

144 and 150 Berry Road - Zoning By-law Amendment Application – Final Report

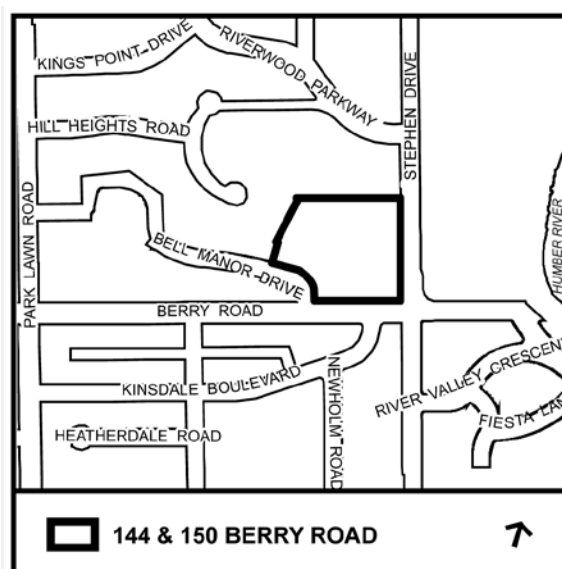
Date:	February 12, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	14 193159 WET 05 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law 569-2013 to permit a phased mixed use development at 144 and 150 Berry Road. Phase 1 of the development would include a portion of a new private road and publicly accessible open space, and a 2-storey commercial building containing a grocery store, multiple retail units and health centre, located at the southwest corner of the site fronting Berry Road. Phase 2 would include three residential buildings (one 7-storey, one 6 to 8-storeys, and one 10-storey building) and the continuation of the new private road and publicly accessible open space.

The proposed development would contain a total of 505 residential units and 36,106 m² of gross floor area, of which 3,006 m² would be comprised of non-residential uses. A total of 601 parking spaces are proposed. Vehicular access is proposed via a private road and private driveways designed in a 'woonerf' or 'living street' style with specialized paving materials. A 'woonerf' is a street or group of streets that functions as shared public space between pedestrians, cyclists and vehicles.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code, for the lands at 144 and 150 Berry Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 9 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013, for the lands at 144 and 150 Berry Road substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 10 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. In the event City Council allows the proposal in whole or in part, before introducing the necessary Bills to City Council for enactment, the owner shall:
 - a. Submit a revised site plan replacing the proposed private street with a new public street, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager of Transportation Services.
 - b. Submit a Traffic Impact Study (TIS) addendum to the City for review and acceptance by the General Manager of Transportation Services. Such report shall determine whether the existing road network can support the proposed development and whether improvements to the existing road network are required.
 - c. Revise the Site Servicing Assessment and the Downstream Sanitary/Combined and Storm Sewer Analysis, prepared by Masongsong Associates Engineering Limited, to the satisfaction of the Executive Director, Engineering and Construction Services, and require the owner to pay for and construct any improvements to the municipal infrastructure should the Site Servicing Assessment and the Downstream Sanitary/Combined and Storm Sewer Analysis as accepted by the Executive Director, Engineering and Construction Services show that upgrades are required to support this development to the satisfaction of the Executive Director, Engineering and Construction Services.

- d. Make arrangements for the environmental remediation of the lands (for the conveyance of the 6 m watermain easement and the 9 m sewer easement) to the satisfaction of the Executive Director, Engineering and Construction Services.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, such Agreement to be registered on title to the lands at 144 and 150 Berry Road, in a manner satisfactory to the City Solicitor to secure the following facilities, services and matters at the owner's expense:
- a.
 - i. Leased Premises for a not-for-profit food co-operative in the project having an area of no less than 810 m² to be constructed and provided on the terms set out in Schedules 'C' and 'A' respectively of the Draft Zoning By-laws (see Attachment 9 and Attachment 10) and the Draft Section 37 Term Sheet for Leased Premises (see Attachment 11), at the expense of the owner, or such alternate cash contribution as is described in the attached Draft Zoning By-laws and Draft Section 37 Term Sheet for Leased Premises.
 - ii. A splash pad within the privately-owned publicly-accessible space to be provided on the terms set out in Schedules 'C' and 'A' respectively of the Draft Zoning By-laws (see Attachment 9 and Attachment 10). The public access easement(s) are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the splash pad.
 - b. Require that the cash amounts identified in Schedules 'C' and 'A' respectively of the Draft Zoning By-laws (see Attachment 9 and Attachment 10) and the Draft Section 37 Term Sheet for Leased Premises (see Attachment 11) be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.
 - c. 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, a minimum area of 3,600 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
- ii. The owner shall design and construct a 2.1 m wide municipal sidewalk along the north side of Berry Road; the west side of Stephen Drive and the east side of Bell Manor Drive, all to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
- iii. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
- iv. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- v. The owner shall construct improvements and upgrades to the municipal water and sewer infrastructure at no cost to the City, should the Functional Servicing Report that has been submitted to the satisfaction of the Director, Engineering and Construction Services determine that the improvements and upgrades are necessary to accommodate the proposed development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A number of pre-application consultation meetings and discussions were held with the applicant to discuss complete application submission requirements, as well as various issues related to the proposal. Identified issues included: built form; building type; density; site organization and layout; parking and public road requirements; servicing and location of landscaped open spaces; and pedestrian and vehicular circulation.

A pre-application community information meeting was held on October 7, 2013.

The meeting was organized and hosted by the owners of the site, VanDyk Development Group, to introduce themselves to the community and present their preliminary plans for the subject site.

At the meeting, residents requested that the Stonegate Community Health Centre, grocery store and other retail uses be included in the redevelopment plans for the site. The meeting was attended by the Ward Councillor. City staff were not in attendance. Following the owners information meeting, the Ward Councillor established the "Stonegate Plaza Stakeholders Working Group". This group is comprised of local residents, ratepayer representatives, tenants of the plaza, City Planning staff and VanDyk Development Group. A total of 3 meetings were held to discuss the applicant's vision for the site, the community's interests, the application process and the phasing of demolition and redevelopment. These meetings were held on December 11, 2013, March 3, 2014 and September 30, 2014.

On January 13, 2015, the Etobicoke York Community Council considered a Preliminary Report related to this application. The Community Council decision and report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-74435.pdf>

ISSUE BACKGROUND

PROPOSAL

The application seeks to amend the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law 569-2013 to permit the redevelopment of this 2.15 ha site with a mixed use development. The applicant's current proposal would involve the construction of a new private road, one new commercial building and three new residential buildings. The original proposal included a new public road and one townhouse block. Both have been eliminated from the current proposal.

The development would be organized into 4 blocks and would be constructed in two phases beginning with the 2-storey commercial building and a portion of the proposed private road as the first block in Phase 1, followed by the remaining blocks including the residential buildings, the continuation of the new private road and the privately-owned publicly-accessible space (POPS) area. Once completed, the development would contain a total of 505 residential units (25 studio, 404 one-bedroom and 76 two-bedroom) and 36,106 m² of gross floor area, resulting in a Floor Space Index of 1.7 times the area of the lot (see Attachment 1: Site Plan). The following table provides a comparative summary of the original (O) proposal and the current revised (R) submission:

	Building A		Building B		Building C		Building D	
	O	R	O	R	O	R	O	R
Height (m)	6-storeys (20.2)	7-storeys (25)	6-storeys (20.2)	6 to 8-storeys (21.5 to 28.5)	10-storeys (34.5)	10-storeys (34.5)	2-storeys (8.5)	2-storeys (8.5)
Residential Units	130	106	180	210	170	189	n/a	n/a
Studio	0	3	0	12	0	10		
One Bedroom	117	78	165	173	131	153		
Two Bedroom	13	25	15	25	39	26		
Gross Floor Area (m ²)	8,618	7,500	11,485	13,600	11,512	12,000	3,327	3,006
Indoor Amenity Area (m ²)	260	266	360	426	360	401	n/a	n/a
Phase	2		2		2		1	
Parcel	southeast		northeast		northwest		southwest	

The proposed commercial building (Building D) would contain ground level retail space approximately 1,419 m² in size. On the second level, the existing Stonegate Community Health Centre would be relocated to a space approximately 1,587 m² in size. This building would be set back from Berry Road to accommodate an existing sewer easement.

Each of the proposed residential buildings (Buildings A, B, and C), to be constructed as part of Phase 2, would be designed in an “L” shaped configuration. Building A would front on Berry Road and Stephen Drive, Building B would front on Stephen Drive, and Building C would be located internal to the site and front on the proposed private road.

Vehicular access to the site would be provided from Berry Road, Bell Manor Drive and Stephen Drive. During Phase 1, access to Building D would be provided by an access point from Bell Manor Drive that would connect to the proposed 6 m wide private road from Berry Road. This would create a loop road system to access 13 surface parking spaces and the entrance to the proposed underground parking garage and loading spaces. As part of Phase 2, the 6 m wide private road would be reconfigured to connect Stephen Drive to Berry Road and to Bell Manor Drive. This new private road would accommodate passenger pick-up and drop-off functions and entrances to the proposed underground parking garages and loading spaces for the residential buildings.

The main pedestrian entrances to the lobbies of Buildings B and C would be located adjacent to these pick-up/drop-off areas. Building A is proposed to have a through lobby area centrally located at the southeast corner of the building, with direct access from both

the intersection and the interior of the block. In addition, the redevelopment would provide a widening along Berry Road to create a 27 m wide right-of-way, consistent with the right-of-way shown for this segment of Berry Road on Map 3 of the Official Plan – Right-of-Way Widths Associated with Existing Major Streets.

The proposed private road would be designed as a woonerf-style street that would integrate pedestrian and vehicular traffic on the same pavement surface by separating these uses with bollards and varying paving materials. The intent of incorporating this street design into the development is to enhance traffic calming; animate the streetscape; allow for street closures for community events; and provide safe pedestrian circulation.

A total of 601 parking spaces are proposed on site. Buildings A and B would share a total of 352 parking spaces (289 resident spaces and 63 visitor spaces) within a consolidated two-level underground parking garage. Building C, located at the northwest portion of the site, would have a total of 210 parking spaces (172 resident spaces and 38 visitor spaces) within a two-level underground parking garage. The commercial building (Building D), would provide a total of 39 parking spaces comprised of 13 surface parking spaces located to the east and west of the building and 26 parking spaces located within a single level underground parking garage. A total of 395 bicycle parking spaces are proposed to be provided in a combination of surface and underground spaces, meeting the residential and commercial requirements of the zoning by-law.

A total of 1,093 m² of indoor amenity space is proposed for the residential development which would be provided in the form of multiple private rooms with the exception of Building A which would provide amenity space within an enclosed roof top area having direct access to the proposed roof top terrace. A total of 1,047 m² of outdoor amenity area is proposed, comprised of the following three components: 232 m² on the rooftop terrace of Building A; 425 m² at-grade landscaped area between Buildings B and C; and 390 m² at-grade landscaped area along the north and west side of Building C. Additionally, at-grade patios for ground level units and balconies for upper units would be provided.

Two outdoor landscaped open spaces are proposed in centrally located areas of the site. One would be located at the southeast corner of the site at Berry Road and Stephen Drive, in front of Building A, and the other at the southwest corner of the site at Berry Road and Bell Manor Drive, in front of Building D. Both these areas would accommodate existing sewer easements. An additional outdoor landscaped open space would be located along the east side of Building D. This space would continue into the centre of the site, adjacent to the proposed private road, and open up into a privately-owned publicly-accessible space ("POPS"). This proposed POPS would be located over a portion of the new below grade service easement and function as a park with a splash pad.

Refer to Attachment 1 for the proposed Site Plan and Attachments 2-5 for the proposed Building Elevations.

Site and Surrounding Area

The subject site is located at the northwest corner of Berry Road and Stephen Drive, north of The Queensway and south of Bloor Street West. Along its southwest limit, the site is bounded by Bell Manor Drive. This site is irregular in shape and is approximately 2.15 ha in area with an approximate frontage of 121.3 m on Berry Road and 89.5 m on Bell Manor Drive. It has a lot depth of 143.1 m along Stephen Drive. The site slopes downward from northwest to southeast and is encumbered by two servicing easements that cross the site diagonally at the northwest corner of Berry Road and Stephen Drive and at the northeast corner of Berry Road and Bell Manor Drive. In addition, a sanitary sewer, storm sewer and watermain run beneath the site from the northwest to the southeast that are to be relocated as part of the development.

This site was formerly occupied by two buildings. A one-storey "L" shaped commercial plaza (Stonegate Plaza) was located along the northern and western property lines, and municipally known as 150 Berry Road. The plaza housed a grocery store (Valu Mart), health centre and various small scale retail shops and services. At the immediate northwest corner of Berry Road and Stephen Drive, municipally known as 144 Berry Road, was an automotive repair building and gas station. The automotive repair building along with the west wing of the plaza, have been demolished. The north wing has been vacated, with the exception of the Stonegate Community Health Centre (CHC). It is intended that the remaining building will be demolished in anticipation of the phased redevelopment of the site.

Surrounding uses include:

- North: Three apartment buildings municipally known as 10 Riverwood Parkway (4-storeys), 16 Riverwood Parkway (5-storeys) and 22 Riverwood Parkway (5-storeys).
- South: Immediately to the south are two 4-storey apartment buildings municipally known as 169 Berry Road and 2 Kinsdale Boulevard. Further south are a number of 4-storey apartment buildings and seven 2-storey residential (double duplex) buildings.
- East: Immediately to the east are four 4-storey apartment buildings municipally known as 140 Berry Road and 135, 143 and 159 Stephen Drive. Further east are a number of 4-storey apartment buildings and the Humber River Valley.
- West: Along Bell Manor Drive is a block of eight freehold townhouse units, 3-storeys in height. North of this block are two 4-storey apartment buildings municipally known as 5 and 6 Crown Hill Place.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their

implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are designated *Apartment Neighbourhoods* on Map 15 – Land Use Map of the Official Plan (see Attachment 7). *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and other uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also provided for in *Apartment Neighbourhoods*.

The Official Plan contains criteria to evaluate development in *Apartment Neighbourhoods*. Policy 4.2.2 requires that "Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale ... through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities."

Chapter 3 contains a number of policies related to building a successful city that improves quality of life. The Public Realm policies guide the development of streets, sidewalks and boulevards.

- Policy 3.1.1.5 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities.
- Policy 3.1.1.6 states that the design of sidewalks and boulevards should provide safe, attractive, interesting and comfortable spaces for pedestrians.
- Policy 3.1.1.16 states new streets will be designed to:
 - (a) provide connections with adjacent neighbourhoods;
 - (b) promote a connected grid of streets that offers safe and convenient travel options;
 - (c) extend sight lines and view corridors;
 - (d) divide larger sites into smaller development blocks;
 - (e) provide access and addresses for new development;
 - (f) allow the public to freely enter without obstruction;
 - (g) implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses with the right-of-way;
 - (h) improve the visibility, access and prominence of unique natural and human-made features; and
 - (i) provide access for emergency vehicles.
- Policy 3.1.1.17 encourages "new streets should be public streets" while Policy 3.1.1.18.b) promotes "street oriented development with buildings fronting onto street ... edges".

