

300 - 304 The East Mall – Zoning By-Law Amendment Application– Final Report

Date: August 24, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 – Etobicoke Centre

Planning Application Number: 18 241669 WET 05 OZ

SUMMARY

This application proposes to amend both the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 to permit a multi-building, mixed-use development including a new 2,040 m² public park at the southeast corner of the site, a privately-owned publicly-accessible open space (POPS) on the west side of the site and 465 m² of community agency space on the ground floor of the proposed building adjacent to the new public park at 300-304 The East Mall. The existing office buildings on the site would be demolished.

The proposed development consists of one mid-rise mixed-use building on the east side of the site ranging in height from 2-10 storeys with residential units, the proposed community agency space and ground floor retail space and three residential apartment towers on the west side of the site with heights of 21 storeys (67 m), 37 storeys (116 m) and 29 storeys (91 m) above a 4-storey base building with office space.

The total gross floor area of the proposed development is 89,502 m², of which 3,980 m² would be comprised of non-residential uses, including 2,801 m² of office space. The development would contain 1,023 dwelling units and provide a total of 1,044 vehicle parking spaces predominantly within a connected 3 level below grade parking garage. Also proposed is the creation of a new central north-south private street connecting Bloor Street West and Gibbs Road.

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 City of Toronto Zoning By-law No. 569-2013 for the lands at 300-304 The East Mall substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report.

2. City Council amend the former City of Etobicoke Zoning Code for the lands at 300-304 The East Mall 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 enter into an Agreement pursuant to Section 37 of the *Planning Act*, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement(s) to be registered on title to the lands at 300-304 The East Mall in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense:

a. Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, finish and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 5,000 square feet (465 m²) Community Agency Space located on the ground floor of Building 2 adjacent to the public park and subject to the following:

i. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;

ii. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;

iii. Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$750,000.00 for future capital improvements to the Community Agency Space;

iv. The cash contribution referred to in Recommendation 4(a)(iii) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and

v. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor. The Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

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

i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

ii. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 750 m² as Privately-Owned Publicly-Accessible Space (POPS) on the west side of the site in front of the lobby entrances to Building 1, with trees, child specific play areas and seating and shall provide to the City for nominal consideration public access easements to and over the POPS for use by members of the general public. Public access easements shall also be provided over the pedestrian walkway along the proposed north-south central private street through the site, which would be accessed from the public sidewalk and street (Bloor Street West). The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. Such easements to be conveyed to the City prior to Site Plan Approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval. The owner shall operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS during the day and night, 365 days of the year. The owner shall have completed the construction of the POPS prior to the first commercial or residential use of the site.

- iii. The owner shall obtain all required permit(s) from the Ministry of Transportation (MTO) prior to any construction and for all signs visible to Highway 427. MTO permits can only be applied for once Site Plan Approval is granted.
- iv. Through the Site Plan Approval process, the owner shall implement the wind control measures identified in the Pedestrian Wind Study, dated October 8, 2019, prepared by RWDI and any future addendum, to the satisfaction of the Chief Planner and Executive Director, City Planning. Any required mitigation measures would be secured through the Site Plan application review process.
- v. Prior to Site Plan Approval, the owner shall submit an updated Noise Impact Study/Addendum Letter to be further peer reviewed at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required noise mitigation measures, to be secured through the Site Plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- vi. Through the Site Plan Approval process, the owner shall implement the air quality measures and recommendations identified in the Air Quality Assessment prepared by RWDI, dated September 6, 2019 and any future addendum as well as conduct an Air Quality Assessment that will include dispersion modelling to determine the impacts of transportation emissions on local air quality to the satisfaction of Public Health. The Air Quality Assessment would be peer reviewed by an independent third party selected by the City (at the expense of the owner). Should there be an air quality impact identified in the study, appropriate mitigation measures would be considered and secured through the Site Plan application review process to the satisfaction of Public Health and the Chief Planner and Executive Director, City Planning.
- vii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- viii. The owner shall notify NAV Canada a minimum of 10 days prior to the start of construction.
- ix. A minimum of 10% of the dwelling units on the lands must be three-bedroom units and a minimum of 20% of the dwelling units on the lands must be two-bedrooms units.

x. The owner shall be required to undertake the following, to the satisfaction of the General Manager of Transportation Services, at no cost to the City:

(a) Prior to Site Plan Approval, the owner shall submit for review and approval, all necessary engineering drawings and documentation associated with the removal of the existing channelized southbound-to-westbound right-turn lane at the northwest corner of the Bloor Street West and The East Mall signalized intersection, and its replacement with an exclusive southbound-to-westbound right-turn lane;

(b) Prior to the issuance of any above grade Building Permit, the owner shall construct and pay all costs associated with the removal of the existing channelized southbound-to-westbound right-turn lane at the northwest corner of the Bloor Street West and The East Mall signalized intersection, and its replacement with an exclusive southbound-to-westbound right-turn lane, as per the approved engineering drawings required in the condition above;

(c) Prior to Site Plan Approval, the owner shall submit for review and approval, a full-size pavement marking and signing plan (in metric units) modifying the previously-approved pavement markings along Gibbs Road, west of The East Mall, revised to illustrate two separate eastbound lanes approaching the previously-approved signalized intersection of Gibbs Road with The East Mall, such that one lane is designated for right-turn movements and the other lane is designated for left-turn movements;

(d) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing the proposed updated modifications to the previously-approved pavement markings for Gibbs Road, west of The East Mall, as per the approved pavement marking and signing plan required in the condition above;

(e) Prior to Site Plan Approval, the owner shall submit for review and approval, through the proponent's retained transportation consultant, revised traffic capacity analyses of the existing signalized intersection at Bloor Street West and The East Mall and the existing signalized intersection at Bloor Street West and The West Mall, based upon the most up-to-date signal timing information available at the time of the analyses, and with recommendations for signal timing adjustments and provision of any additional signal phases to improve the level-of-service at these intersections, as required;

(f) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing any approved signal timing adjustments and provision of any additional signal phases to improve the level-of-service at the existing signalized intersection at Bloor

Street West and The East Mall and the existing signalized intersection at Bloor Street West and The West Mall, based upon the traffic capacity analyses required in the condition above;

(g) Prior to Site Plan Approval, the owner shall submit for review and approval, through the proponent's retained transportation consultant, a revised traffic capacity analyses for the previously-approved proposed traffic control signals at the intersection of Gibbs Road and The East Mall with recommendations for any signal timing modifications from the previously-approved signal timing plan for that intersection, as required; and

(h) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing any approved signal timing adjustments to the previously-approved signal timing plan for the proposed traffic control signals at the intersection of Gibbs Road and The East Mall, based upon the traffic capacity analyses required in the condition above.

5. 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 the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). 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, PFR, 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, PFR, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and letter of credit will be required prior to the issuance of any above grade Building Permit.

6. City Council require that the conditions related to the conveyance of the required public parkland dedication having an area of 2,040 m² be satisfied prior to the issuance of any above grade Building Permit for the lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation, the Director, Real Estate Services and the City Solicitor. The subject parkland conveyance is to be free and clear, above and below grade of all physical and title encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

7. City Council direct the City Solicitor to secure matters regarding the required parkland conveyance through a Section 37 Agreement, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, including:

a. Conveyance of land to the City for public parkland, with a minimum size of 2,040 m² as generally depicted in Schedule/Diagram 2 and 3 of the Draft Zoning By-law Amendments;

b. Securing the design and construction of the new public park to Above Base Park Improvements; and

c. All other conditions such as (but not limited to): Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated February 24, 2020, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

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

Current Proposal

This application seeks to amend the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 to permit a multi-building, mixed-use development at 300-304 The East Mall. The total gross floor area of the proposed development is 89,502 m², of which 3,980 m² would be comprised of non-residential uses, including 2,801 m² of office space. The proposed density is 4.93 times the area of the lot.

The proposed development would include a total of 1,023 dwelling units within two buildings. The proposed unit mix is as follows: 527 one-bedroom/one-bedroom plus den (52%), 383 two-bedroom/two-bedroom plus den units (37%) and 113 three-bedroom units (11%).

Building 1

Building 1 would contain three residential towers (Tower A, Tower B and Tower C) above a 4 storey podium with 817 units on the west side of the site. Office space and grade-related units are also proposed. Building 1 would have a total gross floor area of 68,428 m², of which 65,627 m² would be residential gross floor area and 2,801 m² would be non-residential (office) gross floor area. Building 1 would be set back 14 m from Highway 427 to the west with a further 14 m setback from the Gibbs Road Highway 427 on-ramp to the north. Tower A would have a height of 29 storeys (91 m), Tower B a

height of 37 storeys (116 m) and Tower C a height of 21 storeys (67 m), all excluding mechanical penthouses.

The residential entrance and lobby area for Building 1 would front onto a new POPS immediately adjacent to a new central north-south private street. Additional outdoor amenity space would be provided on the roofs of the second and fourth floors of Building 1. Terraces, green roofs and balconies are also proposed throughout the building.

Building 2

Building 2 is a proposed 10 storey mid-rise building (34 m in height, excluding the mechanical penthouse) with a total of 206 units on the east side of the site. Ground floor retail and grade-related units are proposed. A 465 m² community agency space is also proposed on the ground floor of Building 2 overlooking a proposed public park on the southeast corner of the site. Building 2 would have a total gross floor area of 21,074 m², of which 19,895 m² would be residential gross floor area and 1,179 m² would be non-residential gross floor area. The height of Building 2 steps down from 10 storeys (34 m) to 6 storeys (22 m) and further to 2-storeys (8 m) toward the eastern property line and retail entrances.

The residential entrance and lobby area for Building 2 would front directly onto the new central private street. At-grade retail uses and the proposed community agency space would be oriented to be accessed externally via The East Mall frontage. Terraces, green roofs and balconies are proposed throughout the building, including an exterior amenity area on the roof of the second floor.

Landscaped Open Space, Public Park and POPS

The proposal would provide approximately 7,863 m² of landscaped open space, which includes a new 2,040 m² public park at the southeast corner of the site (the northwest corner of The East Mall and Bloor Street West), a minimum 750 m² privately-owned publicly-accessible open space (POPS) on the west side of the site in front of Building 1 and a dog run area adjacent to Highway 427.

Community Agency Space

A City-owned community agency space is proposed in Building 2 with an area of approximately 465 m², located on the ground floor level adjacent to the new public park and fronting The East Mall .

Amenity Space

Building 1 on the west side of the site proposes indoor and outdoor amenity spaces (3,268 m² combined) located on the ground, 2nd, 3rd, 4th and 5th floors. Building 2 on the east side of the site proposes indoor and outdoor amenity spaces (824 m²

combined) located on the 3rd and 4th floors. Child specific play areas would be included in the outdoor amenity space areas.

Access and Parking

Vehicular access for the proposed development would be provided from both Bloor Street West and Gibbs Road via a new central private street which would run north-south between Buildings 1 and 2. The width of the proposed central private street would be 20 m.

A total of 1,044 vehicle parking spaces are proposed to be included in a three-level underground parking garage with connections to both buildings. Of these vehicle parking spaces, 877 would be residential spaces and 167 would be non-residential and visitor spaces. A total of 782 bicycle parking spaces (701 long term and 81 short-term) are proposed for residential and non-residential uses.

See Attachment 1 for the Application Data Sheet, Attachment 7 for the Site Plan and Attachment 8-11 for the elevations.

The applicant submitted the original proposal on October 12, 2018. The revised proposal was formally submitted on October 9, 2019. The revised proposal incorporates a number of changes from the original proposal, particularly with respect to the heights and massing of the proposed towers. The main revisions include:

- Reducing the height of Tower A from 33 to 29 storeys, the height of Tower B from 40 to 37 storeys and the height of Tower C from 23 to 21 storeys;
- Reducing the number of residential dwelling units from 1,100 in the original submission to 1,023 in the revised proposal with a reduction in residential gross floor area from 125,106 m² to 89,502 m²;
- Adding 465 m² of community agency space;
- Providing the central open space area in front of the lobby of Building 1 as a POPS with trees, landscaping, seating, a pedestrian orientated walkway and child specific areas;
- Including 2,801 m² of office uses in Building 1, where no office space was included in the original submission;
- Increasing the overall amount of non-residential space from 889 m² in the original submission to 3,980 m² in the revised proposal;
- Modifying the massing, orientation and placement of the towers, including increasing the separation distance between towers from 25 m in the original submission to 30 m and 28 m in the revised proposal;

- Decreasing the height of the podium for Building 1 from 5 to 9 storeys in the original submission to 4 storeys in the revised proposal;
- Reducing the overall height of Building 2 from 8 and 12 storeys in the original submission to 6 and 10 storeys in the revised proposal;
- Increasing the width of the proposed private street from 18.5 m in the original submission to 20 m in the revised proposal; and
- Eliminating 5-levels of above grade parking and incorporating most parking spaces into a connected 3-level below grade parking garage.

Site and Surrounding Area

The subject site is located at the northwest corner of the intersection of Bloor Street West and The East Mall. It is located south of Gibbs Road and east of Highway 427. The site presently contains two 6-storey office buildings and one 9-storey office building, connected by 1 and 2 storey podiums, encompassing a gross floor area of 34,375 m² and having a variety of uses including offices and a fitness centre, surrounded by surface parking. The site is generally flat, square in shape and has a total area of approximately 18,163 m² (1.82 hectares).

Surrounding land uses include:

North: Gibbs Road and an on-ramp to Highway 427 (northbound highway access). Further north is 2 Gibbs Road, which is approved for a 10 to 43 storey mixed-use development under construction, as well as a recently constructed 22 to 35 storey mixed-use development located further north.

West: Highway 427.

East: Immediately to the east of The East Mall is the Bloorlea Middle School with open space/baseball diamond and a low-rise residential neighbourhood further east.

South: Immediately to the south of Bloor Street West is a low-rise residential neighbourhood, the St. Elizabeth Catholic School, and further south is the Cloverdale Mall.

See Attachment 2 for the Location Map.

Reasons for the Application

Amendments to the former City of Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 are required to permit the proposed mixed-use development as it relates to residential use and residential density. Site specific amendments are also required to provide applicable performance standards such as building heights, density, setbacks and parking to facilitate the proposed development.

APPLICATION BACKGROUND

A pre-application consultation meeting was held on April 27, 2018 with the applicant to discuss complete application submission requirements. The current application was submitted on October 12, 2018 and deemed complete on November 8, 2018.

A Preliminary Report on the application was adopted by Etobicoke York Community Council on February 14, 2019, authorizing staff to conduct a community consultation meeting with an expanded notification area. Community Council also requested that Toronto Public Health be included in the circulation for comments with an emphasis on the review of aircraft, highway and transportation related noise and air quality. The Preliminary Report can be accessed via this link:

<http://www.toronto.ca/legdocs/mmis/2019/ey/bgrd/backgroundfile-124086.pdf>

Various additional consultations took place with the applicant regarding key matters such as site organization and layout, particularly with respect to the new central north-south private street, parking and open space areas; height and density; the new public park and POPS; the provision of office space on site; and the provision of community agency space.

Application Submission Requirements

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

- Arborist Report;
- Architectural Plans;
- Landscape and Tree Preservation Plans;
- Survey Plan;
- Draft Zoning By-laws;
- Community Services and Facilities Study;
- Toronto Green Standard Checklist;
- Noise and Vibration Impact Assessment;
- Archaeological Assessment;
- Public Consultation Strategy;
- Planning Rationale Report;
- Pedestrian Wind Study;
- Shadow Study;
- Energy Strategy;
- Urban Transportation Considerations Report;
- Hydrogeological Review Summary and Report;
- Environmental Site Assessment;
- Functional Servicing Report; and
- Air Quality Report.

All the materials/studies listed above can be accessed 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

The applicant submitted a Public Consultation Strategy which staff reviewed and accepted as sufficient to address the public consultation process.

A Community Consultation Meeting was held on February 25, 2019 at St. Clement Catholic School, with approximately 10 members of the public in attendance as well as 3 City staff members, the Ward Councillor and the applicant. In accordance with the direction of Etobicoke York Community Council through the consideration of the Preliminary Report, notice was sent to an expanded notice area of 250 metres.

