

1-25 Defries Street – Official Plan Amendment and Zoning Amendment Applications – Request for Direction

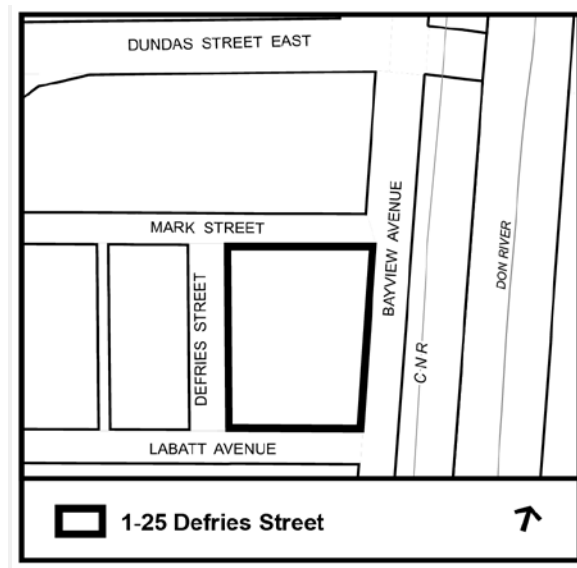
Date:	June 12, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	14 213710 STE 28 OZ

SUMMARY

This application proposes to allow a 37-storey residential tower with a 4-storey base building and a 9 to 11-storey mid-rise component at 1-25 Defries Street. The development will also include on-site parkland dedication and a pedestrian/cycle path leading down the slope of the Don Valley at the rear of the property to Bayview Avenue that will connect to a new sidewalk to be constructed along Bayview Avenue.

The proposed residential use and tall building typology is consistent with the Queen-River Secondary Plan and appropriate for the subject site. The development will expand and improve the public realm through the creation of new parkland, new public open space, a new pedestrian/cycle path to Bayview Avenue, and a new sidewalk along Bayview Avenue south to Queen Street East.

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



This report provides information and comments on the application to amend the Official Plan and Zoning By-law and recommends that City Council support the application, which is currently under appeal to the Local Planning Appeals Tribunal (LPAT).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council support the revised application to amend the Official Plan and Zoning By-law, for the lands at 1-25 Defries Street, to allow for the development proposal as received by the City on June 7, 2018, and described in the staff report entitled 1-25 Defries Street – Official Plan Amendment and Zoning Amendment – Request for Direction (June 12, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate City staff to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision on the proposed Official Plan Amendment and Zoning By-law Amendment.
3. City Council direct the City Solicitor to request the Local Planning Appeal Tribunal (LPAT) to withhold any final Order on the proposed Official Plan Amendment and Zoning By-law Amendment until the following conditions are met:
 - a. The owner revises the draft Zoning By-law Amendment(s) to rezone the lands located below the long-term stable top-of bank and the buffer zone lands located within 10 metres of the top-of-bank as Open Space (O) and/or Open Space Natural (ON), to the satisfaction of Toronto and Region Conservation (TRCA) and the Acting Director, Community Planning, Toronto and East York District;
 - b. The owner has provided draft by-laws to amend the Official Plan and Zoning By-law(s) to the LPAT in a form and with content satisfactory to the Director, Community Planning, Toronto and East York District, and the City Solicitor;
 - c. The owner submits an updated Hydrogeological Report and updated Functional Servicing Report that addresses the comments from Development Engineering as referenced in the their memorandum dated May 14, 2018, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
 - d. The owner submits an updated Traffic Impact Study that addresses the comments from Transportation Services as referenced in the memorandum from Development Engineering dated May 14, 2018, to the satisfaction of the General Manager, Transportation Services;

- e. The owner provides written confirmation to the City that they will withdraw their appeal(s) of the Queen-River Secondary Plan upon the Local Planning Appeals Tribunal order allowing the appeal of the proposed site-specific Official Plan Amendment and Zoning By-law Amendments, bringing such By-laws into force, and if not an appellant, but rather a party to such appeals, the owner shall withdraw as a party and not seek any party or participant status on the appeals with regard for 1-25 Defries Street;
- f. The owner has entered into an Agreement pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, and the Section 37 Agreement has been registered on title of the property to the satisfaction of the City Solicitor, that secures the following community benefits and other matters to support the development:
 - i. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,500,000.00 for improvements to local parks and/or streetscapes within an area bounded by the Don River, Eastern Avenue, Parliament Street, Shuter Street, River Street (between Shuter Street and Dundas Street East), and Dundas Street East (between River Street and the Don River), including, but not limited to, designing and implementing a new sidewalk on the west side of the Bayview Avenue between 1-25 Defries Street and Queen Street East, and other improvements to be determined in consultation with the Ward Councillor;
 - ii. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,500,000.00 for the commissioning of public art and associated site preparation on lands located at or near the intersection of King Street East and Queen Street East, as part of a gateway feature for the Corktown neighbourhood, to be coordinated by the Economic Development & Culture Division in consultation with Transportation Services Division, City Planning Division, and Waterfront Toronto;
 - iii. The payments required in items (i) and (ii) above must be increased by upwards index in accordance with the apartment Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date each such payment is made;
 - iv. In the event the cash contributions required in items (i) and (ii) above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject property;

- v. Other matters to support the proposed development that are listed in Attachment 6: Draft Section 37 Provisions of the Staff Report entitled "1-25 Defries Street – Official Plan Amendment and Zoning Amendment – Request for Direction" dated June 7, 2018, which secure land conveyances to the City of Toronto and Toronto and Region Conservation (TRCA), parkland design, a construction management plan, dwelling unit sizes, and compliance with Tier 1 of the Toronto Green Standard, among other matters.
4. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held on August 20, 2014, for the subject site. The current application was submitted on August 28, 2014, and deemed complete on May 5, 2017. A Preliminary Report on the application was adopted by Toronto and East York Community Council on January 13, 2015, authorizing staff to conduct a community consultation meeting with an expanded notification area. Additional consultations took place with the applicant on September 6, 2016, May 25, 2017, July 4, 2017, July 27, 2017, and January 10, 2018, which led to a revised proposal as described in this report.

City Council adopted the Queen-River Secondary Plan (OPA 287) at their meeting on February 10 and 11, 2015. The Queen-River Secondary Plan area includes the subject site and is generally bounded by Dundas Street East to the north, Bayview Avenue to the east, Queen Street East to the south, and River Street to the west. The final report for the Queen-River Secondary Plan can be found using the following link:

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-74409.pdf>

The Queen-River Secondary Plan was appealed to the Ontario Municipal Board (OMB) by the applicant and other property owners in May 2015. The case number is PL150375. A pre-hearing conference was held on October 19, 2015. A hearing date has not been scheduled. The status of any completed or planned hearings and the associated OMB decisions are available using the following link: <http://elto.gov.on.ca/tribunals/omb/e-status/>.

ISSUE BACKGROUND

Proposal

The proposed residential development is a 37-storey tower (125 metres) with a 4-storey base building and a 9 to 11-storey mid-rise component containing a total of 552 dwelling units. The mechanical penthouse above the 37th storey is proposed to be screened with two-storey penthouse dwelling units on the south side of the tower. The proposed building has a gross floor area of 42,218 square metres and a floor space index of 9.2 times the lot area. A new public park will be located on-site at the south end of the property adjacent to Labatt Avenue. Illustrations of the proposed development are provided in Attachment 1: Site Plan and Attachment 2: Elevations.

The 37-storey tower has a 5-metre step-back above the 4-storey base building facing Defries Street, a 5.5-metre step-back above the 4-storey base building facing Mark Street, a 4.5-metre step-back above the 4-storey base building facing Bayview Avenue, and a 28-metre step-back above the base building facing Labatt Avenue. The tower is set back 12 metres from the centreline of Mark Street to the north and is setback 20 metres from the existing low-rise residential properties on the west side of Defries Street. The tower floor plate is 840 square metres. Balconies are inset on the east and west sides and project 1.5 metres on the north and south sides.

The base building is 4 storeys adjacent to Defries Street, Mark Street, the new public park on the north side Labatt Avenue, and facing east towards the Don Valley and Bayview Avenue. The base building steps up to 9 storeys and further to 11 storeys on the south side of the tower. There are 12 two-storey ground level units with both internal and direct exterior access facing west towards Defries Street and facing south towards the new public park. Facing east towards the Don Valley there are 3 more ground level dwelling units, as well as indoor and outdoor amenity space.

Out of a total of 552 proposed dwelling units, there are 321 one-bedroom units (58%), 176 two-bedroom units (32%), and 55 three-bedroom units (10%). Indoor amenity space is located on the ground floor, third floor, and twelfth floor, which together have a gross floor area of 1,104 square metres (2.0 square metres per dwelling unit). Outdoor amenity space is located adjacent to the indoor amenity spaces on the ground floor and twelfth floor, also for a total of 1,104 square metres (2.0 square metres per dwelling unit).

Vehicular access for both an underground parking garage and an at-grade loading area is located on from Mark Street on the north side of the building. The loading area provides one Type 'G' loading space with a length of 13 metres. Parking for 190 automobiles is located on three levels underground, comprising 155 spaces for residents, 27 spaces for visitors, and 8 car-share spaces. There are 553 bicycle parking spaces including 56 visitor bicycle parking spaces on the ground floor, 212 residential occupant bicycle parking spaces on P1, and 285 residential occupant bicycle spaces on the second floor.

The proposed public park on the south side of the site adjacent to Labatt Avenue will be connected with a planned public park on the Labatt Avenue right-of-way, which is a currently a dead-end. These two connected parks will connect to a public open space area on the east side of the building, which provides a required 10-metre buffer from a proposed long-term stable top-of-bank of the Don Valley. This open space buffer area will be publicly accessible and include a pedestrian/cycle path that will lead to a path down the slope of the Don Valley to Bayview Avenue where it will connect with a planned sidewalk along the west side of Bayview Avenue that will extend south approximately 300 metres to an existing sidewalk on Bayview Avenue south of Queen Street East.

The proposed development as described above has substantially changed since the application was originally submitted in 2014. The original proposal was for two residential towers and included a commercial component. The table below summarizes the difference between the original and revised proposal.

