



**STAFF REPORT  
ACTION REQUIRED**

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

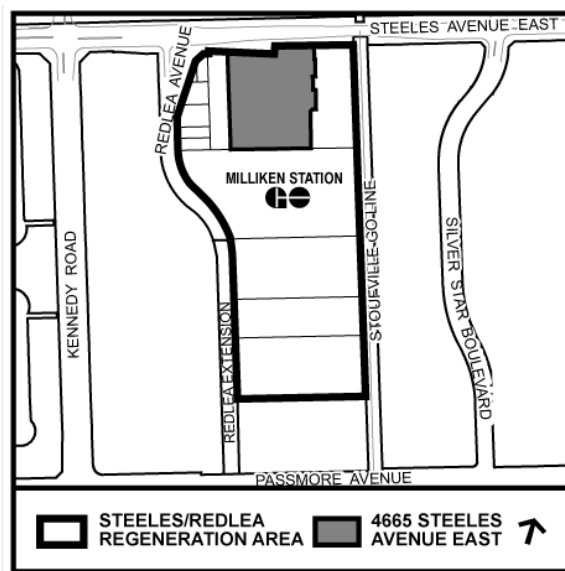
<b>Date:</b>	March 8, 2017
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 39 – Scarborough-Agincourt
<b>Reference Number:</b>	13 273308 ESC 39 OZ

**SUMMARY**

This application proposes amendments to the Zoning By law to permit redevelopment of the subject lands with a mixed use project comprised of 12 808 square metres (137,864 square feet) of new retail floor space; 3 257 sq. m (35,060 sq. ft.) of new office space and the introduction of three residential towers containing a total of 793 condominium units.

The proposal will have a total gross floor area of 96 868 sq. m (1,042, 678 sq. ft.), resulting in a floor space index of 6.23 times the lot area and 5.15 times the area of the lot, excluding the area of the above-grade parking. The proposal also includes an affordable housing component whereby 10% or approximately 80 units will be provided as affordable home ownership through a Construction Agreement with the City's Affordable Housing Office.

This report reviews and recommends approval of the application to amend the Zoning By-law with a Holding Provision ('H') requiring the extension of Redlea Avenue and the provision of all or a portion of the new east-west road to be secured as part of the development.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 24982 (Milliken Employment District), as amended, for the lands at 4665 Steeles Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 11, to the report dated March 8, 2017, subject to OPA 321 coming into effect and a Holding Symbol (H) on the lands that requires the extension of Redlea Avenue and the dedication of a new east-west public road prior to its removal.
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. Before introducing the necessary Bill to City Council for enactment, City Council shall require:
  - a. The Owner to enter 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 following benefit:
    - i) A cash contribution of \$3,500,000 to be paid as follows: \$1,000,000 payable to the City of Toronto, prior to the issuance of a building permit for Phase 1; \$1,250,000 prior to the issuance of a building permit for Phase 2 and \$1,250,000 prior to the issuance of a building permit for Phase 3. These funds are to be used as follows: \$500,000 towards a public art installation in Phase 1; \$500,000 towards a skateboard park at Fundy Bay Park in Phase 1; \$1,250,000 towards the expansion of the L'Amoreaux Community Centre in Phase 2 and; \$1,250,000 towards the expansion of L'Amoreaux Community Centre in Phase 3. These payments are to be provided in accordance with the terms of the agreement, or towards other eligible local community benefits as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor. The payment shall be indexed from the date of the execution of the agreement in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto.
    - ii) The provision and permanent use of 464 sq. m. (5,000 sq. ft.) of on-site, at-grade community space to the City in the proposed development based on the term sheet attached as Attachment No. 12;
    - iii) A cash contribution of \$60,000 for the provision of speed humps in the Heathwood Community;
    - iv) The provision of an on-site public art installation in accordance with the City's Percent for Public Art Program at a minimum value of \$500,000 at a location and scale to be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

- b. The following matters to be secured in the Section 37 Agreement as a legal convenience to support development:
- i) The design and construction of an extension of Redlea Avenue to Passmore Avenue;
  - ii) The design, construction and provision of all or a portion of a new east-west public road to the satisfaction of the Chief Planner and Executive Director, City Planning Division and Executive Director of Engineering and Construction Services;
  - iii) The provision of a Project Phasing Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - iv) 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;
  - v) Confirmation that residents living in all buildings (Towers A, B and C) will have mutual access to the communal indoor and outdoor amenity areas to all buildings within this development (Towers A, B and C);
  - vi) 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;
  - vii) 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 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;
    - 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 analysed 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:
  - i) Full acquisition of 253.6 sq. m varying in width from 4.6 metres to 4.7 metres along the Steeles Avenue frontage;
  - ii) 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.
- j. 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 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;

- k. 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;
  - l. 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.
  - m. Compliance with the submitted Air Quality and Odour Compatibility Study dated June 28, 2016 by Novus Environmental to the satisfaction of the City;
  - n. Compliance with the Environmental Noise & Vibration Feasibility Study, dated June 29, 2016 submitted by Novus Environmental, to the satisfaction of the City;
4. Council confirm the classification of the subject lands to Class 4 per NPC-300.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The subject site received Ontario Municipal Board approval for zoning and site plan, January 22, 2008, to permit a 3-storey addition to the existing Splendid China Tower shopping mall (4675 Steeles Avenue East), having a gross floor area of 18 343 sq. m (197,450 sq. ft.) and an ultimate build out of 27 265 sq. m (293,478 sq. ft.) of retail space.

The retail expansion was intended to occupy the easterly portion of the subject site, with an 8-level above-grade parking structure located along the westerly portion of the site. A total of 1,062 parking spaces were proposed, including 40 underground spaces and 115 spaces at grade within the building.

The following is a Link to Staff Report

<http://www.toronto.ca/legdocs/mmis/2007/sc/bgrd/backgroundfile-7080.pdf>

As part of the City of Toronto's 5-year Municipal Comprehensive Review process, the applicant, Global Fortune Real Estate Development Corporation submitted a formal request to the City to redesignate the subject site from *Employment Areas* to *Mixed Use Areas* in order to facilitate the comprehensive redevelopment of lands for both residential and employment intensification.

### **Official Plan Amendment (OPA) 231**

In December 2013 City Council adopted OPA 231 which re-designated lands near the Milliken GO Station and on the west side of the Stouffville GO Corridor from *Employment Areas* to *Regeneration Areas*. This decision was part of City Council's consideration of staff recommendations related to the City of Toronto's Municipal Comprehensive Review of Employment Lands. The Ontario Municipal Board (OMB) has partially approved OPA 231 and the *Regeneration Areas* designation for the Steeles-Redlea area and related Site and Area Specific Policy 395 (SASP 395) are now in force and effect. The following is a link to OPA 231: <http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

The *Regeneration Areas* designation established by SASP 395, generally, provides for a broad mix of employment, institutional, residential, and parks and open spaces uses. Development of the lands will proceed in accordance with a framework to be established through a study that will guide redevelopment of the area through such matters as, but not limited to:

- development of urban design guidelines to guide the changing character of the area;
- a street and block plan that includes the Redlea Avenue extension and other appropriate connections;
- a requirement that Redlea Avenue is extended to Passmore Avenue prior to new development within the *Regeneration Area*;
- a land use buffer to appropriately separate residential and sensitive non-residential uses from nearby *Employment Areas*;
- the design of any sensitive uses and buildings containing residential and other sensitive uses to mitigate noise, vibration and other adverse effects from the *Employment Areas* lands and the GO Train corridor;
- appropriate separation from the GO Train corridor to the east;
- a requirement that development of residential units also provide the gross floor area of office employment uses; and
- a community services strategy to monitor the need for new community services and facilities and local institutions as new residents are introduced.

### **Steeles-Redlea Regeneration Area Study (OPA 321)**

The Steeles-Redlea Regeneration Area is approximately 10 hectares (24.6 acres) in size and is bounded by Steeles Avenue East, the Stouffville GO Train Corridor, Redlea Avenue and its proposed extension south to Passmore Avenue and the north boundary of properties on the north side of Passmore Avenue. The Milliken GO station and surface parking lot are within the Study Area.

On September 16, 2015, the Planning and Growth Management Committee (PGMC) deferred consideration of the Steeles-Redlea Regeneration Area - Final Report, Draft Official Plan Amendment & Draft Urban Design Guidelines, dated August 31, 2015, until its October 8, 2015 meeting. The Final Staff Report, Draft Official Plan Amendment and Draft Steeles-Redlea Urban Design Guidelines and the Decision Document can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG6.10>

On October 8, 2015, this item was considered by Planning and Growth Management Committee and the recommendations of the Final Report, dated August 31, 2015, to schedule a public meeting on November 16, 2015 and to give notice accordingly of the public meeting were adopted without amendment. The Committee Decision Document can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG7.3>

On November 16, 2015, the Planning and Growth Management Committee held a statutory public meeting, for which notice was given in accordance with the Planning Act. The Committee directed City Planning to conduct further study and consultation with affected landowners to address outstanding issues with respect to land use compatibility, preventing adverse effects, identifying and securing mitigation and considering the potential destabilization from the economic impact of introducing high density residential uses in proximity to an active heavy industrial employment area and to report back on the outcomes. Further, the report was to address an affordable housing strategy; further buffering from rail corridors and industry or phasing of redevelopment where necessary; and further review of the scale of development and transition to adjacent areas. The Decision Document can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.7>

On October 17, 2016, the Planning and Growth Management Committee held a statutory public meeting 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 on November 8, 2016. The Link to the Decision Document can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG15.5>

City Council adopted OPA 321 (Steeles-Redlea Regeneration Area Study – Final Report, Official Plan Amendment and Urban Design Guidelines) to the Official Plan on December 15<sup>th</sup>, 2016. The Link to the Decision Document can be found at: <http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=10878#Meeting-2016.CC23>

Appeals to OPA 321 were received on January 3, 2017 by Goodmans LLP (on behalf of Valleymede Building AMA Corp) and Devry Smith Frank LLP (on behalf of D. Crupi & Sons Ltd).

This report is premised on Council's adoption of OPA 321 and that the OPA be in full force and effect prior to the Bill attached to this report taking effect. The application has been reviewed in accordance with OPA 321, SASP 395 and 133.

## **Steeles Avenue East Municipal Environmental Assessment (EA)**

The City of Toronto commenced a Municipal Class Environmental Assessment (EA) in March of 2016 to address matters including a future grade separation of Steeles Avenue East with the Stouffville GO Transit Rail corridor and a widening of Steeles Avenue East from three to six lanes between Kennedy Road and Midland Avenue. Completion of the EA is anticipated for March of 2017.

There are a number of at-grade road-rail crossings along the Stouffville corridor which includes Steeles Avenue, east of Kennedy Road. As a result of a proposed two-way 15 minute GO service along the Stouffville corridor proposed with Metrolinx's Regional Express Rail program, in association with the SmartTrack initiative, the City in partnership with York Region and Metrolinx is looking at grade-separating this crossing.

The subject site would be impacted by a grade separation at the Stouffville GO line/Steeles Avenue East crossing. Specifically, associated with the lowering of Steeles Avenue East below the Stouffville GO Rail corridor identified impacts include:

- the construction of a retaining wall along the frontage of the property
- impacts to the existing driveway entrances including the closure of the existing east driveway and regrading of the existing west driveway
- the property requirements noted previously.

As part of the EA, the City has met with the property owner on a number of occasions to discuss these impacts and potential mitigation measures required. Key issues raised, included:

- restriction of inbound and outbound left-turns at the site driveways
- maintaining existing vehicle circulation
- property requirements
- the impact on the proposed development's pedestrian realm interface with the street
- timing of the construction

## **Proposal**

### **Original Proposal (December 2013)**

The applicant proposed a mixed-use development comprised of 19 237 sq. m (207,065 sq. ft.) of retail floor area including a podium building, a 302-unit, 29 storey hotel tower and two 39 storey residential towers containing a total of 604 condominium units. The proposal contemplated a total gross floor area (including the area of the above-grade parking) of 96 639 sq. m (1,040,213 sq. ft.). See Attachment No. 7.

A total of 1,462 vehicular parking spaces were proposed including 592 bicycle parking spaces. Vehicular access to the site was intended from two access driveways on Steeles Avenue East and one combined access along the south property line from Redlea Avenue (proposed to be shared with the GO/Metrolinx). The Committee Decision Document can be accessed at this Link:

<http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-70182.pdf>

### **Zoning By-law Amendment Application Revised Proposal (July 2016)**

The revised proposal contemplates redevelopment of the subject lands with a mixed-use project comprised of 12 808 sq. m (137,864 sq. ft.) of new retail floor space; 3 257 sq. m (35,060 sq. ft.) of new office space and the introduction of three residential towers having a gross floor area of 60 648 sq. m (652,810 sq. ft.) containing a total of 793 condominium units at a density of 6.23 times the area of the lot. See Attachment No. 1 through 6.

The revised proposal is divided into 3 building components each being its own Phase and each framing a new north-south midblock pedestrian connection from Steeles Avenue East and a central open space.