The Built Form policies contained in Section 3.1.2 of the Official Plan provide direction on matters related to the site design and layout of buildings and on the location and organization of vehicle parking, vehicle access, service areas and utilities to minimize their impact on the property and on surrounding properties. Specifically, these policies emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New development will provide appropriate massing and transition in scale that will respect the character of the surrounding area and:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;

- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact on neighbouring streets, parks, open spaces and properties by:
 - a) massing new buildings to frame adjacent streets and open spaces in a manner that respects the existing and/or planned street proportion;
 - b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development; and
 - c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan.
- be massed to define edges of streets, parks and open spaces;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

The Official Plan also contains a number of policies related to Healthy Neighbourhoods (Policy 2.3.1), Housing (Section 3.2.1), Community Services and Facilities (Section 3.2.2) and Toronto Economic Health (Section 3.5) that have been considered in the review of this application. The policies in these sections require development to respect the character of the area, encourage the provision of a full range of housing in terms of form, tenure and affordability and provide direction for a strong and diverse retail sector by promoting a broad range of shopping opportunities for local residents and employees in a variety of settings.

Official Plan and Municipal Comprehensive Review

At its meeting of December 16 and 17, 2013, City Council adopted OPA 231 which was approved with minor modifications by the Minister of Municipal Affairs and Housing on July 9, 2014. Official Plan Amendment 231 contains new economic policies and new policies and designations for *Employment Areas* as part of the Official Plan and Municipal Comprehensive Reviews. OPA 231 amends Section 3.5.3 of the Official Plan by introducing Policy 3.5.3.6 which states "When retail commercial uses in *Mixed Use Areas* and commercial plazas in *Neighbourhoods* and *Apartment Neighbourhoods* are redeveloped...consideration will be used either to determine the amount of retail commercial space that must be provided in the new development in order to alleviate the potential impact of the loss of retail commercial space on the local community, particularly access to food stores and other stores that meet its convenience needs, or to justify not retaining or replacing any of the existing space". These considerations include assessing: the availability of alternative means to meet the convenience needs of the local community; the desirability of retaining options for accessing convenience shopping; and providing, where feasible and appropriate, continuous ground floor retail commercial space.

Policy 3.5.3.6 also notes that in order to allow for flexibility in future occupancy of the redeveloped site, the zoning should permit ground floor space to be occupied by retail

commercial uses and where feasible grade-related space should be designed so that it can be occupied by either residential or retail commercial uses.

Mid-Rise Buildings Performance Standards

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan. The study developed performance standards for the evaluation of mid-rise buildings on Avenues to encourage the development of more well designed buildings. Although the subject site is not located along an Avenue, the Guidelines were used to inform the review of the application and to determine appropriate building heights and setbacks that would relate well to the public realm and adjacent properties. The standards can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

Zoning

This site is subject to the former City of Etobicoke Zoning Code. The property is zoned CPL (Planned Commercial Local Zone) (see Attachment 6a: Zoning (Former City of Etobicoke Zoning Code)). Permitted uses include a range of commercial and office uses and all buildings are to abut each other or shall be joined to each other by a common wall, a covered mall or other structure having a full roof. The proposed residential uses are not permitted in the CPL zone and although the proposed commercial use is permitted, this commercial development does not meet the existing CPL zoning requirements as it relates to "Type of Buildings".

In accordance with the established protocol, the lands are subject to the City-wide Toronto Zoning By-law 569-2013, as the application was submitted and deemed to be complete after the passing of the Zoning By-law. Currently, Zoning By-law 569-2013 is under appeal to the Ontario Municipal Board. Under this Zoning By-law, this site is zoned Commercial Local (CL 0.5), permitting commercial and office uses and allowing for a density of 0.5 times the area of the lot (see Attachment 6b: Zoning (Toronto Zoning By-law 569-2013)).

Site Plan Control

The proposed development is subject to Site Plan Control.

A Site Plan Control application for Phase 1 of the development to permit the proposed commercial building (Building D), containing the grocery store and health centre, has been submitted and is being reviewed concurrently with this Zoning By-law Amendment application.

A Site Plan Control application for Phase 2 of the development for the proposed residential uses (Buildings A, B and C) and the remainder of the site has not yet been submitted.

Reasons for Application

An amendment to the Zoning By-law is required to permit a mixed use development as it relates to building type and the proposed residential uses. Amendments to the applicable

performance standards are required to facilitate the proposed development such as height, density and setbacks.

Related Applications

A future common element condominium application will be required for the proposed private road.

Tenure

The applicant advises that the 505 new residential units would be condominium.

Community Consultation

A community consultation meeting was held on February 25, 2015 at St. Mark's Catholic School with approximately 100 members of the public in attendance. Issues and concerns related to the application are summarized as follows:

1. Land Use – the community expressed concerns regarding the safety of children and livability for residents. There was a general agreement regarding retaining the Stonegate Community Health Centre within Building 'D' and providing more floor area (than had previously existed) to aid in serving more patients.
2. Building height – area residents expressed concerns with the proposed building heights, particularly the 10-storey residential building, being overwhelming. However, the community encouraged an increase in height on Building 'D' for additional commercial space. The community strongly supported providing an affordable grocery store as well as multiple non-chain retail units.
3. Traffic – the community expressed concerns regarding increased vehicular traffic from the proposed development. Area residents were concerned with the lack of compliance at the four-way stop at the Berry Road and Stephen Drive intersection and requested the implementation of traffic calming measures such as speed bumps or the installation of traffic lights.
4. Stormwater, water and sanitary sewer impacts – concerns were expressed with respect to potential water pressure decrease and stormwater/sanitary sewer capacity.
5. School Board accommodation – area residents expressed concern that local schools are overcrowded and that children from the proposed development would add pressure on the existing schools.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the 2014 PPS. It will accommodate residential infill growth, supporting the policy objectives related to focusing growth in existing settlement areas. The proposal also supports efficient land use, reduces land consumption related to residential development and makes efficient use of infrastructure.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In this case, Section 2.2.2 of the Growth Plan states that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification. While this site is located in a built up area, the proposal is considered to represent a modest infill development in conformity with the City's Official Plan. The proposal conforms and does not conflict with the Growth Plan.

Land Use

The site is designated *Apartment Neighbourhoods* in the Official Plan. Staff are of the opinion the proposed development conforms to the *Apartment Neighbourhoods* designation and its development criteria, and is supportive of the Built Form policies within the Official Plan.

In terms of new residential uses, this development would provide a total of 505 new residential units having a mix of unit sizes. Appropriately sized indoor and outdoor amenity areas would be provided within the new development for the new residents.

The previous office and commercial floor space (including Stonegate Community Health Centre, ValuMart, and a number of smaller tenants) on the site totaled approximately 3,960 m². At the time, many of the units were vacant. Through the community consultation process, area residents expressed an interest in retaining the Community Health Centre and commercial uses on the site. The proposal responds to this and proposes 3,006 m² of non-residential gross floor area, of which approximately 1,587 m² would be in the form of office space on the second floor for the use of Stonegate Community Health Centre.

Density, Height and Massing

The Official Plan requires development in *Apartment Neighbourhoods* to comply with articulated development criteria, including appropriate built form location, massing and transitions, and appropriate screening of service areas. The purpose of these policies, in addition to facilitating attractive developments, is to ensure no adverse impacts on existing neighbourhoods, parks, streetscapes and open spaces.

Built Form policies in the Official Plan articulate the required considerations for assessing building density, height and massing, including: framing of street edges and parks to create comfortable sun and wind conditions; placing main building entrances so they are visible and accessible from the public sidewalk; providing for active ground

floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and screening and organizing servicing and vehicular access to minimize impacts on the site and its surroundings.

The site slopes downward from northwest to southeast and is encumbered by two servicing easements that cross the site diagonally at the southeast corner of the site at Berry Road and Stephen Drive and at the southwest corner of the site at Berry Road and Bell Manor Drive. The proposed buildings range in height and are sited in a manner that steps with the grade change and fits within the existing context of the neighbourhood.

The 7-storey (25 m) residential building (Building A) would be located at the southeast corner of the site at Berry Road and Stephen Drive, providing for two active frontages. Another residential building (Building B) would be located at the northeast portion of the site with heights stepped from 6-storeys (21.5 m) at Stephen Drive to a maximum height of 8-storeys (28.5 m) at a distance of approximately 14.6 m from the Stephen Drive property line. The 10-storey (34.5 m) residential building (Building C) would be located at the northwest portion of the site having a frontage along a portion of the private road. Buildings A and B would be setback a minimum of 4.4 m from Stephen Drive and would be located a minimum of 16.9 m apart. Buildings B and C would be setback a minimum of 9.6 m from the north lot line and would be located a minimum of 14 m apart.

All three residential buildings would be facing the publicly accessible open space which is centrally located on the site. The buildings would provide for a compatible physical relationship with the streets and the existing developments abutting the site. In addition, the building heights would provide noise mitigation for the outdoor amenity area and result in appropriate light, view and privacy conditions for the proposed interior residential units.

The 2-storey (8.5 m) commercial building (Building D) would be located at the southwest corner of the site near the intersection of Berry Road and Bell Manor Drive, providing for two active frontages. The retail spaces would have building entrances accessible from the municipal sidewalk along Berry Road and Bell Manor Drive. The east side of the building would face the proposed outdoor landscaped area and would be located 33.5 m from Building A.

The introduction of a new commercial building at the southwest corner of the site is appropriate. This proposed 2-storey commercial building would provide a street-animating function along its frontage, including a generous public boulevard to improve the walkability of the community and create improved connectivity of the site. Development around this intersection is low rise in character, being 3 to 4-storeys in height. The height and scale of the proposed commercial building is appropriate for this context.

The proposed density, 1.7 times lot area for the entirety of the site, is comprised of 505 residential units (33,100 m²) and 3,006 m² of non-residential space. The 505 residential units would be located in three buildings and would be within an 45 degree angular plane

taken from a height equivalent to 80% of the right-of-way (from Stephen Drive) which is in keeping with the Mid-Rise Buildings Performance Standards that envision well designed buildings having appropriate building heights and setbacks to provide for a strong street edge and public realm.

The proposed buildings would be appropriate for the development of the land and would contribute to the range of building types and sizes in the area. Planning staff are of the opinion the proposed development is compatible with the adjacent neighbourhood in terms of density, height, massing and setbacks.

Design Review Panel

The preliminary site design and massing was reviewed by the City's Design Review Panel on May 5, 2015, minutes for which are available online at the following link: <http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202015/DRP%20Minutes%20MAY%205%20FINAL.pdf>

The Panel noted the vision for redevelopment was appropriate within a distinctive park-like neighbourhood and directed that future refinements focus on the need to move the design towards a high quality urban-scale community centre. The Panel requested a rework of the site organization; found the townhouse component awkward; and encouraged the applicant to provide a greater variety of units to ensure this development would be a complete community. The applicant worked to achieve this in the current submission, and these objectives will be further pursued through the Site Plan approval process for both Phases.

Sun and Shadow

The Official Plan *Apartment Neighbourhoods* development criteria in Section 4.2.2, as well as the Built Form policies of Sections 3.1.2 and 3.1.3, outline the requirements for new buildings to adequately limit shadowing on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes. In addition, these policies require that new buildings frame adjacent streets, parks and open spaces in good proportion.

The applicant provided a shadow study illustrating the shadow movements associated with all four proposed buildings during the spring and fall equinoxes. This redevelopment would introduce some additional shadowing impacts on the neighbouring properties designated *Apartment Neighbourhoods*, as well as on the proposed street network.

A considerable portion of this shadowing falls within the subject site and also onto the front and side yards of the existing buildings located north, east and west of this site. The shadow study shows that the proposal would not impact the buildings located east, across Stephen Drive, until 4:18 p.m. in March and September and until 6:18 p.m. in June. Planning staff are of the opinion the projected shadow impacts would be acceptable.

Streetscape

The proposed development would provide an upgraded streetscape treatment along Berry Road, Bell Manor Drive and Stephen Drive through the introduction of buildings along the street edge, commercial uses with frontage and access onto the street and an improved landscaped treatment including boulevard trees and a widened sidewalk. As such, the proposed development would improve these sections of the streetscapes.

Landscape Open Space and Amenity Space

As noted above, the proposed residential development would incorporate 1,093 m² of indoor amenity space and 1,047 m² of outdoor amenity space which equates to 2 m² of indoor and outdoor amenity space for each proposed residential unit. As well, the indoor and outdoor amenity areas would be located and designed to provide direct access between these areas. In addition to this indoor and outdoor amenity space, rooftop green space on all four building roofs would equal a total of 1,837 m² in area.

Once completed, the proposed development would provide a minimum area of 3,600 m² of privately-owned publicly-accessible space ("POPS"). This area would provide additional outdoor amenity space for the use of new residents as well as for visitors to the site and existing residents in the community. This POPS would remain privately owned and maintained and would be secured through the Site Plan approval process.

The residential amenity space is appropriate and the 2 m² per unit requirement is included in the proposed Draft Zoning By-law Amendments included as Attachments 9 and 10 to this report.

The final design of the Berry Road/Bell Manor Drive/Stephen Drive streetscape, the public boulevard, the design of the access to the retail commercial spaces and the POPS area would be secured through the Site Plan approval process.

Site Access, Circulation and Parking

The applicant submitted a Transportation Study dated July 18, 2014, prepared by NexTrans Engineering, in support of this proposal.

The subject site is proposed to be served by 3 vehicular access driveways from Berry Road, Bell Manor Drive and Stephen Drive. These access points would form an internal roadway within the site and would function as a 'woonerf' style private road. The original proposal included a public road as well as a private road; however, through modifications to the proposed underground garages, the applicant has eliminated the public road from the proposal. Despite this, Planning staff are of the opinion that a public road is appropriate in this instance to create an appropriate address for Building C; to tie the proposal into the surrounding community and ensure the public street does not get blocked off. As well, a public road is required to satisfy Official Plan policies (3.1.1.16, 3.1.1.17 and 3.1.1.18) that indicate new streets should be public streets. A recommendation in this regard is included in this report.

Transportation Services staff have advised that the Berry Road right-of-way is required to be widened. The applicant is required to convey to the City a strip of land measuring 0.305 m in width along the public road frontage to satisfy the Official Plan requirement of a 27 m right-of-way. Through this Phased development, the widening would be secured through the Site Plan approval process. In addition, the on-site pedestrian connection between the residential and non-residential buildings would also be finalized through the Site Plan approval process.

