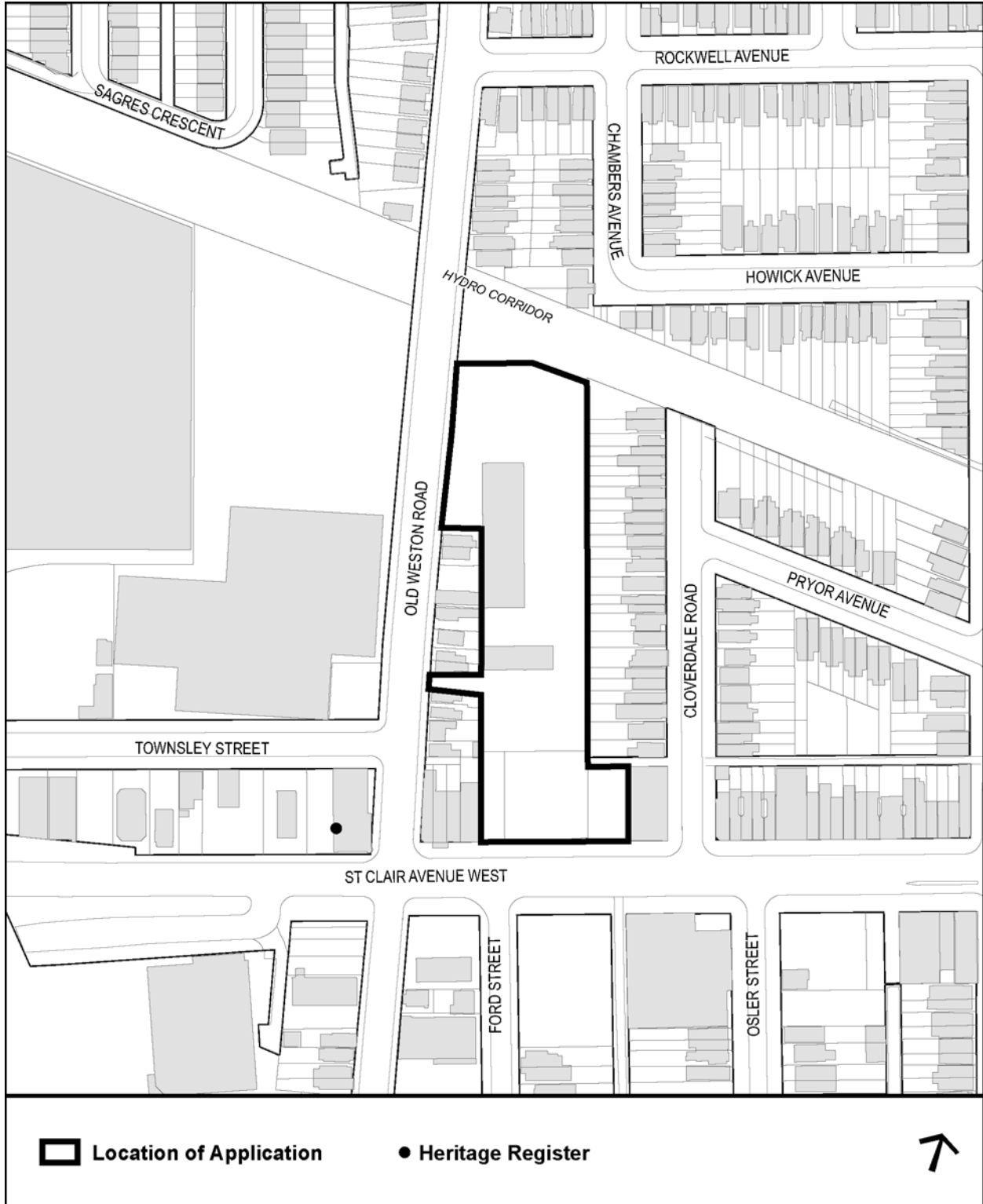
#### **Parking and Loading**

Parking Spaces: 218                      Bicycle Parking Spaces: 277                      Loading Docks: 1

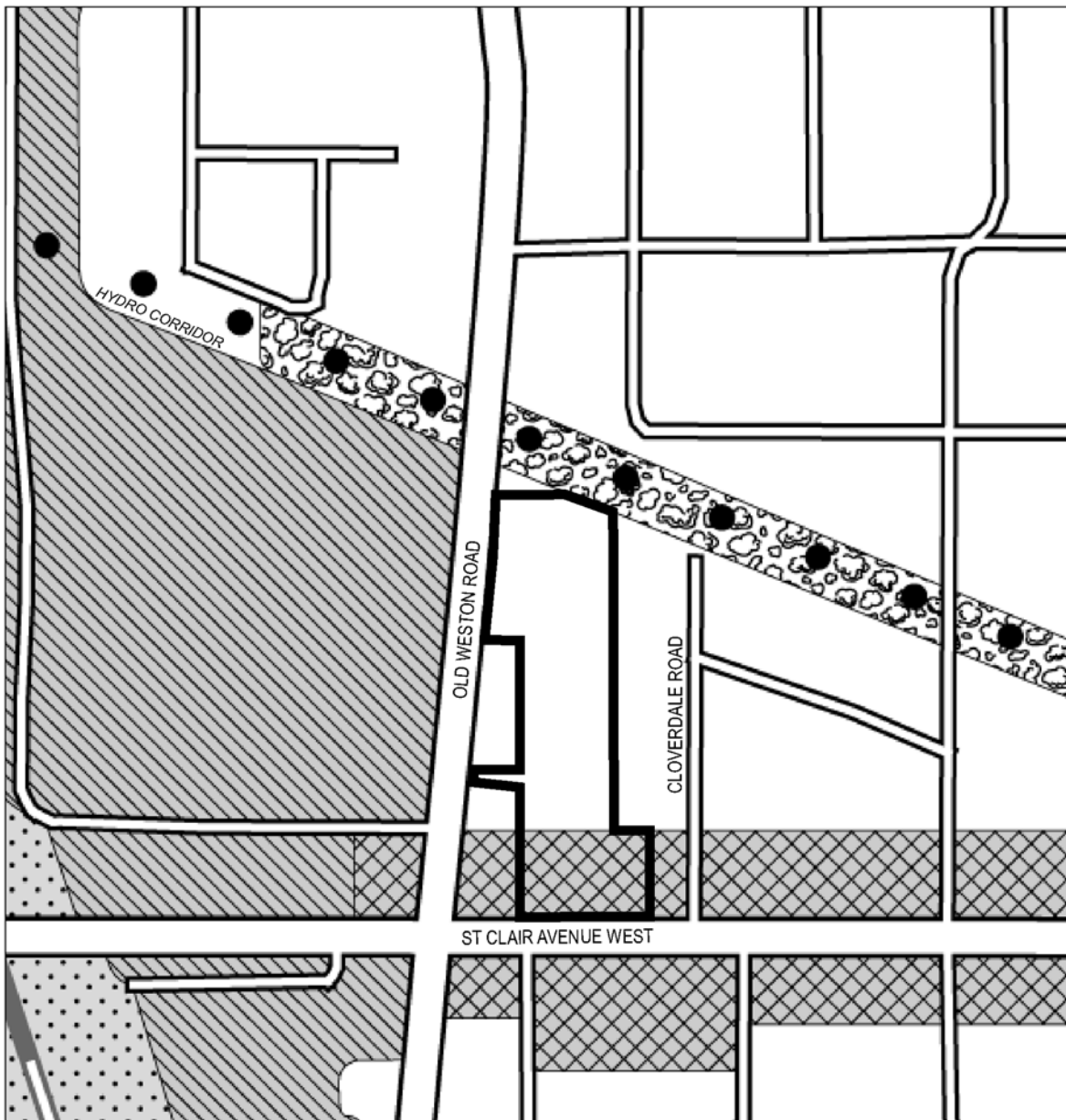
#### **CONTACT:**

Sabrina Salatino, Senior Planner  
(416) 394-8025  
[Sabrina.Salatino@toronto.ca](mailto:Sabrina.Salatino@toronto.ca)

Attachment 2: Figure 2: Location Map



Attachment 3: Figure 3: Official Plan Land Use Map



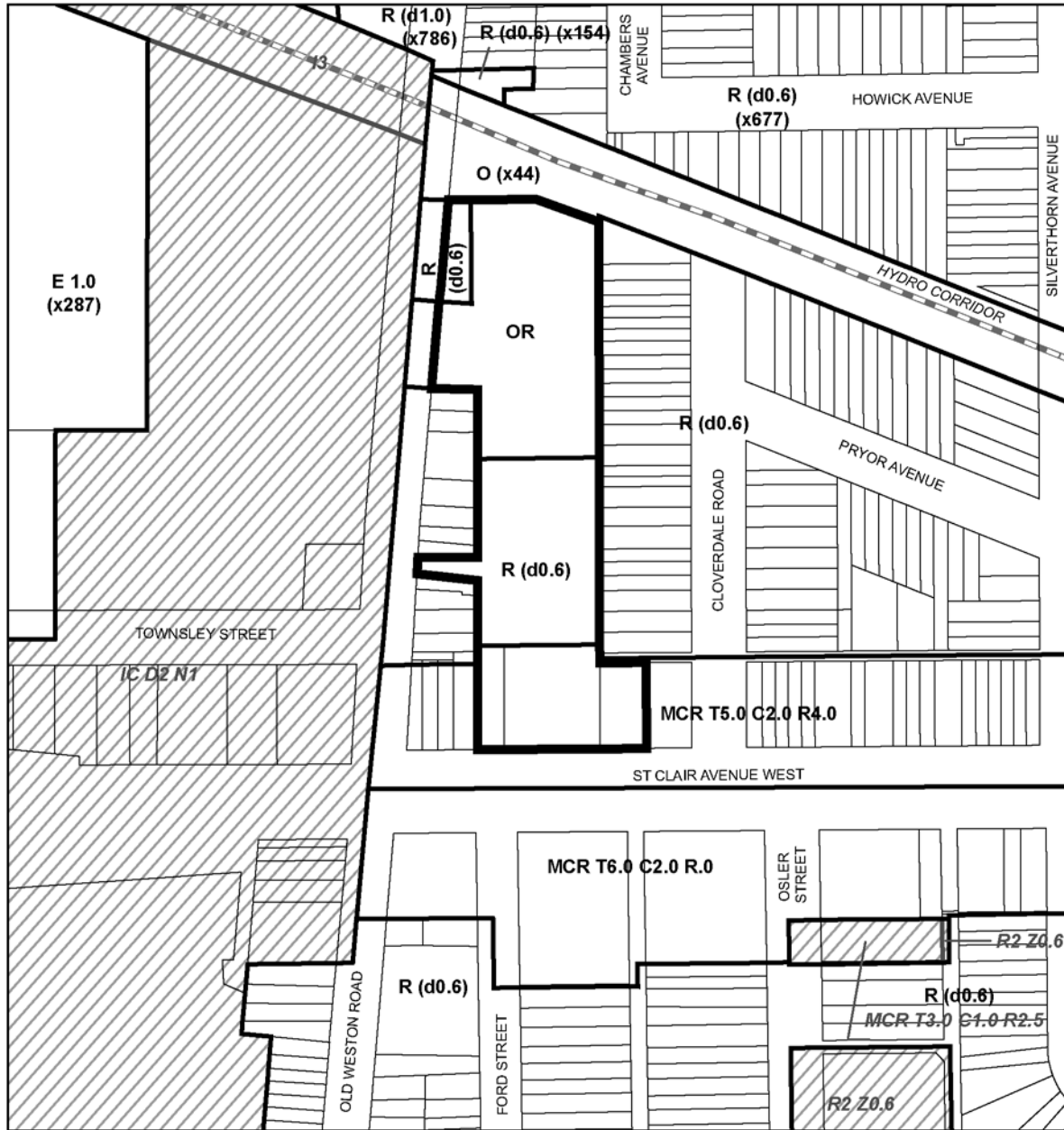
**TORONTO**  
 Official Plan Land Use Map #17

