

400 The East Mall – Zoning By-law Amendment Application – Request for Directions Report

Date: June 18, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 03 – Etobicoke Centre

Planning Application Number: 16 254656 WET 03 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code and Site-Specific Zoning By-law No. 152-2007 to permit a residential development comprising two 4-storey stacked townhouse blocks approximately 13.7 m in height with a residential gross floor area of 4,709 m² and a floor space index (FSI) of 1.02 times the area of the lot at 400 The East Mall. The development would contain a total of 62 dwelling units and provide 82 vehicular parking spaces in a single level parking garage. The site is presently zoned to permit a 12-storey apartment building.

On November 15, 2017, the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board ("OMB"), citing City Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A Pre-Hearing Conference is scheduled for August 15, 2018 before the newly established Local Planning Appeal Tribunal ("LPAT").

The proposal is appropriate for the site and compatible with the surrounding area. The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

The purpose of this report is to seek City Council's direction with respect to the position of the City at the LPAT.

This report recommends that City Council direct the City Solicitor, together with appropriate City staff, to support the proposal at the LPAT, subject to a number of conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with Planning staff and other appropriate staff to attend the Local Planning Appeal Tribunal (LPAT) hearing in support of the application to settle the appeal of Zoning By-law Amendment Application Number 16 254656 WET 03 OZ at 400 The East Mall, provided all outstanding issues are resolved to the City's satisfaction.
2. In the event that the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold its Order on the Zoning By-law Amendment until the City Solicitor confirms that:
 - a. The submitted Noise Impact Study dated April 3, 2018 prepared by J.E Coulter Associated Limited has been peer reviewed by a third-party Noise Consultant retained by the City of Toronto at the owner's expense and the owner agrees to implement the noise control measures and recommendations identified through the peer review process.
 - b. The owner has revised the Site Plan and Landscape Plan to include a notation, to the satisfaction of the General Manager of Transportation Services that states: "The municipal sidewalk abutting The East Mall frontage of the property shall be reconstructed and designed according to the cross-section requirements of City of Toronto Design Standard No. T-310.010-2, with a minimum width of 2.1 metres, to the satisfaction of the City and at no cost to the municipality".
 - c. The final form of the Zoning By-law Amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, and includes the following provisions:
 - i) A minimum of one (1) on-site parking space for each proposed stacked townhouse dwelling unit with dimensions that comply with the minimum applicable City of Toronto parking space requirements, to the satisfaction of the General Manager of Transportation Services.
 - ii) Appropriate recommendations identified through the peer review of the Noise Impact Study.
3. City Council require a 0.4 m widening along The East Mall 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

The recommendations in this report have no financial impact.

DECISION HISTORY

The site has a previously approved Site-Specific Zoning By-law Amendment (Zoning By-law No. 152-2007) which permits a 12-storey mixed-use apartment building with retail uses at-grade. The maximum number of residential units permitted is 120, the maximum gross floor area permitted is 13,400 m², the maximum permitted Floor Space Index is 2.93, and the maximum building height permitted is 43 m.

A pre-application meeting was held on December 16, 2015. The current application was submitted on November 22, 2016 and deemed complete on December 14, 2016. A Preliminary Report on the application was adopted by Etobicoke York Community Council on April 4, 2017 authorizing staff to conduct a community consultation meeting with an expanded notification area of 360 metres from the site. This report and Community Council's decision can be found at the following week:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY21.3>

ISSUE BACKGROUND

Proposal

The applicant's proposal has been revised since the original submission in December 2016. A summary of the revisions are outlined below in Table 1. The applicant is proposing a residential development comprising two 4-storey stacked townhouse blocks approximately 13.7 m in height with a residential gross floor area of 4,709 m² and a floor space index (FSI) of 1.02 times the area of the lot. The development would contain 62 townhouse units.

Table 1: Summary of Revisions

	Original Submission	Revised Proposal
Site Area (m²)	4,599	4,599
Height (including mechanical penthouse)	3-storeys/ 12.5 m	4-storeys/ 13.7 m
Total Gross Floor Area (m²)	5,104	4,709
Floor Space Index	1.11	1.02
Number of Townhouse Blocks	3	2
Residential Units 1-Bedroom Units 2-Bedroom Units 3-Bedroom Units	60 24 (40%) 24 (40%) 12 (20%)	62 41(66%) 21(34%) 0
Indoor Amenity Space	0 m ²	100 m ² (1.61 m ² /unit)
Outdoor Amenity Space	0 m ²	260 m ² (4.2 m ² /unit)
Vehicular Parking Spaces Residential Visitor	68 60 8	82 68 14
Bicycle Parking Spaces Residential Visitor	60 54 6	68 62 6
Separation Distance Between Blocks Between Block A and Block B Between Block B and Block C	5 m 10 m	10.75 m to 12.4 m Block C has been eliminated

Block A would contain 35 residential units and would front onto The East Mall. Block B would contain 27 residential units and would front onto Burnhamthorpe Road. Block C, which was originally proposed to contain 13 townhouse units, has been eliminated

and replaced by a one-storey amenity building, which would contain the proposed indoor amenity space, the ramp to the underground garage and the garbage collection area. The amenity building would be located at the northwest corner of the site and directly south would be 260 m² of proposed outdoor amenity space and 6 visitor bicycle parking spaces. Adjacent to the outdoor amenity space would be a 6 m wide truck turnaround area, to be signed and demarcated through different materials. The proposed Type G loading space would be located between the amenity building and the north property line.

A 0.4 m road widening conveyance along The East Mall is required. The site is located within the Ministry of Transportation (MTO) permit control area and the applicant is required to provide a 14 m setback for the first 51.5 m along the south property line starting at the southeast corner of the site. Below is a summary of the revised setbacks:

Table 2: Proposed Setbacks

Property Line	Block A	Block B	Amenity Building
North Property Line	10 m	22 m to 28 m	1.25 m
South Property Line	5 m to 7 m (After the 14 m MTO setback)	9.3 m (After the 14 m MTO setback)	34.8 m – 40 m
West Property Line	45.5 m to 52.2 m	6 m to 7.5 m	3 m
East Property Line	5.5 m to 7 m	34 m to 35.5 m	37.8 m

The site layout and organization has been revised since the first submission. The following Table summarizes the proposed separation distances between the various buildings on the property.

Table 3 - Proposed Separation Distances

Blocks	Separation Distances
Between Block A and Block B	10.75 m to 12.4 m
Between Block A and Amenity Building	12.5 m
Between Block B and Amenity Building	10.2 m to 14.5 m

Vehicular access to the site is proposed from The East Mall at the northeast corner of the site via a 6 m driveway that would run parallel to the north property line and would lead directly to the single level underground parking garage.

Site and Surrounding Area

The subject site is located at the northwest corner of Burnhamthorpe Road and The East Mall, and is 0.46 ha in size. It is irregular in shape, with a frontage of 49.6 m on Burnhamthorpe Road and 68.9 m on The East Mall. The site is presently occupied by a 4-storey medical centre, which is vacant, and an associated commercial surface parking lot at grade. The existing topography is such that drainage is directed south to Burnhamthorpe Road, and east to The East Mall and westerly to an existing swale which outlets into the Four Seasons Place storm sewer. Both The East Mall and Burnhamthorpe Road have right-of-way widths of 27 m at this location.