Phase 1 is intended to include the construction of Tower B (See Attachment No. 1– Site Plan and Table-1). Tower B will be located at the southwest corner of the subject site fronting onto a proposed new road that would extend easterly from Redlea Avenue. Tower B has an overall height of 26 storeys (82.65 metres to top of roof) including a 5-storey podium building. Floors 2 through 5 contain indoor amenity space as well as residential units. Tower B will contain a minimum of 3 257 sq. m (35,060 sq. ft.) of office space.



Tower B has a rectangular floor plate with a gross floor area of 750 square metres and is oriented in a north/south direction similar to Tower A. Tower B is located 27.5 metres from Tower A, and a 25 metres from Tower C to the east.

Phase 2 is intended to include the construction of Tower C. Tower C will be located at the eastern half of the subject site and will be comprised of a 3-storey podium building, 9-storey L-shaped residential mid-rise building and a 28-storey tower.

The ground floor retail area of Tower C will enable residents and customers direct connections into the ground floor area of the adjoining Splendid China Square Mall to the east. The second floor of the podium will also provide direct connections to the second floor of the adjoining Splendid China Square Mall.

Phase 3 is intended to include the construction of Tower A. Tower A will be located at the northwest corner of the subject site fronting onto Steeles Avenue East. Tower A will have an overall height of 17 storeys (55.8 metres to top of roof) including a 5-storey podium building. The ground floor of Tower A will have retail space fronting Steeles Avenue East and along the midblock connection. Floors 2 through 5 will contain indoor amenity space and residential units.

Tower A will have a 750 sq. m rectangular floor plate oriented in a north/south direction with the narrowest elevation facing south. The southern elevation of the tower is setback 27.5 metres from the northern elevation of Tower B to the south.

A total of 1,579 vehicular parking spaces are proposed within three levels of underground and four levels of above-grade parking. The proposed underground parking spaces will be used for residents while the above-grade parking will be for commercial users. Visitors to the commercial/retail uses will have the option of either using the above or below grade parking spaces. A total of 705 bicycle parking spaces and 10 loading spaces are also being provided.

The primary vehicle access to the site will be via a proposed new east/west public road extending east from Redlea Avenue along the southern property line. This east/west public road will provide vehicular access to the passenger drop off/pick up for GO/Metrolinx, and residents/visitors to the subject lands. The property owner and the adjacent property owner to the south, GO/Metrolinx are currently in negotiations regarding the provision of this public road, which is will provide mutual access to both sites but will be located entirely on the adjacent GO/Metrolinx lands. Staff are monitoring the on-going discussions between the applicant and Metrolinx regarding this mutual access road. Agreements with GO/Metrolinx are required to secure this future public road. This east/west public road is discussed later in this report.

A second vehicular access to the residential, commercial and retail parking as well as the residential drop-off/pick-up area will be available from an unsignalized north-south driveway located along the western boundary of the site, south of Steeles Avenue East.

Finally, an existing service and emergency vehicle only driveway, located on the eastside of the existing Splendid China building will be retained. This driveway will have no vehicular access to Steeles Avenue East.

**Table-1 Heights and Project Floor Area**

	<b>Tower A (Residential and Retail)</b>	<b>Tower B (Residential and Retail)</b>	<b>Tower C (Residential- Retail-Office)</b>	<b>Total</b>
<b>Height</b>	17 Storeys <b>including</b> a 5 storey podium	26 Storeys <b>including</b> a 5 storey podium	9 storey L- shaped building and an 28 storey tower <b>including</b> a 3 storey podium	
<b>Residential Gross Floor Area</b>	12 626 sq. m (135,905 sq. ft.) <b>(Phase 3)</b>	20 188 sq. m (217,302 sq. ft.) <b>(Phase 1)</b>	27 834 sq. m (299,603 sq. ft.) <b>(Phase 2)</b>	60 648 sq. m (652,810 sq. ft.)
<b>Retail</b>	741 sq. m` (7,976 sq. ft.)	710 sq. m (7,642 sq. ft.)	11 357 sq. m (122,246 sq. ft.)	12 808 sq. m (137,864 sq. ft.)
<b>Office</b>	0	3 257 sq. m (35,058 sq. ft.)	0	3 257 sq. m (35,058 sq. ft.)
<b>Amenity Space</b>	1 072 sq. m (11,539 sq. ft.)	1 081 sq. m (11,636 sq. ft.)	507 sq. m (5,457 sq. ft.)	2 660 sq. m (28,632 sq. ft.)
<b>Above Grade Parking</b>	0	0	17 495 sq. m (188,315 sq. ft.)	17 495 sq. m (188,315 sq. ft.)
<b>Total Project Gross Floor Area</b>	14 439 sq. m (155,420 sq. ft.)	25 236 sq. m (271,638 sq. ft.)	57 193 sq. m (615,620 sq. ft.)	96 868 sq. m (1,042,678 sq ft)
<b>Proposed Density</b>				6.23 times the area of the lot

### **Site and Surrounding Area**

The site is approximately 1.7 hectares (4.2 acres) in area, having approximately 130 metres (426 ft) of frontage on Steeles Avenue with an average depth of 140m (459 ft). The site contains an existing commercial parking lot for ‘Splendid China’ with 331 surface parking spaces. The site is flat and treeless, except for trees planted in the boulevard along Steeles Avenue East.

North: North of Steeles Avenue is the City of Markham. Immediately across Steeles Avenue are the Pacific Mall, Market Village and Kennedy Corners with retail commercial and restaurant uses.

South: Milliken GO Transit Station including parking facilities.

East: GO Transit right-of-way, retail-commercial and restaurant buildings.

West: 4-storey medical office building.

Lands between Kennedy Road and Midland Avenue along the north and south side of Steeles Avenue East, are defined by a wide range of commercial, office uses and a mid rise and 24 storey residential

building on the north side of Steeles Avenue East, west of Midland Avenue. These commercial uses include plazas, large enclosed commercial malls, low-rise office buildings, financial institutions, a large format grocery store, business supply stores and automobile related services. East of Midland Avenue and west of Kennedy Road are stable residential areas comprised primarily of grade related housing forms. Industrial uses characterize the area further south of the site in the Milliken Employment District.

On July 2007, the Milliken Main Street Secondary Plan, in the Town of Markham, was approved. This secondary plan is bounded by Kennedy Road, Denison Street, Old Kennedy Road and Steeles Avenue East and allows for approximately 1,900 new residential units and about 55 740 sq. m (600,000 sq. ft.) of new commercial gross floor area. The City of Markham will be initiating a review of this secondary plan in the near future.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. 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**

City Council adopted OPA 321 including Urban Design Guidelines on December 15<sup>th</sup>, 2016. Two appeals to OPA 321 were received on January 3, 2017. This report is premised on Council's adoption of OPA 321 and that the amendment be in full force and effect prior to the Bill attached to this report taking effect. The application has been reviewed in accordance with OPA 321, SASP 395 and 133.

Based on Council's approval of OPA 321 and subject to the resolution of appeals filed, the lands would be designated *Mixed Use Areas*.

A broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities are permitted within the *Mixed Use Areas* designation. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Section 4.5.2 of the Official Plan includes criteria for development in *Mixed Use Areas* to ensure, among other matters, that the location and massing for new buildings achieves transitions between areas of different development intensity and scale, adequately limits shadow impacts on adjacent

*Neighbourhoods*, and frames 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. In addition, Section 2.2 refers to the increased integration of transportation and land use to avoid automobile trips for daily needs and increase non-automobile trips within the area.

Policy 3.1.2 of the Official Plan addresses the importance of good urban design as an essential ingredient of city-building. It demands high quality architecture, landscape architecture and urban design, both within the public realm and within the privately developed built form.

In putting forward policies to guide built form, the Official Plan notes that developments must be conceived not only in terms of the individual building site and program, but also in terms of how the building and site fit within the context of the neighbourhood and the City.

Policy 3.1.2(1) provides that new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2(2) requires that new development locate and organize parking, servicing and access to minimize their impact on the property and surrounding properties.

Policy 3.1.2(3) sets out policies to ensure that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties.

Policy 3.1.2(6) provides that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of new development.

Policy 3.1.3(2) requires that tall building proposals address key urban design considerations, including: meeting the built form principles of the Plan; demonstrating how the proposed building and site design will contribute to and reinforce the overall city structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Policy 3.1.4(1e) encourages the inclusion of public art in all significant private sector developments across the City.

Policy 3.2.1(4) provides for, where appropriate, assistance to encourage the production of affordable housing either by the City itself or in combination with senior government programs and initiatives, or by senior governments alone.

Policy 3.1.1(17) requires that new streets be public streets and private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets.

Policy 3.4.21 states that major facilities such as airports, transportation/rail infrastructure, corridors and yards, waste management facilities and industries and sensitive land uses such as residences and educational and health facilities will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote

safety. To assist in identifying impacts and mitigative measures, the proponent may be required to prepare studies in accordance with guidelines established for this purpose. The proponent will be responsible for implementing any required mitigative measures.

Site Specific Policy 133 is applicable to the subject lands. Site and Area Specific Policy 133 permits retail and service uses, including stand-alone retail stores and/or 'power centres'.

### **OPA 321**

On November 8<sup>th</sup>, and 9<sup>th</sup>, 2016, it was the Decision of Council to adopt OPA 321 to the Official Plan. In regards to the subject site, Map 19, Land Use Plan, was amended by redesignating the subject lands from *Regeneration Areas* to *Mixed Use Areas*. While OPA 321 has been appealed to the OMB, it reflects City Council policy. The following key policies are applicable to the subject site and discussed in detail throughout this report:

- Land Use
- Provision of office space in Phase 1
- Affordable Housing provided in each Phase
- Built Form, Massing, Density
- Connections
- Environment

### **STEELES REDLEA URBAN DESIGN GUIDELINES**

The Steeles Redlea Urban Design Guidelines were approved by City Council on November 8<sup>th</sup>, and 9<sup>th</sup>, 2016. The following key policies are applicable to the subject site and discussed in detail throughout this report:

- Transitioning and Tower Heights
- Setbacks
- Massing of Base Buildings
- Sun, Shadows, Wind
- Mid Block Connections, Building Heights, Privately Owned Publically Accessible Space
- Transportation and Connections

### **Zoning**

The subject lands are zoned Special District Commercial (SDC) in the Milliken Employment District Zoning By-law which allows for a wide range of uses including day nurseries, educational and training facility uses, financial institutions, offices, personal service shops, places of entertainment, places of worship, recreational uses restaurants, retail stores, service shops and studios.

The maximum gross floor area of all buildings is restricted to 1.13 times the area of the lot. Further, the maximum gross floor area of all restaurants is restricted to 2 950 square metres. The site is not subject to the new city-wide Zoning By-law 569-2013. See Attachment No. 8 - Milliken Employment District Zoning By-law.

### **Site Plan Control**

The lands are subject to site plan control. A site plan control application has not yet been submitted. Staff will require additional environmental work at this stage and will require final plans to be certified

by the appropriate environmental professionals indicating mitigative measures required have been incorporated.

## **Tenure**

All three proposed residential towers are intended to be market condominium units. The applicant has advised that a Draft Plan of Condominium Application will be submitted following zoning and site plan approval.

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

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

## **Regional Express Rail (GO RER)**

The subject site is located in close proximity to the Stouffville Line. Over the next ten years Metrolinx will be implementing Regional Express Rail (GO RER) service across the GO rail network. This entails more frequent, two-way service along all GO corridors including the possible electrification of the lines. As part of this initiative, an environmental assessment study was done in 2014 for the Stouffville corridor for an additional track which would be required for the two-way service. Design and construction of various facilities along the corridor are in progress.

## **Ministry of the Environment Land Use Compatibility Guidelines**

The Ministry of the Environment (MOE) has published guidelines that address noise issues as they relate to land use planning and permitting requirements (as part of an Environmental Compliance Approval) for industrial and commercial establishments, or transportation facilities located in proximity to sensitive land uses, including residential uses. In 2013, MOE released "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning (Publication NPC-300)", which replaces previous guidelines. NPC-300 provides guidance to address environmental noise on land use planning decisions made under the Planning Act. Since residential uses are proposed as part of this development and are located in proximity to existing industrial establishment, NPC -300 will be applied to assess the merits of this application and has also informed the Steeles-Redlea Regeneration Area Study.

## **Reasons for Application**

The revised proposal requires a Zoning By-law Amendment to permit the proposed residential use, density, height and various other site specific performance standards.

## **Community Consultation**

The most recent Community Consultation meeting was held on July 21, 2016 for the subject development application. Additional Community Consultation meetings were held June 18, 2014 and May 26, 2016.

Approximately 40 residents, business owners/tenants, consultants and interested parties were in attendance at the July 21, 2016 Community Consultation Meeting to hear about the revised subject development application. Issues that arose during the Community Consultation Meetings included:

- Compatibility with existing industrial uses;
- Proposed heights;
- Environmental matters;
- Traffic; and,
- Impact on existing schools and open space

These issues will be addressed further in this report.

## **Agency Circulation**

The application was circulated to all appropriate agencies, City divisions and outside consultants. 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 Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong 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.