The Transportation Study submitted by the applicant proposes parking for the development in accordance with the requirements of the City of Toronto Zoning By-law 569-2013, for the residential and non-residential uses. Based on these requirements, the revised proposal would require a total of 599 parking spaces on-site and the applicant is proposing a total of 601 parking spaces of which 562 would be for residential and visitor parking and 39 for non-residential uses.

To service the development, the applicant is proposing one Type 'B' and one Type 'C' loading space for the non-residential uses and three Type 'G' loading spaces for the residential buildings. Transportation Services staff concur with the proposed parking and loading supply. The Draft Zoning By-law Amendments included as Attachments 9 and 10 to this report incorporate these parking and loading requirements. The final configuration of the loading spaces, as well as appropriate truck circulation supporting this configuration, would be secured through the Site Plan approval process.

The transportation and traffic analysis indicates the proposed development is projected to generate a total of 362 two-way automobile trips (105 trips for non-residential use and 257 trips for residential use) during the a.m. peak hour and a total of 607 two-way automobile trips (243 trips for non-residential uses and 364 trips for residential use) during the p.m. peak hour. Using existing travel survey data, the transportation consultant estimates that 85% of these new vehicular trips will come from the north and south (travelling on Park Lawn Road and Stephen Drive) and from the west (travelling on Berry Road).

This report recommends that a Traffic Impact Study (TIS) addendum be provided to the City for review and acceptance by Transportation Services staff. This addendum would include a full build-out scenario, instead of a Phased analysis. Also, this report must address whether the existing road network can support the proposed development and whether improvements to the existing road network are required.

Servicing

A Functional Servicing Report was submitted with this application. The report determined that in order to accommodate the proposed development, a realignment of the existing watermain, sanitary and storm sewers is required. The existing watermain running through the property would be realigned (along the north limit of the site) creating a new 6 m service easement. The existing sanitary and storm sewers would be realigned (running north to south to Berry Road) creating a new 9 m service easement. As well, due to existing capacity constraints, upgrades to a section of the sanitary sewer, on Berry Road, is required. The Functional Servicing Report has been reviewed and is

generally accepted by Engineering and Construction Services staff. Additional detailed review will occur through the Site Plan approval process for both Phases.

This report recommends that a revised Site Servicing Assessment and Downstream Sanitary/Combined and Storm Sewer Analysis, prepared by Masongsong Associates Engineering Limited, be provided to the satisfaction of the Executive Director, Engineering and Construction Services, before the necessary Bills to enact the proposed draft Zoning By-law Amendment are introduced to City Council. Any required service easements and improvements or upgrades to municipal infrastructure or services as identified by this report, will be secured as a matter of legal convenience in the Section 37 Agreement.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows the local parkland provisions across the City. The subject property is in an area with 0.43 to 0.79 ha of local parkland per 1,000 people. The site is in a parkland priority area, as per Alternate Parkland Dedication Rate By-law 1020-2010.

The application proposes 505 residential units with a net site area of 2.2 ha. At the alternative rate of 0.4 ha per 300 units, as specified in By-law 1020-2010, the parkland dedication requirement would equal 6,706 m² (0.67 ha) or 34% of the proportionate residential area.

The By-law also states for sites with an area between 1 to 5 ha in size, a maximum cap of 15% is applied to the residential portion and a maximum cap of 2% for the non-residential portion. In total, the parkland dedication would equal 2,989 m² (0.30 ha) or 14% of the site area.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu payment as Kindsdale Park, Bell Manor Park, South Humber Park and Park Lawn Park are located in close proximity to the subject site. Parks, Forestry and Recreation staff advise this is acceptable. The actual amount of cash-in-lieu to be paid will be determined by Facilities and Real Estate staff at the time of issuance of building permit.

Environment

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

This site was formerly occupied by two buildings which housed a dry cleaning business in the commercial plaza along with an automotive repair building and gas station. The applicant has submitted a Phase I Environmental Site Assessment, dated June 20, 2014, prepared by Soil Engineers Ltd. 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.

In order to meet the remediation requirements in a timely manner, remediation would proceed on the lands for Phase 2 (previous location of the dry cleaning business and the automotive repair building and gas station) during the construction of Phase 1. Upon the completion of remediation, sod would cover these remaining lands until construction of Phase 2 commences. Remediation on the Phase 1 lands is not required.

School Board Requirement

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

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

Toronto Green Standard

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

The development is required to meet and maintain the Tier 1 standard of the TGS, which is recommended to be secured as a matter of legal convenience in the Section 37 Agreement. The Site Specific Zoning By-law will secure performance measures for Tier 1 development features including automobile infrastructure, cycling infrastructure and storage and collection of recycling and organic waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An Arborist Report submitted in support of the application indicates that the proposed development would require removal and/or injury of at least 16 City-owned boulevard trees, as identified by the applicant's arborist. The removal and/or injury is required to allow for the construction of new boulevards which include curbs, sidewalks and trees.

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

In addition, updated landscaping plans will be required in the context of the forthcoming site plan control applications, including the illustration of a sufficient number of proposed trees to meet the Toronto Green Standard (TGS) requirements.

Section 37

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

The provision of appropriate community benefits has been discussed with the Ward Councillor and the applicant has agreed to provide appropriate benefits. It is recommended that this be secured in a Section 37 Agreement to be registered on title prior to introducing the necessary Bills to City Council for enactment. These benefits include:

- a. The provision by the owner of the following:
 - i. Leased Premises for a not-for-profit food co-operative in the project having an area of no less than 810 m² to be constructed and provided on the terms set out in the Draft Zoning By-laws (see Attachment 9 and Attachment 10) and the Draft Section 37 Term Sheet for Leased Premises (see Attachment 11), at the expense of the owner, or such alternate cash contribution to community benefits in Ward 5 as is described in Schedules "C" and "A" respectively of the Draft Zoning By-laws.
 - ii. A splash pad within the privately-owned publicly-accessible space to be provided on the terms set out in Schedules "C" and "A" respectively of the Draft Zoning By-laws (see Attachment 9 and Attachment 10). The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the splash pad.
 - iii. The cash amounts referred to in Schedules "C" and "A" respectively of the Draft Zoning By-laws (see Attachment 9 and Attachment 10) and the Draft Section 37 Term Sheet for Leased Premises (see Attachment 11) will be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-

007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner to the City.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The owner shall provide, at its own expense, a minimum area of 3,600 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - ii. The owner shall design and construct a 2.1 m wide municipal sidewalk along the north side of Berry Road, the west side of Stephen Drive and the east side of Bell Manor Drive, all to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
 - iii. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
 - iv. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - v. The owner shall construct improvements and upgrades to the municipal water and sewer infrastructure at no cost to the City, should the Functional Servicing Report that has been submitted to the satisfaction of the Director, Engineering and Construction Services determine that the improvements and upgrades are necessary to accommodate the proposed development.

Conclusion

Staff are recommending that the application to amend the Zoning By-law be approved by City Council.

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

The proposed active pedestrian retail/office environments along Berry Road would be a positive addition to the neighbourhood by providing locally accessible community amenities and an enhanced streetscape. The proposed privately-owned publicly-accessible open space would provide connections to neighbouring public streets and outdoor amenity space for new residents and the surrounding community. The proposed 'woonerf' style street treatment would allow for equal priority to all modes of transportation including automobiles, pedestrians and cyclists.

Planning staff continue to encourage the introduction of a public street to the proposal to satisfy Official Plan policies (3.1.1.16, 3.1.1.17 and 3.1.1.18). This would ensure unobstructed public access in perpetuity and would provide addresses for all new buildings. A recommendation in this regard is included in this report.

CONTACT

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E-mail: ssalati@toronto.ca

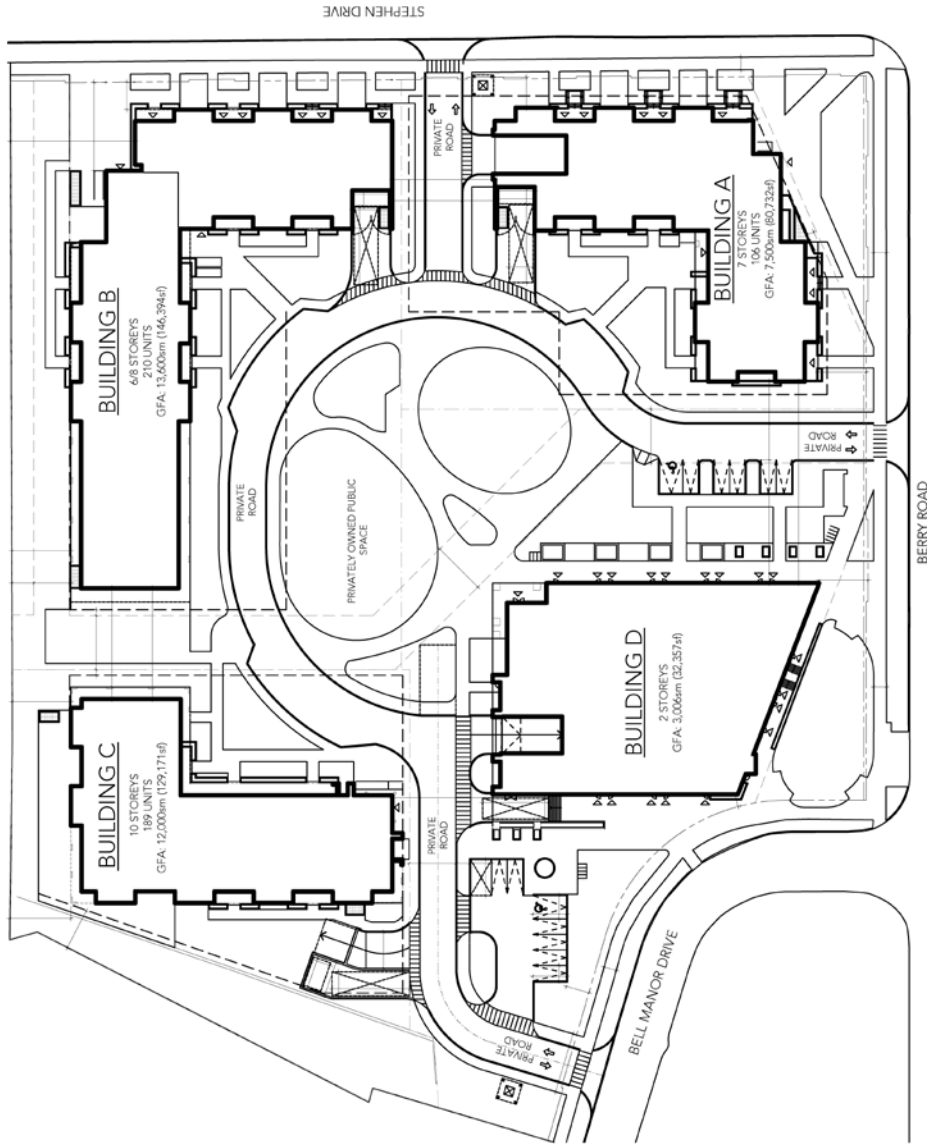
SIGNATURE

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

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevations - Building A
- Attachment 3: Elevations - Building B
- Attachment 4: Elevations - Building C
- Attachment 5: Elevations - Building D
- Attachment 6a: Zoning (Former City of Etobicoke Zoning Code)
- Attachment 6b: Zoning (City of Toronto Zoning By-law 569-2013)
- Attachment 7: Official Plan
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)
- Attachment 10: Draft Zoning By-law Amendment (City of Toronto Zoning By-law 569-2013)
- Attachment 11: Draft Section 37 Term Sheet for Leased Premises at the project to be constructed at 144 and 150 Berry Road

Attachment 1: Site Plan



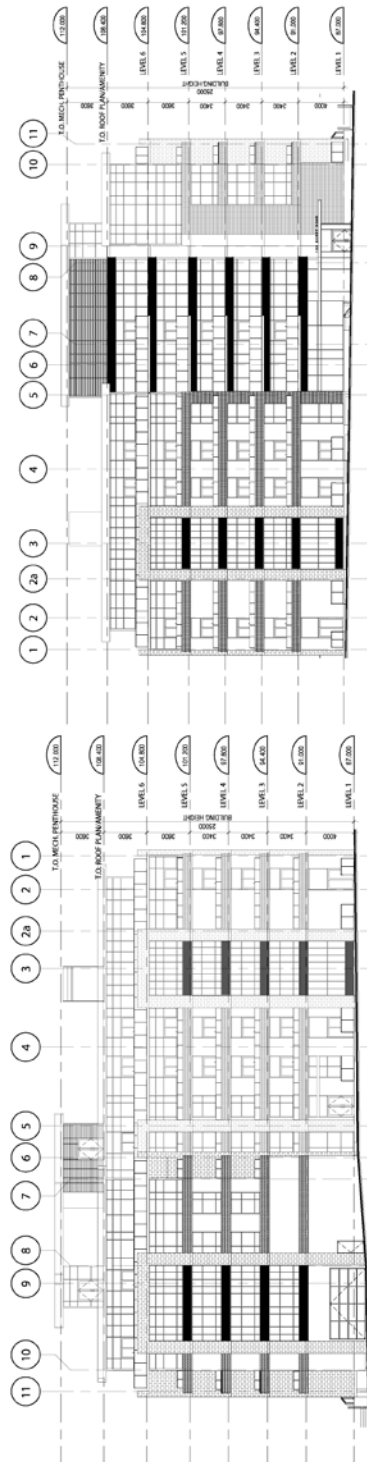
144 & 150 Berry Road

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 02/03/2016

File # 14 193159 WET 05 02

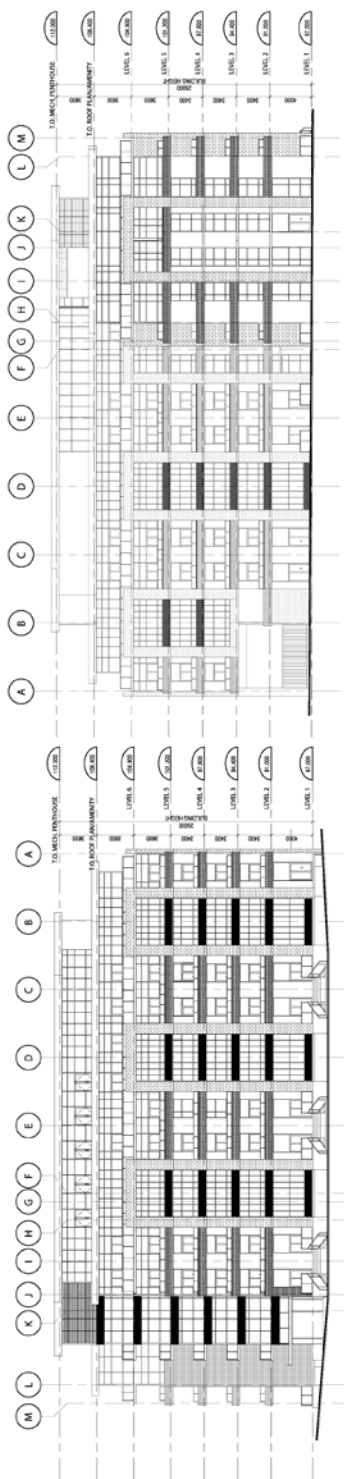


Attachment 2: Elevations – Building A



Building A - North Elevation

Building A - South Elevation



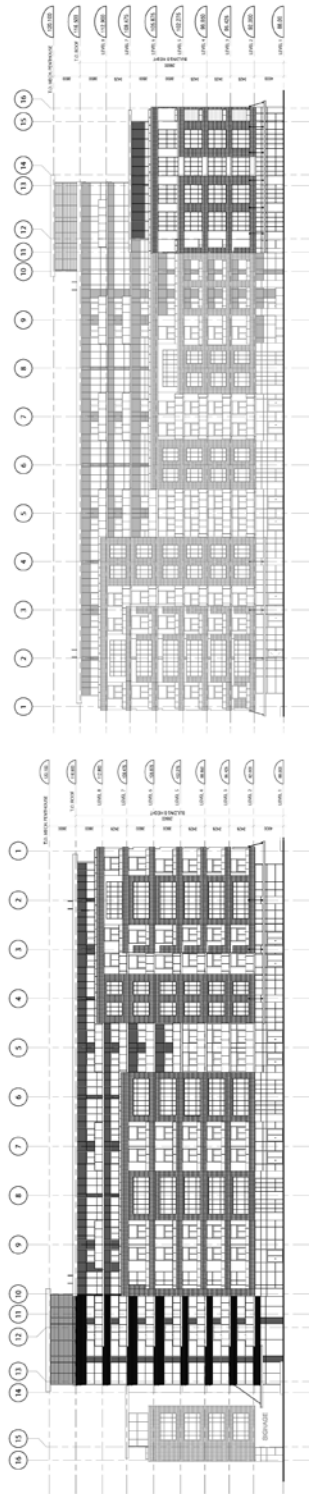
Building A - East Elevation

Building A - West Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
01/13/2016