Surrounding land uses include the following:

- North: A five-storey, 250-bed long-term care facility, known as the Eatonville Care Centre (420 The East Mall). Further to the north is Burnhamthorpe Collegiate Institute (a Toronto District School Board secondary school).
- South: On the south side of Burnhamthorpe Road at the southwest corner of The East Mall/Burnhamthorpe Road intersection is a newly built one-storey commercial shopping plaza, and further south is a Loblaws supermarket. At the southeast corner of The East Mall/Burnhamthorpe Road intersection is the Eatonville Library. Immediately south of Loblaws and the Eatonville Library are townhouses and apartment buildings ranging in height from 2 to 4-storeys.
- West: Burnhamthorpe Square, a 12-storey, 6-storey and 2-storey office building complex. Further to the west is Highway 427 and an access ramp interchange.
- East: A low-density residential neighbourhood. Directly east are two, 2-storey single-detached dwellings at the northeast corner of The East Mall/Burnhamthorpe Road intersection (423 and 425 Burnhamthorpe Road); a one-storey single-detached dwelling fronting on The East Mall (453 The East Mall); and several single-detached dwellings that front onto Montebello Gardens. Further to the east is a place of worship.

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 3: 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 criteria 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 the 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.

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 will 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-ordinate 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 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".

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

Zoning

The site is zoned Planned Commercial Preferred (CPP). The CPP zoning permits business uses such as neighbourhood stores, restaurants, professional offices and office buildings, medical, dental and drugless practitioners' clinics and commercial schools, radio, television and film studios, day nurseries and accessory uses. Residential uses are not permitted in a CPP zone (see Attachment 4: Existing Zoning By-law Map).

The site is also subject to Site Specific Zoning By-law No.152-2007 which permits a 12-storey mixed-use apartment building with retail uses at grade. Townhouses are not listed as a permitted use. The maximum permitted gross floor area is 13,400 m² with a permitted height of 43 m. The maximum number of residential units permitted is 120 and the maximum permitted FSI is 2.93. By-law No. 152-2007 amended Chapters 320 and 324 of the former City of Etobicoke Zoning Code.

The Etobicoke Zoning Code continues to apply except where By-law No. 152-2007 provisions conflict. The lands are not subject to the City-wide Toronto Zoning By-law No. 569-2013.

Design Guidelines

Urban Design Guidelines for Infill Townhouses

The City of Toronto Urban Design Guidelines for Infill Townhouses articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes and adjacent properties and integrating new development into existing neighbourhoods. The Guidelines provide a framework for site design and built form to achieve liveable spaces with an appropriate scale and form of development by detailing how new development should be organized to fit within the existing context and minimize local impacts. The Guidelines also speak to the important role of streetscapes in improving the quality and safety of the public street experience for pedestrians, cyclists and motorists.

Townhouse and Low-Rise Apartment Guidelines

A comprehensive update of the Townhouse Guidelines is underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the City Council approved 2006 Guidelines to reflect a broader range of multi-dwelling development up to four storeys in height.

The latest draft of the Townhouse and Low-Rise Apartment Guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/01/964c-townhouse-low-rise-guidelines-02-2017.pdf>

Prior to presenting a finalized version of these Guidelines for City Council adoption, staff are refining and consulting upon the draft Guidelines, in part through their use during the review of development applications.

Site Plan Control

A Site Plan Control application has been submitted is being reviewed concurrently with this application.

Reasons for the Application

Amendments to the former City of Etobicoke Zoning Code and Site Specific Zoning By-law No. 152-2007 are required to permit the proposed townhouse development as a residential use, as well as to provide applicable performance standards such as height, density, setbacks and parking to facilitate the proposed development.

Application Submission

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

- Planning Rationale with Community Services and Facilities Review;
- Noise Impact Study;

- Servicing Report;
- Traffic Impact Study;
- Toronto Green Standard Checklist; and
- Arborist Report.

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 will assist in formulating appropriate Zoning By-law standards should the LPAT approve the Zoning By-law Amendment.

Community Consultation

Planning staff together with the Ward Councillor held a community consultation meeting on April 24, 2017 within the Council Chambers of the Etobicoke Civic Centre. Approximately 4 area residents were in attendance, as well as the applicant's consulting team. 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:

- Insufficient amount of proposed parking considering the unit breakdown;
- Potential traffic impacts on The East Mall, specifically when making a right-hand turn onto Burnhamthorpe Road via southbound on The East Mall; and
- Limiting the permitted on-street parking opportunities along The East Mall.

COMMENTS

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 occupied by a vacant building located in a *Mixed Use Areas* designation and is suitable for intensification. The application proposes a well-designed compact built form that would fit harmoniously within the existing context 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 a residential use 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 introducing 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 an underutilized parcel of land. The proposal would introduce new residential units to an area that is well served by public transit, community services and facilities and commercial services.

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 facilitates, 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 providing a compact built form on an underutilized parcel of land that provides for new residential uses 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 a residential use that is adjacent commercial services and community facilities.

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.

This proposal is consistent with the PPS and addresses all the above noted policies, with contextually appropriate intensification that makes efficient use of an underutilized parcel of land and existing services, including proximity to public transportation. The proposal provides for new residential uses 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 by providing a 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 new residential 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 subject property is designated *Mixed Use Areas* and zoned Planned Commercial Preferred (CPP). Site-Specific Zoning By-law No. 152-2007 permits a 12-storey apartment building with retail uses at-grade. The *Mixed Use Areas* designation allows for the proposed townhouse uses; however townhouses are not permitted within a Planned Commercial Preferred zone or in Site-Specific Zoning By-law No.152-2007.

The site is considered suitable for the proposed land use as it would introduce a built form that would be consistent with the surrounding area. Staff are of the opinion the proposal would be a sensitive infill project that can take advantage of nearby amenities and infrastructure while maintaining a respectful built form that does not adversely impact the surrounding neighbourhood.

Height, Massing and Site Organization

The Official Plan's Built Form policies direct new development to be designed to fit with its existing and/or planned context, frame and support adjacent streets, parks and open spaces, and limit its impact on neighbouring streets, parks and properties.

The introduction of townhouses on this site would not have a negative impact on the surrounding area, as the site is adjacent to residential uses and would be compatible and consistent with the existing context east and northeast of the site.

The townhouse blocks would be 4-storeys or 13.7 m in height, including the mechanical equipment. The office buildings to the west of the site have building heights of 6 and 12-storeys. The single-detached residential uses on the north side of Burnhamthorpe Road and on the east side of The East Mall have a permitted building height of 9.5 m.

The proposed height is appropriate for the site as it fits with the existing context of the area and provides a transition in height and scale from the taller office buildings on the west to the single-detached dwellings to the east and northeast of the site. Site-Specific Zoning By-law No. 152-2007 permits a height of 12-storeys and 43 m for this site. The proposed development of 4-storeys would provide a more appropriate relationship in terms of transition and compatible built form to the adjacent *Neighbourhoods* designated lands located on the east side of The East Mall.

