

## **300-304 The East Mall - Zoning By-law Amendment Application – Preliminary Report**

Date: January 28, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 - Etobicoke Centre

**Planning Application Number:** 18 241669 WET 05 OZ

**Notice of Complete Application Issued:** November 8, 2018

**Current Uses on Site:** An office complex ranging from 6-9 storeys connected by 1-2 storey podiums with surrounding surface parking. The total office gross floor area is approximately 34,375 m<sup>2</sup>; including 17,427 m<sup>2</sup> of office space at 304 The East Mall which is currently vacant.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 300-304 The East Mall. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 300-304 The East Mall together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## ISSUE BACKGROUND

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### Application Description

This application proposes to amend the City-wide Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code for the lands at 300-304 The East Mall to permit a mixed-use development. The proposal would consist of one residential building stepping from 7.36 m (2-storeys) to 38.36 m (12-storeys excluding the mechanical penthouse) with ground floor retail on the east side of the site and three residential condominium apartment towers of 23, 33 and 40 storeys (74 m, 103 m and 124 m in height respectively, excluding the mechanical penthouse) above a 5-9 storey podium building on the west side of the site. The development would contain a total of 1,100 residential units (666 one bedroom units, 325 two bedroom units and 109 three bedroom units), including 27 integrated townhouse units. The total gross floor area proposed is 125,106 m<sup>2</sup>, of which 889 m<sup>2</sup> would be comprised of non-residential uses. The proposed overall density is 5.49 times the area of the lot (excluding the above grade parking areas). A total of 1,106 vehicular parking are proposed above and below grade. A new public park on the southeast portion of the site, a central pick up and drop off area and a new central road would be provided.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1a-1d of this report for proposed building elevations and Attachment 3 of this report for the proposed site plan as submitted by the applicant.

### Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of City Council related to this application is required to be consistent with the Provincial Policy Statement, 2014 (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe, 2017 (the "Growth Plan") and, where applicable, the Greenbelt Plan, 2017. The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act*. The PPS recognizes the Official Plan as the most important document for its implementation. The Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject application is located on lands shown as *Mixed Use Areas* on Land Use Map 14, as depicted in Attachment 4.

### **Zoning By-laws**

Under City-wide Zoning By-law No. 569-2013, which is partially appealed to the Ontario Municipal Board, the site is zoned Commercial Residential (CR.04) (c0.4; r0.0) SS3 (x905), permitting a variety of uses such as retail stores, offices and institutions. The site has a residential value of 0.0 (no residential density).

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

The City-wide Zoning By-law No. 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

### **Design Guidelines**

The following design guideline(s) will be used in the evaluation of this application:

- Tall Buildings Design Guidelines;
- Mid-Rise Buildings Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Bird Friendly Development Guidelines;
- Complete Streets; and
- Percent for Public Art.

The application may be subject to further design guidelines as the review of the application progresses.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

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

## **COMMENTS**

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### **Reasons for the Application**

Amendments to City-wide Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code are required to permit the proposed mixed use development as it relates to the residential use and building type. Site specific amendments are also required to

provide applicable performance standards such as building heights, density, setbacks and parking to facilitate the proposed development. Other areas of non-compliance may be identified through the review of the application.

## **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Provincial Policies and Plans Consistency/Conformity**

The application will be evaluated against the PPS and applicable Provincial Plans to establish the application's consistency with the PPS and conformity with the Growth Plan.

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including the conservation of features of significant architectural, cultural, historical, archeological or scientific interest, the adequate provision of employment opportunities, and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Section 2.1 of the Growth Plan emphasizes the importance of complete communities, where the urban context is designed to respond to "people's need for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing...." The application will be evaluated against the complete community visions and policies within the Growth Plan, especially in the context of retaining the existing employment/office uses to provide a balance of jobs and housing in communities to reduce the need for long distance commuting, to encourage active transportation and minimize land consumption through compact built form.

### **Official Plan Conformity**

Transition and shadow impacts from areas designated *Mixed Use Areas* to areas with different development intensity and scale is a key objective of the Official Plan. As such, new buildings should be located and massed through appropriate setbacks and/or stepping down of heights, particularly to lower scale *Neighbourhoods*.

### **Built Form, Planned and Built Context**

The application will be evaluated with regard to its conformity with the Official Plan, including development criteria for *Mixed Use Areas*, especially preserving and providing employment/office uses on site, and increasing accessibility, proximity and mobility by offering a mix of uses.

The suitability of the proposed height and massing and other built form issues will be assessed based on Sections 2.q. and r. of the *Planning Act*, the Growth Plan, the City's Official Plan policies and the City's Design Guidelines including the City-Wide Tall

Buildings Design Guidelines and the Mid-Rise Buildings Performance Standards and Addendum.

Conformity with the Official Plan will also be analyzed through the Built Form and Tall Building policies in Chapter 3 with respect to building heights, density, massing, articulation of the proposed buildings, appropriate transitions to the nearby lots and lands designated *Neighbourhoods* to the south and west, and fit within the surrounding area or planned context. Conformity to the Housing policies in Chapter 3 with regard to introducing a wide range of housing options, including affordable housing and assisted senior housing will also be assessed.

