

25 The West Mall (Sherway Gardens Mall) – Official Plan Amendment Application – Preliminary Report

Date: November 12, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 187348 WET 03 OZ

Notice of Incomplete Application Issued: August 8, 2019

Current Use(s) on Site: The subject site is currently occupied by a two storey shopping mall (Sherway Gardens) surrounded by surface parking lots and above grade parking structures. Sherway Gardens has a Gross Floor Area of approximately 155,370 m² and is surrounded by an internal private ring road which provides multiple vehicular accesses to the site from The Queensway, The West Mall and Sherway Gardens Road.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to amend the Official Plan for 25 The West Mall (Sherway Gardens Mall). The application proposes to increase the amount of residential development on the site, eliminate the requirement for public roads on the site and delete the parkland dedication policies applicable to the site. 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

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 25 The West Mall together with the Ward Councillor following receipt of complete application.
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

The recommendations in this report have no financial impact.

DECISION HISTORY

Several informal pre-application meetings were held between City staff and the applicant. A formal pre-application meeting was held on January 15, 2018 to discuss complete application submission requirements and to identify issues with the proposed development. The proposal discussed at this meeting was for a two-option concept, with option one being a one-tower concept and option two being a two-tower concept. Both options proposed retail uses at grade with residential uses above. The applicant presented development concepts showing multiple buildings proposed on the surface parking lots in follow up meetings.

On October 17, 2013, Etobicoke York Community Council approved the recommendations of an August 23, 2013 staff report seeking direction to undertake a review and update of the planning policy framework for the Sherway Area. Etobicoke York Community Council also requested that the Director, Community Planning, Etobicoke York District, report to the November 19, 2013 meeting of Etobicoke York Community Council, with a preliminary study terms of reference for this review. The City Council decision to adopt Community Council's recommendations can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY28.4>

On November 19, 2013, Etobicoke York Community Council approved the preliminary study terms of reference from the Director, Community Planning, Etobicoke York District, as the basis for preparing and issuing a formal study terms of reference for the City-initiated Sherway Area Study. The City Council decision to adopt Community Council's recommendations can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY29.8>

On December 13, 2016 City Council adopted the Directions Report on the City-initiated Sherway Area Study, which directed staff to update the existing planning framework for the Sherway Area with a Secondary Plan based on the key findings of the Study, bring forward Urban Design and Streetscape Guidelines for the Sherway Area, and finalize the Transportation and Servicing Master Plans. The Directions Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY18.8>

On October 10, 2019, Etobicoke York Community Council considered and adopted the Final and Supplementary Reports - Sherway Area Secondary Plan. The decision of Etobicoke York Community Council can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

On October 29 and 30, 2019, City Council considered and adopted the Final and Supplementary Reports - Sherway Area Secondary Plan. See the Issues Background section below for details on the Sherway Area Secondary Plan. The decision of City Council can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

The subject site is located within the Sherway Area Secondary Plan boundaries as discussed later.

ISSUE BACKGROUND

Application Description

This application proposes to amend Official Plan Site and Area Specific Policies (SASP) 13 and 19 to permit redevelopment of the surface parking lots around the periphery of the mall with a mix of uses including retail, office, hotel and residential uses. The Sherway Gardens mall would be retained in its entirety.

The proposed amendments to the Official Plan include:

- Increase the number of permitted residential units from 1,350 to 2,837 for the lands subject to SASP 19;
- Deletion of the requirement to provide a context plan with any major Zoning By-law Amendment application or Site Plan Control application and replace this with a requirement to provide a conceptual site plan through an Official Plan Amendment process;
- Amendment to Map 2 of SASP 19 to delete the requirement to provide public streets;
- Deletion of the parkland dedication policies applicable to the site in SASP 19; and
- Elimination of the potential school or community facilities campus applicable to the site.

The redevelopment would include nine tall buildings ranging in heights from 16 to 35 storeys and two, six-storey mid-rise buildings on the site. The podiums for the tall buildings would be predominantly six storeys. Generally, all but one of the buildings would have retail uses at grade.

The proposal would have a total Gross Floor Area of approximately 299,083 m² comprised of 184,381m² residential, 72,750 m² of office, 36,618m² of hotel and 5,334 m² of retail space. A total of 2,382 residential units are proposed and the unit breakdown is unknown at this time. The amount of indoor and outdoor amenity space is also unknown at this time. A new public park of approximately 3,650 m² is proposed on the north side of the existing mall fronting The Queensway. A new transit hub is also proposed on the northwest portion of the site, with a frontage on The Queensway.

