

2 Gibbs Road – Application to Lift Holding Provisions "(h)" - Final Report

Date: January 18, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 - Etobicoke Centre

Planning Application Number: 18 187036 WET 05 OZ

SUMMARY

The purpose of this report is to recommend lifting the Holding Provision "(h)" symbol pertaining to the southwest portion of the site at 2 Gibbs Road (Phases 2 and 3 of a mixed-use development). The lifting of the "(h)" on the subject site will provide for the development of two residential condominium towers (Tower 2 being 37 storeys and Tower 3 being 43 storeys in height) above a 4-storey podium including retail and office space and 6 townhouses; a central garden (privately owned publicly accessible open space); 2 levels of underground parking; and 4 levels of above grade parking on the site.

Phases 2 and 3 are part of the larger mixed-use phased development at 2 Gibbs Road containing a total gross floor area of 105,600 m² as approved by City Council at its meeting of March 28 and 29, 2017 and through technical by-law amendments approved by City Council on January 31 and February 1, 2018.

The Holding Provision requires that prior to the lifting of the "(h)" the applicant is required to demonstrate adequate servicing capacity through flow monitoring on the existing municipal sanitary system and that satisfactory arrangements be made with the General Manager and Executive Director of Engineering and Construction Services, including any necessary agreements with the City for the design and construction of any improvements to the municipal infrastructure. These conditions have been satisfied.

The proposed development is also consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017). This report reviews and recommends approval of the application to amend Zoning By-law Nos. 320-2017 and 321-2017.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 320-2017 for the lands at 2 Gibbs Road to remove the holding provision "(h)", substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 1 to this report.
2. City Council amend Zoning By-law No. 321-2017 for the lands at 2 Gibbs Road to remove the holding provision "(h)", substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 2 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting held on March 28 and 29, 2017 City Council approved amendments to the former City of Etobicoke Zoning Code and Zoning By-law No. 569-2013 to permit a multi-phased mixed-use development at 2 Gibbs Road (File # 16 114845 WET 05 OZ) through enactment of Zoning By-law Nos. 320-2017 and 321-2017. The Zoning By-law Amendments included a Holding Provision "(h)" symbol for the southwest portion of the site at 2 Gibbs Road (Phases 2 and 3) for servicing matters to be arranged to the satisfaction of the General Manager and Executive Director of Engineering and Construction Services prior to development. The decision document can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY20.4>

At the January 31 and February 1, 2018 meeting of City Council, the by-laws were amended to address an ambiguity in the responsibility requirements for traffic improvements, and to provide clarity regarding setback measurements, parking requirements and diagrams. The amendments clarified that the owner is responsible for paying for and installing upgrades to traffic facilities related to the development and corrected ambiguous language regarding the drawings and plans which were before Community Council for the statutory public meeting and before City Council in the Final Report. The decision document can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM36.11>

The current application was deemed complete on August 21, 2018.

ISSUE BACKGROUND

Proposal

This application proposes to lift the "(h)" symbol in site specific Zoning By-law Nos. 320-2017 and 321-2017 pertaining to the southwest portion of the site at 2 Gibbs Road in order to permit Phase 2 and Phase 3 of the mixed-use development. Lifting of the "(h)" symbol for Phases 2 and 3 would allow completion of the entire mixed-use development.

Phases 2 and 3 of the development include two residential towers (Tower 2 and Tower 3) on the western side of the site, the central garden (privately owned publicly accessible open space), the dog run area and the western pedestrian path. Tower 2 would be 37 storeys (115 m) in height and Tower 3 would be 43 storeys (126.5 m) in height. The 4 storey podium base would contain office and retail space, 6 townhouse units, 2 levels of underground parking and 4 levels of above grade parking.

The Holding Provisions in the site specific Zoning By-laws require the following conditions be fulfilled to the satisfaction of City Solicitor; the Director, Community Planning, Etobicoke York District; the General Manager and Executive Director, Engineering and Construction Services; and City Council:

- The execution and registration of a development agreement between the Owner of the Lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development; and
- The receipt of all necessary approvals for the infrastructure required above.