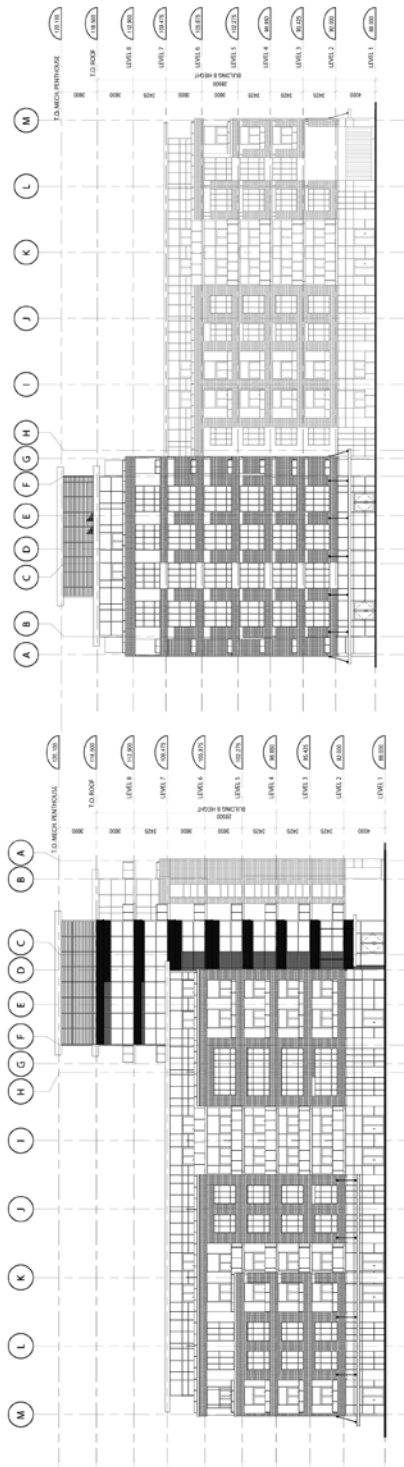
144 & 150 Berry Road
File # 14 193159 WET 05 02

Attachment 3: Elevations – Building B



Building B - North Elevation

Building B - South Elevation



Building B - East Elevation

Building B - West Elevation

Elevations

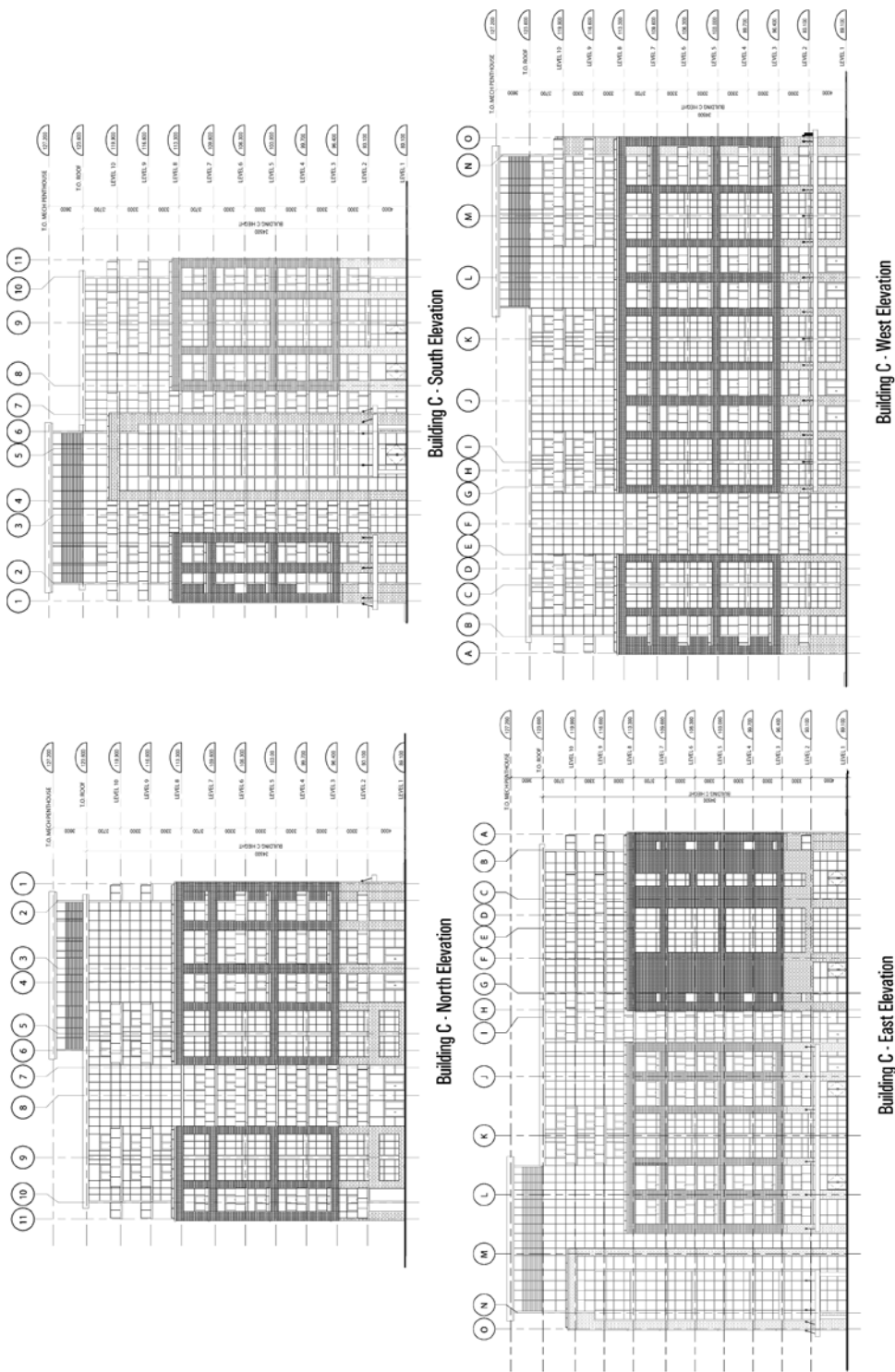
Applicant's Submitted Drawing

Not to Scale
01/13/2016

File # 14 193159 WET 05 02

144 & 150 Berry Road

Attachment 4: Elevations – Building C

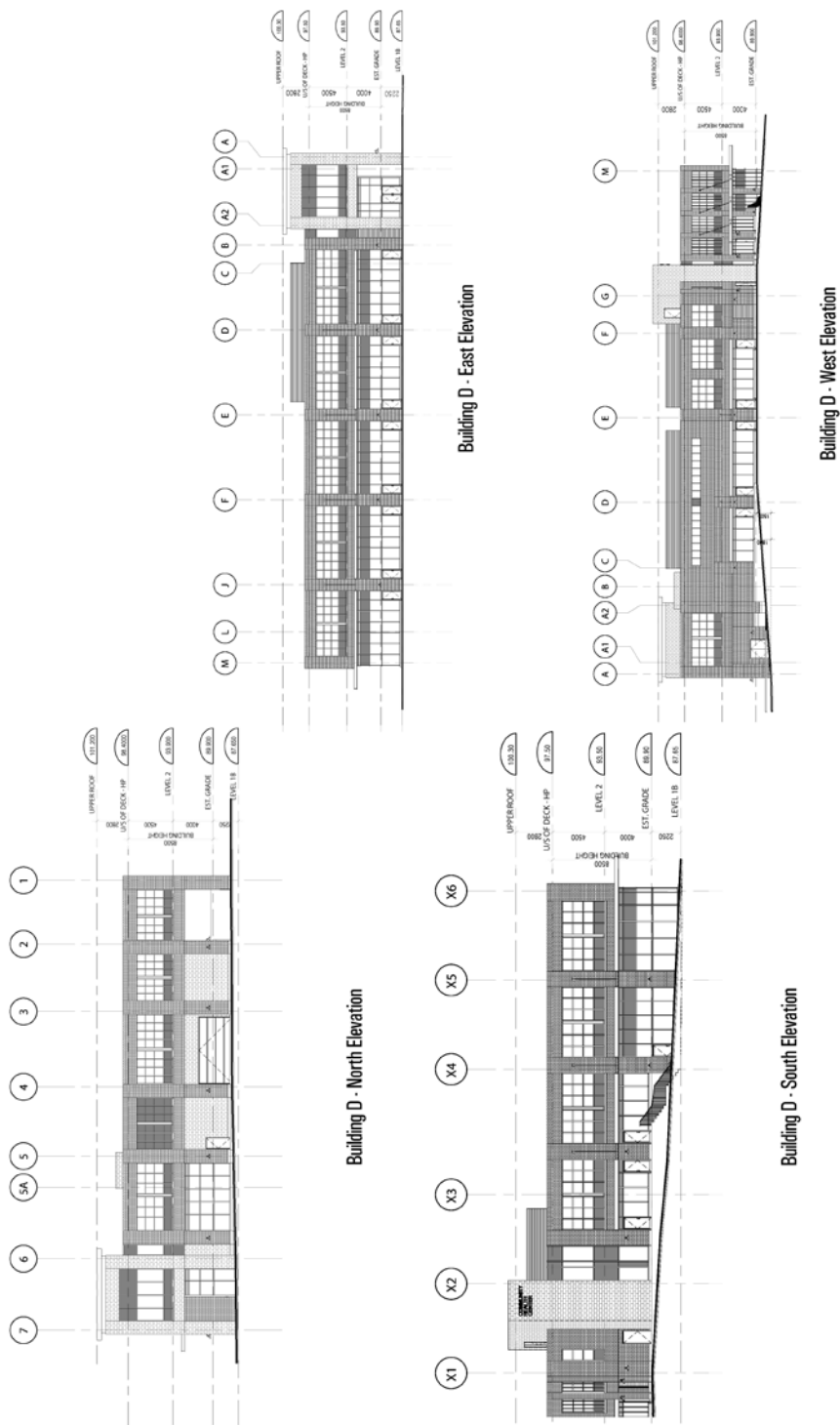


Elevations
Applicant's Submitted Drawing
Not to Scale
01/13/2016

144 & 150 Berry Road

File # 14 193159 WET 05 02

Attachment 5: Elevations – Building D



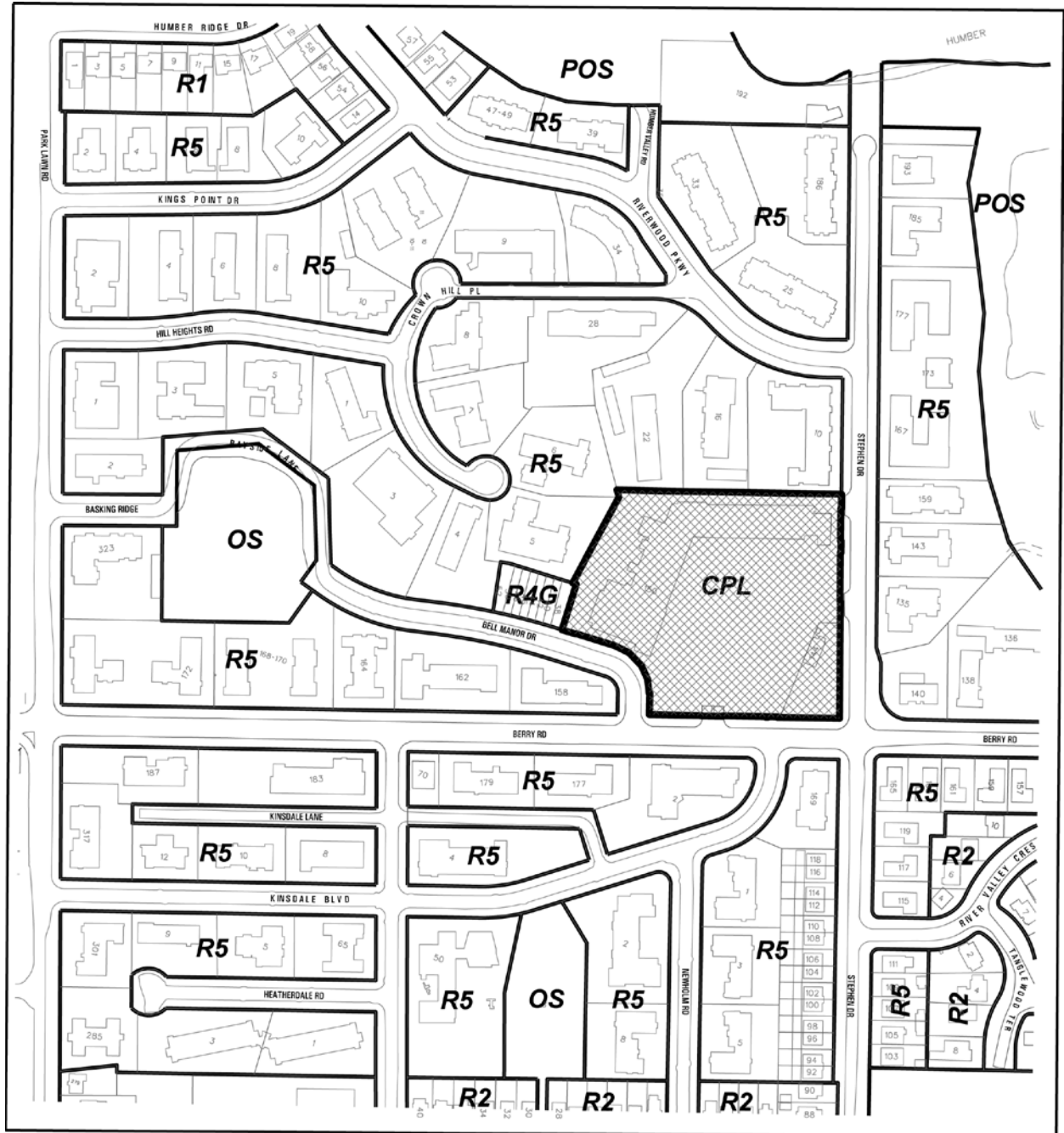
144 & 150 Berry Road

Elevations
Applicant's Submitted Drawing

Not to Scale
01/13/2016

File # 14 193159 WET 05 02

Attachment 6a: Zoning (Former City of Etobicoke Zoning Code)