Site design, organization and layout with respect to building massing, architectural variety, heights, open space, road widths, indoor and outdoor amenity areas, pedestrian connections, setbacks from streets and property lines, the above grade parking levels within the podium, site grading, parking spaces and loading spaces will be evaluated.

The proposed layout and the size of the two and three bedroom units will be assessed to evaluate their proposed appropriateness. It is not indicated on the plans which units are two or three bedrooms. The size of two and three bedroom units should comply with the City's Growing Up Guidelines. Further, the application could provide child specific play areas on the proposed public park, potential privately owned publicly accessible open space (POPS) and on the rooftops.

Any issues associated with shadow and wind impacts from the proposal on the site, public sidewalks, surrounding lots, nearby residential dwellings including the *Neighbourhoods* to the south and the west of the site, the proposed public park, the proposed central landscaped area, outdoor amenity areas and the nearby Bloorlea Public School grounds will be assessed.

The location and amount of the proposed indoor and outdoor amenity space and the impact on the public realm will also be assessed. Additionally, the amount of outdoor landscaped open space will be reviewed in relation to the amount of surface parking being retained.

The layout of all the proposed open space will be assessed including its relationship and potential integration with the developments on the north side of the site to review the potential of creating a network of open spaces and communal courtyards. The central open space is currently proposed as a pick up drop off area and its size could be increased to mimic the design of the central privately owned publicly accessible open space (POPS) at the nearby 2 Gibbs Road development.

### **Tree Preservation**

The application 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 applicant submitted an Arborist Report which has been reviewed by Urban Forestry staff. The applicant submitted a Tree Preservation and Removal Plan indicating that the development proposes to preserve 19 City-owned trees, and to remove 2 City-owned

trees and 22 protected privately-owned trees. Urban Forestry staff would require an Application to Injure or Destroy Trees and applicable fee for permission to remove the 24 trees in question.

The applicant submitted a Landscape Plan showing 49 new trees proposed on private property and a total of 93 new trees proposed on the City road allowance and the new public park. Based on the standard 3:1 replacement ratio, Urban Forestry staff require a minimum of 66 new trees on private property to compensate for the loss of 22 protected private trees proposed for removal. Where tree planting to replace trees to be removed is not physically possible on site, the General Manager of Parks, Forestry & Recreation may accept cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years.

Urban Forestry staff advise that they do not support the removal of a significant number of healthy trees protected under the City's Private Tree By-law nor do they support the development that limits and restricts tree planting opportunities on the site to compensate for the loss of the existing tree canopy. Urban Forestry staff also advise that since there is a consultation process for application for tree removal and for the proposal to limit tree planting on the site, Urban Forestry staff are not in a position to support the proposed Zoning By-law Amendment application at this time.

### **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process. Part of the subject site has archaeological resource potential according to City of Toronto mapping. A Stage 1 Archaeological Assessment was submitted by the applicant that determined there are no further archaeological concerns regarding the subject property. Heritage Preservation Services staff have reviewed the Assessment and concur with this determination.

### **Community Services and Facilities**

Community Services and Facilities ("CS&F") are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. 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 a healthy, safe, liveable and accessible City. 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 CS&F Study that was submitted with the application will be reviewed to determine the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Given the scale of the increase in the density in this site and the two approved and newly constructed developments on the north side of the site, facilities such as daycare could be provided to contribute to the creation of a complete community in the area. The CS&F Study submitted as part of the application identified an increase in the demand for daycare spaces. In addition, the only daycare in close proximity to the site that is identified in the study is permanently closed. Provision of a daycare on the north edge of the proposed public park with playing areas incorporated in front of the daycare as an extension of the public park design could be considered.

The Growth Plan directs municipalities to ensure a range and mix of housing options including affordable housing, and to redevelop sites using more age-friendly community design. As noted in the submitted Community Services and Facilities Study, the proportion of seniors in the study area is slightly higher than the City of Toronto as a whole. The size and density of the proposed development presents opportunity to introduce a wide range of housing options, including affordable housing and assisted senior housing.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title where a project meets the minimum size threshold of 10,000 m<sup>2</sup>.

This proposal meets this threshold. Should the application be recommended for approval, financial contributions could be secured towards the development of the Etobicoke Civic Centre Community Recreation Centre, the replacement of the Wedgewood Outdoor Pool and towards the provision of outdoor recreation facilities including basketball/multi-sport courts, new sports fields, an artificial ice rink, a community level skateboard park, cricket patch, skate spots, BMX friendly features in local parks, and other facilities and/or services that may arise through the further review of the application.

### **Infrastructure/Servicing Capacity**

The application will be reviewed to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, etc.) to accommodate the proposed development. The applicant has submitted a Servicing Report, the purpose of which is intended to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to service the proposed development. The potential cumulative impact of all proposed applications in the area of

this application, including the adjacent 2 Gibbs Road development, will also be reviewed by staff.

