

150 Eighth Street – Zoning By-Law Amendment Application – Final Report

Date: August 17, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Etobicoke - Lakeshore - 03

Planning Application Number: 18 272227 WET 03 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 to permit a 6-storey building containing 90 residential units, 94 vehicular parking spaces and a total gross floor area of 9,964 m² at 150 Eighth Street. The proposed outdoor amenity space would be located on the rooftop level. A 5 metre wide strip of land that spans the length of the north property line (approximately 381 m²) will be conveyed to the City of Toronto as parkland to expand the existing Eighth Street Skate Park. In addition, the existing 7.5 m high granite Cenotaph that commemorates the Canadian soldiers lost during World War I, World War II and the Korean War will be relocated from the subject site to Colonel Samuel Smith Park as part of this development.

The proposal is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The development is consistent with the policies of the *Mixed Use Areas* designation of the Official Plan, as well as other relevant policies pertaining to built form, public realm and housing. The proposal respects and reinforces the existing built form context of the surrounding area.

This report reviews and recommends approval of the application to amend the Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code for the lands at 150 Eighth Street substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 150 Eighth Street substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 6 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.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:
 - a. Complete a peer review process of the submitted Noise Impact Study by a third party peer reviewer retained by the City of Toronto, and paid for by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b. Complete a peer review process of the submitted Land Use Compatibility and Mitigation Report (Air Quality and Odour Study), by a third party peer reviewer retained by the City of Toronto, and paid for by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - c. Enter into a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, and register the Section 37 Agreement on title to the subject lands to the satisfaction of the City Solicitor securing the matters of legal convenience outlined in recommendation 5 below.
5. City Council authorize the City Solicitor to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following matters as a legal convenience to support the development:
 - a. Prior to the issuance of any building permit and/or demolition permit for the subject property, the owner shall, at the owner's sole cost, relocate the Cenotaph from its existing location at 150 Eighth Street to Colonel Samuel Smith Park, with final siting and orientation to be determined by the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture, prior to commencement of the relocation.

- b. Prior to the issuance of any building permit and/or demolition permit for the subject property, the owner shall provide a Letter of Credit to the City in the amount of \$360,000 to guarantee the safe relocation of the Cenotaph to Colonel Samuel Smith Park and to guarantee against any damages to parks property, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.
- c. The owner, at its sole expense, is responsible for the structural design of the new Cenotaph foundation, all utility locates, all excavation, construction of the new concrete foundation, and the moving of and installation of the Cenotaph onto its new foundation, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.
- d. The owner shall provide documentation from a qualified structural engineer certifying that the design and construction of the Cenotaph foundation in Colonel Samuel Smith Park has been completed as per the owner's structural design, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.
- e. Prior to issuance of Notice of Approval Conditions (NOAC) for the subject property, the owner shall implement the noise control measures and recommendations contained in the Noise Impact Study, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the owner's air quality consultant that all recommended mitigation measures required in the approved Noise Impact Study have been incorporated into the Site Plan and Building Permit drawings.
- f. Prior to issuance of Notice of Approval Conditions (NOAC) for the subject property, the owner shall implement the Land Use Compatibility and Mitigation Report (Air Quality and Odour Study) measures and recommendations to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the owner's air quality consultant that all recommended mitigation measures required in the approved Land Use Compatibility and Mitigation Report (Air Quality and Odour Study) have been incorporated into the Site Plan and Building Permit drawings.
- g. City Council accept an on-site parkland dedication that is a minimum of 381 m² in area pursuant to Section 42 of the *Planning Act* and Chapter 415, Article III, of the Toronto Municipal Code (the "Statutory Parkland"), to be dedicated to the City, at no cost to the City, free and clear, above and below grade, of all easements, encumbrances and encroachments and in acceptable environmental condition, all to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR), in addition to the following:

- i. City Council approve a development charge credit against the Parks and Recreation component of the development charges for the design and construction by the owner of Above Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time; and
- ii. The owner shall convey the Statutory Parkland to the City prior to the issuance of the first above-grade building permit for the building on the subject site, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

PROPOSAL

The application proposes a 6-storey building (24.5 m in height, including mechanical penthouse) with a total residential gross floor area of 9,964 m², resulting in a Floor Space Index of 3.0 times the area of the lot and a lot coverage ratio of 0.73 of the lot.

A total of 90 units are proposed comprised of: 3 one-bedroom units (3%), 69 two-bedroom units (77%), 17 three-bedroom units (19%) and 1 four-bedroom unit (1%). Of the 90 residential units, 18 units would be in the form of 2-storey (at-grade and lower level) grade related townhouse units along the east, west and north elevations, all of which would be accessible from both within the building and individual grade related external entrances. The elevated external entrances of the proposed townhouses front onto Eighth and Ninth Streets and the adjacent public park.

Vehicular access to the surface parking spaces, below-grade garage and loading space would be via a 6 m wide driveway off Eighth Street located at the southeast corner of the site. The proposed loading space is located at the terminus of the driveway along the south side of the building adjacent to the entrance of the at-grade parking area. Located at-grade and screened by the proposed building would be 14 vehicular parking spaces and the access ramp to the below-grade garage that would contain 80 vehicular parking spaces. The application proposes a 3 m landscape buffer along the south property line.

A 5 m wide strip of land that spans the length of the north property line would be conveyed to the City of Toronto as parkland dedication to expand the existing Eighth Street Skate Park which is adjacent to the site. The total parkland dedication would be approximately 381 m². A total of 217 m² of indoor amenity space (2.4 m²/ residential unit) and 213 m² of outdoor amenity space (2.3 m²/ residential unit) would be provided as part of this development. The indoor amenity space would be located at-grade and on the 6th floor. The majority of the outdoor amenity space would be located on the roof top, with the exception of a pet washing facility space that would be located at-grade.

Given the sites adjacency to the public Eighth Street Skate Park, the application includes a series of building setbacks and setbacks to ensure adequate transition down in scale and height to the abutting sensitive use to the north. The application proposes the following building setbacks and step backs:

South Property Line

- At grade, the building would be setback approximately 9 m to accommodate both the proposed vehicular driveway and landscaped buffer. At the terminus of the loading space the proposed setback would be reduced to 3 m;
- Between the 2nd and the 6th floor, the building would be setback 7.5 m; and
- Above the 6th floor the mechanical equipment would be setback 8.70 m.

West Property Line

- At-grade, the building would be setback 1.5m; and
- Above the 1st floor, the building would be setback 3 m.

East Property Line

- At-grade, the building would be setback 1.5m; and
- Above the 1st floor, the building would be setback 3 m.

North Property Line

- At-grade, the building would be setback 4.5 m;
- The 2nd floor would be setback 7.5 m;
- The 3rd floor would be setback 10.5 m;
- The 4th floor would be setback 13.5 m;
- The 5th floor would be setback 16.5 m; and
- The 6th floor would be setback 19.8 m.

As part of the development, the public sidewalks along both Ninth and Eighth Streets will be upgraded to accommodate a 2.1 m width. Additionally, a 2.1 m pathway is proposed along the north property line adjacent to the Eighth Street Skate Park.

The existing 7.5 m high granite Cenotaph that commemorates the Canadian soldiers lost during World War I, World War II and the Korean War will be relocated from the

subject site to Colonel Samuel Smith Park as part of this development. In order to protect the interests of the City, the relocation of the Cenotaph will be secured through a Section 37 Agreement registered on title, as a legal convenience, as outlined in Recommendation 5 (a)-(d) of this report.

Site and Surrounding Area

The subject site is located south of Birmingham Street and north of Lake Shore Boulevard West between Ninth and Eighth Streets. The subject site is rectangular in shape and is approximately 0.33 ha in size with a frontage of 48.8 m on Eighth Street and a lot depth of 76.2 m.

The site is currently occupied by a two-storey building formerly owned and occupied by the Royal Canadian Legion. In front of the existing building is a 7.5 m high granite Cenotaph that commemorates the Canadian soldiers lost during World War I, World War II and the Korean War.

Surrounding land uses include:

North: Immediately north is the City-owned Eighth Street Skate Park. North of Birmingham Street is a vacant parcel of land designated *Core Employment Areas* in the City's Official Plan, and further north is the GO Transit Willowbrook Rail Maintenance Facility.

West: On the west side of Ninth Street are 9 three-storey townhouses, two residential apartment buildings with building heights of 12 and 14-storeys, and a 5-storey mixed-use building located at the southwest corner of Ninth and Birmingham Streets. Further west at 225 Birmingham Street, City Council approved a development proposal consisting of 200 residential stacked townhouses and a non-residential building.

East: On the east side of Eighth Street is a 4-storey residential apartment building, a 2-storey commercial building and 1 to 2-storey place of worship.

South: Immediately south is Lakeshore Lumber and a Hardware Store. Lake Shore Boulevard West is approximately one block south of the subject site.

Reasons for the Application

Amendments to the former City of Etobicoke Zoning Code are required as the proposed residential use is not permitted and the development proposal does not comply with the existing performance standards with respect to: building height; total density; and building setbacks. An amendment is also required to establish appropriate development standards for the proposal.

An amendment to City of Toronto Zoning By-law No. 569-2013 is also required to add this site to the By-law under the Commercial Residential zone to allow for residential uses and to establish appropriate development standards for the proposal.

APPLICATION BACKGROUND

A number of pre-application meetings were held in 2018. The current application was submitted on December 28, 2018 and deemed complete on January 28, 2019. Staff prepared a Preliminary Report on the application that went before Etobicoke York Community Council on April 24, 2019 authorizing staff to conduct a community consultation meeting. The outcome of this community consultation is summarized in the Comments Section of this report.

Application Submission Requirements

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

- Survey
- Planning Rationale
- Architectural Plans
- Landscape and Lighting Plans
- Functional Servicing and Stormwater Management Report
- Traffic Impact, Parking and Loading Study
- Pedestrian Level Wind Study
- Energy Efficiency Report
- Sun and Shadow Studies
- Toronto Green Standard Checklist
- Land Use Compatibility and Mitigation Report, including Noise Impact and Air Quality Studies
- Hydrogeological Report
- Geotechnical Report
- Draft Zoning By-laws
- Public Consultation Strategy Report
- Archaeological Assessment

All the submitted material and reports/studies are available via the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been 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 standards.

Community Consultation

Planning staff hosted a community consultation meeting on May 23, 2019 at The Holy Trinity Catholic School to discuss the proposal. The meeting was attended by approximately 23 members of the public.

Planning staff presented the policy framework and an overview of the application review process.

Comments and issues raised by the residents in attendance at the meeting are summarized as follows:

- Potential traffic and parking impacts on adjacent streets;
- Capacity of existing municipal infrastructure and local schools to support the proposed development;
- Impacts on the adjacent Eighth Street Skate Park;
- Lack of affordable housing units;
- Safety concerns relating to both the construction of the development and an increase in the number of residents to the area; and
- Increase the number of family-sized units.

Statutory Public Meeting Comments

In making their decision with regard to this application, City Council members have an opportunity to view the oral submissions made at the statutory public meeting held by the Etobicoke York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

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 (2020)

The Provincial Policy Statement (2020) (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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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".

Provincial Plans

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (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.

Toronto Official Plan

The Official Plan designates this site as *Mixed Use Areas*, as shown on Map 15 of the Official Plan. The City of Toronto Official Plan can be found here:

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

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 3 - Building a Successful City

Public Realm Policy 3.1.1 of the Official Plan promotes quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The Public Realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

In Section 3.1.2, Built Form, the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area.

Section 3.1.2, further states that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that development must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façade fits within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.2 states that new development will locate and organize vehicular parking and access, service areas and utilities to minimize their impacts on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- (a) Using shared services areas where possible within development block(s) including public and private lanes, driveways and service curbs;
- (b) Consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- (c) Integrating services and utility functions within buildings where possible; and
- (d) Providing underground parking where appropriate.

Built Form Policy 3.1.2.3 directs new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impact on neighbouring streets, parks and open spaces and properties by:

- (a) Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;
- (b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- (c) Creating appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- (d) Providing for adequate light and privacy; and
- (e) Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open space, having regard for the varied nature of such areas.

Section 3.1.2.4 states that "new development will be massed to define the edges of the streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future uses of these areas".

Section 3.1.2.5 directs new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- (a) Improvements to adjacent boulevards and respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- (b) Co-ordinate landscape improvements in setbacks to create attractive transition from the private to public realm;
- (c) Weather protection such as canopies and awnings; and
- (d) Landscaped open space within the development site.

The Housing policies in Section 3.2.1 of the Official Plan encourage a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents.

Chapter 4 - Land Use Designations

Mixed Use Areas Policies

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential or institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. However, not all *Mixed Use Areas* will experience the same scale or intensity of development".

Policy 4.5.2 of the Official Plan includes criterion that directs the form and quality of development in this land use designation. It is the intent that development in *Mixed Use Areas* will:

- (a) Create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meets the needs of the local community;
- (c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or stepping down of heights;
- (e) Locate and mass new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- (f) Provide an attractive, comfortable and safe pedestrian environment;
- (i) Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- (j) Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- (k) Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Employment Areas Policies

Employment Areas are comprised of lands designated both as *Core Employment Areas* and *General Employment Areas*, which are both important '*Employment Areas*' as defined in the Provincial policy framework. The *Employment Areas* policies of the Official Plan speak to the preservation of *Employment Areas* in order to contribute to a balance between employment and residential growth so that Torontonians have a

greater opportunity to live and work in the City, rather than commuting distances to jobs outside the City. Official Plan Policy 2.2.4.5 states:

"Sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near to *Employment Areas* or within the influence area of major facilities, should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to:

- a) Prevent or mitigate adverse effects from noise, vibration and emissions, including dust and odour;
- b) Minimize risk to public health and safety;
- c) Prevent or mitigate negative impacts and minimize the risk of complaints;
- d) Ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and
- e) Permit *Employment Areas* to be developed for their intended purpose".

Zoning

The site is zoned Class 1 Industrial (I.C1) within the former City of Etobicoke Zoning Code (the "Zoning By-law"). The I.C1 zone permits a variety of industrial, commercial, and retail uses, and limits any residential permissions to one accessory residential unit for a caretaker or official associated with a place of worship.

The Zoning By-law permits a maximum building height of 5 storeys and a total density of 0.6 times the area of the lot. The Zoning By-law requires a front yard setback of 4.5 m and a 3 m landscaped setback from the property line between any residential and industrial uses.

City-wide Zoning By-law No. 569-2013 does not apply to this site. As part of this application, Planning staff propose to include this site into By-law No. 569-2013 by way of the Draft Zoning By-law Amendment included as Attachment No. 6.