The matters of concern identified by the community at the meeting and through written correspondence sent by area residents to Planning staff were:

- *Volume of Traffic During Rush Hour*
Concern with the number of proposed units and subsequent increased volumes of traffic and the City's ability to alleviate congestion.
- *Traffic/Safety Related to the Highway 427 Ramps/Exits*
Concern with the MTO "button hole ramps" such as Valhalla Inn Road and Eva Road which are not major exits off Highway 427 yet cause accidents and safety issues for drivers and pedestrians. Increased number of developments along the Highway 427 has exacerbated the issue. The proposed development would create chaos, especially the proposed north – south road.
- *TTC Capacity*
During rush hours (7:00-9:00 a.m. and 4:30-6:30 p.m.) there is not enough TTC capacity (buses) to service the area. Buses are full and crowded. Residents have to walk to Bloor Street West/Valhalla Road to get on the bus. A redesigned larger bus shelter proposed with the development is not going to address concerns of capacity and scheduling with the TTC.
- *Feeling Crowded and Displaced*

Concern with future redevelopment along The East Mall resulting in residents being displaced from existing buildings and negatively impacting the quiet residential character of the area.

- *Infrastructure/Capacity Concerns Regarding Electricity, Water and Sewer*
This development would create an island of population density equivalent to downtown. When this scale of density is placed in a suburban area, there would be problems for infrastructure. Electrical black outs have occurred.
- *Height of Proposed Towers and Sightline and Shadow Impacts*
- *Development Design Features Too Much Glass*
- *Gentrification and the Possibility of Affordable Housing*
- *Questions Regarding the Section 37 Process and Potential Benefits*

Planning staff worked with the applicant to address those issues that could be resolved through the design of the proposal and secured through the Draft Zoning By-law Amendments as outlined below.

Height and Density

As previously noted, the heights of all three towers in Building 1 including the podium height were reduced from the applicant's original proposal. Further, the height of Building 2 was reduced. The proposed number of residential dwelling units was reduced from 1,100 in the original submission to 1,023 in the revised proposal. In addition, the gross floor area was reduced from 125,106 m² to 89,502 m².

Staff are of the opinion the revised proposal is acceptable given the revised proposal is more in keeping with the existing and planned context of the surrounding area.

Sunlight, Shadow, Privacy and Views

In addition to reduced building heights and density, the revised application modified the massing, orientation and placement of the towers, including increasing the separation distance between towers from 25 m in the original submission to 30 m and 28 m in the revised proposal as well as having slim tower floor plate sizes not exceeding 750 m².

Moreover, the development has been designed so that no portion of a building would penetrate a 45-degree angular plane projected over the lands, starting from any lot in the O, ON or OR zone or the Residential Zone and Residential Apartment Zone categories. These measures provide for increased sunlight, privacy and views. Additional information regarding the assessment of the applicant's sun/shadow study is provided under the Sun and Shadow Section of this report. Planning staff are of the opinion that potential impacts identified by the public are minimized and/or mitigated in the revised proposal.

Crowding, Landscaping and Open Space

Regarding the public's identified concern of feeling crowded and congested, Planning staff are of the opinion that the development's proposed landscaped open space, building setbacks, stepbacks and separation distances provide adequate distance and space on the site. In addition, the proposed new public park, POPS, dog run area, ample indoor and outdoor amenity areas, generous landscaping and tree planting would serve to, mitigate the perception of crowding on the site. These features also enhance the public realm on the site and in the surrounding area. Further, staff note there is an existing open space associated with the Bloorlea Middle School across the street as well as another large park across the street fronting The East Mall, as well as two new POPS including a children's play area within the adjacent 2 Gibbs Road development (under construction). The proposed community agency space further improves community services and facilities in the area. As such, Planning staff are satisfied that the above development features mitigate the perception of crowding and fosters social cohesion.

Traffic/Safety Related to the Highway 427 Ramps/Exits

Regarding the Highway 427 on-ramp/exit concerns, staff note that the highway is owned and operated by the Province. The Ministry of Transportation is aware of the issues and the safety concerns and is undertaking a study to evaluate future closure of these ramps.

Refer to the Traffic, Servicing, TTC and Housing Sections of this report which address the remaining matters identified by the public.

Statutory Public Meeting Comments

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

Design Review Panel

The original site design and massing was reviewed by the City's Design Review Panel on June 20, 2019, the minutes of which are available at the following link:

<https://www.toronto.ca/wp-content/uploads/2019/10/97e1-UrbanDesign-DesignReviewPanel-MtgMinutes-20June2019.pdf>

The panel noted that the proposal transforms a single use development into one that balances a diversity of uses, on a site that is bordered by a major highway and a major arterial. The panel opined that critical to development in this area is the balance of an appropriate public realm, liveability (including air quality and noise) and good urban

form. Further, the proposal represents an ambitious intensification of a challenging site, aiming to create active frontages throughout the block and distributing density in a manner that optimizes the liveability and humanity of the development.

The panel commended the application on the following key elements:

- **Built Form, Massing and Articulation:** several members felt the massing of the project was successful. Some members appreciated the simple form and diversity of colour. Many members commented that the articulation of the towers was also well done, and appreciated that although the towers were all connected there was a diversity of form and materiality that was skillfully managed. However, the Panel strongly felt that the massing and articulation along Hwy 427 and Gibbs Road needed to be considered further due to the proximity to noise and pollution.
- **Transportation and Traffic Design:** the panel were of the opinion these matters were well planned and considered. The proposed new north-south private street positively extends the existing road to the north. Some members noted that it provided improved parking and servicing access.
- **Proposed Park:** some members appreciated the proximity of the proposed park location to the school as well as its visibility from Bloor Street West. A few members noted the park would have good sun exposure.

Further consideration was suggested in the following areas:

- **Investigate Flipping the Site Plan on the East-West Axis:** shift the focus of the architectural or street edge from Bloor Street West to The East Mall. Some members felt a building would be more appropriate at the southeast corner and the park moved elsewhere.
- **Define the Front:** review the proposal with a view to better defining and demonstrating the "front door" or "front doors" of the project.
- **Open/Green Space Connections and Public Realm:** develop a more robust connection between the POPS and the public park and generally between all green and pedestrian areas/connections and amenities, including the school.
- **Sustainable Design:** develop a more robust commitment/demonstration of environmental responsibility to support sustainable design. Many members encouraged the design team to increase the biodiversity in terms of the proposed green roof and parkland.
- **Air Quality and Noise:** several panel members raised the issue of air quality and noise for the spaces adjacent to highways.

Overall, the panel voted to support the proposal with the condition that serious consideration be given to responding to the proximity to Highway 427 as the design develops. Specifically, the panel wanted the project to evolve while being mindful that different aspects needed to respond to the various conditions, and specifically the condition of Highway 427.

Planning staff are satisfied the revised proposal achieves the objectives identified by the Design Review Panel. Staff are of the opinion the proposed site layout, organization and park location is appropriate. Further matters pertaining to sustainable design, noise and air quality mitigation would be refined through the Site Plan application review process.

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.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2019). The outcome of this staff analysis and review are summarized in the Comments Section of this report.

Toronto Official Plan

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

Chapter 2 - Shaping the City

Healthy Neighbourhoods

A cornerstone policy is to ensure that new development in the City's neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood. The Official Plan contains principles for steering growth and change to some parts of the city, while protecting neighbourhoods and green spaces from development pressures. By focusing most new residential development in the *Downtown, the Centres* and along *Avenues*, the shape and feel of the neighbourhoods can be preserved. At the boundary points between the neighbourhoods and growth areas, development in growth areas will have to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent neighbourhood areas are not adversely affected.

Policy 2.3.1.5 outlines that developments in *Mixed Use Areas, Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; maintain adequate light and privacy; orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*; locate, screen or enclose service areas and any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*; and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets.

Chapter 3 - Building a Successful City

Public Realm

The Public Realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The essential role of the City's streets, open spaces, parks and other key shared public spaces assist in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, streetscaping, urban design and architecture in public works and private development to ensure the public realm is beautiful, comfortable and accessible. Policy 3.1.1.6 sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians.

Built Form

The development criteria within the *Mixed Use Area* policies are supplemented by additional development criteria outlined in the Built Form policies. Section 3.1.2 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.

The Built Form policies establish that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments 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 facades fit within the existing and/or planned context of the neighbourhood and the City.

As per Policies 3.1.2.1 and 3.1.2.2, new developments will be located and organized to fit within its existing and/or planned context by: generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback; locating building entrances so that they are clearly visible and directly accessible from the public sidewalk; acknowledging the prominence of corner sites; locating and organizing vehicular parking and access to minimize their impacts on the public realm; and preserving existing and mature trees wherever possible and incorporating them into landscaping designs.

Policy 3.1.2.3 emphasizes the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. New development will also be massed to provide for adequate light and privacy and adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties, parks and open space.

Policies 3.1.2.4 and 3.1.2.5 require new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be

achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Further, Policy 3.1.2.6 requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity space such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Tall Buildings

The Official Plan Built Form policies (Section 3.1.3) set out development criteria for tall buildings. Tall buildings are to be comprised of three components: the base, the middle and the top. Each of these three components of tall buildings helps to support the location and design of tall buildings to fit harmoniously into the existing and planned context and serve as significant visual landmarks for the City. Tall building developments will also provide high quality, comfortable and usable publicly accessible open space areas.

Housing

Section 3.2.1.1 of the Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto.

Chapter 4- Land Use Designations

The site is designated *Mixed Use Areas* on Land Use Map 14 of the Official Plan. According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings.

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”.

Mixed Use Areas Policy 4.5.2 includes criteria that direct the form and quality of development in this land use designation. Key development criteria for *Mixed Use Areas* include:

- Creating a balance of high quality commercial, residential, institutional and open space uses;

- Providing for new jobs and homes for Toronto's growing population on underutilized lands;
- Creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- Locating and massing 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, particularly towards lower scale *Neighbourhoods*;
- Locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- Providing an attractive, comfortable and safe pedestrian environment;
- Providing indoor and outdoor recreation space for building residents;
- Having access to schools, parks, community centres, libraries and childcare;
- Providing good site access, circulation and parking and an adequate supply of parking for residents and visitors;
- Utilizing nearby transit services;
- Providing opportunities for energy conservation; and
- Providing opportunities for green infrastructure.

Refer to Attachment 3 for the Official Plan Land Use Map.

Chapter 5 - Implementation Plans and Strategies

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1 and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 m² and an increase in density of at least 1,500 m². Details of a Section 37 Agreement between the applicant and the City are determined, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

The outcome of the staff analysis and review of relevant Official Plan policies and designation noted above are summarized in the Comments Section of this report.

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

Zoning

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

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

Refer to Attachment 4 for the Zoning By-law Map.

Design Guidelines

Policy 5.3.2.1 of the Official Plan states guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas.

Part III of the Provincial Policy Statement (2020) under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan (2019) indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan.

City-Wide Tall Building Design Guidelines

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

The Tall Building Design Guidelines aid the implementation of Official Plan policies related to the design and development of tall buildings in Toronto.

Key design tools to ensure that new tall buildings conform to the City design policies and address urban design matters are:

- Providing fit and transition in scale by applying angular planes, minimum horizontal separation distances, and other building envelope controls such as stepping height limits, building setbacks and stepbacks, to transition from tall buildings down to

lower-scale buildings for access to sunlight and sky views for surrounding streets, open spaces and neighbouring properties;

- Ensuring that the scale of the base of the building is appropriate to adjacent streets and integrates with adjacent buildings;
- Reducing the floor plate size of the middle of the tall building by creating "point towers" and creating an appropriate space between point towers to provide adequate privacy and light and to minimize any shadowing and uncomfortable wind conditions on the surrounding neighborhoods and streets; and
- Designing the top of the tall buildings to contribute to the skyline character.

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 sky view, 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/bgrd/backgroundfile-92537.pdf>.

Although the subject site is not located on an *Avenue*, the Mid-Rise Design Guidelines were used to inform the review of the proposed easterly building (Building 2) fronting The East Mall, particularly with respect to building height, setbacks, 45 degree angular plane, the width of the adjacent public and internal street and the shadow and massing impacts on the public and private street and open spaces/new public park.

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 here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has yet to be submitted.

COMMENTS

Planning Act

The proposed development has regard to relevant matters of provincial interest in Section 2 of the *Planning Act*. These include:

- (f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) The orderly development of safe and healthy communities;
- (j) The adequate provision of a full range of housing, including affordable housing;
- (k) The adequate provision of employment opportunities;
- (p) The appropriate location of growth and development; and
- (r) The promotion of built form that: (i) is well-designed, (ii) encourages a sense of place, and (iii) provides public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed development responds to the above matters in that it proposes an orderly mixed-used development including the adequate provision of employment opportunities with office, commercial and retail space. In addition, the new public park, the Privately Owned, Publicly Accessible Open Space (POPS) and the community agency space would create a sense of place for the residents and the greater community.

These provincial interests are further articulated through the PPS and the Growth Plan.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, the Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe (2019).

Staff have determined the proposal is consistent with the PPS and conforms with the Growth Plan as noted below.

Provincial Policy Statement (PPS) 2020

Policy 1.1.3.3 of the PPS (2020) refers to planning authorities identifying appropriate locations and promoting opportunities for intensification and redevelopment. Policy 1.1.3.4 refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. Policy 1.1.3.2 of the PPS directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which are planned or available; and are transit supportive and support active transportation. The proposal supports the intensification policy objectives by focusing growth in an existing settlement area. The proposed development provides for the efficient use of land and utilization of existing services and infrastructure.

Further, Policy 1.5.1 (b) of the PPS indicates that healthy, active communities should be promoted by "planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas...". The proposal provides an on-site public parkland dedication as well as a new POPS which connects to and expands an existing and planned network of parks and open spaces, which is also encouraged by the Official Plan.

In addition, Policy 1.4.3 of the PPS requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, liveable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public services, and support the use of public transit.

The proposal is consistent with the PPS (2020) as it would accommodate residential infill growth through intensification, supporting the policy objectives related to focusing growth in existing settlement areas. The proposal provides for a mix of uses, mix of residential unit sizes and appropriate densities. The proposal promotes compact, mixed-use development that incorporates compatible employment uses to support liveable and healthy communities. It also supports efficient land use and reduces land consumption related to residential development.

Further, Policy 4.6 of the PPS, Implementation and Interpretation, states that the municipal Official Plan is "the most important vehicle for implementation" of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans". The City of Toronto Official Plan policies and Guidelines allow for growth where infill and redevelopment sites fit within the existing and/or planned context of the neighbourhood and the City as well as respecting and improving the character of the surrounding area with an appropriate built form.

The proposed development promotes a mix of uses such as residential housing, community agency space, recreation, park and open space, and commercial/retail and office thereby providing opportunities for local employment. The proposed mixed-use development represents an appropriate scale of intensification as it is compatible with its existing and planned *Mixed Use Areas* context and in keeping with Official Plan policies and design guidelines regarding land use, built form and growth. The proposal achieves the Official Plan objectives as it provides a mix of residential unit sizes and introduces a compact built form that is reflective of the surrounding built form context. The current proposal conforms with the municipally established policies for growth and therefore is consistent with the PPS.

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

The Growth Plan (2019) requires municipalities through their Official Plans to identify intensification areas, encourage intensification generally in the built-up area and identify the appropriate type and scale of development in these areas (Section 2.2.1).

Municipalities are also directed to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form.

Also, the Growth Plan (2019) reinforces the PPS 2020's goal of sustaining long-term economic prosperity via land use planning. One of the Growth Plan's primary objectives is to achieve "complete communities", described in part by Policy 2.2.1.4 as places that (amongst other things):

- Provide a diverse range and mix of housing options;
- Ensure all intensification areas are planned and designed to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places and to achieve an appropriate transition of built form to adjacent areas;
- Mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions and contribute towards the achievement of low-carbon communities; and
- Integrate green infrastructure and low impact development.

The proposal conforms to the Growth Plan (2019) which establishes that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. The application proposes compatible and appropriate intensification in a built up area which is supported by public transit. This mixed-use proposal would make efficient use of land, existing infrastructure and existing services. The proposed development is of a compact and efficient form that incorporates an appropriate transition in the height and scale of built form to adjacent areas. The proposal would reduce sprawl and support environmental sustainability. It would provide new housing with a range of unit sizes and new community agency space to serve the surrounding neighbourhood. In addition, the development would increase indoor/outdoor amenity areas on the site and provide quality open space and landscaped areas through a new public park and POPS to create a vibrant place.

