

## **40 Rakely Court – Zoning By-law Amendment Application – Preliminary Report**

Date: September 23, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 – Etobicoke Centre

**Planning Application Number:** 19 186166 WET 02 OZ

**Notice of Complete Application Issued:** August 8, 2019

**Current Use(s) on Site:** Vacant.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application to amend the Zoning By-law for the property located at 40 Rakely Court. The application proposes to permit the construction of six non-residential buildings containing 113,382 m<sup>2</sup> of office space and 13,233 m<sup>2</sup> of retail space. The buildings would range in height from 1 to 11 storeys and would be built in three phases progressing from north to south. Parking is proposed to be provided in a two level underground parking garage with additional at grade parking distributed throughout the site. A portion of site (approximately 36,578 m<sup>2</sup>) to the west and south of the proposed development area would be conveyed to the Toronto and Region Conservation Authority (TRCA). The density proposed is 3.1 times the area of the proposed development area excluding the lands to be conveyed to the TRCA.

This application is a Gold Star development. 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 40 Rakely Court together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 m of the application site, and to additional tenants, 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.

## **DECISION HISTORY**

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A pre-application consultation meeting was held with the applicant on July 18, 2018 to discuss complete application submission requirements and to identify issues with the proposal.

The proposal discussed at the meeting included a total of 5 buildings of ranging in height from 11 to 15 storeys and containing approximately: 123,561 m<sup>2</sup> of office; 13,006 m<sup>2</sup> of retail; 410,000 m<sup>2</sup> of hotel; and 50,000 m<sup>2</sup> of place of religious assembly uses. It was proposed that the development would be constructed in three phases.

## **ISSUE BACKGROUND**

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### **Application Description**

This application proposes to amend the former City of Etobicoke Zoning Code and Site Specific By-law No. 1988-268 for the lands at 40 Rakely Court to permit the construction of six commercial buildings with a shared two level underground parking garage. The proposed development includes one stand-alone single storey retail building and five buildings of office and retail/service uses, ranging in height from 1 to 11 storeys (6 m to 53.6 m including mechanical penthouse). The proposed development would have a gross floor area (GFA) of 126,615 m<sup>2</sup> comprised of 113,382 m<sup>2</sup> of office uses and 13,233 m<sup>2</sup> of retail uses. A total of 1,803 vehicle and 377 bicycle parking spaces are proposed above and below grade. A new signalized intersection is proposed from Eglinton Avenue West at the northwest corner of the site to accommodate traffic generated from the proposed development. A portion of site (approximately 36,578 m<sup>2</sup>) to the west and south of the proposed development area would be conveyed to the Toronto and Region Conservation Authority (TRCA) and would form part of the existing ravine and Natural Area system. The Floor Space Index (FSI) would be 3.1 times the proposed development area excluding lands to be conveyed to TRCA. Additional lands would be conveyed to the City to facilitate the widening of Rakely Court and Eglinton Avenue West (south side) to accommodate increased traffic generated by the development. The proposal would also include various open space areas that would be privately-owned publicly accessible spaces (POPS).

Attachments 1 and 2 of this report provide a three-dimensional representation of the project.

The proposed development would be constructed in three phases. Phase 1 would include Buildings 1 and 2 in the northerly portion of the proposed development area fronting onto Eglinton Avenue West. Building 1 is proposed to be 11 storeys (53.6 m including mechanical penthouse) in height and contain 9 storeys of office uses, with retail uses on the ground and fifth floor. Building 2 is proposed to be 9 storeys (44.6 m

including mechanical penthouse) in height and also contain two storeys of retail uses (ground and second floor), in addition to 7 storeys of office uses. The proposed signalized intersection would be constructed in Phase 1. Two levels of below grade parking would be built under the Phase 1 lands with access from Eglinton Avenue West via the proposed signalized intersection. A temporary at-grade parking lot is proposed south of the buildings on the Phase 2 lands that would be accessible by a driveway from Rakely Court. Loading would be consolidated between the two buildings and the loading space would be located within the ground floor of Building 1. See Attachment 5 for the Phase 1 site plan.

Phase 2 would include Buildings 3, 4 and 5 in the central portion of the proposed development area. Buildings 3 and 4 would be located on the west side of the proposed development area and would be 8 storeys (41.6 m including mechanical penthouse), in height with 7 storeys of office uses and ground floor retail uses. Building 5 is proposed to be a stand-alone 1-storey retail building fronting Rakely Court with 690 m<sup>2</sup> of gross floor area (GFA). A 2-storey below grade parking structure would connect to the parking structure in Phase 1. The temporary at-grade parking lot from Phase 1 would be shifted southerly to lands identified as Phase 3 of the proposed development. An additional driveway connection to Rakely Court is proposed as well as a secondary vehicular access to the below grade parking structure. There would also be a bike ramp connecting Rakely Court to the below grade parking. Loading spaces for Phase 2 would be located inside Buildings 3 and 4 on the ground floor. See Attachment 6 for the Phase 2 site plan.

Phase 3 would include Building 6 in the southern portion of the proposed development area. This building would be 11 storeys (53.6 m including mechanical penthouse) in height with 10 storeys of office uses and ground floor uses split between office and retail uses. Two levels of below grade parking would be built under Building 6 to connect to the parking structure in Phase 2. An additional vehicular access would be provided to the below grade parking with a loading space located inside the building on the ground floor. See Attachment 7 for the proposed Phase 3 site plan.

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

The subject site is approximately 7.7 ha in size, with the proposed development area approximately 4.1 ha. The subject site is currently vacant. The site is bounded by Eglinton Avenue West to the north, Rakely Court to the East and the Etobicoke Creek and Ravine system to the west and south. Surrounding land uses are as follows:

- Northwest: On the north side of Eglinton Avenue West is a mix of employment uses including office, retail and restaurant uses within the City of Mississauga. Immediately to the north across Eglinton Avenue West is the Mississauga Transitway with Spectrum bus rapid transit station, exclusively serviced by the Mississauga Transit.
- Northeast: A two storey office and retail plaza, a dairy product factory and a logistics warehouse.

Southeast: Etobicoke Creek and ravine system including the Etobicoke Creek Trail.  
Southwest: Etobicoke Creek and ravine system including the Etobicoke Creek Trail.  
Further to the west across the Etobicoke Creek are multi-storey office buildings within the City of Mississauga.

## **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 to applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) ("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 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. 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 site is shown as *Employment Areas* on Map 2 – Urban Structure and has a split designation of *General Employment Areas* (the northerly lands) and *Core Employment Areas* (the southerly lands) on Map 14 of the Official Plan (see Attachment 8: Official Plan Land Use Map). The subject site also abuts lands designated *Natural Areas* and *Other Open Space Areas*. The proposed development area would be within a portion of the lands designated *General Employment Areas*. The remainder of the subject site would be conveyed to the TRCA.

Official Plan Amendment No. 231 (OPA 231) regarding *Employment Areas* was adopted by City Council in December 2013 and partially approved by the Minister of Municipal Affairs with some modifications in July 2014. OPA 231 is currently under appeal before the Local Planning Appeal Tribunal (LPAT). The LPAT has issued several Orders to bring portions of OPA 231 into full force and effect, including the *Core Employment Areas* and *General Employment Areas* designations. OPA 231 policies respecting retail uses remain under appeal and are scheduled to be heard by the LPAT in May 2020.