All the existing vehicular accesses to the site from The Queensway, The West Mall and Sherway Gardens Road would be maintained. The existing internal private ring-road around the mall is also proposed be maintained.

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 and 1b of this report, for three dimensional representations of the proposal in context and Attachment 3 for the proposed site plan.

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 (2019) 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* of Ontario. 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 lands subject to the current application are located on an *Avenue* as identified on Map 2 - Urban Structure in the Official Plan and designated *Mixed Use Areas* on Map 15 - Land Use Map as shown in Attachment 4.

The lands are also subject to Chapter Seven, Site and Area Specific Policies (SASP) 13 and 19 on Map 26 of the Official Plan. The boundaries for SASP 19 are the CP rail corridor to the north, Highway 427 to the east, Queen Elizabeth Way (QEW) to the south and the Etobicoke Creek to the west. These policies require that a comprehensive transportation review be conducted once permitted development capacity has been reached. Currently, retail and residential development is at or nearing the maximum capacity permitted by these Site and Area Specific Policies.

City-Initiated Sherway Area Study

City Planning staff led an inter-divisional review of growth, built form and infrastructure issues for the larger area surrounding the Sherway Gardens mall, referred to as the City-Initiated Sherway Area Study. The study area is bounded by the CP rail corridor to the north, Highway 427 to the east, Queen Elizabeth Way (QEW) to the south and the

Etobicoke Creek to the west (the same area subject to SASP 19 noted above). The study was initiated in 2014 and focused on providing recommendations for a planning framework addressing urban structure, land use, built form, building heights, public realm and streetscapes, community services and facilities, transportation and servicing.

City Council directed Planning staff to update the existing planning framework for the Sherway Area by replacing the current Site and Area Specific policies with a Secondary Plan for the area based on the key findings of the Sherway Area Study. In May 2019, City Planning staff held several consultations including public opens houses and land owner meetings to present the Draft Sherway Area Secondary Plan.

The Secondary Plan sets out a long term vision that would transform the auto oriented focus of the area to a complete community urban node. The Secondary Plan provides an overarching framework for land use, development capacity, a new public street network and a parks and open space system, within which more detailed precinct planning can be undertaken. The Plan envisions a clear development block pattern enriched by a system of public streets, public parks, and open spaces that are scaled to encourage pedestrian activity and movement. Six Precincts are delineated within the Plan to allow for precinct-specific conditions to be addressed through the development application review process.

The subject site is within the Sherway Gardens Precinct. The Secondary Plan anticipates the Sherway Gardens mall will continue to operate as a regional retail destination. The Plan designates the lands surrounding the mall outside the existing internal private ring road as *Mixed Use Areas A-Residential* and *Mixed Use Areas B-Office Commercial* to allow for residential and office commercial uses. Over time, it is anticipated that the surface parking lots surrounding the mall will be redeveloped with a mix of uses to create a walkable and more hospitable pedestrian environment. The lands within the internal private ring road would be designated *Mixed Uses Areas C-Retail* to maintain the retail focus of this precinct.

The Secondary Plan envisions three possible park locations within the Sherway Gardens Precinct. The Plan continues to protect for a transit hub at the northwest portion of the subject lands, in keeping with the location conceptually identified in the 1993 approved Environmental Assessment to allow for the extension of the Bloor-Danforth subway line from Kipling Station. The existing internal private ring road is expected to be designed to City standards and dedicated as public streets through redevelopment. A multi-use trail accommodating pedestrian and cycling infrastructure is also envisioned along the entire The Queensway frontage of the site.

Information on Sherway Area Study and the Draft Sherway Area Secondary Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/sherway-area-study/>

The Final and Supplementary Reports on the Sherway Area Secondary Plan were considered and adopted by City Council on October 30, 2019. The decision of City Council can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

Zoning By-laws

The site is zoned Planned Commercial Regional (CPR) in Site Specific By-law No. 1978-83 and 1204-2007 (OMB). This zoning permits regional commercial area uses including supermarkets, restaurants, entertainment uses, service stations, passenger transportation terminal, community facilities, transit facilities, institutional and cultural facilities, major department stores, day nurseries, etc. Residential uses are not permitted in this zone.