The proposed development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, providing employment opportunities through new retail and office space, and providing a pedestrian-friendly environment in an area with convenient access to local stores and businesses, public service facilities such as parks, and existing public transportation. The proposed development will also assist in diversifying the mix and range of housing options for residents in the neighbourhood and provide new residential units in a location that will support the existing community infrastructure, public open spaces and public transportation.

Section 5.2.4.5.b) of the Growth Plan (2019) requires that the type and scale of development be contextually appropriate. In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design through Official Plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of Official Plan policies and design guidelines pertaining to Healthy Neighbourhoods, Built Form, Public Realm, Tall Building Design Guidelines, Mid-Rise Building Design Guidelines and Growing Up Design Guidelines.

The current proposal conforms to these policies and supports these guidelines as the application proposes compatible development with an improved public realm and a height and density that fits within the existing and planned context. As such, the proposal conforms to the Growth Plan given that it responds appropriately to the policies of the City of Toronto's Official Plan and the Urban Design Guidelines with respect to the appropriate location for new development, the type, scale and transition of built form, and the achievement of complete communities.

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* on Map 14 of the Official Plan. *Mixed Use Areas* are expected to absorb much of the new retail, office, service employment and housing in Toronto, provided new development is compatible with neighbouring land uses and does not create undue impacts. The *Mixed Use Areas* designation permits the proposed uses of residential, commercial/retail and office, community agency space, recreation, park and open space.

The general area is characterized by low density residential as well as mid-rise and high-rise residential and office buildings bounded by The East Mall, Bloor Street West and Highway 427. Planning staff are of the opinion the proposed land uses are compatible with the existing and planned land uses in the area, conform to the land uses contemplated in the *Mixed Use Areas* designation, facilitate the overall intent of the *Mixed Use Areas* designation and supports the Built Form and Public Realm policies of the Official Plan.

The proposed development would provide a total of 1,023 new residential units having a mix of unit sizes within a variety of built forms. A total of 3,980 m² of space for non-residential uses would be provided, including retail, service, commercial and office within the podium of Building 1 and at grade in Building 2. The application also proposes a 465 m² of community agency space. The proposed location of the buildings would provide view corridors to the site's non-residential and open space areas and the new public park, from the new private street, Gibbs Road and Bloor Street West. Appropriately sized indoor and outdoor amenity areas would be provided within the development for use by residents.

Planning staff are of the opinion that the proposed development would create a location where residents could live, work and shop. The proposed mix of land uses (particularly the office component), building types, community agency space and integration of open space areas and landscape features, particularly the new public park, fosters a sense of place and supports the vision and policies of the Official Plan with respect to healthy communities.

Height and Massing

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

The Official Plan's Built Form policies direct new development to be designed to fit within its existing and/or planned context, frame and support adjacent streets, parks and open spaces and limit its impact on neighbouring streets and properties.

A review of the existing context of the area illustrates there is ongoing infill and intensification on properties along the Highway 427 corridor. In general, the tallest heights are situated closest to Highway 427 with lower heights and mid-rise buildings situated as a transition down to lower-scale areas and *Neighbourhoods* designated lands. Large scale mixed-use developments have recently been approved at 1 Valhalla Inn Road and 2 Gibbs Road containing predominantly residential land uses and some office space (i.e., 2 Gibbs Road contains 3,200 m² of office space).

Planning staff note building heights ranging from 22-43 storeys are existing/approved adjacent to the Highway 427 corridor on the east side of Highway 427 in the *Mixed Use Areas* (where the site is located). The properties along the west side of Highway 427 contain office and residential apartment buildings ranging from 4-31 storeys in height. The existing/approved buildings along The East Mall include 8-10 storey mid-rise residential buildings and 3-storey townhouses. South of the site, on the south side of Bloor Street West are low rise 1-2 storey residential houses.

A key development criteria of *Mixed Use Areas* Policy 4.5.2 is locating and massing 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, particularly towards lower scale *Neighbourhoods*.

The proposed heights of all buildings on the site are appropriate for the site, fit within the existing and planned context of the area and provide adequate transition to lower scale areas. The proposed Tower A of Building 1, which is located at the north end of the site, would be 29 storeys or 91 m in height, while Tower B would be 37 storeys or 116 m, excluding mechanical equipment. To the west of the site is Highway 427 and to the north is 2 Gibbs Road, which has been approved to be developed with buildings ranging from 10 to 43 storeys in height. Further north is 1 Valhalla Inn Road, which was approved and developed for buildings ranging from 22 to 35 storeys in height. The proposed Tower C, which would be 21 storeys (67 m in height) and Building 2, which would be 10 storeys (34 m in height) excluding mechanical equipment, provide a transition from the taller, denser uses to the north to the low and mid-rise residential character to the south and east of the site.

The Official Plan Built Form policies direct that the location and design of tall buildings is to fit harmoniously into the existing and planned context and serve as significant visual landmarks for the City. Further, the Tall Building Design Guidelines establish that fit and transition in scale by applying angular planes, minimum horizontal separation distances, stepping height limits, building setbacks and stepbacks, transition from tall buildings down to lower-scale buildings for access to sunlight and sky views for surrounding streets, open spaces and neighbouring properties, reducing tower floor plate size and designing the top of the tall buildings to contribute to the skyline character, are vital to the successful design of tall buildings.

Staff are of the opinion the proposal achieves the above objectives. Building 1 with Towers A, B and C are well defined and have an appropriately scaled 4 storey podium which frames the open space. The proposed towers are designed to stay below a 45 degree angular plane to the *Neighbourhoods* lands located to the east of the site. The tower separation distances ranging from 28 - 30 m would allow for adequate privacy, sunlight and sky views for the dwelling units, while the tower floor plates of no greater than 750 m² would minimize potential shadow and wind impacts.

The proposal also achieves the objectives of the Mid-Rise Buildings Design Guidelines regarding the easterly building (Building 2) fronting The East Mall, particularly with respect to building height, setbacks, 45 degree angular plane, the width of the adjacent public and internal street and the lack of shadow and massing impacts on the public and private street and open spaces/new public park. The height of the portion of Building 2 which fronts onto The East Mall has been reduced to 6 storeys and 22 m to fit within a 45 degree angular plane taken from the lands designated *Neighbourhoods* to the east. The proposal's appropriate transitions in height, the open space, widened sidewalks, tree plantings, active ground floor uses and the new public park also enhance the public realm and pedestrian environment.

Staff note that the exterior design of the building, including materials would be considered during the Site Plan application review process.

Setbacks and Stepbacks

Staff are of the opinion the proposed massing also addresses the key development criteria of *Mixed Use Areas Policy* 4.5.2 by providing ample setbacks and stepbacks from Bloor Street West, Highway 427 and the Gibbs Road Highway 427 on-ramp. Setbacks for Building 1 including the 3 towers vary appropriately, particularly the tower setbacks from the base which provide adequate distance, privacy and sunlight, and mitigate wind impacts. The mid-rise Building 2 is appropriately scaled to The East Mall frontage.

Building 1

On the ground level, the podium base of the tall buildings would establish generous sidewalk zones of at least 6 m along Gibbs Road and up to 5.5 m along the west side of the new central north-south private street. To the south along Bloor Street West, there would be a considerable separation distance of approximately 19 m to 31 m from the site's south property line to the existing curb edge.

Tower A incorporates stepbacks above the podium ranging from approximately 4.7 m along the new street and 5 m along Gibbs Road.

The portion of the podium below Tower B is set back 14 m from the north and west property lines and the tower above incorporates 1.5 to 2 m stepbacks above its podium.

Tower C would be situated in the southwest corner of the property, the tower element would be stepped back approximately 35 m from the podium edge along the new street and 3 m from the podium edge adjacent to the Bloor Street West property line. In addition to the 14 m ground level setback to the west property line, the westerly edge of Tower C would be stepped back approximately 1.5 m from the podium edge.

Building 2

On the ground level, the mid-rise building would establish generous sidewalk zones (building face to curb line) of at least 6 m along The East Mall and Gibbs Road, and up to 6 m along the east side of the new private street.

The mid-rise building would consist of a 2-6 storey lower portion along The East Mall frontage which would rise up to a 10 storey element (excluding mechanical penthouse) that would be set back more than 24 m from the east property line.

Density

The density of the proposal was reduced from a residential gross floor area of 125,106 m² in the original submission to 89,502 m² in the revised proposal. The proposed Floor Space Index (FSI) was reduced from 5.49 times the area of the lands to an FSI of 4.93 times the area of the lands. Further, the proposed number of residential dwelling units was reduced from 1,100 in the original submission to 1,023 in the revised proposal. Planning staff are of the opinion the proposed density is appropriate for the site and is

generally in keeping with recently approved developments in the area. As such, a maximum gross floor area and number of dwelling units have been included in the Draft Zoning By-law Amendments for the site. In addition, staff note that any parking in an above grade parking structure on the site would be included in the calculation of gross floor area.

Overall, staff are of the opinion the proposed height, density, massing, setbacks and stepbacks of the revised proposal are appropriate and fit within the existing and planned built form context. Building height, density, number of units, setbacks, tower separation distances, and 45 degree angular plane requirements have been incorporated into the Draft Zoning By-law Amendments.

Sun and Shadow

Shadow impacts affect the thermal comfort and enjoyment of being outside as well as the provision of adequate light. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks, as well as the time of year and angle of the sun.

There are a number of Official Plan policies that address appropriate sun and shadow impacts. Policy 3.1.2.3 e) refers to providing adequate light and adequately limiting shadows on streets, properties and open spaces. Development Criteria in *Mixed Use Areas* Policies 4.5.1 c) through f) require that development will locate and mass buildings to adequately limit impacts, such as shadows, on adjacent *Neighbourhoods*, streets, parks and open spaces and to frame the edges of streets and parks, with a focus on generating comfortable conditions through adequate sunlight provision. Additionally, new development will maintain good proportion and sunlight for pedestrians by providing an attractive, enjoyable, safe pedestrian environment on adjacent parks, streets and open spaces.

The City-wide Tall Buildings Design Guidelines contain performance standards intended to assist in the design and orientation of buildings to minimize their shadow impact on publicly accessible parks, open space, natural and other shadow sensitive areas. A key consideration includes reducing the floor plate size of the middle of a tall building by creating “point towers” and creating an appropriate separation distance between point towers to provide both light and privacy.

The Shadow Study prepared by Quadrangle Architects Ltd., dated September 27, 2019, illustrates the extent of shadowing that would result from the proposed development in March, June, September and December. The submitted shadow study shows limited shadow impacts and only incremental increases to the shadowing of neighbouring properties compared to the existing buildings on the site. The study indicates some quick moving shadows on the open space associated with Bloorlea Middle School after 4:18 p.m. in March and September. Moreover, the study shows some increased incremental shadowing cast into the edge of some dwellings in *Neighbourhoods* to the east and onto the proposed public park after 5:18 p.m. in September and some shadow cast onto the proposed public park at 6:18 in June.

Overall, the proposed development would create minimal new shadows; cast limited shadow on lands designated *Neighbourhoods*; maintain adequate light and privacy conditions; and adequately limit shadow impacts on surrounding properties, streets, sidewalks and the proposed public park.

Staff are of the opinion the shadow impacts from the proposed development would be adequately limited as set out in the Official Plan, Mid-Rise Performance Standards and Tall Buildings Design Guidelines. The proposal achieves these policy and guidelines objectives by providing ample setbacks/stepbacks, appropriate transition in height downward to surrounding properties and maintaining a 45 degree angular plane to the *Neighbourhoods* located to the east of the site.

Wind

Official Plan policies establish that new development should not result in uncomfortable wind impacts. The development of the site should be designed to ensure that comfortable wind conditions are maintained on the streets and public spaces around buildings as well as for the building itself (amenity areas and balconies). Outdoor amenity spaces are to be comfortable for sitting in the spring, fall and summer months. Building entrances are to be comfortable for standing during all times of the year and public sidewalks and walkways are to be comfortable for walking throughout all times of the year.

The applicant submitted a Pedestrian Wind Study, dated October 8, 2019, prepared by RWDI in support of the revised proposal. The study determined that wind speeds meet applicable safety criteria and are comfortable for pedestrian use throughout the year, with the exception of existing uncomfortable conditions along the north side of Gibbs Road that are not attributed to the proposed development.

Wind speeds after construction are anticipated to remain comfortable for the intended use of most areas year-round, including the POPS and new public park. However, wind screens may be employed as a mitigation measure on the fourth floor rooftop terraces on Building 1 in order to reduce higher-than desired wind speeds. Based on the study and proposed mitigation measures, Planning staff will continue to work with the applicant through the Site Plan application review process to ensure that the resulting conditions are acceptable.

The owner will be required to implement the wind control measures identified in the Pedestrian Wind Study, dated October 8, 2019, prepared by RWDI to the satisfaction of the Chief Planner and Executive Director, City Planning. Any required mitigation measures would be secured through the Site Plan application review process.

Amenity Space

The Official Plan states that significant new multi-unit residential developments will provide indoor and outdoor amenity space for new residents on site. City-wide Zoning By-law No. 569-2013 requires a total of 4 m² of total amenity space per unit, 2 m² per unit of outdoor amenity space and 2 m² per unit of indoor amenity space of which at

least 40 m² is to be adjacent to outdoor amenity space. The application meets these requirements.

Building 1 on the west side of the site proposes indoor and outdoor amenity spaces (3,268 m² or 4 m² per unit combined) located on the ground, 2nd, 3rd, 4th and 5th floors. Building 2 on the east side of the site proposes indoor and outdoor amenity spaces (824 m² or 4 m² per unit combined) located on the 3rd and 4th floors of the mid-rise building. Child specific play areas will be included in the outdoor amenity space areas. The specific programming of these spaces would be finalized during the Site Plan application review process.

Noise Impact Study

The Official Plan requires that development adjacent to or nearby transportation corridors will be appropriately designed, buffered and/or separated from transportation sources, as necessary, to mitigate any adverse impacts of these sources on the new development and vice versa. The Ministry of Environment, Conservation and Parks (MECP) have established noise guidelines and air quality regulations to achieve these objectives. New Provincial noise guidelines were introduced in 2013, which replaced and consolidated previous 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.

A Noise Impact Study, dated October 10, 2018, and an Addendum Noise Impact Memorandum, dated July 3, 2019, prepared by RWDI were submitted in support of the application. The predominant potential sources of transportation noise with the potential to affect the proposed development were identified as Highway 427, Bloor Street West and The East Mall. RWDI recommended that windows be glazed with sound isolation performance up to STC 41 and that air conditioning be installed in all suites to allow for windows to remain closed. Also recommended were the inclusion of noise warning clauses in Purchase and Sale Agreements related to transportation noise in outdoor amenity spaces and certain indoor areas.

The City retained a third party professional consultant, GHD, to peer review the applicant's Noise Impact Study with the cost borne by the applicant. GHD's review advises they are in general agreement with the analysis and statements in the Noise Impact Study submitted in support of the proposed mixed use development. However, GHD recommends that the following items be further reviewed to clearly document the Study's findings:

- The noise mitigation for the outdoor living areas and the applicable warning clauses should be reviewed for consistency with NPC-300. In particular, further study or City approval is required for Outdoor Living Areas 3 and 4. The inclusion of additional warning clauses for any Outdoor Living Areas that do not meet the NPC-300 guideline limits is recommended; and

- A detailed Noise Impact Study be a requirement for site plan approval.

Staff note there is concern regarding the sound level of open space areas 3 and 4 (one of which is the children's play area on the roof). However, as per the review of GHD, this matter can be addressed through the Site Plan application review process.

As such, staff recommend that prior to Site Plan Approval, the owner submit an updated Noise Impact Study/Addendum Letter to be further peer reviewed to the satisfaction of the Chief Planner and Executive Director, City Planning. This would be secured in the Section 37 Agreement as a legal convenience.

Air Quality Study

Etobicoke York Community Council requested that Toronto Public Health be included in the circulation for comments, with an emphasis on the review of aircraft, highway and transportation related noise and air quality related to the proposed development.

Planning staff note the site is designated *Mixed Use Areas* in the Official Plan which contemplates residential uses on this site and the existing context includes mixed and residential development along the Highway 427 corridor.

The Ministry of Environment, Conservation and Parks (MECP) have established air quality regulations. The MECP set air quality limits that are protective of human health and the environment. Emissions of air contaminants is regulated under Ontario Regulation 419/05, as amended.