Metrics	Original Proposal (August 2014)	Current Proposal (April 2018)
Site area	4,585 sq.m	4,580 sq. m
Building height (including mechanical penthouse)		
North tower	39 storeys (126 m)	37 storeys (125 m)
South tower	31 storeys (100 m)	
Tower setbacks:		
North tower (39/37-storeys):		
Bayview Avenue	9 m	23.8 m
Defries Street	1 m	5 m
Mark Street	1.5 m	5.5 m
Labatt Avenue	N/A	41.6 m
South tower (31-storeys)		
Bayview Avenue	18-19 m	
Labatt Avenue	2 m	
Defries Street	0-4 m	
Tower floor plate	< 790 sq. m for both towers	840 sq. m
Gross floor area (above grade)	52,654 sq. m	41,803 sq. m
Residential	3,522 sq. m	41,803 sq. m
Non-residential	56,176 sq. m	N/A
Total		
Floor space index	12.3	9.3

Metrics	Original Proposal (August 2014)	Current Proposal (April 2018)
Number of units		
bachelor	15 (2.5%)	0 (0%)
one-bedroom	399 (65%)	321 (58%)
two-bedroom	196 (32%)	176 (32%)
three-bedroom	0 (0%)	55 (10%)
Total	610	552
Sidewalk width		
Bayview Avenue	No sidewalk	2.7 m
Labatt Avenue	2.5 m	N/A (parkland)
Defries Street	4.5 m	6.0 m
Mark Street	2.5 m	4.8 m
Vehicular parking:		
residential occupant	330	155
residential visitor	37	27
non-residential	24	N/A
car-share	0	8
Total	391	190
Bicycle parking		
residential occupant	549	497
residential visitor	61	56
non-residential	21	N/A
Total	631	553
Loading spaces		
Type G	1	1
Type B	0	0
Type C	0	0
Amenity spaces		
Indoor	1,005 sq. m. (1.6 sq.m./unit)	1,104 sq m (2.0 sq. m / unit)
Outdoor	1,730 sq. m. (2.84 sq.m./unit)	1,104 sq m (2.0 sq. m / unit)

Additional site and development statistics are provided in Attachment 7: Application Data Sheet.

Site and Surrounding Area

The subject site has an area of 4,585 square metres and is practically rectangular in shape, with approximately 78 metres of frontage along Defries Street, 55 metres along Labatt Avenue, 62 metres along Mark Street, and 79 metres along Bayview Avenue.

Most of the site has a very gentle slope downwards from north to south. The east side of the site is part of the Don Valley and has a steep slope downwards to the east towards Bayview Avenue. There is a 5 to 6-metre drop in elevation from the top of the proposed long-term stable top-of-bank to existing pavement on Bayview Avenue.

The site currently contains a one-storey warehouse building on Mark Street, a two-storey warehouse building in the middle of the block fronting onto Defries Street that is used for a self-storage facility and truck rental business at the rear of the building, and a building containing a printing operation at the north-east corner of Defries Street and Labatt Avenue. None of the existing buildings are on the City's heritage register.

The following uses surround the site:

North: A car dealership occupies most of the block between Mark Street and Dundas Street East. The western portion of the block, along River Street, contains two and three storey house-form buildings which include some ground floor retail. North of Dundas Street East is a car dealership, a six-storey residential building, and a City works yard. Further north are a mixture of mid-rise and high-rise residential buildings.

South: A car dealership is located on the south side of Labatt Avenue near Bayview Avenue. A Salvation Army facility is located on the southeast corner Labatt Street and River Street. To the east of the Salvation Army facility is a two-storey building containing office uses. The Salvation Army site and the office building site, known as 77 River Street and 7 Labatt Avenue, recently were approved for an Official Plan Amendment and rezoning (file no.14 175807 STE 28 OZ) to allow a 38-storey mixed-use building.

East: The Don Valley is on the east side of the site, with Bayview Avenue adjacent to the site. Further east within the Don Valley is the Metrolinx-Richmond Hill rail corridor, the Lower Don River trail, the Don River, and the Don Valley Parkway.

West: The block immediately west of the subject site includes a surface parking lot fronting on Defries Street and two house-form buildings that front onto Defries Street near Mark Street. Six row houses exist on the south side of Mark Street, west of the subject site. Further west along the east side of River Street are a mix of two and three-storey house-form buildings with residential and commercial uses, as well as a one-storey industrial building. West of River Street is Regent Park, an area that is currently be redeveloped with a 27-storey tower, 3-storey townhouses, and a 28-storey tower on the west side of River Street.

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. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is the Provincial Plan that applies to the subject site. 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 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 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 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 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. 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 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 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 the Report.

Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and the Queen-River Secondary Plan as follows. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Chapter 2 - Shaping the City

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation:

The Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided. Areas that can best accommodate this growth are shown on Map 2 – Urban Structure of the Official Plan. Map 2 shows the subject site is within the *Downtown and Central Waterfront*, which is a focus for intensification. Policy 2.2(2) specifies that growth will be directed to the *Downtown* in order to efficiently use existing infrastructure, concentrate people in areas well served by transit, increase opportunities for living close to work and to encourage walking and cycling for local trips.

Policy 2.3.1(2) requires development in *Mixed Use Areas* and *Regeneration Areas* that are adjacent or close to a *Neighbourhood* to be compatible, to "provide a gradual transition of scale and density" through building setbacks and the stepping down of buildings, to maintain adequate light and privacy for residents in *Neighbourhoods*, and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets.

Chapter 3 - Building a Successful City

Section 3.1.2 Built Form: Developers and architects 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.

New development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Policy 3.1.2(5) requires new development to "provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing: improvements to adjacent boulevards and sidewalks", coordinated landscape improvements, landscaped open space within the development site, and public art. Indoor and outdoor amenity spaces for residents of new multi-unit residential development are required by Policy 3.1.2(6).

Section 3.2.3 Parks and Open Spaces provides direction for maintaining, improving and expanding the parks and open space system. Parkland acquisition strategies and whether to accept parkland or cash-in-lieu as a condition of development needs to take into account the amount of existing parkland in the area, parkland characteristics, existing natural features, demographic trends, anticipated development, opportunities to link parks and open spaces, urban form, and land availability and cost. In areas with low parkland provision, which includes the vicinity of the subject site, new parkland should be provided where possible. Policy 3.2.3(8) states that new parkland should be free of encumbrances, be sufficiently visible and accessible from adjacent public streets, be of a usable shape, size and topography, be consolidated or linked with existing or proposed park or green space, and meet applicable Provincial soil regulations and/or guidelines for parkland use.

The subject property is part of the *Natural Heritage System* as shown on Map 9 – Natural Heritage. The natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and functions should be of high priority in city-building decisions. The potential impact of developments proposed in areas near natural heritage systems should be carefully assessed. Development is generally not permitted in the natural heritage system illustrated on Map 9, however where the underlying land use designation provides for development in or near the natural heritage system, development will recognize natural heritage values and potential impacts on the natural ecosystem and will minimize adverse impacts and when possible restore and enhance the natural heritage system. All proposed development in or near a natural heritage system will be evaluated to assess the development's impact on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system. Although the entire site is within the limits of the Natural Heritage System, most of the site is table lands above the existing top-of-bank and not part of the Ravine and Natural Feature protection area.

Chapter 4- Land Use Designations

The subject site and surrounding lands on the east side of River Street are designated *Regeneration Areas* on Map 18—Land Use Plan, with the exception of a narrow sliver of land abutting Bayview Avenue from Dundas Street East to Queen Street East which is designated *Parks* (see Attachment 3: Official Plan Land Use Map). *Regeneration Areas* provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utilities in an urban form. The intent of this designation is to revitalize underused or vacant lands, create new jobs and homes that use existing infrastructure, restore or retain existing buildings, improve streetscapes, extend the open space network, and promote the environmental cleanup of contaminated lands. Policy 4.7(2) states that development should not proceed in *Regeneration Areas* prior to approval of a Secondary Plan.

Queen-River Secondary Plan

The subject site is located within the boundaries of the Queen-River Secondary Plan, which applies to the lands bounded by Queen Street East, River Street, Dundas Street East and Bayview Avenue. The Secondary Plan provides an area-specific planning policy framework for the lands that are designated *Regeneration Area* on Map 18 – Land Use Plan. The Plan was approved by

City Council in February 2015 and is now under appeal to the Local Planning Appeals Tribunal (formerly the Ontario Municipal Board). The Queen-River Secondary Plan can be found here: <https://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-74409.pdf>.

The subject site is designated *Mixed Use Area 'B'*, which is planned to have one tall building with a maximum height of 88 metres. Policy 3.2.5 requires a minimum 10-metre setback from the Don Valley top-of-bank. "The creation of a publicly accessible open space at the eastern end of Labatt Avenue" through the development approvals process is encouraged by Policy 3.2.4. "The creation of a sidewalk or multi-use trail along the west side of Bayview Avenue" is encouraged as part of community benefits related to development approvals in the area by Policies 4.2.7 and 4.5.1(a).

There are four different land use designations that apply to the surrounding lands:

- North: *Mixed Use Area 'A'*, which permits one base building and tower with a maximum height of 88 metres.
- West: *Neighbourhoods*, which permits low-rise buildings up to four storeys in height for residential and small-scale commercial uses.
- Southwest: *Mixed Use Area 'C'*, which originally permitted one base building and tower with a maximum height of 88 metres but was recently approved for an Official Plan Amendment and rezoning to allow for a mixed-use building with a 38-storey tower with a height of 126 metres.
- South: *Existing Use Area*, which provides for existing commercial uses largely with a floodplain regulated by Toronto and Region Conservation.

The land use designations described above are illustrated on Attachment 4: Queen-River Secondary Plan Land Use Map.

Section 4.1 includes general built form policies that include requirements for tall buildings to be set back a minimum of 20 metres from a *Neighbourhood*, for base buildings to include step-backs and/or setbacks to limit shadow impact on *Neighbourhoods*, and for the portion of a base building adjacent to a lower-scale area to be no higher than the height of adjacent buildings.

Section 4.2 provides public realm policies that require new buildings to provide ample space on the sidewalk for tree planting, a pedestrian clearway, lighting and landscaped open space within the site. Policy 4.2.2 encourages laneway improvements that enhance the pedestrian environment and reflect "Crime Prevention Through Environmental Design" (CPTED) principles. Policy 4.2.4 encourages additional on-site publicly accessible open space.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, 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.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods Policy 2.3.1(2) in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *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 outcome of staff analysis and review of relevant Official Plan policies and designations and Secondary Plans are summarized in the Comments section of this Report.

TOcore: Planning Downtown

Official Plan Amendment 406 – Downtown Plan

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA 406). OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained with the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a three-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

This OPA brings forward a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. The OPA is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the Planning Act.

Official Plan Amendment 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment.

Further background information can be found at www.toronto.ca/tocore.

Design Guidelines

Official Plan Policy 5.3.2(1) states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas."

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies suitable locations for tall buildings in the Downtown and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is to ensure that developments adequately provide for larger households, including families with children, at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines have been considered in the review of this proposal and will be further applied through the Site Plan Control process.

Zoning

The property is zoned *Industrial (I2 D3)* under former City of Toronto Zoning By-Law 438-86. This designation permits a variety of non-residential uses including various industrial, warehouse, manufacturing, transportation, community service, and service shop related uses. The maximum permitted density is 3.0 times coverage and a height limit of 15 metres applies to the site.

