

**4665 Steeles Avenue East – Zoning By-Law Amendment Application – Supplemental Report**

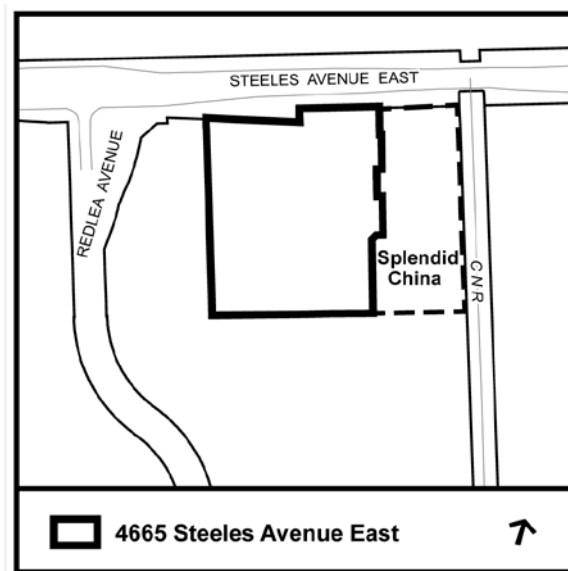
<b>Date:</b>	April 24, 2017
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 39 – Scarborough-Agincourt
<b>Reference Number:</b>	13 273308 ESC 39 OZ

**SUMMARY**

A Final Report, dated March 8, 2017 on a proposed Zoning By-law Amendment Application was considered by the Planning and Growth Management Committee on April 5, 2017. The Planning and Growth Management Committee held a statutory public meeting on the subject zoning by-law amendment application for which notice was given in accordance with the Planning Act. The decision of the Planning and Growth Management Committee was forwarded to City Council without recommendations. The Link to the Decision Document can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG19.4>

The subject lands were redesignated to *Mixed Use Areas* through City Council's adoption of OPA 321, which was appealed to the Ontario Municipal Board. A link to OPA 321 can be found at: <http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=10878#Meeting-2016.CC23>. Previously through Council adoption of OPA 231, the lands were converted from *Employment Areas* to *Regeneration Areas*. A link to OPA 231 can be found at: <http://www.toronto.ca/legdocs/bylaws/2013/1aw1714.pdf>. The March 8, 2017 Final Report is premised on the *Mixed Use Areas* designation for these lands.



The purpose of this report is to identify and recommend technical changes to the draft zoning by law attached to the March 8, 2017 Final Report as a result of continued discussions with the local Councillor, the applicant and City Legal.

## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council replace the draft by-law attached to the March 8, 2017 report from the Chief Planner and Executive Director, City Planning Division with Attachment 1 (Draft By Law) to this Supplemental Report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council determine that no further notice is required pursuant to subsection 34(17) of the Planning Act in respect of the proposed by-law.

## DISCUSSION

As a result of continued discussions with the applicant, the Local Councillor and City Legal technical amendments have been made to the draft zoning by-law. Table 1 below is a summary of the proposed changes to the draft zoning by-law, which is included as Attachment 1.

**Table 1**  
**Summary of Proposed Technical Changes to the Draft Zoning By-Law**

<b>Draft By-law Performance Standard #</b>	<b>Proposed Change</b>
869 The <b>gross floor area</b> of all residential uses within a <b>mixed use building</b> shall not exceed 61 000 square metres.	Replace with: “869. The <b>gross floor area</b> of all residential uses within a <b>mixed use building</b> shall not exceed 61 000 square metres, <u>excluding the gross floor area of <b>Enclosed Noise Buffer Balconies</b>;</u> ”
<b>Intensity of Use</b> 872 (iv) (new provision)	Add: <u>“iv) Notwithstanding 872 i) to iii) the maximum number of <b>dwelling units</b> for each Phase may be increased by 20% provided the maximum number of <b>dwelling units</b> on the Lot identified on Schedule ‘1’ does not exceed 793 <b>dwelling units</b>.”</u>
<b>Setbacks</b> 1199 iv) “Only <b>Enclosed noise buffered balconies</b> : where required shall be permitted in the following locations on attached Schedule “2”	Replace with: 1199iv) “ <b>Only Enclosed Noise Buffered Balconies</b> : where <del>required shall be permitted in the following locations on attached Schedule “2”</del> with a maximum projection of 1.8 metres.”

<p><b>Setbacks</b> 1199 iv) a) “Along the east wall of Tower ‘B’ and Tower ‘C’ containing residential units’</p>	<p>Remove Performance Standard</p>
<p><b>Setbacks</b> 1199 vi) Blank facades shall be required along the south wall of Tower 'A', Tower 'B' and Tower 'C'. For the purposes of this provision, no openings such as windows, balconies and <b>enclosed noise buffered balconies</b> shall be permitted.</p>	<p>Replace with:  v) <u>No openings, such as windows, balconies and <b>enclosed noise buffered balconies</b> shall be permitted for any residential unit along the south wall of Tower 'A', Tower 'B' and Tower 'C'</u></p>
<p><b>Parking</b> 1685 “Despite the <b>bicycle parking space</b> rates set out in Performance Standard 1664, if a bicycle parking space is required for uses on a lot, other than a <b>dwelling unit</b>, and the total <b>gross</b> floor area of all such uses on the lot is 2000 m<sup>2</sup> or less, then no bicycle parking space is required.”</p>	<p>Replace with: <b>Parking</b> 1685 “Despite the <b>bicycle parking space</b> rates set out in Performance Standard <del>1664</del> 1684, if a bicycle parking space is required for uses on a lot, other than a <b>dwelling unit</b>, and the total <b>gross</b> floor area of all such uses on the lot is 2000 m<sup>2</sup> or less, then no bicycle parking space is required.”</p>
<p><b>Parking</b> 1686  1686. Multiple uses on a <b>lot</b>  If the Table of Required <b>Bicycle Parking Space</b> Rates in Performance Standard 1664, requires a <b>bicycle parking space</b> for one or more uses on a <b>lot</b>, the total number of <b>bicycle parking spaces</b> required is equal to the cumulative total of all <b>bicycle parking spaces</b> required for each use on the <b>lot</b>.</p>	<p>Replace with: <b>Parking</b> 1686 “Multiple uses on a <b>lot</b>  If the Table of Required <b>Bicycle Parking Space</b> Rates in Performance Standard <del>1664</del> 1684, requires a <b>bicycle parking space</b> for one or more uses on a <b>lot</b>, the total number of <b>bicycle parking spaces</b> required is equal to the cumulative total of all <b>bicycle parking spaces</b> required for each use on the <b>lot</b>.”</p>
<p><b>Height</b> 1753 (iv) <b>Structures</b> and equipment listed in i) and ii) above shall have a minimum setback of 6.0 metres from all <b>main walls</b> of the uppermost <b>storey</b> on which it is located.</p>	<p>Replace with: <b>Height</b> “iv) <b>Structures</b> and equipment listed in i) and ii) above shall have a minimum setback of <del>6.0</del> <u>5.0</u> metres from the east, west and north <b>main walls</b> of the uppermost <b>storey</b> on which it is <u>located and 4.0 metres setback from the south <b>main wall</b></u>.”</p>
<p><b>Miscellaneous</b> 2083 “The maximum floor plate area of each <b>storey</b> above 8 <b>storeys</b> shall be 750 m<sup>2</sup>, including all built area within the <b>mixed use building</b>.”</p>	<p>Replace with: <b>Miscellaneous</b> 2083 “The maximum floor plate area of each <b>storey</b> above 8 <b>storeys</b> shall be 750 m<sup>2</sup>, including all built area within the <b>mixed use building</b> <u>but excluding the floor area of any <b>enclosed noise buffer balconies</b></u>”</p>