The Growth Plan allows municipalities to permit conversion of lands within employment areas to non-employment uses only through a "municipal comprehensive review" where key criteria have been met. A Municipal Comprehensive Review is an Official Plan review initiated by a municipality that comprehensively applies provincial policies.

It is staffs view that a *Mixed Use Area* designation, as approved by City Council on December 15, 2016 is supportive of the policy directions referenced in the Provincial Policy Statement, the Growth Plan and the City of Toronto Official Plan, all of which promote mixed use intensification on sites well-served by municipal infrastructure, in this case transit.

The Growth Plan includes policies that support a mix of uses and increased residential and employment densities to support the viability of existing and planned transit service levels in "major transit station areas".

The subject site is located approximately 50 metres walking distance from the entrance to the Milliken GO station, which can be considered a “higher order transit station” as defined by the Growth Plan. A total of 3 257 sq. m (35,058 sq. ft.) of new office space is proposed in Phase 1 and approximately 80 affordable housing units will be secured in the overall development. The provision of this affordable housing will be discussed further in this report.

Policy 2.4(4) of the Official Plan provides for intensified development, with minimum density requirements and limits on parking, for sites in areas which are well serviced by transit. Intensification on this site will support transit ridership for the existing TTC and GO Transit service and the proposed expansion of GO transit service, related Milliken GO Station improvements, and the SmartTrack initiative.

Policy 1.2.6 of the 2014 Provincial Policy Statement requires land use compatibility and SASP 395 requires the design of any sensitive uses and buildings containing residential and other sensitive uses to mitigate noise, vibration and other adverse effects from *Employment Areas* lands and the GO Train corridor as discussed in the Environmental Section of this report.

It is staffs opinion that this proposal is consistent with the PPS. Further, this proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by supporting a mix of uses including the introduction of residential and increased employment opportunities that will support the existing and future transit infrastructure.

## **Official Plan Amendment No. 321**

On December 15<sup>th</sup>, 2016, it was the Decision of Council to adopt OPA 321 to the Official Plan. In regards to the subject site, Map 19, Land Use Plan, was amended by redesignating the subject lands from *Regeneration Areas* to *Mixed Use Areas*. See Attachment No. 9.

## **Office**

The following policy of OPA 321 is applicable to the subject lands:

*“Within any development on lands that includes residential uses, a minimum of 15% of total leasable/purchasable non-residential gross floor area provided will be for office uses and in no case will be less than 2 000 sq. m in size and will be provided within the first phase of development.”*

The application contemplates the introduction of residential uses and new retail and office space. The proposed site plan shows a provision in excess of 15% of the total leasable/purchasable non-residential gross floor area for office use or 3 257 sq. m (35,058 sq. ft.) within Phase 1 of the development. This policy has been achieved.

## **Environmental**

### **Air Quality and Odour Compatibility**

Official Plan Amendment No. 321 requires:

*“In addition to the Complete Application requirements contained within policy 5.5.2 and Schedule 3 of the Official Plan, applications to amend the Zoning By-law and applications for*



*Plan of Subdivision, and Consent to Sever that propose sensitive land uses (as defined by the Provincial Policy Statement, 2014) are required to submit an Air Quality and Odour Compatibility Study.”*

The subject property borders the Milliken GO Station which is part of Metrolinx's plans to expand service and twin the tracks along the Stouffville Corridor (from 10-15 GO Trains per weekday to 41-60 GO Trains per weekday). The subject property is also within 1000 meters of several industries classified as Class 1 and Class 2 and two industries along Passmore Avenue classified as Class 3 (existing hot-mix asphalt plant and proposed cement batching) under the D-6 Guidelines for industrial facility classifications.

A site plan control application has been submitted to permit a mobile, ready-mix concrete batching (Betomix) plant at 65 Passmore Avenue which are located outside of the Regeneration Area on the south side of Passmore Avenue, east of and abutting the Stouffville GO Transit rail corridor. The plant is referred to as mobile as it is a modular design that is easily assembled and dismantled without a permanent foundation. This application is currently under review.

A site plan application is contemplated for a proposed concrete batching plant (similar to 65 Passmore Avenue) at 70 Passmore Avenue. To date, no specific plans or timelines have been provided to staff.

Both facilities will likely be Class II Industrial facilities. The subject lands are approximately 175 metres away on the west side of the Stouffville GO rail corridor.

Given this context, the potential for negative impacts on the proposed residential development from either existing or proposed uses in the immediate area exists. These potential impacts include;

- Potential air quality impacts from the expanded GO service along the Stouffville Corridor (not considered in the Novus assessment) and the expansion of the D. Crupi & Sons Ltd. and Peel Lumber Inc. industries,
- Potential noise impacts due to the proximity of the proposed residential structures to the GO line and the future expansion of the Stouffville Corridor service,
- Potential air quality and noise impacts from the additional traffic in the area.

As a result, a number of Environmental Studies were submitted with the subject application to address potential environmental impacts. These Environmental Studies included the following:

- Air Quality Compatibility Study, dated June 28, 2016 by Novus Environmental;
- Environmental Noise & Vibration Feasibility Study, dated June 29, 2016 by Novus Environmental;
- Pedestrian Wind Assessment, dated June 28, 2016 by Novus Environmental;
- Shadow Studies, dated June 13, 2016 by Graziani and Corazza Architects.

The City retained Golder Associates Limited, to peer review the Air Quality and Environmental Noise and Vibration Studies which resulted in the following revised Environmental Studies:

- Addendum to Air Quality Compatibility Study, dated September 22, 2016 by Novus Environmental; and,

- Addendum to Environmental Noise & Vibration Feasibility Study.

The results of the Golder Associates peer review of the Novus Environmental Noise and Vibration and Air Quality assessments are contained in their Golder Technical Memorandum dated September 11, 2016. Golder requested additional information in support of its peer review, which was provided in a Novus Technical Memorandum dated September 22, 2016. Golder provided its final response in a Technical Memorandum dated September 23, 2016. All of the above documents can be found on the City's web portal for the Steeles – Redlea Regeneration Area Study:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=89808ed6e1c86410VgnVCM10000071d60f89RCRD&vgnextchannel=202452cc66061410VgnVCM10000071d60f89RCRD>.

In its final peer review memorandum, Golder states that it is in agreement with Novus' analyses and conclusions regarding Environmental Noise and Vibration and Air Quality. Further, Golder states that "based on this peer review Novus has been able to demonstrate at this stage of design that introducing sensitive land uses on the subject lands is possible with the implementation of controls on the development".

The controls on the development include the layout and design of the development (with blank facades (no windows) on the towers facing industries to the south), enclosed buffer balconies, air conditioning, noise barriers, and warning clauses. Details of the mitigation measures are discussed further in this report. At the Site Plan Approval stage, updated air quality, noise and vibration assessments will be completed to ensure that applicable regulations, guidelines and policies continue to be met for the final development design.

Staff are in agreement with the conclusions of the environmental reports submitted and peer reviewed and maintain that land use compatibility can be achieved and that the long term viability of nearby industrial operators will not be jeopardized or the area de-stabilized as a result of the proposed development.

Toronto Public Health notes they have no objections to the re-zoning of the site. However, Toronto Public Health recommends the following matters be considered during the site plan approval:

- Better characterization of cumulative air quality impacts from ALL sources in the area (i.e. transportation, expansion of the GO service, existing and proposed industry, etc.)
- Mitigation of air quality and noise impacts both at the source, when feasible, and at the receptor through a combination of engineering and administrative tools.

These matters will be examined in further detail during the site plan approval stage.

## **Noise**

It is staffs view that the proposed mixed-use development can be appropriately designed, buffered and separated from existing and future industrial operations on nearby employment lands provided the proposed and recommended mitigation measures intended to prevent or mitigate adverse effects from

contaminants such as noise, vibration, odour, air contaminants and visual overlook are secured. These mitigation measures include mandatory air conditioning, blank facades, noise barriers and warning clauses.

All residential and noise-sensitive portions of the development will incorporate central air conditioning systems, which will allow windows to remain closed in the unlikely event that noises temporarily affect residents.

There will be no residential windows on the southern facades of the residential towers, which reduces potential noise impacts and reduces overlook of the industrial area. An attractive spandrel glass façade has been incorporated as a design element. The shape and orientation of each of the tower floor plates minimizes the extent of blank façade required. As a result, residential units will be primarily facing north, east and west.

Enclosed noise buffer balconies will be incorporated along the eastern facades of Towers B and C and the southern facades of their respective podiums that contain residential units (Phases 1 and 2). These are noise control measures recommended by the MOECC in Publication NPC-300. The buffer balcony is essentially equivalent to a solarium, with floor to ceiling glazing or a combination of solid parapet plus glazing above. They can incorporate operable windows to the extent allowed under the Ontario Building Code.

A minimum 1.5 m high noise barrier will be installed along the southern and eastern edges of Building C (Phase 2) podium amenity area.

A series of warning clauses will be included in agreements of purchase and sale or lease notifying the residents of the presence of the surrounding industries, rail operations, and the recommended Class 4 area designation (a “Type F” warning clause as required under Publication NPC-300). Such warning clauses are commonly-used and are an important part of an overall mitigation plan.

Noise and vibration studies submitted in support of development applications were circulated to Metrolinx/GO Transit for their review and comment. City Planning ensures that required mitigation measures recommended in the Noise and Vibration studies and approved by Metrolinx /GO Transit are shown on the relevant plans and drawings submitted in support of rezoning and/or site plan approval applications and further that mitigation measures are secured in site specific zoning by-law amendments (where appropriate) and through the site plan approvals and draft plan of condominium approvals processes.

Further, these mitigation measures will be secured in the draft zoning by law attached to this report (Attachment No. 11, Draft By-law Amendment), site plan approval, draft plan of condominium approval and/or related legal agreements and/or declarations.

#### **Class 4 Area**

Official Plan Amendment No. 321 requires:

*“Prior to the enactment of any zoning by-law amendment, applicants must undertake a feasibility analysis and impact assessment as required under the province's D-6 Guidelines for Compatibility Between Industrial Facilities and Sensitive Land Uses and a Noise Impact Study as required under*

*the province's Environmental Noise Guideline, Publication NPC-300 (or other subsequent MOECC guidelines), to the satisfaction of the City.”*

Under MOECC Publication NPC-300 noise guidelines, noise-sensitive receptors are defined using area classifications. The receptor areas are classified as either:

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

Depending on the receptor area classification, different guideline limits apply. Classes 1, 2 and 3 were included in the predecessor guidelines to NPC-300, namely Publications NPC-205, NPC-232, and LU-131. The Class 4 designation is a new designation, intended to allow for infill and redevelopment, whilst still protecting residences from undue noise. In NPC-300, a Class 4 Area is defined as:

“an area or specific site that would otherwise be defined as Class 1 or 2 and which:

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

Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 Areas. Section C4.4.2 of Publication NPC-300 further discusses the use of Class 4 Areas:

Class 4 Area classification is based on the principle of formal confirmation of the classification by the land use planning authority. Such confirmation would be issued at the discretion of the land use planning authority and under the procedures developed by the land use planning authority, in the exercise of its responsibility and authority under the Planning Act.

The proposed application meets the definitions and requirements for a Class 4 Area listed in Publication NPC-300 as follows:

- the Site is within an area intended for new high-intensity development;
- the Site is in proximity to existing lawfully-established stationary sources;

Staff is satisfied that an appropriate, detailed and extensive level of noise impact assessment has been conducted by Novus Environmental and have been peer reviewed by Golder Associates Ltd. (Golder), on behalf of the City. Golder agreed with the findings and recommendations of the Novus assessment. The required receptor-based noise mitigation measures and noise warning clauses have been identified. With these mitigation measures in place, staff are of the opinion that the Class 4 Area noise guideline parameters are fully met.

Economic Development – Business Growth Services are supportive of the subject lands being classified Class 4 for purposes of noise attenuation however, require that receptor based noise control measures be implemented and subject to the other mitigation measures discussed in this report.

It is City Planning staff's opinion that these concerns have been satisfactorily addressed. These conditions are also consistent with policies of the Official Plan and OPA 321.

It is therefore appropriate for Council to confirm the proposed development as a Class 4 Area, under its role as the land use planning authority, in the exercise of its responsibility and authority under the *Planning Act*. Planning staff will advise the Ministry of the Environment of Council's confirmation.

### **Separation Distances**

Official Plan Amendment 321 requires that residential uses on lands within the *Mixed Use Areas* designation will be setback a minimum of 30 metres from the Stouffville GO rail corridor property line. This is the standard safety setback required by Metrolinx / GO Transit often in tandem with other recommended mitigation measures including chain link fencing and noise attenuation barriers for lands that abut the rail corridor.

As it relates to the subject application, the site is approximately 55 metres west of the GO Transit rail corridor thereby meeting the minimum 30 metre setback requirement.

Warning clauses within development agreements, offers to purchase, and agreements of Purchase and Sale or Lease for residential dwelling units on lands within 300 metres of the rail corridor are also required. These matters will be secured in the site plan agreement.