Design Guidelines

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step

backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods and Parks and Open Space Areas* and corner sites. The link to the Guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. City Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bqrd/backgroundfile-92537.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted updated Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Guidelines are available at: <https://www.toronto.ca/citygovernment/planningdevelopment/planningstudiesinitiatives/growing-up-planning-forchildren-in-new-verticalcommunities>

Site Plan Control

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019).

The PPS (2020) provides policy direction on matters of provincial interest related to land use planning and development. City Council's decisions are required to be consistent with the PPS.

Policy 1.1.1(b) of the PPS (2020) directs that the creation of healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-

based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

Policy 1.2.6.1 of the PPS (2020) directs major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Policy 1.5.1(a) of the PPS (2020) states that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Policy 4.6 of the PPS (2020) states the Official Plan is the most important vehicle for implementation of the Provincial Policy Statement.

This proposal is consistent with the PPS (2020) and addresses all the above noted policies, as it is contextually appropriate intensification that makes efficient use of a currently vacant parcel of land and existing services. The development proposes improvements to the existing public realm and a land conveyance to increase the size of the adjacent public park. Any potential noise or air quality impacts on the proposed development from the adjacent employment lands and vice versa will be mitigated and secured through the site plan review process. The proposal achieves the Official Plan objective as it provides a mix of residential unit sizes and introduces a compact built form that is reflective of the surrounding built form context.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan supports intensification within built-up urban areas and focuses on accommodating forecasted growth in "complete communities", designed to meet people's needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing to accommodate a range of incomes and household sizes.

Policy 2.2.1.4.c) of the Growth Plan states that applying the policies of the Growth Plan will support the achievement of complete communities that provide a diverse range and mix of housing options, including second units and affordable housing to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, and providing a pedestrian-friendly environment in an area with close proximity to local stores and businesses, public service facilities such as parks, and existing public transportation as the site is located less than a block north of Lakeshore Boulevard West. The proposed development would also assist in diversifying the mix and range of housing options for residents in the neighbourhood and City of Toronto.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy Considerations Section of this report as well as the policies of the Toronto Official Plan as a whole.

The site is designated *Mixed Use Areas* and zoned Industrial Class 1. The *Mixed Use Areas* Official Plan designation permits and supports the proposed residential use, while the Industrial Class 1 zoning does not permit residential uses. However, the proposed use is reflective of the existing context to the east and west of the site, as well as the emerging character of the south side of Birmingham Street. Staff are therefore of the opinion the proposed land use is appropriate for the subject site.

Density, Height and Massing

The application has been reviewed against the Official Plan policies and design guidelines described in the Policy Considerations Section of this report.

Policy 3.2.1.3 of the Official Plan requires new development to be massed and designed to fit harmoniously into its existing and/or planned context. The application is proposing a building height of 6-storeys (20.8 m), which fits within the existing context of surrounding residential buildings. The following table shows the heights of nearby residential buildings:

Address	Building Height
115 Birmingham Street	5 storeys
10 Garnett Jane Road	12-storeys
20 Garnett Jane Road	13-storeys
1 Coin Street	12-storeys
250 Ninth Street	3.5 storey townhouses
150 Ninth Street	3-storey townhouses
250 Twelfth Street	14-storeys
225 Birmingham Street	3-storey townhouses
135-147 Eighth Street	4-storeys

The proposed building height provides for a gradual transition in height from the 14 and 12 storey buildings located on the west side of Ninth Street to the 4-storey residential apartment building located on the east side of Eighth Street. The proposed building height is in keeping with the context of nearby residential buildings and is therefore being recommended for approval by City Planning staff.

The Built Form policies state that new development will provide amenity for adjacent streets and open spaces to create attractive, interesting, comfortable and functional spaces for pedestrians and will co-ordinate landscape improvements in setbacks to create attractive transitions from the private to public realm. A parkland dedication of 381 m² is proposed to be conveyed to the City of Toronto to enhance the existing Eighth Street Skate Park. In addition to the parkland dedication, the application would provide a 2.1 m walkway and landscaping along the north property line which would provide access to the front entrances of the townhouse units facing the park.

The Official Plan requires new development to be massed to define edges of streets, parks and open space at good proportion. The proposed townhouses are located and oriented to be parallel to both Eighth and Ninth Streets and the existing public park in order to frame the edge of the streets and public parks to ensure animation and passive overlook into these spaces. The townhouse units have been designed to have front doors located close to grade, making the front entrances clearly visible from the public realm, with three or five risers to the door to ensure security for both the building occupants and pedestrians.

Mixed Use Areas Policy 4.5.2 (c) requires new development within the designation to be located and massed to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or stepping down of heights. The development has been massed and designed appropriately to fit harmoniously within the existing and planned context. Transition to the adjacent *Parks and Open Space* designated lands was an important consideration during the review of the proposal. A series of building setbacks and stepbacks from the north property line have been incorporated into the massing of the building to ensure that the proposed height and massing steps down towards the adjacent public park. The building would be setback 4.5 m from the public park property line, and would step back 3 m or more for each floor to ensure the building fits within a 45 degree angular plane measured from the existing north property line. The proposed series of setbacks and step backs would mitigate the impacts of the building and provide appropriate transition to the abutting *Parks and Open Space* designated lands.

Planning staff are of the opinion the proposed development is consistent with the intent of the *Mixed Use Areas* designation and Built Form policies of the Official Plan, as it transitions to and is compatible with the adjacent *Parks and Open Space* designation.

The proposed development would respect and reinforce the existing physical character of buildings and improve the existing streetscape and enhance the public realm.

Noise Impact and Air Quality Studies

The Official Plan requires that development adjacent to or nearby *Employment Areas* or transportation corridors will be appropriately designed, buffered and or separated from both industries or transportation sources as necessary to mitigate any adverse impacts of these sources to the new development and vice versa. The Official Plan requires a Land Use Compatibility and Mitigation Report, containing Noise Impact and Air Quality Studies to be submitted as part of any development application in close proximity to *Employment Areas*. Provincial regulations require compliance with both the Ministry of the Environment and Climate Change (MOECC) noise and air quality guidelines.

New provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate previous related guidelines. Among other matters, the guidelines provide advice on sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act*. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions.

The MOECC sets concentration limits that are protective of human health and the environment. Emissions of air contaminants is regulated under Ontario Regulation 419/05, as amended.

Land use compatibility issues that could potentially arise between the proposal and the existing surrounding land uses was a significant consideration in evaluating the subject application. The subject site is adjacent to lands designated *Core Employment Areas* and in close proximity to the GO train maintenance facility and a Waste Management Transfer Station to the north. When reviewing the appropriateness of the proposal given this existing context, Planning staff required the submission of the Land Use Compatibility and Mitigation Report containing noise and air quality assessments to demonstrate that any potential land use compatibility issues could be addressed.

The submitted studies are currently being reviewed by third-party consultants retained by the City of Toronto. The purpose of the peer review is to ensure that the proposal will be appropriately designed and appropriate materials are incorporated to minimize any land use compatibility issues and that recommended mitigation measures and recommendations are included in the design of the development. All the recommended mitigation and design measures would be secured in a future Site Plan Agreement, where appropriate. As this application is proposing to change the permitted use of the site from industrial to residential, the owner will be required to complete the peer review process of the submitted Noise Feasibility and Air Quality Studies and ensure all the required mitigation will be incorporated into the development prior to the Bills being enacted by City Council. The applicant will be required to have the noise and air quality

consultant confirm that any mitigation required in the approved noise and air quality assessments have been incorporated into the Site Plan and Building Permit drawings.

Sun and Shadow

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Considerations Section of this report.

As noted previously, the proposed 6-storey building has been designed to transition down in height and scale to fit below a 45 degree angular plane measured from the existing north property line. The stepping down in building height contributes to limiting the extent of any shadow impacts on the public park to the north.

The submitted shadow studies were evaluated to determine the impacts of the proposed building on the surrounding context. On September/March 21, between 9:18 a.m. and 12:18 p.m. the shadow of the proposed development slightly extends onto the adjacent *Parks and Open Space* designated lands shadowing the most southerly portion of the public park.

There are no shadow impacts on the adjacent Eighth Street Park during the summer solstice, however the development casts minor shadows on the public sidewalk along the east side of Eighth Street during the late afternoon hours.

Planning staff have assessed the proposed development in terms of the incremental shadowing impacts resulting from the 6-storey building and are satisfied that the development adequately limits shadowing on the adjacent Eighth Street Skate Park and the surrounding public realm.

Wind Impacts

Planning staff are satisfied with the expected wind condition resulting from the proposed development, subject to further assessment through the site plan review process for additional mitigation strategies.

The Wind Study prepared in support of this application evaluated the predicted wind conditions for the proposed building. The wind conditions at the grade-level pedestrian areas within and surrounding the development site are expected to be suitable for the intended use throughout the year. Additional mitigation measures for the outdoor rooftop amenity space may be required, which will be assessed through the site plan review process.

Traffic Impact, Access and Parking

Transportation Services staff have determined that the proposed development would have minimal traffic impacts on the surrounding road network.

Vehicular access to the proposed building would be from Eighth Street, via a 6 m wide private driveway located at the southeast corner and that would stretch along the southern boundary of the site. The driveway would provide access to the vehicular parking and loading area located at the terminus of the driveway. The application proposes 94 vehicular parking spaces, of which 80 parking spaces are to be located in an 1-level below-grade garage. The remaining 14 parking spaces are to be located at-grade and will be allocated to visitors parking spaces.

The proposed parking supply has a deficiency of 34 parking spaces based on the minimum parking requirements of Zoning By-law No. 569-2013. A residential vehicular parking supply rate of 0.84 spaces per unit and a visitor parking supply 0.20 spaces per unit are proposed. Transportation Services staff consider the proposed number of vehicular parking spaces to be appropriate for the number of residential units proposed. All standard and accessible parking space dimensions would comply with the applicable by-law parking requirements.

Loading

A Type G loading space would be provided as part of the development to accommodate loading activities and refuse collection. The loading space would be located at the terminus of the private driveway. The loading space would have a 13 m depth, 4 m width and a vertical clearance of 6.1 m. A red-light warning system is proposed to be implemented within the vehicular parking area as an additional safety measure to alert exiting vehicles of activity within the loading area. Engineering and Construction Services staff consider the red-light warning system to be an acceptable safety measure to assist in mitigating potential conflicts between exiting vehicles and loading space activities.

Streetscape

The Official Plan requires that new development enhance the existing streetscape by massing new development to define the edges of streets with good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms.

The design of the proposal would result in an attractive, pedestrian-oriented streetscape. The at-grade townhouse front porches would face the public street and park to encourage utilization and activity which will provide overlook onto the abutting sidewalks, rights-of-way and public park. The provision of 10 street trees within the public boulevard, enhanced sidewalk widths and new connections to the public park would improve and enhance the existing public realm and pedestrian experience.

Planning staff are of the opinion that the proposed development would create high-quality, landscaped and connected pedestrian-oriented streetscapes along both Eighth and Ninth Streets and appropriate transition from the public to private realm from the Eighth Street Skate Park.

Servicing

The applicant submitted a Functional Servicing Report and Stormwater Management Report as part of the application. The objective of these reports is to identify the municipal servicing and stormwater management requirements for this development and to demonstrate how each service would be accommodated by the existing infrastructure.

Engineering and Construction Services staff have reviewed both the Functional Servicing Report and Stormwater Management Report and have determined that no further analysis is required. No upgrades are required to existing municipal infrastructure and the proposed new connections to this infrastructure would adequately accommodate this development.

Housing Issues

The Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) acknowledge the importance of providing a full range of housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. The Growing-Up Guidelines provide similar direction on the recommended mix of residential unit types and provide appropriate units sizes for multi-unit developments. The Guidelines recommend:

- A minimum of 15 % of the total number of units are to be 2-bedroom units;
- A minimum of 10% of the total number of units are to be 3-bedroom or larger units; and
- Minimum units sizes for 2-bedroom units should range from 87 to 90 m² and 101 to 106 m² for 3-bedroom units.

The application is proposing 3 one-bedroom units (3%); 69 two-bedroom units (77%); 17 three-bedroom units (19%); and 1 four-bedroom unit (1%). The minimum size of the proposed 2-bedroom units is 78 m² and 101 m² for the 3-bedroom and larger units. The proposed unit mix and sizes support the objectives of the Provincial policies, the Official Plan and the Growing-Up Guidelines.

Open Space/Parkland

Parks are essential to making Toronto an attractive place to live, work and visit. They offer a broad range of outdoor leisure and recreation opportunities, transportation routes and places for residents to interact with nature and with each other. Public parks and open spaces perform a variety of critical functions that improve and maintain the City's health, including helping mitigate the effects of climate change.

In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded.

The City of Toronto Parkland Strategy is a 20-year strategic City-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the City. According to the Strategy's methodology, the development site is currently in an area with 4 -12 m² of parkland per person, which is below the city-wide average provision of 28 m² of parkland per person in 2016. Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,200 m² or 32 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication.

The applicant proposes a 381 m² on-site dedication along the north edge of the property. This on-site dedication will extend the property line of the existing, City owned Eighth Street Skate Park southward by 5 m along the south boundary. The proposed size and location of the parkland dedication is acceptable to Parks, Forestry and Recreation staff, subject to limiting distance requirements as per the Ontario Building Code.

Local Schools

The Toronto District School Board (TDSB) staff have advised that a signification impact on local schools is not anticipated, and there would be sufficient space at local schools to accommodate students anticipated from the proposed development. The local schools are Second Street Junior Middle School and Lakeshore Collegiate Institute.

Toronto Catholic District School Board (TCDSB) staff have advised that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students from the proposed development. Notwithstanding this, TCDSB staff have no objections to the application, however will require warning clauses to be included in all agreements of purchase and sale for this development and development-site signage be posted. The matters will be addressed throughout the site plan review process.

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).

Additionally, Official Plan policies have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy 3.4.1 (d) states that: "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on preserving and enhancing the urban forest by:

- i) Providing suitable growing environments for trees;
- ii) Increasing tree canopy coverage and diversity, especially of longlived native and large shade trees; and
- iii) Regulating the injury and destruction of trees".

The submitted Tree Preservation Plan indicates that the development proposes to protect 1 tree located on the City road allowance and 10 trees located in the adjacent public park, as well as the removal of 4 protected trees located on the boundary of the property line. The Landscape Plan shows 10 new trees to be planted on the City road allowance and within the site. Urban Forestry staff are of the opinion the Landscape Plan is acceptable at this time.