1800-1818 St. Clair Avenue West and  
 383, 423 & 425 Old Weston Road  
 File # 18 135955 WET 17 0Z

- |                         |                          |                   |
|-------------------------|--------------------------|-------------------|
| Location of Application | Parks & Open Space Areas | Employment Areas  |
| Neighbourhoods          | Parks                    | Utility Corridors |
| Mixed Use Areas         |                          |                   |

Not to Scale  
 04/26/2018

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



Zoning By-law 569-2013

1800-1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road  
File # 18 135955 WET 17 0Z

Location of Application

R Residential  
CR Commercial Residential  
E Employment Industrial  
O Open Space  
OR Open Space Recreation

See Former City of Toronto By-Law No. 438-86

R2 Residential District  
MCR Mixed-Use District  
I3 Industrial District  
IC Industrial District



Not to Scale  
Extracted: 04/23/2018

Attachment 5: Figure 5: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

Bill XXX

CITY OF TORONTO

BY-LAW XXX

To adopt an amendment to the Official Plan  
for the City of Toronto  
respecting the lands known municipally in the year 2018, as  
383, 423 and 425 Old Weston Road

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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

The Council of the City of Toronto enacts:

1. The attached Amendment No. 443 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and Passed this ~ day of ~, A.D. 20~.

Frances Nunziata,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Seal of the City)

---

AMENDMENT NO. 443 TO THE OFFICIAL PLAN  
LANDS MUNICIPALLY KNOWN IN THE YEAR 2018 AS  
383, 423 AND 425 OLD WESTON ROAD

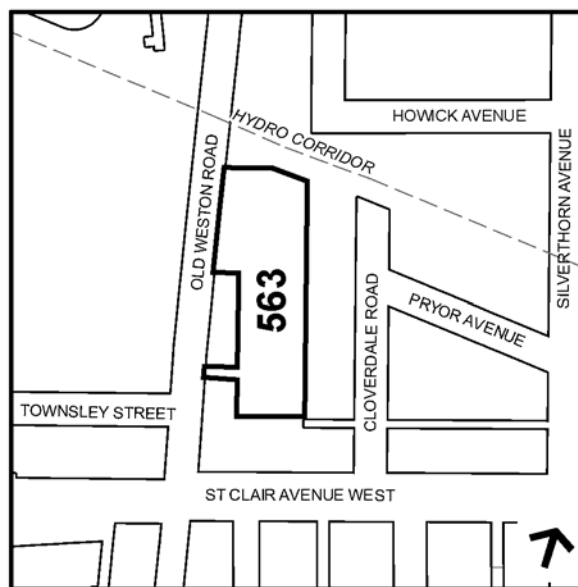
---

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 563 for the lands known municipally in 2018 as 383, 423 and 425 Old Weston Road, as follows:

563. 383, 423 and 425 Old Weston Road

- a) The vehicular and bike parking spaces, loading and servicing area, access to the loading, service area and parking, and other building facilities and services, that are associated with the mixed use development on the lands known municipally in 2018 as 1800-1818 St. Clair Avenue West are permitted.



Attachment 6: Figure 6: Draft Zoning By-law Amendment

**Authority:** Toronto and East York Community Council Item ● as adopted by City of Toronto Council on ●

**CITY OF TORONTO**

**Bill**

**BY-LAW xxx-2019**

**To amend Zoning By-laws for the City of Toronto, being By-law 569-2013, as amended, and By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 as 1800-1818 St. Clair Avenue West and 383, 423, and 425 Old Weston Road.**

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

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

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

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas Council of the City of Toronto, at its meeting on ●, determined to amend the Zoning By-law 569-2013, as amended, and By-law 438-86, as amended, for the City of Toronto with respect to lands known municipally in the year 2018 as 1800-1818 St. Clair Avenue West and 383, 423, and 425 Old Weston Road;

The Council of the City of Toronto enacts as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, 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 in heavy black line to CR (x178), R(x60) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2018 as 1800-1818 St. Clair Avenue West to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA-4, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2018 as 1800-1818 St. Clair Avenue West and 383, 423, and 425 Old Weston Road to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 10.0, and HT 16.0 as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2018 as 1800-1818 St. Clair Avenue West as outlined in heavy black lines on Diagram 5 attached to this By-law to the Lot Coverage Overlay Map in Section 995.30.1.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2018 as 1800-1818 St. Clair Avenue West and 383, 423, and 425 Old Weston Road to the Rooming House Overlay Map in Section 995.40.1, and applying the following label to these lands: B1 and B3 as shown on Diagram 6 attached to this Bylaw.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number CR(x178) so that it reads:

### **Exception CR(x178)**

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. On lands municipally known in the year 2018 as 1800-1818 St. Clair Avenue West, shown as Part 1 on Diagram 1 to By-law • [clerks to provide by-law number], if the requirements of Section 16. and Schedule (A) of By-law • [clerks to provide by-law number] are complied with, a



**building** or **structure** may be erected and used in compliance with B. to EE. below.

- B. The **lot** comprises the lands outlined by heavy lines and identified as Part 1 on Diagram 1, attached to By-law • [clerks to provide by-law number].
- C. Despite Regulation 40.10.20.20(1), the following additional uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Clause 40.10.20.100 as referred to below:
  - (i) Non-residential uses:
    - a. **Eating establishment** (1, 33); and
    - b. **Take-out Eating Establishment** (1).
- D. Despite Clause 40.10.20.40(1) **mixed-use buildings** are permitted **building types** for **dwelling units**.
- E. Despite any regulation to the contrary, a portion of a **building** on Part 1 as shown on Diagram 1 of By-law • [clerks to provide by-law number] may be used for **parking spaces, bicycle parking spaces, loading spaces**, building services including but not limited to electrical, storm, sanitary and water services, pedestrian and **vehicular** access, waste and recyclable materials storage and/or mechanical equipment, and Canada Post box, that serve the users of Part 2 as shown on Diagram 1 of By-law • [clerks to provide by-law number].
- F. The total **gross floor area** must not exceed 11,750 square metres, of which, a maximum of 750 square metres of **gross floor area** may be used for non-residential uses.
- G. Despite all of Clause 40.10.40.70 the required minimum **building setbacks** and the required minimum separation distances between **main walls of buildings or structures** above ground level are shown on Diagram 7 of By-law • [clerks to provide by-law number].
- H. Despite Regulations 5.10.40.70 (1) and (2), Clauses 40.5.40.60, 40.10.40.60, and Regulation (G) above, the following elements of a **building** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
  - (i) 2.0 metres for architectural features, cornices, piers, eaves, roof overhangs, mouldings, sills, scuppers, rain water leaders, window washing equipment, lighting fixtures, canopies, trellises, privacy screens, awnings and/or other similar shade devices and their associated structural elements, and structures for wind mitigation;

- (ii) 1.5 metres for balconies with the exception that balconies projecting from the **main walls** of the **building** facing St. Clair Avenue West and the easterly and westerly **lot lines** shown Diagram 1 of By-law • [clerks to provide by-law number] must only be located at the 8th storey and above;
  - (iii) Covered bicycle storage enclosures, covered walkways, vents, outdoor **amenity space** elements, ramps, garage ramps and associated structures, garbage chute and associated enclosures, utility meters and associated enclosures, stairs and stair enclosures, decks, terraces and terrace elements, Canada Post box, guardrails and railings;
  - (iv) **structures**, elements and enclosures permitted by Regulation (L) below.
- I. Despite Clause 40.10.40.80, if a **building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the required minimum above-ground separation distance between those **main walls**, excluding architectural recesses in a **main wall** and **main walls** around inset balconies and entrances, is:
- (i) 5.5 metres if there are no windows and/or doors opening into a **dwelling unit** in one or more of those **main walls**; and
  - (ii) 11.0 metres if each **main wall** has windows and/or doors opening into a **dwelling unit**.
- J. Despite Clause 40.10.40.10, the permitted maximum **building** height in metres, measured from the average elevation of the ground along the **front lot line** to the highest point of a **building** or **structure** is the numerical value in metres following the HT symbol on Diagram 7 of By-law • [clerks to provide by-law number].
- K. For the purpose of this Exception, the phrase “average elevation of the ground along the **front lot line**” and the term “**established grade**” is the Canadian Geodetic Datum elevation of 124.25 metres.
- L. Despite Clause 40.5.40.10 and Regulation (I) above the following elements of a **building** may extend beyond the permitted maximum **building** height limits shown on Diagram 7 of By-law • [clerks to provide by-law number] as follows:
- (i) 0.9 metres for skylights and roof access hatch;
  - (ii) 1.5 metres for elements of a **green roof**, railings and guard rails, architectural features and design elements;