### **Land Use**

Council, through the adoption of OPA 231 and the establishment of the Steeles-Redlea Regeneration Area and introduction of related amended SASP 395, has determined that opportunities may exist to redevelop lands on or within proximity to the Milliken GO Station site for some non-employment uses (i.e. residential).

The introduction of residential uses will have a positive impact on the streetscape along Steeles Avenue East and will be supportive of transit. It is staff's view that a mixed use development including the introduction of residential at this location is acceptable and that appropriate mitigation measures and performance standards incorporated into the draft zoning by-law will ensure compatibility. This compatibility is essential for both the proposed uses as well as the existing industrial businesses. The proposed development is consistent with the objectives of the *Mixed Use Areas* designation in the Official Plan.

The adopted Official Plan Amendment and Site and Area Specific Policy for the Steeles Redlea Regeneration Area encourages and prioritizes the provision of non-residential uses at-grade along Steeles Avenue East.

The new retail space contemplated will provide additional employment opportunities and enhance the mall concept that already exists in the area. Approximately 500 commercial retail units are proposed. Each proposed commercial retail unit is intended to be individually owned as a condominium unit, while the hallways, washrooms, parking area, electrical room etc, would be maintained and managed as 'common areas' by a Condominium Board. The applicant will be submitting a condominium application once zoning and site plan approvals are in place. Staff are supportive of the expansion of the existing retail component.

The frontage of Tower A and C along Steeles Avenue East are occupied with grade-related retail and office uses and achieves this requirement.

## Affordable Housing

Official Plan Amendment No. 321 requires:

*“Within any development on lands that includes residential uses, a minimum of 10% of the total number of dwelling units shall be either affordable rental housing or affordable ownership housing of which the method, timing and delivery shall be addressed through implementing zoning.”*

The City's Affordable Housing Office (AHO) facilitates new affordable housing development in partnership with the federal and provincial governments and the private and non-profit sectors. In order to develop an affordable housing strategy, the AHO and the Global Fortune Group commenced discussions to deliver affordable housing units within the proposed mixed use development. The AHO has advised that affordable ownership funding is available for approximately 10% of the total number of residential units being proposed. As a result of these discussions, the applicant has committed to providing 10% of dwelling units within each Phase of the development as affordable ownership housing units as follows:

<b>Tower</b>	<b>No. of Condominium Units</b>	<b>Proposed # of Affordable Ownership Housing Units</b>
A (Phase 3)	158	16
B (Phase 1)	249	25
C (Phase 2)	386	39
<b>Total</b>	<b>793</b>	<b>80</b>

Upon Council approval of this application, the AHO will bring forward funding reports addressing financial implications and further affordable housing program delivery details. This policy is considered met. These matters will be secured in the Section 37 Agreement as a legal convenience.

## Built Form, Height, Massing

The Steeles-Redlea Urban Design Guidelines, dated September 2016, have been adopted by Council in order to establish a development framework for the area and to provide direction for the preparation and review of development applications on these lands.

These guidelines have been applied in conjunction with the built form and urban design policies in the Official Plan, supporting City-wide urban design guidelines and to ensure appropriate development that is consistent with the Provincial Growth Plan and PPS. These Urban Design guidelines can be found at this link:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-96977.pdf>

## Transitioning and Tower Heights

Section 4.1 of the Urban Design Guidelines speaks to developments providing a transition down in terms of height, scale and massing from the tallest built forms located near Steeles Avenue East on lands designated as *Mixed Use Areas* to lower scaled buildings on lands designated as *Employment Areas* given the proximity of industrial employment uses on lands located outside of the SASP 395 area.

Tower heights in Phases 1 and 2 are proposed at 26 and 28 storeys respectively, and have been located further south on the site closer to the Milliken GO station site.

The proposed 17 storey tower height in Phase 3 was determined by the application of the 45 degree angular plane from Steeles Avenue East to ensure adequate sunlight through minimizing shadow impacts on Steeles Avenue East. Staff are satisfied that acceptable orientation, massing, scale and transition have been achieved.

The site plan shows the proposed 17 storey building closest to Steeles Avenue East and transition down towards Redlea Avenue. The tallest building is located closest to Stouffville Go Transit rail corridor. Staff are satisfied that acceptable transition have been achieved.

### **Setbacks**

Section 4.2, 4.3, 4.4 and 4.5 of the Urban Design Guidelines speaks to lands designated as *Mixed Use Areas*, buildings shall be setback a minimum of 3 metres from Steeles Avenue East. For tall buildings, a minimum 5 metre tower setback shall be provided from the face of a base building. Mid-rise buildings shall provide a minimum 3 metre setback in keeping with the angular plane.

The proposed site plan shows an 8.5 metre setback from Steeles Avenue prior to the proposed widening. After the widening the setback will be 3 metres with the proposed canopy projecting into this area. It should be noted that considering the proposed widening and service easements, the building setback would still appear to be approximately 8.5 metres. The City's objectives have been achieved in securing for the widening of Steeles Avenue East and provision for permanent service easements. Staff are satisfied and the draft by law attached to this report will reflect a 3 metre setback with allowance for encroachment of the proposed canopy. It is the opinion of staff that this guideline has been achieved.

On lands designated as *Mixed Use Areas*, any portion of a development containing residential and/or other sensitive land uses (as defined by the Provincial Policy Statement, 2014) shall be setback a minimum of 30 metres from the Stouffville GO Transit rail corridor property line and provide appropriate mitigation and safety measures to implement the Federation of Canadian Municipalities (FCM) and the Railway

As it relates to the subject application, the closest residential building is approximately 50 metres west of the GO Transit rail corridor thereby meeting the minimum 30 metre setback requirement.

### **Massing of Base Buildings**

Section 4.5, 4.6 and 4.7 of the Urban Design Guidelines speaks to base buildings for towers, building separation and overlook to industry. The proposed site plan shows each tower having floor plates of 750 sq. m in area and are rectangular in shape with a north-south orientation. All of the towers meet the recommended minimum 25 metre distance separation between towers as recommended by the City's Tall Building Design Guidelines.

The proposed development is generally in keeping with the applicable performance standards set out in the Tall Building Design Guidelines. The towers have slender floor plates and meet the recommended separation distance to limit any potential shadow impacts and minimize impacts on sky views.

## **Sun, Shadow, Wind**

The applicant has submitted a Sun and Shadow Study for the proposal that demonstrates little to no impact of the proposed development on the subject site and neighbouring properties.

The shadows are generally acceptable. However, discussions will continue with the applicant regarding the building massing, articulation and other design elements that impact shadows on the site itself and the surrounding lands in an effort to further minimize the shadowing impacts. The results of the Wind Studies will be carefully examined during site plan approval.

## **Mid Block Connections, Building Heights, Privately Owned Publicly-Accessible Space**

The following Sections of the Urban Design Guidelines are applicable to the site:

- *A direct and attractive, major mid-block pedestrian connection from Steeles Avenue East to the Milliken GO Station lands will be provided within the first phase of development as generally shown on the map accompanying this policy.*
- *Maximum permitted building height is 28 storeys (93 metres, excluding mechanical penthouse). Development proposing more than one tall building on site is required to provide a variety of tower heights and to transition down in building height(s) from the maximum building height permitted.*
- *Opportunities to provide a privately owned publicly-accessible central open space area (POPS) shall be explored. If viable, the POPS will be designed generally in accordance with the City's Design Guidelines for Privately Owned Publicly-Accessible Space.*
- *New development is required to properly interface with the adjoining commercial lands to the east known municipally as 4675 Steeles Avenue East and will provide required parking for these lands together with temporary and permanent easements and rights-of-way for parking, pedestrian and vehicular access, servicing and maintenance to the satisfaction of the City.*

The site plan shows an attractive, covered major mid-block pedestrian connection from Steeles Avenue East to the Milliken GO Station that will be provided in the first phase of development. The maximum residential building height proposed is 28 storeys while the proposed 26 and 17 storey buildings will be transitioning down. The site plan also shows a privately owned publically-accessible central open space area that has the potential to increase in size once the lands to the immediate west are developed. Staff will explore this possibility at the appropriate time.

The adjoining lands to the east, municipally known as 4675 Steeles Avenue East (Splendid China Square) will properly interface with the proposed development and required parking for Splendid China Square will be provided during and permanently after construction. The attached draft zoning by law will secure the temporary and permanent parking. As part of site plan approval, staff will ensure a proper interface will be secured between the proposed and existing building.

It is the opinion of staff that these guidelines have been met.

## **Transportation and Connections**

The following Sections of the Urban Design Guidelines speaks to connections as follows:



- *These lands will develop in phases with a network of public streets, pedestrian and cycling connections and smaller block sizes to improve connectivity to the Milliken GO Station and the local road network.*
- *Two new public streets, each having a right-of-way width of 20-23 metres, are required to be provided east of Redlea Avenue to frame the north and south sides of the Milliken GO Station site, as generally shown on the map accompanying this policy. Development approvals will secure the required street rights-of-way on affected lands, including lands abutting the Milliken GO Station site as required.*
- *A north-south public street connection between the new public streets noted in g) above is desired.*

The proposed development, upon Council's approval, will commence in three Phases. The site plan shows a north-south 6 metre wide vehicular/cycling driveway from Steeles Avenue East to the GO/Metrolinx lands. In addition, a covered pedestrian/cycling link from Steeles Avenue East to GO/Metrolinx is also provided. Ultimately, should lands to the immediate west develop, the opportunity will exist to widen this driveway. A new public street, extending east from Redlea Avenue will provide vehicular, pedestrian and cycling access to the GO/Metrolinx station. Redlea Avenue will be extended to Passmore Avenue.

The establishment of a new public street from Redlea Avenue east towards the GO Station is required by OPA 321 and will have impacts on the subject property. Among other matters, OPA 321 requires that lands within the Study Area develop in phases (which this will) with a network of public streets, pedestrian and cycling connections and smaller block sizes to improve connectivity to the Milliken GO Station and the local road network. Specifically, the OPA requires a full east-west public street on the south side of the site with a right-of-way width of 20-23 metres to frame the north side of the GO Station site. This new public street provides an opportunity to create additional public street frontage, address and access for lands to not only the subject lands but also the Splendid China Square Mall and the Milliken GO Station lands. This road will be secured incrementally as a condition of development approval on the affected lands. A Link to the Council Decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG15.5>

Although OPA 321 has been subsequently appealed to the Ontario Municipal Board and is not in full force and effect, it does reflect Council policy.

Discussions continue, both with staff, the applicant and appropriate members of GO/ Metrolinx with a view towards providing a shared public road between the subject lands and the GO/Metrolinx property. This public road is intended as the primary vehicular access to the subject lands, Splendid China Square (immediately to the east) and the GO/Metrolinx property. While these discussions are positive, staff recommend an "H" to ensure that a portion or the whole public street is constructed.

Accordingly, in the interim to ensure the subject site conforms with OPA 321 and ensure that future public infrastructure is not compromised, the draft Zoning By law includes a Holding Symbol ("H") requiring a portion of the new public street with a 20-23 metre right-of-way as part of its redevelopment. The Holding Symbol can only be lifted by an amending By law when Council is satisfied that land for the design, construction and financing of the portion of the new public street has been satisfactorily reviewed by both the City Planning and Engineering and Construction Services Divisions.

## **Transportation**

### **Traffic Impact**

The City of Toronto retained LEA Consulting Ltd. to peer review a Transportation Assessment prepared by MMM Group Limited on behalf of Global Fortune. In addition to the land use assumptions outlined in the MMM Group Ltd. assessment, LEA Consulting Ltd. tested additional land use scenarios for input into the Regeneration Area Study. The peer review concluded that at the two primary intersections of Steeles/Redlea and Redlea/Passmore, during various peak periods there is some residual capacity available. No specific guidance was provided on overall development capacity and it was determined that traffic studies were to be submitted in support of individual development applications. These additional reports will be reviewed in detail during site plan approval.

Primary vehicular access will be provided from a new public road extending east from Redlea Avenue. The new public road will provide access to the residential, commercial and retail parking, residential drop-off/pick-up area and the existing Splendid China Mall.

A service and emergency vehicle only driveway is proposed on the eastside of the existing Splendid China Mall. Staff will not support any below grade turning movements onto Steeles Avenue East from the below grade parking garage.

MMM Group has prepared a Transportation Impact Assessment Addendum in connection with the revised application. The Addendum documents the assessment of the key transportation issues, including the traffic impacts, parking, loading and site circulation associated with the proposed development.

Transportation Services has reviewed and accepted the findings of the Transportation Impact Study. Issues such as site circulation, parking supply, bicycle parking supply and loading space requirements have been met. This indicates that the proposed development can be supported by the existing road network, with the completion of the Redlea Avenue extension and other transportation improvements, including proposed improvements to the adjacent GO service.

### **Steeles Avenue East Municipal Class Environmental Assessment (EA)**

As part of the EA, the City has identified a requirement that the inbound and outbound left-turns should be restricted due to potential safety concerns; that the existing fire route for 4675 Steeles Avenue East (which uses the subject driveways) can be modified; that the property requirements are necessary to accommodate the grade separation and protect for long-term rapid transit plans along Steeles Avenue East; and that opportunities for further integration of the pedestrian realm can be investigated through detailed design.