Phase 1 of the development consists of a new private central road, two 10-storey residential rental buildings (Building A and Building B) on the east side of the site, a playground area (POPS 2), and a 31-storey residential condominium tower (Tower 1 with a height of 97 m) with 8 integrated townhouse units on the northwestern portion of the site.

The entire development would contain a total of 1,480 residential units, consisting of 923 one bedroom units, 407 two bedroom units and 150 three bedroom units. The total gross floor area of the development would be 105,600 m², of which 6,800 m² would be comprised of non-residential uses. The overall density would be 3.97 times the area of the lot. The proposed residential towers would have maximum floor plate sizes of 750 m². The towers would also have separation distances of 26.5 m between Tower 1 and Tower 2 and 33 m between Tower 2 and Tower 3.

Vehicular access would be provided from Gibbs Road via a new central private road which would loop around the proposed central garden (POPS) and would traverse north-south through the site to connect to the private road that currently terminates at the south end of the adjacent 1 Valhalla Inn Road development to the north. In addition, there would be a new secondary 6 m one-way road along the eastern edge of the site for loading and servicing purposes.

A total of 1,730 parking spaces (1,425 residential and 305 residential visitor/non-residential spaces) would be provided. A total of 1,142 bicycle parking spaces (1,111 residential bicycle spaces and 31 non-residential bicycle spaces) are proposed. There would be a total of 7 loading spaces on site.

The development would contain 2,960 m² of outdoor private amenity space and 2,960 m² of indoor private amenity space. In addition, a 1,500 m² central garden and a 640 m² playground area are proposed that would operate as privately owned publicly accessible spaces (POPS).

Site and Surrounding Area

The site is located on the north side of Gibbs Road, north of the Bloor Street West and The East Mall intersection. The site previously contained a one-storey commercial/light industrial building and a surface parking lot, most recently used as a language school. The building was demolished and the site is largely vacant – except for a temporary sales centre for the 1 Valhalla Inn Road development.

The site is generally flat, square in shape and has a total area of approximately 2.6 ha. The south frontage, measuring 115 m, is the only frontage which borders a public street. The lot depth is approximately 171 m. The surrounding land uses are as follows:

North: The 1 Valhalla Inn Road residential development comprised of 22-storey, 29-storey and 35-storey condominium towers, stacked townhouses and a new central private street which would connect to the new central private street proposed in the subject application.

East: An 8-storey residential apartment building with a surface parking lot and an outdoor pool at 340 The East Mall as well as 3-storey townhouses and 2-storey semi-detached dwellings on Formula Court. Beyond The East Mall are the grounds of the Bloorlea Middle School, containing a large open green space and a baseball diamond.

South: Gibbs Road, a collector road which transitions into the on ramp for Highway 427 and a 6-storey office building (the Valhalla Executive Centre) located on the south side of Gibbs Road.

West: Access ramps leading from Gibbs Road and Valhalla Inn Road to Highway 427 beyond.

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

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

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

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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

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

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

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

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

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

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

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

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

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

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

Toronto Official Plan

Chapter 4 – Land Use Designations

The site is designated *Mixed Use Areas* on Map 15 - Land Use Plan. According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed-use buildings.

Development in *Mixed Use Areas* will create a balance of high quality residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

Chapter 5 – Implementation: Making Things Happen

Section 5.1.2 Holding By-laws: The Official Plan recognizes that there are instances where development of lands should not take place until specific facilities are in place or conditions are met. Policy 1 of this Section indicates a holding provision may be placed on lands where the desired use of the lands is specified but cannot take place until conditions set out in the by-law are satisfied. Policy 2 of this Section indicates conditions to be met prior to the removal of the holding provision may include servicing improvements.