TORONTO City Planning
Zoning

144 & 150 Berry Road

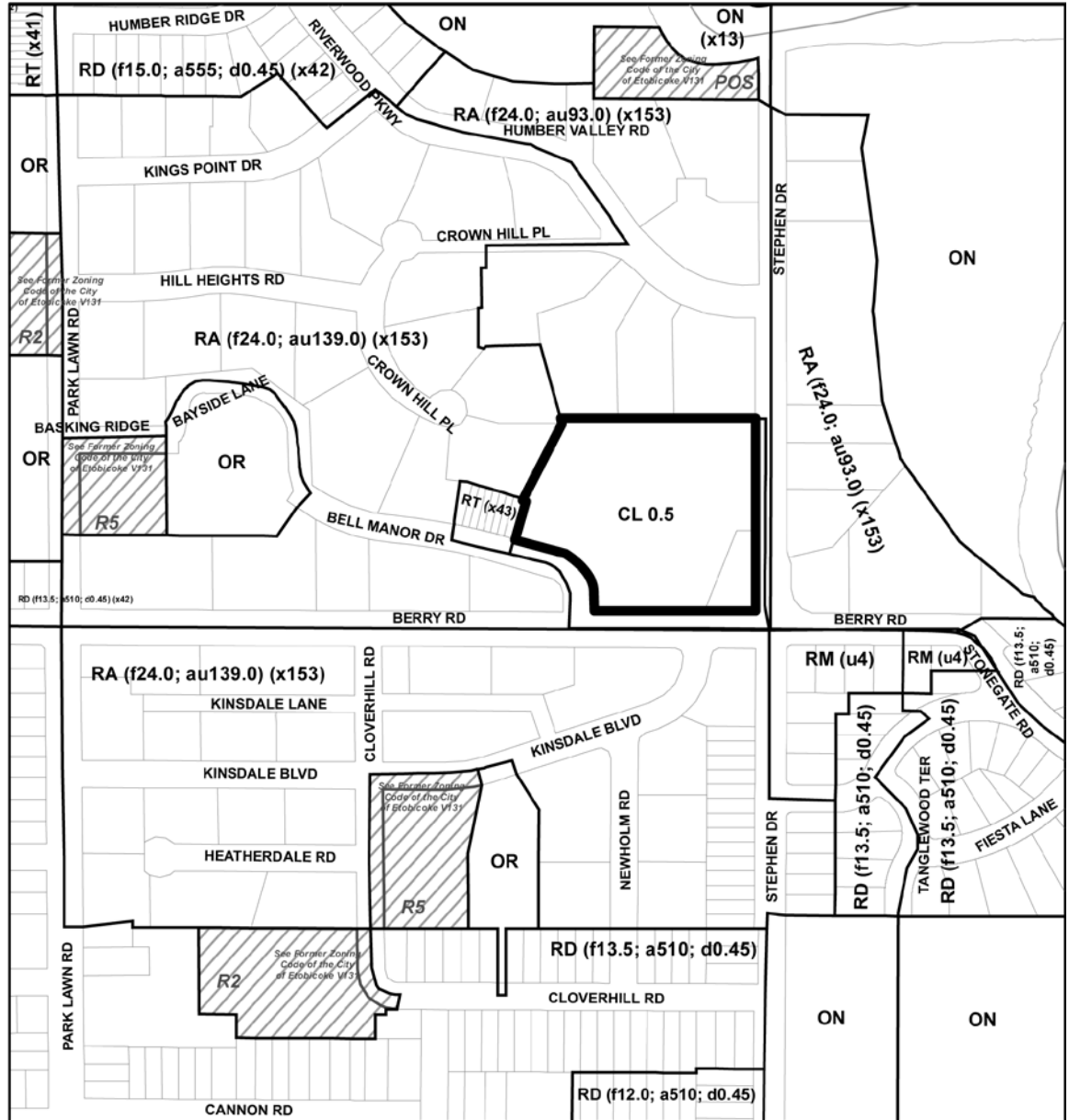
File # 14 193159 WET 05 02

R1 Residential First Density	OS Public Open Space
R2 Residential Second Density	POS Private Open Space
R5 Residential Fifth Density	
R4G Residential Fourth Density Group	
CPL Planned Commercial Local	



Not to Scale
Zoning By-law 11,737 as amended
Extracted 11/06/2014

Attachment 6b: Zoning (City of Toronto Zoning By-law 569-2013)



City Planning
Zoning By-law 569-2013

144 & 150 Berry Road

File # 14 193159 WET 05 02



Location of Application

RD Residential Detached
RT Residential Townhouse
RA Residential Apartment
CL Commercial Local

ON Open Space Natural
OR Open Space Recreation

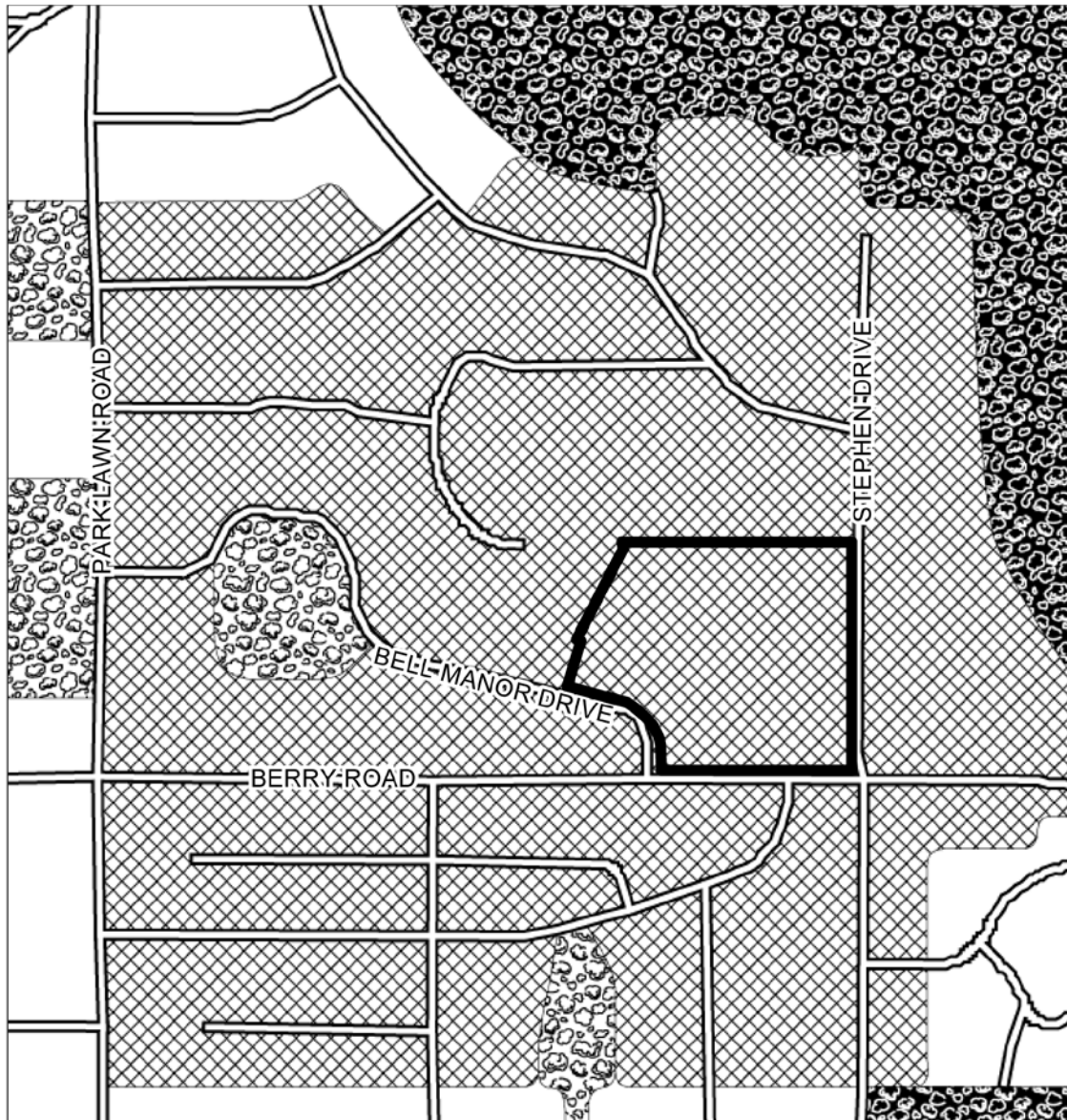


See Former Zoning Code of the City of Etobicoke V131



Not to Scale
Extracted 10/09/2014

Attachment 7: Official Plan



TORONTO City Planning
Official Plan

144 & 150 Berry Road

File # 14_193159 WET 05 02



↑
Not to Scale
10/09/14

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	14 193159 WET 05 OZ
Details	Rezoning, Standard	Application Date:	July 18, 2014

Municipal Address: 144 and 150 BERRY ROAD

Location Description: PLAN 5261 BLK A NRS TO PT RR **GRID W0508

Project Description: Proposed amendments to the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law 569-2013 to permit a phased mixed use development. Phase 1 of the development would include a portion of a new private road and publicly accessible open space, and a 2-storey commercial building containing a grocery store, multiple retail units and health centre, located at the southwest corner of the site fronting Berry Road. Phase 2 would include three residential buildings (one 7-storey, one 6 to 8-storeys, and one 10-storey building), the continuation of the new private road and publicly accessible open space.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. PETER SMITH		KOHN PARTNERSHIP ARCHITECTS INC.	2384903 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods</i>	Site Specific Provision:	n/a
Zoning:	CPL, CL 0.5	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	21506.87	Height:	Storeys:	2, 6, 7, 8, 10
Frontage (m):	89.5 m (min) 121.3 m (max)		Metres:	8.5 m, 21.5 m, 25 m, 28.5 m, 34.5 m
Depth (m):	143.1 m			
Total Ground Floor Area (sq. m):	7084			Total
Total Residential GFA (sq. m):	33100		Parking Spaces:	601
Total Non-Residential GFA (sq. m):	3006		Loading Docks	5
Total GFA (sq. m):	36106			
Lot Coverage Ratio (%):	4.96			
Floor Space Index:	1.7			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	33100	0
Studio:	25	Retail GFA (sq. m):	1419	0
1 Bedroom:	404	Office GFA (sq. m):	1587	0
2 Bedroom:	76	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	505			

CONTACT:	PLANNER NAME:	Sabrina Salatino, Planner
	TELEPHONE:	(416) 394-8025

**Attachment 9: Draft Zoning By-law Amendment
(Former City of Toronto Etobicoke Zoning Code)**

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

Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2016

To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, with respect to lands municipally known as 144 and 150 Berry 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;

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

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

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

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

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

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the classification of a portion of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from CPL (Planned Commercial Local Zone) to R6 (Sixth Density Residential Zone) provided the following provisions shall apply to the development of the (R6) and (CPL) lands identified in Schedule 'A' attached hereto.
2. Notwithstanding the provisions of 320-18C, 320-18D, 320-23, 320-79, 320-81, 320-87, 320-88 and 320-89 the following development standards shall apply to the (CPL) lands described in Schedule 'A' attached hereto.
3. Notwithstanding the provisions of 320-18B, 320-39, 320-40, 320-41, 320-42, 320-44, 320-76 and 320-77 the following development standards shall apply to the (R6) lands described in Schedule 'A' attached hereto.
4. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

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

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

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

"Established Grade" – shall mean the following for each building identified on Schedule 'B', attached hereto:

- (a) 87.00 metres Canadian Geodetic Datum for Building A;
- (b) 88.00 metres Canadian Geodetic Datum for Building B;
- (c) 89.10 metres Canadian Geodetic Datum for Building C; and
- (d) 89.90 metres Canadian Geodetic Datum for Building D.

"Gross Floor Area" – shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:

- (a) indoor amenity space;
- (b) parking, loading and bicycle parking at, above or below established grade;
- (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (d) shower and change facilities required by this By-law for required bicycle parking spaces;
- (e) elevator shafts;
- (f) garbage shafts;
- (g) mechanical penthouse; and
- (h) exit stairwells in the building.

"Height" – shall mean the vertical distance between *Established Grade* of the *Lot* and the highest point of the building, but excluding:

- (a) architectural features, eaves, elevator overruns, green roof elements, guardrails, landscaping, lighting rods, mechanical equipment and any associated enclosure structures, parapets, railings and dividers, roof drainage, screens, stair enclosures, stairs, trellises and window washing equipment.

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

"Landscaped Open Space" means a yard or court on a lot located at grade, above an underground parking area, above an above ground parking structure, or rooftop, which is suitable for landscaping. It shall include any part of the lot occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways, ramps or motor vehicle parking areas.

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

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

"Minor Projections" – shall mean minor building elements which may project from the main wall of a building into required setbacks beyond the *Building Envelope*, including architectural elements, parapets, landscape features, elements of a Green Roof, roof eaves, window sills, lights, vents, railings and guard rails, cornices, doors, canopies, balustrades, terraces and balconies, and exterior stairs, to a maximum projection of 1.5 metres.

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

"Outdoor Patio" – shall mean an outdoor patron area that is ancillary to a non-residential use.

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

"Privately-Owned Publicly-Accessible Space" - shall mean a *Landscaped Open Space* area, as shown on Schedule 'B', attached hereto, which is open and accessible to the public at all times.

