

## **408 Brown's Line – Zoning By-law Amendment Application – Final Report**

Date: June 14, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 06 Etobicoke- Lakeshore

**Planning Application Number: 16 204076 WET 06 OZ**

### **SUMMARY**

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This application proposes to amend the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 to permit a mixed-used development at 408 Brown's Line. The development proposes a 4 to 6 storey mid-rise building containing 81 residential units and 268 m<sup>2</sup> of non-residential gross floor area at grade. The proposal would have a total gross floor area of 7,669 m<sup>2</sup> yielding an overall density of 3.57 times the area of the lands. A total of 97 vehicular parking spaces are proposed within a 2-level underground garage. Vehicular access for the development would be via Horner Avenue.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This proposal represents appropriate intensification that is massed to be compatible with the adjacent *Neighbourhoods* designated properties. The proposal addresses the Official Plan Healthy Neighbourhoods, Built Form, Public Realm and Mixed-Use policies and the City's Avenues and Mid-Rise Urban Design Guidelines.

This report reviews and recommends approval of the application to amend the Etobicoke Zoning Code and Zoning By-law No. 569-2013.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend the Etobicoke Zoning Code, for the lands at 408 Brown's Line substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 6 to this report.

2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 408 Brown's Line substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. City Council require a 0.4 m road widening along Horner Avenue to be conveyed through the Site Plan Control review process to the satisfaction of the General Manager of Transportation Services and the City Solicitor.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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On May 9, 2016, the applicant hosted a community meeting to present the development proposal to area residents. The Ward Councillor and Planning staff attended the meeting for information purposes only. Approximately 40 members of the public attended. Concerns were raised relating to the proposed building height and potential overlook issues, traffic, impacts on local services and construction timing.

A pre-application meeting was held with Planning staff in the Spring of 2016. The current application was submitted on August 9, 2016 and deemed complete on September 19, 2016. A Preliminary Report on the application was adopted by Etobicoke York Community Council at its meeting on November 15, 2016. The Preliminary Report can be viewed via this link:  
<https://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-97818.pdf>

## **ISSUE BACKGROUND**

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### **Proposal**

The development proposes a 4 to 6 storey mixed-use mid-rise building containing 268 m<sup>2</sup> of non-residential gross floor area at grade and 81 residential units. The proposal would have a total gross floor area of 7,669 m<sup>2</sup> yielding an overall density of 3.57 times the area of the lands. The proposed building would be massed to present a 6 storey profile along the north (Horner Avenue) and east (Brown's Line) elevations and transition down to a 4 storey profile along the west elevation and along the south elevation where the site abuts *Neighbourhoods* designated lands (see Attachments 9-12 Elevations and Attachment 13: Height Map). The 6-storey portion of the building would be approximately 21 m in height and the 4-storey portion would have a building height of approximately 11.5 m.

The non-residential gross floor area would be accessed and situated at-grade along the entire Brown's Line frontage, with a secondary entrance proposed at the northeast corner of the site. The main lobby for the residential component would also be located at the northeast corner of the site, immediately west of the secondary entrance of the non-residential gross floor area. The remainder of the ground floor would be comprised of dwelling units, indoor and outdoor amenity space, garbage pickup/storage area and a Type G loading space.

Vehicular access to the development is proposed via Horner Avenue at the northwest corner of the site and leads directly to the proposed underground garage (see Attachment 8: Site Plan). All proposed vehicular parking spaces would be located within a 2-level underground garage. A total of 97 vehicular parking spaces are proposed, comprised of 81 residential and 16 visitors/commercial spaces. A total of 57 bicycle spaces are proposed within both levels of the underground garage and 10 bicycle spaces are proposed at-grade located at the northeast corner of the site. A garbage pickup area and associated Type G loading space is proposed adjacent to the underground access ramp.

The proposed building would be setback at-grade approximately 2.7 m to 4.5 m from the Brown's Line property line, resulting in a boulevard width ranging from 6.5 m to 8.4 m. After a 0.4 m road widening requirement along Horner Avenue, the building would be setback approximately 0.17 m resulting in a boulevard width of 6 m. The building would setback 8.93 m at-grade from the western property line to accommodate the private driveway to the underground garage and Type G loading space. The building would be setback 0 m from the property line for the portion of the building adjacent to the existing commercial building and *Mixed Use Areas* designation to the south and the remainder of the building would be setback 5.5 m from the south property line.

Table 1 shows the proposed building setbacks from each property line above the ground floor.

Table 1

<b>Property Line</b>	<b>2<sup>nd</sup> to 3<sup>rd</sup> floor</b>	<b>4<sup>th</sup> floor</b>	<b>5<sup>th</sup> floor</b>	<b>6<sup>th</sup> floor</b>
South Property Line	0 m -5.5 m	0 m -5.5 m	0 m – 10.3m	0 m – 10.3 m
West Property Line	7.5 m -8.93 m	8.3 – 8.93 m	11.2 m	16 m – 23 m
Horner Avenue Property Line	0 m – 1.5 m	0 m – 1.5 m	1.1 m – 1.6 m	1.1 m – 1.6 m
Brown's Line Property Line	1.6 – 4.5 m	1.4 m -4.5 m	3.1 m -4.5 m	4.1 m – 4.5 m

Of the 81 residential units proposed, 1 (1%) unit would be a bachelor unit, 53 (65%) would be one-bedroom units, 22 (27%) would be two-bedroom units and 5 (6%) would be three-bedroom units. The application is proposing 162 m<sup>2</sup> of both indoor and

outdoor amenity space (2 m<sup>2</sup>/per unit), approximately 68 m<sup>2</sup> of outdoor amenity space and 33.6 m<sup>2</sup> of indoor amenity space would be located on the ground floor and the remainder would be located on the 6<sup>th</sup>-storey.

### **Site and Surrounding Area**

The subject site is located at the southwest corner of Brown's Line and Horner Avenue. It is rectangular in shape and has an approximate area of 0.2 ha. The site has a frontage of 38 m on Brown's Line and 56 m on Horner Avenue. The site previously contained an automobile service and gas station, which has been demolished. The site is relatively flat and is covered with sod and a few shrubs. As per Map 3 of the Official Plan, Brown's Line has a right-of-way width of 30 m at this location and Horner Avenue is not considered a Major Street.

The surrounding land uses are as follows:

North: Horner Avenue and a one storey commercial building (bank) fronting Brown's Line. Immediately to the west of the commercial building are single detached dwellings. Beyond the dwellings is a building occupied by a Toronto District School Board school and a branch of the Toronto Public Library.

East: Brown's Line, a one-storey industrial building and further to the east a larger industrial complex.

South: Along Brown's Line there is a one and half storey multi-unit commercial building, comprised of retail and service uses including a restaurant, convenience store and a hairstyling salon. The site also abuts low-rise residential properties to the south.

West: A place of worship, a senior's centre and single-detached dwellings.

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

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

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

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;

- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

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

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

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

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

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

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

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

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

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

### **Toronto Official Plan**

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

The subject site is designated *Mixed Use Areas* on Map 14- Land Use Plan (see Attachment 2: Official Plan Land Use Map). The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as utilities, parks and open spaces. The Official Plan states that

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

Policy 4.5.2 of the Official Plan includes criterion that directs the form and quality of development in this land use designation. It is the intent that development in *Mixed Use Areas* will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors.

The Healthy Neighbourhood policies of the Official Plan (Policy 2.3.1.2) provide guidance for development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.2 states that development within *Mixed Use Areas* that are adjacent to *Neighbourhoods* will:

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

The Healthy Neighbourhoods section of the Official Plan further states: "At the boundary points between the neighbourhoods and the growth area, development in the mixed use area will have to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of adjacent residential area are not adversely affected".

In Chapter Three – Building a Successful City, Section 3.1.1 – Public Realm promotes quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

In Section 3.1.2 Built Form, the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.1.2, Built Form, also states that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that development must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façade fits within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.2 states that new development will locate and organize vehicular parking, vehicular access, service areas and utilities to minimize their impacts on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a) Using shared service areas where possible within development block(s) including public and private lanes, driveways and service curbs;



- b) Consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c) Integrating services and utility functions within buildings where possible; and
- d) Providing underground parking where appropriate.

Built Form Policy 3.1.2.3 directs new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impact on neighbouring streets, parks and open spaces and properties by:

- a) Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;
- b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) Creating appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan;
- d) Providing for adequate light and privacy; and
- e) Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open space, having regard for the varied nature of such areas.

Policy 3.1.2.4 states that "new development will be massed to define the edges of the streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future uses of these areas".

Policy 3.1.2.5 directs new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) Improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realm;
- c) Weather protection such as canopies and awnings;

- d) Landscaped open space within the development site;
- e) Landscaped edges of surface parking lots along streets, parks and open spaces to define the street edge and visually screen the parked autos;
- f) Safe pedestrian routes and tree planting within surface parking lots; and
- g) Public art, where the developer agrees to provides this, to make the building and its open space more attractive and interesting.

The sidebar text of the Built Form Section states:

"Appropriate transition in scale can be achieved with many geometric relationships and design methods in different combinations including angular planes, stepping height limits, appropriate location and orientation of the building, the use of setbacks and step backs of building mass. The larger difference in scale of development the greater the need for transition".

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

### **Official Plan Amendment 320**

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

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

[www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

OPA 320 adds new criteria to existing Healthy Neighbourhood policy 2.3.1.3 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and

service areas, lighting and parking. The revised Policy requires that development within *Mixed Use Areas* that is adjacent or close to *Neighbourhoods* will:

- a) Be compatible with those *Neighbourhoods*;
- b) Provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) Maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) Orient and screen lighting and amenity areas so as to minimize impacts on adjacent properties in those *Neighbourhoods*;
- e) Locate and screen service areas and access to underground parking, locate any surface parking so as to minimize impacts on adjacent properties in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual and noise impacts upon adjacent properties in those *Neighbourhoods*; and
- f) Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of this report.

## **Zoning**

On May 9, 2013, City Council enacted City of Toronto Zoning By-law No. 569-2013. The City-wide Zoning By-law is currently under appeal to the Ontario Municipal Board. The site is zoned Commercial Residential (CR) under Zoning By-law No. 569-2013. A wide range of commercial and institutional uses in addition to residential uses are permitted within this zone. Development standards within this zone includes a maximum building height of 14 m; combined residential and commercial Floor Space Index of 2 times the area of the lot; minimum rear yard building setback of 7.5 m and a minimum side yard building setback of 3 m.

The site is zoned Commercial Limited (CL) in the former City of Etobicoke Zoning Code. Similar to the City-wide Zoning By-law, a wide range of commercial uses are permitted including retail, services and institutional uses. Residential uses are also permitted within this zone. The maximum permitted building height is 14 m.

The proposed uses are permitted within both the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013.

## **Design Guidelines**

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

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Its decision is here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

City Council adopted Mid-Rise Building Performance Standards in 2010 and an Addendum to these Standards in 2016, which are to be used together during the evaluation of mid-rise development applications in locations where the Performance Standards are applicable. Although Brown's Line is not identified as an *Avenue* in the Official Plan, it is identified as a Major Street in the Official Plan on Map 3. As such, the Performance Standards have assisted in guiding the final massing of the proposed mid-rise building.

### **Site Plan Control**

An associated Site Plan Control application has been submitted and is being reviewed concurrently with this application.

### **Reasons for Application**

Amendments to the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 are required as the proposed building exceeds the maximum building heights and densities permitted in the Zoning By-laws. An amendment is also required to establish appropriate development standards for the proposed development.

### **Application Submission**

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

- Planning Rationale

- Stormwater Management Report
- Environmental Soil & Groundwater Report
- Geotechnical Report
- Transportation Impact Study
- Shadow Study
- Architectural Plans
- Landscape Plans
- Archaeological Report
- Arborist Report
- Functional Servicing Report
- Toronto Green Standard Checklist
- Lighting Plan
- Environmental Noise Compatibility Study
- Air Quality Study

The submitted materials, other than the Archaeological Report, can be viewed via this below link:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4006967&isCofASearch=false&isTlabSearch=false>

### **Agency Circulation**

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

### **Community Consultation**

Planning staff hosted a community consultation meeting on March 2, 2017 at the Franklin Horner Community Centre to discuss the proposal. In accordance with the direction of Etobicoke York Community Council through the consideration of the Preliminary Report, notice was sent to an expanded notice area of 400 m. The meeting was attended by approximately 55 members of the public.