<p><b>Section 37</b> 2385 Phase 1 “skateboard park at Fundy Bay Park”</p>	<p><b>Section 37</b> 2385 Phase 1 Replace with: <u>“Kidstown Water Park”</u></p>
<p><b>Section 37</b> 2385 Phase 3 2i) The design, construction and financing of all or a portion of a new east-west road to the satisfaction of the Chief Planner and Executive Director, City Planning Division and Executive Director of Engineering and Construction Services;</p>	<p>Replace with: <b>Section 37</b> 2385 Phase 3 “2b) The design, construction and financing of all or a portion of a new east-west road <u>extending from Redlea Avenue terminating at the GO/Metrolinx station to the</u> satisfaction of the Chief Planner and Executive Director, City Planning Division and Executive Director of Engineering and Construction Services;</p>
<p><b>Section 37</b> 2385 Phase 3 “2b. Intersection improvements required at the Redlea Avenue and Steeles Avenue East intersection to accommodate two left-turn lanes, one through lane and one shared through/right-turn lane on the northbound approach, to the satisfaction of the Executive Director of Engineering and Construction Services;</p>	<p>Replace with: <b>Section 37</b> 2385 Phase 3 2b). <u>Intersection improvements required on the northbound approach</u> at the Redlea Avenue and Steeles Avenue East intersection <u>must be made to</u> accommodate two left-turn lanes, one through lane and one shared through/right-turn lane on the northbound approach, to the satisfaction of the Executive Director of Engineering and Construction Services. <u>The exact configuration of the northbound approach will be finalized once the Steeles Avenue East Grade Separation Environmental Assessment is approved;</u></p>
<p><b>Section 37</b> Phase 3 2h)iii) A permanent subsurface easement totalling 240.5 sq. m consisting of 4.0 metres from the south side of the proposed retaining wall along Steeles Avenue East.</p>	<p>Replace with: <b>Section 37</b> Phase 3 2h)iii) A permanent subsurface easement totalling 240.5 sq. m consisting of 4.0 metres from the south side of the proposed retaining wall along Steeles Avenue East. <u>The exact amount of dedication/acquisition will be finalized once the Steeles Avenue East Grade Separation Environmental Assessment is approved;</u></p>
<p><b>Section 37</b> <b>Phase 3</b> 2i)The Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway (Privately-Owned Publicly-Accessible Walkway (POPS)) extending from Steeles Avenue East to the GO/Metrolinx station</p>	<p>Replace with: <b>Section 37</b> Phase 3 2i)The Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway (Privately-Owned Publicly-Accessible Walkway (POPS)) extending from Steeles Avenue East</p>

<p>immediately to the south which shall have a minimum width of 12.0 metres and a minimum height of 6.0 metres, and shall provide a direct at-grade connection between Steeles Avenue East and the new public street that will be extending east from Redlea Avenue. The specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City</p>	<p>to the GO/Metrolinx station immediately to the south which shall have a minimum width of <del>12.0 metres</del> <u>11.0 metres</u> and a minimum height of 6.0 metres, and shall provide a direct at-grade connection between Steeles Avenue East and the new public street that will be extending east from Redlea Avenue. The specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;</p>
<p><b>Exception 557 ii)</b></p> <p>557. The Holding Provision (“H”) used in conjunction with the <b>Commercial Residential (CR) Zone</b> shall be removed in whole or in part by amending By-law upon:</p> <p>a) the design, construction and financing of an east-west public road to frame the north side of Milliken GO Station extending east from Redlea Avenue having a 20 to 23 metre right of way, as generally shown on the Map 30 accompanying new Site and Area Specific Policy No. 395 of Official Plan Amendment No. 321, to the satisfaction of the City Solicitor, Chief Planner and Executive Director, City Planning Division and the Executive Director, Engineering &amp; Construction Services.</p>	<p>Add :</p> <p>557. The Holding Provision (“H”) used in conjunction with the <b>Commercial Residential (CR) Zone</b> shall be removed in whole or in part by amending By-law upon:</p> <p>a) the design, construction and financing of an east-west public road to frame the north side of Milliken GO Station extending east from Redlea Avenue having a 20 to 23 metre right of way, as generally shown on the Map 30 accompanying new Site and Area Specific Policy No. 395 of Official Plan Amendment No. 321, to the satisfaction of the City Solicitor, Chief Planner and Executive Director, City Planning Division and the Executive Director, Engineering &amp; Construction Services.</p> <p>b) <u>The Owner entering into an agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands to secure the benefits identified in Performance Standard 2385.</u></p>

## **CONCLUSION**

The proposed changes to the draft by law are technical in nature, are appropriate for the development of the site as proposed and will implement the recommendations of the March 8, 2017 Final Report more accurately.