To accommodate the future road widening and the proposed grade separation, a conveyance of lands is required. Specifically, the property requirement includes full acquisition for 253.6 sq. m varying in width from 4.6 metres to 4.7 metres, and a permanent subsurface easement over 240.5 sq. m. The permanent easement is required for 4.0 metres from the south side of the proposed retaining wall along Steeles Avenue East.

It is worth noting that the applicant has previously agreed to convey to the City a strip of land measuring 5.5 metres in width along the Steeles Avenue East frontage of the site. The plans will be revised to reflect the land conveyance previously agreed to and the additional land that is required for a permanent subsurface easement as described above.

As the Steeles Avenue Grade Separation proceeds to detailed design, which is planned to commence during the summer of 2017, the extent of the impact will be finalized. A copy of the Steeles Avenue East Bridge Municipal Class EA can be found at the project website ([www.toronto.ca/steelesbridge](http://www.toronto.ca/steelesbridge)).

The Section 37 Agreement will be used as a legal convenience to secure this road infrastructure.

### **Access Parking and Loading**

The subject application contemplates providing three levels of underground and four levels of above-grade parking for a total of 1,579 vehicular parking spaces (being 730 resident and 849 retail, commercial and visitor parking spaces). There is a total of 705 bicycle parking spaces and 10 loading spaces (for the entire project including those required for the existing Splendid China Mall) proposed. The proposed vehicle and bicycle parking and loading space supply meet Zoning By law standards.

### **Servicing**

Staff reviewed servicing reports submitted with the application prepared by Cole Engineering (retained by Global Fortune). Cole Engineering prepared a Block Servicing and Stormwater Management report and additional reports on Sanitary Capacity Assessment and Water Servicing Analysis.

The reports concluded that with minor capacity upgrades to the sanitary sewer system and subject to site-specific review of development applications, the Regeneration Area would be able to accommodate future development including mixed-use development.

Specifically, in regards to the subject application, Engineering and Construction Services are in support of the proposed development. Servicing matters will be secured in the Section 37 Agreement as a matter of legal convenience and as part of site plan approvals.

### **Streetscape**

The proposal creates a high quality street-related project with landscaping appropriate to ground floor uses, which include the residential lobbies and retail uses. Primary building entrances have been located at grade and are well defined and clearly accessible. The proposed pedestrian midblock connection and open space provides an iconic feature at the centre of the proposal. This space will be publically accessible and privately owned and maintained (POPS).

### **Site Organization**

The impact of servicing and surface parking on the public realm is minimized. Parking is located below grade or within the building mass away from the public realm and public view. Also, parking levels are accessed by internalized parking ramps. Service areas and garbage storage are also internalized to the building or screened from public view. The development conforms with the Urban Design Guidelines in SASP 395 and it is the opinion of staff that this guideline is met.

## Public Art

The Official Plan includes a policy that encourages public art, in prominent locations and visible from public streets, where opportunities exist. The site is of a size and location that warrants a public art installation and the building configuration provides many opportunities for on-site public art. Section 3.1.4 of the Official Plan speaks to these requirements. Staff are recommending a value of no less than \$500,000.

The provision of on-site public art at a minimum value of \$500,000 will be secured as part of the Section 37 Agreement. Staff will continue discussions with the applicant and local Councillor during site plan approval regarding the appropriate location and scale of public art to be incorporated as part of this proposal.

## Amenity Space

The proposal provides for a total of 2 660 sq. m of indoor amenity space and 2 047 sq. m of outdoor amenity space at a rate in excess of the required minimum of 2 sq. m/unit. The outdoor and indoor amenity space will be distributed as follows:

**Table-3  
Summary of Proposed Indoor and Outdoor Amenity Space**

	<b>Tower A</b>	<b>Tower B</b>	<b>Tower C</b>	<b>Total</b>
<b>Indoor Amenity Space</b>	Req': 316 sq. m Prop': 1 072 sq. m	Req': 498 sq. m Prop': 1 081 sq. m	Req': 772 sq. m Prop': 507 sq. m	Req': 1 586 sq. m Prop': 2 660 sq. m
<b>Outdoor Amenity Space</b>	Req': 316 sq. m Prop': 107 sq. m	Req':496 sq. m Prop':91 sq. m	Req':772 sq. m Prop':1 849 sq. m	Req': 1 584 sq. m Prop': 2 047 sq. m
<b>TOTAL AMENITY SPACE</b>	Req': 632 sq. m Prop': 1 179 sq. m	Req': 994 sq. m Prop': 1 172 sq. m	Req':1 544 sq. m Prop': 2 356 sq. m	Req': 3 170 sq. m Prop': 4 707 sq. m

As indicated in Table-3, it would appear that Tower C is deficient in indoor amenity space and Tower A and B are deficient in outdoor amenity space. However, the total amount of indoor and outdoor amenity space will meet and exceed the minimum by law requirement at full build out.

Tower A and Tower B will each have a total of 1 072 and 1 081 sq. m of indoor amenity space respectively. This indoor amenity space will be located on the second level of each Tower. Tower C will have the remainder of the indoor amenity space (507 sq. m) to be located on the 4<sup>th</sup> floor contiguous with 1 849 sq. m of outdoor amenity area located on the roof of the podium. Residents of Tower A and Tower B can access the outdoor amenity area located on Tower C via an above-grade pedestrian connection that traverses the midblock connection.

Staff are satisfied with the distribution, location and amount of indoor/outdoor amenity space being provided.

The total gross floor area of indoor and outdoor amenity space will be secured in the zoning by-law. Mutual access by residents in each building to the communal indoor and outdoor amenity areas to all buildings within this development (Towers A, B and C) will be secured in the Section 37 Agreement as a legal convenience. The final configuration, size and exact location of the indoor/outdoor amenity space in each building will be determined through the site plan control process.

## **Schools**

The Toronto District School Board does not object to the proposed application. However, the Board advises that there is insufficient space at the local elementary and secondary schools to accommodate students anticipated from the subject development.

Warning clauses and appropriate signage must be included in all future purchase and sale agreements (prior to registration of the plan and for a period of ten years following registration) through agreements between the developer and the Toronto District School Board. Such agreements will form part of the Site Plan Agreement.

## **Parkland Dedication**

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 Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with less than 300 people. The subject site is located in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant is proposing to rezone the subject site to allow for 793 residential units; 12 808 sq. m of new retail and 3 257 sq. m of new office space within a site area of 1.6931 hectares (16,931m<sup>2</sup>). At the alternative rate of 0.4 hectares per 300 units, specified in Chapter 415, Article III of the Toronto Municipal Code, the residential component will generate a parkland requirement of 0.1812 ha while the non-residential component will generate a parkland requirement of 0.00957 ha. In total, the parkland dedication requirement will be 0.1917 ha.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. Any possible parkland dedication for the subject site would be entirely encumbered with underground parking, also there is no public road within this development which would allow for accessible parkland frontage. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

## **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 green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific Zoning By-law will secure the required number of bicycle parking spaces for the proposed development.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. These can include landscaping, bird friendly glazing, the provision of high albedo surface material and the location and design of bicycle parking spaces.

## Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvement above and beyond the parkland dedication; public art; streetscape improvements; and other works detailed in Section 5.1.1.6 of the Official Plan. They must also bear a reasonable planning relationship to the proposed development including an appropriate geographic relationship and address any planning issues associated with the development.

Before introducing the necessary Bill to City Council for enactment, City Council requires the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:

- a. The Owner to enter 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 following benefit:
  - i) A cash contribution of \$3,500,000 to be paid as follows: \$1,000,000 payable to the City of Toronto, prior to the issuance of a building permit for Phase 1; \$1,250,000 prior to the issuance of a building permit for Phase 2 and \$1,250,000 prior to the issuance of a building permit for Phase 3. These funds are to be used as follows: \$500,000 towards a public art installation in Phase 1; \$500,000 towards a skateboard park at Fundy Bay Park in Phase 1; \$1,250,000 towards the expansion of the L'Amoreaux Community Centre in Phase 2 and; \$1,250,000 towards the expansion of L'Amoreaux Community Centre in Phase 3. These payments are to be provided in accordance with the terms of the agreement, or towards other eligible local community benefits as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor. The payment shall be indexed from the date of the execution of the agreement in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto.
  - ii) The provision and permanent use of 464 sq. m. (5,000 sq. ft.) of on-site, at-grade community space in the proposed development in accordance with the City's terms sheet. The Section 37 Agreement will provide for a potential cash-in-lieu option to be used to expand the L'Amoreaux Community Centre;
  - iii) \$60,000 for the provision of speed humps in the Heathwood Community;
  - iv) The provision of a public art installation having a value no less than \$500,000. The location, scale and installation will be determined during site plan approval.
- b. Matters will be secured in the Section 37 Agreement as a legal convenience to support development including:
  - i) Road Construction: Redlea Avenue to Passmore Avenue;
  - ii) New Roads: from Redlea Avenue to the existing Metrolinx/GO Station along the south property line;

- iii) Minimum Office Space: 15% of the total leasable/purchasable non-residential gross floor area and in no case will be less than 3 000 sq. m in size within the Phase 1 of development;
- iv) Affordable Housing: Minimum 10% (or 80 units total) of the total number of dwelling units in each phase;
- v) Compliance with Environmental Reports: Air Quality and Odour Compatibility Study, Noise & Vibration Feasibility Study;
- vi) Securing of Municipal Infrastructure: The Owner entering into a financially secured Agreement for the construction of all improvements to the municipal infrastructure at no cost to the City to the satisfaction of the Executive Director of Technical Services;
- vii) Securing of all matters in regard to the Steeles Avenue road widening and grade separation to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

Official Plan Amendment No. 321 requires:

- *“The provision of affordable housing, child care spaces, community agency and cultural space, along with library and recreation centre improvements are community benefit priorities for this area.”*

Community benefit priorities for this area will be secured through Section 37 to include, the provision and permanent use of 464 sq. m. (5,000 sq. ft.) of on-site, at-grade community space in the proposed development and a 10% Affordable Housing Provision. The Section 37 Agreement will also provide for a potential cash-in-lieu option to be used to expand the L'Amoreaux Community Centre. Additionally, \$60,000 for the provision of speed humps in the Heathwood Community will be secured. This policy is considered met.

## **Conclusion**

Staff are satisfied that the introduction of residential uses on the subject lands is appropriate, based on the accepted environmental mitigation measures that will be secured. Staff were guided by OPA 321, policies in the Official Plan and the results of the environmental studies undertaken to support this position. Staff have ensured that through the draft zoning by-law, appropriate heights, building setbacks, massing and other performance standards will be achieved.

Official Plan Amendment 321 requires a public street along the southern boundary of the site, extending east from Redlea Avenue that will provide mutual access to multiple sites, including the subject development, the Milliken GO Station and the Splendid China Square site. It also requires the extension of Redlea Avenue to Passmore Avenue.

Documentation will be required from Metrolinx indicating that a public road is achievable. Accordingly, in the interim to ensure that the subject site conforms with OPA 321 and to ensure that future public

infrastructure is not compromised, the draft Zoning By law includes a Holding Symbol (“H”) requiring the provision of all or a portion of the new public street with a 20-23 metre right-of-way.

The Holding Symbol can only be lifted by an amending by-law when Council is satisfied that the design, financing and construction of all or a portion of the new public street has been achieved to the satisfaction of City Planning, City Legal and Engineering and Construction Services Divisions.