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

Zoning

The site is subject to the former City of Etobicoke Zoning Code. The property is zoned Planned Commercial Preferred (CPP). Permitted uses include neighbourhood stores, professional offices and restaurants, as well as specific institutional and public uses. Residential uses are not permitted.

On May 9, 2013, City Council enacted City-wide Zoning By-law No. 569-2013. Under City-wide Zoning By-law No. 569-2013, the site is zoned Commercial Residential (CR.04)(c0.4; r0.0) SS3 (x900)(x903), permitting a variety of uses such as retail stores, office uses and institutions. The site has a residential value of 0.0 (no residential density).

The site is also subject to site specific Zoning By-law Nos. 320-2017 and 321-2017 which permit the proposed mixed-use development as it relates to the residential uses, building types, height, density, setbacks and parking to facilitate the phased mixed-use development with 1,480 residential units and 6,800 m² of non-residential uses.

Site Plan Control

Site Plan Control approval is required to permit the proposed development approved through the 2017 rezoning. A Site Plan application (File #16 249282 WET 05 SA) for Phase 1 of the development was submitted. Notice of Approval Conditions was issued on June 14, 2018 and is pending Final Statement of Approval. Site Plan applications and approvals for Phases 2 and 3 of the proposal are required to permit the balance of the development. A Site Plan application has not yet been submitted for Phases 2 and 3 of the development.

Reasons for the Application

The application to lift the "(h)" symbol is required to accommodate the development of Phases 2 and 3 of the mixed-use development as stipulated in site specific Zoning By-law Nos. 320-2017 and 321-2017. The conditions to be resolved pertain to servicing capacity of the existing municipal sanitary system; and agreements with the City for the design and construction of any improvements to the municipal infrastructure (if necessary).

Application Submission

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

- Revised Functional Servicing Report; dated October 2018, Project No. UD15-0576, prepared by Cole Engineering Group Ltd.; and
- Draft Zoning By-laws.

Copies of the submitted documents are available on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation

The application together with the applicable documents 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 Zoning By-law revisions.

Community Consultation

Community consultation is not required for the proposed application to lift the Holding Provision.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

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

Policy 1.1.1 c) of the PPS direct healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 1.6.6.1 d) of the PPS also direct planning for servicing be integrated with land use considerations at all stages of the planning process. This application has addressed the servicing and capacity impacts of the proposed mixed-use development, and is consistent with the PPS in this regard.

The Growth Plan establishes that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification. The proposal represents intensification through redevelopment of an underutilized *Mixed Use Areas* lot in an existing built-up area and fosters a complete community. The proposal's compact and efficient form helps to optimize the utilization of existing services and infrastructure and reduces the need to convert rural land to urban uses. The site is also located adjacent to Highway 427, a major transportation corridor. This application demonstrates there are no outstanding servicing or capacity issues pertaining to the comprehensive mixed-use development and therefore does not conflict with the Growth Plan in this regard.

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background Section of the Report as well as the policies of the Official Plan as a whole. The application to lift the Holding Provision on the subject site to permit Phases 2 and 3 of a mixed-use development including office, retail, residential towers, residential townhouse units, a central garden (privately owned publicly accessible open space), a dog run area and pedestrian paths provides for a mix of uses and housing options to create a complete community in this area.

Servicing Impact

The applicant previously submitted a detailed Functional Servicing and Stormwater Management Report which was reviewed by Engineering and Construction Services staff. It was determined there is adequate servicing capacity for Phase 1 of the development. However, the applicant was required to demonstrate adequate servicing capacity through flow monitoring on the existing municipal sanitary system for Phases 2 and 3 of the development. To remove the "(h)", the Zoning By-laws stipulate that satisfactory arrangements must be made with the General Manager and Executive Director of Engineering and Construction Services, including any necessary agreements with the City for the design and construction of improvements to the municipal infrastructure (if necessary).