The townhouse blocks would frame both The East Mall and Burnhamthorpe Road and provide a front yard setback from The East Mall property line that would range from approximately 5.5 m to 7.2 m and approximately 9.2 m from the Burnhamthorpe Road property line. The proposed front yard setbacks are generally consistent with the front yard setbacks of the existing detached dwellings along the east side of The East Mall and Montebello Gardens, as well as the north side of Burnhamthorpe Road. The proposed front yard setback from the public sidewalk along The East Mall would accommodate the building entry, front stoop and landscaping.

The proposed townhouses blocks would have a separation distance of 10.75 m to 12.4 m between the primary elevation of Block A and the side elevation of Block B. The proposed separation distance provides for visibility to the dwellings in the interior of the site from the public realm along Burnhamthorpe Road, pedestrian walkways and connections through the site and sufficient sunlight and skyview within the site.

The development would include a combination of hard and soft landscape elements to achieve connectivity through the site. Along both The East Mall and Burnhamthorpe Road frontages and between the townhouse blocks would be sidewalks, pedestrian walkways and soft landscaping. The pedestrian walkways would provide connection between the blocks and to the amenity building. A central open space of approximately 260 m² would provide a common outdoor amenity area for the development and provide a gathering space and play area for the residents. The amenity space and landscaped areas are to be designed with consistent materials and treatment to ensure a cohesive and comprehensive landscape treatment for the development. The landscape details will be secured through the Site Plan Control review process.

All vehicular parking is to be located below-grade and the proposed ramp, as well as the garbage collection and storage area will be incorporated within the amenity building to the rear of the site, limiting the negative impact of the service areas on the public realm, shared open space and adjacent properties.

Staff are of the opinion that the proposed height, massing and layout are acceptable for the development and fits within the surrounding built form context.

Noise Impact Study

The Official Plan requires that sensitive land uses adjacent to transportation corridors be appropriately designed and buffered to prevent adverse effects from noise and to promote safety. To assist in identifying impacts and potential mitigation measures, the applicant was required to submit a Noise Impact Study. The applicant will be responsible for implementing any required mitigation measures for the development.

Provincial regulations require compliance with the Ministry of Environment and Climate Change (MOECC) noise guidelines (formerly NPC-2015, currently NPC-300). New provincial noise guidelines (NPC-300) were introduced in 2013 which replaces and consolidated previous 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 applicant submitted a Noise Impact Study, prepared by J.E. Coulter Associates Limited in support of the application. The predominant source of transportation noise and concern would be in relation to the site's proximity to Highway 427.

The submitted Noise Impact Study is currently being peer reviewed by a third-party Noise Consultant retained by the City of Toronto. Staff are recommending that the LPAT

be requested to withhold its Order until the peer review is completed and the owner agrees to implement the noise control mitigation measures and recommendations identified through the peer review process. The purpose of the peer review is to ensure that the proposal will be appropriately located and designed to minimize any land use compatibility issues and that recommended mitigation measures are identified for inclusion in the design of the development. All the recommended mitigation measures would be included in the development's design and would be secured in the Zoning By-law and Site Plan Agreement, where appropriate.

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 concur with its findings.

Vehicular access to the proposed underground garage and loading space would be provided from The East Mall, at the northeast corner of the site. A Type G loading space would be located at-grade between the amenity building and the north property line.

A total of 68 residential vehicular parking spaces and 14 visitor spaces would be provided within the underground garage. Transportation Services staff consider the proposed number of vehicular parking spaces to be adequate for the number of residential units and visitor spaces.

Transportation Services staff recommend a minimum of one (1) on-site parking space for each proposed stacked townhouse dwelling unit with dimensions that comply with the minimum applicable City of Toronto parking space requirements be required to service this development.

Road Widening

A 0.4 m road widening along The East Mall is required to satisfy the Official Plan requirements. The conveyance of this road widening has been included as a recommendation to the approval of this application 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 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 design of the proposal would result in an attractive, pedestrian-oriented streetscape. Block A would front onto The East Mall and would be setback approximately 5.5 m to 7.2 m from the property line and Block B would front onto Burnhamthorpe Road and would be setback approximately 9.3 m from the property line. The front yards would include landscaping and front porches. The proposed townhouses blocks would have a separation distance of 10.75 m to 12.4 m, providing access and views into the site.

The required 14 m MTO setback at the south portion of the site along the Burnhamthorpe Road frontage would be landscaped and would provide a pedestrian connection between the site and the TTC bus stop at the northwest corner of Burnhamthorpe Road and The East Mall.

Transportation Service staff require the owner to revise the Site Plan and Landscape Plan to include a notation, to the satisfaction of the General Manager of Transportation Services, that states: "The municipal sidewalk abutting The East Mall frontage of the property shall be reconstructed and designed according to the cross-section requirements of City of Toronto Design Standard No. T-310.010-2, with a minimum width of 2.1 m, to the satisfaction of the City and at no cost to the municipality". This revision will ensure there is a consistent streetscape and sidewalk width along The East Mall.

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 The East Mall and Burnhamthorpe Road.

Servicing

The applicant submitted a Functional Servicing Report and Stormwater Management Report with the application. The objectives 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 existing infrastructure.

Engineering and Construction Services staff have reviewed both the Functional Servicing and Stormwater Management Reports and have accepted the findings of both that the development can be accommodated by existing infrastructure.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle 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 two stacked townhouse blocks containing 62 units on a site totalling 4,599 m².

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 532 m² or 116% 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 uses. In total, the parkland dedication requirement is 460 m².

Parks, Forestry and Recreation staff advise the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. Cash-in-lieu is appropriate as a dedication of 460m² is not a suitable size to develop a programmable park within the existing context of this development site. The site is located near existing parks, including Cronin Park and East Mall Park. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the 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 in the Zoning By-law Amendment and through 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 m² of gross floor area. The applicant is proposing a gross floor area of 4,700 m², which is less than 10,000 m². 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 and Public Realm policies, as well as the draft Townhouse and Low-Rise Apartment Guidelines. Staff are of the opinion that the proposal is consistent with the PPS (2014), does not

conflict with the Growth Plan (2017) and complies with the Official Plan policies and the intent of the draft Townhouse and Low-Rise Apartment Guidelines.

The revised proposal represents a substantial improvement over the original application. The development would result in a building height, scale and separation distance between the blocks that achieve an appropriate on-site fit, as well as with the existing and planned context for the area, and represents an appropriate level of intensification. Appropriate measures would be implemented to ensure compatibility and safety due to the site's proximity to Highway 427. The proposed development includes an appropriate amount of new landscaped open space as well as indoor and outdoor amenity space for the residents.

Staff are recommending that City Council direct the City Solicitor and other City staff to attend the LPAT to support the revised development and appeal of the Zoning By-law Amendment application, subject to the conditions as outlined in this report.