- (iii) 1.5 metres for parapets, with the exception that parapets on that portion of a **building** subject to an angular plane as required by Regulation M. below are permitted to a maximum of 3.8 metres;
  - (iv) 1.8 metres for terrace dividers, privacy screens and window washing equipment;
  - (v) 3.4 metres for wind screens, wind and mitigation **structures**, canopies, trellises, awnings and/or other similar shade devices and associated **structures**, **structures** on the roof used for outside or open air recreation, outdoor **amenity space** elements including outdoor kitchens;
  - (vi) 5.0 metres for elevator overruns, mechanical penthouse, mechanical room and associated enclosures, stairs and stair enclosures;
  - (vii) 6.5 metres for mechanical equipment, vents, stacks, flues and chimneys; and
  - (viii) **structures**, elements and enclosures permitted by Regulation (H) above.
- M. Despite any provision of this Exception to the contrary, all parts of a **building** or **structure** subject to the **angular plane** as shown on Diagram 7 attached to By-law • [clerks to provide by-law number] must be below a 12 degree **angular plane** projected from the easterly property line at an elevation of 34.6 metres above **established grade**, including all projections set out in Regulation (L) above, with the exception of vents, stacks, flues and chimneys, as permitted by Regulation (L.(vii)) above.
- N. The permitted maximum number of **storeys** in a **building** is the numerical value on Diagram 7 of By-law • [clerks to provide by-law number], following the ST symbol.
- O. Despite Clause 40.10.40.50, **amenity space** is required for **dwelling units** and must be provided in accordance with the following:
- (i) A minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit** must be provided;
  - (ii) A minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** must be provided;
  - (iii) No more than 25% of the outdoor component may be a **green roof**;
  - (iv) For the purpose of this Exception, outdoor **amenity space** may be located on any or all of Part 1 and Part 2 as shown on Diagram 1 of

- By-law • [clerk to provide number]; and
- (v) Indoor and outdoor **amenity space** may be available for use by the occupants and visitors of a **building** on Part 1 and/or Part 2 as shown on Diagram 1 of By-law • [clerk to provide number] for recreational or social activities.
- P. Despite Chapter 200, **parking spaces** including accessible **parking spaces** must be provided in accordance with Section 11 of By-law • [clerks to insert].
- Q. Despite Clause 40.5.80.1, a **parking space** required by this By-law for a use in the Commercial Residential Zone category must be available for the use for which it is required
- R. Despite Clause 40.5.80.10, the location of required **parking spaces** must be in accordance with Section 11 of By-law • [clerks to provide number].
- S. Despite Chapter 220, **loading spaces** must be provided in accordance with Section 12 of By-law • [clerks to provide number].
- T. Regulation 40.10.90.10(1)(C) with respect to the location of a **loading space** does not apply.
- U. Despite Chapter 230, **bicycle parking spaces** must be provided in accordance with Section 13 of By-law • [clerks to insert by-law number].
- V. Despite any existing or future severance, partition or division of the lands shown as Part 1 on Diagram 1 of By-law • [clerks to provide by-law number] the provisions of this Exception and By-law 569-2013, shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.
- W. Despite Regulations 40.10.50.10(2), 150.100.30.1(1) and Section C.(i)a. of this Exception, a fence is not required along the **lot** line between Part 1 and Part 2 as shown on Diagram 1 of By-law • [clerks to provide by-law number].
- X. Regulation 40.10.50.10(3) does not apply.
- Y. Despite Regulation 40.10.40.1(1), **dwelling units** must be located above the first **storey** of a **building**.
- Z. Despite Regulation 40.10.40.1(2) for any non-residential use in the CR zone, excluding a **place of worship**, the floor level of the first **storey** must:
- (i) be within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance; and

- (ii) have a pedestrian access, other than service entrances, which, if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally.
- AA. Regulation 40.10.40.1 (6) as it relates to pedestrian access for a **lot** does not apply.
  - BB. Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.0 metres.
  - CC. Despite Clause 40.10.90.40, in the CR zone:
    - (i) **Vehicle** access to a **loading space** may be from a **lane** and/or a **street**; and
    - (ii) **Vehicle** access to the **loading space** may be over Part 2 on Diagram 1 of By-law • [clerk to provide number]; and
    - (iii) A **loading space** located in a **building** may not have its **vehicle** access through a **main wall** that faces a **street**.
  - DD. Regulations 40.10.100.10 (1) and (2) with respect to vehicle access restrictions and access to parking areas, do not apply.
  - EE. Despite Regulation 40.10.150.1, all waste and **recyclable material** must be stored in a wholly enclosed **building**.

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

- 9. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.2.10 Exception Number R(x60) so that it reads:

**Exception R(x60)**

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. On lands municipally known in the year 2018 as 383, 423, and 425 Old Weston Road, shown as Part 2 on Diagram 1 to By-law • [clerks to provide by-law number], if the requirements of Section 16 and Schedule (A) of By-law • [clerks to provide by-law number] are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (Z) below.
- B. The **lot** comprises the lands outlined by heavy lines and identified as Part

- 2 on Diagram 1, attached to By-law • [clerks to provide by-law number].
- C. Despite Clause 10.5.50.10, a **lot** with a building must have:
- (i) A minimum of 45% of the area of the **lot** for **landscaping**; and
  - (ii) A minimum of 45% of the **landscaping** area required in (i) above, must be **soft landscaping**.
- D. For the purpose of this Exception, **landscaping** includes outdoor terraces below **established grade** and at ground level.
- E. In addition to the residential **building** types in Clause 10.10.20.40, a **dwelling unit** is permitted in a **mixed use building** or portion of a **mixed use building** on the **lot**.
- F. Despite any regulation to the contrary, a portion of a **building** on Part 2, as shown on Diagram 1 of By-law • [clerk to provide by-law number], may be used for **parking spaces, bicycle parking spaces, loading spaces**, building services including but not limited to electrical, storm, sanitary and water services, pedestrian and **vehicular** access, waste and recyclable materials storage and/or mechanical equipment, and Canada Post box, that serve the users of Part 1 as shown on Diagram 1 of By-law • [clerks to provide by-law number].
- G. Despite Clause 10.10.40.40, the permitted maximum **gross floor area** is 10,000 square metres.
- H. Despite all of Clauses 10.5.40.70, 10.10.40.70, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground level is shown on Diagram 8 of By-law • [clerks to provide by-law number].
- I. Despite Clause 10.10.40.80, if a **building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the required minimum above-ground separation distance between those **main walls**, excluding architectural recesses in a **main wall** and **main walls** around inset balconies and entrances, is:
- (i) 5.5 metres if there are no windows and/or doors opening into a **dwelling unit** in one or more of those **main walls**; and
  - (ii) 11.0 metres if each **main wall** has windows and/or doors opening into a **dwelling unit**.
- J. Despite Regulations 5.10.40.70 (1) and (2), Clauses 10.5.40.50, 10.5.40.60, and Regulation (I) above, the following elements of a **building** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:

- (i) 0.9 metres for architectural features such as cornices, eaves, piers, mouldings, sills, scuppers, rain water leaders, lighting fixtures and bay windows;
  - (ii) 1.5 metres for balconies and guard rails;
  - (iii) Terraces below **established grade** to a minimum of 1.5 metres and a maximum of 2.5 metres;
  - (iv) 1.8 metres for stoops, decks, porches, canopies and associated **structures**, awnings and associated **structures**;
  - (v) Covered bicycle storage enclosures, covered walkways, vents, outdoor **amenity space** elements, ramps, garage ramps and associated **structures**, air conditioners and generators, Canada Post box, stairs, stair enclosures and retaining walls, garbage chute and associated enclosures, window wells, utility meters and associated enclosures; and
  - (vi) **structures**, elements and enclosures permitted by Regulation (N) below.
- K. Despite Clause 10.10.40.1, more than one **residential building** is permitted on the **lot**.
- L. Despite Clause 10.10.40.10, the permitted maximum **building** height in metres, measured between the **established grade** to the highest point of a **building** or **structure** is the numerical value in metres following the symbol HT on Diagram 8 of By-law • [clerks to provide bylaw number].
- M. For the purpose of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 124.25 metres.
- N. Despite Clause 10.5.40.10 and Regulation (L) above, the following elements of a **building** may extend beyond the maximum **building** height limits shown on Diagram 8 of By-law • [clerks to provide by-law number] as follows:
- (i) 1.5 metres for elements of a **green roof**, railings and guard rails;
  - (ii) 1.8 metres for balcony and roof top terrace dividers, privacy screens and window washing equipment;
  - (iii) 3.0 metres for wind screens, wind and mitigation **structures**, canopies, trellises, awnings and/or other similar shade devices and associated **structures**, **structures** on the roof used for outside or open air recreation, outdoor **amenity space** elements including outdoor kitchens, architectural features and design elements,

parapets, elevator overruns, stairs, stair enclosures, roof top access vestibules and, mechanical equipment and associated enclosures;

- (iv) skylights and roof access hatch, vents, stacks, flues and chimneys;
  - (v) **structures**, elements and enclosures permitted by Regulation (J) above.
- O. Roof top access vestibules are limited to a maximum **gross floor area** of not more than 12 square metres per **dwelling unit**.
- P. Roof top access vestibules must be located within the dashed areas shown on Diagram 8 of By-law • [clerk to provide number].
- Q. Despite Clause 10.10.40.50, outdoor **amenity space** must be provided as follows:
- (i) A minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** must be provided;
  - (ii) For the purpose of this Exception, outdoor **amenity space** may be located on any or all of Part 1 and Part 2 as shown on Diagram 1 of By-law • [clerk to provide number]; and
  - (iii) Outdoor **amenity space** may be available for use by the occupants and visitors of a **building** on Part 1 and/or Part 2 as shown on Diagram 1 of By-law • [clerk to provide number] for recreational or social activities.
- R. Despite Chapter 200, **parking spaces** including accessible **parking spaces** must be provided in accordance with Section 11 of By-law • [clerks to insert].
- S. Despite Regulation 10.5.80.1(1), a **parking space** required by this By-law for a use in the Residential Zone category permitted use must be available for the use for which it is required.
- T. Despite Clause 10.5.80.10, the location of required **parking spaces** must be in accordance with Section 11 of By-law • [clerks to provide number].
- U. Regulation 10.5.100.1(4) with respect to driveway width for apartment buildings does not apply.
- V. Regulation 10.5.100.1(5) with respect to **driveway** access for **apartment buildings** does not apply.
- W. Clause 10.10.40.30 with respect to **building** depth does not apply.



- X. Despite Chapter 220, **loading spaces** must be provided in accordance with Section 12 of By-law • [clerks to provide number].
- Y. Despite Chapter 230, **bicycle parking spaces** must be provided in accordance with Section 13 of By-law • [clerks to insert].
- Z. Despite any existing or future severance, partition or division of the lands shown as Part 2 on Diagram 1 of By-law • [clerks to provide by-law number] the provisions of this Exception and By-law 569-2013, shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.

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

- 10. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception OR so that it reads:

**Exception OR**

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. In addition to the uses permitted by Clause 90.30.20.10, and despite any regulations of By-law 569-2013, as amended, to the contrary, construction staging and related activities in connection with the development of Part 1 and Part 2 as shown on Diagram 1 of By-law • [clerk to provide number] are also permitted.
- B. Clause 90.30.40.70 does not apply to a building, structure or trailer used for the purpose of construction staging and related activities in connection with the development of Part 1 and Part 2 as shown on Diagram 1 of By-law • [clerk to provide number].