Site Plan Control

The proposed development is subject to Site Plan Control. A Site Plan application has not yet been submitted.

Reasons for Application

An Official Plan Amendment is required because the subject site is currently designated *Regeneration Areas* in the Official Plan, which requires a Secondary Plan to be in place prior to the development proceeding. While the Queen-River Secondary Plan has been approved by City Council, it is under appeal and not yet in force. If it were in force, an Official Plan Amendment would be required to allow an increase in building height from 88 metres to 125 metres. An Official Plan Amendment is also required to adjust the limits of the *Natural Heritage System* on Map 9 to correspond with the proposed long-term stable top-of-bank of the Don Valley.

A rezoning is required to permit residential uses and to allow the proposed increase in height and density. The maximum height is proposed to be increased from 15 to 125 metres and the maximum density is proposed to be increased from 3.0 to 12.3 times the lot area.

Application Submission

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

- Planning Rationale Report
- Community Services and Facilities Report
- Shadow Study
- Pedestrian Level Wind Study
- Noise Impact Study
- Vibration Study
- Energy Strategy Report
- Phase 1 Environmental Site Assessment
- Toronto Green Standards Checklist
- Arborist Report
- Natural Heritage Assessment and Restoration Plan
- Slope Stability Assessment
- Functional Servicing and Stormwater Management Report
- Geotechnical Investigation
- Traffic Impact Study

The above reports are available through the Application Information Centre (AIC) at <http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=3615986&isCofASearch=false&isTlabSearch=false>.

Agency Circulation

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

Community Consultation

A community consultation meeting was held on the original two-tower development proposal on April 9, 2015, at Nelson Mandela Park Public School. Approximately 27 people from the local community attended. Key issues and objections raised include increased traffic impact on local streets, impact on slope stability, tower setbacks/step-backs, and overall height and scale of the development.

A second community consultation meeting was held on January 10, 2017, at the Regent Park Community Centre where approximately 35 people attended. A conceptual massing design was presented that showed one 37-storey tower with a 14-storey base building. Participants identified prioritized issues and objections through a 'dotmocracy' exercise that identified the most important issues as height of the base building, height of the tower, traffic impact on River Street and local streets, and on-street parking availability.

COMMENTS

This section provides an overview of provincial and municipal planning considerations used in the evaluation of the proposal. The comments draw on input from City and outside agency staff, technical studies, applicable planning policies and guidelines, an analysis of the proposed development, built form, surrounding context, historical context and community and stakeholder consultation.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the applicable policies in the Provincial Policy Statement (2014)(PPS) and the Growth Plan for the Greater Golden Horseshoe (2017)(Growth Plan) as described in the Issue Background section of this report. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

Provincial Policy Statement

Policy 1.6.7.4 of the PPS promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard. The proposed land use and density provides a built form that supports an efficient use of land and existing transit infrastructure.

The proposal is consistent with Policy 1.7.1(d) that states "long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, by conserving features that help define character, and by promoting the redevelopment of *brownfield sites*."

The proposed parkland, open space, pedestrian/cycle path down to Bayview Avenue, and new sidewalk along Bayview Avenue all are supported by PPS Policy 1.5.1(b) that promotes healthy, active communities by planning and providing for "publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages". The proposed open spaces and linkages also serve to meet the needs of pedestrians, foster social interaction, and facilitate active transportation and community connectivity as required by Policy 1.5.1(a).

The proposed development complies with the Natural Heritage policies provided in Section 2.1 of the PPS. In accordance with Policy 2.1.8, the on-site natural heritage feature, which is the easterly portion of the site below the long-term stable top-of-bank, has been evaluated and it has been demonstrated to the satisfaction of Toronto and Region Conservation (TRCA) that there will be no negative impacts on the natural features or on their ecological functions.

The proposed development provides sufficient separation from the top-of-bank of the Don Valley, which satisfies PPS Policy 3.1.1(b) that requires new development to be located outside of *hazardous lands* adjacent to a *river* that is impacted by *flooding hazards* and/or *erosion hazards*.

The Official Plan is the most important vehicle for implementation" of the PPS as stated in Policy 4.7 and zoning bylaws are also important for implementing the PPS as per Policy 4.8. The proposed Official Plan Amendment and zoning bylaw serve to implement the policies described above.

Growth Plan for the Greater Golden Horseshoe

The subject site is suitably located for intensification because it is within an *urban growth centre* that is intended to accommodate significant population growth as per Policy 2.2.3(1)(d) and specifically planned to achieve a minimum density target of 400 residents and jobs combined per hectare by 2031 as required by Policy 2.2.3(2)(a).

The proposal supports the achievement of *complete communities* in accordance with Policy 2.2.1(4) by providing convenient access to a range of transportation options, expanding the supply of safe publicly-accessible open spaces, parks, and trails, and providing a *compact built form* with an attractive and vibrant *public realm*.

The proposal conforms to Policy 4.2.2(3) that requires development proposals within a *Natural Heritage System* demonstrate that it will not have *negative impacts* on *key natural heritage features* or *key hydrologic features*, that connectivity between *key natural heritage features* will be maintained, that the disturbed area will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 percent of the *total developable area*. Only the easterly portion of the subject site that is below the Don Valley top-of-bank will be located within the *Natural Heritage System* once the proposed Official Plan Amendment is approved.

The proposed alteration to the Don Valley top-of-bank is consistent with Policy 4.2.9(3) that requires development proposals to incorporate best practices of the management of excess soil generated to ensure that it is reused on-site to the maximum extent possible and that excess soil reuse planning is undertaken concurrently with development planning and design.

Land Use

The proposed residential development is a suitable use for the subject site that complies with the *Regeneration Areas* designation in the Official Plan and the *Mixed Use Area 'B'* designation in the Queen-River Secondary Plan. The rezoning and the design of the ground floor will allow for ground floor residential units to be converted into retail/commercial units if there is demand for such uses in the future.

Density, Height, Massing

The development proposal has been reviewed against provincial policies, Official Plan and Queen-River Secondary Plan policies, and the Tall Building Design Guidelines as described in the Issue Background section of this report. The proposed density, height and massing is appropriate for the subject site and is similar to recently planned developments in the vicinity.

The proposed building height of 125 metres exceeds the originally planned height of 88 metres as specified in the Queen-River Secondary Plan but is appropriate in light of the emerging planned context that includes a neighbouring development proposal for 77 River Street and 7 Labatt Avenue that was recently approved for a building height of 126 metres.

The proposed 11-storey mid-rise component of the building does not fit within a standard building typology as defined by the Tall Building Design Guidelines but is appropriate for the subject site considering the planned development for 77 River Street and 7 Labatt Avenue has a 10-storey mid-rise component that is approximately the same height. Recent and planned developments in nearby Regent Park also have a similar building typology. The base building has a well-defined 4-storey street wall with a step-back above the 4th storey in the range of 3 to 5.5 metres facing Mark Street and Defries Street and in the range of 2 to 4 metres facing Labatt Avenue. Another building step-back of 2.5 metres is provided between the 9th storey and 11th storey facing Defries Street and Labatt Avenue.

The proposed tower provides appropriate transition to the adjacent *Neighbourhood* on the west side Defries Street as designated in the Queen-River Secondary Plan. The transition comprises a 5-metre tower step-back facing Defries Street and a 20.2-metre tower separation from the *Neighbourhood*, which addresses Official Plan Policy 4.5(2)(c) that requires a transition to lower scale *Neighbourhoods* through appropriate setbacks and/or a stepping down of heights. The transition is consistent with guideline 3.1(a) in the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and Policy 4.1.1 in the Queen-River Secondary Plan, which specifies that a tower should be set back from a *Neighbourhood* by at least 20 metres.

The proposal practically assures adequate tower separation from planned and potential towers in the vicinity. There will be a tower separation of approximately 61 metres to the planned tower to the south at 77 River Street and 7 Labatt Avenue. There are no other potential tower developments to the south or east. To the north the tower is setback 12 metres from the centreline of Mark Street, which nearly meets the standard minimum requirement of 12.5 metres and is acceptable in this case. To the west, the tower is set back at least 12.5 metres from the centreline of Defries Street, which provides for a minimum 25-metre tower separation should a tower ever be approved for the west side of Defries Street.

The proposed tower floor plate of 840 square metres exceeds to the Tall Building Design Guideline of 750 square metres but is mitigated by the almost square shape of the tower, inset balconies on the east and west sides, and tower separation distances that exceed the Tall Building Design Guidelines, all of which help minimize shadow impact and the perceived width of the tower.

The proposed unit breakdown of 322 one-bedroom units (58%), 174 two-bedroom units (32%) and 56 three-bedroom units (10%) is appropriate for the subject site and consistent with the Council-approved Downtown Plan. Through the Site Plan Control process, there may be minor adjustments to the total number of dwelling units but the residential gross floor area will not increase and a minimum number of 30% two-bedroom units and 10% three-bedroom units will be provided.

Sun, Shadow

The shadow impact from the proposed development is acceptable as it adequately addresses the direction provided in Section 1.4 of the Tall Building Design Guidelines to protect access to sunlight for surrounding streets, parks and open spaces. The guidelines help interpret and quantify Official Plan Policies 4.5(2)(d) and (e) that apply to new development in *Mixed Use Areas*, which require new buildings to be located and massed to "adequately limit shadow impacts on adjacent *Neighbourhoods*" and maintain sunlight for pedestrians on adjacent streets, parks and open spaces.

The proposed tower has a shape and placement that serve to minimize shadow impact on surrounding streets, parks and open spaces. Specifically, the tower floor plate is almost square in shape and has inset balconies on the east and west sides, which both help minimize shadow impact. The placement of the tower is on the north side of the site, which is preferable to minimize shadow impact on the neighbouring lands to the west that are designated *Neighbourhoods* in the Queen-River Secondary Plan. The tower placement also allows the proposed amenity space on the roof of the mid-rise component to be mostly unimpacted by the tower's shadow. The tower's shadow extends east across the Don Valley during the late afternoon where it has a minor impact on the Lower Don Trail and a minor impact of less than one hour during the spring and fall equinoxes on the houses in the *Apartment Neighbourhood* located east of Carroll Street. The tower does not cast shadow on any parks including Regent Park, Oak Street Park and the proposed park on the south side of the subject site.

The mid-rise component of the building will cast shadow on the sidewalk on the west side of Defries Street in the early morning until approximately 11 a.m. during the spring and fall equinoxes. This shadow impact is consistent with the Tall Building Design Guideline that specifies a base building should provide for at least 5 hours of sunlight on the opposite side of the street during the equinoxes. Eight existing houses located along the south side of Mark Street and the west side of Defries Street will also experience shadow impact in the early morning until 9:45 to 10:45 a.m. during the equinoxes.