Toronto Green Standard

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.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured in the Draft Zoning By-law Amendment and through the site plan review process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, it does not exceed the 10,000 m² gross floor area threshold identified in Policy 5.1.1.4 of the Official Plan. Therefore, Section 37 contributions have not been negotiated as part of this application. However, several matters will be secured as matters of legal convenience within a Section 37 Agreement to be registered on title, including the conveyance of 381m² for public parkland and the relocation of the Cenotaph as outlined in the Recommendations of this report. Further, the Section 37 Agreement will secure the requirements for mitigation measures related to the third-party reviewed Noise Impact Study and the Land Use Compatibility and Mitigation Report (Air Quality and Odour Study), and certification provided from the applicant's noise consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the proposed building massing and transition down to existing *Parks and Open Space* designated lands. The proposal also would provide much needed family-size dwelling units and is compatible with the surrounding context. Staff worked with the applicant to address and resolve the following key concerns: appropriate building height, building step backs and setbacks; location of vehicular parking and servicing; and streetscaping. Staff support the relocation of the existing Cenotaph from the subject site to Colonel Samuel Smith Park. Staff recommend that City Council approve the application and Draft Zoning By-law Amendments subject to the conditions identified in the Recommendations Section of this report.

CONTACT

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E-mail: Jennifer.Renaud@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code
- Attachment 6: Draft Zoning By-law Amendment - City-Wide Zoning By-law No. 569-2013

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: North Elevation
- Attachment 9: South Elevation
- Attachment 10: East Elevation
- Attachment 11: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 150 EIGHTH ST Date Received: December 27, 2018

Application Number: 18 272227 WET 03 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Application to amend the Zoning By-laws to develop a 6-storey (20.8 m in height) building containing 90 residential units, 94 vehicular parking spaces and a total gross floor area of 9,964 m².

Applicant	Agent	Architect	Owner
Evans Planning 8481 Keele Street Vaughan, Ontario L4K 1Z7		Keith Loffler McAlpine Architects 80 Bloor Street West, Suite 403 Toronto, Ontario M5S 2V1	2573702 Ontario Inc. 261 Arnold Avenue Thornhill, Ontario L4J 1C4

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	Class 1 Industrial (I.C1)	Heritage Designation:	No
Height Limit (m):	5-storeys	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 3,335 Frontage (m): 48.8 Depth (m): 76.2

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	586		2,025	2,025
Residential GFA (sq m):			9,964	9,964
Non-Residential GFA (sq m):	1,172			
Total GFA (sq m):	1,172		9,964	9,964
Height - Storeys:	1		6	6

Height - Metres: 5 20.8 20.8

Lot Coverage Ratio (%) 73 Floor Space Index: 3.0

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
Residential GFA: 9,964
Retail GFA:
Office GFA:
Industrial GFA:
Institutional/Other GFA:

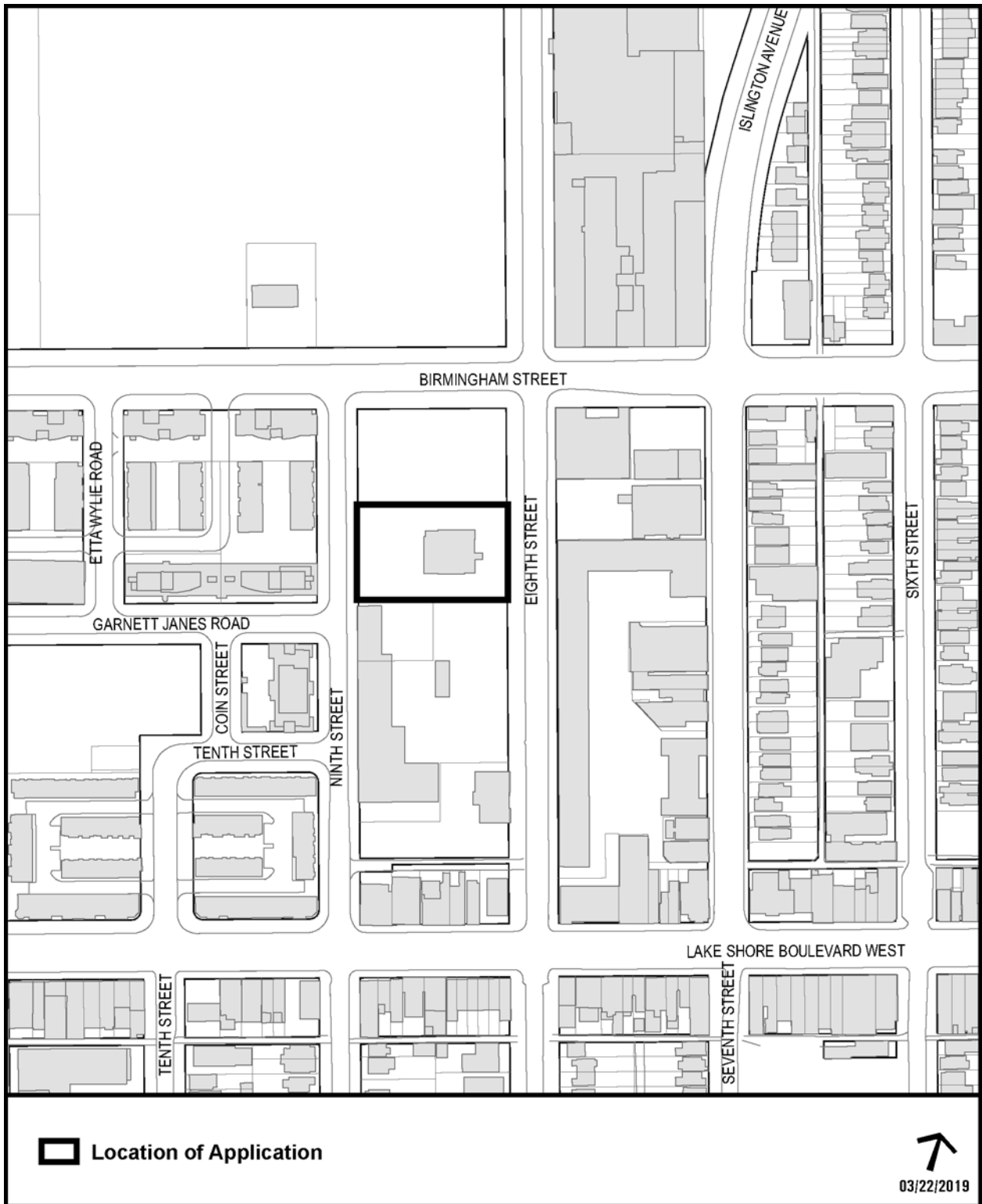
Table with 5 columns: Residential Units by Tenure, Existing, Retained, Proposed, Total. Rows include Rental, Freehold, Condominium, Other, and Total Units.

Table with 6 columns: Total Residential Units by Size, Rooms, Bachelor, 1 Bedroom, 2 Bedroom, 3+ Bedroom. Rows include Retained, Proposed, and Total Units.

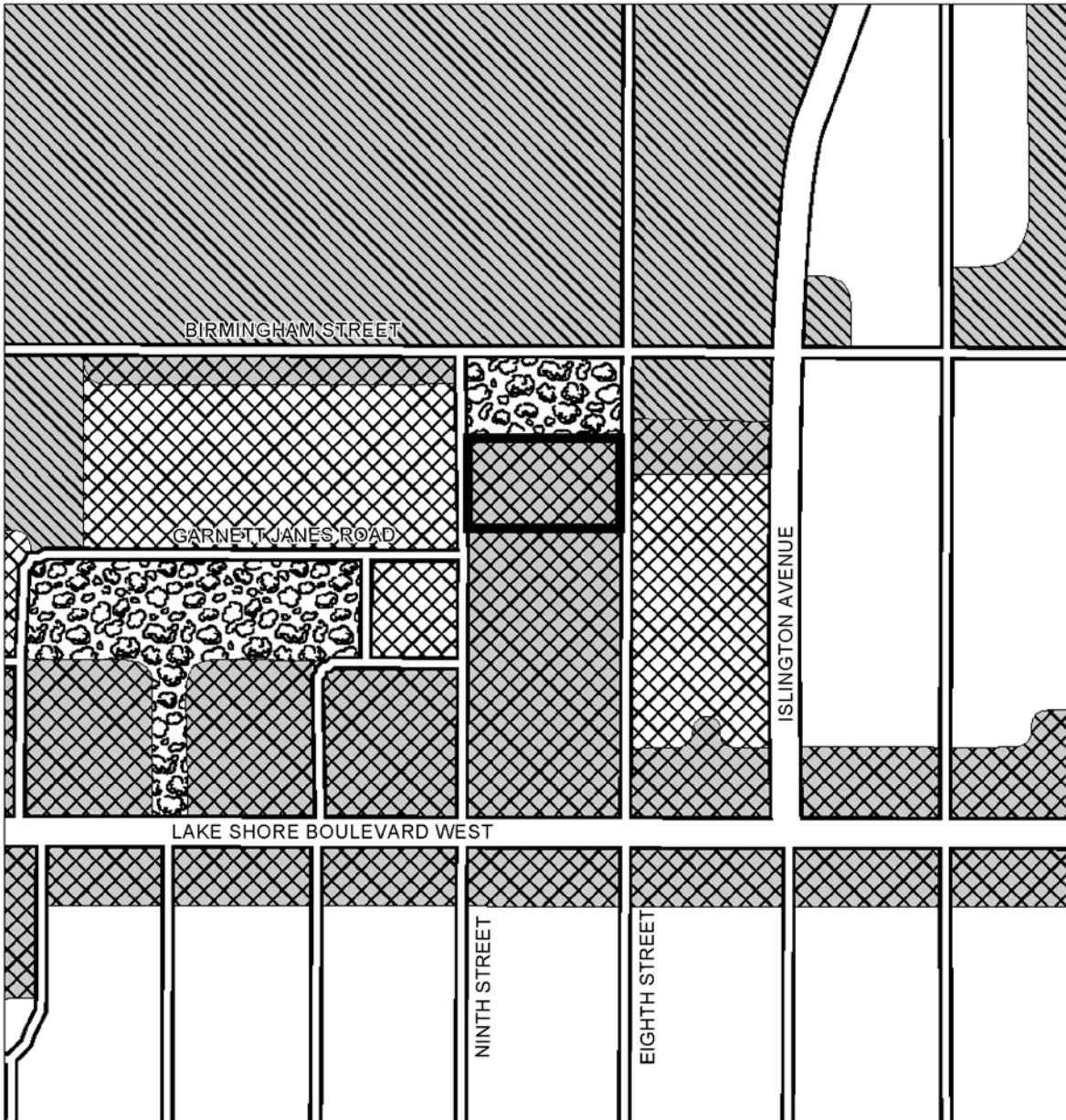
Parking and Loading
Parking Spaces: 94
Bicycle Parking Spaces: 67
Loading Docks: 1

CONTACT:
Jennifer Renaud, Senior Planner, Community Planning
416-394-2608
Jennifer.Renaud@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #15

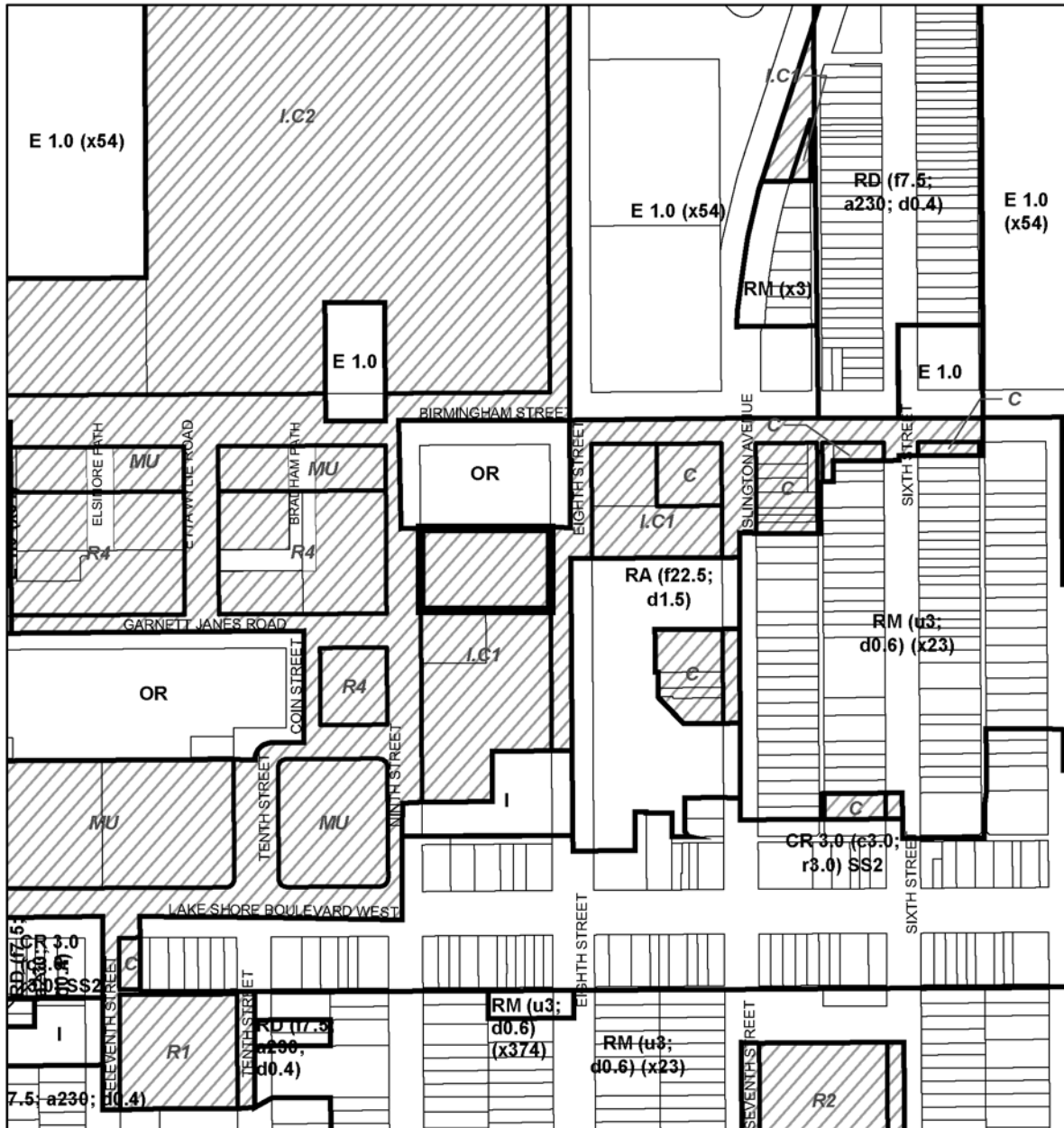
150 Eighth Street

File # 18 272221 WET 03 0Z

	Location of Application		Parks
	Neighbourhoods		Employment Areas
	Apartment Neighbourhoods		Mixed Use Areas
	Mixed Use Areas		

↑
Not to Scale
03/22/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

150 Eighth Street

File # 18 27221 WET 03 02

- Location of Application
- RD Residential Detached
- RM Residential Multiple
- RA Residential Apartment
- CR Commercial Residential
- E Employment Industrial
- I Institutional
- OR Open Space Recreation

- See Former City of Etobicoke (New Toronto) By-Law No. 2215
- R1 First Density Residential
- R2 Second Density Residential
- R4 Fourth Density Residential
- C Commercial
- MU Mixed Use
- I.C1 Class 1 Industrial Zone
- I.C2 Class 2 Industrial Zone

↑
Not to Scale
Extracted: 03/22/2019

Attachment 5: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Authority: Etobicoke York Community Council Item (##) as adopted by City of Toronto Council on (DAY) 2020

CITY OF TORONTO

**Bill No. ~
BY-LAW No. ZZZZ - 2020**

To amend Chapter 324 of the Etobicoke Zoning Code, with respect to the lands municipally known in the year 2020 as 150 Eighth Street.