LPAT Decisions on OPA 231 can be accessed at this link:  
<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

## **Zoning By-laws**

The site is zoned Class One Industrial (I.C1) in the former City of Etobicoke Zoning Code as amended by Site Specific By-law No. 1988-268 (see Attachment 9: Existing Zoning Map).

The General Regulations for Industrial Zones permits a maximum Floor Space Index of 0.6 times the area of the lot, a maximum height of 5-storeys, and other performance standards that relate to setbacks, separation distances and parking/loading standards. The Class One Industrial zoning permits a variety of uses such as business, manufacturing, medical offices, institutional, commercial – recreational facilities, and limited retail sales and outside storage.

Site-Specific By-law No. 1988-268 introduced additional permitted uses to the northerly portion of the subject site, generally north of Lone Oak Court. These additional uses include those permitted under the Limited Commercial (CL) zoning and retail warehouse uses. Public garages, customer-operated automatic laundries, and new and used car sales rooms and lots are not permitted. The Site-Specific By-law also limits the size of business and professional offices and retail commercial uses, or a combination of these uses, to a maximum Floor Space Index of 0.4. Site-specific parking and other performance standards also apply.

The site is not subject to City-wide Zoning By-law No. 569-2013.

## **Design Guidelines**

The following Design Guidelines will be used in the evaluation of this application:

- Mid-Rise Building Performance Standards;
- Tall Building Design Guidelines;
- Complete Streets Guidelines;
- Toronto Green Standard;
- Bird Friendly Development Guidelines;
- POPS Urban Design Guidelines; and
- Percent for Public Art Program.

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 yet to be submitted.

## COMMENTS

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### Reasons for the Application

An application to amend the former City of Etobicoke Zoning Code and Site Specific Zoning By-law No. 1988-268 is required to permit the proposed building heights and densities, as well as to establish appropriate zoning standards, phasing and interim conditions to facilitate the development proposal.

### 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 are noted below:

### Approval Process

A Draft Plan of Subdivision application is required to create new public roads and blocks as well as to secure other appropriate servicing and municipal infrastructure.

### Provincial Policies and Plans Consistency/Conformity

This application will be evaluated against the *Planning Act* and applicable Provincial Plans to establish the application's consistency with the 2014 Provincial Policy Statement (PPS) and conformity with the Growth Plan (2019), especially in regards to ensuring that the development recognizes the local context in terms of appropriate intensification, the promotion of well-designed built form, transition of built form to adjacent properties and whether the proposal complies with the municipal direction for growth.

Section 2 of the *Planning Act* addresses matters of Provincial Interest and requires municipal Council to have regard to matters such as:

- (a) The protection of ecological systems, including natural areas, features and functions;
- (h) The orderly development of safe and healthy communities;
- (k) The adequate provision of employment opportunities;
- (p) The appropriate location of growth and development;
- (q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) The promotion of built form that (i) is well designed, (ii) encourages a sense of place, and (iii) provides public spaces that are of high quality, safe, accessible, attractive and vibrant.

The PPS encourages intensification and efficient development recognizing that the local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones and others. Municipalities are expected to update their Official Plans through a MCR by 2022.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connect transit to where people live and work;
- Retaining viable lands designated as *Employment Areas* and ensuring redevelopment of lands outside of *Employment Areas* retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 m radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next Municipal Comprehensive Review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

The subject site is located along a priority transit corridor known as Mississauga Transitway. A bus rapid transit station on this priority transit corridor known as Spectrum Station is located directly north of the subject site diagonally across from the Eglinton Avenue West and Rakely Court intersection within the City of Mississauga. Both the higher-order transit station and subject site are not serviced by the Toronto Transit Commission (TTC). MTSAs relating to the higher-order transit stations serving the Mississauga Transitway in the general vicinity of the subject site have not yet been delineated in the Toronto Official Plan.

Furthermore, the Growth Plan (2019) contains policies pertaining to planning for employment. Policy 2.2.5 states that economic development and competitiveness will be promoted by making more efficient use of existing employment areas and vacant lands, minimizing surface parking, developing active transportation networks, directing retail and office uses to locations with active transportation and existing transit, and prohibiting or establishing a size or scale threshold for major retail uses.

### **Official Plan Conformity**

The Official Plan includes policies that support the foundations of competitiveness, intended to nurture and expand Toronto's economy. Section 3.5 includes policies aimed at attracting new and expanding employment clusters that are important to Toronto's competitive advantage, promoting international investment in Toronto, and stimulating transit-oriented office growth adjacent to existing, approved and funded higher order transit.

The subject site is located on lands identified as Employment Areas on Map 2 – Urban Structure in the Official Plan. The site is designated *General Employment Areas* and *Core Employment Areas* as shown on Map 14 – Land Use Plan (see Attachment 8: Official Plan Land Use Map).

### ***Employment Areas***

*Employment Areas* are places of business and economic activities vital to Toronto's economy and future economic prospects. Uses permitted in *Core Employment Areas* include all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, waste management systems, industrial trade schools and vertical agriculture. Additional ancillary uses intending to serve the *Core Employment Area* such as parks, small-scale restaurants, catering facilities and small-scale service uses are also permitted. Uses permitted in *General Employment Areas* include all uses permitted in *Core Employment Areas*, as well as fitness centres, restaurants and service uses.

Official Plan Amendment No. 231 includes new and amended policies regarding retailing (Section 3.5.3) and major retail in *General Employment Areas* (Policy 4.6.5) that are currently subject to appeals at the LPAT. These appealed policies, as adopted by City Council and approved by the Minister of Municipal Affairs, are relevant and represent City Council's policy decisions but they are not in force.



Section 3.5.3 of the Official Plan outlines City Council's policy on retailing in Toronto, including retail be provided within multi-storey buildings with less emphasis on surface parking and with improved public amenities in both the public realm and private settings, and that the retail be in a form that promotes pedestrian and transit uses and be commercially viable if it is to be included in new development.

Policy 4.6.5 states that major retail developments with 6,000 m<sup>2</sup> or more of retail gross floor area may be considered in General Employment Areas outside of the Downtown and Central Waterfront on lots that front onto and have access to major streets subject to criteria. Policy 4.6.6 provides direction on how development will contribute to the creation of competitive, attractive, highly functional Employment Areas.

City staff will review how the proposal integrates into the existing public street network and the appropriateness of the amount and type of retail proposed on the subject site, particularly in regards to its impact on the function and integrity of the *Employment Area*.

#### *Public Realm*

Section 3.1.1 of the Official Plan contains the City's policies on the public realm including the design and function of new streets. Section 3.1.1 directs that quality architectural, landscape and urban design and construction will be promoted by ensuring new development enhances the quality of the public realm. Policy 3.1.1.3 states that the enjoyment of valleys and ravines will be protected by ensuring adjacent development, particularly height and massing, will preserve harmonious views and vistas from the valley.