"Retail Store" – shall mean premises in which goods or commodities are sold, rented or leased to include all uses such as grocery store and pharmacy, but not limited to.

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

5. Permitted Uses

In addition to the uses permitted in the CPL zone, the following uses shall be permitted on the lands designated CPL on the *Lot*:

- (a) Outdoor Patio;
- (b) Personal Service Shop;
- (c) Retail Store;
- (d) Community Centre;
- (e) Library; and
- (f) Temporary Sales Office.

6. Gross Floor Area

A maximum of 33,100 square metres of *Gross Floor Area* for residential uses shall be permitted on the *Lot* in a (R6) zone.

A maximum of 3,006 square metres of *Gross Floor Area* for non-residential uses shall be permitted on the *Lot* in a (CPL) zone.

7. Maximum Density

The maximum total *Floor Space Index* (FSI) permitted on the *Lot* shall be 1.7.

8. Number of Units

A maximum of 505 residential units shall be permitted on the *Lot* in a (R6) zone.

9. Maximum Coverage

The maximum lot coverage permitted on the *Lot* shall be 27% times the area of the lot.

10. Maximum Height

- (a) The maximum building *Heights* to be permitted on the *Lot* shall be shown following the letter H as shown on Schedule 'B', attached hereto.
- (b) Notwithstanding the foregoing clause, the maximum building *Heights* permitted on the *Lot* as shown on Schedule 'B', attached hereto, shall exclude architectural features, eaves, elevator overruns, green roof elements, guardrails, landscaping, lighting rods, mechanical equipment and any associated enclosure structures, parapets, railings and dividers, roof drainage, screens, stair enclosures, stairs, trellises and window washing equipment.

11. Setbacks/Floor Plate Restrictions/Building Envelopes

Notwithstanding the provisions of this By-law:

- (a) No portion of any building or structure which is located above the finished exterior ground level immediately adjoining such building or structure within the *Lot* shall be located other than within the *Building Envelopes* as shown on Schedule 'B', attached hereto.
- (b) Notwithstanding the foregoing clause, art and landscape features, awnings and canopies, balconies, balustrades, cornices, decks, doors, eaves, fences, guardrails, light fixtures, ornamental elements, parapets, patios, pillars, planters, railings, screens, site servicing features, stairs, stair enclosures, terraces, trellises, underground garage ramps and associated structures, ventilation shafts, wheelchair ramps and window sills may extend beyond the *Building Envelopes* as shown on Schedule 'B'.

12. Parking, Loading and Bicycle Parking Requirements

- (a) Vehicle parking for residential uses shall be provided on the *Lot* at a minimum rate of:
 - (i) 0.8 parking spaces for each bachelor dwelling unit;
 - 0.9 parking spaces for each one bedroom dwelling unit;

1.0 parking spaces for each two bedroom dwelling unit; and
1.2 parking spaces for each dwelling unit having three or more bedrooms.

- (ii) A minimum of 0.2 parking spaces per residential dwelling unit shall be provided for the exclusive use of visitors.
- (b) Vehicle parking for retail uses, as defined within this by-law, shall be provided on the *Lot* at a minimum ratio of 1.5 parking spaces per 100 square metres of Gross Floor Area.
- (c) Vehicle parking for medical and office uses shall be provided on the *Lot* at a minimum ratio of 1.0 parking space per 100 square metres of Gross Floor Area.
- (d) A minimum of one parking space for every 100 parking spaces, or part thereof, shall be provided on the *Lot* for use by the physically disabled.
- (e) Loading spaces shall be provided on the *Lot* as follows:
 - (i) A minimum of three loading spaces with dimensions of 13 metres in length by 4.0 metres in width and a vertical clearance of 6.1 metres to serve the residential use.
 - (ii) A minimum of one loading space with dimensions of 11 metres in length by 3.5 metres in width and a vertical clearance of 4.0 metres to serve the non-residential uses.
 - (iii) A minimum of one loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres to serve the non-residential uses. Should the non-residential Gross Floor Area of office uses exceed 2,000 square metres, a second loading space with dimensions of 6.0 metres in length by 3.5 metres in width and a vertical clearance of 3.0 metres shall also be provided.
- (f) Bicycle parking spaces shall be provided on the *Lot* as follows:
 - (i) Long-term bicycle parking spaces will be provided at a minimum ratio of 0.68 parking spaces for each dwelling unit. Short-term bicycle parking spaces will be provided at a minimum ratio of 0.07 parking spaces for each dwelling unit.
 - (ii) Long-term bicycle parking spaces for non-residential uses will be provided at a minimum ratio of 0.13 parking spaces for each 100 square metres of Gross Floor Area. Short-term bicycle parking

spaces for non-residential uses will be provided at a minimum ratio of 3 parking spaces plus 0.25 parking spaces for each 100 square metres of retail Gross Floor Area.

- (iii) Long-term bicycle parking spaces for non-residential uses will be provided at a minimum ratio of 0.10 parking spaces for each 100 square metres of non-residential Gross Floor Area. Short-term bicycle parking spaces for non-residential uses will be provided at a minimum ratio of 3 parking spaces plus 0.10 parking spaces for each 100 square metres of non-residential Gross Floor Area.

13. Area Requirements

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

- (a) a minimum 2.0 m² for each dwelling unit of *Indoor Amenity Space* shall be provided;
- (b) a minimum of 2.0 m² for each dwelling unit of *Outdoor Amenity Space* shall be provided;
- (c) a minimum of 40% of the *Lot* area shall be reserved for outdoor *Landscaped Open Space*;
- (d) a minimum of 3,600 m² will be provided as *Privately-Owned Publicly-Accessible Space (POPS)*, as shown on Schedule 'B', attached hereto.

14. Section 37 Provisions

- (a) The owner shall provide the following in accordance with the terms set out in Schedule 'C' attached hereto.
 - i. Leased Premises for a not-for-profit food co-operative in the project having an area of no less than 810 m² to be constructed and provided on the terms set out in Schedule 'C' attached hereto, at the expense of the owner, or such alternate cash contribution as is described in Schedule 'C' attached hereto.
 - ii. A splash pad within the privately-owned publicly-accessible space to be constructed and provided on the terms set out in Schedule 'C' attached hereto. The public access easement(s) are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the splash pad.
 - iii. The cash amounts referred to in Schedule 'C' attached hereto will

be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.

- (b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall provide, at its own expense, a minimum area of 3,600 m² of privately-owned publicly-accessible space (POPS) and public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - ii. The owner shall design and construct a 2.1 m wide municipal sidewalk along the north side of Berry Road, the west side of Stephen Drive and the east side of Bell Manor Drive, all to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
 - iii. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
 - iv. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - v. The owner shall construct improvements and upgrades to the municipal water and sewer infrastructure at no cost to the City, should the Functional Servicing Report that has been submitted to the satisfaction of the Director, Engineering and Construction Services determine that the improvements and upgrades are necessary to accommodate the proposed development.
- (c) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is

permitted beyond that otherwise permitted on the lands shown on Schedule A in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 'C' 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;

- (d) Where Schedule 'C' of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same;
 - (e) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 'C' are satisfied.
- 15. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 16. Nothing in this By-law shall apply to prevent the Phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each Phase.
- 17. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 18. Notwithstanding any severance, partition or division of the *Lot*, the provisions of this By-law shall apply to the whole of the *Lot* as if no severance, partition or division occurred.
- 19. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

**BY-LAW NUMBER AND
ADOPTION DATE**

**DESCRIPTION OF
PROPERTY**

PURPOSE OF BY-LAW

~ - 2016

Lands municipally known as
144 and 150 Berry Road

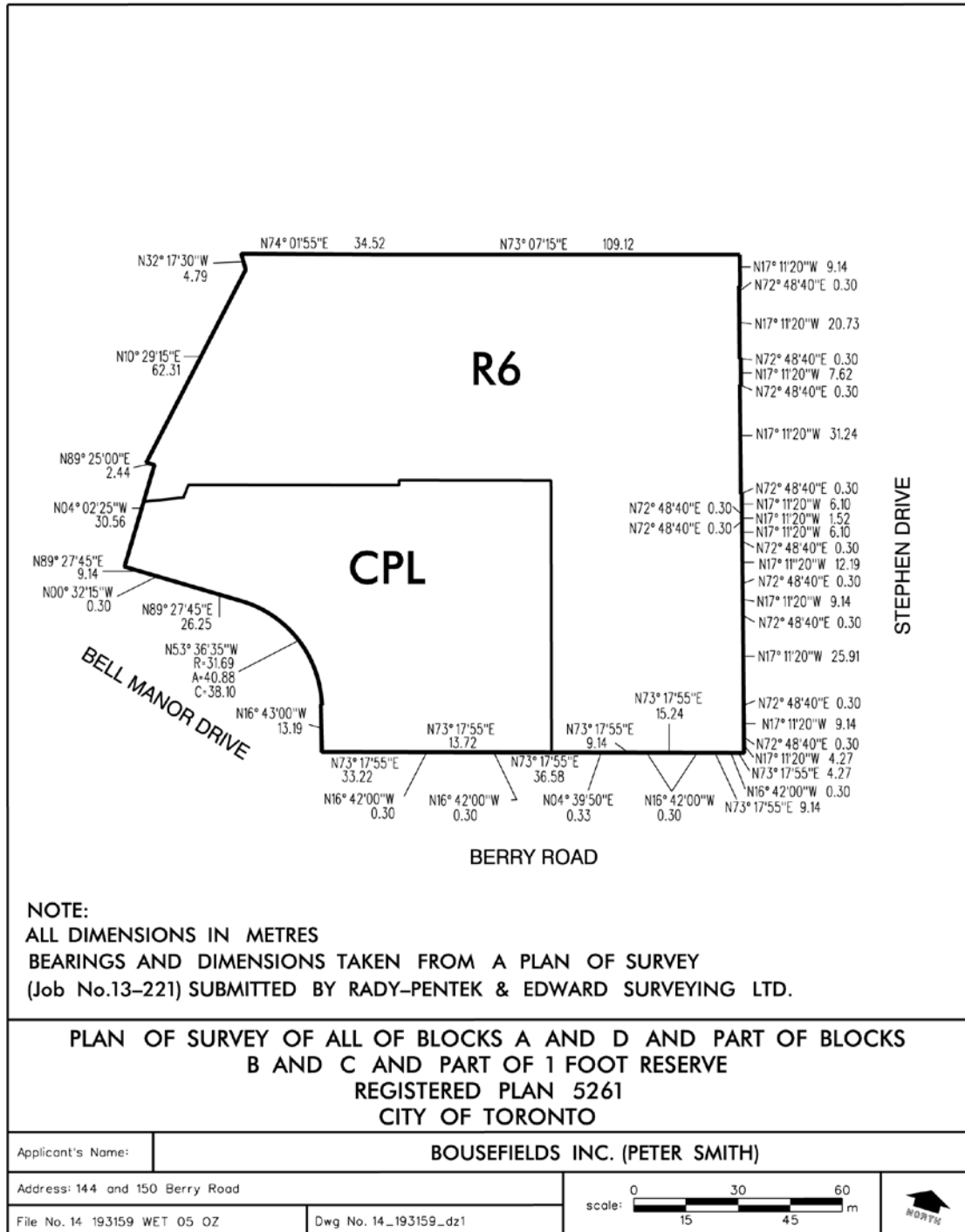
To amend the former
Etobicoke Zoning Code to
permit the development of a
mixed-use development
including a 2-storey
commercial building and
three residential buildings
with heights of 6, 7, 8 and 10
storeys.

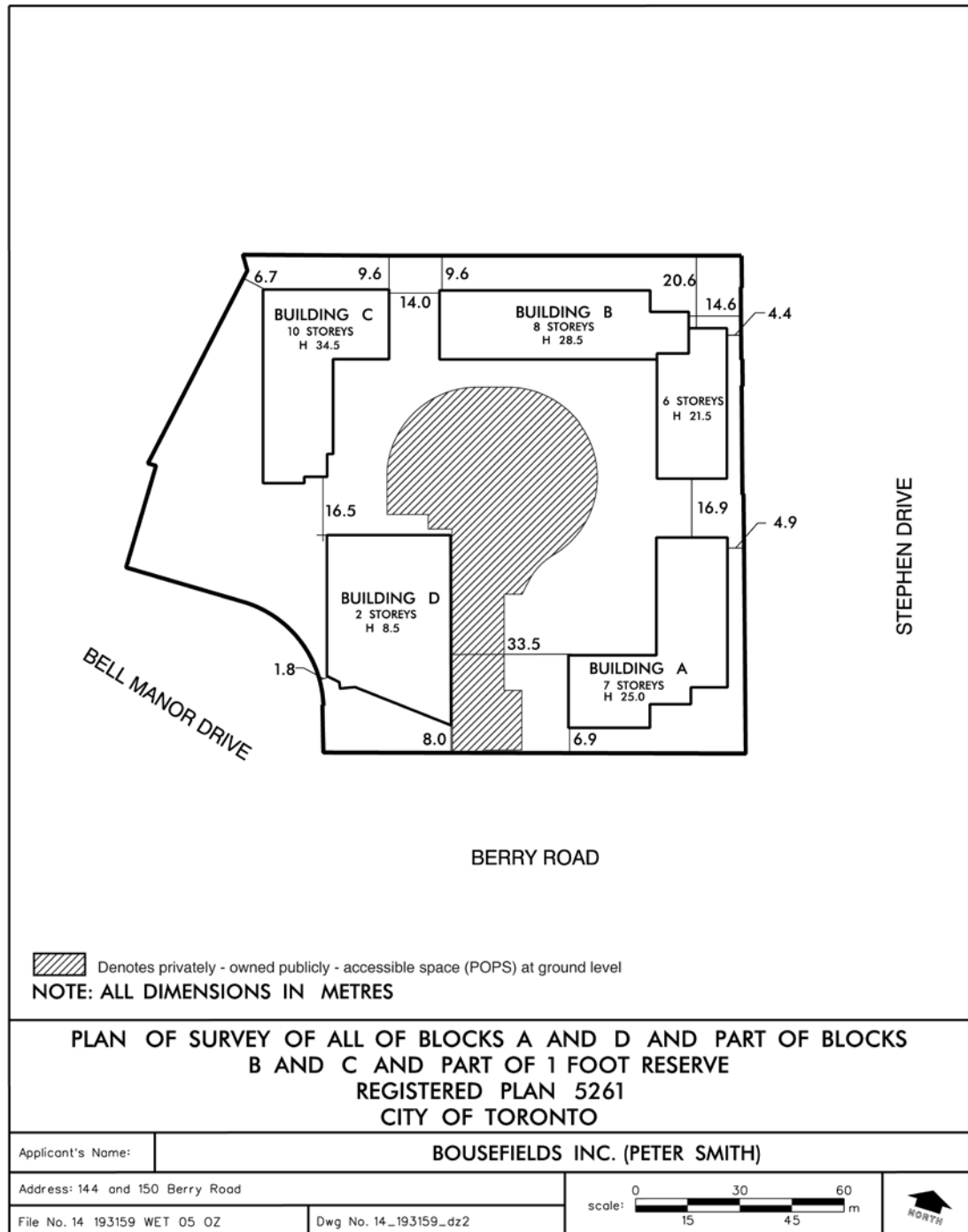
ENACTED AND PASSED this ~ day of ~, A.D. 2016