WHEREAS Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the matters herein set out are in conformity with the Official Plan as adopted by the Council of the City of Toronto; and

WHEREAS pursuant to Section 37(3) of the Planning Act, the Council of a municipality may, in a bylaw passed under Section 34 of the Planning Act, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land by the Etobicoke Zoning Code, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS the owner of the aforementioned land has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the Planning Act;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule "A" attached to this By-law.
2. Despite Sections 304-3 (Grade), 304-3 (Height), 304-3 (Lot Line, Front), 340-15, 340-16(A), 340-16(B), 340-16(C), 340-30(E), 304-30(L), 340-31(A), 340-31(B),

the following provisions must apply to the lands described on Schedule “A” hereto. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

3. The Zoning Map referred to in Section 340-5 of Zoning Code is hereby further amended by changing the classification of the lands described in Schedule “A” attached hereto from Class 1 Industrial (I.C1) to Fourth Density Residential (R4) and Parks District (G).
4. The provisions of the Zoning Map referred to in Section 340-5 of the Zoning Code shall apply to the lands in Schedule “A”, unless inconsistent with the provisions of this By-law in which case this By-law prevails. For the purpose of this By-law the following definitions must apply:
 - i. “**grade**” means the Canadian Geodetic Datum of 87.1 metres.
 - ii. “**height**” means the vertical distance measured from **grade** to the highest point of the roof surface of the building, but shall exclude acoustic, wind and privacy fences, landscape features, mechanical equipment, mechanical penthouses, parapets, railings, rooftop balcony guards, skylights, elevator or stair enclosures and associated lobbies, stairs and vents located on the roof of the building.
 - iii. “**lands**” means the Lands as shown on Schedule “A” attached to this By-Law.
 - iv. “**lot line, front**” means the lot line dividing the lands subject to this By-law from Eighth Street.
 - v. “**amenity area**” means indoor or outdoor space on the **lands** that is communal and available for exclusive use by the occupants of a building on the **lands** for recreational or social activities.
 - vi. “**Accessible Parking Space**” means a parking space that is free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11. [By-law: 579-2017]
5. No part of any **building** or **structure** on the lands may exceed the **height** in metres specified by the numbers following the symbols HT or the number of storeys specified by the numbers following the symbol ST on Schedule “C” of this By-law, except for the following:
 - i. window washing equipment and lightning rods may project above the heights shown on Schedule “C” to a maximum of 5.0 metres;
 - ii. Mechanical penthouses, elevator overruns, or heating, cooling or ventilating equipment, stacks and associated components, elevator shafts, make-up air units, emergency generator and lighting fixtures, or fences, walls, or

- structures enclosing such elements may project above the heights shown on Schedule “C” to a maximum of 5.5 metres;
- iii. Stairs, stair enclosures, elevators and elevator lobbies/vestibules for the purposes of accessing outdoor rooftop amenity areas, may project above the heights shown on Schedule “C” to a maximum of 5.5 metres;
 - iv. Parapets, railings, terraces, patios, planters, balustrades, bollards, stairs, safety railings, guard railings, accessory structures, chimneys, vents, stacks, and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes and vents, and roofs may project above the height limit shown on Schedule “C” to a maximum of 1.5 metres; and
 - v. Ornamental elements, vents, stacks, fences, wind, noise or privacy screens/mitigation measures, chimneys or flues, access roof hatch, trellises, private terrace dividers, cabanas, or outdoor furniture, may project above the heights shown on Schedule “C” to a maximum of 3.0 metres;
 - vi. Elements of the roof of the building or structure used for green roof technology, and other landscape elements, thermal insulation and roof ballast and skylights are permitted to exceed the height shown on Schedule “C” by a maximum of 0.6 metres;
 - vii. Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, and retaining walls permitted to exceed the height shown on Schedule “C” by a maximum of 3.5 metres;
 - viii. Structures used for the ventilation of an underground parking facility permitted to exceed the height shown on Schedule “C” by a maximum of 1.5 metres;
6. The portions of a **building** or **structure** above grade shall be located within the area delineated by heavy black lines on Schedule “C” of this By-law YYY-2020, except the following:
- i. Ornamental cladding, which may encroach into the minimum building setbacks on the lot to a maximum of 0.4 metres;
 - ii. Eaves, cornices, roof overhangs, lighting fixtures, pilasters, chimney breasts, bay windows, window sills and other minor architectural projections, all of which are permitted to project into the minimum building setbacks on the lot to a maximum of 0.5 metres;
 - iii. Balconies are permitted to project into the minimum building setbacks on the lot along the north elevation to a maximum of 3.3 metres and to a maximum of 4.5 metres on the 2nd storey along the south elevation;
 - iv. Awnings and canopies are permitted to project into the minimum building setbacks on the lot to a maximum of 1.3 metres;
 - v. Decks and terraces at-grade are permitted to project into the minimum building setbacks on the lot to a maximum of 2.0 metres or a lot line;
 - vi. Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, retaining walls, are permitted to project into the minimum building setbacks on the lot to a maximum of 2.5 metres;

- vii. Structures used for the ventilation of an underground parking facility to project into the minimum building setbacks on the lot.
7. The maximum number of **dwelling units** permitted is 90, of which:
 - i. A minimum of 15% of all dwelling units must be 2-bedroom units with a minimum size of 87 square metres; and
 - ii. A minimum of 10% of all dwelling units must be 3-bedroom or larger units with a minimum size of 101 square metres.
 8. Where a dwelling unit has an access to both the exterior and interior, the maximum **height** of any exterior front porch, deck, or landing at said access shall be 1.2 metres
 9. The maximum total **gross floor area** permitted must not exceed 9,975 square metres.
 10. For the purpose of calculating **gross floor area** permitted on the **lands**, the following areas may also be excluded: parking, loading and bicycle parking below **grade**, loading spaces and bicycle parking spaces required by any City of Toronto By-law at or above **grade**, storage rooms, common washrooms, electrical, utility, mechanical and ventilation rooms, shower and change facilities required by any City of Toronto Zoning By-law for bicycle parking spaces, indoor amenity space required by any City of Toronto Zoning By-law, elevator shafts, garbage rooms and shafts, mechanical penthouse; and stairwells.
 11. The maximum floor space index shall be 3.0.
 12. **Amenity space** must be provided in accordance with the following:
 - a. a minimum of 213 square metres, or 2 square metres per **dwelling unit**, whichever is greater, of outdoor amenity space must be provided;
 - b. a minimum of 217 square metres, or 2 square metres per **dwelling unit**, whichever is greater, of indoor amenity space must be provided; and
 13. The maximum **lot coverage** on the lands is 75%.
 14. A minimum of 15% of the lot shall be used for landscaping, of which a minimum of 50% of the landscaping area required must be soft landscaping;
 15. A soft landscaping strip having a minimum width of 3 metres shall be provided abutting the south property line.
 16. The minimum residential **parking space** supply must be based on the following ratios:
 - i. 0.84 spaces per **dwelling unit**; and
 - ii. 0.2 visitors **parking spaces** per **dwelling unit**.
 17. One **loading space** is required with the following minimum dimensions:

- a. Width of 4.0 metres;
- b. Length of 13.0 metres;
- c. Vertical clearance of 6.1 metres.

18. A minimum of 4 **accessible parking spaces** must be provided and maintained.

19. The vertical clearance of a **parking space** may be obstructed by such facilities intended to be used for a suspended bicycle parking space for the exclusive use of the owner of the parking space.

20. A minimum of 66 bicycle parking spaces shall be provided.

21. A temporary sales trailer and/or construction trailer is a permitted use.

22. Notwithstanding any existing or future severances, partition or division of the lands, the provisions of the By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.

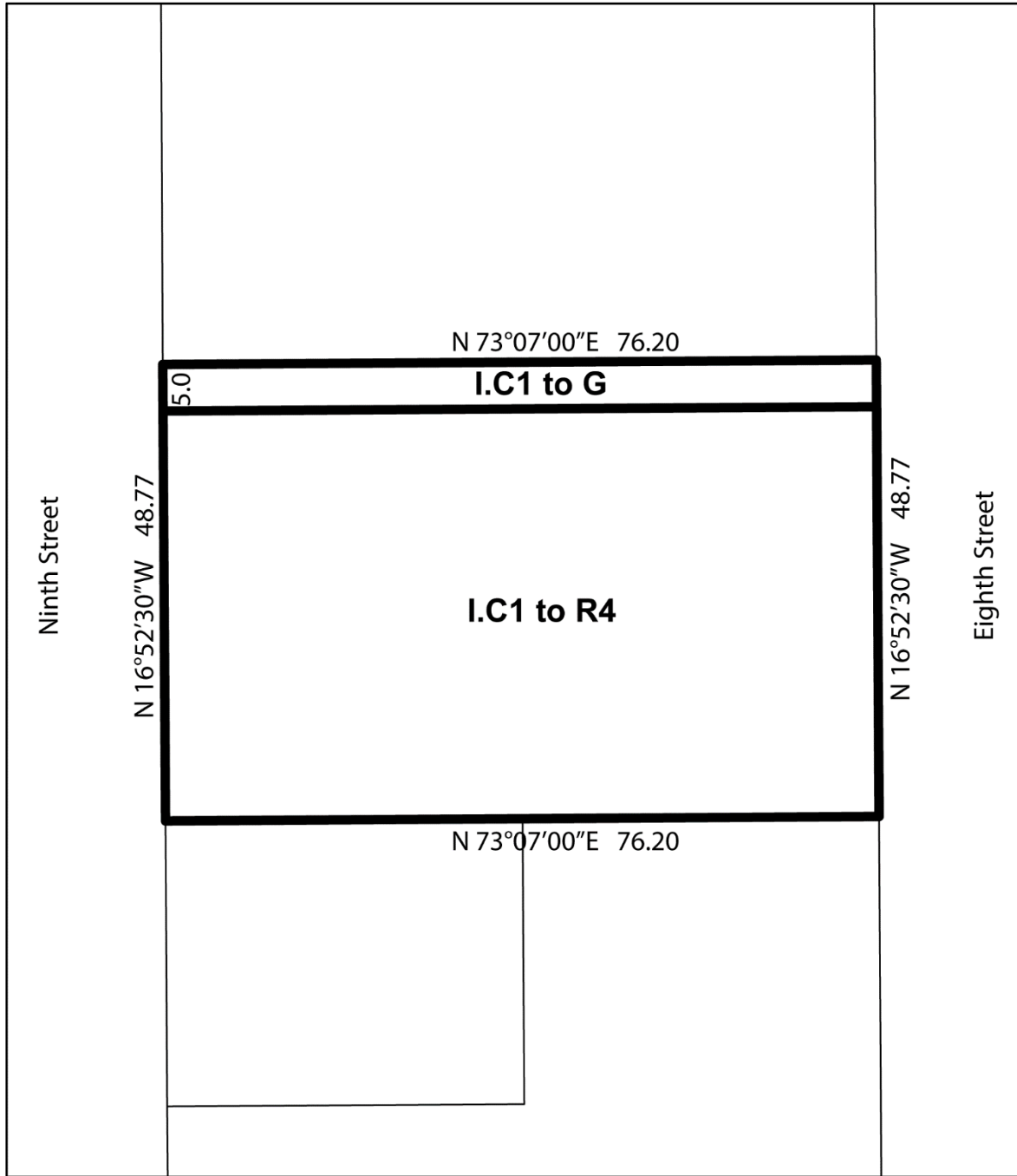
23. Chapter 324 of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
2020-ZZZZ 2020-ZZ-ZZZZ	Lands located on the east side of Eighth Street, south of Birmingham Street, municipally known in 2020 as 150 Eighth Street.	To permit the development of an apartment building containing 90 dwelling units.