Policy 3.1.1.5 directs that City streets are significant public open spaces and that new and existing City streets be Complete Streets. Policy 3.1.1.16 provides direction regarding new streets. In addition, Policies 3.1.1.17 and 3.1.1.18 state that new streets should be public streets, and that new city blocks and development lots within them will be designed to: have an appropriate size and configuration; promote street-oriented development; and allow for incremental, phased development.

The Official Plan also provides direction and design objectives for new parks and open spaces.

#### *Public Art*

Section 3.1.4 of the Official Plan outlines the City's policies on public art. It encourages the inclusion of public art in all significant private sector developments across the City. The applicant indicated their intention to provide significant pieces of public art as part of the proposed development. Urban Design and other City staff will work with the applicant to finalize the appropriate art installations that are contextual to the subject site and its location as a western gateway to the city.

The application will be reviewed for its conformity with the policies in the Official Plan. Further discussions are required regarding the extent of the underground parking

garage and the provision of new public streets and open spaces. In addition, the proposed type, amount and form of new retail spaces supporting the proposed office use will be further reviewed. Staff will continue working with the applicant to refine the redevelopment proposal.

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

The suitability of the proposed height, density, massing, transition and other built form issues will be assessed based on the *Planning Act*, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the City's Official Plan and Council adopted Urban Design Guidelines. An evaluation will be made to determine whether the proposal fits within its planned and built context and whether sufficient building setbacks are provided from adjacent buildings and property lines. Staff will also be evaluating:

- Appropriateness of the proposed buildings' heights, massing, densities, setbacks and stepbacks;
- The location and organization of the buildings relative to the streets and adjacent Etobicoke Creek ravine;
- The transition of the development to and interface with the adjacent ravine;
- The proximity to and interface between the proposed buildings and existing adjacent commercial and industrial buildings;
- The potential wind and shadow impacts of the development and any appropriate mitigation measures;
- Appropriateness of the size, location, design, and function of the proposed privately-owned publicly accessible spaces (POPS);
- Improvements to nearby infrastructure, open space and the public realm such as the Etobicoke Creek ravine, the existing Eglinton Avenue West trail, connection of the development to the Etobicoke Creek trail at Eglinton Avenue West and to the nearby Mississauga Transitway Spectrum station;
- The provision and design of pedestrian and cycling infrastructure, including cycling infrastructure connecting to the bike lanes on Spectrum Way in the City of Mississauga; and
- Other on-site matters, such as the functional layout of the site and site ingress and egress.

Staff will continue working with the applicant to ensure the proposal conforms to the Official Plan and is in keeping with the existing and planned character of the area.

### **Infrastructure/Servicing Capacity**

City staff are reviewing the application to determine if there is sufficient infrastructure and servicing capacity to accommodate the proposed development.

The applicant submitted a Functional Servicing and Stormwater Management Report, prepared by R.J. Burnside & Associates Ltd. and dated July 2019, and a Hydrogeological Report, prepared by Golder Associated Ltd. and dated June 17, 2019. The purpose of these reports is to evaluate the effects of the proposed development on the City's municipal servicing infrastructure, and identify and provide the rationale for

any new infrastructure and upgrades to existing infrastructure necessary to provide for the adequate servicing of the proposed development. Engineering and Construction Services staff are currently reviewing the reports.

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

The applicant submitted a Transportation Impact Study (TIS) prepared by BA Group and dated July 2019. The purpose of the TIS is to evaluate the effects of the development on the transportation system, and also to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development. This assessment is currently under review by Transportation Services and Transportation Planning staff. Preliminary issues identified include but are not limited to:

- Proposed new signalized intersection on Eglinton Avenue West and the related widening of Eglinton Avenue West to facilitate the entrance for the underground parking garage;
- Appropriate configurations for each phase of the development, as well as mitigation strategies and approaches to minimize impacts and conflicts with the movement of cyclists and pedestrians using the Eglinton Avenue West multi-use trail;
- Proposed widening of Rakely Court. Preliminary assessments indicate the proposed sidewalk along Rakely Court is on private property, which is not acceptable, and that the proposed new street trees will conflict with the existing hydro poles and wires;
- The amount of proposed surface parking as an interim measure through each phase of the proposed development and proposed throughout the development area as the ultimate build-out;
- The extent of the proposed underground parking garage and how it relates to new public streets and open spaces; and
- The appropriateness of the proposed vehicular and bicycle parking supply and the suitability, adequacy and location of the proposed loading spaces.

City staff will continue to work with the applicant to resolve these and other issues including the design and location of new roads, driveways and vehicle access points.

### **Toronto Green Standard**

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

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

The applicant submitted a TGS Checklist for compliance with the Tier 1 performance measures in support of this application. City staff advised that the TGS Checklist submitted requires additional information that was excluded from the initial submission.

The applicant is also encouraged to consider pursuing compliance with Tier 2 or higher standards of the TGS and the associated post-construction development charge refund program. Commercial buildings benefit from lower ongoing maintenance costs associated with improved building envelope design and building performance. The applicant is encouraged to contact the City's Energy and Environment division about the Sustainable Energy Plan Financing Program.

Preliminary comments from City staff indicate that, due to adjacency of the ravine and the significant level of glazing of the proposed building, mitigation measures in accordance with the Toronto Green Standard and the Bird-Friendly Development Guidelines would be required.

### **Ravine Protection**

The subject site is within a Toronto and Region Conservation Authority (TRCA) regulated area. TRCA staff will be determining whether a permit is required prior to any development taking place.

The subject site is within the City of Toronto Ravine and Natural Feature Protection By-law area. Staff will be evaluating the application for conformity with this By-law.

Preliminary issues identified include but not limited to:

- Future maintenance work on the proposed underground parking structure would require encroachment into the lands to be conveyed to TRCA, as the proposed underground parking garage has no set back (0 m) from the lands to be conveyed to the TRCA, whereas, a minimum of 3 m is required along the Etobicoke Creek ravine; and
- Impacts the proposal may have on protected individual trees and ecosystem features and functions, as well as potential mitigation measures.

### **Natural Heritage Protection**

The subject site is in a *Natural Heritage Area* as identified on Map 9 of the Official Plan. The applicant submitted a Natural Heritage Impact Study as part of the Environmental Impact Statement, prepared by Golder Associates Ltd. and dated July 10, 2019, for review.

Staff will be evaluating the proposal to determine if the environmental features on the subject site will require protection, and whether a comprehensive ecological restoration plan, which secures improvements to the natural heritage system in the area both on and off-site, will be required as part of both the City's and TRCA's permit processes.

## **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 is proposing to remove a total of 12 trees to accommodate the proposed development, including: 5 private trees within the subject site; and 7 City-owned trees along Rakely Court to facilitate the proposed street widening. One tree was identified for preservation within a vegetation protection zone/buffer to the adjacent forest.

The applicant submitted an Arborist Report and a Tree Preservation Plan which are currently under review by City staff. Urban Forestry staff have advised that a Tree Protection Plan is also required for review.

## **Archaeological Assessment**

The subject site has archaeological resource potential. A Stage 1 Archaeological Resource Assessment is required to be submitted by the applicant. Once this assessment is received, it will be reviewed and considered by City staff.