RWDI prepared an Air Quality Assessment Summary, dated September 6, 2019 which was circulated to Public Health. RWDI's preliminary determination was that air quality conditions adjacent to Highway 427 would be adequate to allow for residential development, provided that standard mitigation measures be incorporated into the development, particularly at the lower levels where exposure to vehicle exhaust is greatest. The design of the proposed development, including the open space that is shielded from the highway and raised outdoor amenity areas on the roof of the 4-storey podium, are positive features in this regard. More specific sound and air quality mitigation measures will be considered through the Site Plan application review process.

Public Health staff reviewed the Air Quality Assessment summary by RWDI and accepts the proposed approach. Further, Public Health staff advised that the applicant's consultants would be required to conduct an additional Air Quality Assessment that would include dispersion modelling to determine the impacts of transportation emissions on local air quality at the site plan application stage. The new Air Quality Assessment would be peer reviewed by an independent third party selected by the City (at the cost of the applicant). Should there be an air quality impact identified in the study,

appropriate mitigation measures would be considered and secured through the Site Plan application review process.

The above requirements are recommended to be secured in the Section 37 Agreement and subsequent Site Plan Agreement(s), should the application be approved.

Traffic Impact

The applicant's transportation consultant (BA Group) submitted a revised Urban Transportation Considerations Addendum report, dated October 3, 2019 and Urban Transportation Considerations Response to comments, dated March 6, 2020 based on the revised proposal.

The report indicates that the existing office buildings on the site generate approximately 195 and 215 two-way vehicle trips during the weekday morning and afternoon peak hours, respectively. The proposed office use would result in 30 and 35 two-way vehicle trips during peak hours.

Based on a review of traffic counts for proximate developments, the transportation study estimated that the residential component of the proposed development would generate approximately 265 and 305 new two-way vehicle trips during the weekday morning and afternoon peak hours, respectively.

After accounting for the removal of the vehicular trips associated with the existing office use, and assuming that the retail uses are ancillary to the mixed-use development, the report indicates that the proposed development is forecast to generate approximately 100 and 125 net new two-way vehicular trips during the weekday AM and PM peak hours, respectively.

The report concludes that the projected site trips and projected development traffic can be accommodated on the area street network under future conditions with recommended traffic signal optimizations and other minor network improvements.

Transportation Services staff generally accept the consultant's traffic findings above. However, staff have advised that various transportation matters will have to be addressed to the satisfaction of the General Manager of Transportation Services, at no cost to the City. These matters are to be secured through appropriate agreements and generally pertain to (but are not limited to) the following:

- Submitting a revised traffic capacity analyses of the existing signalized intersection at Bloor Street West and The East Mall and the existing signalized intersection at Bloor Street and The West Mall, based upon the most up-to-date signal timing information and with recommendations for signal timing adjustments and provision of any additional signal phases to improve the level-of-service at these intersections;
- Submitting a revised traffic capacity analysis for the previously-approved traffic control signals at the intersection of Gibbs Road and The East Mall with

recommendations for any signal timing modifications from the previously-approved signal timing plan for that intersection;

- Signal timing adjustments and provision of any additional signal phases to improve the level-of-service, including any hardware modifications;
- Submitting any necessary engineering drawings/documentation;
- Removing and replacing traffic lanes and turning lanes;
- Intersection changes/improvements;
- Submitting pavement marking and signing plans; and
- Paying for all costs associated with the above.

The above matters would be required prior to Site Plan Approval or prior to the issuance of any above grade building permit as specifically outlined in the Recommendations of this report. These matters would be secured as a legal convenience in a Section 37 Agreement.

Transportation Services staff also advise outstanding transportation matters pertaining to sidewalks; car-share spaces; vertical clearance; pick-up/drop-off and vehicle manoeuvring diagrams can be resolved through the Site Plan application review process.

Driveway Access/Site Circulation

Vehicular access to the site is currently provided by three driveways including two full movement driveways from Gibbs Road and one right-in, right-out/left-in driveway from The East Mall. These existing driveways are proposed to be closed to accommodate the new development.

The revised application proposes that access to the site would be provided via a new 20.0 m private north-south street located in the centre of the site, designed to City standards for public roadways, with appropriate pavement width, boulevards and building setbacks. The new central private north-south street would connect Gibbs Road to the north with Bloor Street West to the south. At Gibbs Road, the private north-south street would be aligned with the driveway to the approved development at 2 Gibbs Road.

Two driveways that would connect to the new private north-south street are proposed to serve the proposed development, including:

- The driveway for Building 1 that serves the at- and below-grade parking facilities and the at-grade loading facility; and

- A driveway for Building 2 that serves the below-grade parking and at-grade loading facilities.

Parking

The revised proposal removed the above grade parking levels and parking is to be provided predominantly below grade.

The revised application proposes a total of 1,044 parking spaces including 877 resident spaces and 167 spaces to be provided for the non-resident parking requirement (office, retail and residential visitor). The applicant proposes that the visitor parking spaces will be shared between visitors to the retail and residential components of the site. A total of 24 accessible parking spaces would be provided.

The proposed parking arrangement is based on the recommendations in the Urban Considerations Study by BA Group regarding the use of Policy Area 4 Parking standards in City-wide Zoning By-law No. 569-2013. In addition, the applicant's transportation consultant provided supplementary information to support the Policy Area 4 parking ratios, including various proxy demand studies that were undertaken by BA Group and parking sales data. Based upon this additional information, Transportation Services staff accept the use of the Policy Area 4 requirements with the parking sharing provisions, for the subject proposal.

As part of the proposed parking supply for the subject development, the applicant proposes to provide three car-share parking spaces, which would typically qualify for a maximum parking reduction of 12 resident spaces. Transportation Services staff advise that the proposed car-share parking spaces should not be included as part of the proposed residential parking supply and should be counted as a separate. The applicant would be required to submit documentation to the satisfaction of Transportation Services staff confirming that a car-share provider has been secured for the site, including the terms under which the car-share service is being provided, during the Site Plan application review process.

A total of 782 bicycle parking spaces (701 long term and 81 short term spaces) would be integrated into Buildings 1 and 2 and made available at grade to encourage and facilitate the use of bicycles by both residents and visitors.

The required parking provisions are included in the Draft Zoning By-law Amendments. The final layout and design of the proposed parking supply would be refined through the Site Plan application review process.

Loading

The proposed development would provide five loading spaces (two Type 'G' loading spaces and three Type 'C' loading spaces) within two loading facilities. The facilities for Building 1 would include a smaller loading area with two Type 'C' spaces to service moving and delivery needs for Tower C. Building 1 will also feature a larger loading area

with one Type 'G' space and another Type 'C' loading space to service the building's waste collection needs and moving and delivery needs for Towers A and B. For Building 2, the revised application proposes the inclusion of a single loading area with one Type 'G' loading space that would facilitate the moving, delivery and waste collection requirements for the entire building.

Transportation Services staff accept the proposed number of loading spaces but advise that additional requirements would be stipulated through the Site Plan application review process.

Road Widening

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for Gibbs Road, a 0.4 metre road widening along the Gibbs Road frontage would be required to be conveyed by the applicant to the City. In addition, Transportation Services staff advise that a 6.0 m corner rounding would be required at the intersection of The East Mall and Gibbs Road. These conveyances would be secured and conveyed through the Site Plan application review process.

Streetscape and Public Realm

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 function for pedestrians through landscaping and setbacks and create attractive transitions from the public to private realms.

The proposed development includes widened sidewalks adjacent to the new private street and along the new retail uses which would front The East Mall and a minimum 2.1 m pedestrian clear space along all public streets. All service areas would be located and screened to minimize the impact on adjacent streets and residents, primarily inside the proposed buildings.

Several new tree plantings have been proposed both within and external to the site and have been included in the revised proposal. A fenced dog park has also been included in the 14 m setback adjacent to Highway 427. Planning staff are of the opinion the proposed streetscape improvements are appropriate and would create high-quality, landscaped, pedestrian-oriented streetscapes along the adjacent public streets and proposed central private street. Streetscape details will be finalized and secured through the Site Plan application review process.

Toronto Transit Commission (TTC)

The application was reviewed by TTC staff and no transit capacity issues were identified. However, staff note that the recently approved adjacent development at 2 Gibbs Road was required to provide a cash contribution toward implementing transit

signal priority measures at the proposed traffic signal at The East Mall and Gibbs Road, as well as four existing signalized intersections near the site on the affected bus route.

TTC bus stop #2202 on The East Mall southbound at Bloor Street West is located on the frontage of the subject site. There is a shelter at the existing location that the TTC requires to be retained. The owner is required to show the location of the bus shelter on all future plans. The removal of the southbound channelized right-turn lane at The East Mall/Bloor Street West may necessitate the relocation of the TTC bus stop closer to the intersection, at the owners expense. If the shelter must be relocated for any reason, the applicant must coordinate the new location of the shelter with Street Furniture Management (TTC) as shelters are the City of Toronto's responsibility.

Servicing

The applicant submitted a Functional Servicing Report, updated March 23, 2020, prepared by Odan/Detech Group Inc. and a Hydrogeological Review prepared by Terraprobe Consulting Geotechnical & Environmental Engineering dated February 27, 2020. The reports indicate no stormwater, sanitary or groundwater issues associated with the proposal. Engineering and Construction Services staff have reviewed the reports and advised that no revisions in this regard are required for the Zoning By-law Amendment application. Further, staff advised that any remaining servicing issues are minor in nature and would be addressed through the Site Plan application review process.

With respect to the concern of residents regarding power supply/outages, Toronto Hydro was circulated the application and had no comments in this regard.

Economic Development

The current use on the site is an office complex comprised of two 6-storey buildings and one 9-storey building connected by 1 and 2 storey podiums with surrounding surface parking. The total gross floor area is approximately 34,375 m²; including 17,427 m² of office space at 304 The East Mall which is currently vacant.

Economic Development staff opined that the longstanding presence of the current buildings on the site known as the Valhalla Executive Centre have been integral to the overall identity of the Highway 427 Corridor office node. Further, employment uses such as offices are a key contributor to the development of 'Complete Communities' as defined in the Greater Golden Horseshoe Growth Plan and help achieve an efficient and resilient development and land use pattern that works towards the policy objective of Building Strong Healthy Communities as contemplated in the Provincial Policy Statement.

Staff had significant concern with the original proposal which featured predominantly residential uses with only 898 m² of retail and no office space. Staff objected to the proposed loss of significant office/employment uses on site in the original application.

The applicant was directed to preserve some of the office/employment uses on the site as part of the mixed use development in order to meet the intent of the *Mixed Use Areas* designation, other Official Plan Policies pertaining to a mix of uses and Healthy Neighbourhoods as well as the Complete Community Policies of the Growth Plan.

Staff requested that a sizeable and identifiable amount of employment/office use be provided on the site in order to provide a development where people can live, work and play thus increasing quality of life and reducing the need to commute. Further, staff recommended different options regarding appropriate locations for office uses on the site.

Based on the above, the applicant revised the application to provide approximately 4,000 m² of non-residential space, including 2,800 m² of office space on the west side of the site on the ground floor facing the proposed POPS as well as on the third floor facing the proposed POPS, Bloor Street West and Highway 427 in the podium of Building 1.

Staff accept the revised proposal indicating 2,800 m² of office space and its location which would allow for prominent visibility. This will be secured through a required minimum gross floor area for non-residential uses of 4,000 m² in the Draft Zoning By-law Amendments.

Housing, Tenure and Family-Sized Units

Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) also contains Policies 2.2.1.4, 2.2.4.9 and 2.2.6.3 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The applicant had advised that the proposed intended tenure of the development is rental (pending future market conditions).

The Council-adopted Growing Up Urban Design Guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. Guideline 2.1 of the Growing Up Guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the Guidelines state that 10% of the total residential units should be three-bedroom units and 15% should be two-bedroom units.

The proposed development includes 1,023 residential units. Staff typically seek to secure a minimum of 20% of units as two-bedroom units and 10% of units as three-bedroom units, consistent with Official Plan objectives to create a diversity of unit types. This is also consistent with the City's Growing Up Guidelines which emphasize the need to accommodate the growing demand for family housing in vertical communities. A minimum of 10% three-bedroom units and a minimum of 20% two-bedroom units will be secured in the Draft Zoning By-law Amendments and as a legal convenience in the Section 37 Agreement.

Open Space/Parkland

The Official Plan includes policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan illustrates the level of local parkland service across the City. The site is in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people, which is in the middle quintile of current provision of parkland. The site is also in a parkland acquisition priority area, per Chapter 415, Article III of the Toronto Municipal Code.

The application proposes the development of 1,023 residential units with a non-residential gross floor area of 3,980 m². At the alternative rate of 0.4 hectares per 300 dwelling units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement would be 14,667 m² or 107% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement for the subject proposal is approximately 1,965 m².

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication which complies with Policy 3.2.3.8 of the Official Plan. The application proposes an on-site parkland dedication of 2,040 m² located at the southeast corner of the site, which is at the northwest corner of Bloor Street West and The East Mall. An open space in front of Building 1 and a number of outdoor amenity spaces are also proposed. The location, size and configuration of the proposed park, open spaces and outdoor amenity spaces are acceptable to Parks, Forestry and Recreation staff.

Planning staff also note that the new public park would increase the supply of parkland in the area, support the proposed density, facilitate social gathering, support child-friendly communities, continue the network of green/open space/parks located across the street associated with the school, recently built/approved developments along The East Mall containing other privately-owned publicly accessible open spaces, and the existing nearby park on The East Mall, thereby contributing to a complete community.

Parks, Forestry and Recreation staff have requested numerous conditions pertaining to the provision of the new public park such as (but not limited to): Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements. Staff recommend that these conditions be satisfied and secured as outlined in Recommendations 5, 6 and 7 of this report.

Privately-Owned Publicly Accessible Open Space (POPS)

A minimum of 750 m² of privately-owned publicly accessible open space (POPS) is proposed. The proposed POPS would be located on the west side of the site in front of the lobby entrances to Building 1 and would include a pedestrian orientated walkway with trees, child specific play areas and seating areas. It would also require public

access easements over the proposed pedestrian walkway along the proposed north-south central street through the site, which would be accessed from the Bloor Street West public sidewalk.

Staff consider the proposed POPS to be a positive element of the proposal as it replaces the previously proposed automobile drop-off area with a centralized landscaped open space similar to the POPS in the adjacent approved development at 2 Gibbs Road. This would create a network of open spaces and communal courtyards which provide opportunity for significant public realm enhancements. Staff recommend that the POPS be secured in the Section 37 Agreement as a legal convenience and its final design be secured through the Site Plan application review process.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. The site was identified to have archaeological potential. The applicant submitted a Stage 1 Archaeological Assessment dated October 10, 2018 by ASI which determined that there are no further archaeological concerns regarding the subject property. Heritage Planning staff reviewed the submitted report and concur with this assessment.

Tree Preservation

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: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and iii) regulating the injury and destruction of trees".

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Tree By-law) and III (Private Tree By-law). The application is proposing to preserve 19 City-owned trees and remove 2 City-owned trees and 21 protected privately owned trees. Urban Forestry staff are in receipt of the required Application to Injure or Destroy Trees and the applicable fee for permission to remove the 23 trees and are in the process of reviewing the application. The Landscape Plan submitted in support of the revised proposal shows 42 new trees on private property and a total of 86 new trees on the City's road allowance and in the new public park.

Urban Forestry staff advise they do not object to the Zoning By-law Amendment application, based on their outstanding matters being resolved to the satisfaction of Urban Forestry staff through the Site Plan application review process.

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 or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for Tier 1 development features secured through the zoning by-law process are automobile and cycling infrastructure. Other applicable TGS performance measures will be secured through the Site Plan application review process. This report recommends that the TGS requirement be secured as a legal convenience in the Section 37 Agreement.

Ministry of Transportation

The Ministry of Transportation (MTO) requires that any new buildings/structures above and below ground, and any other features such as fire routes, loading docks, driveways, municipally assumed/private roads and/or servicing must be set back 14 m from the Highway 427 right-of-way. The 14 m setback requirement is provided in the proposed Draft Zoning By-law Amendments. The MTO requires the applicant to obtain permit(s) prior to any construction and for all signs visible to the highway. This requirement is to be included in the Section 37 Agreement as a legal convenience.