JOHN TORY
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)





Schedule 'C'
Section 37 Provisions

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

- (1) Prior to the registration of the condominium containing the 325th residential unit constructed on the property, the owner shall complete construction of a privately owned, publicly accessible open space having a minimum size of 3,600 square metres substantially in the location shown on Schedule 'B', and including a splash pad having a minimum value of \$300,000.00, with the details of the location, design and construction to be determined in the context of site plan approval for the first building containing residential units in the proposed development, and the owner shall convey a public access easement to the City, together with support rights as applicable, for the publicly accessible open space in a form satisfactory to the City Solicitor. In order to secure this obligation, a letter of credit in the amount of \$300,000.00 shall be provided to the City prior to the issuance of an above grade building permit for the first building containing dwelling units;
- (2) The owner will provide a minimum of 810 square metres of non-residential gross floor area on the ground floor of Building D on the property. The owner will enter into a 10 year lease with any registered not-for-profit food co-operative acceptable to the City and the owner for said 810 square metres;
- (3) For the term of the 10 year lease the tenant will pay rent at \$20.00 per square foot for the leased space, discounted to \$15.00 per square foot, the \$5.00 per square foot discount representing a Section 37 contribution. It is estimated that this will result in a benefit of \$43,635.00 annually and \$436,350.00 over the term of the lease;
- (4) The tenant shall have the opportunity to renew the lease at the end of the 10 year term at market rental rates;
- (5) The owner shall finish the leased space to include concrete floors (ready for application of a final finish), drywall (taped, sanded and primed) to demising partition, electrical panel, electrical service to a disconnect, HVAC system not including internal distribution, plumbing services to the demised premises, and life safety systems and emergency lighting for an open concept vacant space at the owner's cost, and in addition, the owner shall construct tenant space improvements having a value of \$300,000.00 to be used toward the interior buildout of the leased space for the purposes of the tenant. The \$300,000.00 in tenant space improvements shall be considered a Section 37 contribution;

- (6) For the duration of the 10 year lease the owner shall be responsible to cover maintenance and insurance to a maximum of \$8 per square foot, representing a Section 37 contribution. It is estimated that this will result in a benefit of \$69,816.00 annually and \$698,160.00 over the term of the lease;
- (7) The owner shall provide the leased space on a rent and TMI free basis for the first 6 months of the lease term having a value of \$152,722.00 which shall be considered a Section 37 contribution;
- (8) If for any reason the City and the owner are not able to select a suitable not-for-profit food co-operative to enter the lease, or the tenant has elected not to enter into the lease, then in addition to the privately owned publicly accessible open space and splash pad referenced in Section (1) above, prior to issuance of the first above grade building permit for a building containing residential units on the property, or such other date as may be mutually agreed by the parties, the owner shall provide a cash contribution to the City in the amount of \$700,000.00 to be used for streetscape improvements on The Queensway in Ward 5;
- (9) If for any reason the tenant or another not-for-profit food co-operative is unable to maintain its tenancy in the leased space, the value of the Section 37 contribution provided to date, including \$300,000.00 referenced in Section (1), \$43,635.00 annually referenced in Section (3), \$300,000.00 referenced in Section (5), \$69,816.00 annually referenced in Section (6) and \$152,722.00 referenced in Section (7), shall be determined and if the total contributed to date is less than \$1,000,000.00, the owner shall pay the City the difference between the total provided to date and \$1,000,000.00, with such funds to be used for streetscape improvements on The Queensway in Ward 5;
- (10) No residential unit may be occupied nor may a condominium containing residential units be registered until the 810 m² of non-residential gross floor area in Building D is ready for occupancy; and
- (11) If at the earlier of occupancy or registration of the building containing the 325th residential unit on the property the leased space is occupied by the tenant and the value of the Section 37 contribution provided to date, as described in section (9) above, is less than \$1,000,000.00, then the owner shall provide a letter of credit to the City to secure the difference between the contribution provided to date and \$1,000,000.00, which letter of credit may be reduced four times a year until the full \$1,000,000.00 has been provided.

**Attachment 10: Draft Zoning By-law Amendment
(City of Toronto Zoning By-law 569-2013)**

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

Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ - 2016

**To amend the City of Toronto By-law 569-2013, as amended, with respect to lands
known municipally as 144 and 150 Berry 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;

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

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

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

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

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

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the regulations of Zoning By-law No. 569-2013 continue to apply to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
3. The Zoning By-law map in Chapter 990 of By-law No. 569-2013, as amended, is amended by rezoning the lands identified on Diagram 2 from "Commercial Local – CL 0.5" to "CL(x3)" and "RA(x50)".
4. Zoning By-law No. 569-2013, as amended, is amended by adding the following exception CL(x3) to Section 900.10.10:

Exception CL(x3)

A **building** or **structure** may be erected on the lands delineated by the heavy line on Diagram 2 of By-law No. XXX-2016 and used for the uses permitted if the whole of the **premises** on those lands collectively comply with the following:

- (A) Clauses and Regulations 5.10.40.70, 30.5.40.10, 30.20.30.40, 30.20.40.10, 30.20.40.40, 30.20.40.60, 30.20.40.70, 30.20.40.80, 30.20.50.10, 30.20.80.20(1), 200.5.10.1, 220.5.1.10, 220.5.10.1, 230.5.1.10(7), and 230.5.10.1 shall not apply to the **lot**;
- (B) The height of a **building** or structure, as measured from **established grade**, must not exceed the height in metres specified by the numbers following the symbol H as shown on Diagram 3 attached and forming part of By-law XXX-2016;
- (C) Despite (B) above, the following building elements and structures are permitted to exceed the maximum heights as shown on Diagram 3 attached and forming part of By-law XXX-2016:
 - (i) architectural features, eaves, elevator overruns, **green roof** elements, guardrails, landscaping, lighting rods, mechanical equipment and any associated enclosure structures, parapets, railings and dividers, roof drainage, screens, stairs, stair enclosures, trellises and window washing equipment.

- (D) The portions of a **building** or **structure** above ground must be located within the area delineated by heavy lines on Diagram 3 attached to and forming part of By-law XXX-2016, except that:
- (i) Art and landscape features, awnings and canopies, balconies, balustrades, cornices, decks, doors, eaves, fences, guardrails, light fixtures, ornamental elements, parapets, patios, pillars, planters, railings, screens, site servicing features, stairs, stair enclosures, terraces, trellises, underground garage ramps and associated structures, ventilation shafts, wheelchair ramps and window sills may extend beyond the heavy lines shown on Diagram 3 of By-law XXX-2016.
- (E) A maximum **gross floor area** of 3,006 square metres must be within a **non-residential building**;
- (F) **Parking spaces** must be provided on the **lot** at a minimum rate of:
- (i) 1.5 **parking spaces** per 100 square metres of **gross floor area** used for retail store purposes; and
 - (ii) 1.0 **parking space** per 100 square metres of **gross floor area** for all other non-residential use.
- (G) Despite regulation 200.5.10 (1), **parking spaces** must be provided at a rate of 1.5 for each 100 square metres of **gross floor area** for a grocery store;
- (H) **Parking spaces** must be located in an underground **parking garage**, with the exception of a maximum of 13 **parking spaces** located at grade and used for non-residential purposes;
- (I) **Bicycle parking spaces** must be provided on the **lot** at a minimum rate of:
- (i) 3 "short-term" **bicycle parking spaces** plus 0.25 "short-term" **bicycle parking spaces** per 100 square metres of retail **gross floor area**;
 - (ii) 0.13 "long-term" **bicycle parking spaces** per 100 square metres of retail **gross floor area**;
 - (iii) 3 "short-term" **bicycle parking spaces** plus 0.10 "short-term" **bicycle parking spaces** per 100 square metres of non-residential **gross floor area**; and

- (iv) 0.10 "long-term" **bicycle parking spaces** per 100 square metres of non-residential **gross floor area**.
 - (J) All "short-term" **bicycle parking spaces** must be located at grade;
 - (K) A minimum of one Type "B" **loading space** and one Type "C" **loading space** must be provided for Building D;
 - (L) Exception CL(x3) shall apply to all of the lands collectively regardless of future severance, partition or division; and
 - (M) Despite regulation 800.50(240), established grade is 89.90 metres Canadian Geodetic Datum for Building D.
5. Zoning By-law No. 569-2013, as amended, is amended by adding the following exception RA(x50) to Section 900.7.10

Exception RA (x50)

A **building** or **structure** may be erected on the lands delineated by the heavy line on Diagram 2 of By-law No. XXX-2016 and used for the uses permitted if the whole of the **premises** on those lands collectively comply with the following:

- (A) Clauses and Regulations 5.10.40.70, 15.5.30.40, 15.5.40.10, 15.5.40.40, 15.5.40.60, 200.5.10.1, 220.5.1.10, 220.5.10.1, 230.5.1.10(7), and 230.5.10.1 shall not apply to the **lot**;
- (B) The height of a **building** or structure, as measured from **established grade**, must not exceed the height in metres specified by the numbers following the symbol H as shown on Diagram 3 attached and forming part of By-law XXX-2016;
 - (i) architectural features, eaves, elevator overruns, **green roof** elements, guardrails, landscaping, lighting rods, mechanical equipment and any associated enclosure structures, parapets, railings and dividers, roof drainage, screens, stairs, stair enclosures, trellises and window washing equipment.
- (C) The portions of a **building** or **structure** above ground must be located within the area delineated by heavy lines on Diagram 3 attached to and

forming part of By-law XXX-2016, except that:

- (i) Art and landscape features, awnings and canopies, balconies, balustrades, cornices, decks, doors, eaves, fences, guardrails, light fixtures, ornamental elements, parapets, patios, pillars, planters, railings, screens, site servicing features, stairs, stair enclosures, terraces, trellises, underground garage ramps and associated structures, ventilation shafts, wheelchair ramps and window sills may extend beyond the heavy lines shown on Diagram 3 of By-law XXX-2016.
- (D) In addition to the uses permitted in Sections 15.10.20.10 and 15.10.20.20, the following use shall be permitted in a RA(x50) zone:
 - (i) a temporary sales office.
- (E) A maximum of 505 **dwelling units** must be permitted on the **lot**;
- (F) A maximum **gross floor area** of 33,100 square metres must be within **residential buildings**;
- (G) **Parking spaces** must be provided on the **lot** at a minimum rate of:
 - (i) 0.8 **parking spaces** per bachelor unit;
 - (ii) 0.9 **parking spaces** per 1 bedroom **dwelling unit**;
 - (iii) 1.0 **parking spaces** per 2 bedroom **dwelling unit**;
 - (iv) 1.2 **parking spaces** per 3 bedroom **dwelling unit**; and
 - (v) 0.2 **parking spaces** per **dwelling** unit for visitor use.
- (H) **Parking spaces** must be located in an underground **parking garage**;
- (I) **Bicycle parking spaces** must be provided on the **lot** at a minimum rate of:
 - (i) 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**; and
 - (ii) 0.68 "long-term" **bicycle parking spaces** per **dwelling unit**.
- (J) All "short-term" **bicycle parking spaces** must be located at grade;
- (K) A minimum of 3 **loading spaces** must be provided on the **lot**, in accordance with the following minimum requirements:

- (i) one Type "G" **loading space** for Building A;
- (ii) one Type "G" **loading space** for Building B; and
- (iii) one Type "G" **loading space** for Building C.

(L) Exception RA(x50) shall apply to all of the lands collectively regardless of future severance, partition or division.

(M) Despite regulation 800.50(240), established grade is 87.00 metres Canadian Geodetic Datum for Building A; 88.00 metres Canadian Geodetic Datum for Building B; and 89.10 metres Canadian Geodetic Datum for Building C.

6. Section 37 Provisions

(A) The owner shall provide the following in accordance with the terms set out in Schedule 'A' of this By-law:

- i. Leased Premises for a not-for-profit food co-operative in the project having an area of no less than 810 m² to be constructed and provided on the terms set out in Schedule 'A' of this By-law at the expense of the owner, or such alternate cash contribution as is described in Schedule 'A' of this By-law.
- ii. A splash pad within the privately-owned publicly-accessible space to be constructed and provided on the terms set out in Schedule 'A' of this By-law. The public access easement(s) are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the splash pad.
- iii. The cash amounts referred to in Schedule 'A' of this By-law will be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.

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

- i. The owner shall provide, at its own expense, a minimum area of 3,600 m² of privately-owned publicly-accessible space (POPS) and

public access easements to and over the POPS for members of the public. The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.