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:

- Sherway Area Urban Design and Streetscape Guidelines
- Tall Buildings Design Guidelines
- Avenues and Mid-Rise Buildings Study Performance Standards
- Growing-Up - Planning for Children in New Vertical Communities

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

Site Plan

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

COMMENTS

Reasons for the Application

Amendments to Official Plan Site and Area Specific Policies 13 and 19 are required to increase the intensity of residential uses on the site. An amendment is also required to address the requirement to provide public streets, parkland dedication and potential school or community facilities on the lands.

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

Staff will evaluate the application for consistency with the PPS (2014) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) in particular to ensure that the proposed level of intensification is appropriate, is well designed built form, provides an appropriate housing mix and supports the local context.

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest are: (j) the adequate provision of a full range of housing, including affordable housing; (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; and (r) the promotion of built form that is (i) well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Official Plan Conformity

The in-force Official Plan site specific policies applicable to the subject site establish a network of public streets and development blocks. The policies require a new network of local public streets which divide the lands into a more urban pattern of streets and blocks, providing a framework for organizing and intensifying the existing uses and accommodating new uses and forms of development. The envisioned public street network pattern generally follows the pattern of the existing internal private ring road on the subject site which functions as a service road for the mall. The Sherway Area Secondary Plan also anticipates that the existing internal private ring road would be dedicated as public roads through the development application review process. This Official Plan Amendment application proposes to delete the site specific requirement to provide public streets on the subject lands.

Public streets are recognized as significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. As such, the Official Plan requires that new streets should be public streets and designed to achieve a complete streets approach and divide larger sites into smaller development blocks. The application proposes to delete the requirement to provide public streets on the subject site. The application in its current form does not conform to the existing Official Plan and site specific policies for lands, nor the site specific policies in the Sherway Area Secondary Plan. Staff will determine the appropriateness of the proposed Official Plan Amendment to eliminate the requirement for public streets on the lands.

The in-force site specific policies include density provisions for the subject lands that are updated in the Sherway Area Secondary Plan. As such, it is appropriate to review the application in the context of the Sherway Area Secondary Plan. The Plan would permit residential uses to a maximum floor space index of 2.5 times the gross site area for lands designated *Mixed Use Areas 'A' - Residential*. The proposed residential uses on the lands would exceed the maximum permitted density on the lands. Staff will review the application to determine the impacts and appropriateness of the requested increase in residential uses on the lands.

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed building heights, massing and other built form issues based on Sections 2 q. and r. of the *Planning Act*, the PPS, The Growth Plan (2019), the City's Official Plan policies and the City's Design Guidelines.

Specifically, staff will assess how the proposal comprised mostly of tall buildings addresses and achieves the built form objectives set out in the Sherway Area Secondary Plan and Urban Design Guidelines for building heights, setbacks, stepback, and streetwall heights. The Sherway Area Secondary Plan envisions that lands designated *Mixed Use Areas 'A' - Residential* would have a predominantly mid-rise character, with some low-rise residential types where appropriate and tall buildings permitted consistent with the overall policies of the Plan. The proposal in its current form is comprised of predominantly tall buildings, which does support the vision of the Secondary Plan. While tall buildings are permitted, the level of intensity exceeds the permitted density in the Secondary Plan.

Tree Preservation

An Arborist Report and a Tree Preservation Plan are not required for an Official Plan Amendment application and were not submitted with the application. However considering the level of development proposed, staff have requested that the applicant provide these documents to assist in the evaluation of the proposed development.

Housing

A Housing Issues Report is required for Official Plan and Zoning By-law Amendments and Plans of Condominium where applications seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or propose residential development on lands in excess of five hectares. While the subject lands fall within the last category, a Housing Issues Report was not submitted with the application. As such, staff have requested that one be submitted to assess how the proposed development addresses the housing policies in the Official Plan.

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. A Stage 1 Archaeological Assessment was submitted with the application and is currently under review.