In this case, the MTO will permit the proposed dog walk area and associated pedestrian walkway located within the 14 m required setback on the following conditions:

- The dog walk area is only acceptable if it is deemed non-essential and labelled as such on the Site Plan;
- The owner providing a letter stating that should Highway 427 be expanded and land is required through expropriation, the developer or condominium corporation will not be compensated for the loss of the dog walk area; and
- Upon establishment of the condominium corporation(s), notify the condominium corporation(s) of the potential to lose the dog walk area.

MTO staff have advised that the locations of the proposed buildings are acceptable. However, MTO staff have advised that they require additional drawings and/or plans and have minor traffic/transportation comments based on the applicant's submitted Transportation Impact Study and site plan. Further, MTO staff advise they require a revised Functional Servicing Report to review. MTO staff have advised that these minor issues may be addressed through the Site Plan application review process.

Greater Toronto Airports Authority and NAV Canada

The Greater Toronto Airports Authority (GTAA) staff had previously advised that proposed Tower B in Building 1 penetrated the International Civil Aviation Organization Type A surface by almost 17 m. The revised proposal reduced the proposed building heights and modified the shape of Tower B to comply with the flight path requirements. The GTAA reviewed the revised proposal and indicated that Tower B would no longer encroach into the Type A surface. GTAA staff have requested that any revised drawings be provided for their review through the Site Plan application review process.

The Greater Toronto Airport Authority (GTAA) and NAV Canada staff have advised they have no objections to the proposed building heights. NAV Canada staff have requested that the owner notify NAV Canada a minimum of 10 days prior to the start of construction. This report recommends that a condition in this regard be secured as a legal convenience in the Section 37 Agreement.

Local Schools

Toronto District School Board (TDSB) staff advise that currently there is insufficient space at the local elementary and middle schools to accommodate students anticipated from this development and others in the area. Children from the proposed development would not displace existing students at local schools.

TDSB staff have requested that as a condition of approval, the proponent enter into an agreement to erect and maintain signs on the site advising that sufficient accommodation might not be locally available for all students. The signs shall be to the Board's specifications and be erected prior to registration or the issuance of any building permit. TDSB staff also requested warning clauses be included in all offers of purchase and sale of residential units advising of the inability to accommodate students locally and on busing procedures. These requirements are proposed to be secured in the Section 37 Agreement and subsequent Site Plan Agreement(s), should the application be approved.

The Toronto Catholic District School Board has not provided any comments.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the liveability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in

community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a CS&F Study in support of the proposal. The CS&F Study determined that there is a general need for multi-purpose community agency space for the delivery of locally-based community services and facilities as well as need for early year's child care spaces. City Planning conducted a Survey of Human Service Agencies for the Etobicoke Centre and found there was a need for affordable and accessible community agency space in the area. This need was supported by the Ward councillor who advised that public consultations have provided similar feedback, particularly with regards to the need for seniors focused services and programs as well as general community arts facilities and programs.

Community Agency Space

A 465 m² non-profit community agency space is proposed to be located on the ground floor of Building 2 facing the proposed public park including a visible entrance and lobby area from Bloor Street West and/or The East Mall. The space would be conveyed to the City at no cost, and tenanted to an eligible community agency under the City's Community Space Tenancy policy. Further, the space would be accessible and finished with windows, a kitchenette, accessible washroom, large open space for programming, and storage space/lockers. Two parking spaces would be exclusively dedicated for the community agency space.

The proposed development would contribute towards the community service and facility needs of the area by providing a community agency space as a community benefit under Section 37 of the *Planning Act*. The community agency space would be secured in the Section 37 Agreement.

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, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The following community benefits are recommended to be secured in the Section 37 Agreement:

- A 465 m² Community Agency Space in accordance with the City's standard terms and delivered at base building conditions; and

- The owner to provide a one-time cash contribution in the amount of \$750,000.00 for future capital improvements to the Community Agency Space.

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

- The owner to convey the required 2,040 m² parkland dedication to the City.
- The Parkland Conveyance; Environmental Assessment; Park Construction and Base Park Improvements; Above Base Park Improvements; and Credit Against Development Charges for Above Base Park Improvements.
- A POPS not less than 750 m² on the west side of the site in front of the lobby entrance to Building 1, with child specific play areas and seating to be provided to the City for nominal consideration with public access easements to and over the POPS for use by members of the general public. Public access easements would also be provided over the pedestrian walkway along the proposed north-south central private street through the site, which would be accessed from the public sidewalk and street (Bloor Street West).
- Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.
- Required permit(s) from the Ministry of Transportation (MTO) prior to any construction and for all signs visible to Highway 427.
- Wind control measures identified in the Pedestrian Wind Study, dated October 8, 2019, prepared by RWDI to the satisfaction of the Chief Planner and Executive Director, City Planning. Any required mitigation measures would be secured through the Site Plan application review process.
- Submitting an updated Noise Impact Study/Addendum Letter to be further peer reviewed to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required noise mitigation measures, to be secured through the Site Plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- Air quality measures and recommendations identified in the Air Quality Assessment prepared by RWDI, dated September 6, 2019 and any future addendum as well as conducting an Air Quality Assessment that will include dispersion modelling to determine the impacts of transportation emissions on local air quality to the satisfaction of Public Health. Should there be an air quality impact identified in the study, appropriate mitigation measures would be considered and secured through the Site Plan application review process to the satisfaction of Public Health and the Chief Planner and Executive Director, City Planning.

- Requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- Notification to NAV Canada a minimum of 10 days prior to the start of construction.
- A minimum of 10% of the dwelling units on the lands must be three-bedroom units and a minimum of 20% of the dwelling units on the lands must be two-bedrooms units.
- Undertaking the transportation matters outlined in Recommendation 4.b. x., a-h of this report, to the satisfaction of the General Manager of Transportation Services, at no cost to the City.

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 *Mixed Use Areas*, Built Form and Public Realm policies. Staff worked with the applicant and the community to address and resolve the following key concerns: reducing the proposed building heights and density; revising the massing of the buildings by increasing setbacks, stepbacks and separation distances to reduce shadow impacts while increasing sunlight, privacy and views; and providing office space. The proposal would contribute positively to the area by providing a new public park, a new POPS, a new community agency space on site, a mix of uses and much needed family-size dwelling units compatible with the surrounding context. 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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Nicole.Ivanov@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 - City-Wide Zoning By-law No. 569-2013

Attachment 6: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachments 8-11: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 300-304 THE EAST MALL Date Received: October 12, 2018

Application Number: 18 241669 WET 05 OZ

Application Type: Rezoning

Project Description: To amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit a multi-building, mixed-use development consisting of one residential building (heights ranging from 6-10 storeys) with ground floor retail on the east side of the site and three residential apartment towers (21, 29 and 37 storeys in height) above a 2-4 storey podium base building on the west side of the site. The development would contain a total of 1,023 residential units and a gross floor area of 89,502 m², of which 3,980 m² would be non-residential uses including 2,801m² of office space. A new public park on the southeast portion of the site, a POPS on the west side of the site, a new private road and 465 m² of community agency space would be provided. The existing office buildings on the site would be demolished.

Applicant	Agent	Architect	Owner
MARK FLOWERS			KS 300, 302 & 304 THE EAST MALL INC.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning:	(CR.04) (c0.4; r0.0) SS3 (x905) and Planned Commercial Preferred	Heritage Designation:	N
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Height Limit (m):	Site Plan Control Area:	Y
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PROJECT INFORMATION

Site Area (sq m): 18,163 Frontage (m): 158 Depth (m): 125

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	5,600		6,581	6,581
Residential GFA (sq m):			85,522	85,522
Non-Residential GFA (sq m):	34,500		3,980	3,980
Total GFA (sq m):	34,500		89,502	89,502
Height - Storeys:			37	37
Height - Metres:			116	116

Lot Coverage Ratio (%) : 36.23 Floor Space Index: 4.93

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	85,522	
Retail GFA:	1,179	
Office GFA:	2,801	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			1,023	1,023
Other:				
Total Units:			1,023	1,023

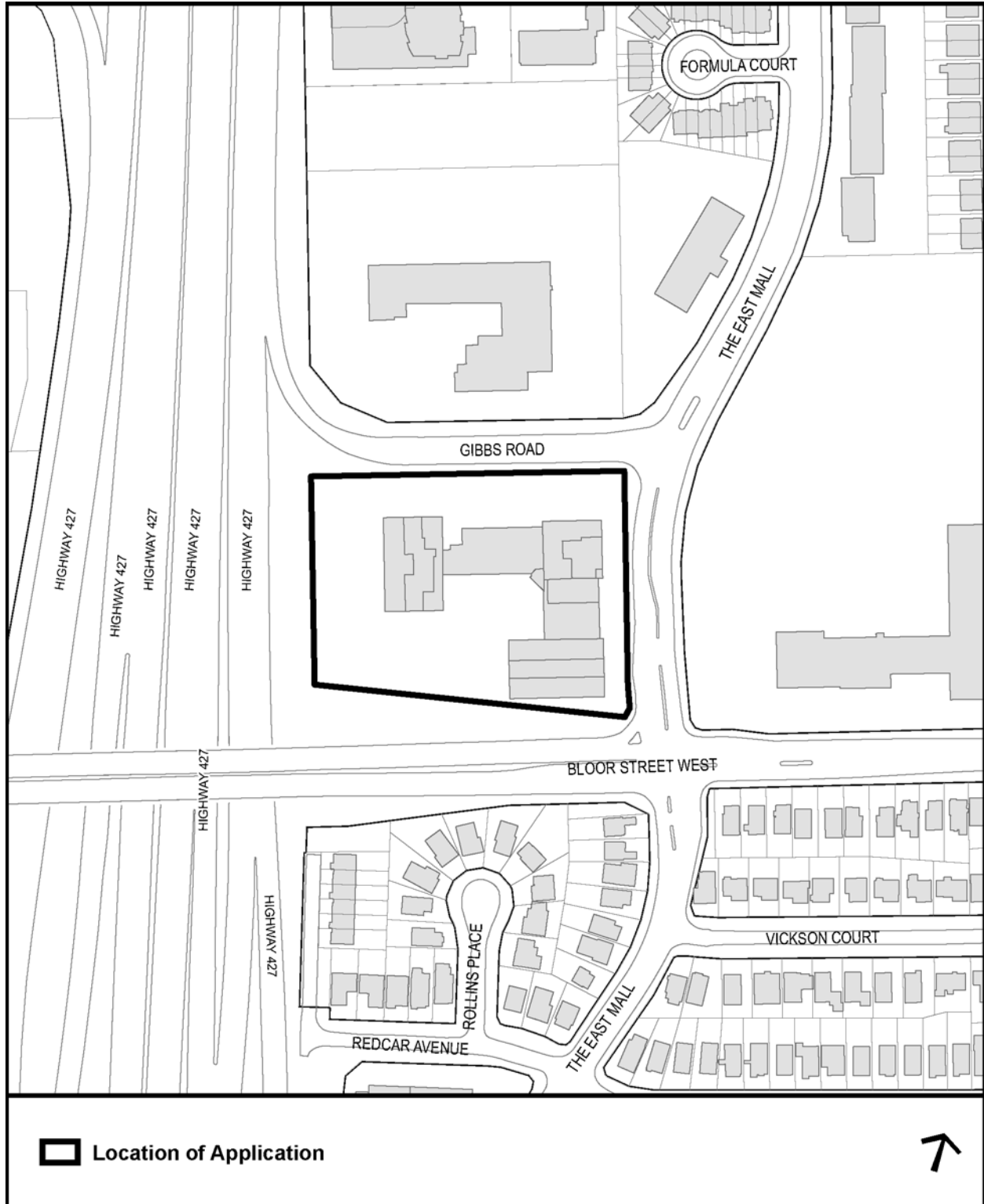
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			527	383	113
Total Units:			527	383	113

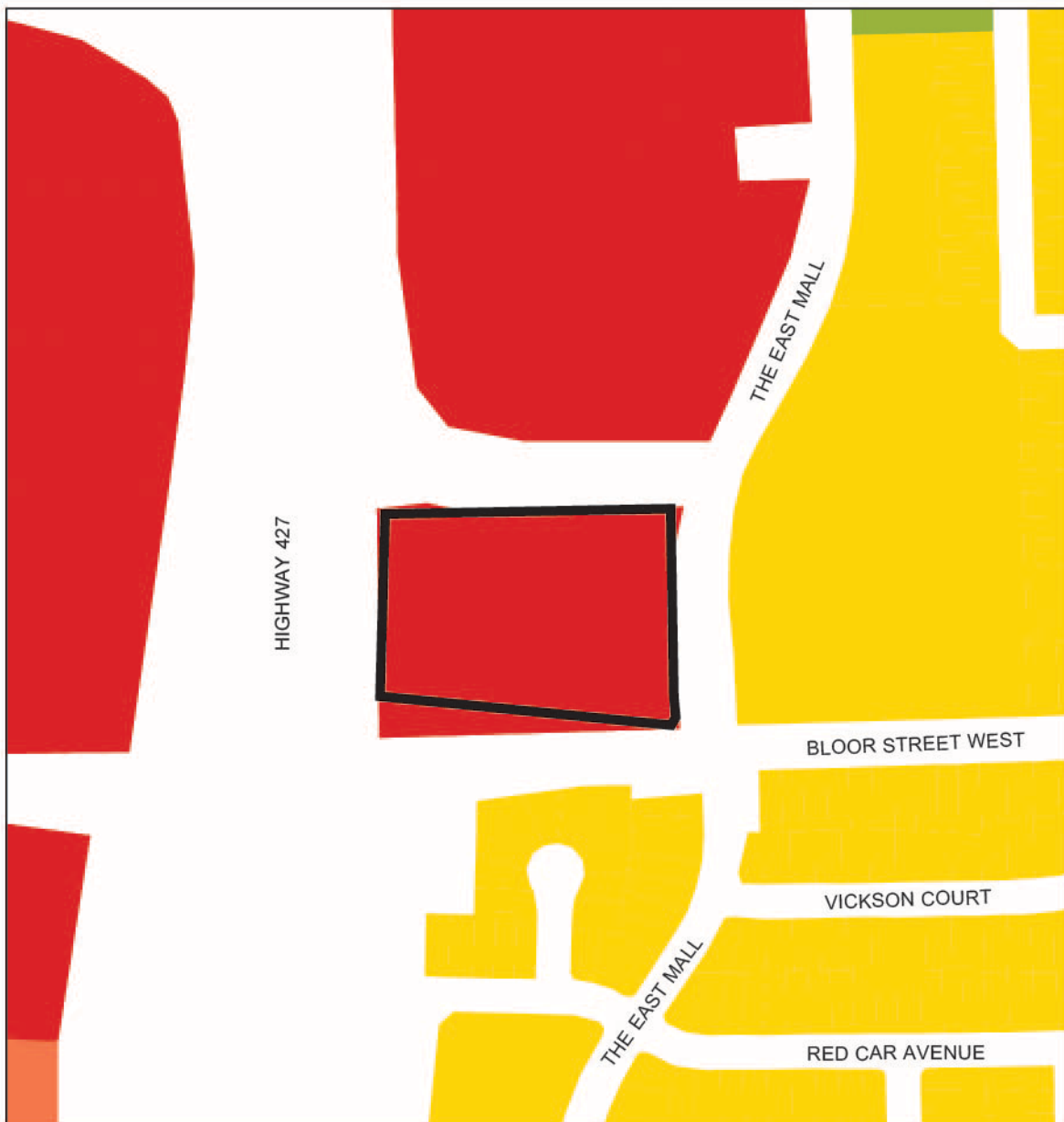
Parking and Loading

Parking Spaces:	1,044	Bicycle Parking Spaces:	782	Loading Docks:	5
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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #14

300, 302 and 304 The East Mall

File # 18 241669 WET 05 02

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


Not to Scale
07/14/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

300, 302 AND 304 The East Mall

File # 18 241669 WET 05 02



Location of Application

RD Residential Detached
RT Residential Townhouse

RM Residential Multiple
CR Commercial Residential
UT Utility and Transportation



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

R2 Second Density Residential Zone
CPP Planned Commercial Preferred Zone



Not to Scale
Extracted: 01/10/2019

CITY OF TORONTO

BY-LAW XXX - 2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 300 to 304 The East Mall.