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

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

- Potential traffic impacts on both Brown's Line and Horner Avenue;
- Overlook and privacy issues relating to the abutting residential properties to the south;
- Insufficient proposed residential, commercial and visitors vehicular parking spaces;

- Locating the commercial and visitor's vehicular parking spaces below-grade, rather than at-grade;
- The viability of the proposed at-grade non-residential gross floor area;
- The impact of new retail/commercial space on the existing local services;
- Concerns with the proposed height and massing of the building; and
- Setting a precedent for future development along Brown's Line.

## **COMMENTS**

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

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

Staff have determined that the proposal is consistent with the *Planning Act*, PPS and conforms with the Growth Plan as follows:

#### Planning Act

Under the *Planning Act*, Section 2 sets out matters of Provincial interests, these include:

- (p) The appropriate location of growth; and
- (r) The promotion of built form that:
  - (i) is well-designed; and
  - (ii) encourages a sense of place.

The subject site is currently a vacant site located in a *Mixed Use Areas* designation and is suitable for intensification. The proposal is a well-designed compact building would fit harmoniously within the character of the area and provide a safe, accessible and attractive public realm.

#### PPS

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. The application addresses this policy of healthy, livable and safe communities by accommodating both residential and non-residential uses to meet long-term needs, facilitating residential intensification and redevelopment, and providing for new housing that would effectively use land, resources, infrastructure and public services, and support the use of public transit.

Policy 1.1.1.b) states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses. The proposed development achieves this by providing a mix of residential units sizes and introduces a compact built form into an area where the predominate housing stock is detached dwellings.

Policy 1.1.3.3 directs planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The proposed development addresses this policy by proposing a development that fits within its existing context on a vacant parcel of land. The proposal will be providing commercial/retail opportunities on Brown's Line.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification, and redevelopment where existing and planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. The development addresses this policy by developing a mid-rise building on a vacant parcel of land that provides for a mix of residential units and commercial opportunities and is supported by public transit.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicular trips and supports current and future use of transit and active transportation. The proposal addresses this policy by encouraging public transit use and walkable communities by providing both residential and commercial/retail uses on site.

Policy 4.7 – Implementation and Interpretation of the PPS states that the municipal Official Plan is "the most important vehicle for implementation" of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans". The application addresses this policy by adhering to the Official Plan policies.

Policy 4.8 states that zoning and development permit by-laws are important for implementation of the PPS. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their Official Plans and this PPS. This proposal addresses the policy by meeting the intent of the height and transition by-law provisions.

This proposal is consistent with the PPS and addresses all the above noted policies, as it is contextually appropriate intensification that makes efficient use of a vacant parcel of land and existing services, including proximity to public transportation. The proposal provides a mix of residential unit sizes and introduces a compact built form into an area where the predominant housing stock is low-rise dwellings. The proposal achieves the Official Plan's objective of building compact built form that is compatible with its existing context.

## Growth Plan

The Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan.

Section 2.2.1.3(c) directs municipalities to undertake integrated planning to manage forecasted growth by supporting an urban form that optimizes infrastructure to support the achievement of complete communities through a more compact built form.

Section 2.2.1.4(c) echoes the guiding principles noted above by supporting complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Section 2.2.4.4(b) directs municipalities to develop a strategy to achieve minimum intensification target and intensification throughout delineated built-up areas, which will identify the appropriate type and scale of development and transition of built form to adjacent areas.

Section 2.2.6.2 directs that municipalities support complete communities by planning for the range and mix of housing options and densities of the existing housing stock and planning to diversify and increase density of the overall housing stock across the municipality.

The proposal conforms to the Growth Plan by directing growth to an appropriate settlement area, and making efficient use of land, existing services and infrastructure, including proximity to public transit and active transportation. The proposal supports the achievement of complete communities through a more compact built form containing a mix of residential and commercial uses which transitions appropriately to its surrounding context. The proposal diversifies the housing stock of the area which is predominantly low-rise dwellings.

## **Land Use**

The site is designated *Mixed Use Areas* in the Official Plan and zoned for a mix of residential and commercial uses. The majority of the development is proposed to be residential with at-grade retail, which are both permitted uses. The proposed uses are acceptable for the site and comply with the Official Plan and the Zoning By-law.

## **Built Form**

### **Density**

The Zoning By-law permits a density on the site of 2.0 times the area of the lot through both the Commercial Residential (CR) and Commercial Limited (CL) zone categories. The proposed building would have a density of 3.57 times the area of the lot. The



proposed built form and massing of the building are designed to ensure the increase in density on the lot would be deployed in a sensitive and appropriate manner.

## Height

The site is within a *Mixed Use Areas* that abuts *Neighbourhoods* properties to the south and west. The Official Plan states that new development in *Mixed Use Areas* will be compatible with properties designated *Neighbourhoods* that abut or are close to the development. The Official Plan also states that new development will fit harmoniously into its existing and/or planned context. The Healthy Neighbourhood Policy requires development within *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* to be compatible with those *Neighbourhoods*.

The proposed building would be massed and designed to fit harmoniously within the existing context. The proposed building would be massed to present a 6-storey (21 m in height) profile along the Horner Avenue and Brown's Line elevations. The 21m proposed building height of the 6-storey profile of the building is acceptable because its location on Brown's Line and Horner Avenue frontages allows for transition between this height and the adjacent lower scale buildings to the west and south.

The proposed building responds appropriately to the surrounding context as the building height transitions down to a 4-storey profile along the west and south elevations where adjacent to *Neighbourhoods* designated lands. The proposed 4-storey portion of the building would have a building height of 11.5 m. Staff considers this height acceptable as it is lower than the maximum 14 m building height permission in the Zoning By-laws and is compatible with the adjacent lower-scale properties. The 4-storey profile would be approximately 1.5 m taller than the as-of-right dwelling heights permitted in the abutting Residential zone.

## Massing

The development has been massed and designed appropriately for the subject site given the existing context, which includes *Mixed Use Areas* properties and commercial uses directly north and south of the site along Brown's Line, *Neighbourhoods* designated properties to the south and west and to the east are *Employment Areas* designated lands. The first 38 m of the south property line abuts a commercial building and *Mixed Use Areas* designated lands and the remaining 18 m is adjacent to a *Neighbourhoods* designation (see Attachment 13: Height Map).

The proposal rises to 6-storeys along the north and east elevations and provides appropriate setbacks and stepbacks to reduce the impact on both the adjacent public realm and surrounding *Neighbourhoods* designated lands.

The proposed building would be massed and designed to fit harmoniously within the existing and planned context. The proposed building would frame both Brown's Line and Horner Avenue and would adequately limit resulting shadowing of neighbouring streets to the north and east. In order to provide an appropriate amenity for both Brown's Line

and Horner Avenue, the proposed building would be recessed at-grade to will allow for increased pedestrian amenity and provide a larger sidewalk width for increased pedestrian access in this location.

The proposed height of the first floor is 5 m, which is an appropriate height for buildings that propose commercial uses at-grade in order to give prominence to the street level and increase the visibility, marketability, and utility of the ground floor commercial space.

Transition to the adjacent *Neighbourhoods* was an important consideration during the review of the proposal. Where adjacent to the *Mixed Use Areas* designation, the proposed building would be built to the property line. However, where adjacent to the *Neighbourhoods* lands, the proposed building would be setback 5.5 m and would step back approximately 5 m above the 4<sup>th</sup> storey and approximately an additional 5 m above the 5<sup>th</sup> storey. The building would be setback approximately 8.8 m from the western property line and would step back approximately 3 m above the 4<sup>th</sup> storey and an additional 2 to 5.5 m above the 5<sup>th</sup> storey.

Zoning By-law No. 569-2013 requires all development in CR Standard Set 3 zones to be setback 7.5 m and to maintain a 45 degree rear yard angular plane drawn at a height of 7.5 m angling upwards when abutting properties that are zoned Residential. The proposed building would be setback 8.93 m from the rear property line, however penetrates the required 45 degree angular plane by approximately 3 m at the 3<sup>rd</sup> storey, 3.5 m at the 4<sup>th</sup> storey, 5.5 m at the 5<sup>th</sup> storey, 4.7 m at the 6<sup>th</sup> storey and 2.5 m above the 6<sup>th</sup> storey. The proposed articulation and stepping of the massing would be sensitive to the surrounding properties and the existing context. Notwithstanding the penetration of the 45 degree angular plane, Planning staff are of the opinion that the proposal meets the intent of the transition policies of the Official Plan through appropriate setbacks and step backs.

Zoning By-law No. 569-2013 requires a building to be setback 3 m from the southern property line and 7.5 m from the west property line. Other than the portion of the proposed building that abuts the *Mixed Use Areas* designation to the south, the proposed building setbacks exceed the Zoning By-law requirements. The proposed series of setbacks and step backs would mitigate the impacts of the building and provide appropriate transition to the surrounding *Neighbourhoods* lands.

Planning staff are of the opinion the proposed development is generally consistent with the intent of the *Mixed Use Areas* designation of the Official Plan and the Official Plan Built Form policies in Section 3.1.2 of the Official Plan. The application is consistent with the Healthy Neighbourhoods policies of the Official Plan, as it transitions to and is compatible with the adjacent *Neighbourhoods* designation. The proposed development would respect and reinforce the existing physical character of buildings and streetscapes in the neighbourhood.

The architectural plans can be view via the link below:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4006967&isCofASearch=false&isTlabSearch=false>

## **Sun and Shadows**

Official Plan Policies 3.1.2.3 (c) and 4.5 (2)(d) state that new development should be located and massed to limit shadowing on neighbouring streets, properties and open spaces, neighbouring parks and adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Built Form Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context to adequately limit any resulting shadowing of neighbouring streets, properties and open space, having regard for the varied nature of such areas. Section 4.5, Policy 2(d) of the Official Plan states that development within *Mixed Use Areas* will be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods* lands.

A shadow study from the applicant's architect was submitted with the application illustrating the incremental shadow impacts during March 21<sup>st</sup> and September 21<sup>st</sup> (Spring and Fall Equinoxes).

According to the March/September 21<sup>st</sup> shadow studies, parts of the north sidewalk along Horner Avenue would be shadowed at 9:18 a.m. At 4:18 p.m. to 6:18 p.m. the proposal would shadow parts of the sidewalk along the east side of Brown's Line.

Planning staff have assessed the proposed development in terms of the incremental shadow impacts resulting from the proposed 6-storey building and are satisfied that it adequately limits shadow on the surrounding public realm and adjacent *Neighbourhoods* lands.

The submitted shadow studies can be viewed via the link below:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4006967&isCofASearch=false&isTlabSearch=false>

## **Noise Impact and Air Quality Study**

The Official Plan requires that development adjacent to or nearby *Employment Areas* will be appropriately designed, buffered and or separated from industries as necessary to mitigate any adverse impact of industry on the new development and the new development on industry. Provincial regulations require compliance with the Ministry of the Environment and Climate Change (MOECC) noise guidelines (formerly NPC-205, currently NPC-300) and air quality guidelines (D-6).

New provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate pervious related guidelines. Among other matters, the guidelines provide advice on sound level limits and guidance that may be used when land use planning

decisions are made under the *Planning Act*. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions.

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

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

The applicant submitted an Environmental Noise Compatibility Report and an Air Quality Compatibility Study, prepared by Novus Environmental in support of the application. A peer review of the submitted studies was conducted by noise and air quality consultants retained by the City. The peer review confirmed the conclusions of the Air Quality Study, and identified the need for acoustical upgrades to the façade walls and windows in order to comply with the Ministry of Environment and Climate Change (MOECC) criteria for indoor sound levels. Also, a number of Warning Clauses (for the residential units/terraces) were identified that should be registered on title and included in agreements of purchase and sale. Staff are of the opinion that the proposal will be appropriately located and designed to minimize potential land use compatibility issues, provided that certain mitigation measures will be implemented into the design of the building. All the recommended measures would be included in the development's design and would be secured in the Zoning By-laws and Site Plan Agreement, where appropriate.