## **CONTACT**

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## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Draft Zoning By law

## **Attachment 1: Draft Zoning By-law**

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto  
Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend the former City of Scarborough Employment Districts Zoning  
By-law No. 24982 as amended, (Milliken Employment District),  
with respect to the lands municipally known as,  
4665 Steeles Avenue East**

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

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

WHEREAS the Ontario Municipal Board, pursuant to its Orders issued on January 22, 2008 and on May 26, 2009, approved By-law No. 239-2010 (OMB) being a By-law “to amend the former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the lands municipally known as 4665 Steeles Avenue East” and

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

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

WHEREAS the Owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increase in height and density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 24982, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in the By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the Owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

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

1. **SCHEDULE ‘A’** of the Employment Districts Zoning By-law No. 24982 (Milliken Employment District), is amended by deleting the existing zoning and replacing it with the following Schedule ‘1’ so that the amended zoning shall read as follows:

CR(H) – 868 – 869 – 870 – 871 – 872 – 1198 – 1199-1640 - 1671 – 1672 – 1673  
– 1674 – 1675 – 1676 – 1677 – 1678 – 1679 – 1680 – 1681 – 1682 – 1683 – 1684  
– 1685 – 1686 – 1687 – 1752 – 1753 – 1754 – 1755 – 2079 – 2080 – 2081 – 2082  
– 2083 – 2084 – 2385

468

487

557

2. **CLAUSE IV – DEFINITIONS** is amended by adding the following definitions:

**Amenity Space**

shall mean indoor or outdoor space on a **lot** that is communal and available for use by the occupants of a building on the **lot** for recreational or social activities.

**Enclosed Noise Buffered Balcony**

shall mean an enclosed area outside the exterior wall of a **building**, such as an enclosed balcony, specifically intended to buffer one or more windows or openings from noise and/or odour impacts. An enclosed buffer balcony must be:

- a) fully enclosed with floor to ceiling glazing or a combination of solid parapet with glazing above;
- b) separated from interior space with a weatherproof boundary of exterior grade wall, exterior grade window, exterior grade door, or any combination, in compliance with exterior envelope requirements of the Ontario Building Code, and that such exterior grade windows/doors must be designed such that they may not be removed; and
- c) of sufficient horizontal extent to protect windows and openings where needed.



### **Green Roof**

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

### **Mixed Use Building**

Shall mean a **building** with a **dwelling unit** and a non-residential use. A residential **building** is not a **mixed use building**.

### **Pedestrian Bridge**

Shall mean an open air bridge structure that will provide residents of Tower 'A' and Tower 'B' access to the outdoor amenity space located on the podium roof of Tower 'C'.

3. **PERFORMANCE STANDARDS CHART – SCHEDULE ‘B’**, Employment Districts Zoning By-law No. 24982 as amended, (Milliken Employment District), is further amended by adding the following Performance Standards:

### **INTENSITY OF USE**

868. The **gross floor area** of all permitted uses in the **Commercial/Residential Zone (CR)**, shall not exceed 96 900 square metres, excluding the gross floor area of **Enclosed Noise Buffer Balconies**;
869. The **gross floor area** of all residential uses within a **mixed use building** shall not exceed 61 000 square metres, excluding the gross floor area of **enclosed noise buffer balconies**;
870. The **gross floor area** of all retail uses within **mixed use buildings** shall not exceed 12 900 square metres;
871. A minimum **gross floor area** of 3 000 square metres shall be provided as office uses within the **mixed use building** in Phase 1 (first building permit);
872. Maximum 793 **dwelling units** as follows:
- i) On lands identified as Phase 1 (Tower 'B') on Schedule ‘2’, maximum **249 dwelling units**
  - ii) On lands identified as Phase 2 (Tower 'C') on Schedule ‘2’, maximum **386 dwelling units**
  - iii) On lands identified as Phase 3 (Tower 'A') on Schedule ‘2’, maximum **158 dwelling units**

- d) Notwithstanding 872 i) to iii) the maximum number of **dwelling units** for each Phase may be increased by 20% provided the maximum number of **dwelling units** on the Lot identified on Schedule '1' does not exceed 793 **dwelling units**.

## **SETBACKS**

1198. The minimum setbacks and setbacks from the **lot** line(s) to the **main wall(s)** of any **building(s)** and minimum separation distances between **buildings** and additional **setbacks** from the **main wall(s)** of any **building(s)** to the **main wall(s)** of any **building(s)** and minimum separation distances between **buildings** shall be the minimum distance in metres specified by the numbers on attached Schedule 2.
1199. Notwithstanding **CLAUSE V – GENERAL PROVISIONS**, Sub-Clause 5 (Main Wall Projections), the following **building** elements and structures may encroach into a required minimum **building setback** from the **main wall** as follows:
- i) Awnings, canopies, porches, stoops, lighting fixtures, ornamental elements, trellises, cornices, window sills, stairs, wheelchair ramps, balustrades, landscape features: a maximum projection of 3.0 metres.
  - ii) Balconies: shall only be permitted in the following locations on attached Schedule "2":
    - a) along the east wall of Tower 'A';
    - b) along the west wall of Tower 'A' Tower 'B' and Tower 'C'; and
    - c) along the north wall of Tower 'A', Tower 'B' and Tower 'C';
  - iii) The maximum projection of all balconies in ii) shall be 1.8 metres;
  - iv) **Enclosed noise buffered balconies**: shall be permitted with a maximum projection of 1.8 metres.
  - v) No openings such as windows, balconies and **enclosed noise buffered balconies** shall be permitted for any residential unit along the south wall of Tower 'A', Tower 'B' and Tower 'C'
  - vi) Notwithstanding iii) and iv) above, balcony projections shall not be permitted in the following locations:
    - a) Tower 'A' and Tower 'B': the first through the fifth **storey** above grade
    - b) Tower 'C': the first through the third **storey** above grade.

- vii) **Pedestrian Bridge:** a minimum vertical clearance of 6 metres above grade.

## **PARKING**

1671. The following provisions of **CLAUSE V – GENERAL PROVISIONS** are not applicable Sub-Clauses: 6. (Underground Structures); 7.1.1. (Application of Parking Rates – Location); 7.2. (Table of Required Parking Rates); and 7.4.1. (Height (above grade Parking Structures)).