CONTACT

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E-mail: Jennifer.Renaud@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 5: Site Plan
- Attachment 6: Block A – North and South Elevations
- Attachment 7: Block A – East and West Elevations
- Attachment 8: Block B – North and South Elevations
- Attachment 9: Block B – East and West Elevations
- Attachment 10: Block C – North and South Elevations
- Attachment 11: Block C – East and West Elevations

APPLICATION DATA SHEET

Municipal Address: 400 THE EAST MALL **Date Received:** November 22, 2016

Application Number: 16 254656 WET 03 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to permit 2 townhouse blocks at 4-storeys in height that includes 62 residential units and an amenity building at the rear of the site.

Applicant	Agent	Architect	Owner
HUNTER & ASSOCIATES LTD			400 THE EAST MALL DEVELOPMENT INC.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas	Site Specific Provision: By-law No. 152-2007
Zoning: Planned Commercial Preferred (CPP)	Heritage Designation: N
Height Limit (m): 43 m	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 4,599 Frontage (m): 49.6 Depth (m): 68.9

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,292	1,292
Residential GFA (sq m):			4,709	4,709
Non-Residential GFA (sq m):				
Total GFA (sq m):			4,709	4,709
Height - Storeys:			4	4
Height - Metres:			13.7	13.7

Lot Coverage Ratio (%): 28 Floor Space Index: 1.02

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	4,709	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			62	62
Condominium:				
Other:				
Total Units:			62	62

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			41	21	
Total Units:			41	21	

Parking and Loading

Parking Spaces: 82 Bicycle Parking Spaces: 68 Loading Docks: 1

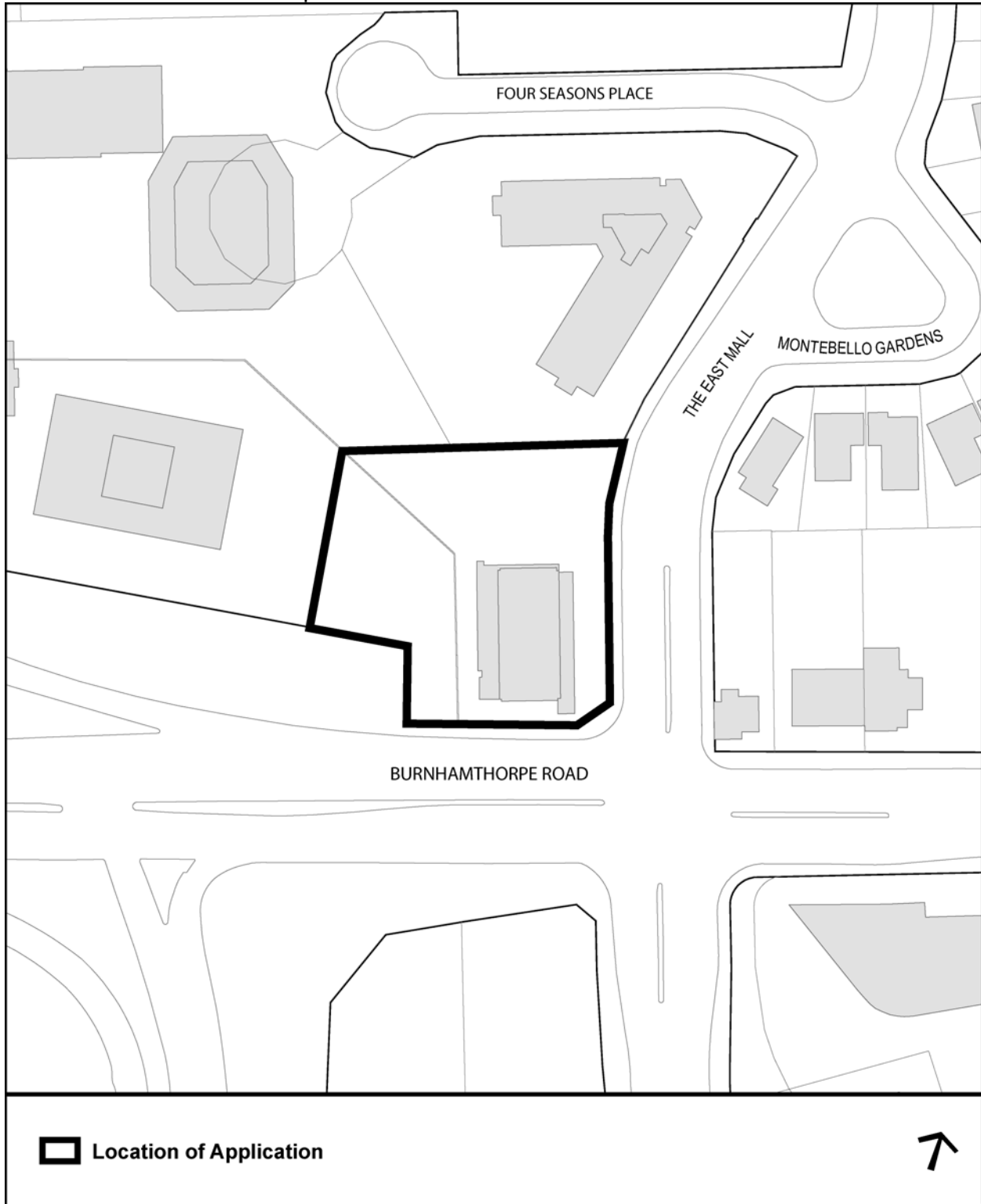
CONTACT:

Jennifer Renaud, Planner

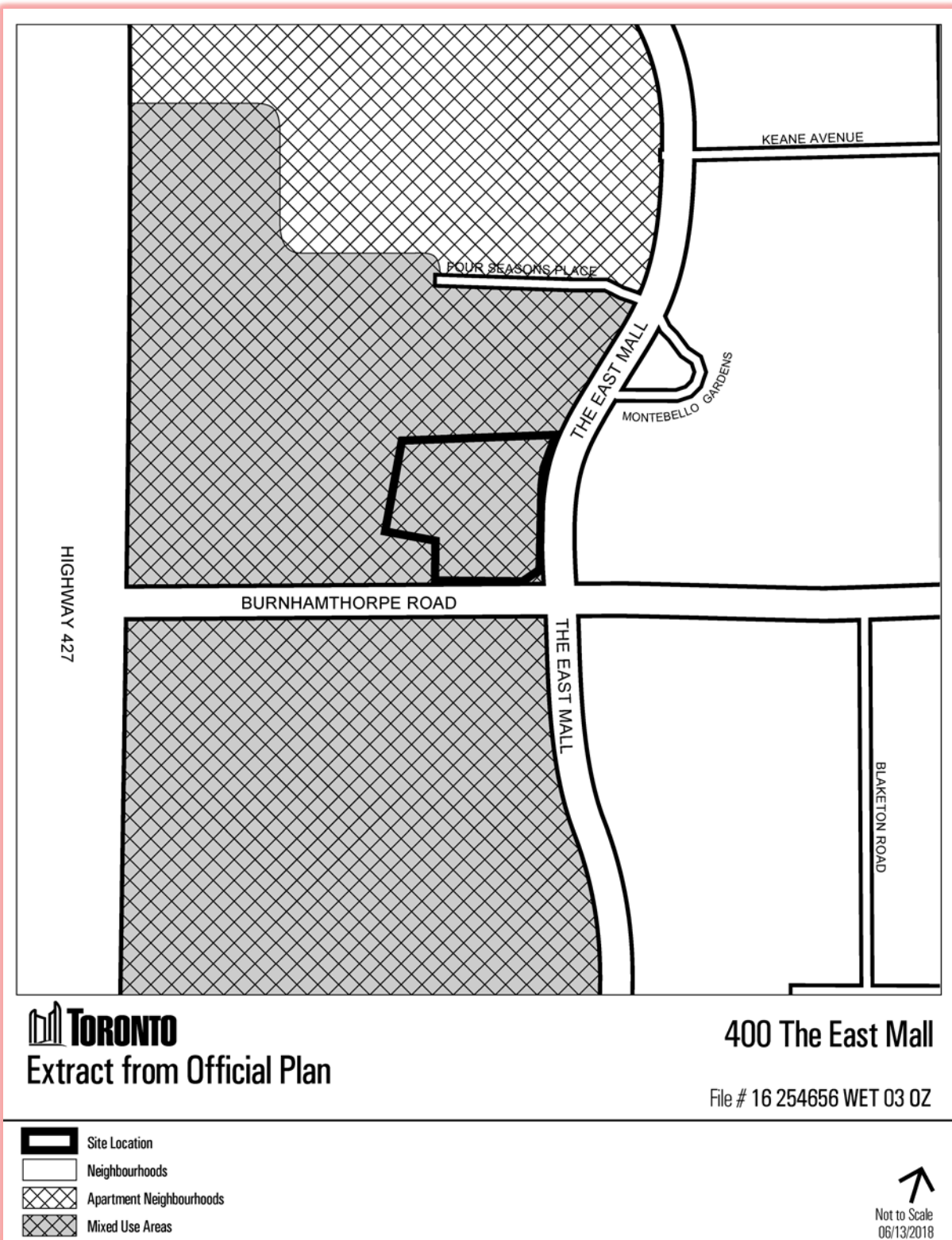
416-394-2608

Jennifer.Renaud@toronto.ca

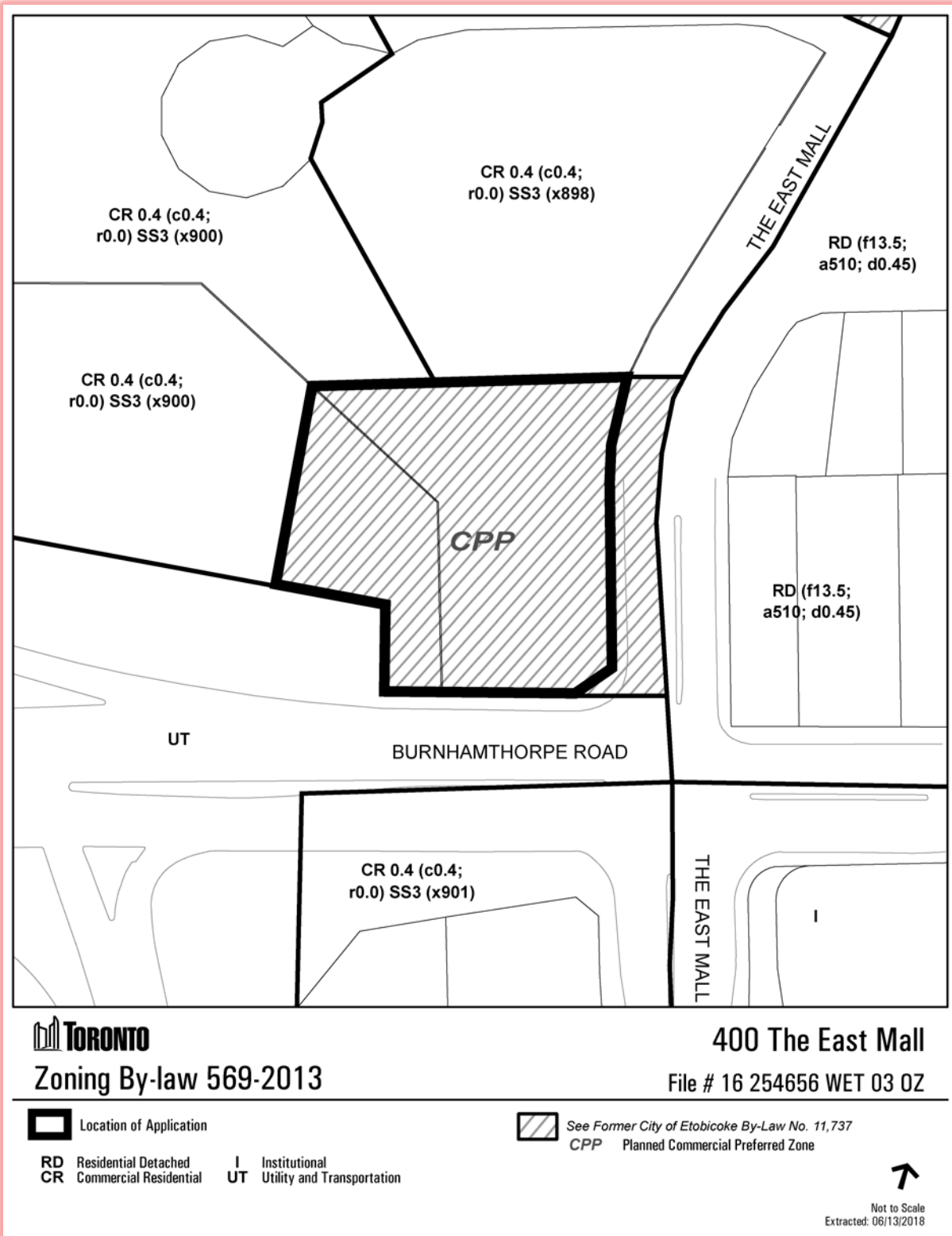
Attachment 2: Location Map



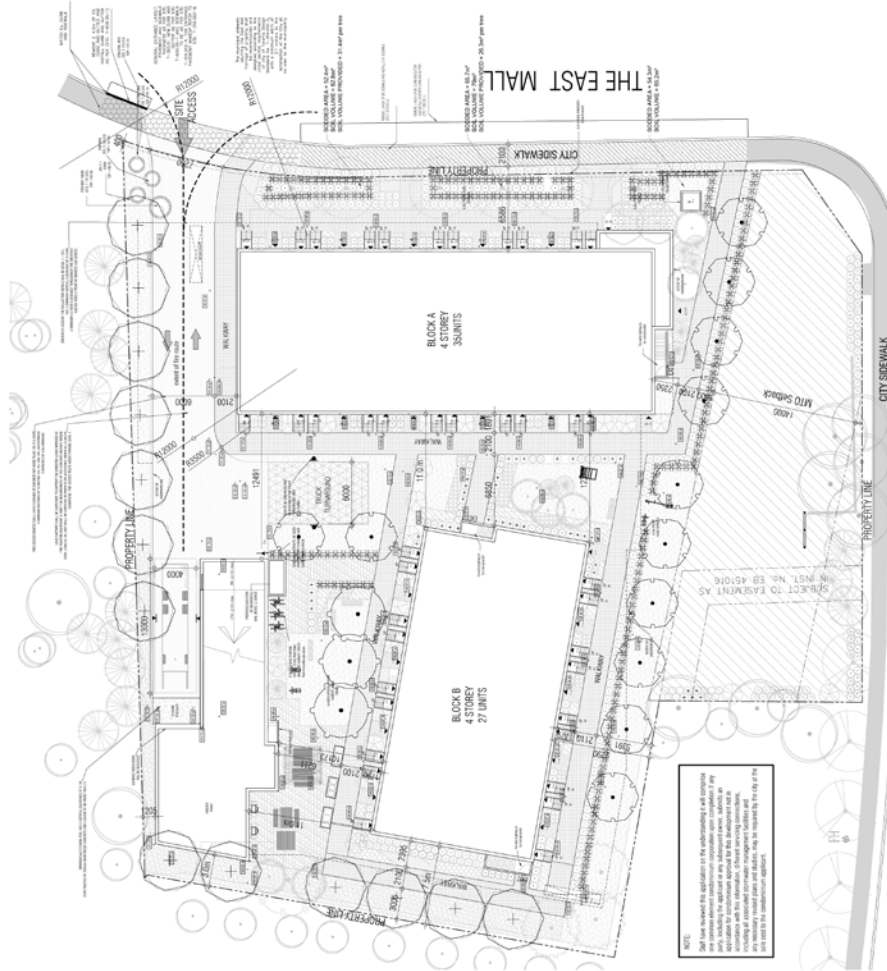
Attachment 3: Official Plan Land Use Map