The submitted Environmental Noise Compatibility Report and Air Quality Compatibility Study can be viewed via the link below:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4006967&isCofASearch=false&isTlabSearch=false>

## **Traffic Impact, Access and Parking**

A Traffic Impact Study (TIS) was submitted in support of the proposal. The study concluded that the projected site traffic could be supported by the existing road network and would have minimal impacts on the area. Transportation Service staff have reviewed the TIS and have indicated that these conclusions are acceptable.

Access to the underground parking garage and loading space would be provided from Horner Avenue, at the northwest corner of the site. A Type G loading space would located at-grade via the private driveway from Horner Avenue. A total of 81 residential

vehicular parking spaces and 16 visitor spaces would be provided with a 2-level underground garage.

Transportation Services staff consider the proposed number of vehicular parking spaces to be adequate for the number of residential units and amount of non-residential floor space proposed. All standard parking space dimensions would comply with the applicable by-law parking requirements.

Transportation Staff support the following parking ratios:

- 0.8 parking space for each bachelor dwelling unit, up to 45 square metres, and 1.0 parking space for each bachelor dwelling unit greater than 45 square metres;
- 0.9 parking space for each one-bedroom dwelling unit;
- 1.0 parking space for each two-bedroom dwelling unit;
- 1.2 parking spaces for each three or more bedroom dwelling unit; and
- 0.2 parking space for each dwelling unit for residential visitors.

The submitted Traffic Impact Study can be viewed via the link below:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4006967&isCofASearch=false&isTlabSearch=false>

## **Road Widening**

A 0.4 m road widening along Horner Avenue is required in order to satisfy the Official Plan requirements. The required road widening has been included in the recommendations of this report and would be conveyed to the City through of the Site Plan Control review process.

## **Streetscape**

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

The proposed planting and boulevard improvements would assist in creating an improved urban streetscape along the west side of Brown's Line and south side of Horner Avenue. The proposal would result in a boulevard width that extends from the building edges to the curb along Brown's Line of approximately 6.5 to 8.4 m and 6 m along Horner Avenue. A soft landscape streetscape design is proposed along Brown's Line with landscaped planters and a continuous row of planted trees. A continuous row of planted trees is also proposed along Horner Avenue.

Planning staff are of the opinion that the proposed organization and layout of the site is appropriate. The proposal would create high-quality, landscaped, pedestrian-oriented streetscapes along both Brown's Line and Horner Avenue.

### **Servicing**

The applicant submitted a Functional Servicing Report and Stormwater Management Report with the application. The objective of these reports is to identify the municipal servicing and stormwater management requirements for this development and to demonstrate how each service would be accommodated by the existing infrastructure.

Engineering and Construction Services staff have reviewed both the Functional Servicing Report and Stormwater Management Report and have determined that no further analysis is required. The proposed new connections to the existing infrastructure would adequately accommodate this development.

### **Open Space/Parkland**

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

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,106 m<sup>2</sup> or 53.4% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 209 m<sup>2</sup>.

Parks, Forestry and Recreation staff advise the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 209 m<sup>2</sup> is not of a suitable size to develop a programmable park within the existing context of this development site. The value of the cash-in-lieu of parkland dedication would be appraised by Real Estate Services staff. Payment would be required prior to the issuance of the first above grade building permit.

### **Toronto Green Standard**

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

measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

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

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Policy 5.1.1.4 of the Official Plan states that Section 37 may be used for developments with more than 10,000 m<sup>2</sup> of gross floor area. The applicant is proposing a gross floor area of 7,669 m<sup>2</sup>, which is less than 10,000 m<sup>2</sup>. As such, a Section 37 contribution is not required as the proposal does not meet the criteria set out in the Official Plan.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan *Mixed Use Areas, Built Form, Healthy Neighbourhoods and Public Realm* policies. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the transitioning toward the abutting *Neighbourhoods* designated lands. Staff worked with the applicant to address and resolve the following key concerns: appropriate building height, building step backs and setbacks, transition to the abutting residential properties and streetscaping. Staff recommend that Council approve the application.

### **CONTACT**

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Jennifer Renaud, Planner, Tel. No. 416-394-2608, Fax No. 416-394-6360  
E-mail: Jennifer.Renaud@toronto.ca

### **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

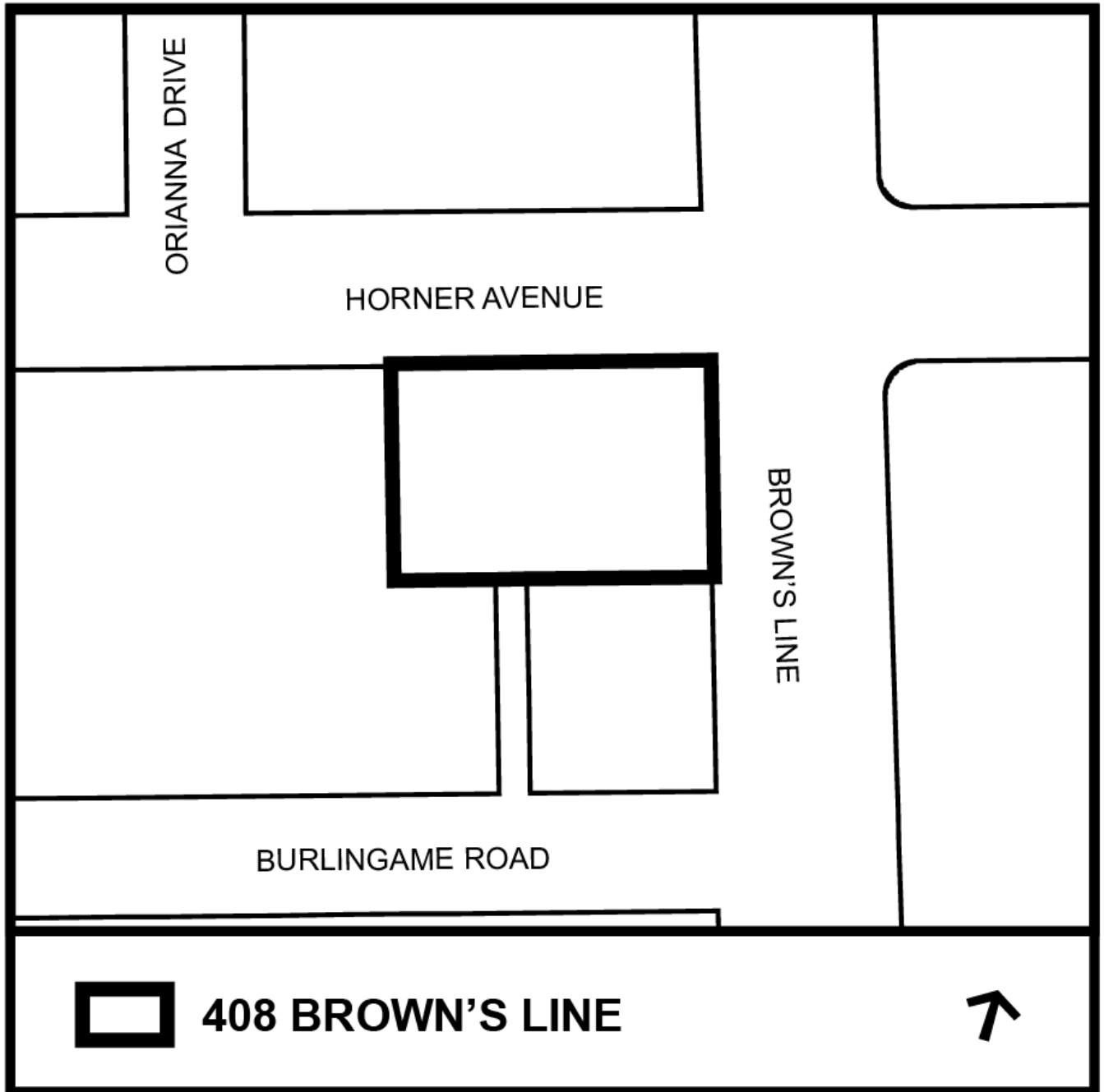
- Attachment 1: Location Map
- Attachment 2: Official Plan Land Use Map
- Attachment 3: Zoning By-law Map – Etobicoke Zoning Code
- Attachment 4: Zoning By-law Map – By-law No. 569-2013
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Zoning By-law Amendment– Etobicoke Zoning Code
- Attachment 7: Draft Zoning By-law Amendment - By-law No. 569-2013

### **Applicant Submitted Drawings**

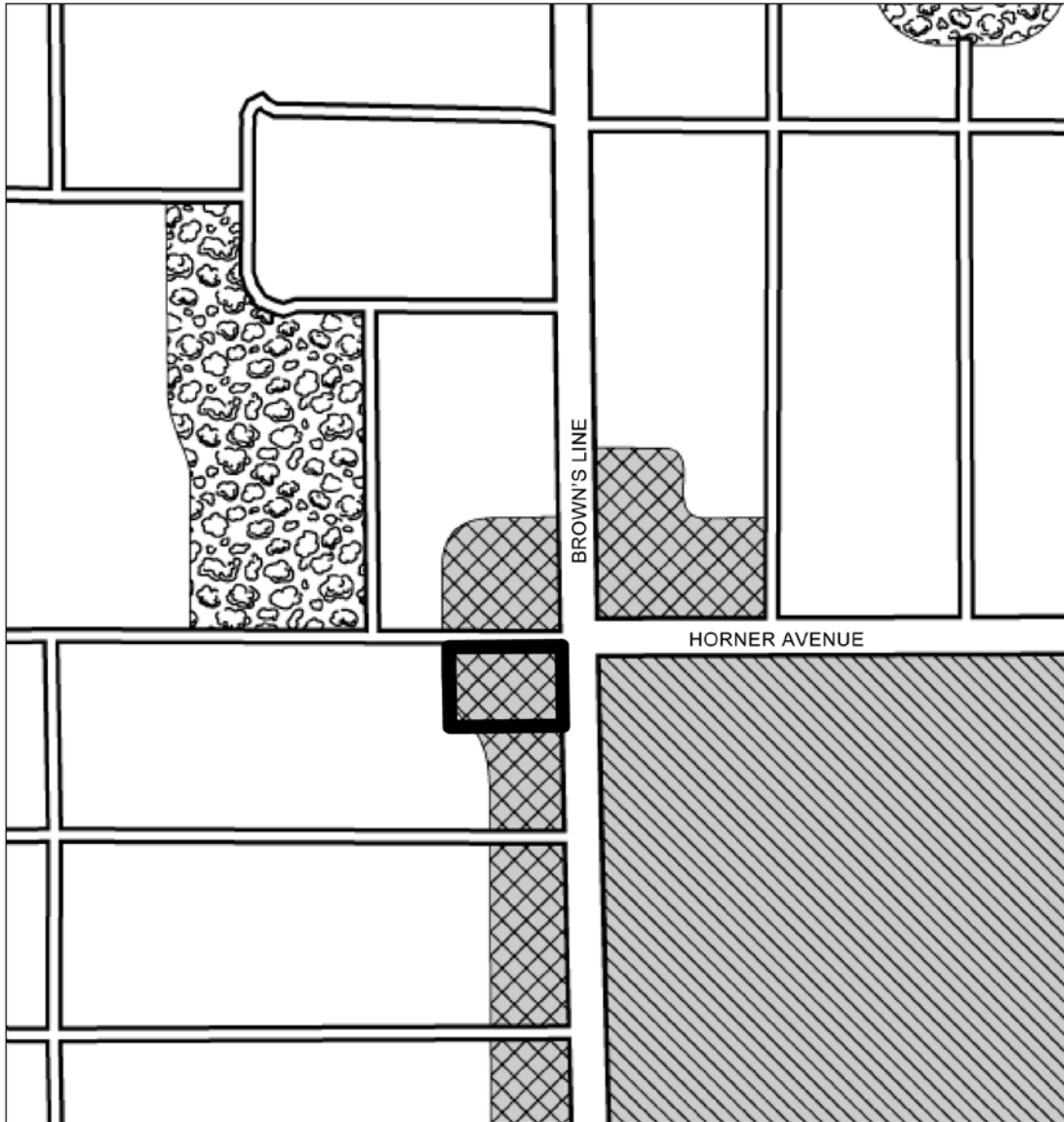
- Attachment 8: Site Plan
- Attachment 9: North Elevation
- Attachment 10: South Elevation
- Attachment 11: West Elevation
- Attachment 12: East Elevation
- Attachment 13: Height Map