### Required Vehicle Parking Rates

Except as otherwise specifically regulated by the By-law, parking spaces shall be provided in accordance with the parking rates set out in the following:

1672. Minimum 1.0 parking spaces per **dwelling unit** shall be provided:
- i) Minimum 0.2 parking spaces per **dwelling unit** for visitors.
  - ii) Required visitor **parking spaces** and **parking spaces** for non-residential uses may be shared.
1673. Retail (including restaurants): Minimum 3.0 parking spaces per 100 square metres of **gross floor area**
1674. **Offices:** Minimum 1.5 **parking spaces** per 100 square metres of **gross floor area**
1675. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.
1676. If the calculation of the minimum **bicycle parking spaces** for all uses results in a fraction of a **bicycle parking space** being required, the number of required **bicycle parking spaces** must be rounded up to the next whole number.
1677. Meaning of Long-Term Bicycle Parking and Short-Term Bicycle Parking:
- i) Long-term **bicycle parking spaces** are for use by the occupants or tenants of a **building**; and
  - ii) Short-term **bicycle parking spaces** are bicycle parking spaces for use by visitors to a **building**.
1678. **Bicycle Parking Space Dimensions**

- i) The minimum dimension of a **bicycle parking space** is:
    - a) minimum length of 1.8 m;
    - b) minimum width of 0.6 m; and
    - c) minimum vertical clearance from the ground of 1.9 m; and
  - ii) The minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is:
    - a) minimum length or vertical clearance of 1.9 m;
    - b) minimum width of 0.6 m; and
    - c) minimum horizontal clearance from the wall of 1.2 m; and
  - iii) If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 m.
1679. An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:
- i) 2.4 m if it is a **stacked bicycle parking space**; and
  - ii) 1.9 m in all other cases.
1680. "Long-term" **bicycle parking spaces** must be located in a **building**.
1681. If a **building** has uses, other than **dwelling units**, for which a "long-term" **bicycle parking space** is required, shower and change facilities must be provided for each gender at the following rate:
- i) none if less than 5 required "long-term" **bicycle parking spaces**;
  - ii) 1 for 5 to 60 required "long-term" **bicycle parking spaces**;
  - iii) 2 for 61 to 120 required "long-term" **bicycle parking spaces**;
  - iv) 3 for 121 to 180 required "long-term" **bicycle parking spaces**; and
  - v) 4 for more than 180 required "long-term" **bicycle parking spaces**.
1682. A required "long-term" **bicycle parking space** may be located:
- i) on the first **storey** of the **building**;
  - ii) on the second **storey** of the **building**;
  - iii) on the second **storey** of the **building**;

- iv) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided; and

1683. A "long-term" **bicycle parking space** may be located in a **stacked bicycle parking space**.

1684. Table of Required **Bicycle Parking Space Rates**

Except as otherwise specifically regulated by the By-law, **bicycle parking spaces** shall be provided in accordance with the parking rates set out in the following table:

Use	Bicycle Parking Space Rates	
	Short-Term <b>Bicycle Parking Spaces</b>	Long-Term <b>Bicycle Parking Spaces</b>
Office	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.15 <b>bicycle parking spaces</b> for each 100 m <sup>2</sup> of interior <b>floor area</b> used for an office	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 m <sup>2</sup> of interior <b>floor area</b> used for an office
<b>Personal Service Shop, Service Shops</b>	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.25 <b>bicycle parking spaces</b> for each 100 m <sup>2</sup> of interior <b>floor area</b> used for a <b>personal service shop</b>	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 m <sup>2</sup> of interior <b>floor area</b> used for a <b>personal service shop</b>
<b>Restaurant</b>	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.25 <b>bicycle parking spaces</b> for each 100 m <sup>2</sup> of interior <b>floor area</b> used for a <b>restaurant</b>	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 m <sup>2</sup> of interior <b>floor area</b> used for a <b>restaurant</b>
Retail Store	the minimum number of short-term <b>bicycle parking spaces</b> to be provided is 3 plus 0.25 <b>bicycle parking spaces</b> for each 100 m <sup>2</sup> of interior <b>floor area</b> used for a retail store	the minimum number of long-term <b>bicycle parking spaces</b> to be provided is 0.13 for each 100 m <sup>2</sup> of interior <b>floor area</b> used for a retail store

1685. Despite the **bicycle parking space** rates set out in Performance Standard 1684, if a bicycle parking space is required for uses on a lot, other than a

**dwelling unit**, and the total **gross** floor area of all such uses on the lot is 2000 m<sup>2</sup> or less, then no bicycle parking space is required.

1686. Multiple uses on a **lot**

If the Table of Required **Bicycle Parking Space** Rates in Performance Standard 1684, requires a **bicycle parking space** for one or more uses on a **lot**, the total number of **bicycle parking spaces** required is equal to the cumulative total of all **bicycle parking spaces** required for each use on the **lot**.

1687. **Bicycle Parking Space** Requirements for **Dwelling Units**

A minimum of 0.75 **bicycle parking spaces** are required for each **dwelling unit** in an **apartment building** or a **mixed use building**, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**.

**HEIGHT**

1752. The **height** of any **building** or **structure** does not exceed the **height** in metres and storeys specified by the numbers on **SCHEDULE '2'** attached hereto and forming part of this By-law.

1753. Equipment and **structures** located on the roof of any **building** may exceed the permitted maximum **height** by 6 metres, subject to the following:

- i) Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
- ii) **Structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and,
- iii) **Structures** and Equipment listed in i) and ii) above shall be enclosed, screened or covered.
- iv) **Structures** and equipment listed in i) and ii) above shall have a minimum setback of 5.0 metres from the east, west and north **main walls** of the uppermost **storey** on which it is located and 4.0 metres setback from the south **main wall**.

1754. Unenclosed **structures** and equipment providing safety or wind protection to rooftop **amenity space** may exceed the permitted maximum **height** for that **building** by 3.0 metres, if the **structures** are no closer than 2.0 metres from the interior face of any main wall.

1755. A parapet wall may exceed the permitted maximum **height** for a **building** by 2.0 metres.

### **MISCELLANEOUS**

2079. All the provisions of this By-law shall apply collectively to the site notwithstanding its future division into two or more parcels.
2080. **Amenity space** for each **mixed use building** with 20 or more **dwelling units** shall be provided at a minimum rate of 4 m<sup>2</sup> for each **dwelling unit**, of which:
- i) a minimum of 2 m<sup>2</sup> for each **dwelling unit** is indoor **amenity space**;
  - ii) a minimum of 40 m<sup>2</sup> is outdoor **amenity space** in a location adjoining or directly accessible to an indoor **amenity space**; and
  - iii) a maximum of 25% of the outdoor component may be a **green roof**.
2081. Outdoor **amenity space** shall be accessible to all residents within the **mixed use buildings** upon completion of the development
2082. The separation distance between the **main walls** of the **building(s)** above 8 **storeys** shall be a minimum of 25 metres.
2083. The maximum floor plate area of each **storey** above 8 **storeys** shall be 750 m<sup>2</sup>, including all built area within the **mixed use building** but excluding the floor area of any **enclosed noise buffer balconies**
2084. The minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, shall be 4.5 m.