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

**Parking Regulations**

- 11. Regulations Applying to Parking Spaces

- A. Requirement to Provide Parking Spaces

**Parking spaces** must be provided collectively for each use on a **lot** in an amount that complies with the regulations in this Section. For the purpose of this Section 11, Part 1 and Part 2 on Diagram 1 of this By-law is deemed to be one **lot**.

## B. Drive Aisle Width

The following are the minimum **drive aisle** widths:

- (i) If the centreline of a **parking space** is at an interior angle of 70 to 90 degrees to the centreline of the **drive aisle** providing **vehicle** access, the minimum width for that one or two **lane drive** aisle is 6.0 metres;
- (ii) If the centreline of a **parking space** is at an interior angle from 50 to less than 70 degrees to the centreline of the **drive aisle** providing **vehicle** access, the minimum width for that **drive aisle** is 5.5 metres for each aisle;
- (iii) If the centreline of a **parking space** is at an interior angle of less than 50 degrees from the centreline of the **drive aisle** providing **vehicle** access, the minimum width for that **drive aisle** is 4.0 metres for each aisle.

## C. Interpretation

- (i) Parking Space Dimensions – Minimum

A **parking space** is subject to the following:

- a. A **parking space** must have the following minimum dimensions:
  - a) length of 5.6 metres;
  - b) width of 2.6 metres;
  - c) vertical clearance of 2.0 metres; and
  - d) the minimum width in b) must be increased by 0.3 metres for each side of the **parking space** that is obstructed according to d. below;
- b. For a **parking space** accessed by a **drive aisle** with a width of less than 6.0 metres, whether it is a one-way or two-way **drive aisle**, the minimum dimensions of a **parking space** are:
  - a) length of 5.6 metres;
  - b) width of 2.9 metres;
  - c) vertical clearance of 2.0 metres; and

- d) the minimum width in b) must be increased by 0.3 metres if one or both sides of the **parking space** is obstructed according to d. below;
- c. The minimum dimensions of a **parking space** that is adjacent and parallel to a **drive aisle** from which **vehicle** access is provided are:
- a) length of 6.7 metres;
  - b) width of 2.6 metres;
  - c) vertical clearance of 2.0 metres; and
  - d) the minimum width in b) must be increased by 0.3 metres for each side of the **parking space** that is obstructed according to d. below; and
- d. The side of a **parking space** is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
- a) within 0.3 metres of the side of the **parking space**, measured at right angles; and
  - b) more than 1.0 metre from the front or rear of the **parking space**.

(ii) Parking Space Dimensions – Maximum

The maximum dimensions for a **parking space** are:

- a) length of 6.0 metres;
- b) width of 3.2 metres.

(iii) Vertical Clearance of a Parking Space

The minimum vertical clearance for a **parking space** extends over the entire length and width of the **parking space**, excluding a wheel stop with a height of less than 18.0 centimetres.

(iv) Maximum Permitted Obstructed Parking Spaces

Of the total number of **parking spaces** that are obstructed on one side in accordance with Regulation (11.C.(i) d.) of this By-law, a maximum of 10 percent may have the following minimum dimensions and such spaces shall be designated as compact **parking spaces**:

- a) length of 5.6 metres;
- b) width of 2.6 metres;
- c) vertical clearance of 2.0 metres.

(v) Tandem Parking Spaces

A required **parking space** may not be a tandem **parking space**.

(vi) Tandem Parking Space Minimum Dimensions

A tandem **parking space** must have the following minimum dimensions:

- a) length of 5.6 metres;
- b) width of 2.6 metres;
- c) vertical clearance of 2.0 metres.

(vii) Calculation of Parking Space Requirements – Rounding

If the calculation of the number of required **parking spaces** results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one **parking space**.

(viii) Parking Space to be Clearly Marked

All **parking spaces** required for a non-residential use must be clearly identified and marked.

(ix) Parking Space Calculation -Gross Floor Area Exclusion

The **interior floor area** of that portion of a **building** used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in the **basement, parking space, loading space, or a drive aisle** used to access a **parking space or loading space**, is not included in the **gross floor area** for the purpose of calculating **parking space** requirements.

(x) Parking Space Access

All areas used for required **parking spaces** must have **driveway** access to a **street or lane** that is direct and unobstructed, excluding a gate, moveable barrier or similar security feature.

D. Parking Space Rates

Off street **parking spaces** must be provided for every **building** or **structure** erected or enlarged, in compliance with the following:

- (i) If a **building** has **dwelling units** then **parking spaces** must be provided at a minimum rate of:
  - a. 0.5 for each bachelor and one-bedroom **dwelling unit**;
  - b. 0.75 for each **dwelling unit** with two or more bedrooms; and
  - c. 0.06 for each **dwelling unit** must be used for visitor parking.
- (ii) No **parking spaces** are required for non-residential uses.

E. Location of Parking Spaces

- (i) **Parking spaces** for a **building** on Part 1 may be located on any or all of Part 1 or Part 2 as shown on Diagram 1 of By-law • [clerk to provide number].
- (ii) **Parking spaces** for a **building** on Part 2 may be located on any or all of Part 1 or Part 2 as shown on Diagram 1 of By-law • [clerk to provide number].

F. Parking Space Rate Ancillary Use

A use that is **ancillary** has the same **parking space** rate as the use to which it is **ancillary**.

### Regulations Applying to Visitor Parking Spaces

G. General

- (i) Access to Visitor **Parking Spaces**  
All **driveways** or **drive aisles** that provide **vehicle** access to visitor **parking space** must be clearly identified.
- (ii) Visitor Parking Space – Marking  
All visitor **parking spaces** must be clearly identified and marked.
- (iii) Visitor Parking Space Dimensions

A visitor **parking space** must comply with the **parking space** dimensions in Section 11.C.(i) of By-law • [clerks to provide by-law number].

## Regulations Applying to Accessible Parking Spaces

### H. Accessible Parking Space Dimensions

An accessible **parking space** must have the following minimum dimensions:

- (i) length of 5.6 metres;
- (ii) width of 3.4 metres; and
- (iii) vertical clearance of 2.1 metres.

### I. Accessible Parking Space Dimensions – Parallel Parking Space

The minimum dimensions of an accessible **parking space** that is adjacent and parallel to a **drive aisle** from which **vehicle** access is provided is:

- (i) length of 7.1 metres;
- (ii) width of 2.6 metres; and
- (iii) vertical clearance of 2.1 metres.

### J. Barrier Free Aisle

The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By law 579-2017.

### K. Location of Accessible Parking Spaces

Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:

- (i) entrance to a **building**; or
- (ii) passenger elevator that provides access to the first storey of the **building**; and
- (iii) shortest route from the required entrances in (i) and (ii).

### L. Meaning of Accessible

For the purpose of Sections (H), (I), (J) and (K) above, “accessible” means free

of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11.

M. Parking Rates – Accessible Parking Spaces

If the total **parking space** requirement is 5 or more, clearly identified off **street** accessible **parking spaces** must be provided for every **building** or **structure** erected or enlarged, as follows:

- (i) a minimum of 5 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**, must comply with all regulations for an accessible **parking space**.

## Loading Space Regulations

12. Regulations Applying to Loading Spaces

### General

A. Loading Space Standards

A Type “G” **loading space** must have a:

- (i) minimum length of 13.0 metres;
- (ii) minimum width of 4.0 metres; and
- (iii) minimum vertical clearance of 6.1 metres.

B. Loading Space Requirement

**Loading spaces** must be provided as followings:

- (i) A minimum of one Type “G” **loading space** must be provided on Part 1 shown on Diagram 1 of By-law • [clerks to provide number]; and
- (ii) Required **loading space** may be used and shared between the uses on Part 1 and Part 2 shown on Diagram 1 of By-law • [clerks to provide number].

C. Standards for Access to a Loading Space

A **driveway** to a **loading space** must have:

- (i) A minimum width along its entire length of:
  - a. 3.5 metres for a one way **driveway**; or

- b. 5.5 metres for a two way **driveway**; and
- (ii) A minimum vertical clearance along its entire length of 4.4 metres to a "Type "G" **loading space**.

D. Loading Space Access

The permitted maximum slope of a **driveway** leading to a **loading space** is 8 percent for a Type "G" **loading space**.

## **Bicycle Parking Regulations**

### 13. General Regulations Applying to All Bicycle Parking Spaces

A. Requirement to Provide Parking Spaces

**Bicycle parking spaces** must be provided collectively for each use on a **lot** in an amount that complies with the regulations in this Section. For the purpose of this Section 13, Part 1 and Part 2 on Diagram 1 of this By-law is deemed to be one **lot**.

B. Rounding of Bicycle Parking Space Requirements

If the calculation of the minimum **bicycle parking spaces** for all uses results in a fraction of a **bicycle parking space** being required, the number of required **bicycle parking spaces** must be rounded up to the next whole number.

C. Meaning of Long-Term Bicycle Parking and Short-Term Bicycle Parking

The terms "long-term" **bicycle parking space** and "short-term" **bicycle parking space** have the following meaning:

- (i) "long-term" **bicycle parking spaces** are **bicycle parking spaces** for use by the occupants or tenants of a building; and
- (ii) "short-term" **bicycle parking spaces** are **bicycle parking spaces** for use by visitors to a **building**.

D. Bicycle Parking Space Dimensions

A **bicycle parking space** must comply with the following:

- (i) The minimum dimensions of a **bicycle parking space** are:
  - a. minimum length of 1.8 metres;
  - b. minimum width of 0.6 metres; and



- c. minimum vertical clearance of 1.9 metres; and
  - (ii) The minimum dimensions of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device are:
    - a. minimum length or vertical clearance of 1.9 metres;
    - b. minimum width of 0.6 metres; and
    - c. minimum horizontal clearance from the wall of 1.2 metres; and
  - (iii) If a stacked **bicycle parking space** is provided, the minimum vertical clearance for each stacked **bicycle parking space** is 1.2 metres.
- E. Vertical Clearance of a Bicycle Parking Area  
An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:
  - (i) 2.4 metres if it is a stacked **bicycle parking space**; and
  - (ii) 1.9 metres in all other cases.
- F. Long-Term Bicycle Parking Space Locational Requirement  
“Long-term” **bicycle parking spaces** must be located in a **building**.
- G. Bicycle Parking Space Located with Use
  - (i) **Bicycle parking spaces** for a **building** on Part 1 may be located on any or all of Part 1 or Part 2 as shown on Diagram 1 of By-law ● [clerk to provide number].
  - (ii) **Bicycle parking spaces** for a **building** on Part 2 may be located on any or all of Part 1 or Part 2 as shown on Diagram 1 of By-law ● [clerk to provide number].
- H. Long Term Bicycle Parking Space Location  
The required “long term” **bicycle parking space** for a **dwelling unit** may be located:
  - (i) on the first **storey** of the **building**;
  - (ii) on the second **storey** of the **building**;

- (iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 25 percent of the area of that level is occupied by **bicycle parking spaces**.