## **CONTACT**

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Paul Zuliani, MBA, RPP, Director  
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Tel. No. (416) 392-2691  
Fax No. (416) 396-4265  
E-mail: [Paul.Zuliani@toronto.ca](mailto:Paul.Zuliani@toronto.ca)

## **SIGNATURE**

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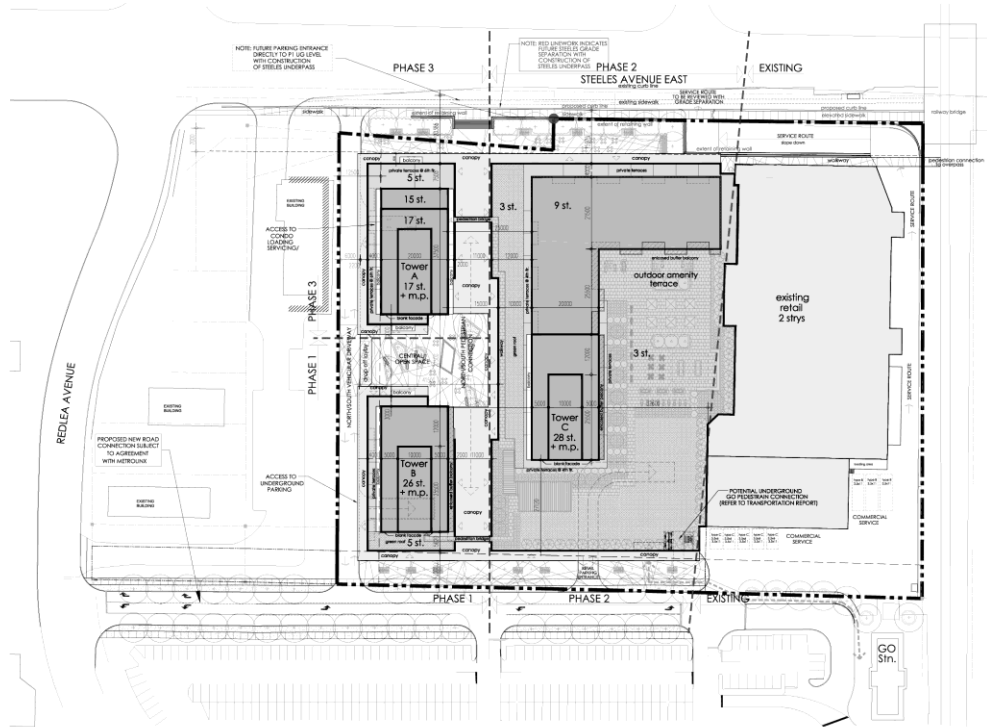
Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Site Plan (Revised Proposal)  
Attachment 2: 3, 4, 5, 6: Elevations  
Attachment 7: Original Proposal (Site Plan)  
Attachment 8: Zoning  
Attachment 9: Official Plan Amendment No. 321  
Attachment 10: Application Data Sheet  
Attachment 11: Draft Zoning By-law Amendment  
Attachment 12: Term Sheet