## SECTION 37

2385. 1. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of development is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lot(s), to the satisfaction of the City Solicitor:

### Phase 1

- i) Prior to issuance of the first above-grade **building** permit for a **building** or structure in Phase 1, the Owner shall make a cash contribution to the City in the amount of \$500,000, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment, for the provision of public art on the subject site;
- ii) Prior to issuance of the first above-grade **building** permit for a **building** or structure in Phase 1, the Owner shall make a cash contribution to the City in the amount of \$500,000, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment, towards Kidstown Water Park improvements;
- iii) Prior to issuance of the first above-grade building permit for a building or structure in Phase 1, the Owner shall show on the building permit plans the provision of and permanent use of 464 sq. m. (5,000 sq. ft.) of on-site community space in the proposed development based on the City's Term Sheet, which shall be updated to the satisfaction of the Chief Planner and Executive Director;
- iv) Prior to issuance of the first above-grade building permit for a building or structure in Phase 1, the Owner shall make a cash contribution of \$60,000 for the provision of speed humps in the Heathwood Community, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and Executive Director of Engineering and Construction Services;



## **Phase 2**

- i) Prior to issuance of the first above-grade building permit for a building or structure in Phase 2, the Owner shall make a cash contribution to the City in the amount of \$1,250,000, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment, towards the expansion of the L'Amoreaux Community Centre;

## **Phase 3**

- i) Prior to issuance of the first above-grade building permit for a building or structure in Phase 3, the Owner shall make a cash contribution to the City in the amount of \$1,250,000, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment, towards the expansion of the L'Amoreaux Community Centre;
2. The following matters to be secured in the Section 37 Agreement as a legal convenience to support development:
    - b) The design, construction and financing of an extension of Redlea Avenue to Passmore Avenue;
    - c) The design, construction and financing of all or a portion of a new east-west road extending from Redlea Avenue terminating at the GO/Metrolinx station to the satisfaction of the Chief Planner and Executive Director, City Planning Division and Executive Director of Engineering and Construction Services;
    - d) The provision of a Project Phasing Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
    - e) The provision of a minimum of 15% of the total leasable/purchasable non-residential gross floor area proposed will be for office uses and in no case will be less than 3 000 sq. m. in size and will be provided within Phase 1 of the development;
    - f) Confirmation that residents living in all mixed use buildings (Towers 'A','B' and 'C') will have mutual access to the

communal indoor and outdoor amenity areas of all mixed use buildings within this development (Towers 'A', 'B' and 'C');

- g) A Construction Agreement providing for a minimum of 10% (80 total units) of the total number of dwelling units in each Phase shall be either *affordable rental housing* or *affordable ownership housing* of which the method, timing and delivery shall be addressed through the Affordable Housing Strategy to the satisfaction of the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning Division;
- h) The Owner entering into a financially secured Agreement for the construction of all improvements to the municipal infrastructure to the satisfaction of the Executive Director of Technical Services to include the following:
  - a. The extension of Redlea Avenue to Passmore Avenue to the satisfaction of the Executive Director of Engineering and Construction Services;
  - b. Intersection improvements required on the northbound approach at the Redlea Avenue and Steeles Avenue East intersection must be made to accommodate two left-turn lanes, one through lane and one shared through/right-turn lane on the northbound approach, to the satisfaction of the Executive Director of Engineering and Construction Services. The exact configuration of the northbound approach will be finalized once the Steeles Avenue East Grade Separation Environmental Assessment is approved;
  - c. Payment for the above municipal infrastructure improvements and make necessary arrangements with Engineering and Construction Services to carry out the work;
  - d. The Owner must provide a Letter of Credit in the amount of \$400,000 for the proposed traffic control signals at the intersection of Redlea Avenue at Passmore Avenue and Redlea Avenue at the GO Northerly Site Driveway;
  - e. The Owner is responsible for any and all costs associated with pavement marking modifications to convert the existing eastbound right turn lane at the intersection of Kennedy Road and Steeles Avenue East to a shared through/right-turn lane;

- f. The Owner is responsible for any and all costs associated with signal timing/plant modifications required at any and all intersections analyzed in the noted Transportation Impact Study;
- g. Submit to the Executive Director of Engineering and Construction Services for review and acceptance, a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
- h. Enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing Review accepted by the Executive Director of Engineering and Construction Services;
  - i. Dedication of all required lands, public easements, future Steeles Avenue road widening and grade separation purposes, including maintenance and construction easements as required to implement the Steeles Avenue Environmental Assessment to the satisfaction of the Executive Director of Technical Services and the City Solicitor as follows:
    - ii. Full acquisition of 253.6 sq. m varying in width from 4.6 metres to 4.7 metres along the Steeles Avenue frontage;
    - iii. A permanent subsurface easement totalling 240.5 sq. m consisting of 4.0 metres from the south side of the proposed retaining wall along Steeles Avenue East. The exact amount of dedication/acquisition will be finalized once the Steeles Avenue East Grade Separation Environmental Assessment is approved;
  - i) The Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway (Privately-Owned Publicly-Accessible Walkway (POPS)) extending from Steeles Avenue East to the GO/Metrolinx station immediately to the south which shall have a

minimum width of 11.0 metres and a minimum height of 6.0 metres, and shall provide a direct at-grade connection between Steeles Avenue East and the new public street that will be extending east from Redlea Avenue. The specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;

- j) The Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a privately owned publicly accessible (POPS) courtyard area located between Tower A and Tower B providing direct at-grade connections between the new pedestrian walkway. The specific location, configuration and design to be determined during Site Plan Control Approval and secured in a Site Plan Agreement with the City;
- k) Prior to the registration of the first condominium building (Tower B) on the lands, the Owner shall have completed construction of the publicly accessible walkway and courtyard and shall convey public access easements to the City for nominal consideration, at no cost to the city and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as set out in the Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements.
- l) Compliance with the submitted Air Quality and Odour Compatibility Study dated June 28, 2016 by Novus Environmental to the satisfaction of the City;
- m) Compliance with the Environmental Noise & Vibration Feasibility Study, dated June 29, 2016 submitted by Novus Environmental, to the satisfaction of the City;
- n) Residents of all mixed use buildings shall have covered access to the commercial building immediately to the east municipally known as 4675 Steeles Avenue East.