A revised Functional Servicing Report was submitted to address the conditions of the Holding Provision. Based on the applicant's capacity assessment and the use of flow monitoring, the existing downstream municipal sanitary sewers have sufficient capacity to service the proposed development for the ultimate build out scenario of 3,000 residents (equivalent population), 3,300 m² of commercial area, and 3,500 m² of office area under both design and extreme wet weather flow conditions. Engineering and Construction Services staff have reviewed the submitted documentation and have no objection to lifting the holding symbol "(h)" for Phases 2 and 3 for the development on the site.

Conclusion

The application 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 (2014) and conforms with the Growth Plan (2017). The

conditions that are required to be addressed prior to the lifting of the Holding Provision in site specific Zoning By-law Nos. 320-2017 and 321-2017 have now been resolved to permit Phase 2 and 3 of the mixed-use development at 2 Gibbs Road. Staff recommend that City Council approve the application to remove the "(h)" from both site specific Zoning By-laws governing the site.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment to By-law 320-2017
Attachment 2: Draft Zoning By-law Amendment to By-law 321-2017

Attachment 1: Draft Zoning By-law Amendment to By-law 320-2017

Authority: ~,
as adopted by City of Toronto Council on ~, 2019
Enacted by Council: ~, 2019

CITY OF TORONTO

Bill No. ~

BY-LAW XXXX-2019

**To amend Zoning By-law 569-2013, as amended by site specific
Zoning By-law 320-2017,
to remove the Holding (H) symbol with respect to certain lands
municipally known in the year 2019 as 2 Gibbs Road.**

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to impose the holding (H) symbol and to remove the holding (H) symbol when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Council is satisfied that the conditions relating to the holding symbol have been satisfied in order to lift the holding symbol in relation to that portion of the lands to which it applies; and

Whereas Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto enacts:

1. Zoning By-law 569-2013, as amended, is further amended by removing the holding symbol "(H)" from the lands as shown on the attached Diagram 1.
2. Section 3 of By-law 320-2017, as amended, is further amended by deleting the following words:

"The lands that are both delineated by heavy lines and identified with the "(H)" on Diagram 2 of By-law 320-2017 are restricted in use as specified by section 4 of By-law 320-2017:"

and replacing them with the following:

"The lands, or a portion thereof as noted below, are subject to the following Site Specific provisions, Prevailing By-laws and Prevailing Sections."