## **Phasing and Interim Conditions**

City staff will be requesting further information on the interim landscaping, parking and access arrangements for Phases 1 and 2 of the development. The proposed development should provide attractive and functional conditions at all phases, with coordinated construction staging and management.

## **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. This proposal meets the required minimum size threshold of 10,000 m<sup>2</sup> for consideration of Section 37 benefits. Should the application be considered for approval, Section 37 contributions could be secured towards specific benefits within the vicinity of the proposal.

## **Other Matters**

Staff have identified the additional following issues:

- The future land use designations of the lands to be conveyed to the TRCA;
- Parks, Forestry and Recreation staff advise that the applicant is required to satisfy the 2% parkland dedication requirement; and
- Compatibility with uses within the surrounding *Employment Areas*.

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

## **CONTACT**

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Edwin Li, Planner, Tel. No.: (416) 394-8214, E-mail: Edwin.Li@toronto.ca

## **SIGNATURE**

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

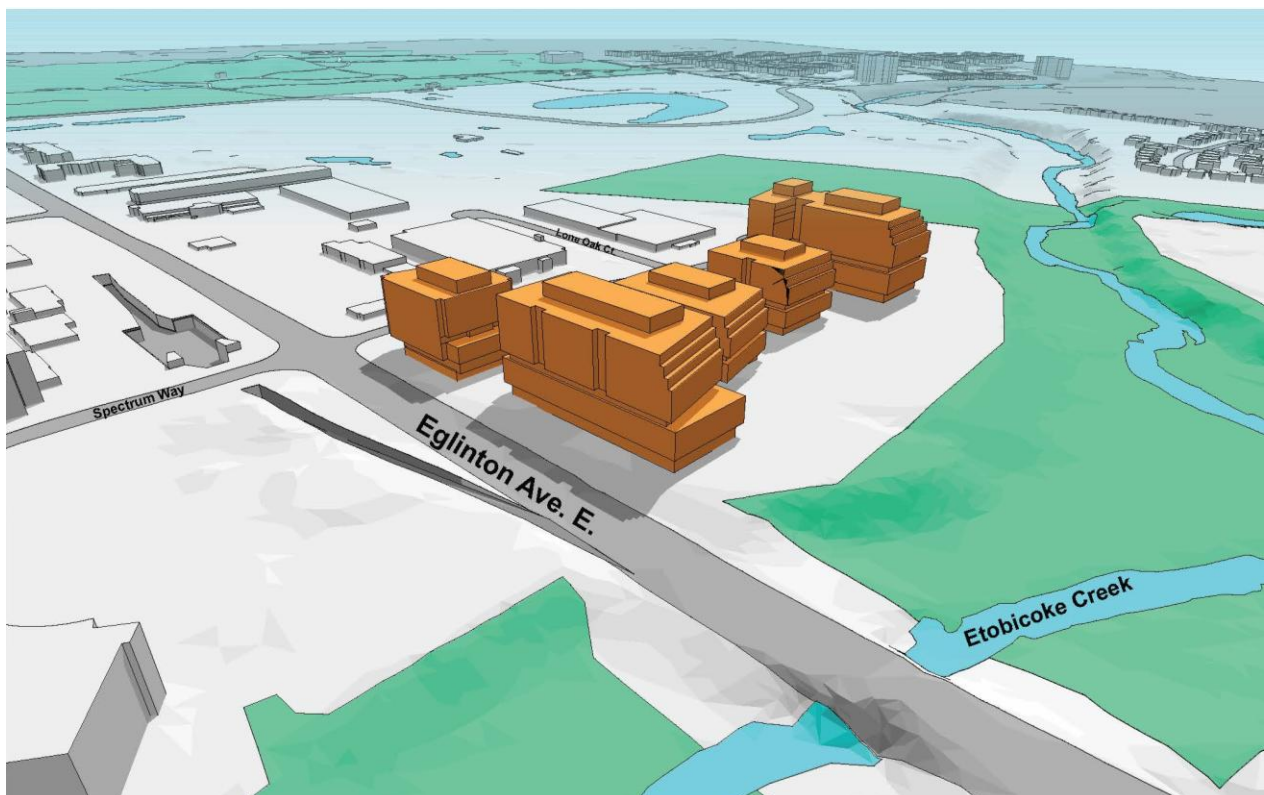
## **ATTACHMENTS**

Attachment 1: 3D Model of Proposal in Context, Looking West  
Attachment 2: 3D Model of Proposal in Context, Looking East  
Attachment 3: Location Map  
Attachment 4: Site Plan  
Attachment 5: Phase 1 Site Plan  
Attachment 6: Phase 2 Site Plan  
Attachment 7: Phase 3 Site Plan  
Attachment 8: Official Plan Land Use Map  
Attachment 9: Existing Zoning Map  
Attachment 10: Elevation Drawings (East and North Elevations at Full Build-out)  
Attachment 11: Elevation Drawings (South and West Elevations at Full Build-out)

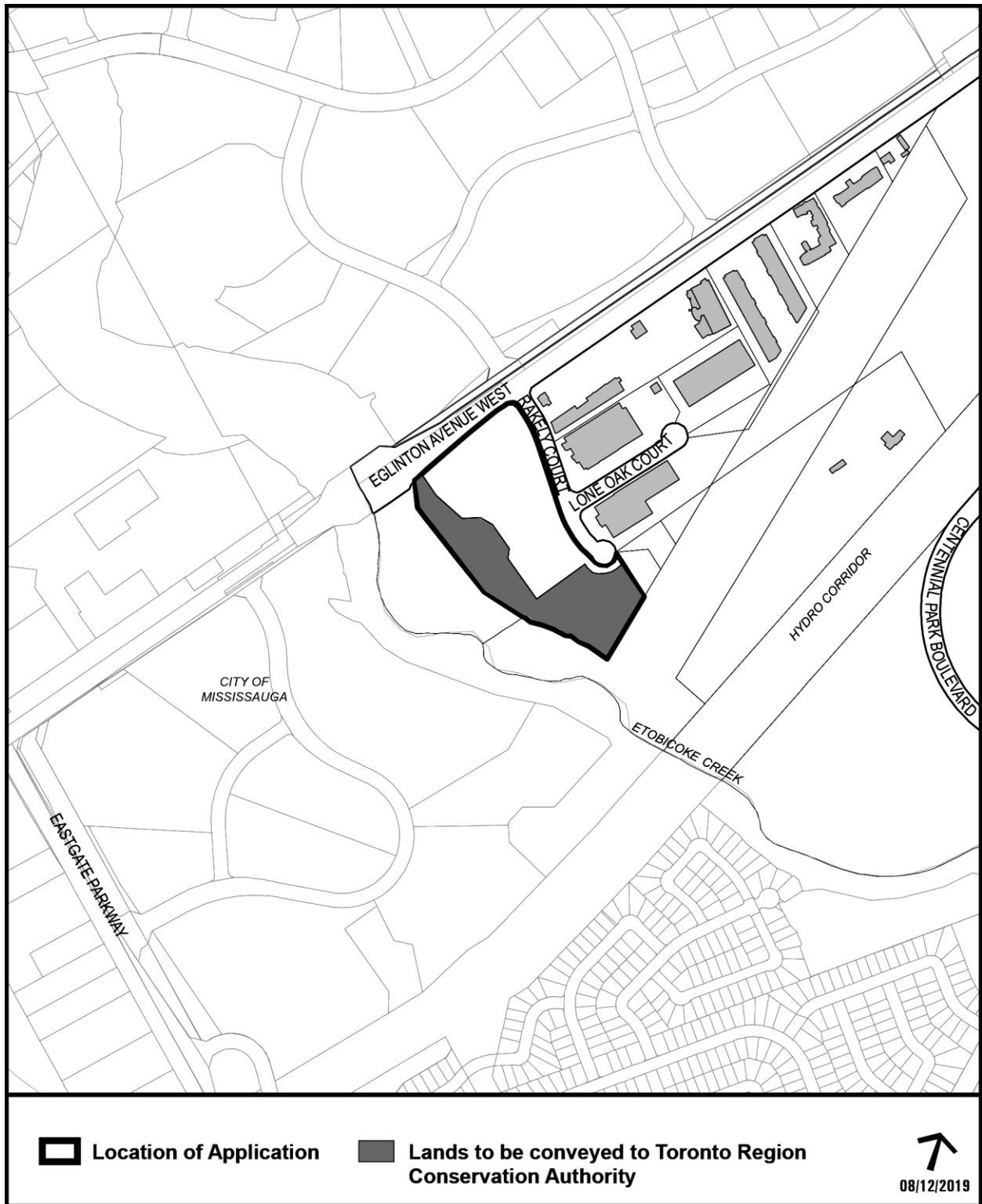
Attachment 1: 3D Model of Proposal in Context, Looking West