**3. SCHEDULE 'C' – EXCEPTIONS LIST**, of the Milliken Employment District Zoning By-law No. 24982, as amended, is amended by adding the following Exception Numbers 487, 557

487. On those lands identified as Exception Number 487, the following additional uses shall be permitted:

Additional Permitted Uses

- **Marketplace Signs**
- **Wall Signs** which are **non-accessory**

- 557.
- i) The lands zoned with the (“H”) symbol may not be used for any purpose other than those uses and buildings existing on the site as of April 5, 2017, until the (“H”) symbol has been removed.
  - ii) The Holding Provision (“H”) used in conjunction with the **Commercial Residential (CR) Zone** shall be removed in whole or in part by amending By-law upon the following:
    - a) The design, construction and financing of all or a portion of an east-west public road to frame the north side of Milliken GO Station extending east from Redlea Avenue and terminating at the GO/Metrolinx station having a 20 to 23 metre right of way, as generally shown on the Map 30 accompanying new Site and Area Specific Policy No. 395 of Official Plan Amendment No. 321, to the satisfaction of the City Solicitor, Chief Planner and Executive Director, City Planning Division and the Executive Director, Engineering & Construction Services.
    - b) The Owner entering into an agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands to secure the benefits identified in Performance Standard 2385.

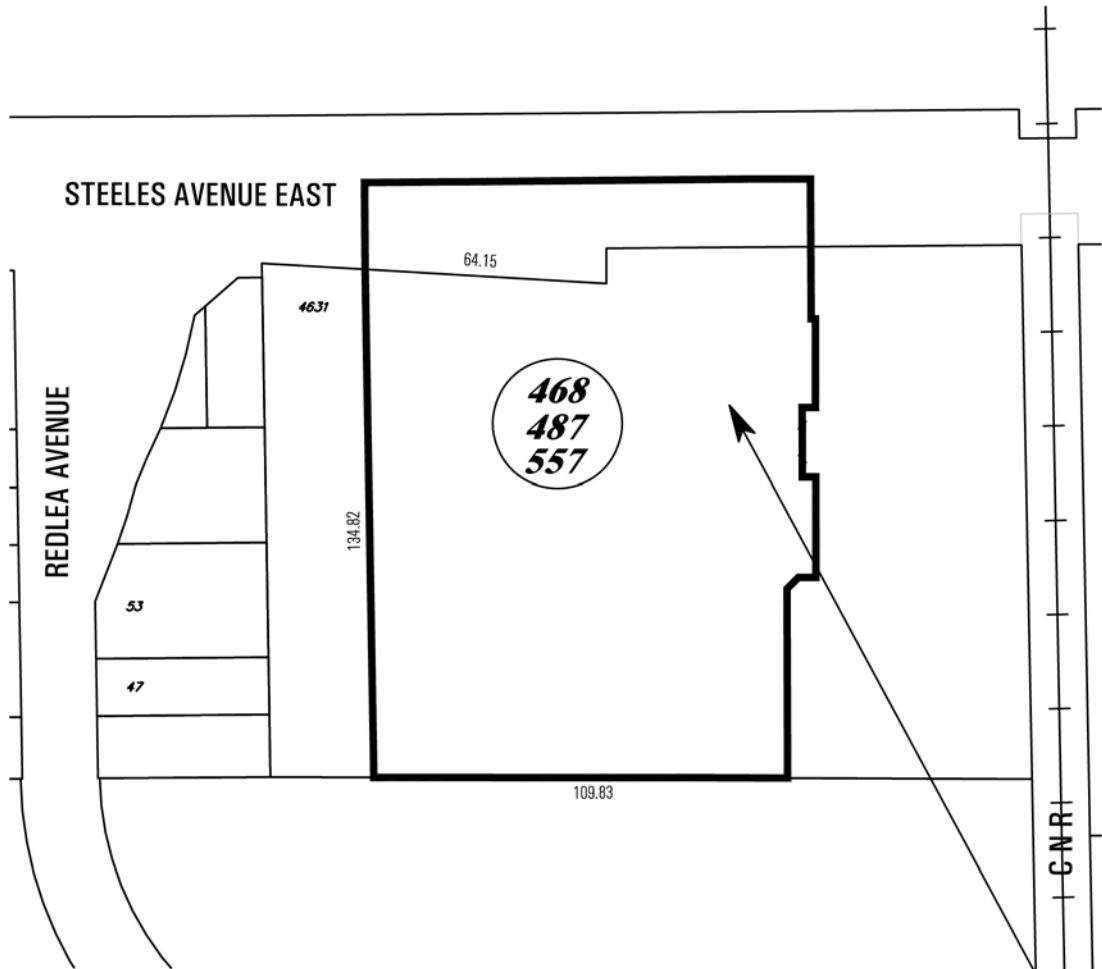
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'



CR(H) -868-869-870-871-872-1198-1199-1640-1671-  
 1672-1673-1674-1675-1676-1677-1678-1679-1680-  
 1681-1682-1683-1684-1685-1686-1687-1752-1753-  
 1754-1755-2079-2080-2081-2082-2083-2084-2385