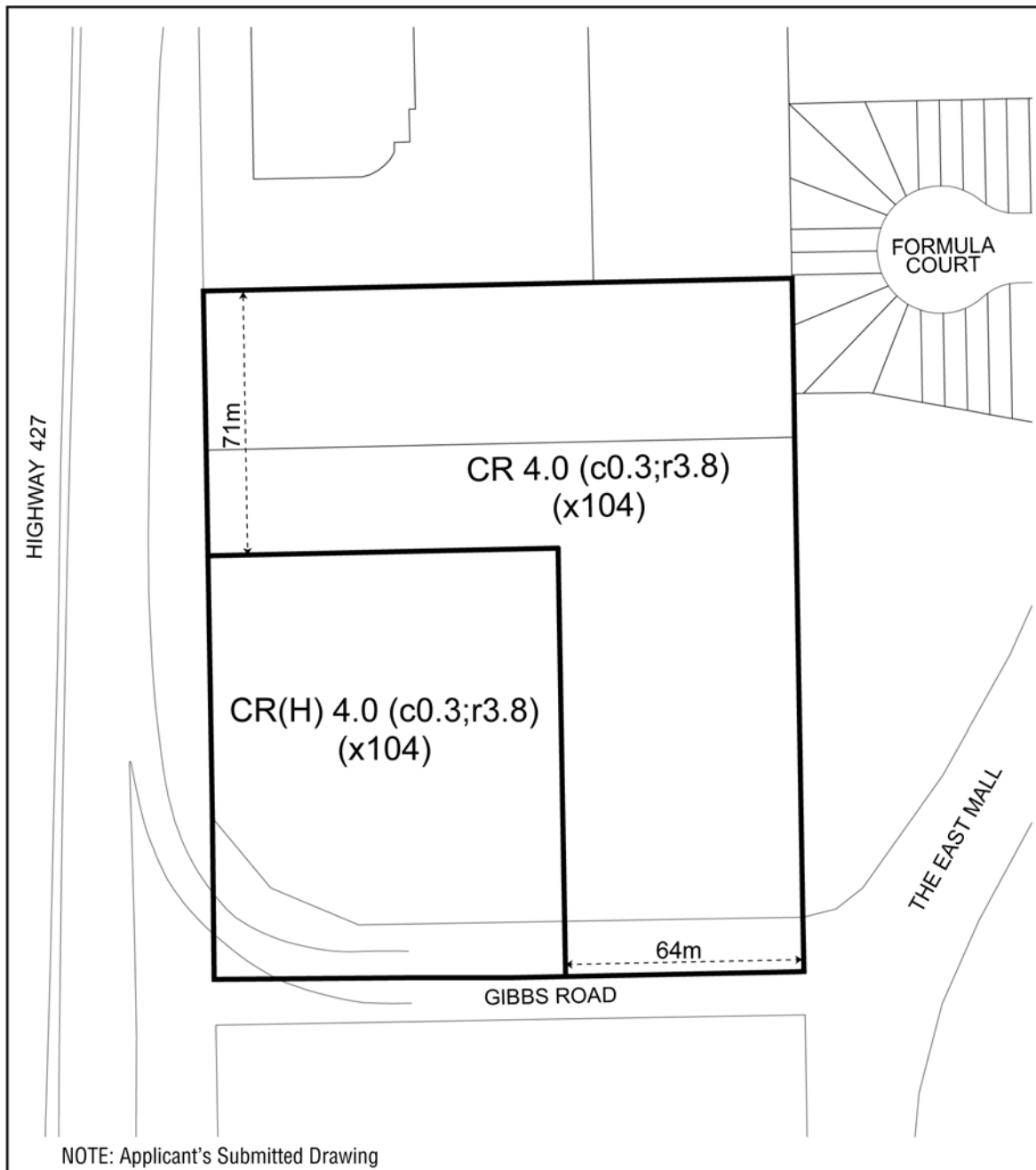
3. Section 3 of By-law 320-2017, as amended, is further amended by deleting subsection (S) in its entirety.
4. Section 4 of By-law 320-2017, as amended, is deleted entirely.

Enacted and passed on ~, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Toronto
Diagram 1

2 Gibbs Road

File # 18 187036 WET 05 02

City of Toronto By-law 569-2013
Not to Scale
01/16/19

Attachment 2: Draft Zoning By-law Amendment to By-law 321-2017

Authority: ~,
as adopted by City of Toronto Council on ~, 2019
Enacted by Council: ~, 2019

CITY OF TORONTO

Bill No. ~

BY-LAW XXXX-2019

**To amend Chapter 320 of the former City of Etobicoke Zoning Code, as amended
by site-specific Zoning By-law 321-2017, with respect to the lands
municipally known as 2 Gibbs Road.**

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to impose the holding (H) symbol and to remove the holding (H) symbol when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Council is satisfied that the conditions relating to the holding symbol have been satisfied in order to lift the holding symbol in relation to that portion of the lands to which it applies; and

Whereas Council has provided notice of the intent to pass this By-law;

The Council of the City of Toronto enacts:

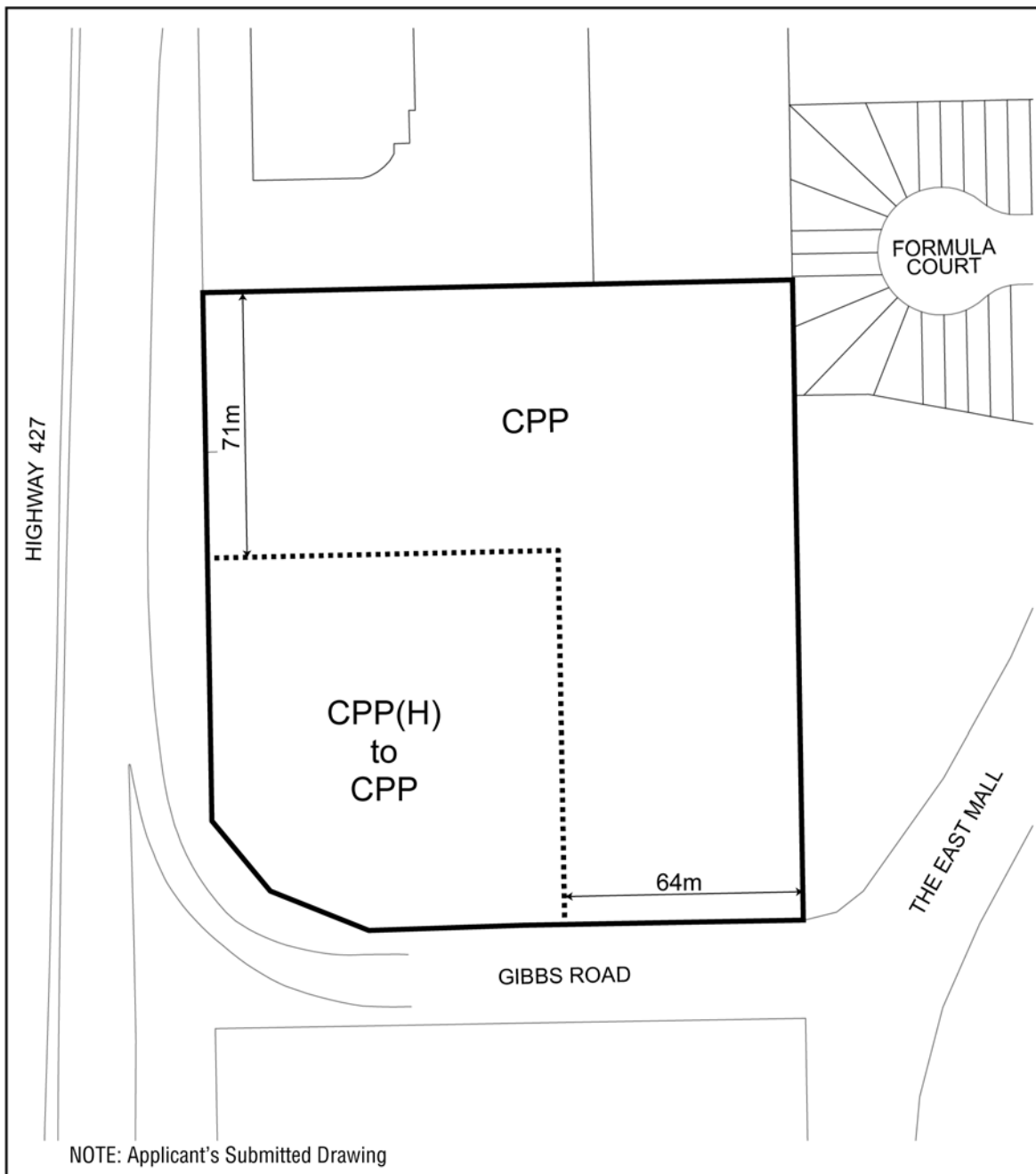
- 1.** The provisions of the Zoning Map referred to in Section 320-5 of the Zoning Code are amended by removing the holding symbol “(H)” from the lands as shown on Schedule A attached to this By-law.
- 2.** Section 27 of By-law 321-2017, as amended, is deleted entirely.

Enacted and passed on ~, 2019.

Francis Nunziata,
Speaker

Uli S. Watkiss,
City Clerk

(Seal of the City)



Toronto
Schedule 1

2 Gibbs Road

File # 18 187036 WET 05 02

↑
Former Etobicoke By-law 11,737
Not to Scale
01/16/19