Attachment 2: 3D Model of Proposal in Context, Looking East

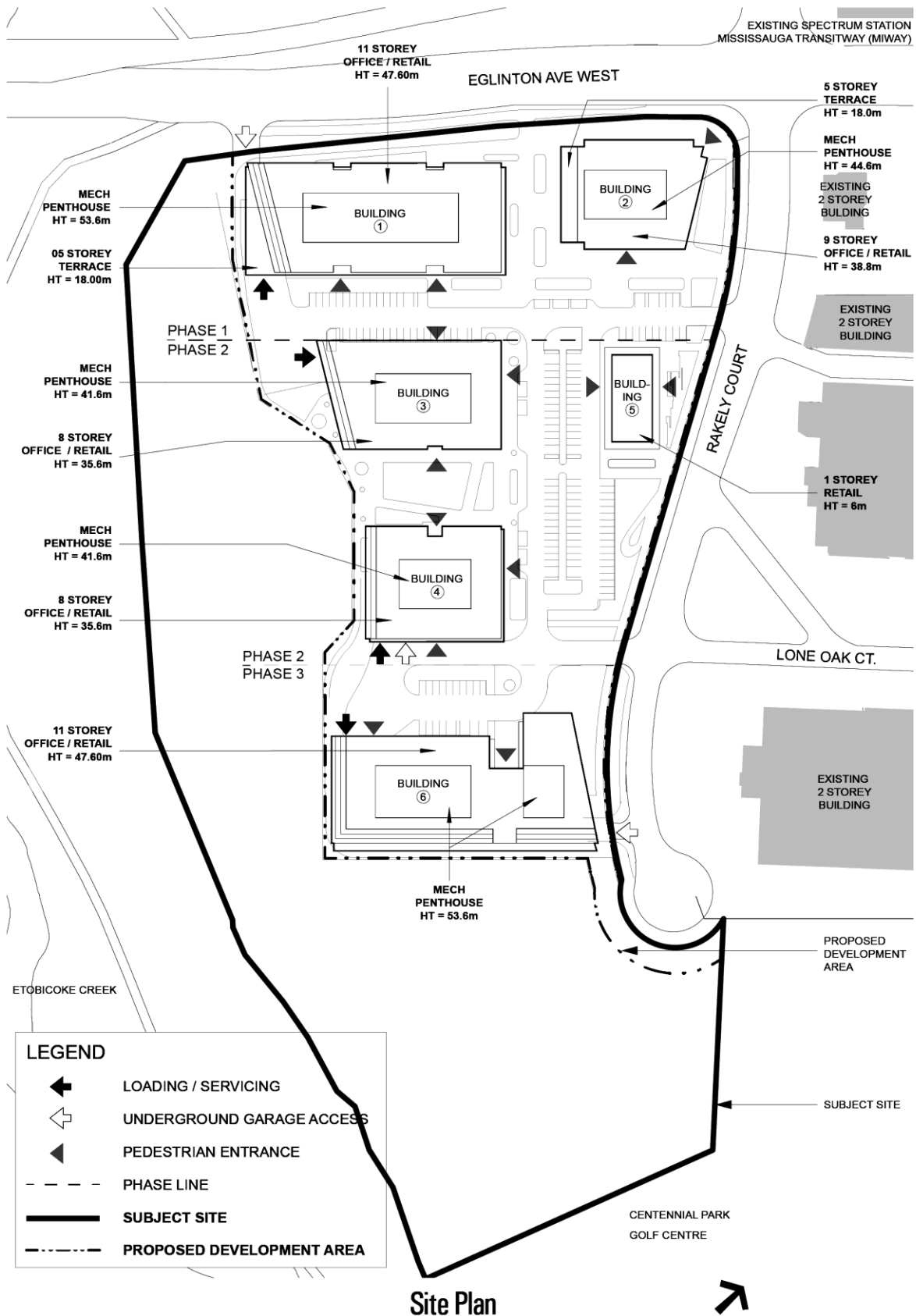


### Attachment 3: Location Map

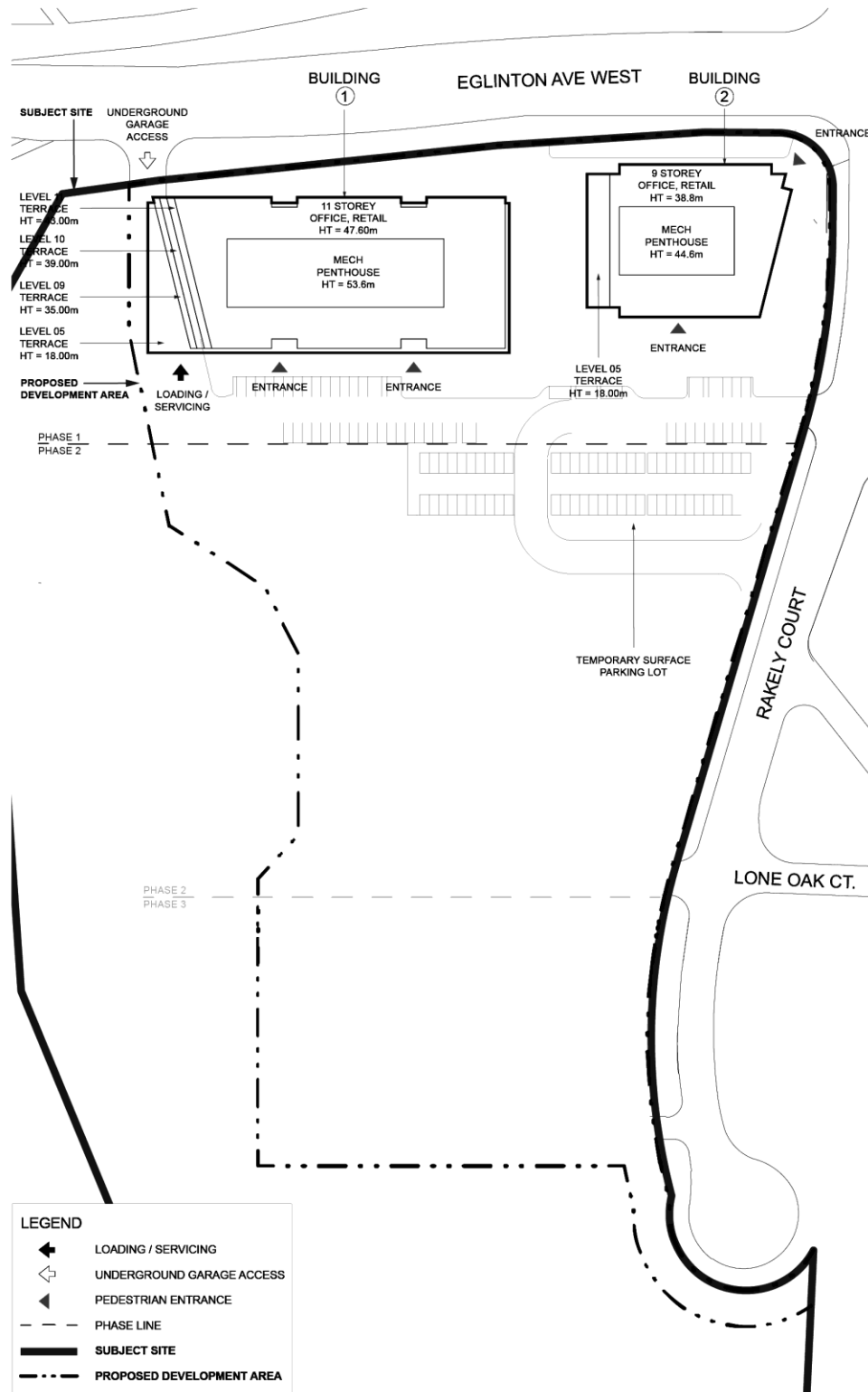




## Attachment 4: Site Plan



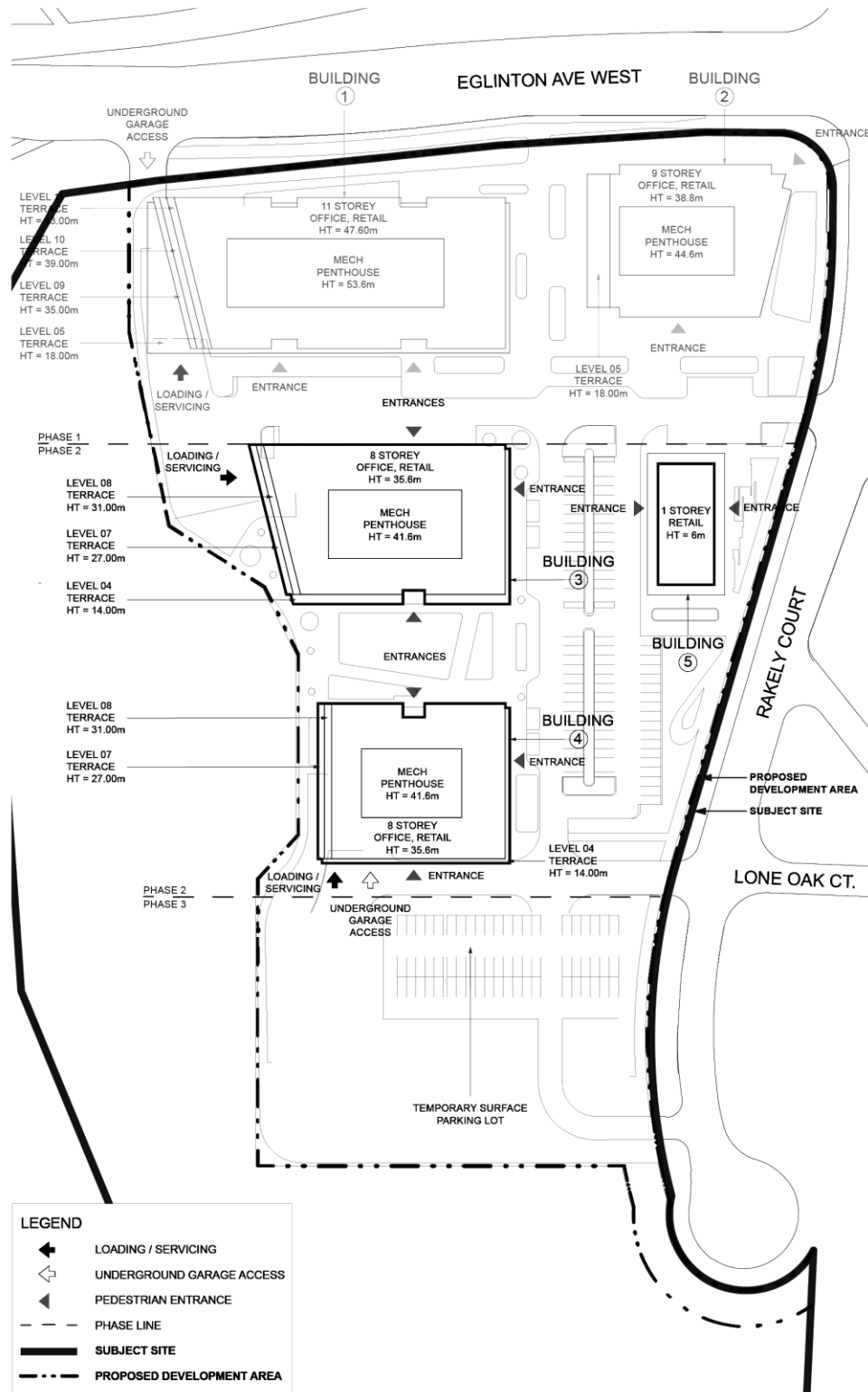
## Attachment 5: Phase 1 Site Plan



Site Plan - Phase 1



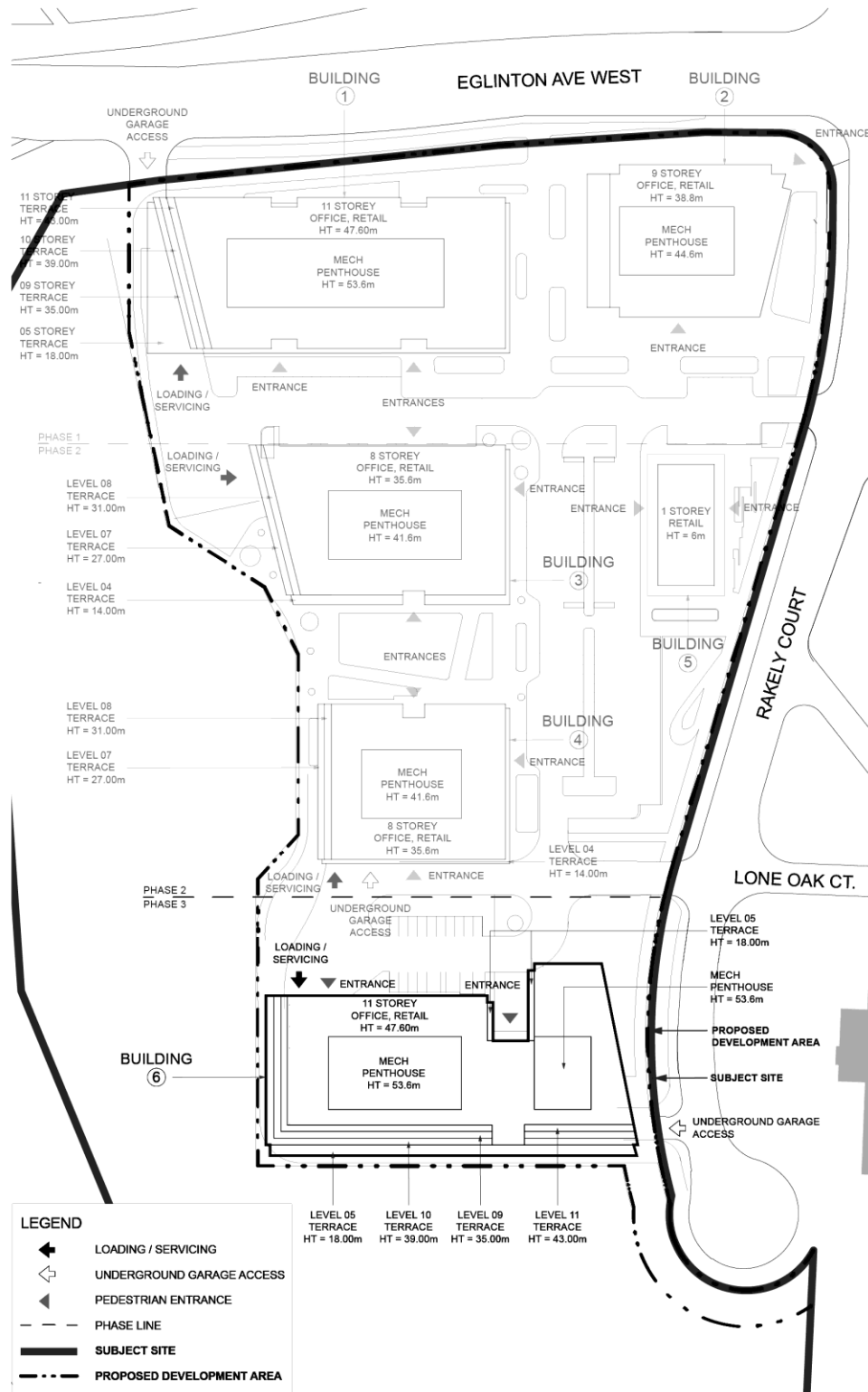