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 healthy, safe, liveable and accessible communities. 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 in-force Official Plan site specific policies applicable to the subject lands identify the need to provide for community services and facilities including schools, recreational facilities, library and open spaces to support residential uses in the area. Site and Area Specific Policy 19 identifies three locations on the subject site for public open space purposes and also denotes a potential site for a school or community facility. Similarly, the Sherway Area Secondary Plan envisions three possible public park locations within the Sherway Gardens Precinct, on the subject site. The application proposes one park on the site in one of the locations identified as a preferred park location in the Sherway Area Secondary Plan. This does not achieve the objectives set out in the in-force Official Plan policies and the Sherway Area Secondary Plan.

A CS&F study was submitted with the application and is under review by staff. On a preliminary level, staff are concerned that the proposed development would provide only one public park to serve the population of the proposed development.

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. The proposed increased in height and density meets the threshold for the provision of Section 37 community benefits.

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 Transportation Considerations Report in support of the application which is being reviewed by staff.

Toronto Green Standard

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. A TGS checklist is not required for an Official Plan Amendment application and one was not submitted.

Other Matters

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

CONTACT

Cynthia Owusu-Gyimah, Senior Planner
Tel. No. (416) 394-8220
E-mail: Cynthia.Owusu-Gyimah@toronto.ca

SIGNATURE

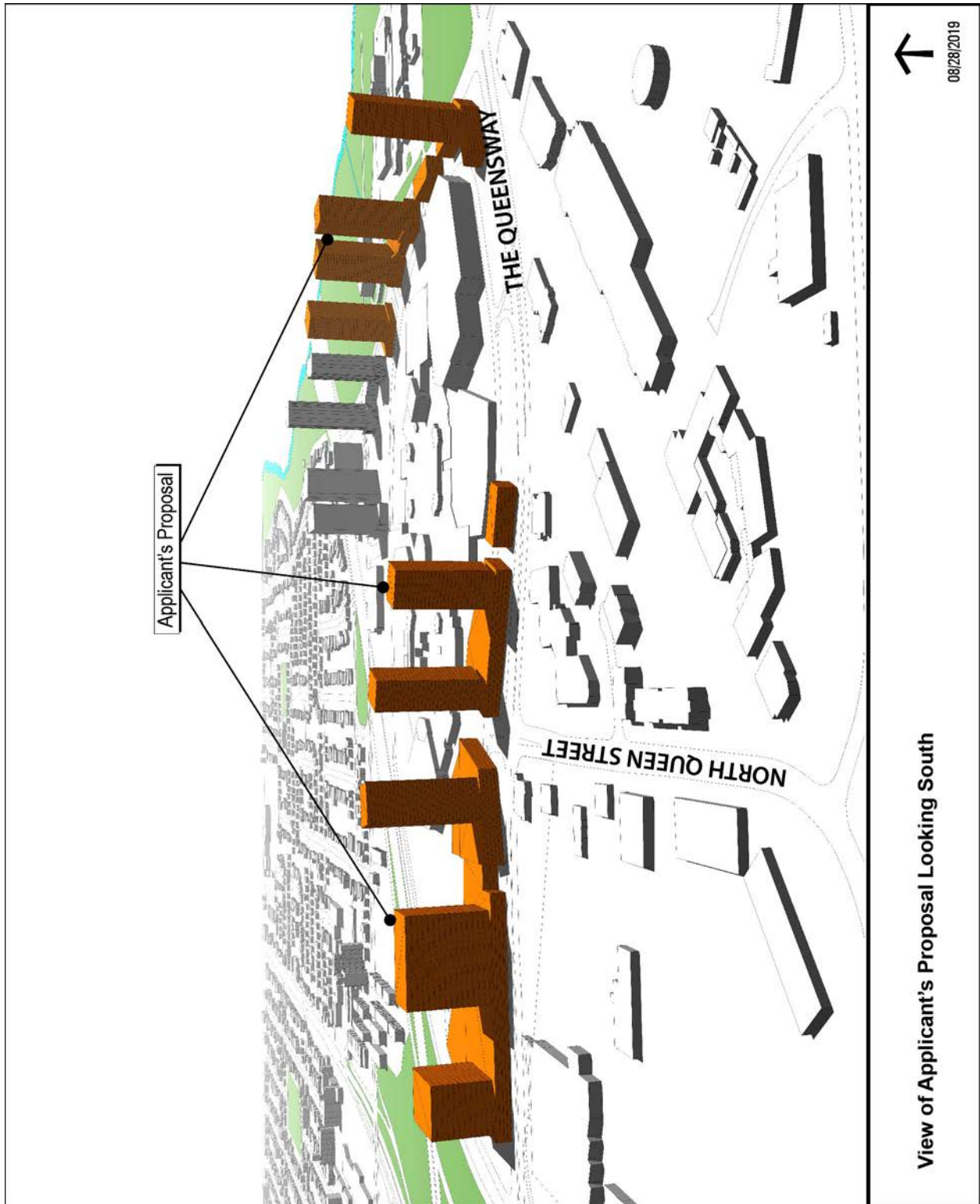
Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