The applicant has also submitted a Transportation Impact Study which is intended to evaluate the effects of the proposed development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development. This study will be reviewed by staff.

The applicant is proposing an on-site parking supply which does not satisfy the minimum parking requirements of City-wide Zoning By-law No. 569-2013 (All Other Areas). The appropriateness of the shortfall of 180 parking spaces will be evaluated through the application review process.

### **Toronto Green Standard**

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

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Planning staff will encourage the applicant to pursue Tier 2 performance measures through the application review process.

### **Other Matters**

- A 0.40 m strip of land along the frontage of Gibbs Road is required to be conveyed to the City for road widening to satisfy the Official Plan requirement of a 27 m wide right-of-way. Also, a 6 m corner rounding at the northeast corner of the property would be conveyed to the City through a future Site Plan Control application process;
- Determining the appropriateness of the residential use and the loss of employment/office uses on the site;
- Public art for the development and the applicant's participation in the Percent for Public Art Program and its Guidelines;
- Parks, Forestry & Recreation staff advise that the location, size and configuration of the proposed public park is acceptable. However, the submitted drawings indicate that the underground parking garage is to extend to the property line which is the north edge of the proposed public park. Parks, Forestry and Recreation staff require an unencumbered setback equal to the proposed setback of the building;



- Compliance with Ministry of Transportation ("MTO") requirements including required building setbacks as the site is located within the MTO Permit Control Area;
- Compliance with the Greater Toronto Airport Authority requirements as the site is located within an active flight path of Lester B. Pearson International Airport; and
- Identifying any issues associated with noise and air quality arising from Highway 427 and Pearson Airport's flight path on the proposed residential component of the development. The applicant has submitted a Noise Study, however a Vibration Study and an Air Quality Assessment may be required.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