ENACTED and PASSED this ~ day of ~ A.D. 2020

Name
 Speaker
 (Corporate Seal)

ULLI S. WATKISS
 City Clerk



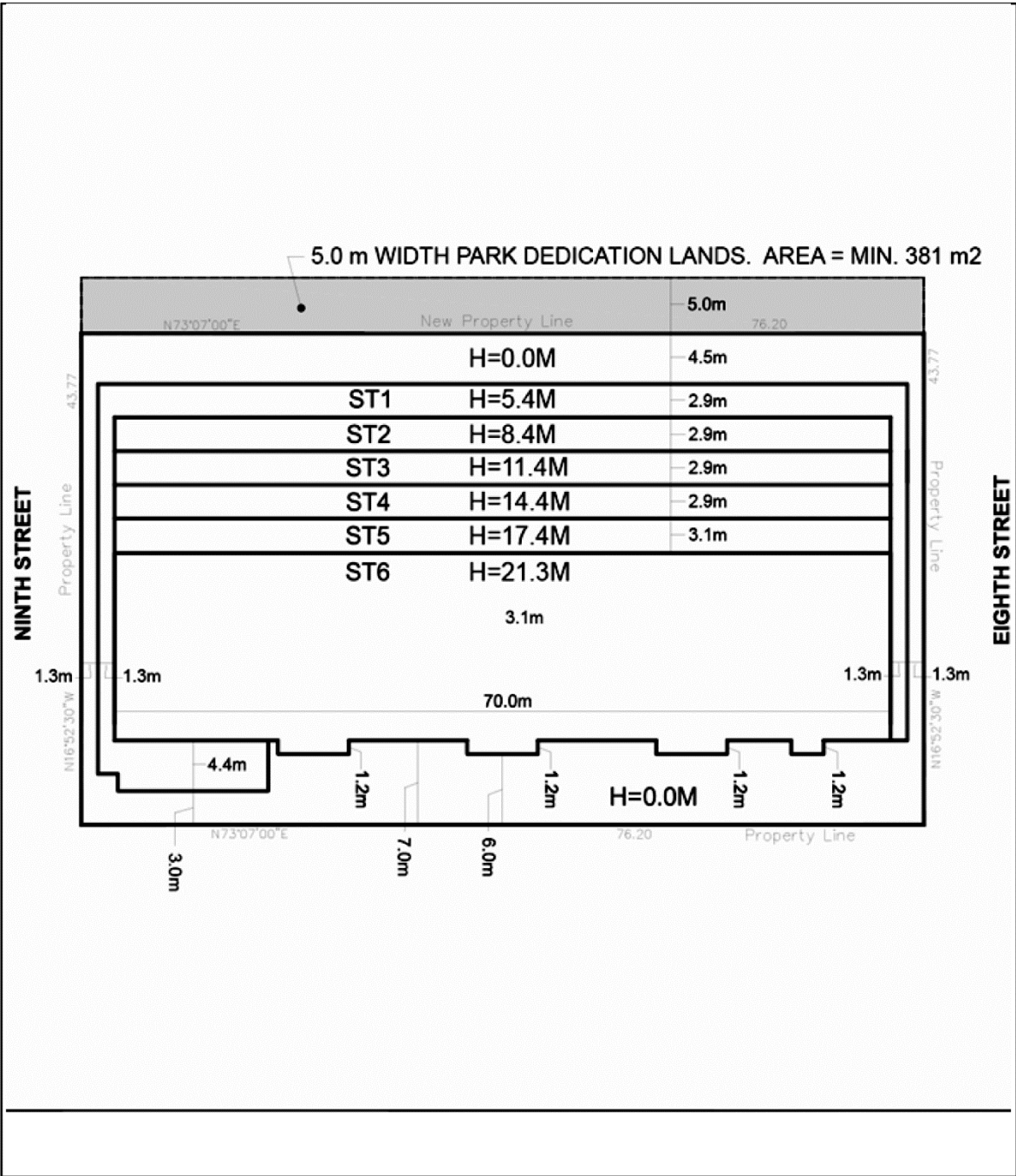
TORONTO
Schedule A

150 Eighth Street

File # 18 272227 WET 03 0Z

Part of Lot J, Registered Plan 1043, City of Toronto.
 VLADIMIR DOSEN SURVEYING, January 30th 2017.

City of Etobicoke By-law 11,737
 Not to Scale
 07/27/2020



Schedule 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule A in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

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

i. Prior to the issuance of any building permit and/or demolition permit for the subject property, the owner shall, at the owner's sole cost, relocate the Cenotaph from its existing location at 150 Eighth Street to Colonel Samuel Smith Park, with final siting and orientation to be determined by the General Manager, Parks, Forestry and Recreation and the General Manager of Economic Development and Culture, prior to commencement of the relocation.

ii. Prior to the issuance of any building permit and/or demolition permit for the subject property, the owner shall provide a Letter of Credit to the City in the amount of \$360,000 to guarantee the safe relocation of the Cenotaph to Colonel Samuel Smith Park and to guarantee against any damages to parks property, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.

iii. The owner, at its sole expense, is responsible for the structural design of the new Cenotaph foundation, all utility locates, all excavation, construction of the new concrete foundation, and the moving of and installation of the Cenotaph onto its new foundation, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.

iv. The owner shall provide documentation from a qualified structural engineer certifying that the design and construction of the Cenotaph foundation in Colonel Samuel Smith Park has been completed as per the owner's structural design, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.

v. Prior to issuance of Notice of Approval Conditions (NOAC) for the subject property, the owner shall implement the noise control measures and recommendations contained in the Noise Impact Study, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the owner's air quality consultant that all recommended mitigation measures required in the approved Noise Impact Study have been incorporated into the Site Plan and Building Permit drawings.

vi. Prior to issuance of Notice of Approval Conditions (NOAC) for the subject property, the owner shall implement the Land Use Compatibility and Mitigation Report (Air Quality

and Odour Study) measures and recommendations to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the owner's air quality consultant that all recommended mitigation measures required in the approved Land Use Compatibility and Mitigation Report (Air Quality and Odour Study) have been incorporated into the Site Plan and Building Permit drawings.

vii. The owner must provide a Landscape Plan that includes the design of the base park parkland dedication, including grading information (park should not drain into the private landscape) and sod planting.

viii. As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation.

ix. The owner is required to convey the 381 m² portion of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.

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

xi. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to the parkland in respect of the limiting distance requirements of the *Ontario Building Code Act, 1992*. Parks, Forestry & Recreation staff advises that the owner must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that about the park. A 4.5 m setback will apply to any building located next to the Park, or, the required setback which meet the Ontario Building Code for fire separation, whichever is greater. Prior to the issuance of any above grade building permit, the owner will be required to demonstrate adequately that the Ontario Building Code requirements have been achieved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xii. Prior to conveying the parkland to the City, the owner must:

a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the owner's Qualified Person, as defined in Ontario Regulation 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support the conveyance; all environmental documentation consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amounts specified by the Executive Director, Engineering & Construction Services (ECS) and copy to the General Manager, Parks, Forestry and Recreation. (See the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act* adopted by City Council on February 10 and 11, 2015).

b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer.

c. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O.Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering & Construction Services.

d. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states

I. In the opinion of the Qualified Person:

A. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards;

B. To the extent that the opinion in condition ix (d) (A) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

II. Lands to be conveyed to the City meet either:

A. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in Ontario Regulation 153/04) for the most environmentally sensitive adjacent land use; or

B. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

xiii. The Qualified Person's statement, referred to in condition vii(a), will include a Reliance Letter that is dated and signed by the owner's Qualified Person, as defined in Ontario Regulation 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with Ontario Regulation 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with Ontario

Regulation 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, Engineering & Construction Services.

xiv. For conveyance of the lands requiring a Record of Site, the owner must:

- a. file the Record of Site Condition on the Ontario Environmental Site Registry; and
- b. submit the Ministry's Letter of Acknowledgement of Filing of the Record of Site Condition confirming that the Record of Site has been prepared and filed in accordance with Ontario Regulation, as amended, to the Executive Director, Engineering & Construction Services and to the General Manager, Parks, Forestry and Recreation.

xv. The application, at their own expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following:

- a. demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;
- b. Grading inclusive of 300 mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with the Ministry of Environment, Conservation and Parks regulations, the required depth profile of the environmental soil/soft cap will be 1.5 m of engineered fill compacted to 95% SPD and certified by the consulting engineer:
 - l. In the case of a risk-assessed site, all materials brought on site shall comply with the site-specific standards outlined in the Certificate of Property Use. In the case where no risk assessment of the site was required, all materials brought on site shall comply with the Ontario Regulation 153/04 Table 3 RPI standards;
- c. Sodding #1 nursery grade;
- d. Fencing, where deemed necessary;
- e. Sanitary and storm service connections with manholes at street line;
- f. Water and electrical service connections; (minimum water: 50 mm to the street line including backflow preventers, shut off valves, water metre and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (100 amp service));
- g. Street trees along all public road allowances abutting City-owned parkland; and

- h. Standard park sign (separate certified cheque required).
- xvi. All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- xvii. If any element of the Base Park Improvements are deemed to be unnecessary by the General Manager, Parks, Forestry and Recreation, the owner is required to submit a certified cheque for the agreed upon value equivalent.
- xviii. Prior to the issuance of the first above grade building permit, the owner must submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- xix. Prior to the issuance of the first above grade building permit, the owner must post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
- xx. The construction of the Base Park Improvements to the park block shall be completed in one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.
- xxi. Should the owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Access Agreement (PAA) form Parks, Forestry and Recreation's Planning, Design and Development section. The PAA will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park.
- xxii. Prior to conveyance of the parkland, the owner is responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.
- xxiii. Prior to conveyance of the parkland, the owner must ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- xxiv. The owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought on the site meets all applicable laws, regulations and guidelines for use in a public park.

xxv. Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the Parks and Recreation component of the Development Charges, the following condition applies:

a. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

xxvi. In the event the General Manager of Parks, Forestry and Recreation and the owner agree that above base park construction and design is required:

a. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism, etc. Final design and programming of the parkland shall be at the discretion of the General Manager, Parks, Forestry and Recreation.

b. Prior to the issuance of the first above grade building permit for the development of the site, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, Parks, Forestry and Recreation.

c. The construction of Above Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.

d. Should the owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Access Agreement (PAA) from the Parks, Forestry and Recreation's Planning,

Design and Development section. The PAA will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park.

xxvii. The owner, upon satisfactory completion of the construction and installation of the Above Base and Base Park Improvements shall be required to guarantee such work and associated materials. The owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, Parks, Forestry and Recreation, be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

xxviii. upon the expiry of the Parkland Warrant Period, the outstanding park security shall be released by the owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xxix. As-built drawing in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to Parks, Forestry and Recreation. A complete set of "as built" plans shall be provided electronically on CD in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets of full size bond hard copy to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, location of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meetings, site instructions, change orders, invoices, certificated, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

xxx. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry and Recreation.

Authority: Etobicoke York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2020

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as, 150 Eighth Street

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 2 attached to this By-law to the Zoning By-law Map in Section 990.10, and amending the zone label for the lands subject to this By-law to: OR and CR 3.0 (c 0; r 3.0) SS2 (x274), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 4 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1, with no label.
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 21.3, ST 6, as shown on Diagram 5 attached to this Bylaw; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 4 to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, with no label ; and
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 4 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1, with no label.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.
11.10 Exception Number 274 so that it reads:

(274) Exception CR 274

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

Site Specific Provisions:

- (A) On 150 Eighth Street, if the requirements of Section 10 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **building or structure** or enlargement may be constructed or used in compliance with (B) to (P);
- (B) For the purposes of this exception, the lot line abutting Eighth Street is the front **lot line**.
- (C) A maximum of 90 **dwelling units** are permitted on the **lot**, of which:
 - a. A minimum of 15% of all **dwelling units** must be 2-bedroom units with a minimum area of 87 square metres; and

- b. A minimum of 10% of all **dwelling units** must be 3-bedroom or larger units with a minimum area of 101 square metres.
- (D) Despite regulation 40.10.40.40(1), the maximum permitted **gross floor area** is 9,975 square metres;
 - (E) Despite regulation 40.10.30.40(1), the permitted maximum **lot coverage** is 75 percent.
 - (F) Despite regulations 40.5.40.10(1) and (2), the height of a **building**, or **structure** is the distance between the Canadian Geodetic Datum elevation of 87.1 metres and highest point of the **building** or **structure**.
 - (G) Where a **dwelling unit** has an access to both the exterior and interior, the maximum **height** of any exterior front porch, deck, or landing at said access is 1.2 metres.
 - (H) Despite regulations 40.5.40.10, 40.10.40.10(2), and 40.10.40.10(7), no part of any **building** or **structure** on the lands may exceed the height in metres specified by the numbers following the symbols HT or the number of **storeys** specified by the numbers following the symbol ST as shown on Diagram 3 to By-law YYYY-2020 (**Clerk's to supply By-law ##**), except for the following:
 - a. Window washing equipment, antennae, flagpoles, lightning rods, and satellite dishes may project above the heights shown on Diagram 3 to a maximum of 5.0 metres;
 - b. Equipment used for the functional operation of the building, mechanical penthouses, elevator overruns, or heating, cooling or ventilating equipment, towers, stacks and associated components, elevator shafts, make-up air units, emergency generator and lighting fixtures, or fences, walls, or structures enclosing, screening, or covering such elements may project above the heights shown on Diagram 3 to a maximum of 5.5 metres;
 - c. Stairs, stair enclosures, elevators and elevator lobbies/vestibules for the purposes of accessing outdoor rooftop amenity areas, may project above the heights shown on Diagram 3 to a maximum of 5.5 metres;
 - d. Parapets, railings, terraces, patios, planters, balustrades, bollards, stairs, safety railings, guard railings, accessory structures, chimneys, vents, stacks, and exhaust stacks, mechanical equipment and fans, retaining walls, wheelchair

ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes and vents, and roofs may project above the height limit shown on Diagram 3 to a maximum of 1.5 metres; and

- e. Ornamental elements, guardrails, fences, wind, noise or privacy screens/mitigation measures, chimneys or flues, access roof hatch, trellises, private terrace dividers, cabanas, or outdoor furniture, may project above the heights shown on Diagram 3 to a maximum of 3.0 metres;
 - f. Elements of the roof of the building or structure used for green roof technology, landscape elements, thermal insulation, roof ballast, and skylights may project above the height limits shown on Diagram 3 to a maximum of 0.6 metres;
 - g. Pergolas, exterior stairways, stair enclosures, guardrails, landscape elements may project above the height limit shown on Diagram 3 to a maximum of 3.5 metres;
 - h. **Structures** used for the ventilation of an underground parking facility may project above the height limit shown on Diagram 3 to a maximum of 1.5 metres.
- (I) Despite regulations 40.10.40.50(1)(A), 40.10.40.50(1)(B), and 40.10.40.50(1)(C) **amenity space** must be provided in accordance with the following:
- a. a minimum of 213 square metres or 2 square metres per **dwelling unit**, whichever is greater, of outdoor **amenity space**; and
 - b. a minimum of 217 square metres or 2 square metres per **dwelling unit**, whichever is greater, of indoor **amenity space**; and
 - c. outdoor **amenity space** is not required to be directly accessible to or adjoining to indoor **amenity space**.
- (J) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 3 attached to By-law YYYY-2020 (**Clerk's to supply By-law ##**).
- (K) Despite regulations 40.10.40.60(1)(C), 40.10.40.60(2), 40.10.40.60(3), 40.10.40.60(4), 40.10.40.60(5), 40.10.40.60(6), 40.10.40.60(7), and 40.10.40.60(8) the following **building** elements

may encroach into a required **building setback**:

- a. Ornamental cladding, which may encroach into the minimum **building setbacks** on the **lot** to a maximum of 0.4 metres;
 - b. Eaves, cornices, roof overhangs, lighting fixtures, pilasters, chimney breasts, bay windows, window sills and other minor architectural projections, all of which are permitted to project into the minimum **building setbacks** on the **lot** to a maximum of 0.5 metres;
 - c. Balconies are permitted to project into the minimum building setbacks on the **lot** along the north elevation to a maximum of 3.3 metres and to a maximum of 4.5 metres on the 2nd storey along the south elevation.
 - d. Awnings and canopies are permitted to project into the minimum building setbacks on the **lot** to a maximum of 1.3 metres;
 - e. At-grade decks, patios, and terraces, are permitted to project into the minimum building setbacks on the **lot** to a maximum of 2.0 metres or to a lot line;
 - f. Pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, retaining walls are permitted to project into the minimum building setbacks on the **lot** to a maximum of 2.5 metres
 - g. **Structures** used for the ventilation of an underground parking facility, which may encroach into the minimum **building setbacks** on the **lot**;
- (L) Despite regulation 40.10.40.70.2(E), no **buildings** and **structures** may penetrate a 45 degree **angular plane** measured from the existing north **lot line** prior to any conveyance of parkland.
- (M) Despite the parking requirements outlined in Table 200.5.10.1, **parking spaces** must be provided and maintained as follows:
- a. 0.84 **parking spaces** for each **dwelling unit**; and
 - b. 0.20 **parking spaces** for each **dwelling unit** for residential visitors.
- (N) In addition to the exclusion in regulation 200.5.1.10(4), the vertical clearance of a **parking space** may be obstructed by such facilities intended to be used for a suspended bicycle parking space for the

exclusive use of the owner of the **parking space**.