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 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; and

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; and

Whereas pursuant to Section 39 of the *Planning Act*, the Council of a Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines as shown on Diagram 2 attached to this by-law to CR 0.4 (c0.4; r0.0) SS3 (x267).
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 267 so that it reads:

(267) Exception CR 267

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 300 to 304 The East Mall, if the requirements of Section 9 and Schedule A of By-law ###-2020 are complied with, **buildings** and **structures** may be constructed or used in compliance with (B) to (W) below;
- B. For the purposes of this exception:
 - i. the **lot** is the lands outlined by heavy black lines on Diagram 1 of By-law ###-2020 [Clerks to insert];
 - ii. 'Area 1' and 'Area 2' are defined to include the corresponding area within the **lot** as identified on Diagram 1 of By-law ###-2020 [Clerks to insert];
- C. Despite regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building**.
- D. Despite regulation 40.10.40.40(1):
 - i. the permitted maximum **gross floor area** of all **buildings** and **structures** is 90,000 square metres;
 - ii. the permitted maximum **gross floor area** for residential uses is 86,000 square metres;
 - iii. the required minimum **gross floor area** for non-residential uses is 4,000 square metres; and,
 - iv. within 'Area 1', any **storey** of **Tower A, B and C** above a height of 16 metres must not have a **gross floor area** exceeding 750 square metres and for clarity this does not apply to **buildings** in 'Area 2';

- E. In addition to the **building** elements listed in regulations 40.5.40.40(3) and (5), the **gross floor area** of a **mixed use building** and an **apartment building** is also reduced by the areas in a **building** used for:
- i. **public parking**, inclusive of ramps and aisles below-ground;
 - ii. hallways and elevator vestibules below-ground; and,
 - iii. electrical, utility, mechanical and ventilation rooms on any level of the **building**;
- 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:
- i. 132.36 metres in the year 2020 and the elevation of the highest point of the **building** or **structure** for 'Area 1' on Diagram 1; and,
 - ii. 132.44 metres in the year 2020 and the elevation of the highest point of the **building** or **structure** for 'Area 2' on Diagram 1;
- G. Despite regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol "HT" on Diagram 3 of By-law [Clerks to insert By-law];
- H. Despite (G) above, and regulations 40.5.40.10(4), (5), (6), (7) and (8) and 40.5.751(2)(A)(ii), the following elements of a **building** may project above the permitted maximum **building** heights shown on Diagram 3 of By-law [Clerks to insert By-law]:
- i. **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, retaining walls, and ornamental features may project above the height limits by no more than 2.0 metres;
 - ii. elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - iii. acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.75 metres;
 - iv. cabanas and trellises may project above the height limits by no more than 3.6 metres;
 - v. photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits by no more than 5 metres;
 - vi. any equipment or **structures** used for the functional operation of the **building**, including mechanical penthouse, mechanical

- elements, garbage chutes, vents, emergency generators, lighting fixtures, mechanical screening and heating/cooling towers may project above the height limits by no more than 7.0 metres; and
 - vii. window washing equipment, lightning rods, wind mitigation features, elevator overrun and public art features may project above maximum **building** heights;
- I. Despite regulations 40.10.40.70(3), 40.10.40.70(4) and 40.10.40.80(2), the required minimum **building setbacks** and above-ground separation distance between **main walls** are as shown on Diagram 3 of By-law [Clerks to insert By-law No.]
- J. Despite (I) above and regulations 40.10.40.60(1) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above-ground separation distance between **main walls** on Diagram 3 of By-law XXXX-2020:
- i. balconies may encroach no more than 2.0 metres into the minimum **building setbacks** required by (I);
 - ii. cladding, photovoltaic solar energy devices, wind mitigation features, canopies, awnings, **building** cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and **green roof** elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, and exhaust flues may encroach no more than 2.5 metres into the minimum **building setbacks** required by (I); and
 - iii. public art features.
- K. No portion of a building, excluding those features listed in (H) or (J) above, may penetrate a 45-degree angular plane projected over the lot, starting at a line along a lot line of any lot in the O, ON or OR zone or the Residential Zone category or Residential Apartment Zone category, at the average elevation of ground of such lot line.
- L. Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- i. **parking spaces** for residents must be provided in accordance with the following minimum rates:
 - a. 0.7 **parking spaces** per **dwelling unit** for each bachelor **dwelling unit**;
 - b. 0.8 **parking spaces** per **dwelling unit** for each one bedroom **dwelling unit**;

- c. 0.9 **parking spaces** per **dwelling unit** for each two bedroom **dwelling unit**; and,
 - d. 1.1 **parking spaces** per **dwelling unit** for each three or more bedroom **dwelling unit**;
- ii. a minimum of 2 **parking spaces** must be provided exclusively for the community use provided in accordance with Schedule A attached to By-law XXXX-2020 [Clerks to insert] and must be:
 - a. clearly identified and marked; and
 - b. available without a fee;
- iii. **Parking spaces** for all other uses must be provided in accordance with Table 1 attached to By-law [Clerks to Insert] and (iv) below;
- iv. the minimum number of **parking spaces** as required in Table 1 attached to By-law [Clerks to Insert] is determined as follows:
 - a. for each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of **parking spaces** required for each use is calculated using the respective **parking space** rate and occupancy rate;
 - b. the minimum number of **parking spaces** required for each parking period is the total of the **parking spaces** required for all uses during that parking period; and
 - c. the minimum number of **parking spaces** required for all uses on the **lot**, other than **parking spaces** required for residents by (L)(i) above, is equal to the largest number of **parking spaces** required for any parking period;
- v. All parking spaces must be located within a parking garage with the exception of 13 surface parking spaces;
- M. **Parking spaces** must be provided in accordance with regulation 40.5.80.1(1), with the exception that **parking spaces** provided pursuant to (L)(ii) above, may be provided on a non-exclusive basis and may be provided within a **public parking** use on the **lot**;
- N. Despite subsection (L) above, the minimum number of resident **parking spaces** required may be reduced by 4 **parking spaces** for each 'car share **parking space**' provided, up to a maximum of 1 'car-share **parking space**' per 60 **dwelling units**.
- O. **Bicycle parking spaces** must be provided on the **lot** in accordance with the following:
 - i. At least 0.68 long-term residential **bicycle parking spaces** for each **dwelling unit**;

- ii. At least 0.07 short-term residential **bicycle parking spaces** for each **dwelling unit**; and,
- iii. Despite 230.5.10.1, no **bicycle parking spaces** are required for non-residential uses with the exception of office uses which require:
 - a. at least 0.13 **bicycle parking spaces** per 100 square metres of office **gross floor area** shall be provided as long-term **bicycle parking spaces** for the office use; and
 - b. at least 3 **bicycle parking spaces** plus 0.15 **bicycle parking spaces** per 100 square metres of office **gross floor area** shall be provided as short-term **bicycle parking spaces** for the office use;
- iv. Despite regulation 230.5.1.10(7), no shower and change facilities are required;
- v. Despite regulation 230.5.1.10(9), long-term and short-term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located above or below ground in the **building**.
- vi. Despite regulation 230.5.1.10(10), long-term and short-term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;
- vii. Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**, with the grade not exceeding a 2% slope and may be located in a secured room or an unsecured room;

P. Despite regulation 200.15 and By-law 579-2017, accessible **parking spaces** must be provided on the lot as follows:

- i. accessible **parking spaces** must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres; and,
 - c. vertical clearance of 2.1 metres;
- ii. the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path; and,
- iii. a maximum of 11 accessible **parking spaces** are exempt from the location requirements in regulation 200.15.1(4).

Q. Despite the requirements of regulation 220.5.10.1, **loading spaces** must be provided and maintained on the **lot** in accordance with the following minimum amounts:

- i. one (1) Type "G" **loading space** and three (3) Type "C" **loading spaces** must be provided within 'Area 1'; and,
 - ii. one (1) Type "G" **loading space** must be provided within 'Area 2';
- R. Despite regulation 40.10.40.10(5):
 - i. the minimum height of the first **storey** for the portion containing non-residential uses is 4.0 metres, measured from the top of slab of the floor of the first **storey** to the top of slab of the floor above; and
 - ii. there is no minimum height requirement for residential uses on the first **storey**.
- S. Despite regulation 40.10.40.1 (1), residential **dwelling units** may be located on the same level as **commercial units** in Building 2.
- T. At least 20% of the **dwelling units** on the entire **lot** must contain two bedrooms;
- U. At least 10% of the **dwelling units** on the entire **lot** must contain three bedrooms;
- V. A maximum of 1,035 **dwelling units** are permitted on the entire **lot**; and
- W. Regulation 40.10.50.10(1)(b)(i) regarding **landscaping** does not apply;

Prevailing By-laws and Prevailing Section: (None Apply)

- 5. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this exception will apply as if no severance, partition or division has occurred.
- 6. Nothing in this By-law shall apply to prevent the phased construction of the development on the **lot**, provided that the requirements of Subsections L, O and Q above are complied with at each Phase and all other requirements of the By-law are complied with upon full development of the **lot**.
- 7. For the purposes of interpreting this By-law:
 - A. "car-share" means the practice where a number of people share the use of one or more cars that are owned by a for-profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
 - B. "car-share parking space" means a parking space that is reserved and actively used for car-share purposes;

8. None of the provisions of By-law No. 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law, which means a building, structure, facility, trailer or portion thereof used exclusively for the purpose of the sale or rental of residential or non-residential uses to be erected on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

9. 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/or 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; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Prevailing By-laws and Prevailing Sections (None Apply)

Enacted and passed on XXXX XX 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the 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 Diagram 2 and Diagram 3 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:

(1) Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, finish and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 5,000 square feet (465 m²) Community Agency Space located on the ground floor of Building 2 adjacent to the public park and subject to the following:

- i. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- ii. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- iii. Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$750,000.00 for future capital improvements to the Community Agency Space;
- iv. The cash contribution referred to in (1) iii. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and

v. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

(2) The following matters shall be secured in the Section 37 Agreement as a legal convenience to support development:

i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

ii. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 750 m² as Privately-Owned Publicly-Accessible Space (POPS) on the west side of the site in front of the lobby entrances to Building 1 with trees, child specific play areas and seating and shall provide to the City for nominal consideration public access easements to and over the POPS for use by members of the general public. Public access easements shall also be provided over the pedestrian walkway along the proposed north-south central private street through the site, which would be accessed from the public sidewalk and street (Bloor Street West). The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. Such easements to be conveyed to the City prior to Site Plan Approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval. The owner shall operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS during the day and night, 365 days of the year. The owner shall have completed the construction of the POPS prior to the first commercial or residential use of the site.

iii. The owner shall obtain all required permit(s) from the Ministry of Transportation (MTO) prior to any construction and for all signs visible to Highway 427. MTO permits can only be applied for once Site Plan Approval is granted.

iv. Through the Site Plan Approval process, the owner shall implement the wind control measures identified in the Pedestrian Wind Study, dated October 8, 2019, prepared by RWDI and any future addendum, to the satisfaction of the Chief Planner and Executive Director, City Planning. Any required mitigation measures would be secured through the Site Plan application review process.

v. Prior to Site Plan Approval, the owner shall submit an updated Noise Impact Study/Addendum Letter to be further peer reviewed at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required noise mitigation measures, to be secured through the Site Plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

vi. Through the Site Plan Approval process, the owner shall implement the air quality measures and recommendations identified in the Air Quality Assessment proposal by RWDI, dated September 6, 2019 and any future addendum as well as conduct an Air Quality Assessment that will include dispersion modelling to determine the impacts of transportation emissions on local air quality to the satisfaction of Public Health. The Air Quality Assessment would be peer reviewed by an independent third party selected by the City (at the expense of the owner). Should there be an air quality impact identified in the study, appropriate mitigation measures would be considered and secured through the Site Plan application review process to the satisfaction of Public Health and the Chief Planner and Executive Director, City Planning.

vii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.

viii. The owner shall notify NAV Canada a minimum of 10 days prior to the start of construction.

ix. A minimum of 10% of the dwelling units on the lot must be three-bedroom units and a minimum of 20% of the dwelling units on the lot must be two-bedrooms units.

x. The owner shall be required to undertake the following, to the satisfaction of the General Manager of Transportation Services, at no cost to the City:

(a) Prior to Site Plan Approval, the owner shall submit for review and approval, all necessary engineering drawings and documentation associated with the removal of the existing channelized southbound-to-westbound right-turn lane at the northwest corner of the Bloor Street West

and The East Mall signalized intersection, and its replacement with an exclusive southbound-to-westbound right-turn lane;

(b) Prior to the issuance of any above grade Building Permit, the owner shall construct and pay all costs associated with the removal of the existing channelized southbound-to-westbound right-turn lane at the northwest corner of the Bloor Street West and The East Mall signalized intersection, and its replacement with an exclusive southbound-to-westbound right-turn lane, as per the approved engineering drawings required in the condition above;

(c) Prior to Site Plan Approval, the owner shall submit for review and approval, a full-size pavement marking and signing plan (in metric units) modifying the previously-approved pavement markings along Gibbs Road, west of The East Mall, revised to illustrate two separate eastbound lanes approaching the previously-approved signalized intersection of Gibbs Road with The East Mall, such that one lane is designated for right-turn movements and the other lane is designated for left-turn movements;

(d) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing the proposed updated modifications to the previously-approved pavement markings for Gibbs Road, west of The East Mall, as per the approved pavement marking and signing plan required in the condition above;

(e) Prior to Site Plan Approval, the owner shall submit for review and approval, through the proponent's retained transportation consultant, revised traffic capacity analyses of the existing signalized intersection at Bloor Street West and The East Mall and the existing signalized intersection at Bloor Street West and The West Mall, based upon the most up-to-date signal timing information available at the time of the analyses, and with recommendations for signal timing adjustments and provision of any additional signal phases to improve the level-of-service at these intersections, as required;

(f) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing any approved signal timing adjustments and provision of any additional signal phases to improve the level-of-service at the existing signalized intersection at Bloor Street West and The East Mall and the existing signalized intersection at Bloor Street West and The West Mall, based upon the traffic capacity analyses required in the condition above;

(g) Prior to Site Plan Approval, the owner shall submit for review and approval, through the proponent's retained transportation consultant, a revised traffic capacity analysis for the previously-approved proposed traffic control signals at the intersection of Gibbs Road and The East Mall

with recommendations for any signal timing modifications from the previously-approved signal timing plan for that intersection, as required; and

(h) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing any approved signal timing adjustments to the previously-approved signal timing plan for the proposed traffic control signals at the intersection of Gibbs Road and The East Mall, based upon traffic capacity analyses required in the condition above.