- ii. The owner shall design and construct a 2.1 m wide municipal sidewalk along the north side of Berry Road, the west side of Stephen Drive and the east side of Bell Manor Drive, all to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager of Transportation Services and at no cost to the City.
 - iii. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
 - iv. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - v. The owner shall construct improvements and upgrades to the municipal water and sewer infrastructure at no cost to the City, should the Functional Servicing Report that has been submitted to the satisfaction of the Director, Engineering and Construction Services determine that the improvements and upgrades are necessary to accommodate the proposed development.
- (C) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 'A' hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (D) Where Schedule 'A' of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

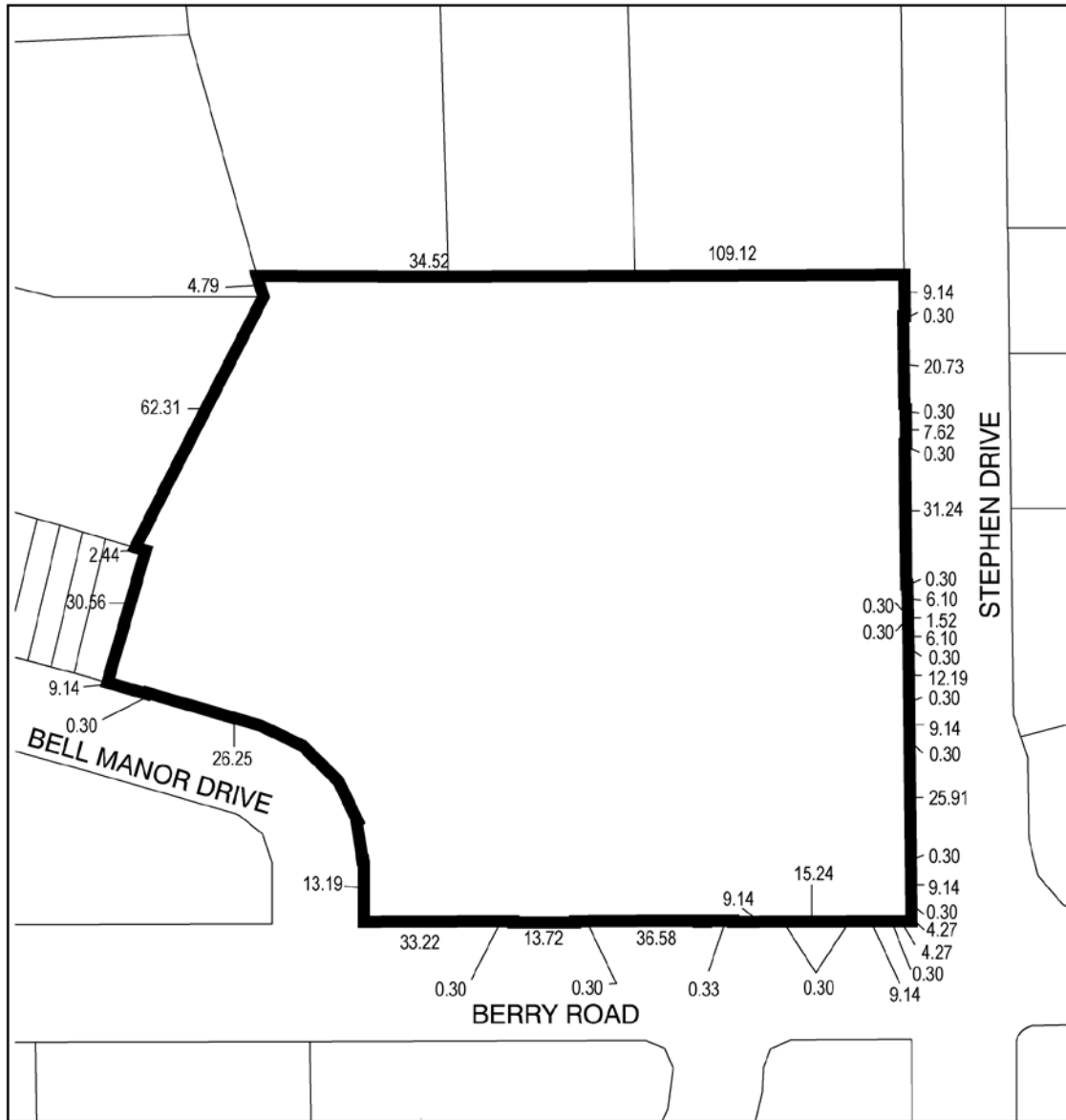
- (E) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 'A' are satisfied.

ENACTED AND PASSED this ~ day of ~ , A.D. 2016.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)



Toronto City Planning

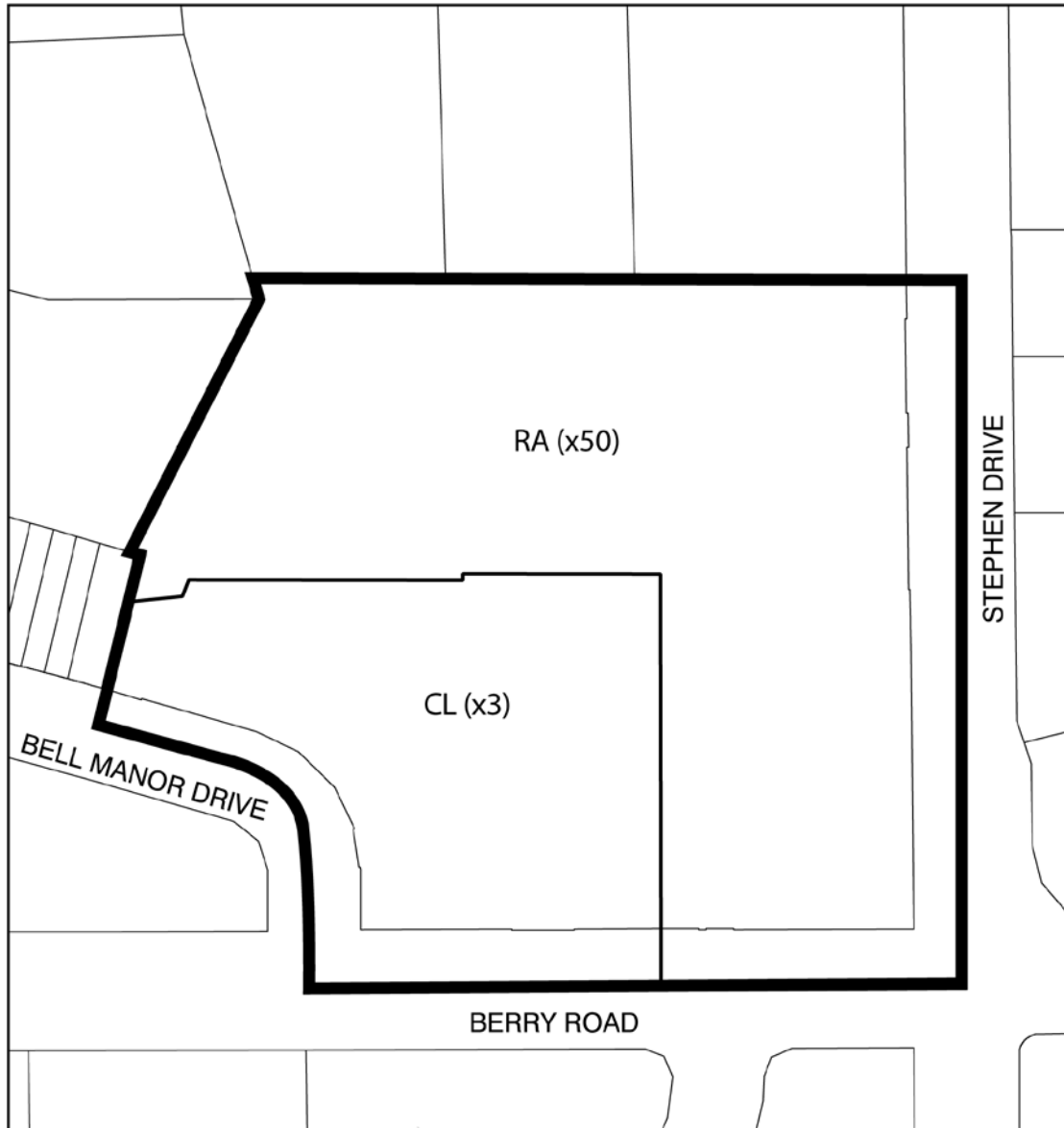
144 & 150 Berry Road

Diagram 1

File # 14 193159 WET 05 02



City of Toronto By-Law 569-2013
Not to Scale
01/26/2016



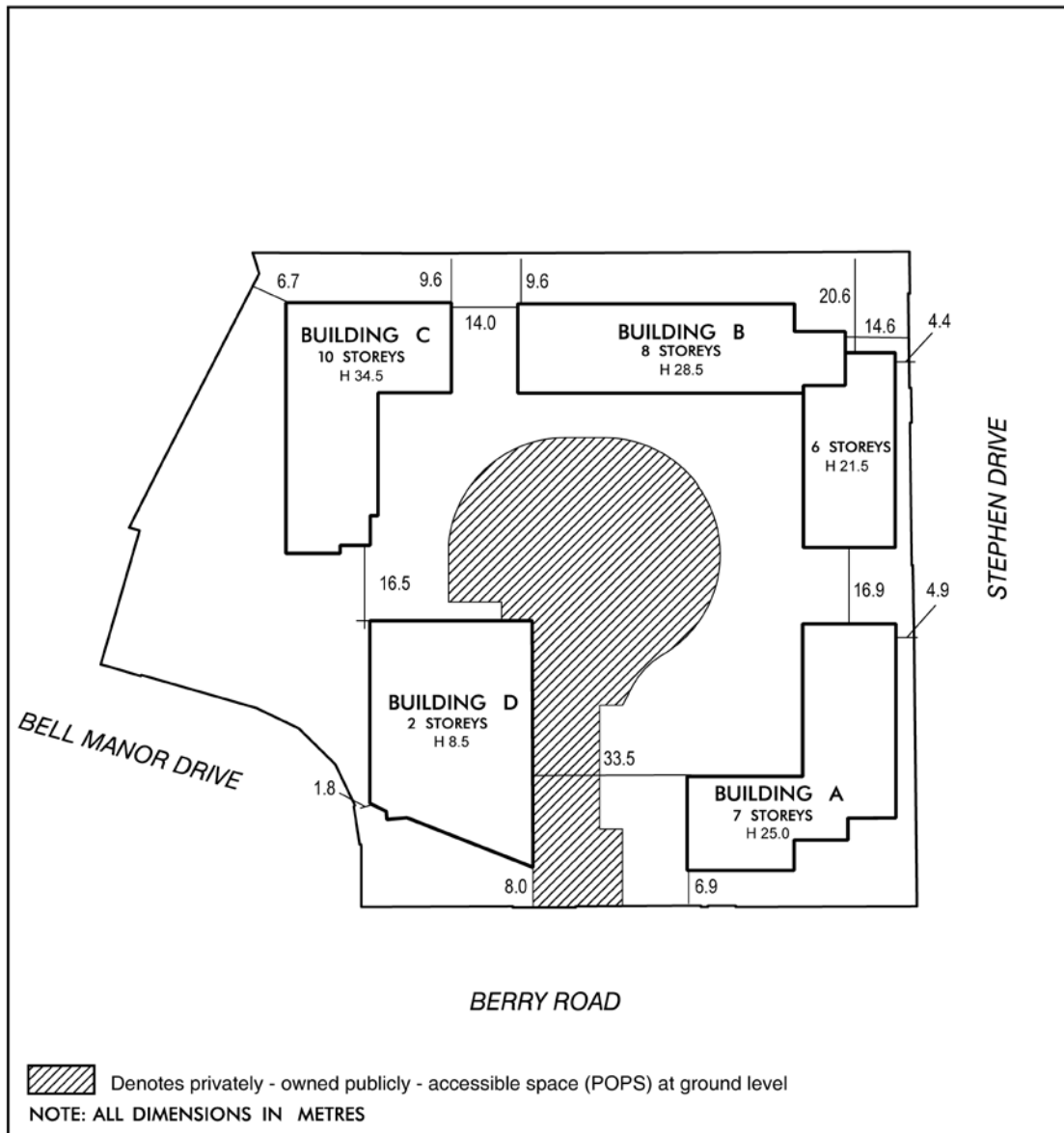
TORONTO City Planning

Diagram 2

File # 14 193159 WET 05 02



City of Toronto By-Law 569-2013
Not to Scale
01/26/2016



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

- (1) Prior to the registration of the condominium containing the 325th residential unit constructed on the property, the owner shall complete construction of a privately owned, publicly accessible open space having a minimum size of 3,600 square metres substantially in the location shown on Diagram 3, and including a splash pad having a minimum value of \$300,000.00, with the details of the location, design and construction to be determined in the context of site plan approval for the first building containing residential units in the proposed development, and the owner shall convey a public access easement to the City, together with support rights as applicable, for the publicly accessible open space in a form satisfactory to the City Solicitor. In order to secure this obligation, a letter of credit in the amount of \$300,000.00 shall be provided to the City prior to the issuance of an above grade building permit for the first building containing dwelling units;
- (2) The owner will provide a minimum of 810 square metres of non-residential gross floor area on the ground floor of Building D on the property. The owner will enter into a 10 year lease with any registered not-for-profit food co-operative acceptable to the City and the owner for said 810 square metres;
- (3) For the term of the 10 year lease the tenant will pay rent at \$20.00 per square foot for the leased space, discounted to \$15.00 per square foot, the \$5.00 per square foot discount representing a Section 37 contribution. It is estimated that this will result in a benefit of \$43,635.00 annually and \$436,350.00 over the term of the lease;
- (4) The tenant shall have the opportunity to renew the lease at the end of the 10 year term at market rental rates;
- (5) The owner shall finish the leased space to include concrete floors (ready for application of a final finish), drywall (taped, sanded and primed) to demising partition, electrical panel, electrical service to a disconnect, HVAC system not including internal distribution, plumbing services to the demised premises, and life safety systems and emergency lighting for an open concept vacant space at the owner's cost, and in addition, the owner shall construct tenant space improvements having a value of \$300,000.00 to be used toward the interior buildout of the leased space for the purposes of the tenant. The \$300,000.00 in tenant space improvements shall be considered a Section 37 contribution;

- (6) For the duration of the 10 year lease the owner shall be responsible to cover maintenance and insurance to a maximum of \$8 per square foot, representing a Section 37 contribution. It is estimated that this will result in a benefit of \$69,816.00 annually and \$698,160.00 over the term of the lease;
- (7) The owner shall provide the leased space on a rent and TMI free basis for the first 6 months of the lease term having a value of \$152,722.00 which shall be considered a Section 37 contribution;
- (8) If for any reason the City and the owner are not able to select a suitable not-for-profit food co-operative to enter the lease, or the tenant has elected not to enter into the lease, then in addition to the privately owned publicly accessible open space and splash pad referenced in Section (1) above, prior to issuance of the first above grade building permit for a building containing residential units on the property, or such other date as may be mutually agreed by the parties, the owner shall provide a cash contribution to the City in the amount of \$700,000.00 to be used for streetscape improvements on The Queensway in Ward 5;
- (9) If for any reason the tenant or another not-for-profit food co-operative is unable to maintain its tenancy in the leased space, the value of the Section 37 contribution provided to date, including \$300,000.00 referenced in Section (1), \$43,635.00 annually referenced in Section (3), \$300,000.00 referenced in Section (5), \$69,816.00 annually referenced in Section (6) and \$152,722.00 referenced in Section (7), shall be determined and if the total contributed to date is less than \$1,000,000.00, the owner shall pay the City the difference between the total provided to date and \$1,000,000.00, with such funds to be used for streetscape improvements on The Queensway in Ward 5;
- (10) No residential unit may be occupied nor may a condominium containing residential units be registered until the 810 m² of non-residential gross floor area in Building D is ready for occupancy; and
- (11) If at the earlier of occupancy or registration of the building containing the 325th residential unit on the property the leased space is occupied by the tenant and the value of the Section 37 contribution provided to date, as described in section (9) above, is less than \$1,000,000.00, then the owner shall provide a letter of credit to the City to secure the difference between the contribution provided to date and \$1,000,000.00, which letter of credit may be reduced four times a year until the full \$1,000,000.00 has been provided.

**Attachment 11: Draft Section 37 Term Sheet for Leased Premises
at the project to be constructed at 144 and 150 Berry Road
(the "Project")**

Draft Section 37 Term Sheet for Leased Premises at the project to be constructed at 144 and 150 Berry Road will be available prior to the City Council Meeting on March 10, 2016.