Traffic Impact, Access, Parking

Access to the parking and loading areas is from Mark Street at the north end of the building. This is a preferable location since Mark Street has minimal pedestrian activity as it terminates at the edge of the Don Valley. The loading area requires a revised design, to be determined through the Site Plan Control review process, that allows for trucks to exit the loading area without reversing onto Mark Street. There are no proposed curb cuts on Defries Street or Labatt Avenue.

The Traffic Impact Study submitted by the applicant finds that the proposed development will generate approximately 108 and 103 two-way vehicular trips during the AM and PM peak hours respectively. Transportation Services accepts the study's conclusion that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. This acceptance is contingent on the applicant providing an updated Traffic Impact Study that provides further analysis and documentation in support of the study's findings.

The applicant's Traffic Impact Study includes a parking study that justifies the proposed parking supply and allocation largely based on a review of parking demands at other residential condominiums in the area. The study finds that recent developments provide a residential parking supply rate that ranges from 0.19 to 0.38 residential parking spaces per unit. Transportation Services has no objection to the proposed overall parking rate of 0.38 spaces, which consists of 0.33 spaces per residential unit for occupants and 0.05 spaces per residential unit for residential visitors.

Road Widening

Bayview Avenue has a planned right-of-way width of 20 metres in the Official Plan. In order to satisfy this requirement, a 4.76-metre road widening dedication along the Bayview Avenue frontage of the subject site is required to be conveyed to the City through the approval of a Site Plan application and will be secured in a Section 37 Agreement.

Transportation Services requires the conveyance of minor corner roundings with a 5-metre radius at the southeast corner of Defries Street and Mark Street and at the northeast corner of Defries Street and Labatt Avenue. The corner roundings are required to be conveyed to the City through the approval of a Site Plan application and will be secured in a Section 37 Agreement.

Streetscape

The proposed development will substantially improve the streetscape by providing wider sidewalks and several exterior entrances facing Defries Street and the proposed public park on the north side of Labatt Avenue. An existing curb-cut on Defries Street will be eliminated. On Mark Street there are four existing curb-cuts that will be eliminated and replaced with one curb cut.

The exterior entrances will help animate the street and park as envisioned in the Queen-River Secondary Plan for *Mixed Use Area 'B'*. The proposed ground floor height of 4.5 metres complies with the Tall Building Design Guidelines and provides opportunity for a full range of potential future commercial/retail uses on the ground floor where the residential units with exterior entrances are located.

The sidewalk along Defries Street will be widened to 6 metres by providing a 3-metre setback on the ground floor and second floor. This width complies with the Tall Building Design Guidelines and will allow for a row of approximately 10 new street trees along Defries Street. On Mark Street the sidewalk will be widened to 4.8 metres by providing a 1.8-metre setback on the ground floor and second floor. A 4.8-metre wide sidewalk is sufficient in this location as Mark Street is a dead-end with minimal pedestrian activity. Urban Forestry is seeking a row of street trees along Mark Street, which may be secured through the Site Plan approval process.

Along Labatt Avenue a new sidewalk/path will be integrated into the proposed public park located on the north side of Labatt Avenue and into the proposed public park to be created on Labatt Avenue by converting the right-of-way into parkland through a jurisdictional transfer. On Bayview Avenue a new 2.7-metre wide sidewalk will be created adjacent to the site, which requires re-grading the existing slope on the west side of Bayview Avenue.

Servicing

The Functional Servicing Report and Hydrogeological Report require technical updates to address comments from Development Engineering. The proposed water and sewer connections are being revised to avoid encroachment into the proposed public park and into the lands below the top-of-bank adjacent to Bayview Avenue.

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 subject site is in an area with less than 0.43 hectares of local parkland per 1,000 people, which represents the lowest 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 7,600 square metres or 181% 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 the residential use. In total, the parkland dedication requirement is 421 square metres.

An on-site park is proposed to be located on the south side of the development with frontage on Labatt Avenue and Defries Street. The park will enhance the availability of green space in the vicinity of the development and will be an integral part of an emerging network of adjacent and nearby open spaces.

The proposed on-site park is intended to be seamlessly connected with a proposed park on the east end of the Labatt Avenue right-of-way, which is a dead-end and is not required for access to adjacent properties. This proposed park is supported by Policy 3.2.4 in the Queen-River Secondary Plan that encourages the creation of open space on Labatt Avenue as part of the development approvals process for *Mixed Use Areas 'B'*. Parks, Forestry & Recreation have requested a municipal jurisdictional transfer of the east end of Labatt Avenue to convert right-of-way lands to park lands from a point just east of an existing driveway that provides access to an adjacent automobile dealership located on the south side of Labatt Avenue. Transportation Services is currently investigating the feasibility of closing this portion of Labatt Avenue.

The proposed on-site park and the proposed Labatt Avenue park will together form an open space gateway to proposed open space located on the east side of the proposed development and to a pedestrian/cycle path and staircase down the slope of the Don Valley to Bayview Avenue. The proposed open space on the east side of the development will be conveyed to Toronto and Region Conservation (TRCA) as it represents a 10-metre buffer zone between the proposed building and the top-of-bank of the Don Valley. The lands below the top-of-bank where the proposed pedestrian/cycle path and staircase will be located will also be conveyed to TRCA. These lands will be publicly accessible and function as a combination of parkland and naturalized open space.

The proposed pedestrian/cycle path and staircase to Bayview Avenue will connect with a new 2.7-metre wide sidewalk to be constructed adjacent the subject site. Through the use of Section 37 funding being secured through this application, the City will design and construct an extension to the 2.7-metre wide sidewalk along the west side of Bayview Avenue south to an existing sidewalk located on Bayview Avenue on the south side of Queen Street East, spanning a distance of approximately 300 metres.

The combination of the proposed on-site park, the proposed Labatt Avenue park, the open space and valley lands on the east side of the proposed building to be conveyed to TRCA, and the proposed new sidewalk along Bayview Avenue will provide a new open space network with various options for walking and cycling circuits. A small circuit is being created starting from the new parkland at the east of Labatt Avenue, through the on-site park, through the TRCA open space, down the proposed accessible path to Bayview Avenue, south along the Bayview Avenue sidewalk, and up the proposed staircase back to the Labatt Avenue park. A longer trip also starting from the Labatt Avenue park would follow the same route down to Bayview Avenue where one can continue south to Queen Street East and either onwards to Corktown Commons or up to Queen Street East to access the Lower Don Trail or other parts of the city. The new open space network will also provide opportunity for creating and connecting to potential new parkland on the west side of Defries Street and extending the new Bayview Avenue sidewalk north of the subject site.

Ravine Protection

The subject lands are within an area regulated by Toronto and Region Conservation (TRCA). The proposed development requires a TRCA permit prior to any development taking place. The site is also within the City of Toronto Ravine and Natural Feature Protection By-law area. The proposed building is set back 10 metres from the proposed long-term stable top-of-bank of the Don Valley, which complies with PPS Policy 3.1.1(b) and Official Plan Policy 3.4(8)(a). TRCA has accepted the location and alignment of the proposed long-term stable top-of-bank.

Natural Heritage Protection

The subject site is within the Natural Heritage System as identified on Map 9 of the Official Plan. The Natural Heritage Assessment and Restoration Plan submitted by the applicant identifies the lands below the existing top-of-bank, of the Don Valley as a natural heritage feature to be protected. The proposed development involves the establishment of a reconfigured top-of-bank and a 10-metre buffer on the west side of the top-of-bank that will result in a substantially larger naturalized area with substantially greater permeable surfaces. The applicant is proposing a stewardship plan that includes the planting of 32 trees, 32 shrubs, and 90 groundcover plants. Overall, the proposed development will provide an expanded naturalized area and will positively contribute to the Natural Heritage System.

Tree Preservation

The proposed development is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The Arborist Report and Tree Preservation Plan submitted by the applicant identifies two existing private trees on-site, one street tree located on Defries Street, and three trees located on the naturalized slope of the Don Valley north of the site on the Mark Street right-of-way.

Of the two on-site trees, one is a very large eastern cottonwood tree located on the naturalized slope of the Don Valley that is proposed to be retained. The other private tree is a small tree-of-heaven, also on the naturalized slope, which is proposed to be removed to allow for re-grading the slope. The tree-of-heaven is not protected by the Private Tree by-law as it has a diameter at breast height (DBH) of only 12 centimetres whereas the by-law only protects trees greater than 30 centimetres DBH.

The street tree on Defries Street is a small blue spruce located in the front yard of the existing building and was not planted by the City. Urban Forestry staff have no objections to its removal. The public trees on the naturalized slope within the Mark Street right-of-way are all fairly large trees-of-heaven and will be retained.

The proposed development includes 9 new street trees along Defries Street. The feasibility of additional street trees along Mark Street will be determined through the Site Plan review process. The proposal also includes 10 new trees in the proposed park at the south end of the site and 12 new trees in the 10-metre buffer zone between the east side of the proposed building and the long-term stable top-of-bank. The number and placement of the proposed trees may be refined through the Site Plan Control process. The applicant will be required to submit a tree planting deposit to ensure the planting and survival of new City trees.

Toronto Green Standard

The Toronto Green Standard (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. Tier 1 performance measures are secured through the site-specific zoning by-law, on site plan drawings and/or through a Site Plan Agreement. The proposed rezoning is subject to version 2 of the TGS because the application was received prior to April 30, 2018. The applicant is not currently pursuing compliance with Tier 2 of the TGS.

The Site Plan Control application, which has not yet been submitted, will be subject to version 3 of the TGS, which provides a new four-tier standard that came into effect on May 1, 2018. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. TGS performance measures that cannot be secured through the site-specific zoning by-law will be secured through the Site Plan Control process.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The Queen-River Secondary Plan does not specify any required community services or facilities except for those related to parks, open spaces and new connections. The subject site is not located within or adjacent to a Neighbourhood Improvement Area.

A Community Services and Facilities Report was submitted as part of the complete application. The report provides a demographic profile of the neighbourhood and an inventory of existing and planned community services and facilities, including nearby parks and open spaces, recreation and community centres, libraries, schools and child care facilities. Staff accept the report's conclusion that the proposed development does not create the need to provide additional community facilities on-site. The site's proximity to the Regent Park neighbourhood provides convenient access to a wide range of community services and facilities, including the Regent Park Community Centre, Regent Park Aquatic Centre, Regent Park Athletic Grounds, Dixon Hall, Daniels' Spectrum, various child care facilities, and an elementary public school.