## Attachment 6: Phase 2 Site Plan



Site Plan - Phase 2



## Attachment 7: Phase 3 Site Plan



Site Plan - Phase 3



## Attachment 8: Official Plan Land Use Map



### Official Plan Land Use Map #14

40 Rakely Court

File # 19 186166 WET 02 0Z



Proposed Development Area

Site Boundary



Neighbourhoods

Apartment Neighbourhoods

Mixed Use Areas

Parks & Open Space Areas

Natural Areas

Parks

Other Open Space Areas

General Employment Areas

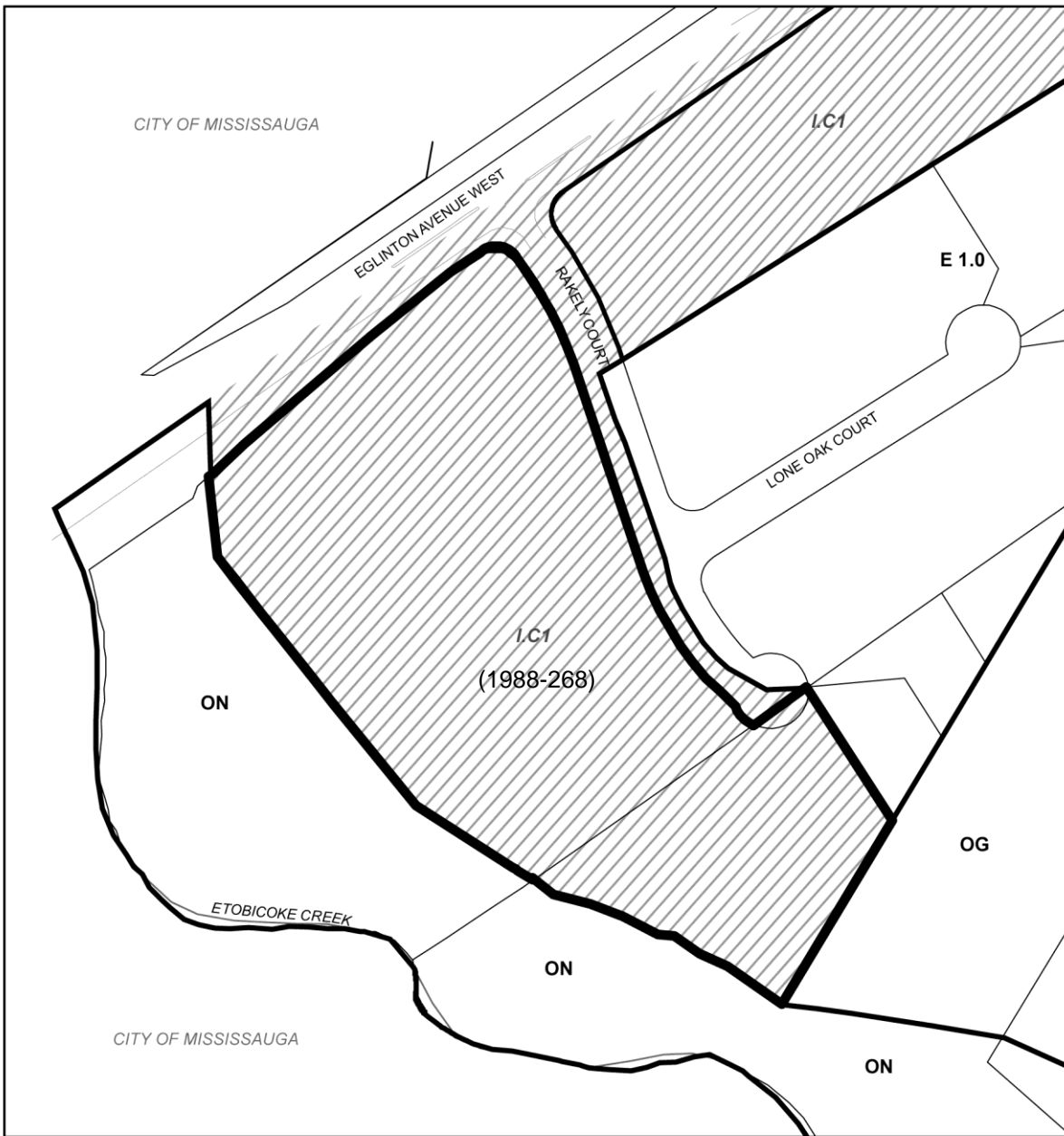
Core Employment Areas

Utility Corridors



Not to Scale  
08/12/2019

## Attachment 9: Existing Zoning Map



**Zoning By-law No. 569-2013**

**40 Rakely Court**

**File # 19 186166 WET 02 02**



Location of Application

**E**

Employment Industrial

**ON**

Open Space Natural