- (O) Despite Clause 220.5.10.1, a minimum of one Type "G" **Loading Space** is required;
- (P) Notwithstanding the provisions of Section 40.10.50.10(1)(A):
 - a. A minimum of 15% of the lot shall be used for **landscaping**; and
 - b. A minimum of 50% of the **landscaping** area required in (i) above must be **soft landscaping**;
 - c. A **soft landscaping** strip having a minimum width of 3 metres shall be provided abutting the south property line.

Prevailing By-laws and Prevailing Sections (None Apply)

9. Notwithstanding any existing or future severances, partition or division of the lands, the provisions of the By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.

10. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on **month ##, 20##**

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of City

Schedule A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule A in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

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

i. Prior to the issuance of any building permit and/or demolition permit for the subject property, the owner shall, at the owner's sole cost, relocate the Cenotaph *from* its existing location at 150 Eighth Street to Colonel Samuel Smith Park, with final siting and orientation to be determined by the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture, prior to commencement of the relocation.

ii. Prior to the issuance of any building permit and/or demolition permit for the subject property, the owner shall provide a Letter of Credit to the City in the amount of \$360,000 to guarantee the safe relocation of the Cenotaph to Colonel Samuel Smith Park and to guarantee against any damages to parks property, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.

iii. The owner, at its sole expense, is responsible for the structural design of the new Cenotaph foundation, all utility locates, all excavation, construction of the new concrete foundation, and the moving of and installation of the Cenotaph onto its new foundation, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.

iv. The owner shall provide documentation from a qualified structural engineer certifying that the design and construction of the Cenotaph foundation in Colonel Samuel Smith Park has been completed as per the owner's structural design, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Economic Development and Culture.

v. Prior to issuance of Notice of Approval Conditions (NOAC) for the subject property, the Owner shall implement the noise control measures and recommendations contained in the Noise Impact Study, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the owner's air quality consultant that all recommended mitigation measures required in the approved Noise Impact Study have been incorporated into the Site Plan and Building Permit drawings.

vi. Prior to issuance of Notice of Approval Conditions (NOAC) for the subject property, the owner shall implement the Land Use Compatibility and Mitigation Report (Air Quality and Odour Study) measures and recommendations to the satisfaction of the Chief Planner and Executive Director, City Planning, and provide certification from the owner's air quality consultant that all recommended mitigation measures required in the approved Land Use

Compatibility and Mitigation Report (Air Quality and Odour Study) have been incorporated into the Site Plan and Building Permit drawings.

vii. The owner must provide a Landscape Plan that includes the design of the base park parkland dedication, including grading information (park should not drain into the private landscape) and sod planting.

viii. As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the Owner shall convey parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation.

ix. The owner is required to convey the 381 m² portion of the development site for public parkland purposes. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.

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

xi. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to the parkland in respect of the limiting distance requirements of the *Ontario Building Code Act, 1992*. Parks, Forestry & Recreation staff advises that the Owner must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that about the park. A 4.5 m setback will apply to any building located next to the Park, or, the required setback which meet the Ontario Building Code for fire separation, whichever is greater. Prior to the issuance of any above grade building permit, the owner will be required to demonstrate adequately that the Ontario Building Code requirements have been achieved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xii. Prior to conveying the parkland to the City, the owner must:

a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the Owner's Qualified Person, as defined in Ontario Regulation 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support the conveyance; all environmental documentation consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amounts specified by the Executive Director, Engineering & Construction Services (ECS) and copy to the General Manager, Parks, Forestry and Recreation. (See the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the *Planning Act* adopted by City Council on February 10 and 11, 2015).

b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer.

c. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O.Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering & Construction Services.

d. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states

I. In the opinion of the Qualified Person:

A. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards;

B. To the extent that the opinion in condition ix (d) (A) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

II. Lands to be conveyed to the City meet either:

A. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in Ontario Regulation 153/04) for the most environmentally sensitive adjacent land use; or

B. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

xiii. The Qualified Person's statement, referred to in condition vii(a), will include a Reliance Letter that is dated and signed by the owner's Qualified Person, as defined in Ontario Regulation 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with Ontario Regulation 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with Ontario Regulation 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, Engineering & Construction Services.

xiv. For conveyance of the lands requiring a Record of Site, the Owner must:

a. file the Record of Site Condition on the Ontario Environmental Site Registry; and

b. submit the Ministry's Letter of Acknowledgement of Filing of the Record of Site Condition confirming that the Record of Site has been prepared and filed in accordance with Ontario Regulation, as amended, to the Executive Director,

Engineering & Construction Services and to the General Manager, Parks, Forestry and Recreation.

xv. The application, at their own expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following:

a. demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;

b. Grading inclusive of 300 mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with the Ministry of Environment, Conservation and Parks regulations, the required depth profile of the environmental soil/soft cap will be 1.5 m of engineered fill compacted to 95% SPD and certified by the consulting engineer:

I. In the case of a risk-assessed site, all materials brought on site shall comply with the site-specific standards outlined in the Certificate of Property Use. In the case where no risk assessment of the site was required, all materials brought on site shall comply with the Ontario Regulation 153/04 Table 3 RPI standards;

c. Sodding #1 nursery grade;

d. Fencing, where deemed necessary;

e. Sanitary and storm service connections with manholes at street line;

f. Water and electrical service connections; (minimum water: 50 mm to the street line including backflow preventers, shut off valves, water metre and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (100 amp service));

g. Street trees along all public road allowances abutting City-owned parkland; and

h. Standard park sign (separate certified cheque required).

xvi. All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xvii. If any element of the Base Park Improvements are deemed to be unnecessary by the General Manager, Parks, Forestry and Recreation, the owner is required to submit a certified cheque for the agreed upon value equivalent.

xviii. Prior to the issuance of the first above grade building permit, the owner must submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xix. Prior to the issuance of the first above grade building permit, the owner must post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry

and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.

xx. The construction of the Base Park Improvements to the park block shall be completed in one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.

xxi. Should the owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Access Agreement (PAA) form Parks, Forestry and Recreation's Planning, Design and Development section. The PAA will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park.

xxii. Prior to conveyance of the parkland, the owner is responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

xxiii. Prior to conveyance of the parkland, the owner must ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xxiv. The owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought on the site meets all applicable laws, regulations and guidelines for use in a public park.

xxv. Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the Parks and Recreation component of the Development Charges, the following condition applies:

a. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above grade building permit.

xxvi. In the event the General Manager of Parks, Forestry and Recreation and the owner agree that above base park construction and design is required:

a. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism, etc. Final design and programming of the parkland shall be at the discretion of the General Manager, Parks, Forestry and Recreation.

b. Prior to the issuance of the first above grade building permit for the development of the site, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, Parks, Forestry and Recreation.

c. The construction of Above Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.

d. Should the owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Access Agreement (PAA) from the Parks, Forestry and Recreation's Planning, Design and Development section. The PAA will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the owner on the park.

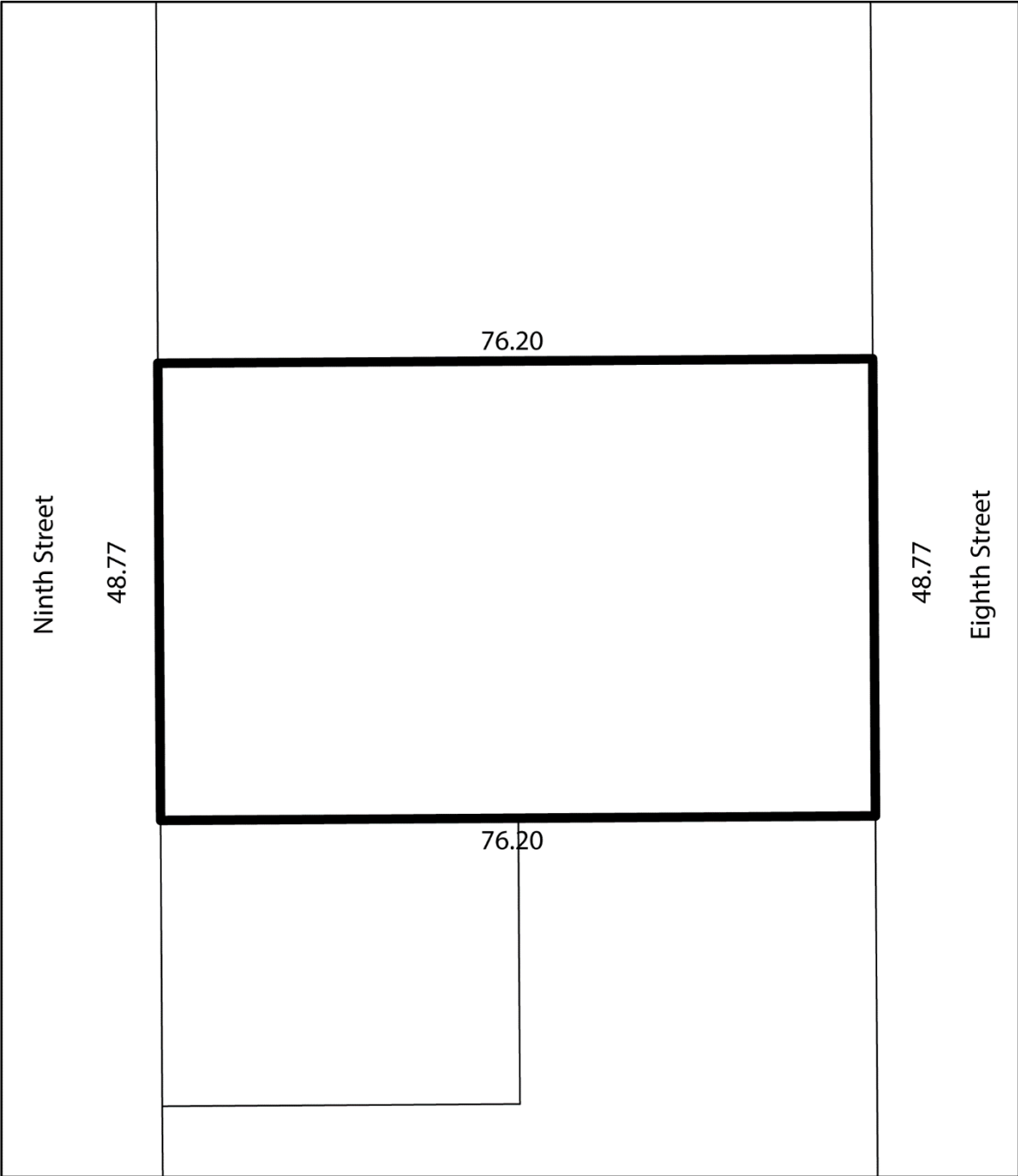
xxvii. The owner, upon satisfactory completion of the construction and installation of the Above Base and Base Park Improvements shall be required to guarantee such work and associated materials. The owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, Parks, Forestry and Recreation, be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

xxviii. upon the expiry of the Parkland Warrant Period, the outstanding park security shall be released by the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation.

xxix. As-built drawing in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to Parks, Forestry and Recreation. A complete set of "as

built" plans shall be provided electronically on CD in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets of full size bond hard copy to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, location of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meetings, site instructions, change orders, invoices, certificated, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

xxx. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry and Recreation.