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. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. \$2,500,000.00 for improvements to local parks and streetscapes within an area bounded by the Don River, Eastern Avenue, Parliament Street, Shuter Street, River Street (between Shuter Street and Dundas Street East), and Dundas Street East (between River Street and the Don River) including, but not limited to, designing and implementing a new sidewalk on the west side of Bayview Avenue between 1-25 Defries Street and Queen Street East;
2. \$1,500,000.00 for the commissioning of public art and associated site preparation, to be located at or near the intersection of King Street East and Queen Street East as a gateway feature for the Corktown neighbourhood, to be coordinated by the Economic Development & Culture Division in consultation with Transportation Services, City Planning Division, and Waterfront Toronto, and the Ward Councillor;

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

3. Conveyance of lands below the top-of-bank and the buffer zone lands located within 10 metres of the top-of-bank to Toronto and Region Conservation (TRCA);
4. Requirement for a TRCA permit prior to any development and/or site alteration;
5. Information for TRCA that describes how a Limiting Distance Separation Agreement and a Maintenance Easement will be secured through the appropriate development agreement(s);
6. Design and construction of a pedestrian/cycle path and staircase on the subject property (on the lands to be conveyed to the TRCA) to provide access to Bayview Avenue;
7. Conveyance of a 4.76-metre wide strip of land to the City for the widening of the Bayview Avenue right-of-way;
8. Conveyance of lands to the City consisting of two 5.0-metre corner roundings located at the northeast corner of Defries Street and Labatt Avenue and at the southeast corner of Defries Street and Mark Street;
9. Conveyance of a 421 square metre portion of the subject site to the City to satisfy the parkland dedication requirement;
10. Preparation and registration of all documents and studies required to convey the parkland to the City;
11. Base construction and installation of the parkland (Base Park Improvements) and all associated costs;
12. Design and construction of Above Base Park Improvements for a development charge credit against the Parks and Recreation component of the Development Charges;
13. Conceptual design for Above Base Park improvements for the proposed park on the Labatt Avenue right-of-way.
14. Construction Management Plan for the proposed development;
15. A minimum of 30% two-bedroom units and a minimum of 10% three-bedroom units; and
16. Compliance with Tier 1 of the Toronto Green Standard.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS and does not conflict with the Growth Plan. Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan and Queen-River Secondary Plan, particularly as it relates to appropriate land use, built form and the expansion of parks and public open spaces. Staff worked with the applicant and the community to address and resolve key concerns, which has resulted in a reduced height of the base building, reduced parking for residents to limit traffic impact, and provision of substantial visitor parking to limit impact on on-street parking.

The development will serve to expand the parks and open space system in the area and create new recreational opportunities through the creation of an on-site park, the creation of an adjacent park on the east end of Labatt Avenue, the creation of public open space on the east side of the building, the creation of a new pedestrian/cycle path down the slope of the Don Valley to Bayview Avenue, and the creation of a new sidewalk along Bayview Avenue from the north end of the subject site to an existing sidewalk on the south side of Queen Street East. Staff recommend that City Council support approval of the application and advance the City Council recommendations before the Local Planning Appeals Tribunal.

CONTACT

Thomas Rees, Planner
Tel. No. 416-392-1791
E-mail: Thomas.Rees@toronto.ca

SIGNATURE

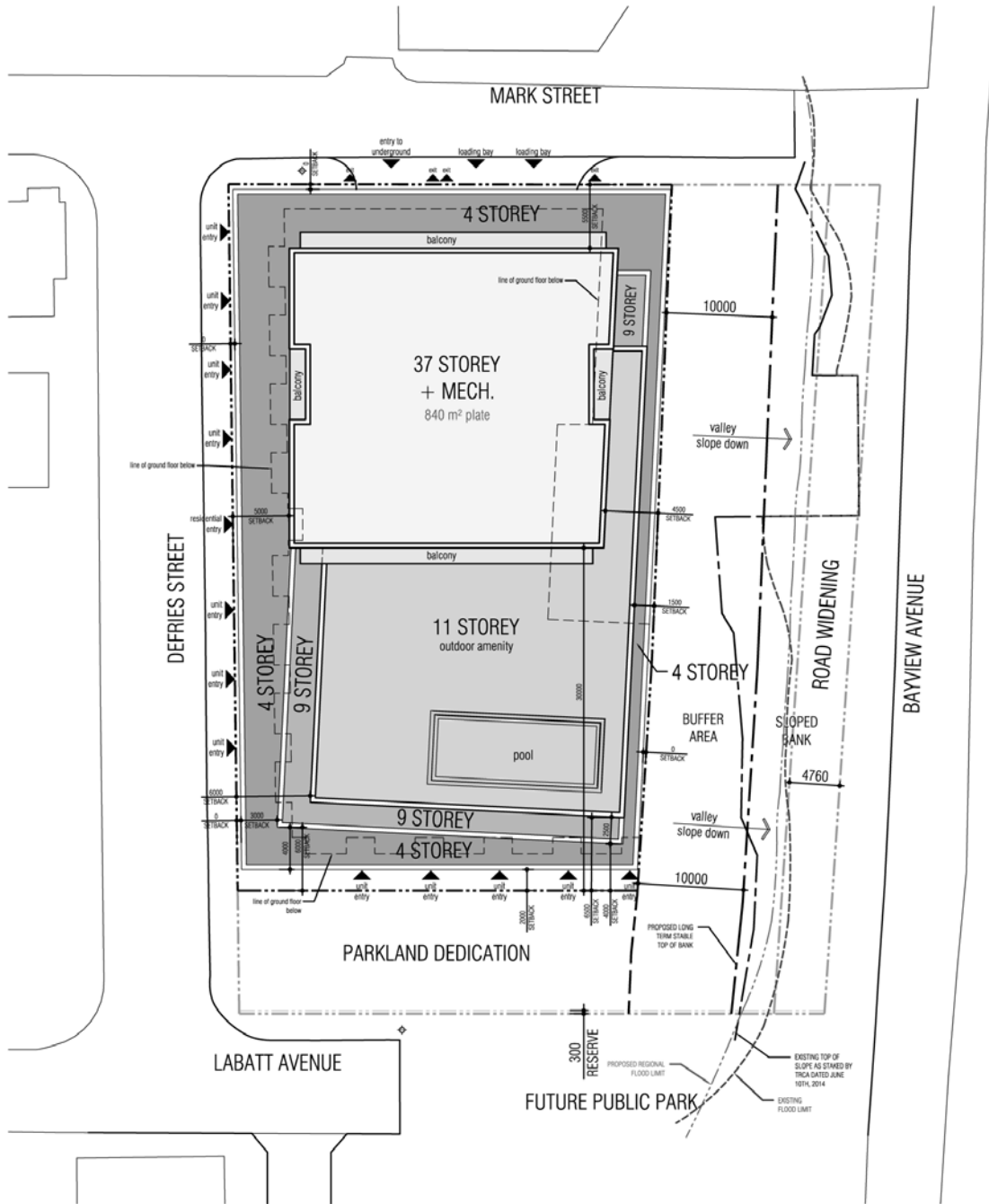
Lynda H. Macdonald,
Acting Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: North Elevation
Attachment 6: Official Plan Land Use Map
Attachment 7: Queen-River Secondary Plan Land Use Map
Attachment 8: Zoning By-law Map
Attachment 9: Draft Section 37 Provisions
Attachment 10: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