# Attachment 1: Site Plan (Revised Proposal)



## Site Plan

Applicant's Submitted Drawing

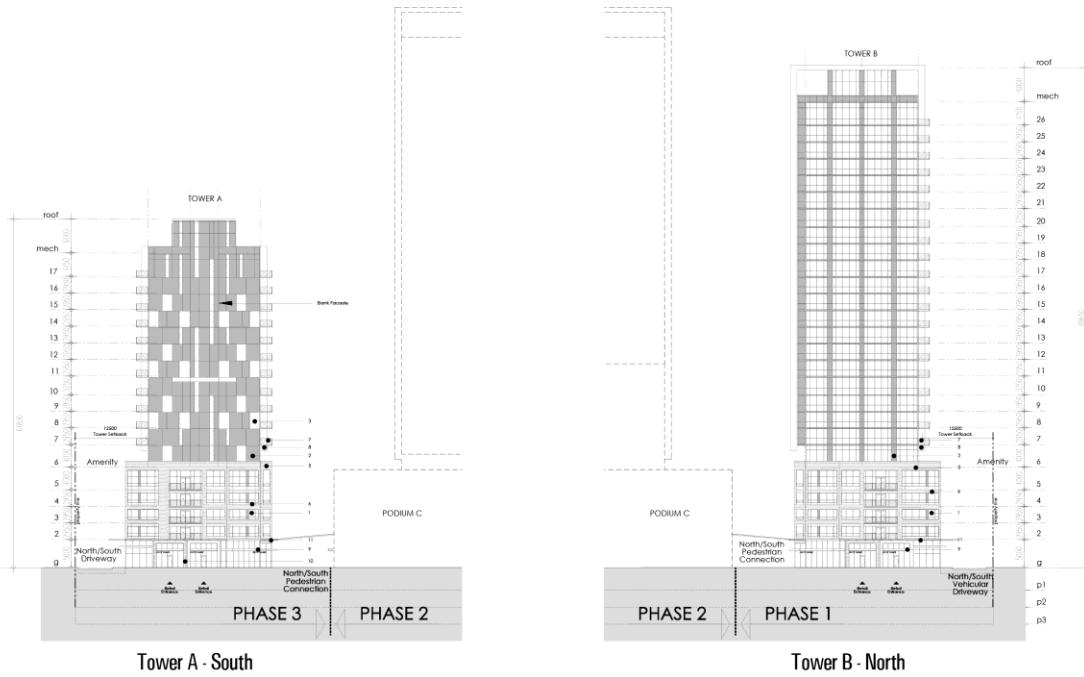
Not to Scale  
8/30/16



4665 Steeles Avenue East

File # 13 273308 ESC 39 0Z

## Attachment 2: Elevation Tower A South and Tower B North



### Elevations

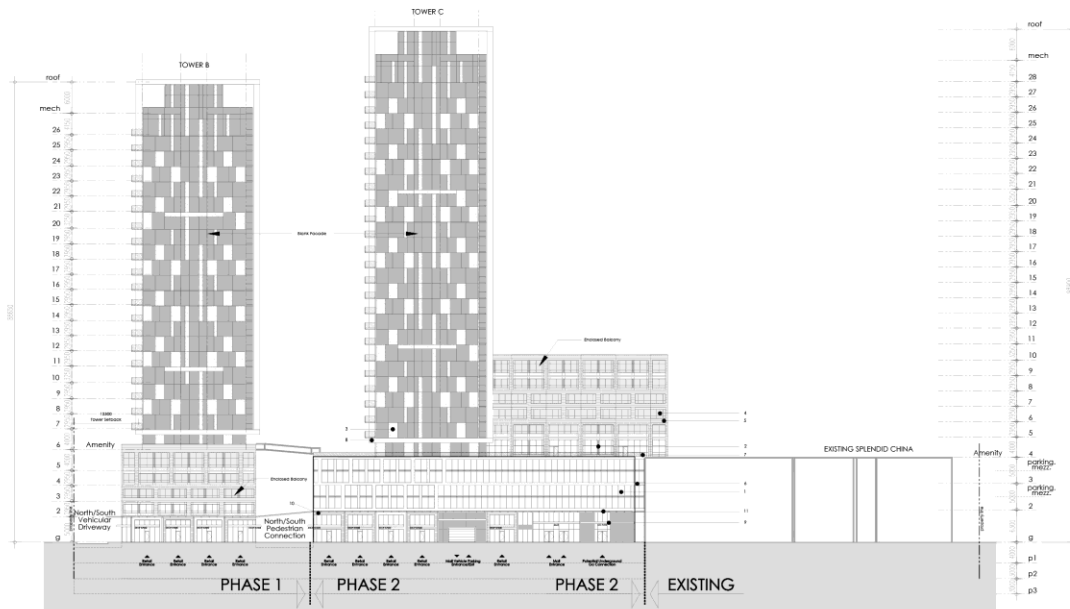
Applicant's Submitted Drawing

Not to Scale  
8/30/16

4665 Steeles Avenue East

File # 13 273308 ESC 39 0Z

# Attachment 3: Elevations South



South

## Elevations

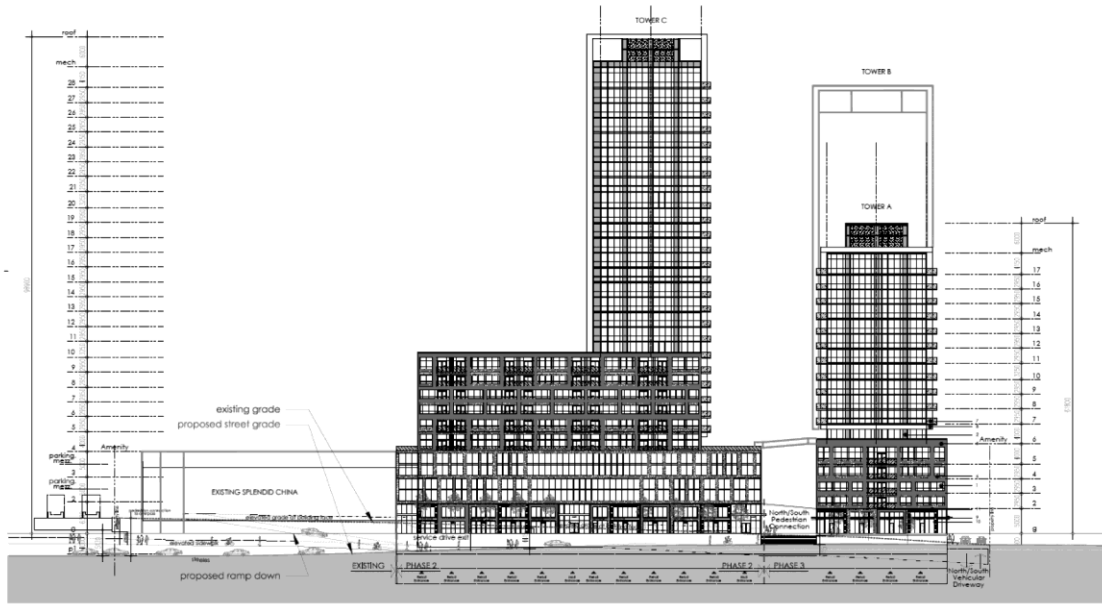
Applicant's Submitted Drawing

Not to Scale  
8/30/16

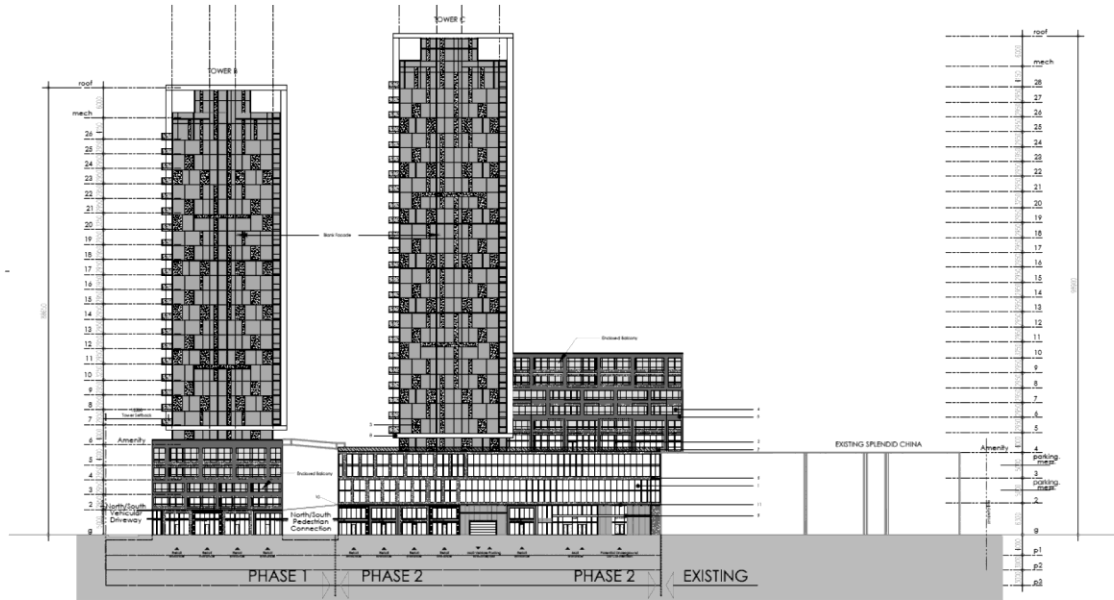
4665 Steeles Avenue East

File # 13 273308 ESC 39 0Z

# Attachment 4: Elevations North and South



North



South

## Elevations

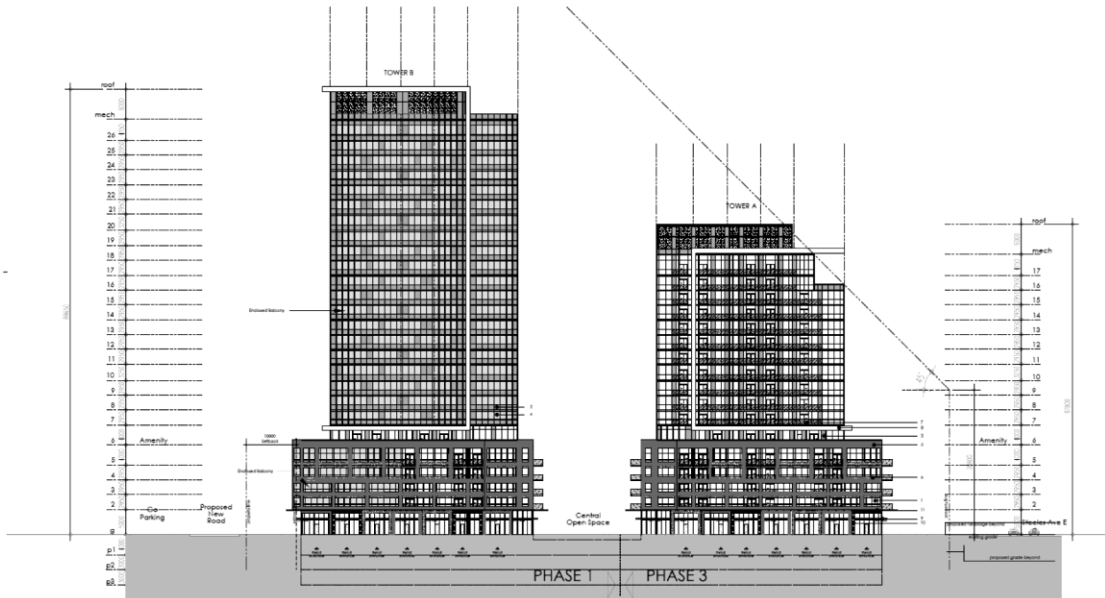
Applicant's Submitted Drawing

Not to Scale  
03/08/17

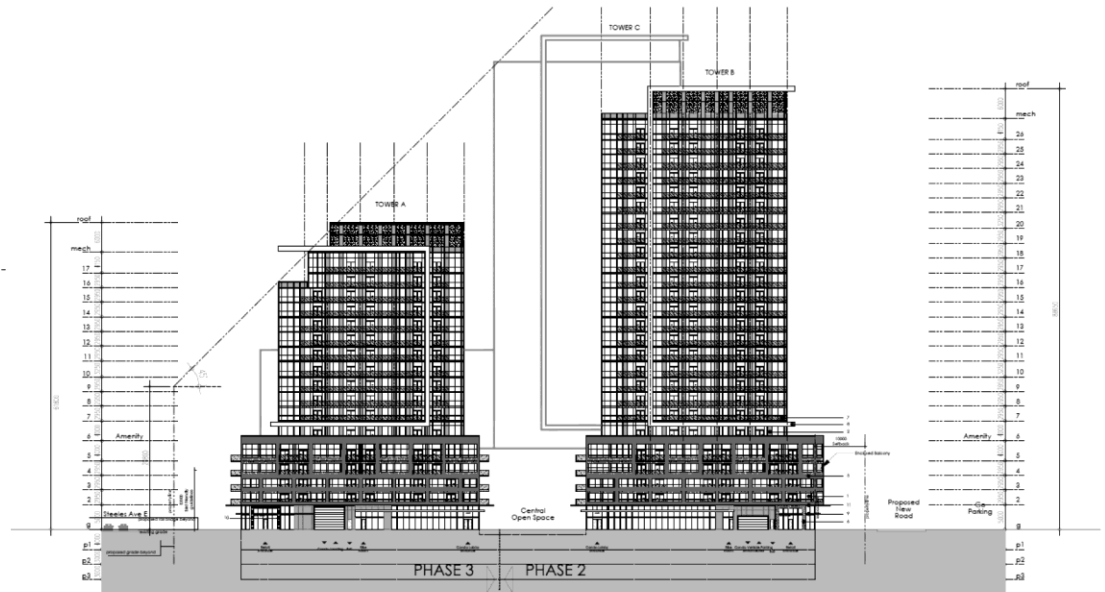
## 4665 Steeles Avenue East

File # 13 273308 ESC 39 0Z

## Attachment 5: Elevations East and West



East



West

### Elevations

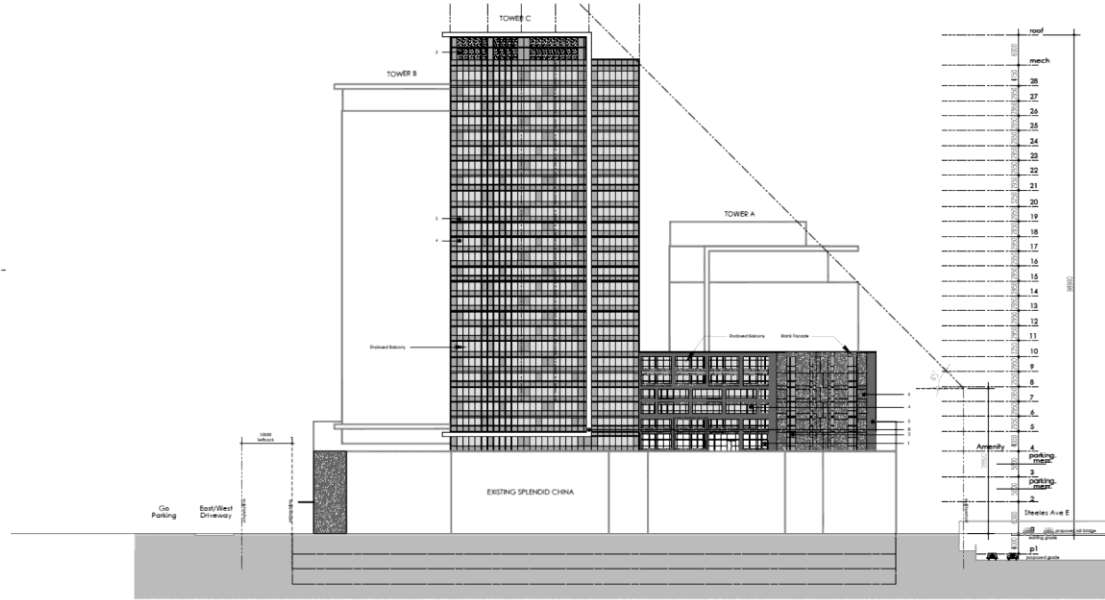
Applicant's Submitted Drawing

Not to Scale  
03/08/17

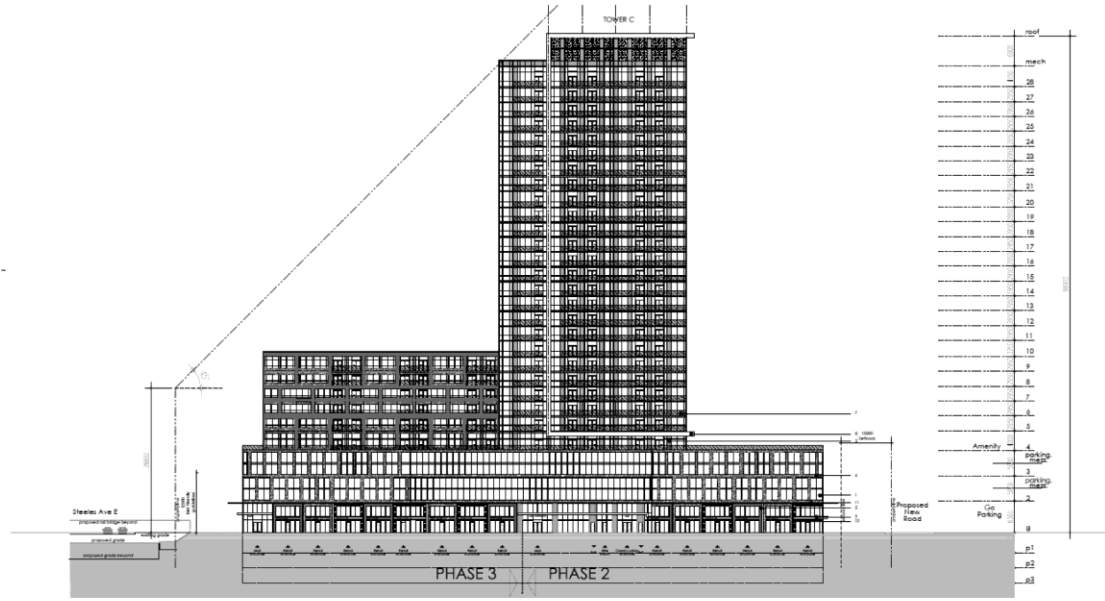
### 4665 Steeles Avenue East

File # 13 273308 ESC 39 02

## Attachment 6: Elevations East and West Tower C



East



West

### Elevations - Tower C

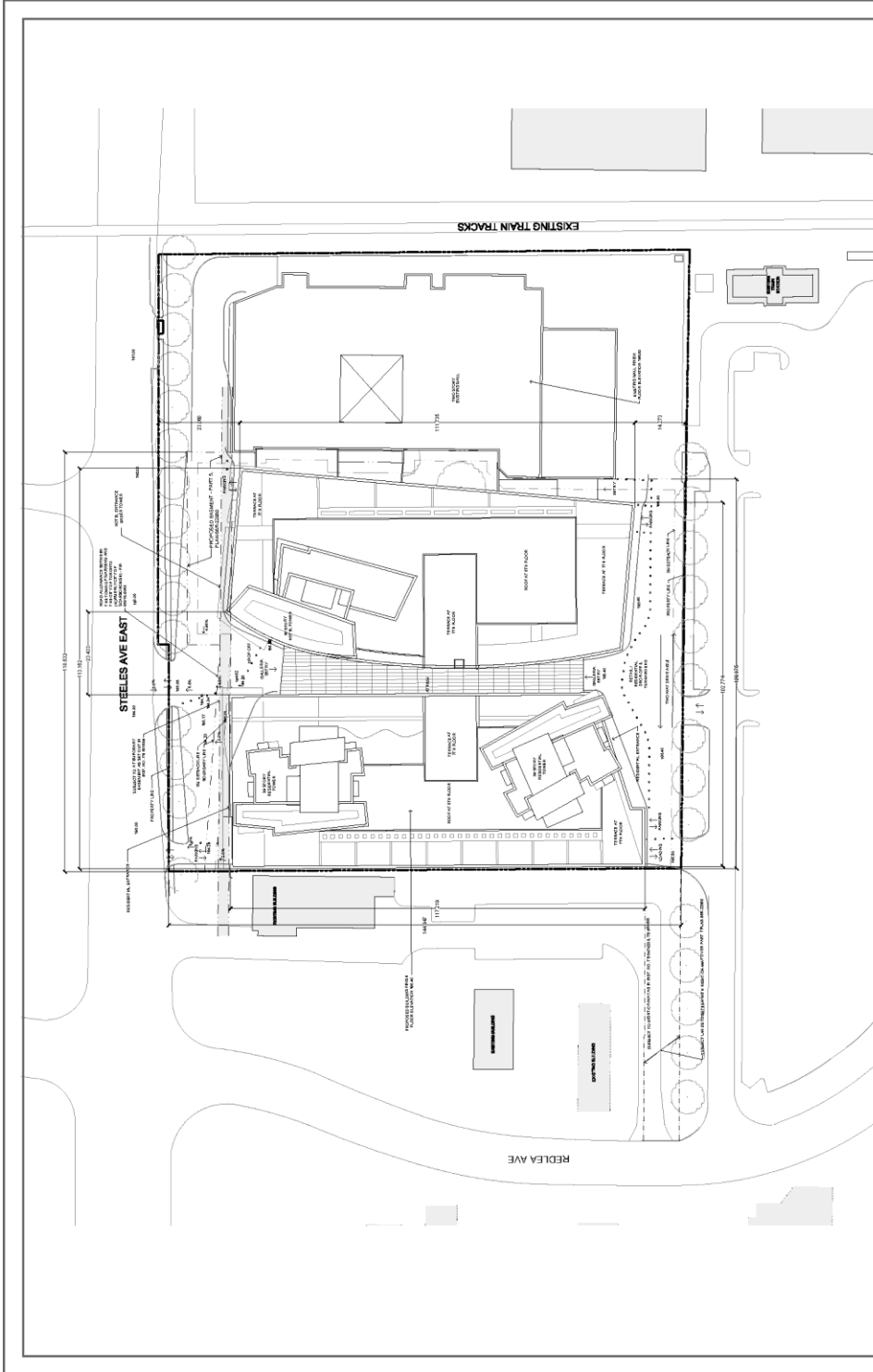
### 4665 Steeles Avenue East

Applicant's Submitted Drawing

Not to Scale  
03/08/17

File # 13 273308 ESC 39 0Z

Attachment 7: Original Proposal



4665 Steeles Avenue East

File # 13 273308 ESC 39 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale  
03/26/14