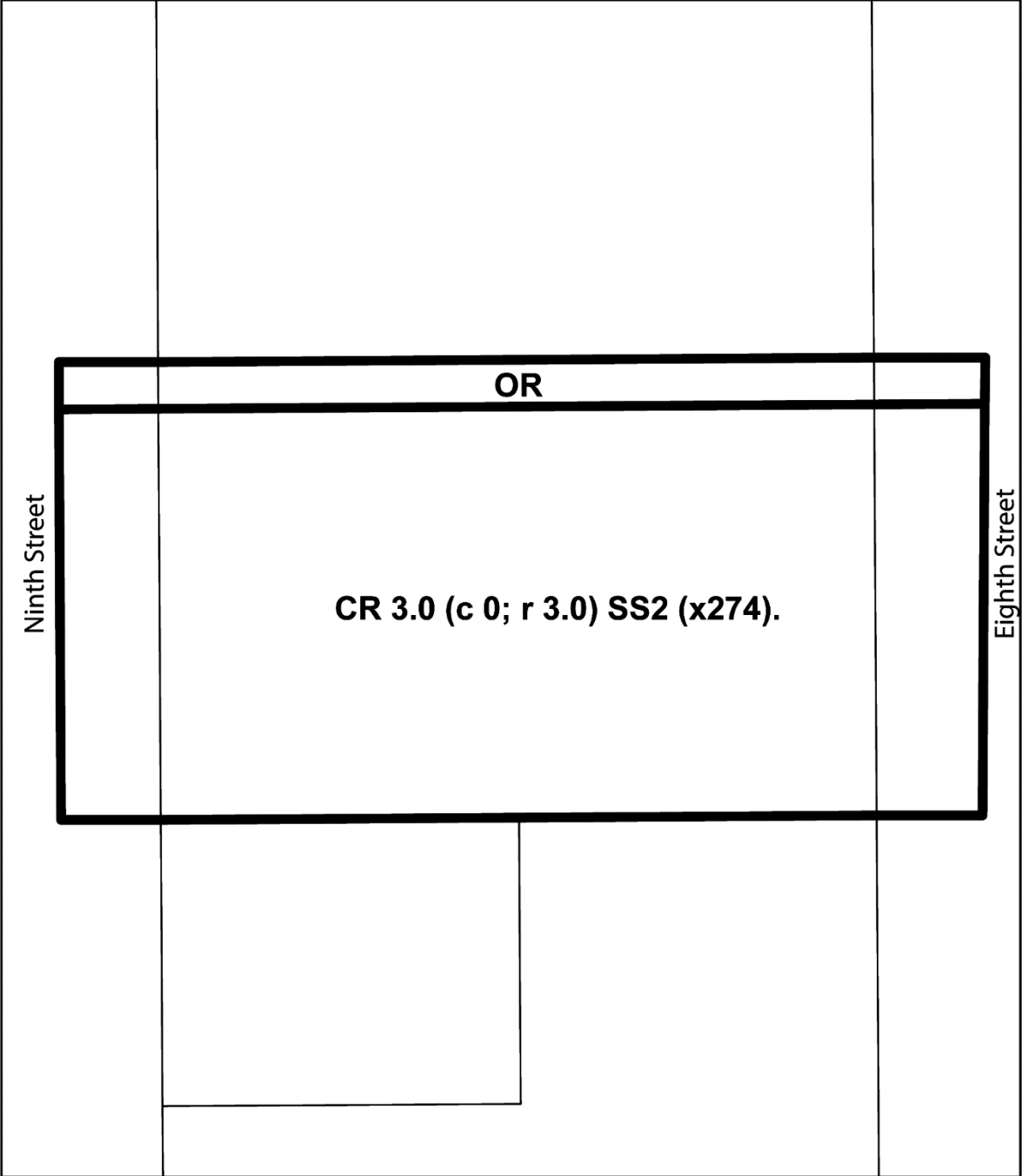


TORONTO
 Diagram 1

150 Eighth Street

File # 18 272227 WET 03 0Z


City of Toronto By-law 569-2013
 Not to Scale
 07/27/2020

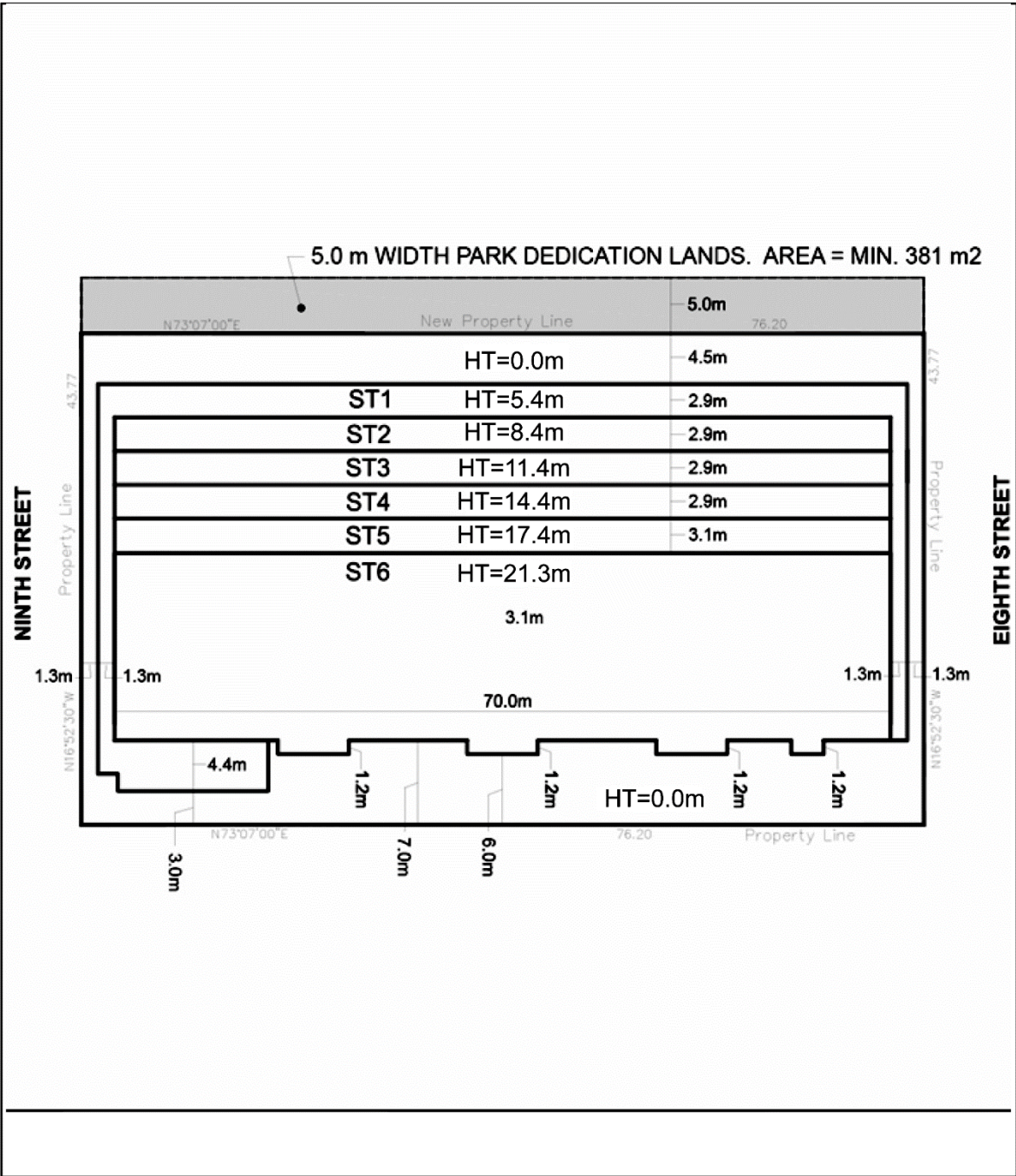


 **TORONTO**
Diagram 2

150 Eighth Street

File # 18 272227 WET 03 OZ


City of Toronto By-law 569-2013
Not to Scale
07/27/2020

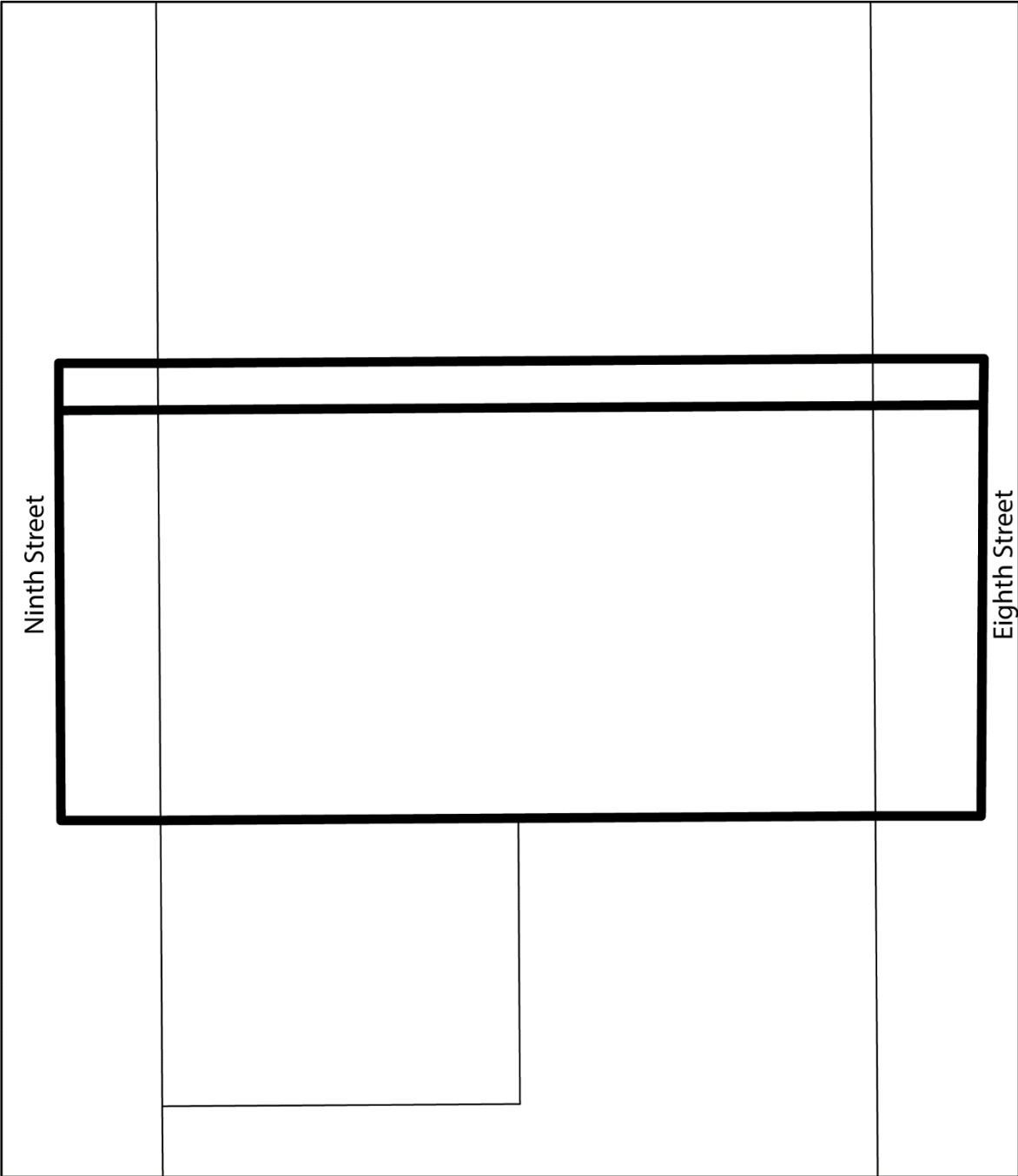


TORONTO
Diagram 3

150 Eighth Street

File # 18 272227 WET 03 0Z


City of Toronto By-law 569-2013
Not to Scale
07/27/2020

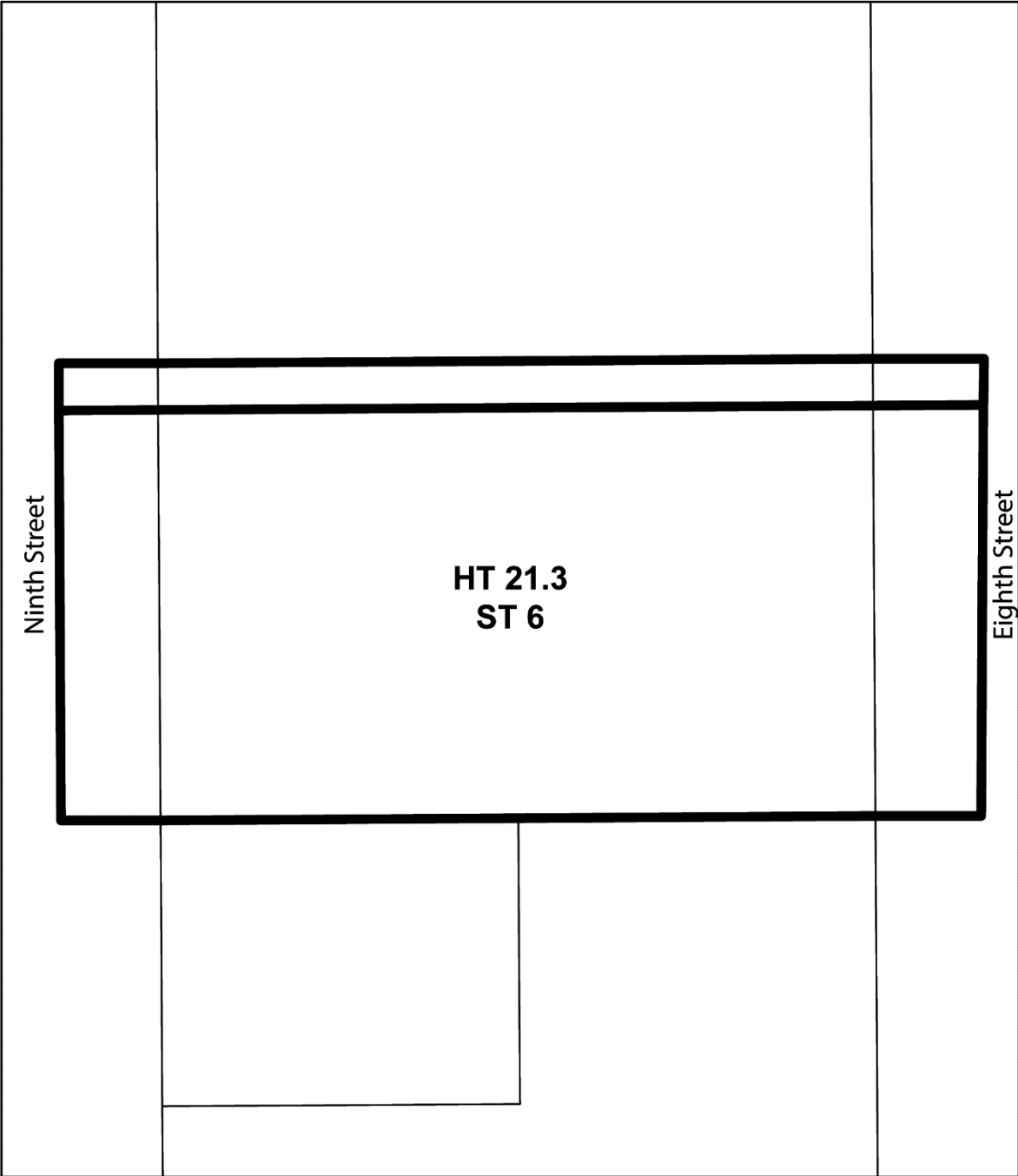


 **TORONTO**
Diagram 4

150 Eighth Street

File # 18 272227 WET 03 0Z