### **City of Toronto Drawings**

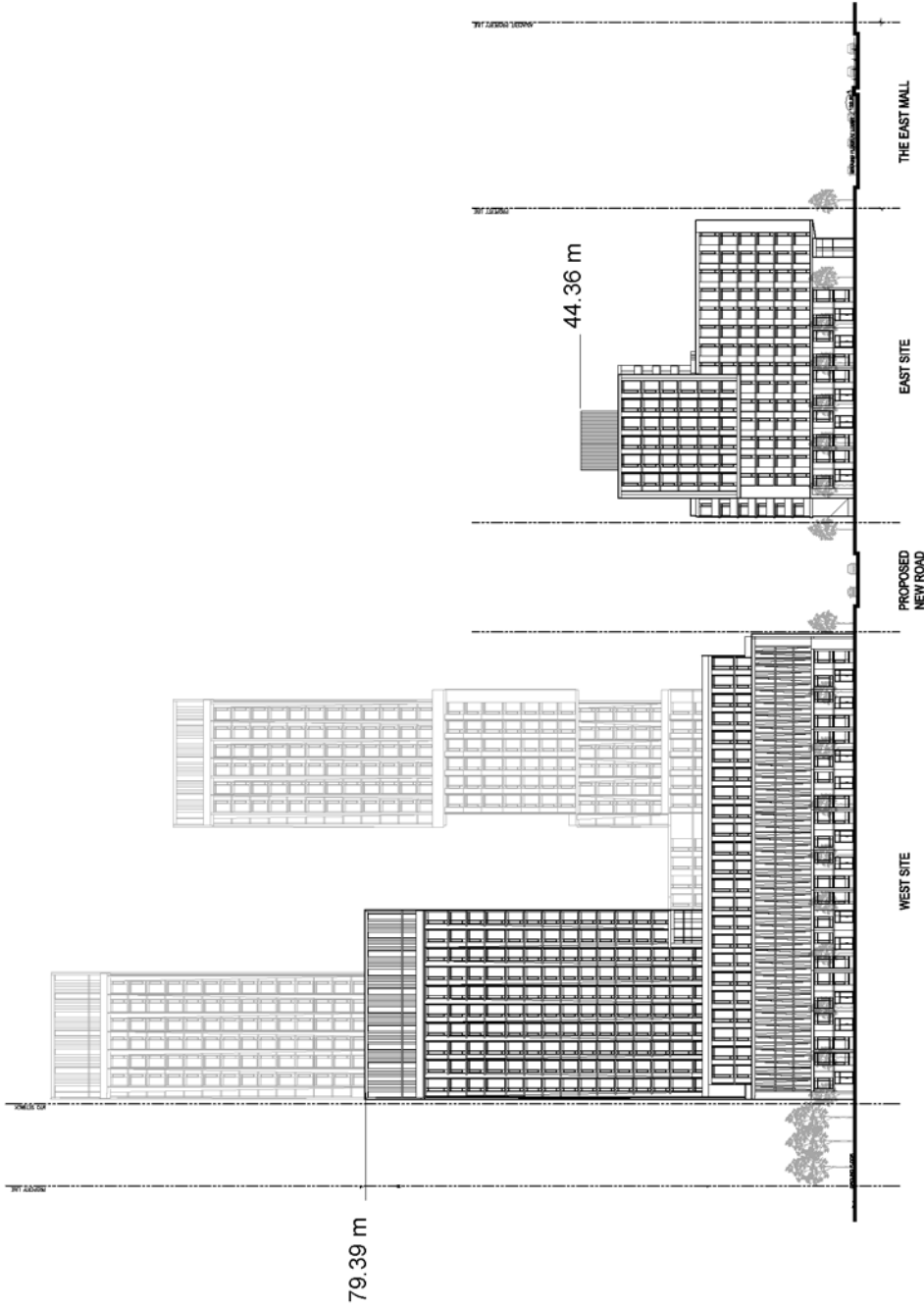
Attachment 1a- 1d: Elevation Drawings

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

Attachment 1a: South Elevation



**South Elevation**

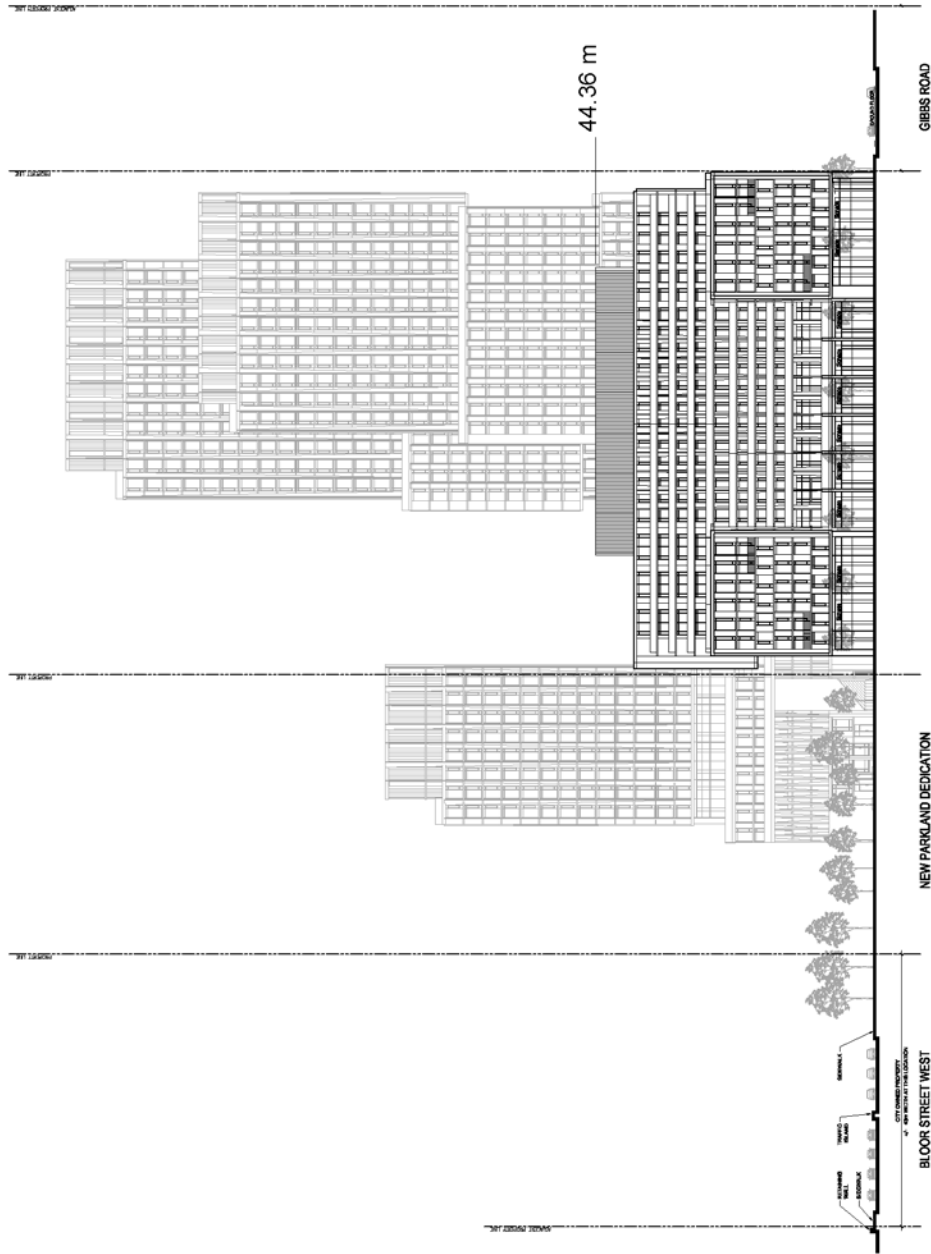