I. Stacked Bicycle Parking Spaces

A "long term" **bicycle parking space** may be located in a stacked **bicycle parking space**.

J. Bicycle Parking Space Rates

- (i) **Bicycle parking space** requirements are as follows:

- a. a minimum of 0.9 "long-term" **bicycle parking spaces** per **dwelling unit**; and
- b. a minimum of 0.1 "short-term" **bicycle parking spaces** per **dwelling unit**.

- (ii) No **bicycle parking spaces** are required for non-residential uses.

K. Multiple Uses on a lot

If **bicycle parking spaces** are required for one or more uses on a **lot**, the total number of **bicycle parking spaces** required is equal to the cumulative total of all **bicycle parking spaces** required for each use on the **lot**.

L. Bicycle Parking Regulations in the Residential Zone Category

- (i) Bicycle Parking Space – Storage Location

"Long-term" **bicycle parking space** for a dwelling unit may not be:

- a. in a **dwelling unit**;
- b. on a balcony; or
- c. in a storage locker.

14. The provisions of By-law 1050-2017 do not apply to the lands outlined in heavy black lines on Diagram 1 attached to this By-law.

15. By-law 438-86, as amended does not apply to the lands outlined in heavy black lines on Diagram 1 attached to this By-law.

## Section 37 Provisions

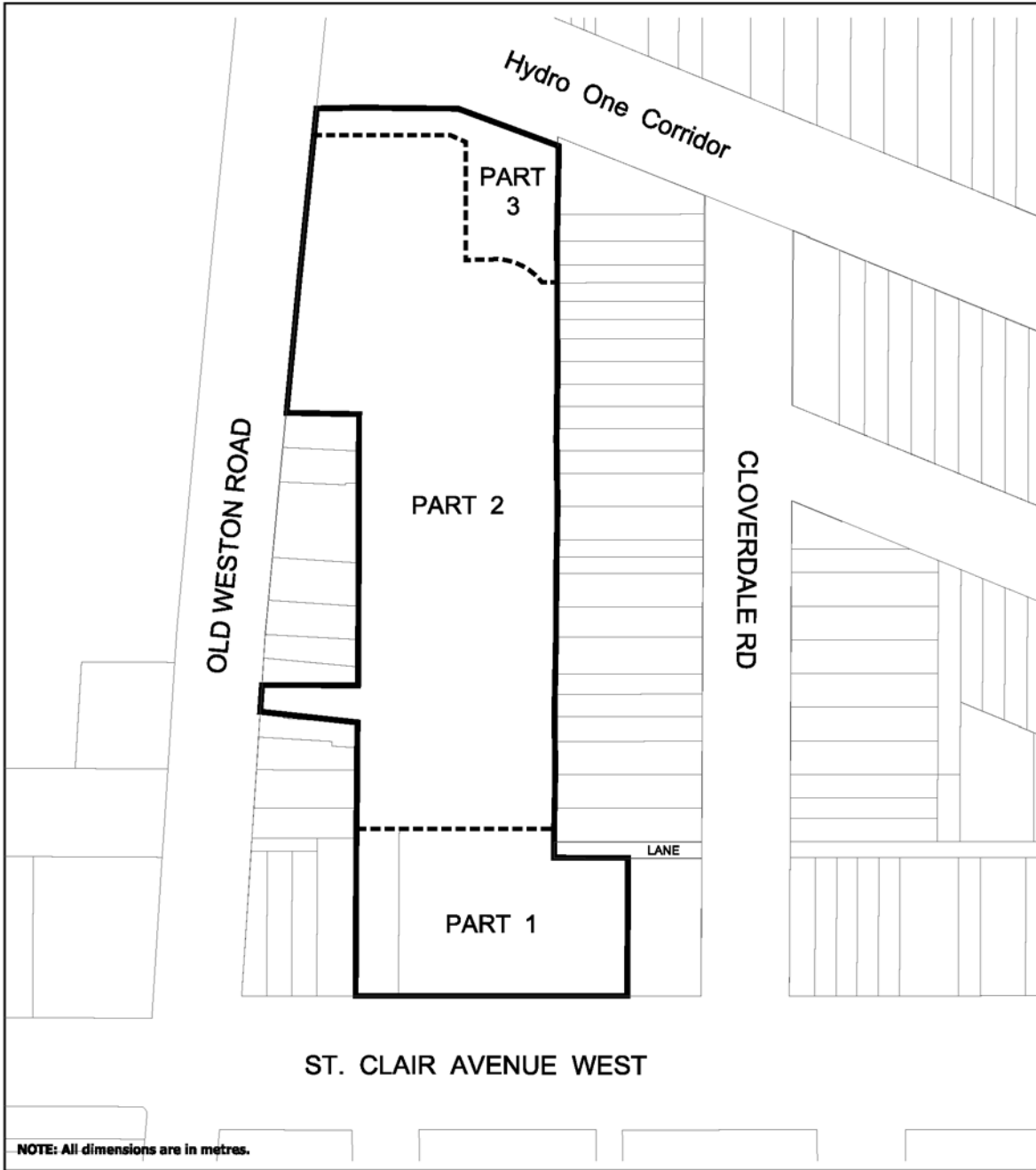
16. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with By-law ● 2019 [Clerks to insert number], the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law ● 2019 [Clerks to insert number], in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor.
17. Where Schedule A of By-law ● 2019 [Clerks to insert number] requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

1998,c.19, as amended. Enacted and passed on \_\_\_\_\_, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



**Toronto**  
Diagram 1

1800 - 1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 0Z

City of Toronto By-law 569-2013  
Not to Scale  
02/27/2019

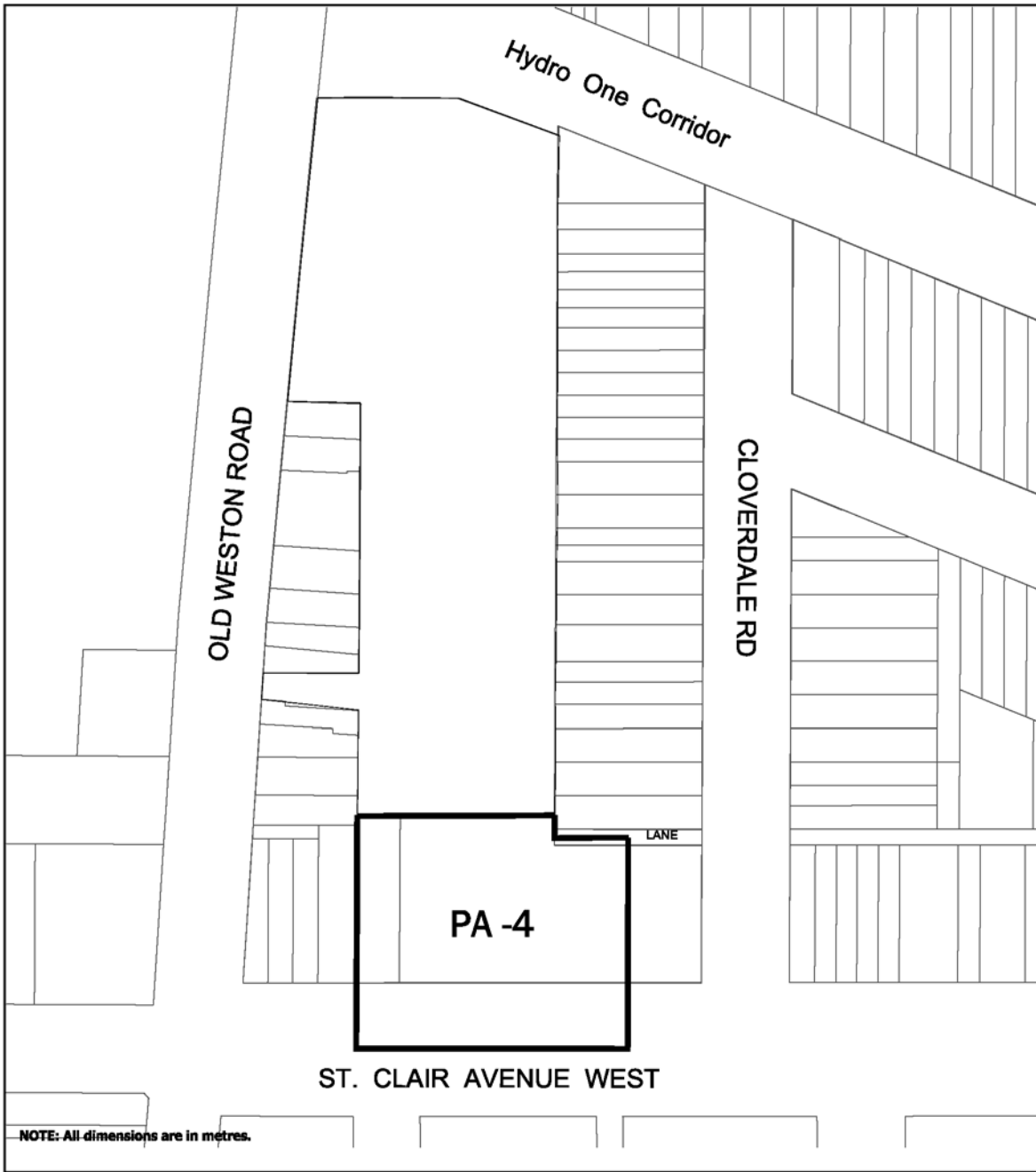


**Toronto**  
 Diagram 2

1800 - 1818 St. Clair Avenue West and  
 383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 OZ