Attachment 1: Location Map










Attachment 2: Official Plan Land Use Map



**TORONTO**  
 Official Plan Land Use Map #15

408 Brown's Line

File # 18 16 204076 WET 06 02

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

  
 Not to Scale  
 05/23/2018


Attachment 3: Zoning By-law Map – Etobicoke Zoning Code




Former City of Etobicoke By-law No. 11,737

408 Brown's Line

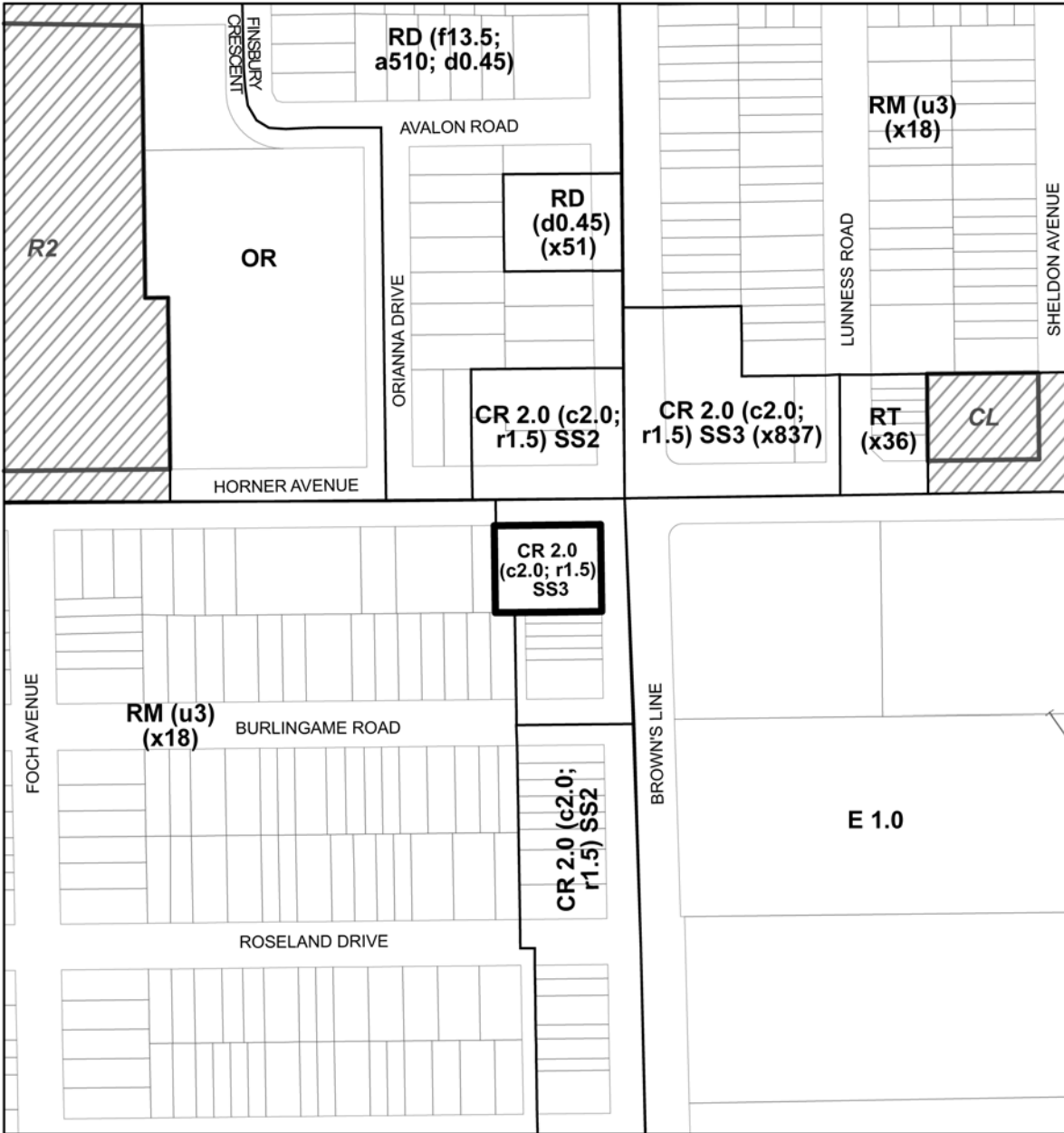
File # 16 204076 WET 06 02

 Location of Application

- |     |                                  |      |                    |
|-----|----------------------------------|------|--------------------|
| R2  | Second Density Residential       | I.C1 | Class 1 Industrial |
| R3  | Third Density Residential        | OS   | Open Space         |
| R4G | Fourth Density Group Residential | CL   | Limited Commercial |

  
 Not to Scale  
 Extracted: 05/23/2018


Attachment 4: Zoning By-law Map – By-law No. 569-2013



City of Toronto By-law No. 569-2013

408 Brown's Line


File # 16 204076 WET 06 02

 Location of Application

 See Former City of Etobicoke By-Law No. 11,737

- RD Residential Detached
- RT Residential Townhouse
- RM Residential Multiple
- CR Commercial Residential
- E Employment Industrial
- OR Open Space Recreation

- R2 Second Density Residential
- CL Limited Commercial

  
 Not to Scale  
 Extracted: 05/23/2018

## Attachment 5: Application Data Sheet

Application Type Details	Rezoning Rezoning, Standard	Application Number: Application Date:	16 204076 WET 06 OZ August 9, 2016
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Municipal Address: 408 BROWN'S LINE

Location Description: PLAN 2175 LOTS 43 54 & 55 PT LOT 56 \*\*GRID W0601

Project Description: Proposed development of a 4 to 6 storey mixed-use mid-rise building with 268 m<sup>2</sup> of non-residential gross floor area at-grade and 81 residential units. A total of 97 vehicular parking spaces are proposed within a 2-level underground garage.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Sommerville Consulting & Construction Management 533 Eglinton Avenue West, Suite 203 Toronto, Ontario M5N 1B1		Romanov Romanov Architects Inc. 375 Parkside Drive Toronto, Ontario M6R 2Z6	RP Long Branch Inc. 65 RoyalPark Way Woodbridge, Ontario L4H 1J5

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 2.0 (C2.0; R1.5) SS3	Historical Status:	N
Height Limit (m):	14	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	2,148.6	Height: Storeys:	6
Frontage (m):	38	Metres:	21
Depth (m):	56		
Total Ground Floor Area (sq. m):	1,524		<b>Total</b>
Total Residential GFA (sq. m):	7,431	Parking Spaces:	97
Total Non-Residential GFA (sq. m):	268	Loading Docks	1
Total GFA (sq. m):	7,667		
Lot Coverage Ratio (%):	72		
Floor Space Index:	3.57		

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	1
1 Bedroom:	53
2 Bedroom:	22
3 + Bedroom:	5
Total Units:	81

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	7,431	0
Retail GFA (sq. m):	268	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Jennifer Renaud, Planner</b>
	<b>TELEPHONE:</b>	<b>416-394-2608</b>

Attachment 6: Draft Zoning By-law Amendment – Etobicoke Zoning Code

Authority: Etobicoke York Community Council Item (##) as adopted by City of Toronto Council on (DAY) 2018

**CITY OF TORONTO**  
**Bill No. ~**  
**BY-LAW No. XXXX – 2018**

**To amend Chapter 324 of the Etobicoke Zoning Code, with respect to the lands municipally known in the year 2018 as 408 Brown’s Line**

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, to pass this By-law;

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

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule 1 attached to this By-law.
2. Despite Sections 304-3 (Grade), 304-3 (Height), 320-18 (B)(2), 320-18 (C)(2a), 320-18 (C)(3), 320-23 (A), 320-23 (B), 320-23 (C), 320-23 (D), 320-23 (J), 320-23 (M), 320-93, 320-79 (A), 320-79 (B), 320-79 (C), 320-82, the following provisions must apply to the lands described on Schedule A attached hereto. Where the provisions of this by-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
3. The provisions of the Zoning Map referred to in Section 320-5 of the Zoning Code shall apply to the lands in Schedule 2 designated as Limited Commercial (CL), unless inconsistent with the provisions of this By-law in which case this By-law prevails. For the purpose of this By-law the following definitions must apply:
  - a. “**grade**” means 102.85 metres Canadian Geodetic Datum.
  - b. “**height**” means the vertical distance measured from grade to the highest point of a **building** or **structure**.
  - c. “**lands**” means the Lands as described in Schedule A attached to this By-law.
  - d. “**owner**” means the registered owner(s) of the municipally known property 408 Browns Line
4. The area shown with a maximum **height** of 21 metres, exclusive of a maximum of 1 metre mechanical penthouse, on Schedule B shall also be limited to 6 storeys in **height**.

5. No part of any **building** or **structure** on the **lands** may exceed the **heights** specified by the number following the letter "H" on Schedule B, except for the following:
  - i) window washing equipment and lightning rods may project above the **height** limits to a maximum of 2.0 metres shown on Schedule B;
  - ii) privacy screens, wind mitigation features, terrace dividers, cabanas, covered stairs or stair enclosures, fences, and trellises may project above the **height** limits shown on Schedule B to a maximum of 2.75m;
  - iii) heating and cooling units, towers, stacks and associated components, elevator shafts, make-up air units, emergency generator and lighting fixtures may project above the **height** limits shown on Schedule B to a maximum of 2.0 metres;
  - iv) parapets, railings, terraces, patios, planters, balustrades, bollards, stairs, safety railings, guard railings, accessory structures, chimneys, vents, stacks, and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes and vents, and roofs may project above the **height** limit shown on Schedule B to a maximum of 1.5 metres; and
  - v) elements of the roof of the building or structure used for green roof technology or alternative roofing system may project the **height** limits shown on Schedule B to a maximum of 0.6 metres.
6. The portions of a **building** or **structure** above ground must be located within the area delineated by heavy black lines on Schedule B of this By-law, except the following:
  - a) bay windows, lighting fixtures, cornices, architectural cladding or design features, sills, eaves, awnings, art installations and the structures, elements and enclosures permitted by Section 5 of this By-law by a maximum projection of 0.6 metres beyond the lines shown on Schedule B; and
  - b) balconies and canopies can extend beyond the heavy black lines shown on the attached Schedule B by a maximum of 2.0 metres provided the balconies do not extend beyond the **lot** lines shown on Schedule A.
7. Above and below-grade **building** setbacks must be measured from the existing right-of-way limits of Brown's Line and the newly established Horner Avenue right-of-way limits..

8. The maximum total **gross floor area** permitted must not exceed 8,000 square metres, of which:
  - a. the residential **gross floor area** must not exceed 7,700 square metres;
  - b. the non-residential **gross floor area** must not exceed 280 square metres; and
  - c. the ground floor non-residential **gross floor area**, which has a maximum **gross floor area** of 280 square metres, is considered ancillary to the mixed-use building.
9. For the purpose of calculating the **gross floor area** permitted on the Lands the following areas may also be excluded: residential amenity area, parking below **grade**, bicycle parking, storage rooms, mechanical rooms, stair wells, elevation shafts, garbage rooms and shafts, and ground floor commercial service areas.
10. Amenity space must be provided in accordance with the following:
  - a. a minimum of 2 square metres per **dwelling unit** of outdoor amenity space must be provided;
  - b. a minimum of 2 square metres per **dwelling unit** of indoor amenity space must be provided; and
  - c. at least 40 square metres of outdoor amenity space is in a location adjoining or directly accessible to the indoor amenity space.
11. A restaurant or eating establishment must be set back at least 23.0 metres from the adjacent Residential zone.
12. The maximum number of **dwelling units** permitted is 81 of which 6% of all dwelling units must be three or more-bedroom **dwelling units**.
13. The maximum **lot coverage** on the **lands** is 72%.
14. The minimum residential **parking space** supply must be based on the following ratios:
  - (i) Bachelor dwellings at 0.8 **parking spaces** per **dwelling unit**, up to 45 square metres, and 1.0 **parking space** per bachelor **dwelling unit** greater than 45 square metres;
  - (ii) One-bedroom **dwelling units** at 0.9 **parking space** per **dwelling unit**;
  - (iii) Two-bedroom dwelling units at 1.0 parking space spaces per **dwelling unit**;
  - (iv) **Dwelling units** with three or more bedrooms at 1.2 **parking spaces** per **dwelling unit**; and
  - (v) Parking allocated for visitors at 0.2 **parking spaces** per **dwelling unit**.