Applicant's Submitted Drawing

Not to Scale  
01/11/2019

**300 - 304 The East Mall**

File # 18 241669 WET 05 0Z

Attachment 1b: East Elevation

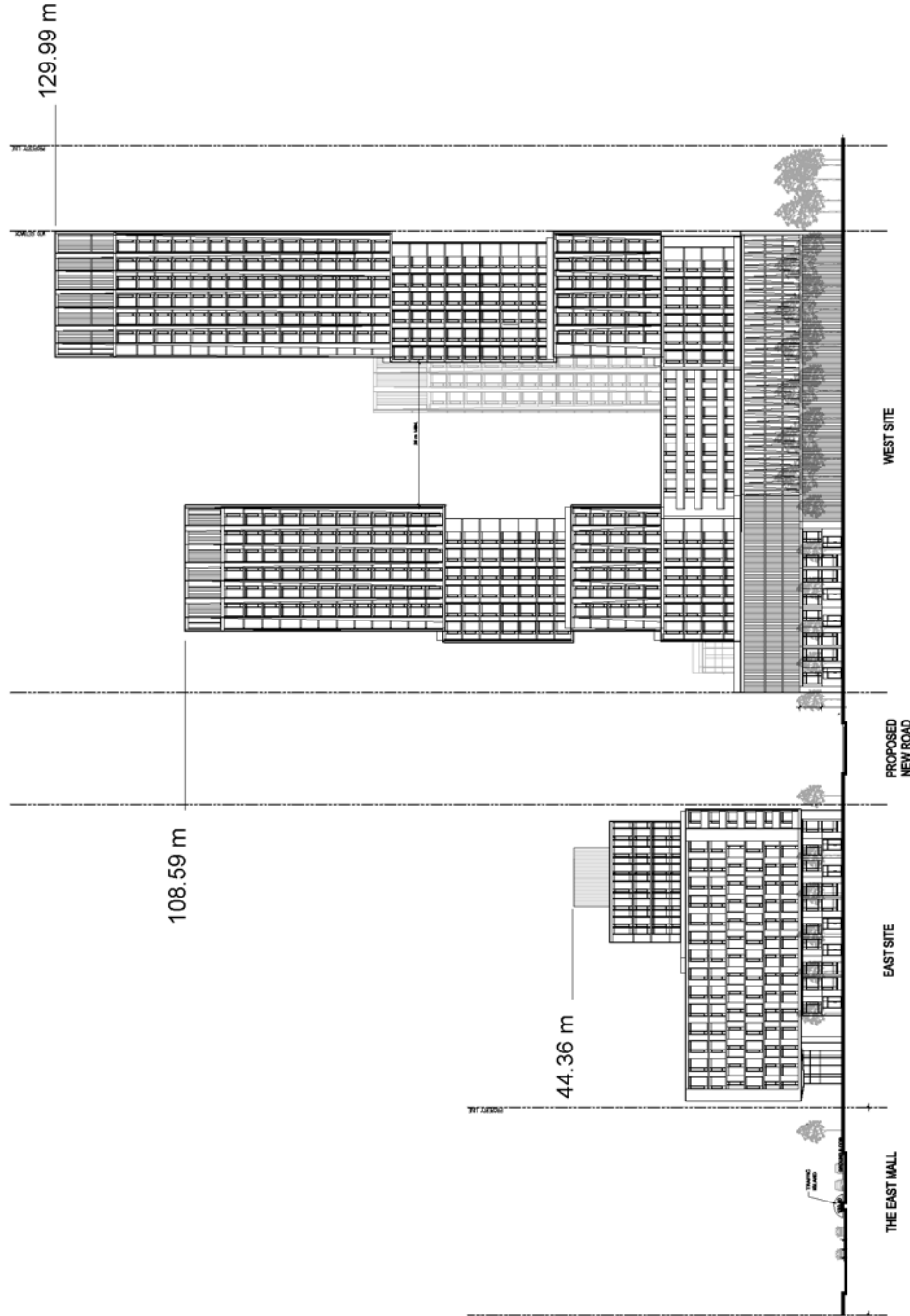


300 - 304 The East Mall

**East Elevation**  
Applicant's Submitted Drawing  