City of Toronto By-law 569-2013  
 Not to Scale  
 02/27/2019

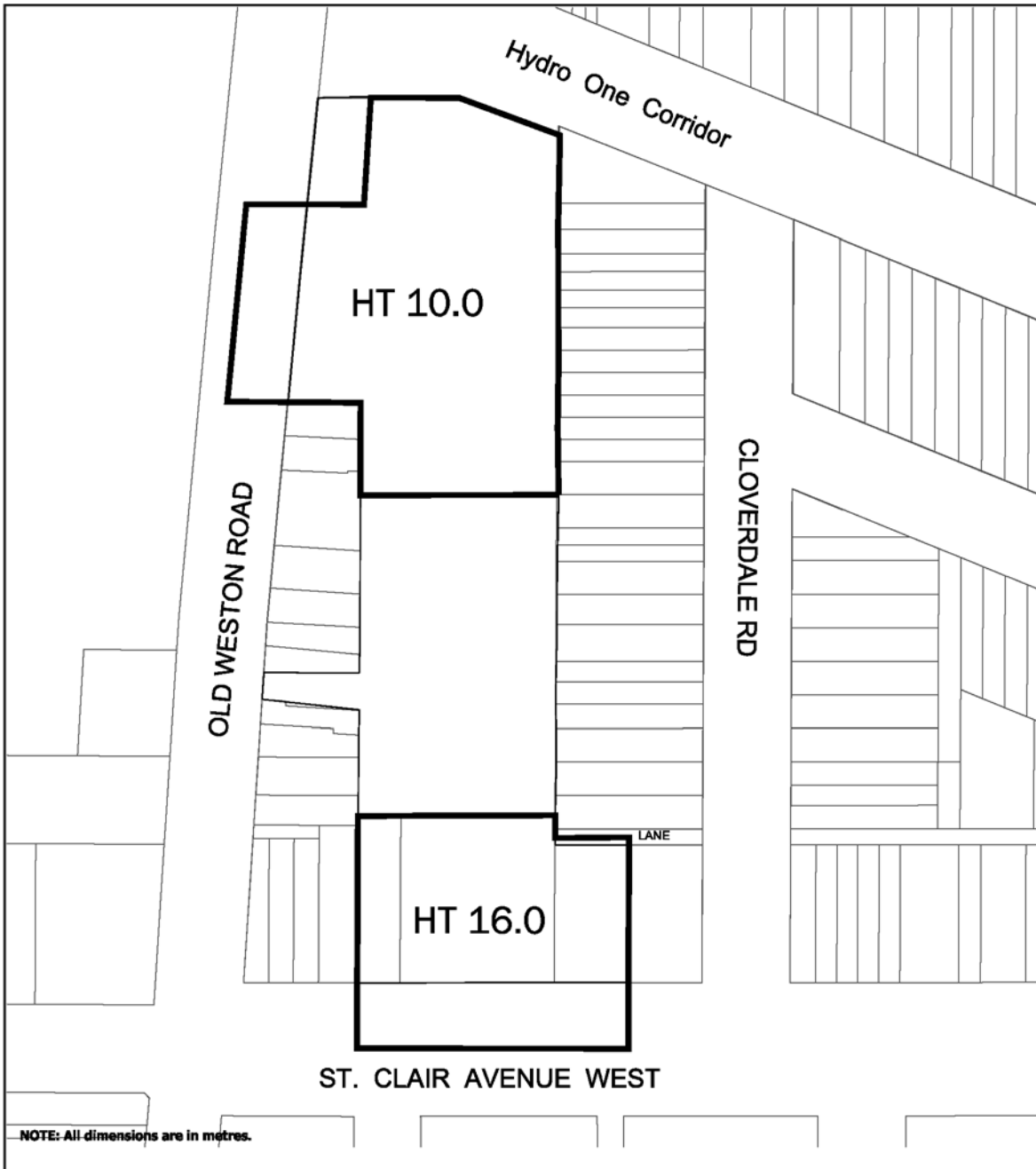


**TORONTO**  
Diagram 3

1800 - 1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 0Z

City of Toronto By-law 569-2013  
Not to Scale  
02/27/2019

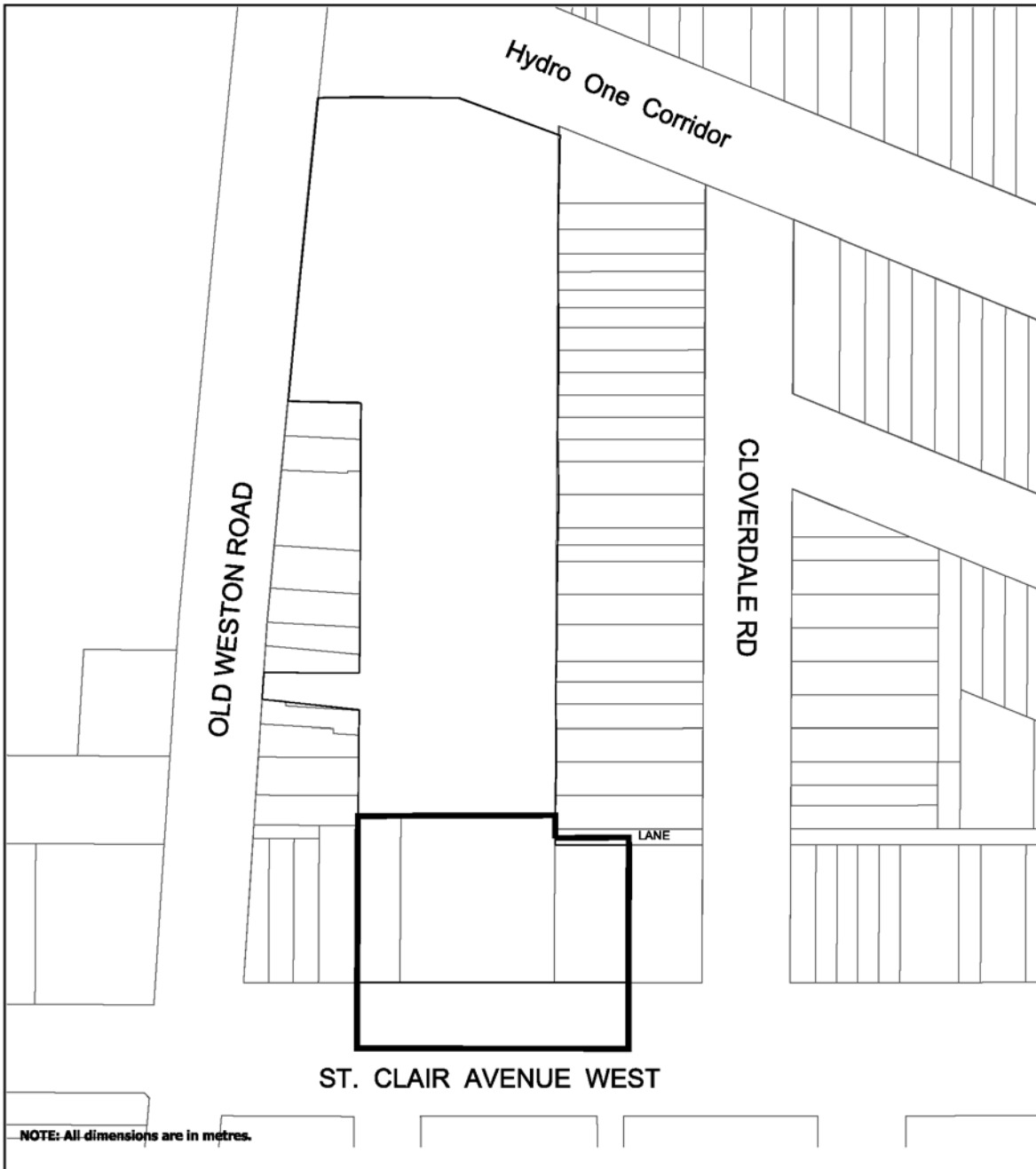


**TORONTO**  
 Diagram 4

1800 - 1818 St. Clair Avenue West and  
 383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 02