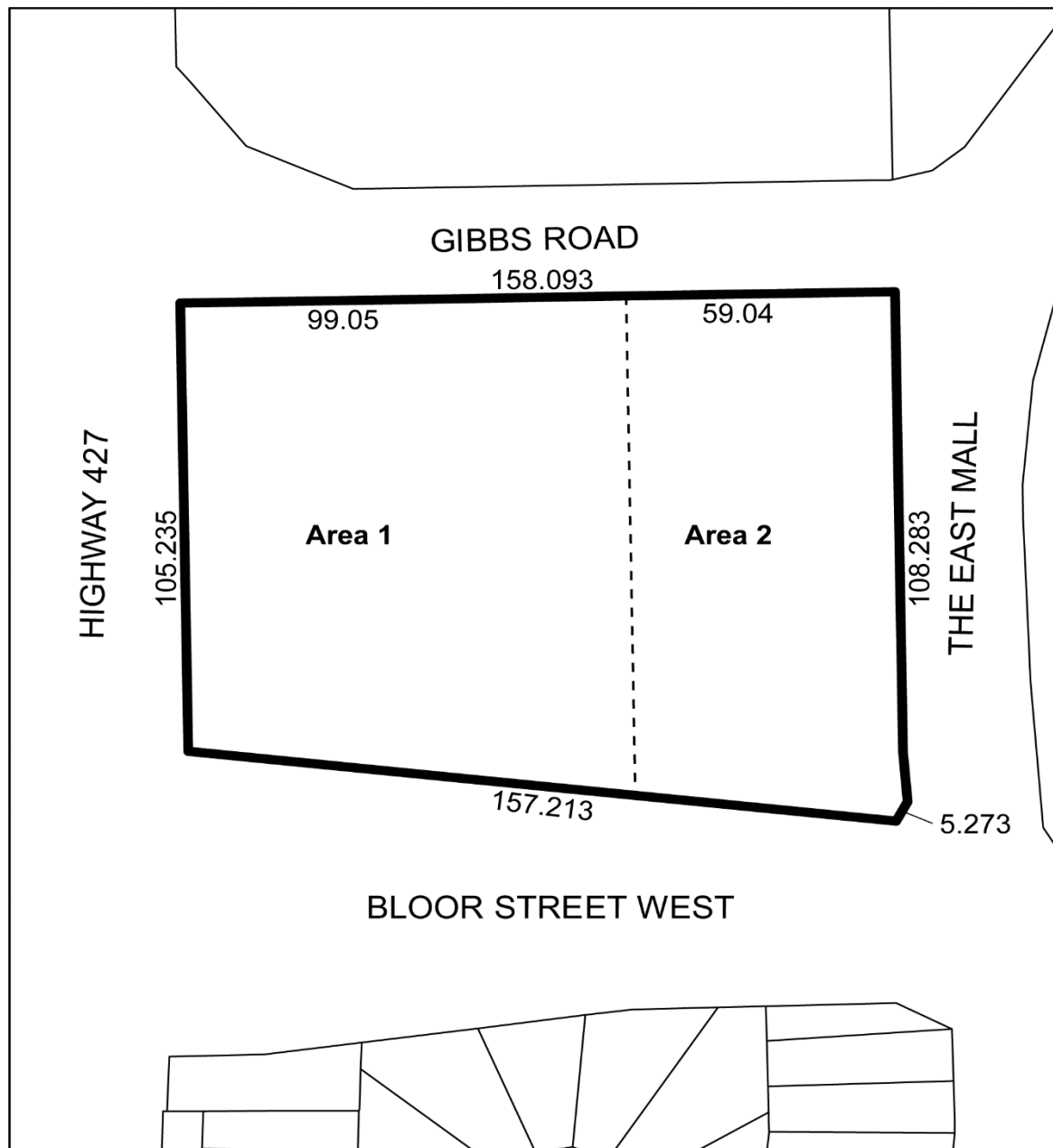
xi. The owner shall convey a public parkland dedication having an area of 2,040 m² prior to the issuance of the first above grade building permit for the lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation, the Director, Real Estate Services and the City Solicitor. The subject parkland conveyance shall be in an environmental condition deemed acceptable by the City and free and clear, above and below grade of all physical and title encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation. The owner shall pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

xii. The owner shall undertake Base Park Improvements and Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated February 24, 2020, at no cost to the City and to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

Table 1**Parking Space** Rates and **Parking Space** Occupancy Table

		AM = 6 a.m. to Noon. PM = Noon to 6 p.m. Eve= 6 p.m. to 6 a.m.			Parking Occupancy Rate
Land Use	Minimum Parking Rate	AM	PM	Eve	
Office	1.0 parking spaces for each 100 square metres of gross floor area	100 %	60%	0%	
All other non-residential uses	1.00 parking space for each 100 square metres of gross floor area	20%	100 %	100 %	
Residential visitors	0.15 parking spaces per dwelling unit	10%	35%	100 %	

Diagram 1



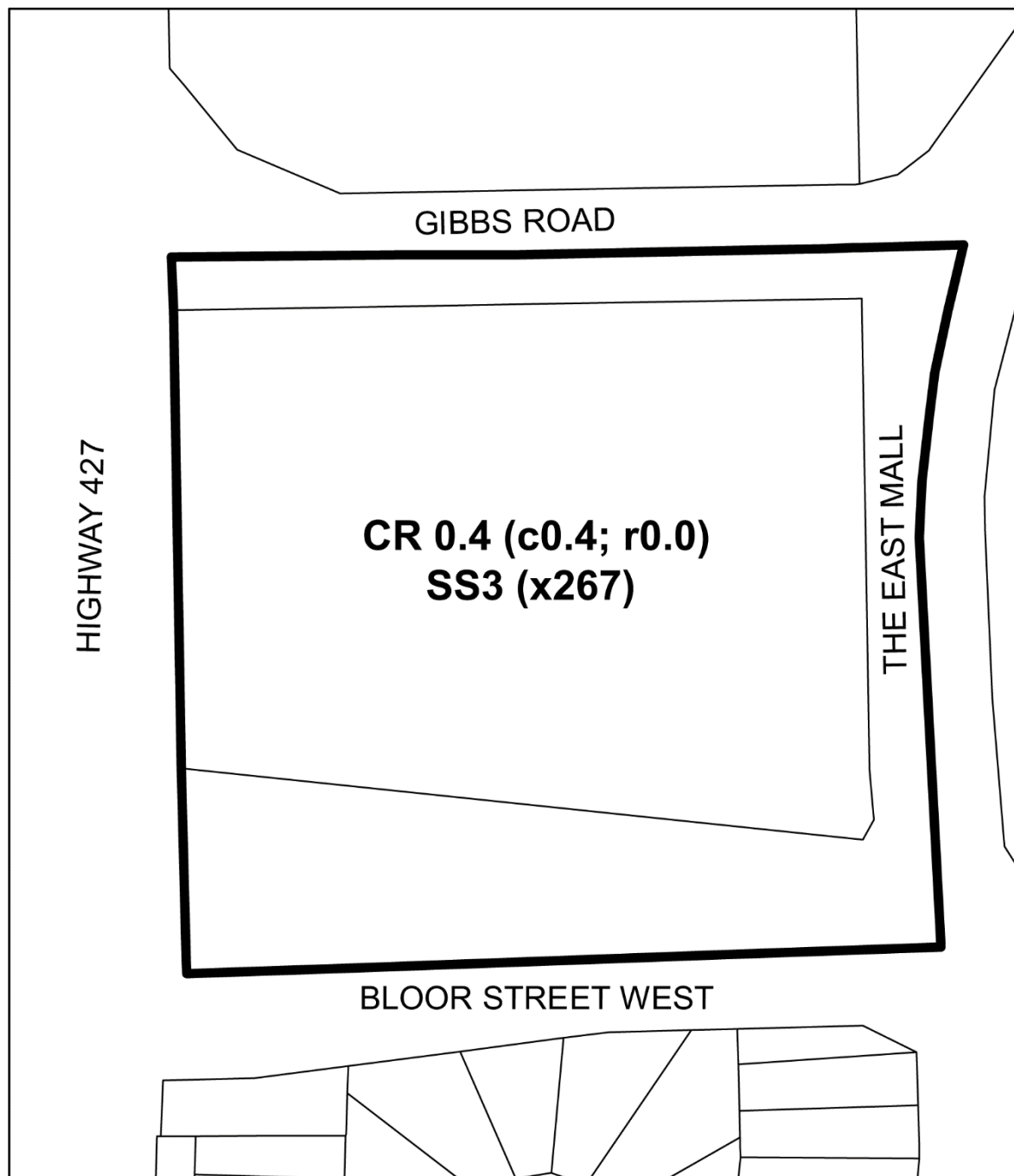
 **TORONTO**
Diagram 1

300, 302 and 304 The East Mall

File # 18 241669 WET 05 02


City of Toronto By-law 569-2013
Not to Scale
05/28/2020


Diagram 2



 **TORONTO**
Diagram 2

300, 302 and 304 The East Mall

File # 18 241669 WET 05 02


City of Toronto By-law 569-2013
Not to Scale
05/28/2020

GIBBS ROAD

BLOOR STREET WEST

THE EAST MALL

HT 117 m

HT 16 m

HT 8 m

HT 92 m

HT 16 m

POPS HT 0 m

HT 68 m

HT 16 m

HT 35 m

HT 22 m

HT 8 m

HT 22 m

New Road

New Parkland Dedication

MTO setback

14m

2m

14m

1.5m

27m

2.8m

5m

10.5m

40m

27m

35m

25m

20m

3m

2m

5.5m

38.5m

49.68m

44.39m

158.7m

29m

3m

14m

20m

22m

7.1m

20m

3.8m

HT xxx Maximum Height in metres



City of Toronto By-law 569-2013
Not to Scale
05/28/2020

Attachment 6: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Authority: Etobicoke York Community Council Item EY XX.XX, as adopted by City of Toronto Council on XXXX, XX, 2020

CITY OF TORONTO BY-LAW XXXX-2020

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands located on the north side of Bloor Street West, west of The East Mall, known municipally known in the year 2020 as 300 to 304 The East Mall.

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

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*;

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

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;

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 the Etobicoke Zoning Code 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 Schedule 1 attached to this By-law.
2. Despite Sections 320-82 and 320-83 of the Etobicoke Zoning Code, the following provisions shall apply to the lands described in Schedule 1 attached. 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 words highlighted in bold type in this by-law have the meaning provided in Section 304-3 **Definitions** of the Etobicoke Zoning Code, unless inconsistent with the provisions of this by-law. For the purposes of this by-law, the following definitions will also apply:

- a. "*Established Grade*" – means 132.44 metres Canadian Geodetic Datum.
- b. "*Height*" – means the vertical distance between Established Grade of the *Lot* and the highest point of the building but shall exclude the vertical projections permitted in this By-Law;
- c. "*Lot*" – means the parcel of land outlined by heavy lines in Schedule 1, attached.

4. **Maximum Height**

- a. The permitted maximum building *Height* on the *Lot* is shown following the letter HT, as shown on Schedule 2, attached.
- b. Despite 4(a) above, the following elements of a building may project above the permitted maximum building *Heights* shown on Schedule 2, attached:
 - i. structures and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, retaining walls, and ornamental or architectural features may project above the *height* limits by no more than 2.0 metres;
 - ii. elements on the roof of the building or structure used for green roof technology and related roofing material may project above the *height* limits by no more than 2.0 metres;
 - iii. acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences may project above the *height* limits by no more than 2.75 metres;
 - iv. cabanas and trellises may project above the *height* limits by no more than 3.6 metres;
 - v. any equipment or structures used for the functional operation of the building, including mechanical penthouse, mechanical elements, garbage chutes, vents, emergency generators, lighting fixtures, mechanical screening and heating/cooling towers may project above the *height* limits by no more than 7.0 metres;
 - vi. window washing equipment, lightning rods, wind mitigation features elevator overrun and public art features may project above maximum building *heights*;
 - vii. photovoltaic solar energy devices and sunlight collection and distribution devices (sun beamers) may project above the height limits by no more than 5 metres;

5. Minimum Building Setbacks

- a. The required minimum **building setbacks** and above-ground separation distance between **main walls** are as shown on Schedule 2 attached to this By-law.
- b. Despite (5 a) above, the following encroachments are permitted into the required minimum **building setbacks** and above-ground separation distance between **main walls** on Schedule 2 attached to this By-law:
 - i. balconies may encroach no more than 2.0 metres into the minimum **building setbacks**;
 - ii. cladding, photovoltaic solar energy devices, wind mitigation features, canopies, awnings, **building** cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and **green roof** elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, and exhaust flues may encroach no more than 2.5 metres into the minimum **building setbacks**.
 - iii. public art features.

6. 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 Schedule 1 and Schedule 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.
7. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law apply.
 8. Despite any future severance, partition or division of the lands as shown on Schedule 1 the provisions of this exception will apply as if no severance, partition or division has occurred.

9. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is 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
TBD	The lands located on the north side of Bloor Street West, west of The East Mall, known municipally known in the year 2020 as 300 to 304 The East Mall.	To permit a mixed-use redevelopment of the lands with multiple buildings and a public park.

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 1 and Schedule 2 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:

(1) Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, finish and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 5,000 square feet (465 m²) Community Agency Space located on the ground floor of Building 2 adjacent to the public park and subject to the following:

- i. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- ii. Prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- iii. Prior to conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$750,000.00 for future capital improvements to the Community Agency Space;
- iv. The cash contribution referred to in (1) iii. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and

v. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

(2) The following matters shall be secured in the Section 37 Agreement as a legal convenience to support development:

i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

ii. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 750 m² as Privately-Owned Publicly-Accessible Space (POPS) on the west side of the site in front of the lobby entrances to Building 1 with trees, child specific play areas and seating and shall provide to the City for nominal consideration public access easements to and over the POPS for use by members of the general public. Public access easements shall also be provided over the pedestrian walkway along the proposed north-south central private street through the site, which would be accessed from the public sidewalk and street (Bloor Street West). The public access easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances. Such easements to be conveyed to the City prior to Site Plan Approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval. The owner shall operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS during the day and night, 365 days of the year. The owner shall have completed the construction of the POPS prior to the first commercial or residential use of the site.

iii. The owner shall obtain all required permit(s) from the Ministry of Transportation (MTO) prior to any construction and for all signs visible to Highway 427. MTO permits can only be applied for once Site Plan Approval is granted.

iv. Through the Site Plan Approval process, the owner shall implement the wind control measures identified in the Pedestrian Wind Study, dated October 8, 2019, prepared by RWDI and any future addendum, to the

satisfaction of the Chief Planner and Executive Director, City Planning. Any required mitigation measures would be secured through the Site Plan application review process.

v. Prior to Site Plan Approval, the owner shall submit an updated Noise Impact Study/Addendum Letter to be further peer reviewed at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall construct and maintain any required noise mitigation measures, to be secured through the Site Plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

vi. Through the Site Plan Approval process, the owner shall implement the air quality measures and recommendations identified in the Air Quality Assessment proposal by RWDI, dated September 6, 2019 and any future addendum as well as conduct an Air Quality Assessment that will include dispersion modelling to determine the impacts of transportation emissions on local air quality to the satisfaction of Public Health. The Air Quality Assessment would be peer reviewed by an independent third party selected by the City (at the expense of the owner). Should there be an air quality impact identified in the study, appropriate mitigation measures would be considered and secured through the Site Plan application review process to the satisfaction of Public Health and the Chief Planner and Executive Director, City Planning.

vii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.

viii. The owner shall notify NAV Canada a minimum of 10 days prior to the start of construction.

ix. A minimum of 10% of the dwelling units on the lot must be three-bedroom units and a minimum of 20% of the dwelling units on the lot must be two-bedrooms units.

x. The owner shall be required to undertake the following, to the satisfaction of the General Manager of Transportation Services, at no cost to the City:

(a) Prior to Site Plan Approval, the owner shall submit for review and approval, all necessary engineering drawings and documentation associated with the removal of the existing channelized southbound-to-westbound right-turn lane at the northwest corner of the Bloor Street West and The East Mall signalized intersection, and its replacement with an exclusive southbound-to-westbound right-turn lane;

(b) Prior to the issuance of any above grade Building Permit, the owner shall construct and pay all costs associated with the removal of the existing channelized southbound-to-westbound right-turn lane at the northwest corner of the Bloor Street West and The East Mall signalized intersection, and its replacement with an exclusive southbound-to-westbound right-turn lane, as per the approved engineering drawings required in the condition above;

(c) Prior to Site Plan Approval, the owner shall submit for review and approval, a full-size pavement marking and signing plan (in metric units) modifying the previously-approved pavement markings along Gibbs Road, west of The East Mall, revised to illustrate two separate eastbound lanes approaching the previously-approved signalized intersection of Gibbs Road with The East Mall, such that one lane is designated for right-turn movements and the other lane is designated for left-turn movements;

(d) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing the proposed updated modifications to the previously-approved pavement markings for Gibbs Road, west of The East Mall, as per the approved pavement marking and signing plan required in the condition above;

(e) Prior to Site Plan Approval, the owner shall submit for review and approval, through the proponent's retained transportation consultant, revised traffic capacity analyses of the existing signalized intersection at Bloor Street West and The East Mall and the existing signalized intersection at Bloor Street West and The West Mall, based upon the most up-to-date signal timing information available at the time of the analyses, and with recommendations for signal timing adjustments and provision of any additional signal phases to improve the level-of-service at these intersections, as required;

(f) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing any approved signal timing adjustments and provision of any additional signal phases to improve the level-of-service at the existing signalized intersection at Bloor Street West and The East Mall and the existing signalized intersection at Bloor Street West and The West Mall, based upon the traffic capacity analyses required in the condition above;

(g) Prior to Site Plan Approval, the owner shall submit for review and approval, through the proponent's retained transportation consultant, a revised traffic capacity analysis for the previously-approved proposed traffic control signals at the intersection of Gibbs Road and The East Mall with recommendations for any signal timing modifications from the