City of Toronto By-law 569-2013
Not to Scale
07/27/2020



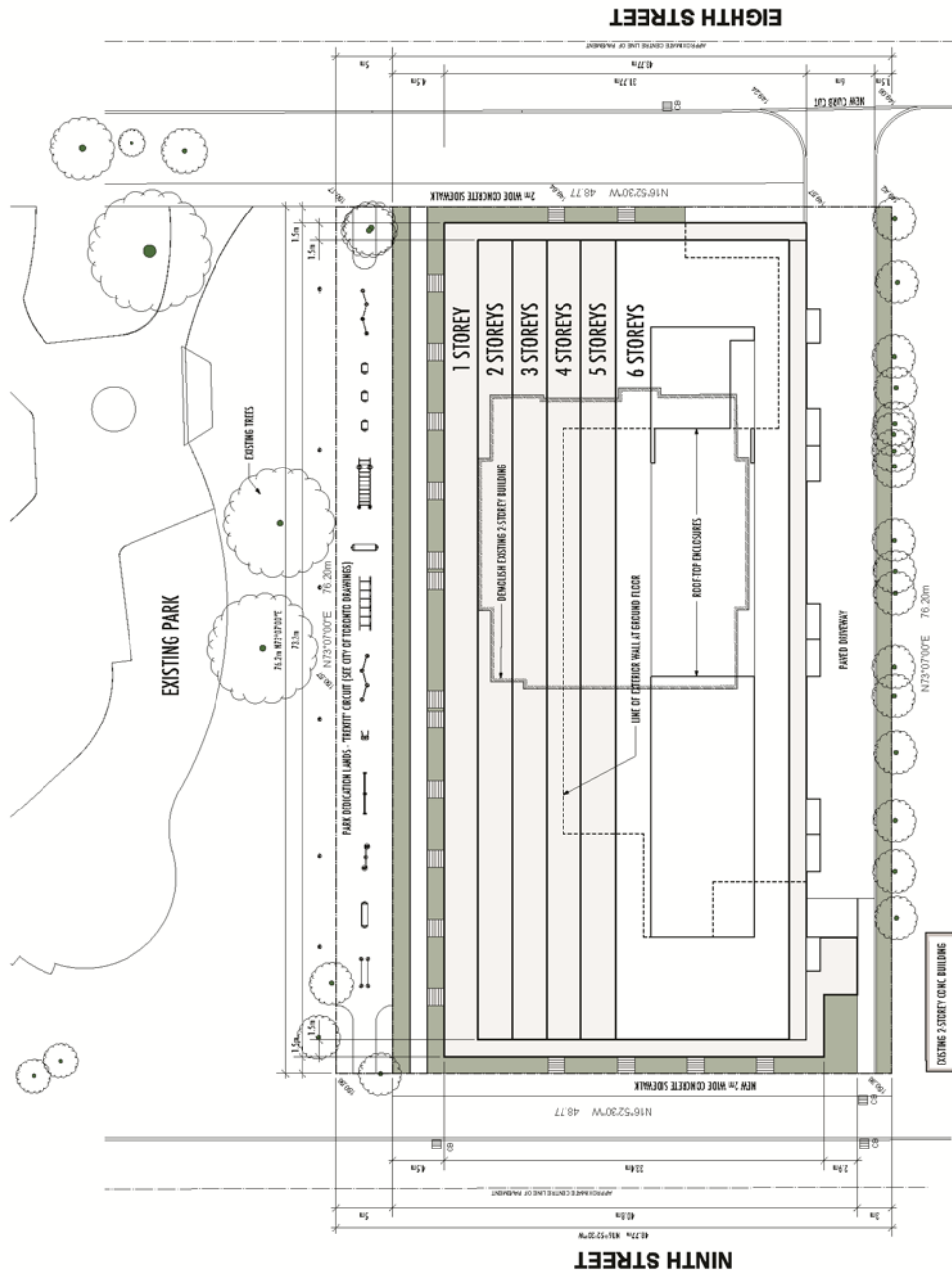
 **TORONTO**
Diagram 5

150 Eighth Street

File # 18 272227 WET 03 0Z


City of Toronto By-law 569-2013
Not to Scale
07/27/2020

Attachment 7: Site Plan



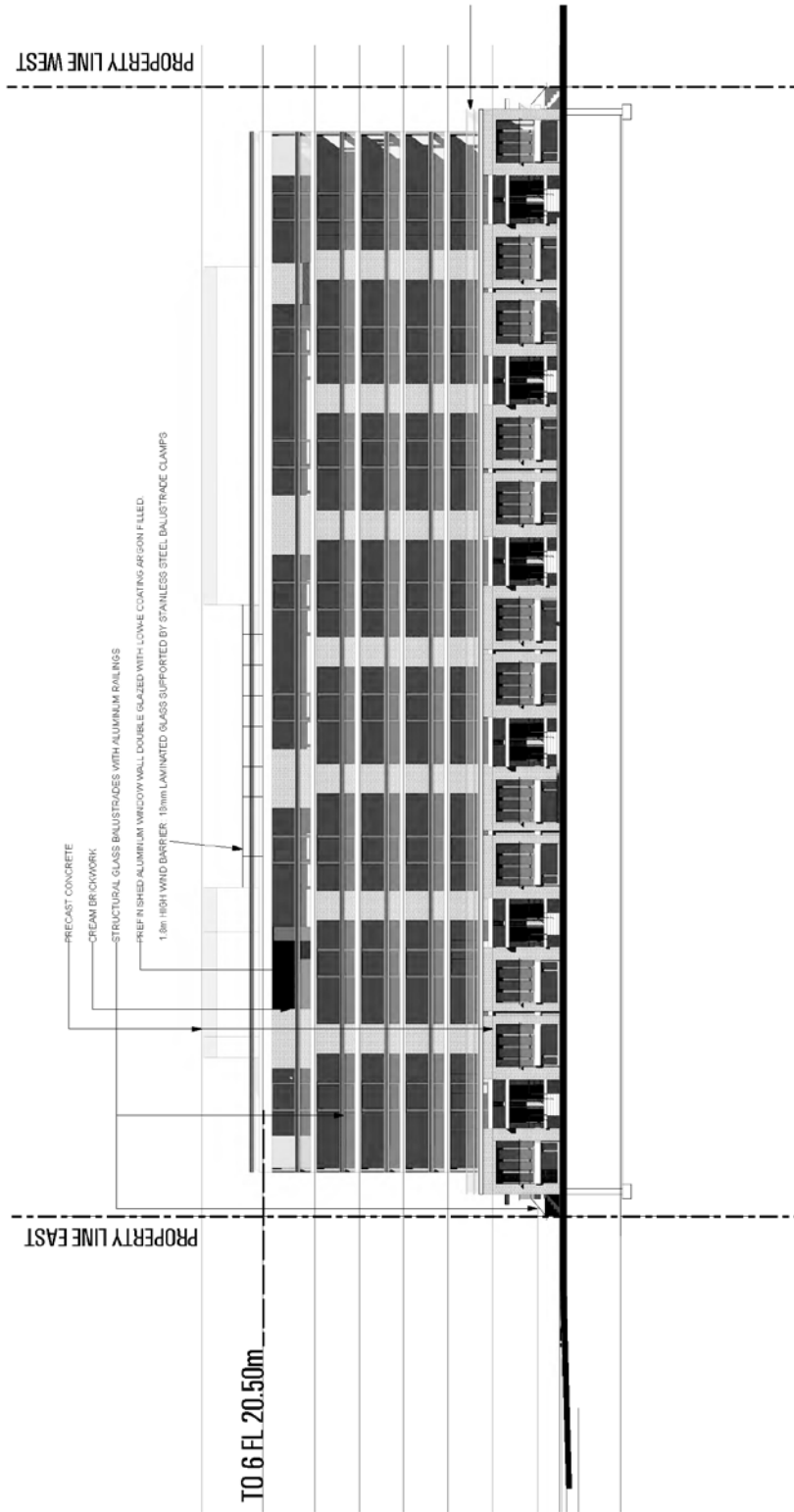
150 Eighth Street

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 03/22/2019

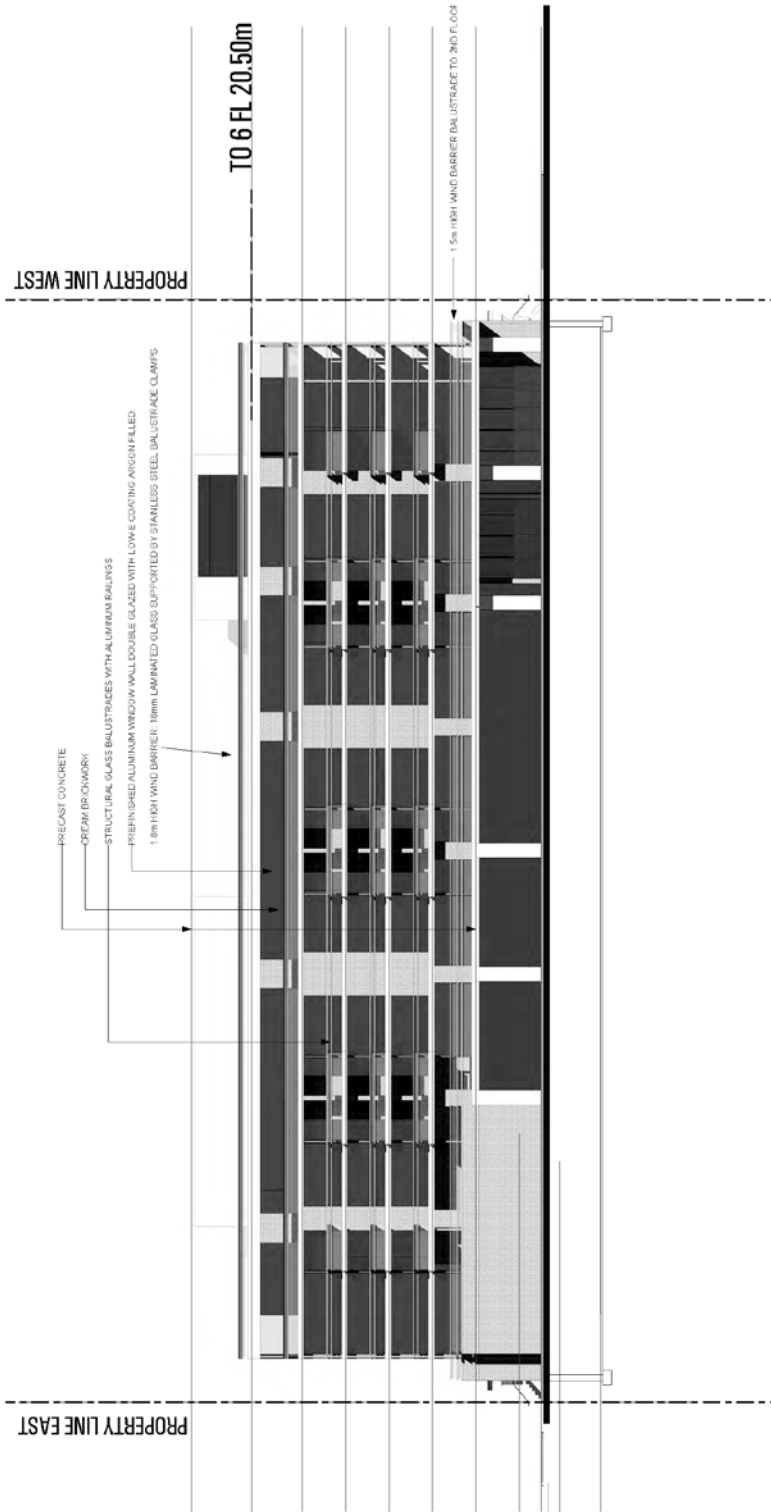
File # 18 272221 WET 03 02

Attachment 8: North Elevation



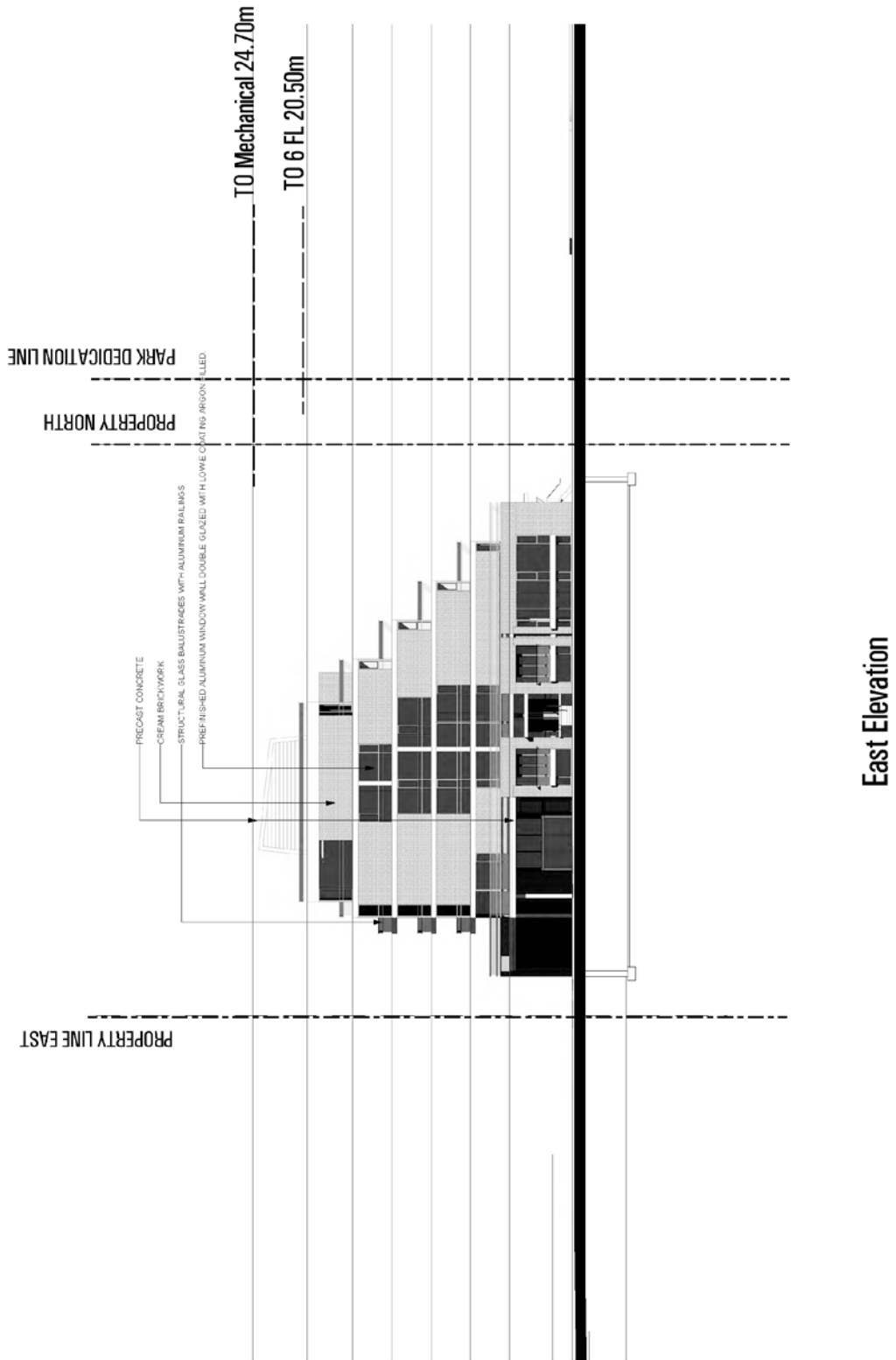
North Elevation

Attachment 9: South Elevation



South Elevation

Attachment 10: East Elevation



Attachment 11: West Elevation