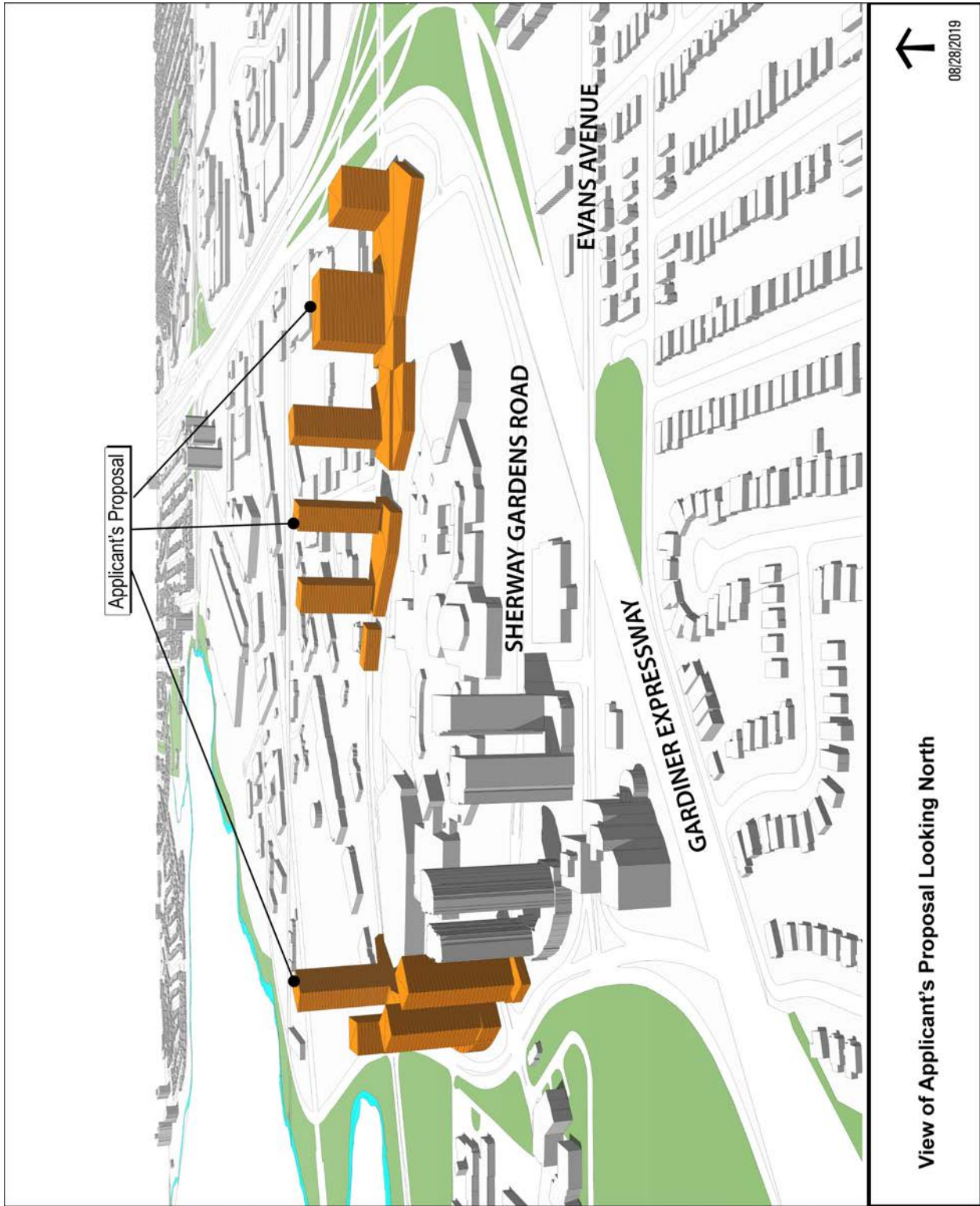
City of Toronto Drawings

Attachment 1a: 3D Model of Proposal in Context
Attachment 1b: 3D Model of Proposal in Context
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: Official Plan Map