City of Toronto By-law 569-2013  
 Not to Scale  
 02/27/2019



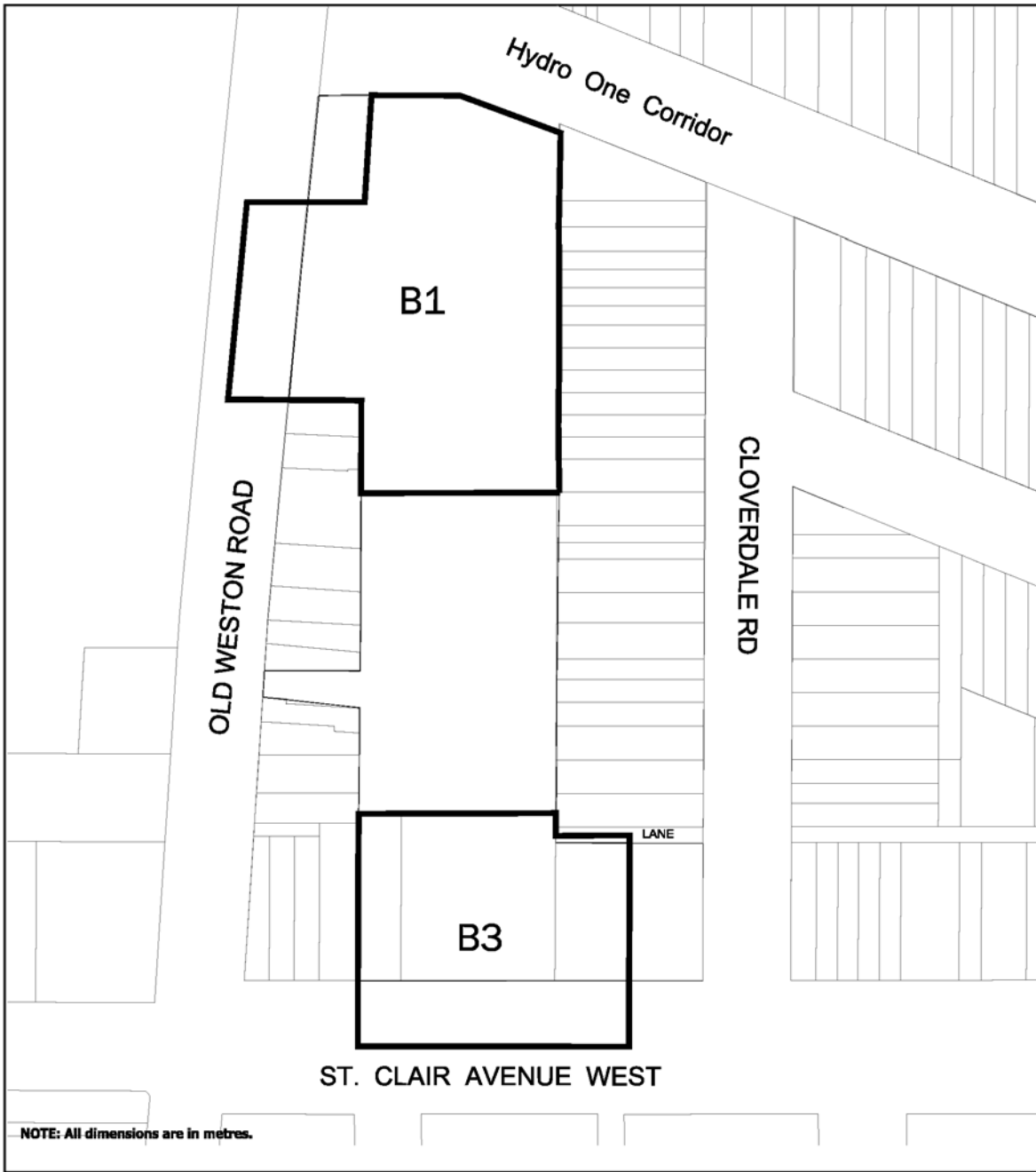
**TORONTO**  
Diagram 5

1800 - 1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 0Z

City of Toronto By-law 569-2013  
Not to Scale  
02/27/2019



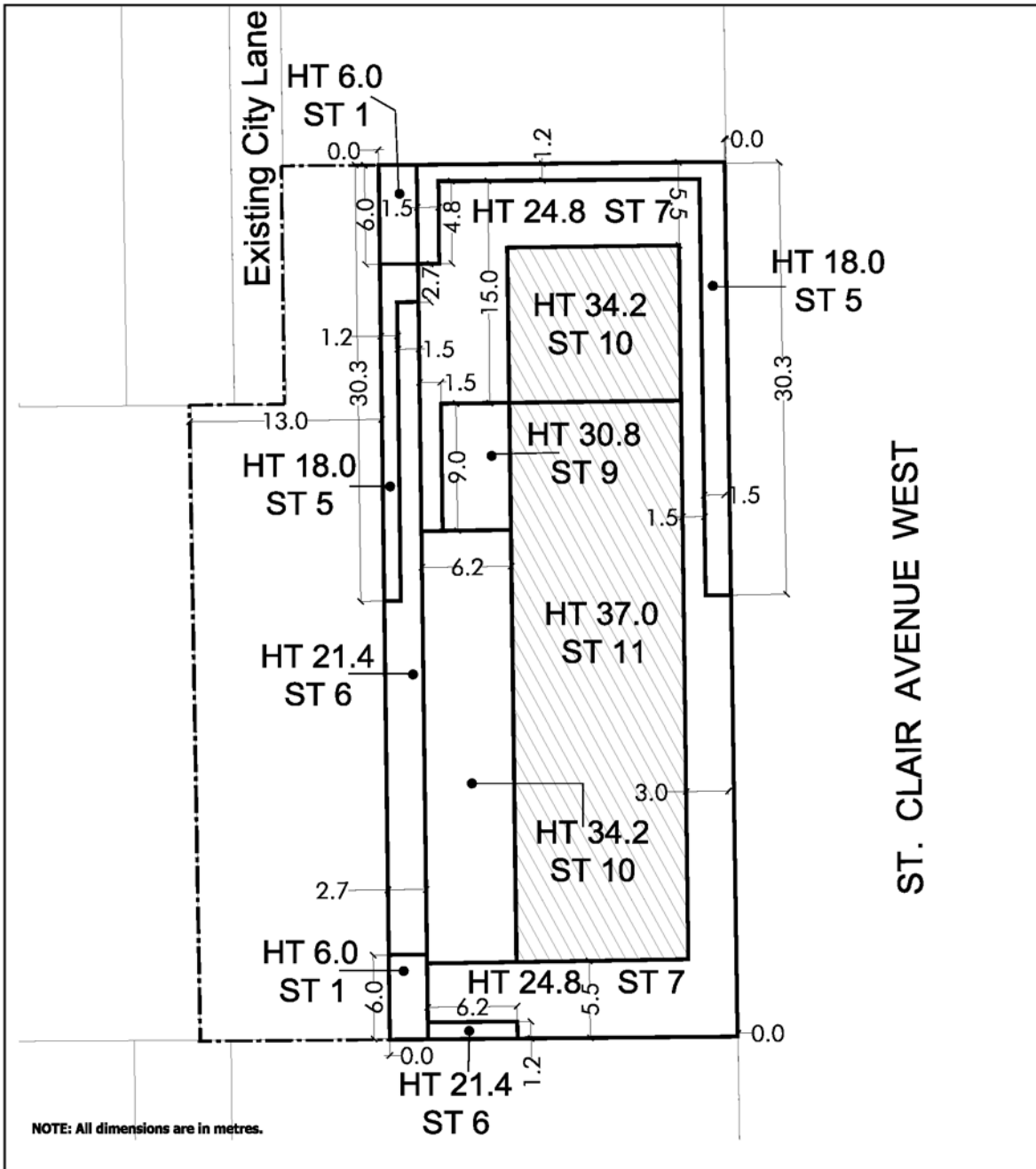


**TORONTO**  
Diagram 6

1800 - 1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 0Z


City of Toronto By-law 569-2013  
Not to Scale  
02/27/2019



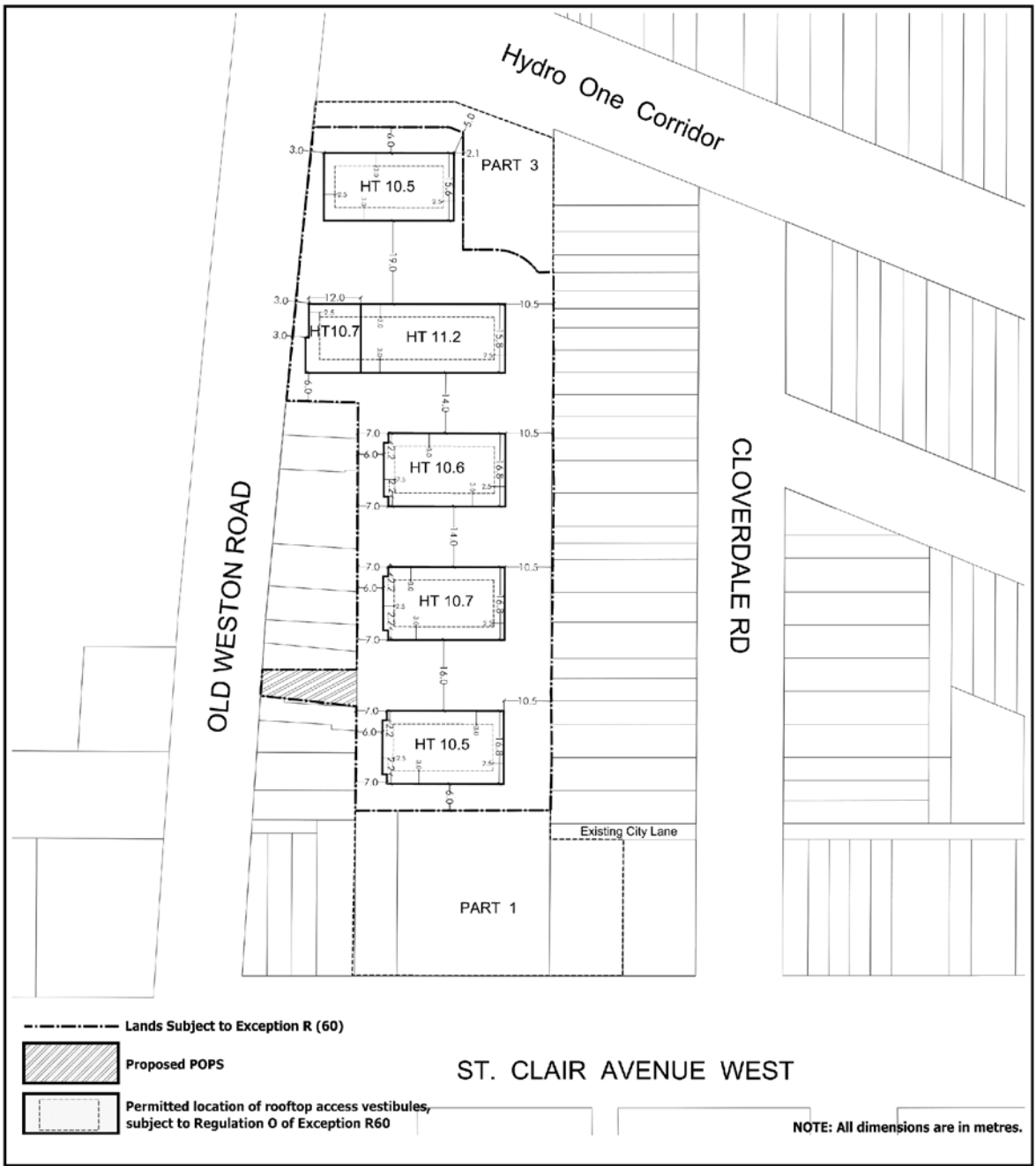
**TORONTO**  
Diagram 7

1800 - 1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 0Z

--- Lands Subject to Exception CR(178)  
 Angular plane requirement subject to Regulation M. of Exception CR178

City of Toronto By-law 569-2013  
Not to Scale  
02/27/2019



**TORONTO**  
Diagram 8

1800 - 1818 St. Clair Avenue West and  
383, 423 & 425 Old Weston Road

File # 18 135955 WET 17 0Z

City of Toronto By-law 569-2013  
Not to Scale  
02/27/2019

## **SCHEDULE A**

### **Section 37 Provisions**

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

- (1) A cash contribution of \$400,000.00 to be directed to "The Treasurer, City of Toronto" 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 payment and to be used for local park, recreational facilities, or local area amenity improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (2) In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) Prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E, the owner shall convey, in fee simple to Habitat for Humanity, a part of the site with a minimum area of 1,011 m<sup>2</sup> for the purpose of constructing 20 affordable housing units.
- (4) The owner shall provide, at its own expense, the design and construction of Above Base Park Improvements to the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to City Council approving a development charge credit for these works and in accordance with Section (6) below. The conveyance of the parkland dedication shall be in environmental condition, satisfactory to the General Manager, Parks, Forestry and Recreation, in accordance with the City standards and would occur prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E.
- (5) Prior to the issuance of the first above grade building permit, the owner shall submit a cost estimate and plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Prior to the issuance of the first above grade building permit, the owner shall also 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 and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

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 privately owned public space, has been obtained from the Manager of Business Services, Parks, Forestry and Recreation. 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 and Recreation. The agreement must be secured prior to stockpiling of any soils or materials or use as an interim construction staging area on the parkland, after conveyance to the City. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.

The construction of the Base Park Improvements will be deferred to correspond with the completion of Above Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Section (6) below.

- (6) The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation, as set out in Recommendation 5 cited in a Final Report dated February 27, 2019 from the Director of Community Planning, Etobicoke York District. The owner is required to submit a design and cost estimate, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the lesser of the approved cost estimate for Above Base Park Improvements, and 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 for Blocks A to E, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Base Park Improvements and Above Base Park Improvements shall be completed prior to one year from the day the parkland is conveyed in fee simple to the City subject to extensions for seasonality satisfactory to Parks, Forestry and Recreation. Should the completion of the Base Park Improvements and Above Base Park Improvements not be completed prior to one year from the day the parkland is conveyed in fee simple to the City, Parks, Forestry and Recreation may draw from Letters of Credit in order to complete the park construction, subject to extensions satisfactory to Parks, Forestry and Recreation for seasonality.