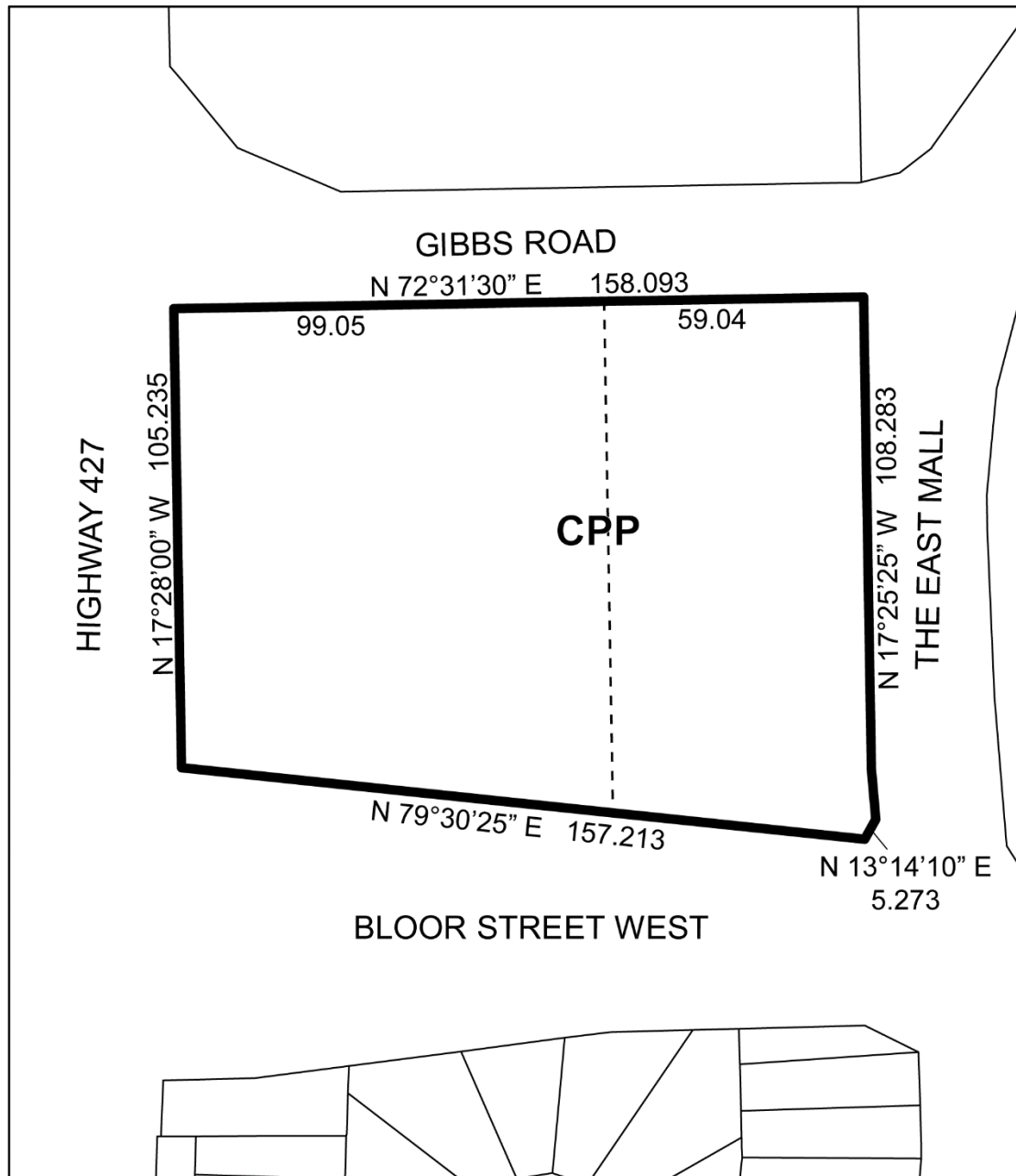
previously-approved signal timing plan for that intersection, as required;
and

(h) Prior to the issuance of any above grade Building Permit, the owner shall pay for all costs associated with implementing any approved signal timing adjustments to the previously-approved signal timing plan for the proposed traffic control signals at the intersection of Gibbs Road and The East Mall, based upon traffic capacity analyses required in the condition above.

xi. The owner shall convey a public parkland dedication having an area of 2,040 m² prior to the issuance of the first above grade building permit for the lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation, the Director, Real Estate Services and the City Solicitor. The subject parkland conveyance shall be in an environmental condition deemed acceptable by the City and free and clear, above and below grade of all physical and title encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation. The owner shall pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

xii. The owner shall undertake Base Park Improvements and Above Base Park Improvements as outlined in the memorandum from Parks, Forestry and Recreation dated February 24, 2020, at no cost to the City and to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.


Schedule 1



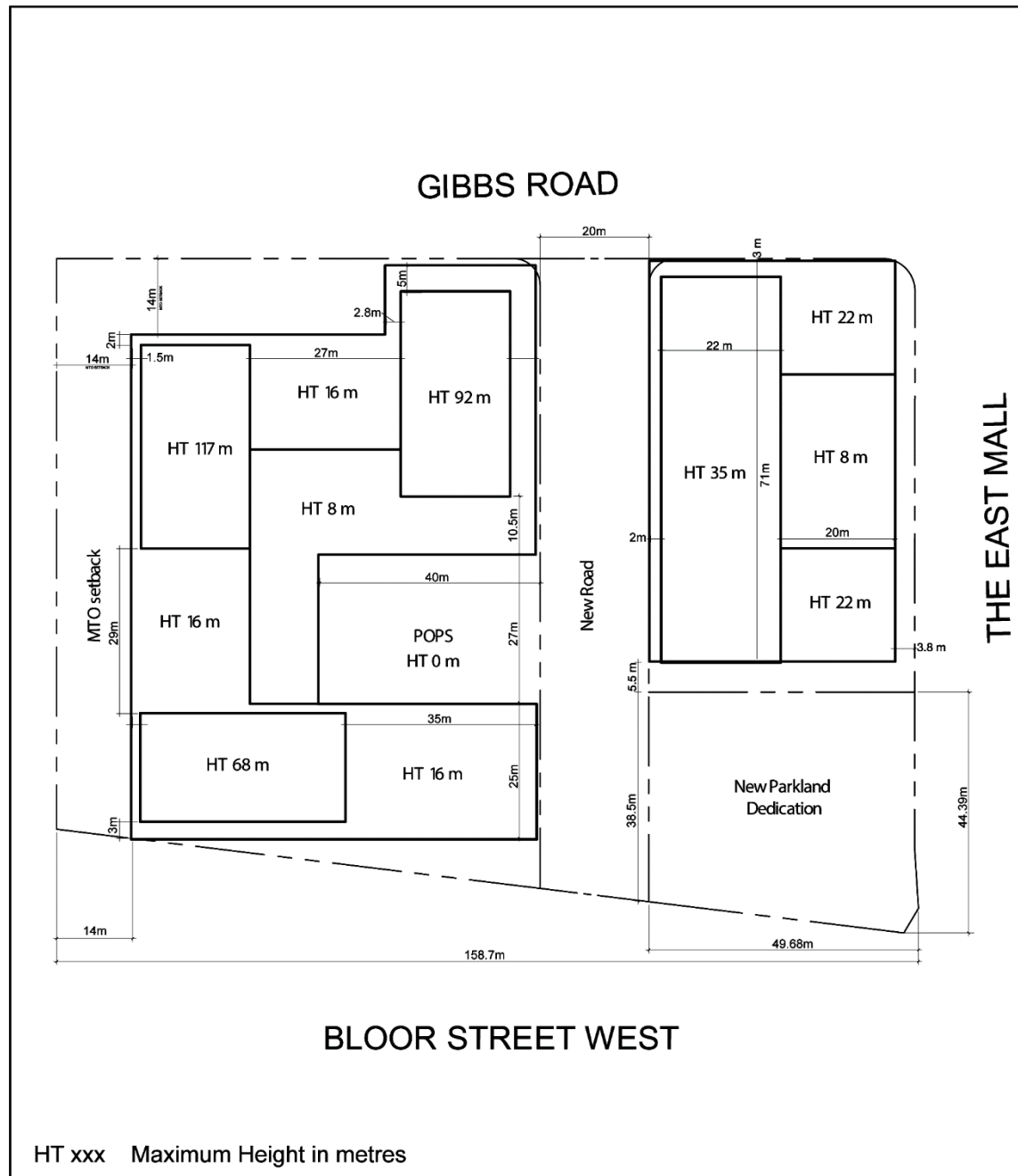
 **TORONTO**
Schedule 1

300, 302 and 304 The East Mall

File # 18 241669 WET 05 02


City of Etobicoke By-law 11,737
Not to Scale
07/14/2020

Schedule 2



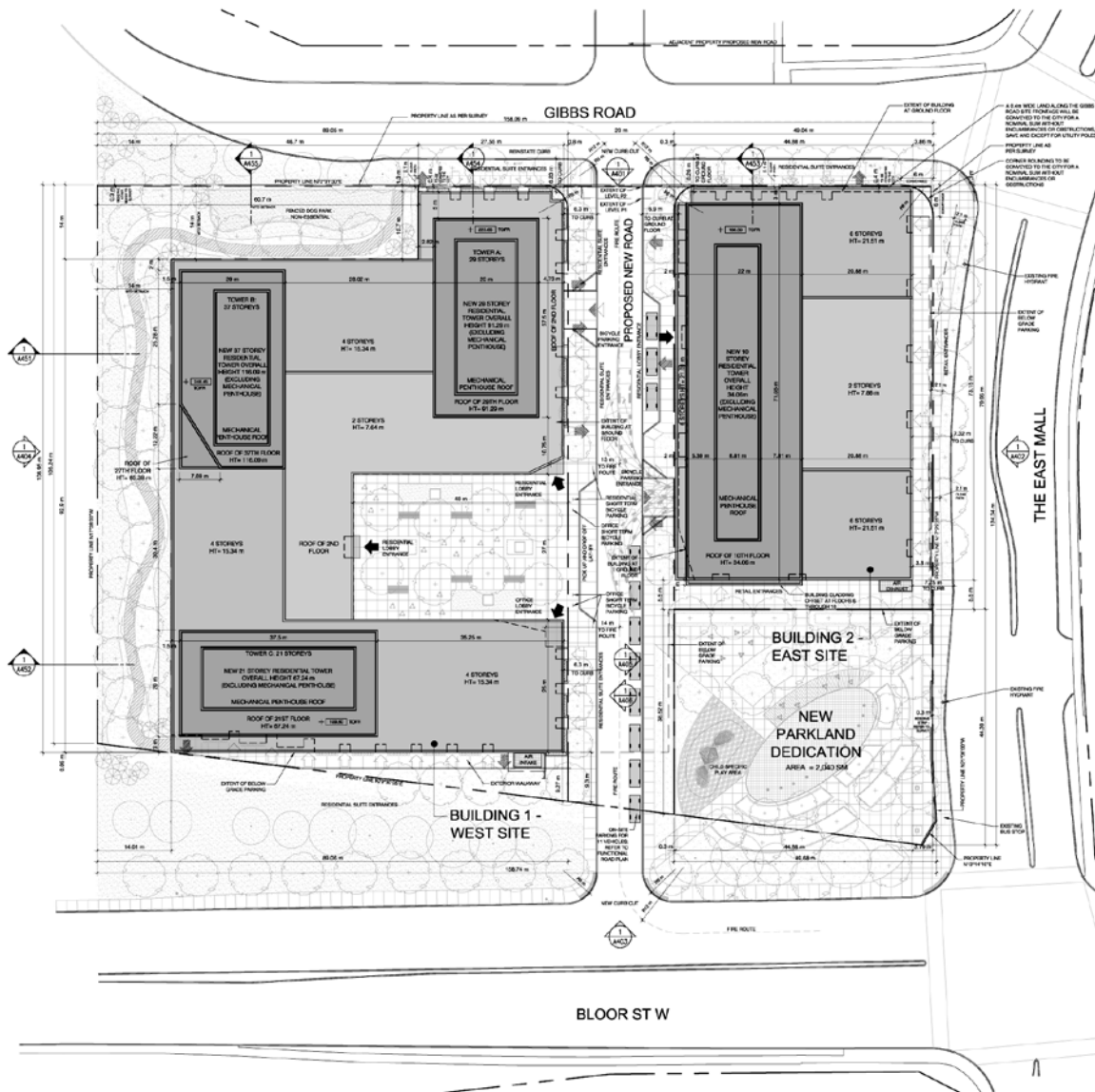
Toronto
Schedule 2

300, 302 and 304 The East Mall

File # 18 241669 WET 05 02

City of Etobicoke By-law 11,737
Not to Scale
07/14/2020

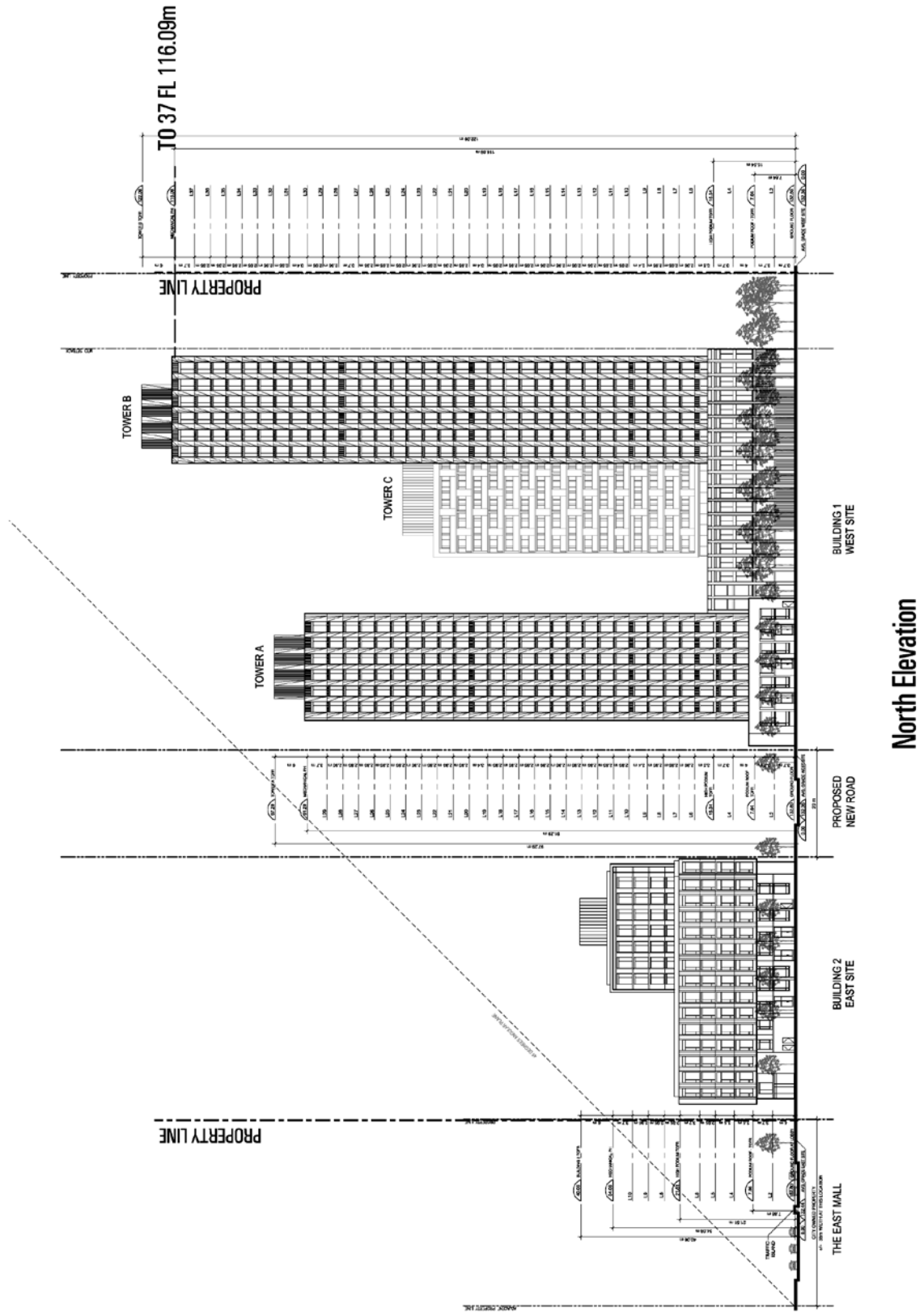
Attachment 7: Site Plan



Site Plan



Attachment 8: North Elevation



Final Report - 300-304 The East Mall