Not to Scale  
01/11/2019

File # 18 241669 WET 05 0Z

Attachment 1c: North Elevation



300 - 304 The East Mall

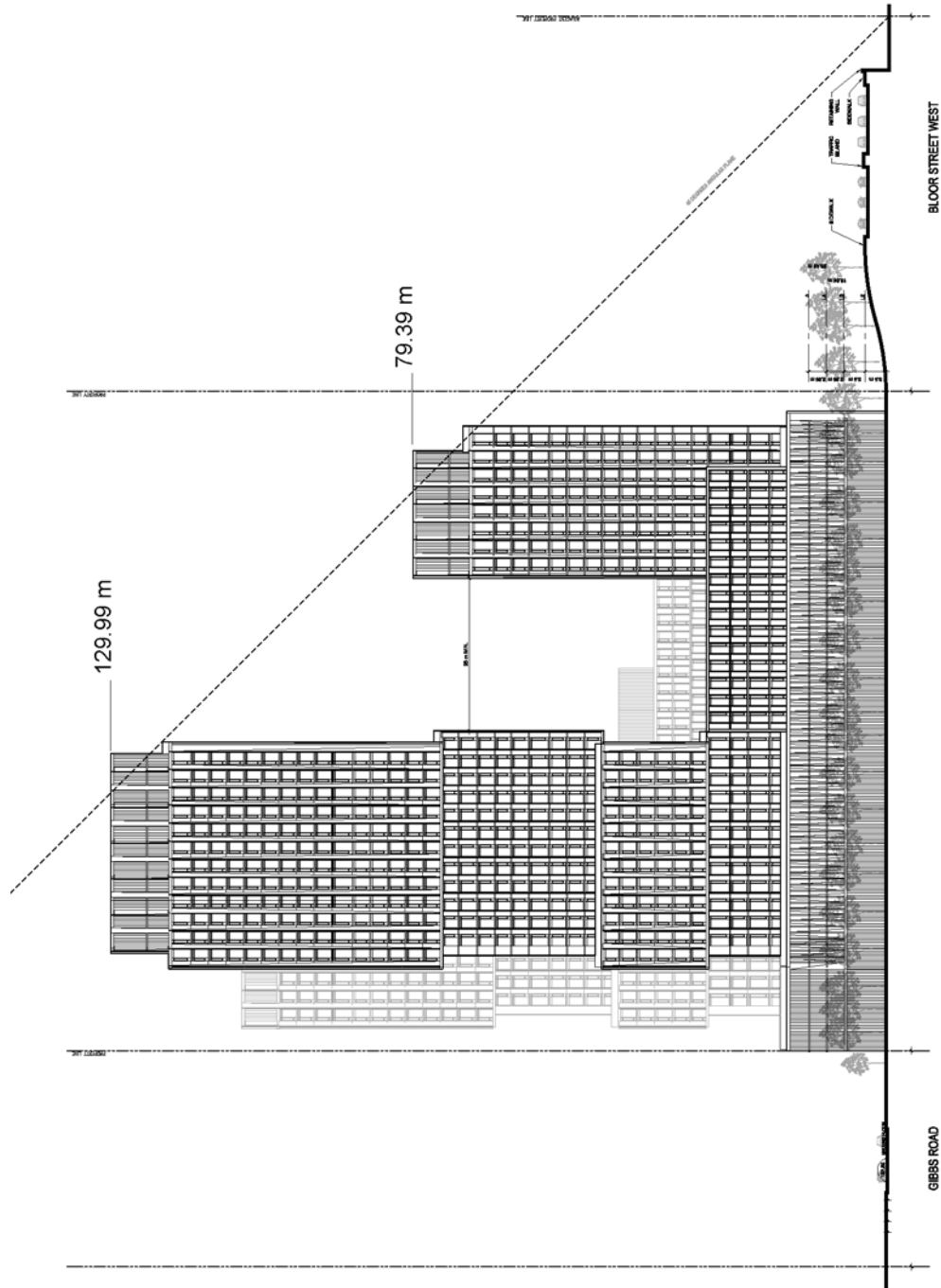
File # 18 241669 WET 05 0Z

North Elevation

Applicant's Submitted Drawing

Not to Scale  
01/11/2019