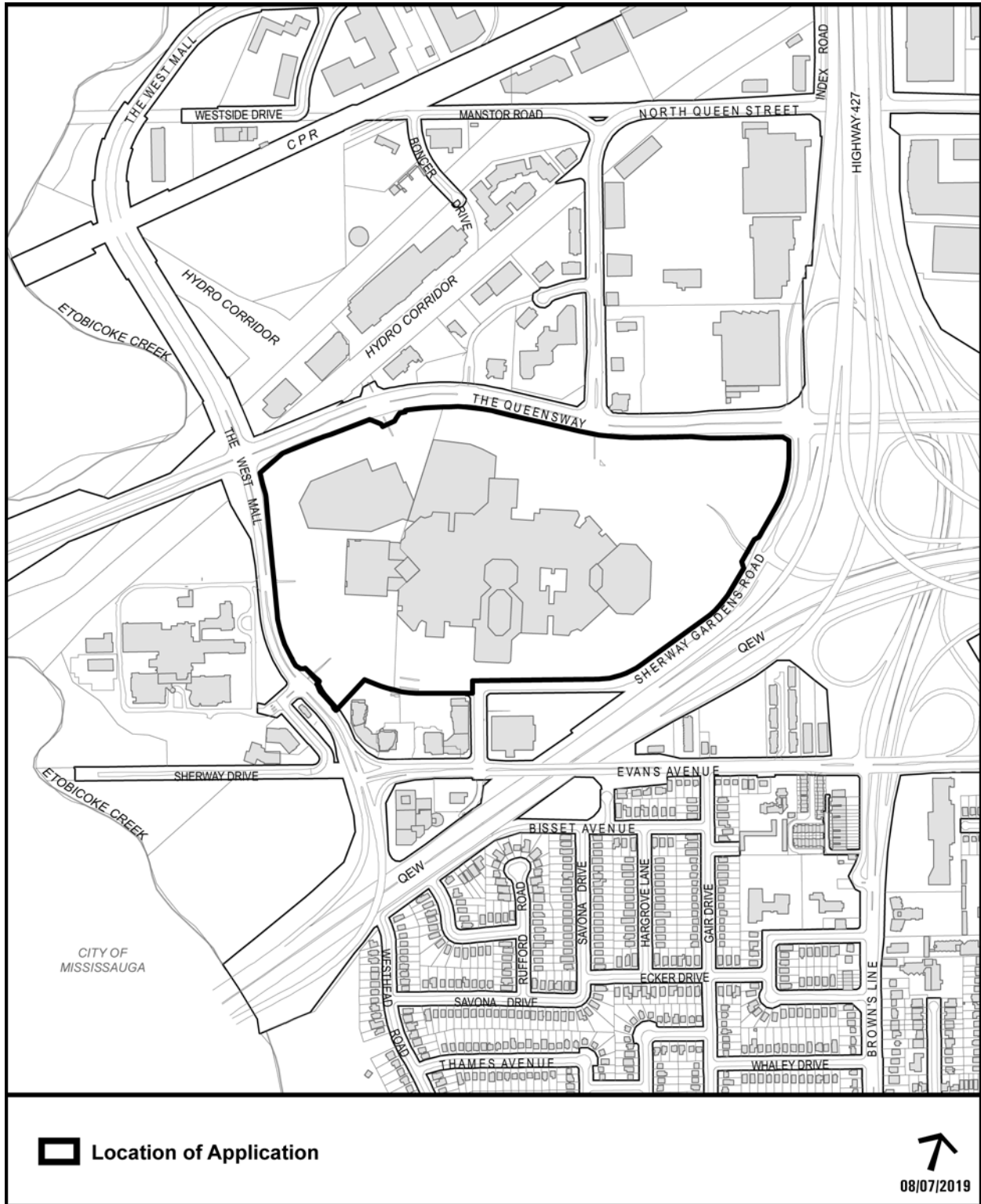
Attachment 1a: 3D Model of Proposal in Context