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

i. The owner shall provide, at its own expense, an approximate area of 159 m<sup>2</sup> of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E. This POPS area is to be located fronting Old Weston Road, between the properties municipally known as 381 and 387 Old Weston Road. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.

ii. The owner shall, prior to the issuance of the first above grade building permit, register a Section 118 Restriction pursuant to the Land Titles Act, in priority, against title to the parcel of land to be conveyed in fee simple to the City for the purpose of the on-site parkland dedication, to the satisfaction of the City Solicitor, until such time that the lands are conveyed to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

iii. The owner shall design and reconstruct a 2.1 m wide municipal sidewalk along the frontage of Old Weston Road (measuring 69.3 m and 6.1 m) to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City, prior to the earlier of the registration of a condominium or the residential occupancy of any part of the proposed development on Blocks A to E.

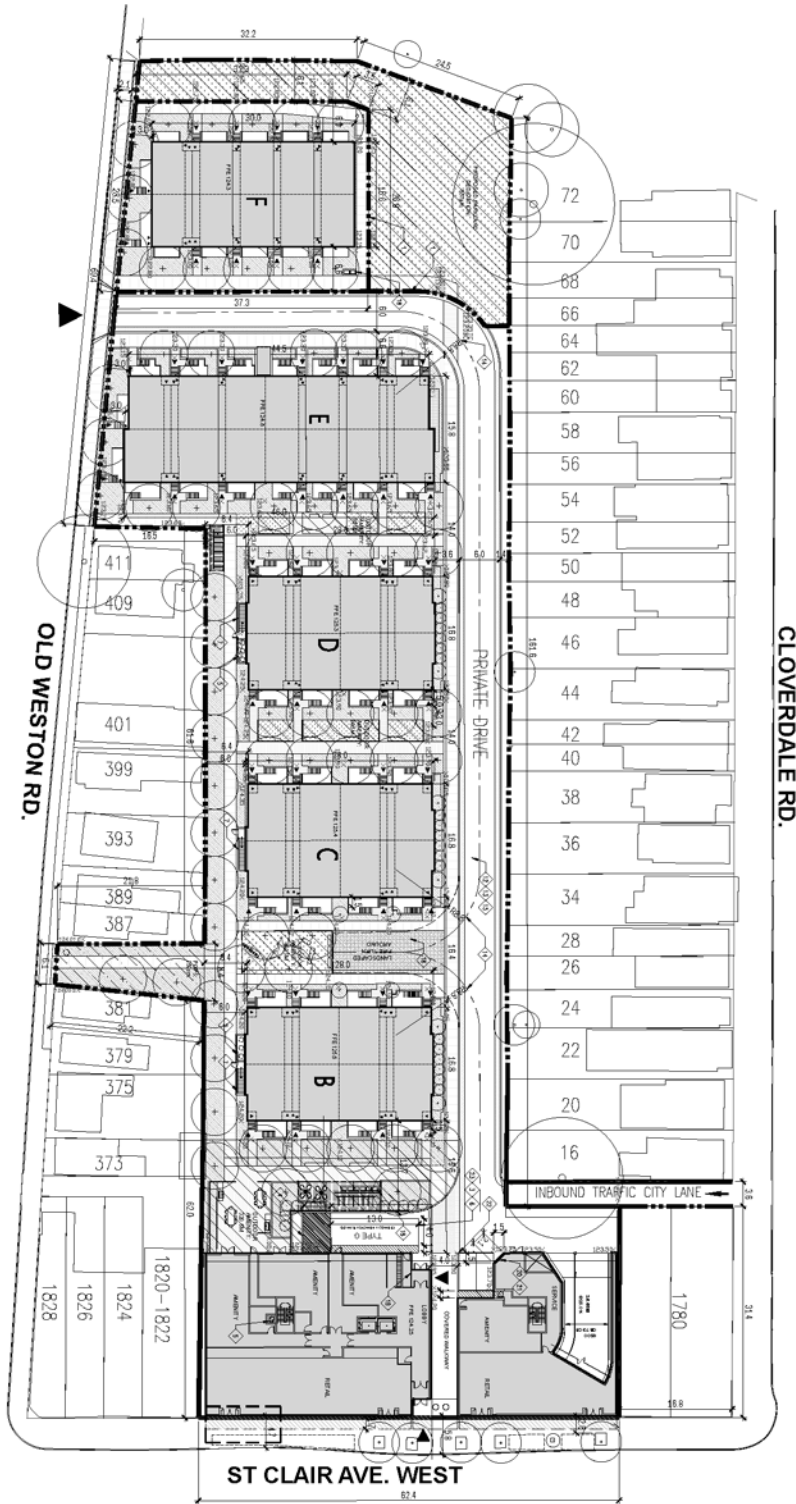
iv. The owner shall grant easements to the City of Toronto for the purposes of the general public's access to the park over the portico, sidewalk and driveway, as part of the condominium approval process for Blocks A to E, subject to conditions satisfactory to the Director of Community Planning, Etobicoke York District, in consultation with the City Solicitor.

v. The owner shall construct and maintain the development in accordance with the accepted Electro Magnetic Field study to secure mitigation measures (if required) to the satisfaction of the Chief Medical Officer, Toronto Public Health.

vi. The owner shall construct and maintain the development in accordance with the accepted Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated November 23, 2018, to secure appropriate mitigation measures for noise control.

vii. 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 Management Committee, as further amended by City Council from time to time.

Attachment 7: Figure 7: Site Plan



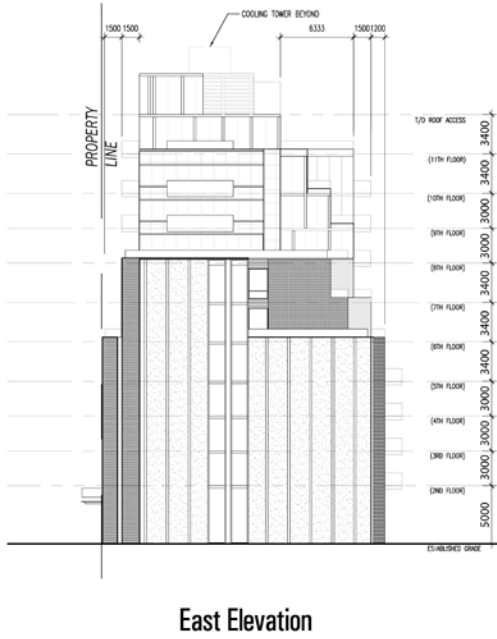
**1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road**

File # 18 135955 WET 17 0Z

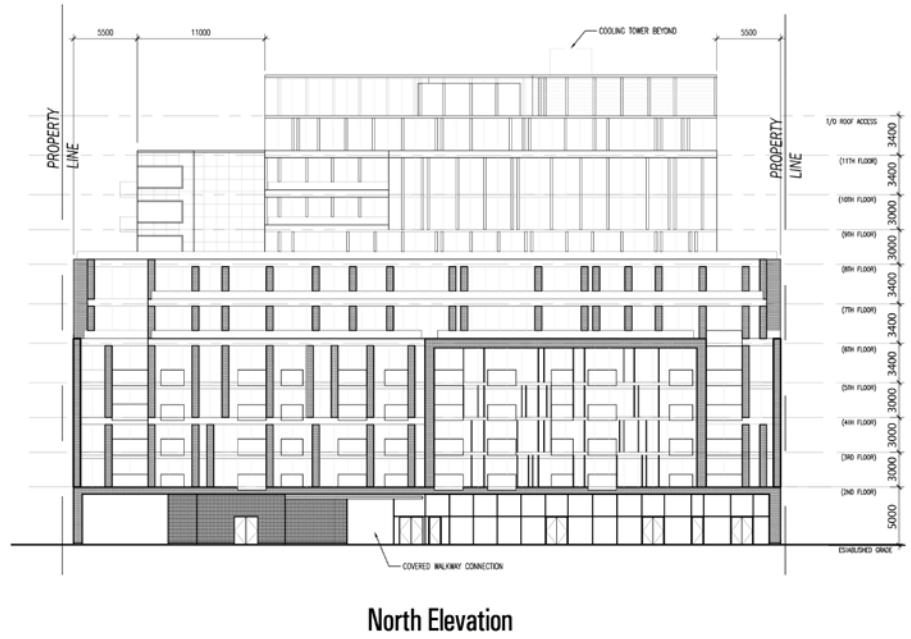
**Site Plan**  
Applicant's Submitted Drawing

Not to Scale  
02/20/2019





East Elevation



North Elevation

## Block A - East & North Elevations

Applicant's Submitted Drawing

Not to Scale  
12/18/2018

1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road

File # 18 135955 WET 17 0Z

Attachment 9: Figure 9: Elevations (Block A - West and South)



**Block A - West & South Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 12/18/2018

**1800 - 1818 St. Clair Avenue West and  
 383, 423, 425 Old Weston Road**

File # 18 135955 WET 17 0Z



East Elevation



North Elevation



West Elevation



South Elevation

## Block B Elevations

Applicant's Submitted Drawing

Not to Scale  
12/18/2018

1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road

File # 18 135955 WET 17 0Z



East Elevation



North Elevation



West Elevation



South Elevation

**Block C Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
12/18/2018

**1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road**

File # 18 135955 WET 17 0Z



East Elevation



North Elevation



West Elevation



South Elevation

**Block D Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
12/18/2018

**1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road**

File # 18 135955 WET 17 0Z



West Elevation



South Elevation



East Elevation



North Elevation

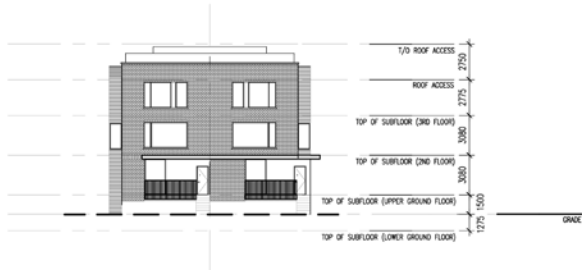
## Block E Elevations

Applicant's Submitted Drawing

Not to Scale  
02/20/2019

1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road

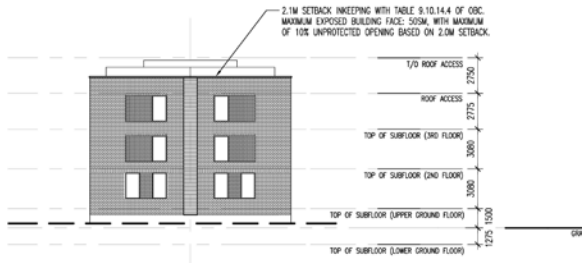
File # 18 135955 WET 17 0Z



West Elevation



South Elevation



East Elevation



North Elevation

## Block F Elevations

Applicant's Submitted Drawing

Not to Scale  
02/20/2019

1800 - 1818 St. Clair Avenue West and  
383, 423, 425 Old Weston Road

File # 18 135955 WET 17 0Z