**TORONTO**  
 Zoning By-Law Amendment

4665 Steeles Avenue East  
 File # 13 273308 ESC 39 02

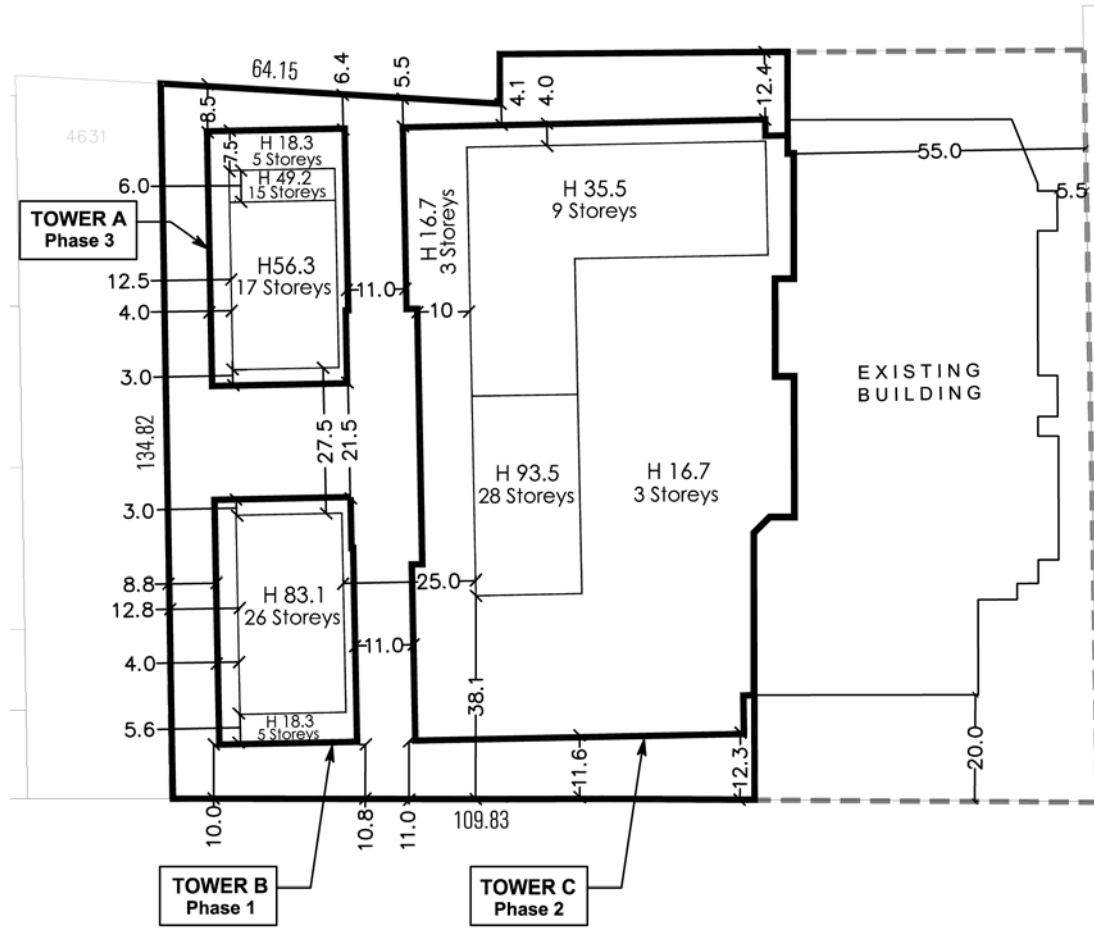
 Area Affected By This By-Law

Milliken Employment District Bylaw  
 Not to Scale  
 03/15/17



# Schedule '2'

## STEELES AVENUE EAST



**TORONTO**  
Zoning By-Law Amendment

4665 Steeles Avenue East  
File # 13 273308 ESC 39 02

 Area Affected By This By-Law

Milliken Employment District Bylaw  
Not to Scale  
03/15/17



## **Attachment 12: Term Sheet**

### **Community Facility Term Sheet Without Prejudice – March 2010**

Section 37 community benefit to involve provision of on-site fully finished, furnished and equipped community space for a 464 square metre Community Facility that meets the criteria noted below.

#### **1. COMMUNITY FACILITY DESCRIPTION**

- 1.1 Owner to design and construct entirely at his own costs, a complete 464 square metre Community Facility with all of the program elements included and functional for the intended purpose of providing community recreation/service programs (Attach Proposed Facility Program).
- 1.2 Owner is responsible for constructing, furnishing and finishing the Community Facility, including supplying all furniture fittings and equipment required for the operation of the community facility (See Attached Schedule A – Deliverables listing equipment and furnishings such as capital built-ins, security/signage systems, kitchen appliances, moveable office furniture, etc.).
- 1.3 The Community Facility space shall be made available for a minimum of 99 years at no cost to the City and/or its selected non-profit Operator (ie. no property taxes or utility costs, common area costs, operating or maintenance costs, or any other costs related to the facility and/or the occupation of the space).

#### **2. OPERATOR**

- 2.1 Community Facility will be operated by the City and/or non-profit service provider (the “Operator”) selected or approved by the City with a proven track record of providing local community services.

#### **3. SELECTION PROCESS**

- 3.1 Where the City uses a non-profit service provider, the City will conduct a selection process to identify non-profit service providers who will operate the Community Facility space. Priority will be to local service delivery with final selection informed by a City needs assessment process and/or input from the appropriate City operating division.
- 3.2. The space will be allocated through an Expression of Interest “EOI” process. The EOI process is not required for service providers that exist on the site and may be displaced or impacted as a result of the proposed development, or in the event that



a service provider is identified as part of the development proposal prior to the negotiation of the Section 37 agreement.

- 3.3. In all circumstances the service provider(s) shall meet the Below-Market Rent criteria.
- 3.4. Directed by the Below-Market Rent Policy, the space will be allocated through a two-stage process, comprised of two stages - Eligibility Review Stage and an Assessment Stage. Prospective service provider(s) must meet all of the eligibility criteria before proceeding to the assessment stage of the below-market space allocation process.

#### Stage 1: Eligibility Review

The organization must demonstrate:

1. That it has incorporated not-for-profit or holds charitable status;
2. That the activities of the organization serve City residents;
3. That the activities of the organization support City objectives; and
4. That the organization's mandate is not the responsibility of senior levels of government.

#### Stage 2: Assessment

During this stage, the organization must demonstrate its fit with the City's priorities, goals and objectives. The best fit is determined by:

1. The degree to which organizations are aligned with City and divisional goals and objectives; and
  2. The likelihood of organizations achieving their stated objectives.
- 3.5. The City will use a service agreement to monitor ongoing eligibility for below-market space. Service agreement will be administered through the division responsible for the program area under which the service provider's programs fall.
  - 3.6. The City will conduct a full eligibility and assessment review at the end of each lease term. To ensure efficiency and transparency, the review process will commence one year prior to the lease expiry date.
  - 3.7. In circumstances, where the existing service provider is deemed ineligible for below-market space, ceases to exist, or terminates the service agreement, the City will conduct a selection process to identify service provider(s) who will operate the Community Facility space according to the process listed in section 3.2 above.