## Attachment 8: Zoning



**TORONTO** City Planning  
Zoning

**4665 Steeles Avenue East**  
File # 13 273308 ESC 39 0Z

Location of Application  
Zoning By-law 569-2013  
UT Utility and Transportation

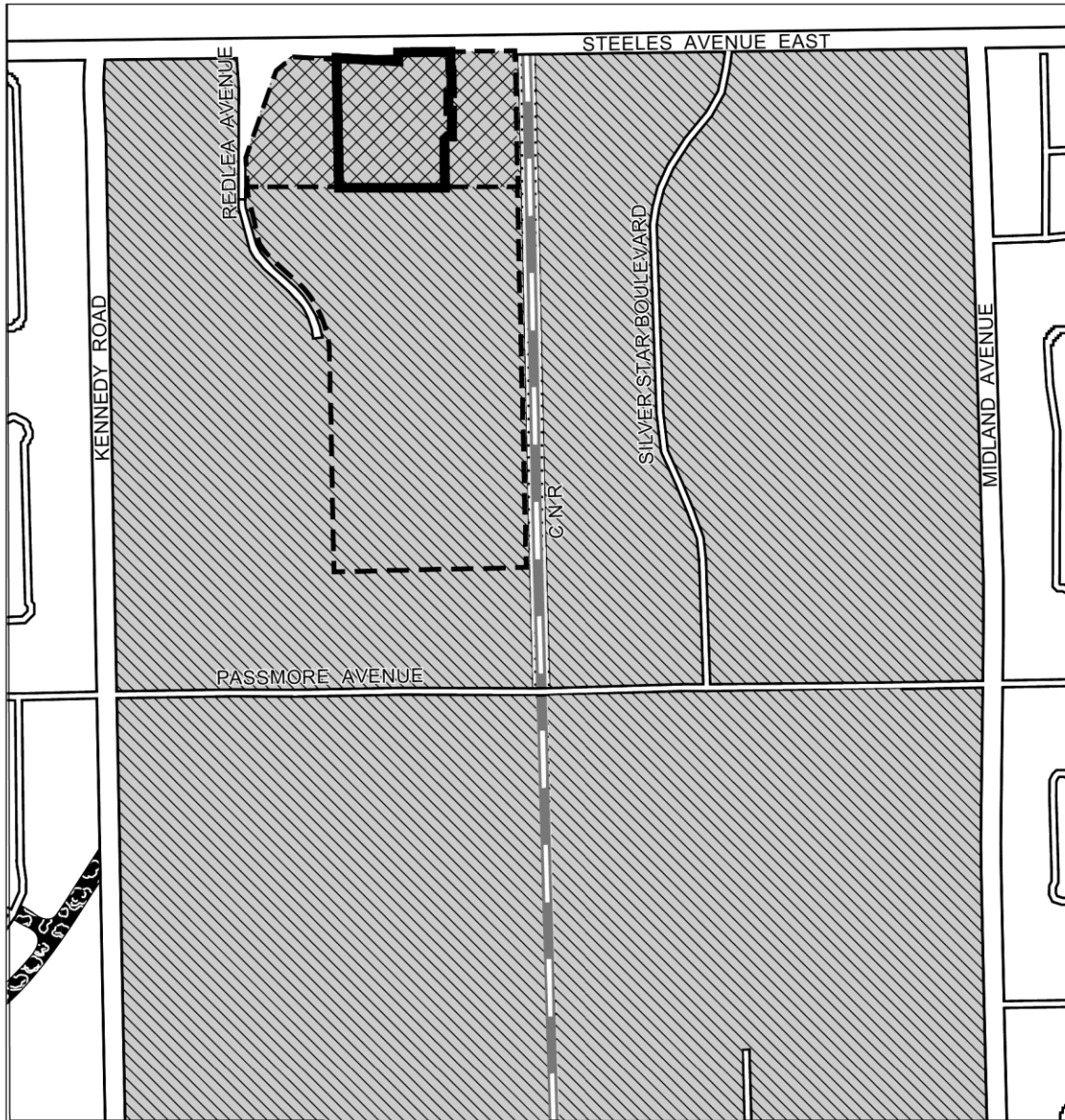
See Former City of Scarborough Employment District By-Law No. 24982 (Milliken)

<p><i>M</i> Industrial Zone <i>MG</i> General Industrial Zone <i>MS</i> Special Industrial Zone <i>ME</i> Mixed Employment Zone <i>E</i> Employment Zone</p>	<p><i>MDC</i> Industrial District Commercial Zone <i>CC</i> Community Commercial Zone <i>SDC</i> Special District Commercial <i>VS</i> Vehicle Service Zone <i>RU</i> Recreational Zone</p>	<p><i>PW</i> Places of Worship Zone</p>
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Not to Scale  
 Extracted 03/08/2017



**Attachment 9: Official Plan Amendment No. 321**



**4665 Steeles Avenue East**



**Official Plan Amendment #321**

Revisions to Land Use Map 19 to Redesignate lands from Regeneration Areas to Mixed Use Areas and Employment Areas

File # 13 273308 ESC 39 0Z

- |  |   |                          |
|--|---|--------------------------|
| Application 13 273308 ESC 39 0Z Subject to Amendment 321 | Neighbourhoods                              | Parks & Open Space Areas |
| Additional Lands Subject to Amendment 321                | Mixed Use Areas                             | Natural Areas            |
|  | Employment Areas (General Employment Areas) |                          |



Not to Scale  
03/07/2017

## Attachment 10: Application Data Sheet

Application Type	Rezoning	Application Number:	13 273308 ESC 39 OZ
Details	Rezoning, Standard	Application Date:	December 3, 2013

Municipal Address: 4665 STEELES AVE E

Location Description: RP2628 PT LOT 27 RCP9828 PT LOTS 2 AND 3 RP 66R22960 PARTS 2 TO 5 \*\*GRID E3903

Project Description: Proposed Zoning Amendment to permit a phased, mixed use development with three residential condominium towers (17, 26 and 28 storeys in height) with a total of 793 dwelling units and a total of 16,065 square metres of retail/commercial floor space.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS INC			2321392 ONTARIO LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	SDC	Historical Status:
Height Limit (m):		Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	15404	Height:	Storeys:	28
Frontage (m):	0		Metres:	99
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			<b>Total</b>
Total Residential GFA (sq. m):	63308		Parking Spaces:	1579
Total Non-Residential GFA (sq. m):	33560		Loading Docks	0
Total GFA (sq. m):	96868			
Lot Coverage Ratio (%):	0			
Floor Space Index:	6.3			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	63308
Bachelor:	0	Retail GFA (sq. m):	12808
1 Bedroom:	627	Office GFA (sq. m):	3257
2 Bedroom:	166	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	17495
Total Units:	793		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Renrick Ashby, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-7022</b>

**ATTACHMENT No. 11**

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:

- i) fully enclosed with floor to ceiling glazing or a combination of solid parapet with glazing above;
- ii) 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
- iii) 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;
869. The **gross floor area** of all residential uses within a **mixed use building** shall not exceed 61 000 square metres;
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**

### **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 required in the following location on attached Schedule "2":
  - a) along the east wall of Tower 'B' and Tower 'C'
- v) The maximum projection of all **enclosed noise buffered balconies** in iv) above shall be 1.8 metres.
- 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 **enclosed noise buffered balconies** shall be permitted.
- vii) Notwithstanding iii) and v) 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.
- viii) **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	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>



Use	Bicycle Parking Space Rates	
	Short-Term <b>Bicycle Parking Spaces</b>	Long-Term <b>Bicycle Parking Spaces</b>
	<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 1664, 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 1664, 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 6.0 metres from all **main walls** of the uppermost **storey** on which it is located.
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 m.
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**.
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 a skateboard park at Fundy Bay Park;
- 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, at-grade 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;

### **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:
- viii) The design, construction and financing of an extension of Redlea Avenue to Passmore Avenue;
  - ix) 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;
  - x) The provision of a Project Phasing Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - xi) 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;
  - xii) 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');
  - xiii) 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;
  - xiv) 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. Interintersection 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;

- 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.
- 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 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;

- 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.**

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 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 & Construction Services.

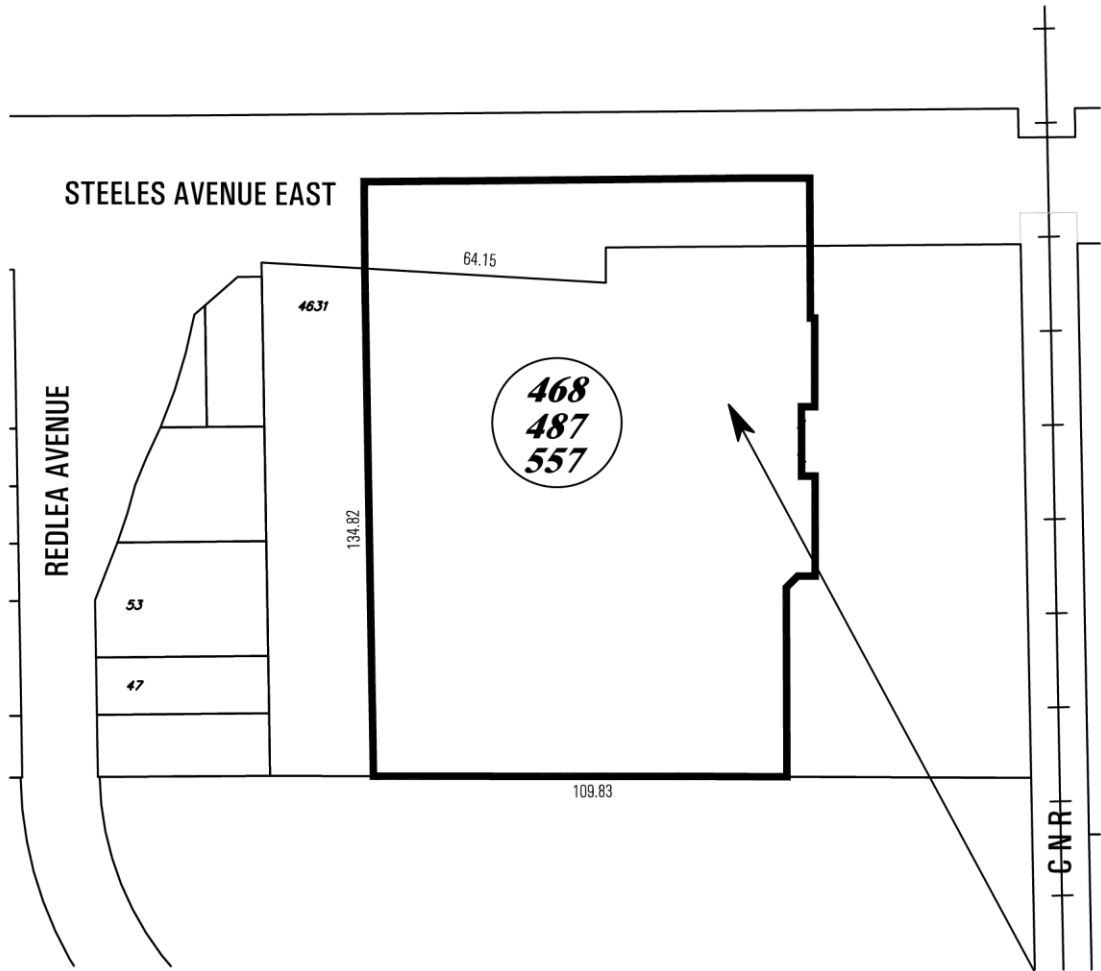
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

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 0Z

 Area Affected By This By-Law

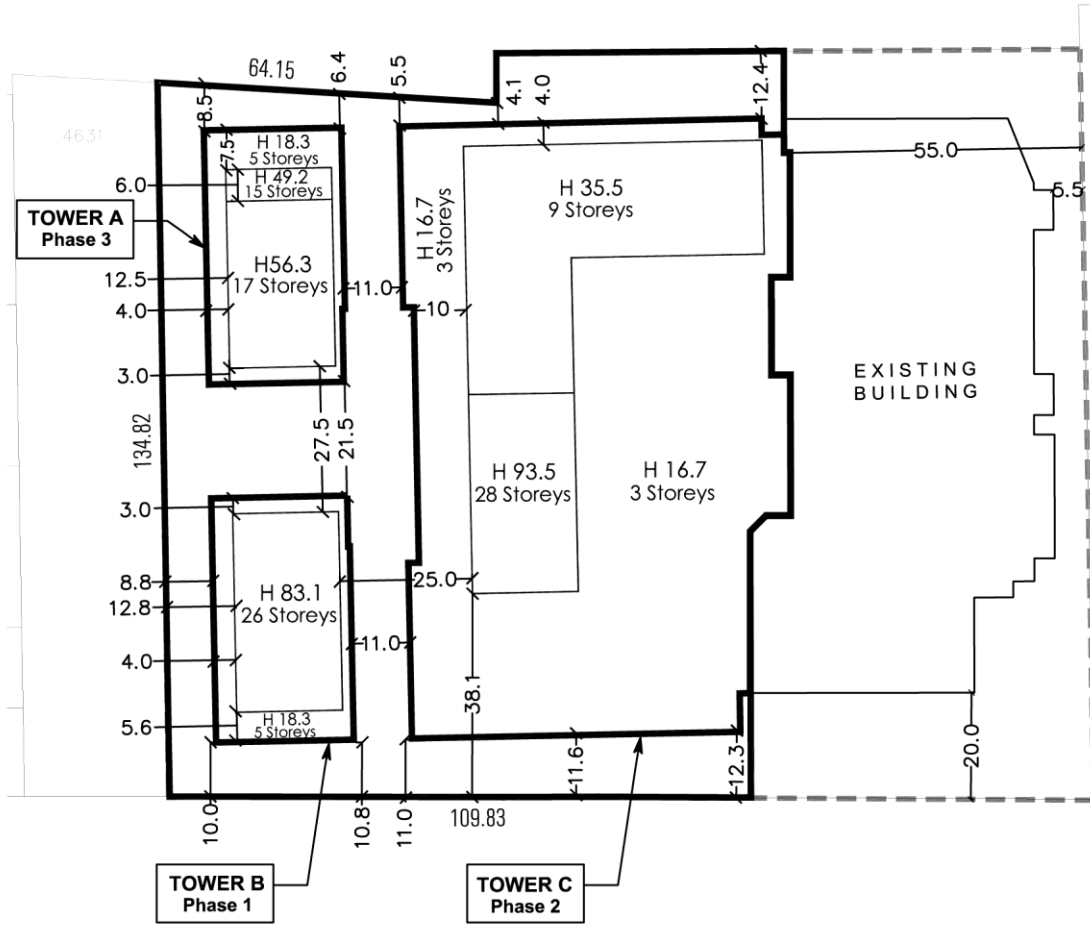
Milliken Employment District Bylaw  
 Not to Scale  
 03/15/17





# Schedule '2'

## STEELES AVENUE EAST



**TORONTO**  
Zoning By-Law Amendment

4665 Steeles Avenue East  
File # 13 273308 ESC 39 0Z

 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.