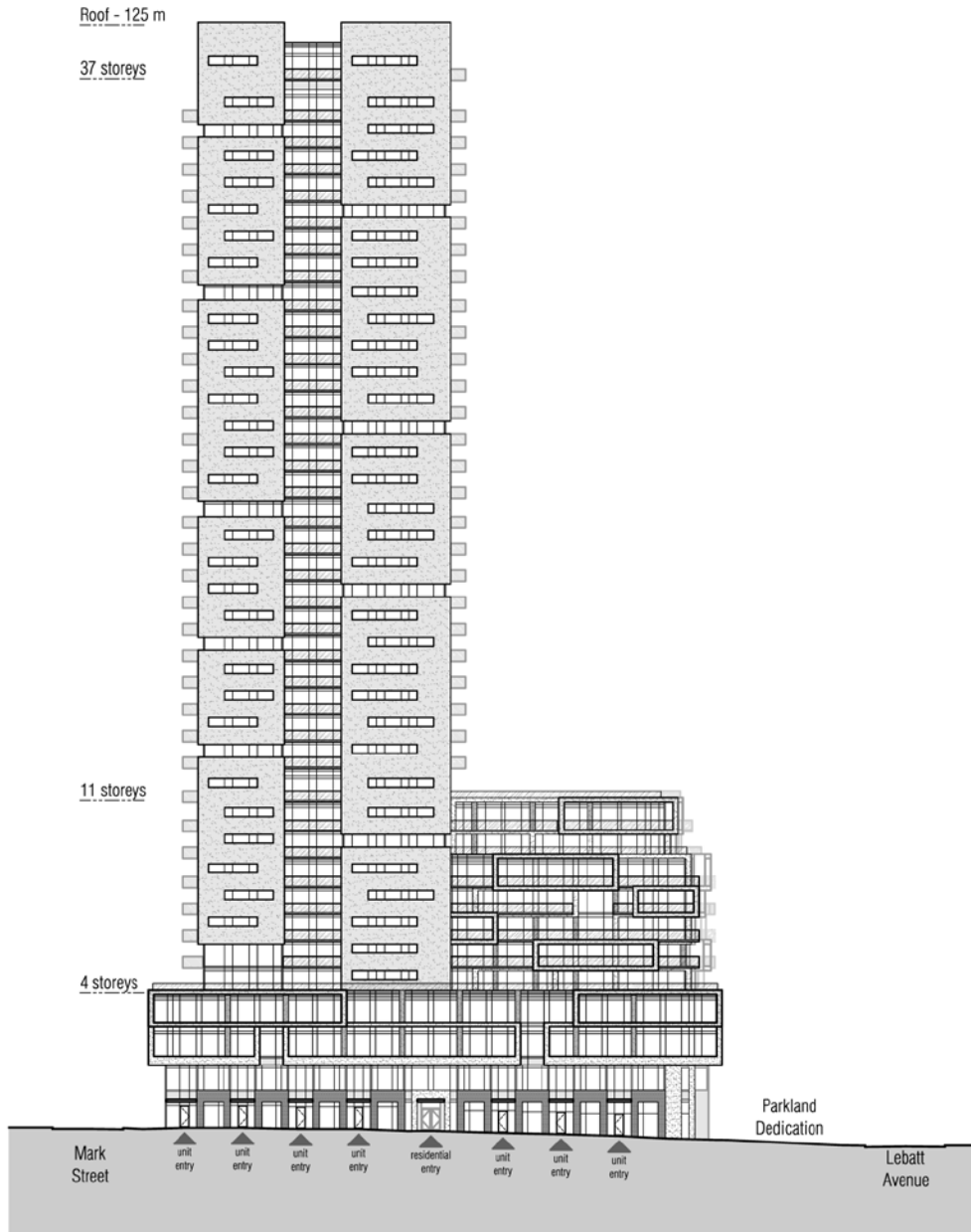
Not to Scale
06/07/2018



1-25 Defries Street

File # 14_213710_STE 28 0Z

Attachment 2: West Elevation



West Elevation

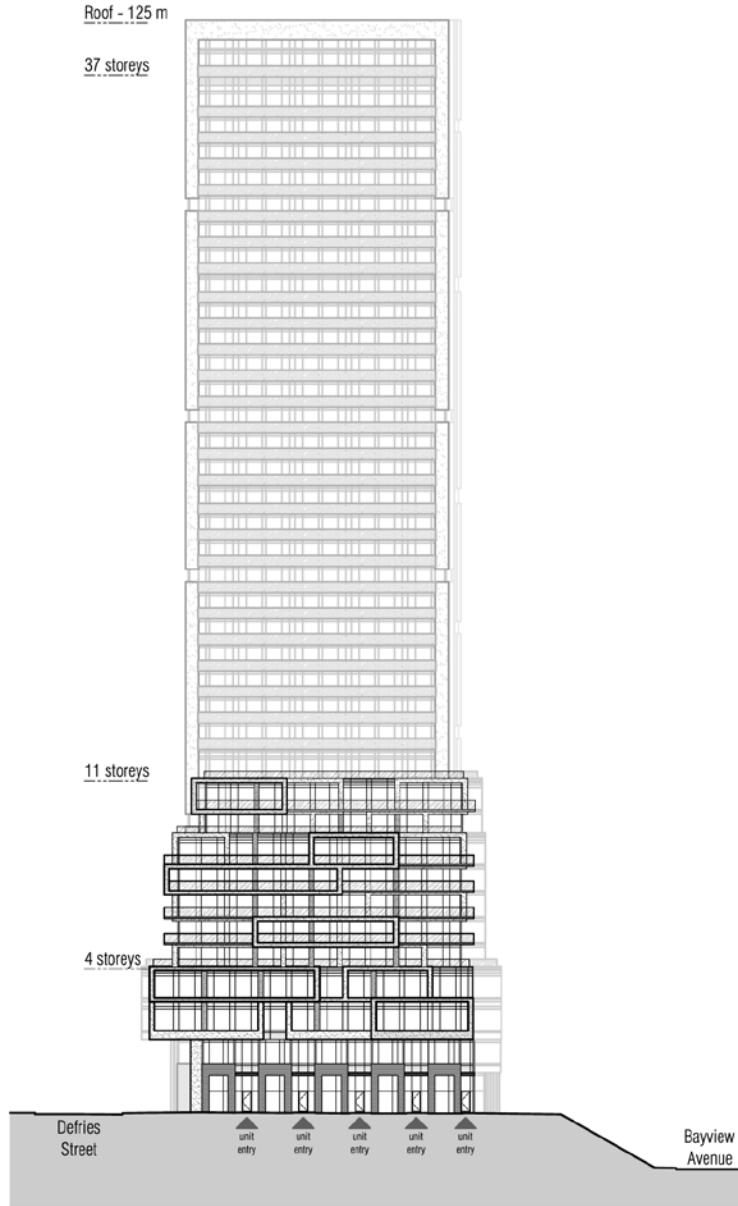
Applicant's Submitted Drawing

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06/07/2018

1-25 Defries Street

File # 14_213710_STE 28 0Z

Attachment 3: South Elevation



South Elevation

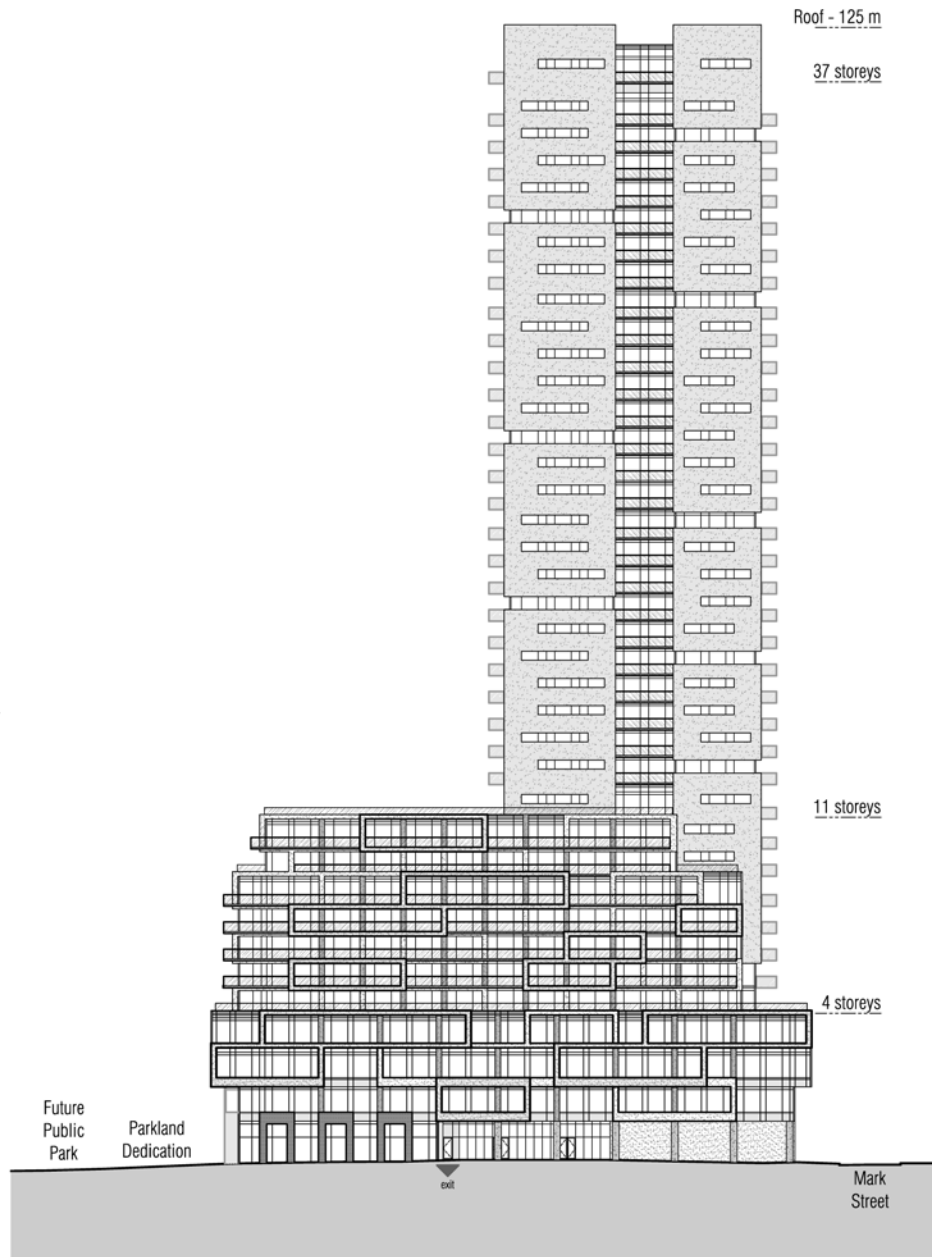
Applicant's Submitted Drawing

Not to Scale
05/18/2018

1-25 Defries Street

File # 14_213710_STE 28 OZ

Attachment 4: East Elevation



East Elevation

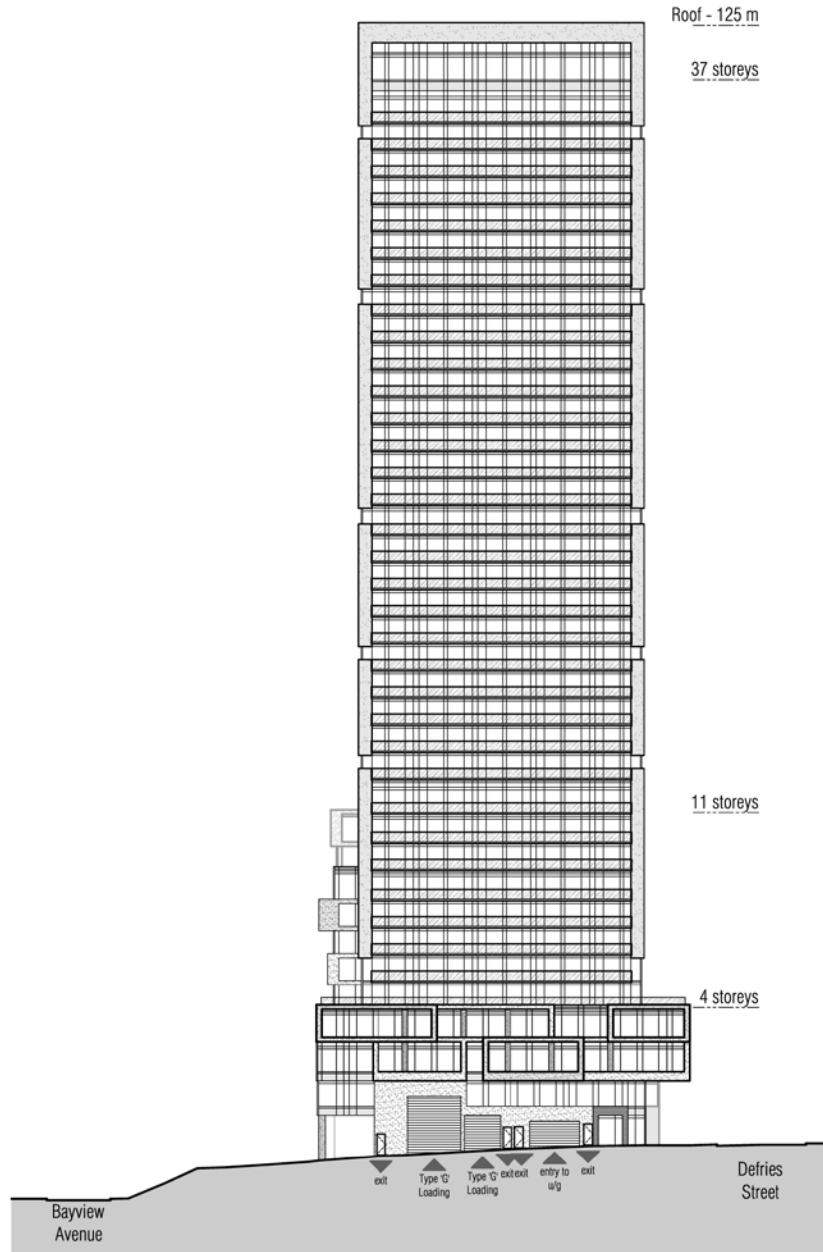
Applicant's Submitted Drawing

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05/18/2018

1-25 Defries Street

File # 14_213710_STE 28 0Z