15. One Type “G” **loading space** is required with the following minimum dimensions:

- a. Width of 4.0 metres;
- b. Length of 13.0 metres
- c. Vertical clearance of 6.1metres

16. A minimum of 4 **accessible parking spaces** must be provided and maintain.

17. A temporary sales centre is a permitted use.

18. As per the peer review conducted on the Noise Compatibility and Air Quality Studies prepared for 408 Brown’s Line the following mitigation measures as identified in the Peer Review document dated January 19, 2018 are to be secured as part of this development:

- (i) The facades, windows and balconies should be upgraded with higher insulation or products rated with noise attenuation such as using double glazed and air space windows, increasing wall thickness with interior gypsum board, and airtight balcony doors or enclosed balconies on the western elevation facing Brown’s Line.

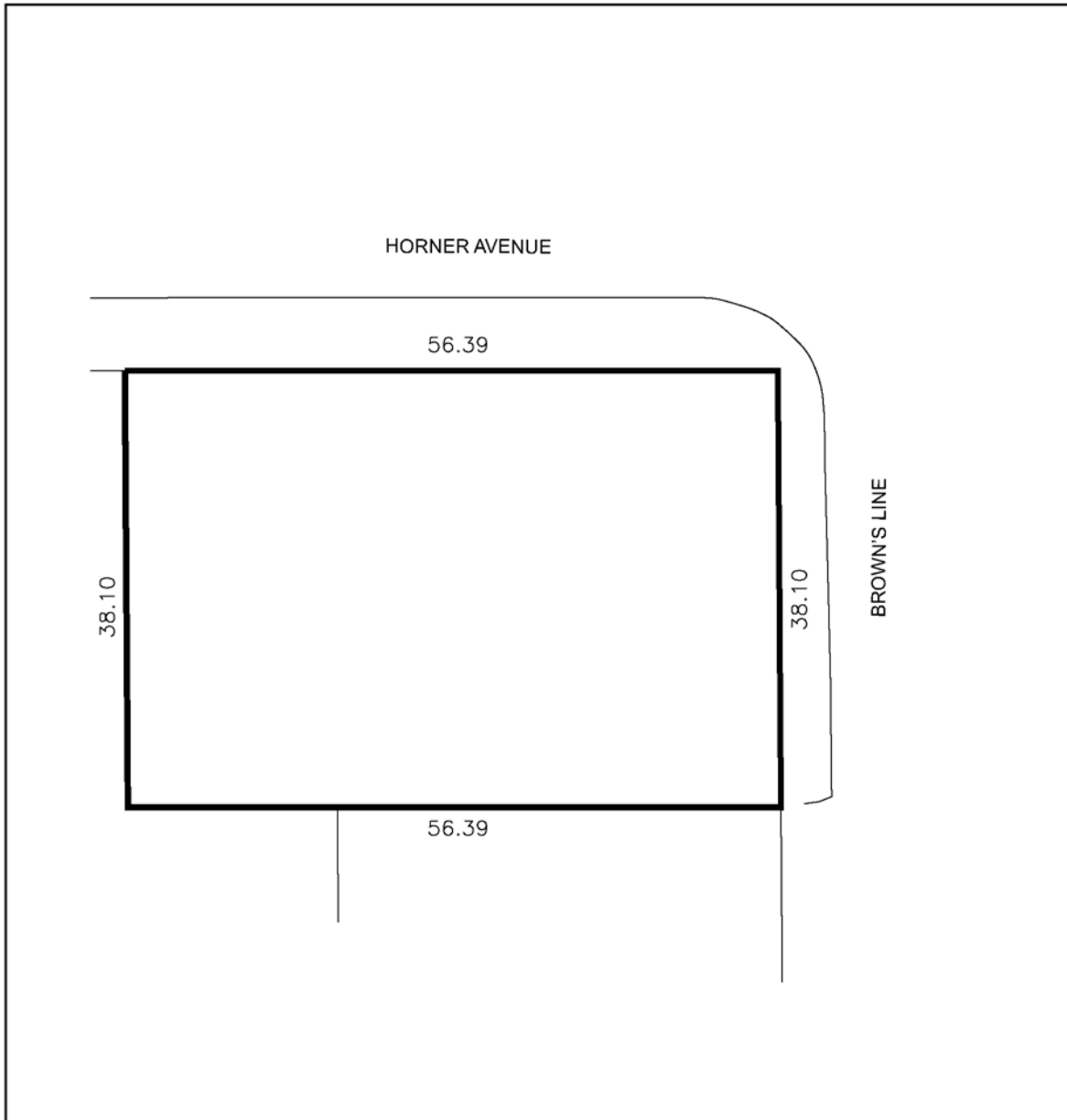
19. Chapter 324 of the Etobicoke Zoning Code is hereby amended to include reference to this by-law by adding the following Section 324-1 Table of Site Specific By-laws:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
2018-XX 2018-XX-XXXX	Lands located on the southwest corner of Brown’s Line and Horner Avenue municipally known as 408 Brown’s Line.	To permit the development of a mixed use development with 81 residential units and 300m2 of non-residential space

ENACTED AND PASSED this ~ day of ~ A.D. 2018.

Name  
Speaker  
(Corporate Seal)

ULLI S. WATKISS  
City Clerk

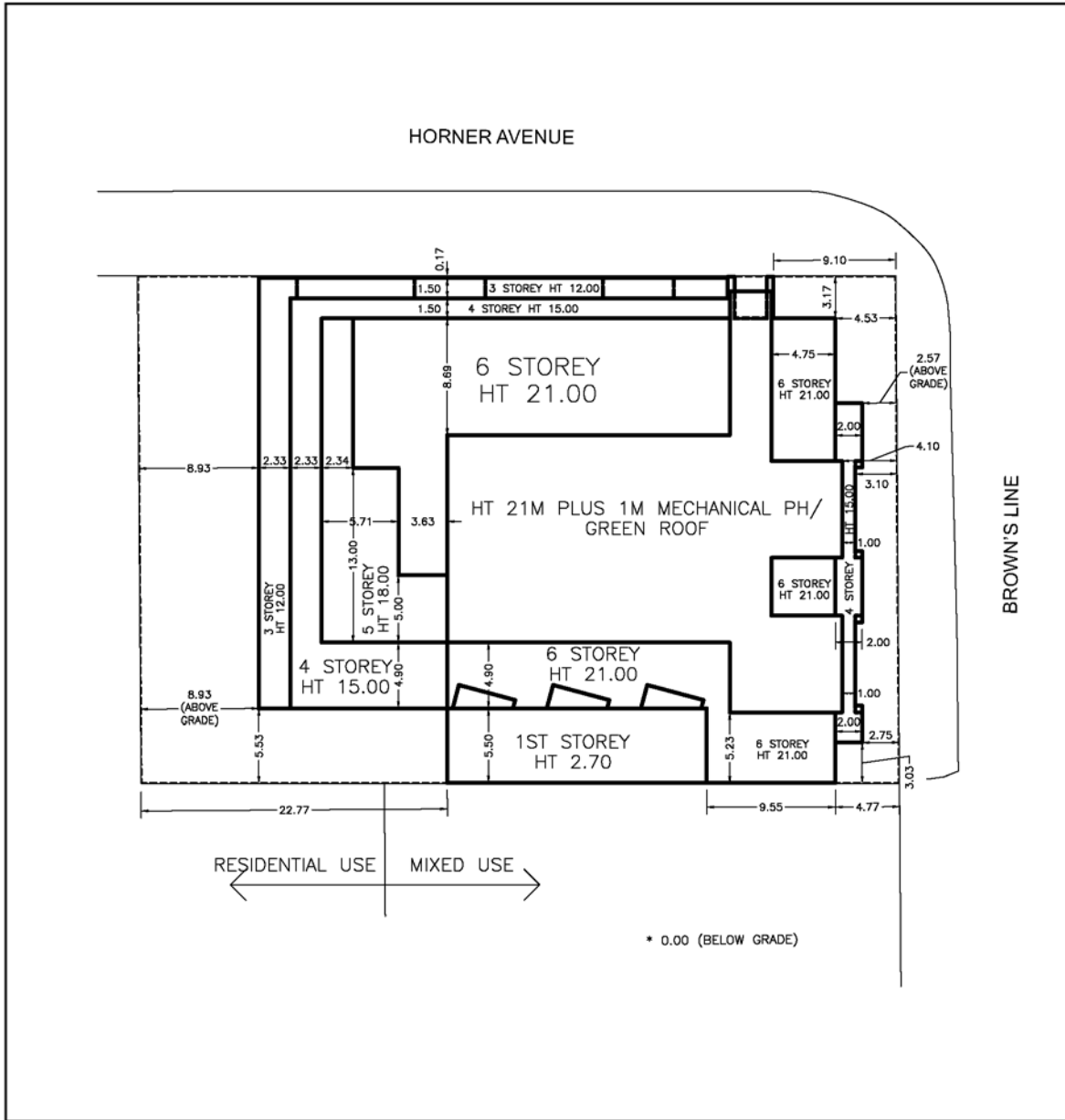


 **TORONTO**  
Schedule A

408 Brown's Line

File # 16 260076 WET 06 0Z

  
Former City of Etobicoke By-Law 11, 737  
Not to Scale  
06/15/2018



**TORONTO**  
Schedule B

**408 Brown's Line**

File # 16 260076 WET 06 0Z

  
 Former City of Etobicoke By-Law 11,737  
 Not to Scale  
 06/15/2018

Attachment 7: Draft Zoning By-law Amendment – By-law No. 569-2013

Authority: Etobicoke York Community Council ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. [XXXX- 2018]**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018, as 408 Brown's Line**

Whereas Council of the City of Toronto has the authority to pursuant to 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

The Council of the City of Toronto enacts:

7. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
8. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
9. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR2.0 (c2.0; r1.5) SS3 (x147), as shown on Diagram 2 attached to this By-law; and
10. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10, Exception Number 147 so that it reads:

**Exception (CR147):**

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

**Site Specific Provisions:**

- (A) On 408 Brown's Line, if the requirement of By-law XXX-2018 (**Clerk's to supply By-law ##**) are complied with, a **building**, or **structure** may be constructed in compliance with regulations (B) to (O) below.
- (B) Despite regulation 40.5.40.10(1), the **height** of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum

elevation of 102.85 metres and the highest point of the **building or structure**.