**OG**

Open Space Golf Course



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

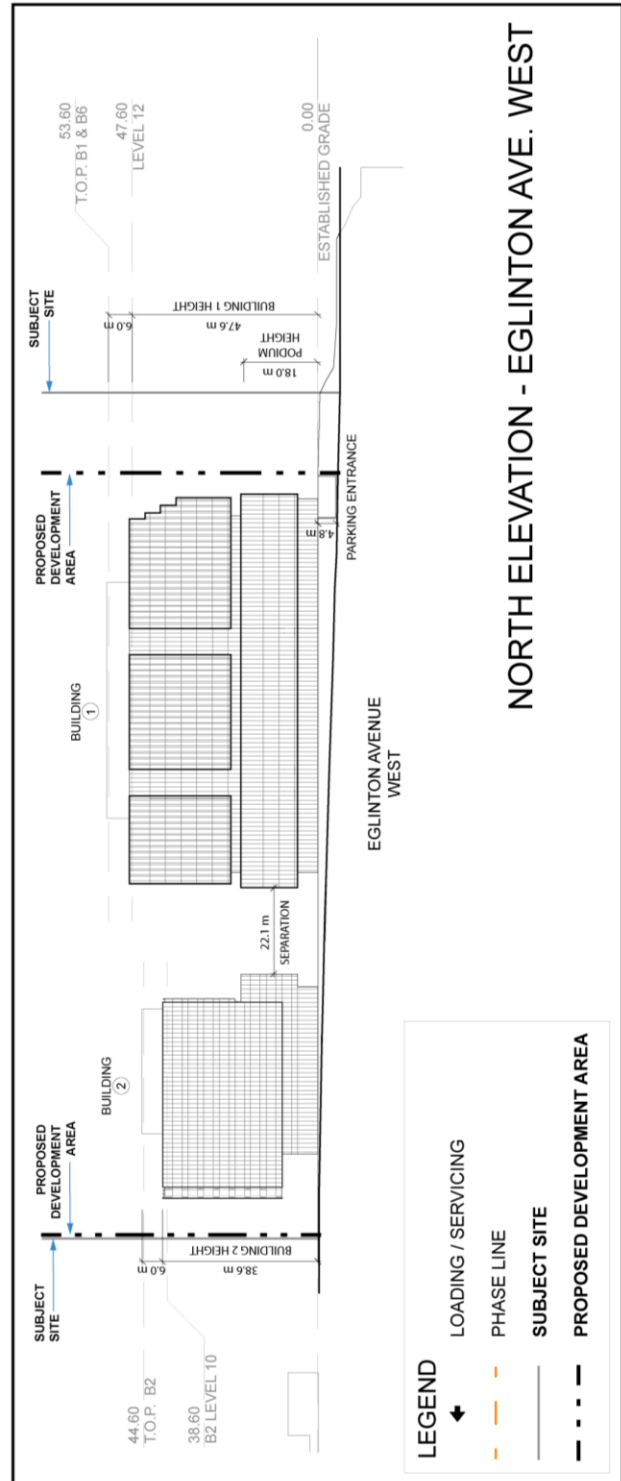
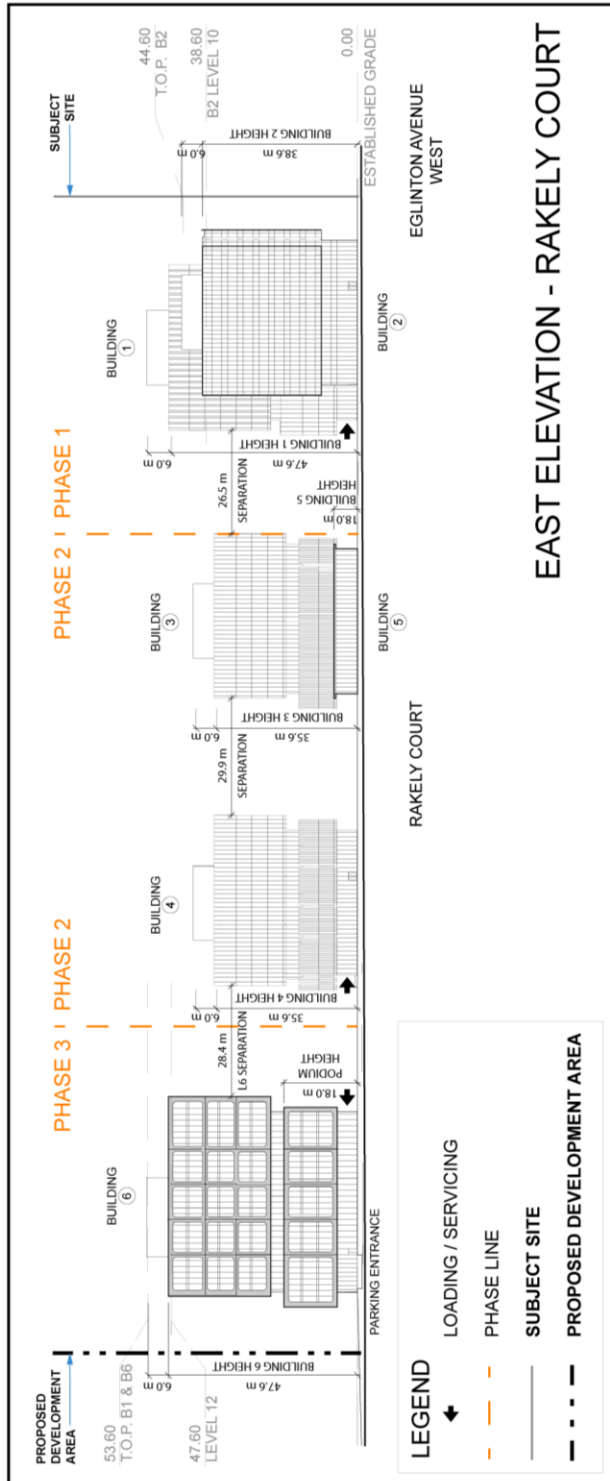
**I.C1**

Class 1 Industrial Zone



Not to Scale  
Extracted: 08/23/2019

# Attachment 10: Elevation Drawings (East and North Elevations at Full Build-out)



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