Attachment 4: Existing Zoning By-law Map



Attachment 5: Site Plan



BURNHAMTHORPE RD

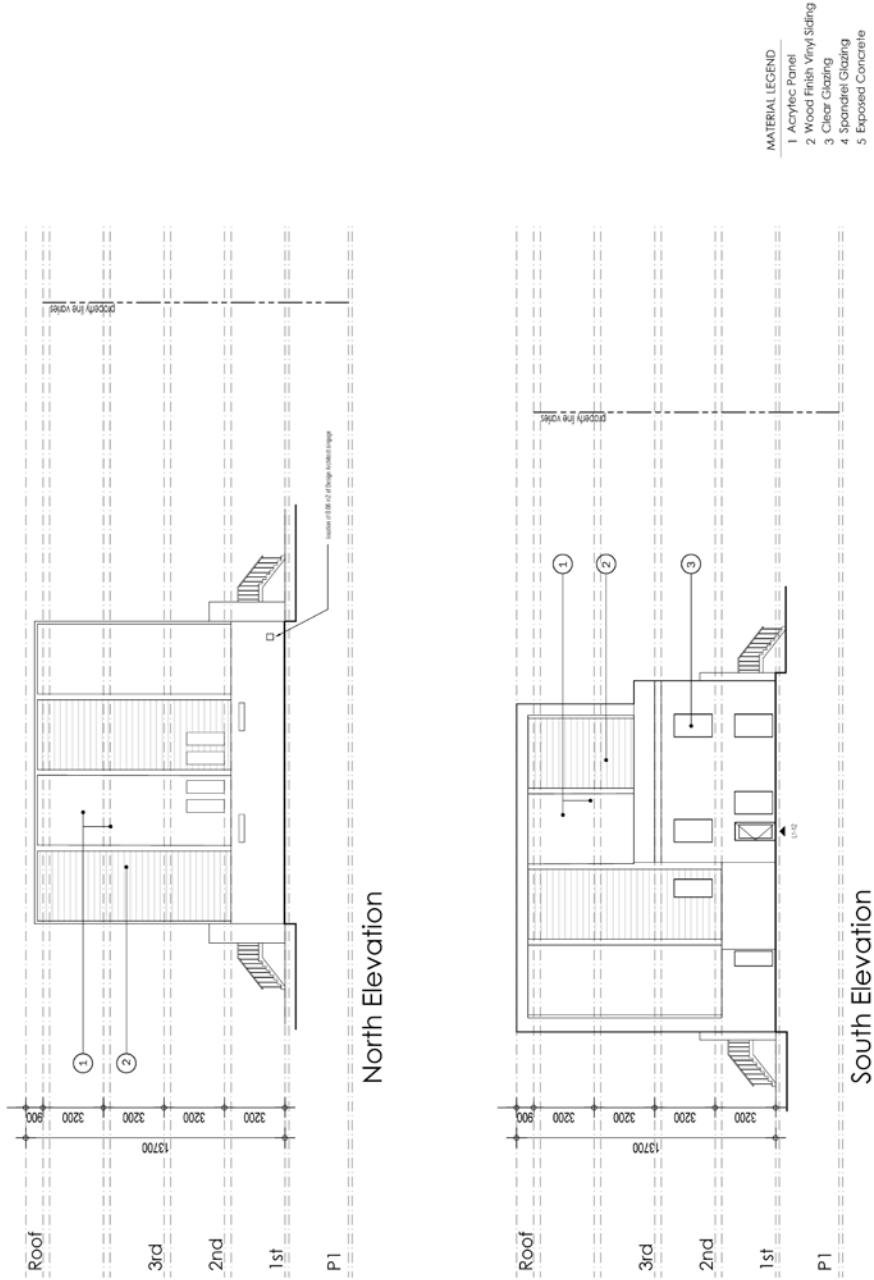
400 The East Mall

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 06/15/2018

File # 16 254656 WET 03 02

Attachment 6: Block A – North and South Elevations



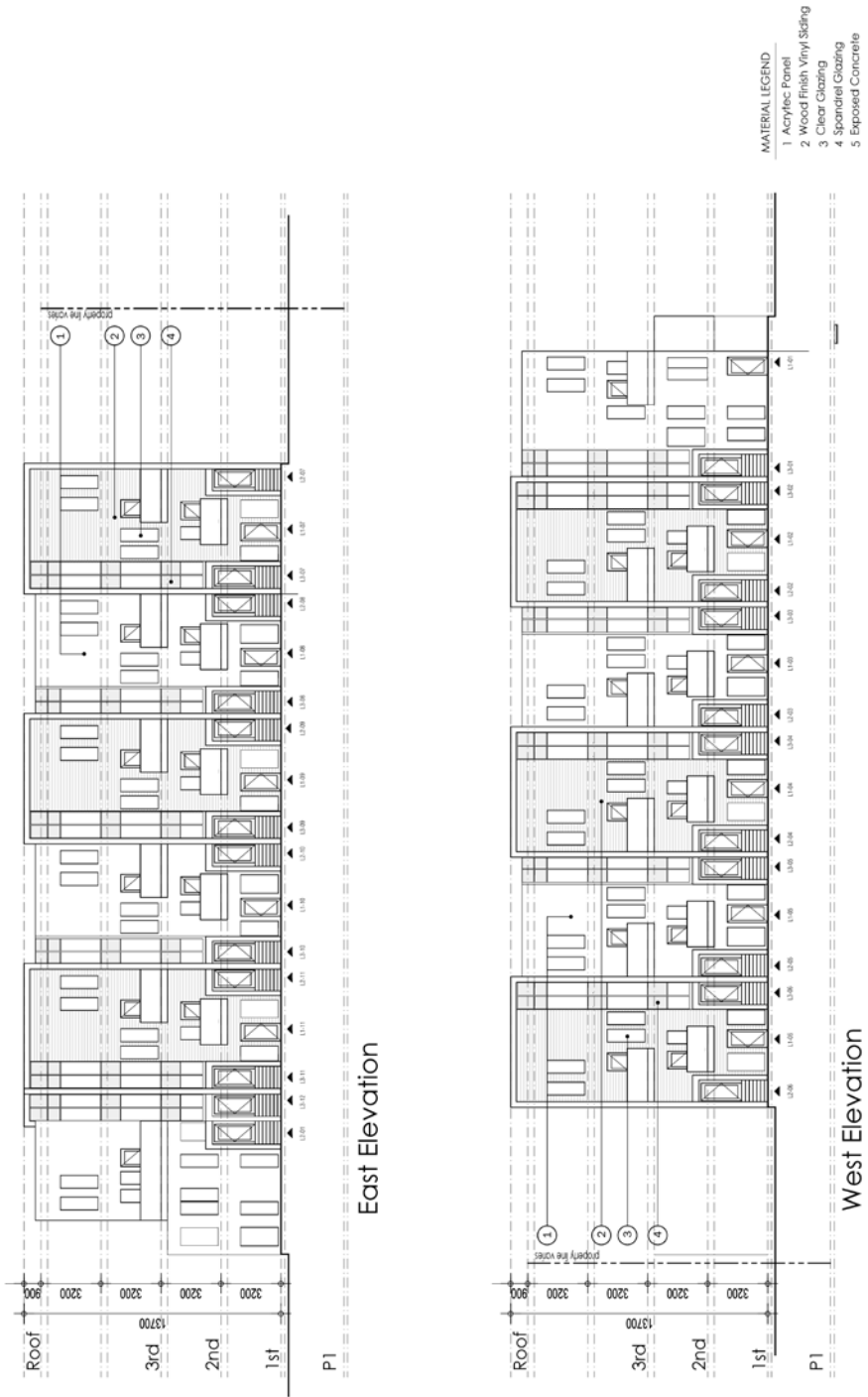
400 The East Mall

File # 16 254656 WET 03 02

Elevations - Block A
 Applicant's Submitted Drawing

Not to Scale
 06/15/2018

Attachment 7: Block A – East and West Elevations