Attachment 1d: West Elevation



**300 - 304 The East Mall**

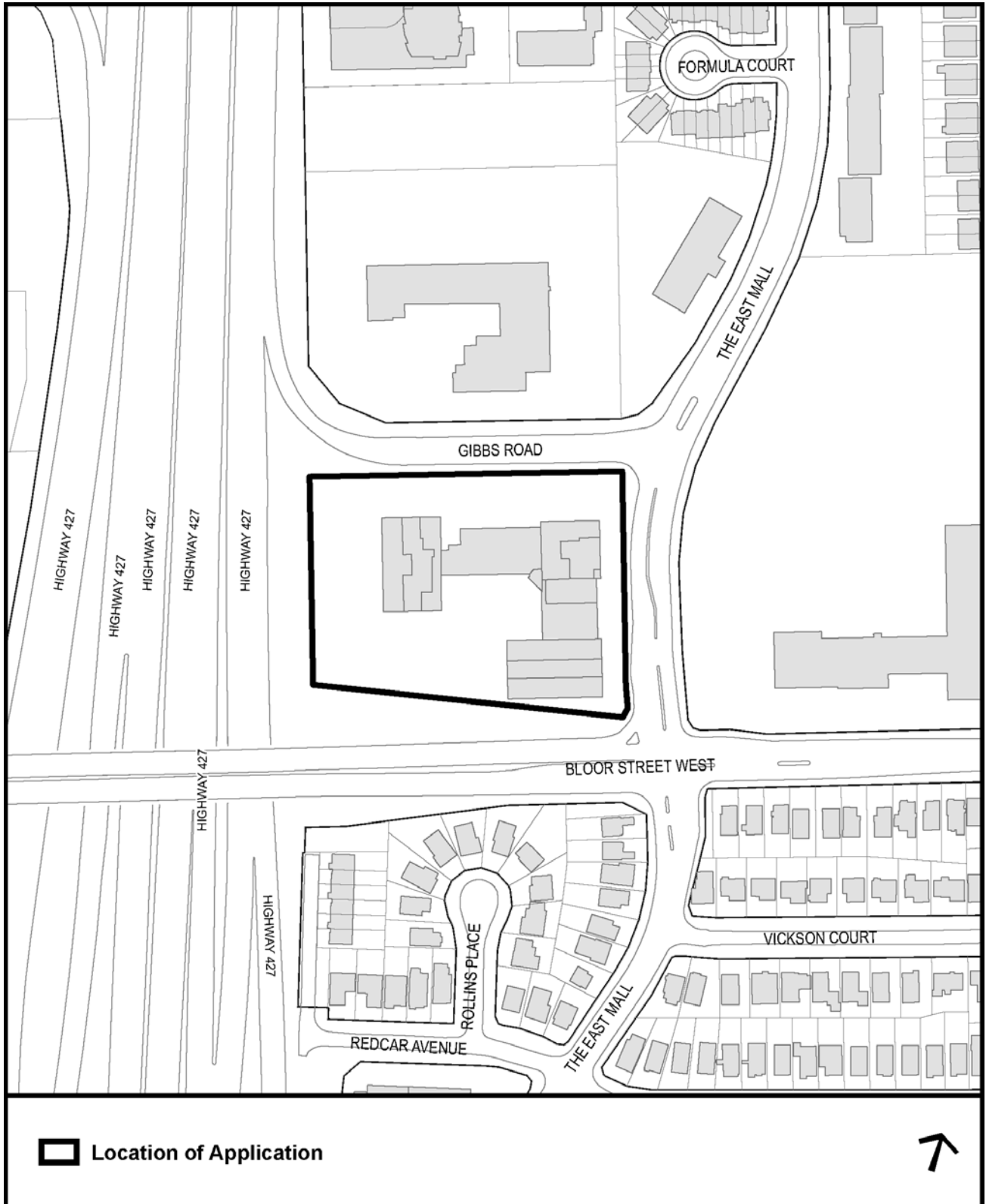
**West Elevation**

Applicant's Submitted Drawing

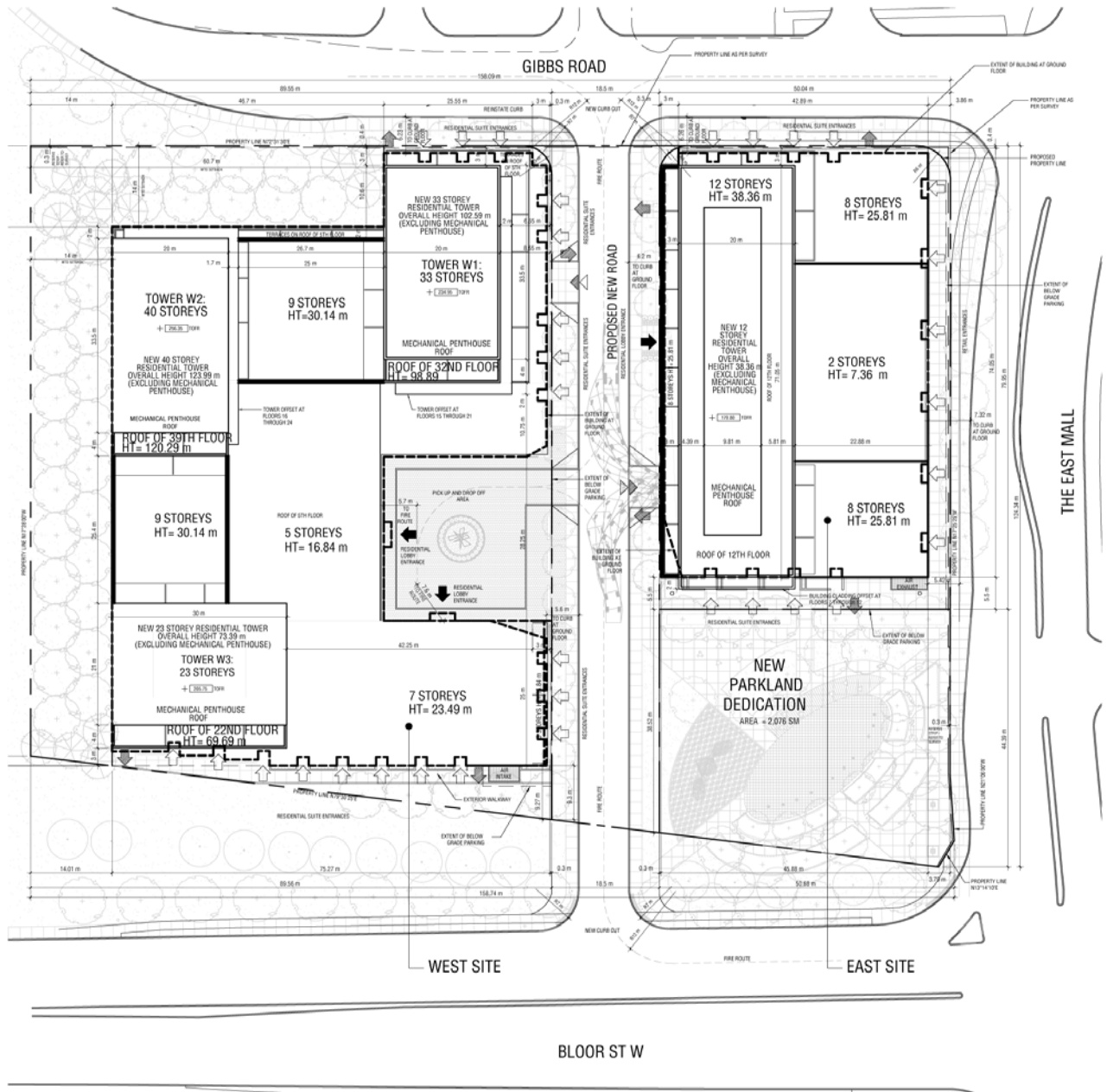
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File # 18 241669 WET 05 0Z

Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan

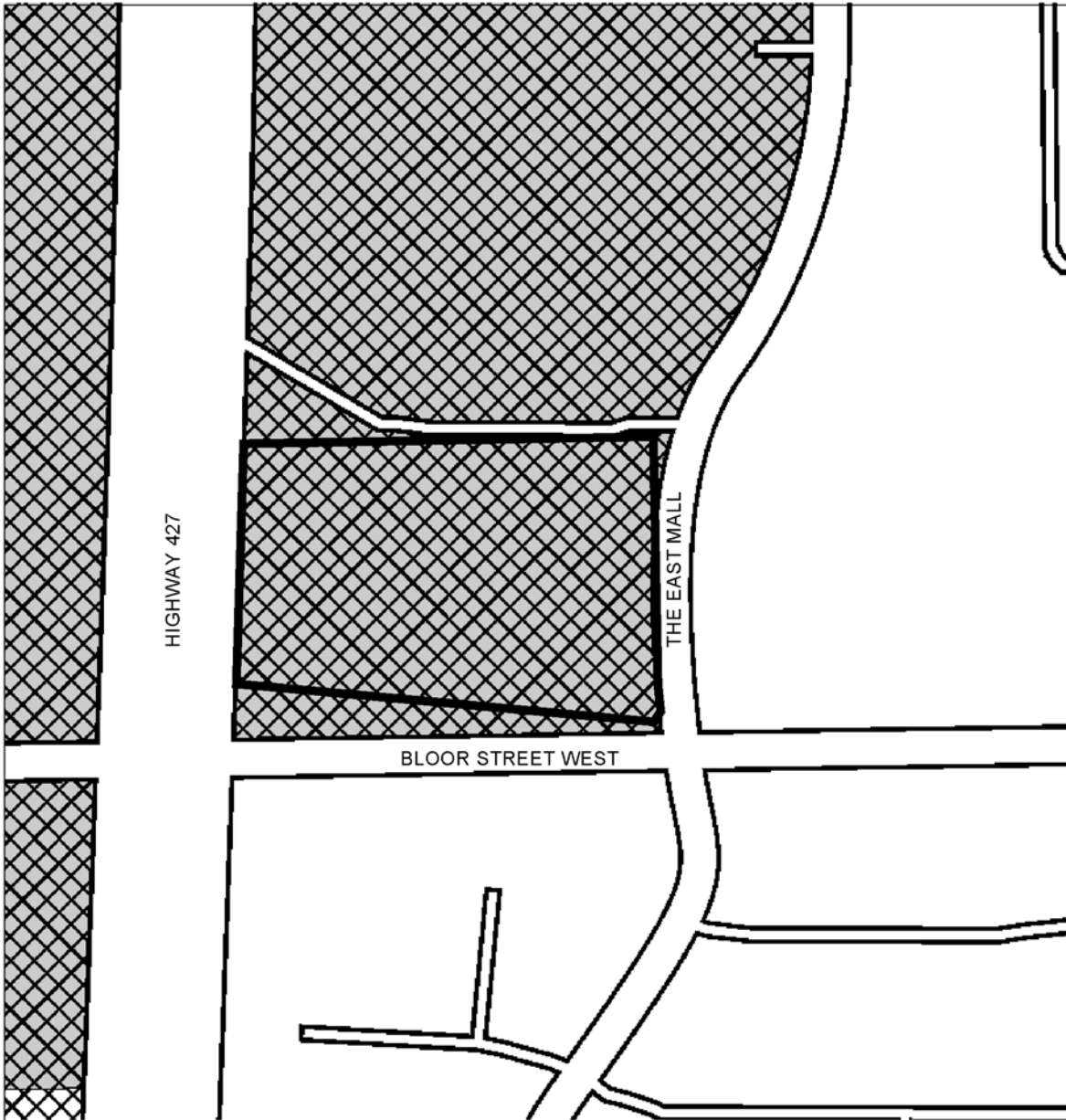
300 - 304 The East Mall

Applicant's Submitted Drawing

Not to Scale 01/11/2019

File # 18 241669 WET 05 0Z

Attachment 4: Official Plan Map



 **TORONTO**  
Official Plan Land Use Map #14

300, 302 and 304 The East Mall

File # 18 241669 WET 05 02

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas

  
Not to Scale  
01/10/2019