Attachment 5: North Elevation



North Elevation

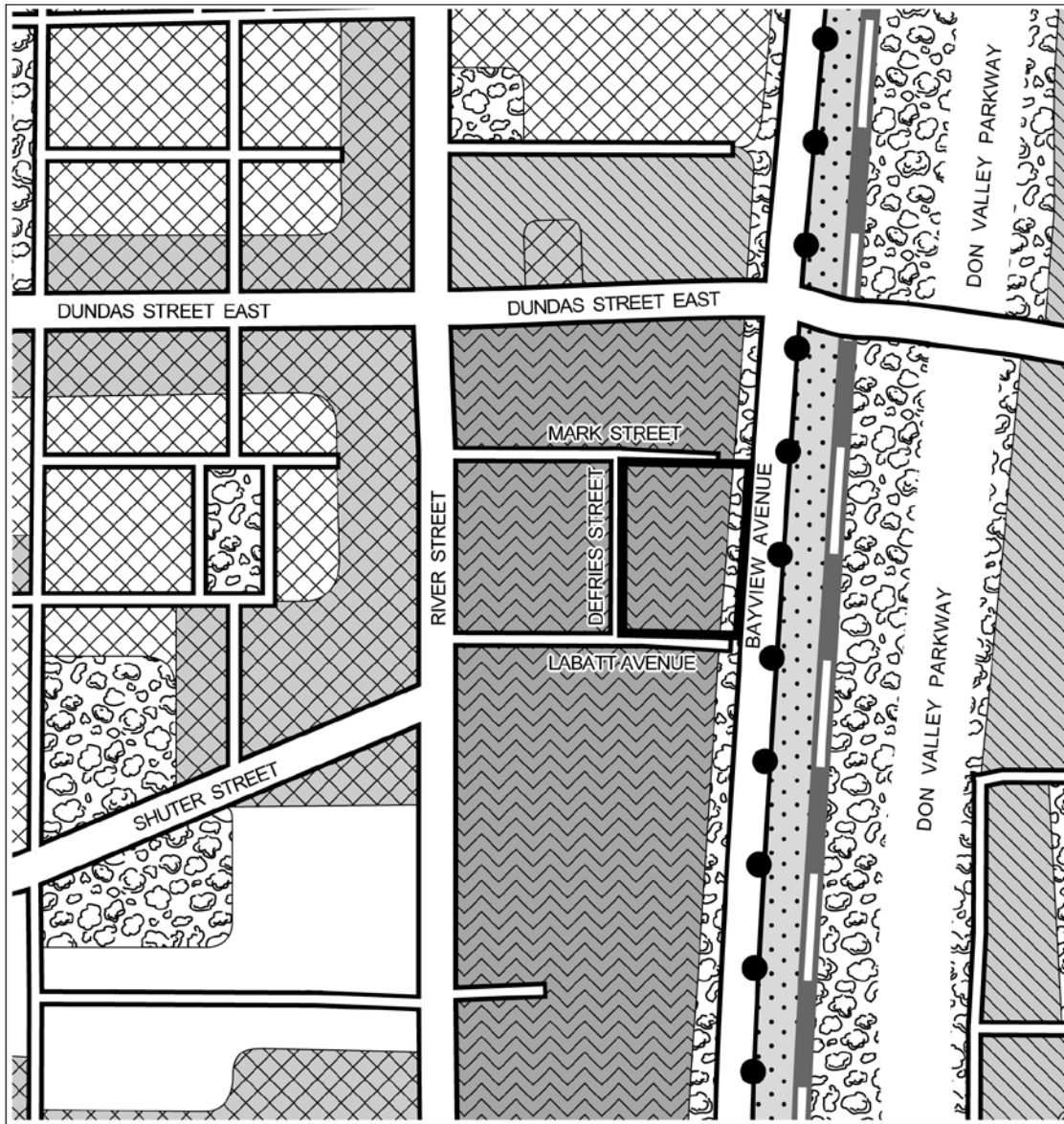
Applicant's Submitted Drawing

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1-25 Defries Street

File # 14_213710_STE 28 0Z

Attachment 6: Official Plan Land Use Map



Official Plan

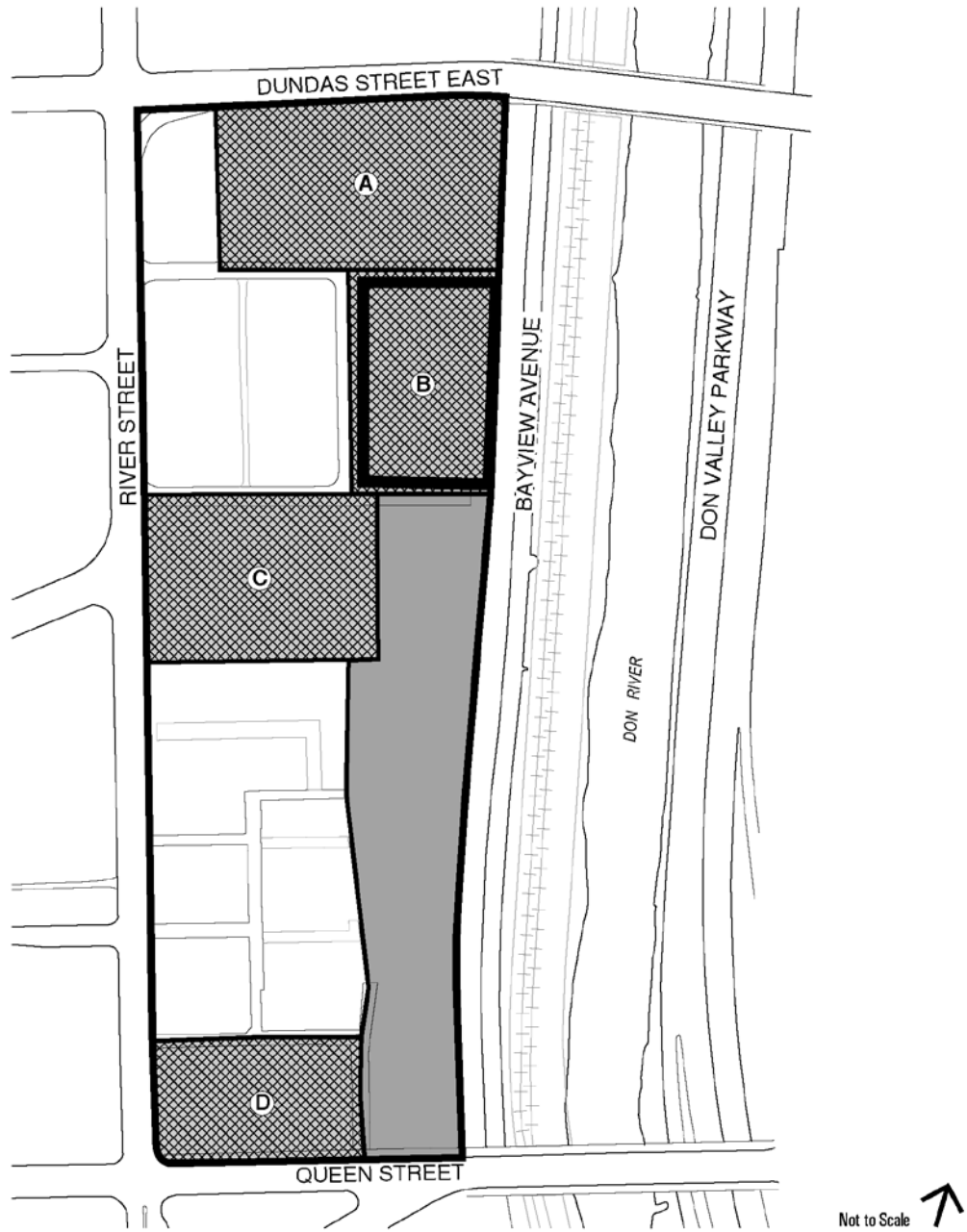
1-25 Defries Street

File # 14 213710 STE 28 0Z








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Attachment 7: Queen-River Secondary Plan Land Use Map

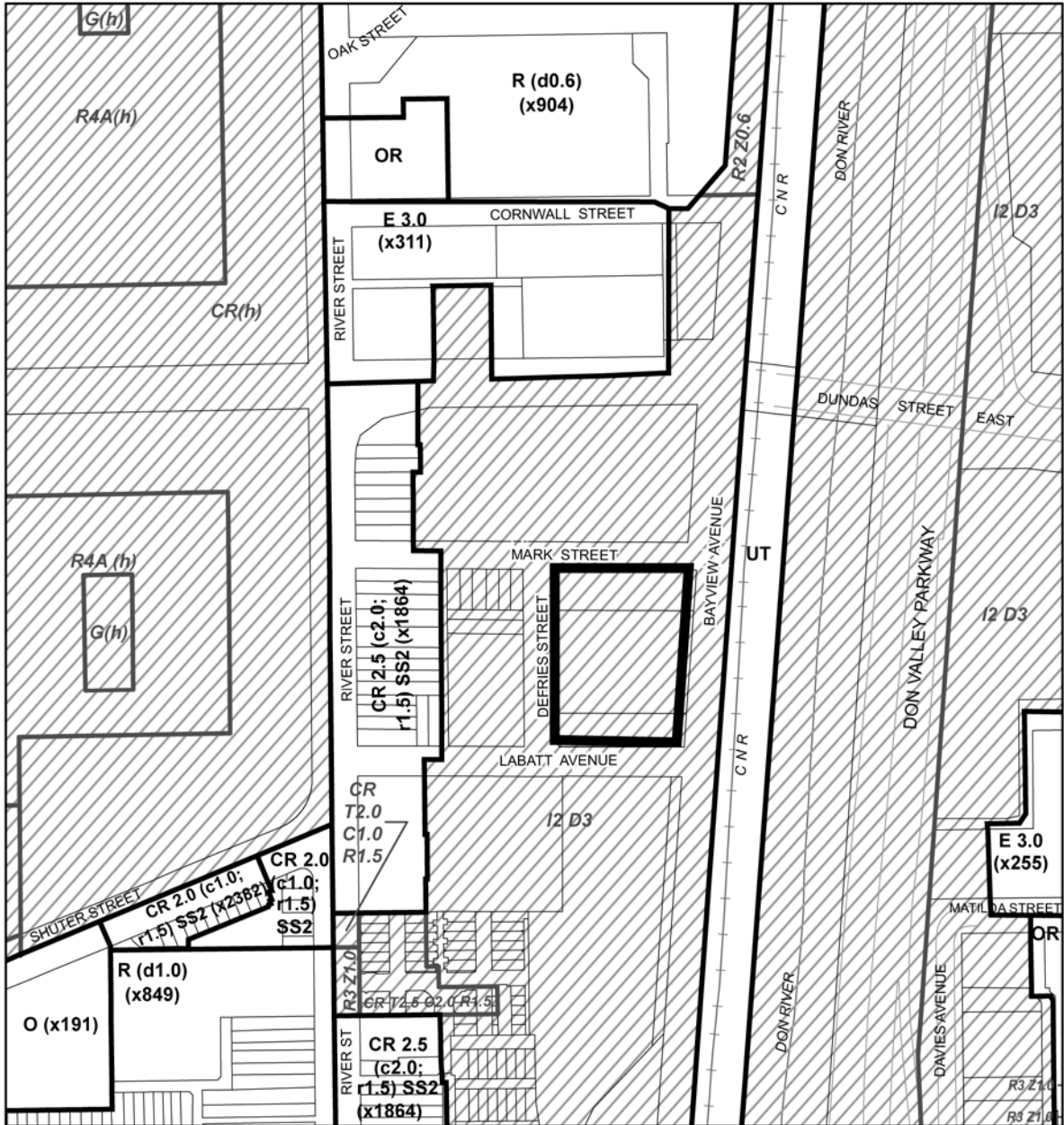


Queen-River Secondary Plan

MAP 34-1 Land Use Plan

- | | | | |
|---|-------------------------|---|--------------------|
|  | Secondary Plan Boundary |  | Existing Use Areas |
|  | Location of Application |  | Mixed Use Areas |
|  | Neighbourhoods | | |