400 The East Mall

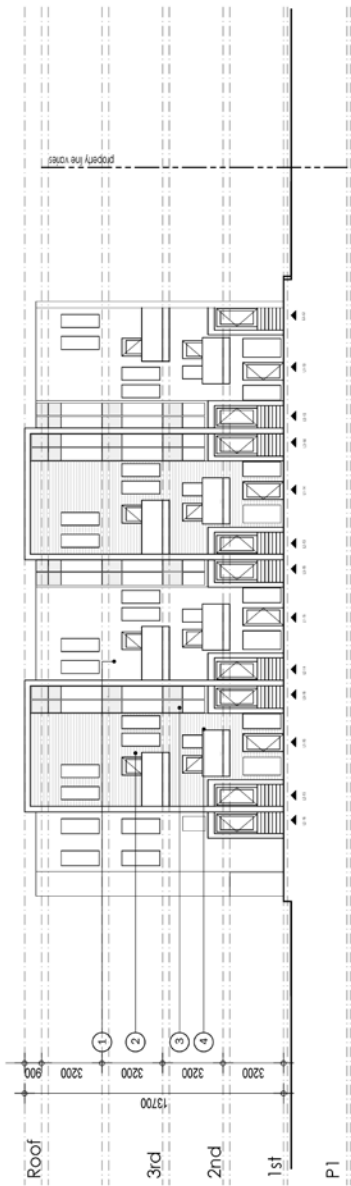
File # 16 254656 WET 03 0Z

Elevations - Block A

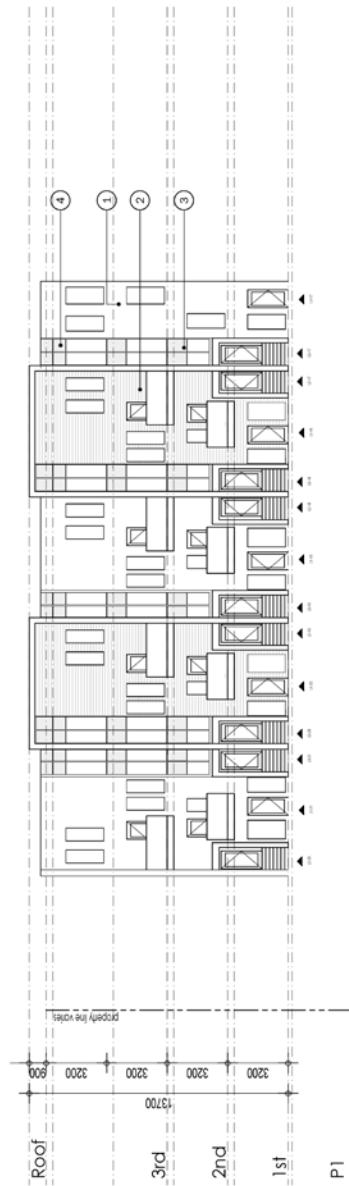
Applicant's Submitted Drawing

Not to Scale
06/15/2018

Attachment 8: Block B – North and South Elevations



North Elevation



South Elevation

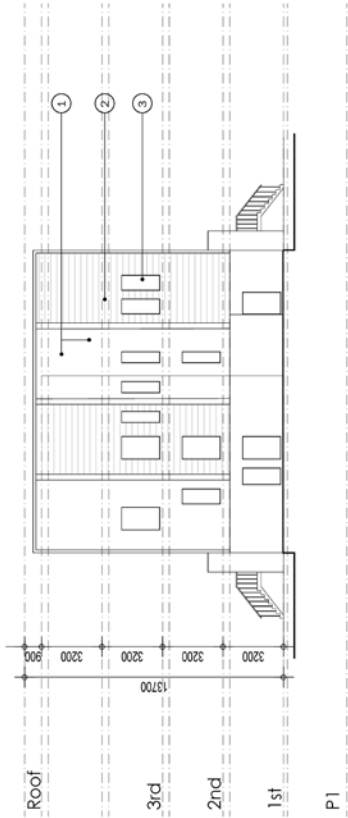
- MATERIAL LEGEND
- 1 Acrylic Panel
 - 2 Wood Finish Vinyl Siding
 - 3 Clear Glazing
 - 4 Spandrel Glazing
 - 5 Exposed Concrete