- (C) Despite regulations 40.10.40.10(3), and 40.5.40.10, no part of any **building or structure** on the **lands** may exceed the **heights** specified by the numbers following the symbol HT as shown on Diagram 3 attached to By-law XXX-2018 except for the following:
- vi) window washing equipment and lightning rods may project above the **heights** shown on Diagram 3 to a maximum of 2.0 metres;
  - vii) privacy screens, wind mitigation features, terrace dividers, cabanas, covered stairs or stair enclosures, fences, and trellises may project above the **heights** shown on Diagram 3 to a maximum of 2.75 metres;
  - viii) heating and cooling units, towers, stacks and associated components, elevator shafts, make-up air units, emergency generator and lighting fixtures may project above the **heights** shown on Diagram 3 to a maximum of 2.0 metres;
  - ix) parapets, railings, terraces, patios, planters, balustrades, bollards, stairs, safety railings, guard railings, accessory **structures**, chimneys, vents, stacks, and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, **structures** and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes and vents, and roofs may project above the **height** limit shown on Diagram 3 to a maximum of 1.5 metres; and
  - x) elements of the roof of the **building or structure** used for **green roof** technology may project above the **height** limits shown on Diagram 3 to a maximum of 0.6 metres.
- (D) Despite clause 40.5.40.70 and regulations 40.10.40.60(1), 40.10.40.60(2), 40.10.40.60(5)(A) and 40.10.40.70 (3) the portions of a **building or structure** above ground must be located within the area delineated by heavy black lines on Diagram 3 attached to By-law XXX-2018 (**Clerk's to supply By-law ##**), except the following:
- (i) bay windows, lighting fixtures, cornices, architectural cladding or design features, sills, eaves, awnings, art installations and the **structures**, elements and enclosures permitted by (C) above to a maximum encroachment of 0.6 metres;
  - (ii) balconies and canopies can extend beyond the heavy black lines shown on Diagram 3 by no more than 2.0 metres; and

- (iii) Despite 40.10.40.60(9) balcony railings/dividers/guards or related architectural details are permitted to project into the required 45 degree angular plane to a maximum of 5 m.
- (E) Despite regulation 40.10.40.40(1), the maximum permitted **gross floor area** must not exceed 8,000 square metres;
  - (i) the maximum residential **gross floor area** must not exceed 7,700 square metres;
  - (ii) the maximum non-residential **gross floor area** must not exceed 280 square metres; and
  - (iii) the ground floor non-residential uses, which have a maximum **gross floor area** of 280 square metres, may be considered ancillary to the **mixed-use building**.
- (F) Despite regulation 40.50.40.40(3) for the purpose of calculating the **gross floor area** permitted on the **lands**, the following areas may also be excluded: garbage rooms and ground floor service areas associated with the commercial uses.
- (G) Despite regulation 40.10.40.50(1) **amenity space** must be provided in accordance with the following:
  - (i) a minimum of 2 square metres per **dwelling unit** of outdoor **amenity space**;
  - (ii) a minimum of 2 square metres per **dwelling unit** of indoor **amenity space**; and
  - (iii) at least 40 square metres of the outdoor **amenity space** is in a location adjoining or directly accessible to the indoor **amenity space**.
- (H) A maximum 81 **dwelling units** are permitted on the **lot**, of which a minimum of 6% must be three or more-bedroom units.
- (I) Despite regulation 40.10.30.40(1) the maximum **lot coverage** is 72%.
- (J) Despite the parking requirements outlined in Table 200.5.10.1, **parking spaces** must be provided and maintained as follows:

- (i) 0.8 **parking spaces** for each bachelor **dwelling unit**, up to 45 square metres , and 1.0 **parking space** for each bachelor **dwelling unit** greater than 45 square metres;
  - (ii) 0.9 **parking space** for each one-bedroom **dwelling unit**;
  - (iii) 1.0 **parking spaces** for each two-bedroom **dwelling unit**;
  - (iv) 1.2 **parking spaces** for each three or more bedroom **dwelling unit**; and
  - (v) 0.2 **parking spaces** for each **dwelling unit** for residential visitors.
- (K) One Type “G” **loading space** is required with the following minimum dimensions:
- (i) Width of 4.0 metres
  - (ii) Length of 13.0 metres
  - (iii) Vertical clearance of 6.1 meters
- (L) Despite section 200.15.15.4 four accessible **parking spaces** must be provided on site.
- (M) An **eating establishment** must be set back at least 23.0 metres from a **lot** in the Residential Zone Category or Residential Apartment Zone Category.
- (N) As per the peer review conducted on the Noise Compatibility and Air Quality Studies prepared for 408 Brown’s Line the following mitigation measures as identified by the Peer Review letter dated January 19, 2018, are to be secured as part of this development:
- (i) The facades, windows and balconies should be upgraded with higher insulation or products rated with noise attenuation such as using double glazed and air space windows, increasing wall thickness with interior gypsum board, and airtight balcony doors or enclosed balconies on the western elevation facing Brown's Line.

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

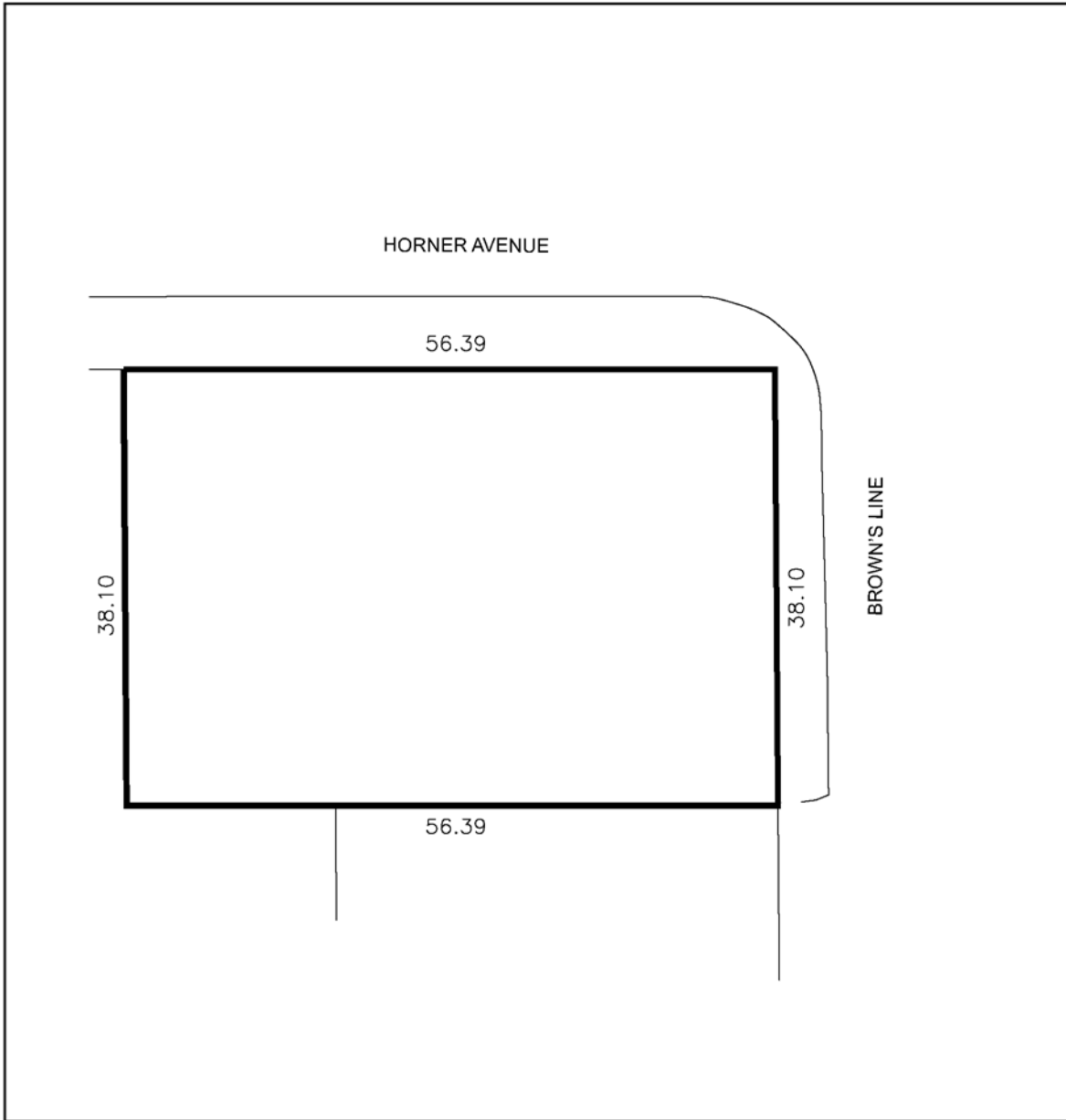
Enacted and passed on **month ##, 20##.**