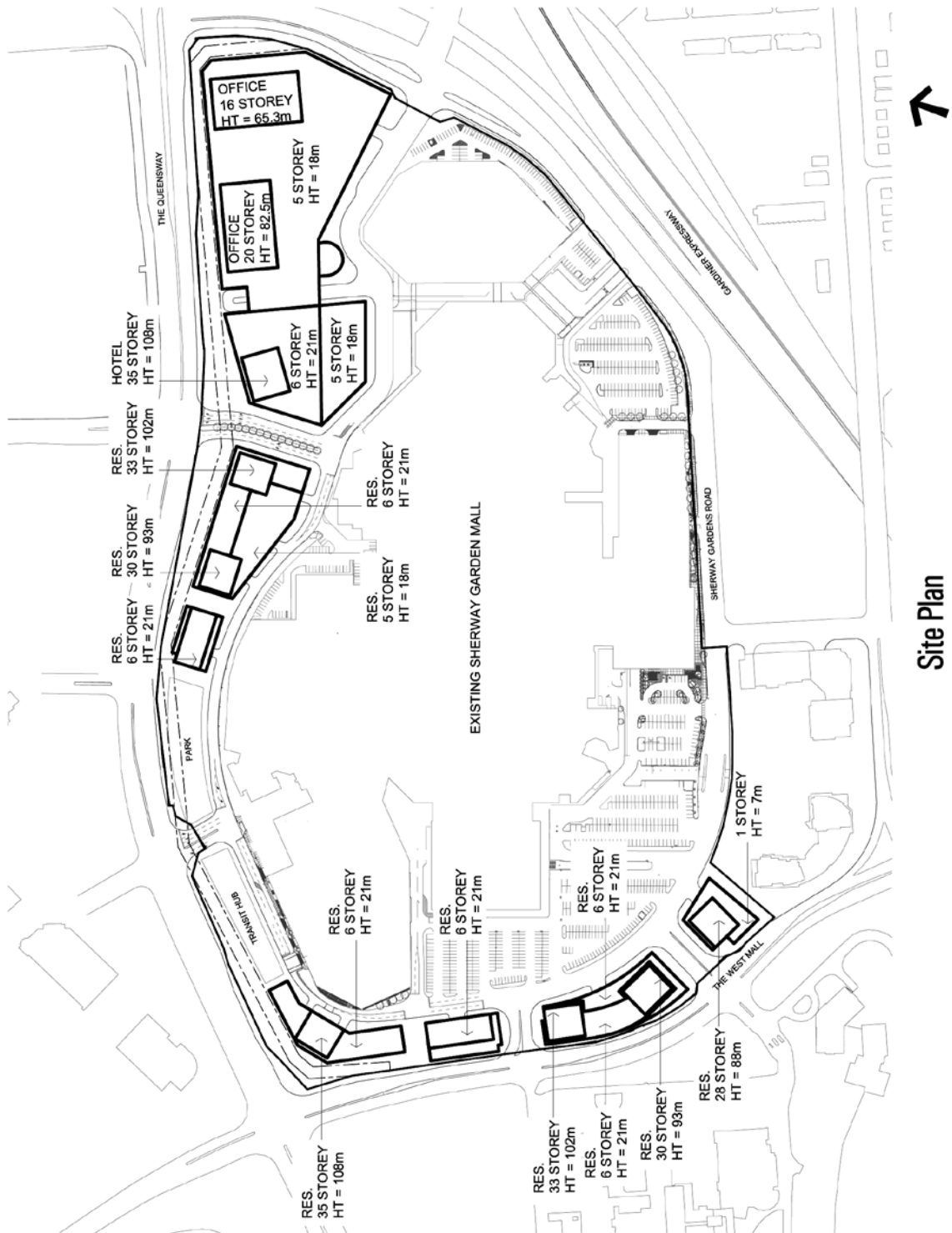
Attachment 1b: 3D Model of Proposal in Context



Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan










Attachment 4: Official Plan Map



TORONTO
Official Plan Land Use Map #15

25 The West Mall

File # 19 187348 WET 05 02

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|---|---|--|
|  Location of Application |  Parks |  General Employment Areas |
|  Neighbourhoods |  Institutional Areas |  Core Employment Areas |
|  Mixed Use Areas |  Utility Corridors | |
|  Natural Areas | | |


 Not to Scale
 08/07/2019