Elevations - Block B
 Applicant's Submitted Drawing
 Not to Scale
 06/15/2018

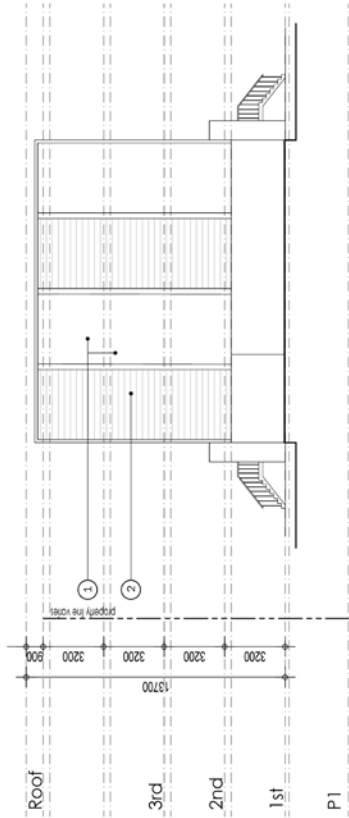
400 The East Mall

File # 16 254656 WET 03 0Z

Attachment 9: Block B – East and West Elevations



East Elevation



West Elevation

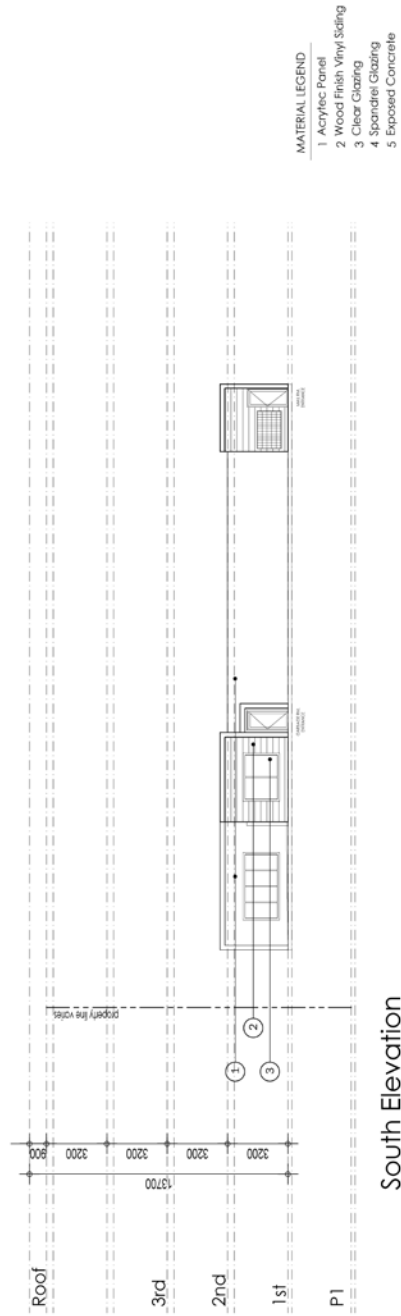
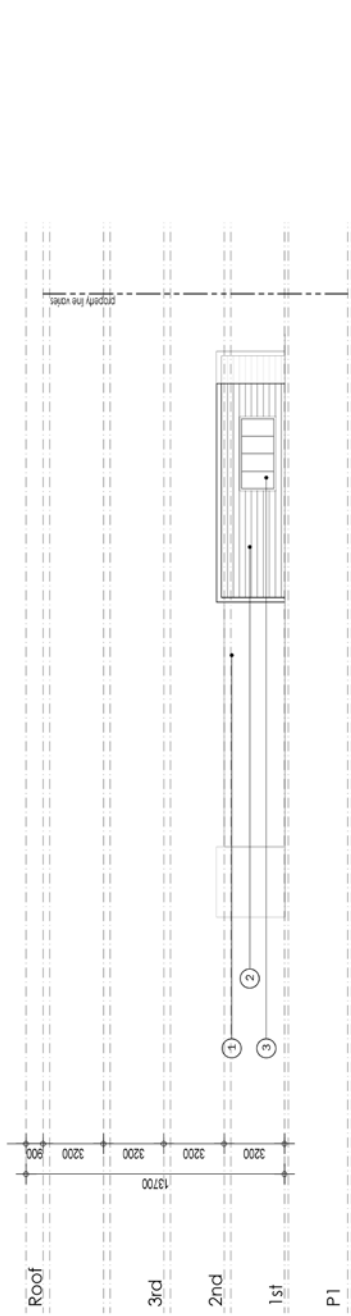
- MATERIAL LEGEND
- 1 Acrylic Panel
 - 2 Wood Finish Vinyl Siding
 - 3 Clear Glazing
 - 4 Spandrel Glazing
 - 5 Exposed Concrete

Elevations - Block B
 Applicant's Submitted Drawing
 Not to Scale
 06/15/2018

400 The East Mall

File # 16 254656 WET 03 0Z

Attachment 10: Block C – North and South Elevations

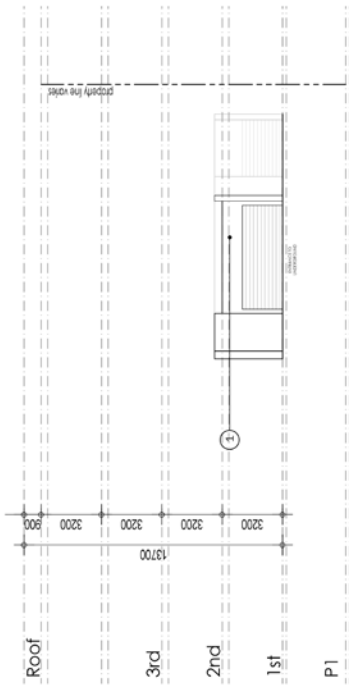


Elevations - Amenity Building
Applicant's Submitted Drawing
Not to Scale
06/15/2018

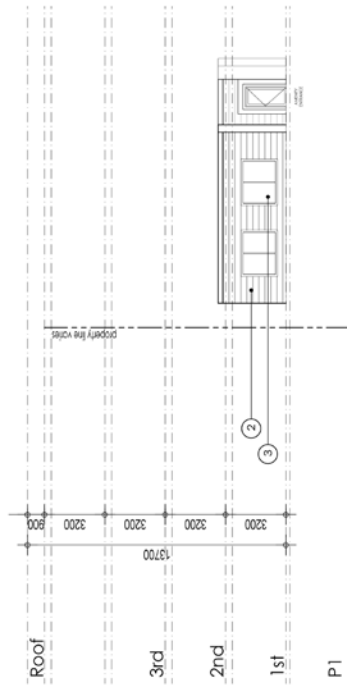
400 The East Mall

File # 16 254656 WET 03 0Z

Attachment 11: Block C - East and West Elevations



East Elevation



West Elevation

- MATERIAL LEGEND
- 1 Acrylic Panel
 - 2 Wood Finish Vinyl Siding
 - 3 Clear Glazing
 - 4 Spandrel Glazing
 - 5 Exposed Concrete

Elevations - Amenity Building
 Applicant's Submitted Drawing

Not to Scale
 06/15/2018

400 The East Mall

File # 16 254656 WET 03 0Z