**Name,**

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



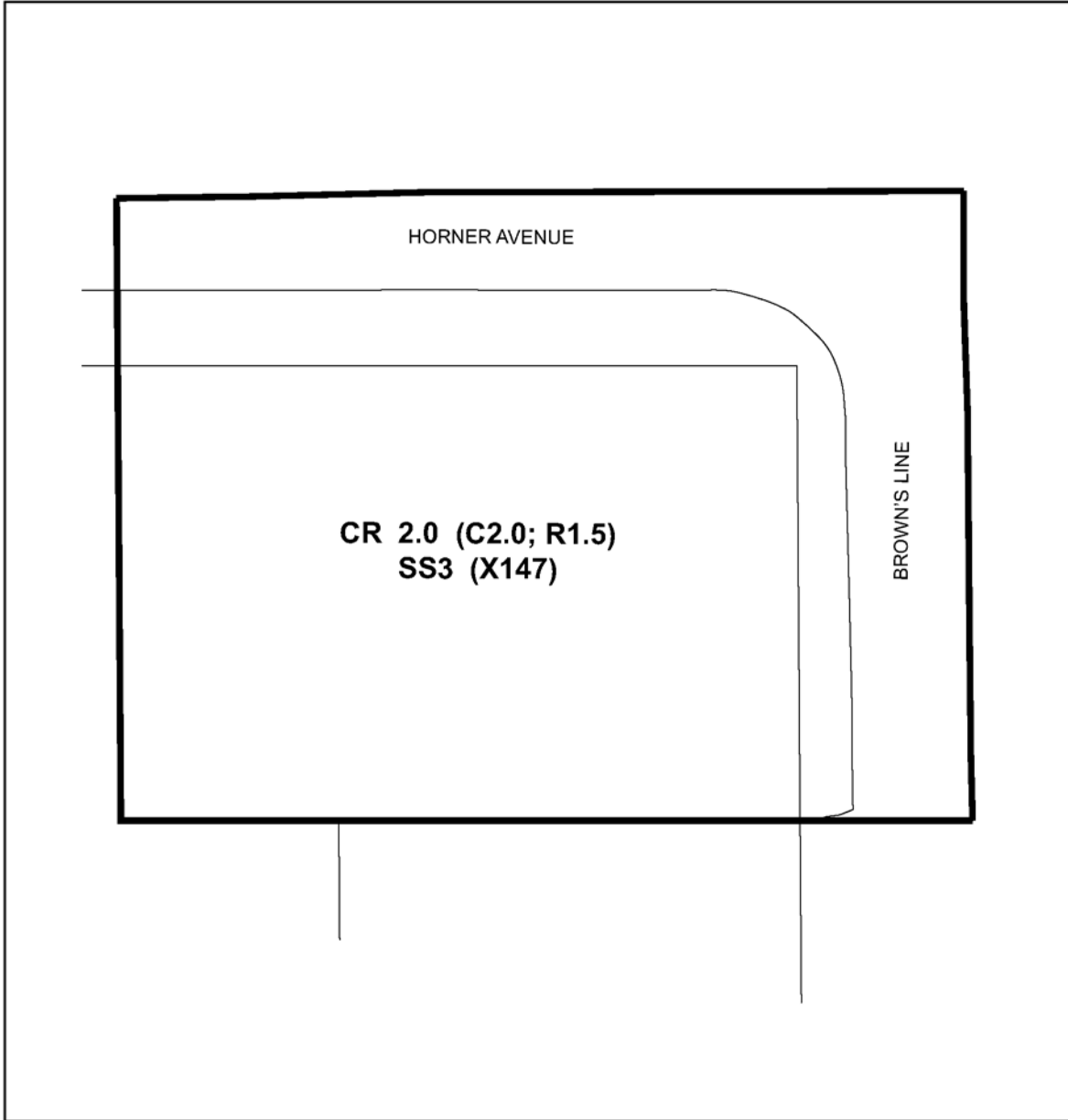
**Toronto**  
**Diagram 1**

**408 Brown's Line**

File # 16 260076 WET 06 02

City of Toronto By-Law 569-2013  
 Not to Scale  
 06/15/2018



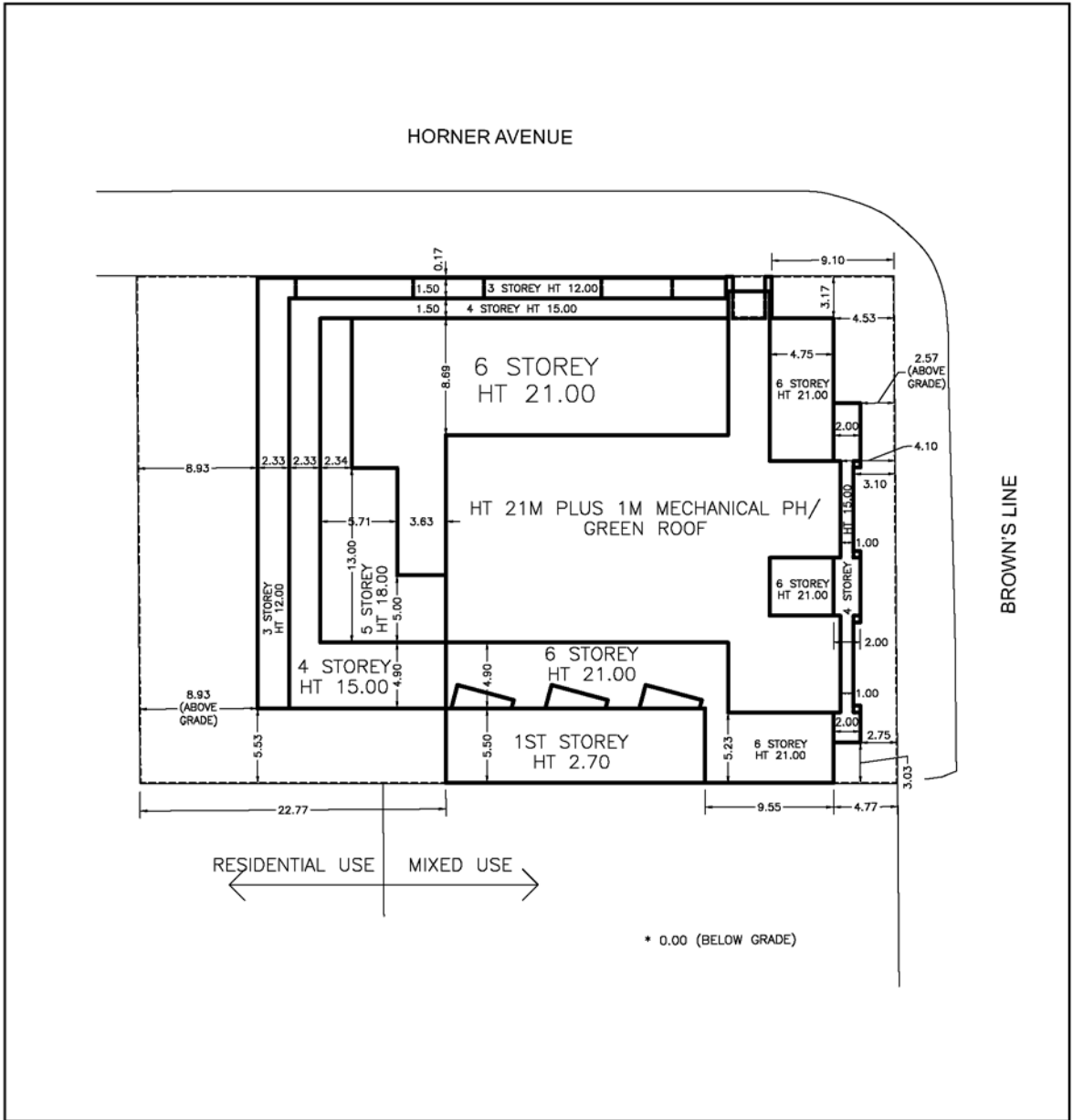


 **TORONTO**  
Diagram 2

408 Brown's Line

File # 16 260076 WET 06 02

  
City of Toronto By-Law 569-2013  
Not to Scale  
06/15/2018



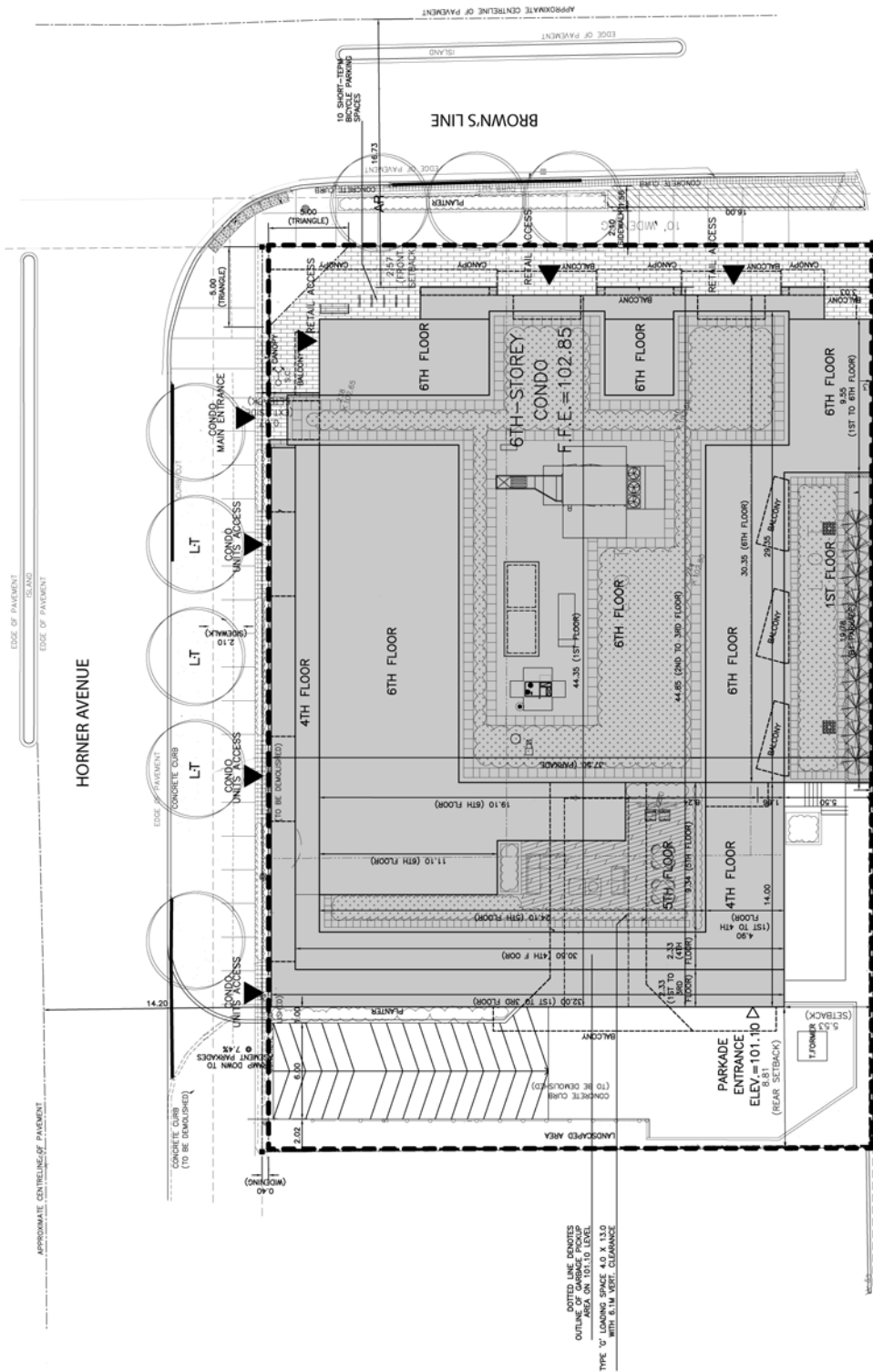
**TORONTO**  
Diagram 3

**408 Brown's Line**

File # 16 260076 WET 06 02

  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 06/15/2018

Attachment 8: Site Plan



408 Brown's Line

File # 16 204076 WET 06 02

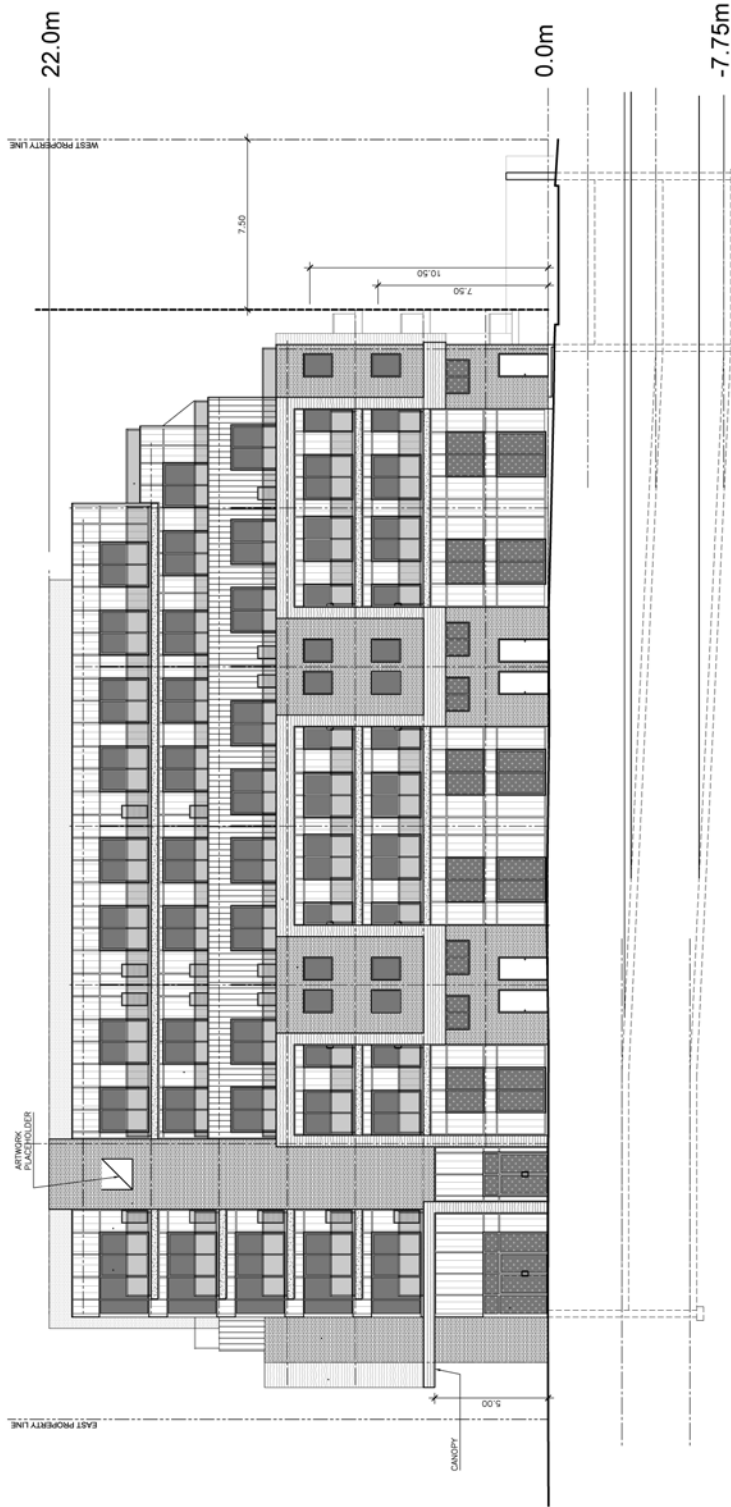
Site Plan

Applicant's Submitted Drawing

Not to Scale  
 05/23/2018



Attachment 9: North Elevation



**North Elevation**

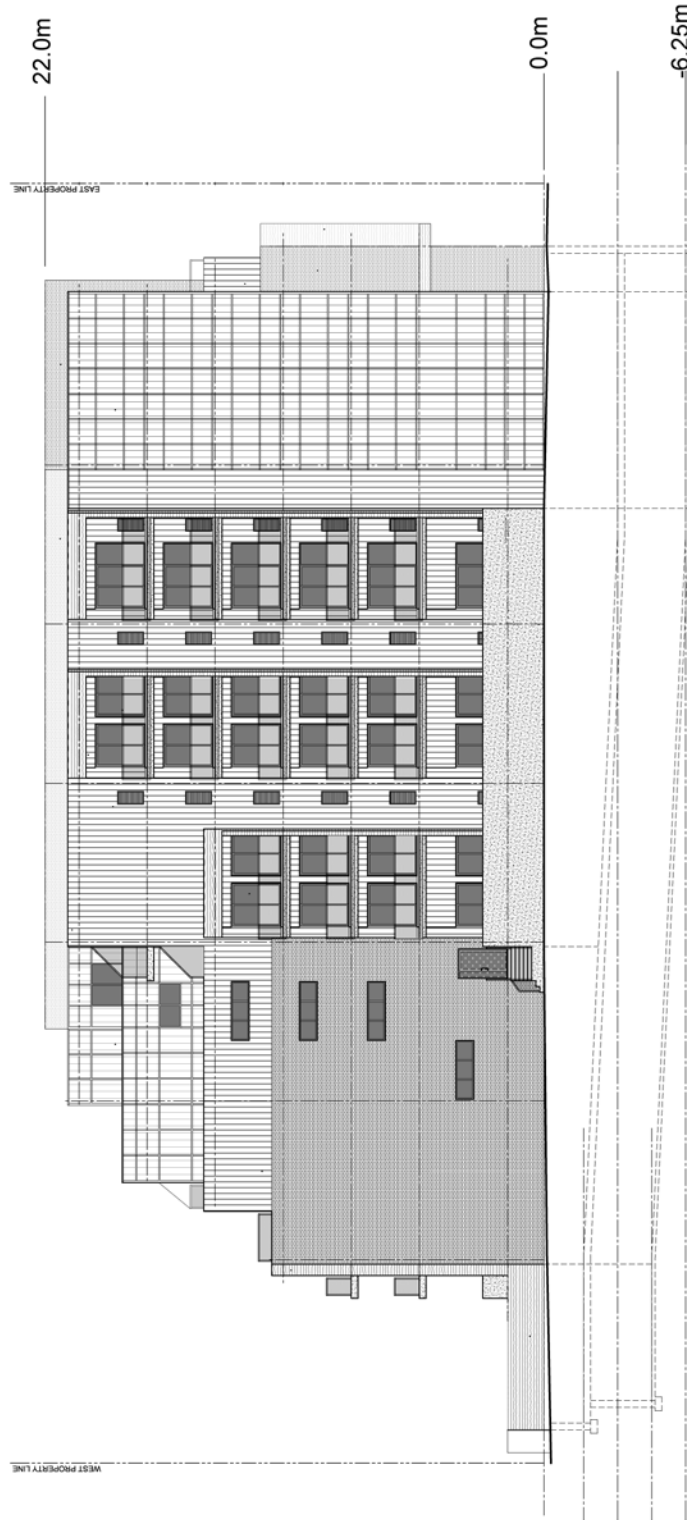