## **4. DESIGN INTENT**

- 4.1 The Community Facility shall be designed to be:

- Inspiring, welcoming, and befitting its context and the surrounding urban form;
  - Address the street with an appropriate degree of interest and animation;
  - Developed with the most current technologies and design principles, including green technologies and principles of sustainability and universal accessibility;
  - Self-contained unit within the building or stand alone, located at grade (unless otherwise agreed to by the City) with direct entrance from the street;
  - Easily recognizable with appropriate signage and fully serviced;
  - Full accessibility for the disabled, in accordance with the City's Accessibility Guidelines; and
  - Designed to maximize the programming potential and use of the space.
- 4.2 The City must approve of and fully participate in all phases of the design and construction process for the Community Facility.

## **5. COMPARABLE EXAMPLES**

- 5.1 Develop a high quality Community Facility based on comparable example such as the recently constructed Wellesley Community Centre in order to achieve the minimum level of design, materials, quality, fit and finish.

## **6. LOCATION AND PROGRAM**

- 6.1 The location of the space, basic design considerations and facility program elements must be referenced in the final term sheet, including but not limited to:
- Program elements such as: multi-purpose program and meeting rooms, full kitchen, office and administration space and all associated and supporting circulation space, washrooms and all mechanical, storage and servicing space;
  - All vehicular access, vehicular parking, visitor pick-up/drop-off areas, service access and garbage pick-up required for the Community Facility in accordance with the most current by-laws, standards and codes;
  - All related open space, landscaped outdoor areas and pedestrian connections required for the Community Facility; and
  - All associated mechanical, plumbing, security and electrical systems and devices.

## **7. COSTS**

- 7.1 All costs required to design and construct a complete, operational centre fully finished, furnished and equipped are the sole responsibility of the developer to the standards of design and finish acceptable to the City.

- 7.2 Any increase in anticipated costs due to inflation or other factors are the sole responsibility of the developer.
- 7.3 The City shall not be responsible for any costs associated with the design and construction of the Community Facility.
- 7.4 The Owner will be obligated to pay all taxes and levies, unless otherwise exempt.
- 7.5 The Owner shall pay for all common space costs if the facility is located within another building.
- 7.6 The Owner agrees to maintain and repair the space/facility at no cost to the City, including utilities and any future improvements that may be required.
- 7.7 The Owner shall pay for all finishings, furnishings, equipment and supplies required by the Operator for the opening of the Community Facility to the satisfaction of the City.

## **8. FINISHING**

- 8.1 Community Facility shall be finished with flooring, ceilings, partitions, cupboards, full kitchen, fully functioning electrical, security, plumbing, heating and air conditioning systems, and fixtures.
- 8.2 All materials, products, finishes, devices, appliances and systems shall be designed and specified with regard for the demands of an intensively used public building.

## **9. CONSTRUCTION**

- 9.1 Community Facility shall be constructed in conjunction with construction of the building in which it is located
- 9.2 Community Facility operation shall commence in association with occupancy of the building in which it is located
- 9.3 Community Facility shall be constructed in compliance with all applicable provincial and municipal legislation, by-laws, regulations, guidelines and standards applicable at the time of construction and with the plans, drawings, and specifications

## **10.0 FINANCIAL SECURITY**

- 10.1 Owner to provide financial security prior to the issuance of a building permit for the construction of the Community Facility in order to guarantee the satisfactory

performance and completion of all works in respect of the design, construction and provision to the City.

- 10.2 The Financial Security shall be in the form of a Letter of Credit(s) and the initial amount of the Letter of Credit shall be sufficient to guarantee 120% of the estimated cost of the design, construction and provision of the Community Facility to the City.

## **11.0 COMMUNITY FACILITY LEASE TERMS**

- 11.1 Owner agrees to enter into a Lease with the City. The City will occupy or sub-lease the space and/or facility to a non-profit operator.
- 11.2 On-going occupancy and maintenance costs shall be paid by the Owner for a term of 99 years.
- 11.3 Owner to be responsible for all costs related to the facility operations, repair and maintenance of the Community Facility and associated heating, ventilating and air conditioning systems; the building structure; outdoor spaces associated with the Facility; the cost of all utilities and municipal services supplied to the Facility; realty taxes; local improvement charges; property damage and liability insurance and any other related costs.
- 11.4 Provision for staff/visitors parking, drop off and pick up, and service access and garbage pick-up area.

## **12.0 CODES AND GOVERNING BODIES**

- 12.1 All components will be designed, constructed delivered and installed in accordance with all relevant governing legislation, regulations, guidelines and standards applicable to the intended use for public buildings. The most current codes, standards and practices for good construction at the time of construction shall prevail.

## **SCHEDULE 'A'**

### **DELIVERABLES**

Included in the scope of work by the Developer are the following:

1. Complete, operational community facility, fully equipped and functional for the intended purpose to the specified standard. All systems tested and demonstrated to be operational.
2. Complete exterior and interior structure, weather proof and secure.
3. All interior and exterior doors, windows and locks.
4. All interior and exterior space must meet City accessibility requirements.

5. All cladding, roofing, weather proofing, finishes and protective coatings.
6. All floor coverings, wall and ceiling finishes, paint, protective coatings, floor coverings and treatments.
7. All trim, moldings, and detailing.
8. All insulation, fireproofing and sound proofing as required through OBC and design process.
9. All interior structural, dividing or partition walls.
10. All utility and service connections sized and located as appropriate for the intended function of the facility.
11. All fixtures, equipment, appurtenances, built-in furniture, counters, etc.
12. All window coverings, blinds, drapes etc.
13. All vehicular access, parking (including disabled requirements), service access and turn-rounds for garbage, delivery, visitor drop-off, etc .including all ancillary or related work (ie excavation, granular, paving, etc)
14. All related open space, landscaped outdoor areas, walkways and pedestrian connections, stairs, ramps, lights etc.
15. All related and supporting mechanical and electrical systems including heating, air conditioning, lighting, intercom, public address, security, elevating devices, fire detection and suppression, automated door openers, computer cables, telephone, internet, and wiring.
16. International standardized signs for washrooms, elevators, exits and emergency exits, stairs, meeting rooms, etc.
17. Any and all demolition, stripping, clearing and grubbing, excavation, removal and disposal, clean-up and soil remediation as required in order to complete the project in accordance with all codes, standards and practices.