Attachment 8: Zoning By-law Map



Zoning By-Law No. 569-2013

1-25 Defries Street
File # 14 213710 STE 28 0Z

Location of Application

R Residential	O Open Space
CR Commercial Residential	OR Open Space Recreation
E Employment Industrial	UT Utility and Transportation



See Former City of Toronto By-Law No. 438-86

R2 Residential District	CR Mixed-Use District
R3 Residential District	I2 Industrial District
R4A Residential District	G Parks District



Not to Scale
Extracted: 04/30/2018

Attachment 9: Draft Section 37 Provisions

The owner is required to enter into an Agreement pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, and the Section 37 Agreement shall be registered on title of the property to the satisfaction of the City Solicitor, that secures the following community benefits and other matters to support the development:

- i. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,500,000.00 for improvements to local parks and/or streetscapes within an area bounded by the Don River, Eastern Avenue, Parliament Street, Shuter Street, River Street (between Shuter Street and Dundas Street East), and Dundas Street East (between River Street and the Don River), including, but not limited to, designing and implementing a new sidewalk on the west side of Bayview Avenue between 1-25 Defries Street and Queen Street East, and other improvements to be determined in consultation with the Ward Councillor;
- ii. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,500,000.00 for the commissioning of public art and associated site preparation on lands located at or near the intersection of King Street East and Queen Street East, as part of a gateway feature for the Corktown neighbourhood, to be coordinated by the Economic Development & Culture Division in consultation with the Transportation Services Division, City Planning Division, and Waterfront Toronto;
- iii. The payments required in items (i) and (ii) above must be increased by upwards indexing in accordance with the Apartment Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date each such payment is made;
- iv. In the event the cash contributions required in items (i) and (ii) above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject property.
- v. The owner agrees to convey the lands below the long-term stable top-of-bank and the buffer zone lands located within 10 metres of the long-term stable top-of-bank, excluding any lands required for widening the Bayview Avenue right-of-way, to the Toronto and Region Conservation (TRCA), prior to final Site Plan approval.

- vi. Pursuant to Ontario Regulation 166/06, the owner is required to obtain a Toronto and Region Conservation (TRCA) permit prior to any development and/or site alteration on the subject property.
- vii. The owner agrees to provide information to the Toronto and Region Conservation (TRCA) that describes how a Limiting Distance Separation Agreement and a Maintenance Easement will be secured through the appropriate development agreement(s), to the satisfaction of the TRCA.
- viii. The owner agrees to design and construct an accessible pedestrian/cycle path and a staircase on the subject site (on the lands to be conveyed to the TRCA) to provide access to Bayview Avenue through the Site Plan approval process. The design of the accessible pedestrian/cycle path and the staircase must be to the satisfaction of the TRCA, the Chief Planner and Executive Director, City Planning Division, and the General Manager, Transportation Services.
- ix. Prior to approval of a Site Plan Control application, the owner agrees to prepare all documents and convey to the City, at nominal cost, a 4.76 metre wide conveyance along the west limit of Bayview Avenue, such lands to be free and clear of all encumbrances, save and except for utility poles and trees, and subject to a right-of-way for access purposes, including construction access, until such time as the said lands have been laid out and dedicated for public highway purposes, all to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services and the City Solicitor.
- x. Prior to approval of a Site Plan Control application and prior to the issuance of a building permit, the owner agrees to convey to the City, at nominal cost, the following corner roundings in order to provide for, among other things, adequate pedestrian facilities and appropriate sight lines:
 - 1. A 5.0 metre corner rounding at the northeast corner of the intersection of Defries Street and Labatt Avenue;
 - 2. A 5.0 metre corner rounding at the southeast corner of the intersection of Defries Street and Mark Street;
- xi. Prior to issuance of the first above-grade building permit, the owner is required to convey a 421 square metre portion of the development site for public parkland purposes. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.

- xii. The owner is to pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

- xiii. Prior to conveying the parkland to the City, the owner must:
 - 1. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director of Engineering & Construction Services;
 - 2. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
 - 3. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - 4. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering & Construction Services for peer review and concurrence, which states:
 - A. In the opinion of the Qualified Person:
 - i. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

- ii. To the extent that the opinion in 4.4.1(i) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - B. Land to be conveyed to the City meets either:
 - i. The applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or
 - ii. The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
- 5. The Qualified Person's statement, referenced in 4.4 above, will include a Reliance Letter that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director of Engineering & Construction Services.
- 6. For conveyance of lands requiring a Record of Site Condition:
 - A. File the Record of Site Condition on the Ontario Environmental Site Registry; and
 - B. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Chief Engineer and Executive Director, Engineering & Construction Services.
- xiv. The owner, at their expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:
 - 1. demolition, removal and disposal of all existing materials, buildings and foundations;
 - 2. grading inclusive of topsoil supply and placement, minimum of depth of 150 mm;
 - 3. sod #1 nursery grade or equivalent value of other approved park development;

4. fencing to City standard (where deemed necessary);
 5. all necessary drainage systems including connections to municipal services;
 6. electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventers, shut off valves, water and hydro meters and chambers;
 7. street trees along all public road allowances, which abut future City-owned parkland; and
 8. standard park sign (separate certified cheque required).
- xv. All park work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.
 - xvi. Prior to the issuance of the first above grade building permit, the owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
 - xvii. Prior to issuance of the first above grade building permit, the owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation.. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
 - xviii. The construction of the Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late completion of the construction of the Base Park Improvements to the park block may be taken into consideration and the date for completion may be extended at the discretion of the General Manager, Parks, Forestry and Recreation.
 - xix. Should the owner carry out any of the Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain, at the owner's expense, a Park Occupation Permit (POP) from Parks, Forestry and Recreation's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- xx. Prior to conveyance of the parkland the owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.
- xxi. Prior to conveyance of the parkland, the owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Director of Technical Services.
- xxii. The owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.
- xxiii. The owner agrees to design and construct the Above Base Park Improvements to the new park, to the satisfaction of the General Manager, Parks, Forestry and Recreation, for which the owner shall receive a development charge credit against the Parks and Recreation component of the Development Charges. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation., and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. Prior to the issuance of the first above grade building permit for all or any part of the site, the owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation., and a Letter of Credit equal to 120% of the Parks and Recreation Development Charges payable for the development, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- xxiv. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. Areas to be addressed in the design of the Park will include among others: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, and vandal proof materials. Final design and programming of the parkland shall be at the discretion of the General Manager, Parks, Forestry and Recreation.
- xxv. Prior to the issuance of the first above grade building permit for the development of all or any part of the site, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park Improvements for review and approval by the General Manager, Parks, Forestry and Recreation.
- xxvi. The construction of the Above Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- Unforeseen delays (e.g. weather) resulting in the late delivery of the park block may be taken into consideration and the date for completion may be extended at the sole discretion of the General Manager, Parks, Forestry and Recreation.
- xxvii. Should the owner carry out any of the Above Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain, at the owner's expense, a Park Occupation Permit (POP) from Parks, Forestry and Recreation's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
- xxviii. The owner, upon completion of the construction and installation of the Base and Above Base Park Improvements, to the satisfaction of the General Manger, Parks, Forestry and Recreation, shall be required to provide a 2 year guarantee for such work and associated materials. The owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, Parks, Forestry and Recreation be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
- xxix. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- xxx. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to Parks, Forestry and Recreation. A complete set of "as built" plans shall be provided electronically on CD in PDF format, and two (2) full size bound sets in hard copy to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not be limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warrantees, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor and sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

- xxxi. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry and Recreation, with respect to the park design.
- xxxii. The owner agrees to prepare a conceptual design for the proposed park on the Labatt Avenue right-of-way that provides a unified and cohesive design for both the proposed public park on the subject site and the adjacent proposed public park on the Labatt Avenue right-of-way.
- xxxiii. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.
- xxxiv. The owner agrees that the proposed development will include a minimum of 30% two-bedroom units and a minimum 10% three-bedroom units.
- xxxv. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.

Attachment 10: Application Data Sheet

Municipal Address: 1-25 DEFRIES ST **Date Received:** August 28, 2014

Application Number: 14 213710 STE 28 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Revised proposed Official Plan and zoning by-law amendment for one residential building that comprises a 36-storey tower, an attached 12-storey component, and a 4-storey base building. A total of 570 dwelling units are proposed. There are 226 parking spaces proposed in a 3 level underground parking garage with 190 parking spaces for residents, 28 parking spaces for visitors, and 8 car-share parking spaces.

Applicant	Agent	Architect	Owner
Raw Design Inc. 317 Adelaide St. West Suite 405 Toronto, Ontario M5V 1P9		Graziani + Corazza	PROJECT DON VALLEY PLAN DEFRIES INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	I2 D3	Heritage Designation:	N
Height Limit (m):	15	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 4,580 Frontage (m): 75 Depth (m): 58

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,307	1,307
Residential GFA (sq m):			42,325	42,325
Non-Residential GFA (sq m):				
Total GFA (sq m):			42,325	42,325
Height - Storeys:			37	37
Height - Metres:			125	125
Lot Coverage Ratio (%):	28.54	Floor Space Index:	9.24	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	41,910	415
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			552	552
Other:				
Total Units:			552	552

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			321	176	55
Total Units:			321	176	55

Parking and Loading

Parking Spaces: 206 Bicycle Parking Spaces: 553 Loading Docks: 2

CONTACT:

Thomas Rees, Planner
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Thomas.Rees@toronto.ca