Applicant's Submitted Drawing

Not to Scale  
05/23/2018

**408 Brown's Line**

File # 16 204076 WET 06 0Z

Attachment 10: South Elevation



**South Elevation**

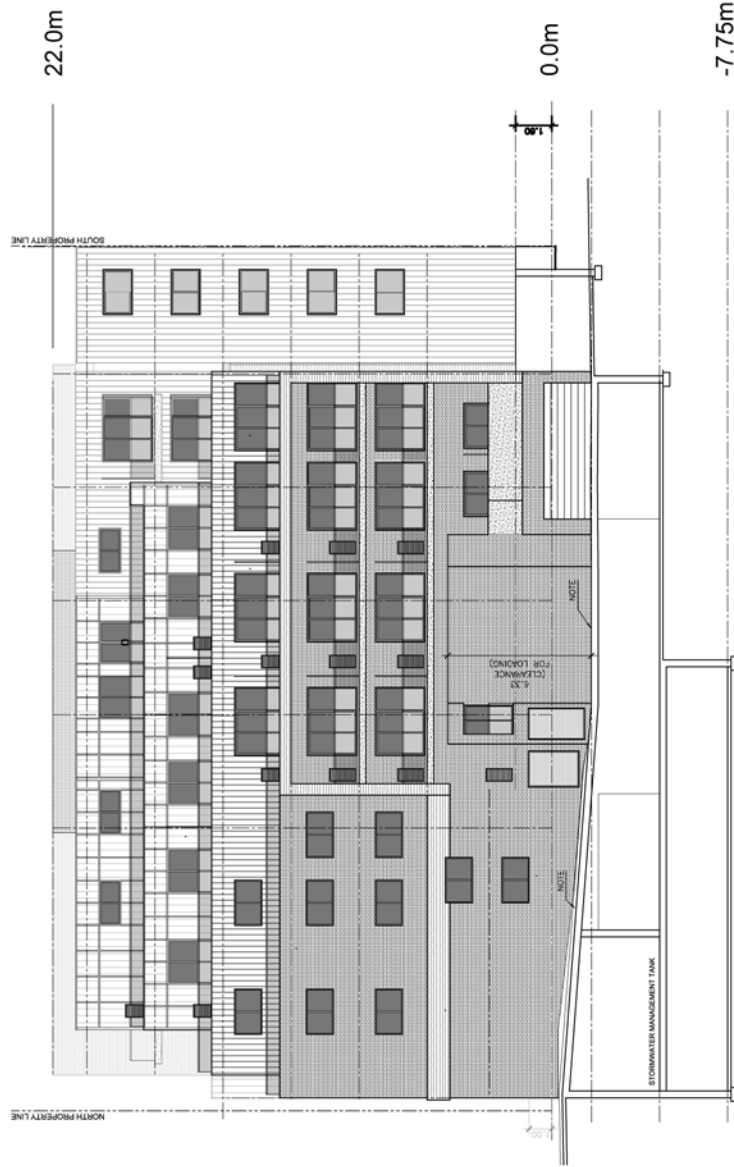
Applicant's Submitted Drawing

Not to Scale  
05/23/2018

**408 Brown's Line**

File # 16 204076 WET 06 0Z

Attachment 11: West Elevation



**West Elevation**

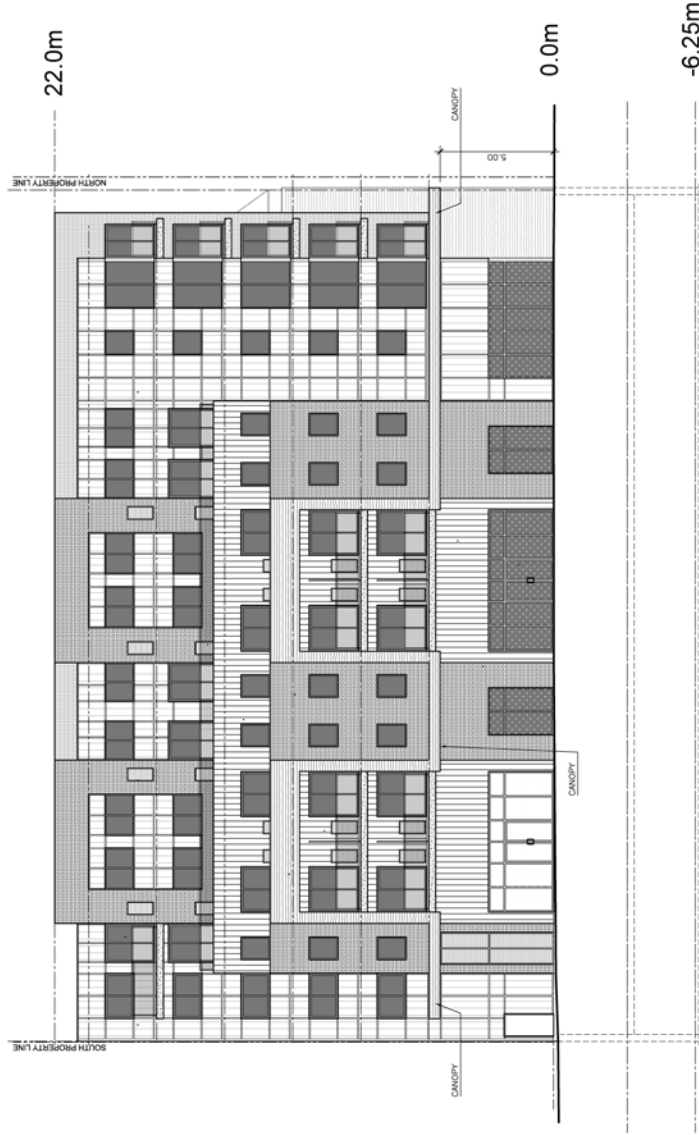
Applicant's Submitted Drawing

Not to Scale  
05/23/2018

**408 Brown's Line**

File # 16 204076 WET 06 02

Attachment 12: East Elevation



**East Elevation**

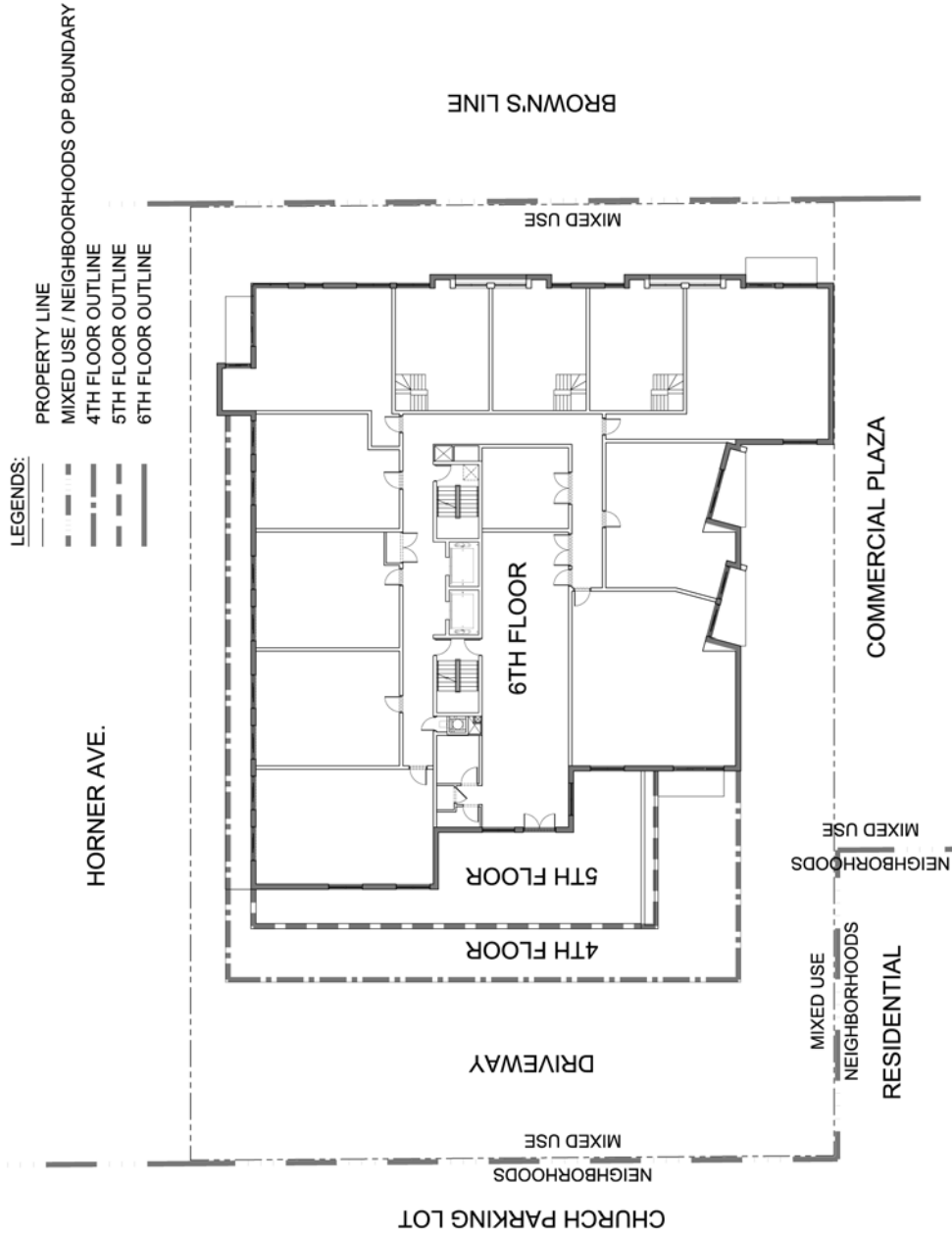
Applicant's Submitted Drawing

Not to Scale  
05/23/2018

**408 Brown's Line**

File # 16 204076 WET 06 0Z

Attachment 13: Height Map



408 Brown's Line

**Height Map**  
 Applicant's Submitted Drawing  
 Not to Scale  
 05/23/2018

File # 16 204076 WET 06 0Z